

Foster Death - Draft Treaty Request

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U. S. Department of Justice

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182-7675 (please repeat when responding)

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Washington, D.C. 20530

NOV 29 1995

BY HAND

Brett M. Kavanaugh  
Associate Counsel  
Office of the Independent Counsel  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Mr. Kavanaugh:

Re: Draft Treaty Request In the Investigation of the Death  
of Vincent W. Foster, Jr.

Enclosed please find a revision of the draft request you forwarded on November 15, 1995. I have also enclosed a diskette with the Word Perfect version of this request as revised. Please contact me at 616-0554 once you have had an opportunity to review the draft.

Sincerely,

Frances Fragos Townsend  
Director  
Office of International Affairs  
Criminal Division

By: *Margaret A. Cotter*  
Margaret A. Cotter  
Senior Legal Advisor





U. S. Department of Justice

FOIA(b)(6)

Washington, D.C. 20530

TO: The Central Authority of Switzerland

SUBJECT: Request for Assistance in the Investigation of the  
Gunshot Death of Vincent Walker Foster, Jr.

The Central Authority of the United States requests the assistance of the appropriate authorities in Switzerland pursuant to the Treaty on Mutual Assistance in Criminal Matters. The Independent Counsel In re: Madison Guaranty Savings & Loan Association, Kenneth W. Starr, is conducting a grand jury investigation into whether any individual violated any United States criminal laws in connection with the July 20, 1993, gunshot death of Vincent Walker Foster, Jr., who at the time of his death was Deputy Counsel to the President of the United States. It has been represented to the Independent Counsel that Mr. Foster had a bank account in Switzerland, which is believed to have been an account at Banca Della Svizzera in Chiasso, Switzerland, under account number  or

The Independent Counsel needs assistance to determine whether Mr. Foster maintained a bank account in Switzerland and, if so, needs records of the account which disclose the ultimate disposition of funds from the account and the identity of other persons or entities who had access to the account.

The Facts

In 1993, Vincent Walker Foster, Jr., was serving as Deputy

Counsel to the President of the United States. Mr. Foster had previously been a law partner at the Rose Law Firm in Little Rock, Arkansas. At that firm, Mr. Foster was a law partner of Hillary Rodham Clinton, now the First Lady of the United States. On July 20, 1993, Mr. Foster was found dead by gunshot wound to the head in a park near Washington, D.C. The park is owned and operated by the United States government.

Pursuant to a request by the Attorney General of the United States, Independent Counsel Starr was appointed on August 5, 1994, by the Special Division of the United States Court of Appeals for the District of Columbia Circuit to investigate "whether any individuals or entities have committed a violation of any federal criminal law . . . relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Assn., Whitewater Development Corp., or Capital Management Services Inc."

Prior to his violent death, Mr. Foster worked on various issues related to the Clintons' investment in Whitewater Development Corporation. Moreover, there have been allegations that Whitewater-related documents were removed from Mr. Foster's office by White House officials in the hours and days following his death. Based largely on Mr. Foster's work on Whitewater matters and the alleged removal of documents from his White House office, there have been further allegations that Mr. Foster's violent death was connected to his work on Whitewater-related



matters for the Clintons.

Because of (a) Mr. Foster's work on issues related to the Clintons' investment in Whitewater, (b) the allegations pertaining to the removal of Whitewater documents from Mr. Foster's White House office after his death, and (c) allegations that Mr. Foster's violent death was connected in some way to his work on Whitewater-related matters for the Clintons, the Independent Counsel has undertaken a full and thorough investigation of Mr. Foster's death.

Mr. Foster was found by police with a gun in his right hand; hence, his death must be considered either a suicide or a homicide staged to appear as a suicide. Mr. Foster's death was initially investigated by the United States Park Police, and the Park Police concluded that the death was a suicide. (The Park Police officers were not aware of Mr. Foster's work on Whitewater-related matters at the time they investigated his death.)

