Foster - Misc. Memos., Articles, Notes, Et

Screened By: NARA (RD-F) Date: 07-25-2018 DOCID: 70105100

THE DEATH OF VINCENT FOSTER. WHAT REALLY HAPPENED?

--Jeremiah Films

This video was produced by the same people who produced "The Clinton Chronicles." It begins with a statement to the effect, "The following information is documented and true." Some of the highlights of this video are as follows:

INTRODUCTION

Excerpts from Vince Foster's May 8, 1993, commencement address at the University of Arkansas Law School.

Shot of the cannon at Fort Marcy Park on July 20, 1993.

Picture of Vince Foster, and then Fort Marcy Park.

Confirmation by the media that it was a suicide.

It was six months until the mainstream media questioned this. [Shows copy of Chris Ruddy's article in the new York Post.]

Vince Foster excelled in high school as a student and an athlete. He did well at the University of Arkansas Law School and joined the prestigious Rose Law Firm. [It shows a picture of Vince Foster, a video of Hillary Clinton at a much younger age, and a video of Webb Hubbell.]

The Citizens for Honest Government presents: "The Death of Vince Foster. What really happened?"

I. PART ONE - THE INCONSISTENCIES

At Bill Clinton's and Janet Reno's insistence, the matter was investigated by the U.S. Park Police. It was not until seven months later that the FBI was allowed in. The Fiske Report issued on June 30, 1994, confirmed that it was a suicide. However, there are alarming contradictions.

1 - Very little blood at scene.

Sergeant George Gonzalez, who was the first on the scene, said he was shocked at the lack of blood at the scene.

Chris Ruddy - Most people on the scene that night had never been interviewed. In January 1994, I met with some of the EMT's and the police. Many confirmed that there was very little blood on the scene. One said, "This one

was different."

Gene Wheaton (GW) - former homicide investigator and special agent with the U.S. Army CID - I was hired to go to Washington and look into this. The events surrounding the investigation indicate that it had to be a cover-up. Never in my career had I seen a case like this. In most gunshot wounds to the mouth, there is a "blow back." A .38 caliber stuck into the back of the mouth, would produce a large amount of gases.

Citation to the Fiske Report.

Richard Mason disagrees, giving his opinion about heart activity.

Citation to Fiske Report, page 52. This is contradicted on page 36 by Dr. Haut. It is reported in the Fiske Report that Haut says that there was a large pool of blood. Haut disputes this. Cory Ashford, one of the people who moved the body, said he could not even seen an exit wound.

Ruddy - quoting Ashford.

2 - <u>Foster's head assumes four different positions after death</u>.

Ruddy - There were four different blood tracks.

Reed Irvine Accuracy in Media - U.S. Park Police realized this was a problem. There was an analysis of blood staining patterns. In the Fiske Report, they talk about the position of the head. It is stated, with no evidence, we conclude that someone at the scene must have moved the head. George Gonzalez denies this.

3 - <u>No skull fragments found at the scene</u>.

Copy of the autopsy report shown, indicating the size of the exit wound. The autopsy report shows a one inch hole. It was stated in some report that the surrounding ground was excavated to a depth of eighteen inches.

GW - There is an oddity that no skull fragments were found at the scene. Where are they? They should have been around the body. Therefore, it is most logical: (1) that they were picked up and destroyed; or (2) the body was moved.

The Fiske Report rejected this.

4 - Gun found in Foster's hand.

GW - I have investigated hundreds of deaths. There is a recoil from a .38 caliber weapon. I can't recall ever finding a pistol in a victim's hand after a death with a large caliber weapon like a .38.

Ruddy - Normally, the gun is not in the hand, and it is thrown away from the body. In this case, it was almost neatly at his side.

GW - I have seen cases of suicide where the weapon is sometimes thirty to forty feet away. It is never in the hand.

5 - Gun found in wrong hand.

The Fiske Report states that the gun was reportedly in the right hand. Foster was left-handed. This was not mentioned in the report.

GW - It is illogical to think Foster shot himself with his right hand. I have even been told he was almost non-functional with his right hand, because he was such a seriously left-handed person. If someone staged the suicide scene, it would be a normal assumption that he was right-handed, since most people are right-handed.

6 - Foster's fingerprints not on gun.

According to the FBI, there were no prints of Vince Foster developed on the gun.

The Fiske Report, page 46, tries to explain this, by stating latent prints can be destroyed by certain things such as heat.

There was one latent print on the underside of the grip that did not belong to Vince Foster. There was no attempt made to determine whose it was.

7 - Powder residue suggests Foster did not fire gun.

Ruddy - There was powder residue reported on the right index finger, in the web of the hand, and on the left index finger. This would indicate that his hands were around the front cylinder gap. The fact that he had powder burns on both hands means he would have had both hands over the cylinder, with no grip on the butt of the gun. It would be very, very difficult to fire the weapon in that manner.

Now, despite the Fiske Report, most forensic experts doubt that Foster pulled the trigger himself.

8 Powder on Foster's clothing did not match gun.

The gun powder on Foster's clothing did not match the powder on Foster's hands.

According to the Fiske Report, this possibly occurred because that powder possibly blew on there from the exhaust fan at the Park Police lab. Fiske was not able to support this with any evidence.

9 - Gun not positively identified as Foster's.

The Colt .38 has yet to be positively identified. Foster's three children all said it was not the one they had seen at home. Lisa Foster said that they kept only one gun at home, and it was found that night.

Irvine - The gun was a 1913 Colt Army special made from parts of two guns. It is almost untraceable.

GW - This is the classic type weapon used by pro political assassins or organized crime hit men.

There were only two bullets. There was no ammunition for this gun in Foster's house.

Irvine - They apparently were the only two bullets he had.

GW - If the gun was at home, he would have had a box of rounds there. This is a classic assassination type scenario.

10 - Fatal bullet never located.

The bullet has yet to be found. Later, the FBI did a search of the area and found seventy pieces of metal, some going back to the Civil War. There were twelve modern-day bullets found, but no bullet that matched the gun.

11 - No gunshot heard.

The Fiske Report, page 56, states that one of the reasons something might not have been heard was because of traffic in the area.

GW - This is illogical. There would be a most explosive-type noise in and around the cylinder.

Contrary to usual police procedures, not one resident nearby was contacted to see if a gunshot was heard.

12 - No dust found on Foster's shoes.

Page 12 of the FBI lab report states there were mica particles. It also says it did not contain any coherent soil samples.

Ruddy - This is impossible. If you walked in the park, there would be soil on your shoes.

GW - Nothing at that crime scene makes sense. Nobody has questioned this officially, and I can't understand why.

Why has there not been a stronger reaction to this phony, flawed investigation and final report.

Despite Fiske Report's conclusion that there is "overwhelming evidence" of suicide, there is not overwhelming evidence.

Six pieces of evidence which indicate it is likely Foster did not die in the park.

1. Very little blood
2. Four different head positions
3. No skull fragments
4. No bullet
5. No gunshot reported
6. No dust on shoes

Three pieces of evidence which indicate it is more than likely Foster did not fire gun himself.

1. Gun still in hand
2. Gun in wrong hand
3. Untraceable weapon used

GW - Based on the entire scenario of Vince Foster's death, the preponderance of the evidence indicates he did not commit suicide.

In addition, the FBI found in or on his clothing other items including: (1) multi-colored carpet fibers; (2) seaman; (3) long blonde hairs.

Ruddy - The FBI did suction analysis on the clothing. Fort

Marcy Park is not carpeted. Was he on a carpet before he died? Or was the carpet involved in the movement of the body?

Ruddy - The FBI investigators who appeared before the Senate Banking Committee said something interesting, "Well, these things were there, but it could have been anything, and we dismissed it out of hand."

[Video shows agents Monroe and Colombell, and Dr. Hirsch.]

Irvine - The Fiske Report indicates no effort was made to find out what carpet might have been in contact with Foster, what hairs, seaman, etc. This evidence could have provided clues as to where Foster was between 1:00 and 6:00 p.m. Yet, this evidence was never investigated!

## II. PART II THE COVER-UPS

### A. Cover-ups

There were a number of cover-ups related to the Foster death.

#### 1. Falsified position of the body - a second crime scene created that night

Initial interviews of some of the people on the scene by Chris Ruddy indicated that the body was closer to cannon #1, rather than cannon #2, as indicated in the official reports.

Ruddy - The official report says the body was some 600 feet from the parking lot. There were two cannons at Fort Marcy Park that day, and two sites. One of the paramedics drew me a map (Gonzalez). This map sketch by Gonzalez was similar to a sketch drawn for Reed Irvine by Dr. Haut. It indicates that the body was 20-50 feet from the first cannon.

Concerning photographs of the crime scene, originally, the official position was that there were no photographs. They later said that they took photographs, but they were overexposed.

Ruddy - In a normal homicide investigation, one of the things that should not be in dispute is where the body was found. It was originally reported there were no photographs taken. Then they released thirteen close-up polaroids, which is against all procedures of taking crime scene photographs. They then said they took some others, but they were not exposed properly.

GW This makes no sense.

ABC News released one of the polaroid pictures. It depicted certain foliage around Foster's body. The foliage contradicts the official report that the body was near cannon #2. The path below cannon #2 is all dirt. There is a lot of foliage in the spot where the people reported that the body was near cannon #1.

A second crime scene was created that night.

As to the bullet, it was originally said that no metal detectors were used. Later, they said they did use metal detectors. The Fiske people and FBI found seventy pieces of metal near the cannon 2 site, including twelve modern-day bullets; yet, the bullet matching the gun in Foster's hand was not found.

The Fiske Report, page 56, stated that in all likelihood, further searches would be "unproductive."

2. <u>White House demanded key evidence, and Park Police gave it to them. This included papers, etc., given back</u>.

[Video of John Rolla testifying before the Senate Banking Committee]

Ruddy - Park Police gave crime scene evidence away within hours of finding the body, including the White House beeper, which possibly could have had latent prints, etc. [Video of Senate Banking Committee hearing]

The next day, papers, etc., were given back.

[Video of Senate Banking Committee. Senator Domenici asks special agent Monroe about the job of the Park Police in the investigation. Monroe stated words to the effect, "I think they did an adequate job. I feel inadequate to evaluate another agency's work."

The FBI was kept out of the investigation. [News clip regarding Judge Sessions and his firing]

Bill Clinton fired the head of the FBI.

Ruddy - Sessions charged that this "lead to a compromised investigation."

Fiske recommended to Bill Clinton that he fire Sessions and hire Freeh.

[Video showing Senator Faircloth asking a question as to why the Park Police were in charge]

[Video of Senate Banking Committee showing Dr. Beyer, and investigators Cheryl Braun and John Rolla, at the table]

The national news media fell in line with Bill Clinton's explanation.

Ruddy - The Park Police tested the gun on August 12, yet they ruled it was a suicide on August 10, before they tested the gun.

GW - You always approach a death from the standpoint of a homicide, until you prove that it is not.

[Scene showing pallbearers carrying the casket at the funeral. Webb Hubbell and Bill Kennedy appear to be the pallbearers in the back.]

At the time of death, no one called it from a depression.

Irvine - Lisa Foster won't talk. I asked Mrs. Foster on the phone whether Vince Foster was right handed or left-handed. She said, "No comment."

GW - All the Park Police were ordered to keep their mouths shut.

Debra Gorham, White House employee, was interviewed by Reed Irvine. He asked if she was pressured not to talk, and she replied, "No comment."

GW - The investigators did not think it was a suicide. Their superiors ordered them to write it up that way.

B. <u>Was Foster suicidal?</u>

Initially, the answer was, "Absolutely not." The secretary said there was nothing unusual. Bill Clinton said there was nothing unusual.

But the Fiske Report said that he was depressed, he organized his desk, he paid bills, he was apparently stiff that morning, and he was apparently distracted.

Apparently, Foster had a Trazadone prescription from the family doctor.

Everyone fell in line that he was depressed.

[Video] Hillary Clinton said on April 22, 1994, "No one had a clue. Neither did the people who spent the weekend with him."

Day of death - no suicide indications

1. Drove children to work
2. No final words
3. No final preparations
4. Arrived on time
5. Worked conscientiously
6. Set up future appointments
7. Ate lunch
8. Read the newspaper
9. Checked out a pager
10. Said he would return later
11. Wrote no suicide note

[Representative Dan Burton - video - They said they found a note on July 26, 1993. They said they missed the note in the first search.]

Irvine - There was not anything in this "note" about suicide.

GW - How they could claim that they missed 27 pieces of a note is ludicrous. They were not searching a warehouse. They were searching a briefcase.

There were no prints on the note.

GW - Prints are easily obtained from a piece of paper. How can you not tear a piece of paper into 27 without leaving prints, unless you use gloves?

Burton - [shown holding up a copy of the Fiskē Report] - This is not worth the paper it is written on.

Faircloth - Referring to the Fiske Report as superficial.

Ruddy - [holding up Fiske Report] The report looks very thick, when in actuality it is only 58 pages long. Most of it is indexes containing the various biographies of those experts used by Fiske.

Dr. Beyer, who did the autopsy, has had two of his prior

suicide rulings reversed, due to flawed autopsies.

Ruddy - [goes in to the claimed x-rays and the later claim that there were no x-rays] - X-rays would have shown the exit wound, and the trajectory of the bullet. The autopsy report checked that x-rays were done. Also, in the narrative of the report, it indicates that x-rays were done. Yet, later, no x-rays turned up.

GW - This 76 year old pathologist has given very inconsistent statements.

Irvine - The technical man said that the x-ray machine was new equipment. The first service call concerning this machine was in October '93. Thus, it was in good working condition on July 20, 1993.

GW - If Fiske is serious about the investigation, he would have gotten an order exhuming the body, and had the autopsy redone.

Ruddy - Fiske did not use subpoena power.

GW - There was a failure to use the federal grand jury and to put the various witnesses under oath.

Bill Clinton gave conflicting versions of Foster's state of mind.

He at first said there was no depression. He said he had contact with him on July 18 and July 19. He said he was unaware of Foster's depression. He later said that he called on the night of the 19th to cheer up Foster.

III. <u>PART III - THE RAID ON FOSTER'S OFFICE</u>

[Viewed, but no detailed notes made]

[Shows pictures of Bernie Nussbaum, Maggie Williams, Patsy Thomasson, etc.]

Ending quote:

"Don't believe a word you hear; it was not a suicide."

- Webb Hubbell, July 20, 1993

At the conclusion of this video, it says you can call 1 800 828-2290, for additional copies or information.

**********
*** ACTIVITY REPORT ***
**********

RECEPTION OK

| | |
|---|---|
| TX/RX NO. | 6234 |
| CONNECTION TEL | |
| CONNECTION ID | |
| START TIME | 05/15 12:00 |
| USAGE TIME | 06'41 |
| PAGES | 11 |
| RESULT | OK |

# Memorandum

To : ASSOCIATE INDEPENDENT COUNSEL BRETT KAVANAUGH Date 6/22/95

From : SA C.L. REGINI

Subject: FOSTER DEATH SCENE
SEQUENCE OF EVENTS

Due to the numerous inconsistent witness statements, vague recollections, and inaccurate allegations in the media, I have prepared the following outline of the sequence of events during the initial death scene investigation by the U.S. Park Police. The outline was compiled from information in the Death Investigation Timeline, Foster Corpse Timeline, and FD-302s of individuals who responded to the scene. The outline is not all-inclusive, but simply identifies particular significant events that have been problematic.

1730-1745: C.W. finds the decedent.

1750: C.W. reports finding the decedent to National Park Service (NPS) workers (Swann) at Turkey Run.

1759: Swann calls 911 (Fairfax County Public Safety Center).

1803: Fairfax County Public Safety Center notifies the U.S. PARK POLICE (USPP).
Swann calls USPP.
Medic 1 (Gonzales, Hall, and Arthur) dispatched.
Engine 1 (Pisani, Iacone, Wacha) dispatched.

1805: Ferstl dispatched by USPP. Spetz responds with him.
Investigators (Braun, Rolla, Apt) notified.

Fornshill (USPP) responds to death scene from his post at FOIA(b)(7) - (E)

1-Tuohey
1-Ewing
1-Lueckenhoff
1-Kavanaugh
1-Gillis
1-McCarrick
1-Greene
1-29D-LR-35063

Approx. 1810: Engine and Medic Crews, and Fornshill (USPP) arrive at park and split up to search for body.
Fornshill, Gonzales, and Hall locate body.

1811: Ferstl and Spetz arrive at park. (?)

Approx. 1815: Hodakievic arrives at park.
Sgt. Edwards (USPP) arrives at park.

Approx. 1830: Gavin arrives at park.
Officer Simonello (USPP Evidence Technician) arrives at park.

1835: Investigators arrive at park.

1837: Fairfax County Emergency Personnel depart park.

1845: Dr. Haut notified.

Approx. 1900-1915: Gavin departs park, prior to identification of body.

Approx. 1900-1930: Watson and McGaughey arrive at park.

1930-1945: Braun searches car and locates White House Identification. Braun requests Watson to notify Gavin (which he never does).

1945: USPP requests Fairfax County EMS to transport body.
Ambulance 01 (Ashford and Harrison) dispatched.

2016: Ambulance 01 arrives at park.
Foster's body is placed in a body bag, and is transported to Fairfax Hospital.

Approx. 2015-2045: Hodakievic notifies Gavin of Foster's identity.

Approx. 2030: Braun notifies USPP dispatcher of Foster's identity.
Gavin notifies USSS White House Control Center of Foster's death.

2030: Ambulance 01 arrives at Fairfax Hospital.

2045: Investigators depart scene.

2030-2230: Notifications are made to White House and USSS personnel by the USSS Agents and USSS Uniformed Division Officers. Watkins appears to be the first White House representative notified. Watkins notifies Bill Burton.

Approx. 2130: McLarty is notified during the Larry King Show by Bill Burton of Foster's death. He contacts the First Lady while the President is being interviewed on the show.

Approx. 2200: The President is notified of Foster's death at the conclusion of the Larry King Show by McLarty.

Mrs. Foster is notified by Rolla and Braun, also present are Watkins and Hubbell.

**Memorandum** **Office of the Independent Counsel**

---

To : ASSOCIATE I.C. BRETT KAVANAUGH Date 7/18/95

From : SA C.L.REGINI

Subject: DEATH INVESTIGATION STATUS

Per your request, the following comments/suggestions are in response to your memo of 7/15/95.

In my personal opinion, we have established beyond a reasonable doubt that the death was caused by a self-inflicted gunshot wound at Ft. Marcy Park by the weapon that was found in the decedent's hand. We have not proved certain aspects of the investigation beyond all doubt. We have not proved beyond all doubt the ownership of the gun. The weight of the evidence indicates that the gun was owned by the Foster family. We have not proved beyond all doubt that the decedent died at the park, although I believe the evidence approaches that level. Locating the bullet in the park would establish beyond all doubt that the decedent was shot at the park. If the bullet is positively matched to the gun found in the decedent's hand, then we have established beyond all doubt that the decedent was shot at the park with the gun that was found in his hand. I do not believe that finding the bullet or conclusively determining the ownership of the gun proves beyond all doubt that the decedent died of a self-inflicted gunshot wound at the park. In the absence of an eyewitness, we are forced to rely upon the physical and circumstantial evidence in the case. The physical evidence and circumstances surrounding the death clearly indicates a specific act of suicide.

1-Kavanaugh
1-Lueckenhoff
1-Gillis
1-Bransford
1-Clemente
1-Greene
CLR:clr

In my opinion, additional work in the physical evidence phase of the investigation is unnecessary. The main weaknesses in the previous investigations were 1) the presentation of the physical evidence, and 2) inadequately addressing the decedent's intent. A forensic expert/criminalist (such as Dr. Lee) would be of significant help in demonstrating what the physical evidence shows. The following items remaining pending in the physical evidence phase of the investigation: 1) the search of the park, 2) fingerprinting of the Foster home in Hope, AK., 3) continued coordination/liaison with Dr. Lee pending his final report, 4) locate and interview James Burgess, 5) interview Jeff McGaughey, 6) interview Helen Dickey regarding her conversation with Roger Perry.

I agree with the items delineated in the referenced memo that we have learned were the decedent's primary concerns. Additionally, we have learned a great deal about the decedent's personality in general that reflects how these concerns could result in suicide. Particularly the decedent's emphasis on his personal reputation, and his obsession with criticism in the media.

I basically agree with all the points in the memo pertaining to the decedent's state of mind. However, I think that your scenario was a little overstated. I don't know of any direct evidence that indicates the decedent was planning to resign on 7/21. We certainly have evidence that indicates he was considering resigning. I do agree that he was overwhelmed by a "sense of failure", but I don't think he "snapped." My personal opinion is that the decedent felt trapped. Resignation would mean failure, and to stay in his current situation would simply continue his sense of the previous failures, and the resulting perceived damage to his reputation. In any event, our personal opinions are little more than speculation. I still advocate consulting with a behavioral science- type expert for these type of opinions.

Several aspects of the intent phase of the death investigation remain incomplete; 1) the intent binders need to be finished, 2) the FBI National Center for the Analysis of Violent Crime (NCAVC) report is not completed, 3) Walter Pincus needs to be interviewed, 4) resolution of the issues related to the decedent's foreign travel and foreign bank accounts, 5) a review of the decedent's financial situation, and 6) a final decision needs to be made regarding a behavioral science/suicide expert. The expert would be used to address the following state of mind discrepancies: 1) the decedent committed suicide at a location that was unfamiliar to him, 2) the decedent ate lunch prior to leaving to commit suicide, 3) he did not leave a suicide note, 4) he did not indicate any type of "goodbye" to family or friends, 5) the decedent did not previously mention suicide, 6) there was no precipitating event, and 7) the decedent had dealt with stress before.

# Memorandum

To : DEPUTY INDEPENDENT COUNSEL MARK TUOHEY Date 6/11/95

From : SA C.L. REGINI

Subject: VINCENT FOSTER DEATH INVESTIGATION
PHYSICAL EVIDENCE EXAMINATIONS
DR. HENRY LEE,
CONNECTICUT STATE POLICE FORENSIC LABORATORY

On 6/9/95, I travelled to the Connecticut State Laboratory to deliver items of physical evidence previously requested by Dr. Lee, and to meet with Dr. Lee regarding anticipated examinations of this evidence. The following are the results of our meeting:

Dr. Lee provided me with a tour of the facilities at the Connecticut State Laboratory. The laboratory is nearly brand new, and appears to be well-equipped with modern instruments.

I provided Dr. Lee with the decedent's clothing, gun, and trace evidence identified by the FBI Laboratory.

Additionally, I provided Dr. Lee with the U.S. PARK POLICE latent lifts from the decedent's glasses and frame/cylinder of the gun. While I was cataloging the physical evidence that I was going to deliver, I realized that the USPP latent lifts were obtained prior to any other forensic examinations, and have never been examined for trace evidence. I decided to bring the lifts to discuss with Dr. Lee the possibility of any trace evidence being present on the lifts. I informed Dr. Lee of these circumstances. He immediately examined the latent lifts under a microscope. There appeared to be blood or tissue on the latent lifts from the glasses, and possibly on the latent lifts from the gun. Dr. Lee will attempt to identify other trace evidence on the lifts; especially gunpowder residues. Gunpowder residues could be compared to the tissue samples from the decedent's soft palate obtained during the autopsy. These tissue samples have been examined, but have never been compared to any other items of evidence, due to the lack of gunpowder residue samples from the decedent.

1-Tuohey
1-Ewing
1-Lueckenhoff
1-Gillis
1-29D-LR-35063
D Kavanaugh

Dr. Lee and I discussed the main issues and allegations that we are continuing to attempt to resolve through examinations of the physical evidence:

1) The body was moved. The decedent did not die at the location where he was found. Supporting this theory are the following ostensible issues:

a) Unidentified fibers on the decedent's clothing.
b) No coherent soil on the decedent's shoes.
c) The bullet has not been located.
d) The position of the decedent's head and the transfer stain on the right shoulder.
e) The position of the body is not consistent with suicide from a self-inflicted GSW to the head.
f) The amount of blood at the scene is not consistent with the facts, and no bone fragments were located.
g) The death scene photographs appear to depict movement.

2) The gun was placed in the decedent's hand. The following statements have been asserted in support of this allegation:

a) The gun should have "flown" out of the decedent's hand.
b) There were no latent prints on the gun.
c) There was no blood on the gun.
d) The difficult position of the decedent's hand on the gun.

Dr. Lee and I discussed conducting the following examinations:

1) Hairs and fibers.

a) Determine if they are from the same source.
b) Is the quantity of fibers consistent with being rolled up in a carpet?
c) Formulate an expert opinion regarding the possible origin of the hairs and fibers.

2) Determine the origin of the stain on the lower right breast area of the shirt.

3) Attempt to identify trace evidence on the decedent's clothing and gun, and compare to the known samples from the decedent. Specifically, compare any gunpowder residues to the tissue samples.

4) Formulate an expert opinion regarding the physical evidence in relation to a suicide/homicide conclusion.

Dr. Lee is of the opinion that we should search for the bullet. We did not discuss this issue, but Dr. Lee seems to want to limit any possible search to the trees in the path of the

bullet's possible trajectories, and within the maximum range of the ammuniton. The earliest that Dr. Lee can conduct this search is the first weekend in July; the 4th of July holiday weekend. Dr. Lee will be unavailable in July due to other commitments, and is likely to be unavailable during most of August due to the O.J. Simpson trial.

Dr. Lee requested the following additional items and information, which I will provide to him:

1) The USPP latent lifts from the grip of the suicide weapon.

2) Determine how the USPP handled and processed the suicide weapon, from the death scene to the examinations conducted at the USPP laboratory.

3) Identify the location of trees at the death scene which would be in the path of the fired bullet.

4) Determine the maximum range and velocity of the ammunition in the suicide weapon.

Additionally, I advised Dr. Lee to contact me directly if he needed any additional items of information or evidence.

Dr. Lee and I agreed that the requested examinations and evaluations are extensive, and will require considerable time for a professional and thorough job, especially given the considerable workload and priorities of his laboratory.

# Memorandum

To : BRETT KAVANAUGH Date 3/10/95

From : SA C.L.REGINI

Subject: FOSTER CORPSE CHAIN OF CUSTODY

The following chronology denotes relevant times and observations regarding the locations of Vincent Foster's body:

7/20/93

(13:10) Foster is observed leaving the White House. According to Dr. Hirsch, from strictly a forensic pathology viewpoint, the time of death can not be narrowed any further than this time; it is possible that Foster drove directly to the park from here and immediately killed himself.

(14:45- 15:05) Jim Ferris observes a vehicle similar in description to Foster's abruptly turn into Ft. Marcy Park. Ferris can not positively identify this vehicle as Foster's, due to the license plate on Foster's vehicle.

(16:15- 16:30) Patrick Knowlton describes a small brown foreign car with Arkansas license plates in the Ft. Marcy parking lot. Knowlton also described a suitjacket and briefcase inside of the car.

(17:00 +/-) Judy Doody identifies Foster's vehicle parked in the Ft. Marcy parking lot.

(1730- 1745) Doody identifies a vehicle believed to be the CWs in the Ft. Marcy parking lot. The driver gets out of the vehicle, walks around, returns to the vehicle and drives away. This vehicle is in the parking lot for approximately 10- 15 minutes.

(1750 +/-) CW talks with Swann and Stough.

(17:59:59) Swann calls 911 (Fairfax County Public Safety Center).

(18:02:26) Fairfax County Public Safety Center calls Fairfax Fire Department for ambulance.

1-Tuohey
1-Kavanaugh
1-Gillis
1-29D-LR-35063

(18:03:28) Fairfax Fire Department notifies U.S. Park Police.

(18:03:30) Swann calls U.S. Park Police.

(18:05:30) Officer Ferstl, USPP, dispatched to scene. Officer Fornshill hears radio broadcast, drives to Ft. Marcy FOIA(b)(7) - (E)

(18:10) Fairfax County Fire Units arrive at Ft. Marcy and divide up with Fornshill to search for body. Gonzales, Hall, and Fornshill locate Foster's body.

(18:37) Fairfax County Fire Units depart Ft. Marcy.

(1815- 1835) The following U.S. Park Police Officers arrive at Ft. Marcy:
Ferstl, Spetz, Hodakievic, Sgt. Edwards, Lt. Gavin, Braun, Apt, Rolla, Simonello, Officer Watson with an intern, and Lt. Schmidt.

(1845) Fairfax County Coroner, Dr Haut, notified.

(1940) Haut arrives at scene.

(19:45:17) USPP requests transportation for body.

(19:45:37) Fairfax Fire Unit A01 (Ashford and Harrison) is dispatched to transport the body.

(20:16) Unit A01 arrives at Ft. Marcy. Foster's body is placed in a body bag. Rolla had previously removed Foster's pager, rings, and watch; but does not locate keys.

(20:17) Unit A01 transports Foster's body.

(20:30) Unit A01 arrives at Fairfax County Hospital Emergency Room. Dr. Orenstein views body and pronounces Foster dead. Officer Tipton present. Unit A01 transports Foster's body to the hospital morgue. Security Officer R. Browning opens morgue for Ashford and Harrison.

(20:59) Unit A01 departs hospital.

(2112) R. Browning opens morgue for Rolla and Braun to check body for car keys, which are located in Foster's pocket.

(2230) Security Officer S.P., Administrative Director Charlotte Ewing, and Officer Tipton accompany Livingstone and Kennedy to view the body, which is displayed behind a glass partition by Laboratory Technicians Keith Gorney and Julius Fernandez.

(2310) Security Officer S.P. opens morgue for Orenstein and Tipton to examine body.

7/21/93

(0100) Security Officers S.P. and R. Rector open morgue and place Cheryl Braun's card with the body.

(0615) Dr. Haut telephones Dr. Beyer regarding Foster's death and the need for an autopsy.

(0735) Charles Powell of the Hospital Morgue releases the body to James Burgess of the Medical Examiner's Office.

(0800) Foster's body arrives at the Northern Virginia Medical Examiner's Office in Fairfax, Virginia.

(1000) Dr. Beyer begins autopsy, also present are James Burgess, Officer Wayne Johnson, Officer Shelly Hill, Investigator Morrissette, and Sgt. Rule.

(1105) Autopsy is concluded.

(1300) Foster's body is released to Carl Barnekow of Murphy's Funeral Home. The body is transported to Murphy's Funeral Home in Falls Church. The body is embalmed and prepared for shipment by Carl Barnekow, also present in the embalming room was Bob Gallagher, Ken Garvey, and Maripat Putnam. No relatives, friends, or associates viewed Foster's body at this location.

7/22/93

(AM) Foster's body is transported to Andrews Air Force Base by Ken Garvey and Will Halyek of Murphy's Funeral Home. The body is immediately loaded onto an aircraft.

(approx. 11:30) Foster's body is transported from Little Rock Airport to Reubel Funeral Home in Little Rock.

7/23/95

Funeral and internment at Memory Gardens in Hope, Arkansas.

7-1 (Rev. 2-21-91)

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Date: July 9, 1996

To: ADIC, Washington Metropolitan
Field Office

FBI File No. 29D-LR-35063

Lab No. 40324038 S/D QV ZG WK UD
WP AL QW ZT VY ZZ AR
40330007 S/D QV ZG WK UD
WP AL VY ZZ AR

Reference:

Your No. 29D-LR-35063

Re: MOZART
MAJOR CASE #106
OO: Little Rock

Q4 - Suit Jacket
Q5 - Tie (Q5/Shirt)
Q8 - White Dress shirt
Q9 - White T-Shirt
Q10 - White Boxer shorts
Q11 - Pants + Belt (Q11a)
Q12 - Black sock (red & green stitching on toe)
Q13 - Black sock (gold toe)
Q14 - Left shoe
Q15 - Right shoe
Q31 - 2 sheets of brown paper wrapping

Specimens received:

Specimens:

This report supplements and supports the Laboratory report dated May 9, 1994. For a complete specimen listing please refer to that report.

The trace amount of loose, unconsolidated soil associated with specimens Q8 through Q15 and Q31 limits the meaningfulness regarding a comparison with other soils. Ideally, coherent soil, that is, soil that is held together as part of the same mass, reasonably represents soil from a single source or location. Conversely, unconsolidated soil, to include discrete mineral grains, introduces uncertainty regarding a single source origin. And when the amount of this soil is such that it impairs the analysis, the meaningfulness of similarity and dissimilarity is called into question. The aforementioned specimens did not contain coherent soil. The few, small particles of mica and any other apparent soil associated with specimens Q8 through Q15 and Q31 sensibly could have originated from the micaceous soil found at Fort Marcy, but the nature of this soil precludes an unambiguous association.



(over)

This Report Is Furnished For Official Use Only

As previously indicated in FBI Laboratory report dated May 9, 1994, a number of various carpet type fibers were found in the debris from the submitted clothing items. A more detailed reporting of these findings is as follows: Present in the debris from Q4/Q5 was (1) a pale gray delustered trilobal carpet type fiber. The Q8 debris contained a (2) gray delustered trilobal and (3) a blue delustered trilobal carpet type fiber. (4) A white lustrous trilobal carpet type fiber was found in the Q10 debris. (5) Several tan delustered trilobal, (6) a gray/green delustered trilobal and (7) a greenish round delustered carpet type fiber were present in the Q11 debris. (8) White trilobal carpet type fibers were also found, one each, in the debris from Q12/Q15 and Q31B. (9) A red delustered trilobal carpet type fiber was found in the Q31C debris. As reflected by these findings, no forensically significant number of one type of carpet fiber was found.

9 diff types of carpet fibers

10 plus several total carpet fibers found

Chuck


40324038 S/D QV ZG WK UD
WP AL QW ZT VY ZZ AR
40330007 S/D QV ZG WK UD
WP AL VY ZZ AR

# The official record contradicts Foster suicide conclusion

*Editor's Note: This publication has reported to you about many of the anomalies, inconsistencies, and defects of various official reports concluding that the late Deputy White House Counsel committed suicide. Yet, many in the news media and elsewhere have challenged the authenticity of the information we have shared with you. It is for this reason that we present the following article by Hugh Sprunt. Sprunt has carefully studied all 2,726 pages of testimony and documents collected in the official Foster investigation and released by the U.S. Senate in early 1995. His analysis, based entirely upon the official documentary record, compiled by the United States Senate, confirms that the verdict of suicide is remote from the facts.*

Strategic Investment *has invited Hugh Sprunt to prepare a longer report that includes his informed speculation about what may have happened at Ft. Marcy Park. This report is available through* Strategic Investment *by mailing or faxing the order form provided on page 10 of this issue.*

**by Hugh Sprunt**

I write about the death of Vince Foster from a unique perspective. When my elderly grandfather, terminal with cancer and in horrible pain, decided to take his own life some 25 years ago, I was "first-on-the-scene" and could do nothing to help him. He shot himself in the head using an Army Colt .38 Special Revolver with a four-inch barrel, the very same type of weapon that Mr. Foster allegedly used to kill himself in Fort Marcy Park on July 20, 1993.

Since I had direct personal experience both with suicide-by-gunshot and with the tremendous damage a high-velocity .38 round from this particular weapon does to the human head when fired point blank, I was intrigued by the relatively modest head wound Mr. Foster was said to have suffered from the identical revolver and ammunition.

There are other personal associations that inspired my initial interest in his death. Vince Foster and my father graduated from the same college in North Carolina (Davidson). Mr. Foster's wife, Lisa, and my mother are alumnae of the same college in Virginia (Sweet Briar). Vince Foster was President of SAE fraternity at Davidson, as I was at MIT. We were both mid-year law school graduates who elected to skip graduation (he from the University of Arkansas and I from Stanford Law School). I eventually learned that both of us even drove trashed-out Honda Accords.

There is one other link. Two acquaintances of mine ran the 1992 Clinton campaign in my part of the country, and I was sufficiently interested in the 1992 Clinton Campaign to have made suggestions to the Campaign through these two individuals. One of these individuals, whom I particularly respect, left her position as a Special Assistant to the President the month after Mr. Foster's death.

As I pursued the blatant anomaly concerning his head wound, I discovered many equally amazing facts within the official records of Mr. Foster's death. I obtained copies of the Fiske Report and the U.S. Park Police Case File on the death of Vince Foster. When the Senate released two Hearings Volumes and a Report Volume on the Foster death in 1995, I obtained these volumes (a total of 2,726 pages of documents, testimony, depositions, and FBI interview reports, including Fiske and U.S. Park Police Reports). I studied all the documents and reached two fundamental conclusions: 1) The raw evidence in the official record was amazing in light of the conclusions reached by the official reports and 2) With minor exceptions, no one in the media was at all familiar with the raw evidence compiled in the Senate documents.

As 1995 progressed and only a very few publications appeared to be covering the Foster case seriously, I decided to write my own report, based on the 2,726 pages of Senate documents. Although I had no intention of producing so lengthy a report, it grew to 165 single-spaced pages, tightly cross-referenced, with maps (including one traced from aerial imagery of Fort Marcy Park flown a few weeks before Foster's death) and tabular data in eight appendices.

Relatively few individuals will have the time or the inclination to study my 165-page "Citizen's Independent Report," written as it was for the primary use of the members and staff of the special Senate Whitewater Committee. Shortly thereafter, *Strategic Investment* approached me to prepare another report including personal commentary about what may have happened at Fort Marcy Park. Much of this analysis was intentionally omitted from my 165-page compilation.

This piece highlights what I consider some of the most damaging evidence that was ignored in the Fiske and the U.S. Park Police reports on Foster's death. I hope this article and my report increase significantly the number of people who are aware of the amazing *facts* buried in the 2,726 pages of official documents. I may be naive, but I believe a sufficiently widespread knowledge of these facts will compel officials to undertake the sort of investigation that should have begun the evening of July 20, 1993, when Mr. Foster's body was found in Fort Marcy Park. First comes truth. Then comes justice. That's the American way.

The U.S. Park Police Report, The Fiske Report, and the 1994 Senate Report (the "Official Reports") selectively included data that supported the officially-sanctioned "suicide verdict" and ignored, gave little weight to, or contradicted the evidence that pointed to murder. Many of the most interesting de-

tails in the points summarized below have been omitted due to the consideration of space. Nonetheless, I believe that many readers will be surprised by even this brief summary. I emphasize that every detail you read below has been taken from official *public* documents. It is amazing that these facts have not been *publicized* by those charged with doing so in a free society.

Facts such as the ones below have caused people who are at least somewhat familiar with the raw data justifiably to question the processes that controlled the prior investigations of Mr. Foster's death. It is my hope that the information in this article and in my separate *Strategic Investment Report on the Death of Vince Foster* will permit everyone to understand why there is more to Mr. Foster's death than official Washington wishes you to believe.

Here are some of the items that challenge, and in my opinion overwhelm, the conclusions reached by the Official Reports:

- The first *official* to discover Vince Foster's body, a U.S. Park Police officer, was quite clear he *never saw the gun* that, according to the Official Reports was in Mr. Foster's right hand at the time he located the body. His deposition and FBI interview on this point are repetitive and quite clear. He was 4-5 feet from the body for several minutes, but never saw the gun. The confidential witness, CW, who discovered the body was emphatic in his FBI interviews and deposition that he, too, had not seen a gun.
- The first official to discover Mr. Foster's body called in his discovery on his radio 2 minutes 42 seconds after radioing his arrival in the Fort Marcy parking lot. The official location of the body placed it out of plain view on the back slope of a berm some 775 feet over-the-ground from the parking lot near the so-called second cannon. The searchers knew the body was near a cannon, but the only cannon in view was the so-called first cannon around which they initially searched. The cannons are some 200 feet apart and cannot be seen from each other. Assuming the officer left the parking lot *immediately* upon calling in his arrival, walked directly to the body (*no* searching) at three miles an hour, and called in his discovery *immediately* upon reaching the body (taking *no* time to check the body before radioing in), the time required to reach the body is 2 minutes 56 seconds.
- Two civilian witnesses described a vehicle in the Fort Marcy parking lot that could only have been Mr. Foster's Honda. *They saw two individuals around his car*: the hood was up, one individual was standing by the Honda, and the other was sitting in it some 30 minutes before Mr. Foster's body was first found by CW. Who were these people? No attempt was made to find out.
- One civilian witness in the park told the FBI that, for reasons unknown, *information which she provided to U.S. Park Police investigators had been incorrectly recorded in her U.S. Park Police interview report.*
- Six of the seven U.S. Park Police and Fairfax County Fire and Rescue Department (FCFRD) personnel who responded to the 911 calls told the FBI (with varying degrees of certainty and specificity) that *there was at least one "extra" civilian vehicle in the parking lot when they arrived at Fort Marcy, a vehicle that the Official Reports concluded was not present.* Whose car was this? None of the FCFRD personnel was interviewed by the Park Police and the FCFRD reports are not in the record even though a supervisor requested that night that detailed reports be written.
- The U.S. Park Police officer who found Foster's body described *the presence of "volunteers" who were in the park when the body was found.* He stated these volunteers were working on the park trails. *None of these "volunteers" was ever named, interviewed, or mentioned in the U.S. Park Police or Fiske Official Reports.* Who were they? FBI had been repeatedly informed by CW that the area below Foster's feet had clearly been recently disturbed (his statement was not considered by Official Reports). There is evidence in the record of unexplained and unidentified people and vehicles entering and leaving Fort Marcy. Some of these individuals were allowed official access to the park after the body was officially located by the U.S. Park Police Officer.
- The lead U.S. Park Police Investigator at Fort Marcy stated: "It seems to me that we [the U.S. Park Police Investigators] made that determination [that the death was a suicide] *prior to going up and looking at the body.*"
- *The report of the only Medical Doctor to examine the body in place at Fort Marcy is, for reasons unknown, not a part of the Official Record available to the public.* This doctor told the FBI he arrived and departed Fort Marcy an hour before the U.S. Park Police or Fiske reports say he did. He also stated that the body was located some 450 feet from the parking lot although the official body site is over 750 feet from the parking lot.
- The doctor told the FBI he *"believed the wound was consistent with a 'low-velocity weapon."* The revolver, especially with the high-velocity ammunition the Fiske Report said Mr. Foster used, is *not a "low velocity weapon."* How does the Fiske Report reconcile the doctor's statement to the FBI? The doctor's statement is not mentioned at all in the Official Report.
- The Fiske Report: "Those present observed a large pool [sic] of blood located on the ground where Foster's head had been." The Fiske Report: [the doctor who examined the body in place at Fort Marcy] "Observed a large exit wound in the back of the skull." However, the doctor told the FBI that the blood volume was "small" and what blood there was had "matted and clotted."
- The lead Investigator at the body site had this

*Continued on next page*

**Foster,** *from page 7*

to say: "I still can't believe the [exit] hole — it's a small hole. . . I probed his head; there was no big hole there. . . I initially thought the bullet might still be in his head." *The Fiske Report statements are thus directly contradicted by the MD and the Investigator on scene.*

- *The doctor who performed the autopsy stated that he took no X-rays.* The U.S. Park Police report, produced because it sent four observers the autopsy, stated *however, that the doctor conducting the autopsy told the U.S. Park Police Detective in attendance that "X-rays indicated that there was no evidence of bullet fragments in the head."* Although *this* contradiction *has* achieved a certain notoriety, none of the Official Reports reconcile it.
- Almost all sources within the record indicate that the autopsy was moved up from Thursday, July 22 to Wednesday morning, July 21. One consequence of the move was to make it infeasible for any official who had been present at Fort Marcy Park the night before to attend the autopsy. Thus no one who had 1st-hand knowledge was there to see what happened.
- *Mr. Foster's glasses were found 19 feet downslope from his head.* The Fiske Report stated that they must have "bounced" there (through heavy vegetation) due to the gun shot to the mouth— a conclusion which is contrary to physics. The only recognizable picture (a lab photo) of the glasses in the Senate documents shows one of the stems broken off from the frame. The Official Reports have no explanation for the breakage.
- The second U.S. Park Police officer at the scene took seven Polaroids of the body. *The Polaroids he took are not among the thirteen of the body site that are inventoried in the record.* The record contains no explanation why these photos vanished.
- The lead U.S. Park Police Investigator at the body site had this to say about some of the Polaroids *he* took: "I know I took Polaroids of that. I am not sure how many I took, but *I don't recall seeing those Polaroids again. I mean I had them at the office that night, I did reports. . .* I don't have those photos. I put them in a [U.S. Park Police case] jacket. . . and I don't know what happened." *The Polaroids he is speaking of are not inventoried in the record.* The record contains no explanation why they vanished.
- The lead U.S. Park Police Investigator at the body site searched for a suicide note, identification documents, or other items in the victim's pockets. The investigator found no car keys on the body. No car keys were found in Mr. Foster's Honda either. *Why wasn't the death immediately treated as a homicide as soon as the investigators realized their suicide theory required the decedent to have driven himself to the park without using his car keys?*
- Some time after the investigators realized there were no car keys to be found, rather than search the Honda again or research the area where the body had been found (his glasses had, after all been found 19 feet from his head), *the investigators drove to the morgue and searched the body's pockets one more time.* There, the investigators stated they not only discovered that they had originally missed Mr. Foster's personal key ring in the right front pants pocket (with his car keys), but also found his White House keys on a separate key ring that held a high-security type key.
- At least two White House staffers visited the body at the morgue the night of July 20th to "confirm" the deceased was Vince Foster although the U.S. Park Police had already matched the face to Vince Foster's White House ID and to his Arkansas driver's license. One of the individuals to visit the body at the morgue was the White House Security Coordinator, even though he had previously confirmed the victim's identity to his boss, an Associate White House Counsel who also visited the body in the morgue that evening. *Why was this trip necessary?*
- *The only paper in Mr. Foster's wallet at Fort Marcy that the lead investigator at the body site considered "unusual" was never explained in the Official Reports.* It contains groups of initials that correspond to those of the President, the First Lady, and to their daughter. It lists a variety of dates and numerical amounts along with several Arkansas city names. Mr. Foster was known to be involved with the formation of blind trusts for all the Clinton family. The private attorney involved talked with him the day before Mr. Foster died and tried to reach him the next day a few minutes after Mr. Foster left the White House for the last time.
- Five civilian and government witnesses at Fort Marcy stated (with varying degrees of certainty and specificity) that *there was a briefcase in Mr. Foster's Honda.* This briefcase is not mentioned in the Reports (other than to indicate Mr. Foster had no briefcase with him when he left the White House).
- Several Fairfax County Fire and Rescue Department personnel state that Mr. Foster's Honda was *locked* when they examined its exterior (and viewed the interior through the windows) sometime before 6:35 p.m. The Official Reports indicate that the Honda was *not locked* well over an hour later when it was "officially" searched for the first time. *Officially no one on the investigation knew where the Honda keys were during this interval, so these keys could not have been used to unlock the car during this period of time.*
- *A Fairfax County Fire and Rescue Department worker observed the U.S. Park Police "gaining access" to Mr. Foster's Honda (his White House ID was on the front seat) before 6:37 p.m. The White House position is that it was not informed of Mr. Foster's death until 8:30 p.m.* Another Fairfax County emergency worker said it was known within his group (that left the park at 6:37 p.m.) that Mr.

Foster was employed at the White House.

• *The lead U.S. Park Police Investigator at the body site somehow knew to write the name of a U.S. Secret Service uniformed officer and his White House Phone number (in Room 058 in the White House basement) in his investigator's notebook,* apparently around 6:40 p.m. The official position (in a Secret Service memo) is that the White House did not learn about the Mr. Foster's death until 8:30 p.m.

• The U.S. Park Police Lieutenant who officially notified the White House of Vince Foster's death had his call returned in 5-10 minutes by an Assistant White House Chief of Staff. The *first* question to the Lieutenant (in the words of his FBI interview) was "whether the U.S. Park Police had checked the registration on the gun and knew whose gun it was." The Lieutenant received another call at almost the same time from the White House Director of Personnel. He also asked about the weapon and was told the U.S. Park Police did not have that information. *Why were the first two White House callers interested in the weapon above all else?*

• The Fiske Report refers to the lack of damage done to Mr. Foster's teeth and the soft tissues of his mouth by the barrel of the gun in support of the official suicide theory (Mr. Foster presumably must have put the gun into his mouth voluntarily since there were no signs of a struggle). *However, the Fiske Report does not mention the damage that should have been done to the soft tissues and teeth from the powerful recoil of the Army Special Colt .38 Revolver and its unusually high front sight.*

• The Fiske Report states that the body was bagged back by the second cannon at Fort Marcy Park at about 8:45 p.m. before being transported the 750 feet to the parking lot and then taken on a 15-minute trip to the Fairfax County Hospital. The ambulance log indicates the body arrived at the hospital 15 minutes before the Fiske Report says the body was put in a body bag up by the second cannon at Fort Marcy. *Times given by the doctor who pronounced Mr. Foster dead at the hospital corroborate the ambulance log, not the Fiske Report.* The Medical Examiner told the FBI he arrived at Fort Marcy at about 6:45 p.m., an hour before the Fiske Report says he did.

• To support its conclusion that Vince Foster was under great stress, The Fiske Report states that "*It was obvious to many that he had lost weight*" in the months before his death. *Medical reports in the record show that he actually gained weight in the six months prior to his death.*

• Despite the official conclusion that financial concerns had no role in Mr. Foster's death, the *family checking account had been overdrawn for some one or two weeks prior to his death.* The credit union had shifted from "working with" the Fosters on a "bi-weekly" to a "weekly" basis the week before he died. Mr. Foster visited the credit union the day before he died.

• On July 21, President Clinton spoke to White House staffers who knew Vince Foster well. Were his words a warning not to discuss Foster's death outside of the White House "family?" This is what the president said: "In the first place, no one can ever know why this happened. Even if you had a whole set of objective reasons, that wouldn't be why it happened, because you could get a different, bigger, more burdensome set of objective reasons that are on someone else in this room. . . . I hope when we remember him and this we'll be a little more anxious to talk to each other and a little less anxious to talk outside our family."

*"In the first place, no one can ever know why this happened. Even if you had a whole set of objective reasons, that wouldn't be why it happened, because you could get a different, bigger, more burdensome set of objective reasons that are on someone else in this room. . . . I hope when we remember him and this we'll be a little more anxious to talk to each other and a little less anxious to talk outside our family."*

—Bill Clinton speaking to the White House staff the day after Foster died.

• There are unusual memory lapses on the part of various White House officials when it comes to the subject of their last conversations with Mr. Foster. For example, a Deputy Assistant to the President who had known Mr. Foster since 1967 had what Chief Counsel Bernard Nussbaum's Executive Assistant described as a "highly unusual" 1-2 hour closed door meeting with Vince Foster on July 19. In the words of this individual's FBI interview, "She does not remember what topics they talked about." *Bear in mind that this was her last conversation (1 to 2 hours long) with a friend she had known for over 25 years who officially committed suicide the next day. She couldn't remember the topics they discussed?*

• An excellent memory was, however, demonstrated by a female witness in her late teens who voluntarily came forward and was interviewed by the FBI on May 17, 1994, about events she had witnessed at Fort Marcy Park nearly a year earlier on July 19, 1993, the day before Vince Foster died. She told the FBI she remembered seeing at a distance of 10-15 feet a lone white male in his early 40s who, despite the intense heat, was wearing a dark suit and red necktie. This individual was walking in Fort Marcy Park from the George Washington Park-

*Continued on next page*

Foster, *from page 9*

way entrance toward the northern side of the park. When he noticed her looking at him, he immediately turned away. It was clear from her description that the individual in question could not have been Vince Foster. Who was he? No attempt was ever made to find out, even though he was viewing the park at 3 p.m. the day before Mr. Foster's death and at the approximate mid-point of the hours Mr. Foster went missing the next day (1 p.m. to 6 p.m.).


## Order Form

☐ YES! Please send me ____ copy(ies) of "Strategic Investment's Citizen Report on the Death of Vincent Foster." As a *Strategic Investment* subscriber, I am able to purchase this report for $19.95 plus $2.00 s&h. (MD residents please add 5% sales tax.)

My check for $_____ ($21.95 each) is enclosed (made payable to Agora, Inc.)

Please bill the amount of $ _____ ($21.95 each) to my ☐ VISA ☐ MasterCard ☐ Amex

Card # _____

Expiration Date __/__ Signature _____

Name: _____

Address: _____

City/State/Zip _____

Phone # _____

Please return this coupon with your payment to Agora, Inc. 824 East Baltimore Street. Baltimore, MD 21202 or fax to (410)837-1999.

**********
*** ACTIVITY REPORT ***
**********

RECEPTION OK

| | |
|---|---|
| TX/RX NO. | 8750 |
| CONNECTION TEL | 501 221 8707 |
| CONNECTION ID | INDEP COUNSEL |
| START TIME | 09/28 08:38 |
| USAGE TIME | 04'25 |
| PAGES | 6 |
| RESULT | OK |

**********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: 9/28/95

FAX NUMBER: TEL:

FROM: Deb NO. OF PAGES: 62
(Including Cover Page)

TEL: (501) 221-

REMARKS: From Chris Ruddy

Confidentiality Note: This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the facsimile by mail.

SPLINT

Questions on the murder of Vincent W. Foster, Jr. Page 1

## The Park Police versus the FBI

1. Why was William Sessions, former head of the FBI, fired the day before Vincent Foster was found dead? This action placed the Park Police in charge of the investigation at Fort Marcy Park rather than the FBI. Sessions stated three weeks before he would resign from the FBI as soon as a suitable replacement was found.

2. Why did Clinton call a second time that same day and tell Sessions to clear out his desk and be out of the office by the end of the day?

3. Was Sessions fired because he was about to subpoena Judge David Hale's documents linking Clinton to fraudulent SBA bank loans and Clinton found this out?

## Photographs

1. Why does the only officially released photo (showing Foster holding the gun) indicate flora typical only in another portion of the park from where the body was officially found?

2. Where are the seven crime scene Polaroid photos taken by Franz Ferstl? What do they show?

3. Has the previously reported underexposed roll of 35mm film been enhanced? Does it show evidence of a bullet wound, puncture or other trauma in the right side of Foster's neck? NO

## Robert Fiske's report

1. Why does the initial account of the body's location by Sgt. George Gonzales differ from the Fiske report? Was the body moved from the Northeast to the Northwest corner of the cannon mound in the Park?

2. Why was the body found neatly laid out as if ready for the coffin rather than in a contorted state as would be expected? → why expected

3. Why did the first two officials on the scene swear that they saw no gun in Foster's hand? Why does the report ignore this? → we'll mention it

4. Why hasn't anyone analyzed and questioned the impossibility of being able to pull the trigger on the gun and shoot ones-self in the mouth as dictated by the official photograph?

5. Why did five months pass before a ballistics test performed on the gun? What were the results?

6. Why did the Park Police claim the gun was sent to BATF instead of the FBI for ballistics testing, when BATF has no records of such a test? → do have records

7. Why didn't the gun recoil out of Foster's hand as is typical of self-inflicted gun shot wounds of this type? → not atypical

8. How could his eyeglasses bounce 19 feet through high grass away

from the shooting?

9. Why weren't any pieces of head bone or brain tissue typical of the bullet wound ever found? → not searched for

10. Why hasn't the bullet been discovered? → could be anywhere

11. Why weren't there any powder burns or broken teeth found in Foster's mouth typical of this type of gunshot wound? not atypical

12. Why are there no fingerprints on the exterior surfaces of the gun? Was the gun wiped clean? It can't be due to heat or other causes, because there is a fingerprint inside the gun behind the pistol grip. To whom does this fingerprint belong? Were the pistol grips on the gun replaced? - no - smudges

13. Why were only two bullets found in the gun? Why weren't any other bullets found in Foster's residence where the gun supposedly came from? NEED TO CHECK BULLETS

14. What was the origin of the wound observed on the side of Foster's neck by the two Fairfax County EMT's? EMT Arthur Miller stated to the FBI that it appeared like a 'small caliber bullet hole'. Why isn't this mentioned in the report? - we'll mention it

15. Seven of America's top forensic experts including Massad Ayoob, Dr. Vincent DiMaio, Dr. Martin Fachler, and Vincent Scalice, have collectively agreed that the powder burns on Foster's left and right index fingers is not consistent with suicide? Why did Fiske disagree? possible not on left

16. Why are there no signs of dirt or grass on Foster's shoes after he supposedly walked 700 feet through unpaved areas? - grass

17. Why was there such little blood found at the scene? With the type of wound inflicted the heart continues to pump blood for at least one half to two minutes. - have blood

18. If Foster was found on a slope with his head above the rest of his body, why are the blood stains on his face running uphill? Why is there evidence of the blood running off into three other directions? This would account for the body being in two Park locations as previous testimony indicates, and somewhere else. head probably moved a couple of times

19. Why does the report state that x-rays weren't taken because the x-ray machine was broken, while the coroner's report in the appendix indicates that x-rays were taken? → don't know

20. Why does the report go to length to explain that Foster routinely took a tranquilizer once a day, the FBI report found traces of an anti-depressant and Valium, but the coroner's report in the appendix found no traces of any drugs? - NEED TO DESCRIBE DIFFERENCES IN TESTS

21. Why was Foster's clothing covered with carpet fibers? Is this evidence still available for analysis, or is it missing? Do the fibers match any of the surroundings where Foster worked or lived? - balloons in carpet fiber analysis is different along all corners more problematic

22. To whom do the blond hairs found on Foster's clothes belong? Is this evidence still available, or is it missing? Do the hairs match anyone close to Foster?

23. What is the significance of the semen stains found on Foster's shorts? we'll explain

24. Why is there such a disparity in the number of witnesses claimed to have been interviewed in the report's summary letter and in the body of the report?

25. Why did Fiske completely ignore the FBI interview statements of two eyewitnesses? → we won't

26. Why weren't the observations of the EMT's on the scene included in the report? we'll include

27. Why weren't any neighbors or passersby questioned? DONE

28. Why did Fiske choose not to include Confidential Witness's testimony that a wine cooler bottle was found near the body and a wine cooler pack was found in Foster's car? we'll include

29. Why have witnesses suspected of perjury been allowed to review evidence before testifying?

30. Why has testimony of four witnesses and photographic evidence been ignored regarding a briefcase in Foster's car? Where is the briefcase? What was in it? we'll include

31. Why have two Park Police been untruthful in previous testimony and in transcribing the statements of the only two witnesses questioned? → we'll check

32. Why weren't Foster's car keys found on him at the Park? How could he drive to the Park without them? we'll explain

33. Why does the report incorrectly conclude that Foster lost weight due to the stress he was under, when in fact records show he gained weight in the six months prior to his death? we'll clarify

34. Standard investigative procedure is to assume homicide until evidence to the contrary can be established, not the other way around. Why was the conclusion of suicide reached before all evidence and analysis was completed as leaked to the media? presumptive or staged (?)

35. Why didn't the empaneled grand juries in Washington and Little Rock hear any testimony? DONE

36. Starr promised to probe the previous investigation by Fiske. Why has Starr put the same FBI agents that Fiske used in charge of reviewing their own previous work? Isn't this a conflict of interest?

37. Why is the resume of the lead pathologist missing from all the other resumes which makeup much of this report?

38. Was this poorly analyzed, contradictory, fluff piece, having more appendices than body, with 58 double-spaced single-sided pages, the reason a three judge panel replaced Fiske with Starr?

For a free copy of the Independent Counsel's Report on the death of Vincent Foster write to: Office of the Independent Counsel, 1001 Pennsylvania NW, Washington DC 20004.

Obstruction of Justice

1. Contray to standard police procedure, why wasn't Foster's office immediately sealed? Why did it remain unsealed for two days after the death?

2. What were Nussbaum, Thommason and Williams doing rummaging around Foster's office just after his death? It couldn't have been matters of national security as Nussbaum purported. Foster had nothing to do with national security - or did he? According to testimony of Foster's secretary Deborah Gorham, she placed two 1-inch binders from the NSA in Foster's safe. Is this what Nussbaum was looking for? Where are the binders?

3. Why did the documents collected by Nussbaum wind up in Hillary's safe for five days? Did any of the documents get lost on the way to the special prosecutor?

4. Why did Miguel Rodriquez, Associate Independent Counsel to Mr. Starr, resign?

5. Why did Bill Duffy, top Arkansas prosecutor to Mr. Starr resign?

6. Why did Russell Hardin, Texas prosecutor to Mr. Starr resign? Was he disgusted with the soft-ball plea agreement signed by Starr with Web Hubbell?

7. Is Mr. Starr's obstructionist democratic assistant Mr. Touhey a possible reason for any of these resignations?

8. Why was Philip Heymann, a 33 year career professional and #2 man in the Justice Department, abruptly terminated by Clinton thru Janet Reno? Why did he take exception to the investigation into Foster's death?

More Questions

1. Why would Foster sign out for a White House beeper just hours before committing suicide? Why does one report place the beeper on Foster's person and another report places it in his car? Why is the beeper missing from the evidence collected? What messages were on it? From who? Were the messages transcribed?

2. Why are Foster's fingerprints missing? How could the fingerprints of a person with security clearance on file with the FBI be missing? What would be the advantage to anyone living if Foster's fingerprints were misplaced?

3. Why are there more than two dozen documented acounts of Foster flying to Switzerland while a lawyer in Arkansas and as White House Counsel? Why did he cancel a scheduled flight just 12 days before his death? Was he delivering funds to a Swiss Bank? Why would Clinton's personal Counsel have need to frequently visit Switzerland?

4. Where is the followup to the frantic telephone call reported by the London Sunday Telegraph from a White House aide to the Arkansas State Police that Foster shot himself in the White House parking lot?

5. Why did Foster hire two lawyers the day before his death? Why would the White House Counsel need lawyers?

6. When will it be acknowledged that the 27 piece note found in Foster's briefcase was not a suicide note, but a draft of items to be discussed with his defense lawyers?

7. After Foster's body was found and the White House was notified, two phone calls came back almost immediately. The first was from an Assistant White House Chief of Staff who asked 'whether the Park Police had checked the registration on the gun and knew whose gun it was'. The second was from the White House Director of Personnel asking about the weapon. Why wasn't the White House's first concerns about Foster or his surviving wife? Why was the White House worried above all else about the gun?

8. Why hasn't there been any review of Michael Kellet's book <u>The Murder of Vincent Foster</u> (CLS Publishers, 7188 Cradlerock Way, Suite 162, Columbia MD 21045)? This book concludes, based solely on the report of the independent counsel, that Bill and Hillary Clinton are responsible for the initiation and orchestration of the murder.

Why was Foster Murdered?

1. Was it his failure to adequately cover up all the loose ends of Madison Marketing, Castle Grande and Whitewater, which were quickly unraveling?

2. Was he too moral for the White House and was showing less cooperation at burying the Whitewater mess?

3. Did he run afoul with someone in the CIA for which he was an intelligence operative?

4. Jim Norman, senior editor of Forbes magazine, has alleged that Foster was working on a top-secret NSA project to infiltrate and monitor bank transactions worldwide. Foster's secretary has alleged that one of the two envelopes received from Web Hubbell filled with papers relating to a customized software program utilized by the NSA to infiltrate bank computers was missing after Foster's death. Who besides Deborah Gorham and William Kennedy had keys for the file cabinet from which this information is now missing?

5. Was Vince Foster murdered because he successfully stashed tens of millions of Mena Arkansas drug laundering commission dollars into Bill Clinton's foreign bank accounts, slammed closed the backdoor to the computer software program Promis that will permanently hide these transactions, and was now a potential liability that might crack under cross-examination?

Epilogue

1. Mr. Hugh Sprunt has reviewed the 2,726 pages of documents including testimony, depositions, and reports by Fiske, FBI and Park Police on this subject. His 165 single-spaced page report "Strategic Investment's Citizen Report on the Death of Vincent Foster" has been published by Agora Inc., 824 East Baltimore Street, Baltimore MD 21202.

CONGRESSMAN BURTON CRITICIZES "60 MINUTES" FOSTER SEGMENT

Cong. Dan Burton(R-Indiana) took to the House floor last Thursday, and in a speech broadcast on C-Span, criticized Mike Wallace's recent feature on Vince Foster. Burton's speech follows.

□ 2001

"60 MINUTES" REPORT ON THE DEATH OF VINCE FOSTER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Indiana [Mr. BURTON] is recognized for 15 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I have been watching the television show on CBS, "60 Minutes," for a long, long time, and I have always respected that program because it was very informative, and I always thought it was factual. And then, just after the last presidential election, I think Mr. Hewlett, the producer of "60 Minutes," said in a national interview that had he exposed all of the information that was available to him at "60 Minutes" during the campaign, that the then candidate for President, who was later elected, would be walking around in the snows of New Hampshire. So it became apparent to me that the "60 Minutes" producers and the people who ran that show had a very strong bias, and that bias was reflected in much of their reporting.

This became apparent to me again about 2 weeks ago on a Saturday night, when I watched Mike Wallace start doing a 20 minute segment on the death of Vince Foster. I have never seen so much misinformation and so much bias in reporting as I saw during that 20 minute segment.

Let me just tell you some of the things that happened, some of the things that "60 Minutes" ignored. Mike Wallace said that every government body that has investigated the death of Vince Foster reached the same conclusion, than he killed himself at Fort Marcy Park.

He did not mention that the independent counsel, Kenneth Starr, has reopened the investigation. Mr. Starr's attorney spent this summer questioning witnesses before a grand jury. The FBI is back in Fort Marcy Park, or was a couple of weeks ago, more than 2 years after Vince Foster's death, looking for the bullet that killed him. Would the independent counsel go through all of this work were there not unanswered questions about the case?

So I believe that Mr. Wallace was incorrect when he said that the conclusion has been reached by every government agency. In addition, many of us in Congress have come to different conclusions as well.

Another thing that he forgot to mention was that the police were not the first people to encounter Foster's body. He mentioned a national park policeman who found the body. The fact of the matter is that the park policeman did not find the body. The body was found by a man called C.W., the confidential witness, who was the first person on the scene.

I have a sworn statement, where I went out to his home with a court reported and two other Congressmen, from the confidential witness. The FBI questioned him extensively and considers him honest and credible.

"60 Minutes" never talked about him or even mentioned on that program that there was a confidential witness that found the body. "60 Minutes" never read his statement.

The gentleman from Pennsylvania [Mr. CLINGER], who is the chairman of the Committee on Government Reform and Oversight in the House, told "60 Minutes" that he knows more about this subject than any Member of Congress, and, although I have high regard for Representative CLINGER, he never interviewed the confidential witness, although he had an opportunity to do so, and he never read his sworn deposition, which was verified.

Mike Wallace went into great detail during this interview about how the gun was found in Foster's right hand. He said critics of the investigation incorrectly stated that Foster was left-handed. Well, that misses the point entirely. When the confidential witness discovered the body, he looked very carefully. He was within 18 inches of Mr. Foster's face. He looked very carefully and saw no gun in either hand. He was very clear in his statement, in the sworn statement before me and the FBI, that when he found Foster, both hands were palm up with the thumbs pointed out away from the body. When the police arrived on the scene, they found his right hand palm down with the thumb pointed in, the gun on the trigger finger, and the gun was partially obscured by his hand and his leg.

When the confidential witness found the body, the head was looking straight up, and there were no bloodstains on his cheek. When the police arrived, the head was still pointing up, but there was a contact bloodstain on the cheek and the trails of blood running from his mouth and nostrils down the side of his face.

Now, how did Foster's hand get moved and why was there no gun in it when the man found it, and later there was a gun in it? How did Foster's head get moved? It is obvious to me that somebody was there and moved the body.

Now, the Park Police officer, Officer Fornshill, was not, as I said before, the first to discover the body. It was a confidential witness. Park Police Officer Kevin Fornshill told Mike Wallace that Foster's body could not have been moved to the park because the vegetation around him was not trampled.

But the fact of the matter is the confidential witness said in a sworn statement that the vegetation below the body, from the feet all the way down to a path that went all the way around the park, it was trampled flat. There was a narrow path at the bottom of the berm that winds around the perimeter of the park. "60 Minutes" would have known this if they had read his statement, or even decided to look into it and asked.

The confidential witness told the FBI that he saw a half-empty wine cooler body near Foster's body. The Park Police did not find it. What happened to the wine cooler bottle and were there any fingerprints on it? As the confidential witness was leaving the park, he looked inside the white Nissan parked in the lot and saw a half-full package of wine cooler bottles, very similar to the one beside the body, a briefcase, and a suit jacket that looked similar to Foster's suit pants. This was not Foster's car. Foster's car was a gray Honda and it was parked further away, and C.W., the confidential witness, did not walk near it.

Mike Wallace made a big issue out of the amount of blood around the body. He interviewed the medical examiner, who said there was sufficient blood underneath the head and shoulders to conclude that he died at that spot.

This misses the key point. There would have been blood underneath Foster's head, whether he shot himself at the spot or was moved there. The key point is there was no blood spattered on anything behind where Foster was sitting. Anytime someone shoots himself through the mouth, there would be blood splattered all over above him, and there was nothing above him that had any blood on it whatsoever. The vegetation on the path behind Foster was clean.

The first emergency medical services person who arrived at the park, George Gonzalez, commented that it was very unusual for a suicide victim's body to be laid out so neatly, with the feet together and the hands neatly at his side. He told this to the staff of the Committee on Government Operations, and he said: "I find it odd to have the body laid out like it was. I wouldn't expect the hand or body in the position found, the hands perfectly at the side." "60 Minutes," incidentally, did not interview Mr. Gonzalez.

Mike Wallace noted that it was not unusual for Foster's clothes to have carpet fibers on them. Foster's attorney said that Mrs. Foster had just had new carpeting installed in their home. Well, if that is the case, why did the FBI not take carpet samples and match them with the fibers on his clothes? They did not do that.

There were blood hairs on Mr. Foster's body and all over his clothes. Why did the FBI not compare these hairs to the hair of the people Foster knew and was close to?

Here are some other keys points that "60 Minutes" left out in their biased reporting.

First, the Park Police investigation was incomplete and unprofessional. The photos of the crime scene were underexposed and did not turn out. The only photos were of very poor quality and they were made with instamatic cameras.

No search was conducted for any skull fragments. When you blow the top of your head out with a .38 caliber bullet, there are skull fragments and bone fragments all about where the head was. There was none of this, no blood and no brain particles.

No search was conducted for skull fragments, as I said. Only a very cursory search was conducted for the bullet. White House Counsel Bernie Nussbaum refused to allow Park Police officers or the FBI to search Foster's office. In fact, the night of Foster's death, Bernie Nussbaum, the chief counsel of the President, and two other high level White House aides, Patsy Thomason, who was the chief personnel officer, and Mrs. Williams, Hillary Clinton's chief of staff, searched Foster's office and removed files having to do with Whitewater. This was after the Park Police asked that the office be sealed, and it was not sealed for at least 12 hours while they went through and rifled through those papers. Justice Department officials accused Nussbaum of violating an agreement they had reached regarding the search of Foster's office.

Second, the coroner that conducted the autopsy on Foster has made glaring errors in the past. This was not revealed by the "60 Minutes" show. Dr. James Beyer was the coroner who reviewed and did the autopsy on Vince Foster.

Let me tell you about Mr. Beyer. In 1989 there was an autopsy on establishing the death of a man named Tim Easley. Mr. Beyer, the coroner, ruled that Easley killed himself by stabbing himself in the chest. He failed to notice a defensive wound on the man's hand. The case was reopened, and, after an outside expert reviewed the case, Easley's girlfriend confessed to murdering him, after he had been judged a suicide by the coroner. That is one mistake.

In 1991, regarding a Mr. Tommy Burkett, Mr. Beyer did an autopsy on him and ruled that Burkett had killed himself with a gunshot wound to the mouth very similar to Vince Foster's. He said it was a suicide. Mr. Burkett's family had the body exhumed and reexamined by an outside expert. The second coroner reported that Dr. Beyer had failed to notice a disfigured and bloody ear, indicating a struggle, and a broken jaw, indicating he had been hit in the face and his jaw was broken during a struggle. The FBI is now investigating this case. It obviously was a murder or homicide, and not a suicide.

The first special counsel, Robert Fiske, appointed a board of forensic experts to review the Vince Foster case. They concurred in Fiske's opinion that Foster killed himself at Fort Marcy Park. However, they were not appointed until a year after Foster died, and the only way that they could come to the conclusions they did was to read the coroner's report and use that as a guide to come to their conclusions. So they never saw the body, and they veri-

fied he was killed at the park. But the fact of the matter is, they could not possibly have known that, because they only used the coroner's report to come to the conclusions they did.

So, in conclusion, last summer, when the Senate Committee on Banking and Financial Services held a hearing on Foster's death, the FBI testified there was absolutely no doubt that Foster killed himself, and that he killed himself at Fort Marcy Park.

Now, let us review the problems and glaring inconsistencies with this investigation.

First, the eyewitness who found the body testified that he is sure there was no gun in Foster's hand and the hands were in a different position than when the police arrived. That was not mentioned on "60 Minutes."

Second, the confidential witness said there were no bloodstains on the face when he found the body. There were bloodstains on the cheek when the police arrived, indicating it had been moved. When they moved his body, his head went over to the side and blood drained out on the face.

Third, the confidential witness testified he saw a wine cooler bottle close to Foster's body in the park, and a package of similar wine cooler bottles in a car in the parking lot that did not belong to Foster. Where did they come from? Where did that bottle go?

Fourth, despite extensive searchers of the park, the FBI has been unable to find the bullet that killed Vince Foster, and they are still looking for it. Evidently the independent counsel sent them back out there 2 or 3 weeks ago to look for it again.

Fifth, no skull fragments were ever found at the site where Foster's body was found, even though there definitely would have been skull fragments from that kind of a wound.

Sixth, there were no fingerprints on the gun. Get this: The gun was in his hand, and there were no fingerprints on the gun. The FBI said they probably, get this, "melted off in the heat." And yet when they took the gun apart, they found fingerprints there from the time the gun was made at the factory.

Seventh, there were no fingerprints on the suicide note found in Foster's briefcase in his White House office. It was torn up into 28 pieces, and the first few times the briefcase was searched, they could not find the note at all, even though they turned it upside down, and there were no fingerprints on it.

Eighth, the coroner who conducted the autopsy of Foster's body has made glaring errors of high profile cases in the past. In one case, a body had to be exhumed and reexamined in order to change the ruling from suicide to murder.

Ninth, security guards working at the Saudi Arabian Ambassador's residence across the street from the park, within 100 yards, 300 feet, with guards outside all day and night, heard no gunshot.

10/31/95 17:49

Tenth, Foster's shoes were completely clean, with no grass or dirt stains, even though he was supposed to have walked 700 yards through the park to the second cannon.

No. 11, the FBI never made any attempt to identify the carpet fibers or the blond hair on Foster's clothing.

No. 12, the police photos at the death scene did not turn out, leaving a serious lack of documentation of the death scene.

With all of the glaring problems, can you imagine the FBI telling the Senate Banking Committee there could be no doubt about where and how Foster died? With all of these glaring problems, can you imagine what Johnny Cochran, F. Lee Bailey, and O.J. Simpson's other lawyers would have done in a case like this?

Independent Counsel Starr is still investigating this death. "60 Minutes" should not jump to conclusions until Mr. Starr has completed his investigation, and Members of Congress should not jump to conclusions until Mr. Starr completes his investigation as well.

So I just would like to say to my friends at "60 Minutes," Mr. Wallace, Mr. Hewlitt, and everybody else, before you make the kind of determination that you did and do the kind of reporting that you did 2 weeks ago, please talk to all the people involved, especially eyewitnesses. The man who found the body, who gave a sworn statement under oath to me and to two other Congressmen, was never contacted, never interviewed, and nobody has seen that report, even Mr. CLINGER, who is the chairman of the Committee on Government Reform and Oversight here in the House.

So I just say that I think it was a bad piece of reporting, and I would urge them to be more thorough in the future.

TO: BRETT KAVANAUGH Revised 7/25/95

FROM: SA C.L. REGINI

SUBJECT: DISCREPANCY LIST

The following list is my last comprehensive outline of all of the noted discrepancies, inconsistencies, and problems that have been identified in the Vincent W. Foster death investigation to date. The outline is broken down into the following areas: U.S. Park Police, Emergency Medical Technicians (EMTs), the White House, Northern Virginia Medical Examiner, Miscellaneous, and Forensic Examinations. Although mostly the same as the previous list of 6/21/95, there are a few additions, particularly under USPP and Medical Examiner:

I. U.S. Park Police

A. No gunshot residue samples of the decedent's hands.

B. Lack of complete documentation of the gunshot residues on the left hand.

C. Poorly diagrammed death scene; lack of measurements.

D. No photo log; no documentation regarding who took what photographs, and the total number of photos.

1. Edwards initialed Ferstl's photographs.

2. Ferstl is unsure of the exact number of photographs he took with Edwards camera.

E. Death scene 35mm photos did not develop.

F. No documentation regarding the initial search of the decedent's vehicle at the death scene- no inventory.

G. Photo of an unidentified briefcase next to a U.S.P.P. vehicle.

H. Decedent's pager returned too soon; no records obtained regarding previous pages.

I. Suicide weapon processed with dust prior to other laboratory exams.

1. No latent prints of any kind; value/no-value.

J. Inconsistent statements regarding moving and searching the body. (Rolla, Braun, Simonello, Hodakaviec)

K. Inconsistent and poorly documented autopsy.

1. Morrissette's report.

2. No gunshot residue samples from hands.

3. No fingernail clippings/scrapings.

1-Tuohey
1-Ewing
1-Lueckenhoff
1-Kavanaugh
1-Gillis
1-McCarrick
1-Clemente
1-29D-LR-35063

4. No major case prints of decedent.
5. No photo of left hand.
6. Possible contamination of evidence subsequent to autopsy at M.E.'s Office.
7. Inconsistent statements regarding what was done to the body prior to autopsy.
8. No description of body and clothing prior to autopsy.

L. Possible contamination of evidence at U.S. Park Police facility.
M. Poor interview and documentation of witnesses at death scene (Doody and Feist).
N. Photo of an unidentified white male wearing plainclothes at death scene.
O. Inconsistent statements regarding vehicle doors being locked/unlocked. (Braun, Rolla, Hodakievic, Simonello, Gavin)
P. All photographs not produced pursuant to initial subpoena.
Q. Inadequate and incomplete metal detector search by the USPP. (Operators had no prior experience or training)
R. Eyeglasses and revolver lifts contain trace evidence.
S. Case was closed prior to completion of laboratory exams.
T. Inconsistent statements of Officer Watson, Jeff McGaughey, and Braun regarding Watson's and McGaughey's actions/observations at the scene.
1. Watson is the Special Forces officer that responded to the scene.
U. Watson did not notify Gavin, as requested by Braun at approximately 7:30 p.m.
V. No neighborhood investigation.
1. Did not obtain video from Saudi residence of second entrance.
W. Incorrect number of torn pieces of note in Simonello's report.
X. No documentation of the latent prints of value that were obtained from the decedent's vehicle.
1. The prints were identified by the FBI Lab.
Y. Incomplete search of the decedent's vehicle.
1. Numerous items were not taken as evidence; they were later obtained by OIC FBI agents.

II. Inconsistent statements and observations of Fairfax County Fire and Rescue personnel.
A. Wound on neck (Arthur: .45 cal. bullet hole.)
B. Gun under thigh.
C. Wound on upper right front of skull (Gonzales).
D. Briefcase in vehicle.
E. Unidentified person in woods (Hall).
F. Vehicle doors locked.
G. Death scene photos do not accurately depict scene.
H. Two unidentified white males walking from death scene.
I. Color of gun was silver.
J. Type of gun was semiautomatic pistol (Arthur).
K. Statements of initial paramedics at scene regarding their actions are inconsistent with Fairfax County paramedic protocols.

L. Report coded as a homicide (Ashford).

III. Medical Examiner

A. X-rays

1. Autopsy report indicates x-rays were taken.

2. Morrissette's report indicates Beyer told him x-rays were taken.

B. All individuals present at autopsy not indicated on autopsy report.

C. No photographs of decedent's left hand.

D. Inconsistent statements regarding removal of decedent's tongue and palate.

E. Inconsistent "on-scene" times reported for Dr. Haut; 7:40 pm and 7:15.

F. Stomach contents; no definitive digestion time, or positive identification.

G. "Cross-hatched" lines in autopsy diagram- discrepancy between Dr. Luke's autopsy review and 7/13/95 conversation with Dr. Beyer.

IV. White House

A. Foster's office unsecured until 7/21/93, approximately 10:10 a.m.

1. Patsy Thomasson, Maggie Williams, Bernie Nussbaum search Foster's office.

B. Confidential trash bag removed and replaced.

C. Nussbaum enters office; removes small photo.

D. Pond rearranges papers on Foster's coffee table.

E. Exclusive initial review of documents by Nussbaum.

F.Torn note found one week later in briefcase previously searched by Nussbaum.

G. Note not released to investigators until the following week; a day after it was discovered.

V. Miscellaneous

A. CW's inconsistencies.

1. positioning of decedent's hands.

2. no gun.

3. winecoolers and briefcase in vehicle.

4. trampled area around death scene.

5. does not see white car occupied.

B. Inconsistencies between Doody and Feist's statements.

1. Inconsistencies between USPP interviews and FBI interviews of Doody and Feist.

2. Their statements re- other people at the park were "completely ignored" by Fiske investigators.

C. No initial investigation of the park's "second entrance".

D. No one heard a gunshot.

E. The gun exemplifies a "drop gun".

F. No matching ammo at the decedent's residence.

G. The decedent's grip on the gun was not the simplest nor the easiest to shoot himself in the mouth.

H. The decedent never previously spoke of suicide.

I. The decedent had no particular obsession, "dire

predicament", or one thing that would have put him over the edge.

J. The decedent had dealt with stress before.

K. The suicide weapon has never been positively identified as belonging to the decedent, or the decedent's father.

1. Family members have been unable to reliably and conclusively identify the gun.

L. Lisa Foster's initial spontaneous question "was the gun in his mouth?".

M. Five unaccounted for hours between the time the decedent left work and was discovered dead.

N. Lack of blood at death scene.

O. No bullet.

P. No cadaveric spasm causing decedent to clench gun.

Q. The gun did not fly out of the decedent's hand.

R. No chipped teeth noted by M.E.

S. No flashburns inside mouth noted by M.E.

T. The mortician lost the original embalming report and diagram.

U. The decedent's glasses were discovered 13' downslope from his body.

V: The positioning of the body is inconsistent with suicide; body neatly laid out; "as if it was in a coffin".

W. Fairfax Hospital Laboratory Supervisor statement re-gunshot wound to middle of head.

X. Helen Dickey telephone call to Roger Perry.

Y. Committed suicide at an unfamiliar location.

Z. No suicide note.

A1. No previous mention of suicide.

B1. Ate lunch prior to committing suicide.

C1. Jeff McGaughey's statements are inconsistent with Officer Watson's.

D1. USSS memo of SA Scott Marble, dated 7/20/93, re-decedent's body discovered in his car, and revolver recovered in car.

E1. Other witnesses were in the park (Ruddy article of 6/14/95).

1. Several men wearing orange vests.

2. Several people who entered the park through the rear entrance and encountered police.

F1. Enhanced photographed depicts a wound on neck.

G1. Not an independent investigation (Ruddy article of 6/19/95).

1. Tuohey conflicts.

2. Colombell oppositon/resistance.

H1. Eyeglasses found 13' from body.

VI. Forensic Examinations

A. Unidentified latent print inside grip of suicide weapon.

B. Unidentified blonde head hairs.

C. Unidentified carpet fibers.

D. Unidentified stain on shirt. (Dr. Lee).

E. Unidentified gunpowder in scrapings.

F. The decedent's head was moved.

G. No blood on suicide weapon.

H. No soil on shoes. (mica flakes)

I. Large semen stain in the decedent's underwear.

J. Blood flowed uphill (video).

K. Excavation of site disputed.

L. Possible blood on handkerchief (Item 4a)

M. Inconsistent vegetation at death scene.

N. Polaroid photos depict decedent's hand in different positions.

O. FBI Lab relied on third generation photographs for their examinations; copies of copies.

2ND STORY of Level 2 printed in FULL format.

Copyright 1996 The San Diego Union-Tribune
The San Diego Union-Tribune

October 18, 1996, Friday

SECTION: NEWS; Ed. 1,2,3,4,5,6,7,8; Pg. A-1

LENGTH: 1312 words

HEADLINE: Transcript bares warring emotions of SDSU gunman

BYLINE: Bill Callahan
STAFF WRITER

BODY:
"Kill" was the password on Frederick Davidson's home computer. And killing was exactly what the graduate student had on his mind when he systematically gunned down three professors in an SDSU engineering classroom in August.

But as Davidson was mulling murder, he also was feverishly putting the final preparations on a thesis he was to present to the men he would kill.

As he concealed in his backpack the semiautomatic handgun he chose for his deadly mission, Davidson simultaneously packed the suit he intended to wear to impress the professors.

This portrait of contradictions emerged in a grand jury transcript made public yesterday.

It is undisputed that Davidson fired th
tragedy and its first campus slaying in 22
premeditated and cold-blooded or prompted b
will be hotly debated in what could be a ca

Hundreds of pages of grand jury transcri
accounts of the Aug. 15 shooting. They alsc
murder-suicide note and a card to his mother

Finally, they provide Davidson's explanat
his instructors were torpedoing his attempts

The testimony to the grand jury was the ba
on charges of murdering Chen Liang, Preston L
Lyrintzis. It indicates that Davidson's frust
was first believed by friends and classmates -
thesis, but rather on his treatment by his pro

There was also an underlying worry about be
"old notes," or other students' work, accordinc
during two days of hearings.

"He (Davidson) told me he felt Dr. Liang was [illegible] busywork that had nothing to do with his thesis project and . . . Dr. Lyrintzis was preventing him from gaining employment," Joseph Cristinziana, a San Diego homicide detective, testified.

Brett -
The police/pathology evidence research you requested. This was a rough cut for only the last 5 months in Lexis/Nexis.
TR.

2ND STORY of Level 2 printed in FULL format.

Copyright 1996 The San Diego Union-Tribune
The San Diego Union-Tribune

October 18, 1996, Friday

SECTION: NEWS; Ed. 1,2,3,4,5,6,7,8; Pg. A-1

LENGTH: 1312 words

# HEADLINE: Transcript bares warring emotions of SDSU gunman

BYLINE: Bill Callahan
STAFF WRITER

BODY:

"Kill" was the password on Frederick Davidson's home computer. And killing was exactly what the graduate student had on his mind when he systematically gunned down three professors in an SDSU engineering classroom in August.

But as Davidson was mulling murder, he also was feverishly putting the final preparations on a thesis he was to present to the men he would kill.

As he concealed in his backpack the semiautomatic handgun he chose for his deadly mission, Davidson simultaneously packed the suit he intended to wear to impress the professors.

This portrait of contradictions emerged in a grand jury transcript made public yesterday.

It is undisputed that Davidson fired the shots in San Diego State's worst tragedy and its first campus slaying in 22 years. But whether the acts were premeditated and cold-blooded or prompted by a long-lingering mental illness will be hotly debated in what could be a capital case.

