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In The Matter Of:

*IN REGARDS TO DISCOVERY OF VINCE FOSTER'S
BODY ON JULY 20, 1993*

July 28, 1994
CONFIDENTIAL

Determined to be an
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Original File 6948d.prt, 50 Pages

Word Index included with this Min-U-Script®

STATEMENT FOR THE RECORD
 UNDER OATH
 OF CONFIDENTIAL WITNESS C.W.
 IN REGARD TO
 DISCOVERY OF VINCE FOSTER'S
 BODY ON JULY 20, 1993
 Date taken: July 28, 1993
 Time: 2:00 p.m.

APPEARANCES:
 Congressman Dan Burton
 Congressman Dana Rohrabacher
 Congressman John Mica
 House Government Operations Committee -
 Committee of Jurisdiction

(1) CW,
 (2) having been first duly sworn by (3) ROBERT M. JAKUPCIAK, a Notary Public (4) within and for the State of Virginia, (5) was examined and testified as (6) follows:

(7) CONGRESSMAN BURTON: Okay. Why don't you (8) read that into the record.

(9) CW: Rereading the statement given on (10) 7/21/94 to Dan Burton as follows: Involving the (11) statement about the gun in Vince Foster's hand, I made (12) it very clear that the palms of his hands were facing (13) up and at his sides. The agents investigating stated (14) that the gun was hooked on his thumb and partially (15) obscured by the back of his hand. Based on their (16) explanation of how the gun was being held, I conceded (17) that all that was visible — that if all that was (18) visible was the trigger guard on his thumb, and the (19) dense foliage that I could have missed seeing it. I (20) again stated that I saw both of the man's palms, but (21) did not count his fingers. After having seen the

(22) photo of the hand and the gun I'm sure the hand had (23) been moved because the palms were both face up when I (24) saw Mr. Foster's body.

(25) CONGRESSMAN BURTON: Okay. Very good. Do (26) you want to ask any questions or do you want me to (27) start?

(28) CONGRESSMAN MICA: You can start.

(29) CONGRESSMAN BURTON: Now, one of the things (30) that Mr. Fiske said in his report was that you saw the (31) body from the berm but it does not tell how close you (32) were to the body. Would you tell us how close you (33) were to the body and how close you got to his face, (34) his hands and everything else?

(35) CW: I stood directly over the top of his (36) head at the head of the berm. My right foot, I'm sure (37) that it was my right foot, was somewhere between 24 to (38) 30 inches from the top of his head. No closer. At (39) that point, leaning over with my left foot extended (40) behind me I looked directly down into his eyes from (41) about three foot to four foot

maximum above his face, (21) my face from his.

(22) CONGRESSMAN ROHRBACHER: You were directly

(1) above him?

(2) CW: Directly above him looking straight (3) down the body. The man's head was facing straight up. (4) If it was tilted it was tilted very slightly because I (5) looked into both eyes. I was questioned numerous (6) times by the agents about are you sure the head wasn't (7) tilted and I kept telling, no, I looked straight down (8) into both eyes. Do you want me to go on and explain (9) what I saw?

(10) CONGRESSMAN BURTON: Yeah. Go ahead. Tell (11) us what you saw.

(12) CW: I saw blood traces on his nose and (13) around his lips. There was not streams of blood on (14) the side of his face. There was not trickles of blood (15) as indicated in the Foster report. I was looking (16) straight down into the man's face and saw the blood. (17) That's when I said to myself, hey, did somebody shoot (18) this man? I didn't see any signs of a gunshot on his (19) shirt or clothes. I looked to see if he had anything (20) in his hands and that's when I saw his hands both (21) palms up.

(22) CONGRESSMAN MICA: Was there a gun in the

(1) hands?

(2) CW: There was no gun in his hand. His — (3) both palms were face up, thumbs out to the side.

(4) CONGRESSMAN MICA: You did not see a gun?

(5) CW: I did not see a gun next to the body.

(6) CONGRESSMAN MICA: Or, and you don't recall (7) a gun any place close to him?

(8) CW: The foliage around him was dense, very (9) dense, because I was standing approximately 20 feet (10) from him, relieving myself.

(11) CONGRESSMAN MICA: Did you touch the body? (12) Or did you shake him?

(13) CW: Oh, God no. I wouldn't touch him for (14) no amount. I mean, no way would I disturb any (15) evidence, period.

(16) CONGRESSMAN BURTON: What you are saying is (17) you were 20 feet from the body when you were relieving (18) yourself?

(19) CW: When I was relieving myself and caught no glimpse of something that I thought initially was (20) trash and that's how dense the foliage was.

(21) CONGRESSMAN BURTON: I want you to look at

(1) this picture because you say you saw no gun in the (2) hands.

(3) CW: I also, when I saw nothing in his (4) hands, I leaned to both sides of his head and to the (5) back of his head to see if he had been hit in the head (6) and saw nothing visible.

(7) CONGRESSMAN MICA: Did you look at his (8) hands again?

(9) CW: I did not look back at his hands again (10) because I clearly saw his hands were empty and he had (11) no signs that he had, was defending himself or (12) something. You know, you don't know. You see (13) somebody laying there dead, you go what happened here, (14) did somebody shoot him? No signs of it. Was he in a (15) fight? Was he hit in the head?

(16) CONGRESSMAN BURTON: Now, you said — what (17) did you see beside the body?

(18) CW: There was a wine cooler bottle laying (19) I would say 24 to 30 inches to the right, between his (20) shoulder and his elbow, laying on the berm, held up by (21) some twigs, not on the berm but on the down-side of (22) the hill being held up by some twigs because it's a

(1) very steep grade.

(2) CONGRESSMAN BURTON: Was it sitting (3) straight up or just laying on its side?

(4) CW: Laying sideways, still probably (5) one-fourth of its contents in the bottle.

(6) CONGRESSMAN BURTON: Did you see anything (7) that looked like glasses anywhere?

(8) CW: No, I didn't. From what I read in the (9) report the glasses were at the bottom of the hill.

(10) CONGRESSMAN BURTON: Take a look.

(11) CW: That looks like glasses right there.

(12) CONGRESSMAN ROHRBACHER: Did you see that?

(13) CW: No. I did not.

(14) CONGRESSMAN MICA: Did you see — you said (15) the palms were out?

(16) CW: The palms were face up.

(17) CONGRESSMAN MICA: Both? Both palms?

(18) CW: Right beside him nearby. Just like (19) that.

(20) CONGRESSMAN MICA: So that they were not in (21) this position?

(22) CW: It was not in that position at all.

(1) CONGRESSMAN BURTON: Tell me about the (2) picture. You — the FBI —

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you asked the FBI what (9) about the picture, and the head?

(14) CW: Numerous times.

(15) CONGRESSMAN BURTON: What did you ask them (16) about the head and —

(17) CW: If you will show me the picture of the (18) head and the picture of his hands that you said there (19) was no gun in — that I said there was no gun in and (110) you said there was, then I could tell you point blank (111) if somebody had tampered with it, with Mr. Foster's (112) body.

(113) CONGRESSMAN BURTON: What did they say when (114) you asked to see the pictures?

(115) CW: Well, it will jeopardize our (116) investigation, I can not show it to you at this time. (117) We will be more than glad to show it to you when all (118) this investigation is over and that was the common (119) answer I got from them every time.

(120) CONGRESSMAN: Over how long a period of (121) time — how many times did they say that to you?

(122) CW: Four, five times I directly and

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(1) inquired, let me see the picture.

(2) CONGRESSMAN MICA: You have never seen this (3) picture before?

(4) CW: I had never seen that picture until (5) the congressman handed it to me. Mr. Liddy had told (6) me that that picture had been published somewhere but (7) I had never saw it or I would have probably been — (8) know I would have been screaming.

(9) CONGRESSMAN MICA: Do you think that's a (10) picture of what you saw?

(11) CW: That is not a picture of what I saw. (12) The man's palms were straight up.

(13) CONGRESSMAN ROHRBACHER: Okay. Let me ask (14) you this. You came to the point that your head was (15) right about here over the head of Mr. Foster.

(16) CW: He was on the down-side of the hill (17) His head was about that far below the top of the berm.

(18) (Indicating) Let me show you exactly. Move the chair (19) for a second. If your foot was his head, my foot was (20) about right here and I leaned just like that.

(21) CONGRESSMAN ROHRBACHER: Into his face?

(22) CW: And looked right down into his eyes.

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(1) CONGRESSMAN BURTON: So you were no more (2) than two feet, three feet above his —

(3) CW: I would say two to three feet — I had (4) said 24 to 30 inches my face was from his face.

(5) CONGRESSMAN ROHRBACHER: Then you looked (6) to both sides as you were looking down? You looked to (7) both sides to see his both palms were up?

(8) CW: When I saw the blood stains my first (9) reaction was did somebody kill this man? I looked and (10) saw no signs of any stab wound or gunshot on his (11) clothes. His clothes were very tight. There was a (12) stain here, just about like that.

(13) CONGRESSMAN ROHRBACHER: What color?

(14) CONGRESSMAN MICA: You are pointing to your (15) shoulder?

(16) CW: On his right shoulder. It was a — (17) the stain on his shoulder was —

(18) CONGRESSMAN ROHRBACHER: Was it red? Or (19) was it blood?

(20) CW: No. It was very light purple, almost (21) identical color of the wine cooler.

(22) CONGRESSMAN BURTON: So you don't think it

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(1) was blood.

(2) CW: I do not think it was blood. In the (3) very center of — it looked like he had thrown up on (4) his right shoulder. In the very center there was one (5) small spec area, probably no larger than a silver (6) dollar that was black, that could have been blood in (7) the very center of it.

(8) CONGRESSMAN BURTON: Okay.

(9) CW: No more than that. It's possible that (10) could have been but it was very — it looked like (11) residue from having thrown up on his shoulder.

(12) CONGRESSMAN ROHRBACHER: Now, let's take a (13) look at this picture again, in which you see some (14) things here and you see the gun here. This does look (15) like a pair of glasses. It may not be.

(16) CW: It looks like it could be but it looks (17) like a twig more.

(18) CONGRESSMAN MICA: You don't remember (19) seeing that?

