TZ #1

Screened by NARA (RD-F) 08-10-2018 FOIA #56806 (URTS 16312) DOCID: 70105160

REPORT TO THE OFFICE OF THE INDEPENDENT COUNSEL

CONCERNING THE DEATH OF VINCENT FOSTER

August 24, 1996

In preparation of this report I reviewed the following documents:

1) Autopsy report on Vincent Foster prepared by James C. Beyer, M.D. Deputy Chief Medical Examiner, for the Northern Virginia District, Virginia Office of the Chief Medical Examiner.

2) Toxicology report on Vincent Foster prepared by Anh N. Huynh, Pharm. D., Toxicologist, Virginia Division of Forensic Science, Northern Laboratory.

3) Toxicology report on Vincent Foster prepared by Federal Bureau of Investigation Laboratory.

4) Autopsy photographs.

5) Scene photographs.

6) Report of the Independent Counsel Robert B. Fiske, Jr. regarding Vincent W. Foster, Jr., June 30, 1994.

7) United States Park Police Investigative Reports and exhibits on the Vincent W. Foster, Jr. investigation.

8) F.B.I. Obstruction of Justice Investigation related to the death of Vincent W. Foster, Jr., August 1993.

9) Summary report by William F. Clinger, Jr., Ranking Republican Committee on Government Operations, U.S. House of Representatives on the death of Vincent W. Foster, Jr., August 1994.

10) Report of the Committee on Banking, Housing and Urban Affairs, United States Senate on the inquiry into the U.S. Park Police Investigation of the death of White House Deputy Counsel Vincent W. Foster, Jr., January 1995.

PREPARED BY BRIAN D. BLACKBOURNE, M.D. FORENSIC PATHOLOGIST
Medical Examiner
San Diego County Medical Examiner's Office
5555 Overland Avenue Bldg. 14
San Diego, CA 92123

This opinion is based upon my experience in many autopsies. Blood dries overnight, prior to the autopsy. If one is not meticulous in washing the body prior to photographing it, small portions of blood may remain adherent to the skin. This mark is composed of two rectangular shaped dark spots approximately 2 mm X 3 mm. These marks have none of the features of a gunshot wound or other antemortem trauma.

VIII. Vincent Foster committed suicide on July 20, 1993 in Ft. Marcy Park by placing a .38 caliber revolver in his mouth and pulling the trigger. His death was at his own hand.

This opinion is based upon the previous opinions I through VII documented in this report.

Brian D. Blackbourne M.D.

BRIAN D. BLACKBOURNE, M.D.
FORENSIC PATHOLOGIST

FN #2

FORENSIC REPORT
to
The Independent Counsel
In Re
Vincent W. Foster, Jr.

Volume II

Meriden, CT
July 23, 1996

Submitted by
Dr. Henry C. Lee
Connecticut State Police
Forensic Science Laboratory

In addition, Medical Examiner Dr. Beyer observed a large amount of liquid blood in the body bag and in Mr. Foster's body. This information further indicates that the location where the body was found is consistent with the primary scene. It is, therefore, unlikely that Mr. Foster's body was moved to the Fort Marcy Park scene from another location.

Photograph #V-8 shows a view of the vegetation in the areas where Mr. Foster's body was found. Reddish-brown, blood-like stains can be seen on several leaves of the vegetation in this area. A close-up view of some of these blood-like stains can be seen in photograph #V-9. If these stains are, in fact, blood spatters, this finding is consistent with the shot having been fired at the location where Mr. Foster's body was found.

High velocity impact type blood spatters were observed on Mr. Foster's face, hands, and shirt, as depicted in photograph #V-10. These blood spatters are intact and no signs of alteration or smudging were observed. This type of blood spatter typically is produced at the time when a weapon is discharged and the spatters result from the backspatter of the gunshot wound.

10. CONCLUSION

After careful review of the crime scene photographs, reports, and reexamination of the physical evidence, the data indicate that the death of Mr. Vincent W. Foster, Jr. is consistent with a suicide. The location where Mr. Foster's body was found is consistent with the primary scene.

FN #3

Report to the Office of Independent Counsel

The Death of Vincent W. Foster, Jr.

Alan L. Berman, Ph.D.

September 4, 1996

2. **Does the finding of semen on his boxer shorts reflect a possible sexual liason in Fort Marcy Park?**

No: involuntary urination, secreted seminal fluid, and defecation often occur upon death from any cause.

3. **Why did this death occur in Fort Marcy Park?**

If we accept the idea that Foster was ambivalent to the end and that he may have driven his car for some time after secreting the gun from his home, the following possibilities are apparent: he may have simply and inadvertently happened upon the park or he may have purposely picked it off the area map found in his car.

We know Foster valued privacy. He spoke in his Commencement Address of taking "an occassional walk alone in the woods." Similar to the typical male physician who suicides by seeking the guaranteed privacy of a hotel room, and a "do not disturb" sign, Foster, protective of his family, would be most unlikely to suicide at home, leaving the possibility of being discovered by his children as a legacy.

4. **Why was no suicide note left by Foster?**

First, it is less, vs. more, common to leave a suicide note. Only 12-15% of suicides leave a note; 85-88% do not (Leenaars, 1992).

Secondly, Foster, again, was intensely private, protective, and loyal to his family and the president/first family. It would be out of character for him to leave a disclosure such as a note.

Thirdly, I believe Foster was intensely self-focused at this point; overwhelmed and out of control.

5. **Why did the pressure get to Foster now?**

He was under an increasing burden of intense external stress, a loss of security, a painful scanning of his environment for negative judgments regarding his performance, a rigid hold of perfectionistic self-demands, a breakdown in and the absence of his usual ability to handle that stress primarily due to the impact of a mental disorder which was undertreated. He simply could not maintain control or see a way out. Most likely, the precipitating "event" that triggered his suicide was a complex of: dashed expectations of relief from the weekend away, anxiety pertaining to the possible Congressional inquiry, highlighted by the meeting planned with his attorney, and the Freeh nomination placed in the context of the *Wall Street Journal* column the day before.

Mode of Death Determination:

In my opinion and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion.

At worst, there remains a lack of **additional** validating evidence answerable by a number of yet unresolved/unanswered questions posed by the unavailabilty of family members for direct

FN #4

UNITED STATES CODE ANNOTATED
TITLE 16. CONSERVATION
CHAPTER 1--NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES
SUBCHAPTER I--NATIONAL PARK SERVICE

Copr. © West 1996. All rights reserved.

Current through P.L. 104-194, approved 9-9-96

§ 1a-6. Law enforcement personnel within National Park System

(a) Omitted

(b) Designation authority of Secretary; powers and duties of designees

In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may--

(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

(c) Supplemental special policemen; designation authority of Secretary; cooperation with State officials in enforcement of State law; reimbursement to State; concurrent jurisdiction; delegation of enforcement responsibilities

The Secretary of the Interior is hereby authorized to--

(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (a) of this section;

(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision; and

(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered

Copr. © West 1996 No claim to orig. U.S. govt. works

pursuant to paragraph (1) of this subsection.

(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

(d) Special policemen not deemed Federal employees; exceptions

(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (b) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

(2) For purposes of the tort claim provisions of Title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (b) of this section, be considered a Federal employee.

(3) For purposes of subchapter I of chapter 81 of Title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (b) of this section be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of Title 5, and the provisions of that subchapter shall apply.

(e) Federal investigative jurisdiction and State civil and criminal jurisdiction not preempted within National Park System

Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

CREDIT(S)

1992 Main Volume

(Pub.L. 91-383, § 10 (less (a)), as added Pub.L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1976 Acts. House Report No. 94-1569, see 1976 U.S.Code Cong. and Adm.News, p. 4290.

References in Text

This Act, referred to in subsec. (e), is Pub.L. 91-383, Aug. 18, 1970, 84 Stat. 825, as amended. As originally enacted, Pub.L. 91-383 contained sections 1 to 4, the first 3 of which enacted sections 1a-1 and 1a-2 and amended sections 1b and 1c of this title. Pub.L. 94-458 amended Pub.L. 91-383 by adding sections 5 to 12, which enacted sections 1a-3 to 1a-7, amended sections 17j, 460n-5, 463, 470a, and 559, and repealed sections 10, 10a, 17b-1, and 415 of this title. For complete classification of this Act to the Code, see Tables.

Codifications

Copr. © West 1996 No claim to orig. U.S. govt. works

Subsec. (a) of this section amended sections 460n-5 and 559, and repealed sections 10, 10a, and 415 of this title.

CROSS REFERENCES

Park police uniforms to display U.S. flag emblem or colors, see 40 USCA § 210a.

LIBRARY REFERENCES

American Digest System

Forest commissioners and other officers, see Woods and Forests⚿ 7.

Governmental authority and control of public lands, see Public Lands⚿ 7.

Encyclopedias

Authority to control and regulate public lands in general; conferment of authority on executive officers, see C.J.S. Public Lands § 5.

Forest commissions and officers, see C.J.S. Woods and Forests § 13.

NOTES OF DECISIONS

Authority of park officers 1
Duty of park officers 3
Immunity of park officers 2
Search and seizure 4

1. Authority of park officers

Park rangers have full authority to enforce federal law in United States parks. U.S. v. Gibson, C.A.6 (Tenn.) 1990, 896 F.2d 206, denial of post-conviction relief affirmed 948 F.2d 1288.

National park ranger has substantially same powers and duties as other federal law enforcement officers, including full authority to enforce federal law in national parks and recreation areas. U.S. v. Buehler, E.D.Wash.1992, 793 F.Supp. 971.

2. Immunity of park officers

United States Park Police officers were not entitled to absolute immunity from liability on arrestees' common-law tort claims, arising from officers' allegedly tortious conduct in effecting arrests in their District of Columbia law enforcement capacity, but rather were entitled to qualified immunity. Martin v. Malhoyt, C.A.D.C.1987, 830 F.2d 237, 265 U.S.App.D.C. 89, rehearing denied 833 F.2d 1049, 266 U.S.App.D.C. 145.

3. Duty of park officers

National Park Service officers were not "general law enforcement officials," had no statutory duty to investigate and render assistance at automobile accident outside National Park System, had no general duty to protect public outside System and were acting as private individuals when attempting to assist at accident site. Flynn v. U.S., C.A.10 (Utah) 1990, 902 F.2d 1524.

4. Search and seizure

Park police officers had authority to make Terry stop of defendant immediately off federal property as part of their investigation of possible offense committed within the park system where there was no other investigation by a federal law enforcement agency. U.S. v. Smith, C.A.9 (Cal.) 1983, 713 F.2d 491.

Copr. © West 1996 No claim to orig. U.S. govt. works

16 USCA § 1a-6

END OF DOCUMENT

Copr. © West 1996 No claim to orig. U.S. govt. works

Legislative History

For legislative history and purpose of Pub.L. 91–375, see 1970 U.S. Code Cong. and Adm. News, p. 3649.

§ 1737. Manufacturer of sexually related mail matter

(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3008 or 3010 of title 39, or in violation of any regulation of the Postal Service issued under such section, shall be fined under this title or imprisoned not more than five years, or both, for the first offense, and shall be fined under this title or imprisoned not more than ten years, or both, for any second or subsequent offense.

(b) As used in this section, the term "sexually related mail matter" means any matter which is within the scope of section 3008(a) or 3010(d) of title 39.

(Added Pub.L. 91–375, § 6(j)(37)(A), Aug. 12, 1970, 84 Stat. 781, and amended Pub.L. 103–322, Title XXXIII, § 330016(1)(K), (L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND STATUTORY NOTES

Effective Date

Section effective on first day of sixth month which begins after Aug. 12, 1970, see section 15(b) of Pub.L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

Legislative History

For legislative history and purpose of Pub.L. 91–375, see 1970 U.S. Code Cong. and Adm. News, p. 3649.

For legislative history and purpose of Pub.L. 103–322, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

§ 1738. Mailing private identification documents without a disclaimer

(a) Whoever, being in the business of furnishing identification documents for valuable consideration, and in the furtherance of that business, uses the mails for the mailing, carriage in the mails, or delivery of, or causes to be transported in interstate or foreign commerce, any identification document—

(1) which bears a birth date or age purported to be that of the person named in such identification document; and

(2) knowing that such document fails to carry diagonally printed clearly and indelibly on both the front and back "NOT A GOVERNMENT DOCUMENT" in capital letters in not less than twelve point type;

shall be fined under this title, imprisoned not more than one year, or both.

(b) For purposes of this section the term "identification document" means a document which is of a type intended or commonly accepted for the purpose of identification of individuals and which is not issued by or under the authority of a government.

(Added Pub.L. 97–398, § 4(a), Dec. 31, 1982, 96 Stat. 2011, and amended Pub.L. 103–322, Title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 97–398, see 1982 U.S. Code Cong. and Adm. News, p. 3519.

For legislative history and purpose of Pub.L. 103–322, see 1994 U.S. Code Cong. and Adm. News, p. 1801.

CHAPTER 84—PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION, KIDNAPPING AND ASSAULT

Sec.

1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties.
1752. Temporary residences and offices of the President and others.

§ 1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties

(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be

punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a)(1) shall be fined under this title, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined under this title, or imprisoned not more than one year, or both; and if the assault involved the use of a dangerous weapon, or personal injury results, shall be fined under this title, or imprisoned not more than ten years, or both.

(f) The terms "President-elect" and "Vice-President-elect" as used in this section shall mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

(g) The Attorney General of the United States, in his discretion, is authorized to pay an amount not to exceed $100,000 for information and services concerning a violation of subsection (a) (1). Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this subsection.

(h) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(i) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

(k) There is extraterritorial jurisdiction over the conduct prohibited by this section.

(Added Pub.L. 89–141, § 1, Aug. 28, 1965, 79 Stat. 580, and amended Pub.L. 97–285, §§ 3, 4(a), Oct. 6, 1982, 96 Stat. 1220; Pub.L. 103–322, Title XXXII, § 320101(e), Title XXXII, §§ 330016(1)(K), (L), 330021(1), Sept. 13, 1994, 108 Stat. 2108, 2147, 2150; Pub.L. 104–294, Title VI, § 604(b)(12)(D), Oct. 11, 1996, 110 Stat. 3507.)

HISTORICAL AND STATUTORY NOTES

Effective Date of 1996 Amendments

Amendment by section 604 of Pub.L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub.L. 104–294, set out as a note under section 13 of this title.

Repeals

Pub.L. 103–322, Title XXXII, § 320101(e)(1), (2), Sept. 13, 1994, 108 Stat. 2108, appearing in the credit of this section, was repealed by Pub.L. 104–294, Title VI, § 604(b)(12)(D), Oct. 11, 1996, 110 Stat. 3507.

Legislative History

For legislative history and purpose of Pub.L. 89–141, see 1965 U.S.Code Cong. and Adm.News, p. 2866. See, also, Pub.L. 97–285, 1982 U.S.Code Cong. and Adm.News, p. 2428.

For legislative history and purpose of Pub.L. 103–322, see 1994 U.S. Code Cong. and Adm. News, p. 1801. See, also, Pub.L. 104–294, 1996 U.S. Code Cong. and Adm. News, p. ——.

§ 1752. Temporary residences and offices of the President and others

(a) It shall be unlawful for any person or group of persons—

(1) willfully and knowingly to enter or remain in

(i) any building or grounds designated by the Secretary of the Treasury as temporary residences of the President or other person protected by the Secret Service or as temporary offices of the President and his staff or of any other person protected by the Secret Service, or

(ii) any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting,

in violation of the regulations governing ingress or egress thereto:

(2) with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds designated in paragraph (1) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

(3) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area designated or enumerated in paragraph (1); or

(4) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area designated or enumerated in paragraph (1).

(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine under this title or imprisonment not exceeding six months, or both.

(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.

(d) The Secretary of the Treasury is authorized—

(1) to designate by regulations the buildings and grounds which constitute the temporary residences

THE WHITE HOUSE

WASHINGTON

August 25, 1995

BY HAND DELIVERY

Mark H. Tuohey, III
Deputy Independent Counsel
Office of the Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004

210-DC-00005150

Dear Mark:

I am writing to respond to several of the issues raised in your letters of June 19, 1995, and July 31, 1995.

You have requested information indicating (1) whether Vincent Foster, Jr., was a person employed in the Executive Office of the President appointed under section 105(a)(2)(A) of Title III of the United States Code; and (2) whether Mr. Foster was an individual working in the Executive Office of the President compensated at a rate of pay at or above level II of the Executive Schedule under Section 5313 of Title 5 of the United States Code. The answer to both of these questions is no.

Mr. Foster, whose title was Deputy Assistant to the President and Deputy Counsel to the President, was compensated at an annual rate of $110,000. This is below the rate of pay for Level II of the Executive Schedule under section 5313 of Title V, which was then $133,600. Mr Foster's status under Section 105(a)(2) of Title III was not formally determined at the time of his appointment, but he later was deemed to have been appointed pursuant to Section 105(a)(2)(B).

In response to your request for supporting documentation, I am enclosing Mr. Foster's SF-50, which reflects his salary and title, and a letter dated November 12, 1993, from the White House Counsel's Office to the Office of Government Ethics reflecting Mr. Foster's status as an appointee under 3 U.S.C. § 105(a)(2)(B). To verify that this designation was appropriate, I am also enclosing a printout of salaries, in descending order, of all White House Office employees whose salaries exceeded the level specified by 3 U.S.C. § 105(a)(2)(D). Please let me know if you need any additional information to assist you in your analysis of Mr. Foster's employment status.

210-DC-00005151

You also asked for the number of the parking space on West Executive Avenue that was assigned to Vincent Foster, as well as information indicating the persons assigned as of July 20, 1993, to parking spaces that were within ten spaces of Vincent Foster's space. I am enclosing a map that reflects all of the parking space assignments on West Executive Avenue as of May 1, 1993. I have been told that the parking space assignments were unchanged as of July 20, 1993.

You also have asked for a privilege log of all reports of interviews conducted by the White House Counsel's Office before March 20, 1995, that would fall within paragraph 11 of the March 20, 1995, subpoena. We have responsive notes of interviews of the following persons: Thomas Castleton, Mark Gearan, Deborah Gorham, Bruce Lindsey, Sylvia Mathews, Thomas McLarty, Steven Neuwirth, Bernard Nussbaum, Betsy Pond, Marsha Scott, Cliff Sloan, Michael Spafford, Patsy Thomasson, and Margaret Williams.

Please feel free to call me if you have any questions.

Sincerely yours,

Jane C. Sherburne
Special Counsel to the President

Enclosures

FN#5

15 USC 681
12-21-93 NYT
1-13-94 NYT
28 CFR 603.1(a)

GENERAL - PAGES 4-7

FN #6

104TH CONGRESS
2d Session

SENATE

REPORT
104–280

INVESTIGATION OF WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

FINAL REPORT

OF THE

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

TOGETHER WITH

ADDITIONAL AND MINORITY VIEWS

JUNE 17, 1996.—Ordered to be printed

Filed under authority of the order of the Senate of June 13, 1996

From March through August 1992, Ms. Lewis examined Madison Guaranty records stored in a warehouse in Little Rock.[226] She retraced and analyzed the flow of funds between several checking accounts at Madison Guaranty, including the Whitewater account, the McDougals' personal account, and the accounts of several other McDougal-related companies.[227]

Ms. Lewis testified that the investigation uncovered "substantial evidence of bank fraud."[228] Specifically, Ms. Lewis found numerous instances in which the McDougals would write a check on the Madison Guaranty account of one of their various enterprises with insufficient funds to satisfy the draft and then deposit another check in that account, also written on insufficient funds, from another Madison Guaranty account.[229] Ms. Lewis observed that although many of checks had the word "loan" written on them, they were written on accounts lacking sufficient funds.[230] Ms. Lewis testified that through this "elaborate check kiting scheme" the McDougals "float[ed] worthless checks among specific accounts [so as] to create the appearance of legitimate balances."[231]

B. The first RTC criminal referral: C0004

In July 1992, the investigation was interrupted briefly when the RTC office in Tulsa was closed and its investigations unit merged with the Kansas City office.[232] Ms. Lewis accepted an offer to transfer to the Kansas City office.[233]

By early August 1992, Ms. Lewis had begun to draft a criminal referral based upon her investigation of Madison Guaranty.[234] On August 31, 1992, the referral was completed and assigned the number C0004.[235] The referral was signed by Ms. Lewis, and her two immediate supervisors in the Kansas City office: Lee O. Ausen, the head of the Criminal Investigations Department, and L. Richard Iorio, the Director of Investigations.[236]

On September 1, 1992, Mr. Iorio sent Criminal Referral C0004 to Charles Banks, the U.S. Attorney for the Eastern District of Arkansas,[237] and to Steven Irons, Supervisory Special Agent ("SSA") of the FBI Little Rock Field Office.[238] In the accompanying transmittal letter to Mr. Banks, Mr. Iorio wrote that "[c]ertain matters have come to our attention which may constitute criminal offenses under Federal law. Enclosed is a report of Apparent Criminal Irregularity."[239] The referral was accompanied by several hundred pages of documentary exhibits consisting of copies of checks, account statements, and other bank records.

Prior to its submission to the Justice Department, Criminal Referral C0004 was reviewed not only by Mr. Iorio and Mr. Ausen, but also by James Thompson, the Deputy Regional Director of the RTC's Kansas City office.[240] James Dudine, the Director of the Office of Investigations in the RTC's Washington, D.C. office, also reviewed the referral after it was submitted to the Justice Department.[241] Both Thompson and Dudine testified that they thought C0004 met the standard for issuance of a criminal referral—i.e., that there was a reasonable basis for believing that a crime has been committed or attempted.[242] Mr. Iorio, who signed the referral, testified that he thought the referral met and exceeded the prescribed standard.[243]

FN #7

FN # 8 - 10

JOHN CONYERS, JR., MICHIGAN,
CHAIRMAN
CARDISS COLLINS, ILLINOIS
HENRY A. WAXMAN, CALIFORNIA
MIKE SYNAR, OKLAHOMA
STEPHEN L. NEAL, NORTH CAROLINA
TOM LANTOS, CALIFORNIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
JOHN M. SPRATT, JR., SOUTH CAROLINA
GARY A. CONDIT, CALIFORNIA
COLLIN C. PETERSON, MINNESOTA
KAREN L. THURMAN, FLORIDA
BOBBY L. RUSH, ILLINOIS
CAROLYN B. MALONEY, NEW YORK
THOMAS M. BARRETT, WISCONSIN
DONALD M. PAYNE, NEW JERSEY
FLOYD H. FLAKE, NEW YORK,
JAMES A. HAYES, LOUISIANA
CRAIG A. WASHINGTON, TEXAS
BARBARA-ROSE COLLINS, MICHIGAN
CORRINE BROWN, FLORIDA
MARJORIE MARGOLIES-MEZVINSKY, PENNSYLVANIA
LYNN C. WOOLSEY, CALIFORNIA
GENE GREEN, TEXAS
BART STUPAK, MICHIGAN

ONE HUNDRED THIRD CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

August 16, 1994

WILLIAM F. CLINGER, JR., PENNSYLVANIA,
RANKING MINORITY MEMBER
AL MCCANDLESS, CALIFORNIA
J. DENNIS HASTERT, ILLINOIS
JON L. KYL, ARIZONA
CHRISTOPHER SHAYS, CONNECTICUT
STEVEN SCHIFF, NEW MEXICO
C. CHRISTOPHER COX, CALIFORNIA
CRAIG THOMAS, WYOMING
ILEANA ROS-LEHTINEN, FLORIDA
DICK ZIMMER, NEW JERSEY
WILLIAM H. ZELIFF, JR., NEW HAMPSHIRE
JOHN M. MCHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
DEBORAH PRYCE, OHIO
JOHN L. MICA, FLORIDA
ROB PORTMAN, OHIO

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY—(202) 225-5051
MINORITY—(202) 225-5074

The Honorable Kenneth Starr
Independent Counsel
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Starr:

In February, 1994, I instructed the minority staff of the Committee on Government Operations to initiate a probe into the death of White House aide Vincent W. Foster, Jr. This probe included both a review of the U.S. Park Police investigation into the cause of death and the activities of White House staff in the days following the discovery of Mr. Foster's body.

During the past several months Special Counsel Robert B. Fiske, Jr. has cooperated to help ensure that my probe did not interfere with his own investigation. On several occasions my staff even provided his office with names of individuals who may have relevant information on this matter.

I am enclosing for your information a summary report released on August 12 regarding the first phase of my review. This report endorses the conclusions of both the Park Police and Mr. Fiske that Vincent Foster committed suicide in Fort Marcy Park, Virginia on July 20, 1993. My probe on the actions by White House staff to prevent the U.S. Park Police from conducting a thorough investigation into this matter will continue.

It is my hope that we can work together to ensure that my efforts do not interfere with your ongoing investigation. I would be pleased to meet with you, as I did with Bob Fiske, to discuss this matter fully.

Sincerely,

Bill Clinger

William F. Clinger, Jr.
Ranking Republican

Enclosure

ONE HUNDRED THIRD CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

SUMMARY REPORT BY

WILLIAM F. CLINGER, JR
Ranking Republican
Committee on Government Operations
U.S. House of Representatives

on the

DEATH OF WHITE HOUSE DEPUTY COUNSEL VINCENT W. FOSTER, JR.

August 12, 1994

William F. Clinger, Jr., Ranking Republican
Matthew Fletcher, Republican Staff Director
Kevin M. Sabo, Republican General Counsel
Lisa Odle Kaufman, Republican Special Counsel

BACKGROUND

On February 24, 1994, I began a probe into the death investigation of White House Deputy Counsel Vincent W. Foster, Jr. In part, this investigation was prompted by the numerous conflicting accounts reported by various news agencies.[1]

What I have found during our extensive review is that a significant number of those news accounts were simply untrue or otherwise easily explained. In the final analysis, I reached the same conclusion as that of the U.S. Park Police and Special Counsel Robert B. Fiske, Jr.; namely, that on July 20, 1993, Vincent W. Foster, Jr. died from a self-inflicted gunshot wound to the mouth while at Fort Marcy Park (Fairfax County), Virginia.

As part of our probe, my staff or I interviewed emergency medical personnel from Fairfax County, Virginia, law enforcement officials, and other persons involved in the U.S. Park Police investigation of Mr. Foster's death. In addition, the Government Operations Committee was provided access to the theretofore undisclosed U.S. Park Police Report on the Foster death along with photographs taken at both the scene and the autopsy.

I initiated this investigation in my role as Ranking Republican to the Committee on Government Operations. It was conducted under the authority of Rule X of the Rules of the House of Representatives, which charges the Committee on Government Operations with responsibility for conducting reviews of the management and effectiveness of government operations and activities. Also, pursuant to 5 U.S.C. Sec. 2954, executive branch agencies are required to provide "any information. . . relating to any matter within the jurisdiction of the committee" when requested by any seven members of the Committee.

The purpose of this report is to provide a summary of this probe into the investigation of the death of Vincent Foster to my colleagues on the Government Operations Committee and in the House of Representatives. I also hope that this summary report, along with the detailed findings of Special Counsel Robert Fiske, will put to rest any lingering questions regarding the events of July 20, 1993.

FORENSIC EVIDENCE SUPPORTS SUICIDE

Respected Pathology Panel Reviews Physical Evidence

A review of the facts surrounding the death of Mr. Foster must start with (1) the overwhelming amount of forensic evidence supporting the conclusion that he died of a suicide, and (2) the stature of those brought in to review the autopsy results. Contrary to the belief of some commentators, the forensic pathology team ("Pathology Panel") working with Special Counsel Robert B. Fiske, Jr. did not rely solely on the autopsy conclusions of the Northern Virginia Medical Examiner, Dr. James C. Beyer.[2] Rather, the Pathology

Panel independently concluded that Mr. Foster committed suicide on July 20, 1993 at Fort Marcy Park, Virginia after their own review of the available evidence.[3]

The determination of the Pathology Panel organized by Special Counsel Fiske was based on independent observations and testing of Mr. Foster's soft palate, a review of the photographs taken at Fort Marcy Park and during the autopsy, a review of FBI lab reports, and an examination of Mr. Foster's clothing. The same or comparable evidence was available to the Pathology Panel as would have been available had they been present at the original autopsy. The Pathology Panel determined that the decedent's body did not need to be exhumed because numerous tissue samples were saved and available for examination.

Summary of Forensic Evidence

-- It is indisputable that the gun was fired while in Mr. Foster's mouth. This conclusion is supported by the nature of the wound in the mouth and head as well as the smoke and gun powder residue found in the soft palate of the mouth. The report issued by Special Counsel Fiske discusses this forensic evidence in considerable detail. That being the case, one of two conclusions remain: (1) Mr. Foster committed suicide, or (2) Mr. Foster was forced to put the gun in his mouth and pull the trigger.[4] or someone else put gun in his mouth & pulled trigger

-- The uncontested evidence supports the conclusion that Mr. Foster placed the gun in his mouth himself. There were no signs of a struggle at Fort Marcy Park, no bruises on Mr. Foster's body or tears in his clothing, and no broken teeth. Moreover, Mr. Foster was not under the influence of any controlled substances or alcohol that may have been used to render him helpless. Lab reports reveal that no alcohol or controlled substances were found in Mr. Foster's bloodstream.[5]

-- The conclusion that Mr. Foster committed suicide is also supported by the marks left on Mr. Foster's thumb and forefinger. Consistent with the testimony of the Fairfax County paramedics, Mr. Foster's thumb was trapped by the trigger guard. The remaining mark is consistent with the rebound of the trigger. Because the indentation on Mr. Foster's thumb matches exactly with the rebound of the trigger, it would have been virtually impossible to artificially make such a mark. Similarly, the imprint on Mr. Foster's forefinger is identical to the imprint on the back of the gun. The powder burns also support a finding of suicide.

-- Along with select members of my staff, I had complete access to photographs taken at Fort Marcy Park and during the Northern Virginia Medical Examiners autopsy. These photographs support statements by the U.S. Park Police and the Pathologist Panel regarding the location of the body, trigger guard marks, and gunpowder residue.

NO EVIDENCE SUPPORTS MOVEMENT OF BODY

Although the forensic evidence indicates that Mr. Foster committed suicide, several issues not addressed in satisfactory detail by Special Counsel Fiske have been of concern to some commentators. They are addressed below:

Movement of the Foster Body

First, a major concern is the possible movement of Mr. Foster's body after he died. As reported, the amount of blood on and surrounding Mr. Foster's body at Fort Marcy Park was not substantial.

-- It is apparent that the lack of a substantial amount of blood was the direct result of the position of Mr. Foster's body at the time of death. Because Mr. Foster was lying on an angle, the blood drained downward instead of encompassing his entire body. However, the paramedics who lifted Mr. Foster's body and placed it in the body bag for transport to the hospital recorded that the body was "drenched with blood" once it became level. By the time the body bag was opened at the hospital, Mr. Foster's shirt and undershirt were covered in blood.

-- The bloodstain on the right shoulder of Mr. Foster's shirt is admittedly difficult to explain but not determinative that the deceased was moved after he committed suicide. Any number of facts would explain the bloodstain; perhaps the head was moved by the Park Police or emergency personnel on the scene. Regardless of what caused the bloodstain, however, it cannot be disputed that if the body was moved into the park additional signs would support that conclusion. Mr. Foster's clothing was drenched with blood once he was moved to the hospital. His clothing would have been equally drenched if he had been moved into the park.

-- Commentators have also made issue with the lack of skull fragments found at the scene suggesting it also supports the conclusion that Mr. Foster was moved to the park. The scene was not searched for bone fragments, however, until approximately nine months after Mr. Foster's death. Although it is not surprising that numerous objects were found at the scene, such as Civil War artifacts, skull fragments are animal matter. As such, they could have been moved by scavenging animals or even washed away. There was not a large amount of fragments that were missing as the exit wound was only 1 1/4 by 1 inch in diameter. Likewise, the bullet was never found, but one need only visit Fort Marcy Park to understand that the bullet could have fallen anywhere in the park. The fact that it was not located is not determinative in light of the previously discussed forensic evidence.

-- The lack of fingerprints on the gun found in Mr. Foster's hand has also been used to suggest that he did not fire the weapon or that his body had been moved and the

gun was later placed in his hand. Pathologists have suggested, however, that fingerprints are not always identifiable. Other factors, such as the amount of oils on the decedents fingers, the humidity, and the temperature may result in fingerprints not remaining on an object.

Statements by "CW" Contradicted or Easily Explained

Recent statements of the so-called Confidential Witness ("CW") appears to be in question. CW is the reference to the man driving a white van who initially found Mr. Foster's body in Fort Marcy Park around 6:00 p.m. He has asked that his identify be kept confidential.

A comparison of CW's statements to FBI agents working for Special Counsel Fiske, as reflected in the Fiske report, and those statements given under oath to Representatives Dan Burton, John Mica and Dana Rohrabacher reveal that the substance of each statement is very similar, if not identical.

-- In both instances, CW insists that the palms of Mr. Foster were facing upward and there was no gun in Mr. Foster's hand when CW found the body.[6] However, in both instances, CW acknowledged that from the position he was standing, it was possible that if Mr. Foster had a gun in his hand, CW could have missed it. Special Counsel Fiske's report states, "CW acknowledges that, because of his position at the top of the berm and the heavy foliage, there could have been a gun in the man's hand that he did not see."[7]

CW reiterated this point in his sworn statement when he acknowledged that "a trained policeman standing at the top of the hill that [sic] even when he [the policeman] was told he [Mr. Foster] had a gun in his hand still did not see it [the gun]. I cannot . . . say, I would have seen it [the gun]."[8] Because my staff and I had access to photographs taken at Fort Marcy Park, we carefully reviewed a photo taken from roughly the same location that CW claims to have stood. Because of the dense foliage that was clearly seen in the picture, Mr. Foster's hands could not possibly have been seen without moving to his side. CW admits that he did not move to Mr. Foster's side to examine Mr. Foster's hands.

-- Questions have also been raised about the alleged existence of a wine cooler bottle near Mr. Foster's body and a stain on Mr. Foster's shirt which appeared to be a combination of wine and vomit. These assertions were made by the CW. The lab reports conducted on Mr. Foster's shirt reveal that the stain was purely blood and no traces of wine or vomit were found. The U.S. Park Police asserts that no wine coolers were found near Mr. Foster's body, but wine coolers were in an automobile located in the parking lot but not belonging to Mr. Foster. Additionally, no alcohol was found in Mr. Foster's bloodstream.

-- Questions have been raised regarding a discrepancy between CW's recollection of the various contents of the two cars located in the parking lot at Fort Marcy Park the afternoon of Mr. Foster's death. All parties involved agree that there were two cars in the parking lot -- one belonged to Vincent Foster and was grey in color and the other was a white Honda. According to CW, inside the white Honda were two wine coolers and a jacket that matched the pants CW saw on Vincent Foster.

In contrast, the U.S. Park Police investigation (at the time of the death) and Special Counsel Fiske's investigation (nine months later) both determined, based on information from the owner and passenger of the white Honda, that the wine coolers were in fact in their car. As well, no jacket was in their car despite the testimony of the CW. The U.S. Park Police found the jacket matching Mr. Foster's pants in the car belonging to Mr. Foster.

-- Also of concern is the statement by CW that the ground at the bottom of the berm where the body was found was trampled and worn. It would be impossible to determine, however, whether the ground was trampled by the footsteps of Mr. Foster pacing back and forth or by the footsteps of others.

Other Evidence of Marginal Value

-- Several commentators have questioned the origin of carpet fibers found on Mr. Foster's body or clothes. Although the origin of those fibers and hair have not been substantiated, a determinative finding of the origin is not practical nor necessary in light of other overwhelming forensic evidence. Specifically, carpet fibers may be transmitted from almost any source. It would be impossible to determine when or where the carpet fibers found on Mr. Foster's clothing would have originated.

-- Rumors have also arisen concerning a blond hair found somewhere on Mr. Foster's body, possibly on his undershorts. Prior to beginning the autopsy, Mr. Foster's clothing was removed and commingled together. Therefore, it is impossible to determine which piece of clothing the hair was originally attached.

The blond hair found on Mr. Foster could have come from anyone. Possibly, the hair belonged to his daughter who has long blond hair. The day of his death, Mr. Foster was driving the car typically driven by his daughter. Moreover, the morning of his death, Mr. Foster drove his daughter to work, leaned over and kissed her good-bye -- an act whereby a hair could have easily been transmitted. The hair could have also belonged to anyone of the guests at the swearing-in ceremony of FBI Director Louis Freeh which took place in the Rose Garden the day of Mr. Foster's death. Because the forensic evidence so conclusively points to a suicide, the origin of the blond hair is hardly relevant.

-- Another area of concern seems to be the existence of semen found on Mr. Foster's undershorts. Those who suggest that the presence of semen demonstrates that a sexual liaison occurred on the afternoon of Mr. Foster's death ignore the testimony of medical experts who suggest that it is not uncommon for an individual, at the time of death, to defecate, urinate, or even ejaculate.

-- Finally, some have questioned why Mr. Foster's body was not exhumed. Based upon the uncontroverted forensic evidence coupled with the pain such a procedure would understandably cause the Foster family, it was determined that Mr. Foster's body need not be exhumed. As suggested above, the Pathology Panel reasonably determined that sufficient evidence was preserved to allow them to conduct their own independent review.

CONCLUSION

I must agree that not every question regarding the death of White House aide Vincent Foster has been definitively answered. Nonetheless, I have reached the conclusion that all available facts lead to the undeniable conclusion that Vincent W. Foster, Jr. took his own life in Fort Marcy Park, Virginia on July 20, 1992.

Perhaps the unexpected death of any high government official will needlessly bring cries of conspiracy from many in our society. That is unfortunate. The death of Mr. Foster has been reviewed in detail by the experienced professionals at the U.S. Park Police, who were performing their tasks under extremely difficult circumstances. Special Counsel Robert Fiske took that investigation one step further by establishing a panel of noted forensic pathologists who reviewed all of the available evidence and reached the same conclusion as that of the Park Police. I reviewed the work of these two organizations and, with this report, support their findings.

Accordingly, this report closes the Government Operations Committee minority investigation on this stage of the death of Vincent Foster. The focus of this probe will now turn to the second portion of the investigation dealing with the handling of Mr. Foster's documents and the potential obstruction of justice by White House staff in the days following Mr. Foster's death.

My special thanks to officials of Fairfax County, Virginia, the U.S. Park Police, and the Office of Special Counsel Robert B. Fiske, Jr. for their assistance in conducting this review.

ENDNOTES

1. Despite an early determination by the U.S. Park Police that Vincent Foster had committed suicide, numerous news stories began to appear in early 1994 suggesting that the Park Police did not thoroughly perform their job or that the White House staff had improperly impeded the police investigation. These articles include:

   - On January 13, 1994, Washington Post reporter Michael Isikoff reports that DoJ and FBI agents have begun retracing the original handling of the Foster probe in a search for evidence that would shed light on his state of mind at the time of his death. Isikoff further reports that this effort began because the investigators were concerned that top White House aides may have hindered the U.S. Park Police from obtaining key evidence.

   - On January 27, 1994, the New York Post's Chris Ruddy reports that some of the first people to discover the body of Foster have raised new questions about the conclusion that it was a suicide. According to Ruddy, "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."

   - In late January, 1994, the Wall Street Journal filed suit in U.S. District Court to "force the release of reports on White House lawyer Vincent Foster's death. The DoJ had earlier planned to release these reports.

   - On February 3, 1994, the New York Post reports that former FBI Director William Sessions said that 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'". Sessions "said the FBI did not get involved in the probe for political reasons."

   - On February 4, 1994, ABC New's Jim Wooten reports that Secret Service records "show that the day after Foster died Nussbaum did take a photograph from the office and one of his assistants returned a trash bag previously removed from the office."

2. The autopsy was performed by Dr. Beyer. The autopsy was authorized by Dr. Donald Haut of the Office of the Chief Medical Examiner, Northern Virginia District, Commonwealth of Virginia. The Medical Examiner's Certificate, better known as a death certificate, is signed by Dr. Haut and lists the cause of death as "self-inflicted gunshot wound mouth to head."