Notwithstanding the prior investigations of the death, as the Office of Independent Counsel began its overall investigation, numerous persons<sup>1</sup> questioned whether Mr. Foster's

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<sup>1</sup> A poll released on August 1, 1995, and taken by Time Magazine and Cable News Network (CNN) revealed that 65 % of the American people either are not sure whether Mr. Foster's death was a suicide or homicide or do not believe that Mr. Foster's death was a suicide. Poll: White House Lawyer Foster's Suicide in Doubt, Associated Press (August 2, 1995). On July 25, 1995, the Speaker of the United States House of Representatives was quoted as saying that "there are plausible grounds to wonder what happened" in connection with Mr. Foster's death. See Gingrich Not Convinced Foster Death was Suicide, Washington Post, p. A14 (July 26, 1995).

death was a suicide for reasons that include the following: (1) the bullet that caused Mr. Foster's death had not been recovered; (2) ownership of the gun found in Mr. Foster's hand had not been established; (3) Mr. Foster's fingerprints had not been found on the gun; (4) no suicide note had been found; (5) no grass stains or dirt had been found on Mr. Foster's shoes although he apparently walked several hundred yards in a park covered with grass and dirt; (6) no skull fragments had been recovered from the scene; (7) there had been no evidence that Mr. Foster had previously threatened or discussed suicide with anyone; and (8) there had been no evidence of a single precipitating issue or event that would be an obvious triggering event for a suicide.

This investigation is designed primarily to establish whether Mr. Foster's death was a suicide or a homicide staged to appear to be a suicide. In a case such as this one, it is essential for the prosecutors undertaking the investigation to obtain all relevant financial information on the victim. Such information can explain the cause of and motive for the death, whether homicide or suicide. Such information can therefore be important in determining whether any federal criminal laws were violated in connection with the death.

According to information received by the Independent Counsel, Mr. Foster may have had a Swiss bank account. His family has indicated it has no knowledge of such an account. The account, if it exists, is believed to have been maintained at the Banca Della Svizzera in Chiasso, Switzerland, under account



number [ ] or account number [ ]

The Possible Offenses

A potential offense identified to the Office of the Independent Counsel is the following:

18 U.S.C. § 1111. **Murder.**

(a) Murder is the unlawful killing of a human being with malice aforethought.

\* \* \*

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life.

18 U.S.C. § 7. **Special maritime and territorial jurisdiction of the United States defined**

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

\* \* \*

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof. . . .

Person Involved

VINCENT WALKER FOSTER, JR.

Date of Birth:	January 15, 1945
Place of Birth:	Hope, Arkansas
Citizenship:	USA
Race:	Caucasian
Sex:	Male

Height: 6'4"  
 Weight: 197 pounds  
 Eyes: Hazel  
 Hair: greying black  
 Passport Number: 081506299  
 Social Security Number: 429-80-1132  
 Addresses: 5414 Stonewall Road  
 Little Rock, Arkansas 72207  
 Rose Law Firm  
 120 East 4th Street  
 Little Rock, Arkansas 72201  
 3027 Cambridge Place, N.W.  
 Washington, D.C. 20005  
 The White House  
 1600 Pennsylvania Avenue, N.W.  
 Washington, D.C. 20500

Need for Evidence

Information relating to the existence of the account and particulars regarding the account are important in the investigation of Mr. Foster's death and in the determination whether the death was a homicide or suicide.

Documents Needed

1. Please determine whether an account exists at Banca Della Svizzera in the name or for the benefit of Vincent Walker Foster, Jr., (or in the name or for the benefit of a family member) and in particular whether account number  or   at Banca Della Svizzera, Chiasso, Switzerland is such an account.



2. If such account(s) exist, please provide complete records of the account(s).

Records should be for the period between January 1, 1990, and September 1, 1995, and should include, but not be limited to:

1. original signature cards;
2. documentation of account opening;
3. account ledger cards;
4. periodic account statements;
5. records (copied front and back) of all items deposited, withdrawn, or transferred;
6. wire transfers;
7. correspondence to, from, or on behalf of the account holder; and
8. memoranda related to the account.

