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NEWSPAPER ARTICLES - FOSTER

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## REPORT OF INTERVIEW

Interview of: Anonymous WITNESS

Interviewed by: G. Gordon LIDDY

Date of Interview: 22 March 1994

Transcribed: 27 March 1994

WITNESS had previously contacted LIDDY and interview was conducted at WITNESS' home by appointment , commencing 1744 hours. LIDDY's notes were taken at kitchen table on a spiral ring pad provided by WITNESS.

At request of LIDDY, WITNESS identified himself but exacted a promise that LIDDY would never identify him.

WITNESS advised that between 1730 and 1745 hours of 20 July 1993 he was proceeding northwest in his white utility van along the George Washington memorial Parkway in Virginia on his way home from work. There was a traffic jam and traffic was barely moving. The outside temperature was approximately 100 degrees Fahrenheit and he felt an urgent need to urinate. He pulled off the parkway at the entrance to Fort Marcy Park and proceeded to the parking lot. There were two automobiles parked in the lot when he arrived.

POINT 1

The first of the two cars was parked on the left, near the end, in the second or third parking place from the end. It was a small, two door, Japanese make sedan, either light blue or light tan in color. At the other end of the parking spaces, at about the second space from the end, to his right, was a white colored Honda two door sedan with a blue colored interior. WITNESS parked his van approximately in the middle of the lot between the two automobiles already there.

POINT 2

POINT 3

POINT 4

WITNESS stated that he left his van and began walking, looking for someplace to urinate where there would be no one around to see him. At this point, LIDDY advised witness that he, LIDDY, had never been to Ft. Marcy Park and requested WITNESS to draw a map thereof so that LIDDY could follow WITNESS' narration. WITNESS complied, drawing the map on a separate sheet of the spiral pad, which map LIDDY retained. WITNESS lightly traced the route he walked in pencil on the map he had drawn.

POINT 5

POINT 6

WITNESS advised further that he walked into the woods to urinate and noticed something in the bushes to his left. He walked over to it, thinking it at first to be trash. When he got to within ten feet of what had attracted his attention, WITNESS states that he recognized the object as a body. At that point, WITNESS said that he thought the person might be asleep. He started to walk away, but then, noticed that the face was swollen, so he moved in close, stepping to where his foot was within three feet of the man's head and looked straight down into his face to see if that was the case. He found the body of a white male dressed in what he described as an

POINT 7

POINT 8

POINT 9

expensive suit, jacket missing. The trousers were of gray color, the shoes black. WITNESS states that he stood over the body for several minutes, observing it.

POINT 10

According to WITNESS the body was lying on its back on a "12/12" or 45 degree angle slope, head uphill, body straight, feet together, hands at its sides, palms open and angled upwards. WITNESS held his own hands out and demonstrated how the hands of the body were positioned.

POINT 11

WITNESS states that at the bottom of the slope the brush was "trampled" as if someone had been walking back and forth at that spot. At the top of the slope, behind the man-made revetment of which the slope was a part, was an old cannon, one of at least two in the park. WITNESS marked the spot on the map he had drawn, then drew another diagram showing a cross section of the revetment and the position of the body on the forward slope thereof as he found it.

POINT 12

POINT 13

WITNESS advised further that the body was bloating in the heat. There were traces of blood around the nostrils and mouth and flies were crawling over those areas of the body. The eyes were only partially closed and were already glazed. On the body's right shoulder were light purple colored stains of what appeared to be vomitus induced by death. WITNESS said he took the stains to be from what he described as a bottle of "wine cooler" which was lying to his right a couple of feet away. The body looked as if it had slid down the slope a bit before coming to rest.

POINT 14

POINT 15

POINT 16

POINT 17

POINT 18

POINT 19

At this point, LIDDY asked witness if he had seen the published photograph of what purported to be Mr. Foster's hand with its thumb in the trigger guard of a handgun. WITNESS stated that he had not seen such a photograph and appeared surprised, stating that he had observed both the hands of the body and that neither held a gun. He stated that, in his opinion, had a shot been fired, it would have been heard by the guards across the road at the home of a "rich Saudi Arabian" which building he had observed from near the cannon.

POINT 20

POINT 21

LIDDY pressed witness, asking whether he was sure there was no firearm in evidence. WITNESS was emphatic, stating that he had spent several minutes observing the body closely and there was absolutely no firearm there. LIDDY then picked up from the table a wristwatch with a metal band and inserted his thumb through the band in the manner LIDDY recalled seeing the thumb in the published photograph and asked WITNESS again was he sure he saw no handgun in association with the body in the manner LIDDY demonstrated. WITNESS stated that he was absolutely positive that there was no firearm with the body in that or any other fashion.

POINT 22

WITNESS then picked up what appeared to LIDDY to be a rubber utility glove, light purple in color, and said that that was the color of the stain on the shoulder of the body.

POINT 23

WITNESS states that he then walked back to his van to drive to a telephone to call the police to report the body. Again, WITNESS

traced his line of walk, this time back to his van. He pointed out that his walk took him to a position near and above the Honda automobile and, as he walked past it, he looked inside. He observed a suitcoat which matched in color the trousers on the body he had found. The coat was light gray, appearing to be thrown, not neatly folded, over the back of the seat on the passenger's side. The coat was barely over the top of the seat-back.

POINT 24

WITNESS thinks he saw a briefcase on the passenger's side on the floor, although he is not certain. He stated that he is certain, however, that there was a "Four pack" of "wine cooler" in there. WITNESS stated that he observed the interior of the Honda from approximately eight feet above and twenty-five feet laterally in distance.

POINT 25

WITNESS re-entered his van, then drove to park headquarters. There he saw two males dressed in what appeared to him to be park service uniforms. They were leaning against the tailgate of a truck. One was about fifty years old and black, the other was white and about thirty to thirty-five years old. From the driver's seat of his van, he waved to them to come over. The white man came over to the driver's side of the van. WITNESS asked for access to a telephone. The park service employee asked him what for?

POINT 26

WITNESS told the employee about his finding of a body and its location, using the cannon as a reference mark. The employee said that he knew exactly what he was talking about and which cannon to

POINT 27

look for. WITNESS asked, "Do you mind making the call?" The ~~em~~ employee replied, "Not at all." and left. WITNESS says he then left the park, "praying that they wouldn't get his license plate number." LIDDY asked him why and WITNESS replied, "Because I don't want to end up like that guy I found." He stated that fear was why he had exacted LIDDY's promise not to reveal his identity. He stated that LIDDY had his permission to reveal everything he had told him except his identity. He stated that he decided to come forward to this extent because the stories that he has been reading about the body and its discovery are "not right." WITNESS stated that he chose to disclose his story through LIDDY because he was certain that LIDDY would never "give him up."

Liddy Witness

Investigative Results

Point 1 White utility van proceeding NW on GW Parkway enters Fort Marcy Park between 5:30 and 5:45 p.m. on 7/29/93. Witness states 2 other vehicles in parking area.

Witness verifies white van/truck entering Fort Marcy Park at approximately 5:30 p.m. on 7/20/93. Witness states 2 vehicles (inclusive of witness vehicle) in parking area at time of white van/truck entering Fort Marcy.

Point 2 Small 2-door, Japanese make car, light blue or light tan in color, parked on left in second or third parking place.

Foster's car, 4-door Accord, light gray color, parked to left of van driver as he pulled into lot.

Point 3 Other end of parking spaces second space from end, to his right was a white Honda 2-door, blue interior.

White Nissan, 4-door with blue interior was parked toward the end of lot and white van did pull in between both cars, parked van depends on whether he pulled in or backed into space. Witnesses unsure on this point.

Point 4 Van driver parked in middle of lot between two autos.

White van did park in middle between Foster's gray Honda and white Nissan.

Media Summary

Media reports replete with information re existence of white van, and approximate time and location of discovery of Foster body. However, no available published reports of location of white van in relationship to two other parked vehicles at Fort Marcy on 7/20/93.

Point 5 Witness states he left his van and began walking, etc.

Witness believes occupant left white van/truck for approximately 10 minutes.

Point 6 Map unavailable for review.

N/A

### Media Summary

With the exception of 1/27/94 NY Post article which was limited to a schematic of body disposition at time of discovery, no available published reports of actual map or schematic of Fort Marcy Park.

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|-----------------|--|---|
| <u>Point 7</u>  | Walked into woods to urinate, noticed something to his left in bushes; approached to within 10 feet and recognized it as body. | Would have had to have walked 735 feet from parking lot thru lightly wooded area up several steep hills to reach site of body. Would have had to been standing in fairly clear area directly in front of or in close proximity to cannon to have possibly noticed body. |
| <u>Point 8</u>  | Witness states that he thought the person might be asleep.   | Investigation reflects that body was found in position where possible to interpret Foster was asleep.   |
| <u>Point 9</u>  | Face was swollen and witness moved within three feet, looking straight down into face.   | Face does not appear swollen in photos taken by USPP at scene. If witness moved to within 3 feet, he would have been standing on top of beam directly in front of cannon and if he looked down he would have been looking directly into Foster's face.                  |
| <u>Point 10</u> | Expensive suit, gray trousers, jacket missing black shoes.   | Dark blue suit, jacket had been left in car, black shoes.   |

### Media Summary

1/27/94 NY Post article quotes paramedic Gonzales "body was laid out perfectly as in a coffin." NY News report of 3/14 states "to onlookers Foster looked to be asleep." Gonzalez also quoted as stating "the face was white and pale and only a thin trickle of blood oozed from one

corner of his mouth. No available published reports regarding "swollen face." Only published death scene photograph of Foster limited to right hand to slightly above wrist, with thumb protruding through trigger guard of revolver.

<u>Point 11</u>	Body on back, 45% angle head uphill body straight fell together hands at sides palms open and angled upward.	Body was on back, approximately 45% angle, head up hill, body straight, feet and legs were slightly apart, palms were not open nor angled upward. They were facing inward toward the body.
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#### Media Summary

1/27/94 NY Post article contains schematic insert reflecting body discovered lying on its back at 45 degree angle, head uphill, body straight, feet together and hands at its side. Paramedic Gonzalez also quoted as saying that "Foster's arms were resting perfectly straight alongside his body." Neither published crime scene photo or media text reflects any information that palms were opened or angled upwards.

<u>Point 12</u>	Brush at bottom of slope was trampled as if someone had been walking back and forth.	Park is criss-crossed with rough paths and spot where body was found was one of these rough paths that proceeded from top of beam to bottom and then into woods.
<u>Point 13</u>	At top of slope was an old cannon, one of at least two in park	Cannon was located at top of slope or manmade beam and was one of two cannons in park.
<u>Point 14</u>	Body was bloated in the heat.	Body was not bloated.
<u>Point 15</u>	Traces of blood around nostrils and mouth with flies crawling over those areas.	Blood from right nostril and right side of mouth had drained down right side of face and flies were observed in death photos and by police.

<u>Point 16</u>	Eyes partially closed and glazed.	Accurate.
<u>Point 17</u>	On body's right shoulder were light purple-colored stains of what appeared to be vomit.	Blood stains (rusty red color) on shirt, right shoulder.
<u>Point 18</u>	Bottle of "wine cooler" lying to his right a couple of feet away.	There was no wine cooler bottle recovered at scene by USPP.
<u>Point 19</u>	Body looked like it had slid down the slope a bit.	Slope of beam was steep enough that this impression could have been valid.

Media Summary

1/27 NY Post article quotes paramedic Gonzales as stating "only a thin trickle of blood oozed from one corner of the mouth." U.S. Park Policeman Fonshill states "everything including Foster's white shirt was really neat with no blood on it." Available media reports devoid of any reference to traces of blood around the nostrils, presence of flies, or whether eyes were open or glazed. Similarly, media reports devoid of any mention of light purple stains on body's right shoulder.

<u>Point 20</u>	Had observed both hands and neither held a gun.	From point witness claims he was standing, gun in right hand would have been difficult to see because of thick summer foliage and gun was partially concealed by Foster's hand and side of body.
<u>Point 21</u>	Had shot been fired, it would have been heard by guards across road at home of Saudi prince which building he had observed from near the cannon.	Shot would probably not have been heard; heavy traffic on Chain Bridge Road, the dense summer foliage and weapon in mouth would have muffled the shot. Saudi prince residence is located on Chain Bridge Road, across from Fort Marcy Park,

approximately several hundred yards from body and could have been seen near the cannon.

### Media Summary

1/27/93 NY Post article references an unidentified prominent forensic pathologist and a former NYCPD homicide detective who stated that normally when a person commits suicide, the gun doesn't end up in their hand. Also, in a separate NY Post article, it is mentioned that directly down a gully from death scene is front yard of a home undergoing major construction. (Article makes no mention of Saudi ambassador as the owner.)

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|-----------------|---|--|
| <u>Point 22</u> | Witness stated he spent several minutes observing the body closely and there was absolutely no firearm.   | It witness, as previously stated, moved to within 3 feet of head and this was his point of observation, he could have easily missed the gun in right hand because of heavy foliage and fact that hand and side of body partially concealed gun, especially when looking down at body from top of beam. To clearly have seen gun, one would have to move down the slope and attempt to keep his balance on the steep incline. |
| <u>Point 23</u> | Witness uses a light purple rubber utility glove to describe the stain on shoulder.   | Blood stains (rusty red in color) on right shirt shoulder.   |
| <u>Point 24</u> | Witness observed in car he previously described as a white Honda, blue interior, a light gray suitcoat matching colors of trousers on body thrown over back seat, passenger side. | Foster's dark blue suit coat was on front passenger seat of his auto (gray Honda) with White House identification found under coat.  |

Point 25 Thinks there was a briefcase in white Honda on passenger side on the floor. Certain there was a "four-pack" of wine coolers.

Foster car had dark blue suit jacket on front passenger seat; no briefcase. Witnesses in white Nissan, blue interior, did have wine coolers in car and when they left car parked to walk in wooded area, male passenger left his dark blue blazer and briefcase in car.

#### Media Summary

New York News article states that first thing USPP noticed upon arriving at Fort Marcy was that Foster had left his suit jacket behind in the car. White House credentials in the pocket. His wallet was also in the car with the doors unlocked. No other descriptive data available.

Point 26 Witness drove to Park Headquarters, saw two men in park service uniform, one a BM, approximately 50 years old, second a WM, approximately 35 years old, leaning against tailgate. Spoke to them from his van and WM came to van.

Accurate in all details.

Point 27 Witness asks for a phone and tells park employees about finding a body, using the cannon as a reference mark.

Both Park employees confirm this, except they claim van driver did not ask for phone but asked to call authorities.

#### Media Summary

No available media accounts reflect specific details of contact with two U.S. Park employees by driver of white van.

The Clinton administration has a full-blown scandal on its hands, with accounts of document shredding, the subpoena of top officials and the resignation of the White House counsel. Was it a cover-up—or just plain bungling?

# WHITEWATER THE MESS TORTURE

passing illegally from Madison to Whitewater or to Clinton's 1984 gubernatorial re-election campaign. The Clintons also could conceivably face civil actions stemming from Madison's losses, or back taxes on Whitewater land transactions. And the First Lady's stature will almost certainly be tarnished by her decision to represent her friend and Whitewater partner James McDougal before a state regulator appointed by her husband. But far more troubling than any Whitewater revelations have been the White House's attempts to conceal and control the story. Like a string of administrations before them, the Clintonites ignored the cardinal rules of Washington scandal management: dispose of damaging information early, and don't look as if you have something to hide.

**T**HE MOST STARTLING NEW REVELATIONS involve Little Rock's Rose Law Firm, where Mrs. Clinton was a partner from 1977 to 1992. Once a staid and respected white-shoe practice, it is looking more like a real-life version (minus the mob ties and mayhem) of Bendini, Lambert & Locke, John Grisham's fictional firm set 140 miles to the east in Memphis, Tenn., where document shredding and overbilling of clients were prevailing practices. According to The New York Times, a Rose courier told a Little Rock grand jury that he and a colleague used a shredder in the firm's basement earlier this year to destroy files belonging to Whitewater's most tragic figure—former Rose partner and White House counsel Vincent Foster. Before his death by suicide last July (a finding also being reviewed by Fiske), Foster had handled a variety of private legal matters for the Clintons, including the sale of their interest in Whitewater.

The account described how document dumping at the firm accelerated as Clinton edged closer to the presidency. Rose managing partner Ronald Clark said it was to protect clients from reporters caught scavenging trash behind the firm's building. Law firms shred documents all the time, for reasons no more nefarious than to free up storage space. Rose says the only Foster-related documents destroyed were internal materials such as notes from firm committee meetings. But given the circumstances of Foster's suicide and the suspicion surrounding it, why rush to shred anything at all? According to the Times account of the courier's testimony, the shredding took place on or around Jan. 20, when Fiske became special counsel. One of his first moves was to serve notice on Rose that all documents relating to Foster be preserved. If relevant documents were destroyed after Fiske's order, the firm could be in serious trouble. Clark would not return phone calls.

Rose took another hit last week when The Washington Post reported that the firm is investigating Associate Attorney General Webster Hubbell, an ex-partner, for overbilling clients. Hubbell, Clinton's golfing buddy and the third-ranking official at the

**T**HE INSTRUCTIONS TO WHITE House aides in the Friday-evening memo were chillingly specific. All computer records were to be preserved. No "burn bags," normally used to handle papers earmarked for destruction, would be removed. "If you have any doubt about whether a particular document is called for . . ." wrote deputy presidential counsel Joel Klein, "you must save it."

The Whitewater affair entered a new and potentially explosive realm last week. Suddenly, the mind-numbing tales of obscure land dealings and state-capital intrigue are something more alarmingly recognizable. Each day's revelations unfolded with queasy familiarity, carrying hints of cover-up: stories of shredded documents; subpoenas served on presidential aides; talk of congressional hearings; the forced resignation of the White House counsel, whose parting letter to the president snipes bitterly at ". . . those who do not understand, nor wish to understand, the role and obligations of a lawyer." It all finally raises the question: is Whitewater a chronic case of political ineptitude and inattention to appearances, or the biggest legal mess to enmesh the White House since Iran-contra? Or is it both?

Inside the administration there is a looming sense that its entire domestic agenda is at risk. At a time when the president's health-care reform plan is facing serious setbacks, questions involving Hillary Rodham Clinton's Whitewater role (page 24) have diminished her effectiveness as its most passionate defender. A messy series of congressional hearings now appears inevitable. Democrats on the Hill have told the administration that holding off Republican demands any

longer would jeopardize Clinton's legislative plan. The only question, says one top aide, is "how open-ended the hearings will be, and whether the Republicans will learn from the Democrats' mistakes on Iran-contra." Those mistakes include granting immunity in exchange for testimony, a strategy that compromised criminal prosecution of Iran-contra figures. As the week wore on, glum aides worried about how they would afford pricey criminal attorneys. The New York Times editorialized that it had not seen such casual disregard for ethics since the Nixon era. "That," said one senior White House official, "went through my gut like a sharp knife."

So far, no one has proven any criminal wrongdoing. But with a three-year lease on a Little Rock office, a burgeoning staff of ambitious prosecutors and a grand jury in Arkansas ready to hear evidence, special counsel Robert Fiske has made it clear that he intends to pursue the case wherever it might lead. As Klein's directive circulated on Friday night, FBI agents acting on Fiske's orders served six senior Clinton aides and four current and former Treasury Department officials with subpoenas to appear in federal court on Thursday. Those summoned include some of the president's top advisers, like deputy chief of staff Harold Ickes and Treasury Deputy Secretary Roger Altman. Another subpoena called for any information on what appears to be a series of grossly inappropriate contacts between White House aides and federal investigators examining Madison Guaranty, the Arkansas S&L that foundered in 1989. Its former owner, James McDougal, was Bill and Hillary Clinton's partner in Whitewater, the unsuccessful vacation-home development on northern Arkansas's White River. Fiske's volley of subpoenas came as Whitewater claimed its first Washington casualty: presidential counsel Bernard Nussbaum. The former Wall Street litigator,

a principal player in a string of political misadventures from Zoë Baird to the firings in the White House travel office, finally met the (supper) of 6336 and legal soul mate, Hillary Clinton.

It is possible Fiske may yet come up with hard proof that the Clintons knew of funds

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# Shadow Of Doubt

The Administration's judgment is in question again as the special counsel fires a volley of subpoenas

RICHARD LACAYO

**B**ILL CLINTON HAS ALWAYS MODELLED himself after John F. Kennedy. But as the Whitewater scandal continues to plague him, it is increasingly the fading memories of Richard Nixon that keep cropping up in the White House. The current scandal seems to lack any of the deep seriousness of Watergate, but the handling of the questions still hanging over the strange land deal in Arkansas 16 years ago has produced an outsize shadow of doubt over the Administration—and prompted the resignation of a member of the President's and First Lady's inner circle.

The latest problem arose late Friday afternoon, when the phone rang in the office of associate White House counsel William Kennedy III. On the other end was an FBI official, calling to tell him that subpoenas ordered by special counsel Robert Fiske were about to be served on six White House officials and three Treasury Department staff members. Kennedy brought the bad news to chief of staff Mack McLarty, who gathered five of the targeted aides in the counsel's office at 6 to await the subpoenas.

The documents bore some of the Administration's biggest

names, including White House counsel Bernard Nussbaum, senior adviser Bruce Lindsey, communications director Mark Gearan and deputy chief of staff Harold Ickes. They were ordered to Federal District Court in Washington to provide testimony for a grand jury in Little Rock. At issue is a series of meetings between White House aides and Treasury Department officials connected to the Whitewater investigation. Another subpoena ordered the White House to preserve any evidence relating to the meetings. Deputy counsel Joel Klein immediately barred the destruction of computer records or the removal of any burn bags and trash containers.

The subpoenas were one of the most embarrassing developments yet. At a time when the President is losing ground on health-care reform, his Administration's bobbling of the investigation brought on a week of painful disclosures, the FBI at the White House door—and Nussbaum's resignation.

His departure, effective April 5, became official in an exchange of letters with the President. Nussbaum blamed "those who do not understand, nor wish to understand the role and obligations of a lawyer..." Clinton more diplomatically noted, "We have worked together in Washington at a time when serving is hard."

Prodded by stories in the Washington Post, the White House had acknowledged a few days earlier that Treasury Department officials had met twice with Nussbaum and other Administration aides for the unusual purpose of discussing the progress of a federal investigation of the Madison Guaranty

Savings & Loan, Madison Guaranty is the failed Arkansas thrift once owned by James McDougal, the Clintons' partner in the Whitewater real estate development. Deputy Treasury Secretary Roger Altman, acting head of the Resolution Trust Corporation, admitted to the Senate banking committee that he had briefed Nussbaum and other top aides on the probe.

The most ill-advised contact was in late September, when Nussbaum met with Jean Hanson, general counsel at the Treasury Department. She told him that the RTC, the agency charged with cleaning up the S&L mess, would soon send a request to the Justice Department asking for a criminal investigation of Madison. Though the request does not charge the Clintons with wrongdoing, it names them as possible beneficiaries of illegal Madison transactions. For a regulatory body to disclose such a matter to any of the parties involved is a considerable departure from standard practice, to say nothing of a spectacular instance of bad political judgment.

At a second meeting in October, Nussbaum was joined by Gearan, Lindsey, a top Clinton aide who was the chief explainer of Whitewater; and Josh Steiner, Treasury Secretary Lloyd Bentsen's chief of staff. According to Gearan, they discussed how best to respond to press questions about Whitewater.

Faced with something that approached a regular kaffeeklatsch linking the White House with agencies looking into Whitewater, an embarrassed Clinton insisted at midweek that "no one has actually done anything wrong," but nonetheless added, "I think it would be better if the meetings and conversations hadn't occurred." The President ordered McLarty to issue a rule to senior Administration officials about Whitewater chats with federal regulators: Don't have them or, before you do, clear them with me.

**I**N ADDITION TO THE SUBPOENAS TO Nussbaum, Lindsey and Gearan, who attended one or all of the meetings, and Ickes, who has lately been handling Whitewater damage control for the White House, two others went to aides of Hillary Rodham Clinton. Her chief of staff, Maggie Williams, attended at least one meeting. Press secretary Lisa Caputo had heard last fall from an RTC official about press inquiries involving the case. Four more subpoenas went to former Bentsen aide Jack DeVore and Altman, Hanson and Gearan at Treasury.

Senate Republicans could hardly contain their glee as Whitewater appeared to turn into the kind of consuming issue that

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paralyzes an Administration: 43 S.O.P. members promised that until the late banking committee holds hearings on the suspect meetings, they will block the Administration's nomination of Ricki Tigert to head the Federal Deposit Insurance Corporation. "You're asking for big, big trouble and showing some stunningly bad judgment when you start mixing politics with law enforcement," clucked Senate minority leader Bob Dole.

This realization came too late to Nussbaum, who brought to Washington the truculent manner of a big-city courtroom litigator and the political instincts of a country parson. His involvement in several notable White House debacles, including the travel-office uproar, the extended search for an Attorney General and the choice of an easily targeted Lani Guinier for a top Justice

had been forced out, and from a dwindling number of supporters. However, fed up with Washington and its rough handling of her husband, Nussbaum's wife Toby was relieved to see him leave the job. On Friday afternoon, tellingly, Clinton passed up two opportunities to defend Nussbaum in public. That evening he called his old friend into the Oval Office to discuss how the deed would be done. A reluctant Nussbaum agreed to go. His view, as a senior White House official put it, was "I'll be the lightning rod. I'll take the hits."

So far, the damage has not reached Treasury Secretary Bentsen. Scrambling to distance himself from the rising muck, he ordered his employees to have no more contact with the White House about Whitewater and asked the Office of Government Ethics to review the earlier contacts.

When the Whitewater focus wasn't on Nussbaum, it turned toward the Rose Law Firm of Little Rock, where Foster, the First Lady, Associate Attorney General Webster Hubbell and White House lawyer Kennedy were all once partners, known collectively as "the Famous Four." Last week the firm added to the Whitewater saga that piece of office equipment vital to any full-fledged political scandal: a shredder. The *New York Times* reported that a college student who works at Rose told the federal grand jury convened by Fiske that in late January he and another employee were ordered to shred a box of documents that appeared to have come from the files of Foster whose legal work on behalf of the Clintons included handling the sale of their parts of the Whitewater acreage. The story was denied by representatives of the firm, who had some logic on their side: Would they select a part-time college kid to deep-six something



Department post, earned him the reputation of a Beltway naif and worse. Until last week the most serious charges against him involved his actions after the apparent suicide last year of White House lawyer Vincent Foster, when Nussbaum interfered in investigators' attempts to examine Foster's office and removed some records, including files pertaining to Whitewater. It was an odd notion of propriety for a man who did his first stint in Washington on the staff of the House Watergate committee.

As soon as news of the Nussbaum meetings with Treasury officials emerged, pressure built within the White House to dump him. By last Friday, Clinton's most influential advisers—McLarty, David Gergen, George Stephanopoulos and Vice President Al Gore—all agreed he had to go.

For a while, there was resistance from Nussbaum, who wanted the resignation postponed to avoid the appearance that he

really damaging when they could have done the deed themselves? That flap followed in the wake of a *Washington Post* report that Hubbell was the subject of an internal investigation by his old firm into alleged over-billing of clients, including the RNC. Hubbell denied any wrongdoing, and was stoutly defended by Attorney General Janet Reno.

In the tangled Whitewater case, even what seemed like settled questions keep coming unsettled. In a letter filed in U.S. District Court in New York, Fiske let it be known that his investigation will also re-examine the conclusion that Foster's death last year was a suicide. He asked the court to keep the reports secret until his probe is completed. But if last week is any indication, the steady drip, drip, drip of Whitewater disclosures is likely to afflict the Clintons for months to come.

—Reported by  
Nina Burleigh, James Carney, Julie Johnson and  
Suneel Ratan, Washington

- 44) Conspiracy of hunches that Foster was killed by drug smuggling Navy officials. (08/05/93 The New York Daily News, George Rush)

**Additional Questions from The New York Post**

- 45) Why was the death so quickly deemed a suicide? (01/27/94 The New York Post, Christopher Ruddy, "Doubts raised over Foster's Suicide")
- 46) If Foster used his thumb to pull the trigger, why then did the gun end up clutched in his hand? (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")
- 47) Why would Foster choose to die in Fort Marcy Park? (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")
- 48) Was Swan's call the only call made to 911 that reported Foster's body? (01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")
- 49) Why didn't the Park Police take impressions of footprints around Foster's body? (03/07/94 The New York Post, Christopher Ruddy, "Cops made Photo Blunder at Foster Death Sight")
- 50) Di Maio said it was virtually impossible to have an indentation on a thumb from a single depression of a trigger. (02/17/94 The New York Post, Christopher Ruddy, "Top Docs Cast Doubt on Foster Suicide")
- 51) Experts maintained that there is no test that proves that the powder burns on Foster's hands match the powder that was found in his mouth. (02/17/94 The New York Post, Christopher Ruddy, "Top Docs Cast Doubt on Foster Suicide")
- 52) Was there a man in a white van that reported Foster's body to Swan? The man that Liddy interviewed fits Swan's description. (04/18/94 The New York Post, Christopher Ruddy, "No Foster Gun?")

Foster's death?

(08/05/93 The New York Daily News, George Rush)

Conspiracy of hunches that Foster was killed by drug smuggling Navy officials.

(01/27/94 The New York Post, Christopher Ruddy, "Doubts raised over Foster's Suicide")

Why was the death so quickly deemed a suicide?

(01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")

If Foster used his thumb to pull the trigger, why then did the gun end up clutched in his hand?

(01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")

Why would Foster choose to die in Fort Marcy Park?

(01/31/94 The New York Post, Christopher Ruddy, "More Questions about Foster's Suicide")

Was Swan's call the only call made to 911 that reported Foster's body?

(03/07/94 The New York Post, Christopher Ruddy, "Cops made Photo Blunder at Foster Death Sight")

Why didn't the Park Police take impressions of footprints around Foster's body?

(02/17/94 The New York Post, Christopher Ruddy, "Top Docs Cast Doubt on Foster Suicide")

Di Maio said it was virtually impossible to have an indentation on a thumb from a single depression of a trigger.

(02/17/94 The New York Post, Christopher Ruddy,

Experts maintained that there is no test that

"Top Docs Cast Doubt on  
Foster Suicide")

proves that the powder  
burns on Foster's hands  
match the powder that was  
found in his mouth.

(04/18/94 The New York  
Post, Christopher Ruddy,  
"No Foster Gun?")

Was there a man in a white  
van that reported Foster's  
body to Swan? The man that  
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Swan's description.

NEW YORK POST, THURSDAY, JANUARY 27, 1994

EXCLUSIVE NEW YORK POST INVESTIGATION

# DOUBTS RAISED OVER FOSTER'S 'SUICIDE'

By CHRISTOPHER RUDDY

Interviews with some of the first people to see Vincent Foster's body after it was found in a Virginia park have raised new questions about the "suicide" of the White House deputy counsel.

The questions involve the position of Foster's body; the fact that the gun was still in Foster's hand and had no

**Why was he still holding the gun?**  
**Why so little blood?**



**CLOSE PAL:** President Clinton with Vincent Foster (rear) and Hillary last year in Little Rock.

## Some clues

Forensic and homicide experts look for a number of immediate telltale signs to help distinguish a suicide from a murder. While an unusual circumstance does not definitely indicate foul play, experts consider all possible evidence. Here are some things investigators might have looked for at the scene of Foster's death:

- The body should be consistent with the person's original position when he was shot in the mouth. Because of his straight appearance, eyewitnesses assumed that Foster either sat or lay down on the incline to shoot himself. The bullet likely would have been lodged in the ground beneath him. Park police said the gun was still in Foster's hand and the body was lying on its back.
- The scene should be consistent with a wound in the mouth and an exit wound in the head. Blood typically is splattered and pools around the body. Eyewitnesses noticed that little blood came from the mouth, and there were no signs of splattering on the face of Foster or pools of blood around his body.
- The gun may have blood on it. Eyewitnesses who viewed the gun said it appeared clean.
- The gun's position after death should be consistent with the fact the person fired the gun into his mouth. The gun was still clenched in his hand, which was lying in an easy repose alongside his right leg. Typically, the gun is not in the suicide victim's hand.
- The area around the person should be examined for indications of a struggle. Police said there were no such indications.

amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

Fairfax County paramedic George Gonzalez, who says he was the first rescuer to see Foster's body last July 20, told The Post he found several things about the death scene "strange."

"I don't see anything. Foster's body was laid out perfectly as if in a coffin," Gonzalez said in his first public interview about the mysterious death.

"I found it peculiar. Every extremity [of his body] was straight, as if it was ready for the coffin," said Gonzalez, a paramedic for 18 years.

Foster's 1988 Colt revolver was in Foster's right hand — even though experts say handguns used in suicides often are "cata-pulted" up to 30 feet away from a body.

He said Foster's arms were resting perfectly straight alongside his body.

Gonzalez said he was surprised to find so little blood at the death scene of someone who appeared to have placed a .38 in his mouth and pulled the trigger.

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," he said.



**VINCENT FOSTER**  
Neatly laid out.

"Usually a suicide by gunshot is a mess," said Gonzalez, who claimed he has examined a number of suicide victims who shot themselves in the mouth.

Kory Ashford, an emergency service technician who helped put Foster's body into a body bag, also said he does not remember seeing any blood.

"I can't even recall an exit wound," Ashford said, explaining that typically there would be a "mess" under the victim's head.

Park Policeman Kevin Fritchell, the first police officer at the scene, said everything, including Foster's white shirt, "was really neat" with no blood on it.

The apparent contradiction — a quantity of blood in a death involving a gunshot wound to the head — raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park, according to homicide experts contacted by The Post.

The pathologist who conducted the autopsy said the wound had been "self-inflicted," but the autopsy results haven't been made public.

The results will be sent to special White House counsel Robert Fluke, who will look into Foster's death as part of his investigation.

Another key question involves the gun. Gonzalez remembers

See FOSTER on Page 12

## Key questions leave experts wondering

By CHRISTOPHER RUDDY

Expert detectives can often distinguish a suicide from a murder by asking — and finding the answers — to a number of key questions.

Here are their unanswered questions about the death of White House lawyer Vince Foster:

- Was the suicide victim familiar with the weapon? Police say the 1911 Colt .38-caliber revolver found in Foster's hand was the gun used, based on powder residue on Foster's hand. But the Foster family has not positively identified the gun as his.
- Is the victim's time accounted for on the day of his death? The autopsy report put the time of death between 4 and 5 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.
- Did anyone hear the gunshot? Police say no, but they apparently did not question all homeowners and workers in and near

**A note found in Foster's briefcase had been torn in 27 pieces. It detailed Foster's anguish over a number of issues, but made no mention of suicide.**

the park. Were there nearby witnesses? Police say no one besides Foster apparently was in the park at the time of his death. But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after 6 p.m. It was still there a half-hour later. Police say the Mercedes was simply disabled. A spokesman couldn't explain why that information was withheld from the press at the time of Foster's death. Was a suicide note found? No suicide note was found on his body, according to officials. The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had been overlooked during an earlier police search. The note detailed Foster's anguish over a number of issues, but made no mention of suicide.

NEW YORK POST, THURSDAY, JANUARY 27, 1994

ISS: VRAUHAL MAQ251HT 12 1 1500 W34

# It existed Doubts over Foster's 'suicide'

...rakkhan spoke Monday night in Harlem. Instead, Farrakhan attacked Jackson, implying Jackson is toadying to Jews.

It is clear Farrakhan's period of mainstream moderation was a ploy, perhaps only to get federal contracts. His playing Mendelsohn was about as sincere as Lee Atwater playing B.B. King after boasting about the fear-pandering Willie Horton commercial.

Where do we go from here? Owens said he is optimistic.

"If black leaders finally stop fooling themselves about Farrakhan, we can expand a coalition of the caring," he said.

"Asked who can lead this multiracial alliance, Owens replied:

"We don't need a cult of personality. We need a think tank, and a platform, and ideas. But this coalition would include Al Vahn, Rep. Charles Schumer, the Rev. Johnny Ray Youngblood, Ruth Messinger, Rep. Jose Serrano, Rep. Nydia Velasquez, Carl McCall, David Jones [president of the Community Service Society], Cuomo, Jackson and others.

"This coalition will be much more cohesive once we forthrightly repudiate the hatemongers."

FOSTER from Page 5  
looking carefully at Foster's hand.

"His hand was wrapped around the grip of the gun," he said.

"The fingers were cyanotic — or pooling blood" he said, which is an indication of death.

He said the barrel of the gun was perfectly perpendicular to Foster's leg.

His account of the positioning and condition of Foster's body was corroborated by other witnesses who examined the body and scene.

Two witnesses said the first cops who came upon Foster's body took a cursory look at the crime scene and declared the White House official an apparent suicide.

"They saw the gun," Gonzalez said of the cops' snap judgment.

The Post took Gonzalez's detailed observations to a medical examiner and several present and former New York City homicide investigators.

They said they would not have been so quick to come to a conclusion about Foster's death, because killers often try to make murders look like suicides.

"You treat it as a homicide, particularly if it is a VIP, like this case, until you can prove otherwise," said a city detective with more than 20 years experience with homicides.

"The dead body is the most accurate and honest witness you have, if you know how to 'interrogate' it," he said.

Almost all experts consulted by The Post said it would be impossible to render a judgment on Foster's death, particularly since the autopsy and other crime scene reports have not been released.

But all said some aspects of the crime scene — as described by Gonzalez — baffled them.

"This is a head wound. Usually there's tremendous amounts of blood, blood all over the place, it would be a mess," said a detective considered the city's best.

"There should be pools of blood... Look at the gun — if it was the instrument of death, there would be blood on it. A .38 makes a powerful explosion. There's a backwash of blood and tissue."

Gonzalez and a law-enforcement official described the gun as clean.

The experts also said it was highly unusual that Foster was clutching the gun.

"In my 30 years in dealing with homicides, I've never seen someone shoot themselves in the mouth and still hold the gun perfectly at his side," said a retired detective who spent most of his career investigating murders.

A prominent forensic pathologist added: "Normally when a person commits suicide, the gun doesn't end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand."

Also questioning the position of the gun was Vernon Geberth, a former city detective who wrote a nationally recognized homicide-investigation textbook.

"Under ordinary circumstances, after the firing, the gun is away from the person," Geberth said, acknowledging that there are rare instances when the gun remains in the suicide's hand.

Experts said a suicide gun can end up 20 feet away — thrown by a reflex action of the person committing suicide.

Witnesses surmised that Foster was sitting or lying in the park when the fatal shot was fired.

"It's hard to explain how he shot himself — putting the barrel in at a right angle to his arm — fired it, and [had] it land still in his hand at his side," a detective said.

Forensic experts and homicide detectives said the key to answering many questions could be found in the bullet — if the cops ever find it.

The White House did not respond to several requests for comment.

up. Snow or High 27.

**FRIDAY:** Rain, tapering to showers, breezy and milder. High 41.

**SATURDAY:** Cloudy to partly sunny and less breezy. High 40.

**SUNDAY:** Mostly cloudy, chance of snow or rain late. Highs near 35.

**WESTCHESTER COUNTY**

TODAY: Early sunshine then clouding up with light snow possible late in the day. Highs in the 20's. Snow, sleet or freezing rain tonight, changing to all rain late. Rising temperatures. TOMORROW: Mix to rain. Highs 35-40.

Montauk Point 28/27

Southampton 30/29

Sunset today: 5:05 p.m.  
Sunrise tomorrow: 7:10 a.m.

**LONG ISLAND**

TODAY: Morning sunshine then increasing clouds, chance of snow or sleet by evening.

**MARINE FORECAST**

Small craft advisory...

New York Harbor: Northeast to east winds 15-22 knots. Waves 2-4 feet. Good visibility this morning, lowering in snow this evening.

Long Island Sound: Northeast winds 15-25 knots, becoming east late today. Seas 3-5 feet. Good to fair visibility, lowering to 1-3 miles in snow this evening.

Atlantic Ocean: Northeast winds 15-25 knots, becoming east by this evening. Seas 4-7 feet. Visibility good to fair much of the day but will lower late in the afternoon and tonight as snow develops.

**TIDES**

THU FRI SAT THU FRI

High Tide for 3:11 P.M. 2:11 P.M. 4:11 P.M. 3:11 P.M. 2:11 P.M.

Her doctor told her, "You can have the baby in the local hospital, without me in attendance, or you can have it at home, and I will

The doctor did not arrive in time, and a midwife made the delivery while I ran pails of hot water.

in the world, under a "free" nationalized health scheme, my wife gave birth like a frontier woman

and driven by the corrupt dents, Bill and Hillary Clinton, is seriously planning to introduce a form of

the incalculable damage they will inflict before they're through. Look what

Just keeps mounting. But none of them See KERRISON on 7

# COPS: FOSTER GUN WAS NEVER TESTED

By CHRISTOPHER RUDDY

The gun found in Vincent Foster's hand after his reported suicide might not have been tested to determine if it was the weapon used in the White House deputy counsel's death.

"We may not have done a ballistics test," Maj. Robert Hines, a spokesman for the U.S. Park Police, told The Post.

The agency had reported after Foster's death that the Washington Metropolitan Police performed tests confirming the gun killed Foster.

The district police routinely do such testing for the federal service.

But the district police's ballistics unit told The Post this week that had not happened.

"No, we did not test that gun," the head of the unit, George Wilson, said.

Questioned about the conflicting reports, Hines told The Post yesterday, "We will no longer be providing you with information. You will have to FOIA all requests from now on" — submit formal requests under the Freedom of Information Act.

The Post reported yesterday that aspects of the

## White House: No comment

WASHINGTON — The White House yesterday declined comment on The Post's report raising questions about the reported suicide of White House deputy counsel Vince Foster.

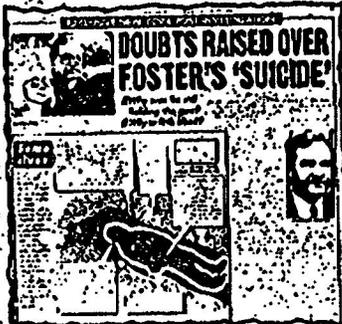
"The Park Service police investigated that at the time," said White House press secretary Dee Dee Myers.

She added that special Whitewater counsel Robert Fiske "has now included that in the scope of his investigation."

"We'll cooperate with the investigation and beyond that I have nothing to add," she said.

Myers didn't address any points raised by The Post, which quoted a paramedic who said the scene was "strange" due to the body's position and the lack of blood.

Attorney General Janet Reno said: "I have heard absolutely no information at all that would indicate that it is anything but a suicide."



FLASHBACK: How The Post broke story.

Foster death were inconsistent with suicide.

Homicide investigation experts said that even without the bullet, ballistics tests could be helpful.

A test would show that the gun worked. And, any unused ammunition should be fired to compare the gun's powder with the powder burns and stippling (a tattooing effect) in the victim's mouth, retired

New York detective Vernon Geberth explained.

Park police say the bullet exited the back of Foster's head and was lost in the woods. A second bullet was found in the revolver.

Geberth, whose book "Tactics" is considered the bible on homicide forensics, said, "The last

thing you want to classify a death as is a suicide. Death investigations are analytical. Don't jump to conclusions."

Just because a gun is found in the victim's hand, he said, "Who says that it is the gun that is fired?"

But Geberth said he could not draw any con-

clusions without an autopsy report and police file.

Dr. James Byer, the Virginia medical examiner who conducted the autopsy on Foster's body, said that the finding of suicide was made by the park police.

Foster's body was found on July 20 in Fort Marcy Park, just across the Potomac River from Washington. The park falls under the jurisdiction of the park police.

Park police said they did not canvass the neighborhood around the park.

"There are no homes around there, it's secluded," Hines said.

But from where Foster's body was found, one can see directly down a gully into the front yard of a home where a large construction project has been going on since before Foster's death.



## Fred Siegel joins P

Fred Siegel, director of the claimed City Jobe writing a column dealing York political Editor Ken Cl nounced yester

The column, "watch," will appear Friday on the

Siegel, 48, history at The He is also a for the Institute Study and form at the Sorbonne

Last year, he the City Journ Haitian Institute cessful quarter

Siegel, who Hlyn, contributes cations as The Atlantic, and The Ameri

"I'm delighted for the New a time when helping to resh cal culture o

# Reno's top aide quits over bad 'chemistry'

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Janet Reno's top deputy announced his resignation yesterday, saying he and the often brusque attorney

General Philip Heymann wrote: "The attorney general has concluded that our operational and management styles are too different for us to function fully effectively as a management team."

to-eye on some policy matters.

Last month, Heymann tentatively recommended leniency for jailed spy Jonathan Pollard. But Reno had more questions and has yet to make a

ment's criminal division during the Carter administration, is viewed as mild mannered.

Reno and Heymann carefully measured their words yesterday and refused to detail their differences except to say they



5TH STORY of Level 1 printed in FULL format.

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The Washington Times

January 31, 1994, Monday, Final Edition

SECTION: Part A; COMMENTARY; Pg. A19

LENGTH: 920 words

HEADLINE: Furtive Foster report

BYLINE: Reed Irvine / Joe Goulden

BODY:

From the beginning much about the Vincent Foster death didn't make sense.

A talented lawyer, the bosom friend of President Clinton and first lady Hillary Rodham Clinton, sneaks away from his White House office in midday and is found dead five hours later in a park on the Virginia side of the Potomac River. Within hours, the White House declares the death a suicide, and Mr. Clinton claims to reporters he can't understand why his friend took his life.

On Jan. 27, an investigative report by Christopher Ruddy of the New York Post challenged the suicide verdict and raised questions that must be answered by the special counsel probing the Clintons' affairs. Mr. Ruddy invested reportorial shoe leather and talked with eyewitnesses who had not previously been quoted in the press. These were two Park Police officers and an ambulance driver who responded to a 911 call reporting that there was a body in the park. A fourth was Kory Ashford, a technician who helped remove the body. Here's what they told Mr. Ruddy.

\* Mr. Foster was found lying on his back on the side of a hill, his feet pointing downward with his arms "resting perfectly straight alongside his body." George Gonzalez, the ambulance driver, thought it strange that the body was laid out perfectly, "as if in a coffin." Forensic and homicide experts said this indicated Mr. Foster was shot while sitting or lying on the ground, in which case the spent bullet might have been found nearby. The Park Police say no bullet was found; they concluded he shot himself while standing and the bullet disappeared in the woods.

\* A gun was in his right hand, his fingers wrapped around the grip. A prominent forensic pathologist commented, "Normally, when a person commits suicide, the gun does not end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand." A detective said, "It's hard to explain how he shot himself, putting the barrel in at a right angle to his arm, fired it, and had it land still in his hand at his side."

\* The eyewitnesses saw little blood. Mr. Gonzalez saw only a "thin trickle" oozing from one corner of his mouth. Mr. Ashford, the technician, didn't remember seeing any blood, nor could he recall seeing an exit wound. Officer Fornhill, who was the first to see the body, said everything was very neat, and there was no blood on Mr. Foster's shirt.

The Washington Times, January 31, 1994

\* Even the gun appeared clean, although it was presumed to have been fired with the barrel inside Mr. Foster's mouth.

Mr. Gonzalez told Mr. Ruddy that the first officers to arrive declared Mr. Foster a suicide after only a cursory look at the scene. New York homicide officers told Mr. Ruddy they would not have reached a conclusion so quickly, because killers often try to disguise murders as suicides.

~~NY~~ Park Police officials have been reluctant to speak about the case, and there are some major contradictions in the accounts they have given. On Jan. 14, Maj. Robert Hines, the Park Police spokesman, told us that there was no exit wound in Mr. Foster's head. He also said a ballistics test had proven that the bullet that killed Mr. Foster came from the gun in his hand.

~~NY~~ A week later, Maj. Hines told Mr. Ruddy exactly the opposite - that indeed there was an exit wound, and that the bullet had not been found. Kory Ashford, who helped put Mr. Foster's body into a body bag, told Mr. Ruddy, "I can't even recall an exit wound," noting that in such case there was usually a "mess" under the victim's head. Maj. Hines also told us and Mr. Ruddy that the D.C. Metropolitan Police Department laboratory had done the ballistics test, but a D.C. police ballistics expert told Mr. Ruddy that was untrue.

The Park Police have refused to release their case reports, which should include results of the autopsy, a ballistics test and a gunshot residue test. We asked for them under the Freedom of Information Act weeks ago. Maj. Hines told us that his office was willing to release the information but release had been delayed because other agencies had to clear the report. He said all the clearances had been obtained and that the report would soon be released. That was on Jan. 14. More than six months after Mr. Foster's death, the report still has not been released, and Maj. Hines is not returning our phone calls.

This delay and obfuscation has fueled suspicions that the Foster death was something more than a simple suicide caused by depression. These suspicions could have been forestalled and they could now be allayed by an expeditious release of all the reports, including the autopsy and the tests, unless the investigation was bungled completely. Mr. Ruddy's story indicates that it was bungled, perhaps deliberately. But experts we have interviewed say the position of the body, the paucity of blood, the hand gripping the gun are all unusual, but they don't prove that Mr. Foster did not shoot himself.

It is possible that the White House did not want a thorough professional investigation of Mr. Foster's death for fear it would lead to exposure of documents the Clintons were desperate to conceal. The cover-up has given rise to dark suspicions that what is being concealed is something far worse.

Reed Irvine is chairman of Accuracy in Media. Joe Goulden is AIM's director of media analysis.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 31, 1994

4TH STORY of Level 1 printed in FULL format.

Copyright 1994 News World Communications, Inc.  
The Washington Times

February 4, 1994, Friday, Final Edition

SECTION: Part A; COMMENTARY; Pg. A18

LENGTH: 581 words

HEADLINE: Revisiting Foster's death for answers

BYLINE: Martin Anderson

BODY:

When Vincent Foster, top White House adviser and one of President Clinton's closest friends, was found shot to death in an obscure federal park in Virginia on July 20, 1993, shock waves ran through Washington.

Reports that a bullet was fired into his mouth ruled out an accident. The only two possibilities were suicide or murder.

As late as two days after his death Dean St. Dennis, a spokesman for the Justice Department, said they were "looking carefully at the possibility, a slim possibility, that he was murdered."

But the murder of a White House senior adviser is monstrous to even contemplate. As the horror of that possibility began to sink in, most people, quite understandably, shied away from it.

Facts and clues that did not point toward suicide were shunted aside. Questions that should have been asked were not asked. Mr. Foster's death was officially ruled a suicide.

Now, six months later, Christopher Ruddy, a New York Post reporter, has interviewed the men who handled Mr. Foster's body.

George Gonzalez was the first rescue worker to reach Mr. Foster's body and he recalled that some things were "strange."

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," Mr. Gonzalez said. "Usually a suicide by gunshot is a mess."

Kory Ashford, who helped place Mr. Foster's remains in a body bag, said he did not remember seeing any blood, adding, "I can't even recall an exit wound."

And Kevin Fornhill, the first police officer on the death scene, recalls that everything, including Vincent Foster's white shirt, "was really neat," with no blood on it.

Mr. Gonzalez also found it odd that Mr. Foster's body was lying on a gently sloping hill, perfectly straight, his arms neatly by his side, an old Colt revolver in his hand.

The Washington Times, February 4, 1994

Virtually no blood. A clean white shirt. No evidence of an exit wound. The body lying perfectly straight. All witnessed by three credible professionals.

This may not prove murder. Such circumstances could have resulted from a suicide.

But questions concerning Mr. Foster's death do remain in the minds of some. The revolver that supposedly killed him was a 1913 Colt, a collector's item. How did Mr. Foster get the gun? Was it his?

The Park Police, who investigated Mr. Foster's death and ruled it a suicide, said the D.C. police tested the Colt revolver and confirmed it was the gun that killed Mr. Foster. George Wilson, the head of the D.C. police ballistics unit, said recently that was not the case.

Immediately after Mr. Foster's body was discovered, his wood-paneled office on the second floor of the West Wing of the White House was checked out by White House aides, who took several boxes of files, including the Whitewater files.

Robert Fiske, the special counsel appointed to probe the Whitewater financial collapse, has indicated he also intends to look into events surrounding the death of Mr. Foster.

Mr. Fiske should give Mr. Foster's death top priority, engage the country's top homicide investigators, and make sure Mr. Foster's death was, in fact, a suicide.

There is more to be gained than seeing justice done.

Martin Anderson, a senior adviser on the president's Economic Policy Advisory Board during the Reagan administration, is now a senior fellow at the Hoover Institution at Stanford University.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 4, 1994

3RD STORY of Level 1 printed in FULL format.

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The Bond Buyer

March 11, 1994, Friday

SECTION: THE MUNICIPAL MARKET; Pg. 1

LENGTH: 765 words

HEADLINE: Doesn't Take Much: Hair-Trigger Market Shoots Self in Foot Over Wild Rumors

BYLINE: Kathie O'Donnell

BODY:

Apparently baseless rumors suggesting foul play in the death of White House deputy counsel Vincent W. Foster helped send gold prices up and municipal and Treasury bond prices down yesterday.

"It's ludicrous," one observer said, adding, however, that the bond markets are poised to sell off on anything these days.

"The market was set up so that if Willie Mays dropped a fly ball the markets would sell off," he said. Wire reports yesterday said the White House denied the rumors.

A municipal trader said tax-exempts lost roughly 3/4 points on "rumor and speculation."

Another trader said: "The bid side is more or less evaporated. I'd say it's down anywhere from 1/2 to a point." His comments came earlier in afternoon.

An analyst said dollar bonds were down 5/8 points overall, with some as much as 1 1/8 points lower. Yields on high-grade issues rose seven basis points overall.

"Activity was moderate with very big wanteds and bid lists combined," he said.

The Treasury's 30-year bond fell more than 1 1/2 points to yield 6.96%.

According one account, the bond markets sold off on a rumor that allegedly got started last Tuesday when New York Post Reporter Christopher Ruddy called the office of Sen. Daniel P. Moynihan, D-N.Y.

Ruddy allegedly inquired about whether Moynihan knew of an alleged "safehouse" kept by Clinton insiders. While the Moynihan staffer Ruddy talked to apparently offered no information, Ruddy allegedly pressed on with questions about whether Foster's body could have been moved from the "safe house."

The reporter's probe apparently fueled rumors on Capitol Hill that snowballed as each day passed. The rumor then was said to find it's way into a well-respected newsletter, Washington-based Johnson Smick International, which explained it with qualifications. Editors for the publication could not be reached for comment.

The Bond Buyer, March 11, 1994

One version of the rumor, said to be making its way around Capitol Hill, has it that Foster was killed in a Virginia apartment, possibly a transition-period staff apartment, and his body brought to the park later. The rumor was said to have been started by a Senate Democrat opposed to Clinton.

"This is the rumor ... it sounds crazy," the account said.

Another rumor heard by one trader yesterday was that some FBI officials had said Foster's death was not a suicide. An FBI spokeswoman declined comment on the matter, and said that the bureau is not handling the investigation into Foster's death.

With yesterday's sharp losses and the weakness seen in recent weeks, Kendrick D. Anderson, a group vice president at Duff & Phelps, was asked what it will take to get the market back on track.

"I think it's going to take some clarification of the international trade situation," Anderson said.

Among negatives currently operating in the market, Anderson cited strengthening pace of the U.S. recovery and signs of rising inflation, particularly in the agricultural sector. If the Midwest doesn't see a strong growing season, price pressures are likely to escalate, he said.

What happens in Japan will play a major role in bond market performance.

"In my mind, the key thing right now that is affecting the market is the Japanese trade situation," he said.

While noting recent headway between the United States and Japan with regard to cellular telephones, Anderson cautioned that a trade war would probably prompt Japanese investors to dump U.S. Treasuries. Until the trade question is answered, investors are likely to proceed cautiously, he said.

"It's going to keep the traders from going long," Anderson said.

Specific to municipals, the analyst sees municipals becoming significantly more attractive to Treasuries by around September 15.

While investors facing higher tax bills may liquidate some of their investments initially to pay the government, not long after they're likely to be singing the same tune, Anderson said.

"It's kind of like Mick Jagger - 'Gimme Shelter,' " he said, adding that they will probably buy municipals.

Anderson said, however, that the rally will take time because many people have not prepared their taxes yet and still do not know how much they owe.

"It's not a process that occurs instantaneously," he said.

Yesterday, Standard & Poor's The Blue List was \$1.65 billion, up \$83 million. This marked the first increase in 10 days. Yesterday's visible supply is \$4.9 billion, up \$73 million. That's the highest since Feb. 8, when it was \$5.03 billion. The June MOB spread was negative 425 yesterday, compared with 434 on

1ST STORY of Level 1 printed in FULL format.

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The Washington Times

March 16, 1994, Wednesday, Final Edition

SECTION: Part A; Pg. A14

LENGTH: 723 words

HEADLINE: Tabloids war over death of Foster

BYLINE: Rod Dreher; THE WASHINGTON TIMES

BODY:

The investigation into the death of White House Deputy Counsel Vincent W. Foster Jr. has become a battleground in New York City's never-ending tabloid war.

"Only in New York," joshed a Manhattan-based political reporter who seemed amused and repelled by the tabloids' cheek.

On Monday, the New York Daily News ran a cover story by columnist Mike McAlary proclaiming "Case Closed" in the Foster inquiry. According to the Daily News, which cited anonymous "investigators," Whitewater-Madison special counsel Robert B. Fiske Jr. has accepted the U.S. Park Police report on the Foster death, which called the shooting a suicide.

The Daily News report was a thinly veiled attack on the New York Post, which has been advancing the Foster story with breaking reports raising questions about the apparent suicide.

Today's edition of the Post returns fire, purporting to discredit the Daily News story by attributing to the Fiske investigator responsible for examining the Foster case a denial of its Daily News report's central premise.

That investigator, former Manhattan prosecutor Roderick Lankler, told The Washington Times yesterday that, contrary to the Daily News report, the Fiske team had "not reached any conclusions" about Mr. Foster's death.

The Post also points out several glaring errors in the McAlary column, including its using the wrong date for Mr. Foster's death and identifying Mr. Lankler's first name as "Ronald."

Despite the mistakes, Daily News Editor Lou Colasuonno stands by the story.

"There may be an editing error in there, but basically the story is solid," he said. "There's no doubt that there are a lot of questions about what the White House is up to, [but] there seems to be pretty solid evidence that Foster killed himself and did it in the park that afternoon."

Despite Mr. Lankler's denial, the Daily News editor offers no retractions. "Many times in this business, when names are named, people will for the public record deny, when we know in fact what really happened," he said.

The Washington Times, March 16, 1994

And so it goes in the tit-for-tat world of the New York tabloids, where newspapers have to fight for a dwindling readership with whatever weapons they can find.

"The Post takes one position, the Daily News, you can be sure, comes back with another," said Terry Galway, political reporter for the New York Observer. "Any politician in New York has to know how to play the tabloids against one another. That's all this is."

The Clinton administration seems to understand this. Stung by Post reporter Christopher Ruddy, who has written several stories raising questions about the Foster death, the administration or agencies friendly to it appear to be leaking to the Daily News information supporting its view of the case.

Mr. Galway praised Mr. Ruddy's reporting, but questioned the Post's practice of putting quotation marks around the word "suicide" in headlines over Foster-related stories.

"I think that while you may call into question some of the events of that day, this is over-the-top skepticism," he said. "By putting the word suicide in quotation marks, the Post makes it pretty clear what they think happened."

Not so, said Post Managing Editor Marc Kalech, who denied a Galway charge that Post owner Rupert Murdoch, the conservative media baron, likely ordered the quotation marks.

For his part, Mr. Ruddy said how Mr. Foster died is still a mystery to him. "A lot of journalists are saying this was definitely a suicide. All I'm saying is there isn't much evidence indicating that," he said.

Some journalists also looking into the Foster case believe Mr. Ruddy is something of a loose cannon. Others, perhaps remembering how the mainstream media missed the Whitewater story during the 1992 campaign, value his willingness to make risky judgments.

"If he is a loose cannon, I don't think that's ever a bad thing in a reporter," said Mr. Galway.

Mr. Ruddy accused the media of not giving the Foster case enough attention. That is changing now, and he believes the Post can take credit.

"I think they're more carefully scrutinizing things because of us," he said. "And even if it's proved a suicide, it'll be a good thing."

LANGUAGE: ENGLISH

LOAD-DATE-MDC: March 16, 1994

2ND STORY of Level 1 printed in FULL format.

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The Bond Buyer

March 11, 1994, Friday

SECTION: Pg. 1

LENGTH: 1330 words

HEADLINE: Whitewater Tales Roil Market; Bond Plummets 1 1/2 Points

BYLINE: William Pesek Jr.

BODY:

Unsubstantiated rumors that President Clinton might be implicated in the Whitewater scandal created uncertainty in the global financial markets and resulted in panic selling of Treasuries.

The government securities market lost ground as concerns about the Whitewater affair began to take hold of the marketplace Thursday afternoon. Market observers said the long end was primarily being pressured by speculation that Clinton and his wife, Hillary, may be implicated in the Whitewater real estate debacle.

Amid fears that the Federal Reserve will tighten credit in the near future, already nervous market players seized on the rumors and liquidated long positions. Analysts said the sell-off demonstrated the weak state of the market and its vulnerability to uncertainty.

The 30-year Treasury bond closed down more than 1 1/2 points yesterday to yield 6.96%.

One of the rumors traders cited yesterday was that the body of White House deputy counsel Vincent W. Foster had been found in an apartment used by the White House for strategy sessions and then moved to Fort Marcy Park in Arlington, Va.

Traders also cited Johnson Smick International, an influential industry newsletter, as saying that Rep. Jim Leach, R-Iowa, has information that is allegedly damaging to the Clinton Administration.

Another rumor heard around the market yesterday was that some officials with the Federal Bureau of Investigation said Foster's death was not a suicide. An FBI spokeswoman declined comment on the matter, and said that the bureau is not handling the investigation into Foster's death.

Foreign accounts unloaded U.S. dollars and government securities yesterday, fearing that the scandal would reach the White House and pose negative implications for U.S. financial markets.

"There is the sense in Europe that Clinton will be implicated in the scandal, and some people are talking resignation or even impeachment," said one London-based trader for a U.S. primary dealership. "We've seen significant overseas selling of U.S. dollars and Treasuries, and people are getting out before they experience further losses in the U.S. markets."

## The Bond Buyer, March 11, 1994

Treasury market observers pointed to the softening dollar, weak stock and gold markets, and the drop in bond prices as proof of selling by international investors and foreign central banks. Observers also cited the steepening Treasury yield curve as evidence that investors moved money into the shorter maturities to avoid volatility at the long end.

"Circumstantial evidence suggests the rumors about Whitewater are sending flows out of Treasuries, particularly at the long end," said Michael Moran, chief economist at Daiwa Securities America International. "The steepening yield curve, the soft dollar, and stock market suggest that the uncertainty caused by the reports is sending the market lower."

Moran said the bill sector and short Treasury coupons benefited from a flight to quality as foreign and domestic accounts sold bonds.

Some market players felt investors overreacted to the rumors concerning President Clinton's involvement in the Whitewater affair. Donald Fine, chief market analyst at Chase Securities Inc., attributed yesterday's sell-off primarily to continued concerns over the strength of the U.S. economy and the belief that the Fed is poised to tighten credit. "The market was looking for excuses to sell, and the rumors provided that excuse," Fine said.

The rumors accelerated the market's early declines Thursday on concerns that a special survey of U.S. and Canadian purchasing executives conducted by the National Association of Purchasing Management reflected growing inflationary pressures in the U.S. economy, observers said.

But the bulk of yesterday's sell-off reflected widespread speculation about the White House and the Whitewater affair.

In Washington, rumors swirled on Capitol Hill that more Whitewater revelations would be forthcoming to the detriment of the Clinton presidency.

White House press secretary Dee Dee Myers called "not true" the report at the center of the controversy, issued by the Washington-based consultancy Johnson Smick International.

Officials at the consultancy firm, run by Manuel Johnson, a former Federal Reserve vice chairman, and David Smick, a Washington insider and one-time Congressional aide, could not be reached for comment.

There was no scheduled news briefing by President Clinton, who was in New York to make appearances on behalf of his anti-crime programs. Last night, he was scheduled to give a dinner speech to the United Negro College Fund.

"People are definitely talking; this is spreading like wildfire," said one source who did not wish to be identified.

The source said Senate Minority Leader Robert Dole, R-Kan., has directed his staff to prepare an internal memo outlining priorities for Dole in the event he is made majority leader in the next Congress. The theory is that "Whitewater will explode," and Republicans will recapture the Senate in the fall congressional elections, the source said.

## Self-Fulfilling Prophecy

In our initial comments on the death of Vincent Foster, we remarked that "the death by gunshot of a high White House official is bound to be troubling" and commended the announced Justice Department investigation. We added, "A direct appointment such as special counsel within Justice would make clear who is in charge and directly responsible."

No such appointment was made, of course, and it now seems the investigation has fizzled out for want of direction and responsibility. "There is no investigation being conducted by the Justice Department," spokesman Carl Stern said Monday. Deputy Attorney General Philip Heymann, previously announced as the official coordinating the effort, says only that he's receiving "regular reports" from the federal Park Police, who discovered the body in Fort Marcy Park on the Virginia side of the Potomac. This is quite a change from the earlier statement of another Justice spokesman that the probe would seek "to find out what the factors were—if it was a suicide—that led to him killing himself."

Now, Mr. Foster was a member of the inner circle of the President of the United States. In his eulogy for his boyhood friend, the President said Mr. Foster's friends found him a "great protector." The White House counsel's office handles sensitive presidential issues, for example the still-uncompleted blind trust for the first couple's financial assets.

Mr. Foster, a first-rate lawyer and steeled litigator, was suddenly found dead, apparently killed with an antique handgun. He left no suicide note. His Arkansas friends do not consider him a likely suicide. Since his death there have been reports that he was dispirited in his last few weeks. But the Washington Times reported that one anonymous source told it he'd discussed depression with his brother-in-law, former Rep. Beryl Anthony; and that Mr. Anthony responded, "There's not a damn thing to it. That's a bunch of crap."

"He was not 'chewed up' by Wash-

ington," Doug Buford, a Little Rock lawyer friend of Mr. Foster, told The Washington Post. "I resent that suggestion. Vince was such an able man. I think maybe the incredible pressure, the workload, exhausted him, and that was part of it. But ultimately, something was badly askew, something so wrong it could make him think his three kids could be better off without him."

These circumstances call for a serious investigation, going well beyond the Park Police's "routine" handling of a corpse. At least so it seems to us, and at least some others. In a column concentrating on the personal aspects of the suicide, the Post's Meg Greenfield took pains to observe, "I think it is both necessary and right that the death be investigated vigorously by police and Justice Department officials, as is being done, and also that the press not ignore the questions raised by the unaccountable violent death or turn away from the pursuit of the answers to them. For there are clearly identifiable public questions yet to be answered, one hopes in a way that will not needlessly or clumsily intensify public grief."

The vigorous investigation has not taken place, and apparently will not. White House counsel Bernard Nussbaum sorted through Mr. Foster's papers, removing any that fell under attorney-client privilege with the President, and gave us his word that nothing shed light on the suicide. So nothing will be done to tell the public why so sensitive an official took his own life, or for that matter, reassure us that he indeed did. The mystery, we suspect, will haunt the White House as further scandals pop up, as they do in most administrations.

But in most administrations Presidents do have their way. President Clinton's first reaction to the suicide was, "We'll just have to live with something else we can't understand." Despite second thoughts at Justice, it seems that the President's view will not only prevail, but become a self-fulfilling prophecy.

## Re Vincent Foster

A torrent of news has overwhelmed the story of the suicide of Vincent Foster, deputy White House counsel and Clinton family friend. But we don't want to let the week expire without remarking that, yes, we did notice the amazing barrage of leaks and polemics suggesting we pulled the trigger.

Of course we were the only news organization to spotlight Mr. Foster prior to his suicide. We certainly did raise pointed questions in our commentary on the practices of the administration's Rose Law Firm partners—Mr. Foster, Mrs. Clinton, Associate Attorney General Webster Hubbell and Associate White House Counsel William Kennedy III. Our experience in reading between the lines of leaks tells us that we do at least appear in the torn-up note found at the bottom of his briefcase.

Yet there is no way to cover national government on the assumption that a high official and steeled litigator secretly suffers from depression, and may commit suicide if criticized. What we said about Mr. Foster was nothing compared to the abuse heaped on the likes of Ed Meese, Robert Bork and Clarence Thomas. We appreciate the remarks of William Safire of the New York Times and Doug Ireland of the Village Voice to the effect that we were merely doing our job.

In the Washington Post and the New Republic, of course, we have been instructed in manners and civility by Michael Kinsley, who makes his principal living as a participant in a TV screaming match. And in the New Yorker, Sidney Blumenthal, who during the presidential campaign trashed George Bush's record in World War II, tells us that we help make Washington a tough town. Naturally, those who resent our unapologetic views grabbed the occasion to beat up on us.

Yet it remains true that Mr. Hubbell brokered a meeting leading to a Justice Department intervention in a corruption trial. And that Mr.

Kennedy called the FBI into the White House travel office, and back in Arkansas signed suspect papers for the Stephens empire. It is also true, though we didn't dwell on it earlier, that when Mrs. Clinton's health task force was under court order to give advance notice of meetings, Mr. Foster signed notices that appeared in the Federal Register after the meetings had already been held.

It is not true, Mr. Blumenthal to the contrary, that after the election Mr. Foster "helped set up a blind trust" for the Clintons. The failure to create this trust was the subject of critical editorials in Newsday and Money magazine; we're now told it was filed July 26.

One has to ponder, of course, whether these problems were the result or the cause of Mr. Foster's depression. Probably we will never know, especially given the way the investigation has been handled. There has been widespread criticism of the 30-hour delay in releasing the Foster note to the investigators, the confusion over who was investigating and the change in stories about Mr. Foster's impressions on associates. This is already leading to the wildest speculation; we even read one report suggesting Mr. Foster was murdered by a drug-dealing cabal of military officers.

We hope and trust that the White House will seek to repair some of this damage with more openness. We hope there's the fullest possible accounting in the blind trust, for example. And given the fingers pointed at us, we have a particular stake in seeing the full text of the Foster note.

Our critics were particularly upset by our suggestion that the administration turn the investigation of the suicide over to a "special counsel within Justice." (Not a special counsel of the Lawrence Walsh ilk, as Mr. Kinsley distorted it.) As we said at the time, the point was to coordinate the investigation. By now it ought to be clear that the White House would have served its own interests by taking our advice.

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## Note Left by White House Aide Foster Listed Causes of Distress Before Suicide

By JEFFREY H. BIRNBAUM

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — A torn-up note left by a senior White House aide who killed himself last month described a man deeply troubled by criticism, including that in the editorial pages of The Wall Street Journal.

In the note, released yesterday by government authorities, Vincent Foster Jr., the former deputy White House counsel, disclosed himself to be upset by a wide range of things related to his high-pressure job, from partisan attacks by Republicans to several aspects of an incident in which the White House fired its travel staff.

He alleged that the White House's ushers office, which handles housekeeping at the executive mansion, was overcharging private donors on redecorating, taking advantage of Hillary Rodham Clinton and her Arkansas-based decorator, Kaki Hockersmith. He also suggested that the Federal Bureau of Investigation had lied in a report to the attorney general, apparently about its contacts with the White House over the travel office affair. The Justice Department said it is investigating both allegations. A White House spokesman said he doubted they were true.

Mr. Foster also took aim at the press and, in particular, The Wall Street Journal, which ran a series of editorials taking him, along with several of his associates who also came with the president from Arkansas, to task for cronyism. "The WSJ editors lie without consequence," the note states. Then it ends: "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."

The Journal's editor, Robert L. Bartley, said in a statement: "The text of Mr. Foster's note suggests that he was deeply distraught over a variety of issues. At this time we have nothing to add to our last editorial of August 6; if we find reason to comment in the future, we will do so in our own editorial columns."

In the Aug. 6 editorial, the Journal defended its earlier criticism of Mr. Foster, saying, "There is no way to cover national government on the assumption that a high official and steeled litigator secretly suffers from depression, and may commit suicide if criticized."

The FBI and the U.S. Park Police concluded that Mr. Foster, a well-regarded lawyer from Little Rock who took a lot of the responsibility for White House missteps on himself, committed suicide on July 20, the day he was found dead of a single gunshot in a Virginia park overlooking the Potomac River. His sister identified the 1913 pistol used as part of their father's collection.

The note, written in Mr. Foster's neat script on a short, yellow legal pad, was found nearly a week later, torn into 27 or 28 pieces, in a briefcase in Mr. Foster's White House office.

Federal officials at a news conference yesterday criticized the White House counsel, Bernard Nussbaum, for insisting that he and his staff, and not the FBI or Park police, handle the search of Mr. Foster's office. A 30-hour delay between the finding of the note and turning it over to the police authorities, however, was described as "reasonable" by Robert Bryant, special agent in charge of the FBI's Washington field office.

### Text of Foster's Note

The following note was found in Vincent Foster's briefcase on July 26:

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up the illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their loyal staff

The WSJ editors lie without consequence

I was not meant for the job or the spotlight of public life in

Washington. Here ruining people is considered sport.

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## White House Staff Questioned by FBI About Delay in Handling of Foster Note

By MICHAEL K. FRISBY

Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON — White House staff members were interviewed by the Federal Bureau of Investigation about a 30-hour delay in the handling of a torn-up note written by deputy White House counsel Vincent Foster Jr., who was found dead last month of an apparent suicide.

Press Secretary Dee Dee Myers said the White House staff didn't immediately give authorities the note, which was found in the bottom of Mr. Foster's briefcase, because they wanted to first notify President Clinton, who was in Chicago that day, as well as Mr. Foster's family.

The FBI late last week joined the Park Police, who are investigating the case, in trying to determine the reason for the delay in turning over the note. Ms. Myers said the Justice Department has told the White House not to release the note to the media because it is part of a pending investigation.

The note is said to indicate that Mr. Foster was upset over work-related issues, including several editorials published in The Wall Street Journal that criticized him by name.

The note is described as mentioning frustrations that Mr. Foster had with his job and a feeling that he had let down

his friends—the president and Hillary Rodham Clinton. The counsel's office had been criticized for the poor screening of several Justice Department nominees, as well as for its part in the botched firing of White House travel office employees. The Journal editorials said that Mr. Foster was one of several appointees from Mrs. Clinton's law firm in Little Rock who had yet to distinguish themselves in Washington.

In the note, Mr. Foster sounded as if he planned to resign, but didn't indicate he was close to ending his own life. The note, however, helped the White House to understand his state of mind. Ms. Myers said it "did show him to be in a distressed state of mind."

Authorities believe that Mr. Foster killed himself. His body was found July 20 at a federal park in McLean, Va., with a single gunshot wound to the head.

Ms. Myers acknowledged the note was missed in an initial search of Mr. Foster's office, but was found while an associate in the legal counsel's office was packing Mr. Foster's belongings for his family.

The White House also acknowledged that authorities found a piece of paper that belonged to Mr. Foster listing the names of three psychiatrists. Ms. Myers said it wasn't found at the White House and she didn't know where authorities located it.

## File on Clintons' Real-Estate Dealings Is With Their Lawyer, White House Says

By BRUCE INGERSOLL  
And JEFFREY H. BIRNBAUM

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON — The White House, seeking to dispel suggestions of a coverup, said that a file dealing with the Clintons' investment in an Arkansas real-estate development is in the hands of their personal attorney.

White House officials sought to squelch talk that such a file—kept by Deputy White House Counsel Vincent Foster—had disappeared soon after his July 20 suicide.

Communications Director Mark Gearan confirmed that two White House aides, Margaret Williams and Patsy Thomasson, entered Mr. Foster's office the night of his death to search for a note explaining why he took his life. But he said they found none and took nothing from the office.

Two days later, on July 22, White House lawyers, led by White House Counsel Bernard Nussbaum, conducted an inventory of documents and other items in Mr. Foster's office, Mr. Gearan said. The inventory was done "in the presence" of law-enforcement officials, he said. But U.S. Park Police detectives have complained about being kept outside the office much of the time.

Mr. Gearan explained that Mr. Foster's files were divided by White House officials into three categories for distribution. White House files dealing with official business were entrusted to Mr. Nussbaum. Mr. Foster's personal files were given to the Foster family lawyer, James Hamilton. And personal legal files of Bill and Hillary Rodham Clinton, whom Mr. Foster had represented, were sent to the Clintons' outside attorney, David Kendall of the Washington law firm Williams & Connolly.

### 'No Missing Files'

"We know of no missing files," said Mr. Gearan. "The files were all handled appropriately."

Newspapers have reported that the Justice Department is looking into the possibility that a file dealing with the Clintons' investment in an Ozark Mountain real-estate venture, Whitewater Development Corp., might have been taken from Mr. Foster's office after his death. Until last year, the Clintons owned Whitewater with James McDougal, owner of a now-defunct Little Rock thrift, Madison Guaranty Savings & Loan, and his wife, Susan. A special team of federal prosecutors is investigating Madison Guaranty, including the possible diversion of thrift funds to help pay off a 1984 re-election campaign debt of \$50,000 for which then Gov. Clinton

was personally liable.

In response to those news accounts, Mr. Gearan said that the Clintons' tax returns, Whitewater's tax returns and documents dealing with the Clintons' sale last year of their stake in Whitewater, were all "preserved," and sent to Mr. Kendall.

Last evening, Mr. Kendall, who also represents major newspapers and other media clients, declined to comment.

### Inquiry Into Note Widens

Meanwhile, the Justice Department's office of professional responsibility appears to be expanding what began as a narrow inquiry into a note written by Mr. Foster before he shot himself. The note, which was undated and torn into 27 pieces, was found in his briefcase six days after his death. It alleges, among other things, that the Federal Bureau of Investigation lied to Attorney General Janet Reno about the circumstances of its inquiry last spring into possible abuses at the White House travel office.

Justice Department investigators are questioning Park Police officers about what they encountered—and uncovered—in their investigation of Mr. Foster's death. Park Police are involved because the suicide occurred on federal parkland.

Investigators are reviewing, among other things, the efforts of Park Police detectives to question White House staff members and to examine documents and other items in Mr. Foster's office, according to law-enforcement officials. Some detectives say they were frustrated by strict limits imposed by Mr. Nussbaum, the White House counsel, on what they could peruse.

"We were definitely shown just what they wanted us to see," complained one Park Police detective. "We couldn't copy anything."

A White House official hotly disputed that Mr. Nussbaum had done anything wrong. The official argued that Mr. Nussbaum was merely protecting documents that were subject to the lawyer-client privilege as well as the executive privilege of the president.

Justice Department investigators also have begun questioning the detectives about any papers or documents they may have examined in the office of James Hamilton, a Washington attorney who is representing the Foster family. Mr. Hamilton has balked at turning over to the Justice Department what a Park Police report describes as a "personal diary" kept by Mr. Foster. The diary is said to be a small, store-bought notebook with about 12 pages of entries, mostly about the 1992 presidential campaign.

DATE: 3/17/94  
PAGE: C2

## Cops back News on Foster suicide

By **KAREN BALL** and **CORKY SIEMASZKO**

Daily News Staff Writers

WASHINGTON — The U.S. Park Police vigorously stood by their conclusion yesterday that deputy White House counsel Vincent Foster committed suicide last summer — stating that “the case is closed.”

And Park Police officials fully expect the Whitewater special prosecutor to back up their finding that Foster took his own life.

“The case is closed, from our standpoint,” Park Police Maj. Robert Hines said yesterday.

Hines and Park Police Chief Robert Langston met Tuesday with former Manhattan prosecutor Roderick Lankler, who was appointed by Whitewater special counsel Robert Fiske to review Foster's death.

“We were very impressed with him,” Hines said. “He didn't come in saying, ‘You guys screwed up’ or that his mind was made up one way or the other.”

Calling the investigation into Foster's July 20 suicide “a high priority,” Lankler yesterday said: “It is our intention to be able to wrap that up as soon as possible . . . (And) I would think as soon as we are able to conclude that part of the inquiry, we would have a report on that aspect of the investigation.”

But Lankler declined to discuss any timetable or details of his probe other than to say his investigators are collecting the Park Police evidence — Foster's clothes, the antique revolver found in his hand and crime scene photos now sitting in a Park Police evidence vault.

But Lankler revealed that there were “no plans to exhume the body” — saying, “I don't think the Foster family should have to speculate about that.”

Recent articles in the New York Post have cast doubts on the Park Police investigation and

the circumstances of Foster's death. When told of the Park Police's statement, managing editor Marc Kalech said “the Office of the Special Counsel is on the record that the case is definitely not closed.”

“The facts of the story speak for themselves,” he said.

But the Post, in recent weeks, has not always gotten the facts right.

Quoting forensic and homicide “experts” in New York who had not seen the evidence, the Post reported that if Foster had shot himself, there would be massive “pools of blood” everywhere and that he would not be holding the gun and laid out neatly.

But the Daily News, which was the first to view Foster's still-secret medical files, reported that Foster's frozen grip on the gun was consistent with suicide, that his thumb was indented from the trigger and that the body's neat condition was evidence that there was no struggle. And there was blood on his shirt and on the ground under his head.

Despite Post reports that the gun Foster fired never had been tested, confidential lab reports reviewed by The News prove that the gun had been tested.

The Post also reported that Foster had a safe in his office from which a second set of files concerning the Clintons' Whitewater real-estate dealings were taken shortly after his death. A senior White House official said Foster did not have a safe in his office and called the Post story “horse—.”

The Daily News was also the first to report that Foster's family is convinced he killed himself and that he suffered from severe depressions. Columnist Mike McAlary's report Tuesday, along with earlier News stories, underscore the overwhelming evidence supporting the Park Police conclusion that Foster's death was a suicide.

ASH POST  
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3/13/94

# Conspiracy Theorists Find Foster Case Hard to Resist

## Rumors Abound Despite Lack of Supporting Evidence

By Michael Isikoff  
Washington Post Staff Writer

Sherman Skolnick, self-styled "citizens" investigator and conspiracy expert, once devoted his energies to uncovering the mysteries of the Kennedy assassination and Watergate. But these days, Skolnick is hard at work unraveling a more recent conundrum: the death of deputy White House counsel Vincent Foster.

Based on information he says he learned from an unidentified Secret Service "consultant" with "underworld ties," Skolnick claims that Foster actually was murdered by a three-man hit squad from Germany. "They snuck Foster out of the lower level of the White House, then they had a Foster double leave his office and go somewhere else," said Skolnick, who links the death to an aborted coup against Iraqi President Saddam Hussein and the firing of FBI Director William S. Sessions.

Skolnick's theories may be wholly lacking in supporting evidence. But he recently has been airing them on a public access cable television show in Chicago. He is one more volunteer in a burgeoning army of conspiracy theorists who are springing up around the Foster case and confounding the Clinton White House.

In recent weeks, the events surrounding the July 20 suicide of President Clinton's boyhood friend have been the subject of a seeming avalanche of speculative news reports, rumors and gossip that is fast turning Foster's death scene at Fort Marcy Park in Northern Virginia into a 1990s version of Dealy Plaza. One widely circulated theory has Foster driven to suicide by news of an imminent FBI raid in Little Rock, Ark., linked to the Whitewater affair. Another, actively being probed by Republican investigators, connects Foster's death with the unsolved execution-style murder of a former Clinton campaign security official in Little Rock last September.

Yet a third theory, reported last week by a financial newsletter, has Foster dying in a Northern Virginia safe house used by senior White House aides—a report that caused the stock market to plunge and a vehement White House denial.

investigators probing Foster's death and circulated his "findings" in regular faxes to news organizations.

Perhaps the most persistent of the Foster stories suggests that, contrary to the official findings of the U.S. Park Police, the White House aide was murdered. This view gained circulation in January when the New York Post quoted George Gonzalez, a Fairfax County paramedic who was the first medically trained person to reach Foster's body.

Gonzalez said the scene was unlike other suicides he had observed, describing how Foster's body was lying neatly on a gentle incline with a .38-caliber revolver in one hand. "Usually a suicide by gunshot is a mess," Gonzalez said. Yet Gonzalez said there was only a "thin trickle of blood" in the corner of Foster's mouth. He said Foster's body was laid out neatly "as if ready for a coffin."

Gonzalez's observations quickly were pounced upon by conspiracy buffs in part because the official park police report, including the Fairfax County coroner's autopsy, never had been released by the Justice Department. Now, the release has been blocked pending further investigation by special counsel Robert B. Fiske Jr.

But federal law enforcement officials say that some of Gonzalez's recollections are directly contradicted by police photographs taken at the scene as well as a statement filed that evening by park police investigator John Rolla, who arrived about 20 minutes after Gonzalez.

Rolla, whose written observations are part of the park police report, reported seeing blood in Foster's nose and on his mouth, right shoulder and underneath his head—an observation further bolstered by photographs, one of which was shown by ABC on its Friday night news program.

Rolla also reported that "blood on the ground and on his shirt was still wet"—a finding consistent with the conclusion that the death took place several hours earlier at the park and not somewhere else.

Law enforcement officials said other forensic evidence in the park police report supports the suicide finding: the black powder burns on Foster's hand and mouth, the absence of a fingerprint on the handle of Foster's right hand, with his thumb

Hardin Jr., a Houston homicide prosecutor, to review the findings.

While comfortable with the suicide conclusion, many federal law enforcement officials said there are other unsettling aspects of the Foster case that have already piqued the interest of Fiske's investigators.

Park police found ample reason to conclude that Foster was despondent about his life in Washington and had sought the names of psychiatrists. But their efforts to discover if there were any particular work-related concerns that caused him to take his life were repeatedly blocked by White House counsel Bernard Nussbaum. Nussbaum recently resigned the counsel's job, in part because of criticism over his handling of the Foster suicide investigation.

Invoking "executive privilege," he refused to permit park police investigators to enter Foster's office the day after his death. The next day, Nussbaum agreed to conduct his own "search" in the presence of Justice Department lawyers, FBI agents and park police investigators but refused to let them inspect any of Foster's papers, rapidly identifying them in a way the investigators found incomprehensible.

It was during this search—not, as some have reported, during a late night visit to Foster's office the night of his death—that Nussbaum removed Whitewater-related documents that later were transferred to President Clinton's personal attorney, David Kendall. Foster had been handling the preparation of Whitewater's overdue corporate tax returns.

Federal law enforcement officials say they have no evidence that Foster was concerned or worried about Whitewater, an issue that at that point had largely sunk from public view. But they say there are other reasons to be concerned about the thoroughness of the park police investigation: A torn-up, undated note written by Foster suggesting his job despair was not turned over to the park police until more than a week after his death, and no finger or palm prints were ever identified.

The park police never reviewed entries in Foster's office computer nor did they interview potentially key witnesses, such as Brantley Buck, the Rose Law Firm partner who placed one of the last known phone calls to Foster the morning of his death. Park police investigators established that Foster tried to return the call but never got through. He placed the call shortly before he left his office at 1 p.m., the last time he was seen alive.

Later news reports revealed that Buck was handling an internal law firm inquiry into the billing practices of former partner Web-

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"How is it acceptable that completely unsubstantiated rumors become the fodder for legitimate news organizations?" said White House press secretary Dee Dee Myers when asked about the report. "Since when are we in the position of having to prove a negative?"

David Smick, a former top aide to Republican presidential hopeful Jack Kemp, is co-owner of the newsletter that published the unsubstantiated story.

Then there is conservative political activist Floyd Brown. As chairman of Citizens United, Brown has employed two full-time

trapped in the trigger of an antique Colt revolver owned by his family.

"There's absolutely nothing to lead the police or the medical examiner to believe that anything happened other than a suicide," said one federal law enforcement official who has reviewed the evidence. "The guy was no more killed in an apartment in Northern Virginia than there is a man in the moon."

Fiske has pledged to conduct a "thorough and complete" investigation of Foster's death. In court papers filed in New York, Fiske said he will retain outside forensic experts and pathologists and will ask Russell

ster L. Hubbell, Foster's close friend who now serves as associate attorney general.

The park police also never interviewed Clinton, who spoke to Foster for about 20 minutes by phone the night before Foster's death. Clinton has never explained all the matters the two discussed that evening.

Asked recently about the suicide on CNN's "Larry King Live," Clinton said curtly: "I don't think we know any more than in the beginning because I just really don't believe there is any more to know. You know, he left a note; he was profoundly depressed."

# Los Angeles Times

DATE: 3/11/94

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## Ex-Clinton Partner Says Papers in Foster's Office Belong to Him

By JOHN M. BRODER  
TIMES STAFF WRITER

**ARKADELPHIA, Ark.**—The Whitewater papers found in the White House office of the late Vincent Foster were legally the property of James B. McDougal, President Clinton's former business partner, and were not intended to be in Foster's possession at the time of his death, according to several sources involved in the matter.

The current Whitewater controversy erupted in December with the discovery that a White House official had found the papers in Foster's office shortly after his apparent suicide in July and had transferred them quietly to the Clintons' private attorney. The new details, provided by McDougal in an interview at the home of a friend here and by sources who did not want to be identified, provide insight into the episode.

Under terms of a December, 1992, contract by which Clinton and his wife, Hillary Rodham Clinton, sold their interest in the Whitewater Development Corp. to McDougal, Foster was to have prepared the land company's delinquent taxes and promptly return all Whitewater-related documents to McDougal. But Foster was swamped with his duties as deputy White House counsel and feeling pressure because of failed White House nominations and the botched firing of five aides in the White House travel office. He delayed preparing the tax returns for six months, and the papers still sat in his office at the time of his apparent suicide.

"Vince had them because he had been working on the taxes, and then he killed himself before returning them," said a senior White House official involved in handling the Whitewater case. "Instead of McDougal having them, we had them, and the rest is history."

The papers, which McDougal said are a much more complete record of Whitewater's finances than the Clinton representatives have acknowledged, were found in Foster's office within hours of his death on July 20.

White House Counsel Bernard Nussbaum, who announced his resignation last weekend amid continuing Whitewater revelations, quietly removed them from Foster's office and sent them to David Kendall, the Clintons' private attorney. Kendall declined to comment.

The Clintons initially refused to release the papers to the Justice Department, which was investigating the failure of a savings and loan owned by McDougal. They yielded only after Kendall negotiated the terms of a Justice Department subpoena that covered a wide range of Clinton papers.

But questions about the Clintons' handling of the matter persisted for weeks, forcing them to approve

the appointment of a special counsel to investigate the Whitewater case. Robert B. Fiske Jr., a Republican from New York, subsequently was named to the post.

In an interview this week, McDougal said that—when the Clintons sold their interest in the Whitewater real estate project to him in December, 1992, for \$1,000—the contract called for the tax returns to be prepared by Foster, a longtime friend of the Clintons and, like Mrs. Clinton, a former partner in the prestigious Rose Law Firm in Little Rock.

The contract gave Foster 90 days to complete the task. Afterward, he was to return all the underlying documentation to McDougal or to his Little Rock attorney, Sam Heuer.

McDougal said that Foster was working from the only complete set of Whitewater financial documents, including the general ledger, deeds and contracts, records of all land transactions, canceled checks and previous tax returns.

McDougal said that he had sent all this material to the Clintons at the Arkansas governor's mansion in December, 1987. The papers were physically handed over to the Clintons by William Henley, the brother of McDougal's ex-wife, Susan, he said.

Toward the end of the 90-day period in which he was to complete the tax returns, Foster called Heuer to plead for more time. Those early weeks of the Clinton Administration had been hectic, including the controversies over the nomination of Zoe Baird and probable nomination of Kimba M. Wood to be attorney general and numerous other problems.

"Vince told me he had an incredible workload and couldn't get these taxes done this quickly," Heuer said in an interview. "I told him not to worry about it, and ultimately he did produce them."

McDougal said that he began to grow impatient by June and called Foster's office to learn what had become of the taxes and the Whitewater papers. "He never called back," McDougal said.

But Heuer said that Foster called "sometime in June" to say that he was "getting the taxes together." Heuer said he received a packet containing the completed returns from an accounting firm hired by Foster to do the final tax filings in the summer of 1993, a few weeks after Foster's death.

He said that the Whitewater papers used to prepare the returns—the complete Whitewater financial record—were not returned with the tax papers.

Heuer said that although his client is entitled to the Whitewater papers, he is not interested in pursuing the matter now. "How can I call the President of the United States and say, 'Give me the documents?'" Heuer said. "Besides, I'd just have to bear the cost of copying them and turning them over to the special prosecutor."

# Did the White House Intrude?

The grand jury is questioning current and former Clinton Administration officials to see if they tried to interfere with the investigation of the failed Madison Guaranty Savings & Loan, a thrift owned by a former business partner of the President.

## THE 10 WHO WERE SUBPOENAED



Reuters

**Lisa Caputo**, Mrs. Clinton's press secretary, leaves courthouse after appearing before grand jury.



Associated Press

**Margaret A. Williams**, Mrs. Clinton's chief of staff, after giving testimony Thursday.

**Mark D. Gearan**  
White House communications director

**Bernard Nussbaum**  
Former White House counsel

**Bruce Lindsey**  
Senior presidential adviser

**Harold M. Ickes**  
Deputy White House chief of staff

**Roger Altman**  
Deputy Treasury secretary

**Jane Hanson**  
Treasury general counsel

**Josh Steiner**  
Treasury secretary's chief of staff

**Jack Devore**  
Former Treasury press secretary

## THE INVESTIGATOR



**Robert B. Fiske Jr.** arrives at federal court Thursday.

■ **Special counsel:** Robert B. Fiske Jr. is probing matters related to the financial affairs of Bill and Hillary Rodham Clinton, their Whitewater land development partner, James B. McDougal, and McDougal's Madison Guaranty Savings & Loan, which failed in 1989 at a cost to taxpayers of at least \$47 million.

■ **His staff:** Fiske has assembled a staff of eight current or former prosecutors and more than 20 FBI agents and financial analysts to review more than a million documents.

■ **Inquiries beyond D.C. grand jury:** Fiske has established a special grand jury in Little Rock, Ark., with an 18-month term, and a separate arm of his staff is in Washington to investigate the suicide of White House Deputy Counsel Vincent Foster, who handled Whitewater matters for the Clintons.

Source: Times staff and wire reports

## THE GRAND JURY

■ **What they do:** Grand juries meet in secret to hear evidence of possible criminal wrongdoing. Prosecutors are empowered to issue subpoenas to compel witnesses to testify under oath or turn over documents. A majority of the quorum of 16 members is needed to bring an indictment—which is an allegation, not a verdict.

■ **Why the secrecy:** It is designed to protect reputations of people who are investigated but never charged. Grand jurors and prosecutors are bound by secrecy, but witnesses and their lawyers are free to discuss the testimony.

# The Washington Times

DATE: 3-11-94

PAGE: A-1

## Clinton aides testify on briefings

### tell grand jury of secret RTC contacts

Jerry Seper  
WASHINGTON TIMES

Three White House officials testified before a federal grand jury yesterday about secret briefings they attended concerning ongoing investigations by the Resolution Trust Corp. (RTC) in the Whitewater-Madison affair.

Clinton administration officials also delivered White House documents sought under subpoena by Whitewater-Madison special counsel Robert B. Fiske Jr., including notes, telephone logs and internal memos.

A circuslike atmosphere enveloped the federal courthouse as photographers and reporters huddled in the morning rain under brightly colored umbrellas, and witnesses and prosecutors scrambled to get into U.S. District Court.

Testifying were Mark Gearan, White House communications director; Margaret A. Williams, first deputy Hillary Rodham Clinton's chief of staff; and Lisa Caputo, Mrs. Clinton's press secretary.

"This has been a difficult day for people; it's been an emotional day," White House counselor David Esgen told CNN.

Seven other White House and Treasury Department officials involved in the secret briefings, including outgoing White House counsel Bernard W. Nussbaum and acting RTC head Roger C. Altman, were granted extensions and will testify at a later date.

They others are Bruce Lindsey, senior adviser to President Clinton;

Harold Ickes, deputy White House chief of staff; Jean Hanson, Treasury's general counsel; Josh Weiner, Treasury's chief of staff; and Jack DeVore, former spokesman for Treasury Secretary Lloyd Bentsen.

Incoming White House Counsel Lloyd Cutler, who will officially replace Mr. Nussbaum after April 5, tried to downplay the secret briefings.

"It might have looked bad, but when it becomes clear exactly what happened in those meetings, it doesn't, in my view at least, I don't think it amounts to very much," he said in a taped interview on PBS' "Charlie Rose" show.

As the grand jury proceedings unfolded, financial markets took a beating yesterday amid mounting worries about the Clintons' and the White House's role in the Whitewater-Madison affair and rumors sparked by a Washington-based economic consulting firm casting doubt on details surrounding the death July 20 of White House Deputy Counsel Vincent W. Foster Jr.

The Dow Jones industrial average was off 23 points and long-term Treasury bond rates, which influence consumer and mortgage loans, soared to 6.96 percent. The dollar plunged against major currencies, fueled by rumors circulating in financial markets that Mr. Foster committed suicide in a Northern Virginia apartment rather than at Fort Marcy Park, where his body was found.

The speculation regarding Mr. Foster is included in a Johnson Smick International Report newsletter circulated yesterday. It reports that staff members of Senate Finance Committee Chairman Daniel Patrick Moynihan had said Mr. Foster's body was moved after he killed himself "in a private apartment in Virginia."

Lawrence O'Donnell Jr., staff director for the Finance Committee and a spokesman for Mr. Moynihan, New York Democrat, strongly denied yesterday that any member of the senator's staff had

spoken to the newsletter or was aware of the rumor.

"It is a work of sheer madness,"

Mr. O'Donnell said. "They invented it in their mad dreams. They are lying. ... The subscribers of that newsletter have been defrauded. These are the deluded dreams of a completely incompetent newsletter."

The death of Mr. Foster, a former law partner of Mrs. Clinton's at Little Rock's Rose Law Firm and the Clintons' personal attorney, is part of the Whitewater-Madison investigation. Mr. Fiske's staff has said it has begun a new inquiry into what U.S. Park Police have said was a suicide. Investigators said this week that no conclusion had yet been reached.

Shortly after Mr. Foster's body was found, White House officials removed records pertaining to Whitewater Development Corp., a partnership involving the Clintons and James B. McDougal, owner of the failed Madison Guaranty Savings and Loan Association.

Mr. Fiske, who had to be helped through the throng of photographers and reporters by U.S. marshals, stunned the White House on March 4 with subpoenas of the 10 key administration officials.

The subpoenas sought information and documents about briefings — either given or attended by the 10 — regarding the RTC inquiry into financial irregularities at Madison. The RTC, which handles S&L bailouts, was investigating Madison's 1989 failure that cost taxpayers \$50 million.

The subpoenas underscored what authorities described at the time as the seriousness of the Whitewater-Madison investigation, regarded until then by the White House as a bothersome diversion.

A senior administration official said yesterday that about 1,000 pages, many of them duplicates, were turned over to Mr. Fiske's office. The documents included notes, letters, memos, phone logs and newspaper clippings related to Whitewater that were gathered during a week-long search by 400 White House employees.

"We produced the White House documents to the Office of Special Counsel," said administration attorney Joel Klein as he left the federal courthouse. "All White House employees and staff complied [with Mr. Fiske's subpoena]. We claim no privileges of any sort with respect to any documents."

The search for Whitewater records has spread from the White House to the Treasury Department. Mr. Bentsen said he had to rent a warehouse to store documents that have so far been collected, adding that 15 special investigators and internal auditors were "going through our files on my floor alone."

The White House said yesterday it was considering a range of options to contain the political damage, from finding a friendly forum for Mrs. Clinton to a possible joint appearance by the Clintons on a television news magazine show to give their side of the story. Aides traveling with the president in New York denied, however, that the Clintons would appear on a TV show to discuss Whitewater-Madison.

In Cleveland, Democratic National Chairman David Wilhelm said efforts by Republicans to entangle Mr. Clinton in the Whitewater-Madison affair was the "great political hope" of the GOP to undermine the president's agenda.

"It is very obvious that this is a political strategy that in part is the pursuit of gridlock by other means," Mr. Wilhelm said. "If they

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can tie up Congress, if they can tie our government up and and instead of having health-care reform we focus on Whitewater, that is in their political interest."

Mrs. Clinton, whose top aides were testifying in court, ventured to Capitol Hill yesterday to talk about health care with select House Democrats. Hoping to avoid a repeat of her visit to the Senate Wednesday, when Mrs. Clinton made a sarcastic comment about health care when waiting reporters asked her about White-water-Madison, Hill security officials kept the press far away from the first lady.

She smiled to reporters on the way into and out of the House but did not stop to answer shouted questions about health care.

Also on Capitol Hill, Democrats took to the Senate floor to mount a defense for the Clintons and to charge that Republicans were trying to stall the Clinton agenda.

"It's absolutely pathetic," Sen. John D. Rockefeller IV of West Virginia said of constant GOP calls for congressional hearings. "Some here will always reach for one more excuse because good policy is hard work and it does take time, and it's patience by the way, and it takes political courage."

Sen. Tom Daschle, South Dakota Democrat, said the public was losing confidence in government because of the charges.

"Why do we continue to destory the insititution we all claim we came here to serve?" Mr. Daschle asked, adding that Republicans were taking a "meat ax to the process."

But Sen. Christopher S. Bond, Missouri Republican, said the GOP just wants "straight answers."

"Some may want to turn this investigation into a partisan battle but they endanger the president's agenda and the office of the presidency in the process. . . . Treating this serious situation like a political campaign only makes me wonder what the White House has to hide," Mr. Bond said.

Senate Republicans who have demanded congressional hearings on Whitewater-Madison said yesterday they were willing to let the grand jury hear evidence for several months before calling hearings of their own.

The House Banking Committee has tentatively scheduled RTC oversight hearings for March 24, during which Republicans have said they will ask about White-water-Madison. Committee Chairman Henry B. Gonzalez, Texas Democrat, said he will limit the inquiries, a position supported by House Speaker Thomas S. Foley.

The grand jury yesterday heard first from Mrs. Clinton's chief of staff, Mrs. Williams, who spoke two hours before the panel. She told reporters on her way out of the building: "You can't come out

of anything like this and not have early healthy respect for the press. I'm really encouraged to be participating in something where the finding of fact is important, as opposed to innuendo and rumor mongering and gossip and sensationalism."

She was followed by Ms. Caputo and later by Mr. Gearan.

Mr. Fiske declined to comment to reporters when he left the courthouse, but he did stop to help a photographer who fell while scrambling to get a picture.

The bizarre atmosphere was heightened by the presence of nearly a dozen demonstrators who carried banners and placards with slogans such as "Please, All Documents," "It's Ethics, Stupid," "Shred No More" and "Fess Up."

• Michael Hedges, Anne Veigle and J. Jennings Moss contributed to this report.

WASH. POST

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## HOW OFFICIALS RESPONDED TO WHITEWATER

**T**he Whitewater Development Corp. first became an issue for Bill and Hillary Clinton during the 1992 presidential campaign but soon evaporated as a major concern. It reemerged last October with a report in *The Washington Post* that Resolution Trust Corp. investigators had asked for a criminal investigation of the failed Madison Guaranty Savings & Loan, formerly owned by the Clintons' Whitewater business partner, James McDougal. In two sets of criminal referrals, the last forwarded to the Justice Department in October, the RTC has cited the Clintons and the Clinton gubernatorial campaign as possible beneficiaries of Madison's illegal activities.

1992



HILLARY  
RODHAM  
CLINTON

### ► QUESTIONS ARISE

**March 8, 1992:** New York Times reports James McDougal, owner of defunct Madison Guaranty Savings & Loan, provided more money in initial Whitewater land development than Bill and Hillary Rodham Clinton, and questions whether regulatory treatment of McDougal was lax in Clinton administration.

**March 23:** Denver lawyer James Lyons, chosen by Clinton campaign, releases report on Whitewater, saying Clintons lost \$68,900 in the deal. No backup documentation is released. The findings would later be questioned by some tax experts.

### ► CLINTONS NAMED BY RESOLUTION TRUST

**October:** Resolution Trust Corp. (RTC), agency responsible for overseeing disposition of failed thrifts, refers the Madison case for possible criminal investigation to U.S. Attorney's Office in Little Rock, Ark., naming the Clintons as potential beneficiaries of possible diversion of funds from Madison to the Whitewater Development Corp., which had an account at Madison. RTC's referral is forwarded to the Justice Department.

**Nov. 3:** Clinton elected president.

### ► CLINTONS SELL WHITEWATER

**Dec. 24:** Clintons sell Whitewater interest back to McDougal for \$1,000. Vincent Foster, Rose law firm partner with Hillary Clinton, handles sale.

1994



**SPECIAL COUNSEL APPOINTED**

**Jan. 20, 1994:** After White House yields to political pressure, **Robert B. Fiske Jr.** is appointed by Attorney General **Janet Reno** as special counsel to investigate Whitewater and Foster death.

**Feb. 2:** Altman, Hanson and Steiner meet at White House with Nussbaum, **Margaret Williams**, chief of staff to Hillary Clinton, and **Harold Ickes**, White House deputy chief of staff. Meeting described as "procedural brief" on RTC investigation at Madison.

**Feb. 24:** Altman attends congressional hearing, at which he reveals that he initiated and attended Feb. 2 meeting between Treasury and White House officials.

**Feb. 25:** Altman recuses himself from further Madison-Whitewater investigation and announces he will step down as interim head of RTC at the end of March.

**March 3:** The Washington Post discloses Sept. 29 and Oct. 14 meetings between Treasury and White House staff to discuss Whitewater.

**March 5:** Fiske subpoenas Nussbaum, Ickes, Lindsey, Williams, Gearan, Altman, three current and former Treasury aides and **Lisa Caputo**, press secretary to Hillary Clinton.

**March 5:** Nussbaum resigns, effective April 5.

**March 8:** Clinton names **Lloyd Cutler** counsel to the office of the president.

—Compiled by the National and Investigative staffs of The Washington Post

THE WASHINGTON POST

OUT  
of  
8/19/21

1993



VINCENT FOSTER  
Deputy counsel



DAVID HALE



RANDY COLEMAN



BILL ROELLE



MARK GEARAN



BRUCE LINDSEY



WEBSTER L. HUBBELL

**June 1993:** Three years of delinquent corporate tax forms for Whitewater—prepared under the direction of Foster, then deputy White House counsel—are filed.

**June:** Justice sends RTC request for criminal investigation back to U.S. attorney in Little Rock, instructing prosecutors to proceed as they see fit.

**July 20:** A U.S. magistrate signs an FBI warrant to search the offices of David Hale, owner of federally subsidized company, Capital Management Services, that provided \$300,000 loan in 1986 to the Clintons' Whitewater partner, Susan McDougal (former wife of James McDougal). Part of the loan went to help Whitewater buy land from International Paper Co. near Little Rock.

► **FOSTER FOUND DEAD**

**July 20:** Foster dies in what is ruled a suicide. One of his last phone calls was from attorney Lyons. Lyons denies they discussed Whitewater.

**July 22:** Whitewater documents removed from Foster's office by White House counsel Bernard Nussbaum and later given to Clinton's personal lawyer. This does not become public knowledge until December.

**August:** Randy Coleman, Hale's lawyer, calls associate White House counsel and former Rose partner William Kennedy to tell him that Hale intends to say Clinton pressured him to make Small Business Administration-backed loan to Susan McDougal. Kennedy alerts Nussbaum but declines Coleman's offer to discuss the matter.

**September:** Then senior vice president of the Resolution Trust Corp., Bill Roelle, briefs Deputy Treasury Secretary Roger C. Altman and Jean Hanson, general counsel at Treasury, about additional requests for criminal investigation naming the Clintons, which RTC is preparing to send to Justice.

► **WHITE HOUSE/TREASURY COMMUNICATIONS**

**Sept. 29:** At White House meeting, Hanson tells Nussbaum about the additional referrals naming the Clintons.

**Oct. 8:** Second set of referrals sent to U.S. attorney in Little Rock.

**Oct. 14:** Prompted by press inquiry about requests for criminal investigation, six persons attend second White House meeting:  
■ **From the White House:** Nussbaum; Mark Gearan, communications director; and Bruce Lindsey, assistant to the president.  
■ **From the Treasury Department:** Jean Hanson, general counsel; Jack DeVore, press secretary; and Josh Steiner, chief of staff. Participants say they discussed only how to respond to the press, not the substance of the requests for investigation.

**Oct. 27:** RTC's first referral for criminal investigation rejected by Paula Casey, Little Rock U.S. attorney and former law student of Bill Clinton, who later recuses herself from case.

**Oct. 30:** Lindsey says he knows nothing about RTC criminal referrals beyond what reporters have told him.

**Oct. 31:** The Washington Post reports that RTC is investigating Madison and that Clintons are mentioned in requests for criminal investigation.

**Nov. 3:** Associate Attorney General Webster L. Hubbell, a former partner of Rose law firm, recuses himself from anything to do with Whitewater.

**Nov. 9:** Special Justice Department team sent to Little Rock to investigate second set of referrals.

**Dec. 24:** Clinton instructs his personal lawyer to turn over to the Justice Department all Whitewater documents, as cries for a special counsel rise after disclosure Nussbaum took Foster files.

# National Review

## WHITEWATER RUNS DEEP

Date: 3-21-94  
Page: 42

As governor, Bill Clinton had friends with names like 'Diamond Jim' and 'Hot Pants.' Their shady dealings cost the taxpayers millions. What will they cost the President?

**RICHARD BROOKHISER**

**F**ROM UP CLOSE, the collection of scandals labeled Whitewater seems both complex and trivial. Like a swarm of dots on a TV screen. But it is neither. With a few exceptions, all the alleged crimes and improprieties fall into four slots: Whitewater Development Corporation and Madison Guaranty S&L (the "piggybank"); the activities of Hillary Clinton and three of her partners at the Rose Law Firm; sex; or cover-ups of the first three. The four-pronged configuration of events reflects one reality: for 14 years, Bill and Hillary Clinton ran with a crummy crowd, nourished in part by state-capital mores, in part by yuppie corner-cutting. They were the Masters of the Universe, Little Rock division. In 1992, the crowd, and its habits, went national.

Some of the alleged misdeeds of the Clintons and their friends are simply sleazy, or embarrassing. Some are criminal. On January 20, Janet Reno appointed Robert Fiske as special prosecutor to investigate the matter. But what we learn over the next year or two will depend less on Fiske than on the efforts of Congress and the press, and the curiosity of the public.

### *The Piggybank*

**W**HITWATER first came to public attention in a March 8, 1992, story in the *New York Times*. (It would be about the last time the *Times* was ahead of the curve on the case.) The story reported that the Clintons had taken tax deductions in the mid Eighties on interest payments for loans that had in fact been paid for them by the Whitewater

Development Corporation, a real-estate scheme in northern Arkansas which they half-owned. Clinton, who had struggled through the Jennifer Flowers scandal only weeks earlier, asked James Lyons, a friendly lawyer, to look through his Whitewater records, such as they were. On March 28, Lyons reported that the Clintons had lost \$68,900 on the venture (see "Cover-ups," below). Reasoning that bad investors can't be tax cheats, the press let the story drop.

By the fall of 1992, the Resolution Trust Corporation, which is charged with cleaning up the S&L mess, was looking at Whitewater's other owners, James and Susan McDougal. James McDougal had known Bill Clinton since the late Sixties. The two couples formed the Whitewater partnership shortly before Clinton was first elected governor in 1978. Four years later, McDougal bought Madison Guaranty, a small thrift. It got bigger. McDougal acquired a blue Bentley and the nickname "Diamond Jim." Susan's nickname was "Hot Pants," because that's what she wore on commercials promoting Whitewater. In 1989, Madison Guaranty went under, at a cost to taxpayers of \$60 million.

An RTC document named the Clintons as potential witnesses to the deeds of McDougal and his "shell corporations." The Bush Justice Department would not give the matter top priority in the homestretch of a presidential campaign, and the Clinton Justice Department let it lie. But in October 1993, the RTC ordered Justice again, and Whitewater once more became a matter of public discussion.

One subject the media have discussed has been favors McDougal allegedly did for the Clintons. Representative Jim Leach (R., Iowa) has called Madison "a private piggybank." Most of the crooked S&Ls of the Eighties benefitted their owners. But Madison Guaranty also extended itself for an array of well-connected Arkansans, including the Clintons. McDougal has claimed that in 1984, Clinton complained that he was hard up. "I asked him how much he needed, and Clinton said about \$2,000 a month." Madison Guaranty put Hillary Clinton on a \$2,000 a month retainer, paid through the Rose Law Firm where she worked—an arrangement that lasted for 15 months. The White House denies that Clinton sought business for his wife.

A year later, McDougal helped Clinton retire a big bank loan, possibly with the unwitting help of Madison's depositors. In the last days of the 1984 gubernatorial campaign Clinton, feeling a case of election jitters, borrowed \$50,000 from a tiny bank in eastern Arkansas, run by a member of his staff. After Clinton won, he asked McDougal to "knock out the deficit." Madison held a fund-raiser in April 1985 which raised \$35,000 for Clinton, but investigators suspect that \$12,000 of that money—four certified checks for \$3,000 apiece—was fraudulently raised. One of the "contributors" whose name appears on one of the checks denies he ever gave \$3,000 to Clinton in 1985, for the excellent reason that he was a Republican college student at the time.

More serious are the favors the Clintons may have done for McDougal. The feds were taking a grim view of

Madison Guaranty by 1984; the Federal Home Loan Bank Board called its lending practices "unsafe and unsound." In April 1985—the same month as the fund-raiser—Hillary Clinton earned her retainer by proposing a rescue plan for Madison to the Arkansas Securities Department. (The plan proposed that Madison be allowed to sell preferred stock, and offered, as proof of its health, an optimistic audit by Madison's accounting

firm.) As luck would have it, the commissioner of the Securities Department whom Hillary's husband had just appointed was Beverly Bassett (now Beverly Bassett Schaffer), a big-hair woman who had done work for Madison Guaranty in an earlier incarnation as a securities lawyer. It doesn't get any tighter than this. In a letter addressed "Dear Hillary," Bassett okayed the plan.

Madison never got around to issuing any stock, and in the fall of 1985 the feds scheduled an audit for early next year. Enter now David Hale, a municipal judge in Little Rock who ran Capital Management, an investment firm backed by the Small Business Administration for the purpose of aiding disadvantaged entrepreneurs. Hale now claims that in February 1986, in a meeting at the State Capitol, Governor Clinton asked: "Are you going to be able to help Jim and me out?"

"That's just the way business is done in Arkansas," Hale adds.

The White House says that Hale, who is under indictment for fraud, is a liar out to "save his butt." What partly supports Hale, however, is that Capital Management in fact loaned \$300,000 to that disadvantaged entrepreneur, Susan McDougal, and almost half of that money ended up in White-water's account, where it was used to buy 810 acres from International Paper.

These activities have to be set in the context of the Clintons' political and personal situation. In 1992 Bill Clinton looked like an unstoppable figure, a political Terminator. But he had been stopped once, in 1980, when he lost his first re-election bid for governor. He never took a race for granted after that. The Clintons' personal finances did not become comfortable until Hillary began landing on corporate boards in the late Eighties. A friend with Jim McDougal's cash flow was a friend indeed. McDougal went to bat for the Clintons, at times—allegedly—out of order. Did they do the same for him?

### The Four Lawyers

IN A 1992 debate before the Illinois primary, Jerry Brown said Clinton's "wife's law firm is representing clients before state . . . agencies, his appointees." Clinton replied that the Rose Law Firm was "the oldest law firm in America, west of the Mississippi," and that Brown ought to be "ashamed" of himself "for jumping on my wife." The Rose Law Firm is old, yet, as we have seen, Brown's

statement was true. What else had Mrs. Clinton and the partners who crossed the Mississippi with her to Washington—William Kennedy III, Webster Hubbell, and Vincent Foster—been up to?

One old case throws an ironic light on present policy debates. In 1989 Beverly Enterprises, a national nursing-home business, decided to sell 45 nursing homes in Iowa. Beverly Enterprises is indirectly controlled by the Stephens family, Little Rock banking kingpins; William Kennedy III of the Rose Law Firm (now associate counsel in the White House) handled the deal. On one day in August 1989 the nursing homes—which an Iowa judge has since ruled were worth about \$47 million at the time—were sold to a Texas businessman, who re-sold them to a charitable company he controlled, backed by Iowa state tax-exempt bonds. Final sale price: \$63.5 million. Not bad for a day's work. Rose Law could have collected as much as half a million dollars for shuffling the papers, to be divided in bonuses among its partners, including Hillary Rodham Health Care. Meanwhile, the nursing homes, in order to pay off their debt, were forced to raise fees.

The nursing-home deal, all perfectly legal, offered a foretaste of the Clinton health plan: everyone was screwed, except the large medical corporations and the lawyers. But some Little Rock legal practitioners skated on slimmer ice.

Also in 1989, the Federal Deposit Insurance Corporation decided to sue the accounting firm that had presented a clean bill of health for Madison Guaranty to the Arkansas Securities Department in 1985. Vince Foster, another partner at Rose Law and later deputy White House counsel, wrote the FDIC offering Rose's services as outside counsel, declaring, in a careful present tense, that "the firm does not represent any savings-and-loan association in state or federal regulatory matters." Foster's statement was true, but so narrowly as to be false. The Rose Law Firm did not represent any S&Ls in 1989, but it had represented Madison Guaranty four years earlier—and in the matter under investigation. One seventeenth-century Jesuit, acting undercover in a Protestant country, when interrogated by the authorities denied that he was a priest, adding silently to himself, ". . . of Apollo." What was good enough for the Jesuits was good enough for the FDIC. (The FDIC is now associate attorney general—and hence number three man at the Justice Department—handled the FDIC's

case—settling the accountants' liability—the \$60 million debacle at \$1 million.

Two years earlier, two Rose Law Firm partners had handled a similar case for the Federal Savings and Loan Insurance Corporation, in similar style. The feds were pursuing a bond trader who they claimed had defrauded a defunct Illinois S&L, First American of Oak Brook. The Rose Law Firm offered itself successfully as outside counsel, and assigned Vince Foster and Hillary Clinton to the case. No one seems to have mentioned their connection to the bond trader: Dan Lasater, a restaurateur and cocaine smuggler who was a friend of the Clinton family. Lasater met the Clintons because his box at the Hot Springs race track was next to that of Virginia Kelley, Bill Clinton's mother. Lasater ended up paying \$200,000, in return for dismissal of the \$3.3 million suit.

Vince Foster is gone, of course, but the other three lawyers are still on call. With so much legal advice available, you would think Bill Clinton—himself a lawyer—would have handled his troubles more adroitly. But maybe he is doing exactly what they tell him.

### Sex

NIGHTGOWNS! Saxophones! Garden hoses! Tennis balls! Hot stuff! But don't waste any time on it unless it speaks to you personally, because it won't have any repercussions. As Richard Nixon might have said, we are all fornicators now. All you'll read about here is alleged behavior that reflects on the Arkansas-Yuppie political style.

The latest Clinton *sexposé* was a charge made last month by Paula Jones, a 27-year-old former secretary, that Governor Clinton, in 1991, had propositioned her. Since Mrs. Jones was a state employee at the time, she would have grounds to sue for sexual harassment, which she threatened to do if an apology were not forthcoming. No apology has come forth, neither has any suit. Mrs. Jones's story, if true, confirms reports by the Arkansas state troopers and others that Governor Clinton conducted a predatory sex life not unlike the Duke of Mantua in *Rigoletto*.

The political hook to David Brock's report, last December, on the Arkansas state troopers was that Governor Clinton had used state employees as a de facto escort service. The troopers' story was dismissed when the Clinton

damage-control team accused them of assorted blemishes and grudges. But part of their tale was confirmed a month later when Sally Miller Perdue, a former Miss Arkansas, told Ambrose Evans-Pritchard of the London *Sunday Telegraph* that she had had an affair with Clinton in 1983, and that state troopers had ferried him to her condo a dozen times. She said she was talking to a London paper because she had "had it with the American press. . . . [T]hey've protected Bill Clinton in a way they've never protected anybody in the history of America."

Miss Perdue's most striking complaint was not about the press, however, but about politics (hardball politics). In August 1992, she had met in a restaurant in Missouri, where she then lived, with one Ron Tucker. He told her that "people in high places" wanted her to keep quiet, and that if she didn't, "he couldn't guarantee what might happen to [her] pretty little legs." A colleague of Miss Perdue eavesdropped on the conversation and then reported it to the FBI. Tucker, a retired mining equipment salesman, denies everything, but his former employer remembers Tucker saying in September 1992 that "somebody from the Democratic Party in St. Louis" had asked him to shut Miss Perdue up. Nothing happened to her pretty little legs. But she says she found a shotgun cartridge on the seat of her Jeep one day. She shut up.

### Cover-ups

**T**HE PATTERN of cover-ups began with the first scandal, with the Lyons Report. The great flaw of the Lyons Report was, that if the Clintons had lost \$68,900 on Whitewater as Lyons claimed—the loss that, in the media's minds, made moot their fraud—why hadn't they claimed it on their tax returns? On the other hand, they were probably wise not to have done so, since several of the checks they paid to Whitewater, which were counted among their "losses," turn out to have been repayments of loans from Whitewater.

Straightening out Whitewater's finances has been hard, since so many of the records have vanished. Susan McDougal said she gave the corporation's files to the Clintons in 1987; the Clintons can't seem to find them. No one can find the records of the Clinton gubernatorial campaign, which would include information on Madison Guaranty's 1985 fund-raiser.

A gnome in the office of the Arkansas secretary of state told *The New Yorker* that the microfilms of the records had been stored in a former boiler room. "Bingo! It was all ruined. You'd open the drawers and stench from the acid would knock you down."

Most suspicious has been the Administration's handling of the files of deputy White House counsel Vince Foster. Foster had been a friend of the Clintons and a partner of Hillary for years; he had sold the Clintons' shares in Whitewater in 1992. After Foster's body was found on the afternoon of July 20, 1993, we know that three White House staffers, including counsel Bernard Nussbaum, entered Foster's office that night. Since the room wasn't sealed until the next day, we don't know who else may have entered it before investigators arrived, on the 22nd. According to an unreleased police report, Nussbaum interfered with interviews of White House staff by directing other White House lawyers to sit in. He himself inspected Foster's briefcase, finding nothing. Four days later, an associate White House counsel taking a second look found the torn-up scraps of a depressed note in the same briefcase. Nussbaum also sifted through the papers in Foster's office, deciding what the investigators could and could not see; he gave Foster's Whitewater files to David Kendall, the Clintons' personal lawyer, citing lawyer-client privilege. A specious excuse: if Foster was their personal lawyer, why was he on the White House staff? If he was on the White House staff, why was he doing personal legal work for them? Five months later—on December 23—Clinton finally agreed to give the Whitewater files to the Justice Department, though even then he stalled, claiming that the files needed "cataloguing." The files were finally surrendered under a subpoena, meaning they are not subject to the Freedom of Information Act.

In Washington, Clinton supporters rely on obfuscations and stonewalling. Back home, somebody may be going as far as thuggery. Sally Miller Perdue claims she was threatened in Missouri. In Little Rock, in June 1992, three goons visited the apartment of Gary Johnson, a lawyer, beat him up, and, he alleges, stole a videotape of Clinton visiting the apartment of Johnson's neighbor, Jennifer Flowers. Johnson suffered serious injuries, a ruptured bladder, and had to have his spleen removed. These injuries were presumably not volun-

ary; whether they were inflicted by "over-zealous" Clinton supporters, or by enraged book-makers, is beyond my power to guess.

Was Vince Foster visited by goons with a gun? That seems too sensational to be true. The most lurid scenario for his suicide would have him shooting himself in some inconvenient location, whence his body was taken to Fort Marcy Park. But until we have a police report—a report by real police, not the beer-and-dog-doo police who mind federal parks in the Beltway—all speculation is conservative grassy-knollism. Robert Fiske, the special prosecutor, announced on February 23 the names of the lawyers who would investigate Foster's death. My own eccentric theory of his death is that it had nothing to do with Whitewater, or politics of any kind. People who kill themselves usually suffer from woes far deeper than the proximate upheavals in their lives.

### Looking Ahead

**R**OBERT FISKE has rented office space in Little Rock for three years. If Lawrence Walsh's performance as an independent prosecutor is any guide, he could be at work for much longer. Fiske's résumé suggests a comfortable legal establishmentarian, but, like Walsh, he now has a personal interest in finding something.

We may learn more sooner from Congress. Jim Leach, the ranking minority member of the House Banking Committee, has the voice and manner of someone who hosts a children's show on public television. But on Whitewater, he has the bit between his teeth. The law requires Congress to review the activities of the RTC every six months; the latest hearing is three months late. The House parliamentarian has advised Congressman Leach that the minority may call any witnesses it likes, though the chairman—Henry Gonzalez of Texas—could restrict questioning. "The minority," says Leach, "will attempt to demonstrate that Madison attempted direct and indirect payments of the obligations of Whitewater and its principals."

Leach was the first congressmen to note the burgeoning S&L mess, and Whitewater strikes him "as *déjà vu* all over again. There are a lot of analogies between S&L and Lincoln," the S&L of Charles Keating. "Lincoln was a personal piggy bank," which Keating tried to keep afloat "by compromising

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important figures in Congress [the Keating Five]. Madison is a digit and a half smaller than Lincoln, but money was sifted out, and an attempt was made to compromise the governor through campaign contributions, but also by a persistent conflict of interest—the Whitewater partnership. “I was naïve to believe at the beginning,” Leach concludes, “that it was just modest embarrassment that might be borne by the Clintons. Each passing week, darker imagery appears.”

Will the darker imagery have political consequences? The White House seems to think so: the *New York Times*, putting the story back on page one for the first time in almost two years, reports that senior Clinton aides, including Nussbaum, were briefed by the head of the RTC on the statute of limitations concerning offenses related to Madison Guaranty. If the story simply limps along, in Congress and in a reawakened press, it must erode the cushion of support that any President needs when a peace-keeping mission bogs down, or the economy goes flat.