Hundreds of pages of grand jury transcripts contain the first eyewitness accounts of the Aug. 15 shooting. They also disclose that Davidson wrote a murder-suicide note and a card to his mother the night before.

Finally, they provide Davidson's explanation to police of his motive: that his instructors were torpedoing his attempts to land a job.

The testimony to the grand jury was the basis for an indictment of Davidson on charges of murdering Chen Liang, Preston Lowrey III and Constantinos Lyrintzis. It indicates that Davidson's frustrations were not centered -- as was first believed by friends and classmates -- on concerns over his master's thesis, but rather on his treatment by his professors and on not finding work.

There was also an underlying worry about being discovered cheating by using "old notes," or other students' work, according to witnesses who testified during two days of hearings.

"He (Davidson) told me he felt Dr. Liang was giving him busywork that had nothing to do with his thesis project and . . . Dr. Lyrintzis was preventing him from gaining employment," Joseph Cristinziana, a San Diego homicide detective, testified.

"He believed that Dr. Lowrey had seen him with old notes . . . (which) he said a student was not supposed to have. . . . He indicated that this was considered cheating."

Bloody chaos ing."

Bloody police headquarters for nearly four hours shortly after the professors were shot and killed in the classroom complex.

Seconds before he pulled out the handgun, Davidson handed Liang an e-mail message he said was from a prospective employer interested in him, Cristinziana testified.

"However, the company told him that his hiring depended upon his thesis defense and depended upon positive feedback from the professor," the detective said.

Davidson told Cristinziana that before Liang could respond, "I felt this was another ambush."

He quickly moved to a first-aid kit on a wall where he had hidden a 9 mm semiautomatic handgun that morning. Without a word, Davidson opened fire, the detective said.

Bloody chaos ensued, according to versions provided by Davidson, two of three students who saw the shooting and a deputy medical examiner who conducted autopsies on the professors:

Liang fell, mortally wounded, from his seat at a table where he sat with his two colleagues. Three students, attending to support Davidson and experience first-hand the review process, scattered in fear.

Lowrey and Lyrintzis tried to run after being hit by spraying bullets. Lowrey collapsed and died near a door.

Lyrintzis fled to an adjoining room and ducked under a table. Davidson followed him, slamming another clip of ammunition into the gun. He fired again after he noticed that Lyrintzis was still moving.

Lyrintzis pleaded, "Fred, no!" before Davidson shot him again.

Davidson fired 23 rounds from the Taurus PT-92 he had purchased 10 months earlier, and 16 of them hit the professors, some in their backs.

Investigators found teeth, hair, blood and body fragments splattered on the walls and floor of the laboratory. A computerized picture of a nuclear bomb explosion that Davidson had downloaded from the Internet was tacked to the wall.

Davidson surrendered to campus police minutes after the shooting and investigators found his wallet and a note on the floor of the hallway outside the classroom.

The note read: Dorothy Drive, San Diego California, 92115. You will find all you are looking for on the bottom shelf of my bookcase. Also find M.S.N. (murder-suicide note) and M.S.N. Two files on computer and removeable drives

in cabinet, password, Kill.' "

A voluminous amount of material was seized from Davidson's home, but it has not been made public. Prosecutor Rick Clabby said investigators are still reviewing it.

Fighting delusions? Kate Coyne, said the materials include detailed logs that confirm Davidson was slowly losing touch with reality because of a long-standing mental illness.

"He was constantly equivocating between his delusion and his value system, and as time went by, it is clear that the delusional system was gaining control," Coyne said in an interview yesterday.

"At the same time that he headed off to school and mailed a suicide note to his mom with $240 in it, he's trying to finalize a thesis that he has no intention of presenting," she said. "That's psychotic behavior."

Coyne said it was obvious to at least one of the grand jurors that Davidson was suffering from mental illness because the juror raised a question about psychiatry and psychology.

"But this case has been presented by the District Attorney's Office from day one as one of revenge over his thesis, and the jury was presented only one-sided testimony that excluded any evidence of mental illness," she said.

Prosecutor Clabby replied that the grand jury did not hear testimony about Davidson's mental status because none of the witnesses knew about it or had expertise in that area.

"The police contacted Mr. Davidson's mother in an attempt to find out anything about that, but she refused to talk to them," he said.

Clabby has argued in court that the killings were carefully planned and cold-bloodedly carried out by an educated man.

A senior panel of prosecutors has recommended that the death penalty be sought in the slayings, but District Attorney Paul Pfingst has delayed making a final decision to allow the defense to give him more information.

Coyne maintains Davidson should not be executed for killing the professors because he was delusional at the time.

"This is not going to be a whodunit," she said. "We acknowledge that he pulled the trigger, but he should not be punished by death for his mental problems."

Coyne said she will show that Davidson's mental problems are genetic. She said Davidson's grandmother was committed to a state mental hospital and his father has suffered psychological problems that surfaced when he was in college.

Two students who witnessed the shootings told the grand jury that Davidson struck up friendships with them and complained about his professors. He talked about movies with "bombs, guns and explosions," they said.

One of the students, Frans De Graaf, said he cowered in a corner with his eyes closed and his hands over his ears when the gunfire started.

"I tried to hide somewhere but there was no place to hide," he said. "I expected a bullet in a moment."

Davidson, however, told police he had no intention of killing the students.

"He told me he wasn't angry with them," Detective Cristinziana testified. "He had nothing against them."

Davidson left suicide notes and begged campus police to kill him when they arrested him outside the classroom.

Cristinziana told the grand jury that he asked Davidson, "Why didn't you shoot yourself?"

"He told me the tension was gone and it was pure cowardice," the detective said.

GRAPHIC: 1 PHOTO; Frederick Davidson: Transcript shows two sides.

LANGUAGE: ENGLISH

LOAD-DATE: October 19, 1996

4TH STORY of Level 2 printed in FULL format.

Copyright 1996 Arkansas Democrat-Gazette
Arkansas Democrat-Gazette

October 06, 1996, Sunday

SECTION: NEWS; Pg. 1B

LENGTH: 571 words

HEADLINE: TV hour about Foster's death draws no startling conclusions

BYLINE: FRANK WOLFE, Democrat-Gazette Staff Writer

BODY:

The Arts & Entertainment cable channel spent an hour Saturday night delving into the mystery of Deputy White House Counsel Vincent Foster's death. Its conclusion was hardly surprising.

Host Bill Curtiss pronounced that "no hard evidence has yet surfaced to prove that Vince Foster's death was anything other than a depressed and troubled man's determination to kill himself."

A&E "Investigative Reports" talked to Foster friends, journalists and Park Police officials and with "conspiracy theorists" who believe that Foster was murdered or the White House is covering up something about his death.

Park Police found Foster's body in Fort Marcy Park in northern Virginia on July 20, 1993. The park is near McLean, a suburb of Washington, D.C.

At the time, Foster and the White House were reeling from the Whitewater and Travelgate affairs.

The show featured on-camera interviews with three Park Police officers who were on the scene after the Foster suicide: Detective John Rolla, officer Peter Simonello and Sgt. Cheryl Braun.

"Anybody who could have seen the scene the way it was that day could never have any doubt in their mind that this was a self-inflicted gunshot wound," Braun said.

But the program did lay out mistakes made in the investigation that have spawned a "cottage industry" of conspiracy theories.

Simonello took 24 crime scene photographs. They were too dark to be of any value. Rolla took Polaroids as a backup but lost several of them, according to A&E. The show said that the Foster case was Rolla's first death investigation and he had previously worked as a narcotics officer.

James Beyer, the Fairfax County, Va., medical examiner who conducted the autopsy on Foster's body, filled out his report to read that X-rays had been performed. But under congressional questioning, he testified that he had filled out the report ahead of time affirming that he X-rayed the body but had not X-rayed Foster's body because he had not been getting the X-ray equipment to

work.

White House aides also removed Foster's files from his office after his death.

The show also pointed out some curiosities about the Foster death -- a missing bullet, the small amount of blood at the scene, the .38 Army Colt Special that was stuck in Foster's hand.

Those interviewed who believe Foster's death was more than a suicide were Watergate co-conspirator and radio talk show host G. Gordon Liddy, conservative media watchdog Reed Irvine, British journalist Ambrose Evans-Pritchard and Dallas lawyer Hugh Sprunt.

The show also interviewed New York Times columnist Frank Rich and former U.S. Attorney Joseph DiGenova, both of whom discount the theories circulating that Foster's death was other than a suicide. "The whole thing is just goofy," DiGenova said.

James Stewart, a former Wall Street Journal writer and the author of the best seller "Blood Sport," told the show that Foster's death remains a mystery and people are mystery fans. The show also talked with several of Foster's and Clinton's Arkansas friends --advertising executive Skip Rutherford, Little Rock lawyer Joe Purvis and David Porterfield, who grew up with Clinton and Foster in Hope.

"The last time I talked to him I never heard anybody sound as tired and worn-out, literally as if he had the weight of the world on his shoulders," Purvis said of Foster.

GRAPHIC: Photo by CHRIS JOHNSON, Arkansas Democrat-Gazette

Vincent Foster's death is the focus of an A&E "Investigative Reports" Saturday.

LANGUAGE: ENGLISH

LOAD-DATE: October 22, 1996

20TH STORY of Level 2 printed in FULL format.

Copyright 1996 The Hearst Corporation
The Times Union (Albany, NY)

September 12, 1996, Thursday, THREE STAR EDITION

SECTION: MAIN, Pg. A1

LENGTH: 1298 words

HEADLINE: Autopsies challenge mission of Kevorkian

BYLINE: THOMAS MAIER Newsday

HIGHLIGHT:
Reports reveal that few of his suicide patients were terminally ill

BODY:
For the past six years, Dr. Jack Kevorkian has provided a lethal alternative to those he says are dying and in pain. In the process, he has almost single-handedly ignited a national debate on doctor-assisted suicide now heading to the Supreme Court.

Kevorkian's solution -- death by carbon monoxide poisoning or through an injection of potassium chloride -- has overcome several legal tests. He has won acquittal in three criminal trials in his quest to allow people the right to decide when they should die. And polls show many Americans now favor doctor-assisted suicide in some legalized form.

But a Newsday examination of autopsy reports shows as few as nine of the 40 known suicide victims were terminal when they ended their life, meaning the diseases or conditions they had would have killed them within six months. And in three cases, autopsies found no discernible evidence of disease.

Additionally, the autopsies overseen by Oakland County Medical Examiner L.J. Dragovic in suburban Detroit showed evidence that several individuals were heavily drugged before undergoing the procedure that ended their life, or were physically unable to do the things they needed to do in order to commit suicide.

Kevorkian and his attorney, Geoffrey Fieger, have argued that ''quality of life'' is the essential determining factor in seeking assisted suicide, whether or not they are terminally ill. But critics say the autopsy results raise serious concerns about Kevorkian's rationale, his guidelines and a methodology that remains largely shrouded in mystery.

Those concerns include whether the individuals who committed suicide with Kevorkian's help were adequately informed about their own medical conditions and about such suicide alternatives as improved pain-management programs and psychological support networks.

Fieger contends that Kevorkian, a 68-year-old retired pathologist, enjoys widespread public support and says such distinctions about the terminal condition of suicide victims are ridiculous. He called Dragovic's autopsies biased and said they've been refuted by the juries that acquitted his client.

In the past, Fieger said that before Kevorkian would take action each person ''must be suffering from a fatal or irremediable condition from which they'll never recover, and that the patient's family entirely agree.''

Each person's desire for suicide, Fieger said then, ''must never waver.'' All are asked for signed and videotaped statements to that effect.

In a recent interview, however, Fieger said, ''People have an absolute right to make decisions about their life and suffering without anybody else telling them what to do. It's so obvious that the opponents' beliefs are based upon religion and nothing else.''

Kevorkian's approach runs strongly counter to the goals of two federal appeals court cases that earlier this year affirmed a dying patient's right to doctor-assisted suicide. Lawyers in those cases, which the Supreme Court is being asked to consider, argue that only terminal patients in the final stages of illness should be eligible for assisted suicide.

''We've suggested guidelines from the very beginning that at least two different physicians are needed to verify the terminal stage of illness,'' said Barbara Coombs Lee of Compassion in Dying, the Seattle-based group that has sponsored both federal lawsuits. ''If you don't have a fair and compassionate law, then you have a degree of lawlessness with people like Kevorkian, who is beyond the law.''

In examining the available Kevorkian files, Newsday gained access to 32 complete autopsies at the Oakland County medical examiner's office. Authorities in Detroit also provided details on three cases handled there. Autopsies on four other cases, ruled as suicides in neighboring counties, were incomplete or unavailable. Records were also unavailable in a suicide last Saturday.

The results:

Many who committed suicide with Kevorkian's aid either did not know -- or chose to ignore -- medical evidence that their conditions were not fatal. Although nine were judged to be in the final stages of terminal illness, autopsies showed that 17 suicide victims did not have diseases considered, by definition, to be life-threatening. This includes several with debilitating, but not fatal, forms of multiple sclerosis and other diseases like Alzheimer's.

Toxicology reports show that eight suicide victims in the past year received powerful doses of barbiturates and other mood-altering drugs several minutes before the suicide procedure. Outside experts told Newsday that the level of drugs found in the blood and urine of those assisted by Kevorkian raises concerns about their state of mind in the final minutes before the assisted-suicide procedure.

In determining that 27 cases were ''homicides'' rather than ''suicides,'' Dragovic has questioned whether some of those assisted by Kevorkian were physically capable of putting on a gas mask or injecting a needle. In at least five cases, the medical examiner said those who died with Kevorkian's help were sleeping or unconscious when the fatal dose of potassium chloride entered their bloodstream.

Kevorkian's screening process and his ability to advise anyone considering suicide has been sharply criticized. In revoking his license in 1994, the California Medical Board found Kevorkian lacked the qualifications and skill to determine whether the suicide victims ''understood, appreciated and possessed the requisite competence to make the decision to commit suicide.''

It cited the case of one woman who committed suicide in 1991, who had a longstanding ''obsession with pelvic pain'' that other doctors could not detect, records show. Recently, similar concerns were voiced about Kevorkian's part last month in the suicide of a Massachusetts woman who allegedly had been a victim of domestic abuse. In both instances, autopsies later showed no discernible illness.

Evidence of depression or other past emotional problems existed with several of those whom Kevorkian assisted, autopsy records show.

And despite Kevorkian's claim of family unity in his assisted suicide cases, medical records and interviews indicate deep misgivings or outright refusal to cooperate among some relatives and previous physicians who objected.

Fieger rejects any contention that suicide victims were too drugged or emotionally impaired to make well-considered decisions.

Family members told Newsday that they are told not to discuss who put the needle into their loved one's arm, or how the gas started to seep into the mask.

Yale Kamisar, a law professor at the University of Michigan, said, ''He makes sure the patients are videotaped, and all the family agrees with him and have an investment in the case because they sided with him. In a sense, if he was convicted, they become accomplices. They have a stake in Kevorkian's acquittal.'' FACTS:How Kevorkian's patients die Dr. Jack Kevorkian has alternated between two different methods to help people commit suicide -- intravenous chemicals and carbon monoxide. Here is how the methods work: SUICIDE MACHINE: Used: 1990-91, 1995-96 How it works: Kevorkian's machine, crafted from rummaged parts, helps a patient administer a deadly intravenous mixture of chemicals. The Oakland County, Mich., medical examiner said autopsies indicate Kevorkian's patients appear to have been given a dose of barbiturates, followed by a lethal dose of potassium chloride. CARBON MONOXIDE: Used: 1991-96 How it works: Patient inhales carbon monoxide from a tank, triggering the gas flow by pulling a makeshift handle attached to its on-off valve. SOURCE: Oakland County Medical Examiner; Detroit News AL6 0018 960913 N S 0912960017 00006552

LOAD-DATE: September 13, 1996

21ST STORY of Level 2 printed in FULL format.

Copyright 1996 Newsday, Inc.
Newsday

September 8, 1996, Sunday, ALL EDITIONS

SECTION: NEWS; Page A05

LENGTH: 4391 words

HEADLINE: WAITING AT DEATH'S DOOR / AS KEVORKIAN-AIDED SUICIDES MOUNT, AUTOPSY FILES RAISE SERIOUS QUESTIONS OVER PRACTICES, SCREENING

BYLINE: By Thomas Maier. STAFF WRITER

BODY:

Janet Adkins was the first.

She recognized the early signs of Alzheimer's disease and didn't want to linger, to witness her own demise. So in June, 1990, stretched out in the back of a Volkswagen van parked at a Michigan campground, Adkins acted on her long-held belief - that anyone suffering should have the right to end their own life.

As a deadly poison flowed into her veins from a "suicide machine" concocted by Dr. Jack Kevorkian, the 54-year-old Oregon woman became the first person to commit suicide with his help.

Her last words, Kevorkian has said, were, "You just make my case known."

Rebecca Badger sought Kevorkian's help this summer. The 39-year-old California woman agonized about multiple sclerosis and feared she was dying. She, too, committed suicide with Kevorkian's assistance. After she died, he wheeled her still-warm body into the local emergency room.

When his time came in 1993, Hugh Gale, 70, who had emphysema and heart disease, put on a gas mark in his house as his wife and Kevorkian watched. As the poisonous gas seeped into the mask, Gale reacted suddenly. "Take it off, take it off," he shouted through the mask, momentarily stopping the procedure.

Twenty minutes later, though, Gale put the mask back on, and died.

For the past six years, Jack Kevorkian has provided a final solution to those he says are dying and in pain. In the process, he has almost single-handedly ignited a national debate on doctor-assisted suicide now heading directly to the U.S. Supreme Court.

Kevorkian's solution - death by carbon monoxide poisoning or through an injection of potassium chloride - has overcome several legal tests. He has won acquittal in three criminal trials, while comparing himself to Thoreau and Gandhi in his quest to allow people the right to decide when they should die. And polls show many Americans now favor doctor-assisted suicide in some legalized form.

As he vowed after his most recent acquittal in May, "The only thing that would stop me in this was being burned at the stake."

But a Newsday examination of autopsy reports show as few as nine of the 40 known suicide victims were terminal when they ended their life, meaning the diseases or conditions they had would have killed them within six months. And in three cases - including the death of Rebecca Badger who complained of multiple sclerosis - autopsies found no discernible evidence of disease.

(Yesterday, Kevorkian's lawyer announced the death of the 40th suicide, Isabel Correa, 60, of Fresno, Calif. It was also reported yesterday that Kevorkian said he had assisted others in secret.)

Additionally, the autopsies overseen by Oakland County Medical Examiner L.J. Dragovic in suburban Detroit showed evidence that several individuals were heavily drugged before undergoing the procedure that ended their life, or were physically unable to do the things they needed to do in order to commit suicide.

Kevorkian and his attorney, Geoffrey Fieger, have argued that "quality of life" is the essential determining factor in seeking assisted suicide, whether or not they are terminally ill. But critics say the autopsy results raise serious concerns about Kevorkian's rationale, his guidelines and a methodology that remains largely shrouded in mystery.

Those concerns - voiced by a wide range of experts, including the American Medical Association - include whether the individuals who committed suicide with Kevorkian's help were adequately informed about their own medical conditions and about such suicide alternatives as improved pain management programs and psychological support networks.

"It's important for people to know whether they are in the terminal stage and to be adequately informed in making their judgments," said Dragovic, whose office has overseen all but seven of the autopsies. "In most of these cases, you're looking at people who are sick but are not terribly ill. The common denominator for all these people is a loss of hope."

Although Kevorkian has avoided criminal conviction, his medical license was suspended in Michigan and revoked in California.

Kevorkian declined to be interviewed. But Fieger contends the 68-year-old retired pathologist enjoys widespread public support and says such distinctions about the terminal condition of suicide victims are ridiculous. He called Dragovic's autopsies biased and said they've been refuted by the juries that acquitted his client.

"Don't talk to me about anything written on those certificates of death because everything written there is a lie," Fieger said. "So I mean if you want to talk to me about reality you can. But let's not talk about Dr. Dragovic because we know he writes down homicide when we know it's a suicide. You know, he writes down these people aren't terminal when we know they are. Stuff like that."

In the past - during a 1993 interview with television's Barbara Walters, for instance - Fieger said that before Kevorkian would take action each person "must be suffering from a fatal or irremediable condition from which they'll never recover, and that the patient's family entirely agree."

Each person's desire for suicide, Fieger said then, "must never waver." All are asked for signed and videotaped statements to that effect.

In a recent Newsday interview, however, Fieger said, "People have an absolute right to make decisions about their life and suffering without anybody else telling them what to do. It's so obvious that the opponents' beliefs are based upon religion and nothing else."

Kevorkian's approach runs strongly counter to the goals of two federal appeals court cases that earlier this year affirmed a dying patient's right to doctor-assisted suicide. Lawyers in those cases, which the U.S. Supreme Court is being asked to consider, argue that only terminal patients in the final stages of illness should be eligible for assisted suicide and sharply disavow Kevorkian's open-ended practices.

"We've suggested guidelines from the very beginning that at least two different physicians are needed to verify the terminal stage of illness," says Barbara Coombs Lee of Compassion in Dying, the Seattle-based group that has sponsored both federal lawsuits. "If you don't have a fair and compassionate law, then you have a degree of lawlessness with people like Kevorkian, who is beyond the law."

In examining the available Kevorkian files, Newsday gained access to 32 complete autopsies at the Oakland County, Mich., medical examiner's office. Authorities in Detroit also provided details on three cases handled there. Autopsies on four other cases, ruled as suicides in neighboring counties, were incomplete or unavailable for review. Records were also unavailable in yesterday's suicide.

The results:

- Many who committed suicide with Kevorkian's aid either didn't know - or chose to ignore - medical evidence that their conditions were not fatal. Although nine were judged to be in the final stages of terminal illness, autopsies showed that 17 suicide victims did not have diseases considered, by definition, to be life-threatening. This includes several with debilitating, but not fatal, forms of multiple sclerosis and other diseases like Alzheimer's.

- Toxicology reports show that eight suicide victims in the past year received powerful doses of barbiturates and other mood-altering drugs several minutes before the suicide procedure. Outside experts told Newsday that the level of drugs found in the blood and urine of those assisted by Kevorkian raise concerns about their state of mind in the final minutes before the assisted-suicide procedure. "The numbers are high by any standard," said Dr. Kurt Dubowski of Oklahoma, one of the nation's top toxicologists. "Judgment and decision-making are typically adversely affected by the presence of these drugs."

- In determining that 27 cases were "homicides" rather than "suicides," Dragovic has questioned whether some of those assisted by Kevorkian were physically capable of putting on a gas mask or injecting a needle. In at least five cases, the medical examiner said those who died with Kevorkian's help were sleeping or unconscious when the fatal dose of potassium chloride entered their bloodstream, making them unable to deliver fatal doses to themselves.

In order to convict a person of homicide under Michigan law, officials must show that the death occurred as a direct result of that person's actions. However, because Kevorkian's methodology has been shrouded in secrecy, experts say it's unlikely anyone can be charged in these deaths.

- Kevorkian's screening process and his ability to advise anyone considering suicide has been sharply criticized. In revoking his license in 1994, the California Medical Board found Kevorkian lacked the qualifications and skill to determine whether the suicide victims "understood, appreciated and possessed the requisite competence to make the decision to commit suicide." It cited the case of one woman who committed suicide in 1991, who had a longstanding "obsession with pelvic pain" that other doctors could not detect, records show. Recently, similar concerns were voiced after Rebecca Badger's death in July, and with Kevorkian's part last month in the suicide of a Massachusetts woman who allegedly had been a victim of domestic abuse.

In all three of these cases, autopsies later showed no discernible illness.

- Evidence of depression or other past emotional problems existed with several of those whom Kevorkian assisted, autopsy records show. In taking away Kevorkian's license, the California medical board pointed to the case of Marjorie Wantz, a 58-year-old woman who, it said, was depressed and had a "delusional disorder." Kevorkian ignored the recommendations of her psychiatrist and assisted in her suicide. This month, a study by suicide researchers at Columbia-Michael Reese Hospital in Chicago found that "rather than dissuade his patients in their attempts at suicide, Kevorkian helps them carry out plans about which they may be initially ambivalent."

- And despite Kevorkian's claim of family unity in his assisted suicide cases, medical records and interviews indicate deep misgivings or outright refusal to cooperate among some relatives and previous physicians who objected. "I don't necessarily believe in it," said Nancy McDonald, who accompanied her sister, Patricia Cashman, when she committed suicide last November. "But it was her choice."

Fieger rejects any contention that suicide victims were too drugged or emotionally impaired to make well-considered decisions, explaining, "If they're being prescribed medications to help their mental condition, they're more lucid."

Together, the autopsies - seen as a whole - offer a compelling, sometimes even chilling, view of Kevorkian's crusade.

About two-thirds who sought Kevorkian's help were women, many divorced or widowed. Sixteen of the women were younger than 50 when they died, with the youngest being 39.

The youngest man who died was a 27-year-old, seeking relief from the fatal Lou Gehrig's disease, the oldest a 78-year-old minister who long advocated doctor-assisted suicide. Nearly all were white.

Those who sought Kevorkian's help said they suffered from a number of painful and potentially life-threatening diseases. Among the 40, eight people had multiple sclerosis, six had Lou Gehrig's disease, and 12 had cancer. Other conditions include Alzheimer's disease and chronic fatigue syndrome.

Most heard of Kevorkian through the media and wrote to him weeks before he agreed to assist in their suicides. Their bodies have been found in motel rooms, a rustic cabin, the home of a Kevorkian associate, and left abandoned in parked cars.

Inside the Kevorkian files, the color snapshots taken by autopsy investigators show several suicide victims with gas masks over their faces, their flesh turned cherry red from carbon monoxide poisoning. At other death scenes, lifeless bodies appear tethered to an intravenous tube from Kevorkian's "suicide machine," dripping lethal liquid into their veins.

Since the first, highly publicized suicide of Adkins in 1990, Kevorkian's devotion to his cause has attracted many followers, both in Michigan, where he is based, and increasingly from around the nation. Last month, his 38th case came from East Northport - Pat DiGangi, a 66-year-old former history teacher who had multiple sclerosis.

Kevorkian is described as friendly and charismatic by those who have witnessed the suicides.

"Dr. Kevorkian is a very nice, benevolent and caring man who will sacrifice everything for what he believes in, and not many people in this world will do that," said John Garcellano, whose mother used a gas mask filled with carbon monoxide to end her life in June, 1995. Garcellano said he watched as "she put it on herself - badly."

Despite his own initial doubts, Garcellano said his mother, a nurse who had Lou Gehrig's disease, was determined to end her life. When it was over, Garcellano said, "the feeling was of relief for her - no more suffering, no more pain."

The medical examiner's investigation into the 1992 death of Susan Joyce Williams, a 52-year-old homemaker, underscored the powerful allure of Kevorkian's message for those in pain. Before she died, Kevorkian told Williams of the "historic nature" of her case and that she would become the first in his proposed "obitiatric" practice, his invented phrase for doctor-assisted suicide.

In a videotaped consultation with Kevorkian, Williams readily agreed. "I want to die, really," she said. "I'm tired of watching the days go in and out." Her body was so infirmed that she could sign only an "X" as her signature on Kevorkian's permission slip.

Like several assisted by Kevorkian Williams had multiple sclerosis - a painful and sometimes crippling illness that experts say isn't considered terminal and increasingly can be treated with new medications.

"Multiple sclerosis is not a fatal disease," said Arney Rosenblat, a spokeswoman for the National Multiple Sclerosis Society. "It is, however, a very unpredictable disease with people often paralyzed one day and walking the next. We believe it is the ignorance of available options which makes individuals vulnerable to physicians like Dr. Kevorkian."

After Williams' death, Kevorkian said her family completely agreed with her suicide decision, though investigative records indicate deep division. Three

of Williams' four sisters were against suicide, autopsy records said, while her husband and son agreed with her wishes.

Williams' previous doctor refused Kevorkian's request for treatment records. "I don't want to have anything to do with you," he told Kevorkian. Her family priest also expressed his concerns.

"In my opinion, Dr. Kevorkian is taking advantage of Sue Williams, who is being asked to go through with something that she has always been taught is wrong," wrote the Rev. Robert B. McGrath in a letter contained in the autopsy file. "The nature of her debilitating disease makes her vulnerable to any bizarre idea that comes along."

Nonetheless, many family members of people who had multiple sclerosis and decided to end their lives remain strongly supportive of Kevorkian, and criticized Dragovic's decision to label these deaths as homicides.

"MS is not considered a terminal disease, but the medical examiner didn't know my mother," said Sherry Lynn Johanson, the daughter of Linda Henslee, 48, who died in January. "My mother didn't consider herself to be living anymore. She was bedridden and in a great deal of pain. There was nothing left of her except her mind. Her body didn't work anymore."

One of Kevorkian's first cases involved Marjorie Wantz, 58, who committed suicide with a fatal injection in October, 1991. Dragovic declared her case a homicide, but Kevorkian later was acquitted of criminal charges.

Nevertheless, medical records - and the findings of the California Medical Board - raised serious questions about the physical evaluation of Wantz and her mental condition leading up to the suicide.

Before her death, Wantz complained of a "constant burning" in the vaginal area, records say, which was not relieved in 1988 after a complete hysterectomy. In his autopsy, Dragovic found no signs of disease or any anatomical cause for her abdominal pain - an evaluation later disputed by Kevorkian's attorney in court.

But in its 1994 report removing Kevorkian's medical license, the California Medical Board determined that Wantz suffered from a "delusional disorder" and depression and that her pain "was not life-threatening."

In the autopsy file, another document, prepared by Wantz' previous physician six months before her suicide, suggested signs of "psychiatric illness" and that she was on a "cocktail of medications" for a variety of symptoms, including insomnia, loss of energy and "feelings of worthlessness/helplessness."

In the 1995 Patricia Cashman case, Kevorkian claimed that cancer doomed the 58-year-old former travel agent, and Cashman herself was convinced the end was near.

"I realize no doctor can tell me exactly how long I have to live but it makes you feel very uncertain about how much time you have so you can make final arrangements and deal with the final demise as best you can," Cashman wrote to Kevorkian in July, 1995, three months before her suicide.

After her death, an autopsy showed Cashman previously had cancer, with her right breast having been removed. But a review by Oakland County deputy medical examiner, Dr. Hanu Virani, found microscopic evidence of cancer in her spine that wouldn't have been life-threatening for years. There were no signs of cancer in her internal organ or lymph nodes, with no residual cancer found in her right chest or in her remaining left breast, the report says.

In ruling her death as a homicide, Virani's report concluded: "There was no natural disease contributing to her death."

Similarly, in June, Bette Lou Hamilton, a 67-year-old artist, drove with a friend from her Ohio home to a Michigan motel room to commit suicide in Kevorkian's presence. She had syringomyelia - a degenerative neurological disease afflicting the spinal chord - which her previous doctor labeled as "chronic pain, not a terminal illness," her autopsy file indicates.

But as Jeanne Bogen, the Ohio friend who accompanied her, later told police, the issue of whether Hamilton's illness was terminal was irrelevant. Hamilton had read "Final Exit," the best-seller describing suicide methods, and decided to use a mixture of alcohol and barbiturates herself if Kevorkian didn't assist.

"So she wasn't terminally ill?" asked one detective, according to a police transcript.

"No," Bogen replied.

"She could've lived how much longer?" inquired police.

"I don't know," replied Bogen. "Her heart was strong. I don't know the answer to that."

"As far as you knew," the detective asked, "the only reason she wanted to do this was because her quality of life was slipping or because what?"

"She was in a lot of pain and she was losing her independence and her quality of life," Bogen said. "She wasn't a person that had a lot of friends and, ah, you know, she had no family."

This summer, new controversies erupted over whether two who committed suicide had their physical and emotional conditions properly evaluated. The renewed scrutiny occurred just as Kevorkian stepped up the pace of assisted suicides.

Last month, Kevorkian said Judith Curren, 42, of Plymouth, Mass., had chronic fatigue syndrome and a severe immune deficiency syndrome. Autopsy results showed no physical evidence of a discernible illness. (The national group for chronic fatigue sufferers say the syndrome's tell-tale signs often go undiagnosed, however.)

Massachusetts police later said they had been called repeatedly to the Currens' home. Three weeks before her death, her husband was charged with assaulting her. Franklin Curren has denied any abuse. He said the couple argued only because of his doubts about her desire to die with Kevorkian's help.

Asked in a television interview if he had erred in the Curren suicide, Kevorkian said: "No, no. If I'd made a mistake, I'd admit it." As he later added, "It had nothing do with lethality. It's quality of life . . . Quality of life."

In the second controversial case, Rebecca Badger, the 39-year-old California woman who committed suicide July 9, complained about excruciating pain from what she believed to be multiple sclerosis. Autopsy results discovered no signs of the disease.

But Dragovic said he remains particularly concerned about test results that found high levels of drugs in Badger's system.

Recently, as suicide victims assisted by Kevorkian have relied on intravenous injections rather than gas masks, autopsy results have shown similar amounts of drugs used in several other cases. Cashman, for instance, had a high amount of secobarbital in her system. Dragovic and other medical experts wondered how these drugs were obtained, since Kevorkian cannot prescribe these drugs without currently holding a medical license.

"Secobarbital is very unusual these days," said Dubowski, an expert recommended to Newsday by the American College of Forensic Examiners. "If these drugs like secobarbital are showing up in a number of Kevorkian patients, I'd say it's more than a coincidence."

On Friday, Newsday contacted Fieger's office seeking a response to Dubowski's concern, but he could not be reached for comment.

Dragovic said the use of these drugs in recent cases raises doubts about the decision-making ability of suicide victims in the final moments. "Tranquilizers and mood-altering drugs make you not give a damn and releases anxiety," said the medical examiner. He said the initial injection of barbiturates would make a last-minute change of heart almost impossible.

A sudden change in plans happened in February, 1993, in neighboring Macomb County, Mich., during the assisted death of a 70-year-old man, Hugh Gale, who committed suicide in his Michigan home with a gas mask. As carbon monoxide started to flow from a tank into Gale's mask, he suddenly became very agitated, records show.

"Take it off, take it off," Gale said. The gas was shut off, and Gale given oxygen.

Kevorkian never had such an experience before. Indeed, in previous statements, Kevorkian said he would stop an assisted suicide when any degree of ambivalence appeared by the intended person. He went into the kitchen with Gale's sister and one of his followers.

"Maybe we ought to, you know, stop," Kevorkian said at one point.

But after 20 minutes of talking, Gale's wife came into the kitchen and told the group that her husband didn't want Kevorkian to leave. He agreed to stay. Gale put the gas mask back on and soon was dead.

Allegations were later made that Gale protested a second time before his death, prompting an inquest by the county prosecutor. No charges ever resulted, though the case was later cited by California authorities in revoking Kevorkian's medical license.

Even those in favor of doctor-assisted suicide say the serious questions surrounding Kevorkian's cases underscore the lack of any independent oversight to avoid possible abuse. "If we've learned anything from Kevorkian, it's that there's a need for these services and that we need to regulate it," says Lee of Compassion in Dying.

But Dr. Nancy Dickey, who heads the American Medical Association's board of trustees, says Kevorkian's actions provide compelling reasons why physicians should never get involved in assisted suicide. She said many dying patients do not receive appropriate counseling and "pain management" techniques to ease their pain and suffering. "There are a lot of people who believe their life is not worth living and are not terminal," she said. "But do we want the medical community to execute these wishes?"

In recent months, Kevorkian's charismatic aura has grown into an air of invincibility with an acquittal in his most recent trial, and as the Oakland County prosecutor who handled it lost a primary election seen widely as a referendum on doctor-assisted suicide. The victor of that race has promised not to prosecute Kevorkian unless the Michigan state legislature passes stronger laws criminalizing assisted suicide. This means, everyone agrees, Kevorkian can oversee more suicides with virtual impunity, at least for the time being.

Legal experts say Kevorkian also remains hard to convict because of the unknown circumstances of exactly how the deaths occurred. Family members told Newsday in several recent interviews that they are told not to discuss who put the needle into their loved one's arm, or how the gas started to seep into the mask.

"He's too skillful at what he does," says Yale Kamisar, professor of constitutional law at the University of Michigan. "He makes sure the patients are videotaped, and all the family agrees with him and have an investment in the case because they sided with him. In a sense, if he was convicted, they become accomplices. They have a stake in Kevorkian's acquittal."

Fieger dismisses these failed legal pursuits and those who still criticize Kevorkian.

"Read my lips carefully: We won. You lost," he wrote to the Detroit Free Press, after the paper recently editorialized against assisted suicide. "Every poll shows that the vast majority of people support us." Methods of Death Dr. Jack Kevorkian has alternated between two different methods to help people commit suicide -- intravenous chemicals and carbon monoxide. Here is how the methods work: SOURCE: Oakland County (Mich.) Medical Examiner; Detroit News "Suicide machine" Used: 1990-1991, 1995-1996 How it works: Kevorkian's machine, crafted from rummaged parts, helps a patient administer a deadly intravenous mixture of chemicals. The Oakland County, Mich., medical examiner said autopsies indicate Kevorkian's patients appear to have been given a dose of barbituates, followed by a lethal dose of potassium chloride. Lethal chemical Intravenous tubing Carbon Monoxide Used: 1991-1996 How it works: Patient inhales carbon monoxide from a tank, triggering the gas flow by pulling a makeshift

handle attached to its on-off valve. Tank Tubing makeshift handle mask

GRAPHIC: Newsday Chart by Linda McKenney- Two Suicide Machines. Jack Kevorkian has alternated between two different methods to help people commit suicide - intravenous chemicals and carbon monoxide. Here is how the methods work. SOURCE: Oakland County (Mich.) medical examiner; Detroit Press (see end of text). AP Cover Photos 1) Rebecca Badger. 2) Stanley Ball. 3) Janet Adkins. 4) Judith Curren. 5) Pat DiGangi. 6) Merien Frederick. 7) Ali Khalili. 8) Marcella Lawrence. 9) Martha Ruwart. 10) AP Color Cover Photo- Jack Kevorkian. 11) AP Photo for Newsday- Oakland County medical examiner's files on those whom Kevorkian has assisted in suicide. AP Photos- 12) Dressed in a Colonial costume April 1, Kevorkian displays a common-law scroll as jury selection began in his trial. 13) Kevorkian is shown, left, on videotape interviewing Thomas Hyde, who committed suicide in 1993, and at right, with reporters after being found innocent of violating Michigan law in that case. 14) Kevorkian listens to a grand jury indictment on two counts of murder in 1992. He was later acquitted of the charges. 15) Photo by Oakland Press / Amy Powers- Kevorkian displays his suicide machine in October, 1989.

LANGUAGE: English

LOAD-DATE: September 9, 1996

23RD STORY of Level 2 printed in FULL format.

Copyright 1996 Pacific Press Ltd.
The Vancouver Sun

August 31, 1996, Saturday, FINAL EDITION

SECTION: EDITORIAL; Pg. A19

LENGTH: 1717 words

HEADLINE: In Memorium: On Thursday, the provincial government released its report on 19 chidren who died in 1993, '94 and '95 and who, while they lived, had either been in the direct care of the social services ministry or had received government assistance. T

BYLINE: VANCOUVER SUN

BODY:
. . . and were found strangled .

to the murdered children, was visiting at the time.

died as a result of a ... shotgun blast to the head. . . . has been charged with second degree murder. Alcohol and drug use were not issues in this situation. was not a regular visitor at this household as reportedly did not like the young who shot .

. . . A meeting to discuss [care] options had been set for two days after death. . . .

was found stabbed to death . It was suspected that was murdered.

years, was killed by [who then committed suicide]. Both deaths werecaused b y multiple stabbing in the areas of major organs. . . .

-year-old died while re-enacting a hanging incident had seen portrayed on the popular CTV/NBC program, Unsolved Mysteries. . . . .

-year-old died as a result of acute alcohol poisoning. The coroners report classified the death as accidental. According to the coroner's report, consumed 12 - 15 ounces of vodka within a 15-minute period. was then dropped off at a friends house, where more alcohol was consumed. passed outand could not be revived.

Over a nine-year period there were approximately 16 intakes regarding this family. The intakes were primarily focused on ability to maintain adequate parental control of children, including alcohol-related problems with the older children and younger children being out late unsupervised.

, 1994, , -old was found by on a bedroom mattress in full cardiac arrest. fire department was called and was transferred to the hospital. Despite emergency revival attempts, was pronounced dead on arrival at the hospital.

The coroner's report classified this death as natural. However, the medical cause of death was not determined and this was an unexplained sudden death. No evidence of foul play was discovered.

On and , 1994, child abuse reports were received regarding a leg fracture of . The medical opinion was that this was a minor fracture and that it did not indicate abuse. The parents speculated that injured leg between the crib bars; otherwise it was not known how the break occurred. acted very promptly and demonstrated appropriate concern.

The report was investigated and was found not to be in need of protection. No file was opened.

-old was found dead in bed. The coroner's written report indicated the child died due to Sudden Infant Death Syndrome. A verbal report form the coroner's office stated the autopsy confirmed a finding of SIDS and found no evidence of abuse. The police stated that in their opinion, lack of parenting knowledge contributed to the child's death. had no crib or baby bedding for .

was in the care of at the time of death. At 1:30 p.m. gave bottle and laid down back on bed for a nap, covered with a heavy comforter. Around 3 p.m. discovered completely under the comforter with eyes open, looking white and lifeless. administered CPR, 911 wa s called.

was declared dead at 4:07 p.m.

old died in home of apparent Sudden Death Syndrome.

. . . During the year prior to death, ministry staff were reassessing the protection issues regarding the child in the home and were considering taking into care by short-term care agreement. . . .

was diagnosed with acute . . . leukemia in , 1994. was declareddead upon ar rival at Hospital , 1994. parents did not pursue chemotherapy as recommended by Dr. of Hospital. Dr. believed probable cause o f death was . . . cardiac failure secondary to severe anemia.

About 2 p.m. on , 1994, Dr. spoke to regarding blood test results . . . . Dr. requested be brought in for an exam and that next therapy be chemotherapy to commence as soon as possible. Dr. then reported to staff at his concerns about deteriorating medical conditionand the parent's refusal to accept chemotherapy. The family was planning to return to to continue alternative treatment begun there in , 1994. Dr. planned to communicate with the attending physician in , and a pediatric oncologist in and to alert the child protection services in the event that a protection intervention was required.

Between 6:30 and 7 p.m. , Dr. received further blood count results form tests taken earlier that day. He contacted father and reached an agreement with him to bring to the hospital for an immediate transfusion. Dr. later learned that was given a herbal medication at home, had an arrest, and was declared dead on arrival at the hospital at 8:30 p.m. . . .

died in home. was diagnosed with spinal muscular dystrophy in 1990. The week prior to death, had been admitted to hospital and placed on a respirator in the intensive care unit. The family was told that woul d not have the strength to breath on own. The family chose to bring home as a quality-of-life issue. There were no protection concerns in this case.

old, died as a result of severe septicemia caused by the perforation of a congenital left diaphragmatic hernia. The corner classified this as a natural death.

On 1993, was taken to the hospital with cold/like symptoms. was examined and released with a prescription for antibiotics. condition appeared to improve. On awoke at 1 a.m., was fed and returned to sleep. was found dead at 7:40 a.m. Resuscitation attempts by Emergency Health Services were unsuccessful.

was born with Fetal Alcohol Syndrome and had significant neurological deficits. . . .

The coroner wrote to the minister to request a review of our policy and regulations in transferring care of children to their guardians. . . .

It is not clear why the corner was bringing this to the attention of the minister since details of the ministerial inquiry indicates that was not a child in care at any time.

died of natural causes due to complications surrounding condition. It was expected would have a shortened life span and during the [l]ast year con dition deteriorated. was years old.

did not attend school after 1993 and mother remained at home to care for .

. . . While was a child in care on an intermittent special care agreement to provide support to the family, at the time of death was not incare . Homemaker services were also provided. . . .

years, was was pronounced dead upon arrival at Emergency. The autopsy reveled the cause of death as respiratory failure due to bronchial inflammation caused by an adverse reaction to an antibiotic. A written coroner's report was not obtained as was not in care at the time of death.

On Friday evening, routine and behavior appeared normal. On Saturday morning when had not woken at usual time and was found to be lethargic and slow to respond, respite caregiver, transported to hospital. During the journey began to have difficulty breathing, and shortly after arrival at the hospital, died.

had major surgery in 1993 to correct scoliosis of spine. Following the surgery , there were complications with the anaesthetic and other drugs; went into cardiac arrest and remained in intensive care for three weeks. never fully recovered from this experience, although was makingslow pro gress. continued to have bronchial symptoms since surgery. was discharged from Hospital to the care of mother with

antibiotics. . . .

died in family home of natural causes due to respiratory problems. There were no unusual circumstances. There had been contact with pediatrician in the few days prior to death.

year old suffered from a neuromuscular disorder, was prone to recurrent respiratory problems and had frequent hospitalizations. was developmentallydela yed, both physically and mentally. was non-verbal and dependent on parents for all aspects of care.

was pronounced dead on arrival at Hospital. According to the autopsy report, died as

a result of a blunt force to the abdomen. There were three large bruises under the scalp indicating multiple blunt force injuries to the head.

At the time of the death, there was an active investigation under way that had been initiated in the district office that a afternoon and had been passed to the after-hours office that evening. . . .

The autopsy report states that -old died as a result of a major head injuries which caused brain damage. The finding was non-accidental injury causing death, likely due to shaking, There were also multiple rib fractures of varying ages; one episode occurring approximately two weeks prior to admission. The hemorrhages were consistent with a severe-shaking type of injury and a blunt-force type of injury to the head occurring shortly before admission to hospital.

The father stated that on , 1994 while he was changing diaper, turned blue and was having difficulty breathing. He shook and gave mouth tomout h resuscitation in an unsuccessful attempt to revive. He then called 911 and was brought to emergency where was placed on life supports. [was] found to be brain dead and died following the removal of the life supports. . . . .

Infant died as a result of asphyxia. The corner's report classified the death as accidental. The available evidence indicated that the infant likely fell off a bed had been placed on and head became wedged between the bed and adjacent dresser. head was pressed against a plastic bag on the floor and, unable to move head, smothered. The post mortem examination revealed that had superficial bruising. The bruising was unlikely self-inflicted and could have resulted from a pinch. The child's body was described as "slightly unkempt."

. . . Documented ministry involvement with this family spans four generations.

R-I-P

LANGUAGE: ENGLISH

The Vancouver Sun, August 31, 1996

LOAD-DATE: September 3, 1996

24TH STORY of Level 2 printed in FULL format.

Copyright 1996 The Patriot Ledger
The Patriot Ledger

August 29, 1996 Thursday City Edition

SECTION: NEWS; Pg. 01

LENGTH: 1134 words

HEADLINE: Question of suicide or homicide ;
Husband and medical examiner disagree over toxicology finding

BYLINE: Linda Shepherd and Robert Lee, The Patriot Ledger

SOURCE: The Patriot Ledger

BODY:

PEMBROKE -- Her husband maintains it was suicide. But a Michigan medical examiner has ruled that Judith Curren was the victim of physician-assisted homicide.

Those are the contrasting positions in the Curren case after the release late yesterday of a toxicology report on her death.

The case is now in the hands of Michigan prosecutors, who must decide whether to charge Dr. Jack Kevorkian with murder.

They've tried to convict Kevorkian three times before and failed. But Oakland County Medical Examiner L.J. Dragovic says the Curren case is different.

Dragovic said the toxicology tests showed a lethal level of a sedative in Curren's system that was injected just moments before her death.

But the long-time Kevorkian foe said that drug didn't kill the 42-year-old nurse. He said the sedative, secobarbital, knocked her out as it entered her blood stream, making it impossible for her to administer a second drug he thinks was actually used to stop her heart.

In the past, Kevorkian's patients have died after taking a sedative and then a deadly dose of potassium chloride. Potassium chloride leaves no trace in an autopsy, but Dragovic said he suspects it was used in Curren's case.

"You cannot fall asleep and inject yourself with potassium chloride, that's naturally, physically, impossible," Dragovic said. "It's not assisted suicide, it's really a homicide because someone else aids in the death. It's a homicide by definition."

Pontiac Police Detective Susan Brown said she will consider the medical examiner's ruling in her investigation. But she said it's "not a determining factor" in deciding whether to charge Kevorkian.

"He's ruled the other ones homicides, too," Brown said of Dragovic's rulings in several other Kevorkian-assisted deaths.

Brown said that to bring a murder charge, police and prosecutors would have to prove a crime was committed, and Dragovic's ruling alone doesn't do that.

Kevorkian and Curren's husband, Franklin, a psychiatrist, were both present when Curren died in a Pontiac, Mich., hotel room Aug. 15, but neither will discuss details. In previous cases, Kevorkian has provided a suicide machine that he maintains is controlled by the person committing suicide.

Oakland County prosecutor Richard Thompson declined yesterday to discuss the

Curren case and whether he'll try once again to convict Kevorkian.

He lost his re-election bid, in part because voters were upset that he was spending millions of dollars unsuccessfully persuing Kevorkian, who has acknowledged helping 38 people kill themselves.

Aside from political concerns, Thompson's decision will rest heavily on interpretations of the toxicology report and on whether police can produce evidence showing that it was someone other than Curren who administered the lethal injection.

Geoffrey Fieger, Kevorkian's lawyer, dismissed Dragovic's homicide ruling.

"This guy says this every time," Fieger said. "He has said this for the last six years. Who cares?"

The toxicology report showed that Judith Curren was taking a combination of six or more tranquilizers, stimulants and painkillers.

She had low levels of the tranquilizer drugs oxazepam and alprazolam, anxiety-reducing drugs commonly known by the brand names Serax and Xanax. She was also taking amphetamines and another drug commonly found in appetite suppressants.

The test found small amounts of oxycodone, the narcotic painkiller known as Percodan.

Psychiatrists said the results were typical of someone being treated for the numerous medical conditions Judith Curren complained about and and suggest she was rational when she died.

At 269 pounds, she was severely overweight for her 5-foot 1-inch height. She suffered from depression, chronic fatigue syndrome and fibromyalgia, a debilitating and painful condition that affects the muscles and joints, as well as other ailments.

Franklin Curren, whose drug prescribing practices are under investigation by authorities in Massachusetts, said the toxicology report confirms what he's been saying all along: that his wife was suffering terribly.

He said his wife needed the drugs to get through the day. He said she was also taking another drug, in the Prozac family, which did not show up in the toxicology report.

Asked about two other drugs detected by the medical examiner, Curren said methamphetamine "is just a longer lasting amphetamine and the phantermine is a milder stimulant that sort of took the edge off."

He said all of the drugs were initially prescribed by his wife's regular physician. But he said he had written prescriptions for refills of all the drugs at different times over the past five years.

During an interview at his home last night, Curren consulted his physician's desk reference book several times to compare recommended doses with the amounts found in his wife's blood. He said all appeared to be in therapeutic amounts.

Morris Weiss, a Michigan psychiatrist who reviewed the test for the Oakland Press newspaper, said the low level of the drugs found in Curren's system suggest she was not mentally impaired when she died.

"In fact, one could argue that if these drugs were" taken in proper doses "they would have reduced her anxiety, and she might have made an even better judgment," he said.

Judith Curren was Kevorkian's 35th assisted-suicide patient. She wrote to Kevorkian several times in the months before her death, begging him to help her die.

But two weeks after her death, the case continues to generate controversy because of questions about the seriousness of Curren's illnesses and reports of marital and financial problems in the Curren family.

Franklin Curren was arrested for domestic assault three weeks before his wife died. He has denied that charge and earlier abuse allegations, saying his wife was angry at him for not supporting her suicide plan.

Curren said he wouldn't be surprised if Dragovic or other critics of Kevorkian claim his wife was taking addictive painkillers and tranquilizers that would have rendered her unable to make decisions for herself.

"I have no doubt, no matter what was in her system, the critics are going to say she was taking drugs and she wasn't able to make a decision," Curren said.

He said his wife of 10 years could only think clearly with the help of the drugs.

"Without the amphetamines it was like she had narcolepsy," he said. "It would take her two hours to go into another room. She'd stop for a two-hour break on her way from the bedroom into the bathroom."

Curren said his wife took Xanax every night to get to sleep. Occasionally, when the Xanax didn't work, she took Serax, he said.

He said she took the narcotic painkiller Percodan every six hours.

(Reporter Carol Gerwin contributed to this story.)

[ A version of this story ran SS. ]

LANGUAGE: ENGLISH

LOAD-DATE: October 21, 1996

26TH STORY of Level 2 printed in FULL format.

Copyright 1996 The Patriot Ledger
The Patriot Ledger

August 21, 1996 Wednesday All Editions

SECTION: NEWS; Pg. 12

LENGTH: 527 words

HEADLINE: Pembroke woman not drug addict, husband says

BYLINE: Matt Kelly, The Patriot Ledger

SOURCE: The Patriot Ledger

BODY:

PEMBROKE -- The 42-year-old nurse who killed herself with Dr. Jack Kevorkian's help was never addicted to drugs, her husband said.

Dr. Franklin Curren, whose drug prescribing practices are under investigation by the state, said his wife took numerous medications as part of a plan to help her cope with chronic fatigue syndrome and other medical problems.

Curren said Judith Curren was on "a medical regime worked out over four or five years" by leading psycho-pharmacology doctors. Curren would not identify the doctors, and he declined to discuss what drugs his wife took, or specify how frequently she took them.

"They were in prescribed amounts, in proper schedules," he said. "It was worked out with thought over a great deal of time."

Curren, who has said he gave his wife drugs in emergency situations, is being investigated by the state Board of Registration in Medicine. Authorities in Michigan, where Judith Curren died Thursday from a lethal injection, have asked the Plymouth County District Attorney's office for help in their investigation.

Police are awaiting the results of blood tests that will show whether Judith Curren was under the influence of drugs when she committed suicide as Kevorkian, her husband and others watched.

Investigators from the state medical board questioned Curren yesterday at his home at 140 Sunset Way.

Curren, 57, did not say what they discussed. But sources have said two complaints pending against him at the board accuse Curren of improperly prescribing narcotics.

An autopsy report released Monday by the Oakland County, Mich., medical examiner found no sign of chronic fatigue syndrome or any other illness Judith Curren reportedly suffered from.

Police in Pontiac, Mich., where Kevorkian has helped 34 other people end their lives, are still trying to piece together the details of how Judy Curren died.

At a press conference in Michigan, Kevorkian's attorney, Geoffrey Fieger, said doctors who treated her found her mentally competent, but had no cure for her problems. One suggested she be sent to a nursing home.

Kevorkian insisted that Judy Curren continue seeking conventional medical treatment even after they began a correspondence that began early this year, Fieger said. But in the end, he said, her decision to commit suicide "was solid, immutable and based on incontrovertible medical evidence."

Fieger also dismissed reports of domestic abuse in the Curren household as "irrelevant" to Judith Curren's decision. Police in Pembroke and Winchester have responded numerous times to the Currens' homes for domestic disturbances.

Curren has been arrested twice, for assault and for violating a restraining order. Charges were dropped in the first case and are still pending in the one in Pembroke.

Curren has explained those incidents as frustrated, irrational outbursts by his wife, who believed he had "betrayed" her by not helping her meet with Kevorkian at a previous appointment.

A psychiatrist at Pembroke Hospital, Curren was placed on administrative leave by hospital officials. He described the action as "a mutual agreement, under circumstances that are self-evident."

LANGUAGE: ENGLISH

LOAD-DATE: October 21, 1996

28TH STORY of Level 2 printed in FULL format.

Copyright 1996 The Austin American-Statesman

Austin American-Statesman

August 17, 1996

SECTION: News; Pg. A1

LENGTH: 2172 words

HEADLINE: New report revives old questions in killings; State review reaches same conclusion, murder-suicide, but skeptics remain

BYLINE: Debbie Hiott, Mike Ward, Carol Flake American-Statesman Staff And Carol Flake

BODY:

BUDA -- In six years, little has changed.

Like the afternoon wind rustling through the live oak trees, questions still linger in the air around 108 Kildeer Drive, the ranch-style home where the David Joost family was found slain on a March morning. Questions about what happened, and why.

Even with the Texas Department of Public Safety, which is completing an unprecedented review of its own investigation -- with the same conclusion: Joost shot his wife, son and daughter with a .38-caliber revolver in some fit of unexplained rage. And then shot himself.

The only new question, it seems, may be whether the new report resolves any of the old questions for Joost's family and friends, who insist he could not have done it.

Nonetheless, the DPS official who spearheaded the review -- while declining to discuss details -- says he hopes his soon-to-be-released report could put to rest the controversy over whether the Texas Rangers mishandled the investigation.

''It will be startling that so much was so simply explainable,'' says Capt. Marshall Caskey, who oversaw the 10-month review. ''There was such an obvious explanation for things that were two-inch headlines.''

The answers, Caskey says, came after months of review not just bythe DPS, but outside experts -- eight to 10 homicide investigators,psychologists and others.

''What we had before was just, 'I'm a Ranger. I have integrity. Therefore, we shouldn't be questioned,' '' says Caskey, who worked on the original investigation. ''But we're questioning our own integrity. It's very unusual for us to be doing this.''

Still, for surviving family members and some of the numerous others to whom the case and its many unexplained twists have become almost an obsession, the DPS report will offer little consolation. (It will go to the family before becoming public.)

The skeptics tend to believe that the Joost (pronounced YOAST) family was murdered -- in a Mafia-style execution, maybe -- because David had uncovered wrongdoing at theTexas Racing Commission where he was chief financial officer.

For these doubters, what happened in the Joost home in the pre-dawn darkness of March 4, 1990, will always be a mystery. Joost's brother Daniel and his father-in-law, Clarence Besetzny, say they have spent more than $80,000 trying to find out.

''They can't find out (anything),'' says Schulenberg resident Evelyn Besetzny, Susan Joost's mother. ''It's going to stay with us, and we'restill wondering what happened.''

'Intruder' or 'troubled soul'

For a file that was closed 17 months ago, the investigation quietly came back to life last October, when DPS director James Wilson ordered allegations of discrepancies and the evidence reviewed again -- top to bottom -- to try and resolve the family's lingering questions.

And the controversy.

For Caskey, the case came down to two theories: Was the Joost family killed by an intruder from the outside, or a troubled soul from within their midst?

''Intruder or troubled soul is easier to say than triple murder, suicide or quadruple murder,'' Caskey said.

Caskey said his review found this bottom line: ''That answer is in the house. ... The only thing left is physical evidence.''

Physical evidence, officials said, bolsters DPS's initial conclusion: Joost, 41, shot his wife Susan, 35; his daughter Lauren, 5, and his son Eric, 10. Then Joost shot himself through the heart.

''We just kind of went down the line and made a list of -- we'll call them accusations, or whatever, of error -- and then just started going down there,'' Caskey said.

Caskey began his review last November. By May, as the report neared completion, DPS officials asked him.

The result will explain some unanswered questions but not others. ''I don't think it's gray, but that's subject to interpretation,'' Caskey says.

To the skeptics, though, the gray has always been the issue.

Quiet to questions

On March 4, 1990, a cool darkness, broken not even by moonlight, enveloped the Leisurewoods subdivision, a quiet rural neighborhood where the Joosts had lived for nearly 10 years.

That stillness was broken about 2 a.m. when, as a neighbor explained to an investigator, all the neighborhood dogs ''went to barking and raising Cain.''

The murder scene wasn't discovered until the following daywhen a co-worker of Joost, concerned that he had not shown up for an important Racing Commission meeting, drove to the home. He saw the family's dog running loose and both cars at the house.

The co-worker summoned police.

Hays County Constable Billy Reeves stumbled, almost literally, on the first sign of trouble after he forced open a side door: -- a revolver lying in the hallway.

''Mr. Joost's body was lying on its back in a spread-eagle fashion, with the feet nearest the door and the head farthest from the door,'' Reeves wrote in his report. ''The body was clad in a white T-shirt and white jockey shorts, and I could see a burnt hole in the center of the chest area of the shirt, and a blood stain surrounding the hole.''

Further inside the bedroom where Joost lay was Eric, curled in an almost fetal position on the bunk bed, three bullet holes in his body.

Down the hall, in bed in the master bedroom, lay Susan, shot in the back. Next to her, partly covered by a quilt like her mother, was Lauren, dead from a shot to the chest.

Autopsies later showed the family probably died early the previous day -- about the time, between 2 and 3 a.m., when the dogs were creating a commotion.

Within hours, the Joost home became a magnet for dozens of investigators, whose cars clogged the nearby streets and whose yellow crime-scene tape bisected the yards like the crime sliced through neighbors' tranquill ity.

Within 24 hours, Hays County deputies handed the investigation over to the Texas Rangers, a storied 173-year-old police force. With that transfer of authority went deputies' initial conclusion: murder-suicide.

It would be March 1995 before the Rangers reached the same conclusion in their first public report on the case. Critics would contend that the Rangers never seriously probed the possibility that an armed attacker had murdered Joost and his family.

Ron Stewart, the lead Ranger on the case, did not return calls for comment. Now retired, he lives in West Texas.

Stewart focused much of his investigation on an alleged affair between Susan Joost and a former co-worker, according to the Rangers' case files.

The co-worker, whose wife was a close friend of Susan's, asked for a polygraph test in 1992 to prove he was not involved with Susan. TheDPS did not give him one until November 1995.

He passed. DPS director Wilson apologized in a letter for any distress the allegations might have caused him.

''The first group just botched it,'' the Austin man said of the investigation. ''I catch myself laughing, because it beats the alternative. It

would have been funny if it hadn't been so sad.''

Puzzling evidence

In clearing the co-worker, investigators lost a primary motive they had presented for a murder-suicide. That left Caskey facing other questions, some that had lingered since the crime occurred, and including a puzzling array of evidence:

*Although David Joost would have had to fire the revolver six times, no full fingerprints, blood or human tissue were on the gun.

Autopsy reports show that most of the six gunshot wounds that killed the family were contact wounds, in which the gun is pressed against the body. Under those circumstances, blood and tissue probably would be present on the gun, some forensics experts have said.

Jim Coley, an investigator for the Hays County district attorney's office, said the wounds and the lack of prints or blood on the gun mean it could have been wiped clean. During a 1993 insurance hearing relating to the case, Coley testified he believed the homicides were ''professional'' -- done by a hired gunman.

''A number of things added up to make me think that someone came in and killed the family,'' Coley said recently.

*Gunpowder burns were found on David Joost's left and right palms and the back of his left hand. Joost was right-handed.

Had he fired the revolver six times, there likely would have been powder burns on the back of his right hand, contends Randy Cunningham, a Houston private investigator and former federal firearms agent who helped the Joost family in their investigation.

Cunningham believes the other burns indicate Joost raised hishands in a defensive gesture, to grasp the barrel of the gun and twist it away from his body.

*Lauren's pajama top appeared to have been pulled down after she was shot.

Speculation by some investigators: A stranger would not have paused to adjust the jostled pajamas on a just-shot victim, but a father might have. Or, others suggest, maybe a deputy checking the bodies pulled it down.

While declining to discuss details, Caskey suggested in response to that conjecture: ''This hitman is going to go around and straighten the little girl's jersey and pull it back because her tummy was exposed?''

David Rains, a former criminal investigator for the Louisiana state police who investigated the case for the Joost family, says he hopes the DPS will look at those questions and more.

''The only thing that the family has requested -- that I have requested -- from day one is to have an agency with proper authority investigate this completely,'' Rains said. ''From A to Z.''

Amid the questions, many neighbors, family members and acquaintances say they have yet to be interviewed by investigators.

The week before

According to Caskey, part of his recent investigation has focused on a possible motive for the killings: job stress.

Caskey said that some of Joost's co-workers at the Racing Commission observed signs of stress or anxiety.

Yet other co-workers, friends and family have said that they saw nothing unusual in his behavior in the weeks before the deaths. In fact, they said, Joost was making plans for the future -- going camping, repairing a leaky faucet for his father, getting started in Amway.

''He didn't seem anxious or worried,'' said Larry Janacek, a longtime friend who worked at the state comptroller's office. He spoke with David the Thursday before he died.

Acquaintances also say that he was disturbed by something he found at the Racing Commission.

''He told me that some of the stuff that had been going on there at the commission was questionable,'' said T.C. Mallett, another friend who spoke with David that week.

On Feb. 5, commission members had directed Joost -- then only two months at the job -- to look into details of a multimillion-dollar contract with the accounting firm of Deloitte & Touche.

Some commission members and legislators had criticized the high cost of the contract. The 2-year-old commission was under a microscope, with controversies over dog- and horse-racing licenses in the Houston area; a state auditor's office report the previous December had found problems with its accounting practices.

Bill Baran, a family friend, said Joost told him he was worried about an unspecified contract. ''He was going to terminate the contract because they weren't producing.''

Susan Joost also was worried about something, said Andrea Estrada, a receptionist at the Railroad Commission. Estrada, in a 1993 insurance case involving the Joost estate, testified that Susan had asked her two days before she died ''if she would tell something on somebody, would anybody get after her.''

Estrada said she referred Susan to the state whistle-blower act, a law designed to protect state employees who reveal official wrongdoing. A copy of the act was found among Joost's papers after he died.

But it remains unclear what, if anything, Joost was concerned about at the commission.

The report given to the Racing Commission on Monday, the one Joost was to have authored concerning the contract, contained no references to any irregularities. It was not initialed by Joost, as was his custom, and family investigators have questioned its authenticity.

Searching for answers

Caskey insists his review has been thorough.

''We're responding to every issue we've heard of ... even some we knew the answer to,'' he says. ''We did know things, we just didn't tell it all.''

Whether that will happen in Caskey's upcoming report remains to be seen. As does an answer to the question: Will the case ever be put to rest?

Daniel Joost, David's brother, doubts it will -- despite six years of official investigations, despite the family's independent probe, despite Caskey's new review.

''I wish we could have solved it,'' Daniel Joost said. ''But at least we raised some questions. We can let people make up their own minds.''

Absent a clear solution to who killed the Joost family, a solution that may never be 100 percent certain, Caskey said he understands why doubts remain.

''If you don't give people an answer, they'll make one,'' he said.

GRAPHIC: Since their shooting deaths in 1990, the Joost family - wife Susan, hus band David, daughter Lauren, son Eric in this dated photograph re leased at the time - has remained the subject of speculation and investigation.; Caskey; Hays County deputies pore over the Joost home near Buda the day four family members were found shot to death in this photo taken March 5, 1990, and released by the district attorney's office. Texas Rangers took over the investigation soon after, but questions surrounding the murder- suicide findings have lingered, even after an unprecedented review by the Department of Public Safety, release of which is pending.

Continued from A1

LOAD-DATE: August 17, 1996

29TH STORY of Level 2 printed in FULL format.

Copyright 1996 The Dallas Morning News
THE DALLAS MORNING NEWS

August 17, 1996, Saturday, HOME FINAL EDITION

SECTION: NEWS; Pg. 1A

LENGTH: 1751 words

HEADLINE: Assault victim seeks to have attacker tried in '85 death;
She believes man nearing possible parole killed wife

BYLINE: Robert Ingrassia, Staff Writer of The Dallas Morning News

BODY:

On a summer evening 11 years ago, a single shot from a .357 Magnum rang out inside a modest Far North Dallas apartment. Police found a young woman dead on a bedroom floor and her husband crying on a living room couch.

A distraught Donald Hug told officers that he had accidentally shot his wife, Karla, in the back of her head as they struggled over a gun she had picked up because she was depressed.

Detectives prepared a murder case against him, but a Denton County grand jury declined to indict.

Police and prosecutors closed the case. It has remained that way for more than a decade.

But a determined effort to reopen the matter has arisen from an unlikely source. Janice Shoemaker - who survived an attack by Mr. Hug in Georgia four years after his wife's death - said she is convinced that he deliberately killed Mrs. Hug, and she wants him tried for murder.

Prosecutors say that's unlikely unless someone turns up new evidence.

Ms. Shoemaker, a 37-year-old computer programmer, never met Mrs. Hug. She has never spoken with Mrs. Hug's relatives nor set foot in Dallas. But she said she feels forever linked to Mrs. Hug by one degree of separation: Donald Frank Hug Jr.

"I think about her; I still do," Ms. Shoemaker said. "I think about what she must have gone through. He must have felt empowered to get away with her murder and thought he could get away with it again."

Ms. Shoemaker's desire to see Mr. Hug tried has taken on a new urgency. Mr. Hug, sentenced to prison in Georgia for attacking Ms. Shoemaker, is eligible for parole in December.

Fearing that he may get out, Ms. Shoemaker has asked that details about her life, such as where she lives and works, be withheld.

Mr. Hug, 35, who is serving time in Valdosta State Prison, did not respond to a request for an interview. His parents, reached in Roseville, Calif., declined to talk about him.

THE DALLAS MORNING NEWS, August 17, 1996

Woman's resilience

Except for numbness in one hand, Ms. Shoemaker has recovered fully from the attack of Dec. 4, 1989. She was beaten on the head with a hammer and shot in the chest in her house in Smyrna, Ga., an Atlanta suburb.

Mr. Hug, arrested a short time later, was found guilty of aggravated assault and sentenced to 20 years in prison.

The assault was not random. Ms. Shoemaker, then 31, had met Mr. Hug at the Coca-Cola Co. in Atlanta, where they worked. She was an accountant, and he was a systems analyst.

They began dating in the fall of 1988, Ms. Shoemaker said. The following summer, she said, she broke up with him because he was controlling and possessive. Then, according to Ms. Shoemaker and Smyrna police, Mr. Hug began stalking her.

The harassment culminated in a brutal attack detailed in police records and court testimony. It happened one morning as Ms. Shoemaker was letting her dogs out a back door. Mr. Hug was waiting with a gun.

He forced her to the lie face down on the floor of her house. He climbed on top of her and pounded the back of her head with a hard object, as she tried to block the blows with her hands.

At the time, she thought she was being hit with a brick.

Ms. Shoemaker managed to struggle free and get to a phone. But as she dialed for help, Mr. Hug shot her in the chest.

Police found a bullet fired from a .357 Magnum or .38-caliber handgun. The weapon was never recovered. He was arrested the next day.

At a trial nearly two years later, Mr. Hug pleaded not guilty by reason of insanity to two counts of aggravated assault. The jury found him guilty but mentally ill, which entitles an inmate to treatment but not a lighter prison sentence.

Nagging question

While Ms. Shoemaker was dating Mr. Hug, she asked about his former wife.

"He told me she committed suicide, and that's all," she said. "I didn't want to pry and ask a lot of nosy questions. Although I was curious, I didn't ask about it."

But once the harassment started, her curiosity turned to fear.

She mentioned the death of Mr. Hug's wife to Smyrna police Detective M.A. Moore, who called Dallas police for more information. A copy of the case file on his wife's death was on its way to Smyrna when Ms. Shoemaker was attacked, Detective Moore said.

Studying the file gave him an eerie feeling, he said. Mrs. Hug and Ms. Shoemaker bore an amazing resemblance, he said. Both were slim and pretty, with shoulder-length hair.

The way Mrs. Hug died also struck the detective. The autopsy report showed she had a bruise on her forehead and broken fingernails on one hand and that she'd been shot in the back of the head. Had Mr. Hug knocked her out and then shot her? When he straddled the back of a face-down Ms. Shoemaker, was he planning to do the same to her?

"In my mind, Hug had murdered Karla," Detective Moore said.

"There was just no getting around it."

Karla Hug, whose maiden name was Kellogg, grew up as the oldest of three children on a farm near Potwin, Kan., about 40 miles northeast of Wichita. Her brother, Terry Kellogg, described her as an excellent student in high school who went to Washburn University in Topeka, Kan., with plans to become a psychiatrist.

She met Mr. Hug at college, Mr. Kellogg said. She brought him home for Christmas one year, an experience that turned unpleasant when Mr. Hug started an argument with her parents.

Because the Kellogg family disliked Mr. Hug so much, the young couple married secretly and didn't invite her family, the woman's brother said. The Hugs moved a short time later to Texas, and the Kelloggs heard little from Karla about her life in Dallas.

They also heard little about her death, Mr. Kellogg said. Mrs. Hug died Aug. 31, 1985. It was a Saturday evening, the first day of the Labor Day weekend. Shortly before 8 p.m., police were summoned to an apartment on Frankford Road in what was then a largely undeveloped part of Far North Dallas.

Officer Barbara Smith, then 25 years old and barely two years on the force, arrived just as paramedics decided there was nothing they could do to help Mrs. Hug. She said Mr. Hug wept as he described the shooting.

"If he killed her in cold blood and made it look like an accident, then he did an Academy Award acting performance," said the officer, who is now a sergeant at the police training academy.

Homicide Detective Donald Ortega studied the scene and questioned Mr. Hug that night at police headquarters. He was not arrested.

The Dallas County medical examiner's office ruled Mrs. Hug's death a homicide, with the autopsy report noting that Mr. Hug had control of the gun, for the most part, when it fired. Police referred the matter to the Denton County district attorney's office because the shooting happened in a section of Dallas that extends into that county.

A grand jury declined to indict Mr. Hug. The panel's reasoning will never be known because grand jury deliberations are secret.

Detective Ortega, now a sergeant in the department's auto pound unit, said a former co-worker of Mrs. Hug's told him that Mrs. Hug had been depressed but never mentioned suicide.

"I did file a murder case with the Denton County grand jury, and it was the Denton County grand jury that made the decision tono-bill," he said.

A second look

Lt. Ron Waldrop, head of the police homicide unit, said Denton County prosecutors are the ones to decide whether to resubmit the case. There is no statute of limitations on murder, which means someone could be indicted and brought to trial for Mrs. Hug's death at any time. Double jeopardy does not apply to Mr. Hug in this case because he was never brought to trial.

"We're certainly looking at the case again," Lt. Waldrop said.

"But we don't have any additional information at this time."

Denton County prosecutors said the original case may have been hampered by the autopsy report. The medical examiner ruled the death a homicide but stated that the ruling "does not reflect a determination of intent."

The autopsy's conclusion states that "the scene investigation also supports the husband's statement that the injury occurred while he was wrestling with his wife for possession of the gun which she intended to use to shoot herself. There is independent corroboration of her unhappy mood."

Dr. Jeffrey Barnard, Dallas County's chief medical examiner, did not conduct the Hug autopsy. He said the report's discussion of intent was inappropriate. If he had done the autopsy, Dr. Barnard said, he would not have included such comments.

"I do think the original prosecution was handcuffed by putting in all that extra stuff in the conclusion," he said. "I never put that in."

Dr. Mary Gilliland, the medical examiner who wrote Mrs. Hug's autopsy report, did not return telephone calls seeking comment. She now works at the East Carolina University School of Medicine in Greenville, N.C.

Dr. Barnard recently wrote to prosecutors, stating that "a gunshot wound to the head can be either intentional or unintentional; however, I have always felt that such a determination should be left to a jury."

Prosecutor's view

Kevin Henry, an assistant Denton County district attorney, said there are no plans to resubmit the case to a grand jury.

"In a case where it's already been no-billed by the grand jury, we would really need something solid to resubmit," he said.

Even if Mr. Hug were indicted, Mr. Henry said, a defense lawyer could have a field day with the autopsy report. And prosecutors would have a hard time bringing up the Georgia crime because it happened after Mrs. Hug's death, he

said.

"We have the burden to prove guilt beyond a reasonable doubt," he said. "If the evidence leaves reasonable doubt, we're just spinning our wheels."

Mrs. Hug's relatives in Kansas knew nothing about the effort to reopen the case but firmly believe that Mr. Hug murdered Karla, said Mr. Kellogg, Mrs. Hug's brother. He said family members wonder why the case stalled, especially after her death was ruled a homicide.

"He needs to be tried because I'm sure he murdered her," said Mr. Kellogg, a forklift operator in Wichita. "That's one thing I'll never understand. If they thought she was murdered, why wasn't he ever tried in front of a jury?"

That question also haunts Ms. Shoemaker. She said she remembers the day Detective Moore visited her in the hospital shortly after Mr. Hug attacked her and told her the details of Mrs. Hug's death.

"I immediately got that picture of him on my back," she said. "I could've been shot in the back of the head, just like she was."

GRAPHIC: PHOTO(S): 1. Donald Hug. 2. Karla Hug.

LANGUAGE: ENGLISH

LOAD-DATE: August 21, 1996

32ND STORY of Level 2 printed in FULL format.

Copyright 1996 The Dallas Morning News
THE DALLAS MORNING NEWS

August 8, 1996, Thursday, HOME FINAL EDITION

SECTION: NEWS; Pg. 28A

LENGTH: 685 words

HEADLINE: Evidence emerges in murder case;
Parents of woman found dead in bed push to convict her ex-officer husband

BYLINE: Jacquielynn Floyd, Fort Worth Bureau of The Dallas Morning News

DATELINE: FORT WORTH

BODY:

FORT WORTH - In a case written off by Tarrant County prosecutors as too shaky to prove, evidence emerged Tuesday against a former Fort Worth police officer on trial in the 1995 shooting death of his wife.

The district attorney's office maintained that there wasn't enough evidence to determine whether Bonnie Horinek, a labor lawyer described as a "rising star" in her profession, committed suicide or was killed the night she was found in her bed with a bullet hole in her chest.

But special prosecutors, recruited through a long crusade by the dead woman's parents, have labored to convince jurors that Warren Horinek shot his wife to death in a drunken rage.

Defense lawyers, who opened their case Tuesday, acknowledged that there is ample evidence of Mr. Horinek's drinking and domestic troubles but insisted that there isn't enough evidence to convict him of murder.

Bob and Barbara Arnett, steadfast in their belief that their daughter had no reason to kill herself, hired a lawyer to petition a grand jury to hear evidence against Mr. Horinek, 33. Their indictment in March led to the murder trial that opened this week in state District Judge Bob Gill's court.

Special prosecutors rested their case Tuesday after eliciting a portrait of a glaringly mismatched marriage between a bright, capable career woman and a violent alcoholic enraged by his own failure.

Witnesses against Mr. Horinek testified that the victim was far from suicidal and that the only shadow over her life was fear of her husband.

One friend recounted that two years before her death, Mrs. Horinek confided that her husband had fired a gunshot into the wall above her head as she lay sleeping.

"I told her, I don't want to have to testify at your murder trial,' " lawyer Jay Rutherford recalled. "I thought if he shot at her once, he was liable to do it again."

And at a law firm bowling party in 1994, Mr. Rutherford said, Mr. Horinek got drunk and boasted that "he could get away with something like murder because he was a cop and he knew how to get away with things like that."

According to testimony, the couple's domestic problems worsened in early 1993, after Mr. Horinek lost his job with the Fort Worth Police Department for refusing to accept counseling and suspension for being drunk in public while off-duty.

Police were called to their home later that year when Mr. Horinek, during an argument with his wife, threatened to kill himself.

"He said he had ruined his life, that he had a drinking problem," said patrol Officer Holly Murtagh, a mutual friend summoned by Mrs. Horinek that night to reason with her husband. "He was extremely intoxicated. . . . I couldn't get anywhere with him."

Leadoff defense witness James Varnon, a Fort Worth crime scene investigator, said he strongly believes Mrs. Horinek shot herself the night of March 15, 1995, after an evening of drinking and fighting with her husband.

Police, who were summoned by Mr. Horinek, found the victim on her bed in a blood-soaked nightgown with a point-blank bullet wound in the center of her chest. A .38-caliber revolver was found nearby with no identifiable fingerprints on its surface.

Detective Varnon said his opinion, based in part on Mr. Horinek's statements that night, led him to conclude the death was a suicide.

But a prosecution witness hired to conduct a "psychological autopsy" of the dead woman testified that Mrs. Horinek did not fit the profile of a likely suicide risk.

Dr. Cathal Grant, after interviewing Mrs. Horinek's friends and family and reviewing her work and bank records, described the victim as an intelligent, stable woman with a promising career and an optimistic outlook.

"She had little fortune cookie things in her purse, little positive statements that she carried around with her," Dr. Grant said. "She had an excellent sense of humor, a strong circle of friends, a very supportive nuclear family. Her only stress was in her marriage."

The defense is expected to resume its case Tuesday. If convicted by the three-woman, nine-man jury, Mr. Horinek could face life in prison.

LANGUAGE: ENGLISH

LOAD-DATE: August 9, 1996

35TH STORY of Level 2 printed in FULL format.

Copyright 1996 Charleston Newspapers
Charleston Daily Mail

August 02, 1996, Friday

SECTION: News; Pg. P1A

LENGTH: 983 words

HEADLINE: DEATHS END ROCKY RELATIONSHIP: POLICE INVESTIGATE POSSIBLE MURDER-SUICIDE IN CLAY COUNTY

BYLINE: DAN LeROY

BODY:

WALKER - The tempestuous relationship between Franklin Duane Conley and Angela Jo Watkins finally reached a deadly - perhaps inevitable - conclusion.

But what happened Tuesday evening inside the couple's Clay County home, in the tiny community of Walker, remains a mystery.

The evidence at the crime scene seemed to suggest that Duane Conley, 35, had killed Watkins, 28, and the couple's 8-year-old daughter, Felicia, before taking his own life.

Police initially believed that theory, but now say they want to do laboratory tests and investigate further before making an official determination.

A relative who spoke with Conley shortly before he died doesn't believe Conley killed his daughter.

Duane Conley's uncle, Shirley Conley, spoke to his nephew shortly before Duane Conley turned a 30-06 rifle on himself. Conley said his nephew telephoned him and told him that Watkins had shot Felicia, and he killed her to retaliate.

"He said, 'I'm gonna lay down beside of Felicia. When they come, there'll be three bodies,' " Shirley Conley said.

"He shot (Watkins), there's no doubt in my mind. But he didn't shoot

that little girl," he said. "That's about all he lived for."

Conley said his nephew called him at 8 p.m. Tuesday. The call wasn't unusual. Shirley Conley, a school bus driver and the brother of Duane's father, Franklin, said Duane "was probably like a second son."

However, Duane Conley's request shocked his uncle.

"He asked me to get hold of his mother, and tell her that Angie and Felicia were dead, and he would be soon," Shirley Conley said.

Duane Conley told his uncle that he and Watkins had been arguing, and she had grabbed a 22-caliber rifle that belonged to his mother.

Conley said Felicia got between the two adults, and was shot by Watkins, perhaps accidentally. But Conley told his uncle he then turned the gun on Watkins.

At some point, Duane Conley called a neighbor, Dale "Tinker" Metheny. Metheny came to the house, and Conley showed him the bodies of his girlfriend and daughter, according to Shirley Conley.

Duane Conley tried to reach his parents, Franklin and Dorna Conley, who were grocery shopping in Spencer. He left a message on their answering machine which said, "By the time you hear this, I'll be dead," Shirley Conley said.

Shirley Conley begged his nephew to wait until the authorities arrived, but was told, "Uncle, you know they'd never believe me."

Duane Conley also said he would not go to jail, his uncle said.

He then asked Duane Conley to wait until he arrived, and his nephew agreed to give him 30 minutes to make the 10-mile trip. Shirley Conley arrived in less than 20 minutes, but was too late.

"I didn't think he'd wait. He didn't want to be stopped," Shirley Conley said.

Charleston Daily Mail, August 02, 1996

Duane Conley's parents, who had returned from Spencer and heard their son's message, found the grisly scene first. Duane Conley had used a second rifle, a 30-06, to take his own life, Shirley Conley said.

Duane Conley and Watkins had lived together between 10 and 12 years, Shirley Conley said. The relationship was troubled from the outset, he said.

"It was one of those on-again, off-again things. She left him a time or two, then came back," Conley said. "They loved each other, they just couldn't get along."

State police and members of the Clay County Sheriff's Department had visited the couple's residence in the past to investigate domestic complaints, according to spokesmen for both agencies.

One of the problems was Duane Conley's drinking, his uncle said.

"He got up in the morning with a can of beer in his hand, and went to bed with a can of beer in his hand," Shirley Conley said.

Although Shirley Conley believed his nephew was sober the night of the shootings, an autopsy showed Conley's blood-alcohol level was 0.37, almost four times the legal limit for intoxication, state police said.

Watkins worked at a nursing home near Flatwoods, but Duane Conley, alt hough "a good welder," couldn't keep a steady job, his uncle said.

"Eight to 5 just didn't suit him," he said.

The couple's troubles sometimes erupted into violence. Conley pleaded guilty in March 1990 to a misdemeanor battery charge against Watkins and paid a $ 91 fine, according to Clay County Magistrate Court records.

And on March 14, 1995, Watkins filed for a 90-day protective order against Conley. But court records show she withdrew the request for

the protective order a little over two weeks later, on March 31.

Watkins also was capable of violence, according to Shirley Conley.

About five years ago, when the couple was living across the county line in Chloe, Calhoun County, Watkins shot Duane Conley in the leg with a shotgun. The blast severely damaged Conley's calf, and he was flown to Charleston for treatment, his uncle said.

But amid the troubles, Felicia Conley was the apple of her father's eye, Shirley Conley said.

"She was always sitting on his lap when they'd come up here," he said.

On evenings and weekends, Felicia usually accompanied her mother to work, Conley added.

Trooper T.D. Corbett of the state police's Clay detachment said police probably won't know what happened until sometime next week.

Blood stains are being examined to determine who was shot first, and the rifles are being checked for fingerprints - specifically, for Watkins' fingerprints, Corbett said.

"We're not in the business of just taking what (Duane Conley) told a neighbor to be the truth," Corbett said.

Corbett said the question he continues to be asked is one "that we'll probably never be able to answer: why it happened."

"The three people who might be able to tell us were all lying on the floor when we got there," he said.

LOAD-DATE: August 06, 1996

42ND STORY of Level 2 printed in FULL format.

Copyright 1996 Sarasota Herald-Tribune Co.
Sarasota Herald-Tribune

July 10, 1996, Wednesday, MANATEE EDITION

SECTION: LOCAL/STATE, Pg. 2B

LENGTH: 789 words

HEADLINE: GILES WAS GETTING AWAY WITH MURDER?

BODY:

Melvin F. Giles died at age 45 on Feb. 23, 1979. Whether it was homicide or suicide still has not been proved.

According to the autopsy report, the immediate cause of death was ''multiple gunshot wounds to chest with perforation of lung and heart.''

Medical examiner Dr. Charles Foley conducted the autopsy. He removed four bullets from Giles. Part of Giles' left hand, between the thumb and index finger, was shot away. Foley issued a two-page report that concluded that Giles had committed suicide by shooting himself repeatedly with a Smith & Wesson .357 magnum revolver.

A police report stated that, at the Giles' home in the 4000 block of 59th Street West, there was blood in the kitchen, across the living room floor and at the base of the stereo where Giles' body was found, lying face up. Giles apparently moved about 15 feet after the shots entered his body. Two chairs were knocked over.

He still had the gun in his hand, but it was upside down when a medical rescue unit from Cedar Hammock Fire District got to the house.

A former airline pilot for Southern Airways, Giles had retired early because of medical problems. He had high blood pressure.

Faith Giles was in the shower when her husband died, she reported to police. She said she heard three faint noises. ''Thumps, they sounded like to me . . . I just ignored them.''

Later, according to a Manatee County Sheriff's Office report, she put on a robe and came down the hall. That's when she discovered her husband's body, she told authorities.