Testimony Needed

If an account exists, please identify the officials of Banca Della Svizzera who opened an account in the name, or for the benefit, of Vincent Walker Foster, Jr., who have personal knowledge of any transactions reflected in the records of such account, or who have personal knowledge of, or had a business relationship with, Mr. Foster. Please interview such officials regarding the following points:

1. the identity of the person or persons who opened each account;
2. the circumstances under which each account was opened;
3. the nature and structure of each account (e.g., escrow

account);

4. the disposition of the funds in each account;

5. the identity of the person or persons ordering such disposition;

6. any other matter concerning each account or the bank's relationship with Vincent Walker Foster, Jr., of which the official has knowledge.

#### Procedures to be Followed

Please ask the cantonal magistrate to do the following:

1. if records do not exist, please have the appropriate bank official execute the attached Certificate of Absence of Business Records and return the certificate as full execution of this request;

2. if records exist,

a) interview the appropriate bank officials and provide a proces-verbal pursuant to articles 1(4)(b), 10, and 12;

b) require production of original or true copies of the documents from the bank pursuant to articles 1(4)(c) and 18(1);

c) attach to the documents a Certificate of Authenticity of Business Records completed and signed by the person producing the documents pursuant to articles 1(4)(e) and 18(2); and

d) affix his or her seal or stamp upon the certificate pursuant to article 18(3) if satisfied that, under the procedure followed, a false statement on the certificate would subject the



person who completed and signed it to criminal penalty under  
Swiss law.

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Frances Fragos Townsend  
Director  
Office of International Affairs  
Criminal Division

foster10.19

TO: The Central Authority of Switzerland

SUBJECT: Request for Assistance in the Investigation of the  
Death of Vincent Walker Foster, Jr.

The Central Authority of the United States requests the assistance of the appropriate authorities in Switzerland pursuant to the Treaty on Mutual Assistance in Criminal Matters. The Independent Counsel appointed by the United States Court of Appeals for the District of Columbia Circuit to investigate Madison Guaranty Savings & Loan Association is conducting a grand jury investigation into whether any individual violated United States criminal laws in connection with the relationship of James B. McDougal, President Clinton or Hillary Rodham Clinton to Whitewater Development Corporation and, as it may be related, to the July 20, 1993, gunshot death of Vincent Walker Foster, Jr. At the time of his death, Mr. Foster was serving as Deputy Counsel to the President of the United States.

The Independent Counsel needs Swiss bank records to determine whether Mr. Foster held a Swiss bank account, and if he did or if another party held an account on his behalf, the identity of all persons or entities who had access to the account, and the ultimate disposition of funds from the account.

#### The Facts

In 1993, Vincent Walker Foster, Jr., served as Deputy Counsel to the President of the United States. Prior to his service with

the President, he had been a law partner, together with Hillary Rodham Clinton, now the First Lady of the United States, at the Rose Law Firm in Little Rock, Arkansas.

On July 20, 1993, Mr. Foster was found dead by gunshot wound to the head in a park near Washington, D.C. Police found Mr. Foster with a gun in his right hand, but no suicide note has been found.

On August 5, 1994, the Special Division of the United States Court of Appeals for the District of Columbia Circuit at the request of the Attorney General of the United States, appointed the Independent ~~Prosecutor~~ <sup>Counsel</sup> to investigate "whether any individuals or entities have committed a violation of any federal criminal law . . . relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Assn., Whitewater Development Corp., or Capital Management Services Inc."

In the months just before his death, Mr. Foster worked on various issues related to the Clintons' investment in Whitewater Development Corporation. Because of allegations that White House officials may have removed Whitewater-related documents from Mr. Foster's office in the hours and days following the death and allegations that Mr. Foster's violent death was connected to his work on Whitewater-related matters for the Clintons, the Independent Prosecutor has undertaken a full investigation of the death and of Mr. Foster's activities relating to Whitewater prior to his death.