The great unknown is the attitude of the public. Here is a guide for focusing its thoughts. In 1992, we thought we elected the New Politics. Maybe we did, but we also elected some very old politics. We sent a gang of corsairs to Washington—sharpers and shysters and razorback banditti. In Arkansas, they lied and stole, and some of them did worse. In the White House, they lie about what they did then. When they were running for office, nobody told us what they were like; but now that they're in power, can we learn? □



# IT'S MARCH MADNESS

FULL REPORT ON NCAA FINAL DRAW — SEE SPORTS

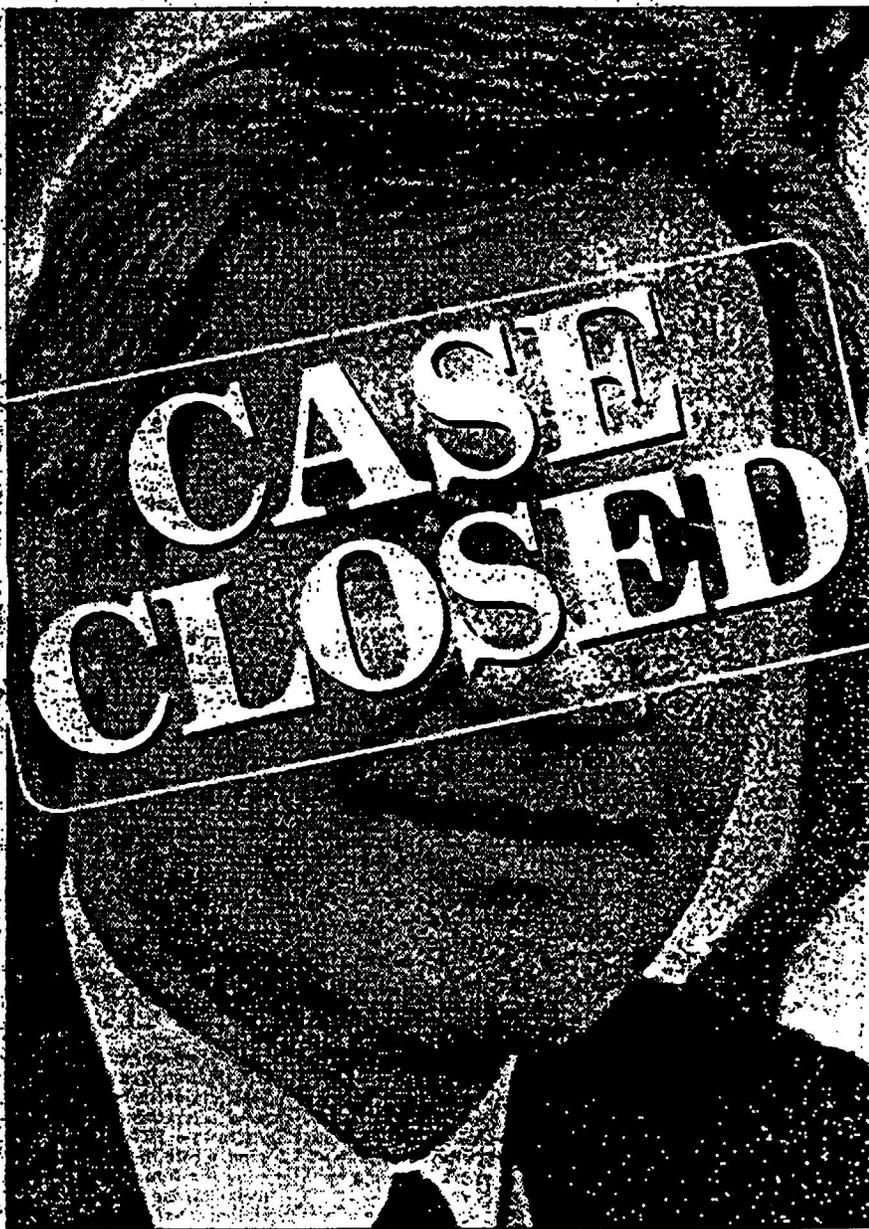
# DAILY NEWS

QUEENS EDITION

NEW YORK'S HOMETOWN NEWSPAPER

Monday, March 14, 1994

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## VINCE FOSTER SUICIDE REPORT ENDS RUMORS



EXCLUSIVE SEE PAGE 6

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# DIET PILL DANGER

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SEE PAGE 5

# THE UNFOSTERED

## Aide's suicide is confirmed by heads-up cops

It is not the ranting of some conspiracy theorist. It is not the rhetoric of some Clinton supporter. The U.S. Park Police report on the death of Deputy White House Counsel Vince Foster is a simple story from a police blotter.

It has been accepted by special Whitewater prosecutor Robert Fiske. It has been accepted by his lead investigator, former Manhattan prosecutor Ronald Lankler, although he isn't saying as much.

Most of what happened in Fort Marcy Park on July 21 has remained secret. The Park Police report has only been reviewed once, by the Daily News. But we are now familiar with its specific conclusions. Investigators, who do not wish to be identified, have been interviewed. This is the final report on their probe into one man's desperate act.

In the last second of life, Vincent Foster placed a pistol barrel deep in his mouth, grabbing the butt with both hands. The White House lawyer was seated on a grassy hill at a 45-degree angle, a Civil War cannon behind him. No one knows what Foster was thinking, only what he did next. He pulled the trigger back with his right thumb.

The bullet escaped the top part of his head. He fell back dead, his arms falling to his sides, his legs straightening out. The gun remained in his right hand, stuck in the trigger guard. Later, after photographs were taken, an investigator would have to move the dead man's thumb just to free the pistol.

The investigation into Foster's death was handled ably by the U.S. Park Police, a unit that has suffered terribly from gossip and second-guessing. The FBI was with them every step of the way. There are no loose ends.

The first thing the cops heard after Foster's suicide was: coverup. The body was discovered by a park maintenance worker who had slipped into the area for a quiet midday drink. He reported finding the body, but then made up a story about having seen a white van. He has since recanted the white van story, admitting it was created to cover up his own behavior.

The first cop to arrive was a patrol officer named Fornshill. Calling for backup, Park Police investigators started to show up. The first thing they noticed, apparently, was Foster's car in the parking lot. Foster had left his suit jacket behind in the car. White House credentials in the pocket. His wallet was also in the car, the doors unlocked. No one at the scene had ever heard of Vincent Foster.



MIKE McALARY

friend of the President."

The principal forensic investigator, Pete Simonello, inspected the body. The crime scene belonged, mostly, to him.

There was only a little blood, Simonello wrote, on the front of Foster's body. The dead lawyer's right thumb was stuck in the trigger guard. Simonello had to pry the pistol out of Foster's hand. He saw powder burns on the right hand. Ballistics tests later confirmed Simonello's original belief that Foster had been holding the barrel with his right hand. The gun had been deep in Foster's mouth, Simonello realized, well behind his still-intact teeth. The medical examiner found obvious powder burns on Foster's palate and tongue.

No one heard the shot, investigators determined, because Foster's head served as a kind of grisly gun silencer. There was no indentation of any kind on the index finger. His body, despite what you read, was never moved by anyone.

In death, Vincent Foster was discovered lying oddly straight. To onlookers, Foster looked to be asleep. Professionals could see more.

Most of Foster's blood had come out the back of his head though an exit wound. The bullet, which exited through the top of the sitting lawyer's head, could not be found. It was shot from the top of the head, possibly by the Park Police brought in metal detectors but never found the slug. The blood wasn't obvious to paramedics. It had flowed down the back



VINCENT FOSTER in 1988 in the offices of the Rose Law Firm in Little Rock, Ark.

"That meant Vince Foster died right on the hill where he was sitting," said one investigator.

The body had not been moved from its resting place 20 feet in front of the cannon. It wasn't moved until after 8 p.m., at least three hours after the shooting. Blood lividity is curious. In dead bodies, pools form. The pools cannot be disturbed by movement without showing signs. There were none.

The soles of Foster's shoes, police noticed, were unmarked. As they should have been, it was determined. Foster's shoes told investigators he had walked from the parking lot through an open field.

The cops started taking pictures. They took two sets before Foster was moved. The first set was taken with a 35-mm. camera. The shots are overexposed. You can see the hand and the gun, but it is not easy. The second set was Polaroids. They all came out on the spot. The scene is very simple. There is a body, legs out, on a hillside. Very little blood. You can see a powder burn from the cylinder blast on

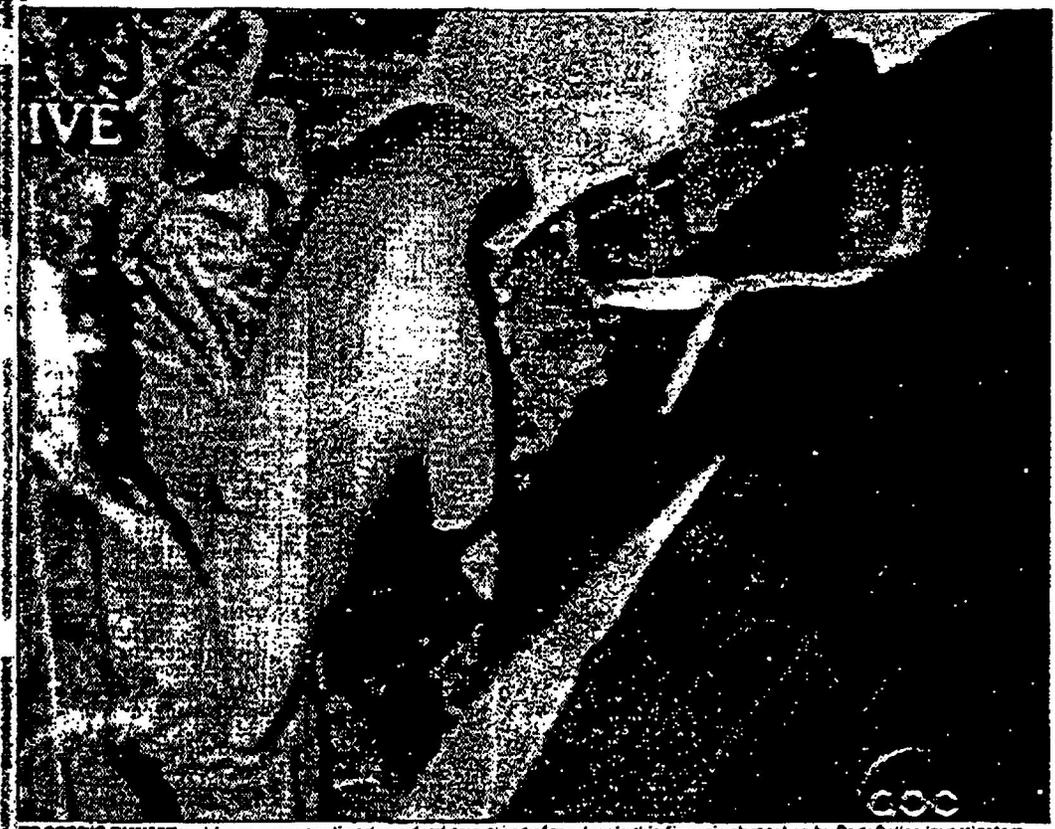
Park Police and preserved. If for some reason they need to be looked at, say to find imagined carpet fibers from an equally imagined safe house, they can be vacuumed and searched.

Moronic things were done later. Bernard Nussbaum, the President's lawyer, did many. The Park Police were assured on the first day that Foster's office would be sealed. But when six investigators showed up to inspect it the next day (two FBI agents, two Justice Department lawyers and two Park Police cops), Nussbaum refused to let them in. The office hadn't been sealed by Secret Service. The investigators were told to sit in chairs, backs to the walls, 15 feet from Foster's desk. Documents were displayed by Nussbaum. "No one knew or cared about Whitewater then," said one investigator. "We had a suicide to investigate. We could have been sitting on a case of Whitewater documents and we wouldn't have cared or noticed."

### NUSSBAUM'S RE

One FBI agent stood up to stretch

# D.C. SUSPICIONS



FOSTER'S THUMB can be seen protruding through trigger guard of revolver in this forensic shot taken by Park Police investigators.

to peek at Foster's papers. Nussbaum said repeatedly, "We can't show you this, this is personal." The cops, a Park Police investigator and captain, were furious. Personal notes, especially in a suicide case, are important.

"Why can't you just handle this as a normal case?" Nussbaum asked at one point.

"Because this isn't a normal case," said the chief investigator from the park police, Peter Markland.

"Why not?" Nussbaum said.

"Because if this was a normal case I'd have all of the dead guy's files in the back seat of my car," Markland said.

"No one can say why Foster killed himself. Only that he did. The cover-up, if there was one, started with Nussbaum. The President's lawyer acted like someone with a client who had something to hide. I thought they all should have been arrested for obstruction of justice," said one investigator familiar with the suicide investigation.

*There is one more mystery to decipher.*

There is one small triangle-shaped piece of the so-called suicide note still missing. It is about an inch and a half wide and from the bottom, right-hand part of the paper. It is not a part of the main content. It could be a date, investigators believe. The Park Police, and FBI investigators, still aren't sure the note is real. Who tears up a note into 28 pieces, then throws it in his briefcase for safekeeping?

**BRIEFCASE EYED**

The briefcase in which a White House assistant claims she later found the note on July 26 had been previously inspected for notes by



PRESIDENT CLINTON hugs unidentified woman as U.S. Sen. Dale Bumpers (r.) looks on outside Little Rock's St. Andrew's Cathedral, site of Foster's funeral.

Markland in Foster's office on July 21. You are asked to believe that Markland, who was looking for a note, didn't see 28 pieces of bright yellow paper in Foster's own briefcase. There is also the note itself. Yes, the folded and torn note was written by Foster. The Park Police handwriting expert, Sgt. Lochart, is sure of that. But it doesn't sound suicidal, necessarily. This could just be the musings of a desperate man turned into a suicide note by someone working for Nussbaum. It's not like the author can come back to say, "That's not what I mean." The note isn't dated by either Foster or the people who inspected it for the Park Police.

Foster did, however, write something nasty about the FBI. He called

them liars. The Park Police, when they saw this, believed the dead man's charge interesting. The FBI was investigating the case with them from the first day. But just to be safe, the federal Bureau of Alcohol, Tobacco and Firearms was asked to inspect Foster's suicide weapon. This was done to keep the FBI away. Handwriting analysis was done by the Park Police for the same reason. If the guy who killed himself hates the FBI, why give them his gun and note to analyze two months later? The Park Police have met Nussbaum. They have seen the White House in action. Why should they treat him as a suspect in new problems? This was alert investigative thinking by the U.S. Park Police.

## New counsel says matter is 'a bunch of nothing'

By TIMOTHY CLIFFORD  
News Washington Bureau Chief

WASHINGTON — The new White House counsel quickly hit the TV talk-show circuit yesterday — predicting the Whitewater controversy will turn out to be "a bunch of nothing."

But Lloyd Cutler, appointed by President Clinton last week after Bernard Nussbaum was forced to resign, admitted on NBC that he had "not been into the details of Whitewater."

And, appearing on ABC, James McDougal, owner of a failed S&L linked to the Clintons and their partner in the Whitewater real estate venture, said the President is "guilty of committing no crime" and cleared First Lady Hillary Rodham Clinton of everything but "poor bookkeeping."

However, Rep. James Leach (R-Iowa), on CBS, charged regional regulators probing McDougal's Madison Guaranty say their Washington superiors have "not been cooperative."

Newsweek reports this week that Treasury's Resolution Trust Corp. prober Jean Lewis was taken off the Madison case after secret White House meetings between Clinton and Treasury officials about the case. The magazine says that Lewis is expected to testify before a congressional hearing.

Whitewater Special Prosecutor Robert Fiske, beyond reviewing the Clintons' real estate dealings in Arkansas and their ties to Madison Guaranty, is investigating whether the White House sought to compromise the RTC's supposedly independent probe of the S&L. Three White House officials testified before his grand jury last week and seven more former or current administration officials are expected to testify soon before the panel.

Republican lawmakers — including New York Sen. Alfonse D'Amato — kept up their drumbeat yesterday for congressional hearings.

"We can delay and we can stonewall," Senate GOP Leader Bob Dole (R-Kan.) said on ABC. "But sooner or later there will be hearings."

Asked whether the Clintons themselves would give testimony in person at a congressional hearing, Cutler said on CBS, "It really depends on the gravity of the matter."

## WHITewater: IS THE CRIME A COVER-UP?

Bill Clinton keeps insisting that no crimes were committed and no wrongs done, but the clouds of the so-called Whitewater affair continue to gather around his administration. Last week's disclosures that White House Counsel Bernard Nussbaum had been briefed privately on the Whitewater investigation heightened the controversy — and may have been the episode that sealed Nussbaum's fate.

The White House was roiled further at week's end by a surprise subpoena for Whitewater-related documents. At issue is whether the president and Hillary Rodham Clinton profited improperly from the land investment or failed to declare and pay sufficient taxes. Amid a firestorm of criticism, Clinton himself called the Nussbaum meetings a mistake. But that's just the beginning. A grand jury's investigation of documents shredded by Hillary Clinton's former partners at the Rose Law Firm in Little Rock has fueled talk of a cover-up. Although the late Vincent Foster's initials appeared on the documents, Rose partners deny that any of Foster's papers were destroyed.

Foster committed suicide last year, but his legal work may yet prove relevant to the inquiry. U.S. News has learned that Foster worked for James McDougal's Madison Bank & Trust as early as 1981. Madison lent Hillary Clinton \$30,000 to build a model home at Whitewater. That lot was later sold. Whitewater transactions are at the heart of the current investigation by special prosecutor Robert Fiske Jr.

**No deal.** Past investigators have been less vigorous than Fiske. After his Little Rock offices were raided last June, David Hale, a former judge now accused

of fraud, offered to wear a hidden microphone. Hale told U.S. Attorney Paula Casey that Bill Clinton and Jim Guy Tucker, Clinton's successor as governor, were involved in the fraud, which entailed \$900,000 in federal loans. By aiding the investigation of fraud and other business related to Whitewater, Hale hoped to cut a deal.

Standard prosecutorial practice in such cases is to secure cooperation of minor defendants and go after bigger fish. Casey refused Hale's offer of cooperation, however. A longtime supporter and an appointee of Bill Clinton, she finally recused herself from the Whitewater inquiry in November — after Hale had been indicted and his opportunity to assist with an investigation had diminished. Casey did not return phone calls to discuss the Hale case.

Hale could still hurt the president. At a pretrial hearing last week, witnesses testified that he boasted of Clinton's involvement in his loan schemes. And sure to come up in Hale's trial later this month is a \$300,000 loan made to a McDougal shell corporation called Master Marketing. Hale says Clinton pressured him into making the loan; the president denies it. □ BY GREG FERGUSON AND DAVID BOWERMASTER

### Questions for three Arkansas figures



CASEY

**WHY DID THE U.S. ATTORNEY IN LITTLE ROCK REJECT DAVID HALE'S PLEA BARGAIN OFFER TO ACT AS AN UNDERCOVER INFORMANT AGAINST ARKANSAS'S POLITICAL ELITE?**



HALE

**DID THE FORMER MUNICIPAL JUDGE FUNNEL TO POLITICAL FRIENDS \$900,000 IN GOVERNMENT LOANS THAT WERE SUPPOSED TO GO TO DISADVANTAGED ENTREPRENEURS?**



TUCKER

**DID THE CURRENT GOVERNOR OF ARKANSAS PROFIT IMPROPERLY FROM LOANS THAT WERE MADE BY HALE AND SUBSEQUENTLY FALSIFY FINANCIAL STATEMENTS?**

(Mount Clipping in Space Below)

# Rose Lawyers Say Shredding Was Unrelated to Foster Probe

By Susan Schmidt  
Washington Post Staff Writer

Documents shredded last month by a courier at the Rose law firm in Little Rock, Ark., contained firm financial statements and minutes of partnership meetings, according to firm lawyers, and not sensitive materials handled by Vincent Foster, who served as deputy White House counsel before his suicide last July.

But investigators reexamining the circumstances of Foster's suicide and the law firm's relationship to the failed Madison Guaranty Savings & Loan have questioned the courier, Jeremy Hedges, a college student employed by the firm, before a federal grand jury, according to sources close to the firm.

Foster, Hillary Rodham Clinton and Associate Attorney General Webster L. Hubbell were Rose partners before coming to Washington. The law firm represented Madison and a number of businesses linked to the S&L. Foster's suicide is part of the wide-ranging investigation into Madison and the Clintons' Whitewater real estate venture being conducted by Special Counsel Robert B. Fiske Jr.

Fiske said Feb. 9 that he would investigate an allegation reported in the Washington Times that Rose

employees shredded documents related to the Whitewater investigation.

The New York Times reported yesterday that Hedges was brought before the Whitewater grand jury on Feb. 16 and testified that he did not know exactly what he had shredded but that the outside of the box bore Foster's initials, as did binders contained inside. He also reportedly said he saw Foster's name on some of the documents.

Rose firm sources said the box of material to be shredded was put together by a clerk in helping a lawyer change offices.

Foster had worked on Whitewater tax returns for the Clintons, and at the time of his death had set up a blind trust for their assets.

The Rose firm, one of the largest in Arkansas, has been at the center of controversy over its representation of Madison before the state securities commission while Bill Clinton was governor. Hillary Clinton helped represent the S&L in the matter.

The firm has been conducting an internal inquiry into the client billing practices and expense accounts of Hubbell, a former managing partner.

(Indicate page, name of newspaper, city and state.)

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# EX-CHIEF: POLITICS KEPT FBI OFF FOSTER CASE

By CHRISTOPHER RUDDY

The FBI was kept out of the investigation into Vincent Foster's alleged suicide because of a "power struggle within the FBI and the Department of Justice," former FBI Director William Sessions says.

"The decision about the investigative role of the FBI in the Foster death was ... compromised from the beginning," Sessions claimed in a bitter handwritten statement he gave to The Post yesterday.

After Foster's death on July 20, the Justice De-

**"The role of the FBI was ... compromised from the beginning."**

WILLIAM SESSIONS



WILLIAM SESSIONS Bares power struggle.

partment put the U.S. Park Police in charge of the investigation.

Sessions said the FBI did not get involved in the probe for political reasons. "The relationship between the White House and the FBI at the time of Mr.

Sessions said.

Sessions — fired by President Clinton the day before Foster's suicide — noted that there had been a long-standing "power struggle within the FBI and the Department of Justice."

He said Foster, as the top deputy in the White House counsel's office, "was deeply involved in [the] relationships and events" involving the dueling bureaucracies.

One of those "events," he said, was the Travelgate scandal — when FBI agents were "summoned to the White House without

my knowledge" as part of a bid by Clinton aides to oust veteran White House travel staffers in an abortive bid to make way for Clinton cronies.

The White House later admitted erring in getting the FBI involved and in publicizing its involvement.

"The White House and Justice Department were clearly in a politically awkward position with the FBI 'Travelgate' investigation in July 1993" — when Foster's body was discovered, Sessions wrote The Post.

Floyd Clarke, who was



VINCENT FOSTER "Deeply involved."

named acting FBI director the day before Foster died, "had been long involved with the Department of Justice to affect the power shift at the FBI," Sessions said.

And that, Sessions inferred, is why Clarke let the Park Police head the investigation.

Calls for comment to the White House and the Justice Department were not returned.

A number of law enforcement officials questioned why the FBI did not take on the investigation.

"In view of the nature of this case, the FBI should have been involved," William Roemer, former head of the FBI's Organized Crime Strike Force, told The Post.

Roemer blasted the bureau for "allowing the tail to wag the dog."

"[Attorney General Janet] Reno and Clinton had undue influence. The FBI would normally be finding reasons to get involved in a high profile case," Roemer said, questioning the reasoning behind the Park Police's lead role in the probe.

Other law enforcement officials echoed his sentiments.

"The Park Police are not much more than traffic control and night watchmen," said Gene Wheaton, a retired investigator with the Army Criminal Investigations Division.

In his dealings with the Park Police during his 22 years with the Army CID, Wheaton said, they were known as the most "pliable" of law enforcement agencies and had almost no experience in "professional investigations."

Last year, the Park Police criminal investigations unit probed 35 deaths. The agency refused to provide a breakdown on how many were homicides, suicides or natural deaths.

## Experts: Park cops bungled the probe

By CHRISTOPHER RUDDY

U.S. Park Police failed to follow standard investigative procedures in probing the circumstances surrounding the death of deputy White House counsel Vincent Foster, law-enforcement experts told The Post.

The Park Police, by quickly classifying Foster's death a suicide, violated a cardinal investigative rule: Don't jump to conclusions, the experts said.

Making a snap judgment that Foster's death was a suicide was a violation of textbook procedure — which laid the groundwork for further violations.

"In the Vince Foster case nothing was done right, as far as the public record shows," said Gene Wheaton, an investigator for 22 years with the Army's Criminal Investigation Division.

Experts stress that any death should be considered a possible homicide until it is proven otherwise by forensic and autopsy reports and other evidence.

The Park Police conducted only a cursory search in Fort Marcy Park in Arlington, Va. — apparently because they believed Foster's July 20 death was a suicide.

Witnesses said police did not follow textbook procedure and do a "hand and

knee" search of the area around his body, or use metal detectors to search for the bullet that was fired into Foster's mouth and exited through the back of his head.

They also didn't dust Foster's car for fingerprints, or canvass the neighborhood around the park, or interview regular park visitors.

And they were apparently unaware that there was a rear park entrance — closer to the death scene than the main entrance.

Their sloppy on-site investigation was duplicated off-site when they delayed securing Foster's office for at least 12 hours — if not longer.

And they also didn't run ballistic tests on the gun found in Foster's hand — tests that experts say would show whether the 80-year-old weapon was operable.

Park Police officials have defended the probe that followed the discovery.

"It seemed definitely a suicide," said one of the first law enforcement officials to arrive at the scene of Foster's body.

"It was a perfect place to commit suicide. It's very peaceful there in the woods," another investiga-

tor, Kevin Fornahill, told The Post.

## INVESTIGATING A CRIME SCENE

Following are the standard police procedures in death investigations — and they were violated by the U.S. Park Police in probing the death of deputy White House Counsel Vincent Foster.

Here's what standard police practice requires:

Don't call a death a suicide until you can prove it.

This is what the U.S. Park Police did:

Officers on the scene judged the death a suicide. Officials made the same call days after the death, without the benefit of forensic tests.

Treat the area around the body as a crime scene. Conduct a thorough search.

Park police made a cursory examination of the primary crime scene, but did not conduct a hand and knee search around the body, looking for evidence.

Find the bullet. Employ metal detectors.

The Park Police never found the bullet, and didn't use metal detectors.

Canvass the park and neighboring homes. Interview regular visitors to the park.

Park police went in search of several homes about the park. They were unaware that the park has a rear entrance.

Treat the car as part of the crime scene.

Park police did not check the car for fingerprints.

Conduct ballistic tests on the gun, firing the unused bullet. Test the gun for operability.

Park Police didn't conduct a ballistic test.

Secure the victim's office immediately, particularly since the death took place during the workday.

Foster was found at 6 p.m. His office was not secured until 10 a.m. the next morning.

Consider the first person to have found the body as an important witness, and, if foul play is involved, as a possible suspect.

The first person who found the body asked a park maintenance worker to call 911. Police say they never found the person. The maintenance worker said police did not ask him for help in putting together a sketch of the person's face.

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# Foster's life, death still in the spotlight

By Bill Nichols  
USA TODAY

HOPE, Ark. — The day after deputy White House counsel Vincent Foster apparently shot himself last summer, President Clinton told his devastated staff: "No one can ever know why this happened."

But even as Foster rests in a quiet cemetery west of town here, Whitewater special counsel Robert Fiske is actively pursuing just that question.

Friends and family of Foster both in Hope, President Clinton's birthplace, and in Little Rock at first refused to believe the strong, successful attorney would take his own life.

Today, however, those close to Foster fiercely denounce suggestions of foul play or some sort of conspiracy.

Their scenario: Foster, in Washington at the behest of the Clintons — his closest friends besides wife Lisa — found himself buffeted by political attacks he had never encountered before, and, suffering from depression and a fierce sense of pride, simply snapped.

"There's not really any other logical explanation," says Mark Grobmyer, a friend and Little Rock lawyer. "If Vince could come back and explain why he did it, I'm not sure that he could to anyone's satisfaction."

"How many people in their whole lives are ever asked to be the deputy counsel in the White House by the president?" says Little Rock attorney Joseph Purvis, Foster's boyhood friend from Hope.

"How do you say no? If you are ... a person with any kind of competitive fire or spirit you've got to try. The problem is that, for somebody like Vince, it was a trap."

## Investigation of investigation



White House  
FOSTER: Found dead July 20

White House deputy counsel Vincent Foster died of a bullet to the head July 20 in a park by the Potomac River in Arlington, Va.

Special counsel Robert Fiske is investigating whether the death was properly ruled a suicide by the U.S. Park Police, which handled the initial probe of Foster's death.

Also in question: If it was proper for White House counsel Bernard Nussbaum to remove Whitewater documents from Foster's office before police investigators were permitted inside.

Fiske, by his actions, apparently is not sure. And the clamor in Congress grows louder.

Said House Minority Whip Newt Gingrich, R-Ga., on CNN Sunday: "The fact that the independent counsel has brought in a homicide expert as one of his deputies and ... is reviewing the Park Police's entire investigation has to at least say that there's a lot there that's weird."

Weird is not how Foster has been described. He was an accomplished lawyer, partner at Little Rock's Rose firm with Hillary Rodham Clinton and Associate Attorney General Webster Hubbell. He rose fast, dazzled his colleagues and left a glittering resumé.

In Little Rock, Foster was someone who "had usually always succeeded, who had been beyond reproach down here," says Max Brantley, editor of the weekly *Arkansas Times*.

Says George Frazier, a Hope insurance agent who talks "and sometimes cries a little" every other day or so with Foster's Arkansas attorney, "There are still some questions that need to be answered. But it's a terrible burden on

those of us who loved Vince and watched him grow up to open the newspaper ... and find these stories."

While the U.S. Park Police concluded Foster's death was a suicide, there are questions:

► One of Fiske's eight assistants, Roderick Lankler, a prosecutor with long experience with homicide cases, is probing Foster's death.

► Foster had a file on the Clinton's involvement in the Whitewater real estate venture in his White House office that was moved by White House aides after his death.

► Findings of the FBI, U.S. Park Police and Bureau of Alcohol, Tobacco and Firearms into Foster's death have not been made public. Fiske has asked they be held until he finishes his investigation.

► The Park Police document reportedly said White House counsel Bernard Nussbaum was not helpful, monitoring their interviews with White House employees and limiting access to documents.

► The Park Police document reportedly said White House counsel Bernard Nussbaum was not helpful, monitoring their interviews with White House employees and limiting access to documents.

► Investigators were not allowed into Foster's office the day after he died, though Nussbaum, Maggie Williams, chief of staff for Hillary Clinton and Patsy Thomasson, an Arkansas Democratic stalwart and White House aide, got in the night he died.

► A note, at first missed in Foster's briefcase, was not turned over for 30 hours.

Torn into 27 pieces, the note indicated Foster was bitterly frustrated with Washington. It was unsigned, undated and did not bear his fingerprints.

Frazier talked to Lisa Foster last week to request a photo of her husband for a commemorative display of the four Hope

boys who went to Washington — Clinton, White House chief of staff Thomas "Mack" McLarty, administrative aide David Watkins and Foster.

"She seemed to be doing OK," Frazier says. "She has some good days and some bad days, just like the rest of us."

Vince Foster's closest friends now see his death as the result of an almost unavoidable tension between his easy and constant success in Little Rock and the more partisan atmosphere of Washington.

He was savaged for early missteps — the firing of the White House travel office workers, the inability to settle on a nominee for attorney general — and felt he could neither leave his two old friends or return home in failure.

"He got there and where you or I ... would have simply said to our good buddy, 'Mr. President, I love you dearly, I'm deeply grateful, however this is not my cup of tea,' Vince couldn't do that," says Purvis.

Purvis said he had dreamed of Foster recently. "I was in the White House and I was talking to Vince. We kind of had our arms around each other. And he just kept saying you can't be

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# PROBER: WE'LL START FROM SCRATCH ON FOSTER'S 'SUICIDE'

By THOMAS FERRARO *Post Correspondent*

WASHINGTON — A top aide to Whitewater special counsel Robert Fiske vowed yesterday to start from scratch and conduct a "top to bottom" review of whether White House lawyer Vince Foster committed suicide.

"Obviously, if he did not commit suicide, and something else happened — that's going to be relevant to a lot of things," prosecutor Roderick Lankler told *The Post*.

Lankler, a veteran New York homicide prosecutor, said he is putting together his own team of investigators, pathologists and forensic experts to review the U.S. Park Police conclusion that Foster killed himself.

"Suffice to say, we're going to go through the entire investigation — from top to bottom," Lankler said in a telephone interview.

"The purpose of our investigation is to find out how he died and why he died [and] if it's relevant to the Whitewater investigation — that's the relevant investigation."

Fiske is heading a sweeping probe into the Clintons' co-ownership of the Whitewater Development Corp. and their ties to a failed Arkansas savings and loan, Madison Guaranty

### S&L

The *Post* first raised doubts about Foster's death in January, quoting paramedics, lawmen and pathologists who questioned Park Police procedures as well as the federal agency's conclusion Aug. 10 — three weeks after Foster's death — that it was a suicide.

Lankler indicated that members of the White House staff will be interviewed for his investigation but declined comment on whether President Clinton and First Lady Hillary Rodham Clinton might be among those quizzed.

Autopsy, forensic and ballistic records also are certain to be re-examined.

Attorney General Janet Reno, asked at her weekly news conference yesterday

if she was aware of "anything that would remotely suggest" Foster's death was anything but a suicide, replied: "No."

Lankler, asked if he agrees with Reno, said: "That's what I'm supposed to be doing — trying to find out what happened."

Shortly after Foster was found dead with a bullet in his head in a Virginia park July 20, Whitewater papers

were quietly removed from his office by White House aides.

Those papers were turned over to federal investigators this winter after *The Washington Times* disclosed their existence.

Lankler said, "It is also our purpose . . . to find out what happened after he was found dead — in respect to what went on in the White House."

Lankler, one of eight veteran prosecutors hired by Fiske last week, was given the task of investigating Foster's death.

He said he expects to hire the forensic experts and pathologists next week, but refused to predict how long his probe may take.

"The objective we have here is to do the most thorough, complete and professional job we can," he said. "We are going to take the time we need to do it

The Park Police finding of suicide was supported by the FBI, and a Virginia medical examiner ruled that Foster's wounds were consistent with suicide.

Clinton has publicly accepted the suicide ruling but has said the reasons his boyhood friend pulled the trigger may never be known.

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## Foster case's coroner erred in '89 killing 'Suicide' ruling reversed, leading to a conviction

By Michael Hedges  
THE WASHINGTON TIMES

The coroner who handled the death of Vincent W. Foster Jr. overlooked critical evidence in another suicide ruling that was changed to a homicide, according to an expert who examined the autopsy report.

Dr. James C. Beyer, Northern Virginia's deputy chief medical examiner, supported the police finding of suicide in the 1989 stabbing death of Timothy Easley.



Beyer

But last fall Mr. Easley's girlfriend, Candy Wharton, was charged with homicide after an outside expert re-examined the file and noted that the original report had glaring errors, including missing a stab wound in the victim's hand and getting the color of his hair wrong.

The hand wound was "definitely ante-mortem [before death] and a classical defense wound suffered

while trying to avoid the knife," wrote Dr. Harry J. Bonnell, chief deputy medical examiner in San Diego, who reviewed the Easley case.

Dr. Bonnell's review also said he was highly doubtful the chest wound suffered by Mr. Easley, 21, of Centreville, could have been self-inflicted. Miss Wharton, who had passed a polygraph test, had told police Mr. Easley stabbed himself after an argument.

"The decedent would have to stab himself from high up ... and then direct the blade downwards and back across his body toward his right side. He would have to use his right hand, making it near impossible to cut the back of his right hand at the same time," Dr. Bonnell wrote.

As for the cut on the hand, which a relative had photographed at Mr. Easley's wake, "I cannot understand how any competent forensic pathologist would miss it," Dr. Bonnell wrote.

Whitewater-Madison special counsel Robert B. Fiske Jr. has said he would hire "forensic experts and pathologists" to make an independent analysis of the autopsy report and other evidence that led U.S. Park Police, with Dr.

Beyer's consent, to call the Foster death a suicide.

The autopsy report on the death of Mr. Foster, White House deputy counsel and the personal attorney for President Clinton and his wife, Hillary Rodham Clinton, is among the documents that have been held secret by officials since he died July 20, 1993. His body was found in Northern Virginia's Fort Marcy Park.

Dr. Beyer, 76, said both the Foster and Easley suicide findings were "combined findings between the medical examiner and the police."

In the Easley case, he said, "the police originally had told me it was a suicide, so it was a suicide investigation. My finding of what happened didn't change; my finding was that it was a stab wound to the thorax."

After the victim's mother, Pamela Easley, made repeated efforts to reopen the case, a group called Parents of Murdered Children sent the autopsy report and other files to Dr. Bonnell.

Dr. Bonnell's findings that the injuries on the body in no way reflected a suicide led Fairfax County police to reopen the case, and Miss Wharton was eventually convicted of voluntary manslaughter, officials said.

When the Easley case was reopened last year, Police Chief Michael W. Young said the new look was based on "inaccurate findings" in the original investigation.

Police spokeswoman Lt. April Kranda said yesterday, "One of the things that occurred was that Mrs. Easley brought us information she had obtained from another medical examiner." She said that was a "critical factor" in reopening the case.

Dr. Bonnell's opinion is contained in a two-page letter written last May. "The location of the stab wound is inconsistent with self-inflicted; nobody imagines their heart to be as high above the nipple as the diagram shows the entry wound to be," he wrote.

"The location and direction of the stab wound track are typical for a right-handed assailant attacking from the front with the victim's dominant arm coming to ward off the blow," he said.

Dr. Beyer said of Dr. Bonnell's critique: "That is his opinion. You'll have to ask him about it."

Asked about the stab wound on the back of Mr. Easley's hand, he said, "I didn't see one; I saw a pin prick." He said the suicide ruling was changed to a homicide ruling because of "new information."

Dr. Beyer has been a regional medical examiner since 1971. In that time, he said, he has participated in thousands of death investigations.

An official in the office declined to release reports in specific cases requested yesterday. "Those are not public documents. They are private medical documents," she said.

Mrs. Easley, who now lives in Louisiana, had told friends the medical examiner's report contained errors, including her son's hair color and the failure to note the hand wound. She had seen the wound at her son's wake and had a relative photograph it.

When her efforts to reopen the case failed, she contacted Parents of Murdered Children, according to Nancy Ruhe-Munch, spokeswoman for the Cincinnati-based group.

"We sent the information provided to us by Mrs. Easley to Dr. Bonnell, who is on our board, and he was shocked," Ms. Ruhe-Munch said. "He said basically it was an incompetent autopsy."

Armed with the Bonnell findings, Mrs. Easley persuaded Fairfax police to reopen the case. Investigators reached Miss Wharton in Washington state, and she failed a second polygraph. She then changed her story to admit stabbing Mr. Easley but said it was in self-defense.

Last October, police charged her in the slaying. She was convicted of voluntary manslaughter on Dec. 3, and on Feb. 14 she was sentenced to five years in prison.

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# FOSTER FILE SHOCKER

*2nd set of papers taken from safe  
after mad scramble for combination*

By CHRISTOPHER RUDDY

White House officials frantically scrambled to get the combination to Vincent Foster's office safe soon after his death — and ultimately removed a second set of files, The Post has learned.

White House counsel Bernard Nussbaum's removal of one set of Whitewater files from Foster's office has been widely reported.

But the disappearance of a second set of papers — including some also related to Whitewater — wasn't previously known.

Three separate White House sources told The Post that Clinton aides were scrambling — like "cats and dogs," as one put it — as they tried to get into Foster's safe just hours after his death.

Foster's body was found in Fort Marcy Park in suburban Arlington, Va., at about 6 p.m. on July 20.

As previously reported, a few hours later, Nussbaum — accompanied by First Lady Hillary Rodham Clinton's chief-of-staff, Margaret Williams, and longtime Clinton aide Patsy Thomasson — entered Foster's office and removed Whitewater files that were not in the safe.

But The Post has learned that Nussbaum also asked

## POST EXCLUSIVE

a White House security officer on night duty for the combination to Foster's safe, a White House source said.

Nussbaum was told that the security staff didn't have the combination, the source added.

Combinations are controlled through top-secret clearances in the Office of

Administration, which is run by Thomasson.

The Office of Administration staffer in charge of security — including the safeguarding of combinations — was out of town that night, a law-enforcement source said.

Later, during the wee hours of July 21, a senior White House aide — not Nussbaum — succeeded in opening Foster's safe, according to another law-enforcement official who is assigned to the White House.

It's not clear how the combination was obtained.

The safe was opened before most White House personnel reported to work on the morning of July 21, the source added.

Several documents, including papers relating to Whitewater, were removed from the safe and turned over to President and Hillary Clinton's personal lawyer, David Kendall, the source said. Then the safe was relocked.

Foster, who was deputy

White House counsel, also handled the Clintons' private legal matters, including Whitewater.

Word that the safe had been opened apparently did not reach most White House officials, including senior members of the White House counsel's office — and they continued to scramble for the combination, a source said.

They were so anxious to be the first to see the contents of the safe that the counsel's office refused to

let Park Police — who were handling the investigation into Foster's death — to search the office on the morning of July 21.

The Park Police agreed to return the next day.

On the afternoon of July 21, members of the counsel's office were again asking White House personnel for the safe combination, claiming that "Bill Kennedy needed to get into Mr. Foster's safe," another source said.

William Kennedy is a former law partner of Mrs. Clinton and Foster at the Rose Law Firm in Little Rock. He is associate White

House counsel — the No. 3 post in the counsel's office.

But the combination could not be given out, a source said, because Foster had taken the rare step of authorizing only himself to have access to the number.

Usually, White House staff members with safes share the combination with their staff or secretary.

The FBI's most highly decorated former agent told The Post that the revelation about entry into Foster's safe after his death underscores questions about a possible coverup.

"The safe is crucial — it's an A-1 priority," said Wil-

liam Roemer, former head of the FBI's Organized Crime Strike Force.

He was sharply critical of the failure by federal authorities to secure Foster's office immediately after his death.

"It raises the question [of] a coverup," Roemer said, adding that the entry into the safe appeared to be "self-serving, to protect documents which could have shed light on either a suicide or homicide."

Repeated calls to the office of Patsy Thomasson and the White House Press Office for comment went unreturned.

# 'Rock of Gibraltar'

## Close aide's suicide leaves president, staff puzzled

By Frank J. Murray  
and Michael Hedges  
THE WASHINGTON TIMES

President Clinton led the White House staff yesterday in mourning Deputy White House Counsel Vincent W. Foster Jr. and broadened an inquiry into why his lifelong friend left work Tuesday to kill himself.

"What happened was a mystery about something inside of him," Mr. Clinton told hundreds of staff members as he sought throughout the day to avoid simplistic diagnoses of Mr. Foster's suicide, apparently without leaving a message.

"In times of difficulty he was normally the Rock of Gibraltar while other people were having trouble," Mr. Clinton said after a brief televised statement in the Rose Garden.

The president recalled there the late-night, 45-minute talk Tuesday among Arkansas friends who gathered to comfort the widowed Lisa Foster and found themselves alternately crying and laughing.

Mr. Clinton visited the Foster family last night for a late dinner at their home in Georgetown.

"It is very wrong to define a life like his in terms only of how it ended," Mr. Clinton said of the superachiever who graduated first in his law school class, got the highest score on his bar exam, and within two years became a partner in Arkansas' most important law firm.

Mr. Foster, Mr. Clinton and Chief of Staff Thomas F. "Mack" McLarty were childhood friends in tiny Hope, Ark.

They will reunite tomorrow in Memory Gardens, Ark., the town of 9,700 where his widowed mother, Alice Mae Foster, resides. An 11 a.m. ecumenical funeral service will be held first at St. Andrew's Catholic Cathedral in Little Rock, Ark.

Friends in government and private life eulogized Mr. Foster's strengths and successes but were unable to explain why he ended his life at age 48 with a wife at home, two

children in college and a third entering the senior year in high school.

"He was tough, he was funny, he was conservative, he was cool and he was warm," agreed White House Counsel Bernard Nussbaum, his nominal boss although Mr. Foster at times functioned outside of any known organizational charts.

White House Communications Director Mark Gearan said none of his colleagues knew of depression or other problems that might contribute to a suicide. "There are good days and there are bad days in the White House," he said.

U.S. Park Police said their findings are consistent with suicide and voiced no doubt that he put a .38-caliber revolver in his mouth and shot himself.

Police said the gun was not registered locally. The Treasury Department's Bureau of Alcohol, Tobacco and Firearms was tracing its serial number as Mr. Foster's office was sealed. Park Police officials were summoned to the White House and told the Justice Department would "coordinate" further investigation.

No one has accounted for the five hours between the time Mr. Foster ate alone at his White House desk and left at 1 p.m. Tuesday with a promise to return and the discovery of his body about 6 p.m. He reportedly did not go to his Georgetown home.

He had attended Mr. Clinton's announcement of the nomination of Louis J. Freeh to head the FBI and had joined Mr. Nussbaum to watch the televised start of Senate hearings for Supreme Court nominee Ruth Bader Ginsburg.

When the body was discovered by police, it was clothed in tie, shirt-sleeves and suit pants. It was beside an ornamental cannon at a Potomac River overlook in Fort Marcy Park, along the George Washington Parkway in McLean.

It was not clear if Mr. Foster tried to contact other family members, including his sister, Assistant Attorney General Sheila Foster Anthony, chief Justice Department lobbyist.

Police summoned by an anonymous caller made the first tentative identification from a White House folder in a matching suit coat found in his gray-brown 1989 Nissan with Arkansas tags, parked nearby.

"We have no motive for it. It baffles everyone," said Maj. Robert Hines of the U.S. Park Police after yesterday's autopsy. Toxicology reports and other medical tests will take at least a few days, he said.

Mr. Clinton was visibly stricken by Mr. Foster's death, the second close friend to die by a self-inflicted gunshot. Oxford roommate Frank Aller shot himself in 1971 at Spokane, Wash., in the confused aftermath of a draft-evasion case.

Suicide is rare among high public officials. Former Defense Secretary James Forrestal was the last ranking official known to kill himself, leaping from a window 44 years ago at the Bethesda Naval Hospital.

Hillary Rodham Clinton, who was in Little Rock, was notified of Mr. Foster's death at 9:40 p.m. in a call from Mr. McLarty, who waited about 20 minutes longer to let Mr. Clinton finish an interview on "Larry King Live" before breaking the news.

In six months at the White House, Mr. Foster's relative anonymity wore thin as he became linked to political and tactical mistakes including failed choices for attorney general and sub-Cabinet posts as well as tactics in the probe and firing of seven travel office aides.

He became the focus of running commentary in the Wall Street Journal, which titled its June 17 lead editorial "Who is Vince Foster?" and at one point filed a demand for his photograph under the Freedom of Information Act.

The reports focused on the power held by what they called a "four-parameter implant" into government from the Rose Law Firm in Little Rock, where Mr. Foster worked for 22 years.

The other former partners are the first lady — whom Mr. Foster recruited to Rose for a 17-year stay — their close friend, Associate Attorney General Webster Hubbell, and Associate White House Counsel William Kennedy III.

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Mr. Kennedy was reprimanded in May for actions carried out at the direction of Mr. Foster during the travel office investigation. Mr. Foster was not included among those publicly disciplined, and the president doubted such rough patches contributed to his suicide.

"I don't think so. I certainly don't think that can explain it, and I certainly don't think it's accurate," Mr. Clinton said.

• *Karen Riley contributed to this article.*

# Foster Depression Called Job-Related

## *White House Delayed Turning Over Note to Police for 30 Hours*

By Ann Devroy and Michael Isikoff  
Washington Post Staff Writers

White House officials yesterday described a torn-up note left by deputy counsel Vincent Foster Jr. as a "written argument with himself" about problems with his job. Its discovery Monday produced hours of high-level debate before Attorney General Janet Reno and key officials agreed the note should be turned over to police.

The 30-hour delay in producing the note had increased frustration among U.S. Park Police investigators, who felt White House obstacles hindered pursuit of the case. While convinced that Foster's death

was a suicide, investigators believe the White House slowed examination of evidence and the interviewing of witnesses to determine if some sudden event connected with his job prompted President Clinton's friend to take his own life, sources said.

In an effort to defend and explain their actions before and after Foster's apparent suicide July 20, White House Chief of Staff Thomas F. "Mack" McLarty, White House counsel Bernard Nussbaum, counselor David R. Gergen and others yesterday offered reasons for what has seemed to be a less than fully candid and cooperative attitude toward the investigation of Foster's death.

In addition, the White House yesterday took action to aid the U.S. Park Police, who are investigating Foster's death in a Virginia riverside park. Officials turned over telephone logs, made administration officials available to investigating officers and reported that Foster's widow Lisa yesterday was interviewed for the first time by police.

White House officials said their responsibilities to aid the investigation of Foster's death have been balanced with concerns about the privacy of Foster's family and issues such as the privileged material Foster regularly dealt with as the No. 2 person in the office that advises the president on legal and personnel matters.

U.S. Park Police Chief Robert E. Langston last night said there has been "a lot of political sensitivity" about the case, but that his investigators are "pretty well wrapping this up."

"The evidence led to the conclusion he was suffering from depression, he was dejected by his job."

Langston said Park Police investigators had learned Foster was being treated by a physician in Arkansas and that some medication, believed to be an antidepressant,

had been shipped to him. But he said it was unclear whether Foster had started taking the medicine.

Langston also said that Foster's wife had been unable to identify the 1913 Army Colt revolver that Foster used to shoot himself. But investigators were sending the weapon to a family member in Arkansas after it was suggested that some arms similar to it had been "given away by a grandfather" to members of Foster's family some years ago.

White House officials yesterday continued to paint a portrait of Foster as a man who was "down" and "unhappy" and "worried about his performance," but whose suicide was shocking.

The officials said the Foster note, another note found in his possession containing the names and phone numbers of two psychiatrists or any other information do not offer any explanations for the death beyond a depression that was visible only in hindsight.

Officials acknowledged that no one at the Justice Department or U.S. Park Police handling the Foster investigation was informed of the Foster note until a day and a half after its discovery at midday Monday. Foster's office, despite

CONTINUED

orders by McLarty, was not sealed the night his body was found but only at midmorning the next day. And when Nussbaum searched Foster's office in the presence of police, he described what he found but did not allow investigators to search independently or look at documents, records or other items.

"This was not a crime," Gergen said of the Foster death. He said the White House had been told by authorities that Foster had killed himself, and officials were not preoccupied with preserving evidence or sealing offices.

White House officials would not release the contents of the note found this week. McLarty described it as "a note of frustration, not of scandal." While it could be read as an explanation for suicide, he said, it also could have been read as "consistent with Vince wanting to quit his job."

"It was curious and vague, it had no date or signature, no reference to suicide," McLarty said. "We don't know when it was written. If one did not know Vince had committed suicide, one could conclude it was a series of arguments on why the job was going badly, that he was going to resign."

The officials described its discovery in Foster's briefcase this past Monday afternoon as "a chapter out of a John le Carré." In the original search of the office, Nussbaum, Secret Service agents, Justice officials, a lawyer representing the Foster family and Park Police watched as Nussbaum went through files, the desk, bookcases, and the briefcase, describing what he found.

According to officials, Nussbaum took what he thought were all the contents out of the briefcase, described as a "battered, leather accordion-style" case. But Steve Neuwirth, an associate counsel asked to inventory the Foster office on Monday, discovered otherwise. McLarty said as Neuwirth picked up the

briefcase and turned it over to pack it in a box with other personal belongings, "a few pieces" of yellow legal paper fell out. Another official said, "He shook it and these other pieces came fluttering out and he scooped them all up and took them into Bernie's office to use his big conference table."

At the conference table, officials said, Neuwirth "put together the puzzle, and piece by piece he saw what he had there. . . . As he was finishing, Nussbaum came in and he said, 'Bernie, you got to see that.'"

Nussbaum, McLarty said, called him in Chicago Monday where he and Gergen were with the president on a trip. "He told me it went to Vince's state of mind. Obviously I was surprised. This was not anticipated. Bernie said there was no reference to suicide, that it was not a suicide note. And I went to David [Gergen] so we could discuss how to handle it."

McLarty and Gergen said they agreed the note must be turned over to the Justice Department, but Gergen said, "there were outstanding issues." Among those he, McLarty, the counsel's office and others cited, were whether it contained material covered by executive privilege and the "basic decency" that it not be turned over until Lisa Foster was notified.

McLarty said his own personal connection with Foster—the two have been friends since they and Clinton were youngsters together in Hope, Ark.—made him "bring David into the discussions" over how to proceed on the Foster case Monday. Several officials had suggested that the friendship of the Arkansans in the administration meant that their primary concern was sparing the Foster family further pain and invasion of privacy. But McLarty insisted this was not so.

McLarty and Gergen said they wanted to wait until Tuesday to decide how to handle the note because they wanted legal issues researched

overnight; they wanted to discuss it with the president, and they wanted to sort out how to proceed first.

On Tuesday, the two men said, a series of discussions was held through the day as they awaited the arrival in Washington of Lisa Foster and her attorney. She was informed of the note and its contents and Reno and Deputy Attorney General Philip B. Heymann were asked to go to the White House for a discussion late in the day. The timing, McLarty said, related to Clinton's schedule, which was packaged from dawn to dusk with public events. Clinton was told of the contents of the note and how the White House would proceed late in the day and a meeting with top White House and Justice Department officials followed.

Reno said the note should not be given to the Justice Department but to the Park Police as the lead investigators. By 8 p.m. Tuesday, more than 30 hours after its discovery, the note was given to Park Police investigators called to the White House.

On the issue of sealing Foster's office the night of his death, McLarty said he and Gergen ordered that done and believed it had been done. But others said the office was open and unattended until at least 10 or 11 a.m. the following day. One person with firsthand knowledge said, "One or two or three" people went in and out before Nussbaum got the Secret Service to post a guard outside the office.

Asked to explain the 9-day period before police could interview Foster's widow, Gergen said, "That was a matter between her lawyers and the police" and that the White House "had no role in it."

Despite increasing acknowledgment by White House officials that Foster had been far more upset

**CONTINUED**

than they had originally suggested, McLarty, Gergen, White House press secretary Dee Dee Myers and others insisted that is a judgment made in hindsight and that nothing resembling deep depression was evident to them.

"He was not quite the same can-do guy. His attitude was not the same. But he was working at his job, accomplishing his work. He was less than upbeat, yes, but he did not send any signals of suicide," McLarty said.

Judging from the late-discovered note, and from conversations with friends, Foster did appear to be weighed down by a sense of failures in his work as lawyer to the president and First Lady.

A piece of paper with the names of two Washington psychiatrists was discovered by Park Police in Foster's possession after his death. Both, Stefan A. Pasternack and Martin G. Allen, are clinical professors of psychi-

atry at the Georgetown University School of Medicine. But Foster did not contact or visit either of them. "And that's the tragedy of it all," said Pasternack. "This could have been prevented."

Friends and associates report that he showed certain signs of a person suffering from depression, including weight loss and insomnia. But Foster's friends and colleagues cautioned against painting the picture of a suicidal man too starkly. "Yeah, he was under a lot of pressure, but everyone at the White House is under a lot of pressure," said Skip Rutherford, a friend of Foster and confidant of McLarty.

Many friends noted that Foster attended a pool party three weekends before his death, worked both

days two weekends before his death, and vacationed at the beach house of Washington lawyer Michael Cardozo the weekend before his death.

"He seemed relaxed and he seemed to be enjoying himself," said Harolyn Cardozo. "There was no indication he was significantly troubled. . . . His relationship with his wife seemed wonderful."

In separate interviews yesterday, Harolyn Cardozo and Michael Cardozo said the weekend had not been designed to cheer up Foster, but had been planned more than a week before as a means for everybody concerned to get a break from the stress of their Washington jobs.

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*Staff writer David Von Drehle contributed to this report.*

# White House keeps a lock on files from Foster's office

By Jerry Seper  
THE WASHINGTON TIMES

A defiant White House yesterday refused to release records secretly taken from Vincent W. Foster Jr.'s office after his July 20 suicide describing business deals involving President Clinton, his wife, and the owner of a failed Arkansas savings and loan now under federal investigation.

Press Secretary Dee Dee Myers said, "Being forthcoming, who I think the president and first lady have been, doesn't mean you have to turn over every single file."

She said the Clinton records had been given to the couple's personal attorney, David Kendall.

One senior White House official said Mr. Clinton and first lady Hillary Rodham Clinton were "entitled to the same privileges as other citizens when it comes to their personal records."

Mrs. Clinton, who spent much of yesterday giving interviews to denounce new accusations of sexual misconduct by her husband, echoed Ms. Myers' statements, saying the records taken from Mr. Foster's office — including an accounting report on a northern Arkansas real estate venture known as Whitewater Development Corp. — would not be released.

"I am bewildered that a losing investment,

which for us was significant — \$69,000, which is provable by the accountants — is still a topic of inquiry," she said in an interview with the Associated Press. "I think we've done what we should have done and don't feel the need to do any more than we've done."

Growing speculation over the missing records and suggestions that the Clintons may have been involved in obtaining fraudulent loans and receiving illegal campaign contributions prompted key Republicans on Capitol Hill yesterday to seek Senate and House inquiries.

Reps. Jim Leach of Iowa and Toby Roth of Wisconsin and Sen. Alfonse M. D'Amato of New York said the accusations should be examined by the Senate and House banking committees.

Documents were removed from Mr. Foster's office during two searches, one involving two Clinton political operatives that took place less than three hours after his body had been found in a park in suburban Virginia. The records were not made available to federal officers investigating the death of the deputy White House counsel.

The White House previously had led reporters, and hence the public, to believe that no records had been taken from Mr. Foster's office.

Whitewater was a \$230,000 real estate venture, jointly owned by the Clintons and their longtime friends and business partners, James B. McDougal and his wife, Susan. The McDougals have since divorced. Mr. McDougal also owned Madison

Guaranty Savings and Loan Association, which is the focus of the ongoing federal inquiry.

The accounting report spoken of by Mrs. Clinton, written during the 1992 presidential campaign, said the Clintons lost \$68,900 in the Whitewater project. Questions have been raised during the past two months, however, as to whether the report was accurate or complete.

White House Communications Director Mark Gearan said in a prepared statement yesterday that the records removed included the Clintons' personal income tax returns.

It is not clear why the accounting report or the tax returns would now be withheld by the White House, because copies of both were released during the presidential campaign. Neither is it clear which other documents may have been taken from

the office and how those pertaining to Whitewater could be considered private, because the Clintons earlier argued that they were only "passive shareholders" in the venture.

White House officials have not said when Mr. Kendall became the Clintons' personal attorney — a role previously held by Mr. Foster. Mr. Kendall said yesterday, "My only response is that I have no comment whatsoever."

Mr. Leach, the ranking Republican on the House Banking Committee, has sought records from the Resolution Trust Corp., the Office of Thrift Supervision, the Small Business Administration, the Arkansas Securities Department and the Fed-

eral Deposit Insurance Corp. as part of an inquiry into the questions of diversion of funds by Mr. McDougal to several powerful Arkansas politicians, including Mr. Clinton.

"If we fail to pursue our constitutionally given oversight responsibilities, we are in effect giving a permissive green light to those who want to fudge the law or set aside ethics," Mr. Leach said in a letter last week to Rep. Henry B. Gonzalez, chairman of the Banking Committee.

Mr. Leach's inquiry began after Mr. Gonzalez, Texas Democrat, said the committee had ended a month-long investigation of Madison Guaranty's collapse in 1987 without seeking to examine any government records. Only a month earlier, Mr. Gonzalez had agreed to undertake a bipartisan look at questions surrounding the S&L because the committee had a "legitimate interest" in examining Madison.

Mr. Roth, who also is a member of the House Banking Committee, urged a "full, bipartisan investigation" of Madison Guaranty. He said in a letter to Mr. Gonzalez that attorneys for David L. Hale of Little Rock, who said last month that Mr. Clinton had pressured him to authorize an illegal Small Business Administration (SBA) loan to Mrs. McDougal, had agreed to testify before the House Banking Committee.

Mr. Hale was president of Capital Management Services Inc., an SBA-approved lending company that lent Mrs. McDougal \$300,000. Some of the money went to the Whitewater development of vacation property along the scenic White River in the Ozarks.

"Mr. Hale has documents and firsthand knowledge of direct links between his development company, the failure of Madison Guaranty Savings and Loan, and financial manipulations at Whitewater Develop-

ment Corp.," Mr. Roth said. "This information relates to allegations that questionable loans and payments were made to Arkansas politicians, including President and Mrs. Clinton.

"I have long admired your reputation for independence and integrity," Mr. Roth said to Mr. Gonzalez. "Therefore, I tend to discount rampant rumors that White House and Democratic leadership pressure has prevented our committee from ful-

filling its oversight obligation to the American people."

Julie Black, spokeswoman for Mr. Gonzalez, said the chairman has said that "his options are open" to any committee investigation "if they can show me it is warranted." She said that two Republican staff investigators are in Little Rock now and that the chairman will consider any evidence of wrongdoing they uncover.

Mr. D'Amato, the ranking Republican on the Senate Banking Com-

mittee, asked Chairman Donald W. Riegle, Michigan Democrat, to order a "full and thorough hearing" in the matter. "We owe it to the American people to clear the president of any cloud of suspicion."

Mr. McDougal, who served as a financial adviser to then-Gov. Clinton in 1979, is the focus of a federal investigation into accusations that he manipulated fraudulent loans through Madison Guaranty and authorized payments in violation of the law to the Arkansas politicians, including Mr. Clinton.

As the Clintons' personal attorney, Vince Foster handled the sale of their half-ownership of Whitewater and filed the necessary tax forms when he discovered that the partnership had not filed corporate tax returns for a three-year period during which the Clintons were still half-owners of the Whitewater property.

Mr. Foster is said to have met with Mr. McDougal to discuss the tax problem and to complete the Whitewater sale.

The Justice Department sent three investigators to Little Rock last month to look into questions about Madison Guaranty. It is not known when that inquiry might be complete.

• Frank J. Murray contributed to this report.

## UNANSWERED QUESTIONS

Disclosures in newspaper stories have raised a number of questions about the Clintons' business dealings with the owner of a failed Arkansas savings and loan:

■ Why did two Clinton political operatives, along with White House Counsel Bernard Nussbaum, secretly search White House Deputy Counsel Vincent W. Foster Jr.'s office three hours after his body was found in a Virginia park? What did they find?

■ Why were orders by White House Chief of Staff Thomas F. "Mack" McLarty to seal the office ignored by the three searchers? The order was issued shortly after the 6 p.m. discovery of Foster's body, but the office remained open until 11 a.m. the next day.

■ Why did the White House mislead the media into believing no such search had taken place or that any documents had been removed from Foster's office prior to its inspection by U.S. Park Police and the FBI?

■ What happened to the business records of Whitewater Development Corp., a real estate venture owned in part by the Clintons, that were delivered personally to Hillary Rodham Clinton at the Arkansas governor's mansion in December 1987? White House officials say the records of Whitewater, now also under federal investigation, have disappeared.

The Washington Times

# White House confirms search of Foster's office

## Banking, sex scandals spur damage control

By Frank J. Murray  
THE WASHINGTON TIMES

Raked by potentially damaging new disclosures on banking and sex scandals already embarrassing President Clinton, the White House confirmed yesterday that staff members searched Deputy Counsel Vincent W. Foster Jr.'s office before it was "sealed" the night he committed suicide.

"They looked for a note — that's all," said Communications Director Mark Gearan, who concedes now that he knew of the search when he briefed reporters on July 21 but chose his words carefully to keep them truthful but unrevealing.

Mr. Gearan said he was "not aware" whether those officials removed personal files or records involving a land development firm or a failed savings and loan under fed-

eral investigation.

A written statement later by Mr. Gearan, however, said Whitewater Development Corp. tax returns and files on disposition of the Clintons' ownership in Whitewater were sent to the Clintons' personal lawyer, who was identified by a White House official as David Kendall of the Washington firm Williams and Connolly.

The missing files were the focus of reports in *The Washington Times* and the *New York Times*. The *New York Times* demanded editorially yesterday that the White House tell the truth about them.

With another calculated choice of words that excluded any outright denial of the central accusation, senior Clinton aide Bruce Lindsey sought to neutralize another White House problem — vivid descriptions by two Arkansas state troopers of facilitating multiple sexual encounters for

Mr. Clinton up until days before his inauguration as president.

"These allegations are ridiculous. Similar charges were made, investigated and responded to during the campaign," Mr. Lindsey said, charging that reporters are being manipulated by longtime Clinton enemies who seek to discredit him.

Asked flatly by the Associated Press if Mr. Clinton denied having troopers assist any affairs, Mr. Lindsey said, "Yes, he has."

Mr. Lindsey said Mr. Clinton heard rumors that two of his former guards planned to revive the unresolved scandal by revealing eyewitness details of philandering, and personally sought to squelch them in calls to troopers and others over the past few months.

Press Secretary Dee Dee Myers

said the two troopers who publicly lodged the charges were not among those contacted recently by Mr. Clinton. The troopers' attorney is Cliff Jackson, a Clinton critic who was at Oxford with him in the 1960s.

On a day in which bad news never stopped for Mr. Clinton, the president's choice to be the new defense secretary, retired Adm. Bobby Ray Inman, paid \$6,000 in back Social Security taxes for a part-time housekeeper.

That episode was reminiscent of the so-called "nannygate" troubles that derailed several key Justice Department choices, but because Adm. Inman reportedly revealed his situation in advance it seemed unlikely to raise a barrier to a nominee so popular on both sides of the congressional aisles.

In an 11,000-word article published yesterday, two Arkansas state troopers, Larry Patterson and Roger Perry, told the *American Spectator* they drove Mr. Clinton to trysting places, guarded his privacy during rendezvous in hotel rooms and in one case a car at Chelsea's school, slipped a woman into the governor's mansion and lied to Hillary Rodham Clinton about her husband's whereabouts.

The two troopers made similar charges Sunday night on CNN and last night on ABC's "World News Tonight," triggering urgent efforts by Mr. Lindsey to contain the damage and dissuade other news media from giving credence to the first on-the-record charges by anyone other than women claiming to have been involved, some of whom were paid for their recollections.

Since the charges came from police officers still on duty in Arkansas, and are the first such accusations from security officers who go everywhere with the officials they guard, they raise new concerns about the old issue of Mr. Clinton's integrity and whether the full truth has been told on many topics involving issues of character.

During the 1992 campaign, former state employee and nightclub singer Gennifer Flowers said in a paid interview in the *Star*, a supermarket tabloid, that she was Mr. Clinton's lover for 12 years. In an interview with CBS-TV's "60 Minutes," Mr. Clinton, accompanied by Mrs. Clinton, said his marriage had rough spots but refused to confirm or deny the Flowers episode. Miss Flowers' credibility was challenged by staff members on the grounds that she was paid for her story.

The *American Spectator* piece by David Brock, a former editorial

writer for The Washington Times and author of "The Real Anita Hill," said the reports came from four troopers, two of whom chose to remain anonymous but who were identified by former security supervisor R.L. "Buddy" Young as Danny Ferguson and Ronnie Anderson. The magazine concedes there was "an element of self-interest and score-settling in their decision to speak to the media," citing the possibility of a book contract and anger that they did not get federal jobs. Mr. Clinton appointed Mr. Young director of the Denton, Texas, regional office of the Federal Emergency Management Agency.

On the banking case, the New York Times demand for a congressional investigation and honesty by the White House was a clear indication the heat was being turned up on Mr. Clinton's related dealings with Whitewater and the failed Madison Guaranty Savings and Loan Association.

The editorial dismissed the claim that the issue was fought out during the campaign, an argument raised anew yesterday by Kiki Moore, communications director of the Democratic National Committee.

"I think that the White House has made the information perfectly clear and made it perfectly clear in the campaign. Those people who know about it realize that this really doesn't have much to do with the president," she said.

The newspaper challenged that, saying, "The Arkansas savings and loan mess, and the Clintons' relationship to it, is not as the White House keeps saying an 'old' story that has

no relevance to Mr. Clinton or his present job."

The lead editorial said Mr. Lindsey, a former Little Rock lawyer and longtime Clinton political supporter, and others act as if a crippling scandal was afoot.

"This defensiveness isn't helping anyone. Mr. Clinton and [House Banking Committee Chairman Henry B.] Gonzalez owe it to the public to clear the air about Madison and its influential Arkansas friends," the newspaper said.

It is the focus of inquiries by Republicans on the House Banking Committee despite opposition from Mr. Gonzalez, Texas Democrat.

A personal debt of \$50,000 by then-Gov. Clinton and Mrs. Clinton for 1984 campaign expenses was repaid with help from Madison S&L's owner, James B. McDougal, at a time when he reportedly needed state help to keep Madison in business.

The thrift survived another four years at a cost to federal taxpayers of about \$50 million.

Mr. McDougal and his wife also were partners with the Clintons in the Whitewater Development Corp. on which the Clintons said their financial losses obviate any bad motives. But tax disclosures show they claimed a small profit on the investment.

The Whitewater and Madison dealings are under investigation in Little Rock by a special team of career personnel from the Justice Department.

The Clintons say their records are missing, but The Washington Times reported yesterday that they were removed from Mr. Foster's office

during two searches after the suicide. The report said they were given to Mr. Foster's personal attorney, James Hamilton, who refused comment.

Mr. Gearan's statement yesterday confirmed that "those files that were personal to Mr. Foster and his family were sent to his family's personal attorney."

Mr. Gearan's confirmation that officials went into Mr. Foster's office was not inconsistent with his statements at a press briefing July 21, although his words then were taken to mean access to the office had been blocked to protect any evidence.

A review of that transcript showed he ignored a question about whether the office had been searched and said, "It's secured."

Asked specifically if it had been "searched for notes or clues or anything," he said: "There was nothing remaining, no." That apparent confirmation of a search was overlooked by reporters at the time but now seems misleading in light of yesterday's comments.

That same day Mr. Gearan issued a written statement saying the "office was unsealed this afternoon in the presence of officials from the U.S. Park Service Police, the Justice Department, the FBI, and the U.S. Secret Service. . . . Nussbaum then conducted a thorough search of Foster's office."

He omitted any mention of the July 20 search, led by Mr. Nussbaum, accompanied by Patsy L. Thomasson, a veteran of Arkansas Democratic Party politics who is special assistant to the president, and Margaret A. "Maggie" Williams, Mrs. Clinton's chief of staff.

# The Crumbling Of a Pillar In Washington

## Only Clinton Aide Foster Knew What Drove Him to Fort Marcy

By David Von Drehle  
Washington Post Staff Writer

In the afternoon of July 20, at the end of his life, deputy White House counsel Vincent Walker Foster Jr. steered his gray-brown sedan along the George Washington Memorial Parkway, up a bluff just beyond the Key Bridge.

To his right, away and below, the Potomac glistened. Fast after two scenic overlooks came the turn for Fort Marcy Park, where a Civil War battery once stood. The narrow road dodged into a thick stand of trees.

About the route to his suicide, there is no doubt. By car, this is the only way.

The other road to Fort Marcy, the psychic road, is vague, mysterious and poorly marked. The map is lost forever; it existed only in Vince Foster's mind. Some path took him—this trusted intimate of Bill and Hillary Clinton, their "great protector," in the president's own funereal words—to the cloistered park where, beside a cannon, he killed himself with a gunshot.

Since Foster's death, the rumor mill has ground through countless variations on the same idea: that there was some scandal, personal or professional, about to be unmasked. But after nearly a month of examination, no rumor has panned out, no unmasking has occurred.

We are left to piece together fragments of the map: a strange and troubled note Foster wrote to himself; a doctor's prescription; a commencement speech; the memories of friends and associates; the public record of his Washington experience.

Foster was handsome, smart, healthy, devoted to family. And at 43, he abruptly ended his life, an event that stunned his closest friends. One who knew him best had to be told over and over, *Vince has killed himself, Vince has killed himself*, seven times before it registered.

In America, suicide is most common among white males, with the incidence rising by age, more sharply after 45. Most suicides leave no note. Physicians and

lawyers have unusually high suicide rates. Such professions attract "workaholics, overly conscientious people who take failure poorly, and idealists, who are frequently disappointed," psychologist Robert Litman has said.

Experts estimate that 70 percent or more of suicides are associated with depression, which has been linked to low levels of a brain chemical called serotonin. Depression, apparently, is brought on sometimes by stressful change.

Litman has said, "I believe that suicide has a lot to do with the ideal—often unconscious—that one has of oneself. . . . Suicidal people tend to believe that if they do not live up to it, their lives must be a total failure."

Suicide has to do with "the loss of a sense of self," and "the loss of a way of life," writes George Howe Colt in "The Enigma of Suicide." People "whose sense of self-esteem is based on what others think of them" may be higher risks. But ultimately, Colt writes, "No one knows why people kill themselves. . . . There is no single answer."

Said A. Alvarez, who attempted suicide and wrote about it in "The Savage God," "Once a man decides to take his own life, he enters a shut-off, impregnable, but wholly convincing world where every detail fits and each incident reinforces his decision."

In Hope, Ark., Bill Clinton, his chief of staff, Thomas F. "Mack" McLarty, and his personal lawyer, Vince Foster, had played together as children. It took some drive to be president of the Hope High School student council, as Foster was, when someone like McLarty was vice president.

After high school, McLarty and Foster went separate ways, and when they met again some years later McLarty saw a man who had found his identity.

"He had become a lawyer," McLarty recalls. "People paid him for his counsel, and that changed him a little. . . . Even in a social setting, he was aware of his role, and he was thoughtful in his presentation."

Foster was first in his law school class and earned the best score on the Arkansas bar exam. These distinctions meant a lot to him. Years later, in letters of introduction to new clients, he still began by mentioning them, and the fact that he joined the Rose Law Firm on graduation.

He kept the announcement of his partnership framed on a wall of his house. Rose quintupled in size during Foster's two decades there. He was "the soul of the firm," the American Lawyer magazine reported.

As head of the litigation section, Foster attracted smart, serious attorneys. "Down here, it is very popular to take on the air of a country lawyer . . . like you can talk your way out of anything," said one partner, who spurned a big New York law firm to work with Foster. "Vince was the exact opposite. He researched each case extensively before he filed it, figured his options, ran decision-trees."

The partner continued: "In the courtroom, he was extremely eloquent, the best I've ever seen. He was a great writer: He'd go through 20 drafts if he had to. He could be demanding; some associates didn't want to work with him. . . ."

"In meetings of the partners, he didn't often take a vocal stand. . . . But when he did, it almost always swayed the firm. When he left for Washington, people here spoke openly about the emotional vacuum."

Bill Burton, a former Rose lawyer, now McLarty's assistant at the White House, said: "Young litigators at Rose Law Firm all wanted to be like Vince Foster when they grew up."

He was a pillar, no other way to say it. A sure thing to head the state bar association. Chair of the Arkansas Repertory Theater board, one of Little Rock's posh charities. Member of the Country Club of Little Rock, spine of his city's high society.

In the book, "Best Lawyers in America," Foster was listed, along with his partners, Hillary Rodham Clinton and Webster L. Hubbell, now associate attorney general. That was Foster's image when he came to Washington.

Of all the Clinton friends who moved east from Little Rock, Vince Foster was the least political. He never stood for popular election, never worked day to day in a campaign. While his crowd battled last year to elect Bill Clinton, Foster battled in court for TCBY, the frozen yogurt giant.

But he was almost uniquely close to the Clintons, linked to each independently: Bill Clinton's boyhood pal, Hillary Clinton's law partner and nearest friend. Each trusted Foster and sought his advice. When the Clintons went out socially, often as not they went with Vince and Lisa Foster.

So of course Clinton asked Foster to join the administration. The surprise, among some of his intimates, was that Foster accepted. He seemed so settled. "Some would ask what motivates one with a comfortable practice in a prominent law firm to dislodge his family for a new job with longer hours, with half the pay, in a city that costs twice as much to live," Foster said last spring.

His answer, given at various times to various people, always came down to the excitement, the challenge, and the chance to do public service. Foster tingled, one friend recalled, each time he passed the starched Marine sentry at the West Wing door.

Foster was a critical player in the transition, screening most potential top-level appointees.

"I wondered why I was being interviewed by the guy who would be deputy counsel," one such official said. "Seemed his job was to find out how honest I was, and what level of ego I was bringing. It's a measure of how much the Clintons trusted him."

And he became the Clintons' integrity cop, overseeing the drafting of strengthened ethics rules, and supervising much of the vetting of job candidates. He was proud of the scrutiny he enforced.

"You can't have anything to hide in Washington," he told a Rose firm colleague. "If there's anything in your personal or business life that can't bear scrutiny, you shouldn't be up here."

The White House counsel's office has "the final say-so on whether a candidate's nomination should go forward," Foster told one interviewer. And Foster was "co-senior partner" of the office, according to the other co-partner, counsel Bernard Nussbaum.

Foster worked ferociously, but the vetting process was never perfect in the customary Foster sense.

He concurred in the decision to press ahead with Zoe E. Baird's nomination to be attorney general. According to sources familiar with the selection process, Foster examined Baird's explanation of why she had failed to

pay Social Security taxes on household help, and he concluded that she merely followed her lawyer's advice.

The political side of it—the image of appointing someone to enforce the law who had not followed it, of a yuppie-coddling president—was not adequately considered, by Foster or by others. When Baird's withdrawal marred Clinton's first week, Foster was shaken by his failure to see it coming, according to friends.

But there was scant time for brooding. The work of the counsel's office was stunning in its range, weight and fever pitch. Searching for an attorney general (Foster was the first to screen Janet Reno) was only a small piece.

At Nussbaum & Foster, the president's little law firm, they prepared executive orders on abortion; analyzed legal policy on Haitian refugees; examined impacts of a new health care system on malpractice law; scrutinized international treaties; staked out the president's authority to lead military strikes; formulated a deficit trust fund; authorized committees on White House redecoration; litigated the right of the president's health care task force to meet in private; established blind trusts for the First Family; sifted candidates for federal judgeships (including a new Supreme Court justice); advised wives of high officials on which charities they could serve.

"It is a tremendous array of issues," said a member of a former White House counsel's office. "No matter who you are, the president of the United States is a unique client, and the issues that arise are not anything that private practice can prepare you for."

In April, Foster sat in his office—its walls bare but for a few treasured photographs of family and friends—and reflected on his new job with a reporter from the Arkansas Democrat-Gazette.

"I did not have a full appreciation of the variety of issues that the office would face, nor the time demands," Foster said. Accustomed in Little Rock to hard, but predictable, hours—with time for his wife, children and books—Foster now found himself at the office at least 12 hours, six or seven days a week. "I've had meetings with the president that did not start until 10:30 p.m.," he said.

"A normal day is not normal," said the lawyer. "There are day-to-day policy decisions that have to be made . . . that affect millions of Americans and sometimes billions of dollars," he said. "That's pretty heady stuff."

The worst thing about the move, Foster told the interviewer, was the stress on his family. His youngest son, Brugh, wanted to finish his school days at home. "It's a pretty tough thing to ask your child to forgo his senior year in high school," Foster said. Friends say the move was a tough thing for his wife too. She remained with Brugh in Little Rock until the end of the school year.

After a visit to her husband, Lisa shared her dim view of Washington with a friend: "Don't go up there."

But on balance, Foster seemed pleased with his new life. "It is more challenging and more exciting than I anticipated," he said.

Foster somehow found time for one large nonpresidential task, addressing the graduating class of the University of Arkansas Law School, his alma mater. It was his first commencement address, and he agonized

over it, according to colleagues. The speech was entirely his own, and in the wake of Foster's death friends have combed it for clues. The address is probably the best surviving record of the things Vince Foster prized. He prized nothing more than reputation.

"This invitation has caused me to stop from this hectic and challenging adventure I am on in Washington to think about the roads I have traveled to get there and the roads I wish I had traveled," he said.

Nothing they had done to date, Foster told his audience, would count for much with future clients. Instead: "The reputation you develop for intellectual and ethical integrity will be your greatest asset or your worst enemy. . . . Treat every pleading, every brief, every contract, every letter, every daily task as if your career will be judged on it."

What a hard standard! Yet Foster pressed it further.

"I cannot make this point to you too strongly. There is no victory, no advantage, no fee, no favor which is worth even a blemish on your reputation for intellect and integrity," he said. ". . . Dents to the reputation in the legal profession are irreparable."

The words reverberate in the minds of his friends. Said one: "Look, it's just crazy, right? You get one dent and it can never be fixed? In Washington, you get them all the time. You get 20 dents and you go to the body shop. Vince couldn't see that, apparently."

The clear sense of the speech is that one can control one's own reputation, and one must. The possibility of undeserved dents is never mentioned. For Foster, one's public image, the mirror held up by colleagues, clients, passing friends—even adversaries—was the reflection of one's true self.

Four days after the speech, Foster was drawn into a reputation-denting chain of events now known as "Travelgate." According to an administration investigation of the affair and interviews with officials close to that investigation:

Foster was visited May 12 by David Watkins, head of White House administration, Hollywood producer Harry Thomason, and Catherine A. Cornelius, a distant cousin of the president who handled travel arrangements for the campaign.

They explained that Cornelius suspected mismanagement and corruption in the White House travel office. She had discovered at least one check, made out to cash, signed and endorsed by the head of the office, but she could find no sign of the money in the petty cash log. Thomason, a friend of the Clintons and part owner of a travel consulting business, added his concern that press travel arranged by the office was not put out to bid.

Foster called in associate counsel William Kennedy III, another alumnus of the Rose firm, who was in charge of internal security at the White House. The lawyers concluded that an audit was in order. Because the White House had no auditing capacity, Kennedy was assigned to come up with a plan.

Kennedy called James A. Bourke, chief of the FBI's Special Inquiry Unit, and asked for "guidance." Bourke said he would get back to him.

The next morning, Foster asked Kennedy about his progress. Foster urged speed; he was worried about preserving evidence. So Kennedy again called Bourke.

Now the story gets contentious. According to inter-

views with more than a half-dozen people who later discussed the matter with him, what Foster believed happened was this:

Kennedy, after Foster's urging, told Bourke he needed an answer, fast. He may have said "15 minutes." He asked, if the FBI can't give guidance, what other agency, with the capacity to do an audit, could he call? IRS?

The FBI sent two section chiefs to the White House. To them, Kennedy said something about his bosses watching this closely, and perhaps he mentioned the IRS again.

These exchanges are important, because later FBI agents would suggest that they were intimidated into investigating, that Kennedy had said: Get over here in 15 minutes or I'm calling the IRS! That he said the "highest levels" of the White House were interested.

And others would suggest that the entire investigation was merely a fig leaf for a craven, and perhaps corrupt, power play, a chance to funnel work, and perhaps money, to friends of the president.

On the basis of an interview with Cornelius, the FBI chiefs "determined there were grounds for further investigation," according to the report. Watkins, however, had decided on a private auditor, KPMG Peat Marwick. According to the report, the FBI agents wanted to accompany the private auditors, but Foster and Kennedy persuaded them to wait.

Many top people were briefed at the Justice Department and in the White House, and no one raised any objection to the way things were proceeding, according to the report.

The jumbled, incomplete records proved impossible to audit, but there was enough for the auditors to conclude that the financial management of the travel office was "abysmal." Unaccounted-for checks, made out to cash and totaling \$18,000, were found.

On May 19, Watkins fired the seven members of the travel office staff, though only two had responsibility for handling money. (The five others are now being found jobs elsewhere in government.)

Watkins outlined an explanation of the firings for use by White House press secretary Dee Dee Myers. There were sure to be questions; after all, the job of the travel staff, essentially, was to ease the lives of traveling reporters. Myers was told to say that the FBI had been asked to investigate.

Foster saw the explanation at 9 a.m., and immediately ordered that the inflammatory reference to the FBI be cut. But Myers was out of the building and did not get the word in time.

The entire episode, from Foster's perspective, was a case of people who heard allegations of mismanagement and tried to take action, according to friends who discussed the matter with him. He felt he and Kennedy moved quickly but cautiously, that they slowed the FBI, rather than egged it on, and that they tried to keep the FBI angle out of the press.

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A far different picture emerged in the news media: White House cronies sacking longtime employees, grabbing for lucrative business and misusing the FBI to mask their deed.

It was an enormous story, helping to drive Clinton's approval ratings to a record low for a new president. And it roiled again when, on July 2, the administration published its own investigation.

Kennedy was publicly reprimanded for making potentially intimidating statements to the FBI, though the Justice Department had concluded that no "undue pressure" had been exerted. Foster was mentioned in 'be coverage of the report.

According to colleagues, Foster felt he had failed to protect the president by keeping the process under control—he, the "great protector," who once said his job was to deal with tough issues so that they do not make headlines.

"He felt Kennedy got a bum rap and he felt he had lit the fuse," said a White House official. In fact, "if anybody in this matter did the right things, it was Vince," according to John Podesta, White House staff secretary, who worked on the internal investigation.

Foster felt that, while the report of the investigation "was fundamentally accurate, the White House itself bent over backwards, in any case where our version was disputed, to find against ourselves," White House counsel Nussbaum said. "He felt people acted in good faith for the right reasons, though some of them may have acted too quickly."

In his last days, according to colleagues, Foster appeared fixated on the seemingly endless series of inquiries ahead: The Justice Department was looking into the matter, congressional Republicans were baying for blood, and House Judiciary Committee Chairman Jack Brooks (D-Tex.) was asking whether reprimands were sufficient punishment.

He began looking for a lawyer, which his friends say was simple prudence, given the climate. Foster's view of Travelgate—good faith, right reasons—was not widely shared in the press. Public interpretation makes, or blemishes, a reputation.

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The same week in May came another issue: the Country Club of Little Rock.

For decades, prosperous white Christians had gathered at the quiet club for golf and tennis, lunches and cocktails. The children of Little Rock's powerful families splashed in the pool, browned in summer, fell in love. The best bridal suppers were held in the dining room. Like the top clubs in any American city, it was important to its members but little noticed by the outside world.

That happy privacy was punctured in March 1992, when Bill Clinton, a nonmember, was photographed playing golf there with his friend Webster Hubbell. A do-or-die Democratic presidential primary was raging in New York; Clinton golfing at an all-white club caused a sensation. But it passed. The candidate apologized. And Hubbell led the search for an African American who would pay the \$25,000 fee to join.

This troubled May, however, Hubbell faced a Senate confirmation hearing on his nomination as associate attorney general. Thanks to a string of critical editorials in the Wall Street Journal, he had become a high-profile nominee. The editorials suggested that, during the long struggle to find an attorney general, Hubbell had been secretly running the Justice Department—and grinding political axes along the way.

For some time, the Senate Judiciary Committee, which would quiz Hubbell, had agreed that mere membership in an all-white club would not be grounds for disqualification, provided the nominee could show past efforts toward integration. But now that changed, as freshman Carol Moseley-Braun (D-Ill.), the first African-American woman in the Senate, objected. In Hubbell's camp, there were concerns that the issue, if raised, might spread to questions about the Rose firm's mediocre record on hiring and keeping minority lawyers, according to a Hubbell confidant.

Though Hubbell had a raft of testimonials from African Americans, the politics were clear. He resigned from the club.

At the White House, his decision left Foster, McLarty and Kennedy no choice but to quit the club too, immediately, to avoid criticism about lower standards for White House officials.

But what was obvious politically was personal agony. According to one person involved in the arrangements, Foster had to telephone his wife to tell her to cancel a tennis match that afternoon. Kennedy's teenage daughter had to be told that her plans for a summer by the pool were scrapped.

Furthermore, in Little Rock society, many people were offended, according to one leading citizen, by the suggestion that they were racists with whom it was damaging to associate. Though the issue passed in a blink on the public stage, privately it deepened the sense, for some Arkansans in Washington, of cutting ties to a life they loved.

"It really upset Vince," one White House aide said. "On the one hand, he couldn't understand why they, who had tried to integrate the club for the first time, had to give it up.

"On the other hand, he blamed himself for not seeing it coming. They could have resigned quietly in December, explained that they were moving away, and it would never have been a story and no one's feelings would be hurt."

To Foster, friends said, May was a month of wounds that a wise counselor could have prevented.

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The Wall Street Journal is one of America's most influential newspapers, known for its fiercely incandescent editorial page, where the battle on behalf of "movement conservatives" is waged with no quarter. Its huge subscription list includes the elites of commerce, finance and the law in just about every American city, Little Rock included.

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On June 17, the Journal's lead editorial asked, "Who Is Vincent Foster?" a continuation of a line of attack that had begun with Hubbell. About half the essay was devoted to the Journal's complaint that it could not get a photograph of Foster. But woven into this puckish tale were barbs at Foster's integrity as a lawyer.

Plaintiffs suing Hillary Rodham Clinton's task force on health care reform had complained that the administration was ignoring a court order. The Journal suggested that Foster, the lead attorney on the case, might be in contempt of court, or at least guilty of "carelessness about following the law." It accused him of "lack of seriousness" and asked: "Who ensures that this administration follows the law, or explains why not? . . . [I]t seems to us that a good man for the job would be deputy counsel Foster."

Political hands in the White House figured that the Journal editors, after defending Ronald Reagan conservatives for years, were simply enjoying the chance to play offense. A few recall trying to explain this to Foster, without much success.

A week later came another editorial, headlined, "Vincent Foster's Victory." Though this one began with praise of Foster's win in the health care task force suit, it proceeded to draw an analogy many might consider hurtful.

"With one mighty sweep [Foster] has struck a blow for separation of powers, executive authority, critics of the litigation explosion, and we dare say, even for the formulators of the Reagan White House's off-the-books Iran-contra operation. . . . Alas, the Clintonites, as is their wont, again allowed hubris to smother mere principle. . . . Even defenders of executive authority would blanch at such imperial overstretch. . . . As for Iran-contra, we suspect that Vincent Foster and Ollie North might hit it off. . . ."

The next was published July 7, after the report of the travel office investigation, and took on "the Rose clique," the four former partners now in government: Kennedy, Foster, Hubbell and Hillary Clinton.

Of Foster it said: "His defense of Mrs. Rodham Clinton's health care task force . . . cut some legal corners." And of the firm he helped to build, it concluded that "the early indications of the Rose view of the law are certainly disconcerting, displaying a lot of corner-cutting and casual abuse of power."

A week later, that attack essentially was repeated, along with dot drawings of the four. The headline was, "FBI Director Rose?"

Another editorial appeared on July 19, the day before Foster died. Kennedy "misus[ed] the FBI's investigative powers," the editors wrote, and they concluded: "The mores on display from the Rose alumni are far from confidence-building."

To Foster, whose whole career was spent in the courtroom, the lack of evidence supporting the Journal's attacks was scandalous. Several friends who ventured jokes about them got a cold stare, or humorless snort, in response.

"At one point, I said, 'So, who is Vince Foster?' and he just rolled his eyes," said one friend. "These pieces cut a little close. He spent his whole career building the Rose firm, and now this paper—which his former cli-

ents and fellow lawyers were reading back home—was saying that not only are these guys from Little Rock a bunch of clowns, but there's some conspiracy going on to subvert the law."

Nussbaum remembers Foster in the last couple of weeks of his life as "blue," while others close to him prefer "down," "frustrated," "out of sorts." He worried repeatedly, in conversations with friends, about the endless saga of the travel office.

"It became a metaphor to him for what a snake pit this is," one top White House official said. "Yesterday's conduct judged by tomorrow's standards, with the goal being to see how many ribs you can pull out while a body's still alive."

"There was a clear sense of 'How could I let this happen? How did I let it get out of hand?'" a close Foster friend recalled. "He wasn't blaming others, at least to me. It was more introspective, along the lines of: 'Who am I? I am an honest lawyer, wise counsel, valued for brain and integrity.' And suddenly, that was undermined. There was a clear sense of things going wrong, and him at the middle of it."

They hasten to add, those who worked daily with Foster, that their impressions are informed by hindsight. At the time, he seemed no worse than many others in an embattled White House. Foster was always reserved, and rarely vented his feelings.

He took a brief holiday his final weekend. Michael and Harolyn Cardozo—he a former deputy White House counsel, she a member of the White House social office—said they invited Hubbell and his wife for the weekend at their family's vacation house in Maryland. On the drive, said Michael Cardozo, they learned that Vince and Lisa Foster were staying the weekend at a rented place nearby. They phoned, and the Fosters wound up spending most of Saturday and Sunday with the Cardozos and Hubbells.

Lisa played tennis. Hubbell drove golf balls. Vince jogged, learned to crack crabs, and talked sports, the Cardozos recalled.

On Monday, the night before Foster's last day, President Clinton, Bruce Lindsey, the White House personnel director, Hubbell, and other Arkansas pals convened at the president's residence to watch the new Clint Eastwood movie, "In the Line of Fire." Clinton telephoned Foster to invite him, but Foster said he had too much work. They chatted for about 20 minutes about this and that, aides said.

The day Foster died, Lisa Foster had lunch with McLarty's wife, Donna, at the Four Seasons Hotel. She and Brugh were now moved into the little Georgetown house Foster had rented. They talked, according to Donna McLarty, about how restorative a couple of days away could be.

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...new husband was upset, and counseled him to write out his complaints, according to police who investigated his death. At some point—perhaps seven to 10 days before his suicide, and certainly in the aftermath of the travel office report—he did.

"I made mistakes from ignorance, inexperience and overwork," Foster wrote in a lawyerly tone on a small legal pad. "I did not knowingly violate any law or standard of conduct. No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was not any intention to benefit any individual or specific group."

His tone then shifted, from the voice of a lawyer to the voice of an embattled person. "The FBI lied. . . . The press is covering up. . . . The GOP has lied and misrepresented. . . ."

Then, it appears, his mind began shifting from point to point. First: "The Ushers Office plotted to have excessive costs incurred," a reference to what now appears to be a fairly minor disagreement between Hillary Rodham Clinton's interior decorator and the White House usher.

Next: "The public will never believe the innocence of the Clintons and their loyal staff."

And: "The WSJ editors lie without consequence."

Foster stopped listing and concluded. "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."

Investigators believe he then ripped up the paper and dumped it in his briefcase.

The question that haunts his friends is this: If he was so unhappy, why didn't he quit? It is clear to them now that Foster felt powerless to turn things around in the White House. "He felt like he was running through Jell-O," one said.

But how could he go home? Picture it: Rejoin the Rose firm after its "mores," its "view of the law" had been attacked repeatedly (in part because of him) by one of the most important newspapers in America. Walk into the country club after abandoning members as racists. Approach new clients, having failed, in his view, to protect the most important client a lawyer could ever have.

And how would he live? He was, in the words of his friends, the "tower of strength," the "rock," of the Arkansasans. How could he leave Washington—with the inevitable headlines: White House Aide Resigns in Wake of Travelgate—and sit in Little Rock while his friends struggled on?

"I believe he felt that way," a close friend said. "But you go all the way around it, and it still doesn't get to the point that you pull the trigger."

Yet after many hours of rumination, one White House aide thought he was beginning to understand. "It's really easy to see how, if you got in the tunnel, it could suck you in."

from his weekend in Maryland, Foster telephoned Larry S. Watkins, his family physician in Little Rock.

They spoke again the next day, according to a White House source. The details of their conversations are not known; Watkins was unavailable for comment. Whatever was said that Monday moved Watkins to telephone a prescription for an antidepressant medication called Desyrel to a Washington pharmacy, where Foster picked it up.

According to the Physician's Desk Reference, Desyrel is the brand name for the chemical compound trazodone hydrochloride. How it works in humans "is not fully understood," but in laboratory animals it produces higher levels of the brain chemical serotonin. Low levels of serotonin have been linked to depression and to suicide.

The drug is appropriate if four of the following eight symptoms are found: "change in appetite; change in sleep; psychomotor agitation or retardation; loss of interest in usual activities or decrease in sex drive; increased fatigability; feeling of guilt or worthlessness; slowed thinking or impaired concentration; suicidal ideation or attempts."

Foster suffered from at least four, according to friends, associates and investigators. His appetite had been off; he lost 15 pounds in Washington. He had a difficult time sleeping. He felt guilt and worthlessness. His concentration at work was flagging, although it was so high to begin with, he still functioned well.

In "The Complete Guide to Prescription and Non-Prescription Drugs," this drug comes with a warning: "Do not take if you are thinking about suicide."

He apparently took one 50-mg dose of Desyrel, perhaps Monday night, July 19, police say. The drug typically needs a week or two to take full effect. On Tuesday, July 20, according to White House officials, Foster arrived at the office about 8:30 a.m. At 11 a.m., he spoke to a favorite Rose firm colleague, who said he "gave no clue."

Judge Ruth Bader Ginsburg, the Supreme Court nominee Foster helped to choose, was off to a good start in her Senate confirmation hearings that morning. Louis J. Freeh's nomination to head the FBI was announced at the White House. "Two home runs," Nussbaum said to Foster. Foster said nothing.

Between 1 and 2 p.m., after eating lunch at his desk, Foster left work. A secretary offered him some candy. Foster said he'd get it later.

Perhaps he went home to fetch a handgun, or perhaps he had the gun with him. Perhaps he knew of Fort Marcy in advance. Perhaps he happened onto it. "If his intention was privacy . . . he picked an ideal spot for it," said Kevin B. Fornhill, the first police officer on the scene.

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In Foster's possession when he died were the names of two psychiatrists. He never contacted them.

Time of death: uncertain. Mode: 1913 Colt Army service revolver. Source of weapon: apparently Foster's late father.

The gunshot, according to investigators, entered the mouth and severely damaged the brain stem, which controls heartbeat and breathing. The gun was found in Foster's hand. Residue from firing the gunshot was found on the skin of his hand.

Hubbell has told colleagues that he feels as if the man who died and his friend of 20 years are like two different people. Vince Foster had become someone else.

Only outwardly was he the same man. Officer Fornshill remembered his slacks were creased, his white shirt starched, and every hair in place. "I've seen his photograph in the paper," Fornshill said, "and it looked just like him."

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*Staff writers Peter E. Baker and Michael Isikoff contributed to this report.*

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# Two differing portrayals of Vince Foster's last days emerge

BY RANDY LILLESTON  
Democrat-Gazette Washington Bureau

WASHINGTON — In the past week, there have been two versions of the last days of Vincent Foster Jr.'s life: the official White House version and another, more disturbing story.

Until recently, the White House version of Foster's last days was this: There were few signs he suffered from anything more than the daily ups and downs of his work.

The version that has emerged in bits and pieces from family friends and Foster's White House colleagues this week is a

far different one.

It has been reported this week that:

- White House personnel searching Foster's office last week found a note containing the names of Washington psychiatrists.

- A family doctor in Little Rock sent anti-depressant medication to Foster.

- Another note written by Foster was found in a briefcase in his office. The White House said the note shed some light on

his state of mind.

The official White House position on the Hope native's death is that the reasons for it, by and large, remain a mystery. Only recently have administration spokesmen given any indication that Foster felt personally responsible for problems in the White House counsel's office.

Foster, 48, was found dead July 20 at a roadside park in a Virginia suburb of Washington. He died of a self-inflicted gunshot wound to the head.

This is the latest in a series of incidents in which White House communications officials have made apparently misleading statements about internal controversies and then apologized by saying they did not know all the facts.

That, in turn, has helped extend controversies the White House would like to see ended.

"These are questions that I'm not in a position necessarily to take," White House press secretary Dee Dee Myers said Thursday as she was peppered with questions about Foster's suicide. "That's why I've tried to be very careful to characterize what it is we would be likely to know and what it is we might not know."

Similar problems faced the White House communication staff in its handling of the bombing of Baghdad earlier this summer.

Two days before the attack, Myers told reporters the White

House had not received a final report on whether Iraqi-based agents had tried to kill former President Bush. In fact, the White House had received the report and President Clinton was planning the attack.

There was also the White House travel office controversy.

First, administration spokesmen said the entire travel office staff had been fired following allegations of financial mismanagement. They cited Vice President Gore's ongoing national performance review as one reason the office was investigated.

Then, the discoveries began, and White House officials lost control of the story. Longtime Clinton friend and Arkansas native Harry Thomason, the par-

tial owner of an air charter company, was connected to the investigation, raising questions about whether Thomason was seeking business for his company and a political favor from the president.

A distant relative of Clinton's, who was placed in the travel office in January, essentially served as an administration spy.

And the counsel's office, where Foster was employed, might have improperly contacted the FBI. That factor appeared to weigh heavily on Foster, who friends say was a stickler for ethics.

White House spokesmen were forced repeatedly to modify their stories, culminating in a messy news conference featuring chief of staff Thomas F. "Mack" McLarty.

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# Clinton eulogizes old friend

## 450 attend somber rite for Foster

BY JERRY DEAN  
AND JAKE SANDLIN  
Democrat-Gazette Staff Writers

**HOPE** — A somber President Clinton returned to Arkansas on Friday, a week after a happier visit with friends, to say farewell to deputy White House counsel Vincent Foster Jr., a boyhood friend of 45 years.

Foster, 48, was buried here in a brief, private afternoon ceremony under a sweltering south Arkansas sun at Memory Gardens cemetery.

A former law partner at the Rose Law Firm with Hillary Rodham Clinton, Foster died Tuesday of a self-inflicted gunshot wound. The incident happened in a suburban Virginia park across the Potomac River from Washington, D.C.

The president delivered a 10-minute eulogy at the morning funeral service at St. Andrew's Catholic Cathedral in Little Rock, a service later described by some who attended as "uplifting."

At least 450 friends and dignitaries attended from Little

Rock and Washington, along with Foster's mother, Alice Mae Foster; his widow, Lisa; and their three children, Vincent III, 21, Laura, 20, and Brugh, 17. Possibly 100 more were unable to enter the jammed sanctuary.

Among those arriving with Clinton aboard Air Force One were Lisa Foster and her children, U.S. Sens. Dale Bumpers and David Pryor, both D-Ark.,

Attorney General Janet Reno, White House Counsel Bernard Nussbaum, White House chief of staff and Hope native Thomas F. "Mack" McLarty, White House personnel director Bruce Lindsey, Associate Attorney General Webb Hubbell and other top White House and Justice Department officials.

During the funeral service, which lasted about one hour,

the president spoke of his long friendship with Foster. He said it began when the two played mumbletypeg games by throwing knives into the dirt.

"The knives didn't stick," the president said thoughtfully. "But the friendship did."

"Vince was a complicated person," Clinton said. "It made him more interesting, but no

less admirable. Vince was always puncturing anybody else's sense of self-importance."

Clinton told of a 1977 meeting he had with Foster in which then-state Attorney General Clinton had sought Foster's help in his first gubernatorial campaign. Foster had been reluctant, Clinton said, but he persevered until Foster agreed.

"All right, all right," Foster finally conceded. Then he added, "I'm all fired up."

Clinton called his friend "a great protector" of others. He recalled that Foster had helped his daughter, Chelsea, learn to swim.

"But I never remember a time," the president added, "when he ever asked us to protect him. It was always the other way around."

"Vince was a great dispenser of advice," Clinton said. "If there is a sadness today, it's that Vince sometimes ignored his own advice."

Clinton fondly recalled evenings when his family visited the Fosters' Little Rock home, "listening to music, drinking spirits and being incredibly silly."

Clinton ended the eulogy by quoting Leon Russell, a 1960s rock pianist and writer: "I love you in a place that has no space or time. I love you for life; you are a friend of mine."

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"Go well, friend, and God-speed," Clinton added, his voice husky with emotion.

Also speaking Friday was Phil Carroll, a partner in the Rose Law Firm, and the Rev. George Tribou, rector at Little Rock's Catholic High School.

The church's cathedral filled beyond its 450-person capacity well before 10 a.m., when Clinton's official party was arriving at Little Rock's Adams Field, an hour before the service began. Folding chairs were also used and many White House staff members stood.

While dozens of prominent Arkansans, including Gov. Jim Guy Tucker, attended from state government and the local legal community, many others just as distinguished were turned away from the packed cathedral.

Those included U.S. District Judge Henry Woods, state Supreme Court Chief Justice Jack Holt Jr., and Morris S. Arnold and Richard S. Arnold, both brothers and U.S. circuit judges.

The service, presided over by Tribou and the Rev. Joseph Correnti, began when Foster's flag-draped coffin entered the cathedral at 11 a.m.

As the service continued, amid much tolling of bells, Little Rock police and U.S. Secret Service agents cordoned off a large area east from the Little Rock Inn between the Little Rock Public Library and the Lafayette office building.

Curious spectators watched from the windows of those and other nearby buildings while

traffic was detoured around the congested Sixth and Louisiana intersection.

About noon, Foster's casket was carried from the front of the church. Shortly afterward, the president, Hillary Clinton and Chelsea followed.

Alice Cockrill and Catherine Cockrill, sisters-in-law and friends for "20-something years" of the Foster family, called the service "one of the most beautiful" they have attended.

"It made you feel good," Alice Cockrill said. "It wasn't a depressing service."

"At some times, it was uplifting," said Danny Crain, a friend of the Foster family. He said the president "reflected on his childhood friendship with Vince, how they shared so much over the years."

State Associate Supreme Court Justice Robert L. Brown said Clinton was strong while speaking of Foster.

"He was reflecting on some of their moments spent together as friends," Brown said. "There was a little bit of humor and a little of reflection in his talk. It was a tribute to Vince Foster."

Many others who were asked would not comment on the service, some still wrought with emotion and several crying. Two men almost a block away from the church embraced in tears on a sidewalk after leaving the service.

"Sorry, I can't," one woman answered as she clutched a fist over her heart.

In his eulogy, Clinton paid tribute to Foster's role in find-

ing the right candidates for three important posts — Attorney General Janet Reno, Supreme Court nominee Ruth Bader Ginsburg and Louis Freeh, the nominee for FBI director.

"He told of (Foster's) interviewing of Janet Reno, who was here, and how Vince has ultimately come to the conclusion that she was the right person for the job," Crain recalled.

Alice Cockrill said Clinton told of Foster's role in Reno's nomination. "He said he knew he had a good candidate when Vince told him, 'We've got a live one,'" Cockrill related.

Catherine Cockrill told of the president's mention of Foster's commencement address to the University of Arkansas School of Law in Fayetteville on May 8 that "really told more about Vince" than anything.

"He said he was the rock for everyone else," she added.

Before leaving Washington on Friday morning, Clinton had more words of praise for Foster.

"He was a terrific friend, a great father, a great husband, a great lawyer," the president said. "He was one of the ablest and best people I ever knew in my life. That's what makes this day the more painful."

"But we have to accept the fact that there are many things we're not in control of, many things we don't understand, and we have to be grateful for what his life was."

(Randy Lilleston of the Democrat-Gazette Washington bureau contributed to this article).

# Clinton spends somber day before funeral

BY MICHELLE HILLIER  
Democrat-Gazette Benton Bureau

**HOT SPRINGS** — Virginia Kelley's two sons and widower made a second private visit Friday to the funeral home where her body lay before burial in Hope today.

Kelley, 70, died early Thursday in her sleep from complications associated with her four-year bout with breast cancer.

President Clinton, his half brother Roger Clinton, and Kel-

ley's widower, Dick Kelley, traveled by presidential motorcade to Gross Funeral Home, off Higdon Ferry Road between Oaklawn Park and St. Joseph's Regional Health Center.

The 10-minute drive began as a light snowfall dusted Hot Springs and the woods near the Kelley home on Lake Hamilton.

Arriving at the funeral home at 9:30 a.m., the three spent 15 minutes inside, after spending an hour there late Thursday.

Also present during Thursday's visit were Dick Kelley's brother, Al, and Roger Clinton's girlfriend, Molly Martin.

Outside the funeral home Friday, Roger Clinton took several deep breaths before breaking down and sobbing when the president put his arm across his half brother's shoulders.

After returning to the Kelley House, the president spent the morning finalizing the program for today's funeral, said Jeff

Eller, White House spokesman. The funeral is scheduled to begin at 9 a.m. today in the Hot Springs Convention Auditorium. Officials estimate 3,000 people will attend the funeral, and are asking people to arrive early for security reasons.

Ministers expected to officiate are the Revs. Daniel George of Grand Avenue Methodist Church in Hot Springs, John Miles of St. James Methodist

Church in Little Rock and Joe Wilkerson of First United Methodist Church in Malvern.

Hot Springs Mayor Melinda Baran issued a city proclamation declaring today the official "Day of Mourning for Virginia Clinton Kelley, in honor of her devoted service to her family, friends, hometown and nation."

American flags in Hot Springs, where Kelley spent much of her adult life, will remain at half-staff through Sunday.

Eller said friends and relatives continued to stop by the Kelley house Friday. They brought food, flowers and condolences beginning shortly after 2:30 a.m. Thursday, when the media began reporting Kelley's death.

Eller said everyone at the house reminisced about Virginia Kelley, while going through photo albums and sharing stories.

Shortly after noon Friday — when the clouds cleared and a brisk wind picked up — the president decided to take an impromptu stroll down memory lane in Hot Springs, where he spent most of his childhood.

He wandered through the former Hot Springs High School with high school classmates Jim French, David Leopoldus and Maria Aspell.

They then drove over to Kelley's old neighborhood. Clinton's limousine came nearly to a stop behind the white, two-story house with green trim at 1011 Park Ave. The car circled the block to drive past the front of the house, then left for West Mountain in Hot Springs National Park.

The group stopped twice at overlooks on the summit of West Mountain, part of the Quachita Mountains.

On his way through town, Clinton passed businesses posted with signs expressing sympathy for the Clintons' loss.

"Our thoughts and prayers are with you Pres. Bill," read

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the marquee outside the Frost-ed Mug, a fast-food outlet in downtown Hot Springs.

"God Bless You, Virginia," read a sign on a downtown entertainment bar.

Shortly after Clinton returned to the Kelley home, first lady Hillary Rodham Clinton and daughter, Chelsea, 13, landed at 2:30 p.m. at the Hot Springs Municipal Airport in the military equivalent of a DC-9.

Also on the plane was Associate Attorney General Webb Hubbell, formerly of Little Rock, Eller said. They went to the Kelley home, where the first family was to spend the

night.

Officials expect Vice President Gore and White House chief of staff Thomas F. "Mack" M. Marty to arrive in Hot Springs this morning to attend the funeral. They then will return to Washington, D.C., an official said.

President Clinton will fly to Andrews Air Force Base in Washington after the burial today and is scheduled to depart for Europe at 10:30 p.m. for a NATO meeting in Brussels, Belgium.

A steady stream of visitors stopped by the funeral home during a public visitation from 11 a.m. to 4 p.m.

Many walked to Kelley's open casket, which was finished in cherry wood and brass, paused several seconds, and left the chapel.

After the funeral, a motorcade will travel about 80 miles to Rose Hill Cemetery in Hope, where Kelley grew up and Clinton was born.

Pallbearers will be Kelley family friends Dick Taylor, Mike Seba, Jimmy Red Jones, Larry Cheatham, Tam Parker, Irving Newton and Leonard Ellis; Roger Clinton's best friend Mike Pakis; and Leopalous.

Reporter Ron Taylor of The Washington Times contributed to this report.

# The Washington Times

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## No smoking gun

The how-Vince-Foster-died debate has taken a bizarre twist, thanks to G. Gordon Liddy and an interview the radio host had with an anonymous source.

Notes of the March 22 interview, which Mr. Liddy made available to this newspaper, reveal it took place at the source's home, where the man "exacted a promise" that Mr. Liddy would never identify him.

The witness told Mr. Liddy that on July 20, 1993, he was driving his white utility van along the George Washington Memorial Parkway in Virginia on his way home from work. Traffic was barely moving, the man recalled, and the temperature outside hovered around 100 degrees.

Stuck in traffic, the man felt an urgent need to urinate. He pulled off the parkway at the entrance to Fort Marcy Park, parked his van and began searching for a secluded spot. A short distance later he came upon Foster's body, which he first thought was someone asleep.

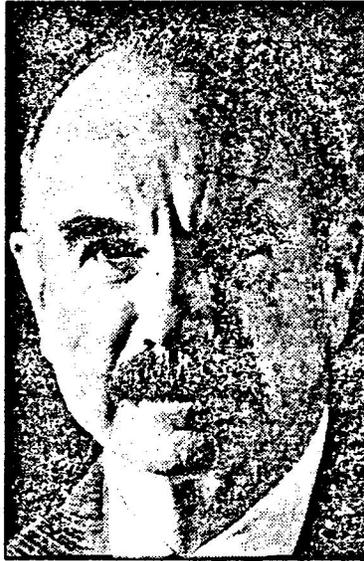
"He started to walk away, but then noticed that the face was swollen, so he moved in close, stepping to where his foot was within three feet of the man's head, and looked straight down into his face to see if that was case," Mr. Liddy's notes state.

"The body was bloating in the heat. There were traces of blood around the nostrils and mouth, and flies were crawling over those areas of the body. The eyes were partially closed and were already glazed."

This is where the interview gets interesting: The man described the position of the body — "hands at its sides, palms open and angled upwards." At the bottom of a slope near the body, "the brush was 'trampled' as if someone had been walking back and forth at that spot."

Mr. Liddy, at this point, asked the witness if he had seen the published photograph of what was purported to be Mr. Foster's hand with its thumb in the trigger guard of a handgun. The witness replied he hadn't seen such a photograph "and appeared surprised, stating he had observed both hands of the body and that neither held a gun."

After observing the body for several moments, the man said he walked back to his van and drove to a nearby U.S. Park Service facility, where he told two uniformed employees in the parking lot about the body and where it could be found. One of the em-



G. Gordon Liddy, a former FBI agent, is on the Vince Foster case.

ployees said he knew of the spot described by the witness and left to phone police.

The source told Mr. Liddy he decided to come forward because the stories he was reading about the discovery of Mr. Foster's body are "not right."

When Mr. Liddy asked the man why he didn't want to be identified, he replied, "Because I don't want to end up like that guy I found."

Reached yesterday and asked about the source, Mr. Liddy told Inside the Beltway: "My gut instinct is that this guy is real. There were 14 different points established [during the interview] that indicate he's real."

"If he's pulling a hoax, he's pulling a real good one. Remember, I'm an ex-FBI agent. I was trained to interview people by J. Edgar Hoover. I know when someone is trying to con me. I've seen this man, I've talked to him at length. I believe him."

## Probers to confirm Foster suicide

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Special Whitewater counsel Robert Fiske is expected to issue a report soon concluding that White House lawyer Vince Foster did in fact commit suicide, it was reported yesterday.

Sources identified only as lawyers familiar with the case were quoted by The Wall Street Journal as saying Fiske's office is expected to release a formal report in a few weeks confirming that Foster took his own life last summer.

Both Fiske and Roderick Lankler, who is heading the Foster probe, refused comment yesterday.

Fiske and Lankler are said to be anxious to end speculation that Foster may have been murdered or his body moved after his death to the Virginia park where it was found July 20.

It was unclear whether Fiske's office is also ready to release its conclusions on how, if at all, Foster's death is related to Whitewater, and whether the White House tried to hinder the probe.

Questions were raised about Foster's death after The Post quoted medical



**LAST WORD:** Whitewater special counsel Robert Fiske is expected to close his investigation of the death of Vince Foster (above), declaring it a suicide.

and law-enforcement personnel at the scene who said elements seemed highly unusual for a suicide.

Homicide experts also raised questions as to whether the Park Police

had conducted a proper investigation.

A spokesman for Rep. William Clinger (R-Pa.) blamed the special counsel's office for yesterday's news leak to the Journal.

"Why are they leaking in-

formation about the status of the investigation," asked Clinger spokesman Eddie Amorosi. "Fiske promised a thorough and professional investigation. I'm not sure that includes leaking information."

Clinger recently obtained permission from Fiske to review confidential police, forensic and autopsy reports on Foster's death in the special counsel's office next week.

Clinger says he wants to know if Park Police conducted a thorough investigation and if they were hampered in any way by the White House.

Foster's body was found at a federal park in suburban Virginia, several hours after he left the White House where he served as Clinton's deputy counsel.

As the Clintons' longtime friend and private attorney, he also kept files on their co-ownership of the Whitewater Development Corp.

Those papers were secretly removed from Foster's office just hours after his body was discovered. They were subsequently turned over to federal investigators under threat of a subpoena.

# The Washington Times

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## Foster report

Whitewater-Madison special counsel Robert B. Fiske Jr. is expected to issue a report soon that concludes that White House Deputy Counsel Vincent W. Foster Jr. did commit suicide, the Wall Street Journal says.

Attributing its report to lawyers familiar with the inquiry, the Journal says Mr. Fiske's findings will largely confirm conclusions by the U.S. Park Police.

The Journal's Ellen Joan Pollock reports from Little Rock that the special counsel appears to be broadening the scope of his inquiries as a wave of nearly 250 subpoenas washes across the Arkansas capital.

Roderick Lankler, who leads Mr. Fiske's Foster probe, declined comment on the interim report's contents except to say he was unsure whether it addressed allegations that White House aides impeded the Park Police investigation.

Mr. Lankler told Ms. Pollock that he hopes to release the report in the middle of this month.

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## Whitewater's Impact

From presidential politics to health care reform, Whitewater is not playing out the way Washington insiders expected, the Boston Globe reports.

"For the moment, at least, voters appear to perceive Whitewater as an inside game played by petty partisans, and not yet a matter of terrific relevance," says the Globe's John Aloysius Farrell.

"Though Whitewater may yet emerge as a national political crisis, Washington's preoccupation . . . remains, at this point, a topic to be spoofed by the cast of 'Saturday Night Live' and the

Doonesbury comic strip characters."

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## Whitewater reason

"Even the most partisan Republicans . . . don't want to destroy Clinton. They just want to weaken him. They want to make it harder for Clinton to pursue his agenda. And easier for them to defeat in 1996," says analyst William Schneider in the National Journal.

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# Los Angeles Times

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# LITTLE ROCK LAW

THE ROSE FIRM PROUDLY SENT FOUR PARTNERS TO THE CLINTON ADMINISTRATION - AND IT'S FACED DISASTER EVER SINCE

**A**

shift in fortune was signaled, as it so often is, by the most prosaic of events. The phone rang.

Phillip Carroll, at 68 one of the grand patriarchs of Little Rock's legal community, was at home on a mid-summer night in the affluent Heights neighborhood. He was the first to receive the news that would rock the rich, sheltered way of life enjoyed by partners at the Rose Law Firm.

Shortly after 10 p.m., an old friend with close ties to the Clinton White House, federal appellate Judge Richard Arnold, called to impart the incomprehensible. Vince was dead. A suicide. His body had been found in a park in Virginia. Carroll could barely breathe. Vince Foster. Carroll had been his mentor and confessor, godfather to his eldest son. Dead by his own hand.

Minutes later, Rose partner George E. Campbell's phone rang. It was Ann Pincus, a Little Rock native, wife of a Washington Post reporter and lifelong friend of Campbell's wife, Joan. Pincus had attended a Washington dinner party or David Gergen during which the presidential counselor received an urgent call from the White House with the awful news.

It was July 20, 1993, and deputy White House counsel Vincent W. Foster Jr., 48, once the soul and spine of the Rose Law Firm, boyhood friend of the President and close confidant of former Rose partner Hillary Rodham Clinton, had apparently committed suicide with an antique .38 Colt revolver in an isolated park overlooking the Potomac River.

Suddenly, the Washington-Little Rock nexus of lawyers and politicians went into action. The news spread across the network like a cascading wave.

William H. Kennedy III, now White House associate counsel and former chief operating officer at Rose, quickly called several of his former colleagues at the firm. Trying to learn more about Foster's death, Carroll sought the Washington home number of Webster L. Hubbell, also a former senior partner at Rose and then the No. 3 official at the Justice Department who had been assigned to monitor the Foster investigation.

Back in Washington, Foster's boss, White House counsel Bernard W. Nussbaum, was searching Foster's modest office in the West Wing, looking for a suicide note or a blackmail demand.

"Did he say anything?" a bewildered Nussbaum kept asking himself as he rifled through papers on Foster's desk. Nussbaum, the New Yorker who had made a fortune on Wall Street in the 1980s putting together corporate mergers, was out of his element when confronted with violent death, and his amateurish handling of Foster's suicide deepened suspicions that the White House was trying to conceal some hidden scandal involving the First Family.

Not until six days later did a White House lawyer find a torn-up suicide note in the bottom of Foster's briefcase. It hinted at dark conspiracies by the FBI, the media and Republicans to destroy the Clintons and everything they were trying to accomplish. Foster, in a restrained but anguished cry, wrote that he "was not meant for the job or the spotlight of public life in Washington. Here, ruining people is considered sport."

It was the most traumatic, unfathomable and searing event of the Clinton presidency. Why was Foster—whom the President described as the "Rock of Gibraltar," the man once anointed to guide the Rose Law Firm into the next century, the man people in trouble turned to for help—dead at the pinnacle of his career?

That question remains unanswered. But what is clear is that in the wake of Foster's death, the prosperous and peaceful life of Little Rock's Rose Law Firm has been shattered. Foster's death has immersed the firm in the rapidly unraveling Whitewater scandal, a tale of Arkansas banking and real estate deals gone bad and the White House's clumsy efforts to contain the continuing damage. It set in motion a series of events that subjected Rose's 59 lawyers to unaccustomed stress. That pressure now appears to threaten an implosion of the oldest law firm west of the Mississippi.

Already, the firm's response to the harsh glare of national scrutiny has turned into an ugly tale of internal blood baths. On March 14, Hubbell resigned from his job at the Justice Department amid charges that he improperly billed as much as

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\$100,000 in personal expenses to the firm while he was a partner. The Rose investigation of Hubbell was only tangential to the Whitewater probe, but "It's Whitewater that created the climate, that gave the dissidents in the firm the opportunity to go after Hubbell," observes one source close to Hubbell.

There is bitter talk, especially among the younger generation of Rose attorneys now taking control, of the tarnished legacy bequeathed them, and they are trying to distance themselves from Hillary Clinton and her departed cronies. In mid-March, Rose partners voted to file charges against Hubbell with the Arkansas Supreme Court ethics division.

In the past year, Rose has become the favorite target of every conservative conspiracy theorist in America, assuming the secret-villain mantle once reserved for the Trilateral Commission. The firm has been portrayed by Clinton critics, most often in the Wall Street Journal, as a secretive fortress at the center of political and economic life in Arkansas that has now extended its sinister influence into the highest reaches of the federal government. Hubbell and Hillary, assisted by the aggressive but shadowy Kennedy and Foster, surreptitiously took over the government to advance their hidden agenda of federal intervention into every cranny of American life, according to this view. The firm, playing on its capital connections, added a tentacle by sending partner Allen W. Bird II to open a Washington office last fall, feeding the suspicions of the conspiracy theorists.

The truth is more mundane but in some ways more profound. The lawyers of the Rose firm became entangled in the careers of the Clintons mainly by the accident of Foster's birth in Hope, Ark., and by a rising politician's wife's need for a job in 1977. But the lives of these 59 people have now become hostage to the consequences of the Clintons' actions and to the President's past business dealings with a two-bit real estate investor and S&L operator named James B. McDougal.

Of the four Rose partners who assumed major roles in Washington after Bill Clinton's election, one is dead, a second has resigned, and a third, Kennedy, is under scrutiny for nonpayment of taxes for a nanny. The fourth, Hillary herself, is caught squarely in the middle of Whitewater, her effectiveness as an advocate for health care reform and other legislative efforts increasingly in doubt.

No one could have predicted when Rose hired Hillary Clinton that, 17 years

later, the firm's reputation would be hanging by a thread, a 174-year-old institution facing oblivion because of a rotten little land deal.

UNTIL THEN GOV. BILL CLINTON OF ARKANSAS ANNOUNCED HIS CANDIDACY for the presidency at the end of 1991, the Rose Law Firm was little known outside the region. The firm, whose partners only recently gave up the Old South style of seersucker suits and white buck shoes in summer, never recruited from farther away than Tennessee or Texas. While its ambitions were to be an important regional legal player, it never acquired the stature of larger and better-connected firms in Memphis, Houston and Dallas.

Still, its partners enjoyed whatever luxuries Little Rock had to offer—gracious old homes or newer mini-mansions, the golf course and large swimming pool of the exclusive Country Club of Little Rock, expensive cars, civilized working hours and close association with the small circle of Arkansas leaders who wield true political and financial power.

The Clinton candidacy brought national focus on Rose because of Hillary's employment there, but it has not been the attention the firm would have wished. Beginning early in the campaign, Rose was the subject of hundreds of news stories and dozens of rumors about potential conflicts of interest, the sale or purchase of political influence, and office intrigue.

Inside Rose, the pressure has only gotten worse in the months since Foster's death. At first, many tried to rally around Lisa Foster, Vince's widow, when she moved back to their white-pillared home in the Heights with her three children. But now, like barracudas in an overcrowded tank, Rose lawyers have begun to turn on each other and their former colleagues. These were just the latest and most overt signs of the poisonous climate at Rose.

Even longstanding friendships within the firm have been eroded by Whitewater. Senior Rose partners Herbert C. Rule III and W. Wilson Jones have practiced together for more than 20 years and consider themselves the best of friends. But during a joint interview, Jones repeatedly interrupted whenever Rule drifted into a discussion of the effects of Whitewater on the firm. "I thought we agreed we weren't going to talk about that," Jones upbraided Rule more than once, his voice growing edgier each time. Asked later about the evident tension, Rule dismissed it as "the bickering of an old married couple."

Many in the firm grumble that the price the remaining lawyers are paying for their association with the Clintons is far too high and the rewards far too low. Truc, another former Rose lawyer, Richard B. Steinkamp, has just found a home in the Clinton Administration, recently named general counsel of a new oversight board for federal mortgage financing agencies. Yet the White House connection has done little for Rose's new Washington office; the firm's name is now radioactive in a city where clients looking for political pull don't like to read about their lawyers and lobbyists in lurid newspaper headlines.

Although the remaining partners are loath to express such a view publicly, in conversations one hears an undercurrent of resentment at the Clintons and their pals for robbing Rose of a lucrative obscurity, for bringing its lawyers' integrity into question, for the loss of the beloved Foster.

"We rely heavily on our reputation, which until recently has been untarnished," says Chief Operating Officer Ronald M. Clark, weighing his words judiciously, trying to mask his bitterness at being forced to deal with insatiable federal authorities and prying media. "Here we are defending stuff that took place six or eight years ago and which most of us know absolutely nothing about. A lot of us here complain that when you speak of 'the firm,' you're talking about an entity. But we're all individuals, and I knew nothing about Whitewater."

"If this is our 15 minutes of fame," the 39-year-old tax specialist laments, "I'd just as soon it end."