She made the call to Cedar Hammock; it was 10:41 p.m.

Nearly a year and a half later, on July 9, 1980, State Attorney Jim Gardner presented a case against Faith Giles for first-degree murder, and a grand jury indicted her on the charge. Faith Giles had married again by that time, and was living in East Lansing, Mich. She was arrested by the East Lansing police and later taken to Bradenton where she was jailed.

Though Foley had ruled the death a suicide, others were not so certain. One of them, Joseph H. Davis, was an M.D. and professor of pathology at the Division of Legal Medicine, Department of Pathology, University of Miami.

Sarasota Herald-Tribune, July 10, 1996

He wrote to Manatee sheriff's Detective Sgt. Al Gooding and said that he'd determined that the wound patterns did not support an accidental shooting or suicide. A report on which he worked concluded that the death scene had been altered and that the gun was placed in the victim's hand after the shooting.

Faith Giles took a lie detector test, the results of which were inconclusive.

Almost two years after her husband had been killed, Faith Giles was tried for murder in January 1981. George Allen of Fort Lauderdale represented her, and Judge Gilbert Smith presided.

The defense attorney said recently that he believes the investigation of the murder was badly handled by the sheriff's office. ''They ran roughshod over the case, and the State Attorney (Jim Gardner) didn't have a good case, either,'' Allen said.

On Jan. 15, 1981, the jury found Faith Giles not guilty of murder in her husband's death.

''The sheriff's department screwed it up because they didn't give her her Miranda rights,'' Judge Smith said recently. ''She had made some incriminating statements, but we couldn't let a lot of the evidence in.

''Based on the evidence they were given, I think the jury returned the right verdict,'' Smith said. Faith Giles also found herself in civil court over the death. She was the beneficiary on her husband's policies, but his children sued to keep her from getting any benefits.

So later in the same year, the civil case went to trial.

The lawsuit, filed by lawyers Turner Matthews and John Blue, charged that Faith Giles feloniously caused the death of her husband, so was not entitled to the benefits. One policy already had been paid off, but two others were on hold.

The case was tried in front of Frank Schaub. Among the evidence considered by the jury was one of the insurance policies, in the amount of $ 120,000. Its beneficiary form had been changed covertly, experts determined. Melvin Giles' signature was forged, the experts testified, and so was the signature of the witness, Linda Keels, a nurse at Blake Hospital. The jury believed that Faith Giles had done the forging.

The jury found for the plaintiffs - Melissa L. Giles, Glenn M. Giles and Michael P. Giles - on Dec. 4, 1981. It assessed damages in the amount of $ 120,000. In February 1982, Judge Harry Parham also awarded $ 15,268 to the plaintiffs as interest on the recovery of the $ 120,000 award in final judgment, and an additional $ 7,721 in costs.

Technically, the investigation is still on the books at the Sheriff's Office.

Morgan Stinemetz

NOTES:
A LOOK BACK

Sarasota Herald-Tribune, July 10, 1996

GRAPHIC: PHOTO 2, 1979 Faith Giles was tried for the murder of her husband, Melvin. (Police line-up photos)

LANGUAGE: ENGLISH

LOAD-DATE: September 9, 1996

44TH STORY of Level 2 printed in FULL format.

Copyright 1996 Asbury Park Press, Inc.
Asbury Park Press

July 4, 1996, Thursday

SECTION: A, Pg. 1

LENGTH: 689 words

HEADLINE: Store owner dead; foul play feared

BYLINE: RANDY BRAMEIER and CHANTA JACKSON; STAFF WRITERS

DATELINE: RED BANK

BODY:

A mysterious death being treated as a murder rocked the downtown business district yesterday morning.

A store employee found Hae Sook "Sue" Lee, the co-owner of A&J Sneaker, 45 Broad St., lying in a pool of blood in the stockroom at 11:10 a.m., Monmouth County Prosecutor John Kaye said.

As of just before 4 p.m., investigators had not moved the body and had no information on the location of the wound or what kind of weapon had caused it, Kaye said.

The body was moved a little later, Assistant Prosecutor Peter E. Warshaw Jr. said last night. He still had no details to report on the cause of death. An autopsy will be performed today or tomorrow, he added.

Kaye called Mrs. Lee's death "a violent and suspicious death, an apparent homicide, (but that's) subject to change." Kaye said his office had not ruled out suicide.

Mrs. Lee, 36, was found a few feet from the cash register in the rear of the store near the stockroom door. An electric alarm, triggered to go off if someone unauthorized tried open the register, was sounding when the employee found her body, the prosecutor said. It had not been opened, however.

The store's back door was unlocked, he added. The back door leads to a municipal parking lot.

Kaye did not identify the employee who found the body.

The victim's husband, whose name Kaye didn't know, last saw Mrs. Lee alive about 10:30 a.m. when he left to do errands, the prosecutor said. Neighbors identified the husband as Kyu Song Lee.

Investigators delayed removing the body because they wanted to take extra precautions to safeguard any clues at the scene, Kaye said. Police secured the area quickly, but Kaye said he feared that evidence could be compromised by the crowd of more than 100,000 expected last night to watch the fireworks show.

"We're worried about the destruction of potential evidence," Kaye said, citing, for example, the possible discarding of a weapon in a public garbage can. "We want to round up whatever we can find before (the fireworks), or it'll be gone."

At least 10 plainclothes officers were working in the store and immediate area as of late afternoon.

Passersby gathered in front of the store and across Broad Street at White Street discussing the case. Separate rumors swirled that the woman had been beaten by a club, stabbed or shot.

No one was home at the Lees' two-bedroom condominium at 55 Players Circle, Society Hills, Tinton Falls, later yesterday. Outside were a pair of boy's sneakers, a girl's pair of black sandals and a girl's pink bicycle.

"The shoes are always outside because they take them off before going in the house," the Lees' next-door neighbor, Debra Hutchinson, said.

"She was a very nice lady and never bothered anybody, so I was sad to hear that she had been killed."

Hutchinson described Mrs. Lee as being "very pretty" and "very pleasant." She said she last saw Mrs. Lee Monday evening when she was leaving home to go to work.

"I'm concerned that something like this could happen to my neighbor," she said. "They were very quiet people and pretty much kept to themselves, because around here we all know each other but aren't in each other's faces."

Another neighbor, John Lane, president of the Society Hill of Tinton Falls Association, said Mrs. Lee was quiet but dedicated.

"I know she was hard-working, because I always saw her getting in the car to go to work and coming from work," Lane said outside his condominium, which is upstairs from the Lees'. "She was always friendly and saying hello."

James Gill, a family friend, said the Lees have two children, a boy about 10 and a 4-year-old girl. Their names were not known yesterday.

Gill said the Lees moved to Tinton Falls from Old Bridge Township in February 1994 to open a business. The couple opened a second store in Long Branch about two weeks ago, he said.

"She was a very, very nice person," Gill said.

Mrs. Lee's presumed murder marks the second of an owner in her shop in Monmouth County in five months. Authorities said they do not know if the incidents are related.

Staff writer Gilda Rogers contributed to this story.

GRAPHIC: PHOTO: DARYL STONE; Staff Photographer
PHOTO: Scene of the crime: Red Bank Patrolman Frank Bitsko guards outside of the shoe store where an owner was found dead.

Asbury Park Press, July 4, 1996

LOAD-DATE: July 8, 1996

49TH STORY of Level 2 printed in FULL format.

Copyright 1996 Landmark Communications, Inc.
The Virginian-Pilot (Norfolk, VA)

June 20, 1996, Thursday, FINAL EDITION

SECTION: LOCAL, Pg. B1

LENGTH: 745 words

HEADLINE: SUSPECT, FAMILY IN GRIM STRUGGLE;
JONES SAID HE WANTS MORE TIME TO RAISE MONEY TO PAY FOR AN AUTOPSY.

BYLINE: BY LYNN WALTZ, STAFF WRITER

DATELINE: NORFOLK

BODY:
Megan Jones wanted her body cremated and her ashes sprinkled from a boat onto the Atlantic Ocean. Instead, her body is caught in a legal snarl between her husband, who refuses to release her remains, and her parents, who want to grant their daughter's wishes and give her final rest.

Jones, a local performer and costumer, was found dead May 18, wrapped in a rug in an upstairs bedroom of her Delaware Avenue home. She had been there about a week, police said. Her estranged husband, psychiatrist Tobin Jones, has been charged with murder.

Because he is next of kin, Jones must sign off on the release of his wife's body. But Jones said Wednesday through his attorney that the medical examiner's autopsy is inconclusive and does not provide evidence that his wife was murdered rather than a victim of suicide. Jones said he wants more time to raise money to pay for an independent autopsy.

Meanwhile, Megan Jones' parents are asking a Norfolk judge to step in and settle the matter. A hearing is scheduled for Friday.

''This is upsetting and ridiculous,'' said Megan Jones' stepfather, Ken Pope, in a telephone interview Wednesday from Oklahoma. ''It's ridiculous and stupid and very disturbing that Tobin is taking this attitude. I don't care how he felt to Meg - which apparently must have been very bad - you just can't fathom this kind of thinking of keeping us from getting the body. What's the point? Dead is dead. Murder is murder.''

A preliminary medical examiner's report indicates three crescent-shaped cuts in the top of Megan Jones' head. The front of her pink nightshirt was splattered with blood, the report said.

Two of the cuts went through the scalp, the report said, in concluding they were caused by ''blunt force head injuries.'' There were no fractures to the skull, and the cause of death is pending until drug and alcohol testing is completed, the report indicated.

Tobin Jones' attorney, Stanley Sacks, said Wednesday that the report is inconclusive and does not describe any wounds that would cause death. He has asked prosecutors to turn over information they have about Megan Jones'

medical history, including possible treatment for depression or possible abuse of drugs or alcohol.

Police have ruled the death a homicide and suggested in search warrant affidavits that they believe the cause of death is blunt-force trauma to the head. They apparently have not recovered a murder weapon, according to court records.

The medical examiner's report is but one piece of an ''exhaustive investigation'' that led to Tobin Jones' arrest, Commonwealth's Attorney Chuck Griffith said Wednesday.

''There is no information in this report which indicates in any way that Megan Jones died of natural causes. There is only information that she died of violent causes.''

Griffith said he has found no legal authority for Tobin Jones to order an independent autopsy, and no motions have been filed by his attorneys requesting one. Meanwhile, Griffith said, ''Megan Jones' family sits grieving, unable to properly lay their daughter to rest.''

Sacks said Wednesday that there has been unexplained and unprecedented secrecy in the case, especially regarding the medical examiner's report.

''The man's been in jail for weeks with no cause of death. Do you know of any cases where a man's been held in jail where they can't prove she's been murdered? There are some lacerations on her head. I'm not a doctor, but they didn't look like they could be fatal.''

Sacks also said his client will not agree to a cremation until an independent forensic autopsy is done.

And that's where things get complicated.

Sacks said Megan Jones' family has frozen the couple's joint accounts. His client cannot come up with the money - probably around $ 3,500 - to pay for the autopsy.

Megan Jones' stepfather said Wednesday he has no intention of letting Jones pay for his defense with his dead wife's money, including a recent loan from her parents.

''It's all due to Virginia law,'' Pope said. ''Until he is found guilty of murder, her estate goes to him.''

Pope said he simply could not put into words the emotional turmoil he and Megan's mother have been through, first with the murder itself and now with Megan Jones' body. It has made the grieving process harder, he said - making it difficult to resolve the painful emotions.

''Her mother's in a hell of a shape. I'm just her stepdad, and I'm torn up and disgusted.''

GRAPHIC: Color photos Megan Jones Tobin Jones

The Virginian-Pilot (Norfolk, VA), June 20, 1996

LOAD-DATE: June 21, 1996

52ND STORY of Level 2 printed in FULL format.

Copyright 1996 The Washington Post
The Washington Post

June 06, 1996, Thursday, Final Edition

SECTION: METRO; Pg. B06

LENGTH: 811 words

HEADLINE: Teen's Hanging May Have Been Accident; Boy Possibly Was Inhaling From Spray Cans Found Nearby, Police Say

BYLINE: Brian Mooar, Washington Post Staff Writer

BODY:

Fifteen-year-old George Alexander LeMaistre II appeared overjoyed to his family when he returned to his Bethesda home Saturday on a short break from his private boarding school, and that's what made his hanging death hours later on a park playground all the more puzzling.

Police officers who found Alexander hanging from a dog leash strapped to playground equipment at Woodacres Park after dawn Sunday initially believed he took his own life. Then they found four aerosol spray cans, evidence that the boy may have died while trying to get high by inhaling aerosol chemicals, according to a police source.

Homicide detectives are awaiting the results of toxicology tests before classifying the death, but relatives said yesterday that they are convinced Alexander was the victim of youthful experimentation.

"There's no suspicion or belief in the family that this was anything other than an accident, and we understand from the police there was no indication any other person was present when it occurred," said George LeMaistre Jr., Alexander's uncle.

Montgomery police know that such classifications are sometimes difficult for families to accept. The controversy continues over the 1986 death of Keith Warren, a 19-year-old Silver Spring man found hanging from a small tree near his home.

Warren's family accused Montgomery police of conducting a cursory investigation on the scene and skipping an autopsy, leaving many unanswered questions. Although police and the state medical examiner's office stand by the suicide ruling, a family-financed autopsy raised the possibility that Warren may have inhaled a fatal dose of a chemical solvent that would have made hanging himself impossible.

George LeMaistre said that his sister, Alice LeMaistre, a Foreign Service officer, adopted Alexander and his younger sister and brother, now ages 14 and 13, from a broken home in Poland nine years ago while she was working with the U.S. Information Agency in Warsaw.

As a child, Alexander was so protective of his siblings that he refused to eat his own food until they were finished, his uncle said. His continuing devotion to them was what prompted family members to discount suicide.

"We do not accept that as a possibility," George LeMaistre said. "About the last thing he said to his mother was something to the effect of, 'I'm so happy to be home.' That was when he went to bed Saturday night with a big grin on his face.

"I think there are questions," he said, "and there is a general feeling that it's likely we'll never really know exactly what happened. It's very much a tragedy."

The use of chemical inhalants has been a problem for decades among school-aged children. A less popular and more dangerous thrill often associated with teenage experimentation is the restriction of a person's air supply to get a dizzying high that purportedly intensifies sexual pleasure. Federal health statisticians said yesterday that they have no reliable numbers on deaths associated with either practice.

"If teens could only realize how dangerous it is, they might be less prone to try that kind of experimentation," said Michael Baden, a forensic pathologist who has investigated dozens of inhalant deaths and a few hundred teenage hangings during 35 years as a New York medical examiner.

Baden said Alexander's death fits the typical pattern of death caused by inhalants or accidental asphyxiation. Victims of the latter often try to ensure that they can free themselves but lose consciousness too quickly and die, he said.

"The loss of oxygen to the brain can be so quick they can pass out within three or four seconds," Baden said. "There are only 10 seconds of oxygen in the brain. If . . . blood can't get to your brain, you're out within a couple of seconds. Within another 20 or 30 seconds, you are brain-dead."

However, Baden said, it is rare to see a victim experimenting at the same time with inhalants and self-asphyxiation.

"It is not customary to hang one's self and use aerosols," Baden said. "Usually, they are two different kinds of teenage expression. One's autoerotic, one's to get high. It's possible this was just experimentation, and he just misinterpreted what to do."

A Bethesda woman found Alexander hanging from the family dog's green leash, according to a police source familiar with the case. The boy's left hand was gripped underneath the leash near his neck, indicating that he had tried to free himself in the moments before he passed out.

On the ground, police found a capped can of aerosol spray cleaner. They also found Alexander's school bag, which contained three aerosol spray cans.

Relatives said that they were unaware that Alexander might be experimenting with inhalants and that his only statements about drugs indicated that he thought people who used them were "foolish and stupid."

LANGUAGE: ENGLISH

LOAD-DATE: June 06, 1996June 06, 1996

52ND STORY of Level 2 printed in FULL format.

Copyright 1996 The Washington Post
The Washington Post

June 06, 1996, Thursday, Final Edition

SECTION: METRO; Pg. B06

LENGTH: 811 words

HEADLINE: Teen's Hanging May Have Been Accident; Boy Possibly Was Inhaling From Spray Cans Found Nearby, Police Say

BYLINE: Brian Mooar, Washington Post Staff Writer

BODY:

Fifteen-year-old George Alexander LeMaistre II appeared overjoyed to his family when he returned to his Bethesda home Saturday on a short break from his private boarding school, and that's what made his hanging death hours later on a park playground all the more puzzling.

Police officers who found Alexander hanging from a dog leash strapped to playground equipment at Woodacres Park after dawn Sunday initially believed he took his own life. Then they found four aerosol spray cans, evidence that the boy may have died while trying to get high by inhaling aerosol chemicals, according to a police source.

Homicide detectives are awaiting the results of toxicology tests before classifying the death, but relatives said yesterday that they are convinced Alexander was the victim of youthful experimentation.

"There's no suspicion or belief in the family that this was anything other than an accident, and we understand from the police there was no indication any other person was present when it occurred," said George LeMaistre Jr., Alexander's uncle.

Montgomery police know that such classifications are sometimes difficult for families to accept. The controversy continues over the 1986 death of Keith Warren, a 19-year-old Silver Spring man found hanging from a small tree near his home.

Warren's family accused Montgomery police of conducting a cursory investigation on the scene and skipping an autopsy, leaving many unanswered questions. Although police and the state medical examiner's office stand by the suicide ruling, a family-financed autopsy raised the possibility that Warren may have inhaled a fatal dose of a chemical solvent that would have made hanging himself impossible.

George LeMaistre said that his sister, Alice LeMaistre, a Foreign Service officer, adopted Alexander and his younger sister and brother, now ages 14 and 13, from a broken home in Poland nine years ago while she was working with the U.S. Information Agency in Warsaw.

As a child, Alexander was so protective of his siblings that he refused to eat his own food until they were finished, his uncle said. His continuing devotion to them was what prompted family members to discount suicide.

"We do not accept that as a possibility," George LeMaistre said. "About the last thing he said to his mother was something to the effect of, 'I'm so happy to be home.' That was when he went to bed Saturday night with a big grin on his face.

"I think there are questions," he said, "and there is a general feeling that it's likely we'll never really know exactly what happened. It's very much a tragedy."

The use of chemical inhalants has been a problem for decades among school-aged children. A less popular and more dangerous thrill often associated with teenage experimentation is the restriction of a person's air supply to get a dizzying high that purportedly intensifies sexual pleasure. Federal health statisticians said yesterday that they have no reliable numbers on deaths associated with either practice.

"If teens could only realize how dangerous it is, they might be less prone to try that kind of experimentation," said Michael Baden, a forensic pathologist who has investigated dozens of inhalant deaths and a few hundred teenage hangings during 35 years as a New York medical examiner.

Baden said Alexander's death fits the typical pattern of death caused by inhalants or accidental asphyxiation. Victims of the latter often try to ensure that they can free themselves but lose consciousness too quickly and die, he said.

"The loss of oxygen to the brain can be so quick they can pass out within three or four seconds," Baden said. "There are only 10 seconds of oxygen in the brain. If . . . blood can't get to your brain, you're out within a couple of seconds. Within another 20 or 30 seconds, you are brain-dead."

However, Baden said, it is rare to see a victim experimenting at the same time with inhalants and self-asphyxiation.

"It is not customary to hang one's self and use aerosols," Baden said. "Usually, they are two different kinds of teenage expression. One's autoerotic, one's to get high. It's possible this was just experimentation, and he just misinterpreted what to do."

A Bethesda woman found Alexander hanging from the family dog's green leash, according to a police source familiar with the case. The boy's left hand was gripped underneath the leash near his neck, indicating that he had tried to free himself in the moments before he passed out.

On the ground, police found a capped can of aerosol spray cleaner. They also found Alexander's school bag, which contained three aerosol spray cans.

Relatives said that they were unaware that Alexander might be experimenting with inhalants and that his only statements about drugs indicated that he thought people who used them were "foolish and stupid."

LANGUAGE: ENGLISH

LOAD-DATE: June 06, 1996June 06, 1996

54TH STORY of Level 2 printed in FULL format.

Copyright 1996 Times Mirror Company
Los Angeles Times

June 5, 1996, Wednesday, Home Edition

SECTION: Part A; Page 1; Metro Desk

LENGTH: 1093 words

HEADLINE: CHARGES DROPPED AGAINST MAN IN LOVER'S SUICIDE

BYLINE: BETTINA BOXALL, TIMES STAFF WRITER

BODY:

Citing evidence problems that once again call into question the quality of work by the Los Angeles County coroner's office, prosecutors Tuesday dropped charges against a man accused of helping his AIDS-stricken lover commit suicide.

The complex ethical and legal questions raised by the case were left unanswered during a brief Municipal Court hearing that brought an end to the six-month-old prosecution of Keith Green. Instead, the focus was on the coroner's change of mind as to the cause of death of Green's partner, noted interior designer James Northcutt. That revision led the district attorney's office to conclude that Northcutt had died by his own hand from a drug overdose--rather than from carbon monoxide poisoning with Green's help.

Smiling broadly after a judge dismissed an assisted suicide charge that could have sent Green to prison for up to three years, his attorneys blasted the coroner's office and said they are considering filing a lawsuit alleging misconduct.

"The coroner's office was not only inept and incompetent, but seemed to act with deliberate recklessness in terms of our client and his civil rights," said attorney John Duran.

Lydia Bodin, the deputy district attorney who took over the Green case several months ago, brushed aside suggestions of misconduct, but conceded that the coroner's office "should have gone further" in its initial round of autopsy testing.

"I think everybody acted in good faith," Bodin said. "Obviously, I wish we had these drug results five months ago."

Northcutt died Dec. 4 in his carbon-monoxide filled BMW in the garage of the Los Angeles home he shared with Green. According to police reports, Green told authorities that his partner--who was in the later stages of AIDS and previously had attempted suicide--had taken a large quantity of sedatives and then, with Green's help, run a pool hose from the car's exhaust pipe to the car window.

Due to inherit a substantial sum from Northcutt's approximately $ 2-million estate, Green was arrested on murder charges. In mid-January, prosecutors dropped the murder count, but left in place a felony charge of aiding and

abetting a suicide, filed under a rarely used state statute that is more than a century old.

The coroner's office initially listed Northcutt's cause of death as carbon monoxide poisoning. But after additional testing, the office amended its findings May 16 to state that Northcutt, 54, had died of the "combined effects" of carbon monoxide and drug intoxication.

The change undercut the prosecution case because Green, 36, had admitted to helping his partner with the exhaust hose but had said Northcutt on his own swallowed 100 sedatives shortly beforehand.

Although the initial police report included that account and investigators found 22 bottles of medication in the home, the coroner's office did not test for such drugs. Instead, it ran a standard test for the presence of carbon monoxide, alcohol, methamphetamine, cocaine and PCP and found levels of carbon monoxide, according to Craig Harvey, chief of coroner's investigation for the Los Angeles County Department of Coroner.

Questioning the autopsy, Green's attorneys had their own tests performed and in April filed court papers stating that high levels of sedatives had been found in Northcutt's blood samples.

Not only did further testing by the coroner's office confirm the presence of the sedatives but a May 13 lab memo pointed out that the amount of carbon monoxide in Northcutt's blood was not enough to be lethal. "Death probably due to the drugs," states the memo, which Green's attorneys found in files they subpoenaed from the coroner.

Green's attorneys met with Dist. Atty. Gil Garcetti on Friday and showed him the note, Duran said.

Bodin said she would have requested additional drug tests even if Green's attorneys had not pursued the issue. She added that she recommended the charges be dropped and that Garcetti concurred.

Harvey defended the actions of his department, which came under intense criticism in the O.J. Simpson case. Drug testing in the Northcutt case initially was limited, he said, because it appeared Northcutt had died of carbon monoxide poisoning and because there was no indication he had ingested his medication in excess.

The 22 bottles had pills left in them, Harvey said. Moreover, investigators found only a small, partially full bottle of chloral hydrate, the drug Green said Northcutt had taken.

"There's not really anything that screams at you that there is chloral hydrate in this person," Harvey said. "We test for what we believe is there."

Harvey could not explain why carbon monoxide poisoning was initially listed as the cause of death, even though the 45% level found was far below the 80% amount considered lethal, according to the lab note.

As Municipal Judge T. K. Herman noted, Tuesday's dismissal sidestepped discussion of the thorny issues that underlie assisted suicide.

"It is unfortunate. . . ," Herman said in granting the prosecution's motion for dismissal "that the issues presented in this case cannot be determined.

"Suicide assisted by a nonmedical person is a matter that needs to be decided in this state," Herman continued. "It . . . opens a Pandora's box of problems that do not appear in situations where a medical doctor assists in suicide--among those are the matter of motive."

Two recent federal appeals opinions that are likely to thrust the legal debate over assisted suicide before the U.S. Supreme Court recently concluded that mentally competent, terminally ill adults have a constitutional right to hasten their death with the help of a physician. But the rulings' implications for assisted suicides involving nonphysicians remain hazy.

Bodin said that were it not for the evidence problems, her office would not have dropped the charges. "We cannot selectively prosecute, and until the Legislature makes a change in that statute or the courts do something, that statute is on the books."

Obviously relieved at Tuesday's court action, Green said that he finally could start grieving for his companion of eight years. "If anything was ever wrong, Jim would just pick up the phone and fix it," Green said, adding that he has been extremely lonely since Northcutt's December death.

"A couple of times I kind of lost it," he said. "It seemed to not have any end. . . . When everybody is trying to say you did something awful and you know you didn't."

Asked if he would take the same action again, Green declined to answer.

GRAPHIC: PHOTO: Keith Green; charges dropped. PHOTOGRAPHER: LUIS SINCO / For The Times

LANGUAGE: English

LOAD-DATE: June 5, 1996

PARK POLICE "REPORT"

**Memorandum**

To : ADIC, WMFO 29D-LR-35063 Date 4/21/94

From : SA William T. Guyton

Subject: Text of Press Conference of 8/10/93 Received from David Margolis, U.S. Department of Justice, 4/14/94

On April 14, 1994, David Margolis, U.S. Department of Justice, provided the attached text of a press conference held on August 10, 1993. The press conference was held by Phillip B. Heyman, Deputy Attorney General; Robert Langston, Chief, U.S. Park Police; and Robert Bryant, Special Agent in Charge of the Washington Metropolitan Field Office of the FBI. The subject of the press conference was a report on the death of Vincent Foster, former Deputy Assistant to the President.

Margolis provided this press conference text as a follow-up to his interview by the FBI concerning his involvement in the death investigation of Vincent Foster.

1 - SUB 17 (NVMRA) (Attachment)
1 - SUB 17 (OIC) (Attachment)
1 - Jim Bell (Attachment)

29D-LR-35063 SUB 17

PRESS CONFERENCE WITH: PHILIP B. HEYMANN, DEPUTY ATTORNEY GENERAL; ROBERT LANGSTON, CHIEF, US PARK POLICE; ROBERT BRYANT, SPECIAL AGENT IN CHARGE OF THE WASHINGTON METROPOLITAN FIELD OFFICE, FBI; SUBJECT: REPORT ON DEATH OF VINCENT FOSTER, FORMER DEP. ASST. TO THE PRESIDENT, US JUSTICE DEPARTMENT
F-10-01 page# 1 TUESDAY, AUGUST 10, 1993

dest=mwh,doj,fbi,park,crime
data

TRANSCRIPT BY: FEDERAL NEWS SERVICE
620 NATIONAL PRESS BUILDING
WASHINGTON, DC 20045

FEDERAL NEWS SERVICE IS A PRIVATE FIRM AND IS NOT AFFILIATED WITH THE FEDERAL GOVERNMENT.

COPYRIGHT 1993 BY FEDERAL INFORMATION SYSTEMS CORPORATION, WASHINGTON, DC 20045, USA. NO PORTION OF THIS TRANSCRIPT MAY BE COPIED, SOLD, OR RETRANSMITTED WITHOUT THE WRITTEN AUTHORITY OF FEDERAL INFORMATION SYSTEMS CORPORATION.

TO RECEIVE STATE, WHITE HOUSE, DEFENSE, BACKGROUND AND OTHER BRIEFINGS AND SPEECHES BY WIRE SOON AFTER THEY END, PLEASE CALL CORTES RANDELL AT 202-347-1400.

COPYRIGHT IS NOT CLAIMED AS TO ANY PART OF THE ORIGINAL WORK PREPARED BY A UNITED STATES GOVERNMENT OFFICER OR EMPLOYEE AS A PART OF THAT PERSON'S OFFICIAL DUTIES.

---

MR. HEYMANN: Ladies and gentlemen, we are here today to announce the results of the inquiry into Vince Foster's death. I received an FBI report this morning, a Park Police report last Friday just got into my hands or Monday. As you all know, Park Police have been taking the lead in investigating the cause of death. The FBI has been assisting in that investigation and separately investigating the circumstances surrounding the finding of the note.

The chief of the Park Police, Chief Langston, and the special agent in charge of the Washington field office of the FBI, Mr. Bryant, are here today. They're here to describe their findings to you and to answer any questions you have.

I have directed that the full text of the note that was found be made public now. At the very strong urging of the family of Vince Foster, we are not making available photocopies of the note itself, but knowing that some of you may want to see it so that you can describe what it looks like, Carl Stern will have a copy available and anyone who wants to see it is welcome to see it. We just don't want to distribute it.

There are in the note some statements, which to be sure that no stone was left unturned, we have referred to the units which the attorney general asked some weeks ago to review any questions about the travel office -- the Office of Professional Responsibility, and

the public integrity section. As to these assertions in the note, the Office of Professional Responsibility is looking at the sentence dealing with the FBI as part of its broader inquiry into the FBI contacts with the White House in accordance with the attorney general's letter to Chairman Brooks promising that we would look into the FBI's contacts.

As to the remaining assertions, the Public Integrity Section of the Criminal Division is looking at them as part of its mandate -- also from the attorney general, also in response to Chairman Brooks -- to review all travel office matters. Now, there's one that is not a travel office matter, and as to that one, which I don't even have it in front of me to describe it, involves the ushers. While the inquiry into these assertions is not totally complete, I am told that based on its interviews to date, nothing has led the Public Integrity Section to suspect any criminal conduct that would then have to be investigated.

I will also hand out or make available to you my instructions last week to the Public Integrity Section and to the Office of Professional Responsibility asking them to look into these matters.

The FBI joined the Park Police in the initial stages of the inquiry into Vince Foster's death because of his status as a federal official and assassination statutes. As it became apparent that this was a suicide, the FBI gradually assumed a secondary role to the Park Police. The bureau reentered the inquiry at our request to examine the handling of the note.

And with this, I think I should turn you over to Chief Langston.

Chief?

CHIEF LANGSTON: Good afternoon, ladies and gentlemen. The United States Park Police has completed its inquiry into the death of Vincent Foster and, as you are aware, that occurred on the 20th of July at Fort Marcy National Park. It's a component of the George Washington Memorial Parkway in Fairfax County, Virginia.

dest=mwh,doj,fbi,park,crime
data

The condition of the scene, the medical examiner's findings and the information gathered clearly indicate that Mr. Foster committed suicide. Without an eye witness, the conclusion of suicide is deducted after a review of the injury, the presence of the weapon, the existence of some indicators of a reason, and the elimination of murder. Our investigation has found no evidence of foul play. The information gathered from associates, relatives and friends provide us with enough evidence to conclude that Mr. Foster's -- that Mr. Foster was anxious about his work and he was distressed to the degree that he took his own life.

That's the end of a brief official statement. I'd like to say to the press and to the media that we're not really equipped in the Park Police to answer the numbers of phone calls that came into Park Police headquarters, and let me apologize if we were a little short or there was a delay getting back to you. We had probably over a thousand phone calls over my three lines at my office, and it was kind of hard to conduct business.

I'll be pleased to answer any questions at this time regarding this death investigation.

Q Chief, have you ever found the person who reported it to the park maintenance man? And do you -- were you able to trace the source of the gun?

CHIEF LANGSTON: We can only identify that a white male in a white van may have been the person that notified a park maintenance employee at the Turkey Run maintenance center, and that white van was also placed in the parking lot near the time of the incident.

MR. HEYMANN (?): Chief, let's bring special agent in charge -- (inaudible).

CHIEF LANGSTON: Thank you. Bob?

Q Was the -- the Fairfax police, were they notified at all?

CHIEF LANGSTON: The emergency 911 was notified, and the Fairfax County Police notified the US Park Police of the incident.

Q Were (any ?) people there when you got there or anything like that?

CHIEF LANGSTON: There was no one there, to my knowledge.

Bob, you want to make a statement first.

MR. BRYANT: Ladies and gentlemen, I'm Bob Bryant, and I'm special agent in charge of the Washington metropolitan field office of the FBI, and I want to make a few brief comments to you.

First, what we have here is a great sad tragedy in our community, and it's -- initially when there is a death of a high government official that's covered by the assault or the assassination statutes, the FBI as a matter of course establishes liaison with the police agency that has the primary lead, in this case the United States Park Police. We followed this case from the time we were notified until we were basically of the opinion, along with Chief Langston's staff, that this was a suicide.

Subsequently, there was an issue raised about a note and the question of what the note -- the handling of the note and the processing of the note and its turnover to the United States Park Police or law enforcement.

MORE

dest=mwh,doj,fbi,park,crime
data

We were ordered then by the Department of Justice to look into the handling of this note and to bring that investigation to the forefront, and we did that in recent times. And that's the time when we re-entered the investigation.

I would just like to say that during this time the cooperation between our two agencies has been outstanding, and I'm sure there are a lot of questions around this, but I'll turn it back over to Bobby or --

(Cross talk)

Q (Inaudible due to cross talk) -- could you tell us what you found out about the handling of the note?

MR. BRYANT: The note was initially discovered on July the 26th, 1993 at 4:00 p.m. by an aide who was inventorying Mr. Foster's office. The note was reviewed. It was torn up into several small pieces. It was put back together. And then there was concern by White House staff about executive privilege and about family interests. The note was subsequently reviewed by the wife and her attorney -- Mrs. Foster -- and was then reviewed by the president for executive privilege issues. And then after these 30 hours had passed, the note was turned over to Chief Langston's people on July the 27th at 9:15 p.m.

(Cross talk)

Q Mr. Bryant, why -- what about what the delay?

Q (Inaudible due to cross talk) -- whether that was appropriate handling of the note, because that's -- (off mike)?

MR. BRYANT: The handling of the note by the White House staff, certainly, they had interests there as far as executive privilege and certainly sensitivities to the family, and they were reasonable.

Q They were --

Q They were reasonable, you said, Mr. Bryant?

Q What did you say --

MR. BRYANT: I said they were reasonable.

Q Well, what's the relationship between what he says and he has a family? This is all the government business.

MR. BRYANT: I'm sorry, you -- what are speaking from?

Q I'm reading from the note.

MR. BRYANT: So --

Q Reading from what --

MR. BRYANT: -- the -- the content of the note was not examined by us. The handling of the note by the White House staff and its subsequent turn-over to the Park Police was what we looked at.

Q Who first told you this was a suicide?

MR. BRYANT: Well, I think while we were with the United States Park Police, it became reasonably apparent that it was a suicide.

Q Sir, do you have any concerns about the delay in the time that the White House did turn the note over to you?

MR. BRYANT: I think that the -- the concerns that they were working from were reasonable. We would probably have liked it to have been a little sooner, but we understand what was going on. I'd leave that to Bobby to answer, too.

Q How much sooner would you have liked to have seen --

MR. BRYANT: I can't answer that question because there are executive privileges and family interests here that are certainly very strong interests.

Q Reading these -- these things in this note --

Q There's no question that this note, that this --

Q -- I don't see any family interests.

Q Let me finish my question. There's no question that this is his note, his handwriting, that you took it. Did you do forensic on it? Are there fingerprints?

MR. LANGSTON: Yes. It's -- it's been identified by an expert in handwriting. Also, it was identified by the wife, Mrs. Foster, as being his handwriting.

Q How many people handled it? Are there -- a sense of how -- was it passed back and forth, or just his fingerprints on it?

MR. LANGSTON: It was handled by a number of people at the White House. And it was processed there were no real discernment of prints that could be identified.

Q Mr. Bryant, what precisely were the executive privilege

concerns that the White House staff cited to you from the note?

MR. BRYANT: I think that when you have at the highest levels of government, I think any document, they would want to examine it as to whether there is information in there that might be privileged, and I think that's what, in fact, occurred.

Q Was there any -- is there anything in --

MR. BRYANT: I think --

(To staff ?) Had the note been turned over?

MR. LANGSTON: I'm sorry.

MR. BRYANT: Has the note been turned over?

I think it has, so I think that answers your question.

dest=mwh,doj,fbi,park,crime
data

Q Yeah, but --

Q So there were no privileged --

MR. BRYANT: No.

Q Let me ask --

Q Mr. Bryant?

Q Let me ask you this: Were you able to determine what took the bulk of the 30 hours? Was it giving it to the family first?

MR. BRYANT: I think they had -- if you will remember -- go back to the time here, we had a death, a family traveling back and forth from Little Rock, an attorney involved, and also the president's schedule. And there were issues there that they thought were paramount to have a review done, and they were, in fact, done. And that's what accounts for most of the 30 hours.

Q Mr. Bryant?

Q Who's to blame, Mr. Bryant? Who at the White House was exerting this thought of executive privilege in the family? Is there a name of a person you can give us who was your contact there?

MR. BRYANT: Well, I think we working through Mr. Nussbaum.

Q Who was the aide that was examining the --

MR. BRYANT: I'm really not going to get into that. I don't think I want to --

Q You already --

Q Mr. Bryant?

Q Why wouldn't you get into that?

MR. BRYANT: Because I would just prefer not.

Q Mr. Bryant --

MR. BRYANT: Gary?

Q Mr. Bryant?

Cross talk.)

Q How do you know that the circumstance is that the note was left in the briefcase torn up? Who discovered the note? How certain are you that the note was torn up by Mr. Foster and left in the briefcase? And, if so, how do you reconcile the fact that he tore up a suicide note?

MR. BRYANT: Okay, Gary, first, the note -- the -- I don't -- whether it's a suicide note or not, I don't know. It certainly comments about what's going on, first. The note was torn up into 27 pieces. It was in a briefcase that was discovered on the 26th.

Q Sir, this sounds like all this material that he might have been going to discuss -- he had an appointment, I understand, to talk to the president on Wednesday after he died Tuesday. He made this appointment Monday night. This sounds like this all the stuff that they were going to chat about.

MR. BRYANT: Well, I don't know --

Q Do you know for sure --

Q Could you give us a sense of what you think he was talking about when he seems to allege in this note that the FBI lied to the Justice Department? Have you got --

MR. BRYANT: I'm not really going to get into what his state of mind was or this type of thing. The facts are -- what was written down, you have. And it'd just be sheer speculation on my part or Chief Langston's.

Q Sir?

Q Are you saying the FBI hasn't discussed this with the White House counsel's office at all, that you have not had a conversation about this particular line in the note, that no one at the counsel's office --

MR. BRYANT: I think Deputy Attorney General Heymann suggested that certain aspects of this note are under inquiry by professional responsibility, and I think that's what he's referring to.

Q Do you know why --

Q (Inaudible.)

Q Do you know for sure that there was no other note left by Mr. Foster anywhere? Do you know that he did not leave any note for any member of his family?

MR. BRYANT: We've conducted over 30 interviews to determine what

happened to this note, the time schedule, and we've run down numerous comments and suggestions of other notes, and we've found them all to be without fact.

(Cross talk.)

Q Do you have any indications that --

Q You haven't really answered the question about the gun, where the gun came from, how he got the gun.

CHIEF LANGSTON: We probably ought to -- we ought to probably clean up any other comments about the note before we move on to the gun.

Q Well, can I ask you just about --

Q Mr. Bryant?

Q On that Thursday, two days after, you have this going through his materials by Bernie Nussbaum with people here sort of looking on, the FBI looking on, the Park Police looking on. Do you have any concerns that Bernie Nussbaum was the guy who was basically searching the office and you guys were sort of standing around?

dest=mwh,doj,fbi,park,crime,drug
data

CHIEF LANGSTON: Let me comment on that. We certainly weren't pleased at the way that was conducted. Our investigators would like to have seen that briefcase and would like to have examined the content of files. It was -- executive privilege was invoked. And we raised those concerns with the Justice Department, and those concerns from the Justice Department were raised with the White House. And the White House staff became very compliant, and everything that we had asked for, they provided to us fully.

Q Do you have any sense, Chief, of why this note wasn't found in the first office search?

CHIEF LANGSTON: It was ripped up into 28 small pieces and evidently was --

Q Twenty-five.

CHIEF LANGSTON: Well, there is some controversy over that. (Laughter.)

Q The FBI can't count?

Q What fingerprints were found?

Q I'm sorry. I'm sorry, you were answering the question about why you think it wasn't found.

CHIEF LANGSTON: Well, obviously, the search of the briefcase was done out of the sight of our investigators and the agents. Papers were being pulled out. And it was overlooked is what was --

Q (You are in the ?) executive department. Why in the world was anybody conducting executive privilege against you?

CHIEF LANGSTON: I can't answer that, ma'am.

Q Sir, what fingerprints did you find on the note?

CHIEF LANGSTON: I don't believe anything discernible.

MR. : There was one smudged palm print.

CHIEF LANGSTON: One smudged palm print.

Q Chief Langston, the fact remains you don't know, do you, who tore the note up and put it in the briefcase?

CHIEF LANGSTON: No, we don't, Gary, but we have -- in interviews

with the wife, she encouraged her husband to write down a list of what was bothering him. And she believes that that may have occurred a week to a week and a half prior to when he was found at Ft. Marcy. So, it could have been anytime between a week and a half and the time that --

Q There's no question that he wrote it, I understand that.

CHIEF LANGSTON: Yes.

Q But there is a question that somebody on the White House staff might have discovered the note elsewhere and torn it up and put it there?

CHIEF LANGSTON: That would be speculation. I could not comment on that.

Q Gentlemen, the note refers to both the president and Mrs. Clinton. Did anybody interview the president or Mrs. Clinton as part of this investigation?

CHIEF LANGSTON: Not from the Park police, no.

MR. BRYANT: We did not.

Q Why not? The president was one of the last to talk to him, had a meeting with him the day following the suicide --

MR. BRYANT: I think what we were trying to do here first was trying to find out if there was a violation, if he'd been harmed, you know, assaulted or assassinated or whatever. We concluded no. The second part of our inquiry was the note, and we didn't consider the president or Mrs. Clinton to be relevant witnesses to that.

Q Why?

MR. BRYANT: Because in our investigative view, they were not.

Q Did anyone on the White House staff talk to you about that? Did they -- did you approach anyone at the White House staff about interviewing the president or the first lady? Did they attempt to discourage you in any way?

MR. BRYANT: No.

Q So, you never talked to anyone on the White House staff at all --

MR. BRYANT: We talked to many members of the White House staff first about the note and the handling of the note. As far as the interviewing the president, no, we did not because we did not consider

them to be relevant.

Q Why was a loose end not tied up? I mean, if you want to make sure it's thorough and you know this question is going to come --

MR. BRYANT: I suggest to you that it's a very thorough investigation.

Q Is there any indication that Mr. Foster had in the past been treated for depression or had ever talked about taking his own life?

CHIEF LANGSTON: No. He had been encouraged to see several doctors, and I think he had a doctor in Arkansas who was prescribing to him some medication. That doctor was, I think, just a regular general practitioner who had prescribed some medication.

Q What kind of medication?

CHIEF LANGSTON: He may have taken one dose of that prior -- maybe a day or two prior to, but the medical examiner found no traces of any drugs in his system.

Q What medication was that?

CHIEF LANGSTON: I'd have to -- I don't have that on the tip of my tongue. I'd have to provide that.

Q Was it an anti-depressant?

CHIEF LANGSTON: I believe that it was, yes.

Q Are we going to get the autopsy report?

Q Was that the first time he had been prescribed an anti-depressant? Was that the first time in his life he had been prescribed an anti-depressant?

CHIEF LANGSTON: I have not -- I don't have that information.

Q Was the doctor interviewed?

CHIEF LANGSTON: I believe so.

Q Did the doctor say why he would mail an anti-depressant to somebody when most people would provide a full psychiatric workup before you take them?

CHIEF LANGSTON: I believe that Mr. Foster had gone through a recent medical from that doctor and had been under his care.

Q A recent psychiatric workup?

CHIEF LANGSTON: No. I think just a recent medical examination.

MORE

dest=mwh,doj,fbi,park,crime,drug
data

Q Was it Prozac or was it --

CHIEF LANGSTON: It was not Prozac, but I can't recall the name of the drug. It started with a "T," is the only thing I can recall.

Q Chief, you said that Mr. Foster's wife had urged him to write down what was on his mind. I know there are sensitive family concerns here, but what can you tell us about what she suggested to him that he do with this after he write it down?

CHIEF LANGSTON: Oh, I think she just wanted him to vent. I can't speculate on why she asked him to write it down, but --

Q She didn't tell you that she said write it down and take it to the president or write it down and bring it home and talk to me about it?

CHIEF LANGSTON: No. I was not the investigator, so I wasn't interviewing her, and I didn't see that in the investigation.

Q (Off mike) -- sure that this was definitely a suicide, why did the FBI begin to work around and see if this was something else?

CHIEF LANGSTON: The FBI was in it because of the public official aspect of it, the possible homicide --

Q I know that, but why was the FBI looking at this to see if he had been assaulted if you were so sure it was a suicide?

CHIEF LANGSTON: Every indication led to that point on the scene.

Q (Off mike) -- FBI man answer that, will you?

CHIEF LANGSTON: Yes, ma'am.

MR. BRYANT: I'd be delighted to answer that question. Any time there is an assault or a death under suspicious circumstances of an official covered by the assassination or assault of a federal officer statute, we immediately put agents with the primary or lead agency, in this case United States Park Police, to determine the circumstances. As we became convinced that it was, in fact, a suicide, we subsequently started to withdraw, and then the issue with the note and the 30-hour issue, and then when we were ordered back in by the Department of Justice to examine the circumstances of the turnover of the note. And that's the chronology --

Q What does the autopsy show?

CHIEF LANGSTON: The autopsy showed that he was free of any disease, that he had no drugs in his system, and that he died from a single gunshot wound that entered through the mouth and upward into the brain.

Q Can you tell us anything about the origin of the gun, or have you traced the gun?

CHIEF LANGSTON: The gun has a serial number on it, and if you're familiar with a Colt weapon, there are normally two numbers on each Colt weapon. One is called the serial number and one is called the butt number. There was some confusion that there may be two guns on the scene. I'd like to put that to rest. There is one gun on the scene. There's not a matched pair that we know of. A photograph of that gun was sent to the family in Arkansas to see if that was part of the father's collection. Evidently the father had died and had a gun collection. It was a 1912 Army Colt special. It was not traceable. It was not registered. It was not registered here in the District of Columbia, nor was it registered in Arkansas. The gun was similar to that in his father's collection. It was identified by a sister who looked at the photograph and said that is similar to the weapon that was in her father's collection. There were some ornate swirls on the handle of the Colt. She identified that that was the same. And -- but nowhere does that serial number come back to any one that we can recognize.

Q Can you tell us, did he have the gun in the White House or did he go someplace else to pick up the gun?

CHIEF LANGSTON: We cannot trace that.

Q Can you tell us about the time period --

Q Can you tell us about -- can we finish with the gun?

Q Okay.

Q Can you tell us whether or not -- in other words, was it believed that he had that gun? Does the family think that that gun had been in Vince Foster's possession?

CHIEF LANGSTON: Yes.

Q And what can you tell us about the time period -- there was a period of four or five hours when he left the White House and when he was believed to have committed suicide. What do you know about that time period?

CHIEF LANGSTON: We know that he had a full meal, and we cannot identify where that was, and that's strictly because the medical examiner said that he had a full meal. We cannot, from the time he

left the White House, cannot account for the time. The body was discovered at 1800 hours, which is 6:00 p.m. It may have been there for an hour to two hours.

MORE

-

PRESS CONFERENCE WITH: PHILIP B. HEYMANN, DEPUTY ATTORNEY GENERAL; ROBERT LANGSTON, CHIEF, US PARK POLICE; ROBERT BRYANT, SPECIAL AGENT IN CHARGE OF THE WASHINGTON METROPOLITAN FIELD OFFICE, FBI; SUBJECT: REPORT ON DEATH OF VINCENT FOSTER, FORMER DEP. ASST. TO THE PRESIDENT, US JUSTICE DEPARTMENT
F-10-07 page# 1 TUESDAY, AUGUST 10, 1993

dest=mwh,doj,fbi,park,crime,drug
data

Q Chief, you've not been able to recover the bullet?

CHIEF LANGSTON: The bullet has not been recovered.

(Cross talk.)

CHIEF LANGSTON: I'm sorry?

Q Who was the last person to see him alive that you interviewed?

CHIEF LANGSTON: I cannot tell you that. It is in the interview statements. I'm not sure who that is.

Q Was it a White House official or his family?

Q Was there anything remarkable about the last known conversation with Mr. Foster that stands out in terms of his suicide?

CHIEF LANGSTON: I can't answer that.

Q Why?

CHIEF LANGSTON: I don't know. That's -- no knowledge of it.

Q Was he receiving anti-depressant drugs? And what's the name of the doctor who sent them to him?

CHIEF LANGSTON: I will provide that to you later, but I don't have it with me right now.

Q Chief, can you shed -- or Mr. Bryant -- any light at all on this line about the usher's office and the name Cocky (sp) and HRC?

CHIEF LANGSTON: No, I can't.

Q Can you give us any idea what that means? The line is: "The usher's office plotted to have excessive costs incurred taking advantage of Cocky (sp) and HRC."

MR. BRYANT: I don't know.

CHIEF LANGSTON: I believe Cocky (sp) is somebody in the White House and HRC is Hillary Rodham Clinton, I believe. That's what they speculate.

Q I'm sorry, that's what who speculates?

CHIEF LANGSTON: That was just -- that was given to me by one of my investigators that they thought that's what that meant.

Q Sir, in the collection of all the interviews, was there a general sense that he was very depressed?

CHIEF LANGSTON: Oh, yes, very much so -- from the family, from friends, from his writing, from the doctor -- that he had been going through some tough times accepting some of the problems that had occurred there. And I think you can see in the note that certain situations had occurred that he was directly responsible for.

Q Well did he say to friends that he was having a difficult time?

CHIEF LANGSTON: I don't know if he did or not. I think his wife acknowledged the fact that he was really down. As a matter of fact, they had called the office to see how he was doing. And I think the friends pretty well acknowledged that he had been acting a little down.

Q Any indication when the note was written?

Q Did they indicate how long --

CHIEF LANGSTON: Yes, ma'am? I'm sorry?

Q Did they indicate how long he had been down, how long they'd been noticing this?

CHIEF LANGSTON: I think probably it had to extend back over a week or two.

Q Did you figure out when this note was written, other than Mrs. Foster's suggestion that she told him to write down what was bothering him?

CHIEF LANGSTON: No. She said that he had suggested that about a week and a half prior to the death. It could have been written any time in there.

Q When he leaves the White House, does he log his car out? Did you find the logging? Is that the person who might have last seen him? How did he get his car out of the parking because they usually log them in very carefully.

CHIEF LANGSTON: I'm sure that's part of the investigation, but I cannot tell you.

Q Well let's come back to this last person for a minute, if we could, because that is strange. In this kind of investigation I

would think you would want to know somebody who saw this man directly before death. Do you have any witnesses who saw him outside of the White House after 1:55?

CHIEF LANGSTON: No.

Q Where does the investigation go from here?

MORE

dest=mwh,doj,fbi,park,crime,drug
data

Q Let me just finish. Could I -- I have one more thought on that, ma'am?

Have you interviewed his secretary? Did she see him?

CHIEF LANGSTON: Yes.

Q Have you -- you don't know that, for example, Mr. Nussbaum was the last person? Do your investigators know, Chief --

CHIEF LANGSTON: Yes, they do. No, I don't know. My investigators do know.

Q (Inaudible) -- very quickly so we can find that out? That seems a little bit crucial, because there are suggestions that a very senior person saw him right before he left. And so naturally we want to lay that to rest.

CHIEF LANGSTON: Sure.

Q Did you examine his phone --

CHIEF LANGSTON: We'll get back on that.

Q Did you examine his phone logs?

CHIEF LANGSTON: I'm sorry. Go ahead.

Q Where does the investigation go from here?

CHIEF LANGSTON: The Park Police has concluded its investigation into the death inquiry of Mr. Foster.

Q What about the FBI?

MR. BRYANT: And we've concluded our investigation as to the handling of the note.

Q Gentlemen, there's a lot of serious statements here. Aside from the -- you said you would follow up on the FBI line in the Justice Department. Will the rest of this be looked into? A man did, apparently, give his life because of these concerns. You're saying it's over. Does that mean all these things about the travel office and so on will not be looked into?

MR. BRYANT: I think some of those inquiries are ongoing. Certainly the travel office and the issues about the FBI -- some of those are ongoing.

Q What about his telephone logs?

Q Did you -- have you kept a copy of Heymann's letter?

Q Did you all examine his telephone calls?

MR. BRYANT: Yes, we did.

Q You did? And did that lead you -- did that tell you what officials in government he had been talking with that might have contributed to his distress?

MR. BRYANT: Well, we asked for 2-1/2 weeks prior to his death of telephone logs. We did receive that.

Q What were the main offices he dealt with during that time?

MR. BRYANT: I don't have that information with me. I'm sorry.

Q Are you going to make that public, those offices, that phone log?

MR. BRYANT: It's part of our investigation. I doubt it will be made public, ma'am.

Q Chief --

MR. STERN: Let's just take a couple more questions, and they've got to get back to work.

Q Is there any indication of why he chose the place --

Q What about the phone logs? Will you --

Q -- he chose to shoot himself?

CHIEF LANGSTON: No, ma'am.

Q Was there anything that happened on that date that indicates -- that may have sparked this? Is there --

CHIEF LANGSTON: Not to our knowledge, no.

Q Chief, is there --

MR. STERN: Safire?

Q Mr. Bryant, the line that says the usher's office plotted to have excessive costs incurred, might that have been a federal crime? And would the FBI look into that?

MR. STERN: Bill, you came in late. We did distribute a letter from the deputy attorney general that indicates how those matters will be pursued.

(Cross talk.)

Q You didn't distribute it over here.

MR. STERN: Okay.

Q Well, what are these --

MR. STERN: I'll make -- Sarah, will you please?

Q (Inaudible.)

MR. STERN: We'll make sure that he -- I thought it was passed out on your side. If it wasn't, we'll get you copies. Let me just say one last thing. There are some of you who obviously would like to see a photocopy of the original -- of the note in its original form. If you want to come to my office after this session, I'll be happy to show it to you, but we did want to respect the family's wishes. But if you wish to see it in terms of where there are scratch-outs, interlineations, scribbles, anything like that, I do have one photocopy. And if you want to come to my office --

Q So we can't get a copy?

MR. STERN: No. But if you'd care to come to office to look at it --

Q Sure.

MR. STERN: I understand your journalistic need to describe the note to your readers or to your viewers.

Q For those of us who don't usually cover Justice, could you tell us where your office is? (Laughter.)

MR. STERN: Just passed the men's room.

(Cross talk.)

MR. STERN: Thank you. Thanks a lot.

Q Wait a minute, sir!

Q From which office are we getting the report?

MR. STERN: The report --

Q When is it being released?

MR. STERN: As soon as the FOIA section processes the report, it'll be available to you. That has already started before this meeting even took place.

Q Do you have to file a request or is it going to be released to everybody at once?

MR. STERN: The normal practice of the FOIA section is to call the people who have requested it and let them know that it's available and to ask them whether they would like it mailed or would they like to pick it up. (Laughter.)

Q Who do we tell --

MR. STERN: If you'll send an FOIA to Philip Heymann, the deputy attorney general, or to me, we'll make sure that it gets up to that section.

Q This question is to both of these gentlemen here. You say this man was in great depression and he'd been dissatisfied with the government.

dest=mwh,doj,fbi,park,crime,drug
data

Therefore we certainly need to know what departments and what agencies of government he talked with recently, and that would be in the telephone log, and you're not going to make that public?

MR. STERN: Sarah, if you put in a Freedom of Information Act request, we'll make sure that it's handled.

Q (Off mike) -- Freedom of Information Act -- (off mike). I want to know what --

MR. STERN: Okay, Sarah.

Q -- (off mike) -- of things we should know now. Are you going to give it to us or are you not?

MR. STERN: Sarah, I don't think we have that available at this -- at this point.

Q Well, why don't you?

MR. STERN: You want some special servicing? Is that it? You're not content to wait and do it the normal way, through a Freedom of Information Act request?

Q No. Hell, no. I'm not --

MR. STERN: Okay.

Q -- going to wait on that.

MR. STERN: Thank you very much.

END

# Memorandum

To : ASSOC. INDEPENDENT COUNSEL BRETT KAVANAUGH Date 6/22/95

From : SA C.L. REGINI

Subject: FOSTER DEATH INVESTIGATION
SUMMARY OF PHYSICAL EVIDENCE

The following is a comprehensive summary of the physical evidence in this case. This summary does not include the items obtained during the search of Ft. Marcy Park on 4/4/94, since none of the items were determined to be relevant to this investigation. Preliminary examination by Dr. Lee indicates the possibility of the presence of blood on the USPP latent lifts from the glasses and revolver, as noted in my memo documenting my meeting with him on 6/9/95. My memo of 6/12/95 identifies the particular locations and amounts of hairs, fibers, and latent prints. Additionally, my memo of 3/2/95, which documents our meeting with the laboratory examiners, contains information regarding the nature of the forensic examinations and the conclusions that can be drawn from the results.

I) Death Scene Observations.

A) The decedent was lying face-up on an approximate 45 degree sloped embankment, with his head toward the top of the slope. The location was consistently described to be near the "second cannon".

B) The decedent was wearing a white shirt. Blood stains are only observed on the right shoulder and neck area, and around the right rib cage area.

C) Blood trails are observed on the decedent's face.

D) The decedent's arms were at his sides. The right hand was around the cylinder of a black revolver.

1) right thumb trapped between trigger and inside edge of trigger guard.

2) one blood droplet on right index finger above second joint.

3) apparent gunshot residues along the outside edge of the right index finger in close proximity to the cylinder gap of the weapon.

4) The hammer of the revolver had to be cocked to remove the weapon from the hand (indicates that the revolver was cocked when the thumb was inserted).

5) The decedent's hand was flexible (gun was not tightly gripped).

E) Prescription glasses were collected approximately 13' downslope from the decedent's feet.

F) When the body was rolled, a large pool of blood was observed where the head had been resting.

1) Additionally, a larger area of blood was observed where the decedent's back was in contact with the ground, which coincided with blood stains observed on the back of the decedent's shirt.
2) A gunshot wound was observed at the back of the decedent's head.

G) The area was not searched for blood, other than by sight.
1) No blood was visually seen on surrounding vegetation.

H) The decedent was still wearing his jewelry and pager.
1) The pager was manually turned off.
2) The decedent's wallet and identification were located in his unlocked vehicle.
a) The wallet contained $292 and various credit cards.

I) The weapon was unloaded at the USPP office.
1) The hammer was down on a fired .38 caliber casing.
2) An unfired .38 cal. bullet was in the next chamber.
a) Colt revolvers rotate clockwise. The unfired bullet was in the next chamber to be rotated into firing position.
3) The serial number from the crane of the revolver cylinder (356555) was traced to the Seattle Hardware Co., Seattle, WA., 9/14/13.
4) The serial number on the frame of the revolver (355055) was traced to the Gus Habich Co., Indianapolis, IN., 12/29/13.

J. The following items were taken as evidence at the location of the body on 7/20/93:
a) eyeglasses- 13' downslope from the decedent's feet. (Simonello).
b) revolver- from the decedent's right hand (Simonello).
c) Seiko wrist watch- from decedent's left wrist (Rolla). Returned to Cliff Sloan on 7/21/93.
d) Pager- from decedent's right waist area (Rolla). Returned to Cliff Sloan on 7/21/93.
e) Silver ring with large white stone- from decedent's right ring finger (Rolla). Returned to Cliff Sloan on 7/21/93.
f) Gold colored ring with inscription "E.B.B. to V.W.F. 4-20-68" - from decedent's left ring finger (Rolla). Returned to Cliff Sloan on 7/21/93.

K. The following items were taken as evidence from the decedent's vehicle in the Ft. Marcy parking lot:
a) Brown leather wallet containing identification, credit cards, miscellaneous papers, and photos- from decedent's suit jacket pocket (Braun- Rolla). Returned to Cliff Sloan on 7/21/93.
b) Black suit jacket- from front passenger seat of decedent's vehicle (Braun).
c) Blue silk tie with swans- on top of coat on front passenger seat (Braun).
d) White House Identification- under coat on front passenger seat (Braun).
e) Miscellaneous papers- from glove box, trunk, door, and trunk (Braun).

L. Photos.
1. 35mm photos taken by Simonello were under-exposed, and did not develop.

2. 5 Polaroid photos of the death scene initialed by Edwards, probably taken by Ferstl.
3. 8 Polaroid photos of the death scene taken by Rolla.
4. 5 Polaroid photos of the decedent's car at the Ft. Marcy parking lot taken by Braun.

M. The following items were taken as evidence from the decedent's right front pants pockets at the Fairfax Hospital Morgue on 7/20/93:

a) one key ring marked "Cook Jeep Sales" (Braun).
b) one key ring marked "Vince's Keys" (Braun). Returned with vehicle on 7/27/93.

II. Autopsy

A. Observations

1. Cause of death: perforating gunshot wound mouth - head, no other trauma noted.
a. No evidence of abrasions, lacerations, contusions, or bone fractures (other than that associated with the head wound).
b. No evidence of teeth fractures or chipping.
2. Apparent gunpowder residues on both index fingers; more pronounced on right hand.
3. Abundant gunpowder residues on the soft palate of the mouth.
4. Toxicology was negative for alcohol and drugs.

B. The following items were taken as evidence subsequent to the autopsy at the Northern Virginia Medical Examiner's Office on 7/21/93. The items of clothing were placed into one bag and transported to the US Park Police Anacostia Office:

a) white colored, long-sleeved, button-down shirt (Johnson).
b) white colored, short-sleeved t-shirt (Johnson).
c) white colored boxer shorts (Johnson).
d) blue-gray colored pants with black colored belt (Johnson).
e) a pair of black colored socks (Johnson).
f) a pair of black colored dress shoes, size 11M (Johnson).
g) known hairs of Vincent Foster, Jr. (Johnson).
h) known blood of Vincent Foster, Jr. (Johnson).
i) known fingerprints of Vincent Foster, Jr. (Johnson).

The clothing was set out to dry on three pieces of brown wrapping paper, which were layed out on the floor of the USPP photo developing room. On 7/26/93, the items were packaged in separate containers and placed in the USPP evidence locker.

C. Autopsy documentation.

1. Diagrams (Beyer).
2. 5 microscopic slides containing sections of the soft palate, brain, heart, lung, and liver (Beyer).
3. 5 paraffin blocks, 3 of soft palate (Beyer).
4. 13 Polaroid photographs (Beyer).
5. 14 35mm photographs (Beyer).
6. 35 mm photos (Hill).

III. Vehicle search.

A. The following items were obtained from a search of Foster's grey Honda Accord at the USPP impound lot on 7/21/93 by Officer

E.J. Smith, and stored at the USPP evidence room:

1. Rand McNally Washington, D.C. map.
2. sunglasses.
3. "Happy Birthday card to Tom".
4. piece of white paper with red writing.
5. box of "The DeLuxe Check Printers, with four checkbooks in the name of Laura Foster.
6. clear plastic envelope with Insurance Identification Card listed to Vincent or Elizabeth Foster, Policy number 10094177-01, exp. 8/6/90.
7. one Sierra Nevada beer bottle (from inside white and green bag).
8. one Miller Lite beer can.
9. empty container of Marlboro Lites cigarettes.
10. one Kaopectate bottle.
11. one Clos Du Bois corkscrew.
12. Contents of front ashtray:
    a. 35 pennies, two quarters, one nickel, a Compton's Foodland disk, a $100 Estados Unidos Mexicanos coin dated 1985.
    b. Chevron credit card.
    c. Texaco credit card.
    d. a guitar pick.

B. 35 mm photos were taken of the vehicle during the search (Smith).

C. The vehicle was processed for latent prints with negative results (Smith).

1. Four of these latent prints were later identified by the FBI Laboratory as being of comparison value.

D. The following items were obtained from the law firm of Sharp & Lankford by SA Russell Bransford on 6/16/94. The items were in the decedent's grey Honda Accord at the time it was released by the USPP. The items were removed from the car by William Kennedy. The items were subsequently stored at the OIC-DC Office:

1. coffee mug
2. container of jellybeans
3. black eyeglass pouch with Rayban sunglasses
4. green kitchen mitt
5. one pair of brown moccasins
6. one blue audiocassette carryincase with 12 music tapes
7. two hardcover books:
   a. <u>Speak Up With Confidence,</u> by Jack Valenti
   b. <u>2,000 Famous Legal Quotations,</u> by M. Frances McNamara
8. Tysons Center directory
9. Potomac Mills directory
10. Eastern U.S. area map
11. one yellow envelope containing papers pertaining to the Honda Accord.
12. one White House envelope, hand addressed in pencil to William Kennedy, containing an Arkansas vehicle registration for a 1992 Lexus 300, with an attached post-it note.

IV) The note.

A. On 7/27/93 at 9:30 pm, numerous pieces of small yellow lined paper were obtained from Bernard Nussbaum by Det. Megby of the USPP.
B. On 7/28/93, the note was reconstructed and photographed (Simonello).
C. On 7/30/93, the note was released to SA Scott Salter, FBI.
D. On 8/5/93, the note was returned to the USPP.

V) On 3/21/94, all of the above items from the death scene, vehicle search, autopsy, and the note were released to the Office of the Independent Counsel (Colombell 302 of 3/21/94). The items were subsequently provided to the FBI Laboratory on 3/24/94.

VI) FORENSIC EXAMINATIONS
A. The note.
1. One latent palm print of value was developed, and subsequently positively compared to the known prints of Bernie Nussbaum.
2. The handwriting was positively compared to the known writing of Vincent W. Foster, Jr. by the U.S. Capitol Police and the FBI.
3. One unidentified blue wool fiber.
4. No indented writing.
5. Insufficient DNA for exam.

B. The vehicle.
1. Four latent prints of value (as identified by the FBI Lab).
2. Two latent prints of value from a business card which was part of the miscellaneous papers removed from the car.
a. one of the prints was positively compared to the known prints of Simonello (USPP).
3. one latent fingerprint on a white envelope.
4. four latent fingerprints from a pink envelope.
5. one latent palm print from a greeting card.

C. Revolver.
1. no latent prints.
2. no blood. (USPP latent lifts)
3. Decedent's DNA on muzzle.

D. White, long-sleeved shirt.
1. Positive reaction for gunpowder gunshot residue (ATF and FBI).
2. ball shaped gunpowder
3. decedent's blood.
4. no semen.
5. no hairs dissimilar to the decedent/suitable for comparison.

E. Trousers.
1. Negative for gunpowder gunshot residues (ATF).

F. Fired cartridge case.
1. fired from revolver.
2. several pieces of ball smokeless powder.

G. Unfired cartridge.
1. similar to fired cartridge in caliber, manufacturer, and headstamps.
2. contained ball smokeless powder.

H. Eyeglasses.
1. one piece of ball smokeless powder.
2. no blood. (USPP latent lifts).
3. insufficient DNA for exam.

I. Paper that decedent's clothes were set out on to dry at USPP.
1. ball shaped gunpowder.
2. one dissimilar gunpowder particle ( perforated disk shaped, from a fired cartridge)
3. no hairs dissimilar to decedent's/suitable for comparison.

J. Known blood of the decedent.
1. Trace amounts of trazodone, diazapam/nordiazapam.

K. Known hair of the decedent.
1. No drugs.

L. T-shirt.
1. ball shaped gunpowder
2. decedent's blood.
3. no semen.
4. unidentified head hairs.

M. Socks and shoes.
1. one dissimilar gunpowder particle (flattened ball shaped from an unfired cartridge).
2. blood of unknown origin on one shoe.
3. no blood on the socks and the other shoe.
4. unidentified head hairs.

N. Known tissue samples from decedent's soft palate.
1. no unconsumed gunpowder particles- no ball shaped gunpowder.

O. Belt and pants
1. human blood, too limited for grouping, on belt.
2. unconfirmed blood on pants.
3. no semen on pants.
4. unidentified head hairs.

P. Shorts.
1. unconfirmed human blood.
2. semen (DNA matched to decedent).
3. no hairs dissimilar to decedent's/suitable for comparison.

Q. Jacket.
1. No blood.
2. no semen.
3. no hairs dissimilar to decedent/suitable for comparison.
4. unidentified fibers

R. Handkerchief.
1. unconfirmed blood.
2. no semen.

S. Tie.
1. No blood.
2. no semen.
3. no hairs dissimilar to decedent/suitable for comparison.

T. Brown wrapping paper, white filter paper, and white wrapping paper from around revolver.
1. No blood.
2. No DNA exam conducted (decedent's DNA on muzzle of revolver).

U. Miscellaneous papers from decedent's car.
1. Unidentified DNA on an envelope (flap and stamp).
2. Insufficient DNA for exam on other paper items.

V. Miller Lite beer can.
1. Insufficient DNA for exam.

W. Sierra Nevada beer bottle.
1. Insufficient DNA for exam.

ALAN L. BERMAN, PH.D.
WASHINGTON PSYCHOLOGICAL CENTER, P. C.
SUITE 602
4201 CONNECTICUT, N.W.
WASHINGTON, D. C. 20008

OFFICE TELEPHONE
(202) 364-1575
HOME TELEPHONE
(301) 657-9367
FAX: (202) 364-0561

ALAN L. BERMAN, PH.D.
KATHARINE J. BETHELL, M.S.W.
MARILYN LAMMERT, M.S.W., SC.D.
ALLAN M. LEVENTHAL, PH.D.
BARRY W. MCCARTHY, PH.D.
CRAIG E. MESSERSMITH, D.ED.

DIPLOMATE IN CLINICAL PSYCHOLOGY
AMERICAN BOARD OF
PROFESSIONAL PSYCHOLOGY
TAX ID NO. 52-1183-840
D.C. LIC. NO. 789000007

**Personal and Confidential**

TO: Brett Kavanaugh
John Bates
FROM: Lanny Berman
RE: Draft Report on Foster Death
DATE: 19 March, 1997

I. In general, I think the report is excellent. The only editorializing I have to offer regarding what is written is the following:

1. No need to hyphenate the word antidepressant (p.1, line 15: change to "doctor for antidepressant medication..."). See p. 106 also. On other pages, e.g., p. 60, you use the word (appropriately) unhyphenated.

2. There is a hanging word "[strong]" on p. 55 that appears to be an in-house opinion.

3. Footnote #164 (p. 58) appears to be redundant of #160.

4. The third paragraph on p.85: the forensic evidence more strongly supports the hypothesis that Foster *carried* the gun...and, therefore, possessed it.

5. Footnote #323, p. 103 is misleading--see p. 15 of my report. Notes are not left in the great majority of suicides.

II. With regard to what is not written, I am concerned that the State of Mind section (X, p. 96ff) overemphasizes his depression out of the context of his feelings of being assailed from without coupled with his characterologic inability (1) to accept anything less than extremely high standards of performance, (2) to tolerate a blemished reputation and (3) to allow himself to seek appropriate help (see Death Before Dishonour, p. 14 of my report). This section (I'm trying hard not to be narcissistically invested here) is only 10 pages long and could be bolstered.

On the other hand, you do have the essence of this on pp. 98-99 and I can live with it.

As noted previously, I am out of the country from March 16-30 and will be back in the office on the 31st. I look forward to reviewing the next iteration.

Sincerely,

Alan L. Berman, Ph.D.

**Questions/Discrepancies/Comments**

**Chuck's Comprehensive List of July 25, 1995**

**Burton speech Oct. 1995:**

CW saw no gun and no blood stains on cheek, vegetation trampled, half-empty wine cooler bottle
CW saw wine cooler package in car other than Foster's car
no blood spattered on anything behind where Foster was sitting
says blood on ground irrelevant
FBI has not matched up carpet samples
FBI has not compared blond hairs
USPP investigation incomplete and unprofessional: photos underexposed, no search for skull fragments, cursory search for bullet
no skull fragments found
no fingerprints on gun
no fingerprints on note (wrong, but true that no Foster prints)
no Saudi guards heard gunshot
shoes were clean
Fiske pathologists never saw the body
medical examiner made glaring errors in past

**Sprunt summary report**

Fornshill did not see gun, nor did CW
took police only 2 minutes 42 secons to arrive at body
couple described people around Foster's car
Doody's statement incorrectly recorded in USPP report
extra car in Fort Marcy?
volunteers in park?
Haut's report not part of official record?
Haut said wound consistent with low-velocity weapon
Haut did not see much blood
Rolla said small hole in head
x-ray issue not reconciled
autopsy moved up
glasses found 19 feet down the slope
where are Ferstl's Polaroids?
Rolla says he has not seen some of the Polaroids he took
car keys issue
why did Kennedy and Livingstone go to morgue
what is deal with paper in Foster's wallet
5 witnesses state that there was a briefcase in Honda

car was locked, according to some
what time was White House informed?
Rolla has Secret Service name in his notebook
Gavin was asked about gun registration by Watkins and Burton
ambulance log states that the body arrived at the hospital at 8:30 p.m.
Foster had not lost weight
family checking account had been overdrawn
Clinton essentially told people not to talk about Foster on July 21 speech
Marsha Scott cannot remember
who was man seen in Fort Marcy on July 19 by ___

**Summary List sent to office (edited by me)**

flora different in picture that at second cannon
where are Ferstl's pictures
wound in neck
was body moved within park
why body neatly laid out
first two people did not see gun
how did he grip weapon given powder on both hands
why did not gun recoil out of hand?
glasses?
skull fragments?
bullet discovered?
no powder burns in Foster's mouth or broken teeth?
fingerprints on gun? had it been wiped?
why only 2 bullets in gun?
Arthur observed wound in neck
lack of grass and dirt on shoes
little blood at scene
blood stains on face running uphill
x-rays
why no traces of drugs in Beyer's test?
carpet fibers on clothes
blond hairs
semen stains
interview neighbors
briefcase
car keys
weight loss
office not sealed
beeper -- any messages?
flights to Switzerland?
Perry/Dickey call

**anonymous Internet (only new)**

no ownership on gun established
there was no blood on the gun?
USPP concluded investigation before testing gun
pager returned early

was car fingerprinted?
NSA binders in safe?
how many pieces to note?
ambulance log shows that Foster's body left the park at 8:16 p.m.
7 homes are closer than Saudi ambassador's residence
towing company?

**Strategic Investment**
keys
CW: vegetation trampled
high-velocity bullet would create greater wound
size of exit wound
3 kinds of gunpowder residue on foster's clothing? why?
Arthur neck wound
missing Polaroids
underexposed 35 millimeter photos
vegetation discrepancy?
no bullet found
CW did not see gun
no fingerprints on gun
inconsistent blood tracks on face
glasses 19 feet below body
no trace of grass or dirt
Doody and Feist's statements described inaccurately
C2 claims statement falsified
carpet fibers
note forged
note w/ psychiatrist list a forgery
staged phone calls to psychiatrists

**the glasses**
**blood**
**GSR**

(1)

6(E)

REVIEW 11/22/95 WHC

green (1) WH Project

Vince Foster confidential
(For your eyes only)
From: Watkins
→ envelope dated 5-7-93

green (2) Executive Residence Security
notes re: ushers, chefs, etc.

monica (3) Clinton, Hillary Rodham
Personal and Confidential

- 8-26-92 letter to Dan Hollingsworth referring to article in American Spectator
- memo on 4-23-92 re: cases HRC tried or hearings
- similar memo to Mildred Alston

(2)

manila (4) Clinton Financial Statements
Personal and Confidential

* memo from Clay Davis to Bront Buck
10-10-92
how to pay for various matters between election + office

* To Value Partners from Bill Smith of Smith Capital Management

* notes
4.75m + PS

127,560 PS as of 1/31/92

* note w/ "get out of White Water" and other notes incl. Air Force One, LRCC

* notes
* 1 page note w/ Office of Special Counsel written
* notes 482, 483, 11822
Tues. 11/24 continues w/

(3)

11823
11824

⊛ Foster typewritten notes 12-9-92
"settlement w/ firm"
"blind trust / cash management"
"other firm-related issues"
incl. "segregation and storage of personal, 1st lady, and campaign-related files"

"Whitewater
A. release and indemnity agreement
B. tax effect"

⊛ Smith Capital Management
portfolio appraisal for HRC
note w "1/31 exit date for Value Partners"

⊛ 12-17-92 LEXIS/NEXIS printout
re: blind trust

(4)

* Worthen Investments retirement accounts Stephens Inc held "HRC Profit Sharing Plan"

* note to C. Huber on VWF 2x4" paper
"Did Hillary ever contribute toward the improvement to the condo so as to increase her basis beyond $80,000?
"Vince" - "In Dec. she contributed 6250 for a room added"

* 12-31-92 Bill Smith letter discussing Value Partners
→ notes that uses shorting

* 12-30-92 letter re:
Rose Building Partnerships

* 11825 - 11832

(5)

- Charles Schwab statement

- 11833
  5-21-90
  Peny County Bank

11837 - 11858

220770 - 220772

* 12/22 VF Jr. note

1) Office of Govt Ethics informally believes you & Bill are entitled to a certificate of divestiture on stocks you must sell

2) OGE is independent federal agency. The director is a "PAS" whose term expires 8/95

* 1-2-93 Ark. Dem Gaz.
Business page

(6)

(*) 12-29-92
e-mail to Brant Buck
from K Magee cc: to Foster
+ Huber

---

(**)
Manila (5) Whitewater Development
Personal and Confidential

---

* First Family – 1993
Income Tax Returns

TCW July 6/2/93
moving expenses?

handwriting ? 220757

* 5-17-93 FAX to VWF
from Barbara Yates re:
expenditures from transition

(7)

* 5-11-93 Tisdale memo re: deductibility of moving expenses
Jim Lyons

* note - gowns
delivery 1/15/93

* notes of telephone call w/ Brant Buck on 3/5 re: expenses of campaign and office

---

(*) Blue Folder - unlabeled

(*) 6-24-93 memo ~~from~~ to Mike Berman ~~from~~ to VWF re: residence entertainment
submitted to D Kabbsky

(*) 5-18-93 memo from Berman to VWF + DW re: funds provided by private sources

(8)

VWF fax from Dan Kaffsky of DLC re: payment of expenses re: Travel of Pres.

* 5-23-93 memo fr. Berman to VWF & DW

* CFW Berman 6/1/93

---

(8) HRC Financial:

monila

12/17 FAX from Jane Ley
1/5/93 letter to Bill Smith

- copy of portfolio to Carolyn Hubes

(9)

(*) Clinton Blind Trust

6-30-93 letter to Norman Smith from Brant Buck re: blind trust

* 7/2/93 letter from Beth + VWF to Pres ~~Bidder~~ noting that savings bonds + AT&T stock had not been previously disclosed

* 6/28/93 note from Vince to Carolyn Huber re: domicile "Welcome back"

* 7/11/93 memo to Brant "Brant Here are 4 original blind trusts. Please correct typo in ¶ 11 ~~fifteenth~~ re: schedules + Revise Schedules A-1 & A-2 to eliminate #3 & #26 - the cash contribution - Please hold until Thursday

when I get final clearance on amendment of financial disclosures".

* 7-2-93 letter from Stephen Potts to Burt

* 7-2-93 handwritten letter from VWF to Hillary on WH stationary

"There is an original blind trust agreement adding an account for Chelsea. It has been approved by OGE.

Richi is getting increased calls re: status of blind trust. It would be nice if it were signed before you and the President leave so we don't lose another 2-3 weeks.

OGE will not allow such specific investment instructions to the trustee as K% income and X% equity, hedged fund, etc. the instruction will be more in the nature of

(11)

a preference for income, a preference for long-term appreciation or a balance between these objectives. This can be resolved while the agreement is circulated for signatures and investments are being transferred. I believe the investment mgr. has a pretty good understanding of your aversion to risk + the objectives can be changed by written directive

There is a typo on p. 14 which Brant will fix upon receipt. You can also sign investment transfer documents with him while you are in L.R. He has been a great help.

(12)

* 6/15 handwritten note to Hillary:

"Rubin agrees this is too aggressive.

* 6-5-93 memo to Vince from Beth
re: 278 & trust agreement

note
7/6 per Brant - prob a movement by Smith
220777

* note from Clarissa re: talking point re: blind trust

* 6/3/93 note to Beth

* 1-15-93 memo to UWF from Brant re: bank accounts

(13)

5/27 handwritten note from VF to "Hillary" re: will

5/22/93 formal memo to HRC from VWF re: blind trust

BK: check how ValuePartners + Wal-Mart were handled on blind trust → question of basis

VF recommends not using certificate of divestiture

* 6/3 note to Beth

* 6/9 letter to VWF from Brant ⇒ investment objectives

(14)

handwritten notes
Blind Trust

(*) note pad 6/2 Dayton Layman
366-9342
14 CFR 121

⇓

3:12 told Watkins - suggested he put B. Overton in touch w/ Layman

(*) 5-21-93 memo from Bill Smith to UWT - re. WST Ed. on Value Partnes + health care"

(*) 5/10 call from Bill Flaherty of Ethics Investment

(15)

⊛ 5-19-93 story re: HRC stocks
⇓
says WH attorneys should have advised her to divest health care stocks
↘ Foster underlinings
FAXED from "7805" to "6279"

5-13 letters re: blind trust

5-18 note to C. Huber re: blind trust

⊛ 5-21-93 WSJ article

⊛ 4-29-93 left re: James McDonald mtg w/ VWF

⊛ handwritten notes re: Boston Harbor Trust
Ropes & Gray

(16)

- memo from Brant Buck re: blind trust on 1-8-93

- 4/19/93 article re: conservative investments of 1st Lady

- yellow pad handwritten notes "Perry Co Bank" in top left corner

  Jones Ley
  Norm Smith

→ appears to be transition

(17)

(10) WJC - Arkansas CLE

Fri 7/9 note from VWF to Nancy Hernreich re: Ark CLE

(11) Clinton Exploratory Campaign

memo to partners from VWF soliciting $$

(12) Clinton Fund Raiser Dream Team

8-12-92 memo to all attys Fridays, Mitchell, + Wright have given more

(13) Clinton Physician

(14) 1992 + 1993 Projected Income Taxes

(18)

(19) July Amendent to 1993 SF-278

green

6/30-93
Chelsea's AT&T stocks

(7) 7-9-93 memo for the President ORIGINAL
⇒ in preparing blind trust...

green (*) WJC + HRC Blind Trust
7-19-93 FAX from Brant Buck to VWF
revised objectives for trust

(*) 6-18-93 letter from Bill Smith re: Dan Perlman article
⇒ handwritten note from VF that assets not yet in blind trust

(19)

- - - doc has been approved but not signed yet pending some details

formal 5-27-93 memo to Seidman + Caputo from VWF re: ValuePartners
cc: HRC

⊛ 4-21-93 Newsweek to Seidman

spe

Essex Investment Management

---

⊛ HRC Arkansas Law License CLE status

green folder

6/1/ to Hillary re: CLE ~~draft~~ letter handwritten w/ hers response

(29)

green folder - Arkansas Home

6-30-93 letter from VWF
re: horn

---

* Presidential Retreat

monika

property files

12-17-92 memo to BC + HC
from VF re: properties
in Heights

- Suzy Hubbell helping
w/ houses
=> gift for Webb

(21)

manila Chenal Property Fact Sheets

.

---

manila 220765

Green File

Schwab statements

---

page right before

#22 envelope

Savings Bonds

Chelsea's Investments

| | |
|---|---|
| 1000 | 2/80 |
| 100 | 2/80 |
| 50 | 3/80 |
| 50 | 3/80 |
| 500 | 12/83 |
| 500 | 12/84 |

"

"

'

91

(22)

several letters w/
"sign here" stickers
dated 7/16/93
Smith Capital
Natl Securities clearings
1st Chicago Trust

7-1-93 letter to BC + HRC
from Buck ⇒ blind trust
agreements

7-15-93 letter to Pres.
from Buck
w/ "sign here"
stickers

(23)

7-1-93 memo to VF from Carolyn Hukes re: Twin City Bank accounts

Stocks - Chelsea

BC for CC 1 AT&T 5/80

HRC for CC 10 AT&T 7/80

High for CC 100 AT&T 5/83

HRC for CC 7 AT&T 1/87

BC for CC 1 AT&T

(24)

green "WJC - 1993 Chron Files"
"all related FF personal"

- 7/11 handwritten letter to Brant ⇒ here are 4 original blind trusts - correct typo etc.
- 7/9 Beth + VWF to Pres
- 6-30-93 to IRS re: BC domicile in Ark
- 6-8-93 re: HRC's CLE status
- 6-8-93 memo to Cheryl Mills from VWF
- 6/2 handwritten to Clarissa re: trustee company

(25)

5-27-93 formal memo to Ricki + Lisa cc: HRC re: Value Partners + Blind Trust

---

5-19-93 memo Pres to Carolyn Huber - not going to focus on retreat - not mentioned since December

---

4-22-93 letter to Yaly from VWF ⇒ original replacement for first 7 pages of 1992 Ark Tax return

handwritten to Barnett ⇒ "she made a presentation error on line 15 . . . "

(26)

* 4-15-93 letter to Barnett from VWF w/ 1992 tax returns

* 4/14/93 — same

* 4/5/93 memo to Lindsey from VWF

cc: BN, Mack

"With the permission of the First Lady, I am having a local accountant, acting under the direction of Bob Barnett, review the draft 1992 income tax returns . . . want local acct to review SF-278 submitted to the campaign . . . new SF-278 on May 15

* 4/5 note to Capricia — "I need copies of the 1989-1991 federal income tax return ASAP"

(27)

* 6-28-93 letter from BRC re: Jay Kim

* 4-26-93 from Barnett to VWF re: Morris Hanton + Bob Jones

* note
TCW Beth 6/2/93
Valuepartners
7249 3464 short
175 3785 long
433 dim.
int

* 4-12-93 from IRS to Nussbaum re: filing automatic audit "

* 4-15-93 Yoly to VWF
11860

(28)

220799
800 –

4/13/93 note w/
"sign here" stickers 4/13/93
Per C Tubes
"In 1991 restoration
WJC threw some std
records away including
checks"

GET

* 4-5-93 memo to VWF+DW
from Barbara Yates
⇒ campaign + transition
items that could be
income tax related

(29)

TYPED

"Bob Barnett spoke to Peggy Richardson who had one of her people send a letter to Bernie explaining the process. It is apparently as Fred Fielding stated. If you want Bob to follow up w/ Peggy, please let him know so he can keep the dialog outside of the White House. Call him tonight at 212-371-4000 Rm. 3801. 5:15-6:30 at 212-799-1371

---

4-5-93 letter from Burch to VF re: Limited Partnership

4519 ⇒ Handwriting

38

4/2/93 handwritten FAX
from Peggy Richardson
to VF

"For your information.
Let me know if
you need additionals".