In a violent death such as that of Mr. Foster, investigators routinely obtain all relevant financial information on the victim. Such information is relevant in determining possible causes for and the motives for a death, whether homicide or suicide. Such information can be essential in determining whether federal criminal laws were violated in connection with the violent death.

In addition to determining whether federal criminal laws were violated in connection with the death, the financial information sought is relevant in other ways to the Independent Counsel's investigation. ~~Since Mr. Foster was working on issues relating to Whitewater Development Corporation,~~ The existence of an overseas bank account in his name or for his or someone else's benefit and information on payments and into and out of such account, or confirmation that no such account exists, is relevant to whether ~~the as specific as possible~~ unnamed individuals did x, y and z in violation of the federal prohibitions against mail, wire and bank fraud].

[Confidential sources, ~~news accounts~~] indicate that Mr. Foster had, or had access to, a bank account in Switzerland, specifically account number [ ] or [ ] at Banca Della Svizzera, Chiasso, Switzerland. This information is essential to the investigation by U.S. prosecutorial authorities of Mr. Foster's death, the determination whether that death was a homicide or suicide, and of possible ~~Whitewater related~~ criminal violations by various individuals or entities.

#### The Possible Offenses



Among the offenses under investigation by the Office of the Independent Prosecutor are the following:

**[Please include only those violations you consider you are actively investigating and for which there is a reasonable suspicion acts have been committed which constitute the element of an offense (the Treaty standard)]**

18 U.S.C. § 371. Conspiracy to commit offense or to defraud United States.

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. . . .

**[After each statutory citation, the Swiss will want to know how the facts we set forth in the factual section make out the possibility of such an offense. I realize this may be very difficult here, but we must attempt to do so. For a number of these offenses, there is nothing in the facts suggesting such an offense.]**

18 U.S.C. § 798. Disclosure of classified information.

Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information -- (1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or (2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or (3) concerning the communication intelligence activities of the United States or any foreign government; or (4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes -- shall be fined under this title or imprisoned not more than ten years, or both. . . .

18 U.S.C. § 873. Blackmail.

Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined under this title or imprisoned not more than one year, or both.

18 U.S.C. § 1111. Murder.

Murder is the unlawful killing of a human being with malice aforethought. . . . Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life. Whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life.

18 U.S.C. § 1341. Frauds and swindles.

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises . . . shall be fined under this title or imprisoned not more than five years, or both. . . .

18 U.S.C. § 1505. Obstruction of proceedings before departments, agencies, and committees.

. . . . Whoever corruptly, or by threats of force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct or impede the due and proper administration of the law . . . Shall be fined under this title or imprisoned not more than five years, or both.

31 U.S.C. §§ 5314 and 5322. Records and reports on foreign financial agency transactions.

. . . [T]he Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency. . . . A person willfully violating this

subchapter or a regulation prescribed under this subchapter . . . shall be fined not more than \$250,000, or imprisoned for not more than five years, or both.

Person Involved

VINCENT WALKER FOSTER, JR.

Date of Birth: January 15, 1945  
Place of Birth: Hope, Arkansas,  
United States of America  
Citizenship: USA  
Race: Caucasian  
Sex: Male  
Height: 6'4"  
Weight: 197 pounds  
Eyes: Hazel  
Hair: greying black  
Passport Number: 081506299  
Social Security Number: 429-80-1132  
Addresses: 5414 Stonewall Road,  
Little Rock, Arkansas 72207  
Rose Law Firm  
120 East 4th Street  
Little Rock, Arkansas 72201  
3027 Cambridge Place  
Washington, D.C. 20005  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Documents Needed

Please provide complete records of:

1. account numbers [ ] and [ ] at Banca Della Svizzera in Chiasso, Switzerland;

2. any and all accounts at Banca Della Svizzera or at any other bank in Switzerland relating to Vincent Walker Foster, Jr.

Records should be for the period between January 1, 1972, and September 1, 1995, and should include, but not be limited to:

1. original signature cards;
2. documentation of account opening;
3. account ledger cards;
4. periodic account statements;
5. records (copied front and back) of all items deposited, withdrawn, or transferred;
6. wire transfers;
7. correspondence to, from, or on behalf of the account holder; and
8. memoranda related to the account.