(20) CW: No. I did not see — the man's hands (21) were against his leg.

(22) CONGRESSMAN MICA: This shows foliage to

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(1) the left of the hand and underneath the hand. Is this (2) similar to the dense foliage that was there?

(3) CW: It was very dense and that's how (4) dense it was. You could start to see how dense it (5) was. Did you see those woods back there?

(6) CONGRESSMAN BURTON: Can we stop one (7) minute? Can we stop one minute?

(8) CW: Yes, sir.

(9) CONGRESSMAN BURTON: Can you stop for a (10) second? I don't want to go off the record. I just (11) want to stop for a minute because I want him to go — (12) can you unload your 38 and bring it in here for a (13) minute?

(14) CW: It's not a 38, it's a 22.

(15) CONGRESSMAN BURTON: Can you unload your 22 (16) and bring it in here and let me take a look at it? I (17) want you to unload it.

(18) CW: I wouldn't bring it in otherwise.

(19) CONGRESSMAN BURTON: Okay. The reason I'm (20) asking him to do that. I want to show you the gun in (21) the position of the hand and if the palms were up what (22) it would look like. I wanted you to see that.

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(1) CONGRESSMAN MICA: You would have to see (2) the gun.

(3) CONGRESSMAN BURTON: Well, the gun — you (4) can see here the thumb is through the trigger guard (5) like that. You can see it. I'm going to put my thumb (6) through it and if the palms were up I want you to see (7) how the gun would look. It's empty?

(8) CW: It's empty.

(9) CONGRESSMAN BURTON: Okay. Let's take a (10) quick look here. Now, this is the way it is, see?

(11) CW: Exactly like that.

(12) CONGRESSMAN BURTON: Do you see that? Do (13) you see this? Take a good look. I want you to see. (14) You see the picture? You see how I have got my thumb (15) in there?

(16) CONGRESSMAN MICA: And you think it's (17) impose —

(18) CONGRESSMAN BURTON: No. Wait a minute. (19) You see this? If the palm is up what do you have?

(20) CW: All right. The way he explained it to (21) me it was like that and I would have missed the gun (22) with the foliage. The reason that I conceded to the

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(1) men, based on what they were telling me — this is not (2) what they told me because the man stood almost exactly (3) where you are standing, one of the agents, and said (4) just like this, but all you would have seen, but all (5) you would have seen, and he repeated, would have been (6) just the trigger guard and the rest of the gun would (7) have been obscured.

(8) CONGRESSMAN MICA: You didn't touch the (9) body at all?

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[10] CONGRESSMAN ROHRBACHER: Hold on. Let's [11] make this point very clear. The FBI when they were [12] talking to you and when they kept going on this [13] question referred to the palm being up and the gun [14] being underneath the palm?

[15] CW: He demonstrated with his hand like [16] this with his palm up.

[17] CONGRESSMAN ROHRBACHER: So the question [18] — when they claim that you had in some way conceded [19] that well, maybe perhaps you didn't see it, if indeed [20] it was below the palm, that was based on a description [21] by the FBI that the palm was up and that the gun was [22] underneath the back of the hand?

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[1] CONGRESSMAN BURTON: But it's not possible. [2] Look at this.

[3] CONGRESSMAN ROHRBACHER: No. But that's [4] not what this picture shows.

[5] CW: Exactly.

[6] CONGRESSMAN BURTON: But if the thumb is in [7] there, look at this. You can't —

[8] CONGRESSMAN ROHRBACHER: The more [9] important part is that the FBI was describing [10] something to him that was not —

[11] CW: Exactly right.

[12] CONGRESSMAN ROHRBACHER: Was not what the [13] hand, where the hand was.

[14] CW: I'm looking for the —

[15] CONGRESSMAN BURTON: Let's talk one at a [16] time. What did you say?

[17] CW: The statement said that CW insisted [18] that the man's — or believed the man's palms were up. [19] In this it states that.

[20] CONGRESSMAN ROHRBACHER: Right.

[21] CW: He never — that's the only thing, the [22] two things that I think the FBI done wrong, was they

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[1] wouldn't show me the pictures and led me to believe [2] that the hands were up and the gun was concealed on [3] other side.

[4] CONGRESSMAN BURTON: But in the report they [5] say you believed that the palms were up but you say [6] there is no doubt?

[7] CW: I never said — I said I believe it. [8] I mean I know it.

[9] CONGRESSMAN ROHRBACHER: Okay.

[10] CW: And he said CW believes it and that's [11] as straight as they can be.

[12] CONGRESSMAN MICA: But you never [13] indicated —

[14] CW: Otherwise. Those palms were up [15] always.

[16] CONGRESSMAN MICA: And both palms?

[17] CW: Both palms, nearly at his side and [18] they were just like that.

[19] CONGRESSMAN MICA: With nothing in them?

[20] CW: Nothing in the hands.

[21] CONGRESSMAN ROHRBACHER: And when you made [22] the concession to the FBI after repeating that you

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[1] didn't believe there was a gun in the hand, over and [2] over again, when you finally made the concession it [3] was based on a description by the FBI that the gun was [4] found with — the man was found with his palms up and [5] that the gun was underneath the palm?

[6] CW: That all that would have been visible [7] was the trigger guard, would I have missed seeing a [8] gun, with the dense foliage? If that being the case, [9] it's possible I could have missed it.

[10] CONGRESSMAN BURTON: First of all, look —

[11] CW: And that's, I mean that's as honest as [12] I can be.

[13] CONGRESSMAN MICA: If somebody had moved [14] the hand —

[15] CONGRESSMAN BURTON: If it's like this, I [16] mean, there is no way —

[17] CW: If you had dense foliage right here [18] it's very possible that I would have missed that gun, [19] if that's the way it was.

[20] CONGRESSMAN MICA: But someone would have [21] had to move the hand to do that?

[22] CW: But that palm was up just like that.

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[1] CONGRESSMAN BURTON: He said he didn't [2] count all the fingers and that's what they tried to [3] convince him of, that this might have been covered [4] here.

[5] CONGRESSMAN ROHRBACHER: Well, we have two [6] discrepancies here. We have one discrepancy when he [7] says he doesn't — he never saw the gun and the other [8] discrepancy is that he is absolutely certain that the [9] palms were up. So thus, we have two major [10] discrepancies.

[11] CONGRESSMAN MICA: Okay. I mean you can [12] see the gun pretty clearly there. You think you would [13] have seen the gun if in fact it was in that [14] position?

[15] CW: I would have, because —

[16] CONGRESSMAN MICA: You were looking for [17] something?

[18] CW: I was looking to see if the man had [19] been in the process of defending himself.

[20] CONGRESSMAN ROHRBACHER: John, that is — [21] okay, that was an important point that was just made. [22] Thus, even if this picture is the accurate

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[1] description, meaning that — even if this was, which [2] you do not believe is the way the palm was located, [3] you would have definitely been close enough and would [4] have seen the gun if this was the, what it actually [5] was?

[6] CW: That's going to be a hard question for [7] me to answer because of one thing.

[8] CONGRESSMAN ROHRBACHER: Okay.

[9] CW: I'm standing at the top of the man's [10] head. This is below him looking up. There was a [11] trained police man standing at the top of the hill that [12] even when he was told he had a gun in his hand still [13] did not see it. I cannot make that statement and say [14] yes, I would have seen it.

[15] CONGRESSMAN BURTON: But the point is see [16] that gun is shoved under his leg partially, but you [17] are saying the palms were definitely —

[18] CW: The palms were up.

[19] CONGRESSMAN BURTON: And if the palms were [20] up in that position you would have seen the gun?

[21] CW: I would have seen the gun.

[22] CONGRESSMAN BURTON: That's right.

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[1] CONGRESSMAN MICA: So you were standing [2] over his head?

[3] CW: Directly looking straight down the [4] body.

[5] CONGRESSMAN ROHRBACHER: By the way, I [6] don't think this was taken from below. I think this [7] was taken from the side, above and from the side or [8] whatever.

[9] CONGRESSMAN BURTON: Well, who knows. I [10] think there was —

[11] CW: That was taken from down the hill.

[12] CONGRESSMAN BURTON: They took several [13] rolls of film that were underexposed and they didn't [14] run out. And these were taken with Polaroids.

[15] CW: You have got to remember the man was [16] laying on a hill like this. The gun was right here. [17] So that angle would have had to have been below an [18] back at him.

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(19) CONGRESSMAN MICA: Which way was his head? (20) Was his head down the hill or up?

(21) CW: Up the top of the hill. His head was (22) at the top of the hill.

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(1) CONGRESSMAN MICA: So he went down in this, (2) this slope or ravine and shot himself?

(3) CONGRESSMAN BURTON: It's a little slope.

(4) CW: Let me show you. This is an (5) elevation. You have the flat area with the cannon (6) sitting there. Okay. There is a berm right here like (7) this. There was probably six to 12 inches high berm (8) after years of erosion that at one time would probably (9) have been much higher. The bank comes down. I would (10) guessimate 20 feet or better, down -- I'm going to (11) have to expand on this. And then there is a ditch (12) here, a berm here and this is all dense wooded area (13) with a walking path right out here. The man's body (14) was laying approximately like this.

(15) CONGRESSMAN BURTON: So the head was right (16) at the top almost?

(17) CW: Yep. Just below the top of the berm. (18) If I was standing right here I would not see him, (19) standing right there. The angle would have been just (20) enough that I would not have seen him. It wasn't (21) until I got around here that I saw something down over (22) the edge of the berm.

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(1) CONGRESSMAN BURTON: Okay. Now, tell us (2) about the cabin real quickly. You said you knew the (3) guy that owned that cabin years ago?

(4) CW: I knew a retired navy commander who (5) lives in that project. He was going to set me up with (6) the owner so I could talk to him about possibly (7) purchasing this. Being in construction --

(8) CONGRESSMAN BURTON: But there is a private (9) road that goes back to that cabin?

(10) CW: There is a private road that goes (11) right back to it from the housing development right (12) next to it.

(13) CONGRESSMAN BURTON: Okay. If somebody (14) came back that road they wouldn't be seen?

(15) CW: They would not be seen, period.

(16) CONGRESSMAN BURTON: How far is that from (17) the cabin?