Please give HRC our love"

---

3-31-93
letter Barnett to VF
re: Horton + Jones

# Memorandum

To : DIC JOHN BATES Date 12/1/95

From : CI COY COPELAND

Subject: UNITED STATES SECRET SERVICE LOGS

On 11/27/95, Assistant Special Agent in Charge (ASAIC) PAUL IMBORDINO, U.S. Secret Service (USSS), Washington, C.C., advised the incoming telephone calls to the USSS Operations Duty Desk are not recorded, either now or back on 7/20/93. The only official notation made of the receipt of the notification call from the U.S. Park Police would have been Lt. DAVID WOLTZ's entry on the Watch Commander's Journal.

ASAIC IMBORDINO advised a search of his organizations records revealed a copy to the Watch Commander's Journal for 7/20/93 was previously furnished to OIC pursuant to a subpoena.

2 - 29D-LR-35063, Sub 17
1 - DIC John Bates
1 - AIC Brett Kavanaugh

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

TO: BRETT KAVANAUGH Revised 4/14/95

FROM: SA C.L. REGINI

SUBJECT: DISCREPANCY LIST

The following list is offered as a comprehensive and itemized outline of all of the noted discrepancies, inconsistencies, and problems that have been identified in the Vincent W. Foster death investigation to date. The outline is broken down into the following areas: U.S. Park Police, Emergency Medical Technicians (EMTs), the White House, Northern Virginia Medical Examiner, Miscellaneous, and Forensic Examinations.

I. U.S. Park Police

A. No gunshot residue samples of the decedent's hands.

B. Lack of complete documentation of the gunshot residues on the left hand.

C. Poorly diagrammed death scene; lack of measurements.

D. No photo log; no documentation regarding who took what photographs, and the total number of photos.

E. Death scene 35mm photos did not develop.

F. No documentation regarding the initial search of the decedent's vehicle at the death scene- no inventory.

G. Photo of an unidentified briefcase next to a U.S.P.P. vehicle.

H. Decedent's pager returned too soon; no records obtained regarding previous pages.

I. Suicide weapon processed with dust prior to other laboratory exams.

J. Inconsistent statements regarding moving and searching the body. (Rolla, Braun, Simonello, Hodakaviec)

K. Inconsistent and poorly documented autopsy.

1. Morrissette's report.
2. No gunshot residue samples from hands.
3. No fingernail clippings/scrapings.
4. No major case prints of decedent (palms, sides and tops of fingers).
5. No photo of left hand.
6. Possible contamination of evidence subsequent to autopsy at M.E. Office.
7. Inconsistent statements regarding what was done to the body prior to autopsy.
8. No description of body and clothing prior to autopsy.

1-Starr
1- Tuohey
1- Kavanaugh
1- Gillis
1-29D-LR-35063

L. Possible contamination of evidence at U.S. Park Police facility.

M. Poor interview and documentation of witnesses at death scene (Doody and Feist).

N. Photo of an unidentified white male wearing plainclothes at death scene.

O. Inconsistent statements regarding vehicle doors being locked/unlocked. (Braun, Rolla, Hodakievic, Simonello, Gavin)

P. All photographs not produced pursuant to initial subpoena.

Q. Inadequate and incomplete metal detector search by the USPP. (Operators had no prior experience or training)

II. Inconsistent statements and observations of Fairfax County Fire and Rescue personnel.

A. Wound on neck (Arthur: .45 cal. bullet hole.)

B. Gun under thigh.

C. Wound on upper right front of skull (Gonzales)>

D. Briefcase in vehicle.

E. Unidentified person in woods (Hall).

F. Vehicle doors locked.

G Death scene photos do not accurately depict scene.

H. Two unidentified white males walking from death scene.

I. Color of gun was silver.

J. Type of gun was semiautomatic pistol (Arthur).

K. Statements of initial paramedics at scene regarding their actions are inconsistent with Fairfax County paramedic protocols.

L. Report coded as a homicide (Ashford).

III. Medical Examiner

A. X-rays

1. Autopsy report indicates x-rays were taken.

2. Morrissette's report indicates Beyer told him x-rays were taken.

B. All individuals present at autopsy not indicated on autopsy report.

C. No photographs of decedent's left hand.

D. Inconsistent statements regarding removal of decedent's tongue and palate. (see I.7)

E. Inconsistent "on-scene" times reported for Dr. Haut; 7:40 pm and 7:15.

F. Stomach contents; no definitive digestion time, or positive identification.

IV. White House

A. Foster's office unsecured until 7/21/93, approximately 10:10 a.m.

B. Confidential trash bag removed and replaced.

C. Nussbaum enters office; removes small photo.

D. Pond rearranges papers on Foster's coffee table.

E. Exclusive initial review of documents by Nussbaum.

F.Torn note found one week later in briefcase previously searched by Nussbaum.

G. Note not released to investigators until the following week; a day after it was discovered.

V. Miscellaneous

A. CW's inconsistencies.

1. positioning of decedent's hands.
2. no gun.
3. winecoolers and briefcase in vehicle.
4. trampled area around death scene.
5. does not see white car occupied.

B. Inconsistencies between Doody and Feist's statements.

C. No initial investigation of the park's "second entrance".

D. No one heard a gunshot.

E. The gun exemplifies a "drop gun".

F. No matching ammo at the decedent's residence.

G. The decedent's grip on the gun was not the simplest nor the easiest to shoot himself in the mouth.

H. The decedent never previously spoke of suicide.

I. The decedent had no particular obsession, "dire predicament", or one thing that would have put him over the edge.

J. The decedent had dealt with stress before.

K. The suicide weapon has never been positively identified as belonging to the decedent.

L. Lisa Foster's initial spontaneous question "was the gun in his mouth?".

M. Five unaccounted for hours between the time the decedent left work and was discovered dead.

N. Lack of blood at death scene.

O. No bullet.

P. No cadaveric spasm causing decedent to clench gun.

Q. The gun did not fly out of the decedent's hand.

R. No chipped teeth noted by M.E.

S. No flashburns inside mouth noted by M.E.

T. The mortician lost the original embalming report and diagram.

U. The decedent's glasses were discovered 13' downslope from his body.

V. Body neatly laid out; "as if it was in a coffin".

VI. Forensic Examinations

A. Unidentified latent print on note.

B. Unidentified latent print inside grip of suicide weapon.

C. Unidentified blonde head hairs.

D. Unidentified carpet fibers.

E. Unidentified stain on shirt. (shirt being resubmitted to lab)

F. Unidentified gunpowder in scrapings from decedent's shoes and socks, and the paper that they were dried on.

G. The decedent's head was moved.

H. No blood on suicide weapon.

I. No soil on shoes. (mica flakes)

J. Large semen stain in the decedent's underwear.

K. Blood flowed uphill (video).

L. Excavation of site disputed.

# The Trial of Vincent W. Foster, Jr.

**(A summary based on a new AIM Report)**

As the attention of the media is riveted on the efforts of O.J. Simpson's high-priced lawyers to punch holes in the prosecution's powerful case against their client, no comparable effort is being made to defend Vincent W. Foster, Jr., close friend and aide to President Clinton and the First Lady, against the charge that he killed himself.

Not a single lawyer or investigator was hired to expose the serious flaws in the investigations by the Park Police and independent counsel Robert Fiske that found Vince Foster guilty of taking his own life. Even his family and close friends meekly accepted the guilty verdict without challenging the flimsy evidence behind it.

Vince Foster deserves a defense. He would not want to be remembered as a weakling and a coward who, for no good reason, would inflict hurt and hardship on his wife and children, deserting them without a parting word, leaving them tortured with the question of whether they were somehow responsible for his tragic death.

Seeing a gun in Foster's lifeless hand, the Park Police concluded that he had killed himself with that gun and based their investigation on that assumption without first learning the answers to these questions. Robert Fiske's investigation was geared to vindicating the police, not Foster, and he did so by disregarding evidence that the answers to these questions were negative.

| | Answer Now Known |
|---|---|
| 1. Did the gun belong to him? | No |
| 2. Were his fingerprints on the gun? | No |
| 3. Was his blood found on the gun? | No |
| 4. Could the bullet that killed him be found nearby? | No |
| 5. Could skull fragments and brain tissue be found nearby? | No |
| 6. Could any splatter or mist from the head wound be found on the vegetation near the body? | No |
| 7. Were the blood stains on his face and clothing consistent with suicide? | No |
| 8. Was there any proof that the fatal wound was caused by a bullet fired from the gun found in his hand? | No |
| 9. Had anyone nearby heard a gun shot? | No |
| 10. Had anyone ever seen him alive in the park? | No |
| 11. Was there any evidence that he had walked 200 yards through the park to the spot where his body was found? | No |
| 12. Was the position of his body consistent with suicide? | No |
| 13. Had he given any indications to family, friends or co-workers that he was contemplating suicide? | No |
| 14. Had he put his affairs in order, preparing for death? | No |
| 15. Did he have a plausible motive for suicide? | No |
| 16. Was he visibly depressed or behaving in an unusual manner when last seen alive? | No |
| 17. Did he leave a suicide note? | No |
| 18. Was there evidence that he spent his last hours alone? | No |
| 19. Could the possibility that the body was moved be ruled out? | No |
| 20. Could the possibility of foul play be ruled out? | No |

Vincent Foster has been convicted by the authorities acting as police, judge and jury without a trial or any exposure by our Big Media of the gaping holes in the case. Believing that Foster deserves better, Accuracy in Media has published "The Trial of Vincent Foster," showing how a good lawyer, a composite of O.J. Simpson's legal "dream team," might use the evidence now available to exonerate Vince Foster of the charge that he killed himself.

This report documents many serious charges against the Park Police and independent counsel Robert Fiske, including these:

- How the police and Fiske concealed evidence that Foster didn't own the gun in his hand.
- How they brushed aside the evidence that this gun was not used to kill Foster.
- How they disregarded the proof that supposed powder burns on Foster's index fingers actually show that he did not fire the gun.
- How they ignored the evidence that Foster was not shot where his body was found.
- Why their claim that the body could not have been moved is false.
- How they foisted off on us a motive for suicide that had been ridiculed by the White House press corps and repudiated by Dee Dee Myers, the President's press secretary, because they could find nothing better.

For a free copy of the "The Trial of Vincent Foster," call 202-364-4401.

# PRESS CONFERENCE

**11:00 A.M.**
**Thursday, April 27, 1995**

**International Club**
**1800 K Street, N.W.**
**Room C, Level B-1**

***Sponsored by***
**Western Journalism Center**
**Accuracy in Media, Inc.**
**Strategic Investment Newsletter**

Columns 2 & 3

| SOURCE | CONSPIRACY THEORY | EXPLANATION |
| --- | --- | --- |
| 1. (04/05/94 Washington Times, pg. 8, "No Smoking Gun.") | Witness interviewed by G. Gordon Liddy stated that he did not see a gun in Foster's hand when he discovered the body. | |
| 2. (04/03/94 Los Angeles Times Magazine, pg. 22, "Little Rock Law.") | Why would Foster commit suicide at the pinnacle of his career? Job pressure, undisclosed secret, or undiscovered medical event? | |
| 3. (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.") | Skolnick claims that he learned from a Secret Service agent that Foster was murdered by a three-man hit squad from Germany | |
| 4. (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.") | Rumor that Foster was driven to suicide because of a planned FBI raid in Little Rock to investigate the Whitewater affair. | |
| 5. (03/13/94 Washington Post, pg A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.") | Rumor that there is a connection between Foster's death and the murder in September of 1993 of a former Clinton campaign security official in Little Rock. | |
| 6. (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.") | Rumor that Foster died in a Northern Virginia "safe House." | |

7. (The Post notes, however, that some of these claims are contradicted by police photographs and Rolla's statement.) (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

George Gonzalez said the scene was unlike any other suicides he had observed:

a) Foster's body was lying neatly on a gentle incline with a revolver in one hadn when a suicide by gunshot is generally a mess.

b) There was only a thin trickle of blood in the corner of Foster's mouth and it looked as if the body was ready to be laid in a coffin.

8. (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

Concerns about the Park Police investigation:

a) The suicide note was not turned over to the police until a week after his death and no finger or palm prints were identifiec

9.

b) The Park Police never reviewed Foster's computer.

10.

c) The Park Police did not interview Buck who called Foster or Clinton who spoke with Foster on the day he

died

11. (No date or paper listed on copy, "Photo of Foster Death Scene on TV.")

Witness reported that he saw a car with Arkansas plates with a light blue Honda sedan beside it. The man in the Honda "gave him a menacing look."

12. (03/14/94 The Daily News, pg. C-6, "The Unfostered D.C. Suspicions.")

The suicide note:

a) There was a piece of the note missing (Not a part of the text but it could have been a date).

13.

b) The Park Police and the FBI are cited as questioning the authenticity of the note. Question of why someone would write a note then tear it up into 28 pieces and put in it in their briefcase.

14.

c) White House assistant claimed that they found the note in Foster's briefcase on July 26th when the briefcase had been searched by Markland on July 21st.

15.

d) The note doesn't sound

| | |
|---|---|
| | suicidal. Is it the suicide note? |
| 16. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.") | An expert told Mr. Ruddy that he had never "seen someone shoot themselves in the mouth and still hold the gun perfectly at his side. |
| 17. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.") | Gonzalez and a law enforcement official said that the gun showed no traces of blood. |
| 18. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.") | Why was the Park Police report not made public to clear up the speculation? |
| 19. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.") | Mr. Nussbaum's actions on the day the FBI and Park Police investigated Foster's office. Cover-up of documents suspected. |
| 20. (07/28/93 The Washington Post, pg. A-8, "Foster had List of Psychiatrists, Search Discloses.") | Do we have Foster's note containing the list of Washington psychiatrists? Did Foster contact any of the psychiatrists on the list? |
| 21. (07/28/93 The Washington Post, pg. A-8, "Foster had List of Psychiatrists, Search Discloses.") | What did Foster do for the five hours between leaving the White House and when the body was found. Did he meet someone? |

22. (07/29/93 The Washington Post, pg. A-10, "Note Supports Idea that Foster Committed Suicide.")

Why was the note not found on Thursday, when Nussbaum, the FBI and the Park Police searched Foster's office?

23. (07/29/93 The Washington Post, pg. A-10, "Note Supports Idea that Foster Committed Suicide.")

Where did Foster get the 80-year old revolver he used?

24. (01/29/94 The Washington Post, pg. B-2, "Doubts on Clinton's Aide's Death Silenced.")

Gonzalez and/or Ashford have stated that:

a) The suicide site was "unusually tidy."

25.

b) The force of the gunshot usually causes the victim to drop the gun.

26.

c) The body was "stretched out neatly on his back."

27. Same questions as above contained in 01/28/94 The Houston Chronicle, pg. 14, "Suicide Questioned." 01/27/94 The Associated Press, "Newspaper Report Raises Questions About Foster Death."

28. (03/19/94 The Washington Post, pg. A-21, "The Press in Pursuit.")

Is there a connection between The Washington Times revelation that papers were removed from Foster's office relating to

| | |
|---|---|
| | Whitewater and the appointment of a special counsel? |
| 29. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.") | The New York Post claimed that after Foster's death, White House officials "frantically scrambled" to remove previously unreported documents from a safe in Foster's office. |
| 30. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.") | William Safire suggested that Foster's death had to do with "intelligence matters." |
| 31. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.") | The New York Post claimed that a "crucial crime-scene photo of Foster's body" was never taken before the body was moved. |
| 32. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.") | The New York Post and a financial newsletter also claimed that Foster had a secret hideaway in Virginia. |
| 33. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.") | Why did Foster kill himself? (It is not clear that the note left behind was a suicide note.) |
| 34. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.") | If Foster's death was a suicide, why did the White House "urgently" remove documents from his office - and then "accept the |

scrutiny of an independent counsel?"

35. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

What personal business was Foster doing for the Clinton's at the time of his death?

36. "AIM Report:"

Questions about Foster's death contained in the

a) The position of the body

37.

b) Little amount of blood

38.

c) No visible powder burns on Foster's face

39.

d) Gun usually flies out of victim's hand in a suicide

40.

e) Photo shows that there was no cadaveric spasm which would have caused the hand to clench the gun

41.

f) No photograph of the entire body in this case

42.

g) Search for footprints or signed of a struggle?

43.

h) Analysis of victim's clothes?

i) Car searched and photographed?

j) Shoes were very clean and unmarked. Ruddy noted that he always came away with reddish dirt on his shoes when he visited the crime scene.

k) Shoes have never been tested to make sure that Foster actually walked to the place where he died.

l) No "hands and knees" inspection of site

m) Residents of homes nearby were not interviewed

n) Conflicting stories by Park Police regarding the search for the bullet that killed Foster

o) Deep insertion of the gun into Foster's mouth would have caused the inside of his mouth to be burned (not just powder residue on the soft tissues of the mouth) and the gun would have

been bloodied by the blast (no reports of blood on the gun)

51. p) Major Hines contradicted the report of Simonello - no burns to the face

52. q) According to experts, the gun should have have a silencer

53. r) The gun used is the perfect example of a "drop gun" that is difficult to trace

54. s) The five hours of Foster's activity before he died are unaccounted for.

55. t) No diary or calendar was found in Foster's office and no pocket diary was found with Foster. Strange that no one has turned these items over to the police. Is there a possibility that someone is hiding them?

56. u) Foster's telephone logs were not turned over until a week after his death

57. v) Investigation of Foster's office did not take place until two days after his death

58. w) No interview of Foster's wife until a week after the death - were turned away by Foster's lawyer

59. x) Comments from people do not match up with the story that Foster was depressed:

i) Beryl Anthony - "bunch of crap"
ii) Dee Dee Myers - "no reason to believe"
iii) Mark Gearan - nothing "out of the ordinary"

60. y) Was Foster on anti-depressant medicine?

61. z) No fingerprints on Foster's note?

62. aa) Note makes no mention of suicide

63. bb) Lisa Foster and her children did not identify the gun

| | |
|---|---|
| 64. | cc) No matching ammunition for the gun was found in the Foster home |
| 65. | dd) Did Foster have any calls or appointments with Jerry Parks? |
| 66. | ee) No Interview with Foster's secretary? |
| 67. (Undated The Washington Times, "Rock of Gibraltar") | What did Foster do for the five hours between 1:00 p.m. and 6:00 p.m.? |
| 68. (07/30/93 The Washington Post, "Foster Depression Called Job Related") | Why did the White House wait 30 hours before producing the suicide note to the Park Police? |
| 69. (07/30/93 The Washington Post, "Foster Depression Called Job Related") | Had Foster started taking the anti-depressant medicine prescribed by an Arkansas physician? |
| 70. (07/30/93 The Washington Post, "Foster Depression Called Job Related") | Why was Foster's office not sealed despite orders by McLarty? |
| 71. (07/30/93 The Washington Post, "Foster Depression Called Job Related") | Article reports that during the time that Foster's office was not sealed, "one or two or three" people went into the office. |
| 72. (12/22/93 The Washington Post, "White House Keeps a Lock on Files | Gearan said that the records removed from Foster's office included |

from Foster's Office")

the Clintons' tax returns. The Post questioned why the White House would be reluctant to release these documents because they had already been released to the public.

73. The 12/22/93 Washington Post article, "White House Keeps a Lock on Files from Foster's Office" lists the following "unanswered questions:"

a) Why did two Clinton political operatives, along with Nussbaum, secretly search Foster's office three hours after his body was found in a Virginia Park? What did they find?

74.

b) Why were orders by McLarty to seal the office ignored by the three searchers? The order was issued shortly after the discovery of Foster's body, but the office was open until the next morning.

75.

c) Why did the White House mislead the media into believing no such search had taken place or that any documents had been removed from Foster's office prior to its inspection by U.S. Park Police and the

FBI?



d) What happened to the business records of Whitewater that were delivered personally to HRC at the Arkansas governor's mansion in December 1987? White House officials say they have disappeared.

77. (01/27/93 The New York Post, Christopher Ruddy) — Why was the bullet not lodged in the ground behind Foster's head?

78. (01/27/93 The New York Post, Christopher Ruddy) — Why didn't anyone hear the gunshot?

79. (02/04/94 The Washington Times, Martin Anderson) — Why was Foster's clothing so neat?

80. (04/11/94 The Bond Buyer Inc., Kathie O'Donnell) — Moynihan denies Ruddy's claim that he substantiated claims about knowledge of alleged Virginia apartment "safe house" kept by Clinton insiders where Foster's body could have been moved from after he died.

81. (08/06/93 The Wall Street Journal) — Rumor that Foster was murdered by drug-dealing cabal of military officers.

82. (03/11/94 The Los Angeles Times, John Broden) — Why did Foster have the only complete set of

| | |
|---|---|
| | Whitewater documents? Is there a connection? |
| 83. (02/03/94 The New York Post, Christopher Ruddy) | Was there a problem between the FBI and the White House and was this related to Foster's death? |
| 84. (08/05/93 The New York Daily News, George Rush) | Conspiracy of hunches that Foster was killed by drug smuggling Navy officials. |
| 85. (01/27/94 The New York Post, Christopher Ruddy, "Doubts raised over Foster's Suicide") | Why was the death so quickly deemed a suicide? |
| 86. (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide") | If Foster used his thumb to pull the trigger, why then did the gun end up clutched in his hand? |
| 87. (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide") | Why would Foster choose to die in Fort Marcy Park? |
| 88. (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide") | Was Swan's call the only call made to 911 that reported Foster's body? |
| 89. (03/07/94 The New York Post, Christopher Ruddy, "Cops made Photo Blunder at Foster Death Sight") | Why didn't the Park Police take impressions of footprints around Foster's body? |
| 90. (02/17/94 The New York Post, Christopher Ruddy, | Di Maio said it was virtually impossible to |

| | |
|---|---|
| "Top Docs Cast Doubt on Foster Suicide") | have an indentation on a thumb from a singe depression of a trigger. |
| 91. (02/17/94 The New York Post, Christopher Ruddy, "Top Docs Cast Doubt on Foster Suicide") | Experts maintained that there is no test that proves that the powder burns on Foster's hands match the powder that was found in his mouth. |
| 92. (04/18/94 The New York Post, Christopher Ruddy, "No Foster Gun?") | Was there a man in a white van that reported Foster's body to Swan? The man that Liddy interviewed fits Swan's description. |

## Foster Questions in Newspaper Articles

1) Witness interviewed by G. Gordon Liddy stated that he did not see a gun in Foster's hand when he discovered the body. (04/05/94 Washington Times, pg. 8, "No Smoking Gun.")

2) Why would Foster commit suicide at the pinnacle of his career? Job pressure, undisclosed secret, or undiscovered medical event? (04/03/94 Los Angeles Times Magazine, pg. 22, "Little Rock Law.")

3) Skolnick claims that he learned from a Secret Service agent that Foster was murdered by a three-man hit squad from Germany (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

4) Rumor that Foster was driven to suicide because of a planned FBI raid in Little Rock to investigate the Whitewater affair. (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

5) Rumor that there is a connection between Foster's death and the murder in September of 1993 of a former Clinton campaign security official in Little Rock. (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

6) Rumor that Foster died in a Northern Virginia "safe house." (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

7) George Gonzalez said the scene was unlike any other suicides he had observed:

   a) Foster's body was lying neatly on a gentle incline with a revolver in one hand when a suicide by gunshot is generally a mess.

   b) There was only a thin trickle of blood in the corner of Foster's mouth and it looked at if the body was ready to be laid in a coffin.

   (The Post notes, however, that some of these claims are contradicted by police photographs and Rolla's statement.) (03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

8) Concerns about the Park Police investigation:

   a) The suicide note was not turned over to the police until a week after his death and no finger or palm prints were identified.

b) The Park Police never reviewed Foster's computer.

c) The Park Police did not interview Buck who called Foster or Clinton who spoke with Foster on the day he died.

(03/13/94 Washington Post, pg. A-10, "Conspiracy Theorists Find Foster Case Hard to Resist.")

9) Witness reported that he saw a car with Arkansas plates with a light blue Honda sedan beside it. The man in the Honda "gave him a menacing look." (No date or paper listed on copy, "Photo of Foster Death Scene on TV.")

10) The suicide note:

a) There was a piece of the note missing (Not a part of the text but it could have been a date).

b) The Park Police and the FBI are cited as questioning the authenticity of the note. Question of why someone would write a note then tear it up into 28 pieces and put it in their briefcase.

c) White House assistant claimed that they found the note in Foster's briefcase on July 26th when the briefcase had been searched by Markland on July 21st.

d) The note doesn't sound suicidal. Is it the suicide note?

(03/14/94 The Daily News, pg. C-6, "The Unfostered D.C. Suspicions.")

11) An expert told Mr. Ruddy that he had never "seen someone shoot themselves in the mouth and still hold the gun perfectly at his side. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.")

12) Gonzalez and a law enforcement official said that the gun showed no traces of blood. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.")

13) Why was the Park Police report not made public to clear up the speculation? (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.")

14) Mr. Nussbaum's actions on the day the FBI and Park Police investigated Foster's office. Cover-up of documents suspected. (03/21/94 The Wall Street Journal, pg. A-12, "Tabs Tangle Over Foster Death.")

15) Do we have Foster's note containing the list of Washington psychiatrists? Did Foster contact any of the psychiatrists on the list? (07/28/93 The Washington Post, pg. A-8, "Foster had List of Psychiatrists, Search Discloses.")

16) What did Foster do for the five hours between leaving the White House and when the body was found. Did he meet someone? (07/28/93 The Washington Post, pg. A-8, "Foster had List of Psychiatrists, Search Discloses.")

17) Why was the note not found on Thursday, when Nussbaum, the FBI and the Park Police searched Foster's office? (07/29/93 The Washington Post, pg. A-10, "Note Supports Idea that Foster Committed Suicide.")

18) Where did Foster get the 80-year old revolver he used? (07/29/93 The Washington Post, pg. A-10, "Note Supports Idea that Foster Committed Suicide.")

19) Gonzalez and/or Ashford have stated that:

    a) The suicide site was "unusually tidy."

    b) The force of the gunshot usually causes the victim to drop the gun.

    c) The body was "stretched out neatly on his back."

(01/29/94 The Washington Post, pg. B-2, "Doubts on Clinton's Aide's Death Silenced.")

20) Same questions as above contained in 01/28/94 The Houston Chronicle, pg. 14, "Suicide Questioned." 01/27/94 The Associated Press, "Newspaper Report Raises Questions About Foster Death."

21) Is there a connection between The Washington Times revelation that papers were removed from Foster's office relating to Whitewater and the appointment of a special counsel? (03/19/94 The Washington Post, pg. A-21, "The Press in Pursuit.")

22) The New York Post claimed that after Foster's death, White House officials "frantically scrambled" to remove previously unreported documents from a safe in Foster's office. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

23) William Safire suggested that Foster's death had to do with "intelligence matters." (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

24) The New York Post claimed that a "crucial crime-scene photo of Foster's body" was never taken before the body was moved. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

25) The New York Post and a financial newsletter also claimed that Foster had a secret hideaway in Virginia. (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

26) Why did Foster kill himself? (It is not clear that the note left behind was a suicide note.) (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

27) If Foster's death was a suicide, why did the White House "urgently" remove documents from his office - and then "accept the scrutiny of an independent counsel?" (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

28) What personal business was Foster doing for the Clinton's at the time of his death? (03/21/94 Newsweek, pg. 32, "Vince Foster's Suicide: The Rumor Mill Churns.")

29) Questions about Foster's death contained in the "AIM Report:"

    a) The position of the body

    b) Little amount of blood

    c) No visible powder burns on Foster's face

    d) Gun usually flies out of victim's hand in a suicide

    e) Photo shows that there was no cadaveric spasm which would have caused the hand to clench the gun

    f) No photograph of the entire body in this case

    g) Search for footprints or signed of a struggle?

    h) Analysis of victim's clothes?

    i) Car searched and photographed?

j) Shoes were very clean and unmarked. Ruddy noted that he always came away with reddish dirt on his shoes when he visited the crime scene.

k) Shoes have never been tested to make sure that Foster actually walked to the place where he died.

l) No "hands and knees" inspection of site

m) Residents of homes nearby were not interviewed

n) Conflicting stories by Park Police regarding the search for the bullet that killed Foster

o) Deep insertion of the gun into Foster's mouth would have caused the inside of his mouth to be burned (not just powder residue on the soft tissues of the mouth) and the gun would have been bloodied by the blast (no reports of blood on the gun)

p) Major Hines contradicted the report of Simonello - no burns to the face

q) According to experts, the gun should have have a silencer

r) The gun used is the perfect example of a "drop gun" that is difficult to trace

s) The five hours of Foster's activity before he died are unaccounted for.

t) No diary or calendar was found in Foster's office and no pocket diary was found with Foster. Strange that no one has turned these items over to the police. Is there a possibility that someone is hiding them?

u) Foster's telephone logs were not turned over until a week after his death

v) Investigation of Foster's office did not take place until two days after his death

w) No interview of Foster's wife until a week after the death - were turned away by Foster's lawyer

x) Comments from people do not match up with the story that Foster was depressed:

i) Beryl Anthony - "bunch of crap"
ii) Dee Dee Myers - "no reason to believe"
iii) Mark Gearan - nothing "out of the ordinary"

y) Was Foster on anti-depressant medicine?

z) No fingerprints on Foster's note?

aa) Note makes no mention of suicide

bb) Lisa Foster and her children did not identify the gun

cc) No matching ammunition for the gun was found in the Foster home

dd) Did Foster have any calls or appointments with Jerry Parks?

ee) No Interview with Foster's secretary?

30) What did Foster do for the five hours between 1:00 p.m. and 6:00 p.m.? (Undated The Washington Times, "Rock of Gibraltar")

31) Why did the White House wait 30 hours before producing the suicide note to the Park Police? (07/30/93 The Washington Post, "Foster Depression Called Job Related")

32) Had Foster started taking the anti-depressant medicine prescribed by an Arkansas physician? (07/30/93 The Washington Post, "Foster Depression Called Job Related")

33) Why was Foster's office not sealed despite orders by McLarty? (07/30/93 The Washington Post, "Foster Depression Called Job Related")

34) Article reports that during the time that Foster's office was not sealed, "one or two or three" people went into the office. (07/30/93 The Washington Post, "Foster Depression Called Job Related")

35) Gearan said that the records removed from Foster's office included the Clintons' tax returns. The Post questioned why the White House would be reluctant to release these documents because they had already been released to the public. (12/22/93 The Washington Post, "White House Keeps a Lock on Files from Foster's Office")

36) The 12/22/93 Washington Post article, "White House Keeps a Lock on Files from Foster's Office" lists the following "unanswered questions:"

a) Why did two Clinton political operatives, along with Nussbaum, secretly search Foster's office three hours after his body was found in a Virginia Park? What did they find?

b) Why were orders by McLarty to seal the office ignored by the three searchers? The order was issued shortly after the discovery of Foster's body, but the office was open until the next morning.

c) Why did the White House mislead the media into believing no such search had taken place or that any documents had been removed from Foster's office prior to its inspection by U.S. Park Police and the FBI?

d) What happened to the business records of Whitewater that were delivered personally to HRC at the Arkansas governor's mansion in December 1987? White House officials say they have disappeared.

37) Why was the bullet not lodged in the ground behind Foster's head? (01/27/94 The New York Post, Christopher Ruddy)

38) Why didn't anyone hear the gunshot? (01/27/94 The New York Post, Christopher Ruddy)

39) Why was Foster's clothing so neat? (02/04/94 The Washington Times, Martin Anderson)

40) Moynihan denies Ruddy's claim that he substantiated claims about knowledge of alleged Virginia apartment "safe house" kept by Clinton insiders where Foster's body could have been moved from after he died. (04/11/94 The Bond Buyer Inc., Kathie O'Donnell)

41) Rumor that Foster was murdered by drug-dealing cabal of military officers. (08/06/93 The Wall Street Journal)

42) Why did Foster have the only complete set of Whitewater documents? Is there a connection? (03/11/94 The Los Angeles Times, John Broden)

43) Was there a problem between the FBI and the White House and was this related to Foster's death? (02/03/94 The New York Post, Christopher Ruddy)

44) Conspiracy of hunches that Foster was killed by drug smuggling Navy officials. (08/05/93 The New York Daily News, George Rush)

**Additional Questions from The New York Post**

45) Why was the death so quickly deemed a suicide? (01/27/94 The New York Post, Christopher Ruddy, "Doubts raised over Foster's Suicide")

46) If Foster used his thumb to pull the trigger, why then did the gun end up clutched in his hand? (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")

47) Why would Foster choose to die in Fort Marcy Park? (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")

48) Was Swan's call the only call made to 911 that reported Foster's body? (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")

49) Why didn't the Park Police take impressions of footprints around Foster's body? (03/07/94 The New York Post, Christopher Ruddy, "Cops made Photo Blunder at Foster Death Sight")

50) Di Maio said it was virtually impossible to have an indentation on a thumb from a singe depression of a trigger. (02/17/94 The New York Post, Christopher Ruddy, "Top Docs Cast Doubt on Foster Suicide")

51) Experts maintained that there is no test that proves that the powder burns on Foster's hands match the powder that was found in his mouth. (02/17/94 The New York Post, Christopher Ruddy, "Top Docs Cast Doubt on Foster Suicide")

52) Was there a man in a white van that reported Foster's body to Swan? The man that Liddy interviewed fits Swan's description. (04/18/94 The New York Post, Christopher Ruddy, "No Foster Gun?")

TO: BRETT KAVANAUGH Revised 5/30/95

FROM: SA C.L. REGINI

SUBJECT: DISCREPANCY LIST

The following list is offered as a comprehensive and itemized outline of all of the noted discrepancies, inconsistencies, and problems that have been identified in the Vincent W. Foster death investigation to date. The outline is broken down into the following areas: U.S. Park Police, Emergency Medical Technicians (EMTs), the White House, Northern Virginia Medical Examiner, Miscellaneous, and Forensic Examinations.

I. U.S. Park Police

A. No gunshot residue samples of the decedent's hands.

B. Lack of complete documentation of the gunshot residues on the left hand.

C. Poorly diagrammed death scene; lack of measurements.

D. No photo log; no documentation regarding who took what photographs, and the total number of photos.

E. Death scene 35mm photos did not develop.

F. No documentation regarding the initial search of the decedent's vehicle at the death scene- no inventory.

G. Photo of an unidentified briefcase next to a U.S.P.P. vehicle.

H. Decedent's pager returned too soon; no records obtained regarding previous pages.

I. Suicide weapon processed with dust prior to other laboratory exams.

J. Inconsistent statements regarding moving and searching the body. (Rolla, Braun, Simonello, Hodakaviec)

K. Inconsistent and poorly documented autopsy.

1. Morrissette's report.
2. No gunshot residue samples from hands.
3. No fingernail clippings/scrapings.
4. No major case prints of decedent (palms, sides and tops of fingers).
5. No photo of left hand.
6. Possible contamination of evidence subsequent to autopsy at M.E. Office.
7. Inconsistent statements regarding what was done to the body prior to autopsy.
8. No description of body and clothing prior to autopsy.

1- Tuohey
1- Kavanaugh
1- Gillis
1-Greene
1-McCarrick
1-29D-LR-35063

~~29D-LR-OC-35063 SUB~~

L. Possible contamination of evidence at U.S. Park Police facility.

M. Poor interview and documentation of witnesses at death scene (Doody and Feist).

N. Photo of an unidentified white male wearing plainclothes at death scene.

O. Inconsistent statements regarding vehicle doors being locked/unlocked. (Braun, Rolla, Hodakievic, Simonello, Gavin)

P. All photographs not produced pursuant to initial subpoena.

Q. Inadequate and incomplete metal detector search by the USPP. (Operators had no prior experience or training)

II. Inconsistent statements and observations of Fairfax County Fire and Rescue personnel.

A. Wound on neck (Arthur: .45 cal. bullet hole.)

B. Gun under thigh.

C. Wound on upper right front of skull (Gonzales)>

D. Briefcase in vehicle.

E. Unidentified person in woods (Hall).

F. Vehicle doors locked.

G Death scene photos do not accurately depict scene.

H. Two unidentified white males walking from death scene.

I. Color of gun was silver.

J. Type of gun was semiautomatic pistol (Arthur).

K. Statements of initial paramedics at scene regarding their actions are inconsistent with Fairfax County paramedic protocols.

L. Report coded as a homicide (Ashford).

III. Medical Examiner

A. X-rays

1. Autopsy report indicates x-rays were taken.

2. Morrissette's report indicates Beyer told him x-rays were taken.

B. All individuals present at autopsy not indicated on autopsy report.

C. No photographs of decedent's left hand.

D. Inconsistent statements regarding removal of decedent's tongue and palate. (see I.7)

E. Inconsistent "on-scene" times reported for Dr. Haut; 7:40 pm and 7:15.

F. Stomach contents; no definitive digestion time, or positive identification.

IV. White House

A. Foster's office unsecured until 7/21/93, approximately 10:10 a.m.

1. Patsy Thomasson, Maggie Williams, Bernie Nussbaum search Foster's office.

B. Confidential trash bag removed and replaced.

C. Nussbaum enters office; removes small photo.

D. Pond rearranges papers on Foster's coffee table.

E. Exclusive initial review of documents by Nussbaum.

F.Torn note found one week later in briefcase previously searched by Nussbaum.

G. Note not released to investigators until the following week; a day after it was discovered.

V. Miscellaneous

A. CW's inconsistencies.

1. positioning of decedent's hands.
2. no gun.
3. winecoolers and briefcase in vehicle.
4. trampled area around death scene.
5. does not see white car occupied.

B. Inconsistencies between Doody and Feist's statements.

C. No initial investigation of the park's "second entrance".

D. No one heard a gunshot.

E. The gun exemplifies a "drop gun".

F. No matching ammo at the decedent's residence.

G. The decedent's grip on the gun was not the simplest nor the easiest to shoot himself in the mouth.

H. The decedent never previously spoke of suicide.

I. The decedent had no particular obsession, "dire predicament", or one thing that would have put him over the edge.

J. The decedent had dealt with stress before.

K. The suicide weapon has never been positively identified as belonging to the decedent.

L. Lisa Foster's initial spontaneous question "was the gun in his mouth?".

M. Five unaccounted for hours between the time the decedent left work and was discovered dead.

N. Lack of blood at death scene.

O. No bullet.

P. No cadaveric spasm causing decedent to clench gun.

Q. The gun did not fly out of the decedent's hand.

R. No chipped teeth noted by M.E.

S. No flashburns inside mouth noted by M.E.

T. The mortician lost the original embalming report and diagram.

U. The decedent's glasses were discovered 13' downslope from his body.

V. Body neatly laid out; "as if it was in a coffin".

W. Fairfax Hospital Laboratory Supervisor statement re-gunshot wound to middle of head.

VI. Forensic Examinations

A. Unidentified latent print on note.

B. Unidentified latent print inside grip of suicide weapon.

C. Unidentified blonde head hairs.

D. Unidentified carpet fibers.

E. Unidentified stain on shirt. (shirt being resubmitted to lab)

F. Unidentified gunpowder in scrapings from decedent's shoes and socks, and the paper that they were dried on.

G. The decedent's head was moved.

H. No blood on suicide weapon.
I. No soil on shoes. (mica flakes)
J. Large semen stain in the decedent's underwear.
K. Blood flowed uphill (video).
L. Excavation of site disputed.
M. Helen Dickey telephone call to Roger Perry.
N. Inconsistent vegetation at death scene.
O. Committed suicide at an unfamiliar location.
P. No suicide note.
Q. No previous mention of suicidal intent.
R. Ate lunch prior to committing suicide.
S. Jeff McGaughey's (intern) statements are inconsistent with Officer Watson's (they were together at death scene).

# FARCE AND FRAUD IN FOSTER FINDINGS

By

Reed Irvine

ACCURACY IN MEDIA, INC.
4455 Connecticut Avenue, N.W., #330
Washington, DC 20008

(202) 364-4401

# FARCE AND FRAUD IN FOSTER FINDINGS
## by
## Reed Irvine

The U. S. Park Police officers who investigated the death of White House Deputy Counsel Vincent W. Foster, Jr. at Fort Marcy Park on July 20, 1993 did not have their suspicions aroused by the remarkable neatness of the scene--Foster laid out as if ready for a coffin, very little visible blood, and literally no brains blown out by the .38 high velocity bullet that had presumably drilled a hole in his skull. The bloodstain on the side of Foster's face bothered them a little. They realized that there was only one explanation for it. After he shot himself in the mouth, his head must have flopped over, pressing the right side of his face against his shoulder. He bled on the shoulder of his shirt, and some of that blood was transferred to his face. The problem was that his head was face-up when they found the body. How did that happen?

Park Police detective John Rolla told an FBI agent working for special prosecutor Robert Fiske that Foster's head must have twisted or jerked at the time of his death before assuming the face-up position.[1] Rolla had an equally outlandish explanation for the small branch he said he saw lying across Foster's body. He believed it had fallen there after being severed by the bullet that killed Foster.[2] That would have required the bullet to take a 90 degree turn upward after exiting from the back of Foster's head. The Park Police disposed of these two problems by simply not mentioning them in their report.

The FBI agent didn't mention the branch when he wrote up his Rolla interview, but Fiske couldn't ignore the bloodstain. He had report from the FBI lab that it proved the head had been moved. Fiske's solution was to assert that someone at the scene had moved the head, even though everyone that his investigators questioned said the head was always face up and none said they had moved it or seen anyone move it.

The police found Foster's eyeglasses 13 feet downhill from his feet. Since they didn't thoroughly check Foster's clothes and personal effects for clues, they didn't realize that this posed a major problem for their theory that Foster killed himself on that hill in the park. The FBI crime lab found a speck of gunpowder on the glasses, indicating they had been on or near Foster's face when the fatal shot was fired. If he was wearing the glasses or had them in his shirt pocket when he shot himself, how did they get to the bottom of the hill? Fiske had the answer: bouncing eyeglasses. His report said, "One obvious scenario is that the eyeglasses were dislodged by the sudden backward movement of Foster's head when the gun was fired, after which the glasses bounced down the hill."[3] That scenario is not "obvious" to anyone who has tried dropping or tossing a pair of glasses down that hill. They don't bounce. They may slide a few feet if they

---

[1]Senate Banking Committee Hearings on the Death of Vincent W. Foster, Jr., p. 1602

[2] FBI handwritten notes, pp. 192-3

[3] SBCH, p. 217

don't get stopped by vegetation

The police weren't bothered by the fact that Foster's blood and fingerprints were not found on the gun. When detective Peter Markland recommended on August 5 that the investigation be closed and the death be ruled a suicide, they didn't even know if the 80-year-old gun would fire. They took Markland's advice and announced that case was closed on August 10. Six days later they sent the gun to the Alcohol, Tobacco and Firearms (ATF) lab for testing.[4] The ATF found the gun was in working order, but they were faced with another problem with the gun. According to Markland's notes, when he showed it to Mrs. Foster, she said it was not the gun she supposed it to be, "a silver six-gun with a large barrel."[5] The gun she was shown was a blue/black revolver with a 4-inch barrel. It was composed of parts of two different guns, and the last recorded transaction for it was in 1913, the year it was manufactured. Lisa Foster had never seen it before, and neither had her three grown children. It was not one of the two handguns kept in their Washington home.

Desperate to get someone to say that it belonged to Vince Foster, the police sent a photo of the gun to a family friend in Little Rock and asked him to show it to Foster's sister, Sharon Bowman. They received a note from him on August 9. It said, "Mrs. Bowman said it looked like a gun she had seen in her father's collection. She particularly pointed out the wavelike detailing at the base of the grip. I asked if she remembered any other features. She did not."[6]

That satisfied the police even though Foster's wife and children had never seen the gun or any ammunition for it in their Little Rock or Washington homes. The "silver six-gun" Lisa Foster mentioned was a nickel-plated revolver that Foster had inherited from his father. According to Mrs. Foster, it was one of two handguns he kept in his Georgetown home. She had packed and shipped it to Washington in June.[7]

Roderick Lankler, Fiske's chief investigator, interviewed Mrs. Foster on May 9, 1994. His report said that she found one handgun still in its usual location on the night of July 20, 1993, but it was not the silver gun. He said, "Lisa Foster believes that the gun found at Fort Marcy Park may be the silver gun which she brought up with her other belongings...."[8]

This absurdity found its way into the Fiske report, which said that Lisa Foster had said that the gun found in Foster's hand was similar to one that she had brought up from Arkansas.[9] The report also included Sharon Bowman's statement that it was "very similar" to a gun her father had kept at his bedside, "specifically recalling the pattern on the grip." Sharon Bowman's son, L.

---

[4] *Ibid.*, p. 2072 and 2115

[5] *Ibid.*, p. 2227

[6] *Ibid.*, p. 2436

[7] *Ibid., pp. 1648-9*

[8] *Ibid., pp. 1648-9*

[9] *Ibid*, p. 213

Foster Bowman, had told the FBI the gun they showed him was the wrong color.[10] He says that his grandfather's revolver was a "store-bought" nickel-plated gun, not the 80-year-old blue/black Colt army special that the FBI agents showed him. He believes his mother told them the same thing. Vincent Foster's two grown sons and his daughter told Fiske's investigators they had never seen the gun before. Fiske put that important statement in a footnote in his report, saying that "the children" (whose ages were not mentioned) "did not recognize the gun as one they had seen in their home."[11]

This was a dishonest attempt on Fiske's part to make it appear that the gun had been identified as one that belonged to Foster. Regardless of what Lisa Foster may have believed, Fiske and Lankler knew that the silver revolver she brought to Washington was not the gun found in Foster's hand. They also knew that she and her children had never seen the gun before. If Foster Bowman is right, they also knew that Sharon Bowman had not identified the gun as one that belonged to her father. That may explain why Fiske didn't release the report of her interview (the FD-302) to the Senate Banking Committee.

This shows that Fiske was willing to adjust and arrange the facts to support the suicide theory. On April 4, 1994, The Wall Street Journal ran a story saying Fiske would soon release a report supporting the Park Police findings, according to sources close to the investigation. At that time his investigation had barely gotten underway. No lab work had been done and only a dozen interview reports had been completed.

Fiske and his agents seem not to have been troubled by the disappearance of the X-rays of Foster's skull that the medical examiner, Dr. James Beyer, said he had taken. Beyer checked off "X-rays made" on the autopsy form and told an attending Park Police officer that they showed no bullet fragments in the skull. When Fiske's agents asked for the X-rays, Beyer denied that he had taken any, claiming that his machine was broken. The agents didn't challenge that explanation. Had they shown some skepticism and called the company that installed and serviced the equipment they would have learned that the machine was installed new in June and that there were no service calls for it until October. Knowing that, they might have been able to find the missing X-rays, or at least learn the real reason they were missing.

They also accepted the disappearance several of the Polaroid crime scene photos taken by the Park police. These too are vital, since all the 35 mm photos taken at the scene were underexposed. Franz Ferstl, the second officer to arrive on the scene, said he took 7 or 8 Polaroids and turned them over to Sgt. Edwards or to Park Police detectives. These would be especially valuable because they were the first photos taken, but all of them have vanished. Sgt. Edwards also took Polaroids. The inventory lists only five taken by him, of which only three focus on the body. The only photo of the gun in Foster's hand was taken later by Sgt. Rolla.[12]

Since Ferstl and Edwards were the first two police officers to see the gun, it seems highly unlikely that they failed to take pictures of this key piece of evidence. Paramedic Richard Arthur, who saw the gun before Ferstl and Edwards arrived, told an FBI agent that he was "100 percent sure" it was an automatic pistol. In writing up the interview, the agent softened that, saying, "He

---

[10] *Ibid.*, p. 1807

[11] *Ibid.*, p. 213

[12] FBI notes, p. 258 for Ferstl photos, SBCH, p.2112 for list of photos

remembers the gun as being an automatic weapon."[13] The Fiske investigators were so concerned about this that they reinterviewed Arthur, asking him about the gun, but there is no record that they ever asked Ferstl and Edwards to describe the gun they saw or if they photographed it. Could it be that Ferstl's (and perhaps some of Edwards') Polaroids disappeared because they confirmed Arthur's description of the gun?

Such questions have to be asked because neither the Park Police nor Fiske's investigators were completely honest in their treatment of evidence that did not support the conclusions they favored. That is an important reason why their findings don't deserve the unquestioning acceptance they have received from the mainstream media. Neither investigation found any evidence that Foster died in the park. That was why Starr conducted a third search for the bullet that lasted seven weeks in the fall of 1995. It was an expensive but fruitless effort to find something to prove the fatal shot was fired where the body was found.

The failure of that search enhances the credibility of the evidence that Foster's body was moved--the movement of the head, the absence of skull fragments, brain tissue, blood spatter on the vegetation and dirt on Foster's shoes and those eyeglasses that supposedly bounced some 19 feet down the berm.

In addition to this physical evidence, there are the statements of witnesses who said they saw three men behaving suspiciously in the Fort Marcy parking lot within 75 minutes before the discovery of the body. Patrick Knowlton told the police and FBI he encountered a man in the parking lot behaving suspiciously at 4:30 p.m. In addition, Knowlton told them he saw a briefcase in Foster's car, as did two paramedics, and that Foster's suit jacket was draped over the back of the driver's seat, not folded on the passenger seat as it was when the police arrived. He also said that the driver's seat was in the forward position, which suggests that the 6'4" Foster was not the last person to sit in it. The Park Police do not acknowledge having seen, much less recovered a brief case. Knowlton's description of the man's behavior suggests he may have been a lookout. A couple who parked in the parking lot at around 5:15 p.m., say they saw a man sitting in Foster's car and another standing beside it with the hood up.[14]

The man and woman were still in the park when the police arrived and were questioned on the spot. The police report did not associate the two men with Foster's car, but the FBI FD-302 did. Nevertheless, the Fiske's report said that they had not "observed anything unusual."[15]

## The White House Connection

Arthur Ochs Sulzberger, the chairman of The New York Times Co. won't publish undisputed facts about the evidence in the Foster case because they don't want to accuse the President of involvement in a heinous crime without some substantial information. The evidence that Foster did not die in Fort Marcy Park does not necessarily implicate the White House in his

---

[13] FBI Notes, p. 52 and SBCH., p. 1383

[14] SBCH, p. 1470 and 1474

[15] *Ibid.*, p. 210

death.

However, questions have been raised about why the investigation was left in the hands of the Park Police, an organization not known for its expertise in handling possible homicides, which is how any death of this type should be treated until there is enough evidence to rule it out. The stated reason for leaving the investigation to the Park Police was that the body was found in a Federal park, but a Bureau of Alcohol, Firearms and Tobacco memo dated Aug. 11, 1993, about a Park Police request for lab support says, "Due to the sensitivity of this case, the US Park Police is conducting the investigation into this matter."[16]

This suggests that the sensitivity of the case precluded it being turned over to the FBI, which would have been the most logical course. The FBI is said to have the best crime lab in the world, but the Park Police conspicuously refrained from asking for its help. As a result, lab work that should have been done before the case was closed was not done for nearly a year.

Since the White House could have ordered the FBI to take over the investigation, the failure to do so and the failure of the Park Police to seek any help from the FBI leads to the suspicion that perhaps the White House did not want the best investigation possible.

The evidence that the White House has lied about the time that it learned of Foster's death makes a strong case that it is hiding something. The White House claims it was not notified until 8:30 p.m., that some senior officials were not told until after 9:00 p.m. and that the President was kept in the dark until after he finished doing the *Larry King Live* show at 10:00 p.m. Evidence from Park Police notes and statements to the FBI and the testimony of David Watkins, the former Assistant to the President for Management and Administration, indicates that the Secret Service was notified as early as 6:40 p.m.

Why would the White House lie about the time it learned of Foster's death? Such a lie could be discovered and exposed very quickly if there were a thorough investigation. What would justify taking such a risk, especially when it includes the pretense that President Clinton was the last to know? One possibility is that the president didn't want to cancel the King interview, and so he had to pretend that he knew nothing about the death, even to the point of offering to extend the interview an extra half hour. But that seems too frivolous a reason to justify a deception that could backfire and cause a lot of damage.

A more plausible reason is found in the report that Rose Precupio, a CNN employee who applied President Clinton's make-up for his appearance on *Larry King Live*, told the FBI that a man entered the White House map room while she was applying the President's make-up and said that a note had been found in Foster's office.

This makes the lie about when the White House learned of Foster's death understandable. Keeping the death secret for one or two hours gave them time to conduct a secret search of Foster's office. If, by chance, word of the search leaked out, all the senior officials, including the president, could deny knowing anything about it, claiming they didn't even know Foster was dead.

It may be relevant that Patsy Thomasson appears to have met with Secret Service MIG personnel who logged in to go to David Watkins' office at 19:10 on July 20 and logged out

---

[16] SBCH, p. 2057

at 19:44. The log shows "Thomison" entering at 19:05 and "Tomlinson" leaving at 19:44.[17] The Secret Service says that MIG stands for Maintenance and Installation Group and that they service the alarms. Thomasson and members of the MIG team have not been questioned about the purpose of this meeting. It is possible that the group's assistance was needed to facilitate the search of the office.

Perhaps the most intriguing mystery in this case is the fate of the two manila envelopes that Foster's secretary, Deborah Gorham, says she saw in the safe used by both Nussbaum and Foster. One was addressed to Bill Kennedy, "For Eyes Only," and the other to Attorney General Reno. People don't normally send mail to their close friends and law enforcement officers by putting it in an office safe. They may do so if they think their life is in danger as a form of insurance. Kennedy told the committee no such envelope was ever delivered to him. There is no record of Janet Reno being asked if she got the one addressed to her. The contents of those envelopes might have cast light on Foster's death. Everyone who had access to that safe should have been questioned about when they last saw those envelopes and what became of them.

Unless an investigation confirms that there was an early search, that will forever remain in the realm of speculation, but the evidence that senior officials at the White House have lied about when they were informed of Foster's death is well documented. The table below makes this clear.

One of the first thing the Park Police officers did at Fort Marcy Park was get a check on the license tags of Foster's car. This gave them Foster's name and Little Rock address, which was written in Sgt. John Rolla's notes along with a description of the car. Immediately below that Sgt. Rolla scrawled, "Lt. Walter, 395-4366," and below that Foster's Washington phone number and street address.[18]

When Rolla was interviewed by Senate Banking Committee investigators he was asked who Lt. Walter was. This dialogue that ensued.

A It could be Lt. Danny Walters.
Q Who is that person?
A He is a lieutenant on the Park Police. I don't know. Call this number and find out.
Q You don't recall who it is?
A I don't know. Maybe this is a Secret Service guy. Maybe I called him. I don't remember, but I don't remember. I don't remember. I say, let's call the number and find out now, and then we'll know. 395-4366. I don't know if that's a car phone or what it is....It ain't a personal number anyway.
Q Do you recognize the exchange?
A No, but I know there would be no personal numbers with "lieutenant" in my notes.[19]

When we called the number, we got the U.S. Secret Service Presidential Protection Division, and we found that Lt. Danny Walter worked there. We see no evidence that any official investigators made that discovery. Sgt. Rolla's agitated response suggests that he was under

---

[17] *Ibid.*, p. 4214

[18] *Ibid.* p. 488

[19] *Ibid.*, pp. 474-475

instructions not to disclose that one of the first things he did at Fort Marcy was to call Lt. Walter, inform him of Foster's death and obtain Foster's phone number and home address. It would not have taken a Sherlock Holmes to learn that Foster worked at the White House. His White House photo ID was lying on the front passenger seat of his car beneath his suit jacket. All the police had to do was open the unlocked door and pick up the jacket.

Paramedic Richard Arthur told the FBI he observed the police entering Foster's car and looking for his ID before he and the other rescue workers left the parking lot at 6:37 p.m.[20] He told a reporter that they knew that Foster worked at the White House before returning to the firehouse. Their superior officer, Lt. William Bianchi, told the FBI that he heard from the returning crew that the victim had been a White House employee and that he had therefore instructed them to make their reports more detailed than usual.[21]

Sgts. Braun and Rolla say they arrived at the park at about 6:35 p.m. The FBI notes of their interview with Rolla say that Franz Ferstl, the second officer to reach the park, briefed Rolla, giving him the information from the license tag check. If Richard Arthur is right, Ferstl or another officer presumably informed Rolla that Foster was with the White House, but Ferstl's FD-302 does not show that he gave Rolla the license tag return or the the White House connection. In any case, it is clear that someone gave Rolla Lt. Walter's name and number, and he apparently called him immediately and obtained Foster's Washington address. The precise time of the call should be obtainable by getting the phone records and by questioning Lt. Danny Walter and obtaining any written record that he may have made concerning the call and what he did with the information. There is nothing in the record that indicates this has been done.

The Secret Service undoubtedly promptly notified an administration official. Lt. Patrick Gavin, who told the FBI that he notified the Secret Service (but at 7:40, not 6:40 p.m.) said he promptly got a call back from Bill Burton, the assistant to Chief of Staff Mack McLarty. David Watkins, Assistant to the President for Management and Administration, has acknowledged that he learned of Foster's death long before 8:30 p.m. He told the Senate Whitewater Committee that at 10:30 p.m., he knew the Secret Service had known of Foster's death "for some five hours." He has said that was a rough estimate. Four hours would be closer to the truth, since the police didn't find the body until 6:14 p.m.

Watkins has said that the Secret Service beeped him shortly after he went to a theater to see a movie which records show began at 6:25 p.m. He was informed of Foster's death, and he testified that he immediately called Bill Burton, assistant to the chief of staff, and asked him to inform Mac McLarty. We must presume that others who were notified promptly would include Bernard Nussbaum, Bruce Lindsey and Patsy Thomasson. No FD-302s that include questions about the Foster death have been released for McLarty, Thomasson, Nussbaum, Livingstone and Butler. It is hard to believe that these individuals were not interviewed by the FBI and asked when they heard about Foster's death. Bruce Lindsey was. The agent's handwritten notes show that Lindsey claimed that he didn't learn of Foster's death until after 9:00 p.m. That is blacked out in the FD-302.

---

[20] *Ibid.*, p. 1383

[21] *Ibid.*, p. 1365

# TABLE 1
# TIME LINE CHART

| TIME (p.m.) | POLICE, MEDICS | WHITE HOUSE | TIME (p.m.) | WHITE HOUSE |
|---|---|---|---|---|
| **6:14** | Foster's body found, car in pkg lot with White House photo ID on seat | | **8:15 to 8:30** | Wm. Kennedy told of death by Craig Livingstone. Both go to morgue. |
| **6:30** | License tag check returns Vincent W. Foster, Jr's. (VWF) name and Little Rock (LR) address | Movie David Watkins went to see begins. He was beeped shortly after and informed of Foster's death | **8:30** | USSS memo says Lt. Wolz told of VWF death by Gavin. Says Watkins and Livingstone notified. |
| **6:37** | Medics leave, some say knew Foster was White House employee | | **8:50 (approx.)** | CNN make-up girl hears man tell Clinton note found in Foster office. |
| **6:40 (est.)** | Det. Rolla calls Lt. Danny Walter, Pres. Prot. Div. USSS.Gets VWF's DC address | | **9:00** | Livingstone says USSS tells him VWF dead. Clinton begins Larry King Live interview. |
| **6:45 (est.)** | | Watkins beeped. Told Foster dead, calls Bill Burton. | **After 9** | McLarty, Bruce Lindsey learn of VWF's death |
| **7:00** | Sgt. Braun says she finds WH ID. Asks Bill Watson to notify Lt. Gavin. | Trooper Perry says Helen Dickey, Chelsea's nanny, calls gov. Mansion | **9:50 (approx.)** | Clinton offers to do King show for extra 30 minutes |
| **7:20 - 7:30** | Braun says she learns Watson did not call Gavin. She does | in LR about Foster's death sometime between 5:30 and 8:00 | **9:55** | McLarty tells Clinton he can't stay on show longer. |
| **7:30 -7:40** | Gavin says he calls Secret Service | | **10:00** | Clinton told of VWF's death |
| **7:40 - 7:50** | Bill Burton calls Gavin, asks if gun was traced. | | **10:30** | Helen Dickey says she called gov mansion in LR |

## The Confused and Conflicting Stories of the Park Police Officers

Three Park Police officers who were questioned about when they discovered that Foster was a White House employee and when they notified the White House told inconsistent and contradictory stories. Lt. Gavin, the senior officer at the scene, told the FBI that he arrived at 6:30-6:45 and remained there for 40 to 45 minutes. That means he left at 7:10 at the earliest and at 7:30 at the latest.[22] He also said he left before Foster's White House ID was found. That presented a problem, because Sgt. Cheryl Braun told the FBI she found the ID at around 7:00 p.m., and since Gavin had left, she asked another officer, William Watson, to call Gavin and inform him. She said she learned 20 or 30 minutes later that Watson had not called Gavin, and so she did so herself at around 7:30 p.m.[23] If Gavin was still on the scene at 7:10 p.m., Braun's story is exposed as a fabrication, and it becomes impossible to stretch out the time the White House was notified of Foster's death much beyond 7:00 p.m.

**TABLE 2**
**GAVIN, BRAUN AND ROLLA STORIES COMPARED**

| Lt. Patrick Gavin | Sgt. Cheryl Braun | Sgt. John Rolla |
|---|---|---|
| **6:30 - 6:45 Arrived on scene. Notes say he remained 40 or 45 minutes** | **7:00 Found Foster's ID under jacket on front seat** | **6:40 (est.) May have called Lt. Danny Walter, USSS re VWF death** |
| **7:10 to 7:30 Left scene. Says it was before VWF's WH ID was found.** | **7:01 (est.) Told officer Bill Watson to call Gavin about White House connection** | **8:00 He searched Foster's car. Says jacket folded over back of seat. Found his ID** |
| **7:30 to 7:40 Called Secret Service within 10 minutes of getting Braun's call** | **7:20 to 7:30 20 or 30 min. later learned Watson hadn't called Gavin. She did.** | **8:05 (est.): Someone called Communications. Doesn't know who. FBI notes say he said it was Braun.** |
| **7:40 - 7:50 Bill Burton called him within 10 min. after he called Secret. Svc.** | | |

Sgt. Rolla made matters worse by telling the FBI and the Senate Banking Committee investigators that he personally found Foster's ID after he finished helping bag the body at 8:00 p.m. and

---

[22] FBI Notes, p. 130. FD-302 says 30 to 45 minutes, SBCH, p. 1555

[23] FBI Notes, p. 251

suggested that the Secret Service be notified.[24]

Since Foster's ID was one of the easiest piece of evidence to find at the scene and since the FBI knew there was reason to believe that the police had found it by 6:40 p.m., why would they alter Gavin's time line to make it conform to Sgt. Braun's story? I suggest that it is for the same reason that they gratuitously added 15 minutes to the time Sgt. Braun told the agent she called Gavin. The agent's notes show her saying that she learned of officer Watson's failure to call Gavin "20 or 30 minutes later," but that is crossed out and "30 minutes" is substituted. In writing up the FD-302, the agent added an extra 15 minutes, saying Braun called Gavin "at approximately 7:30 - 7:45 p.m."[25] It appears that both the Park Police and the FBI agents working for Fiske were trying to narrow the gap between the time the White House says it learned of Foster's death and the time the Park Police notified the Secret Service. John Rolla made the most heroic effort, claiming that they didn't know who Foster was until after they had put him in a body bag at 8:00 p.m.

That was a bit too much for Cheryl Braun, who had taken responsibility for the investigation at the parking lot. She couldn't justify not opening the car door until nearly two hours after the body was found. Even 7 o'clock would be a stretch. Nothing about this story rings true, including the claim that the task of calling Gavin at 7:00 p.m. was given to an officer who was apparently there as a spectator. William Watson was never interviewed by the FBI to see if he really fumbled the one assignment he was allegedly given that night..

Sgt. Rolla really gave the game away when he admitted to the Senate Banking Committee investigators that he may have called Secret Service Lt. Danny Walter after having denied talking to them at all. Asked if he knew who called the Secret Service, Rolla replied, "No, Lt. Pat Gavin was on--he may also have been on the scene when we got there or he came later, I am not sure. We talked to him. Someone called communications. I don't know who it was." Asked if he had ever heard anything from the Secret Service, he said, "No, I didn't talk to them at all."[26]

It appears that he started to say that Gavin "was on the scene," before catching himself and grasping for some reason to have mentioned his name. Instead of Braun calling Gavin, he has some unknown person calling communications. But he told the FBI that Sgt. Braun called the White House communications center and asked them to notify the Secret Service.[27]

The Park Police would have us believe that it took them 45 minutes to find Foster's White House ID on the front seat of his car and another 30 to 40 minutes to notify the Secret Service of Foster's death. But even this incredible delay still leaves a 50-minute gap between the time Gavin says he called the Secret Service and the time the White House says it was first notified. That's better than an hour and 50 minutes, but one has to wonder why neither the media nor the opposition party has shown any interest in investigating a gap six times as long as the gap in the Nixon tapes and ten times as significant because it involves the collusion of the White House and three law enforcement agencies in trying to conceal or minimize it.

---

[24] *Ibid.*, p. 393

[25] *Ibid.*, p. 1625

[26] *Ibid.*, p. 395

[27] FBI Notes, p. 197

## Records That May Show When White House Was Notified

The FD 302's for Lt. Gavin and Sgt. Braun show clearly that the Secret Service was notified before 8:00 p.m., perhaps as early as 7:30. That should be enough to make the case that the White House claim that it was not notified until 8:30 p.m. is false.

But there is evidence that the notification could have been made closer to 6:30 p.m. This should be easily verifiable by ascertaining the time of apparent phone call to Lt. Danny Walter, USSS, from Sgt. Rolla and the time of phone calls from Sgt. Braun and Sgt. Rolla to Gavin and/or the White House Communications Center. The phone call that has received the most attention, the one from Helen Dickey at the White House to Governor's mansion in Little Rock, is less important because it would not pinpoint the precise time of the notification to the Secret Service. It would, however, indicate how early word of the death reached this low level member of the staff, perhaps exposing the absurdity of claims by the President and senior officials that they were the last to be informed. The Senate Special Whitewater Committee's Final Report says that it tried to get the phone records that would show the time of Dickey's call. It was unable to do so, having been told by Sprint, the long distance carrier, that records are kept for only the first six digits of the numbers called from the White House. It apparently made no effort to get any other phone records bearing on the time the Secret service was informed of Foster's death, including the time of Gov. Tucker's return call to the White House after getting Dickey's message.

## Lies About the "Suicide" Note

One thing that is clear about the so-called Foster "suicide" note is that it was not discovered the way Associate Counsel Stephen Neuwirth described and demonstrated to the Senate Whitewater Committee. Neuwirth said he found the 27 torn pieces of paper in Foster's briefcase as he was putting it into a box for shipment to Mrs. Foster. When asked to demonstrate this with the briefcase, he picked it up and turned it on its side, as if he was putting it in carton

It was obvious that not a single scrap of paper would fall out of the briefcase when held in that position, but no one on the staff or the committee pointed that out. Neuwirth must have been trembling for fear they would ask him to put some scraps of paper in the briefcase and see how many floated out when it was turned on its side..

That casts doubt on the authenticity of the note and augments the importance of having it carefully examined to determine if it was written by Vincent Foster. That was not done. In fact, the White House went to great lengths to insure that no such examination would be made. Sgt. Larry Lockhart of the Capitol Police was asked to determine the authenticity of the note. He was shown one known sample of Foster's handwriting with which to compare it. The Capitol Police is highly vulnerable to political pressure, and Sgt. Lockhart no doubt knew what was expected of him. He said Foster wrote the note.. No outside experts were permitted to examine it. Photocopies were not made available to the press and public.

In May 1994, Robert Fiske tried to get the FBI to authenticate the note using 17 canceled checks as exemplars. Instead of saying, "You shouldn't ask us to make a judgment that would clearly be unprofessional," the FBI wrote, "Significant handwriting characteristics in common were observed which indicates the questioned writing...was prepared by Vincent Foster. 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. It is suggested additional normal course of business writings prepared by Foster be obtained for comparison to the questioned writings."[28] The message is clear: "We will give you what you want, but give us an exemplar that won't make us look unprofessional." One more canceled check and the one-page letter used by the Capitol Police sufficed to get the desired opinion.

When photocopies of the note were leaked to the press from Capitol Hill in July 1995, the Capitol Police sergeant, now retired, was engaged to judge its authenticity without being told what the document was. He was shown the words common to the note and to the exemplar he had used in 1993, all considerably enlarged, and he was asked to determine if they were all written by the same hand. He was able to correctly distinguish between those that came from the note and those from the exemplar. He was then shown the words in context, again enlarged, but without revealing the documents. He gave the opinion that the note was probably a forgery. The same results were obtained with another handwriting professional who was given the same test but declined to go public because a family member was employed by the federal government.

Subsequently, three certified handwriting experts were hired by James Dale Davidson of Strategic Investment newsletter to determine if the note was written by Foster. Working independently with twelve samples of Foster's known handwriting, they all found the note to be a forgery, and not a very good one.

The Senate Whitewater Committee noted in its Final Report that the FBI determined that the note was "written in Mr. Foster's hand." It did not describe the obvious impact of command influence on the FBI's opinion. It relegated the finding of the three independent experts to a footnote which said, "Because the White House and the Foster family's attorney did not provide the Special Committee with obtain (sic) original samples of Mr. Foster's handwriting, the Special Committee was not able to conduct an investigation into this matter." [29]

The evidence that the note was forged is stronger than the evidence that it was penned by Foster. More experts using more exemplars have ruled that it was a forgery than have ruled it authentic. The two who ruled it authentic were both vulnerable to command influence, and one of them unknowingly reversed his finding when he judged the handwriting "blind," i.e., without knowing whose writing it was supposed to be. We don't know who wrote the note, but it is clear that White House officials lied about its provenance. It was assembled on the conference table of the White House Counsel and the First Lady was invited to examine it before it was shown to anyone else.

Those who say Whitewater cannot be compared to Watergate may be right, but Fostergate is far worse. Its centerpiece is a mysterious death, whose investigation has been a mixture of farce and fraud on the part of the White House, the Justice Department, the U. S. Park Police, the FBI, the Secret Service, the Office of the Independent Counsel and the Senate Special Whitewater Committee, with the cooperation of virtually all of the media, both print and electronic.

---

[28] SBCH, p. 2047

[29] Final Report of the Special Committee to Investigate Whitewater Development Corporations and Related Matters, June 17, 1996, p. 145

# APPENDIX

1. Summary of evidence pro and con suicide-in-the-park/body-moved/foul-play theories.

2. Samples of Foster's known handwriting and words from so-called "suicide" note.

3. Footnotes.

# APPENDIX 1

## VINCENT FOSTER: SUICIDE OR FOUL PLAY?

### Evidence Supporting Foster Death Theories

### A. Supporting Suicide-in-the-Park Theory

1. Gun found in hand
2. Apparent gun soot on both index fingers
3. No sign of struggle
4. DNA DQ alpha 2,4, Foster's type found on muzzle of gun. (This type DNA is shared by 6% of Caucasian and 8% of blacks and Hispanics.) (Hearings, p. 1897)
5. Vegetation not trampled (according to police, trampled according toCW, the man who first found the body).
6. Evidence that he was in some kind of bind and was troubled.

### B. Supporting Body-moved/Possible Foul Play Theory

1. Less than expected volume of blood on ground
2. No blood or tissue spattered on vegetation
3. No bone fragments found
4. No brain tissue observed
5. No bullet found
6. Eyeglasses found 19 feet from head with trace of gunpowder on them.
7. Unusual attitude of body (arms at sides, legs straight, face straight up)
8. Evidence that head had been in different position before photos taken
   a. blood on right shoulder (FBI lab report)
   b. blood transfer stain on right cheek and jaw, indicating contact with shoulder (FBI lab report)
   c. Blood stain on shirt in area of right rib cage (FBI lab)
   d. Blood on belt and one shoe (FBI lab)
9. No dirt or grass stains on shoes after 250-yard walk through the park
10. Gun found in hand, barrel partially under right thigh
11. Would have been very difficult to pull the trigger if thumb had been inserted beyond the first joint, where it was trapped between the trigger and the trigger guard.
12. Gun soot on both index fingers indicates gun had to be held with both hands over the cylinder--an extremely unusual, awkward and unlikely way in which to hold it.
13. Foster's fingerprints not found on gun.
14. No blowback found in gun barrel
15. No blood on gun
16. Gun not owned by Foster
17. Old gun (1913), untraceable with two different serial numbers
18. No ammo for gun in Foster homes, only 2 rounds in cylinder
19. No gunshot heard

20. Foster never seen alive in park
21. Ft. Marcy unknown to long-time residents, unlikely to be known to Foster
22. Foster's jacket, wallet with $292 left in unlocked car.
23. Would he have walked 250 yds. on hot, humid day, openly carrying 4" barrel revolver and not rolling up his shirt sleeves?
24. Would he have climbed over berm to sit on a dirt slope where his body might not be found for many hours?
25. Two men seen in and beside Foster car 30 minutes before his body was found who left his wallet intact may have been involved in moving his body or driving his car.
26. Suspicious behaving man seen in parking lot 75 minutes before body found may have been a lookout.
27. Foster's car, house and office keys could not be found in his pockets at scene, but were found in his pocket later at morgue after visit from White House staffers.
28. Semen in shorts, blond hair and fibers on much of his clothing may indicate activities inconsistent with depression-induced suicide.
29. Wound on neck observed by EMT Richard Arthur and on enhanced photos according to prosecutor Miquel Rodriguez.
30. Witness who saw possible lookout says driver's seat of Foster's car was in forward position. If true, the 6'4" Foster did not drive the car.

**C. Evidence of Coverup**

1. Investigation left in hands of ill-equipped, inexperienced Park Police
2. Formally declared suicide before forensic investigation completed
3. Most crime scene photos spoiled or lost
4. Medical examiner lied about reason he had no X-rays
5. Eyewitness testimony about suspicious persons in parking lot was seriously misreported and not acted upon.
6. "Suicide" note authenticated by U. S. Capitol policeman on basis of a single exemplar. He reversed his opinion two years later when asked to judge the writing in the two documents without knowing the source.
7. Fiske tried to get the FBI to judge the note based on inadequate exemplars--17 canceled checks. Response was a signal that they would give him the opinion he wanted if they were provided with more exemplars. On receipt of one more check and a single handwritten sheet of paper, the FBI declared the note authentic.
8. Three outside experts say note was forged.
10. Story about how note was found is patently untrue
11. No evidence of any effort to determine nature of the "bind" Foster's sister told Dr. Hedaya he was in 5 days before his death.
12. Collusion by Park Police, FBI, Secret Service, OIC and Senate Special Whitewater Committee in concealing correct time the White House learned of Foster's death.
    a. Park Police Lt. Patrick Gavin, who told the FBI he arrived at Fort Marcy at 6:30 - 6:45 and remained for 40 or 45 minutes, claims he didn't learn of Foster White

House connection until after he left even though paramedics on the scene said they knew by 6:37 and there is evidence that Sgt. Rolla called Lt. Danny Walter of the Secret Service at about that time. All the investigations have failed to examine this evidence or expose the holes in the stories told by the Park Police, the White House and the Secret Service.

b. Gavin claims he notified Secret Service by 7:40 and talked to Bill Burton of the Chief of Staff's office by 7:50 p.m., but Chief of Staff McLarty claims he didn't learned of Foster's death until after 9 o'clock and didn't tell the President until 10 o'clock.

13. Report of early search of Foster's office and discovery of note kept secret.
14. Foster's office searched and files removed the night of his death.
15. Police, FBI and Justice Dept. lawyers barred from searching Foster's office.
16. Index of files in drawer containing Clinton financial records missing.
17. Park Police report, autopsy report kept secret for nearly a year; "suicide" note withheld from public for over two years; crime scene photos, several FBI FD-302s and handwritten notes and backup memos all still secret; phone records still being withheld.
18. Three witnesses, including two EMTs, said they saw a briefcase in Foster's car. Police insist none was there.
19. Prosecutor Miquel Rodriguez, hired by Starr to investigate this case, resigned when Starr's deputy, Mark Tuohey III, began interfering with his conduct of the investigation. He told Starr that witnesses who had no incentive to lie were subjected to harsh questioning and requestioning, but he was told to back off when he was tough in his questioning of the Park Police.
20. A strong rumor that Foster and other senior administration officials rented or had the use of a house or apartment where Foster may have gone on the afternoon he died was blamed for a drop in the stock market when it was reported in the Johnson-Smick newsletter and aired by Rush Limbaugh. Fiske's FBI agents must have checked this out. One would expect it to have been discussed and dismissed--if it was found that there was no basis for the rumor. There is no mention of what they found in the Fiske report.

# APPENDIX 2

Samples of Foster's Known Writing



So-called "Suicide Note" Samples

## APPENDIX 3

# FOOTNOTE SOURCES

FD-302a (Rev. 11-15-83)

29D-LR-35063

Continuation of FD-302 of John C. Rolla, On 4/27/94, Page 3

maintained that this search of the decedent's pockets took place after both he and Identification Technician Peter Simonello (USPP) took photographs of the decedent's body and the death scene area. In this regard, Investigator Rolla reviewed a series of polaroid photographs supplied by the USPP and advised that these polaroid photographs were a true and accurate representation of his observations of the decedent's body and the death scene at Fort Marcy Park on July 20, 1993.

In regards to the above noted polaroid photographs, which Rolla stated were a combination of the photographs he and Sergeant Edwards took at the scene, his attention was drawn to a transfer-like pattern of blood forming a straight lower margin at the right side of the decedent's neck and chin. Investigator Rolla advised that this blood pattern did give him some concern but believed that this blood pattern could possibly have occurred as a result of the decedent's head twisting or jerking at the time of death or for that matter could have resulted from activities performed by EMT personnel when they were checking for vital signs. Investigator Rolla reiterated that during the period he was at the death scene, he did not touch the body or observe anybody else touch the body prior to the completion of all death scene photography.

In addition to the above functions performed by Investigator Rolla, he advised that he physically checked the surrounding area of the death scene, which failed to reflect any footprints, tire tracks, or any trampled vegetation. He did advise however, that approximately 15 feet to the right of the 2nd cannon in an open area, he did observe an empty bottle of what he thought was wine cooler, with the bottle shaped similar to a Mistic shaped soft drink. To the best of his recollection, the label on the bottle was faded, was empty of any contents and appeared to have been at the location for a extensive period of time.

According to Investigator Rolla, at approximately 7:45 pm, Fairfax County Coroner, Dr. Donald Haut, arrived at the death scene and examined the decedent. Rolla recalls rolling the decedent's body over at which time he observed an extensive amount of blood on the back of the decedent's shirt and on the back side of his head.

no one had touched the body

Chalk death scene which had been traced

Body as was photographed

blood on floor was starting to dry

Pool of blood under head just starting to congeal.

Latent marks, did not develop foot tracks, or any brush that had been traced out

No other evidence of struggle

Body of head was straight with the eyes slightly open; arms at side & legs straight.

Extensive ~~regarded~~ - branch across the body

192

[ L. in open was met by Stad with brandy. ow him

. Clothes were strewn neat with no sign of struggle

. Found gun was in right hand, & walked to left shoulder of body and head about body. Saw gun in ~~his right hand~~ his right hand, with thumb still in trigger guard.

. Started taking photos - and went to bottom of hill & took photos of location & with some help loaded onto stretcher carry to

Foster's gun when "this portion of the right thumb is wedged between the front of the trigger and the inside of the front of the trigger guard of [Foster's gun] when the trigger rebounds (moves forward)." This mark is also consistent with the position of Foster's thumb in the trigger guard as depicted in the Park Police photographs. Lab Report, at 7.

B. **Chemical Analysis**

Ball shaped gunpowder was found in scrapings from Foster's shirt and undershirt. The FBI Lab found this gunpowder to be physically and chemically similar to the powder found in the empty cartridge case in the gun. In addition, chemical testing of Foster's shirt resulted in a positive reaction for the presence of lead residue. The presence of the residues found on Foster's shirt is consistent with the blast from the cylinder of Foster's gun when fired using ammunition of the kind found within that gun.

The FBI Lab further found one piece of ball powder on the eyeglasses recovered from the bottom of the berm, approximately thirteen feet below where Foster was found. This powder is physically and chemically similar to the gunpowder found in the cartridge case removed from Foster's gun. These facts are consistent with the eyeglasses being positioned near the gun when fired (such as on Foster's face or in his shirt pocket). One obvious scenario is that the eyeglasses were dislodged by the sudden backward movement of Foster's head when the gun was fired, after which the glasses bounced down the hill.

FEB - 7 1994

~~CONFIDENTIAL~~

MEMORANDUM TO: Director

FROM: Assistant Director
(Congressional and Media Affairs)

SUBJECT: Vincent Foster Suicide

Toward the end of the week of January 28, both the Chief, Public Affairs Branch and I received media calls concerning ATF's participation in the Vincent Foster investigation. We conferred with the Special Agent in Charge of the Washington Field Division and there was no knowledge on any of our parts that ATF had done more than attempt to trace the Foster firearm. This information had been made public at the time of the incident in 1993 and we confirmed that we had attempted to trace the firearm.

Inquiries on Monday, January 31, were based on U.S. Park Police statements that ATF had done further forensic work in this case. Attempts to contact our laboratory were unsuccessful on January 31 due to its evacuation because of a gas main leak. Contact was made with Lab personnel after close of business on January 31 and the Associate Director (Law Enforcement) made contact with the special agent in charge at the same time. At this time we did learn that the ATF laboratory in Rockville had done additional forensic examinations on the Foster firearms.

The request had been made directly to the Laboratory and not through the Washington Field Division.

The chronology that occurred with the Foster gun examination, according to the reports we have, is that the Park Police requested to use our laboratory during the week of the Foster suicide which occurred on July 20, 1993. The actual transmittal letter to the lab was prepared on August 12 and on August 16, a Park Police officer brought the evidence to the lab for examination. The ATF lab prepared a report of its findings which were sent to the Park Police on August 17

OIC 000813

00018

| CODE | INITIATOR | REVIEWER | REVIEWER | REVIEWER | REVIEWER | REVIEWER | REVIEWER |
|---|---|---|---|---|---|---|---|
| SURNAME | [redacted] | | | | | | |
| DATE | 2/4/94 | | | | | (16) | |

ATF F 1325.6A (1-80) CORRESPONDENCE APPROVAL AND CLEARANCE
REPLACES 1040 EDITION WHICH IS OBSOLETE



-2-

Director

On February 1, both the Office of Public Affairs and the Office of Enforcement were notified of this information. Also on that date, a draft statement was submitted to Treasury Public Affairs outlining our recommended statement. That statement confirms that we conducted additional forensic tests, that the tests confirm the findings of the Park Police as to cause of death and that release of any documents would be determined by the Justice Department, which is processing a Freedom of Information Act request from the media.

James O. Pasco

~~CONFIDENTIAL~~

OIC 000814

00019

BATF Memo re Gun Examination

Footnote 4 - A

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE ☐

| 2 SYSTEM AREA | 3 DATE/TIME OCCURRED (MO / DAY / YR / TIME) | 4 YEAR | CASE/INCIDENT NUMBER |
|---|---|---|---|
| United States Park Police | 0 7 2 0 9 3 | 9 3 | - 3 0 6 0 2 |

| 5 NATURE OF INCIDENT | 16 RECLASSIFICATION OF INCIDENT |
|---|---|
| Death Investigation | Suicide |

ITEM | 7 RESULTS OF INVESTIGATION

his father's death. A family member stated that it "looked like a gun that (they) had seen in (his) father's collection". According to the executor of Mr. Foster's estate there would be no record of weapons by serial number to document the collection. There was no record of a firearms registration current or pending for the weapon in the District of Columbia by Mr. Foster on the date of his death. An ATF trace revealed that the weapon, which bore two serial numbers, was last documented in legal transactions in 1913.

A handwritten note that the White House Counsel's Office reported they found on 7/26/93 and was turned over to this Department on 7/27/93 documents the observations of a very disturbed and overworked individual who sees himself as having failed the Clinton Administration. The note was examined by Mr. Foster's wife who declared that it was her husband's handwriting. The questioned document was compared, by an expert, to documents known to be handwritten by Vincent Foster. The expert's findings concluded: "Both the Known and Questioned Documents were completed by the same writer/author and that writer/author is known as Vincent W. Foster."

The delays presented by White House Counsel's Office and the circumstances surrounding the production of the "note" are being investigated by the Federal Bureau of Investigation and are not a consideration in the instant "Death" investigation.