3. The Forensic Pathologist Panel included four experienced and respected forensic pathologists. They include:

   (a) Dr. Charles S. Hirsch - Chief Medical Examiner for the City of New York.

   (b) Dr. James L. Luke - Forensic Pathology Consultant, FBI Investigative Support Unit, FBI Academy.

   (c) Dr. Donald T. Reay - Chief Medical Examiner for King County, Seattle, Washington.

   (d) Dr. Charles J. Stahl - Distinguished Scientist and Armed Forces Medical Examiner, Armed Forces Institute of Pathology, Washington, D.C.

   No evidence has been presented which would challenge the integrity of these experts.

4. Several commentators have argued that Mr. Foster's body, after he died, was moved to Fort Marcy Park. This issue will be addressed below.

5. Small traces of an anti-depressant, which Mr. Foster was known to have taken, was found in Mr. Foster's bloodstream.

6. Fiske report at 30; Deposition at 43.

7. Fiske report at 30.

8. Deposition at 19.

FN # 11-12

KAVANAUGH

103D CONGRESS
2d Session

SENATE

REPT. 103–433
Vol. I

MADISON GUARANTY S&L AND THE WHITEWATER DEVELOPMENT CORPORATION WASHINGTON, DC PHASE

REPORT

OF THE

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS UNITED STATES SENATE

ON THE

INQUIRY INTO THE U.S. PARK POLICE INVESTIGATION OF THE DEATH OF WHITE HOUSE DEPUTY COUNSEL VINCENT W. FOSTER, JR.

together with

ADDITIONAL VIEWS

JANUARY 3, 1995.—Ordered to be printed
Filed under authority of the order of the Senate of December 1 (legislative day, September 12), 1994

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1995

85–918

SUMMARY

The evidence overwhelmingly supports the conclusion of the Park Police that on July 20, 1993, Mr. Foster died in Fort Marcy Park from a self-inflicted gun shot wound to the upper palate of his mouth.[7] The Department of Justice, the Federal Bureau of Investigation ("FBI") and the Office of the Independent Counsel reached the same conclusion after conducting their own investigations of Mr. Foster's death.

Although some aspects of the Park Police investigation varied from standard procedures for conducting a death investigation, the Committee found no evidence that any variances in the Park Police investigation affected the ultimate conclusion that Mr. Foster committed suicide at Fort Marcy Park.

BACKGROUND

After President Clinton's inauguration on January 20, 1993, Mr. Foster assumed his position as Deputy White House Counsel. Mr. Foster lived with his sister, Assistant Attorney General Sheila Foster Anthony, and her husband, former Congressman Beryl Anthony, while Mr. Foster's new home in Washington, D.C. was being renovated. During the two and one-half months Mr. Foster lived with his sister, she noticed that he was working long and hard hours, typically leaving for work between 7:00 a.m. and 8:00 a.m., and returning home between 10:00 p.m. and 11:00 p.m. He worked

speculation for political ends. It is so unfair for the family's privacy and emotions to be pawns in a partisan struggle.

(Statement of Vincent Foster's Family, July 20, 1994).

I know this has to be a terrible ordeal for the Foster family and my heart goes out to them. It is unfortunate that the tragic events of last summer must be the subject of conjecture. The Senate has instructed this Committee to review this matter, and I commend Senator Riegle and Senator D'Amato for their willingness to comply with the Senate's instructions. This is a disagreeable facet of Washington life and I want to express my remorse to Mrs. Foster and the children and friends.

(Senator Hatch, 7/29/94 Hrg. pp. 94–95).

Similarly, Senator Bryan stated:

I'm hopeful * * * that today's hearing focusing on the tragic death of Vincent Foster can be conducted in a manner which [will] not unnecessarily add to the personal grief his family has already endured. This is not the time, nor the place for sensationalism. I did not know Mr. Foster but from what I've heard about him, he was a good man who came to Washington to serve his President and his country.

(Senator Bryan, 7/29/94 Hrg. p. 71).

Senator Campbell suggested truncating the Senate investigation:

These hearings begin with the investigation of Vincent Foster's suicide and that should turn the stomach of any caring American. I really believe we should drop that whole issue and it's obvious we're not going to but we should for the sake of Vince Foster and his family. That was their specific wish. The independent counsel, Mr. Fiske, concluded that this was a suicide, the family is satisfied with the Fiske investigation and it would seem to me, rather than flogging the issue, we should be ashamed of ours[elves] and let the man's family live at peace and let him rest in peace.

(Senator Campbell, 7/29/94 Hrg. pp. 86–87).

[7] Several Committee members, including Senators Hatch and Bennett, announced at the hearing that they had concluded that Mr. Foster committed suicide. Senator Hatch said:

There is absolutely no credible evidence to contradict the Fiske Report's conclusion that Vincent Foster took his own life and it happened in Fort Marcy Park. There is no credible evidence to the contrary. I suspect conspiracy theorists will always differ with this conclusion and little this Committee does is going to muffle their speculation.

(Senator Hatch, 7/29/94 Hrg. p. 95).

Senator Bennett took a similar position:

I will be happy to stipulate that Vincent Foster committed suicide. There was a time when the rumors that were in the press led me to believe there was some credence to an additional theory. I find no possible justification for that now, and I am one Senator who's willing to say this hearing should not be about whether or not Vincent Foster committed suicide.

(Senator Bennett, 7/29/94 Hrg. p. 72).

Monday through Saturday and was on call on alternating Sundays.(6)[8] The fact that no secretaries worked in the White House Counsel's office during the first few weeks of the Administration added to Mr. Foster's workload. Mr. Kennedy also noticed that Mr. Foster had lost weight and seemed "exhausted and fretful."(7) Though Mr. Foster was no stranger to pressure, Mrs. Foster noted that his White House work schedule did not allow him to relax by jogging or spending time with his family as he had in Arkansas.(8)

Mr. Foster's longtime doctor and friend in Little Rock, Dr. Larry Watkins, also noticed changes in Mr. Foster. Shortly after the November 1992 Presidential election, Dr. Watkins noticed that Mr. Foster went through a period of increased stress and insomnia. On December 31, 1992, Dr. Watkins prescribed Restoril, a mild sleeping pill.(9) He was later told by Mrs. Foster that Mr. Foster had improved.(10)[9] Dr. Watkins also recalled a conversation with Mr. Foster during which Mr. Foster said he thought he was fighting depression and complained of loss of appetite and insomnia. Dr. Watkins prescribed 50 milligram tablets of the tricyclic anti-depressant drug Desyrel, also known generically as Trazadone.(11)[10]

On June 5, 1993, when Mrs. Foster arrived in Washington, she noticed that her husband had lost weight and looked "awful."(12) Mr. Foster seemed tense and anxious about work-related matters and appeared to be under stress.(13) Mrs. Foster recalled one night during which he was sweating profusely and feeling sick.(14) Mr. Foster expressed some of his concerns in a note he had written about one week to ten days before his death. Mrs. Foster recalled that she had urged her husband to write down his concerns and she believed that her husband wrote the note in response to this suggestion.(15) The note, which was torn into 27 pieces when it was discovered six days after Mr. Foster's death, reads as follows:

> 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

[8] William Kennedy, Associate White House Counsel and former partner at the Rose Law Firm, described Mr. Foster's White House routine as arriving at the White House at about 8:00 a.m., attending a staff meeting at 9:00 a.m., and spending the rest of the day in the office. Mr. Foster rarely left the office for lunch, eating instead in the White House cafeteria. Mr. Kennedy recalled that Mr. Foster frequently stayed at the White House until 10:00 p.m. or 11:00 p.m. When his family moved to Washington, D.C., Mr. Foster began leaving at about 7:00 p.m., but took work home with him. (OIC Document 000254).

[9] On the night of July 20, 1993, Mrs. Foster called Dr. Watkins and notified him of Mr. Foster's death. Dr. Watkins said he was surprised at the suicide, but concluded that it was due to the depression Mr. Foster had described to Dr. Watkins in their telephone conversation the day before. According to Dr. Watkins, Mrs. Foster told him that her husband had taken one Desyrel tablet on the night of July 19, 1993. (OIC Document 000315).

[10] Dr. Watkins said that he chose Trazadone because it has no side effects and is helpful for insomnia. Trazadone takes about 10 to 14 days to take effect on depression, but Dr. Watkins did not believe Mr. Foster's depression was severe. According to Dr. Watkins, the pills could not have been the cause of the suicide and opined that Mr. Foster's depression must have been acute. (OIC Documents 000313-000314).

ADDITIONAL VIEWS OF SENATORS MURRAY AND CAMPBELL REGARDING THE INVESTIGATION OF VINCENT FOSTER'S DEATH

We congratulate the staff of the Senate Banking Committee for a serious, balanced, and impartial analysis of the Whitewater hearings. The report is extensive, and the recommendations are sound; this document will help future administrations avoid the conflicts and poor decisions that caused so much trouble.

The Senate resolution governing these hearings, S. Res. 229, authorized the Committee to "conduct hearings into whether improper conduct occurred regarding . . . the Park Police investigation into the death of White House Deputy Counsel Vincent Foster." The Committee interviewed many witnesses and conducted hearings with sworn testimony from officials involved in the Foster investigation. The Committee found no improper conduct in this investigation. The Committee agreed with the Independent Counsel that the Park Police, the FBI, and the medical examiners did their job, and that there is no reason to question their conclusion that Vince Foster did indeed commit suicide.

There are other public documents which provide information on Foster's history in the White House and on his state of mind leading up to his death. We do not believe that consideration of these matters is required under S. Res. 229, and we would have preferred that the Committee report not address them.

Vincent Foster's suicide was sad and tragic, and it's time to allow his family to remember his accomplishments, rather than dwell on the circumstances of his death.

BEN NIGHTHORSE CAMPBELL
PATTY MURRAY

ADDITIONAL VIEWS OF SENATORS D'AMATO, FAIRCLOTH, BOND, HATCH, SHELBY, MACK, AND DOMENICI

We agree with the majority's conclusion that on July 20, 1993 Vincent Foster took his own life in Fort Marcy Park. The Foster family has experienced a terrible ordeal and the Committee has endeavored to be sensitive to the concerns of the Foster family in discharging its responsibilities pursuant to Senate Resolution 229. We believe the Committee has conducted its investigation in a manner which did not add unnecessarily to the personal grief and loss of the Foster family.

We are unable accept the majority view that variances in Park Police procedure are little cause for concern. Many of the variances in Park Police procedure occurred because of direct involvement and interference by staff from the White House. Various Park Police personnel commented on the frustrating involvement of the White House.

Without further investigation, we are not as willing as the majority to dismiss or discount the potential significance of incidents such as:

—the White House interference into the Park Police search of Foster's office;
—the presence of White House counsel staff during standard Park Police investigatory interview;
—the White House insistence that the Park Police investigation proceed with Department of Justice involvement to the extent that DOJ was "calling the shots" and "setting up protocol" and the Park Police were "stand[ing] and waiting for permission to do our job". [Hume.Trans., 48–9];
—the White House request for, and early receipt of, (July 20 and 21) of Foster's pager and other personal effects before the investigation concluded;
—the late delivery of the note in Mr. Foster's office to Park Police, discovered by White House counsel.

We believe the Committee should continue to investigate the significance of possible White House interference in the Park Police investigation of the death of Mr. Foster. In addition, we believe the Committee's need to continue this inquiry is linked inextricably to the Committee's investigation into the handling of the documents in Mr. Foster's office at the time of this death which has been delayed at the request of the Independent Counsel. We urge the Committee to proceed with these investigations as soon as practicable based upon consultation and coordination with the Independent Counsel's ongoing investigation.

ALFONSE D'AMATO
LAUCH FAIRCLOTH
CHRISTOPHER S. BOND
ORRIN HATCH
RICHARD SHELBY
CONNIE MACK
PETE V. DOMENICI

FN #13

2. **Does the finding of semen on his boxer shorts reflect a possible sexual liason in Fort Marcy Park?**

No: involuntary urination, secreted seminal fluid, and defecation often occur upon death from any cause.

3. **Why did this death occur in Fort Marcy Park?**

If we accept the idea that Foster was ambivalent to the end and that he may have driven his car for some time after secreting the gun from his home, the following possibilities are apparent: he may have simply and inadvertently happened upon the park or he may have purposely picked it off the area map found in his car.

We know Foster valued privacy. He spoke in his Commencement Address of taking "an occassional walk alone in the woods." Similar to the typical male physician who suicides by seeking the guaranteed privacy of a hotel room, and a "do not disturb" sign, Foster, protective of his family, would be most unlikely to suicide at home, leaving the possibility of being discovered by his children as a legacy.

4. **Why was no suicide note left by Foster?**

First, it is less, vs. more, common to leave a suicide note. Only 12-15% of suicides leave a note; 85-88% do not (Leenaars, 1992).

Secondly, Foster, again, was intensely private, protective, and loyal to his family and the president/first family. It would be out of character for him to leave a disclosure such as a note.

Thirdly, I believe Foster was intensely self-focused at this point; overwhelmed and out of control.

5. **Why did the pressure get to Foster now?**

He was under an increasing burden of intense external stress, a loss of security, a painful scanning of his environment for negative judgments regarding his performance, a rigid hold of perfectionistic self-demands, a breakdown in and the absence of his usual ability to handle that stress primarily due to the impact of a mental disorder which was undertreated. He simply could not maintain control or see a way out. Most likely, the precipitating "event" that triggered his suicide was a complex of: dashed expectations of relief from the weekend away, anxiety pertaining to the possible Congressional inquiry, highlighted by the meeting planned with his attorney, and the Freeh nomination placed in the context of the *Wall Street Journal* column the day before.

Mode of Death Determination:

In my opinion and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion.

At worst, there remains a lack of **additional** validating evidence answerable by a number of yet unresolved/unanswered questions posed by the unavailabilty of family members for direct

PAGES 10-12 ⇒ PERSONAL INFO

CURRICULUM VITAE

BRIAN D. BLACKBOURNE, M.D.
COUNTY MEDICAL EXAMINER
5555 Overland Avenue, Bldg. #14
San Diego, CA 92123
(619) 694-2899

PERSONAL

Date of birth: [redacted] FOIA(b)(6)

Citizenship: United States

EDUCATION

High School: LETHBRIDGE COLLEGIATE INSTITUTE
Lethbridge, Alberta, Canada
Graduated in 1956

Pre-Medical: UNIVERSITY OF ALBERTA
Edmonton, Alberta, Canada
M.D. Degree, June 1962

Internship VANCOUVER GENERAL HOSPITAL
Vancouver, B.C., Canada
Rotating Internship, 1962 - 1963

RESIDENCY

Surgery SANTA BARBARA COTTAGE HOSPITAL
Santa Barbara, California
1963, 6 months

Pathology SANTA BARBARA COTTAGE HOSPITAL
Santa Barbara, California
1964 - 1965, 18 months (Anatomic Pathology)

BORROW NEUROLOGICAL INSTITUTE OF
ST. JOSEPH'S HOSPITAL
Phoenix, Arizona
1965 - 1966, 12 months (Neuropathology)

MEMORIAL HOSPITAL FOR CANCER AND ALLIED DISEASES
New York, New York
1966 - 1967, 12 months (Cancer Pathology)

LICENSURE

Licentiate of the Medical Council of Canada, 1962
California State License, by examination, 1963
District of Columbia, by reciprocity, 1972
Commonwealth of Massachusetts, by reciprocity, 1983

PROFESSIONAL QUALIFICATION

Board Certified in Anatomic Pathology, June, 1968
by the American Board of Pathology

Board Certified in Forensic Pathology, June, 1969
by the American Board of Pathology

PROFESSIONAL APPOINTMENT

COUNTY MEDICAL EXAMINER, San Diego County
February 9, 1990 - Present

CLINICAL PROFESSOR OF PATHOLOGY (FORENSIC)
University of California at San Diego
1990 - Present

CHIEF MEDICAL EXAMINER, Commonwealth of Massachusetts
1983 - 1990

PROFESSOR OF PATHOLOGY, University of Massachusetts
School of Medicine, 1983 - 1990

DEPUTY CHIEF MEDICAL EXAMINER
Washington, D.C., 1972 - 1982

ASSISTANT MEDICAL EXAMINER
Metropolitan Dade County (Miami, Florida), 1967 - 1972

CLINICAL ASSOCIATE PROFESSOR OF PATHOLOGY
George Washington University School of Medicine,
1972 - 1982

CLINICAL ASSISTANT PROFESSOR OF PATHOLOGY
Howard University College of Medicine, 1972 - 1982
Georgetown University School of Medicine, 1972 - 1982

ASSISTANT PROFESSOR, Department of Pathology,
University of Miami, 1970 - 1972

PATHOLOGIST AND MEDICAL CONSULTANT to the
University of Miami Automobile Crash Study Team, 1969 - 1971

PATHOLOGIST with the University of Miami
Sudden Cardiac Death Study Team, 1970 - 1972

MEMBERSHIPS IN PROFESSIONAL ASSOCIATIONS

- American Academy of Forensic Sciences (Fellow)
  Chairman, Pathology/Biology Section - 1990
- National Association of Medical Examiners
- Massachusetts Medico-Legal Society

COURT TESTIMONY

(As of August 31, 1995)

Qualified as an expert and testified in the Criminal County of Massachusetts - 9 times

Criminal and Civil Courts of Dade County, Florida 86 times

Superior Court, District of Columbia - 150 times

Criminal Court of Jamaica, West Indies on two occasions, December 1971 and March 1972

Grand Jury and the Supreme Court, City of New York, three occasions, 1972 and 1986

Circuit Court for Prince George's County, Maryland, three occasions

U.S. District Court, Washington, D.C., two occasions

U.S. District Court, Miami, Florida, one occasion

U.S. District Court, Key West, Florida, one occasion

District Court and Superior Court, Commonwealth of Massachusetts, 52 times

Federal Court, Los Angeles, California, 1 time

Superior Court, San Diego County, California, 41 times

Superior Court, Imperial County, California, 7 times

Superior Court, Sutter County, California, 1 time

Superior Court, Los Angeles County, California, 2 times

TOTAL COURT APPEARANCES: 361

EMPLOYMENT HISTORY

MEDICAL EXAMINERS OFFICE
ASSISTANT MEDICAL EXAMINER
Dade County, Florida (Greater Miami)
July 1967 - June 1972

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF MEDICAL EXAMINER
DEPUTY MEDICAL EXAMINER
July 1972 - December 1982

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE CHIEF MEDICAL EXAMINER
CHIEF MEDICAL EXAMINER
January 1983 to February 1990

BIBLIOGRAPHY

1. Blackbourne, B.D., Piper, C.E. and Dickson, D.R.: Pseudo-tumor of the Omentum presenting as a surgical Emergency, J.A.M.A., 192:784-785, May, 1965

2. Gray, P.A. and Blackbourne, B.D.: Long-standing Diabetes Mellitus, A Case Report, Diabetes, 15:277-278, April, 1966

3. Blackbourne, B.D. and Failing, R.M.: Sudden Death Due to Endocardial Fibroelastosis, A Case Report, J. of Forensic Sciences, 11:384-389, July, 1966

4. Blackbourne, B.D. and Waggener, J.D.: Ultrastructure of a Primary Cerebral Reticuloendothelial Sarcoma, Microgliomatosis. Presented before the annual meeting of the American Association of Neuropathologists, Washington, D.C., June 11, 1966

5. Dollinger, M.A., Ratner, L.H., Shamoian, C.A. and Blackbourne, B.D.: Carcinoid Syndrome Associated with Pancreatic Tumors. Archives of Internal Medicine, 120:575-580, November, 1967

6. Blackbourne, B.D.: Infant Death Due to Accidental Suffocation, Strangulation or Hanging in Crib or Playpen. Testimony presented before the National Commission on Product Safety, Boston Hearing, December 17, 1968. Abstracted in Interim Report Recommending Enactment of the Child Protection Act of 1969

7. Blackbourne, B.D.: Pesticide Poisoning, A Medical Examiner's View. Presented:

   - South Texas Pesticide Conference, McAllen, Texas, January 29, 1969. Published in Proceedings of Meeting.

   - University of Minnesota Agricultural Pesticide Short Course, Minneapolis, Minnesota, January 21, 1970. Published in Proceedings.

   - Illinois Custom Spray Operators Training School, Urbana, Illinois, January 28, 1970. Published in Proceedings.

   - Center for Disease Control, U.S. Public Health Service, Atlanta, Georgia, Pesticide Schools, May 1971 and October 1971.

8. Blackbourne, B.D.: Cocaine and Heroin Use in Dade County, Florida. Testimony presented before the Select Committee on Crime, United States House of Representatives, Miami Hearing, December 4, 1969.

9. Blackbourne, B.D.: Crib or Coffin, The Forensic Science Gazette, 1:1-3, September 1970

10. Davis, J.E., Edmundson, W.F., Blackbourne, B.D., Carmichael,L.P., Engel, D. and Moore, T.: Epidemiologic Approach to Heroin Addiction in Dade County, Florida, J. Florida Medical Association, 58:37-40

11. Klein, A.W., Davis, J.H., Blackbourne, B.D.: Marijuana and Automobile Crashes, Journal of Drug Issues, 1:18-26, January 1971

12. Blackbourne, B.D., Davis, J.H.: Drug Abuse Problems, Journal of Drug Issues, 1:86-89, January 1971

13. Blackbourne, B.D.: Skin and Clothing Pattern Injuries from Lighting. Presented before the Pathology Section of the 23rd Annual Meeting of the American Academy of Forensic Sciences, Phoenix, Arizona, February 22, 1972.

14. Wetli, C.V., Davis, J.H., and Blackbourne, B.D.: Narcotic Addiction in Dade County, Florida, Archives of Pathology, 93:330-343, April 1972

15. Blackbourne, B.D.: Danger - Baby's Bath - Forensic Science Gazette, 2,1-3, December 1971

16. Blackbourne, B.D.: Electrical Accident. Presented before the Second Annual Accident Pathology Seminar, Armed Forces Institute of Pathology, Washington, D.C., May 5, 1972

17. Blackbourne, B.D.: Barbiturate Deaths, Dade County, Florida, 1970 and 1971. Prepared for the National Commission on Marijuana and Drug Abuse, June 1972

18. Blackbourne, B.D.: The Role of Drug and Chemical Abuse in Violent Deaths and Poisonings, Dade County, Florida. Testimony before the Select Committee on Crime, United States House of Representatives, Miami. Hearings July 5, 1972

19. Blackbourne, B.D.: Accidental Injuries in Children. Clinical Proceedings Children's Hospital National Medical Center, 30:83-91, April 1974

20. Liberthson, R.R., Nagel, E.L., Hirschman, J.C., Nussenfeld, S.R., Blackbourne, B.D., and Davis, J.H.: Pathophysiologic Observations in Prehospital Ventricular Fibrillation and Sudden Cardiac Death, Circulation, 49:790-798, May 1974

21. Luke, J.L., Blackbourne, B.D., Donova, J.W.: Bed Sharing, Deaths Among Victims of Sudden Infant Death Syndrome, The Forensic Science Gazette, 5:3-4, April 1974

22. Blackbourne, B.D.: Preventable Accidental Injuries in Children. Presented before the American Academy of Forensic Sciences Annual Meeting, Chicago, Illinois, February 1975

23. Blackbourne, B.D.: Patterns of Homicides of Children. Presented before the American Academy of Forensic Sciences Annual Meeting, Chicago, Illinois, February 1975

24. Blackbourne, B.D.: Intersection Collisions - The Side Impact Fatality. Presented before the American Academy of Forensic Sciences Annual Meeting, Washington, D.C., February 1976

25. Blackbourne, B.D.: The Role of the Medical Examiner in Automobile Crash Investigation. Proceeding the 21st Conference, American Association for Automotive Medicine, September 15, 1977

26. Blackbourne, B.D.: Injury - Vehicle Correlations in the Investigation of Motor Vehicle Accidents, Legal Medicine 1980, Cyril H. Wecht, Editor, W.B. Saunders, Publisher

27. Kleinman, P.K., Marks Jr., S., Blackbourne, B.D.: The Metaphyseal Lesion in Abused Infants: A Radiologic - Histopathologic Study. AJR 146:895-905, 1986. Recipient of the Caffey Award from the Society for Pediatric Radiology

28. Kleinman, P.K., Marks, S.C., Jr., Adams, V.I., Blackbourne, B.D.,: Factors Affecting Visualization of Posterior Rib Fractures in Abused Infants, AJR 150:635-638, 1988.

29. Kleinman, P.K., Blackbourne, B.D., Marks, S.C., A., Belanger, P.L.: Radiologic Contributions to the Investigation and Prosecution of Cases of Fatal Infant Abuse. NEJM, 320:507-511, 1989

30. Krosch, C., Binkerd, V., Blackbourne, B.D.: Custody Death Task Force; San Diego Police Department Publication, 1992

PRINCIPAL INSTRUCTOR

George Washington University School of Medicine 2nd year, Elective Course: "Forensic Pathology" (12 lectures), 1975 - 1982

GEORGETOWN UNIVERSITY SCHOOL OF MEDICINE 2nd year Elective Course: "Community and Environmental Pathology" (12 half days), 1973 - 1983

FORENSIC PATHOLOGY SEMINAR FOR PATHOLOGY RESIDENTS (12 lectures), November 1976 and March 1982

SEMINAR DIRECTOR: Seminars on Medico-Legal Investigation of Death, Boston, Worcester and Springfield, 1983 - 1987

GUEST LECTURER

FEDERAL BUREAU OF INVESTIGATION ACADEMY
Quantico, Virginia, 1974 - 1979

ARMED FORCES INSTITUTE OF PATHOLOGY
Accidental and Forensic Pathology Courses
Washington, D.C., 1979 to 1989

METROPOLITAN POLICE DEPARTMENT, WASHINGTON, D.C.
Homicide School, 1973 - 1988

HARVARD ASSOCIATES IN POLICE SCIENCE SEMINAR FOR HOMICIDE DETECTIVES, Baltimore, Maryland, 1983 - 1989

PATHOLOGY EXPERIENCE

Personally performed 5,520 autopsies, including 5,220 medical-legal autopsies (as of August 31, 1995)

Homicides	823
Suicides	704
Total Gunshot Wounds	777
Vehicular Fatalities	796
Drownings	238
Fire Deaths	113
Electrocutions	31
Narcotic Deaths	178

ALAN L. BERMAN, PH.D.
WASHINGTON PSYCHOLOGICAL CENTER, P. C.
SUITE 602
4201 CONNECTICUT, N.W.
WASHINGTON, D. C. 20008

OFFICE TELEPHONE
(202) 364-1575
HOME TELEPHONE
(301) 657-9367
FAX: (202) 364-0561

ALAN L. BERMAN, PH.D.
KATHARINE J. BETHELL, M.S.W.
MARILYN LAMMERT, M.S.W., SC.D.
ALLAN M. LEVENTHAL, PH.D.
BARRY W. MCCARTHY, PH.D.
CRAIG E. MESSERSMITH, D.ED.

DIPLOMATE IN CLINICAL PSYCHOLOGY
AMERICAN BOARD OF
PROFESSIONAL PSYCHOLOGY

Revised: June, 1996

VITA

Name: Alan Lee Berman (Lanny)

Address: (office) Washington Psychological Center, P.C.
Suite 602
4201 Connecticut Ave., N.W.
Washington, D.C. 20008

(home) 7200 Maple Ave.
Chevy Chase, MD 20815

Phone: (O) (202) 364-1575 (H) (301) 657-9367
(O) (202) 237-2280

FAX: (202) 364-0561; (202) 237-2282

Date of Birth: [redacted] FOIA(b)(6)

Marital Status: Married, 2 sons

Education: Malden, MA High School (1961)
The Johns Hopkins University (B.A., 1965)
The Catholic University of America (Ph.D., 1970)

Current Employment:

1995-: Executive Director, American Association of Suicidology, Washington, DC

1991-1995: Director, The National Center for the Study and Prevention of Suicide, Washington School of Psychiatry, Washington, DC

1977-present: Private practice of psychotherapy and psychological consultation. Washington Psychological Center, P.C.

1991-present: Distinguished Adjunct Professor of Psychology, American University, Washington, DC

Past Employment:

1969-1991: Department of Psychology, American University, Washington, D.C.: professor with tenure (1979-1991); associate professor (1975-79); assistant professor (1970-74); instructor (1969).

1971-1976: Part-time practice of psychotherapy and psychological consultation. Washington, D.C.

1969-1976: The American University Counseling Center. Joint appointment with academic position. Director of internship and externship training; Co-director, A.U. Multiple Emergency Service.

Part-Time Past Employment:

1972-1976: Kingsbury Center, Washington, D.C.
1972: Guide, Inc., Montgomery County, MD.
1968-1972: Boy's Village of Maryland, Cheltenham, MD.

Honors/Awards

Edwin S. Shneidman Award for outstanding contribution in research, American Association of Suicidology, 1982.

Diplomate in Clinical Psychology, American Board of Professional Psychology, 1979.

Elected Fellow, Academy of Clinical Psychology, 1994.

Elected Fellow, International Academy of Suicide Research, 1993.

Appointed (April, 1994) Editor-in-Chief, Suicide and Life-Threatening Behavior, 1995-2000. Position returned to current editor in November, 1994 in order to accept following:

Elected (November, 1994) Executive Director, American Association of Suicidology.

Consulting Editor, Suicide and Life-Threatening Behavior, 1981-present.

Case Conference Editor, Suicide and Life-Threatening Behavior, 1989-1995.

President, American Association of Suicidology, 1984-1985.

Board of Directors, National Committee on Youth Suicide Prevention, 1984-present.

Elected Fellow, American Psychological Association, Division 12 (Clinical), 1986; Division 42 (Independent Practice), 1990; Division 29 (Psychotherapy), 1993.

Appointed, Task Force on the Prevention of Adolescent Suicide, U.S. Dept. of Health and Human Services, 1985-6.

Appointed, Violence Prevention Panel, Centers for Disease Control, Atlanta, GA, 1990-1991.

President, Mid-Atlantic Regional Chapter of the American Association of Suicidology (MARCASS), 1992-1993.

Appointed Founding Editorial Board Member, Crisis Intervention and Time-Limited Treatment, 1992-present.

Appointed, Columnist, Crisis, 1993-present

Elected, Faculty, Child and Adolescent Program, Washington School of Psychiatry (1993-); and Brief Psychotherapy Program (1993-).

Recipient, Governor's Citation, State of Maryland (1993).

Co-Director, Summer Institutes at Santa Fe, American Association of Suicidology, 1990-1994.

Appointed (1996), Consultant, Office of Independent Counsel, to investigate death of White House Deputy Counsel Vincent Foster.

Publications:

Books

Berman, A. L. (Ed.) (1982). Proceedings of the fourteenth annual meeting of the American Association of Suicidology, Albuquerque.

Berman, A.L. (Ed.), (1990). Suicide Prevention: Case Consultations. N.Y.: Springer.

Berman, A.L. & Jobes, D.A. (1991). Youth Suicide: Assessment and Intervention, Washington, D.C.: American Psychological Association. (Currently in 4th Printing).

Maris, R. W., Berman, A.L., Maltsberger, J.T., & Yufit, R. (Eds.) (1992). Assessment and Prediction of Suicide. New York: Guilford. Chosen as Book-of-the-Month by the Behavioral Science Book Service.

Leenaars, A. A., Berman, A. L., Cantor, P., & Maris, R. W. (Eds.). (1993). Suicidology: Essays in Honor of Edwin S. Shneidman. Nothvale, New Jersey: Jason Aronson.

Maris, R. W., Berman, A. L., & Mann, J. (In Preparation). Comprehensive Textbook in Suicidology. New York: Guilford.

Berman, A. L. & Litman, R. E. (In Preparation). Forensic Suicidology: The Psychological Autopsy.

Bongar, B., Berman, A.L., Litman, R., Maris, R. W., & Silverman, M. M. (In Press). Avoiding Liability with Suicidal Patients. New York: Guilford.

Book Chapters, Articles, Monographs

Berman, A. L. The image of the University: Faculty perspectives of the American University. (1970). Washington, D.C.: The American University.

McCarthy, B. W. & Berman, A. L. (1971). A student-operated crisis center. Personnel & Guidance Journal, 49, 523-528. Reprinted in NIMH Mental Health Digest (1971), 3, 3-4. Reprinted in Zimpfer, D. (Ed.). (1973). Paraprofessionals in Counseling and Personnel Services.

Berman, A. L. (1971). Social Schemas: An investigation of age and socialization variables. Psychological Reports, 28, 430.

Berman, A. L. (1971). Reply to Kuethe: On replacing the replacement technique. Psychological Reports, 28, 430.

Berman, A. L. (1972). Videotape self-confrontation of schizophrenic ego and thought processes. Journal of Consulting & Clinical Psychology, 39, 78-85.

Berman, A. L. & McCarthy, B. W. (1972). Curriculum "relevance" and community mental health. Journal of College Student Personnel, 13, 77-78.

Berman, A. L., Messersmith, C. E., & Mullens, B. N. (1972). A profile on group therapy practice in university counseling centers. Journal of Counseling Psychology, 19, 353-354.

Berman, A. L. (1972). Crisis interventionists and death awareness: An exercise for training in suicide prevention. Crisis Intervention, 4, 47-52.

Berman, A. L. (Ed.) (1972). The university as community: Studies of the student and university culture. Washington, D.C.: The American University.

Berman, A. L. (1973). Experiential training for crisis intervention. In G. Spector & W. Claiborne (Eds.), Crisis intervention, Vol. 2: A topical series in community-clinical

psychology (pp. 95-106). New York: Behavioral Publications.

Berman, A. L. (1973). Smoking Behavior: How is it related to locus of control, death anxiety, and belief in afterlife? Omega, 4, 149-155.

Berman, A. L. & Hays, J. E. (1973). Relation between death anxiety, belief in afterlife and locus of control. Journal of Consulting and Clinical Psychology, 41, 318.

Berman, A. L. (1974). Belief in afterlife, religion, religiosity, and life-threatening experiences. Omega, 5, 127-135.

Leventhal, A. L, Berman, A. L., McCarthy, B. W., & Wasserman, C. W. (1974). The P.E.A.C.E. program at American University: A report after one year's operation. Washington, D.C.: The American University.

Berman, A. L. (1975). Self-destructive behavior and suicide: Epidemiology and taxonomy. In A. R. Roberts (Ed.), Self-destructive behaviors. Springfield, IL: C.C. Thomas.

Berman, A. L. (1975). Group psychotherapy training: Issues and models. Small Group Behavior, 6, 325-344.

Berman, A. L. (1975). The epidemiology of life-threatening events. Suicide, 5, 67-77.

Krieger, H., Wasserman, C., Berman, A., McCarthy, B., & Krieger, J. (1975). The American University "Hotline": A model telephone crisis intervention service. American Psychological Association Journal Abstract Service, 5, No. 862, 125 pp.

Leventhal, A., Berman, A., McCarthy, B., & Wasserman, C. (1976). The P.E.A.C.E. training program. In P.G. Schauble, J.L. Resnik, & J.I. Morgan (Eds.), Paraprofessional training: Functions, methods & issues, 2, (pp. 52-57), University of Florida Psychological and Vocational Counseling Center Monograph.

Leventhal, A., Berman, A., McCarthy, B., & Krieger, H. (1977). Peer counseling on a university campus. Journal of College Student Personnel, 504-509.

Berman, A. L. (1977-1978) (Associate Ed.). Spouse Abuse. Victimology, 2, No. 3-4.

Berman, A. L. (1979). Dyadic death: Murder-suicide. Suicide and Life-threatening Behavior, 9, 23-25.

Berman, A. L. (1979). An analysis of suicidal and non-natural deaths among the Duck Valley Indians. Final report to the McCormick Foundation. Washington, D.C.: American University.

Scruggs, J., Berman, A. L., & Hoage, C. (1980). The Vietnam veteran: Psychological consequences of the Vietnam war. Military Medicine, 145, 267-269.

Cohen-Sandler, R. & Berman, A. L. (1980). Diagnosis and treatment of childhood depression and self-destructive behavior. Journal of Family Practice, 11, 51-58.

Berman, A. L. (1980). Indian suicide: The Duck Valley Reservation. Nevada Public Affairs Review, 1, 24-31.

Berman, A. L. (1981). Equivocal death casebook. Unpublished manuscript.

Cohen-Sandler, R., Berman, A. L., & King, R. (1982). Life stress and symptomatology: Determinants of suicidal behavior in children. Journal of the American Academy of Child Psychiatry, 21, 178-186.

Cohen-Sandler, R., Berman, A. L., & King, R. (1982). A follow-up study of hospitalized suicidal children. Journal of the American Academy of Child Psychiatry, 21, 398-403.

Berman, A. L. & Cohen-Sandler, R. (1982). Childhood and adolescent suicide research: A critique. Crisis, 3, 3-15.

Berman, A. L. & Cohen-Sandler, R. (1982). Suicide and the standard of care: Optimal vs. acceptable. Suicide and Life-Threatening Behavior, 12, 114-122.

Berman, A. L. & Cohen-Sandler, R. (1983). Suicide and malpractice: Expert testimony and the "standard of care." Professional Psychology: Research and Practice, 14, 6-19.

Berman, A. L. & Carroll, T. A. (1984). Adolescent suicide: A critical review. Death Education, 8 (Suppl.), 53-64.

Berman, A. L. (1984). Prepared statement. Teenage Suicide. Hearing before the Subcommittee on Juvenile Justice, Committee on the Judiciary, U.S. Senate, 10-3/84. Washington, D.C.: Government Printing Office.

Berman, A.L. (1985). The teenager at risk for suicide. Medical Aspects of Human Sexuality, 19(5), 123, 124, 129.

Berman, A.L. (1986). Helping Suicidal Adolescents: Needs and Responses. In C. Corr & J. McNeil (Eds.). Adolescence and Death. (pp. 151-166), NY: Springer.

Jobes, D. A., Berman, A. L., & Josselson, A. R. (1986). The impact of psychological autopsies on medical examiners' determination of manner of death. Journal of Forensic Sciences, 31, 177-189.

Berman, A. L. (1986). Notes on turning 18 (and 75): A critical look at our adolescence. Suicide and Life-Threatening Behavior, 16, 1-12.

Berman, A. L. & Cantor, P. (1986). Putting a stop to youth suicide. Enterprise, 35, 22-27.

Berman, A. L. (1986). Adolescent Suicide: Issues and Challenges. Seminars in Adolescent Medicine, 2, 269-277.

Jobes, D. A. & Berman, A. L. (1987). Improving the validity and reliability of officially reported suicide statistics. Suicide and Life-Threatening Behavior, 17, 310-325.

Berman, A. L. (1987). The problem of adolescent suicide. Division (37) of Child, Youth and Family Services Newsletter, American Psychological Association, 10, 1, 14-16.

Berman, A. L. (1987). Adolescent suicide: Clinical consultation. The Clinical Psychologist, 40, 87-89.

Berman, A. L. (1988). Fictional depiction of suicide in television films and imitation effects. American Journal of Psychiatry, 145, 982-986.

Rosenberg, M. L., Davidson, L., Smith, J., Berman, A. L., Buzbee, H., Ganter, G., Gay, G., Moore-Lewis, B., Harper Mills, D., Murray, D., O'Carroll, P., & Jobes, D. A. (1989). Operational criteria for the classification of suicide. Journal of Forensic Sciences, 33, 1445-1456.

Berman, A. L. (1989). Mass media and youth suicide prevention. In Alcohol, Drug Abuse, and Mental Health Administration. Report of the Secretary's Task Force on Youth Suicide. Volume 3: Prevention and Intervention in Youth Suicide. DHHS Pub. No. (ADM) 89-1623. Washington, D.C.: Supt. of Docs., U.S. Govt. Print. Off.