(18) CW: 150, 175 yards.

(19) CONGRESSMAN BURTON: So they could have (20) walked around that and come right up --

(21) CW: They are dead in the woods all the (22) way, and there is a path that leads right straight

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(1) through there, a very well worn walking nature trail.

(2) CONGRESSMAN ROHRBACHER: What time did you (3) do this again? Excuse me. I forgot.

(4) CW: It was almost 6 o'clock.

(5) CONGRESSMAN ROHRBACHER: In the afternoon?

(6) CW: Yes.

(7) CONGRESSMAN MICA: Now, you found the body (8) and you realized he was -- you thought he was dead?

(9) CW: Well, there was no doubt he was dead. (10) His eyes were about two-thirds closed and glazed very, (11) very white.

(12) CONGRESSMAN MICA: Did you yell for help?

(13) CW: Oh, God no. That doesn't bother me.

(14) CONGRESSMAN MICA: But what did you do?

(15) CW: I immediately went back to my van, (16) went to go to the nearest phone and call the police to (17) tell them there was a body there.

(18) CONGRESSMAN BURTON: But you didn't call (19) the police.

(20) CW: I went, got in my van, started up the (21) parkway because I was on the parkway, I got up to (22) where the park headquarters are, about two, two and a

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(1) half miles, maybe a little further up the road, the (2) right-hand side. There is a little phone sign right (3) there. I pulled in, there was a couple of vehicles on (4) the left. I had never been in there before. There is (5) two phones there. I never saw them because I saw the (6) guys there, the phones sat back behind the trees over (7) here on the right side. I saw the guys there. I was (8) looking at them, drove by, still didn't see any (9) phones, looked both ways but apparently drove right by (10) the phones and never saw them, backed up, turned (11) around, started back out, was going to ask them to use (12) the phone, motioned for them to come over. The (13) younger white man walked over. I asked him for a (14) phone. He stated that, you know, why? And I says, (15) well, it's an emergency, I need to use the phone. Can (16) you get me to a phone? Yes, but why? And he says -- (17) I think he said it the third time. At that point I (18) went, wait a minute, fine. Are you familiar with (19) Fort Marcy? Oh, yeah, I know it well. Do you know (20) where the phone is? I don't know. I know it well. (21) Do you know the one up on the hill to the right? Oh, (22) Yeah.

The next Chain Bridge Road now. Not the one on

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(1) the left up there, the one on the right all the way up (2) on top. Oh, yeah, I know it well. I says, right (3) beside it, down over the bank is a dead man. You call (4) the police and tell them. Oh, sure, great. I don't (5) need the headaches that go with possibilities of going (6) to courts and hearings and crap that all I done was (7) come onto a body. That's all. Hey, I done my duty, (8) I'm gone. He went to call the police, I simply drove (9) off. And I stayed quiet for approximately six months.

(10) CONGRESSMAN BURTON: Now, you told some of (11) your colleagues about the body?

(12) CW: Here is the -- that happened that (13) night. The next morning, on the project I have got (14) five, six, maybe seven foremen from the project in my (15) trailer and they were all complaining and bitching (16) about the heat and the traffic. There was wrecks all (17) over the place that afternoon and they were all airing (18) their grievances about the trip home. So finally I (19) said you fellows don't no what grievances are. Here (20) is mine. So I told them what happened. About an hour (21) later my brother comes over and says, do you know who (22) that was and I went holy Christ. At this point, I had

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(1) probably a hundred men on that job and you know not (2) one soul -- they kept me quiet and I love it.

(3) CONGRESSMAN BURTON: They kept your (4) confidence. Now, you were coming back from Africa, (5) you went to Kenya. Tell them about coming back from (6) Africa and how you decided to call Gordon Liddy.

(7) CW: When I got back from Africa I was (8) reading -- the London Times was eating that story up (9) and I was sitting in the hotel reading it.

(10) CONGRESSMAN BURTON: This was what month?

(11) CW: This was in April. Yeah. It was, I (12) believe it was in April. It was either April or May. (13) Hun, when was I in Africa?

(14) MRS. CW: I don't know. I didn't go. You (15) left me home, remember?

(16) CONGRESSMAN BURTON: Okay. Go ahead.

(17) CW: And it's when I got back, my brother (18) came over and told me, says you hear the story that (19) the New York Times printed about the two park rangers (20) have changed their story and stated that they had made (21) up the story about the guy in the white van, that

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they (22) had smuck off down to the park to have a drink and

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(1) discovered the body and to cover themselves they made (2) this story and at that point I went wait a minute. (3) Who in the world can put that kind of pressure on two (4) career employees to make them tell that kind of (5) garbage? I better cover my hind quarters. So I was (6) thinking about what to do and my brother had been (7) listening a lot to Liddy and I have also respected (8) Liddy for his word. Any man that — you know his (9) background. And he was really hammering on the (10) evidence, you know, that was being presented about the (11) Foster case and the doubts.

(12) CONGRESSMAN ROHRBACHER: Had you ever met (13) Liddy before that?

(14) CW: I had never met Mr. Liddy before that. (15) So after some thought I thought that —

(16) CONGRESSMAN ROHRBACHER: Had your brother (17) met Liddy before that?

(18) CW: No. No one. None of us knew him at (19) all.

(20) CONGRESSMAN ROHRBACHER: Okay.

(21) CW: But having read about him, I decided (22) that would be as good a — what I knew would become

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(1) public and if there was a threat to me, that, that (2) possibility of danger would be greatly, greatly (3) reduced simply by the fact that what I knew would have (4) been now made official.

(5) CONGRESSMAN BURTON: So you called Liddy (6) because you wanted to get the facts out number one and (7) number two you thought you would be safer if the facts (8) were?

(9) CW: Exactly right.

(10) CONGRESSMAN BURTON: And he would keep your (11) confidence?

(12) CW: Just like you gentlemen and he has (13) kept his word one hundred percent and God knows I (14) expect it.

(15) CONGRESSMAN BURTON: Okay. Do you guys (16) have any other questions?

(17) CONGRESSMAN ROHRBACHER: Did you see any (18) evidence of any other people there that we haven't (19) talked about?

(20) CW: There was two cars in the parking lot. (21) It's a very quiet little park.

(22) CONGRESSMAN MICA: Were there any people in

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(1) the cars?

(2) CW: None. This is why I went as far up as (3) I did, before finding a place to

relieve myself, (4) because I know the park and know it well and I know (5) where the, the picnic tables, et cetera, are in the (6) park and if there would be someone that would be in (7) the park enjoying it. I checked those three places, (8) to — actually the fourth place was the cannon on top (9) where — that's where I stepped over the berm and saw (10) him.

(11) CONGRESSMAN BURTON: Okay. Anything else?

(12) CONGRESSMAN ROHRBACHER: There wasn't any (13) — foliage didn't seem to be — did it seem like (14) somebody dugged him up there?

(15) CW: Now, I did not read anything in this (16) report and this has been stated numerous times. Below (17) this man's feet, all the way down into the bottom of (18) the ditch, approximately ten feet or better, up the (19) berm on the other side, over the hill to the walking (20) trail, everything had been trampled completely flat (21) like the man had walked back and forth at least a (22) dozen times or better. It was, at least 24, maybe 30

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(1) inches wide that everything was trampled completely (2) flat. Every twig, every leaf.

(3) CONGRESSMAN BURTON: Let me get this (4) straight. You are saying that there was a path almost (5) from the bottom of his body down into the bottom, up (6) over this other hill?

(7) CW: And out to the walking trail on the (8) other side. As I showed you here, from here, down and (9) out over that hill. This is, this was very, very (10) dense.

(11) CONGRESSMAN BURTON: And it was flattened (12) out?

(13) CW: It was walked completely flat. The (14) agents had known about this and known about this. (15) Nothing in that report. I don't know. I don't know. (16) Did it disappear or what happened?

(17) CONGRESSMAN ROHRBACHER: Your analysis —

(18) CONGRESSMAN BURTON: Wait a minute. This (19) is very important. You are saying that you told the (20) agents this?

(21) CW: Oh, I told them numerous times.

(22) CONGRESSMAN BURTON: That the ground was

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(1) trampled from the bottom of his feet all the way down (2) the valley and over the hill?

(3) CW: Completely flat.

(4) CONGRESSMAN BURTON: Okay. Somebody had been (5) walking back and forth there?

(6) CW: He had paced back and forth many (7) times. At least a dozen times. You can't trample (8) down that flat.

(9) CONGRESSMAN BURTON: And they didn't put (10) that in that report?

(11) CW: Nothing in the report that I read. (12) That I have read. If you don't — read anything of (13) that nature.

(14) CONGRESSMAN ROHRBACHER: Let me ask you (15) something. Did you happen to get a glimpse on the (16) other side of that?

(17) CW: If someone was on that trail on the (18) other side you would have never seen them. The (19) foliage was that dense.

(20) CONGRESSMAN MICA: Did you tell them about (21) the trampled —

(22) CW: Absolutely.

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(1) CONGRESSMAN MICA: It doesn't appear in (2) anything —

(3) CONGRESSMAN BURTON: Not once but how many (4) times?

(5) CW: Minimum of three. Once here, and (6) twice at the site with them.

(7) CONGRESSMAN BURTON: Let me finish here. (8) You went out to the site with the FBI and you told (9) them at the site where the ground was trampled and how (10) far it went?

(11) CW: Yes. I also walked them — that (12) doesn't make any sense was their statement about, why (13) would they bring him in this way. It was simple from (14) the cabin. What cabin is what their answer was. The (15) one right over there.

(16) CONGRESSMAN BURTON: So they said, that (17) makes no sense, why would they there be a path here (18) like this and you said because that's where the cabin (19) and the driveway is?

(20) CW: Uh-huh. And they did not know about (21) the cabin and I walked them back there and showed it (22) to them.

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(1) CONGRESSMAN ROHRBACHER: Who is in the (2) cabin now?

(3) CW: No one. I know for eight to ten years (4) it's been vacant. It's a little teeny bungalow like (5) one little bedroom. Cute as can be.

(6) CONGRESSMAN ROHRBACHER: The doors are (7) looked up?