The tribulations of the Rose Law Firm have caused few tears to be shed in the inbred legal community of Little Rock. Oh sure, there are the ritual expressions of sympathy for Foster's widow and the clucking of tongues over the breathless media coverage. But beneath a veneer of Southern manners there is barely disguised glee at the decline of a collection of lawyers whom many of their competitors consider arrogant, aloof and overrated. "They're nothing special, just another Little Rock law firm with big pretensions," says one attorney in a small Little Rock partnership. He adds that a lawyer will chide any colleague who grows full of himself by saying, "Now don't go acting like a Rose firm lawyer."

Legal competitors are quick to pounce on the latest allegation about Rose and brag about the cases they won or clients they stole from the powerhouse on East

*John M. Broder is a White House correspondent in The Times' Washington Bureau. James Risien is a Times national correspondent based in Washington.*

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Fourth Street. Always on background, of course; Little Rock is a small town, and it's not polite to cut up your fellow country club members on the record.

But from the country club locker room to the barroom of the Capital Hotel, wherever Little Rock's lawyers gather, Rose and Whitewater are the hottest topics. Rumors abound about who's been subpoenaed and what records have been shredded. Some of it is just politics, old enemies of the Clintons getting even. Some is the old-fashioned delight in the misfortunes of the better-off; the Rose firm traditionally was among Little Rock's most profitable.

In many ways, what the Rose firm is going through today mirrors Foster's transformation last year, when he surrendered a privileged and private existence in Little Rock to service in Washington at the behest of the Clintons.

After arriving at the White House, the taciturn and tightly wrapped Foster was quickly bombarded by crises of a sort he had never encountered in Little Rock, from battles over controversial Clinton appointments to the botched firing of the White House travel staff. He was painted as part of the insidious Rose cabal in Washington. He worked harder under more pressure and with more painful results than he ever had in Arkansas.

A corporate litigator from a quiet Southern town who some former colleagues believe initially saw a White House job as the answer to his midlife crisis and growing restiveness as a lawyer, was thrust into a political hurricane for which he was dramatically ill prepared. And whether because of these pressures, some unbearable secret or, as many of his friends believe, an undiscovered medical event that triggered his suicidal depression, he snapped and ended his life six months to the day after Clinton was inaugurated.

"We have all been trying to understand what happened to Vince ever since," says Bird.

Among the effects found in Foster's White House office were a dim black-and-white photo of Foster and Bill Clinton in kindergarten and a thin manila file folder labeled "Whitewater," which contained tax records and other documents relating to the Clintons' Ozark Mountain real estate deal. Nussbaum, considering it the personal legal business of the Clintons, forwarded it to their private attorney in Washington.

When it was revealed that Nussbaum removed Whitewater-related papers from Foster's office while holding at bay police officers investigating the death, the political equivalent of hell broke loose for the Clintons, raising the ugly specter of a White House cover-up. That finally forced the White House in January to accede to the appointment of a special counsel, Robert B. Fiske Jr., a veteran New York prosecutor who has set up shop in Little Rock.

Rose falls under Fiske's scrutiny because Hillary Clinton and the firm represented James McDougal's Madison Guaranty Savings & Loan in front of state regulators appointed by her husband in an attempt to shore up the foundering thrift. Four years later, in an unrelated matter, Rose solicited legal business from federal regulators and was hired to sue Madison Guaranty's auditors for negligence; that case has raised allegations of a conflict of interest because of Hillary's earlier representation of Madison.

Rose partner Bird represented Hillary Clinton in a Whitewater-related land transaction. And Foster also acted as the Clintons' personal lawyer in dealing with Whitewater, at least in the later stages, and handled the 1992 sale of their share of the venture. There have also been hints, from Rose partners and federal investigators, that the firm's lawyers handled far more Whitewater transactions than have been publicly acknowledged.

The firm first felt the effects of notoriety during the 1992 presidential race, when its most famous partner took a leave of absence to campaign for her husband. Rose hired security guards after catching reporters pawing through their trash and snooping around their document storage facility. The firm also, for the first time, bought a shredder to destroy confidential documents.

The attention during the campaign was nothing compared to the floodlights now shining on the firm. Its elegantly appointed offices—which include a 60-foot basement swimming pool, salvaged from the building's days as a YWCA—have been visited by agents of the FBI, the Resolution Trust Corp., the Federal Deposit Insurance Corp. and the Department of Justice. At least a dozen times a day, reporters from as far away as London and Australia call with questions about Whitewater and the Clintons.

On a recent visit to the firm, a reporter observed half a dozen boxes of files relating to Whitewater being wheeled down the bird's-eye-maple-paneled hallways, being prepared for submission under subpoena from Fiske.

"Not in my wildest dreams would I have imagined what has happened," says George Campbell, at 61 one of the firm's elder statesmen. He contends that the Rose firm is "an innocent bystander who happens to be around when politicians are slinging mud at each other." He believes that the firm's name and reputation will be vindicated, but the effects of the trauma will linger.

"If there's an insight I've gained from all this, it's about the pain involved in national politics," Campbell says, sitting primly on a sofa in his office. "There are people who spend every waking moment trying to tear somebody else down."

NO ONE OUTSIDE ARKANSAS' legal community would ever have heard of the Rose Law Firm if Vince Foster had not been in the (JFK) Operating Officer C. Joseph Giroir Jr.'s office one day in 1976 and urged him to hire a

sharp young law professor he knew, 29-year-old Hillary Rodham.

Rodham was then teaching at the University of Arkansas Law School in Fayetteville, where Foster, an alumnus, often handled recruiting for the Rose firm. Hillary was moving to Little Rock because her husband had just won the Democratic primary for state attorney general. For Rose, it seemed like a fortuitous match; Bill Clinton was clearly on the way up in politics, and Hillary was going with him. Giroir recalls that the firm, which at the time only hired two or three associates a year, was not trying to fill an opening. Rose just made a slot for Hillary. "We had a policy that if we found someone we really wanted, we would go after them," says Giroir.

Today, partners refuse to voice regret at Hillary's hiring. Those who played a role say one of the only concerns expressed at the time was whether her marriage might force the firm to turn away some state business because of potential conflicts of interest. Others worried that Little Rock was not ready for a "lady lawyer," particularly a feminist Northerner educated at Wellesley and Yale.

Hillary was a liberal woman in a staid, Southern white-male-dominated firm that had been founded before Arkansas was granted statehood, a firm that did not hire its first black attorney until 1988. (It currently has none.) Ultimately, she would bring high-profile politics into a corporate law firm that shunned publicity.

Hillary was naturally drawn to Vince Foster, then only 32 but already considered a major asset at the firm because of his legal skills and attention to detail. One of the leading civil trial attorneys in the city, "He won by following the rules," observes one former colleague. Older clients liked his discretion and his ability to cut to the heart of a legal problem.

Younger associates referred to him as "Vince the FBI" for his cool, assassin-like manner that could wilt a witness or an underachieving associate. He developed a reputation

with the firm for moodiness, temperamental behavior and even extended spells of silence. Former colleagues say that for one 18-month stretch, he refused to talk to his secretary.

His austere demeanor could intimidate those around him. Kennedy, a recent hire at the firm, was transferred out of the litigation department because he and Foster, his supervisor, couldn't get along, Rose sources say. The two later came to terms as Kennedy, a Pine Bluff, Ark., native, proved his worth by billing more hours than any other Rose lawyer for several consecutive years.

Webb Hubbell, who followed Foster as managing editor of the University of Arkansas Law Review and joined the firm two years after his older friend, also became part of Rose's inner circle. Hubbell was Foster's fun-loving opposite, a beefy former Arkansas Razorback lineman who was as outgoing as Foster was reserved. His minor football fame was a draw in a state where the Hogs rule, but former associates say that Foster's brain and Kennedy's prodigious capacity for work brought in a lot more revenue. (Clinton, Hubbell and Kennedy all declined to be interviewed for this article.)

Hillary Clinton, meanwhile, consciously sought to keep her head down, shying away from highly visible cases that could raise questions about her relationship to the attorney general who would later become governor.

Little Rock lawyers and reporters on the legal beat say that in her 15 years in the Rose firm's litigation section, she was seldom seen in court, preferring to find a way to settle disputes outside the glare of public pleading. One attorney who opposed her on a commercial matter in the late 1980s said that Hillary led him to believe that she wanted a trial, but on the eve of their court appearance she called to offer a settlement "on very favorable terms to our side."

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"She was very worried out a high-profile loss. She did take politics into account on each matter," says the attorney, who worked at Rose for several years and now is at another Little Rock firm. He asked not to be identified because the Little Rock legal community is so small. "She was afraid to tie it up and go to court. She ended up settling most matters."

Even her supporters at Rose say Clinton was less than a full-time lawyer, having to tend to state business, service on corporate boards, political campaigns and a variety of public advocacy pursuits. Her pay reflected her relatively modest contributions to the firm's bottom line—just over \$100,000 a year when many of her contemporaries were making twice that or more. Her pay was also reduced because she did not take a share of work done by Rose on behalf of the state government, mostly the handling of the sale of state bonds.

She was missing so often that former Chief Operating Officer Giroir says she was often assigned to assist Foster. "We couldn't give her a full load of cases because we were never sure she would be around to handle them," Giroir says. Indeed, in 1982, Hillary Clinton had to turn down Giroir's offer of a promotion to become administrative partner, which would have given her significant management duties in the firm; she was interested in the post, but she was too busy that year helping her husband launch his bid to regain the governorship.

Yet despite her efforts to keep a low profile, Hillary Clinton still entered into some business arrangements that gave rise to potential conflicts. The firm developed its own ethics guidelines in the mid-1980s that were supposed to limit partners' business dealings with firm clients, but those guidelines were apparently informal.

Certainly Clinton didn't refrain from mixing business and legal work. For example, she sat on the board of direc-

tors of two major Rose clients, TCBY Enterprises, the yogurt franchise, and Wal-Mart Stores. Her most serious potential conflict, of course, came from the fact that she represented Madison Guaranty at the same time that she was in business with its chairman, James McDougal. Most troubling of all was that while she had other firm partners handle work for Whitewater, she apparently did not disclose her business relationship with McDougal to the firm's COO. "I never knew that she was in business with him," says Giroir.

But there is no denying that her departure, along with those of Foster, Hubbell and Kennedy, took a heavy toll on the remaining partners. One legal competitor refers to the firm today, with its senior management gutted and its legal expertise and political connections sorely missed, as "Home Alone III."

A HUNDRED MILES OR SO north of Little Rock, down the road from the Ozark village of Yellville, are the 240 acres of land along the White River that the Clintons and James and Susan McDougal bought amid dreams of real estate riches. Oddly, it was along this same river more than 150 years ago that one of the founders of the Rose firm first brought the partnership into disrepute and caused its temporary demise.

In 1832, 12 years after forming the partnership that grew into the Rose Law Firm, Robert Crittenden decided that Little Rock could not contain his ambitions. He tried to unseat the incumbent delegate from the Arkansas territory, Henry W. Conway, but the campaign deteriorated into a bitter exchange of insults and a challenge to a duel, which left Conway mortally wounded, Crittenden disgraced and the law partnership with Chester Ashley disbanded.

The firm was re-established in 1837—without the trigger-happy Crittenden but with its political yearnings intact. Ashley went on to the U.S. Senate, where he served as chairman of the Judiciary Committee. His new partner, George Watkins,

later became chief justice of the Arkansas Supreme Court.

The firm adopted its current name in 1865 with the addition of noted jurist U.M. Rose, a founder and later president of the American Bar Assn. A "Northerner" from Kentucky who arrived in Arkansas on a Mississippi riverboat, he was a linguist, legal scholar and diplomat who was cited by Supreme Court Justice Felix Frankfurter as an important early influence. Rose family members were associated with the firm until the late 1940s.

Over the years, the partnership was a breeding ground for Arkansas' political and legal elite, producing six members of the state Supreme Court, dozens of state legislators and officers of the state bar association. But the past decade has been unquestionably one of the most traumatic periods in the firm's history. Just as the rise of Hillary Clinton and her colleagues increased the firm's political profile throughout the 1980s, Joseph Giroir sought to radically transform the firm's relationship with the Arkansas business community.

Giroir never quite fit the Rose image. A small, dapper man partial to flashy suits and custom-made shirts, he considered himself half businessman, half lawyer. Yet his vision of turning Rose into an entrepreneurial player in mergers and acquisitions throughout the region ultimately collided with the firm's conservative traditions. "The firm almost came apart over Giroir," says one Rose partner.

When Giroir's major lender, First South Savings & Loan, was taken over by regulators from the Federal Savings and Loan Insurance Corp., funding for his personal ventures suddenly dried up. In 1986, the agency not only cut off Giroir's line of credit, it seized \$12 million in assets he had put up as loan collateral.

"I had no choice but to sue," Giroir says now. "They had just about all my money."

The problem was that Rose represented the U.S. Senate in earlier thrift cases—a conflict of interest that became the central

management issue for nearly two years. Finally, by early 1988, Giroir resigned and set up his own firm, taking with him some of the best young lawyers in Rose's profitable securities law department.

More important, he took key clients with him, including corporate and personal legal work of Jackson Stephens, the patriarch of a family financial empire and arguably the most powerful figure in Arkansas. It has taken years for Rose to rebuild its securities business since Giroir's departure.

Rose today is not Little Rock's most political firm; there are one or two rival powerhouse firms in town that have traditionally had closer ties to the state Legislature. Yet Rose still exerts influence through its heavyweight client base, which has remained intact during the current controversy, according to Rose lawyers. "My clients almost never even mention it, except to sympathize and ask how we are doing," insists senior partner Wilson Jones.

But the coming months will pose a stern test of client loyalty. By March, congressional Republicans were smelling blood and had forced the Federal Deposit Insurance Corp. to reopen an investigation of whether Rose had a conflict of interest in its legal work involving Madison before state and federal regulators. "Hillary Clinton and Rose got money going in and got money going out," charged Sen. Lauch Faircloth (R-N.C.).

The mysteries of the firm are slowly yielding to the persistence of the press and the pressure from Fiske, who is still in the opening stages of his inquiry into Whitewater. Stories detailing grand jury testimony from former Rose couriers and clerks about shredded documents, potential conflicts of interest, shadowy real estate deals and political connections blare almost daily from newspapers and TV reports.

Rose partners are certain to be forced to testify before the grand jury throughout the spring. Fiske's self-described mandate is to investi-

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gate, among other things, the death of Foster and the possible complicity of the Rose firm in fiscal and legal shenanigans involving McDougal's failed businesses and his relationship with the Clintons.

Besieged with subpoenas and under intense media scrutiny, Rose has hired its own legal counsel, the giant Houston firm of Vinson & Elkins, to represent it in possible federal prosecution. The firm's legal fees could easily run into hundreds of thousands of dollars.

In a sign of the serious questions still surrounding Foster's violent death, Fiske has named Roderick C. Lankler, former chief litigator in the New York district attorney's office, to concentrate solely on the Foster suicide. And, of course, if any proof of shredding of Whitewater-related documents surfaces in grand jury testimony, Rose attorneys will be facing obstruction of justice charges.

Taken together, that's enough potential trouble to make almost any client think twice. "It's not the sort of reputation one would go searching for," sighs senior partner Herb Rule.

Rose partners deny they are covering up any scandal and deny their shredder has been working overtime to hide the truth about the Clin-

tons and Whitewater. Former couriers at Rose have testified before a grand jury in Little Rock that they were asked by clerks to shred documents marked with Vincent Foster's name but have acknowledged that they don't believe any of the papers were related to Whitewater or Madison Guaranty. One sardonic Rose partner asks: "Now, if we were really going to shred documents about Madison and Whitewater, do you think we would do it in the middle of the day and call in the clerks and say, 'Hey, we're shredding the Madison files, can you help us?'"

Yet, deservedly or not, Rose is now smack in the middle of the hottest political scandal since the Iran-contra debacle. And suddenly, Rose of Little Rock is the most famous law firm in America—for all the wrong reasons. ■■

# The Washington Post

## Poised

## Over

# Whitewater

### Special Counsel Robert Fiske, Calmly Plumbing the Depths

By Kim Masters  
Washington Post Staff Writer

Bob Fiske strode from the federal courthouse, back straight, chin out, fashion-be-damned plaid cap atop his head, and plunged into a sea of reporters and photographers. His team of lawyers had just started grilling the president's men and women about the tangled affair that has come to be called Whitewater. The media mob surged in for a quote, a shot, a morsel of his time. Fiske pressed ahead sternly. But when the press didn't part swiftly enough and a hapless photographer stumbled over backward, it was Fiske who paused and helped the man to his feet.

Voblesse oblige.

This sort of courtesy comes naturally to a blue-blood, white-collar lawyer who hovers unspattered over Washington's most recent political spectacle. This sort of poise you can display when you are so sure of yourself—your mission, your methods, your morals—that even though you utter not a word of reproach, a howling pack of reporters suffers a rare moment of embarrassment at its own frenzied behavior.

Robert B. Fiske Jr., lifelong Republican, former prosecutor, Wall Street lawyer, former peewee hockey league coach, is that sort of person—a man who stays cool and clean in the trenches. Some of his colleagues tell a story about the day in 1979, in the middle of a tense racketeering trial, an FBI agent slipped into a New York courtroom and whispered to the prosecutor that the proceedings had to be stopped at once. Fiske, then the U.S. attorney for the Southern District of New York, didn't panic.

"What?" he wrote on a pad.

The agent wrote that a hit had been ordered on a witness in the case—and on Fiske himself. Fiske considered that briefly and scribbled "In the courtroom?" No, the agent answered. In that case, Fiske wrote back, why stop the trial?

That sang-froid, displayed during the renowned prosecution

of Brooklyn waterfront boss Anthony M. Scotto, should serve Fiske as he plumbs the mysteries of Whitewater. (So might his close relationship with one of the young agents on that case—Louis Freeh, now director of the FBI.) But the story is remarkable for another reason: It is one of the most dramatic tales that anyone has to tell about Robert Fiske.

The veteran of many high-profile cases, Fiske is not the kind of swashbuckling litigator whose exploits are celebrated in lawyer locker-room chat. "He's not boring," says Scott Muller, a former assistant to Fiske during the Scotto prosecution. "But he's such an absolutely straight guy."

In his few short weeks as special counsel, Fiske has shown that he is capable of making dramatic moves. Within days of his appointment, he announced himself with a fusillade of subpoenas to White House aides. Then, last week, he cut a deal to get grand jury testimony from David Hale, a shady former judge who is the only person to allege that Bill Clinton was directly involved in any of the questionable financial dealings surrounding the sinkhole known as Madison Guaranty Savings & Loan—a move that Fiske described as "a significant contribution" to the investigation.

Attorneys who know Fiske well say they are confident that he is moving deliberately, if rapidly. Even his former adversaries say Fiske's judgment and integrity make him an ideal

choice for this daunting job. He has a reputation as a detail-oriented prosecutor who won't indict unless he believes that a conviction is in the bag. "He's tough and aggressive in litigating when he has a case that will support it—and practical-minded about getting it over with when he needs to," says Steve Case, one of Fiske's law partners at the snooty New York firm of Davis, Polk & Wardwell.

However tough, Fiske is always low-key—an affable square who is modest to the point of self-effacement, soft-spoken to the point of inaudibility. In white-bread, well-to-do Darien, Conn., where Fiske grew up, he is the original community pillar. He served on the police commission for 10 years and was chairman of the board of deacons at his church.

Fiske isn't giving any interviews, but his longtime assistant notes in response to an inquiry that yes, Fiske used to coach the New Canaan, Conn., peewee hockey team. And in 1973, she adds, the team made it to the state championships, where it lost—in overtime.

It turns out that mild-mannered, 63-year-old Bob Fiske is—as Muller puts it—"grimly competitive" and a bit of a sports freak. He sails, skis, fishes and held down second base for his law firm's softball team. In 1980, he ran the New York City Marathon.

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"I'll tell you how competitive he is," says John "Rusty" Wing, one of eight former assistant U.S. attorneys who play tennis with Fiske regularly. "If he couldn't get the ball with his normal right hand, he switches the racket to his left hand." "He's by far the senior member of the group," says Alan Levine, now a partner at a New York law firm. "He does not wear down first."

**Accidental Celebrity**

West Little Rock is a high-rent business district, a suburban settlement about a 20-minute shot along the Wilbur Mills Freeway from faltering downtown Little Rock. It might seem an odd location for the special counsel to base his operations—a bit of a haul from the county offices that hold some of the records that may contain the secrets of Whitewater. But this building already was crammed with feds: the FBI, the Drug Enforcement Agency and the Customs Service.

It may be pricey, but you wouldn't call it elegant—a red-brick four-story affair with Muzak in the lobby and cherub fountain in the gloomy atrium. Tucked in the back of the building is a little lunch joint and bar

*While other lawyers might have lived the high life, typically he'd run out to the grocery store alone and buy a chicken and bake it and eat it by himself.*

—Carey Dunne, former law partner

here Fiske and his troops sometimes grab a sandwich. On a Monday afternoon, the Sports Page is empty except for a group of stockbrokers knocking back a few drinks.

They try to affect indifference to Fiske and the squadron of seven lawyers and 25 FBI agents and financial analysts that have just set up shop here. But waitress Deborah Marshall has seen some of them sidle up to Fiske. "People approach him—when you get time off, you want to play some golf?" she says.

Fiske has made a good impression. One of the stockbrokers says Fiske "reminds me of a kid's grandfather that you see in the movies." Stockbroker Dan Lee has seen him at lunch with his staff. "When they're talking, there's a warmth," he observes.

Perhaps most impressive to the crowd at the Sports Page has been the speed with which Fiske's office space was whipped into shape. "We heard on Thursday morning that this space had been leased," says Dan Lee. "At noon that day, hammers started. They worked 24 hours a day, had three construction crews in there. You have to understand—Little Rock is in a construction boom right now. If you want to build a house, you have to wait three months. So they paid someone a lot."

**Frugal but Fun**

Whatever the word from Little Rock, Fiske's colleagues at Davis, Polk say he won't be sloppy with the taxpayers' money. They expect him to be much more frugal than Iran-contra prosecutor Lawrence Walsh—who was Fiske's former law partner at Davis, Polk and who tried to tap Fiske to serve as his deputy in that investigation. That investigation cost the government \$36 million. "Walsh would spend an extraordinary amount of money on cases," a Davis, Polk partner says. "He would get 12 associates [on a case] and they would grind and grind. . . . He would have four people research something until they dropped. Bob wouldn't do that."

Davis, Polk partner Carey Dunne spent the better part of a year with Fiske in Miami on a trial and got a close look at his thrifty habits. "While other lawyers might have lived the high life, typically he'd run out to the grocery store alone and buy a chicken and bake it and eat it by himself," Dunne says. "He is frugal, no doubt about it. He would constantly be running back and forth to the coin-operated laundry machines so he could save money."

Not that Fiske was a complete nerd. "The night that the trial was over, we went to dinner to blow off steam and ended up playing pool at 4 a.m. in a nightclub," Dunne says.

Fiske "is somebody who acts significantly younger than he is, who likes to deal with younger people," says Elkin Abramowitz, another veteran of the U.S. attorney's office. "He was the wealthiest guy [in the office] and enjoyed doing what we would do—eating in our kinds of restaurants. He's a very accessible

person for somebody as powerful an intellect as he has."

For a rich guy, his tennis buddies like to gripe, Fiske rarely treats when it's time for drinks after a match. "We joke about how he never has any money with him," Wing says. But friends say Fiske isn't really cheap—just forgetful. "He's very absent-minded," Dunne says. "He's always leaving his glasses places and leaving his car keys and losing his pen. He always has associates picking up after him."

But even Fiske's foibles are discussed with a sort of affectionate pride. That's the tone in which one of his younger partners complains that Fiske's youthful tastes do not extend to his sartorial habits. "He's got a hat I can't stand," the partner gripes. "It looks like an Irish golf cap, except it's made out of plastic. When it comes to clothes, he hasn't moved since Dobie Gillis."

Fiske's headgear hasn't gone unnoticed at the Justice Department. "We are all looking forward to the advent of warm weather," spokesman Carl Stern says, "when Fiske will stop wearing those chapeaus."

**Colleagues' Admiration**

In many ways, Fiske seems to have led a charmed life. His father was a lawyer, appointed by Dwight Eisenhower to be assistant secretary general of the North Atlantic Treaty Organization. He grew up in Darien playing hockey and lacrosse. Yale '52. Third in his class at the University of Michigan law school.

From 1976 to '80, Fiske was the captain of a loyal team of assistant U.S. attorneys who still gather annually for an alumni dinner. The lawyers who write the skits presented at these affairs are wracked for material—"It's a hard task to figure out how to satirize Bob Fiske," as class clown Jed Rakoff puts it. Thomas Engel gave it a try with a poem called "The Maven"—apologies to Poe—in which Fiske declares, "As my friends are all Aryan/ And settled into Darien/ I know only finest peerage/ And no peasants out of steerage."

That's about as personal as it gets—and the characterization isn't even quite right. "Bob has been to every bar mitzvah and bat mitzvah as our children get to the appropriate age," Rakoff says. "He's been to at least 50. He still can't pronounce basic Yiddish words. He'll say 'kuh-vech.'" Those who worked under Fiske at the U.S. attorney's office remember how he'd come in on Saturdays and

pad around the office in his socks. On weekdays, Fiske would arrive early and host a "breakfast club" of stalwart assistants who would show up for coffee and doughnuts in his conference room. "He was very interested in everything that was going on," remembers Angus Macbeth. "If you got a good ruling or a bad ruling, he was likely to be on the phone with you 15 minutes later, congratulating or commiserating."

When Fiske returned to private practice, he remained something of a hero to young assistant U.S. attorneys. He successfully defended Babcock & Wilcox, the manufacturer of the nuclear reactors at Three Mile Island. Bruce Baird, who was a young prosecutor then, says many of his colleagues tried to slip into the courtroom to watch Fiske work. "It was such a primer in how to try a case," Baird says. "He had a prosecutor's style, not flamboyant and showmanlike. He is always particularly well prepared, which was apparent on Three Mile Island because it was mind-numbingly complex. . . . He's not a great orator, not a great speaker, but he can stand up in a courtroom and sound like someone the jurors can relate to."

Even Fiske's adversaries are admiring. When Fiske was U.S. attorney, Paul Goldberger defended a client indicted as part of the case against drug lord Nicky Barnes. During the entire eight weeks we were on trial—and it was one of those blood-and-guts cases—I never saw him lose his balance," he says. "I never saw him lose his cool. He's a nice person. If you lived next door to the guy, you'd be friends. . . . You'd be over the fence and you'd BS with him."

**Small Controversy**

In his exceptional career, Fiske suffered a few setbacks and embarrassments. One of his biggest dis-

appointments came in 1989, after he was nominated for the number-two spot in the Justice Department by then-Attorney General Richard Thornburgh. Despite Fiske's record, a bloc of conservatives opposed him. It was an attack that Fiske's colleagues still regard as one of the more inexplicable paroxysms of partisan politics.

Fiske's crime was that he had served as head of the American Bar Association's standing committee on the federal judiciary. The committee, which rated nominees for federal judgeships, routinely consulted some outside groups about their views. Among those was the Alliance for Justice, a Washington-based civil rights group.

The conservative Washington Legal Foundation complained. "He leaked the names so liberal groups could do a hatchet job on good conservatives," WLF Executive Legal Director Paul Kamenar said at the time. The fact that Fiske's committee had given good ratings to some conservative nominees did not diminish the fervor of his opponents. They also held him responsible for the defeat of Robert Bork's nomination to the Supreme Court, even though Fiske was no longer chairman of the ABA committee when it split on Bork's rating—and even though Fiske personally supported Bork.

As part of the effort to discredit Fiske, conservatives charged that he had once given a \$1,000 campaign contribution to an old friend, Democrat William Gray, when he ran unsuccessfully for a Vermont Senate seat in 1988. They also called attention to a 1985 U.S. Tax Court decision that found Fiske had failed to pay \$14,000 in taxes stemming—interestingly enough—from a 1986 land deal. The Fiske family had long owned a share in a Catskill mountains fishing club. Fiske and the other owners transferred the land to a nonprofit nature conservancy—but

the court determined that Fiske had underestimated the land's value.

The Bush administration eventually caved and Fiske withdrew his name from consideration. "A lot of people would have been vocally unhappy about the way they were treated," says Macbeth. "He took it remarkably well. He just wasn't going to get into a squabble about it."

So far, conservatives haven't made a big issue of Fiske's appointment as special counsel. While the Wall Street Journal's editorial-page writers called Fiske "a very curious selection"—raising the specter of Fiske's service on the ABA judicial review committee as well as his brief representation of Clark Clifford in the BCCI matter—Justice Department spokesman Stern says he's heard no concerted objections. "I'm under the impression that there's a great deal of admiration and respect for Bob Fiske across the spectrum," he says.

**Getting His Hands Dirty**

Fiske is far from finished with his task, but Washington lawyers are impressed with the way he began it. "His going to Little Rock said an awful lot," says a partner at one well-regarded Washington firm. "A lot of these guys don't want to get their hands dirty. This guy's actually gone down at great financial sacrifice and he's living in this town and trying to get to the bottom of this. . . . And he's certainly a \$1.8 million man if Bernie Nussbaum is." (The real number for Fiske is closer to \$1.3 million, says a Davis, Polk source.)

Fiske has traded his seven figures for a salary of \$107,000. He has taken an apartment in Little Rock, where perhaps he bakes his own chicken as he immerses himself in his mission down to the decimal points, moving as fast as he can to conclude an investigation that the whole world is watching. Moving toward a time when Bill Clinton and his supporters finally may be able to exhale. Or not.

# The Washington Post

## Conspiracy Theorists Find Foster Case Hard to Resist

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### Rumors Abound Despite Lack of Supporting Evidence

By Michael Isikoff  
Washington Post Staff Writer

Sherman Skolnick, self-styled "citizens" investigator and conspiracy expert, once devoted his energies to uncovering the mysteries of the Kennedy assassination and Watergate. But these days, Skolnick is hard at work unraveling a more recent conundrum: the death of deputy White House counsel Vincent Foster.

Based on information he says he learned from an unidentified Secret Service "consultant" with "underworld ties," Skolnick claims that Foster actually was murdered by a three-man hit squad from Germany. "They snuck Foster out of the lower level of the White House, then they had a Foster double leave his office and go somewhere else," said Skolnick, who links the death to an aborted coup against Iraqi President Saddam Hussein and the firing of FBI Director William S. Sessions.

Skolnick's theories may be wholly lacking in supporting evidence. But he recently has been airing them on a public access cable television show in Chicago. He is one more volunteer in a burgeoning army of conspiracy theorists who are springing up around the Foster case and confounding the Clinton White House.

In recent weeks, the events surrounding the July 20 suicide of President Clinton's boyhood friend have been the subject of a seeming avalanche of speculative news reports, rumors and gossip that is fast turning Foster's death scene at Fort Marcy Park in Northern Virginia into a 1990s version of Dealy Plaza. One widely circulated theory has Foster driven to suicide by news of an imminent FBI raid in Little Rock, Ark., linked to the Whitewater affair. Another, actively being probed by Republican investigators, connects Foster's death with the unsolved execution-style murder of a former Clinton campaign security official in Little Rock last September.

Yet a third theory, reported last week by a financial newsletter, has Foster dying in a Northern Virginia safe house used by senior White House aides—a report that caused the stock market to plunge and prompted a vehement White House denial.

"How is it acceptable that completely unsubstantiated rumors become the fodder for legitimate news organizations?" said White House press secretary Dee Dee Myers when asked about the report. "Since when are we in the position of having to prove a negative?"

David Smick, a former top aide to Republican presidential hopeful Jack Kemp, is co-owner of the newsletter that published the unsubstantiated story.

Then there is conservative political activist Floyd Brown. As chairman of Citizens United, Brown has employed two full-time investigators probing Foster's death and circulated his "findings" in regular faxes to news organizations.

Perhaps the most persistent of the Foster stories suggests that, contrary to the official findings of the U.S. Park Police, the White House aide was murdered. This view gained circulation in January when the New York Post quoted George Gonzalez, a Fairfax County paramedic who was the first medical-trained person to reach Foster's body.

Gonzalez said the scene was unlike other suicides he had observed, describing how Foster's body was lying neatly on a gentle incline with a .38-caliber revolver in one hand. "Usually a suicide by gunshot is a mess," Gonzalez said. Yet Gonzalez said there was only a "thin trickle of blood" in the corner of Foster's mouth. He said Foster's body was laid out neatly "as if ready for a coffin."

Gonzalez's observations quickly were pounced upon by conspiracy buffs in part because the official park police report, including the Fairfax County coroner's autopsy, never had been released by the Justice Department. Now, the release has been blocked pending further investigation by special counsel Robert B. Fiske Jr.

But federal law enforcement officials say that some of Gonzalez's recollections are directly contradicted by police photographs taken at the scene as well as a statement filed that evening by park police investigator John Rolla, who arrived about 20 minutes after Gonzalez.

Rolla, whose written observations are part of the park police report, reported seeing blood in Foster's nose and on his mouth, right shoulder and underneath his head—an observation further bolstered by photographs, one of which was shown by ABC on its Friday night news program.

Rolla also reported that "blood on the ground and on his shirt was still wet"—a finding consistent with the conclusion that the death took place several hours earlier at the park and not somewhere else.

Law enforcement officials said other forensic evidence in the park police report supports the suicide finding: the black powder burns on Foster's hand and mouth, the absence of defensive wounds and the position of Foster's right hand, with his thumb trapped in the trigger of an antique Colt revolver owned by his family.

"There's absolutely nothing to lead the police or the medical examiner to believe that anything happened other than a suicide," said one federal law enforcement official who has reviewed the evidence. "The guy was no more killed in an apartment in Northern Virginia than there is a man in the moon."

Fiske has pledged to conduct a "thorough and complete" investigation of Foster's death. In court papers filed in New York, Fiske said he will retain outside forensic experts and pathologists and will ask Russell Hardin Jr., a Houston homicide prosecutor, to review the findings.

While comfortable with the suicide conclusion, many federal law enforcement officials said there are other unsettling aspects of the Foster case that have already piqued the interest of Fiske's investigators.

Park police found ample reason to conclude that Foster was despondent about his life in Washington and had sought the names of psychiatrists. But their efforts to discover if there were any particular work-related concerns that caused him to take his life were repeatedly blocked by White House counsel Bernard Nussbaum. Nussbaum recently resigned the counsel's job, in part because of criticism over his handling of the Foster suicide investigation.

Invoking "executive privilege," he refused to permit park police investigators to enter Foster's office the day after his death. The next day, Nussbaum agreed to conduct his own "search" in the presence of Justice Department lawyers, FBI agents and park police investigators but refused to let them inspect any of Foster's papers, rapidly identifying them in a way the investigators found incomprehensible.

It was during this search—not, as some have reported, during a late night visit to Foster's office the night of his death—that

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Nussbaum removed Whitewater-related documents that later were transferred to President Clinton's personal attorney, David Kendall. Foster had been handling the preparation of Whitewater's overdue corporate tax returns.

Federal law enforcement officials say they have no evidence that Foster was concerned or worried about Whitewater, an issue that at that point had largely sunk from public view. But they say there are other reasons to be concerned about the thoroughness of the park police investigation: A torn-up, undated note written by Foster suggesting his job despair was not turned over to the park police until more than a week after his death, and no finger or palm prints were ever identified.

The park police never reviewed entries in Foster's office computer nor did they interview potentially key witnesses, such as Brantley Buck, the Rose Law Firm partner who placed one of the last known phone calls to Foster the morning of his death. Park police investigators established that Foster tried to return the call but never got through. He placed the call shortly before he left his office at 1 p.m., the last time he was seen alive.

Later news reports revealed that Buck was handling an internal law firm inquiry into the billing practices of former partner Webster L. Hubbell, Foster's close friend who now serves as associate attorney general.

The park police also never interviewed Clinton, who spoke to Foster for about 20 minutes by phone the night before Foster's death. Clinton has never explained all the matters the two discussed that evening.

Asked recently about the suicide on CNN's "Larry King Live," Clinton said curtly: "I don't think we know any more than in the beginning because I just really don't believe there is any more to know. You know, he left a note; he was profoundly depressed."

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Clearly, having White House-Little Rock connections in the current political climate is no advantage.

"The problem is not that the Rose Law Firm is being investigated. The issue is that this is a firm that absolutely flourished on their reputation for political savvy. It certainly doesn't look like there was much savvy there," says a top Washington lawyer with political experience.

Merrie Spaeth, a Dallas-based communications consultant who has counseled lawyers on improving their public image, says the Rose firm faces problems "of enormous magnitude" concerning relationships with clients.

"The question you [as a client] ask yourself is 'What happened to their judgment?' They may be great for Little Rock, but they are out of their league in the big city."

should the Rose firm protect its reputation for the duration of the Whitewater-Madison investigation? A seasoned Washington lawyer with experience in managing crises offers the following advice:

"Stick to your work. Don't do anything underhanded. Don't destroy any files, for heaven's sake. Don't do anything that adds a caudex to the existing scandal train. ... Work hard at representing your clients."

Mr. McConnell agrees, to a point. "The problem is that, to some extent, [Rose] doesn't have control over the situation anymore. They have the ability to do their work and respond as is appropriate to inquiries. On the other hand, there are stories coming from all locations, founded or unfounded, and that makes it a difficult environment for them to

deal in."

Without commenting specifically on Rose, Harris Weinstein — who successfully prosecuted the government's 1992 S&L-related case against the New York firm Kaye, Scholer — says it is vital for a law firm to maintain collegiality and internal trust among its partners in the face of criminal investigations.

He doesn't think a public relations counteroffensive is possible.

"Lawyers are at an inherent disadvantage in defending themselves because of lawyer-client confidentiality," he says. "The information needed for a full public defense just can't be revealed."

Ms. Spaeth disagrees. She gives the Rose firm low marks for sounding "very defensive" in the press and for being "way behind the curve in understanding strategic communication."

## Photo of Foster death scene on TV

FROM COMBINED DISPATCHES

ABC's "World News Tonight" telecast a photograph of former White House Deputy Counsel Vincent W. Foster Jr.'s death scene last night that it interpreted as supporting the official report that he killed himself July 20.

The photograph shows Mr. Foster's right hand clutching the gun, with his thumb caught in the trigger guard. Marks on the hand were said to be powder burns.

Network reporters said they had seen a complete set of photographs showing Mr. Foster's body. ABC said the "grim and graphic" photographs dispelled rumors that there was little or no blood at the scene. Only one color photograph was shown.

ABC also said it had seen a medical examiner's report in which "the burns and other gunpowder residue are listed as primary evidence that Foster shot himself." Although the photograph had not been shown previously, the details of the official conclusions had been reported previously by other news organizations.

The broadcast followed an unsubstantiated report Thursday in a Washington financial newsletter that government officials had privately concluded that Mr. Foster died in an apart-

ment in suburban Virginia and his body was taken to Fort Marcy Park, off the George Washington Parkway, where it was found.

The White House emphatically denied the report, which the newsletter credited to a source in the office of Sen. Daniel Patrick Moynihan, New York Democrat. The senator's office called the report "demented."

Mr. Foster, 48, a close friend of President and Hillary Clinton's, also was their personal lawyer. Documents related to Whitewater-Madison affairs were taken from Mr. Foster's office a few hours after he died, but this was not known until it was reported by The Washington Times on Dec. 20, and confirmed by the White House later that day.

The pathologists' findings, contained in the U.S. Park Police file, support the idea that Mr. Foster died from a gunshot fired at close range into his mouth that made an exit through the back of his head. Powder burns were found on the soft tissue inside his mouth. A mark on Mr. Foster's index finger was determined to have been made by its tightening on the gun's trigger.

Agents of the Bureau of Alcohol, Tobacco and Firearms said they found gunpowder traces on the gun discovered with Mr. Foster's body and gave

the Park Police a report saying their findings were "consistent" with suicide. The New York Post has quoted paramedics who picked up the body as skeptical of the official conclusion of suicide.

Shortly after news accounts of the suicide, a witness came forward who said he saw a car with Arkansas license tags and beside it a light blue Honda sedan. A man inside the Honda, "possibly Hispanic," gave him a menacing look, the man said.

Soon after the suicide, White House Counsel Bernard Nussbaum, citing executive privilege, prevented Park Police and FBI agents from searching Mr. Foster's office.

The Park Police file confirms that Mr. Nussbaum, Clinton aide Patsy Thomasson and Margaret Williams, Mrs. Clinton's chief of staff, entered Mr. Foster's office around 10 the night he died.

Mr. Nussbaum would not allow Park Police and FBI investigators to examine Mr. Foster's personal papers and effects when they went to the White House on July 22. The agents were ordered to sit in a hallway while staff officials went through the documents. The White House officials put several items in a box to be delivered to Mr. Nussbaum's office.

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# THE UNFOSTERED D.C. SUSPICIONS

## Aide's suicide is confirmed by heads-up cops

In the last second of life, Vincent Foster placed a pistol barrel deep in his mouth, grabbing the butt with both hands. The White House lawyer was seated on a grassy hill at a 45-degree angle, a Civil War cannon behind him. No one knows what Foster was thinking, only what he did next. He pulled the trigger back with his right thumb.

The bullet escaped the top part of his head. He fell back dead, his arms falling to his sides, his legs straightening out. The gun remained in his right hand, stuck in the trigger guard. Later, after photographs were taken, an investigator would have to move the dead man's thumb just to free the pistol.

The investigation into Foster's death was handled ably by the U.S. Park Police, a unit that has suffered terribly from gossip and second-guessing. The **FBI** was with them every step of the way. There are no loose ends.

The first thing the cops heard after Foster's suicide was: coverup. The body was discovered by a park maintenance worker who had slipped into the area for a quiet midday drink. He reported finding the body, but then made up a story about having seen a white van. He has since recanted the white van story, admitting it was created to cover up his own behavior.

[T is not the ranting of some conspiracy theorist. It is not the rhetoric of some Clinton supporter. The U.S. Park Police report on the death of Deputy White House Counsel Vincent Foster is a simple story from a police blotter.

It has been accepted by special Whitewater prosecutor Robert Fiske. It has been accepted by his lead investigator, former Manhattan prosecutor Ronald Lankler, although he isn't saying as much.

Most of what happened in Fort Marcy Park on July 21 has remained secret. The Park Police report has only been reviewed once, by the Daily News. But we are now familiar with its specific conclusions. Investigators, who do not wish to be identified, have been interviewed. This is the final report on their probe into one man's desperate act.

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he first cop to arrive was a patrol  
cer named Fornhill. Calling for  
kup, Park Police investigators  
ted to show up. The first thing  
y noticed, apparently, was Foster's  
in the parking lot. Foster had left  
suit jacket behind in the car,  
ite House credentials in the pock-  
His wallet was also in the car, the  
rs unlocked. No one at the scene  
ever heard of Vincent Foster.  
ne investigator spotted the White  
se credentials, noticed the Arkan-  
plates on the Toyota and decided,  
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nd of the President."

he principal forensic investigator,  
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right hand. Ballistics tests later  
firmed Simonello's original belief  
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with his right hand. The gun had  
n deep in Foster's mouth, Simon-  
o realized, well behind his still-in-  
t teeth. The medical examiner  
nd obvious powder burns on Fos-  
s palate and tongue.

o one heard the shots, investiga-  
s determined, because Foster's  
ad served as a kind of grisly gun sic-  
cer. There was no indentation of  
y kind on the index finger. His  
ly, despite what you read, was nev-  
moved by anyone.

n death, Vincent Foster was discov-  
d lying oddly straight. To onlook-  
s, Foster looked to be asleep. Pro-  
sionals could see more.  
ost of Foster's blood had come out  
back of his head though an exit  
und. The bullet, which exited  
ough the top of the sitting lawyer's  
ad, could not be found. It was shot  
the top of the knoll, cannonlike.  
e Park Police brought in metal de-  
ctors but never found the slug.  
The blood wasn't obvious to para-  
edics. It had flowed down the back  
Foster's shirt and then down the  
l into his pants.

That meant Vince Foster died  
nt on the hill where he was sitting,"  
d one investigator.  
he body had not been moved from  
resting place 20 feet in front of the  
mon. It wasn't moved until after 8  
a., at least three hours after the  
oting. Blood lividity is curious. In  
ad bodies, pools form. The pools  
not be disturbed by movement  
thout showing signs. There were  
ne.

The soles of Foster's shoes, police  
ticed, were unmarked. As they  
ould have been, it was determined.  
ster's shoes told investigators he  
ad walked from the parking lot  
rough an open field.

The s started taking pictures.  
They took two sets before Foster was  
moved. The first set was taken with a  
35-mm. camera. The shots are overex-  
posed. You can see the hand and the  
gun, but it is not easy. The second set  
was Polaroids. They all came out, on  
the spot. The scene is very simple.  
There is a body, legs out, on a hillside.  
Very little blood. You can see a pow-  
der burn from the cylinder blast on  
Foster's right hand.

The clothes were all bagged by the  
Park Police and preserved. If for  
some reason they need to be looked  
at, say to find imagined carpet fibers  
from an equally imagined safehouse,  
they can be vacuumed and searched.

Moronic things were done later.  
Bernard Nussbaum, the President's  
lawyer, did many. The Park Police  
were assured on the first day that Fos-  
ter's office would be sealed. But when  
six investigators showed up to inspect  
it the next day (two FBI agents, two  
Justice Department lawyers and two  
Park Police cops), Nussbaum refused  
to let them in. The office hadn't been  
sealed by Secret Service. The investi-  
gators were told to sit in chairs, backs  
to the walls, 15 feet from Foster's  
desk. Documents were displayed by  
Nussbaum. "No one knew or cared  
about Whitewater then," said one in-  
vestigator. "We had a suicide to inves-  
tigate. We could have been sitting on a  
case of Whitewater documents and  
wouldn't have cared or noticed."

**NUSSBAUM'S Ire**

One FBI agent stood up to stretch  
while in Foster's office. Nussbaum  
yelled angrily, accusing him of trying  
to peek at Foster's papers. Nussbaum  
said repeatedly, "We can't show you  
this, this is personal." The cops, a  
Park Police investigator and captain,  
were furious. Personal notes, espe-  
cially in a suicide case, are important.

"Why can't you just handle this as a  
normal case?" Nussbaum asked at  
one point.

"Because this isn't a normal case,"  
said chief investigator from the park  
police, Peter Markland.

"Why not?" Nussbaum said.

"Because if this was a normal case  
I'd have all of the dead guy's files in  
the back seat of my car," Markland  
said.

No one can say why Foster killed  
himself. Only that he did. The co-  
verup, if there was one, started with  
Nussbaum. The President's lawyer  
acted like someone with a client who  
had something to hide. "I thought they  
all should have been arrested for ob-  
struction of justice," said one investi-  
gator familiar with the suicide inves-  
tigation.

*There is one more mystery to deci-  
pher.*

There is o. . . all triangle-shaped  
piece of the so-called suicide note  
still missing. It is about an inch and a  
half wide and from the bottom, right-  
hand part of the paper. It is not a part  
of the main content. It could be a date,  
investigators believe. The Park Po-  
lice, and FBI investigators, still aren't  
sure the note is real. Who tears up a  
note into 28 pieces, then throws it in  
his briefcase for safekeeping?

The briefcase in which a White  
House assistant claims she later  
found the note on July 26 had been  
previously inspected for notes by  
Markland in Foster's office on July 21.

You are asked to believe that Mark-  
land, who was looking for a note,  
didn't see 28 pieces of bright yellow  
paper in Foster's own briefcase.  
There is also the note itself. Yes, the  
folded and torn note was written by  
Foster. The Park Police handwriting  
expert, Sgt. Lochart, is sure of that.

But it doesn't sound suicidal, neces-  
sarily. This could just be the musings  
of a desperate man turned into a sui-  
cide note by someone working for  
Nussbaum. It's not like the author can  
come back to say, "That's not what I  
mean." The note isn't dated by either  
Foster or the people who analyzed it  
for the Park Police.

Foster did, however, write some-  
thing nasty about the FBI. He called

them liars. The Park Police, when  
they saw this, believed the dead man's  
charge interesting. The FBI was in-  
vestigating the case with them from  
the first day. But just to be safe, the  
federal Bureau of Alcohol, Tobacco  
and Firearms was asked to inspect  
Foster's suicide weapon. This was  
done to keep the FBI away. Handwrit-  
ing analysis was done by the Park Po-  
lice for the same reason. If the guy  
who killed himself hates the FBI, why  
give them his gun and note to analyze  
two months later? The Park Police  
have met Nussbaum. They have seen  
the White House in action. Why  
should they create the opportunity for  
new problems? This was alert, inves-  
tigative thinking by the U.S. Park Po-  
lice.

4/12/94 NY Post

NEW YORK POST, TUESDAY, APRIL

# FBI biding its time on Foster

THE FBI agents belatedly investigating the death of White House deputy counsel Vincent Foster are treading very, very carefully. Despite almost daily hints from the White House that special Whitewater counsel Robert Fiske is about to declare that Foster's death was a suicide, the FBI is refusing to be rushed by anyone. Understandably so. The FBI was initially locked out of the politically charged investigation because of tensions between the bureau and the White House. (There was the Travelgate scandal, for which FBI agents were wrongly used, and the firing of FBI Director Williams Sessions the day before Foster died.)

I understand the FBI team has confirmed most of the U.S. Park Police's findings, although some members would have been happier if they could have exhumed Foster's body. It has proven very difficult, months after the event, to turn up any fresh evidence. But the bureau is determined not to be seen as a rubber stamp for the Park Police, for Fiske or for anyone else involved. Fiske enjoys good relations with the FBI and its new chief, Louis Freeh. He just wants the facts about Vince Foster's death and believes the FBI is best-equipped to get them. He apparently doesn't mind waiting a little longer, just so there are no more questions to be answered.

291-LR-35063-Sub D-6-30

# THE WALL STREET JOURNAL

## Tabs Tangle Over Foster Death

DATE: 3-21-94  
PAGE: A-12

By ERICH EICHMAN

The producers of "The Paper" couldn't have timed it better. Just as their movie about a scrappy big-city tabloid was opening last week, two rival tabs in New York City went to war. The subject? The mysterious circumstances surrounding the death last July of Deputy White House Counsel Vincent Foster. "Doubts Raised Over Foster's 'Suicide,'" the New York Post had proclaimed in its opening salvo two months ago, inaugurating a series of incisive reports. "Case Closed," countered the Daily News last week.

Who's right? We may never know. But we certainly won't be able to grapple with certain crucial facts until the Justice Department deigns to release the police report of his death, something this newspaper has been calling for since last summer, when we filed our first Freedom of Information Act request. In the meantime, the war of the tabs proves that the old-fashioned art of enterprise journalism isn't dead.

As in the early stages of the Whitewater scandal—a matter that touches on Mr. Foster—the tabloids, unlike most of the establishment press, have shown a willingness to push hard on troublesome questions and odd details. By asking tough and important questions about Mr. Foster's apparent suicide, they may eventually force out the truth.

For the benefit of readers outside New York, here's what the two papers have been reporting:

Christopher Ruddy of the Post led the way, showing the enterprise to interview the emergency personnel who viewed Mr. Foster's body. In late January, Mr. Ruddy was told by paramedic George Gonzalez that there was something "strange" about the Foster death scene. Mr. Foster's body was neatly laid out, with gun in hand, and there was surprisingly little blood ("a thin trickle" near his mouth). One expert told Mr. Ruddy that in 30 years he had "never seen someone shoot themselves in the

mouth and still hold the gun perfectly at his side." According to Mr. Gonzalez and a law-enforcement official, the gun showed no traces of blood.

The park maintenance worker who found Mr. Foster's body had described a heavy-set man in a van who had pulled over and alerted him to the "dead body" in the park. Mr. Ruddy wondered, understandably, "Who was the man in the white utility van?"

All this prompted him to ask why the FBI had been kept out of the investigation. He was told by former FBI head William Sessions (who admittedly has his own axe to grind with the Clinton White House) that a "power struggle" with Justice had left the investigation in the hands of the less experienced Park Police.

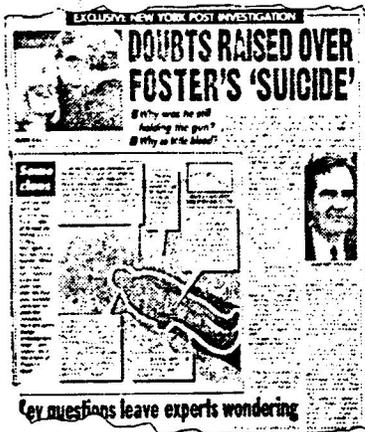
Who handled (or bungled) the investigation became important when Mr.

Ruddy discovered, the day after his first article appeared, that the Park Police had ruled the Foster death a suicide without running a ballistics test on the gun. The police asked the federal Bureau of Alcohol, Tobacco and Fire-arms to do a test only two days after the official police ruling was handed down, on Aug. 10.

But nothing was yet conclusive: Even the Park Police had questions, as it turned

out. A Feb. 4 Washington Post report—perhaps inspired by Mr. Ruddy's hard-hitting articles the week before—confirmed the ballistics-test delay, and revealed that the ATF had been asked by the Park Police to look for powder residue on Mr. Foster's clothes as well, and to comment on the possible position of the gun at the time it was fired.

As it turned out, the ATF's conclusions were consistent with suicide, but the procedural confusion left Mr. Ruddy wondering about the integrity of the entire investigation. He was not alone in such musings. Special Counsel Robert Fiske has announced his intention to re-examine the entire Foster episode. In short: What else



2

was there to know? And why has the official report—including photographs, autopsy results, and pieces of a suicide note—not been made public, to clear up the mystery and end the speculation?

The answer to that question is still incomplete, and the legal complexity surrounding Mr. Fiske's efforts may even add to the delay. But in last Monday's Daily News, Mike McAlary managed to push the story further toward openness.

Mr. McAlary got a chance to "review" the Park Police report "once" (it was made available, we may presume, to counter the Post's stories), and talked to unnamed investigators. His conclusion: Vincent Foster's death was "a simple story from a police blotter"—decidedly *not* something that would confirm the "ranting of some conspiracy theorist," whoever that might be.

The chief forensic investigator at the death scene found little blood on the *front* of Mr. Foster's body, but there was plenty in the back, where the bullet had exited his skull. Mr. Foster's right thumb was stuck in the trigger guard, Mr. McAlary reported, accounting for the gun's still resting in his hand when the body was discovered. Powder burns were found on Mr. Foster's palate and tongue, and on his right hand. The lack of disturbance to the dead man's "blood pools" suggested, as one investigator said, that Mr. Foster "died right on the hill where he was sitting."

All in all, Mr. McAlary concluded, there was no mystery left to this part of the story. Even the man in the white van turned out to lead nowhere: He was the invention of the park worker, who apparently embroidered his account to cover up a midday respite. Mr. McAlary triumphantly announced that Mr. Fiske and his chief Foster investigator had "accepted" the conclusions of the Park Police about Vincent Foster's death.

The Post fired back on Wednesday in an article by Thomas Ferraro. He cited mistakes that Mr. McAlary had made: the date of the suicide and the first

name of Mr. Fiske's deputy, *Roderick Lankler*. More important, Mr. Lankler denied to the Post that he or Mr. Fiske had reached any conclusions about the Foster death. "Foster Suicide Probe Still Wide Open" the Post trumpeted. That lasted 24 hours—until the News's next salvo. "The Real News on Post Mortem," quipped the paper's headline writers on Thursday. On page two, they dropped the news that the Park Police confirmed that "the case is closed."

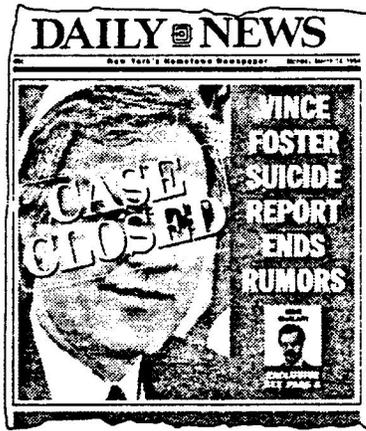
But it isn't, really. Despite Mr. McAlary's heroic effort to refute Mr. Ruddy, and despite the persuasiveness of his account, too much remains hidden about the entire Foster affair. After all, the

Park Police report is still locked away—as are the Foster office papers. Mr. McAlary presents a vivid account of the scene in Mr. Foster's office the day after the suicide. Furious FBI agents and Park Police officials were forced by Mr. Nussbaum to sit 15 feet away from Mr. Foster's desk as he rummaged through papers, saying repeatedly "We can't show you this, this is personal."

That scene, of course, suggests the possibility that secret, politically sensitive, truths lie behind Mr. Foster's actions. Such a suggestion also emanates—rightly or wrongly—from the "overlooked" suicide note that a White House aide found in Mr. Foster's briefcase five days after the Park Police had not seen it there. Mr. McAlary interestingly reports that, because Mr. Foster called the FBI liars in his note, the Park Police had one of their own sergeants do the handwriting analysis.

Obviously, until everything is made public and properly explained, a cloud of doubt will hover over the Foster affair. In the meantime, we owe a debt of gratitude to the aggressive and consequential fact-finding missions of tough tabloid reporters.

*Mr. Eichman is an assistant features editor on the Journal's editorial page.*



# NYC Lawyer Heads Foster Probe

By Leonard Levitt

STAFF WRITER

Roderick Lankler, a New York City criminal attorney who moves in the highest echelons of city and state law enforcement, has been placed in charge of investigating all events relating to the death of deputy White House counsel Vincent Foster.

Lankler was one of eight attorneys appointed in the expanding investigation by special counsel Robert Fiske, Fiske's office announced yesterday.

The son of a Presbyterian minister and a lifelong Republican, Lankler, who is known as Rod, is described by colleagues as a "straight arrow" and "scrupulously honest." He is also known to scrupulously avoid the media.

A graduate of St. Lawrence University and Columbia Law School, Lankler, 56, served for 17 years as a New York State prosecutor, beginning as a homicide assistant for former Manhattan District Attorney Frank Hogan. He supervised the Trial Bureau for current Manhattan District Attorney Robert Morgenthau and served as Special State Prosecutor for Official Corruption under former Gov. Hugh Carey. He began a private defense practice 10 years ago and has since turned down offers for positions in the public sector.

At the same time, he has continued to serve on an unpaid basis on various state and federal commissions, most recently as a member of New York City's Mollen Commission on police corruption.

"We are looking into all facets of Foster's death, including what happened to the papers in his office in the White House," Lankler said yesterday.

Foster, a close friend of the Clintons, was found dead in Washington last summer, an apparent suicide. He had been working on Whitewater matters before his death, and Clinton aides removed his Whitewater files from his White House office soon afterward. The files have been turned over to Fiske.

Lankler will work out of a Washington office leased by Fiske across the street from the Justice Department. He will continue as a partner in his midtown firm of Lankler, Siffert and Wohl, and divide his time between New York and Washington.

"I don't know any finer lawyer anywhere," said U.S. District Court Judge John Keenan, Lankler's mentor in Hogan's homicide bureau and predecessor as special state prosecutor. "The country and Mr. Fiske will be very well served by having Lankler there."

Former New York City police commissioner Richard

## 7 others appointed in Whitewater inquiry

Condon described Lankler as "as decent a human as I have ever come across in this business." And Morgenthau said, "He's an excellent choice. He has extensive experience as a prosecutor, with a special expertise in homicide cases."

Lankler is married and has four grown sons, two of whom are prosecutors.

Besides Lankler, Fiske yesterday named Russell Hardin Jr., a partner in the Houston firm of Hardin, Beers, Hagstette & Davidson, as lead prosecutor in the trial of David Hale, a former judge who accused President Bill Clinton of pressuring him to make a federally backed loan to a Clinton business associate. Hale is to go on trial March 28 on charges of defrauding the Small Business Administration.

Fiske said he would spend most of his time in offices leased in Little Rock, Ark., that he said would accommodate seven lawyers, 19 FBI agents and six financial

analysts who are working full-time on a broad probe of Arkansas business relationships known as the Whitewater investigation.

Clinton and his wife, Hillary, were 50-50 investors with savings and loan owner James McDougal and his then-wife, Susan, in Whitewater Development Corp., a real estate venture. The probe also covers whether McDougal's Clinton connections helped stave off the 1989 collapse of McDougal's Madison Guaranty Savings & Loan, at a multimillion-dollar cost to taxpayers. The Clintons have denied wrongdoing.

In a press release from Little Rock, Fiske also said he has hired William Duffey Jr., a partner in the Atlanta law firm of King & Spaulding; Denis McInerney, a deputy chief of the criminal division in the U.S. attorney's office in Manhattan; Julie O'Sullivan, an assistant U.S. attorney in Manhattan; Patrick Smith, an associate at the New York firm of Davis Polk & Wardwell; Mark Stein, a deputy chief of the criminal division of the U.S. attorney's office in Manhattan; and Carl Stich Jr., a partner in the Cincinnati firm of Dinsmore & Shohl.

*This story was supplemented with news service reports.*

## Reno Deputy Nominated

REUTER

Washington — Jamie Gorelick, general counsel at the Department of Defense, was chosen as Attorney General Janet Reno's deputy yesterday.

"Janet Reno and I have a wonderful working relationship," Gorelick said at a news conference.

If confirmed, Gorelick would succeed Philip Heymann, who resigned abruptly last month, citing bad chemistry with the attorney general. Heymann's departure aggravated

Justice Department, where many senior jobs have gone unfilled for more than a year.

"I know that she [Reno] is extraordinarily energetic," Gorelick said as Reno stood beside her. "People who know me know that I make lists, and I check them off, and that's what we will be doing."

Gorelick, 48, a Brooklyn native and graduate of Harvard Law School, now oversees 6,000 Pentagon lawyers — a legal team second in size only to that of the Justice



Jamie Gorelick

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ISIKOFF ON FOSTER FOR 7/27, 7/28 & 7/29

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5/9/40  
2145922  
Park Police To Conduct Inquiry 'Routine' Probe Set On Foster's  
Death. The Washington Post, July 27, 1993, FINAL Edition  
By: Michael Isikoff, Washington Post Staff Writer  
Section: A SECTION, p. a08  
Story Type: News National  
Line Count: 61 Word Count: 673

The Justice Department yesterday backed off its pledge to conduct a full investigation into the death of White House senior aide Vincent Foster Jr., saying it was merely participating in a low-level "inquiry" that was being run by the U.S. Park Police.

"There is no investigation being conducted by the Justice Department," chief department spokesman Carl Stern said. Because Park Police officials are convinced that Foster took his own life, the department had no authority to launch such a probe, Stern said. "There's no suspicion that a crime occurred," he said.

At the same time, a Park Police official minimized that agency's inquiry, calling it a "routine" probe that was primarily aimed at assuring investigators there was a general explanation, such as depression, for Foster to have killed himself. Asked if Park Police officials were seeking to interview President Clinton, Hillary Rodham Clinton or Chief of Staff Thomas F. "Mack" McLarty, all close personal friends of Foster, police spokesman Major Robert Hines said that had not been determined but added: "I don't think we have any indication . . . that will be needed."

Stern's comments yesterday appear to conflict with statements made by White House and Justice Department officials last week and raise new questions about the extent of the inquiries into his death. They also come after a series of similar statements by President Clinton and other senior White House officials, suggesting that Foster's death be viewed as a personal tragedy unrelated to his job and that, as Clinton said last week, "no one can ever know why this happened."

As deputy White House counsel and a former partner of Hillary Clinton at the Rose law firm in Little Rock, Ark., Foster was among a handful of White House aides considered the closest to the president. A 48-year-old father of three with no known history of mental illness or erratic behavior, Foster last Tuesday left his White House office midday and was not seen again until his body was found at Fort Marcy Park in McLean, the apparent victim of a self-inflicted gunshot wound.

Last Wednesday, White House communications director Mark Gearan told reporters that at the request of White House counsel Bernard Nussbaum, "the investigation (into Foster's death) will be coordinated by the Department of Justice and the office of the attorney general and her deputy, Phil Heymann."

The following day, department spokesman Dean St. Dennis expanded on those comments, saying the Justice probe will seek "to find out what the factors were-if it was a suicide-that led to him killing himself."

Stern sought to minimize the apparent conflict yesterday, suggesting that some of it may result from a semantical confusion over the difference between an inquiry and "an investigation" that is launched to solve a crime. He said "there is certainly an interest in acquiring additional information" about Foster's death. Heymann, who last week was said to be coordinating the probe, was receiving "regular reports" from the Park Police although he was not directing the inquiry, he said.

But department officials familiar with the probe say yesterday's clarifications reflected a far less intensive inquiry than was suggested last week. A full Justice investigation would involve use of the FBI, interviews with all of Foster's contacts at the White House, including the president and first lady as well as scrutiny of incoming and outgoing phone calls, visitors and government matters that he was working on, officials said.

Some of those steps may yet be undertaken by the Park Police, but an FBI official said yesterday the bureau was merely "monitoring" the inquiry but not actively participating. Last week, two FBI agents and two lawyers from the Justice Department's criminal division participated in a search of Foster's office while Nussbaum reviewed Foster's papers and computer discs and removed material that was considered privileged or personal.

Those items were not independently reviewed by the Justice lawyers who accepted Nussbaum's assurances that the search did not discover "anything that shed light on why Foster committed suicide," Stern said.

CAPTIONS: CARL STERN.

NAMED PERSONS: FOSTER, VINCENT, JR.; CLINTON, BILL; CLINTON, HILLARY RODHAM ; MCLARTY, THOMAS F.; NUSSBAUM, BERNARD  
ORGANIZATION NAME: JUSTICE DEPARTMENT; U.S. PARK POLICE

DESCRIPTORS: Suicide; U.S. president; Death and dying; Depression

5/9/38  
2146081  
Foster Had List Of Psychiatrists, Search Discloses.  
The Washington Post, July 28, 1993, FINAL Edition  
By: Michael Isikoff, Washington Post Staff Writer  
Section: A SECTION, p. a08  
Story Type: News National  
Line Count: 26 Word Count: 294

White House officials searching the office of Vincent Foster Jr. last week found a note indicating the 48-year-old deputy White House counsel may have considered psychiatric help shortly before he died July 20 in what investigators have concluded was a suicide, federal officials said yesterday.

The officials said the note, containing the names of Washington psychiatrists, was instrumental in convincing Justice Department lawyers that a full-fledged investigation into the circumstances surrounding Foster's death was unwarranted. Foster was found dead of a gunshot wound to the head in a Virginia park.

Administration officials contended the discovery of the list tended to buttress accounts from Foster's friends that he was suffering from depression before his death. But there is no indication that Foster contacted the psychiatrists, and officials acknowledge that discovery of the document has not resolved many of the questions surrounding the incident.

Among the questions, officials said, was where Foster got the 80-year-old revolver that he apparently used to shoot himself and what he did for the five hours between the time he was last seen at the White House and the discovery of his body. The possibility that Foster met somebody at the park before the shooting cannot be ruled out, one investigator said.

Meanwhile, White House officials, who had spoken repeatedly of the "mystery" of the death, yesterday acknowledged that President Clinton and others were concerned that Foster was "down" in the days before his death.

Press secretary Dee Dee Myers said Clinton had called Foster the night before he died to invite him to watch a movie at the White House. Foster declined, and the two chatted for 20 minutes or so. "I think he knew, as a number of people did, that Vince was having a rough time," she said. NAMED PERSONS: FOSTER, VINCENT, JR.; CLINTON, BILL  
ORGANIZATION NAME: JUSTICE DEPARTMENT  
DESCRIPTORS: Suicide; Psychiatrist, psychologist; Appointed government officials; Depression

5/9/37  
2146240  
Note Supports Idea That Foster Committed Suicide Torn Paper Found Among Aide's Belongings.  
The Washington Post, July 29, 1993, FINAL Edition  
By: Ann Devroy, Michael Isikoff, Washington Post Staff Writers  
Section: A SECTION, p. a10  
Story Type: News National  
Line Count: 72 Word Count: 797

An associate White House counsel packing belongings of the late deputy counsel Vincent Foster Jr. found a torn personal note that adds further credence to the finding that Foster committed suicide, White House officials said yesterday.

White House communications director Mark Gearan said yesterday that the note, which was not addressed to anyone, "goes to his state of mind" and is not inconsistent with the preliminary finding of the U.S. Park Police that Foster shot himself in a Virginia park area last week.

Gearan declined to characterize the note as a suicide note and said the White House would have more to say about it today. Gearan did say the content of Foster's note "concerned his job" but did not reveal any problems in the counsel's office that had been unknown.

Another source last night said the note "confirms that he was troubled over some things" but stressed that Park Police detectives have not had a chance to analyze its contents or determine whether it is complete.

A Park Police detective was summoned Tuesday night to the White House, where the torn pieces of paper were turned over in an envelope by White House aides in the presence of counsel Bernard Nussbaum and other senior officials, the source said.

After originally describing Foster's death as a shock that mystified the White House and President Clinton, White House officials over the past several days have in the face of revelations from friends and law enforcement officials acknowledged a far more depressed and unhappy Foster than they first described.

Gearan insisted the White House had not intentionally misstated its description of Foster, whose job as a senior lawyer in the White House put him in an extremely sensitive position. Instead, he said information now being pieced together is offering a clearer explanation of Foster's state of mind.

The White House on Tuesday confirmed a report in Newsweek that Clinton had called Foster the night before Foster died of a gunshot wound to invite him to the movies and to chat. Some officials described that call as an effort by Clinton to cheer Foster up and show support because the president had been told of Foster's depression.

There was no immediate explanation last night why the note was not found last Thursday when Nussbaum and other White House aides searched Foster's office while Park Police detectives, FBI agents and two Justice Department lawyers watched.

Sources familiar with the search say Park Police and FBI investigators were not permitted independently to examine documents while Nussbaum removed what he described as Foster's privileged communications with the president and personal papers.

At the time, White House and Justice Department officials said they discovered no suicide note or any other document that shed light on what might have driven Foster, a 48-year-old father of three with no known history of mental illness or erratic behavior, to take his life.

Gearan said last night the torn note—the existence of which was first reported by CBS Radio—was found when an associate counsel was packing Foster's personal belongings for his family on Monday. The White House did not reveal the note until yesterday, Gearan said, because it wanted to inform Foster's family and police before commenting on it publicly.

Authorities also found in Foster's effects a note that contained the names of psychiatrists, officials said Tuesday. It was unclear whether Foster consulted any of them for what associates had described earlier as depression and distress over the failures of the counsel operation.

Although the counsel's office has been involved in some widely publicized failures, including its handling of some nominations and of the travel office imbroglio, criticism of Foster had been negligible.

His friends, however, said he had an acute sense of responsibility and of having failed the president, with whom he had been friends since they were children in Hope, Ark. Foster also was a former law partner of First Lady Hillary Rodham Clinton and was considered a close friend and confidant of hers.

Gearan said the note "sheds light" on Foster's state of mind, but Gearan refused to discuss in more detail its contents.

Despite the White House's persistent statements suggesting that Foster's death was a personal tragedy, investigators say they have yet to resolve numerous unanswered questions that linger over the case, including where Foster got the 80-year-old Army Colt revolver he apparently used to shoot himself.

A main reason for the delay, sources said, is that investigators have so far been unable to interview Foster's widow and family members, who remain in Arkansas, or close friends such as Associate Attorney General Webster L. Hubbell. They also have yet to receive records of Foster's phone calls in the days and hours before his death and other information that could shed light on activities that may have led him to take his life, sources said.

**NAMED PERSONS:** FOSTER, VINCENT, JR.; NUSSBAUM, BERNARD; HUBBELL, WEBSTER L. **DESCRIPTORS:** Appointed government officials; Suicide; Depression



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WASHINGTON POST - July - August 1993  
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2145395  
Clinton Finds No Explanation To Aide's Death Probes Continuing  
On Apparent Suicide.  
The Washington Post, July 23, 1993, FINAL Edition  
By: Ann Devroy, Washington Post Staff Writer  
Section: A SECTION, p. a04  
Line Count: 65 Word Count: 715

9/3/46  
2145161  
One of the Golden Boys Lifelong Friend Had Been  
Clinton's 'Rock of Gibraltar'.  
The Washington Post, July 22, 1993, FINAL Edition  
By: Ruth Marcus, Washington Post Staff Writer  
Section: A SECTION, p. a06  
Line Count: 73 Word Count: 803

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2145144  
 Clintons Mystified By Aide's Death Staff Shaken by Apparent  
Suicide. The Washington Post, July 22, 1993, FINAL Edition  
By: Ruth Marcus, Ann Devroy, Washington Post Staff Writers  
Section: A SECTION, p. a01  
Line Count: 123 Word Count: 1358

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Striking at the Heart of the White House Death of Clinton  
Friend Marks a New Low for Staff.  
The Washington Post, July 22, 1993, FINAL Edition  
By: Lloyd Grove, Washington Post Staff Writer  
Section: STYLE, p. c01  
Line Count: 83 Word Count: 920

9/3/49  
2145039  
Clinton Aide Vincent Foster Dies in an Apparent Suicide.  
The Washington Post, July 21, 1993, FINAL Edition  
By: Ruth Marcus, Washington Post Staff Writer  
Section: A SECTION, p. a01  
Line Count: 66 Word Count: 725

9/3/50  
2142380  
Clinton Friends Cited In Travel Staff Purge Report Says  
First Lady Monitored Actions.  
The Washington Post, July 03, 1993, FINAL Edition  
By: Ann Devroy, Washington Post Staff Writer  
Section: A SECTION, p. a01  
Line Count: 93 Word Count: 1023

9/3/39  
2145960  
SECOND OPINION - Suicide Risks Put a Focus On Mental Health  
Needs. The Washington Post, July 27, 1993, FINAL Edition  
By: Abigail Trafford  
Section: HEALTH, p. 206  
Line Count: 72 Word Count: 792

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9/3/40  
2145922  
Park Police To Conduct Inquiry 'Routine' Probe Set On Foster's  
Death. The Washington Post, July 27, 1993, FINAL Edition  
By: Michael Isikoff, Washington Post Staff Writer  
Section: A SECTION, p. a08  
Line Count: 61 Word Count: 673

9/3/41  
2145857  
The Politics of Nastiness.  
The Washington Post, July 27, 1993, FINAL Edition  
By: E. J. Dionne Jr.  
Section: EDITORIAL, p. a17  
Line Count: 91 Word Count: 1004  
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9/3/42  
2145796  
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The Washington Post, July 26, 1993, FINAL Edition  
By: Meg Greenfield, Newsweek Inc.  
Section: EDITORIAL, p. a17  
Line Count: 93 Word Count: 1028

9/3/43  
2145464  
Friend Who Had Clinton's Ear and Heart Deputy White House Counsel  
Eulogized and Buried at Home in Hope.  
The Washington Post, July 24, 1993, FINAL Edition  
By: David Von Drehle, Washington Post Staff Writer  
Section: A SECTION, p. a01  
Line Count: 86 Word Count: 954

9/3/44  
2145429  
Names & Faces - NAMES & FACES.  
The Washington Post, July 24, 1993, FINAL Edition  
By: Compiled from staff and wire reports by Michael Farquhar  
Section: STYLE, p. d03  
Line Count: 55 Word Count: 612

9/3/33

2146796

The Muse in the News I Confess-T.S. Eliot Matters More to Me Than the Thomasons.

The Washington Post, August 01, 1993, FINAL Edition

By: David Von Drehle

Section: OUTLOOK, p. c05

Line Count: 76 Word Count: 844

9/3/34

2146657

The Vincent Foster Briefings.

The Washington Post, August 01, 1993, FINAL Edition

Section: OP ED, p. c06

Line Count: 38 Word Count: 419

9/3/35

2146563

FBI Probes Handling of Foster Note White House Staff Asked About Delay. The Washington Post, July 31, 1993, FINAL Edition

Section: A SECTION, p. all

Line Count: 20 Word Count: 224

9/3/36

2146384

Handling of Foster Case Is Defended White House Offers Explanation for 30-Hour Delay in Reporting Note.

The Washington Post, July 30, 1993, FINAL Edition

By: Ann Devroy, Michael Isikoff, Washington Post Staff Writers

Section: A SECTION, p. a01

Line Count: 164 Word Count: 1811

9/3/37

2146240

Note Supports Idea That Foster Committed Suicide Torn Paper Found Among Aide's Belongings.

The Washington Post, July 29, 1993, FINAL Edition

By: Ann Devroy, Michael Isikoff, Washington Post Staff Writers

Section: A SECTION, p. a10

Line Count: 72 Word Count: 797

9/3/38

2146081

Foster Had List Of Psychiatrists, Search Discloses.

The Washington Post, July 28, 1993, FINAL Edition

By: Michael Isikoff, Washington Post Staff Writer

Section: A SECTION, p. a08

Line Count: 26 Word Count: 294

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9/3/27

2148114

Editorial Riddles.

The Washington Post, August 11, 1993, FINAL Edition

By: Richard Harwood

Section: EDITORIAL, p. a19

Line Count: 89 Word Count: 980

9/3/28

2148089

HEALTH CARE REFORM - Twin Epidemics: Suicide, Homicide.

The Washington Post, August 10, 1993, FINAL Edition

By: Abigail Trafford

Section: HEALTH, p. z06

Line Count: 74 Word Count: 817

9/3/29

2147733

OMBUDSMAN - Public Obligations, Private Pain.

The Washington Post, August 08, 1993, FINAL Edition

By: Joann Byrd

Section: EDITORIAL, p. c06

Line Count: 65 Word Count: 723

9/3/30

2147674

The Fog After Foster.

The Washington Post, August 08, 1993, FINAL Edition

By: MARY McGRORY

Section: OUTLOOK, p. c01

Line Count: 69 Word Count: 767

9/3/31

2147225

Vince Foster: Out of His Element.

The Washington Post, August 05, 1993, FINAL Edition

By: Walter Pincus

Section: EDITORIAL, p. a27

Line Count: 107 Word Count: 1186

9/3/32

2146974

High Quality Work Can Mask Depression Spotting Signs  
Could Save a Colleague's Life.

The Washington Post, August 03, 1993, FINAL Edition

By: Boyce Rensberger, Washington Post Staff Writer

Section: A SECTION, p. a03

Line Count: 96 Word Count: 1056

9/3/21

2148844

The Crumbling Of a Pillar In Washington Only Clinton Aide Foster  
Knew What Drove Him to Fort Marcy.

The Washington Post, August 15, 1993, FINAL Edition

By: David Von Drehle, Washington Post Staff Writer

Section: A SECTION, p. a01

Line Count: 442 Word Count: 4859

9/3/22

2148835

Frenzy Over Foster.

The Washington Post, August 15, 1993, FINAL Edition

By: Jody Powell

Section: EDITORIAL, p. c07

Line Count: 89 Word Count: 986

9/3/23

2148819

My Truth, Their Consequences On Vince Foster, Being a  
Journalist, Ruining Lives and Regretting It.

The Washington Post, August 15, 1993, FINAL Edition

By: Robert H. Williams

Section: OUTLOOK, p. c05

Line Count: 135 Word Count: 1487

9/3/24

2148248

The Testimony of Vincent Foster.

The Washington Post, August 12, 1993, FINAL Edition

Section: OP ED, p. a26

Line Count: 41 Word Count: 450

9/3/25

2148167

'Here Ruining People Is Considered Sport'.

The Washington Post, August 11, 1993, FINAL Edition

By: Gustav Niebuhr, Washington Post Staff Writer

Section: A SECTION, p. a09

Line Count: 60 Word Count: 664

9/3/26

2148150

Foster Note Reveals An Anguished Aide Probe Concludes With  
Finding of Suicide.

The Washington Post, August 11, 1993, FINAL Edition

By: Michael Isikoff, Dan Balz, Washington Post Staff Writers

Section: A SECTION, p. a01

Line Count: 166 Word Count: 1833

4/12/94 NY Post

NEW YORK POST, TUESDAY, APRIL

# FBI biding its time on Foster

THE FBI agents belatedly investigating the death of White House deputy counsel Vincent Foster are treading very, very carefully.

Despite almost daily hints from the White House that special Whitewater counsel Robert Fiske is about to declare that Foster's death was a suicide, the FBI is refusing to be rushed by anyone.

Understandably so. The FBI was initially locked out of the politically charged investigation because of tensions between the bureau and the White House.

(There was the Travelgate scandal, for which FBI agents were wrongly used, and the firing of FBI Director Williams Sessions the day before Foster died.)

I understand the FBI team has confirmed most of the U.S. Park Police's findings, although some members would have been happier if they could have exhumed Foster's body.

It has proven very difficult, months after the event, to turn up any fresh evidence. But the bureau is determined not to be seen as a rubber stamp for the Park Police, for Fiske or for anyone else involved.

Fiske enjoys good relations with the FBI and its new chief, Louis Freeh. He just wants the facts about Vince Foster's death and believes the FBI is best-equipped to get them.

He apparently doesn't mind waiting a little longer, just so there are no more questions to be answered.

11TH STORY of Level 1 printed in FULL format.

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January 29, 1994, Saturday, Final Edition

SECTION: METRO; PAGE B2

LENGTH: 601 words

HEADLINE: Doubts on Clinton Aide's Death Silenced

SERIES: Occasional

BYLINE: Robert O'Harrow Jr., Washington Post Staff Writer

BODY:

Two Fairfax County emergency workers who have questioned whether the death of White House aide Vincent Foster Jr. was a suicide have been asked by county officials not to discuss their suspicions publicly, a fire department spokesman said yesterday.

Paramedic George Gonzalez and emergency worker Kory Ashford, who were among the first people to see the body of the deputy chief counsel at Fort Marcy Park last July, have told county officials that the scene seemed unusually tidy for a suicide to have taken place there.

Gonzalez and Ashford said they thought it strange that Foster, who died from a gunshot wound to the head, had little blood on his clothing and was still holding a .38-caliber pistol in his right hand.

Gonzalez and Ashford said that in similar suicide cases they had seen, the force of the gunshot had caused the person to drop the weapon, a county source said. The fact that Foster was stretched out neatly on his back also made the emergency workers wonder about the circumstances of his death, the county sources said.

Several forensic experts, however, said yesterday that the lack of blood on Foster and the position of his body were consistent with federal authorities' ruling that the death was a suicide, even though such deaths often are more gruesome.

"There's a lot of variability, depending on the gun and the type of ammunition used," said Michael Baden, director of forensic science for the New York State Police. "The bullet wound in the mouth does not necessarily cause blood to come out of the mouth."

Gonzalez and Ashford have consistently described the scene of Foster's death as tidy, but only recently indicated their suspicions that his death might not have been a suicide. After reports of their concerns appeared in the New York Post, the workers scheduled a news conference yesterday to respond to a barrage of media questions.

But Sgt. Steve Blount, a spokesman for the county's Fire and Rescue Department, said yesterday that Fairfax officials ruled out a "statement and question" session because of the possibility that inquiries into Foster's

290-42-35063 sub D-6-24

The Washington Post, January 29, 1994

Death could become a part of a federal investigation into President Clinton's ties to a failed Arkansas savings and loan. Foster, who had been treated for depression before his death, handled some of the Clintons' affairs in Arkansas, including their investment in the defunct Whitewater Development Corp.

Special counsel Robert B. Fiske Jr., who is investigating the Clintons' ties to Whitewater and the Madison Guaranty Savings & Loan, has said he will examine the Foster suicide to determine whether there are any ties to his work on Whitewater Development. But Fiske has given no indication that he believes the official finding of suicide should be reviewed.

U.S. Park Police officials said yesterday that there is "no doubt" that Foster committed suicide.

Maj. Robert Hines, the Park Police spokesman, said no ballistic test was performed on the antique 1913 revolver found in Foster's hand because a bullet was never found.

But Hines said an examination performed by the federal Bureau of Alcohol, Tobacco and Firearms, found that residue in the bullet chamber during a test firing was identical to the residue in Foster's hand, indicating that Foster had fired the gun.

The conclusion was further supported by the autopsy, which found gun residue on Foster's palm.

The Park Police report on Foster was due to be publicly released, but sources said it is being delayed because of concerns that Fiske will want to review it.

Staff writer Michael Isikoff contributed to this report.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 28, 1994

10TH STORY of Level 1 printed in FULL format.

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January 28, 1994, Friday, 3 STAR Edition

SECTION: A; National briefs; Pg. 14

LENGTH: 190 words

HEADLINE: National briefs

SYNOPSIS: Houston Chronicle News Services

DATELINE: WASHINGTON

BODY:  
Suicide questioned

WASHINGTON -- A report in the New York Post suggested Thursday the death of deputy White House counsel Vincent Foster might not have been a suicide.

Several Clinton administration officials said they had no reason to believe Foster's death was anything but a suicide, and forensics experts were quick to criticize the newspaper's report.

The Post interviewed a paramedic, an emergency service technician and unidentified homicide experts who found it unusual that Foster's body and clothing had few bloodstains and that a .38-caliber revolver was still grasped in his hand. But Dr. Cyril Wecht, a forensic pathologist, said it was not unusual for a suicide victim to still be clutching a weapon. And such a wound might not cause much bleeding.

Special counsel Robert Fiske, who is investigating the ties of President and Hillary Rodham Clinton to a failed development, is also examining the circumstances surrounding Foster's death in July. In the days afterward, White House officials removed files from his office relating to the Clintons' involvement in the Whitewater Development Corp

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 29, 1994

11TH STORY of Level 1 printed in FULL format.

The Associated Press

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January 27, 1994, Thursday, AM cycle

SECTION: Washington Dateline

LENGTH: 635 words

HEADLINE: Newspaper Report Raises Questions About Foster Death

SUBLINE: By RICHARD KEIL, Associated Press Writer

CITYLINE: WASHINGTON

BODY:

A report in the New York Post suggested Thursday the death of deputy White House counsel Vincent Foster might not have been a suicide.

Several Clinton administration officials said they had no reason to believe Foster's death was anything but a suicide, and forensics experts were quick to criticize the newspaper's report.

The Post interviewed Fairfax County, Va., paramedic George Gonzalez, an emergency service technician and unidentified homicide experts who found it unusual that Foster's body and clothing had few bloodstains and that a .38-caliber revolver was still grasped in his hand.

The paper said these facts "raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park."

U.S. Park Police Major Robert Hines, whose department investigated Foster's death last July, disputed the conclusion.

"We said then it was a suicide, and that's what it was," Hines said.

Attorney General Janet Reno, whose department coordinated the investigation of the death, said, "I have heard absolutely no information at all that would indicate that it is anything but a suicide."

Special Counsel Robert Fiske, who is investigating the Clintons' ties to a failed financial development, is also examining the circumstances surrounding Foster's death. In the days afterward, White House officials removed files from his office relating to the Clintons' involvement in the Whitewater Development Corp.

White House press secretary Dee Dee Myers referred reporters to the Park Police findings.

"The special counsel ... included that in the scope of his investigation," Myers said. "We'll cooperate with that investigation. Beyond that, I have nothing to add."

The Associated Press, January 27, 1994

Forensic experts and pathologists were skeptical of the newspaper's conclusions.

Dr. Cyril Wecht, a Pittsburgh forensic pathologist, said it was not unusual for a suicide victim to still be clutching a weapon in his hand.

"You get in many of these instances, an instantaneous, spasmodic reflex, which is entirely involuntary, and the hand will clutch an object, in this case a gun," Wecht said. "Sometimes the muscles relax, and the gun falls away or is hurled aside. But often the fingers will tighten around the weapon."

Foster's body was found face-up on an incline, with his head higher than his feet, in a park near the Potomac River outside Washington July 20.

Wecht, the first non-government pathologist to examine the autopsy files of resident John F. Kennedy, also listed several reasons why there might have been little blood showing.

In such a case, he said, "there may not be much blood externally" because it will flow into the victim's throat and stomach, Wecht said. "You don't die from that kind of a wound because you lose blood. You die because you have hit the vital centers of the brain that control breathing and heartbeat."

Dr. Joy Carter, the District of Columbia's medical examiner, noted that the grass underneath Foster's body might well have absorbed much, if not all, the blood that would have flowed from an exit wound.

"Before you can talk about foul play, you would have to do an examination of the earth," Wecht added. "If there was an exit wound, and no blood on the ground, then, yeah, maybe he was killed somewhere else."

Foster's autopsy results have not publicly been released.

Carter, who works in a city that recorded 468 murders in 1993, the vast majority of them from gunshot wounds, questioned whether emergency medical personnel from a suburban Virginia county that recorded just 15 homicides last year are experienced in such gruesome matters.

"I don't know if paramedics have the expertise to render an opinion here," she said. "In forensics, anything is possible, but it seems to me that there is a whole lot of second-guessing going on."

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 27, 1994

# The Washington Times

## Tabloids war over death of Foster

By Rod Dreher  
THE WASHINGTON TIMES

The investigation into the death of White House Deputy Counsel Vincent W. Foster Jr. has become a battleground in New York City's never-ending tabloid war.

"Only in New York," joshed a Manhattan-based political reporter who seemed amused and repelled by the tabloids' cheek.

On Monday, the New York Daily News ran a cover story by columnist Mike McAlary proclaiming "Case Closed" in the Foster inquiry. According to the Daily News, which cited anonymous "investigators," Whitewater-Madison special counsel Robert B. Fiske Jr. has accepted the U.S. Park Police report on the Foster death, which called the shooting a suicide.

The Daily News report was a thinly veiled attack on the New York Post, which has been advancing the Foster story with breaking reports raising questions about the apparent suicide.

Today's edition of the Post returns fire, purporting to discredit the Daily News story by attributing to the Fiske investigator responsible for examining the Foster case a denial of its Daily News report's central premise.

That investigator, former Manhattan prosecutor Roderick Lankler, told The Washington Times yesterday that, contrary to the Daily News report, the Fiske team had "not reached any conclusions" about Mr. Foster's death.

The Post also points out several glaring errors in the McAlary column, including its using the wrong date for Mr. Foster's death and identifying Mr. Lankler's first name as "Ronald."

Despite the mistakes, Daily News Editor Lou Colasuonno stands by the story.

"There may be an editing error in there, but basically the story is solid," he said. "There's no doubt that there are a lot of questions about what the White House is up

to, [but] there seems to be pretty solid evidence that Foster killed himself and did it in the park that afternoon."

Despite Mr. Lankler's denial, the Daily News editor offers no retractions. "Many times in this business, when names are named, people will for the public record deny, when we know in fact what really happened," he said.

And so it goes in the tit-for-tat world of the New York tabloids, where newspapers have to fight for a dwindling readership with whatever weapons they can find.

"The Post takes one position, the Daily News, you can be sure, comes back with another," said Terry Galway, political reporter for the New York Observer. "Any politician in New York has to know how to play the tabloids against one another. That's all this is."

The Clinton administration seems to understand this. Stung by Post reporter Christopher Ruddy, who has written several stories raising questions about the Foster death, the administration or agencies friendly to it appear to be leaking to the Daily News information supporting its view of the case.

Mr. Galway praised Mr. Ruddy's reporting, but questioned the Post's practice of putting quotation marks around the word "suicide" in headlines over Foster-related stories.

"I think that while you may call into question some of the events of that day, this is over-the-top skepticism," he said. "By putting the word suicide in quotation marks, the Post makes it pretty clear what they think happened."

Not so, said Post Managing Editor Marc Kalech, who denied a Galway charge that Post owner Rupert Murdoch, the conservative media baron, likely ordered the quotation marks.

For his part, Mr. Ruddy said how Mr. Foster died is still a mystery to him. "A lot of journalists are saying this was definitely a suicide. All I'm saying is there isn't much evidence indicating that," he said.

Some journalists also looking into the Foster case believe Mr. Ruddy is something of a loose cannon. Others, perhaps remembering how the mainstream media missed the Whitewater story during the 1992 campaign, value his willingness to make risky judgments.

"If he is a loose cannon, I don't think that's ever a bad thing in a reporter," said Mr. Galway.

Mr. Ruddy accused the media of not giving the Foster case enough attention. That is changing now and he believes the Post can take credit.

DATE: 3/16/94  
PAGE: A14

"I think they're more carefully scrutinizing things because of us," he said. "And even if it's proved a suicide, it'll be a good thing."

# The Washington Post

DATE: 3/19/94  
PAGE: A21

*Richard Harwood*

## The Press In Pursuit

*Abstract scandals,  
uneven interest.*

The Whitewater affair divides the country. It is also dividing the American press.

Columnist Robert Samuelson says, "The purported scandal is so far a political vendetta trapped in legal trappings. The trappings are essential, because it is the mere possibility of wrongdoing that justifies the ongoing media attention."

Joe Klein of Newsweek speculates on the possibility that the Clintons will emerge from their present trials as innocent victims of press hysteria. In that event, he asks, "Do we, the righteous guardians of the truth, admit that we blew this all out of proportion—or do we continue to puff motes into dust storms in order to justify our investment? The Clintons have earned their isolation. But they deserve a more sober rearing than this lunatic caldron."

"Here we go," writes Washington Post columnist Jonathan Yardley, "hurtling down the rapids of Whitewater into a furious eddy of political opportunism and journalistic exhibitionism. The government of the United States will grind to a halt for a year or more, thank God, and the high-octane newsfolk of the nation's capital will bore us all to tears with interminable recitations of imaginary outrages, but who cares? It's going to be one hell of a ride."

Russell Baker of the New York Times satirizes the media torrent and explains it: "The reason his rickety construction of innuendo and circumstance occupies the media so intensely is that residents are central to the American need to be entertained. . . . Whitewater is the best news in Washington now that Barbra Streisand no longer guests at the White House."

From Harvard, Marvin Kalb, director of a media program at the university, told The Post: "There is a rushing to judgment that is unprofessional and distasteful. The press is going to have a lot to answer for when this is over."

The gulf between what these critics are saying and what the press is doing reflects, among other things, confusion about our function in American life. The critics put forth an ethical view of journalism in which we should not act as detectives, prosecutors or judges but should allow our system of justice and its institutions to deal with matters of innocence or guilt. There should be, as Kalb said, no rush to judgment nor, as Klein put it, no "ridiculous hyperinflation" of small peccadilloes.

That is essentially the posture taken by the press during the Watergate scandal. It was first seen—by me, among others—as a "two bit break-in" and, with the exception of The Post and a few isolated journalists, it was largely ignored by the media. Nevertheless, justice ultimately was served. A president was brought down and others were punished, not by the press, as myth has it, but through the workings of the "system"—the judiciary, the FBI, a special prosecutor and Congress. I do not mean to equate Watergate and Whitewater but merely to make the point that with or without the press, justice can and usually does prevail.

This is not the majoritarian operating premise of the press. Underlying our approach to potential public scandals is a general distrust of the "system." We assume it can be manipulated by presidents, that "coverups" are both possible and likely from the White House down to city hall. Thus, at the hint of any scandal, it is our duty to dispatch investigative teams to dig out the truth as archaeologists do, piece by piece until the whole picture is revealed. In this process we monitor the "system's institutions of justice for foot-dragging and coverup" and, as William Safire of the New York Times has said, "light fires" under the investigators.

That may have happened several times in the Whitewater affair. The first story about the Clintons' involvement with Madison Savings & Loan was written by Jeff Gerth and published in the New York Times in March 1992. It had no visible impact. Eight months later, however, the federal agency responsible for cleaning up the national "savings and loan mess"—the Resolution Trust Corp.—recommended to the U.S. attorney in Little Rock that a criminal investigation be made of Madison and named the Clintons as possible beneficiaries of "diverted" funds from the bank. Did Gerth's story "fire up" the RTC?

In October 1993, with Clinton in the White House, the U.S. attorney in Little Rock, who had studied law with Clinton, refused the RTC request for an investigation. The Post on Oct. 31 reported on this situation for the first time. Four days later, then-Associate Attorney General Webster Hubbell, one-time partner in a law firm with Hillary Clinton, recused himself from the case. On Nov. 9 a team from the Justice Department was sent to Little Rock to launch the investigation the RTC had been seeking. Was there any connection between The Post's story and these actions by the Justice Department?

Late in December, the Washington Times revealed that papers dealing with the Clintons' involvement with Madison had been taken from Vincent Foster's White House office following his suicide and had been turned over to the president's personal lawyer, David Kendall. Was there any connection between this story and the subsequent appointment of a special prosecutor?

On March 3 of this year, The Post revealed that the White House and supposedly neutral Treasury Department officials had been conferring about Whitewater and the progress of government investigators. Was this story related to the special counsel's issuance of subpoenas to many White House and Treasury officials to explain these meetings?

We will never be able to establish beyond any doubt that the press has "lit fires" in the Whitewater case or has played a "constructive" or "destructive" role in the pursuit of justice. We will never be able to prove beyond reasonable doubt that the press will have had any effect at all when this affair finally comes to an end.

George Church, a columnist for Time magazine, suggests that the real danger here is that the veracity and credibility of the Clintons could be so damaged that they will be unable to enact a health care bill. That is the White House line.

The other view is that the veracity and credibility of the Clintons had been so impaired before Whitewater obsessed us that our exertions now are more than justified.

The Whitewater news as of mid-March—209 stories in The Post alone—doubtless has affected the political standing and reputations of the Clintons. We know that from the polls. But as in the case of Iran-contra, public interest in these abstract scandals is shallow and intermittent: Our affections for presidents vary almost by the hour and the day. So there is no reason to believe that whatever has been written or broadcast thus far will have any lasting effect on Clinton's place in history or in the hearts of his countrymen. Ask the ghost of Harry Truman.

220-22-35063 SUB D-6-22

DATE: 3/14/94

PAGE: C6

# THE UNFOSTERED D.C. SUSPICIONS

## Aide's suicide is confirmed by heads-up cops

In the last second of life, Vincent Foster placed a pistol barrel deep in his mouth, grabbing the butt with both hands. The White House lawyer was seated on a grassy hill at a 45-degree angle, a Civil War cannon behind him. No one knows what Foster was thinking, only what he did next. He pulled the trigger back with his right thumb.

The bullet escaped the top part of his head. He fell back dead, his arms falling to his sides, his legs straightening out. The gun remained in his right hand, stuck in the trigger guard. Later, after photographs were taken, an investigator would have to move the dead man's thumb just to free the pistol.

The investigation into Foster's death was handled ably by the U.S. Park Police, a unit that has suffered terribly from gossip and second-guessing. The FBI was with them every step of the way. There are no loose ends.

The first thing the cops heard after Foster's suicide was: coverup. The body was discovered by a park maintenance worker who had slipped into the area for a quiet midday drink. He reported finding the body, but then made up a story about having seen a white van. He has since recanted the story. It was created to cover up his own behavior.

It is not the ranting of some conspiracy theorist. It is not the rhetoric of some Clinton supporter. The U.S. Park Police report on the death of Deputy White House Counsel Vince Foster is a simple story from a police blotter.

It has been accepted by special Whitewater prosecutor Robert Fiske. It has been accepted by his lead investigator, former Manhattan prosecutor Ronald Lankler, although he isn't saying as much.

Most of what happened in Fort Marcy Park on July 21 has remained secret. The Park Police report has only been reviewed once, by the Daily News. But we are now familiar with its specific conclusions. Investigators, who do not wish to be identified, have been interviewed. (This is the report on their probe into one man's desperate act.)

2

The first cop to arrive was a patrol officer named Fornhill. Calling for backup, Park Police investigators started to show up. The first thing they noticed, apparently, was Foster's car in the parking lot. Foster had left his suit jacket behind in the car, White House credentials in the pocket. His wallet was also in the car, doors unlocked. No one at the scene had ever heard of Vincent Foster.

One investigator noticed the White House credentials, spotted the Arkansas plates on the Toyota and decided, Alert Secret Service. This could be a friend of the President."

The principal forensic investigator, Pete Simonello, inspected the body. He thought the crime scene belonged, mostly, to him.

There was only a little blood, Simonello wrote, on the front of Foster's body. The dead lawyer's right thumb was stuck in the trigger guard. Simonello had to pry the pistol out of Foster's hand. He saw powder burns on the right hand. Ballistics tests later confirmed Simonello's original belief that Foster had been holding the barrel with his right hand. The gun had been deep in Foster's mouth, Simonello realized, well behind his still-in-act teeth. The medical examiner found obvious powder burns on Foster's palate and tongue.

No one heard the shots, investigators determined, because Foster's head served as a kind of grisly gun silencer. There was no indentation of any kind on the index finger. His body, despite what you read, was never moved by anyone.

In death, Vincent Foster was discovered lying oddly straight. To onlookers, Foster looked to be asleep. Professionals could see more.

Most of Foster's blood had come out the back of his head though an exit wound. The bullet, which exited through the top of the sitting lawyer's head, could not be found. It was shot from the top of the knoll, cannonlike. The Park Police brought in metal detectors but never found the slug.

The blood wasn't obvious to paramedics. It had flowed down the back of Foster's shirt and then down the hill into his pants.

"That meant Vince Foster died right on the hill where he was sitting," said one investigator.

The body had not been moved from its resting place 20 feet in front of theannon. It wasn't moved until after 8 a.m., at least three hours after the hooting. Blood lividity is curious. In dead bodies, pools form. The pools cannot be disturbed by movement without showing signs. There were none.

The soles of Foster's shoes, police noticed, were unmarked. As they should have been, it was determined. Foster's shoes told investigators he had walked from the parking lot through an open field.

The cops started taking pictures. They took two sets before Foster was moved. The first set was taken with a 35-mm. camera. The shots are overexposed. You can see the hand and the gun, but it is not easy. The second set was Polaroids. They all came out, on the spot. The scene is very simple. There is a body, legs out, on a hillside. Very little blood. You can see a powder burn from the cylinder blast on Foster's right hand.

The clothes were all bagged by the Park Police and preserved. If for some reason they need to be looked at, say to find imagined carpet fibers from an equally imagined safehouse, they can be vacuumed and searched.

Moronic things were done later. Bernard Nussbaum, the President's lawyer, did many. The Park Police were assured on the first day that Foster's office would be sealed. But when six investigators showed up to inspect it the next day (two FBI agents, two Justice Department lawyers and two Park Police cops), Nussbaum refused to let them in. The office hadn't been sealed by Secret Service. The investigators were told to sit in chairs, backs to the walls, 15 feet from Foster's desk. Documents were displayed by Nussbaum. "No one knew or cared about Whitewater then," said one investigator. "We had a suicide to investigate. We could have been sitting on a case of Whitewater documents and wouldn't have cared or noticed."

**NUSSBAUM'S Ire**

One FBI agent stood up to stretch while in Foster's office. Nussbaum yelled angrily, accusing him of trying to peek at Foster's papers. Nussbaum said repeatedly, "We can't show you this, this is personal." The cops, a Park Police investigator and captain, were furious. Personal notes, especially in a suicide case, are important. "Why can't you just handle this as a normal case?" Nussbaum asked at one point.

"Because this isn't a normal case," said chief investigator from the park police, Peter Markland.

"Why not?" Nussbaum said.

"Because if this was a normal case I'd have all of the dead guy's files in the back seat of my car," Markland said.

No one can say why Foster killed himself. Only that he did. The coverup, if there was one, started with Nussbaum. The President's lawyer acted like someone with a client who had something to hide. "I thought they all should have been arrested for obstruction of justice," said one investigator familiar with the suicide investigation.

*There is one more mystery to decipher.*

There is a small triangle-shaped piece of the so-called suicide note still missing. It is about an inch and a half wide and from the bottom, right-hand part of the paper. It is not a part of the main content. It could be a date, investigators believe. The Park Police, and FBI investigators, still aren't sure the note is real. Who tears up a note into 28 pieces, then throws it in his briefcase for safekeeping?

The briefcase in which a White House assistant claims she later found the note on July 26 had been previously inspected for notes by Markland in Foster's office on July 21.

You are asked to believe that Markland, who was looking for a note, didn't see 28 pieces of bright yellow paper in Foster's own briefcase. There is also the note itself. Yes, the folded and torn note was written by Foster. The Park Police handwriting expert, Sgt. Lochart, is sure of that.

But it doesn't sound suicidal, necessarily. This could just be the musings of a desperate man turned into a suicide note by someone working for Nussbaum. It's not like the author can come back to say, "That's not what I mean." The note isn't dated by either Foster or the people who analyzed it for the Park Police.

Foster did, however, write something nasty about the FBI. He called

them liars. The Park Police, when they saw this, believed the dead man's charge interesting. The FBI was investigating the case with them from the first day. But just to be safe, the federal Bureau of Alcohol, Tobacco and Firearms was asked to inspect Foster's suicide weapon. This was done to keep the FBI away. Handwriting analysis was done by the Park Police for the same reason. If the guy who killed himself hates the FBI, why give them his gun and note to analyze two months later? The Park Police have met Nussbaum. They have seen the White House in action. Why should they create the opportunity for new problems? This was alert, investigative thinking by the U.S. Park Police.

3

Clearly, having White House-Little Rock connections in the current political climate is no advantage.

"The problem is not that the Rose Law Firm is being investigated. The issue is that this is a firm that absolutely flourished on their reputation for political savvy. It certainly doesn't look like there was much savvy there," says a top Washington lawyer with political experience.

Merrie Spaeth, a Dallas-based communications consultant who has counseled lawyers on improving their public image, says the Rose firm faces problems "of enormous magnitude" concerning relationships with clients.

"The question you [as a client] ask yourself is 'What happened to their judgment?' They may be great for Little Rock, but they are out of their league in the big city."

How should the Rose firm protect its reputation for the duration of the Whitewater-Madison investigation? A seasoned Washington lawyer with experience in managing crises offers the following advice:

"Stick to your work. Don't do anything underhanded. Don't destroy any files, for heaven's sake. Don't do anything that adds a caboose to the existing scandal train. ... Work hard at representing your clients."

Mr. McConnell agrees, to a point. "The problem is that, to some extent, [Rose] doesn't have control over the situation anymore. They have the ability to do their work and respond as is appropriate to inquiries. On the other hand, there are stories coming from all locations, founded or unfounded, and that makes it a difficult environment for them to

deal in."

Without commenting specifically on Rose, Harris Weinstein — who successfully prosecuted the government's 1992 S&L-related case against the New York firm Kaye, Scholer — says it is vital for a law firm to maintain collegiality and internal trust among its partners in the face of criminal investigations.

He doesn't think a public relations counteroffensive is possible.

"Lawyers are at an inherent disadvantage in defending themselves because of lawyer-client confidentiality," he says. "The information needed for a full public defense just can't be revealed."

Ms. Spaeth disagrees. She gives the Rose firm low marks for sounding "very defensive" in the press and for being "way behind the curve in understanding strategic communication."

2.

## Photo of Foster death scene on TV

FROM COMBINED DISPATCHES

ABC's "World News Tonight" telecast a photograph of former White House Deputy Counsel Vincent W. Foster Jr.'s death scene last night that it interpreted as supporting the official report that he killed himself July 20.

The photograph shows Mr. Foster's right hand clutching the gun, with his thumb caught in the trigger guard. Marks on the hand were said to be powder burns.

Network reporters said they had seen a complete set of photographs showing Mr. Foster's body. ABC said the "grim and graphic" photographs dispelled rumors that there was little or no blood at the scene. Only one color photograph was shown.

ABC also said it had seen a medical examiner's report in which "the burns and other gunpowder residue are listed as primary evidence that Foster shot himself." Although the photograph had not been shown previously, the details of the official conclusions had been reported previously by other news organizations.

The broadcast followed an unsubstantiated report Thursday in a Washington financial newsletter that government officials had privately concluded that Mr. Foster died in an apart-

ment in suburban Virginia and his body was taken to Fort Marcy Park, off the George Washington Parkway, where it was found.

The White House emphatically denied the report, which the newsletter credited to a source in the office of Sen. Daniel Patrick Moynihan, New York Democrat. The senator's office called the report "demented."

Mr. Foster, 48, a close friend of President and Hillary Clinton's, also was their personal lawyer. Documents related to Whitewater-Madison affairs were taken from Mr. Foster's office a few hours after he died, but this was not known until it was reported by The Washington Times on Dec. 20, and confirmed by the White House later that day.

The pathologists' findings, contained in the U.S. Park Police file, support the idea that Mr. Foster died from a gunshot fired at close range into his mouth that made an exit through the back of his head. Powder burns were found on the soft tissue inside his mouth. A mark on Mr. Foster's index finger was determined to have been made by its tightening on the gun's trigger.

Agents of the Bureau of Alcohol, Tobacco and Firearms said they found gunpowder traces on the gun discovered with Mr. Foster's body and gave

the Park Police a report saying their findings were "consistent" with suicide. The New York Post has quoted paramedics who picked up the body as skeptical of the official conclusion of suicide.

Shortly after news accounts of the suicide, a witness came forward who said he saw a car with Arkansas license tags and beside it a light blue Honda sedan. A man inside the Honda, "possibly Hispanic," gave him a menacing look, the man said.

Soon after the suicide, White House Counsel Bernard Nussbaum, citing executive privilege, prevented Park Police and FBI agents from searching Mr. Foster's office.

The Park Police file confirms that Mr. Nussbaum, Clinton aide Patsy Thomasson and Margaret Williams, Mrs. Clinton's chief of staff, entered Mr. Foster's office around 10 the night he died.

Mr. Nussbaum would not allow Park Police and FBI investigators to examine Mr. Foster's personal papers and effects when they went to the White House on July 22. The agents were ordered to sit in a hallway while staff officials went through the documents. The White House officials put several items in a box to be delivered to Mr. Nussbaum's office.

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# Vince Foster's Suicide: The Rumor Mill Churns

**Media: From innuendo to partisan gibes to outright fantasy**

**Y**OU CAN'T BELIEVE EVERYTHING you read about Vince Foster. In some cases, you can't believe any of it. Last week rumors swirled from Washington to Wall Street and back again about the 1993 suicide of Bill and Hillary Clinton's White House lawyer. The tabloid New York Post claimed that after Foster's death, administration officials "frantically scrambled" to remove from his office safe a previously unreported set of files, some of them related to the Whitewater affair. A financial newsletter published an even more sensational—and equally unsubstantiated—report that Foster's body had been moved from an apartment in Virginia to the suburban park where it was found. On his radio show, conservative blunderbuss Rush Limbaugh embellished that report just a bit; he said the newsletter "claims that Vince Foster was murdered in an apartment owned by Hillary Clinton."

Foster's friends swatted down the rumors as fast as they could. One of his in-laws begged reporters to "back off. Get out of the zoo." But that didn't stop a flow of lip-smacking stories that left the White House on edge, and even unsettled the financial markets. Last Thursday, after Limbaugh's broadcast, stock and bond prices tumbled—the Dow dropped nearly 23 points—largely because of worries about Whitewater. Elaine Garzarelli, the highly regarded Lehman Brothers market analyst who predicted the 1987 crash, said that European traders were particularly spooked by the Foster case. "They were afraid Hillary Clinton was involved in a murder," she said. "They hate that."

No, Hillary Clinton was not involved in a murder. In fact, there's still no credible evidence that Foster's death was anything but the depression-induced suicide that his family believes it to have been. Then why all the garish speculation? Partly because of the clumsy behavior of Foster's boss, former presidential counsel Bernard Nussbaum, and other White House staffers immediately after the suicide: leaving his office unsealed and spiriting documents away. Partly because of the enigmatic note that Foster left behind—unsigned, addressed to no one, torn into pieces—lamenting his own "mistakes" and the poisonous atmosphere of Washington, where "ruining

people is considered sport." Partly because the Whitewater affair, one of the items on his desk, has resurged so dramatically. And partly because many people in the news media simply won't let Foster rest.

Some of the stories are nothing more than the cut and thrust of responsible news coverage. But all along, others have seemed determinedly partisan. There is continued grumbling from The Wall Street Journal editorial page, whose stinging criticism apparently contributed to Foster's depression ("WSJ editors lie without consequence," he complained in his note). There's a steady stream of innuendo from conservative New York Times columnist William Safire, who implied at one point that "intelligence matters" might have had something to do with the suicide. And on another level entirely, there is the florid hype and fantasy of the tabloids, designed more to entertain than inform. Some of the most raucous of those excesses have come from overseas. In Britain, Rupert Murdoch's Sun claimed, three days after the suicide, that Foster had a "deep personal friendship" with Hillary Clinton.

**Blood loss:** Last week one of the more overwrought American tabloids, the New York Post, charged that investigators "never took a crucial crime-scene photo of Vincent Foster's body before it was moved" out of the park where it had been discovered. The tabloid, which has begun to put quotation marks around the word "suicide" in stories about Foster, also asserted that "little blood loss" was evident at the scene—which could be taken as a sign that the fatal shot was fired into Foster's head somewhere else.

Partisan, if not downright malicious, speculation that the death might not have been suicide spread like a bad odor. Roger Ailes, the former Republican campaign consultant who is now president of the CNBC cable TV network, suggested in a radio interview with Don Imus that Foster's death could have been murder. Right-wing televangelist Pat Robertson devoted a segment of his "700 Club" show to the subject. "Suicide or murder? That's the ominous question surfacing in the Whitewater swell of controversy concerning Vincent Foster's mysterious death," he

Another major source of the rumors was conservative activist Floyd Brown and his Citizens United group, which feeds information to the news media and some Republicans. Brown employs a full-time investigator named David Bossie to dig up dirt on Clinton. Last week Brown claimed to have "new clues that suggest Foster did not commit suicide."

But the foul-play stories didn't stand up. Last Friday, ABC News, which apparently had been fed by the administration, said it had inspected a gruesome set of crime-scene

photographs taken by investigators. It said the "grim and graphic" pictures—most of which were not shown on the air—dispelled speculation that there was little blood around the body. A close-up of Foster's hand showed his thumb still resting on the trigger of the revolver that had fired into his mouth, with what ABC said were powder burns visible on the hand. The network said it had seen a medical examiner's report in which "the burns and other gunpowder residue are listed as primary evidence that Foster shot himself."

**A "hideaway"?** The stories that Foster had a "safe house" in Virginia seemed even thinner. On Wednesday, the Johnson-Smick report, an obscure financial newsletter with ties to the Republican Party, said the office of Sen. Daniel Patrick Moynihan was "putting the word out that Foster in fact committed suicide in a private apartment in Virginia." Moynihan's office labeled the report "breathtakingly untrue." Then the New York Post claimed that Foster had shared a "secret apartment hideaway" in Virginia with other Clinton insiders. But a rival tabloid, the New York Daily News, which appears to be receiving leaks bearing out the administration's version of events, said Foster only considered renting a Virginia apartment when he first came to Washington; instead, he stayed with relatives until his family arrived.

Still, legitimate questions about Foster's death remain unanswered. Assuming he did kill himself, why did he do it? It wasn't clear that the note he left behind was meant to be an explanation. If his suicide was an act of private despair, why did the White House urgently remove documents from his office—and then accept the scrutiny of an independent counsel, rather than make the papers public? Exactly what per-

sonal business was Vince Foster doing for the Clintons at the time of his death? Why weren't police and medical reports on his death made public long ago? The administration isn't answering any of those questions in public. And as long as it hunkers down behind its stone wall, the rumor-mongers are free to exercise and exploit their lurid imaginations.

**RUSSELL WATSON with  
MARK HOSENBALL in Washington**

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who wears khakis?

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## LETTER FROM WASHINGTON

### THE SUICIDE

*The answers to Vincent Foster's death may lie in the tragic evidence of steps he was taking to try to save his own life.*

BY SIDNEY BLUMENTHAL

**M**ORE than two hundred members of the White House staff were crammed into Room 450 in the Old Executive Office Building, waiting in uncharacteristic near-silence for the President to arrive. The President is always received with a standing ovation. This time, everyone stood, but no one applauded. "No one can ever know why this happened," Bill Clinton said about the suicide of the deputy legal counsel and personal attorney to the Clintons, Vincent W. Foster, Jr., who had been Clinton's childhood friend in Hope, Arkansas. "What happened was a mystery about something inside of him. This should teach us all a little humility."

On July 20th, six months to the day after the Inauguration, Foster had stood in the Rose Garden as Judge

Louis Freeh was formally appointed director of the F.B.I. Then, after eating lunch at his desk, Foster left his office, saying that he would be back later. "Is he back yet?" Bernard Nussbaum, the legal counsel, inquired several times throughout the afternoon. Foster drove to Fort Marcy Park, in Virginia, overlooking the Potomac, where he took off his jacket and tie, stationed himself near a Civil War cannon, cocked a 1913 Colt revolver, and shot himself in the mouth. There was a stagy quality to his irrational act. Foster was an exacting man, but he demanded perfection of no one more than of himself, and he was soft-spoken and courteous

to a fault. However impulsively, he had arranged a dramatic death, surrounded by the atmospherics of a Southern cavalier. "There was a porcelain quality to Vince," one of his colleagues said. He was gleaming, pure, and, to everyone's shock, extraordinarily fragile.

"Of a thousand people, of those who might commit suicide, I would never pick Vince," Hillary Clinton said the day after Foster's death, according to a friend she spoke with. Yet, even as Foster's friends found his death inexplicable, they speculated about the debilitating effects of his Washington experience. "The town has now killed somebody," one said. "He was torn up. He carried it all inside." An Arkansan who came to Washington to work in the Administration said, "I'm



*"Those of you who do not have your life planned out, don't worry," Foster told Arkansas Law School graduates. "It wouldn't turn out the way you planned it in any event."*

afraid it might have been the pressures of this terrible town. I have found it unpleasant. I have found the press awful. Who knows how it affects someone?" Another friend of Foster's said, "I don't want to think somebody that fine can be toppled by Washington, by the press, by the hounds." The television producer and Clinton friend, Harry Thomason, who had got tangled in the misbegotten travel-department affair, remarked of Foster, "He was a brilliant attorney, but unprepared." Thomason added, "Washington is a giant Elks Club with a lot of secret handshakes—who could be prepared? Here's the one thing I do know:

PAUL COLON

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if he were in Arkansas, he'd be alive." One of Foster's colleagues reflected, "Washington didn't kill Vince, but it was an accomplice. There's not a person I know in Little Rock who doesn't believe he'd be alive today if he were in Little Rock. The stress, the exhaustion, the disorientation of Washington leave you without the support you need. There is hardly a worse place to experience depression than the place Vince was in."

In the immediate aftermath of Foster's suicide, people in Washington frantically, and predictably, searched for reasons. But any rationale would have to fit within the confines of the capital's particular, narrow logic. Something dark, something other than psychological problems, must lie beneath the surface, it was speculated. There must be another story—one that makes more sense than acute depression. There must be a coverup. What was Foster's *real* motive?

Rumors whipped through the city. The *Washington Times*, it was said, had for some while been preparing a story that would explain all. Perhaps Foster had even known of the terrible exposé that was coming and had sought to preempt it by killing himself. Was he a closet homosexual? Had he attempted a gay liaison at Fort Marcy Park and been spurned? Or would the *Washington Times* publish a story about his having had a secret affair with his former law partner Hillary Rodham Clinton? One version had it that the latter story would be published in four parts. (The right-wing newspaper is one of the oddities of Washington. It is owned by the organization of the Reverend Sun Myung Moon, a self-proclaimed messiah. Its circulation is low, but it sometimes manages to lodge fragments of facts and factoids, like shrapnel, in the public debate.) A reporter for the *New York Times* called the *Washington Times* seeking information, and wrote that a reporter for the *Moonie* paper "acknowledged that he had made preliminary inquiries" about Foster. The next day, July 23rd, the *Washington Times* published an editorial headlined "THERE WAS NO VINCENT FOSTER STORY." "The *Washington Times*," it said, "had nothing on Mr. Foster and was not in the process of developing anything. Zero." No other hidden subtext was discovered by anyone else.

But Foster's disequilibrium wasn't so

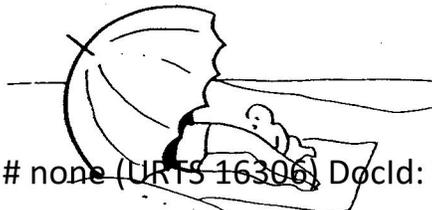
well hidden from those closest to him. By early July, his friends had begun to notice changes in his appearance and behavior. Though he was naturally reserved, he was more distant than anyone could recall. He had lost fifteen pounds. His wife, Lisa, told a friend he was sleeping fitfully. So his friends tried to cheer him up. On the weekend of July 17th, Web and Suzanne Hubbell took Vince and Lisa Foster on a trip to the eastern shore of Maryland. On the evening of Monday, July 19th, Clinton called Foster at home and they talked for about twenty minutes—a routine call, mostly about work, the President explained later, though he also invited Foster to come to the White House and watch a movie. Foster declined. It was left that they would meet on Wednesday, Clinton said.

The following afternoon, Foster walked out of the office and made his way to Fort Marcy. A week after his body was found, Justice Department investigators discovered a list of psychiatrists' names and telephone numbers in his handwriting. The *Times* reported that Foster had spent weekends closeted in his darkened bedroom and that his Little Rock doctor had sent him antidepressants only days before his suicide. An associate found, in Foster's briefcase, a note that he had torn into pieces; after a thirty-hour delay, it was turned over to investigators. "If one did not know Vince had committed suicide," Chief of Staff McLarty said, "one could conclude it was a series of arguments on why the job was going badly, that he was going to resign."

Even in May, Foster appeared to be struggling with self-doubt when he made a seemingly triumphant return to the University of Arkansas Law School to give the commencement address. Twenty-two years ago, although he was first in his class, he had not attended his own graduation. Now he was the distinguished alumnus, an intimate of the President, come to dispense his wisdom and be honored. His speech, however,

contained moments of poignant reflection and regret. He had been "wrong" to skip his graduation two decades ago. "We would have benefitted from one last celebration with our professors and our friends and families. . . . This invitation has caused me to stop from this hectic and challenging adventure I am on in Washington to think about the roads I have travelled to get there and the roads I wish I had travelled." Reputation, he warned, was all: "The reputation you develop for intellectual and ethical integrity will be your greatest asset or your worst enemy. . . . Treat every pleading, every brief, every contract, every letter, every daily task as if your career will be judged on it. . . . I cannot make this point to you too strongly. There is no victory, no advantage, no fee, no favor which is worth even a blemish on your reputation for intellect and integrity. Nothing travels faster than an accusation that another lawyer's word is no good. . . . Dents to the reputation in the legal profession are irreparable." Failure in this respect was simply inexcusable. "Yet," he remarked, "there will also be failures, and criticisms and bad press and lies, stormy days and cloudy days, and you will not survive them without the support of those same spouses, law partners, and friends." He observed that "no one was ever heard to say on their deathbed, 'I wish I had spent more time at the office.' . . . The office can wait. . . . If you find yourself getting burned out or unfulfilled, unappreciated . . . then have the courage to make a change." He counselled, "Those of you who do not have your life planned out, don't worry. It wouldn't turn out the way you planned it in any event."

VINCENT FOSTER'S father, who was a real-estate broker in Hope, was known to children as the Fascinator, for his as a  
Vince did not inherit his father's crowd-pleasing magnetism. According to those who knew him, he was always quiet, but was acknowledged as one of those most likely to succeed. At Hope High School, he became student-body president. (The following year, Mack McLarty was the president.) Foster attended Davidson College, a small liberal-arts school in North Carolina, where he majored in psychology, then went on to the Univer-



sity of Arkansas Law School. In 1971, he achieved the highest score on the state bar exam, and was immediately recruited by the Rose Law Firm, which had been founded in 1820, sixteen years before Arkansas became a state. Though it was among the most distinguished firms in Little Rock, in 1971 it had just nine partners. Over the next twenty years, Foster was instrumental in its expansion, both as a litigator and as its chief operating officer. He handled the accounts of some of the largest corporations in Arkansas, including Stephens, Inc., the bond-trading house, and he also served as outside counsel to Wright, Lindsey & Jennings, one of the other major firms in town. (Bill Clinton, after losing the 1980 race for governor, worked for two years at that firm, with his friend Bruce Lindsey, who is now the director of White House personnel.) There are only three Little Rock firms with as many lawyers on their rosters as Rose, which by last year had fifty-five.

"If I had a son, I'd be proud to have him," Phillip Carroll, a senior partner at the firm, who was Foster's mentor, said two days after the suicide. "We've helped raise his children. Lisa, his wife, is close to us. Vince was just such a fine young man. Very reticent, quiet. We might ride home in the car together and not say a word the whole way home. Very quiet and collected. A beautiful writer. His research ability was so splendid. His legal briefs were masterpieces. He handled important cases here at the firm, and was subjected to stress many times. He was as cool as a cucumber. I would have entrusted anything to Vince."

Hillary Clinton came to Rose in 1977. According to Carroll, her closest associates were Foster and Webster Hubbell, who, together with the senior partner, were the heart of the litigation section. On the third floor of the Rose Building, a converted Y.W.C.A., the three young attorneys occupied corner offices. Hubbell, who had been a tackle for the University of Arkansas football team, was from 1979 to 1981 the mayor of Little Rock, and in 1984, to fill a temporary vacancy, Governor Clinton appointed him chief justice of the State Supreme Court. "In contrast to Hubbell's blustery manner, Foster's style is much more corporate," an article in *The American Lawyer* on the Rose firm re-

ported. "His office, down the hall from Hubbell's, is a large brown room with brown carpeting and brown curtains. Foster himself is outfitted in a brown suit and wearing brown-rimmed glasses with a painstakingly placed handkerchief peeking out of his breast pocket." Many later called him "a rock"—reliable, protective, and secure. Hillary Clinton came to depend upon him as a personal confidant.