Berman, A. L. (1989) Intervention in the media and entertainment sectors to prevent suicide. In Alcohol, Drug Abuse, and Mental Health Administration. Report of the Secretary's Task Force on Youth Suicide, Volume 4: Strategies to Prevent Youth Suicide, DHHS Pub. No. (ADM) 89-1624. Washington, D.C.: Supt. of Docs., U.S. Govt. Print. Off.

Berman, A.L. & Schwartz, R.H. (1990). Suicide attempts among adolescent drug users. American Journal of Diseases of Children, 144, 310-314.

Berman, A. L. (1990). Suicide interventions in schools: Critical reflections. In A. A. Leenars & S. Wenckstern (Eds.), Suicide Prevention in Schools, (pp. 243-255). Washington, D.C.: Hemisphere Publishing Co.

Berman, A. L. (1991). Child and Adolescent Suicide: From the Nomothetic to the Idiographic. In A. Leenars & D. Lester (Eds.). Suicide across the Life Span. (pp. 109-120). N.Y.: Plenum.

Berman, A.L. Child and Adolescent Suicide: Research Findings. In J. McIntosh, & J. Santos (Eds.). Suicide and the Life Cycle.

Jobes, D. A. & Berman, A.L . (1991). Crisis intervention and brief treatment of suicidal youth. In A.R. Roberts (Ed.), Contemporary perspectives on crisis intervention and prevention. Englewood Cliffs, N.J.: Prentice Hall, Inc. (pp. 53-69)

Berman, A. L. (1990). Standard of care in the assessment of suicidal potential. In D. Shapiro, (Ed.) Symposium on standards of care. Psychotherapy in Private Practice, 8(2), 35-41.

Ragland, J. D. & Berman, A. L. (1990-1991). Farm suicide: Dying on the Vine? Omega, 22 (3), 173-185.

Jobes, D. A., Casey, J. O., Berman, A. L., & Wright, D. G. (1991). Empirical criteria for the determination of suicidal manner of death. Journal of Forensic Sciences, 36 (1), 244-256.

Berman, A. L. & Jobes, D. A. (1992). Youth suicide. In B. Bongar (Ed.). Suicide: Guidelines for Assessment, Management, and Treatment. N.Y.: Oxford University Press (pp. 84-105).

Berman, A. L. (1992). Five potential suicide cases. In R. W. Maris, A. L. Berman, J. T. Maltsberger, & R. I. Yufit (Eds.). Assessment and Prediction of Suicide. New York: Guilford (pp. 235-254).

Maris, R. W., Berman, A. L. and Maltsberger, J. T. (1992). Summary and conclusions: What have we learned about suicide assessment and prediction? In R. W. Maris, A. L. Berman, J. T. Maltsberger, & R. I Yufit (Eds.). Assessment and Prediction of Suicide. New York: Guilford (pp. 640-672).

Berman, A. L. (1992, June). What is the relationship between psychiatric diagnoses and suicidal behavior in adolescence? The Harvard Mental Health Letter, (p. 8).

Bongar, B., Maris, R. W., Berman, A. L., & Litman, R. E. (1992). Outpatient standards of care and the suicidal patient. Suicide and Life-Threatening Behavior, 22, 453-478.

Berman, A. L., Leenaars, A. A., McIntosh, J. & Richman, J. (1992). Case consultation: Mary Catherine. Suicide and Life-Threatening Behavior, 22, 142-149. Also in Leenaars, A. A., Maris, R. W., McIntosh, J., & Richman, J. (Eds.), (1992). Suicide and the Older Adult, New York: Guilford (pp. 142-149).

Berman, A. L. (1993). Forensic suicidology and the psychological autopsy: Asphyxiation by drowning. In A. A. Leenaars, A. L. Berman, P. Cantor, & R. W. Maris (Eds.). Suicidology: Essays in Honor of Edwin S. Shneidman, Northvale, New Jersey: Jason Aronson (pp. 248-266).

Jobes, D. A. & Berman, A. L. (1993). Suicide and malpractice liability: Assessing and revising policies, procedures, and practice in outpatient settings. Professional Psychology: Research and Practice, 24, 91-99.

Berman, A. L. & Samuel, L. (1992). **Suicide among MS patients.** Final Report to the Health Services Research Grant Program, National Multiple Sclerosis Society.

Berman, A. L. & Horgas, P. (1992). **Investigative Study of Suicides.** Final Report to the U. S. Postal System, Merrifield, VA.

Bongar, B., Maris, R. W., Berman, A. L., Litman, R. E., & Silverman, M. M. (1993). Inpatient standards of care and the suicidal patient. Part I: General clinical formulations and legal considerations. Suicide and Life-Threatening Behavior, 23, 245-256.

Bauer, M. N., Leenaars, A. A., Berman, A. L., & Jobes, D. A. (In Press). Late adult suicide: A life-span analysis of suicide notes.

Jobes, D. A. & Berman, A. L. (In press). Crisis assessment and time limited intervention with suicidal youth. In A. R. Roberts (Ed)., Clinical issues, crisis intervention, and time-limited treatment. New York: Guilford (pp).

Berman, A. L. & Samuel, L. (1993). Suicide among people with multiple sclerosis. Journal of Neurological Rehabilitation, 7, 51-59.

Silverman, M., Berman, A. L., Bongar, B., Litman, R., & Maris, R. (1994). Inpatient standards for the suicidal patient. Part II. An integration with clinical risk management. Suicide and Life-Threatening Behavior, 24, 152-169.

Berman, A. L. & Jobes, D. A. (1994). Treatment of the suicidal adolescent. Death Studies, 18 (4), 375-389.
Also in A. A. Leenaars, J. T. Maltsberger, & R. A. Niemeyer (Eds.) (1994). Treatment of suicidal people. London: Francis & Taylor.

Reynolds, F. M. T. & Berman, A. L. (1995). An empirical typology of suicide. Archives of Suicide Research. 1, 97-110.

Jobes, D. A., Berman, A. L., O'Carroll, P., Eastgard, S., & Knickmeyer, S. (in press). The Kurt Cobain suicide crisis:

Research, public health, and news media perspectives. Suicide and Life-Threatening Behavior, 26 (3).

O'Carroll, P., Berman, A. L., Maris, R. W., Moscicki, E. K., Tanney, B. L., & Silverman, M. M. (in press). Beyond the Tower of Babel: A nomenclature for suicide. Suicide and Life-Threatening Behavior.

Engelman, N. B., Jobes, D. A., & Berman, A. L. (submitted for review). Involuntary commitment: An investigation of the clinician's decision-making process.

Berman, A. L. (in press). Vulnerability and resilience: Depression and suicide. In F. H. Gabbay, R. J. Ursano, A. E. Norwood, C. S. Fullerton, & C. C. Duncan (Eds.) Sex differences, stress, and military readiness. Volume II. Bethesda, Maryland, USUHS, Department of Psychiatry.

Berman, A. L. (in press). Dyadic death: A typology. Suicide and Life-Threatening Behavior, 26 (4).

Book Reviews

Berman, A. L. (1976). Book Review: The person in distress. Victimology, 1, 353-354.

Berman, A. L. (1979). Book Review: People in crisis. Victimology, 4, 156-158.

Berman, A. L. (1986). Book Review: Suicide in the Young. Suicide and Life-Threatening Behavior, 16, 70-72.

Berman, A. L. (1988). Essay/Book Review: "Playing the suicide game." [Review of The Suicidal Child and Suicide Clusters], Readings, 3, 20-23.

Berman, A. L. (1992). Book Review: Words I Never Thought to Speak. New England Journal of Medicine. (p.).

Berman, A. L. (In press). Book Review: The Suicidal Patient: Clinical and Legal Standards of Care. In Suicide and Life-Threatening Behavior,

Berman, A. L. (In press). Book Review: Suicide and Homicide Among Adolescents. In New England Journal of Medicine. (p.)

Proceedings

Berman, A. L. (1976). The physician and suicide. In B. Comstock & R. W. Maris (Eds.). Proceedings of the eighth annual meeting of the American Association of Suicidology, St. Louis.

Berman, A. L. (1976). An interactive research/training/outreach model for community gatekeepers. In Proceedings of the ninth annual meeting of the American Association of Suicidology, Los Angeles.

Berman, A. L. (1977). Homicide-suicide revisited. In P. Cantor (Ed.), Proceedings of the tenth annual meeting of the American Association of Suicidology, Boston.

Berman, A. L. (1979). A sociocultural autopsy: Self-destructive behavior among the Duck Valley Indians. In J. Selkin & E. L. Martin (Eds.), Proceedings of the twelfth annual meeting of the American Association of Suicidology, Denver.

Cohen-Sandler, R. & Berman, A. L. (1983). Training suicidal children to problem-solve in non-suicidal ways. In C. Pfeffer & J. Richman (Eds.). Proceedings of the fifteenth annual meeting of the American Association of Suicidology, New York.

Berman, A. L. & Cohen-Sandler, R. (1984). The therapeutic alliance with suicidal patients: Thoughts on attributions of responsibility. In C. Vorkoper & K. Smith (Eds.). Proceedings of the sixteenth annual meeting of the American Association of Suicidology, Dallas.

Berman, A. L. & Tanney, B. L. (1985). Taking the mystery out of research. In R. Cohen-Sandler (Ed.). Proceedings of the seventeenth annual meeting of the American Association of Suicidology, Anchorage.

Cohen-Sandler, R. & Berman, A. L. (1986). Dyadic deaths and double phenomena. In Cohen-Sandler, R. (Ed.). Proceedings of the eighteenth annual meeting of the American Association of Suicidology, Toronto.

Berman, A. L. (1986). Suicidal youth-Review and assessment panel: Research perspective. In Cohen-Sandler, R. (Ed.). Proceedings of the 19th Annual Meeting of the American Association of Suicidology, Denver, CO.

Jobes, D. A., & Berman, A. L. (1986). To be or not to be? That was the question. In R. Cohen-Sandler (Ed.). Proceedings of the 19th Annual Meeting of the American Association of Suicidology. Denver, CO.

Berman, A. L. (1986). Suicide and the American film. In R. Cohen-

Sandler (Ed.). Proceedings of the 19th Annual Meeting of the American Association of Suicidology. Denver, CO.

Ragland, J., & Berman, A. L. (1987). Farm crisis and suicide: Dying on the vine? In R. I. Yufit (Ed.). Proceedings of the 20th Annual Meeting of the American Association of suicidology and the 19th International Congress of the International Association of Suicide Prevention. Denver, CO.

Berman, A. L. (1987). Suicide and the mass media. In R. I. Yufit (Ed.). Proceedings of the 20th Annual Meeting of the American Association of suicidology and the 19th International Congress of the International Association of Suicide Prevention, Denver, CO.

Berman, A. L. & Schwartz, R. (1989). Suicide attempts among adolescent drug abusers. In D. Lester (Ed). Proceedings of the 22nd Annual Meeting of the American Association of Suicidology, San Diego, CA.

Berman, A. L. (1990). Assessment and prediction of suicide: A case approach. In D. Lester (Ed). Proceedings of the 23rd Annual Meeting of the American Association of Suicidology, New Orleans, LA.

Berman, A. L. & Samuel, L. (1990). Suicide among multiple sclerosis patients. In D. Lester (Ed.). Proceedings of the 23rd Annual Meeting of the American Association of Suicidology, New Orleans, LA.

Berman, A. L. & Maris, R. W. (1991). Suicidal behaviors -- Toward consnsus definitions. In D. Lester (Ed.). Proceedings of the 24th Annual Meeting of the American Association of Suicidology, Boston, MA.

Lester, D., Berman, A. L., Clarke, R., Richman, J. (1991). The psychological meaning of the method of suicide. Proceedings of the 24th Annual Meeting of the American Association of Suicidology, Boston, MA.

Berman, A. L. & Horgas, P. (1992). Analysis of an adult cluster. Proceedings of the 25th Annual Meeting of the American Association of Suicidology, Chicago.

Papers, Presentations

Berman, A.L. The effect of videotape self-confrontation on schizophrenic functioning. Presented to the Overholzer Division of Clinical Research, St. Elizabeth's Hospital, Washington, D.C., 3/70.

Berman, A.L. The American University Multiple Emergency Service.

Presented at the Manpower Innovations and Mental Health Crisis Intervention Services Workshop, The American University, Washington, D.C. 1/71.

Berman, A.L. Standards for campus crisis centers. Presented at the American Association of Suicidology Convention, Washington, D.C., 3/71.

Berman, A.L. Crisis intervention on a college campus. Presented at the American Personnel Guidance Association Convention, Atlantic City, NJ, 4/71.

Berman, A.L. & McCarthy, B.W. Adolescent crises and peer intervention. Presented at the Crisis Intervention with Youth Workshop, NIMH Center for the Study of Suicide Prevention, Prince George's (MD) Community College, 5/71.

Berman, A.L. & McCarthy, B.W. The university counseling center as a training-consultation center. Presented at the 79th Annual Convention of the American Psychological Association, Washington, D.C., 9/71.

Berman, A.L. Throwing the egg. Letter to the editor, New York Times Magazine, 6/71.

Berman, A.L. Experiential training for crisis intervention. Presentation given to the 3rd International Conference on Gaming and Simulation. University of Birmingham, England, 7/72.

Berman, A.L. Mental health referral systems. Presentation given to the D.C. College Health Association, Annual Meeting, Washnington, D.C., 5/72.

Berman, A.L. & Mullens, B.N. The experimental training of beginning group therapists. Presented at A.P.A. Division 29 (Psychotherapy) Mid-Year Convention, Freeport, Grand Bahamas, 3/73.

Berman, A.L. & Mesersmith, C.E. Roles and problems in group psychotherapy training--A colloquy. Presented at A.P.A. Division 29 (Psychotherapy) Mid-Year Convention, San Diego, CA, 3/74.

Berman, A.L. The P.E.A.C.E. Program: Research and evaluation. Presented as part of a symposium: The training of paraprofessionals on a university campus. American College Personnel Association, Chicago, IL, 4/74.

Berman, A.L. & McCarthy, B.W. Assessment of university based paraprofessional services. Presented at the American Educational Research Association Convention, Chicago, IL, 4/74.

Chairperson, Session of Behavior Modification: Therapeutic. Eastern Psychological Association Convention, Philadelphia, PA,

4/74.

Berman, A.L. The epidemiology of life-threatening events. Presented at the American Association of Suicidology Convention, Atlantic Beach, FL, 4/74.

Berman, A.L. & McCarthy, B.W. The psychotherapist as consultant/supervisor in a peer counseling program. Presented at A.P.A. Division 29 (Psychotherapy) Mid-Year Convention, Marco Island, FL, 2/75.

Berman, A.L. Male/female therapist: Problems related to the sex of the therapist. Presented at A.P.A. Division 29 (Psychotherapy) Mid-Year Convention, Marco Island, FL, 3/75.

Berman, A.L. The physician and suicide. Presented at the American Association of Suicidology Convention, ST. Louis, MO, 4/75.

Berman, A.L. An interactive research/training/ outreach model for community gatekeepers. Paper presented at the American Association of Suicidology Convention, Los Angeles, CA, 4/76.

Berman, A.L. University psychological center--a five year follow-up. Presented at the American Psychological Association Convention, Washington, D.C. , 9/76.

Berman, A.L. Discussant: Is death necessary? An experiential approach. Presented at the American Psychological Association Convention, Washington, D.C., 9/76.

Berman, A.L. Dyadic death: Homicide-suicide revisited. Presented at the American Association of Suicidology Convention, Boston, MA, 5/77.

Berman, A.L. & Decker, R.E. Observation and recording effects on group therapy client behaviors. Presented at the American Psychological Association Convention, San Francisco, CA, 8/77.

Berman, A.L. Sex roles and attribution of suicidality. Presented at the American Association of Suicidology Convention, New Orleans, LA, 4/78.

Berman, A.L. The role of the victim. Presented at a symposium on the Clinical Management of Aggression, Psychiatric Institute, Washington, D.C., 12/78.

Berman, A.L. The psychopathology of multiple sclerosis. Presented at a symposium on Multiple Sclerosis, sponsored by the Neurology Center, Washington, D.C., 12/78.

Berman, A.L. A socio-cultural autopsy: Self-destructive behavior among the Duck Valley Indians. Presented at the American

Association of Suicidology Convention, Denver, CO, 5/79.

Berman, A.L. & Cohen-Sandler, R. Suicidal behavior in childhood and early adolescence. Presented at the American Association of Suicidology Convention, Nashville, TN, 4/80.

Berman, A.L. Standards: Optimal vs. acceptable. Presented as part of a symposium on the hospital's obligations to the suicidal patient, American Association of Suicidology Convention, Albuquerque, NM, 4/81.

Berman, A.L. & Cohen-Sandler, R. Suicide and malpractice: A test case of standard of care. Presented at the American Association of Suicidology Convention, Albuquerque, NM, 4/81.

Cohen-Sandler, R. & Berman, A.L. A follow-up of hospitalized suicidal adolescents. Presented at the American Association of Suicidology Convention, Albuquerque, NM, 4/81.

Cohen-Sandler, R. & Berman, A.L. Teaching suicidal children how to problem-solve in non-suicidal ways. Presented at the American Association of Suicidology Convention, New York, NY, 4/82.

Berman, A.L. & Cohen-Sandler, R. The therapeutic alliance with suicidal patients: Thoughts on attributions of responsibility. Presented at the American Association of Suicidology Convention, Dallas, TX, 4/83.

Jobes, D.A. & Berman, A.L. Response biases and the impact of psychological autopsies on medical examiners' determination of mode of death. Presented at the American Association of Suicidology Convention, Anchorage, AK, 5/84.

Berman, A.L. From the laboratory to the couch: Child and adolescent suicide. Presented at the American Association of Suicidology Convention, Anchorage, AK, 5/84.

Berman, A.L. Panel member. Public Forum on Youth Suicide sponsored by the Dallas Times-Herald, Dallas, TX, 12/84.

Cohen-Sandler, R. & Berman, A.L. Dyadic death and "double" phenomena. Presented at the American Association of Suicidology Convention, Toronto, Canada, 4/85.

Berman, A.L. The numbers game: A critique of mortality stats. Panel presentation at the American Association of Suicidology Convention, Toronto, Canada, 4/85.

Berman, A.L. Notes on turning 18 (and 75): A critical look at our adolescence. Presidential address presented at the American Association of Suicidology Convention, Toronto, Canada, 4/85.

Berman, A.L. Discussant, Session on Adolescent Suicide. American Orthopsychiatric Association Convention, New York City, 4/85.

Berman, A.L. Keynote address. American College Health Association Convention, Washington, D.C., 5/85.

Berman, A.L. Panel member. Public Forum on Youth Suicide ("Teenage Suicide: A Call to Action"), sponsored by The Denver Post, Denver, CO, 11/85.

Berman, A.L. Keynote Address: Youth Suicide. Mental Health Association of Greater New Orleans, LA, 11/85.

Berman, A.L. Keynote Address: The Dark Side of Human Behavior: Suicide and Life-Threatening Behavior, Annual Convention, Forum for Death Education, Atlanta, GA, 4/86.
Berman, A.L. Keynote Address: Suicidal Behaviors in Children and Adolescents. Maryland School Psychologists' Convention, Greenbelt, MD, 5/86.

Berman, A.L. Discussant, Session on Adolescent Suicide, American Orthopsychiatric Association Convention, Chicago, 4/86.

Berman, A.L. Suicide and the American Film. Presented at the American Association of Suicidology Convention, Atlanta, GA 4/86.

Berman, A.L. Adolescent Suicide Research. Presented at the American Association of Suicidology Convention, Atlanta, GA, 4/86.

Jobes, D.A. & Berman, A.L. To Be or Not To Be: That Was the Question. Presented at the American Association of Suicidology Convention, Atlanta, GA, 4/86.

Berman, A.L. The media and youth suicide prevention. Presented at the DHHS Conference on Youth Suicide Prevention, Oakland, CA, 6/86.

Berman, A.L., Suicide Defined. Presented at Conference on Non-natural Death, sponsored by the Center for Applied Biomedical Ethics at the Rose Medical Center, Denver, CO, 6/86.

Berman, A.L. Suicide as a Malpractice Issue. Presented at the Annual Meeting of the American Psychological Association, Washington, D.C., 8/86.

Berman, A.L. Discussant of film, "Teen Suicide," at the Annual meeting of the American Psychological Association, Washington, D.C., 8/86.

Berman, A.L. Keynote Address: Update 1986: Youth suicide. Presented at Conference sponsored by F.A.C.T. and Four Winds Hospital, Washington, D.C. 10/86.

Berman, A.L. Interventions in the Media and Entertainment sectors to prevent suicide. Presented at D.H.H.S. Conference on strategies to Prevent Youth Suicide, Bethesda, MD, 11/86.

Berman, A.L. Keynote Address: Youth Suicide Prevention--A Critical Look. Presented at Conference on Youth Suicide Prevention, sponsored by the University of Medicine and the Community Mental Health Center of Rutgers University, Piscataway, NJ, 1/87.

Berman, A.L. Panelist: Adolescents in the News: Fair Representation or Cheap Exploitation? Meeting of the American Orthopsychiatry Association, Washington, D.C., 3/87.

Berman, A.L. The Mass Media and Youth Suicide. Presented to the Maryland Chapter, National Committee on Youth Suicide Prevention, Baltimore, MD, 5/87.

Berman, A.L. Keynote Address: Beyond Bergenfield: The Influence of Media on Youth Suicide. Presented at Conference sponsored by the University of Southern Maine, Kennebunkport, ME, 5/87.

Ragland, D. & Berman, A.L. Farm Suicide: Dying on the Vine: Presented at the Annual Meeting of the American Association of Suicidology, San Francisco, 5/87.

Berman, A.L. A Model School Program: The Wingspread Conference. Presented at the Annual Meeting of the American Association of Suicidology, San Francisco, 5/87.

Berman, A.L. Suicide and the Mass Media. Presented at the Annual Meeting of the American Association of Suicidology, San Francisco, 5/87.

Berman, A.L. Keynote Address: Youth Suicide Prevention, Presented to the Annual Meeting of the Westchester County (NY) Psychological Association, Pace University, 7/87.

Berman, A.L. Youth suicide. Presented at Conference on Adolescent Self-destructive Behavior, Fair Oaks Hospital, Summit, NJ, 10/87.

Berman, A.L. Suicide prevention--A critical need and a critical perspective. Plenary address, First National Conference on Suicide Prevention and the Schools. Orlando, FL, 11/87.

Berman, A.L. Suicidal behaviors in adolescence: Meanings and implications. Presented at Sixth Annual Lee B. Macht Memorial Suicide Symposium: Suicide Treatment and Meaning, Harvard Medical School/Cambridge Hospital, Cambridge, MA, 2/88.

Berman, A.L. Youth Suicide: Update-1988. Presented at Eleventh Annual Conference: Children and Death, St. Francis Center, Washington, D.C., 5/88.

Berman, A.L. Research findings across the life span: Children and adolescents. Presented at symposium Suicide Across the Life Span: Emerging Issues, Center for Gerontological Education, Research and Services, University of Notre Dame, Notre Dame, IN, 5/88.

Berman, A.L. Panelist: Teaching Suicidology. American Association of Suicidology Convention, Washington, D.C., 4/88.

Berman, A.L. Panelist: Psychological Autopsy in the Courtroom: The Fort Lauderdale Case. American Association of Suicidology Convention, Washington, D.C., 4/88.

Berman, A.L. Standard of care in the assessment of suicide potential. Presented at the American Psychological Association Convention, Atlanta, GA, 8/88.

Berman, A.L. Suicide prevention: What works, what doesn't? Presentation to Governor Schaefer's conference: Marylanders helping Marylanders: A youth suicide symposium. UMBC, Catonsville, MD, 10/88.

Berman, A.L. Youth suicide. Presentation made to Brown University Child Study Center Teleconference on Risk Taking Behavior in Children and Adolescents. Washington, D.C., 10/88.

Berman, A.L. Suicide Prevention: Critical need and critical perspective. Keynote address to Illinois Association of Suicidology, Beloit, IL, 11/88.

Berman, A.L. Youth suicide prevention. Keynote address to Greater Federation of Women's Clubs, Arlington, 3/89.

Berman, A.L. & Schwartz, R. Suicidal behaviors among drug using adolescents. Presented at Annual meeting of the American Association of Suicidology, San Diego, CA, 4/89.

Berman, A.L. Suicide Assessment: The first interview. Panel presentation at Annual meeting of the American Association of Suicidology, San Diego, CA, 4/89.

Berman, A.L. Depression and suicide among adolescents. Presented at ADAMHA Conference on Treatment of Adolescents with Alcohol, Drug Abuse, and Mental Health Problems, Alexandria, VA, 10/89.

Berman, A.L. The psychological autopsy. Presented at the 20th Annual Meeting of the American Academy of Psychiatry and the Law, Washington, D.C., 11/89.

Berman, A.L. Avoiding legal liability in treating the suicidal patient. Keynote address, Florida Association of Suicide Prevention Services & Pinellas County Emergency Mental Health Services Annual Conference, Clearwater, FL, 11/89.

Berman, A.L. The treatment of the suicidal adolescent. Keynote Address, Alberta Suicide Prevention Conference, Calgary, Alberta, 2/90.

Berman, A.L. Suicide attempts and drug using adolescents. Presented at Illinois State Suicide Prevention Conference, Springfield, IL, 4/90.

Berman, A.L. Youth suicide and the media. Panel presentation at the Annual Meeting of the American Association of Suicidology, New Orleans, LA, 4/90.

Berman, A.L. The case method. Panel presentation at the Annual Meeting of the American Association of Suicidology. New Orleans, LA, 4/90.

Berman, A.L. Suicide among multiple sclerosis patients. Poster presentation at the Annual Meeting of the American Association of Suicidology, New Orleans, LA, 4/90.

Berman, A.L. Presenter: The Assessment and Treatment of Adolescent Suicide, American Association of Suicidology's Snowmass at Aspen Summer Institute, July 22-26, 1990.

Berman, A.L. The USS Iowa investigation. Panel presentation at the annual meeting of the American Psychological Association, Boston, MA, 8/90.

Berman, A.L. Suicide and the media. Panel presentation at the annual meeting of the American Psychological Association, Boston, MA, 8/90.

Berman, A.L. Youth suicide. Panel presentation at the annual meeting of the American Psychological Association, Boston, MA, 10/90.

Berman, A.L. Treating the suicidal adolescent. Presentation to the Canadian Association for Suicide Prevention, Vancouver, BC, 10/90.

Berman, A.L. Suicide Liability: Outpatient policies and procedures. Panel presentation at the annual meeting of the American Association of Suicidology, Boston, MA, 4/91.

Berman, A.L. Professional training in suicidology: Past, present, and future. Panel presentation at the annual meeting of the American Association of Suicidology, Boston, MA 4/91.

Berman, A.L. Suicidal behaviors: Toward consensus definitions. Case conference at the annual meeting of the American Association of Suicidology, Boston, MA, 4/91.

Berman, A.L. Suicide coping and the life-span. Panel presentation

at the Annual meeting of the American Association of Suicidology, Boston, MA, 4/91.

Berman, A. L. Presenter: Assessment and Treatment of Adolescent Suicide. Presenter: Forensic Suicidology. American Association of Suicidology's Snowmass at Aspen Summer Institutes, 7/91.

Berman, A. L. Youth suicide prevention. Keynote address to Statewide Training Conference, Dover, DE, 2/92.

Berman, A. L. & Horgas, P. Analysis of an adult suicide cluster. Presented to the Annual Meeting of the American Association of Suicidology, Chicago, 4/92.

Berman, A. L. Panelist, Past President's Symposium. Annual Meeting of the American Association of Suicidology, Chicago, 4/92.

Berman, A. L. Suicide Intervention. Keynote address to Annual Meeting of the NJ State Chapter of the American Association of Suicidology, Morristown, NJ, 5/92.

Berman, A. L. Keynote Speaker. Meeting of Chief Psychologists, Federal Bureau of Prisons Conference, Baltimore, MD, 5/92.

Berman, A. L. Presenter: Assessment and Treatment of Adolescent Suicide. Presenter: Case Consultations. American Association of Suicidology's Snowmass at Aspen Summer Institutes, 7/92.

Berman, A. L. Risk management strategies for the treatment of suicidal adolescents. American Psychological Association Convention, Washington, DC. 8/92.

Berman, A. L. Primary prevention of adolescent and young adult suicide. Conference of the Primary Prevention of Psychosocial Problems of Native American Children, Indian Health Service, Tempe, AZ, 8/92.

Berman, A. L. Plenary Presentation, 4th Annual Maryland State Youth Suicide Prevention Conference, Hunt Valley, MD, 10/92.

Berman, A. L. Interventions for suicidal adolescents: Clinical vignettes. Suicide Symposium, Harvard Medical School/Cambridge Hospital, Boston, MA, 2/93.

Berman, A. L. Suicide prevention: If we're not sure it works, why do we do it? Annual Meeting of the American Association of Suicidology, San Francisco, 4/93.

Berman, A. L. Community Suicide Prevention: Bridge Barriers. Annual Meeting of the American Association of Suicidology, San Francisco, 4/93.

Berman, A. L. and Jobes, D. A. Adolescents and suicide: An update. Annual Meeting of the American Association of Suicidology, San Francisco, 4/93.

Berman, A. L. Keynote Address: The impact of suicide on the helper. International Association of Suicide Prevention Congress, Montreal, 6/93.

Berman, A. L. Legal liability and the schools. Prince William County, VA, 9/93.

Berman, A. L. & Jobes, D. A. Suicide and Malpractice. Maryland State Youth Suicide Conference, Bethesda, MD, 10/93.

Berman, A. L. Working Group on Suicidal Behaviors: Terminology and Classification, Annual Meeting of the American Association of Suicidology, New York, NY, 4/94.

Berman, A. L. Panelist: Expert Testimony and the Standard of Care in Working with Suicidal Patients. Annual Meeting of the American Association of Suicidology, New York, NY, 4/94.

Berman, A. L. Standards of Care -- Practical Applications. Pre-Conference Institute, Annual Meeting of the American Association of Suicidology, New York, NY, 4/94.

Berman, A. L. Panelist: Ethical Issues in Caregivers' Suicide Interventions. Annual Meeting of the American Association of Suicidology, Phoenix, AZ, 5/95.

Berman, A. L. Moderator: The Cobain Suicide: Research, Crisis, Prevention, and Media Perspectives. Annual Meeting of the American Association of Suicidology, Phoenix, AZ, 5/95.

O'Carroll, P., Berman, A. L., Maris, R. & Moscicki, E. Beyond the Tower of Babal: A Nomenclature for Suicidology. Annual Meeting of the American Association of Suicidology, Phoenix, AZ, 5/95.

Berman, A. L., Jobes, D. A., & O'Carroll, P. The Aftermath of Kurt Cobain's Suicide. Congress of the International Association of Suicide Prevention, Venice, Italy, 6/95.

Berman, A. L. An Idiographic Approach to Understanding Suicide in the Young. International Conference on Suicide in Youth. Tel Aviv, Israel, 8/95.

Berman, A. L. "Why are our children killing themselves?" Distinguished visiting scholar lecture, John Hazen White Honors Colloquium, University of Rhode Island, Kingston, March 11, 1996.

(Last Update: 3/96)

Workshops/Consultations

1970: Boy's Village, Cheltenham, MD.

1971: American University, Washington, D.C.
Mental Health Assoc., Montg. Cty., Md.
SUNY, Delhi, NY.
Psychology Svc. Area C CMHC, Wash., D.C.

1972: Psychol. Svc., Walter Reed Hosp., D.C.
Livingston College, Rutgers Univ., NJ.
Psychol. Dept., Univ. of MD, College Park.
Psychol. Program, St. Eliz. Hosp., D.C.
Prince George's County Bd. of Ed., Md.

1973: Georgetown Univ. Medical School, D.C.

1974: Passage Crisis Center, Silver Spring, Md.
Georgetown Univ. Medical School, D.C.

1975: Sedgwick County CMHC, Wichita, KS
No. Va. Community College Couns. Ctr.
Falls Church, Va. Dept. of Welfare
Prince George's County, MD. Housing Dept.
Passage Crisis Center, Silver Spring, Md.
Georgetown Univ. Medical School, D.C.
FACT Hotline, D.C.

1976: Conf. of Friends' School Cnslrs, D.C.
Georgetown Univ. Medical School, D.C.
Am. Orthpsy. Ass. Pre-Conf. Inst., NYC
FACT Hotline, D.C.

1977: Passage Crisis Center, Silver Spring, Md.
Am. Orthpsy. Ass. Pre-Conf. Inst., Atlanta
FACT Hotline, D.C.
Va. Council on Social Welfare, Alex., Va.
D.C. Psych. Assoc. Conf., D.C.
McCully Conf., Nat'l. Cap. Personnel & Guidance Assoc., College Park, Md.

1978: APA Div. 29 Conf., Phoenix, AZ.
Montgomery Cty., Md. Health Dept.
Catholic Univ. School of Soc. Wk., D.C.
Passage Crisis Center, Silver Spring, Md.
Charles Cty., Md. Dept of Health

1979: Am. Orthopsy. Ass. Pre-Conf. Inst., D.C.
Md. Inst. for Emerg. Medicine, Balto.
Wash. Psychol. Ctr. CE Program
Boys & Girls Homes of Montg., Cty., Md.
Arlington, County, Va. Hotline

Norristown State Hosp. Psychiat. Dept. PA.
Catholic Univ. School of Soc. Wk., D.C.
Montgomery Cty. Youth Svcs., Md.

1980: Alternative House, Fairfax, VA
The Green Door, Wash., D.C.
United Central Service, Toledo, OH
The Crossing Place, Wash., D.C.
Nat'l Youth Workers Alliance Conv., D.C.
Mt. Tom Institute, Holyoke, MA
San Luis Obispo County, CA Psych Assoc.
CMHC Services, San Luis Obispo, CA
Catholic Univ. Schl. of Soc. Wk., D.C.
St. Francis Center, Wash., D.C.

1981: VA Dept. of Corrections, Fairfax, VA
Pastoral Couns. & Consult. Ctr., D.C.
Prince William County, VA M.H.C.
Arlington County, VA Dept. Soc. Svc.
Fairfax County, VA Dept. Soc. Svcs.
Wash. Psy. Ctr.: Scottsdale, AZ
Norristown State Hosp., Norristown, PA
Catholic Univ. Couns. Ctr., Wash., D.C.

1982: Catholic Univ. Schl. of Soc. Wk., D.C.
Wash. Psych. Ctr., Wash., D.C.
Prince William County M.H., VA
Loudon County, VA Mental Health (2x)
Hall-Brooke Foundation, Westport, Ct. (2x)
Danville, VA Mental Health
U.S. Dept. of State, Foreign Svc. Inst. (2x)
Prince George's County, Md. Mental Health
Children's Defense Fund, Wash., D.C.
Montgomery County, Md. Mental Health

1983: Los Angeles, CA Suicide Prevent. Ctr.
Phoenix Schools, Montgomery County, Md.
Family Stress Svcs., Wash., D.C.
Catholic Univ. Schl. of Soc. Wk., D.C.
Multiple Sclerosis Society, Wash., D.C.
U.S. Dept. of State Foreign Svc. Inst. (2x)
St. Elizabeth's Hospital, Wash., D.C.
West Virginia Psychological Assn., Wheeling
Wash. Psych. Ctr.: Indianapolis, IN
Armed Forces Institute of Pathology, D.C.
Psychological Associates of the Albemarle:
Harrisburg, PA, Pittsburgh, PA,
Colorado Springs, CO.,
Sacramento, CA., Long Beach, CA, Boston, MA.,
Charlottesville, VA.

1984: Hall-Brooke Foundation, Westport, CT

Grad. Schl. Profsl. Psych., Rutgers U. NJ (2x)
Wash. Psych. Ctr.: Wash., D.C., Salt Lake City, UT, Portland, OR
No. VA Mental Health Inst., Falls Church
Psychological Associates of the Albermarle: Cincinnati, OH., Miami, FL., St. Petersburg, FL., Jacksonville, FL., Syracuse, NY., Albany, NY., Minneapolis, MN., Madison, WI.
U.S. Dept. of State Foreign Svc. Institute (3x)
Maryland Assoc. of Youth Svc Bureaus, Greenbelt, Md.
Human Services Consultants, Wilkes-Barre, PA
Salt Lake City (UT) Mental Health
Niagara University, Office of Continuing Education, Buffalo, NY
Rutgers University Graduate School of Psychology, Piscataway, NJ

1985: Montgomery County (MD) Crisis Center
Georgetown University (DC) Counseling Center
Jewish Family Service, Memphis, TN
Washington (DC) School of Psychiatry
Niagara University, Office of Continuing Education, Buffalo, NY
Georgetown University (DC), Office of Residential Life
Human Services Consultants, Philadelphia, PA
University of Western Ontario, London, Ontario, Canada
Topeka Youth Council, Topeka, KS
Washington Psychol. Ctr: Westbury, NY
Connecticut Youth Services, Groton, CT
Family Liaison Office, US Dept. of State
Mental Health Association, Indianapolis, IN
Mental Health Association, Prince Georges County, MD
Lehigh University, Bethlehem, PA
National Conference, National Association of Student Councils, Pittsburgh, PA
Suburban Hospital, Department of Psychiatry, Grand Rounds, Bethesda, MD
Juvenile Welfare Board, Pinellas County, (Largo/St. Petersburg) FL
Suffolk County, NY Dept. of Training & Education
Hardin-Simmons University, Irvin School of Education, Abilene, TX
Florida State School Psychologists Association, Tampa, FL
Louisiana Chapter, American Association of Suicidology, New Orleans, LA
Jewish Center of Greater Buffalo, NY
Rutgers Medical School Community Mental Health Center, Piscataway, NJ
Maryland State PTA Convention, Baltimore, MD

1986: Marquette University School of Nursing, Milwaukee, WI
University of So. Alabama, School of Education,

Mobile, AL
Centennial Area Health Education Center, Greeley, CO (2x)
University of Connecticut School of Social Work, West Hartford, CT
Family Life Center, Columbia, MD
Hall-Brooke Foundation, Westport, CT (2x)
U.S. Dept. of State Family Liaison Office, Rosslyn, VA
Bethesda Naval Hospital, Dept. of Psychiatry Grand Rounds, Bethesda, MD
Washington School of Psychiatry, DC
Washington Psychological Center Continuing Education: Little Rock, AR & San Antonio, TX
Fort Morgan, CO Public Schools
Texas Dept. of Mental Health, Univ. of Texas, Austin, TX
Outreach South Hills Mental Health Center, Pittsburgh, PA
Niagara University, Buffalo, NY
Rivendell Foundation, Memphis, TN
National Multiple Sclerosis Society, Houston, TX

1987: Board of Education, Anne Arundel Co. (MD), Annapolis
Washington Psychological Center, Oklahoma City, OK
University of Maryland Counseling Center, College Park, MD
U.S. Public Health Service, Salt Lake City, UT
Connecticut Dept. of Mental Healthy, Bridgeport, CT
Life Crisis Services, St. Louis, MO
Niagara University, Buffalo, NY
Washington Psychological Center: Cleveland, OH and Dallas, TX
North Carolina Psychological Association Annual Conference, Winston-Salem, NC
Holy Cross College, Worcester, MA
St. John Medical Center, Tulsa, OK

1988: University of Maryland Counseling Center, College Park, MD
Mental Health Services of Clark Co., Springfield, OH
Suicide Prevention & Awareness, Windsor, Ontario, Canada
Charter Pines Hospital, Charlotte, NC
Baltimore County School System, Suicide Prevention Task Force, Solomons Island, MD
ABC Television, Public Affairs Office (Movie: Surviving)
Martin Wender Productions (Script review)
Suicide Prevention Task Force, Montgomery County, MD
Kingsbury Center, Washington, D.C. (Tutors)
Jewish Community Center, Rockville, MD (Community Forum)
Northern Virginia Jewish Community Center, Falls Church, VA (Community Forum)
Community Psychiatric Clinic, Wheaton, MD (Staff)
Bethesda Naval Hospital, Bethesda, MD (Psychology Interns)
New England Educational Institute and Brattleboro Retreat

Cape Cod Summer Institute
Clinical Treatment Staff, Patuxent Institution, MD.
American University Counseling Center, DC.
Convalescent Hospital for Children, Rochester, NY.
Orange County School System and Laurel Oaks Hospital, Orlando FL.