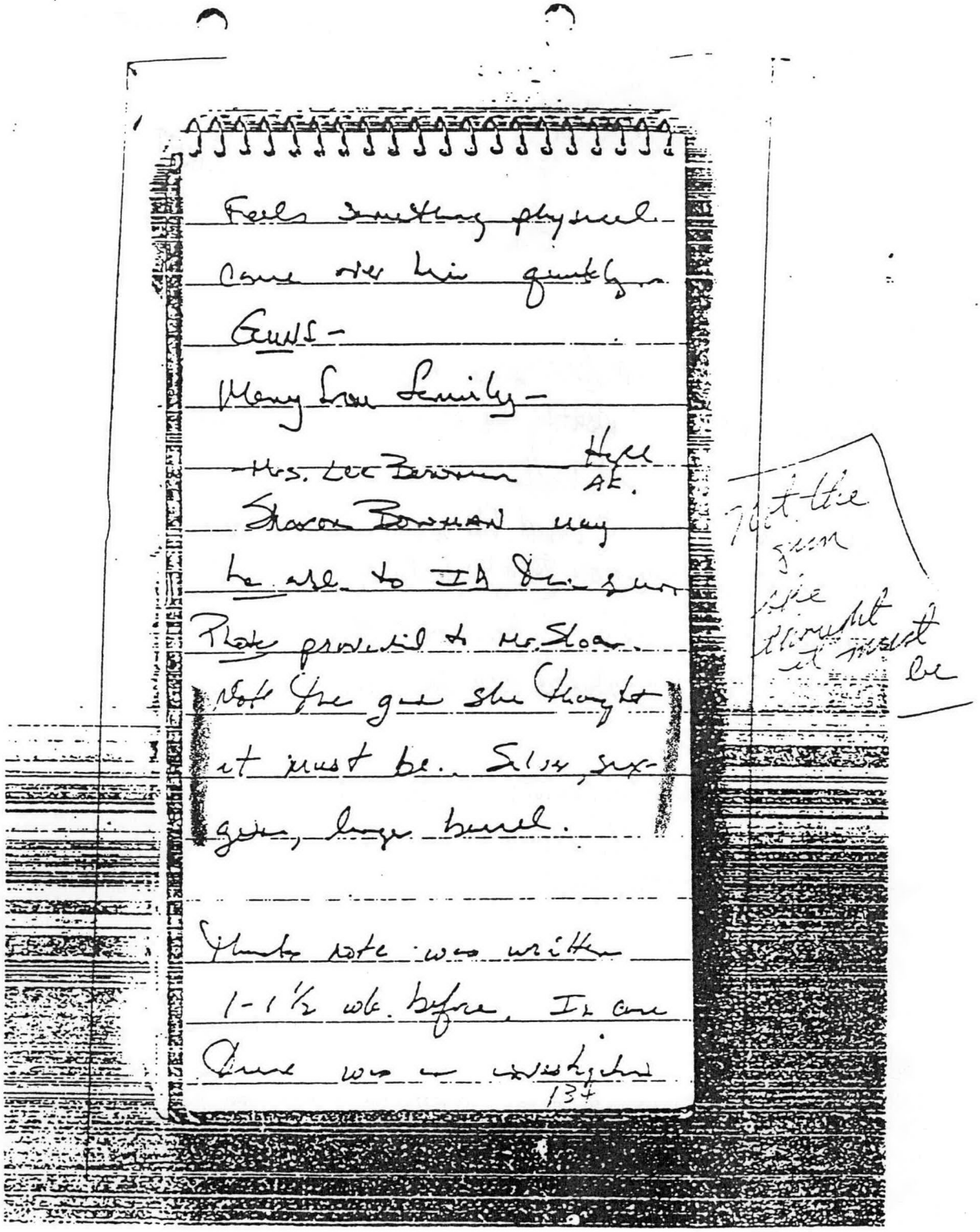
Based on the aforementioned synopsis of the facts and circumstances presented, the writer requests that the investigation be "Closed" and that the Manner of Death ruled as "Suicide".

| 8 WARRANT(S) | 9 | 10 IO TECH NOTIFIED | 11 INVESTIGATOR NOTIFIED | 12 |
|---|---|---|---|---|
| ☐ YES ☐ NO | ☐ LATENTS ☐ PHOTOS | | | PAGE 2 OF 2 PAGES |

13 STATUS: ☐ OPEN ☐ SUSPENDED | CLOSED BY ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED | 15

| 14 REPORTING OFFICER | BADGE/ID | DATE | 15 INVESTIGATOR | BADGE/ID | DATE | 15 SUPERVISOR | BADGE/ID | DATE |
|---|---|---|---|---|---|---|---|---|
| | | | [signature] | | | [signature] | | 8/5/93 |

Detective Markland's Memo of 8/5/93 Recommending Case Be Closed Footnote 4 - B



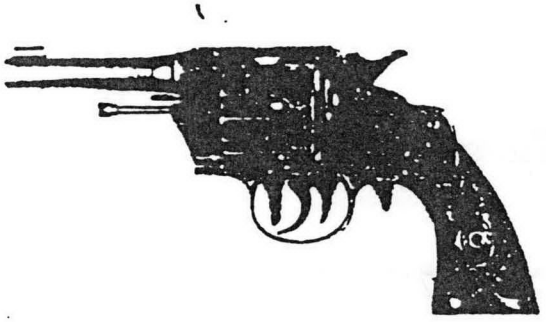
Feels something physical
Come over his guilty
Guilt -
Many Low Lonely -
Mrs. Lee Bowman Hell
AK.
Sharon Bowman may
be able to ID Gun
Role provided & Mr. Sloan
Not the gun she thought
it must be. Silver, sur-
gun, large barrel.

Shoe note was written
1-1½ wk. before. Is one
Gun was a Weighted
134

that the gun she thought it must be

Detective Markland's Notes of Interview of Lisa Foster

Footnote 5



[illegible]
3/9/93

Last night I visited with [Mrs.] Sharon Foster Bowman [and asked her] if she could identify the pistol in the photograph you had given me last week.

[Mrs. Bowman] said it looked like a gun [she] had seen in [her father's] collection. [She] particularly pointed out the "wavelike" detailing at the base of the grip.

I asked if [she] remembered any other features. She did not.

I am returning the photograph along with this letter. I will provide copies of this letter to [Mrs. Bowman and Jim Hamilton.]

Yours truly,

[John C. Sloan]

840 Savers Federal Building, Capitol & Spring Sts., Little Rock, Arkansas 72201. Telephone 501-376-6681

373

Sharon Bowman's Statement on Gun Based on Photo, John Sloan Note. Footnote 6

FD-302a (Rev. 11-15-83)

CONFIDENTIAL

29D-LR-35063



Washington, FOSTER saw the gun and commented on it. LISA FOSTER had not had a prior conversation with FOSTER about bringing a gun to Washington, D.C., but she argued with FOSTER when the gun was unpacked. LISA FOSTER told FOSTER that she did not want any guns in her house in Washington.

LISA FOSTER is not aware of any photographs which may be kept in Arkansas which would depict the guns owned by FOSTER's late father. She is only aware of snapshots of family members going hunting.

LISA FOSTER is not aware of any records from the elder MR. FOSTER's estate which might describe the firearms he had owned. She is aware of a handwritten note from the elder MR. FOSTER regarding the disposition of his property after he passed away. According to this note, all of the elder MR. FOSTER's guns were left to FOSTER and a diamond was left to LISA FOSTER. After the funeral for FOSTER's father, FOSTER went down to his father's house and retrieved the guns. LISA FOSTER believes that there were approximately three to five handguns included in the guns retrieved by her husband. She believes that her husband obtained all of the guns which were left by FOSTER's father.

LISA FOSTER does not know where her husband kept the guns left to him by his father while the FOSTERS were still living in Little Rock.

LISA FOSTER believes that the shotguns from the estate of the elder MR. FOSTER are currently in the possession of her brother-in-law, who is the husband of her sister. SHARON BOWMAN, FOSTER's sister, has one handgun. LISA FOSTER believes that BERYL ANTHONY has one of the handguns from the estate here in Washington, D.C., but she has not asked ANTHONY that specific question.

FOSTER himself did not like guns. FOSTER's father had given guns to LISA FOSTER's sons, which displeased LISA FOSTER. 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





FD-302a (Rev. 11-15-83)

CONFIDENTIAL

29D-LR-35063



may be the silver gun which she brought up with her other belongings when she permanently moved to Washington. LISA FOSTER does not know with certainty, but she suspects that there were some bullets at the house in Washington, D.C.

Sometime within the last two weeks prior to July 20, 1993, LISA FOSTER told FOSTER to remove the guns from their house in Washington. FOSTER told LISA FOSTER not to remark about the guns in front of the boys. LISA FOSTER believes that she may have told her husband twice during that time to remove the guns, but she never checked to see if the guns had actually been removed.

LISA FOSTER assumes that ammunition was given to her husband in conjunction with his receipt of the guns from his father's gun collection, but she does not know for certain. She never knew FOSTER to buy any ammunition except for shotgun shells when he went hunting.

To the best of LISA FOSTER's knowledge, FOSTER never carried a handgun in his automobile. She never knew FOSTER to carry a gun with him to work. FOSTER parked his automobile in slot 16 on Executive Boulevard West whenever he was at the White House. LISA FOSTER knows that the trunks of vehicles are checked when the vehicles are driven onto the White House grounds. When not in use, the Honda was typically parked on the street adjacent to the FOSTER residence while the FOSTER family's Lexus was parked in a space behind their house.

LISA FOSTER believes that the guns which were brought by her family from Little Rock to Washington were transported on the moving van with their other belongings.

LISA FOSTER does not know where her husband might have obtained the two loose bullets which were discovered in the handgun found at Fort Marcy Park.

LISA FOSTER is not aware of any background information regarding her husband's possession of guns which could assist in tracing the gun found in his hand at Fort Marcy Park. SHARON BOWMAN told LISA FOSTER that FOSTER's father kept a gun by his bed while he was still living, and LISA FOSTER believes that that gun may be the same revolver she was shown by the interviewing agents.

I. **The Gun**

The Park Police submitted the gun found in Foster's hand to the Bureau of Alcohol, Tobacco and Firearms ("ATF") for testing. ATF identified the gun as a .38 caliber Colt revolver. The gun contained two different serial numbers, indicating that it was assembled with parts from two different guns. The only available records indicate that guns bearing those serial numbers were purchased in 1913.

When shown the gun, Foster's sister, Sharon Bowman, identified it as appearing very similar to the one their father had kept in his bedside table, specifically recalling the pattern on the grip. When her father fell ill with cancer in 1991, Bowman moved this gun and others in her father's collection into a closet within her father's house. In 1991, shortly after her father's death, Bowman showed Foster where she had put the guns and Foster removed them from the house.

Lisa Foster stated that the gun looked similar to one that she had seen in their home in Arkansas and that she had brought to Washington. Foster had packed a trunk prior to going to Washington but did not take the trunk with him. When Lisa Foster "repacked" the trunk for her own move to Washington in June, she saw the gun and brought it with the rest of her belongings.* Lisa Foster felt uncomfortable having a gun in their house, and twice asked Foster to remove it. On the night of Foster's death, she found a gun,

---

* Foster's children did not recognize the gun as one they had seen in their home.

FD-302 (Rev. 3-10-82)

~~CONFIDENTIAL~~



FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/5/94

LEE FOSTER BOWMAN, nephew of VINCENT FOSTER, JR. was interviewed at his place of employment, Barclay's Bank, 222 Broadway, New York City, New York 10038. He was advised of the identity of the interviewing agent and of the purpose of the interview. BOWMAN provided the following information:

He is the grandson of VINCENT FOSTER Senior who died in 1992, and nephew of VINCENT FOSTER, JR. who died July 20, 1993. When he was 10 to 16 years old (approximately), he used to go with his grandfather to a fishing club located in Millwood, Arkansas and a hunting cabin in Yellowcreek, Arkansas. On these occasions, which numbered about two or three per year, he would shoot some of his grandfather's firearms. His grandfather collected weapons and was a "big sportsman". BOWMAN recalled seeing that his grandfather possessed about 3 pistols/revolvers; about 4 shotguns; and two or three rifles. BOWMAN mostly shot a .22 automatic pistol that looked something like a luger. It had a dark barrel and wooden handle. He also shot a larger caliber revolver that his grandfather kept in a holster. He also shot a rifle and shotgun. BOWMAN said he knew the difference between a pistol and a revolver.

BOWMAN was asked if his uncle, VINCENT FOSTER, JR., ever accompanied him on these trips and he answered, "Maybe once". He could not recall any additional details regarding this.

BOWMAN went duck hunting with his grandfather at the Yellowcreek hunting cabin which was located between Hope, Arkansas and Texarkana. His grandfather taught him safety of the weapons. He remembered his grandfather keeping one of the handguns in a bedside table, one in his truck and one at the hunting lodge. He said when his grandfather died, his uncle inherited the weapons. This included at least a "couple of pistols" and a shotgun.

BOWMAN had no knowledge of his uncle VINCENT FOSTER, JR. bringing any of these weapons to Washington, D.C. from Little

Investigation on 6/28/94 at New York, New York File # 29D-LR-35063

OIC 000446

by _____ Date dictated 6/29/94

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.



FD-302a (Rev. 11-15-83)

~~CONFIDENTIAL~~

29D-LR-35063

Continuation of FD-302 of LEE FOSTER BOWMAN, On 6/28/94, Page 2

Rock, Arkansas with him when he joined the CLINTON administration.

BOWMAN was shown the .38 caliber colt revolver believed to have been used by VINCENT FOSTER, JR. on July 20, 1993 to kill himself. BOWMAN was asked if he recognized this weapon. BOWMAN said, "The gun does not ring a bell particularly". BOWMAN said the ".38 caliber" nature of the weapon was familiar, but that he didn't remember the black handle and the dark color of the metal. He indicated that he was familiar with the cylinder and barrel portion of this size or caliber of a weapon except for the color of the metal.

BOWMAN was asked if he could think of anyone else who could possibly identify his grandfather's firearms. He answered that probably other members of the hunting and fishing club and friends of his grandfather could do this. When asked to identify these individuals, BOWMAN said that there was a Dr. SYKES who was a dentist in Hope, Arkansas (his son is also a dentist). BOWMAN said he did not know if SYKES was still alive or not but that SHEILA or BERYL ANTHONY or his mother could probably help identify Dr. SYKES whereabouts. BOWMAN also said that his great uncle CHARLIE (last name not recalled) who lives in Yellowcreek, Arkansas may also be helpful. He further identified CHARLIE as being married to his grandfather's sister. BOWMAN also suggested that BERYL ANTHONY could possibly be of additional assistance.

The following description of BOWMAN was obtained through observation and interview:

OIC 000447

Lee Foster Bowman Statement on Gun - FBI Interview

Footnote 10

I. The Gun

The Park Police submitted the gun found in Foster's hand to the Bureau of Alcohol, Tobacco and Firearms ("ATF") for testing. ATF identified the gun as a .38 caliber Colt revolver. The gun contained two different serial numbers, indicating that it was assembled with parts from two different guns. The only available records indicate that guns bearing those serial numbers were purchased in 1913.

When shown the gun, Foster's sister, Sharon Bowman, identified it as appearing very similar to the one their father had kept in his bedside table, specifically recalling the pattern on the grip. When her father fell ill with cancer in 1991, Bowman moved this gun and others in her father's collection into a closet within her father's house. In 1991, shortly after her father's death, Bowman showed Foster where she had put the guns and Foster removed them from the house.

Lisa Foster stated that the gun looked similar to one that she had seen in their home in Arkansas and that she had brought to Washington. Foster had packed a trunk prior to going to Washington but did not take the trunk with him. When Lisa Foster "repacked" the trunk for her own move to Washington in June, she saw the gun and brought it with the rest of her belongings.* Lisa Foster felt uncomfortable having a gun in their house, and twice asked Foster to remove it. On the night of Foster's death, she found a gun,

* Foster's children did not recognize the gun as one they had seen in their home.



Footnote to Lisa Foster Statement on Gun - Fiske Report

Footnote 11

y)

Took 2 or 3 photos; can't recall if he emboldened dotted them; don't believe he did. Estimates he took approx 6 photos may have been 8. At some point Sgt Edwards arrived at both scenes. He thinks it was after he had typed off rear of other pictures. Not sure who he gave polaroid photos to, could have been Sgt Edwards. By this time USPP CIB personnel had arrived on scene. Batt Mallette CB & JR. Believes Sgt E told him to go back to P&T & help out. CB asked him to get name of any witnesses and tag items were during. Next went back to death scene a 3rd time. He recalls talking to a couple (W/M+LF) who had been located in the park. They informed him there had been a truck in Playground and that driver (no further description) had gotten, gassed hood, walked into wooded area, came back out left. He remained in the Playground area til the ambulance arrived removed the body. Remembers CB went there and found WH Identification. Remembers CB showing him a photo along VA with his family found in car.

He was not present at Death scene when any other photos were taken

FD-597 (Rev. 3-28-84)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

Page 1 of 1

On (date) 5/2/94

Item(s) listed below were:
☒ Received From
☐ Returned To
☐ Released To
☐ Seized

(Name) Capt. Charles Hume
(Street Address) U.S. Park Police
(City) CITS. - Anacostia Op. Facility
Wash. DC

Description of Item(s):

5 Polaroids marked 1-2-3-4-5 depicting
1- Rear of Cannon
2- Heavily foliaged area
3- VF's body looking down from Top of berm
4- VF's body focusing on face
5- VF's body focusing on Rt. side shoulder/arm
(notation on back of 1→5 = from Lt. Edwards 7/20/93 on scene @ 1430)

5 Polaroids (Marked on back 7/20/93 1430 CB # 30502)
1- Driver Seat
2- Rear seat - driver side
3- Rear seat passenger side
4- Ft seat passenger side
5- Rear of Vehicle

8 Polaroids (Marked on back JCR 7/20/93 CB-30502)
1- Right hand showing gun + thumb in guard
2- glasses on ground
3- VF's body Taken from below + UT
4- VF's body focusing on right side + Arm
5- VF's body - focus on Top of head from head footing
6- VF's body - focus on head + upper torso
7- VF's face - looking directly down into face
8- VF's face - Taken from right side focusing

List of Polaroid Photos in Possession of Park Police — Footnote 12 - B

on his right

straight. Gun lying under his hand. Fingers not curled around. ~~Stuck~~ Barrel and tucked under right leg. 100% sure automatic weapon (was in Army took at magazines, knows diff. between automatic & revolver) appeared like 45 automatic. Right side glass size small circular ~~bullet~~ hole (in between ear & top of chin). Didn't see any other bullet holes. Obvious DOA (Color, fixed,) Didn't touch, nobody touch) 2-4 feet approach.

Didn't look like a suicide — straight laying out, gun bigger than hole, gun underneath leg. About ~~the~~ 2 1/2 barrel under leg. Nobody there to direct us body. Call inside from phone outside of Park HQ.) —

Gonzales called as suicide, Cory called as homicide. Death due to ~~gunshot~~ gunshot wound.

Body not reported if directly into bldg. Maybe 1/2 mile North of scene.

Police officers (Park Police) around scene-chatting. Roping ~~Shaved~~ off officers where couple were. Don't know if couple was ever questioned.

Police took our names. Asian colored car in suit jacket & tie - police looking for id. On scene 30-40 minutes

Todd Hall - dying
Gonzales -
Somebody for urgent surgery

Nothing odd, (don't) recall Earth disturbed, clothes

FBI Notes of Interview of Paramedic Richard Arthur - on Description of Gun

Footnote 13 - A

FD-302a (Rev. 11-15-83)

~~CONFIDENTIAL~~

29D-LR-35063

Continuation of FD-302 of Richard M. Arthur, On 3/16/94, Page 3

ARTHUR estimated that from where the couple was they could have heard a shot, but would not have been able to observe anything in or heard voices from the vicinity of where FOSTER was found.

As ARTHUR returned to the parking area, GONZALES and HALL were running back also from the lefthand path and yelled that they had found the body. ARTHUR went down the path to take a look. He located FOSTER's body somewhat off the path, located such that if you were just walking the path you could miss it. Police were following ARTHUR to the scene. In ARTHUR's judgement, FOSTER was obviously dead and so he did not check for a pulse. He noted that the body was lying perfectly straight--like it was "ready for a coffin". A gun was lying on the ground under his right hand, with the barrel partially under FOSTER's thigh. He remembers the gun as being an automatic weapon of approximately .45 caliber. 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. He did not note anything else he thought might be a bullet hole. He did not touch the body and remained at a distance of two to four feet from it. He did not observe anybody touch the body. He did not observe anybody move the gun. As he left to return to the parking area, the U.S. Park Police were roping off the scene.

Once back in the parking area, the U.S. Park Police took all the EMT's names. He observed them gaining access to a cream colored car with a suit jacket and tie in it, looking for identification of some sort. ARTHUR was on the scene approximately 30-40 minutes.

ARTHUR does not recall seeing any footprints or disturbed earth around FOSTER's body. The deceased's clothes were not disheveled, the hill area was clean and there was nothing that struck him as unusual, except for the following things, which make him doubt that it was a suicide: the straight attitude of the body, the apparent caliber of the gun appeared bigger that the hole he thought he had observed just under the jawline, and that he remembered the barrel of the gun as being under FOSTER's thigh (possibly half-way). It also struck him as odd that the person who called authorities did not remain there

OIC 000038

FD-302 (Rev. 3-10-82)

~~CONFIDENTIAL~~



FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/11/94

Judith DOODY was interviewed at her place of employment, was advised as to the identity of the interviewing agents and informed of the nature of the interview. She then provided the following information.

advised that she is presently employed as a and presently resides at In regards to her recollection of her activities on July 20, 1993, she furnished the following information.

stated that she left work late afternoon and in the company of a close friend, , drove to Fort Marcy Park in her white Nissan , arriving at Fort Marcy Park sometime between 5:15 and 5:30 p.m. To the best of her recollection, she maintained that upon entering the parking lot at Fort Marcy Park, she noted that the only vehicle in the parking area was a relatively old (mid-1980's) Honda, possibly a Honda Accord, either tan or dark in color, parked close to the entry of the parking lot, adjacent to a path leading to the Northern section of the park. believed that this particular Honda was parked with the front of the vehicle facing the park area and to the best of her recollection, believes a white male was seated in the driver's seat of this particular vehicle. Although she was extremely vague on the description of this individual, she believed the occupant had dark hair and could have been bare-chested. After passing this particular vehicle, she drove approximately mid-way into the parking area, backing her Nissan into a parking space.

further related that shortly thereafter she noticed a white van or truck enter the Fort Marcy parking area backing into a parking space located between the aforementioned Honda and her vehicle. She stated she then observed the driver of this van or truck exit the vehicle and proceed to the rear of the vehicle where the driver opened the

---

Investigation on 4/7/94 at Washington, D.C. File # 29D-LR-35063

OIC 000116

by Date dictated 4/7/94

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.

FD-302 (Rev. 3-10-82)

CONFIDENTIAL



FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/11/94

MARK FEIST was interviewed at his place of employment,

Mr. was advised of the identities of FBI Agents and and informed that the agents wished to speak to him concerning an ongoing investigation into the death of Vincent Foster. Mr. provided the following information.

He stated that on July 20, 1993, a friend of his, picked him up at his place of employment at approximately 4:30 p.m. was driving her car, a white late model 4-door Nissan with Maryland license tags and a blue interior. He and drove directly to Fort Marcy Park where they planned to spend some time and enjoy a late picnic lunch.

They arrived at Fort Marcy Park at approximately 5:00 p.m. As they drove into the parking lot, he observed a vehicle, possibly a small station wagon or "hatchback" model, brownish in color, parked to his left. The vehicle was parked close to the path leading up to Fort Marcy, with the front of the car pulled 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.

He and parked toward the end of the parking lot and remained in their car for approximately ten to fifteen minutes talking. While still in their car, a white van pulled into the lot and parked a few spots from them (front end first), between their vehicle and the brown vehicle.

Investigation on 4/5/94 at Washington, D.C. File # 29D-LR-35063

OIC 000120

by Date dictated 4/11/94

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.

revolver, was found to contain one unexpended cartridge and one cartridge case from which a bullet had been fired.

While one group of Park Police officials continued to examine Foster's body, others conducted an inspection of the cars in or near the parking lot. When the Park Police and EMS personnel first arrived, they observed three cars within the Park. The first was a blue Mercedes flashing its hazard lights, located just inside the entrance to the Park. This car belonged to a woman who had pulled into the Park late in the afternoon when her car had begun to malfunction. She immediately left the Park on foot and a tow truck arrived to pick up the car at approximately 7:00 p.m.

The second car, a white Nissan Stanza parked near the rear of the parking lot, belonged to another woman who drove to the Park with a friend at approximately 5:00 p.m.* They were still in the Park when located by the Park Police a short way down a path leading south from the parking lot. Neither individual heard a gunshot while in the Park or observed anything unusual.

The third car, a grey 1989 Honda Accord with Arkansas license plates, was parked in one of the first spaces on the left near the entrance of the parking lot. The car was registered to Vincent Foster. Park Police Investigators observed a suit jacket that matched the pants worn by Foster, neatly folded over the passenger seat of the car. In the jacket was Foster's White House identification. The keys to the car were located in Foster's pants

---

* CW accurately described the location and description of this car.

RCS ATF R 3270.1

DEPARTMENT OF THE TREASURY- BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

REPORT OF INVESTIGATION (Law Enforcement)

1. INVESTIGATION IS: ☐ ACUTE ☒ SENSITIVE ☐ SIGNIFICANT

Page 1 of 1 pages

2. TO:
Special Agent in Charge
Washington Field Division

3. MONITORED INVESTIGATION INFORMATION (Number and Branch)
CIP: WASHINGTON FY-93
NON CIP
REPORT 001 F-63593-24

4. TITLE OF INVESTIGATION
Foster, Vincent W.

5. INVESTIGATION No. (Include Suspect No.)
63541-93-2032-A

6. TYPE OF REPORT (Check applicable boxes)

| | | | | | |
|---|---|---|---|---|---|
| X | PRELIMINARY | | COLLATERAL (Request) | | |
| | STATUS | | COLLATERAL (Reply) | | |
| | FINAL | | INTELLIGENCE | | |
| | SUPPLEMENTAL | | REFERRAL (Internal) | | |

7. BUREAU PROGRAM

| | | | |
|---|---|---|---|
| X | TITLE I | FIREARMS | |
| | TITLE II | | |
| | TITLE VII | | |
| | TITLE II | EXPLOSIVES | |
| | TITLE XI | | |
| | TOBACCO | | |
| | ALCOHOL | | |

8. PROJECT(S)

| | |
|---|---|
| | TARGETED OFFENDER |
| | TERRORIST/EXTREMIST |
| | OCD |
| | ITAR |
| | SEAR |
| | OMO |
| X | OTHER (Specify) ACHILLES |

9. DETAILS:

SYNOPSIS

This report relates to the investigation of Foster, Vincent W., White House Legal Counsel concerning his suicide on July 20, 1993 at Fort Marcy, McLean, Virginia.

DETAILS

On July 20, 1993 Foster, a high level official of the Clinton Administration, committed suicide. Due to the sensitivity of this case the US Park Police is conducting the investigation into this matter. During the week of July 19, 1993 US Park Police requested ATF's laboratory assistance in conjunction with their investigation of the Foster suicide.

PROPOSED ACTIVITIES

Request and obtain ATF Lab support for the US Park Police.

This investigation will continue and a status report submitted as appropriate.

ATTACHMENTS

ATF F 3100.7 - Case Summary
ATF F 3270.1 - Personal History/TECS Input

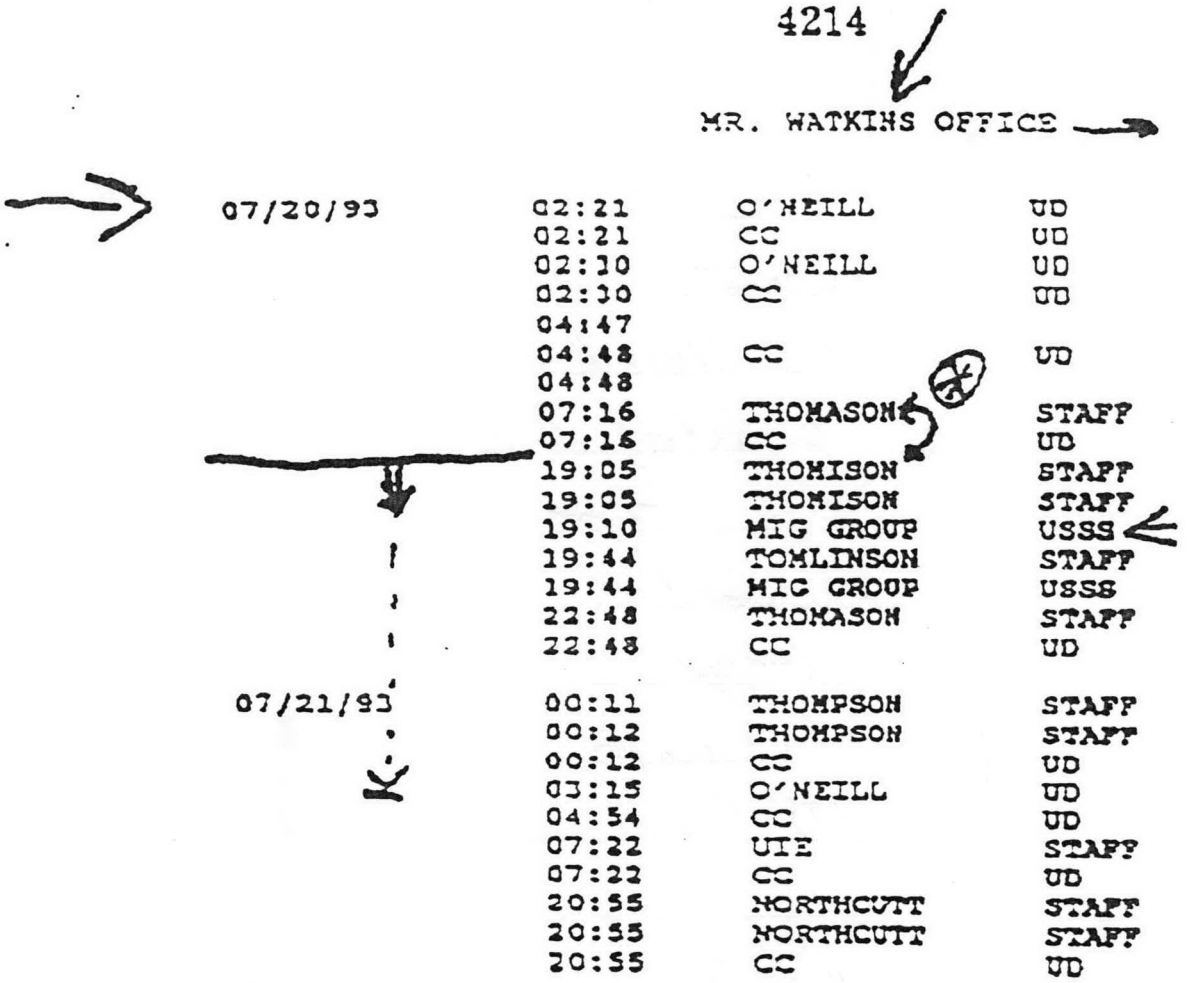
CONFIDENTIAL

OIC 000799 00001

| 10. SUBMITTED BY (Name) | 11. TITLE AND OFFICE | 12. DATE |
|---|---|---|
| Elvis Acosta | S/A FC I, WFD | 08/11/93 |
| 13. REVIEWED BY (Name) | 14. TITLE AND OFFICE | 15. DATE |
| Mark W. Potter | G/S FC I, WFD | / / |
| 16. APPROVED BY (Name) | 17. TITLE AND OFFICE | 18. DATE |
| Patrick D. Hynes | Special Agent in Charge | 8/18/93 |

ATF O 3120.1 (5)

BATF Memo on Why Park Police Entrusted with Foster Investigation Footnote 16




Secret Service Log Showing MIG Group in Watkins' Office on Night of 7/20/93

Footnote 17

Exhibit 3

Vincent Foster, Jr.
5414 Stonewall Rd.
Little Rock, Ark
72207
87 Honda. Yda
Grey
Lt metallic
375-4366

202-337-8103
3027 Cain Bridge Pl.
Va.

for

Sgt. John Rolla's Notes re Lt. Walter

Footnote 18

187

coming out of the woodwork. We still get faxes from this guy in North Carolina who is just, from what we have pretty much confirmed, a nut.

Q We have talked about SOPs all day. I want to just understand, when you say "SOP," what are you referring to?

A Standard operating procedure.

Q Are they written out, or do you mean the way that you guys typically conduct investigations or whatever it is the question referred to?

A No. There's no written guideline manual for CIB or criminal investigations. There's certain things that refer back to our general orders, such as press releases and that kind of thing, but as far as a written guideline to do this, don't do that, coming out with guidelines in different cases, basic guidelines, which is really basic for new investigators that come in, having never worked an investigation, and what they do on the scene. But as far as the investigation goes, you have to kind of go with the flow and there are certain things that are standard that are office policy, but we don't have a written policy on a lot of office policies.

188

Q The general orders you referred to, how detailed do they get with respect to conducting investigations?

A They don't get detailed. The general order investigations lists the type of crimes, when to call CIB and that the CIB detective investigator on the scene is in charge of the crime scene. That's as detailed as it gets.

Q Have you said anything or done anything or not said or done anything in an effort to protect the White House or Bill Clinton or anything like that?

A No, no.

MR. IVEY: Okay. That's it for me.

MR. DARMER: I just have one or question, two more questions.

(Rolla Exhibit 3 identified.)

EXAMINATION

BY MR. DARMER:

Q Officer, this is a copy of some of your notes that we were provided. Could you just take a look at one of the phone numbers in the middle of the page, I think it's just a seven-digit number.

A Yes. Lieutenant Walter?



189

A It could be Lieutenant Danny Walters.

Q Who is that person?

A He is a lieutenant on the Park Police. I don't know, call this number and find out.

Q You don't recall who it is?

A I don't know, maybe this is a Secret Service guy. Maybe I called him. I don't remember, but I don't remember. I don't remember. I say, let's call the number and find out now, then we will know. 395-4366, I don't know if that's a car phone or what that is.

Q That person is going to be happy.

MR. IVEY: Yes, really.

THE WITNESS: It ain't a personal number anyway.

BY MR. DARMER:

Q Do you recognize the exchange?

A No, but I know there would be no personal numbers with "lieutenant" in my notes.

Q Finally, do you recall or do you know what the Park Police did to investigate the unidentified individual that supposedly saw the body and notified, started the sequence of calls that got the Park Police there?

A What we did was this: We have a white van, no

190

tag number or state, I think it was a white van -- and the Park Service maintenance man took this description -- and we have got a white male, white van, possibly something on the side. I believe it was a white van.

Around evening time after work, he goes to that park. It's July, 90-some-degree day, he walks 2/10 to 3/4 of a mile to take a leak in the thick foliage. But with no one around, my guess is the man is out there, a homosexual, he is trolling, and he was going to pick somebody up. He thought he was lucky for a second, he saw a guy laying on the ground, but, unfortunately for him, Mr. Foster was already dead. This guy then observes what he observes, probably what he said he observed, he is married -- I would say he is probably married, maybe some type of construction guy in his 50s.

We went up in the park for a week or more every day during that time frame to try to see, and Turkey Run, other parks in the area that are known homosexual hangouts and tried to locate any kind of a van or vehicle that would fit that kind of a description and interview somebody. Again, we have no tag, nothing specific but a white-colored

Banking Committee Investigators Question Rolla About Lt. Walter Footnote 19

FD-302a (Rev. 11-13-83)

~~CONFIDENTIAL~~

29D-LR-35063

Continuation of FD-302 of Richard M. Arthur, On 3/16/94, Page 3

ARTHUR estimated that from where the couple was they could have heard a shot, but would not have been able to observe anything in or heard voices from the vicinity of where FOSTER was found.

As ARTHUR returned to the parking area, GONZALES and HALL were running back also from the lefthand path and yelled that they had found the body. ARTHUR went down the path to take a look. He located FOSTER's body somewhat off the path, located such that if you were just walking the path you could miss it. Police were following ARTHUR to the scene. In ARTHUR's judgement, FOSTER was obviously dead and so he did not check for a pulse. He noted that the body was lying perfectly straight--like it was "ready for a coffin". A gun was lying on the ground under his right hand, with the barrel partially under FOSTER's thigh. He remembers the gun as being an automatic weapon of approximately .45 caliber. 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. He did not note anything else he thought might be a bullet hole. He did not touch the body and remained at a distance of two to four feet from it. He did not observe anybody touch the body. He did not observe anybody move the gun. As he left to return to the parking area, the U.S. Park Police were roping off the scene.

Once back in the parking area, the U.S. Park Police took all the EMT's names. He observed them gaining access to a cream colored car with a suit jacket and tie in it, looking for identification of some sort. ARTHUR was on the scene approximately 30-40 minutes.

ARTHUR does not recall seeing any footprints or disturbed earth around FOSTER's body. The deceased's clothes were not disheveled, the hill area was clean and there was nothing that struck him as unusual, except for the following things, which make him doubt that it was a suicide: the straight attitude of the body, the apparent caliber of the gun appeared bigger that the hole he thought he had observed just under the jawline, and that he remembered the barrel of the gun as being under FOSTER's thigh (possibly half-way). It also struck him as odd that the person who called authorities did not remain there

OIC 000038

FBI Report of Interview of Paramedic Richard Arthur re Police Entering Foster's Car — Footnote 20

FD-302a (Rev. 11-15-83)

~~CONFIDENTIAL~~

29D-LR-35063

Continuation of FD-302 of WILLIAM JOSEPH BIANCHI, On 3/17/94, Page 2

with FCFRD personnel who had been on the scene of the FOSTER incident, but BIANCHI referred RUDDY to the FCFRD Public Information Officer (PIO). BIANCHI is not aware of RUDDY speaking with anyone from FCFRD other than two individuals, GEORGE GONZALES and COREY ASHFORD, who were quoted in a subsequent article. Approximately three days after RUDDY appeared at Station 1, an article under RUDDY's byline appeared in the NEW YORK POST and included quotes from GONZALES and ASHFORD of FCFRD.

BIANCHI's understanding of the FCFRD press policy is that any reporters contacting BIANCHI should be referred to the FCFRD PIO, who will contact BIANCHI and provide approval, as appropriate, for BIANCHI to speak with the media.

On the day of the FOSTER incident, BIANCHI was riding on Truck 1 as the officer-in-charge. BIANCHI normally rode on Engine 1, but on that day he allowed Sergeant JAY IACONE to ride on the engine in his place since IACONE was on the promotion list to become a lieutenant and needed experience on the engine. Therefore, when a call was dispatched for a person shot at Fort Marcy Park, BIANCHI was not among the personnel who responded immediately since Truck 1 was not dispatched on the call. BIANCHI was at Station 1 when the FCFRD personnel who responded to the initial call later returned to the station. BIANCHI heard two people who had been on the call, possibly TODD HALL and RICK ARTHUR, say that it had been a strange incident. BIANCHI also heard from the returning FCFRD personnel that the victim was deceased and had been employed at the White House. In particular, IACONE already knew that the victim had been employed at the White House when he returned to Station 1. When BIANCHI learned that the victim was a White House employee, he instructed HALL and IACONE to make their reports on the incident very detailed.

On the day of the FOSTER incident, JIM SUTTON was scheduled to be the driver on Truck 1. However, SUTTON was injured earlier in the day and was replaced as the driver by VICTORIA JACOBS. ANDY MAKUCH and BIANCHI were the other personnel on Truck 1. Engine 1 was staffed by RALPH PISANI, IACONE, and one other individual, name not recalled, on the bucket of the engine. Medic 1 was staffed by TODD HALL as the driver, Sergeant GEORGE GONZALES as the officer-in-charge, and RICK ARTHUR in the back of the unit. Ambulance 1 was staffed by COREY ASHFORD as the Emergency Medical Technician and ROGER

OIC 000020

FBI Interview of Lt. Bianchi of Fairfax Fire Dept.
re EMT's Knowing Foster Was With White House

Footnote 21

FD-302a (Rev. 11-15-83)

~~CONFIDENTIAL~~

29D-LR-35063

Continuation of FD-302 of WILLIAM JOSEPH BIANCHI, On 3/17/94, Page 2

with FCFRD personnel who had been on the scene of the FOSTER incident, but BIANCHI referred RUDDY to the FCFRD Public Information Officer (PIO). BIANCHI is not aware of RUDDY speaking with anyone from FCFRD other than two individuals, GEORGE GONZALES and COREY ASHFORD, who were quoted in a subsequent article. Approximately three days after RUDDY appeared at Station 1, an article under RUDDY's byline appeared in the NEW YORK POST and included quotes from GONZALES and ASHFORD of FCFRD.

BIANCHI's understanding of the FCFRD press policy is that any reporters contacting BIANCHI should be referred to the FCFRD PIO, who will contact BIANCHI and provide approval, as appropriate, for BIANCHI to speak with the media.

On the day of the FOSTER incident, BIANCHI was riding on Truck 1 as the officer-in-charge. BIANCHI normally rode on Engine 1, but on that day he allowed Sergeant JAY IACONE to ride on the engine in his place since IACONE was on the promotion list to become a lieutenant and needed experience on the engine. Therefore, when a call was dispatched for a person shot at Fort Marcy Park, BIANCHI was not among the personnel who responded immediately since Truck 1 was not dispatched on the call. BIANCHI was at Station 1 when the FCFRD personnel who responded to the initial call later returned to the station. BIANCHI heard two people who had been on the call, possibly TODD HALL and RICK ARTHUR, say that it had been a strange incident. BIANCHI also heard from the returning FCFRD personnel that the victim was deceased and had been employed at the White House. In particular, IACONE already knew that the victim had been employed at the White House when he returned to Station 1. When BIANCHI learned that the victim was a White House employee, he instructed HALL and IACONE to make their reports on the incident very detailed.

On the day of the FOSTER incident, JIM SUTTON was scheduled to be the driver on Truck 1. However, SUTTON was injured earlier in the day and was replaced as the driver by VICTORIA JACOBS. ANDY MAKUCH and BIANCHI were the other personnel on Truck 1. Engine 1 was staffed by RALPH PISANI, IACONE, and one other individual, name not recalled, on the bucket of the engine. Medic 1 was staffed by TODD HALL as the driver, Sergeant GEORGE GONZALES as the officer-in-charge, and RICK ARTHUR in the back of the unit. Ambulance 1 was staffed by COREY ASHFORD as the Emergency Medical Technician and ROGER



FBI Interview of Lt. Bianchi of Fairfax Fire Dept.
re EMT's Knowing Foster Was With White House

Footnote 21

(2)

Called Steele's security at 4 day - they could offer no help

Took a look at body + scene
body was lying right on path that went down the berm
d~~eath~~ int~~r~~ent of the common. ~~Head was on the downside~~
~~of the~~ Head was pointing up toward sky
There clearly was a path (not well worn) going down side of
berm

Reviewed 13 photos pictured death scene photos Only blood he recalls is trickle coming out mouth - don't recall blood coming from ear - nor does he recall blood on shirt. Only means a doesn't mean blood wasn't there. Could have been cursory look looked only from top of berm - didn't get down from the top of berm approximately

to the close look. Photos were taken later

Pointed out on photos that neck of Foster is hyper extended outward

that EMT
Could there were body/head from rear of common. would have to be out into front
common to see body
Saw no one near or touch Wofford

Stayed in area approx 40 45 minutes; observed people in park
Parking lot interviewed, car checked.

By time he left, civil. officer had arrived. (PS)
Also with ID discovered after he left scene. thought he might be a

stayed 40-45 minutes

ID found after he left

FBI Notes on Interview of Lt. Gavin re Time He Arrived and Left

Footnote 22 - B

FD-302a (Rev. 11-15-83)

29D-LR-35063

CONFIDENTIAL

Continuation of FD-302 of LT. PATRICK STEVEN GAVIN, On 4/28/94, Page 3

administering such an emergency procedure. LT. GAVIN stated that his investigative officers did take a series of 35mm and polaroid shots of the death scene. He stated that he was not sure if they took the 35mm or polaroid shots first, nor was he able to comment at what point in time these photos were taken.

LT. GAVIN stated that he stayed in the area for approximately 30-45 minutes, insuring that witnesses in the parking lot were interviewed and the vehicles in the parking lot were checked. By the time he left, the evidence officer, PETER SIMINELLO, had arrived on the scene. LT. GAVIN stated that he thought that the victim might possibly have been a government appointee because of the Arkansas tags. He noted, however, that the White House identification was discovered in the vehicle after he left the scene. To the best of his recollection, one of the detectives at the scene called him later in the evening, informing him that they had found White House identification for FOSTER. He stated that within ten minutes of receiving that call, he called the U.S. Secret Service, notifying them. LT. GAVIN stated shortly thereafter (within 5 to 10 minutes), MR. BILL BURTON, who identified himself as the Assistant White House Chief of Staff, contacted him by phone. LT. GAVIN stated that he asked for a callback number and was provided two numbers by BURTON; (202) 456-1414 and (202) 456-6797.

LT. GAVIN states that to the best of his recollection, MR. BURTON first inquired about whether the U.S. Park Police had checked the registration on the gun that was used, asking if they knew whose gun it was. LT. GAVIN stated that he informed BURTON that the Park Police did not have such information. LT. GAVIN recalls that at about the same time he received a call from another White House staffer identified as DAVID WATKINS. As best he recalls, WATKINS also inquired about the weapon and to the best of LT. GAVIN's recollection, informed GAVIN that he was a personal friend of FOSTER's and wanted to be with the police officers when they made notification to the family.

LT. GAVIN stated that he kept notes of conversations and calls he handled that night and provided interviewing agents with a typed copy of his notes. Review of his notes by himself and interviewing agents confirms that on the night of July 20, 1993, either he or the other U.S. Park Police officers either spoke by phone or in person with the following individuals:

OIC 000177

FBI Report on Interview of Lt. Gavin

Footnote 22 - C

(4)

Pretty sure 35mm pictures were taken before he was ~~moved~~ loaded and pulled sheeted. Did roll body to side probably between sides, to check for ID on side + pockets. Off Polanco she believes were also taken before they moved body but could have Fairly certain both sets of photos taken before body was disturbed in any way

~~been taken after body had been moved since they were back type.~~

Pair of gloves was found below body she believes by Rolla

To left of his knowledge, telling she would see. was a round

body (no recollection of any bottle near body - if there they would have been st. Gabriel's note found near - no ID on body

Then went to car to check it out. She + Pete went back to

Riley Ct. Search of the pockets Pete took 35. She took

pockets. Discovered ~~left jacket pocket~~ She started on front passenger seat and ~~vehicle~~ suede jacket. ~~Took~~ and WH ident on front pass. seat (Off Watson SWAT officer + Witness) and a wallet on floor board. She looked it + found military ID + no photo ID

Gave another officer ~~instruction~~ instructions to call S Commander Gaw

re WH ident. Given ~~a call~~ 30 minutes to be went

... to he went then entire car. Learned officer had

251

25

there. And then, of course, again, I probed that, we rolled the body and observed on the side of his arms, through his shirt, you know, the -- where the cuffs are, the opening, there appeared to be lividity there on his legs. Lifted his pant legs, there was lividity on the lower part of his legs. It increased as it got to the lower portion of his body, which was consistent with his position.

The medical examiner, Dr. Haut -- I was a little surprised -- he asked us what time did we get the call, what time did we come out there. We arrived at around 1800 hours. He said, well, make that the time of death.

I looked at Simonello, and I was like, he is the medical examiner, but obviously that's not the time of death. So that seemed very odd to me, why he would say that. I don't know if it was --

Q Okay..

A I have no idea why he would -- unless he just meant the time he was pronounced. Perhaps that's what he meant, I am pronouncing him. He said, well, make that the time of death. I knew it wasn't the time of death, officers were there before 1800 hours. So if he decide at

26

1800 hours, somebody is in trouble.

Anyway, I removed his personal effects, which included the White House beeper which I wasn't sure was White House. It said WHCC, I think, or CS, White House Communications Center, White House Communications something. Again, that was turned off. He had a watch on his left wrist, I removed. He had a ring. I think he had a wedding ring and another ring on. That was all of his personal effects.

Q Did you get any keys?

A I searched his pants pockets. I couldn't find a wallet or nothing in his pants pockets. Later on, Investigator Braun and myself searched the car. I retrieved the jacket, retrieved the wallet, there was identification, under the jacket on the seat was a White House identification chain thing with a photo ID on it. It wasn't really until then I knew that this was a White House guy. We better call Secret Service. Again, not knowing who he was, a million people work at the White House, so, you know, obviously it was -- White House Communications was what the ID said, so we weren't sure.

We searched the car and we were puzzled why we

FD-302a (Rev. 11-15-83)

~~CONFIDENTIAL~~

29D-LR-35063

Continuation of FD-302 of CHERYL ANN BRAUN, On 4/28/94, Page 3

note. She stated that ROLLA, in doing this, did move the body slightly, possibly rolling it to its right and left. Sergeant BRAUN pointed out that Officer ROLLA, in checking the pockets, did not discover the car keys, adding that she and he later had to go to Fairfax Morgue where she recovered the car keys in the right pants pocket.

Sergeant BRAUN advised that at some point, she and Officer SIMINELLO went back to the parking lot to check the car, adding that she took several polaroid pictures and Officer SIMINELLO took 35mm photos of the car. She stated that she began a search of the car and found a suit jacket with a wallet inside and White House identification on the front passenger seat. BRAUN stated that she advised another officer to call the Shift Commander and inform him of this new development while she continued to search the car. She advised that approximately thirty minutes passed whereupon she learned that the Shift Commander had never been notified and she then, herself, called, advising him of the White House identification at approximately 7:30-7:45 p.m. Sergeant BRAUN stated that at about the time she was completing the search of the car, the coroner and ambulance arrived to remove the body and take it to Fairfax County Hospital (morgue). She advised that she did not learn until later that MR. FOSTER was a Deputy White House Counsel.

Sergeant BRAUN advised that while she and Officer ROLLA were in route to the hospital in an attempt to retrieve the keys from the body, she was contacted by the Shift Commander with instructions to call a White House Official named DAVID WATKINS, a friend of the FOSTER family who wanted to accompany the police officers to the FOSTER home when the family was notified of his death. Sergeant BRAUN stated that she and Officer ROLLA did telephonically contact WATKINS, agreeing to pick him up at his home prior to going to the FOSTER residence. Sergeant BRAUN advised that she and ROLLA were again contacted by the Shift Commander by car phone with follow-up instructions to call a White House Official named KENNEDY. She stated that upon calling KENNEDY, he requested that he and a MR. LIVINGSTONE of the White House be permitted to view the body at Fairfax Hospital. To the best of her recollection, either she or JOHN ROLLA called the hospital, identifying themselves as Park Police and instructing the hospital officials to let a MR. KENNEDY and LIVINGSTONE view the body but not to disturb or remove any objects.

See Kennedy p. 16/16
Rolla 16 03

OIC 000263

FBI Report of Interview of Sgt. Cheryl Braun re Time She Called Gavin Footnote 25

29

Q So at least three?
A At least three of us. Again, he was a large man.
Q Do you know who contacted the Secret Service?
A No. Lieutenant Pat Gavin was on -- he may also have been on the scene when we got there or he came later, I am not sure. We talked to him. Someone called communications, I don't know who it was.
Q Did you ever hear anything from Secret Service?
A No. I didn't talk to them at all.
Q Did there ever come a time at any point, you know, after July 20 up until today, when you were contacted by the White House or Secret Service or someone with the federal government that asked you about your report or your findings, other than the FBI here for the Fiske investigation?
A No. The only person that I ever spoke to -- the only people I ever spoke to, one being Beryl Anthony, his brother-in-law and the other being, James Hamilton, the family's attorney.
Q Why did you speak to Beryl Anthony?
A We interviewed, myself and Captain Hume, H-u-m-e, interviewed Beryl Anthony, and Mr. Anthony stated that

30

Vincent Foster had been depressed. He left Arkansas -- left his family in Arkansas when he initially moved to Washington, so he was there for some months before his family got there.

Of late, he had been acting depressed, and he noticed it because there had been depression in his wife's family. He said his wife had, I think he said she had had a nervous breakdown, which was on record, because she was an attorney at the Justice Department.

Q This is --
A Beryl Anthony.
Q But he is talking about who?
A His wife, which was --
Q Lisa Foster?
A No, Lisa Foster is Foster's wife.
Q Cheryl, Sue Anne?

MR. PAULL: Sheila?

THE WITNESS: Sheila Anthony.

BY MR. IVEY:

Q Did he say anything else about Mr. Foster?
A Yes. He stated the week before -- I have a report written on this that says pretty much exactly what

Sgt. Rolla Tells Banking Committee Investigators He Never Spoke to Secret Service

Footnote 26

- looked thru wallet & noted ~~wallet~~ inside jacket breast pocket - 300 in cash
- noted laminated chain ID - what House Communications Center - Unattested
- Braun noted Communications data to Cook USSS.
- No charge card or credit
- ~~3 pieces~~ piece of paper - 3 names & symbols - called Archive - & denied of having prescription
- Went to Parkland Hospital - located in right pants pocket - Subject is



FBI Notes of Interview of Sgt. Rolla re Finding WH ID and Call to Communications Center

Footnote 27

CONFIDENTIAL

DOCUMENT:

Significant handwriting characteristics in common were observed which indicates the questioned writing on previously submitted Q1 (Laboratory Number 30730011 D/S UD UJ) 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.

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 ZG WK UD WP AL QW ZT VY ZZ AR).

DISPOSITION:

The submitted specimens are being returned herewith.



FBI Lab Qualified Opinion on Note

Footnote 28

> I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport.(797)

Although the note was not signed, the FBI determined that it was written in Mr. Foster's hand.(798)[24]

Mr. Nussbaum then went to White House Chief of Staff Mack McLarty's office to tell him about the note, but realized that Mr. McLarty was not there; he was in Chicago with the President. "So I saw Burton, who was a logical person to talk to in any event because he was the one who had been dealing with me, and I said look, Steve Neuwirth found something, and you should see it and let's go up and see it. And we walked up, and he went over to read it."(799) According to Mr. B: "Mr. Nussbaum came into the chief of staff's reception area asking for Mr. McLarty. We informed him that he was out of town. Mr. Nussbaum asked me to accompany him to his office, and I did that."(800) Mr. Burton went to Mr. Nussbaum's office and read the note in front of Mr. Nussbaum and Mr. Neuwirth.(801)

Deborah Gorham and Linda Tripp were at their desks in the secretarial area of the White House Counsel's suite, right outside Mr. Nussbaum's office, on the afternoon of July 26. Ms. Gorham testified that Mr. Neuwirth came out of Mr. Foster's office with Mr. Foster's briefcase and went into Mr. Nussbaum's office. After Mr. Nussbaum returned with Mr. Burton, according to Ms. Gorham, others came into Mr. Nussbaum's office. "And then I believe Mr.

---

[24]It has been reported, however, that a panel of experts--including a forensics authority from Oxford University--concluded that the note was not in Mr. Foster's hand. See, e.g., Christopher Ruddy, "Experts Say Foster 'Suicide' Note Forged," Pittsburgh Tribune-Review, Oct. 25, 1995. Because the White House and the Foster family's attorney did not provide the Special Committee with obtain original samples of Mr. Foster's handwriting, the Special Committee was not able to conduct an investigation into this matter.

From: Chuck

5/25/95

To: Brett
Hick
Dana

re: Shirt stain

I spoke with Roger Martz from the lab today. They have identified the stain on the left front of the shirt as blood. There are no other substances on the shirt other than blood and sodium rhodizonate, which was applied to the shirt to detect lead residues. They think the stain resulted from transporting the body.

Additionally, unrelated to the shirt, I tracked down the alleged telephone call from Foster to Capital Management Services on 7/13/93. THe telephone number to CMS was (501) 664-8613. There is no record of any calls to that number from any of the telephone lines in the White House Counsel's Office during the month of July 1993.

**OFFICE OF THE INDEPENDENT COUNSEL**

Date of transcription 11/21/95

The investigating agent traveled to the Forensic Science Laboratory of the State of Connecticut Department of Public Safety, Division of State Police, in Meriden, Connecticut, and received from ELAINE PAGLIARO a Colt .38 caliber revolver with serial number 355055 on its frame and serial number 356555 on the crane of its cylinder. This revolver was received from PAGLIARO at approximately 10:30 a.m., and the investigating agent acknowledged receipt of the revolver by his signature on a State of Connecticut evidence receipt form, form number DPS-239C, receipt number 53067. This revolver is reflected on the State of Connecticut evidence receipt form as Item number 35, the "K1" weapon. The original of this receipt form was retained at the Forensic Science Laboratory, and the investigating agent received a photocopy of the form.

The investigating agent transported the revolver to the Federal Bureau of Investigation (FBI) Laboratory at FBI Headquarters, 10th Street and Pennsylvania Avenue, N.W., where the revolver was turned over to Special Agent JAMES J. CADIGAN at approximately 4:50 p.m. An FBI evidence acknowledgement form, form number 7-125, was completed and the investigating agent received the original of this form.

The photocopy of the State of Connecticut evidence receipt form and the original of the FBI evidence acknowledgement form are retained in an FD-340 (1A) envelope.

Brett Mem

MEMORANDUM

TO: Brett Kanvanaugh

FR: Steve Parker

DATE: June 26, 1996

RE: Forensic Evidence.

I still do not have all the lab reports. Jim is in the process of gathering the reports. This memorandum is to highlight what I think are the most important pieces of forensic and some testimonial evidence.

**I. BLOOD EVIDENCE**

Pages 14,15,17, and 89 of Dr. Lee's Report discuss the blood spatter on the face. The enlargement of the autopsy photo clearly shows blood spatter all around Foster's mouth and nose. This is caused by small blood droplets spraying out of the mouth and nose when the shot was fired. The fact that these blood spatters are intact is evidence which tends to show the body was not moved and Fort Marcy Park is where Foster died.

If the body had been moved, blood would have poured out of the wounds in the back of his head, mouth, and nose. There would have been large transfer stains all over his clothing. The death scene photos show these types of stains were not present.

Hypothetically, if the body had been moved the head would have to be wrapped to prevent the spillage of blood. If this had happened there would be transfer stains around the nose and mouth. These transfer stains would have obliterated the blood spatter stains. Someone could have presumably wiped the transfer stains off but that would have wiped away the blood spatter.

Additionally, Dr. Lee noted what appeared to be blood spatter on the surrounding vegetation(p.17). This appears to corroborate this as the location Foster fatally shot himself.

Also important are the larger blood stains on the face. There is the large contact stain on the face together with lividity lines in his neck indicating that his face was in contact with the right shoulder for an extended period of time. Dr. Lee notes that a portion of the blood trail from the mouth are on top of the contact stain therefore it must have occurred after the contact stain was made. This indicates the likelihood that one or more of the scene witnesses did move the head. EMT Todd Hall stated that he could have moved the head after seeing the gun because he was startled causing him to jump back.

As noted in the Fiske report, the lack of a large amount of blood on the ground is additional evidence that Foster's death occurred on the berm where ~~it~~ was found in Fort Marcy Park. Once he shot himself he was instantly incapacitated because the bullet travelled through the medulla. However, his heart would beat, pumping blood for ~~several minutes~~ a minute or two. Bleeding would occur in the nasal cavity and mouth, filling them. The exit wound would only bleed as long as the heart was beating. This explains the small pool of blood behind his head. Once the heart stopped beating all the remaining blood would flow to the lowest point due to gravity. In this case most of the blood would have therefore remained in the ~~body~~ lower extremities of the body.

The presence of a pool of blood underneath the body was corroborated by two reporters from Gannett News. Mr. Hachett and his associate confirmed the pool of blood and it's location on the berm in front of the appropriate cannon.

Additionally, Dr. Lee noted blood spatter on Foster's hands (p. 455-456). This fact indicates that Foster was holding the gun in his hands near his mouth at the time the shot was fired.

Dr. Lee also found blood spatter on Foster's eyeglasses. This indicates that the glasses were being worn at the time the shot was fired. One would think that if a violent struggle had occurred he would have lost his glasses. (Also, the fact that undischarged gunpowder was found on the eyeglasses indicates that Foster was wearing the eyeglasses).

Therefore, the blood spatter evidence taken as a whole shows that Foster died by his own hand at this location. Blood spatter on Foster's face, hands, glasses, the gun, and the surrounding vegetation indicates this is the location of death.

## II. THE PISTOL, GUNPOWDER RESIDUE, AND THE OVEN MITT

The problem of identifying the pistol is very common. Unless you have the record where the individual purchased the weapon and the serial number was recorded then no one can ever positively say that is the same weapon I saw earlier. Moreover, most witnesses do not see the weapon for any length of time to remember any specific identifying marks or scratches. Therefore the situation with the Foster Family is probably the norm, rather than the exception. Lisa and Vincent Foster III are the only living members of the family that have ever handled the revolver. However, they only handled it long enough ~~to place it in the trunk~~ to remove it from the trunk and pack it in a box to come to Washington. Compound this with the fact that Lisa Foster has never been around firearms and doesn't like them, it is only reasonable to assume she did not look closely at the ~~pistol~~ revolver. The problem with the first time she was questioned concerning the gun was she was shown a photograph, not the actual gun. She could not be sure at the time. However, when she was shown the actual gun she said she thought it was the revolver she remembered. Additionally, Vincent Foster III gave a tentative I.D. of the gun along with Sharon Bowman.

One of the most important facts is the Fosters have never found the "cowboy" gun that has been missing from the house since Foster died. Hubble's statement corroborates it was missing the night of the death. This is strong circumstantial evidence that the revolver belonged to Foster.

All the above circumstantial evidence is corroborated by the forensic evidence. First, this revolver is unique. It has a defect in the cylinder gap that causes the gun to spray an abnormal amount of undischarged or partially burned gunpowder upon firing. In a test firing by Dr. Lee ~~of the pistol it~~ revolver sprayed 1,000 particles of undischarged or partially burned gunpowder(p. 453). This is significant since the bullet found in the ~~pistol~~ revolver typically only contains 13,000 particles of gunpowder (p.406). Even more significant is the fact that gunshot residue was observed on both of Foster's hands.

The Cylinder gap is approximately 30% larger than that of a normal ~~pistol~~ revolver of a similar model (p. 453) and has a worn spot on the yoke.

With the above fact in mind, an investigator should look to see if undischarged gunpowder is found in the area where the firearm was believed to have been discharged. Foster had a very large amount of gunshot residue on web of his right hand indicating he was holding the gun in his right hand. He had a smaller amount on his left hand indicating that he was probably supporting the gun with the left hand(p. 454).

at this location

Undischarged gunpowder was also located on his eyeglasses indicating that this is the weapon used to take his life.

When Dr. Lee went to the scene in July, 1994 he found gunshot residue on the ground. Assuming that no other weapons had been fired since July 20, 1993, this helps corroborate that the revolver ~~that was~~ found in Foster's hand ~~it~~ the weapon that killed Foster (p. 397).

The oven mitt and the evidence from Foster pants pockets is the most compelling evidence to link the firearm to Foster. You are familiar with all that evidence so I won't belabor it. However, the lead residue in the both pants pockets and the small amount of sunflower seed husk in the left pocket is strong circumstantial evidence that Foster had a Firearm in his pocket that had earlier been placed in the oven mitt. The fact that the weapon was so filthy that it had to be cleaned by electrolysis at the lab, explains the antimony and barium in the pocket. Obviously, if the weapon had an ~~abnormal~~ large amount of residue, it could easily either fall or be rubbed off if it was in someone's pants pocket while they were walking over 200 yards.

**III. FIBERS**

I still don't have the new 302 from the lab, but at our meeting in May I was told that they had counted the carpet fibers and there were only approximately 12 carpet fibers of various colors and composition. Thus, Foster was not wrapped in a carpet and dumped in the park. This does not eliminate the possibility that he was wrapped in a sheet, blanket, quilt, saran wrap, or something similar.

**IV. SOIL**

As you know there was soil on Foster's shoes. However, the conservative media misconstrued the lab report saying no "coherent soil" ~~to~~ meant absolutely no soil. The lab did observe small amounts of micaceous soil adhered to the shoe. Dr. Lee also found soil and plant material on the heel and in the hole in the shoe. According to National Weather Service records it had not rained appreciably in 30 days. The path was well travelled. Thus, one would not expect to find a large amount of ~~soil~~ coherent soil on the shoes.

## V. WHY THE BULLET WAS NOT FOUND

The bullet in question was a Remington Peters .38 special HP round. Remington discontinued manufacturing these bullets in 1974. Thus, like the gun the ammunition was very old and consistent with coming from Foster's Father.

The actual projectile was a solid lead bullet which is rather uncommon. Most modern pistol ammunition is usually either jacketed or semi-jacketed in copper to improve accuracy. The lead used to make these bullets is very soft and usually made from the scrap metal recycled from automobile radiators. The effect of this is that almost anything will deform the soft lead, causing the bullet to start tumbling or wobbling instead of flying straight. Because of this it is reasonable to assume that the bullet deformed significantly when it traveled through various bones and tissues of Mr. Foster's head. As a result it is probably safer to say that the bullet **did not** travel straight once it exited Mr. Foster's head. The tests in Aberdeen proved this theory correct.

The first test shot made from Foster's pistol was fired directly at a block of gelatin. Thin paper screens were set up to measure the velocity of the bullet as it passed through the screens. Despite the fact that there was nothing between the end of the barrel and the first screen, the bullet was already tumbling end over end as it passed through the first screen. The bullet entered the gelatin block travelling backwards. This means that the bullet would not have had a straight trajectory as it travelled. The wind resistance when the bullet was tumbling in such an erratic manner would cause the trajectory to bend rather than travel in a straight line.

The remaining test shots were fired through the skulls filled with gelatin and wrapped in pig skin. None of bullet trajectories were straight lines after they exited the skull. In fact, few of the remaining test shots went through the trap. Some flew left, some right, some went up or down. Most the shots bounced off the walls, ceiling, floor and other obstructions in different locations. This was because each bullet deformed differently as it went through the skull and tumbled in an irregular manner. The wind resistance would then cause the bullet to take an unpredictable path. Probably the one certain thing you can say about the bullet trajectory after it left Foster's skull is that it did <u>not</u> travel straight.

The actual distance the bullet would travel ed cannot be calculated because of the numerous unknown variables. Since we do not know the angle of Foster's head when the fatal shot was fired it is very difficult to ~~calculate~~ even estimate the distance. When the bullet deformed from impacting with Foster's pallet, brain, and skull the distance would likely be shortened, but it is impossible to say to what degree. Based on the test at Aberdeen the potential distance the bullet could have travelled after exiting Mr. Foster's skull is between 20 meters and 660 meters. Thus, there is a definite possibility that the bullet travelled outside the boundaries of the park. Also, since there were numerous trees and other foliage in any possible direction, the bullet could have easily ricocheted.

The searches were extensive, however, due to the great deal of metal buried in Fort Marcy Park and variations in the ground ionization, it is possible that the bullet was missed. On the other hand it is much more likely that the bullet came to rest outside the search area.

**VII. CONCLUSION**

This memo is not intended to be a comprehensive review of all the Forensic Evidence. I have picked out what I think are the most important pieces of evidence or matters that were controversial and appear to have been resolved. I will still have my pager while I am in trial in Memphis. Call me anytime.

# Memorandum

To : MARK TUOHEY Date 3/2/95

From : SA C.L. REGINI

Subject: FBI LABORATORY CONFERENCE

The subject meeting took place on Friday, February 24, 1995, with the following participants:

SA Chuck Regini, Office of the Independent Counsel
Associate Independent Counsel Hickman Ewing
Associate Independent Counsel Brett Kavanaugh
SSA Jim Corby, Materials Analysis, Unit Chief
SSA Rick Crum, Firearms
SSA Bob Spalding, Blood Pattern Analysis
SSA Henry Mathis, Documents
SSA Jennifer Lindsey, DNA
SSA Joe Errera, Serology
SSA Bruce Hall, Materials Analysis (soil)
SSA Roger Martz, Chemistry
SSA Kenneth Whitler, key examination
SSA Wayne Oakes, Hairs and Fibers
Lou Hupp, latent prints

The members of the Independent Counsel asked questions of each examiner to clarify the results of their respective examinations. Prior to the start of the conference, all of the participants viewed the video "UNANSWERED: The Death of Vincent Foster". The following is an outline of the examiner's responses to questions by members of the Independent Counsel, and their comments regarding questions raised in the video:

Blood pattern analysis (Spalding):

The positions of the decedent's head as depicted in the computer drawing on the video is wrong. The video depicts a small stain on the right side of the decedent's face, and three blood drain tracts. In reality, the facial stain is much larger, and there are only two drainage tracts.

1- Tuohey
1-Gillis
1-Ea. Participant Kavanaugh
1-29D-LR-35063

The head assumed two positions, not four as suggested in the video. The decedent's head is tilted back at the death scene; the death scene was sloped and terrraced. There was little blood surrounding the body, but there was a consistent amount of blood on the ground in the back of the decedent's head and on the back of the body, as noted on the decedent's shirt. The video ignored most of the blood pattern analysis findings. The transfer stain on the decedent's face and shirt is a saturating type of stain; a blotting type pattern- indicating that the head was in contact with the shirt for an undetermined period of time. The head could have been in contact with the shirt during the staining. The pre-autopsy photos indicate a number of post-event stain creations due to the transportation of the body; much more blood is noted on the decedent's white shirt.

Latent prints (Hupp):

It is common not to obtain latent prints off of a weapon; more likely not to get latents. The weapon was initially processed by the Park Police with only powder; even less likely to obtain latents using only this method. The locations of the developed latent prints in this case are as follows:

one latent finger print on the backside of the gun's grips.

the side of a palm on one torn section of the note.

two latent fingerprints on the Trippett business card; one of which was identified to Pete Simonello. The unidentified latent is on the back of the card.

two palm prints were located on the right rear side of the trunk of the decedent's vehicle by the Park Police.

two fingerprints were located on the right front door of the vehicle, above the window.

three fingerprints and a palm print were located on specimen Q6 (miscellaneous papers from the vehicle).

one fingerprint was located on an envelope.

Chemistry (Martz):

Trace amounts of two prescription drugs were found in the decedent's blood. These trace amounts would not show up in a routine analysis. The blood was not tested for alcohol; it is a very routine standard test that is very reliable- alcohol would have shown up in the post-autopsy toxicology test. It seems obvious that the decedent was experiencing emotional stress; first he tried the diazapam, when that did'nt work he tried the trazodone. A "normal" person would not be taking these drugs. There are countless chemicals that could have killed the decedent that were not tested for; there is no one battery of tests for all poisons- need to know the poison. The same type of gunpowder in the ammunition found in the gun is the same type of gunpowder found on the glasses, consistent with the glasses being on the decedent's face when he was shot, and indicates that the gunpowder in the ammunition was the gunpowder used to kill him.

Serology (Errera):

Three genetic analysis comparisons were conducted on the decedent's blood and the blood located on the shirt and t-shirt. The t-shirt was positive on three of three, the shirt was positive on two of three; only one positive comparison is necessary for conclusive results; the blood on the shirt and t-shirt is the decedent's. The gun was negative for blood; a very limited test was conducted on the gun due to the other tests that were to be conducted on the weapon. A negative finding does not preclude blood or saliva being on the gun, this would be detected in the DNA testing. The previous dusting of the weapon for latents by the Park Police may have destroyed some or all of the blood on the weapon. Unconfirmed blood was located on the shorts. No blood was located on the glasses; also a very limited and conservative test due to other testing. The tie and the jacket had no blood on them; indicates that he took these items off prior to being shot. The video reported that it was suspicious that no bone fragments were found at the death scene, however, the Park Police did not conduct a search for bone fragments that night; the area was not tested for blood residues. The elements would have quickly washed away any small fragments. Additionally, rodents would have carried away small bone fragments.

DNA (Lindsey):

The decedent's DNA was located approximately 4 in. to the rear of the muzzle of the gun on the barrel. This seems to indicate that the DNA is from saliva, as from the mouth of the decedent. The location of the DNA would be consistent with the approximate position of the revolver to create an entrance wound in the soft pallate. The semen that was located is from the decedent; it is not a mixed stain- no nonsperm.

Materials analysis (Hall):

Prior to the FBI search, the positioning of the decedent's body was precisely located on the slope. No soil was found on the decedent's coat, which indicates that it was not on the ground at the death scene. Micaceous soil in very small amounts was found on the scrapings from the decedent's shoes and socks (combined). Micaceous soil is flaky and glittery. This finding is consistent with the conditions and weather at the time of death. There would be no expectation of finding soil on the decedent's shoes because of the conditions and weather.

Firearms (Crum):

There was no indication that a silencer had been attached to the revolver found in the decedent's hand. Silencers are usually not attached to revolvers since sound would still escape from the cylinder area of the weapon. A gunshot sound would be muffled by the trees and the victim's mouth. Lead, in the form of smoke, can be detected up to two feet from the discharge of a firearm. Lead residues found on the decedent's shirt is consistent with the cylinder blast of the revolver.

Additionally, lead was detected at the 6th button on the shirt. The ammunition found in the revolver was Remington .38 special, with an HV headstamp. It is old ammunition and very common. Unable to say why the gun was not knocked out of the decedent's hand; very difficult to say whether it should have been knocked out of his hand, extremely speculative. The hand hold used by the decedent on the revolver is not the simplest or easiest, but is definitely plausible.

Hairs and Fibers (Oakes):

Two unidentified blonde hairs, along with a large and varied number of carpet fibers, were located in the debris from the scrapings of the decedent's clothing. One of the blonde hairs was 12 ft. long. Neither of the hairs appear to have been forcibly removed. Unknown debris is common in any investigation. The decedent could have come into contact with the hairs and fibers at any point, but more likely within the past day. In a common hosehold, it is possible that the hairs and fibers could have come from the laundry. The number and type of carpet fibers does not indicate that the decedent was rolled up in a carpet.

Corby:

The FBI search of Ft. Marcy Park for the bullet was logical and methodical; parameters needed to be set. Three different metal detectors were used, all set for a "bullet standard". Everything was not dug up, only items that could be bullets. Many bullets were found, none capable of having been fired from the revolver. The bullet was definitely not in the slope where the decedent was found.

There was no prior meeting of all the examiners to collectively discuss their findings in this case.

The conclusions by all of the examiners, when viewed comprehensively, strongly indicates suicide.

# Memorandum

To : BRETT KAVANAUGH Date 3/8/95

From : SA C.L. REGINI

Subject: VINCENT FOSTER INVESTIGATION

Per our meeting on 3/7/95, the following investigation is to be conducted in the captioned matter:

1. Complete chain of custody for body.

2. Contact Dr Kumpuris in Little Rock regarding the decedent's 9/12/90 stress test results.

3. Complete personality profile.

4. FOIA(b)(7) - (E)

5. Determine the identity of the intern who was riding with Officer Watson.

6. Identify any individuals who had access to the decedent's vehicle at the USPP impound lot. Determine who the vehicle was released to, and what it contained when it was released; specifically, determine if a briefcase was in the car.

7. Contact NASA/JPL re- photo enhancement.

8. Locate Vincent Foster, Sr.'s will, determine if it mentions the suicide weapon.

9. Coordinate with lab the following additional forensic tests:
   a. Identify stain on decedent's shirt.
   b. Compare photos of shirt at death scene to photos of shirt at autopsy.
   c. Determine the age of the ammunition in suicide weapon.
   d. Compare the known prints of Ed Owen (ATF firearms examiner) to the latent print on the grip of suicide weapon.

1- Tuohey
1-Kavanaugh
1-Gillis
1- 29D-LR-35063

10. Conduct neighborhood investigation.

11. Recontact Saudi Arabian embassy security personnel re- video camera.

12. SUBPOENAS

a.
b.
c. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury
d.
e.

13. INTERVIEWS

a. Officer Watson's intern.
b. James Burgess, former M.E. assistant.
c. Keith Gorney, Fairfax Hospital lab technician.
d. Julius Fernandez, Fairfax Hospital lab tech.
e. Charlotte Ewing, Fairfax Hospital Nurse Supv.
f. Three Fairfax Hospital Security Guards.

KAVANAUGH

TO: BRETT KAVANAUGH

3/22/95

FROM: SA C.L. REGINI

SUBJECT: DISCREPANCY LIST

83

The following list is offered as a comprehensive and itemized outline of all of the noted discrepancies, inconsistencies, and problems that have been identified in the Vincent W. Foster death investigation to date. The outline is broken down into the following areas: U.S. Park Police, Emergency Medical Technicians (EMTs), the White House, Northern Virginia Medical Examiner, Miscellaneous, and Forensic Examinations.

I. U.S. Park Police

A. No gunshot residue samples of the decedent's hands.

B. Lack of complete documentation of the gunshot residues on the left hand.

C. Poorly diagrammed death scene; lack of measurements.

D. No photo log; no documentation regarding who took what photographs, and the total number of photos.

E. Death scene 35mm photos did not develop.

F. No documentation regarding the initial search of the decedent's vehicle at the death scene- no inventory.

G. Photo of an unidentified briefcase next to a U.S.P.P. vehicle.

H. Decedent's pager returned too soon; no records obtained regarding previous pages.

I. Suicide weapon processed with dust prior to other laboratory exams.

J. Inconsistent statements regarding moving and searching the body. (Rolla, Braun, Simonello, Hodakaviec)

K. Inconsistent and poorly documented autopsy.

1. Morrissette's ~~report.~~

2. No gunshot residue samples from hands

3. No fingernail clippings/scrapings.

4. No major case prints of decedent (palms, sides and tops of fingers).

5. No photo of left hand.

6. Possible contamination of evidence subsequent to autopsy at M.E. Office. clothing

1- Tuohey
1- Kavanaugh
1- Gillis
1-29D-LR-35063

dispute on blood on face / whether pictures accurate

L. Possible contamination of evidence at U.S. Park Police facility. socks + shoes // paper

M. Poor interview and documentation of witnesses at death scene (Doody and Feist).

N. Photo of an unidentified white male wearing plainclothes at death scene. Braun // Rolla

O. Inconsistent statements regarding vehicle doors being locked/unlocked. (Braun, Rolla, Hodakievic, Simonello, Gavin)

P. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

II. Inconsistent statements and observations of Fairfax County Fire and Rescue personnel.

A. Wound on neck.

B. Gun under thigh.

C. Wound on upper right front of skull.

D. Briefcase in vehicle.

E. Unidentified person in woods. - Hall

F. Vehicle doors locked.

USPP — G. Death scene photos do not accurately depict scene.

H. Two unidentified white males walking from death scene. - USPP EMTs

I. Color of gun was silver.

J. Type of gun was semiautomatic pistol.

K. Statements of initial paramedics at scene regarding their actions are inconsistent with Fairfax County paramedic protocols.

L. Ashford coded report unit as homicide

III. Medical Examiner

A. X-rays

1. Autopsy report indicates x-rays were taken.

2. Morrissette's report indicates Beyer told him x-rays were taken.

B. All individuals present at autopsy not indicated on autopsy report.

C. No photographs of decedent's left hand.

D. Inconsistent statements regarding removal of decedent's tongue and palate.

E. times regarding Hunt at scene

IV. White House

A. Foster's office unsecured until 7/21/93, approximately 10:10 a.m.

B. Confidential trash bag removed and replaced.

C. Nussbaum enters office; removes small photo.

D. Pond rearranges papers on Foster's coffee table.

E. Exclusive initial review of documents by Nussbaum.

F. Torn note found one week later in briefcase previously searched by Nussbaum.

G. Note not released to investigators until the following day.

V. Miscellaneous

A. CW's inconsistencies.

1. positioning of decedent's hands.

2. no gun.

3. winecoolers and briefcase in vehicle.

4. trampled area around death scene.
5. does not see white car occupied.

B. Inconsistencies between Doody and Feist's statements.

C. No initial investigation of the park's "second entrance".

D. No one heard a gunshot.

E. The gun exemplifies a "drop gun". → Ruddy [showdown]

F. No matching ammo at the decedent's residence.

G. The decedent's grip on the gun was not the simplest nor the easiest to shoot himself in the mouth. — chuck's biggest problem

H. The decedent never previously spoke of suicide.

I. The decedent had no particular obsession, "dire predicament", or one thing that would have put him over the edge.

J. The decedent had dealt with stress before.

K. The suicide weapon has never been positively identified as belonging to the decedent.

L. Lisa Foster's initial spontaneous question "was the gun in his mouth?".

M. Five unaccounted for hours between the time the decedent left work and was discovered dead. — Hirsh

N. Lack of blood at death scene.

O. No bullet.

P. No cadaveric spasm causing decedent to clench gun.

Q. The gun did not fly out of the decedent's hand.

R. No chipped teeth noted by M.E.

S. No flashburns inside mouth noted by M.E.

T. The mortician lost the original embalming report and diagram.

U. The decedent's glasses were discovered 13' downslope from his body.

NO NOTE → NO GUN ID → NO EVENT

WHERE THAT DAY?

VI. Forensic Examinations

A. Unidentified latent print on note.

B. Unidentified latent print inside grip of suicide weapon.

C. Unidentified blonde head hairs.

D. Unidentified carpet fibers → FBI thought unusual

E. Unidentified stain on shirt. (shirt being resubmitted to lab)

F. Unidentified gunpowder in scrapings from decedent's shoes and socks, and the paper that they were dried on.

G. The decedent's head was moved.

H. No blood on suicide weapon.

I. No soil on shoes. (mica flakes)

J. Large semen stain in the decedent's underwear.

- independent panel of pathologists
- psychiatrists
- murder prosecutor

**Memorandum** **Office of the Independent Counsel**

To : Date April 25, 1997

FILE 29D-LR-228253

From : SA JAMES T. CLEMENTE JTC

Subject: FORENSIC EVIDENCE [REVOLVER AND OVEN MITT]

On March 20, 1997, MARK TUOHEY, III was interviewed by Special Agent JAMES T. CLEMENTE, Federal Bureau of Investigation and Criminal Investigator COY A. COPELAND, Office of the Independent Counsel (OIC). TUOHEY provided, in part and in substance, the following information:

TUOHEY recalls that at some time after TUOHEY was appointed Deputy Independent Counsel he became aware that WILLIAM KENNEDY had delivered to OIC a box which contained various items recovered by MR. KENNEDY from the passenger area, glove compartment and trunk of the Honda Accord which had been owned by VINCENT FOSTER, JR. and was found in Fort Marcy Park on July 20, 1993. These items were not recovered by the United States Park Police (USPP) but were left in the car when it was returned to the FOSTER family. TUOHEY does not have a recollection of when these items were delivered to the OIC.

TUOHEY recalls that discussions arose at OIC as to the significance of the green oven mitt which was photographed in the glove compartment of FOSTER'S Honda by the USPP (this oven mitt was contained in the box delivered to OIC by MR. KENNEDY). It was theorized that FOSTER may have placed the revolver inside the oven mitt in order to conceal it and remove it from his home, later leaving the mitt in the glove compartment of his car and walking into Fort Marcy with the gun in his pants pocket.

In order to test the validity of this theory TUOHEY requested that SA CHARLES REGINI retrieve the revolver and the mitt from the evidence locker and bring it to TUOHEY'S office so that a determination could be made as to whether the gun could in fact fit into the mitt. SA REGINI explained to TUOHEY that since these were two separate items of evidence, he could not place the revolver into the mitt but would instead only be able to place it over the mitt to judge whether it would fit. TUOHEY agreed and SA REGINI conducted this demonstration. It was obvious from this demonstration that the gun could in fact fit in the mitt. TUOHEY stated he is virtually certain that the gun was not placed inside the mitt at this time and he does not recall the gun and mitt ever being placed together after this demonstration.

## STRESS FACTORS AND COMMENTS

### DEPRESSION, MOODINESS AND PARANOIA

1. Berl Anthony (Brother-in-Law)

   A. U.S. Park Police interview, 7/27/93
   - "... had noticed a gradual decline in Mr. Fosters general disposition to the point of depression."
   - "... noticed that Mr. Foster's depression had become increasingly worse and became worried about Mr. Foster's well being."
   - " Mr. Foster made a comment to the effect, I have spent a lifetime building my reputation and now I am in the process of having it tarnished."

   B. Judith Wish interview, 11/16/93
   - "Foster's family knew that he was depressed and had been working with him for a long time before his death."
   - "... his wife (Sheila) first mentioned to him that Foster was depressed about 90 days before his death. ... time passed and she (Sheila) mentioned to Anthony again that Foster was really depressed."
   - "Foster was a troubled individual who was struggling with a tough adjustment to a new job and new life."
   - "He (Foster) saw no light at the end of the tunnel."

2. Sheila Foster Anthony (Sister)

   A. FD-302, 4/28/94
   - "From the time that Foster first came to Washington until his death, Anthony observed several noticeable behavioral and emotional changes ...." "... he was tired and seemed to feel a great deal of pressure."
   - "Foster told Anthony that he was unable to sleep."
   - "During her last telephone conversation with Foster (7/16/93) she noticed 'Foster's voice was different in its tenor, and his voice sounded strained."
   - "Foster exhibited many characteristics of a depressed person, most noticeable of which was the fact that he had no sense of humor left."
   - "He was very distraught over his father's death."
   - "Foster confided to her that he was considering resigning ... 'the job in the White House Counsel's Office was not right for him."
   - "Foster told her he was battling depression ..."
   - "Anthony ... furnished him the names of the three psychiatrists."

   B. FD-302, 4/11/95
   - (Approximately 7/10/93) "Foster expressed to her his desire to resign."
   - "She knew her brother was in terrible shape."

3. Jerome Hodges Atchley (Friend)

A. FD-302, 2/8/95
- "Foster looked stressed and tired, as though he wasn't enjoying life."
- "Foster looked like he was totally out of his element."
- "Foster seemed to be preoccupied throughout the course of the visit."
- "Foster may not have been prepared for political life, especially as a participant in such a highly scrutinized environment."
- "Foster was trapped by his own 'rigidity'. He probably felt consumed and trapped."

4. Allison Anthony-Bethune (Niece)

A. FD-302, 5/18/95
- "She knew he would 'be in over his head.'"
- "... did not think Foster was happy with his life."
- "... noticed Foster's unhappiness during the summer of 1992. ... was of the opinion that Foster had started to exhibit signs of depression during this time."
- "... described Foster's demeanor as a 'dichotomy.'"
- "Foster was very moody."
- "... did not seem like himself."
- (In April or May, 1993) "Bethune recalled thinking that Foster looked tired. She told him that if the stress of his job got too much, he was welcome to stay with her for a while in Maryland. Foster told her thanks, and that he may come to stay with her 'sooner than later.'"
- "Last saw Foster on Father's Day, 1993. Foster was distant and stoic."

5. Robert Barnett (Legal associate)

A. FD-302, 12/12/95
- "... it was his opinion that it was 'this city' that killed Foster."
- "He described Foster as just not being tough enough."

6. C. Brantley Buck (Former law partner)

A. FD-302, 5/18/94
- "Buck opined that from a laymen's standpoint and with hindsight, Foster appeared to have suffered from classic depression."

7. Harriet Eason Bynum (Friend and insurance agent)

   A. FD-302, 2/7/95
      - "Bynum recalls that Foster used to have severe mood swings even while he was still living in Little Rock and working at the Rose Law Firm."
      - (Commencement Address) "Bynum believes that Foster's spirit was clearly absent as he delivered the address. Foster's personality was not inside his body as he gave the speech."

8. George C. Campbell (Former law partner)

   A. FD-302, 5/1/95
      - "Campbell characterized Foster as normally introverted; Foster was not an outgoing person."
      - "Campbell described Foster as taciturn."

9. Harolyn Cardozo (Friend)

   A. FD-302, 6/6/95
      - "... recalls Foster telling her 'I've got to get away for a few days.'"
      - "Vince's mood seemed to shift, he became anxious and more withdrawn."
      - "Vince did not seem to be responding to questions."

10. Rebecca E. Carroll (Family friend and psychotherapist)

    A. FD-302, 3/29/95
       - "Lisa Foster mentioned ... how tired and overworked Foster had been."
       - "These observations led Carroll to speculate that Foster may have been suffering from depression for a period of years before his death. Foster's behavior during that period may have been consistent with that of someone suffering from depression because such people have highs and lows which can be affected by events in the normal courses of their lives. Exceptionally high achievers such as Foster who suffer from depression can sometimes continue to function for extended periods of time in they can make it through the lowest emotional points. Suicide is the final resort such people turn to as a way to get away from their pain."
       - "Based on Lisa Foster's description of Foster as well as information Carroll has read in the press, she believes Foster suffered from depression."

11. Thomas Castleton (Co-worker)

A. U.S. Park Police interview, 7/22/93
- (on 7/20/93) "Mr. Foster did not respond and seemed to Mr. Castleton to be 'in his own world', focused, disturbed."

B. FD-302, 5/3/94
- "... he did notice a gradual change in his demeanor. ... he seemed more quiet, more withdrawn, less sociable, and generally tired."

