

MR materials

SCREENED
By *clp* Date *12/1/09*
NW25720 NND39718

Which - here is
my copy of these
materials. *RG*



U.S. Department of Justice

United States Attorney
Eastern District of California

Room 3305 Federal Building
United States Court House
650 Capitol Mall
Sacramento, California 95814

916/551-2700

TO: ALL RECEPTIONISTS,
OFFICE OF THE UNITED STATES ATTORNEY,
EASTERN DISTRICT OF CALIFORNIA

FROM: *MR* MICHAEL RODRIGUEZ, AUSA

DATE: MAY 19, 1995

RE: PRESS CALLS AND INQUIRIES CONCERNING
AUSA RODRIGUEZ' DUTIES AS ASSOCIATE
INDEPENDENT COUNSEL

In accordance with my routine refusal to communicate with members of the press, please consider this memorandum a formal request that all press inquiries made to AUSA Rodriguez concerning the Office of Independent Counsel's investigation -- to wit: In Re Madison Guarantee Savings and Loan -- be referred to the Office of Independent Counsel located in Little Rock, Arkansas. The telephone number in Little Rock, Arkansas is (501) 221-8700.

Referral is to be made to all agents of the press identifying themselves as such and who are calling in order to speak to AUSA Rodriguez concerning In Re Madison Guarantee Savings and Loan. Agents of the press that are appropriate for referral may be identified as persons seeking information concerning "Whitewater" or former Deputy Legal Counsel Vincent W. Foster.

cc: Office of the U.S. Attorney:
-Charles J. Stevens, U.S. Attorney
-Doug Hendricks, Special Prosecutions Chief
-Jocelyn Trujillo, Legal Secretary
Office of Independent Counsel:
-Kenneth W. Starr, Independent Counsel
-Hickman Ewing, Associate Counsel
-Deborah Gershwin, Press Secretary

TELECOPY COVER SHEET

OFFICE OF THE INDEPENDENT COUNSEL
1001 Pennsylvania Avenue, N.W., Suite 490N
Washington, D.C. 20004
telephone (202) 514-8688 facsimile (202) 514-8802

Date: _____

TO: Hick Ewing

Company Name: _____

Fax Number: _____ Telephone Number: _____

FROM: Brett Kavanaugh

Number of Pages: 3 (including this cover sheet)

Message: WE HAVE
BIG PROBLEMS
W/ MIGUEL'S
LEAKS.

CONFIDENTIALITY NOTE

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

1-7-95

3:12

Miguel Rodriguez

202-639-9424

. Concern abt leaks; also Torrey

Background

Documents matter - when MR arrived

- . Mark wanted to close
- . Brett reluctantly agreed
- . MR - No
- . documented in 2 memos to file

} heated disc.

3 wks ago - outlined

gave memos to KS & MT

In MR memo

"Focus" that does invest - should be on David Watten

. came out in paper 1 1/2 wks ago

. believe this may have compromised - post

Death matter -

Mark T. reluctant to revisit VF death matter

MR - probs w/ BC, DG - strong reluctance

To do any ^{FQIA #none} (URTS 16371) DocId: 70105786 Page 4

4 weeks ago - MR told KR

MR told MT -

- need to get agents out of the office
- thought 302's might be getting to WH

MR took MT & FBI out of the loop on death matter -

Starting discovery -

blew up portions of photo - trauma to neck
on rt. side - appears to be bullet hole betw. ear
& jaw.

BJ - Thurs. - this wk -



• few photos

"How can person kill himself twice? once to neck & once to jaw"

No one knew til Trav 1-3 who witnesses would

be - (MT knew that afternoon) - Baker, Taylor, Gillis, MR

set down.

MR - new ev. id.

- didn't tell abt bullet hole, trauma to neck -

- gave them names of 3 EMT's, summary notes (forgot name of 1 other EMT)

FBI refused to coop. w/ MR on VF death,
until found out going to GJ -

Wed. 1-4

Interviewing people at the County

Thu, 1-5

GJ all day long.

John Bate asked how many witnesses -
MR: 3; forgot 1 (close contact w/ MR)

News account - published 1-5; Starr has
decided to accept F. Rpt - Scripps Howard wire svc -
"source close to inquiry"

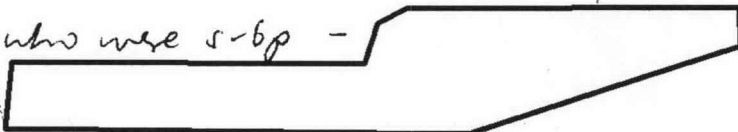
Judge Starr upset

During GJ, Bate w/ him.

Fri, 1-6

⓪ last nite - AP wire - MT said: no cont-
detailed confidential info.

Alex Azer (1 hr ago) read wire story -
MT said he is in chg -
detailed info he gave MT, DG, JB -

→ lists 3 witnesses by name
who were s-bp - 

⓪ If AP got for grand jury - they know 4
" " " " county - " " 4

Tobey has insisted that Bates sit in for
entire G-J

- AP - Prosecutor overheard in hallway
disc. showing scene to witness -
- (must have been Brett o Bates) -

⓪ "analysis of the brief case"
(photo of a brief case near V's car -)

May 2, 1995

From: *HE* H. Ewing

Re: Phone call fm M. Rodriguez; evening of May 1, 1995

At 7:45 pm (Little Rock time), Monday night, May 1, 1995, I received a call at my apartment in Little Rock fm Miguel Rodriguez (MR). He said he could just talk briefly, as people were calling him to a meeting. We talked for about 7 minutes. He said he had gotten 4 calls from the media that day, and had received several calls fm the media over the weekend.

He said he was called on May 1 by: a guy fm Newsweek, the Atlanta Constitution, Ruddy, and another person.

He said that one asked a question with the preface to the effect, "people fm the Washington, DC office are saying...personality problems..." MR initially said he listened and gave no comment.

He then said he gave a few quotes about his background - how long he had been a prosecutor, etc. Also he said he made a comment along the lines: "This is a very important investigation. I am sure Ken Starr wants to get the truth. The object of the investigation is to find truth. A full inquiry is being made."

MR said there were other questions which bothered him, such as:

Isn't it true that.....?
Has anyone else left the investigation?
Did you get along with the FBI?
[and something about not working with the FBI]

He said he was told that a source close to the Washington office said.... MR asked them if anything was coming fm the Little Rock office, and he was told "no".

MR said that over the weekend he got a call linking him and Ken Starr to the Oklahoma bombings.

He was asked by the Newsweek reporter about the contents of the Ruddy article, and if he had any comments. MR told the reporter he had not seen the article. The reporter said he would FAX MR a copy.

MR added later in our conversation that he gave the reporters some b.s., fluff-type comments..... MR added again toward the end of the call that they referred to a "source close to the Washington office."

MR closed with words to the effect, "Until I see something in the paper...." He seemed to emphasize the word "until".

MEMORANDUM

Date: December 9-29, 1994

From: Miguel Rodriguez *MR3*

To: File

Subject: November 29, 1994 Meeting Concerning Foster
Death Matter And Supplemental Investigation
Prior to Grand Jury

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Present for this meeting were Mark Tuohey, Brett Kavanaugh, Jeff Greene and me. The meeting was convened to discuss my review of the Foster death materials.

I began by citing my earlier memorandum indicating independent review observations, in summary. I explained that (1) the Fiske counsel report conclusions are not fully supported by the existing record and that the report contains misstatements and supposed facts that are inconsistent with the record; (2) there is not "overwhelming" evidence in the existing record to support voluntary discharge of the weapon in suicide or to support that VF was alone the afternoon of his death; and, (3) there is not "overwhelming" evidence to support the report's conclusions regarding motivation for suicide. Before any discussion, Tuohey disagreed.

I.

Regarding motivation, generally, I pointed out that numerous "state of mind" issues are inconsistent with suicide.

First, VF did not intimate suicide and facts indicate VF was not intent on fatally harming himself; indeed, VF indicated to a number of individuals that he was optimistic about work-related events to come and that he was planning future family events.

Second, the gravity of VF's apparent involvement in the travel office and usher matters did not indicate VF was in a dire predicament. The spirit of writing about the travel office, indicated Lisa Foster (LF), was optimistic and an effort to prepare for an offensive stance, *i.e.* that VF did not commit impropriety regarding the travel office. Moreover, I pointed out that those persons working closest to VF on the travel office matter indicated that VF was not obsessed with the matter. White House staffers Neel and Nolan declared that it was out of VF's hands. VF was not implicated in the travel office matter (or even the usher matter); the magnitude of the matters was, at worst, ethical violations by Clinton administration officials and

Determined to be an

Administrative Marking FOIA # none (URTS 16371) DocId: 70105786 Page 9

Not National Security Information

By *ds*, NARA Date *11/27/2009**LL3*

~~CONFIDENTIAL~~

supposedly embezzlement by non-Clinton administration officials. Others conducted the review of the travel office matter -- GAO and (internally by) McLarty and Panetta;¹ the matters had been out of VF's hands for at least four weeks; and, to the extent VF

¹The travel office matter involved the firing of seven career White House personnel for supposed mismanagement and embezzlement. This impropriety was "revealed" by Clinton's cousin who was "planted" in the travel office. This cousin was later put in charge of the travel office.

The White House and then the GAO issued separate reports on the travel office matter. News reports pointed out issues presented by the separate reports.

First, the GAO concluded that no laws were violated but certain conduct created "appearances" of impropriety and conflicts of interest. Can such appearances be gleaned from the White House review? For example, on the afternoon of Thursday, May 13, 1993 "[HRC] told [VF] that she heard about problems in the travel office." The GAO report did not mention HRC's conversation and provided no insight into HRC's source for these complaints. On the same day, HRC also asked McLarty "about the situation in the travel office." The GAO report ignored this discussion as well. Again, on May 13, 1993, "[VF] subsequently informed [HRC] that Peat Marwick was going to conduct a review of the [travel office matter]." The GAO report provided no information about this conversation either.

Second, the GAO's report stated WK - who initiated contact with the FBI concerning the travel office matter - told the FBI "that the matter was 'directed at the highest levels' in the White House." It remains unclear what Kennedy meant?

Third, the White House review described the firing of the travel office employees "as a result of a review conducted as part of the Vice President's National Performance Review." That is also the claimed reason the White House hired Peat Marwick to audit the office. However, the GAO report states "[a] representative of the Vice President's office informed us [GAO] that . . . [the audit] was not conducted under the auspices of the NPR."

And fourth, Peat Marwick began its audit on May 14, 1993. This is the same day HRC reportedly "urged that action be taken to get 'our people' into the travel office."

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was upset, he was upset regarding William Kennedy's (WK) reprimand (as indicated in the internal McLarty/Panetta report). These facts were not pointed out by Fiske counsel.²

Third, I pointed out that there were additional matters on VF's mind that indicated VF's ability to cope with variables and stress, which matters were not addressed by Fiske counsel. These matters may not be disputed and at least include: (1) the blind trust; (2) the 1992 taxes, which taxes involved Whitewater concerns; (3) VF's wife, recently in Washington, D.C.; (4) the FBI's director was being replaced (after the FBI had not been accommodating to the White House on the travel office investigation); (5) new personnel in the counsel's office (Sloan and Castleton); (6) VF's weekend with Hubbell; (7) VF's visiting sister; and (8) financial concerns,³ which concerns were demonstrated by VF's special authorization of release of financial statements, every Friday, to LF via VF's secretary.

²Fiske counsel also failed to consider: (1) the travel office matter involved David Watkin's (DW) staff and, specifically, Patsy Thomasson (PT); (2) the usher matter involved HRC and her staff, including Maggie Williams (MW); (3) both matters involved allegations concerning loosely managed money (the travel office from the press corp. and the usher's office from private donations); (4) money was allegedly mishandled in both matters resulting in controversy; (5) the legal counsel's office was called into each matter; (6) while VF was doing damage control on the travel office matter and usher matter, he learned certain facts (and possibly improprieties); (7) VF was involved in assessing the White House's actions; (8) VF was found dead; (9) PT and MW are in VF's office searching the evening of VF's death; and (10) DW requests PT to search and MW goes to the White House and searches after speaking with HRC. Against this background, the torn paper makes a distinction between the Clinton Administration's loyal staff and others. Also against this background, there are allegations that the Clintons received cash prior to moving to Washington, D.C. through Madison Guarantee -- closed due to loosely managed money.

³VF's secretary (Deborah Gorham) was "absolutely" certain VF had no financial difficulty. According to Gorham, the financial statement request was made merely because the Foster family checking account in Washington, D.C. was overdrawn. If such witnesses are correct about the Foster's not having financial trouble, VF's financial concerns may instead be his desire to monitor his account to ensure that, for example, no mysterious deposits (or withdrawals) were made or merely to ensure the Washington, D.C. account was not overdrawn again.

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Fourth, apparently on VF's mind were private conversations VF had, at length, with two blonde females (Marsha Scott and Susan Thomases) prior to VF's death. Neither female can recall details of her conversation with VF. Neither female, however, indicated that her conversation with VF caused VF dire concern. Although Fiske counsel identified that such conversations occurred, no probe of the conversations was conducted. Thomases claimed attorney client privilege regarding her conversations with VF. I have advocated, however, that she has no such privilege and/or VF had no such privilege. I strongly recommended further exploration on her (and Robert Lyon's) dealings with VF and the privilege issues.

And fifth, on the day of VF's death -- in Arkansas -- the search warrant for Hale's office was executed. However, while VF's Rolodex contained Hale's telephone number, there is no indication that VF knew of the search or that VF was preoccupied by events concerning investigation of Hale. Later in Arkansas, reportedly, documents VF had worked on were removed from Rose law firm storage and were destroyed.

II.

In addition to "state-of-mind" inconsistencies, I reminded Tuohy that several issues -- VF's 1 1/2 days off the previous week, VF's weekend association with Hubbell (contrasted to the account by LF), VF's conversation with WJC and Lyons, and VF's concern for media attention in connection with the taxes (Whitewater) -- remained.

In addition, telephone logs from the counsel's office are incomplete. Betsy Pond, Nussbaum's secretary, said VF may have had a private phone line. Even if VF did not have a private line, was there more than one line into VF's office? Only one line, to date, has been investigated. Fiske counsel did not follow through in its investigation of these issues.

Tuohy agreed with my decision to investigate these issues but cautioned that no one in Little Rock and none of the Foster family members were to be contacted until he was further briefed on areas.

III.

I pointed out that little is known about VF's final week of activity involving WJC, Hubbell, Scott, Thomases, and Lyons. Regarding these individuals, I had pointed out the following.

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Sunday and prior July 18, 1993	Monday July 19, 1993	Tuesday July 20, 1993	Wednesday July 21, 1993
<p>-VF took 1 1/2 days off during this prior week.</p> <p>-During prior week, VF had met with Thomases (HRC's lawyer) at her hotel room and again for lunch with "friends."</p>	<p>-VF's office contained personal Clinton family documents including 1992 tax documents and Whitewater documents.</p>	<p>-No one admits to know what work related tasks VF did in morning or what he was to do in afternoon.</p> <p>-VF death</p> <p>-Thomases seen in VF's office searching</p>	<p>-Lyons came to Washington, D.C. supposedly to discuss with VF only travel office matters.</p>
<p>-VF took weekend vacation with Hubbell in attendance.</p>	<p>-VF had been working on Whitewater issues with Riki Seidman and with a paralegal (VF is concerned about tax related media attention says paralegal).</p>	<p>-Scott in White House the late evening.</p>	
<p>-Upon return on Sunday, VF has conversation with Lyons <u>and</u> conversation with WJC.</p> <p>-While VF is not implicated in the travel office matter or the Usher matter, VF is fully involved in the 1992 tax matter (involving Whitewater), which taxes must be filed imminently.</p> <p>-Lyons is not involved in the travel office matter but is fully involved in the tax matter.</p> <p>-Lyons and Foster agree to meet on Wednesday, July 21, 1993.</p>	<p>-VF meets with Scott for a long private discussion.</p> <p>-Hubbell is with WJC at White House and they call VF, supposedly only to invite him to watch a movie and not to discuss pending matters.</p> <p>-Pending matters undisputedly include taxes, blind trust, and weekend.</p> <p>-O'Neil sees Susan Thomases in VF's office on the night of death.</p>		

Also, I reminded Tuohey that it seemed odd that WJC and Hubbell called for VF to come over on the eve before VF's death. Neither WJC nor Hubbell can recall details (except as to the movie invitation).⁴

⁴Ironically, the proposed movie was "In The Line of Fire," which movie involved a person's loyalty to the Office of the President and the person's willingness to sacrifice his life for the President. Also ironic is that VF's corpse was found under a cannon's line of fire.

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IV.

I raised other issues occurring in the period before VF's death, and particularly Monday, July 19, 1993 (the day after VF and LF supposedly returned from vacation).

Specifically, I pointed out that cancelled checks indicate a home security system payment, medical lab report payment, radiology center payment and pediatric center payment, all within four weeks of VF's death. Tuohey acknowledged the need to investigate these expenses and a Kinko expense. Regarding the "Kinko" expense, I pointed out that, sometime on July 19, 1993, LF wrote a check to "Kinko's" for approximately \$19.00. What was being copied (or purchased)? Did the Fosters leave documents to be reproduced over the weekend? None of these expenditures were explored by Fiske counsel.

I pointed out that the credit card receipts indicated that the Fosters checked out on Monday, July 19, 1993, and not Sunday. I will investigate this issue as well as the telephone records at the lodging. Moreover, some of VF's credit cards and other papers in his wallet have never been investigated. VF's wallet was returned to the legal counsel's office on the night VF died. See infra.

V.

Regarding the period before VF's death, I posed the following question: how did VF acquire the unidentified loaded weapon?

First, there was no definitive evidence that the bullets or weapon found at the death scene were linked to VF prior to July 20, 1993 -- the day of VF's death.

Second, I pointed out that on the day of VF's death, once VF left his residence, he was not observed to return. Thus, assuming VF's possession of the weapon on the 20th was voluntary and purposeful, VF either took it with him to the White House (carrying it from his residence on his person or in his car) or he acquired it after leaving the White House at 1:10 p.m. (acquired it from somewhere outside of his residence). At the present time, there is no evidence to believe there was another residence or area VF maintained. If VF did not go at 1:10 p.m. to a private place where he stored the weapon and his possession of the weapon was voluntary and purposeful, then VF must have had the loaded weapon on his person at the White House or it was unattended in his vehicle at the White House.

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Third, even if VF was voluntarily and purposely carrying the loaded unidentified weapon on the day of his death, his motivation necessitating carrying a loaded weapon is unclear. In this regard, there is presently insufficient evidence of VF's intentions when he left his residence. On one hand, VF said no goodbyes and VF was not described to be morose or otherwise fatalistic when he departed family members. The lack of unusual behavior by VF is consistently reported by legal counsel staff in interview "notes" made by USPP. See infra. On the other hand, there is a lot of, apparently surprising, after the fact "state-of-mind" rhetoric from some friends and family that VF was mentally disturbed. Prior to VF's death, however, there is no direct non-testimonial evidence (medical/psychiatric reports of treatment⁵ or even consultation⁶) for such a mental imbalance. Despite the after the fact rhetoric, VF is described by friends and family as the last anyone could imagine committing suicide and as a virtual well-spring of strength.