1989: Edmund Burke School Parents Association, Washington, DC.
Washington Psychological Center, P.C.: Birmingham, AL, Tulsa, OK, Des Moines, IA.
Bethesda Naval Hospital Psychology Training Program, MD.
Suicide Prevention & Education Center, Louisville, KY
Arkansas Council of Community Mental Health Centers Summer Institutes, Hot Springs, AR
Community Service Board, Prince William County, VA.
Niagara University, Buffalo, NY.
Mental Health Association, Ulster County (Kingston), NY
Arlington County (VA) Department of Human Services

1990: Alberta Suicide Prevention, Calgary, Alberta, Canada
Georgetown University Hospital Pediatrics Department
Bethesda Naval Hospital Psychology Training Program
Gallup Organization, Princeton, NJ
University of Wisconsin, Madison, WI
Fairfax-Falls Church (VA) Community Services Board
Washington School of Psychiatry, Washington, D.C.
Community Mental Health Subsystem, San Jose, CA
Mental Health Association, Dutchess County (Poughkeepsie) NY
Division of Child Mental Health, State of Delaware, DE
American Psychological Association Pre-Conference Institute on Suicide and Malpractice, Boston, MA

1991: Edmund Burke School, Washington, DC
American University Counseling Center, Washington, DC
Gallup Organization and Institute, NYC
Drew Leavens & Associates, Seattle, WA
Bethesda (MD) Naval Hospital, Psychology Intern Program
Psychological Association of Western NY, Buffalo
DC Psychological Association
Washington School of Psychiatry

1992: Washington School of Psychiatry (3x)
Specialized Training Services (San Diego, CA): San Diego, Seattle, San Francisco, Pasadena, CA
Capitol Hill (DC) Psychotherapy Network
Children's Crisis Management Program, United Way, New Orleans, LA
Talbert House/Crisis Center, Cincinnati, OH
Mental Health Association, Phoenix, AZ
Kingsley House, New Orleans, LA
Gallup Organization (Elderly Suicide), New York City

1993: Children's Hospital Dept. of Psychiatry, Washington, DC
Specialized Training Services, Schaumberg, IL
Quinco Counseling Services, Nashville, IN (2x)
DuPage County Mental Health, Oakbrook, IL
Bethesda Naval Hospital, Dept. of Psychology
Saratoga Springs, NY Mental Health Association
West Virginia Psychological Association Fall Conference
Georgetown University Student Health Services
Metropolitan Psychiatric Group: Depression Screening Day

1994: Springfield State Hospital (MD) Grand Rounds
Delaware Office of Prevention and Mental Health Assoc. Conference (Dewey Beach)
Bethesda Naval Hospital Dept. of Psychology
Center for Mental Health Services/National Institute of Mental Health
Dimensions and Classifications of Suicide Morbidity Workshop, Wash., DC

1995: Sedgwick County Mental Health Asociation, Wichita, KS
Washington Pastoral Counseling Association
Community Psychiatric Clinic, Gaithersburg, MD
Loudon County Mental Health Assoc., Leesburg, VA
BeaverCreek (OH) School System
Bergin Pines Hospital, Paramus, NJ
Oregon Psychological Association, Portland, OR
Uniformed Services University Hospital, Psychiatry Dept., Bethesda, MD
AAS Summer Institutes, Santa Fe, NM
Hyland Training Institute, St. Louis, MO

1996: The Menninger Clinic, Topeka, KS
(last update: 2/96)

Grants/Contracts

Faculty Academic Development Grant, American University, Washington, D.C., 1970.

Assoc. Director for Research Office of Child Development. DHEW Grant #OCD-CB-478, Training Paraprofessionals to Work on the University Campus, 1973-1976.

Summer Faculty Research Grants, American University, Washington, D.C., 1976, 1983.

Principal Investigator, Suicide and self-destructive behaviors

among Duck Valley Reservation Indians, Roger McCormick Foundation, 1978-1979.

Principal Investigator, Duck Valley Reservation Follow-up Project, Roger McCormick Foundation, 1979-1980.

Mellon Foundation Grant for Faculty Development, American University, Washington, D.C., 1980.

Faculty Research Grant, Dean's Office, College of Arts & Sciences, American University, 1986-1987: "Televised Fictional Suicide and Imitative Youth Suicide."

Principal Investigator, Duck Valley Reservation: Suicide at Duck Valley: A Decade Later, Roger McCormick Foundation, 1988-1990.

Principal Investigator, Suicide among Multiple Sclerosis Patients. National Multiple Sclerosis Society, 1990-1991.

Co-Principal Investigator, Investigative Study of Suicide, U.S. Postal Service, 1991.

Principal Investigator, Suicide Risk and Multiple Sclerosis: A Validation Study. National Multiple Sclerosis Society, 1993-1995.

Joyce Foundation Grant: Youth Suicide and Firearms: A Town Meeting, 1996.

Scholarly, Professional, & Community Service:

Director, Placement Service, Eastern Psychological Association Convention, May, 1973, Washington, D.C.

Board of Director, Concepts for Human Services, Inc., Washington, D.C. 1972-1975.
Chairman, Social Action Committee, D.C. Psychological Association, 1972-3.
Editorial Board, Crisis Intervention. 1973-75.

Consultant to D.C. Mental Health Association Report: Focus on Children under Stress, Washington, D.C., 1975.

American Association of Suicidology:
- Member, Membership Committee, 1975.
- Member, Nomenclature Committee, 1978-79
- State Chairperson, Regionalization Committee, 1978-79.
- Member, Hospital Standards Committee, 1980-81
- Chair, Training Committee, 1983-1991
- Chair Publications Committee, 1991-1993
- Member, Board of Directors, 1980-81; 1986-88, 1993-1995.
- Chair, Nominating Committee, 1985-86.

Treasurer, 1981-83.
President-Elect, 1983-84.
Past-president, 1985-1986.
Co-Program Chair, Annual Meeting, 1987-1988.
Co-Director, Snowmass at Aspen Summer Institutes, 1990-1992; Institutes at Santa Fe, 1993-1994.

Member, Death and Dying Course Instructors Group, Kennedy Institute, Georgetown University, Washington, D.C. 1975-1977.

Invited Editorial Reviewer: American Psychologist, Victimology, Psychological Reports, American Journal of Orthopsychiatry (1988-present), Omega, Journal of Nervous and Mental Disease, Journal of Hospital and Community Psychiatry (1975-present), Psychological Assessment, Death Studies, U.S. Preventative Services Task Force (Public Health Service), Professional Psychology: Research and Practice (1995), Psychiatric Services (1996).

Chairperson, D.C. Psychological Association Ethics Committee (1979); Member (1977, 1978).

Invited testimony before U.S. Senate Sub-Committee on Health and Readjustment, Committee on Veterans' Affairs (RE: S.1693), June, 1977.

Member, Contract Review Committee, NIDA, DHEW, Rockville, Md., 1978.

Grant Reviewer, NEH Implementation Grants, 1978.

Director of Externship and Internship Training, American University Counseling Center, 1975-1977. Coordinator for Continuing Professional Education, Washington Psychological Center, P.C., Wash., D.C., 1977-1986.

Board of Directors, Samaritans of Washington, D.C., 1979-1981.

Member, Working Committee on Criteria for the Determination of Suicide, Centers for Disease Control, Atlanta, GA, 1984.

Invited testimony, (The Problem of Teenage Suicide) Senate Sub-committee on Juvenile Justice, U.S. Senate Committee on the Judiciary, October 3, 1984.

Consultant and Technical Advisor, ABC-TV's "ABC Notebook: Teen Suicide," 1985.

Resource Panelist, Keeping Posted Magazine, 1985.

Resource, Panelist, Phi Delta Kappan Magazine, 1985.

Appointed to Community Advisory Council, St. Francis Center, Washington, D.C., 1987-present.

Invited testimony, D.C. Dept. of Commerce and Regulatory Affairs, (on Ellington Bridge Suicide Barriers), July, 1987.

Letter to Editor: (with C.P. Ross): "Yes, There is a Teen Suicide Crisis." Washington Post, Feb. 7, 1987, A7.

Book prospectus reviewer, Allyn & Bacon Co.,1987.

Invited testimony on behalf of the American Psychological Association, House Armed Services Committee Hearings on the USS Iowa Explosion, December 21, 1989.

Member, American Psychological Association Media Awards Committee, 1990.

Research Grant Evaluator, Social Sciences and Humanities Research Council of Canada, 1990--.

Adjunct Professorships:

Western Maryland College, 1971
Federal City College, D.C., 1972

Professional Organizations:

American Psychological Association (Divs., 12 - clinical, 29 - psychopathology, & 42 - independent practice)
D.C. Psychological Association

American Association of Suicidology

International Association for Suicide Prevention

International Academy of Suicide Research

American Orthopsychiatric Association

License/ Certifications:

Washington, D.C., 1972-present
Maryland, 1975-present
National Register of Health Service Providers in Psychology, 1975-present

Inpatient Admitting Priveleges:

Courtesy Staff: Psychiatric Institute of Washington

Major Network Television Appearances
The Today Show (2x), Good Morning America, Larry King live, Inside Edition, CBS Morning News, Hour Magazine

CURRICULUM VITAE

HENRY C. LEE, Ph.D.

Connecticut State Police
Forensic Science Laboratory
278 Colony Street
Meriden, CT 06451
Phone #: (203) 639-6400
FAX #: (203) 639-6486

University of New Haven
Forensic Science Program
300 Orange Avenue
West Haven, CT 06416
Phone #: (203) 932-6119
FAX #: (203) 480-1475

Full Name: Henry C. Lee
Date of Birth: [redacted] FOIA(b)(6)
Place of Birth: China
Citizen: USA

EDUCATION

Doctor of Humane Letters	1996	Honorary Degree	Saint Joseph College, West Hartford, CT
Doctor of Science	1990	Honorary Degree	University of New Haven, West Haven, CT
Ph.D.	1975	Biochemistry	New York University, New York, NY
MS	1974	Science	New York University, New York, NY
BS	1972	Forensic Science	John Jay College of Criminal Justice, New York, NY
	1960	Police Science	Central Police College, Taiwan, Republic of China

SPECIALIZED TRAINING

Forensic Medicine and Science, Post Graduate Medical School, New York University

Environmental Pathology Seminar, American Academy of Forensic Science

Electrophoresis Workshop, Gelman, Inc.

Gas Chromatography School, Perkin-Elmer Company

Forensic Microscopy Workshop, University of Connecticut

Bloodstain Pattern Workshop, Northeastern Association of Forensic Scientists

Crime Laboratory Management Symposium, Federal Bureau of Investigation

Advanced Bloodstain Workshop, Laboratory of Forensic Science, Corning, New York

Analysis of Sexual Assault Evidence Symposium, FBI Academy

Forensic Applications of Electrophoresis Symposium, FBI Academy

Forensic Examination of Hair Evidence Symposium, FBI Academy

Accelerant Detection Workshop. Alcohol, Tobacco and Firearms, U.S. Department of the Treasury

Crime Scene Photography Workshop, Eastman Kodak Company

Infrared Analysis School, Perkin-Elmer Company

Infrared Spectroscopy Applications, Bowdoin College, Maine

Infrared Data Station Analysis Course, Perkin-Elmer Company

Instrumental Analysis of Paint, FBI Academy

Legislative Process, Connecticut State Department of Administrative Service

Project Management, Connecticut State Department of Administrative Service

Program Budget, Connecticut State Department of Administrative Service

Advanced Laser Latent Fingerprint Symposium, FBI Academy

Computer and Office Automation, Connecticut State Department of Administrative Service

Electrophoresis and Isoelectric Focusing Workshop, University of New Haven

Enzyme-Linked Immunoassay Workshop, Northeastern Association of Forensic Scientists

Gm, Km Typing of Blood and Semen Stains, Maryland State Police Forensic Science Laboratory

The Threat of Terrorism and Law Enforcement Responses, Connecticut Department of Public Safety

DNA Typing, Cellmark, Germantown, Maryland

DNA Typing Methods, University of New Haven, Connecticut

DNA Technology and Forensic Science, FBI Academy

PCR DNA Typing, Cetus, CA

Developments in PCR and Synthetic Oligonucleotides, Applied Biosystems, Connecticut

Serial Murder Investigation Workshop, FBI Academy

Educational Conference, International Association for Identification

Hank Williams International Homicide Symposium, New York State Police Academy

PROFESSIONAL AFFILIATION

Northeastern Association of Forensic Scientists, Member, Regional Director, Chairman, Ethics Committee 1978

American Academy of Forensic Science, Member 1978, Fellow 1980, Distinguished Fellow 1990

The Forensic Science Society, England, Member 1978

American Academy of Criminal Justice, Member 1978

Northeastern Criminal Justice Educator's Association, Member 1979

International Association of Identification, Member, 1979, Committee Chairman 1985 Distinguished Member, 1988.

New York Academy of Science, Member, 1979

American Association for the Advancement of Science, Member, 1979

American Society for Testing and Materials, Member, 1980

American Society of Crime Laboratory Director, Member, Board of Directors, Chairman, Education Training Committee, 1980

International Association of Forensic Science, Member, 1980

Association of Official Analytical Chemists, Member, Referee, 1980

Connecticut Chromatography Council, Member, 1983

The Fingerprint Society, England, Fellow, 1984

International Association of Bloodpattern Analysis, Regional Vice President, 1987

Puerto Rico Forensic Sciences Association, Honorary Member, 1991

International Homicide Detective's Association, Member/Advisor, 1990

International Association of Bloodstain Analysts, Member/Vice-President, 1990

American Board of Criminalists, Certified Board Member, 1992

EXPERIENCE

State Police Forensic Science Laboratory, Department of Public Safety, Connecticut, 1979-Present

Director, State Police Forensic Science Laboratory, 1980-Present

Chief Criminalist, State of Connecticut, 1979-Present

University of New Haven, West Haven, Connecticut, 1975-Present

Professor and Program Chairman of Forensic Science, 1978

Associate Professor, Forensic Science, 1977-1978

Assistant Professor, Criminal Justice Division, 1975-1977

Director, Forensic Science Laboratory, 1975-1979

Director, Center of Applied Research, 1977-1980

New York University Medical Center, New York, NY, 1968-1975

Research Scientist, NYU Medical Center, Biochemistry Department, 1974-1975

Research Technician, NYU Medical Center, Biochemistry Department, 1968-1974

Taipei Police Headquarters, Taipei, Taiwan, 1960-1963

Captain, Taipei Police Department, 1960-1963

OTHER TEACHING EXPERIENCE

Adjunct Professor, Forensic Science Program, John Jay College of Criminal Justice, City University of New York, New York, 1987

Adjunct Professor, Forensic Science Program, School of Criminal Justice, Northeastern University, Boston, Massachusetts, 1983

Adjunct Professor, Biology Department, Biology Program, Graduate Program, Bridgeport University, Bridgeport, CT

Adjunct Professor, Department of Administration of Justice, Western Connecticut State University, Danbury, Connecticut, 1984

Visiting Faculty, Biochemistry Department, Yale University, New Haven, Connecticut, Summer, 1978

Adjunct Professor, Forensic Science Program, Institute of Chemical Analysis, Northeastern University, Boston, Massachusetts, 1977-1979

Adjunct Professor, University of Connecticut Law School, 1992

Adjunct Professor, Department of Sociology, Central Connecticut State University, 1993

Visiting Professor, Bilingual Education, Seton Hall University, South Orange, NJ, Summer, 1976

Visiting Professor, School of Law, People's University, Peking, China, Summer, 1985

Instructor, Connecticut State Police Academy, Meriden, Connecticut, 1980

Instructor, Municipal Police Training Academy, Meriden, Connecticut, 1980

Instructor, National College of District Attorneys, 1986

Guest Lecturer at: Bridgeport University, Central Connecticut State University, Colby College, Eastern Connecticut State University, Florida Department of Law Enforcement, Georgia Bureau of Investigation, Hocking Technical College, Louisiana State University, Maine State Police Academy, Massachusetts Police Training Academy, Northeastern University, Quinnipiac College, Tunxis Community College, the University of Alabama at Birmingham, the University of Connecticut, the University of Connecticut Medical Center, Vermont Police Training Academy, Wayne State University, Western Connecticut State University, Western New England State College, Yale University, Central Police College in Taiwan, ATF Training Academy, FBI Training Academy, DEA Training Program, National Academy of Attorneys, Wayne Medical School

COURSES TAUGHT

Advanced Criminal Investigation

Advanced Criminalistics

Advanced Forensic techniques

Advanced Serology

Arson Investigation

Bilingual Education in Mathematics and Science

Biochemistry

Biochemistry Laboratory

Biomedical Methods for Analysis

Bloodstain Pattern Interpretation

Child Abuse Investigation

Crime Scene Pattern Interpretation and Reconstruction

Crime Scene Procedures

Crime Scene Reconstruction

DNA Applications in Forensic Science

DNA Typing Methods

DNA Typing Technology

Fingerprints

Fire Investigation and Arson Analysis

Firearms and Documents Examination

Forensic Chemistry

Forensic Science in the Administration of Justice

Forensic Science Laboratory I

Forensic Science Laboratory II

Forensic Serology

Forensic Toxicology

Genetics

Homicide Investigation

Immunology

Introduction to Forensic Science

Latent Fingerprint Techniques

Methods of Teaching Mathematics and Science

Physical Analysis in Forensic Science

Principles of Criminal Investigation

Rape and Sexual Assault Investigation

Seminar in Forensic Science

Serology

WORKSHOPS, SEMINARS CONDUCTED/INSTRUCTED

Seminar in Forensic Medicine, New Haven, May 1977

Forensic Serology Workshop, New Haven, June 1977

In-Service Bilingual Education Workshop, New York, September 1977

Security Workshop for Senior Citizens, New Haven, December 1977

Arson Investigation Workshop, North Haven, February 1978

Crime Scene Investigation Workshop, Meriden, March 1978

Latent Fingerprints Workshop, New Haven, April 1978

Forensic Science Seminar for Attorneys, New Haven, May 1978

Bloodstain Analysis Workshop, New Haven, October, 1978 Forensic Paternity Workshop, New Haven, February 1979

Arson Investigation Seminar, Meriden, March 1979

Forensic Pathology Workshop, New Haven, May 1979

Burglary Investigation Workshop, Hartford, Stamford, and Madison, December 1979

Forensic Science Workshop for Public Defenders, New Haven/Madison, June 1980/1982

Advanced Analysis of Body Fluids Workshop, Virginia, October 1980

Arson Investigation Seminar, New Haven, March/April 1981

Homicide Investigation Workshop, Meriden, 1979-1986

Physical Evidence of Forensic Pathology Workshop, 1982

The Analysis of Sexual Assault Evidence, Virginia, 1983

Advanced Homicide Investigation, Vermont Police Training Academy, 1983

Advanced Crime Scene Investigation, Maine State Police Training Academy, 1984

Serology Workshop, Institute of Criminal Justice Service, Inc.. New Haven, 1983

Superglue Workshop, Connecticut Criminal Law Foundation, New Haven, 1984

Advanced Crime Scene Investigation, Connecticut Police Academy, Meriden, 1984

Advanced Homicide School, NESPAC, Meriden, 1984- 1991

Sexual Child Abuse Workshop, Newington Children's Hospital, 1984

Chief State's Attorney Workshop, Wallingford, 1984-1990

Fairfield County Detectives Conference, Walton 1984-1993

Bloodstain Pattern Workshop, NEAFS, New York 1985

Forensic Science Symposium, People's University, China, 1985

Homicide Investigations, Hartford County PD, Connecticut, 1985

Medicolegal Investigation of Unexpected Death Seminar, Vermont, 1985

Medicolegal Investigation of Death Seminar, Vermont, 1985.

Physical Significance of Bloodstain Evidence, New York, 1985

Traffic Accident Reconstruction, AAFS, Cincinnati, 1985

Basic Crime Scene School, MPTC, Meriden 1985-1993

Intermediate Crime Scene School, MPTC, Meriden 1985-1993

Child Sexual Abuse Seminar, East Hartford Police Department, 1985, 1987

Advanced Criminal Investigation, MPTC, Connecticut State Police, 1985-1993

National College for District Attorneys, Cambridge, Massachusetts, 1985, 1986

Investigation of Sudden and Unexpected Deaths Seminar, MPTC, Office of the Chief Medical Examiner, Connecticut, 1986

Fire Marshal Certification Course, Connecticut State Police, 1985, 1986, 1987, 1988, 1989, 1990, 1991

Forensic Medicine Seminar, Health Center, Farmington, 1986

Bloodstain Evidence Seminar, MPTC, Connecticut State Police, 1985, 1986, 1987

Homicide Investigation Seminar, Arizona, 1986-1990

Advanced Crime Scene Investigation, Miami, Florida, 1986

Crime Laboratory Development Symposium, FBI, Virginia, 1986

Bloodstain Pattern Analysis, Miami, Florida, 1987

Bloodstain Pattern Workshop, Georgia Bureau of Investigation, 1987

Electrophoresis and Isoelectric Focusing Workshop, Arizona Department of Public Safety, Phoenix, Arizona, 1987

Bloodstain Pattern Evidence, Morgantown, West Virginia; 1987

Crime Scene Reconstruction, Florida Department of Law Enforcement, Oct. 1987

The Use of RFLP-DNA Analysis in Forensic Science, University of New Haven, 1988, 1989

PCR-DNA Typing Workshop, University of New Haven, 1990

Advanced Crime Scene Workshop, UNH, West Haven, CT, 1988-1993

Fire Deaths Training Workshop, Expert Forensic Technicians Training Seminar, Newark, Delaware, October 22, 1992

Homicide Investigation Workshop, Southern Institute of Forensic Science, New Orleans, October 23 - 24, 1992

Forensic Sciences Workshop, Colby College, Waterville, ME, August 14-19, 1993

Death Investigation Workshop, FBI, Enfield PD, Enfield, CT, August 25, 1993

Advanced Agents Arson Explosives Workshop, ATF National Academy, Glynco, GA, July 16, 1993

Crime Scene Investigation Workshop, Southern Institute of Forensic Science, Hattiesburg, Mississippi, December 10 - 11, 1993

Arson Homicide Cases and Identification of Human Remains, Arnold Markle Symposium, University of New Haven, West Haven, CT, March 17, 1995

Death Related Homicide Investigation, DEA Training Workshops, DEA, Quantico, Virginia, 1995

Medicolegal Investigation of Death Workshop, Wayne State University School of Medicine, Detroit, Michigan, March 23-24, 1993-95

RESEARCH AND GRANT SUPPORT

Public Health Service Trainee, GMO1234-ll, NIH

Project Director, CHE Title VI FY 77-252

Project Director, NSF SER 77-12101

University Research Grant, UNH, 1978

University Research Grant, UNH, 1979

Project Director, CHE Title I, FY 79-055-003

Co-Investigator, US DOJ/LEAA/NILECJ Grant #79-AX-0125

Arson Control Grant, CJC-80-CJ-AX-0014-4

Training Grant, Municipal Police Training Council, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991

Co-Investigator, US DOJ/NIJ Grant #87-IJ-CX-0041

CONSULTANT TO

New Jersey Burlington County Forensic Science Laboratory, New Jersey

Connecticut State Public Defender's Office

Technical Advisory Services for Attorneys, Pennsylvania

PRC Public Management Services, Virginia University of Alabama, Alabama

John Jay College of Criminal Justice, New York

University of South Carolina, South Carolina

Elmira College of New York, New York

National Institute of Justice, Washington

Maine State Police, Augusta, Maine

Delaware Department of Justice, Delaware

Allegheny County Department of Laboratory, Pennsylvania

Rothman Architecture Inc., Massachusetts

County of Prince William, Virginia

Public Defender's Office, Sullivan County, New York

Public Defender's Office, New Jersey

Public Defender's Office, Delaware

District Attorney's Office, Cambridge, Massachusetts

State Attorney's Office, Virginia Beach, Virginia

State Attorney's Office, Miami, Florida

District Attorney's Office, Anchorage, Alaska

Taiwan National Police Criminal Investigation Bureau, Taiwan

Bureau of Investigation, Ministry of Justice, Taiwan

Department of Public Safety, State of Mississippi, Jackson, MS

Crown Attorney's Office, Ottawa, Canada

Hawaii Police Department, Hilo, Hawaii

AWARDS

Distinguished Service Award. Taipei Police Headquarters, for distinguished service in criminal investigation. 1962

Commendation Award. Greenburgh Police Department for assistance in solving homicide case. 1976.

Teacher of the Year Award. Alpha Chi Student Council, University of New Haven for the best teacher. 1979.

Alumni Achievement Award. John Jay College of Criminal Justice for achievement, contribution and services in forensic science. 1979, 1990

Distinguished Manager Award. Selected as first distinguished Manager. Recipient of award from the Governor of Connecticut. 1982

Recognition Citation. Connecticut State General Assembly for distinguished service to the State of Connecticut in solving difficult crimes. 1983

Special Award. Connecticut Division of Criminal Justice in recognition of the service to the criminal justice system. 1984

State of Connecticut General Assembly Citation. Citation received in recognition of distinguished managerial services. 1982.

The Lewis Memorial Lecture Award. St. Joseph's College Chemistry Club. 1984

Special Award. Connecticut Law Foundation for innovation and dedication to the advancement of professionalism in law enforcement. 1984

Recognition Award. The People's University of China in recognition of outstanding service to forensic science and training. 1985

Instructor Award. Connecticut State Police Academy for outstanding services and instruction. 1985

Lecture Award. American Chemical Society, Hartford State Technical College. 1986

Recognition Award. Fairfield County Detective School for distinguished service and teaching. 1986

Distinguished Service Award. The Academy of Forensic Sciences for outstanding contribution to criminalistics and forensic science, 1986

Commendation Award. Criminal Investigation Bureau, Taiwan National Police for outstanding contribution in criminal investigation and training

Police Medal. The Ministry of Interior, Republic of China, distinguished services in police work. 1986

Alumni Award. The Central Police College, Taiwan, Republic of China for outstanding achievements and services to the community. 1989

Honorary Deputy Sheriff. Middlesex County Sheriff's Association

Honorary Deputy Sheriff. Bergen County Sheriff's Office, New Jersey

Honorary Captain. Maine State Police, Maine

Honorary Lt. Colonel, State of Georgia

Honorary Texas Lawman, State of Texas

J. Donero Award, International Association for Identification, 1989

Service Award, American Board of Criminalistics, 1990

Service Award, Bureau of Alcohol, Tobacco and Firearms, 1990

Service Award, Taiwan Criminal Investigation Bureau, 1991

Distinguished Service Award, Police Commissioners Association of Connecticut, Inc., Norwalk, CT, September 25, 1992

Appreciation Award, New Hampshire State Police, Concord, NH, November 29, 1993

The Distinguished Fellow Award, American Academy of Forensic Sciences, San Antonio, TX, February 16, 1994

1994 Excellence 2000 Award, United States Pan American Chamber of Commerce, Washington, DC , May 3, 1994

Service Award, Drug Enforcement Agency, 1995

ACHIEVEMENTS/RECOGNITION/COMMUNITY SERVICE

Listed in American Men of Science, 1978

Listed in Science Consultants in American, 1978

Listed in Who's Who in Science, 1978

Listed in Forensic Science Consultants, 1979

Listed in Community Leaders and Noteworthy Americans, 1979

Program/Proposal reviewer, National Institute of Justice, Department of Justice

Reviewer/Referee for various professional journals

Reviewer for book publishers

Program Chairman/Moderator for various scientific meetings and scientific organizations.

Regional Director, Northeastern Association of Forensic Scientists, 1977-1980

Chairman, Ethics Committee, Northeastern-Association of Forensic Scientists, 1980

Chairman, Education and Training Committee, American Society of Crime Laboratory Directors, 1982,1986,1990

Chairman, Forensic Science Operation and Program Committee, FBI/ ASCLD, 1985

Chairman, Nomination Committee, American Academy of Forensic Science, 1983,1984

Member, Forensic Serology Certification Committee National Institute of Justice/Academy of Forensic Science, 1978

Member, Connecticut State Rape Committee, Department of Health/ Department of Public Safety, 1980 to present

Member, Forensic Sciences Service Committee, Connecticut Justice Committee, 1981

Member, Laboratory Safety Committee, International Association of Identification, 1985

Member, National Steering Committee of Arson Evidence, ATF/NBS, 1982

Member, Ad Hoc Committee on the Reliability of Genetic Marker Typing in Blood and Body Fluid Stains, AAFS, 1984

Certified Latent Fingerprint Examiner, International Association for Identification

Accreditation Inspector, American Crime Laboratory Accreditation, 1983

Associate Referee. Forensic Science, Association of Official Analytical Chemists, 1981

Chief Delegate, Chinese-American Police Conference, Taipei, Taiwan, 1986

Member, Scholarship Committee, International Association of Identification, 1986

Member, Publication Committee, International Association of Identification, 1986

Advisor, Crime Scene Certification Committee, International Association of Identification, 1987

Board Member, University of New Haven, 1987

Committee Member, National Organization Against Liquor in Candy for Children, 1987

Committee Member, Connecticut State Rape Committee, 1987

Chairman, Forensic Laboratory Analysis Committee, Inter-national Association of Identification, 1988

Member, Capitol Region Investigative Support Team, 1991

Chairman, Ad Hoc Committee on DNA Typing, American Academy of Forensic Scientists, 1989, 1990, 1991

Chairman, Local Arrangements Committee, American Academy of Forensic Sciences 1993 Annual Meeting, Boston, MA, February, 1993

COURT QUALIFICATION

Qualified as an expert witness or an expert involved in forensic science, forensic serology, bloodspatter analysis, crime scene investigation, crime scene profiling, crime scene reconstruction, fingerprints, imprints and general physical evidence in the various county superior, supreme and federal courts of California, Connecticut, Delaware, Florida, Illinois, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, DC, West Virginia, and various foreign countries.

Recognized as an expert by involvement in and/or performance of forensic laboratory examination, traffic accident investigation, airplane accident investigation, fire and arson investigation, home and industrial security, homicide, rape, and robbery investigation in thousands of other criminal or civil cases submitted by representatives of the people and defendants, or by representatives of plaintiffs, and privately represented parties from forty different states and foreign countries.

Chairman, Select Committee on examination of firearms evidence in Sacco-Venzetti case, Massachusetts, 1984

Chairman, Select Committee on examination of evidence in Taiwan Hwa-Nan Bank case, Taiwan, 1985

Select expert on examination of serological evidence in Gary Datson case, Illinois, 1983

Chairman, Select Committee on examination of hair evidence in Carmen Gloria Quintana and Rodrigo Rojas De Negri, Chile, 1987

Expert consultant on other noticeable cases: wood chipper murder, Westchester Warmus case, Palm Beach Kennedy rape case, Philadelphia case, San Diego, California

UNIVERSITY SERVICE

Director, Center of Applied Research

Chairman, Non-Academic Committee

Member, Sabbatical Committee

Member, Criminal Justice Curriculum Committee

Member, Grants Committee

Member, Doctorate Program Chairman

EDITOR

Editor, Hwa-Lian Daily News

Editor, Forensic Serology News

Editor, Journal of Forensic Science

Editor, Crime Laboratory Digest

Editor, Advances in Forensic Sciences

Editor, Journal of Forensic Identification

Editor, Great Crime Cases

Editor, Forensic Science Review

Editor, Crime Laboratory Digest, FBI

Editor, American Journal of Forensic Pathology

BOOKS, CHAPTERS AND REPORTS

The Senior Citizen Comprehensive Guide to Crime Prevention. Lee, H.C., Criminal Justice Monography, University of New Haven, 1978. Funded by Board of Higher Education, State of Connecticut

Handbook in Forensic Science. Lee, H.C., Criminal Justice Monography, University of New Haven, 1978. Funded by Public Defender's Office, State of Connecticut

Forensic Science Education in U.S. Lee, H.C., Criminal Justice Report, University of New Haven, 1978

Burglary Investigation. Lee, H.C., Criminal Justice Monography, University of New Haven, 1979, Funded by Board of Higher Education, CT

Review of Forensic Sciences Services in the State of Connecticut. Lee, H.C., Review for the Department of Public Safety, Division of State Police, 1980

Identification and Grouping of Bloodstains. Lee, H.C., Forensic Science Handbook; R. Saferstein (ed.) Prentice-Hall Book Co., New Jersey, 1982

Forensic Science - An Introduction to Criminalistics. DeForest, P.R., Gaensslen, R.E., and Lee, H.C., McGraw-Hill Printing Co., New York, 1983

Physical Evidence and Crime Scene Investigation. Lee, H.C., Kelley, S. and Pagliaro, E., Connecticut Police Training Academy, Connecticut, 1983

Forensic Hair Examination. Lee, H.C. and DeForest, P.R., in C.H. Wecht (ed.) Forensic Sciences, Vol. 2, Matthew Bender, New York, 1984

Procedures and Evaluation of Antisera for the Typing of Antigens in Bloodstains Blood Group Antigens ABH, Rh, MNSs, Kell, Duffy, Kidd, Serum Group Antigens Gm/Km. Gaensslen, R.E. and Lee, H.C., National Institute of Justice, U.S. Department of Justice, U.S. Government Printing Office, Washington, DC, 1984

Physical Evidence and Forensic Science. Lee, H.C. and et al., Connecticut State Police Forensic Science Laboratory, Connecticut Insurance Placement Facility, Hartford, Connecticut, 1985

Methods in Forensic Science. Lee, H.C., and et al., Forensic Science Symposium, People's University, Peking, China, 1985

Physical Evidence and Forensic Science, (2nd Edition). Lee, H.C. and Gaensslen, R.E., Connecticut State Police, American Insurance Industry, New York, 1986 Translated into Korean, 1989 Translated into Chinese, 1993

Genetic Marker Systems for the Individualization of Blood and Body Fluids in Forensic Serology. Gaensslen, R.E., Desio, P.J., and Lee, H.C., in: G. Davies (ed.) Forensic Science, 2nd ed., American Chemical Society, Washington, DC, 1986

Methods for the Recovery of Accelerants from Arson Debris. Lee, H.C., Desio, P.J. and Gaensslen, R.E., in: G. Davies (ed.) Forensic Science, 2nd ed., American Chemical Society, Washington, DC 1986

Advances in Forensic Sciences. Lee, H.C., and Gaensslen. R.E., Editors, multi-volume series, each volume devoted to a particular sub-field in forensic science Forensic Serology, Biomedical Publications, Foster City, California, (1986)

Applications of Instrumental Techniques in Forensic Sciences. Lee, H.C., and Gaensslen, R.E., Editors, Year Book Medical Publishers, 1988

DNA and Other Polymorphisms in Forensic Science. Lee, H.C., and Gaensslen, R.E., Editors, Year Book Medical Publishers, Chicago, Ill. (1990)

New Advances in Fingerprint Technology. Lee, H.C., and Gaensslen, R.E., Editors, Elsevier Science Publishing, Company, Inc., New York (1991)

Physical Evidence in Criminal Investigation. Narcotic Officers Association, Westport, Connecticut, (1991)

Physical Evidence and Criminal Investigation (Chinese) Taipei County Bureau of Investigation, Taiwan, R.O.C. (1993)

Amplification of a Genomic Sequence in 19th Century Human Bone DNA. Gaensslen, R.E., Berka, K.M., Herrin, G., Mishler, R.E., Sveum, Lee, H.C., DNA Unit, Georgia Bureau of Investigation, Springer-Verlag 1993, Naturwissenschaften 80-81.

Arson Residue. Lee, H.C., Encyclopedia of Analytical Science, Academic Press, London, England (1995)

New Technologies in Criminal Investigation. Lee, H.C., Policing: Method, Issues, Challenges, Dr. Ken Peak, 1994.

Physical Evidence. H. C. Lee, et al. 1995. Magnani and McCormick, Inc., Enfield, CT

Crime Scene Investigation. H. C. Lee, et al. 1994. Central Police University Press, Taiwan, Republic of China.

Sexual Assault Evidence: National Assessment and Guidebook, Gaensslen, R.E., Lee, H.C., Publication for the National Institute of Justice, U.S. Department of Justice, Washington DC, March, 1996.

PUBLICATIONS AND ABSTRACTS

Eighteen (18) papers were published during 1960-1974, in areas such as: Forensic Science, Juvenile Delinquency and Criminal Justice.