(8) CW: Oh, it's boarded up. I don't know if (9) the thing even has indoor plumbing.

(10) CONGRESSMAN ROHRBACHER: Is it conceivable (11) that somebody could have been on that path when you (12) were relieving yourself without you seeing them?

(13) CW: Absolutely. Absolutely. It was that (14) dense.

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(15) CONGRESSMAN ROHRBACHER: So it's possible (16) that while you were relieving yourself that someone (17) could have been there and you might have — is it (18) conceivable that you would have not heard them, they (19) could have been walking in this area?
(20) CW: Very, very conceivable.

(21) CONGRESSMAN BURTON: The thing is I don't (22) want to try to lead CW in any way. I want to make

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(1) sure that we don't come to any conclusions. I just (2) want to get the facts.

(3) CONGRESSMAN MICA: I have another question.

(4) CONGRESSMAN BURTON: Yeah.

(5) CONGRESSMAN MICA: Because I was briefed (6) from our ranking member after he was briefed by Fiske (7) and these people. The head you say was uphill?
(8) CW: Yeah.

(9) CONGRESSMAN MICA: And the feet were down?

(10) CW: Straight down the hill. Not sideways. (11) not an angle. Straight down.

(12) CONGRESSMAN MICA: And you didn't see (13) any — you didn't see any evidence that someone had (14) committed suicide, any blood in, say around the grass (15) or anything behind the head?

(16) CW: We had no significant rain for 30 (17) days. The ground at the top of the hill in this area (18) might get a small amount of sun a day because there is (19) very high trees around that area. Anything over that (20) berm and down that berm never gets any sun; completely (21) shaded out.

(22) CONGRESSMAN MICA: But around the head —

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(1) CW: There was no — I mean I bent over and (2) looked. I didn't lay my head flat on the ground. I (3) probably lent my head down to within 16 inches of the (4) ground. No signs, not a sign of.

(5) CONGRESSMAN MICA: Did you see any sign (6) from the side of the neck or the back —

(7) CW: Not a sign of anything on the top or (8) the sides of the man's head were visible.

(9) CONGRESSMAN MICA: And his eyes were open?

(10) CW: His eyes were about one-third open, (11) one-third less than half, okay. And glazed.

(12) CONGRESSMAN MICA: And you said there was (13) no blood coming out of his mouth?

(14) CONGRESSMAN ROHRBACHER: Was the mouth (15) open?

(16) CW: His mouth was very slightly open and (17) full as was his nostrils, full of flies. The blood (18) was dried hard and black.

(19) CONGRESSMAN BURTON: But you didn't see any (20) blood as close as you got around the head or anything (21) like that?

(22) CW: None.

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(1) CONGRESSMAN ROHRBACHER: The blood you say (2) was black?

(3) CW: Hard and black.

(4) CONGRESSMAN MICA: Did you look at his neck (5) at all? You didn't see anything?

(6) CW: I didn't see his neck because his neck (7) was below me.

(8) CONGRESSMAN MICA: Okay.

(9) CW: And I wasn't about to start down the (10) hill around and possibly disturb anything.

(11) CONGRESSMAN MICA: And you were looking (12) from the top of his head down?

(13) CW: Looking straight down from the top.

(14) CONGRESSMAN BURTON: But you said you (15) weren't about to go down the hill?

(16) CW: No. I wouldn't disturb anything like (17) that.

(18) CONGRESSMAN ROHRBACHER: But you could (19) actually see what looked almost like a path to his (20) body?

(21) CW: I'm looking straight down the body.

(22) CONGRESSMAN MICA: Did you see like flies

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(1) buzzing anywhere besides the body where there might (2) have been —

(3) CW: No.

(4) CONGRESSMAN MICA: — some flesh, or —

(5) CW: No.

(6) CONGRESSMAN MICA: And no other location (7) except around the mouth and the face?

(8) CW: And that one small area in the middle (9) of that stain on his shoulder. But it was, it was (10) not — when I said silver dollar that was, making (11) sure that I had the area covered. It may have been (12) more like a quarter but it was smaller than a silver (13) dollar.

(14) CONGRESSMAN MICA: When you came back and (15) turned around, was there anyone around or anyone in (16) the cars that you saw?

(17) CW: Still no one in the cars.

(18) CONGRESSMAN MICA: Did you look at the cars (19) when you came back?

(20) CW: As I walked down the hill, you are (21) coming off and you are parked in the parking lot. You (22) go up on either side of the parking lot to a walking

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(1) area that's elevated well above the parking, up to a (2) sign with the description of the fort area and what it (3) was all about and the history. As you are walking (4) back down, which I'm walking back down the hill to go (5) back to my van, as you are coming down the hill you (6) can see right down into the car and the car was parked (7) either second or third.

(8) CONGRESSMAN MICA: What kind of a car was (9) it?

(10) CW: White Honda and it was a light brown (11) or a cream colored Japanese made car on the other end (12) of the parking lot. On the passenger seat of the (13) white Honda was a folded jacket, very, very similar in (14) color to suit pants. The FBI tells me I have got the (15) wrong car that was not his. They said the brown one (16) was his.

(17) CONGRESSMAN ROHRBACHER: Say that again.

(18) CW: The FBI said that that was not his (19) car. I thought sure that was his car because the (20) jacket was so similar to the pants he had on.

(21) CONGRESSMAN BURTON: Yeah.

(22) CW: In the passenger floor board was a

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(1) four-pack wine cooler, two gone.

(2) CONGRESSMAN ROHRBACHER: This was in the (3) car the FBI said did not belong?

(4) CW: Was not belong. And I asked them, how (5) well did you check out those other two people that (6) were still in the park when you got there? Oh, there (7) is no doubt, they were just two lovers up there.

(8) CONGRESSMAN MICA: Now, that was one car (9) you said there was another car?

(10) CW: Two cars.

(11) CONGRESSMAN MICA: Two cars. Did you look (12) in the other car? One car had the jacket and the wine (13) cooler?

(14) CW: The white Honda. Let me just, so you (15) will — when you come up off of BW Parkway, you come (16) up, the parking area is like this and there is a (17) little turnaround over here, just like so. (18) (19) cream colored Nissan, white Honda. I parked right (20) here. Up here there is a sign. There is a path that

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[30] goes right here, with a sign here telling you and [21] there is a path that goes up the hill and around here. [22] There is a good elevation coming up here. Just past

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[1] me, here at this sign, go into the fort area here. [2] One cannon here and one cannon here and that's where [3] he was.

[4] CONGRESSMAN BURTON: But you are saying in [5] this car here you saw a jacket that looked like the [6] one that matched the pants on the body?

[7] CW: Exactly.

[8] CONGRESSMAN BURTON: And you said also that [9] you saw a wine cooler pack on the floor?

[10] CW: A four-pack wine cooler with two gone. [11] The same color as — it was — it had a light pink [12] like label.

[13] CONGRESSMAN BURTON: Okay. Did it look [14] like the bottle that you saw beside his body?

[15] CW: Exactly like the bottle.

[16] CONGRESSMAN BURTON: But that was not in [17] the report?

[18] CW: Strange thing. When I went back with [19] the agents, one of the agents spent about 15 minutes [20] kicking around all through the leaves and everything [21] looking for that wine cooler bottle.

[22] CONGRESSMAN BURTON: But this was mine

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[1] months later?

[2] CW: Yes.

[3] CONGRESSMAN BURTON: Well —

[4] CONGRESSMAN ROHRBACHER: That's [5] interesting.

[6] CW: I would have thought surely —

[7] CONGRESSMAN MICA: So you went back to the [8] site with them?

[9] CW: With the two agents.

[10] CONGRESSMAN MICA: And who else have you [11] talked to?

[12] CW: Outside of what?

[13] CONGRESSMAN MICA: What investigators have [14] you talked to?

[15] CW: Mr. Liddy. This gentleman. That's [16] it.

[17] CONGRESSMAN MICA: And what about — no. [18] But you said you have talked to the Fiske [19] investigators?

[20] CONGRESSMAN BURTON: The two FBI

[21] CW: The two FBI guys.

[22] CONGRESSMAN MICA: That's all?

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[1] CW: That's it.

[2] CONGRESSMAN BURTON: Yeah.

[3] CW: And I went to them because after [4] talking with Mr. Liddy the FBI was really asking and [5] begging and doing everything they could to get in [6] touch with me. Mr. Liddy said these are two of the [7] old Hoover guys, they are not young kids and they're [8] not trying to get a reputation or prove anything. I [9] think they can be trusted, I think you can help an [10] investigation, would you be willing to meet with them. [11] Remaining as a confidential witness with their promise [12] to do the same and they have done that absolutely.

[13] CONGRESSMAN ROHRBACHER: What are the [14] names of the two agents?

[15] CONGRESSMAN BURTON: I have got those. I [16] will give those to you.

[17] CW: I prefer you all don't have them.

[18] CONGRESSMAN BURTON: We are not going — [19] they are going to testify tomorrow before the [20] committee so their names will be known tomorrow.

[21] CW: Because they did keep their word and [22] to me that's — nobody is any better than their word.

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[1] CONGRESSMAN BURTON: CW, let me tell you [2] something. That's very important that they kept their [3] word, but it's also very important that they are [4] accurate in this report and that report does not [5] reflect what you have told us today. The palms were [6] up you say?

[7] CW: Absolutely.

[8] CONGRESSMAN MICA: How sure are you that [9] the palms were up?

[10] CW: As sure as I'm standing right here. I [11] am absolutely and totally unequivocally, the palms [12] were up. I looked at both palms. There was nothing [13] in his hands. I didn't look at one and assume the [14] other. I looked at both of them.

[15] CONGRESSMAN BURTON: Okay. Any other [16] questions?

[17] CONGRESSMAN MICA: That's pretty [18] definitive.

[19] CONGRESSMAN ROHRBACHER: Did it look like [20] at all that the body had slid from a position higher [21] on the hill down a few feet?

[22] CW: His pants — his body was swelling. I

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[1] made that very clear.

[2] CONGRESSMAN ROHRBACHER: Okay.

[3] CW: The FBI says that he had been there, [4] the report says an hour, hour and a half before I [5] found him. Something like that. The body was swelling, his shirt was getting tight and his pants [7] were getting tight.