Foster was widely considered "a tough lawyer," a longtime friend of his told me. Mark Grobmyer, a principal partner at another of the large Little Rock firms, Arnold, Grobmyer & Haley, and a friend of both the Clintons and Foster, said, "He was used to winning cases and losing cases. He was used to adversity. It didn't seem to get him down." Foster prided himself on his understanding of character. "The psychology major has probably been as much help in being a good lawyer as anything else, in dealing with people and having some ability to predict how people will react to different types of presentations," he told the *Arkansas Democrat Gazette* in 1988. He was not immersed in politics, although, of course, he supported Bill Clinton. Rather, he devoted much of his personal time to his role as the chairman of the board of the Arkansas Repertory Theatre. He was especially proud of its performances of Broadway dramas, such as "Night, Mother" and "Agnes of God." For the *Democrat Gazette*, which published a profile of him in his capacity as patron of the arts, he composed a self-portrait. Among the self-descriptions were:

**MY FANTASY IS**—I've always fantasized going off to the mountains of Colorado and writing a great novel in seclusion.

**PEOPLE WHO KNEW ME IN HIGH SCHOOL THOUGHT I WAS**—A very serious student.

**IF I WEREN'T A PRACTICING LAWYER, I'D LOVE TO**—Teach law.

**MAJOR ACCOMPLISHMENT**—I've earned a good reputation among my peers as a trial lawyer, and I'm very proud of that.

**TO SUM ME UP, I'M**—Demanding, but fair.

Although Foster was a devoted Clinton supporter, he was not a player in the Presidential campaign. When Clinton won, however, he was quickly appointed deputy legal counsel; in fact, Foster received his job even before Nussbaum was named chief counsel. Foster had never lived outside the South, or even in a big city. He was a paragon

who wears  
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of a little establishment now headed for the national center. "I'm very honored," he told the *Hope Star*. "The real thrill, besides the honor, is the opportunity to be of assistance to the Clintons, who have been good friends of mine, and to Mack McLarty." Standing in front of the White House early in the year, Foster said to a television reporter of his three children, "I'd like to think they're a little bit proud of their dad." In his new office he prominently placed a framed photograph of pupils of Miss Mary's kindergarten in Hope, which showed the future President, the future chief of staff, and the future deputy counsel posing for the camera.

Every President surrounds himself with his own familiar circle. Jefferson had Madison and Monroe, Kennedy his Irish mafia, and Reagan his California ideologues. Of the Arkansans in significant positions, Foster had the least political experience. He believed that he had been summoned to serve, and he had a vision of Washington that was abstract and idealistic. "There's a great spirit of public service commitment that I didn't sense, perhaps even going back to the Kennedy years," he told the Ar-

kansas *Democrat Gazette* shortly after he arrived.

The concept of service has little political currency in Washington. Everyone is fair game, simply for being on the other side. Humiliating one's prey, not merely defeating one's foes, is central to the process. The press is hardly an impartial referee; rather, it is often caught up in a blindered game of chase. Vince Foster was not the first member of the Clinton Administration to get ensnared in partisan warfare. When Janet Reno was nominated to be Attorney General and when Bruce Babbitt, the Secretary of the Interior, was being considered by the President for the Supreme Court, both were smeared by innuendo spread by the right wing. When Hubbell was nominated as Associate Attorney General, he was subjected to a ritual hazing.

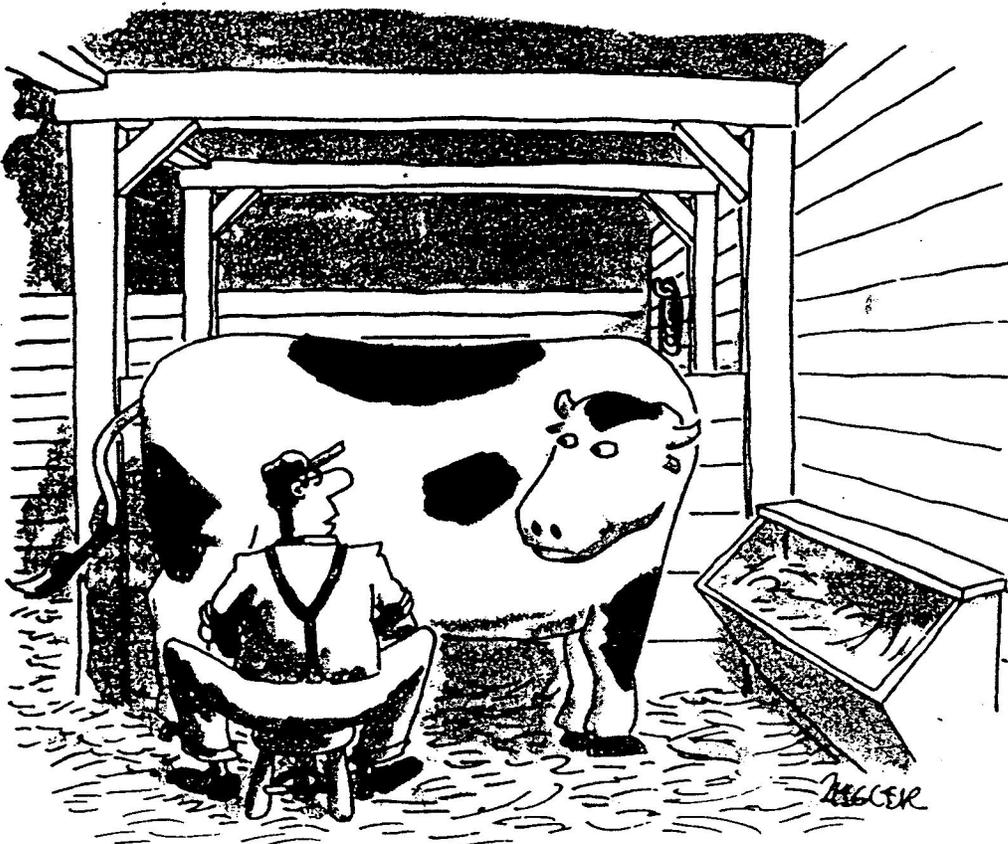
But Foster had a hard time acclimating himself. He came to town alone, with his family to follow later. The brief separation and uprooting were, according to Phillip Carroll, "a traumatic move." A Washington colleague described it as "disorienting." Foster worked fourteen- and sixteen-hour days and had a limited social life. Within the

counsel's office, there was "no order, no procedure," one of those who worked there has said. A new system for a new Administration had to be created overnight. Crisis struck at the start, with the Zoë Baird affair, and other crises followed: the Kimba Wood affair, the travel-department affair, the Lani Guinier affair. Though Foster had only a tangential relationship to these incidents, he considered himself "responsible," according to a colleague. As always, Hillary Clinton relied on him for advice. When she was sued for keeping the meetings of her health-care task force private, Foster provided the legal brief. Under these and other strains, members of the White House staff needed an outlet, and Vince Foster, for some, was it. "He was a guy everybody went to," one Presidential assistant said. "Talk it over with Vince. He'll know how to deal with this." Being forty-eight, he was one of the oldest people around here. Very sage.

Almost as soon as Foster began doing his job, he became a public target. He was singled out by the editorial page of the *Wall Street Journal*, which is edited by Robert Bartley and is to the conserva-

tive movement what the Congregation for the Doctrine of the Faith is to the Vatican, laying down dogma and censuring dissenters. The lawyers of the Rose Law Firm were cast by the *Journal* as a kind of secretive cabal operating "at the heart" of the Clinton Administration. They were "the legal cronies from Little Rock," "the Clinton crew," "the Rose clique." Getting at Foster was a way of getting at Hillary Clinton. His briefs on her behalf were labelled "legal

trouble," and the *Journal* asserted that "Mrs. Clinton has violated the law." "WHO IS VINCENT FOSTER?" was the headline on the lead editorial of June 17th. The piece discussed the need "to get the Clinton Crowd to obey the law." Foster, for his part, delayed in providing a photograph for the



editorial. Instead, a silhouette of a man with a bold question mark on his blank face appeared as the illustration. Eventually, Foster did supply a photograph, and a drawing from it accompanied another editorial, headlined "VINCENT FOSTER'S VICTORY," on June 24th, after his case on behalf of Mrs. Clinton won in court. "Alas, the Clintonites, as is their wont, again allowed hubris to smother mere principle," the *Journal* opined. In a non sequitur, presumably having to do with executive power, it went on, "As for Iran-Contra, we suspect that Vincent Foster and Ollie North might hit it off."

To his colleagues in the counsel's office Foster read the line aloud and laughed. He said, according to one of them, "The next thing you know, I'll be running Ollie North's Senate campaign in Virginia."

But the drip of acid on his reputation bothered Foster. "I tried to tell him," a Presidential assistant said. "They are what they are." "He was pretty stoic about the attacks externally," another of his colleagues said. "But there's no question that it got to him. He felt very embarrassed. You and I laugh off the editorial page of the *Wall Street Journal*. Vince Foster would not. It is what is read in Little Rock by the really serious people who run the corporations and businesses. There's probably no more respected publication among the professional, legal, and business communities. He knows that his professional and business friends won't understand. There couldn't be a more serious blemish."

Foster sought perspective through a number of conversations with Walter Pincus, a reporter for the *Washington Post*, whose wife is from Little Rock. "He couldn't understand why the press was the way it was," Pincus said. "It was a sense that people would print something that was wrong, and that other people would repeat it. I'd say, 'You can't let the press run you, get your goat; you have to go on. This is how the game is played.' He'd say, 'Fine.'"

Foster had thought of the legal counsel's office as a small law firm serving two very special clients, the President and the First Lady. (He helped set up a blind trust for them when Clinton was elected.) According to several people close to him, he began to feel that the

difficulties encountered by the President were his personal failings. No matter what he did, he could not protect his clients. "He was a master of his own destiny who became focussed on his own failure," one friend said.

"He was too exhausted to gain any perspective," said another. "Then you pick up the paper and, yes, it tells you you are worthless." Foster believed that his job was to protect the Clintons, but he couldn't do it, and he was trapped in a place that couldn't protect him.

Still, he maintained his cool façade. "He came down to Little Rock one time," Carroll recalled.

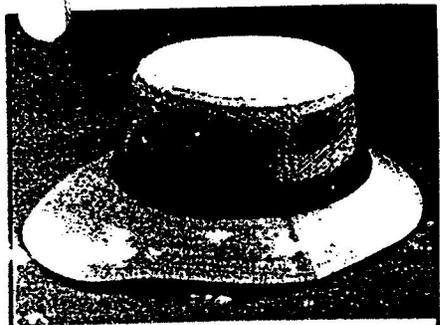
"He said that Washington was different—that you had to act instinctively. It wasn't like going to the law library. It was a different kind of practice."

Foster's suicide prompted his critics to a display of self-exculpation. On the day of Vince Foster's funeral, in Hope, the *Wall Street Journal* ran yet another lead editorial, this one headed "A WASHINGTON DEATH." It read:

All Americans have a legitimate interest in the inner workings of an administration governing them. If anything, Mr. Foster's tragic death adds to the curiosity. . . . As of yesterday, no one was able to offer a persuasive reason why he would have taken his own life. . . .

We had our disagreements with Mr. Foster during his short term in Washington, but we do not think that in death he deserves to disappear into a cloud of mystery that we are somehow ordained never to understand. The American public is entitled to know if Mr. Foster's death was somehow connected to his high office. If he was driven to take his life by purely personal despair, a serious investigation should share this conclusion so that he can be appropriately mourned.

"He was such a wonderful human being," Betsey Wright, who was a Clinton chief of staff in Arkansas, said a few days after the funeral. "It is so heart-breaking. He absorbed people's problems and took responsibility for them. I'm like everyone else who talked to Vince, wondering what signal I should have picked up that I didn't. I believe my friend was very ill and none of us knew it. If he could get this kind of illness, I guess I think this could have happened to Vince if he had stayed in the Rose Law Firm." But that must remain a sadly comforting thought: it did not happen in Little Rock. ♦



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**F**BI agents last Thursday interviewed a man claiming to be the long-sought mystery witness who found the body of Vince Foster. He was delivered to them by an alumnus of the bureau, Gordon Liddy of Watergate notoriety, who informed the agents the witness said he saw no gun in the hand of the dead White House aide.

## NO FOSTER GUN?

### FBI quizzing man who claims he found Clinton aide's body



**G. GORDON LIDDY**  
*'Witness' contacted him.*

All reports had a revolver found in Foster's hand. Thus, if this indeed is the "man in the white van" alleged to have first discovered Foster's body, an assertion that he saw no gun would pose serious questions for White-water Special Counsel Robert Fiske's investigation.

Assuming Foster committed suicide, did he do so in an inconvenient place? Then, did someone move his body and put it in a park on the Virginia shore of the Potomac? If so, who did it?

Soon after Liddy wrote Fiske to report he had been contacted by the missing witness, FBI agents called him. It was, after all, Foster's tragic death and the White House mishandling of it that triggered interest in long-ago land transactions by the governor of Arkansas and his wife.

The transcript of the 911 telephone call July 20 to the Fairfax County Public Safety Communications Center has a caller saying he had been told about the dead body by a "guy that come up to Turkey Run" and then "left out in a contractor's van. A white van."

This call was placed by Francis Swan, a National

#### INSIDE REPORT



**ROBERT D. NOVAK**

Park Service maintenance worker. As recently as January, he was affirming the story of the man in the white van. Since then, one published report had him "re-canting" the story. The Park Service told this column that Swan is now under orders from Fiske to remain silent.

Late last month, a person claiming he is the man in the white van contacted Liddy, the Nixon campaign aide who served five years in prison for the Watergate break-in and is now a successful radio talk-show host. Liddy served that much time because he would not give evidence in return for a lighter sentence, and the informant came to him because he said he was sure Liddy never would "give me up."

On March 22, Liddy went to the man's home to question him. The most startling assertion in the five-page typewritten account of their in-

terview was this: "Witness stated that he had observed both the hands of the body and that neither held gun. He stated that, in his opinion, had a shot been fired, it would have been heard by the guards across the road at the home of a 'rich Saudi Arabian.'"

Why did he drive away after reporting the body? "Because," Liddy recorded, "I don't want to end up like that guy I found." The report continued: "He stated that fear was why he had exacted Liddy's promise not to reveal his identity."

After he sent this account to Fiske, Liddy said he was visited by FBI agents April 12. He told me the agents informed him they had been close to finding the missing witness themselves. Liddy then talked the man into seeing the agents on a confidential basis.

According to Liddy, the man repeated — before going into a private session with the FBI — that "there was no gun in his hand."

Foster's death spawned so active a conspiracy-school industry that any supposed breakthrough must be suspected as a possible hoax. Liddy, a former prosecutor,

says he is convinced the informant is authentic. He told me the man meets the description given by Swan — "heavy-set, white, in his mid-40s." He said he also inspected the white utility van parked in the man's driveway.

As for Liddy's credibility, he often has been called a zealot but never a liar. Nor is it likely he would endanger his rebuilt career by concocting this story.

Fiske's lawyers in Little Rock presumably now have the FBI's report that suggests the possibility something is being hidden about the death of Vince Foster. The special counsel has no more important obligation than either to uncover such deception or to set the matter to rest once and for all.

**EXCLUSIVE NEW YORK POST INVESTIGATION**

# DOUBTS RAISED OVER FOSTER'S 'SUICIDE'

■ **Why was he still holding the gun?**  
 ■ **Why so little blood?**

By CHRISTOPHER RUDDY



Associated Press

**CLOSE PAL:** President Clinton with Vincent Foster (rear) and Hillary last year in Little Rock.

Interviews with some of the first people to see Vincent Foster's body after it was found in a Virginia park have raised new questions about the "suicide" of the White House deputy counsel.

The questions involve the position of Foster's body; the fact that the gun was still in Foster's hand and had no

on it.

The apparent contradiction — a scarcity of blood in a death involving a gunshot wound to the head — raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park, according to homicide experts contacted by The Post.

The pathologist who conducted the autopsy said the wound had been "self-inflicted," but the autopsy results haven't been made public.

The results will be sent to special Whitewater counsel Robert Fiske, who will look into Foster's death as part of his investigation.

Another key question involves the gun.

Gonzalez remembers  
 See FOSTER on Page 18

blood on it; the small amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

Fairfax County paramedic George Gonzalez, who says he was the first rescue worker to see Foster's body last July 20, told The Post he found several things about the death scene "strange."

"For one thing, Foster's body was laid out perfectly "as if in a coffin," Gonzalez said in his first public interview about the mysterious death.

"I found it peculiar: Every extremity [of his body] was straight, as if it was ready for the coffin," said Gonzalez, a paramedic for 13 years.

He said a .38-caliber Colt revolver was in Foster's right hand — even though experts say handguns used in suicides often are "cata-pulted" up to 20 feet away from a body.

He said Foster's arms were resting perfectly straight alongside his body.

Gonzalez said he was surprised to find so little blood at the death scene of someone who appeared to have placed a .38 in his mouth and pulled the trigger.

"The face was white and pale, and only a thin smudge of blood on the one corner of his mouth," he said.



**VINCENT FOSTER**  
*Neatly laid out.*

"Usually a suicide by gunshot is a mess," said Gonzalez, who claimed he has examined a number of suicide victims who shot themselves in the mouth.

Kory Ashford, an emergency service technician who helped put Foster's body into a body bag, also said he does not remember seeing any blood.

"I can't even recall an exit wound," Ashford said, explaining that typically there would be a "mess" under the victim's head.

Park Policeman Kevin Fornshill, the first police officer at the scene, said everything, including Foster's white shirt, "was really neat," with no blood on it.

## Some clues

Forensic and homicide experts look for a number of immediate telltale signs to help distinguish a suicide from a murder. While an unusual circumstance does not definitely indicate foul play, experts consider all possible evidence. Here are some things investigators might have looked for at the scene of Foster's death:

1. The body should be consistent with the person's original position when he was shot in the mouth. Because of his straight appearance, eyewitnesses assumed that Foster either sat or lay down on the incline to shoot himself. The bullet likely would have been lodged in the ground behind him. Park police said he shot the gun while standing and the bullet went back into the woods.

5. The area around the person should be examined for indications of a struggle. Police said there were no such indications.



The body was found lying on the side of a hill.

4. The gun's position after death should be consistent with the fact the person fired the gun into his mouth. The gun was still clenched in his hand, which was lying in an easy repose alongside his right leg. Typically, the gun is not in the suicide victim's hand.

2. The scene should be consistent with a wound in the mouth and an exit wound in the head. Blood typically is splattered and pools around the body. Eyewitnesses noticed that little blood came from the mouth, and there were no signs of splattering on his face or shirt, or pools of blood around the body.

3. The gun may have blood on it. Eyewitnesses who viewed the gun said it appeared clean.

# Doubts over Foster's 'suicide'

**FOSTER** from Page 5

looking carefully at Foster's hand.

"His hand was wrapped around the grip of the gun," he said.

"The fingers were cyanotic — or pooling blood" he said, which is an indication of death.

He said the barrel of the gun was perfectly perpendicular to Foster's leg.

His account of the positioning and condition of Foster's body was corroborated by other witnesses who examined the body and scene.

Two witnesses said the first cops who came upon Foster's body took a cursory look at the crime scene and declared the White House official an apparent suicide.

"They saw the gun," Gonzalez said of the cops' snap judgment.

The Post took Gonzalez's detailed observations to a medical examiner and several present and former New York City homicide investigators.

They said they would not have been so quick to come to a conclusion about Foster's death, because killers often try to make murders look like suicides.

"You treat it as a homicide, particularly if it is a VIP, like this case, until you can prove otherwise," said a city detective with more than 20 years experience with homicides.

"The dead body is the most accurate and honest witness you have, if you know how to 'interrogate' it," he said.

Almost all experts consulted by The Post said it would be impossible to render a judgment on Foster's death, particularly since the autopsy and other crime scene reports have not been released.

But all said some aspects of the crime scene — as described by Gonzalez — baffle them.

"This is a head wound. Usually there's tremendous amounts of blood, blood all over the place, it would be a mess," said a detective considered the city's best.

"There should be pools of blood . . . Look at the gun — if it was the instrument of death, there would be blood on it. A .38 makes a powerful explosion. There's a backwash of blood and tissue."

Gonzalez and a law-enforcement official described the gun as clean.

The experts also said it was highly unusual that Foster was clutching the gun.

"In my 30 years in dealing with homicides, I've never seen someone shoot themselves in the mouth and still hold the gun perfectly at his side," said a retired detective who spent most of his career investigating murders.

A prominent forensic pathologist added: "Normally when a person commits suicide, the gun doesn't end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand."

Also questioning the position of the gun was Vernon Geberth, a former city detective who wrote a nationally recognized homicide-investigation textbook.

"Under ordinary circumstances, after the firing, the gun is away from the person," Geberth said, acknowledging that there are "rare" instances when the gun remains in the suicide's hand.

Experts said a suicide gun can end up 20 feet away — thrown by a reflex action of the person committing suicide.

Witnesses surmised that Foster was sitting or lying in the park when the fatal shot was fired.

"It's hard to explain how he shot himself — putting the barrel in at a right angle to his arm — fired it, and [had] it land still in his hand at his side," a detective said.

Forensic experts and homicide detectives said the key to answering many questions could be found in the bullet — if the cops ever find it.

The White House did not respond to several requests for comment.

# MORE QUESTIONS ABOUT FOSTER'S 'SUICIDE'

By CHRISTOPHER RUDDY

Who was the man in the white utility van?

This is one of many nagging questions that remain unanswered in the official account of the "suicide" of deputy White House counsel Vincent Foster.

The mysterious man in the white van was the first person known to have seen Foster's body — which was found on a ridge in Fort Marcy Park in Arlington, Va.

At about 6 p.m. on July 20, park worker Francis Swan was in the parking lot of a maintenance facility two miles away

**POST  
EXCLUSIVE**

from the park when the man in the van appeared.

Swan was sitting with a co-worker on the tailgate of his truck "having a beer after work" when the white van pulled up, Swan told the Post in his first press interview.

Swan said the driver was a heavyset white man in his mid-40s, with graying hair, who was dressed in work clothes "like a utility worker."

Speaking through the van window, Swan said,

the man told him: "There's a dead body by the cannon up in Fort Marcy. Will you call the Park Police?"

Then, Swan said, the man drove off, but "not in a rush."

Swan said he went to a pay phone in the parking lot and called 911.

He didn't write down the van's license plate number — and doesn't even remember what state it was from.

Swan said he wondered why the man didn't make the call himself — and recalled joking with his co-worker about it, saying: "Maybe he didn't want to

spend the quarter."

Rescue workers said Foster's body was not visible from the main trail that runs through Fort Marcy Park.

That means the unknown driver had to have been out of his van and off the main trail to have seen the corpse.

The U.S. Park Police said they have been unable to locate the driver.

If he were located, he could tell police if others were in the park at the time, if he had seen Foster alive and if he heard the fatal shot.

Another key unanswered question is whether

Swan's call was the only one made to 911.

Police insist it was.

But George Gonzalez, a Fairfax County, Va. paramedic dispatched to Fort Marcy Park, said he distinctly remembers that a 911 call was made by an unidentified woman.

Warren Carmichael, a spokesman for Fairfax County's 911 dispatch unit, told The Post that Swan's call was the only one on record.

"We only keep the first call that comes in," he said.

Carmichael said the park police had a tape of Swan's call, but — like all his unit's 911 recordings — it was destroyed 30 days after the emergency.

He said he was "pretty sure" there were no other

See FOSTER on Page 14

# Who was mystery man in the white van?

**FOSTER** from Page 4  
calls about Foster.

Another question — one that forensic pathologists and homicide experts find particularly puzzling — involves the positioning of Foster's hand and the gun that was found in it.

They wonder how the gun came to be clutched in Foster's hand — with fingers around the grip — after he had apparently used his thumb to fire a single fatal shot into his mouth.

They note that using the thumb to fire a suicide shot is normal — but it's highly unusual for the gun to then end up clutched in a normal position.

Last week, *The Post* reported that homicide experts found it strange that Foster's .38 Colt revolver had ended up clutched in his hand, which was lying neatly alongside his body.

They said in most cases the gun would be thrown from the hand either by reflex or by the force of the gun blast.

The White House, besieged by calls for comment about the questions raised by *The Post*, referred reporters to Dr. Cyril Wecht, a Pittsburgh pathologist.

Wecht told *The Associated Press*:

"You can get, in many of these instances, an instantaneous, spasmodic reflex, which is entirely involuntary, and the hand will clutch an object, in this case a gun."

He added: "Often, the fingers will tighten around the weapon."

But his explanation doesn't jibe with the park police account that Foster had fired the gun with his thumb.

Wecht, a former Democratic Senate candidate, fielded questions about Foster's death for the White House without benefit of the autopsy report.

*The Post* asked Dr. Lester Adelson, longtime medical examiner for Cleveland and a highly respected pathologist, if Wecht's explanation meshes with the park police account of Foster's death.

Adelson, who also hasn't seen the autopsy, said:

"I think that if a person shot himself in the mouth with a .38, they are not going to be able to carry out purposeful acts.

"Nature is honest. Use common sense," Adelson reasoned, questioning whether Foster could fire the gun with his thumb and then change his grip and move the weapon to his side.

Yet another question is why Foster would choose to die in Fort Marcy Park.

Experts say that there is usually some logic behind the selection of a suicide site.

3/1/94 New York Post pg. 8

## Feds battling to keep Foster 'suicide' probe shrouded in secrecy

By CHRISTOPHER RUDDY

The Justice Department yesterday stood by its refusal to release reports on the death of deputy White House Counsel Vincent Foster, claiming such action would jeopardize an ongoing investigation.

In court papers submitted in response to a federal lawsuit brought by The Wall Street Journal, the Justice Department said:

"Independent Counsel Robert B. Fiske Jr. has determined that the public release of all or any part of the records at this time would be detrimental to the investigation currently being conducted by his office."

Foster — who was found with a single gunshot wound in the head in Fort Marcy Park in Arlington, Va., last July 20 — was ruled a suicide by federal Park Police.

The Journal and its parent company, Dow Jones & Co.,

brought suit last month seeking release of police and FBI documents relating to Foster's death under the Freedom of Information Act.

The Justice Department has steadfastly refused to release the documents.

Fiske, appointed independent counsel on Jan. 20 to investigate Bill and Hillary Clintons' Whitewater real estate partnership, said he planned to include the circumstances of Foster's death in his probe.

In a letter submitted to the court with the Justice Department's papers, Fiske wrote that release of the police and FBI records would be "detrimental to the [Foster] investigation."

Fiske explained: "If a witness has access to what another person has said about a particular fact or to conclusions reached in the report, that witness' testimony . . . in an interview could be tainted . . ."

# It's a safe bet Foster had one

By CHRISTOPHER RUDDY  
*Post Correspondent*

WASHINGTON — The White House claimed yesterday that deputy counsel Vincent Foster did not have a safe — but two Post sources said he did and would testify about it if subpoenaed.

The Post reported yesterday that a second set of files was hastily removed from Foster's office safe shortly after his death last July 20.

The report said former White House counsel Bernard Nussbaum, who removed other files from Foster's office, tried futilely to get the combination to Foster's safe but another senior official later got it, opened the safe and took the papers.

The papers were turned over to David Kendall, the Clintons' private lawyer, sources told The Post.

White House chief-of-staff Mack McLarty questioned that account, telling reporters: "I don't think there was a safe, as I understand it. To the best of my knowledge, there was not."

But two Post sources reiterated that there was a safe in Foster's office.

The sources — who described a frantic scramble by White House staffers seeking the safe's combination — requested anonymity.

But both said they would be willing to testify if subpoenaed by special Whitewater counsel Robert Fiske.

One source suggested the safe may have been removed after Foster's death.

Bush administration officials said there was a safe in the deputy counsel's office while George Bush was president and John Schmitz was his deputy counsel.

3/10/94 New York

Post, pg. 2

3/11/94 New York Post, page 2

# Foster's secret apartment hideaway revealed

By CHRISTOPHER RUDDY

Former Deputy White House Counsel Vincent Foster shared a secret apartment with several senior administration officials at the time of his death, The Post has learned.

"It was like a clubhouse, a place to kick back, have a drink, hide out," a White House source told The Post.

The source, who asked not to be identified, said the apartment was known among a tightknit group of Arkansans — including Foster.

The source said the apartment was "not far from the White House. Maybe just across the [Potomac] River [in suburban Virginia]." Other sources said they believed the apartment was in the Crystal City development

in suburban Virginia.

The July 20 death has been ruled a suicide, but the Whitewater special prosecutor's office has reopened the probe.

The Park Police report on Foster's death does not mention Foster having an apartment, but a police source said the White House told investigators about the apartment — two facts which trouble one leading homicide expert.

"You have to go back immediately to his office and any residence after his death," said Vernon Geberth, a leading national homicide forensic expert.

"Even if this was a suicide you still have to look at all the immediate events leading up to the death."

Geberth also said the failure of the Park Police to interview administra-

***"It was like a clubhouse, a place to kick back, have a drink, hide out."***

WHITE HOUSE SOURCE

tion colleagues who shared the apartment and neighbors indicated that they had conducted a "less than thorough investigation."

Foster left the White House at 1 p.m. on the day of his death. His body was found at approximately 6 p.m. The autopsy report said Foster died between 4 and 5 p.m., leaving at least three hours of unaccounted time.

Foster's second apartment has been the source of Washington gossip and speculation for months, and it has grown in significance after a series of arti-

cles in The Post challenged the suicide ruling.

A prestigious investment newsletter said Sen. Daniel Moynihan's office indicated that Foster had committed suicide in the undisclosed apartment and that his body was moved to Ft. Marcy Park, in Arlington, Va., several miles away.

Moynihan's office vehemently denied the report in the newsletter put out by Johnson, Smick International, a D.C.-based consulting firm headed by Manuel Johnson, a former Federal Reserve board member.

White House spokesman Dee Dee Myers denied there was any secret apartment and called the newsletter report "a complete fabrication."

Myers said all strategy and planning sessions are done in the White House.

The exact location of the apartment was not known. But a source told The Post Foster visited the rental-leasing offices of Lincoln Towers, 850 North Randolph, Ballston, Va., weeks before he died.

The source said Foster was seeking an apartment in the luxury high-rise development and was shown several and filled out "a traffic card" — a questionnaire interested renters are asked to fill out.

The management company at Lincoln Towers refused comment.

3/11/94 New York Post page 20

# Whitewater fever sends markets reeling

By CLAUDIA CARPENTER

Investors dumped stocks, bonds and the dollar yesterday on fears that wild Whitewater rumors could cripple the presidency.

The rumors — "scandalous" in the words of Salomon Bros. chief equity strategist David Shulman — moved from foreign exchange traders overnight to hit bonds and then stocks yesterday.

Shulman refused to repeat the rumors, but several bond traders cited a report from Washington, D.C. consultants Johnson Smick.

The report suggested that former White House attorney Vincent Foster killed himself in a private White House apartment, and that his body was later moved to the park along the Potomac River where it was found.

"The market is down because of worry that Whitewater will explode," Shulman said.

"It's worried about the fate of Whitewater, and it's worried about the fate of the presidency."

White House Press Secretary Dee Dee Myers called the report "a complete fabrication."

The Dow Jones industrial average tumbled as much as 38 points at the height of the selling before recovering partially in late trading to finish with a loss of 22.79 points, at 3,830.62.

Blue chips Alcoa and International Paper led the decline.

Shulman said the drop was "very orderly" but that "the bond market looked kind of panicky."

The Treasury's 30-year bond, which fell nearly a point just two days earlier, slumped a whopping 1½ points again, lifting its yield to 6.94 percent — the highest level since May last year.

A number of traders said

the market acted very badly, and that selling pressure was exacerbated by growing concern that today's retail sales report will show growth of more than 1 percent as had been expected.

"I think the political risks associated with Whitewater have created a lot of anxiety among investors," said John Costas, head government bond trader at CS First Boston.

In line with the anxiety, gold rose. The April futures contract was up \$8.10 at \$388.20 an ounce. Rising gold prices are seen as an indicator of investor anxiety.

Costas said the dollar was the first to move on the Whitewater rumors, falling first against the German mark because it was the most vulnerable.

He explained that investors were overwhelming betting that the dollar would be going up, and the

mark down, because U.S. interest rates are going up and German rates are going down.

In late trading, the dollar was being quoted at 1.6825 marks, down from 1.6990 late Wednesday. At one point, the dollar was trading at its lowest point against the mark since last October.

The dollar also fell against the Japanese yen to 105.25 yen vs. 105.80.

New York Stock Exchange volume was active at 333 million shares vs. 309 million Wednesday.

Gold stocks were among the most actively traded.

Newmont Mining rose 1 to 53½, Homestake added ½ to 20½ and American Barrick rose ¼ to 25.

Aluminum stocks fell after the International Primary Aluminum Institute reported an unexpected rise in producer inventories.

Alcoa fell 1¼ to 73½, Rey-

nolds dropped 1¼ to 50½ and Alcan slipped ¼ to 23½.

Paper stocks also fell on a negative earnings outlook from International Paper.

The stock, which fell 2½ on Wednesday, dropped another 2 to 69½. Georgia-Pacific was down 1¼ to 68½.

Among other big movers, Advanced Micro soared 6 to 28½ on a favorable court ruling. The ruling was negative for Intel, which fell 1¼ to 70½.

Grumman, which made a deal earlier this week to sell out to Martin Marietta at \$55 a share, was trading at 61½ in after hours trading after the news hit that Northrop had offered \$60 a share for Grumman.

Grumman closed at 54½ on the Big Board.

LTX tumbled 10 percent, or ¾, to 3½, on news of a restructuring that will cost \$17.9 million this quarter.

Sanmina plummeted 4 to 18 on earnings concerns.

# FEMINIST TO HILLARY: COME CLEAN!

By DEBORAH ORIN *Washington Bureau Chief*

A prominent Democratic activist and outspoken feminist yesterday called on First Lady Hillary Rodham Clinton to break her silence and answer questions about her role in Whitewater.

"It is time for her to find the right venue in which to talk to the American people about a lot of this," said longtime Democratic Party official Lynn Cutler during the Democratic National Committee's spring meeting in Cleveland.

"Her integrity and effectiveness are at stake. They are peeling away her ability to be what she is, which is our leader on the health care reform issue."

Cutler made the comments while handing out stickers that read: "Don't pillory Hillary."

The fact that a longtime Democratic vice chairman would call on Mrs. Clinton to speak out underscores the jittery mood among Democrats, some of whom fear they will pay a Whitewater price in next fall's congressional elections.

So far, Mrs. Clinton has given no sign she will an-

## ABC: Gun-in-hand pic clears Foster muddle

ABC News last night broadcast a closeup photo it said showed deputy White House counsel Vince Foster's hand after his death, with his thumb around the trigger of a gun.

The network didn't say how it obtained the photo, nor did it specify when the photo was taken or by whom — or whether it was taken before Foster's body was moved.

A number of news organizations, including The Post, have quoted paramedics and a police officer who were at the scene who raised questions about the circumstances of Foster's death and whether the scene — with gun in hand — was staged.

Special Whitewater counsel Robert Fiske's staff has said publicly he will look

into Foster's death and whether he did indeed commit suicide.

The Post last week quoted law-enforcement sources who said a crucial photo, showing the body from head to toe with the gun in hand, was not taken before Foster's body was moved.

Other experts questioned why there were no powder burns on Foster's tongue, as is normal in cases in which someone commits suicide by firing a gun into the mouth.

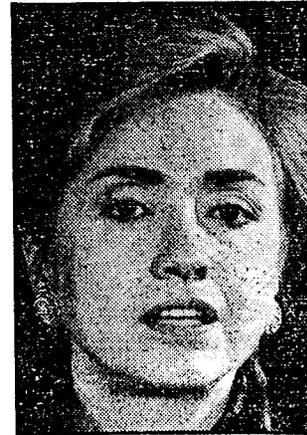
The ABC report contended that the photo disproves some of the rumors about Foster's death, such as whether the gun would have flown out of his hand and whether there were powder burns on his hand.

Special Whitewater counsel Robert Fiske is examining whether funds from Whitewater were improperly funneled to the Clintons. He's also looking into the death of Deputy White House Counsel Vince Foster.

It was reported yesterday that Fiske appears to be looking into what became of \$249,000 raised in a second failed land deal financed by the Whitewater Development Corp., which the Clintons co-owned.

Even though the Clintons owned 50 percent of Whitewater, they escaped financial responsibility when that deal went sour in 1989 with a \$500,000 judgment against Whitewater and a related firm, the Chicago Tribune reported.

Meanwhile: ■ Senate GOP leader Bob



**HILLARY CLINTON**  
"Integrity at stake."

Dole said deputy Treasury Secretary Roger Altman and associate Attorney General Webster Hubbell should go on unpaid leave for Whitewater-linked matters.

Altman acknowledges improperly briefing White House officials on a Whitewater-linked federal investigation. Sen. Alfonse D'Amato (R-N.Y.) has called on Altman to resign.

Hubbell, a former law partner of Hillary Clinton, is reported to be under investigation by the Rose Law Firm, where they worked in Little Rock, Ark., for financial improprieties.

1/27/94 New York Post, pg. 5

# Key questions leave experts wondering

By CHRISTOPHER RUDDY

Expert detectives can often distinguish a suicide from a murder by asking — and finding the answers — to a number of key questions.

Here are their unanswered questions about the death of White House lawyer Vince Foster:

■ Was the suicide victim familiar with the weapon?

Police say the 1913 Colt .38-caliber revolver found in Foster's hand was the gun used, based on powder residue on Foster's hand.

But the Foster family has not positively identified the gun as his.

■ Is the victim's time accounted

**A note found in Foster's briefcase had been torn in 27 pieces. It detailed Foster's anguish over a number of issues, but made no mention of suicide.**

for on the day of his death?

The autopsy report put the time of death between 4 and 5 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.

■ Did anyone hear the gunshot?

Police say no, but they apparently did not question all homeowners and workers in and near

the park.

■ Were there nearby witnesses?

Police say no one besides Foster apparently was in the park at the time of his death.

But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after

6 p.m. It was still there a half-hour later.

Police say the Mercedes was simply disabled. A spokesman couldn't explain why that information was withheld from the press at the time of Foster's death.

■ Was a suicide note found?

No suicide note was found on his body, according to officials.

The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had been overlooked during an earlier police search.

The note detailed Foster's anguish over a number of issues, but made no mention of suicide.

1/28/94 New York Post, pg. 2

# COPS: FOSTER GUN WAS NEVER TESTED

By CHRISTOPHER RUDDY

The gun found in Vincent Foster's hand after his reported suicide might not have been tested to determine if it was the weapon used in the White House deputy counsel's death.

"We may not have done a ballistics test," Maj. Robert Hines, a spokesman for the U.S. Park Police, told The Post.

The agency had reported after Foster's death that the Washington Metropolitan Police performed tests confirming the gun killed Foster.

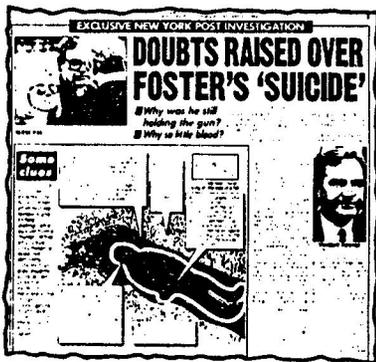
The district police routinely do such testing for the federal service.

But the district police's ballistics unit told The Post this week that had not happened.

"No, we did not test that gun," the head of the unit, George Wilson, said.

Questioned about the conflicting reports, Hines told The Post yesterday, "We will no longer be providing you with information. You will have to FOIA all requests from now on" — submit formal requests under the Freedom of Information Act.

The Post reported yesterday that aspects of the



**FLASHBACK:** How The Post broke story.

Foster death were inconsistent with suicide.

Homicide investigation experts said that even without the bullet, ballistics tests could be helpful.

A test would show that the gun worked. And, any unused ammunition should be fired to compare the gun's powder with the powder burns and stipling (a tattooing effect) in the victim's mouth, retired

## White House: No comment

WASHINGTON — The White House yesterday declined comment on The Post's report raising questions about the reported suicide of White House deputy counsel Vince Foster.

"The Park Service police investigated that at the time," said White House press secretary Dee Dee Myers.

She added that special Whitewater counsel Robert Fiske "has now included that in the scope of his investigation."

"We'll cooperate with the investigation and beyond that I have nothing to add," she said.

Myers didn't address any points raised by The Post, which quoted a paramedic who said the scene was "strange" due to the body's position and the lack of blood.

Attorney General Janet Reno said: "I have heard absolutely no information at all that would indicate that it is anything but a suicide."

New York detective Vernon Geberth explained.

Park police say the bullet exited the back of Foster's head and was lost in the woods. A second bullet was found in the revolver.

Geberth, whose book "Tactics" is considered the bible on homicide forensics, said, "The last

thing you want to classify a death as is a suicide. Death investigations are analytical. Don't jump to conclusions."

Just because a gun is found in the victim's hand, he said, "Who says that it is the gun that is fired?"

But Geberth said he could not draw any con-

clusions without an autopsy report and police file.

Dr. James Byer, the Virginia medical examiner who conducted the autopsy on Foster's body, said that the finding of suicide was made by the park police.

Foster's body was found on July 20 in Fort Marcy Park, just across the Potomac River from Washington. The park falls under the jurisdiction of the park police.

Park police said they did not canvass the neighborhood around the park.

"There are no homes around there, it's secluded," Hines said.

But from where Foster's body was found, one can see directly down a gully into the front yard of a home where a large construction project has been going on since before Foster's death.

2/1/94 New York Post pg. 8

# Journal is suing feds for Foster 'suicide' file

By CHRISTOPHER RUDDY

The Wall Street Journal is suing the Justice Department in a bid to obtain documents concerning the "suicide" of White House counsel Vincent Foster.

In a federal suit filed in Manhattan District Court, the Journal contends that since last August, the Justice Department has "constructively and improperly denied" the paper's Freedom of Information request for documents related to Foster's reported suicide.

The Journal announced its suit yesterday in a story and editorial that cited New York Post investigative reports detailing inconsistencies in official accounts of Foster's death.

Law-enforcement experts have criticized the Justice Department's reluctance to release the documents, saying the reports could provide valuable information about Foster's death last July 20.

In August, the U.S. Park Police ruled the death a

## **Release the Foster files / Editorial: Page 22**

suicide based on its investigation and the medical examiner's autopsy.

The Park Police released only sketchy details of its findings, promising fuller information within days.

No other information was provided.

Reporters were told they would have to file Freedom of Information requests — a formal and time-consuming procedure — if they wanted to know more.

Those requests have not been honored.

Last week, Maj. Robert Hines, a Park Police spokesman, told The Post that the reports were ready, but had to be "Xeroxed and collated."

He blamed the 5½-month delay on "interagency clearances and the attorney general's office."

Last week's appointment of Robert Fiske as special counsel to investigate Foster's death may further delay release of the documents.

"We've put it in the hands of the special counsel, to see if it will interfere with his investigation," Justice Department spokesman Carl Stern told The Post.

He said it was up to Fiske to release the documents.

Critics of the Justice Department believe the agency has been stalling the FOI requests.

"This is a matter of public domain. I don't see why this should be held off," William F. Roehmer Jr., former chief of the the FBI's Chicago Organized Crime Strike Force and the agency's most decorated former agent, told The Post.

# NEW YORK POST

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## Release the Foster files

A continuing series of articles in this newspaper has raised some important — and still unanswered — questions about the mysterious death of Vincent Foster, the White House deputy counsel and personal lawyer for the President and Mrs. Clinton.

Post reporter Christopher Ruddy's investigation determined that there are startling holes in the probes into Foster's death conducted both by the National Park Service police and by the FBI: The episode was labeled a suicide rather hastily. This conclusion, it would seem, was reached without adequate justification.

■ Police and paramedics who were first on the scene described the placement and condition of Foster's body as both "strange" and inconsistent with a suicide by gunshot — veteran homicide detectives support this analysis.

■ Park Police called Foster's death a suicide before an autopsy had even been conducted.

■ D.C. police are denying the Park Police claim that critical ballistics tests were performed on the gun found in Foster's hand.

These disclosures follow questions that had already been raised: Why was there no suicide note? What happened during the four unaccounted-for hours prior to Foster's death?

Despite efforts by administration officials to throw cold water on the issues raised by the Post stories, Ruddy's inquiry — justifiably — has attracted national attention.

The White House refusal to comment formally is grounded in the claim that independent counsel Robert Fiske's investigation bars it from doing so. Fair enough. But the Justice Department did pledge last August to release relevant documents in response to Free-

dom of Information Act (FOIA) requests. The requests have been made — by a number of news organizations. But the material in question has not been forthcoming; Justice cites an FOIA backlog.

Now, in the wake of the Post series, The Wall Street Journal has filed suit in federal court. The goal is to force the release of the FBI and Park Service reports on the Foster episode. Foster's death took place on July 20. The Journal filed its FOIA request on Aug. 18. In theory, such requests are meant to be honored within a 30-day time period. The Journal's allegation that Justice's failure to respond affirmatively amounts to a constructive denial of an entirely legitimate request strikes us as persuasive. We can't see, moreover, how releasing the reports would impede the independent counsel's investigation.

The entire matter takes on added urgency following the recent disclosure of visits to Foster's office — after his death — during which documents relating to the Whitewater affair were surreptitiously removed.

If there are easy answers to the questions The Post raises in Chris Ruddy's series, it would seem the White House would want to provide them — by ensuring that Justice produces the documents in question. The "Fiske excuse" has its charm. But half a year elapsed between Foster's death and Attorney General Janet Reno's decision to appoint an independent counsel; during that interim, no documents were released.

We realize The Post series has provoked considerable speculation. If the White House wants to quiet this phenomenon, there's one way to do it: Release the FBI and Park Police reports.

2/3/94 New York Post, pg. 2

# Experts: Park cops bungled the probe

By CHRISTOPHER RUDDY

U.S. Park Police failed to follow standard investigative procedures in probing the circumstances surrounding the death of deputy White House counsel Vincent Foster, law-enforcement experts told The Post.

The Park Police, by quickly classifying Foster's death a suicide, violated a cardinal investigative rule: Don't jump to conclusions, the experts said.

Making a snap judgment that Foster's death was a suicide was a violation of textbook procedure — which laid the groundwork for further violations.

"In the Vince Foster case nothing was done right, as far as the public record shows," said Gene Wheaton, an investigator for 22 years with the Army's Criminal Investigation Division.

Experts stress that any death should be considered a possible homicide until it is proven otherwise by forensic and autopsy reports and other evidence.

The Park Police conducted only a cursory search in Fort Marcy Park in Arlington, Va. — apparently because they believed Foster's July 20 death was a suicide.

Witnesses said police did not follow textbook procedure and do a "hand and

knee" search of the area around his body, or use metal detectors to search for the bullet that was fired into Foster's mouth and exited through the back of his head.

They also didn't dust Foster's car for fingerprints, or canvass the neighborhood around the park, or interview regular park visitors.

And they were apparently unaware that there was a rear park entrance — closer to the death scene than the main entrance.

Their sloppy on-site investigation was duplicated off-site when they delayed securing Foster's office for at least 12 hours — if not longer.

And they also didn't run ballistic tests on the gun found in Foster's hand — tests that experts say would show whether the 80-year-old weapon was operable.

Park Police officials have defended the probe that followed the discovery.

"It seemed definitely a suicide," said one of the first law enforcement officials to arrive at the scene of Foster's body.

"It was a perfect place to commit suicide. It's very peaceful there in the woods," another investigator, Park Police Officer Kevin Fornshill, told The Post.

## INVESTIGATING A CRIME SCENE

Following are the standard police procedures followed in death investigations — and they were violated by the U.S. Park Police in probing the death of deputy White House Counsel Vincent Foster.

### Here's what standard police practice requires:

*Don't call a death a suicide until you can prove it.*

*Treat the area around the body as a crime scene. Conduct a thorough search.*

*Find the bullet. Employ metal detectors.*

*Canvass the park and neighboring homes. Interview regular visitors to the park.*

*Treat the car as part of the crime scene.*

*Conduct ballistics tests on the gun, firing the unused bullet. Test the gun for operability.*

*Secure the victim's office immediately, particularly since the death took place during the workday.*

*Consider the first person to have found the body as an important witness, and, if foul play is involved, as a possible suspect.*

### This is what the U.S. Park Police did:

Officers on the scene judged the death a suicide. Officials made the same call days after the death, without the benefit of forensic tests.

Park police made a cursory examination of the primary crime scene, but did not conduct a "hands and knees" search around the body, looking for evidence.

The Park Police never found the bullet, and didn't use metal detectors.

Park police were unaware of several homes about the park. They were unaware that the park has a rear entrance.

Park police did not check the car for fingerprints.

Park Police didn't conduct a ballistics test.

Foster was found at 6 p.m. His office was not secured until 10 a.m. the next morning.

The first person who found the body asked a park maintenance worker to call 911. Police say they never found the person. The maintenance worker said police did not ask him for help in putting together a sketch of the person's face.

Source on police practice: "Practical Homicide Investigation: Tactics, Procedures and Forensic Techniques," Second Edition, Vernon J. Geberth.

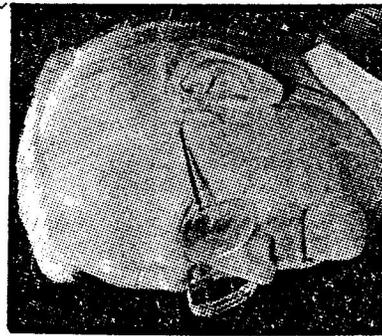
# EX-CHIEF: POLITICS KEPT FBI OFF FOSTER CASE

By CHRISTOPHER RUDDY  
The FBI was kept out of the investigation into Vincent Foster's alleged suicide because of a "power struggle within the FBI and the Department of Justice," former FBI Director William Sessions says.

"The decision about the investigative role of the FBI in the Foster death was . . . compromised from the beginning," Sessions claimed in a bitter handwritten statement he gave to The Post yesterday.

After Foster's death on July 20, the Justice De-

**"The role of the FBI was . . . compromised from the beginning."**  
WILLIAM SESSIONS



**WILLIAM SESSIONS**  
*Bares power struggle.*

Foster's death should be looked at in the context of known events which had political implications,"

Sessions said.

Sessions — fired by President Clinton the day before Foster's suicide — noted that there had been a long-standing "power struggle within the FBI and the Department of Justice."

He said Foster, as the top deputy in the White House counsel's office, "was deeply involved in [the] relationships and events" involving the dueling bureaucracies.

One of those "events," he said, was the Travelgate scandal — when FBI agents were "summoned to the White House without

my knowledge" as part of a bid by Clinton aides to oust veteran White House travel staffers in an abortive bid to make way for Clinton cronies.

The White House later admitted erring in getting the FBI involved and in publicizing its involvement.

"The White House and Justice Department were clearly in a politically awkward position with the FBI 'Travelgate' investigation in July 1993" — when Foster's body was discovered, Sessions wrote The Post.

Floyd Clarke, who was

named acting FBI director the day before Foster died, "had been long involved with the Department of Justice to affect the power shift at the FBI," Sessions said.

And that, Sessions inferred, is why Clarke let the Park Police head the investigation.

Calls for comment to the White House and the Justice Department were not returned.

A number of law enforcement officials questioned why the FBI did not take on the investigation.

"In view of the nature of this case, the FBI should have been involved," William Roemer, former head of the FBI's Organized Crime Strike Force, told The Post.

Roemer blasted the bureau for "allowing the tail to wag the dog."

"[Attorney General Janet] Reno and Clinton had undue influence. The FBI would normally be finding reasons to get involved in a high profile case," Roemer said, questioning the reasoning behind the Park Police's lead role in the probe.

Other law enforcement officials echoed his sentiments.

"The Park Police are not much more than traffic control and night watchmen," said Gene Wheaton, a retired investigator with the Army Criminal Investigations Division.

In his dealings with the Park Police during his 22 years with the Army CID, Wheaton said, they were known as the most "pliable" of law enforcement agencies and had almost no experience in "professional investigations."

Last year, the Park Police criminal investigations unit probed 35 deaths. The agency refused to provide a breakdown on how many were homicides, suicides or natural deaths.

# FUMBLING FEDS CHANGE STORY ON FOSTER 'SUICIDE'

By CHRISTOPHER RUDDY

The U.S. Park Police has quietly revised its theory about exactly how Vincent Foster died — but its latest account of his "suicide" still doesn't jibe with the official autopsy report, *The Post* has learned.

Initially, Park Police investigators said the former deputy White House counsel inserted the barrel of a gun in his mouth and pulled the trigger.

Confronted with medical evidence that showed this almost certainly could not have happened, the investigators now have a new conclusion — that Foster held the gun a few inches away from his mouth and fired.

But that's equally inconsistent with the medical evidence, according to experts consulted by *The Post*.

The Park Police would not comment.

Foster was found dead July 20 in Fort Marcy Park in Arlington, Va.

The Park Police, put in charge of the investigation by the Justice Department, first said Foster put the barrel of an 80-year-old .38-palmer Colt Army service revolver into his mouth and fired.

If a suicide victim put a gun inside his mouth, experts say, there likely would be:

■ Thick quantities of gunpowder around or inside the wound.

■ Trace residue of gunpowder on his tongue.

■ Broken or damaged teeth.

■ Blood on the gun barrel.

But none of these conditions existed when Foster's body was found.

"The entrance wound [inside the mouth] would be seared with a black margin, a heavy deposit of black soot, the size of a silver dollar, with a hole in the center," said Dr. Vincent Di Maio.

Di Maio, medical examiner for San Antonio, Texas, and a leading expert on wounds caused by firearms, said the only reason soot would not be

## POST EXCLUSIVE

found around the wound is if "the barrel is jammed really tight against the palette."

But then, he said, soot would be found inside the hole made by the bullet — and that was not the case, according to the autopsy report.

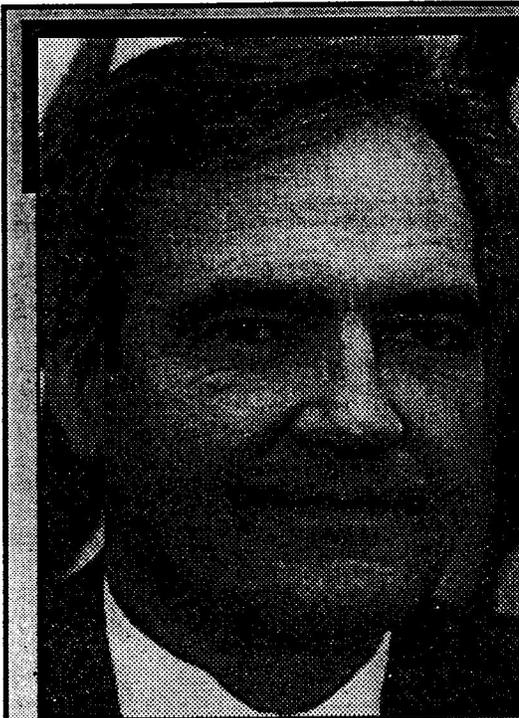
Di Maio said he has not been involved with the Foster case and was speaking in general terms.

The Park Police's revised theory — that Foster fired the gun a few inches outside his mouth — also fails to hold up, according to pathologists consulted by *The Post*.

They agreed that if a gun were held outside Foster's mouth and fired, there would likely have been powder and burn marks on his face and damage to his lips.

Witnesses who saw Foster's body, including the first paramedic on the scene, recalled that Foster's face was "white and pale," with no evidence of powder marks or injury to his lips.

According to one veteran New York City homicide detective, there's only one possible way Foster — holding the gun either inside or outside his mouth — could have committed



Former deputy White House counsel Vince Foster

## MISSING LINKS IN 'SUICIDE'

If a suicide victim put a gun inside his mouth, experts say, there likely would be:

- Thick quantities of gunpowder around or in the wound.
- Trace residue of gunpowder on his tongue.
- Broken or damaged teeth.
- Blood on the gun barrel.

suicide without leaving evidence that an autopsy would turn up.

That would be if the gun had been equipped with a silencer, which extends the barrel, absorbs the blast and reduces the soot discharged.

But experts say suicide with a silenced weapon is extremely rare. And there was no silencer on the gun found in Foster's hand, or near Foster's body.

The Park Police maintain that the Colt, which lay clutched in Foster's hand alongside his hip, is the weapon that caused his death.

But the gun has not been positively identified as Foster's by his widow, according to Park Police.

Experts also point out that

because of its age and the fact that its history is unknown, the weapon fits the description of a "drop gun."

A "drop gun" is an old, nondescript and untraceable revolver that can be "dropped" by someone at a staged suicide or crime.

The gun found in Foster's hand "was an old, reconstituted gun that had cannibalized pieces of other guns used to replace parts of it," Jack Killoran, a spokesman for the federal Bureau of Alcohol Firearms and Tobacco, told *The Post*.

Park Police have said one of the key reasons they ruled Foster's death a suicide is that his thumb bore an indentation from the trigger.

A person pointing a gun

backward, into his mouth, would pull the trigger with his thumb.

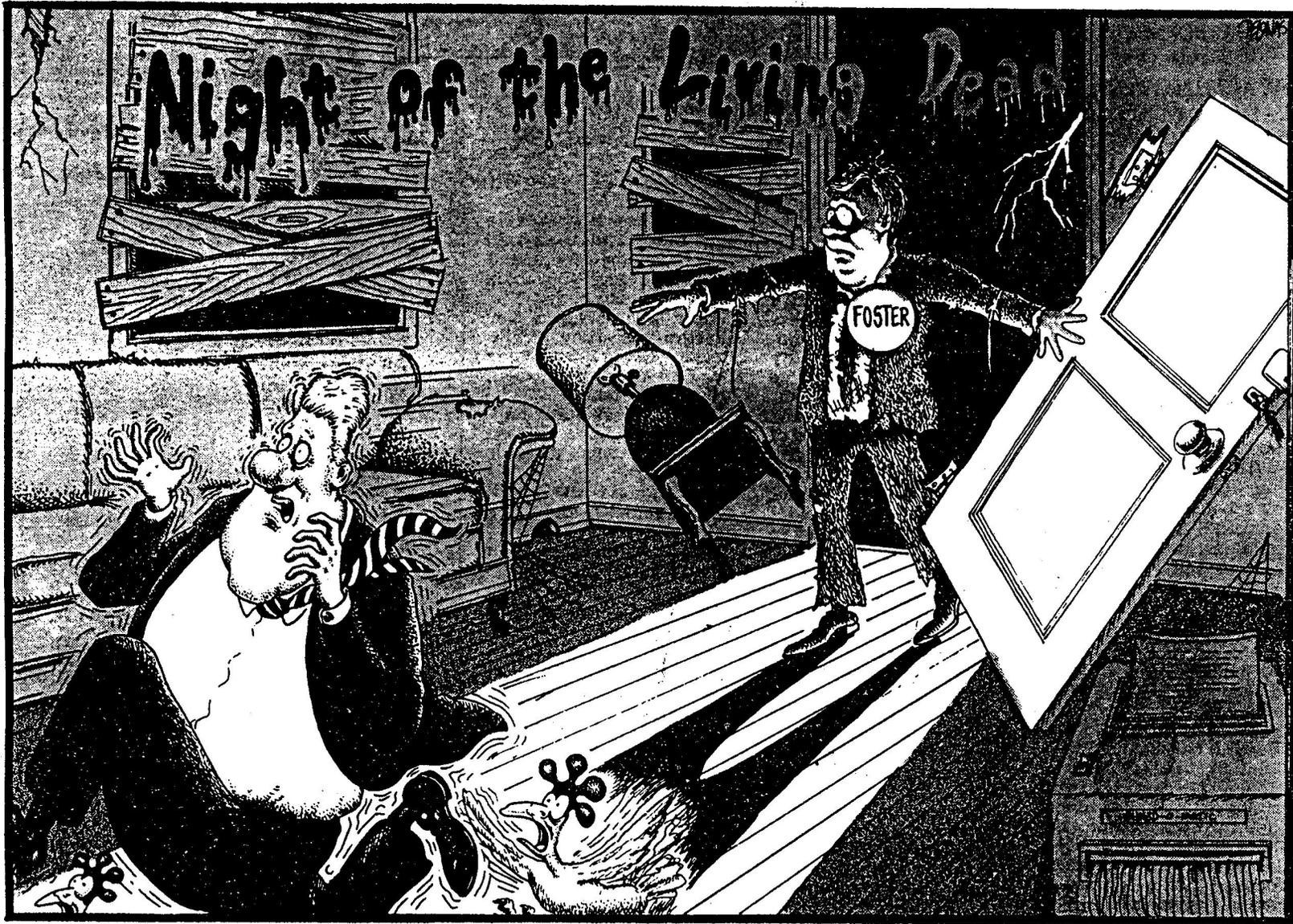
But Di Maio said he has never heard of a case in which a permanent imprint was made on a finger simply pulling a trigger.

"It's virtually impossible," he said.

An imprint on the thumb would be plausible if Foster had been found still clutching the trigger in "cadaveric spasm" — a spasm caused by instant death, according to Vernon Geberth, a leading authority on death investigations and author of the standard police text on the subject.

But police said when Foster's body was found, his thumb was not on the trigger — it was caught under the trigger guard.

2/12/44 New York Post p. 6



# PRUBER: WE'LL START FROM SCRATCH ON FOSTER'S 'SUICIDE'

By THOMAS FERRARO Post Correspondent

WASHINGTON — A top aide to Whitewater special counsel Robert Fluke vowed yesterday to start from scratch and conduct a "top-to-bottom" review of whether White House lawyer Vince Foster committed suicide.

"Obviously, if he did not commit suicide, and something else happened — that's going to be relevant to a lot of things," prosecutor Roderick Lankler told The Post.

Lankler, a veteran New York homicide prosecutor, said he is putting together his own team of investigators — pathologists and forensic experts to review the U.S. Park Police conclusion that Foster killed himself.

"Suffice to say, we're going to go through the entire investigation — from top to bottom," Lankler said in a telephone interview.

"The purpose of our investigation is to find out how he died and why he died (and) if it's relevant to the Whitewater investigation — that's the job of the investigation."

Fluke is heading a sweeping probe into the Clinton's ownership of the Whitewater Development Corp. and their ties to a failed Arkansas savings and loan, Madison Guaranty



VINCE FOSTER

Too many questions.

If she was aware of anything that would remotely suggest Foster's death was anything but a suicide, Lankler, asked if he agrees with Reno, said: "That's what I'm supposed to be doing: trying to find out what happened."

Shortly after Foster was found dead with a bullet in his head in a Virginia park July 20, Whitewater papers

were quietly removed from his office by White House aides.

Those papers were turned over to federal investigators this winter after The Washington Times disclosed their existence.

Lankler said, "It is also our purpose... to find out what happened after he was found dead — in respect to what went on in the White House."

Lankler, one of eight veteran prosecutors hired by Fluke last week, was given the task of investigating Foster's death.

He said he expects to hire forensic experts and pathologists next week, but refused to predict how long his probe may take.

"The objective we have here is to do the most thorough and professional job we can," he said. "We are going to take the time we need to do it."

The Park Police finding of suicide was supported by the FBI, and a Virginia independent examiner ruled that Foster's wounds were consistent with suicide. Clinton has publicly accepted the suicide ruling but has said the reason his boyfriend pulled the trigger may never be known.



RICKI TIGERT: Fluke's pal is slated for nomination as FDIC boss — but may face a filibuster.

## W'water just got dirtier: Worker admits shredding

By THOMAS FERRARO Post Correspondent

WASHINGTON — Charges of a Whitewater cover-up got new impetus today when the New York Times reported that a former law firm partner, former grand jury foreperson, admitted shredding documents from the files of the late White House counsel Vincent Foster.

The Washington Times last month reported the allegation of shredding, but this is the first report of sworn testimony.

It was not immediately clear that the files destroyed — which bore Foster's initials — concerned the sale by President and Mrs. Clinton of their share of the Whitewater Development Company.

Foster was handling some of the Clinton's personal matters at the time of his suicide.

The firm has acknowledged shredding documents but denies they had anything to do with Whitewater.

It also was unclear whether the shredding took place before or after special Whitewater counsel Robert Fluke issued a sweeping subpoena for all of Foster's files.

If it came after, the shredding could constitute obstruction of justice.

Disclosure of the testimony came amid new revelations that top Clinton aides got improper briefings from federal regulators about investigations touching on Whitewater.

Clinton yesterday ordered that White House staffers get no more secret Whitewater briefings.

He said he was "concerned" about the appearance of impropriety, but in-

sted "as nearly I can determine, no one has actually done anything wrong."

In related developments yesterday:

■ Treasury Secretary Lloyd Bentsen said he has asked the Independent Office of Government Ethics to investigate the briefing guidelines were followed.

■ Senate Republicans announced they would filibuster to block Clinton's nomination of his old friend, Ricki Tigert, as head of the Federal Deposit Insurance Corp. until there's a congressional hearing into what they denounced as improper and unethical briefings.

■ The FDIC insures and regulates banks and S&Ls.

■ Sen. Al D'Amato (R-N.Y.) got 49 fellow Senate Republicans to sign a letter to Senate Democratic leader George Mitchell asking for a congressional investigation of the briefing.

Clinton aides confirmed that Treasury Department officials briefed White House staffers twice last fall on the status of a Justice Department investigation into Madison Guaranty S&L, a failed Arkansas savings and loan with ties to the president and First Lady.

Disclosure of the meetings, by the Washington Post, came one week after Deputy Treasury Secretary Roger Altman told Congress he gave White House staffers a "heads up" last month on when the statute of limitations would expire in post-Madison civil suits.

**Darkening cloud over Justice Department / Editorial Page 18**

## Hillary's new middle name: Meddler

By DEBORAH CRIN Bureau Chief

WASHINGTON — It's getting to be a pattern for President Clinton's top aides to interfere with supposedly independent federal investigations of politically embarrassing matters.

First Lady Hillary Rodham Clinton or her staff were at the center of the



HILLARY

**ANALYSIS**

action in the four cases where the White House has belatedly admitted it acted improperly.

The latest reports of White House improprieties came amid growing questions about the actions of Mrs. Clinton's former law firm, the Rose Law Firm, underscored by a New York Times report today that there is sworn testimony the firm shredded sensitive legal documents.

The cases of White House meddling are:

■ In *Travelgate*, the

## Sticks her nose into fed probes

signed.

Rosenbaum and Mrs. Clinton's chief of staff, Margaret Williams, also took Whitewater files from Foster's office instead of giving them to investigators.

Only when the press found out six months later did the White House agree to give the files to the Justice Department — just days after Mrs. Clinton publicly objected to yielding the files.

Last week, Deputy Treasury Secretary Roger Altman admitted improperly briefing Clinton aides — including Mrs. Clinton's chief of staff — on a Whitewater-linked S&L case tied to the First Couple.

And yesterday, the White House acknowledged that federal regula-

tors also gave Clinton aides two other improper Whitewater-linked briefings on matters involving both Clintons.

Rosenbaum, who as White House counsel is supposed to monitor ethics, was at the center of all these messes.

He is a longtime pal of Mrs. Clinton, who served with him on the House Watergate staff.

The role of Hillary Clinton probably is a special problem — presidential scholar Stephen Hess said.

"First Ladies are always a problem for staff — they don't know how to deal with the First Lady particularly when, as in the case of Mrs. Clinton, she is a sort of public official herself."

The Clintons' partner in the ill-fated Whitewater land deal that now haunts the president, Jim McDougal, says it was Hillary Clinton and not her husband who played the central role in the deal.

New York Post 3/4/94 p4

3/7/94 p4 NY Post

3/7

# COPS MADE PHOTO BLUNDER AT FOSTER DEATH SITE

## Gore sure Fiske will find Vince fired gun

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Vice President Gore voiced confidence yesterday that special Whitewater counsel Robert Fiske will confirm that deputy White House counsel Vince Foster committed suicide.

Gore said he had "absolutely no doubt whatsoever" that Foster, President Clinton's longtime friend and lawyer, took his own life last summer with a single shot to the head. "But you don't have to take my word for it because the special counsel is investigating it fully and completely," Gore told NBC-TV's "Meet the Press."

Fiske's office recently reopened the federal investigation into the July 20 death of Foster, which concluded that "a depressed Foster took his own life."

The Post first raised doubts about Foster's death in January. The initial report — and subsequent ones — quoted lawmen, paramedics and pathologists who questioned the U.S. Park Police's investigation as well as the agency's Aug. 20 finding of suicide.

Gore said he hasn't "immersed" himself in all the details of the case, but feels "extremely confident" that Foster ended his own life.

The White House fanned speculation about the circumstances surrounding Foster's death when it tried to secretly remove Whitewater papers from his office within hours after his body was found in a Virginia park.

The White House then turned the documents over to the Justice Department. Gore admitted that "mistakes have been made" by the White House in its overall handling of Whitewater, but vowed that from now it will follow "the very highest ethical standards."

Gore's pledges followed the forced resignation Saturday of Bernard Nussbaum as White House counsel and the subpoena Friday of Nussbaum and five other staffers by Fiske.

Fiske wants them to appear before a federal grand jury in Washington on Thursday.

Clinton is expected to name a new counsel soon.

Sen. Daniel P. Moynihan (D-N.Y.), appearing on CBS's "Face the Nation," recommended that Clinton pick "someone who is not a friend of anybody working there [at the White House] now, but is a friend of the institution of the presidency, and will be good attorney for the president."

### FOSTER DEATH: KEY QUESTIONS

Roderick Lankler, the Whitewater deputy special prosecutor, will be seeking satisfactory explanations to these 14 key "inconsistencies" in the U.S. Park Police's conclusion that Vincent Foster's death was a suicide:

- **Place** [Redacted]
- **Time** Police have been unable to account for Foster's movements in the last three hours of his life.
- **Body** [Redacted]
- **Blood** His head wounds should have been accompanied by a large loss of blood. Witnesses noted little blood loss.
- **Gun** [Redacted]
- **Gun position** Experts say a suicide's hand rarely remains on the gun, as it did in Foster's case.
- **Gun condition** [Redacted]
- **Ammunition** The gun, a six-shooter, held only two bullets when it was fired. Police could not locate any additional bullets, although gun owners generally have more than two bullets.
- **Foster's mouth** [Redacted]
- **Foster's face** There was no gunpowder on his face and no damage to his lips.
- **Suicide note** [Redacted]
- **Clothing** There was no visible blood on the front of Foster's shirt, and his shoes did not show evidence of having been worn while he was walking through the park.
- **Witnesses** [Redacted]
- **First person** The first person to report seeing Foster's body was a man, driving a white van, who asked park maintenance workers to call the police. He has never been located.

By CHRISTOPHER RUDDY

The U.S. Park Police never took a crucial crime-scene photo of Vincent Foster's body before it was moved during the investigation into the death of the White House deputy counsel. FBI sources told The Post yesterday that the embarrassing blunder was corroborated by a Park Police source who was on duty several months ago, reporting crime-scene procedures investigators neglected to follow in Fort Marcy Park in Arlington, Va., in the

### POST EXCLUSIVE

Foster case, FBI sources said. And, the sources noted, the break with standard police procedure came in an investigation involving the highest ranking federal official to die under suspicious circumstances in more than 40 years. According to FBI sources, the Park Police also:

• Failed to test Foster's shoes for residue.

A member of the Fairfax County, Va., Fire and Rescue squad previously told The Post Foster's shoe bottoms were "very clean."

According to an FBI source, this was apparent to law-enforcement officials at Fort Marcy Park on July 20 of last year, the night Foster died.

A residue test would have shown whether Foster had walked in the park before if his body had been carried there after he died elsewhere.

• Failed to make impressions of footprints around Foster's body.

The impressions would have indicated if Foster had been alone, or if others were with him or had carried him.

• Failed to conduct fiber sweeps of Foster's clothes and his car.

The sweeps would have revealed whether Foster's body had been carried, and if someone else had driven his car.

"It's extremely important, everything should have been vacuumed for trace evidence," said Vincent Scallise, a nationally recognized crime-scene expert.

But the worst police

omission of all in the mishandled investigation, experts say, was the failure to take a crime-scene photograph of the body.

"Photographs should have been taken of Foster before his body was moved, and of his car, and of the relative positions of each," one FBI source said.

Although FBI officials were at Fort Marcy Park after Foster's body was discovered, the Park Po-

lice were in charge of the investigation.

"Crime-scene photographs are permanent and comprehensive pieces of evidence," notes Vernon Geberth in "Practical Homicide Investigation," considered the authoritative text on death probes. Geberth was incredulous that a crime-scene photo of Foster's body had not been taken.

"I can't believe it. Who's to say this was a suicide?" he asked.

"If this is true, this is the most sloppy death investigation I have ever heard of."

Standard police practice requires that the scene of any death by accident, suicide or homicide be photographed, he said.

"It's imperative. It's a

See FOSTER on Page 16



VINCENT FOSTER  
Deputy White House counsel.



VERNON GEBERTH  
Eips "sloppy" probe.

## Pol: Prosecutor blocked House investigation

By CHRISTOPHER RUDDY

A leading House Republican says the special Whitewater prosecutor has blocked a congressional probe of a possible coverup in the investigation of Vincent Foster's death.

Rep. Bill Clinger of Pennsylvania had called for a special congressional hearing into the death of the deputy White House counsel — a death the U.S. Park Police ruled a suicide.

But Clinger said Robert Fiske, the independent counsel named to head the Whitewater investigation and look into Foster's death, has asked that his probe take precedence.

"If we don't push ahead, everything [relating to Foster's death] will drop into a black hole," Clinger, the ranking Republican on the House Committee on Government Operations, told The Post.

He said Fiske's investigation could take years,

while the issue of whether the White House had "thwarted" the investigation into Foster's death is of immediate national concern.

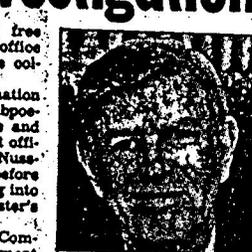
"I think there may well have been [a coverup]," Clinger said. He added that White House Counsel Bernard Nussbaum — who resigned on Saturday — is "a very secretive character."

Nussbaum was criticized in the Park Police report on Foster's death for not

giving investigators free access to Foster's office and his White House colleagues.

Nussbaum's resignation came after Fiske subpoenaed 10 White House and Treasury Department officials — including Nussbaum — to appear before the grand jury looking into Whitewater and Foster's death.

A senior aide on the Committee of Government



REP. BILL CLINGER  
Theorizes a coverup.

See PROSECUTOR on Page 16

# TOP DOGS CAST NEW DOUBT ON FOSTER 'SUICIDE'

2/17/94  
p. 8  
New York Post

By CHRISTOPHER RUDDY

Leading pathologists dispute the U.S. Park Police's conclusion that an indentation on late White House counsel Vincent Foster's right thumb is evidence that he committed suicide.

Police claim the indentation proves Foster pulled the trigger of the .38 Colt .32 that was found in his hand in Fort Marcy Park in Arlington, Va., last July 20.

They contend that Foster pointed the gun toward his mouth and pulled the trigger with his thumb.

But leading pathologists and forensic experts told The Post they were surprised that the existence of the indentation was presented as a key element in the official suicide ruling.

"I wouldn't call it on that," Dr. Vincent Di Majo told The Post.

Dr. Majo, medical examiner for San Antonio and a leading expert on firearms and their effects on the human body, said it's "virtually impossible to find an indentation on



VINCE FOSTER  
Traffic Division aide

the thumb from a single depression of a trigger.

Dr. Majo said he had never heard of such a case.

Other leading forensic pathologists agreed.

"Try it yourself," suggested Dr. Charles Petty, former chief medical examiner of Dallas.

He explained that the skin's resilience would make any indentation from a single moment on the trigger impossible to

see — even at the moment of death.

"You're no more likely to see it than you would find an imprint of the steering wheel on the hand of someone who died in a car accident," Petty said.

Yet another expert said an impression on the thumb would likely not occur even in foul play, a gun were put into someone's hand and the thumb manipulated to pull the trigger.

"I wouldn't expect it," said Dr. Richard Mason, medical examiner of Santa Cruz, Calif., who specializes in firearms forensics.

"You might get a bruise from the recoil, but not an imprint."

The pathologists agreed that there are several other circumstances that could create an indentation or impression on the thumb of a deceased person.

First, acids from a corpse's "sweat" can "rust the skin," Di Majo said.

"The acids can actually dissolve metal, which can impregnate themselves in the hand," he explained.

Foster's right thumb, according to police, was under the gun, trapped between the trigger and the front of the trigger guard.

Foster's other fingers clutched the top part of the gun's cylinder and the handgrip.

The pathologists said the weight of the gun — very likely two pounds — lying on top of Foster's thumb for several hours before his body was taken away would have created this effect.

Another explanation, they said, would be a rare phenomenon known as cadaveric spasm — which occurs in instantaneous death.

But the doctors believe cadaveric spasm is unlikely in Foster's case because he was not found depressing the trigger, and his arm and fingers had moved after the gun was fired.

In concluding that Foster's death was a suicide, the Park Police cited forensic tests that, the agency contends, prove powder burns on Foster's hands match the powder found in his mouth.

"There is no such test," Di Majo said.

Other pathologists agreed.

They said only ballistic tests using the fired bullet could confirm that the Colt fired the fatal shot.

Police never found the bullet that exited the back of Foster's head.

## Park cops have botched a death probe before

By CHRISTOPHER RUDDY

When the U.S. Park Police ruled that Vincent Foster killed himself, it wasn't the first time the agency declared a suspicious death a suicide without conducting a proper investigation.

Its probe into Foster's death bears striking similarities to its handling of the 1981 death of Terry Todd Wright, a 30-year-old soldier assigned to the National Security Agency.

Wright's "suicide" stunned his family because he had no known history of mental or social problems.

Although Wright's death is still classified as a suicide, Congress last fall passed a resolution calling for a Defense Department review of its procedures in investigating suicides and for the reopening of questionable deaths like Wright's.

A retired Army investigator who took part in the probe of Wright's death is convinced the young soldier did not die by his own hand.

"The investigation does not support a suicide," Trent Smith told the Philadelphia Inquirer.

Smith said the Army never challenged the suicide find-



TERRY TODD WRIGHT  
Shot dead in '81

ing because the Park Police was the "lead agency" in the investigation.

The Park Police was "very, very unprofessional" in handling the Wright case, said David Zischinn, a Pulitzer Prize-winning investigative reporter for the Inquirer.

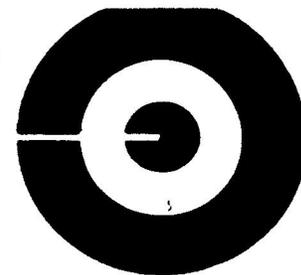
"They [the Park Police] didn't bother to gather crucial evidence. They assumed it was a suicide from the very beginning."

Experts say police should treat every suicide as a possible homicide — and should not declare a suspicious death a suicide until all possible evidence is gathered.

See WRIGHT on Page 21

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**REPORT  
REPORT**



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## THE FOSTER DEATH: CASE STILL OPEN

On Friday, March 11, ABC's "World News Tonight" concluded a report on the suspicions about the death of White House deputy counsel Vincent Foster with its own verdict: "The White House may have fueled some of the rumors with its own incompetence in the hours after Foster's death. But there is little reason now to doubt that for whatever reasons he may have had, the President's boyhood friend drove himself across the Potomac one afternoon last July and tragically took his own life."

ABC correspondent Jim Wooten set out to refute what he described as "four rumors" that had been spread which cast doubt on the Park Police finding that Foster committed suicide in Fort Marcy Park overlooking the Potomac River on July 20, 1993. The "rumors" were: (1) that there were no photos of the crime scene, (2) there were no powder burns on Foster's hands, (3) "in suicides weapons fly some distance from the victims' hands" and (4) there was "little or no blood on or around Foster's body." Here is how Wooten dismissed all four as false.

He said ABC News had been shown a set of photos of the crime scene, but he showed only one of these, a polaroid snapshot of a man's hand and forearm against a background of yellow foliage with the right thumb protruding through the trigger guard of a revolver, the fingers extended and resting atop the cylinder. Wooten claimed this photo refuted three of the four rumors. There was a photo; it showed a gun in the right hand and he said it showed powder burns on the index finger. He disposed of the fourth—that there was little or no blood on or about Foster's body—with this statement: "The grim and graphic photographs of the scene prove that's not true either." But instead of showing a grim and graphic photo of blood on or around Foster's body, he showed only footage of a patch of ground, presumably in Fort Marcy Park, that was clearly not taken last July. There were no leaves on the trees and bushes, and the leaves on the ground were brown, not yellow.

The following Monday, the New York Daily News ran a front page headline: "Case Closed: Vince Foster Suicide Report Ends Rumors." The article, by columnist Mike McAlary, stated, "The U.S. Park Police report on the death of Foster...is a simple story from a police blotter. It has been accepted by special Whitewater prosecutor Robert Fiske. It has been accepted by his lead investigator, Ronald

(sic) Lankler....The Park Police Report has only been reviewed once, by the Daily News." McAlary said he, too, had viewed photographs of the death scene, writing, "They took two sets before Foster was removed. The first set was taken with a 35-mm. camera. The shots are overexposed. You can see the hand and the gun, but it is not easy. The second set was Polaroids. They all came out, on the spot. The scene is very simple. There is a body, legs out, on a hillside. Very little blood. You can see a powder burn from the cylinder blast on Foster's right hand."

McAlary said that the principal forensic investigator, Pete Simonello, had written in his report that there was very little blood on the front of Foster's body, and he wrote: "Ballistics tests later confirmed Simonello's original belief that Foster had been holding the barrel with his right hand. The gun had been deep in Foster's mouth, Simonello realized, well behind his still-intact teeth. The medical examiner found obvious powder burns on Foster's palate and tongue." McAlary obviously didn't know what a ballistics test is, nor had he consulted any forensic experts about the extent of the damage done by a .38 fired inside the mouth.

McAlary, a columnist who forgot that he was writing a news story, concluded: "The investigation into Foster's death was handled ably by the U.S. Park Police, a unit that has suffered terribly from gossip and second-guessing. The FBI was with them every step of the way. There are no loose ends."

What was most significant about McAlary's story was his assertion that the Park Police report, which has not yet been released to the public, had been accepted by both Special Counsel Robert Fiske and by his lead investigator, "former Manhattan prosecutor Ronald (sic) Lankler, although he isn't saying as much."

### The Other Side of the Story

Two day's later AIM's TV show "The Other Side of the Story" exposed the flaws in the ABC and Daily News reports. Our program was titled "Foster Death: Case Closed?" The answer was an emphatic no. Our guests were Vincent Scalice, who has over 35 years of experience investigating homicides and suicides as a New York City detective and a private consultant, and Christopher Ruddy, the

dogged investigative reporter whose stories in the New York Post were responsible for three of Jim Wooten's "rumors."

Ruddy was the first to report, on January 27, that a Park Police officer, a paramedic and a technician who had seen Foster's body before it was moved from Fort Marcy Park, had been surprised by the position of the body and how little blood there was. One of them described Foster as laid out "as if ready for a coffin," face up, legs fully extended, arms at his side. There was only a dried trickle of blood at one corner of the mouth and none on his white shirt or on the barrel of the .38 caliber Colt revolver in Foster's right hand. The technician who helped move the body said there was far less mess than is usual when a person is shot in the head. There were no visible powder burns on Foster's face.

Ruddy reported that experts he interviewed said the gun, especially one with a recoil as strong as a .38, usually flies out of the hand in suicides. Wooten claimed the photo of the gun in Foster's hand showed this was not always the case. Vincent Scalice pointed out that the photo in and of itself didn't prove anything. "It is simply a photo of a gun and a hand," he said. "That gun could have been placed in the hand." Asked under what conditions the gun would not fly or fall from the hand, Scalice said that in about 20 percent of suicides cadaveric spasm occurs, causing the hand to freeze clenching the gun. He said that the photo, with the fingers extended, shows that there was no cadaveric spasm.

Ruddy pointed out that he had never said there was no blood at the scene or that there was no powder residue on Foster's hand. That was an ABC News straw man. Wooten had tried to give viewers the impression that there were "grim and graphic photographs" that proved that there was a lot of blood, while showing nothing but a patch of ground in the park. The New York Daily News, which claimed to have seen the same photos as ABC News, confirmed that there was "very little blood."

## Presumption of Murder

Scalice said that in suspicious deaths, the investigators should begin with the presumption that they are dealing with a homicide. He stressed that only when their investigation showed that homicide could be ruled out should they conclude that it was suicide. "The cardinal rule in any homicide investigation," he said, "is that you can't take enough photographs. I have yet to see a photograph of the body in this particular case....In a priority case, as this obviously was," he added, "I would even suggest taking aerial photographs." He said the surroundings and the ground under the body should be thoroughly photographed and searched and checked for footprints or signs of a struggle. The victim's clothes should be carefully analyzed for possible clues. His car, which should be treated as part of the crime scene, should be photographed inside and out and thoroughly examined, inside and out, for fingerprints, fibers, blood and other evidence.

Those who first found Foster's body were struck by how clean his shoes appeared to be. The New York Daily News story, based on the leaked Park Police report, noted this, saying, "The soles of Foster's shoes, police noted, were unmarked....Foster's shoes told investigators he had walked from the parking lot through an open field."

Ruddy said he noticed that every time he visited the spot where Foster's body was found, he always came away with reddish dirt on his shoes. He said that to get to the spot where the body was found, one has to leave that grassy open field and go down a fairly sharp grassless incline. He said that Foster's shoes had never been tested for dirt or grass to establish that he had actually walked to the spot where he is supposed to have killed himself. Scalice commented, "They should have been subjected to a microscopic analysis."

**Ruddy claims that there was no hands-and-knees inspection of the site and that the residents of homes nearby were not interviewed to see if they had heard a gunshot or seen anything unusual. The Park Police told conflicting stories about whether or not a search had been made for the bullet that killed Foster. Major Robert Hines, the official spokesman, first told Ruddy that there had been no search for the bullet because it would be impossible to find it in the woods. Later he said there had been a search for the bullet with metal detectors but it had been unsuccessful.**

**The Daily News said that the written report of the chief investigator, Pete Simonello, noted that the barrel of the gun had been inserted deep in Foster's mouth when it was fired. The deep insertion could explain the lack of damage to Foster's teeth, but it is inconsistent with the description of the condition of the inside of the mouth in the autopsy report. We have been told this report mentions only powder residue on the soft tissue of the mouth. Experts tell us the inside of the mouth would have been severely burned by the blast, and the barrel of the gun should have been bloodied. Witnesses said they saw no sign of blood on the gun barrel.**

Major Hines told us the Park Police believe the shot was fired into the open mouth with the barrel a few inches away. That should have left visible severe burns on the face, and no one who saw the body noticed such burns. Experts consulted by Ruddy told him that from what has been revealed, it appeared that Foster had been shot in the mouth with a gun equipped with a silencer, which would reduce the blast damage to the mouth. The .38 Colt found in Foster's hand was not equipped with a silencer. It was a 1911 Army-issue revolver, with parts from at least two different weapons. The last record of its sale was in 1913 in Seattle, which Ruddy said made it a perfect "drop gun," an untraceable firearm that police sometimes drop at the side of a suspect they have shot to bolster a claim that they shot in self-defense.

## The Shoddy Investigation

"In my opinion, this case is far from being closed," Scalice told viewers of "The Other Side of the Story." "I could never form a conclusion on the basis of an investigation that was conducted in this manner." In addition to investigating the crime scene thoroughly, Scalice said he would want to learn everything he could about the movements of the victim in the time immediately preceding his death. In Foster's case, there was a period of five hours that wasn't accounted for—from the time he left his White House office at 1:00 p.m., saying he would be back, until his body was found in Fort Marcy Park at around 6:00 p.m.

desk diary or calendar. Did he have any appointments scheduled and if so with whom? The Park Police spokesman told AIM that they did not find any diary or calendar in Foster's office that would indicate what he had scheduled for that day. They had no idea whom he might have seen or where he spent those five hours. An official in Foster's position would have to have a desk diary, and he would probably have a pocket diary as well. Despite a Park Police request that Foster's office be secured, at least three White House officials entered it soon after they learned that Foster had been found dead. They were White House Counsel Bernard Nussbaum, Hillary Clinton's Chief of Staff Margaret Williams, and Special Assistant to the President for Administration Patsy Thomasson.

Nussbaum has denied that they removed anything, but he and other White House officials have never been pressed to explain the disappearance of Foster's desk diary. Assuming that Foster had a pocket diary, its absence is even more mysterious. If this was a simple suicide, why wasn't his diary found in his jacket in his car in the Fort Marcy parking lot? Did someone take it, leaving his wallet and White House identification untouched? Or did he leave it in his office or at home? Scalice said it was very strange that these important items were not made available to the police.

## Investigation Obstructed

**Foster's telephone logs were not turned over to the police until more than a week after his death, keeping them from promptly checking any clues they might contain. These official records still have not been made public. It appears that the Clintons don't want the public to know who Foster had been talking with on the telephone or who he had been meeting or was scheduled to meet. As one of the callers on our TV show pointed out, it would be logical to assume that Bill and Hillary Clinton would want to leave no stone unturned in getting to the bottom of the death of their close friend, Vince Foster, but instead they have gone to extraordinary lengths to keep important and pertinent questions from being answered.**

The New York Times, after having been showed a copy of the Park Police report, disclosed that in addition to the late night foray of Nussbaum, Williams and Thomasson, Betsy L. Pond, Nussbaum's secretary, entered Foster's office the next morning, "straightening papers on Mr. Foster's desk." Secret Service officers arrived about 10:00 a.m. They didn't permit anyone to enter the office, including the Park Police investigators, who cooled their heels in the hallway until 6:00 p.m., when they departed without having gotten inside. Their investigation of the office did not take place until the next day, two days after Foster's death.

One can understand why the Clintons didn't want the police rummaging through the Whitewater documents that Foster kept in his office. There are strong indications that they contain information that could be embarrassing to the First Family. They were withheld from the gaze of the police investigators and were secretly delivered to David Kendall, the Clinton's personal attorney. When the Washington Times exposed that maneuver, Mr. Kendall quietly arranged for these documents to be subpoenaed by the Justice Department in connection with the grand jury investigation into the tangled affairs of the Madison Guaranty Savings & Loan. That subpoena made it impossible for members of Congress to demand to see the documents and illegal for anyone to FOIA # none (URTS 16306) DocId:70105138 Page 159

But it is difficult to conjure up an innocent explanation for the blanket of secrecy thrown over Foster's telephone logs and the disappearance of his appointment books, not to mention the autopsy and police reports. The Washington Post did report that Foster's diary was turned over to the Park Police, but we have been told that this did not cover the period leading up to his death. Larry Patterson, one of Bill Clinton's former bodyguards who spent a lot of time around Vincent Foster, commented that the secrecy gave the Foster death a bad odor. He said Foster never struck him as the type who would commit suicide, but what bothered him the most was the obstacles that had been put in the path of the police investigators and the failure to release all the reports. He said, "If it's a possible homicide, you leave no stone unturned. If they don't have something to hide, release everything."

## Was Mrs. Foster Silenced?

Following prescribed procedures, the Park Police sought to interview Lisa Foster, Vincent Foster's wife, the night his body was found. There were many questions she had to be asked. Was there any reason to believe her husband might have been murdered? Was he depressed or deeply troubled? Had he said anything to her that might help explain what had happened and why? Did she have any idea where he was that afternoon and whom he might have seen? Had she ever seen the gun that was found in Foster's hand? Did he own any guns? Had he increased his insurance coverage recently? Would she collect his insurance if he killed himself?

The police didn't ask those or any other questions that night. They were turned away by a lawyer at Mrs. Foster's home. The lawyer has never been publicly identified, and his authority to be able to obstruct the police investigation has not been explained. On our show, Joe Goulden asked Vincent Scalice what the police should do in a case like this. The answer was that they should give her a night to compose herself but let it be known that they would have to interview her the next morning, July 21. The Washington Times reported on July 24, "Park Police investigators had many questions about Mr. Foster's final hours but deferred to his friends and family by delaying contacts with them until after yesterday's funeral in Little Rock." Over a week passed before Mrs. Foster and other family members were interviewed.

Since the police report has not been released, we still do not know how Mrs. Foster answered the questions. She has been strangely silent. We called her several weeks ago and asked if her husband was right-handed or left-handed. She responded, "No comment," and hung up. Others who have tried to interview her have had a similar response. Ruddy says that White House sources have told him that after Foster's death, she called regularly to ask if anyone knew any reason why he would want to commit suicide.

## Depression Dubious, Gun Shaky

The first report that Foster was depressed came from an unidentified source "close to the Foster family" who told reporters on July 23 that Foster had been "despondent in his final two weeks" and that his brother-in-law, former Congressman Beryl Anthony, had discussed this with him." The Washington Times asked Mr. Anthony about this on July 23, and he responded, "There's no real damn thing to it. That's a bunch of crap." White

**House spokesman Dee Dee Myers said the same day, "There was no reason to believe he was despondent." White House Communications Director Mark Gearan said he had seen no changes in Foster's demeanor and that he had never indicated "anything was out of the ordinary."**

However, the line that Foster was deeply depressed soon became the official line, but the White House press briefing transcripts indicate that as late as July 29, the family had still not accepted this. It was being said that anti-depressant medicine had been prescribed for Foster by an unidentified doctor, but as of July 29 the family would neither confirm nor deny that he was on any medication. Efforts to learn the identity of the alleged prescribing doctor have been unsuccessful.

The note that was belatedly discovered and offered as a suicide note also raises questions that must be answered. It was supposed to have been discovered in Foster's briefcase, torn into 27 pieces, six days after Foster's death. The Park Police are adamant that the note was not in Foster's briefcase on July 22. They insist they would have discovered it if it had been there. The text of the note was not made public until August 10, and no photocopy of the reconstituted handwritten note has even been released. The Park Police say it was authenticated by their handwriting expert, but the inexplicable refusal to make copies available and the fact that no fingerprints were found on any of the pieces has given rise to suspicions. The note makes no mention of suicide.

**Mrs. Foster and her children did not identify the gun. Foster's sister, Sharon Bowman, told the New York Post that her father owned guns and that he may have given this one to Vincent. We have seen no reports that Mrs. Foster or her children had any knowledge of Foster owning a handgun. If the gun were kept for protection, one would expect the wife to be told of its existence and perhaps be instructed on its use, or at least advised to make sure it wasn't misused by the children. Vincent Scalice thought it very strange that the gun had only two rounds in the cylinder. Apparently no matching ammunition was found in the Foster home. As Scalice said on AIM's show, the Foster death cannot be stamped "Case Closed."**

## **Who Killed Parks?**

The continued shutdown on information about the Foster death—save for carefully controlled leaks—breeds continued suspicion and encourages the spread of rumors. A new name has been thrown into the Foster case, that of Luther "Jerry" Parks, who headed the firm that provided security for the Little Rock building that housed the Clinton campaign. Last September 26, Parks was shot from a car that pulled up alongside his van on the Chenal Parkway outside Little Rock. Then the gunman finished him off with four shots fired into his chest at close-range.

**We heard the bare details of the Parks murder from Jim Quinn, a radio talk show host in Pittsburgh. We learned much more from a March 20 story in the London Sunday Telegraph by Ambrose Evans-Pritchard, who deserves a Pulitzer Prize for doing the reporting that American journalists are neglecting.**

Evans-Pritchard interviewed Parks' son, Gary, who said that his father had long worked as a private investigator digging up dirt on Bill Clinton. (He did not know the name of the client.) According to the son, Parks kept "two files on Clinton carefully hidden in his bedroom. The files were about an inch and a half thick and allegedly contained pictures of Mr. Clinton with different women, as well as notes of meetings, dates and other details."

Now the kicker: Gary Parks told Evans-Pritchard that three or four months before the murder, "he said that if anything happened to him, he should make three copies of the files and give one to the FBI, one to the Little Rock police department and one to the press." But when the son looked for the files after his father's murder, they were gone, stolen by someone who broke into the Parks home in a rural area outside Little Rock.

Parks' wife, Jane, told the Arkansas Democrat-Gazette soon after the killing that she felt that Jerry Parks was killed because of the Clinton dossiers. Evans-Pritchard quoted a Little Rock detective as saying that he thought what they said was true: "The Parks family aren't lying to you," he told the British reporter. Mrs. Parks, Evans-Pritchard found, has stopped giving interviews, as has Vincent Foster's widow.

**Jerry Parks clearly was the victim of a professional hit. Two rumors now circulate as to why he would be targeted. One is that he was in Washington the day that Foster died. The other is that Parks intended to use his sex dossiers to blackmail Clinton, and lost his life instead.**

The refusal to release the report of Foster's death, the suppression of his phone logs and the disappearance of his desk calendar can only fuel suspicions. Did Foster have any calls or appointments with Jerry Parks? Those would be good questions to ask Foster's former secretary, if anyone can find her. The Clinton White House refuses even to release her name, much less her whereabouts.

Will Robert Fiske's investigative team of FBI agents, headed by Roderick Lankler, find the answers to the questions that linger about Foster's death? Two independent sources with what they claim are good FBI contacts tell us that the FBI agents working on the case have concluded that Foster did not drive himself to Fort Marcy Park and walk to the spot where his body was found. Perhaps his shoes told them that. They have yet to tell us how and where they think he died and why he was transported to Fort Marcy.

## **What You Can Do**

**Send the enclosed cards or your own cards and letters to ABC News, a newspaper or magazine of your choice and to Special Counsel Robert B. Fiske, Jr.**

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# FOSTER FILE SHOCKER

*2nd set of papers taken from safe after mad scramble for combination*

By CHRISTOPHER RUDDY

White House officials frantically scrambled to get the combination to Vincent Foster's office safe soon after his death — and ultimately removed a second set of files, The Post has learned.

White House counsel Bernard Nussbaum's removal of one set of Whitewater files from Foster's office has been widely reported.

But the disappearance of a second set of papers — including some also related to Whitewater — wasn't previously known.

Three separate White House sources told The Post that Clinton aides were scrambling — like "cats and dogs," as one put it — as they tried to get into Foster's safe just hours after his death.

Foster's body was found in Fort Marcy Park in suburban Arlington, Va., at about 6 p.m. on July 20.

As previously reported, a few hours later, Nussbaum — accompanied by First Lady Hillary Rodham Clinton's chief of staff, Margaret Williams, and longtime Clinton aide Patsy Thomasson — entered Foster's office and removed Whitewater files that were not in the safe.

But The Post has learned that Nussbaum also asked

**POST  
EXCLUSIVE**

a White House security officer on night duty for the combination to Foster's safe.

Nussbaum was told that the security staff didn't have the combination, a White House source said.

Combinations are controlled through top-secret clearances in the Office of

Administration, which is run by Thomasson.

The Office of Administration staffer in charge of security — including the safeguarding of combinations — was out of town that night, a law-enforcement source said.

Later, during the wee hours of July 21, a senior White House aide — not Nussbaum — succeeded in opening Foster's safe, according to another law-enforcement official who is assigned to the White House.



**MARGARET WILLIAMS**  
*Hillary's chief of staff*



**PATSY THOMASSON**  
*Longtime Clinton aide.*

It's not clear how the combination was obtained.

The safe was opened before most White House personnel reported to work on the morning of July 21, the source added.

Several documents, including papers relating to Whitewater, were removed from the safe and turned over to President and Hillary Clinton's personal lawyer, David Kendall, the source said. Then the safe was relocked.

Foster, who was deputy

*Documents, including papers related to Whitewater, were removed from the safe.*

let Park Police — who were handling the investigation into Foster's death — to search the office on the morning of July 21.

The Park Police agreed to return the next day.

On the afternoon of July 21, members of the counsel's office were again asking White House personnel for the safe combination, claiming that "Bill Kennedy needed to get into Mr. Foster's safe," another source said.

William Kennedy is a former law partner of Mrs. Clinton and Foster at the Rose Law Firm in Little Rock. He is associate White

See FOSTER on Page 15

## White House officials scrambled for combination to Foster's safe

**FOSTER** from Page 2

House counsel — the No. 3 post in the counsel's office.

But the combination could not be given out, a source said, because Foster had taken the rare step of authorizing only himself to have access to the number.

Usually, White House staff members with safes share the combination with their staff or secretary.

The FBI's most highly decorated former agent told *The Post* that the revelation about entry into Foster's safe after his death underscores questions about a possible coverup.

"The safe is crucial — it's an A-1 priority," said Wil-

liam Roemer, former head of the FBI's Organized Crime Strike Force.

He was sharply critical of the failure by federal authorities to secure Foster's office immediately after his death.

"It raises the question [of] a coverup," Roemer said, adding that the entry into the safe appeared to be "self-serving, to protect documents which could have shed light on either a suicide or homicide."

Repeated calls to the office of Patsy Thomasson and the White House Press Office for comment went unreturned.

# WANNING: GO OUT SHREDDING

By THOMAS FERRARO Post Correspondent

WASHINGTON — Hillary Rodham Clinton's Little Rock law firm is on federal notice against shredding any documents that may be related to the wide-ranging Whitewater criminal probe of the president and First Lady.

In the wake of a report that the Rose Law Firm recently shredded some files, special Whitewater counsel Robert Fiske directed the firm to preserve all paper and computer records, a source said yesterday.

At the request of Fiske, U.S. District Judge Stephen Reasoner agreed Wednesday to empanel a federal

grand jury to exhaustively handle the investigation.

A court official yesterday said the grand jury could begin meeting by the end of next month.

Fiske told the Little Rock judge that his inquiry into the Clintons' Whitewater real-estate venture and ties to a failed savings & loan may last 18 months, cover more than a million documents and require him to hire 20 top-gun prosecutors.

Clinton scoffed yesterday that the probe "is going to cost taxpayers millions of dollars" and "most of it has nothing to do with me."

Speaking with reporters, Clinton said he reluctantly requested a special counsel inquiry in January so "I wouldn't have to fool with it any more."

The Rose Law Firm got some good news when federal regulators said they found no evidence it acted improperly in representing U.S. taxpayers against the Madison Guaranty S&L.

The Rose firm had previously represented Madison Guaranty itself, which was owned by the Clintons' Whitewater partner, James McDougal.

However, CBS News obtained a copy of a letter in which the firm bragged about its connections to the administration.

"The Rose Law Firm has developed relationships with officials who are now in the Clinton administration and members of the

## Bill's sore about vision thing

WASHINGTON — President Clinton is looking at the world through a rose-colored — and puffy — left eye.

White House press secretary Dee Dee Myers said yesterday Clinton is suffering from conjunctivitis, a fairly common eye infection also known as pinkeye.

Myers said the president is being treated with an antibiotic, adding that the ailment should clear up in a few days.

Thomas Ferraro

Congress," said the letter to a potential client in the telecommunications field, as quoted by CBS.

A representative of the firm denied the letter violated legal ethical standards.

Meanwhile, sources said FBI agents have questioned firm employees about the report in The Washington Times, that Whitewater documents were destroyed.

Rose partners denied the report and said they have set aside Whitewater-related materials for safekeeping.

Mrs. Clinton was a senior partner at the firm. So were several top Clinton aides, including Associate Attorney General Webster Hubbell, assistant White House counsel William Kennedy and former deputy White House counsel Vince Foster, who died last summer in an apparent suicide.

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New York Post

### **The Foster mystery**

THE Post is to be commended for its pursuit of the truth concerning the enigmatic death of Vincent Foster. Reporter Christopher Ruddy's revelations have unveiled a network of subterfuge of alarming dimensions. This is what investigative journalism is all about.

DAVID F. LYNCH, Upper Darby, Pa.

# Journal beefs up Whitewater patrol Stocks end mixed; buck drops vs. yen

By CLAUDIA CARPENTER  
 Watch out, Bill Clinton. The Wall Street Journal's three-person editorial page staff is looking to hire a fourth writer to cover the Whitewater real-estate scandal.

The Journal's editorial page has already stirred up controversy with its rough treatment of former White House counsel Vince Foster in the days before his apparent suicide.

Daniel Henninger, the editorial page's deputy editor, said yesterday that it's "inevitable" that the new hire will be writing lead pieces on Whitewater.

But he denied a report in this week's New York magazine that Robert Bartley, editor of the editorial page, is trying to "supplant" the Journal's reporters on the story because their stories have not been tough enough.

Bartley was unavailable for comment yesterday.

"We're pretty pleased with what they're doing,"

Henninger said, referring to reporters Bruce Ingersoll and Joe Davidson. They are covering the Whitewater story for the Journal out of the Washington bureau.

The paper's Washington bureau chief, Alan Murray, said it's "total bullshit" that the editorial writers have been upset with the news coverage.

"Our reporters are doing a fabulous job," Murray said.

But Stephen Isaacs, the acting dean of the Columbia Graduate School of Journalism, said it "certainly fits" that the Journal's editorial page would want its own reporter to cover Whitewater because it disagrees with the paper's news coverage.

"His opinions are the most right wing of any newspaper in the country," he said. "It's a very clever marketing strategy."

Henninger said the editorial page job opened up a few weeks ago when staffer Holman Jenkins was reassigned to the edi-



ROBERT BARTLEY  
Editorial-page boss.



ALAN MURRAY  
D.C. bureau chief.

torial staff of the Journal's sister newspaper in Asia, the Asian Wall Street Journal.

Henninger said Whitewater will be covered because "it's one of the hottest issues in editorial-page journalism today."

But he said the writer will have to know how to dig up facts on his own, and not just base opinions on the front-page stories.

"Since 1923 or so, the paper has insisted that all writers develop their own sources and do their own reporting," he said.

Henninger said while there are reporters on the Journal's news staff who disagree with the paper's conservative stand on its opinion pages, "there are also reporters on the staff who do not get upset about the paper's philosophy."

Stocks were mixed in choppy trading yesterday, as the dollar plunged against the Japanese yen and investors worried about a trade war between Japan and the United States.

The Dow Jones industrial average rose 9.28 points to 3,904.06 and advancing issues narrowly outnumbered declines on the New York Stock Exchange.

Volume on the floor of the Big Board was moderate at 263.11 million shares.

Stocks swung between positive and negative territory, with an early sharp advance of more than 25 points evaporating as the dollar's decline intensified and as bond prices turned decidedly lower, pushing up interest rates.

The price of the Treasury's main 30-year bond fell 9-16 point, or \$5.83 per \$1,000 in face value. Its yield

rose to 6.45 percent from 6.40 percent on Friday.

"It's a jittery market. Investors are nervous. You get a rally and people bail out," said Don Hays, investment strategist at Wheat First-Butcher & Singer.

Most eyes on Wall St. were on the dollar, which fell sharply in reaction to Friday's failure of U.S.-Japan trade talks.

In trading here, the dollar ended at 102.65 yen, down from 107.30 yen Friday.

In Nasdaq trading, Summit Technology fell 4 to \$11, following a negative TV commentary.

Other big movers included Columbia/HCA Healthcare, up 1 1/4 to 39 1/4. Columbia Healthcare and HCA completed their merger last week.

VeriFone gained 1 1/2 to 15 1/4. A Prudential Securities analyst raised his rating on the stock to "BUY."

# HILLARY NAMED IN NURSING HOME SALES 'SCANDAL'

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Hillary Rodham Clinton, who has been campaigning to cut health costs, reportedly profited from a 1989 deal that artificially inflated the value of 45 retirement homes in Iowa.

The Sunday Times of London reported yesterday that Mrs. Clinton received about \$15,000 from the transaction, which also earned her Rose Law Firm in Little Rock, Ark., more than \$500,000 in fees and raised the cost of caring for many of the elderly in the retirement homes by 14 percent.

The White House declined comment. According to the newspaper, the deal was engineered by William Kennedy, a former partner of Mrs. Clinton's at Rose. He is now a top White House aide.

The Sunday Times reported that with the Rose Law Firm calling the shots, the value of the homes skyrocketed from

**"The deal sales increased the cost of health care."**

U.S. REP. JIM LEACH

\$47 million to \$82 million in just one day.

This was done through a series of sales, to so-called shell companies, that gave Rose Law Firm's clients an instant profit of about \$10 million, the newspaper said.

The deal stuck Mercy Health Initiatives, the ultimate owner of the homes, with millions of dollars in debt and forced it to raise health-care costs, the London paper said.

Since the sale went through, Iowa tax assessors have decided Mercy Health was not a charitable venture deserving tax breaks.

Frank Pechacek, the lawyer representing the assessors, was quoted by the newspaper as saying, "It

[Rose Law Firm] was there to get the deal done without anyone tripping over their tongues.

"While not exactly illegal, there is a big difference between making a reasonable profit and ripping off someone."

Rep. Jim Leach (Iowa), who has been heading a congressional investigation into the Clintons' co-ownership of the Whitewater Development Corp., also was quoted by the paper as criticizing the deal.

"What appears self-evident is that the nursing-home sales increased the cost of health care," he said.

The newspaper said court documents and confidential letters show Kennedy had full knowledge of every step of the Iowa transaction. It also insisted Mrs. Clinton knew what was going on.

An unidentified Rose lawyer was quoted by The Sunday Times as saying, "All partners were aware of all deals and shared in the profits."

# Clinton welfare reform might tax benefits to poor

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — The Clinton administration is considering funding welfare reform by slashing or even taxing aid to the poor, officials said yesterday.

Under options being examined, taxes might be imposed on food stamps, welfare benefits and housing assistance, administration officials said.

They said a White House welfare-reform task force is also considering slapping strict limits on cash payments to the growing number of elderly people who immigrate to the United States legally, and then retire on Supplemental Security Income.

Speaking on the condition of anonymity, the officials said cuts are also possible in food stamps and the Aid to

Families with Dependent Children program.

They said these possible aid reductions and taxes would be used to finance expanded programs in job training and child-care for single mothers.

President Clinton intends to introduce welfare reform legislation this spring. He wants to limit welfare benefits to single mothers to 24 months by providing them with the training to find a job.

Senate GOP leader Bob Dole suggested that the idea of taxing the poor may merely be an administration "trial balloon," one that should be popped.

"I don't see how you get out and tax the very lowest

people in America," said Dole, appearing on NBC's "Meet the Press."

Rep. Nita Lowey (D-Westchester/Queens), a member of the House Appropriations Committee, said through a spokesman: "This proposal would hurt the very same people that welfare reform is designed to help."

"It makes absolutely no sense," said Lowey, who is drafting a congressional welfare-reform program. "It's a total non-starter."

There are about 11 million welfare recipients in New York City, half of them children.

A White House aide stressed that no final decisions have been made on welfare reform.



**PARTNERS IN 'CRIME'?** It was ultimately tax violations that cost Spiro Agnew his office — and the same fate could befall President Clinton.

# W'water may suck Clinton into a downward 'Spiro'

ON Oct. 10, 1973, Vice President Spiro Agnew was blown out of office after a prolonged investigation of alleged fiscal improprieties during his term as governor of Maryland.

Today, a little more than 20 years later, President Clinton is under similar massive scrutiny and official investigation to discover whether he and his wife, Hillary, also engaged in fiscal improprieties during his terms as governor of Arkansas.

The similarities between the two cases are startling. Day by day, the moment of reckoning seems to be drawing closer for the president, raising the prospect that he could be forced to walk the same plank as Agnew.

The first vice president in the nation's history to resign in disgrace, Agnew allegedly took kickbacks from public contractors for more than 10 years as executive of Baltimore County, governor of Maryland and vice president of the United States.

He denied the allegations, but one contractor said he delivered \$10,000 in cash in an envelope to Agnew in an office in the White House. Inevitably, there loomed a



RAY KERRISON

critical tax problem. When the investigation was complete and the plea bargaining wrapped up, Vice President Agnew was permitted to plead *noto cense* to a single charge of tax evasion. He was given three years probation, fined \$10,000 and the harshest sentence of all — everlasting shame in the history books.

No one is suggesting that Clinton engaged in anything on the scale of Agnew's bribery and kickbacks, but as more details emerge from his disastrous Whitewater real-estate deal and an apparent mad scramble to cover tracks, Clinton could end up with the same problem that torpedoed Agnew: taxes.

Big numbers are not required to strip a national leader of office. The Agnew numbers were very small — which is why Clinton may be in far greater danger than the country has yet

grasped. In his formal plea, Agnew admitted to nothing more than that he evaded payment of \$12,651.74 in income taxes for 1965. Hardly a blockbuster, but was enough to trigger a volcanic national scandal and catapult Agnew from vice presidency to disgrace.

The controversial summary in the Whitewater case is also relatively small, but the consequences could be even more shocking.

Here are just a few questionable financial arrangements exploding in this affair:

■ Bill and Hillary Clinton were given a 50 percent interest in the \$208,000 Whitewater real estate development by their friend, McDougal without paying a cent of their own money. The ethics of this sweetheart deal small high heaven.

■ In March, 1992, while campaigning for the presidency, Clinton claimed he lost \$25,000 on Whitewater. A subsequent "money den" review by Clinton friend, Jim Lyons, said that the Clintons had not \$25,000 but \$68,900.

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## POST PAST

30 YEARS AGO: Frank Sinatra Jr. testified at the trial of his alleged kidnappers today. The attorney representing one of the men who allegedly abducted Sinatra from a Lake Tahoe motel room was clearly trying to build up the contention that the dead was a hoax in which Sinatra had cooperated. But Sinatra testified: "This was no publicity stunt. This was no hoax." *New York Post, Feb. 14, 1964*

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3/3/94  
P3 B3  
New York Post

# HILLARY'S EX-LAW FIRM PAL PROBED

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — A top Justice Department official is being investigated for possible financial wrongdoing while he was First Lady Hillary Rodham Clinton's law partner in Little Rock, it was reported yesterday.

The Rose Law Firm's internal inquiry began before President Clinton tapped the official, Webster Hubbell, as associate attorney general and focuses on whether he overbilled clients or charged the firm for personal expenses, the Washington Post said.

Hubbell, in a statement issued by the Justice Department, acknowledged the Rose firm has questioned his past billings, but insisted he never overcharged anyone.

Hubbell also said the firm offered documentation about bills of his old expenses, and that he was complying.

"Issues frequently arise when a partner leaves a law firm which require his participation and assistance. This is no way out of the ordinary," his statement said.

The White House said President Clinton maintains "full confidence" in Hubbell, his longtime buddy and top Justice Department aide.

The Rose Law Firm had no immediate comment.

Several members of the Clinton administration were senior partners in the firm before moving to Washington with the president. They include First Lady Hil-

lary Rodham Clinton, associate White House counsel William Kennedy, and Deputy White House counsel Vincent Foster, who died last summer in an apparent suicide.

Sources said the inquiry began in the summer of 1993, and that the firm is informing the state bar association about the probe, and notifying major clients of possible billing irregularities.

Those clients include the Reconstruction Trust Corp., the federal agency in charge of cleaning up failed savings-and-loans.

It was unclear if FBI agents were aware of the Rose probe when they conducted a background check of Hubbell after Clinton nominated him to the Justice Department last year.

White House press secretary Dee Dee Myers said Clinton "stands by Webb, he believes him."

Myers said Kennedy and Mrs. Clinton were unaware of any inquiry until a Washington Post reporter called the White House Tuesday to inquire about it. Myers said she couldn't confirm that the law firm had a probe under way since 1992. If that were the case, the managing partner — Kennedy — would routinely be expected to know about it.

The Washington Post quoted sources as saying the pace of the Rose investigation picked up in recent weeks just as the firm was dragged deeper into the seemingly unrelated Whitewater inquiry.

3/3/94  
P33  
New York Post

# N'water prober reopens Foster case

WASHINGTON (AP) — A special prosecutor in Whitewater case has decided to re-examine the notion that White House deputy counsel Vincent Foster committed suicide and will hire pathologists to review the evidence.

**Fiske made the decision because "questions have been raised in the press and elsewhere about whether it was a suicide."**

ANONYMOUS GOVERNMENT OFFICIAL

Fiske made the decision to reopen the issue because "questions have been raised in the press and elsewhere about whether it was a suicide," the official said, speaking on condition of anonymity.

Previously, Fiske had only said that "all the events" related to Foster's death would be reviewed. Stories in the New York Post have questioned some

of the Park Police procedures, and quoted paramedics who found the body as expressing some doubt about the suicide ruling. But there has been no change in the Park Police conclusion, which was supported by the FBI. A Virginia medical examiner ruled that Foster's wounds were consistent with a self-inflicted gunshot. Fiske's letter was filed Monday in U.S. District Court, where The Wall Street Journal is suing to force the Justice Department to release the Park Police report on Foster's death and an FBI report on the handling of a morosely worded note found later in his briefcase.

Fiske made clear that he would object to any release of either report while he is still investigating the Foster matter. "The public disclosure of all or any part of the Park Police and FBI report at this time would substantially prejudice the ability of the Office of the Independent Counsel to conduct its investigation," Fiske wrote. "For example, if a wit-

ness has access to what another person has said about a particular fact or to conclusions reached in a report, that witness' testimony or statements in an interview could be tainted by that knowledge." The newspaper is seeking the documents under the Freedom of Information Act, which allows the government to withhold documents whose release could interfere with an investigation. Fiske has opened a Washington office, headed by Roderick C. Lashley, an experienced New York homicide prosecutor, to look into the Foster matter. Fiske told the court Lashley is being assisted by two lawyers in Fiske's Little Rock, Ark., office and "a number of experienced FBI agents from the Washington area." Fiske also is probing President and Mrs. Clinton's investment in the Whitewater real estate venture in Arkansas and the failure of an Arkansas savings and loan. Whitewater documents were found in Foster's White House office after his death, but White House counsel Bernard Nussbaum refused to let investigators see them last July. Later, they were turned over to investigators. Ark. law firm probes Clinton aide / Page 13

3/4/94  
P518  
New York Post

## Darkening cloud over Justice

Whitewatergate isn't the only scandal simmering at the upper reaches of the Clinton administration. It turns out that the Rose Law Firm, the Little Rock institution at which Hillary Rodham Clinton was a partner — and which was closely involved in matters now under special counsel Robert E. Fiske's scrutiny — has been conducting its own probe of another former partner, Webster Hubbell, for more than a year. Hubbell is now the nation's associate attorney general.

Senior partners at Rose — the firm that gave the nation the late Deputy White House Counsel Vince Foster as well as Associate White House counsel William Kennedy — are investigating Hubbell's past billing practices. It seems he may have overcharged clients; it also appears that he used firm funds and credit cards for personal expenses.

Few would take note if this were just a matter between a lawyer and his former law firm. But the Clinton adminis-

tration has elevated Hubbell to the No. 3 post in Justice. Indeed, it's widely believed that Hubbell's influence — thanks to his close ties to the White House — exceeds that of Attorney General Janet Reno.

The big questions hovering over the Clinton administration won't soon be resolved. But it shouldn't be hard to get to the bottom of the Hubbell case: Rose partners have been seeking the Associate AG's credit card receipts since 1992. And if Hubbell padded his bills, that, too, shouldn't be difficult to ascertain.

Hubbell asserts that the extended inquiry into his expenses and billing practices is "in no way out of the ordinary." And the White House has declared tersely that the President stands behind "Webb." That's fine. But it's well to remember that the Whitewater crowd's conception of "ordinary" isn't necessarily in accord with what Americans expect from their Department of Justice.

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Pg 10

New York Post

### Taking the rap for the Clintons

It seems plain that the administration is getting ready to toss White House counsel Bernard Nussbaum over the side.

Clinton aides have been floating rumors of his possible departure for days now. Nussbaum, after all, rifled the files in Vincent Foster's office for evidence after Foster's untimely demise; the White House counsel prevented the FBI from interviewing White House staffers outside his presence or that of someone else from his office; and he discussed the Resolution Trust Corp.'s investigation of Madison Guaranty — the Little Rock S&L so central to Whitewatergate — with Deputy Treasury Secretary Robert Altman, the acting head of the RTC. Altman was sufficiently embarrassed at having had to acknowledge the "heads up" he gave Nussbaum & Co. that the Treasury man has roused himself from future Madison-related matters.

Nussbaum, however, has acknowledged no error of any kind, which suggests that he's both politically tone-deaf and a bit carried away with his new-found celebrity. Thus, from the standpoint of the Clintons, he's an eminently logical "fall guy." Indeed, the administration can seek to blame its multivaried problems with this whole sordid business on Nussbaum.

The plan, however, is doomed to failure. Indeed, as anyone who's been watching this story realizes, Nussbaum serves as the eyes and ears of the First Family. His judgment may leave a good deal to be desired. But dismissing him, however proper, will heighten suspicions about the Clintons rather than exonerate them.

Let's face facts: Bernard Nussbaum is not a principal villain in this case. He is a stand-in — an agent who acted on behalf of Bill and Hillary Rodham Clinton. Whether attending meetings improperly, or obstructing FBI probes, Nussbaum was almost certainly taking instruction from one or both Clintons.

Thus, anyone who thinks that dismissing Nussbaum will solve the White House's manifest problems vis-a-vis Whitewatergate has another think coming. We expect to see Nussbaum gone from the White House soon; but we're confident that the independent counsel will continue to press his inquiry.

And we're sure that the Capitol Hill activists who've taken the lead in pursuing the emerging scandal — Sen. Alfonse D'Amato among them — won't desist because Nussbaum has left the scene. The Clintons may wish otherwise; but Whitewatergate is not about Bernard Nussbaum.

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P52  
New York Post

# 6 OF CLINTON'S AIDES SUBPOENAED

NEW YORK POST, SATURDAY, MARCH 5, 1994

By DEBORAH ORIN  
Bureau Chief

WASHINGTON — Six White House aides were subpoenaed last night by the special Whitewater counsel amid expectation that one of them — presidential counsel Bernard Nussbaum — would resign today.

The Clinton aides and three Treasury Department officials were ordered to testify before a federal grand jury here Thursday.

The subpoenas were issued by Robert Fiske, who is seeking testimony and documents related to his probe of a failed Arkansas thrift with ties to President and Mrs. Clinton.

The deluge of subpoenas demonstrated the extraordinary steps Fiske is taking in the early stages of his investigation into the failure of Madison Guaranty Savings and Loan Association.

Treasury Secretary Dee Dee Myers immediately issued a statement saying "the White House will comply fully and promptly" with the subpoenas.

At the same time, White House deputy counsel Joel Klein issued a memo barring the destruction of

White House computer records.

In addition, he issued notices to stop the removal of all "burn bags" and wastebasket trash containers in the White House and ordered all computer records to be preserved.

The president was not told of the subpoenas until shortly before they were served at 7 p.m., officials said.

Subpoenaed at the White House were Nussbaum; Harold Ickes, deputy chief of staff; Bruce Lindsey, senior presidential adviser; Mark Gorman, the communications director; Lisa Caputo, press secretary to Hillary Rodham Clinton; and Maggie Williams, Mrs. Clinton's chief of staff.

At Treasury, subpoenaed went to deputy Treasury secretary Roger Altman, general counsel Jean Hanson and chief of staff Joshua Sidorow.

An administration official said the White House was not entirely surprised by the subpoenas — and probably would not provide lawyers for the aides.

The flurry of activity came "while sources said Nussbaum may have to resign to protect Clinton."

Earlier in the day, White



**EYE OF STORM:** White House counsel Bernard Nussbaum (above) may take the fall for the controversy involving the Rose Law Firm (right).



House aides were busy leaking word that Clinton is unhappy with Nussbaum and — given two chances yesterday to defend his side — didn't offer one word of support.

"I have nothing to say," Clinton told reporters when asked if Nussbaum should quit.

Myers said Clinton nevertheless had confidence in Nussbaum, but added, "Nobody's bullet-proof in this White House."

"It's up to them if they want to hire counsel."

The prospect of a high-level resignation to protect the president — amid charges Mrs. Clinton's former law firm shredded Whitewater documents and appointment of a special counsel — inevitably recalled Watergate.

Nussbaum raised eyebrows by going to three secret huddles where federal regulators briefed him on the confidential federal probe of Madison, which is tied to the Clintons and their Whitewater land venture.

Earlier, Nussbaum — Mrs. Clinton's friend since both served on the House Whitewater panel — took Whitewater files from White House lawyer Vince Foster's office after his mysterious death.

Meanwhile, Sen. Alfonse D'Amato (R-N.Y.) charged that the latest White House staffer placed in charge of avoiding Whitewater ethics flaps has his own conflict of interest — his wife is Hillary Clinton's pal.

3/7/94  
P516

New York Post

# Whitewater looks more like Watergate

## Foster-case police made photo blunder

By DEBORAH ORIN  
Washington Bureau Chief

### ANALYSIS

Whitewater is looking more and more like Watergate all the time — except this time there's a First Lady at the center of the mess.

Whitewater hit a kind of critical mass Friday night when special counsel Robert Fiske subpoenaed six top White House aides — two of them aides to Hillary Rodham Clinton — to testify before a grand jury.

That's serious stuff. Even before, Whitewater was looking like Watergate. There was a special counsel. There were charges of shredding (done by Mrs. Clinton's law firm). There was talk of a coverup. A top Clinton

aide was pushed to walk the plank. But the subpoenas made a dramatic change in public perception. Suddenly, it's awfully hard for Clintonites to credibly claim that this is all just Republicans playing politics.

Subpoenas send a signal that something smells fishy. Fiske sent another signal earlier by reopening the questions of whether deputy White House counsel Vince Foster — Mrs. Clinton's former law partner — really committed suicide, as the White House contends.

Police hint Whitewater is

starting to hit home with the public. A CNN/Time magazine survey, released over the weekend, shows Clinton's approval rating down to 46 percent, falling below 50 percent for the first time this year.

That poll was completed Thursday, before the White House aides were served with subpoenas, so the survey doesn't measure the full impact of the latest Whitewater news.

Watergate was about "All the President's Men." No one ever in a million years suggested then-First Lady Pat Nixon had anything to do with it. But Hillary Clinton is right at the heart of

Whitewater. By all accounts, she was the key player in the Whitewater land deal. She represented the savings-and-loan owned by the Clintons' Whitewater partner, Jim McDougal, a savings-and-loan whose failure cost taxpayers \$50 million.

The open question is how the White House clin deal with a crisis where the presidential adviser most tangled up in Whitewater is his wife. Unlike her friend, White House counsel Bernard Nussbaum, she can't exactly resign.

Also, the Whitewater mess is exploding just as the Clintons' health-care plan is in danger of going down. The person who is supposed to be selling that plan is Mrs. Clinton.

No wonder the conventional wisdom in Washington is starting to push the idea that it's all Hillary Clinton's fault.

"I'm amazed at how quickly Clinton's defenders are retreating — they are willing to say there's a coverup problem, they're even willing to sort of throw Hillary Clinton overboard," one Democratic strategist said. "But I just don't buy into that methodology. The



HILLARY CLINTON  
Right in the middle.



PAT NIXON  
Had no Watergate role.

FOSTER from Page 4

basic requirement. It's extremely important in an investigation because it shows the body's position and other patterns which can never be re-created."

"It's unspeakable. I can't imagine any competent investigator would not take crime-scene photographs," said Robert Reszier, a retired FBI official who is considered a leading forensic expert on staged homicides.

Reszier said the only excuse for not taking a photograph is if the person is still alive and has to be moved.

Reszier said the absence of the photographs will make any investigation into Foster's death difficult.

A spokesman for the Park Police refused to comment on charges that his agency mishandled the crime-scene investigation.

Meanwhile, The Post has learned that Roderick Lanier, the special deputy prosecutor in the Foster investigation, in a bid to re-create the crime scene has interviewed several rescue workers who were among the first to find Foster's body.

## Pol: Prosecutor blocked House probe

PROSECUTOR from Page 4

Operations confirmed that the congressional probe into Foster's death had been discussed with Fiske.