Lee-Huang, S., Lee, H.C., and Ochoa, Severo, "A Specific Inhibitor of Polypeptide-chain Initiation in E. Coli", Proc. National Academy Science, USA, 70, 1973

Lee-Huang, S.H., and Lee, H.C., "Inhibition of Polypeptide Chain Initiation in E. Coli by Elongation Factor G", Proc. National Academy Science USA, 71, 1974

Lee, H.C., Lee-Huang, S. and Ochoa, S., "Studies on the Interaction of Elongation Factor G with Ribosomal Subunits in E. Coli", Biophysical Journal, 31, 1975

Lee, H.C., "A New Function of Elongation Factor G in E. Coli", Ph.D. Thesis, New York University, 1975

Lee, H.C. and DeForest, P., "Precipitin-Inhibition Test for the Determination of the Species of Origin on Denatured Bloodstain", AAFS Abstract, 17, 1976

Lee, H.C., "Direct and Indirect Coombs Test", Forensic Serology News, 3, 1976

Lee, H.C. and DeForest, P., "Precipitin-Inhibition Test for Determination of the Human Origin of the Denatured Bloodstain", J. Forensic Science, 21, 4, 1976

Lee, H.C., and DeForest, P., "The Use of Anti-Human HB Serum for Bloodstain Identification", AAFS Abstract, 67, 1977

Lee, H.C., and Desio, P., "The Increased Role of Chemistry in Forensic Science", ACS Abstract, 28 D, 1977

Lee, H.C. and Voll, S., "Identification of Urine Stain", Forensic Serology News 3, 6, 1977

Lee, H.C., DeForest, P. and Gaensslen, R.E., "The Effect of Environmental Factors on Human Serum Protein", ACS Abstract, 9, `1977

Lee, H.C., DeForest, P. and Gaensslen, R.E., "The Effect of Environmental Factors on Genetic Markers in Blood", AAFS Abstract, B-9,

Attard, A. and Lee, H.C., "Mass Spectra Analysis Using a Programmable Calculator", J. Chem. Educa. 55, 428, 1978

Lee, H.C. and DeForest, P., "Determination of Age of Bloodstains by G/A Ratio", IAFS Abstract, 184, 1978

DeForest, P., Lee, H.C., and Crispino, V., "Considerations and Recommendations Regarding the Collection and Handling of Fresh Bloodstains", IAFS Abstract, 154, 1978

Lee, H.C., and Attard, A., "A Computing Aid for Forensic Mass Spectrometry", Arson Analysis Newsletter, 2, 6, 1978

Attard, A. and Lee, H.C., "Gas Chromatograph Collection", J. Chromatographic Science, 16, 514, 1978

Lee, H.C., Attard, A., Gaensslen, R.E. and DeForest, P., "The Use of Dansyl Chloride in Latent Prints Detection", AAFS Abstract, B-52, 1979

Attard, A., and Lee, H.C., "x-ray Crystallographic Computations Using a Programmable Calculator", J. Chem. Educa., 57, 1979

Lee, H.C., and Gaensslen, R.E., "Techniques for the Determination of Protein Concentration", Forensic Serology News, 5, 1, 1979

Lee, H.C., Gaensslen, R.E. and DeForest, P., "Estimation of Age of Bloodstains by G/A Ratio", AAFS Abstract, 1979

Lee, H.C., and DeForest, P., "Identification of Human Bloodstains by Anti-Human HB Serum", Police Science, 9, 34, 110, 1979., (Tran. by M.H. Lin)

Lee, H.C. and Attard, A., "The Comparison of Fluorescamine O-phthaladehyde and Ninhydrin in Latent Prints Detection", J. Police Science and Administration, Vol. 7, No. 30, 1979

Lee, H.C., Gaensslen, R.E., and DeForest, P., "An Evaluation of Fluorescein as a Presumptive Test Reagent for Blood", Eastern Analytical Symposium Abstracts, 138, 69, 1979

Lee, H.C., and Gaensslen, R.E., "Designing a Forensic Science Program in the University", Abstract, 7th annual meeting, Federation of Analytical Chemistry and Spectroscopy Societies, 1980

Lee, H.C. and Gaensslen, R.E., "ABO Grouping of Urine and Urine Stains", 6, 3, 1980 Forensic Serology News

Lee, H.C., "Forensic Science - Where Scientific Methods are Utilized to Fight Crime", Conn. J. Science Education, sp. 1981

Lee, H.C. et al, "Scientific Evidence and Homicide Investigation", AAFS Abstract, 1981

Lee, H.C., "Forensic Science", The Crucible, The Science Teacher's Association of Ontario, Canada, Vol. 12, November 4, 1981

Gaensslen, Lee, et al, "Rh Typing in Bloodstains of Varying Age, Substratum Effects", AAFS Abstract, B7, 1982

Lee, H.C. et al, "Various Methods of Concentrating Dilute Blood Evidence for Subsequent Analysis", AAFS Abstract, B9, 1982

Gaensslen, Lee et al, "Evaluation of Rh Grouping Anti-Sera and Their Applicability to Bloodstain", AAFS Abstract, B8, 1982

Gaensslen, R.E., Lee, H.C. et al, "Evaluation of Blood Grouping Antisera for the Antigens S, s, K, k, Fya, Fyb, and JKa", AAFS Abstract, 1982

Gaensslen, Lee et al."An Evaluation of the Applicability of Different Antisera to Gm and Km Typing in Bloodstains, AAFS Abstracts, Bll, 1982

Lee, H.C., et al, "Arson Control Program in Connecticut", AAFS Abstract, B41, 1982

Lee, H.C. et al, "Trace Evidence and Arson Investigation AAFS Abstract, B42, 1982

Desio, Gaensslen and Lee, "Undergraduate Education in Forensic Science and Chemistry", ACS Abstract, 1983

Gaensslen, R.E., Desio, P. and Lee, H.C., "Instrumentation and Analytical Methodology in Forensic Sciences", ACS Abstract, 1983

Lee, H.C. et al, "The Reliability of ABO Grouping of Human Hair", AAFS Abstract, Bll, 1983

Lee, H.C. et al, "Enzyme Assays for the Identification of Gastric Fluid", AAFS Abstract, B13, 1983

Gaensslen, R.E. & Lee, H.C., "Analysis of Phenotypic Distributions for Genetic Marker Systems Reported in All U.S. Populations", AAFS Abstract, B18, 1983

Lee, H.C., et al, "The Role of Physical Evidence in Homicide Investigation", AAFS Abstract, B50, 1983

Lee, H.C. and Appel, "Anti-Arson Program in Connecticut", Arson Analysis Newsletter, Vol. 7, No. 1, 1983

Lee, H.C., "Benzidine or O-Tolidine?" Identification News, 1984

Lee, H.C., "A Review of Bloodstain Pattern Interpretation", J. of Forensic Science, 1984

Lee, H.C., "Identification and Individualization of Traces of Glue by Nanospec. 20 Infrared Microspectrophotometry", AAFS Abstract, B56, 1984

Lee, H.C. et al, "The Effect of Histological Staining on Deductibility of ABH Antigenic Substances in Seminal Stain Preparations on Slides", AAFS Abstract B54, 1984

Lee, H.C. et al "The Distribution of Seminal Markers in Semen Stains", AAFS Abstract, B47, 1984

Gaensslen, R.E., and Lee, H.C., "Medical Malpractice on Rape", AAFS Abstract B67, 1984

Lee, H.C. and Gaensslen, R.E., "Analytical Techniques Used in Homicide Investigation", Eastern Analytical Symposium Abstract, 1984

Lee, H.C., "TMB as an Enhancement Reagent for Bloody Prints", Identification News, March, 1984

Lee, H.C. and Gaensslen, R.E., "Cyanoacrylate Fuming, Theory and Procedures", Chesapeake Examiner, April 1984

Lee, H.C., and Gaensslen, R.E., "Cyanoacrylate", Identification News, Vol. 34, No. 6, June 1984

Lee, H.C. et al, "Simultaneous Analysis of Species Origin, ABH Antigens and Isoenzyme Marker Types in the Same Bloodstain" - International Symposium on the Forensic Application of Electrophoresis, FBI, June 1984

Lee, H.C. et al "Identification of Adhesive by IR Microspectrophotometry", FACSS Abstract. September 1984

Lee, H.C. and Gaensslen, R.E., "Multiple Analysis of Bloodstain", IAFS Abstract, September 1984

Lee, H.C., "Past, Present and Future in Fingerprints Examination", NEFSA Abstract, October, 1984

Lee, H.C. and DeForest, P.R., "Forensic Hair Examination", Forensic Sciences, Vol. 2, Chapter 37A, 1984

Gaensslen, R.E., Lee, H.C. et al, "Use and Interpretation of Phenotypic Frequencies for Genetic Markers in Populations in Forensic Serology", International Symposium on the Forensic Application of Electrophoresis, FBI, June 1984

Lee, H.C., Gaensslen, R.E., Mertens, J.E. and Stolorow, MD, "Staining and Extraction Techniques in Proceedings, Forensic Science Symposium on the Analysis of Sexual Assault Evidence, F.S.R.T.C., Laboratory Division, FBI Academy, Quantico, Virginia, 1984

Pagliaro, E., Lee, H.C., et al, "The Distribution of Seminal Markers on Various Sections of Stain from Sexual Assault Cases", in Proceedings, Forensic Science Symposium on the Analysis of Sexual Assault Evidence, P. 129, FBI Academy, Quantico, Virginia, 1984

Lee, H.C. et al, "Enzyme Assays for the Identification of Gastric Fluid", J. Forensic Sciences, Vol. 3, No. 1, June 1985

Lee, H.C. et al, "Methods for the Recovery of Accelerant Residues from Arson Debris", Forensic Science, 2nd Ed., 1985

Gaensslen, Desio, and Lee, H.C., "Genetic Marker System for the Individualization of Blood and Body Fluids in Forensic Serology", Forensic Science, 2nd Ed., 1985

Gaensslen, Lee, H.C. and Carroll, J., "Evaluation of monoclonal Anti-A and Anti-B and Affinity Purified Ulex Europeus Lectin I for Forensic Blood Grouping", Z. Rechtsmedz, 93:259, 1984

Lee, H.C. et al, "Enzyme Assays for the Identification of Gastric Fluid", J. Forensic Science, Vol. 30, No. 1, Jan., 1985

Lee, H.C. et al, "Multiple Analysis of Bloodstains", AAFS Abstract 13049, February 1985

Lee, H.C. Gaensslen, R.E. and Novitch, B., "A Review of ABH Blood Group Antigens Determinations in Human Hair and Some Further Studies on Its Reliability, FBI Crime Laboratory Digest, 12, No. 4: 83-89, 1985

Lee, H.C., Gaensslen, R.E., Pagliaro, E.M., Lee, S.K. and Carroll-Reho, J.E., "Simultaneous Identification and Determination of Species Origin, ABH Antigens and Isoenzyme Markers in the Same Bloodstain. Forensic Sci. Int., 29, No. 3-4:191-198, 1985

Gaensslen, R.E., Lee, H.C., et al, "Evaluation of Antisera for Bloodstain Grouping II, Ss, Kell, Duffy, Kidd and Gm/Km", J. of Forensic Science, Vol. 30, No. 3, 1985

Gaensslen, R.E., Kubic T., Desio, P., and Lee, H.C., "Instrumental and Analytical Methodology in Forensic Science, J. of Chemical Education, Vol. 62, 1985

Lee, H.C., et al, "Forensic Serology and Genetic Markers", in Proceedings of the Symposium on Forensic Evidence, Peking, China, 1985

Lee, H.C., et al, "Document Examination and Handwriting Analysis" in Proceedings of the Symposium on Forensic Evidence, Peking, China, 1985

Lee, H.C. Gaensslen, R.E., Pagliaro, E.M., and Guman, M.B "Effects of Reagents for Presumptive Blood and Body Fluid Testing, Latent Fingerprint Enhancement and Histological Stains on Subsequent Serological Tests", Abstract AAFS, New Orleans, Louisiana, 1986

Lee, H.C., Gaensslen, R.E., Pagliaro, E.M., and Vanty, M., "Determination of the Volume of a Single Bloodstain Drop", Abstract AAFS, New Orleans, Louisiana, 1986

Lee, H.C., Gaensslen, R.E., Pagliaro, E.M., and Novitch, B., "Two Dimensional Absorption-Inhibition", Abstract AAFS New Orleans, Louisiana, 1986

Lee, H.C., Gaensslen, R.E., and Mills, R.J., "Microscopical Studies on Intra-sample Variations of Human Scalp Hair", Abstract AAFS, New Orleans, Louisiana 1986

Lee, H.C., et al, "Combination Analysis of Bloodstain", Forensic Science (China), Vol. 20, 1986

Lee, H.C., "Pattern Evidence in the Reconstruction of Crimes", Forensic Science, (China) Vol. 20, 1986

Gaensslen, R.E., Lee, H.C. et al, "Studies on ABH Antigen Grouping of Ammoniacal Extracts of Bloodstains by Absorption Elution", Forensic Science International, 31, 1986

Lee, H.C., "Arson Investigation", Chinese-American Police Conference Proceeding, March 1986

Lee, H.C., "Estimation of Original Volume of Bloodstains", Identification News, July 1986

Lee, H.C., "Identification and Grouping of Bloodstains", Forensic Science, (China), Vol. 21, 1986

Lee, H.C., et al, "Estimation of Original Volume of Bloodstains", International Association of Blood Pattern Analysis News, 1987

Lee, H.C., and Gaensslen, R.E., "Electrostatic Lifting Procedure for Two-Dimensional Dustprints," Identification News, Jan. 1987

Lee, H.C., and Gaensslen, R.E., "Interpretation of Serological Test Results, Crime Laboratory Digest, Vol. 14, No. 3, July, 1987

Gaensslen, R.E., Bell, S.C., and Lee, H.C., "Distribution of Genetic Markers in United States Population: I. Blood Group and Secretor System," J. Forensic Science, Vol. 32, No. 4, July 1987

Gaensslen, R.E., Bell, S.C., and Lee, H.C., "Distribution of Genetic Markers in United States Population: II. Isoenzyme System," J. Forensic Science, Vol. 32, No. 5, Sept. 1987.

Lee, H.C., et al, "Estimation of Original Volume of Bloodstains", I.A.I. News, 1987

Lee, H.C. and Gaensslen, R.E., "The New Technology in Latent Print Detection and Comparison", Fingerprint Identification, Vol. 60, No. 1, August 1987

Lee, H.C., "Precautions for Infectious Diseases - AIDS and Hepatitis B", Connecticut State Police Technical Bulletin, Nov. 1987

Lee, H.C., and Gaensslen, R.E., "The Typing of ABH Antigens in Human Bone", Advances in Forensic Haemogenetics, 2, 1988

Lee, H.C., "A Review of Forensic Science", Book Review, Journal of Forensic Identification, 1987

Lee, H.C. and Gaensslen, R.E., "Methods of Latent Print Development, Procedures at the International Symposium on Latent Prints, U.S. Prosecutor's Office, 1987

Lee, H.C., Gaensslen, R.E., and Pagliaro, E.M., "Extraction of DNA from Human Bone", Abstract, AAFS 40th Annual Meeting, Philadelphia, PA, Feb. 1988

Lee, H.C., Gaensslen, R.E., Carroll-Reho, J., and Tramontozzi, D., "Isoenzyme Markers in Decomposing Human Scalp Hair Follicles", Abstract, AAFS 40th Annual Meeting, Philadelphia, PA, Feb. 1988

Lee, H.C., Hathaway, R., Baughn, D., and O'Brien, R., The Effect of Wind Velocity on Gunpowder Residue Patterns", AAFS 40th Annual Meeting, Philadelphia, PA, Feb. 1988

Lee, H.C., Gaensslen, R.E., Pagliaro, E.M. , Olson, B., "Microscopical Study of Decomposing Human Scalp Hair Follicles, AAFS 40th Annual Meeting, Philadelphia, PA, Feb. 1988

Gaensslen, R.E. and Lee, H.C., "Regional Cooperation and Regional Centers Among Forensic Science Programs in the United States", J. of Forensic Science, Vol. 33, No. 4, 1988

Lee, H.C., and Gaensslen, R.E., "Forensic Science Laboratory and Forensic Science Program Cooperation and Relationships", J. of Forensic Science, Vol. No. 4, 1988

Lee, H.C. et. al., "Two-Dimensional Absorption-Inhibition", J. of Forensic Science, Vol. 33, No. 5, 1988

Lee, H.C. et al., "ABH Antigen Typing in Bone Tissue," J. of Forensic Science, Vol. 34, No. 1, Jan: 7-14, 1989

Lee, H.C. and Gaensslen, R.E., "The Need for Standardization of DNA Analysis Methods" in DNA Technology and Forensic Science; Banbury Report 32, Cold Springs Harbor Laboratory Press; Cold Springs Harbor, New York, 1989

Lee, H.C. et al. "The Effect of Presumptive Test, Latent Fingerprint and Some Other Reagents and Materials on Subsequent Serological Identification, Genetic Markers and DNA Testing in Bloodstains, J. of Forensic Identification, Vol. 39, No. 6, 331-350, 1989

Lee, H.C., Gaensslen, R.E. and Pagliaro, E.M., "Serological Reconstruction in Homicide Investigation", B-37, Abstract, AAFS Annual Meeting, Cincinnati, Ohio, 1990

Lee, H.C. and Gaensslen, R.E., "Trace Evidence in Arson Investigation", Abstract, AAFS Annual Meeting, Cincinnati, Ohio, 1990.

Gaensslen, R.E., Lee, H.C., and et al., "Human Bone Grouping: ABH of Human Bone Tissue in Varying Environments over Varying Time Periods", B-38, Abstract, AAFS Annual Meeting, Cincinnati, Ohio, 1990

Lee, H.C., "ABO Grouping in Human Bone: Practical Applications in Forensic Case Work", B-39, Abstract, AAFS Annual Meeting, Cincinnati, Ohio, 1990

Lee, H. C., et al. " DNA Analysis in Human Bone and Other Materials of Forensic Interest-PCR Typing and Testing", IAFS Meeting Abstract, Adelaide, SA, 1990

Lee, H. C., et al. " DNA Analysis in Human Bone Tissue- RFLP Typing ", IAFS Meeting Abstract, Adelaide, SA, 1990

Lee, H. C., et al. "Bits and Pieces" IAFS Meeting Abstract, Adulate, SA, 1990

Lewis, M. L., H. C. Lee, et al. " Restriction Fragment Length Polymorphism DNA Analysis by the FBI Laboratory Protocol Using a Simple, Convenient Hardware System", J. Forensic Sciences, Vol. 35, No. 5, 1990

Gaensslen, R.E. and H. C. Lee, " Genetic Markers in Human Bone Tissue", Forensic Science Review, 2:125, 1990

Lee, H. C., et al. " Genetic Markers in Human Bone; I. Deoxyribonucleic Acid (DNA) Analysis", J. Forensic Sciences, Vol. 36, No. 2, 1991

Lee, H. C., et al. " Genetic Markers in Human Bone; II. Studies on ABO (and IGH) Grouping", J. Forensic Sciences, Vol. 36, No. 3, 1991

Lee, H. C. " New Technologies in Criminal Investigation", Abstract Taipei International Symposium on Forensic Science, Taiwan, 1991

Lee, H. C. et al., " The Conviction of Defendants who had been Excluded by DNA Typing as Donors of Blood and Semen Stains in Criminal Cases" Abstract, AAFS Meeting, Anaheim, 1991

Lee, H. C. et al., "Bits and Pieces: Investigation and Analysis", J. Forensic Science Society; 31(2), 289-292, 1991

Lee, H. C. et al., "Bits and Pieces: Serology, Criminalistics, Anthropology and Odontology", J. Forensic Science Society; 31(2), 293-296, 1991

Lee, H. C., et al. "DNA Analysis in Human Bone Tissue: RFLP Typing", J. Forensic Science Society; 31(2): 209-212, 1991

Lee, H. C., et al. "DNA Analysis in Human Bone and Other Specimens of Forensic Interest: PCR Typing and Testing", J. Forensic Science Society; 31(2): 213-216, 1991

Lee, H. C., et al. "DNA Collection Guideline-- Collection and Preservation of DNA Evidence", Vol. 9, No. 3, pp. 45-55, Aug. 1991

Lee, H. C., et al. " Crime Scene Reconstruction", Forensic Science Conference Handbook, Division of Criminal Justice Training Center, Sept. 1991

Lee, H. C., et al. " Guidelines for the Collection and Preservation of DNA Evidence", J. Forensic Identification, vol. 41, No. 5, pp. 344-356, Sept. 1991.

Lee, H. C., et al. " Utilization of Trace Evidence to Solve a Homicide Case", (Abstract), Northeastern Association of Forensic Scientists Annual Meeting, Oct. 1991.

O'Brien R. and H. C. Lee, " Gunshot Residue in Shooting Reconstruction", (Abstract), Northeastern Association of Forensic Scientists Annual Meeting, Oct. 1991.

Pagliaro, E., Gaensslen, R.E., Laughlin, W.S., and Lee, H.C., (Abstract), "DNA Typing and ABO Grouping of Ancient Bone Remains", American Academy of Forensic Science Annual Meeting, February 1992.

Messina, D., Pagliaro, E., Gaensslen, R.E. and Lee, H.C., "The Recovery, Amplification and Typing of DNA from Stained Seminal Smears", American Academy of Forensic Science Annual Meeting, February, 1992, (abstract)

Hubball, J., Novitch, B., Johannes, P. and Lee, H.C., "A Systematic Study on Spontaneous Ignition of Linseed Oil", American Academy of Forensic Science Annual Meeting, February, 1992, (abstract)

Lee, H.C., Gaensslen, R.E., and Pagliaro, E., "DNA Typing of Human Remains, 4th Indo-Pacific Congress on Legal Medicine and Forensic Sciences, Bangkok, Thailand, November 2, 1992, (abstract)

Lee, H.C., Mills, R.J., Settachatgul, K., "Forensic Examination of Human Hair", 4th Indo-Pacific Congress on Legal Medicine and Forensic Sciences, Bangkok, Thailand, November 2, 1992, (abstract)

Lee, H.C., Mills, R.L., Settachatgul, K., New Methods in Latent Print Detection, 4th Indo-Pacific Congress on Legal Medicine and Forensic Sciences, Bangkok, Thailand, November 2, 1992, (abstract)

Gaensslen, R.E., Berka, M, Pagliaro, E., Ruano, G., Messina, D. and Lee, H.C., "Studies on DNA polymorphisms in human bone and soft tissues, Analytica Chimica Acta, 288 (1994) 3-16, Elsevier Science BV. Amsterdam.

Gaensslen, R.E., Berka, K., Pagliaro, E., Ruano, G., Messina, D., and Lee, H.C., "Studies on DNA Polymorphisms in Human Bone and soft Tissues", Analytica Clinica Acta, 288(1994) 3-16.

Lee, H.C., Ladd, C., Bourke, M., Pagliaro, E., Tirnady, F.; "DNA Typing in Forensic Science", The American Journal of Forensic Medicine and Pathology, 15(4): 269-282, 1994.

Ladd, M.T. Bourke, C.A. Scherczinger, E.M. Pagliaro, R.E. Gaensslen, and H. C. Lee. 1996. "A PCR-Based strategy for ABO Genotype Determination", Journal of Forensic Science. 41:134-137.

Lee, H. C. "DNA Applications in Administration of Justice", July, 1996.

Lee, H.C., Hubball J., "Arson Residues", ANALYT: The Encyclopedia of Analytical Science, March 1994.

Primorac, D., Andelinovic, S., Baden, M., Lee, H.C., et al., "Identification of War Victims from Mass Graves in Croatia, Bosnia, and Herzegovina by the Use of Standard Forensic Methods and DNA Typing", Journal of Forensic Science, JFSCAS 41(5)/891-894.

PAPERS/LECTURES PRESENTED

"Inhibition of Polypeptide Chain Formation", presented to the American Biophysical Society 19th Annual Meeting, 1975

"Precipitin-Inhibition Test for the Determination of the Species Origin on Denatured Bloodstains", presented at the American Academy of Forensic Science 28th Annual Meeting

"An Immunological Technique for Identification of Human Urine Stain", presented at the first NEFS-MAFS Joint Meeting, 1977

"Fluorescamine, A New Reagent for Detection of Latent Fingerprints", presented at the first NEFS-MAPS Joint Meeting, 1977

"Methods in Identification and Individualization of Human Body Fluids", presented at the Tri-State International Association of Identification Annual Meeting, 1977

"New Methods in Forensic Serology", presented at Connecticut Chief Medical Examiner's Annual Seminar, Connecticut, 1977

"Recent Advances in Forensic Serology", presented at the 5th Annual Medical Investigation of Sudden and Suspicious Death Seminar, 1977

"The Effect of Environmental Factors on Genetic Markers in Human Blood", presented at the American Chemical Society, Forensic Symposium, 1977

"The Use of Anti-Human Hb Serum for Bloodstains Identification", presented at the 29th Annual American Academy of Forensic Science Meeting, 1977

"The Effect of Environmental Factors on Human Serum Protein", presented at the American Academy of Forensic Science Annual Meeting, 1978

"The Advantages and Disadvantages of Fluorescamine and O-phthaldehyde for the Detection of Latent Fingerprints", presented at the International Association Identification Annual Meeting, 1978

"Criminal Investigation and Physical Evidence", presented at the Branford Police Department Training Seminar, Connecticut, 1978

"New Development in China", presented at the New Haven Club Meeting, Connecticut, 1978

"Chemical and Physical Methods for Developing Latent Fingerprints", presented at the Forensic Symposium, University of New Haven, Connecticut, 1978

Methods for Teaching Bilingual Math and Science", presented at the Annual Training Seminar, NYC Board of Education, NY

"Determination of Age of Bloodstains by G/A Ratio", presented at the 8th International Association of Forensic Sciences Meeting, 1978

"Collection and Handling of Fresh Bloodstains", presented at the 8th International Association of Forensic Science Meeting, 1978

"Forensic Science in Criminal Investigation" presented at Western Conference in Criminal Justice, 1978

"The Increased Role of Chemistry in Forensic Science", presented at the American Chemical Society Annual Meeting, 1978

"New Developments in Forensic Serology", presented at the 2nd Annual NEAFS Meeting, 1978

"Forensic Science in Science Education", presented at the Annual Connecticut Science Teacher's Seminar, 1978

"Crime Scene Search and Criminal Investigation" presented at the Annual Connecticut Science Teacher's Seminar, Connecticut, 1978

"Forensic Science and Arson Investigation", presented at the Arson Investigation Workshop, John Jay College, Criminal Justice Research Center, New York, 1978

"The Use of Dansyl Chloride in Latent Prints Detection", presented at the 31st Annual American Academy of Forensic Science Meeting, 1979

"The Chemistry of the Human Body", presented at the American Chemical Society Chapter Meeting, 1979

"Laboratory Techniques in Forensic Science", presented at Connecticut Medical Technologist Association Annual Seminar, Connecticut, 1979

"Fluorescein Derivatives in Presumptive Tests for Blood", presented at NEAFS-MAFS 2nd Joint Meeting, 1979

"Recent Advances in Elution Techniques", presented at the NEAFS-MAFS 2nd Joint Meeting, 1979

"The Role of the Forensic Science Laboratory in Arson Investigation", presented at the Annual Arson Investigation Seminar, 1979

"Science and Criminal Investigation", presented at West Haven Rotary Club Meeting, Connecticut, 1979

"Forensic Science in Homicide Investigation", 3rd Annual Conference of Harvard Associates, 1979

"Chemistry, Forensic Science and Medicine", presented at annual meeting of New England Science Teachers' Association, August, 1979

"Fluorescence as a Reagent for Blood Identification", presented at annual meeting of the Eastern American Chemical Society, November 1979

"Forensic Science Laboratory and Criminal Investigation", New England States' Police Commissioner's Meeting, November 1979

"Forensic Science Program and Criminal Justice Education", Elmira college, New York, November 1979

"Iso-Electrofocusing as a Method for Individualization of Bloodstains", Annual Meeting of the Northeastern Association of Forensic Scientists, December 1979

"ABO Grouping of Urine", presented at annual meeting of the American Academy of Forensic Sciences, February 1980.

"Physical Evidence in Criminal Investigation", Litchfield County Detective Association, Connecticut, February 1980.

"Forensic Science and Chemistry", St. Joseph College, Connecticut, January 1980

"Homicide Investigation", New London County Detective Association, Connecticut, March 1980

"Scientific Evidence in Crime Detection", Fairfield County Detective School, Connecticut, May 1980

"Arson Investigation", Governor's Arson Task Force Training Workshop, June, Connecticut, September 1980

"Rape Investigation", Winsted Hospital, Connecticut, September, 1980

"Evidence and the Use of the Lab in Arson Cases", Arson Investigation Workshop, UNH, Connecticut, October 1980

"Designing Forensic Science Program", FACSS Meeting, October 1980

"Identification and Examination of Seminal Fluids", Northeastern Association of Forensic Scientists Training Workshop, October 1980

"Forensic Science and Criminal Justice", Connecticut State Technical College, Connecticut, November 1980

"Forensic Science and Chemistry", Western Connecticut State College, Connecticut, November 1980

"Scientific Evidence and Arson Investigation", Arson Investigator's Training School, January 1981

"Scientific Evidence at a Crime Scene Investigation", Annual Meeting of the American Academy of Forensic Science, Louisiana, February 1981

"Criminalistics" Workshop in Legal Medicinal Forensic Science, March 1981

"Examination of Arson Related Evidence", Arson Investigators' Workshop, April 1981

"Forensic Serology and Homicide Investigation", John Jay College of Criminal Justice, April 1981, New York

"Criminal Justice, Law and Forensic Science", Danbury Bar Association, Connecticut, 1981

"Trace Evidence" Medical Investigation of Sudden and Unexpected Death", Office of Chief Medical Examiner, Connecticut, June 1981

"Forensic Science and Trace Evidence" presented at seminar in Forensic Science, University of Connecticut Health Center, Connecticut, June 1981

"Collection and Preservation of Arson Evidence", Fire/Arson Investigation Course, Governor's Arson Task Force, Connecticut, June, September 1981

"Chemistry and Forensic Science", Central Connecticut College, New Britain, CT, October 1981

"Arson Evidence Analysis", NEFSA Annual Meeting, October 1981

"Forensic Services in Connecticut", Connecticut Police Chiefs' Association, Connecticut

"Physical Evidence and Rape Investigation", Southern Central Connecticut College, Connecticut, November 1981

"Homicide Investigation", Connecticut Municipal Police Training Academy, Connecticut, November 1981

"Forensic Science and Modern Crime Detection", Litchfield Rotary Club, Connecticut, November 1981

"Collection and Interpretation of Blood Evidence", Connecticut State Police Major Crime Squad, Connecticut, December 1981

"Forensic Science and the Criminal Justice System", Yale Graduate Club, Connecticut, February 1982

"Anti-Arson Program in Connecticut", Annual Meeting of the American Academy of Forensic Sciences, February 1982

"Trace Evidence in Arson Investigation", Annual Meeting of the American Academy of Forensic Sciences, February 1982, Florida.

"Rape" John Jay College of Criminal Justice, New York, March 1982

"Chemistry and Forensic Science", Amity Regional High School, Connecticut, March, 1982

"The Role of the Crime Laboratory in the Forensic Science Field", Forensic Science Seminar, Virginia, April, 1982

"Forensic Toxicology", Quinnipiac College, Connecticut, April, 1982.

"Homicide Investigation", Fairfield Detective School, Connecticut, April 1982.

"Hospital Personnel and Physical Evidence", St. Francis Hospital, Hartford Connecticut, April 1982

"Arson Scene Investigation", Connecticut Fire Marshal Training School, Connecticut, April 1982

"Modern Crime Detection", Salisbury Rotary Club, Connecticut, May 1982

"Forensic Science in Medical Legal Investigation", St. Francis Hospital and Medical Center, Connecticut, April 1982

"Interpretation of Physical Impressions at Scene", Medicolegal Investigation Seminar, May 1982

"The Role of the Crime Laboratory in the Forensic Science Field", FBI Forensic Symposium, Virginia, 1982

"Scientists of Tomorrow", Greater Hartford Community College, Connecticut, July, 1982

"Physical Evidence in Rape Investigation", first Annual Conference in Criminal Justice, October, 1982

"Crime Scene Reconstruction", New England Claims Association, January 1983

"Physical Evidence and Criminal Investigation", School of Law, Western New England College, Massachusetts, January 1983

"Forensic Science, Past , Present and Future", Connecticut Probation and Parole Association, Connecticut, February 1983

"The Role of Physical Evidence in Homicide Investigation", 35th Annual Meeting, American Academy of Forensic Science, February 1983

"Scientific Crime Detection", Simsbury 56 Club, Connecticut, February 1983

"Homicide Investigation", Farmington Exchange Club, Connecticut, February 1983

"Forensic Science", Quinnipiac College, Connecticut, March 1983

"Crime Scene Investigation", Fairfield County Detective School, Connecticut, April 1983

"Forensic Science in Criminal Justice System", Western Connecticut State College, Connecticut, 1983

"Rape Investigation", Milford Rape Crisis Center, Connecticut, , April 1983

"The Forensic Scientist at Crime Scene", Louisiana State University, Louisiana, May 1983

"Crime Scene Pattern Interpretation", Seminar on Sudden Deaths, Connecticut Medical Examiner's Office, Connecticut, May 1983

"Forensic Science", Amity Regional High School, Connecticut, May 1983

"Collection, Preservation and Analysis of Arson Evidence", Arson Training Seminar, Connecticut, May 1983

"Blood Pattern Reconstruction", Advanced Homicide School, Connecticut Police Training Academy, Connecticut, May 1983

"Forensic Engineering", The Connecticut State Professional Engineer's Meeting, Connecticut, June 1983

"Sexual Assault Evidence", Forensic Science Symposium, FBI Academy, Virginia, June 1983

"Antigen-Antibody Reactions and Species Determination", Institute of Criminal Justice Services, August 1983

"Identification and Reconstruction in Case of Sexual Assault", Connecticut Chief State's Attorney Workshop, Connecticut, August 1983

"Forensic Science" 10th Annual New England Seminar in Forensic Science, August 1983

"Scientific Criminal Investigation" Meriden Auxiliary Police Training Class, Connecticut, September 1983

"Analytical Techniques Used in Homicide Investigations", Eastern Analytical Symposium, November 1983

"Forensic Science Laboratory', Middlesex County Sheriffs' Association, Connecticut, November 1983

"Physical Evidence in Arson Investigation", Connecticut Arson Awareness Seminar, Connecticut, November 1983

"Identification and Grouping of Bloodstains", Society of Immunohematologist of New Jersey, New Jersey, November 1983

"Forensic Aspects of Sexual Abuse, Sexual Child Abuse Workshop for Police, May 1984

"Forensic Science", Meriden Lions Club, Connecticut, March 1984

"Physical Evidence", Office of Chief State's Attorney, Connecticut, April 1984

"Analytical Investigation of Homicide, St. Josephs College, Connecticut, May 1984

"Forensic Science", Quinnipiac College, Connecticut 1984

"Recent Advances in forensic Science", Chief Medical Examiner's Office, Seminar on Investigation of Sudden and Suspicious Deaths, Connecticut, 1984.

"Physical Evidence in Criminal Investigation, Fairfield Detectives' School, Connecticut, 1984

"Identification of Adhesive Materials by IR Micro-spectrophotometry, FACSS, Philadelphia, Pennsylvania, 1984

"Pattern Evidence in the Reconstruction of Crime, JAFS, Oxford, England, 1984

"Simultaneous Electrophoresis Procedure", International Symposium, FBI, Virginia, 1984

"Past, Present and Future of Latent Fingerprint Examination", 10th Annual Meeting, NEAFS, 1984

"Homicide Investigation and Physical Evidence", NESPAC School, November 1984

Connecticut State Police Forensic Laboratory, Chiefs of Police Meeting, Hartford, December 1984

"Forensic Services in Connecticut", Cheshire Rotary Club, Connecticut, January 1985

"Determination in the Volume of Bloodstain, John Jay College of Criminal Justice, New York, January, 1985

"Blood Pattern Interpretation", NEAFS Bloodstain Workshop, January 1985

"Traffic Accident Reconstruction", AAFS Annual Meeting, February, 1985

"Forest Fire and Arson Investigation", Northeastern Forest Fire Conference, February 1985

Western Connecticut State University, Connecticut, July, 1985

Connecticut Association of Legal Secretaries, Connecticut, December 1985

Major Crime Squad Meeting, Forensic Science Laboratory, Connecticut, December, 1985

"Case Analysis", Advanced Criminal Investigation, University of New Haven and Forensic Science Laboratory, Connecticut, April 1986

"Chemical Procedures in Forensic Science", Chemistry Lecture Series, University of Hartford, Connecticut, April 1986

"Forensic Analysis of Gunshot Residue", Seminar in Forensic Medicine, University of Connecticut Health Center, Connecticut, May 1986

"Bloodspatter Examination and Reconstruction, Bloodstain School, Municipal Police Training Academy, Connecticut, May 1986

"Fire Pattern and Accelerant Detection", Fire Marshal Certification Course, Connecticut State Police, Connecticut, May 1986

"Collection and Preservation of Physical Evidence", Municipal Police Training Academy, Connecticut, May 1986

"Advanced Latent Fingerprint Techniques", IAI Tri-State Meeting, New York, May 1986

"Two Dimensional Absorption-Inhibition", International Symposium on Forensic Immunology, Virginia, June 1986

"Crime Scene Investigation", Intermediate Crime Scene School, Municipal Police Training Academy, Connecticut, June 1986

"Interpretation of Serological Results", International Forensic Immunology Symposium, Virginia, June 1986

"Recent Advances in Forensic Science", Connecticut Major Crimes Squad, Connecticut, August, 1986

"Police Science and Criminal Justice", CPC Annual Meeting, New York, August 1986

"Crime Scene Investigations", 1986 Western Edition International Homicide Investigation Seminar, Hocking Technical College, Ohio, September 1986

ASCLD 14th Annual Symposium on Crime Laboratory Development, Virginia, September 1986

"Role of Forensic Science Laboratory", 5th NESPAC Homicide School, Connecticut Police Training Academy, Connecticut, October, 1986

"ABH Typing of Urine by a Two Dimensional Absorption-Inhibition Procedure", NAFS 12th Annual Meeting, Massachusetts, October, 1986

"Forensic Science and Homicide Investigation", Fairfield County Training Officers Association, Connecticut, November, 1986

"Patterns, Pattern Interpretation and Reconstruction", Basic Crime Scene Training Course, University of New Haven and Forensic Science Laboratory, Connecticut, December 1986

"Crime Scene Search for Drug Investigation", Methods and Techniques Employed in Carrying Out a Successful "Raid" Training Course, Municipal Police Training Academy, Connecticut, November 1986

"Forensic Laboratory's Role in Homicide Investigation", Recruit Training School, Rhode Island, December 1986

"Forensic Serology", Immunohematology Seminar, University of Connecticut Health Center, Connecticut, January, 1987

"Forensic Crime Scene Investigation", International Homicide Seminar Workshop, Hocking Technical College, Ohio, March 1987

"Forensic Pathology", Veterans Administration Medical Center, Connecticut, April, 1987

"Forensic Investigation", Fairfield County Detective Conference, Connecticut, April, 1987

"Forensic Science and Crime Detection", American Industrial Hygiene Association, Connecticut, April 1987 "Forensic Serology: ABH, Km and Gm Grouping of Bone", 15th Annual Spring Seminar, Massachusetts Association of Blood Banks, Massachusetts, May 1987

"Forensic Crime Scene Investigation", Homicide Investigation School, Utah, May 1987

"Identification of Human Remains", Forensic Odontology Group, Rhode Island Medical Examiner's Office, Rhode Island, May 1987

"Collection and Preservation of Evidence", Fire Marshal's Certification Course, Bureau of State Fire Marshal, Connecticut, June 1987

"Methods in Developing of Latent Fingerprints", International Forensic Symposium on Latent Prints, FBI, Virginia, July 1987

"Crime Scene Pattern Interpretation", IAI Educational Conference, Virginia, August, 1987

"Two Dimensional Absorption-Inhibition Technique", International Haemogenetics Symposium, Vienna, Austria, August, 1987

"ABO Grouping of Human Bone", International Haemogenetics Symposium, Vienna, Austria, August, 1987

"Physical Evidence and Criminal Investigation", International Homicide School, Arizona, Sept. 1987

"Crime Scene Investigation", 13th International Outlaw Motorcycle Gang Conference, Knoxville, Tennessee, September, 1987

"Pattern Evidence in Crime Scene Investigation", New York Society of Forensic Sciences, New York, September, 1987

"Crime Scene Preservation and Evidence Handling", National Police Bloodhound Association, Cromwell, October, 1987

"New Advances in Serology and Criminalistics", New York State Police, Colonel Henry F. Williams Homicide Seminar, Albany, New York, Nov. 1987

"AIDS in Evidence", Advanced Institute on the Physical Significance of Bloodstain Evidence, Corning, NY, November, 1987

"Imprint Evidence in Homicide Investigation, IAI Meeting, November, 1987

"Overview of Forensic Science Services", Connecticut State Police Alumni Association, Meriden, Nov. 1987

"Collection and Preservation of Physical Evidence", 97th Training Troop Class, Nov. 1987

"Sexual Assault Investigation", Seminar on Child Abuse, Manchester, Dec. 1987

"Serological and other Laboratory Techniques Available to the Criminalist, Department of Health Services, Hartford, January, 1988

"Uniform Rape Kit", Chiefs of Obstetrics and Gynecology Committee, Hartford, January, 1988.

Automated Fingerprint Identification System, South Central Chiefs of Police Association Legislative Breakfast, North Haven, February, 1988

"Role of the Forensic Lab", NESPAC Homicide School, Massachusetts State Police Academy, February, 1988

"An Overview of the Latest Technology as Related to Crime Scenes", 95th Eastern Armed Robbery Conference, New Britain, March, 1988

"Crime Scene Investigation", Homicide Investigation Seminar, National Law Enforcement Institute, New Orleans, LA, March 1988

"Advances in Forensic Science", International Homicide Seminar, Southeastern Ohio Regional Crime Laboratory and Criminal Justice Department, Hocking Technical College, March 1988

"Role of the Forensic Laboratory in Arson Cases", Criminal Justice Training Program, Meriden, CT March, 1988

"The Crime Scene Investigation", The Medicolegal Investigation of Death Seminar, West Virginia University School of Medicine, Morgantown, VA, April, 1988

"Forensic Science and Law", Yale Law School, New Haven, April 1988

"Forensic Science", Veteran's Administration Hospital, West Haven, CT, April 1988

"Criminal Investigation and Physical Evidence", National Law Enforcement Institute, Inc., Chicago, IL, April, 1988

"Crime Scene Reconstruction", Fairfield County Detective School, May, 1988

"Advances in Crime Scene Investigation", International Homicide Investigation Seminar, Arizona, May, 1988

"New Advances in Forensic Science", Massachusetts Criminal Justice Training Academy, Needham, MA, May, 1988

"Crime Scene Investigation", Texas I.A.I. Annual conference, May, 1988

"Transient Conditional, Patterns and Transfer Evidence", VICAP International Homicide Symposium, FBI, June, 1988

"Forensic Science", Connecticut Bar Association Annual Meeting, June, 1988

"Homicide Scene Investigation", National Law Enforcement Institute, Denver, Colorado, July, 1988

"Crime Laboratory", Milford Rotary Club, Milford, CT, July, 1988

"Analytical Approaches to Homicide Investigation", New England Association of Chemistry Teacher's Conference, Connecticut, August, 1988

"Forensic Sciences", Colby College Forensic Medicine Seminar, Maine, August, 1988

"Techniques of Fingerprinting", Division of Criminal Justice Forensic Conference, October, 1988

"Homicide Case Investigation", Northeastern Forensic Scientists Association Annual Meeting, October, 1988

"Crime Scene Investigation", AFOSI Educational Conference, Pease Air Force Base, New Hampshire, October, 1988

"Crime Scene Photography", Seoul, Korea, November, 1988 "Police and Forensic Photography", Taipei, Taiwan, November, 1988

"Crime Scene Reconstruction", 99th Eastern Armed Robbery Conference, Maryland State Police, November, 1988

"Crime Scene Investigation and Reconstruction", Massachusetts Continuing Legal Education, Inc., Boston, MA, January, 1989.