[8] CONGRESSMAN MICA: Was it warm?

[9] CW: Hot. Hot. But on that hill, the body [10] was still shaded.

[11] CONGRESSMAN BURTON: But you didn't see any [12] signs that the body had been sliding all over the [13] place?

[14] CW: Oh, no.

[15] CONGRESSMAN BURTON: What did it look like?

[16] CW: When I first saw it was someone there, [17] I thought — I was about half-way from where I had [18] crossed the berm to him and I realized it was someone, [19] because I just saw something there. I thought it was [20] trash and I said to myself, what common SOB would [21] throw trash over the hill with a trash can right there [22] by the picnic bench with the cannon. And I just

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[1] went, and it was a little bit out of my way to go back [2] to the van, going that way, then I saw it was a body [3] and I wait a minute, somebody is asleep and I [4] started — that's a heck of a place for somebody to be [5] asleep with a bench and everything right here. That's [6] when I stepped closer and saw that he was definitely.

[7] CONGRESSMAN MICA: How long did you spend [8] over the body? Five seconds? 10 seconds?

[9] CW: Oh, no. Two minutes.

[10] CONGRESSMAN MICA: Two, three, minutes?

[11] CW: Not — that's a tough one. Because I [12] wasn't panicked. I think I was fairly deliberate in [13] studying —

[14] CONGRESSMAN MICA: The body?

[15] CW: — what was going on. I wasn't [16] studying it for any other reason than curiosity. I [17] wasn't studying it for — God knows if I knew what was [18] coming up I would have went and got a note pad and [19] went back and started writing.

[20] CONGRESSMAN MICA: Were you pretty sure [21] though that he was dead seeing the files around his —

[22] CW: Oh, yes.

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[1] CONGRESSMAN MICA: Have you ever seen a [2] dead body?

[3] CW: Yes, I have.

[4] CONGRESSMAN BURTON: I think we have [5] covered about everything.

[6] CONGRESSMAN ROHRBACHER: Okay, listen. [7] Thank you very much, and CW —

[8] CW: Could I have a card?

[9] CONGRESSMAN BURTON: We will all give you [10] one of our cards.

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[11] CONGRESSMAN ROHRBACHER: I didn't bring [12] one with me. I am Congressman Rohrabacher, Dana [13] Rohrabacher from California.

[14] CW: Is there a shortage of cards on the [15] hill? You gave me your last one the other day.

[16] CONGRESSMAN BURTON: We have to take care [17] of taxpayer's money. I think that pretty much [18] concludes it. We have no more questions?

[19] CONGRESSMAN MICA: No more questions.

[20] CONGRESSMAN ROHRBACHER: Okay.

[21] CONGRESSMAN BURTON: Let's just say that we [22] have all asked all the questions we are going to

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[1] tonight and this concludes the report and do you have [2] anything else you would like to say, CW?

[3] CONGRESSMAN MICA: Was there anything that [4] you have read that doesn't jibe with what you know to [5] be the facts or your understanding? Or left out?

[6] CW: Other than what we have already [7] described about the position of the gun, supposedly, [8] and as the picture indicates what I saw, that [9] discrepancy, no mention of the path below his feet, no [10] mention of the wine cooler bottle for whatever [11] significance that would have. I don't know.

[12] CONGRESSMAN BURTON: Let me ask you one [13] more question and this will be the last one.

[14] CW: Yes, sir.

[15] CONGRESSMAN BURTON: When you saw that path [16] and you saw the body what did you think? I mean the [17] path that went over the hill and down. Did you think [18] anything had happened there? What did you think [19] happened? What did it look like?

[20] CW: Well, when I started looking to see if [21] he had anything in his hands, he had been hit in the [22] head, what does that tell you? I thought maybe

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[1] somebody had done him in.

[2] CONGRESSMAN BURTON: And gone over that [3] hill and come back and forth or what?

[4] CW: And I don't know. I didn't even

[5] CONGRESSMAN MICA: Think of that at the [6] time?

[7] CW: No.

[8] CONGRESSMAN BURTON: All right. I think [9] that will wrap up our investigation and we will have [10] this report ready for presentation to whoever wants to [11] see it tomorrow morning.

that would be July the 29th. [12] This is taking place on July the 28th.

[13] CONGRESSMAN ROHRBACHER: Between 8 and [14] 8:30.

[15] CONGRESSMAN BURTON: Between 8 and 8:30 [16] p.m.

[17] CW: Gentlemen, understand one thing. I [18] will not go before any Senate and be hammered by [19] attorneys. I will not.

[20] CONGRESSMAN BURTON: I have got you.

[21] CW: You understand that?

[22] CONGRESSMAN BURTON: I think we are

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[1] finished now.

[2] (Statement was concluded at 8:30 p.m.)

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UNITED STATES OF AMERICA)

VS

COMMONWEALTH OF VIRGINIA)

I, ROBERT M. JAKUPCIAK, an RPR and Notary Public within and for the State of Virginia do hereby certify:

That the witness whose statement is hereinbefore set forth, was duly sworn and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 199____
My Commission Expires:

July 1997

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PART CONGRESSIONAL RECORD (HOUSE)
 DATE July 19, 1994

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PAGE
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TIME: 2000

WHITEWATER AND DEATH OF VINCE FOSTER

TEXT The SPEAKER pro tempore (Mr. Deutsch). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana (Mr. Burton) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, over the past few weeks, I have been talking about the Whitewater affair, the death of Assistant White House Counsel Vince Foster, the strange circumstances surrounding his death, and other things connected to White House activities, or some of the people at the White House. As a result, I have been criticized by some members of the majority because they thought I was a little bit insensitive, particularly regarding the family of Vince Foster whose untimely death happened last July. They say, "Why can't you leave that family alone?"

I am not insensitive to their concerns. A family that has lost a loved one under these kinds of tragic circumstances certainly should expect some kind of sympathy from the people who are in the Congress of the United States.

Nevertheless, there are strange circumstances concerning his death that need to be explored. The investigation into Whitewater, the Arkansas Development Financial Authority and Vince Foster's death and the people who went into Vince Foster's office right after he died needs to be looked into by the Congress of the United States. Yet Special Prosecutor Mr. Fiske, in my opinion, has deliberately tried to limit the scope of the investigation so that Congress cannot get the answers that we should. As a matter of fact, Federal Judge Charles Richey, who has the Leach document suit pending before him, is very concerned about Mr. Fiske's activities as well. Richey denounced Whitewater Independent Counsel Robert Fiske for his efforts to limit the scope of the Whitewater hearings that will be held by the Banking Committee later this month, saying Fiske was infringing on constitutionally guaranteed congressional rights and obligations.

The judge said, "I don't believe the Independent Counsel has the power to tell the Congress what they have the power to look into and when." I agree with that. But the fact of the matter is Mr. Fiske, in my opinion, is obfuscating the issues and keeping the Congress from getting to the bottom of many of these questions.

U.S. News & World Report said this week in their magazine: Based on strong forensic evidence, Fiske's report concludes that Foster did indeed take his own life in the spot where he lay at Marcy Park.

I want to talk about that tonight. I want to talk about a lot of things concerning Whitewater and the Fiske investigation. I do care about the feelings of the Foster family. That is why I want to find out really how he died and why.

This weekend when I went home to my district, I took the opportunity to do some investigative calling on my own. I called a ballistics expert in California who deals with this type of homicide or suicide. He said that a .38-caliber bullet like that

which was fired into Mr. Foster's mouth would have traveled a maximum of 1,200 to 1,600 feet after it exited his skull. That is about 500-yards maximum.

The investigation, which took place 9 months after Mr. Foster's death, never found that bullet. You say, 'That is like finding a needle in a haystack.' That is not so. With the expert people that they had out there, they had 16 FBI agents going all over the place with all kinds of modern technological equipment, they should have found that bullet. But it was not there. They found all kinds of other bullets, even Civil War bullets that were buried under the soil. But the fact of the matter is they did not find the one that killed Vince Foster. If you go 500-yards back and you take a pie shape out this way, you are looking at an area that is no more than 100- to 150-, 200-yards wide and 500-yards deep. They should have found that bullet.

Foster's body was not x rayed because the county coroner in Virginia who investigated this said the x ray machine was broken. Why didn't they find another x ray machine? They should have, to find out if there were fragments in the skull that would have given more information regarding how far the bullet may have traveled if it was exiting his skull at that particular location.

The Fiske report contains voluminous material on the background and qualifications of the forensic experts who examined the physical evidence of Vince Foster's death. No doubt these people are well qualified and hardworking. But they had limited physical evidence because their work started 9 months after Vince Foster was dead. They did not see the body. All they saw was paper evidence, other people's work. They had no x rays. They were looking at secondhand evidence.

No fingerprints were found on the gun in Vince Foster's hand. The man allegedly committed suicide at Fort Marcy Park, but there were no fingerprints on the gun. Fiske's report says the hot summer day may have melted the fingerprints off the gun. Come on, now. Give me a break.

In addition to that, there were no fingerprints on Vince Foster's suicide note. They looked in his briefcase on two separate occasions looking for evidence concerning his suicide, and they did not find anything. The third time they looked, then they found 27 pieces of paper, 27, a suicide note, but there were no fingerprints on them.

If Mr. Foster was such a close friend of President Clinton, why did President Clinton wait 9 months before beginning an FBI investigation? He had the Park Police out there looking into this. Clearly the FBI has much more experience with this type of investigation than does the National Park Service. Clinton should have had the FBI begin the investigation immediately. But they did not do it. They waited almost a year.

The Fiske report says blonde hair, carpet fibers and wool fibers were found on Foster's body and clothing. Whose hair was on his body? It was not his. Foster's diary, which they took out, which Clinton's people when they went into Foster's office later that day, when they took that diary out of there, that diary could have told us a lot about who possibly was with Foster and whose hair that might have been on his body.

The other body went to great lengths to obtain a diary of one of its Members in a sexual harassment case. This one is a death. Yet we have not heard one word from the special counsel about the diary. Did Fiske read Vince Foster's diary? Why hasn't he said anything about it in his report? Because it could give us evidence and maybe even tell us whose blonde hair was on his body and where Fiske was between 1 and 5 that afternoon.