12. Kyle E. Chadwick (Intern)

A. FD-302, 6/29/95
- (7/20/93) "... Foster seemed 'distracted.'"

13. Hillary R. Clinton (Friend and former law partner)

A. O.I.C. Deposition, 7/22/95
- (During Rose Law Firm days) "I can see that he was from time to time quite moody."
- "He would be very unwilling to talk with anyone. He would keep the door to his office closed. It would be difficult to get his attention on matters that were not within his immediate concern. He might not, even walking by you in the hallway, acknowledge you or say hello to you, and things like that."

14. Barry H. Deutschman (Pharmacist)

A. FD-302, 4/26/94
- Filled Desyrel, generic name Trazodine, prescription for Foster on 7/18/93.

15. Richard T. Donovon (Attorney, RLF)

A. FD-302, 5/5/95
- (His father had been treated for depression) "In hindsight, Donovon realizes that many of the signs were present in Foster's interaction with others around him."

16. Leo J. Farrow, Jr. (Attorney, RLF)

A. FD-302, 5/5/95
- "... Farrow had numerous conversations with his wife, who is a psychologist, regarding indicators of depression. Farrow stated that he learned of numerous signs of depression which seemed to apply to Foster."

17. Alice M. Foster (Mother)

A. FD-302, 5/2/95
- (7/19 or 20/93) "Mrs Foster recalled asking him why he sounded unhappy. Vincent Foster told her that it was because of his job; he said ' It's such a grind.'"

18. Elizabeth B."Lisa" Foster (Wife)

A. U.S. Park Police interview, 7/29/93
- "Pressures associated with his role at the White House were physically affecting Mr. Foster adversely. Specifically citing not being able to sleep well and telling his sister, Sheila Anthony, that he was not feeling well and was experiencing high blood pressure."
- "The criticism of the President in the news media, the Travel Office investigation, the scrutiny by the press of people from Arkansas, and even the stress of the family move to Washington in June all seemed to Lisa Foster to have a cumulative effect on Vincent Foster. He 'took it all personally' and once stated to her 'How did I get myself into this?'"
- "He felt he had personally failed and talked to Lisa about quitting; however, would not return to Arkansas because of the personal humiliation he felt."

B. FD-302, 5/9/94
- "On June 8, 1993, Lisa Foster noticed that Foster was emotionally down and was slumped in his chair just as his father had been when his father was ill. Lisa Foster recalls that Foster always was worried and stressed. Foster told Lisa Foster that nothing at the White House was going right...."
- "Foster complained to Lisa Foster that he was suffering from insomnia, but he did not want to take sleeping pills because he was afraid that he would become addicted to them."
- "Vincent Foster was very quiet, and Lisa Foster may have called his secretary just to get a better feel for his condition and state of mind."
- "Foster felt that everyone was criticizing him, even at home."
- "Foster did not enjoy being in the public eye."
- "Lisa Foster recalls that he began to start more of his sentences with the phrase 'I just can't handle.'"
- "Foster has had panic attacks in the past...."
- "Foster was greatly affected by the death of his father."
- "... he mentioned his depression to her on approximately July 16, 1993."
- "Toward the end of his life, Foster had no sense of joy or elation at work."

- (7/20/93) "Lisa Foster recalls one unusual event that morning which was that Foster asked her what she was going to be doing that day."

- "Lisa Foster believes that her husband took his own life because he was so terribly depressed."
- "Lisa Foster believes that Foster was suffering from a major depression which was brought about by working too hard for such a long period of time away from his family."

C. FD-302, 4/7/95
- "Lisa Foster stated that she is convinced that her husband committed suicide."
- "During the weekend prior to his death, Foster talked of quitting his job. However, he could not return to Little Rock because of the embarrassment it would cause him."
- "Foster was prescribed an anti-depressant, Restoril, by Dr. Watkins."
- "... when she looks back at all of the events during that time, it makes sense that Foster was suffering from depression."
- "Foster was somewhat paranoid about telephone conversations; he was often concerned that the phone might be tapped or others were listening to his conversations."
- (Weekend prior to his death) "... the first night in the hotel he became upset, and was very emotional. He simply was unable to place his concerns in a proper perspective. He remained upset throughout the weekend. He complained of indigestion."
- (7/20/93) "... he did not kiss Lisa goodbye when he left for work. Lisa recalled Foster standing very stiffly with his briefcase just before leaving. Foster didn't turn around to say goodbye, he simply walked out."
- "... Lisa Foster stated that she has no doubt that her husband took his own life at Ft. Marcy Park as a result of the enormous pressure that he put on himself. Foster blamed himself for all of the Clinton Administration's problems."

D. <u>The New Yorker</u> article, 9/11/95
- "Almost from the beginning, Vince realized he should have stayed in Little Rock."
- "But the physical discomfort was secondary to the psychic discomfort, especially when things went wrong, and everything, it seemed, was going wrong."
- (Weekend before his death) "His mood didn't improve much when they got to the shore. Again, he seemed single-mindedly focussed on getting out of the White House."

- "Lisa recalls, 'I asked him if he felt trapped, and tears came to his eyes, and he cried."
- "He probably thought we'd be well off financially, if he were dead, because if he went to a psychiatrist he'd never have another job."

19. John Brugh Foster (Son)

A. FD-302, 4/7/95
- "... his father seemed overworked at his new job."

20. Laura Foster (Daughter)

A. FD-302, 4/7/95
- (6/93) " During this time period, Laura stated that it seemed to be an effort for her father to have fun. Laura noticed that her father seemed more withdrawn."
- "Laura believes that her father may have been suffering from some type of chemical imbalance that had caused him to become temporarily insane."
- (1992) "... her father was concerned that their home telephone was being tapped. He subsequently changed their home telephone number."

21. Vincent W. Foster, III (Son)

A. FD-302, 4/7/95
- "... he noticed some changes in his father's personality in Washington, D.C. His father seemed more cynical toward life, and in particular towards the news media."

22. Dr. Robert J. Hedaya (Psychiatrist)

A. FD-302, 5/17/94
- " ... thereafter received a telephone call from Mrs. Sheila Anthony who called to his attention that her brother was extremely depressed and in need of psychological counseling. Mrs. Anthony also informed him at this time that her brother occupied a very sensitive position at the White House and was dealing on a daily basis with Top Secret matters and that his depression was directly related to highly sensitive and confidential matters. It was Dr. Heydaya's distinct impression that Mrs. Anthony's brother was in a bind, needed desperately to talk to someone but had grave concerns about discussing these issues with a doctor, believing he could not speak freely since his depression was a direct result of sensitive and confidential issues."

23. Katherine "Kaki" Hockersmith (Friend)

A. FD-302, 8/31/95
- (Approximately 7/6/93) " During a telephone conversation with Lisa regarding placement to a rug or something in the Foster's Washington home, she spoke to Foster and inquired where he thought it should go. He replied something to the effect of 'That is the last thing on my mind right now.' She recalled later making the comment to her husband that Vince was really not behaving like himself."

24. Webster L. "Webb" Hubbell (Friend and former law partner)

A. FD-302, 4/13/94
- "Hubbell believed that Foster thought that the option of going back to Little Rock or the Rose Law Firm would have been an acknowledgement of failure."

25. William H. Kennedy (Friend, former law partner and co-worker)

A. FD-302, 5/6/94
- "He became more fretful and was not quite as calm and measured as in Rose Law Firm. Foster seemed to be under stress and pressure."
- "Kennedy believed the increase in stress for Foster was a cumulative thing."
- "... Foster coped with problems in his life by internalizing them."

B. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

26. Dr. Robbie Thomas-Knight (Friend and Psychologist)

A. FD-302,, 5/4/95
- "... Knight noted that in hindsight, Foster exhibited many indications of depression. Knight noted that Vincent Foster probably did not know that he was suffering from depression until it was already in an advanced stage."
- "Knight definitely recalls suggesting to Lisa that Vince see a psychologist."

- "Based upon Knight's knowledge of Foster's personality, she was of the opinion that he committed suicide as a result of suffering from clinical depression. Foster was hopelessly depressed, which resulted in distorted thinking; concluding that suicide was the best answer for his situation."
- "... she could think of many indicators of depression."

27. Thomas F. "Mack" McLarty (Friend and co-worker)

A. FD-302, 5/10/94
- "At some point, Mclarty observed a personality change within Foster. ... Foster was more reserved than previously remembered."

28. Bernard W. Nussbaum (Co-worker)

A. FD-302, 5/13/94
- "Nussbaum said that especially the last two weeks before he died, Foster's tone of voice changed and he was just not functioning the was he normally did."
- "Foster wasn't participating."
- "I needed him and he just wasn't there."
- "At the end of June, Nussbaum needed Foster to be functioning in top form and he appeared to be failing."
- "Foster was withdrawing and not taking the initiative with topics and work responsibilities."
- "Foster appeared afraid that outside influences were going to try to hurt the First Lady and the President."
- "Foster kept blaming himself for things that were going wrong."
- "... he was not just concerned for his own reputation for integrity, but he also had begun to question his ability to protect the First Lady and the President."

- "Nussbaum believes Foster went out and an overwhelming depression, chemical in nature, took over and he killed himself."

B. FD-302, 7/12/94
- "He recalls that Foster was very depressed during the last weeks of his life and was not functioning well during that time period."

C. FD-302. 6/8/95
- "Foster was simply 'not functioning' during the process of firing FBI Director William Sessions and naming a new FBI director."
- "Foster was not interested in such matters and seemed to be withdrawing."
- "Foster was a self-starter, but his initiative declined in the weeks before his death."

- "Foster appeared preoccupied and he was not engaged."

29. James L. "Skip" Rutherford, III (Friend)

A. FD-302, 5/3/95
- "Rutherford stated that Foster looked very tired."
- "Rutherford realized that Foster was under enormous pressure; real or perceived, and that Foster was a very intense individual."
- "... Foster appeared nervous; he constantly paced up and down in his office."
- "... Rutherford recalled that Lisa Foster told him that Vince seemed to be shutting himself off, that he couldn't sleep, and he had lost weight, and that he often seemed distracted."

30. Marsha Scott (Friend)

A. FD-302, 5/12/94
- "She saw some signs that he was depressed but did not know that he was in such a serious crisis."
- (7/19/93) "In retrospect she realizes that he acted different, but at the time she did not sense it."
- (7/19/93) "... on this occasion he seemed preoccupied and a little quieter."
- "... she believed Foster had painted himself into a box with no windows."
- "But she got the sense during the July 19th meeting that he had come to some sort of a decision and was, if anything, somehow relaxed as a result."
- "He talked about wanting out."
- "He talked about wanting rest."
- "He commented that he was 'eternally tired.'"
- "It is Scott's theory that he had come to some sort of acceptance of something ... and expected that he was going to feel better soon."

B. FD-302, 6/9/94
- "... she has the sense that Foster had reached a personal dead end."
- "She opined that Foster lacked the ability to see options and on July 20, he felt that he had no other option but to commit suicide."

31. Ricki L. Seidman (Co-worker)

A. FD-302, 6/23/94
- "... Foster was 'a very sophisticated thinker' and he became like a 'guppy plopped into a goldfish bowl.'"

32. Clifford M. Sloan (Co-worker)

A. FD-302, 5/11/94
- (In a conversation he had with Marsha Scott on Air Force One returning to Washington, D.C. after Foster's funeral) "Foster told her that he was going to get some rest."

33. Dr. Larry S. Watkins (Friend and family physician)

A. FD-302, 5/16/94
- (7/19/93) "Foster insisted on speaking with Watkins. He complained of loss of appetite and insomnia; he wasn't eating well and when Watkins asked him if he was depressed, he said yes."
- "They discussed depression."

CRITICISM IN THE PRESS

1. Berl Anthony (Brother-in-law)

A. U.S. Park Police interview, 7/27/93
- "Foster was also very upset over some unfavorable articles printed by The Wall Street Journal in the last several weeks and seemed to take them personally."

B. FD-302, 6/6/94
- "Foster was troubled by a series of editorials that were written about him in The Wall Street Journal."
- "... bugged him more than did the Travel Office affair."
- "Foster would frequently discuss The Wall Street Journal article."
- "Foster was of the opinion that The Wall Street Journal articles were written with the intent to ruin the Clinton Administration and furthermore that they were written with a sense of willful maliciousness."
- "Foster viewed The Wall Street Journal articles as tearing his reputation down in almost 'smirky way.'"
- "Foster was ... unable to cope with the criticism of the Washington press corp."
- "Foster carried too much of the burden for criticism received by the Administration on his shoulders."
- "Anthony is convinced that press reports and the viciousness of the Washington,D.C. political establishment was what contributed to Foster's death."

C. FD-302, 4/19/95
- "The Wall Street Journal articles and editorials bothered Foster; he felt that they demolished his reputation. This was a 'tremendous impact' on Foster."

- "Foster could not develop the necessary 'hard outer shell' to deal with the Washington, D.C. media and politics. Foster was a target because of his history with the Clinton's."

2. Sheila Foster Anthony (Sister)

   A. FD-302, 4/28/94
      - "Foster was very distraught over a series of articles which has appeared in The Wall Street Journal newspaper regarding Foster."
      - "Foster was also upset that The Wall Street Journal article denigrated the Rose Law Firm."

   B. FD-302, 4/11/95
      - "... Travel Office matter, Foster was constantly concerned about criticism that the White House Counsel's Office and the Administration was receiving ... 'we can't stop the bleeding.'"

3. C. Brantley Buck (Former law partner)

   A. FD-302, 5/1/95
      - "Foster was sensitive to attacks on his reputation."
      - "Foster would be deeply offended by any slanderous remarks."

4. George E. Campbell (Friend)

   A. FD-302, 5/1/95
      - "The editorials created a constant tension in Foster that eventually manifested itself."

5. Alice M. Foster (Mother)

   A. FD-302, 5/2/95
      - "Mrs. Foster is sure that her son was deeply disturbed about the publicity he received in The Wall Street Journal articles."

6. Elizabeth B. "Lisa" Foster (Wife)

   A. FD-302, 4/7/95
      - "Foster was very serious about the criticism he was receiving in the newspaper. At one point, Lisa recalled Foster taking a newspaper out of her hands and throwing it away."

   B. The Wall Street Journal article, 9/11/95
      - "The intense scrutiny that they were getting made you feel like no matter what you do you're going to get criticized."

7. Katherine "Kaki" Hockersmith (Friend and Interior Decorator)

   A. FD-302, 8/31/95
      - (Fathers Day weekend, 1993) "They visited with Foster in his office on a Friday. During the visit Foster appeared to be very 'stressed out.' He showed them the The Wall Street Journal article and talked to them about it. Foster was not accustomed to criticism and took the article very hard."

8. William H. Kennedy (Friend and former law partner)

   A. FD-302, 5/6/94
      - "Kennedy said this was during the time period of the Travel Office matter and that the 'Who is Vince Foster?' article in The Wall Street Journal was upsetting to Foster. ... Foster realized that Arkansas people read The Wall Street Journal and being trashed in The Wall Street Journal , meant being trashed in Arkansas. Foster lived his life to maintain his reputation."

9. Bruce R. Lindsey (Friend and co-worker)

   A. FD-302, 6/22/94
      - (WSJ article) "The criticism that appeared in that article painted a shady, if not unethical, image of Foster and Foster found it extremely irritating."
      - "The article implied that Foster and the White House was willing to play 'fast and loose' with the rules."

10. James M. Lyons (Friend and attorney)

   A. FD-302, 5/12/94
      - (Re WSJ articles accusing Foster of 'sharp tactics') "Lyons advised that that allegation really bothered Foster."

   B. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

11. Marsha Scott (Friend)

   A. FD-302, 6/9/94
      - (Re WSJ articles) "... she said that Vince was shocked when the article appeared in the paper."

- "She felt that Foster thought that the press was being absolutely ruthless. It seemed to him a personal, mean and vicious attack at a time when he was working extremely hard."
- "In saying that Foster was upset, Scott does not know if he was angry upset (because she never saw him angry) but she knew that it weighed heavily on him and he was very offended."

12. Linda Tripp (Co-worker)

A. FD-302, 3/27-28/95
- "Foster was very distressed over the newspaper articles criticizing him and his abilities."

TRAVEL OFFICE

1. Berl Anthony (Brother-in-Law)

A. U.S. Park Police interview, 7/27/93
- "Foster was also concerned about his legal advice and his role in the firings of seven White House travel office aids."
- "He was worried that there might be a Congressional inquiry into the above mentioned firings of seven White House aids."
- "Foster became increasingly alarmed at the threats made by Republican lawmakers ... regarding holding hearings on the Travel Office matter."

B. FD-302, 4/11/95
- "Foster was concerned that the report would portray him and his decisions in a negative light."
- "Foster felt that his reputation had been tarnished."

2. Sheila Foster Anthony (Sister)

A. FD-302, 4/28/94
- "Foster responded he had not shown good judgement."
- "Foster's distress at that time was severe."

B. FD-302, 4/11/95
- "For some reason, Foster felt responsible for the matter."
- "... her brother thought that the worse was yet to come in regard to the Usher's Office and Travel Office matters."

3. Alice M. Foster (Mother)

A. FD-302, 5/2/95
- "Mrs. Foster reiterated that her son was worried about his name being in the media and specifically on television in connection with the Travel Office matter. Vince Foster was concerned that he would be publicly reprimanded for his involvement in the Travel Office matter."

4. Elizabeth B. "Lisa" Foster (Wife)

A. FD-302, 5/9/94
- "Lisa Foster knows that Foster was upset about the FBI being called in regarding the Travel Office matter ...."
- "On Tuesday night, July 13, 1993, Foster spoke with Lisa Foster about resigning."
- "Lisa Foster understood clearly that Foster was speaking about the Travel Office when he was speaking of his depression and his concerns."
- (On Saturday, two weeks before his death) "Foster was brooding about his problems. He was consumed by the possibility of Senate Hearings concerning the Travel Office matter."

B. FD-302, 4/7/95
- "Lisa Foster stated she is convinced that Foster's biggest concern was the Travel Office matter."

C. <u>The New Yorker</u> article, 9/11/95
- "Foster was angered both by the reprimand to Kennedy and by the threat to him, and felt deeply wronged by the White House."
- (6/93) " Vince told her that he had made a mistake and had decided that he should resign."

5. Laura Foster (Daughter)

A. FD-302, 4/7/95
- "Vincent Foster told Laura that he might have to resign from his position at the White House. Additionally, he told her that there may be a congressional investigation of the Travel Office matter, and that it might be 'rough on the family.'"

6. Webster L. "Webb" Hubbell (Friend and former law partner)

A. FD-302, 6/7/94
- "Foster told him that the Travel Office situation looks like a mess."
- "Foster's concern over the Travel Office matter 'got worse.'"

- "Foster was very upset about this. Foster felt that Kennedy was being made a 'scapegoat'. Foster had asked Kennedy to handle the matter and felt personal responsibility."
- "... Foster continued to be upset, focused on the matter and concerned that Congress was talking about holding hearings on the issue."
- "Foster was 'upset' that the Travel Office matter couldn't be put to bed or die and be over with."
- "... he thought that Foster was overreacting to this."

B. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

C. U.S. Senate Deposition, 7/13/95
- "He was concerned about the Travel Office matter. At the time, it seemed, overly concerned."

7. Bruce R. Lindsey (Friend and co-worker)

A. FD-302, 6/22/94
- "... Vince Foster was most defensive about William Kennedy's participation in the matter. Foster was very unhappy that Kennedy was reprimanded with regard to the Travel Office matter."

8. James M. Lyons (Friend and attorney)

A. FD-302, 5/12/94
- "Foster was clearly distressed about the 'Travelgate' matter."

9. Bernard W. Nussbaum (Co-worker)

A. FD-302, 5/13/94
- "The last few weeks before his death; however Foster was noticeably down and blue about the Travel Office situation."
- "The press proceeded to be highly critical."
- "Vince Foster himself was depressed at the unfairness, at the press and at the White House in general."

10. Marsha Scott (Friend)

    A. FD-302, 6/9/94
       - "She recalled knowing that Foster was particularly upset about the reprimand of Bill Kennedy."

11. Ricki L Seidman (Co-worker)

    A. FD-302, 6/23/94
       - "She said Foster had been 'agitated' by the Travel Office matter."

12. Clifford M. Sloan (Co-worker)

    A. FD-302, 5/11/94
       - "Sloan said he had noticed increased stress in Foster as a result of the Travel Office report."

<u>WEIGHT LOSS, ETC.</u>

1. Sheila Foster Anthony (Sister)

    A. FD-302, 4/28/94
       - "Anthony noted that Foster's face had become gray and drawn."
       - "Foster began to lose weight during the last six weeks prior to his death and weighed much less than he had weighed in January, 1993."

2. Harolyn Cardozo (Friend)

    A. FD-302, 6/6/95
       - "Lisa told Harolyn that Vince had been losing weight, not sleeping, and not getting any exercise."

3. Rebecca E. Carroll (Family friend and psychotherapist)

    A. FD-302, 3/29/95
       - "Lisa told her that 'Foster had recently lost weight and had experienced difficulty sleeping.'"

4. Loraine W. Cline (Former secretary, Rose Law Firm)

    A. FD-302, 5/18/94
       - "... Cline observed no personality changes in Foster but noticed that he had lost some weight."

5. Elizabeth B. Foster (Wife)

   A. FD-302, 5/9/94
      - "When Lisa Foster saw Foster after she arrived in Washington, D.C., she believed that he appeared awful. She believed that most of the weight which Foster had lost by that time had been lost prior to her arrival in Washington, D.C."

   B. The New Yorker article, 9/11/95
      - "Looking back on their tense, brief time together in Washington, Lisa is filled with images of a desperately troubled man. He lost his appetite, and some nights he didn't sleep at all."
      - "He was losing weight, and Lisa remembers that he began absently wringing his hands, incessantly rubbing the thumb and forefinger of one hand into the palm of the other."
      - (Early 7/93) "Vince told Lisa that he meant to resign. He was still unable to sleep. Worried, perhaps even a bit exasperated, she told him she was tired of hearing about how miserably he was failing in his job...."

6. Webster L. "Webb" Hubbell (Friend and former law partner)

   A. FD-302, 4/13/94
      - "Hubbell said that Foster had lost approximately 10-15 pounds prior to his death."

7. William H. Kennedy (Friend and former law partner)

   A. FD-302, 5/6/94
      - "... he had noticed immediately upon arrival in Washington, D.C. that Foster had lost weight and seemed exhausted."

8. Bruce R. Lindsey (Friend and co-worker)

   A. FD-302, 6/22/94
      - "... he knew Foster had lost some weight, but that he did not attribute it to anything of significance."

9. James M. Lyons (Friend and attorney)

   A. FD-302, 5/12/94
      - "He had noticed that Foster had had a weight loss after he came to Washington. He characterized Foster as a very hard worker and Lyons Believed that it was stress induced weight loss."

10. Bernard W. Nussbaum (Co-worker)

A. FD-302, 6/8/95
- "Foster was tired during that period, and he was thinner and withdrawn in his appearance."

FAMILY PROBLEMS

1. Sheila Foster Anthony (Sister)

A. FD-302, 4/28/94
- "The only problems which Foster experienced in his personal life were in regard to his teenage children."

B. FD-302, 4/11/95
- "Foster's family and marital stresses were severe ...."

2. Sharon Bowman (Sister)

A. FD-302, 4/11/95
- "He was concerned about Laura Foster's [FOIA(b)(6) FOIA(b)(7) - (C)] and the stress that it caused her."
- "Bowman felt that her brother was 'overwhelmed', and had been trying to cope with his stress and depression."

3. Harolyn Cardozo (Friend)

A. FD-302, 6/6/95
- "The Fosters were late in arriving. Suzy (Hubbell) was teasing Lisa and insinuating that they were late because of Lisa and Vince being intimate together. Lisa indicated to Suzy that she was wrong, and that the problem was still continuing. Harolyn understood the conversation to mean that Vince and Lisa had not had sex for a long period of time due to the stress Vince was feeling."

4. Elizabeth B. "Lisa" Foster (Wife)

A. The New Yorker article, 9/11/95
- "Vince had insisted that she stay behind in Little Rock."
- "Lisa was unhappy with this arrangement and unreserved about voicing her feelings."
- "I was angry at Vince about ninety percent of the time."
- (Inauguration Day) "... after the swearing-in Vince went straight to the White House to work, leaving his wife and children at the curb, uncertain how they would get back to Sheila's house. Lisa was irritated by this, and didn't even go to the ball."

- "We had a lot of conversations over the phone that were sort of short, curt conversations, and we realized that we were both so tense about what we had to do that it was not easy for us to console each other."

5. Deborah L. Gorman (Secretary)

A. U.S. Park Police interview, 8/5/93
- "On Thursday, 7/15/93, Mrs. Foster had called her and asked for Mr. Foster's pay schedule, explaining that she believed their checking account was overdrawn. The Credit Union was contacted and they stated that they would work with Mrs. Foster on a weekly, instead of a biweekly basis."

6. Webster L. "Webb" Hubbell (Friend and former law partner)

A. FD-302, 1/13/95
- "Lisa Foster was very jealous about Foster's time, and she would grow angry when Foster could not be home with his family."

B. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

7. Leslie Gail Kennedy (Social acquaintance)

FD-302, 1/23/95
- "Kennedy believes that Foster and Lisa Foster had marital problems before Foster went to Washington, D.C. Lisa Foster is a very controlling person, and her demands on Foster appear to have been part of the reason he worked so much."

8. William H. Kennedy (Friend and former law partner)

A. FD-302, 5/6/94
- "... Foster's wife, Lisa, was a 'burden' to Foster. She was a demanding, insecure woman and during the move to Washington, D.C., she wore Vince out."
- "She needed a lot ;of 'reassurance and stroking.'"
- "He remembers Foster's comments that Lisa was 'chewing on him' and Foster's saying 'you can imagine what I'm going through.'"
- "He further described Lisa Foster as 'high maintenance.'"

9. Dr. Robbie Thomas-Knight (Friend and Psychologist)

A. FD-302, 5/4/95
- "Lisa Foster wanted more of Vince Foster's time. Lisa felt as though she was competing for Vince's attentions from his work."
- "... Lisa was sometime jealous of Vince's close relationship to Hillary Clinton."
- "Lisa and Vince Foster were concerned about how the move would affect their daughter, Laura. [redacted] FOIA(b)(6) FOIA(b)(7) - (C)

FAILED NOMINATIONS

1. Berl Anthony (Brother-in-law)

A. U.S. Park Police interview, 7/27/93
- "Foster was not handling the politics in Washington, D.C. very well and blamed himself personally for the failed nominations for Attorney General and some of the sub-Cabinet posts."

B. FD-302, 6/6/94
- "Foster rationalized these problems to be his fault."

2. Sheila Foster Anthony (Sister)

A. FD-302, 4/11/95
- "Foster was troubled by the Lani Guinere nomination problems."

3. Elizabeth B. "Lisa" Foster (Wife)

A. FD-302, 5/9/94
-"When Lisa Foster was asked whether Foster ever experienced anxiety as a component of his depression, she responded by recalling the night that Zoe Baird withdrew from consideration to become Attorney General of the United States. Lisa recalls that Foster came to bed at approximately 2:30 AM and he was sweating profusely and just sick."

B. The New Yorker article, 9/11/95
- "The aborted attempts, involving Zoe Baird and Kimba Wood, to fill the Attorney General job and the ungraceful retreat from Lani Guinier as head of the Justice Department's civil-rights division, were more than just political embarrassments ...."

4. Marsha Scott (Friend)

   A. FD-302, 6/9/94
      - "Foster did not feel as though the White House got credit for anything, but that the White House took a lot of criticism no matter what."

5. Clifford M. Sloan (Co-worker)

   A. FD-302, 5/11/94
      - "..., other items appearing in the press such as those concerning Supreme Court nominees were also stress provoking for Foster."

   B. FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

REMODELING OF THE WHITE HOUSE

1. Elizabeth B. "Lisa" Foster (Wife)_

   A. FD-302, 5/9/94
      - "Lisa Foster believes that Foster was concerned about excessive costs being incurred by the Usher's Office, but Foster never discussed these matters with her."

2. Katherine "Kaki" Hockersmith (Friend and interior decorator)

   A. FD-302, 8/31/95
      - "She did not recall either of the Clintons' being unhappy about the cost overruns but Foster was 'very angry' about it."

3. Bernard W. Nussbaum (Co-worker)

   A. FD-302, 6/8/95
      - "Foster believed the Ushers could not be trusted and they were taking advantage of the White House."

WACO

1. Sheila Foster Anthony (Sister)

   A. FD-302, 4/11/95
      _ "Foster was upset by the Waco matter."

2. Alice M. Foster (Mother)

A. FD-302, 5/2/95
- "Mrs Foster was of the opinion that her son was deeply affected by the Waco incident. The whole situation appeared to be very upsetting to him."

3. Elizabeth B. "Lisa" Foster (Wife)

A. FD-302, 5/9/94
- "The Branch Davidian incident near Waco, Texas was also causing him a great deal of stress. Lisa Foster believes that Foster was horrified when the Branch Davidian complex burned. Foster believed that everything was his fault."

B. The New Yorker article, 9/11/95
- "He even assumed blame for Waco, somehow believing that the disastrous F.B.I. raid on the Branch Davidian's compound was his fault. Vince and the rest of the Clinton team 'weren't up there to do bad things, and everything - just like Waco - just blew up in their faces, and it absolutely destroyed him.'"

FAMILY HISTORY

1. Sheila Foster Anthony (Sister)

A. FD-302, 4/28/94
- [redacted] FOIA(b)(6) FOIA(b)(7) - (C)
- "Anthony is not certain but she believes that both her parents possibly suffered from depression."
- "One of the male first cousins of Anthony's mother committed suicide."

2. Allison Anthony-Bethune (Niece)

A. FD-302, 5/18/95
- [redacted]
- " Bethune was of the opinion that her mother has suffered from depression in the past, but did not tell anyone."

3. Dr. Robbie Thomas-Knight (Friend and Psychologist)

A. FD-302, 5/4/95
- [redacted]

**MEMORANDUM**

TO: File

FROM: Brett Kavanaugh

RE: Conversation with Dr. Blackbourne

DATE: May 1, 1997

I talked today with Dr. Blackbourne, and asked him whether he agreed with a statement in our report that urination and secretion of seminal fluid can occur upon death. He said he agreed with that statement.

**Memorandum**

**Office of the Independent Counsel**

To : IIC E.H. LI

From : SA JAMES T

Subject: 2/29/96 MI

3/1/96

On the ab entatives of
the FBI LABORATORY

DONALD W. THOMPSON, , 324-4413
WAYNE W. OAKES, Sup 71 (5042)
ROGER MARTZ, Unit (
ROBERT FRAM, Super
CHRISTOPHER FIEDLE

Also pre esentative of
the Governmental F

Brian Buckley, Sup 58.

The pur duct a tele-
conference with I recently raised
by DR. HENRY LEE ociated with the
FOSTER Death Investigation. sented these
issues as follows:

A) FIBER EVIDENCE: Numerous fibers have been collected from various pieces of clothing recovered from FOSTER'S body. These fibers have not been classified or identified.

Questions:
1. Would it be practicable for the FBI LAB to do a population study and classification of these fibers in order to: a.) Weed out those fibers which can be attributed to the clothing FOSTER was wearing at the time of his death? b.) Determine the total number of carpet fibers and determine if they are of similar or different type so that known samples could be collected and positive identifications made?

JTC/jtc
1-DAD Donald W. Thompson 1- 29D-LR-35063
1-SSA Wayne W. Oakes
1-SSA Roger Martz
1-SSA Robert Fram
1-Christopher Fiedler
1-SSA Brian Buckley

**Memorandum**

**Office of the Independent Counsel**

To : IIC E.H. LUECKENHOFF

Date 3/1/96

From : SA JAMES T. CLEMENTE

Subject: 2/29/96 MEETING WITH FBI LAB

On the above date writer met with representatives of the FBI LABORATORY as follows:

√DONALD W. THOMPSON, Jr., Deputy Assistant Director, 324-4413
√WAYNE W. OAKES, Supervisory Special Agent, 324-8571 (5042)
ROGER MARTZ, Unit Chief, 324-4318
ROBERT FRAM, Supervisory Special Agent, 324-4350
√CHRISTOPHER FIEDLER, Support/Geologist, 324-4403

Also present for this meeting as a representative of the Governmental Fraud Unit was:

Brian Buckley, Supervisory Special Agent, 324-3768.

The purpose of this meeting was to conduct a tele-conference with IIC LUECKENHOFF regarding issues recently raised by DR. HENRY LEE regarding physical evidence associated with the FOSTER Death Investigation. IIC LUECKENHOFF presented these issues as follows:

A) FIBER EVIDENCE: Numerous fibers have been collected from various pieces of clothing recovered from FOSTER'S body. These fibers have not been classified or identified.

Questions:
1. Would it be practicable for the FBI LAB to do a population study and classification of these fibers in order to: a.) Weed out those fibers which can be attributed to the clothing FOSTER was wearing at the time of his death? b.) Determine the total number of carpet fibers and determine if they are of similar or different type so that known samples could be collected and positive identifications made?

JTC/jtc
1-DAD Donald W. Thompson 1- 29D-LR-35063
1-SSA Wayne W. Oakes
1-SSA Roger Martz
1-SSA Robert Fram
1-Christopher Fiedler
1-SSA Brian Buckley

Answers: WAYNE OAKES
1. a.) The FBI LAB could and would perform these studies despite the fact that they would be very time consuming. However, it is expected that a high percentage of the fibers recovered would be attributable to his own clothing, therefore a finding of this nature would not be significant. Additionally, since there were thousands of fibers recovered, hundreds of these fibers would remain from other unidentified sources so little would be gained by this exercise. b.) It is likely that the carpet fibers which were recovered could be identified and matched to known samples.

Question:
2. If FOSTER had killed himself, or had been killed, at another location and was subsequently rolled up in a rug and transported to Fort Marcy Park, would there be a high percentage of fibers found on his clothing from that rug?

Answer: WAYNE OAKES
2. Assuming these facts, one would expect a large number of carpet fibers from a single source. OAKES recalls there being only about a dozen fibers that could be identified as carpet fibers in the FOSTER case. Although this is not the result he would expect under the above facts, he would not be comfortable drawing any conclusions and would therefore simply report the facts. Also, although it may not be significant in this case, OAKES would like clarification about how FOSTER'S clothes were processed by the US Park Police. Specifically, was there any cross-contamination between the different items of clothing? Could some trace materials have been lost due to the handling of the clothing before it was packaged and sent to the FBI LAB?

B. <u>HAIR FRAGMENTS:</u> Three hair fragments were recovered and we are not aware if analysis of these fragments would have any investigative relevance.

Questions:
1. With respect to the three (3) hair fragments recovered from FOSTER'S body: a.) Were they ever compared to each other? b.) Can a determination be made as to whether the hair color in the fragments is natural or dyed? c.) Can a determination be made as to whether the hair fragments came from a person or persons who had short or long hair at the time? d.)Can a determination be made as to whether the hairs originated from one, two, or three people?

Answers: WAYNE OAKES and ROBERT FRAM
1. a.) The hair fragments were not cross-compared with each other. This can be done, however, this comparison may not be determinative. b.) It is possible to determine whether the hair color was natural or died. Although this test has not yet been conducted on the fragments, they were all light brown to blonde in color. c.) The only determination that can be made regarding the hair length of the source is that the person from whom each fragment came must have had hair as long as or longer than that

fragment at the time the hair was removed from the head. However, the hair may have been removed long before it was transferred to FOSTER'S clothing. d.) Since an individual's hair characteristics may vary, it is not possible to determine whether the hair fragments originated from the same source. If a hair sample is taken, it should be a large enough sample to ensure that each of that person's hair characterics are represented in the sample.

C. MINERAL AND VEGETABLE PARTICLES: DR. LEE found trace mineral and vegetable particles consistent with soil and grass on the soles of FOSTER'S shoes.

Questions:
1. a.) Who performed the FBI examination of FOSTER'S shoes? b.) What did he mean by "No coherent soil" ? c.) What soil if any was found? d.) Would the FBI LAB be able to conduct soil comparison test between soil particles recovered from the shoes by DR. LEE and soil samples recovered from Fort Marcy Park last year?

Answers: CHRISTOPHER FIEDLER
1. a.) BRUCE HALL did the original mineral analysis on FOSTER'S shoes. His unit of the FBI LAB does not examine vegetable matter. b.) "Coherent soil" is soil that is clumped together in a sufficient quantity to perform a soil comparison. c.) HALL found only loose mineral grains containing mica. (This is apparently consistent with DR. LEE'S findings.) d.) There is insufficient soil for the FBI LAB to do a soil match. Also, soil composition changes over time so no valid comparison can be made unless contemporaneous samples were taken.

Note: FIEDLER did not know whether HALL photographed the soles of the shoes when he originally examined them.

Addendum:
On 3/28/96, I spoke again to FIEDLER and asked if it was theoretically possible to: 1. Identify minerals other than mica which were present on VWF's shoe soles, and 2. Compare these minerals to those found in the soil samples taken from Ft. Marcy Park, in order to make a determination as to whether or not at least some of the minerals found on his shoes are also found in Ft. Marcy Park.

FIEDLER said yes, it is possible to do this, however, he added the following: 1. Of the minerals that are likely to be found, Mica is the one that is most indicative of originating from a smaller area. 2. Whereas quartz and other particles that are likely to be found are so prevalent that they could have originated from almost anywhere. 3. The results could be misleading because, judging by the hole in VWF's shoe sole he has had these shoes for a long time and some of the mineral particles stuck to his shoes could have been picked up in Arkansas or any other area he has visited with those shoes on.

D. BALL PARTICLES: The FBI LAB identified one smokeless ball powder particle from FOSTER'S eyeglasses. DR. LEE tested 10 other ball particles from these glasses and found them to be composed of silicon.

Questions:
1. What tests were conducted in making the determination that the particles found on the glasses were ball powder?

Answers: ROGER MARTZ
1. Many ball particles were observed on the eyeglasses, however, the electron scanning microscope was used to test two types of ball particles of which, upon microscopic examination, only one resembled smokeless ball powder. One of these particles was determined to have been smokeless ball powder and the other was determined to have been composed of silicon, possibly fingerprint powder (This also appears to be consistent with DR. LEE'S findings). The one particle of smokeless powder was removed. The remaining particles of powder are not smokeless powder. Further examination of these particles by the FBI LAB or DR. LEE appears to be unnecessary.

TELECOPY COVER SHEET

**OFFICE OF THE INDEPENDENT COUNSEL**
1001 Pennsylvania Avenue, N.W., Suite 490N
Washington, D. C. 20004
telephone (202) 514-8688 facsimile (202) 514-8802

Date: _____

TO: Jim Clemente

Company Name: _____

Fax Number: 324-6427 Telephone Number: _____

FROM: BK

Number of Pages: _____ (including this cover sheet)

Message: _____

CONFIDENTIALITY NOTE

This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the facsimile by mail.

a:\faxform.nnr

#1

JW Marriott 10-12; 0730 - 1015
St. James 10-13; 0815 - 1015

Deep background - both ways.

He was meeting for lunch with a Sentate staffer.

Lisa Foster did New Yorker interview. Reporter Boyer is a charmer. Lisa wants to make money out of this.

Congress still looking. Shiff. We are interested in talking to Scalice. Report was prepared for Western Journalism Center. According to Ruddy, "Scalice has to clear it with us" before he would talk to OIC. When asked who "us" is, Ruddy said that he is part of the WJC. Told him that I didn't differ strongly with most of what Scalice said. Told him I knew Scalice had been on MLK panel...

Sprunt report is good and worth reading. He will send me a copy.

How did you like the article on my boss [Scaife], in WSJ? Scaife liked the way the article came out. WSJ reporter was trying to do a number on him; inquiring about his drinking, new wife's use of pills, etc...

Scaife, according to WSJ article, spends $400,000 per week on various causes.

Meeting on Monday (10-9); will run full page ads in NY Times, etc. Cost $27,000 per day. Scaife: is that all? I thought it was $44,000 a day. Need to run more.

60 Minutes attempt to do hatchet job on Chris. Everyone feels it will backfire. Wallace talked with Chris for abt 5 hours. Chose selected items. Knows that Chris is the one that first reported that Boston Globe was wrong.
Wallace does not like Scaife, who bankrolled Westmoreland suit against Wallace and others. Wallace admitted that he had been depressed during that suit, and thought of suicide.

Need to hit the weak link and break the Park Police coverup.

Officer Ferstl is the weak link. He supposedly is very religious, a Christian. Ferstl was suspended for 30 days at one point because he had talked to the press. In his 302, there is no mention of where the body was found. He has wanted to be a cop all his life, and is loyal to law enforcement, per the normal code of silence.

FOIA(b)(7) - (C)

W3,W4; lied about briefcase....

Gonzalez did a hand drawn sketch for Ruddy. Showed the location of the body near cannon #1.

Dr. Haut did a hand drawn sketch for Irvine. Showed the body in that same place, near cannon #1; not cannon #2.

Ruddy also has tape recording of his conversation with Haut about the body's location near #1. Wallace was told this, and Wallace decided to use Haut on program saying something contrary to that.

Haut's map/tape is consistent with Gonzalez.

Arthur is interesting.

Pat Knowlton (W2) says that he saw Hispanic guy in parking lot around 4:30 pm. #1 believes that this guy was "covering the parking lot" while others were moving the body...

There is a lot of mica in the park. It is all over the vegetation. Mica on Foster, but no soil. Consistent with 1st cannon location. ] 1/2 inch

Mr. Reaves, male black who stays around the park, was not there during the week Foster's body was found - he was sick. No one from the OIC has ever talked to him. [Advised #1 on second day that someone had talked to Reaves. BK advised me that Luekenhoff had].

Park Supervisor Tyrone (Ty) Brown told Reaves that the body was by the 1st cannon. Ruddy has Ty on tape.

Park historian - clear dirt paths to cannon #2.

When asked if he thought the body was ever at cannon #2, he stated that not ever at cannon #2.

When asked why everyone said it was by cannon #2, he said that all lied about it. If they don't continue lying, the truth might be uncovered.

When will Henry Lee do a report? Lee is a hired gun. Will say "could be_____".

Theory:

When asked what his best theory was, he said off the record, deep background:

Foster was poisoned. The gun shot was a "cover shot" after the heart stopped:

Little blood.
Vernon Gebhart.
No exotic tests were run.
No blood on the vegetation.

Foster had severe anxiety the last few days of his life. When you kill someone like this, you want to do it in a familiar setting.

Foster didn't have lunch as the secretary said. Pond was told to say that.

He did have a big meal at the White House, but not in his office. Beyer found meat and potatoes in stomach.

Probably died between 4 and 5 of poison.

Was on a carpet on the floor in the White House; possibly an oriental carpet, because of the different type of fibers. Do not believe he was ever rolled up in a carpet as some speculate.

Helen Dickey was told that he died in the parking lot; probably the parking lot at Fort Marcy. → NOT WHITE HOUSE

A military source in the White House says that there was a stranger in the halls of the White House between 2 and 3 pm that day.

The White House security apparatus is geared toward checking people coming in. Little attention is paid to those leaving. Officer Skiles is the only one who might have seen something that day.

When asked who might have done this, he said, "the Arkansas B-team". Why call it the "B-team": because it is an Arkansas version of the noted "A-team" of TV fame.

Who is this "B-team"? Dixie Mafia thugs, who also do things for Tyson, Stephens. → ~~NOT THOMASSON~~

Patsy Thomasson spilled the beans that Vince Foster was going to talk. Patsy is the enforcer. Notified appropriate people.

The body was moved out of the White House through a tunnel; perhaps through the Treasury Department. No one cares about people going out of the grounds.

The body was transported in a van to the Park.

Probably the cover shot was in the van. Wouldn't it penetrate the van? Not if shot into a mattress. Dr. Haut said the back of the wound was covered. ground

The van pulled into the 2nd parking lot on Chain Bridge Road, across from the Saudi ambassador's residence.

The body was then carried directly from the gate by the 2nd parking lot directly to the position near cannon #1. It is a

straight path to there.

The gun allegedly found in Foster's hand was "staged".

He was probably shot with a .22 pistol. This is the type weapon often used to hit people. Silencers can be used on same. This is consistent with Haut statement about a low velocity weapon.

When asked about the CW, he said that he is probably in on it. Possibly even his van used. CW will not talk to Ruddy.

Told him that we will consider all reasonable theories. Told him I will talk to Irvine, Pritchard also.

He said Scaife, Irvine down on Ken.

With Irvine make it clear that it is off the record. Irvine tapes all telephone conversations, even those with Ruddy. He will print anything you say.

"I'm not saying I talked with Miguel, but...."

Miguel believed the CW; Ruddy does not believe him.

CW supposedly made the 911 call from the other park; but an anonymous female called 911 first, even though the official record does not reflect this.

Need to check Rolla's rough notes. He indicates arrival at 6:35 pm. Next entry or so is "Walker, Secret Service at the White House." Which indicates he had that before he got to the park.

Believes strongly that White House notified earlier that everyone has said.

Beyer told him that there was an FBI man and a Secret Service man at the autopsy.

STUN GUN

Oct. 13:

Discussed Miguel, Touhey. Advised him of unprofessional conduct by Miguel. Lucia witness.

Miguel raised a number of inconsistencies in lengthy memo. We have checked these out.

Miguel's insistence on "maintenance road" below 2nd cannon area. Ruddy agreed there was none.

Miguel statement about body under cannon #2 "in the line of fire" ludicrous.

Thinks Ken needs to hire an experienced murder prosecutor. ✓

He gave me copy of Dr. Haut's map. Showed me where 1st cannon was; and where body was in relation to 1st cannon.

#2

Thanks for all the cards about Miguel. How many did you get? Got 938 in the first 10 days. Don't know how many in all.

They did a 1-hour TV program the night before with Ruddy, rebutting the 60 Minutes report. They furnished me a copy of this video, and also several stories they have done on it.

Discussed the Touhey-Miguel situation.

Touhey has told a number of people that Starr investigation merely confirming what Fiske did. Told Stinson, attorney for Fornshill this.

We really need to obtain all telephone records and analyze them.

find out where she is ⇒

Officer Gavin of the Park Police is very suspect.

AIM is the only one that picked up on a significant statement made by David Watkins in his Congressional testimony. He said that he saw no problem with going into Foster's office at 10:30 pm because the White House had known about the death for 5 hours at that point. This would mean that the White House would have known at 5:30 pm, which is before body allegedly found and way before the White House and Park Police say the notification was made. I was provided a copy of the AIM report on this.

Officer Rolla had in his rough notes the name and number of White House Secret Service supervisor Dan Walters.

There is a wall of indifference about the truth getting out.

No one will even say when the Grand Jury in Washington expires. Told him I did not know, and would not tell him unless it was o.k. under the local practice. It varies in different districts.

<u>Irvine: "I talk to Miguel; in fact, I had a long conversation with him yesterday."</u>

Why weren't the prints on the cars in the Fiske Report? Whose prints were they. There are witnesses who said they saw 2 guys around Foster's car. What efforts have been made to identify these people?

Told him that we want to talk to Scalice.

Sprunt Report is very good. He has gone over and corrlated the conflicting stories. Sprunt is an accountant who has a 900 number for questions of a tax and accounting nature.

Fiske sent over the 302's to the Banking Committee, but said

he was not sending over the back up handwritten notes "for want of time". It would be helpful to release these backup notes; there has been time to turn these over.

Explained to them about the often inaccuracy of 302's, giving examples from other years. It is not a statement of the interviewee, within the meaning of the Jencks Act, in most districts; but is a statement of the interviewor about what he says the interviewee said.

He gave as an example the interview of Judy Dudy and Mark Frist (W3 and W4), the 2 people on the "picnic". Officer Julie Spetz was the first to talk with them. Her notes should be examined. Who made the mistake? Was it the wrong car? Carol Braun, on instruction, cleaned their statements up. Need to see Braun's notes.

The FBI reinterviewed Judy; as she related what happened to them, they said, "that isn't what you told the Park Police". When told what she supposedly told the Park Police, she said, "I didn't tell them that."

The Fiske Report says, "the couple (W3,W4) saw nothing unusual", leaving out any reference to the other people seen in and around Foster's car.

THERE IS NO FORENSIC EVIDENCE TO SHOW THAT FOSTER DIED IN THE PARK!!!!!
[Irvine said this at least 5 times.]

They do not think anyone moved Foster's head at the scene in Fort Marcy Park. The Fiske FBI agents tried hard to get someone to say that.

FOIA(b)(7) - (C)

Everyone says that the head was straight on, even [redacted] [They brought up the CW's real name, as well as W2,W3, and W4's real names. Prior to this trip to Washington, I knew only the real name of the CW, not W2-W4].

As to the blood drainage tracks, they said Chris was wrong about the different head positions.

They went to Fort Marcy with [redacted] (the CW) at some point. They do not believe he is credible on everything. They do not believe his version of what he was doing in the park. He was probably "cruising". He is confused. He couldn't see what he said he saw in the car.

The witness who came at 4:30 (W2), Knowlton, is very credible. He saw a Hispanic looking, possibly even middle eastern man in a car. This man glared at him and was nervous. It was suggested that this man was a lookout. ~~This man~~ Knowlton says he saw a briefcase in the car.

[I told them I had serious questions about the briefcase].

Officer Arthur is very interesting. 911 call; why didn't he stay. Traced the public telephone call to Turkey Run park. Park Police use brown and black guns, automatics, with square handles, about .45 caliber or 9mm. The wound in the neck was a small caliber. (Arthur and another EMT). Gonzalez said initially a bullet wound to the temple; understand he changed and now agrees with Arthur.

Henry Lee told some people at a pathologists meeting that he thought they ought to exhume the body.

AIM thinks the body should be exhumed.

Miguel says that they removed the brains during the autopsy so you can't establish the bullet track now.

Purvis, a lawyer in Little Rock, talked to the mortician. The bullet wound was at the hairline at the back of the neck, and was the size of a dime. The undertaker will not talk to AIM.

X-RAYS: Should have been taken! Beyer's statement to Morrissette/form indicated that they were taken. Then says there are none, that machine was broken. But AIM determined otherwise. Checked repair company records. Machine was new on June 15; 1st service call was about Oct. 27, when a minor adjustment was made.

Before the Senate Banking Committee, Beyer said carefully, "I don't have any x-rays in my file." Did not say, "I didn't take any." Thus, he avoided perjury.

The x-rays disappeared.

Just like the crime scene photos disappeared. At least 1/3 of them have vanished, leaving only 13. This is more than sloppiness.

"That's why I agree with Rodriguez that the police are dirty on this."

Why was the body taken to Fort Marcy Park? So the Park Police would have jurisdiction, and would cover it up.

Rodriguez trying to break the weakest one.

Rodriguez was very suspicious of Gavin. Don't know if there was any followup on Gavin after Rodriguez left.

Hillary was supposed to be flying into Andrews AFB. Diverted to Little Rock. Need to check Airplane phone records.

The Helen Dickey call to the Governor's Mansion (Perry). What do the phone records show as to the time? Why won't they release the records?

The U.S.Secret Service Memo was supposedly written at 10:02 pm. Notified at 8:30. Foster's body found in parking lot dead. They think this memo "is a plant" to later justify the Helen Dickey statement about Vince in the parking lot.

Maggie Williams commited perjury. The Secret Service officer had no reason to lie.

Gorham was called in by Nussbaum, Williams to read the files and the titles on the folders. Wanted her to see the index was missing. Two other indexes created later. See the AIM report on this subject. The WWDC folder was not listed. Check the hard drive....

The 302 of the psychiatrist: Sheila told him on 7-15-93 that the person who was a prospective patient was "in a bind." Sheila knows that Vince was in a bind. Was she ever asked about this?

Did it involve NSA? Did it involve the personal finances of the Clintons?

Gorham put two NSA binders in the office safe for Foster. Why did Foster have these? What happened to it?

2 fat manila envelopes were also found in the safe:
1) "eyes only - Bill Kennedy";
2) "Janet Reno"
What is this?

2 guns in the house. No positive i.d. on the gun. [Told them we had made a lot of effort on this....] silver plated revolver mentioned. Lisa 302. Lee Bowman Jr. unable to i.d.

Gun in hand. Arthur says it was a brown and black automatic. [The Park Police have guns like that]. The revolver reported as found in Foster's hand was blue and black.

Why did Fornshill dash over on his scooter...so quick and without permission? Sprunt says it was too quick. Could it be that Fornshill's mission was to put gun down - his own - then another cop comes up with the "drop gun" later.

A number of people not satisfied with Ken's investigation.

People very dubious of Washington office, especially Touhey.

When I told them of review and oversight of professionalism, etc., by Sam Dash, they questioned his motives. I stated strongly that Dash has served us very well....

They told me that Chris Ruddy had appeared on the AIM 1-hr. TV show the night before. They gave me a copy of the tape.

#3

Feb. 84 - Lasater, Patsy T. to Belize. Roy Carver ranch owner. Dope grown or shipped from there. Interest in buying the ranch. On the way back they were stopped in New Orleans. Threats. Memphis OCDTF interest...

5 Park Police are suspect: Gavin, Braun, Rolla, Fornshill, Edwards.

Braun misrepresented what Dudy/Frist said.

Patrick Knowlton (w2) saw a briefcase in Foster's car. He also saw a blue sedan (not with VA tags) and Foster's car. Patrick now out of a job.

Anonymous call 7 times - person said he was in Fort Marcy Park and saw 2 men walking with 1 man who appeared to be drugged, near a blue sedan.

David Edwards told girlfriend, "I was the last person to see Vince Foster alive." Would not imply who girlfriend was.

Rex Armisted has a lot of information about this. He is getting information for someone else and doesn't know how much he would tell me. He said he understood I knew Armisted.

Ray Mabus, former MS governor, is now U.S. ambassador to Saudi Arabia. He and David Edwards are close. Edwards had an apartment in Paris. Mabus flies there a lot.

Turku, head of Saudi Arabian intelligence, attended Georgetown at the same time Bill Clinton did.

Atlantic Research - Contra - POM weapons contracts. KW/NSA. Big contributors in 1982.

Mark Swaney - Fayetteville - knows a lot about ADFA. Sued ADFA.

Col. Simmons - head of White House communications agency - run by Defense Dept. - 45 man unit - phone system, etc. Check all phone records.

His information is that there is a 7 minute call beginning at 5:48 pm EDT from Dickey to the Governor's Mansion in Little Rock.

Told him I had just reviewed the Nichols video with Perry, Patterson.

HRC landed in Little Rock at 7:26 pm, not at 7:40 pm as the official record shows.

In addition to the later calls, we need to check the quadralation of calls between: HRC (airborne), Williams, Thomases, and H.Dickey.

Maggie Williams paged Foster at 6:20.

If Henry Lee concludes that Foster committed suicide, the conspiracy theorists will go wild. Danny Castellara was found dead in a West Virgina motel in 1991. Henry Lee was called in as an expert. Henry Lee found that Castellara commited suicide; many believe he was murdered. Castellara was involved with the INSLAW matter, etc. His was an intelligence-related death; so was Foster's.

#4

Her understanding that Foster death investigation reached same conclusion as Fiske - her piece on conspiracy theories. Should they pursue anew?

Clinton, Hubbell, Lindsey invite to Foster....

ADFA, AR prison construction. She has heard about. Has requested ADFA file. Heard that Tucker connected to it. Brickeys, and Calico Rock.

Travelgate. There will be hearings. Worth pursuing. Watkins, et al. Foster concerned about it.

Phone calls to Hubbell interest them. As do all of Hubbell's calls.

Heard of an Antitrust allegation involving bankruptcy.

Perry County's Hill and Branscum...

Judge Woods; they are looking at him....

He went to Little Rock during the Campaign. Talked at length with McDougal. Believes McDougal told truth in 1992.

He started asking questions about Whitewater, Rose Law Firm, Securities Department, etc.

Thomases and Lynch, on behalf of campaign, rebuttal/defense on alot of issues. Told him that they, or others had examined the files....

Gave Webb Hubbell to him to explain things. Webb first told him Massey story about the RLF going on retainer from Madison.

Believes Webb hosed the files. i.e. RLF file copy of 4-30-85 letter to Bassett missing; file copy may have had HRC, etc on it. Believes WLH sanitized RLF file of indicia showing HRC was originator or approver of any Madison business, documents, etc.

WLH said he had reviewed stmts, etc. Yet now missing. But he forgot about internal documents that set forth fee allocations.

He submitted written questions to the campaign and got answers back.

Met with Thomases and Lynch before article (on Friday, March 6). They were trying "to buy time". Super Tuesday was on March 10, and was very important to the campaign. They wanted to get past Super Tuesday without him running an article. After he met with them, Thomases supposedly told someone, "I think I bought us 2 or 3 more weeks."

He ran the story on Sunday, March 8.

He believes that the Clinton-Jerry Brown debate was on that Sunday night. Brown went after Clinton about steering business to his wife's law firm. Clinton went back at Brown. The her "not staying home and baking cookies" statement came out.

RLF sources told him that Webb stole a bunch of the RLF files.

On 3-9-92 there was a Washington Post article on the Rose Law Firm.

3-10-92 Super Tuesday.

Jim McDougal called him and told him he had met with Blair. He said that Blair wanted McDougal to sue the New York Times over the Gerth article.

McDougal called him and read to him the letter from Blair to Heuer. McDougal took it as a threat.

There was a memo from Lynch to Bill, Hillary, Lindsey and Lyons. He does not think we got it from both the campaign and Kendall. Thinks one or the other did not produce it.

One thing he inquired into was the Clinton Ethics Committee. Webb drafted a ballot initiative (a couple of weeks after the Whitewater/Rose Law Firm questions to Hubbell). Webb took out language so the new ethics law would not apply to the Executive Branch of state government.

This would have hurt the Rose firm, because under the act, as originally drafted, the Rose firm clients would have had to be reported. Since they had many that did business with the state, it would have hurt....

Bassett had some AR Securities Dept. records destroyed according to a source. He said we have not talked to this source before. [based on other parts of the conversation, I had the impression that the source might be the sister of Rae Ann Moles, who worked at the Securities Dept.]

On the retainer, he finds Rae Ann Moles to be credible.

He remains interested in the Lindsey matter.

#6

Mena; are we doing anything with it?

Alot coming out in depositions in Reed case, especially through troopers.

ADFA; are we doing anything with it?

ADOC: Calico Rock, Lee County.

Trooper info.

Explained our jurisdiction to him.

Lasater; are we doing anything with him?

Tucker, McDougals.

Timing.

Cattle Futures of HRC.

Gave me copy of latest Insight magazine bearing date of 10-30-95. Story: "North Carolina Senator expects to call Hillary."; Story: "A State of Corruption", that has pictures of Tyson, Pryor, L.D. Brown.

Summary of Foster Death Scene

22 official people at Park (10 Park Police, 11 EMT's, and 1 Deputy Medical Examiner)

4 unofficial people at Park (the couple, the woman in Mercedes, and CW)

**Observers of cars/people entering park that afternoon**

Fred Ferris (W1)

saw car swerving into park around 2:45-3:00 p.m.
gray metallic vehicle; did not think Foster's car was the right car after observing pictures of it

Urinator (W2)

Miguel's report: saw Foster's car parkef' coat and leather briefcase; specifically recalls presence of briefcase

Jackie Arends

saw man in blue Mercedes opening park gate around 5:30-6:30

**Notification of Authorities re: body in park**

CW FOIA(b)(7) - (C) (W5)

Park Employee Swann

Other Park Employee

Dispatcher

James Charron

302

Fairfax County Police Dept.
911 calls; one at 5:59 p.m. (tape given to FBI)

**Unofficial People in Park**

Judith Doody (W3) [did not see body]

Park Police report

302
left work with Mark Feist and arrived at Fort Marcy around 5:15 to 5:30 on July 20 in here White Nissan
saw Honda Accord when entered parking lot
thinks she saw a white male in the driver's seat possibly bare-chested; backed her Nissan into parking space
soon thereafter saw a white van come into park; man was wearing blue shirt
after the van departed an old dirty 4-door sedan pulled into the lot and made a u-turn and exited park
shortly before 6:00 she and Feist departed vehicle
they saw a white male walking towards the parking lot at Fort Marcy; in late 20's or 30's dark brown hair
she heard emergency vehicles entering park
she was found by a Park Police officer
in her car was a can of beer and 1 or 2 wine coolers

New 302 on 2/2/95

Mark Feist (W4) [did not see body]

Park Police report

302 #1
saw small car parked to his left when they arrived; brown Honda perhaps
the hood of the Honda was up abd a white male was standing in the vicinity of the car; long blond hair and beard
while they were in car, a white van pulled into the lot
thinks that van had left as they started walking
they saw a jogger run by; older man with red shorts
recalls hearing a car accident while in the woods; no gunshots
heard sirens and then saw paramedics
female officer ordered them to come to the park for questioning

302 #2

wearing a blue blazer that he might have left on the car seat
he also believed that a briefcase would have been on seat

New 302 on 2/2/95

Confidential Witness

been to Fort Marcy 50 times over past 20 years
on 7/20 working on construction site in Alexandria
heavy coffee drinker so pulled off
noticed two cars
vague on first car (Foster's); possibly light blue or tan
second car was backed in and was white Honda
he backed his white van and took shirt off and hung it on side mirror

Jeanne Lynne Slade [did not see body; in broken-down Mercedes]

at least two cars parked in lot
sure no one was present in cars and sure that no one was in the parking lot area
one was dark blue and was gray or silver
did not see a white van
she walked north on GW parkway to go to the Chain Bridge exit
as she did so, she saw several emgency vehicles heading south on GW parkway
did not hear any loud noises such as gunshots

**Death Scene**

**Park Police (10)**

Fornshill, Apt, Edwards, Simonello, Rolla, Braun, Gavin, Ferstl, Hodakievic, Spetz [maybe **Watson** and **Schmidt**]

recordings
Fornshill said his call went out over recorded channel 2; he said it was apparent suicide

pictures
Fornshill deposition said Edwards
Simonello says himself and Rolla

reports
Fornshill said Ferstl did report
Simonello did report

sketches
Simonello did rough sketch of scene

Renee Apt

302
arrived with Rolla and Braun
Simonello arrived soon thereafter
she saw Spetz interviewing the couple in parking lot
went to death scene with Rolla, Braun, and Simonello
she saw Edwards, Ferstl, and Hodakievic there
she saw Edwards taking Polaroids
she saw Rolla taking Polaroids
she saw Simonello taking 35 mm's
Foster's head was straight up; transfer pattern on cheek
she saw Simonello check the fingers for rigor mortis
she saw gun in hand; difficult to see

Cheryl Braun [investigator]

302
investigative officer along with Rolla and Apt
estimates arrival between 6:30 and 6:45
saw dark Mercedes with hazard lights flashing
saw two cars in lot
Spetz was questioning couple
thinks she saw Gavin, Park Police Shift Commander at the scene
she, Rolla, and Apt remained in parking lot for 5 or 10 minutes while waiting for Simonello to arrive
thick foliage around body
recalls seeing revolver in right hand

heavy flies
Rolla took Polaroids
Simonello took 35 mm's
Rolla discovered eyeglasses
Braun looked for note but found none
checked pants pockets for id and note
Rolla in doing this moved body from side to side
did not find keys and she and Rolla later had to go to hospital to get them
she took Polaroids of car and Simonello took 35 mm's of car
searched car and found suit jacket with wallet inside
advised another officer to call shift commander
she eventually called him around 7:30-7:45
around this time the coroner and ambulance arrived to remove the body
while en route to hospital she was instructed by shift commander to call Watkins who wanted to accompany police to house
then she was advised to call Kennedy and he requested that he and Livingstone be allowed to view the body
she instructed the hospital to allow Kennedy and Livingstone to view the body but not to remove anything from it

<u>Senate Deposition</u>

plainclothes investigator with criminal investigations branch assigned to Anacostia
got on the air with Fornshill after recieving notification
he said suspicious not natural
notified Simonello; went with Rolla and Apt
saw Mercedes when pulled in
Edwards, Spetz, Fornshill, Gavin were there
no medical personnel there
Simonello got there a couple of minutes later
Rolla and Simonello were takingh pcitures
stayed with body about 15-20 minutes
blood on shirt on right shoulder
wanted Rolla to get experience handling a crime scene; his first murder
Braun was in charge
car was not locked; had Ark tags on it
Simonello did not print the car
fairly obvious that it was a suicide
if somebody else had put gun in hand it wouldn't have stuck onto his thumb the way it did
found normal stuff in car, glasses, photos, registration [**check registration**]
notified Gavin after found White House identification
did a 100-page, which means all high Park Police officials are informed of serious matter
Gavin called the Secret Service
a Lieutenant Schmidt came by the scene [**who is Schmidt**]
saw canvas bag with two beer bottles in it
remembers map on floor on passenger side of car [**get the map; was Foster looking at the map??**]

once body was gone they realized that they did not have keys, so they drove to Fairfax Hospital and got the keys; they were in right front pants pocket

on way to hospital, Gavin advised them to contact Watkins

crane was coming for the car; taken to Anacostia

car was photographed

talked to Kennedy and he asked that he and Livingstone be allowed to view the body

Webb Hubbell shoved her out of the way at the Foster residence

first suicide notification

finished her report before leaving that night

tried to page David Watkins after leaving that night, but he did not return the call

car keys went into bag for safekeeping [**where did car keys go?]**

Simonello and Apt returned to station before Rolla and Braun

if could have done anything differently, it would have been to go to the White House to secure the office

the next morning the case was assigned to Detective Markland

left at 7:00 the next morning

Morrissette went to autopsy

at scene Edwards had taken a few pictures and gave those to Rolla and Braun

Edwards indicated death by suicide

couple [Doody and Feist] described the van that had come in and emptied trash; another car came in and put the hood up like it was overheating; one other vehicle with a man sitting in it with no shirt on and he had left

Foster's car had been there and had not moved

hands were not totally flat; were cupped at sides

saw gun in right hand

not actually aware that EMT's had ever been there

briefed Hume the next morning and Hume briefed Markland

was wearing gloves at scene

believes she might have taken notes

was using flash on her pictures

believes that Officer Watson and intern stopped by [**who are these people?**]

did not remove anything from the car that night

was looking for a briefcase in car but did not find it

doesn't remember any marks on map

had no doubts it was a suicide when she left Fort Marcy Park

autopsy was pushed up because family wanted to take body back to Arkansas ASAP

Lisa Foster's comments struck her as unusual as if suicide were not a complete surprise

all of the other people seemed very surprised by all of this

Rolla was plainclothes

does not know if he had office in the home [**check on this with family**]

asked Watkins to seal the office while at the notification; Watkins said he would have that done [**what time**]

if could do it again would have Secret Service seal the office

report was turned over to Hume the next morning

had made arrangements so that the autopsy would be on the 22d
Morrisette and Johnson went to autopsy
briefed Major Homes on phone the night of the 20th

Senate Testimony Rolla and Braun

Rolla: spoek with Ferstl when arrived in park; body of white male up at second cannon, with gun in hand
car was in foruth spot from entrance to parking lot
suit jacket on front passenger seat
Braun handled the parking lot scene while Rolla handled body
both went to body at first
the crime scene was taped off
to Rolla's knowledge the body had not been moved but someone may have checked the carotoid
saw dark-colored revolver in right hand
Rolla was too tired to come back in for the autopsy
everybody said depression later but no one said depression that night
Braun tells Hubbell story re: pushed out of the way
Rolla says pager was turned off when he found it
Braun instructed Watkins to search the office before she left the death notification

Seargent Robert Edwards [investigator]

heard report around 6:00 and drove to scene
saw Fornshill when he arrived
when arrived at scene Fornshill and Ferstl were present
flies around mouth
blood running down right side of face
Foster's head was directly face-up
recalls Ferstl taking Ploaroid pictures
Rolla and Braun arrived at scene as senior investigators on scene
Simonello took 35 mm pictures

Officer Franz Ferstl

instructed by dispatcher to proceed to park around 6:30 p.m.
when he arrived Fornshill was only other USPP officer
remembers disabled Mercedes at entrance to park
second car at back of lot
Ferstl arrived at body when Fornshill and a couple of EMT's were there

did not see them move the body
head was pointed straight up
saw gun in right hand and had already been told by Fornshill that there was a gun there
shirt was clean
primary responsibility was to secure crime scene
taped off the area
did not see wine bottles or other debris
he took several Polaroids of scene
took about 7 pictures; cannot recall if he initialed or dated them
gave Polaroids to Edwards or another investigator Rolla or Braun
asisted Spetz in interviewing couple
couple said there had been a van in park that driver had gotten out and opened hood and walked into wooded area and then come back and left
recalls Braun finding White House identification
did not return to death scene a third time
not present when other officers took pictures
he accompanied the car to the USPP Anacostia lot

Officer Kevin Fornshill

302 #1

around 6:00 heard a code dead body at Fort Marcy Park
instructed by Seargent Edwards to join Fairfax County personnel at scene
met two EMT's at scene, one black male and one white male
the three of them proceeded to the location of the first cannon
Fornshill headed north and the two EMT's headed south
noticed body in front of second cannon
called out to two EMT's
initially saw body for less than 15 seconds
saw flies
shirt was clean
head was slightly tiled to right
he did not see gun
saw EMT's hands moving back and forth over body but could not visually oberve EMT touching the body
thought EMT was checking for a pulse
black EMT informed the other EMT that the person was dead
black EMT said "we've got a gun here"
recalls several other EMT's arriving at scene
was at death scene for about 5-10 minutes
departed when Edwards and Ferstl arrived
noticed jacket in Foster's car folded over front passenger seat

Deposition

was uniformed patrol officer on 7/20/93 assigned to [redacted] FOIA(b)(7) - (E)
Edwards was the seargent on 7/20
call went over the iar as a DB
he was at parkway entrance [redacted]
requested permission from Edwards to respond
thinks there were some people doing repair work on trail [couple?]
when arrived, some EMT's were there; they said they had not yet gone into the park
lot of growth; saw top of head
did not touch body
position of head was tilted to right; resting on the shoulder
the EMT's went through an assessment to determine whether the body was alive; they were working around the head area of the body
not sure if they checked for a pulse
black paramedic [Hall] said there's a gun in right hand
slight trail of blood coming out of right side of mouth
Ferstl did initial report on 10343
Rolla had not arrived before Fornshill left
saw Hodakievic back in lot; she was plain clothes
his job while there was to preserve integrity of scene
Ferstl was beat person in charge
ordered by Edwards to return to beat [redacted] beat important
"it didn't strike me as being really important at the time"
Major Hines is media relations guy
haven't reviewed case file
he's been to Fort Marcy before
foliage did not obstruct face
was at the body only 15-20 seconds before joined by EMT's
relieved by Ferstl
Hodakievic told her later that night that a supplemental report was not necessary
trail of dried blood
could not see change in position of head after EMT's worked on it
saw suit jacket in Arkansas car
did not recall anything else in vehicle
"possibly saw a briefcase"

Lieutenant Patrick Gavin

arrived at Park at around 6:30-6:45 p.m.
saw Officers Fornshill and Ferstl and Seargent Edwards and Investigator Hodakievic
Hodakievic directed him to body
Fornshill and Edwards were at body
saw disabled Mercedes when he first pulled into the lot
saw Foster's car and a white Nissan
blood running down right side of the face
face pointing up to the sky

saw gun in right hand with thumb in trigger guard
reviewd 13 Polaroids
extensive experience as an EMT
stayed for 30-45 minutes
Simonello had arrived when he left
one of detectives called him later and said that White House identification had been found
within ten minutes of receiving call, he called Secret Service
Bill Burton then called him and asked about gun registration
David Watkins called him and inquired about weapon
on night of 20th Park Police spoke to:
Christina Tea at Fairfax County Hospital and said that WH people wanted to see body
Officer Tipton of Fairfax County Police to let WHY staffers see body but make sure they don't tkae anything
Craig Livingstone or Bill Kennedy when they were at hospital
Dee Dee Myers
Tom Canvit and John Keeney of Secret Service concerning White House passes and/or classified documents in car
his notes say "engine warm on vehicle"

Officer Christine Hodakievic

off-duty on July 20, 1993 [so dressed in civilian clothes]
heard on her police radio that a dead body was located in Fort Marcy Park
saw abandoned car in exit ramp
saw 3-4 EMT's in lot
Edwards was in charge of death scene when she arrived there
thinks Ferstl was also present
Edwards told her that decedent had revolver in right hand and showed her a Polaroid
difficult to actually see the gun
Rolla, Bruan, and Apt arrived after 5-10 minutes
Rolla checked body for identification
Simonello took 35 mm pictures of scene
recalls medical examiner arriving and escorted him to death scene
Rolla, Braun, and Apt were at death scene when she went up there with medical examiner
medical examiner inquired about exit wound and Rolla stated that he observed exit wound on back of head
Rolla lifted head to show exit wound to medical examiner
Rolla rolled the body
body started sliding down the hill
the Polaroids she viewed from Monroe were not identical to the Polaroids Edwards showed her when she first arrived at scene
no blood on Foster's face nor on his shirt
cannot recall Rolla taking any pictures

Officer John Rolla

302

Rolla, Braun, and Apt arrived at around 6:30 p.m.
Rolla was designated as the primary investigator
Ferstl briefed them when they arrived
went to body scene with Apt, Ferstl, and possibly Hodakievic where they joined Edwards and possibly Spetz
Edwards showed Rolla a number of photographs
he was informed that the body had not been touched; it was roped off
blood on righ side of face was still wet but starting to dry
pool of blood under head
blood on righ side of shirt
no signs of struggle
saw gun in right hand with thumb in it
after about 15 minutes there, he took pictures Polaroids
lifted left hand and body still relatively warm with no signs of rigor mortis
he thought the body was dead 2-3 hours
searched pockets for keys
reviewd pictures and said they were a true and accurate representation of area
Edwards took Polaroids at scene, he believes
blood transfer pattern on face could have resulted from EMT personnel at scene
he saw w wine cooler approximately 15 feet to the right of the second cannone
at approximately 7:45 p.m., Haut arrived at the scene
saw extensive amount of blood on back of head; he physically felt the exit wound
saw what he thought was urine on trousers
removed watch, ring, and pager which was off from body
Braun was coordinating investigation of parking lot
Simonello took pictures of lot
jacket was in car; about $300 in cash
W.H. identification badge
piece of paper with three physicians
departed around 8:45 p.m. with Braun and went to hospital where they located keys in front trouser pocket [**why were they not discovered the first time**]
Gavin called to say they should contact David Watkins
Gavin called to say they should contact Kennedy
picked up Watkins
[Foster residence description]
called three physicians who all denied having any contact with Foster

Senate Deposition

senior investigator
was monitoring radio
25 minutes to scene
EMT's were pulling out when he arrived with Braun and Apt
Ferstl met them there
nobody had been in car; ran registration

Simonello was taking pictures at body scene
Rolla took Polaroids
thinks Edwards took some Polaroids
Simonello measured body from cannon
observed pool of blood under head
noticed blood on right side of head
saw blood on his shoulder, possibly a transfer stain
head was straight up
someone is not saying what happened here because clear that head was moved
no signs of struggle; big man
pager was turned off
lifted left hand to feel him
some lividity
powder burns on webbing of hand
about an hour before medical examiner arrived
head was mushy
surprised when Haut said to make 6:00 the time of death because that had been the time that the body was discovered
removed his personal effects; searched for keys but couldn't find them
$280 in cash; Braun and Rolla went to morgue to retrieve the keys [**why weren't keys discovered first time?**]
he was not touched until after the pictures were taken
was there when Foster was placed into body bag
extra blood came out of head
his post-July 20 involvement was to interview Berly Anthony and to talk (w/ Kass) to Jim Hamilton re: diary
Beryl Anthony said [redacted] he talked to Gavin and Gavin said to call Kennedy & Livongstone; they wanted to see the body; called security guards at hospital; Gavin also told him to call Watkins
apparently Lisa Foster had played tennis earlier that day with Eileen Watkins
when notified Lisa Foster she said, did he put it in his mouth
someone went to scene the next day with metal detectors
not uncommon not to find the bullet
no sign of struggle, lividity consistent with body, a gun in his hand, two bullets in gun
no evidence to the contrary that it was not suicide
FBI called and reviewed the reports **Who from the FBI reviewed the reports?**
Park Police now videotapes all death scenes
Fornshill was already gone when Rolla arrived; they requested him to come back but he did not; says Fornshill filed a report [**in fact no report filed by Fornshill**]
Gavin was superior officer on scene
Hodakievic was there before Rolla, Apt, and Braun
Kass is lieutenant in Criminal Investigations Division
this was first death investigation that Rolla controlled
Markland and Hume took over case because of Rolla's inexperience
stayed until 6:30 the next morning; had filed his report before his shift ended

FOIA(b)(6)
FOIA(b)(7) - (C)

autopsy was supposed to be the 22d; had been confirmed with Beyer

Rule called and said that the autopsy had been moved up because White House wanted it done sooner **[who at White House??]**

SOP for detective to be at autopsy

Morrisette and Shelly Lindsey attended autopsy along with another ID Tech (Wayne Johnson)

initial reports and scene reports were FAXed to medical examiner by Rolla before shift ended

there was nothing contrary to the evidence of suicide

knows from autopsy that powder burns on soft palate

X-rays not usually taken in autopsies he's attended

Haut's notes and/or report should be with medical examiner

rolled body back and took pictures of back of body; Foster began sliding down the hill; doesn't remember seeing those Polaroids again **?????**

doesn't think he took more than one packet of film

doesn't recall taking specific picture of pooled blood under head

when first saw the body the palms were up **????**

right hand was right along right thigh

two different ways Foster could have gripped gun (p. 102)

car was unlocked

green canvas bag in back of car

Rolla looked under the seats, looked in trunk

pager was off

took an overall picture from behind cannon

when notified Lisa Foster asked if Foster put the gun in his mouth

Lisa Foster was asked about gun and she said she did not know anything about guns

Watkins was cordial and gave business card

don't know if Foster had office in home

thinks it would be impossible to set up a scene so perfectly even if you are CIA

everyone denied signs of depression that night at Fosters

got different answers from Sheila Anthony that night and from Beryl Anthony later on about whether Foster had suffered depression

Markland said in a normal case the Foster files would have been in Markland's trunk

FBI independently said it was a suicide; Rolla was told that FBI made copy of reports and basically said it was a straight suicide

Margolis was FAXed the information

thinks CW was a homsexual trolling in park

Peter Simonello

identification technician
arrived at around 6:30 p.m.
at the scene were Edwards, Rolla, Apt, Ferstl, Braun, and Hodakievic
saw blood staining on right cheek area
saw blood from right side of mouth
saw blood transfer pattern on right cheek
38 caliber revolver was in right hand
took a series of 35 mm pictures
extricated the 38 revolver from the right hand and needed to half cock the weapon to remove it
observed a deep impression on right thumb
little or no sign of rigor
secured eyeglasses
no indication of struggle
took pictures about 15 minutes after arriving at scene
took pictures of Honda Accord
all pictures were before he touched body
medical examiner arrived shortly before 8:00
believes Foster was dead for 2-3 hours
large pool of blood where head had been situated
he photographed this area
he knows that E.J. Smith processed the weapon for fingerprints with negative results

302 #2
handwriting sample

302 #3
nothing

Senate Deposition

he's in identification unit; investigate crimes, collect evidence, preserve evidence, and submit it to court
supervisors in order: Lawson; Kass; Hume; Holmes; Champ; Jordan
wrote a report
arrived right after detectives around 7:00 p.m.
no EMT's when he arrived; later an ambulance
Rolla directed him to body
flies, several flies around nostrils; blood running from nose; some blood on lower part of the cheek; some blood on the right shoulder and some blood near the right rib cage; and revolver in right hand

Rolla said there was gun in right hand and he approached and there was a gun in his right hand
photographed area and gun
found eyeglasses
removed gun from right hand
had to ease the hammer of the gun to take some of the tension off of the trigger in order to remove the thumb
when body was turned over there was a wound on back portion of the skull
med examiner turned body over after pictures taken
told that body was not moved
pools of blood underneath head and some blood on back of shirt
saw powder residue along edge of index finger and right thumb
thinks he took a whole roll of 24 pictures
Rolla was taking Polaroids
Rolla took backup Polaroids
FBI undercovered fingerprint from underneath the grip
Simonello put initials on the gun
no latents of value on the glasses
used a mechanical dusting method for the glasses
took gun back to lab and then wrapped brown craft paper around barrel adn secured it with rubber bands; put into evidence locker
sent the gun to ATF for ballistics tests; gunpowder, residue, paterrning
E.J. Smith attempted to lift fingerprints
lifts were of no value
on Sunday, he returned to work and was informed that gun had been dusted for prints
probably wrote evidence report on Sunday the 25th
ATF concluded that spent cartridge was fired from gun and the two rounds were of similar manufacture
ATF fired gun to see if patterning would be consistent with what was seen on Foster's hand and it was
shirt and pants were sent to ATF for powder analysis
Wayne Johnson recovered the clothing from the autopsy
clothes were laid out in photo darkroom to dry; chances for contaminaton are high
Park Police did not have a specific facility for drying evidence
FBI has separate rooms for that but FBI likes materials dried before sent over
several authopsy photos that show a probe inserted through the mouth which comes out of the back of the head
saw no defensive wounds on Foster's body
contract company towed the car; seal was put on it and the seal was initialed and officer would have followed vehicle
car was dusted by E.J. Smith but no prints recovered
Simonello did rough sketch of scene; had distances noted on it
head was at top of hill
probably 2-3 hours dead
hands were very flexible
recived note from Hume; Megby had gone to White House to get it
Seargent Lockhart of Capitol Police did handwriting analysis

Hume sent it to FBI for fingerprint analysis
palm print
it was Simonello's opinion that FBI should not be used to do fingerprint analysis because of conflict of interest given contents of note; for that reason gun was sent to ATF
recalls seeing one speck of blood on barrel when recovered
all evidence is stored in paper bags
prior to processing evidence, he seals everything with red tape
gun was in evidence bag when he arrived on Sunday
there were chain of custody sheets for all of the evidence
discussed questions such as how did transfer pattern occur on the cheek
Carlo Rosati was person at ATF who did analysis of gun
Rolla may have referred case to him on 7/20 for need for him to go to scene
two investigations at scene: body and car
trash cans 25-30 feet from body [wine cooler?]
thumb was trapped in revolver but hand was on top of it
thinks first EMT would have touched the body just to determine whether body was alive
had a flash with him for pictures
does not know how many pictures Rolla took
filled out film envelope and gave it to Technician Larry Romans
had a note that pictures were underdeveloped; does not believe that pictures were ever developed
he turned over evidence to Fiske team
copies of Polaroids are expensive so often make Polaroids of Polaroids
sometimes take 35 mm of Polaroids when feasible
thinks only way gun could have been fired is if right thumb inserted into trigger guard and rest of hand wrapped around cylinder
left hand would be holding handle of the gun
thinks he drew diagram on the back of an evidence bag
first impression was suicide but there were questions to answer: transfer blood stain, check gunpowder stain, check blood, not a lot of blood on shirt
took pictures of gun and noted double serial numbers
thinks those were black and white Polaroids
sent pants and shirt to ATF fr gunpowder residue; Rosati was doing ballistics evidence not other kinds of trace evidence
Wayne Johnson picked up clothes from autopsy
Johnson took photos at authopsy
evidence sheet when got back from autopsy
thinks that face must have rested against shirt and shoulder at one point
when Simonello saw body head was straight
lividity is something observed not felt; did not observe much evidence of it
medical examiner [Haut] was taking notes
med examiner said there was a wound on the back of the head
thought it was strange that one piece missing on note; thinsk

it may have been date or signature or initial
did not read like a suicide note b/c no mention of family
reports were made when note sent to Capitol Police
investigation should be kept open until all foresnic evidence completed
shirt and pants were not sent to ATF for blood analysis; sent only for blast pattern analysis [was blood analysis done on shirt and pants??]
remembers seeing droplet of blood on hand or shirt
unhappy that gun was fingerprinted without being notified
Rule told Smith to process gun
he had placed a note on gun that said do not touch
complained to Hume about it
has his own mobile crime jacket as well as main filed jacket kept by Park Police
thinks Markland had looked into briefcase
felt that fingerprint testing on gun destroyed any chance for trace evidence to be found

<u>Officer Julie Spetz</u> [did not see the body]

was at the Glen Echo station and overheard the dispatcher calling Officer Ferstl in Car 211
Ferstl was also at Glen Echo station
Ferstl and Spetz went to Fort Marcy in separate cars
they were second and third USPP officers on scene after Fornshill
saw disabled vehicle in entrance ramp to Fort Marcy
saw two cars in parking lot as well as emergency vehicles
Ferstl was in a marked car
one of the firemen remarked to her that he did not think it was a suicide because the body was too clean
she noticed the couple in the woods; one of them said he/she had seen a white van in the parking lot
she took handwritten notes
never went up to see the body

**Fairfax County Emergency Medical Service (11)**

Victoria Jacobs, Andy Makuch, and Bianchi on Truck 1
Ralph Pisani, James Iacone, and Jennifer Wacha on Engine 1
Todd Hall, George Gonzales, and Richard Arthur on Medic 1
Corey Ashford and Roger Harrison on Ambulance 1

[Bianchi says Iacone and Gonzalez would have filled out incident reports]
[Bianchi says there was FCFRD narrative report]
[Bianchi says Ashford must have done a report]
[Bobzien 302 states that there is electronic traffic]
[Iacone says he prepared one-page narrative report]
[Makuch says there is a mobile data terminal]
[Pisani says Bianchi and Iacone prepared incident reports]

Richard Arthur

302
Arthur and Gonzales arrived together at the scene
saw car with lights flashing as entered the park
Hall arrived around same time
Gonzales and Hall found body
saw .45 caliber gun on ground under right hand
saw wound on right side of neck
did not touch body
did not observe anyone touch body
he doubted it was suicide because of:
stright body, barrel under thigh, person who called did not remain there
Cory Ashford and Roger Harrison placed body in bag
Ashford later said he had not seen exit wound
Todd Hall also questioned whether suicide

302 #2
search team with Pisani and Wacha
Foster's car had suit jacket, tie
another car in lot and car at gate broken down
saw couple in woods
saw flies around Foster's mouth
gun in right hand partially tucked under leg
did not check for pulse
not a revolver
head was stright
saw a wound on right side of Foster's neck
Gonzales had said that Foster committed suicide
Arthur did not trust Gonzales

Grand Jury

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Corey Ashford

302 #1
paramedic
assigned to take Foster's body to morgue
saw Foster's right hand somewhat under right leg
no gun in hands when he arrived
physician at hospital officially pronounced Foster dead
saw very little blood

302 #2
thought Foster's car was red Accord
Ashford went to scene with Roger Harrison
does not recall seeing blood on ground

William Bianchi [did not see body]

302 #1
went with Jacobs and Makuch and arrived at 8:00 p.m.
body already in body bag when arrived
Corey Ashford was there along with three detectives
thinks Harrison must have been there as well
saw pool of blood next to body bag
rolled stretcher into ambulance
later asked Ashford why he had classified death as homicide on his report; Ashford had not seen a gun at scene

302 #2
saw no one in parking lot when they arrived
assumed that pool of blood was from head

Seargent George Gonzalez

302 #1
trained as paramedic
responsible for assessing the status of a patient at an emergency scene and is to be assisted by technician while lieutenant gathers additional victim information
responded to scene with Hall and Arthur
saw car parked one mile from entrance to park with diplomatic tags
saw Mercedes in entrance area
saw Honda with Arkansas plates
as entering the park, a USPP vehicle arrived
Hall and Fornshill arrived at body first
saw gun in hands
wound in upper right front portion of the skull **???**
pooling of blood within body at extremities
did not touch Foster during inspection

saw blood in Foster's mouth
Hall might have touched body
Honda contained a necktie, suit coat, and black briefcase/attache case
thought Foster's hand was different from the position revealed in the photograph
not much blood at scene

302 #2
in Medic 1
saw black Lincoln on right roadside and hood was raised
Engine 1 accompanied Medic 1
saw silver-blue Mercedes parked on right side of entrance road
saw white Nissan in lot backed into space on north sideof lot
did not see contents of white Nissan
saw second car parked toward the curb and car was dark-colored
USPP officer arrived seconds after he arrived
there was a sense of urgency
cannon had been mentioned in phone call
Hall and USPP officer shouted that they had found the body
told radio that person was dead
Gonzalez and Hall found other EMT's and directed them to body
saw flies around Foster's body
mouth open and eyes partially open
streak of blood out of right of mouth
neck was intact and no puncture wounds or trauma were evident
does not recall whether he saw Hall check pulse
knelt by Foster to examine scene
saw gun in right hand
saw blood on right shoulder
saw lividity in fingertips
estimated dead two to four hours
Gonzalez and Hall left together
both cars in lot were locked, he learned from others
prepared a narrative report on FCFRD reporting system

Senate Deposition

on 7/20/93 received dispatch for possible DOA in park next to a cannon
driver was Hall and ALS (advanced life support) was Arthur
Engine 1 responded at same time -- Pisani, Bianchi, and Wacha
dispatch time is 6:03 p.m.
entered park at 6:10 p.m.
saw blue Mercedes on way into park
team was Hall, Gonzales, and USPP [Fornshill]
Fornshill and Hall found the body at the second cannon
eyes slightly open, flies around mouth, some blood stains on shirt
believes that Hall checked pulse
made call via portable radio to say obvious 1061; 1061 is dead on arrival; time was 6:36; it says suicide with gun
preliminary thought was that it was a suicide

saw gun right away
gun in right hand
Hall might have pulled pants up
another USPP officer came up and the EMT's excused themselves
they went back to parking lot and attempted to determine which car was his
EMS incident report is an emergency medical services incident report
GG's report said dead 2-4 hours; weapon in right hand; self-inflicted/apparent suicide by firearm or explosive
his crew left before USPP started taking pictures and searching the area
never saw body moved
can only assume entrance wound from mouth because there was a lot of blood in it
had a later conversation with Ashford (after meeting with FBI) where he tried to remember whether there was gunshot wound on the side of the head
recalls gun being in different position than photographed; thought it was closer to body than pictures depicted
it was difficult to see the gun initially
was surprised to see so little blood at the scene
not sure if Ruddy knew that it was coded as a 77
"my specialty is not a forensic or a coroner's specialty"
saw the revolver
said to Ruddy that fingers were pooling blood
never said it was a snap judgment by the cops
feels that USPP were there long enough to make an accurate assessment
left while Police were still there
does not know if woman made the call to the dispatcher
no conversations with Ruddy between time articles appeared and depositions
scene assessment and then patient assessment
airway was determined; breathing was determined; not sure if circulation was determined
had a radio with him
remembers trying to communicate with PSCC re: the scene
cannot determine rigor mortis without touching body
thought it was peculiar that Foster was laid out straight
didn't see any picture that included gun
not there when gun was removed from body
there was foliage around body
some blood on the face and the right side of the body, the shirt area
blood stain on right shoulder of shirt
did not see anyone taking pictures while he was at scene
by the time pictures were taken, it was dark
ambulance asked for at 7:45 p.m.
USPP never asked if he thought it was a suicide
his on-scene mini-report is not standard procedure
standard practice that they provide a narrative to the best of their ability that describes the scene and situation
had an instinct that something was funny when he arrived

"I can't say if I saw a briefcase or papers. I can't correctly say whether I saw it or not. . . . I think the tie was in there and the jacket wa in there. That's what I remember."
some people were joking about Arkansas plates
think someone tried to open the car, but doesn't know whether it was locked or unlocked
guesses that it was locked
one face-to-face meeting with Ruddy and one followup
never told Ruddy that the "gun was clean"
the second cannon was closer to the body
does not have any concerns that this case was not a suicide case
way he saw the position of the body was unusual
somewhat surprised that Park Police never talked to him about what he saw

Todd Hall

302 #1

USPP officers on site when he arrived with Arthur and Gonzalez
saw unoccupied brown car with engine running
saw second car with suit jacket matching Foster's pants
saw briefcase in Foster's car
split up into teams when arrived
USPP officer located body and told Hall
checked Foster's body for pulse
saw gun in hand
saw blood on shirt
flies in mouth
right hand was under right thigh
saw something red moving in the woods but unable to determine if it was a person
thinks Pisani saw two males getting dressed in area adjacent to site
heard Iacone say the victim may be one of Clinton's buddies

302 #2

head was pointed straight ahead
did not move Foster's head
checked for a pulse on left side of neck
body was cold to the touch
saw blood on right collar area
shown a series of pictures of Foster at scene
believes that it was possible that movement in woods was car

Senate Deposition

we had a call come in that said there was a body in front of the cannon
met there by the Aprk Police
was about to check the pulse when he noticed a gun in hand; said mayeb we have a suicide here to Fornshill
gun was in right hand
George decided he was dead
normally check cartoid pulse to determine if someone is dead
probably touched the body
did not pull up the pants legs
does not remember seeing any blood on the face
remembers head being straight
nothing unusual about scene in his view
assumes that Gonzales and Arthur touched body because that was their job
1-15 minutes after arrived they took equipment back to parking lot
we were looking into car
we saw his suit coat and "I think his briefcase, something like that"
"Yes, I seen something. It was woody and I see something go past, like a car . . . it was probably a car or truck that drove past the bushes"
pictures were consistent with how he saw the hands, pretty much down
recalls attempting to check the caretoid pulse
recalls seeing a couple of drops of blood on the collar
"saw the car go past"
"All I know for sure I saw was his suit coat. And I thought I may have seen, he may have had a briefcase or something in there"
not sure whether car was locked

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Roger Harrison

302 #1

driver on ambulance
a USPP officer escorted him to body with Ashford
a USPP officer helped put Foster in body bag
does not recall much blood at the scene
thought the call and the scene were routine

302 #2

after body put in body bag, Ashford, Harrison, and Bianchi lifted it onto gurney
some stiffness in body but not stiff as a board
did not see gun at scene

James Iacone

302 #1

officer on Engine 1 on 7/20/93
crew of Engine 1 was Pisani, Wacha, and Iacone
while in the woods Gonzalez radioed that the body had been found
does not recall observing any blood
saw gun in right hand but did not look to see if exit or entrance wound
saw three of four cars when first arrived at park
Honda Accord with Arkansas plates
Iacone believes he and Hall tried to open door of Foster's car and found doors locked
Hall said suit coat in car matched Foster's trousers
no evidence of suicide note
made comment in park that person was probably friened of Clinton's

302 #2

Engine 1 and Medic 1 arrived at Park together

Iacone's group included Pisani, Wacha, and [Arthur?]
saw people in woods and one on top of other
on way back up the hill, he was notified by Gonzalez by radio that body had been found
when he arrived at body scene, USPP officers were there
may have checked Foster for a pulse but does not have an exact recollecton of doing so
does not know if lividity was present
saw silver or chrome-colored revolver in right hand
after looking at photograph, he still thinks that the gun was silver-colored
does not recall seeing blood on Foster's face
Hall saw suit coat in Foster's car
Iacone prepared one-page narrative report on incident

Victoria Jacobs [did not see body]

302 #1
Truck 1 driver with Bianchi and Makuch
assisted ambulance 1 at scene after getting a Code 4 (victim is dead)
Medic 1 and Engine 1 had departed when she arrived
Foster's body had been placed in body bag
assisted in placing bag on top of transport stretcher
assisted in placing stretcher into ambulance
female Park Police officer in plain clothes [Hodakievic? Braun?] who was in charge; that officer made a derogatory comment
heard back at the firehouse that the gun hand was under the leg

302 #2

Ashford and Harrison were already at body when she arrived at it

Andrew Makuch [did not see body]

302

Truck 1; driver was Jacobs and officer was Bianchi
Truck 1 drove in non-emergency status since other untis were there to handle emergency
body was in body bag when he arrived
helped roll stretcher out of woods
says that there is a mobile data terminal that would have provided information about incident when call was received
saw silver or gray car which was Foster's
did not look inside the car

302 #2

Foster's car was front end first
USPP car parked to side of Foster's car
never went to actual loocation where body was

Ralph Pisani

302 #1

driving Engine 1 on 7/20/93
Iacone was in engine as well
drove to parking lot and met Medic 1 personnel
split into two groups: (1) Arthur, Wacha, Iacone, and Pisania; and (2) Gonzalez, amybe Hall, and Ashford [incorrect?]
Pisani's group saw male and female in woods
thought he saw Arthur checking pulse at scene
Arthur pointed out a gun but he did not see it
saw a jacket in Foster's car
Pisani, Iacone, and Wacha all looked into car [**not asked about briefcase??]**
Bianchi and Iacone filled out incident reports

302 #2

saw blood on Foster's right shoulder
did not recall any blood on Foster's face
photos show yellow tape

Jennifer Wacha

302 #1
upon arrival at Fort Marcy her unit and another unit split up
her search team included Pisania, Arthur, and Iacone
other search team was Gonzalez and Hall
saw one car with hazard lights on as entered parking lot
suit jacket in a second car closest to entrance
third car but no details about it
search for the body lasted about 10 minutes
after hearing radio message, the search team headed over to Foster's body
there was one USPP officer there at the time of her arrival
flies on body
thought there might have been blood on victim's mouth as well as on his shirt
several jokes re: Clinton Administration after seeing license plate
recalls gun in Foster's right hand
the thinking among EMS personnel on the scene was that the death was a suicide
did not recall hear USPP personnel make any assessment regarding death of Foster

302 #2
did not observe any blood on the ground

does not recall with certainty whether there was blood on face
thinks gun was a silver-colored revolver
did not observe gunshot wound on body
she had observed tumb inside trigger guard
she had observed blood just insire mouth

**Medical Examiner on Scene**

Dr. Donald Haut

302 #1

Fairfax County Deputy Medical Examiner
when he arrived, he raised Foster's head to look at the back
saw blood around back of head
flies all around
pronounced Foster dead at scene
did not see gun
USPP officers were dusting the car for fingerprints
stayed for 30 minutes
no note found at scene
signed Foster's death certificate on July 27, 1993
Murphy's Funeral Home made arrangements for shipment to Arkansas
did not see evidence of lividity on Foster's body

302 #2

shown photographs from scene
did not recall seeing blood on shirt or face
lifted right shoulder of body to check for exit wound
arrived at approximately 6:45 p.m.