The aide said Fiske called the hearings "inappropriate" and asked that they not take place.

Sen. Frank Murkowski (R-Alaska) also was rebuffed when he tried to

find out more about Foster's death.

He had asked that the Park Police brief members of the Senate Subcommittee on Public Lands, National Parks and Forests about the circumstances surrounding the White House aide's death in a national park in suburban Virginia.

Fiske "requested that we

not conduct any briefings until he has completed his investigation," Roger Kennedy, director of the National Park Service, wrote in response to Murkowski's request.

Fiske has appointed Roderick Lanier, a highly respected New York prosecutor, to investigate all matters relating to Foster's death.

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Pg 24  
New York Post

### Whitewater: It's past time to come clean

The resignation of White House counsel Bernard Nussbaum, and the delivery of subpoenas to six White House officials and four Treasury Department aides, combine to signal the onset of a new chapter in the Whitewater scandal. It remains to be seen whether or not independent counsel Robert Fiske will pursue this affair wherever it may lead; but the subpoenas are an encouraging indication of Fiske's seriousness of purpose.

Not surprisingly, the Sunday television talk shows were dominated by administration officials attempting to put a positive spin on Whitewater-related news; apparently, internal White House conversation turns heavily on damage control these days.

Meanwhile, the 19 senior administration aides are now being prepared to testify — under oath — before the grand jury convened by Fiske.

In short, it seems plain that the Whitewater affair is beginning to impinge on President Clinton's ability to govern.

Calls from Capitol Hill for congressional hearings on Whitewater can no longer be dismissed as partisan attempts to undermine the President's authority. Indeed, it's only a matter of time before congressional Democrats join in echoing the demand for hearings.

Thus far, to be sure, the Clintons have managed to keep key documents private. Some, of course, appear to have been destroyed as early as 1992 — at

Hillary Rodham Clinton's instruction — when press attention first focused on the curious land deal. Others probably still exist, but have yet to be released. Eventually, however, the relevant papers will find their way to the independent counsel.

In the end, although the scandal's details may be difficult to grasp, Whitewater strikes ordinary Americans as serious for two relatively uncomplicated reasons: It amplifies the doubts that many Americans continue to nurture about Bill Clinton's "character," and it is connected, in an unmistakable way, to Vincent Foster's mysterious death.

At this point, resisting cooperation will only delay the Clintons' day of reckoning. The public officials who are advising the President and the First Lady to come clean are tendering sound advice. Should the Clintons fail to do so, the danger is real that Whitewater will all but consume the presidency, making it impossible for Bill Clinton to carry out his duties effectively.

The Bernard Nussbaum approach — staid, demand clarifications; provide only that which is requested — would have been appropriate for a lawyer representing a private-sector client in a civil matter.

But Nussbaum himself was a public servant. And his "client" happened to be the President of the United States, rather than William Jefferson Clinton *per se*.

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Pg 4  
New York Post

# STORM CLOUDS OVER THE WHITE HOUSE DON'T PILLORY MY

## While the gov. ran for president his wife ran for cover: report

**By MICHAEL TERABO**  
**Post Columnist**  
WASHINGTON — While Bill Clinton ran for president in 1992, Hillary Rodham Clinton ordered the shredding of sealed documents at her Little Rock law firm, it was reported yesterday.  
The shredding began after a March 8 report in The New York Times on then-Gov. Bill and Hillary Clinton's involvement in a tangled Arkansas real-estate venture known as the Whitewater Development Corp., according to The Washington Times.  
The paper quoted three former or current employees of the Rose Law Firm. Mrs. Clinton summoned couriers from Rose to the Arkansas governor's mansion and gave them sealed, unmarked envelopes with orders that the materials be destroyed at the firm, the unidentified sources said.  
The report was one of several developments in the Whitewater affair that had the White House in overdrive yesterday, with

the president defending the First Lady's integrity and Republicans renewing their demands for congressional hearings.  
Special Whitewater counsel Robert Fiske formally asked that Congress not hold any such hearings because they could "compromise" his inquiry.  
Sen. Al D'Amato (R-N.Y.), who has helped to lead the charge for hearings, replied that he and Fiske should meet soon to discuss the matter. Fiske agreed. They are to confer tomorrow in D'Amato's office, a D'Amato spokesman said.  
Clinton rejected suggestions by D'Amato and other Republicans that the Whitewater probe into the Clintons' Arkansas financial dealings could explode into another Watergate.  
"We're not covering up anything," he said. "No

one has accused me of any abuse of authority in office. [And] there's no credible evidence and no credible charge that I violated any criminal or civil federal law."  
As for the Washington Times story, Clinton noted that law firms routinely dispose of documents, and pointed out that the paper didn't purport to know what was contained in the shredded files.  
Meanwhile, Deputy White House counsel Joel Klein ordered White House staffers to scour trash cans, burn bags and files for paperwork subpoenaed by Fiske.  
The materials are to be turned over to a federal grand jury Thursday in Washington as part of Fiske's examination of three private Whitewater-related briefings the staffers received from federal regulators. Questions of ethics have been raised

about those meetings.  
Six staffers, including White House counsel Bernard Nussbaum, are to appear before the grand jury that day to explain their actions under oath.  
Nussbaum submitted his resignation Saturday, effective April 1.  
Late yesterday an administration source said the chief candidate to replace Nussbaum is Lloyd Cutler, a prominent liberal lawyer who held the counsel post in Jimmy Carter's White House.  
House GOP leader Newt Gingrich of Georgia yesterday asked Attorney General Janet Reno to suspend Associate Attorney General Webster Hubbell, a former law partner of Mrs. Clinton's, until questions about his involvement in Whitewater are resolved. Reno refused.

**By MARILYN RAUBER**  
**Post Correspondent**  
WASHINGTON — A defiant President Clinton yesterday stood by his wife, declaring: "I do not believe for a moment that she has done anything wrong" in the Whitewater mess.  
"I have never known a person with a stronger sense of right and wrong in my life — ever," an angry Clinton said about his wife Hillary, at a White House news briefing.  
"You just telling you, the American people can worry about something else. Her moral compass is as strong as anybody's in this country, and they will see that," the president added.  
As criticism of the First Lady mounted, Clinton broke his silence to defend the couple's role in Whitewater and the ongoing federal probe — and denied GOP cries of a Watergate coverup.  
"No one has accused me of any abuse of authority in office — that's what Watergate was about," Clinton said.  
"There will not be a cover-up, there will not be an abuse of office in this White House."  
"There is no credible charge that I violated any

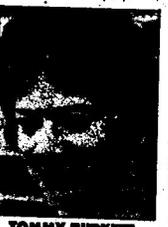
## W'water dirt won't wash: Bill

# Foster coroner has been dead wrong



**DR. JAMES BEYER:** He concluded that Foster killed himself — but another pathologist says, "I cannot understand how any competent forensic pathologist would miss a clue Beyer apparently overlooked in an earlier suicide probe."

**By CHRISTOPHER RUDDY**  
The Virginia pathologist who conducted the autopsy on deputy White House counsel Vincent Foster was proved wrong on one previous suicide ruling and is being challenged on another.  
The first "suicide" turned out to be a homicide — and the killer later confessed.  
The autopsy was done by Dr. James Beyer, the 70-year-old deputy chief medical examiner for northern Virginia, who last year determined that Foster's death was consistent with a self-inflicted wound.  
The U.S. Park Police, whose investigation into Foster's death has been sharply criticized, have relied heavily on Beyer's autopsy. Park Police officials declined to comment yesterday.  
But two families who had "suicide" cases ruled on by Beyer are skeptical of his work.  
"I feel he did an incomplete job, and that's scary," Pam Easley told The Post. "He has caused us a lot of pain."  
Easley's 21-year-old son, Tim, was found in his apartment with a bullet through his heart in 1988. Four years



**TOMMY BURKITT**  
Autopsy questioned.

later, Easley's girlfriend admitted killing him.  
Beyer had ruled the death a suicide. Pam Easley became suspicious when she saw that the autopsy report said Tim had "gray" hair. His hair was dark brown.  
"I made a mistake," Beyer explained later in a letter.  
At Tim's funeral, his mom and others noted and photographed — a significant clue on the back of his right hand that was not mentioned in Beyer's report.  
"The out on the hand is definitely ante mortem



**TIM EASLEY**  
"Suicide" a homicide.

(before death) and I cannot understand how any competent forensic pathologist would miss it. It is a classical "defense" wound, suffered while trying to avoid the knife," concluded another pathologist, Dr. Harry Bonnell.  
Bonnell, chief deputy medical examiner for San Diego, Calif., reviewed the available records and evidence at the mother's request.  
Bonnell also stated that the knife's entry spot and its trajectory to the body were "inconsistent" with a self-inflicted wound.  
Beyer told The Post he had



# FDIC HAD WARNING ON HILLARY'S FIRM

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Two federal regulators voiced concern in 1989 that Hillary Rodham Clinton's law firm had a conflict of interest in representing the government in the collapse of an Arkansas savings and loan.

But Federal Deposit Insurance Corp. lawyer April Breslaw overruled them.

"I am not inclined to take a \$10 million case away from counsel that has obtained fine results for me on other matters," wrote Breslaw, who initially picked the Little Rock firm for the job.

The regulators' worries and Breslaw's response are recorded in federal documents obtained last week by Sen. Alfonse D'Amato, ranking Republican on the Senate Banking Committee.

D'Amato said the information raises new questions about the FDIC's exoneration earlier this month of the Rose Law Firm of any conflict of interest in its dealings with the government and the Madison Guaranty Savings & Loan, which failed

**D'Amato said the information raises new questions about the FDIC's exoneration of the Rose Law Firm.**

in 1989 at a cost to taxpayers of about \$50 million.

Last Thursday, at the request of D'Amato, FDIC Acting Chairman Andrew Hove agreed to ask his agency's inspector general to review the FDIC's conflict-of-interest investigation of the Rose Law Firm.

Mrs. Clinton was a senior partner at Rose, which represented the government in a suit against Madison's former accounting firm for negligence and breach of contract.

Jim McDougal, who headed Madison, was also Bill and Hillary Clinton's partner in the Whitewater Development Corp.

Federal investigators are now attempting to determine if funds were

improperly diverted from Madison to Whitewater or to help Clinton pay off a \$50,000 campaign debt in 1984.

The FDIC concluded that Mrs. Clinton spent only two hours on the agency's suit against Madison's ex-accounting firm. She apparently reviewed an amended complaint, in which the judgment being sought was lowered from \$3 million to \$200,000.

The case was handled by another Rose senior partner, Webster Hubbell, now associate attorney general.

FDIC lawyer Paul Jeddelloh, in a letter to Breslaw dated June 8, 1989, said he had concerns of a conflict of interest since Hubbell's father-in-law, Seth Ward, had extensive dealings with Madison.

FDIC credit specialist Ken Schneck echoed Jeddelloh's position in a letter of his own a few months later, saying Hubbell would be exposed to materials that Hubbell's relatives could find useful.

**Whitewater could sink prez / John Crudele:  
Page 23**

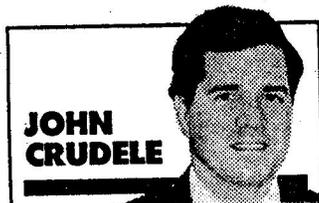
# WATER MAY SINK BILL IN THE '96 ELECTION

**T**HE Republicans think they have President Clinton cornered.

The Whitewater Development mess surrounding Clinton is sure to become one of the hottest issues of his 1996 campaign for re-election — if he even decides to run.

The Republicans are planning on it. And they may have enough ammunition to defeat Clinton.

That much has become clear in recent days. Investigators now believe that "tens of millions of dollars" from the now-defunct Madi-



**JOHN CRUDELE**

son Guaranty Trust, which was headed by James McDougal, may have been wrongly used by people in Arkansas with ties to the Clintons.

What has also become clear is that Republicans are likely to time the release of their findings in the Whitewater probe for maximum political advantage.

In other words, don't ex-

pect a blockbuster report on the Whitewater misdeeds until closer to the 1996 election unless it comes from the special prosecutor, Robert Fiske, who hasn't even started his probe yet.

Until recently, independent investigators thought they had only one questionable transaction with Madison linked to the Clintons: a \$67,000 loan that may or may not have been paid back.

Admitting that the situation is "very complicated," one source with knowledge of what investigators are coming up with admits that the total of money that "sloshed around... could be tens of millions of dollars." Madison eventually cost taxpayers \$70 million to close.

"It's hard to say if (the misdeeds) come back to the president," the source adds.

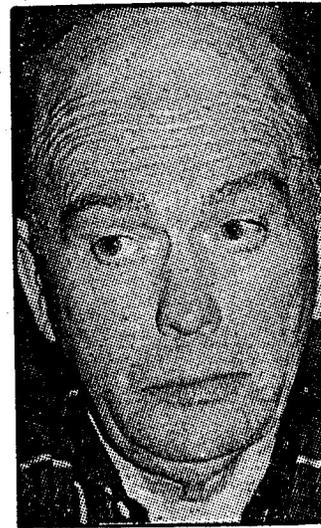
But investigators are looking into real estate "flips," in which a piece of property is sold over and



**HILLARY CLINTON**  
*Law firm probed.*

over at an inflated profit so that bigger and bigger bank loans could be secured on the property.

Also being looked into are accusations as to whether Hillary Clinton's law firm did anything wrong in getting the gov-



**JAMES McDOUGAL**  
*Ex-Madison boss.*

ernment to forgive a \$600,000 loan to the father-in-law of her partner.

And whether Madison was used as a source of money by Bill Clinton and other important people in Arkansas.

But the intentions of the

Republicans are clear. They intend to bombard the Clintons with these accusations when election time comes.

Asked if anything that is being found is grounds for impeachment, the source said that "the ultimate jury meets in the second week of November 1996."

I get it. Let Clinton get re-nominated and then blow his campaign out of the water.

Clinton has been blessed lately with a stronger economy that probably won't last. If the economy weakens again, the president's policies of raising taxes and reforming health care at this time will be blamed for the new problems. That will probably ruin any chance he has for a strong presidency.

But even if business conditions remain strong, Clinton could be seriously hurt by further charges in the Whitewater case. A \$67,000 loan can be overlooked. Tens of millions will not.

# TIMES CHANGES ITS TUNE ON THE CLINTON SCANDAL

If we may judge from the catch-up reporting in Saturday's New York Times and the paper's fire-and-brimstone editorial on Sunday, it looks as if the scandals plaguing President Clinton and the First Lady are rapidly approaching disaster.

Given the way the paper has shamelessly downplayed the Clintons' follies in the past — even as the press elsewhere was coming up with more and more sensational revelations — I think we can assume that the situation has gotten to be too hot now to be ignored, even by The Times.

Until now, anyway, the paper hasn't exactly devoted major resources to the pursuit of this story.

We clearly owe this reversal of Times policy to Roger

Altman, the deputy secretary of the Treasury and acting head of the Resolution Trust Corporation, who unexpectedly let a large cat out of the bag on Thursday. Also to Stephen Labaton, the Times correspondent who wrote the paper's front-page story on this event last Friday.

Under questioning by Republicans on the Senate Banking Committee, Altman admitted that he had met at the White House with President and Mrs. Clinton's senior aides three weeks earlier to bring them up to date on his agency's investigation of Madison Guaranty, the Arkansas savings and loan that is at the center of the controversy over the Clintons' Whitewater investments.

"The meeting was unusual," wrote Labaton, "because the Resolution Trust Corporation is an independent regulatory agency whose lawyers are supposed to operate without political considerations. Moreover, the briefing was attended by senior advisors to the Clintons, who are themselves the subject of the agency's investigation."

It turned out that Altman, a close friend of the Clintons, had initiated the meeting at the White House. This was obviously too much even for The Times, which had taken a wait-and-see-if-it-files approach to the Clinton scandals since they first came to light. This abruptly changed on Saturday, when Labaton had two follow-up stories in the paper.

One was a short news report on Altman's overnight decision to remove himself from his agency's investigation of Madison Guaranty as a result of the uproar caused



**HILLARY CLINTON**  
High-powered partner

## Does new tone signal a shift in liberal thought on Whitewater?

by his disclosure of the White House briefing.

The other was a far longer story about the Rose Law Firm in Little Rock which, among much else, represented Madison when it was audited by a state regulator appointed by then-Gov. Clinton, and then represented the federal government in a lawsuit against Madison's accountants.

Labaton's eight-column takeout on the Rose Law Firm, complete with a sidebar on the four former partners who are now leading candidates for conflict-of-interest investigations — Hillary Clinton, the late Vincent Foster, Webster Hubbell and William Kennedy 3rd — was full of interesting old news that The Times somehow missed in its starry-eyed coverage of the Clintons during the 1992 campaign and their first year in the White House.

Among other things, it gave Times readers their first vivid account of the way Mrs. Clinton's meteoric career at Rose was directly related to her husband's rise in Arkansas politics.

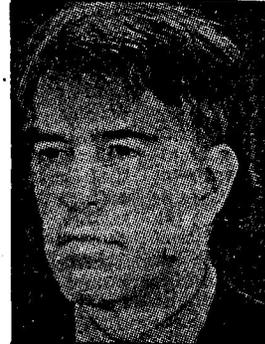
She joined the firm, its first

woman lawyer, in 1977 — just as her husband was taking office as the state's Attorney General. She became a partner two years later, at age 32 — just as he was inaugurated governor.

She promptly became "a leading rainmaker," wrote Labaton — "a term for a partner who drums up clients for a firm."

"Although Mrs. Clinton was described as a trial lawyer in some news accounts both before and during the presidential campaign," Labaton wrote, "many former colleagues cannot remember any cases she tried, and court reporters in Little Rock say she appeared in court infrequently, perhaps as seldom as every two or three years."

It was not that she took no interest in the courts, however. According to Labaton, she was "among the most important state figures involved in the selection of judges... dealing directly with candidates for the jobs." In other words, Mrs. Clinton was selecting the judges before whom Rose Firm litigators would argue big cases.



**ROGER ALTMAN**  
Devastating disclosure

And Rose's list of clients, according to Labaton, got to be so big in the economic boom of the Reagan-Bush period that the firm quadrupled its size. Which means, I suppose, that when Bill and Hillary Clinton made the "greed" and "corruption" of the 1980s a campaign issue, they knew a good deal more about the subject than they were in a position to reveal.

Rose also represented Arkansas government and quasi-government institu-

tions. "Partners at Rose say that to avoid any suggestion of a conflict of interest," Labaton wrote, "Mrs. Clinton's compensation excluded any profits from municipal or state clients." But who was the chairman of the Rose firm's conflicts committee? Webster Hubbell, now associate U.S. attorney general.

No wonder, then, that Sunday's Times editorial page exploded in indignation. To be fair, the paper's editorial page has been far more alert to the implications of Whitewater than the Times newsroom — but even so, Sunday's editorial sounded a new note of alarm and dismay, maybe even disgust.

"Clinton aides behave as if their President had deep deposits of public trust," the editorial said, then added: "In fact, that account was pretty slim when Mr. Clinton got to Washington, and it is just about tapped out now."

We haven't heard anything like that before in The Times' editorials on the Clinton administration. Nor this: "It is time for the Democratic congressional leaders, Thomas Foley and George Mitchell, to try to educate this White House about the normal protocols of government."

This may be a little like inviting the blind to lead the blind — but at least the sentiment is good.

The Times has always been a bellwether of liberal orthodoxy, and never more so than in its cheerleading coverage of the Clintons and their administration.

If last weekend's coverage really does signify a change in that misguided policy, it can only mean that the liberals, too, now have begun to believe the worst. As the saying goes, better late than never.

Hilton Kramer, editor of The New Criterion, was chief art critic of The Times from 1973 to 1982.

### Times WATCH

**HILTON KRAMER**



New York Post Michael Merenda

Associated Press

**The Times has always been a bellwether of liberal orthodoxy — and never more so than in its cheerleading coverage of the Clintons and their administration.**

# BILL'S PAL IN HOT W' WATER

By THOMAS FERRARO  
Post Correspondent

## GOP: Treasury honcho must quit over S&L-probe briefing

WASHINGTON — A key House Republican yesterday demanded that Deputy Treasury Secretary Roger Altman resign from a regulatory post for having briefed the White House about the Whitewater probe.

Rep. Jim Leach (R-Iowa) also called on the Office of Government Ethics to determine if the White House staffers violated federal ethics standards in accepting the private update.

The congressman's demand for Altman's resignation was limited to Altman's as acting head of the Resolution Trust Corp., which oversees failing savings-and-loans, not his Treasury post.

At the same time, Sen. Alfonse D'Amato requested a Senate investigation into Altman's "improper" briefing, which he said raises troubling questions about the RTC and the

White House.

Altman disclosed last Thursday that, as acting RTC chairman, he recently gave "a heads-up" to White House Counsel Bernard Nussbaum, White House deputy chief of staff Harold Ickes and Margaret Williams, the First Lady's chief of staff.

Altman said he told them when the statute of limitations would expire in his agency's investigation of the 1989 collapse of Madison Guaranty S&L, and how the RTC might handle potential civil claims.

Madison was owned by Jim McDougal, Bill and Hillary Clinton's partner in the failed Whitewater Development Corp.

Federal investigators are trying to determine if funds were improperly

funneled from Madison to Whitewater, and if they were used to help Bill Clinton pay off a campaign debt of \$50,000 when he ran for Arkansas governor in 1984.

There could be claims against the Clintons if that were found to be true.

Altman revealed his White House briefing while under questioning by D'Amato and other GOP senators at a hearing by the Senate Banking Committee.

The following day, Altman recused himself from any further action in the Madison-Whitewater probe, and said he regretted having briefed the White House.

But the White House insisted Altman had done nothing wrong and declined to second Alt-

man's regrets.

White House press secretary Dee Dee Myers said yesterday: "The briefing was simply informational.

"I would add one point," she told reporters. "We're not going to jump every time somebody tries to make a political issue out of Whitewater."

Leach accused Altman of "ethical umbrage" and called on him to step down as acting RTC chairman.

Altman could not be reached for comment.

D'Amato asked the Senate Banking Committee to find out "why in the world" White House "political operatives" needed a briefing from a top regulator.

Senate Banking Committee Chairman Don Riegle (D-Mich.) invited



**SEN. AL D'AMATO**  
*On the offensive*

D'Amato to submit written questions to Altman.

D'Amato said that would be inadequate, saying he and other committee Republicans would make a formal request today that Riegle order a new hearing, and that Altman and the White House staffers be required to explain their actions under oath.

3/9/94 New York Post, page 2

## White House told white lies about probe

By DEBORAH ORIN  
*Washington Bureau Chief*

The White House falsely denied last fall that President Clinton and his staff had been tipped off about a sensitive Whitewater-linked federal investigation involving him, a review of news accounts shows.

Clinton and six White House aides now acknowledge they were alerted last October about a federal probe into whether or not a failed Arkansas S&L tied to Whitewater improperly contributed to his campaigns.

But when the Washington Post broke the story of that federal probe last Oct. 31, the White House denied knowing anything about it.

"White House spokesman Jeff Eller said Clinton and the White House had not been notified about the referral," The Associated Press reported at the time.

Eller didn't return phone calls yesterday.

3/10/94 New York Post, pg. 2

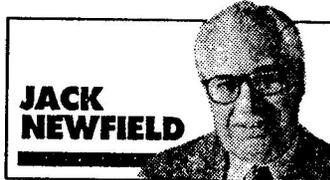
# Hillary, you're lookin' like Leona of the Ozarks

**U**P UNTIL last month, I preferred Her to Him.

But now, Hillary Rodham Clinton is starting to resemble an Ozark Leona Helmsley, with her executive acumen, self-righteousness and potential Whitewater tax liability.

Perhaps the most piercing insight into Hillary's character can be found in the new book by her old friend Lani Guinier.

Lani and Hillary had been friends at Yale Law School. Bill and Hillary had been guests at Lani's wedding. But then Guinier's nomination to be chief of the Justice Department's Civil Rights Division got into trouble over the false label of "Quota



Queen."

Hillary displayed little loyalty or human sensitivity to her old friend.

This is how Guinier recalls their final encounter in her book, which is to be published next week:

"My nomination was languishing without either emotional or logistical support from my

friends in the White House. I saw Hillary Rodham Clinton in the West Wing. She breezed by me with a casual, 'Hi, Kiddo.'"

"When somebody tried to tell her we were in the White House to strategize on my nomination, she turned slightly and said, 'Oh.' She turned, full circle this time, and to no one in particular announced, 'I'm 30 minutes late to lunch.'"

Today, no one doubts that Hillary Rodham Clinton — who is closer to co-president than ceremonial First Lady — is at the core of the Whitewater "scandal."

She handled the details of the real-estate investment while her

husband's eyes glazed over. She was paid a \$2,000 monthly retainer by Madison Guaranty Savings & Loan after Gov. Clinton told the bank's president, James McDougal, that they were having money problems.

Hillary became partners with McDougal in the Whitewater real-estate deal. There were so many entanglements, it was closer to incest than conflict of interest. McDougal was her client and partner. McDougal was a fund-raiser for her husband. She represented the S&L before regulators appointed by her husband.

A \$30,000 loan to build a model  
See NEWFIELD on Page 14



**HILLARY CLINTON**  
*Up to her neck.*

# Come clean, Hillary! Your reputation's fading

NEWFIELD from Page 2

home at the Whitewater site was taken out in Hillary's name — from the S&L she represented — in 1981.

As a tough litigator with connections, Hillary was delaying the S&L's eventual collapse, which cost the taxpayers about \$50 million. The S&L went under because of shoddy, unregulated practices that it was her lawyerly obligation to defend.

The "criminal referral" from the Resolution Trust Corp. to the Justice Department names both Clintons as potential beneficiaries of illegal actions by others.

Hillary is at the core of the key question: Did the funds from the falling S&L get improperly diverted into the failing Whitewater venture or into Gov. Clinton's difficult 1984 re-election campaign?

Moreover, Hillary is the one who argued most vigorously against the appointment of a special prosecutor for Whitewater. The president capitulated only after nine Democratic senators, led by Pat Moynihan and Bill Bradley, said the appointment had to be made.

Vince Foster was Hillary's close friend, partner in the Rose Law Firm and attorney for Whitewater. Now it turns out that two college-age couriers for the Rose Law Firm admit they shredded Foster's files after Robert Fiske was named special prosecutor!

Hillary's chief of staff, Maggie Williams, was present in Foster's office with White House counsel Bernard Nussbaum an

hour after Foster's body was discovered, when they deferred grief to remove sensitive Whitewater files.

Williams attended the improper briefings given by the RTC that compromised the independence of the investigation. And Hillary's press secretary, Lisa Caputo, has acknowledged getting a phone call from someone at the RTC alerting her to the Whitewater developments. Why?

Another crucial question: Is there any connection between these briefings — given to subjects of the probe a month before the public was informed — and the shredding of Foster's files?

Hillary is often depicted as a child of the '60s, on the fringes of the radical Students for a Democratic Society at Radcliffe, dressed like Janis Joplin or Grace Slick. In reality, she turns out to be a product of the selfish '80s. In Little Rock, she was a typical S&L lawyer, joining six corporate boards, churning her mutual-fund investments — more in the spirit of '80s materialism than '60s community spirit and sacrifice.

As of today, no crimes have been proven. That's Fiske's job. But the public has a right to know what went on, why the Clintons have resisted full disclosure every step of the way, why they have acted like they have something to hide, why documents have been shredded.

Hillary has not been forthcoming, or available to journalists with deep, detailed Watergate knowledge. She dished with

Cindy and Liz, and whined to the fashion magazine "Elle," complaining that it's all a Republican plot that's distracting her from saving the world.

But the new disclosures about shredding and improper briefings have come from The New York Times and The Washington Post. Even a paranoid like Bobby Ray Inman can't say those newspapers are controlled by Sens. Bob Dole and Al D'Amato.

If anything, we in the press were derelict in not writing more about Whitewater during the 1992 election.

On Tuesday, the National Organization for Women had a demonstration saying it's all sexism.

But Hillary can't have it both ways. She is a brilliant lawyer and professional in her own right. She seemed more tough-minded and committed to principle than the president. That's why I preferred Her to Him.

And that's why she has to defend herself on the facts, on the merits. She can't act like a victimized private person, like Truman's wife. Or Gerry Ferraro's husband.

Time is running out on Hillary's reputation. She should swiftly hold one marathon, no-holds-barred, full-disclosure press conference for everybody. She should answer every question until the press is exhausted.

Otherwise, the country will soon kiss her off the same cold way she kissed off her old friend Lani Guinier.

Hi, Kiddo. I'm late to lunch.

# NO LI'L WHITEWATER LIES, WARNS CLINTON

By THOMAS FERRARO *Post Correspondent*

WASHINGTON — President Clinton told aides yesterday to "be very open" and "answer the questions" when they appear today before a grand jury examining if they tried to compromise the Whitewater probe.

Six top White House staffers and four federal regulators were subpoenaed to explain at least three private meetings — plus other unspecified contacts — they had regarding an investigation into a failed Arkansas savings and loan with ties to the Clintons.

All 10 witnesses were to appear before the panel today.

But some reportedly have been granted delays so they can have more time to prepare with their newly retained private attorneys.

Several have hired big-league lawyers — and senior adviser George Stephanopoulos has retained former House counsel Stanley Brand even though Stephanopoulos isn't on the list of subpoenaed staffers.

White House Deputy Chief of Staff Harold Ickes reportedly will hire criminal defense lawyer Robert Bennett, who represents House Ways and Means Committee Chairman Dan Rostenkowski and defended Clark Clifford.

Former White House counsel Bernard Nussbaum has retained former federal prosecutor Lawrence Pedowitz, and Deputy Treasury Secretary Roger Altman is said to be hiring New York lawyer Richard Beattie.

Clinton, asked by reporters what advice he would give them, said: "Just the same advice I've given everybody. Just tell them what happened. Answer the questions and go on. Be very open."

The president and First Lady say they had no prior knowledge of the recently



**THE MAN BEHIND CLINTON:** Boisterous Bill hopes he's bringing out the best in new White House counsel Lloyd Cutler, 76, after a disastrous stint with Bernard Nussbaum.

Associated Press

disclosed meetings, two of which were held last fall, the third last month.

But Clinton acknowledged this week that he was informed, apparently by senior adviser Bruce Lindsey who participated in one of those meetings, of a confidential federal probe.

The probe involves whether the failed bank, the Madison Guaranty S&L, improperly contrib-

uted to Clinton's gubernatorial campaigns or helped him pay off a \$50,000 debt.

Special Whitewater counsel Robert Fiske wants to know if there was any attempt to compromise the Whitewater inquiry at the meetings between White House staffers and federal regulators.

He also is reviewing the July 20 death of deputy White House counsel Vince Foster, who, as Clinton's

private attorney, kept Whitewater files.

Fiske met yesterday with Republicans led by Sen. Al D'Amato (R-N.Y.) and asked them to hold off any possible Whitewater hearings until he determines if the administration meddled in the probe.

But the special counsel said he understands Congress's concerns and urges lawmakers to at least hold off until he reviews White

House contacts with federal regulators — within a few weeks or months.

A spokeswoman for House Banking Committee Chairman Henry Gonzalez (D-Texas) said he may cancel a hearing "tentatively" set for March 24. Republicans plan to turn it into a Whitewater inquisition.

"The chairman doesn't want his panel to interfere with Fiske's investigation," the spokeswoman said.

3/10/94 New York Post page 21

**I**'M having a Whitewater nightmare. It's the same nightmare I had during the Watergate Festival. The same nightmare I had during the Iran-Contra Mardi Gras.

I dream I am a high-ranking, well-placed White House aide, and the special counsel has subpoenaed my files.

Am I afraid that the investigators will find something illegal, immoral or unethical? Not at all. I am terrified that they are going to see just how unbelievably pathetic my files are.

Maybe real-life, high-ranking, well-placed White House aides have meticulously organized files. Maybe their underlings record the date, time, duration and tenor of every phone conversation. Maybe every incoming and outgoing fax is organized by subject, recipient and geographic region.

But my files? Take a look.

Here are my "research" files — the product of my biannual attempt to store and retrieve articles, monographs and think-tank reports that will inspire months

# Take my files, please

## COMMENTARY

**JEFF GREENFIELD**



of newspaper columns and TV essays. The files contain half a dozen profiles of Michael Dukakis, an in-depth preview of the 1984 Iowa presidential caucuses, and the last two pages of a magazine article on Gorbachev's prospects for reforming the Soviet economic system.

Then there are my "lecture" files, designed to hold the essence of different speeches I make on the rubber-chicken circuit.

The problem is that I seem to have cannibalized most of these texts without remembering to return the original and only copies to my files. What's left is a talk

that begins as a probing look into the future of cable television, and ends with an uplifting plea to the class of 1990 to remain true to its ideals.

Then there are my receipts for travel and entertainment. Trying to explain these to a hostile congressional committee would be about as much fun as self-service nasal surgery.

Here, for instance, is a credit card receipt showing that in October of 1993, I had a business lunch at the Trattoria Dell'Arte in New York City. No problem there, except that my scrawled note indicates that the person I took to lunch was Mrgf. Estblaq Grhlbx. My inability to decipher my own handwriting at moments like these suggests that any attempt to answer a tough question about this lunch would be problematic.

If anyone ever asks for my files, I'm taking the Fifth.

# WHITEWATER CIRCUS

## Protesters greet first officials to testify

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Whitewater entered a dramatic and circus-like phase yesterday as the first of 10 subpoenaed administration officials testified before a federal grand jury.

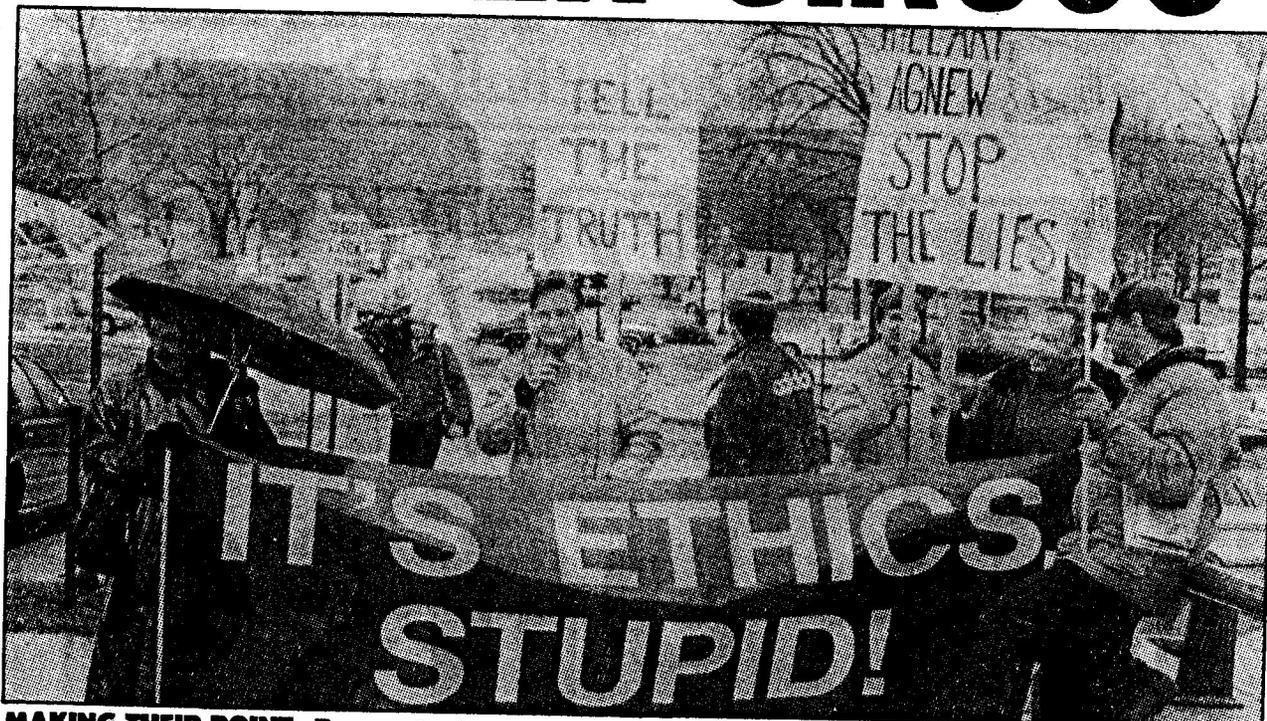
"It's Ethics, Stupid" read one of several signs held by a dozen demonstrators outside the U.S. District Courthouse.

Other placards declared, "Fess up," "Shred no more," and "Please, all documents."

Under steel-gray skies, deputy White House counsel Joel Klein delivered subpoenaed White House documents in a bulging beige briefcase.

"This is it," Klein said after briskly walking through a gantlet of about 50 reporters, photographers and camera crews.

Leadoff witnesses were two of Hillary Rodham Clinton's top aides, chief of staff Margaret Williams



**MAKING THEIR POINT:** Demonstrators express their feelings yesterday outside Washington's federal courthouse, where a grand jury has convened to take testimony in the Whitewater scandal.

and press secretary Lisa Caputo, along with White House communications director Mark Gearan.

Seven other subpoenaed officials — three from the White House and four from the Treasury Department — were given more time to prepare.

Special counsel Robert Fiske, heading a wide-ranging probe that focuses on the Clintons' co-ownership of the Whitewater

Development Corp., delivered opening remarks to the grand jury behind closed doors, then was swarmed by the news media as ducked out of the courthouse.

Fiske ignored questions, but stopped briefly to help a photographer who fell during the pushing and shoving.

"I've got nothing to say; there's a grand jury investigation going on," Fiske

said as he hailed a cab. "I'm not going to comment on anything except that the sun's come out."

The subpoenas, issued last Friday, brought the Whitewater probe, which had been concentrated in Arkansas, to the nation's capital.

Fiske had the White House documents and the 10 witnesses subpoenaed in an effort to see if adminis-

tration officials had mis-

guided the investigation. He wants to examine recently disclosed contacts between White House staffers and federal regulators about an inquiry into Madison Guaranty, a failed Arkansas savings and loan with ties to the Clintons.

The president and Mrs. Clinton insist there was no attempt to undermine the

Associated Press

**A**N old joke goes like this: "He's his own worst enemy," one man says to another about a third person. "Not as long as I'm around," the second person replies. Change the gender, revise the joke and you have Hillary Clinton when it comes to Whitewater. She says the Republicans are her own worst enemy. Not as long as she's around.

The other day, the First Lady gave an interview to *Elle* magazine in which she blamed the Republican Party for all the hoopla about Whitewater. She called the GOP's efforts "a well-organized, well-financed attempt to undermine my husband and, by extension, myself by people who have a different political agenda or have another personal and financial reason for attacking us." She talked about "the wildest kind of paranoid conspiracies" and alleged a GOP attempt to "find a way of undermining me."

Oh, Hillary!

That note of exasperation comes from an admiring corner, my own. But the suggestion that Whitewater is nothing more than a polluted river with its headwaters at the Republican National Committee is contemptuous of the American people. If anyone has threatened the Clintons' "political agenda," it is the Clintons themselves. For some reason — arrogance, a sense of victimization or the need to hide something — they have refused to look the public in eye and give candid responses to certain questions.

I, myself, happen not to be a Republican. I have voted for those fellows only rarely and never on a presidential level. (I would have voted for Lincoln, though.) And watching Rep. Newt Gingrich (R-Ga.) and Sen. Alfonse D'Amato (R-N.Y.) suddenly emerge as the indignant

# Her own worst enemy

## A few questions for Hillary — from a 'non-Republican'

COMMENTARY

**RICHARD  
COHEN**



champions of political purity is not only a personal best for each man in hypocrisy, but brings to mind the crack someone once made about Doris Day: "I knew her before she was a virgin." Yet this duo is right: Something about Whitewater smells.

So as a non-Republican favorably disposed to the Clintons, let me ask some questions: Was the Madison Guaranty Savings and Loan used to funnel money illegally or unethically to Clinton's 1984 gubernatorial campaign? If so, did either of the Clintons know what was happening? Did the Clintons actually lose money on their investment in Whitewater Development, a company they formed with James McDougal, the head of Madison, and if they did why didn't they take a tax loss — as they did with Bill's old socks?

Did Bill or Hillary Clinton know that McDougal, their pal and business partner, was running his savings and loan right into insolvency, a debacle costing the taxpayers \$60 million? Did Hillary Clinton, then a partner in Little Rock's Rose Law Firm, know the abysmal condition of Madison when

she represented it before a state regulatory commission as it was seeking to keep its doors open? Was it ethical for Mrs. Clinton to represent Madison before a state agency headed by a person appointed by her husband, the governor?

Were the files found in Vincent Foster's White House office after his suicide concealed because they were irrelevant or because they were both relevant and suggestive? Did the Rose Law Firm shred Whitewater-related files Foster left behind when he moved to Washington? And, last, was Bernard Nussbaum, the recently resigned White House counsel, a political klutz or was he doing what his clients — the Clintons — wanted?

These are all legitimate, even obvious, questions. You don't have to be a Republican to ask them. Mrs. Clinton either knows that or should know that, which is why her protestations of a GOP witch hunt sound so awfully hollow.

But there is a further question which, strictly speaking, has nothing to do with Whitewater. It has to do, instead, with the fiction Mrs. Clinton created that appearances are secondary to feminism. She wanted very much to be her own person, not a mere cookie-baking spouse tethered to the governor's mansion, but a career woman. This happens to be an aspiration I respect.

But Arkansas is a small



**HILLARY CLINTON**  
*Needed: perspective.*

state. At its center was the Rose Law Firm. Mrs. Clinton took no income from the firm's dealings with state agencies, but her name on its letterhead undoubtedly sent a message to prospective clients. She was, in other words, a rainmaker — possibly a reluctant one, but one nonetheless. She could not, really, be just another lawyer when, at night, she went home to the governor's mansion.

Her tendency to see her own motives as pure but to impeach the motives of others — partisan, sexist or whatever — is not one of Mrs. Clinton's attractive qualities. The assertion of purity is not the same as purity itself.

And just as she could not see that, no matter what, in the eyes of others she was always the governor's wife, she might not now see that Whitewater is not a smarmy partisan attack on her, but a legitimate inquiry. Until she gets that perspective, she — not the GOP — will be her own worst enemy.

3/13/94 New York Post pg. 11

# HILLARY TRIES TO TURN WHITEWATER TIDE

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — Hillary Rodham Clinton has stepped from the shadows and launched a Whitewater counteroffensive.

In interviews with *Time* and *Newsweek*, the First Lady took the offensive for the first time, insisting she and her husband don't know if they shortchanged the government in their Whitewater land deals.

But she said they will write a check to Uncle Sam if it turns out they underpaid taxes.

For sure, she said, they never should have bought into the development company, which has become an albatross around the president's neck.

"My goodness — we made lots of mistakes," she told *Time*.

Mrs. Clinton's remarks were part of a new White House bid to stem the rising tide of Whitewater.

A *Time*-CNN poll released yesterday found

that 33 percent of Americans believe the president did something illegal in Whitewater, up from only 12 percent in January.

Clinton held two news conferences last week that were dominated by Whitewater and, sources said yesterday, he and his wife considered granting a joint network interview this week to fend off more questions.

But, the sources said, the Clintons have decided against such an interview — at least for now.

Newly appointed White House counsel Lloyd Cutler, appearing on the TV talks shows yesterday, predicted Whitewater will "turn out to be nothing at all" and said he believes Clinton when the president tells him the First Couple did nothing wrong.

But Republicans continued to voice their doubts as they beat the drums for Whitewater hearings.

Sen. Al D'Amato mocked President Clinton for in-

sisting he can't recall who notified him last fall of a confidential federal inquiry into Madison Guaranty Savings and Loan, which had ties to the Clintons.

"I find it difficult to understand how it is if you're mentioned in a . . . criminal referral that you wouldn't remember who told you," D'Amato said in appearance on NBC's "Meet the Press."

Jim McDougal, who convinced the Clintons to join him in forming the Whitewater Development Corp. in 1978, said yesterday he'd be willing to take a lie-detector test to support his claim that the president did nothing illegal.

As for the First Lady, she may be guilty only of

"sloppy bookkeeping," McDougal told ABC's "This Week With David Brinkley."

The Clintons claim to have lost \$68,900 in Whitewater, but McDougal insists the real figure was only about \$13,000.

Mrs. Clinton, asked by *Time* if she and her husband may have over deducted for income taxes on Whitewater, replied: "We don't know. We don't believe so."

But she noted that during the 1992 campaign, a mistake was detected dating back to the mid-1980s and "we paid back" about \$5,000 plus interest.

"As we gather more information, we will act appropriately," she said.

Mrs. Clinton, who ini-



**HILLARY CLINTON**  
*Denies wrongdoing.*

tially opposed turning Whitewater records over to federal investigators as well as the appointment of a special counsel, conceded she should have opened up sooner.

"I really have been pulled, kicking and screaming, to the conclusion that if you choose to run for public office, you give up any zone of privacy at all," she told *Newsweek*.

**Echoes of Watergate /**  
**Editorial: Page 22**

# S&L prober: I was yanked after briefing

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — A lead criminal investigator was yanked off the Whitewater case last fall shortly after the White House got a secret briefing on the probe from Treasury Department officials.

Although evidence of political interference is purely circumstantial, Newsweek quotes sources as saying investigator Jean Lewis believes outside pressure was involved.

Lewis, a member of the Resolution Trust Corp., the agency that oversees the cleanup of failed savings and loans, is among 40 witnesses Republicans want to have testify at a House hearing

tentatively set for March 24. Newsweek said the RTC's Kansas City office compiled a 21-page report in the summer of 1992 targeting James and Susan McDougal for criminal investigation.

McDougal headed the Madison Guaranty Savings and Loan, which collapsed in 1989. He was also the Clintons' partner in the Whitewater Development Corp.

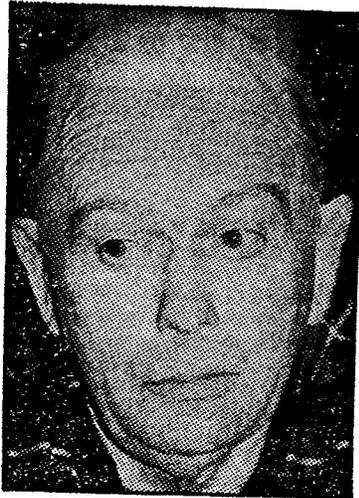
Although the Clintons were not named as subjects of the RTC probe, it listed them as potential beneficiaries of possible illegal action by McDougal, Newsweek said.

Last March, Justice Department lawyers concluded the case didn't merit investigation.

But Lewis and others in the RTC's Kansas City office, unaware of the decision, collected information that suggested Whitewater may have contributed to Madison's demise.

Newsweek quoted congressional sources as saying Lewis encountered resistance from an RTC attorney reviewing the case, and that she and the attorney were both reassigned.

Regardless, a new "criminal referral" passed to the Justice Department last fall, again listed the president and First Lady as potential beneficiaries of possible illegal activity by McDougal.



**JAMES McDOUGAL**  
*Illegal activity?*

# HILLARY: CONTROL FREAK

**T**HE clearest sign of Hillary Rodham Clinton's continuing quest for control was her decision, amid the growing tumult of Whitewater, to follow through with plans to shape the traditionally non-political White House ushers to her own liking.

"It's suicidal; it's insane," blurted out one prominent Democratic politician when he heard, two weeks late, that Mrs. Clinton had fired a veteran usher. The first explanation came last Friday, when the reason for the dismissal was announced: The employee had been in non-political contact with the previous First Lady, Barbara Bush, who had asked for help with her lap-top computer.

According to well-placed sources, however, Mrs. Clinton was not acting on impulse. The First Lady had intended to make changes in the ushers' office nearly a year ago but had been deterred by the furor over the purge of the White House travel office, again with her fingerprints obvious.

Since their predecessors managed without disrupting either the ushers or the travel office, the Clintons' insistence on their own people now has only two possible explanations. Either Mrs. Clinton is an incurable control freak, or there are things she feels must be hidden. The ushers' office, famed for its discretion, knows everything that the First Family does.

The usher story leads back, as does much at the White House, to the late Vince Foster. Shortly before the deputy White House counsel and longtime friend of the Clin-

## Or does sacking of usher indicate secrets to hide?

### INSIDE REPORT

**ROBERT D. NOVAK**



tons was found dead last July, apparently by his own hand, he wrote a note asserting that the ushers' office had "plotted to have excessive costs incurred" in the renovation of the executive mansion planned by Mrs. Clinton, "taking advantage of . . . HRC."

A statement issued by the First Lady asserted she had no reason to believe that Foster's appraisal was accurate, adding that "miscommunication" involving the cost of restoration "had been resolved." That response added to the general impression following Foster's death that he had become disturbed emotionally.

But the reports by White House sources that the First Lady was not happy with the ushers' office were confirmed March 5 when The Washington Post reported that Chris Emory, a seven-year veteran usher, had been sacked because the "the First Lady was uncomfortable with him" — followed a week later by the amazing Barbara Bush explanation. It is reported at the White House that a replacement has been selected but not named and, in effect, will be Mrs. Clinton's agent.

The delay in the shake-up

occurred because wholesale dismissal of career employees at the travel office raised questions about alleged White House pressure on the FBI and an unexplained Internal Revenue Service audit of the charter airline dropped by the Clintons. Here, as elsewhere, the White House's own review showed the First Lady's close involvement.

When I last wrote about the travel office affair seven months ago, I was optimistic that the General Accounting Office (GAO) would uncover the truth. On the contrary, there is strong reason to believe that scrutiny of the affair by both the Justice Department and the GAO has concentrated not on the Clinton aides who fired employees of the travel office but on the people who were fired.

Just how aggressive the GAO has been in pursuing this investigation is doubtful, but the congressional watchdog agency has gotten no cooperation from the White House. Requests for interviews with senior presidential aides have been ignored. Needless to say, a GAO request for an interview with Mrs. Clinton is in limbo.

Senior House Republicans have written the president, Attorney General Janet Reno and Comptroller General Charles Bowsher (head of the GAO) asking for action, to no avail.

Freedom-of-information submissions by the conserva-



**THE FIRST LADY**  
*Foster connection.*

tive Landmark Legal Foundation have been rejected or stalled by the FBI, IRS and Justice Department. Mark Levin of Landmark told me he had learned that Justice has collected a foot-high stack of documents in response to his request, but that "consultations" with Reno and Associate Attorney General Webster Hubbell were needed before this material could be released.

The travel office affair would have been buried and the ushers' office quietly reshaped without notice had it not been for Whitewater. Two decades ago, Watergate brought in its wake scrutiny into such unrelated developments as the bombing of Laos. Similarly, friends and foes today run into an overall pattern of control at the Clinton White House.

3/14/84 New York Post pg. 23

# NEW YORK POST

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## Echoes of Watergate

While an investigation by special counsel Robert Fiske is necessary to get to the bottom of the Whitewater affair in a legal sense, political and moral judgments about the episode will be made by the American people. And the proper way to secure the information necessary to an informed judgment is through congressional hearings.

Such hearings won't just bring the facts concerning Whitewater before the American people; they'll likely help uncover information not yet known to investigators. In Watergate, for example, public knowledge of an elaborate White House taping system emerged from the hearings, not from the special prosecutor's investigation. And in Whitewater, the fact that Deputy Treasury Secretary Roger Altman improperly briefed White House officials on the status of the Resolution Trust Corp.'s probe of the Madison S&L didn't surface until the Senate Banking Committee held RTC-related hearings in late February.

In short, even as special counsel Fiske pursues his investigation, congressional hearings are essential to helping Americans draw their own conclusions.

Fiske has already met with a number of senators, including Alfonse D'Amato (R-N.Y.) — a Banking Committee stalwart — to discuss ground rules for congressional hearings. All parties agree that Congress should not grant immunity to witnesses, lest such grants imperil Fiske's inquiry, and that a time delay — with Fiske taking the lead — makes sense for similar reasons. But Fiske doesn't oppose congressional hearings. And the new White House counsel, Lloyd Cutler — an old Washington hand — likewise indicates that he'll encourage cooperation with a

Capitol Hill probe.

Interestingly, congressional Democrats — who have never in the past been timid about asserting their right to oversee the executive branch — have suddenly become staunch partisans of executive autonomy. These folks oppose any congressional investigation of Whitewater. They — along with certain White House aides — insist continually that the GOP congressional leadership is animated by partisan considerations.

While we're not inclined to draw premature parallels between Watergate and Whitewater, such charges have a familiar ring. After all, former presidential counsel John Dean told the Senate Watergate Committee in 1973 that the Nixon White House had developed a careful strategy for dealing with Watergate inquiries: It would, said Dean, "take a public posture of full cooperation, but privately . . . attempt to make it as difficult as possible to get information and witnesses. A behind-the-scenes media effort would be made to make the Senate inquiry appear very partisan."

President Clinton has said repeatedly that he wants Whitewater-related information to see the light of day. In the meantime, however, his allies in Congress are making an all-out effort to depict calls for a congressional inquiry as partisan. It seems to us that the Clinton administration has borrowed the wrong pages from the Nixon playbook.



John Dean giving testimony in 1973.

3/14/94 New York Post pg. 22

# Hill' & Hubbell shared case

By DEBORAH ORIN  
*Washington Bureau Chief*

First Lady Hillary Clinton worked with then-law partner Webster Hubbell on the case that prompted his resignation yesterday from the Justice Department, legal papers obtained by The Post show.

Hubbell resigned as the No. 3 official at Justice in the wake of a dispute with

**POST  
EXCLUSIVE**

the Rose Law Firm over fees and expenses. The dispute involves more than \$1 million, according to the Wall Street Journal.

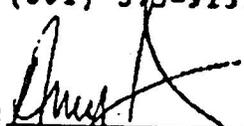
The dispute was prompted by Hubbell's representation of P.O.M., a parking meter firm owned by his in-laws.

Mrs. Clinton — also identified by her Arkansas Bar ID Number of 73104 — was listed with Hubbell as "attorneys for P.O.M." in the April 1991 legal papers obtained by The Post.

The papers also list a third lawyer, Amy Lee Stewart, who is still with the Rose Law Firm, secretaries there said yesterday.

It hasn't been previously reported that Mrs. Clinton worked with Hubbell on the P.O.M. case.

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120 East Fourth Street  
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By: 

~~Webster L. Hubbell~~  
Arkansas Bar I.D. No. 73059

Hillary Rodham Clinton  
Arkansas Bar I.D. No. 73104

Amy Lee Stewart  
Arkansas Bar I.D. No. 88167

Attorneys for P.O.M.  
Incorporated.

**P.O.M. BOMB:** *Hillary Clinton and Webster Hubbell team up on Rose Law Firm document.*

The managing partner of the Rose Law Firm, where Mrs. Clinton and Hubbell were both partners at the time, didn't respond to messages yesterday asking what role Mrs. Clinton played in the P.O.M. case and if her billings were involved in the dispute.

Nor did Mrs. Clinton's office at the White House return phone calls inquiring about her role in the case.

The P.O.M. case involved

an unsuccessful patent-infringement and antitrust suit against a competitor. When Hubbell lost the case, the Rose firm was left with unpaid bills and expenses that P.O.M. refused to pick up.

Hubbell wrote himself checks on the Rose firm's account to reimburse himself for expenses without providing sufficient documentation, according to news reports.

3/15/94 New York Post, pg. 5

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Webster Hubbell abruptly resigned as the Justice Department's No. 3 official yesterday amid mounting questions about his billing practices while one of Hillary Rodham Clinton's law partners.

Hubbell, President Clinton's longtime golfing buddy, insisted he did nothing wrong but said it would be best that he step down as associate attorney general.

In a three-page letter distributed to reporters as he cleaned out his office, Hubbell said an internal inquiry into his finances at the Rose Law Firm was hurting his family and his effectiveness as a lawman.

"It is also unfortunate that private issues between me and my firm have been cast, by some, as being part of a broad political net called Whitewater," Hubbell said.

"These private issues have nothing to do with Whitewater . . . or the president and First Lady."

But his departure struck another blow at the White House, battered by the

## Hubbell quits Justice amid fee scandal

Whitewater investigation into the Clintons' Arkansas financial dealings.

Just nine days ago, Bernard Nussbaum resigned as White House counsel following disclosure of secret briefings with federal regulators examining the Clintons' ties to a failed Arkansas savings-and-loan.

Another former Rose Law Firm partner, deputy White House counsel Vincent Foster, died July 20 in what Park Police ruled as a suicide. Foster was Clinton's private attorney.

The Washington Post first reported on March 2 that the Rose Law Firm was examining if Hubbell overbilled clients and used law firm money to pay for his own personal expenses.

The Wall Street Journal reported yesterday that the dispute between Hubbell and the Rose Law Firm was escalating and involves more than \$1 million in expenses and un-

billed time charges.

Hubbell, in his letter, said he's discussing the matter with Rose and said, "I am confident" that all "outstanding matters will be resolved satisfactorily."

Attorney General Janet Reno announced Hubbell's resignation at a news conference where she also praised his work and defended his reputation.

"I don't believe he did a thing wrong, and I think ultimately that will be clear to everyone," Reno said.

Clinton, in a letter to Hubbell, accepted his resignation with "profound sadness and regret"

Sen. Alfonse D'Amato (R-N.Y.), a chief Whitewater critic, welcomed Hubbell's resignation. "His presence at the Justice Department tainted it," he said.

"I'd like to know — and we're going to find out how much his firm got paid when it represented the FDIC [the Federal Deposit Insurance Corp.]," D'Amato said.

Hubbell represented the FDIC when it sued an accounting firm blamed for the 1989 collapse of the Madison Guaranty Savings & Loan.

3/15/94 New York Post, pg. 5

# Hillary's old law firm may have overcharged

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — The Arkansas law firm where Hillary Rodham Clinton worked appears to have double-billed the government for a savings and loan case entangled in Whitewater, it was reported yesterday.

One of Mrs. Clinton's senior partners at the Rose law firm — Webster Hubbell — resigned yesterday as the Justice Depart-

ment's associate attorney general amid questions about his billing practices at the firm.

The Associated Press quoted an unidentified federal official yesterday as saying Rose appears to have been paid twice for the same \$30,000 in work on the case, involving the failed Madison Guaranty Savings and Loan.

Rose was paid a total of \$400,000 for the Madison case.

3/15/94 New York Post p. 14

# Trouble sticks close to Hillary

By DEBORAH ORIN  
Washington Bureau Chief

## ANALYSIS

Every time the White House hopes it can make the Whitewater mess go away, it somehow pops up again — usually somewhere right near First Lady Hillary Rodham Clinton.

So it was once again yesterday with the surprise resignation of associate Attorney General Webster Hubbell, Mrs. Clinton's one-time law partner, and the second official to walk

the plank amid the Whitewater mess.

"This movie is beginning to sound like 'All the First Lady's Men.' All the things that have gone wrong are landing closer and closer to her doorstep," political analyst Bill Schneider said.

"Hubbell's resignation raises more questions than it answers. It's certainly not my idea of damage

control. If he didn't do anything wrong, why is he resigning?"

Like former White House counsel Bernard Nussbaum, who quit earlier this month, Hubbell was a close ally of Mrs. Clinton. So was deputy White House counsel Vince Foster, whose mysterious death last July still sparks questions.

The fourth member of Mrs. Clinton's law firm to come to Washington, associate White House counsel William Kennedy, was

See TROUBLE on Page 14

## Trouble sticks close to Hillary

TROUBLE from Page 5

reprimanded for improper actions on Travelgate last spring but remains in his post.

The Whitewater questions focus on the Clintons' land deals and whether they were improperly funneled money. That hasn't involved Hubbell, but the broader question about the Arkansas cronyism Clinton brought to Washington clearly does.

So does the fact that Mrs. Clinton herself was Hubbell's co-counsel on the lawsuit involving his in-laws that prompted his resignation.

"This couldn't come at a worse time for the president — it just gets put into the cauldron as another example of cronyism," said Brookings Institution president scholar Stephen Hess.

"In the history of the modern presidency, it's a close call who can get a president in more trouble — his friends or his relatives."

Presidential scholar Charles Jones said a big problem for Clinton in combatting the tangle of

questions related to Whitewater is the lack of candor in his past history — on issues like how he evaded the Vietnam draft and whether he smoked marijuana.

"The problem with Clinton is that he has dissembled along the way ... he's his own worst enemy," said Jones, who is president of the American Political Science Association.

"Everything that happens suggests there's always more," added Jones, who said "all this dribbling and drabbing" recalls Watergate even if the actual substance doesn't.

Just last week, the White House insisted Clinton had full confidence in Hubbell. Now that line has to be seen as "inoperative," to use Watergate lingo. After weeks of insisting they did nothing wrong, Mrs. Clinton this weekend admitted mistakes were made but wouldn't discuss specifics.

"It [whatever happened in Whitewater] seems much smaller [than Watergate] and they keep telling us it is, so why not out with it?" Jones asked.

3/15/84 New York Times pg. 5

# Those W'water meetings: Wherein were they sinful?

**P**ARDON me for asking, but what exactly was wrong with those three meetings between Treasury and White House officials over Whitewater?

President Clinton has conceded that "it would be better if the meetings . . . had not occurred," which is beyond dispute. The White House also seems to have decided, wisely, that there is nothing to be gained by even trying to defend the meetings' propriety. But the question remains whether there was anything actually improper about them; the answer is far from obvious.

To be sure, the Whitewater saga stinks in many ways. And it's conceivable that conversations took place in these meetings that were illegal or unethical, though there is no evidence that they did. But the mere fact of these meetings is what pushed the Whitewater story through some invisible media barrier into Watergate territory. Why?

It is not good enough to say that the meetings were wrong because they created "an appearance of impropriety." That is a familiar ethical cop-out. How things appear, after all, is largely determined by the press coverage itself. The job of journalists is to bring appearances in line with reality, not to bring reality in line with appearances.

A small box in The New York Times of March 6 cites a regulation of the Resolution Trust Corp. (the bank regulatory agency of

## COMMENTARY

**MICHAEL  
KINSLEY**



which Deputy Treasury Secretary Roger Altman was acting head) requiring "that officials act with complete impartiality. If, for instance, it is standard practice for regulators not to inform people when cases are referred for criminal inquiry, then it may have been improper for Treasury officials to have briefed officials representing the Clintons."

Here we get to the heart of the matter. Did Clinton, by dint of these meetings, get some kind of unfair special treatment?

All these meetings were between government officials. The Clintonites claim — and there is no evidence to contradict them — that the purpose of these meetings was to help in the performance of official functions: dealing with press inquiries, and so on.

There are all sorts of legitimate reasons the White House might need to be aware of the status of criminal investigations. For example, the Justice Department

apparently reviews the guest lists for presidential social functions and alerts the White House if one of the guests is about to be indicted. Perhaps that is improper, but no one has ever raised a fuss about it.

The difference about these Whitewater meetings, of course, is that they involved matters in which Bill and Hillary Clinton, as private individuals, are entangled. Was President Clinton, by dint of his official position, gaining access to information about the status of an investigation that Private Citizen Clinton would never have been entitled to? In fact, the notion that officials of federal agencies never meet with lawyers for potential subjects of their investigations, or tell them the status of such investigations, is simply mistaken.

I spoke with several lawyers who have worked on both sides of federal criminal investigations in the financial area. I put to them the circumstances of the most

controversial Whitewater meeting: the Sept. 28 briefing of Bernard Nussbaum by Treasury general counsel Jean Hanson. Would it be unthinkable for a lawyer for a federal agency to meet with the lawyer for a

private individual, and to inform the private lawyer that the matter he was concerned about had been referred to the Justice Department for criminal proceedings and that his client was identified as a "potential beneficiary" but not an investigative target?

They all agreed that, far from unthinkable, such situations arise all the time. The document itself called a "criminal referral" — officially transferring the case from the agency to the Justice Department — is confidential. But investigators and prosecutors might have any number of reasons to hold a meeting and report the status of the case.

It might be to start the process of settlement, or to hear the other side informally, or just to let someone know he's off the hook. Whatever. But there is certainly no rule against such meetings.

*Michael Kinsley is a senior editor of The New Republic.*

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3/15/94 New York Post pg. 21

# NEW YORK POST

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## The Clintons and their lawyers

"The Firm" — the Rose Law Firm of Little Rock, that is — has one less alumnus in a position of power. Webster Hubbell — like Hillary Rodham Clinton, the late Vincent Foster and Associate White House Counsel William Kennedy an ex-Rose partner — resigned as associate attorney general of the United States yesterday. Mounting questions about his billing practices while at Rose apparently made Hubbell's circumstances untenable.

Whether or not Webster Hubbell is actually a Whitewatergate victim remains to be seen. Certainly, his resignation constitutes one more embarrassment for the Clintons. Moreover, it was received wisdom in Washington that the White House — via Hubbell — exercised firm control over policymaking at the Justice Department.

Hubbell's alleged misdeeds aside, it's probably no tragedy that the Washington influence of the Clintons' Little Rock gang is diminishing. It seems fair to note, after all, that the First Family's former colleagues were installed in positions of considerable influence without ever having been instructed as to the distinction between private loyalties — to the Clintons — and the public trust conferred on them by the fact of President Clinton's political ascendancy.

The new White House Counsel, Lloyd

Cutler — an able and experienced Washington hand as well as a distinguished attorney — reminded the nation of this key distinction during a series of appearances on television talk shows over the weekend. Cutler was steadfast in his refusal to answer questions about the Whitewater affair; he referred all such inquiries to the Clintons' private attorney, David Kendall, reminding his interlocutors that his own duties extend to advising the President on legal issues pertaining to the latter's public responsibilities.

Needless to say, Cutler's point is well taken. It's worth remembering, however, that the late Vincent Foster served the First Family in both capacities. Only after Foster's untimely demise did the Clintons elect to hire private legal counsel.

Foster, even though a Rose alumnus, should have known that one lawyer can't do both jobs. The Clintons, as attorneys and as citizens, might also have been expected to realize that their personal lawyer shouldn't have been on the public payroll.

Thus, while they're in the process of acknowledging past mistakes — Hillary Rodham Clinton has even fessed up to a possible Whitewater-related back-tax liability — the President and the First Lady would do well to indicate that they grasp Lloyd Cutler's point.

3/15/94 New York Post p. 20

# Bill irate as press persists with Whitewater queries

MOSCOW.

**P**RESIDENT Clinton blew his top Wednesday to both aides and reporters, complaining that the traveling White House press was ruining his carefully scripted first European trip by asking questions about the Whitewater affair.

The president angrily arose and cut off further questioning Wednesday afternoon when an NBC correspondent brought up the land deal.

He was mortified that night when, during a joint press conference with Ukrainian President Leonid Kravchuk, he was again asked about Whitewater. The question came from an ABC reporter trying to make up lost ground against rival networks that had Clinton on record about the controversy.

Clinton aides also grumbled that Democratic senators back in Washington were spilling the president's European message with their demands for a special prosecutor.

Singled out for special irritation was Sen. Daniel Patrick Moynihan, whose reelection campaign in New York has been helped by White House fund-raising.

**PRESIDENTIAL** Counselor David Gergen, who was a dominant force on President Clinton's first major overseas trip to the Far East six months ago, was in low profile during this past week's European visit.

In Tokyo last summer, Gergen was the prime Clinton news spinner — both in formal briefing sessions and in one-and-one conver-

## INSIDE REPORT

**ROBERT D. NOVAK**



sations with reporters. On this trip, he did no briefing and was seldom seen spinning in the newsroom.

~~That fueled speculation~~ that Gergen will not last out the year at the White House. Friction between Gergen and longtime Clinton aides has been growing, and now he will have to cope with a major new power broker as a deputy chief of staff: New York politician Harold Ickes Jr.

THE Prague couple who played host to young Bill Clinton as a Rhodes Scholar in 1970 never expected to see him as president when he visited the Czech capital, and they made no efforts to arrange a meeting.

But Tuesday night, Bedrich Kopold, 72, and his wife, Jirina, 70, found themselves eating and drinking with Clinton along with Czech President Vaclav Havel. Clinton had asked Havel to seek out the Kopolds.

At Oxford, Clinton was a friend of the Kopolds' son, Jan, who was killed in a mountain-climbing accident in 1971.

Jan Kopold's grandmother, Marie Sverma, was a founder of the Czechoslovak Communist Party but was purged in the 1950s. She and her son-in-law, Bedrich Kopold, each were jailed for 60 months.

# LATEST WHITEWATER LAND MINE BARED

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Bill and Hillary Clinton reportedly participated in a deal in which land was sold and resold at sharply escalated prices before ending up in their Whitewater Development Corp.

Time magazine says the land eventually was sold to Whitewater at a profit.

Time, in its current edition, says its discovery of the transactions raises new questions about the Clintons' claim that they lost \$69,000 in Whitewater.

The White House declined to comment.

A spokeswoman said the matter is in the hands of U.S. Attorney General Janet Reno, who's preparing to name a special counsel — possibly this week — to examine the Clintons' Whitewater dealings.

Sam Heuer, a lawyer for Jim McDougal, who was the Clintons' Whitewater partner, questioned the relevancy of Time's article.

"So what?" Heuer asked The Post from his office in Little Rock, Ark. "Jim bought and sold land. They



**JIM McDOUGAL**  
*Rough sale-ing?*

were in the real-estate business."

Then, somewhat exasperated, Heuer said, "Why don't we investigate [Senate GOP leader] Bob Dole," who's been leading the call for a Whitewater probe. "Let's delve into his finances."

According to Time, on July 14, 1978, Arkla. Land

Co. sold a 3,600-acre tract in northern Arkansas to 101 River Development Inc. for about \$400 an acre.

Just 19 days later, Time said, a 230-acre parcel was sold to Bill and Hillary Clinton and Jim and Susan McDougal for \$882 an acre.

A little more than a year later, the Clintons and the McDougals resold the land to their newly formed Whitewater Corp. for about \$1,087 an acre, Time said.

Heuer, appearing on ABC's "This Week with David Brinkley," yesterday charged that the McDougals and Clintons have become the victims of a witch hunt fueled by baseless innuendo.

"Jim McDougal is a fine fellow, and the Clintons are good people," he said.

He insisted none was involved in any wrongdoing in Whitewater or in a failed savings-and-loan headed by McDougal, Madison Guaranty.

Heuer accused Republi-

cans and reporters of trying to pin sinister motives on the real-estate partners' financial dealings, and of attempting to smear McDougal merely because he headed an S&L.

"The linchpin of this whole thing seems to be that Jim McDougal was a savings-and-loan executive, which is akin to being a communist in the McCarthy era, or a witch in the Salem era," Heuer charged.

McDougal was acquitted on fraud charges for the 1989 collapse of Madison Guaranty, but a renewed federal probe is examining his stewardship.

Dole indicated yesterday that he may drop his call for a Watergate-style congressional inquiry of Whitewater — if Reno appoints an acceptable special counsel.

"We need to wait and see who's appointed," Dole said on the Brinkley show. "That may change the attitude of some."

pg. 14

# BILL'S LAND-DEAL PAL IN HOT WATER

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — Jim McDougal, a former Clinton associate turned key figure in the Whitewater probe, is scheduled to testify Thursday before a federal grand jury in Little Rock, Ark.

McDougal's appearance before the federal panel may result in his being asked for the first time under oath about his financial dealings with the president and Mrs. Clinton.

In an interview earlier this month with *The Associated Press*, McDougal insisted that neither he nor the Clintons were guilty of any wrongdoing in their Whitewater Development Corp.

dealings.

The grand jury is investigating the 1989 collapse of McDougal's Madison Guaranty Savings & Loan.

McDougal has been acquitted of fraud charges for the failure of the institution, which cost taxpayers about \$50 million.

Among the questions federal investigators now want answered is whether Madison unlawfully diverted funds to Whitewater, which the Clintons owned jointly with McDougal and his wife, Susan.

The investigators also want to find out if Madison funneled funds to help Clinton pay off a \$50,000 personal debt stemming from his 1984 gubernatorial campaign.

McDougal's attorney, Sam Heurer, insists that no funds were improperly diverted from Madison and says his client intends to cooperate with the grand jury.

McDougal, along with many of his financial records, were subpoenaed by the grand jury last week, Heurer said.

Attorney General Janet Reno is expected to announce the appointment of a special counsel soon to conduct a separate

Whitewater probe.

Senate GOP leader Bob Dole says he may drop his call for a Watergate-style congressional investigation if Reno's special counsel is acceptable to Republicans.

Rep. Jim Leach (R-Iowa), who has been conducting an investigation of his own as the senior Republican on the House Banking Committee, appears to be low-balling expectations about the Whitewater probes.

Asked Sunday on CBS' "Face the Nation" what he believes Clinton did wrong, Leach admitted he's not sure.

But the congressman, the first on Capitol Hill to request that a special counsel take over the Justice Department probe of Whitewater, offered an educated assessment:

"It's somewhere between much ado about nothing and maybe something being a little rotten in one part of the Ozarks."

The congressman said he believes Clinton, as governor, got too chummy with an S&L owner and land developer.

Said Leach, "There are possible breaches of the law, but more importantly, there's a kind of public ethic that's at stake here."

# Grand jury probes W'water biz of Clintons' pal

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — A federal grand jury in Little Rock, Ark., yesterday began looking into the dealings of Bill and Hillary Clinton's former business partner, Jim McDougal.

The panel is examining the 1989 collapse of McDougal's Madison Guaranty Savings & Loan, which cost taxpayers about \$50 million.

Federal investigators are interested in the internal operation of Madison, but also want to know if the S&L unlawfully diverted funds to Whitewater Development Corp., a real-estate venture jointly owned by the Clintons and McDougal.

There are also questions whether Madison funds were used to help fi-

nance a 1984 Clinton campaign debt of \$50,000.

McDougal — to testify tomorrow — insists neither he nor the Clintons did anything wrong and that no funds were improperly diverted from Madison. He and his records were subpoenaed last week.

The Clintons also deny any wrongdoing. They say they were passive partners in Whitewater and that McDougal ran the show.

Donald Mackay, of the Justice Department's criminal division, is directing the federal investigation.

Attorney General Janet Reno is expected to soon name a special counsel to lead an independent probe.

1/20/94 New York Post, pg. 2

## Bill's partner: Hillary handled land deals

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — Ex-Clinton business partner Jim McDougal — called to testify before a federal grand jury in Little Rock today — says when it came to the Whitewater Development Corp., he dealt “exclusively with Hillary.”

McDougal describes Hillary Clinton as the financial brains of the First Family, and says Bill Clinton never seemed interested in their joint Whitewater land venture.

McDougal's characterizations could be repeated before the grand jury, further showcasing the First Lady as the leading Whitewater player in the Clinton household.

“Let me tell you this about Bill Clinton,” McDougal says in an interview in U.S. News & World Report.

“If you tried to discuss finances or anything but politics with Bill, his eyes would glaze over,” McDougal said.

He also claimed that, while he dealt exclusively with Hillary on Whitewater, he actually spoke to her about the venture only “every two or three years.”

McDougal insists that neither he, the president or First Lady did nothing wrong in their Arkansas land development firm — other than lose money.

And McDougal, known as “Diamond Jim” before he filed for bankruptcy five years ago, says he is anxious to be heard today before the grand jury.

The panel is investigating the 1989 collapse of McDougal's Little Rock-based Madison Guaranty Savings & Loan, which cost taxpayers about \$50 million.

1/20/74 New York Post pg. 2

# New Yorker on tap for W'water probe

By THOMAS FERRARO  
in Washington  
and CATHY BURKE  
in New York

WASHINGTON — Former Manhattan U.S. Attorney Robert Fiske Jr. is expected to be named special counsel in the Whitewater investigation, it was disclosed last night.

Attorney General Janet Reno may name him to the post as early as today, according to an official who declined to be named.

Fiske, a 63-year-old Republican, headed the U.S. attorney's office in Manhattan during the administration of President Jimmy Carter.

Reno announced at a press conference Jan. 12 that she wanted to name a "ruggedly independent" prosecutor with a reputation "for honesty and for real skill in terms of matters such as this."

Fiske's investigation is expected to last about a year.

He already has good ties to the Reno Justice Department. One of his top aides when he was U.S. Attorney was Louis Freeh — now the director of the FBI.

Fiske first strode into the public spotlight in 1976 when he was appointed U.S. Attorney in Manhattan by President Ford.

Just 45 years old, he



**ROBERT FISKE JR.**

*Ex-U.S. attorney.*

served as one of the country's most high-profile prosecutors, making white collar crime a priority of his office.

Fiske personally tried the cases against heroin trafficker Leroy "Nicky" Barnes and labor figure Anthony M. Scotto.

Early in his career, Fiske worked as an assistant U.S. attorney in the late 1950s, but then joined the prestigious firm of Davis Polk & Wardwell, where he is now a partner.

His track record on Wall Street was as high-profile and bright as his public service.

After leaving the U.S. attorney post in 1980 and returning to Davis Polk, Fiske defended Babcock & Wilcox in litigation arising from the infamous Three Mile Island nuclear disaster.

# HE'LL GRILL BILL & HILL UNDER OATH

By THOMAS FERRARO *Post Correspondent*

WASHINGTON — Former Manhattan U.S. Attorney Robert Fiske — named yesterday as special Whitewater counsel — says he intends to question Bill and Hillary Clinton under oath.

Asked if he would agree to give testimony under oath to the special counsel — something no other sitting president has done — Clinton last night suggested he would.

"Whatever [Fiske] wants to do . . . I've done nothing wrong," Clinton said on CNN's "Larry King Live."

Earlier, White House press secretary Dee Dee Myers had declined to say whether Clinton would agree to testify.

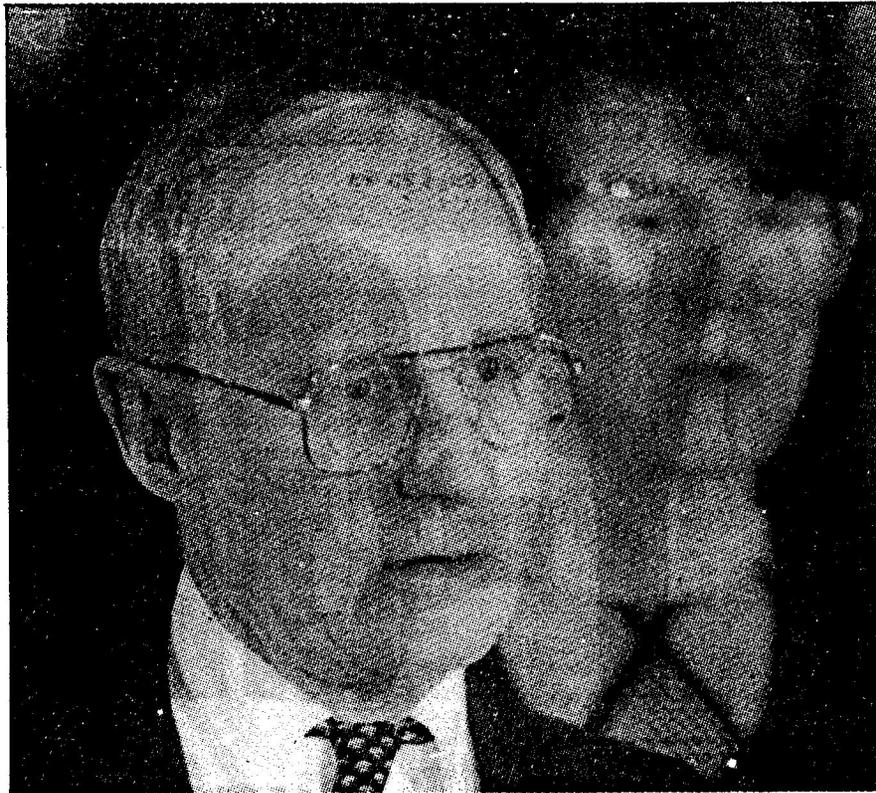
Fiske, 63, a Republican, vowed a much broader probe than the White House seemed to propose last week when it caved in to political pressure and asked for a special counsel.

Fiske said he will examine not only the Clintons' co-ownership of the Whitewater Development Corp. but also their dealings with the now-defunct Madison Guaranty Savings & Loan.

He added that he will try to determine if the apparent suicide last July of White House Deputy Counsel Vince Foster, the Clintons' private lawyer, was linked to the First Couple's Arkansas financial dealings.

A key issue is whether the Madison S&L — whose collapse cost taxpayers \$50 million — improperly funneled funds to prop up Whitewater or to help Clinton pay off a \$50,000 campaign debt.

Madison was headed by Jim McDougal, who along with his wife Susan were



Associated Press

**WHITWATER NAVIGATOR:** The man with a plan to get the Clintons on the stand is tough guy Robert Fiske, appointed by U.S. Attorney General Janet Reno.

partners with the Clintons in Whitewater.

Fiske promised a "complete, thorough and impartial" investigation.

"I would certainly expect that before this investigation is over that I would

question both the president and First Lady and that it would be under oath," he said.

A Brooklyn native, Fiske was named U.S. attorney for Manhattan by President Ford in 1976 and kept

that post under President Carter until 1980.

Sen. Al D'Amato (R-N.Y.) hailed Fiske "as a man of unflinching and uncompromising integrity. If anybody can unearth the truth in this Whitewater fiasco,

that person is Bob Fiske."

D'Amato said he and other Republicans may now back off their call for a separate Watergate-style congressional investigation, which Fiske said could complicate his probe.

But Senate GOP leader Bob Dole of Kansas said, "I don't know Robert Fiske. But my reaction is let's wait and see what happens."

Attorney General Janet Reno had earlier opposed naming a special counsel, saying the person would not be seen as truly independent.

In announcing her selection of Fiske, Reno said she wants the Wall Street lawyer to be as independent as possible — and to report to "the American people," not to her.

Fiske said he will take a leave of absence from his law firm of Davis, Polk and Wardwell to head the opened investigation, which he expects to take at least several months and cost several million dollars.

Fiske said he will operate out of Little Rock, Ark., and will name his own team of investigators to replace the three-man Justice Department team.

Because Fiske is taking over the probe, yesterday's scheduled grand-jury appearance by McDougal — Clintons' partner in Whitewater — was postponed until Fiske's team is ready.

**Prez laments 'brutal' scrutiny of picks /**  
Page 15

1/21/94 New York Post, pg. 2

# Will Fiske's findings be Clintons' Whitewaterloo?

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — The big question here now is: Will special counsel Robert Fiske's Whitewater investigation conjure up memories of Watergate — and politically wipe out Bill and Hillary Clinton?

Or will the much-ballyhooed inquiry come up as empty as when Geraldo Rivera blasted open what was supposed to be Al Capone's secret vault and found nothing but stale air and an old liquor bottle?

No one knows for sure. But the intrigue mounts

as a wary White House and anxious lawmakers await answers from Fiske, who was named special Whitewater counsel yesterday by U.S. Attorney General Janet Reno.

Fiske said he will also review the Clintons' dealings with the Madison Guaranty Savings & Loan, a Little Rock-based institution that collapsed in 1989.

The Clintons' former Whitewater partner, James McDougal, headed Madison. He and the First Couple insist they did nothing wrong in their financial and land dealings — other than lose money.

## ANALYSIS

Perhaps. But investigators have a lot of their own questions, such as:

■ Did McDougal's S & L improperly divert funds to Whitewater or to help pay off a \$50,000 1984 Clinton campaign debt?

■ Did Clinton, as governor, give Madison favorable treatment?

■ Why didn't Hillary Clinton, as Arkansas' First Lady, recuse herself from representing Madison before a state commission appointed by her husband?

■ Was the apparent suicide last summer of deputy White House counsel Vince Foster, the Clintons' private lawyer, linked to the First Couple's finances?

Fiske, asked yesterday why he agreed to become special counsel, said: "It's important for the country to get this done and get it done as quickly and as thoroughly and as fairly as possible."

Rep. Jim Leach (R-Iowa) agrees. He's been conducting an investigation of his own the past few months as ranking Republican on the House Banking Com-

mittee and concedes he's not sure what the Clintons might have done wrong.

"It's somewhere between much ado about nothing and maybe something being a little rotten in one part of the Ozarks," Leach said recently.

Senate GOP leader Bob Dole is clamoring for answers, and now wants the Clintons to publicly release their financial records.

Sounding a bit like TV reporter Rivera did just before he opened Capone's Chicago vault in April 1986, Dole said: "Somebody must know something we don't."

1/24/94 New York Post p. 16

# NEW YORK POST

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## The special counsel

By staking out for himself the broadest possible mandate, Whitewater / Madison special counsel Robert Fiske has sent a strong signal that he means to conduct a "thorough, complete and impartial" investigation. Fiske intends to investigate not only the First Family's real-estate investments but also its possible ties to the failed Madison Guaranty S&L. He also plans to examine the mysterious suicide of deputy White House counsel Vincent Foster.

Indeed, Fiske says he expects to grill both the President and the First Lady under oath — a welcome signal.

Certainly, he has the experience to do the job. A Republican, he served in the Ford administration as U.S. attorney for New York's Southern District and was widely regarded as a dogged and thorough investigator.

Also, despite the fact that he, too, is affiliated with the New York-based Davis Polk firm, it's decidedly unlikely he'll turn into another Lawrence Walsh.

Fiske isn't retired; he'd have no interest in sponsoring a seven-year, \$40 mil-

lion boondoggle. Walsh — during the Iran-Contra witch hunt — grew to enjoy providing sound bites. Fiske appears to prefer substance.

The ex-U.S. attorney knows that the eyes of the nation are trained on him. Respect for the office of the Presidency — while always appropriate — can't be allowed to derail the quest for justice. Moreover, this isn't a tough case informed by grand constitutional issues. Wrongdoing shouldn't be difficult to identify.

If we have any reservations about Bob Fiske, they pertain to his ideological antennae: As chairman of an American Bar Association panel charged with evaluating federal court nominees, he went so far as to solicit the views of the ultra-left Alliance for Justice in the course of passing on Robert Bork's Supreme Court nomination.

But we can't see that this falling will impact on his work in the case at hand.

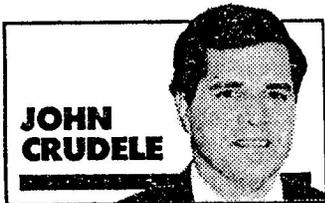
Thus, while we sympathize with conservatives who are wary of Fiske — regarding him as a liberal Republican — we believe he'll rise to this challenge.

1/31/94 New York Post, pg. 22

# Whitewater probers find more loans

**W**HERE'S the Whitewater scandal headed? Maybe nowhere.

Congressional investigators are trying to determine whether President Clinton and his wife received loans from a defunct Arkansas



S&L that were never paid back in what was a pattern of milking a brain-dead institution before turning it over to federal regulators.

But so far the probers have come up empty handed — mainly, they think, because all of the pertinent documents are locked away at the Justice Department.

Sources tell me that's what congressional investigators are trying to determine as they plod through the records of James McDougals' Madison Guaranty, which was closed in the late 1980s at a major cost to taxpayers.

McDougal was a business partner with the Clinton's in Whitewater Development, a housing project in Arkansas in which the Clinton's took a \$69,000 loss.

What has the investigators intrigued is the fact that the President and his wife never listed the \$69,000 loss on their tax returns — and this was from a couple that didn't fail to deduct Bill Clinton's used underwear as a donation.

The probers are trying to determine whether the Clintons decided not to take the \$69,000 loss because they were given a loan of comparable value

by Madison.

And if the loan was made the probers are trying to find out if the money was ever repaid.

So far, however, it doesn't look like the investigators have proven the existence of the loan. Files on the matter are still being kept at the Justice Department and haven't been turned over to Congress.

But probers say they have found smaller, earlier loans to Hillary Clinton from another bank owned by James McDougal, the Clinton's business partner. The probers think those loans were at least unethical and inappropriate. But they aren't sure if the loans were ever paid back — which might make them illegal.

The probers are digging particularly hard because none of this seems to them like ample reason for presidential aide and Clinton

lawyer Vincent Foster to commit suicide. They figure there must be more.

Unless someone in the White House intervenes, Goldman Sachs, the big Wall Street firm, is destined to be the subject of a congressional investigation.

Sources say it seems some members of Congress think that Goldman has been cherry-picking for itself and preferred clients some of the better assets owned by failed savings and loans.

It is unclear whether White House economic czar Robert Rubin will come under scrutiny in the probe. Rubin was head of Goldman before taking his top-ranking position in the Clinton White House.

President Clinton crowed in his State of the Union speech that 1.6 million jobs have been created during

his first year in office. The President had better keep a copy of that speech. He might end up eating it in what could be his biggest political mistake to date.

The actual job count could turn out to be less than 1 million after the Labor Department's inspector general's office looks into how the government (mis)counts new jobs.

Even 1.6 million new jobs is pathetic growth. One million — many part time or temporary — would be awful. It was bragging like this that sent George Bush to the showers.

And as for the claim by Clinton that only the top 1.5 percent of wage earners will be paying higher taxes this year under the so-called deficit reduction plan, someone in the White House must have forgotten that the tax on social security payments also rose.

# Bill's S&L 'pal' dished W'water dirt: mag

1/31/14 New York Post pg. 4

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — President Clinton's ex-business partner, Jim McDougal, reportedly tried two years ago to bury Bill and Hillary Clinton with financial dirt.

Newsweek magazine reports McDougal went to Little Rock lawyer Sheffield Nelson, a longtime Clinton foe, and accused the couple of falsely having claimed that they lost \$69,000 in their Whitewater land venture.

"I could sink that [claim] quicker than they could lie about it . . . and Bill Clinton knows it," McDougal said in a conversation purportedly taped by Nelson.

Newsweek reports in its current edition that it obtained a 38-page transcript of the 1992 meeting between McDougal and Nelson from "independent sources," saying that Nelson authenticated the transcript.

McDougal could not be reached for comment yesterday.

His lawyer, Sam Heuer, declined comment, other than to say: "Just consider the source — Sheffield Nelson. That should say it all."

Nelson, a Republican, unsuccessfully challenged Clinton in Arkansas' 1990 gubernatorial election, and has become a frequent source for anti-Clinton news stories.

In a series of recent interviews, McDougal and Heuer have claimed that neither McDougal nor the Clintons did anything unlawful in their co-ownership of the Whitewater Development Corp.

A federal investigation is trying to determine if the defunct Madison Guaranty Savings & Loan, chaired by McDougal, illegally diverted funds to Whitewater.

The Clintons have long tried to shrug off any suggestion of wrongdoing associated with Whitewater, saying they lost \$69,000 of their own money in the failed venture.

Nelson told Newsweek McDougal came to see him in early 1992, during the presidential campaign and, in a series of meetings, made accusations against Clinton and another former business partner, Jim Guy Tucker, who succeeded Clinton as governor last year.

Newsweek quoted Nelson as saying McDougal gave him materials to support his charges and asked: "Just get them into the hands of some people in the press."

Subsequently, Nelson played a key role in getting the Whitewater story into the national press.

# Whitewater probers eye failed '89 land venture

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Federal investigators are examining a Whitewater land deal that went belly-up shortly before the 1989 collapse of the Madison Guaranty Savings & Loan, The Post has learned.

Bill and Hillary Clinton co-owned Whitewater Development Corp. with Jim McDougal, who also headed Madison Guaranty.

Investigators want to determine, among other things, if Madison unlawfully diverted funds to the now-defunct Whitewater land venture.

Officials of International Paper Co. said records of their October 1986 sale of an 810-acre Arkansas tract to Whitewater were subpoenaed, along with records of their March 1989 foreclosure on the more-than-\$500,000 deal.

International Paper sued to reclaim the land after Whitewater stopped making mortgage payments, company officials said.

At the time the mortgage payments ceased, federal authorities were moving to take over McDougal's Little Rock-based S&L as insolvent.

Whitewater bought the land from International Paper shortly after then-Gov. Clinton helped the firm obtain a tax break to expand a mill in Pine Bluff.

An International Paper spokesman stressed: "We aren't the ones being investigated. This is an investigation of other parties."

The Clintons contend they were passive partners in Whitewater and that McDougal called the shots.

The president and First Lady, as well as McDougal, deny any wrongdoing.

2/2/84 New York Post pg. 9

Special Whitewater counsel Robert Fiske says he will question all three under oath.

On another Whitewater front yesterday, Senate Banking Committee Chairman Don Riegle (D-Mich.) and House Banking Committee Chairman Henry Gonzalez (D-Texas) agreed to hold hearings on the Resolution Trust Corp., the agency cleaning up defaulted S&Ls.

New York Sen. Al D'Amato and other Republicans said they plan to use the hearings to raise questions about Madison Guaranty, Whitewater, McDougal and the Clintons.

When he took over the Whitewater-Madison investigation last month, Fiske said the death of White House Deputy Counsel Vince Foster would be part of his probe.

Officials have called it a suicide — but The Post has detailed inconsistencies that cast doubt on that theory.

Justice Department spokesman Carl Stern said yesterday it may be several months before the autopsy report is released.

Foster, as the Clintons' private attorney, maintained their Whitewater files.

2/4/94 New York Post, pg. 12

# 'JUSTICE' DELAYED ON FOSTER FILES

By THOMAS FERRARO  
*Post Correspondent*

WASHINGTON — The Justice Department announced expedited procedures yesterday for handling Freedom of Information requests involving cases of "extraordinary interest to the media."

But the department refused to predict when it will finally release files on one of its hottest cases — the apparent suicide last July of White House lawyer Vincent Foster.

Spokesman Carl Stern said special Whitewater counsel Robert Fiske will review the Foster materials to determine if making the documents public could hinder the probe into Bill and Hillary Clinton's finances.

Stern said Fiske alone will not decide whether to keep the FBI and Park Police reports secret, but that the department wants to hear from him before releasing anything.

He spoke after distributing a short press release announcing new procedures to "expedite the handling" of FOIA requests involving "cases of extraordinary interest to the news media."

Normally, FOIA requests are handled in the order they are received by a federal agency. They can take months or even years to process.

Under the new Justice Department procedures, a request can be pushed to the front of the line if there's "exceptional media interest" and if

"the information sought involves possible questions about the government's integrity."

Several news organizations have been clamoring for release of the Foster files amid complaints that officials have dragged their feet.

Fiske, in being named special Whitewater counsel Jan. 20, said he will examine Foster's death as part of his investigation into the Clinton's financial dealings in Arkansas.

Foster, as the Clintons' private attorney, maintained records of the couple's co-ownership of the Whitewater Development Corp., a centerpiece of Fiske's inquiry.

Meanwhile, it was reported today that federal law enforcement officials

who have seen the U.S. Park Police report said it suggests that Bernard Nussbaum, counsel to the president, impeded the investigation.

The officials, who were not identified, told the New York Times that the report shows Nussbaum interfered with interviews by directing that White House lawyers sit in on them. Nussbaum has said that the Park Police never objected to any of his actions.

The Times report also said the park police searched Foster's briefcase shortly after his death and found nothing.

The White House has said a note written by Foster, torn into 27 pieces, was discovered in the briefcase.

2/10/84 New York Post p. 4

# Check out the latest Whitewater twist

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — A check for \$20,744 that President Clinton says he put into Whitewater Development Corp. a decade ago may actually have gone to repay a campaign debt, ABC News reported last night.

ABC said it obtained the check, dated Feb. 2, 1982. It was made out not to Whitewater, but to a bank in Kingston, Ark., owned by Clinton's partner in Whitewater, Jim McDougal.

McDougal told ABC the check "had no connection whatsoever" to Whitewater.



**JIM McDOUGAL**  
*Disputes Clinton.*

ter, but was "repayment of a loan" stemming from Clinton's 1980 gubernatorial campaign.

ABC cited the check as one of several apparent

and "significant discrepancies" it unearthed regarding Clinton's statements about Whitewater.

The White House had no immediate comment.

The president and Hillary Clinton have contended for more than a year that they lost \$68,900 in the Whitewater land venture.

ABC questioned that claim, as well as the couple's contention they paid \$10,130 in interest on Whitewater debts in 1978 — the year the company began — another \$12,000 in interest in 1979, and \$13,000 in interest in 1980.

The network said

McDougal maintains he can remember only the \$13,000 payment. McDougal also said that was the only cash the Clintons ever put into Whitewater.

If McDougal is right, ABC said, the Clintons should not have claimed the first two interest payments on their income taxes, which they did.

The network quoted another Arkansas banker, Don Denton, as saying Clinton failed to repay his share of a \$20,000 loan that Clinton and McDougal took out in 1978 to begin

Whitewater.

Instead, it was repaid in 1980 with another loan to McDougal and to Jim Guy Tucker, now governor of Arkansas.

"In any case, if Denton is right, that loan-repayment in Mr. Clinton's behalf should have been reported on his taxes as income for him," ABC said. "It wasn't."

The network said federal investigators are also examining payments Mrs. Clinton made on a 1980 Whitewater loan of \$30,000

**SEE INSIDE D.C. ON PAGE 18**

# W'WATER COVER-UP: IT'S DEJA VU ALL OVER AGAIN

ONE of the tricky little realities of politics is this: It's always the cover-up that kills you.

First Lady Hillary Rodham Clinton and White House counsel Bernard Nussbaum ought to know that, considering they met while working for the House panel that probed Watergate.

Richard Nixon's defenders always claimed Watergate was just a third-rate burglary.

DEBORAH ORIN

INSIDE WASHINGTON



Maybe that's how it started out, but then the cover-up reached into the Oval Office — and brought down a president.

Which makes you wonder why, if there's nothing to hide, the White House keeps acting as though it has something to cover up on Whitewatergate. Clinton aides keep changing their story — and documents keep conveniently vanishing.

In fact, it's eerily reminiscent of the way Clinton kept changing his account of how he avoided the Vietnam draft — another tale marked by mysteriously missing documents, like his draft-induction notice.

Whitewatergate suddenly seemed a lot closer to plain old Watergate yesterday when the Washington Times reported that Hillary Clinton's old law firm had shredded compromising documents. That would mark the third time Whitewater documents have mysteriously and conveniently vanished.

Which helps explain why reporters are increasingly skeptical of White House explanations. Too many odd developments have to be explained away — it's as though suspicions have reached critical mass.

The first disappearance of Whitewater documents came back in the 1980s when, a Clinton partner in Whitewater claims, Hillary Clinton asked that all the paperwork be sent to her.

Mrs. Clinton says no, but agrees those documents vanished. She contends that makes it impossible to reconstruct Whitewater's history.

The second disappearance came last July 20, when a Whitewater file was secretly taken from the office of deputy White House counsel Vince Foster after his mysterious death.

The guy who took the file was Foster's boss, Nussbaum, who once probed Watergate. But the White House didn't acknowledge that the documents were taken until the Washington Times reported it six months later.

The Rose Law Firm yesterday denied shredding, but the story was all over Washington in a flash, and the attention it got was perhaps the best proof yet

that the White House has given itself a major credibility problem on Whitewater.

The Associated Press — the wire service that provides national news for much of the country — picked up the story, although in the past it has ignored Whitewater reports by the Washington Times, a conservative paper.

To no one's surprise, White House press secretary Dee Dee Myers didn't hold a daily briefing yesterday — the last thing she wanted was to appear on the TV news talking about shredded documents.

But last night, ABC News slated an amazing 17 minutes of its evening news — which has just 22 minutes after commercials — to explaining Whitewater and reporting new inconsistencies in the Clintons' account.

In a kind of synergy, Whitewater suspicions have been fueled by questions over discrepancies in the White House account of Foster's death, particularly since he handled Whitewater for the Clintons.

Even yesterday, the Rose Law Firm's managing partner kept changing his story. First he said there was no shredding. Then he said that — as far as he knew — the firm had no Whitewater documents anyway. Finally he said he does have Whitewater documents, but they're being saved.

But Whitewater isn't the first instance in which Clinton has been involved in a paper chase over missing documents.

Take the Vietnam draft. During the 1992 campaign, Clinton kept changing his account of how he avoided Vietnam as new documents popped up to contradict him.

At one point Clinton claimed he never had a ROTC deferment, but admitted it when a document surfaced showing the deferment.

When his famous letter to a ROTC colonel raised new questions, Clinton insisted he'd never been inducted.

Wrong again. Months later, a former friend produced 1969 letters showing Clinton did receive a draft-induction notice. Clinton conceded that was true but said he had forgotten.

Clinton wasn't damaged much by that revelation because by then reporters had moved on to other campaign stories. But today Whitewater looms as the shadow over the White House.

# Fiske will probe a 'shred of evidence'

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — The office of Whitewater special counsel Robert Fiske said yesterday it will investigate a report that First Lady Hillary Rodham Clinton's former law firm shredded documents involving the case.

Ronald Clark, managing partner of the Rose Law Firm of Little Rock, denied the shredding report, which was carried on the front page of yesterday's Washington Times.

Clark called the story, which quoted three unidentified sources — two law-firm employees as well as a friend of one of the worker's — "totally untrue."

Times editor-in-chief Wesley Pruden said his newspaper "stands by the story," which he said was based on "direct and corroborating sources."

Fiske's Little Rock office said in a statement that the special counsel was aware of the report and that "it will be investigated."

Fiske was named special counsel by Attorney General Janet Reno on Jan. 20 to examine Bill and Hillary Clinton's financial dealings in Arkansas with the Whitewater Development Co. as well as the Madison Guaranty Savings & Loan, both of which went out of business.

The Washington Times quoted an unidentified employee at the Rose Law Firm as saying Whitewater records were shredded there last week.

"There's absolutely no doubt that the records destroyed last Thursday were those the firm had on Whitewater," the Times quoted the employee as saying. "There were a lot of papers and the process took quite a long time."

2/10/94 New York Post  
FS-4

The newspaper reported that a second employee, who it said took part in the shredding, confided to friends that he was "scared to death" about the matter.

"I'm not going to say anything about what happened," the Times quoted him as saying. "I would just prefer not to say anything about this at all."

Clark said the firm's employees "are under no gag order or anything else so they can speak freely."

In a telephone interview, Clark said some documents were shredded last week, but none involved Whitewater or Madison.

Clark said his firm has "only five or six documents that can in any way be considered related to Whitewater."

He said those documents have been set aside for safekeeping.

# WHITEWATER MAY COST BILL & HILLARY BIG BUCKS

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — President and Hillary Clinton probably will fork out a small fortune in Whitewater legal fees — far more than the \$68,900 they say they lost in their failed Arkansas land venture.

Legal experts figure the couple will spend at least a few hundred thousand to defend themselves against the anticipated allegations of financial wrongdoing.

But the Clintons could apply for a refund and have taxpayers foot the bill — if Congress, as expected, renews the independent counsel law, and the president and his wife aren't indicted.

The Clintons are represented by Washington law-

yer David Kendall, a Yale Law School graduate like Clinton, who has declined to discuss their billing arrangements.

Kendall's prestigious law firm of Williams & Connolly is known to charge up to \$400 per hour, although he could decide to give the First Couple a break.

White House officials said the Clintons will pay their bill — but declined to say how or if they might set up a legal defense fund and seek contributions.

Sen. Alfonse D'Amato raised \$400,000 to success-

fully fight Senate ethics charges a few years ago, while Sen. Bob Packwood (R-Ore.) used \$600,000 in campaign contributions last year to pay the legal costs of fighting sex-harassment charges.

A special legal fund was created for President Bush's son, Neil, to pay legal costs when he was entangled in the failure of Silverado Savings-and-Loan, and the names of the contributors were kept secret.

As president, Clinton receives an annual salary of \$250,000.

President Nixon's Water-

gate bills and President Reagan's Iran-Contra bills were picked up by the taxpayers because their alleged abuse of power occurred while in office.

Nixon and Reagan also were able to use the White House counsel. Clinton can't do that in Whitewater since he's being investigated for matters that took place before he took office.

Under the 1978 Independent Counsel Statute, which expired in 1992, people subjected to independent counsel probes may be reimbursed by the government

for their legal expenses — if they aren't indicted.

There is no such payback provision in the special counsel statute, under which the Clintons are being investigated. But that may change if Congress, as anticipated, soon renews the independent counsel statute.

Attorney General Janet Reno could seek to name Robert Fiske, now Whitewater special counsel, independent counsel. And the Clintons, if they aren't indicted, could apply for a refund.

**L**AST week was "the worst week of scandal for the Clintons since they moved into the White House." So writes Ambrose Evans-Pritchard, its Washington correspondent, in London's Sunday Telegraph.

Much more so than the American media, the British press is alive with reports on the Clintons' scandals — and Evans-Pritchard, who is equal parts scholar, journalist and adventurer, has been particularly tireless in examining those scandals. Last week, he based his judgment on the fact that "allegations of unethical practice, conflict of interest, and outright criminality rained down from all quarters."

Evans-Pritchard, who is given to flying off on solitary missions to report on leftist guerrillas in jungle hideaways and on urban terrorists in their European lairs, had spent the week in sordid Little Rock. There he laid hands on copies of checks from the mysterious White-water Development Co. to Bill and Hillary Clinton. The Arkansas development company was jointly

# Whitewatergate: The plot gets ever thicker

owned by the Clintons and James and Susan McDougal of Madison Guaranty Savings & Loan fame. The checks for \$7,322.42 and \$6,361.65 allegedly paid off personal bank loans contracted by the Clintons.

While in Little Rock, Evans-Pritchard had tea with former Arkansas Supreme Court Justice Jim Johnson. Johnson is a friend of David Hale, who authorized a \$300,000 loan of dubious legality to Bill Clinton's friends the McDougals. Hale insists that Clinton, as governor, put him up to it.

Johnson says Hale has the documents to prove "Clinton conspired to defraud the government of the United States. He stretched the rules, and he committed a felony." The judge goes on to say, "I look for Clinton to resign. I don't think he would dare go through the impeachment process because it would destroy the Democratic Party."

## PUBLIC NUISANCES

**R. EMMETT TYRRELL JR.**



Now back in Washington, Evans-Pritchard expresses fear for Hale's life. He notes there have been other unexplained deaths silencing Arkansas associates of the Clintons.

In September, the former head of security for the Clinton-Gore campaign, Jerry Parks, was shot dead while driving along a country road. It was not a random killing. The gunman took the trouble to stop his own car and fire a few more rounds into Parks' lifeless body.

Then there was the death of Vincent Foster on the day the FBI was issued a search warrant to enter Hale's offices. Foster was a Clinton family lawyer who had assisted

the Clintons in various matters, such as dealings with McDougal and handling the Clintons' blind trust. Troopers guarding the Clintons during Bill Clinton's governorship attest that Foster and Hillary Clinton were lovers.

The troopers also have attested that Mrs. Clinton took control of telephone logs from those days and had at least some destroyed. The destruction of evidence continues to be a problem in Little Rock to this very day, notwithstanding the arrival of federal investigators.

According to the Washington Times, as Evans-Pritchard walked the streets of that town in pursuit of his story, shredders were abuzz over at the infamous Rose law firm. Before that, a fire had broken out on the 14th floor of the Worthen Tower, gutting some of the offices of an accounting firm that, in 1986, audited McDougal's soon-to-be bankrupted savings and loan.

"Security personnel at the Wor-

then Tower waited for 25 minutes before calling" in their alarm, Evans-Pritchard reports. When he tried to discover why, the chairman of the Worthen Bank telephoned him and shouted to our British visitor, "You've got a twisted mind." The bank played a large role in financing the Clinton presidential campaign.

It is arresting to reflect on all the scandals that, subsumed under the rubrics of Troopergate and Whitewatergate, are now swirling around Bill and Hillary Clinton. I do not believe that any president in this century has been the focal point of so many rumors and allegations at one time.

Why all this controversy? The Clintons' party controls the federal government and both houses of congress. There has been much sympathy for them in the press, at least until recently. Next week I shall speculate as to what it is all about.

2/12/84 New York Post, pg. 4

DATE: MAY 16, 1994

FOIA(b)(7) - (C)

PAGE 1

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6TH STORY of Level 1 printed in FULL format.

The Associated Press

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July 27, 1993, Tuesday, AM cycle

SECTION: Washington Dateline

LENGTH: 593 words

HEADLINE: Clinton Phoned Foster Day Before Suicide

BYLINE: By RON FOURNIER, Associated Press Writer

DATELINE: WASHINGTON

BODY:

Knowing that his old friend was "having a rough time," President Clinton called Vincent Foster Jr. the day before the White House lawyer died in an apparent suicide, a spokeswoman said Tuesday.

Presidential Press Secretary Dee Dee Myers divulged little about the conversation but said Clinton invited Foster to a movie in the White House. She said they talked about a number of things, including work, and that Clinton "wanted to see how he was" doing.

But the spokeswoman said nobody, including Clinton, thought Foster was under any unusual strain. "There was no reason to believe ... that he was in any way capable of killing himself," she told reporters.

Myers said Clinton called Foster at home July 19 and invited him to join mutual friends at the White House and see "In The Line of Fire," a movie about a veteran Secret Service agent. Foster declined, then the pair talk for about 20 minutes. Foster died July 20.

Myers said it was a normal conversation between two old friends, and Clinton was not concerned for Foster's safety even after hanging up. She said the friends did not fight.

"He called him to talk to him. I think that he knew, as a number of people do, that Vince was having a rough time," she said, confirming a Newsweek magazine report about the call.

It was the first time the White House has specifically said that Clinton or other high-ranking officials were aware that Foster was going through a difficult period.

Myers said Clinton and aides knew that Foster was discouraged over events at work, but Clinton did not "believe that Vince was despondent, that he was in any way considering what happened. Nobody believed that."

Clinton has said the reason Foster killed himself probably would never be known.

The Associated Press, July 27, 1993

Myers added: "He was going through the kinds of ups and downs people in the White House often do. I don't want to suggest there has been any further evidence to suggest it was anything other than that."

Foster, who had known Clinton since they attended kindergarten together in Hope, Ark., was found shot to death in an apparent suicide in a Virginia park. U.S. Park Police are investigating.

Foster's death has prompted his former colleagues to take work less seriously.

"I think this kind of event always gives people pause and makes them reevaluate a few things about their own lives," Myers said. Clinton urged the staff after the death to take more time for their families and themselves.

So far, they are heeding his advice.

The West Wing, normally bustling even on weekends, was nearly empty Sunday; most staff members took a rare day or two off.

Myers said Clinton, who often makes odd-hour calls to friends and advisers, called Foster on July 19 "for a number of reasons, and because ... he wanted to see how he was, among other things, because ... the counsel's office had a rough go of it."

She was referring to a series of gaffes involving personnel matters that were funneled through Foster and his colleagues in the White House counsel's office.

Myers originally indicated that the call was made July 18, but later said the conversation took place the day before Foster's death.

Myers said the president knew that Foster and his wife joined fellow Arkansas native Webb Hubbell and Hubbell's wife for an outing at the beach the weekend before his death. Hubbell is the No. 3 official at the Justice Department. "It was a much-needed break," she said.

Foster's friends in the administration said privately last week that they suspected that he fell victim to the stress of Washington.

LANGUAGE: ENGLISH

5TH STORY of Level 1 printed in FULL format.

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THE PHOENIX GAZETTE

July 28, 1993 Wednesday, Final

SECTION: FRONT; Pg. A10

LENGTH: 85 words

HEADLINE: CLINTON DIDN'T KNOW FRIEND WAS SUICIDAL

BYLINE: From GAZETTE news services.

DATELINE: WASHINGTON

BODY:

President Clinton knew Vince Foster was having a "rough time" when he had a telephone conversation with his old friend last week, but he had no idea Foster would kill himself the next day, a spokeswoman said.

White House officials searching Foster's office last week found a note containing the names of Washington psychiatrists, a White House official said today. U.S. Park Police, who are investigating the July 20 shooting death of the deputy White House counsel, say it was an apparent suicide.

LANGUAGE: ENGLISH

COLUMN: THE WORLD

LOAD-DATE-MDC: August 2, 1993

4TH STORY of Level 1 printed in FULL format.

Copyright 1993 Sentinel Communications Co.  
THE ORLANDO SENTINEL

July 28, 1993 Wednesday, FLORIDA

SECTION: A SECTION; Pg. A12

LENGTH: 125 words

HEADLINE: CLINTON PHONED TROUBLED LAWYER DAY BEFORE DEATH

BODY:

Concerned that his old friend was "having a rough time," President Clinton called Vincent Foster the day before the White House lawyer died in an apparent suicide, the White House said Tuesday.

Spokeswoman Dee Dee Myers divulged little about the conversation but said Clinton made the telephone call for a number of reasons. "He wanted to see how he was" doing, she said.

It was the first time the White House has specifically said that Clinton or other high-ranking officials were aware that Foster was going through a difficult period.

Myers said Foster was obviously discouraged, but nobody knew ahead of time he was suicidal.

Foster, who had known Clinton since they attended kindergarten together in Hope, Ark., died July 20.

LANGUAGE: ENGLISH

COLUMN: OTHER NEWS TO NOTE

WASHINGTON

LOAD-DATE-MDC: August 2, 1993

3RD STORY of Level 1 printed in FULL format.

The Associated Press

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

July 28, 1993, Wednesday, PM cycle

SECTION: Washington Dateline

LENGTH: 359 words

HEADLINE: Clinton Knew Old Friend Was Having A 'Rough Time'

DATELINE: WASHINGTON

BODY:

President Clinton knew Vince Foster was having a "rough time" when he had a telephone conversation with his old friend last week, but he had no idea Foster would kill himself the next day, a spokeswoman says.

"There was no reason to believe ... that he was in any way capable of killing himself," Dee Dee Myers said Tuesday.

White House officials searching Foster's office last week found a note containing the names of Washington psychiatrists, a White House official said today, speaking on condition of anonymity. The discovery of the list, first reported by the Washington Post, indicates that Foster may have considered seeking help shortly before he died. However, the official said it was unclear whether Foster contacted any psychiatrists.

For the first time Tuesday, the White House officially said Clinton and his aides knew Foster was discouraged about his job as deputy White House counsel.

Myers said that was one reason Clinton called his former kindergarten classmate July 19 and invited him to a movie at the White House.

"He wanted to see how he was, among other things, because ... the counsel's office had a rough go of it," she told reporters.

Myers was referring to a series of problems involving personnel matters that were funneled through Foster and his colleagues in the White House counsel's office.

Myers said the 20-minute conversation was a normal talk between two old friends, and Clinton was not concerned for Foster's safety after hanging up. She said they discussed a number of things, including work, and they did not fight.

"He called him to talk to him. I think that he knew, as a number of people do, that Vince was having a rough time," she said, confirming a Newsweek magazine report about the call.

But she insisted Foster didn't seem more discouraged than normal, and said there were no signs that he was suicidal.

The Associated Press, July 28, 1993

"He was going through the kinds of ups and downs people in the White House often do. I don't want to suggest there has been any further evidence to suggest it was anything other than that."

U.S. Park Police investigating Foster's shooting death say it was an apparent suicide.

LANGUAGE: ENGLISH

2ND STORY of Level 1 printed in FULL format.

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CNN

Capital Gang

July 31, 1993

Transcript # 84 - 2

TYPE: Package

SECTION: News

LENGTH: 965 words

HEADLINE: White House Handling of Tragic Suicide

BYLINE: MARK SHIELDS; ROBERT NOVAK;

HIGHLIGHT:

Sen. John Breaux (D-LA) discusses the questions about the apparent suicide of White House attorney Vincent Foster and whether the White House has impeded the investigation.

BODY:

HUNT: Welcome back. One week after Deputy White House Counsel Vincent Foster's apparent suicide, President Clinton revealed a final conversation with his lifelong friend.

Pres. BUSH: I called him, and we talked for, I don't know, 20 minutes or so. We talked about what he'd done the weekend before, talked about some things he was concerned about on the job, but it was just the sort of thing we'd always talk about. He was real work-oriented, and we agreed to meet on Wednesday.

HUNT: The next day the White House revealed that it had found a crumpled, torn note by Foster, but not informed police for 30 hours.

DEE DEE MYERS, White House Press Secretary: I think it did show him to be in a distressed state of mind or troubled state of mind per work, and beyond that I really can't comment.

REPORTER: Was there anything else?

Ms. MYERS: No, it was really work-related.

HUNT: Mona, is the White House exercising justifiable prudence or is there the potential for a cover-up here?

CHAREN: Well, I think there are two points that need to be made. First is that in this tragic case of Foster what it points up is that our society is prejudiced and biased against people acknowledging emotional difficulties or depression leads some people unfortunately to take their own lives rather than

## CNN Transcripts, July 31, 1993

seek help because there's such a stigma attached to getting the help they need. That's one point, but as to the White House's handling of this, I think the President is running into that same old problem with his tendency initially, when news breaks, to deny it or to say, 'Well, we had no clue,' you know, and now as the news dribbles out, 'Well, there were clues, everybody knew he was depressed, he wrote this note.' It just makes them look bad, and I don't think there's evidence of a cover-up but I think it just shows that there's a tendency to be dishonest at the beginning.

HUNT: Mark?

Sen. BREAUX: I disagree with a point of that.

HUNT: Go ahead, John.

Sen. BREAUX: Quickly, I mean, it's a tragic situation, but one thing that I think we have to bear in mind is that even public officials have a right to some privacy. We're talking about the delay in releasing the note. I mean, my goodness, doesn't the wife, the widow have a right to see the contents of the note and the two children before it runs on the front page of The Wall Street Journal or The National Enquirer? Public officials have the right to some privacy and some respect. The note was not anything earthshaking, but it talked about this person's feelings, and I don't think it has to be on the front page of the paper before the widow or the children see it.

HUNT: Bob?

NOVAK: John, this is a public issue, and I understand your feelings about it. I think everybody has those feelings, but the problem is that this investigation has been mangled. Maybe- probably there's nothing to cover up, but if there were something to cover up, they would be conducting the investigation the way it is now. When you read in the paper in The Washington Post that the investigators said there has not been time to talk to Walker Hubble, who is the Associate Attorney General, law partner and friend of Mr. Foster and Hillary Clinton- what do you mean there's hasn't been time to talk to him? That should be given the first priority.

HUNT: Mark?

SHIELDS: Al, the detail, inconsistencies, and the delays certainly contribute to those who want to see a conspiracy here, plant suspicions or whatever, but I think again the lack of candor- they've treated this from the beginning like a suicide and not like a crime, and I think they had to treat it like both, and I think they had to be more forthcoming, and it's just raised suspicions further.

HUNT: You know, I agree. John, look I'm about 90 percent convinced that (a) there was nothing going- that this man just was clinically depressed and that that's what happened. It wasn't, you know, job-related in the sense of, you know, having something to do with policy or something bad there, and I'm also convinced that there's not an effort to cover up, but I'll tell you, the clumsy, awkward way- it wasn't just the 30 hours after the note. Four days before they found the note, I- in the beginning last week when we talked about this, I thought the idea of some kind of special counsel was absurd. I'm not so sure now. It seems to me for the sake of credibility, and actually in the long run for the sake of the Foster family. They don't need stories everyday on this. I

## CNN Transcripts, July 31, 1993

PAGE 4

mean, we just ought to get rid of this as quickly-

Sen. BREAUX: I think everything's going to come out. I think it's going to be made public. I'm just suggesting that in something like this that the family and the children have the right to be respected. We don't have to have it all published before they have a chance to be counseled on it, they have a chance to look at it and read it and share memories of those-

CHAREN: But, Senator, you know what's unclear? It's unclear whether the White House was withholding that note out of deference to the feelings of the widow or whether it was concerned over potential embarrassment of all of the failures of the White House counsel's office that are detailed apparently in that note.

NOVAK: And, you know, there was- a lot of people were saying that he wasn't depressed, that some people were saying-

CHAREN: The President said that.

NOVAK: The President said that. Some people who were with him at the beach a couple of weekends ago said he was not in a feeling of being depressed. We don't know these things, and when you have the White House counsel, Mr. Nussbaum, being described in a position as interfering with the FBI investigation, that worries people.

HUNT: Well, I think you're right. Mona, I just want to say I think your point about depression is absolutely right on the mark. Next on Capital Gang, from Israel a ceasefire and a reprieve.

[Commercial break]

The preceding text has been professionally transcribed. However, although the text has been checked against an audio track, in order to meet rigid distribution and transmission deadlines, it has not yet been proofread against videotape.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: August 15, 1993

# THE WALL STREET JOURNAL.

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## REVIEW & OUTLOOK (Editorial) --

### Asides:

#### Photos on Way

06/18/93

WALL STREET JOURNAL (J), PAGE A12

The White House Counsel's office tells us that the photographs we discussed in yesterday's editorial are now on the way. Indeed, it turns out that a fax to that effect arrived in our offices just before publishing deadline Wednesday night. We're a bit abashed that it didn't promptly come to the attention of the responsible editors, but not too abashed given the already extensive delay in the White House response. We look forward to sharing with readers the likeness of associate counsel William Kennedy III and deputy counsel Vincent Foster.

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# THE WALL STREET JOURNAL.

## Review & Outlook (Editorial): Vincent Foster's Victory

06/24/93

WALL STREET JOURNAL (J), PAGE A12

Meet Vincent Foster, movement conservative.

Vincent Foster is one of the White House lawyers from the Rose Law Firm, whose picture we've been sacking through the alleys and byways of the Freedom of Information Act. The picture arrived in time this week for us to celebrate Mr. Foster's victory yesterday in the battle over Hillary Clinton's status as head of the Clintons' health care task force.

An appeals court ruled Tuesday that, as Mr. Foster had been arguing, Mrs. Clinton is indeed the "functional equivalent" of a federal employee, at least as concerns compliance with the Federal Advisory Committee Act, or FACA (as in "focka").

The FACA Fight, initiated by various health and doctors' groups, was over whether the Hillary Clinton Health Task Force had to hold its meetings in public, which is what FACA requires when private citizens are serving on a President's advisory committees. Or whether Hillary, the functional federal equivalent, could hold her meetings in secret, as she desired. The appeals court said, sure, go ahead and meet in secret if you want. That's a win for the White House.

However, the court also said it didn't have a clue as to what exactly the task force's so-called "working groups" were all about, or whether FACA applied to their members. The White House said those are all federal employees, too, so they can hold secret meetings. But the appeals court said the legal status of these people isn't at all clear, and ordered the district court to revisit the FACA netherworld to explore such issues as whether some of Hillary's helpers are "special government employees" or "full time" or "intermittent" or "consultants."

Finally, the court said the plaintiff doctors groups get to look at the almost football-field's worth of paper and documentation that the working groups have piled up by now.

As we say, for achieving these outcomes we think Mr. Foster deserves a salute from

conservatives. With one mighty sweep he has struck a blow for separation of powers, executive authority, critics of the litigation explosion, and we dare say, even for the formulators of the Reagan White House's off-the-books Iran-Contra operation.

Conservatives have worried out loud for years about inroads against the President's ability to carry out the functions of his office. In particular, conservatives have noted Congress's instinct to usurp presidential authority, tipping the balance of powers in the legislature's favor. Thus, particular or parochial interests subsume any national interest that a President is elected to represent.

Judge Laurence Silberman, writing for the appeals court (and alluding to Alexander Hamilton along the way), noted: "The ability to discuss matters confidentially is surely an important condition to the exercise of executive power. Without it, the President's performance of any of his duties . . . would be made more difficult. In designing the Constitution, the Framers vested the executive power in one man for the very reason that he might maintain secrecy in executive operations."

Alas, the Clintonites, as is their wont, again allowed hubris to smother mere principle. Instead of a more well-defined operation, they went secret over changing the entire American health care system. Even defenders of executive authority would blanch at such imperial overstretch.

And so now the Clintons will discover the pleasures of the litigation explosion as defined by former Vice President Dan Quayle. Instead of doing productive work, they will spend days bringing forth box after box of documentation, while arguing with a judge about "intermittent" vs. "full-time" -- just the way private companies do for the federal prosecutors and agency bureaucrats who enforce the kinds of vague laws that the Clintons' political philosophy favors. Dan Quayle has further details.

As for Iran-Contra, we suspect that Vincent Foster and Ollie North might hit it off. After all, we're supposed to believe that the health task force "officially" disbanded on May 30, and so FACA's

requirements are moot. That is, we're supposed to believe that Mrs. Clinton and her associates will never ever hold off-the-books meetings with "non-government" advisers to get the reform plan finished.

Mr. Foster's boss, Bill Clinton, often rails against the gridlock of the "last 12 years." For that reason, we're glad that the case of Association of American Physicians and Surgeons v. Hillary Rodham Clinton, et al. has given a Democratic administration the opportunity to explore the questions of presidential authority discussed by Judge Silberman and his colleagues in their decision for the White House.

# THE WALL STREET JOURNAL.

## REVIEW & OUTLOOK (Editorial): Who Is Vincent Foster?

06/17/93

WALL STREET JOURNAL (J), PAGE A10

In its first few months, the Clinton White House has proved itself to be careless about many things, from Presidential haircuts to appointing a government. But most disturbing is its carelessness about following the law.

While we have our own complaint that we will presently explain, we hasten to point out that our concern is shared by at least two federal judges. Indeed, they're exploring the largely uncharted legal ground of use of the contempt power to get the Clinton Crowd to obey the law.

In a suit over preservation of computer tapes from the Reagan-Bush era, Judge Charles R. Richey has already issued a contempt order because the administration "dillydallied" in following his earlier order, and threatens \$50,000-a-day fines against the White House and National Archives. Now Judge Royce Lamberth has threatened contempt unless the Hillary Clinton health task force takes steps to follow his order to preserve materials relating to its activities.

Quite frankly, we have mixed emotions about these developments. We think that in the post-Watergate era, the executive branch has been on the short end of the balance of powers, and that the government would work better if this were redressed. We find Judge Richey's order more than a little presumptuous, and tend to think the law before Judge Lamberth is a legislative intrusion on executive power. But we can understand that both judges reacted to a certain lack of seriousness -- contempt in its most basic meaning -- toward legal rulings.

Judge Lamberth's case, for example, concerned whether the Hillary task force had to follow the Federal Advisory Committee Act, in which Congress prescribed hoops Presidents have to jump through in appointing outside commissions. Judge Lamberth held much of the law unconstitutional and laid out what might be seen as accommodating requirements, but dismissed the argument that this was not an outside commission because Mrs. Clinton was

"the functional equivalent" of a government employee.

The government appealed the latter finding in a still-pending case; in the oral arguments Judge Laurence Silberman asked whether she took an oath of office or could be impeached. Meanwhile, the task force simply ignored the rest of Judge Lamberth's rulings, for example holding meetings without adequate notice.