And fourth, as previously stated, while the weapon found at death has not been conclusively identified as belonging to VF or even the Foster family, VF did have a weapon -- his own weapon -- in his Washington, D.C. home. Fiske counsel did not determine if VF's weapon, found in the Foster's Washington, D.C. home, was registered. We then discussed the following questions:

⁵According to VF's sister, VF was very anxious and concerned about his security clearance. In this regard, VF's sister stated that she tried to persuade VF to speak with a psychiatrist about job related anxiety. VF reportedly told his sister that he was concerned about revealing confidential information, placing the psychiatrist in jeopardy, and VF leaving a trail to medical help. Despite these concerns, VF supposedly accepted from his sister three psychiatrist names and telephone numbers. Also, despite VF's concerns about being linked to psychiatrists, VF apparently wrote the names and telephone numbers onto White House stationery and then loosely carried this writing in his daughter's car or in his wallet. See infra. And, despite VF's concerns about being linked to psychiatric help, each psychiatrist was demonstrably called from VF's office, which calls were boldly billed to VF's home phone number. Oddly, VF never personally spoke to any psychiatrist. Also oddly, VF billed the calls to his home phone instead of using his home phone telephone card (which he carried in his wallet) or a pay phone. Thus, in spite of VF's reported concerns, VF left a clear trail to each of the psychiatrists, while never speaking to any one psychiatrist.

⁶The Foster family physician reportedly spoke with VF the night before his death and prescribed medication for supposed depression; VF reportedly described himself to the doctor as anxious and as not being able to sleep.

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(1) why would VF "surepticiously" get an unidentified gun (and where could he get two bullets only) to commit an "obvious" act of suicide when VF had his own weapon at his bedside, and (2) whose weapon did VF possess in his hand upon his death?

In sum, at the present time, there is insufficient evidence to conclude (1) how VF acquired the unidentified loaded weapon -- assuming his possession of it was voluntary and purposeful; and (2) it is not possible to conclude when, or why VF came to possess the loaded unidentified weapon. Against this background, I pointed out that it was odd that David Watkins and Bruce Lindsay, each upon receiving notice of VF's death (independent from the other), immediately inquired if the weapon was identified.⁷ LF, upon notification, oddly immediately asked if the gun was placed in his mouth (as if this were a signal to her of some kind). LF was described as angry upon notification.

VI.

I next addressed the manner of VF's death. In doing so, I disputed that the weapon found in VF's hand was discharged from VF's hand.⁸ Arguendo, I also disputed how the weapon was discharged: voluntarily or discharged in some other manner.

I pointed out that for voluntary discharge, according to how the weapon was found, VF must have held the weapon in a peculiar backwards position. Also, VF must have held the weapon in a manner that caused (along his index finger and thumb/finger webbing) an unusual amount of gun powder residue.

⁷I speculated that if Watkins and Lindsay were already aware VF had died and the manner of death (or the location of death assuming suicide) was the object of a cover-up, Watkins and Lindsay would be waiting for confirmation that an unidentified weapon was located and planted.

⁸On one hand, of the first two individuals to see the corpse, neither W5 nor Fornshill saw a weapon in VF's right hand. Fornshill was the 1st response person to the corpse. On the other hand, Hall, the 2nd response person, glanced at what he thought was a gun but Hall could not describe it. Gonzales, the 3rd response person to the corpse, only saw what he believed to be the cylinder of a gun and disputed the photographs supposedly representing VF's arm position and the location of the gun in VF's hand. Gonzales did not describe the cylinder until he had seen a picture, thereafter he said it appeared to be a revolver. Arthur, the 4th response person, believed there was a different gun (a clip loading gun) than that depicted in the photograph that he was shown. Similarly, Wacha and Iacone saw a different gun (a silver gun).

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(A later meeting -- with a D.C. forensic scientist who observed a photo of the gun powder hand residue -- revealed that such an amount of residue indicated numerous firings of the weapon. At this meeting, Greene agreed that numerous firings could be an explanation for such residue.) This gun powder residue is not only questionable due to amount but is also questionable due to its thumb/index finger placement on VF's right hand. See infra.

The backwards position of the weapon -- for a voluntary suicide discharge -- would have required a firm grip on the revolving cylinder with the right hand (with thumb through the trigger guard) and a firm grip on the gun handle by the left hand. The weapon is not small or of slight weight. However, on this humid summer day, though the weapon was found untouched in the clutch of VF's right hand (VF's thumb jammed in the trigger and guard), no fingerprints, partials or even smudges were found on the weapon. Also, no prints were found even though VF supposedly held the weapon tightly enough not to break or even chip his teeth upon discharge. Apparently, this would mean VF, supposedly contemplating his life, did not have moisture or sweat on his hands as he held the loaded weapon in his mouth.

Contrary to my position, Tuohey and Greene did not find these facts troubling. I added that the FBI latent examiner stated to me that the weapon appeared clean or wiped when he received it from the USPP. I also reported that agent Colombell had stated to me that (1) by the USPP's own admission to him, the USPP's latent test was rushed, (2) a "taping" of the entire weapon to recover prints possibly destroyed prints, partials or smudges, if any existed, and (3) the weapon was processed without the proper chain of custody transfer from the USPP scene evidence collector.

VII.

I pointed out that, on July 20, 1993, VF had a normal morning at work. "Notes" from initial USPP interviews, conducted immediately after VF died, revealed the following. VF's secretary, Deborah Gorham, stated that she noticed "nothing different from normal in [the] last week." Gorham said there was "nothing unusual in his [VF's] mood that morning" and it was "normal for him [VF] to be quiet." Pond, Nussbaum's secretary, stated that she observed "no depression" and that there had been "no difference in VF's emotional state." Pond added that she was "unaware of any weight loss." Months later, Pond confided to another White House staffer that VF really seemed OK when he left at 1:10 p.m. on July 20, 1993. Nussbaum similarly detected "no unusual behavior" prior to VF leaving the counsel's office at 1:10 p.m. on July 20, 1993. Moreover, the USPP notes indicate that at 12:17 p.m. on the 20th -- less than one hour before VF leaves the counsel's office -- VF was actively working and

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returned Brant Buck's telephone call (presumably concerning the blind trust matter). Buck was out. VF nevertheless had a brief conversation with Buck's secretary, Linda Johnson. The USPP notes indicate that, according to Johnson, VF "appeared to be normal" and "nothing [was] out of the ordinary." Gordan Rather, (VF's long time friend and a partner at Bruce Lindsay's firm) also tried to communicate with VF on the day of his death. Rather stated that based on his past dealings with VF and, having personally met with him only 4 months earlier, "[VF] was the same Vince [Foster] he has always known" and Rather offered that "[VF] was a very impressive person." These initial interview statements were not addressed by Fiske counsel in its final report.

Subsequent FBI interviews of these witness and other legal counsel staff indicate that, contrary to earlier statements, VF was preoccupied and not fully responsive on the morning of his death. White House and legal counsel staff all -- oddly in these later interviews -- used similar descriptions of VF's preoccupied manner. Against this background, I reminded Tuohy that the legal counsel's office admitted that the secretaries had been "prepared". Also, with the exception of Colombell, FBI agents who I interviewed stated that, across the board, the counsel's office staff appeared to be incomplete or false in response to questions.

VIII.

I pointed out that while one secretary was unsure if VF left with his coat and a briefcase and another was sure he had no briefcase when he left with his coat, a legal counsel office clerk, Castleton, recalled that VF left with both a briefcase and coat.⁹ Also, VF took a beeper, which beeper was supposedly off

⁹At least four non-law enforcement, i.e. non-USPP, personnel observed a briefcase with VF's coat in the Ft. Marcy parking lot. Witnesses (Hall, Gonzalez and W5) observed the briefcase in VF's locked vehicle after the witnesses had observed VF's body. Hall and Gonzalez described the briefcase as black. Photos taken of VF's vehicle on July 20, 1993 -- in the Ft. Marcy parking lot -- depict a black briefcase on parking lot asphalt between VF's car and an adjacent responding USPP vehicle. W2 stated that he observed a briefcase at a time prior to discovery of VF's death. Moreover, the existing record is clear that VF had at least two briefcases. Indeed, PT searched one briefcase, Lindsay recalled two briefcases, and Nussbaum searched a different briefcase than that searched by PT. The briefcase searched by Nussbaum was later turned over to OIC. Fiske counsel only concluded one briefcase existed and failed to probe observations of a briefcase with VF's coat in the Ft. Marcy parking area.

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when USPP arrived to VF's corpse. VF's intent to return is also demonstrated by his statement upon leaving: "I'll be back". Moreover, I pointed out that it was odd that VF appeared to be in a hurry or, at least, to be on a time schedule, i.e. VF appeared to have somewhere to go. This is demonstrated by the manner in which he left, how he ate and the manner in which he acquired his lunch. On the other hand, after a subsequent interview by Colombell regarding how VF acquired his lunch, Castleton stated that he was not sent by VF to hurry VF's lunch along.

IX.

On the day of VF's death, during the afternoon, I pointed out that LF was occupied by Watson's wife. (VF apparently was at odds with Watson because of the travel office matter.) [REDACTED]

At approximately the time VF's corpse was being photographed by USPP, LF was seen and talked to by neighbors as she worked on her front yard. I advocated interviewing the neighbors at least concerning: conversations with Foster family members, dealings with VF, security concerns the Fosters may have expressed and regarding whether the Fosters stated their sentiments about being in Washington, D.C. Fiske counsel only interviewed neighbors in connection with Craig Livingstone's claimed presence in the neighborhood on the 21st morning.

X.

I next focused on Ft. Marcy park generally.

I stated that the FBI refused to provide me with a scale map and a map indicating all maintenance roads. I pointed out that I walked a maintenance road from the second cannon area (where VF's corpse was found) and that there was at least one additional, supposedly pedestrian only, entrance to the park (this second entrance is closer to the second cannon than the main entrance). The second entrance has a parking area. There is no evidence that this second entrance and parking area was secured or investigated at the time VF's corpse was processed by USPP. Fiske counsel has not investigated any aspects of this second entrance and it is not indicated in any FBI reports or USPP reports. It appears Congress did not know of the second entrance and second parking area. Since VF's death, it appears a fence has been erected at this second entrance and the area between the second cannon and the maintenance road has been altered. [REDACTED]

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[REDACTED].

As part of our general discussion, Greene, upon examining USPP on-the-scene polaroid photos, observed that the photos depict an unusual darkness background. Kavanaugh had also made this observation. By contrast, the body was found and photographed between 6:15 p.m. and 7:00 p.m. on a clear summer day.¹⁰ (I investigated these photos with the assistance of paralegal Lucia Rambusch. See infra.)

Also, as part of our general discussion, I pointed out that -- although taken -- no 35mm photos were successfully developed and although there were at least five photographers, only 18 polaroid photos were provided by USPP to OIC.¹¹ The USPP provided OIC 18 "polaroid copies" of 18 polaroid photos and no 35mm photos of the death scene. The original polaroids were also provided. Both the original polaroids and the polaroid copies are of poor quality, depicting poor color and blurred, bleached objects. Obviously, the polaroid copies are even more distorted

¹⁰At this point, I described the day according to the existing record: it was a hot, humid, July afternoon, the parkway traffic was crawling, and there was a clear sky.

¹¹The following USPP were observed as polaroid photographers: Braun (VF's vehicle in Ft. Marcy parking lot), Edwards (VF corpse), Simonello (VF corpse), Ferstl (VF corpse), Rolla (VF corpse). Only photos from Braun, Edwards and Simonello have been received by OIC. Significantly, Ferstl's polaroids (which OIC does not possess) were taken before the special (Criminal Investigation Branch (CIB)) team -- Braun, Siminello and Rolla -- arrived. The gun in VF's hand supposedly changed color and position after this special team arrived and the glasses were also found after this special team arrived. Braun supplied 5 photos, Edwards supplied 5 photos, and Simonello supplied 8 photos. Ferstl estimated he took at least 7 photos but none have been provided. Witnesses observed Rolla taking polaroid photos but none have been provided. Regarding the polaroids, the original emulsion package numbers indicate at least 4 packages (minimum of 10 per package) of film was used (excluding an apparent 5th package for Ferstl's 7 photos). Thus, OIC does not have all polaroids.

At least, Simonello took 35 mm photos (in addition to polaroids). Other USPP may have taken 35 mm photos. However, none of his 35 mm photos resulted in a clear depiction -- the camera was improperly set and each frame was over-exposed. Despite the claimed best efforts and technology of the FBI, the existing 35 mm photos are useless.

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than the original polaroids.¹² I also pointed out to Greene that the terrain and foliage depicted does not match in each picture. The second cannon appears only in one on-the-scene polaroid photo (wherein only the top of VF's head is barely discernable), despite the cannon being approximately 10 feet from the corpse. Also, VF's glasses are depicted in a strange arrangement, found completely folded approximately 20 feet from the head of VF's corpse, with no spatter or prints/partials/smudges. The glasses are found, after an unsuccessful preliminary search, by Simonello, USPP, who specially arrived from the USPP station in Anacostia over 30 minutes after the body was discovered.¹³

XI.

I then specifically focused on the first time Ft. Marcy park is possibly linked to VF.

I reported that at approximately 2:30 p.m. a witness (W1) driving on the G.W. Parkway observed an out-of-state Japanese-type metallic colored car dart, cut into, the Ft. Marcy parking area. The driver of the metallic colored car, says W1 during an initial interview, was alone and was a white male. W1 only saw the rear of the metallic colored car. W1 initially believed the car to possess out-of-state (Arkansas or Ohio) plates. However, when shown a photo of the rear of VF's car, W1 is confident that it was not VF's car. W1 stated that the car that cut him off was a different color and that the metallic colored car displayed a different type plate than VF's car. Despite a subsequent FBI interview by Colombell in which W1 supposedly cut back on his confidence in his recollections, W1 steadfastly maintained it was an Arkansas, or similarly identified plate on the car and that it was not VF's car, as depicted.

¹²Moreover, only polaroid copies of original polaroids were analyzed by FBI lab technicians in blood spatter analysis and also by the forensic scientist team relied upon by Fiske counsel. Apparently, blow-ups of "polaroid copies of polaroid originals" were shown to EMT witnesses. All witnesses will thus have bases on "new evidence" to formulate their refreshed recollection, including the forensic scientist team relied upon by Fiske counsel. I have already taken successful steps in this direction.

¹³After preliminary review of some photos, Tuohey had to leave for a short time, then Kavanaugh left for a short time. Both counsel then returned and then again left at different times, as needed, during the afternoon. I continued with Greene and the counsel as each was present.

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Although Tuohey's position (and the Fiske report) was contrary, I pointed out that VF was thus not identified by car at that time. Indeed, W1 could have observed anyone with out-of-state plates driving into the park, even someone who VF was to meet or who was otherwise coming to the scene. Indeed, a metallic colored car was later seen next to VF's car in the Ft. Marcy parking area. See infra. Despite W1's disagreement, that the metallic car was VF's car, Fiske counsel only stated that they were "unable" to conclude time of arrival of the car.

XII.

I pointed out that, in fact, the first time VF's car was observed at Ft. Marcy Park was at approximately 4:30 p.m. At that time, a witness (W2) stopped at Ft. Marcy park to urinate.

W2 saw VF's car parked where it was later found -- at a front (approximately 4th) parking space as one enters the lot. W2 walked along the side of VF's car. W2 saw, "draped over the driver's seat", VF's coat and VF's leather briefcase on the passenger side seat. W2 specifically recalled the presence of VF's briefcase. W2 clearly identified VF's car. In addition, W2 recalled a dark metallic Japanese type car near the front of the parking lot, i.e. near where VF's car was parked at 4:30 p.m. There was a dark complexion male in the car watching W2. In fact, as W2 walked near VF's car, the male in the metallic colored car got out of his metallic colored car and stood next to it.

The USPP, the FBI and Fiske counsel did not attempt to investigate the metallic colored car or its occupant. W2's recollection of the occupant as a person watching him as he was next to VF's car is not recounted in the Fiske report. Further, Fiske counsel did not address this witness' account of the metallic car in its public report.

XIII.

I next discussed W3 and W4. These witnesses, with intent to picnic, arrived at the park in one car at approximately 5:00 - 5:30 p.m. While reports stated W3 and W4 were in a white Nissan sedan, no pictures of the car exist. (What does the registration say?) W3 and W4 were seated in their car, backed into a space at the far end of the lot. W3 stated that she observed 4 people in the park before they (W3 and W4) were contacted by responding personnel. W3, as they pulled into the parking area, saw a dark haired male with no shirt sitting in the driver's seat of VF's car; she saw W5 and his van, see infra; she saw a sedan driven by a shaggy haired male pull into the lot and then pull out; and she later saw a big and burly dark haired male in jeans in the lower park area (after W3 and W4 left their car

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to picnic). W4 stated he recalled at least 3 persons. W4 saw a shaggy haired blond male working under VF's car hood; W4 saw W5 and W5's white van, see infra; and a jogger type white male in the lower park area (after W3 and W4 left their car to picnic. The witnesses' USPP interview is contrary on each and every point. W3 boldly claimed, after reviewing the USPP interview report by USPP Braun, that the USPP report was flatly "untrue". Oddly, these two witnesses names, addresses, phone numbers and SSN were on David Watkins' White House stationery. Subsequent interviews resulted in one of the two witnesses stating wine coolers were in the witnesses' own car and that their car was a white 4-door Nissan with blue interior.

W3's and W4's recounting, on the other hand, of the white van, (belonging to W5 -- the confidential witness) is consistently reported.¹⁴

Later, W3 and W4 are found picnicking in another area of the park, an opposite end from the corpse.

Even though W3 and W4 corrected the USPP interview report with their later (FBI) statements, Fiske counsel did not state W3's and W4's observations of persons working on VF's car and sitting in VF's car. The observations occurred immediately before W5 observed VF's corpse, i.e. VF was already dead.

IVX.

W5, a confidential witness, was the next person to arrive at the Ft. Marcy parking area. W5 arrived at approximately 5:30 p.m. W5 was consistently observed by W3 and W4. W5 upon arriving in a white van, threw trash away and then walked the upper, north, path searching for a private area to urinate. W5 found his way to the second cannon area. W5 stated that he was familiar with Ft. Marcy park, having been to the park on a previous occasion. About the time (or after) W5 urinated, he saw the corpse. He went over to the corpse and stood approximately three feet from VF's head. W5 stared at VF, the corpse, for several minutes. W5 also observed a wine cooler type bottle, half-consumed, next to VF's body. W5 believed that there were wine cooler stains on VF's shirt. (Later review of autopsy

¹⁴Here, I digressed and offered the following observation, based on my reading of the entire death and document records: witness accounts were consistently reported (as re-interviewed) on issues suggesting suicide but inconsistently reported on other issues.

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photos indicated that VF's shirt was wet and cleaned in spots, i.e., there is a wet spot detected on the shirt in the area depicted as containing a purplish spot.) W5 observed a trampled area below the corpse looking down from the berm. W5 left the scene and returned to the parking area. Upon returning to the parking area, W5 looked into VF's vehicle, the brown Honda, and observed VF's coat, briefcase, and tie. W5 then left the parking area and went to another park, Turkey Run park, and notified park workers who relayed this information at approximately 5:50 p.m.

XV.