**Issue: Was there a briefcase in Foster's car?**

Gonzalez and Hall believe they saw briefcase in car
Gonzalez backs off of this at the Senate deposition

**Issue: How many photographs were taken at scene and by whom?**

Fornshill saw Edwards with Polaroid camera
Simonello took 35 mm and saw Rolla taking Polaroids

**Issue: what happened to Foster's car after being in lot?**

Ferstl (USPP) accompanied the car to the USPP Anacostia lot

Kennedy inventory of items in car:
canvas tote bag

**Events at Hospital Night of 7/20/93**

Dr. Julian Orenstein

asked by a nurse to pronounce an individual dead on 7/20/93
body was in ambulance when Orenstein examined it
he was told that gun had been in his hand
saw blood on face
at the morgue Orenstein and Fairfax County Police Officer Dave Tipton lifted the body
the body was seen at the morgue by himself, Dave Tipton, and the morgue guard

**Autopsy on morning of 7/21/93**

present: Dr. Beyer; ME Burgess (Richmond); USPP Seargent Rule; USPP Hill; USPP Johnson; USPP Morrisette

Wayne Johnson

302
Id Technician
Park Police officer present at autopsy at 10:00 a.m. on 7/21/93
took custody of all items of clothing on Foster's body
clothing mixed up for transport back to USPP station

New 302 on 2/2/95

Robert Rule

Senate Deposition

arrived at 6:00 on morning of 21st; talked to Rolla and Braun
they said that it was an apparent suicide
Captain Hume was making the assignments; assigned Markland to the case
we decided re: authopsy; looked at their basic reports
four USPP went to the autopsy at 10:00
did not see any x-rays taken
ID techs dealt with the clothing; they put them in paper bags
no specifi drying area back at USPP; laid out on paper on the floor
later did a search of area for bullet
there was blood at the scene
some crime scene tape laying off to the side
no search done for fragments from head
nobody was securing scene any longer
went to interview park maintenance employee who had called the operator
Friday there was a request to get the gun processed; Simonello was on leave
EJ Smith printed the gun
Simonello was upset as was Seargent Lawson

New 302 on 2/3/95

Dr. Beyer

Interview with Luke et al. on March 31, 1994

no stains or defects on underclothes [**that is not true**]
no evidence of trauma on neck
took 13 Polaroids and 14 35 mm pictures at time

Senate Deposition

deputy chief medical examiner
don't rule on manner of death in suicides
certificate of analysis done by someone else
saw no other wounds to body [**not asked specifically about stun gun**]
x-ray macine was not operating properly
debris on both right and left hand that he interpreted as being gunpowder
most people do not allow a muzzle of a weapon to be placed in their mouth without some signs of struggle
Haut notified him on morning of 21st
have Haut's report of investigation
he took pictures at the autopsy
used both Polaroids and 35 mm pictures
police have to be present when gunshot wound
did not attempt a time of deat analysis
Haut reports to Beyer's office
received Haut's report on July 30
observed no contusions
does observation of body for 15-20 minutes
usual standard procedure w/clothing; it was given to Morrisette
samples taken from the body for further testing were one vial of blood, one vial of vitreous humor, one container of blood, one container of urine and one container of liver
might have taken hair samples
normally submits samples for analysis and that's reflected on the certificate of analysis
sees semen in almost every case; really has no significance

Senate Testimony

made out the report form prior to actually performing the autopsy and x-ray box was checked
it was perforating wound so no x-ray ordered at hospital
no x-rays in files from July 6 to July 26
don't take x-rays on many cases
made error in not removing yes when finalized the autopsy

**Gun -- talk to ATF and FBI**

Beryl Anthony from Rolla's 302 on 4/27/94]

VWF's father had cancer aproximately two years ago and talked about committing suicide; thinks Foster and Bowman retrieved guns from residence

-- ATF did tests on gun for Park Police (Simonello)

E.J. Smith

Senate Deposition

fingerprinted gun
Hume ordered him to fingerprint it
gun said do not touch, but Hume wanted it done anyway
Simonello was upset because affected ability to do DNA tests, etc.

**Handwriting Sample**

**talk to Capitol Police person**

Rolla

recalls obtaining from Hamilton a handwriting sample of a letter to a bank and an envelope

# Memorandum

To : BRETT KAVANAUGH Date 5/23/95

From : SA C.L. REGINI

Subject: FOSTER DEATH INVESTIGATION

The following is the latest update of my "To-Do" list in the captioned investigation:

1. Complete all 302s, provide to Behavioral Science.
   a. follow-up with Larry Ankrom re- report

2. locate and interview James Burgess

3. interview Robert Reeves

4. interview the Cardozos

5. interview Walter Pincus(?)

6. taxonomist to Ft. Marcy re- identification of plants at 1st and 2d cannons

7. final interviews at Little Rock with Brett
   a. Rose Law Firm
   b. Mark Grobmyer

8. assist Billy in compiling information binders
   a. assist with coordination and preparation for review with experts/consultants

9. follow-up with Military Records Center re- fingerprint records

10. follow-up with FBI Lab

1-Kavanaugh
1- Tuohey
1- Gillis
1- Greene
1-29D-LR-35063

**Memorandum** **Office of the Independent Counsel**

---

To : IC JUDGE KENNETH STARR Date 7/12/95

From : IIC E. H. LUECKENHOFF

Subject: POSSIBLE CONNECTION BETWEEN VINCE FOSTER AND ADFA

On July 6, 1995, SAs BETSY FRIES and WALLY DRUECK interviewed ROY DREW, a Little Rock investment advisor, as part of the Lockhart/DOC inquiry. Among other things, DREW told the agents about a possible financial link between VINCE FOSTER and the Arkansas Development Finance Authority (ADFA).

DREW apparently makes it his business to learn details of political and financial developments in Arkansas. He has publicly objected to certain development projects and has also spoken with national media representatives about perceived irregularities in these projects.

DREW has obtained numerous records on various topics through Freedom of Information requests. DREW obtained minutes of an ADFA Board meeting in February 1987 which was attended by a representative of the NATIONAL BANK of AUSTRALIAN (copy attached). The minutes report that ADFA President WOOTEN EPES asked approval for "the letter of credit with the NATIONAL AUSTRALIAN BANK which provides the insurance fund for the Single Family Issue."

Later, DREW obtained a copy of VINCE FOSTER's financial disclosure form through a FOIA request. DREW finds it interesting that the form shows VINCE FOSTER held stock in the NATIONAL AUSTRALIAN BANK, particularly because the bank was doing business with ADFA.

I note that, at approximately that same point in time, VINCE FOSTER was involved with HILLARY CLINTON and WEBB HUBBELL in Midlife Investors.

1 - MARK TUOHEY
(1) - BRETT KAVANAUGH
1 - HICK EWING
1 - CHUCK REGINI
1 - JIM CLEMENTE
1 - STEVE IRONS
1 - CLAYTON COOPER
1 - BETSY FRIES
1 - WALLY DRUECK
1 - E.H. LUECKENHOFF
EHL/bhr (10)

MINUTES
ARKANSAS DEVELOPMENT FINANCE AUTHORITY
BOARD OF DIRECTORS MEETING
February 19, 1987
11:00 a.m.

The Board of Directors of the Arkansas Development Finance Authority held its Regular Board Meeting on February 19, 1987, at 11:00 a.m., in the Authority's conference room, in the Madison Guaranty Bank Building at the corner of 16th and Main Streets, Little Rock, Arkansas.

Board Members present were Chairman Margaret Davenport, Vice Chairman James Branyan, Mr. Don Fuller, Mr. Merle Peterson, Mr. Don Spears, Mr. Bill Pierce, and Mr. George Wright.

ADFA Staff present were Wooten Epes, President; C.E. Anderson, Vice President for Housing; Bill Wilson, Vice President for Finance; Ursula Blackard, Single Family Housing Officer; Bernard Henry, Multi-Family Housing Officer; Charles Brandt, Fiscal Officer; Ruth Glover, Assistant to the President; Gene Eagle, Vice President for Development Finance; Kay Bell, Development Finance Officer; Tom Geis, Planning Specialist; Cotter Cunningham, Planning Specialist; Debbie Gentry, Accounting Supervisor; Valerie Petty, Administrative Assistant.

Others present were Mr. Bob Snider and Mr. Jim Fowler of T. J. Raney & Sons, Inc.; Mr. Walter May and Mr. Walter McSpadden of Wright Lindsey & Jennings Law Firm; Mr. Byron Schriver and Ms. Susan Flemming of Stephens, Inc.; Mr. Rich Livdahl of Ark. DCS; Sean McCarthy of Paine Webber; Mr. John Selig of Mitchell Law Firm; Mr. Michael Drake of Arkansas Gov. Adv. Services, Inc.; Mr. Barry Kellerman of Public Leasing Corp.; Mr. Harvey Horowitz of National Australia Bank; Mr. Herbert Ziegenhorn and Mr. Charles Givens of the Bank of Weiner; and Ms. Sheila Yount of the Arkansas Democrat.

Chairman Davenport called the meeting to order at 11:10 a.m. and asked for approval and adoption of the Minutes of the Regular Meeting of the ADFA Board of Directors on January 15, 1987 the Minutes of the Special Meeting of the ADFA Board of Directors on January 22, 1987. There being no corrections or additions, Mr. Peterson made a motion for approval, Mr. Pierce seconded and the Board unanimously approved the Minutes as written.

Mr. C.E. Anderson reported that updated figures show that the amount purchased to date on the 1985 Series A Single Family Program is $99,199,600. Amount purchased to date on the 1985 Series B Program is $800,258. Amount purchased to date on the 1984 Series A1 Program is $10,443,069. Amount Purchased to date on the Home Energy Improvement Program is $245,603.14.

Mr. Bernard Henry reported that the Authority met with representatives from non-profit organizations and the Home Builders Association as well as interested developers and mortgage bankers to discuss the Authority's plans for implementating the tax credit program for low income family housing. Also, the first draft of the new multi-family development buy-down program has been completed and distributed to underwriters and bond counsel. A 332 unit rehabilitation project in Southwest Little Rock has

...t Epes asked for Board approval of a resolution authorizing the ...ce of $3,000,000 in economic development revenue bonds to finance ...rehouse project in Sebastian County for Zero Mountain, Incorporated. ...e project is a multi-purpose cold storage facility of approximately 100,000 square feet which would employ approximately twenty full-time employees. The project will take advantage of the Authority's transition rule allowing us to continue to issue tax-exempt bonds for non-manufacturing projects. The Authority will act as issuer with the Bank of Bentonville providing a letter of credit and McIlroy Bank & Trust acting as trustee. A draft of the Resolution was presented to the Board, which authorizes the trust indenture, loan agreement, and a contract to purchase all under the loan arrangement. The Board voted to approve the Resolution for Zero Mountain, Inc. in the amount of $3 million. Mr. Peterson made such a motion, Mr. Fuller seconded and the Board unanimously approved.

President Epes reported that the Authority has been working with the state Department of Computer Services to complete a financing arrangement for the State Telecommunication System under the State Government Asset Financing Program, Series 1986 A. Interim financing of approximately $775,000 will be needed to purchase equipment for the engineering technology building at UALR. Mr. Epes asked for approval to advance Authority funds in that amount until the bonds are converted to fixed-rate on June 18, 1987 at which time the Authority would be reimbursed. The Development Finance Committee recommended that bridge financing be provided by the Authority until a conversion to fixed-rate is made in June. The Board voted to approve the lease transaction with the Department of Computer Services with bridge financing in the amount of $775,000. Mr. Branyan made such a motion, Mr. Peterson seconded and the Board unanimously approved.

President Epes asked for finalization of the documentation of amendments to the HECAP program. Amendments had previously been approved and are now in written form. A conversion of bonds will be made on March 2 for approximately $3.4 million. There are four borrowers, Westark Community College, University of Central Arkansas, University of Arkansas at Pine Bluff and University of Arkansas at Monticello and bonds are being converted for those colleges and universities for loans under this program. President Epes asked for Board approval of a supplemental indenture of trust and a supplemental reoffering memorandum in connection with the conversion of bonds for these transactions. Mr. Branyan made such a motion, Mr. Peterson seconded and the Board unanimously approved.

President Epes asked for Board Approval for the letter of credit with the National Australian Bank which provides the insurance fund for the Single Family issue. Preliminary approval was received at the last Board meeting. The reason for this procedure is that the loans are FHA insured and there is no pool insurance so a letter of credit for this fund is necessary to make up for coverages normally received under pool insurance and special hazard insurance. Mr. Wright made such a motion, Mr. Fuller seconded and the Board unanimously approved.

President Epes said at the last Board meeting he would be circulating Requests for Proposals among investment banking firms for proposals to market taxable transactions to generate arbitrage profits. Bankers were interviewed last Thursday and Friday with some of the Executive Committee present. A summary of these proposals were distributed to the Board and

# Executive Branch PUBLIC FINANCIAL DISCLOSURE

U.S. Office of Government Ethics

| Reporting Status (Check Appropriate Block) | Calendar Year Covered by Report | Date of Appointment, Candidacy, Election, or Nomination (Month, Day, Year) | Termination Date (If Applicable) (Month, Day, Year) | Agency Use Only |
|---|---|---|---|---|
| ☐ Incumbent | | ☑ New Entrant, Nominee, or Candidate | JANUARY 20, 1993 | ☐ Termination Filer | | |

OGE Use Only: NOV 12 1993

| | Last Name | First Name and Middle Initial | Department or Agency (If Applicable) |
|---|---|---|---|
| Reporting Individual's Name | FOSTER | VINCENT W. | |
| Position for Which Filing | Title of Position: DEPUTY COUNSEL TO THE PRESIDENT | | WHITE HOUSE OFFICE |
| Location of Present Office (or forwarding address) | Address (Number, Street, City, State, and ZIP Code): WHITE HOUSE, WASHINGTON, D.C. 20500 | | Telephone No. (Include Area Code): (202) 456-6611 |

Position(s) Held with the Federal Government During the Preceding 12 Months (If Same as Above): Title of Position(s) and Date(s) Held

Presidential Nominees Subject to Senate Confirmation: Name of Congressional Committee Considering Nomination

Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No

**Certification**

I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief.

Signature of Reporting Individual: Vincent W Foster — Date (Month, Day, Year): 2-19-93

Other Review (If desired by agency)

Signature of Other Reviewer — Date (Month, Day, Year):

Agency Ethics Official's Opinion

The information contained in this report discloses no conflict of interest under applicable laws and regulations.

Signature of Designated Agency Ethics Official/Reviewing Official: Bon No — Date (Month, Day, Year): 5-21-93

Office of Government Ethics Use Only

Signature: Stephen D Potts BY TFZ — Date (Month, Day, Year): DEC -6 1993

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if comments are continued on the reverse side) ☐

## Fee for Late Filing

Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period shall be subject to a $200 fee.

## Reporting Periods

**Incumbents:** The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

**Termination Filers:** The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

**Nominees, New Entrants and Candidates for President and Vice President:**

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.



Previous Editions Cannot Be Used

NSN 7540-01-070-5444

SF 278 (Rev. 6/91)
5 CFR Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: VINCENT FOSTER

# SCHEDULE A

Page Number: 14

| Assets and Income (BLOCK A) | Valuation of Assets at close of reporting period (BLOCK B) | | | | | | | Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C) | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Type | | | | | | | Amount | | | | | | | | | |
| Identify each asset held for the production of income which had a fair market value exceeding $1,000 at the close of the reporting period. Identify each asset or source of income which generated over $200 in income during the reporting period. None ☐ | None (or less than $1,001) | $1,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $250,000 | $250,001 - $500,000 | $500,001 - $1,000,000 | Over $1,000,000 | Dividends | Rent and Royalties | Interest | Capital Gains | Excepted Investment Fund | Excepted Trust | Qualified Trust | Other (Specify Type) | None (or less than $201) | $201 - $1,000 | $1,001 - $2,500 | $2,501 - $5,000 | $5,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $1,000,000 | Over $1,000,000 | Actual Amount Only if "Other" specified | Date (Mo., Day, Yr.) Only if Honoraria |
| S DC or J — Example: Central Airlines Common | | | | X | | | | | | | | | | | | Low Performing Investment | | | | | | | | | | |
| S DC or J — Example: Doe Jones & Smith, Hometown, USA | | | | | | | | | | | | | | | | | | | | | | | | | $150,000 | |
| S DC or J — Example: Kennebunk Equity Fund | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S DC or J — Example: Doe Jones & Smith pension plan | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 U.S. TREAS. BOND, 5000 FACE @ 7.25% DUE 5-15-16 | | X | | | | | | | | | X | | | | | | | X | | | | | | | | |
| 2 TYSON FOODS, INC. - COMMON | | | X | | | | | | X | | | | | | | | X | | | | | | | | | |
| 3 WORTHEN BANKING CORPORATION-COMMON | | | | X | | | | | X | | | | | | | | | X | | | | | | | | |
| 4 CASH HELD IN STEPHENS, INC. BROKERAGE ACCOUNT | | | | X | | | | | | | X | | | | | | | | X | | | | | | | |
| 5 MERCK & CO., INC. - COMMON | | X | | | | | | | X | | | | | | | | | X | | | | | | | | |
| 6 SUMMIT TECHNOLOGY, INC. - COMMON | | X | | | | | | | X | | | | | | | | | X | | | | | | | | |

SF 278 (Rev. 1/91)
5 CFR Part 2634
U.S. Office of Government Ethics

| Reporting Individual's Name | SCHEDULE A | Page Number |
|---|---|---|
| VINCENT FOSTER | | 15 |

| Assets and Income (BLOCK A) | Valuation of Assets at close of reporting period (BLOCK B) | | | | | | | | Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Type | | | | | | | | Amount | | | | | |
| Identify each asset held for the production of income which had a fair market value exceeding $1,000 at the close of the reporting period.<br><br>Identify each asset or source of income which generated over $200 in income during the reporting period.<br><br>None ☐ | None (or less than $1,001) | $1,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $250,000 | $250,001 - $500,000 | $500,001 - $1,000,000 | Over $1,000,000 | Dividends | Rent and Royalties | Interest | Capital Gains | Excepted Investment Fund | Excepted Trust | Qualified Trust | Other (Specify Type) | None (or less than $201) | $201 - $1,000 | $1,001 - $2,500 | $2,501 - $5,000 | $5,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $1,000,000 | Over $1,000,000 | Actual Amount Only if "Other" specified | Date (Mo., Day, Yr.) Only if Honoraria |
| S<br>DC<br>or<br>J — Ex empt — Central Airlines Common | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S<br>DC<br>or<br>J — Ex empt — Doe Jones & Smith, Hometown, USA | | | | | | | | | | | | | | | | Partnership Income | | | | | | | | | | $138,600 | |
| S<br>DC<br>or<br>J — Ex empt — Kennebunk Equity Fund | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S<br>DC<br>or<br>J — Ex empt — Doe Jones & Smith pension plan | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 NATIONAL AUSTRALIAN BANK - COMMON STOCK | | X | | | | | | | X | | | | | | | | X | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

**Outline of Foster Death Investigation: Suicide or Homicide?**

**A. Scene -- Body**

**1. Blood**

a. most see blood on right side of face and on right shoulder

b. a few comment that they did not see that much blood; some comment that the scene seemed too clean for suicide

c. everyone who saw body lifted off ground comments on the blood under the head and on the blood on the ground [check Harrison, Haut, and Ashford]

d. unanimity that not much blood on front of shirt

**2. Gun**

a. most who look see the gun; they say that it was difficult to see, however

b. some such as CW do not see the gun when they look

**3. Position of Hands**

a. dispute over exact position of hands: palms up, palms sideways, palms down

**4. Other Wounds**

a. some EMT's question whether there was a wound on neck

**5. Position of Head**

a. everyone says that head was straight up or virtually straight up, but blood transfer pattern indicates that it must have tilted right either (i) after shot was fired, or (ii) as a result of some manipulation before the pictures were taken

b. EMT's touched the body but say they did not move it

c. Rolla moved head and body, but says that occurred after pictures were taken (his credibility is questionable, in opinion of Chuck and me)

**6. Gunpowder**

a. some see gunpowder on right hand; no one says "no gunpowder" on right hand

**7. Glasses**

a. Simonello recovers them down the hill about 13 feet

b. seems odd that they could have flown that far

**B. Scene -- Car**

**1. Briefcase in car**

a. seen by CW; conflicting statements by two EMT's as to whether they saw it

b. Braun is asbolute on lack of briefcase; pictures

back her up

c. either Braun is lying or the breifcase was removed by someone else

**2. Briefcase depicted in Braun's picture**

a. Braun states it is her evidence bag

b. in any event, it in no way resembles a lawyer's briefcase

**3. Suit jacket and tie**

a. seen by almost everyone who looked in car; jacket matches Foster's pants

b. why and where did he take his tie off? would not have taken it off simply to leave White House.

**4. Oven mitt**

a. is it possible that the gun was in the mitt; ask family if mitt was usually in car

**5. Note with phone number**

a. why was Nancy Hernreich's phone number on the passenger seat? she was expected to have the Tuesday night dinner that evening; ask kids if they remember the note that morning

**6. Map**

a. there is a possibility that Foster had used map to find his way to Fort Marcy or to some other detination that day (ask Foster kids if they remember the map in that position on the morning of July 20 when their dad dropped them off)

## C. Post-Mortem

1. Exit Wound? Yes, through back of head.
2. X-rays? No. (but yet another oddball story)
3. Other wounds found? No.
4. Gunpowder? Yes.
5. Thumb marks? Yes.

## D. Evidentiary Issues relevant to suicide/homicide

**1. Car**

a. towed to lot

b. photographed next day

c. released to ___

**2. Clothes**

a. taken off at autopsy

b. Wayne Johnson stores on floor on photo lab to dry

**3. Gun**

a. Simonello leaves in locker with sign "Do not touch"

b. E.J. Smith processes the gun for prints the next day because Hume orders it done

c. ATF tests the gun; the bullet was fired from this gun

d. Did the gun belong to Vince Foster (If that were established to some degree of certainty, that would make it virtually certain that it was suicide.)

**4. Keys**

a. Rolla searches pockets at scene but does not find them

b. Rolla and Braun go to hospital to get keys out of Foster's pockets (Their presence is reflected on morgue log)

**5. Pager**

a. pager is off when found, according to Rolla

b. pager it turned over the next day to White House

**6. Office**

a. steamrolled by Nussbaum; they get very little **but they were after very little**; not clear that documents re: Whitewater, Travel Office would have attracted attention unless true smoking guns (e.g., "we have acted illegally")

**7. House**

a. never go back to house after July 20

**8. Where was Vince Foster from 1:10 p.m. until he was killed?**

## E. Foster's State of Mind

**1. Travel Office**

a. How real was his fear that congressional hearings might be held on the Travel Office (there in fact was a very real threat judging from newspaper articles)

b. Was he frightened of telling the truth, the whole truth, and nothing but the truth? What exactly was the truth about Travelgate? Hillary Clinton's involvement?

c. Foster reportedly was reading a newspaper while eating lunch on July 20; during that lunch, did he read the July 19 Wall Street Journal editorial, which contained mention of Foster and Hillary Clinton as players in the Travel Office affair? Did he read the July 19 USA Today, which argued for appointment of a special counsel? Did he read both?

c. Was the Travel Office a topic that might have arisen during the meeting with the President on July 21 had Foster gone through with the plans to meet them?

d. Was the Travel Office a subject for discussion

with Jim Lyons in their planned meeting on July 21?

e. Did he discuss the Travel Office with Marcia Scott on July 21?

2.

**My assessment at this point: The evidence points to suicide, but it will be impossible ever to definitively rule out the possibility of a staged suicide absent a suicide note or evidence of ownership of the gun.**

**MEMORANDUM**

TO: Jim Clemente

FROM: Brett Kavanaugh

CC: Judge Starr
Mark Tuohey
Hickman Ewing
John Bates

Ed Lueckenhoff
Dana Gillis
Russ Bransford
Chuck Regini

RE: Vince Foster

DATE: July 15, 1995

Welcome aboard. In preparation for your start in Washington as part of the Foster team, you have been given the Park Police Report, the Fiske Report, the Clinger Report, and the Senate Report on the death of Vince Foster. To give you an even more detailed overview, I suggest that, before you start reading witness statements or doing any investigative work, you read the major newspaper articles about Vince Foster's death and the aftermath of his death. (We have binders collecting the articles. In addition, we have the Ruddy articles.) The numerous newspaper articles paint a full and interesting picture of the questions that surround Mr Foster's death and the aftermath of his death.

I also thought a brief summary of the investigation (and my thoughts[1] about where we stand) might be helpful in orienting you. The Foster-related investigations break down into three main categories:

(1) Foster death -- physical evidence

The question is deceptively simple: Was the fatal shot to Mr. Foster fired by Mr. Foster at the second cannon at Fort Marcy Park? This aspect of the investigation involves examination and analysis of items such as blood, the wound, the gun, powder, hairs, fibers, and mica. In

[1] These represent my thoughts, not the Office's position.

recent weeks, we have been concentrating on two issues that, in my view, would establish beyond a reasonable doubt to any reasonable person that the death was caused by a self-inflicted gunshot at Fort Marcy Park: (a) locating the bullet in the park, which if accomplished should establish the place the shot was fired; and (2) determining ownership of the gun, which to my mind would go a long way towards establishing who fired the shot. (All murder speculation of which I am aware is premised on the assumption that the gun was not a Foster gun.)

Chuck Regini has been working on this aspect of the investigation along with Mark Tuohey, Hickman Ewing, and me. We also have received assistance from Dr. Henry Lee. As of now, I do not envision you playing a major role in this aspect of the investigation, although your ideas and suggestions are obviously welcome.

(2) Foster death -- state of mind

This aspect of the investigation involves an examination of Vince Foster's state of mind in an attempt to determine whether he could have committed suicide and why he might have done so. These are amorphous subjects, but nonetheless quite important.

To my mind, the evidence clearly establishes that Mr. Foster was sufficiently depressed or discouraged to have committed suicide. For example, he had consulted with his sister about seeing a psychiatrist for depression; he was found with a list of psychiatrists in his wallet; he had obtained a prescription for an anti-depressant on July 19; he took that anti-depressant on July 19 even though that drug apparently should not be taken by people contemplating suicide; he wrote a note that is a mixture of fury and despair and concludes that he was "not meant for the job or the public spotlight" of Washington where "ruining people is considered sport"; he broke down crying at dinner with his wife on July 16; he had attempted to obtain counsel to represent him in the Travel Office affair. (As relevant statistical background, note that suicide is most common in older white men, that there are more suicides than homicides each year, that a large percentage of suicides are committed with handguns, and that persons often commit suicide in places where their family will not be the persons to find them.) We also have evidence suggesting that Mr. Foster was an "odd" man back in Arkansas, although some of this testimony probably has to be viewed as 20-20 hindsight.

The evidence suggests that the primary source of Mr. Foster's despair (other than the fact that he may simply have been mentally ill[2]) was the Travel Office affair, which simply would not go away and was (and indeed still is) a continuing black-eye for the Clinton Administration. Mr. Foster appeared to have a backward-looking despair over both his failure to prevent the

---

[2] In reading the newspapers, you will come across articles from health professionals who claim that a search for a particular triggering event for a suicide is fruitless in the large percentage of cases where the suicide victim was clinically depressed. These people criticize the "uninformed" who insist that there always must be a specific triggering event for suicide.

FOIA(b)(6)
FOIA(b)(7) - (C)

debacle and his participation in it and a forward-looking dread over the possibility of congressional hearings or other independent review of the matter. Much of his note was focused on the Travel Office affair.

From his note and from interviews, we also know other sources of concern to Mr. Foster, such as: (1) he was completely overworked, and there was no relief in sight because of the promised staff reductions; (2) the high cost and alleged sandbagging by the Usher's office in connection with the White House renovation; (3) the continual inability of the White House Counsel's office to get its act together on issues as varied as gays in the military, Waco, and the Guinier nomination; (4) his daughter's health (she apparently suffered from [redacted] at the time); (5) his marriage (they had apparently undergone marriage counseling in Arkansas in 1992); and (6) his family's move to Washington (note Wilson Bynum's 302, which is quite informative).

We also know of other issues on which Mr. Foster was working, although we have no evidence that these issues caused him any particularly severe stress other than the fact that they were yet another item on his already overloaded agenda. Examples include: (1) preparation of the Whitewater tax returns; (2) health care reform (in examining the documents from his office, I was startled at the amount of material he possessed and clearly had read on this issue); (3) the Federal Advisory Committee Act suit, which raised an important question regarding the First Lady's legal status; (4) the Clintons' blind trust; (5) the Ginsburg nomination and hearings; and (6) Presidential seal and likeness issues.

Based on the evidence we now possess, if you forced me to provide a suicide scenario, it would go as follows (although I cannot really prove this): Mr. Foster felt deeply responsible for the Travel Office affair and for many other missteps in the Counsel's office; Mr. Foster was planning to resign in his meeting with the President on July 21 or soon thereafter; he wrote the "note" as an outline of his points for that meeting; he was overwhelmed by the sense of failure occasioned by his planned resignation; and he snapped and took his life.

Chuck Regini has been working on this aspect of the investigation along with Mark Tuohey, Hickman Ewing, and me. (Dana Gillis and Russ Bransford assisted the Fiske team on this aspect of the investigation, and have provided support to us on it as well).

I anticipate that you will concentrate on Foster "state of mind" issues during your work on the Foster team. And as I see it now, there are a couple of issues that can and should be pursued further and for which you may be well suited: (a) foreign travel (Chuck Regini has begun this process); (b) foreign bank accounts (Dana Gillis and I have begun this process); (c) a complete review of Mr. Foster's financial situation (in consultation with Clayton Cooper of the IRS); (4) a thorough history of Mr. Foster's involvement in and knowledge of anything to do with Whitewater, Madison Guaranty, CMS, David Hale, and Jim McDougal. (While that has been pursued to some degree, there is more to do, in my view. Note that Foster communicated with McDougal in June 1993 and that Hale was listed in his phone directory. Also, Brad Lerman plans to raise Foster in his next meeting with McDougal.)

(3) Foster documents

The questions here are as follows: (a) Did any individual or organization obstruct justice in connection with the Park Police/DOJ/FBI investigation of Mr. Foster's death in July and August 1993; and (b) Has any individual made a false material statement to any investigators or to Congress about his or her activities in the aftermath of Mr. Foster's death.

This investigation has focused on three primary points:

(a) Were any documents other than trash removed from Mr. Foster's office from July 20 through the time of the official search on July 22? (We have a Secret Service officer's statement that the answer is yes, but that appears to be insufficient evidence on which to base a criminal charge.)

(b) Did Mr. Nussbaum or anyone else obstruct justice in negotiating for or in conducting the official search of Mr. Foster's office? This is primarily a legal question, and the answer, as a matter of law as opposed to common parlance, appears to be no.

(c) Was the note that was found by Mr. Neuwirth on July 26 in fact found earlier by him or anyone else? We have no evidence that it was seen earlier than July 26 by anyone other than Mr. Foster.

At this point, I do not believe there is evidence warranting criminal prosecution of any individual in the Foster documents investigation. If no new evidence is uncovered before August 21, I plan to have a memorandum summarizing the evidence and recommending no charges circulated on that date.

Dana Gillis and Russ Bransford have been working on this investigation with Mark Tuohey and me. Because the investigation is near completion, I do not anticipate that you will do much work on it, although your ideas and suggestions are certainly welcome.

**MEMORANDUM**

TO: Judge Starr
Mark Tuohey
Hickman Ewing
John Bates

FROM: Brett Kavanaugh

RE: Foster Issues

DATE: June 6, 1995

As Dr. Lee prepares to give us advice, this seemed an appropriate time to outline my thoughts about the major steps we can and should take to complete our factfinding on the Foster death investigation. Dr. Lee will no doubt have further thoughts and may tell us that some of my proposed major steps are unnecessary or wasteful, but I thought it nonetheless might be useful to outline my ideas.

As I have stated before, the Foster death investigation can be divided into two related but distinct issues: (1) state of mind; and (2) physical evidence (which includes death scene observations, blood, forensic evidence, ballistics, etc.).

As I said in my last memo, we have made progress from the Fiske investigation on Foster's state of mind -- although we have not entirely solved that issue. Indeed, assuming arguendo a suicide, we still have not discovered a single triggering event that led to the death. Nor do we have a true suicide note.

With respect to the physical evidence, we have employed investigatory tools and procedural steps that were not utilized by the Fiske team.

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

In any event, the two most important issues to resolve in this case are rather obvious: (1) where was the fatal shot fired; and (2) who fired it.

It seems that the best way to determine where the shot was fired would be to find the bullet. If the bullet is in the park, then it seems to me that we would have established beyond a reasonable doubt that the shot was fired in the park. The Fiske team and the FBI conducted a rather elaborate search of the park for the bullet. Nonetheless, they did not go as far as they

could have gone. As is stated on page 56 of the Fiske report, "[t]he FBI Lab's search for the bullet focused on the most likely area for the bullet to have come to rest . . . It would have been enormously time-consuming, costly, and in all likelihood unproductive, to have searched the entire Park for the bullet" (emphasis added). Dr. Lee in our initial meeting suggested a broader search of the park, including of the trees in the park. I strongly recommend (subject to his continued agreement) that we pursue this tack. I also recommend that we get Ed Lueckenhoff intimately involved in implementing it because there is substantial resistance from the Washington FBI on this subject.[1]

As to who fired the gun, we should try to establish an individual's link to the gun. The best way to do that would be to determine ownership/possession of the gun as of July 20, 1993. Because no Foster family members can positively identify the gun and the gun cannot be traced, I believe the best remaining way to establish ownership of the gun would be to identify the person whose fingerprint is on the underside of the grip handle. We know that it is not Foster's fingerprint. We are currently attempting to determine whether it is Foster's father's fingerprint by having the military records center perform a search. If that does not turn up a match, we will have to go back to the drawing board on this issue.

Two other areas that are matters of some controversy -- although probably of lesser relevance -- are the identity of the person whose hairs were found on Foster's clothes and the identity of the carpets and/or furniture that were the source of the carpet fibers on Foster's clothes. Until Dr. Lee informed me otherwise, I believed that we could not match the hairs to any particular person because we do not have the roots from the hairs. That turns out to be incorrect. I therefore recommend (subject to Dr. Lee's concurrence) that we consider obtaining hair samples from Laura Foster; it we do not obtain a match with her hair, we can discuss how to proceed further. As to the carpet fibers, I recommend (subject to Dr. Lee's concurrence) that we implement a plan of obtaining carpet fibers from the various places that Foster was located on July 20: his house, his car, and the White House.

Finally, while not necessarily relevant to the Foster death as opposed to the Foster documents investigation, we can do more to determine the identity of the partial palm print on the Foster note. I recommend that we obtain palm prints from various people who we know touched the note. If we do not obtain a match from any of them, I recommend that we obtain palm prints from persons who we suspect touched the note. (We do not have Foster's palm prints, but we may also want to think of ways to determine whether we can lift a palm print of Foster's from any documents or items in Lisa Foster's possession.)

---

[1] Dr. Lee also noted that there may be other ways to establish that the shot was fired in the park; for example, by blowing up the scene pictures to determine whether there was any blood spatter on the surrounding leaves.

## Conclusion

As Dr. Lee pointed out, we are likely to make progress over past investigations not by interviewing people who have already been interviewed but by reexamining the physical evidence to see what else can be learned from it. With that in mind and subject to change based on Dr. Lee's advice, the above listed items are the remaining major steps I propose we take with respect to the death investigation.

**MEMORANDUM**

TO: Judge Starr
Mark Tuohey
Bill Duffey
Hickman Ewing
John Bates

FROM: Brett Kavanaugh

RE: Foster Investigations

DATE: March 4, 1995

At Friday's meeting in Washington, decisions were made regarding certain aspects of the Foster death investigation. I will summarize those decisions and then list other points for discussion at our next team meeting.

**Decisions**

**1.** The Foster state of mind investigation necessarily must be a balance of thoroughness against reasonableness. Striking that balance, Ken concluded that it would be inappropriate at this juncture to issue a subpoena to the White House for "all documents to, from, or referring or relating to Vincent W. Foster, Jr." Such a subpoena remains a future option, however.

**2.** The goal of the Foster death investigation is to attempt to determine to as high a degree of certainty as is reasonably possible whether Foster's death was a homicide or a suicide. One factor to consider in making that determination is Foster's state of mind prior to his death. A troubled state of mind would be probative of suicide; a healthy state of mind would be probative of homicide. Of course, a particular state of mind is not definitive proof of suicide or homicide, but it nonetheless is a standard factor to weigh in death investigations.

With that in mind, the Travel Office is an important issue. It is well documented that the Travel Office concerned Foster a great deal. The episode seems to have bothered him in two different ways. First, he was angry and upset at the press, the FBI, and the White House for the manner in which they portrayed the events surrounding the firing of the Travel Office employees and the subsequent reprimands of various White House officials. Second, he appears to have been concerned about the possibility of congressional hearings on the Travel Office.

With respect to Foster's concern about potential congressional hearings, it is incumbent upon us to determine the precise nature of his concern about the potential hearings. Foster's

brother-in-law Beryl Anthony has speculated that there might have been facts about the Travel Office that were not publicly known and that Foster did not want to reveal to Congress and the public. For that reason, it is necessary that we carefully examine all of the facts surrounding the firings of the Travel Office employees.

At this point, however, it is important to note that we are not investigating the Travel Office for the purpose of determining whether any individual inside or outside the White House violated any federal criminal law in connection with the firing of Travel Office employees. Of course, if we discover credible evidence of criminal wrongdoing with respect to the Travel Office firings during the course of the Foster investigation, we might initiate such an investigation. If so, we would immediately inform the Public Integrity Section because of their pending case against Billy Dale, which might have to be suspended under 28 U.S.C. § 597. We also would apply for an expansion of jurisdiction.

In light of the above, it would be appropriate at this juncture to issue a subpoena to the White House for (1) all documents to or from Foster referring or relating to the Travel Office; (2) all documents that both were within Foster's office on July 20, 1993, and refer or relate to the Travel Office; and (3) all documents referring or relating both to Vincent W. Foster and to the Travel Office.

**For next team meeting**

**1.** (Foster death) Given the above discussion, we should discuss whether it would be appropriate to issue a subpoena to the White House for all documents referring or relating to the Travel Office affair. Alternatively, we perhaps could issue a subpoena for all H. Clinton, Kennedy, Watkins, Thomasson, Livingstone, and McLarty documents referring or relating to the Travel Office.

**2.** (Foster death) Because Vince Foster apparently consulted Jim Hamilton, Jim Lyons, and Susan Thomases about the Travel Office in the week prior to his death, we should discuss whether to request a waiver of attorney-client privilege from the executor of Foster's estate (John Sloan).

**3.** (Foster documents and Foster death) We should discuss whether to subpoena the White House for all documents that were within Vince Foster's office, on his computer, within his secretary's office space, on his secretary's computer, or in the Counsel's safe on July 20, 1993. If we do not issue such a subpoena, we implicitly will have accepted the Nussbaum view of privilege and relevance as to Foster's office. If the White House objects to such a subpoena -- as I am sure it will -- we may want to offer a compromise whereby they would collect all such documents and I would review them. But we need to review them all -- regardless of the sensitivity of such documents.

**4.** (Foster documents and Foster death) We should discuss whether to issue a

subpoena or request to Jim Hamilton and Lisa Foster for all documents that were within Vince Foster's office, on his computer, within his secretary's office space, on his secretary's computer, or in the Counsel's safe on July 20, 1993.

**5.** (Foster documents) We should discuss whether to subpoena from the White House all e-mail, calendars, diaries, and message logs for the following people for the period July 15-July 30, 1993: Kennedy, Lindsey, McLarty, Burton, Williams, Gergen, Thomasson, Livingstone, Scott, Neuwirth, Sloan, Nussbaum, Watkins, Quinn, Kennedy, Mills, Cerda, Nolan, Gearan, Klain.

**6.** (Foster death) We should obtain or review Foster's diary and any and all of Foster's calendars. We should also inquire about whether he used e-mail. Some of these documents have previously been reviewed by the FBI, but I would like to examine them. (White House, Lisa Foster, or Hamilton in possession).

**7.** (Foster death) We should discuss whether to issue subpoenas to Foster's mother, Lisa Foster, Foster's children, Foster's siblings, and Foster's friends for documents that might shed light on Foster's state of mind or their perceptions of Foster's state of mind (e.g., letters from Foster, letters to each other before or after Foster's death, notes, personal diaries, etc.). I would be uneasy issuing such subpoenas, but I would be more uneasy making definitive conclusions about Foster's state of mind without reviewing these relevant documents.

**MEMORANDUM**

TO: Judge Starr
Mark Tuohey
Hickman Ewing
John Bates
Ed Lueckenhoff
Chuck Regini

FROM: Brett Kavanaugh

RE: Summary of Foster Meeting on 6-15-95

DATE: June 16, 1995

We discussed the following at our meeting on Thursday, June 15.

1. We will search the park. Ed and Chuck will coordinate this plan with the FBI lab people and Henry Lee. There is a very high chance that the bullet now is in the same place that it landed on July 20, 1993. That being the case, our attitude should be to do whatever is feasible to find the bullet -- whether that includes searching beyond the park or searching trees. If we find the bullet, that would help to prove place of death, which is an important issue.

2. We will attempt to determine whether a Foster family fingerprint is on the inside of the gun. We may perform a fingerprint search of the Foster home in Hope to obtain prints. In addition, Ed and Chuck agreed to think and consult FBI fingerprint experts about other ways to obtain prints of Foster's father. I encourage Ed and Chuck to consult with the very best fingerprint people in the Bureau to resolve this crucial issue. (We have been using an FBI agent named [redacted] the lack of clarity of his fingerprint reports frankly gives me less than full confidence that he is one of the best Bureau fingerprint examiners.)

FOIA(b)(7) - (C)

3. We agreed to have the IRS perform a full financial analysis of Foster. Ed will take the lead in coordinating this with the IRS. Chuck and I will ensure that we gather all existing financial information about Foster for the IRS.

4. We agreed to track down all of Foster's foreign travel. It should not be difficult to obtain immediate information regarding all of Foster's foreign travel. Ed and Chuck will coordinate this step.

5. We will investigate an alleged Swiss bank account that was in Foster's name. Ed and Chuck will consult with Mark in coordinating this investigatory step.

6. We discussed the possibility of Foster's extramarital affairs, a standard question

in an investigation of this sort. At our meeting, however, this was more theory and speculation than a proposed investigatory step. Indeed, no one suggested any concrete steps to pursue in this regard. I note that we have asked numerous people about Foster's alleged affair with Mrs. Clinton, but have received no confirmation of it. If we want to pursue this line of investigation further, however, we should ask Mrs. Clinton about the alleged affair at her next interview. For obvious reasons, that is a delicate issue, one we should discuss in detail before that interview occurs.

**Summary of My Views at this Stage**

At this point, I am satisfied that Foster was sufficiently discouraged or depressed to commit suicide. (Of course, that does not establish that he did in fact commit suicide.) I base my conclusion on the fact that Foster was found with a list of three psychiatrists in his wallet, the fact that Foster obtained a prescription on July 19 for an anti-depressant, and the many witness interviews describing his state of mind in the days and weeks preceding his death.

As to exactly what fact or facts were causing Foster to be discouraged or depressed, we have some answers, but there may well be more than we have learned at this point. I would be very interested to hear suggestions from any of you about concrete investigatory steps that we could pursue to discover other possible sources of Foster's discouragement or depression. (A full financial analysis was one such good idea; as noted above, we will pursue that suggestion.)

As to the physical evidence, there are several steps that we and Dr. Lee are currently pursuing -- some of which are discussed above. If we establish (1) that the gun was a Foster gun and (2) that the shot was fired in the park, then I think we can be satisfied beyond a reasonable doubt that Foster committed suicide in Fort Marcy Park. These two issues are therefore crucial to the bottom line, and I think we should devote extraordinary efforts to resolving them.

**Memorandum** **Office of the Independent Counsel**

---

To : File Date 2/6/96

From : Debbie Gershman

Subject: Call from Chris Ruddy

I received a call from Chris Ruddy on Tuesday, February 6, 1996 at about 10:50 a.m. Chris said he had called Special Agent James Clemente in the DC office, but Clemente said he couldn't comment and referred Chris to me. Chris didn't know if we could comment, but wanted to know if we could tell him anything about the following:

Chris said that State Trooper Larry Patterson met with SA Coy Copeland before Christmas. Patterson says that Copeland spent 45 minutes trying to get Patterson to change his mind about what time Roger Perry called informing Patterson of Vincent Foster, Jr.'s death. According to Patterson, Copeland told him that we couldn't get Tucker's phone records because Tucker is under indictment.

Chris also said that SAs Clemente and Copeland and a Mr. Green accompanied Patrick Knowlton to Fort Marcy Park in December. At the park, the group met a Mr. Reeves, described to be a black man. Knowlton believes that Mr. Reeves was told to be at the park to see if he could ID Knowlton as a Fort Marcy Park frequenter. Knowlton asked Clemente if this meeting was set up for Reeves to ID Knowlton and said Clemente denied any false pretense and said it was just a coincidence that Reeves was at the park. Chris wants to know if Clemente called Reeves and told him to be at the park to ID Knowlton.

I told Chris that we couldn't comment on the ongoing investigation. Chris said he didn't think we could but had to ask anyway.

02/07/96 10:41 ☎501 221 8707 INDEP COUNSEL →→ OIC DC 001/001

8. Any and all videotapes, video recordings, or visual depictions of any interior or exterior portion of the White House, the Old Executive Office Building, or surrounding areas for July 20, 1993, and July 21, 1993.

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Sincerely,

Robert M. McNamara, Jr.
Assistant General Counsel
(Enforcement)

8.

**MEMORANDUM**

TO: Judge Starr
Mark Tuohey
Hickman Ewing
John Bates

CC: Ed Lueckenhoff
Dana Gillis
Chuck Regini
Jeff Greene

FROM: Brett Kavanaugh

RE: Foster Death Investigation

DATE: May 15, 1995

The following are the steps that Mark, Hickman, John, and I discussed today as possibilities for our continuing investigation of the physical evidence (as contrasted to state of mind).

**1. Fingerprint on Gun**

We are currently attempting to obtain Mr. Foster Sr.'s fingerprints from the military records center. If that proves fruitless, we may attempt to find his fingerprints from the Foster home in Hope. (If the fingerprint on the underside of the grip matched Mr. Foster Sr., that obviously would be a very significant step in our investigation.)

**2. Carpet Fibers**

We may obtain carpet fibers from various sources and attempt to match them to the fibers found on Foster. The possible sources are (a) his car; (b) the White House; and (c) his house in Georgetown.

**3. Search of Park for Bullet**

We may search the entire park for the bullet.

**4. Stains on Shirt**

The FBI lab is currently testing Foster's shirt to determine what if any material other than blood was present on the shirt.

**5. Palm Print on Note (more relevant to Foster documents investigation)**

We may try to match the palm print on the note to Foster's palm print. To do so, we would need to find a palm print from Foster. That would not be easy, but we can consult the lab and/or experts on the possibilities in this regard.

If we could not obtain a Foster palm print or if the prints did not match, we might obtain palm prints from various other persons in logical order: (1) the Park Police officers who handled the note; (2) Neuwirth, Gorham, Pond, Tripp, and Nussbaum; and (3) Williams, Castleton, and Thomasson.

**Memorandum** **Office of the Independent Counsel**

---

To : IC JUDGE KENNETH STARR Date 7/12/95

From : IIC E. H. LUECKENHOFF

Subject: POSSIBLE CONNECTION BETWEEN VINCE FOSTER AND ADFA

On July 6, 1995, SAs BETSY FRIES and WALLY DRUECK interviewed ROY DREW, a Little Rock investment advisor, as part of the Lockhart/DOC inquiry. Among other things, DREW told the agents about a possible financial link between VINCE FOSTER and the Arkansas Development Finance Authority (ADFA).

DREW apparently makes it his business to learn details of political and financial developments in Arkansas. He has publicly objected to certain development projects and has also spoken with national media representatives about perceived irregularities in these projects.

DREW has obtained numerous records on various topics through Freedom of Information requests. DREW obtained minutes of an ADFA Board meeting in February 1987 which was attended by a representative of the NATIONAL BANK of AUSTRALIAN (copy attached). The minutes report that ADFA President WOOTEN EPES asked approval for "the letter of credit with the NATIONAL AUSTRALIAN BANK which provides the insurance fund for the Single Family Issue."

Later, DREW obtained a copy of VINCE FOSTER's financial disclosure form through a FOIA request. DREW finds it interesting that the form shows VINCE FOSTER held stock in the NATIONAL AUSTRALIAN BANK, particularly because the bank was doing business with ADFA.

I note that, at approximately that same point in time, VINCE FOSTER was involved with HILLARY CLINTON and WEBB HUBBELL in Midlife Investors.

(1) - MARK TUOHEY
1 - BRETT KAVANAUGH
1 - HICK EWING
1 - CHUCK REGINI
1 - JIM CLEMENTE
1 - STEVE IRONS
1 - CLAYTON COOPER
1 - BETSY FRIES
1 - WALLY DRUECK
1 - E.H. LUECKENHOFF
EHL/bhr (10)

MINUTES
ARKANSAS DEVELOPMENT FINANCE AUTHORITY
BOARD OF DIRECTORS MEETING
February 19, 1987
11:00 a.m.

---

The Board of Directors of the Arkansas Development Finance Authority held its Regular Board Meeting on February 19, 1987, at 11:00 a.m., in the Authority's conference room, in the Madison Guaranty Bank Building at the corner of 16th and Main Streets, Little Rock, Arkansas.

Board Members present were Chairman Margaret Davenport, Vice Chairman James Branyan, Mr. Don Fuller, Mr. Merle Peterson, Mr. Don Spears, Mr. Bill Pierce, and Mr. George Wright.

ADFA Staff present were Wooten Epes, President; C.E. Anderson, Vice President for Housing; Bill Wilson, Vice President for Finance; Ursula Blackard, Single Family Housing Officer; Bernard Henry, Multi-Family Housing Officer; Charles Brandt, Fiscal Officer; Ruth Glover, Assistant to the President; Gene Eagle, Vice President for Development Finance; Kay Bell, Development Finance Officer; Tom Geis, Planning Specialist; Cotter Cunningham, Planning Specialist; Debbie Gentry, Accounting Supervisor; Valerie Petty, Administrative Assistant.

Others present were Mr. Bob Snider and Mr. Jim Fowler of T. J. Raney & Sons, Inc.; Mr. Walter May and Mr. Walter McSpadden of Wright Lindsey & Jennings Law Firm; Mr. Byron Schriver and Ms. Susan Flemming of Stephens, Inc.; Mr. Rich Livdahl of Ark. DCS; Sean McCarthy of Paine Webber; Mr. John Selig of Mitchell Law Firm; Mr. Michael Drake of Arkansas Gov. Adv. Services, Inc.; Mr. Barry Kellerman of Public Leasing Corp.; Mr. Harvey Horowitz of National Australia Bank; Mr. Herbert Ziegenhorn and Mr. Charles Givens of the Bank of Weiner; and Ms. Sheila Yount of the Arkansas Democrat.

Chairman Davenport called the meeting to order at 11:10 a.m. and asked for approval and adoption of the Minutes of the Regular Meeting of the ADFA Board of Directors on January 15, 1987 the Minutes of the Special Meeting of the ADFA Board of Directors on January 22, 1987. There being no corrections or additions, Mr. Peterson made a motion for approval, Mr. Pierce seconded and the Board unanimously approved the Minutes as written.

Mr. C.E. Anderson reported that updated figures show that the amount purchased to date on the 1985 Series A Single Family Program is $99,199,600. Amount purchased to date on the 1985 Series B Program is $800,258. Amount purchased to date on the 1984 Series Al Program is $10,443,069. Amount Purchased to date on the Home Energy Improvement Program is $245,603.14.

Mr. Bernard Henry reported that the Authority met with representatives from non-profit organizations and the Home Builders Association as well as interested developers and mortgage bankers to discuss the Authority's plans for implementating the tax credit program for low income family housing. Also, the first draft of the new multi-family development buy-down program has been completed and distributed to underwriters and bond counsel. A 332 unit rehabilitation project in Southwest Little Rock has

...t Epes asked for Board approval of a resolution authorizing the ...ce of $3,000,000 in economic development revenue bonds to finance ...rehouse project in Sebastian County for Zero Mountain, Incorporated. ...e project is a multi-purpose cold storage facility of approximately 100,000 square feet which would employ approximately twenty full-time employees. The project will take advantage of the Authority's transition rule allowing us to continue to issue tax-exempt bonds for non-manufacturing projects. The Authority will act as issuer with the Bank of Bentonville providing a letter of credit and McIlroy Bank & Trust acting as trustee. A draft of the Resolution was presented to the Board, which authorizes the trust indenture, loan agreement, and a contract to purchase all under the loan arrangement. The Board voted to approve the Resolution for Zero Mountain, Inc. in the amount of $3 million. Mr. Peterson made such a motion, Mr. Fuller seconded and the Board unanimously approved.

President Epes reported that the Authority has been working with the state Department of Computer Services to complete a financing arrangement for the State Telecommunication System under the State Government Asset Financing Program, Series 1986 A. Interim financing of approximately $775,000 will be needed to purchase equipment for the engineering technology building at UALR. Mr. Epes asked for approval to advance Authority funds in that amount until the bonds are converted to fixed-rate on June 18, 1987 at which time the Authority would be reimbursed. The Development Finance Committee recommended that bridge financing be provided by the Authority until a conversion to fixed-rate is made in June. The Board voted to approve the lease transaction with the Department of Computer Services with bridge financing in the amount of $775,000. Mr. Branyan made such a motion, Mr. Peterson seconded and the Board unanimously approved.

President Epes asked for finalization of the documentation of amendments to the HECAP program. Amendments had previously been approved and are now in written form. A conversion of bonds will be made on March 2 for approximately $3.4 million. There are four borrowers, Westark Community College, University of Central Arkansas, University of Arkansas at Pine Bluff and University of Arkansas at Monticello and bonds are being converted for those colleges and universities for loans under this program. President Epes asked for Board approval of a supplemental indenture of trust and a supplemental reoffering memorandum in connection with the conversion of bonds for these transactions. Mr. Branyan made such a motion, Mr. Peterson seconded and the Board unanimously approved.

President Epes asked for Board Approval for the letter of credit with the National Australian Bank which provides the insurance fund for the Single Family issue. Preliminary approval was received at the last Board meeting. The reason for this procedure is that the loans are FHA insured and there is no pool insurance so a letter of credit for this fund is necessary to make up for coverages normally received under pool insurance and special hazard insurance. Mr. Wright made such a motion, Mr. Fuller seconded and the Board unanimously approved.

President Epes said at the last Board meeting he would be circulating Requests for Proposals among investment banking firms for proposals to market taxable transactions to generate arbitrage profits. Bankers were interviewed last Thursday and Friday with some of the Executive Committee present. A summary of these proposals were distributed to the Board and

# Executive Branch PUBLIC FINANCIAL DISCLOSURE

278 (Rev. 7-92)
U.S. Office of Government Ethics

| | | | | | |
|---|---|---|---|---|---|
| Reporting Status (Check Appropriate Item) | ☐ Incumbent | Calendar Year Covered by Report | ☒ TE: New Entrant, Nominee, or Candidate | Date of Appointment, Candidacy, Election, or Nomination (Month, Day, Year) JANUARY 20, 1993 | ☐ Termination Filer | Termination Date (If Applicable) (Month, Day, Year) |

| | | |
|---|---|---|
| Reporting Individual's Name | Last Name: FOSTER | First Name and Middle Initial: VINCENT W. |
| Position for Which Filing | Title of Position: DEPUTY COUNSEL TO TE PRESIDENT | Department or Agency (If Applicable): WHITE HOUSE OFFICE |
| Location of Present Office (or forwarding address) | Address (Number, Street, City, State, and ZIP Code): WHITE HOUSE, WASHINTON, D.C. 20500 | Telephone No. (Include Area Code): (202) 456-6611 |
| Position(s) Held with the Federal Government During the Preceding 12 Months (If Same as Above) | Title of Position(s) and Date(s) Held: | |
| Presidential Nominees Subject to Senate Confirmation | Name of Congressional Committee Considering Nomination: | Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☒ No |

**Certification**

I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge and belief

Signature of Reporting Individual: Vincent W Foster — Date (Month, Day, Year): 2-19-93

Other Review (If desired by agency)

Signature of Other Reviewer: — Date (Month, Day, Year):

**Agency Ethics Official's Opinion**

The information contained in this report discloses no conflict of interest under applicable laws and regulations.

Signature of Designated Agency Ethics Official/Reviewing Official: — Date (Month, Day, Year): 5-21-93

For Office of Government Ethics Use Only

Signature: Stephen D Potts BY TFE JC — Date (Month, Day, Year): DEC -6 1993

Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)

(Check box if comments are continued on the reverse side) ☐

278 (11)

Previous Editions Cannot Be Used

Attorney Use Only

OGE Use Only

NOV 12 1993

## Fee for Late Filing

Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period shall be subject to a $200 fee.

## Reporting Periods

Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A--The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing.

Schedule B--Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D--The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

NSN 7540-01-070-6444

SF 278 (Rev. 1/91)
5 CFR Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: VINCENT FOSTER

# SCHEDULE A

Page Number: 14

| Assets and Income (BLOCK A) | Valuation of Asses at close of reporting period (BLOCK B) | | | | | | | Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. (BLOCK C) | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Type | | | | | | | | Amount | | | | | | | | | |
| Identify each asset held for the production of income which had a fair market value exceeding $1,000 at the close of the reporting period. Identify each asset or source of income which generated over $200 in income during the reporting period. None ☐ | None (or less than $1,001) | $1,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $250,000 | $250,001 - $500,000 | $500,001 - $1,000,000 | Over $1,000,000 | Dividends | Rent and Royalties | Interest | Capital Gains | Exempted Investment Fund | Exempted Trust | Qualified Trust | Other (Specify Type) | None (or less than $201) | $201 - $1,000 | $1,001 - $2,500 | $2,501 - $5,000 | $5,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $1,000,000 | Over $1,000,000 | Actual Amount Only if "Other" specified | Date (Mo., Day, Yr.) Only if Honoraria |
| S DC or J — Ex-amples: General Airlines Common | | | | | | | | | | | | | | | | Low Performing Income | | | | | | | | | | |
| S DC or J — Ex-amples: Doe Jones & Smith, Hometown, USA | | | | | | | | | | | | | | | | | | | | | | | | | $130,000 | |
| S DC or J — Ex-amples: Xemptotone Equity Fund | | | | | | | | | | | | | | | | | | | | | | | | | | |
| S DC or J — Ex-amples: Doe Jones & Smith pension plan | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 U.S. TREAS. BOND, 5000 FACE @ 7.25% DUE 5-15-16 | | X | | | | | | | | | X | | | | | | | X | | | | | | | |
| 2 TYSON FOODS, INC. - COMMON | | | X | | | | | | X | | | | | | | | X | | | | | | | | | |
| 3 WORTHEN BANKING CORPORATION-COMMON | | | | X | | | | | X | | | | | | | | | X | | | | | | | | |
| 4 CASH HELD IN STEPHENS, INC. BROKERAGE ACCOUNT | | | | X | | | | | | | X | | | | | | | | X | | | | | | | |
| 5 MERCK & CO., INC. - COMMON | | X | | | | | | | X | | | | | | | | | X | | | | | | | | |
| 6 SUMMIT TECHNOLOGY, INC. - COMMON | | X | | | | | | | X | | | | | | | | | X | | | | | | | | |

SF 278 (Rev. 1/91)
5 CFR Part 2634
U.S. Office of Government Ethics

| Reporting Individual's Name | SCHEDULE | Page Number |
|---|---|---|
| VINCENT FOSTER | | 15 |

| Assets and Income<br>BLOCK A | Valuation of Assets at close of reporting period<br>BLOCK B | | | | | | | | Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item.<br>BLOCK C | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Type | | | | | | | Amount | | | | | |
| Identify each asset held for the production of income which had a fair market value exceeding $1,000 at the close of the reporting period.<br><br>Identify each asset or source of income which generated over $200 in income during the reporting period.<br><br>None ☐ | None (or less than $1,001) | $1,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $250,000 | $250,001 - $500,000 | $500,001 - $1,000,000 | Over $1,000,000 | Dividends | Rent and Royalties | Interest | Capital Gains | Excepted Investment Fund | Excepted Trust | Qualified Trust | Other<br>(Specify Type) | None (or less than $201) | $201 - $1,000 | $1,001 - $2,500 | $2,501 - $5,000 | $5,001 - $15,000 | $15,001 - $50,000 | $50,001 - $100,000 | $100,001 - $1,000,000 | Over $1,000,000 | Actual Amount<br>Only if "Other" specified | Date<br>(Mo., Day, Yr.)<br>Only if Honoraria |
| S<br>DC<br>or<br>J — Ex amples | Central Airlines Common<br>Doe Jones & Smith, Hometown, USA<br>Kompassee Equity Fund<br>Doe Jones & Smith pension plan | | | | | | | | | | | | | | | Partnership Income | | | | | | | | | | $138,600 | |
| 1 NATIONAL AUSTRALIAN BANK - COMMON STOCK | | X | | | | | | | X | | | | | | | | X | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

LEVEL 1 - 1 OF 4 STORIES

The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

Jocelyn Elders
July 30 - 31, 1993
Lexis

SECTION: Washing

LENGTH: 435 word

HEADLINE: Congr

BYLINE: By LAWR

BODY:

PUBLIC OCCU

Gift-Giving: Common Cause Presiden[illegible] me members of Congress "pay their own way." His organization ad[illegible]ehensive, statutory ban on gifts to members of Congress and their staffs. If Congress won't go that far, Common Cause said, it should at least require that all gifts be reported.

Smoking and Children: Carol Browner, head of the Environmental Protection Agency, is scheduled to tell Congress Thursday what her agency plans to do about children's exposure to the dangers of smoking. The EPA has said that between 200,000 and a million children suffer asthmatic episodes as a result of the effects of environmental tobacco smoke.

LOOKING FORWARD:

The Senate Labor and Human Resources Committee holds a confirmation hearing Friday for Jocelyn Elders, President Clinton's choice to be surgeon general. Her hearing initially was scheduled for last Friday, but was postponed amid questions about why, as an paid interim federal consultant, she was still drawing her salary as head of the Arkansas Health Department. Ms. Elders subsequently resigned the state post and has been given fresh assurances of support by the president.

QUOTABLE:

"The conclusion of the Senate Armed Services Committee hearings was that homosexuality is incompatible with military service. The president's approach fails to address this principle." Sen. Dan Coats, R-Ind., commenting on President Clinton's compromise on homosexuals in the armed services.

"Those who defend discrimination against gay men and lesbians today will stand in that great accounting with those who once defended slavery, segregation and discrimination against women ... President Clinton has hoisted the sail and begun the next stage of our great national journey on civil rights." - Sen. Edward M. Kennedy, D-Mass., saying he thinks the ban on homosexuals in the

LEVEL 1 - 1 OF 4 STORIES

The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

July 20, 1993, Tuesday, AM cycle

SECTION: Washington Dateline

LENGTH: 435 words

HEADLINE: Congressional Diary - Tuesday, July 20, 1993

BYLINE: By LAWRENCE L. KNUTSON, Associated Press Writer

BODY:

PUBLIC OCCURRENCES:

Gift-Giving: Common Cause President Fred Wertheimer said it's time members of Congress "pay their own way." His organization advocated a comprehensive, statutory ban on gifts to members of Congress and their staffs. If Congress won't go that far, Common Cause said, it should at least require that all gifts be reported.

Smoking and Children: Carol Browner, head of the Environmental Protection Agency, is scheduled to tell Congress Thursday what her agency plans to do about children's exposure to the dangers of smoking. The EPA has said that between 200,000 and a million children suffer asthmatic episodes as a result of the effects of environmental tobacco smoke.

LOOKING FORWARD:

The Senate Labor and Human Resources Committee holds a confirmation hearing Friday for Jocelyn Elders, President Clinton's choice to be surgeon general. Her hearing initially was scheduled for last Friday, but was postponed amid questions about why, as an paid interim federal consultant, she was still drawing her salary as head of the Arkansas Health Department. Ms. Elders subsequently resigned the state post and has been given fresh assurances of support by the president.

QUOTABLE:

"The conclusion of the Senate Armed Services Committee hearings was that homosexuality is incompatible with military service. The president's approach fails to address this principle." Sen. Dan Coats, R-Ind., commenting on President Clinton's compromise on homosexuals in the armed services.

"Those who defend discrimination against gay men and lesbians today will stand in that great accounting with those who once defended slavery, segregation and discrimination against women ... President Clinton has hoisted the sail and begun the next stage of our great national journey on civil rights." - Sen. Edward M. Kennedy, D-Mass., saying he thinks the ban on homosexuals in the

military services should be lifted altogether.

IT'S A FACT:

Retreat: in the early morning hours of July 21, 1861, dozens of members of Congress and their wives packed picnic lunches and bottles of wine and rode into the Virginia countryside to witness Union troops thrash the Confederate Army at Bull Run. But by mid-afternoon their side had taken a thrashing and the senators and House members joined the troops in headlong retreat. Sen. James Grimes, an Iowa Republican, vowed that Bull Run was the last battlefield he would "visit voluntarily."

DAYS IN SESSION:

The House and Senate met on Tuesday. The House has met 86 days this year, and the Senate 92 days.

LANGUAGE: ENGLISH

LEVEL 1 - 2 OF 4 STORIES

Copyright 1993 News World Communications, Inc.
The Washington Times

July 15, 1993, Thursday, Final Edition

SECTION: Part G; COMMENTARY; Pg. G1

LENGTH: 722 words

HEADLINE: Listening to Elders and saying no ;
Cultural warrior

BYLINE: Suzanne Fields; THE WASHINGTON TIMES

BODY:

Joycelyn Elders is her own worst enemy. She shoots from the lip. She's likely to hit just about anyone.

When the pediatrician nominated to be surgeon general testifies at her confirmation hearings this week, she'd be wise to drop her pistol-packin' sound bites.

When appointed director of the Arkansas Department of Public Health in 1987, she was asked if she planned to distribute condoms in public school.

"Well," she replied, "we're not going to put them on their lunch trays, but yes."

Her defenders admire her tough medicine. Her critics want a different prescription.

When she was asked about public school sex education for youngsters, she said: "Give me the choice of trying to educate a 3 year old or trying to educate an 18 year old, and I'll take the 3 year old every time."

Even those who appreciate her concern for teen-age pregnancy are troubled by her zealousness. Her heart may be in the right place, but what about her head?

"We taught them what to do in the front seat [of a car]," says Dr. Elders with a touch of over-the-back-fence sarcasm. "Now it's time to teach them what to do in the back seat." Oh?

She can hardly win the affection of blacks, nor can she persuade many whites, with cliched metaphors of slavery. (That was then and this is now.) She accuses the religious right of having "slavemaster mentalities." She says a poor teenager with a baby is "captive to a slavery the 13th Amendment did not anticipate." (If Dan Quayle said that. . . . )

At a recent protest against her nomination, black women joined a coalition of pro-family groups on the Capitol steps to speak out against her nomination. They compared her pro-abortion stance to "black genocide," her condom giveaways to preaching promiscuity.

Despite her verbal sallies, Dr. Elders is likely to prove a much more attractive nominee than Lani Guinier. She speaks with a passionate voice, with more emotion than intellect, tutored by experience. She's a self-made woman who graduated from the University of Arkansas Medical School but couldn't attend her graduation dinner at the infamous all-white Country Club of Little Rock, favored by many in Mr. Clinton's administration. She was the only black in her class.

The White House is not likely to walk away from this fight. After his first meeting with Dr. Elders, the president said he felt like Abraham Lincoln on being introduced to Harriet Beecher Stowe: "This is the little lady who started the war."

Her civil war is really a cultural one. Neither friend nor foe question her determination to cut into the epidemic of teen-age pregnancy. They don't all agree on how to do it.

Conservatives want values to come from parents. Dr. Elders puts her faith in public-school clinics. Most Americans, as reckoned by all the polls, favor requiring parental consent for a pregnant daughter to get an abortion. Dr. Elders, putting her trust in the bureaucracy, wants to leave the parent out of it.

Defenders call her an "unflinching realist." Critics call her a "resolute cynic" who reduces sex education to the lowest common denominator. By focusing only on the children who have no parents or church to teach them, she undermines the moral message for the majority who do.

Ultimately, teen-agers aren't as malleable as she seems to think they are. Kids who have trouble obeying their elders aren't likely to listen to Dr. Elders, either. Is a teen-age girl who can't say "no" going to insist that her companion of the night put on a condom? Will teen-age boys who can't handle authority follow the advice of sex-ed teachers?

Dr. Elders didn't accomplish in Arkansas what she wants to try out on the rest of the country. Arkansas' teen pregancy rate is still the second-highest in the nation despite her use of the bully pulpit. During her tenure as Arkansas health director, teen pregnancy rose from 68.3 live births per 1,000 women ages 15 to 19 in 1987 to 80.1 per 1,000 in 1991.

When the president nominated Dr. Elders, he said she would "really be able to effect change."

That's exactly what some of us are afraid of.

Suzanne Fields, a columnist for The Washington Times, is nationally syndicated.

GRAPHIC: Photo, Jocelyn Elders

LANGUAGE: ENGLISH

LEVEL 1 - 3 OF 4 STORIES

Copyright 1993 News World Communications, Inc.
The Washington Times

July 14, 1993, Wednesday, Final Edition

SECTION: Part G; COMMENTARY; Pg. G3

LENGTH: 878 words

HEADLINE: Clinton's 'condom CEO' nomination

BYLINE: Kay Coles James

BODY:

Surgeon general nominee, Jocelyn Elders says she will do whatever it takes to reduce teen pregnancy. This statement is intended to reassure us, but one need only look at Arkansas' record to understand that her promise seems more like a national threat. The president who told us he wants to reinvent government must surely be interested in looking at the bottom line - the results of Dr. Elders' efforts in Arkansas. Just what return have the "state stockholders" in Dr. Elders' taxpayer-funded programs been getting for their investment?

Since Dr. Elders became Arkansas' health director in 1987, the teen pregnancy rate in Arkansas has risen 15 percent, according to American Medical News. The incidence of sexually transmitted disease also rose dramatically. From 1989 to 1992, syphilis cases among Arkansas teens rose 130 percent and HIV infection escalated 160 percent.

A variety of programs were implemented in Arkansas to attain these results - all contributing to Dr. Elders' overall performance.

Dr. Elders is known for her advocacy of School Based Clinics (SBCs), which she has euphemistically renamed "Student Service Centers." These clinics have been very controversial, both because they usurp authority from parents, and because of the services and referrals they provide to teens. In 1992-93 there were 24 clinics operating in Arkansas schools even though there are 96 health department clinics throughout the state that offer the same services. While these clinics supposedly provide basic health care to students, their primary goal is intended to be, as Dr. Elders has admitted, to dispense condoms for high school students. Free condoms, however, are already available at every health department clinic in Arkansas.

Dr. Elders has promoted taxpayer-funded condom distribution programs, promising the kids "safe sex," despite the evidence. Studies done by the National Survey of Family Growth show the failure of condoms is 1 in 6 in preventing pregnancy. And even less "safe" is a condom's ability to prevent STDs and AIDS - a study by Fische found a 17 percent failure rate among married couples that are "condom educated." Research shows teens tend to be less effective contraceptors than adults, causing the condom failure rate to increase.

In addition, these school-based clinics sometimes refer students for abortion - without parental knowledge. Dr. Richard Glasgow notes in his book, "School Based Clinics, The Abortion Connection," "the small number of SBCs which receive federal funding under Title X (the largest federal family planning program) will refer a girl directly to an abortion clinic without her parents' knowledge or consent because clinic proponents argue that Title X guidelines require that recipient agencies provide services to minors without parental knowledge or consent - the majority of clinics currently operating fall into this category."

Given the research, just how effective are these clinics? To date, the Arkansas Department of Health has failed to provide any research of its own or others that indicates that dispensing contraceptives reduces teen pregnancy. Apparently in Arkansas, reinventing government to look more like business does not include an annual report.

According to Douglas Kirby, consultant for the National Center for Population Options, an organization that promotes SBCs, the clinics reportedly "had no measurable impact on teen pregnancy rates." In fact, with the introduction of contraceptive education in the schools nationwide, research has shown a national increase in teen pregnancy over the past two decades.

With the threat of condom distribution through the public schools, the Arkansas legislature passed a law that prohibits the use of state funds for the distribution of concoms. That of course didn't stop Dr. Elders and then Gov. Bill Clinton. When questioned about the funding for the condoms in public schools, Dr. Elders and Mr. Clinton reported that the condoms had been bought with U.S. dollars.

Still, having had the reins of the health department in her hands since 1987, and having implemented her policies and programs, Dr. Elders attributes the rise in teen pregnancy in Arkansas to "poverty and ignorance and the Bible Belt mentality." Even now, after her dubious performance in Arkansas, Dr. Elders says she is ready to go national, bringing with her the programs from Arkansas and adding a few, such as Medicaid funding for abortions and Norplant. She was recently quoted on CNBC as saying that the United States should "provide [prostitutes] with Norplant, so they could still use sex if they must to buy their drugs."

How public officials approach a crisis on a local level is usually indicative of how they will deal with challenges on a larger scale. The U.S. surgeon general is supposed to be the No. 1 advocate for public health. President Clinton said he wanted an administration that looks like Arkansas. Will Dr. Elders do for America what she has done for Arkansas? We can only hope not.

Kay Coles James is vice president of the Family Research Council based in Washington.

GRAPHIC: Cartoon, I DON'T CARE WHAT THE SUPREME COURT SAYS! THERE ARE SOME THINGS SCHOOLS SHOULD NOT BE INVOLVED IN!... / ...NOW HURRY ALONG OR YOU'LL BE LATE FOR THE CONDOM DISTRIBUTION..., By Stantis/The Grand Rapids Press (1993)

LANGUAGE: ENGLISH

LEVEL 1 - 4 OF 4 STORIES

Copyright 1993 News World Communications, Inc.
The Washington Times

July 12, 1993, Monday, Final Edition

SECTION: Part A; NATION; POLITICS, POLICY AND ANALYSIS; Pg. A4

LENGTH: 689 words

HEADLINE: NAACP wants proof Clinton is on its side

BYLINE: Ronald A. Taylor; THE WASHINGTON TIMES

DATELINE: INDIANAPOLIS

BODY:

INDIANAPOLIS - A year after getting a strong black embrace on his way to the White House, President Clinton is facing mixed reviews and skepticism among blacks.

"We won't miss him here this year," said Raymond McAllister, president of the Greensboro, N.C., chapter of the NAACP.

The ghost of the Lani Guinier nomination, the coming battle over Surgeon General-designate Jocelyn Elders and the still-precarious shape of the economy fuel the assessment of blacks gathered here for the annual convention of the National Association for the Advancement of Colored People.

"Last year I thought he was the greatest thing since I don't know what. I had such high hopes, and I'm very disappointed in him now," said Alaice Walker, an NAACP convention delegate from the Great Falls, S.C., chapter.

That view is endorsed by other civil rights activists here.

"We've seen one African-American woman lynched politically. We're going to see now whether Mr. Clinton has learned a lesson from the Guinier crisis," said the Rev. Joseph Lowry, president of the Southern Christian Leadership Conference.

Speaking after Texas billionaire Ross Perot, who said all the wrong things to the gathering of blacks, Mr. Clinton and then-Sen. Al Gore said all the right things when they dropped in on last year's NAACP convention in Nashville.

Today Vice President Gore will stand in for the president, who is vacationing in Hawaii after the Tokyo economic summit.