We've been having a similar problem with Vincent Foster, deputy White House counsel and one of Mrs. Clinton's former partners in the Rose Law Firm in Little Rock. After we succeeded in making Webster Hubbell famous, it occurred to us we might have occasion to repeat the favor for other Rose partners, and requested photographs of Mr. Foster and associate White House counsel William Kennedy. Eventually some subaltern in the counsel's office relayed the message, "Mr. Foster sees no reason why he should supply the Journal with a photo."

Given this encouragement, we filed a request for photos of Mr. Foster and Mr. Kennedy under the Freedom of Information Act. The act requires officials to respond within 10 business days, a deadline that expired May 21. Despite repeated inquiries with those officials who return our calls, the White House still owes us either some photographs or an explanation of why our request has been refused.

At one point, we were told it ought to be worked out, and were referred to deputy press spokesperson Ricki Seidman, who seems not to return calls from our editorial page staff. David Gergen was not exactly overjoyed that we held up public complaint until he arrived, noting that our artists have already converted his photograph into a dot-drawing. But he seems to have jolted the matter off dead center; we're now told there's a draft letter somewhere in the bureaucracy saying the FOI Act does not apply to the White House counsel's office, but the press office can give us photos if it chooses. So we're back to the Seidman black hole, but the letter should be interesting reading.

No doubt Mr. Foster and company consider us mischievous (at best). Of course the Clinton

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administration has little reason to love us. Back when the rest of the press was in its pre-Wacohoneymoon, we were already pulling the loose strings of the basic "New Democrat" lie. Still, we remain supportive when Mr. Clinton returns to that campaign theme, as with Nafta. Indeed, when Mr. Hubbell proved man enough to face public hearings on his appointment as associate attorney general, we saw no reason he should be denied confirmation. Even if we were as uniformly hostile as sometimes charged, there are larger points here. How an administration deals with critics is a basic test of its character and mores, and how scrupulously it follows the law is even more directly significant.

Does the law mean one thing for critics and another for friends? Will we in the end have to go to court to get a reply, or will even that work? Does it take a \$50,000-a-day fine to get this mule's attention? Will a task force bearing the First Lady's name blithely ignore a district court order even as its appeal is being heard by the D.C. Circuit? Judge Lamberth demanded, "I want a name and address of who's going to be accountable, who's going to be held in contempt if there are documents destroyed."

Who ensures that this administration follows the law, or explains why not? A good question. While Constitutional law may not have been the big part of the Rose firm's practice, it seems to us that a good man for the job would be deputy counsel Foster.

# THE WALL STREET JOURNAL.

## Review & Outlook (Editorial):

### Vincent Foster's Victory

06/24/93

WALL STREET JOURNAL (J), PAGE A12

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As for Iran-Contra, we suspect that Vincent Foster and Ollie North might hit it off. After all, we're supposed to believe that the health task force "officially" disbanded on May 30, and so FACA's

requirements are moot. That is, we're supposed to believe that Mrs. Clinton and her associates will never ever hold off-the-books meetings with "non-government" advisers to get the reform plan finished.

Mr. Foster's boss, Bill Clinton, often rails against the gridlock of the "last 12 years." For that reason, we're glad that the case of Association of American Physicians and Surgeons v. Hillary Rodham Clinton, et al. has given a Democratic administration the opportunity to explore the questions of presidential authority discussed by Judge Silberman and his colleagues in their decision for the White House.

# THE WALL STREET JOURNAL.

## REVIEW & OUTLOOK (Editorial): Who Is Vincent Foster?

06/17/93

WALL STREET JOURNAL (J), PAGE A10

In its first few months, the Clinton White House has proved itself to be careless about many things, from Presidential haircuts to appointing a government. But most disturbing is its carelessness about following the law.

While we have our own complaint that we will presently explain, we hasten to point out that our concern is shared by at least two federal judges. Indeed, they're exploring the largely uncharted legal ground of use of the contempt power to get the Clinton Crowd to obey the law.

In a suit over preservation of computer tapes from the Reagan-Bush era, Judge Charles R. Richey has already issued a contempt order because the administration "dillydallied" in following his earlier order, and threatens \$50,000-a-day fines against the White House and National Archives. Now Judge Royce Lamberth has threatened contempt unless the Hillary Clinton health task force takes steps to follow his order to preserve materials relating to its activities.

Quite frankly, we have mixed emotions about these developments. We think that in the post-Watergate era, the executive branch has been on the short end of the balance of powers, and that the government would work better if this were redressed. We find Judge Richey's order more than a little presumptuous, and tend to think the law before Judge Lamberth is a legislative intrusion on executive power. But we can understand that both judges reacted to a certain lack of seriousness -- contempt in its most basic meaning -- toward legal rulings.

Judge Lamberth's case, for example, concerned whether the Hillary task force had to follow the Federal Advisory Committee Act, in which Congress prescribed hoops Presidents have to jump through in appointing outside commissions. Judge Lamberth held much of the law unconstitutional and laid out what might be seen as accommodating requirements, but dismissed the argument that this was not an outside commission because Mrs. Clinton was

"the functional equivalent" of a government employee.

The government appealed the latter finding in a still-pending case; in the oral arguments Judge Laurence Silberman asked whether she took an oath of office or could be impeached. Meanwhile, the task force simply ignored the rest of Judge Lamberth's rulings, for example holding meetings without adequate notice.

We've been having a similar problem with Vincent Foster, deputy White House counsel and one of Mrs. Clinton's former partners in the Rose Law Firm in Little Rock. After we succeeded in making Webster Hubbell famous, it occurred to us we might have occasion to repeat the favor for other Rose partners, and requested photographs of Mr. Foster and associate White House counsel William Kennedy. Eventually some subaltern in the counsel's office relayed the message, "Mr. Foster sees no reason why he should supply the Journal with a photo."

Given this encouragement, we filed a request for photos of Mr. Foster and Mr. Kennedy under the Freedom of Information Act. The act requires officials to respond within 10 business days, a deadline that expired May 21. Despite repeated inquiries with those officials who return our calls, the White House still owes us either some photographs or an explanation of why our request has been refused.

At one point, we were told it ought to be worked out, and were referred to deputy press spokesperson Ricki Seidman, who seems not to return calls from our editorial page staff. David Gergen was not exactly overjoyed that we held up public complaint until he arrived, noting that our artists have already converted his photograph into a dot-drawing. But he seems to have jolted the matter off dead center; we're now told there's a draft letter somewhere in the bureaucracy saying the FOI Act does not apply to the White House counsel's office, but the press office can give us photos if it chooses. So we're back to the Seidman black hole, but the letter should be interesting reading.

No doubt Mr. Foster and company consider us mischievous (at best). Of course the Clinton

administration has little reason to love us. Back when the rest of the press was in its pre-Wacohoneymoon, we were already pulling the loose strings of the basic "New Democrat" lie. Still, we remain supportive when Mr. Clinton returns to that campaign theme, as with Nafta. Indeed, when Mr. Hubbell proved man enough to face public hearings on his appointment as associate attorney general, we saw no reason he should be denied confirmation. Even if we were as uniformly hostile as sometimes charged, there are larger points here. How an administration deals with critics is a basic test of its character and mores, and how scrupulously it follows the law is even more directly significant.

Does the law mean one thing for critics and another for friends? Will we in the end have to go to court to get a reply, or will even that work? Does it take a \$50,000-a-day fine to get this mule's attention? Will a task force bearing the First Lady's name blithely ignore a district court order even as its appeal is being heard by the D.C. Circuit? Judge Lamberth demanded, "I want a name and address of who's going to be accountable, who's going to be held in contempt if there are documents destroyed."

Who ensures that this administration follows the law, or explains why not? A good question. While Constitutional law may not have been the big part of the Rose firm's practice, it seems to us that a good man for the job would be deputy counsel Foster.

SPORTS \* \* \* \* \*



# IT'S MARCH MADNESS

FULL REPORT ON NCAA FINAL DRAW — SEE SPORTS

# DAILY NEWS

QUEENS EDITION

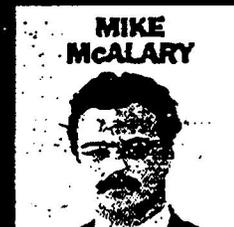
NEW YORK'S HOMETOWN NEWSPAPER

Monday, March 14, 1994



# CASE CLOSED

## VINCE FOSTER SUICIDE REPORT ENDS RUMORS



EXCLUSIVE SEE PAGE 6

35063 sub 86-8

# DIET PILL DANGER

SEE PAGE 5

one (US 63) 701 5138 Page 236

# THE UNFOSTERED

## Aide's suicide is confirmed by heads-up cops

IT is not the ranting of some conspiracy theorist. It is not the rhetoric of some Clinton supporter. The U.S. Park Police report on the death of Deputy White House Counsel Vince Foster is a simple story from a police blotter.

It has been accepted by special Whitewater prosecutor Robert Fiske. It has been accepted by his lead investigator, former Manhattan prosecutor Ronald Lankler, although he isn't saying as much.

Most of what happened in Fort Marcy Park on July 21 has remained secret. The Park Police report has only been reviewed once, by the Daily News. But we are now familiar with its specific conclusions. Investigators, who do not wish to be identified, have been interviewed. This is the final report on their probe into one man's desperate act.

In the last second of life, Vincent Foster placed a pistol barrel deep in his mouth, grabbing the butt with both hands. The White House lawyer was seated on a grassy hill at a 45-degree angle, a Civil War cannon behind him. No one knows what Foster was thinking, only what he did next. He pulled the trigger back with his right thumb.

The bullet escaped the top part of his head. He fell back dead, his arms falling to his sides, his legs straightening out. The gun remained in his right hand, stuck in the trigger guard. Later, after photographs were taken, an investigator would have to move the dead man's thumb just to free the pistol.

The investigation into Foster's death was handled ably by the U.S. Park Police, a unit that has suffered terribly from gossip and second-guessing. The FBI was with them every step of the way. There are no loose ends.

The first thing the cops heard after Foster's suicide was: coverup. The body was discovered by a park maintenance worker who had slipped into the area for a quiet midday drink. He reported finding the body, but then made up a story about having seen a white van. He has since recanted the white van story, admitting it was created to cover up his own behavior.

The first cop to arrive was a patrol officer named Fornhill. Calling for backup, Park Police investigators started to show up. The first thing they noticed, apparently, was Foster's car in the parking lot. Foster had left his suit jacket behind in the car. White House credentials in the pocket. His wallet was also in the car. The doors unlocked. No one at the scene had ever heard of Vincent Foster.

MIKE McALARY



friend of the President."

The principal forensic investigator, Pete Simonello, inspected the body. The crime scene belonged, mostly, to him.

There was only a little blood, Simonello wrote, on the front of Foster's body. The dead lawyer's right thumb was stuck in the trigger guard. Simonello had to pry the pistol out of Foster's hand. He saw powder burns on the right hand. Ballistics tests later confirmed Simonello's original belief that Foster had been holding the barrel with his right hand. The gun had been deep in Foster's mouth, Simonello realized, well behind his still-intact teeth. The medical examiner found obvious powder burns on Foster's palate and tongue.

No one heard the shot, investigators determined, because Foster's head served as a kind of grisly gun silencer. There was no indentation of any kind on the index finger. His body, despite what you read, was never moved by anyone.

In death, Vincent Foster was discovered lying oddly straight. To onlookers, Foster looked to be asleep. Professionals could see more.

Most of Foster's blood had come out the back of his head though an exit wound. The bullet, which exited through the top of the sitting lawyer's head, could not be found. It was shot from the top of the small, semicircular hole in the back of the head. Investigators but never found the slug. The blood wasn't obvious to paramedics. It had flowed down the back



VINCENT FOSTER in 1988 in the offices of the Rose Law Firm in Little Rock, Ark.

"That meant Vince Foster died right on the hill where he was sitting," said one investigator.

The body had not been moved from its resting place 20 feet in front of the cannon. It wasn't moved until after 8 p.m., at least three hours after the shooting. Blood lividity is curious. In dead bodies, pools form. The pools cannot be disturbed by movement without showing signs. There were none.

The soles of Foster's shoes, police noticed, were unmarked. As they should have been, it was determined. Foster's shoes told investigators he had walked from the parking lot through an open field.

The cops started taking pictures. They took two sets before Foster was moved. The first set was taken with a 35-mm. camera. The shots are overexposed. You can see the hand and the gun, but it is not easy. The second set was Polaroids. They all came out on the spot. The scene is very simple. There is a body, legs out, on a hillside. Very little blood. You can see a powder burn from the cylinder blast on

Park Police and preserved. If for some reason they need to be looked at, say to find imagined carpet fibers from an equally imagined safe house, they can be vacuumed and searched.

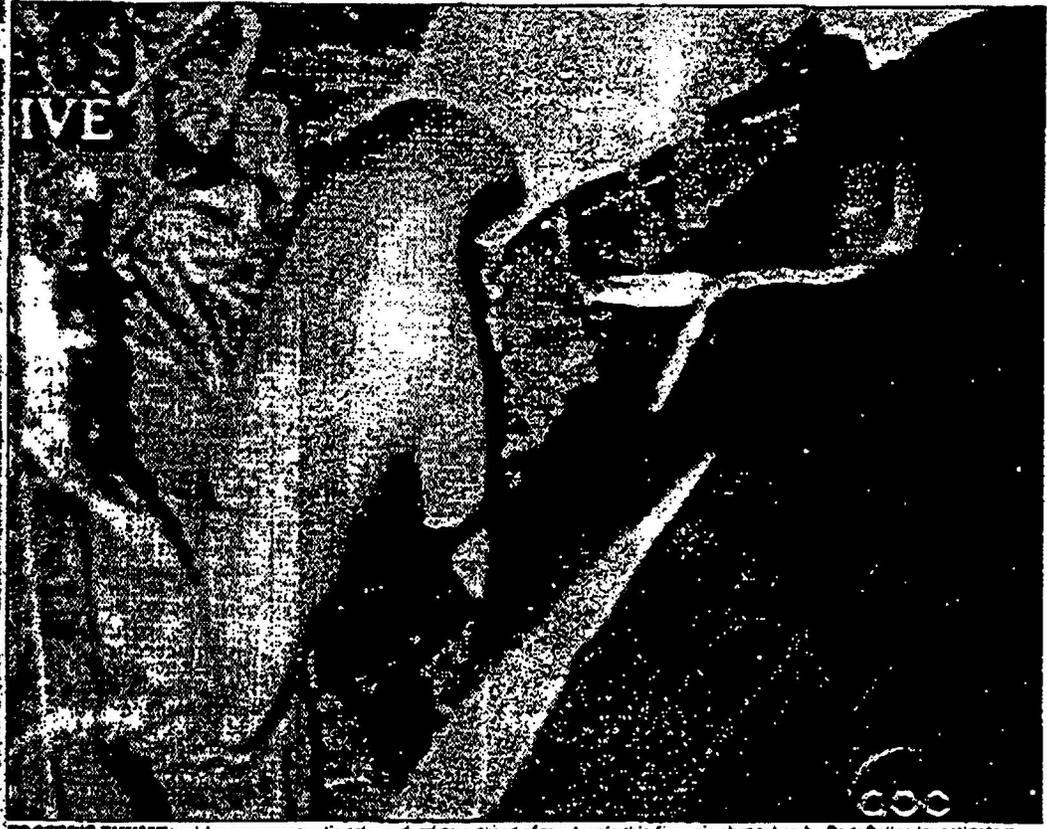
Moronic things were done later. Bernard Nussbaum, the President's lawyer, did many. The Park Police were assured on the first day that Foster's office would be sealed. But when six investigators showed up to inspect it the next day (two FBI agents, two Justice Department lawyers and two Park Police cops), Nussbaum refused to let them in. The office had to be sealed by Secret Service. The investigators were told to sit in chairs, backs to the walls, 15 feet from Foster's desk. Documents were displayed by Nussbaum. "No one knew or cared about Whitewater then," said one investigator. "We had a suicide as an investigation. We could have been sitting on a case of Whitewater documents and we wouldn't have cared or noticed."

NUSSBAUM'S IRE

One FBI agent stood up to stretch

61A-4006 (URTS) 16306 DocId: 70145588 Page 237

# D.C. SUSPICIONS



FOSTER'S THUMB can be seen protruding through trigger guard of revolver in this forensic shot taken by Park Police investigators.

to peek at Foster's papers. Nussbaum said repeatedly, "We can't show you this, this is personal." The cops, a Park Police investigator and captain, were furious. Personal notes, especially in a suicide case, are important.

"Why can't you just handle this as a normal case?" Nussbaum asked at one point.

"Because this isn't a normal case," said the chief investigator from the park police, Peter Markland.

"Why not?" Nussbaum said.

"Because if this was a normal case I'd have all of the dead guy's files in the back seat of my car," Markland said.

"No one can say why Foster killed himself. Only that he did. The cover-up, if there was one, started with Nussbaum. The President's lawyer acted like someone with a client who had something to hide. I thought they all should have been arrested for obstruction of justice," said one investigator familiar with the suicide investigation.

There is one more mystery to decipher.

There is one small triangle-shaped piece of the so-called suicide note still missing. It is about an inch and a half wide and from the bottom, right-hand part of the paper. It is not a part of the main content. It could be a date, investigators believe. The Park Police, and FBI investigators, still aren't sure the note is real. Who tears up a note into 28 pieces, then throws it in his briefcase for safekeeping?

### BRIEFCASE EYED

The briefcase in which a White House assistant claims she later found the note on July 26 had been previously inspected for notes by



PRESIDENT CLINTON hugs unidentified woman as U.S. Sen. Dale Bumpers (r.) looks on outside Little Rock's St. Andrew's Cathedral, site of Foster's funeral.

Markland in Foster's office on July 21.

You are asked to believe that Markland, who was looking for a note, didn't see 28 pieces of bright yellow paper in Foster's own briefcase. There is also the note itself. Yes, the folded and torn note was written by Foster. The Park Police handwriting expert, Sgt. Lochart, is sure of that. But it doesn't sound suicidal, necessarily. This could just be the musings of a desperate man turned into a suicide note by someone working for Nussbaum. It's not like the author can come back to say, "That's not what I mean." The note isn't dated by either Foster or anyone else and says "06" for the Park Police.

Foster, did, however, write something nasty about the FBI. He called

them liars. The Park Police, when they saw this, believed the dead man's charge interesting. The FBI was investigating the case with them from the first day. But just to be safe, the federal Bureau of Alcohol, Tobacco and Firearms was asked to inspect Foster's suicide weapon. This was done to keep the FBI away. Handwriting analysis was done by the Park Police for the same reason. If the guy who killed himself hates the FBI, why give them his gun and note to analyze two months later? The Park Police have met Nussbaum. They have seen the White House in action. Why do they not read the papers for new problems? This was alert, investigative thinking by the U.S. Park Police.

## New counsel says matter is 'a bunch of nothing'

By TIMOTHY CLIFFORD  
News Washington Bureau Chief

WASHINGTON — The new White House counsel quickly hit the TV talk-show circuit yesterday — predicting the Whitewater controversy will turn out to be "a bunch of nothing."

But Lloyd Cutler, appointed by President Clinton last week after Bernard Nussbaum was forced to resign, admitted on NBC that he had "not been into the details of Whitewater."

And, appearing on ABC, James McDougal, owner of a failed S&L linked to the Clintons and their partner in the Whitewater real estate venture, said the President is "guilty of committing no crime" and cleared First Lady Hillary Rodham Clinton of everything but "poor bookkeeping."

However, Rep. James Leach (R-Iowa), on CBS, charged regional regulators probing McDougal's Madison Guaranty say their Washington superiors have "not been cooperative."

Newsweek reports this week that Treasury's Resolution Trust Corp. prober Jean Lewis was taken off the Madison case after secret White House meetings between Clinton and Treasury officials about the case. The magazine says that Lewis is expected to testify before a congressional hearing.

Whitewater Special Prosecutor Robert Fiske, beyond reviewing the Clintons' real estate dealings in Arkansas and their ties to Madison Guaranty, is investigating whether the White House sought to compromise the RTC's supposedly independent probe of the S&L. Three White House officials testified before his grand jury last week and seven more former or current administration officials are expected to testify soon before the panel.

Republican lawmakers — including New York Sen. Alfonse D'Amato — kept up their drumbeat yesterday for congressional hearings.

"We can delay and we can stonewall," Senate GOP Leader Bob Dole (R-Kan.) said on ABC. "But sooner or later there will be hearings."

Asked whether the Clintons themselves would give testimony in person at a congressional hearing, Cutler said on CBS, "It really depends on the gravity of the matter."

# THE WALL STREET JOURNAL

## Tabs Tangle Over Foster Death

DATE: 3-21-94

PAGE: A-12

By ERICH EICHMAN

The producers of "The Paper" couldn't have timed it better. Just as their movie about a scrappy big-city tabloid was opening last week, two rival tabs in New York City went to war. The subject? The mysterious circumstances surrounding the death last July of Deputy White House counsel Vincent Foster. "Doubts Raised Over Foster's 'Suicide,'" the New York Post had proclaimed in its opening salvo two months ago, inaugurating a series of incisive reports. "Case Closed," countered the Daily News last week.

Who's right? We may never know. But we certainly won't be able to grapple with certain crucial facts until the Justice Department deigns to release the police report of his death, something this newspaper has been calling for since last summer, when we filed our first Freedom of Information Act request. In the meantime, the war of the tabs proves that the old-fashioned art of enterprise journalism isn't dead.

As in the early stages of the Whitewater scandal—a matter that touches on Mr. Foster—the tabloids, unlike most of the establishment press, have shown a willingness to push hard on troublesome questions and odd details. By asking tough and important questions about Mr. Foster's apparent suicide, they may eventually force out the truth.

For the benefit of readers outside New York, here's what the two papers have been reporting:

Christopher Ruddy of the Post led the way, showing the enterprise to interview the emergency personnel who viewed Mr. Foster's body. In late January, Mr. Ruddy was told by paramedic George Gonzalez that there was something "strange" about the Foster death scene. Mr. Foster's body was neatly laid out, with gun in hand, and there was surprisingly little blood ("a thin trickle" near his mouth). One expert told Mr. Ruddy that in 30 years he had "never seen someone shoot themselves in the

mouth and still hold the gun perfectly at his side." According to Mr. Gonzalez and a law-enforcement official, the gun showed no traces of blood.

The park maintenance worker who found Mr. Foster's body had described a heavy-set man in a van who had pulled over and alerted him to the "dead body" in the park. Mr. Ruddy wondered, understandably, "Who was the man in the white utility van?"

All this prompted him to ask why the FBI had been kept out of the investigation. He was told by former FBI head William Sessions (who admittedly has his own ax to grind with the Clinton White House) that a "power struggle" with Justice had left the investigation in the hands of the less experienced Park Police.

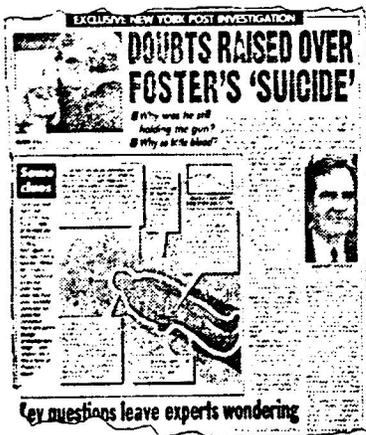
Who handled (or bungled) the investigation became important when Mr.

Ruddy discovered, the day after his first article appeared, that the Park Police had ruled the Foster death a suicide without running a ballistics test on the gun. The police asked the federal Bureau of Alcohol, Tobacco and Fire-arms to do a test only two days after the official police ruling was handed down, on Aug. 10.

But nothing was yet conclusive: Even the Park Police had questions, as it turned

out. A Feb. 4 Washington Post report—perhaps inspired by Mr. Ruddy's hard-hitting articles the week before—confirmed the ballistics-test delay, and revealed that the ATF had been asked by the Park Police to look for powder residue on Mr. Foster's clothes as well, and to comment on the possible position of the gun at the time it was fired.

As it turned out, the ATF's conclusions were consistent with suicide, but the procedural confusion left Mr. Ruddy wondering about the integrity of the entire investigation. He was not alone in such musings. Special Counsel Robert Fiske has announced his intention to re-examine the entire Foster episode. In short: What else



2

was there to know? And why has the official report—including photographs, autopsy results, and pieces of a suicide note—not been made public, to clear up the mystery and end the speculation?

The answer to that question is still incomplete, and the legal complexity surrounding Mr. Fiske's efforts may even add to the delay. But in last Monday's Daily News, Mike McAlary managed to push the story further toward openness.

Mr. McAlary got a chance to "review" the Park Police report "once" (it was made available, we may presume, to counter the Post's stories), and talked to unnamed investigators. His conclusion: Vincent Foster's death was "a simple story from a police blotter"—decidedly *not* something that would confirm the "ranting of some conspiracy theorist," whoever that might be.

The chief forensic investigator at the death scene found little blood on the front of Mr. Foster's body, but there was plenty in the back, where the bullet had exited his skull. Mr. Foster's right thumb was stuck in the trigger guard, Mr. McAlary reported, accounting for the gun's still resting in his hand when the body was discovered. Powder burns were found on Mr. Foster's palate and tongue, and on his right hand. The lack of disturbance to the dead man's "blood pools" suggested, as one investigator said, that Mr. Foster "died right on the hill where he was sitting."

All in all, Mr. McAlary concluded, there was no mystery left to this part of the story. Even the man in the white van turned out to lead nowhere: He was the invention of the park worker, who apparently embroidered his account to cover up a midday respite. Mr. McAlary triumphantly announced that Mr. Fiske and his chief Foster investigator had "accepted" the conclusions of the Park Police about Vincent Foster's death.

The Post fired back on Wednesday in an article by Thomas Ferraro. He cited mistakes that Mr. McAlary had made: the date of the suicide and the first

name of Mr. Fiske's deputy, Roderick Lankler. More important, Mr. Lankler denied to the Post that he or Mr. Fiske had reached any conclusions about the Foster death. "Foster Suicide Probe Still Wide Open" the Post trumpeted. That lasted 24 hours—until the News's next salvo. "The Real News on Post Mortem," quipped the paper's headline writers on Thursday. On page two, they dropped the news that the Park Police confirmed that "the case is closed."

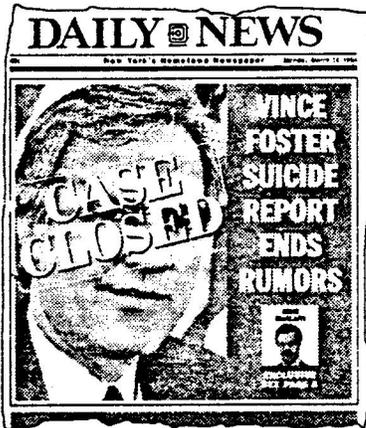
But it isn't, really. Despite Mr. McAlary's heroic effort to refute Mr. Ruddy, and despite the persuasiveness of his account, too much remains hidden about the entire Foster affair. After all, the

Park Police report is still locked away—as are the Foster office papers. Mr. McAlary presents a vivid account of the scene in Mr. Foster's office the day after the suicide. Furious FBI agents and Park Police officials were forced by Mr. Nussbaum to sit 15 feet away from Mr. Foster's desk as he rummaged through papers, saying repeatedly "We can't show you this, this is personal."

That scene, of course, suggests the possibility that secret, politically sensitive, truths lie behind Mr. Foster's actions. Such a suggestion also emanates—rightly or wrongly—from the "overlooked" suicide note that a White House aide found in Mr. Foster's briefcase five days after the Park Police had not seen it there. Mr. McAlary interestingly reports that, because Mr. Foster called the FBI liars in his note, the Park Police had one of their own sergeants do the handwriting analysis.

Obviously, until everything is made public and properly explained, a cloud of doubt will hover over the Foster affair. In the meantime, we owe a debt of gratitude to the aggressive and consequential fact-finding missions of tough tabloid reporters.

Mr. Eichman is an assistant features editor on the Journal's editorial page.



DATE: 3/17/94  
PAGE: C2

## Cops back News on Foster suicide

By **KAREN BALL** and **CORKY SIEMASZKO**

Daily News Staff Writers

WASHINGTON — The U.S. Park Police vigorously stood by their conclusion yesterday that deputy White House counsel Vincent Foster committed suicide last summer — stating that “the case is closed.”

And Park Police officials fully expect the Whitewater special prosecutor to back up their finding that Foster took his own life.

“The case is closed, from our standpoint,” Park Police Maj. Robert Hines said yesterday.

Hines and Park Police Chief Robert Langston met Tuesday with former Manhattan prosecutor Roderick Lankler, who was appointed by Whitewater special counsel Robert Fiske to review Foster's death.

“We were very impressed with him,” Hines said. “He didn't come in saying, ‘You guys screwed up’ or that his mind was made up one way or the other.”

Calling the investigation into Foster's July 20 suicide “a high priority,” Lankler yesterday said: “It is our intention to be able to wrap that up as soon as possible . . . (And) I would think as soon as we are able to conclude that part of the inquiry, we would have a report on that aspect of the investigation.”

But Lankler declined to discuss any timetable or details of his probe other than to say his investigators are collecting the Park Police evidence — Foster's clothes, the antique revolver found in his hand and crime scene photos now sitting in a Park Police evidence vault.

But Lankler revealed that there were “no plans to exhume the body” — saying, “I don't think the Foster family should have to speculate about that.”

Recent articles in the New York Post have cast doubts on the Park Police investigation and

the circumstances of Foster's death. When told of the Park Police's statement, managing editor Marc Kalech said “the Office of the Special Counsel is on the record that the case is definitely not closed.”

“The facts of the story speak for themselves,” he said.

But the Post, in recent weeks, has not always gotten the facts right.

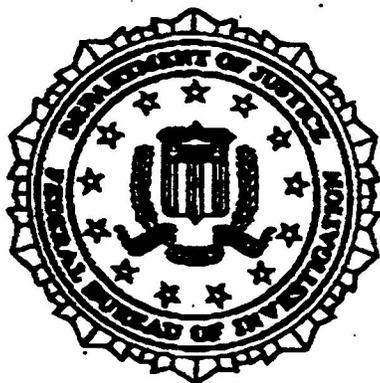
Quoting forensic and homicide “experts” in New York who had not seen the evidence, the Post reported that if Foster had shot himself, there would be massive “pools of blood” everywhere and that he would not be holding the gun and laid out neatly.

But the Daily News, which was the first to view Foster's still-secret medical files, reported that Foster's frozen grip on the gun was consistent with suicide, that his thumb was indented from the trigger and that the body's neat condition was evidence that there was no struggle. **And there was blood on his shirt and on the ground under his head.**

Despite Post reports that the gun Foster fired never had been tested, confidential lab reports reviewed by The News prove that the gun had been tested.

The Post also reported that Foster had a safe in his office from which a second set of files concerning the Clintons' Whitewater real estate dealings were taken shortly after his death. A senior White House official said Foster did not have a safe in his office and called the Post story “horse—.”

The Daily News was also the first to report that Foster's family is convinced he killed himself and that he suffered from severe depressions. Columnist Mike McAlary's report Tuesday, along with earlier News stories, underscore the overwhelming evidence supporting the Park Police conclusion that Foster's death was a suicide.



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NO ARTICLE IN WP ON 7/25/93 by  
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2145922  
Park Police To Conduct Inquiry 'Routine' Probe Set On Foster's  
Death. The Washington Post, July 27, 1993, FINAL Edition  
By: Michael Isikoff, Washington Post Staff Writer  
Section: A SECTION, p. a08  
Story Type: News National  
Line Count: 61 Word Count: 673

The Justice Department yesterday backed off its pledge to conduct a full investigation into the death of White House senior aide Vincent Foster Jr., saying it was merely participating in a low-level "inquiry" that was being run by the U.S. Park Police.

"There is no investigation being conducted by the Justice Department," chief department spokesman Carl Stern said. Because Park Police officials are convinced that Foster took his own life, the department had no authority to launch such a probe, Stern said. "There's no suspicion that a crime occurred," he said.

At the same time, a Park Police official minimized that agency's inquiry, calling it a "routine" probe that was primarily aimed at assuring investigators there was a general explanation, such as depression, for Foster to have killed himself. Asked if Park Police officials were seeking to interview President Clinton, Hillary Rodham Clinton or Chief of Staff Thomas F. "Mack" McLarty, all close personal friends of Foster, police spokesman Major Robert Hines said that had not been determined but added: "I don't think we have any indication . . . that will be needed."

Stern's comments yesterday appear to conflict with statements made by White House and Justice Department officials last week and raise new questions about the extent of the inquiries into his death. They also come after a series of similar statements by President Clinton and other senior White House officials, suggesting that Foster's death be viewed as a personal tragedy unrelated to his job and that, as Clinton said last week, "no one can ever know why this happened."

As deputy White House counsel and a former partner of Hillary Clinton at the Rose law firm in Little Rock, Ark., Foster was among a handful of White House aides considered the closest to the president. A 48-year-old father of three with no known history of mental illness or erratic behavior, Foster last Tuesday left his White House office midday and was not seen again until his body was found at Fort Marcy Park in McLean, the apparent victim of a self-inflicted gunshot wound.

Last Wednesday, White House communications director Mark Gearan told reporters that at the request of White House counsel Bernard Nussbaum, "the investigation (into Foster's death) will be coordinated by the Department of Justice and the office of the attorney general and her deputy, Phil Heymann."

The following day, department spokesman Dean St. Dennis expanded on those comments, saying the Justice probe will seek "to find out what the factors were-if it was a suicide-that led to him killing himself."

Stern sought to minimize the apparent conflict yesterday, suggesting that some of it may result from a semantical confusion over the difference between an inquiry and "an investigation" that is launched to solve a crime. He said "there is certainly an interest in acquiring additional information" about Foster's death. Heymann, who last week was said to be coordinating the probe, was receiving "regular reports" from the Park Police although he was not directing the inquiry, he said.

But department officials familiar with the probe say yesterday's clarifications reflected a far less intensive inquiry than was suggested last week. A full Justice investigation would involve use of the FBI, interviews with all of Foster's contacts at the White House, including the president and first lady as well as scrutiny of incoming and outgoing phone calls, visitors and government matters that he was working on, officials said.

Some of those steps may yet be undertaken by the Park Police, but an FBI official said yesterday the bureau was merely "monitoring" the inquiry but not actively participating. Last week, two FBI agents and two lawyers from the Justice Department's criminal division participated in a search of Foster's office while Nussbaum reviewed Foster's papers and computer discs and removed material that was considered privileged or personal.

Those items were not independently reviewed by the Justice lawyers who accepted Nussbaum's assurances that the search did not discover "anything that shed light on why Foster committed suicide," Stern said.

CAPTIONS: CARL STERN.

NAMED PERSONS: FOSTER, VINCENT, JR.; CLINTON, BILL; CLINTON, HILLARY RODHAM ; MCLARTY, THOMAS F.; NUSSBAUM, BERNARD  
ORGANIZATION NAME: JUSTICE DEPARTMENT; U.S. PARK POLICE

DESCRIPTORS: Suicide; U.S. president; Death and dying; Depression

5/9/38  
2146081  
Foster Had List Of Psychiatrists, Search Discloses.  
The Washington Post, July 28, 1993, FINAL Edition  
By: Michael Isikoff, Washington Post Staff Writer  
Section: A SECTION, p. a08  
Story Type: News National  
Line Count: 26 Word Count: 294

White House officials searching the office of Vincent Foster Jr. last week found a note indicating the 48-year-old deputy White House counsel may have considered psychiatric help shortly before he died July 20 in what investigators have concluded was a suicide, federal officials said yesterday.

The officials said the note, containing the names of Washington psychiatrists, was instrumental in convincing Justice Department lawyers that a full-fledged investigation into the circumstances surrounding Foster's death was unwarranted. Foster was found dead of a gunshot wound to the head in a Virginia park.

Administration officials contended the discovery of the list tended to buttress accounts from Foster's friends that he was suffering from depression before his death. But there is no indication that Foster contacted the psychiatrists, and officials acknowledge that discovery of the document has not resolved many of the questions surrounding the incident.

Among the questions, officials said, was where Foster got the 80-year-old revolver that he apparently used to shoot himself and what he did for the five hours between the time he was last seen at the White House and the discovery of his body. The possibility that Foster met somebody at the park before the shooting cannot be ruled out, one investigator said.

Meanwhile, White House officials, who had spoken repeatedly of the "mystery" of the death, yesterday acknowledged that President Clinton and others were concerned that Foster was "down" in the days before his death.

Press secretary Dee Dee Myers said Clinton had called Foster the night before he died to invite him to watch a movie at the White House. Foster declined, and the two chatted for 20 minutes or so. "I think he knew, as a number of people did, that Vince was having a rough time," she said. NAMED PERSONS: FOSTER, VINCENT, JR.; CLINTON, BILL

ORGANIZATION NAME: JUSTICE DEPARTMENT  
DESCRIPTORS: Suicide; Psychiatrist, psychologist; Appointed government officials; Depression

5/9/37

2146240

Note Supports Idea That Foster Committed Suicide Torn Paper Found Among Aide's Belongings.

The Washington Post, July 29, 1993, FINAL Edition

By: Ann Devroy, Michael Isikoff, Washington Post Staff Writers

Section: A SECTION, p. a10

Story Type: News National

Line Count: 72 Word Count: 797

An associate White House counsel packing belongings of the late deputy counsel Vincent Foster Jr. found a torn personal note that adds further credence to the finding that Foster committed suicide, White House officials said yesterday.

White House communications director Mark Gearan said yesterday that the note, which was not addressed to anyone, "goes to his state of mind" and is not inconsistent with the preliminary finding of the U.S. Park Police that Foster shot himself in a Virginia park area last week.

Gearan declined to characterize the note as a suicide note and said the White House would have more to say about it today. Gearan did say the content of Foster's note "concerned his job" but did not reveal any problems in the counsel's office that had been unknown.

Another source last night said the note "confirms that he was troubled over some things" but stressed that Park Police detectives have not had a chance to analyze its contents or determine whether it is complete.

A Park Police detective was summoned Tuesday night to the White House, where the torn pieces of paper were turned over in an envelope by White House aides in the presence of counsel Bernard Nussbaum and other senior officials, the source said.

After originally describing Foster's death as a shock that mystified the White House and President Clinton, White House officials over the past several days have in the face of revelations from friends and law enforcement officials acknowledged a far more depressed and unhappy Foster than they first described.

Gearan insisted the White House had not intentionally misstated its description of Foster, whose job as a senior lawyer in the White House put him in an extremely sensitive position. Instead, he said information now being pieced together is offering a clearer explanation of Foster's state of mind.

The White House on Tuesday confirmed a report in Newsweek that Clinton had called Foster the night before Foster died of a gunshot wound to invite him to the movies and to chat. Some officials described that call as an effort by Clinton to cheer Foster up and show support because the president had been told of Foster's depression.

There was no immediate explanation last night why the note was not found last Thursday when Nussbaum and other White House aides searched Foster's office while Park Police detectives, FBI agents and two Justice Department lawyers watched.

Sources familiar with the search say Park Police and FBI investigators were not permitted independently to examine documents while Nussbaum removed what he described as Foster's privileged communications with the president and personal papers.

At the time, White House and Justice Department officials said they discovered no suicide note or any other document that shed light on what might have driven Foster, a 48-year-old father of three with no known history of mental illness or erratic behavior, to take his life.

Gearan said last night the torn note—the existence of which was first reported by CBS Radio—was found when an associate counsel was packing Foster's personal belongings for his family on Monday. The White House did not reveal the note until yesterday, Gearan said, because it wanted to inform Foster's family and police before commenting on it publicly.

Authorities also found in Foster's effects a note that contained the names of psychiatrists, officials said Tuesday. It was unclear whether Foster consulted any of them for what associates had described earlier as depression and distress over the failures of the counsel operation.

Although the counsel's office has been involved in some widely publicized failures, including its handling of some nominations and of the travel office imbroglio, criticism of Foster had been negligible.

His friends, however, said he had an acute sense of responsibility and of having failed the president, with whom he had been friends since they were children in Hope, Ark. Foster also was a former law partner of First Lady Hillary Rodham Clinton and was considered a close friend and confidant of hers.

Gearan said the note "sheds light" on Foster's state of mind, but Gearan refused to discuss in more detail its contents.

Despite the White House's persistent statements suggesting that Foster's death was a personal tragedy, investigators say they have yet to resolve numerous unanswered questions that linger over the case, including where Foster got the 80-year-old Army Colt revolver he apparently used to shoot himself.

A main reason for the delay, sources said, is that investigators have so far been unable to interview Foster's widow and family members, who remain in Arkansas, or close friends such as Associate Attorney General Webster L. Hubbell. They also have yet to receive records of Foster's phone calls in the days and hours before his death and other information that could shed light on activities that may have led him to take his life, sources said.

NAMED PERSONS: FOSTER, VINCENT, JR.; NUSSEBAUM, BERNARD; HUBBELL, WEBSTER L. DESCRIPTORS: Appointed government officials; Suicide; Depression

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January 29, 1994, Saturday, Final Edition

ACTION: METRO; PAGE B2

LENGTH: 601 words

HEADLINE: Doubts on Clinton Aide's Death Silenced

SERIES: Occasional

BYLINE: Robert O'Harrow Jr., Washington Post Staff Writer

BODY:

Two Fairfax County emergency workers who have questioned whether the death of White House aide Vincent Foster Jr. was a suicide have been asked by county officials not to discuss their suspicions publicly, a fire department spokesman said yesterday.

Paramedic George Gonzalez and emergency worker Kory Ashford, who were among the first people to see the body of the deputy chief counsel at Fort Marcy Park last July, have told county officials that the scene seemed unusually tidy for a suicide to have taken place there.

Gonzalez and Ashford said they thought it strange that Foster, who died from a gunshot wound to the head, had little blood on his clothing and was still holding a .38-caliber pistol in his right hand.

Gonzalez and Ashford said that in similar suicide cases they had seen, the force of the gunshot had caused the person to drop the weapon, a county source said. The fact that Foster was stretched out neatly on his back also made the emergency workers wonder about the circumstances of his death, the county sources said.

Several forensic experts, however, said yesterday that the lack of blood on Foster and the position of his body were consistent with federal authorities' ruling that the death was a suicide, even though such deaths often are more gruesome.

"There's a lot of variability, depending on the gun and the type of ammunition used," said Michael Baden, director of forensic science for the New York State Police. "The bullet wound in the mouth does not necessarily cause blood to come out of the mouth."

Gonzalez and Ashford have consistently described the scene of Foster's death as tidy, but only recently indicated their suspicions that his death might not have been a suicide. After reports of their concerns appeared in the New York Post, the workers scheduled a news conference yesterday to respond to a barrage of media questions.

But Sgt. Steve Blount, a spokesman for the county's Fire and Rescue Department, said yesterday that Fairfax officials ruled out a "statement and question" session because of the possibility that inquiries into Foster's

29D-4R-35063 sub D-6-24

The Washington Post, January 29, 1994

Death could become a part of a federal investigation into President Clinton's ties to a failed Arkansas savings and loan. Foster, who had been treated for depression before his death, handled some of the Clintons' affairs in Arkansas, including their investment in the defunct Whitewater Development Corp.

Special counsel Robert B. Fiske Jr., who is investigating the Clintons' ties to Whitewater and the Madison Guaranty Savings & Loan, has said he will examine the Foster suicide to determine whether there are any ties to his work on Whitewater Development. But Fiske has given no indication that he believes the official finding of suicide should be reviewed.

U.S. Park Police officials said yesterday that there is "no doubt" that Foster committed suicide.

Maj. Robert Hines, the Park Police spokesman, said no ballistic test was performed on the antique 1913 revolver found in Foster's hand because a bullet was never found.

But Hines said an examination performed by the federal Bureau of Alcohol, Tobacco and Firearms, found that residue in the bullet chamber during a test firing was identical to the residue in Foster's hand, indicating that Foster had fired the gun.

The conclusion was further supported by the autopsy, which found gun residue on Foster's palm.

The Park Police report on Foster was due to be publicly released, but sources said it is being delayed because of concerns that Fiske will want to review it.

Staff writer Michael Isikoff contributed to this report.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 28, 1994

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The Houston Chronicle

January 28, 1994, Friday, 3 STAR Edition

SECTION: A; National briefs; Pg. 14

LENGTH: 190 words

HEADLINE: National briefs

BYLINE: Houston Chronicle News Services

DATELINE: WASHINGTON

BODY:  
Suicide questioned

WASHINGTON -- A report in the New York Post suggested Thursday the death of deputy White House counsel Vincent Foster might not have been a suicide.

Several Clinton administration officials said they had no reason to believe Foster's death was anything but a suicide, and forensics experts were quick to criticize the newspaper's report.

The Post interviewed a paramedic, an emergency service technician and unidentified homicide experts who found it unusual that Foster's body and clothing had few bloodstains and that a .38-caliber revolver was still grasped in his hand. But Dr. Cyril Wecht, a forensic pathologist, said it was not unusual for a suicide victim to still be clutching a weapon. And such a wound might not cause much bleeding.

Special counsel Robert Fiske, who is investigating the ties of President and Hillary Rodham Clinton to a failed development, is also examining the circumstances surrounding Foster's death in July. In the days afterward, White House officials removed files from his office relating to the Clintons' involvement in the Whitewater Development Corp

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 29, 1994

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The Associated Press

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January 27, 1994, Thursday, AM cycle

ACTION: Washington Dateline

LENGTH: 635 words

HEADLINE: Newspaper Report Raises Questions About Foster Death

SUBLINE: By RICHARD KEIL, Associated Press Writer

LOCATION: WASHINGTON

BODY:

A report in the New York Post suggested Thursday the death of deputy White House counsel Vincent Foster might not have been a suicide.

Several Clinton administration officials said they had no reason to believe Foster's death was anything but a suicide, and forensics experts were quick to criticize the newspaper's report.

The Post interviewed Fairfax County, Va., paramedic George Gonzalez, an emergency service technician and unidentified homicide experts who found it unusual that Foster's body and clothing had few bloodstains and that a .38-caliber revolver was still grasped in his hand.

The paper said these facts "raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park."

U.S. Park Police Major Robert Hines, whose department investigated Foster's death last July, disputed the conclusion.

"We said then it was a suicide, and that's what it was," Hines said.

Attorney General Janet Reno, whose department coordinated the investigation of the death, said, "I have heard absolutely no information at all that would indicate that it is anything but a suicide."

Special Counsel Robert Fiske, who is investigating the Clintons' ties to a failed financial development, is also examining the circumstances surrounding Foster's death. In the days afterward, White House officials removed files from his office relating to the Clintons' involvement in the Whitewater Development Corp.

White House press secretary Dee Dee Myers referred reporters to the Park Police findings.

"The special counsel ... included that in the scope of his investigation," Myers said. "We'll cooperate with that investigation. Beyond that, I have nothing to add."

The Associated Press, January 27, 1994

Forensic experts and pathologists were skeptical of the newspaper's conclusions.

Dr. Cyril Wecht, a Pittsburgh forensic pathologist, said it was not unusual for a suicide victim to still be clutching a weapon in his hand.

"You get in many of these instances, an instantaneous, spasmodic reflex, which is entirely involuntary, and the hand will clutch an object, in this case a gun," Wecht said. "Sometimes the muscles relax, and the gun falls away or is curled aside. But often the fingers will tighten around the weapon."

Foster's body was found face-up on an incline, with his head higher than his feet, in a park near the Potomac River outside Washington July 20.

Wecht, the first non-government pathologist to examine the autopsy files of President John F. Kennedy, also listed several reasons why there might have been little blood showing.

In such a case, he said, "there may not be much blood externally" because it will flow into the victim's throat and stomach, Wecht said. "You don't die from that kind of a wound because you lose blood. You die because you have hit the vital centers of the brain that control breathing and heartbeat."

Dr. Joy Carter, the District of Columbia's medical examiner, noted that the grass underneath Foster's body might well have absorbed much, if not all, the blood that would have flowed from an exit wound.

"Before you can talk about foul play, you would have to do an examination of the earth," Wecht added. "If there was an exit wound, and no blood on the ground, then, yeah, maybe he was killed somewhere else."

Foster's autopsy results have not publicly been released.

Carter, who works in a city that recorded 468 murders in 1993, the vast majority of them from gunshot wounds, questioned whether emergency medical personnel from a suburban Virginia county that recorded just 15 homicides last year are experienced in such gruesome matters.

"I don't know if paramedics have the expertise to render an opinion here," she said. "In forensics, anything is possible, but it seems to me that there is a whole lot of second-guessing going on."

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 27, 1994

# Vince Foster's Suicide: The Rumor Mill Churns

## Media: From innuendo to partisan gibes to outright fantasy

**Y**OU CAN'T BELIEVE EVERYTHING you read about Vince Foster. In some cases, you can't believe any of it. Last week rumors swirled from Washington to Wall Street and back again about the 1993 suicide of Bill and Hillary Clinton's White House lawyer. The tabloid New York Post claimed that after Foster's death, administration officials "frantically scrambled" to remove from his office safe a previously unreported set of files, some of them related to the Whitewater affair. A financial newsletter published an even more sensational—and equally unsubstantiated—report that Foster's body had been moved from an apartment in Virginia to the suburban park where it was found. On his radio show, conservative blunderbuss Rush Limbaugh embellished that report just a bit; he said the newsletter "claims that Vince Foster was murdered in an apartment owned by Hillary Clinton."

Foster's friends swatted down the rumors as fast as they could. One of his in-laws begged reporters to "back off. Get out of the zoo." But that didn't stop a flow of lip-smacking stories that left the White House on edge, and even unsettled the financial markets. Last Thursday, after Limbaugh's broadcast, stock and bond prices tumbled—the Dow dropped nearly 23 points—largely because of worries about Whitewater. Elaine Garzarelli, the highly regarded Lehman Brothers market analyst who predicted the 1987 crash, said that European traders were particularly spooked by the Foster case. "They were afraid Hillary Clinton was involved in a murder," she said. "They hate that."

No, Hillary Clinton was not involved in a murder. In fact, there's still no credible evidence that Foster's death was anything but the depression-induced suicide that his family believes it to have been. Then why all the garish speculation? Partly because of the clumsy behavior of Foster's boss, former presidential counsel Bernard Nussbaum, and other White House staffers immediately after the suicide: leaving his office unsealed and spiriting documents away. Partly because of the enigmatic note that Foster left behind—unsigned, addressed to no one, torn into pieces—lamenting his own "mistakes" and the poisonous atmosphere of Washington, where "ruining

people is considered sport." Partly because the Whitewater affair, one of the items on his desk, has resurged so dramatically. And partly because many people in the news media simply won't let Foster rest.

Some of the stories are nothing more than the cut and thrust of responsible news coverage. But all along, others have seemed determinedly partisan. There is continued grumbling from The Wall Street Journal editorial page, whose stinging criticism apparently contributed to Foster's depression ("WSJ editors lie without consequence," he complained in his note). There's a steady stream of innuendo from conservative New York Times columnist William Safire, who implied at one point that "intelligence matters" might have had something to do with the suicide. And on another level entirely, there is the florid hype and fantasy of the tabloids, designed more to entertain than inform. Some of the most raucous of those excesses have come from overseas. In Britain, Rupert Murdoch's Sun claimed, three days after the suicide, that Foster had a "deep personal friendship" with Hillary Clinton.

**Blood loss:** Last week one of the more overwrought American tabloids, the New York Post, charged that investigators "never took a crucial crime-scene photo of Vincent Foster's body before it was moved" out of the park where it had been discovered. The tabloid, which has begun to put quotation marks around the word "suicide" in stories about Foster, also asserted that "little blood loss" was evident at the scene—which could be taken as a sign that the fatal shot was fired into Foster's head somewhere else.

Partisan, if not downright malicious, speculation that the

death might not have been suicide spread like a bad odor. Roger Ailes, the former Republican campaign consultant who is now president of the CNBC cable TV network, suggested in a radio interview with Don Imus that Foster's death could have been murder. Right-wing televangelist Pat Robertson devoted a segment of his "700 Club" show to the subject. "Suicide or murder? That's the enormous question surfacing in the Whitewater swell of controversy concerning Vincent Foster's mysterious death," he

Another major source of the rumors was conservative activist Floyd Brown and his Citizens United group, which feeds information to the news media and some Republicans. Brown employs a full-time investigator named David Bossie to dig up dirt on Clinton. Last week Brown claimed to have "new clues that suggest Foster did not commit suicide."

But the foul-play stories didn't stand up. Last Friday, ABC News, which apparently had been fed by the administration, said it had inspected a gruesome set of crime-scene

photographs taken by investigators. It said the "grim and graphic" pictures—most of which were not shown on the air—dispelled speculation that there was little blood around the body. A close-up of Foster's hand showed his thumb still resting on the trigger of the revolver that had fired into his mouth, with what ABC said were powder burns visible on the hand. The network said it had seen a medical examiner's report in which "the burns and other gunpowder residue are listed as primary evidence that Foster shot himself."

**A 'hideaway'?** The stories that Foster had a "safe house" in Virginia seemed even thinner. On Wednesday, the Johnson-Smick report, an obscure financial newsletter with ties to the Republican Party, said the office of Sen. Daniel Patrick Moynihan was "putting the word out that Foster in fact committed suicide in a private apartment in Virginia." Moynihan's office labeled the report "breathtakingly untrue." Then the New York Post claimed that Foster had shared a "secret apartment hideaway" in Virginia with other Clinton insiders. But a rival tabloid, the New York Daily News, which appears to be receiving leaks bearing out the administration's version of events, said Foster only considered renting a Virginia apartment when he first came to Washington; instead, he stayed with relatives until his family arrived.

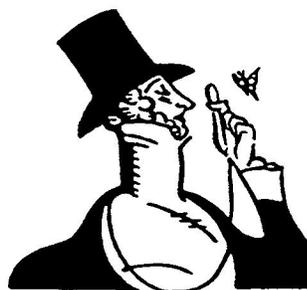
Still, legitimate questions about Foster's death remain unanswered. Assuming he did kill himself, why did he do it? It wasn't clear that the note he left behind was meant to be an explanation. If his suicide was an act of private despair, why did the White House urgently remove documents from his office—and then accept the scrutiny of an independent counsel, rather than make the papers public? Exactly what per-

sonal business was Vince Foster doing for the Clintons at the time of his death? Why weren't police and medical reports on his death made public long ago? The administration isn't answering any of those questions in public. And as long as it hunkers down behind its stone wall, the rumor-mongers are free to exercise and exploit their lurid imaginations.

RUSSELL WATSON with  
MARK HOSEBALL in Washington

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AUGUST 9, 1993

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who wears khakis?

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## LETTER FROM WASHINGTON

### THE SUICIDE

*The answers to Vincent Foster's death may lie in the tragic evidence of steps he was taking to try to save his own life.*

BY SIDNEY BLUMENTHAL

**M**ORE than two hundred members of the White House staff were crammed into Room 450 in the Old Executive Office Building, waiting in uncharacteristic near-silence for the President to arrive. The President is always received with a standing ovation. This time, everyone stood, but no one applauded. "No one can ever know why this hap-

pened," Bill Clinton said about the suicide of the deputy legal counsel and personal attorney to the Clintons, Vincent W. Foster, Jr., who had been Clinton's childhood friend in Hope, Arkansas. "What happened was a mystery about something inside of him. This should teach us all a little humility."

On July 20th, six months to the day after the Inauguration, Foster had stood in the Rose Garden as Judge

Louis Frech was formally appointed director of the F.B.I. Then, after eating lunch at his desk, Foster left his office, saying that he would be back later. "Is he back yet?" Bernard Nussbaum, the legal counsel, inquired several times throughout the afternoon. Foster drove to Fort Marcy Park, in Virginia, overlooking the Potomac, where he took off his jacket and tie, stationed himself near a Civil War cannon, cocked a 1913 Colt revolver, and shot himself in the mouth. There was a stagy quality to his irrational act. Foster was an exacting man, but he demanded perfection of no one more than of himself, and he was soft-spoken and courteous

to a fault. However impulsively, he had arranged a dramatic death, surrounded by the atmospherics of a Southern cavalier. "There was a porcelain quality to Vince," one of his colleagues said. He was gleaming, pure, and, to everyone's shock, extraordinarily fragile.

"Of a thousand people, of those who might commit suicide, I would never

pick Vince," Hillary Clinton said the day after Foster's death, according to a friend she spoke with. Yet, even as Foster's friends found his death inexplicable, they speculated about the debilitating effects of his Washington experience. "The town has now killed somebody," one said. "He was torn up. He carried it all inside." An Arkansan who came to Washington to work in the Administration said, "I'm

afraid it might have been the pressures of this terrible town. I have found it unpleasant. I have found the press awful. Who knows how it affects someone?" Another friend of Foster's said, "I don't want to think somebody that fine can be toppled by Washington, by the press, by the hounds." The television producer and Clinton friend, Harry Thomason, who had got tangled in the misbegotten travel-department affair, remarked of Foster, "He was a brilliant attorney, but unprepared." Thomason added, "Washington is a giant Elks Club with a lot of secret handshakes—who could be prepared? Here's the one thing I do know:



*"Those of you who do not have your life planned out, don't worry," Foster told Arkansas Law School graduates. "It wouldn't turn out the way you planned it in any event."*

if he were in Arkansas, he'd be alive." One of Foster's colleagues reflected, "Washington didn't kill Vince, but it was an accomplice. There's not a person I know in Little Rock who doesn't believe he'd be alive today if he were in Little Rock. The stress, the exhaustion, the disorientation of Washington leave you without the support you need. There is hardly a worse place to experience depression than the place Vince was in."

In the immediate aftermath of Foster's suicide, people in Washington frantically, and predictably, searched for reasons. But any rationale would have to fit within the confines of the capital's particular, narrow logic. Something dark, something other than psychological problems, must lie beneath the surface, it was speculated. There must be another story—one that makes more sense than acute depression. There must be a coverup. What was Foster's real motive?

Rumors whipped through the city. The *Washington Times*, it was said, had for some while been preparing a story that would explain all. Perhaps Foster had even known of the terrible exposé that was coming and had sought to preempt it by killing himself. Was he a closet homosexual? Had he attempted a gay liaison at Fort Marcy Park and been spurned? Or would the *Washington Times* publish a story about his having had a secret affair with his former law partner Hillar Rodham Clinton? One version had it that the latter story would be published in four parts. (The right-wing newspaper is one of the oddities of Washington. It is owned by the organization of the Reverend Sun Myung Moon, a self-proclaimed messiah. Its circulation is low, but it sometimes manages to lodge fragments of facts and factoids, like shrapnel, in the public debate.) A reporter for the *New York Times* called the *Washington Times* seeking information, and wrote that a reporter for the Moonie paper "acknowledged that he had made preliminary inquiries about Foster. The next day, July 23rd, the *Washington Times* published an editorial headlined "THERE WAS NO VINCENT FOSTER STORY." "The *Washington Times*," it said, "had nothing on Mr. Foster and was not in the process of developing anything. Zero." No other hidden subtext was discovered by anyone else.

But Foster's disequilibrium wasn't so

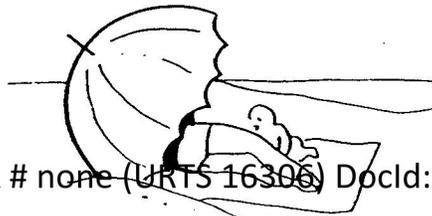
well hidden from those closest to him. By early July, his friends had begun to notice changes in his appearance and behavior. Though he was naturally reserved, he was more distant than anyone could recall. He had lost fifteen pounds. His wife, Lisa, told a friend he was sleeping fitfully. So his friends tried to cheer him up. On the weekend of July 17th, Web and Suzanne Hubbell took Vince and Lisa Foster on a trip to the eastern shore of Maryland. On the evening of Monday, July 19th, Clinton called Foster at home and they talked for about twenty minutes—a routine call, mostly about work, the President explained later, though he also invited Foster to come to the White House and watch a movie. Foster declined. It was left that they would meet on Wednesday, Clinton said.

The following afternoon, Foster walked out of the office and made his way to Fort Marcy. A week after his body was found, Justice Department investigators discovered a list of psychiatrists' names and telephone numbers in his handwriting. The *Times* reported that Foster had spent weekends closeted in his darkened bedroom and that his Little Rock doctor had sent him antidepressants only days before his suicide. An associate found, in Foster's briefcase, a note that he had torn into pieces; after a thirty-hour delay, it was turned over to investigators. "If one did not know Vince had committed suicide," Chief of Staff McLarty said, "one could conclude it was a series of arguments on why the job was going badly, that he was going to resign."

Even in May, Foster appeared to be struggling with self-doubt when he made a seemingly triumphant return to the University of Arkansas Law School to give the commencement address. Twenty-two years ago, although he was first in his class, he had not attended his own graduation. Now he was the distinguished alumnus, an intimate of the President, come to dispense his wisdom and be honored. His speech, however,

contained moments of poignant reflection and regret. He had been "wrong" to skip his graduation two decades ago. "We would have benefitted from one last celebration with our professors and our friends and families. . . . This invitation has caused me to stop from this hectic and challenging adventure I am on in Washington to think about the roads I have travelled to get there and the roads I wish I had travelled." Reputation, he warned, was all: "The reputation you develop for intellectual and ethical integrity will be your greatest asset or your worst enemy. . . . Treat every pleading, every brief, every contract, every letter, every daily task as if your career will be judged on it. . . . I cannot make this point to you too strongly. There is no victory, no advantage, no fee, no favor which is worth even a blemish on your reputation for intellect and integrity. Nothing travels faster than an accusation that another lawyer's word is no good. . . . Dents to the reputation in the legal profession are irreparable." Failure in this respect was simply inexcusable. "Yet," he remarked, "there will also be failures, and criticisms and bad press and lies, stormy days and cloudy days, and you will not survive them without the support of those same spouses, law partners, and friends." He observed that "no one was ever heard to say on their deathbed, 'I wish I had spent more time at the office.' . . . The office can wait. . . . If you find yourself getting burned out or unfulfilled, unappreciated. . . . then have the courage to make a change." He counselled, "Those of you who do not have your life planned out, don't worry. It wouldn't turn out the way you planned it in any event."

VINCENT FOSTER'S father, who was a real-estate broker in Hope, was known to children as the Fascinator, for his as a  
Vince did not inherit his father's crowd-pleasing magnetism. According to those who knew him, he was always quiet, but was acknowledged as one of those most likely to succeed. At Hope High School, he became student-body president. (The following year, Mack McLarty was the president.) Foster attended Davidson College, a small liberal-arts school in North Carolina. He majored in psychology, then went on to the Univer-



sity of Arkansas Law School. In 1971, he achieved the highest score on the state bar exam, and was immediately recruited by the Rose Law Firm, which had been founded in 1820, sixteen years before Arkansas became a state. Though it was among the most distinguished firms in Little Rock, in 1971 it had just nine partners. Over the next twenty years, Foster was instrumental in its expansion, both as a litigator and as its chief operating officer. He handled the accounts of some of the largest corporations in Arkansas, including Stephens, Inc., the bond-trading house, and he also served as outside counsel to Wright, Lindsey & Jennings, one of the other major firms in town. (Bill Clinton, after losing the 1980 race for governor, worked for two years at that firm, with his friend Bruce Lindsey, who is now the director of White House personnel.) There are only three Little Rock firms with as many lawyers on their rosters as Rose, which by last year had fifty-five.

"If I had a son, I'd be proud to have him," Phillip Carroll, a senior partner at the firm, who was Foster's mentor, said two days after the suicide. "We've helped raise his children. Lisa, his wife, is close to us. Vince was just such a fine young man. Very reticent, quiet. We might ride home in the car together and not say a word the whole way home. Very quiet and collected. A beautiful writer. His research ability was so splendid. His legal briefs were masterpieces. He handled important cases here at the firm, and was subjected to stress many times. He was as cool as a cucumber. I would have entrusted anything to Vince."

Hillary Clinton came to Rose in 1977. According to Carroll, her closest associates were Foster and Webster Hubbell, who, together with the senior partner, were the heart of the litigation section. On the third floor of the Rose Building, a converted Y.W.C.A., the three young attorneys occupied corner offices. Hubbell, who had been a tackle for the University of Arkansas football team, was from 1979 to 1981 the mayor of Little Rock, and in 1984, to fill a temporary vacancy, Governor Clinton appointed him chief justice of the State Supreme Court. "In contrast to Hubbell's blustery manner, Foster's style is much more corporate," an article in *The American Lawyer* on the Rose firm re-

ported. "His office, down the hall from Hubbell's, is a large brown room with brown carpeting and brown curtains. Foster himself is outfitted in a brown suit and wearing brown-rimmed glasses with a painstakingly placed handkerchief peeking out of his breast pocket." Many later called him "a rock"—reliable, protective, and secure. Hillary Clinton came to depend upon him as a personal confidant.

Foster was widely considered "a tough lawyer," a longtime friend of his told me. Mark Grobmyer, a principal partner at another of the large Little Rock firms, Arnold, Grobmyer & Haley, and a friend of both the Clintons and Foster, said, "He was used to winning cases and losing cases. He was used to adversity. It didn't seem to get him down." Foster prided himself on his understanding of character. "The psychology major has probably been as much help in being a good lawyer as anything else, in dealing with people and having some ability to predict how people will react to different types of presentations," he told the *Arkansas Democrat Gazette* in 1988. He was not immersed in politics, although, of course, he supported Bill Clinton. Rather, he devoted much of his personal time to his role as the chairman of the board of the Arkansas Repertory Theatre. He was especially proud of its performances of Broadway dramas, such as "Night, Mother" and "Agnes of God." For the *Democrat Gazette*, which published a profile of him in his capacity as patron of the arts, he composed a self-portrait. Among the self-descriptions were:

**MY FANTASY IS**—I've always fantasized going off to the mountains of Colorado and writing a great novel in seclusion.

**PEOPLE WHO KNEW ME IN HIGH SCHOOL THOUGHT I WAS**—A very serious student.

**IF I WEREN'T A PRACTICING LAWYER, I'D LOVE TO**—Teach law.

**MAJOR ACCOMPLISHMENT**—I've earned a good reputation among my peers as a trial lawyer, and I'm very proud of that.

**TO SUM ME UP, I'M**—Demanding, but fair.

Although Foster was a devoted Clinton supporter, he was not a player in the Presidential campaign. When Clinton won, however, he was quickly appointed deputy legal counsel; in fact, Foster received his job even before Nussbaum was named chief counsel. Foster had never lived outside the South, or even in a big city. He was a paragon

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of a little establishment now headed for the national center. "I'm very honored," he told the *Hope Star*. "The real thrill, besides the honor, is the opportunity to be of assistance to the Clintons, who have been good friends of mine, and to Mack McLarty." Standing in front of the White House early in the year, Foster said to a television reporter of his three children, "I'd like to think they're a little bit proud of their dad." In his new office he prominently placed a framed photograph of pupils of Miss Mary's kindergarten in Hope, which showed the future President, the future chief of staff, and the future deputy counsel posing for the camera.

Every President surrounds himself with his own familiar circle. Jefferson had Madison and Monroe, Kennedy his Irish mafia, and Reagan his California ideologues. Of the Arkansans in significant positions, Foster had the least political experience. He believed that he had been summoned to serve, and he had a vision of Washington that was abstract and idealistic. "There's a great spirit of public service commitment that I didn't sense, perhaps even going back to the Kennedy years," he told the Ar-

kansas *Democrat Gazette* shortly after he arrived.

The concept of service has little political currency in Washington. Everyone is fair game, simply for being on the other side. Humiliating one's prey, not merely defeating one's foes, is central to the process. The press is hardly an impartial referee; rather, it is often caught up in a blindered game of chase. Vince Foster was not the first member of the Clinton Administration to get ensnared in partisan warfare. When Janet Reno was nominated to be Attorney General and when Bruce Babbitt, the Secretary of the Interior, was being considered by the President for the Supreme Court, both were smeared by innuendo spread by the right wing. When Hubbell was nominated as Associate Attorney General, he was subjected to a ritual hazing.

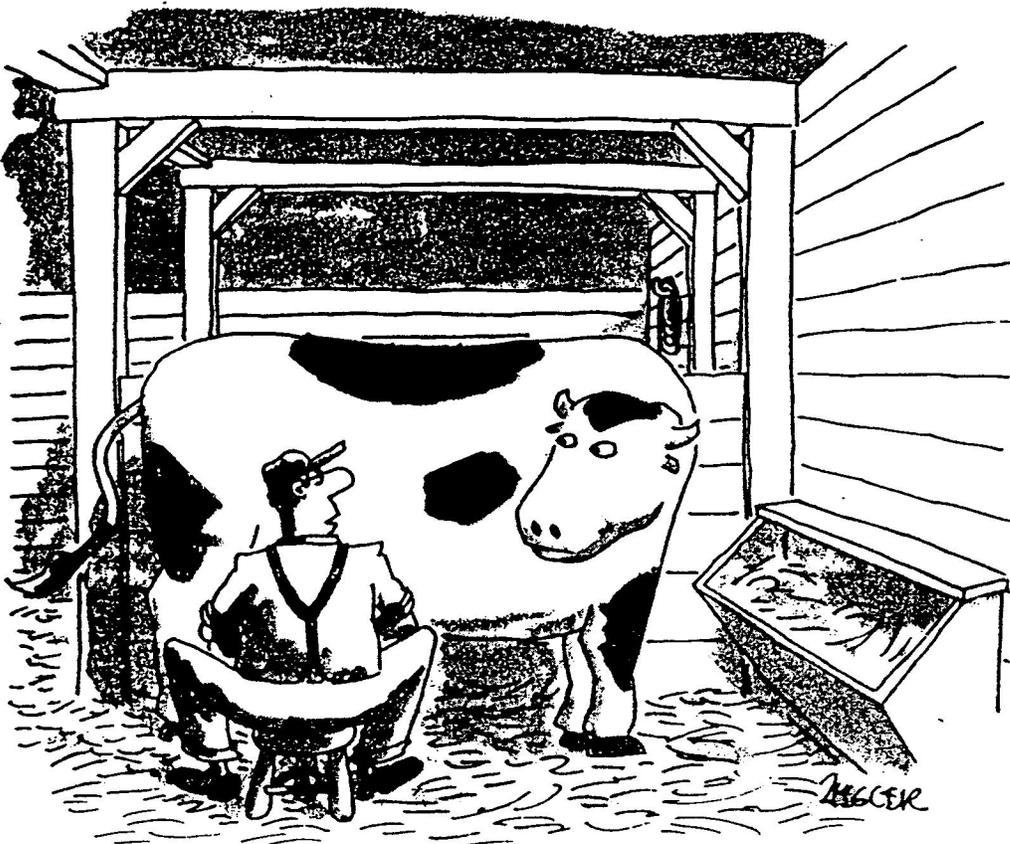
But Foster had a hard time acclimating himself. He came to town alone, with his family to follow later. The brief separation and uprooting were, according to Phillip Carroll, "a traumatic move." A Washington colleague described it as "disorienting." Foster worked fourteen- and sixteen-hour days and had a limited social life. Within the

counsel's office, there was "no order, no procedure," one of those who worked there has said. A new system for a new Administration had to be created overnight. Crisis struck at the start, with the Zoë Baird affair, and other crises followed: the Kimba Wood affair, the travel-department affair, the Lani Guinier affair. Though Foster had only a tangential relationship to these incidents, he considered himself "responsible," according to a colleague. As always, Hillary Clinton relied on him for advice. When she was sued for keeping the meetings of her health-care task force private, Foster provided the legal brief. Under these and other strains, members of the White House staff needed an outlet, and Vince Foster, for some, was it. "He was a guy everybody went to," one Presidential assistant said. "Talk it over with Vince. He'll know how to deal with this." Being forty-eight, he was one of the oldest people around here. Very sage.

Almost as soon as Foster began doing his job, he became a public target. He was singled out by the editorial page of the *Wall Street Journal*, which is edited by Robert Bartley and is to the conserva-

tive movement what the Congregation for the Doctrine of the Faith is to the Vatican, laying down dogma and censuring dissenters. The lawyers of the Rose Law Firm were cast by the *Journal* as a kind of secretive cabal operating "at the heart" of the Clinton Administration. They were "the legal cronies from Little Rock," "the Clinton crew," "the Rose clique." Getting at Foster was a way of getting at Hillary Clinton. His briefs on her behalf were labelled "legal

trouble," and the *Journal* asserted that "Mrs. Clinton has violated the law." "WHO IS VINCENT FOSTER?" was the headline on the lead editorial of June 17th. The piece discussed the need "to get the Clinton Crowd to obey the law." Foster, for his part, delayed in providing a photograph for the



editorial. Instead, a silhouette of a man with a bold question mark on his blank face appeared as the illustration. Eventually, Foster did supply a photograph, and a drawing from it accompanied another editorial, headlined "VINCENT FOSTER'S VICTORY," on June 24th, after his case on behalf of Mrs. Clinton won in court. "Alas, the Clintonites, as is their wont, again allowed hubris to smother mere principle," the *Journal* opined. In a non sequitur, presumably having to do with executive power, it went on, "As for Iran-Contra, we suspect that Vincent Foster and Ollie North might hit it off."

To his colleagues in the counsel's office Foster read the line aloud and laughed. He said, according to one of them, "The next thing you know, I'll be running Ollie North's Senate campaign in Virginia."

But the drip of acid on his reputation bothered Foster. "I tried to tell him," a Presidential assistant said. "They are what they are." "He was pretty stoic about the attacks externally," another of his colleagues said. "But there's no question that it got to him. He felt very embarrassed. You and I laugh off the editorial page of the *Wall Street Journal*. Vince Foster would not. It is what is read in Little Rock by the really serious people who run the corporations and businesses. There's probably no more respected publication among the professional, legal, and business communities. He knows that his professional and business friends won't understand. There couldn't be a more serious blemish."

Foster sought perspective through a number of conversations with Walter Pincus, a reporter for the *Washington Post*, whose wife is from Little Rock. "He couldn't understand why the press was the way it was," Pincus said. "It was a sense that people would print something that was wrong, and that other people would repeat it. I'd say, 'You can't let the press run you, get your goat; you have to go on. This is how the game is played.' He'd say, 'Fine.'"

Foster had thought of the legal counsel's office as a small law firm serving two very special clients, the President and the First Lady. (He helped set up a blind trust for them when Clinton was elected.) According to several people close to him, he began to feel that the

difficulties encountered by the President were his personal failings. No matter what he did, he could not protect his clients. "He was a master of his own destiny who became focussed on his own failure," one friend said.

"He was too exhausted to gain any perspective," said another. "Then you pick up the paper and, yes, it tells you you are worthless." Foster believed that his job was to protect the Clintons, but he couldn't do it, and he was trapped in a place that couldn't protect him.

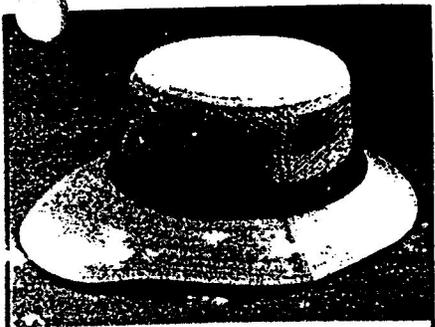
Still, he maintained his cool façade. "He came down to Little Rock one time," Carroll recalled. "He said that Washington was different—that you had to act instinctively. It wasn't like going to the law library. It was a different kind of practice."

Foster's suicide prompted his critics to a display of self-exculpation. On the day of Vince Foster's funeral, in Hope, the *Wall Street Journal* ran yet another lead editorial, this one headed "A WASHINGTON DEATH." It read:

All Americans have a legitimate interest in the inner workings of an administration governing them. If anything, Mr. Foster's tragic death adds to the curiosity. . . . As of yesterday, no one was able to offer a persuasive reason why he would have taken his own life. . . .

We had our disagreements with Mr. Foster during his short term in Washington, but we do not think that in death he deserves to disappear into a cloud of mystery that we are somehow ordained never to understand. The American public is entitled to know if Mr. Foster's death was somehow connected to his high office. If he was driven to take his life by purely personal despair, a serious investigation should share this conclusion so that he can be appropriately mourned.

"He was such a wonderful human being," Betsey Wright, who was a Clinton chief of staff in Arkansas, said a few days after the funeral. "It is so heart-breaking. He absorbed people's problems and took responsibility for them. I'm like everyone else who talked to Vince, wondering what signal I should have picked up that I didn't. I believe my friend was very ill and none of us knew it. If he could get this kind of illness, I guess I think this could have happened to Vince if he had stayed in the Rose Law Firm." But that must remain a sadly comforting thought: it did not happen in Little Rock. ♦



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The Washington Times

January 31, 1994, Monday, Final Edition

SECTION: Part A; COMMENTARY; Pg. A19

LENGTH: 920 words

HEADLINE: Furtive Foster report

BYLINE: Reed Irvine / Joe Goulden

BODY:

From the beginning much about the Vincent Foster death didn't make sense.

A talented lawyer, the bosom friend of President Clinton and first lady Hillary Rodham Clinton, sneaks away from his White House office in midday and is found dead five hours later in a park on the Virginia side of the Potomac River. Within hours, the White House declares the death a suicide, and Mr. Clinton claims to reporters he can't understand why his friend took his life.

On Jan. 27, an investigative report by Christopher Ruddy of the New York Post challenged the suicide verdict and raised questions that must be answered by the special counsel probing the Clintons' affairs. Mr. Ruddy invested reportorial shoe leather and talked with eyewitnesses who had not previously been quoted in the press. These were two Park Police officers and an ambulance driver who responded to a 911 call reporting that there was a body in the park. A fourth was Kory Ashford, a technician who helped remove the body. Here's what they told Mr. Ruddy.

\* Mr. Foster was found lying on his back on the side of a hill, his feet pointing downward with his arms "resting perfectly straight alongside his body." George Gonzalez, the ambulance driver, thought it strange that the body was laid out perfectly, "as if in a coffin." Forensic and homicide experts said this indicated Mr. Foster was shot while sitting or lying on the ground, in which case the spent bullet might have been found nearby. The Park Police say no bullet was found; they concluded he shot himself while standing and the bullet disappeared in the woods.

\* A gun was in his right hand, his fingers wrapped around the grip. A prominent forensic pathologist commented, "Normally, when a person commits suicide, the gun does not end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand." A detective said, "It's hard to explain how he shot himself, putting the barrel in at a right angle to his arm, fired it, and had it land still in his hand at his side."

\* The eyewitnesses saw little blood. Mr. Gonzalez saw only a "thin trickle" oozing from one corner of his mouth. Mr. Ashford, the technician, didn't remember seeing any blood, nor could he recall seeing an exit wound. Officer Fornshill, who was the first to see the body, said everything was very neat, and there was no blood on Mr. Foster's shirt.

The Washington Times, January 31, 1994

\* Even the gun appeared clean, although it was presumed to have been fired with the barrel inside Mr. Foster's mouth.

Mr. Gonzalez told Mr. Ruddy that the first officers to arrive declared Mr. Foster a suicide after only a cursory look at the scene. New York homicide officers told Mr. Ruddy they would not have reached a conclusion so quickly, because killers often try to disguise murders as suicides.

Park Police officials have been reluctant to speak about the case, and there are some major contradictions in the accounts they have given. On Jan. 14, Maj. Robert Hines, the Park Police spokesman, told us that there was no exit wound in Mr. Foster's head. He also said a ballistics test had proven that the bullet that killed Mr. Foster came from the gun in his hand.

A week later, Maj. Hines told Mr. Ruddy exactly the opposite - that indeed there was an exit wound, and that the bullet had not been found. Kory Ashford, who helped put Mr. Foster's body into a body bag, told Mr. Ruddy, "I can't even recall an exit wound," noting that in such case there was usually a "mess" under the victim's head. Maj. Hines also told us and Mr. Ruddy that the D.C. Metropolitan Police Department laboratory had done the ballistics test, but a D.C. police ballistics expert told Mr. Ruddy that was untrue.

The Park Police have refused to release their case reports, which should include results of the autopsy, a ballistics test and a gunshot residue test. We asked for them under the Freedom of Information Act weeks ago. Maj. Hines told us that his office was willing to release the information but release had been delayed because other agencies had to clear the report. He said all the clearances had been obtained and that the report would soon be released. That was on Jan. 14. More than six months after Mr. Foster's death, the report still has not been released, and Maj. Hines is not returning our phone calls.

This delay and obfuscation has fueled suspicions that the Foster death was something more than a simple suicide caused by depression. These suspicions could have been forestalled and they could now be allayed by an expeditious release of all the reports, including the autopsy and the tests, unless the investigation was bungled completely. Mr. Ruddy's story indicates that it was bungled, perhaps deliberately. But experts we have interviewed say the position of the body, the paucity of blood, the hand gripping the gun are all unusual, but they don't prove that Mr. Foster did not shoot himself.

It is possible that the White House did not want a thorough professional investigation of Mr. Foster's death for fear it would lead to exposure of documents the Clintons were desperate to conceal. The cover-up has given rise to dark suspicions that what is being concealed is something far worse.

Reed Irvine is chairman of Accuracy in Media. Joe Goulden is AIM's director of media analysis.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 31, 1994

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The Washington Times

February 4, 1994, Friday, Final Edition

SECTION: Part A; COMMENTARY; Pg. A18

LENGTH: 581 words

HEADLINE: Revisiting Foster's death for answers

BYLINE: Martin Anderson

BODY:

When Vincent Foster, top White House adviser and one of President Clinton's closest friends, was found shot to death in an obscure federal park in Virginia on July 20, 1993, shock waves ran through Washington.

Reports that a bullet was fired into his mouth ruled out an accident. The only two possibilities were suicide or murder.

As late as two days after his death Dean St. Dennis, a spokesman for the Justice Department, said they were "looking carefully at the possibility, a slim possibility, that he was murdered."

But the murder of a White House senior adviser is monstrous to even contemplate. As the horror of that possibility began to sink in, most people, quite understandably, shied away from it.

Facts and clues that did not point toward suicide were shunted aside. Questions that should have been asked were not asked. Mr. Foster's death was officially ruled a suicide.

Now, six months later, Christopher Ruddy, a New York Post reporter, has interviewed the men who handled Mr. Foster's body.

George Gonzalez was the first rescue worker to reach Mr. Foster's body and he recalled that some things were "strange."

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," Mr. Gonzalez said. "Usually a suicide by gunshot is a mess."

Kory Ashford, who helped place Mr. Foster's remains in a body bag, said he did not remember seeing any blood, adding, "I can't even recall an exit wound."

And Kevin Fornshill, the first police officer on the death scene, recalls that everything, including Vincent Foster's white shirt, "was really neat," with no blood on it.

Mr. Gonzalez also found it odd that Mr. Foster's body was lying on a gently sloping hill, perfectly straight, his arms neatly by his side, an old Colt revolver in his hand.

The Washington Times, February 4, 1994

Virtually no blood. A clean white shirt. No evidence of an exit wound. The body lying perfectly straight. All witnessed by three credible professionals.

This may not prove murder. Such circumstances could have resulted from a suicide.

But questions concerning Mr. Foster's death do remain in the minds of some. The revolver that supposedly killed him was a 1913 Colt, a collector's item. How did Mr. Foster get the gun? Was it his?

The Park Police, who investigated Mr. Foster's death and ruled it a suicide, said the D.C. police tested the Colt revolver and confirmed it was the gun that killed Mr. Foster. George Wilson, the head of the D.C. police ballistics unit, said recently that was not the case.

Immediately after Mr. Foster's body was discovered, his wood-paneled office on the second floor of the West Wing of the White House was checked out by White House aides, who took several boxes of files, including the Whitewater files.

Robert Fiske, the special counsel appointed to probe the Whitewater financial collapse, has indicated he also intends to look into events surrounding the death of Mr. Foster.

Mr. Fiske should give Mr. Foster's death top priority, engage the country's top homicide investigators, and make sure Mr. Foster's death was, in fact, a suicide.

There is more to be gained than seeing justice done.

Martin Anderson, a senior adviser on the president's Economic Policy Advisory Board during the Reagan administration, is now a senior fellow at the Hoover Institution at Stanford University.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: February 4, 1994

3RD STORY of Level 1 printed in FULL format.

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The Bond Buyer

March 11, 1994, Friday

SECTION: THE MUNICIPAL MARKET; Pg. 1

LENGTH: 765 words

HEADLINE: Doesn't Take Much: Hair-Trigger Market Shoots Self in Foot Over Wild Rumors

BYLINE: Kathie O'Donnell

BODY:

Apparently baseless rumors suggesting foul play in the death of White House deputy counsel Vincent W. Foster helped send gold prices up and municipal and Treasury bond prices down yesterday.

"It's ludicrous," one observer said, adding, however, that the bond markets are poised to sell off on anything these days.

"The market was set up so that if Willie Mays dropped a fly ball the markets would sell off," he said. Wire reports yesterday said the White House denied the rumors.

A municipal trader said tax-exempts lost roughly 3/4 points on "rumor and speculation."

Another trader said: "The bid side is more or less evaporated. I'd say it's down anywhere from 1/2 to a point." His comments came earlier in afternoon.

An analyst said dollar bonds were down 5/8 points overall, with some as much as 1 1/8 points lower. Yields on high-grade issues rose seven basis points overall.

"Activity was moderate with very big wanteds and bid lists combined," he said.

The Treasury's 30-year bond fell more than 1 1/2 points to yield 6.96%.

According one account, the bond markets sold off on a rumor that allegedly got started last Tuesday when New York Post Reporter Christopher Ruddy called the office of Sen. Daniel P. Moynihan, D-N.Y.

Ruddy allegedly inquired about whether Moynihan knew of an alleged "safehouse" kept by Clinton insiders. While the Moynihan staffer Ruddy talked to apparently offered no information, Ruddy allegedly pressed on with questions about whether Foster's body could have been moved from the "safe house."

The reporter's probe apparently fueled rumors on Capitol Hill that snowballed as each day passed. The rumor then was said to find it's way into a well-respected newsletter, Washington-based Johnson Smick International, which explained it with qualifications. Editors for the publication could not be reached for comment.

The Bond Buyer, March 11, 1994

One version of the rumor, said to be making its way around Capitol Hill, has it that Foster was killed in a Virginia apartment, possibly a transition-period staff apartment, and his body brought to the park later. The rumor was said to have been started by a Senate Democrat opposed to Clinton.

"This is the rumor ... it sounds crazy," the account said.

Another rumor heard by one trader yesterday was that some FBI officials had said Foster's death was not a suicide. An FBI spokeswoman declined comment on the matter, and said that the bureau is not handling the investigation into Foster's death.

With yesterday's sharp losses and the weakness seen in recent weeks, Kendrick D. Anderson, a group vice president at Duff & Phelps, was asked what it will take to get the market back on track.

"I think it's going to take some clarification of the international trade situation," Anderson said.

Among negatives currently operating in the market, Anderson cited strengthening pace of the U.S. recovery and signs of rising inflation, particularly in the agricultural sector. If the Midwest doesn't see a strong growing season, price pressures are likely to escalate, he said.

What happens in Japan will play a major role in bond market performance.

"In my mind, the key thing right now that is affecting the market is the Japanese trade situation," he said.

While noting recent headway between the United States and Japan with regard to cellular telephones, Anderson cautioned that a trade war would probably prompt Japanese investors to dump U.S. Treasuries. Until the trade question is answered, investors are likely to proceed cautiously, he said.

"It's going to keep the traders from going long," Anderson said.

Specific to municipals, the analyst sees municipals becoming significantly more attractive to Treasuries by around September 15.

While investors facing higher tax bills may liquidate some of their investments initially to pay the government, not long after they're likely to be singing the same tune, Anderson said.

"It's kind of like Mick Jagger - 'Gimme Shelter,' " he said, adding that they will probably buy municipals.

Anderson said, however, that the rally will take time because many people have not prepared their taxes yet and still do not know how much they owe.

"It's not a process that occurs instantaneously," he said.

Yesterday, Standard & Poor's The Blue List was \$1.65 billion, up \$83 million. This marked the first increase in 10 days. Yesterday's visible supply is \$4.9 billion, up \$73 million. That's the highest since Feb. 8, when it was \$5.03 billion. The June MOB spread was negative 425 yesterday, compared with 434 on

1ST STORY of Level 1 printed in FULL format.

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The Washington Times

March 16, 1994, Wednesday, Final Edition

SECTION: Part A; Pg. A14

LENGTH: 723 words

HEADLINE: Tabloids war over death of Foster

BYLINE: Rod Dreher; THE WASHINGTON TIMES

BODY:

The investigation into the death of White House Deputy Counsel Vincent W. Foster Jr. has become a battleground in New York City's never-ending tabloid war.

"Only in New York," joshed a Manhattan-based political reporter who seemed amused and repelled by the tabloids' cheek.

On Monday, the New York Daily News ran a cover story by columnist Mike McAlary proclaiming "Case Closed" in the Foster inquiry. According to the Daily News, which cited anonymous "investigators," Whitewater-Madison special counsel Robert B. Fiske Jr. has accepted the U.S. Park Police report on the Foster death, which called the shooting a suicide.

The Daily News report was a thinly veiled attack on the New York Post, which has been advancing the Foster story with breaking reports raising questions about the apparent suicide.

Today's edition of the Post returns fire, purporting to discredit the Daily News story by attributing to the Fiske investigator responsible for examining the Foster case a denial of its Daily News report's central premise.

That investigator, former Manhattan prosecutor Roderick Lankler, told The Washington Times yesterday that, contrary to the Daily News report, the Fiske team had "not reached any conclusions" about Mr. Foster's death.

The Post also points out several glaring errors in the McAlary column, including its using the wrong date for Mr. Foster's death and identifying Mr. Lankler's first name as "Ronald."

Despite the mistakes, Daily News Editor Lou Colasuonno stands by the story.

"There may be an editing error in there, but basically the story is solid," he said. "There's no doubt that there are a lot of questions about what the White House is up to, [but] there seems to be pretty solid evidence that Foster killed himself and did it in the park that afternoon."

Despite Mr. Lankler's denial, the Daily News editor offers no retractions. "Many times in this business, when names are named, people will for the public record deny, when we know in fact what really happened," he said.

The Washington Times, March 16, 1994

And so it goes in the tit-for-tat world of the New York tabloids, where newspapers have to fight for a dwindling readership with whatever weapons they can find.

"The Post takes one position, the Daily News, you can be sure, comes back with another," said Terry Galway, political reporter for the New York Observer. "Any politician in New York has to know how to play the tabloids against one another. That's all this is."

The Clinton administration seems to understand this. Stung by Post reporter Christopher Ruddy, who has written several stories raising questions about the Foster death, the administration or agencies friendly to it appear to be leaking to the Daily News information supporting its view of the case.

Mr. Galway praised Mr. Ruddy's reporting, but questioned the Post's practice of putting quotation marks around the word "suicide" in headlines over Foster-related stories.

"I think that while you may call into question some of the events of that day, this is over-the-top skepticism," he said. "By putting the word suicide in quotation marks, the Post makes it pretty clear what they think happened."

Not so, said Post Managing Editor Marc Kalech, who denied a Galway charge that Post owner Rupert Murdoch, the conservative media baron, likely ordered the quotation marks.

For his part, Mr. Ruddy said how Mr. Foster died is still a mystery to him. "A lot of journalists are saying this was definitely a suicide. All I'm saying is there isn't much evidence indicating that," he said.

Some journalists also looking into the Foster case believe Mr. Ruddy is something of a loose cannon. Others, perhaps remembering how the mainstream media missed the Whitewater story during the 1992 campaign, value his willingness to make risky judgments.

"If he is a loose cannon, I don't think that's ever a bad thing in a reporter," said Mr. Galway.

Mr. Ruddy accused the media of not giving the Foster case enough attention. That is changing now, and he believes the Post can take credit.

"I think they're more carefully scrutinizing things because of us," he said. "And even if it's proved a suicide, it'll be a good thing."

LANGUAGE: ENGLISH

LOAD-DATE-MDC: March 16, 1994

2ND STORY of Level 1 printed in FULL format.

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The Bond Buyer

March 11, 1994, Friday

SECTION: Pg. 1

LENGTH: 1330 words

HEADLINE: Whitewater Tales Roil Market; Bond Plummets 1 1/2 Points

BYLINE: William Pesek Jr.

BODY:

Unsubstantiated rumors that President Clinton might be implicated in the Whitewater scandal created uncertainty in the global financial markets and resulted in panic selling of Treasuries.

The government securities market lost ground as concerns about the Whitewater affair began to take hold of the marketplace Thursday afternoon. Market observers said the long end was primarily being pressured by speculation that Clinton and his wife, Hillary, may be implicated in the Whitewater real estate debacle.

Amid fears that the Federal Reserve will tighten credit in the near future, already nervous market players seized on the rumors and liquidated long positions. Analysts said the sell-off demonstrated the weak state of the market and its vulnerability to uncertainty.

The 30-year Treasury bond closed down more than 1 1/2 points yesterday to yield 6.96%.

One of the rumors traders cited yesterday was that the body of White House deputy counsel Vincent W. Foster had been found in an apartment used by the White House for strategy sessions and then moved to Fort Marcy Park in Arlington, Va.

Traders also cited Johnson Smick International, an influential industry newsletter, as saying that Rep. Jim Leach, R-Iowa, has information that is allegedly damaging to the Clinton Administration.

Another rumor heard around the market yesterday was that some officials with the Federal Bureau of Investigation said Foster's death was not a suicide. An FBI spokeswoman declined comment on the matter, and said that the bureau is not handling the investigation into Foster's death.

Foreign accounts unloaded U.S. dollars and government securities yesterday, fearing that the scandal would reach the White House and pose negative implications for U.S. financial markets.

"There is the sense in Europe that Clinton will be implicated in the scandal, and some people are talking resignation or even impeachment," said one London-based trader for a U.S. primary dealership. "We've seen significant overseas selling of U.S. dollars and Treasuries, and people are getting out before they experience further losses in the U.S. markets."

The Bond Buyer, March 11, 1994

Treasury market observers pointed to the softening dollar, weak stock and gold markets, and the drop in bond prices as proof of selling by international investors and foreign central banks. Observers also cited the steepening Treasury yield curve as evidence that investors moved money into the shorter maturities to avoid volatility at the long end.

"Circumstantial evidence suggests the rumors about Whitewater are sending flows out of Treasuries, particularly at the long end," said Michael Moran, chief economist at Daiwa Securities America International. "The steepening yield curve, the soft dollar, and stock market suggest that the uncertainty caused by the reports is sending the market lower."

Moran said the bill sector and short Treasury coupons benefited from a flight to quality as foreign and domestic accounts sold bonds.

Some market players felt investors overreacted to the rumors concerning President Clinton's involvement in the Whitewater affair. Donald Fine, chief market analyst at Chase Securities Inc., attributed yesterday's sell-off primarily to continued concerns over the strength of the U.S. economy and the belief that the Fed is poised to tighten credit. "The market was looking for excuses to sell, and the rumors provided that excuse," Fine said.

The rumors accelerated the market's early declines Thursday on concerns that a special survey of U.S. and Canadian purchasing executives conducted by the National Association of Purchasing Management reflected growing inflationary pressures in the U.S. economy, observers said.

But the bulk of yesterday's sell-off reflected widespread speculation about the White House and the Whitewater affair.

In Washington, rumors swirled on Capitol Hill that more Whitewater revelations would be forthcoming to the detriment of the Clinton presidency.

White House press secretary Dee Dee Myers called "not true" the report at the center of the controversy, issued by the Washington-based consultancy Johnson Smick International.

Officials at the consultancy firm, run by Manuel Johnson, a former Federal Reserve vice chairman, and David Smick, a Washington insider and one-time Congressional aide, could not be reached for comment.

There was no scheduled news briefing by President Clinton, who was in New York to make appearances on behalf of his anti-crime programs. Last night, he was scheduled to give a dinner speech to the United Negro College Fund.

"People are definitely talking; this is spreading like wildfire," said one source who did not wish to be identified.

The source said Senate Minority Leader Robert Dole, R-Kan., has directed his staff to prepare an internal memo outlining priorities for Dole in the event he is made majority leader in the next Congress. The theory is that "Whitewater will explode," and Republicans will recapture the Senate in the fall congressional elections, the source said.

EXCLUSIVE NEW YORK POST INVESTIGATION

# DOUBTS RAISED OVER FOSTER'S 'SUICIDE'

## ■ Why was he still holding the gun? ■ Why so little blood?

By CHRISTOPHER RUDDY

Interviews with some of the first people to see Vincent Foster's body after it was found in a Virginia park have raised new questions about the "suicide" of the White House deputy counsel.

The questions involve the position of Foster's body: the fact that the gun was still in Foster's hand and had no

blood on it; the small amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

Fairfax County paramedic George Gonzalez, who says he was the first rescuer to see Foster's body last July 20, told The Post he found several things about the death scene "strange."

For one thing, Foster's body was laid out perfectly "as if in a coffin," Gonzalez said in his first public interview about the mysterious death.

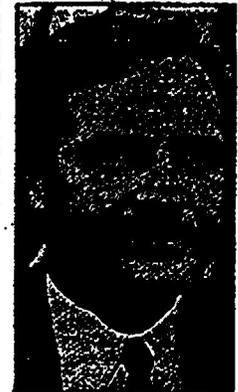
"I found it peculiar: Every extremity [of his body] was straight, as if it was ready for the coffin," said Gonzalez, a paramedic for 13 years.

He said a .38-caliber Colt revolver was in Foster's right hand — even though experts say handguns used in suicides often are "ostaculated" up to 20 feet away from a body.

He said Foster's arms were resting perfectly straight alongside his body.

Gonzalez said he was surprised to find so little blood at the death scene of someone who appeared to have placed a .38 in his mouth and pulled the trigger.

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," he said.



VINCENT FOSTER Neatly laid out.

"Usually a suicide by gunshot is a mess," said Gonzalez, who claimed he has examined a number of suicide victims who shot themselves in the mouth.

Kory Ashford, an emergency service technician who helped put Foster's body into a body bag, also said he does not remember seeing any blood.

"I can't even recall an exit wound," Ashford said, explaining that typically there would be a "mess" under the victim's head.

Park Policeman Kevin Formahill, the first police officer at the scene, said everything, including Foster's white shirt, "was really neat" with no blood on it.

The apparent contradiction — a scarcity of blood in a death involving a gunshot wound to the head — raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park, according to homicide experts contacted by The Post.

The pathologist who conducted the autopsy said the wound had been "self-inflicted," but the autopsy results haven't been made public.

The results will be sent to special Whitewater counsel Robert Fluka, who will look into Foster's death as part of his investigation.

Another key question involves the gun.

Gonzalez remembers

See FOSTER on Page 16



CLOSE PAL: President Clinton with Vincent Foster (rear) and Hillary last year in Little Rock.

### Some clues

Forensic and homicide experts look for a number of immediate telltale signs to help distinguish a suicide from a murder. While an unusual circumstance does not definitely indicate foul play, experts consider all possible evidence. Here are some things investigators might have looked for at the scene of Foster's death:

1. The body should be consistent with the person's original position when he was shot in the mouth. Because of his straight appearance, eyewitnesses assumed that Foster either sat or lay down on the incline to shoot himself. The bullet likely would have been lodged in the ground behind him. Park police said he shot the gun while standing and the bullet went back into the woods.

5. The area around the person should be examined for indications of a struggle. Police said there were no such indications.

4. The gun's position after death should be consistent with the fact the person fired the gun into his mouth. The gun was still clenched in his hand, which was lying in an easy repose alongside his right leg. Typically, the gun is not in the suicide victim's hand.

2. The scene should be consistent with a wound in the mouth and an exit wound in the head. Blood typically is splattered and pools around the body. Eyewitnesses noticed that little blood came from the mouth, and there were no signs of splattering on his face or shirt, or pools of blood around the body.

3. The gun may have blood on it. Eyewitnesses who viewed the gun said it appeared clean.

## Key questions leave experts wondering

By CHRISTOPHER RUDDY

Expert detectives can often distinguish a suicide from a murder by asking — and finding the answers — to a number of key questions.

Here are their unanswered questions about the death of White House lawyer Vince Foster:

■ Was the suicide victim familiar with the weapon?

Police say the 1913 Colt .38-caliber revolver found in Foster's hand was the gun used, based on powder residue on Foster's hand.

But the Foster family has not positively identified the gun as his.

■ Is the victim's time accounted

**A note found in Foster's briefcase had been torn in 27 pieces. It detailed Foster's anguish over a number of issues, but made no mention of suicide.**

for on the day of his death?

The autopsy report put the time of death between 4 and 5 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.

■ Did anyone hear the gunshot?

Police say no, but they apparently did not question all homeowners and workers in and near

the park.

■ Were there nearby witnesses? Police say no one besides Foster apparently was in the park at the time of his death.

But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after

6 p.m. It was still there a half-hour later.

Police say the Mercedes was simply disabled. A spokesman couldn't explain why that information was withheld from the press at the time of Foster's death.

■ Was a suicide note found? No suicide note was found on his body, according to officials.

The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had no "overlooked" during an earlier police search.

The note detailed Foster's anguish over a number of issues, but made no mention of suicide.

NEW YORK POST, THURSDAY, JANUARY 27, 1994

# ...er existed Doubts over Foster's 'suicide'

rakkhan spoke Monday night in Harlem. Instead, Farrakhan attacked Jackson, implying Jackson is toadying to Jews.

It is clear Farrakhan's period of mainstream moderation was a ploy, perhaps only to get federal contracts. His playing Mendelsohn was about as sincere as Lee Atwater playing B.B. King after boasting about the fear-pandering Willie Horton commercial.

Where do we go from here?

Owens said he is optimistic.

"If black leaders finally stop fooling themselves about Farrakhan, we can expand a coalition of the caring," he said.

Asked who can lead this multiracial alliance, Owens replied:

"We don't need a cult of personality. We need a think tank, and a platform, and ideas. But this coalition would include Al Vann, Rep. Charles Schumer, the Rev. Johnny Ray Youngblood, Ruth Messinger, Rep. Jose Serrano, Rep. Nydia Velazquez, Carl McCall, David Jones [president of the Community Service Society], Cuomo, Jackson and others.

"This coalition will be much more cohesive once we forthrightly repudiate the hatemongers."

**FOSTER from Page 5**

looking carefully at Foster's hand.

"His hand was wrapped around the grip of the gun," he said.

"The fingers were cyanotic — or pooling blood," he said, which is an indication of death.

He said the barrel of the gun was perfectly perpendicular to Foster's leg.

His account of the positioning and condition of Foster's body was corroborated by other witnesses who examined the body and scene.

Two witnesses said the first cops who came upon Foster's body took a cursory look at the crime scene and declared the White House official an apparent suicide.

"They saw the gun," Gonzalez said of the cops' snap judgment.

The Post took Gonzalez's detailed observations to a medical examiner and several present and former New York City homicide investigators.

They said they would not have been so quick to come to a conclusion about Foster's death, because killers often try to make murders look like suicides.

"You treat it as a homicide, particularly if it is a VIP, like this case, until you can prove otherwise," said a city detective with more than 20 years experience with homicides.

"The dead body is the most accurate and honest witness you have, if you know how to 'interrogate' it," he said.

Almost all experts consulted by The Post said it would be impossible to render a judgment on Foster's death, particularly since the autopsy and other crime scene reports have not been released.

But all said some aspects of the crime scene — as described by Gonzalez — baffle them.

"This is a head wound. Usually there's tremendous amounts of blood, blood all over the place, it would be a mess," said a detective considered the city's best.

"There should be pools of blood... Look at the gun — if it was the instrument of death, there would be blood on it. A .38 makes a powerful explosion. There's a backwash of blood and tissue."

Gonzalez and a law-enforcement official described the gun as clean.

The experts also said it was highly unusual that Foster was clutching the gun.

"In my 30 years in dealing with homicides, I've never seen someone shoot themselves in the mouth and still hold the gun perfectly at his side," said a retired detective who spent most of his career investigating murders.

A prominent forensic pathologist added: "Normally when a person commits suicide, the gun doesn't end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand."

Also questioning the position of the gun was Vernon Geberth, a former city detective who wrote a nationally recognized homicide-investigation textbook.

"Under ordinary circumstances, after the firing, the gun is away from the person," Geberth said, acknowledging that there are "rare" instances when the gun remains in the suicide's hand.

Experts said a suicide gun can end up 20 feet away — thrown by a reflex action of the person committing suicide.

Witnesses surmised that Foster was sitting or lying in the park when the fatal shot was fired.

"It's hard to explain how he shot himself — putting the barrel in at a right angle to his arm — fired it, and [had] it land still in his hand at his side," a detective said.

Forensic experts and homicide detectives said the key to answering many questions could be found in the bullet — if the cops ever find it.

The White House did not respond to several requests for comment.

up. Snow of High 27.

**FRIDAY:** Rain, tapering to showers, breezy and milder. High 41.

**SATURDAY:** Cloudy to partly sunny and less breezy. High 40.

**SUNDAY:** Mostly cloudy, chance of snow or rain late. Highs near 35.

**WESTCHESTER COUNTY**

**TODAY:** Early sunshine then clouding up with light snow possible late in the day. Highs in the 20's. Snow, sleet or freezing rain tonight, changing to all rain late. Rising temperatures.

**TOMORROW:** Mix to rain. Highs 35-40.

Montauk Point 28/27

Southampton 30/29

Sunset today: 5:05 p.m.  
Sunrise tomorrow: 7:10 a.m.

**LONG BEACH**

**TODAY:** Morning sunshine then increasing clouds, chance of snow or sleet by evening.

**MARINE FORECAST**

Small craft advisory...

New York Harbor: Northeast to east winds 15-22 knots. Waves 2-4 feet. Good visibility this morning, lowering in snow this evening.

Long Island Sound: Northeast winds 15-25 knots, becoming east late today. Seas 3-5 feet. Good to fair visibility, lowering to 1-3 miles in snow this evening.

Atlantic Ocean: Northeast winds 15-25 knots, becoming east by this evening. Seas 4-7 feet. Visibility good to fair much of the day but will lower late in the afternoon as tonight as snow develops.

Her doctor told her, you can have the baby in the local hospital, without me in attendance, or you can have it at home, and I will

The doctor did not arrive in time, and a midwife made the delivery while I ran pails of hot water.

in the world, under a "free" nationalized health scheme, my wife gave birth like a frontier woman

and driven by the parents. Bill and Hillary Clinton, is seriously planning to introduce a form of

the incalculable damage they will inflict before they're through. Look what

Just keeps mounting. But none of that. See KERRISON on 1

# COPS: FOSTER GUN WAS NEVER TESTED

By CHRISTOPHER RUDDY

The gun found in Vincent Foster's hand after his reported suicide might not have been tested to determine if it was the weapon used in the White House deputy counsel's death.

"We may not have done a ballistics test," Maj. Robert Hines, a spokesman for the U.S. Park Police, told The Post.

The agency had reported after Foster's death that the Washington Metropolitan Police performed tests confirming the gun killed Foster.

The district police routinely do such testing for the federal service.

But the district police's ballistics unit told The Post this week that had not happened.

"No, we did not test that gun," the head of the unit, George Wilson, said.

Questioned about the conflicting reports, Hines told The Post yesterday, "We will no longer be providing you with information. You will have to FOIA all requests from now on" — submit formal requests under the Freedom of Information Act.

The Post reported yesterday that aspects of the

## White House: No comment

WASHINGTON — The White House yesterday declined comment on The Post's report raising questions about the reported suicide of White House deputy counsel Vince Foster.

"The Park Service police investigated that at the time," said White House press secretary Dee Dee Myers.

She added that special Whitewater counsel Robert Fiske "has now included that in the scope of his investigation."

"We'll cooperate with the investigation and beyond that I have nothing to add," she said.

Myers didn't address any points raised by The Post, which quoted a paramedic who said the scene was "strange" due to the body's position and the lack of blood.

Attorney General Janet Reno said: "I have heard absolutely no information at all that would indicate that it is anything but a suicide."



FLASHBACK: How The Post broke story.

Foster death were inconsistent with suicide.

Homicide investigation experts said that even without the bullet, ballistics tests could be helpful.

A test would show that the gun worked. And, any unused ammunition should be fired to compare the gun's powder with the powder burns and stippling (a tattooing effect) in the victim's mouth, retired

New York detective Vernon Geberth explained.

Park police say the bullet exited the back of Foster's head and was lost in the woods. A second bullet was found in the revolver.

Geberth, whose book "Tactics" is considered the bible on homicide forensics, said, "The last

thing you want to classify a death as is a suicide. Death investigations are analytical. Don't jump to conclusions."

Just because a gun is found in the victim's hand, he said, "Who says that it is the gun that is fired?"

But Geberth said he could not draw any con-

clusions without an autopsy report and police file.

Dr. James Byer, the Virginia medical examiner who conducted the autopsy on Foster's body, said that the finding of suicide was made by the park police.

Foster's body was found on July 20 in Fort Marcy Park, just across the Potomac River from Washington. The park falls under the jurisdiction of the park police.

Park police said they did not canvass the neighborhood around the park.

"There are no homes around there, it's secluded," Hines said.

But from where Foster's body was found, one can see directly down a gully into the front yard of a home where a large construction project has been going on since before Foster's death.



## Fred Siegel joins P

Fred Siegel, editor of the proclaimed City Journal, is writing a column dealing with New York political Editor Ken Cl

nounced yesterday. The column, "watch," will appear Friday on the Siegel, 48, history at The He is also a for the Institute Study and form at the Sorbonne

Last year, he the City Journal successful quarter Siegel, who li lyn, contributes cations as The Atlantic, and The Ameri

"I'm delighteding for the New a time when helping to resh cal culture o

# Reno's top aide quits over bad 'chemistry'

By THOMAS FERRARO  
Post Correspondent

WASHINGTON — Janet Reno's top deputy abruptly announced his resignation yesterday, saying he and the often brusque attorney

General Philip Heymann wrote: "The attorney general has concluded that our operational and management styles are too different for us to function fully effectively as a management team."

to-eye on some policy matters.

Last month, Heymann tentatively recommended leniency for jailed spy Jonathan Pugh, but Reno had more questions and has yet to make a

ment's criminal division during the Carter administration, is viewed as mild mannered.

Reno and Heymann carefully measured their words yesterday and refused to detail their differences except to say they



APR-25-1994 10:03 FROM BT 2/11 FBI NEW YORK TO 512025140002 P.04

The Clinton administration has a full-blown scandal on its hands, with accounts of document shredding, the subpoena of top officials and the resignation of the White House counsel. Was it a cover-up—or just plain bungling?

# WHITEWATER THE MESS TORTURE

passing illegally from Madison to Whitewater or to Clinton's 1984 gubernatorial re-election campaign. The Clintons also could conceivably face civil actions stemming from Madison's losses, or back taxes on Whitewater land transactions. And the First Lady's stature will almost certainly be tarnished by her decision to represent her friend and Whitewater partner James McDougal before a state regulator appointed by her husband. But far more troubling than any Whitewater revelations have been the White House's attempts to conceal and control the story. Like a string of administrations before them, the Clintonites ignored the cardinal rules of Washington scandal management: dispose of damaging information early, and don't look as if you have something to hide.

**T**HE MOST STARTLING NEW REVELATIONS involve Little Rock's Rose Law Firm, where Mrs. Clinton was a partner from 1977 to 1992. Once a staid and respected white-shoe practice, it is looking more like a real-life version (minus the mob ties and mayhem) of Bendini, Lambert & Locke, John Grisham's fictional firm set 140 miles to the east in Memphis, Tenn., where document shredding and overbilling of clients were prevailing practices. According to The New York Times, a Rose courier told a Little Rock grand jury that he and a colleague used a shredder in the firm's basement earlier this year to destroy files belonging to Whitewater's most tragic figure—former Rose partner and White House counsel Vincent Foster. Before his death by suicide last July (a finding also being reviewed by Fiske), Foster had handled a variety of private legal matters for the Clintons, including the sale of their interest in Whitewater.

The account described how document dumping at the firm accelerated as Clinton edged closer to the presidency. Rose managing partner Ronald Clark said it was to protect clients from reporters caught scavenging trash behind the firm's building. Law firms shred documents all the time, for reasons no more nefarious than to free up storage space. Rose says the only Foster-related documents destroyed were internal materials such as notes from firm committee meetings. But given the circumstances of Foster's suicide and the suspicion surrounding it, why rush to shred anything at all? According to the Times account of the courier's testimony, the shredding took place on or around Jan. 20, when Fiske became special counsel. One of his first moves was to serve notice on Rose that all documents relating to Foster be preserved. If relevant documents were destroyed after Fiske's order, the firm could be in serious trouble. Clark would not return phone calls.

Rose took another hit last week when The Washington Post reported that the firm is investigating Associate Attorney General Webster Hubbell, an ex-partner, for overbilling clients. Hubbell, Clinton's golfing buddy and the third-ranking official at the

**T**HE INSTRUCTIONS TO WHITE House aides in the Friday-evening memo were chillingly specific. All computer records were to be preserved. No "burn bags," normally used to handle papers earmarked for destruction, would be removed. "If you have any doubt about whether a particular document is called for . . ." wrote deputy presidential counsel Joel Klein, "you must save it."

The Whitewater affair entered a new and potentially explosive realm last week. Suddenly, the mind-numbing tales of obscure land dealings and state-capital intrigue are something more alarmingly recognizable. Each day's revelations unfolded with queasy familiarity, carrying hints of cover-up: stories of shredded documents; subpoenas served on presidential aides; talk of congressional hearings; the forced resignation of the White House counsel, whose parting letter to the resident snipes bitterly at ". . . those who do not understand, nor wish to understand, the role and obligations of a lawyer." It all finally raises the question: is Whitewater a chronic case of political ineptitude and inattention to appearances, or the biggest legal mess to enmesh the White House since Iran-contra? Or is it both?

Inside the administration there is a looming sense that its entire domestic agenda is at risk. At a time when the president's health-care-reform plan is facing serious setbacks, questions involving Hillary Rodham Clinton's Whitewater role (age 24) have diminished her effectiveness as its most passionate defender. A messy series of congressional hearings now appears inevitable. Democrats on the Hill have told the administration that holding off Republican demands any

longer would jeopardize Clinton's legislative plan. The only question, says one top aide, is "how open-ended the hearings will be, and whether the Republicans will learn from the Democrats' mistakes on Iran-contra." Those mistakes include granting immunity in exchange for testimony, a strategy that compromised criminal prosecution of Iran-contra figures. As the week wore on, glum aides worried about how they would afford pricey criminal attorneys. The New York Times editorialized that it had not seen such casual disregard for ethics since the Nixon era. "That," said one senior White House official, "went through my gut like a sharp knife."

So far, no one has proven any criminal wrongdoing. But with a three-year lease on a Little Rock office, a burgeoning staff of ambitious prosecutors and a grand jury in Arkansas ready to hear evidence, special counsel Robert Fiske has made it clear that he intends to pursue the case wherever it might lead. As Klein's directive circulated on Friday night, FBI agents acting on Fiske's orders served six senior Clinton aides and four current and former Treasury Department officials with subpoenas to appear in federal court on Thursday. Those summoned include some of the president's top advisers, like deputy chief of staff Harold Ickes and Treasury Deputy Secretary Roger Altman. Another subpoena called for any information on what appears to be a series of grossly inappropriate contacts between White House aides and federal investigators examining Madison Guaranty, the Arkansas S&L that foundered in 1989. Its former owner, James McDougal, was Bill and Hillary Clinton's partner in Whitewater, the unsuccessful vacation-home development on northern Arkansas's White River. Fiske's volley of subpoenas came as Whitewater claimed its first Washington casualty: presidential counsel Bernard Nussbaum. The former Wall Street litigator,

a principal player in a string of political misadventures from Zoë Baird to the firings in the White House travel office, finally lost the support of his closest and most loyal soul mate, Hillary Clinton.

It is possible Fiske may yet come up with hard proof that the Clintons knew of funds

FOIA # 10105138

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investigating Associate Attorney General Webster Hubbell, an ex-partner, for overbilling clients. Hubbell, Clinton's golfing buddy and the third-ranking official at the

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Justice Department, denies any impropriety. He believes he's the victim of a vendetta waged by younger partners angry over Rose's Whitewater notoriety. But law-firm documents obtained by NEWSWEEK suggest that Hubbell may well have overbilled the government while suing Madison's former accountants. In one instance, he charged the government his \$140-an-hour partner rate for a call that a likely witness in the case says was made by a Rose paralegal.

But the most damaging development by far was last week's disclosure that senior Treasury Department officials briefed Clinton aides at least three times in the last five months concerning the regulatory agency's investigation into Madison Guaranty. The

Resolution Trust Corporation (RTC) is an ostensibly independent agency charged with recovering funds lost by insolvent S&Ls. But vacancies in the senior ranks forced Treasury officials to cross over to take care of RTC business.

Altman, acting RTC chairman, told the Senate Banking Committee on Feb. 24 that he arranged a "heads-up" session for Nussbaum and other aides on how the agency would proceed with potential civil claims regarding Madison. He also told the panel he knew of no other contacts between the White House and regulators. But last week the White House confirmed reports of two other liaisons. On Sept. 25, Treasury counsel Jean Hanson briefed Nussbaum on RTC's plans to refer its Madison investigation to the Justice Department for criminal action. Moreover, she told Nussbaum, the Clintons were mentioned in the document—not as investigative targets but as potential beneficiaries of Madison misconduct.

Such documents, known as criminal referrals, are normally kept confidential from potential subjects or others who might compromise the investigation. Hanson, who reported to Altman, seems to fit the description. Treasury sources say she got her

information from William Roelle, then RTC senior vice president, who declined comment. What Nussbaum did with the information supplied by Hanson is not known. Fiske will surely want to find out. Altman, a favorite of the Clintons', is expected to survive the fallout, although with contentions that he was unaware of the

inner gatherings is a stretch. "He'll have to eat this for a while, but he's OK," says one White House aide. Hanson may be another story. She sat next to Altman during last month's Senate hearing and did nothing to correct the record when her boss—advertently or not—misled committee members. "She's going to get it straight in the eye," says one Treasury source. Word of the RTC meetings all but sealed Nussbaum's fate. As the week went on, said one White House aide, there was "a growing tom-tom on this. You could just hear the drums." A combative corporate litigator, Nussbaum never developed the fingertip political touch necessary for survival in Washington, where appearances count for everything. His poor judgment in the aftermath of Foster's death (withholding a note

from investigators, shipping Whitewater referrals to the Clintons' private attorney) only inflamed suspicions.

**A**T A FRIDAY-MORNING MEETING, Clinton finally agreed with aide George Stephanopoulos, chief of staff Mack McLarty and Ickes that Nussbaum had to go. Later that day, signals were sent in the usual Beltway shorthand: Clinton passed on several opportunities to defend him. At a 5 p.m. Oval Office meeting, he fired him. Even then, Nussbaum was reluctant to go. To soften the blow, McLarty offered him a 30-day grace period. Sources tell NEWSWEEK that Washington attorney Charles Ruff, a candidate for attorney general last year, leads the list of possible replacements.

Before last week's parade of subpoenas, Clinton seemed to be in sound political condition. A Washington Post-ABC News Poll found him with the highest approval ratings of his presidency, 58 percent. It also showed that Americans have more confidence in Democrats than in Republicans to handle the country's problems. But with the advent of a formidable prosecutor and bipartisan momentum for hearings, that margin could well dwindle. That's because Whitewater is no longer a periodic irritant. It is trouble.

BILL TURQUE with RICH THOMAS, BOB COHN and ELEANOR CLIFT in Washington and MARK ROSENBALL in Little Rock

# Shadow Of Doubt

The Administration's judgment is in question again as the special counsel fires a volley of subpoenas

RICHARD LACAYO

**B**ILL CLINTON HAS ALWAYS MODELLED himself after John F. Kennedy. But as the Whitewater scandal continues to plague him, it is increasingly the fading memories of Richard Nixon that keep cropping up in the White House. The current scandal seems to lack any of the deep seriousness of Watergate, but the handling of the questions still hanging over the strange land deal in Arkansas 16 years ago has produced an outsize shadow of doubt over the Administration—and prompted the resignation of a member of the President's and First Lady's inner circle.

The latest problem arose late Friday afternoon, when the phone rang in the office of associate White House counsel William Kennedy III. On the other end was an FBI official, calling to tell him that subpoenas ordered by special counsel Robert Fiske were about to be served on six White House officials and three Treasury Department staff members. Kennedy brought the bad news to chief of staff Mack McLarty, who gathered five of the targeted aides in the counsel's office at 6 to await the subpoenas.

The documents bore some of the Administration's biggest

names, including White House counsel Bernard Nussbaum, senior adviser Bruce Lindsey, communications director Mark Gearan and deputy chief of staff Harold Ickes. They were ordered to Federal District Court in Washington to provide testimony for a grand jury in Little Rock. At issue is a series of meetings between White House aides and Treasury Department officials connected to the Whitewater investigation. Another subpoena ordered the White House to preserve any evidence relating to the meetings. Deputy counsel Joel Klein immediately barred the destruction of computer records or the removal of any burn bags and trash containers.

The subpoenas were one of the most embarrassing developments yet. At a time when the President is losing ground on health-care reform, his Administration's bobbling of the investigation brought on a week of painful disclosures, the FBI at the White House door—and Nussbaum's resignation.

His departure, effective April 5, became official in an exchange of letters with the President. Nussbaum blamed "those who do not understand, nor wish to understand the role and obligations of a lawyer..." Clinton more diplomatically noted, "We have worked together in Washington at a time when serving is hard."

Prodded by stories in the Washington Post, the White House had acknowledged a few days earlier that Treasury Department officials had met twice with Nussbaum and other Administration aides for the unusual purpose of discussing the progress of a federal investigation of the Madison Guaranty

Savings & Loan. Madison Guaranty is the failed Arkansas thrift once owned by James McDougal, the Clintons' partner in the Whitewater real estate development. Deputy Treasury Secretary Roger Altman, acting head of the Resolution Trust Corporation, admitted to the Senate banking committee that he had briefed Nussbaum and other top aides on the probe.

The most ill-advised contact was in late September, when Nussbaum met with Jean Hanson, general counsel at the Treasury Department. She told him that the RTC, the agency charged with cleaning up the S&L mess, would soon send a request to the Justice Department asking for a criminal investigation of Madison. Though the request does not charge the Clintons with wrongdoing, it names them as possible beneficiaries of illegal Madison transactions. For a regulatory body to disclose such a matter to any of the parties involved is a considerable departure from standard practice, to say nothing of a spectacular instance of bad political judgment.

At a second meeting in October, Nussbaum was joined by Gearan, Lindsey, a top Clinton aide who was the chief explainer of Whitewater; and Josh Steiner, Treasury Secretary Lloyd Bentsen's chief of staff. According to Gearan, they discussed how best to respond to press questions about Whitewater.

Faced with something that approached a regular kaffeeklatsch linking the White House with agencies looking into Whitewater, an embarrassed Clinton insisted at midweek that "no one has actually done anything wrong," but nonetheless added, "I think it would be better if the meetings and conversations hadn't occurred." The President ordered McLarty to issue a rule to senior Administration officials about Whitewater chats with federal regulators: Don't have them or, before you do, clear them with me.

**I**N ADDITION TO THE SUBPOENAS TO Nussbaum, Lindsey and Gearan, who attended one or all of the meetings, and Ickes, who has lately been handling Whitewater damage control for the White House, two others went to aides of Hillary Rodham Clinton. Her chief of staff, Maggie Williams, attended at least one meeting. Press secretary Lisa Caputo had heard last fall from an RTC official about press inquiries involving the case. Four more subpoenas went to former Bentsen aide Jack DeVore and Altman, Hanson and Steiner at Treasury.

Senate Republicans could hardly contain their glee as Whitewater appeared to turn into the kind of consuming issue that

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paralyzes an Administration: 43 G.O.P. members promised that until the late banking committee holds hearings on the suspect meetings, they will block the Administration's nomination of Ricki Tigert to head the Federal Deposit Insurance Corporation. "You're asking for big, big trouble and showing some stunningly bad judgment when you start mixing politics with law enforcement," clucked Senate minority leader Bob Dole.

This realization came too late to Nussbaum, who brought to Washington the truculent manner of a big-city courtroom litigator and the political instincts of a country parson. His involvement in several notable White House debacles, including the travel-office uproar, the extended search for an Attorney General and the choice of an easily targeted Lani Guinier for a top Justice

had been forced out, and from a dwindling number of supporters. However, fed up with Washington and its rough handling of her husband, Nussbaum's wife Toby was relieved to see him leave the job. On Friday afternoon, tellingly, Clinton passed up two opportunities to defend Nussbaum in public. That evening he called his old friend into the Oval Office to discuss how the deed would be done. A reluctant Nussbaum agreed to go. His view, as a senior White House official put it, was "I'll be the lightning rod. I'll take the hits."

So far, the damage has not reached Treasury Secretary Bentsen. Scrambling to distance himself from the rising muck, he ordered his employees to have no more contact with the White House about Whitewater and asked the Office of Government Ethics to review the earlier contacts.

When the Whitewater focus wasn't on Nussbaum, it turned toward the Rose Law Firm of Little Rock, where Foster, the First Lady's Associate Attorney General Webster Hubbell and White House lawyer Kennedy were all once partners, known collectively as "the Famous Four." Last week the firm added to the Whitewater saga that piece of office equipment vital to any full-fledged political scandal: a shredder. The *New York Times* reported that a college student who works at Rose told the federal grand jury convened by Fiske that in late January he and another employee were ordered to shred a box of documents that appeared to have come from the files of Foster whose legal work on behalf of the Clintons included handling the sale of their parts of the Whitewater acreage. The story was denied by representatives of the firm, who had some logic on their side: Would they select a part-time college kid to deep-six something



Department post, earned him the reputation of a Beltway naif and worse. Until last week the most serious charges against him involved his actions after the apparent suicide last year of White House lawyer Vincent Foster, when Nussbaum interfered in investigators' attempts to examine Foster's office and removed some records, including files pertaining to Whitewater. It was an odd notion of propriety for a man who did his first stint in Washington on the staff of the House Watergate committee.

As soon as news of the Nussbaum meetings with Treasury officials emerged, pressure built within the White House to dump him. By last Friday, Clinton's most influential advisers—McLarty, David Gergen, George Stephanopoulos and Vice President Al Gore—all agreed he had to go.

For a while, there was resistance from Nussbaum, who wanted the resignation postponed to avoid the appearance that he

really damaging when they could have done the deed themselves? That flap followed in the wake of a *Washington Post* report that Hubbell was the subject of an internal investigation by his old firm into alleged over-billing of clients, including the RRC. Hubbell denied any wrongdoing, and was stoutly defended by Attorney General Janet Reno.