Review of emergency vehicle dispatch logs indicate that the medic unit called, Medic 1, was dispatched at 6:03 p.m. At the same time, an Engine crew, Engine 1, was dispatched from the same fire house, Station 1. The dispatch logs also indicate that the medic unit and engine unit were packed up and on their way back to the station from Ft. Marcy at 6:37 p.m. Thereafter, the dispatch logs indicate that the U.S. Park Police (USPP) requested an ambulance to transport the body at 7:45 p.m. The ambulance unit was on scene at Ft. Marcy park to transport the body at 8:16 p.m. Thus, the USPP were in exclusive control of VF's corpse from 6:37 p.m. to after 8:00 p.m. Thus, there is no evidence that anyone other than USPP personnel (excepting Dr. Haut who arrived at 7:40 p.m.) were in Ft. Marcy park or anywhere near the death scene for approximately 1 1/2 hours.

XVI.

W6, a white female driving a Mercedes, arrived at the entrance of Ft. Marcy park at approximately 6:00 p.m. W6 was experiencing car trouble and abandoned her vehicle at the entrance to Ft. Marcy park. As she left her vehicle, she left the Mercedes' emergency lights on. W6 then walked into the Ft. Marcy parking area from the GW Parkway entrance. On the way, W6 observed a well-dressed white male sitting in a white Honda. The white male was looking at papers in the white Honda. The white male made comments to her, asking her if he could help her. He then started his engine and followed her into the park. Eventually, he went past her and into the parking area where he turned his vehicle around and then exited the parking area. W6 continued into the parking lot area, specifically, the upper parking lot area. W6 does not know what cars were in the lower parking lot area, e.g., W3 and W4's white Nissan. W6 observed at the upper parking lot area, VF's Honda and also a dark blue (metallic?) car. W6, not being able to find a public telephone, then walked back out of the Ft. Marcy parking lot area and proceeded to walk on the right shoulder of the G.W. Parkway.

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XVII.

When the emergency vehicles arrived at approximately 6:10 p.m., there were supposedly only two vehicles in the Ft. Marcy parking area. The brown Honda, VF's car, and the white Nissan at the lower parking area (the vehicle used by W3 and W4).

Some emergency personnel recall there being a red or reddish Honda also present in the parking lot area or entrance area. Also, emergency personnel differ in their recollection of USPP arrival. In fact, USPP Fornshill arrived at the scene at approximately 6:10 p.m. It is unclear from the existing record whether Fornshill arrived before or after the emergency vehicles.

When the USPP vehicle and the emergency personnel got together, they decided to split into two teams to search for the reported corpse. The north path was pursued by Team 2, comprised of Gonzalez, Hall and USPP Fornshill. The lower (Pimmit Run) path, i.e. southern path, was investigated by the Engine 1 crew (Pisani, Iacone, and Wacha) and Arthur, EMT. Team 1, the Engine 1 crew and Arthur, passed W3 and W4 as they moved on the Pimmit Run path in the direction of the Potomac river. Upon notification from dispatch that Team 2 had found the corpse, Team 1 retraced their steps and saw W3 and W4 a second time. When Team 1 arrived in the parking area, USPP were in the area but not observed in the parking area.

Then, Team 1 personnel all went to the death scene area. In particular, Team 1 passed Team 2 on the way to the death scene and Team 1 received instruction on how to get to the death scene as they passed Team 2. Gonzalez (and Hall) before returning from the death scene, indicated the DOA status of the body to dispatch. As Gonzales and Hall were leaving the death scene area at cannon area 2, Gonzalez and Hall saw USPP personnel enter cannon area 2. Fornshill, however, stated that these personnel were other EMT or emergency personnel. In other words, Fornshill did not recognize these persons any more than Gonzalez and Hall recognized these persons.

XVIII.

Regarding Team 2, I explained that when Fornshill arrived at the corpse, it was approximately 6:10 p.m. Fornshill arrived with Hall nearby, then Hall rushed over, and seconds later, Gonzalez rushed over. Thus, the only USPP officer, of all seven responding personnel present and searching, located the corpse. When Hall rushed over, pursuant to Fornshill's shout of discovery, Hall saw and heard a person in orange moving swiftly away behind bushes on the maintenance path/road immediately below the berm and corpse. In a later re-interview, Hall supposedly cut back on his initial statement and said he may have seen and

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heard a car on Chain Bridge Road. Chain Bridge Road, however, was approximately 100 yards away and Hall did not know Chain Bridge Road even existed. At the time, Hall was so sure of his observations on the park's path/road immediately below the berm, that he told Fornshill "there's someone down there."¹⁵

Gonzalez, upon rushing to the corpse, observed that the body was in a laid out position with no blood on the ground. The pictures show no blood on the ground. Gonzalez checked for a pulse but did not move the head or the body. Neither Hall nor Fornshill moved the body; similarly, no one present observed the other move the head or the body. The upper right side of VF's shirt, however, was spattered with blood and "unidentified" debris. (Why was the debris not identified?) Later interviews indicated the witnesses believed it to be vomit or dried, coagulated blood. Gonzalez, a paramedic, believed the decedent suffered a bullet wound to the head (with an entry point from the neck's bloody area?).

I reminded Tuohey that only two identical sets of 18 polaroid photographs were provided to OIC. One photo clearly depicts a dark, burnt appearing, blood area on VF's neck. The D.C. medical examiner who observed the photo stated that, if the picture were cropped and without knowing more, the burnt blood patch looked like a bullet hole or puncture wound. Based on my own experience and training, I am confident the traumatized area was caused by a "stun-gun" or "tazer" type weapon.

In addition, I pointed out that the third EMT to the body, EMT Arthur, concluded that there was a puncture wound or bullet wound on VF's neck. I offered that such wound(s) would explain the upper right shoulder blood. Arthur is also a "paramedic" EMT.

Regarding the trauma to the neck area, I jumped forward to an autopsy photograph depicting the right side of the neck. I offered my opinion that two puncture like wounds can be observed. The D.C. Medical Examiner similarly observed the appearance of crater-like indentations on the right side of the neck. The examiner stated that such could be caused by a foreign object folded into the neck upon transport. However, due to the burnt blood area observed and photographed at the scene, it is illogical that such occurred during transport. The autopsy report does not identify trauma to the neck.

¹⁵Attached hereto is a reproduction of a diagram
 The diagram depicts Ft. Marcy Park and the paths traveled by Team 1 and Team 2 vis-a-vis the cannon areas and corpse.

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Against this background, the neck area and the original photographs have not been investigated by Fiske counsel.

IXX.

I next offered to provide the following written summary of USPP and emergency personnel (FBI 302) statements.

Apt, USPP, responding to the Ft. Marcy Park scene, stated that she received the call to respond at approximately 6:00 p.m. Apt recalled that before going into the parking lot, she took information regarding the abandoned Mercedes "on the entrance ramp" to the park. When she arrived at the Ft. Marcy parking lot Apt saw Spetz, USPP, interviewing the picnicking couple, W3 and W4. Apt then said she went to the death scene "immediately" with Rolla, Braun and Simonello, USPP. At the death scene, Apt saw Edwards, Ferstl, and Hodakievic. Apt saw Edwards "completing" taking polaroid pictures. Apt then saw Rolla "commence" taking polaroid pictures. She also saw Simonello taking 35 mm pictures of the corpse. Apt supposedly took careful notes of the death scene. Apt made observations of the corpse from a series of vantage points. It is unclear if Apt's notes were obtained by OIC. Apt provided her notes to Rolla after she returned to the USPP Anacostia substation. Apt says no one touched/moved corpse until deputy medical examiner Haut arrived, which was at approximately 7:40 p.m.

Arthur, EMT, in his first interview stated that he had been present for numerous suicide investigations and approximately 20 have been by gun shot. Arthur stated that Gonzales, EMT, and Hall, EMT, arrived at the parking lot together. Arthur separated from Hall and Gonzales by forming teams. On the scene, Arthur stated that during his team's search, they discovered two people together, later identified was W3 and W4. Arthur told a female uniformed USPP of W3 and W4. Gonzalez and Hall were running en route back to the parking area when Arthur started out in the direction of the corpse. Arthur stated that he later arrived at the area where the corpse was discovered. In fact, Arthur was the 3rd EMT to respond to the scene and observe the corpse. Arthur recalled seeing blood on the right shoulder and shirt area of the corpse. He also observed a bullet wound (possibly .45 caliber) on the right side of the neck under the jaw line. Arthur stated that the neck area had a small caliber bullet hole under the jaw line about halfway between the ear and the tip of the chin before seeing any pictures and before contact by law enforcement. Arthur also observed the gun in VF's right hand and that the gun barrel was "half-way" under VF's thigh. Arthur stated that he was at VF's right side near VF's head when he observed VF's neck and that he was approximately two to three feet from VF's right hand. Arthur believes that the gun that he saw was a "straight-barrel" 9 mm

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"clip-loading" pistol. Arthur stated that he believed the bullet hole on the neck area to be caused by a different caliber weapon. Arthur stated that he did not touch or move VF at the death scene and further Arthur stated that he was not aware of anyone else touching the corpse.

Ashford, EMT, was assigned to take the corpse to the morgue at Fairfax Hospital. Upon arriving at the parking area, Ashford recalled seeing a number of USPP vehicles and a reddish Honda. Similarly, Arthur had observed a red car with its hazard lights blinking in the Ft. Marcy parking area. Ashford also saw a black cadillac in the parking area. When the corpse was lifted, Ashford saw no blood. Ashford could not recall USPP helping to lift the corpse. Ashford classified the death as homicide. Ashford saw the hospital physician examine the corpse by taking a pulse.

Lt. Bianchi, FCFRD fire fighter, was the officer-in-charge on Truck 1, with Jacobs (driver) and Makuch. When the Truck 1 team got to the death scene, the corpse was already in the body bag. Lt. Bianchi observed that Ashford and Harrison did not have blood on their clothes even though they had lifted the body. Lt. Bianchi had the body bag opened so that he could put a tag on VF's toe. Lt. Bianchi stated that Truck 1 got to Ft. Marcy at 8:00 p.m. Lt. Bianchi was aware of Ashford's "homicide" conclusion and of Arthur's statements. Due to these statements a gag order was made pursuant to existing policy. The gag order only applied when FCFRD personnel when they were on duty. Lt. Bianchi observed that VF's car was open when he arrived at approximately 8:00 p.m. Lt. Bianchi observed a 10-inch diameter pool of blood where he "assumed" VF's head had been located. However, by this time the corpse had been rolled, moved and carried to a body bag.

Braun, USPP, was at USPP Anacostia substation with Apt and Rolla when the call came in regarding a corpse at Ft. Marcy. Braun instructed that on-scene USPP should close the park gate. Braun arrived between 6:30 and 6:45. Braun recalled the Mercedes at the park entrance, VF's car and the car of W3 and W4. Braun saw Spetz questioning W3 and W4 when she arrived. Braun recalled Lt. Gavin on the scene. Lt. Gavin was the shift commander, and Gavin left quickly after Braun arrived. Braun, Rolla and Apt waited for Simonello to arrive. Braun walked to scene with Rolla, Apt, and Simonello. Braun saw the revolver in VF's hand when she arrived. Braun saw Rolla take polaroids, Simonello take 35 mm, and she knew that Rolla found the glasses. Braun said all pictures were taken prior to the corpse being moved, touched or disturbed. Rolla then checked the corpse for car keys. (Braun and Rolla later had to go to the morgue with Rolla to get the keys.) Braun went back to VF's car and found VF's coat with wallet (containing White House id). Lt. Gavin,

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said Braun, confirmed advisement of the White House's identification for VF between 7:30 and 7:45 p.m. En route to the hospital, Braun was notified that Watkins wanted to go with USPP to the Foster residence. Either Braun or Rolla allowed the hospital to permit Livingstone and Kennedy to identify the corpse. Braun gave no times for any actions. When Braun, Rolla and Watkins arrived at the Foster residence, LF and Laura Foster were present, with sisters Sheila Anthony and Bowman. LF said/asked "whether her husband had put the gun in his mouth." Braun and Rolla left after WJC arrived. Hubbell was also present at the Foster residence. As Braun was departing, Watkins promised to seal VF's office. During the drive to the Foster residence, Watkins supposedly told Braun that VF was upset about the travel office matter. Why did Braun and Rolla agree to give notice under such conditions, i.e. where the officers had no control?

Hodakievic, USPP, happened to be near Ft. Marcy Park at 6:00 p.m., although she was off duty. After hearing of the corpse, Hodakievic went to Ft. March park. Hodakievic saw the abandoned Mercedes "on the entrance ramp". Hodakievic saw an EMT team in the parking area; she then went to the death scene. Sgt. Edwards, USPP, and Ferstl, USPP, were at death scene when Hodakievic arrived. No one else was present. Hodakievic was briefed by Sgt. Edwards and shown polaroids taken by Edwards (or possibly Ferstl). Edwards told her that VF had a revolver. Hodakievic walked around the corpse, but she did not observe a gun and she did not see blood. No one escorted Hodakievic to the death scene. (How did she get there?) Hodakievic was at the death scene for 10 minutes when Rolla, Braun and Apt arrived. Hodakievic escorted Haut to the death scene. (Who called Haut, why and at what time?) When Haut arrived only Rolla, Braun and Apt were present at the death scene. (Where were Edwards and Gavin?) Prior to this, Hodakievic only saw Rolla touch the corpse to check VF's pockets. She overheard Rolla tell Haut that the exit wound was behind the head. She saw VF's head raised so that Haut could see the exit wound and blood under VF's head. Hodakievic said that additional photos exist -- that were taken and shown by Edwards to her. (She knows other photos exist because those photos shown to her by the FBI were different than those she saw on the scene.)

Sgt. Edwards, USPP, by coincidence,¹⁶ overheard radio of the corpse at Ft. Marcy park. He arrived at 6:20 p.m. Edwards had come from the USPP Communications Center on Ohio Drive, Washington, D.C. Sgt. Edwards said other USPP were already at the death scene when he arrived. (How did he get to

¹⁶Fornhill, Hodakievic, Spetz, and Edwards (and Gavin?) all were available by apparent coincidence.

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the scene that fast?) When Edwards got to the death scene, he specifically recalled Fornshill and Ferstl being present. Edwards sent Fornshill back to the G.W. Parkway/CIA gate. Edwards claimed blood was "running" down the side of the mouth. Edwards did not touch the corpse and did not see anyone touch the corpse. Edwards saw Ferstl take polaroids. Edwards was still at the death scene when Braun, Rolla and Simonello arrived. Edwards saw 35 mm photos being taken by Simonello. Edwards left only after the corpse was removed.

Ferstl, USPP, was assigned "patrol of the G.W. Parkway" when, at approximately 6:15 p.m., the dispatcher told him to go to Ft. Marcy regarding the corpse. En route, Ferstl heard Fornshill say -- over the radio -- he was responding too. Ferstl stated his arrival was at approximately 6:30 p.m. Ferstl recalled the Mercedes at the entrance. Ferstl saw VF's car and he saw a second car at the back of the parking area. When Ferstl arrived Fornshill was already at the death scene, with the two EMT's. Ferstl saw no one touch the corpse, the blood was not fresh. Ferstl saw no blood from nose and none on the shirt. Ferstl saw a gun in VF's right hand, but he gave no description. Ferstl said Fornshill told him there was a gun, but Fornshill said he never saw a gun. Ferstl left for crime scene tape. Ferstl did not see any evidence (glasses) in the area or any "wine bottles" when he returned and taped the area. (Thus, the area was taped off immediately. As Ferstl returned to the scene to tape it, EMT's were leaving. (In fact, all the EMT's left the parking lot area at 6:37 p.m.) Ferstl admits that he took polaroid photos, at least 7 photos; Ferstl stated the corpse was not moved when he returned with tape. Edwards arrived after Ferstl had taken the 7 photos and had taped off the area. Ferstl gave his photos to Edwards.¹⁷ Edwards sent Ferstl away (as he had sent Fornshill away earlier) when the special team of Braun, Rolla and Simonello arrived. Then, after cursory review of death scene, Braun left with Ferstl to the parking area, where Braun found White House identification. Ferstl also assisted Spetz in interviewing W3 and W4.

Fornshill, USPP (Glen Echo Substation), coincidentally, was asked to work an overtime detail near Ft. Marcy park. Between 5:50 and 6:00 p.m., Edwards gave him

¹⁷Edwards apparently showed these photos to Hodakievic, plus Edwards' own photos. Later, I suggested, after the corpse was staged with the revolver brought by Braun, Simonello and Rolla. New photos were taken and thus Ferstl's were never produced to OIC. This explained the different arm/body distance, gun/hand positions, Hodakievic's problems with the photos, Ferstl's missing photos and EMT problems with the photos (and their observation of a different gun).

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permission to respond to the corpse at Ft. Marcy park. (Who called whom, and how could Fornshill get permission before the 911 call?) The sector or beat officer could not respond, so Fornshill did? (Who was the beat officer, what is the sector, what is the substation, how many substations, where, how many personnel?) (Wasn't Ferstl the beat officer?) Fornshill's "instructions" were to join up with the EMT personnel. Fornshill found the corpse. (How did Edward's know of EMT personnel? Did Fornshill have special or additional information from Edwards?) Fornshill did not see blood on face or shirt -- just a trickle of dried blood on corner of mouth. Fornshill did not see a weapon, and Fornshill saw no one touch the corpse. Fornshill said that after the EMT's pronounced VF dead, 2 or 3 additional EMT's arrived. (However, Gonzalez and Hall said it was USPP that arrived and specifically a short fat blonde female. Thus, when Gonzalez and Hall left they believed only USPP were still on scene; when Fornshill stood away, he thought he was leaving the corpse to EMT's. In fact, Arthur was still on his way because Arthur passes Gonzalez and Hall.) The next persons to arrive were Edwards and Ferstl (together?). Edwards then ordered Fornshill back to his CIA/G.W. Parkway post. Thus when Fornshill left, he believed he was leaving the body to 2-3 EMT's plus Edwards and Ferstl. Fornshill stated that he was only at the death scene less than 10 minutes. Fornshill only stated he saw the coat in VF's car. (Was he even asked about the briefcase? Was the car locked? and, who was present at the car?)

Lt. Gavin,¹⁸ USPP, was the shift commander who arrived at park between 6:30 - 6:45 p.m. Fornshill and Edwards were at the corpse when he arrived; Ferstl and Hodakievic were in the parking area. Hodakievic directed Gavin to the corpse. The EMT personnel had already left the corpse and were also in the parking area. Gavin saw the Mercedes in the entrance ramp, VF's car and he denied he saw a "white Nissan." Gavin saw no blood on shirt and no blood from nose. He recalled a gun. Gavin saw all 13 death scene photos. Gavin said that he stayed for 30 - 45 minutes and that during the time he was there, no White House identification was discovered. (This is completely inconsistent with Ferstl and Braun as to finding of White House identification.) "Within 10 minutes" of getting the notice from Braun regarding White House id, Gavin called Burton who asked if the gun was registered and who owned the gun. Watkins then called Gavin and made similar inquiry. Gavin kept rough notes of calls, but OIC does not have the originals. Gavin's notes indicate "engine warm on vehicle."

¹⁸Both Sgt. Edwards and Gavin, both commanders-in-charge the evening of the death, were transferred, after handling the death scene, to USPP in Glencoe, Georgia. Braun was promoted to Sergeant.