Administration initiatives on minority business and energy policies are to be addressed by Commerce Secretary Ronald Brown and Energy Secretary Hazel O'Leary.

Economic development and financial aid dominate the corridor chatter here as the NAACP enjoys a revival of popular support among blacks.

Executive Director Benjamin Chavis said yesterday that a spontaneous collection last night for African National Congress President Nelson Mandela

netted $49,000 in checks and pledges.

Last night Mr. Chavis announced the award of a $2 million endowment by the family of the late multimillionaire financier Reginald Lewis. The money is to seed an endowment fund for the NAACP that, Mr. Chavis said, he hopes will total $100 million through other corporate contributions.

Mr. Chavis also announced plans for an Aug. 28 march on Washington to mark the 30th anniversary of the 1963 Civil Rights march that is known as the site of Dr. Martin Luther King Jr.'s "I Have a Dream" speech.

In a press conference yesterday, Mr. Chavis, who served on an environmental issues team for the Clinton transition organization, noted that the NAACP's relationship with the administration is frosty and will continue to "be based on civil rights."

He echoed the prevailing sentiment about the Clinton administration among the delegates interviewed: The administration must aid blacks to merit further black support.

"Now they have to produce. Actions speak louder than words. I don't want him to speak just to placate us," said Mary Kay Penn, an administrative staff member of the Girl Scouts of America from New York City.

"He has a lot of work to do," she said. "He's a baby boomer, and the people around him are baby boomers, so there's always going to be something coming up in somebody's past that he's going to have to defend," she said.

Her assessment, along with Mrs. Walker's, were framed by Mr. Clinton's performance in the battle over Lani Guinier, a black law professor and family friend he tapped to be assistant attorney general for civil rights. Mr. Clinton scuttled the nomination under pressure.

The action rang hollow among delegates here who cheered wildly last year as Mr. Clinton displayed a sensitive touch. He talked about black economic progress, alluded to the death of the widow of a key civil rights operative and even lead the crowd in the first verse of "Lift Every Voice and Sing," a song known of as the "Negro National Anthem."

"Last year he did what he had to do. Politicians say what they have to," Mrs. Walker said.

GRAPHIC: Photo, Commerce Secretary Ronald Brown will address the NAACP convention., By AP

LANGUAGE: ENGLISH

TELECOPY COVER SHEET


**OFFICE OF THE INDEPENDENT COUNSEL**
1001 Pennsylvania Avenue, N.W., Suite 490N
Washington, D.C. 20004
telephone (202) 514-8688 facsimile (202) 514-8802


Date: _____

TO: Hick Ewing

Company Name: _____

Fax Number: _____ Telephone Number: _____

FROM: BK

Number of Pages: 2 (including this cover sheet)

Message: Note from Chuck re: AmEx card.

CONFIDENTIALITY NOTE


This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the facsimile by mail.


c:\faxform rdb

There was no charge on Fosters American Express card for an airline ticket to Switzerland (or anywhere else) in July '93.

700 CLUB - Vince Foster - April 18, 95

This 10-minute Video received in OIC LR office on 4-25-95.
Is on CBN News Watch, hosted that day by Ben Kinchelow.
Viewed by H. Ewing on 4-26-95, who took following notes:

Kinchelow: Death of V. Foster was in the news alot, but now it has all but faded. Paul Strand reports that a few critics are still asking questions.

Strand:

[Video of Bob Fiske is shown making announcement, flags in background]
Fiske declared it was a suicide.

But a group calling itself the Western Center for Journalism has produced a video - Unanswered: The Death of Vince Foster.

Excerpts from this video:

[introduced by James Davidson of Strategic Investments, who is usually advising clients about what intelligence sources say]

Davidson: The day after Foster's death, one of our intelligence sources called and said there was foul play in Foster's death.

Jack Wheeler: over 40 inconsistencies, such as:

. the police dusted the gun found in Foster's hand, yet no fingerprints were found on the gun.

. the gun was reportedly held in a very awkward position.

. he saw the body with no gun in his hand.

. Chris Ruddy, an investigative reporter:

[dummy with 3 blood streaks on cheek shown]

. Foster was supposedly found on a steep hill, face up; blood does not run uphill.

Wheeler (continuing):

. Lefthanded men usually don't shoot themselves with the right hand.

. Blood doesn't run uphill.

. A person could hardly be expected to walk 600 feet through a park and not have chemical traces of soil on their shoes.

. White House lawyers in suits should not be covered from head to foot in carpet fibers.

[film footage of Ken Starr entering Courthouse in Little Rock, followed by Debbie Gershman]

. A new Independent Counsel Kenneth Starr was named.

[film footage of Starr getting on the elevator; others in background are Steve Irons, Bob Klimas, Bob Lashock]

. He put 11 witnesses before the federal grand jury.

---

Interview of James Davidson

Ben K.: With there being extensive coverage of the OJ Simpson trial, why has the death of a top White House lawyer dropped off the media coverage?

Davidson:

It is a very puzzling question. This crime is clearly a murder.

Prominent people in the press know of the coverup. For example, on April 4 of last year [1994], there was a Wall Street Journal article by Ellen Pollock, which claimed that the Fiske investigation would conclude and say it was a suicide. The article quoted Lankler, a deputy to Fiske.

This is very incriminating, because the Senate Banking Committee reported months later a detailed chronology; which set out when the evidence was gathered and people interviewed. It showed that the evidence was gathered after they told the WSJ that it would be determined that it was a suicide.

This is just as if Lance Ito granted an interview a month before the Simpson trial and announced what the verdict would be before the trial started.

This is indicative of the very substantial perversion of the investigation.

Question by Female co-host: It this was not a suicide, what are the other potential scenarios?

Davidson:

I'm not in a position to explain why he was murdered, or by whom.

But the evidence gathered does not make any sense. You saw parts of the tape that has been produced...

We invite anybody to look at the video,

because we need to bring pressure right now on the current investigation,

because Mark Touhey, who is the Assistant Special Prosecutor under Mr. Starr, has been compromising this investigation.

. 3 of the top investigators who were working on this case have resigned recently because they were frustrated and refused permission to call witnesses before the Grand Jury and collect evidence.

. I think we're in the process of yet another coverup of this man's murder.

. And the evidence that he was murdered is really overwhelming.

The forensic evidence...

. 7 or 8 of the top forensic experts in the country have testified that the pattern of powder burns on Vince Foster's fingers is not consistent with a suicide:

. Massad Ayud - Legal Force Institute
. Dr. Richard Mason - Santa Cruz, CA
. Martin Fackler - Army Ballistics Wound Lab
. Robert Tolbert - firearms expert w/ FBI swat - said he has never heard of anyone gripping a gun like that.

. There is very powerful evidence that he could not have fired the gun.

. There is an AR State trooper, Roger Perry, who has given an affidavit to the English press. At 5:30 pm, Central time, he got a call from a woman who was Chelsea Clinton's nanny, who was hysterical, and saying, "Vince Foster is dead in the parking lot of the White House."

. These things need to be investigated.

. A photo was released on ABC News. It showed the trigger guard, and Foster's hand in the gun. The photo showed <u>thick</u> vegetation around Foster's body. Yet the positioning of the body according to the Police report and the Fiske report put his body in a place where there was <u>no</u> vegetation.

. Experts have gone to the park. They have examined the vegetation, and the vegetation shown in the photo. They testify that no vegetation like that shown in the photo grows anywhere near where the police said his body was found in the park.

. You go down the list of anomalies...

. Why is his body covered from head to toe in carpet fibers? There was no carpet on that Park.

. I think that the evidence is very clear that he was murdered; and his murder is being covered up for reasons of political convenience;

. and this makes the O.J. Simpson trial pale down to the size of a pimple compared to a cancer.

. This is a very, very important issue.

. And every American listening to this broadcast should write to your Congressman and insist that the truth be told regardless of what the consequences are in terms of political fallout.

---

Final Question by Ben K:

Mr. Davidson, let me ask you this final question. There are those who say this is simply more conspiracy theories, and you ought to let the man rest in peace. Critics say you are inventing conspiracy theories about Foster. How do you respond to that?

Davidson:

I will be glad to debate anybody who claims that they have evidence that Foster is a suicide; and look specifically point by point at the evidence.

If Fiske in his report or

Touhey in his current coverup

were to come forward with explicit, rational answers for the amazing anomalies and evidence that show that he was murdered,

then I would say, well, fine; he was a suicide, and that's it.

The reason I'm upset is I believe we are seeing what happened in Mexico. Prominent people are murdered if they now something that compromises somebody in power. It is then covered up and forgotten about....

END

Female co-host: "very interesting"

More to come on News Watch.

FYI--The following is a nationwide direct mail letter from the Rev. Jerry Falwell. Falwell is calling for Congressional hearings into Foster's death. The letter implies that after 11 months in office, Independent Counsel Kenneth Starr has yet to conduct a full grand jury and homicide investigation.

Dear Friend,

If you were shocked, as I was, by last year's explosive video exposés, "The Clinton Chronicles," and "Bill and Hillary Clinton's Circle of Power," you will be horrified when you view the brand new video --

THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED?

This hot new one hour video exposé raises blistering questions about the events surrounding the death of Mr. Foster.

Was Foster's death suicide ... or something much more sinister?

Why did Foster's death at Fort Marcy Park appear to have been "staged" according to many experts?

Was there a White House "cover up?"

Enough doubts exist ... and many, many questions remain unanswered. The American people deserve to know the truth.

Did you know these facts about Foster's death?

Evidence suggests Foster's body was found in a different location from the official report.

The alleged suicide gun, found in Foster's hand, did not have his fingerprints on it.

Crime scene photographs were taken -- but "accidentally" destroyed.

Foster had supposedly walked 200 yards down a dirt path, but had not a trace of soil on his shoes.

This new video brings these and many other facts to light, exposing what has been suspected by many ...

... THE EVIDENCE JUST DOESN'T ADD UP!

Vince Foster was the highest ranking public official to die under mysterious circumstances ... since President John Kennedy.

I believe it is high time for Congress to launch a probe into the strange events surrounding the death of Mr. Foster.

The U.S. Senate recently voted 96-3 to begin hearings on Bill and Hillary Clinton's Whitewater affair in July.

Any comprehensive hearings on Whitewater should also include an investigation into the death of Vince Foster.

Once you see this video you will certainly agree!

That is why I have enclosed an official CITIZEN INQUIRY directed to Senate Majority Leader Robert Dole.

I am asking you to sign and return this CITIZEN INQUIRY as soon as possible. I want to present thousands of these CITIZEN INQUIRY petitions to Sen. Dole before the hearings get underway.

Open Congressional hearings may be the only key to America knowing the truth behind Foster's death -- which many say could have been related to Whitewater.

Last year's Democratically-controlled hearings only broke the surface on Whitewater.

At about the same time, "THE CLINTON CHRONICLES" was receiving both acclaim and criticism nationwide. We helped to distribute literally tens of thousands of these videos across the nation -- informing and activating citizens.

It literally shook the nation and the White House.

I was roundly criticized by the media -- and even the President himself -- for distributing this video exposé detailing the questionable events surrounding Mr. Clinton's swift rise to political power.

But I sincerely believed it was the right thing to do.

It was a useful tool in getting the attention of the American public. I believe "THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED?" will do the same now.

It is time for tough questions to be asked about the death of Bill Clinton's childhood friend and Hillary Clinton's former law partner, Vincent Foster.

I believe once you see this hard-hitting video you will agree -- and join me in demanding Congress launch a no-holds barred investigation.

Because doubts exist ... and questions remain unanswered!

**If you saw THE CLINTON CHRONICLES, you will want to have this video immediately -- I promise it will have you on the edge of your seat for the full 60 minutes.**

You will learn the astounding facts surrounding Foster's untimely and mysterious death. For example, did you realize:

> **Just 24 hours BEFORE Foster's body was found in a lonely Civil War park, Bill Clinton FIRED FBI director William Sessions -- an act that Sessions would later say seriously "compromised" the investigation.**
>
> **High-ranking members of the White House, including Hillary Clinton's chief of staff and the top White House counsel RANSACKED Foster's office only hours after his death.**
>
> **The Administration turned over the investigation to the U.S. Park Police -- INSTEAD of the more experienced and much better equipped FBI.**

Apparently an incredible series of unprofessional... unethical ... inefficient and plain sloppy events took place -- beginning literally minutes and hours after Foster's death.

Vince Foster was the life-long friend of Bill Clinton. He held the prestigious position of Deputy White House Counselor, and was a former partner with Hillary Clinton in the Little Rock, Arkansas Rose Law Firm.

Reportedly, many who knew Foster thought he would be the last person to attempt suicide. His family and staff reported no indication of severe depression that would lead to suicide.

Yet, that was the quick "official" explanation given by the White House and eagerly lapped up by the liberal national media.

**BUT IT DOES NOT ANSWER THESE UNANSWERED QUESTIONS?**

** **Why do independent criminal investigative experts say very few facts suggest any possibility of suicide?**

** **Why was evidence taken before routine forensic tests could be conducted?**

** Why was the bullet that killed Foster never found?

** Was a second crime scene "fraudulently created," complete with "phony blood stains" the night of Foster's death?

** Why did Vince Foster have to die? Did he possibly know something so volatile that it resulted in his death?

IT IS TIME THE AMERICAN PEOPLE KNEW THE TRUTH!

Will you help me demand a Congressional accounting by signing and returning your enclosed CITIZEN INQUIRY?

I want to present your INQUIRY along with tens of thousands of others to Senator Dole -- demanding a thorough investigation.

And when you return your signed CITIZEN INQUIRY, please send a generous gift to help the vital work of Liberty Alliance.

If you can send a gift of $38 or more, I will send you your own copy of "THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED?"

Then you can see the evidence for yourself.

Your contributions are the only way for us to continue to alert and educate Americans on critical issues like this one.

Your signed CITIZEN INQUIRY and gift of $38 is desperately needed to get the Congress moving on this issue.

Please let me hear from you.

Sincerely,

Jerry Falwell

Jerry Falwell

P.S. THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED?

To receive your copy of this powerful, revealing VHS videotape, please return your signed CITIZEN INQUIRY and a gift of $38 or more today. (If you cannot afford to send $38 for the video, please try to send at least $15 or $25 to help us with this vital truth campaign.)

We must make sure Congress does not shirk its duty to fully investigate this tragedy. Your petition will help.

P.P.S. If you see just ONE video this year, you MUST see "THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED?" Order your copy now by enclosing a gift of $38 to Liberty Alliance today.

# CITIZEN INQUIRY REPLY FORM

❑ *YES, JERRY!* I agree. It is high time questions about the death of Vince Foster were answered. Enclosed is my completed **CITIZEN INQUIRY FORM** below for delivery to Senator Bob Dole.

I have enclosed a gift of $38 or more to Liberty Alliance. Send me the explosive one hour video expose: **THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED?** H5EDA

**Enclosed is my gift**

❑ $38 ❑ $_____ Other

If you prefer to charge $38 to your credit card, please provide the following information:

❑ VISA ❑ MasterCard ❑ Discover

Credit Card #:_____

Exp date:_____

DO NOT DETACH - Return this entire sheet of paper to Liberty Alliance, P.O. Box 190, Forest, VA 24551

# CITIZEN INQUIRY

## To: Senate Majority Leader Robert Dole

Dear Senator Dole,

In light of the the Senate's decision to open new hearings this summer on the Clinton Whitewater affair, I respectfully request that a full-fledged investigation also be conducted on the mysterious death of White House Counsel Vincent Foster.

MANY UNANSWERED AND BAFFLING QUESTIONS SURROUND MR. FOSTER'S DEATH INCLUDING:

- WHY DID MR. FOSTER SUPPOSEDLY WALK 200 YARDS DOWN A DIRT PATH, YET HAVE NO TRACE OF SOIL ON HIS SHOES?
- WHY WAS THE FBI KEPT OUT OF THE INVESTIGATION UNTIL CRUCIAL EVIDENCE HAD BEEN RECOVERED BY THE CLINTON ADMINISTRATION?
- WHY WERE CRIME SCENE PHOTOGRAPHS ACCIDENTLY DESTROYED?
- WHY WERE MR. FOSTER'S FINGERPRINTS NOT ON THE GUN HE ALLEGEDLY KILLED HIMSELF WITH?
- WAS THE SCENE OF MR. FOSTER'S DEATH STAGED? IF SO, BY WHOM?

Vince Foster was the highest ranking federal official to die under mysterious circumstances since President John F. Kennedy. It is high time the truth be known!

*Signed* *City/State*

THE DEATH OF VINCENT FOSTER. WHAT REALLY HAPPENED?

--Jeremiah Films

This video was produced by the same people who produced "The Clinton Chronicles." It begins with a statement to the effect, "The following information is documented and true." Some of the highlights of this video are as follows:

INTRODUCTION

Excerpts from Vince Foster's May 8, 1993, commencement address at the University of Arkansas Law School.

Shot of the cannon at Fort Marcy Park on July 20, 1993.

Picture of Vince Foster, and then Fort Marcy Park.

Confirmation by the media that it was a suicide.

It was six months until the mainstream media questioned this. [Shows copy of Chris Ruddy's article in the new York Post.]

Vince Foster excelled in high school as a student and an athlete. He did well at the University of Arkansas Law School and joined the prestigious Rose Law Firm. [It shows a picture of Vince Foster, a video of Hillary Clinton at a much younger age, and a video of Webb Hubbell.]

The Citizens for Honest Government presents: "The Death of Vince Foster. What really happened?"

I. PART ONE - THE INCONSISTENCIES

At Bill Clinton's and Janet Reno's insistence, the matter was investigated by the U.S. Park Police. It was not until seven months later that the FBI was allowed in. The Fiske Report issued on June 30, 1994, confirmed that it was a suicide. However, there are alarming contradictions.

1 - Very little blood at scene.

Sergeant George Gonzalez, who was the first on the scene, said he was shocked at the lack of blood at the scene.

Chris Ruddy - Most people on the scene that night had never been interviewed. In January 1994, I met with some of the EMT's and the police. Many confirmed that there was very little blood on the scene. One said, "This one

was different."

Gene Wheaton (GW) - former homicide investigator and special agent with the U.S. Army CID - I was hired to go to Washington and look into this. The events surrounding the investigation indicate that it had to be a cover-up. Never in my career had I seen a case like this. In most gunshot wounds to the mouth, there is a "blow back." A .38 caliber stuck into the back of the mouth, would produce a large amount of gases.

Citation to the Fiske Report.

Richard Mason disagrees, giving his opinion about heart activity.

Citation to Fiske Report, page 52. This is contradicted on page 36 by Dr. Haut. It is reported in the Fiske Report that Haut says that there was a large pool of blood. Haut disputes this. Cory Ashford, one of the people who moved the body, said he could not even seen an exit wound.

Ruddy - quoting Ashford.

2 - <u>Foster's head assumes four different positions after death</u>.

Ruddy - There were four different blood tracks.

Reed Irvine Accuracy in Media - U.S. Park Police realized this was a problem. There was an analysis of blood staining patterns. In the Fiske Report, they talk about the position of the head. It is stated, with no evidence, we conclude that someone at the scene must have moved the head. George Gonzalez denies this.

3 - <u>No skull fragments found at the scene</u>.

Copy of the autopsy report shown, indicating the size of the exit wound. The autopsy report shows a one inch hole. It was stated in some report that the surrounding ground was excavated to a depth of eighteen inches.

GW - There is an oddity that no skull fragments were found at the scene. Where are they? They should have been around the body. Therefore, it is most logical: (1) that they were picked up and destroyed; or (2) the body was moved.

The Fiske Report rejected this.

4 - Gun found in Foster's hand.

GW - I have investigated hundreds of deaths. There is a recoil from a .38 caliber weapon. I can't recall ever finding a pistol in a victim's hand after a death with a large caliber weapon like a .38.

Ruddy - Normally, the gun is not in the hand, and it is thrown away from the body. In this case, it was almost neatly at his side.

GW - I have seen cases of suicide where the weapon is sometimes thirty to forty feet away. It is never in the hand.

5 - Gun found in wrong hand.

The Fiske Report states that the gun was reportedly in the right hand. Foster was left-handed. This was not mentioned in the report.

GW - It is illogical to think Foster shot himself with his right hand. I have even been told he was almost non-functional with his right hand, because he was such a seriously left-handed person. If someone staged the suicide scene, it would be a normal assumption that he was right-handed, since most people are right-handed.

6 - Foster's fingerprints not on gun.

According to the FBI, there were no prints of Vince Foster developed on the gun.

The Fiske Report, page 46, tries to explain this, by stating latent prints can be destroyed by certain things such as heat.

There was one latent print on the underside of the grip that did not belong to Vince Foster. There was no attempt made to determine whose it was.

7 - Powder residue suggests Foster did not fire gun.

Ruddy - There was powder residue reported on the right index finger, in the web of the hand, and on the left index finger. This would indicate that his hands were around the front cylinder gap. The fact that he had powder burns on both hands means he would have had both hands over the cylinder, with no grip on the butt of the gun. It would be very, very difficult to fire the weapon in that manner.

Now, despite the Fiske Report, most forensic experts doubt that Foster pulled the trigger himself.

8 Powder on Foster's clothing did not match gun.

The gun powder on Foster's clothing did not match the powder on Foster's hands.

According to the Fiske Report, this possibly occurred because that powder possibly blew on there from the exhaust fan at the Park Police lab. Fiske was not able to support this with any evidence.

9 - Gun not positively identified as Foster's.

The Colt .38 has yet to be positively identified. Foster's three children all said it was not the one they had seen at home. Lisa Foster said that they kept only one gun at home, and it was found that night.

Irvine - The gun was a 1913 Colt Army special made from parts of two guns. It is almost untraceable.

GW - This is the classic type weapon used by pro political assassins or organized crime hit men.

There were only two bullets. There was no ammunition for this gun in Foster's house.

Irvine - They apparently were the only two bullets he had.

GW - If the gun was at home, he would have had a box of rounds there. This is a classic assassination type scenario.

10 - Fatal bullet never located.

The bullet has yet to be found. Later, the FBI did a search of the area and found seventy pieces of metal, some going back to the Civil War. There were twelve modern-day bullets found, but no bullet that matched the gun.

11 - No gunshot heard.

The Fiske Report, page 56, states that one of the reasons something might not have been heard was because of traffic in the area.

GW - This is illogical. There would be a most explosive-type noise in and around the cylinder.

Contrary to usual police procedures, not one resident nearby was contacted to see if a gunshot was heard.

12 - No dust found on Foster's shoes.

Page 12 of the FBI lab report states there were mica particles. It also says it did not contain any coherent soil samples.

Ruddy - This is impossible. If you walked in the park, there would be soil on your shoes.

GW - Nothing at that crime scene makes sense. Nobody has questioned this officially, and I can't understand why.

Why has there not been a stronger reaction to this phony, flawed investigation and final report.

Despite Fiske Report's conclusion that there is "overwhelming evidence" of suicide, there is not overwhelming evidence.

Six pieces of evidence which indicate it is likely Foster did not die in the park.

1. Very little blood
2. Four different head positions
3. No skull fragments
4. No bullet
5. No gunshot reported
6. No dust on shoes

Three pieces of evidence which indicate it is more than likely Foster did not fire gun himself.

1. Gun still in hand
2. Gun in wrong hand
3. Untraceable weapon used

GW - Based on the entire scenario of Vince Foster's death, the preponderance of the evidence indicates he did not commit suicide.

In addition, the FBI found in or on his clothing other items including: (1) multi-colored carpet fibers; (2) seaman; (3) long blonde hairs.

Ruddy - The FBI did suction analysis on the clothing. Fort

Marcy Park is not carpeted. Was he on a carpet before he died? Or was the carpet involved in the movement of the body?

Ruddy - The FBI investigators who appeared before the Senate Banking Committee said something interesting, "Well, these things were there, but it could have been anything, and we dismissed it out of hand."

[Video shows agents Monroe and Colombell, and Dr. Hirsch.]

Irvine - The Fiske Report indicates no effort was made to find out what carpet might have been in contact with Foster, what hairs, seaman, etc. This evidence could have provided clues as to where Foster was between 1:00 and 6:00 p.m. Yet, this evidence was never investigated!

## II. PART II THE COVER-UPS

### A. Cover-ups

There were a number of cover-ups related to the Foster death.

#### 1. Falsified position of the body - a second crime scene created that night

Initial interviews of some of the people on the scene by Chris Ruddy indicated that the body was closer to cannon #1, rather than cannon #2, as indicated in the official reports.

Ruddy - The official report says the body was some 600 feet from the parking lot. There were two cannons at Fort Marcy Park that day, and two sites. One of the paramedics drew me a map (Gonzalez). This map sketch by Gonzalez was similar to a sketch drawn for Reed Irvine by Dr. Haut. It indicates that the body was 20-50 feet from the first cannon.

Concerning photographs of the crime scene, originally, the official position was that there were no photographs. They later said that they took photographs, but they were overexposed.

Ruddy - In a normal homicide investigation, one of the things that should not be in dispute is where the body was found. It was originally reported there were no photographs taken. Then they released thirteen close-up polaroids, which is against all procedures of taking crime scene photographs. They then said they took some others, but they were not exposed properly.

GW This makes no sense.

ABC News released one of the polaroid pictures. It depicted certain foliage around Foster's body. The foliage contradicts the official report that the body was near cannon #2. The path below cannon #2 is all dirt. There is a lot of foliage in the spot where the people reported that the body was near cannon #1.

A second crime scene was created that night.

As to the bullet, it was originally said that no metal detectors were used. Later, they said they did use metal detectors. The Fiske people and FBI found seventy pieces of metal near the cannon 2 site, including twelve modern-day bullets; yet, the bullet matching the gun in Foster's hand was not found.

The Fiske Report, page 56, stated that in all likelihood, further searches would be "unproductive."

2. <u>White House demanded key evidence, and Park Police gave it to them. This included papers, etc., given back</u>.

[Video of John Rolla testifying before the Senate Banking Committee]

Ruddy - Park Police gave crime scene evidence away within hours of finding the body, including the White House beeper, which possibly could have had latent prints, etc. [Video of Senate Banking Committee hearing]

The next day, papers, etc., were given back.

[Video of Senate Banking Committee. Senator Domenici asks special agent Monroe about the job of the Park Police in the investigation. Monroe stated words to the effect, "I think they did an adequate job. I feel inadequate to evaluate another agency's work."

The FBI was kept out of the investigation. [News clip regarding Judge Sessions and his firing]

Bill Clinton fired the head of the FBI.

Ruddy - Sessions charged that this "lead to a compromised investigation."

Fiske recommended to Bill Clinton that he fire Sessions and hire Freeh.

[Video showing Senator Faircloth asking a question as to why the Park Police were in charge]

[Video of Senate Banking Committee showing Dr. Beyer, and investigators Cheryl Braun and John Rolla, at the table]

The national news media fell in line with Bill Clinton's explanation.

Ruddy - The Park Police tested the gun on August 12, yet they ruled it was a suicide on August 10, before they tested the gun.

GW - You always approach a death from the standpoint of a homicide, until you prove that it is not.

[Scene showing pallbearers carrying the casket at the funeral. Webb Hubbell and Bill Kennedy appear to be the pallbearers in the back.]

At the time of death, no one called it from a depression.

Irvine - Lisa Foster won't talk. I asked Mrs. Foster on the phone whether Vince Foster was right handed or left-handed. She said, "No comment."

GW - All the Park Police were ordered to keep their mouths shut.

Debra Gorham, White House employee, was interviewed by Reed Irvine. He asked if she was pressured not to talk, and she replied, "No comment."

GW - The investigators did not think it was a suicide. Their superiors ordered them to write it up that way.

B. <u>Was Foster suicidal?</u>

Initially, the answer was, "Absolutely not." The secretary said there was nothing unusual. Bill Clinton said there was nothing unusual.

But the Fiske Report said that he was depressed, he organized his desk, he paid bills, he was apparently stiff that morning, and he was apparently distracted.

Apparently, Foster had a Trazadone prescription from the family doctor.

Everyone fell in line that he was depressed.

[Video] Hillary Clinton said on April 22, 1994, "No one had a clue. Neither did the people who spent the weekend with him."

Day of death - no suicide indications

1. Drove children to work
2. No final words
3. No final preparations
4. Arrived on time
5. Worked conscientiously
6. Set up future appointments
7. Ate lunch
8. Read the newspaper
9. Checked out a pager
10. Said he would return later
11. Wrote no suicide note

[Representative Dan Burton - video - They said they found a note on July 26, 1993. They said they missed the note in the first search.]

Irvine - There was not anything in this "note" about suicide.

GW - How they could claim that they missed 27 pieces of a note is ludicrous. They were not searching a warehouse. They were searching a briefcase.

There were no prints on the note.

GW - Prints are easily obtained from a piece of paper. How can you not tear a piece of paper into 27 without leaving prints, unless you use gloves?

Burton - [shown holding up a copy of the Fiske Report] - This is not worth the paper it is written on.

Faircloth - Referring to the Fiske Report as superficial.

Ruddy - [holding up Fiske Report] The report looks very thick, when in actuality it is only 58 pages long. Most of it is indexes containing the various biographies of those experts used by Fiske.

Dr. Beyer, who did the autopsy, has had two of his prior

suicide rulings reversed, due to flawed autopsies.

Ruddy - [goes in to the claimed x-rays and the later claim that there were no x-rays] - X-rays would have shown the exit wound, and the trajectory of the bullet. The autopsy report checked that x-rays were done. Also, in the narrative of the report, it indicates that x-rays were done. Yet, later, no x-rays turned up.

GW - This 76 year old pathologist has given very inconsistent statements.

Irvine - The technical man said that the x-ray machine was new equipment. The first service call concerning this machine was in October '93. Thus, it was in good working condition on July 20, 1993.

GW - If Fiske is serious about the investigation, he would have gotten an order exhuming the body, and had the autopsy redone.

Ruddy - Fiske did not use subpoena power.

GW - There was a failure to use the federal grand jury and to put the various witnesses under oath.

Bill Clinton gave conflicting versions of Foster's state of mind.

He at first said there was no depression. He said he had contact with him on July 18 and July 19. He said he was unaware of Foster's depression. He later said that he called on the night of the 19th to cheer up Foster.

III. <u>PART III - THE RAID ON FOSTER'S OFFICE</u>

[Viewed, but no detailed notes made]

[Shows pictures of Bernie Nussbaum, Maggie Williams, Patsy Thomasson, etc.]

Ending quote:

"Don't believe a word you hear; it was not a suicide."

- Webb Hubbell, July 20, 1993

At the conclusion of this video, it says you can call 1 800 828-2290, for additional copies or information.

3RD STORY of Level 1 printed in FULL format.

Copyright 1993 The Times Mirror Company
Los Angeles Times

May 20, 1993, Thursday, Home Edition

SECTION: Part A; Page 1; Column 4; National Desk

LENGTH: 686 words

HEADLINE: CLINTONS PUTTING FINANCIAL ASSETS INTO BLIND TRUST

BYLINE: By DAVID LAUTER, TIMES STAFF WRITER

DATELINE: WASHINGTON

BODY:

After questions Wednesday about money Hillary Rodham Clinton holds in a mutual fund that has invested in health-related stocks, the White House announced that the President and his wife had decided weeks ago to put their assets into a blind trust and have nearly finished the process.

"The paperwork has been completed and is at the Office of Government Ethics" for review, White House Deputy Communications Director Ricki Seidman said.

Seidman said she did not know precisely when the Clintons began preparations for the trust, only that the move has been in the works for weeks.

The Clintons have assets of roughly $1 million -- government financial disclosure forms do not show the precise amount but only a range of values -- much of which was tied up in Mrs. Clinton's law firm partnership until she left the firm after the election.

Between $50,001 and $100,000 of their money is in a mutual fund run by Smith Capital Management, Inc., a Little Rock, Ark., investment company in which Mrs. Clinton has held shares since 1986. As of Dec. 31, the fund had about 13% of its $8.9-million holdings in health-related companies -- ranging from a hospital to a medical equipment manufacturing company. The fund invests in small- and medium-sized companies that appear to be good prospects for rapid growth, according to its prospectus.

Mrs. Clinton's investment and a list of the stocks were disclosed on financial forms released by the White House this week. News organizations questioned the White House Wednesday about Mrs. Clinton's holdings.

As head of the Administration's health care task force, Mrs. Clinton's decisions clearly would have some potential impact on the stock of virtually any health care-related firm. Indeed, given the importance of health care to the economy, decisions on that issue would almost certainly affect the stock value of practically any firm in any industry.

But no law required Mrs. Clinton to sell her holdings or place them into a trust because she is not a government employee. Nor is it clear whether Mrs. Clinton would have had to sell her holdings even if she were a government employee.

Government ethics laws generally relate to stocks that a person can directly buy or sell, rather than those held by a third party whose actions the officeholder does not control. Mrs. Clinton's stake in the mutual fund amounts to 0.9% of its total shares, an amount that gives her no control over its decisions on which stocks to buy or sell, White House officials noted.

Mrs. Clinton "has no control over the investments" and "the fund does not own a significant proportion of any health care concern," Seidman said.

"If she were a government employee, we probably would have advised her to get a waiver," she added. Federal ethics laws provide for waivers that allow an official to continue to work on policy matters that might affect their financial holdings as long as the potential conflict is disclosed to their superior officers. Several senior Administration officials have received such waivers both under Clinton and in the George Bush Administration.

Bush kept his assets in a blind trust throughout his tenure, but other senior officials in the past have resisted doing so because of the costs involved and concerns about lack of control over their money. Four years ago, for example, then-Secretary of State James A. Baker III resisted placing his holdings into a blind trust until he was forced to do so by controversy generated in part by his bureaucratic rival, White House counsel C. Boyden Gray, surrounding his investments in bank stocks.

Typically, setting up a blind trust that meets government regulations takes considerable time, involving both accounting and legal reviews and the selection of a trustee.

The Clintons did not disclose their decision to seek a blind trust to many White House aides, leading some senior White House officials to deny that a blind trust was contemplated up until only minutes before Seidman revealed that a trust was in the works.

* TRAVEL STAFF FIRED: White House officials tell of "gross mismanagement." A14

LANGUAGE: ENGLISH

5/12/95

From: Chuck

To: Brett
Hick
Dana

re: "Safe House"

Per Hick's memo of 5/3/95, Merrywood-On-The-Potomac is a subdivision of townhouses located to the north of Ft. Marcy Park, across Chain Bridge Rd. There are approximately 50 or more residences in the subdivision. Attached is a map depicting the location.

FAIRFAX COUNTY
ARLINGTON COUNTY
CHESTERBROOK
Pimmit Run
Little Pimmit Run
BOULEVARD
NORTH GLEBE ROAD
CHESTERBROOK ROAD
DOMINION ROAD
KIRBY ROAD
WOODLAWN
WESTMONT
MADISON ESTATES
DOLLY MADISON
POTOMAC HILLS
SAVILE MANOR
DOWNSCREST
ROKEBY FARM
THE DOGWOODS AT LANGLEY
MERRYWOOD ON THE POTOMAC
MARYLAND
VIRGINIA
The Potomac School
Potomac Hills Park
Fort Marcy Park
Donaldson Run
Washington G & C C
Marymount College
Chapel Memorial
Immanuel Presb
Athletic Fields
Little Falls Dam
309
120
689
695
123
66

Chuck:

Hick said there was a person's name associated with Merriwood Farms that was listed in his memo and that we should do a cross-search to see if that person lives there.

Brett

Brett –

This would require a title search of every residence in the subdivision; approx 40-50 townhouses.

Chuck

May 3, 1995
2:50 pm

From: H. Ewing

To: B. Kavanaugh

re: "Safe House"

FOIA(b)(6)
FOIA(b)(7) - (C)

1. I was advised on the afternoon of May 2 by .... that the alleged "safe house" was located in Merrywood on the Potomac, a development located 100-200 yards from the back entrance to Fort Marcy Park.

The house was in the name of FNU [redacted] an attorney close to Bill Clinton. Or, the house was jointly in [redacted] and Foster's names.

The caller told me he did not know how good this information was, but wanted to pass it on.

2. I asked the caller where it was physically in relation to Fort Marcy. I told him there was a subdivision west of the Park. He simply repeated that it was 100-200 yards from the back entrance.

I got the impression that the caller was not familiar with the layout of the Park or the surrounding area.

3. The caller called me back at 8:33 am on Wed., May 3, leaving a voice mail: I have some more specifics on the safe house. I called this person back at 12:02 pm and left my name and number.

4. At 2:45 pm this person advised:

The house is on Dogwood Street. It leads to a deadend in a cul-de-sac. It is in Fairfax County.

On the left in the back of the cul-de-sac is a big white two story house. It abuts Fort Marcy Park. This development is about 300 yards from the park.

There is a [redacted] who is a big shot attorney.

Again, this information may not be accurate.

# Nominee lied, says NAACP

## Effort to recruit blacks disputed

By Jerry Seper
THE WASHINGTON TIMES

A1

Two officials of the Little Rock chapter of the NAACP yesterday sharply disputed Associate Attorney General-designate Webster L. Hubbell's assurances to a Senate committee that he tried to find black members for his fashionable Arkansas country club and could not.

They urged President Clinton to withdraw the nomination.

"He's lying," Daniel Bowman, manager and chaplain of the Little Rock chapter, said of Mr. Hubbell's claims. "I've known Hubbell a long time, long enough to know that he's now saying whatever it takes to win Senate confirmation."

The White House, responding to calls by conservative organizations to pull back the Hubbell nomination, noted that the club had accepted its first black member.

Clinton administration officials said the president would continue to support Mr. Hubbell, 45, a longtime friend of the president.

Concern over the Hubbell comments also spread yesterday to other black officials, including Joe Johnson, campaign manager for Virginia Gov. L. Douglas Wilder's 1992 presidential bid. Mr. Johnson said no one in the black community would accept from anyone the kind of statements made by Mr. Hubbell "and still believe that person to be credible."

Mr. Hubbell's membership in the Country Club of Little Rock is thought to imperil his confirmation in the Senate. His situation parallels that of U.S. District Judge Kenneth Ryskamp two years ago. The Republican judge was rejected by Senate Judiciary Committee Democrats for the appeals court after it was learned he had been a member of a Florida golf club that excludes Jews and blacks.

"I would have been the first to know had he made any effort to bring blacks into that club. It just didn't happen," Mr. Bowman said of Mr. Hubbell.

Dale Charles, president of the Little Rock chapter of the National Association for the Advancement of Colored People, said he, too, was unaware Mr. Hubbell had tried to recruit black members. He said the

*see* **NOMINEE**, *page A8*

## NOMINEE

*From page A1*

club admitted one black member last year only after The Washington Times disclosed that Mr. Clinton, then a candidate for president, played golf there.

Mr. Clinton had an honorary club membership awarded to him as governor of Arkansas.

Mr. Charles said many blacks believe the Little Rock club excluded them by setting fees so high they could not afford to join and by creating a nominating process "that automatically guaranteed that blacks would not get in."

He challenged the sincerity of Mr. Hubbell's comments and the club's commitment to admit more than one black member.

Mr. Hubbell, a former law partner of first lady Hillary Rodham Clinton who has served as White House liaison at the Justice Department since the inauguration, has declined requests by The Times for interviews.

Senate Judiciary Committee hearings for the Hubbell nomination are scheduled to begin next Tuesday. Several Republican members of the committee are expected to challenge the nomination based on his membership in the Little Rock club.

Mr. Hubbell, a golfing partner of Mr. Clinton's, was nominated last month. In Judiciary Committee questionnaires, he acknowledged his membership in the club and insisted that it has no policy against admitting nonwhites.

A former mayor of Little Rock who was briefly the chief justice of the Arkansas Supreme Court, Mr. Hubbell said in the questionnaire the club had tried since 1986 to recruit black members but could not find any. He said he personally led that effort.

But Mr. Bowman said he knew of no blacks in the Little Rock area who were asked between 1986 and mid-1992 to apply for membership, or of any black organizations, including the NAACP, that was asked to assist in the search.

"We were aware, of course, that the Little Rock club excluded blacks, and it was something we discussed often," he said. "But we knew our talks were a waste of time because blacks were never going to be accepted.

"So I would have known if there was any effort by the club to recruit blacks or if anyone, Webb Hubbell included, had been in contact with anybody about the issue," Mr. Bowman said. "If he was making efforts to recruit blacks, it was a secret he was keeping to himself."

Mr. Johnson, who ran the Wilder campaign, said Mr. Hubbell's comment in the Judiciary questionnaire was "not a statement I would have expected from a person nominated to the Justice Department's No. 3 position."

If Mr. Hubbell was concerned about discrimination at the club, he had the option to resign, Mr. Johnson said.

"The bell has to have rung for Mr. Hubbell at some point," he said. "I'm not sure your continued presence in that situation is the best way to register your dissatisfaction."

Curt "Howard" Reed, a Little Rock economist, was accepted for consideration by the country club's admissions committee shortly after news reports about its racially exclusive policy. Later confirmed as a member, Mr. Reed's sponsors included William Bowen, Mr. Clinton's chief of staff when he was Arkansas governor.

Mr. Bowman said country club members admitted Mr. Reed only as a response to negative criticism, saying it was "solely a political decision." He described Mr. Reed as the club's token black and charged that the Hubbell recruitment effort "began and ended" with Mr. Reed.

"They got themselves a black member now, and they can point to him all they want," Mr. Bowman said. "But let me tell you, one of us blacks at a time is all they can tolerate over there."

Mr. Reed did not return telephone calls to his office yesterday for comment.

It was the Little Rock club, considered the most fashionable in Arkansas, that embarrassed Mr. Clinton during the 1992 campaign. He apologized for playing golf at the facility, saying he had made a "mistake," and vowed never to play there again unless it were desegregated.

I wish I had done more
to get him to leave earlier —



F 001576

69

F 006076

April 22, 1993

**PENDING**

~~1. Correct Arkansas tax return~~

2. Arkansas financial disclosure

~~3. Post FOIA request for divestiture~~

4. Brother

5. First Family 278/blind trust

6. Kaki bills

7. Van Wych

8. Intern programs
   - A. Woodyard
   - B. W. Howard

~~9.~~ Dellinger replacement

10. Cabinet Secy. spouse ethics course

11. Redecoration expenditures

12. Supreme Court nominee process

13. DOJ positions

VF/SN 14. Health Care Task Force
   - A. Applicability of Standards of Ethical Conduct to HRC as task force chair

15. LSC funding

16. Timing of 278 release (Ken Brody 566-8988)

17. Arkansas office entity
   - A. Augmentation issue

F 006077

| | | |
|---|---|---|
| | 18. | Scheduling:<br>A. 8th Circuit Judicial Conference |
| | 19. | Arkansas district court judgeships |
| VF/CM | 20. | WH ability to receive gifts to technology |
| | 21. | Presidential Library/foreign donor |
| | 22. | Gowns gift/income issue |
| | 23. | Moving expense |
| SN | 24. | Memo to Staff re compliance with Presidential Records Act<br>A. First Lady applicability |
| | 25. | Memo to Staff on Commercialization of President |
| | 26. | Bowling alley improvements |
| | 27. | Coordination of ethics legislation |
| | 28. | First Family diaries |
| SN | 29. | Memo to staff re contacts w/DOJ, rulemaking, etc.<br>A. Coordination w/Correspondence Section |
| CM | 30. | Coastal Corp. aircraft reimbursement |
| | 31. | FOIA applicability to DOT recommendation |
| BN | 32. | CFTC chair eligibility |
| | 33. | Virginia Kelly - "income" exposure |
| WK/BN | 34. | WH 278 filing status |
| | 35. | WH Policy re:<br>A. Board membership |

F 006078



B. Honoree of charitable fund-raisers
   1. President
   2. Staff
   3. Spouse

C. Gifts to charitable auctions
D. Policy re de facto discriminatory clubs

SN 36. Presidential disability procedures

CM 37. Policy re Travel -- payment by 3rd parties

SN 38. First Lady -- lobbyist registration?

**Personal**

1. FICA - personal
2. commencement air reservations-change of existing
3. Renter's insurance on contents
4. Northwest Airlines Frequent Flyer
5. Lisa's Delta Frequent Flyer
6. JBF's courses
7. JBF summer school
8. Laura second semester
9. Lorraine lock box
10. personal income tax

F 006079

April 14, 1993

**PENDING**

Correct Arkansas tax return

1. ~~First Family tax returns~~

FOIA request for

3. Post request for

2. Arkansas financial disclosure

3. First Family 278/blind trust

4 Brother

4. Van Wych

5. ~~Federal judge procedure~~

6. Kaki bills

7. Intern programs
   - A. Woodyard
   - B. W. Howard

8. Cabinet Secy. spouse ethics course

9. Dellinger replacement

10. Redecoration expenditures

11. Supreme Court nominee process

12. DOJ positions

VF/SN 13. Health Care Task Force
   - A. Applicability of Standards of Ethical Conduct to HRC as task force chair

14. LSC funding

15. Timing of 278 release (Ken Brody 566-8988)

16. Arkansas office entity
   - A. Augmentation issue

17. Scheduling:
   - ~~A. Judges Association reception~~

F 006080



B. 8th Circuit Judicial Conference

18. Arkansas district court judgeships

VF/CM 19. WH ability to receive gifts to technology

20. Presidential Library/foreign donor

21. Gowns gift/income issue

22. Moving expense

SN 23. Memo to Staff re compliance with Presidential Records Act
A. First Lady applicability

24. Memo to Staff on Commercialization of President

25. Bowling alley improvements

26. Coordination of ethics legislation

27. First Family diaries

SN 28. Memo to staff re contacts w/DOJ, rulemaking, etc.
A. Coordination w/Correspondence Section

CM 29. Coastal Corp. aircraft reimbursement

30. FOIA applicability to DOT recommendation

BN 31. CFTC chair eligibility

32. Virginia Kelly - "income" exposure

WK/BN 33. WH 278 filing status

34. WH Policy re:
A. Board membership
B. Honoree of charitable fund-raisers
1. President

F 006081



2. Staff
3. Spouse

C. Gifts to charitable auctions
D. Policy re de facto discriminatory clubs

SN 35. Presidential disability procedures

CM 36. Policy re Travel -- payment by 3rd parties

SN 37. First Lady -- lobbyist registration?

38. Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process

**Personal**

1. FICA - personal
2. ~~Fayetteville air/hotel reservations~~
3. Renter's insurance on contents
4. ~~Estimated payments for kids~~
5. Northwest Airlines Frequent Flyer
6. ~~Auto rental on Saturday~~
7. Lisa's Delta Frequent Flyer
8. JBF's courses
9. JBF summer school
10. Laura second semester
11. Lorraine lock box
12. personal income tax
13. ~~Rodham contribution~~
14. commencement air reservations - change of existing
15. ~~live and learn~~
16. ~~insurance coverage of personal~~

F 006082

April 14, 1993

**PENDING**

1. Van Wyche
2. Income Tax
   - A. 1978 returns
   - B. personal property assessment
3. ~~Kennedy book~~
4. Federal judge procedure
5. Kaki bills
6. Intern programs
   - A. Woodyard
   - B. W. Howard
7. Cabinet Secy. spouse ethics course
8. ~~D.C. personal property tax assessment~~
9. ~~Woodyard lunch on Wednesday~~
10. Dellums replacement ~~Chris Schroeder~~
11. ~~FACA amendment to complaint~~
12. ~~Airline~~
13. Redecoration expenditures
14. ~~Response to question re D.C. appointment of U.S. Attorneys, etc.~~
15. (1) ~~15.~~ First Family tax returns
16. ~~Meeting - regular~~
17. Supreme Court nominee process
18. VF (2) ~~18.~~ First Family 278/blind trust
19. DOJ positions
20. VF/SN Health Care Task Force

F 006083



~~A. FOIA/FAA Request~~
B. Applicability of Standards of Ethical Conduct to HRC as task force chair

21. LSC funding

22. Timing of 278 release (Ken Brody 566-8988)

23. Arkansas office entity
    A. Augmentation issue

24. Scheduling:
    A. Judges Association reception
    B. 8th Circuit Judicial Conference

25. Arkansas district court judgeships

VF/CM 26. WH ability to receive gifts to technology

27. Presidential Library/foreign donor

28. Gowns gift/income issue

29. Moving expense

SN 30. Memo to Staff re compliance with Presidential Records Act
    A. First Lady applicability

31. Memo to Staff on Commercialization of President

(2) ~~32.~~ Arkansas Financial disclosure

33. Bowling alley improvements

34. Coordination of ethics legislation

35. First Family diaries

SN 36. Memo to staff re contacts w/DOJ, rulemaking, etc.
    A. Coordination w/Correspondence Section

F 006084



| | | |
|---|---|---|
| CM | 37. | Coastal Corp. aircraft reimbursement |
| | 38. | FOIA applicability to DOT recommendation |
| BN | 39. | CFTC chair eligibility |
| | 40. | Virginia Kelly - "income" exposure |
| | ~~41.~~ | ~~WACA assumption of wire service~~ |
| ~~BWN~~ | ~~42.~~ | ~~NSC attorney~~ |
| WK/BN | 43. | WH 278 filing status |
| | 44. | WH Policy re:<br>A. Board membership<br>B. Honoree of charitable fund-raisers<br>1. President<br>2. Staff<br>3. Spouse<br>C. Gifts to charitable auctions<br>D. Policy re de facto discriminatory clubs |
| SN | 45. | Presidential disability procedures |
| CM | 46. | Policy re Travel -- payment by 3rd parties |
| SN | 47. | First Lady -- lobbyist registration? |
| | 48. | Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process |

F 006085

April 1, 1993

**PENDING**

| | | |
|---|---|---|
| | 1. | Redecoration expenditures |
| | 2. | Response to question re D.C. appointment of U.S. Attorneys, etc. |
| | 3. | First Family tax returns |
| | 4. | Supreme Court nominee process |
| VF | 5. | First Family 278/blind trust |
| | 6. | DOJ positions |
| VF/SN | 7. | Health Care Task Force |
| | | A. FOIA/FAA Request<br>B. Applicability of Standards of Ethical Conduct to HRC as task force chair |
| | 8. | LSC funding |
| | 9. | Timing of 278 release (Ken Brody 566-8988) |
| | 10. | Arkansas office entity |
| | | A. Augmentation issue |
| | 11. | Scheduling: |
| | | A. Judges Association reception<br>B. 8th Circuit Judicial Conference |
| | 12. | Arkansas district court judgeships |
| VF/CM | 13. | WH ability to receive gifts to technology |
| | 14. | Presidential Library/foreign donor |
| | 15. | Gowns gift/income issue |
| | 16. | Moving expense |

F 006086

Arkansas financial disclosure

| | | |
|---|---|---|
| SN | 17. | Memo to Staff re compliance with Presidential Records Act |
| | | A. First Lady applicability |
| | 18. | Memo to Staff on Commercialization of President |
| | 19. | Bowling alley improvements |
| | 20. | Coordination of ethics legislation |
| | 21. | First Family diaries |
| SN | 22. | Memo to staff re contacts w/DOJ, rulemaking, etc. |
| | | A. Coordination w/Correspondence Section |
| CM | 23. | Coastal Corp. aircraft reimbursement |
| | 24. | FOIA applicability to DOT recommendation |
| BN | 25. | CFTC chair eligibility |
| | 26. | Virginia Kelly - "income" exposure |
| | 27. | WACA assumption of wire service |
| BWN | 28. | NSC attorney |
| WK/BN | 29. | WH 278 filing status |
| | 30. | WH Policy re: |
| | | A. Board membership |
| | | B. Honoree of charitable fund-raisers |
| | | 1. President |
| | | 2. Staff |
| | | 3. Spouse |
| | | C. Gifts to charitable auctions |

F 006087



D. Policy re de facto discriminatory clubs

SN 31. Presidential disability procedures

CM 32. Policy re Travel -- payment by 3rd parties

SN 33. First Lady -- lobbyist registration?

34. Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process

**Personal**

1. FICA - personal
2. ~~Children's tax returns~~
3. Fayetteville air/hotel reservations
4. Renter's insurance on contents

insert B

F 006088

insert A

Tuesday

Van Wyke
income tax
Kennedy book
fed judge procedure
Kake bills

1. '78 return
2. pers prop assessment

Intern program
Woodyard
Cabinet Secy spouse ethics course
DC personal prop tax assessment
Woodyard lunch Wed.
Chris Schroeder
FACA amendment to complaint

insert B

Estimated payments for kids
NW Air Freq Flyer
auto rent Sat.
Lisa Delta Freq Flyer?
IBF's courses
Laura 2d semester
IBF summer school
Lorraine lock box
personal income tax
~~Peter~~ Rodham contract
Commencement air reservations
- chg of seating
Liz and Sam
insur coverage of personalty

F 006089

March 29, 1993

**PENDING**

| | | |
|---|---|---|
| | 1. | Redecoration expenditures |
| | 2. | Supreme Court nominee process |
| | 3. | Font Family tax returns |
| | ~~3.~~ 14 | Moving expense |
| VF | 4. | First Family 278/blind trust |
| | 5. | DOJ positions |
| VF/SN | 6. | Health Care Task Force |
| | | A. FOIA/FAA Request |
| | | ~~B. Response to GAO~~ |
| | | C. Applicability of Standards of Ethical Conduct to HRC as task force chair |
| | ~~7.~~ | |
| | 7. | LSC funding |
| | 8. | Timing of 278 release (Ken Brody 566-8988) |
| | 9. | Arkansas office entity |
| | | A. Augmentation issue |
| | 10. | Scheduling ~~of~~ Federal Judges Assn reception (A. B. 8th Circuit Judicial Conference) |
| | 11. | Arkansas district court judgeships |
| VF/CM | 12. | WH ability to receive gifts to technology |
| | 13. | Gowns gift/income issue |
| SN | 14. | Memo to Staff re compliance with Presidential Records Act |
| | | A. First Lady applicability |
| | 15. | Memo to Staff on Commercialization of President |
| | 16. | Bowling alley improvements |

2 response to Q re DC appointment by US Atty, etc

13 Precedent Red Library / foreign donor

F 006090



| | | |
|---|---|---|
| | 17. | Coordination of ethics legislation |
| | 18. | First Family diaries |
| SN | 19. | Memo to staff re contacts w/DOJ, rulemaking, etc. |
| | | A. Coordination w/Correspondence Section |
| CM | 20. | Coastal Corp. aircraft reimbursement |
| | 21. | FOIA applicability to DOT recommendation |
| BN | 22. | CFTC chair eligibility |
| | 23. | Virginia Kelly - "income" exposure |
| | 24. | WACA assumption of wire service |
| BWN | 25. | NSC attorney |
| WK/BN | 26. | WH 278 filing status |
| | 27. | WH Policy re: |
| | | A. Board membership |
| | | B. Honoree of charitable fund-raisers |
| | | 1. President |
| | | 2. Staff |
| | | 3. Spouse |
| | | C. Gifts to charitable auctions |
| | | D. Policy re <u>de facto</u> discriminatory clubs |
| SN | 28. | Presidential disability procedures |
| CM | 29. | Policy re Travel -- payment by 3rd parties |
| SN | 30. | First Lady -- lobbyist registration? |

F 006091



~~VF 31. Jogging track~~

32. Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process

**Personal**

1. FICA - personal
2. Children's tax returns
3. Fayetteville air/hotel reservations
~~4. D.C. license tags~~

F 006092

March 25, 1993

**PENDING**

1. Redecoration expenditures
2. Supreme Court nominee process
3. Moving expense

VF 4. First Family 278/blind trust

~~VF/SN 5. Amb. Pickering~~

VF/SN 6. DOJ positions

7. Health Care Task Force

A. FOIA/FAA Request
B. Response to GAO

8. Timing of 278 release (Ken Brody 566-8988)

9. Arkansas office entity

A. Augmentation issue

~~10. U.S. Attys~~

11. Arkansas district court

VF/CM 12. WH ability to receive gifts to technology

13. Gowns gift/income issue

~~14.~~ C. Applicability of Standards of Ethical Conduct to HRC as task force chair

SN 15. Memo to Staff re compliance with Presidential Records Act

A. First Lady applicability

16. Coordination of ethics legislation

17. First Family diaries

F 006093



| | | |
|---|---|---|
| SN | 18. | Memo to staff re contacts w/DOJ, rulemaking, etc. |
| | | A. Coordination w/Correspondence Section |
| CM | 19. | Coastal Corp. aircraft reimbursement |
| | 20. | FOIA applicability to DOT recommendation |
| BN | 21. | CFTC chair eligibility |
| | 22. | Virginia Kelly - "income" exposure |
| | 23. | WACA assumption of wire service |
| BWN | 24. | NSC attorney |
| WK/BN | 25. | WH 278 filing status |
| | 26. | WH Policy re: |
| | | A. Board membership<br>B. Honoree of charitable fund-raisers |
| | | 1. President<br>2. Staff<br>3. Spouse |
| | | C. Gifts to charitable auctions<br>D. Policy re <u>de facto</u> discriminatory clubs |
| SN | 27. | Presidential disability procedures |
| CM | 28 | Policy re Travel -- payment by 3rd parties |
| SN | 29. | First Lady -- lobbyist registration? |
| VF | 30. | Jogging track |
| | 31. | Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process |

F 006094



**Personal**

1. FICA - personal
2. ~~Insurance refund~~
3. ~~Washington Post subscription~~
4. Children's tax returns
5. Fayetteville air/hotel reservations
6. D.C. tags

F 006095

March 22, 1993

**PENDING**

1. Redecoration expenditures

~~A. Paper Trail for donated goods~~

2. Supreme Court nominee process

3. Moving expense

VF 4. First Family 278/blind trust

VF/SN 5. Amb. Pickering ~~vet~~

VF/SN 6. Health Care Task Force

7. DOJ positions

~~A. Appeal~~
~~A~~B. FOIA/FAA Request
~~B~~C. Response to GAO

~~8.~~ 8. Timing of 278 Release (Ken Brody 566-8988)
~~8. Liz Fume role~~

9. Arkansas office entity

A. Augmentation issue

10. U.S. Attys

~~A. South Carolina~~

11. Arkansas district court

VF/CM 12. WH ability to receive gifts to technology

13. Gowns gift/income issue

14. Applicability of Standards of Ethical Conduct to HRC as task force chair

SN 15. Memo to Staff re compliance with Presidential Records Act

F 006096



A. First Lady applicability

16. Coordination of ethics legislation

17. First Family diaries

SN 18. Memo to staff re contacts w/DOJ, rulemaking, etc.

A. Coordination w/Correspondence Section

CM 19. Coastal Corp. aircraft reimbursement

20. FOIA applicability to DOT recommendation

BN 21. CFTC chair eligibility

22. Virginia Kelly - "income" exposure

23. WACA assumption of wire service

BWN 24. NSC attorney

WK/BN 25. WH 278 filing status

26. WH Policy re:

A. Board membership
B. Honoree of charitable fund-raisers

1. President
2. Staff
3. Spouse

C. Gifts to charitable auctions
D. Policy re de facto discriminatory clubs

SN 27. Presidential disability procedures

CM 28 Policy re Travel -- payment by 3rd parties

F 006097



| | | |
|---|---|---|
| SN | 29. | First Lady -- lobbyist registration? |
| VF | 30. | Jogging track |
| | 31. | Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process |

**Personal**

FICA - personal

~~1. B'ball ticket refund~~

2. Insurance refund
3. Washington Post subscription
4. Children's tax returns
5. Fayetteville air/hotel reservations
6. DC tags

F 006098

March 22, 1993

**PENDING**

| | | |
|---|---|---|
| | 1. | Redecoration expenditures |
| | | A. Paper Trail for donated goods |
| | 2. | WACA assumption of wire service |
| | 3. | Moving expense |
| VF | 4. | First Family 278/blind trust |
| VF/SN | 5. | Amb. Pickering vet |
| | 6. | Health Care Task Force |
| | ~~7.~~ | ~~FOIA/FACA Request~~ |
| | | ~~A. Charter~~ |
| | 7. | Leg Fine Role |
| | 8. | Arkansas office entity |
| | | A. Augmentation issue |
| | 8. | Policy re de facto discriminatory clubs |
| | 9. | FOIA applicability to DOT recommendation |
| VF/CM | 10. | WH ability to receive gifts to technology |
| | 11. | Gowns gift/income issue |
| | 12. | Applicability of Standards of Ethical Conduct to HRC as task force chair |
| | ~~13.~~ | Coordination of ethics legislation |
| SN | 13. | Memo to Staff re compliance with Presidential Records Act |
| | | A. First Lady applicability |
| | 15. | First Family diaries |

F 006099

| | | |
|---|---|---|
| SN | 16. | Memo to staff re contacts w/DOJ, rulemaking, etc. |
| | | A. Coordination w/Correspondence Section |
| CM | 17. | Coastal Corp. aircraft reimbursement |
| BN | 18. | CFTC chair eligibility |
| | 19. | Va Kelly - "income" exposure |
| BWN | 20. | NSC attorney |
| | ~~21.~~ | ~~DOE conflicts~~ |
| WK/BN | 22. | WH 278 filing status |
| | 23. | WH Policy re: |
| | | A. Board membership |
| | | B. Honoree of charitable fund-raisers |
| | | 1. President |
| | | 2. Staff |
| | | 3. Spouse |
| | | C. Gifts to charitable auctions |
| SN | 24. | Presidential disability procedures |
| CM | 25. | Policy re Travel -- payment by 3rd parties |
| SN | 26. | First Lady -- lobbyist registration? |
| VF | 27. | Jogging track |
| | 28. | Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process |

Personal

1. Bball tix refund
2. Insurance refund
3. W. Post subscription
4. Children's tax returns
5. Fayetteville air/hotel reservations

F 006100

7. FOIA applicability to DOT recommendation

Call J Jones re Hales

March 9, 1993 (17)

**PENDING**

1

| | | |
|---|---|---|
| | 1. | Redecoration expenditures<br>A. Paper Trail for donated goods |
| | 2. | WACA assumption of wire service |
| | 3. | Moving expense |
| VF/SN | 4. | Amb. Pickering vet |
| A. charter | 5. | Health Care Task Force<br>Arkansas office entity |
| | | A. augmentation issue |
| | 4. | Policy re de facto discriminatory clubs |
| VF/CM | 6. | WH ability to receive gifts to technology |
| | 7. | Gowns gift/income issue |
| | 8. | Applicability of Standards of Ethical Conduct to HRC as task force chair |
| | 8. | Coordination of ethics legislation |
| SN | 9. | Memo to Staff re compliance with Presidential Records Act |
| | | A. First Lady applicability |
| VF | 4<br>~~10~~. | First Family 278/blind trust |
| | 11. | First Family diaries |
| SN | 12. | Memo to staff re contacts w/DOJ, rulemaking, etc. |
| | | A. Coordination w/Correspondence Section |
| | 13. | Coastal Corp. aircraft reimbursement |
| BN | 14. | CFTC chair eligibility |
| | 15. | Va Kelly - "income" exposure |
| BWN | 16. | NSC attorney |
| | 17. | DOE conflicts |
| WK/BN | 18. | WH 278 filing status |
| | 19. | WH Policy re: |
| | | A. Board membership |

F 006101

B. Honoree of charitable fund-raisers

1. President

2. Staff

3. Spouse

C. Gifts to charitable auctions

SN 20. Presidential disability procedures

CM 21. Policy re Travel -- payment by 3rd parties

SN 22. First Lady -- lobbyist registration?

VF 23. Jogging track

24. Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process

F 006102

9
3/4/93

**PENDING**

1. Redecoration expenditures
2. WACA assumption of wire service
3. Moving expense
4. Arkansas office entity
   A. augmentation issue
5. Gowns gift/income issue

~~VF/SN 6. Health Care Task Force suit~~
7. Applicability of Standards of Ethical Conduct to ITRC on task force chair

SN 7. Memo to Staff re compliance with Presidential Records Act
   A. First Lady applicability

VF 8. First Family 278/blind trust
9. First Family diaries

SN 10. Memo to staff re contacts w/DOJ, rulemaking, etc.
   A. Coordination w/Correspondence Section

11. Coastal Corp. aircraft reimbursement

VF 12. Reno
   A. Reno team Presidential records issues
   ~~B. Temporary clearance~~
   C. Recusal

VF/CM 5 ~~13.~~ WH ability to receive gifts to technology

BN 14. CFTC chair eligibility

VF/SN 4 ~~15.~~ Amb. Pickering vet

30 ~~16.~~ Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process

17. Va Kelly - "income" exposure

BWN 18. NSC attorney~~/relationship~~

F 006103

WK/BN 19. ~~Procedures for vet of Deputy Secys, SES~~

20. DOE conflicts

VF ~~21. OIRA candidate~~

WK/BN 22. WH 278 filing status

23. WH Policy re:

A. Board membership

B. Honoree of charitable fund-raisers

1. President

2. Staff

3. Spouse

C. Gifts to charitable auctions

SN 24. Presidential disability procedures

CM 25. Policy re Travel -- payment by 3d parties

SN 26. First Lady -- lobbyist registration?

SN ~~27. Legislation re FACA applicability~~

VF 28. Jogging track

~~29. Counsel Staff budget~~

F 006104

3/2/93

**PENDING**

1. Redecoration expenditures
2. WACA assumption of wire service
3. Arkansas office entity
   A. augmentation issue
4. Gowns issues

VF/SN 5. Health Care Task Force suit

20 6. DOE conflicts

SN 7. Memo to Staff re compliance with Presidential Records Act
   A. First Lady applicability

VF 8. First Family 278/blind trust

9. First Family diaries

3 10. Moving expense

SN 11. Memo to staff re contacts w/DOJ, rulemaking, etc.
   A. Coordination w/Correspondence Section

33 12. Counsel Staff budget

13. Coastal Corp. aircraft reimbursement

VF 14. Reno
   A. Reno team Presidential records issues
   B. Temporary clearance
   C. Recusal

VF/CM 15. WH ability to receive gifts to technology

BN 16. CFTC chair eligibility

VF/SN 17. Amb. Pickering vet

F 006105



~~18. Wirth vet~~

19. Policy re WH Counsel's offices support of Assistant Secretaries in confirmation process

20. VA Kelly - "income" exposure

BWN 21. NSC attorney/relationship

VF 22. Jogging track

~~CM 23. "Bumping" career employees in cut back~~

WK/BN 24. Procedures for vet of Deputy Secys, SES

VF 25. OIRA candidate

WK/BN 26. WH 278 filing status

27. WH Policy re:

A. Board membership

B. Honoree of charitable fund-raisers

1. President

2. Staff

3. Spouse

C. Gifts to charitable auctions

SN 28. Presidential disability procedures

CM 29. Policy re Travel -- payment by 3d parties

SN 30. Legislation re FACA applicability

SN 31. First Lady -- lobbyist registration?

GJ - Foster Death

Photos

GJ - Edwards Photos

85 C6 -
C10

Blowups

85 D6 -
D10

Rollo Photos

85 C-11 -
85 C-18

85 D-11 -
85 D-18

Siminello Photos

86 ~~B~~-1
~~B~~-22

Brawn Photos

85-C-1
85 C-5

85 D-1 -
D-5

Rpt — arrival of C Braun / Rollo — 6:30

- Parking Lot

- Vehicle ID - MERC

- Saw Spotg — FEIST
  Doody

- Death scene of Rolla
  Braun
  Simmonello

* Saw Edwards — Camera
  Ferstl . taking photos
  Hodakievic

Saw Rolla — taking photos Pol

Simmonello — " " 35 mm

No one touched

Notes of death scene

looked at photos

Body - blood - dry
\ wet

\ lower right cheek - transfer

- position

- white shirt pooled

blood in photos - body

pants - hitched

- SUN
  - in thumb; right hand cupped over suicide
  - powder burns
  - tough to see

- Rolla - check dec fingers for presence of r/m
  - touch body - not before Dr Haupt

- Vegetation not trampled
- no scene of struggle

- remained at scene until Dr. Hunt arrived
  + body examined in detail

-
  | rolling body
  | put in body bag

Personal - witness wit. keys - Security Guard Rolla

- Location of camera
- Sequence of #s
- Concern over foul play
- Investigative b/c

2 sets

W/H/D

trunk

2/13/95 Meeting w/ FBI re: Foster Death

① Mortician - LR

- Embalmer - Removal + inspected body
  - no trauma observed
  - Embalming done in DC so only cursory inspection
- Mortician - cursory inspection
- 2 other funeral home admin personnel - present but no inspection of body

② Foster Associates

- Philip Carroll - Rose LF
  - no evid of depression
  - no probs at firm
  - no knowl of Foster's knowl of Hale investigation

wife - nothing

- Ashleys
  - nothing heard at home

Stephanie Ashley - PhD - behavioral issues

- no prior notice except May luncheon where he appeared attacked & distracted
- classic signs of depression

- concerned about Lisa Foster drinking
  " " Vince Foster drinking

- gave name of Robbie Thomas-Knight
  - psychologist in LR
  - may have insight

- thought Desyrel was poor choice of drug prescribed by Dr. Watkins on Monday July 19

NB — FOIA(b)(6) FOIA(b)(7) - (C)

• Funeral Director

- 1 yr. earlier, body moved to larger family plot

• Rosemary Pruitt

- distracted
- shy in demeanor
- June '94 dinner w VF: LF: BN
  - seemed too involved & focused - intense

✓ • Not worth analysis — to be done

• Harriet Byrum

- Type A — reacted to criticism (character)
  — depressed

Mary speeds

- Ifelars
- no spirit

- Laura → HB — not her father

- VF - moody
  - strange

- Sundays — moody
  - lower

- not hostile, brusque - totally withdrawn

# Foster Documents

- Ste. alarmed - need to go into Foster's office where switch

- Castleton - alarmed the suite at 8:14 ~~PM~~ - not alarmed until 5:15

~~Patsy Thomason later~~
Officer O'Neill re-opened

- Set again around midnight by last person in

- ~~Bobby~~ Pond - 8:00 am re-opened

- USS installed lock on 7/21

- NB lead on ast. called to open safe — to practical basis

- Livingston - box - polygraph

-

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

2/14/95

Simonetto

7/20/93

- Bkgd
- Reports
- Time to scene
- equipment
- feminists
- Experience w/
- What I ST see
  - gues
  - Examine car
  - Describe scene
  - who else
- Photographs
  - review
- Body
  - describe
  - Focus on gun
- What did

- GUN
  - how first seen
  - what do
  - describe in detail what you did
    - use exhibit
    - describe thumb
      area between thumb & forefinger
    - how remove
    - custody
    - powder
  - what Rollo did
    Braun
    Apt
    Hart
  - Removal of body
  - Parking lot
  - what did w/ evidence

2/14 Officer Abdelkarim Ho Galcrevic

7/20/93

- responded to Ft Mercy
- At Ft. Mercy
  - saw B/M
  - Met w EMT personnel
    - 2 EMT / Gonzalez, Hall - checked body for vital signs
  - saw Fuerstle Spotz
  - Discussions w officers
  - Saw other vehicles
    - VF car
      - Did you go into car - NO
      - visual inspection
    - [see] civilian on scene - NO
    - Ofr. became aware of couple
    - walking east - south, east

✓ [CAREFUL]

✓ ORIENT

- went to area of body
  - spoke of Sgt Edwards
  - how far - walk

✓ Frazier Rifle

- Sgt Edwards
  - pointed out type
  - showed here Polaroids taken
- Examination
  - glanced over from 10'
  - what see
    - see gun - initially - NO
      - then saw a gun after other investigators arrived -
        Braun pointed out gun by VF right hand
      - difficult to see from 10' but saw it
  - see wounds on body - not initially
    - could see ~~blood~~ wound at back of head
      - when ~~red~~ examined Rolla } Looking for wound
      - lifted victim's head
      - found Exit wound
      - blood on rear of head

✓ what did you observe

- blood had rolled down till to his shirt

* - Sgt. Edwards - say body touched?
- only med tech may have touched body

- Rolla - search of pockets - found nothing
- reached behind to touch pockets
- slight movement

Why - flies -

- Simonello -
- what do
- photographed body
- anything else
d/n/k

- saw glasses lying on ground "just below"

Precise ← - do you recall

- other wounds - no

- M/S

good follow up

- were you back & forth
- asked if located bullet
- assisted Rolla

- Parking Lot Investigation

- Spoke of Lt. Gavin
  - told him VF wtt employee was ID'd

- look into vehicle
  - suit jacket on front seat
  - trunk - textbooks

✓ Form what significance

NOT → • conclude?

- signif - appeared to belong to daughter

✓ Why ask if do not know ans

- see map
  - own unit
  - finger print
  - sealed w tape

Forms

→ did you talk to anyone else
at Mat to do

her car
— Blue Honda Accord — in parking lot

2/14/85

Off Julie Spetz - 5 yrs. USPP

7/20/53 — training — Academy

— prior questions

→ FBI w/2 Tasks

— Ft. Marcy Park

- went w/ Fuerstle
- Park Service Employee - DB
- drove separately
- arrived 6:10 — left at 6:30
- Fuerstle there
- EMT there
- pointed to east side of parking lot and suggested there may be other people
- walked down trail & found lovers

- two separate cars

— as leaving the Park - saw Brown looking thru car & Apt

Prof of Dr. Hirsch →

Reviewed

1 – Autopsy Report

2 – Slides at Autopsy

3 – met w/ Lab
- blood staining
- clothing
- DNA - gun

4 – Reviewed Reports of Investigation

Autopsy
less than optimal – but w/ ff

Cause of Death

- gunshot wound
- examined tissue of soft pallet
– " slides of autopsy

# Photos

A
- backstrap shielded the interior of thumb
- trigger guard imprinted the thumb
- powder on exterior of right index finger

powder on exterior of left index finger

B Hemorrhage

C Blood Clot

D Angle

E Blood Spatter on shirt V12 no movement then movement

Position

Seated

- no ballet
- if standing - ~~knees~~ segments stiffen
  knees buckle
  laws of gravity - fall forward
- only logical way - seated
  - gun in mouth
  - fired shot
    - recoil
    - silent lung
    - 1
- position of ~~head~~ defies laws of gravity
  - head on uneven ground
  - blood pattern
- transfer pattern - took while to develop
  - when LT
    - liver mortis on neck
    - creases

→ no blood on SUV

- recoil begins before bullet leaves

—

→ lack of bv

would not expect to see

- dense gunpowder residue on rag
- moist
- duration of flash

- many gunshot wounds w/o

- bone fragments w/ N / expected size

- blood onscene
  - terrain
  - laws of gravity
- not much seepage

R/M

Explain

- ~~begins~~
- muscles trail other death reaction
- metabolizing sugar
- acidification of muscle causes stiffness
- begins in jaw
  - smaller
  - short range of motion
- extremities of larger joints of greater range of motion
- Rollo finds consistent w/ R/M
- weather influence
  - ~~not~~ accelerates

Semen stain

- explain autonomic nervous system
  - 2 components
    - stim
    - depressant
  - death of nervous system
    - urinate
    - defecate
    - ejaculate

Hairs & Fibers

- Contamination

Heart Stops Beating

- Look at autopsy photos

---

CW - Dale ~~Kyle~~ Kyle

Journal can push out

Law enforcement / victim

→ Back entrance

→ Hallpond

2/16/95

Dr. Donald Hunt

1. Bkgrd

✓ where — M/E Office — Virginia

- good narrative

- Academic Experience

- Prof. Experience

- ~~Internist~~ Internal Medicine

- D M/E

- June '81

- D/M/E

- reporting info re: deaths from info rec'd (+ at times Examn of body)

- does not do autopsies

- on call on certain days/night

- ~~Prior Exp.~~ policy of USPP to have D M/E come to scene

- done 3 death scenes

- authorized to pronounce death

- suicide scenes experience — 10 or 50

* - gunshot wound to head — all 10

— July 20, 1993

- call from USPP 6:45 p.m.

GJ 160 — official report to VA re: death

- arrived 7:15 Ft Marcy Park
- car
- clothing

- what prior knowl.
USPP → "suicide"

- scene - yellow tape

- 1 USPP in parking lot not known

~~not by~~ VF.

- several USPP in lot
- some in civilian clothes
- discussion re: scene in lot — NO body led to scene

- observed VF car — Examining car — female detective

- when known WH offered — sometime

— Proceed to Body — escorted by USP

— how far from lot — 100 – 200 yds.

— who there? d/N/r whether anyone already there

— body — resting on embankment of foot path with foliage on both sides

Embankment 4'-5' high
6-10' wide

Lump at top

— head near top of embankment
feet near bottom of "

— Cannon 90° to left – approx 20 to 60 yds
— could be way off

— body at scene

— blood on right side of face
" " of shirt
on ground under head
pool of congealed blood

Id'l photo of body – consistent w/ what he saw

told gun – Removed from

✓✓ Good follow-up

- examined body from head and toe

- slippery terrain on foot path - worn

- examined head
- rolled body R → L
  - examined exit wound area - mess & congealed blood
  - saw Rilla examine + touched skull

  - no other wounds seen
  - no defensive wounds

- obvious VF dead
- did not determine time of death

- body still warm - hot weather (over 90°)
  - takes time to cool off

  - did not examine body for r/m

  - arms [somewhat / stiff] - did not take note

  - matted congealed blood of he

~~left~~

- left scene before transfer

15-20 min total

- role - look at body + determine from circumstances that it was a suicide

- Concluded suicide

[- on what basis]

- position of wound
- no obvious wound of entrance
- wound at exit
- revolver in hand

Couldn't in mouth

absence of any other obvious wound or exterior

Good follow up

- back to parking lot
  - brief discussion of VSPP
  - left at 7:45 - 8:00
  - report done
  - spoke w Dr. Beyer on 7/21 to describe findings at scene

appearance of self inflicted gunshot wound - mouth → skull

- signed death certificate

— learned of evid inconsistent w/ suicide

— Spoke w/ Newspeople

— newspaper – several
— Pittsburg

— when – most recent – several months ago

[redacted]

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

— Major contact

— Acoman in Media – Reed Irvine

— spent 1 hr w/ Hunt

Q: Disposition of body
where found

topography
"term from Col. Luber"

Circumstances

— never told not a suicide

— may not have been asked about opinion

Never changed Opinion

# Dr. Beyer

## Background

- Academic
- Professional

— M|E — 20,000 autopsies

≠ — apparent suicide

20% of 700-1000/yr

≠ 50% of them — finished to read

- determine cause of death
  - homicide
  - suicide
  - natural
  - undetermined
  - natural

≠ manner of death

— VF death — pretrial

— Senate hearings

— Fiske

7/21/93 - Autopsy

-timing- July 22 sched but chg to July 21

- no desc. [redacted] of Foster family

- Exh. 161 - Report of Autopsy

162 - Certif of Analysis submitted for Toxicology Study

158 a-n - Photos Taken at Autopsy

a, b, c } clothed

d, e, f } exit wound / closeup same

g, h } - probe ent + exit

i exit wound

j, k } interior of skull

l-n index finger of right hand

- Exh. 163 - NOK from Dr. Hunt

Hunt to Beyer

- Perforating s/s wound
- name of decedent
- USPP investigating

Normally do not review report of others prior to autopsy

NO statement Re: suicide
N see Hunt's Report

- Autopsy
  - d/n dictate to recorder
  - no notes
  - who Present: USPP
    Autopsy Technician
  - Requirement of M/E office to have USPP present
  - info re scene - no not before autopsy

- Autopsy
  - opened body bag
    - main blood on right side of face / shirt

- all done in presence of USPP
- Removal of clothing
  - Autopsy Tech
  - M12

Put in bag for transport to USPP
- together? _ d(w)/r

- Protocol at
  - Exam body
  - Extend exam of photo
  - Exam for Id marks - wounds
    - Id
    - Register
    - Photo
  - Internal Exam
    - Examine
    - collect specs
    - " fluids | for studies
  - Prepare

Wounds - External — Back of Head

- Neck — NONE

- HANDS — NONE

- Contusions — NONE

SAMPLES

- Blood
- Urine
- Liver Samples
- Eyeball

} Sent to lab for analysis

~~SPT~~

- fingernails - no - usually if some indic of physical activity

- Semen - d/w observe
  - no sejvj — common to have ejaculation at death

Exh. 156 555 – photo

– blood

– ~~not~~ no trauma ~~or bruising~~
no wounds

Explain washing of face from what 1st appeared based ~~on~~ when body arrives

158 / M / N > index fingers of right hand

– powder debree

– report – right and left hands – powder debris

– right thumb – indentation across back of thumb

- bullet fragments - none

- X-Ray machine - not functioning

- ref. only if non perforating wound

i.e., Entrance but no exit wound
- not the case here
- Examined tissue thru thick muscle padded

- routine

- Can for Examine head for fragments w/o X-Ray

1/18 - Organ in place can be sectioned and Examined

Diagrams in Exh. 161

viz Wounds in head

— 2 diagrams show wounds
in skull — entrance
\ Exit
+ fracture lines

— soft pallet
— entrance wound
— gunpowder debris in mouth
in grass (mouth)

— Exit 3" from top
1¼ x 1"

— Wound ent + exit
consistent
— no other
trauma

— review report of Panel of pathologists

Exh 164

Findings About Time of Death — N

" " Toxicology — lab reported back + found in cost of analysis

~~Presence~~

" " Position of Weapon

— in VF mouth close to barb

— presence of powder debris

---

Publicity of 1969 Suicide

---

CAUSE OF DEATH —

Self inflicted G/S wound

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Documents

Clinton Personal

- Nussbaum
- Williams
- Carolyn Huber
- WTC

Jan. '94 –

FBI
Kendall > at WTC

– inventory
– possession

(walk)
– Kendall

Subpoenas – WHCO

→ Travel Office Files – to, from, by VF

→ VF Computer Dump –

2/23

- phone records

- to be determined

---

Scheduling

March 6 - Gorham

- Tripp

---

March 7 - Pond

- Tech guy - Witt

---

Polygraph of Livingston

2/23 Marcia Scott

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

- Very close to WH ; also POTUS

- VF - knew since college

- D Watkins - knew since campaign

- knows BK well
  GK well

- know PT well - offic next door

- knows BL well - since high school

✓ - CL - officious
  - wants to please
  - "gofer"

- VF family

- VF
  - not many close friends — WH
    — BK
    — HRC

- m/o consumate good lawyer
  wise counselor
  few words
  - strong feelings - kept inside

- bottled up
- External demeanor didn't change much

- Rel w VF
  - saw him regularly at Dyatkin meeting
  - try to see him every day
    - particularly "as it went on"
    - try to see VF, BL, NH > tried to stay in touch re demands of work
    - called WH

- VF never talked about his work
  - but she [now] knows he was working on:
    - TRAVEL episode
    - private Clinton matters

- been to VF residence - yes
  - picked up
  - drove home

- briefcase
  type - ?

- TRAVEL Office

  Firms - May 19

✓ hesitated didn't know

_____ talk about Employees - d/w/t
" " Bill Kennedy - y

Desk of BK about WHTO

- intimacy of ~~est~~ scapegoating BK
- allegs of FBI motive — note

- Kennedy, Watkins > reprimand initially

=

who ~~s~~ made decision to fire
— assume McClarty
— heard FLOTUS — paper

Concern about hearings ~~VF~~ WHTO
VF concern for BK
— very concerned

how affect this issue role

- weight loss - d/n/notice
- marriage —
CISA F hotel DC

- d/N ~~date~~ knowingly see digressions

July 19
meeting of VF
— nothing unusual

- VF didn't get up — UNUSUAL

— Weekend (Prior)
VF learned - needed more rest
- needed to get away more
- seemed more relaxed at peace

General reflections

- VF troubled by inscription on photo

✓ VF - Volunteered to leave

— What about self esteem

✓ — Can issue

— pop tricks — should — not always
— Show badge

✓ — note

— ever see

✳ — NB unusual — cruel
— outgoing — not to leave a note

— notify of death

— At Foster home

— order of entry — wrong (not material)
— [redacted] arrivals

Potter
Pryor
McCarthy
Kennedy
W. Pincus

— USPO

— dix. vei.

Hubbell

- need to have DOJ seal of file

- no other desc heard viz [checking to see if city] papers Embarcadero to Pass.

✓ - where was she standing at VF home

✓ - Webb Hubbell at DOJ

- PREPARER

✓ - Shaka Anthony

Desc of VF

✓ - Livingstone

- recalls something about

- Gail Kennedy -

- GUN

- surprise by anyone

✓ - Vince's father's gun

(rel)

Q: ~~Does~~ Did he hear Lisa Foster comment ✓
see Laura go up stairs –

Q: What was rel See WH shoot USPP ✓

– know who paged WH ✓
– men talking on phones ✓
– Why go to WH ✓
– 2d Floor ✓
– VF – Ft. Myers
– Drive in –
– get out

– Any other theories went at VF house
– WHTD –

2/28 – Star Meirks

– TRAVEL Office

– staff meeting prior to 5/19 – issue of staff of 1750 – auditors coming in

–

– Attorney interviews – yes

– Conf. Hearings

– VF spoke of possibility

– could consume attn/time of WH
– people would be attacked
– considered outside counsel

– BK – views

– scapegoat? impression (VF BK) felt he was singled out

– July 19

– saw VF at staff meeting
– went to WH Dep meeting

– Privilege issue VF regular/ongoing work of WH

Foster

- Levels of stress
  - WHTO
  - WH
- final

follow up dissertation

July 20

- saw VF in a.m.
- had some disc w/ Jody Greenstone

Describe

follow up

resignation - consideration

- Death Notification

BW → SW 10:00

- July 21

7-8- WHCO

Marlene McDonald part time

- B. Pond in STE
  - in VF office
  - "straightening things out"

- SW locked in - left

- SN recognized [redacted] privilege and necessity used for accomodation — "maximize possibility for both interests can be accomodated"

when decision

July 21 cont'd — other people's position

CS — same as SN
— what is proper thing to do, accomodate both [redacted] interests

BL — none on 21 July
MM — " " " " or at all
SB — July 22
J. Dann — July 22
HRC — none

FBI 302 — told by BN — yes but

BN had phone conv w/ S. Thomases
ST told BN — Hrc concerned about access

BK — d/n/r

— Briefcase

— BN lifted in up — "sense"

— go back to

Computer

- SN searched computer
  - 2-4 docs relating to work done

Travel office Matters
- files in VF office — d/n/k
- C. Sloan then N. Eggleston

Safe
- BN office
  - searched? d/n/k
  - combinations - BN

Docs
- remained in office after search
- ~~transferred~~ - some
- some MG/BN in VF office
- " CS/BN in VF office

} after review of DOJ

- locked from 7/22 - 7/26 - understood
- 7/22 - BN assigned task to SN to inventory VF office
  - what working files in VF office to re-assign

Exh. 171 - copy of inventory by SN on 7/26

NO WHITE file

What happened to office files taken by BN

- Inventory on 7/26

  - D. Gorham present
    - no observation of len of briefcase

- Briefcase

  - box of pers. items

  - putting briefcase in box ; tried to fit it in
    - yellow torn pieces fell out

  - took into BN office - pieced together

Exh. 169 - Transcript of note

- Bill Burton & HRL - discuss about note

- Discuss re: obligations

- SN did research

- meetings on 7/26 + 7/27 if HH people

Note - contents

briefcase - contain note

touch - how