Robert Novak, columnist Robert Novak is the only one that I know of that has been able to get Robert Fiske to respond to any questions.

He asked Special Counsel Fiske why they found no skull fragments in the park. Fiske responded, 'Because the search wasn't conducted for 9 months.'

That is a terribly sloppy way to conduct an investigation. If someone is killed in a given location or commits suicide, the forensic expert should be out there that afternoon or the next day, especially if it is someone as highly visible as the Assistant Counsel to the President of the United States. Any kind of mysterious death or murder that takes place like this, they are out there right away, yet they waited 9 months before they went out there with the FBI and the forensic experts.

Mr. Novak asked Fiske why he did not try to identify the hair. Fiske's response was almost insulting to the intelligence. He said:

While we have not concluded where this blonde hair came from, there is no evidence to suggest that it provides any evidence of circumstances connected to this death.

Let us just go back and look at all of the questions about the Foster suicide, or alleged suicide.

There was no bullet found in the park. There were no skull fragments found in the park. There were no skull fragments found in the park. There were no fingerprints on the gun. There were no fingerprints on Vince Foster's suicide note. The hairs and carpet fibers on Foster's clothes were never explained in the report. The gun was in the wrong hand. He was left-handed, the gun was in his right hand. The head was straight up. His head was straight up when he was found by the gentleman in the white van who stopped in the park. But if you look at the report, they will say that Vince Foster had blood on his cheek and blood on his shirt and it was evident that his head laid against his shoulder. Who straightened his head up?

In the report they say that one of the people who came there to investigate it must have moved his head. But they forgot that the man who found him said his head was straight up when he found him.

So who moved the body? Where did the carpet fibers come from? Whose hair was it on his body? Why were there no fingerprints on the gun?

There is all kinds of questions that are not answered in this report. Yet we are supposed to accept it at face value.

Finally, the gentleman who found the body said he walked up to within 3 feet of the body, and he looked right down into the glazed eyes of Vince Foster, and he said the head was straight up, and he looked in both hands, and there was no gun in either hand.

And he said that not once, not twice, but three times in a

conversation with Mr. Liddy over a kitchen table. Mr. Liddy asked him, he said, 'Hey, did you see the picture that showed the gun in his hand?' The man looked surprised and said, 'There was no gun in either hand. I looked at it very closely.' He was asked twice more by Mr. Liddy, was there a gun in either hand. He said no. He was absolutely sure of it. Yet in the report they said that the hand had the gun in it, the thumb was in the trigger guard and the hand was down underneath the leg, in the foliage.

After they asked this gentleman several times he said, 'Well, perhaps we could have been wrong.' But he insisted time and again that the head was straight up and the hands were at his side so there are all kinds of questions about the death of Vince Foster. And they need to be answered, and the only way we are going to get a complete answer to all of these questions is to have a congressional investigation and Mr. Fiske, in my opinion, is trying to stop Congress from having an investigation by prolonging this thing and holding evidence away from us.

In addition to that, we have some other questions that must be answered. A number of them. At 6 p.m. on July 20, 1993, 1 year ago, Vince Foster was found dead in Marcy Park. Shortly after 9 p.m., the chief of staff at the White House, Mack McLarty was told about Foster's death. McLarty ordered Vince Foster's office closed and sealed. However, the office remained opened and unlocked overnight and was not sealed until 11 a.m. the next day.

At that time they posted a guard on the door but what happened between the time Vince was killed or committed suicide and they put a guard on that office?

Despite the order from McLarty, less than 3 hours after the body was found, White House officials went into Vince Foster's office and removed records of business deals between President Clinton and his wife and the Whitewater Development Corp. from Mr. Foster's office without telling the FBI or Federal authorities who were investigating the death. They went in there for 2 hours and took files out and the people who went, whether White House counsel Bernie Nussbaum, the President's special assistant Patsy Thomasson and Mrs. Clinton's chief of staff Margaret Williams. Now, Bernie Nussbaum said they were only in there 10 minutes but the Park Police said they were in there for over 2 hours taking files out of that office.

During this first search Whitewater files and President Clinton's tax returns were removed and turned over to David Kendall, President Clinton's attorney. White House officials did not confirm that this search of Foster's office on July 20, took place until December. They did not even tell anybody they had been in there taking those files out for almost 6 months when they had to because it came out.

Two days later on July 22, 1993, Mr. Nussbaum and White House officials went into Vince Foster's office for a second time. By now the office was locked and under guard. They collected more documents. Some were sent to President Clinton's attorney and others were sent to Vince Foster's attorney, Mr. James Hamilton. During the second search Mr. Nussbaum, using executive privilege, told the FBI to stay out of the room and the Park Police to stay out of the room. Dee Dee Myers, the White House press secretary

said:

Bernie, -

That is Mr. Nussbaum -
went through and sort of described the contents of each of the files and what was in the drawers while representatives of the Justice Department, the Secret Service, the F.B.I. and other members of the counsel's office were present.

According to other sources, the FBI agents and the Park Police were ordered to sit on chairs in the hallway while the White House staff went through documents that Mr. Nussbaum gave the FBI agents and Park Police no indication of what he was doing or what he was taking. One FBI agent was reprimanded when he stood up to look in the room. 'This is Executive privilege, you stay out there and sit down.'

Park Police later discovered that Whitewater records had been removed from Vince Foster's office during the second search, after they visited James Hamilton, Foster's lawyer a week after the death to review a personal diary that was also taken during one of the searches and that personal diary I think could very well tell us whose blonde hair was on Vince Foster's body and where he might have been between 1 and 4 that afternoon and whether or not he actually died at Fort Marcy Park because the body was moved, in my opinion. They never found the bullet. No fingerprints on the gun, carpet fibers all over the body. And the body obviously had been moved at least at the location they found it and it may have been moved from someplace else but the diary may have given more evidence but nothing has been done about that.

The attorney, Mr. Hamilton, allowed Park Police to briefly inspect Vince Foster's diary and other documents. However he did not allow them to make any copies citing privacy concerns and he refused a request for access to the diary and documents by the Justice Department. He would not let them look at it.

Did Robert Fiske review Vince Foster's diary, the special prosecutor? His report says not one thing about it. If it does not, why did he not look at it? He is the guy that is supposed to investigate all of this stuff. It might identify to whom the blonde hair on the body belonged. This is important evidence and it has never been checked.

On July 27, 1993, White House officials reviewed that. On July 26 they found a note supposedly written by Vince Foster in the bottom of his briefcase which was in his office and that note as I said before like the gun, had no fingerprints on it but it was not out of the sun so they could not have melted off of that note. They said they missed the note in their first two searches. They had looked through that briefcase twice and they missed 27 pieces of torn up paper. The note was unsigned, undated and torn into 27 pieces and it bore no fingerprints.

Here is a few questions I would like Mr. Fiske to answer. First, chief of staff Mack McLarty give the order to seal Vince Foster's office and how was the White House staff informed of McLarty's order?

Second, why was the office not sealed until 11 a.m. the next morning? Was it because they wanted to get in there, Bernie Nussbaum and Patsy Thomasson and others to get in there and get

when did White House

files out that they wanted? How did they first learn about Vince Foster's death, the people that did go in the office and the people at the White House? Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office or did one of them make the decision to do that on their own, and if so, who?

Fifth, if someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office what were they looking for? Why would Hillary Clinton's chief of staff be involved in the search of Vince Foster's office? Why would the First Lady's chief of staff be going in there looking around the files?

Seventh, why did they remove the Whitewater files, and whatever happened to them?

Eighth, were other documents taken? Were documents destroyed? How can we ever know for sure at this point?

Ninth, where were the documents when they entered the office? Were they locked in safes, or in locked files? And if so, how were they opened?

Tenth, should they not have left everything alone for the police and FBI to investigate? Would you think so in a case like this? One of the leading people in the U.S. President's administration, would you not think they would want the FBI and police to do a thorough analysis of everything? But no, they were in there like that, getting everything out that they could.

Eleventh, instead of keeping the FBI from doing its job, should not the White House staff have given law enforcement their full cooperation after their friend and colleague was found dead?

Twelfth, if Vince Foster was President Clinton's friend, and he was, why did not the President immediately order the FBI to take charge of the entire investigation instead of allowing the Park Police to take charge? They did not have the kind of experience to conduct this kind of investigation and if you read the report you will find out why. They laid his clothes on contaminated paper so a lot of evidence was damaged. The pictures they took were overexposed so they did not get proper pictures. The Park Police does a great job in many respects but they were not qualified to do this and I think those around this case know it. And they should have had the FBI and the experts in there right away. The Park Police has little experience in investigating suspicious deaths.

Did anyone else besides the three I mentioned go into Vince Foster's office that night, and if they did what did they take out?

Thirteenth, did the White House officials purposely mislead the Park Police about the existence of Whitewater documents in Vince Foster's office? They did not let anybody know about that first trip into his office for almost 6 months.

Fourteenth, how did the White House staff miss a note torn into 27 pieces in the bottom of Vince Foster's briefcase during their first 2 searches of his office?

Fifteenth, why were there no fingerprints on the note? Why were there no fingerprints on the gun? Why was the gun in the wrong hand?

Sixteenth, what documents were given to Vince Foster's attorney, James Hamilton, and what was given to the Clinton's attorney, David Kendall? Were any of these documents destroyed?

Seventeenth, who were all of the White House officials involved in the second search of Vince Foster's office and what did they take out of there?

Eighteenth, did the White House staff have a legal right to prohibit the FBI and Park Police from searching Foster's office as part of an investigation into Foster's death? They used Executive privilege to keep the Park Police and FBI out of there. Nussbaum said that to them according to the information we have, told them to stay out in the hall. Did he have authority to do that in this kind of a case?

Nineteenth, has the Banking Committee requested the phone logs of Bernie Nussbaum, Patsy Thomasson, and Margaret Williams for the period immediately following the Foster death until the actual search of his office? If not, why have they not checked those logs to find out who they talked to? We should know who these three officials talked to before they went into and removed these documents from Vince Foster's office.