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Gonzalez, EMT, responded in Medic 1 from FCFRD. Daylight was visible. Gonzalez saw the Mercedes, white Nissan, VF's car and the USPP car that came just after Medic 1. Dispatch had instructed that the corpse was near a cannon. Forhsnill (and Hall) got to the corpse first, seconds later Gonzalez arrived. VF "suffered a gunshot wound to the head." Gonzalez was not initially asked about an entry point. Gonzalez did not touch VF; but, he looked into VF's mouth and saw blood. Hall was with Gonzalez and may have touched the corpse. Gonzalez and Hall departed and then saw VF's car. As Gonzalez and Hall were departing, a "second" USPP in uniform and then "other investigators" began to arrive. In the car, Gonzalez saw a tie, coat and a "black briefcase." USPP officers were gathering around VF's vehicle. (Who were these officers?) No Fairfax County PD were at the scene. Once it was determined to be a death, FCFRD SOP required an ambulance unit. However, while the EMT's left at 6:37 p.m., no USPP call for an ambulance was made until 7:45 p.m. Gonzalez saw 3-4 photos and believed VF's hand was in a different position. On the second interview, Gonzalez said: there was no trauma to the neck and no puncture wounds to the neck; Gonzalez, however, did not observe the lower portion of VF's neck; Gonzalez could "only see the cylinder of the gun"; little blood was under the head; and he did observe blood on the shoulder. There was vomit and blood on VF's shoulders. Gonzalez estimated that VF had been dead 2-4 hours. Gonzalez did not comment on rigor mortis.

Iacone, EMT, was the officer in charge of Engine 1, which was assigned to Station 1 in McLean. Engine 1 was dispatched for a "shooting victim" at Ft. Marcy park. Arthur and the Engine 1 crew went in one direction, possibly toward Dead Run Creek/Pimmit Run. Engine 1 crew consisted of Pisani, Iacone and Wacha. While searching the woods, Iacone learned from dispatch that Gonzalez' team had found the corpse. Iacone and his entire group arrived at the corpse. Iacone did not recall observing any blood. He saw a gun in VF's hand, a revolver. He did not see an entrance wound. After Iacone's crew left, the EMT's went to the parking area. Iacone did not indicate who the EMT's left at the death scene. Iacone saw the coat "hanging" inside VF car. Hall and Iacone tried the doors, but the car was locked. Iacone told the USPP that the coat matched the pants on the corpse. (Does Iacone know if the car was opened before they left the parking area?) (Did Iacone see the briefcase?) Iacone recalled W3 and W4, both coming and going to Pimmit Run. When Iacone and his team arrived at the death scene, USPP (more than one) had already "secured the scene." Iacone is sure the gun was silver in color and different from the pictures he saw from the FBI.

Harrison, EMT, was the driver of the ambulance dispatched to pick up the corpse. USPP were waiting for the ambulance at the parking area. A USPP helped Harrison and

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Ashford lift the corpse. Harrison and Ashford were at top portion of the corpse. Harrison saw no blood at the scene. There were 6-7 USPP officers at the death scene. Harrison did not see blood on the body or on the ground area. No blood was on Harrison or Ashford. The weather was clear.

Hall, EMT, said that USPP were already on site when Medic 1 arrived. Hall and Gonzalez went with USPP while the other emergency personnel (from Engine 1) went with Arthur. The only USPP present, Fornshill, located the corpse first. (Was it staged? Did USPP know where to go? Was the USPP leading them?) There was gun in hand. No description was given by Hall because he could barely see the gun. Hall checked for pulse. No blood was on the corpse shirt or body, except droplets. VF's right hand was under VF's right thigh. Hall "heard" someone in the woods and then saw someone in an orange vest moving in the woods. When the EMT's returned to the parking area, Hall looked into the windows of VF's car and saw the coat, black briefcase and perhaps a tie. On a second interview, Hall said that he saw someone moving in the trees surrounding VF's body. In his second interview, Hall responded affirmatively to the suggestion that maybe it was a car on Rt. 123. Hall stated that USPP were the next people to the corpse, even before Gonzalez.

Jacobs, EMT, was the driver of Truck 1, which truck was dispatched to help transport the corpse to the hospital. The corpse was already in the body bag when Jacobs arrived at the death scene. Medic 1 and Engine 1 had departed before Jacobs, in Truck 1, arrived. Jacobs heard Hall say the gun and gun hand were under the thigh. Jacobs saw VF's car, but did not say if she looked into the car.

Makuch, EMT, was on Truck 1, driven by Jacobs. The corpse was already in the body bag when Makuch arrived at the death scene. Makuch did not look into VF's car.

Pisani, EMT, was the driver of Engine 1. The Engine 1 crew went with Arthur "toward the Potomac River". Pisani's search team saw "a male and female in the woods," both going and returning from the Pimmit Run trail. USPP were in the parking lot area when the couple came out of the woods (about the same time Pisani's team returned and went toward corpse?). Pisani described the day as very warm, temperature in the 90's, humidity of 80%, daylight was visible. Pisani's team traveled to the death scene with a USPP officer. At the death scene, Arthur went to the corpse and "may" have checked the pulse. Pisani said he heard Arthur say there was a gun. Pisani never saw a gun. Pisani saw blood on VF's shoulder, but no blood on VF's face. Pisani did not see anyone move the corpse. Pisani did not see glasses on the scene. Pisani did not see any blood on the ground around the body. Pisani was shown pictures and he disagreed

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that they accurately depicted the body. Pisani's team then went back to the parking area, where Pisani, Iacone and Wacha all looked into VF's car. Apparently, Pisani was not asked what he saw in the car.

Rolla, USPP, was designated the "primary investigator" for this matter by Braun. (What does this mean? Was Rolla a rookie, with no experience? It was his first death notification.) Rolla, apparently, was the investigator at the death scene. Braun was responsible for the parking area. Rolla, Braun and Apt arrived at approximately 6:35 p.m. "Orientation" by Ferstl occurred when they arrived at the parking area. Ferstl's briefing included: (1) VF "died of self inflicted gunshot wound to the head"; (2) corpse was "tentatively identified as Vincent Foster, Little Rock, Arkansas;" and (3) the Honda belonged to VF. (How could Ferstl know Vincent Foster's name if the identification is in the car?) After orientation in parking area, Rolla, Apt, Ferstl, and Hodakievic go to the death scene, where Edwards and Spetz are already present. Edwards gave Rolla polaroid photos and then briefed Rolla: (1) the corpse had not been touched, and (2) the area had been taped off. Rolla claimed there was blood under the head, but stated that the head was not moved. Rolla claimed blood was on upper right shoulder of shirt; it was wet but drying. Rolla took his polaroid photos within "15 minutes after arriving at the death scene." (Since Rolla arrived at parking area at 6:35 and then immediately went to death scene, photos must have been completed by 7:00 p.m. Moreover, Edwards already took his before Rolla arrived, so Edwards' and Ferstl's photos are before 6:45 p.m.) Rolla photographed the glasses approximately 15 feet from corpse's feet (21 feet from VF's head). (In such dense foliage, how did glasses get that far down hill?) Rolla claimed that VF was still warm with no signs of rigor mortis. Rolla stated there was extreme heat that day. Rolla claimed the body was dead 2-3 hours. Rolla looked for keys in VF's pockets, but did not find them. The search for keys and all touching of the corpse occurred only after all photos were taken. Rolla emphasized this 3 times. Rolla reviewed the polaroids and said they were true and accurate. (How does Rolla explain 35 mm photos and the absent emulsion numbered polaroids?) Rolla found a wine cooler bottle (but failed to collect it?). Haut arrived at 7:45 p.m. At that time, the corpse was rolled. Rolla claimed to find and feel an exit wound and to see a wet spot at the crotch. Rolla removed VF's beeper, Seiko watch, and one ring. Rolla does not mention the gun. Haut watched as Rolla and two ambulance persons put the corpse in a body bag. Rolla went to the parking area, where Braun was still engaged in car inventory. Rolla said Simonello took photos (35 mm) of the car. VF's coat was neatly "folded over the back of the front passenger seat". Rolla saw the White House identification. Rolla said there was a paper with names of 3 Washington, D.C. physicians in the car (not in

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VF's wallet). Rolla said that he and Braun left at 8:45 p.m. to get keys for VF's car. (Is there a record of the keys being turned over from the hospital morgue?) Gavin called Rolla, after Rolla had obtained the keys, to contact Watkins. Then Gavin told Rolla to call Kennedy. Rolla gave morgue at hospital the okay to let Kennedy and Livingstone see the corpse. Rolla and Braun picked up Watkins and went to Foster residence, where two sisters and Hubbell were waiting. Laura Foster was met first, then she called her mother, LF. Rolla heard LF ask "did he [VF] put it in his mouth." No search of the residence occurred that evening; Rolla believed Laura Foster searched for VF's gun in the house. Rolla and Braun left after WJC arrived; they had been there approximately 45 minutes. Berl Anthony later told Rolla that his wife, Sheila Anthony, gave VF the list of 3 psychiatrists. Rolla reviewed VF's diary, 10-15 handwritten pages. Rolla got a letter to a bank to use as a handwriting exemplar. (Where is the exemplar?) Rolla said the autopsy (and the latent gun examination) was hurried because the White House wanted it.

Simonello, USPP, learned of the corpse at Ft. Marcy "shortly after 6:00 p.m." and he arrived at the parking area at approximately 6:30 p.m. (Where did he come from?) Simonello then "immediately proceeded" to the death scene. Simonello was designated the evidence technician. Already at the death scene were Edwards, Rolla, Apt, Ferstl, Braun and Hodakievic. (Thus, no one other than USPP were present at the death scene.) Simonello stated that within "approximately 15 minutes after arriving at the death scene, he took a series of 35 mm photographs, approximately 24 in number" (including some of Ft. Marcy parking area). During his interview, Simonello stated at least twice, emphatically, that all 35 mm photos were taken before the corpse was touched and before the gun was removed from the corpse. Simonello was advised by Rolla of the revolver in the corpse's right hand, and then Simonello saw that the corpse had a revolver in the right hand. Simonello observed blood on the corpse's face and right shoulder. He claimed there was a blood transfer pattern. When Simonello did touch the corpse, he noticed little rigor. (But, Simonello later said there was so much rigor that he may have destroyed prints in getting the gun from VF's hand). Simonello took possession of the glasses. (Glasses weren't observed before the arrival of Simonello, Braun and Rolla.) None of the USPP were asked about the second entrance, the path below, the maintenance road below or how the corpse got there. Simonello specifically stated that he photographed the area under the corpse, the pool of blood under the corpse. Simonello stated there were no signs of rigor in the fingers. Simonello stated that the gun was processed without his release of it, and that the processing was hurried because the White House wanted it processed. (Simonello told Colombell that the gun was mishandled during latent examination.) Simonello also collected the torn paper, gave it to Lockheart, US Capitol

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Police, with a 1 page supposed known exemplar (bank letter). Lockheart, said Simonello, concluded the two were written by VF. (Why didn't USPP use the 15 pages of the diary, the diary is handwritten?) Simonello has the known sample used for comparison. Simonello stated that contamination of evidence resulted in the different powder on evidence.

Spetz, USPP, was at the Glen Echo station at 5:30 p.m. when Spetz overheard the dispatcher calling Ferstl to respond to the corpse at Ft. Marcy park. Ferstl was at the Glen Echo station too. (Doesn't this contradict Ferstl's statement of being on patrol on the G.W. parkway?) Ferstl and Spetz, in different cars, went to parking area. Spetz said that Ferstl and she were the second and third USPP, respectively, to arrive; Fornshill was the first. Spetz saw Mercedes "on the ramp" and she observed 2 cars: VF's car and a white Nissan, Maryland tag WFL154. When Spetz arrived EMT's were coming back into the parking area. (Unclear which EMT's, but one EMT said he "did not think it was a suicide, adding words to the effect that he'd seen a number of suicides and the body was 'too clean.'" Spetz later said that there were several USPP cars in the parking area, and she did not see Ferstl; thus she "assumed" Ferstl and other officers went to the death scene. Spetz decided on her own to look in the park for the occupants of the parking lot vehicles. Spetz stated she found W3 and W4 sitting, and talking on a blanket. Spetz said W3 and W4 said they saw a white van in the parking lot area. Spetz could not recall other comments made by W3 and W4. She interviewed them together. Spetz made no written report, but she did take notes. (Which notes are her notes, even if OIC has the notes?) Spetz said she briefed Braun; Spetz said she did not go to the death scene; Spetz said she then left. (It is unclear if VF's car was opened when Spetz was present.) What did Spetz see in the two cars?

Wacha, EMT, was on Engine 1. Pisani was the driver, Iacone was the officer-in-charge, and Arthur joined them to make search team 1. Wacha saw 3 cars in the parking lot: VF's car, a car that was running (no one inside), and a car she cannot recall to describe. Search team 1 found a "couple", W3 and W4. Wacha said her team went to the corpse after the radio message. Wacha said several USPP were present when they arrived. (Where were Gonzalez and Hall, was it the same USPP at the death scene that went with Gonzalez and Hall, did she pass Gonzalez (and Hall) on the way?) Wacha saw blood on VF's shirt and face. Wacha looked into VF's car and saw coat. (Was Wacha asked about briefcase?) Wacha saw no local police at the scene. Wacha shouted to W3 and W4 to ask if they were OK. Did not see "clothes flying." Wacha and her group passed Hall (also Gonzalez?) on the way to the death scene. Wacha saw no blood on the ground or area around the body. Wacha saw a silver colored revolver in the corpse's hand. Wacha thought she saw a cylinder. Wacha thought the gun was very

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large, possibly a .45 caliber. Wacha was shown photos. (Unclear if she disagreed with the photos.)

XX.

Before returning to further discussion of USPP processing of the corpse, I briefly returned to the weapon evidence.

First, the weapon was not observed by W5 when he initially arrived at the corpse. See supra. W5 saw the corpse's hands with "palms up".

Second, the polaroid photographs depict the gun at different distances to the side of the body. By contrast, EMT's Hall, Gonzales, Arthur and Iacone (i.e. all EMTs to inspect the body, said it was tucked under VF's side. Also, the following EMTs said the gun was silver: Iacone and Wacha. Gonzales and Hall were not asked to describe the color. Why would the USPP move the gun (moving the gun and hand to photograph them would constitute tampering with the evidence). I stated my belief that the gun hand was clearly moved, and the pictures also indicate no gun was present.

Third, the position of the gun -- with thumb jammed between trigger guard and trigger -- is odd. How did VF hold the weapon, if VF's possession and discharge of it was voluntary? The powder residue on VF's hand is in a trace line consistent with normal discharge of the weapon according to forensic pathology texts; however, the gun must have been held backwards and thus the line should be on the other side of VF's right hand. How is it possible for VF's hand to have the powder pattern depicted in the photo -- if he held the gun backwards (as he must have given the thumb's jammed position). Also, the pathologists' report stated that powder is observed (by photo only) on the lower face; but, consistent with the large amount of right hand powder residue, the powder should also have been, at least, on the upper face.

Fourth, as previously stated, the evidence does not conclusively establish that the weapon recovered from VF's right hand was, in fact, the fatal instrument. In this regard, (a) the gun apparently was not the property of the Foster family; (b) no prints were found on the weapon (or even partials or smudges); (c) despite supposedly being in VF's mouth, no saliva or blood was recovered from a swab of the barrel of the weapon;¹⁹ (d)

¹⁹A DNA swab indicated human contact on the weapon's barrel consistent with a person of VF's DQ alpha type. However, approximately 6% of humans possess such a DQ alpha type.

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powder residue on the lower face, if any, was not tested; (e) (vaporized lead and fine particulate lead) powder residue on the shirt, while consistent, cannot be conclusively linked to the weapon; (f) (ball smokeless) powder on VF's glasses merely "could have come" from the bullet and casing found; (g) the hand powder residue (smoke) was not found on the glasses (smokeless) (despite being next to each other upon discharge); (h) while one type (ball smokeless) of gun powder residue is found on the glasses, another type (not ball-shaped) of gun powder residue is found in VF's mouth; (i) the same type of (smokeless) powder on the glasses (which is different from that powder on shirt and in mouth) is found on VF's shoes and socks; (j) the fatal bullet is never found; and (k) the exit wound has not been measured to determine if caused by a .38 caliber bullet.

And fifth, additional bullets to the weapon were not found in the Foster home or in the extended Foster family's possession. Indeed, other bullets that could have been fired from the weapon (recently found -- 1 1/2 years after the death), bear different identification markings. VF's fingerprints were not on these bullets. (Where are the remaining bullets -- or, alternatively, where did VF get only two bullets?)

XXI.

Regarding physical evidence, first, latent print analysis of evidence is incomplete. None of the 4 prints found outside of VF's car have been positively identified. The print on the underside of the gun handle has not been identified. The palm print on the torn note has not been identified. The latents of only three individuals have been used for comparison: Simonello, Owen and VF. Against this background, all evidence was processed (and apparently cleaned) by the USPP before being turned over to the FBI. See supra.

Second, "the blonde to light brown head hairs of caucasian origin which are dissimilar to the head hairs in the [] known head hair sample from Vincent Foster" have not been identified. These hairs were found from VF's T-shirt, pants and belt and socks and shoes.

And third, the FBI lab report indicated that semen on VF's boxer shorts was found to be excreted by VF. Greene flatly stated that under no circumstances is semen released upon a suicide caused by a fatal bullet to the head.

Moreover, the swab could merely reflect contact with VF's hand, which contact is not disputed.

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The man who steers Starr from troubled waters

BY JANE FULLERTON
Democrat-Gazette Washington Bureau

WASHINGTON — Kenneth Starr's Whitewater tenure has been punctuated time and again by loud complaints about his Republican political ties and his lucrative private law practice.

But the man looking over Starr's shoulder is satisfied with everything the independent counsel and his staff have done.

If he wasn't, he'd quit.

"I wouldn't continue to have this role if I wasn't completely comfortable," Sam Dash, the former chief counsel to the Senate Watergate Committee, said last week in his office at Georgetown University Law School.

At Georgetown, Dash teaches the nation's only course in congressional investigations. He was instrumental in drafting the law establishing the independent counsel's office. And as a lawyer with Democratic leanings and unimpeachable credentials, he was a perfect choice to quiet Starr's critics.

Starr hired him as ethics counsel — the first in any investigation such as Whitewater.

Since joining Starr's staff a year ago this week, Dash has reviewed everything from Starr's private legal cases to Gov. Jim Guy Tucker's indictment.

"I am completely comfortable because I have been consulted — too much so," Dash said, adding the last jokingly.

"I am brought in on everything, every decision, whether it's to

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bring a certain witness to the grand jury, whether it's to add a certain person to the indictment, whether it's to charge a certain offense."

Dash, 70, a former Philadel-



Sam Dash

phia district attorney, expects prosecutors to avoid even the appearance of a conflict of interest. That, he believes, was the impetus for his hiring.

"I think he felt it was very important primarily because of the partisan political criticism to have me there as his ombudsman," Dash said. "I'm very sensitive to those issues. He is, too."

Starr was appointed to the federal bench by President Reagan and served as a top Justice Department official under President Bush. He left the government when President Clinton took office in 1993, joining the Chicago-based law firm of Kirkland & Ellis.

Now, avoiding the appearance of impropriety means Starr must watch the clock as the 1996 presidential election draws closer.