"Forensic Crime Scene Investigation", Advanced Homicide Investigator's Seminar, Metropolitan Toronto PD, Toronto, Ontario, Canada, February, 1989.

"Modern Criminal Investigation", Connecticut Probation/Parole Association Meeting, Meriden, CT, February, 1989.

"Scientific Evidence in Criminal Cases", Yale Law School, Yale University, New Haven, CT, March 1989.

"Role of Forensic Laboratory", NESPAC, Meriden, CT, March 1989.

"Death Investigation", New Hampshire Police Standards and Training Council, Concord, NH, March 1989.

"Recent Advances in Forensic Science: The Expanding Limits of Scientific and Forensic Evidence, Connecticut Judges Institute, Annual Judicial Education Program, March 1989, Hartford, CT

"Forensic Science and Fire Investigation", Orange Volunteer Fire Association, Inc., Orange, CT, March 1989

"Bloodstain Pattern Analysis, West Virginia University Medical Center, Morgantown, VA, April, 1989.

"Modern Applications of Chemistry in the Investigation of Homicides", Worcester Polytechnic Institute, Worcester, MA, April 1989.

"Forensic Science Laboratory", Meriden Lion's Club, Meriden, CT, April 1989.

"Forensic Investigation", Fairfield County Detective Conference School, 1989 School of Criminal Investigation, Westport, CT, May 1989.

"Techniques in Homicide Investigation", Homicide Investigations Seminar, Anchorage PD, Anchorage, Alaska, May 1989.

"Forensic Serology and DNA Typing", University of Connecticut School of Medicine, Farmington, CT, May 1989.

"Analytical Approaches in Homicide Investigation, International Homicide Investigation Seminar, Hocking Technical College, Scottsdale, AZ, May 1989.

"Fingerprint and Crime Scene Investigation", West Valley PD, West Valley, Utah, June 1989.

"Innovative Technology in Forensic Science", IAI Annual Educational Conference, Pensacola, Florida, June 1989.

"Analytical Procedures", Advanced Death Investigation Seminar, FBI Academy, Quantico, VA, June 1989.

"Physical Evidence". Rotary Club, Cheshire, CT, August 1989.

"Rape Investigation", Milford Hospital Forensic Conference, Milford, CT, September 1989.

"Analytical Approaches in Homicide Investigation, International Homicide Investigation Seminar, Hocking Technical College, Columbus, Ohio, September 1989.

"Crime Scene Investigation", East Central Illinois Mobile Law Enforcement Training Team, Charleston, Illinois, October, 1989. "Document Evidence", Providence Criminal Investigation Division, Internal Revenue Service, Providence, RI, Oct. 1989

"Recent Advances in Forensic Science, Department of Pathology, University of Connecticut, Storrs, CT, November 1989.

"Scientific Evidence in Criminal Investigation", Salve Regina College, Newport, RI, November 1989.

"Forensic Evidence", Yale University Law School, New Haven, CT, November 1989.

"Expert Witness", Advanced Trial Techniques Class, Yale Law Students, New Haven, CT 1989.

"Methods in Criminal Investigation", Massachusetts State Police Academy, Framingham, MA, November 1989.

"Crime Scene Reconstruction", New Haven County Detective Association, New Haven, CT, March 1990

"Recent Advances in Forensic Science", The Canterbury School, New Milford, CT, March 1990

"Forensic Science and Criminal Justice", Tunxis Community College, Farmington, CT, April 1990

"Science, Law and Fiction", Mystery Writer's Club, New York, NY, April 1990

"Medical Legal Investigation", Yale-New Haven Hospital, Department of Laboratory Medicine, New Haven, CT April 1990

"Chemical Methods in Forensic Science", American Chemical Society, Boston, Massachusetts, April 1990

"Scientific Evidence in Courtroom", Yale Law School, New Haven, CT, April 1990

Biological, Chemical and Physical Evidence", Fairfield Detective's School, Westport, CT, April 1990

"Fatal Fire Investigation", International Homicide Symposium, Scottsdale, AZ, May 1990

"Pattern Evidence in Homicide Investigation", New Hampshire Police Prosecutor's Association, Nashua, NH, June 1990

"Physical Evidence in Child Abuse Cases" "DNA - Issues and Guidelines", DNA Workshop, UNH-Cetus Corp., West Haven, CT, June 1990

"Fingerprints", Intermediate Crime Scene Course, MPTC, West Haven, CT, June, 1990

"Forensic Science Laboratory Roles in Mass Disaster Investigation", International Mass Disaster Symposium, FBI Academy, June 1990

"Analytical Approaches in Criminal Investigation", Texas I.A.I. Education Symposium, Larado, TX, June 1990

"The Wood chipper Murder" - The New Developments in the Forensic Science Field", IAI Educational Conference, Nashville, TN, July 1990

"Scenes and Evidence", Basic Death Investigation Seminar, Vermont Criminal Justice Training Council, Pittsford, VT, August 1990

"Advances in Forensic Science", The American Red Cross Blood Services - Northeast Region, Dedham, MA 02026, August 1990

"Investigating Fatalities", Advanced Arson Investigation for Special Agents, Bureau of Alcohol, Tobacco and Firearms, Montour Falls, NY, August 1990

"Chemical Instrumentation and Forensic Sciences", Fifty-Second Summer Conference, New England Association of Chemistry Teachers, Fairfield University, Fairfield, CT, August 1990

"Laboratory Techniques in Investigation of Child Abuse", New Jersey State Police Training Seminar, Sea Girt, NJ September 1990

"New Forensic Techniques in Fire Investigation", International Association Arson Investigator's Seminar, Las Vegas, NV, September 1990

"Criminal Investigation and Crime Reconstruction", New England Council on Crime and Delinquency, Warwick, RI, October, 1990

"Forensic Radiology in Modern Criminal Investigation", Connecticut Society of Radiologic Technologists, Wallingford, CT, October 1990

"Fatal Fire Investigation" and "Arson Investigation", El Paso Police Department, El Paso, Texas, November 1990

"Reconstruction of Shooting Incidents", Florida Homicide Investigators Association, Tampa, Florida, November 1990

" Methods and Procedures in Forensic Sciences", Division of Public Defender's Services Statewide Seminar, Hartford, CT, December 1990

"Analytical Procedures in Homicide Investigation", Suffolk County Police Department Homicide Squad Seminar, January 1991

"DNA Fingerprinting", Sigma XI Chapter, Hartford Chapter, Hartford, CT, January, 1991

"Analytical Approaches to Crime Scene Search", 9th Annual Homicide Investigator's Seminar, Metropolitan Toronto Police, Toronto, Ontario, Canada, February 1991

"New Technologies in Criminal Investigation", Taipei International Symposium on Forensic Sciences, Taipei, Taiwan, March 1991

"Investigating Fetal Fire", Advanced Arson Training Seminar, ATF, New York State Academy of Fire Science, Montour Falls, New York, April, 1991

"New Advances in Forensic Science", 12th Annual Chemical Symposium, University of Rhode Island, Kingston, RI 1991

"Forensic Science and Its Relationship to Fire Investigation", Fire Marshal/Inspector Certification Class, Bureau of State Fire Marshal, Meriden, CT, April 1991

"The Wood chipper Murder", Olin Sigma XI Chapter, West Haven, CT, April 1991

"Crime Scene Reconstruction", Alaska Crime Conferences, Anchorage, AK, May 1991

"The Other Forensic Sciences, Overview", Institute of Law, Psychiatry & Public Policy, University of Virginia, Charlottesville, VA, May, 1991

"Advances in Crime Scene Reconstruction", Michigan Department of State Police, Detroit, Michigan, June, 1991

"Forensic Analysis to Identify Perpetrators", First Annual North American Conference on Child Abuse and Neglect, Toronto, Canada, June, 1991

"Forensic Sciences", The Connecticut Shorthand Reporter's Association, Mystic, CT, June, 1991

"Forensic Science Update", Capitol Region Chiefs of Police, CRIST, Newington, CT, June, 1991

"The Biology and Chemistry of Nucleic Acids", Yale University, New Haven, CT, June 1991

"Advances in Crime Scene Investigation", University of New Haven, New Haven, CT, June 1991

"Physical Evidence and Forensic Medicine", Forensic Medicine Seminar, Colby College, Maine, August, 1991

"Analytical Procedures in Crime Scene Investigation", International Homicide Investigation School, Hocking Tech. College, Ohio, 1991

"Crime Scene Reconstruction", Educational Conferences, Chief State Attorney's Office, Wallingford, CT, Sept. 1991

"PCR-DNA Typing Application in Forensic Case Work", PCR Technology Center, University of Connecticut, CT, Sept. 1991

"Bloodstain Pattern Reconstruction", International Homicide Investigation School, Hocking Tech. College, AZ, 1991

" The Role of Forensic Science in Criminal Investigation", NESPAC Homicide School, Sept. 16-17, 1991

"Crime Scene Reconstruction", New York State Police, Henry Williams Seminar, Albany, New York, Sept. 29, 1991

"The Role of Radiology in Forensic Medicine", School of Dental Medicine, University of Connecticut Health Center, Oct. 11, 1991.

"Utilization of Trace Evidence to Solve a Homicide Case", Northeastern Association of Forensic Scientists, Huntington, New York, Oct. 18, 1991.

"Enhancement of Bloody Prints" & "Methods for the Development of Latent Fingerprints", FDIAI Educational Conference, Tallahassee, FL., Oct. 22, 1991

"Advanced Crime Scene Investigative Techniques", Advanced Homicide Investigation Seminar, Reno, NE., Oct. 23, 1991

"Evaluation and Analysis of Child Abuse Cases", National Medical/Legal Child Homicide Conference, Hershey, Pennsylvania, Oct. 29, 1991.

"Contemporary Advances in Forensic Science", American Society for Medical Technology Seminar, Cromwell, CT., November 6, 1991.

"Homicides, Narcotics and Dangerous Drugs", 24th Regional Criminal Investigation School, Narcotic Enforcement Officers Association, Newport, Rhode Island, November 10, 1991.

"Forensic Evidence in Criminal Investigation", Office of the District Attorney, November, 16, Northhampton, MA.

"Expert Witness", Advanced Trial Advocacy Class, Yale Law School, New Haven, CT, December 1, 1991.

Fire and Arson Investigation, California Conference of Arson Investigators, Fresno, CA, January 16, 1992,

Investigation of Unsolved Homicide, Southern Institute of Forensic Science, Vicksburg, Mississippi, January 25, 1992

Forensic Pathology, U.S. Attorney, Northern District of Ohio, Perrysburg, Ohio, January 29, 1992.

"Responsibilities of Forensic Services in Connecticut", Police Commissioners Association of Connecticut, Inc., New Haven, CT, February 26, 1992

"Analytical Procedures in Homicide Investigation", New Haven Police Department Forty Hour Homicide Training Program, New Haven, CT, February 27, 1992

"DNA Fingerprinting", PIMMS/NABT Workshop, Sponsored by Miles Laboratory, West Haven, CT, March 4, 1992

"Expert Witness and Scientific Evidence", Yale Law School, New Haven, CT. March 11, 1992

"Blood Spatter Pattern Interpretation" and "Crime Scene Reconstruction", Tunxis Community College, Farmington, CT, March 26, 1993

"Investigating Fatalities", Advanced Arson Investigation for Special Agents, ATF, Montour Falls, New York, March 31, 1992

"New Advances in Forensic Science", Litchfield County Bar Association, Torrington, CT, April 4, 1992

"New Advances in Criminal Investigation", Connecticut Association of Woman Police Officers, Windsor, CT April 7, 1992

"Physical Evidence", American Society for Industrial Security, Norwalk, CT, April 7, 1992

"New Techniques in Forensic Science", New Britain Rotary Club, New Britain, CT, April 9, 1992

"Forensic Investigation", Fairfield County Detective's School of Criminal Investigation, Monroe, CT, April 24, 1993

"Chemistry and Forensic Science", American Chemical Society, New Haven Section, New Haven, CT, April 29, 1992

"Forensic Laboratory", Quinnipiac Club, New Haven, CT, April 24, 1992

"Scientific Evidence", New Haven Chapter Association of Paralegals, New Haven, CT, May 19, 1992

"Analytical Methods in Crime Scene Investigation", "Crime Scene Pattern Evidence" and "Wound Trauma and Evidence Interpretation", Bureau of Criminal Apprehension Homicide Investigation Seminar, St. Paul, Minnesota, May 20, 1992

"Homicide and Rape Investigation", Layton City Police Department Homicide Seminar, Layton, Utah, June 5, 1992

"Collecting and Preserving Physical Evidence in a Child Sexual Abuse Investigation", International Juvenile Officers' Association Annual Training Conference, Waterbury, CT, June 9, 1992

"Forensic Uses of Electrophoresis", Electrophoresis Society Meeting, Raleigh, North Carolina, June 22, 1992

Senior Crime Scene Analyst, Review of Book, "Forensic Science: An Introduction to Criminalistics, I.A.I. 77th Annual Education Conference, June 30, 1992

"Outdoor Crime Scenes". Harvard Associates in Police Science, Inc., Hyannis, MA, July 2, 1992

"Outdoor Crime Scene Management", International Homicide Investigators Association, Pittsburgh, PA, August 5, 1992

"Crime Scene Procedures", Bridgeport Police Academy Detective's Training Class, July 29, 1992

"Application of DNA in Forensic Casework, 39th Annual Meeting of the Canadian Society of Forensic Science, R.C.M.P., Halifax, Nova Scotia, August 20, 1992

"Technologies in DNA Typing", 39th Annual Meeting of the Canadian Society of Forensic Science, R.C.M.P., Halifax, Nova Scotia, August 22, 1992

"Arson Related Homicide Investigation", International Homicide Investigation Seminar, Hocking Technical College, Columbus, OH, August 26, 1992

"Evidence and Admissibility of DNA Evidence, Connecticut Judges Institute, Hartford Graduate Center, Hartford, CT, September 11, 1992

"Fatal Fire Investigation", The Amarillo Fire Prevention Department, Texas Fire Marshal's Association, Amarillo, TX, September 12, 1992

"Physical Evidence and Forensic Science", The Hartford County Bar Association, Bench/Bar Dinner, West Hartford, CT, September 15, 1992

"Investigating Forensic Medicine", Bridgeport Hospital Emergency Room Continuing Education, Shelton, CT September 17, 1992

"Crime Scene Reconstruction", Hank Williams Homicide Seminar, New York State Police, Albany, NY, September 21, 1992

"Child Sexual Abuse Murders", Southwest Homicide Training Seminar, El Paso, TX, October 10, 1992

"Forensic Evidence", Bridgeport School of Law Criminal Law Society, Bridgeport University, Bridgeport, CT, October 27, 1992

"Forensic Investigation", Probation and Police Officers Homicide Training, Fairfield University, October 28, 1992

"Criminalistics", 4th Indo-Pacific Congress on Legal Medicine and Forensic Sciences, Bangkok, Thailand, November 2-6, 1992

"Advances in Forensic Science", Region I America Society for Medical Technology Seminar and Exhibits, Cromwell, CT, November 11, 1992

"Forensic Medicine", The School of Dental Medicine, The University of Connecticut Health Center, Farmington, CT, November 18, 1992

"Arson Related Homicide Investigation, Suffolk County Police Detectives, Port Jefferson, NY, November 20, 1992

"Forensic Investigation", Troop C. Auxiliary, Stafford Springs, CT, December 2, 1992

"Serology and the Crime Scene", Crime Scene Investigation Seminar, Orono, ME, December 4, 1992

"Physical Evidence", 102nd Training Troop, State Police Training Academy, Meriden, CT, January 12, 1993

"Crime Scene Investigation and Reconstruction, Massachusetts Continuing Legal Education, Boston, MA, January 16, 1993

"Forensic Science in Society", Kiwanis Club of Bridgeport, Inc., Bridgeport, CT, January 28, 1993

"Litigation, Expert Witness, and Forensic Science, Yale Chinese Law Students Association, New Haven, CT, February 22, 1993

"Advanced Crime Scene Reconstruction", NESPAC Advanced Homicide Seminar, CT State Police Training Academy, February 3 and 5, 1993

"Forensic Science", Tunxis Community College, Farmington, CT, February 12, 1993

"Law, Evidence and Science", The Connecticut Law Review, University of Connecticut School of Law, Farmington, CT, March 2, 1993

"New Technologies in Forensic Investigation". Barnett Institute of Chemical Analysis and Materials Section, Northeastern University, Boston, MA, March 4, 1993

"Fire and Arson Investigation", Texas Chapter of International Association of Arson Investigators, Austin, TX, March 7, 1993

"Forensic Science in Criminal Investigation", American Association for Clinical Chemistry, Meriden, CT, March 18, 1993

"Forensic Evidence in Criminal Cases", Greater New Britain Association of Realtors, Inc., Newington, CT, March 24, 1993

"Crime Scene Reconstruction", I.A.I. Tri-State Identification 37th Annual Education Conference, Mystic, CT, March 29-30, 1993

"Principles of Criminalistics", University of Nebraska at Kearney Annual Criminal Justice Conference, Kearney, NE, April 6, 1993

"DNA Profiling", Wayne State University Continuing Medical Education, Detroit, Michigan, April 22-23, 1993

"Crime Scene Investigation", Wayne State University Continuing Medical Education, Detroit, Michigan, April 22-23, 1993

"Sexual Assault and Homicide", Fairfield County Detectives Conference, Monroe, CT, April 21, 1993

"Crime Scene Profiling and Reconstruction", Oregon Peace Officers Association, Bend, Oregon, April 27 - May 2, 1993

"Forensic Science", Project Enterprise, Sponsored by Polaroid, Corporation and Westport High School, May 5, 1993

"Scientific Evidence in Civil and Criminal Litigation", Criminal Justice Department, Eastern CT State University, Willimantic, CT, May 12, 1993

"Crime Scene Pattern Analysis", Texas Homicide Symposium, Richardson, TX, May 14, 1993

"Fatal Fires", Training seminar sponsored by ATF and IAAI, Boston, MA, May 18, 1993

"DNA, Crime Scene", Forensic Homicide Investigation Seminar, New York City Detective Bureau, NY, May 19, 1993

"Advanced Crime Scene Analysis", Layton PD Homicide Seminar, Layton, Utah, May 21, 1993

"New Advances in Forensic Science", Connecticut Fair Plan Arson Seminar, Central Connecticut State University, New Britain, CT, May 25, 1993

"Analytical Approaches in Homicide Investigation", Virginia Correctional Counseling Association, Dilwyn, VA, June 2, 1993

"Technology of Tomorrow, Latest Advances in Forensic Science,", Connecticut Health Information Management Association, Hartford, CT, June 3, 1993

"Crime Scene Investigation", New York Bar Association, NY, NY, June 4, 1993

"Crime Scene Investigation", Forensic Science Seminar, Massachusetts Medical Center, Worcester, MA, June 12, 1993

"Forensic Science", Connecticut Association of Paralegals, Westport, CT, June 10, 1993

"Forensic Medicine", The Connecticut Society of Radiologic Technologists, Cromwell, CT, June 11, 1993

"Scientific Evidence for Fire or Arson", Norwich Hospital/The Division of Psychosocial Rehabilitation, Norwich, CT, June 18, 1993

"New Technologies in Criminal Investigation", Science and Technology Exchange Conference, Hartford, CT, June 19, 1993

The Role Forensic Science Plays in Criminal Investigation, Harvard Associates in Police Science, Parsippany, NJ, June 22, 1993

"Forensic Science", Coastal Community College, Jackson, NC, June 25, 1993

"Crime Scene Investigation", Truth in Evidence, Biocomm '93, Focus on the Future, International Symposium on Biocommunications, Stamford, CT, July 31, 1993

"Forensic Science for the Protection of Society, Symposium on Police and Society, Taoyuan, Taiwan, August 3-5, 1993

"Investigation of Arson and Drug Related Homicides", International Homicide Investigation Seminar, Hocking Technical College, Columbus, Ohio, August 25, 1993

"Latest Advances in Forensic Science", Rockville Rotary Club, Rockville, CT. September 8, 1993

"The Role Forensic Science Plays in Modern Society", West Granby Senior Citizens, West Granby, CT, September 10, 1993

"Crime Scene Investigation", Hank Williams Homicide Seminar, NY State Police, Albany, NY, September 19 - 21, 1993

"The Latest Advances in Forensic Science", Protective Services Employees Coalition, Vernon, CT, September 24, 1993

"Bloodstain Pattern Reconstruction", International Association of Bloodstain Pattern Analysts 1993 Annual Training Meeting, Los Angeles, CA, October 15 - 18, 1993

"Investigation of Arson and Drug Related Homicides", Hocking College, Scottsdale, AZ, October 28, 1993

"Crime and Justice", Sacred Heart University Legal Assistant Program, Fairfield, CT, November 3, 1993

"Physical Evidence Collection and Proof in Sexual Assault Cases", Trial Evidence for Prosecutors Conference, Clarks Summit, PA, November 4, 1993

"Fire Related Death Investigations", Northwest Ohio Arson Seminar, Toledo, Ohio, November 6, 1993

"Forensic Science and Physical Evidence", Society of Professional Journalists, Connecticut State Forensic Science Laboratory, Meriden, CT, November 13, 1994

"Law and Science", Quinnipiac College School of Law, Bridgeport, CT, November 15, 1993

"Document Examination", International Association of Credit Card Investigators, Bridgeport, CT, November 18, 1993

"Application of DNA in Forensic Science",, Advanced Trial Advocacy Class, Courtroom in New Haven Superior Court, New Haven, CT, November 18, 1993

"Crime Scene Reconstruction", Major Case Investigation Seminar, New Hampshire State Police, Concord, NH, November 29, 1993

Advances in Forensic Science, Lima Memorial Hospital Medical Staff, Lima, Ohio, December 1, 1993

"The Role of Arson Investigation in Forensic Science", 23rd Fire Marshal/Inspector Certification Class, Meriden, CT, December 7, 1993

"The History of Chromatography in Forensic Science", New England Chromatography Council, Cromwell, CT, December 14, 1993

"Advances in Forensic Science", Tri-Town Kiwani's Club, Meriden, CT, December 22, 1993

"The Application of DNA in the Administration of Justice" and "Collection and Preservation of DNA Evidence", The First Forensic Experts' Conference on International Methods of Forensic DNA Analysis, Dubai, January 8 - 10, 1994

"Crime Scene Analysis", Executive Committee of the Criminal Justice Section, Connecticut Bar Association, New Haven, CT, January 20, 1994

"Forensic Science", Museum of Science, Boston, MA, February 7-8, 1994

"Identification and Analysis of Linseed Oil Related Fires", American Academy of Forensic Sciences Annual Meeting, San Antonio, TX, February 14-19, 1994

"Forensic Science, A Dying Business", Y's Men of Westport, Westport, CT, February 24, 1994

"Forensic Science and Law", Danbury Bar Association, Danbury, CT, February 24, 1994

"Latest Advances in the Field of Forensic Science", Museum of Science, Boston, MA, March 9, 1994

"Recent Advances in Forensic Medicine", Sponsored by the University of New Haven and the Connecticut Chapters of Educators for Responsible Science, West Haven, CT, March 16, 1994

"Homicide and Death Investigation", Medicolegal Investigation of Death Conference, Detroit, Michigan, March 24, 1994

"Crime Scene Investigation", New York City Housing Police Training Unit, Long Island, NY, March 30, 1994

"Criminal Investigation", Criminal Investigation Class, Tunxis Community College, Farmington, CT, April 1, 1994

"Major Crime Investigation", Litchfield County Police Association, Torrington, CT, April 5, 1994

"Investigating Fire Fatalities", ATF National Academy, Advanced Arson Explosives Investigations Training Program, April 7, 1994

"Crime and Dispassion, Westport Rotary Club, Westport, CT, April 12, 1994

"Police Action in Homicides" and "Crime Scene Reconstruction", Indianapolis, Indiana, April 13, 1994

"Forensic Techniques in Criminal and Civil Investigation, Joint Meeting of the American Chemical Society and Society of Cosmetic Chemists, Darien, CT, April 19, 1994

"Techniques Used in Crime Reconstruction", Fairfield County Detective Conference, Westport, CT, April 20, 1994

"Forensic Application of DNA Typing", WSST Convention 1994, LaCrosse, Wisconsin, April 21-23, 1994

"Science and Law", Glastonbury High School, Glastonbury, CT April 26, 1994

"Crime Scene Analysis", Blackhawk Technical College, Janesville, WI, April 30, 1994

"Scientific Evidence in Crime Detection", Criminal Justice Association, Manchester Community Technical College, May 25, 1994

"New Techniques in Crime Scene Investigation", Crime Scene School, University of New Haven, West Haven, CT, May 27, 1994

"Drug Investigation", D.A.R.E. State Conference, Meriden, CT , May 31, 1994

"Major Case Investigation", New Jersey State Police Major Crimes Homicide Investigation Seminar, Sea Girt, NJ, June 6, 1994

"Fatal Fire Investigations", Wisconsin Chapter of International Association of Arson Investigators, Stevens Point, Wisconsin, June 9, 1994

"Examples of the Utilization of Various Forensic Disciplines for Crime Scene Reconstruction Through Case Studies, CIS-MOIA Conference '94, Windsor, Ontario, Canada, June 27, 1994

"Identification of Human Remains" and Clothing, Drying Time of Bloodstains (case study)", International Association for Identification Educational Conference, Phoenix, AZ, July 24-30, 1994

"Advanced Crime Scene Reconstruction", FBI Death Investigation workshop, Waterford, CT, August 1, 1994

"Homicide Investigation", Hocking College, Nelsonville, Ohio, August 25, 1994

"Crime Scene Reconstruction", Medicolegal Death Investigation Conference, Collinsville, IL, September 20-21, 1994

"Forensic Science and Criminal Justice system", The Federal Crime Bill and Recent State Legislation" Conference, sponsored by New Haven, U.S. Attorney, Branford, CT, September 22, 1994

"Forensic Science", New England Conference of Radiologic Technologies, Hyannis, MA, September 22-23, 1994

"Law, Science and Justice", the Ruffin Society, Northeastern University, Boston, MA, September 23-25, 1994

"Crime Scene Investigation", CSP Training Class, Meriden, CT

"Forensic Techniques", Wisconsin Public Defenders Symposium, Wisconsin, October 6-7, 1994

"DNA Typing", University of New Haven, CT, October 14, 1994

"Bloodstain Interpretation", Judge's Panel, Hartford, CT October 17, 1994

"Outdoor Crime Scenes Investigation", International Homicide Investigator's Symposium, Reno, NV, October 24-26, 1994.

"Forensic Science and Society", 1994 Conference of Southern New England Association for Science and Technology Exchange, Trinity College, Hartford, CT, November 12, 1994

"Science, Crime and Justice", International Forensic Science Symposium, Taipei, Taiwan, November 28-30, 1994

"Crime and Society", In School Seminar, Branford High School, December 9, 1994

"New Technologies in Crime Scene Investigation", Middlesex Bar Association, Gelston House, East Haddam, CT, January 11, 1995

"Advances in Forensic Science", Contemporary Club, Brooklawn Country Club, Fairfield, CT, January 19, 1995

"Crime and Justices", Killingworth-Higganum High School, Higganum, CT, January 24, 1995

"New Scientific Techniques in Homicide Investigations, Connecticut Mass Spectrometry Discussion Group, Wallingford, CT, January 26, 1995

"Latest Advances in Forensic Technology", Kiwanis Club of Newington, Inc., Paradise Restaurant, New Britain, CT, January 30, 1995

"Perspectives of DNA Evidence", Law Enforcement Forensic Advisory Committee, Orlando, Florida, February 2-3, 1995

"Forensic Science and Society", Shore Line Club 60, Old Saybrook, CT, February 6, 1995

"Ethics and Standards in the Forensic Profession", American Academy of Forensic Sciences Annual Meeting, Seattle, Washington, February 13-17, 1995

"Physical Evidence", Sikorsky Aircraft Foremen's Club, Bridgeport, CT, February 21, 1995

"Physical Science and Law", Yale Law School, New Haven, CT, March 2, 1995

"Forensic Laboratory and its Services", Governor's Staff, State Capitol, March 3, 1995

"Police Action in Homicide Investigation", Public Agency Training Council, Arlington, TX, March 3, 1995

"Arson and Fire Investigation", Denver Fire Department, Denver, CO, March 7, 1995

"It's Murder He Wrote", Associated Press Managing Editors, Meriden, CT, March 9, 1995

"Technology Trends", New England Monte Jade Science and Technology Association, Boston, MA, March 11, 1995

"Forensic Pathology", Hartford Hospital Department of Radiology, Hartford, CT, March 11, 1995

"Forensic Chemistry", Society of Cosmetic Chemists, Long Island Chapter, NY, March 16, 1995.

"New Technologies in Forensic Science", Junior Science and Humanities Symposium, University of Connecticut Chemistry Department, March 20, 1995

Forensic Science and Private Security", American Society for Industrial Security, Glastonbury, CT, March 21, 1995

"Arson Related Death Investigation", 1995 Fire Investigation Conference, New Jersey Chapter of the International Association of Arson Investigators, Piscataway, NJ, March 22, 1995

"Crime and Crime Scene Investigation", Criminal Justice Department, Iona College, New Rochelle, NY, March 28, 1995

"Forensic Evidence", Rotary Club, East Hartford, CT, March 29, 1995

"New Technology in Law Enforcement", University of Hartford Chemistry Club, Hartford, CT, March 29, 1995

"Crime Scenes and Blood Spatter", Scientific Detection of Crime Club, Franklin County Coroners Office and Newark PD Forensic Services Unit, Columbus, Ohio, April 1, 1995

"DNA, Forensic Evidence and the Justice System", John Jay College of Criminal Justice, New York, NY, April 4, 1995

"New Technologies in Criminal Investigation", Young President's Club, Hartford, CT, April 6, 1995

"New Technologies in Homicide Investigation, Naugatuck Community College, Waterbury, CT, April 10, 1995

"Forensic Science", New Haven Obstetrical and Gynecological Society, New Haven, CT, April 11, 1995

"Forensic Investigations", Fairfield County Detective Conference, Forensic Laboratory, Meriden, CT, April 19, 1995

"Drug Related Homicides", Utah Narcotic Officers' Association 4th Annual Training Conference, Salt Lake City, Utah, May 3, 1995

"Science, Law, and Justice", Senior Men's Association, Darien, CT, May 5, 1995

"Forensic Science and Physical Evidence", Greenwich Bar Association, Greenwich, CT, May 5, 1995

"Chemistry and Forensic Science", Sigma XI Chapter, Southbury, CT, May 6, 1995

"Advanced Criminal Investigation", Alaska Peace Officers Association Crime Conference & Northwest Association of Forensic Scientists, Anchorage, Alaska, May 8-12, 1995

"Physical Evidence in the Detection of Crime", Bethel PD, Bethel, Alaska, May 14, 1995

"Forensic Science and Crime Detection", Southbury Lion's Club, Southbury, CT, May 16, 1995

"Medical Legal Investigation", New Haven Medical Association and New Haven County Bar Association, New Haven, CT, May 17, 1995

"Sudden Death Investigation", Connecticut Criminal Law Association and New Haven Police Department Recruit Training, New Haven, CT, May 19, 1995

"Crime Scene Investigation", New England State Police Administrators Conference, New Braintree, Massachusetts, May 18, 1995

"Forensic Evidence in Medical Investigation", New Hampshire Society of Radiologic Technologists, Laconia, New Hampshire, May 20, 1995

"Crime Scene Procedures", University of New Haven Forensic Science Laboratories and Municipal Police Training Council, West Haven, CT, May 31, June 6, 1995

"Forensic Evidence in Criminal Investigation", Middlesex Hospital Management Club, Middletown, CT, June 8, 1995

"Forensic Investigation", Exchange Club, Silo Restaurant, Farmington, CT, June 8, 1995

"Physical Evidence and Forensic Science", Women's Center of Southeastern Connecticut, Ledyard, CT, June 10, 1995

"Police Involved Shootings", New Jersey State Police Homicide Investigation Seminar, Sea Girt, New Jersey, June 12, 1995

"Arson Scene Investigation", Arson Seminar, Holiday Inn, North Haven, CT, June 23, 1995

"Law and Physical Evidence", Litchfield Bar Association, Torrington Country Club, Goshen, CT, June 23, 1995

"Current Trends in Forensic Science", FBI, Massachusetts, July 12, 1995

"Collection and Preservation of Forensic Trace Evidence", International Symposium on Trace Evidence, Dubai, January 5-9, 1996

"Forensic Applications in Child Abuse Cases", State of Connecticut Legislative Session, Hartford, CT, January 18, 1996

"Basic Crime Scene Investigation", State of Connecticut Municipal Police Training Council, Meriden, CT, January 19, 1996

"Homicide Investigation", Louisiana Police Training Council, Louisiana, January, 22, 1996

"Crime Scene Reconstruction", New Haven Police Department, New Haven, CT, February 1, 1996

"Forensic Science", Central Connecticut State University, New Britain, CT, February 7, 1996

"Issues in Forensic Science", Israel National Police Conference, Israel, February 26-29, 1996

"Instrumental Analysis in Forensic Science", 1996 Pittsburgh Conference, Chicago, IL, March 1996.

"Topics in Forensic Science", Connecticut Science Supervisory Association, March 7, 1996.

"Forensic Science", Lyman Memorial High School, Wallingford, CT, March 11, 1996.

"Issues Confronting Trace Evidence", Arnold Markle Symposium, Ledyard, CT, March 15-16, 1996.

"Arson Investigation", International Association of Arson Investigators, Orlando, FL, March 3, 1996.

"Imprint Enhancement", Connecticut Chapter of IAAI, Mériden, CT, March 20, 1996.

"Advancements in Forensic Science", Wayne State University, Detroit, MI, March 22, 1996.

"Forensic Examination of Trace Evidence", Annual Meeting of the Tri-State International Association of Identification, Groton, CT, March 25, 1996.

"Forensic Science and Law Enforcement", FBI National Academy Graduates, Orange, CT, March 26, 1996.

"Forensic Science", Essex County College, Newark, NJ, March 27, 1996.

"Forensic Science", Western Connecticut State University, Danbury, CT, March 27, 1996.

"Instrumental Analysis of Forensic Evidence", Virginia Tech, Blacksburg, VA, March 28, 1996.

"Issues in Forensic Science", Wesleyan University, Middletown, CT, April 1, 1996.

"Homicide Investigation", University of Maine, Presque Isle, ME, April 8, 1996.

"Homicide Investigation", St. John's Police Department Homicide Unit, St. John's, Canada, April 9, 1996.

"Sexual Assault Evidence", Nurses Educational Conference, New Britain, CT, April 13, 1996.

"Legal Issues in Forensic Science", Yale Law School, New Haven, CT, April 16, 1996.

"Forensic DNA Analysis", Cambridge DNA Symposia, Santa Fe, NM, April 23-24, 1996.

"Issues in Forensic DNA Analysis", UMass Chapter of Sigma XI, Amherst, MA, April 30, 1996.

"Crime Scene Investigation", Fairfield County Detectives, CSPFSL Meriden, CT, May 1, 1996.

"Legal Issues in Forensic Science", Arkansas Trial Lawyers Association, Eureka Springs, AK, May 2-3-4, 1996.

"Crime Scene Investigation", Illinois State Police Conference, Lincolnwood, IL, May 6-7, 1996.

"Physical Evidence", U.S. Pan Asian American Chamber of Congress, Washington, DC, May 8, 1996.

"Arson Investigation", Connecticut Fire/Arson Investigators, Windsor Locks, CT, May 9, 1996.

"Forensic DNA Analysis", American Society for Histocompatibility & Immunogenetics, Scarborough, ME, May 9, 1996.

"Instrumental Analysis of Forensic Evidence", Radiological Technology Group, Newry, ME, May 10, 1996.

"Medicolegal Investigation", New Haven County Medical Society, New Haven, CT, May 16, 1996.

"Document Examination", US Postal Service, Southington, CT, May 17, 1996.

"Rape Investigation", New Haven Sexual Crisis Services, New Haven, CT, May 20, 1996.

"Forensic Aspects of Drug Analysis", New England Narcotic Enforcement Officers, Hyannis, MA, May 22, 1996.

"Homicide Investigation", New Jersey State Police, New Jersey, June 3, 1996.

"Physical Evidence", International Association for Identification, Texas, June 8, 1996.

"Homicide: A Case Study", Gretna Sheriff's Department, New Orleans, LA, June 13, 1996.

"Crime Scene Investigation", MPTC, Meriden, CT, June 19, 1996.

"Aspects of Forensic Evidence", Forensic Nursing, New Haven, CT, June 20, 1996.

"Physical Evidence", Vermont State Police, Montpelier, VT, June 21, 1996.

"Crime Scene Investigation", Police Training Council, Jacksonville, MS, June 28, 1996.

"Current Trends in DNA Analysis and Investigative Methods", International Association for Healthcare Security and Safety, Boston, MA, July 1, 1996.

"Physical Evidence", New Rochelle Hospital Medical Center, New Rochelle, NY, July 19, 1996.

"Analytical Approaches for Homicide Investigation", 81st Educational Seminar of the International Association for Identification, Greensboro, North Carolina, July 21-27, 1996.

"Forensic DNA Analysis", 81st Educational Seminar of the International Association for Identification, Greensboro, North Carolina, July 21-27, 1996.

"DNA Collection, Preservation, and Analysis", Honolulu Department of Prosecuting Attorneys, Honolulu, HI, August 1, 1996.

"DNA Collection, Preservation, and Analysis", California State University, Fullerton, CA, August 5, 1996.

"Forensic Evidence", 1996 Clandestine Lab Investigator's Association Educational Conference, Sacramento, CA, August 6, 1996.

"Pattern Evidence", Annual Meeting of the IAFS, Tokyo, Japan, August 25-29, 1996.

"Forensic Science and Society", Harvard Business School Club, Hartford, CT, September 5, 1996.

"Forensics and the Crime of Arson", 37th Meeting of the New England Association of Fire Marshals, Norwich, CT, September 9, 1996.

"Forensic Evidence", Hartford Police Academy, Hartford, CT, September 11, 1996.

"Homicide Investigation", Advanced Practical Homicide Seminar, Oklahoma City, OK, September 9-13, 1996.