There are a million questions that need to be answered, and when accepting at face value this report, it really makes me ill. It makes me very ill. And yet that is exactly what happened, and when I see U.S. News & World Report saying the forensic evidence was so overwhelming that he had to commit suicide at Fort Marcy Park, it sickens me, because the forensic evidence, if you really take a look at it, does not prove that at all. It leaves all kinds of gaping holes and questions in the investigation. You just have to look at the thing. Read it. I do not know how many news people I have talked to who say, 'Oh, my gosh, that was a very comprehensive report.' And when I say, 'Did you read this, did you read this, did you read this,' they do not know what I am talking about.

I see that they are

I had one news reporter from a major network contact me and ask me questions about it when they had the document in front of them. I think that is very, very unfortunate.

Now, let us look at the Rose Law Firm down in Arkansas. Jeremy Hedges, a part-time courier at the Rose Law Firm, told a grand jury that he was told to shred documents from the files of Vince Foster after special prosecutor Robert Fiske had announced he would look into Foster's death. Fiske was appointed January 20, 1994, and yet down at the Rose Law Firm they are saying, 'We want you to shred these documents,' even though an investigation was already commissioned and ready to start. Even before a subpoena is issued, the law prohibits people from intentionally impeding an investigation by destroying evidence they know investigators want.

So the people at the Rose Law Firm who asked this Jeremy Hedges, this part-time courier, to start shredding documents may have been guilty of violating the law and impeding an investigation into this death.

In February after Fiske served subpoenas on the law firm's employees, Hedges and the other couriers employed by the firm were called to a meeting with Ron Clark and Jerry Jones, two of the firm's partners, after Fiske had served subpoenas on the law firm.

These couriers were asked to meet with Ron Clark and Jerry Jones, two of the partners in the firm. Jones challenged Mr. Hedges, that is, this part-time courier, he challenged his recollection that he

had shredded documents belonging to Foster and cautioned him against relating assumptions to investigators. He started trying to tell him what to say.

'I said,' Hedges recounted, 'I shredded some documents of Vincent Jones replied, 'How do you know they were

Foster's 3 weeks ago.'

Foster's? Don't assume something you don't know,' Hedges said he was certain they came from Foster's files. Jones then said, 'Don't assume they had anything to do with Whitewater.' Sounds like they were trying to cover up something, does it not? We have not heard anything from Mr. Fiske about this yet.

The box Hedges was told to shred, and all of its file folders, were marked 'VWF,' and that is the firm's shorthand for Vince Foster, and he was shredding these documents. None of the documents he saw related to Whitewater development, Hedges said. How does he know? He was shredding these documents fast as he could going through there.

However, another Rose employee told the Washington Times documents showing Clinton's involvement in the Whitewater project had also been destroyed and had been ordered to be destroyed. The shredding reportedly occurred February 3, 1994.

During the 1992 Presidential campaign, three current or former Rose employees said the couriers from the Rose law firm were summoned to the Arkansas Governor's mansion by Hillary Clinton who personally handed over records to be shredded at the firm's downtown office. The shredding began after the New York Times reported on March 8, 1992, the involvement of Bill Clinton, Governor Bill Clinton, and his wife in the Whitewater development. They were sending documents from the Governor's office over to the Rose Law Firm to be shredded. This is documented. Couriers made at least six other runs during the campaign. They were given sealed, unmarked envelopes with instructions that they were to be shredded at the firm. The shredding continued through the November 3 general election.

Records belonging to Webster Hubbell, Vince Foster, and William H. Kennedy III also were shredded. A current employee said, 'A conservative estimate would be that more than a dozen boxes of documents were ultimately destroyed.' What was in those boxes, do you think?

James McDougal and his wife Susan, now divorced, have said they personally delivered all the Whitewater records to the Governor's mansion in December of 1987 at Hillary Clinton's request. She wanted all of those documents over at the Governor's mansion. Then in 1992 they are sending them over to the Rose Law Firm to be shredded.

Is that obstruction of justice? I do not know. We ought to look into that.

So here are a few questions. First, why would the Clintons order the records from the Governor's mansion be shredded during the 1992 Presidential election? why would they do that?

Second, could it be just a coincidence that the shredding began just after a March New York Times article detailing Bill and Hillary Clinton's involvement in Whitewater? It started right after that.

Third, why would officials at the Rose Law Firm order a courier

to shred documents bearing Vince Foster's initial after Robert Fiske announced he would investigate Foster's death? I mean, after his death, Fiske said he was going to investigate it, and they start shredding documents with his initials on it at the firm. Would not Vince Foster's former colleagues at the firm want to cooperate in every way with an investigation of their good friend's death? So why were they shredding these documents?

Who gave the initial order the Rose Law Firm documents belonging to Vince Foster, Webster Hubbell, and William Kennedy be destroyed during the 1992 Presidential election? Who gave the initial order that Vince Foster's records be destroyed this year after Fiske was appointed special prosecutor? Who told them to destroy those records at the Rose Law Firm? Or was it somebody from the Rose Law Firm?

Who gave the order that Bernie Nussbaum and Patsy Thomasson search Vince Foster's office and remove files right after Vince Foster's death?

These are questions that must be answered. I do not believe Mr.

Fiske is going to give us these answers or get these answers. There is a growing suspicion that Mr. Fiske does not want all of this investigation put out into the public. I hope that is wrong, but there is a growing concern about that among people in this body, and I am one of them. I am very concerned about that.

As a matter of fact, I have written a letter, along with nine of my colleagues, to the three-judge Federal panel urging them, if Mr. Fiske is suggested to be the independent counsel, that they pick somebody else, because we really need to get all of the information before the American people so the American people will know what really happened. And in order to do that, we need to have complete and thorough congressional hearings, and every time we try to do that we are stopped saying, 'Oh, my gosh, you are going to impede the investigation by Mr. Fiske.' And yet when we look at what Mr. Fiske has come up with in the Vince Foster death, we find holes big enough to drive a truck through.

Yet, when you look at the media like U.S. News & World Report, they say the forensic evidence is so conclusive obviously he did commit suicide at Fort Marcy Park. I do not think so.

I think anybody who is discerning and looked at these facts and questioned this report will come to the same conclusion that I have, and that is that we do not have the answers. We do not know why there were no fingerprints on the gun. We do not know why his head was straight up when it was obvious his head was on the side. We want to know who moved the body. Whose hair was on his body? Why were there no fingerprints on the gun? Why were there not fingerprints on the notes? Why did they shred those documents? Why did they go into his office and take those files out within hours after he died, all relating to income tax returns and Whitewater and Lord only knows what else? Why did they, after the Fiske investigation started, start shredding documents with Vince Foster's initials on them at the Rose Law Firm?

These are things the American people need to know.

To the media, I would say, 'Start asking these questions.' These questions should not be left unanswered, and this body should be investigating it, and we will continue to do our best, but we are

**up against a stone wall right now with the special counsel.
We need these answers, America.**

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itarian relief flights to go back in. We have had flights that have not flown for a month now, that used to go in twice a week to provide food, medicine, and other supplies for the needy and the poor in Haiti. We just got one flight out. I am told. We have to go through a tremendous amount of red-tape to get those flights in that used to go routinely a couple of times a week. This is insane. Why don't we send those flights back with this relief that these people need?

We can certainly set up a safe haven in Haiti on an appropriate geographical site where we can provide this humanitarian relief, where we can do it safely, and where we can create the opportunity for the return of the duly elected president, who, frankly, should be picking up his paycheck in Haiti, on Haitian soil, doing his job, rather than in the United States of America, in Washington, DC, living in a Georgetown penthouse.

Mr. Speaker, I think the final point as I close out is to say that we have an opportunity to deal with real people who want to bring peace to Haiti, the elected people in the parliament. They want to talk to us, they want parliamentary exchange. We should be doing that instead of talking war.

THE FLOOR OF THE HOUSE NO PLACE FOR SENSATIONALISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, the floor of this House is supposed to be a place where people exchange ideas.

A place where we're supposed to work together to move this country forward and work out our differences with open and honest debate.

It's not a place for sensationalism. It's not a place for rumor-mongering. And it's not a place for scandal-baiting.

And even though the rhetoric gets heated at times, even though words get exchanged, for the most part since I've been privileged enough to serve in this body democracy has been served well by this Chamber.

But I'm extremely sad to say, Mr. Speaker, that that was not the case earlier this morning.

Mr. Speaker, during a 1-minute speech earlier this morning, we were treated to the same kind of scandal-mongering and gutter politics that's usually reserved for cheap tabloids.

Once again, we saw a Member from the other side of the aisle take the floor and try to exploit the sad death of Vince Foster as something more than a tragic suicide.

The fact is, Mr. Speaker, that this case has been closed.

Less than 3 weeks ago, the Independent prosecutor who the Republicans called for, who the Republicans argued with such open arms, who is himself a

Republican, issued a report on this case.

And that report said: "The evidence overwhelmingly supports" the conclusion that Mr. Foster committed suicide at Ft. Marcy Park.

After the independent prosecutor had a team of investigators looking into every minute detail of this case, they concluded: "There is no evidence to the contrary."

And after the independent prosecutor had numerous lawyers spend thousands of hours examining and reexamining all the evidence, they found:

No evidence that issues involving Whitewater, Madison Guaranty, Capitol Management Services or other personal legal matters of the President or Mrs. Clinton were a factor in Foster's suicide.

That's what the independent prosecutor said. And everyone else involved in the case concurred.

The Park Police who were first on the scene called it a suicide.

The pathologist panel who examined the body called it a suicide.

All the participants in the investigation concluded that it was a suicide.

And the independent prosecutor concluded that it was a suicide.

Even the Washington Post wrote: "The question whether Vincent Foster's death was a suicide or homicide has been answered in a manner that should satisfy all but the most cynical participants. His death was a suicide."

Mr. Speaker, those are the facts. And nobody should be exploiting this situation to score cheap political points.

This is a real human tragedy and to turn it into fodder for partisan politics is beyond reprehensible and it's beyond the dignity of this institution.

We may have our differences on how to reform health care.

We may have our differences on the budget.

We may have our differences on the role of Government.

But let's not resort to this.

Let's not turn the floor of this House into an arena for the wretched refuse of trashy tabloids.