"I'm very sensitive to the issue of how long he continues to be investigating," Dash said. "I am constantly raising the issue, but I don't have any problem with him because he is equally sensitive to it, that he shouldn't continue the investigation in such a way as to bring it into the presidential election campaign, that it would change his appearance as well as that it would look like he's using the independent counsel's office to assist the Republican candidate."

Dash said Starr has clashed with his staff several times over the timing of indictments, trying to get them to make decisions more quickly or to take action sooner. "He is doing everything he can in order to expedite this," Dash said.

"Don't forget that it's only been a year since he's been independent counsel," Dash said. "When you compare that with other investigations by independent counsels, they were years and years. Look at what he's done so far in just one year."

FAIRNESS AND DECENCY

From time to time, following Dash's advice, Starr has done what he has done with unusual sensitivity.

In his statement announcing an August indictment of Tucker and James and Susan McDougal, Starr included this disclaimer: "The indictment does not charge criminal wrongdoing by President William Jefferson Clinton or first lady Hillary Rodham Clinton."

Dash said the disclaimer was intended to prevent any innuendo that might impair the office of the president.

When a Little Rock television station reported that Tucker was meeting privately with Starr to discuss a plea bargain, Tucker immediately denied it. Starr's office had planned a standard "no comment" until Dash weighed in. At Dash's urging, Starr issued a statement denying that any plea agreement was in the works.

"I think a prosecutor always has to be thinking, 'What message am I sending? Even when I'm trying not to say something, am I saying it?'" Dash said.

Dash was also behind an unusual press release this spring, following rumors that senior presidential adviser Bruce Lindsey was about to be indicted. Starr's office announced that it would not be seeking any indictments at that time.

"I see this not just as a public relations strategy," Dash said, "but as an ethical, proper prosecutorial concern as to what messages are coming out of the office that could be harmful to people."

If such concern seems unusual for an independent counsel, it is not for Dash.

When he was a prosecutor in Philadelphia 40 years ago, Dash twice argued against the death penalty for men against whom his office had won convictions. One was later found to be insane. Police were found to have withheld key information on the other. In both cases, Dash asked that death sentences be commuted.

To Dash, they were simple cases of fairness and decency.

"The job of prosecutor is very important to the community," he said. "It's a very powerful position, but it can be abused. You must be fair and must abide by the law, but you can still be a tough prosecutor."

WIDENING ROLE

Dash brought those same standards to the Whitewater investigation.

His role began with an invitation to lecture Starr's staff on the role of an independent counsel. The reception was such that Starr

invited Dash to join the staff.

Dash's initial estimate that Whitewater might require three or four hours a week was seriously wrong. It's been more like 20 to 30 hours a week.

"At times, I spend whole days," he said. "At times, I'm being called three or four times a day by the Washington office or the Little Rock office."

Starr is a busy man, too. His financial disclosure forms show he has continued to make a sizable income from his private law practice since being appointed independent counsel in August 1994.

Ideally, Dash acknowledged, he would prefer the independent counsel's post to be full time. But he said Starr's private practice has neither interfered with his Whitewater duties nor posed a conflict of interest.

"He's very sensitive to that issue, and he brings it to me all the time," Dash said. "... I would not hesitate to confront him if I felt he was wrong on something."

Although Dash was hired to serve as an arbiter of fairness, his role has widened to include offering advice on virtually every facet of the investigation — from prosecutorial conduct to trial tactics.



Special to the Democrat-Gazette/NYMA BENNEF

Sam Dash lectures in his congressional investigations class last year at Georgetown University.

When he picks up the phone in his modest, book-filled Georgetown office, the first words he often hears are: "Ken asked me to call you."

He has made two more trips to Little Rock since his initial lecture to Starr's staff. The first was to participate in a "major indictment review." The second was 10 days ago.

"I have been for Ken and the staff the ultimate sounding board," Dash said, "and it's gone beyond the issues of just ethics."

"If they are dealing with an issue involving a witness, evidence, indictment — if they sense even the slightest ethical issue, if they're uncomfortable in any way — they're supposed to call me, present the facts and get my opinion."

Dash's opinions — which he does not hesitate to share — carry a great deal of weight.

"The ethical issues range from marginal to real principle ones and serious ones," he said. "Obviously, I would insist that they take my advice on the more serious ones, and if they failed to take it, I probably would not stay with the office."

Starr has not yet rejected

Dash's advice. And even if Starr disagreed with Dash's opinion, Dash said he believes he would prevail.

"I think to some extent he has limited his own conduct that way because an independent counsel who doesn't have me as an ethics counsel isn't bound by me," Dash explained. "To some extent, I restrict what he can do."

But Dash quickly added that that doesn't mean he's calling the shots.

"I do not set myself up above Ken Starr. I am not making these decisions; he is. ... (But) he believes that in the long run, by following my advice, he will be seen, in the ultimate results of what he does and the final report of what he does, as having observed the highest standards of ethics."

Does that ever make Dash feel used?

"Some people have said I'm his holy water. But, no, I don't feel I'm being used," Dash said. Then he interrupted himself:

"Yes, I'm being used. I'm being used correctly. In other words, I'm not fronting for him. ... I'm a purist on these issues. I take very strong positions. I hold prosecutors to the highest standards."

Inquiry running monthly tab of \$1 million

BY TERRY LEMONS
Democrat-Gazette Washington Bureau

WASHINGTON — Independent counsel Kenneth Starr's Whitewater investigation is costing more than \$1 million a month, a new audit shows.

A series of reviews by the General Accounting Office, the investigative watchdog for Congress, determined that Starr's

digging has cost taxpayers more than \$14.6 million through the end of March.

The biggest part of that — \$9.8 million — went to the FBI, which is providing investigators for the Whitewater case.

With Starr's work expected to continue well into 1996, the Whitewater case could begin to

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rival some other high-dollar investigations.

A continuing review of the Department of Housing and Urban Development's activities during the Reagan administration has cost an estimated \$17 million since 1990. The inquiry into the Iran-Contra affair, which included expensive foreign travel, cost about \$40 million.

Officials in Starr's office were not available last week to comment on the GAO figures. White House officials declined to be interviewed.

At the heart of Starr's investigation is the Whitewater Development Corp., the Marion County real estate venture. President Clinton and Hillary Rodham Clinton were partners in Whitewater from 1978-92 with James McDougal, who also owned the Madison Guaranty Savings and Loan Association.

The thrift failed in 1989 at a cost to taxpayers of at least \$65 million.

But Starr is examining other issues as well, including the 1993 suicide of deputy White House counsel Vincent Foster, who handled Whitewater financial documents for the Clintons.

Dozens of people are involved in Starr's investigation, some employed by his office, some on loan from other agen-

cies. The GAO's audits, conducted routinely every six months, provide a general description of the expense:

Between Oct. 1, 1994, and March 31, the first six months of fiscal 1995, the FBI's work on Whitewater cost \$4.3 million — the lion's share of the \$6.8 million Starr spent.

Starr and his staff were paid \$863,329 in salaries and benefits during that period. Other expenses included \$354,019 for travel and \$213,416 for purchases of office furniture and equipment.

Starr's annual salary as the top Whitewater prosecutor has been \$104,000. He receives \$55.43 an hour for his work, up to a maximum of \$115,862 a year.

The independent counsel and his staff have been paid \$1.8 million since the Whitewater case began in January 1994 under Starr's predecessor, Robert Fiske Jr.

Since then, the investigation has received \$652,000 in assistance from the Internal Revenue Service and \$86,000 from the Justice Department. Travel costs totaled \$649,711; supplies and equipment, \$115,622; rent, communication services and utilities, \$474,759.

Rent for Whitewater offices in Little Rock and Washington ran about \$195,000 for the first six months of fiscal 1995. Starr spent \$192,075 on contractual work, primarily for consulting services on legal issues, during that period.

Meeting with Miguel Rodriguez

2-13-95 Mon. -

MTg w/ MR at U.C. Club {MT worry wdc not KS...}

- . Rec - stop - get handle on it - then go fwd.
- . MR - manns

Pam has dupl. etc copy of this file

17-cvt
~~2-13-95~~

Memo 10-21-94
2 wks in office - wanted to visit place

- . pattern of interview or reinterview persons - w/ no motive to lie.
- . inappropriate Q's being asked - in 302's - provided examples to MT.

. MT has belief no pres. cover - death/docs
 team - ME
 BK
 Luis } Novel assignment
 maintain status quo - don't revisit

10-20-94 MT says interviews will go on - not status quo

MR gave MT tech. ideas

MR rec - form on tape ...

FOIA(b)7 - (C)

1-2-94

[redacted] refused to give unredacted version of ws/cw 302 to MR, only to Ficke & Lankle. FBI refused at 1st to take him to cert. location.

made numerous request for FBI a.i. info.

Ficke approach - talk to everybody - tell a story -

Not prosec. approach.

{ Different style -
sensitive to appearance
{ conservative
{ revisit issues }

7-94

Memo

MR requests Park map & SA's notes re: receipt of

wiped gun. [redacted] refuses; Any such request -

would require F. file rpt. ... would not provide ...
 Rate death investigation over ...
 ... 1-2-94 ...

"I'm not a hot head, but I will defend myself if I have to, & so will Lucie."

-17-94 (S/P8 memo given to Stow)

11-16 Mtg

Mtg re VF Doc - BK, MT, MR

BK had been working w/ Stein.

Draft Rpt by Fiske had been generated.

Several additional interviews - to complete telling the story.

(BK read this memo with MR)

-23-94

Memo ^{to KS, MT, BK} - MR has reviewed everything - not full coop. from FBI

Fiske Rpt contains misstatements - offers simplistic of issues

Not overwhelming evidence

Hadn't even interviewed

(Urge this office not adopt Rpt of Fiske Council - rec. a delib. investig. & use of G.J.)

[^{numbers} "accuse me of being unprepared"]

1-28-94

MR pushed these ideas - focus on BN, MW, PT, DW -

DOJ - Conspiracy - in light of stmt to shut down

-WK Dec MT wants to know who MR would subp. to GJ -

2-5-94 Memo - to Starr & Touhey
• MT agreed in 11-24 mtg - GJ be used -
• Id. following for subp -



[how he could be saying stuff abt me is wrong; really upset me] =>

-12-94

Memo for MR - to MT...

- MT-MR Mtg - 8 points
- FBI agent to be assigned on tied issue
- GJ to be used -
- go fwd re: USPP / GJ ...

[redacted], etc. - up to MR

• hold off GJ of [redacted] til after USPP -

[BK to hold off on [redacted]]

[Greene - PI that MT's firm user ...]

• L&B - photos, etc. - Kink's part ...

(Did not get to all these points ...)

[We will do all of them.]

MT told MR that he & Brett had met w CW/WS the week before.

MR. Greener saw a ^{forensic} ~~pathologist~~ pathologist --
review films, check list USPP, prep autopsy --
MR talked to Greer alt post. watching autopsy.
Got leads for Forensic Pathologist -

- Ft. Marny
- Bayer
- Autopsy

Post. bullet wound chamber, stragun, etc.

-30-44

Memo to MT -

will call [redacted] before GJ. Touhey agreed.

(also stated this at staff mtg)

everybody knew this -

After - Gillis wanted to know why [redacted]? MR - didn't
want to wait for SAgent to be assigned. [redacted] - sum with
Dana void not happy - they [redacted] giving him whatever they
could.

Outline -

2-3 wks for each area:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted] (3 days in a row) -

didn't know what order then.

MR - strategy - try to do [redacted] all in a row - not
spread out.

MT / Peter reviewed all the sbps.

"I did n'tg wrong - That guy beat the s -
out of me."

MR went all out on this.

"Now, I'm sitting here w/ all these accusations!"

End of mtg - sign up sheet for GJ -
first in WCC under STW.

WCC before JAN GJ -

. 1st time MR showed Lucia the file (his ^{own} memor) -
I didn't convince her. She convinced herself.

-80-94 1. Lucia's 1st memo (1-pg)

re: events of wk of 12-19, 12-27

12-19 org & review of photographic evid. [prep. for GJ]

(Colombell - whatever's true is true)

12-27 req. Colombell give all the photog. evid. -
no negs, no originals -

MR directed her to take the evid. & put in locked files.

Said
that's
all

"You all are losing 2 very good people..."

BT

LR

FOIA # 1925:16
nonexempt (URTS, 16371) DocId: 70105786 Page 47

The death scene!

Tue.
-3-95

-4-95 MR, GR met w/ EMT's
(Bater, BK were invited; BK had to stay;
BK's car used)

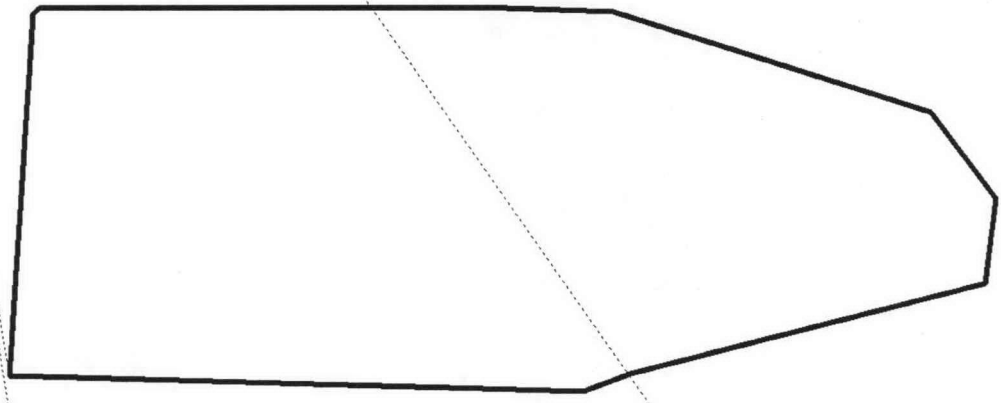
① MT left for Puerto Rico

Thurs.
-5-95

GJ -

1st wit. - [redacted]

[several mtgs - prep.]



[Not [redacted] fault]

Bater etc. all thought it was fine
int'ly wrong w/ it

Order
intercept

* [See his colloquy w/ GJ - you will hear
for the direct witness]

[MR - I'm not
irrelevant why they did or did not
bring witnesses before GJ.]

[MR - offered them individual copies of VP F: [redacted]]

② [redacted]
③ [redacted]

6,7,8

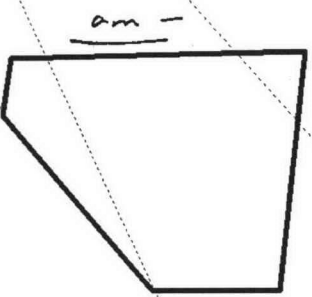
All weekend - prep USPP / EMT

Went out on 1-6
issued 2nd would
subj. on 1-5. could
meet w/ USPP 3 days
in a row.

10-95

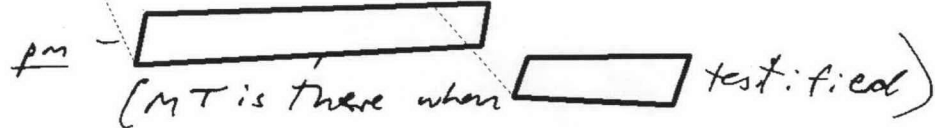
Next Tue -

Timeline - GJ
[1-9, 1-10, 1-11, 1-16, 1-18]



Meal
1-9 MTg - LR Memo -
BK, MT, JB, LR, MR
2 hr. mtg. Either MT or
JB always present at GJ

to into



5:30pm

MT - MR alone in GJ Room -
• Can I help you move your JNF to the courtroom.
• Excited there was a post - signit.
MT - where did that get you?

[HE, AB, JC present
at GJC - prep mtg w/ld]

1-18-95 (Wed)

[] - cont. - B after three -

Witness gave him s - for 4 hrs. MT came in later,
(20 min. before lunch)

- "I've done a thy way in the GJ" -



At some point - new subj - what he saw - reminded
him he was under oath [before lunch]
(innocuous)

-11-95 (Wed) at end of the session -

[redacted] - that was really tough on you - you were fair, I'm not going to call that # they gave me to call or complain abt you."

{ Dinner - Wed - p.m. ~~with~~ MT }

-12-95 (Thu) MR / Bates at GJ -

[redacted] - great info

{ GJ were to come back on next Tues 1-17 to Thurs 1-19 }

-13-95 (Fri) MR gave HE memo (already prepared); sent 1 to BS, KS - "what's happening to me"

-14/15-95 (Sat-Sun) Preps all weekend for GJ -

... Subp. out to [redacted]

-13 6PM ~~over~~ ^{MT} heard that KSI wanted to meet on Mon. (Fed. holiday) later hears Dash to be present -

-16-95 (Mon) - 2PM - MT, SD, MR ; KS - no show.

{ MT had already talked to LR, BK ... }

→ 6PM - MR asked BK - did you see him out unprovokedly? No

{ "you guys ambushed me." }

FOIA # none (URTS 16371) DocId: 70105786-Page 50

- At end of mtg; ~~but will not meet (tomorrow)~~ -

Wed.

LR stayed w/ the evid.

Lunch break -

MT asked him to go to separate room w/ MT & JBater (topdog) -

vulgar threatening - beat me up.

NTing to this point to justify this.

had been up front on everythg - gave MT memos.

MT - ^{serena's} {Bater present} tired of you, you being unprofessional, the way you have treated the USPP.

[No Advice of Rights on GJ subpoena]

[redacted] smartass remark -

- you better stop it - stop those coaxed or damned pre-judged theories" Back off The PK Police.

- it's your reputation; this Office & I will not back you up. Your rep. will be trashed.

^{MR} - vile, no basis for it.

[I was waiting for pet on the back.]

. don't want you to be sarcastic.

MR - will repeat til he gets answer ...

Per. Withen - [redacted] - 4 hrs.

MR flanked by JB, MT - "circumtype atmosphere"

"I got good stuff from this guy"

"I d. POA# none (URT9-16371) DocId: 70105786 Page 51"

MT - is a fraud; has made promises to Fiske
Not going to embarrass Fiske or any one in the White House.
Does not have Starr's or your interests at heart.

1-17-95 (Tue) Write memo to KS

1-18-95 (Wed) Overnight mail

Ken got it aite of 1-18 or morn of 1-19.

His impression - We will play poker, but we're going to
show everybody our hands.

- tell a story, not just after the truth;

They're using you right now. - Put your name on it.

HRC's mom's phone records?

. MW - before & after MW in office -

7/21 BN - search procedure

* 7/21 HRC - BL > 15 mins

7/22 search procedure changed

Lucia - schedule out - Cp. difference -
Cp. 302's, Hill, GJ, etc. ...

→ Dr. Haupt - chg opinion

→ Security office - safe ...

→ MR's ^{present} status?

→ Time sked -

2-3-95

FRI.


2:35pm
-2:58pm

Called Mark Touhey -

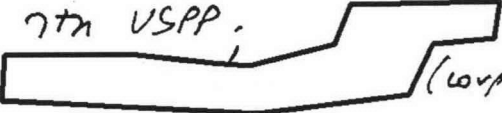
① Scene

② Post-Mortem

③ MT - Hirsch (NY) (who succeeded Baden)
(had been called in by Fiske)

④ Hirsch - re: trauma - no Q. in his mind abt
lack of trauma on neck --- 
Powder on hands
Movement of body
100% - body not moved 10' or a mile.