In the tangled Whitewater case, even what seemed like settled questions keep coming unsettled. In a letter filed in U.S. District Court in New York, Fiske let it be known that his investigation will also re-examine the conclusion that Foster's death last year was a suicide. He asked the court to keep the reports secret until his probe is completed. But if last week is any indication, the steady drip, drip, drip of Whitewater disclosures is likely to afflict the Clintons for months to come.

—Reported by  
Nina Burleigh, James Carney, Julie Johnson and  
Suneel Ratan/Washington

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3/13/94

# Conspiracy Theorists Find Foster Case Hard to Resist

## Rumors Abound Despite Lack of Supporting Evidence

By Michael Isikoff  
Washington Post Staff Writer

Sherman Skolnick, self-styled "citizens" investigator and conspiracy expert, once devoted his energies to uncovering the mysteries of the Kennedy assassination and Watergate. But these days, Skolnick is hard at work unraveling a more recent conundrum: the death of deputy White House counsel Vincent Foster.

Based on information he says he learned from an unidentified Secret Service "consultant" with "underworld ties," Skolnick claims that Foster actually was murdered by a three-man hit squad from Germany. "They snuck Foster out of the lower level of the White House, then they had a Foster double leave his office and go somewhere else," said Skolnick, who links the death to an aborted coup against Iraqi President Saddam Hussein and the firing of FBI Director William S. Sessions.

Skolnick's theories may be wholly lacking in supporting evidence. But he recently has been airing them on a public access cable television show in Chicago. He is one more volunteer in a burgeoning army of conspiracy theorists who are springing up around the Foster case and confounding the Clinton White House.

In recent weeks, the events surrounding the July 20 suicide of President Clinton's boyhood friend have been the subject of a seeming avalanche of speculative news reports, rumors and gossip that is fast turning Foster's death scene at Fort Marcy Park in Northern Virginia into a 1990s version of Dealy Plaza. One widely circulated theory has Foster driven to suicide by news of an imminent FBI raid in Little Rock, Ark., linked to the Whitewater affair. Another, actively being probed by Republican investigators, connects Foster's death with the unsolved execution-style murder of a former Clinton campaign security official in Little Rock last September.

Yet a third theory, reported last week by a financial newsletter, has Foster dying in a Northern Virginia safe house used by senior White House aides—a report that caused the stock market to plunge and prompted a vehement White House denial.

investigators probing Foster's death and circulated his "findings" in regular faxes to news organizations.

Perhaps the most persistent of the Foster stories suggests that, contrary to the official findings of the U.S. Park Police, the White House aide was murdered. This view gained circulation in January when the New York Post quoted George Gonzalez, a Fairfax County paramedic who was the first medically trained person to reach Foster's body.

Gonzalez said the scene was unlike other suicides he had observed, describing how Foster's body was lying neatly on a gentle incline with a .38-caliber revolver in one hand. "Usually a suicide by gunshot is a mess," Gonzalez said. Yet Gonzalez said there was only a "thin trickle of blood" in the corner of Foster's mouth. He said Foster's body was laid out neatly "as if ready for a coffin."

Gonzalez's observations quickly were pounced upon by conspiracy buffs in part because the official park police report, including the Fairfax County coroner's autopsy, never had been released by the Justice Department. Now, the release has been blocked pending further investigation by special counsel Robert B. Fiske Jr.

But federal law enforcement officials say that some of Gonzalez's recollections are directly contradicted by police photographs taken at the scene as well as a statement filed that evening by park police investigator John Rolla, who arrived about 20 minutes after Gonzalez.

Rolla, whose written observations are part of the park police report, reported seeing blood in Foster's nose and on his mouth, right shoulder and underneath his head—an observation further bolstered by photographs, one of which was shown by ABC on its Friday night news program.

Rolla also reported that "blood on the ground and on his shirt was still wet"—a finding consistent with the conclusion that the death took place several hours earlier at the park and not somewhere else.

Law enforcement officials said other forensic evidence in the park police report supports the suicide finding: the black powder burns on Foster's hand and mouth, the absence of defensive wounds and the positioning of Foster's right hand, with his thumb

Hardin Jr., a Houston homicide prosecutor, to review the findings.

While comfortable with the suicide conclusion, many federal law enforcement officials said there are other unsettling aspects of the Foster case that have already piqued the interest of Fiske's investigators.

Park police found ample reason to conclude that Foster was despondent about his life in Washington and had sought the names of psychiatrists. But their efforts to discover if there were any particular work-related concerns that caused him to take his life were repeatedly blocked by White House counsel Bernard Nussbaum. Nussbaum recently resigned the counsel's job, in part because of criticism over his handling of the Foster suicide investigation.

Invoking "executive privilege," he refused to permit park police investigators to enter Foster's office the day after his death. The next day, Nussbaum agreed to conduct his own "search" in the presence of Justice Department lawyers, FBI agents and park police investigators but refused to let them inspect any of Foster's papers, rapidly identifying them in a way the investigators found incomprehensible.

It was during this search—not, as some have reported, during a late night visit to Foster's office the night of his death—that Nussbaum removed Whitewater-related documents that later were transferred to President Clinton's personal attorney, David Kendall. Foster had been handling the preparation of Whitewater's overdue corporate tax returns.

Federal law enforcement officials say they have no evidence that Foster was concerned or worried about Whitewater, an issue that at that point had largely sunk from public view. But they say there are other reasons to be concerned about the thoroughness of the park police investigation: A torn-up, undated note written by Foster suggesting his job despair was not turned over to the park police until more than a week after his death, and no finger or palm prints were ever identified.

The park police never reviewed entries in Foster's office computer nor did they interview potentially key witnesses, such as Brantley Buck, the Rose Law Firm partner who placed one of the last known phone calls to Foster the morning of his death. Park police investigators established that Foster tried to return the call but never got through. He placed the call shortly before he left his office at 1 p.m., the last time he was seen alive.

Later news reports revealed that Buck was handling an internal law firm inquiry into the billing practices of former partner Web-

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"How is it acceptable that completely unsubstantiated rumors become the fodder for legitimate news organizations?" said White House press secretary Dee Dee Myers when asked about the report. "Since when are we in the position of having to prove a negative?"

David Smick, a former top aide to Republican presidential hopeful Jack Kemp, is co-owner of the newsletter that published the unsubstantiated story.

Then there is conservative political activist Floyd Brown. As chairman of Citizens United, Brown has employed two full-time

trapped in the trigger of an antique Colt revolver owned by his family.

"There's absolutely nothing to lead the police or the medical examiner to believe that anything happened other than a suicide," said one federal law enforcement official who has reviewed the evidence. "The guy was no more killed in an apartment in Northern Virginia than there is a man in the moon."

Fiske has pledged to conduct a "thorough and complete" investigation of Foster's death. In court papers filed in New York, Fiske said he will retain outside forensic experts and pathologists and will ask Russell

ster L. Hubbell, Foster's close friend who now serves as associate attorney general.

The park police also never interviewed Clinton, who spoke to Foster for about 20 minutes by phone the night before Foster's death. Clinton has never explained all the matters the two discussed that evening.

Asked recently about the suicide on CNN's "Larry King Live," Clinton said curtly: "I don't think we know any more than in the beginning because I just really don't believe there is any more to know. You know, he left a note; he was profoundly depressed."

# Los Angeles Times

DATE: 3/11/94  
PAGE: A-6

## Ex-Clinton Partner Says Papers in Foster's Office Belong to Him

By JOHN M. BRODER  
TIMES STAFF WRITER

ARLINGTON, Ark.—The Whitewater papers found in the White House office of the late Vincent Foster were legally the property of James B. McDougal, President Clinton's former business partner, and were not intended to be in Foster's possession at the time of his death, according to several sources involved in the matter.

The current Whitewater controversy erupted in December with the discovery that a White House official had found the papers in Foster's office shortly after his apparent suicide in July and had transferred them quietly to the Clintons' private attorney. The new details, provided by McDougal in an interview at the home of a friend here and by sources who did not want to be identified, provide insight into the episode.

Under terms of a December, 1992, contract by which Clinton and his wife, Hillary Rodham Clinton, sold their interest in the Whitewater Development Corp. to McDougal, Foster was to have prepared the land company's delinquent taxes and promptly return all Whitewater-related documents to McDougal. But Foster was swamped with his duties as deputy White House counsel and feeling pressure because of failed White House nominations and the botched firing of five aides in the White House travel office. He delayed preparing the tax returns for six months, and the papers still sat in his office at the time of his apparent suicide.

"Vince had them because he had been working on the taxes, and then he killed himself before returning them," said a senior White House official involved in handling the Whitewater case. "Instead of McDougal having them, we had them, and the rest is history."

The papers, which McDougal said are a much more complete record of Whitewater's finances than the Clinton representatives have acknowledged, were found in Foster's office within hours of his death on July 20.

White House Counsel Bernard Nussbaum, who announced his resignation last weekend amid continuing Whitewater revelations, quietly removed them from Foster's office and sent them to David Kendall, the Clintons' private attorney. Kendall declined to comment.

The Clintons initially refused to release the papers to the Justice Department, which was investigating the failure of a savings and loan owned by McDougal. They yielded only after Kendall negotiated the terms of a Justice Department subpoena that covered a wide range of Clinton papers.

But questions about the Clintons' handling of the matter persisted for weeks, forcing them to approve

the appointment of a special counsel to investigate the Whitewater case. Robert B. Fiske Jr., a Republican from New York, subsequently was named to the post.

In an interview this week, McDougal said that—when the Clintons sold their interest in the Whitewater real estate project to him in December, 1992, for \$1,000—the contract called for the tax returns to be prepared by Foster, a longtime friend of the Clintons and, like Mrs. Clinton, a former partner in the prestigious Rose Law Firm in Little Rock.

The contract gave Foster 90 days to complete the task. Afterward, he was to return all the underlying documentation to McDougal or to his Little Rock attorney, Sam Heuer.

McDougal said that Foster was working from the only complete set of Whitewater financial documents, including the general ledger, deeds and contracts, records of all land transactions, canceled checks and previous tax returns.

McDougal said that he had sent all this material to the Clintons at the Arkansas governor's mansion in December, 1987. The papers were physically handed over to the Clintons by William Henley, the brother of McDougal's ex-wife, Susan, he said.

Toward the end of the 90-day period in which he was to complete the tax returns, Foster called Heuer to plead for more time. Those early weeks of the Clinton Administration had been hectic, including the controversies over the nomination of Zoe Baird and probable nomination of Kimba M. Wood to be attorney general and numerous other problems.

"Vince told me he had an incredible workload and couldn't get these taxes done this quickly," Heuer said in an interview. "I told him not to worry about it, and ultimately he did produce them."

McDougal said that he began to grow impatient by June and called Foster's office to learn what had become of the taxes and the Whitewater papers. "He never called back," McDougal said.

But Heuer said that Foster called "sometime in June" to say that he was "getting the taxes together." Heuer said he received a packet containing the completed returns from an accounting firm hired by Foster to do the final tax filings in the summer of 1993, a few weeks after Foster's death.

He said that the Whitewater papers used to prepare the returns—the complete Whitewater financial record—were not returned with the tax papers.

Heuer said that although his client is entitled to the Whitewater papers, he is not interested in pursuing the matter now. "How can I call the President of the United States and say: 'Give me the documents?'" Heuer said. "Besides, I'd just have to bear the cost of copying them and turning them over to the special prosecutor."

# Did the White House Intrude?

The grand jury is questioning current and former Clinton Administration officials to see if they tried to interfere with the investigation of the failed Madison Guaranty Savings & Loan, a thrift owned by a former business partner of the President.

## THE 10 WHO WERE SUBPOENAED



Reuters

**Lisa Caputo**, Mrs. Clinton's press secretary, leaves courthouse after appearing before grand jury.



Associated Press

**Margaret A. Williams**, Mrs. Clinton's chief of staff, after giving testimony Thursday.

**Mark D. Gearan**  
White House communications director

**Bernard Nussbaum**  
Former White House counsel

**Bruce Lindsey**  
Senior presidential adviser

**Harold M. Ickes**  
Deputy White House chief of staff

**Roger Altman**  
Deputy Treasury secretary

**Jane Hanson**  
Treasury general counsel

**Josh Steiner**  
Treasury secretary's chief of staff

**Jack Devore**  
Former Treasury press secretary

## THE INVESTIGATOR



**Robert B. Fiske Jr.** arrives at federal court Thursday.

■ **Special counsel:** Robert B. Fiske Jr. is probing matters related to the financial affairs of Bill and Hillary Rodham Clinton, their Whitewater land development partner, James B. McDougal, and McDougal's Madison Guaranty Savings & Loan, which failed in 1989 at a cost to taxpayers of at least \$47 million.

■ **His staff:** Fiske has assembled a staff of eight current or former prosecutors and more than 20 FBI agents and financial analysts to review more than a million documents.

■ **Inquiries beyond D.C. grand jury:** Fiske has established a special grand jury in Little Rock, Ark., with an 18-month term, and a separate arm of his staff is in Washington to investigate the suicide of White House Deputy Counsel Vincent Foster, who handled Whitewater matters for the Clintons.

Source: Times staff and wire reports

## THE GRAND JURY

■ **What they do:** Grand juries meet in secret to hear evidence of possible criminal wrongdoing. Prosecutors are empowered to issue subpoenas to compel witnesses to testify under oath or turn over documents. A majority of the quorum of 16 members is needed to bring an indictment—which is an allegation, not a verdict.

■ **Why the secrecy:** It is designed to protect reputations of people who are investigated but never charged. Grand jurors and prosecutors are bound by secrecy, but witnesses and their lawyers are free to discuss the testimony.

# The Washington Times

DATE: 3-11-94  
PAGE: A-1

## Clinton aides testify on briefings

### tell grand jury of secret RTC contacts

By Jerry Seper  
WASHINGTON TIMES

Three White House officials testified before a federal grand jury yesterday about secret briefings they attended concerning ongoing investigations by the Resolution Trust Corp. (RTC) in the Whitewater-Madison affair.

Clinton administration officials so delivered White House documents sought under subpoena by Whitewater-Madison special counsel Robert B. Fiske Jr., including notes, telephone logs and internal memos.

A circuslike atmosphere enveloped the federal courthouse as photographers and reporters huddled in the morning rain under brightly colored umbrellas, and witnesses and prosecutors scrambled to get into U.S. District Court.

Testifying were Mark Gearan, White House communications director; Margaret A. Williams, first deputy Hillary Rodham Clinton's chief of staff; and Lisa Caputo, Mrs. Clinton's press secretary.

"This has been a difficult day for me; it's been an emotional day," White House counselor David Berenson told CNN.

Seven other White House and Treasury Department officials involved in the secret briefings, including outgoing White House counsel Bernard W. Nussbaum and acting RTC head Roger C. Altman, were granted extensions and will testify at a later date.

They others are Bruce Lindsey, senior adviser to President Clinton; Harold Ickes, deputy White House chief of staff; Jean Hanson, Treasury's general counsel; Josh Weiner, Treasury's chief of staff; and Jack DeVore, former spokesman for Treasury Secretary Lloyd Bentsen.

Incoming White House Counsel Lloyd Cutler, who will officially replace Mr. Nussbaum after April 5, tried to downplay the secret briefings.

"It might have looked bad, but when it becomes clear exactly what happened in those meetings, it doesn't, in my view at least, I don't think it amounts to very much," he said in a taped interview on PBS' "Charlie Rose" show.

As the grand jury proceedings unfolded, financial markets took a beating yesterday amid mounting worries about the Clintons' and the White House's role in the Whitewater-Madison affair and rumors sparked by a Washington-based economic consulting firm casting doubt on details surrounding the death July 20 of White House Deputy Counsel Vincent W. Foster Jr.

The Dow Jones industrial average was off 23 points and long-term Treasury bond rates, which influence consumer and mortgage loans, soared to 6.96 percent. The dollar plunged against major currencies, fueled by rumors circulating in financial markets that Mr. Foster committed suicide in a Northern Virginia apartment rather than at Fort Marcy Park, where his body was found.

The speculation regarding Mr. Foster is included in a Johnson Smick International Report newsletter circulated yesterday. It reports that staff members of Senate Finance Committee Chairman Daniel Patrick Moynihan had said Mr. Foster's body was moved after he killed himself "in a private apartment in Virginia."

Lawrence O'Donnell Jr., staff director for the Finance Committee and a spokesman for Mr. Moynihan, New York Democrat, strongly denied yesterday that any member of the senator's staff had

spoken to the newsletter or was aware of the rumor.

"It is a work of sheer madness,"

Mr. O'Donnell said. "They invented it in their mad dreams. They are lying. ... The subscribers of that newsletter have been defrauded. These are the deluded dreams of a completely incompetent newsletter."

The death of Mr. Foster, a former law partner of Mrs. Clinton's at Little Rock's Rose Law Firm and the Clintons' personal attorney, is part of the Whitewater-Madison investigation. Mr. Fiske's staff has said it has begun a new inquiry into what U.S. Park Police have said was a suicide. Investigators said this week that no conclusion had yet been reached.

Shortly after Mr. Foster's body was found, White House officials removed records pertaining to Whitewater Development Corp., a partnership involving the Clintons and James B. McDougal, owner of the failed Madison Guaranty Savings and Loan Association.

Mr. Fiske, who had to be helped through the throng of photographers and reporters by U.S. marshals, stunned the White House on March 4 with subpoenas of the 10 key administration officials.

The subpoenas sought information and documents about briefings — either given or attended by the 10 — regarding the RTC inquiry into financial irregularities at Madison. The RTC, which handles S&L bailouts, was investigating Madison's 1989 failure that cost taxpayers \$50 million.

The subpoenas underscored what authorities described at the time as the seriousness of the Whitewater-Madison investigation, regarded until then by the White House as a bothersome diversion.

A senior administration official said yesterday that about 1,000 pages, many of them duplicates, were turned over to Mr. Fiske's office. The documents included notes, letters, memos, phone logs and newspaper clippings related to Whitewater that were gathered during a week-long search by 400 White House employees.

"We produced the White House documents to the Office of Special Counsel," said administration attorney Joel Klein as he left the federal courthouse. "All White House employees and staff complied [with Mr. Fiske's subpoena]. We claim no privileges of any sort with respect to any documents."

The search for Whitewater records has spread from the White House to the Treasury Department. Mr. Bentsen said he had to rent a warehouse to store documents that have so far been collected, adding that 15 special investigators and internal auditors were "going through our files on my floor alone."

The White House said yesterday it was considering a range of options to contain the political damage, from finding a friendly forum for Mrs. Clinton to a possible joint appearance by the Clintons on a television news magazine show to give their side of the story. Aides traveling with the president in New York denied, however, that the Clintons would appear on a TV show to discuss Whitewater-Madison.

In Cleveland, Democratic National Chairman David Wilhelm said efforts by Republicans to entangle Mr. Clinton in the Whitewater-Madison affair was the "great political hope" of the GOP to undermine the president's agenda.

"It is very obvious that this is a political strategy that in part is the pursuit of gridlock by other means," Mr. Wilhelm said. "If they

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can tie up Congress, if they can tie our government up and instead of having health-care reform we focus on Whitewater, that is in their political interest."

Mrs. Clinton, whose top aides were testifying in court, ventured to Capitol Hill yesterday to talk about health care with select House Democrats. Hoping to avoid a repeat of her visit to the Senate Wednesday, when Mrs. Clinton made a sarcastic comment about health care when waiting reporters asked her about Whitewater-Madison, Hill security officials kept the press far away from the first lady.

She smiled to reporters on the way into and out of the House but did not stop to answer shouted questions about health care.

Also on Capitol Hill, Democrats took to the Senate floor to mount a defense for the Clintons and to charge that Republicans were trying to stall the Clinton agenda.

"It's absolutely pathetic," Sen. John D. Rockefeller IV of West Virginia said of constant GOP calls for congressional hearings. "Some here will always reach for one more excuse because good policy is hard work and it does take time, and it's patience by the way, and it takes political courage."

Sen. Tom Daschle, South Dakota Democrat, said the public was losing confidence in government because of the charges.

"Why do we continue to destory the insititution we all claim we came here to serve?" Mr. Daschle asked, adding that Republicans were taking a "meat ax to the process."

But Sen. Christopher S. Bond, Missouri Republican, said the GOP just wants "straight answers."

"Some may want to turn this investigation into a partisan battle but they endanger the president's agenda and the office of the presidency in the process. . . . Treating this serious situation like a political campaign only makes me wonder what the White House has to hide," Mr. Bond said.

Senate Republicans who have demanded congressional hearings on Whitewater-Madison said yesterday they were willing to let the grand jury hear evidence for several months before calling hearings of their own.

The House Banking Committee has tentatively scheduled RTC oversight hearings for March 24, during which Republicans have said they will ask about Whitewater-Madison. Committee Chairman Henry B. Gonzalez, Texas Democrat, said he will limit the inquiries, a position supported by House Speaker Thomas S. Foley.

The grand jury yesterday heard first from Mrs. Clinton's chief of staff, Mrs. Williams, who spoke two hours before the panel. She told reporters on her way out of the building: "You can't come out

of anything like this and not have a fairly healthy respect for the press. I'm really encouraged to be participating in something where the finding of fact is important, as opposed to innuendo and rumor mongering and gossip and sensationalism."

She was followed by Ms. Caputo and later by Mr. Gearan.

Mr. Fiske declined to comment to reporters when he left the courthouse, but he did stop to help a photographer who fell while scrambling to get a picture.

The bizarre atmosphere was heightened by the presence of nearly a dozen demonstrators who carried banners and placards with slogans such as "Please, All Documents," "It's Ethics, Stupid," "Shred No More" and "Fess Up."

• *Michael Hedges, Anne Veigle and J. Jennings Moss contributed to this report.*

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## HOW OFFICIALS RESPONDED TO WHITEWATER

**T**he Whitewater Development Corp. first became an issue for Bill and Hillary Clinton during the 1992 presidential campaign but soon evaporated as a major concern. It reemerged last October with a report in *The Washington Post* that Resolution Trust Corp. investigators had asked for a criminal investigation of the failed Madison Guaranty Savings & Loan, formerly owned by the Clintons' Whitewater business partner, James McDougal. In two sets of criminal referrals, the last forwarded to the Justice Department in October, the RTC has cited the Clintons and the Clinton gubernatorial campaign as possible beneficiaries of Madison's illegal activities.

1992



HILLARY  
RODHAM  
CLINTON

### ► QUESTIONS ARISE

**March 8, 1992:** New York Times reports James McDougal, owner of defunct Madison Guaranty Savings & Loan, provided more money in initial Whitewater land development than Bill and Hillary Rodham Clinton, and questions whether regulatory treatment of McDougal was lax in Clinton administration.

**March 23:** Denver lawyer James Lyons, chosen by Clinton campaign, releases report on Whitewater, saying Clintons lost \$68,900 in the deal. No backup documentation is released. The findings would later be questioned by some tax experts.

### ► CLINTONS NAMED BY RESOLUTION TRUST

**October:** Resolution Trust Corp. (RTC), agency responsible for overseeing disposition of failed thrifts, refers the Madison case for possible criminal investigation to U.S. Attorney's Office in Little Rock, Ark., naming the Clintons as potential beneficiaries of possible diversion of funds from Madison to the Whitewater Development Corp., which had an account at Madison. RTC's referral is forwarded to the Justice Department.

**Nov. 3:** Clinton elected president.

### ► CLINTONS SELL WHITEWATER

**Dec. 24:** Clintons sell Whitewater interest back to McDougal for \$1,000. Vincent Foster, Rose law firm partner with Hillary Clinton, handles sale.

1994



LLOYD CUTLER  
Replaces  
Nussbaum

**SPECIAL COUNSEL APPOINTED**

**Jan. 20, 1994:** After White House yields to political pressure, **Robert B. Fiske Jr.** is appointed by Attorney General **Janet Reno** as special counsel to investigate Whitewater and Foster death.

**Feb. 2:** Altman, Hanson and Steiner meet at White House with Nussbaum, **Margaret Williams**, chief of staff to Hillary Clinton, and **Harold Ickes**, White House deputy chief of staff. Meeting described as "procedural brief" on RTC investigation at Madison.

**Feb. 24:** Altman attends congressional hearing, at which he reveals that he initiated and attended Feb. 2 meeting between Treasury and White House officials.

**Feb. 25:** Altman recuses himself from further Madison-Whitewater investigation and announces he will step down as interim head of RTC at the end of March.

**March 3:** The Washington Post discloses Sept. 29 and Oct. 14 meetings between Treasury and White House staff to discuss Whitewater.

**March 5:** Fiske subpoenas Nussbaum, Ickes, Lindsey, Williams, Gearan, Altman, three current and former Treasury aides and **Lisa Caputo**, press secretary to Hillary Clinton.

**March 5:** Nussbaum resigns, effective April 5.

**March 8:** Clinton names **Lloyd Cutler** counsel to the office of the president.

—Compiled by the National and Investigative staffs of The Washington Post

THE WASHINGTON POST

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1993



VINCENT FOSTER  
Deputy Counsel



DAVID HALE



WILLIAM KENNEDY



ROGER C. ALTMAN



MARK GEARAN



BRUCE LINDSEY



WEBSTER L. HUBBELL

**June 1993:** Three years of delinquent corporate tax forms for Whitewater—prepared under the direction of Foster, then deputy White House counsel—are filed.

**June:** Justice sends RTC request for criminal investigation back to U.S. attorney in Little Rock, instructing prosecutors to proceed as they see fit.

**July 20:** A U.S. magistrate signs an FBI warrant to search the offices of David Hale, owner of federally subsidized company, Capital Management Services, that provided \$300,000 loan in 1986 to the Clintons' Whitewater partner, Susan McDougal (former wife of James McDougal). Part of the loan went to help Whitewater buy land from International Paper Co. near Little Rock.

► **FOSTER FOUND DEAD**

**July 20:** Foster dies in what is ruled a suicide. One of his last phone calls was from attorney Lyons. Lyons denies they discussed Whitewater.

**July 22:** Whitewater documents removed from Foster's office by White House counsel Bernard Nussbaum and later given to Clinton's personal lawyer. This does not become public knowledge until December.

**August:** Randy Coleman, Hale's lawyer, calls associate White House counsel and former Rose partner William Kennedy to tell him that Hale intends to say Clinton pressured him to make Small Business Administration-backed loan to Susan McDougal. Kennedy alerts Nussbaum but declines Coleman's offer to discuss the matter.

**September:** Then senior vice president of the Resolution Trust Corp., Bill Roelle, briefs Deputy Treasury Secretary Roger C. Altman and Jean Hanson, general counsel at Treasury, about additional requests for criminal investigation naming the Clintons, which RTC is preparing to send to Justice.

► **WHITE HOUSE/TREASURY COMMUNICATIONS**

**Sept. 29:** At White House meeting, Hanson tells Nussbaum about the additional referrals naming the Clintons.

**Oct. 8:** Second set of referrals sent to U.S. attorney in Little Rock.

**Oct. 14:** Prompted by press inquiry about requests for criminal investigation, six persons attend second White House meeting:  
■ **From the White House:** Nussbaum; Mark Gearan, communications director; and Bruce Lindsey, assistant to the president.  
■ **From the Treasury Department:** Jean Hanson, general counsel; Jack DeVore, press secretary; and Josh Steiner, chief of staff. Participants say they discussed only how to respond to the press, not the substance of the requests for investigation.

**Oct. 27:** RTC's first referral for criminal investigation rejected by Paula Casey, Little Rock U.S. attorney and former law student of Bill Clinton, who later recuses herself from case.

**Oct. 30:** Lindsey says he knows nothing about RTC criminal referrals beyond what reporters have told him.

**Oct. 31:** The Washington Post reports that RTC is investigating Madison and that Clintons are mentioned in requests for criminal investigation.

**Nov. 3:** Associate Attorney General Webster L. Hubbell, a former partner of Rose law firm, recuses himself from anything to do with Whitewater.

**Nov. 9:** Special Justice Department team sent to Little Rock to investigate second set of referrals.

**Dec. 24:** Clinton instructs his personal lawyer to turn over to the Justice Department all Whitewater documents, as cries for a special counsel rise after disclosure Nussbaum took Foster files.

# National Review

## WHITEWATER RUNS DEEP

Date: 3-21-94

Page: 42

As governor, Bill Clinton had friends with names like 'Diamond Jim' and 'Hot Pants.' Their shady dealings cost the taxpayers millions. What will they cost the President?

**RICHARD BROOKHISER**

**F**ROM UP CLOSE, the collection of scandals labeled Whitewater seems both complex and trivial, like a swarm of dots on a TV screen. But it is neither. With a few exceptions, all the alleged crimes and improprieties fall into four slots: Whitewater Development Corporation and Madison Guaranty S&L (the "piggybank"); the activities of Hillary Clinton and three of her partners at the Rose Law Firm; sex; or cover-ups of the first three. The four-pronged configuration of events reflects one reality: for 14 years, Bill and Hillary Clinton ran with a crummy crowd, nourished in part by state-capital mores, in part by yuppie corner-cutting. They were the Masters of the Universe. Little Rock division. In 1992, the crowd, and its habits, went national.

Some of the alleged misdeeds of the Clintons and their friends are simply sleazy or embarrassing. Some are criminal. On January 20, Janet Reno appointed Robert Fiske as special prosecutor to investigate the matter. But what we learn over the next year or two will depend less on Fiske than on the efforts of Congress and the press, and the curiosity of the public.

### *The Piggybank*

**W**HITTEWATER first came to public attention in a March 8, 1992, story in the *New York Times*. (It would be about the last time the *Times* was ahead of the curve on the case.) The story reported that the Clintons had taken tax deductions in the mid Eighties on interest payments for loans that had in fact been paid for them by the Whitewater

Development Corporation, a real-estate scheme in northern Arkansas which they half-owned. Clinton, who had struggled through the Gennifer Flowers scandal only weeks earlier, asked James Lyons, a friendly lawyer, to look through his Whitewater records, such as they were. On March 28, Lyons reported that the Clintons had lost \$68,900 on the venture (see "Cover-ups," below). Reasoning that bad investors can't be tax cheats, the press let the story drop.

By the fall of 1992, the Resolution Trust Corporation, which is charged with cleaning up the S&L mess, was looking at Whitewater's other owners, James and Susan McDougal. James McDougal had known Bill Clinton since the late Sixties. The two couples formed the Whitewater partnership shortly before Clinton was first elected governor in 1978. Four years later, McDougal bought Madison Guaranty, a small thrift. It got bigger. McDougal acquired a blue Bentley and the nickname "Diamond Jim." Susan's nickname was "Hot Pants," because that's what she wore on commercials promoting Whitewater. In 1989, Madison Guaranty went under, at a cost to taxpayers of \$60 million.

An RTC document named the Clintons as potential witnesses to the deeds of McDougal and his "shell corporations." The Bush Justice Department would not give the matter top priority in the homestretch of a presidential campaign, and the Clinton Justice Department let it lie. But in October 1993, the RTC prodded Justice again, and Whitewater once more became a matter of public discussion.

One subject the media have discussed has been favors McDougal allegedly did for the Clintons. Representative Jim Leach (R., Iowa) has called Madison "a private piggybank." Most of the crooked S&Ls of the Eighties benefitted their owners. But Madison Guaranty also extended itself for an array of well-connected Arkansans, including the Clintons. McDougal has claimed that in 1984, Clinton complained that he was hard up. "I asked him how much he needed, and Clinton said about \$2,000 a month." Madison Guaranty put Hillary Clinton on a \$2,000 a month retainer, paid through the Rose Law Firm where she worked—an arrangement that lasted for 15 months. The White House denies that Clinton sought business for his wife.

A year later, McDougal helped Clinton retire a big bank loan, possibly with the unwitting help of Madison's depositors. In the last days of the 1984 gubernatorial campaign Clinton, feeling a case of election jitters, borrowed \$50,000 from a tiny bank in eastern Arkansas, run by a member of his staff. After Clinton won, he asked McDougal to "knock out the deficit." Madison held a fund-raiser in April 1985 which raised \$35,000 for Clinton, but investigators suspect that \$12,000 of that money—four certified checks for \$3,000 apiece—was fraudulently raised. One of the "contributors" whose name appears on one of the checks denies he ever gave \$3,000 to Clinton in 1985, for the excellent reason that he was a Republican college student at the time.

More serious are the favors the Clintons may have done for McDougal. The feds were taking a grim view of

Madison Guaranty by 1984; the Federal Home Loan Bank Board called its lending practices "unsafe and unsound." In April 1985—the same month as the fund-raiser—Hillary Clinton earned her retainer by proposing a rescue plan for Madison to the Arkansas Securities Department. (The plan proposed that Madison be allowed to buy back its own stock, and offered, as proof of its health, an optimistic audit by Madison's accounting

firm.) As luck would have it, the commissioner of the Securities Department whom Hillary's husband had just appointed was Beverly Bassett (now Beverly Bassett Schaffer), a big-hair woman who had done work for Madison Guaranty in an earlier incarnation as a securities lawyer. It doesn't get any tighter than this. In a letter addressed "Dear Hillary," Bassett okayed the plan.

Madison never got around to issuing any stock, and in the fall of 1985 the feds scheduled an audit for early next year. Enter now David Hale, a municipal judge in Little Rock who ran Capital Management, an investment firm backed by the Small Business Administration for the purpose of aiding disadvantaged entrepreneurs. Hale now claims that in February 1986, in a meeting at the State Capitol, Governor Clinton asked: "Are you going to be able to help Jim and me out?"

"That's just the way business is done in Arkansas," Hale adds.

The White House says that Hale, who is under indictment for fraud, is a liar out to "save his butt." What partly supports Hale, however, is that Capital Management in fact loaned \$300,000 to that disadvantaged entrepreneur. Susan McDougal, and almost half of that money ended up in White-water's account, where it was used to buy 810 acres from International Paper.

These activities have to be set in the context of the Clintons' political and personal situation. In 1992 Bill Clinton looked like an unstoppable figure, a political Terminator. But he had been stopped once, in 1980, when he lost his first re-election bid for governor. He never took a race for granted after that. The Clintons' personal finances did not become comfortable until Hillary began landing on corporate boards in the late Eighties. A friend with Jim McDougal's cash flow was a friend indeed. McDougal went to bat for the Clintons, at times—allegedly—out of order. Did they do the same for him?

### The Four Lawyers

**I**N A 1992 debate before the Illinois primary, Jerry Brown said Clinton's "wife's law firm is representing clients before state . . . agencies, his appointees." Clinton replied that the Rose Law Firm was "the oldest law firm in America, west of the Mississippi," and that Brown ought to be "ashamed" of himself "for jettisoning on my wife." The Rose Law Firm is old, yet, as we have seen, Brown's

statement was true. What else had Mrs. Clinton and the partners who crossed the Mississippi with her to Washington—William Kennedy III, Webster Hubbell, and Vincent Foster—been up to?

One old case throws an ironic light on present policy debates. In 1989 Beverly Enterprises, a national nursing-home business, decided to sell 45 nursing homes in Iowa. Beverly Enterprises is indirectly controlled by the Stephens family, Little Rock banking kingpins; William Kennedy III of the Rose Law Firm (now associate counsel in the White House) handled the deal. On one day in August 1989 the nursing homes—which an Iowa judge has since ruled were worth about \$47 million at the time—were sold to a Texas businessman, who re-sold them to a charitable company he controlled, backed by Iowa state tax-exempt bonds. Final sale price: \$63.5 million. Not bad for a day's work. Rose Law could have collected as much as half a million dollars for shuffling the papers, to be divided in bonuses among its partners, including Hillary Rodham Health Care. Meanwhile, the nursing homes, in order to pay off their debt, were forced to raise fees.

The nursing-home deal, all perfectly legal, offered a foretaste of the Clinton health plan: everyone was screwed, except the large medical corporations and the lawyers. But some Little Rock legal practitioners skated on slimmer ice.

Also in 1989, the Federal Deposit Insurance Corporation decided to sue the accounting firm that had presented a clean bill of health for Madison Guaranty to the Arkansas Securities Department in 1985. Vince Foster, another partner at Rose Law and later deputy White House counsel, wrote the FDIC offering Rose's services as outside counsel, declaring, in a careful present tense, that "the firm does not represent any savings-and-loan association in state or federal regulatory matters." Foster's statement was true, but so narrowly as to be false. The Rose Law Firm did not represent any S&Ls in 1989, but it had represented Madison Guaranty four years earlier—and in the matter under investigation. One seventeenth-century Jesuit, acting undercover in a Protestant country, when interrogated by the authorities denied that he was a priest, adding silently to himself, ". . . of Apollo." What was good enough for the Jesuits was good enough for the FDIC. Webster Hubbell, Rose partner who is now associate attorney general—and hence number three man at the Justice Department—handled the FDIC's

cas settling the accountants' liability the \$60 million debacle at \$1 million.

Two years earlier, two Rose Law Firm partners had handled a similar case for the Federal Savings and Loan Insurance Corporation, in similar style. The feds were pursuing a bond trader who they claimed had defrauded a defunct Illinois S&L, First American of Oak Brook. The Rose Law Firm offered itself successfully as outside counsel, and assigned Vince Foster and Hillary Clinton to the case. No one seems to have mentioned their connection to the bond trader: Dan Lasater, a restaurateur and cocaine smuggler who was a friend of the Clinton family. Lasater met the Clintons because his box at the Hot Springs race track was next to that of Virginia Kelley, Bill Clinton's mother. Lasater ended up paying \$200,000, in return for dismissal of the \$3.3 million suit.

Vince Foster is gone, of course, but the other three lawyers are still on call. With so much legal advice available, you would think Bill Clinton—himself a lawyer—would have handled his troubles more adroitly. But maybe he is doing exactly what they tell him.

### Sex

**N**IGHTGOWNS! Saxophones! Garden hoses! Tennis balls! Hot stuff! But don't waste any time on it unless it speaks to you personally, because it won't have any repercussions. As Richard Nixon might have said, we are all fornicators now. All you'll read about here is alleged behavior that reflects on the Arkansas-Yuppie political style.

The latest Clinton *sexposé* was a charge made last month by Paula Jones, a 27-year-old former secretary, that Governor Clinton, in 1991, had propositioned her. Since Mrs. Jones was a state employee at the time, she would have grounds to sue for sexual harassment, which she threatened to do if an apology were not forthcoming. No apology has come forth, neither has any suit. Mrs. Jones's story, if true, confirms reports by the Arkansas state troopers and others that Governor Clinton conducted a predatory sex life not unlike the Duke of Mantua in *Rigoletto*.

The political hook to David Brock's report, last December, on the Arkansas state troopers was that Governor Clinton had used state employees as a de facto escort service. The troopers' story was dismissed when the Clinton

damage-control team accused them of assorted blemishes and grudges. But part of their tale was confirmed a month later when Sally Miller Perdue, a former Miss Arkansas, told Ambrose Evans-Pritchard of the London *Sunday Telegraph* that she had had an affair with Clinton in 1983, and that state troopers had ferried him to her condo a dozen times. She said she was talking to a London paper because she had "had it with the American press. . . . [T]hey've protected Bill Clinton in a way they've never protected anybody in the history of America."

Miss Perdue's most striking complaint was not about the press, however, but about politics (hardball politics). In August 1992, she had met in a restaurant in Missouri, where she then lived, with one Ron Tucker. He told her that "people in high places" wanted her to keep quiet, and that if she didn't, "he couldn't guarantee what might happen to [her] pretty little legs." A colleague of Miss Perdue eavesdropped on the conversation and then reported it to the FBI. Tucker, a retired mining equipment salesman, denies everything, but his former employer remembers Tucker saying in September 1992 that "somebody from the Democratic Party in St. Louis" had asked him to shut Miss Perdue up. Nothing happened to her pretty little legs. But she says she found a shotgun cartridge on the seat of her Jeep one day. She shut up.

### Cover-ups

**T**HE PATTERN of cover-ups began with the first scandal, with the Lyons Report. The great flaw of the Lyons Report was, that if the Clintons had lost \$68,900 on Whitewater as Lyons claimed—the loss that, in the media's minds, made moot their fraud—why hadn't they claimed it on their tax returns? On the other hand, they were probably wise not to have done so, since several of the checks they paid to Whitewater, which were counted among their "losses," turn out to have been repayments of loans from Whitewater.

Straightening out Whitewater's finances has been hard, since so many of the records have vanished. Susan McDougal said she gave the corporation's files to the Clintons in 1987; the Clintons can't seem to find them. No one can find the records of the Clinton gubernatorial campaign, which would include information on Madison Guaranty's 1985 fund-raiser.

A gnome in the office of the Arkansas secretary of state told *The New Yorker* that the microfilms of the records had been stored in a former boiler room. "Bingo! It was all ruined. You'd open the drawers and stench from the acid would knock you down."

Most suspicious has been the Administration's handling of the files of deputy White House counsel Vince Foster. Foster had been a friend of the Clintons and a partner of Hillary for years; he had sold the Clintons' shares in Whitewater in 1992. After Foster's body was found on the afternoon of July 20, 1993, we know that three White House staffers, including counsel Bernard Nussbaum, entered Foster's office that night. Since the room wasn't sealed until the next day, we don't know who else may have entered it before investigators arrived, on the 22nd. According to an unreleased police report, Nussbaum interfered with interviews of White House staff by directing other White House lawyers to sit in. He himself inspected Foster's briefcase, finding nothing. Four days later, an associate White House counsel taking a second look found the torn-up scraps of a depressed note in the same briefcase. Nussbaum also sifted through the papers in Foster's office, deciding what the investigators could and could not see; he gave Foster's Whitewater files to David Kendall, the Clintons' personal lawyer, citing lawyer-client privilege. A specious excuse: if Foster was their personal lawyer, why was he on the White House staff? If he was on the White House staff, why was he doing personal legal work for them? Five months later—on December 23—Clinton finally agreed to give the Whitewater files to the Justice Department, though even then he stalled, claiming that the files needed "cataloguing." The files were finally surrendered under a subpoena, meaning they are not subject to the Freedom of Information Act.

In Washington, Clinton supporters rely on obfuscations and stonewalling. Back home, somebody may be going as far as thuggery. Sally Miller Perdue claims she was threatened in Missouri. In Little Rock, in June 1992, three goons visited the apartment of Gary Johnson, a lawyer, beat him up, and, he alleges, stole a videotape of Clinton visiting the apartment of Johnson's neighbor, Gennifer Flowers. Johnson suffered serious head (URTIS 46305) Doct rated bladder, and had to have his spleen removed. These injuries were presumably not volun-

ary; whether they were inflicted by "over-zealous" Clinton supporters, or by enraged book-makers, is beyond my power to guess.

Was Vince Foster visited by goons with a gun? That seems too sensational to be true. The most lurid scenario for his suicide would have him shooting himself in some inconvenient location, whence his body was taken to Fort Marcy Park. But until we have a police report—a report by real police, not the beer-and-dog-doo police who mind federal parks in the Beltway—all speculation is conservative grassy-knollism. Robert Fiske, the special prosecutor, announced on February 23 the names of the lawyers who would investigate Foster's death. My own eccentric theory of his death is that it had nothing to do with Whitewater, or politics of any kind. People who kill themselves usually suffer from woes far deeper than the proximate upheavals in their lives.

### Looking Ahead

**R**OBERT FISKE has rented office space in Little Rock for three years. If Lawrence Walsh's performance as an independent prosecutor is any guide, he could be at work for much longer. Fiske's résumé suggests a comfortable legal establishmentarian, but, like Walsh, he now has a personal interest in finding something.

We may learn more sooner from Congress. Jim Leach, the ranking minority member of the House Banking Committee, has the voice and manner of someone who hosts a children's show on public television. But on Whitewater, he has the bit between his teeth. The law requires Congress to review the activities of the RTC every six months; the latest hearing is three months late. The House parliamentarian has advised Congressman Leach that the minority may call any witnesses it likes, though the chairman—Henry Gonzalez of Texas—could restrict questioning. "The minority," says Leach, "will attempt to demonstrate that Madison attempted direct and indirect payments of the obligations of Whitewater and its principals."

Leach was the first congressmen to note the burgeoning S&L mess, and Whitewater strikes him "as *déjà vu* all over again. There are a lot of analogies between S&L and Lincoln," the S&L of Charles Keating. "Lincoln was a personal piggybank," which Keating tried to keep afloat "by compromising

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important figures in Congress [the Keating Five]. Madison is a digit and a half smaller than Lincoln, but money was sifted out, and an attempt was made to compromise the governor through campaign contributions, but also by a persistent conflict of interest—the Whitewater partnership. “I was naïve to believe at the beginning,” Leach concludes, “that it was just modest embarrassment that might be borne by the Clintons. Each passing week, darker imagery appears.”

Will the darker imagery have political consequences? The White House seems to think so: the *New York Times*, putting the story back on page one for the first time in almost two years, reports that senior Clinton aides, including Nussbaum, were briefed by the head of the RTC on the statute of limitations concerning offenses related to Madison Guaranty. If the story simply limps along, in Congress and in a reawakened press, it must erode the cushion of support that any President needs when a peace-keeping mission bogs down, or the economy goes flat.

The great unknown is the attitude of the public. Here is a guide for focusing its thoughts. In 1992, we thought we elected the New Politics. Maybe we did, but we also elected some very old politics. We sent a gang of corsairs to Washington—sharpers and shysters and razorback banditti. In Arkansas, they lied and stole, and some of them did worse. In the White House, they lie about what they did then. When they were running for office, nobody told us what they were like; but now that they're in power, can we learn? □

## WHITEWATER: IS THE CRIME A COVER-UP?

Bill Clinton keeps insisting that no crimes were committed and no wrongs done, but the clouds of the so-called Whitewater affair continue to gather around his administration. Last week's disclosures that White House Counsel Bernard Nussbaum had been briefed privately on the Whitewater investigation heightened the controversy — and may have been the episode that sealed Nussbaum's fate.

The White House was roiled further at week's end by a surprise subpoena for Whitewater-related documents. At issue is whether the president and Hillary Rodham Clinton profited improperly from the land investment or failed to declare and pay sufficient taxes. Amid a firestorm of criticism, Clinton himself called the Nussbaum meetings a mistake. But that's just the beginning. A grand jury's investigation of documents shredded by Hillary Clinton's former partners at the Rose Law Firm in Little Rock has fueled talk of a cover-up. Although the late Vincent Foster's initials appeared on the documents, Rose partners deny that any of Foster's papers were destroyed.

Foster committed suicide last year, but his legal work may yet prove relevant to the inquiry. U.S. News has learned that Foster worked for James McDougal's Madison Bank & Trust as early as 1981. Madison lent Hillary Clinton \$30,000 to build a model home at Whitewater. That lot was later sold. Whitewater transactions are at the heart of the current investigation by special prosecutor Robert Fiske Jr.

**No deal.** Past investigators have been less vigorous than Fiske. After his Little Rock offices were raided last June, David Hale, a former judge now accused

of fraud, offered to wear a hidden microphone. Hale told U.S. Attorney Paula Casey that Bill Clinton and Jim Guy Tucker, Clinton's successor as governor, were involved in the fraud, which entailed \$900,000 in federal loans. By aiding the investigation of fraud and other business related to Whitewater, Hale hoped to cut a deal.

Standard prosecutorial practice in such cases is to secure cooperation of minor defendants and go after bigger fish. Casey refused Hale's offer of cooperation, however. A longtime supporter and an appointee of Bill Clinton, she finally recused herself from the Whitewater inquiry in November — after Hale had been indicted and his opportunity to assist with an investigation had diminished. Casey did not return phone calls to discuss the Hale case.

Hale could still hurt the president. At a pretrial hearing last week, witnesses testified that he boasted of Clinton's involvement in his loan schemes. And sure to come up in Hale's trial later this month is a \$300,000 loan made to a McDougal shell corporation called Master Marketing. Hale says Clinton pressured him into making the loan; the president denies it. □ BY GREG FERGUSON AND DAVID BOWERMASTER

### Questions for three Arkansas figures



CASEY

**WHY DID THE U.S. ATTORNEY IN LITTLE ROCK REJECT DAVID HALE'S PLEA BARGAIN OFFER TO ACT AS AN UNDERCOVER INFORMANT AGAINST ARKANSAS'S POLITICAL ELITE?**



HALE

**DID THE FORMER MUNICIPAL JUDGE FUNNEL TO POLITICAL FRIENDS \$900,000 IN GOVERNMENT LOANS THAT WERE SUPPOSED TO GO TO DISADVANTAGED ENTREPRENEURS?**



TUCKER

**DID THE CURRENT GOVERNOR OF ARKANSAS PROFIT IMPROPERLY FROM LOANS THAT WERE MADE BY HALE AND SUBSEQUENTLY FALSIFY FINANCIAL STATEMENTS?**

(Mount Clipping in Space Below)

# Rose Lawyers Say Shredding Was Unrelated to Foster Probe

By Susan Schmidt  
Washington Post Staff Writer

Documents shredded last month by a courier at the Rose law firm in Little Rock, Ark., contained firm financial statements and minutes of partnership meetings, according to firm lawyers, and not sensitive materials handled by Vincent Foster, who served as deputy White House counsel before his suicide last July.

But investigators reexamining the circumstances of Foster's suicide and the law firm's relationship to the failed Madison Guaranty Savings & Loan have questioned the courier, Jeremy Hedges, a college student employed by the firm, before a federal grand jury, according to sources close to the firm.

Foster, Hillary Rodham Clinton and Associate Attorney General Webster L. Hubbell were Rose partners before coming to Washington. The law firm represented Madison and a number of businesses linked to the S&L. Foster's suicide is part of the wide-ranging investigation into Madison and the Clintons' Whitewater real estate venture being conducted by Special Counsel Robert B. Fiske Jr.

Fiske said Feb. 9 that he would investigate an allegation reported in the Washington Times that Rose

employees shredded documents related to the Whitewater investigation.

The New York Times reported yesterday that Hedges was brought before the Whitewater grand jury on Feb. 16 and testified that he did not know exactly what he had shredded but that the outside of the box bore Foster's initials, as did binders contained inside. He also reportedly said he saw Foster's name on some of the documents.

Rose firm sources said the box of material to be shredded was put together by a clerk in helping a lawyer change offices.

Foster had worked on Whitewater tax returns for the Clintons, and at the time of his death had set up a blind trust for their assets.

The Rose firm, one of the largest in Arkansas, has been at the center of controversy over its representation of Madison before the state securities commission while Bill Clinton was governor. Hillary Clinton helped represent the S&L in the matter.

The firm has been conducting an internal inquiry into the client billing practices and expense accounts of Hubbell, a former managing partner.

(Indicate page, name of newspaper, city and state.)

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# NEW YORK POST

DATE: 3.4.94  
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# PROBER: WE'LL START FROM SCRATCH ON FOSTER'S 'SUICIDE'

By THOMAS FERRARO *Post Correspondent*

WASHINGTON — A top aide to Whitewater special counsel Robert Fiske vowed yesterday to start from scratch and conduct a "top to bottom" review of whether White House lawyer Vince Foster committed suicide.

"Obviously, if he did not commit suicide, and something else happened — that's going to be relevant to a lot of things," prosecutor Roderick Lankler told *The Post*.

Lankler, a veteran New York homicide prosecutor, said he is putting together his own team of investigators, pathologists and forensic experts to review the U.S. Park Police conclusion that Foster killed himself.

"Suffice to say, we're going to go through the entire investigation — from top to bottom," Lankler said in a telephone interview.

"The purpose of our investigation is to find out how he died and why he died [and] if it's relevant to the Whitewater investigation — that's the relevant investigation."

Fiske is heading a sweeping probe into the Clintons' co-ownership of the Whitewater Development Corp. and their ties to a failed Arkansas savings and loan, Madison Guaranty

S&L

The *Post* first raised doubts about Foster's death in January, quoting paramedics, lawmen and pathologists who questioned Park Police procedures as well as the federal agency's conclusion Aug. 10 — three weeks after Foster's death — that it was a suicide.

Lankler indicated that members of the White House staff will be interviewed for his investigation but declined comment on whether President Clinton and First Lady Hillary Rodham Clinton might be among those quizzed.

Autopsy, forensic and ballistic records also are certain to be re-examined.

Attorney General Janet Reno, asked at her weekly news conference yesterday

if she was aware of "anything that would remotely suggest" Foster's death was anything but a suicide, replied: "No."

Lankler, asked if he agrees with Reno, said: "That's what I'm supposed to be doing — trying to find out what happened."

Shortly after Foster was found dead with a bullet in his head in a Virginia park July 20, Whitewater papers

were quietly removed from his office by White House aides.

Those papers were turned over to federal investigators this winter after *The Washington Times* disclosed their existence.

Lankler said, "It is also our purpose . . . to find out what happened after he was found dead — in respect to what went on in the White House."

Lankler, one of eight veteran prosecutors hired by Fiske last week, was given the task of investigating Foster's death.

He said he expects to hire the forensic experts and pathologists next week, but refused to predict how long his probe may take.

"The objective we have here is to do the most thorough, complete and professional job we can," he said. "We are going to take the time we need to do it

The Park Police finding of suicide was supported by the FBI, and a Virginia medical examiner ruled that Foster's wounds were consistent with suicide.

Clinton has publicly accepted the suicide ruling but has said the reasons his boyhood friend pulled the trigger may never be known.



DATE: 3-8-94  
PAGE: 3A

# Foster's life, death still in the spotlight

By Bill Nichols  
USA TODAY

HOPE, Ark. — The day after deputy White House counsel Vincent Foster apparently shot himself last summer, President Clinton told his devastated staff: "No one can ever know why this happened."

But even as Foster rests in a quiet cemetery west of town here, Whitewater special counsel Robert Fiske is actively pursuing just that question.

Friends and family of Foster both in Hope, President Clinton's birthplace, and in Little Rock at first refused to believe the strong, successful attorney would take his own life.

Today, however, those close to Foster fiercely denounce suggestions of foul play or some sort of conspiracy.

His scenario: Foster, in Washington at the behest of the Clintons — his closest friends besides wife Lisa — found himself buffeted by political attacks he had never encountered before, and, suffering from depression and a fierce sense of pride, simply snapped.

"There's not really any other logical explanation," says Mark Grobmyer, a friend and Little Rock lawyer. "If Vince could come back and explain why he did it, I'm not sure that he could to anyone's satisfaction."

"How many people in their whole lives are ever asked to be the deputy counsel in the White House by the president?" says Little Rock attorney Joseph Purvis, Foster's boyhood friend from Hope.

"How do you say no? If you are ... a person with any kind of competitive fire or spirit you've got to try. The problem is that, for somebody like Vince, it was a trap."

## Investigation of investigation



White House  
FOSTER: Found dead July 20

White House deputy counsel Vincent Foster died of a bullet to the head July 20 in a park by the Potomac River in Arlington, Va.

Special counsel Robert Fiske is investigating whether the death was properly ruled a suicide by the U.S. Park Police, which handled the initial probe of Foster's death.

Also in question: if it was proper for White House counsel Bernard Nussbaum to remove Whitewater documents from Foster's office before police investigators were permitted inside.

Fiske, by his actions, apparently is not sure. And the clamor in Congress grows louder.

Said House Minority Whip Newt Gingrich, R-Ga., on CNN Sunday: "The fact that the independent counsel has brought in a homicide expert as one of his deputies and ... is reviewing the Park Police's entire investigation has to at least say that there's a lot there that's weird."

Weird is not how Foster has been described. He was an accomplished lawyer, partner at Little Rock's Rose firm with Hillary Rodham Clinton and Associate Attorney General Webster Hubbell. He rose fast, dazzled his colleagues and left a glittering résumé.

In Little Rock, Foster was someone who "had usually always succeeded, who had been beyond reproach down here," says Max Brantley, editor of the weekly *Arkansas Times*.

Says George Frazier, a Hope insurance agent who talks "and sometimes cries a little" every other day or so with Foster's lawyer, "There are still some questions that need to be answered. But it's a terrible burden on

those of us who loved Vince and watched him grow up to open the newspaper ... and find these stories."

While the U.S. Park Police concluded Foster's death was a suicide, there are questions:

► One of Fiske's eight assistants, Roderick Lankler, a prosecutor with long experience with homicide cases, is probing Foster's death.

► Foster had a file on the Clinton's involvement in the Whitewater real estate venture in his White House office that was moved by White House aides after his death.

► Findings of the FBI, U.S.

Park Police and Bureau of Alcohol, Tobacco and Firearms into Foster's death have not been made public. Fiske has asked they be held until he finishes his investigation.

► The Park Police document reportedly said White House counsel Bernard Nussbaum was not helpful, monitoring their interviews with White House employees and limiting access to documents.

► The Park Police document reportedly said White House counsel Bernard Nussbaum was not helpful, monitoring their interviews with White House employees and limiting access to documents.

► Investigators were not allowed into Foster's office the day after he died, though Nussbaum, Maggie Williams, chief of staff for Hillary Clinton and Patsy Thomasson, an Arkansas Democratic stalwart and White House aide, got in the night he died.

► A note, at first missed in Foster's briefcase, was not turned over for 30 hours.

Torn into 27 pieces, the note indicated Foster was bitterly frustrated with Washington. It was unsigned, undated and did not bear his fingerprints.

Frazier talked to Lisa Foster last week to request a photo of her husband for a commemorative display of the four Hope

boys who went to Washington — Clinton, White House chief of staff Thomas "Mack" McLarty, administrative aide David Watkins and Foster.

"She seemed to be doing OK," Frazier says. "She has some good days and some bad days, just like the rest of us."

Vince Foster's closest friends now see his death as the result of an almost unavoidable tension between his easy and constant success in Little Rock and the more partisan atmosphere of Washington.

He was savaged for early missteps — the firing of the White House travel-office workers, the inability to settle on a nominee for attorney general — and felt he could neither leave his two old friends or return home in failure.

"He got there and where you or I ... would have simply said to our good buddy, 'Mr. President, I love you dearly, I'm deeply grateful, however this is not my cup of tea,' Vince couldn't do that," says Purvis.

Purvis said he had dreamed of Foster recently. "I was in the White House and I was talking to Vince. We kind of had our arms around each other. And he just kept saying you can't be

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## Foster case's coroner erred in '89 killing 'Suicide' ruling reversed, leading to a conviction

By Michael Hedges  
THE WASHINGTON TIMES

The coroner who handled the death of Vincent W. Foster Jr. overlooked critical evidence in another suicide ruling that was changed to a homicide, according to an expert who examined the autopsy report.

Dr. James C. Beyer, Northern Virginia's deputy chief medical examiner, supported the police finding of suicide in the 1989 stabbing death of Timothy Easley.



Beyer

But last fall Mr. Easley's girlfriend, Candy Wharton, was charged with homicide after an outside expert re-examined the file and noted that the original report had glaring errors, including missing a stab wound in the victim's hand and getting the color of his hair wrong.

The hand wound was "definitely ante-mortem [before death] and a classical defense wound suffered

while trying to avoid the knife," wrote Dr. Harry J. Bonnell, chief deputy medical examiner in San Diego, who reviewed the Easley case.

Dr. Bonnell's review also said he was highly doubtful the chest wound suffered by Mr. Easley, 21, of Centreville, could have been self-inflicted. Miss Wharton, who had passed a polygraph test, had told police Mr. Easley stabbed himself after an argument.

"The decedent would have to stab himself from high up ... and then direct the blade downwards and back across his body toward his right side. He would have to use his right hand, making it near impossible to cut the back of his right hand at the same time," Dr. Bonnell wrote.

As for the cut on the hand, which a relative had photographed at Mr. Easley's wake, "I cannot understand how any competent forensic pathologist would miss it," Dr. Bonnell wrote.

Whitewater-Madison special counsel Robert B. Fiske Jr. has said he would hire "forensic experts and pathologists" to make an independent analysis of the autopsy report and other evidence that led U.S. Park Police, with Dr.

Beyer's consent, to call the Foster death a suicide.

The autopsy report on the death of Mr. Foster, White House deputy counsel and the personal attorney for President Clinton and his wife, Hillary Rodham Clinton, is among the documents that have been held secret by officials since he died July 20, 1993. His body was found in Northern Virginia's Fort Marcy Park.

Dr. Beyer, 76, said both the Foster and Easley suicide findings were "combined findings between the medical examiner and the police."

In the Easley case, he said, "the police originally had told me it was a suicide, so it was a suicide investigation. My finding of what happened didn't change; my finding was that it was a stab wound to the thorax."

After the victim's mother, Pamela Easley, made repeated efforts to reopen the case, a group called Parents of Murdered Children sent the autopsy report and other files to Dr. Bonnell.

Dr. Bonnell's findings that the injuries on the body in no way reflected a suicide led Fairfax County police to reopen the case, and Miss Wharton was eventually convicted of voluntary manslaughter, officials said.

When the Easley case was reopened last year, Police Chief Michael W. Young said the new look was based on "inaccurate findings" in the original investigation.

Police spokeswoman Lt. April Kranda said yesterday, "One of the things that occurred was that Mrs. Easley brought us information she had obtained from another medical examiner." She said that was a "critical factor" in reopening the case.

Dr. Bonnell's opinion is contained in a two-page letter written last May. "The location of the stab wound is inconsistent with self-inflicted; nobody imagines their heart to be as high above the nipple as the diagram shows the entry wound to be," he wrote.

"The location and direction of the stab wound track are typical for a right-handed assailant attacking from the front with the victim's dominant arm coming to ward off the blow," he said.

Dr. Beyer said of Dr. Bonnell's critique: "That is his opinion. You'll have to ask him about it."

Asked about the stab wound on the back of Mr. Easley's hand, he said, "I didn't see one; I saw a pin prick." He said the suicide ruling was changed to a homicide ruling because of "new information."

Dr. Beyer has been a regional medical examiner since 1971. In that time, he said, he has participated in thousands of death investigations.

An official in the office declined to release reports in specific cases requested yesterday. "Those are not public documents. They are private medical documents," she said.

Mrs. Easley, who now lives in Louisiana, had told friends the medical examiner's report contained errors, including her son's hair color and the failure to note the hand wound. She had seen the wound at her son's wake and had a relative photograph it.

When her efforts to reopen the case failed, she contacted Parents of Murdered Children, according to Nancy Ruhe-Munch, spokeswoman for the Cincinnati-based group.

"We sent the information provided to us by Mrs. Easley to Dr. Bonnell, who is on our board, and he was shocked," Ms. Ruhe-Munch said. "He said basically it was an incompetent autopsy."

Armed with the Bonnell findings, Mrs. Easley persuaded Fairfax police to reopen the case. Investigators reached Miss Wharton in Washington state, and she failed a second polygraph. She then changed her story to admit stabbing Mr. Easley but said it was in self-defense.

Last October, police charged her in the slaying. She was convicted of voluntary manslaughter on Dec. 3, and on Feb. 14 she was sentenced to five years in prison.

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297-UR-35063 sub 06-2

# FOSTER FILE SHOCKER

*2nd set of papers taken from safe  
after mad scramble for combination*

By CHRISTOPHER RUDDY

White House officials frantically scrambled to get the combination to Vincent Foster's office safe soon after his death — and ultimately removed a second set of files, The Post has learned.

White House counsel Bernard Nussbaum's removal of one set of Whitewater files from Foster's office has been widely reported.

But the disappearance of a second set of papers — including some also related to Whitewater — wasn't previously known.

Three separate White House sources told The Post that Clinton aides were scrambling — like "cats and dogs," as one put it — as they tried to get into Foster's safe just hours after his death.

Foster's body was found in Fort Marcy Park in suburban Arlington, Va., at about 6 p.m. on July 20.

As previously reported, a few hours later, Nussbaum — accompanied by First Lady Hillary Rodham Clinton's chief-of-staff, Margaret Williams, and longtime Clinton aide Patsy Thomasson — entered Foster's office and removed Whitewater files that were not in the safe.

But The Post has learned that Nussbaum also asked

**POST  
EXCLUSIVE**

a White House security officer on night duty for the combination to Foster's safe, a White House source said.

Nussbaum was told that the security staff didn't have the combination, the source added.

Combinations are controlled through top-secret clearances in the Office of

Administration, which is run by Thomasson.

The Office of Administration staffer in charge of security — including the safeguarding of combinations — was out of town that night, a law-enforcement source said.

Later, during the wee hours of July 21, a senior White House aide — not Nussbaum — succeeded in opening Foster's safe, according to another law-enforcement official who is assigned to the White House.

It's not clear how the combination was obtained.

The safe was opened before most White House personnel reported to work on the morning of July 21, the source added.

Several documents, including papers relating to Whitewater, were removed from the safe and turned over to President and Hillary Clinton's personal lawyer, David Kendall, the source said. Then the safe was relocked.

Foster, who was deputy

White House counsel, also handled the Clintons' private legal matters, including Whitewater.

Word that the safe had been opened apparently did not reach most White House officials, including senior members of the White House counsel's office — and they continued to scramble for the combination, a source said.

They were so anxious to be the first to see the contents of the safe that the counsel's office refused to

let Park Police — who were handling the investigation into Foster's death — to search the office on the morning of July 21.

The Park Police agreed to return the next day.

On the afternoon of July 21, members of the counsel's office were again asking White House personnel for the safe combination, claiming that "Bill Kennedy needed to get into Mr. Foster's safe," another source said.

William Kennedy is a former law partner of Mrs. Clinton and Foster at the Rose Law Firm in Little Rock. He is associate White

House counsel — the No. 3 post in the counsel's office.

But the combination could not be given out, a source said, because Foster had taken the rare step of authorizing only himself to have access to the number.

Usually, White House staff members with safes share the combination with their staff or secretary.

The FBI's most highly decorated former agent told The Post that the revelation about entry into Foster's safe after his death underscores questions about a possible coverup.

"The safe is crucial — it's an A-1 priority," said Wil-

liam Roemer, former head of the FBI's Organized Crime Strike Force.

He was sharply critical of the failure by federal authorities to secure Foster's office immediately after his death.

"It raises the question [of] a coverup," Roemer said, adding that the entry into the safe appeared to be "self-serving, to protect documents which could have shed light on either a suicide or homicide."

Repeated calls to the office of Patsy Thomasson and the White House Press Office for comment went unreturned.

# Memorandum

FOIA(b)(7) - (C)



To : ADIC, WMFO 29D-LR-35063

Date 4/21/94

From :

[Redacted]

Subject: Miscellaneous Information Concerning  
Vincent Foster Death

At the conclusion of the interview with Webster Lee Hubbell on April 13, 1993, his attorney, John Nieldes, provided the attached information which had been previously provided to Hubbell. The source of the information provided was Sean Harrison, the son of a writer in Fayetteville, Arkansas.

The information provided to Hubbell concerned the fact that Vincent Foster may have been murdered by a Navy hit squad. Prior to his death, Vincent Foster had been furnished information regarding unexplained suicides of two Arkansas military men, and therefore the information furnished may be related. The information was provided by Nieldes and Hubbell for the record.

- 1 - SUB 17 (NVMRA) (Attachment)
- 1 - SUB 17 (OIC) (Attachment)
- ① - Jim Bell (Attachment)

Sept. 8, 1993

Webb Hubbell, assoc. attorney general  
Department of Justice  
10th and Constitution Ave. NW  
Washington, D.C. 20530

Dear Judge Hubbell,

Thanks again for meeting with me and my father last week on such short notice. I know you were extremely busy and what I had to talk about was complicated.

I have enclosed a brief summary of events on the subject we discussed, as well as copies of my letter to President Clinton, a letter from the Department of Defense to me and Vince Foster, and some newspaper clippings that can help you understand the problem.

I feel strongly that a thorough investigation outside of the Pentagon is needed. Whatever can be done might mean a lot to the country. I know it would mean a lot to these families.

Sincerely,



Sean Harrison  
601 Napa Valley Dr.  
Apt. 615  
Little Rock, AR 72211  
(501) 221-0612



INSPECTOR GENERAL  
 DEPARTMENT OF DEFENSE  
 400 ARMY NAVY DRIVE  
 ARLINGTON, VIRGINIA 22202-2884



MAR 8 1993

(Criminal Investigative  
 Policy and Oversight)

Mr. Sean Harrison  
 Capitol Bureau  
 Donrey Media Group  
 Capitol Building  
 Little Rock, Arkansas 72201

Dear Mr. Harrison,

Your letter concerning the deaths of Seaman Martin W. Essary and BMSN Lawrence R. Brown, Jr. was recently provided to us by Mr. Vincent W. Foster, Deputy Counsel to The President. We will contact the Naval Criminal Investigative Service (NCIS) and initiate an inquiry into this matter. With respect to the issues you raise regarding the investigation into the death of BMSN Brown, our ability to pursue the matter will of course be limited as the incident took place some 17 years ago.

Mr. Stanley Prouser will be the action officer conducting the inquiry. Should you have additional information, please provide it to Mr. Prouser.

Thank you for bringing this matter to our attention.

Sincerely,

Joel L. Leson  
 Assistant Inspector General  
 for Criminal Investigative  
 Policy and Oversight

cc: Mr. Vincent W. Foster

January 13, 1993

Mr. Clinton,

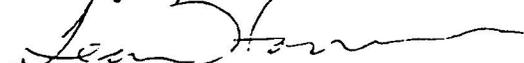
I'm Sean Harrison, the son of Merlee and Bill Harrison of Fayetteville, the novelist, and friends of Harry and Linda Bloodworth-Thomason. I cover the Arkansas Capitol for the Donrey News Media.

I've written about these two Arkansas families whose Navy sons were found dead just after they reported drug dealing on their ships. Their deaths appear to be part of a pattern of cover-ups that makes the Naval Investigative Service's botched handlings of Tailhook and other cases look pretty tame. My father and I think this is a book.

So far, my efforts have been the story of a small-time Arkansas reporter and his FOI requests getting the brush-aside from Navy officials who use the ultimate excuse of "national security" for not answering questions. These parents exist in a living hell.

What's needed, I think, is an independent investigation by someone like a young Warren Christopher -- maybe Derek J. Vander Schaaf, who broke open Tailhook last year. I've discussed this with Mike Gauldin -- just because we work in the same building -- and Marc Ginsberg of the National Security Cluster, and a staff person at the House Armed Services Committee, which has a subcommittee studying the NIS record. I hope these families can tell their stories to the panel.

Thank you,

  
Sean Harrison

Capitol Pressroom  
375-0111

Sept. 8, 1993

A SUMMARY

I first became aware of a possible military murder cover-up in November 1990 while reporting for the Arkansas Gazette. The Navy said Seaman Martin Essary, 21, hanged himself because he was depressed. He had phoned his parents the night before his death and told them he was going to report the drug dealers aboard his ship. Another Arkansas family, after reading about the Essarys, contacted me and said their son's death 15 years earlier was almost identical.

My review of the Naval Investigative Service's reports on the deaths uncovered discrepancies and holes. The Navy shrugged off my questions, sometimes claiming a national-security exemption from the FOI law. Meanwhile, the NIS was earning a dubious reputation for helping to cover up investigations of the USS Iowa gun-turret explosion, the Tailhook sex scandal, last year's gay beating death and other cases.

Similar "suicide" stories began popping up in newspapers across the country, and in November 1992 U.S. News and World Report ran a cover article criticizing the Navy's self-investigating agency -- NIS. Families of enlisted men who died under mysterious circumstances began to organize.

Last January, I handed President-elect Bill Clinton a package of clippings and case outlines, and a month later Vince Foster asked the Defense Department's inspector general to review the two Arkansas cases. The IG found merit in opening new investigations. Also, a review subcommittee of the House Armed Services Committee was making a broad study of the

outcry over Tailhook. The panel's report is due anytime. In August, a bipartisan group of 11 senators led by Sen. Alfonse D-Amato, R-N.Y., asked Defense Secretary Les Aspin to initiate an independent inquiry of the deaths of 50 sailors whose parents had complained of shoddy investigations.

There are two theories: (1) The military can't control the drug use and small-time dealing among its servicemen, so it tries to keep it hidden, including the drug-related crimes. It can't handle the bad publicity because it would affect recruiting and funding. A lot of facts support this theory. (2) There is an element of organized crime within the military -- the "Secret Team" -- that deals in arms, drugs and perhaps pornography. Sources say the organization began in the early 1960s and now infiltrates high offices and virtually all branches of U.S. intelligence, including investigative services. The Secret Team, it is said, operates at a level that enables it to eliminate opposition, or snitches, by staging suicides or accidents and covering all tracks.

-- Sean Harrison

711

DEPARTMENT OF JUSTICE  
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: HARRISON, WILLIAM, FAYETTEVILLE, AR  
To: ASG ODD: NONE  
Date Received: 09-09-93 Date Due: NONE Control #: X93090920468  
Subject & Date  
09-08-93 "DEAR WEBB" LETTER THANKING THE ASG FOR MEETING  
WITH HIM ON SEPTEMBER 1, 1993. REQUESTS THAT THE ASG GET  
INVOLVED PERSONALLY WITH THE INVESTIGATION OF VINCE FOSTER'S  
DEATH.

NO PRIOR RECORD IN EXEC. SEC.

	Referred To:	Date:	Referred To:	Date:	
(1)	ASG;HUBBELL	09-09-93	(5)		W/IN:
(2)			(6)		
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(4)			(8)		1S
	INTERIM BY:		DATE:		OPR:
	Sig. For: ASG		Date Released:		KIM

Remarks  
INFO CC: OAG (RENO), DAG, ASG  
(1) FOR APPROPRIATE HANDLING.

Other Remarks:

FILE:

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY  
\*\*\*\*\*

*William Harrison*

*550 Sequoyah Drive*

*Jayetteville, Arkansas 72701*

September 8, 1993

Judge Webb Hubbell  
Associate Attorney General  
The Justice Department  
10th and Constitution Ave NW  
Washington, D C 20530

Dear Webb:

Thank you for seeing Sean and me at the end of a crowded day on September 1.

As Sean proceeds toward writing a book -- for which he has now secured some financial backing -- we know that he has a factually persuasive story about how the military investigative services abused their authority, covered up and destroyed evidence, and played roles more as public relation agencies for the military rather than as policemen.

We're very heartened that ten senators -- including Senators D'Amato, Kennedy, Hatch and Moynihan -- have called for a wider inquiry. Please believe me when I tell you that helping with the investigation is far more important to both of us than any personal exploitation of it.

Our deepest wish now is that you become engaged in the investigation personally. I don't want to be melodramatic in saying this, but if we are correct in some of our assumptions there is some danger to us in pursuing the story. We need all the friends we can get.

Neither of us want to be viewed as conspiracy theorists, but from our perspective after more than two years following this story the death of Vince Foster has to be viewed -- at the very least -- as an extraordinary coincidence. Many families of the dead servicemen tell of cleverly staged suicides involving firearms -- replete with gunpowder traces on the hands of the victims. I have a strong gut feeling about Foster's death -- and, indeed, I never knew him -- that I expressed to you in our meeting.

In any case, thanks. It was an honor to meet you. Your friends regard you so highly. And, frankly, I was impressed in the way you gave us the benefit of the doubt.

Sincerely,

*Bill*

(Springdale, Ark.)

# New Investigation Into Navy Deaths Urged by Clinton

Sean Harrison  
News Capitol Bureau

LITTLE ROCK — At President Clinton's urging the Department of Defense has opened new investigations into the deaths of two Navy men whose Arkansas families contend the mysterious "suicides" occurred as the sailors were exposing drug dealers aboard their ships.

The remarkably similar deaths took place 15 years apart, and there are indications many such cases exist.

A common thread is the complaints by families who say the Navy's investigations were shoddy. The Naval Criminal Investigation Service, a civilian-run branch of the Navy, conducts inquiries into suspicious deaths and other incidents in the Navy and Marines.

The NCIS was renamed and revamped last year, two Navy admirals were forced into early retirement, and a new director was appointed because the agency was being used to protect the Navy's image.

NCIS remains under investigation by a congressional subcommittee as a result of public outcry over its botched inquiry of the 1991 Tailhook convention sex-scandal and other high-profile cases. The Navy's annual Tailhook convention in Las Vegas turned violent in 1991 when a group of drunken pilots sexually assaulted more than 24 women.

The agency that troubled itself to protect Navy brass over a widely publicized sex scandal could now possibly face an accusation that it has covered up murder.

The inspector general's office of the Department  
■ See NAVY/ Page 2A

**KE LEVEL**  
elevation at 6 p.m. Saturday was 1119.76  
level, a decrease of .08 foot from Saturday's  
nal power pool elevation is 1200 feet.

## Navy from 1A

of Defense said last week that it found merit in reopening the suicide cases.

In January 1975, Navy officer Lawrence R. Brown, 26, was found hanged aboard his ship, the USS New, while docked at the Norfolk, Va., Naval Station. The Navy investigation ruled it a suicide, saying he took his life because he was depressed over the loss of a girlfriend.

His parents, Lorraine and Lawrence Brown Sr., who now live in Rogers, say their son had witnessed bales of marijuana being loaded onto his ship while visiting a remote island, and when he reported it to his commander he was placed in solitary confinement, where his body was later found.

The Navy refused to release a suicide letter to the Browns until shortly after their home was burglarized and a box of his letters were stolen, they said. For years, their request for a new investigation has been ignored.

In June 1990, Seaman Martin William J. Essary, 21, was found hanged aboard his ship, the USS Wasp, while docked at Norfolk. The Navy ruled it a suicide, asserting he was depressed over the loss of a girlfriend.

His parents, Gladys and Virgil Essary of Beebe, say their son was at odds with some drug dealers on his ship, and he phoned them the night before his death to say he was going to report them. They said a suicide note was not written by their son.

The Essary case was reopened in 1991 at the request of Sen. David Pryor, D-Ark., but it was kept within the Navy and Pryor accepted a cursory reply that it stood by the original report.

The White House last month referred the cases to the inspector general's office because of its autonomy and its familiarity with NCIS's history of dubious work. In the Tailhook case, the office's report found the NCIS conducted a half-hearted inquiry that sought mostly to protect the Navy's reputation.

"We expect a thorough inspection," said Vincent Foster, deputy counsel to Clinton, adding that he

would be following up. Foster said the White House had asked the inspector general to look into the complaints, but the decision to reinvestigate was made in the Defense Department office.

The investigator in charge said the cases would not have landed on his desk if his bosses had not found they had merit.

"I can see how bad this all looks, but what I need is some good hard evidence," said Stanley Prouser, the investigator. Prouser's expertise is handwriting analysis. He said his inquiry could last anywhere from a month to a year or more.

Meanwhile, a congressional panel is reviewing the record of NCIS and the other military criminal investigating agencies because of Tailhook and the NCIS's controversial investigation of the 1989 turret explosion aboard the USS Iowa that killed 47 sailors. In the Iowa case, the Navy blamed one of the victims, claiming he was a disgruntled homosexual who planned a suicide-homicide. But it later admitted errors and apologized to the sailor's family. The explosion was later determined to be more the ship's officers' fault because they placed untrained sailors in the turret, and improperly stored outdated sacks of gunpowder.

The Oversight Subcommittee on Investigations of the House Armed Services Committee should have a report this summer of its findings on NCIS and the other military justice agencies.

Warren Nelson, staff director of the panel, said dozens of cases like the Brown's and the Essary's had been reviewed.

The Browns and Essarys said last week they were glad to hear about the new investigation. But while they were hopeful, they remained skeptical.

"We know nothing is going to bring Martin back," Virgil Essary said. "But maybe if the truth was found it would help some other young men avoid the same thing. There's some real corruption in the Navy, but they've always found a way to cover their butt."

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## of 'Suicides'

# Senators Ask For Inquiry Into Deaths

Kim H. Mills  
The Associated Press

WASHINGTON — A bipartisan group of senators asked Defense Secretary Les Aspin on Thursday to convene a special inquiry into the deaths of 50 sailors whose families have questioned the military's findings that they committed suicide.

The concerns of these constituents simply cannot be dismissed as delusions stemming from 'denial' about their sons' deaths, as some have suggested, said Sen. Alfonse D'Amato, R-N.Y., in a letter signed by 10 other senators.

Further, provision should be made for changes in death certificates and all related documents in those cases where the evidence does not conclusively prove a self-inflicted death," the letter said.

Lt. Commander Brian Cullin, a Pentagon spokesman, had no immediate response, saying "We're not aware of the letter."

The letter reiterated a request some of the senators made to Aspin in June, after *The Philadelphia Inquirer* reported that the families of 14 servicemen, whose deaths were ruled suicide or accidentally self-inflicted, believe their sons were murdered and want the cases reopened.

See SUICIDES/ Page 2A

## Suicides from 1A

The *Inquirer's* story followed up on articles published by *The Morning News* in March that detailed the concerns several Arkansas families had about relatives who died under suspicious circumstances.

The families eventually told their stories to a House Armed Services subcommittee probing military investigative agencies in the wake of the Navy's Tailhook sex scandal.

Frank Coleman, a D'Amato spokesman, said the initial letter was answered by the Defense Department's inspector general, who said he would not conduct an investigation while the subcommittee staff was looking into the matter.

Since the report on the 14 families, Coleman said more have come forward with similar allegations.

Some of the families contend their sons died after witnessing drug sales or use by other soldiers and sailors, both the *News* and *Inquirer* reported. Others said the deaths came after their sons complained of lax conditions or thefts aboard ships or on bases.

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# GEORGE RUSH



## Conspiracy of Hunches

"Let us put our curious minds to rest," the Rev. George Tribou advised mourners at the memorial service for deputy White House counsel Vincent Foster Jr.

But some minds cannot rest, not so long as they have reason to believe that Foster was killed by a cadre of military drug dealers.

It's a conspiracy theory wild enough for an Oliver Stone movie. But to the skeptical parents of some 50 dead enlisted men — who this week persuaded 11 senators to call for a special inquiry into their sons' cases — it seems all too plausible that Foster's interest in the mysterious suicides of others may have brought about his own.

Let's start back in January, at then Gov. Bill Clinton's last press conference in Little Rock. That's where Sean Harrison, a former reporter for the Arkansas Gazette, handed the next President a packet of his articles about two young sailors from Arkansas.

According to Navy investigators, the sailors had hanged themselves because they were depressed; yet the parents of the boys believed they were murdered because they had threatened to expose drug traffickers aboard their ships.

Clinton, who was an old friend of Harrison's parents, told him that he would have someone look into the deaths as soon as he got to Washington. He gave the job to Foster.

Foster passed the assignment to the Defense Department, where Deputy Inspector General Joel Leson, who had worked on the murder investigation of Dr. Jeffrey MacDonald, began probing the sailors' deaths.

Leson found sufficient evidence to reopen the cases. In March, Foster told Harrison that he, too, thought the "suicides" looked odd. "We expect a thorough investigation," said Foster.

Four months later, Harrison was stunned to hear that Foster himself had become "an apparent suicide."

Harrison, who collaborated with Pulitzer Prize-winning reporter David Zucchino on a Philadelphia Inquirer investigation into the suicides, admits that he has no hard evidence to prove



Vincent Foster  
Killed by military drug ring?

of Rep. David Levy (R-N.Y.).

Harrison says that among his military sources are some who speak of "The Secret Team," a group of officers who found out in Vietnam how easy it was to smuggle drugs aboard ships and planes. The idea of a military "mafia" still strikes Harrison as "funky," but he does believe that, unlike members of previous administrations, "Vince was not willing to back down. If someone wanted to kill him, they knew how."

One Pentagon source familiar with the reexamination of the Arkansas sailors' deaths told me that any link with Foster was far-fetched:

"Lord knows, we might find something, but I seriously doubt it. The idea of Mafia-style drug cartels in the military borders on the absurd."

All the same, there's a strong bipartisan movement afoot to get Secretary of Defense Les Aspin to shine a light on the military "suicides." By tomorrow, Aspin should have gotten a letter from 11 senators — led by Alfonse D'Amato and including Daniel Moynihan, Orrin Hatch and Ted Kennedy. The letter, which asks Aspin to set up a board of inquiry independent of the Department's Inspector General

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Harrison, who collaborated with Pulitzer Prize-winning reporter David Zucchino on a Philadelphia Inquirer investigation into the suicides, admits that he has no hard evidence to prove that Foster's death is linked with those of the two Arkansas sailors. But he and other skeptics point out that, like the servicemen who allegedly killed themselves, Foster died on federal property.

That, says Harrison, assured that "the right guys" — the U.S. Park Police who have jurisdiction over Fort Marcy Park — "got to him first."

Curious minds also ask:

Who is the still-unknown person who first reported finding the body to a park ranger?

How did Foster obtain an untraceable antique gun to kill himself?

Why did the White House stall in handing over the contents of Foster's briefcase? And why did President Clinton first deny that his friend was depressed, then say he was well aware of his mood?

The phone numbers of psychiatrists found in Foster's pockets could have been planted, say the doubters. "Depression is what they allege in all of the military cases," said Kelly O'Meara, an investigator on the staff

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Joanne MacCalister, a Long Island mother who got the State Department to reinvestigate her son's "suicide," agrees that Foster's death makes her wonder, "What did he know?"

Roy Reid, who used to head The New York Times' London bureau, says he was leery when Harrison first laid out the Foster murder scenario: "I said, who would be dumb enough to target someone that high in the government and bring down the wrath of God on the enterprise? But I think the question cries out to be asked: Is there a link with death of Vincent Foster?"

Yesterday, Sgt. Gregory Brown, a U.S. Park Police spokesman, told me that a nitrate test of Foster's hands "shows that he did fire that gun."

"Under the law," said Brown, "a suicide is a criminal act. We feel we have the victim and the perpetrator."

# NAVY JUSTICE



## An examination of the seaborne service's scandal-ridden police agency

**M**ore than a year has passed since Catherine Jakovic's son, Marine Lance Cpl. Scott Jakovic, died of a gunshot to the head in a tiny guard shack at the Earle Naval Weapons Station in New Jersey. Today, she still can't get a straight story about whether her son was killed or took his own life. First, the Navy said there was no evidence of foul play. Scott Jakovic, a Navy man said, died in "a self-inflicted accident." Two months later, citing the lack of eyewitnesses, the Navy said Jakovic's death was a mystery. A month after that, the Navy conceded that there was an eyewitness after all; the next month, the eyewitness, Pfc. Edward Markovitch, was accused of shooting Jakovic. Then, the Navy *dropped* the shooting charge and tried another tack. Scott Jakovic died, the Navy now says, while playing russian roulette with Markovitch.

Last week, Catherine Jakovic traveled to Philadelphia to sit in on Markovitch's court-martial, but a judge says the Navy's bungling will make it hard for justice to be served. First, Navy agents failed to read Markovitch his rights before his first interview. The agents then lost the paper on which Markovitch waived his rights during a second interview on the shooting. They also let another marine handle Markovitch's fired weapon and failed to ask the FBI to fingerprint it. And the agents waited so long to test for gunpowder residue on Markovitch's hands that the results are viewed as inconclusive.

Today, Catherine Jakovic is angry not so much at Edward Markovitch as at the Naval Investigative Service, the agency responsible for law and order on Navy ships at sea and at Navy bases around the world. The NIS, Jakovic says, made a hash of its inquiry into

her son's death. "I don't care if they let this kid off or if they give him 99 years," she says of Markovitch. "I want this investigation investigated."

The death of Scott Jakovic is just one of 17,000 cases the Naval Investigative Service has handled this year. The Jakovic affair will never make national headlines like past NIS embarrassments such as the spy cases involving John Walker, Jonathan Jay Pollard or the Marine guards at the U.S. Embassy in Moscow who were accused of selling state secrets for sexual favors. Nor will it attract the attention of more recent Navy fiascoes like the botched investigation of the fatal explosion aboard the battleship USS Iowa or the scandalous treatment of two dozen women by drunken Navy aviators at a Las Vegas convention last year. In many ways, though, the Navy's inquiry into Scott Jakovic's death is every bit as important as the headline-grabbing cases, because it illuminates what damage can be done to the soul of a military service when the agency designed to police it abuses its authority or falls down on the job.

**A look at the record.** For most Americans, military justice is an arcane field of little relevance to their daily lives. But in the leaner Defense Department budgets of the post-cold-war era, maintaining the integrity of U.S. fighting forces will be more important than ever. In the Navy now, the NIS record of administering justice to officers and enlisted personnel is the focus of an investigation by a subcommittee of the House Armed Services Committee; the inquiry also covers Army and Air Force police agencies. "Much of the data we're working with indicates that many failures laid at NIS's doorstep don't belong there," says Rep. Les Aspin, chairman of the Armed Services panel. "On the other hand, serious problems not previously attributed to NIS are coming to light."

say, is politically driven investigations. "The entire policy process has become demeaned and criminalized," says former Navy Secretary John Lehman. "Policy disagreements seem to be normal and sufficient causes to launch criminal investigations."

The NIS's most recent problems center on its investigation of events at last year's Tailhook convention in Nevada.



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# JUSTICE

The annual gathering of Navy aviators turned violent when drunken pilots molested more than 24 women. The NIS investigated, but nothing happened for months. The Defense Department's inspector general finally stepped in, castigated the NIS commander, Rear Adm. Duvall Williams, and accused him of deliberately steering the inquiry away from Navy brass.

Williams has denied the charges. So frustrated is Sean O'Keefe, the acting Navy secretary, that he has replaced Williams with a civilian and changed the agency's name—to the Naval-Criminal Investigative Service. Still, a four-month examination by *U.S. News* sug-

*A mother's lament. Catherine Jakovic is upset over the Navy's investigation.*

gests that bureaucratic reshuffling may not be enough.

Senior NIS officials say their agents may make mistakes from time to time. But they emphatically assert that their agency is one of the best police organizations in the nation, that their rate of error and misfeasance is minuscule and that they police their ranks vigorously. In fact, reports by the Pentagon's in-

LINDA L. CREIGHTON—USNEWS

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spector general document many cases that the NIS has investigated successfully, including the 1981 investigation that netted 27 convictions or guilty pleas for fraud. NIS agents have also caught spies and brought errant admirals to justice.

**Cop shop.** The plus side of the ledger is offset by another, darker side, however. Among U.S. federal investigative agencies, none comes close to the number of controversies, like the Iowa and Tailhook and other investigations, that the NIS has bungled over the past decade. Similarly, no other U.S. police agency has been the target of stinging rebukes from its own overseers.

On the face of it, the Naval Investigative Service does not look like a police agency that would be abnormally prone to problems. The NIS employs 1,050 civilian agents on ships and in 172 offices around the world. Its mission—to investigate crimes committed on Navy property or by Navy personnel—seems as straightforward as that of a county sheriff. Its agents are four-year college graduates, hired at a federal police center in Georgia, where they often graduate at or near the top of their class. Once on the job, the term used most often to describe NIS agents is “aggressive.”

Properly channeled, that trait is a plus for any police agency; misdirected, it can be trouble. It is Navy commanders who order the NIS to investigate cases. As Lehman notes, influence from those commanders or bad legal advice is all it takes to send the NIS down the wrong path. Even more prevalent, Navy lawyers say, is the idea that because the commander ordered an investigation, he wants a conviction. “Our biggest problem,” says a 25-year veteran of the NIS, “is that we are under the thumb of the Navy.”

One longstanding source of NIS troubles is the nature of crimes, particularly sex crimes, that the agency is called on to investigate. While the Navy constitutes only one fourth of the active-duty military, it conducts 51 percent of the military's investigations of alleged homosexuals—a fact that some ascribe to close quarters shared by sailors on long sea duty. Another factor lies in what many Navy lawyers say is an aggressively prosec-

## THE FREEMAN CASE



**E**ric Freeman says that an NIS investigation that led to his discharge from the Navy for homosexuality was prejudiced. Certainly, it was flawed. In November 1987, Freeman was a seaman at a Virginia training command when he took a sailor back to his bunk room one night. Freeman says he met the sailor at a McDonald's and took him home because the sailor was too drunk to drive.

The next day, Freeman's two roommates told friends that Freeman and the visitor had engaged in sex. The NIS investigated, found and interviewed the “other sailor,” and five months later, both Freeman and the visitor were discharged.

A review of the case found that the statements of Freeman's two roommates contradicted each other a dozen times. One roommate, Keith Lieblang, now says he never saw Freeman and the visitor engage in any sexual contact. Lieblang also concedes that he had drunk “five or six 16-ounce beers” just before the incident. The other roommate, Lieblang says, had an “ax to grind” with Freeman. None of this was uncovered by the NIS.

Amazingly, the sailor identified by the NIS as Freeman's visitor on the night in question says he has never met Freeman. The man, Eric Dupler, says he is gay. He also says that significant portions of the one-page report of his interview with NIS agents were fabricated. An NIS official says it makes no sense that an agent would lie on a report. But Freeman, who insists he is not gay, thinks otherwise. The investigation, he says, was just another way to drive alleged gays out of the Navy.

cutorial bent in the Navy. Unlike America's other military services, the Navy typically assigns its most junior lawyers to defend those accused of crimes; once those lawyers improve their adversarial skills, they become prosecutors. Prosecutors who lose too often are sent back to defend service personnel charged with crimes by the NIS. Vaughan Taylor, an attorney who has represented many defendants accused by the NIS, says he knows of a prosecutor “who is constantly in trouble for screwing up cases and in trouble

with the judges and commanders for giving ridiculous advice. He has just been told he's being sent to defense.”

This apparent institutional bias toward the prosecution is compounded by a unique command structure. Unlike the other branches of the military service, which have separate prosecution and defense commands, in the Navy both sides still report to one boss, the commander of the Naval Legal Services Office. Says Christopher Nicoll, who defended the weapons officer on the USS Stark, which was



Victim? Lehman

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attacked by an Iraqi warplane in the Persian Gulf in 1987: "The man leaves an unspoken but deeper kind of unease."

**Command influence.** Most troubling, however, is the idea that Navy brass can and sometimes do influence routine investigative decision making. It is impossible to determine how pervasive such influence may be, but NIS agents say Tailhook was not an isolated instance. One veteran NIS agent told *U.S. News* that on several occasions he refused to conduct investigations that various base commanders had ordered simply to "collect information" on a subject. The man, a respected NIS veteran, says he flatly refused to pursue investigations he viewed as frivolous or politically motivated. This agent also recalled several investigations that were short-circuited by commanders because they "seemed to be going to a place no one wanted them to go." A former high NIS official says a Marine commander tried to remove an NIS agent from his base when he questioned the putting of a yard with taxpayers' money.

Other problems plaguing the NIS are more basic. When civilian police agencies routinely receive anonymous tips about wrongdoing, for instance, they typically investigate only those that are credible and specific. The NIS, by contrast, is required to investigate every tip that comes from anonymous callers into a Department of Defense hot line established to take reports of waste, fraud and abuse.

Robert Powers, the NIS director, readily concedes the hot line can cause headaches. "You can't say it's a really bad thing," Powers says, "because some good investigations have come out of it. But I have also seen some bad things come out of it. People make a complaint, and after a couple of months of investigation, you find what you are in the middle of is a nasty divorce."

Once begun, such investigations are difficult to stop—even in the absence of incriminating evidence. "I remember telling [then Navy Secretary John] Lehman once," says Vice Adm. John Fetterman, a former Navy inspector general, "that in my assessment, if I wanted to get rid of my competition, all I had to do was

stay up at night and make a bunch of anonymous telephone calls."

Lehman himself apparently was so victimized. According to several knowledgeable Navy officials, the NIS, acting on tips, conducted three investigations of Lehman as he was leaving office in 1987. One inquiry focused on Lehman's use of a Navy helicopter to fly his wife and daughter to a ship christening at Newport News, Va., where they were honored guests. Another was over a "gift" his wife

received from the shipyard, the broken bottle she had used to christen the ship. Still another NIS inquiry examined Lehman's flight records at his reserve unit to

see if he had been cheating on his flight qualifications. Lehman declined to comment on all of these, but Brian McKee, then NIS director of investigations, recalled one investigation of Lehman that he said was turned over to another federal agency after Lehman left. Apparently, nothing came of the inquiries.



Jailed. Marine Frank Reister

## THE LINDSEY SCOTT CASE



If there is any case that encompasses all the elements of faulty police work in the NIS, it is that of Lindsey Scott, a Marine corporal accused of raping and stabbing a woman on Virginia's Quantico Marine base in 1983. Scott's lawyers believe the NIS targeted Scott, then built their case against him to fit.

First, there were the photo and physical lineups the NIS had used to arrest him. From the start, the victim's identification of Scott was shaky. At a police lineup, the woman pointed to Scott and another man as the rapist; NIS agents arrested only Scott. Then there was Scott's alibi, which the NIS failed to check thoroughly.

Worse, says Ellis Cohen, a television producer who is co-authoring a book on the case, were the insinuations made by NIS agents at trial. There was a knife, never recovered, that Scott had used to clean his stove that day. Since he had thrown the knife away, agents swore, it must have been the weapon used in the attack. There was also a gumbo pot that NIS agents seized in Scott's kitchen. The victim said there was a bucket in the back car seat of the man who attacked her. NIS agents concluded it was Scott's gumbo pot. Scott's clothes were seized as evidence, but they bore no trace of blood. NIS agents testified that Scott must have disposed of the clothes worn in the attack. "They left these half-truths in the air," says John Leino, Scott's attorney. "I called them the Naval Insinulative Service." Scott served four years in prison before he was acquitted in a retrial.

## THE MOSCOW SPY CASE



In December 1986, Marine Sgt. Clayton Lonetree, a guard at the U.S. Embassy in Moscow, confessed to a CIA official that he had had a love affair with a Soviet woman and that he passed an embassy phone book and floor plans to the Soviets.

The first hint of trouble came from NIS Special Agent Thomas Brannon's encouraging of Lonetree to lie and to confess much greater crimes. In court, Brannon said Lonetree had come up with the idea. "He said to me exactly these words: 'Do you want me to lie to you?'" Brannon testified. "And to keep him talking to me I said, 'Yes.'" Lonetree told Brannon he had stolen 200 secrets and given them to the Soviets. Then he said he was lying.

The NIS spent three exhausting days questioning Cpl. Arnold Bracy and emerged with a statement that he had let Soviets roam through the embassy. He later recanted, saying he was coerced and tricked by the NIS, as did Marine Cpl. Robert Williams, a witness against Bracy. Williams testified that NIS agents had put falsehoods into his statement. When Williams protested, he recalled, "they all agreed to make the changes, but they never changed [the statement]." He said he signed the statement to end his interrogation.

A General Accounting Office review of the case found that the NIS conducted a "professional and thorough" investigation, asserting that the agency's mission was to plug leaks, not build airtight criminal cases. The charges against Bracy were dropped. Lonetree was convicted of fraternizing with Soviet nationals and passing information to the KGB.

thorities. The NIS agents had never checked.

The Navy's investigations of sex crimes often result in problems far different from those raised in so-called political inquiries, and here the NIS seems burdened by history. One agent says that when he started with the NIS in 1962, the agency concentrated on security clearances, and 90 percent of his work was homosexuals. "They called us the 'pecker posse,'" this agent said.

Some people still do. While only 12 percent of all NIS cases involve sex crimes such as sodomy, rape and assault, the agency conducts more than half of the Pentagon's investigations of suspected homosexuals. "I never met an agent who liked to do homosexual cases," says Greg Golden, the NIS officer in charge of hiring and training. Golden acknowledges, however, that some gays may be correct when they say NIS agents try to obtain quick admissions from accused homosexuals. "I'd be the first to admit that you like to get them over quickly," Golden said.

Some gays, though, accuse the NIS of unsavory tactics to do so. Steve Krug, a sailor on the USS Independence, says that an agent told him he would go to his hometown and interview his parents, friends and former teachers about allegations of homosexuality. A terrified Krug quietly admitted to being homosexual and was discharged.

A Marine "witch hunt." In a policy statement vehemently challenged by gays, NIS officials insist that agents investigate homosexuality only when they have evidence of a specific act or

Norman Polmar, one of America's most distinguished writers on naval affairs and a Defense Department consultant, says he was subjected to two troublesome NIS inquiries. In the late 1980s, not long after he did a report for the Defense Department that contended the Seawolf submarine was not cost-effective, the NIS and the Defense Investigative Service began investigating Polmar to determine whether he had violated his security clearances. Polmar says Adm. Bruce DeMars acknowledged

later that he had requested the investigation to "safeguard nuclear submarines." DeMars says he has no recollection of the matter.



Discharged Sgt. Kile

The first investigation of Polmar, which lasted a year, examined the circumstances of his publishing an article and giving an interview to the *Navy Times*. Both the article and the interview contained publicly available information. The second case involved an article Polmar authored with the chief of a national laboratory, and the paper was cleared by the proper au-

attempted act of sodomy, which is a crime under military law; general allegations of homosexual preference are not pursued. "That's a lot of bull," says Krug, citing his investigation. "They didn't have any evidence of an act that had occurred. All they had was this person that said I'm a friend of his and that I'm gay."

That's precisely how the NIS investigation of several drill instructors suspected of being lesbians at the Marine Corps training base at Parris Island, S.C., turned into what was commonly called a "witch hunt." What started as a legitimate look into illegal fraternization turned ugly when two female marines gave agents dozens of names of

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women they said were lesbians. The testimony of the first marine largely discredited in court defense attorney Vaughan or brought forth her conflicting statements. By then, however, nearly half the 246 women at Parris Island had been interrogated and asked intimate and embarrassing questions about their sex lives. Sgt. Mary Kile—who insisted she was not gay—and 13 other female marines were either discharged from the Marine Corps or resigned rather than face trials. Three went to the brig for indecent acts and sodomy.

Not only homosexuals are investigated under the military's unusual sex laws. Under certain circumstances, adultery and heterosexual contact are vigorously prosecuted, with results that many civilians would find abhorrent. Last April, Marine Lt. Frank Reister was sentenced to seven years in military prison for womanizing. He was convicted of consensual heterosexual oral sex, fraternization and six counts of adultery and conspiracy to commit adultery. Reister was convicted of assault—for having sex while infected with herpes. Much of the evidence against Reister was found on two pages of a personal diary he kept in his house, where, on Jan. 18, 1989, he decided to list his "conquests." Some of the affairs occurred when he was married.

Reister certainly had marital difficulties, but his legal trouble did not start until after his divorce, when he dated a Navy nurse whom he asked to take care of his house while he went on vacation. While Reister was away, the nurse discovered his diary and read of Reister's affairs. She went to the NIS and told them she had been raped.

The NIS, accompanied by a Navy prosecutor and the nurse, went to Reister's house and gathered his bedsheet and photographed the "conquest" pages of his diary. Later, they returned with a search warrant and seized condoms, adult playing cards and a prescription for medicine for the treatment of herpes. Using the information in Reister's diary, NIS agents tracked down five women and his ex-wife. The Navy nurse's testimony at Reister's court-martial was not convincing enough to convict him of rape, so the

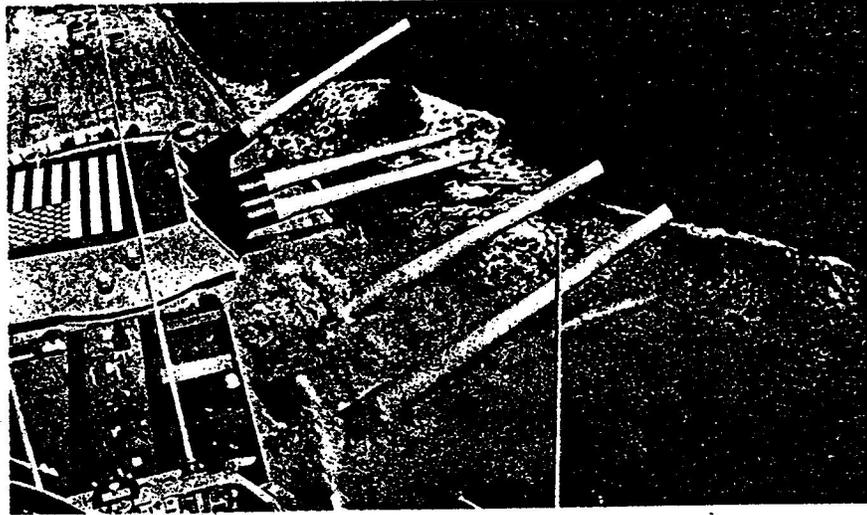
charge was downgraded to consensual sodomy, a crime under the Uniform Code of Military Justice. Today, Reister remains in prison while his lawyer, David Dowell, appeals the conviction. Dowell questions whether NIS agents legally should ever have had access to the diary.

NIS targets from admirals to seamen complain that agents often make up their minds in advance about a person's guilt or innocence, then build a case to support their theories. "What they do," says Dan Hyatt, a decorated Navy enlisted man who rejoined the service in 1981 as a prosecutor and a defender, "is they interview 15 people. And if the potential witnesses have something favorable to say, they won't reduce it to a sworn statement; they will just produce a memo that the person has nothing to offer. So you end

up with a pile of evidence on a guy that does not have anything favorable in it, and people are accused where they should never be accused in the first place."

**Conflicting statements.** Once again, there is evidence to suggest these are not isolated instances. One witness in the case of Ralph Bernard, a veteran Navy weapons engineer who has been investigated by the NIS for nearly a year and a half but not yet charged with a crime (story, Page 63), says that an NIS agent only took notes when he told the agent things that fit the agent's criminal theory. Kathy Kubicina, the sister of Clayton Hartwig, whom the Navy accused of blowing up the USS Iowa, examined a report of her interview with NIS agents line by line. Kubicina says she noted 25 statements in the report that she did not utter. The NIS's

## THE IOWA INVESTIGATION



One year ago, the chief of naval operations apologized to the family of Gunner's Mate Clayton Hartwig for having falsely accused the sailor of causing the explosion that killed him and 46 shipmates aboard the USS Iowa. The NIS is often blamed for the fiasco. In truth, its role was limited, but it did provide key evidence in the case.

At first, the NIS was kept from the explosion scene while evidence was washed overboard. When they finally were allowed to proceed, the NIS agents pursued the investigation with vigor. Grilling one sailor for days, they got him to say that he had seen an electronic timer in Hartwig's locker that could have been used for a bomb. Although the sailor later retracted his statement, Navy scientists clung to the bomb theory.

NIS agents also assembled testimony that was later used by FBI psychologists to paint a portrait of Hartwig as a misfit—a suicidal, homicidal and perhaps homosexual sailor. A panel of independent psychiatrists assembled by Congress later complained that the positive side of the Hartwig profile was missing. It was left for scientists at Sandia National Laboratories to show that the explosion aboard the famed World War II battleship could be explained as an accident.

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## ■ COVER STORY

Robert Powers says the references cited by Kubicina were "not very flattering to Kathy and her family and her brother" and that she disputes them for that reason. "That's not unusual," Powers says. "It happens all the time."

In another case reviewed by *U.S. News*, however, it appears that the witness had no reason to lie or challenge NIS agents' account of the events in question. On a night in August 1990, Marine Lance Cpl. William "Chip" Jahn fired his .22-caliber rifle inside base housing and, as his family fled, then wandered around outside with the rifle. A standoff ensued between Jahn and military police as Jahn continued wandering about the yard, the rifle resting across his shoulders. Witnesses said the military police exercised great restraint, but when Jahn approached a Marine sergeant, the officer shot Jahn in the leg and disarmed him. Jahn's defense attorney said that his client was despondent and possibly suicidal. He was accused of six crimes, including attempted murder of the sergeant. Anne Colombo, a neighbor who witnessed the incident, was interviewed by the NIS. A few days later, Colombo says, an agent returned with a handwritten statement and asked her to sign it. Colombo said at a hearing that she examined the statement and saw that it was full of errors, including a sentence that quoted her as stating that she saw Jahn point his gun at the marine who shot and disarmed him. "I told the [agent] that wasn't how it went," Colombo advised a Navy judge, "but they just kind of blew me off." When Colombo continued to object to the report, she said, the agent told her, "This is just—I need it for my records. It's just a statement." Jahn was discharged and all criminal charges were dismissed.

If the problems of the NIS are as deep-rooted as these cases suggest, Navy Secretary O'Keefe's proposed correctives—installing a civilian at the top and transferring the NIS's top-notch fraud unit to the Defense Department—are a bandage at best. What the agency needs most, Navy lawyers and legal experts say, is an infusion of professionalism from top to bottom. "This is military law. This is what holds the fibers of the military community together," says Gary Myers, the attorney for John Markovitch, the marine accused in the Jakovic case. "And you've got these agents running around, doing this stuff. It's sad."

BY PETER CARY

# THE CHINA LAKE AFFAIR

*A low-cost weapon and a tough engineer find themselves in the sights of Navy police*

**F**or 40 years, Ralph Bernard was a true believer. A civilian engineer who designed missiles for the U.S. Navy, he turned out weapons of war in the belief that what he was doing was best for his country. But that was before the Naval Investigative Service searched Bernard's house, seized 10,000 documents and padlocked his office. Now he sits in an empty office all day, writing legal memos and trying to figure how to salvage the remnants of five years of work paid for by \$23.5 million of the taxpayers' money.

The inquisition of Ralph Bernard might just be another tale of cops on the trail of government corruption but for the political atmosphere in which it was launched. Senior officials of the NIS say they have simply pursued allegations of wrongdoing without regard to fear or favor, but Ralph Bernard's co-workers, friends and others familiar with his work believe the NIS inquiry is a Pentagon ploy designed to derail a low-budget missile project that conflict-

ed with another, more expensive weapon favored by Navy brass. "The NIS investigation is absolutely a hoax," says a senior Navy official. "This guy has a reputation as being as clean as the driven snow. What happened here is they made a personal assault over what should have been a political argument."

"Like a plantar's wart." If it were not for the damage it has done, the investigation would be comical. Besides raiding Bernard's home and office, the NIS has pawed through his garbage, subpoenaed the pay records from his wife's part-time job in an optometrist's office and demanded virtually every piece of paper in the files of his brothers' Washington consulting firm—while asserting that the brothers were not a target of the inquiry.

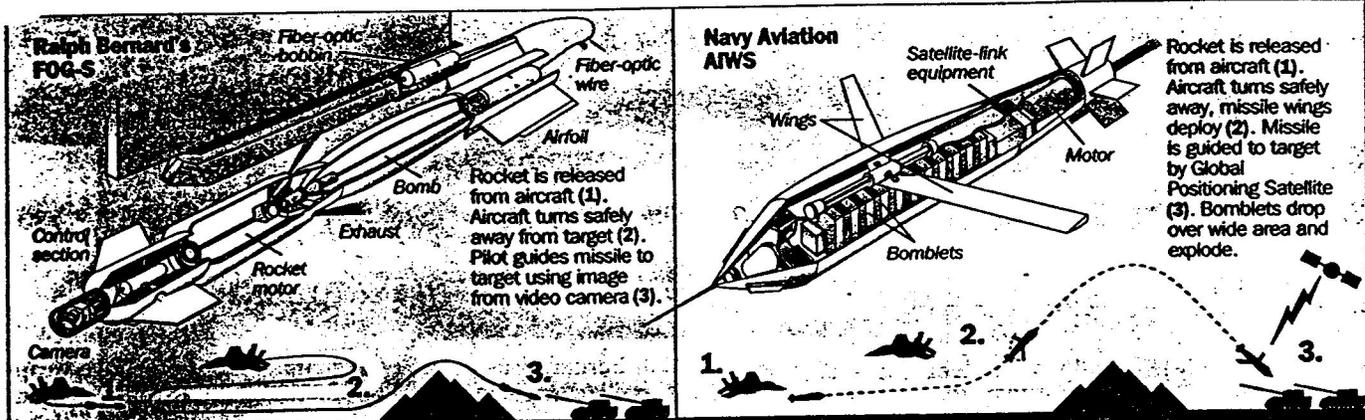
While the Bernards maintain that they are innocent, they are no babes in the woods. Carl, a former Army officer, and Charles, a former Navy and Pentagon official, are skilled infighters wise in the ways of Washington. Over the years they



In limbo. Bernard, in his home office. The NIS seized thousands of documents.

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# A TALE OF TWO MISSILES



	FOG-S Fiber-Optic Guided Skipper	AIWS (basic version)	AIWS (improved version)
Design	750 lbs. Mark 82 500-pound bomb, propelled by either a rocket or a turbine motor	1,065 lbs. Gliderlike shape, composite material body	Same as basic weapon but with addition of motor
Range	20 miles with rocket, 60 miles with turbine engine	Up to 40 miles	More than 40 miles
Guidance	Video camera in nose	Satellite and computer guidance	More precise than basic version
Warhead	500 lbs. of high explosive	Bomblets for "soft" targets	High explosive/fragmentation
Estimated cost	\$56,000 each	\$80,000 each	\$170,000 each
Development cost so far	\$2.5 million	\$111.3 million	N/A

have driven some Pentagon brass right up the wall. One was Rear Adm. Jeremy "Bear" Taylor, now retired but formerly in charge of Navy aviation's plans and requirements. "The Bernard guys are like a plantar's wart," Taylor says. "They get in there and keep growing, and if you don't get in there and freeze them out, they'll take over your toe." Taylor defends the NIS investigation of Bernard, comparing it to a traffic cop on the side of the road. "The value is not in the one guy you nail," Taylor says. "It's that everybody sees him. If you hang one, you get everybody's attention."

**The Skipper.** Ralph Bernard's story begins in China Lake, a sprawling Navy weapons complex set in a high, windswept desert valley three hours east of Los Angeles. In years past, China Lake was a "Right Stuff" kind of place, a proving ground where iconoclastic scientists and can-do engineers turned out some of the best weapons in the world. Ralph Bernard grew up at China Lake; intellectually, he never left. In the early 1980s, Bernard built a missile called the Skipper, an air-to-ship weapon that cost a modest \$22,000 each. Navy brass wanted a different and more costly weapon, but Navy Secretary John Lehman liked the Skipper so much he ordered 5,500 of them. And when Lehman wanted a missile to follow the Skipper, Ralph Bernard jumped in to do the job.

But the new missile would prove

much harder to build. In the early 1980s, a U.S. Army lab had developed an antitank missile called FOG-M. "FOG" meant Fiber-Optic Guided, "M" meant missile. Launched from the back of a truck, the missile had a little video camera in its nose, and as it flew toward its target, it trailed a hair-thin, fiber-optic cable that transmitted back to a controller everything the video camera saw. The controller, sitting safely in his truck, could guide the missile directly into an enemy tank. Ralph Bernard drew on this technology for what he called FOG-S, a fiber-optic-guided successor to the Skipper. But the FOG-S would have to fly up to 600 miles an hour after launch from a jet, and its fiber-optic cable had to unspool at unheard-of rates while the pilot guided the missile to its target.

In 1987, Bernard went to work with a small team of dedicated engineers and characteristic zeal. But the folks at Navy aviation were pushing for another missile known as the Advanced Interdiction Weapon System, or AIWS. The AIWS did not require a live pilot to guide it to its target. On the other hand, the basic AIWS was not as accurate as FOG-S. But Navy brass pointedly note that the AIWS had been blessed by the Navy procurement system.

By September of 1989, Bernard had airplane-dropped an early version of the FOG-S and used the fiber-optic ca-

ble to guide it to its target. By 1990, his team had air-launched a rocket-powered FOG-S, guided it and flown it for 6 miles. It locked on to its target just as the cable ran out. Encouraged, the team prepared more tests.

By this time, though, the FOG-S was making some people in Navy aviation very nervous. In May 1989, the Naval Strike Warfare Center issued a warning: "FOG-S potentially competes against the ... AIWS for funding. AIWS must receive our total concentration for development effort and funding. ... Do not introduce FOG-S (per se) to the fleet."

But the Bernards had the ear of Congress. Rep. Charlie Wilson, a powerful Texas Democrat, was enlisted. It helped when a contractor in his district was retained to make some FOG-S parts. More support came from other members of the House Appropriations Committee. Some had FOG-S contractors in their districts too. The result: When the Navy budgeted no money for FOG-S, the House panel gave Bernard up to \$10 million a year.

Fed up, Navy brass began a two-pronged counterattack. First, it began holding back the cash authorized by Congress for FOG-S. Second, the Navy sent Bear Taylor to Capitol Hill to try to kill the FOG-S.

But something else was happening, too, and it was more ominous. On Au-

DETACH HERE AND MAIL TODAY!

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## COVER STORY

August 6, 1990, Ralph Bernard's fax machine at China Lake began spitting out an undated but obviously recent memorandum from a Navy aviation office. The memo was addressed to the technical director of China Lake. "Why would private consultants like C. Bernard and A. Batistia [actually Anthony Battista, an influential congressional aide who had become a private consultant] continue to support the FOG-S ... programs if there was no monetary gain?" the memo said. "It may be that their support is altruistic, but it could also be that they are funded by these programs." The memo, which had been pirated by a friend of Bernard's, suggested that an investigation be launched. The inquisition of Ralph Bernard was about to begin.

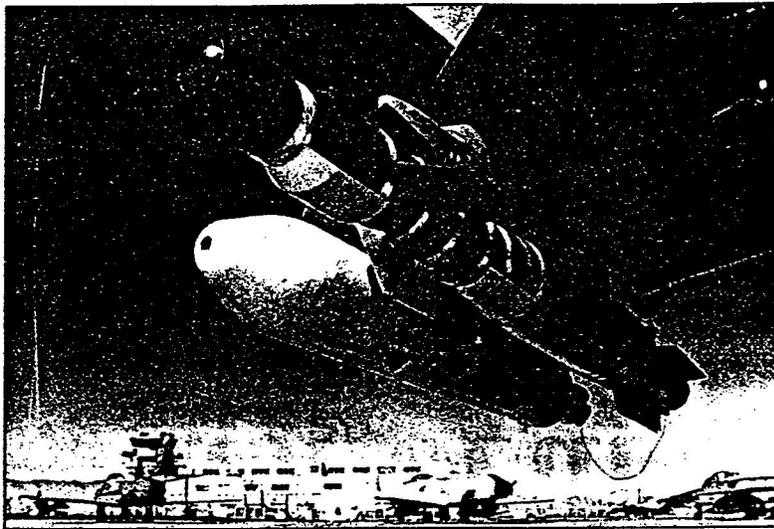
Top officials in the Navy's AIWS program insist they never saw the FOG-S as a threat. But what the House Appropriations Committee did in mid-1991 to AIWS had to be an eye-opener. This time the committee slashed all \$53 million for the AIWS. The Navy rallied and persuaded Congress to restore the money, but now the writing was on the wall.

Bear Taylor, meanwhile, had visited Representative Wilson. First he hinted that Wilson's hometown FOG-S contractor might find work with the AIWS program instead. Then he played his trump card—breaking the news that the FOG-S program was under NIS investigation. "I said, 'Somebody's got to tell the congressman he doesn't want to fight too hard for this one right now; it's in a gray area,'" Taylor recalled. "And I think that had him back off."

On June 26, 1991, the NIS arrived at the optometrist's office where Ralph's wife, Barbara, works. The agents had her take them to Ralph's home office, where they seized 10,647 documents. Then the interviews began. The agents talked to a woman who worked in Ralph Bernard's office, showing her a circle they had drawn. It depicted Ralph and his brothers scheming to award FOG-S contracts to companies that then hired his brothers as consultants. "They kept trying to put words in my mouth," recalled the woman,

who refused to allow her name to be used. "They asked, 'Don't you think this is illegal?'"

NIS agents interviewed Charles McIntosh four times. McIntosh was the China Lake manager of a company that helped projects like Ralph Bernard's order parts. The first time, McIntosh recalled, NIS Agent Leo Lamont asked, "Don't you believe Ralph was pointing us in the direction to buy things so his brothers could get the benefit from these companies?" McIntosh says he had already heard this theory from Ralph Bernard's boss. The NIS, according to McIntosh, said it was more than just theory. "Ralph's a crook," McIntosh quoted Agent La-



The missile. A test model of the FOG-S, at China Lake

mont as saying, "and we've got him dead to rights."

**The theory of the case.** NIS Agent Lamont declined to discuss the matter. Robert Powers, the NIS's director of criminal investigations, said he could not comment on an open investigation. He said that in the heat of interviews, some people misconstrue what NIS agents say. However, one woman, Vera Vega, signed a statement saying she had been misquoted in a key NIS affidavit. The affidavit was the very one the NIS had used to obtain its warrant to search Bernard's home and office.

In the NIS affidavit, the agents explained their criminal theory. Ralph Bernard, the agents said, had used office phones and fax machines to send "government proprietary technical data" to his brothers Charles and Carl. They relayed the data to contractors to help them win FOG-S contracts. The contractors then repaid Chuck and Carl Bernard by hiring them as consultants.

Another Bernard brother, Lute, a

San Francisco attorney, took up the cause. He showed the court affidavits from FOG-S contractors who swore that the Bernards had never worked for them. Then he pointed out that under California federal law, what Ralph Bernard faxed to his brothers was not "government property." An assistant U.S. attorney, William Habesy, replied that the "theft of government property" really meant misuse of office phones. So the Bernards produced documents showing that all of Ralph's phone calls were approved by a supervisor each month. That was enough for Dennis Beck, the federal magistrate hearing the case. In February, Beck ruled that the theory behind the NIS search and seizure was without merit. The U.S. attorney is appealing the ruling.

But the investigation did not stop. NIS agents soon were seen pawing through the Bernard family's garbage, looking for more clues. Then the grand jury subpoenaed the pay records from the optometrist's office where Barbara Bernard worked part time. Next they subpoenaed the records of Barbara Bernard's \$200-a-month retirement savings. Meanwhile, the Navy was moving to revoke Ralph Bernard's secu-

rity clearance for allegedly sending several pages of the low-level classified material to his brothers in Washington. If proved, that could be enough to cost him his job.

Citing Navy regulations, Ralph will not talk to the press. Through his brother Lute he denies all the charges. "He has always been so loyal, so honorable," says Barbara Bernard, his wife. "This is a devastating thing." Where the investigation is heading still is unclear. One source close to the probe insists the investigation proceeds in good faith and that when it is over, it will be seen to have been productive. In the meantime, there are new indications that the Naval Investigative Service is turning away from Ralph and looking at Chuck and Carl Bernard. Their theory: that the brothers manipulated Ralph and his FOG-S program for their own economic gain. The Bernards say that's ridiculous. ■

By PETER CARY

# Los Angeles Times

# LITTLE ROCK LAW

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PAGE: Magazine 22

THE ROSE FIRM PROUDLY SENT FOUR PARTNERS TO THE CLINTON ADMINISTRATION— AND IT'S FACED DISASTER EVER SINCE

**A** shift in fortune was signaled, as it so often is, by the most prosaic of events. The phone rang. Phillip Carroll, at 68 one of the grand patriarchs of Little Rock's legal community, was at home on a mid-summer night in the affluent Heights neighborhood. He was the first to receive the news that would rock the rich, sheltered way of life enjoyed by partners at the Rose Law Firm.

Shortly after 10 p.m., an old friend with close ties to the Clinton White House, federal appellate Judge Richard Arnold, called to impart the incomprehensible. Vince was dead. A suicide. His body had been found in a park in Virginia. Carroll could barely breathe. Vince Foster. Carroll had been his mentor and confessor, godfather to his eldest son. Dead by his own hand.

Minutes later, Rose partner George E. Campbell's phone rang. It was Ann Pincus, a Little Rock native, wife of a Washington Post reporter and lifelong friend of Campbell's wife, Joan. Pincus had attended a Washington dinner party for David Gergen during which the presidential counselor received an urgent call from the White House with the awful news.

It was July 20, 1993, and deputy White House counsel Vincent W. Foster Jr., 48, once the soul and spine of the Rose Law Firm, boyhood friend of the President and close confidant of former Rose partner Hillary Rodham Clinton, had apparently committed suicide with an antique .38 Colt revolver in an isolated park overlooking the Potomac River.

Suddenly, the Washington-Little Rock nexus of lawyers and politicians went into action. The news spread across the network like a cascading wave.

William H. Kennedy III, now White House associate counsel and former chief operating officer at Rose, quickly called several of his former colleagues at the firm. Trying to learn more about Foster's death, Carroll sought the Washington home number of Webster L. Hubbell, also a former senior partner at Rose and then the No. 3 official at the Justice Department. He took a position to monitor the Foster investigation.

Back in Washington, Foster's boss, White House counsel Bernard W. Nussbaum, was searching Foster's modest office in the West Wing, looking for a suicide note or a blackmail demand.

"Did he say anything?" a bewildered Nussbaum kept asking himself as he rifled through papers on Foster's desk. Nussbaum, the New Yorker who had made a fortune on Wall Street in the 1980s putting together corporate mergers, was out of his element when confronted with violent death, and his amateurish handling of Foster's suicide deepened suspicions that the White House was trying to conceal some hidden scandal involving the First Family.

Not until six days later did a White House lawyer find a torn-up suicide note in the bottom of Foster's briefcase. It hinted at dark conspiracies by the FBI, the media and Republicans to destroy the Clintons and everything they were trying to accomplish. Foster, in a restrained but anguished cry, wrote that he "was not meant for the job or the spotlight of public life in Washington. Here, ruining people is considered sport."

It was the most traumatic, unfathomable and searing event of the Clinton presidency. Why was Foster—whom the President described as the "Rock of Gibraltar," the man once anointed to guide the Rose Law Firm into the next century, the man people in trouble turned to for help—dead at the pinnacle of his career?

That question remains unanswered. But what is clear is that in the wake of Foster's death, the prosperous and peaceful life of Little Rock's Rose Law Firm has been shattered. Foster's death has immersed the firm in the rapidly unraveling Whitewater scandal, a tale of Arkansas banking and real estate deals gone bad and the White House's clumsy efforts to contain the continuing damage. It set in motion a series of events that subjected Rose's 59 lawyers to unaccustomed stress. That pressure now appears to threaten an implosion of the oldest law firm west of the Mississippi.

Already, the firm's response to the harsh glare of national scrutiny has turned into a legal minefield. On March 14, Hubbell resigned from his job at the Justice Department amid charges that he improperly billed as much as

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\$100,000 in personal expenses to the firm while he was a partner. The Rose investigation of Hubbell was only tangential to the Whitewater probe, but "It's Whitewater that created the climate, that gave the dissidents in the firm the opportunity to go after Hubbell," observes one source close to Hubbell.

There is bitter talk, especially among the younger generation of Rose attorneys now taking control, of the tarnished legacy bequeathed them, and they are trying to distance themselves from Hillary Clinton and her departed cronies. In mid-March, Rose partners voted to file charges against Hubbell with the Arkansas Supreme Court ethics division.