Let's not resort to a politics of hate that preys on other people's tragedy.

Let us rise above this and work together to move this country forward.

And let's see Vince Foster for who he was: a good man and a good father who did his best to serve this country well, who was faced with a pain and a darkness that few of us could ever fathom, and who followed that darkness to a bitter, tragic end.

For the sake of the people who loved Vince Foster, and who still mourn his loss I hope we'll let him rest in peace.

And for the sake of this institution and the dignity of our democracy I hope we will never hear rhetoric stoop to this level again on the floor of the House of Representatives.

UNANSWERED QUESTIONS ON VINCENT FOSTER'S SUICIDE

The SPEAKER pro tempore [Mr. HOLMAN]. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am very glad I was here to hear the remarks made by the majority whip because I want to go into what I said this morning in more detail. I believe there is a real possibility that Vince Foster committed suicide. I do not believe, after reading that report in some detail with about seven other people that he committed suicide at Fort Marcy Park. I believe his body was moved to that location, and I will tell this body why.

I want to go into my remarks this morning because I do not want to hurt the Foster family, but at the same time I believe that if there was some misdeeds done out there, the American people have a right to know and this Congress has a right to know, and there should be a complete and full investigation if there are any irregularities.

Let us go into this just a little bit. The man that found Vince Foster's body said his face was straight up, and yet if you read the report there was blood coagulated on the side of his face, and on the shirt. Forensic experts say his body was like this, and they say in the report that one of the people who worked on the investigation must have moved his head. The fact of the matter is before they even got out there the man that found him said his head was straight up. So the head had been moved before the experts went out there.

Who moved the body? We need to find out who moved the body.

There was blonde hair, not Mr. Foster's, on his T-shirt and other parts of his garments. Whose hair was it? It was not his.

There were carpet and other wool fibers found on the body. Where did they come from?

I do not like to talk about this, but there was semen found on his underwear, which would indicate there might have been a sexual experience that afternoon between 1 and 5. If that is the case, it is hard to understand the state of mind of somebody who is thinking about committing suicide and having a sexual encounter at the same time.

Here is something very damaging. They dug 18 inches around the body, and they sifted all of the dirt, and they could find no skull fragments at the site, no skull fragments were found at the site, and there was a 3-inch hole at the back of the man's head from the sun. If he was killed at Fort Marcy Park, they would have found skull fragments at that site. Why were they not found there? I believe because he

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committed suicide or was killed some-
place else and moved to that spot.

All of the bullets that were found at
the site, using modern technology,
show that there was a number of bul-
lets found but not the one which killed
Vince Foster, and they were out there
with grids and everything else for sev-
eral days with 16 people looking.

And why was the gun in Mr. Foster's
hand, in the wrong hand? Mr. Foster
was left-handed. The gun was in his
right hand. I want to tell you that if
you are going to commit suicide, and
you are in that state of mind, usually
you grab with the hand you use all of
the time. The gun was in the other
hand.

Why did the man who found Foster's
body say there was no gun in either
hand, not once, not twice, but three
times when he talked to Gurnea Liddy,
and that is the man the FBI investi-
gated.

My concern is for the facts and the
truth. When people say I am down here
trying to bring this body to a low ebb,
I resent it. I am concerned about the
feelings of the family members, and I
think it is tragic that they went
through this. Mr. Foster had an aw-
fully good record in life. But if his body
was moved, we need to know from
where it was moved. If he has this kind
of experience during the day, we need
to know about it. We need to know
whose hair was on his body.

These are questions that need to be
answered. We need to know why there
were no skull fragments at the site if
he blew the back of his head out. It ap-
pears to me that he probably was
moved from somewhere else.

While I have time left, let me go into
what happened after Mr. Foster was
killed.

At 6 a.m. on July 21, deputy White
House counsel Vincent Foster was
found dead in the park.

Shortly after 8 p.m., White House
chief of staff Mack McLarty was in-
formed of his death. McLarty ordered
his office sealed. However, the office re-
mained unlocked overnight until 11
a.m. the next day, and despite this
order, less than 2 hours after his body
was found, White House officials re-
moved records of business deals be-
tween Mr. Clinton and his wife and the
Whitewater Development Corp. from
Mr. Foster's office without calling Fed-
eral authorities who were investigating
the death. In fact, they did not admit
that they were in the office until 6
months later. Why?

The people who went in were White
House counsel Bernard Nussbaum, the
President's special assistant, Patry
Thomason, and Mrs. Clinton's chief of
staff, Maggie Williams.

Bernie Nussbaum said they were
there 30 minutes. The Park Police said
they were there over 2 hours taking
files out of that office.

During his first search, Whitewater
files and President Clinton's tax re-
turns were removed and turned over to
David Kendall, President Clinton's at-

torney. Were any of those destroyed? I
do not know.

White House officials did not confirm
that the July 20 search took place, as I
said, until late in December.

There are a lot of questions to be an-
swered. We want to take care of peo-
ple's feelings, especially family mem-
bers, but I something was done wrong,
we need to get to the bottom of it.

I include for the RECORD the chro-
nology of the two searches as well as
some unanswered questions concerning
Mr. Foster's death, as follows:

TWO SEARCHES OF VICEFOSTER'S OFFICE
THE FIRST SEARCH

At 6:00 p.m. on July 21, 1993, deputy White
House Counsel Vincent Foster was found
dead in Fort Myer Park in Virginia.

Shortly after 8:00 p.m., White House Chief
of Staff Thomas "Mac" McLarty was in-
formed of Foster's death.

McLarty ordered the White Foster's office
sealed. However, the office remained un-
locked overnight and was sealed at 11:00 a.m.
the next morning when a guard was posted at
the door.

Despite this order, less than three hours
after his body was found, White House offi-
cials removed records of business deals be-
tween President Clinton, his wife, and the
Whitewater Development Corporation from
Mr. Foster's office without calling federal
authorities who were investigating the
death.

They were White House Counsel Bernard
Nussbaum, the President's Special Assistant,
Patry Thomason, and Mrs. Clinton's chief of
staff, Maggie Williams.

Bernie Nussbaum said they were in the of-
fice an minimum. Park Police say the visit
lasted two hours.

During this first search, Whitewater files
and President Clinton's tax returns were re-
moved and turned over to David R. Kendall,
President Clinton's attorney.

White House officials did not confirm that
there was a July 20 search of Foster's of-
fice or that files were removed from the
search until December, 1993.

THE SECOND SEARCH

On July 22, 1993, Mr. Nussbaum and White
House officials searched Mr. Foster's office a
second time. They collected more docu-
ments. Some were sent to President Clin-
ton's attorney and others were sent to Vice
Foster's attorney, James Hamilton.

During the second search, Mr. Nussbaum,
using executive privilege, kept Park Police
and FBI agents from entering the office.

Dee Dee Myers, the White House press sec-
retary, said "Bernie went through and sort
of described the contents of each of his files
and what was in his garage with representa-
tives of the Justice Department, the Secret
Service, the FBI, and other members of the
counsel's office were present."

According to other sources, FBI agents and
Park Police were ordered to sit on chairs in
the hallway while White House staff went
through documents and that Mr. Nussbaum
gave the FBI agents and Park Police no in-
formation of what he was taking. One FBI agent
was reprimanded when he stood up to peer in
the room.

Park Police later discovered that
Whitewater records had been removed from
Vincent Foster's office during the second
search after they visited James Hamilton,
Foster's lawyer, a week after the death to re-
view a personal diary that was also taken
during one of the searches.

Hamilton allowed Park Police to bring
insect the diary and other documents. How-
ever, he did not allow them to make copies

of the private documents, and he refused a re-
quest for access to the diary and documents
by the Justice Department.

On July 27, 1993, White House officials re-
vealed that on July 21, Gurney found a note,
supposedly written by Vince Foster, in the
bottom of his brief case which was in his of-
fice.

The said they missed the note in their first
two searches. The note was unopened, un-
dated, and torn into 17 pieces.

QUESTIONS

1.) When did White House Chief of Staff
Thomas McLarty give the order to seal
Vince Foster's office? How was the White
House staff informed of McLarty's order?

2.) Why was the office not sealed until 11:00
a.m. the next morning?

3.) Did Bernard Nussbaum, Patry
Thomason, and Maggie Williams know
about Thomas McLarty's order? How did
they first learn about Vince Foster's death?

4.) Did anybody order Nussbaum,
Thomason, and Williams to search Vince
Foster's office, or did one of them make the
decision to search the office?

5.) If anyone ordered them to search the
office, what were they told to look for? If
it was Nussbaum, Thomason, or Williams, then
to search the office, what were they looking
for?

6.) Why did they remove the Whitewater
files?

7.) Were other documents taken? Were docu-
ments destroyed?

8.) Where were the documents when they
entered the office? Were they in locked files
or a safe? If so, how were those opened?

9.) Shouldn't they have left everything
clear for the police to examine?

10.) Instead of keeping the FBI from doing
its job, shouldn't the White House staff have
been giving law enforcement their full co-
operation after their friend and colleague
was found dead?

11.) Did anyone else go into Vince Foster's
office that night?

12.) Did White House officials purposely
mislead the Park Police about the existence
of Whitewater documents in Vince Foster's
office?

13.) How did the White House staff enter a
note, torn into 17 pieces, in the bottom of
Vince Foster's brief case during their first
two searches of his office?

14.) What documents were given to Vince
Foster's attorney James Hamilton and what
was given to the Clinton's attorney David
Kendall? Were any destroyed?

15.) Who were all the White House officials
involved in the second search of Vincent Fos-
ter's office?

16.) Did the White House staff have the
legal right to prohibit the FBI from search-
ing Foster's office as part of an investigation
into Foster's death?

HARTZ AND THE CAPITO MEMO

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
eration from Pennsylvania (Mr.
Wendell) is recognized for 5 minutes.

Mr. WENDON. Mr. Speaker, I rise
this evening with a great deal of am-
bivalence as a member of the Armed Ser-
vices Committee for the past 5 years
about the rumors that are circulating
rampantly on the Hill regarding this
President's alleged intentions to in-
volve this country in a military action
in Haiti within a matter of the next
several weeks, or perhaps even in a
shorter period of time.