⑤ Pathologist a little sloppy


⑥ Sliced - 7th USPP,  (couple of days) -

⑦ MR - KS (Mon) - cancelled -
KS (Thurs.) - 2d Cir.

⑧ HE talk to MR - Ft. Marcy -
⑨ 1st tng on Mon. -

MT will tell KS
① don't create expectations (or) mislead
MR - we need to finish it w/ HE, MT, BK

KS
① How to handle MR resignation, etc?

⑩  FOIA # none (URTS 16371) DocId: 70105786 Page 54
to at least read his [redacted], etc.

p. 22 Apr 17 . "I suggested, after the corpse was staged w/
the revolver brought by Bruen, Simaello, Rolka, - new photos
taken."

p. 30 ^{5th}
No other "like" bullets

XXI

blond hair -

semen - Greene: not released upon fatal bullet

TX [XIX]

pp. 19-28 written summary of USPP & emerg. pers.

<u>Team 1</u> (2nd tour)	<u>301</u> (19-20)	<u>Team 2</u> (1st to VF)	
— <u>Arthur</u> (paramedic) EMT		** <u>Hall</u> (sawgun)	EMT
<u>Zalone</u> EMT		<u>Gonzalez</u> (paramedic)	EMT
<u>Wacha</u> EMT		* <u>Fornhill</u> USPP	
<u>Pisani</u> EMT		(did not see a weapon)	

6:37 > all EMTs left (p. 22)

* found corpse

** saw/heard person moving away behind bushes

6:30-6:45
 walked to body together
 special team

6:30	• <u>Brown</u> USPP	(20-21) inventoried car went w/ David Watkins to advise Lisa primary investigator (w/ Brown) - Polaroid at death scene her to Brown left park at 8:45
6:35	• <u>Rolla</u> USPP	
	• <u>Apt</u> USPP	
6:30	• <u>Simonella</u> USPP	

35mm
 dead-end technique

6:20 Edwards, USPP Polaroid

6:30 ② Ferstl, USPP Polaroid(?)

Hoda Kieris, USPP

③ Spetz

6:30
6:45 Lt. Gavin, USPP

Harrison
Ashford } ambulance - no blood

XI

Poss. another person for AR at Park at 2:30-
not VF. (W1)

XII

P-14 (W2) i.d. VF car & brief case at 4:30 pm.
Person in metallic car looking at him.

XIII

W3 to W4 - saw brief case
person working on VF car - - -

XIV [XIV]

W5 (CW) saw brief case

XVIII

P-17-18 Hall saw & heard someone path

P-18 dark, burnt appearing, blood area on VF's neck

"Based on my own exp. & trng, I am confident the
traumatized area was caused by a 'stun-gun' or 'tazer' type
weapon."

Review of

1/16/95
702

MR Memo -

Dec. 9-29, 94

Who is
Jeff
Greene?

I

p. 1 2nd - gravity of VF involvement in travel office & other matters
did not indicate dire predicament

p. 3 not addressed by Fiske counsel -

[MR shows that VF not insouciant state - times, killed will suicide]
[however, disc. pts to what is on mind - it did commit suicide]

III.

p. 5 "Line of Fire"

VII.

p. 10 initial interview - VF not preoccupied
late interview - VF preoccupied
"prepared"

p. 9 briefcase observed
at least 2 briefcases

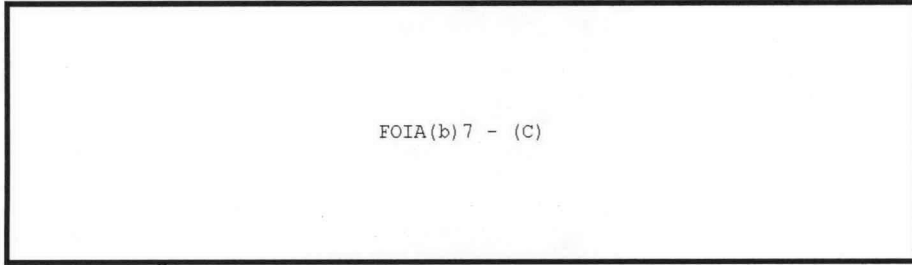
VIII

"Watson" or "Watkins" ?

X

MR - said he has gotten tweets

1)



2) a couple of voice mail msgs at office -
to same effect

Off 2 wks - WDC 2 wks - then gone
(4 wk period)

Hope never to talk abt this -

LR - serve thru MAR 7

3- Eval. of Lucia R. -

MR wanted KS to sign all 3 -
KS - not now. No disapproval

MR want the mud of Dash, MT

KS wish you well -

- professionally
- smooth transition

KS kept saying work with HE.
MR vague...

MR can work Mon to Thu. -
has to LV Wed.

KS - MR talk to HE
talk to to give him as much info as possible.

Alice - "keep up the good work"

2-11-95 Ken advised HE

of

KS - MR 2-10-95 MT

000-

Thru highly of HE

• Corruption in Denmark - MT not actively pursuing truth
MT fighting the truth

1) MT has asked LR to lie abt MR
LR is terrorized by MT

2) MT threatened him professionally,
(reign of terror)

2) bona fide of investigation compromised
a. stopping the GJ
(going on - a show)

(Z) MT MR JB



b. MT spreading info before USPP -
arrested them (USPP)

• Importance of 35mm photograph -

He believe body moral - more than just mount of head

Condition of neck

KS request of MR -

I really want you to work w/ HE this week.

MR - HE the only one he can work with

MR - gave KS 3 manuals -

1 FOIA # Home (RTS 16371) DocId: 70105786 Page 61
2 Admin LV - MR

Screened
By: David Paynter Date:
02-11-95

October 2, 1995

Miguel Rodriguez
United States Attorney's Office

Sacramento, California

Dear Miguel:

As we have requested ⁱⁿ post

I am writing to invite you to provide me or anyone else in this Office with any facts, analyses, theories, or the like that you have concerning the Foster death or any other matter under investigation by this Office. As you know, we have been continuing a thorough investigation of the death for many months now. As we ~~do so~~, we continue to be interested in any insights you may have.

Please contact me at 501-221-8705. If I do not answer, leave a message on my voice mail or with a secretary, and I will return your call promptly.

I hope all is well at the United States Attorney's Office, and I look forward to hearing from you.

Sincerely yours,

Hickman Ewing, Jr.
Deputy Independent Counsel

HARDIN. BEERS, HAGSTETTE & DAVIDSON

ATTORNEYS AT LAW
1201 LOUISIANA, SUITE 3300
HOUSTON, TEXAS 77002-5609
713-652-9000
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RUSTY HARDIN
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MIKE BECKWITH

OF COUNSEL
CATHLEEN C. HERASIMCHUK
TEXAS BOARD OF LEGAL SPECIALIZATION
BOARD CERTIFIED CRIMINAL LAW

September 29, 1994

Mr. Ken Starr
Offices of the Independent Counsel
10825 Financial Center Parkway
Two Financial Center, Suite 134
Little Rock, Arkansas 72211

Dear Ken:

Please accept my resignation effective today from the staff of the Independent Counsel's office. It was clear to me after yesterday's meeting that there are good faith but irreconcilable philosophical differences over both the substance and staffing of the Hubbell case. I think it would be in the best interest of everyone if you proceeded with matters the way you, Bill, and Mark preferred. I simply no longer feel comfortable with the personal dynamics of the decision making process presently employed.

I had hoped to inform you of my resignation by phone today, but thus far you have understandably been busy on other matters. I will be glad to visit with you at your convenience.

It has been a pleasure knowing you. I wish you and the team the very best of luck.

Sincerely,



Rusty Hardin

HARDIN, BEERS, HAGSTETTE & DAVIDSON

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1201 LOUISIANA, SUITE 3300
HOUSTON, TEXAS 77002-5609
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RUSTY HARDIN
BRAD BEERS
ERIC S. HAGSTETTE
CHARLEY A. DAVIDSON

OF COUNSEL
CATHLEEN C. HERASIMCHUK
TEXAS BOARD OF LEGAL SPECIALIZATION
BOARD CERTIFIED CRIMINAL LAW

September 29, 1994

Mr. Kenneth Starr
Office of the Independent Counsel
10825 Financial Center Parkway
Two Financial Center, Suite 134
Little Rock, Arkansas 72211

Dear Mr. Starr:

Please accept my resignation effective today from the staff of the Office of the Independent Counsel. It was a great pleasure to have met you and worked, albeit very briefly, on your team. I regret that fundamental philosophical differences concerning both the methodology and the staffing of the case to which I was assigned have divided us. Reasonable people frequently differ, but you, as the Independent Counsel, obviously must pursue the path and direction that makes you most comfortable.

I will look forward to hearing of your many successes in the future and hope to have another opportunity to visit with you some day. I wish you and the entire team the very best of luck.

Sincerely,



Cathleen C. Herasimchuk

*** ACTIVITY REPORT ***

RECEPTION OK

TX/RX NO. 7587

CONNECTION TEL

CONNECTION ID

START TIME 07/21 15:33

USAGE TIME 01'20

PAGES 2

RESULT OK

*****FAX TRANSMITTAL SHEET*****

OFFICE OF THE INDEPENDENT COUNSEL
TWO FINANCIAL CENTRE, SUITE 134
10825 FINANCIAL CENTRE PARKWAY
LITTLE ROCK, ARKANSAS 72211

MAIN NUMBER: (501) 221-8700

FAX NUMBER: (501) 221-8707

TO: *Hick Ewing*

DATE: *7/21/95*

TEL:

FAX NUMBER:

FROM: Deborah Gershman

NO. OF PAGES: *3*
(Including Cover Page)

TEL: (501) 221-8704

REMARKS:

Confidentiality Note: This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile or the information herein by anyone other than the intended recipient, or an employee or agent responsible for

Statement by Judge Starr:

Mr. Rodriguez's public complaints are false. In January 1995, I directed my Ethics Counsel, Professor Samuel Dash, to investigate concerns that had been brought to my attention regarding the professional conduct of Mr. Rodriguez. I also asked Professor Dash to investigate complaints made by Mr. Rodriguez about interference with the course of the investigation into the circumstances surrounding the death of Vincent Foster, Jr.

After carefully investigating Mr. Rodriguez's complaints of interference, Professor Dash and the other members of my staff who assisted in that inquiry found them to be without merit. In the short time he was associated with this Office, Mr. Rodriguez was given wide discretion and provided with resources to develop evidence, pursue leads, and question witnesses using all available means at our disposal. The only restriction placed upon Mr. Rodriguez was the same restriction placed upon every attorney in this Office: that he comply fully with the rules of professional conduct, follow Department of Justice procedures, conform his actions to the letter and spirit of constitutional and statutory mandates, and act with the highest professionalism in all his dealings with the public, the court, witnesses, and fellow members of the bar. When Professor Dash and other seasoned prosecutors in my Office reported that Mr. Rodriguez's conduct had fallen short of these high standards of professionalism, I accepted Mr. Rodriguez's offer to resign.

Since that time this Office's inquiry into the circumstances surrounding the death of Mr. Foster has proceeded at full pace, with the diligent efforts of several experienced attorneys, FBI special agents, and forensic and criminological experts. That investigation is active and ongoing. We are pursuing all evidence in the most effective manner and to the fullest extent possible, regardless of where that evidence might lead.

Statement by Professor Samuel Dash:

In response to concerns raised in January 1995 by lawyers, investigators, and witnesses about the conduct of Mr. Rodriguez, Judge Starr asked me, as the Office's Ethics Counsel, to supervise an internal inquiry into those concerns. Judge Starr also asked me to review Mr. Rodriguez's developing complaints of interference in the investigation into the circumstances surrounding the death of Mr. Foster. I thoroughly examined these matters with the assistance of other senior, experienced prosecutors in the Office. I reported to Judge Starr that Mr. Rodriguez's complaints regarding interference were both false and reckless. My assessment was confirmed by every member of Judge Starr's staff who participated in that review. Indeed, during a lengthy discussion I had with Mr. Rodriguez about these matters, I urged him to follow Judge Starr's direction to continue with the investigation as thoroughly as possible, and to pursue every matter he believed professionally required. I reminded him that he had to do so, however, in a professional manner. In my opinion, Judge Starr allowed Mr. Rodriguez full latitude in conducting the investigation with the full resources of the Office at his disposal. On January 17, shortly after my discussion with Mr. Rodriguez about his complaints and his unprofessional behavior, he offered his resignation to Judge Starr. On the basis of my conclusion that Mr. Rodriguez had demonstrated significant lapses of professional judgment, I advised Judge Starr to accept that resignation.

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MEMORANDUM

Date: July 24, 1995
From: Hickman Ewing
To: File
Subject: Miguel Rodriguez

Beginning about a month ago I began receiving postcards, which originated from the Accuracy in Media organization. Misty Jackson has been keeping a count of these cards, which were originally sent to my Germantown law office. My secretary in Memphis has kept up with how many cards we received each day. For example:

<u>Date</u>	<u>Number of cards</u>
7-3 . . .	319
7-7 . . .	247
7-10 . . .	161
7-11 . . .	28
7-12 . . .	42
7-13 . . .	67
7-17 . . .	32
7-18 . . .	9
7-19 . . .	11
7-20 . . .	12
7-21 . . .	20

These cards, addressed to me, state "I strongly suggest that you arrange to have Rodriguez brief Lee and explain what these questions are. I also suggest that you recommend that Rodriguez be asked to resume the vigorous Grand Jury investigation he was conducting."

On Friday, July 21, 1995 when I arrived at the Washington, D.C. OIC, Ken, John, Mark, and Alex were finalizing the statement to be released to *Time Magazine* regarding Miguel. It came in response to Miguel finally going "on the record" stating that he resigned because of certain reasons.

The statement, in addition to having one by Ken Starr, also had a statement by Sam Dash, Ethics Counselor, who stated he had reviewed same. The release was written and finalized prior to my looking at it. I was not consulted ahead of time, but did see it right before the final version was released.

Memo to File re: Miguel Rodriguez
July 24, 1995
Page Two

This issue had been simmering for a long time. It was felt that since Miguel had gone on the public record with the national magazine, the Office had to make a response. I stated to several that this was going to create a big controversy since Miguel was being accused of unprofessionalism publicly by the OIC.

I had been advised the day before that Mark Tuohy would not participate in the interviews at the White House on Saturday, July 22. Earlier in the week, Mark apparently had planned to be in these interviews and for him, personally to ask the Foster Death and Documents questions to both the President and First Lady. It was recommended by Sam Dash and the others in the office that Mark not participate at all in the interviews due to his having accepted employment with a new law firm, which created a conflict situation. It was only after that input had been received from Sam Dash and John Bates, that I had mentioned in a conversation about the Foster matter.

I learned on the afternoon of July 21 that Ken Starr had decided to ask the Foster questions to the President and that either Ken or John Bates would ask the Foster questions to the First Lady. It was decided later that afternoon that John would ask the Foster questions to the First Lady.

I did not get any input on this decision and was just told that when I got to Washington that afternoon. [I made a separate hand-written memo on Sunday, July 23, 1995 regarding the situation in the Hillary Clinton interviews.]



Mr. Hickman Ewing, Jr.
Deputy Independent Counsel
2124 Germantown Road
Germantown, TN 38138



Box 11128, Washington, DC 20008-0328
Dear Mr. Ewing:

Is the request that Dr. Henry Lee examine and evaluate the evidence in the Vincent Foster death a sign that the aggressive reinvestigation of this case did not end with the departure of Miquel Rodriguez? I hope so. But Dr. Lee is busy with 375 homicide cases, and he cannot be expected to come up with answers to the many questions that hang like a dark cloud over Foster's death.

To facilitate his task, I strongly suggest that you arrange to have Rodriguez brief Lee and explain what these questions are. I also suggest that you recommend that Rodriguez be asked to resume the vigorous grand jury investigation he was conducting.

Why not start all over
by exhuming Mr. Foster's
body?

Thomas Banta

Thomas Banta

March 13, 1995

From: H. Ewing
To: K. Starr
Re: Lucia Rambusch

1. After hearing from Alex Azar over the weekend (reporting on Ken Starr's conversation with Lucia Rambusch), I called Lucia's parents' number in New York on Sunday night, March 12. I talked with her mother, leaving my Memphis home and work numbers, and the hours I would be at each; and my Little Rock number (where I would be after 11:00 a.m. Monday). I had learned that Lucia was scheduled to go out of the country on Tuesday, March 14, for at least two months to Tasmania.

2. Having not heard back from Lucia by a certain time on Monday, I called back from Little Rock, and left my number twice on the answering machine at the New York number.

3. At approximately 3:45 p.m., today, March 13, Lucia called me in Little Rock. We talked until 4:12 p.m.

We talked briefly about her upcoming trip. I told her that my old boss had a son in law who was a photographer for an outdoors magazine; and that they had a great trip covering a river race in New Zealand.

I began by trying to tell her where I was coming from, including my having been called by Ken Starr and asked to become involved; my having been briefed by Mark Touhey and Brett Kavanaugh in Little Rock; having been furnished with copies of certain grand jury transcripts, [redacted] having come to Washington, touring Fort Marcy Park on Feb. 6 with Miguel Rodriguez; and my discussions with Miguel on Feb. 13 and 14. I further told her that I had previously been furnished with a copy by Miguel of his lengthy memo.

I told her I wanted to get her perspective on the investigation, since she had been very involved in it.

I noted to her that I knew she had been there when Bob Fiske was there. I told her that I was aware that she had said certain facts were discovered after she and Miguel started working on it, and asked her why she thought these had not been discovered while Mr. Fiske was there.

She said if there were discrepancies and problems, and if she had ideas, she did not want to comment on it. She then told me that she just had a very short while to talk, as she was preparing to leave, and some friends were coming over.

4. I told her I wanted to find out from her what she thought had happened out at Fort Marcy Park. She said that she, Mark Touhey, and Chuck (SA Chuck Regini, FBI) had gone over every fact that she knew. She said words to the effect, "Thus, you have all the facts I had."

I asked her for her opinion on what had happened to Vince Foster. She said, "My opinion is irrelevant." I told her, "No, it's not. You worked on the case." I told her that anytime I have ever taken over a case from someone, they have discussed it with me, both as to the facts developed to date, and what they think happened. I have done likewise if I was bringing someone up to speed on a matter.

I told her that if we continued on with the investigation, and one and a half months from now came up with an opinion different from hers, was she then going to state that she had a different opinion. I told her I felt like we were entitled to her input.

She said words to the effect, "I can't go into something that I haven't made my mind up on... maybe when I return from my trip, I might talk about it."

5. I asked her what her theory was on whether Vince Foster was killed or committed suicide, and what the motives might have been. She said, "I'm not going to tell you any of my theories." She said that I ought to reach the same conclusion on the same facts that she had. I again stated to her that she and Miguel had worked on this day in and day out. I told her I wanted to know if she had information which was not reflected in memos, etc., i.e. like someone giving information indicating the Park Police were lying, etc. She did not want to discuss it.

6. Since she said she did not want to give opinions or theories, I asked her if she would talk about facts. She said she would. I then asked:

1) Do you know of any facts that would show that Braun, Rolla, or Simonello staged the corpse and planted the gun on Vince Foster? [I was looking a Miguel's memo, p.22, fn. 17, as my basis, but made no mention of Miguel or the memo in asking this.] She said, "I really don't want to discuss this."

Several times, she asked me to hold on as she took other calls. She said several times that people were on their way over.