FN#16

CRC SERIES IN
PRACTICAL ASPECTS OF CRIMINAL AND FORENSIC INVESTIGATIONS

VERNON J. GEBERTH, M.S., M.P.S., B.B.A., FBINA *Series Editor*

Practical Homicide Investigation: Tactics, Procedures, and Forensic Techniques, Second Edition
Vernon J. Geberth

The Counter-Terrorism Handbook: Tactics, Procedures, and Techniques
Frank Bolz, Jr., Kenneth J. Dudonis, and David P. Schulz

Forensic Pathology
Dominick J. Di Maio and Vincent J. M. Di Maio

Interpretation of Bloodstain Evidence at Crime Scenes
William G. Eckert and Stewart H. James

Tire Imprint Evidence
Peter McDonald

Practical Drug Enforcement: Procedures and Administration
Michael D. Lyman

Practical Aspects of Rape Investigation: A Multidisciplinary Approach, Second Edition
Robert R. Hazelwood and Ann Wolbert Burgess

The Sexual Exploitation of Children: A Practical Guide to Assessment, Investigation, and Intervention
Seth L. Goldstein

Gunshot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques
Vincent J. M. Di Maio

Friction Ridge Skin: Comparison and Identification of Fingerprints
james F. Cowger

Footwear Impression Evidence
William J. Bodziak

Practical Aspects of Kinesic Interview and Interrogation Techniques
Stan Walters

Practical Fire and Arson Investigation
John J. O'Connor

The Practical Methodology of Forensic Photography
David R. Redsicker

Practical Gambling Investigation Techniques
Kevin B. Kinnee

Practical Aspects of Interview and Interrogation
David E. Zulawski and Douglas E. Wicklander

Practical Investigation Techniques
Kevin B. Kinnee

PRACTICAL HOMICIDE INVESTIGATION

TACTICS, PROCEDURES, AND FORENSIC TECHNIQUE

THIRD EDITION

VERNON J. GEBERTH, M.S., M.P.S., B.B.A., FBINA
Lieutenant Commander (Retired)
New York City Police Department

CRC Press
Boca Raton New York London Tokyo

Suicide Investigation 13

The rationale behind suicide, which is defined as the intentional taking of one's own life, can be as simple or as complex as life itself. The person who commits suicide may see his or her actions as some sort of solution to a severe physical or psychological dilemma. Oftentimes, a police investigator will find a note indicating that the victim had suffered psychological torment, or was severely depressed. The note might even suggest that he or she believed that suicide was the last resort. Many of the suicide notes I have seen over the years indicate the acute depression of persons who have taken their lives. Depression does not discriminate. It affects the young and old alike. According to Dr. Patrick Cachur of The Centers for Disease Control in Atlanta, Georgia, 30,906 persons committed suicide in 1990. The majority of the cases (approximately 6500) occurred in the age bracket of 25 to 34 years of age. There were 258 suicides among pre-teens ages 10 to 14 years old and there were 6 suicides of children between the ages of 5 and 9 years of age.[1] Ms. Sandy Smith, Public Affairs Officer for The National Center for Health Statistics, Office of Data Processing, recorded 29,760 suicides in 1992 placing suicide as the ninth leading cause of death. Homicide ranked number ten.[2]

There are more suicides occurring in the 1990s according to the experts and the rate of suicide among pre-teens and the elderly has significantly increased. Teenage suicides have been described as epidemic in proportion to their representation within society. Periodically, the nation's newspapers and television networks may cover this phenomenon by reporting a series of events including "Teenage Suicide Pacts." Ironically, the media attention often results in further teenage

suicides. The course of action would be to seek out professional assistance and create programs within the school system to deal with this problem.

Depression: A Clinical Perspective

The primary motivation for suicide is depression. Depression is a mood disturbance which is characterized by feelings of sadness, despair, and discouragement resulting from and normally proportionate to some personal loss or tragedy. Depression can become an abnormal emotional state which exaggerates these feelings of sadness, despair, and discouragement out of proportion to reality.

There are four major clusters of depressive symptoms; *emotional, cognitive, motivational,* and *somatic.* Each of these clusters of depressive symptoms impact both dependently and independently upon the depressed individual. In fact, as one set of clusters begins to affect the individual another impacts and reinforces the depressive effect. Eventually, the emotional and cognitive clusters effect the motivational symptoms causing what clinicians refer to as a "paralysis of the will" and/or psychomotor retardation (psychomotor pertaining to or causing voluntary movements usually associated with neural activity). In severe depression the depressed person may actually experience a slowing down of his or her movements. They may even have trouble walking and talking. The depressed individual experiences physical changes which further exacerbate the depressive symptoms. The physical changes which occur are referred to as the somatic symptoms.

Emotional Symptoms

Sadness is the most conspicuous and widespread emotional symptom in depression. Depressed people may even articulate their depression by such statements as "I feel sad." This emotional symptom is felt worse in the morning usually as a result of not having been able to sleep. Feelings of anxiety are also present along with a loss of gratification and loss of interest. The loss of interest may start with work and extend into practically everything the individual does (hobbies, recreational activities, etc.). Finally, even biological functions such as eating and sex lose their appeal.

Cognitive Symptoms

The term cognitive refers to the mental process characterized by knowing, thinking, learning, and judging. It is an intellectual process by

A

Figure 13.1. **SUICIDE BY RIFLE.** (A) This suicide victim's locale, the interior of a vehicle, shows the effect blast. Note the brain matter on the interior roof as well as the back seat of the car. (B) We see a close-up of the same victim and the extensive damage inflicted by the blast. The victim committed suicide by placing the barrel of a .308 rifle into his mouth and by pulling the trigger. (Courtesy of Det. Lt. Raymond Krolak, Commander, Investigative Division, Colonie, New York Police Department.)

which a person perceives or comprehends. The depressed individual thinks or perceives of himself or herself in a very negative way. Their future is viewed with despair. The individual may feel that they have failed in some way or that they are the cause for their own problems. They believe that they are inferior, inadequate, and incompetent. Their depressed cognitive functioning causes them to have intense feelings of low self esteem. This sows the seeds for eventual hopelessness and pessimism. The depressed individual actually believes that he or she is doomed and there is no way out.

B

Figure 13.1. (continued)

Motivational Symptoms

These particular symptoms are first noticed by those who are close to the depressed person. Depressed persons generally have trouble "getting started." Most of us are able to function by getting up in the morning, going to work, interacting with one another, and engaging in routine activities. The depressed individual is marked by passivity or lack of activity. This passivity and lack of normal response undermines the individual's ability to engage in important life functions and general socialization. In its extreme form there may even be a "paralysis of will" whereby the individual doesn't even feel like doing what is necessary for life such as attending to proper nourishment.

Somatic Symptoms

These are the biological manifestations of depression. They are perhaps the most insidious set of symptoms due to their impact. As depression worsens, every biological and psychological joy that makes life worth living is eroded. Loss of appetite, loss of interest in sex and sexual arousal, weight loss, and sleep disturbances lead to weakness and fa-

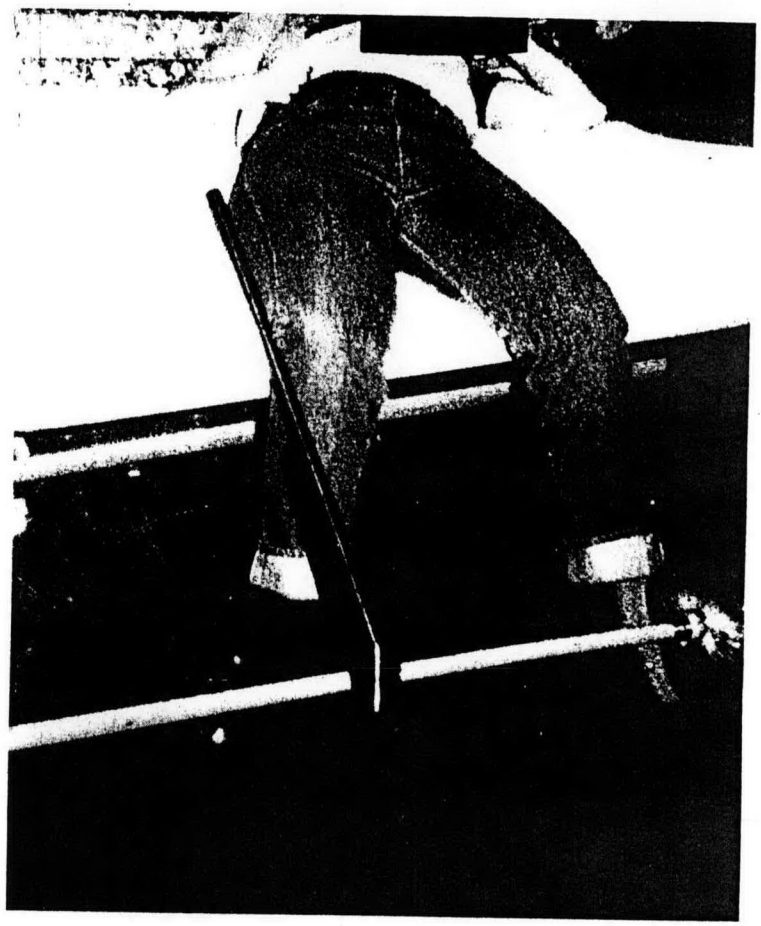


Figure 13.2. **SUICIDE.** Observe the broom handle, which has been placed through th trigger guard. The deceased had apparently placed her feet against the broom handle to pu pressure on the trigger, causing the firearm to discharge into her chest.

tigue. Depressed individuals *physically* feel the depression. They ar more susceptible to physical illness because the depression, as it be comes more severe, erodes the basic biological drives.

Clinical Scenario

An individual begins to feel sad and sustains a restless sleep. He begin to feel sad in the morning and experiences a lack of interest in worl (*emotional symptoms*). He then begins to question his ability to perform at work and starts to feel inadequate. This adds to the individual' anxiety and low self esteem (*cognitive symptoms*). He then discovers tha

Figure 13.3. **SUICIDE.** Same case as the preceding figure. (A) The deceased is lying on her back; the bullet wound is evident in her chest area. (B) With her blouse pulled up, notice the entrance wound directly into the chest cavity. The deceased had used birdshot. If the shot had been of a higher caliber, the wound would have been larger and might have exited from the opposite side.

Figure 13.4. **SUICIDE WHICH APPEARS TO BE HOMICIDE.** Notice the extreme violence to the body. (Courtesy of Dr. Leslie I. Lukash, Chief Medical Examiner, Nassau County, New York.)

he just can't get started in the morning and cannot bring himself to go to work and just loses interest in life (*motivational symptoms*). As the depression deepens, the individual loses his appetite and experiences weight loss which leads to weakness and fatigue. He then slips deeper and deeper into depression and becomes ill (*somatic symptoms*). The cycle of depressive symptoms will continue to evolve and the depression will worsen. At this point the individual is in dire need of assistance. (Source: Rosenhan, David L. and Seligman, Martin. *Abnormal Psychology* Second Edition. New York: W.W. Norton & Co., 1989.)[3]

Other Motives for Suicide

Although depression may be the primary motive for the suicide, other factors frequently play a part. Alcohol, drugs, stress, frustration, fear,

Figure 13.5. VICTIM AT THE MORGUE. Observe the victim of the preceding figure after she was cleaned at the morgue. Notice the number of wounds. (Courtesy of Dr. Leslie I. Lukash, Chief Medical Examiner, Nassau County, New York.)

Figure 13.6. WEAPON USED BY THE VICTIM OF THE PRECEDING FIGURE. (Courtesy of Dr. Leslie I. Lukash, Chief Medical Examiner, Nassau County, New York.)

Figure 13.7. HESITATION MARKS. Notice the marks on the throat of the victim. (Courtesy of Dr. Dominick J. DiMaio, Former Chief Medical Examiner, City of New York.)

Figure 13.8. SUICIDE INVOLVING MULTIPLE SHOTS. Victim had attempted suicide by shooting himself in the face. When this did not result in his death, he placed the barrel of the rifle into his mouth and fired a second time creating this effect.

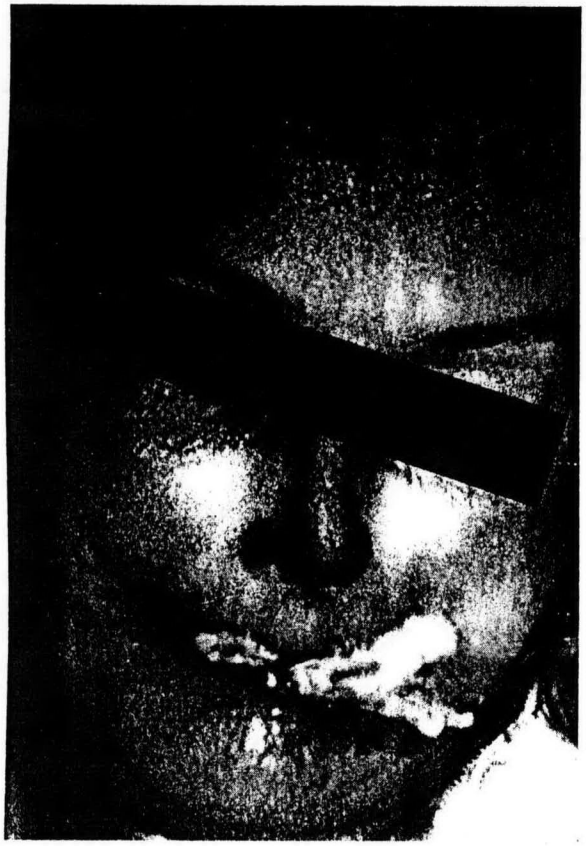


Figure 13.9. SUICIDE BY OVERDOSE. This woman had taken an overdose of prescription pills which resulted in her death.

anger, hostility, and guilt may lay the groundwork for suicide. In fact, motivations for suicide may range from the clinical to the bizarre. Some persons may actually take their own life in order to punish the survivors, i.e., their family, co-workers, or even society in general for some conceived wrongdoing.

I recall reading a *Daily News* story and seeing on television a particularly bizarre case in which the victim had planned his death for approximately 7 months. He had promised reporters that his story would be "The Story of the Decade" (*Daily News*, January 24, 1987, p. 6). The victim was a state official, who had been found guilty of bribery earlier in the year. On the day of his death, he called for a news conference ostensibly to resign from public office. As he read his statement, he urged the reporters and camera crews to keep their lenses on him. He then pulled a .357 Magnum handgun from a manila envelope and placed it into his mouth, pointing the barrel of the gun up toward his brain. He fired and effectively blew his brains out for the viewing audience.

In addition, there are persons who feel that they have a right of self determination and take their own lives rather than suffer with an illness or disease. These types of suicides will be discussed later in the section entitled "Final Exit Suicides."

Also, there are persons who wish to end their own lives but don't want to do it themselves. They create a confrontational situation in order to force the police to shoot them. These types of suicides will also be discussed later in the section entitled "Suicide-By-Cop."

The Investigation

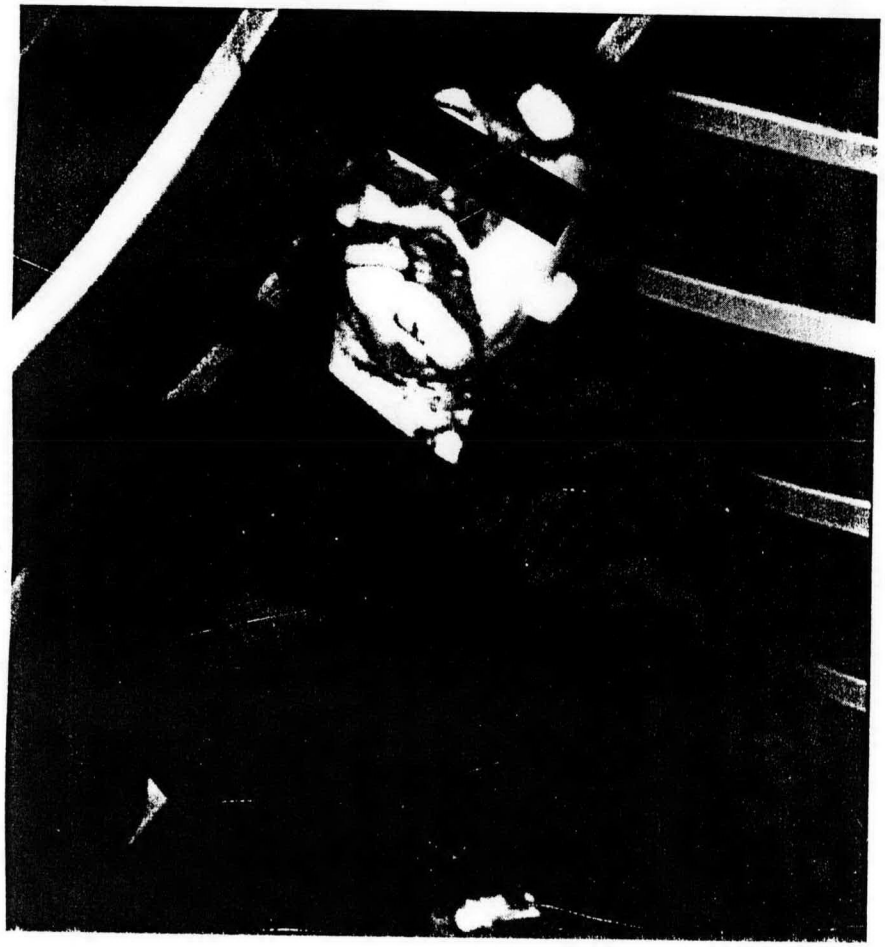
Investigatively speaking, all death investigations should be handled as homicide cases until the facts prove differently. The resolution of the mode of death as suicide is based on a series of factors that eliminate homicide, accident, and natural causes of death.

It has been my experience that suicide cases repeatedly cause more problems for the investigator than homicide investigations. There is the possibility that suicide notes may have been taken or destroyed. In addition, the weapon and/or other evidence may have been removed prior to the arrival of the police. Also it is not surprising to encounter misdirected grief and/or anger. The surviving family grieves the loss of a loved one and is faced with the psychological uncertainty of whether or not they could have prevented the act. These relatives frequently suffer a deep sense of guilt about the death, anger at the deceased, and feelings of shame because there is a social stigma attached to a suicide incident.

I remember one case in which an 84-year-old woman was found with a gunshot wound to her head. The police had been notified of the death by a daughter of the deceased. Unbeknownst to the police, the deceased had been suffering from terminal cancer and had been very depressed. Her daughter, who had unsuccessfully attempted to call the mother at home, went to the mother's house.

She opened the door with a key and discovered her mother's body. She saw a .32 caliber handgun, which she immediately recognized as an old family heirloom. The daughter removed the gun from the premises, along with some personal papers and a codicil she found in her mother's dresser drawers. She went home, got rid of the gun, and then called the police to report that she had not been able to get through to her mother. She requested the police to respond to her mother's apartment and she would meet them there.

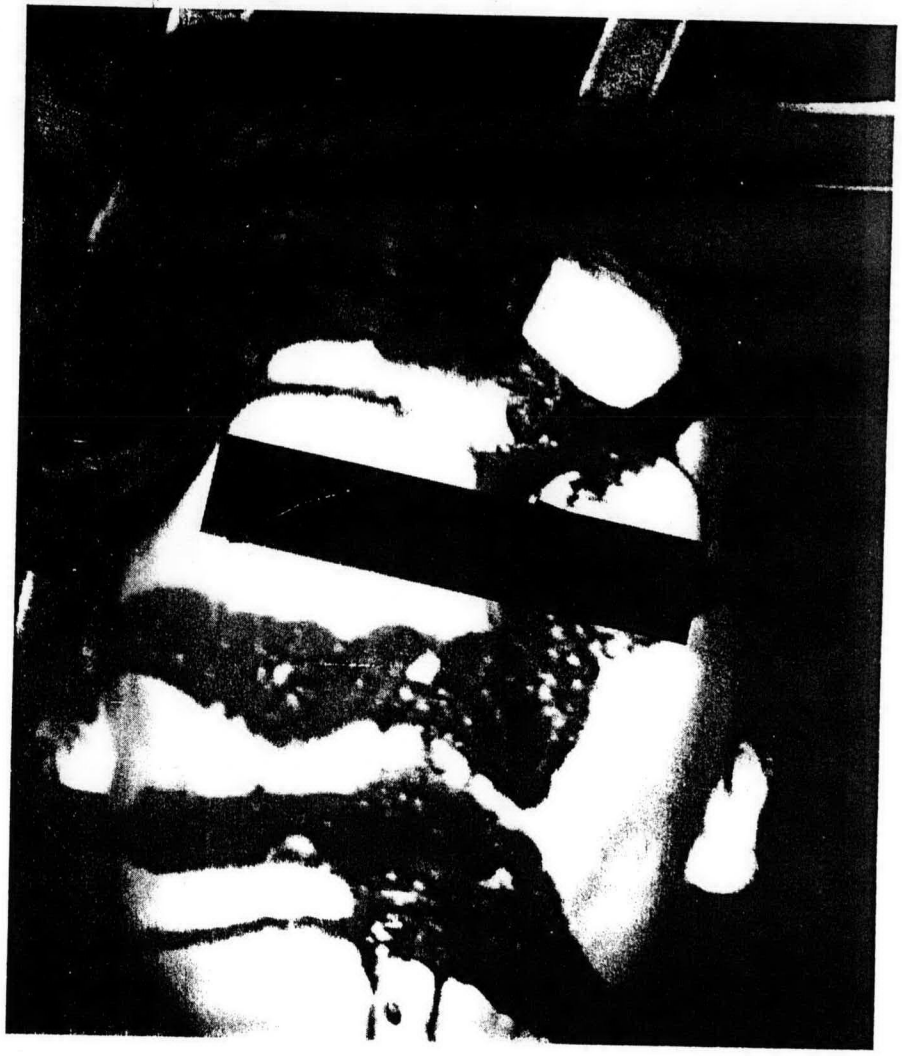
Needless to say, when we arrived, we were looking at a burglary/homicide case and not a possible suicide. Later that week, we were



A

Figure 13.10. (A) Shows the victim in her original position when police arrived. She has incised wounds to her neck and blood emanating from her mouth and nose. (B) Shows close-up of victim's face. (C) Shows kitchen knife between her legs and a large blood stain on the carpet. (D) Close-up of incised wound to her neck indicating stigma of hesitation. (E) Close-up of victim's chest after blood is removed. Shows that the first two stab wounds hit the sternum. Only one wound was in fact fatal, the wound to the left.

called by the family's priest, who advised us of what had taken place. The case was properly reclassified as a suicide. Many times the surviving family cannot or will not accept the fact that a relative has committed suicide. They have been known to accuse the police of a cover-up, or to petition state and federal agencies to review the local investigation with the belief that they can change the outcome.



B

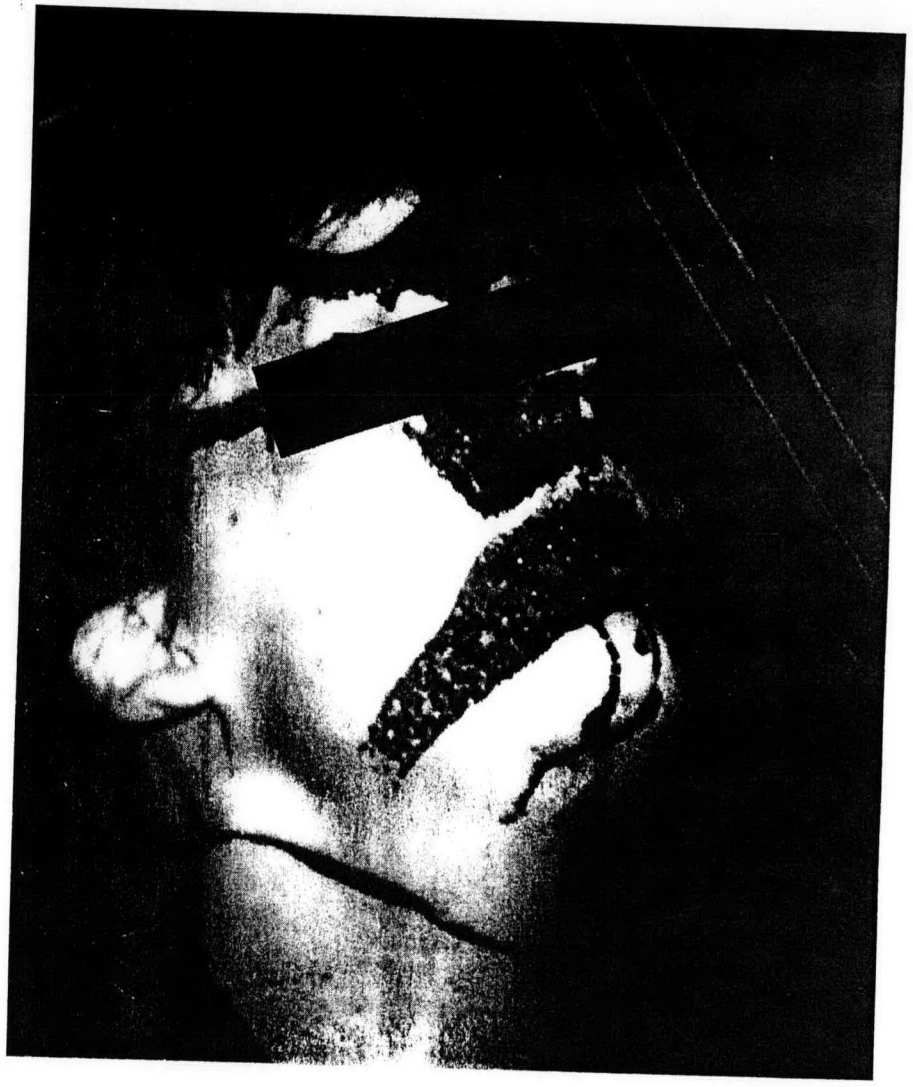
Figure 13.10. (continued)

One of the more problematic cases of suicide I investigated involved the suicide death of an attractive 27-year-old woman. She was discovered in her sister's fiance's apartment with a cut throat and three stab wounds to the chest. She had been hiding at the apartment from a boyfriend, who at first was our primary suspect. However, upon a complete and thorough death investigation, it was soon discovered that the circumstances of her death, as well as the evidence

C

Figure 13.10. (continued)

obtained by investigators during the crime scene search, indicated this death to be suicide. The cutting to the throat was superficial with a stigma of hesitation. The stabbing to the chest was self-inflicted. The weapon came from the scene. The premises were locked from inside. Her palm prints were found on the blade of the kitchen knife. A note found at the scene, although not a classic suicide note, did indicate the victim's depression. A handwriting analysis revealed that the deceased had written the note. A background check of the deceased indicated drug and alcohol abuse. Interviews of family and friends were conducted. Additional evidence was discovered that indicated the deceased had first tried to kill herself with a rifle found in the apartment.



D

Figure 13.10. (continued)

There were no signs of a struggle, nor signs of forced entry into the locked apartment. The medical examiner, who responded to the scene, agreed with the investigative hypothesis and confirmed that the death was suicide.

However, the following day an associate medical examiner, who lacked the expertise of the medical examiner at the scene and the homicide detectives involved in the case, reclassified the case as a homi-

E

Figure 13.10. (continued)

cide. Her rationale was that she had never seen a body with three stab wounds to the chest and a cut throat. She made this determination without consulting the "tour" doctor, who had been at the scene. She disregarded his official notes, refused to discuss the case with me or the

detectives, and adamantly insisted that this case was a homicide. As a result of her arrogant incompetence and the family's insistence, this case was subject to review by the State Attorney General's Office, the New York City Department of Investigation, and the NYPD Internal Affairs Division.

I would later have the pleasure of conferring with the Chief Medical Examiner to make an official complaint against her for her inappropriate and unprofessional behavior. The case was properly reclassified as suicide. However, the damage was done; to this day the family of that girl is convinced that their daughter was killed by the boyfriend. It was easier for them to believe that their child was killed than to accept the fact that she killed herself.

Remember: Suicide cases can cause more problems for detectives than homicide investigations.

In fact, in my present capacity as a homicide and forensic consultant, many of the inquiries I receive concern death investigations that had originally been classified as suicides. Many of these cases raise serious questions about the actual cause of death *(homicide, suicide, accident,* or *natural).* These cases have either been inadequately investigated, or there has been inappropriate interference in the investigative process due to political or other personal considerations beyond the control of the investigator. However, in some situations the police have been too quick to classify a case as suicide based on their initial observations at the scene. The death might have looked like a suicide, however, the presentation of the circumstances was created by a clever offender who "staged the scene" to make it appear to be a suicide. I have personally investigated many such cases and the truth of the matter is that initially, the cases *did* look like suicides.

Staging a Scene

Staging a scene occurs when the perpetrator purposely alters the crime scene to mislead the authorities and/or redirect the investigation.

The term "staging" should not be used to describe the actions of a surviving family member who covers or redresses a loved one who is found nude or has died in an embarrassing situation.

Staging is a conscious criminal action on the part of an offender to thwart an investigation.

A

Figure 13.11. (A) Homicide made to look like a suicide. Victim was discovered hanging from a piece of construction equipment. (B) Close-up of victim. Closer examination indicated that the victim had been "strung-up" after death and the scene staged to look like a suicide.

B

Figure 13.11. (continued)

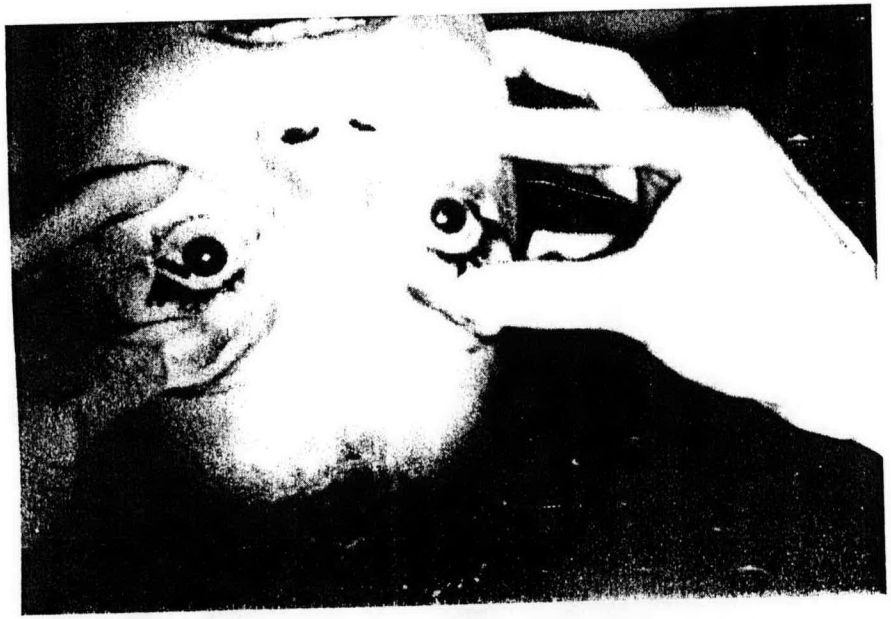
A STAGED CRIME SCENE — CASE HISTORY

I remember one case I responded to that had been initially reported to the police as a suicide. When I arrived at the scene, I observed the nude body of a young woman lying on the floor next to the tub in the bathroom. The tub was half full of water, and the body was still wet, as though it had been submerged. The husband, who was distraught and crying, stated to the police that he had found his wife submerged in the tub upon returning to the apartment. He had pulled the body from the tub and had attempted mouth-to-mouth resuscitation. He also added that his wife had been despondent and had probably committed suicide by taking an overdose of pills and drowning herself in the tub. Officers at the scene had recovered a prescription bottle next to the victim. The general condition of the scene and the statements of the husband seemed to indicate the possibility of suicide.

I examined the body and noticed a slight bruising in the neck area. The husband explained that upon finding his wife submerged in the tub he had attempted to resuscitate her and had held her by the throat to force air into her lungs. However, when I opened the eyelids of the deceased and examined the conjunctivae, I observed the presence of ***petechial hemorrhages***, and was immediately convinced that the death was, in fact, homicidal and not suicidal, as the husband claimed.

Later on, we learned that the husband had been fighting with his wife and he strangled and killed her. In order to cover up his crime, he filled the tub with water, removed his wife's clothing, and placed her in the tub.

A



B

Figure 13.12. (A) Position of body when police arrived. The husband had indicated that he had removed his wife's body from the tub and had given her mouth-to-mouth resuscitation. (B) Evidence of petechial hemorrhage. Petechiae as well as an injury are observed in the victim's eyes.

He held her under the water to simulate the drowning and then removed her body and placed it on the floor next to the tub. In fact, he had even placed the half-empty bottle of pills next to her body to show to the responding police. The case was properly classified as homicide

It should be noted that the autopsy would have readily revealed that the death was due to manual strangulation. However, the offender, who was looking to "buy time" certainly would have evoked his right to counsel the next day when confronted with the autopsy results. The observation of petechial hemorrhages at the scene gave the investigators a head start on their murder investigation. They made further inquiries of the facts and circumstances at the scene and gathered additional evidence. When the suspect was eventually confronted with this evidence, he made a full confession to the police.

Investigative Considerations

The investigator should be aware of three basic considerations to establish if a death is suicidal in nature.

1. **The presence of the weapon or means of death at the scene.**
2. **Injuries or wounds that are obviously self-inflicted, or could have been inflicted by the deceased.**
3. **The existence of a motive or intent on the part of the victim to take his or her own life.**

It should be noted that the final determination of suicide is made by the medical examiner/coroner after all the facts are evaluated. However, the investigation at the scene and an inquiry into the background of the deceased may indicate the presence of life-threatening behavior or activities that suggest suicidal intent. Of course, the medical examiner/coroner is supposed to avail him or herself of the input of the investigators, who were present at the scene and conducted the death investigation.

The Weapon

The weapon or means of death should be present in cases of suicide. However, the absence of a weapon does not necessarily indicate that death was due to a homicide. The weapon could have been stolen or otherwise disposed of prior to the arrival of the authorities (as seen in the case of the heirloom handgun). Furthermore, family members have been known to conceal weapons and/or suicide notes in order to collect on an insurance policy. There have been many cases recorded in which the suicide victim has arranged to make his or her death appear to be a homicide for a number of reasons.

If the weapon is observed in the hands of the deceased, the investigator should examine the hand to see if the weapon is clutched tightly, due to *cadaveric spasm* (instantaneous rigor mortis) (see Chapter 9, "Body Changes After Death"). In some instances, the firearm or knife will be tightly clenched in the victim's hand at the time of death due to an intense muscular contraction of the hand. Some victims of suicide have been found tightly grasping their weapon in death. It is important to note such clutching of weapons, as you can be sure that the person held this weapon at the time of his or her death. A person attempting to place a weapon in the deceased's hand after death would *not* be able to recreate the same grasp. This is especially important in cases involving firearms. Usually when a person shoots himself in the head with a handgun, the weapon will fall from the hand of the victim. Long barrel rifles and shotguns may be found cradled in the arms of the suicide victim depending on the original position of the victim when the firearm was discharged.

In all suspected suicidal gunshot wound cases, an examination of the hands should be made for the presence of soot or powder. The weapon should be examined for evidence of discharge and operability. In addition, the weapon should be examined for the presence of any blow-back materials including blood from the victim. A ballistics test should also be conducted. It should be noted that the weapon need not be in the hand of the deceased in order for the death to be a suicide. It is important to note the survival time factor, time between injury and death, which may have enabled the deceased to perform any number of activities, including disposal of the weapon or leaving the original location where he or she first attempted suicide.

Wounds

Injuries and wounds in suicides may be very similar to those observed in homicides. However, certain observations that the wounds found on the body are consistent with homicide or suicide should be made. For example, a person found dead from multiple stab wounds of the back would certainly not be considered a victim of suicide. Likewise, in suicide cases, there appear to be preferences and avoidances for certain parts of the body. If the victim used a knife to commit suicide, the wounds will usually be on the throat or wrists. If the injury is a stab wound, it will generally be through the heart. Most suicidal stab wounds involve the mid and left chest area and are multiple in nature. The investigator should closely examine any slashing-type wounds for evidence of hesitation marks, which appear as parallel slashes alongside the

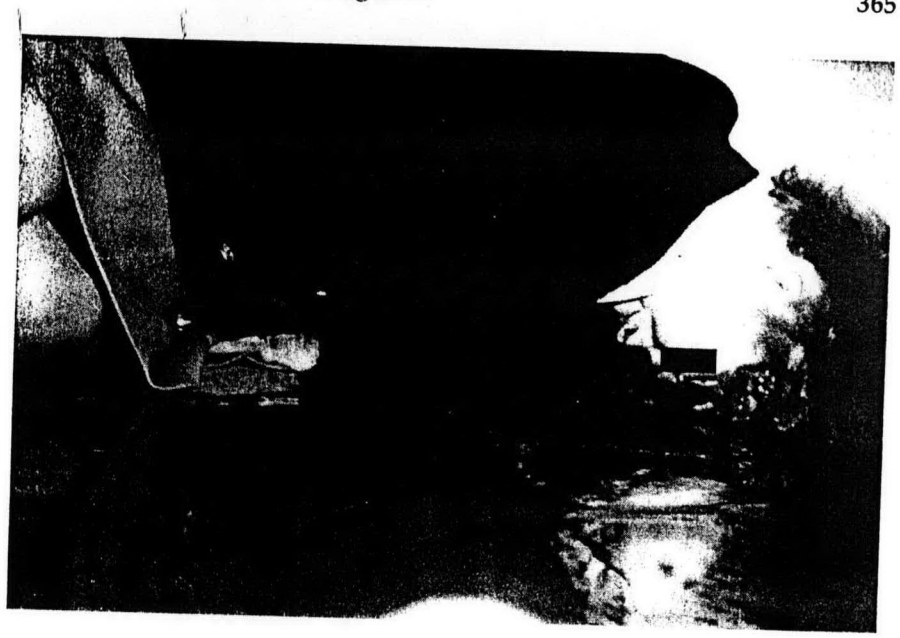


Figure 13.13. Suicide-gunshot wound to the head. This woman had shot herself in the head. The weapon was found at the scene by her hand. Although generally speaking, women do not usually shoot themselves in the head, it does occur.

mortal wound and are indicative of suicide. The investigator should not jump to any conclusions based on hesitation marks, as an assailant, who is knowledgeable about these factors, might leave similar markings to cover up a homicide.

If the victim uses a handgun, their target will likely be their head, followed by the chest into the heart, followed by the abdomen. Head shots with handguns are usually found in the temple (consistent with the handedness of the victim), followed by the forehead, or directly into the mouth. The wounds will be close-range as opposed to long-range. There should be evidence of powder burns and/or smudging.

In some instances, there may even be evidence of hesitation gun shot wounds or evidence of other shots fired prior to the fatal shot. The investigator should also examine the hands of the deceased for evidence of any blood or tissue splattering. In suicides with rifles and shotguns, the preferred sites are the head, chest, and abdomen (DiMaio, V.J., 1985).[5]

It is important to remember that wounds are never too painful to a person determined to take his or her own life. Deranged persons may inflict several extensive wounds on themselves before they collapse and die. I reviewed one case in which the deceased had attempted to hang

A

B

Figure 13.14. (A) SUICIDE VICTIM SITTING IN FIREPLACE. This victim actually sat in her fireplace to end her life. Remember, do not assume that something have been too painful for the suicide to endure. (B) Same suicide victim when removed from the fireplace. Note pugilistic attitude.

A

Figure 13.15. (A) Victim's fire-damaged automobile at the edge of the canal. The fire department had responded to a reported brush fire at this location by the St. Jude Canal in Plaquemines Parish. (B) Victim's body was found in the rear of the hatch-back. The fire department discovered the badly burned body of a female victim wrapped in chains in the rear of the auto and notified police. (C) View of the victim's body when removed from the auto. The case was first thought to be a homicide. (D) Evidence of gas containers. Four 5-gallon gas cans were located by investigators approximately 60 feet west of the burned auto. They were band new and had been recently purchased. (Courtesy of Detective James "Skip" Wright and the Jefferson Parish Sheriff's Office, Gretna, Louisiana.)

himself with an electrical cord, but the cord broke under his weight. He then cut open his stomach with an eight-inch knife and systematically removed his intestines, which he cut into pieces using a pair of tin snips. Investigators at the scene recovered an eight-inch knife, a pair of tin snips, scissors, and towels containing blood and intestines.