#### Testimony Needed

Please identify the officials of Banca Della Svizzera in Chiasso, Switzerland, or of any other bank in Switzerland connected to the subject matter of this request for assistance, who opened the above-mentioned accounts or an account in the name, or for the benefit, of Vincent Walker Foster, Jr., or who have personal knowledge of any transactions reflected in the records of such accounts. Please interview such officials regarding the following points:



1. the identity of the person or persons who opened each account;
2. the circumstances under which each account was opened;
3. the nature and structure of each account (e.g., escrow account);
4. the disposition of the funds in each account;
5. the identity of the person or persons ordering such disposition;
6. any other matter concerning each account or the bank's relationship with Vincent Walker Foster, Jr., of which the official has knowledge.

If no account exists, please identify the official or officials who can testify to that fact.

#### Procedures to be Followed

Please ask the cantonal magistrate to do the following:

1. secure certified copies of the official records;
2. have the official providing the documents attach an attestation that the documents are official records provided in his official capacity, or, in the event that the official does not have a formal certificate, stamp or seal of attestation, have him complete an Attestation of Authenticity of Official Records; and
3. provide an apostille (form enclosed) certifying the official position and genuineness of the signature of the official who provided the records.

Please also ask the cantonal magistrate to do the following:

1. interview the appropriate bank officials and provide a process-verbal pursuant to articles 1(4)(b), 10, and 12;

2. require production of original or true copies of the documents from the bank pursuant to articles 1(4)(c) and 18(1);

3. attach to the documents a Certificate of Authenticity of Business Records completed and signed by the person producing the documents pursuant to articles 1(4)(e) and 18(2); and

4. affix his or her seal or stamp upon the certificate pursuant to article 18(3) if satisfied that, under the procedure followed, a false statement on the certificate would subject the person who completed and signed it to criminal penalty under Swiss law.

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George W. Proctor  
Director  
Office of International Affairs  
Criminal Division



**Office of the Independent Counsel**

1001 Pennsylvania Avenue, N.W.  
Suite 490-North  
Washington, D.C. 20004  
(202) 514-8688  
Fax (202) 514-8802

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October 12, 1995

BY HAND

Margaret Cotter  
Office of International Affairs  
The Bond Building, Fifth Floor  
1400 New York Avenue, N.W.  
Washington, D.C. 20005

Dear Ms. Cotter:

Attached please find a revised draft request for assistance to the Central Authority of Switzerland as well as a disk containing the draft. As I noted in our phone conversation, the information requested is necessary for the investigation of the Independent Counsel In re: Madison Guaranty Savings & Loan Association into the death of former Deputy Counsel to the President Vincent Walker Foster, Jr.

After you have received this letter, Deputy Independent Counsel John D. Bates and I would like to meet with you to discuss any concerns you may have at the earliest possible opportunity.

Thank you for your assistance and cooperation.

Sincerely yours,

A handwritten signature in cursive script that reads "Brett M. Kavanaugh".

Brett M. Kavanaugh  
Associate Counsel

TO: The Central Authority of Switzerland

SUBJECT: Request for Assistance in the Investigation of the  
Gunshot Death of Vincent Walker Foster, Jr.

The Central Authority of the United States requests the assistance of the appropriate authorities in Switzerland pursuant to the Treaty on Mutual Assistance in Criminal Matters. The Independent Counsel In re: Madison Guaranty Savings & Loan Association is conducting a grand jury investigation into whether any individual violated any United States criminal laws in connection with the July 20, 1993, gunshot death of Vincent Walker Foster, Jr., who at that time was Deputy Counsel to the President of the United States. It has been represented to the Independent Counsel that Mr. Foster had access to a Swiss bank account, which is believed to have been an account at Banca Della Svizzera in Chiasso, Switzerland, under account number  or

The Independent Counsel needs Swiss bank records to determine whether Mr. Foster had access to a Swiss bank account, and if so, the identity of other persons or entities who had access to that account and the ultimate disposition of funds from that account. This information is important to the Independent Counsel's assessment of the circumstances of Mr. Foster's death.