In the past year, Rose has become the favorite target of every conservative conspiracy theorist in America, assuming the secret-villain mantle once reserved for the Trilateral Commission. The firm has been portrayed by Clinton critics, most often in the Wall Street Journal, as a secretive fortress at the center of political and economic life in Arkansas that has now extended its sinister influence into the highest reaches of the federal government. Hubbell and Hillary, assisted by the aggressive but shadowy Kennedy and Foster, surreptitiously took over the government: to advance their hidden agenda of federal intervention into every cranny of American life, according to this view. The firm, playing on its capital connections, added a tentacle by sending partner Allen W. Bird II to open a Washington office last fall, feeding the suspicions of the conspiracy theorists.

The truth is more mundane but in some ways more profound. The lawyers of the Rose firm became entangled in the careers of the Clintons mainly by the accident of Foster's birth in Hope, Ark., and by a rising politician's wife's need for a job in 1977. But the lives of these 59 people have now become hostage to the consequences of the Clintons' actions and to the President's past business dealings with a two-bit real estate investor and S&L operator named James B. McDougal.

Of the four Rose partners who assumed major roles in Washington after Bill Clinton's election, one is dead, a second has resigned, and a third, Kennedy, is under scrutiny for nonpayment of taxes for a nanny. The fourth, Hillary herself, is caught squarely in the middle of Whitewater, her effectiveness as an advocate for health care reform and other legislative efforts increasingly in doubt.

No one could have predicted when Rose hired Hillary Clinton that, 17 years

later, the firm's reputation would be hanging by a thread, a 174-year-old institution facing oblivion because of a rotten little land deal.

UNTIL THEN-GOV. BILL CLINTON OF ARKANSAS ANNOUNCED HIS CANDIDACY for the presidency at the end of 1991, the Rose Law Firm was little known outside the region. The firm, whose partners only recently gave up the Old South style of seersucker suits and white buck shoes in summer, never recruited from farther away than Tennessee or Texas. While its ambitions were to be an important regional legal player, it never acquired the stature of larger and better-connected firms in Memphis, Houston and Dallas.

Still, its partners enjoyed whatever luxuries Little Rock had to offer—gracious old homes or newer mini-mansions, the golf course and large swimming pool of the exclusive Country Club of Little Rock, expensive cars, civilized working hours and close association with the small circle of Arkansas leaders who wield true political and financial power.

The Clinton candidacy brought national focus on Rose because of Hillary's employment there, but it has not been the attention the firm would have wished. Beginning early in the campaign, Rose was the subject of hundreds of news stories and dozens of rumors about potential conflicts of interest, the sale or purchase of political influence, and office intrigue.

Inside Rose, the pressure has only gotten worse in the months since Foster's death. At first, many tried to rally around Lisa Foster, Vince's widow, when she moved back to their white-pillared home in the Heights with her three children. But now, like barracudas in an overcrowded tank, Rose lawyers have begun to turn on each other and their former colleagues. These were just the latest and most overt signs of the poisonous climate at Rose.

Even longstanding friendships within the firm have been eroded by Whitewater. Senior Rose partners Herbert C. Rule III and W. Wilson Jones have practiced together for more than 20 years and consider themselves the best of friends. But during a joint interview, Jones repeatedly interrupted whenever Rule drifted into a discussion of the effects of Whitewater on the firm. "I thought we agreed we weren't going to talk about that," Jones upbraided Rule more than once, his voice growing edgier each time. Asked later about the evident tension, Rule dismissed it as "the bickering of an old married couple."

Many in the firm grumble that the price the remaining lawyers are paying for their association with the Clintons is far too high and the rewards far too low. True, another former Rose lawyer, Richard B. Steinkamp, has just found a home in the Clinton Administration, recently named general counsel of a new oversight board for federal mortgage financing agencies. Yet the White House connection has done little for Rose's new Washington office; the firm's name is now radioactive in a city where clients looking for political pull don't like to read about their lawyers and lobbyists in lurid newspaper headlines.

Although the remaining partners are loath to express such a view publicly, in conversations one hears an undercurrent of resentment at the Clintons and their pals for robbing Rose of a lucrative obscurity, for bringing its lawyers' integrity into question, for the loss of the beloved Foster.

"We rely heavily on our reputation, which until recently has been untarnished," says Chief Operating Officer Ronald M. Clark, weighing his words judiciously, trying to mask his bitterness at being forced to deal with insatiable federal authorities and prying media. "Here we are defending stuff that took place six or eight years ago and which most of us know absolutely nothing about. A lot of us here complain that when you speak of 'the firm,' you're talking about an entity. But we're all individuals, and I knew nothing about Whitewater."

"If this is our 15 minutes of fame," the 39-year-old tax specialist laments, "I'd just as soon it end."

The tribulations of the Rose Law Firm have caused few tears to be shed in the inbred legal community of Little Rock. Oh sure, there are the ritual expressions of sympathy for Foster's widow and the clucking of tongues over the breathless media coverage. But beneath a veneer of Southern manners there is barely disguised glee at the decline of a collection of lawyers whom many of their competitors consider arrogant, aloof and overrated. "They're nothing special, just another Little Rock law firm with big pretensions," says one attorney in a small Little Rock partnership. He adds that a lawyer will chide any colleague who grows full of himself by saying, "Now don't go acting like a Rose firm lawyer."

Legal competitors are quick to pounce on the latest allegation about Rose and brag about the cases they won or clients they stole from the powerhouse on East

*John M. Broder is a White House correspondent in The Times' Washington Bureau. James Risen is a Times national correspondent based in Washington.*

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"She was very worried about a high-profile loss. She had to take politics into account on each matter," says the attorney, who worked at Rose for several years and now is at another Little Rock firm. He asked not to be identified because the Little Rock legal community is so small. "She was afraid to tie it up and go to court. She ended up settling most matters."

Even her supporters admit to say Clinton was less than a full-time lawyer, having to tend to state business, service on corporate boards, political campaigns and a variety of public advocacy pursuits. Her pay reflected her relatively modest contributions to the firm's bottom line—just over \$100,000 a year when many of her contemporaries were making twice that or more. Her pay was also reduced because she did not take a share of the work done by Rose on behalf of the state government, mostly the handling of the sale of state bonds.

She was missing so often that former Chief Operating Officer Giroir says she was often assigned to assist Foster. "We couldn't give her a full load of cases because we were never ever sure she would be around to handle them," Giroir says. Indeed, in 1982, Hillary Clinton had to turn down Giroir's offer of a promotion to become administrative partner, which would have given her significant management duties in the firm; she was interested in the post, but she was too busy that year helping her husband launch his bid to regain the governorship.

Yet despite her efforts to keep a low profile, Hillary Clinton still entered into some business arrangements that have led to potential conflicts. The firm developed its own ethics guidelines in the mid-1980s that were supposed to limit partners' business dealings with firm clients, but those guidelines were apparently informal.

Certainly Clinton didn't refrain from mixing business and legal work. For example, she sat on the board of direc-

tors of two major Rose clients, TCBY Enterprises, the yogurt franchise, and Wal-Mart Stores. Her most serious potential conflict, of course, came from the fact that she represented Madison Guaranty at the same time that she was in business with its chairman, James McDougal. Most troubling of all was that while she had other firm partners handle work for Whitewater, she apparently did not disclose her business relationship with McDougal to the firm's COO. "I never knew that she was in business with him," says Giroir.

But there is no denying that her departure, along with those of Foster, Hubbell and Kennedy, took a heavy toll on the remaining partners. One legal competitor refers to the firm today, with its senior management gutted and its legal expertise and political connections sorely missed, as "Home Alone III."

A HUNDRED MILES OR SO north of Little Rock, down the road from the Ozark village of Yellville, are the 240 acres of land along the White River that the Clintons and James and Susan McDougal bought amid dreams of real estate riches. Oddly, it was along this same river more than 150 years ago that one of the founders of the Rose firm first brought the partnership into disrepute and caused its temporary demise.

In 1832, 12 years after forming the partnership that grew into the Rose Law Firm, Robert Crittenden decided that Little Rock could not contain his ambitions. He tried to unseat the incumbent delegate from the Arkansas territory, Henry W. Conway, but the campaign deteriorated into a bitter exchange of insults and a challenge to a duel, which left Conway mortally wounded, Crittenden disgraced and the law partnership with Chester Ashley disbanded.

The firm was re-established in 1837—without the trigger-happy Crittenden but with its political yearnings intact. Ashley went on to the U.S. Senate, where he served as chairman of the Judiciary Committee. His new partner, George Watkins,

later became chief justice of the Arkansas Supreme Court.

The firm adopted its current name in 1865 with the addition of noted jurist U.M. Rose, a founder and later president of the American Bar Assn. A "Northerner" from Kentucky who arrived in Arkansas on a Mississippi riverboat, he was a linguist, legal scholar and diplomat who was cited by Supreme Court Justice Felix Frankfurter as an important early influence. Rose family members were associated with the firm until the late 1940s.

Over the years, the partnership was a breeding ground for Arkansas' political and legal elite, producing six members of the state Supreme Court, dozens of state legislators and officers of the state bar association. But the past decade has been unquestionably one of the most traumatic periods in the firm's history. Just as the rise of Hillary Clinton and her colleagues increased the firm's political profile throughout the 1980s, Joseph Giroir sought to radically transform the firm's relationship with the Arkansas business community.

Giroir never quite fit the Rose image. A small, dapper man partial to flashy suits and custom-made shirts, he considered himself half businessman, half lawyer. Yet his vision of turning Rose into an entrepreneurial player in mergers and acquisitions throughout the region ultimately collided with the firm's conservative traditions. "The firm almost came apart over Giroir," says one Rose partner.

When Giroir's major lender, First South Savings & Loan, was taken over by regulators from the Federal Savings and Loan Insurance Corp., funding for his personal ventures suddenly dried up. In 1986, the agency not only cut off Giroir's line of credit, it seized \$12 million in assets he had put up as loan collateral.

"I had no choice but to sue," Giroir says now. "They had just about all my money."

The problem was that Rose represented the FSLIC in earlier thrift cases—a conflict of interest that became the central

management issue for nearly two years. Finally, by early 1988, Giroir resigned and set up his own firm, taking with him some of the best young lawyers in Rose's profitable securities law department.

More important, he took key clients with him, including corporate and personal legal work of Jackson Stephens, the patriarch of a family financial empire and arguably the most powerful figure in Arkansas. It has taken years for Rose to rebuild its securities business since Giroir's departure.

Rose today is not Little Rock's most political firm; there are one or two rival powerhouse firms in town that have traditionally had closer ties to the state Legislature. Yet Rose still exerts influence through its heavyweight client base, which has remained intact during the current controversy, according to Rose lawyers. "My clients almost never even mention it, except to sympathize and ask how we are doing," insists senior partner Wilson Jones.

But the coming months will pose a stern test of client loyalty. By March, congressional Republicans were smelling blood and had forced the Federal Deposit Insurance Corp. to reopen an investigation of whether Rose had a conflict of interest in its legal work involving Madison before state and federal regulators. "Hillary Clinton and Rose got money going in and got money going out," charged Sen. Lauch Faircloth (R-N.C.).

The mysteries of the firm are slowly yielding to the persistence of the press and the pressure from Fiske, who is still in the opening stages of his inquiry into Whitewater. Stories detailing grand jury testimony from former Rose couriers and clerks about shredded documents, potential conflicts of interest, shadowy real estate deals and political connections blare almost daily from newspapers and TV reports.

Rose partners are certain to be forced to testify before the grand jury throughout the spring. Fiske's self-described mandate is to investi-

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gate, among other things, the death of Foster and the possible complicity of the Rose firm in fiscal and legal shenanigans involving McDougal's failed businesses and his relationship with the Clintons.

Besieged with subpoenas and under intense media scrutiny, Rose has hired its own legal counsel, the giant Houston firm of Vinson & Elkins, to represent it in possible federal prosecution. The firm's legal fees could easily run into hundreds of thousands of dollars.

In a sign of the serious questions still surrounding Foster's violent death, Fiske has named Roderick C. Lankler, former chief litigator in the New York district attorney's office, to concentrate solely on the Foster suicide. And, of course, if any proof of shredding of Whitewater-related documents surfaces in grand jury testimony, Rose attorneys will be facing obstruction of justice charges.

Taken together, that's enough potential trouble to make almost any client think twice. "It's not the sort of reputation one would go searching for," sighs senior partner Herb Rule.

Rose partners deny they are covering up any scandal and deny their shredder has been working overtime to hide the truth about the Clin-

tons and Whitewater. Former couriers at Rose have testified before a grand jury in Little Rock that they were asked by clerks to shred documents marked with Vincent Foster's name but have acknowledged that they don't believe any of the papers were related to Whitewater or Madison Guaranty. One sardonic Rose partner asks: "Now, if we were really going to shred documents about Madison and Whitewater, do you think we would do it in the middle of the day and call in the clerks and say, 'Hey, we're shredding the Madison files, can you help us?'"

Yet, deservedly or not, Rose is now smack in the middle of the hottest political scandal since the Iran-contra debacle. And suddenly, Rose of Little Rock is the most famous law firm in America—for all the wrong reasons. ■

# The Washington Post

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## Poised Over Whitewater

### Special Counsel Robert Fiske, Calmly Plumbing the Depths

By Kim Masters  
Washington Post Staff Writer

**B**ob Fiske strode from the federal courthouse, back straight, chin out, fashion-be-damned plaid cap atop his head, and plunged into a sea of reporters and photographers. His team of lawyers had just started grilling the president's men and women about the tangled affair that has come to be called Whitewater. The media mob surged in for a quote, a shot, a morsel of his time. Fiske pressed ahead sternly. But when the media didn't part swiftly enough and a hapless photographer stumbled over backward, it was Fiske who paused and helped the man to his feet.

Noblesse oblige. This sort of courtesy comes naturally to a blue-blood, white-collar lawyer who hovers unspattered over Washington's most recent political spectacle. This sort of poise you can display when you are so sure of yourself—your mission, your methods and your morals—that even though you utter not a word of reproach, a howling pack of reporters suffers a rare moment of embarrassment at its own frenzied behavior.

Robert B. Fiske Jr., lifelong Republican, former prosecutor, all-Street lawyer, former peewee hockey league coach, is at all sorts of person—a man who stays cool and clean in the trenches. Some of his colleagues tell a story about the day in 1979, in the middle of a tense racketeering trial, an FBI agent slipped into a New York courtroom and whispered to the prosecutor that the proceedings had to be stopped at once. Fiske, then the U.S. attorney for the Southern District of New York, didn't panic.

"What?" he wrote on a pad. The agent wrote that a hit had been ordered on a witness in the case—and on Fiske himself. Fiske considered that briefly and scribbled "In the courtroom?" No, the agent answered. In that case, Fiske wrote back, why stop the trial?

That sang-froid, displayed during the renowned prosecution

of Brooklyn waterfront boss Anthony M. Scotto, should serve Fiske as he plumbs the mysteries of Whitewater. (So might his close relationship with one of the young agents on that case—Louis Freeh, now director of the FBI.) But the story is remarkable for another reason: It is one of the most dramatic tales that anyone has to tell about Robert Fiske.

The veteran of many high-profile cases, Fiske is not the kind of swashbuckling litigator whose exploits are celebrated in lawyer locker-room chat. "He's not boring," says Scott Muller, a former assistant to Fiske during the Scotto prosecution. "But he's such an absolutely straight guy."

In his few short weeks as special counsel, Fiske has shown that he is capable of making dramatic moves. Within days of his appointment, he announced himself with a fusillade of subpoenas to White House aides. Then, last week, he cut a deal to get grand jury testimony from David Hale, a shady former judge who is the only person to allege that Bill Clinton was directly involved in any of the questionable financial dealings surrounding the sinkhole known as Madison Guaranty Savings & Loan—a move that Fiske described as "a significant contribution" to the investigation.

Attorneys who know Fiske well say they are confident that he is moving deliberately, if rapidly. Even his former adversaries say Fiske's judgment and integrity make him an ideal

choice for this daunting job. He has a reputation as a detail-oriented prosecutor who won't indict unless he believes that a conviction is in the bag. "He's tough and aggressive in litigating when he has a case that will support it—and practical-minded about getting it over with when he needs to," says Steve Case, one of Fiske's law partners at the snooty New York firm of Davis, Polk & Wardwell.

However tough, Fiske is always low-key—an affable square who is modest to the point of self-effacement, soft-spoken to the point of inaudibility. In white-bread, well-to-do Darien, Conn., where Fiske grew up, he is the original community pillar. He served on the police commission for 10 years and was chairman of the board of deacons at his church.

Fiske isn't giving any interviews, but his longtime assistant notes in response to an inquiry that yes, Fiske used to coach the New Canaan, Conn., peewee hockey team. And in 1973, she adds, the team made it to the state championships, where it lost—in overtime.

It turns out that mild-mannered, 63-year-old Bob Fiske is—as Muller puts it—"grimly competitive" and a bit of a sports freak. He sails, skis, fishes and has a 100-mile run for his law firm's softball team. In 1980, he ran the New York City Marathon.

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"I'll tell you how competitive he is," says John "Rusty" Wing, one of eight former assistant U.S. attorneys who play tennis with Fiske regularly. "If he couldn't get the ball with his normal right hand, he switches the racket to his left hand."

"He's by far the senior member of the group," says Alan Levine, now a partner at a New York law firm. "He does not wear down first."

### Accidental Celebrity

West Little Rock is a high-rent business district, a suburban settlement about a 20-minute shot along the Wilbur Mills Freeway from faltering downtown Little Rock. It might seem an odd location for the special counsel to base his operations—a bit of a haul from the county offices that hold some of the records that may contain the secrets of Whitewater. But this building already was crammed with feds: the FBI, the Drug Enforcement Agency and the Customs Service.

It may be pricey, but you wouldn't call it elegant—a red-brick four-story affair with Muzak in the lobby and cherub fountain in the gloomy atrium. Tucked in the back of the building is a little lunch joint and bar

*While other lawyers might have lived the high life, typically he'd run out to the grocery store alone and buy a chicken and bake it and eat it by himself."*

—Carey Dunne, former law partner

here Fiske and his troops sometimes grab a sandwich. On a Monday afternoon, the Sports Page is empty except for a group of stockbrokers rocking back a few drinks.

They try to affect indifference to Fiske and the squadron of seven lawyers and 25 FBI agents and financial analysts that have just set up shop here. But waitress Deborah Marshall has seen some of them sidle up to Fiske. "People approach him—when you get time off, you want to play some golf?" she says.

Fiske has made a good impression. One of the stockbrokers says Fiske "reminds me of a kid's grandfather that you see in the movies." Stockbroker Dan Lee has seen him at lunch with his staff. "When they're talking, there's a warmth," he observes.

Perhaps most impressive to the crowd at the Sports Page has been the speed with which Fiske's office space was whipped into shape. "We heard on Thursday morning that this space had been leased," says Dan Lee. "At noon that day, hammers started. They worked 24 hours a day, had three construction crews in there. You have to understand—Little Rock is in a construction boom right now. If you want to build a house, you have to wait three months. So they paid someone a lot."

### Frugal but Fun

Whatever the word from Little Rock, Fiske's colleagues at Davis, Polk say he won't be sloppy with the taxpayers' money. They expect him to be much more frugal than Iran-contra prosecutor Lawrence Walsh—who was Fiske's former law partner at Davis, Polk and who tried to tap Fiske to serve as his deputy in that investigation. That investigation cost the government \$36 million. "Walsh would spend an extraordinary amount of money on cases," a Davis, Polk partner says. "He would get 12 associates [on a case] and they would grind and grind. . . . He would have four people research something until they dropped. Bob wouldn't do that."

Davis, Polk partner Carey Dunne spent the better part of a year with Fiske in Miami on a trial and got a close look at his thrifty habits. "While other lawyers might have lived the high life, typically he'd run out to the grocery store alone and buy a chicken and bake it and eat it by himself," Dunne says. "He is frugal, no doubt about it. He would constantly be running back and forth to the coin-operated laundry machines so he could save money."

Not that Fiske was a complete nerd. "The night that the trial was over, we went to dinner to blow off steam and ended up playing pool at 4 a.m. in a nightclub," Dunne says.

Fiske "is somebody who acts significantly younger than he is, who likes to deal with younger people," says Elkin Abramowitz, another veteran of the U.S. attorney's office. "He was the wealthiest guy [in the office] and enjoyed doing what we would do—eating in our kinds of restaurants. He's a very accessible

person for somebody as powerful an intellect as he has."

For a rich guy, his tennis buddies like to gripe, Fiske rarely treats when it's time for drinks after a match. "We joke about how he never has any money with him," Wing says. But friends say Fiske isn't really cheap—just forgetful. "He's very absent-minded," Dunne says. "He's always leaving his glasses places and leaving his car keys and losing his pen. He always has associates picking up after him."

But even Fiske's foibles are discussed with a sort of affectionate pride. That's the tone in which one of his younger partners complains that Fiske's youthful tastes do not extend to his sartorial habits. "He's got a hat I can't stand," the partner gripes. "It looks like an Irish golf cap, except it's made out of plastic. When it comes to clothes, he hasn't moved since Dobie Gillis."

Fiske's headgear hasn't gone unnoticed at the Justice Department. "We are all looking forward to the advent of warm weather," spokesman Carl Stern says, "when Fiske will stop wearing those chapeaus."

### Colleagues' Admiration

In many ways, Fiske seems to have led a charmed life. His father was a lawyer, appointed by Dwight Eisenhower to be assistant secretary general of the North Atlantic Treaty Organization. He grew up in Darien playing hockey and lacrosse. Yale '52. Third in his class at the University of Michigan law school.

From 1976 to '80, Fiske was the captain of a loyal team of assistant U.S. attorneys who still gather annually for an alumni dinner. The lawyers who write the skits presented at these affairs are wracked for material—"It's a hard task to figure out how to satirize Bob Fiske," as class clown Jed Rakoff puts it. Thomas Engel gave it a try with a poem called "The Maven"—apologies to Poe—in which Fiske declares, "As my friends are all Aryan/ And settled into Darien/ I know only finest peerage/ And no peasants out of steerage."

That's about as personal as it gets—and the characterization isn't even quite right. "Bob has been to every bar mitzvah and bat mitzvah as our children get to the appropriate age," Rakoff says. "He's been to at least 50. He still can't pronounce basic Yiddish words. He'll say 'kuh-kuh-kuh.'" Those who worked under Fiske at the U.S. attorney's office remember how he'd come in on Saturdays and

pad around the office in his socks. On weekdays, Fiske would arrive early and host a "breakfast club" of stalwart assistants who would show up for coffee and doughnuts in his conference room. "He was very interested in everything that was going on," remembers Angus Macbeth. "If you got a good ruling or a bad ruling, he was likely to be on the phone with you 15 minutes later, congratulating or commiserating."

When Fiske returned to private practice, he remained something of a hero to young assistant U.S. attorneys. He successfully defended Babcock & Wilcox, the manufacturer of the nuclear reactors at Three Mile Island. Bruce Baird, who was a young prosecutor then, says many of his colleagues tried to slip into the courtroom to watch Fiske work. "It was such a primer in how to try a case," Baird says. "He had a prosecutor's style, not flamboyant and showmanlike. He is always particularly well prepared, which was apparent in Three Mile Island because it was mind-numbingly complex. . . . He's not a great orator, not a great speaker, but he can stand up in a courtroom and sound like someone he jurors can relate to."

Even Fiske's adversaries are admiring. When Fiske was U.S. attorney, Paul Goldberger defended a client indicted as part of the case against drug lord Nicky Barnes. During the entire eight weeks we were on trial—and it was one of those blood-and-guts cases—I never saw him lose his balance," he says. "I never saw him lose his cool. He's a nice person. If you lived next door to the guy, you'd be friends. . . . You'd be an over the fence and you'd BS with him."

**Small Controversy**

In his exceptional career, Fiske suffered a few setbacks and embarrassments. One of his biggest dis-

appointments came in 1989, after he was nominated for the number-two spot in the Justice Department by then-Attorney General Richard Thornburgh. Despite Fiske's record, a bloc of conservatives opposed him. It was an attack that Fiske's colleagues still regard as one of the more inexplicable paroxysms of partisan politics.

Fiske's crime was that he had served as head of the American Bar Association's standing committee on the federal judiciary. The committee, which rated nominees for federal judgeships, routinely consulted some outside groups about their views. Among those was the Alliance for Justice, a Washington-based civil rights group.

The conservative Washington Legal Foundation complained. "He leaked the names so liberal groups could do a hatchet job on good conservatives," WLF Executive Legal Director Paul Kamenar said at the time. The fact that Fiske's committee had given good ratings to some conservative nominees did not diminish the fervor of his opponents. They also held him responsible for the defeat of Robert Bork's nomination to the Supreme Court, even though Fiske was no longer chairman of the ABA committee when it split on Bork's rating—and even though Fiske personally supported Bork.

As part of the effort to discredit Fiske, conservatives charged that he had once given a \$1,000 campaign contribution to an old friend, Democrat William Gray, when he ran unsuccessfully for a Vermont Senate seat in 1988. They also called attention to a 1985 U.S. Tax Court decision that found Fiske had failed to pay \$14,000 in taxes stemming—interestingly enough—from a 1986 land deal. The Fiske family had long owned a share in a Catskill mountains fishing club. Fiske and the other owners transferred the land to a nonprofit nature conservancy—but

the court determined that Fiske had underestimated the land's value.

The Bush administration eventually caved and Fiske withdrew his name from consideration. "A lot of people would have been vocally unhappy about the way they were treated," says Macbeth. "He took it remarkably well. He just wasn't going to get into a squabble about it."

So far, conservatives haven't made a big issue of Fiske's appointment as special counsel. While the Wall Street Journal's editorial-page writers called Fiske "a very curious selection"—raising the specter of Fiske's service on the ABA judicial review committee as well as his brief representation of Clark Clifford in the BCCI matter—Justice Department spokesman Stern says he's heard no concerted objections. "I'm under the impression that there's a great deal of admiration and respect for Bob Fiske across the spectrum," he says.

**Getting His Hands Dirty**

Fiske is far from finished with his task, but Washington lawyers are impressed with the way he began it. "His going to Little Rock said an awful lot," says a partner at one well-regarded Washington firm. "A lot of these guys don't want to get their hands dirty. This guy's actually gone down at great financial sacrifice and he's living in this town and trying to get to the bottom of this. . . . And he's certainly a \$1.8 million man if Bernie Nussbaum is." (The real number for Fiske is closer to \$1.3 million, says a Davis, Polk source.)

Fiske has traded his seven figures for a salary of \$107,000. He has taken an apartment in Little Rock, where perhaps he bakes his own chicken as he immerses himself in his mission down to the decimal points, moving as fast as he can to conclude an investigation that the whole world is watching. Moving toward a time when Bill Clinton and his supporters finally may be able to exhale. Or not.

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Friend Who Had Clinton's Ear and Heart Deputy White House Counsel  
Eulogized and Buried at Home in Hope.

The Washington Post, July 24, 1993, FINAL Edition

By: David Von Drehle, Washington Post Staff Writer

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The Washington Post, July 24, 1993, FINAL Edition

By: Compiled from staff and wire reports by Michael Farquhar

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The Crumbling Of a Pillar In Washington Only Clinton Aide Foster  
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The Washington Post, August 15, 1993, FINAL Edition

By: David Von Drehle, Washington Post Staff Writer

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The Washington Post, August 15, 1993, FINAL Edition

By: Jody Powell

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The Washington Post, August 12, 1993, FINAL Edition

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'Here Ruining People Is Considered Sport'.

The Washington Post, August 11, 1993, FINAL Edition

By: Gustav Niebuhr, Washington Post Staff Writer

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2148150

Foster Note Reveals An Anguished Aide Probe Concludes With  
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The Washington Post, August 11, 1993, FINAL Edition

By: Michael Isikoff, Dan Balz, Washington Post Staff Writers

Section: A SECTION, p. a01

Line Count: 166 Word Count: 1833

# The Washington Times

## Foster report

Whitewater-Madison special counsel Robert B. Fiske Jr. is expected to issue a report soon that concludes that White House Deputy Counsel Vincent W. Foster Jr. did commit suicide, the Wall Street Journal says.

Attributing its report to lawyers familiar with the inquiry, the Journal says Mr. Fiske's findings will largely confirm conclusions by the U.S. Park Police.

The Journal's Ellen Joan Pollock reports from Little Rock that the special counsel appears to be broadening the scope of his inquiries as a wave of nearly 250 subpoenas washes across the Arkansas capital.

Roderick Lankler, who leads Mr. Fiske's Foster probe, declined comment on the interim report's contents except to say he was unsure whether it addressed allegations that White House aides impeded the Park Police investigation.

Mr. Lankler told Ms. Pollock that he hopes to release the report in the middle of this month.

## Whitewater's Impact

From presidential politics to health care reform, Whitewater is not playing out the way Washington insiders expected, the Boston Globe reports.

"For the moment, at least, voters appear to perceive Whitewater as an inside game played by petty partisans, and not yet a matter of terrific relevance," says the Globe's John Aloysius Farrell.

"Though Whitewater may yet emerge as a national political crisis, Washington's preoccupation . . . remains, at this point, a topic to be spoofed by the cast of 'Saturday Night Live' and the

Doonesbury comic strip characters."

## Whitewater reason

"Even the most partisan Republicans . . . don't want to destroy Clinton. They just want to weaken him. They want to make it harder for Clinton to pursue his agenda. And easier for them to defeat in 1996," says analyst William Schneider in the National Journal.

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# THE WALL STREET JOURNAL

## Fiske Is Seen Verifying Foster Killed Himself

### Special Counsel Appears To Be Widening Scope Of Inquiries in Arkansas

By ELLEN JOAN POLLOCK

Staff Reporter of THE WALL STREET JOURNAL  
LITTLE ROCK, Ark. — Investigators looking into the Whitewater affair are expected to release a report this month declaring the death of White House aide Vincent Foster a suicide, according to lawyers familiar with the inquiry.

The report, to be released by Special Counsel Robert Fiske, would largely confirm earlier findings by the U.S. Park Police, the lawyers said. Mr. Foster's body was found in a federal park in Virginia in July.

As the Foster part of the investigation winds to a close, the special counsel ap-

#### David Hale's Credibility

David Hale is the only player in the Whitewater affair to make a specific allegation of wrongdoing by President Clinton. But his credibility as a witness may prove slim. Legal Beat, page B8.

pears to be broadening the scope of his inquiries in Little Rock. In a wave of subpoenas issued last month, Mr. Fiske asked about almost 250 people, companies and properties, including Arkansas Gov. Jim Guy Tucker and Dallas Cowboys' owner Jerry Jones.

Roderick Lankler, who is leading the Foster investigation for Mr. Fiske, declined to comment on the interim report's contents except to say that he was unsure whether it would also deal with allegations that White House aides, including former White House Counsel Bernard Nussbaum, impeded the park police's investigation. Mr. Lankler did say he hoped to release the report in mid-April.

#### Stop to Speculation

Mr. Fiske's staff have been eager to put a stop to speculation that Mr. Foster was murdered or that his body was moved after his death, according to people familiar with the Fiske investigation.

In the broader investigation, targets of Mr. Fiske's probe and their lawyers said that he appears to be looking into aspects of Madison Guaranty Savings & Loan that have nothing to do with the Clintons' investment in Whitewater Development Co. "Anything that smells of impropriety, [he's] not going to turn his back on," said one person who has received a subpoena. "If he finds out something, he's going to nail somebody."

However, much of the investigation does involve the president, and Mr. Fiske is already delving into many facets of the affair. For example, he is investigating allegations that money from Madison accounts was used to pay off a \$50,000 loan Mr. Clinton obtained from Bank of Cherry Valley, (Ark.), to help finance his 1984 gubernatorial campaign. In his subpoenas, Mr. Fiske is seeking information about the bank; Mr. Clinton's former chief of staff, Betsey Wright; and Charles Peacock, a Madison director and borrower. A check contributed to Mr. Clinton's campaign bore the name of Mr. Peacock's son, who denied making such a contribution.

The Washington Post reported Saturday that investigators for the Resolution Trust Corp. named the 1984 Clinton campaign as a suspect in a criminal inquiry into Madison Guaranty. One of the RTC's criminal referrals, which have been sent to Mr. Fiske, sought further investigation into whether Madison funds were diverted to the campaign with the knowledge of campaign officials, the newspaper reported.

As part of the overall inquiry, Mr. Fiske is seeking information about Mr. Jones, the Cowboys' owner, and Sheffield Nelson, a candidate for governor of Arkansas. They invested in a failed Madison real-estate venture on Canada's Campobello island that contributed to the thrift's collapse. Madison bought out the two investors' 25% stake for \$725,000 in 1988, a year before the thrift failed.

In addition, Mr. Nelson's opponent in the gubernatorial race, Gov. Tucker, is under investigation. At least six businesses in which he had an interest are listed on Mr. Fiske's subpoenas. Mr. Tucker did business with Madison owner James McDougal and former municipal Judge David Hale, who has said Mr. Clinton pressured him to make a loan to Susan McDougal, a partner in Whitewater.

Mr. Fiske's subpoenas are making popular reading in Little Rock. Many people listed apparently have only minor ties to Madison. Mark Abernathy, an owner of Juanita's, a Mexican restaurant, thinks he made the list because Madison extended him a \$350,000 loan. His mother, who co-signed the loan, is on the list, too. Mr. Abernathy said he met Mr. McDougal once, although he and other Madison staffers frequently dined at Juanita's. "I'm sure that 90% of the people on that list don't know why they're on it except that they did business at Madison," Mr. Abernathy said.

Dick Holbert, who runs a charter air service, thought it would take months to comply with his subpoena because so many of his customers were on the list. It turned out that Mr. Fiske was interested only in Mr. McDougal's sale of an airplane to Mr. Holbert, who resold it the same day to Seth Ward, a Madison consultant. The

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RTC has said that transactions involving Mr. Ward contributed to the failure of Madison. Mr. Holbert said that Mr. Ward "came to me with the deal. Seth is a good customer and he [was] an airport commissioner, so I just did it."

One of the more mysterious names on the list is Priscilla Skarda. She works at Pulaski Bank & Trust Co., where Mr. Hale and other well-known Little Rock citizens banked. Asked why she made the list, Ms. Skarda replied, "I'd kind of like to know myself."

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4/12/94 NY Post

NEW YORK POST, TUESDAY, APRIL

# FBI biding its time on Foster

THE FBI agents belatedly investigating the death of White House deputy counsel Vincent Foster are treading very, very carefully. Despite almost daily hints from the White House that special Whitewater counsel Robert Fiske is about to declare that Foster's death was a suicide, the FBI is refusing to be rushed by anyone. Understandably so. The FBI was initially locked out of the politically charged investigation because of tensions between the bureau and the White House. (There was the Travelgate scandal, for which FBI agents were wrongly used, and the firing of FBI Director Williams Sessions the day before Foster died.)

I understand the FBI team has confirmed most of the U.S. Park Police's findings, although some members would have been happier if they could have exhumed Foster's body. It has proven very difficult, months after the event, to turn up any fresh evidence. But the bureau is determined not to be seen as a rubber stamp for the Park Police, for Fiske or for anyone else involved. Fiske enjoys good relations with the FBI and its new chief, Louis Freeh. He just wants the facts about Vince Foster's death and believes the FBI is best-equipped to get them. He apparently doesn't mind waiting a little longer, just so there are no more questions to be answered.

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# NYC Lawyer Heads Foster Probe

By Leonard Levitt  
STAFF WRITER

Roderick Lankler, a New York City criminal attorney who moves in the highest echelons of city and state law enforcement, has been placed in charge of investigating all events relating to the death of deputy White House counsel Vincent Foster.

Lankler was one of eight attorneys appointed in the expanding investigation by special counsel Robert Fiske. Fiske's office announced yesterday.

The son of a Presbyterian minister and a lifelong Republican, Lankler, who is known as Rod, is described by colleagues as a "straight arrow" and "scrupulously honest." He is also known to scrupulously avoid the media.

A graduate of St. Lawrence University and Columbia Law School, Lankler, 56, served for 17 years as a New York State prosecutor, beginning as a homicide assistant for former Manhattan District Attorney Frank Hogan. He supervised the Trial Bureau for current Manhattan District Attorney Robert Morgenthau and served as Special State Prosecutor for Official Corruption under former Gov. Hugh Carey. He began a private defense practice 10 years ago and has since turned down offers for positions in the public sector.

At the same time, he has continued to serve on an unpaid basis on various state and federal commissions, most recently as a member of New York City's Mollen Commission on police corruption.

"We are looking into all facets of Foster's death, including what happened to the papers in his office in the White House," Lankler said yesterday.

Foster, a close friend of the Clintons, was found dead in Washington last summer, an apparent suicide. He had been working on Whitewater matters before his death, and Clinton aides removed his Whitewater files from his White House office soon afterward. The files have been turned over to Fiske.

Lankler will work out of a Washington office leased by Fiske across the street from the Justice Department. He will continue as a partner in his midtown firm of Lankler, Siffert and Wohl, and divide his time between New York and Washington.

"I don't know any finer lawyer anywhere," said U.S. District Court Judge John Keenan, Lankler's mentor in Hogan's homicide bureau and predecessor as special state prosecutor. "The country and Mr. Fiske will be very well served by having Lankler there."

Former New York City police commissioner Richard

## 7 others appointed in Whitewater inquiry

Condon described Lankler as "as decent a human as I have ever come across in this business." And Morgenthau said, "He's an excellent choice. He has extensive experience as a prosecutor, with a special expertise in homicide cases."

Lankler is married and has four grown sons, two of whom are prosecutors.

Besides Lankler, Fiske yesterday named Russell Hardin Jr., a partner in the Houston firm of Hardin, Beers, Hagstette & Davidson, as lead prosecutor in the trial of David Hale, a former judge who accused President Bill Clinton of pressuring him to make a federally backed loan to a Clinton business associate. Hale is to go on trial March 28 on charges of defrauding the Small Business Administration.

Fiske said he would spend most of his time in offices leased in Little Rock, Ark., that he said would accommodate seven lawyers, 19 FBI agents and six financial

analysts who are working full-time on a broad probe of Arkansas business relationships known as the Whitewater investigation.

Clinton and his wife, Hillary, were 50-50 investors with savings and loan owner James McDougal and his then-wife, Susan, in Whitewater Development Corp., a real estate venture. The probe also covers whether McDougal's Clinton connections helped stave off the 1989 collapse of McDougal's Madison Guaranty Savings & Loan, at a multimillion-dollar cost to taxpayers. The Clintons have denied wrongdoing.

In a press release from Little Rock, Fiske also said he has hired William Duffey Jr., a partner in the Atlanta law firm of King & Spaulding; Denis McInerney, a deputy chief of the criminal division in the U.S. attorney's office in Manhattan; Julie O'Sullivan, an assistant U.S. attorney in Manhattan; Patrick Smith, an associate at the New York firm of Davis Polk & Wardwell; Mark Stein, a deputy chief of the criminal division of the U.S. attorney's office in Manhattan; and Carl Stich Jr., a partner in the Cincinnati firm of Dinsmore & Shohl.

*This story was supplemented with news service reports.*

## Reno Deputy Nominated

REUTER

Washington — Jamie Gorelick, general counsel at the Department of Defense, was chosen as Attorney General Janet Reno's deputy yesterday.

"Janet Reno and I have a wonderful working relationship," Gorelick said at a news conference.

If confirmed, Gorelick would succeed Philip Heymann, who resigned abruptly last month, citing bad chemistry with the attorney general. Heymann's departure aggravated the personnel situation at the

Justice Department, where many senior jobs have gone unfilled for more than a year.

"I know that she [Reno] is extraordinarily energetic," Gorelick said as Reno stood beside her. "People who know me know that I make lists, and I check them off, and that's what we will be doing."

Gorelick, 43, a Brooklyn native and graduate of Harvard Law School, now oversees 6,000 Pentagon lawyers — a legal team second in size only to that of the Justice



Jamie Gorelick

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4/12/94 NY Post

NEW YORK POST, TUESDAY, APRIL

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# The Washington Times

## Tabloids war over death of Foster

By Rod Dreher  
THE WASHINGTON TIMES

The investigation into the death of White House Deputy Counsel Vincent W. Foster Jr. has become a battleground in New York City's never-ending tabloid war.

"Only in New York," joshed a Manhattan-based political reporter who seemed amused and repelled by the tabloids' cheek.

On Monday, the New York Daily News ran a cover story by columnist Mike McAlary proclaiming "Case Closed" in the Foster inquiry. According to the Daily News, which cited anonymous "investigators," Whitewater-Madison special counsel Robert B. Fiske Jr. has accepted the U.S. Park Police report on the Foster death, which called the shooting a suicide.

The Daily News report was a thinly veiled attack on the New York Post, which has been advancing the Foster story with breaking reports raising questions about the apparent suicide.

Today's edition of the Post returns fire, purporting to discredit the Daily News story by attributing to the Fiske investigator responsible for examining the Foster case a denial of its Daily News report's central premise.

That investigator, former Manhattan prosecutor Roderick Lankler, told The Washington Times yesterday that, contrary to the Daily News report, the Fiske team had "not reached any conclusions" about Mr. Foster's death.

The Post also points out several glaring errors in the McAlary column, including its using the wrong date for Mr. Foster's death and identifying Mr. Lankler's first name as "Ronald."

Despite the mistakes, Daily News Editor Lou Colasuonno stands by the story.

"There may be an editing error in there, but basically the story is solid," he said. "There's no doubt that there are a lot of questions about what the White House is up

to, [but] there seems to be pretty solid evidence that Foster killed himself and did it in the park that afternoon."

Despite Mr. Lankler's denial, the Daily News editor offers no retractions. "Many times in this business, when names are named, people will for the public record deny, when we know in fact what really happened," he said.

And so it goes in the tit-for-tat world of the New York tabloids, where newspapers have to fight for a dwindling readership with whatever weapons they can find.

"The Post takes one position, the Daily News, you can be sure, comes back with another," said Terry Galway, political reporter for the New York Observer. "Any politician in New York has to know how to play the tabloids against one another. That's all this is."

The Clinton administration seems to understand this. Stung by Post reporter Christopher Ruddy, who has written several stories raising questions about the Foster death, the administration or agencies friendly to it appear to be leaking to the Daily News information supporting its view of the case.

Mr. Galway praised Mr. Ruddy's reporting, but questioned the Post's practice of putting quotation marks around the word "suicide" in headlines over Foster-related stories.

"I think that while you may call into question some of the events of that day, this is over-the-top skepticism," he said. "By putting the word suicide in quotation marks, the Post makes it pretty clear what they think happened."

Not so, said Post Managing Editor Marc Kalech, who denied a Galway charge that Post owner Rupert Murdoch, the conservative media baron, likely ordered the quotation marks.

For his part, Mr. Ruddy said how Mr. Foster died is still a mystery to him. "A lot of journalists are saying this was definitely a suicide. All I'm saying is there isn't much evidence indicating that," he said.

Some journalists also looking into the Foster case believe Mr. Ruddy is something of a loose cannon. Others, perhaps remembering how the mainstream media missed the Whitewater story during the 1992 campaign, value his willingness to make risky judgments.

"If he is a loose cannon, I don't think that's ever a bad thing in a reporter," said Mr. Galway.

Mr. Ruddy accused the media of not giving the Foster case enough attention. That is changing now, and he believes the Post can take credit.

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"I think they're more carefully scrutinizing things because of us," he said. "And even if it's proved a suicide, it'll be a good thing."

# The Washington Post

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*Richard Harwood*

## The Press In Pursuit

*Abstract scandals,  
uneven interest.*

The Whitewater affair divides the country. It is also dividing the American press.

Columnist Robert Samuelson says, "The purported scandal is so far a political vendetta draped in legal trappings. The trappings are essential, because it is the mere possibility of wrongdoing that justifies the ongoing media attention."

Joe Klein of Newsweek speculates on the possibility that the Clintons will emerge from their present trials as innocent victims of press hysteria. In that event, he asks, "Do we, the righteous guardians of the truth, admit that we blew this all out of proportion—or do we continue to puff motes into dust storms in order to justify our investment? The Clintons have earned their isolation. But they deserve a more sober hearing than this lunatic caldron."

"Here we go," writes Washington Post columnist Jonathan Yardley, "hurtling down the rapids of Whitewater into a furious eddy of political opportunism and journalistic exhibitionism. The government of the United States will grind to a halt for a year or more, thank God, and the high-octane newsfolk of the nation's capital will bore us all to tears with interminable recitations of imaginary outrages, but who cares? It's going to be one hell of a ride."

Russell Baker of the New York Times satirizes the media torrent and explains it: "The reason this rickety construction of innuendo and circumstance occupies the media so intensely is that presidents are central to the American need to be entertained. . . . Whitewater is the best news in Washington now that Barbra Streisand no longer guests at the White House."

From Harvard, Marvin Kalb, director of a media program at the university, told The Post: "There is a rushing to judgment that is unprofessional and distasteful. The press is going to have a lot to answer for when this is over."

The gulf between what these critics are saying and what the press is doing reflects, among other things, confusion about our function in American life. The critics put forth an ethical view of journalism in which we should not act as detectives, prosecutors or judges but should allow our system of justice and its institutions to deal with matters of innocence or guilt. There should be, as Kalb said, no rush to judgment nor, as Klein put it, no "ridiculous hyperinflation" of small peccadilloes.

That is essentially the posture taken by the press during the Watergate scandal. It was first seen—by me, among others—as a "two bit break-in" and, with the exception of The Post and a few isolated journalists, it was largely ignored by the media. Nevertheless, justice ultimately was served. A president was brought down and others were punished, not by the press, as myth has it, but through the workings of the "system"—the judiciary, the FBI, a special prosecutor and Congress. I do not mean to equate Watergate and Whitewater but merely to make the point that with or without the press, justice can and usually does prevail.

This is not the majoritarian operating premise of the press. Underlying our approach to potential public scandals is a general distrust of the "system." We assume it can be manipulated by presidents, that "coverups" are both possible and likely from the White House down to city hall. Thus, at the hint of any scandal, it is our duty to dispatch investigative teams to dig out the truth as archaeologists do, piece by piece until the whole picture is revealed. In this process we monitor the "system's institutions of justice for foot-dragging and coverup" and, as William Safire of the New York Times has said, "light fires" under the investigators.

That may have happened several times in the Whitewater affair. The first story about the Clintons' involvement with Madison Savings & Loan was written by Jeff Gerth and published in the New York Times in March 1992. It had no visible impact. Eight months later, however, the federal agency responsible for cleaning up the national "savings and loan mess"—the Resolution Trust Corp.—recommended to the U.S. attorney in Little Rock that a criminal investigation be made of Madison and named the Clintons as possible beneficiaries of "diverted" funds from the bank. Did Gerth's story "fire up" the RTC?

In October 1993, with Clinton in the White House, the U.S. attorney in Little Rock, who had studied law with Clinton, refused the RTC request for an investigation. The Post on Oct. 31 reported on this situation for the first time. Four days later, then-Associate Attorney General Webster Hubbell, one-time partner in a law firm with Hillary Clinton, recused himself from the case. On Nov. 9 a team from the Justice Department was sent to Little Rock to launch the investigation the RTC had been seeking. Was there any connection between The Post's story and these actions by the Justice Department?

Late in December, the Washington Times revealed that papers dealing with the Clintons' involvement with Madison had been taken from Vincent Foster's White House office following his suicide and had been turned over to the president's personal lawyer, David Kendall. Was there any connection between this story and the subsequent appointment of a special prosecutor?

On March 3 of this year, The Post revealed that the White House and supposedly neutral Treasury Department officials had been conferring about Whitewater and the progress of government investigators. Was this story related to the special counsel's issuance of subpoenas to many White House and Treasury officials to explain these meetings?

We will never be able to establish beyond any doubt that the press has "lit fires" in the Whitewater case or has played a "constructive" or "destructive" role in the pursuit of justice. We will never be able to prove beyond reasonable doubt that the press will have had any effect at all when this affair finally comes to an end.

George Church, a columnist for Time magazine, suggests that the real danger here is that the veracity and credibility of the Clintons could be so damaged that they will be unable to enact a health care bill. That is the White House line.

The other view is that the veracity and credibility of the Clintons had been so impaired before Whitewater obsessed us that our exertions now are more than justified.

The Whitewater news as of mid-March—209 stories in The Post alone—doubtless has affected the political standing and reputations of the Clintons. We know that from the polls. But as in the case of Iran-contra, public interest in these abstract scandals is shallow and intermittent. Our affections for presidents vary almost by the hour and the day. So there is no reason to believe that whatever has been written or broadcast thus far will have any lasting effect on Clinton's place in history or in the hearts of his countrymen. Ask the ghost of Harry Truman.

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# THE UNFOSTERED D.C. SUSPICIONS

## Aide's suicide is confirmed by heads-up cops

In the last second of life, Vincent Foster placed a pistol barrel deep in his mouth, grabbing the butt with both hands. The White House lawyer was seated on a grassy hill at a 45-degree angle, a Civil War cannon behind him. No one knows what Foster was thinking, only what he did next. He pulled the trigger back with his right thumb.

The bullet escaped the top part of his head. He fell back dead, his arms falling to his sides, his legs straightening out. The gun remained in his right hand, stuck in the trigger guard. Later, after photographs were taken, an investigator would have to move the dead man's thumb just to free the pistol.

The investigation into Foster's death was handled ably by the U.S. Park Police, a unit that has suffered terribly from gossip and second-guessing. The FBI was with them every step of the way. There are no loose ends.

The first thing the cops heard after Foster's suicide was: coverup. The body was discovered by a park maintenance worker who had slipped into the area for a quiet midday drink. He reported finding the body, but then made up a story about having seen a white van. He has since recanted the story. It was created to cover up his own behavior.

It is not the ranting of some conspiracy theorist. It is not the rhetoric of some Clinton supporter. The U.S. Park Police report on the death of Deputy White House Counsel Vince Foster is a simple story from a police blotter.

It has been accepted by special Whitewater prosecutor Robert Fiske. It has been accepted by his lead investigator, former Manhattan prosecutor Ronald Lankler, although he isn't saying as much.

Most of what happened in Fort Marcy Park on July 21 has remained secret. The Park Police report has only been reviewed once, by the Daily News. But we are now familiar with its specific conclusions. Investigators, who do not wish to be identified, have been interviewed. (This is the only report on their probe into one man's desperate act.

The first cop to arrive was a patrol officer named Fornhill. Calling for backup, Park Police investigators started to show up. The first thing they noticed, apparently, was Foster's car in the parking lot. Foster had left his suit jacket behind in the car, White House credentials in the pocket. His wallet was also in the car, doors unlocked. No one at the scene had ever heard of Vincent Foster.

One investigator noticed the White House credentials, spotted the Arkansas plates on the Toyota and decided, alert Secret Service. This could be a friend of the President."

The principal forensic investigator, Pete Simonello, inspected the body. The crime scene belonged, mostly, to him.

There was only a little blood, Simonello wrote, on the front of Foster's body. The dead lawyer's right thumb was stuck in the trigger guard. Simonello had to pry the pistol out of Foster's hand. He saw powder burns on the right hand. Ballistics tests later confirmed Simonello's original belief that Foster had been holding the barrel with his right hand. The gun had been deep in Foster's mouth, Simonello realized, well behind his still-inact teeth. The medical examiner found obvious powder burns on Foster's palate and tongue.

No one heard the shots, investigators determined, because Foster's head served as a kind of grisly gun silencer. There was no indentation of any kind on the index finger. His body, despite what you read, was never moved by anyone.

In death, Vincent Foster was discovered lying oddly straight. To onlookers, Foster looked to be asleep. Professionals could see more.

Most of Foster's blood had come out the back of his head though an exit wound. The bullet, which exited through the top of the sitting lawyer's head, could not be found. It was shot from the top of the knoll, cannonlike. The Park Police brought in metal detectors but never found the slug.

The blood wasn't obvious to paramedics. It had flowed down the back of Foster's shirt and then down the hill into his pants.

"That meant Vince Foster died right on the hill where he was sitting," said one investigator.

The body had not been moved from its resting place 20 feet in front of theannon. It wasn't moved until after 8 a.m., at least three hours after the hooting. Blood lividity is curious. In lead bodies, pools form. The pools cannot be disturbed by movement without showing signs. There were none.

The soles of Foster's shoes, police noticed, were unmarked. As they should have been, it was determined. Foster's shoes told investigators he had walked from the parking lot through an open field.

The cops started taking pictures. They took two sets before Foster was moved. The first set was taken with a 35-mm. camera. The shots are overexposed. You can see the hand and the gun, but it is not easy. The second set was Polaroids. They all came out, on the spot. The scene is very simple. There is a body, legs out, on a hillside. Very little blood. You can see a powder burn from the cylinder blast on Foster's right hand.

The clothes were all bagged by the Park Police and preserved. If for some reason they need to be looked at, say to find imagined carpet fibers from an equally imagined safehouse, they can be vacuumed and searched.

Moronic things were done later. Bernard Nussbaum, the President's lawyer, did many. The Park Police were assured on the first day that Foster's office would be sealed. But when six investigators showed up to inspect it the next day (two FBI agents, two Justice Department lawyers and two Park Police cops), Nussbaum refused to let them in. The office hadn't been sealed by Secret Service. The investigators were told to sit in chairs, backs to the walls, 15 feet from Foster's desk. Documents were displayed by Nussbaum. "No one knew or cared about Whitewater then," said one investigator. "We had a suicide to investigate. We could have been sitting on a case of Whitewater documents and wouldn't have cared or noticed."

#### NUSSBAUM'S Ire

One FBI agent stood up to stretch while in Foster's office. Nussbaum yelled angrily, accusing him of trying to peek at Foster's papers. Nussbaum said repeatedly, "We can't show you this, this is personal." The cops, a Park Police investigator and captain, were furious. Personal notes, especially in a suicide case, are important.

"Why can't you just handle this as a normal case?" Nussbaum asked at one point.

"Because this isn't a normal case," said chief investigator from the park police, Peter Markland.

"Why not?" Nussbaum said.

"Because if this was a normal case I'd have all of the dead guy's files in the back seat of my car," Markland said.

No one can say why Foster killed himself. Only that he did. The coverup, if there was one, started with Nussbaum. The President's lawyer acted like someone with a client who had something to hide. "I thought they all should have been arrested for obstruction of justice," said one investigator familiar with the suicide investigation.

*There is one more mystery to decipher.*

There is a small triangle-shaped piece of the so-called suicide note still missing. It is about an inch and a half wide and from the bottom, right-hand part of the paper. It is not a part of the main content. It could be a date, investigators believe. The Park Police, and FBI investigators, still aren't sure the note is real. Who tears up a note into 28 pieces, then throws it in his briefcase for safekeeping?

The briefcase in which a White House assistant claims she later found the note on July 26 had been previously inspected for notes by Markland in Foster's office on July 21.

You are asked to believe that Markland, who was looking for a note, didn't see 28 pieces of bright yellow paper in Foster's own briefcase. There is also the note itself. Yes, the folded and torn note was written by Foster. The Park Police handwriting expert, Sgt. Lochart, is sure of that.

But it doesn't sound suicidal, necessarily. This could just be the musings of a desperate man turned into a suicide note by someone working for Nussbaum. It's not like the author can come back to say, "That's not what I mean." The note isn't dated by either Foster or the people who analyzed it for the Park Police.

Foster did, however, write something nasty about the FBI. He called

them liars. The Park Police, when they saw this, believed the dead man's charge interesting. The FBI was investigating the case with them from the first day. But just to be safe, the federal Bureau of Alcohol, Tobacco and Firearms was asked to inspect Foster's suicide weapon. This was done to keep the FBI away. Handwriting analysis was done by the Park Police for the same reason. If the guy who killed himself hates the FBI, why give them his gun and note to analyze two months later? The Park Police have met Nussbaum. They have seen the White House in action. Why should they create the opportunity for new problems? This was alert, investigative thinking by the U.S. Park Police.

Clearly, having White House-Little Rock connections in the current political climate is no advantage.

"The problem is not that the Rose Law Firm is being investigated. The issue is that this is a firm that absolutely flourished on their reputation for political savvy. It certainly doesn't look like there was much savvy there," says a top Washington lawyer with political experience.

Merrie Spaeth, a Dallas-based communications consultant who has counseled lawyers on improving their public image, says the Rose firm faces problems "of enormous magnitude" concerning relationships with clients.

"The question you [as a client] ask yourself is 'What happened to their judgment?' They may be great for Little Rock, but they are out of their league in the big city."

How should the Rose firm protect its reputation for the duration of the Whitewater-Madison investigation? A seasoned Washington lawyer with experience in managing crises offers the following advice:

"Stick to your work. Don't do anything underhanded. Don't destroy any files, for heaven's sake. Don't do anything that adds a caudex to the existing scandal train. . . . Work hard at representing your clients."

Mr. McConnell agrees, to a point. "The problem is that, to some extent, [Rose] doesn't have control over the situation anymore. They have the ability to do their work and respond as is appropriate to inquiries. On the other hand, there are stories coming from all locations, founded or unfounded, and that makes it a difficult environment for them to

deal in."

Without commenting specifically on Rose, Harris Weinstein — who successfully prosecuted the government's 1992 S&L-related case against the New York firm Kaye, Scholer — says it is vital for a law firm to maintain collegiality and internal trust among its partners in the face of criminal investigations.

He doesn't think a public relations counteroffensive is possible.

"Lawyers are at an inherent disadvantage in defending themselves because of lawyer-client confidentiality," he says. "The information needed for a full public defense just can't be revealed."

Ms. Spaeth disagrees. She gives the Rose firm low marks for sounding "very defensive" in the press and for being "way behind the curve in understanding strategic communication."

2.

## Photo of Foster death scene on TV

FROM COMBINED DISPATCHES

ABC's "World News Tonight" telecast a photograph of former White House Deputy Counsel Vincent W. Foster Jr.'s death scene last night that it interpreted as supporting the official report that he killed himself July 20.

The photograph shows Mr. Foster's right hand clutching the gun, with his thumb caught in the trigger guard. Marks on the hand were said to be powder burns.

Network reporters said they had seen a complete set of photographs showing Mr. Foster's body. ABC said the "grim and graphic" photographs dispelled rumors that there was little or no blood at the scene. Only one color photograph was shown.

ABC also said it had seen a medical examiner's report in which "the burns and other gunpowder residue are listed as primary evidence that Foster shot himself." Although the photograph had not been shown previously, the details of the official conclusions had been reported previously by other news organizations.

The broadcast followed an unsubstantiated report Thursday in a Washington financial newsletter that government officials had privately concluded that Mr. Foster died in an apartment

in suburban Virginia and his body was taken to Fort Marcy Park, off the George Washington Parkway, where it was found.

The White House emphatically denied the report, which the newsletter credited to a source in the office of Sen. Daniel Patrick Moynihan, New York Democrat. The senator's office called the report "demented."

Mr. Foster, 48, a close friend of President and Hillary Clinton's, also was their personal lawyer. Documents related to Whitewater-Madison affairs were taken from Mr. Foster's office a few hours after he died, but this was not known until it was reported by The Washington Times on Dec. 20, and confirmed by the White House later that day.

The pathologists' findings, contained in the U.S. Park Police file, support the idea that Mr. Foster died from a gunshot fired at close range into his mouth that made an exit through the back of his head. Powder burns were found on the soft tissue inside his mouth. A mark on Mr. Foster's index finger was determined to have been made by its tightening on the gun's trigger.

Agents of the Bureau of Alcohol, Tobacco and Firearms said they found gunpowder traces on the gun discovered with Mr. Foster's body and gave

the Park Police a report saying their findings were "consistent" with suicide. The New York Post has quoted paramedics who picked up the body as skeptical of the official conclusion of suicide.

Shortly after news accounts of the suicide, a witness came forward who said he saw a car with Arkansas license tags and beside it a light blue Honda sedan. A man inside the Honda, "possibly Hispanic," gave him a menacing look, the man said.

Soon after the suicide, White House Counsel Bernard Nussbaum, citing executive privilege, prevented Park Police and FBI agents from searching Mr. Foster's office.

The Park Police file confirms that Mr. Nussbaum, Clinton aide Patsy Thomasson and Margaret Williams, Mrs. Clinton's chief of staff, entered Mr. Foster's office around 10 the night he died.

Mr. Nussbaum would not allow Park Police and FBI investigators to examine Mr. Foster's personal papers and effects when they went to the White House on July 22. The agents were ordered to sit in a hallway while staff officials went through the documents. The White House officials put several items in a box to be delivered to Mr. Nussbaum's office.

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## Self-Fulfilling Prophecy

In our initial comments on the death of Vincent Foster, we remarked that "the death by gunshot of a high White House official is bound to be troubling" and commended the announced Justice Department investigation. We added, "A direct appointment such as special counsel within Justice would make clear who is in charge and directly responsible."

No such appointment was made, of course, and it now seems the investigation has fizzled out for want of direction and responsibility. "There is no investigation being conducted by the Justice Department," spokesman Carl Stern said Monday. Deputy Attorney General Philip Heymann, previously announced as the official coordinating the effort, says only that he's receiving "regular reports" from the federal Park Police, who discovered the body in Fort Marcy Park on the Virginia side of the Potomac. This is quite a change from the earlier statement of another Justice spokesman that the probe would seek "to find out what the factors were—if it was a suicide—that led to him killing himself."

Now, Mr. Foster was a member of the inner circle of the President of the United States. In his eulogy for his boyhood friend, the President said Mr. Foster's friends found him a "great protector." The White House counsel's office handles sensitive presidential issues, for example the still-uncompleted blind trust for the first couple's financial assets.

Mr. Foster, a first-rate lawyer and steeled litigator, was suddenly found dead, apparently killed with an antique handgun. He left no suicide note. His Arkansas friends do not consider him a likely suicide. Since his death there have been reports that he was dispirited in his last few weeks. But the Washington Times reported that one anonymous source told it he'd discussed depression with his brother-in-law, former Rep. Beryl Anthony; and that Mr. Anthony responded, "There's not a damn thing to it. That's a bunch of crap."

"He was not 'chewed up' by Wash-

ington," Doug Buford, a Little Rock lawyer friend of Mr. Foster, told The Washington Post. "I resent that suggestion. Vince was such an able man. I think maybe the incredible pressure, the workload, exhausted him, and that was part of it. But ultimately, something was badly askew, something so wrong it could make him think his three kids could be better off without him."

These circumstances call for a serious investigation, going well beyond the Park Police's "routine" handling of a corpse. At least so it seems to us, and at least some others. In a column concentrating on the personal aspects of the suicide, the Post's Meg Greenfield took pains to observe, "I think it is both necessary and right that the death be investigated vigorously by police and Justice Department officials, as is being done, and also that the press not ignore the questions raised by the unaccountable violent death or turn away from the pursuit of the answers to them. For there are clearly identifiable public questions yet to be answered, one hopes in a way that will not needlessly or clumsily intensify public grief."

The vigorous investigation has not taken place, and apparently will not. White House counsel Bernard Nussbaum sorted through Mr. Foster's papers, removing any that fell under attorney-client privilege with the President, and gave us his word that nothing shed light on the suicide. So nothing will be done to tell the public why so sensitive an official took his own life, or for that matter, reassure us that he indeed did. The mystery, we suspect, will haunt the White House as further scandals pop up, as they do in most administrations.

But in most administrations Presidents do have their way. President Clinton's first reaction to the suicide was, "We'll just have to live with something else we can't understand." Despite second thoughts at Justice, it seems that the President's view will not only prevail, but become a self-fulfilling prophecy.

## Re Vincent Foster

A torrent of news has overwhelmed the story of the suicide of Vincent Foster, deputy White House counsel and Clinton family friend. But we don't want to let the week expire without remarking that, yes, we did notice the amazing barrage of leaks and polemics suggesting we pulled the trigger.

Of course we were the only news organization to spotlight Mr. Foster prior to his suicide. We certainly did raise pointed questions in our commentary on the practices of the administration's Rose Law Firm partners—Mr. Foster, Mrs. Clinton, Associate Attorney General Webster Hubbell and Associate White House Counsel William Kennedy III. Our experience in reading between the lines of leaks tells us that we do at least appear in the torn-up note found at the bottom of his briefcase.

Yet there is no way to cover national government on the assumption that a high official and steeled litigator secretly suffers from depression, and may commit suicide if criticized. What we said about Mr. Foster was nothing compared to the abuse heaped on the likes of Ed Meese, Robert Bork and Clarence Thomas. We appreciate the remarks of William Safire of the New York Times and Doug Ireland of the Village Voice to the effect that we were merely doing our job.

In the Washington Post and the New Republic, of course, we have been instructed in manners and civility by Michael Kinsley, who makes his principal living as a participant in a TV screaming match. And in the New Yorker, Sidney Blumenthal, who during the presidential campaign trashed George Bush's record in World War II, tells us that we help make Washington a tough town. Naturally, those who resent our unapologetic views grabbed the occasion to beat up on us.

Yet it remains true that Mr. Hubbell brokered a meeting leading to a Justice Department intervention in a corruption trial. And that Mr.

Kennedy called the FBI into the White House travel office, and back in Arkansas signed suspect papers for the Stephens empire. It is also true, though we didn't dwell on it earlier, that when Mrs. Clinton's health task force was under court order to give advance notice of meetings, Mr. Foster signed notices that appeared in the Federal Register after the meetings had already been held.

It is not true, Mr. Blumenthal to the contrary, that after the election Mr. Foster "helped set up a blind trust" for the Clintons. The failure to create this trust was the subject of critical editorials in Newsday and Money magazine; we're now told it was filed July 26.

One has to ponder, of course, whether these problems were the result or the cause of Mr. Foster's depression. Probably we will never know, especially given the way the investigation has been handled. There has been widespread criticism of the 30-hour delay in releasing the Foster note to the investigators, the confusion over who was investigating and the change in stories about Mr. Foster's impressions on associates. This is already leading to the wildest speculation; we even read one report suggesting Mr. Foster was murdered by a drug-dealing cabal of military officers.

We hope and trust that the White House will seek to repair some of this damage with more openness. We hope there's the fullest possible accounting in the blind trust, for example. And given the fingers pointed at us, we have a particular stake in seeing the full text of the Foster note.

Our critics were particularly upset by our suggestion that the administration turn the investigation of the suicide over to a "special counsel within Justice." (Not a special counsel of the Lawrence Walsh ilk, as Mr. Kinsley distorted it.) As we said at the time, the point was to coordinate the investigation. By now it ought to be clear that the White House would have served its own interests by taking our advice.

## Note Left by White House Aide Foster Listed Causes of Distress Before Suicide

By JEFFREY H. BIRNBAUM

Staff Reporter of THE WALL STREET JOURNAL  
WASHINGTON — A torn-up note left by a senior White House aide who killed himself last month described a man deeply troubled by criticism, including that in the editorial pages of The Wall Street Journal.

In the note, released yesterday by government authorities, Vincent Foster Jr., the former deputy White House counsel, disclosed himself to be upset by a wide range of things related to his high-pressure job, from partisan attacks by Republicans to several aspects of an incident in which the White House fired its travel staff.

He alleged that the White House's ushers office, which handles housekeeping at the executive mansion, was overcharging private donors on redecorating, taking advantage of Hillary Rodham Clinton and her Arkansas-based decorator, Kaki Hockersmith. He also suggested that the Federal Bureau of Investigation had lied in a report to the attorney general, apparently about its contacts with the White House over the travel office affair. The Justice Department said it is investigating both allegations. A White House spokesman said he doubted they were true.

Mr. Foster also took aim at the press and, in particular, The Wall Street Journal, which ran a series of editorials taking him, along with several of his associates who also came with the president from Arkansas, to task for cronyism. "The WSJ editors lie without consequence," the note states. Then it ends: "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."

The Journal's editor, Robert L. Bartley, said in a statement: "The text of Mr. Foster's note suggests that he was deeply distraught over a variety of issues. At this time we have nothing to add to our last editorial of August 6; if we find reason to comment in the future, we will do so in our own editorial columns."

In the Aug. 6 editorial, the Journal defended its earlier criticism of Mr. Foster, saying, "There is no way to cover national government on the assumption that a high official and steeled litigator secretly suffers from depression, and may commit suicide if criticized."

The FBI and the U.S. Park Police concluded that Mr. Foster, a well-regarded lawyer from Little Rock who took a lot of the responsibility for White House missteps on himself, committed suicide on July 20, the day he was found dead of a single gunshot in a Virginia park overlooking the Potomac River. His sister identified the 1913 pistol used as part of their father's collection.

The note, written in Mr. Foster's neat script on a short, yellow legal pad, was found nearly a week later, torn into 27 or 28 pieces, in a briefcase in Mr. Foster's White House office.

Federal officials at a news conference yesterday criticized the White House counsel, Bernard Nussbaum, for insisting that he and his staff, and not the FBI or Park police, handle the search of Mr. Foster's office. A 30-hour delay between the finding of the note and turning it over to the police authorities, however, was described as "reasonable" by Robert Bryant, special agent in charge of the FBI's Washington field office.

### Text of Foster's Note

The following note was found in Vincent Foster's briefcase on July 26:

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up the illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their loyal staff

The WSJ editors lie without consequence

I was not meant for the job or the spotlight of public life in

Washington. Here ruining people is considered sport.

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## White House Staff Questioned by FBI About Delay in Handling of Foster Note

By MICHAEL K. FRISBY

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — White House staff members were interviewed by the Federal Bureau of Investigation about a 30-hour delay in the handling of a torn-up note written by deputy White House counsel Vincent Foster Jr., who was found dead last month of an apparent suicide.

Press Secretary Dee Dee Myers said the White House staff didn't immediately give authorities the note, which was found in the bottom of Mr. Foster's briefcase, because they wanted to first notify President Clinton, who was in Chicago that day, as well as Mr. Foster's family.

The FBI late last week joined the Park Police, who are investigating the case, in trying to determine the reason for the delay in turning over the note. Ms. Myers said the Justice Department has told the White House not to release the note to the media because it is part of a pending investigation.

The note is said to indicate that Mr. Foster was upset over work-related issues, including several editorials published in The Wall Street Journal that criticized him by name.

The note is described as mentioning frustrations that Mr. Foster had with his job and a feeling that he had let down

his friends—the president and Hillary Rodham Clinton. The counsel's office had been criticized for the poor screening of several Justice Department nominees, as well as for its part in the botched firing of White House travel office employees. The Journal editorials said that Mr. Foster was one of several appointees from Mrs. Clinton's law firm in Little Rock who had yet to distinguish themselves in Washington.

In the note, Mr. Foster sounded as if he planned to resign, but didn't indicate he was close to ending his own life. The note, however, helped the White House to understand his state of mind. Ms. Myers said it "did show him to be in a distressed state of mind."

Authorities believe that Mr. Foster killed himself. His body was found July 20 at a federal park in McLean, Va., with a single gunshot wound to the head.

Ms. Myers acknowledged the note was missed in an initial search of Mr. Foster's office, but was found while an associate in the legal counsel's office was packing Mr. Foster's belongings for his family.

The White House also acknowledged that authorities found a piece of paper that belonged to Mr. Foster listing the names of three psychiatrists. Ms. Myers said it wasn't found at the White House and she didn't know where authorities located it.

# File on Clintons' Real-Estate Dealings Is With Their Lawyer, White House Says

By BRUCE INGERSOLL  
And JEFFREY H. BIRNBAUM

Staff Reporters of THE WALL STREET JOURNAL

WASHINGTON — The White House, seeking to dispel suggestions of a coverup, said that a file dealing with the Clintons' investment in an Arkansas real-estate development is in the hands of their personal attorney.

White House officials sought to squelch talk that such a file—kept by Deputy White House Counsel Vincent Foster—had disappeared soon after his July 20 suicide.

Communications Director Mark Gearan confirmed that two White House aides, Margaret Williams and Patsy Thomasson, entered Mr. Foster's office the night of his death to search for a note explaining why he took his life. But he said they found none and took nothing from the office.

Two days later, on July 22, White House lawyers, led by White House Counsel Bernard Nussbaum, conducted an inventory of documents and other items in Mr. Foster's office, Mr. Gearan said. The inventory was done "in the presence" of law-enforcement officials, he said. But U.S. Park Police detectives have complained about being kept outside the office much of the time.

Mr. Gearan explained that Mr. Foster's files were divided by White House officials into three categories for distribution. White House files dealing with official business were entrusted to Mr. Nussbaum. Mr. Foster's personal files were given to the Foster family lawyer, James Hamilton. And personal legal files of Bill and Hillary Rodham Clinton, whom Mr. Foster had represented, were sent to the Clintons' outside attorney, David Kendall of the Washington law firm Williams & Connolly.

### 'No Missing Files'

"We know of no missing files," said Mr. Gearan. "The files were all handled appropriately."

Newspapers have reported that the Justice Department is looking into the possibility that a file dealing with the Clintons' investment in an Ozark Mountain real-estate venture, Whitewater Development Corp., might have been taken from Mr. Foster's office after his death. Until last year, the Clintons owned Whitewater with James McDougal, owner of a now-defunct Little Rock thrift, Madison Guaranty Savings & Loan, and his wife, Susan. A special team of federal prosecutors is investigating Madison Guaranty, including the possible diversion of thrift funds to help pay off a 1984 re-election campaign debt of \$50,000 for which then-Gov. Clinton

was personally liable.

In response to those news accounts, Mr. Gearan said that the Clintons' tax returns, Whitewater's tax returns and documents dealing with the Clintons' sale last year of their stake in Whitewater, were all "preserved," and sent to Mr. Kendall.

Last evening, Mr. Kendall, who also represents major newspapers and other media clients, declined to comment.

### Inquiry Into Note Widens

Meanwhile, the Justice Department's office of professional responsibility appears to be expanding what began as a narrow inquiry into a note written by Mr. Foster before he shot himself. The note, which was undated and torn into 27 pieces, was found in his briefcase six days after his death. It alleges, among other things, that the Federal Bureau of Investigation lied to Attorney General Janet Reno about the circumstances of its inquiry last spring into possible abuses at the White House travel office.

Justice Department investigators are questioning Park Police officers about what they encountered—and uncovered—in their investigation of Mr. Foster's death. Park Police are involved because the suicide occurred on federal parkland.

Investigators are reviewing, among other things, the efforts of Park Police detectives to question White House staff members and to examine documents and other items in Mr. Foster's office, according to law-enforcement officials. Some detectives say they were frustrated by strict limits imposed by Mr. Nussbaum, the White House counsel, on what they could peruse.

"We were definitely shown just what they wanted us to see," complained one Park Police detective. "We couldn't copy anything."

A White House official hotly disputed that Mr. Nussbaum had done anything wrong. The official argued that Mr. Nussbaum was merely protecting documents that were subject to the lawyer-client privilege as well as the executive privilege of the president.

Justice Department investigators also have begun questioning the detectives about any papers or documents they may have examined in the office of James Hamilton, a Washington attorney who is representing the Foster family. Mr. Hamilton has balked at turning over to the Justice Department what a Park Police report describes as a "personal diary" kept by Mr. Foster. The diary is said to be a small, store-bought notebook with about 12 pages of entries, mostly about the 1992 presidential campaign.

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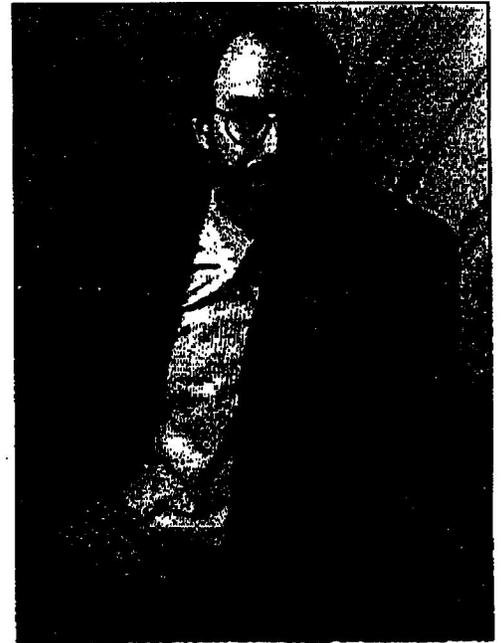
Exclusive to Media Bypass Magazine

# "Fostergate"

By James R. Norman

*Was White House Deputy Counsel Vince Foster Selling U.S. Secrets to Israel? The CIA Suspects He Was.*

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**T**wo weeks before his death on July 20, 1993, White House Deputy Counsel Vincent W. Foster went into a deep funk. The official cause of death, given by Independent Counsel Robert Fiske Jr., was suicide driven by depression over, among other things, some newspaper editorials. But Vince Foster had a much bigger and darker reason to be seriously bummed out. He had just learned he was under investigation for espionage.

Outrageous? To say the least. But a lengthy investigation has located more than a dozen sources with connections to the intelligence community who confirm a shocking story of money laundering and espionage connected to the highest levels of the White House. Without grants of immunity, the sources risk going to prison for violation of the National Security Act. Virtually all have demanded anonymity.

According to a veteran Central Intelligence

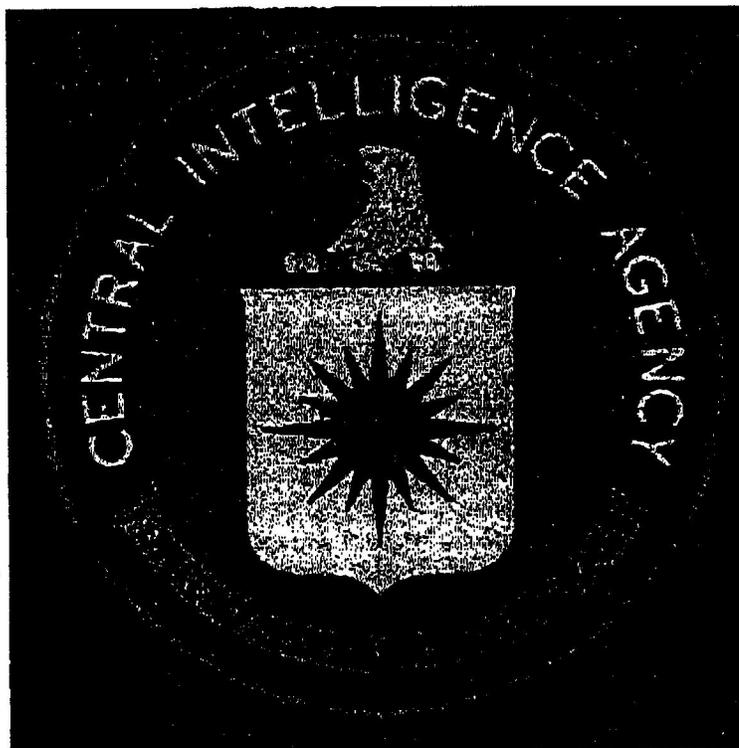
Agency operative close to the Foster investigation, Foster's first indication of trouble came when he inquired about his coded bank account at Banca Della Svizzera Italiana in Chiasso, Switzerland, and found the account empty. Foster was shocked to learn from the bank that someone using his secret authorization code had withdrawn all \$2.73 million he had stashed there and had moved it

to, of all places, the U.S. Treasury.

Then, according to credit card records reviewed by a private investigator who has revealed them, Foster canceled the two-day round-trip TWA and Swiss Air plane tickets to Geneva he had purchased on his American Express card through the White House travel office on July 1.

Discretely he began asking what was afoot, says the CIA source, confirming that someone in the White House tipped him off. It was bad news. The CIA had Foster under serious investigation for leaking high-level secrets to the State of Israel.

For months, a small cadre of CIA computer hackers known as the Fifth Column, armed with a Cray supercomputer, had been monitoring Foster's Swiss account. They had located it by tracking money flows from various Israeli government accounts after finding Foster's name while secretly snooping through the electronic files of Israel's Mossad. Then by snooping through the bank files, they



gathered all the information needed to withdraw the money.

Foster was just one of the first of scores of high level U.S. political figures to thus have their secret Swiss accounts looted of illicit funds, according to both this veteran CIA source and a separate source in another intelligence agency. Over the past two years, they say, more than \$2 billion has been swept out of offshore bank accounts belonging to figures connected to the U.S. government with nary a peep from the victims or their banks. The claim that Foster and other U.S. figures have had offshore accounts has been confirmed by a separate high-ranking CIA source and another in the Department of Justice.

Various sources, some of them controversial, have contributed other pieces to this puzzle. Whatever their motivations, these sources have proven remarkably consistent. Their stories jibe well with known facts and offer a most plausible explanation for Foster's mysterious depression. It would also explain Washington's determined effort to dismiss the Foster affair as a tragic but simple suicide.

Vince Foster a spy? Actually, it is much worse than that, if the CIA's suspicions are confirmed by the ongoing foreign counterintelligence probe. He would have been an invaluable double agent with potential access to not only high-level political information, but also to sensitive code, encryption and data transmission secrets, the stuff by which modern war is won or lost. That is because for many years, according to nine separate current and former U.S. law enforcement or intelligence officials, Foster had been a behind-the-scenes manager of a key support company in one of the biggest, most secretive spy efforts on record, the silent surveillance of banking transactions both here and abroad.

This bank snooping effort began in earnest soon after Ronald Reagan became president in 1981. Its primary aim was to track the money behind international terrorists, groups and soon came to be dubbed. Follow the

money", according to the originator of the program Norman A. Bailey. Now a private Washington consultant on international banking, Bailey was an economist and Reagan advisor on the National Security Council. It was Bailey's idea to begin using powerful new computer and electronic eavesdropping technologies then emerging to let the intelligence community monitor the previously confidential flow of bank wire transfers. This was no small task; more than \$1 trillion a day moves through New York alone.

Bailey himself constrained by the

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*Whatever their motivations, these sources have proven remarkably consistent. Their stories jibe well with known facts and offer a most plausible explanation for Foster's mysterious depression.*

National Security Act, claims he doesn't know exactly how the data was collected. But he confirms that within a few years the National Security Agency, the signals intelligence arm of the government, had begun vacuuming up mountains of data by listening in on bank wire traffic. It became a joint effort of several Western governments with the Israelis playing a leading role, since they were the main target of terrorism.

Other intelligence experts say the flow of bits and bytes was captured by various means; from simply tapping phone lines to implanting customized chips in bank computers to store up and periodically burst-transmit data to a passing van of

low-flying "sig-int" or signals intelligence satellite. Another part of the problem was to get the world's banks to standardize their data so that it could be easily analyzed. And that brings us to PROMIS, a powerful tracking software developed for the U.S. Government and then further enhanced by a little company called Inslaw Inc.

PROMIS stands for Prosecutor's Management Information Systems and was designed to manage legal cases. In 1982, just as Bailey's follow-the-money effort was gaining steam, the Reagan Justice Department eagerly snapped up Inslaw's newest version of PROMIS. But the government refused to pay the \$6 million owed for it, claiming part of the contract was not fulfilled. Inslaw, forced into Chapter 11 reorganization, and nearly driven to quick liquidation by the government and its former partner AT&T, hotly denied that claim. Ultimately, a bankruptcy judge ruled the government stole the PROMIS software by "trickery, fraud and deceit".

Why PROMIS? Because it was adaptable. Besides tracking legal cases, it could be easily customized to track anything from computer chip design to complex monetary transactions. It was especially useful for tracking criminals or just plain political dissidents. Inslaw claims the software was eventually illegally sold to as many as 50 countries for use by their police, military or intelligence agencies, including such bloody regimes as Guatemala, South Africa and Iraq (before the 1990 invasion of Kuwait). Profits on these sales, Inslaw claims, went mainly into the private pockets of Republican political cronies in the 1980s, including Reagan confidant Earl Brain, former part-owner of UPI and FNN.

Among the biggest profiteers on PROMIS, according to the 1992 book by former Israeli anti-terrorism staffer Ari Ben-Menasche, was former British publisher Bob Maxwell. On behalf of the Israelis, Maxwell aggressively marketed a doctored version of PROMIS equipped with one or more "back doors" to allow an outsider to tap into the user's data base

without leaving an audit trail. In fact, it may have been such rigged programs that allowed noted Israeli spy Jonathan Pollard, from his computer terminal at the Office of Naval Intelligence in Washington, to download vast amounts of top secret U.S. nuclear weapons and code data in the mid-1980s.

According to a heavily-redacted New Mexico FBI counterintelligence report, Maxwell was apparently allowed to sell two copies of PROMIS back to the U.S. weapons labs at Sandia and Los Alamos, for what Inslaw claims was a hugely inflated price of \$37 million. That would have allowed Pollard, if he was using the rigged program, to obtain U.S. missile targeting data long before Israel had its own satellite capability, thus making it a real nuclear threat to the Soviet Union. Pollard was convicted of espionage and sentenced in 1986 to life imprisonment. U.S. officials have vehemently opposed efforts to gain his early release.

Maxwell, according to Ben-Menasche and nine other sources, was also selling pirated versions of PROMIS to major world banks for use in their wire transfer rooms to track the blizzard of numbers, authorization codes and confirmations required on each wire transaction. Don't expect any banks to admit running PROMIS. They probably now know it was pilfered. But they readily took it both because it was the best tracking software available at the time and because the U.S. government was tacitly leaning on them to go along with the surveillance effort or face regulatory reprisals or prosecution on money laundering charges. With the widespread adoption of PROMIS, the data became standardized and much easier to analyze by the NSA.

It took some effort to install and support PROMIS in the banking industry. That's where Vince Foster came in. Sources say that since at least the late 1970s, Foster had been a silent, behind-the-scenes overseer on behalf of the NSA for a small Little Rock, Ark., bank data processing company. Its name was Systematics Inc., launched in 1967 and funded and controlled for most of its life

by Arkansas billionaire Jackson Stephens, a 1946 Naval Academy graduate along with Jimmy Carter. Foster was one of Stephens' trusted deal makers at the Rose Law Firm, where he was partner with Hillary Rodham Clinton, Webster Hubbell and William Kennedy (whose father was a Systematics director). Hubbell also played an overseer role at Systematics for the NSA for some years according to intelligence sources.

Systematics has had close ties to the NSA and CIA ever since its found-

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ing, sources say, as a money-shuffler for covert operations. It is no secret that there were billions of dollars moving around in "black" accounts — from buying and selling arms to the Contras, Iran, Iraq, Angola and other countries to paying CIA operatives and laundering money from clandestine CIA drug dealing. Having taken over the complete computer rooms in scores of small U.S. banks as an "outsourced" supplier of data processing, Systematics was in a unique position to manage that covert money flow. Sources say the money was moved at the end of every day disguised as a routine bank-to-bank balancing transaction, out of view of bank regulators and even the banks themselves. In short, it became cyber-

One man who uncovered the link between Systematics, Foster and covert money movements from arms and drugs was Bob Bickel, who was an undercover Customs investigator in the 1980s. "We found Systematics was often a conduit for the funds" in arms and drug transactions, says Bickel, now living in Texas: "They were the money changers." His story is corroborated by a former CIA employee who says it was well known within the agency in the late 1970s that Foster was involved with Systematics in covert money management.

Another source is Michael Riconosciuto, former research director of the covert arms operation at California's tiny Cabazon Indian Reservation in the early 1980s. Riconosciuto claims his crew of computer programmers helped customize PROMIS there for banking and other use. He is now serving 30 years in a South Carolina federal prison ostensibly on drug charges. Though maybe not a credible source on his own, his story fits well with other sources.

Systematics' money-laundering role for the intelligence community might help explain why Jackson Stephens tried to take over Washington-based Financial General Bankshares in 1978 on behalf of Arab backers of the Bank of Credit and Commerce International. BCCI's links to global corruption and intelligence operations has been well documented, though many mysteries remain.

According to a lawsuit filed by the Securities and Exchange Commission, Stephens insisted on having then-tiny Systematics brought in to take over all of FGB's data processing. Representing Systematics in that 1978 SEC case: Hillary Rodham Clinton and Webster Hubbell. Stephens was blocked in that takeover. But FGB, later renamed First American, ultimately fell under the alleged domination of BCCI through Robert Altman and former Defense Secretary Clark Clifford. According to a technician who worked for First American in Atlanta, Systematics became a key computer contractor there anyway.

In the 1980s, Systematics' business boomed. When it first sold stock

"FOSTER-CARTER"

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to the public in 1983, revenues were \$64 million. That had risen to \$230 million by the time Stephens arranged Systematics' sale to Alltel Corp., a telephone holding company which then moved its headquarters to Little Rock. Last year, Systematics sales hit \$861 million — a third of Alltel's total. Stephens now owns more than 8 percent of Alltel and wields significant influence over the company.

When Bill Clinton was elected president in 1992, bringing Foster, Hubbell and Kennedy to the White House staff, Systematics' foreign bank business flourished. It began to announce a flood of data processing deals with major banks in Moscow, Macao, Singapore, Malaysia, Pakistan, Trinidad and elsewhere. According to veteran bank software venders, and computer intelligence specialist Wayne Madsen, co-author of a book about the NSA called "The Puzzle Palace", it is inconceivable any U.S. company could land such sensitive work without the intimate participation of the NSA. Domestic business took off as well, with giants like Citibank and Nations Bank signing big data processing deals.

Working alongside Systematics in this spooky world of bank computer spying appears to be a cluster of other curious, loosely-affiliated companies. For instance, there is Boston Systematics, headed by former CIA officer Harry Wechsler, who controls two Israeli companies that also use the name Systematics. Wechsler denies any connection to the Arkansas company (now renamed Alltel Information Services) and claims to know nothing of PROMIS. Odd, then, that Inslaw claims it got two inquiries in 1987 from Wechsler's Israeli company seeking marketing data on PROMIS.

Many of the intelligence sources who provided information for this story insist that Boston Systematics and the Arkansas company are, in fact, related in some way. And, based on his own sources in the Justice Department, Inslaw's founder William A. Hamilton says he believes Boston Systematics was also closely linked with both Maxwell and Rafi Eitan, the former head of Israel's anti-terrorism effort. Hamilton says Eitan.

using a false name, showed up at Inslaw's Washington, D.C. office one day in 1983 for a private demonstration of PROMIS.

Another curious company is Arkansas Systems, founded in 1974 by Systematics employee and formerly U.S. Army "analyst" John Chamberlain. Located just down the road from Systematics, Arkansas Systems specializes in computer systems for foreign wire transfer centers and central banks. Among its clients: Russia and China, according to Arkansas Systems president James K. Hendren, a physicist formerly involved with the Safeguard anti-missile system. Arkansas Systems was one of the first companies to receive

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funding from the Arkansas Development Finance Authority, an agency created by Bill Clinton that is now coming under Congressional scrutiny.

What does Alltel have to say about all of this? "I've never heard anything so asinine in all my life," steams Joe T. Ford, Alltel's chairman and the father of Jack Stephen's chief administrative aide.

John Steuri, a former IBM executive who is chief executive of Alltel Information Services, says he had never heard of Boston Systematics before this inquiry. He declares that the Arkansas company does almost no work for the government, scoffs at

the idea his company is tied to the NSA and says Foster has never had any connection to Systematics. As for the fact he sold half his 700,000 Alltel shares in February at \$34, just before it began skidding to under \$24, he says that was merely to pay for the exercise of options.

Why is it then that Hamilton claims sources in two separate intelligence agencies say documents relating to Systematics were among those taken from Foster's office immediately after Foster's death? Indeed, a private investigator close to the continuing "Whitewater" probe by Independent Counsel Kenneth W. Starr says he has learned that Hubbell has delivered those documents — including papers related to Systematics — to Starr. Hubbell pleaded guilty last December to two felony counts related to over-billing at the Rose Law Firm and has been sentenced to 21 months in prison.

If Foster knew the U.S. was spying on foreign banks, why would he let himself be caught red-handed with a Swiss bank account? The answer may be that the Israeli transactions were, in fact, well concealed, according to the veteran CIA source. And Foster would have known that, unless a prober knew exactly what to look for, finding his payoffs in the torrent of routine wire transfer data would be a hopeless task. Besides that, greed could explain a lot, if not Foster's then for whomever else he might have been playing bagman. The CIA source says Foster was not the only one in the White House under suspicion for peddling state secrets.

All of which helps explain Foster's odd behavior before his death. He was a tough, smart trial attorney at the peak of power in Washington. Only 48 years old, he was in excellent health. Suddenly, according to the Fiske report, he couldn't sleep. He complained of heart palpitations and high blood pressure. His sister arranged for him to see a Washington psychiatrist, who later told the FBI he had been instructed not to take notes because Foster's depression was "directly related to highly sensitive and confidential matters" tied to his "top secret" government work.

Foster never saw a shrink.

Instead, about a week before he died, he hired a lawyer: high-powered D.C. criminal attorney and political fix-it man James Hamilton. Foster's wife claims his reason was the White House Travel Office controversy, which was expected to lead to congressional hearings.

On the weekend of July 17 and 18, Foster drove with his wife to the eastern shore of Maryland to relax. By "coincidence", according to the Fiske report, so did Hubbell. They met at the posh estate of Michael Cardozo, head of Clinton's legal defense fund and son-in-law of prominent Democratic fund raiser Nathan Landau. Hubbell later claimed the weekend was a laid-back gathering of tennis and poolside chit-chat.

But according to sources connected to the CIA, Justice Department and another intelligence agency, the meeting was under surveillance. The agenda? Heavy duty damage control. Foster was grilled. To whom else could the Swiss money be traced? How could the scandal be contained?

Foster's wife admitted he returned to Washington even more depressed. On Monday night, he turned down an invitation by the President to drop by the White House to supposedly watch a movie. On Tuesday, Foster left his office at the White House about 1 p.m. and said he'd be back later. At 5:45 p.m., his body was found neatly laid out at Fort Marcy Park, a bullet wound to his mouth. Suicide, the Fiske report promptly declared, echoed by a cursory Senate inquiry.

Still, nagging questions remain. Why was there no blood on the ground, no bone fragments or brain tissue? Why were there rug fibers all over the clothes? Why no dust on his shoes despite the long dirt path from his car to the body?

The answer seems painfully clear: a coverup of immense proportions for reasons of "national security". And don't expect Whitewater prober Kenneth Starr to spill any beans. He was in-house counsel to Reagan Attorney General William French Smith at the time the Inslaw PROMIS software was expropriated for intelligence use. Later, as Solicitor

General, he recused himself from an Inslaw-related matter without explanation. It seems likely Starr would have been personally involved in launching this covert bank spy effort.

which Washington is still so nervous to keep secret.

All in the family, you might say.

# White House Responds With Anger

Author James R. Norman sent a written request for comment and clarification on key points of this story to the White House on April 17, 1995.

Below is a copy of the hostile White House response demanding a meeting before the story was published. On April 20, 1995, Norman's initial query letter was leaked by the White House Counsel to Mark H. Tuchey III, an assistant to Kenneth Starr, independent counsel in the Whitewater probe.

THE WHITE HOUSE  
WASHINGTON

April 25, 1995

Mr. James R. Norman

[REDACTED]  
[REDACTED]  
[REDACTED]  
New York, New York 10011

Dear Mr. Norman:

This letter responds to your April 17, 1995 request.

The allegations contained in your request are outrageous. Publication of these false allegations will discredit [REDACTED], maliciously tarnish the reputation of Vincent Foster, and cause great pain to Mr. Foster's wife and family.

Should [REDACTED] insist on publishing these baseless allegations, we insist that the [REDACTED] have a pre-publication meeting with Jane Sherburne of the White House Counsel's Office and the personal representative of the President and First Lady, David E. Kendall of Williams & Connolly. Ms. Sherburne can be reached at (202) 456-5116 and Mr. Kendall's number is (202) 434-5145.

Sincerely,

Michael D. McCurry by  
Michael D. McCurry  
Press Secretary  
Evelyn S. Lind

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

"FOSTER GATE"

# High Profile

Sunday, October 9, 1988

Arkansas Democrat

## Vincent Walker Foster

Vince Foster has honed the powers of persuasion he uses in courtrooms and learned to argue quite effectively in other environments for the arts in Arkansas.

BY SUSAN PIERCE  
Democrat Staff Writer

As a member of the Rose Law Firm specializing in business litigation, Vince Foster sometimes has seen the not-so-pretty side of corporate concerns.

But during his two years on the Arkansas Repertory Theatre board, which he now serves as president, Foster has seen another facet of big business.

"The thing that surprised me a little bit when I got into the economics of the operations of the theater was how strongly the business community supports the theater and the arts generally," Foster said.

"I don't know why I was surprised. I guess because I've litigated against so many businesses and utility companies that I don't always see the side of them that's so supportive of the arts in Little Rock."

Indeed, learning the financial operations of the theater was quite a revelation to him. "I guess I was under the misimpression that there were a large number of very wealthy individuals who, because of their love for this particular aspect of the arts, were anonymous donors."

"Thank God, that's not what the theater is dependent upon. There aren't enough of those people to support the arts in this day and age."

Corporate contributors have been even more important during the last two years, as the Rep has been renovating the old Pfeifer's Home Center building across Sixth Street from Main Street for use as its new headquarters.

Since Foster's term as board president began in June, he's been working closely with Warren Stephens, chairman of the fund campaign for the new building, in addition to supervising the corporate sustaining drive to subsidize ticket sales.

"As far as the future, the excitement of opening the new theater is about as far as I can look. It allows so much more flexibility in the types of performances. It will permit the theater to expand its audience base substantially," Foster said.

"And then there's the challenge of seeing how all that works out economically, as well as artistically."

First, though, a little fun is on the program. On Wednesday, the new facility will be officially opened with a gala evening sponsored by Cunard Cruise Lines, honoring major donors to the building campaign.

At 5:30 p.m., Gov. Bill Clinton, Sen. David Pryor and Rep. artistic director Cliff Baker will make brief opening remarks at a cocktail party in the new theater lobby. At 6:30, the crowd will head to Main Street for dinner - 200 to Gabriel's and 200 to a buffet on the mall's third floor.

At 8 p.m., all will join in a grand fanfare and march back across the connecting enclosed walkway to the theater, where the curtain will go up on "The Mystery of Edwin Drood."

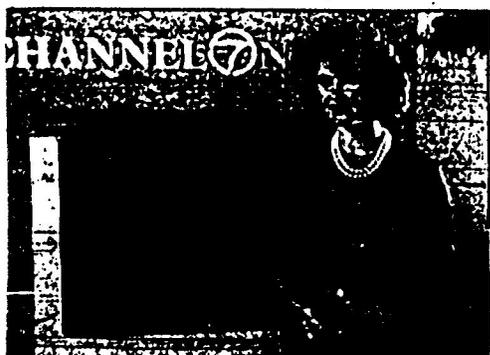
On Thursday and Friday, the theater will be presented to the Arkansas Arts Council, the city board, and other government officials. A public reception is scheduled for

See FOSTER, Page 8



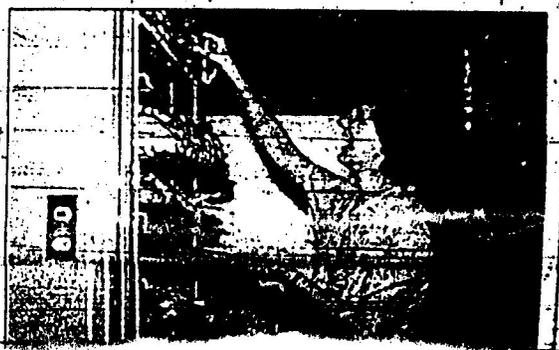
Once I got into law school, I found that I had fallen into what was truly my aptitude.

## inside



(Left) **MONITORING MINTON** - Kelly Minton's "For Kids' Sake" features ideas to help children and parents get through it all, prepared by someone who thinks it's fun to talk to kids. Read about this busy asset to Channel 7 News on Page 11.

(Right) **A BUNCH FOR LUNCH** - Irish England's business began as a way to get out of fixing a baloney sandwich every morning. Now she fixes hundreds of lunches each day in her catering service for schools. Munch Box is featured on Page 10.



SELF-PORTRAIT

# High Profile

Vincent Walker Foster Jr.



**DATE AND PLACE OF BIRTH** - Jan. 14, 1945, Hope.  
**MY GREATEST WEAKNESS IS** - Impatience.  
**MY FANTASY IS** - I've always fantasized going off to the mountains of Colorado and writing a great novel in seclusion.  
**I DON'T TRUST PEOPLE WHO** - Are insincere.  
**I'D GIVE ANYTHING TO MEET** - Meryl Streep.  
**PEOPLE WHO KNEW ME IN HIGH SCHOOL THOUGHT I WAS** - A very serious student.

**THE BOOK I'VE BEEN RECOMMENDING LATELY IS** - "The Bonfire of the Vanities," by Thomas Wolfe.  
**FAVORITE JUNK FOOD** - Popcorn.  
**ONE GOAL I HAVEN'T ACHIEVED YET** - Getting my kids through college.  
**I'VE NEVER BEEN ABLE TO** - Speak a foreign language. I think I have a mental block when it comes to foreign language.  
**IF I WEREN'T A PRACTICING LAWYER, I'D LOVE TO** - Teach law.

**MAJOR ACCOMPLISHMENT** - I've earned a good reputation among my peers as a trial lawyer, and I'm very proud of that.  
**MY MOST HUMBLING EXPERIENCE** - I suppose any time you receive an honor or award, it's humbling. All mine have been.  
**FAVORITE PLAYS** - On Broadway, "Brighton Beach Memoirs" was my favorite comedy I've ever seen. "Burn This" was a fantastic drama. I thought "night, Mother" and "Agnes of God" were two of the best performances by the Rep in recent years.

**THE LAST GOOD MOVIE I SAW WAS** - "Ironweed."  
**FAVORITE MODERN CONVENIENCE** - Dictation equipment. I don't know how people practiced law when they had to do things by long-hand or secretaries worked in shorthand.  
**I WILL DO WITHOUT** - An electric pasta maker.  
**THE SAYING I LIVE BY** - You learn a great deal more by listening than you do by talking.  
**TO SUM ME UP, I'M** - Demanding, but fair.

## Foster

Continued from Page 1

Saturday. These parties are sponsored by the Mitchell, Williams, Selig and Tucker law firm.

Foster's current leading role, following a year as board secretary, is the latest step of his conversion to being a theater-lover that began several years ago.

"Someone talked me into buying season tickets, and I became a more regular attendee of the performances than I had in the past," he remembered. "That grew and grew, and approximately two years ago, I was asked to become a member of the board."

And like a true believer, he said he wants to attract more people to the thing he enjoys so much.

"To me, there's no comparison between a movie theater and live theater. I'm truly amazed at how many people - how many of my good friends - see almost every new movie that comes to town but don't go to see live performances of the theater," Foster commented.

I like to believe that that's because they either don't like the present facility or have not been exposed to the quality of performance. But once we have a new facility and they are exposed to the quality, they will be converted as I have been.

**A variety of productions**

Variety is the main attraction Foster has noticed about the Rep productions.

"It's not the same old pap that you can assure brings in the same crowd with the same interests every time," he said. "Rather, it's been experimental and the performances, for the most part, have covered a wide spectrum of theater."

"It's like the difference between reading a variety



"My oldest sister encouraged me. She said I liked to argue so much, that I'd probably be a good lawyer."

- Vince Foster

of books and only reading Safeway romance novels."

Foster's avocation is rather far-removed from his vocation, but that's the way he prefers it, he said. "I really enjoy the contrast. The emphasis on the artistic side rather than the business side has been a lot of fun."

A native of Hope, Foster grew up with two older sisters - Sheila, now married to U.S. Rep. Beryl Anthony, and Sharon, now married to Lee Bowman.

"We all graduated from Hope High School and all went away to college - at least, initially," Foster said about himself and his siblings. "We all worked our way back to Arkansas."

Davidson College in North Carolina was Foster's first stop on his own round trip. "My initial intention was to go to Davidson for two years and then transfer to the University of Arkansas," he recalled.

"But once I got there, I enjoyed it so much, and I enjoyed that part of the country and the variety of people that I met, that I stayed and graduated."

He obtained a bachelor's

degree in psychology, with a business minor, in 1967. His next path was unclear, he said. "My vocational counselor, my senior year, encouraged me to come back to Arkansas, from the standpoint that if you could go back and contribute to your native state, you should do so.

**An important talent**

"I had some interest, but not a burning desire, about law school. My oldest sister encouraged me. She said I liked to argue so much, that I'd probably be a good lawyer."

It wasn't quite time, though, for him to return to Arkansas, as he was accepted to Vanderbilt University Law School in Nashville, Tenn.

"Once I got to law school, I found that I had fallen into what truly was my aptitude," Foster said. "I like to write persuasively. I like to read."

"I like to analyze problems and create solutions. And I like a variety of problems and challenges. Those have combined to make it a very pleasant way to earn a living."

He married his wife, Lisa, during his first year at Vanderbilt. In 1968, college deferments for the draft were abolished, so Foster served a year in the Army.

Following that, he transferred to the law school at the University of Arkansas at Fayetteville. "By that time, I was definitely going to stay."

Upon graduation in 1971, he was hired by the Rose Law Firm, "and I've been here ever since." His practice over the last few years has become concentrated in business law.

"The psychology major has probably been as much help in being a good lawyer as anything else, in dealing with people and having some ability to predict how people will react to different types of presentations," Foster said.

"Part of the challenge is - in business litigation, particularly - to take what can be a very complex transaction and make it both understandable and interesting."

"It is difficult for persons outside the particular field that you have to be talking about - securities litigation, for example - to become comfortable with the transaction, much less the terminology."

Even with complicated court cases, though, he said the longest he's ever spent in a trial is six business days.

"If you talk to a lawyer

from California or New York, they speak in terms of months. In Arkansas, a two-week trial is extremely long," Foster said. "Why the judges and the juries permit them to get away with spending months and months in other states, I don't understand."

**The pleasure of practice**

Practicing law has become so enjoyable to him that Foster said he can't imagine life without it. That doesn't necessarily include a higher office, though.

"I think every trial lawyer has probably considered a judgeship. It's not in my personality to run for public office and I don't foresee that in my future. I expect to continue to practice law for a long time," he said.

"The only other thing I can think that I might want to do in my later years would be a mixture of practicing and teaching law."

At home, children Vincent III, a junior at Catholic High School; Laura, a sophomore at Mount St. Mary Academy; and Brugh, a seventh grader at Holy Souls, provide a busy household - but Foster doesn't mind that.

At one point during the summer, he was alone in the house, as Vincent was attending summer classes at Choate Academy in Connecticut, and the other children were vacationing with his wife at a cabin up in Michigan.

"I came back to get ready for a big trial. And while I like my privacy, after about two days of being in the house by myself, it was driving me crazy," Foster said.

When all returned, "It was as loud as teenagers can be, as messy as teenagers can be. A whole lot of activity - people coming and going, trying to figure out what everyone's schedule is, without much success. But I much prefer that confusion to silence."

Sometimes on Sunday evenings, he'll get the whole family involved in a favorite hobby - making pasta by hand. Foster said he really enjoys creating it from scratch - mixing the dough, cranking it through the machine.

"It's great therapy. It's kind of like eating pistachio nuts. They taste better because you have to work to get to the meat. Having to go through all that to get the pasta makes it taste better. Whether it truly tastes better or not, I don't know. But I think it does."

Before getting involved with the Arkansas Rep,

Foster's main volunteer time was spent with bar associations. He has been president of the Pulaski County Bar Association and was chairman of the Arkansas Bar Association's executive council last year.

At the moment, he is See FOSTER, Page 9

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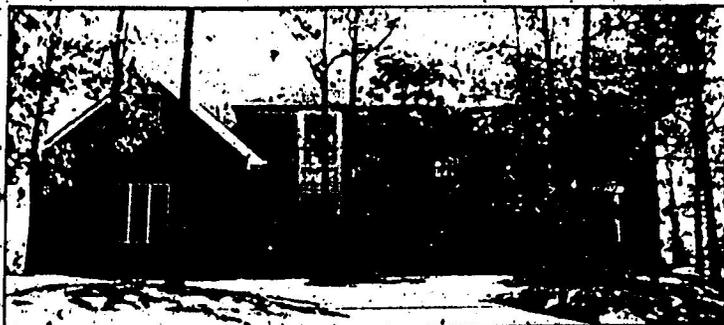
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FREE Information Class

# The Top Six

Information for this weekly feature was obtained from real estate transfers recorded in the Pulaski County circuit clerk's office. The information is a matter of public record. Values are assigned on the basis of revenue stamps assessed at \$2.20 per thousand.

The houses photographed are the most expensive recorded during the week of Sept. 15-21, 1988, located north of Marham Street and south of the Arkansas River. Prices will be withheld on request.



**13525 Saddlehill Drive**  
Owned by Elms-Clowers Construction Co., this house was sold to Ronald D. and Cheryl M. Payne for \$290,000.



**15 Masters Circle**  
Owned by Gary P. and Terry M. Barkot, this house was sold to Joanne B. Earl. (Price withheld on request.)



**3219 Foxcroft Road**  
Owned by Thomas W. and Bonnie B. Holmes, this house was sold to Laura J. and Horace B. Childress III for \$208,000.



**8 Portia Drive**  
Owned by Bruce and Glenna K. Leipzig, this house was sold to Rosalie P. and Samuel M. Corekin. (Price withheld on request.)



**15 Valley Estates Drive**  
Owned by O.J. and Joanne W. Bell, this house was sold to George V. and Faye K. Evanoff Jr. for \$195,000.



**5220 Crestwood Drive**  
Owned by Michael K. Compton Sr., this house was sold to Michael M. and Sharon D. Moore. (Price withheld on request.)

## Foster

Continued from Page 8

chairman of the Arkansas Association's Jurisprudence and Law Reform Committee, which puts together packages for the legislature to consider each year.

But, he added, "Today, my most important activity is with the Rep. It has such a broad constituency. Mimi Dorch talks about the fact that you will find a bicycle parked next to a Jaguar at the performances.

"We've been able to keep the price of tickets down to where it's affordable. And that's very important to the board, to keep it that way, and to make certain that we have accessibility to a wide sector of patrons.

"After his two-year term as president is up, Foster doesn't know if he'll continue on the board. But he will, most certainly continue to support the Arkansas Rep.

"Arkansas is very fortunate to have many excel-

**CORRECTION**  
The address of the house shown last week that was purchased by Clifton L. and Edith Parnell from John E. and Vicki A. Price was incorrect. It should have been 3 Longview Cove, instead of 6 Bent Tree Court. The new owner also states that the price printed was elevated, which is being withheld.

lent performing and visual arts programs available. This just happens to be the one that feels the best to me and one that I'm eager to spend my time to support."

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*Heart's*

# A Death That Won't Die

*The investigations into Vince Foster's demise have revealed a hodgepodge of contradictions, inaccuracies, and unresolved mysteries. One leading reporter on the case explains why we may never know what happened.*

Despite mounting political pressures, things seemed to be looking up for Vince Foster personally in the days and weeks before his death on July 20, 1993. His family had arrived from Little Rock, putting an end to the deracinated bachelor life he had been leading in Washington since the beginning of the year. The first to come was his daughter Laura, brimming with filial devotion.

"I have a distinct memory of him celebrating Laura's birthday and bringing her to one of our Friday night movies," said Hillary Clinton. "He had his arm around her and they looked so happy. He seemed very happy that finally he was going to have his family back."

His wife, Lisa, came a little later with their two sons Vincent and Brugh. They crowded together in a little Georgetown house, trying to get by on the greatly reduced salary that Vince was earning as Deputy White House Counsel.

He was clearly making an effort to control his workaholic habits. In mid-July he went on a weekend trip to the Eastern Shore in Maryland with his wife, allowing himself the rare luxury of a full two-day break. On Monday, July 19, the day after they returned to Washington, he tried to get home early in time for the family meal, although his idea of



early turned out to be a quarter to eight. Lisa had hoped he would make it back an hour earlier, she told the FBI. She had prepared a dinner of scallops.

That evening President Clinton called to invite him over to the White House to watch a film—*In the Line of Fire*, as it happened. They talked briefly about "operational problems at the White House" and they agreed to meet two days later, according to testimony given by the president. But Vince excused himself from coming over to see the film. He wanted to be with his

family. After supper he chatted to his youngest child Brugh about an idea they had for buying a boat.

The next day, July 20, Vince's sister Sharon Bowman was coming up from Arkansas with her daughter Mary. Vince was planning to take his niece to lunch at the White House as a special treat. When the Bowmans arrived that evening Vince was already dead. His body had been found near a Civil War howitzer in Fort Marcy Park, not far from the headquarters of the CIA.

The consternation was general. "Mrs. Foster nor other relatives, or friends were able to provide any insight as to why Vincent Foster would take his life," wrote Park Police detective John Kolla, after visiting the Foster residence that night. At the White House they were equally perplexed. President Clinton described Foster as the "Rock of Gibraltar"

*Ambrose Evans-Pritchard is Washington correspondent for the London Sunday Telegraph.*

immediately after the death and said that his suicide was inexplicable.

It was several days later that the so-called "suicide note"—torn into at least twenty-seven pieces, without leaving fingerprints—appeared in Foster's briefcase several days after it had already been searched. Unidentified sources were cited in the major newspapers noting that Foster had been losing weight. The investigation of Independent Counsel Robert Fiske pointed to this weight loss in concluding that Foster was depressed. But medical records show that Foster gained a few pounds during his time at the White House. He weighed 194 lbs. in December 1992 and weighed 197 lbs. at the autopsy.

During the Fiske investigation the FBI found traces of Trazodone in Foster's blood at a concentration of 0.06 ug/ml. The Fiske Report cites this as key evidence indicating depression. But the Report does not mention that the family doctor, Larry Watkins, had prescribed the drug to help Foster combat insomnia, not depression. Watkins told the FBI that he "did not think that Foster was significantly depressed."

The Fiske Report states that Foster's colleagues could see signs of deterioration in his state of mind. It says that "Deborah Gorman, his Executive Assistant, confirmed that Foster's productivity dropped significantly in the last few weeks of his life." But I have been unable to find anything in her FBI or Park Police statements that would support such an assertion. On the contrary, Gorman's FBI statement says that "she did not see anything in Foster's behavior that would indicate a distressed state of mind."

As for the family, Fiske never took statements from Foster's children, not even from Laura who accompanied her father into work on the day of his death. This is not to dispute claims that Foster was going through a rough patch. Lisa Foster told investigators that her husband was under "a great deal of stress." But she also told the *New Yorker* recently that she did not realize he was depressed. Being under strain and being clinically depressed are not the same thing.

Fiske was highly selective in the way he used testimony. In some cases, his judgment is nothing short of amazing. His report said, for example, that a couple found at Fort Marcy Park when the police arrived had not "observed anything unusual." In fact, one of them told the FBI that she saw a bare-chested man in the driver's seat of Foster's car. The other remembered seeing a man with long blond hair and a beard outside the car with the hood up. This was crucial testimony from the only witnesses found at the crime scene—a very important snippet of evidence. And yet it was ignored.

Foster was found dead with a .38 caliber Colt revolver in his right hand, according to the U.S. Park Police. But the first person to discover the corpse, known as the "Confidential Witness," says that he did not see a gun. Asked if he were certain, he said under oath to an ad-hoc congressional delegation headed by Rep. Dan Burton (R-Ind.): "As sure as I am standing here, I am absolutely and totally unequivocally, the palms were up. I looked at both

palms. There was nothing in his hands." He said that the FBI badgered him into saying that it was possible the gun was hidden from view by dense foliage. He also took issue with a photo leaked to ABC News that showed Foster's right thumb trapped in the trigger guard, saying "that is not a picture of what I saw."

The Park Police were swift in concluding that the death was a suicide. "It seems to me that we made that determination prior to going up and looking at the body," said detective Cheryl Braun, the senior investigator at the scene. This violated standard police practice. All deaths of this kind are to be treated as homicides until there is enough evidence to rule out murder. But the suicide ruling crimped further investigation. It was cited by the Justice Department as grounds for backing off its original pledge to conduct a vigorous investigation in July 1993. It also kept the FBI at bay. As a practical matter, of course, the FBI could have taken over the case had it wished. But FBI Director William Sessions, who had been under political pressures of his own, was sacked on July 19, the day before Foster's death. His replacement, acting director Floyd Clarke, chose not to assert FBI authority. Sessions has since said that the Foster investigation was "compromised from the beginning."

The gun was a 1913 Colt made up from parts of two separate weapons. It was too old to trace. Foster's fingerprints could not be found. Nor could the bullet. No matching ammunition was found in Foster's homes. The gun was never positively identified by the family. There has been a good deal of confusion about this. It is said that the vintage Colt was an heirloom from Vince's father. But Vince's nephew, Lee Bowman, who used to go hunting with his grandfather and knew the guns well, did not recognize it. He told the FBI that he "didn't remember the black handle and the dark color of the metal."

As for Lisa Foster, it is puzzling that she is now telling the *New Yorker* that the gun belonged to Vince. The Park Police Report is quite categorical that she could not identify it. "She was presented with a photograph of the weapon that was found with Mr. Foster's body, but was unable to identify it." The hand-written notes of the Park Police detective say "not the gun she thought it must be." She had been expecting it to be a "silver, six-gun, large barrel" revolver that Vince had brought up from Arkansas. But it was not.

Typically, a .38 caliber revolver makes a deafening noise. Yet nobody heard a shot. There are a number of residential houses close to the spot where Foster's body was found. Yet Fiske's investigators never bothered to canvass these houses to see if anybody had heard a shot.

Much that has emerged publicly about the case is the result of work by investigative reporter Christopher Ruddy. It was Ruddy who broke the original set of stories in the *New York Post* in January and February 1994 that revealed a possible cover-up in the Foster case, and it is he who has kept the story alive in the *Pittsburgh Tribune-Review*. Ruddy cites homicide experts who say that Foster must have fired the gun with both hands clutched over the cylinder, given the unusual pattern of gunpowder on Foster's

hands. This would have been a near impossibility.

Two homicide detectives, who performed their own two-month investigation into the Foster case earlier this year, issued a report concluding that the crime scene had "likely been staged," with the gun placed in Foster's hand to make it look like a suicide. This report, funded by the Western Journalism Center in California, was prepared by Vincent Scallie and Fred Santucci, both veteran homicide experts from the New York City Police Department.

Their report concludes that "a high probability exists that Foster's body was transported to Fort Marcy Park." They were struck by the fact that Foster must have walked 700 feet into the park, yet the FBI lab tests found no soil on Foster's shoes. In a simulated experiment their model re-enacted the scene and was found with abundant soil on his shoes. The Fiske Report notes that there was mica on Foster's shoes. But this proves nothing. His body was found lying on vegetation that was covered with flecks of mica, and particles were found all over his clothes.

The Scallie Report said that blood tracks on Foster's face at the time the body was discovered meant that his head must have been moving around after death, assuming four different positions. The carpet fibers on Foster's clothes have never been explained. FBI agent Larry Monroe testified in Senate hearings that "they most likely came from his residence or office," but tests were not conducted because "we had overwhelming evidence to reflect that it was a suicide."

The autopsy report of Virginia's Assistant Chief Medical Examiner James C. Beyer says that the bullet made an exit wound of 1 inch by 1 1/4 inch in the back of Foster's head. Yet no skull fragments or brain matter were ever found. The Fairfax County paramedics who arrived early on the scene were struck by the lack of blood and several have stated that they did not see an exit wound. Sgt. George Gonzalez said in his deposition that "there was very little blood for an accident such as this," adding, "I didn't see an exit wound."

Although some have testified to seeing blood on Foster's body, a curious number of people at the scene have not. Corey Ashford was one of the rescue workers who helped put the body in a bag for transport to the morgue. His FBI statement says that he "lifted Foster from behind the shoulders, cradling Foster's head. Ashford did not recall seeing any blood while placing Foster in the bag." His colleague Roger Harrison told the FBI that he also "did not recall seeing any blood on Foster and did not recall seeing any blood on individuals handling the body."

Richard Arthur said he did not see an exit wound in the back of the head. In his FBI statement he said Ashford told

him later that "Foster's head was intact and he had not observed any exit wound." Arthur filed an incident report which classified the death as a homicide.

Yet the Fiske Report does not mention any of this. Instead it says that when Fairfax County Medical Examiner Dr. Donald Haut arrived on the scene, "Foster's body was rolled over and those present observed a large pool of blood located on the ground where Foster's head had been. Haut observed a large exit wound in the back of the skull."

This is not what Haut told the FBI. His statement reads, "No blood was recalled on the vegetation around the body. . . . although the volume of blood was small, Haut did recall that the blood was matted and clotted under the head." He did not describe the wound but said he "believed it was consistent with a low velocity weapon." (Haut remembered a case in which a much more devastating wound had been caused by a smaller caliber weapon.)

*The investigation of Independent Counsel Robert Fiske pointed to this weight loss in concluding that Foster was depressed. But medical records show that Foster gained a few pounds during his time at the White House. He weighed 194 lbs. in December 1992 and weighed 197 lbs. at the autopsy.*

Furthermore, the doctor who certified death at the Fairfax Hospital did not see an exit wound. According to his FBI statement, Dr. Julian Greenstein of the Fairfax Hospital lifted the body by the shoulders "to locate and observe the exit wound in the decedent's head." An unsuspecting reader would deduce from this elliptical wording that Greenstein had in fact seen

the exit wound. But he told the London *Sunday Telegraph* that this was not the case. "I never saw [an exit wound] directly. I didn't spend too much time looking back there. My suspicions weren't aroused."

Fiske relied on the testimony of two Park Police officers who said they saw a large amount of blood when the body was rolled over. He chose to discount the contrary testimony of paramedics who handled the body, and he finessed the observations of the key doctors. The dispute over the exit wound could be resolved by examining X-rays, but there do not seem to be any, even though Dr. Beyer signed the autopsy report with a check indicating that X-rays were taken. Beyer is also quoted in the Park Police Report saying that the X-rays showed there were no metal fragments in Foster's skull. Now Dr. Beyer says that X-rays were never taken because the machine was out of order.

Will Kenneth Starr do a better job than Robert Fiske? It is too early to tell. On the positive side, he has at least employed a grand jury (though a very limited one). Fiske never did this. But the *Pittsburgh Tribune-Review* has reported on some ominous signs. The lead prosecutor investigating the Foster death, Miguel Rodriguez, resigned in March after running into interference from the head of Starr's Washington operation, Deputy Independent Counsel Mark Toubey. Rodriguez was prevented from pursuing critical leads.

according to the *Tribune-Review*, and Tuohy made it clear to him that he favored a quick ruling of suicide.

In a disturbing twist, Rodriguez found that he could not trust the FBI investigators to do their job. The FBI lab had concluded that a set of crime scene photos were unusable. But he knew this to be absurd so he sent the film to a private laboratory, which had no trouble enhancing the photos. They reveal, according to Ruddy, that the gun in Foster's hand was being moved around after the Park Police had arrived, with blades of grass protruding between different fingers in different photos.

The *Tribune-Review* also reported that a set of Polaroid photos had been deliberately blurred by the FBI. Rodriguez was able to obtain original copies which showed that Foster had a wound or bruise in the neck that had been dismissed as a blood "contact stain" in earlier reports, and was not mentioned in the autopsy report.

Mark Tuohy resigned at the beginning of September. Deputy Independent Counsel Hickman Ewing, who is based in Starr's Little Rock office, has effectively taken over the handling of the Foster case.

There are signs that he intends to do a much more thorough job. In mid-September the FBI conducted a blitz at Fort Marcy, searching high up in the trees for the elusive bullet. At last things are being done that should have been done two years ago.

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**B**ut it may be Sen. D'Amato, who succeeds in cracking open the whole case. D'Amato is leading yet another investigation into the case, and he suspects that the inner circle of the Clintons may have been notified of Foster's death far earlier than they claim. The *Sunday Telegraph* explored this theme last April. This author reported that the Park Police may have found Foster's White House ID on the front seat of his Honda Accord before 6:45 p.m., yet the official notification of the Secret Service took place almost two hours later at 8:30 p.m. Interestingly, the Secret Service Memorandum says that the "U.S. Park Police discovered the body of Vincent Foster in his car." A clerical error?

Dr. Donald Haur told me that everybody knew Foster was a White House official by the time he arrived at the park. (The Fiske Report claims this was at 7:40, but he told the FBI that it was 6:45 p.m.) "They all knew right away," he said. A Fairfax County rescue worker who left the park at 6:37 p.m. told me, "We all knew that it was a White House official when we left." He also said that he was under strict gag order from his superiors and asked not to be identified. Rescue worker James Isaac also knew that Foster was a White House official when he returned to his station before 6:45 p.m., according to an FBI report.

How do the Park Police explain the delay? They say it

was a communications mix-up. Investigator Cheryl Braun, who found Foster's White House ID, told the FBI that she gave instructions to another officer to pass on the word to the shift commander. This officer, who is never fully identified, allegedly forgot to do so. Braun then made the call herself at roughly 7:30 p.m. This still leaves almost an hour unaccounted for. In any case, the shift commander, Lt. Pat Gavin, inadvertently contradicted her story. He told the *Sunday-Telegraph* that he was informed by another officer on the scene, John Rolla.

An Arkansas State Trooper, Roger Perry, has signed an affidavit stating that he learned of the death suspiciously early, definitely before 7 p.m. Central Time. He says that he was on duty that afternoon at the governor's mansion in Little Rock when Chelsea Clinton's former nanny, Helen Dickey, called from the White House to convey the bad news. "She was kind of hysterical, crying, real upset," said Perry. "She told me that Vince got off work, went out to his car in the parking lot, and shot himself in the head."

After receiving the call, Perry telephoned several other people in Little Rock to relay the news. One of them was Trooper Larry Patterson. Another was Lynn Davis, former commander of the Arkansas State Police. They have both issued affidavits swearing that they learned about Foster's death before 6 p.m. Central Time, a full

hour and a half before the official notification.

Sen. D'Amato says he intends to get to the bottom of this bizarre story. He has issued subpoenas for Trooper Perry and Helen Dickey. If this mysterious telephone call did in fact take place, the White House has a colossal problem on its hands. Dickey insists that she did not learn about Foster's death until 10 p.m. at night, when she was watching TV on the third floor of the White House residence. But what if there are phone logs that suggest otherwise?

**I**t is not the purpose of this article to explain what happened to Vincent Foster on July 20, 1993. I do not have any answers. I only have questions. Was Foster in fact depressed? What evidence is there to prove that Foster shot himself with the gun that was found in his hand? What is to account for the discrepancies in testimony between the Park Police and the medical personnel at the park? When did the White House really learn about Foster's death? Was testimony by the only witnesses near the crime scene misrepresented by the Fiske Report? These are just a sampling. Those who have followed the case closely can doubtless think of dozens of discrepancies that need to be cleared up.

In the end it may be established beyond all doubt that Foster died by his own hand in Fort Marcy Park. But until there is a proper investigation, we will never know the truth. □