2) Do you know of any facts that would show that there was a maintenance road running around the bottom of the berm where Foster's body was found, as opposed to a path, or grown over ditch? [My basis for asking this question was a reading of grand jury transcript wherein [REDACTED]

[REDACTED]. She said she would have to review the evidence again, and she really did not want to discuss this.

She said she had done nothing wrong, and wanted to know why I was interrogating her. I told her that I was not saying that she had done anything wrong. I told her I was trying to be responsible and talk with her about the facts, and what she thought happened.

7. About that time she said her mother was waiting and her friends were arriving, and that she had to go.

I told her that I had given her an opportunity to share her view of the facts, what she thought the facts showed, and what she thought had happened, and she had declined to do so.

Gabrielle,

**INVESTIGATOR
EXPOSES**

Don't you **A 2ND**
& Ken realize you may
go to Hell for this? You
can meet Clinton there.

COVER UP

**IN FOSTER
MURDER
INVESTIGATION**

**STARR JOINS FISK
IN MASSIVE COVER UP**

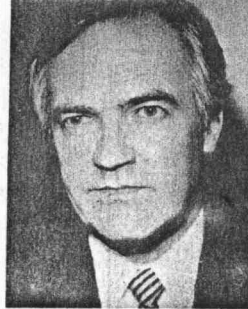
Jack



Kenneth Starr



Robert Fisk



Vince Foster

**VINCE FOSTER --
WE NOW KNOW --
HELPED PLAN
THE DEADLY
WACO RAID!**

A highly respected attorney and prosecutor is backing away from a serious investigation of the now doubted claims that Vince Foster committed suicide.

**PROSECUTOR RESIGNS
- IN DISGUEST - -
IN FOSTER PROBE!**

... Very few papers across the country would dare to print the story because of tight political control ... But one did. ... The **Tribune Review** of Pittsburgh, Pennsylvania has showed true independence in publishing the Christopher Ruddy story on the shocking breakdown of Kenneth Starr's investigation of illegal activity by the Clintons and of the death of lifelong Clinton friend Vince Foster.

... Keep in mind that Vincent Foster was the highest ranking federal official to be assassinated since the death of John F. Kennedy in 1963. It is a major political development when such a high ranking individual is suddenly murdered (or kills himself as they claim). As it stands, he joins Vicki and Sam Weaver and the 168 martyred in Oklahoma.

... Christopher Ruddy's work began at the New York Post and his stories appeared in **CRIMINAL POLITICS** Magazine courtesy of the paper until Rupert Murdoch took over, at which point Ruddy was promptly terminated. ... The Western Journalism Center of California, a non profit organization supporting investigative journalism has issued the Ruddy stories and helped to finance his work. It is too bad that you have to subscribe to a privately circulated magazine such as **CRIMINAL POLITICS** to read what **should be** on the front page of every paper in the United States. Here are the ugly details.

STARR ASSOCIATE QUILTS!

... A prosecutor in the investigation of the Vince Foster probe reached a critical stage in mid March when the associate independent counsel Migel Rodriguez abruptly quit along with his staff assistant - - after he was stifled in his work by Kenneth Starr's deputy Mark Tuohey III.

**GRAND JURY PROCESS - -
BLOCKED!**

... According to Ruddy's investigation, Rodriguez left after Starr's investigative team had progressed in several key areas:

- A) Investigators had received new photographic evidence of a significant nature that was not available to investigators from the U.S. Park Police and the office of Starr's predecessor Robert Fisk.
- B) Strong evidence had emerged that the 1913 Colt revolver found in Foster's hand had been either switched or moved. ... and
- C) Investigators had developed a clear theory that the body had been moved and had focused on the park's rear entrance.

... These findings were in direct opposition to the findings of Robert Fisk, the *first* independent counsel, replaced by Kenneth Starr. Fisk had been openly criticized for refusing to include Foster's death in his grand jury probe. Despite these developments, Rodriguez left *because he believed the Grand Jury process was being blocked by his immediate superior Mark Tuohey.*



Revolver was switched or moved

... Rodriguez became disgruntled when he was denied the right to bring witnesses he deemed important before the Grand Jury. Normally this is a routine procedure. He also became frustrated because of **delays** in bringing witnesses before the Grand Jury due to his superiors dragging their feet on approval.

A PITTSBURGH SUBURB HAS ONE OF THE RARE --

INDEPENDENT PAPERS FREE OF CONSPIRACY CONTROL!

WEATHER

Partly cloudy today and warmer temperatures with a high of 65. Low tonight 44. Details on Page A16.

Tribune-Review

WEDNESDAY, MAY 3, 1995
Four Sections
44 Pages

Prosecutor's resignation comes at crucial point in Foster probe

By Christopher Ruddy
FOR THE TRIBUNE REVIEW

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

The investigation had reached a critical point in mid-March when...

Foster's hand — the alleged "suicide" weapon — had been "moved or switched."

Investigators had developed a clear theory that the body had been moved and had focused on the park's rear entrance.

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

Park police and Fiske concluded Foster committed suicide. Fiske said the body had not...

police, from prosecution, according to a legal expert.

REPUTATION

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

Rodriguez, who is in his mid-30s, has approximately seven years' experience as a prosecutor and had gained a reputation as being hard-nosed and diligent, especially on...

been brought before the grand jury. Reached at his Sacramento office, Rodriguez confirmed he left the Whitewater probe and returned...

to his p office o explain "Ken great p cannot the (on said ter Tuoh resic...

Why didn't your newspaper carry this important development??

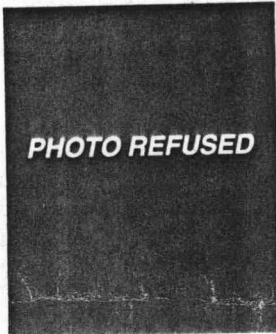
Tribune Review 4-6-95

WHO IS MARK TUOHEY??

... Press accounts at the time of his selection by Kenneth Starr noted that Tuohey's background includes activism in the Democratic party. The *Washington Post* reported that Tuohey is ...

... "close to some Clinton administration officials including Associate Attorney General Jamie Gorlick (who is Jewish) and last year Tuohey hosted a party for Attorney General Janet Reno at his Washington home."

... Obviously Tuohey is a major question mark -- even prior to the resignation of Mr. Rodriguez. Question: -- Who in their right mind would select such a deputy as Mark Tuohey after the public was denied a proper investigation by Robert Fisk??



Mark Tuohey

MEDIA REPORTS --

STARR CONCLUSION --

THAT FOSTER DEATH WAS SUICIDE!

... On the very day that the Grand Jury proceedings in the Foster case began this January, three major papers carried the story that Kenneth Starr had already **closed the investigation** ... and had decided the death was a suicide. These included the *WALL STREET JOURNAL*, *USA TODAY* and the Scripts Howard Wire Service. Obviously such media reports have to be based upon a story planted by someone. **That someone would be the CIA, KGB or Mossad.**

A WARNING TO STARR!

... Since none of the papers reported *the source* of the story last January, it would have to be taken by Kenneth Starr as a signal that should he proceed in the investigation, there could be action taken against him resulting in personal harm to either him or his family. While little is said about such leaked stories, an independent prosecutor seeing press reports of his decision **PRIOR TO** the investigation getting under way can only be interpreted as a warning.

GET THE FACTS

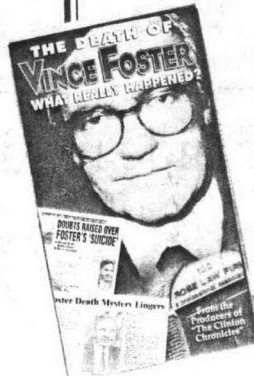
ON VINCE FOSTER'S DEATH...

NOW ON VIDEO & IN PAPERBACK!

THE DEATH OF VINCE FOSTER: WHAT REALLY HAPPENED

BY JERAMIAH PRODUCTIONS

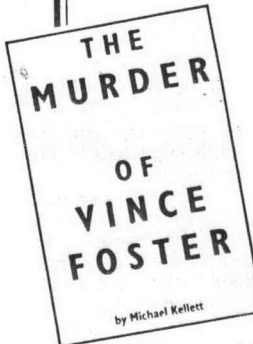
... The shocking reality of a "Presidential Killer" floods into your mind after only a few minutes of this professionally prepared documentary. Dark secrets held by Foster in his papers must be exposed by forcing Congress to examine this presidentially ordered "HIT" on his oldest friend. This 75 minute documentary is only \$23.95.



THE MURDER OF VINCE FOSTER

BY MICHAEL KELLETT

... NOW in one volume -- The facts on the -- **Vince Foster murder!** This 120 page softcover book is a compilation of 24 items of evidence and answers questions like - was Hillary involved? What was the motive behind the murder? Who planned and orchestrated it? It openly accuses the Clintons and calls all honest Americans to action! ... \$14.95.



Call 1-800-543-0486 and Order Today

Hick:

7/17

The newsletter attached
to this citizen letter has
some discussion of Miguel R.
Thought you might want to check
it out - EHS

July 6, 1995

President Bill Clinton
The White House
Washington, DC 20500

JACK JONES
PO BOX 389
WALLED LAKE, MI 48390
PHONE 810 624 0140
FAX 810 624 6670

Dear Mr. Clinton,

I heard a brief radio report today that you said, roughly, "U.S. Citizens should rally around American principles to cure our social problems." I am very happy to see you take the moral high ground.

I find that very inspirational but just a little confusing. Maybe you can advise me -----

1. Should I smuggle drugs and launder money thru Mena, Arkansas?, or
2. Should I consort with black prostitutes and raise bastard sons by them?,
or
3. Should I murder my associates and steal their files which might incriminate me? (And if the answer is "Yes" must I also believe blood runs uphill?),
or
4. Should I approach strange women, expose myself and ask them to kiss my penis and use State Troopers as my pimps?, or
5. Should I have a man sought on a misdemeanor ambushed by Federal agents and later murdered in cold blood in Arkansas and then chop off his hands, feet and lower jaw? (When you were Governor of Arkansas), or
6. Should I have the wife, son and dog of a man set up by a government agent on trumped-up gun charges murdered in cold blood by Federal snipers?
or
7. Should I have Federal agents incinerate dozens of men, women and children because they were Christians, a little bit "different" and because of trumped up child abuse charges which were totally unfounded?, or
8. Should I appoint 60% Jews to government positions when they are 3.8% of our population?,
9. Should I believe The Protocols of Zion, one of which is, "We shall appoint politicians who are tainted so we can control them by blackmail?"

I breathlessly await your introspective reply.

Yours truly,


Jack Jones

CC: N2, K2, G2, TR, LP, POC, DG, CAU, RK, NP, LA TIMES, NYT, WSJ, WASH. TIMES, CHI TRIB, WASH POST, CH 2, 4, 7, 9, 20, 50, 56, CNN, JKB, YK, GVH, JDC, JS, BG, JML, HALEY BARBOUR, DONALD FOWLER, LEON PANETTA, GEORGE STEPHANOPOULOS, G2, DET NEWS, TM, GR, GD, GL, JBC, J RENO, L FREEH, MR, CL, KM, CR. DV, JPS

JACK JONES
PO BOX 389
WALLED LAKE, MI 48390
PHONE 810 624 0140
FAX 810 624 6670

DATE: July 8, 1995

MEMO TO: K2, SK, GVH, CL

SUBJECT: OKLA CITY BOMBING

Hello guys & dolls,

Enclosed are 2 reports, one from the New American and one from NCBA, which tend to prove that our own wonderful government caused the bombing at Okla City.

The purpose? -- So Clinton can get his draconian anti-terrorist bill thru Congress so he can disarm American patriots. It has already passed in the Senate.

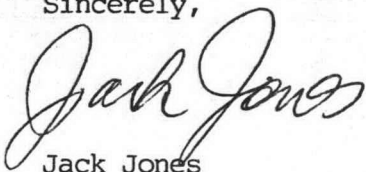
As in the case of Kahl, Weaver, Waco and now Okla City the government ALWAYS destroys the site before any serious independent investigation can begin. The purpose is to destroy any evidence of government wrongdoing. In the case of Gordon Kahl, who was wanted for a misdemeanor, they shot him in the back of the head while he watched TV, cut off his hands, feet and lower jaw and then burned his body all night long and burned the house where they murdered him, meanwhile keeping local citizens away from the scene. They then sent all the body parts back to his widow except for one foot which accidentally got kicked under the refrigerator and was found later by a reporter who photographed it. I called her to corroborate that and she was terrified to talk to me. Somebody obviously got to her. She did admit she found the foot and photographed it (the picture was published by Nord Davis & possibly others).

I tend to believe the enclosed reports. I've seen 2 others which confirm these. I also talked to a retired Navy demolition man who came to the same conclusions. See my letter of 7/6/95 to Clinton, enclosed. That amoral bastard is capable of anything.

CL, please have your lawyer friend check these reports out and give him this memo and my letter to Clinton. I would appreciate his comments.

EVERYBODY --- Please spread the word and ask your Congressman NOT to pass Clinton's anti-terrorist bill UNTIL these reports are evaluated fully.

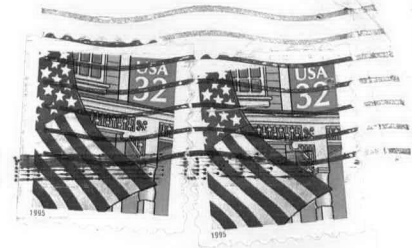
Sincerely,



Jack Jones

CC: DK, JDC, CAU, DV, LP.

JACK JONES
PO BOX 389
WALLED LAKE, MI 48390
PHONE 810 624 0140
FAX 810 624 6670



Suite 134

Gabrielle Wolohojian
Office of the Independent Counsel
2 Financial Center Parkway
Little Rock, AR 72211

7-7-95

2:37pm

(WDC) JBate - BK - AA

(LR) HE

Bate

① 3 poss. options

1) Jackie Bennett (put DOJ stamp of approval w/ mov w/ DOJ)

2) DOJ - detail someone (like a 1st AVSA in field - not at the

3) Hybrid - (raised by KS today) -

- Jackie
- Outside - Ted Olson
- Griffin Bell

I added:

4) Nothing yet - delay
- wait til underlying

KS - what would OPR do?
would delay

BK concerns re: J.B. ---
conflicts ---

The New York Times

THURSDAY, MAY 18, 1995

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P

THE WHITEWATER CASE

Senate Votes To Establish Inquiry Panel

D'Amato Will Head Clinton Investigation

By STEPHEN LABATON

WASHINGTON, May 17 — The Senate today voted overwhelmingly to create a special Whitewater committee with broad jurisdiction to investigate the political and personal finances of President Clinton while he was Governor of Arkansas, and examine questions about the Clinton Administration's handling of related matters.

The committee's chairman, Senator Alfonse M. D'Amato of New York, said hearings would begin this summer.

The sweeping resolution gives the committee the authority to examine everything from the Government's handling of the savings and loan at the center of the Whitewater inquiry, to the law firm in Arkansas where Hillary Rodham Clinton and several former senior officials were partners. It instructs the committee to look at the question of who removed what files from the office of the deputy White House counsel, Vincent W. Foster Jr., shortly after he committed suicide in the summer of 1993.

It also gives the committee the power to investigate a topic that had not emerged at the time Congress last looked at Whitewater last summer: the finances of Mr. Clinton's 1990 re-election campaign. That campaign is now being scrutinized by Kenneth W. Starr, the independent counsel in the Whitewater inquiry. The independent counsel's office is in the midst of deciding whether to seek an indictment against Bruce Lindsey, who is Mr. Clinton's most trusted aide and was the treasurer for the 1990 campaign.

An Arkansas banker who recently pleaded guilty to two misdemeanor counts has told investigators that Mr. Lindsey instructed him to cash four campaign checks so as to evade Federal cash disclosure requirements. Mr. Lindsey's lawyer has said his client did nothing improper and had arranged the transactions to prevent news organizations from finding out about the payments.

The Senate resolution was adopted by a vote of 96 to 3, with the "no" votes being cast by three Democrats: Jeff Bingaman of New Mexico, John Glenn of Ohio and Paul Simon of Illinois. A fourth Democrat, Edward M. Kennedy of Massachusetts, did not vote.

Michael D. McCurry, Mr. Clinton's press secretary, said that the Administration would continue to cooperate with all of the Whitewater investigations.

Mr. D'Amato will head the Whitewater committee because he heads the Banking Committee. The new committee will consist of the Banking Committee plus the ranking Republican and Democratic members of the Judiciary Committee, Orrin G. Hatch of Utah and Joseph R. Biden Jr. of Delaware, or other senators chosen by the two.

Mr. D'Amato said the inquiry would begin in July with an examination of the handling of papers in Mr. Foster's office by White House aides shortly after his body was found on the afternoon of July 20, 1993, in a nearby park in Virginia.

Earlier inquiries, including one by the former independent counsel, Robert B. Fiske Jr., have found that Mr. Foster had been depressed and committed suicide in the park. After concluding what he said was an exhaustive investigation, Mr. Fiske found that there was insufficient evidence to connect Mr. Foster's depressed state of mind to his work on the President's personal finances.

But in August, Mr. Fiske was replaced by Mr. Starr, who has reopened the review of the circumstances surrounding Mr. Foster's death.

Critics of the earlier inquiries have been pressing the counsel's office to aggressively look into Mr. Foster's death and have circulated stories that a mid level associate counsel who left in March had been dissatisfied with the investigation. The departure of the associate counsel, Miguel Rodriguez, was initially reported last month by Christopher Ruddy in The Pittsburgh Tribune-Review.

One of those opponents, Reed Irvine of Accuracy in Media, a conservative media watchdog group, has written that Mr. Rodriguez left after finding new photographic evidence that showed that the gun in Mr. Foster's hand may have been moved.

Mr. Starr's office has declined to respond to the reports about Mr. Rodriguez's departure, but has noted that the investigation into the circumstances of Mr. Foster's death has yet to be completed. Mr. Rodriguez did not return a telephone call today seeking comment.

5-1-95

7:45 pm Miguel R. called me in LR

-7:52 pm

Today - 4 calls from media

- Newsweek - guy
- AM Constitution
- Ruddy

1) ^{1st question -} "People from WASH DC office (MT) saying ---"

personality problems.

Listened - no cont

Gave a few quotes - his back ground

also - very imp - sure KS wants truth

object - find truth

Relinquish

Other Q's which bother him -

Isn't it true ---?

Anyone else left?

Get along w/ FBI?

① Over weekend - call - (inlc MR to KS to OKla bombings -

② Asked by Newsweek abt Ruddy article; that Rpt fax to him.

③ Gave some bs, type stuff --- conts

④ Source close to WASH office

⑤ Until FOIA # none (URTS 16371) DocId: 70105786 Page 85

Have to go ---

Park Police protest Whitewater questions

The Associated Press

WASHINGTON — A Whitewater prosecutor's tough questioning of witnesses in the Vincent Foster suicide inquiry has so angered U.S. Park Police that they summoned their attorneys to raise objections, attorneys confirmed Thursday.

In one case, the attorney for a Park Police officer complained to the Whitewater prosecutor's office. In another instance, Park Police complained to the Interior Department solicitor's office, which dispatched two lawyers to the U.S. Courthouse, where the grand jury meets, to calm down a Park Police witness.