#### The Facts

In 1993, Vincent Walker Foster, Jr., was serving as Deputy Counsel to the President of the United States. Mr. Foster had previously been a law partner at the Rose Law Firm in Little Rock,

Arkansas. At that firm, Mr. Foster was a law partner of Hillary Rodham Clinton, now the First Lady of the United States.

On July 20, 1993, Mr. Foster was found dead by gunshot wound to the head in a park near Washington, D.C., that is owned and operated by the United States Government. Police found Mr. Foster with a gun in his right hand, but Mr. Foster did not leave any known suicide note.

Pursuant to a request by the Attorney General of the United States, the Independent Counsel was appointed on August 5, 1994, by the Special Division of the United States Court of Appeals for the District of Columbia Circuit to investigate "whether any individuals or entities have committed a violation of any federal criminal law . . . relating in any way to James B. McDougal's, President William Jefferson Clinton's, or Mrs. Hillary Rodham Clinton's relationships with Madison Guaranty Savings & Loan Assn., Whitewater Development Corp., or Capital Management Services Inc."

It is a publicly known fact that, prior to his violent death, Mr. Foster worked on various issues related to the Clintons' investment in Whitewater Development Corporation. Moreover, there have been allegations that Whitewater-related documents were removed from Mr. Foster's office by White House officials in the hours and days following his death. Based largely on Mr. Foster's work on Whitewater matters and the alleged removal of documents from his White House Office, there have been further allegations that Mr. Foster's violent death was connected to his work on Whitewater-related matters for the Clintons.



Because of (a) Mr. Foster's work on issues related to the Clintons' investment in Whitewater, (b) the allegations pertaining to the removal of Whitewater documents from Mr. Foster's White House office after his death, and (c) allegations that Mr. Foster's violent death was connected in some way to his work on Whitewater-related matters for the Clintons, this Office has undertaken a full and thorough investigation of Mr. Foster's death.

In a violent death such as that of Mr. Foster, it is of course essential for the investigators to obtain all relevant financial information of the victim. Such information can explain the cause of and motive for the death, whether homicide or suicide. Such information can therefore be essential in determining whether any federal criminal laws were violated in connection with the violent death.

According to information received by the Independent Counsel, Mr. Foster had access to a Swiss bank account. The account is believed to have been maintained at the Banca Della Svizzera in Chiasso, Switzerland, under account number [redacted] or account number [redacted]. We submit that such information is essential to our investigation of Mr. Foster's death and the determination whether that death was a homicide or suicide.

#### The Possible Offenses

The potential offenses identified to this Office include the following:

18 U.S.C. § 371. Conspiracy to commit offense or to defraud United States.

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any

agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both. . . .

18 U.S.C. § 798. Disclosure of classified information.

Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information -- (1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or (2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or (3) concerning the communication intelligence activities of the United States or any foreign government; or (4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes -- shall be fined under this title or imprisoned not more than ten years, or both. . . .

18 U.S.C. § 873. Blackmail.

Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined under this title or imprisoned not more than one year, or both.

18 U.S.C. § 1111. Murder.

Murder is the unlawful killing of a human being with malice aforethought. . . . Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life. Whoever is guilty of murder in the second degree shall be imprisoned for any term of years or for life.

18 U.S.C. § 1341. Frauds and swindles.

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises . . . shall be fined under this title or imprisoned not more than five years, or both. . . .

18 U.S.C. § 1505. Obstruction of proceedings before departments, agencies, and committees.

. . . . Whoever corruptly, or by threats of force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct or impede the due and proper administration of the law . . . Shall be fined under this title or imprisoned not more than five years, or both.

31 U.S.C. §§ 5314 and 5322. Records and reports on foreign financial agency transactions.

. . . [T]he Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency. . . . A person willfully violating this subchapter or a regulation prescribed under this subchapter . . . shall be fined not more than \$250,000, or imprisoned for not more than five years, or both.