Park Police declined to speak on the record. But one Park Police source, speaking on condition of anonymity, said the officers were angered because they felt the prosecutor was questioning their honesty.

"We try to look out after our officers and if our officers complain about their treatment — and we feel it is unwarranted — we would make our complaints known, which we did," the source said.

Some Republicans on Capitol Hill have questioned whether Foster, whose body was found in Fort Marcy Park outside Washington on July 20, 1993, killed himself. Some news accounts have suggested that Foster was murdered and his body moved to Fort Marcy Park.

Interior Department spokesman Bob Walker said one Park Police officer — whom he declined to identify — "had some concern about what the grand jury was doing" and a pair of department attorneys counseled her. "She was advised she was not a target of the grand jury," said Walker. A target is someone likely to be indicted.

Among the grand jury witnesses was Park Police officer Kevin Fornshill, who underwent five hours of questioning Tuesday and Wednesday. He was the law enforcement officer who discovered Foster's body at Fort Marcy Park outside Washington.

Asked whether he felt his client Fornshill had been questioned unfairly by the Whitewater prosecutor, attorney Philip Stinson said, "I've had discussions with the prosecutor's office regarding the manner in which the grand jury was being conducted."

Stinson said he was "assured that neither Fornshill nor members of the Park Police at the death scene" are targets of the grand jury investigation.

Grand jury questioning of Park Police officers who found Foster's body on July 20, 1993, is being conducted by prosecutor Miguel Rodriguez, an assistant U.S. attorney in Sacramento, Calif.

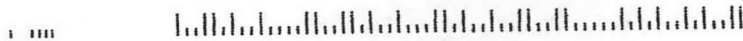
Rodriguez' boss, deputy Whitewater prosecutor Mark Tuohy, acknowledged there had been problems, though he declined to discuss them.

"Thoroughness is a hallmark of the investigation," said Tuohy. "While at times that can cause friction, this investigation at all times will be conducted in the highest professional manner."

Rodriguez will continue to question witnesses, said Tuohy.



Mr. Hickman Ewing, Jr.
Deputy Independent Counsel
2124 Germantown Road
Germantown, TN 38138



Box 11128, Washington, DC 20008-0328

Dear Mr. Ewing:

Is the request that Dr. Henry Lee examine and evaluate the evidence in the Vincent Foster death a sign that the aggressive reinvestigation of this case did not end with the departure of Miquel Rodriguez? I hope so. But Dr. Lee is busy with 375 homicide cases, and he cannot be expected to come up with answers to the many questions that hang like a dark cloud over Foster's death.

To facilitate his task, I strongly suggest that you arrange to have Rodriguez brief Lee and explain what these questions are. I also suggest that you recommend that Rodriguez be asked to resume the vigorous grand jury investigation he was conducting.

Why not start all over
by exhuming Mr. Foster's
body?

Thomas Banta

Thomas Banta

3-8-95

Called for Miguel Rodriguez
[parents' home in San Jose]

FOIA (b) 6

2-14-95

M.R. at my room at U.C.Wb

1:00 ARR -

then went to get lunch

1:45-3:45

AVSA - ED Calif.

TENPAR

HE - AVSA → USA

Removed by Bush

Pregerson - BRILAB

MR - 4PM - Bank

5PM - date

0700 Wed - TO CA

People have diff. ways of invest'g, trial.
HE MT take story wrong - doc, death notice.

Memorandum

Office of the Independent Counsel

To : Kenneth Starr

Date 3/8/95

From : Miguel Rodriguez

Subject:

As I had informed you and your staff, I was available in the Washington, D.C. office between 3/1 and 3/7 for further discussions. You may recall that I stated I could stay longer if you or your staff faced time constraints.

On 3/2, I asked Tuohey whether anyone wished to speak with me further and, if not, if Judge Starr would see me before I left on 3/7. Tuohey instructed me to plan on leaving on 3/7 and that he would pass my inquiry on to Judge Starr and Ewing.

On 3/6, for the first time, I formally contacted my office in Sacramento. On 3/7, my supervisor in Sacramento and I agreed on a 3/20 return date.

Between 3/1 and 3/7, I was present in Washington, D.C. each morning. I did not hear from you or your staff regarding my proposed separation date. Accordingly, I did as Tuohey said and left on 3/7. I fully regret not speaking with you directly prior to my departure.

0840

KS, DE, Brett K.
(on line in DC)

. BK's law school classmate's mother -
Knows Lucia's mother - Brett was told
by this lady - I heard abt Lucia's situation;
LR's mother very upset abt the situation.

Re: MR

. BK talked to him Mon. - a couple of minutes -
The last 2 mos.; don't let your principles be
compromised.

- Tues, 3-7 > shook hands; good luck.

Re: MR's assertion of finding new evld to lead -

. MR has not shared this w/ BK to any extent.

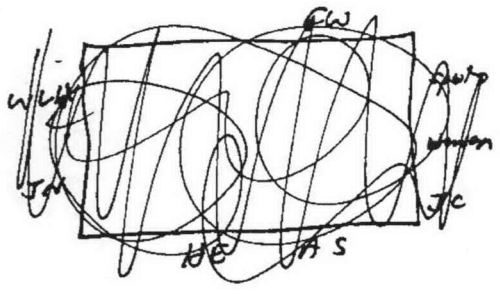
[Redacted signature block]

- MR

did not respond.

KS - "[Redacted] start 'I have made myself available
for over a month' is a lie!!!"

3-9-95



3825

KS, IE, Alex - Conf. Call
[in LR] (in WSC)

① Alex - last conv. w/ MR
Mon, 3-6 afternoon at DTC - in MR's office

- After this experience, I went light load in Sacramento - not civil etc case ---
- I tv w/ my head held high
- I feel I have done n'th'g wrong.
- highest state of professionalism

• discordant critical new evid. to look which I believe have been suppressed - hope they will be followed up.

• you be careful - watch your back.

① Re: Lucia -

• MR (not on 3-6) very defensive of Lucia - he thinks & she now thinks that Lucia is being faulted - not MR...

- has been out of the office fr Feb. 15 → March 6.
- Mon, 3-6 Lucia on telephone; personal business ...
- Tue, 3-7 Lucia not in.
- Thu, 3-9 Lucia in DC in afternoon; Brett needs to talk to her abt confidentiality.

3/10/95 AA, BK, JB called me at MEM home #

Alex -

4:50 5:00pm

talked to Lucia today -

KS wants LR to give ~~HE~~ her idem

LR wants to talk to KS before deciding abt talking to me.

• possibly meet her

Sun evening or Mon - NYC city

Brett -

[REDACTED]

MR had told her it was OK

will remain touchy out probably.

Does not want to tell what MR thinks -

① Ken's beeper

FOIA(b)3 - Rule 6(e), Federal Rules of Criminal Procedure, Grand Jury

3-11-95

1:30 pm Alex Azar called -

• RS has changed his thinking.

• RS - Lucia > 1/2 hour conversation today.
Will talk to me by phone.

• Parents (NY City) -

Sun. to Mon.

[Redacted]

FOIA(b)6

3-12-95 SUN.

7:20pm
(CST)
-7:26pm

Called [redacted]

Sprint
[-800-366-4000]
AC-#

Talked to Lucia's mother, who was just
back from theatre. Lucia out visiting w/ friends. Left #'s
til 9pm CDT - SUN & 5-7 EDT (6-8 EDT) Mon. am.
after 9pm CDT - SUN & 7-8 EDT (8-9 EDT) Mon. am.
after 11pm EDT

[redacted]

. "Knowing my DTR, who is an exemplary person, she will
call you back."

3-13-95

Mon.

[HE in Little Rock, AR]

1122

Called [redacted], Mrs. R. on
answ. machine - left msg for Lucia.

FOIA(b)6

3:06 pm

Called Lucia's # in NY,
left msg on machine again -

[redacted]

3-8-95

Called for Miguel Rodriguez 408-258-7651
[Parents' home in San Jose]

0840

KS, HE, Brett K.
(on line in DC)

. BK's law school classmate's mother -
knows Lucia's mother - Brett was told
by this lady - I heard abt Lucia's situation;
LR's mother very upset abt the situation.

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- Tues, 3-7 > shake hands; good luck.

Re: MR's assertion of finding new ev. & leads -

. MR has not shared this w/ BK to any extent.

. Edward GJ to - BK "it seems to me you
have a tremor; so I'd love to hear it" - MR
did not respond.

KS - "Lucia's stmt 'I have made myself available
for over a month' is a lie!!!"

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Alex -

4:50 - 5:00pm

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• possibly meet her
Sun evening or Mon - NYC city

Brett - She was copying her PJ stmt

MR had told her it was OK

Will ream touchy out probably.

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EVANGELICAL CHRISTIAN SCHOOL

General Administrative Offices

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To All Prospective Auction Bidders:

We are looking forward to having you at the ECS Eagle Auction! Please take a few minutes to read this letter which contains pertinent information concerning the auction.

1. **INVITATION** - This is self-explanatory. Please pass this on to a friend!
2. **RESERVATION CARD** - It is vital that you fill this out immediately and mail, along with your check, to Millie Young. This will secure your place at a table for the wonderful HORS D'OEUVRE BUFFET--best seating will be assigned as reservations and money are received. **Cards must be filled out in full.** There will be 10 people per table, and we would encourage you to sit with another couple or group for a really fun-packed evening. If you are planning to sit with friends, you must indicate this on your Reservation Card. You might want to send in one check to cover all reservations. If checks are mailed separately, make sure that you indicate with whom you would like to sit on all Reservation Cards.
3. **PROGRAM** - Please take some time between now and March 23rd to familiarize yourself with items to be auctioned, as well as the Rules and Procedures of the auction. There will be between 450-500 items to be auctioned, and it will be impossible for you to wait until that evening to view or decide on which items you would like to place a bid.

REMEMBER, YOU MUST BRING THIS PROGRAM WITH YOU THE NIGHT OF THE AUCTION.

See you at Woodland Hills on March 23rd at 6:00pm !!!

Kathie Gieselmann
Co-Chairman

Marsha Cobb
Co-Chairman

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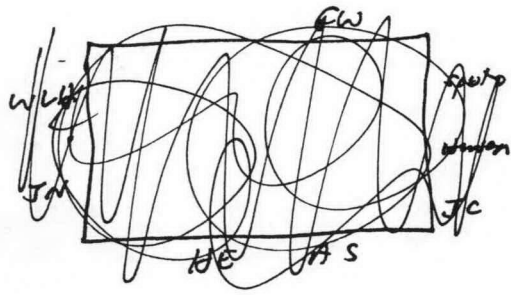
LOWER SCHOOLS

6655 Winchester Road
Memphis, TN 38115
901-794-3133

9750 Dogwood Road
Germantown, TN 38139
901-754-4420

735 Ridge Lake Blvd.
Memphis, TN 38120
901-683-9013

3-9-95



KS, JE, Alex - Conf. Call
[in LR] (in WDC)

① Alex - last conv. w/ MR

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- I feel I have done n'th'g wrong.
- highest stds of professionalism

[
 • discor^d critical new evid. to tech which I believe have been suppressed - hope they will be followed up.
]

• you be careful - watch your back.

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- Thu, 3-9 Lucia in DC in afternoon; Brett needs to

talk to her abt confidentiality.

3-11-95

1:30 pm Alex Azar called -

• RS has changed his thinking.

• RS - Lucia > 1/2 hour conversation today.
Will talk to me by phone.

• Parents (NY City) - 212-677-4185

Sun. to Mon.

3-12-95

SUN.

7:20pm
(CDT)

-7:26pm

Called 212-677-4185

Sprint
1-800-366-4000
597-3066-2300
AC #

Talked to Lucia's mother, who was just
back from theatre. Lucia out visiting w/ friends. Left #'s

- 901-755-2597 til 9pm CDT - SUN & 5-7 CDT (6-8 EST) Mon a.m.
- 901-754-4116 after 9pm CDT - SUN & 7-8 CDT (8-9 EST) Mon a.m.
- 501-221-8715 after 11pm EDT

"Knowing my DTR, who is an exemplary person, she will
call you back."

3-13-95 MON.

[HE in Little Rock, AR]

1122

Called 212-677-4185 ; Mrs. R. on
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3:06 pm

Called Lucia's # in NY,
left msg on machine again -
501-221-8700

"CLAREMONT MANOR"
CLAREMONT, VIRGINIA 23899

OFFICE
804/866-8900-01-02
FAX
804/866-8369

April 12, 1995

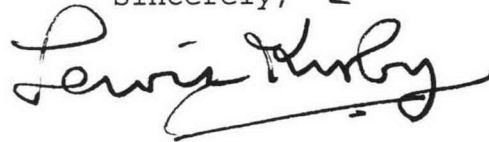
Mr. Kenneth W. Starr
Independent Council
Office of Independent Council
Two Financial Centre, Suite 134
10825 Financial Centre Parkway
Little Rock, Arkansas 72211

Dear Mr. Starr,

The report in *The Washington Times* of Thursday, April 6, indicates considerable contradictions in the investigation by Mr. Rodriguez, opposed by Mr. Tuohey. You will know whether Mr. Tuohey's background could indicate that his thinking is in the direction of "suicide" for Mr. Foster. Certainly, to people who believe in your investigation, such comments from Mr. Ruddy are disturbing.

Could one of the many assistants in your office write to tell us how the investigation of Mr. Foster's death proceeds? Thank you for your interest.

Sincerely,



JLK:lw
Enclosure

"The public will believe anything, so long as it is not founded on truth."--Edith Sitwell

A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's Tribune-Review

Thursday, April 6, 1995

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Prosecutor's Resignation Comes at Crucial Point in Foster Probe

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

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

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

Rodriguez's departure came at a crucial juncture.

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

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

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

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

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

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

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

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

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

REPUTATION

Rodriguez, an assistant U.S. attorney from Sacramento, joined Starr's staff early last fall and had been the lead pros-

ecutor on the Foster case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

According to the law enforcement source, Starr has given wide authority to his deputies with Tuohey heading up the Washington phase and William S. Duffey Jr. in Arkansas. Starr has taken great pains to not interfere in their handling of the respective parts of the investigation, the source said.

Tuohey is a highly respected former federal prosecutor, who also served dur-

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

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

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

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

SIGNIFICANT QUESTION MARK

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

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

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

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

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

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

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

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

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

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

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

He said it's necessary so witnesses don't later claim they didn't understand the significance of their testimony or the conse-

quences of lying under oath.

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

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

PRESS REPORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

4/18/95

Paul Vollman

FOIA (b) 6

Mr. Vollman says he is a concerned citizen who is very familiar with the "Vincent Foster murder investigation." Vollman said he was watching the 700 Club with Pat Robertson this morning. Robertson's guest was James Dale Davidson who is involved with the Strategic Investments newsletter which Vollman gets every month. Davidson says that the "murder investigation" is being stonewalled by a Democratic activist by the name of Mark Tuohy and that a Miguel Rodriguez left the Independent Counsel's office because of this. Vollman wants to know if Kenneth Starr is aware of this and what Starr is going to do about the situation.

4-19-95

Wed.

6:18 pm

From LR OIC I called 916-554-2700
asked for MR -

Hooked to his voice mail -

" M, this is HE. ^{It's abt 4:18 pm Wed your time.} Calling the office in
LR 501-221-8715. Will be here a little while.
My Apt. # is [REDACTED]. ^{WOULD like}
to talk with you. I know you are busy getting
back into the swing of things. ^{WOULD appreciate}
your giving me a call. ^{WOULD like to talk w/ you."}

FOIA(b)6

April 24, 1995

From: H. Ewing
To: File
Re: Call back fm Miguel Rodriguez

I had tried to contact Miguel 3 times over the past several weeks by calling his Sacramento office and leaving voice mails. I left the Little Rock office about 5:15 pm, Thurs., April 20, to go to Memphis. The next day I went to Washington, and on Saturday participated in the interview of the Clintons at the White House.

On Monday morning, April 24, I checked my voice mail in Little Rock at 1042 am. The first message on the voice mail indicated it was received at 5:30 pm, Thurs., Apr. 20:

"Mr. Ewing, Miguel Rodriguez returning your call.
I hope all is well with you, and
I am sorry I didn't get back to you more promptly.
If there is anything I can do to be of assistance, of course,
you know you have my full cooperation.
And, so I'll defer to you until I hear from you again.
You have my office number. And I should tell you the time
now is 3:30 pm California time.
I'm not sure what time it is in Little Rock. It is Thursday
afternoon in California.
Bye, bye."

1042 - Mon - 4/24/95

checked voice mail

5:30 pm Thu - ^{Mr. E.} ~~Thurs~~ Mr. Letting

your call -

I hope all is well w you

to I am sure I didn't get back to you more promptly

If there is any ty I can do to be
of assistance of course you know

- you have my full coop - to so

I'll stay to you until I hear from

you again.

to I should tell you
You have my office # - The time is 2:30 pm
CA time - I'm not sure what time it is in
the afternoon in CA.

Bye bye

4-24-95

MON.

Called MR back - wife mail

- M - This is DE
- TKR for calling back
- Would like to talk w/ you.
- Could you pls call & /v msg as to what time you might have 15-20 min. to talk.
- Good to hear your voice.

4-26-95

Wed.

Miguel Rodriguez

Called ⁿ 916-554-2700:

- Voice Mail - didn't work
- Left name to # with recip

4-27-95

Thurs.

- called for Miguel - was told by lady:

1:23pm

⊙ Will be out +:1 Monday -

⊙ Voice mail: ^{then}

"This is HE - it's 1123 CA time Thurs.

I would really like to talk to you.

We are getting alot of inquiries abt you.

I don't know who you've been talked to - some type make it appear you have.

We are not saying anything at this point

There was a news conf. today.

A lot of type are being said that are not true.

We are making progress in the investigation.

We don't want it hurt.

I have called several times & have not heard back.

I really need to hear from you."

5-3-95

7:03pm MT called -

.KS views CR cont as declaration
of war ...

.TRK alt -

1) do a try

2) KS - make story start [it gets into
more mainstream]

3) bring in team like Ted Olson - Bob Banner -
potential --- mini inquiry --- rpt to Ken ---
(Forbes - out ...)

When KS goes public --- Conservative back up

MT - ^{we} reacted strongly to it.

- h-s - move on;

4) OPR Referral

MT TRK it's nonsense; I said it gently, but firmly. Don't overreact.

MR prob. talking --- KS says maybe indirect.

WITHDRAWAL NOTICE

RG: 449 Independent Counsels

SERIES: IC Starr/Ray, FRC box 2291

NND PROJECT NUMBER: 37918

FOIA CASE NUMBER: 25720

WITHDRAWAL DATE: 11/05/2009

BOX: 00017

FOLDER: 0015

TAB: 9

DOC ID: 31296613

COPIES: 1 PAGES: 6

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: MR Materials

DOCUMENT DATE: 01/27/1995 DOCUMENT TYPE: Fax

FROM: Rambusch

TO: Duffey

SUBJECT: Resignation

This document has been withdrawn for the following reason(s):

FOIA(b)3 - Rule 6(e), Federal Rules of Criminal Procedure, Grand Jury

FOIA(b)6

WITHDRAWAL NOTICE

2/80

C or H

1000

LR

2/80

C or B

100

N

3/80

C or B or H

50

Bentonville

3/80

C or B

50

Hot Sp

12/83

C or H

C or B

C or B

C or B

C or B

C or B

C or B

C or B

C or B