Person Involved

VINCENT WALKER FOSTER, JR.

Date of Birth:	January 15, 1945
Place of Birth:	Hope, Arkansas, United States of America
Citizenship:	USA
Race:	Caucasian
Sex:	Male
Height:	6'4"
Weight:	197 pounds
Eyes:	Hazel
Hair:	greying black
Passport Number:	081506299
Social Security Number:	429-80-1132

## Addresses:

5414 Stonewall Road,  
Little Rock, Arkansas 72207

Rose Law Firm  
120 East 4th Street  
Little Rock, Arkansas 72201

3027 Cambridge Place  
Washington, D.C. 20005

The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Documents Needed

Please provide complete records of:

1. account numbers  and  at Banca Della Svizzera in Chiasso, Switzerland.

2. any and all accounts at Banca Della Svizzera or at any other bank in Switzerland relating to Vincent Walker Foster, Jr.

Records should be for the period between January 1, 1972, and September 1, 1995, and should include, but not be limited to:

1. original signature cards;
2. documentation of account opening;
3. account ledger cards;
4. periodic account statements;
5. records (copied front and back) of all items deposited, withdrawn, or transferred;
6. wire transfers;
7. correspondence to, from, or on behalf of the account holder; and
8. memoranda related to the account.

### Testimony Needed

Please identify the officials of Banca Della Svizzera in Chiasso, Switzerland, or of any other bank in Switzerland connected to the subject matter of this request for assistance, who opened an account in the name, or for the benefit, of Vincent Walker Foster, Jr., or who have personal knowledge of any transactions reflected in the records of such account. Please interview such officials regarding the following points:

1. the identity of the person or persons who opened each account;
2. the circumstances under which each account was opened;
3. the nature and structure of each account (e.g., escrow account);
4. the disposition of the funds in each account;
5. the identity of the person or persons ordering such disposition;
6. any other matter concerning each account or the bank's relationship with Vincent Walker Foster, Jr., of which the official has knowledge.

If no account exists, please identify the official or officials who can testify to that fact.

### Procedures to be Followed

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George W. Proctor  
Director  
Office of International Affairs  
Criminal Division



**Office of the Independent Counsel**

1001 Pennsylvania Avenue, N.W.  
Suite 490-North  
Washington, D.C. 20004  
(202) 514-8688  
Fax (202) 514-8802

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September 29, 1995

BY HAND

Richard C. Owens, Associate Director  
Office of International Affairs  
The Bond Building, Fifth Floor  
1400 New York Avenue, N.W.  
Washington, D.C. 20005

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Thank you for your cooperation.

Sincerely yours,

*Brett M. Kavanaugh*

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Associate Counsel

**DRAFT**

TO: The Central Authority of Switzerland

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FOIA(b)(6)

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The Facts

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government to the detriment of the United States any classified information -- (1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or (2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or (3) concerning the communication intelligence activities of the United States or any foreign government; or (4) obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes -- shall be fined under this title or imprisoned not more than ten years, or both. . . .

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. . . [T]he Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency. . . . A person willfully violating this subchapter or a regulation prescribed under this subchapter . . . shall be fined not more than \$250,000, or imprisoned for not more than five years, or both.

Person Involved

VINCENT WALKER FOSTER, JR.

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Place of Birth:	Hope, Arkansas, United States of America
Citizenship:	USA
Race:	Caucasian
Sex:	Male
Height:	6'4"
Weight:	197 pounds
Eyes:	Hazel
Hair:	greying black
Passport Number:	081506299
Social Security Number:	429-80-1132
Addresses:	5414 Stonewall Road, Little Rock, Arkansas 72207  Rose Law Firm 120 East 4th Street Little Rock, Arkansas 72201  3027 Cambridge Place Washington, D.C. 20005  The White House

1600 Pennsylvania Avenue  
Washington, D.C. 20500

FOIA(b)(6)

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Testimony Needed

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