Just as investigators should not presume homicide based merely on the extent of injury, they should not be fooled by the method. Although suicide by fire is extremely rare, gasoline is readily available and can provide a convenient method of self-immolation. Ironically, I have found more women resorting to death by fire than men. I presume that the reason for this situation is that men are perhaps more likely to obtain firearms.

Equivocal Death Investigations

Equivocal death investigations are those inquiries that are open to interpretation. There may be two or more meanings and the case may

B

Figure 13.15 (continued)

present as either a homicide or a suicide depending upon the circumstances. The facts are purposefully vague or misleading as in the case of a "staged crime scene." Or, the death is suspicious or questionable based upon what is presented to the authorities.

I reviewed one particularly bizarre case in which a psychologically disturbed woman committed suicide under circumstances which made the case appear to be a sex-related homicide.

Investigators were called to the scene of a "possible homicide" in a secluded area near a canal. Upon arrival they observed a vehicle, which had been completely burned at the edge of a canal as if someone had pushed the car towards the water. In the rear hatchback of the auto, the detectives observed the badly burned and charred body of a white female with her pants pulled down to her mid-thigh area. The body was secured to the spare tire wheel well bracket with a steel chain. Investi-

C

D

Figure 13.15 (continued)

gators found four 5-gallon gas containers approximately 60 feet from the vehicle. It appeared that the victim had been sexually assaulted and killed by an offender who then secured the body by chain to the vehicle. The vehicle was doused with gasoline and pushed towards the canal. The car had been stopped from going into the river by a small tree.

However, upon closer examination, it was discovered that the chain was actually loose enough for someone to crawl into. The vehicle was registered to a woman, who had a history of psychological problems and had just been released from a mental institution. Authorities went to her residence where they found documents and letters indicating her intention to take her life along with her Will leaving her possessions to her son. The investigators were able to trace the gas cans to a Wal-Mart, where the deceased had purchased them along with the chain and a cigarette lighter. She had paid with American Express checks. Detectives had retrieved the sales slips and cancelled checks.

In addition, the detectives located the gas station where the deceased had filled her containers. At this gas station there was a 24-hour video. She was observed on the video making the purchase the day of the incident. She also paid for the gas with American Express checks.

Investigative reconstruction indicated that the woman had secured the chain to the spare tire wheel well bracket beforehand. She had left it loose enough to crawl into after she doused herself and her automobile with the 20 gallons of gasoline. After crawling into the chain, she lit the cigarette lighter and caused an explosion. The explosion caused the windows to blow out and the extreme heat caused the auto, which was in gear, to start and move down towards the canal. As she struggled and writhed in pain from the flames and fire, her pants were pulled down to her mid-thighs by the chain which was wrapped around her torso. The case was properly classified as a suicide.

Motives and Intent

The manner of death may be important in determining suicidal intent. For example, people who hang themselves or jump to their deaths from fatal heights have certainly indicated an intention to take their lives. Similarly, deaths that involve a combination of methods (poisoning, shooting, slashing, inhaling gas, etc.) show an extreme desire to die.

There are numerous motives to consider in suicide cases. I have found from my own personal experience, however, that some people's motives never surface; the motive died with the deceased. Some of the more common motivations are as follows:

Depression	Marital or family crisis
Drugs	Severe emotional trauma
Alcohol	Psychological problems
Stress	Physical deterioration
Frustration	Loss of a loved one
Fear	The death of a child
Anger	Financial situations
Hostility	Teenage problems
Guilt	Loss of employment
Terminal illness	Despair
Illness in the family	General inability to cope with life

I remember a case in which the body of the deceased was found at the base of a high drop. There was evidence of some cutting on the wrists and it was apparent that he had jumped or fallen from the ledge approximately 70 feet above. An examination of the body, however, indicated that his wallet was missing. A further examination of the area on the ledge failed to locate the wallet or any type of blade that could have been used to cut the wrists. The deceased had been at work the previous day and seemed to have been fine. Friends and family of the deceased had not noticed any suicidal tendencies. The case was definitely shaping up into a real mystery. Later in the day, we received a call from a neighboring jurisdiction. The police had recovered the wallet belonging to the deceased in a motel room. The room was very bloody and it appeared that there had been an assault in the premises. Further examination, however, disclosed a suicide note, an empty bottle of pills, and a bloody razor blade. Apparently, the deceased had gone to the motel room to take his own life. He had cut both wrists, consumed the contents of the prescription bottle, and bled all over the place. When death did not occur, he left the motel, got into his car, and drove approximately 10 miles back to New York City. He then selected a relatively high building in the area and jumped to his death. The suicide note, which was recovered by police, indicated that the deceased was extremely upset with his life and had planned to kill himself at the motel.

Suicide Notes

Suicide notes are direct communications indicating an intent to commit suicide. Letters and notes addressed to relatives and friends may be

left at a death scene, which indicate severe depression and/or anger. The notes are often coherent and legible. The notes may be instructional and/or admonishing. Suicide notes oftentimes have mixed emotional content including "positive" and "negative" feelings. Many notes reveal what are referred to as "suicide ideations." These are the formation and conception of ideas in the mind of a person, which present suicide as a viable option. References to an "after life" or once again being with a loved one, or "looking down" are quite common.

The presence of a suicide note certainly suggests suicide. However, the investigator should conduct a further inquiry to ascertain whether or not the note is genuine. Was it written by the deceased? Was it written voluntarily? The investigator should collect the note in a manner that will preserve any latent fingerprints. In any event, known writings of the deceased (exemplars) should always be collected for comparison. Remember, even when you are sure that the deceased has written the note and you are not anticipating doing a handwriting analysis, you should still collect exemplars. This could become an issue at a later date and you will not have an opportunity to obtain such exemplars.

Excerpts are provided below of a few suicide notes from cases I have investigated and consulted on over the years in order to add some insight into the "thinking" of a person who has chosen suicide as the final solution to a real or imagined problem.

The psychology of suicide becomes an integral part of the professional investigation, and often the note provides the detective with a basis of inquiry into the background of the victim for a later psychological autopsy.

> Dear Mom and Dad, I guess the past ten years escapades have finally paid off — with my Life...I'm sorry I'm letting a lot of people down, who had faith in me, but I no longer had any faith in myself...

This case involved a young man, who had a serious alcohol problem. The actual note was two pages, and contained his telephone number and home address. The note was found in his vehicle, which had been parked on the George Washington Bridge in New York City. The note also contained a drawing that indicated he had jumped into the waters of the Hudson River. His body was found approximately five days later.

> To my family, I just got a little tired. It's not your fault, but I want you to know I love YOU very much... Love always Dad.

This case involved the suicide of a police officer. I knew this man for some 15 years and would never have suspected that he would ever take

his own life. I remember interviewing his wife, who told me, "This was not the (Jack) you or I knew. He changed. There was a drastic change during the week. I think it was the medication he was taking." Jack, not his real name, had been prescribed drugs for an infection. The prescription had put him into a deep depression.

> Last will and testament, Everything goes to (Jim) with the exception of the things that belong to (John). I love you all.

This case involved a young woman, who had moved to New York City from the Midwest and had become depressed with her life. Although she had a good job as a nurse in a hyperbaric center, her real goal was to be in fashions. She decided to kill herself in front of her place of work. She probably decided that no one would miss her and she didn't want to die alone, so she took her pet dog with her. She hooked-up a vacuum cleaner hose, which she taped to the exhaust pipe of her car, and ran the hose into her vehicle. She was found by her fellow employees the next morning.

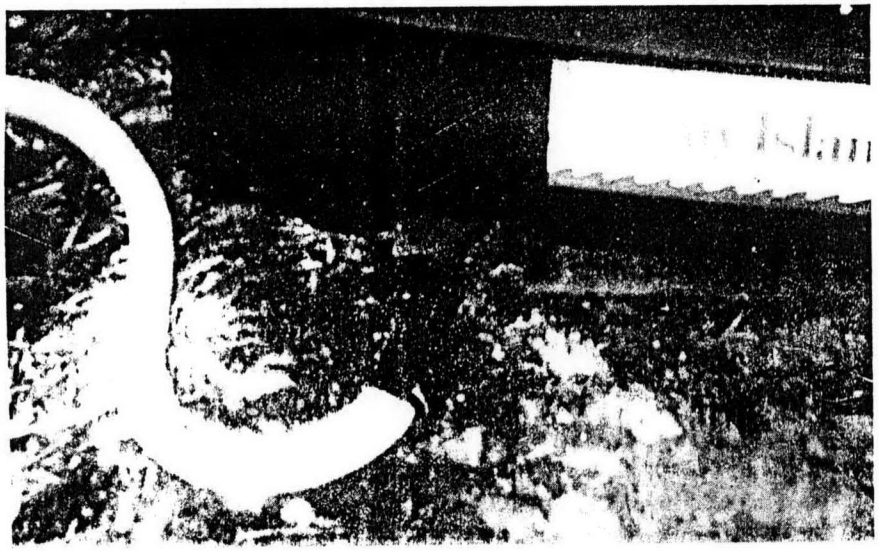
> Now, (Eva) doesn't have to say Oh she a pain now I'm dead. Now everybody is happy. I hope I wasn't a problem to nobody but if I was now I am not... I hope I didn't cause so much trouble. Tell everybody I say goodbye. Have a Happy Thanksgiving .

This was an extremely sad case involving a 12-year-old girl who took her life rather than risk being sexually abused any further by her father. The young girl, who was staying with relatives, believed that her father, who had recently been released from prison, might take her back to live with him. Investigation indicated that she had been abused since she was five years old. She shot herself with an unlicensed .38 caliber handgun after swallowing a number of pills.

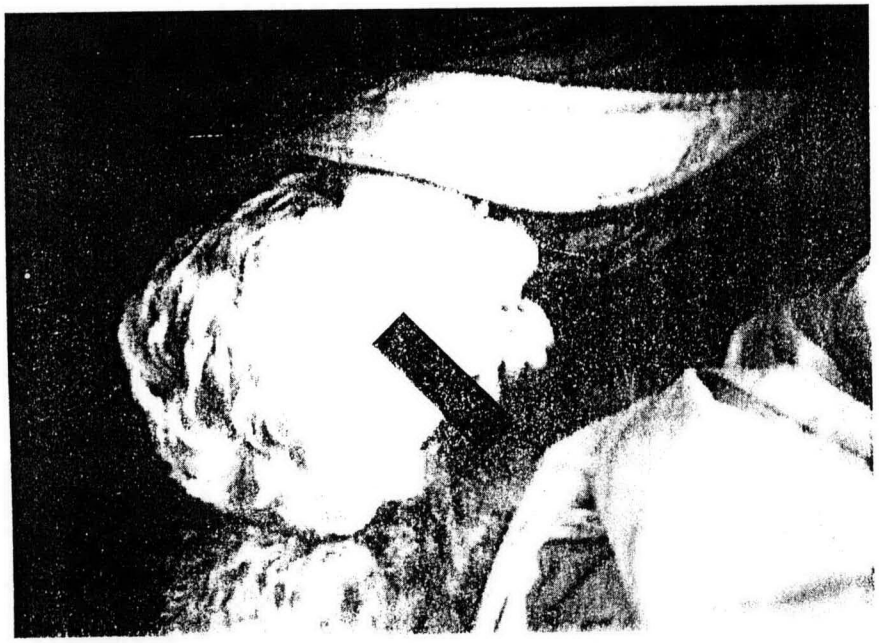
> Brother and sister, we didn't have anything else in this world. Please put our bodies in the same coffin... We love you all... Don't be sad about us. Everything is in God's hands...

This was a classic "Lover's suicide pact." The two bodies were found in a motel; both of them had been shot through the head. The male was found with the gun by his hand. They were both lying in bed. The note was found on a lamp table next to a Vietnamese symbol, which meant eternity.

I reviewed an investigation for a detective, who wanted me to analyze the suicide notes left by the victim. The series of notes which the victim left were classic examples of suicide cognition. These notes contained a

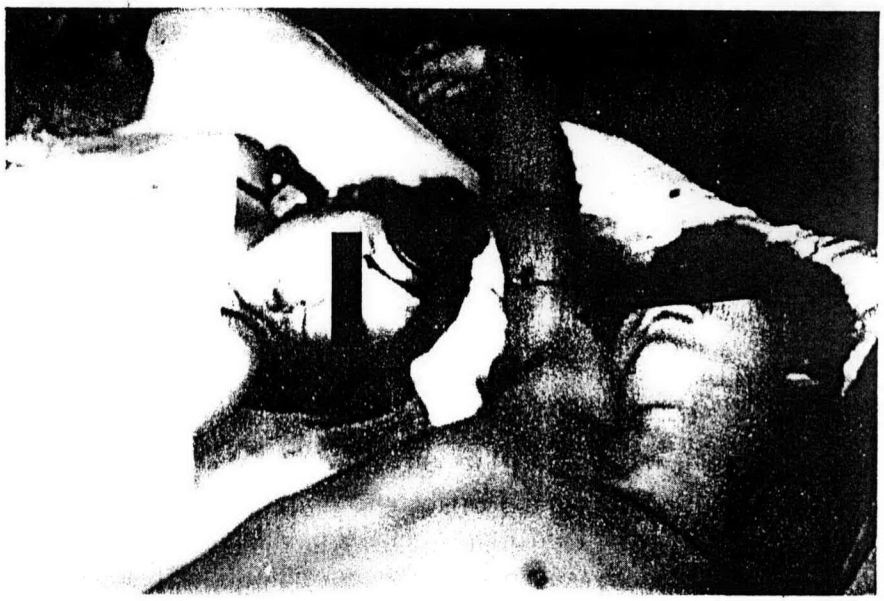


A

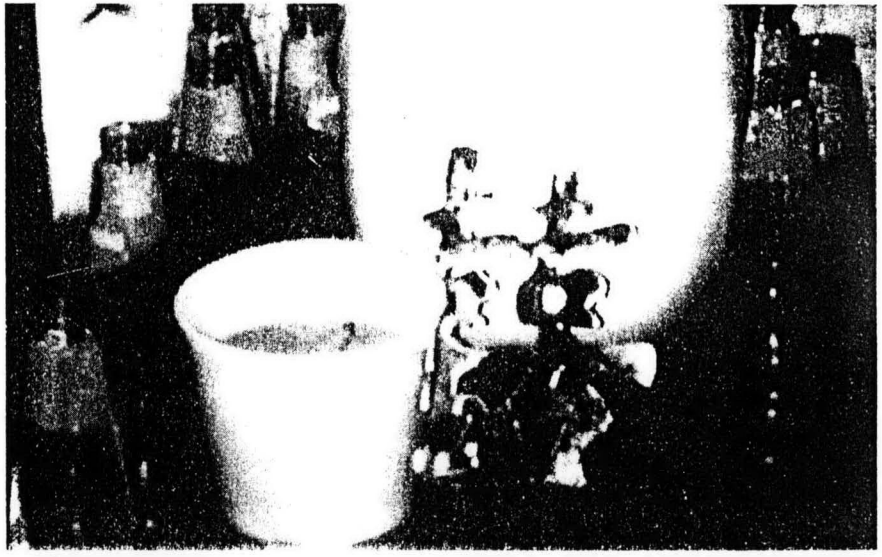


B

Figure 13.16. (A) SUICIDE VICTIM'S AUTO. Note how the vacuum hose has been taped to the exhaust pipe. The victim had placed the hose inside the front door of the auto. (B) CLOSE-UP OF THE VICTIM'S FACE. The victim's face was cherry red which is consistent with the inhalation of carbon monoxide.



A



B

Figure 13.17. (A) SUICIDE PACT. Two Vietnamese lovers made a pact to kill each other when their respective families objected to their relationship. They were discovered together in a motel room. Both suffered gunshot wounds to the head. (B) VIETNAMESE SYMBOL for eternity. This was found on the night table next to the bed where the two suicide victims ended their lives.

combination of intense feelings. There was anger, rage, and revenge. There were classic suicide ideations of a better after life to be shared with loved ones. There was acceptance, hope, and a plea to God for forgiveness. There were instructions to her best friend on burial arrangements. There was an expression of gratitude to her friend, whom she thought of as family, and there were admonitions. The notes indicated an intense anger and rage towards the victim's granddaughter, whom she accused of stealing her money. The victim blamed her granddaughter for all of her depression. There was even a suggestion of revenge as the deceased wrote,

> "When you receive this letter from me, I will be gone and where you can not *hurt* me anymore."

The note then went on to list all of the money and gifts that the woman had given her granddaughter over the years, including the "power of attorney," to assure her well-being in later life.

> "How could you rob a grandmother, who did all that."..." I hope that you shed as many tears as I did. Any person, that can do what you did to me, is a person lost."...God can see you for what you are"..." Before, I close I want you to know that no matter where you are day or night, I will follow you with my eyes."..." Remember, I am your shadow looking at you until you tell me why you robbed me, mistreated me, and then hated me. You will suffer as I have suffered."

In another note, the deceased asks for forgiveness and expresses her thanks to her best friend.

> "You have been a good friend, a sister, a mother God has sent to me. I love you like a daughter. I can't thank you enough for taking care of me...I will be looking down smiling at you and I hope that I will find peace...I will pray for you and will be at Joe's wedding. You won't see me, but I will be there." (*Classic ideation.*)

> "Dear God forgive me. I can't keep going on anymore. I don't want to live anymore, I want to be with my God. I want to go home and be with my beloved daughter and be with my Lord." (*The daughter had predeceased the victim. Another classic ideation.*) "I know that God will forgive me, because He knows that I have tried. I am so sorry...Christmas coming, just can't do it." I will be with God and my daughter and my husband. *God loves me. Please think kindly* of me and forgive me."

> (*Instructional*) (Name), maybe you should have this (note) copied just so it doesn't get lost in case you may need it.

> "I want to keep my little medal of the Blessed Virgin that I have around my neck on me. I want to take the medal with me." (*Ideation of going to heaven.*)

> (*Instructional*) "Remember to check and see that I have all the underclothes on me when am layed out. Thank you for every thing and God will repay you some day..."

The deceased, who was elderly was concerned about modesty.

Background Information

It is important to note that the deceased may have indicated an intent to commit suicide through activities and statements prior to death. The investigation should focus on any prior mental disease or defect. Was the deceased under any professional treatment? Consider obtaining this information via subpoena if necessary. The therapist-client relationship is terminated with the death of the client. Has the deceased ever attempted suicide in the past? Research has indicated that persons who have attempted suicide in the past are likely to repeat these behaviors under similar circumstances. Has anyone in the family ever committed suicide? There may be underlying pathological or psychological dynamics to consider. Any diaries, unmailed letters, or similar writings should be examined for information that may explain the death. Many suicide deaths are preceded by verbal threats of self-destruction and other indications of despondence. In some instances these threats are made to people whom the deceased respects or highly regards. In other instances sudden change in behavior is shown by subtle actions, such as increasing life insurance, giving away prized possessions, disregarding doctor's advice, or abuse of alcohol or drugs.

Psychological Autopsy

The psychological autopsy is a collaborative procedure involving law enforcement and mental health experts who attempt to determine the state of mind of a person prior to the fatal act. By examining the victim's life-style and interviewing the victim's friends and relatives, they determine whether the death was accidental or involved suicide.

Warning Signs

1. A change in sleeping habits — sleeping more than usual or staying up much later — followed by sadness
2. A change in eating habits — weight loss or lack of appetite.

3. A lack of interest in sex — loss of sex drive.
4. A sudden drop in grades or school attendance — young people; loss of work interest — adults.
5. Loss of interest in favorite activities, hobbies, or sports.
6. Loss of interest in friends, family, etc. — isolation.

Extreme Danger Signs

1. Suddenly becoming cheerful or calm after a depression — a sudden euphoria or burst of activity. This could mean that the person has resolved the inner conflict by deciding to take his or her life. The decision is made.
2. Giving away prized possessions.
3. Speaking of life in the past tense — e.g., saying, "I've loved you," or "You've been a good mother."

Investigative Considerations

Evaluation of the Wounds

1. Could the deceased have caused the injuries and death?
2. Was the person physically able to accomplish the act?
3. Are the wounds within reach of the deceased?
4. Are the wounds grouped together?
5. Is there more than one cause of death?
6. Describe the nature and position of the injuries.
7. Are there any hesitation marks?

Psychological State of the Victim

1. Obtain a background of the victim from family and friends. This background should include medical as well as social information.
2. Were there any *warning signs* indicated by the victim?
3. Were there any recent deaths in the family?
4. Is there any indication of a recent upset or stress?
5. Did the victim leave any notes? Request a sample of the victim's handwriting for analysis in case a note is later discovered.
6. Any close personal relationships, close friends, etc.? Interview as soon as possible.

Any Prior Mental Disease or Defect

1. Has the deceased been under any professional treatment?
2. Had the deceased ever attempted suicide in the past?

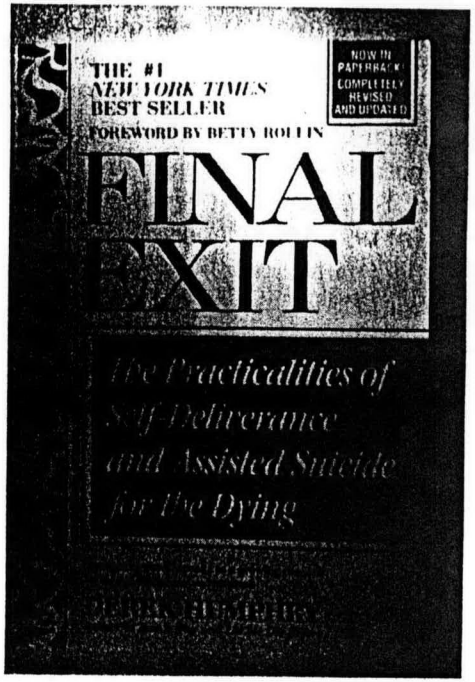


Figure 13.18. The book *Final Exit.* Often found at the scene of a "Final Exit Suicide" with notations or highlighting of pertinent chapters.

3. Has anyone in the family ever committed suicide?
4. Was the deceased a heavy drinker?
5. Was the deceased on any medication?
6. Was there a history of drug abuse?
7. Was there a history of physical or psychological abuse to the deceased?

"Final Exit" Suicide Investigations

Introduction

This section of the chapter addresses the phenomena of victim-facilitated suicide and victim-assisted suicide events in which the individual has followed instructions provided in the book *Final Exit.* In my capacity as a homicide consultant, I have had the opportunity to interact with many investigators from a number of different agencies within the United States and Canada. As a result of an informal survey conducted among attendees at my *Practical Homicide Investigation* programs, I have discovered an increase in these type suicides. I have selected the city of St. Louis for my case illustrations; however, my research indicates that there are a significant number of "*Final Exit*" suicides occurring throughout the country. In an article which appeared in the *New*

York Times, dated November 6, 1993, medical authorities in New York City have reported an increase in the number of suicides since the publication of the book. The article also referred to statistics from the National Center for Health Statistics which reported that plastic bag asphyxiation-type suicides increased 30.8% between 1990 and 1991 (*New York Times*, November 6, 1993, p. A12).[6]

In 1991, Mr Derek Humphrey wrote a very controversial book entitled: *Final Exit: The Practicalities of Self-Deliverance and Assisted Suicide for the Dying* (New York: Dell Publishing).[7] Ironically, this book about suicide and death actually topped the *New York Times* best-seller list in 1991. In 1992 it was published in many languages and made available in a revised and updated paperback version. This book, published as an informational aid to end life, actually provides detailed instruction and guidance to the reader on how an individual can effectively terminate his or her own life.

The initial impassioned debates over whether or not this book should have been published have since diminished. The moral implications of such a treatise rightly remain the subject of theology and personal religious beliefs. However, Mr. Humphrey does make a statement early on in his book, and I quote:

> "If you consider God the master of your fate, then read no further. Seek the best pain management available and arrange for hospice care." (Humphrey, 1991, p.4)[8]

However, once Mr. Humphrey gets that "God" question out of the way, he further states;

> "If you want personal control and choice over your destiny, it will require forethought, planning, documentation, friends, and decisive, courageous action from you. This book will help." (ibid, p.4)[9]

In my professional opinion this book provides someone, who is predisposed to suicide, the wherewithal and step-by-step guide to terminate his or her life. It is not my intention to debate the moral implications of this book, nor to impose my personal theology and belief in God to the reader. Instead, I wish to focus on the investigative considerations that this book presents in suicide investigations. Investigators need to be cognizant of the concept of self-deliverance and the methodologies which are presented in *Final Exit* in order to conduct professional death inquiries, particularly, if the deceased was assisted in the suicide by another person. At the risk of increasing Mr. Derek

Humphrey's book sales, I do recommend that investigators secure a copy of *Final Exit* for their research library as a reference source in the event that they encounter such cases.

Synopsis of Contents

Final Exit is comprised of two major sections, Part 1 is entitled "Self-Deliverance for the Dying Person" and is comprised of twenty-three brief chapters. Each of these sections address substantive issues in the dynamics of suicide and euthanasia. Contents include "The Euthanasia Decision," "Shopping for the 'Right Doctor'," "Beware of the Law," "The Hospice Option," "The Cyanide Enigma," ways to die (presenting a number of options and case scenarios), going together, "Self-Deliverance Via the Plastic Bag," recommendations of medications and how to obtain the drugs, how to avoid the medicolegal autopsy, insurance considerations, what letters need to be written, sample legal forms, documentation, and a Final Exit Checklist. Part 2 is entitled "Euthanasia Involving Doctors and Nurses" and is comprised of five chapters which address the medical profession and the law including a section on Dr. Jack Kevorkian's "Suicide Machine." *Final Exit* includes a Drug Dosage Table (with footnotes to drug dosage) which identifies, by both generic and trade name, the most effective drugs for self-deliverance. In addition, there is a listing of recommended readings, information on the Hemlock Society (a group formed in 1980 to campaign for the right of a terminally ill person to choose voluntary euthanasia), and four appendixes dealing with The Death and Dignity Act, Pain Control, Suicide Hot Lines, and A Living will and Durable Power of Attorney for Health Care.

Investigative Considerations

There are specific instructions within the book *Final Exit* that will indicate that the deceased intended to commit suicide and was guided by the rationale of self-deliverance. The presence of the book at the crime scene as well as the dynamics of the suicide event should be properly documented. In addition, certain items at the scene as well as the circumstances of the death might suggest the possibility of victim assistance.

Letters to be Written

In Chapter 17, Mr. Humphrey explains to the reader the importance of the "suicide note."

> "It must clearly state why you are taking your life, that you accept sole responsibility, and that nobody else persuaded you. In the event you are discovered before death has taken place, you must demand that you are not to be disturbed but allowed to die. Using the law of informed consent, you cannot be touched or treated without your permission. If you were revived you could, technically, sue for battery." (Humphrey, 1991, p. 81.)[10]

Mr. Humphrey also states that the person can utilize a tape recorder to make the suicide statement, clearly marking the cassette, "My Final Statement." (ibid, p. 83).[11]

In addition, the reader is advised to attach to the suicide note copies of a Living Will and Durable Power of Attorney for Health Care (the reader is provided with an address and telephone number for information where to obtain these items). The reader is also advised to make two copies, since the police and/or coroner will take a copy.

Case History

On March 24, 1993, St. Louis Police were called to an apartment to "check the well-being" of the occupant. Upon arrival the officers met the concerned friend who had called the police after being unable to make contact. The police were admitted to the secured apartment by the building manager where they discovered the deceased. The victim was discovered nude, face down. There was a syringe and a large amount of prescription drugs at the scene.

Police Investigation

P.O. Daniel Chitwood conducted a preliminary investigation for follow-up by Det. Sgt. Joseph Beffa, St. Louis Homicide. The investigation revealed that the deceased was HIV positive and was terminally ill with the AIDS virus. According to his close friend, the deceased had talked of committing suicide on several occasions. There were three letters found at the crime scene indicating the deceased's suicidal intention as well as a copy of the book *Final Exit*. The case was classified as suicide. The three letters were written according to the recommendations in *Final Exit*, one of which used the "Law of Informed Consent"

> "To whom it may concern:
>
> I, (name deleted) have decided to end my life because of my AIDS DISEASE. I have seen too much pain and been through alot! I am tired of trying and no longer wish to continue life as I know it and as I know my body will become...

> This decision is known to no other and has been mine alone in a normal state of mind. No one helped or persuaded me to take my life.
>
> If I am discovered before I stop breathing. I will certainly sue anyone who attemp (sic) to revive me. Do not touch me until I'm dead. (signed by the deceased)

Self-Deliverance via the Plastic Bag

In Chapter 19, Mr. Derek Humphrey makes reference to the use of a plastic bag as an aid in self-deliverance. He states, "If you don't have the help of a physician to aid the dying, then a plastic bag as well as drugs is highly advisable" (Humphrey, 1991, p. 91). Mr. Humphrey states that it is important that the bag be firmly tied around the neck in order to prevent any air from coming through. He also makes reference to the use of an ice-bag to avoid the distress of the breathing of hot air which may create an unpleasant hot and "stuffy" feeling.

The author makes reference to "devoted couples" wanting to handle the process themselves and also instructs the reader on the law relative to assistance in suicide. I quote,

> "The actual helping of the person constitutes the crime by demonstrating intent. Intent is necessary for successful prosecution. So it is preferable if the person wanting deliverance does it alone. There is no legal risk in removing the bag once the person stops breathing. Removal also reduces the chance of police or medical examiners suspecting suicide." (Humphrey, 1991, p. 95)[12]

Mr. Humphrey points out that the two best methods of self-deliverance are from the use of selected prescription drugs, aided by a plastic bag (ibid, p.109).[13] Mr. Humphrey recommends the barbiturate drugs such as secobarbital (Seconal) and pentobarbital (Nembutal) as first choice followed by Valium and Darvon which are nonbarbiturates. He asserts that drinking alcohol will hasten the drug's effect by 50 percent (ibid, p. 110)[14] and states that Vodka is extremely effective (ibid, p.112).[15]

Case History

On November 11, 1992, St. Louis Homicide detectives were dispatched to a call of "suspicious sudden death." Upon arrival at the location, they observed a female victim, lying on her bed with an ice-pack under her neck and a plastic bag covering her head. The detectives also observed eleven (11) bottles of various prescription medication bearing the deceased's name.

Figure 13.19. FINAL EXIT SUICIDE VICTIM. The victim was discovered with a plastic bag over her head and evidence that she had taken an overdose of prescription drugs. (Courtesy of Lieutenant Alfred Adkins and Detective Dave Calloway, City of St. Louis Metropolitan Police Department.)

Police Investigation

Det. Sgt. Alfred Adkins and Det. Dave Calloway conducted the police investigation. Their analysis of the circumstances and facts surrounding this incident revealed that the deceased had numerous medical problems and was seeing a psychiatrist. She had recently been despondent and according to a close friend had stated that she was going to get all of her affairs in order and leave the world. The deceased often spoke about suicide and had bought several books on the subject including *Final Exit*.

The detectives seized the book as evidence. In their police reports they referenced Chapter 19 "Self-Deliverance Via the Plastic Bag" and Chapter 22 "The Final Act" due to the similar circumstances of the decedent's death. The victim had apparently followed the instructions in *Final Exit*. Their investigation indicated that the victim was not assisted in her death and the case was classified as suicide.

In Chapter 22, Derek Humphrey presents the reader with the following "self-deliverance" procedure which I have cited below:

A

B

Figure 13.20. (A) FINAL EXIT CASE. Victim used a canister of carbon monoxide to end his life. *Final Exit* book was found at the scene. (B) Notes found at the scene. Suicide notes and book were found at the scene just as described in *Final Exit*. (Courtesy of Detective Sergeant Joseph Beffa, Homicide Squad, City of St. Louis Metropolitan Police Department.)

The Final Act

1. An hour beforehand have an extremely light meal — perhaps tea and a piece of toast — so that the stomach is nearly vacant but not so empty that you would feel nauseous and weak.

2. At the same time take a travel sickness pill such as dramamine which will ward off nausea later.
3. When the hour has elapsed, take about ten of your chosen tablets or capsules with as large a drink of spirits or wine as you are comfortable with. Vodka is extremely effective. If you cannot drink alcohol, use your favorite soda drink.
4. Have the additional powdered tablets already mixed into a pudding and swallow that as fast as is possible.
5. Throughout, keep plenty of alcoholic drink or soda at your side to wash this all down. It will also help dilute the bitter taste.[16]

Case History

May 1, 1993, the body of a 38-year-old male was discovered in a warehouse in St. Louis, Missouri by two members of a rock band that used the building for band practice. The deceased was found lying on his back. There was a cylinder of compressed gas and an empty bottle of vodka lying next to the body. The label on the cylinder indicated that the gas was carbon monoxide. There were several handwritten notes, apparently written by the deceased, found near the victim which indicated his intention to take his life by inhaling the carbon monoxide gas along with instructions of "what to do" to whoever found his body. Also found next to the victim's body was the book, *Final Exit.*

Police Investigation

Det. Sgt. Joseph Beffa and P.O. Daniel Chitwood conducted the death scene investigation. The deceased left four notes. The first note was addressed to "Young Rockers" dated 4/30/93. He instructs them to (1) turn-off the gas and (2) no smoking. He then explains that he got into the "Rock Warehouse" and hid in the corner while the band rehearsed. He states, "I enjoyed it — Thanks." He then adds, "Sorry for the hassal." (Signed his name).

In Chapter 17, Mr. Humphrey states,

> "If you are unfortunately obliged to end your life in a hospital or motel. It is gracious to leave a note apologizing for the shock and inconvenience to the staff." (Humphrey, p. 82)[17]

The deceased, although not in a hospital or motel took the advice and left this note apologizing for any inconvenience he caused by taking his life at the warehouse.

There were two suicide notes. One stated, "I have committed suicide" and provided the name of a police official from his home town to contact. The second suicide note was a three-page handwritten letter in which the deceased discussed his rationale for "ending his life."

The fourth note was attached to a gas company receipt. This receipt indicated that the deceased had put a $100.00 deposit down for the carbon monoxide cylinder. In his note he apologizes to the company representative for "tricking" her into providing him with the gas. He then requests that they help his parents get the deposit money back.

On pages 152 and 153 in the *Final Exit* book found at the crime scene, the investigators noticed that the deceased had underlined and circled those passages relative to the use of carbon monoxide gas and had written "How many cubic feet?" on page 153. The authorities seized the book and xeroxed this reference for their file on this case. The death was classified as suicide.

Investigative Checklist for Final Exit Cases

- ☐ Is the book *Final Exit* at the crime scene?
- ☐ Check the book for any entries, highlighting, or writing relative to what is observed in the crime scene and how this relates to what is observed in the crime scene or any evidence of "acts of self-deliverance."
- ☐ Are there any "suicide notes" at the scene?
- ☐ Seize these notes as evidence for fingerprint and handwriting analysis.
- ☐ Obtain a handwriting exemplar (writings of the deceased when she or her was still alive).
- ☐ Compare the contents of the notes with the "Letters to be Written" chapter recommended in the book *Final Exit.*
- ☐ Take "major-case" prints of the deceased. These include not only fingerprints, but palmar (hand) prints as well.
- ☐ Request "major case" prints from all persons present or who are considered close to the deceased.
- ☐ The plastic bag: Presence of a plastic bag at the scene is highly suggestive of *Final Exit* type suicides. The investigator should note and document the following:
  - ☐ Is there a plastic bag over the victim's head or present at the crime scene?

- ☐ Submit the entire plastic bag for an examination of latent fingerprints. Check the plastic bag for any fingerprints for comparison/elimination with the deceased.
- ☐ Seize all prescription/drugs medication at the scene for subsequent toxicological examination.
- ☐ Note trade name, Doctor, Pharmacist, and date.
- ☐ Compare these with "Drug Dosage Chart" in *Final Exit*.

Remember: There is a presumption of possible victim assistance in these type suicides based upon the information in *Final Exit*.

Recommendations

I recommend that investigators be cognizant of the concept of self-deliverance and the methodologies which are presented in *Final Exit* in order to conduct professional death inquiries. At present there isn't any empirical study of these cases due to the lack of an identifiable population of cases. The informal sampling that I conducted tends to support that hypothesis that these events are occurring with some regularity. Therefore, I recommend that investigators who encounter these events make an appropriate reference to the case as a *Final Exit Suicide*.

Conclusion

Final Exit type suicides are distinctively unique from other suicide cases. They are planned events with the possibility of victim assistance. Law enforcement personnel who investigate sudden and violent deaths have a responsibility to properly document and classify these events.

Staged Crime Scenes Involving Final Exit

Investigators should be aware that a clever perpetrator could mislead the police by committing a homicide and making it appear to be a "Final Exit" suicide. The author reviewed a case in which the scene had been staged as a Final Exit suicide. The victim, who had been on chemotherapy after an operation to remove ovarian and liver cancer, had recently been informed that the cancer tumors had started to grow. She was found in her bed with a gun by her right hand. There was a typed note at the scene stating, "I can't take it anymore, no more, no more." The book *Final Exit* was found next to the victim. The death appeared to be a suicide especially considering the victimology of the deceased. However, the woman's death was in fact a cleverly disguised murder. The son of the victim had purchased the book "*Final Exit*" with

the mother's credit card. He had shot her in the head while she was sleeping. He then wiped off the gun and placed it near her hand. He typed the suicide note and placed it on the night table next to the book *Final Exit* and then called police to report that his mother had killed herself. (See "Staged Crime Scenes" in Chapter 1.)

Suicide-By-Cop

Introduction

The term "suicide-by-cop" is a police colloquialism used to describe incidents in which individuals, bent on self-destruction, engage in life-threatening and criminal behavior in order to force the police to kill them.

Example

May 22, 1986, 11:05 P.M. A 27-year old male, identified as Tim Sebastian calls the Butler County Sheriff's Department, in Hamilton, Ohio to report that a man (Tim Sebastian) is prowling around his home and that the man is armed and dangerous. He then cuts his telephone lines so that his wife cannot call back. When the officers arrived, Sebastian approached them despite their instructions for him to remain still. The officers attempted to discourage Sebastian from making any further threatening motions. He then pulled a shiny metallic object from his belt and pointed it at one of the officers. Both officers fired hitting the man in the chest. The object turned out to be a pair of vice grips. A review of the incident indicated that the subject had given a farewell birthday gift to his son before calling police and had made a prior suicide attempt earlier in the month by swallowing rat poison. This is an example of *suicide-by-cop*.

This relatively new phenomenon confronting law enforcement appears to have begun in the mid-1980s. Seemingly, these events are on the increase. However, since they are not classified as *suicide-by-cop* the actual number of these incidents is unknown. To date, there has not been an empirical study of these events. Historically, there have been many justifiable homicide events resulting from the imminent use of deadly physical force against law enforcement officials. Most of these police shootings occur during the commission of a violent crime or in connection with an independent police action resulting in a confrontation between the offender and the police.

However, more recently, there has been a growing number of *justifiable homicides*, in which police officers have shot and killed an

apparently armed individual who has threatened the officer or others with the immediate use of deadly physical force. The subsequent homicide investigation, assessment, and review of the circumstances reveal many of these events to be *victim precipitated.*

The dynamics of such victim precipitated homicides is that the police officer is confronting an individual who has a death wish and intends to force the police into a situation where the only alternative is for the police to kill him. The motivations of these people bent on self destruction range from the clinical to the bizarre.

An example of one such bizarre circumstance was played out in Jasper, Arkansas. Keith "FOU" Haigler and his wife Kate took a busload of hostages in order to force a confrontation with the police. They were members of a religious cult called the Foundation of Ubiquity (FOU) also known as the Father of Us. Keith Haigler stated, "I am the spiritual son of the long awaited Messiah." The entire episode was based on a delusional belief that they would be resurrected after the police killed them. The media covered the event, during which Keith Haigler made the following statements. "We are the two witnesses spoken about in the Book of Revelations...We want you (the media) to put this nationwide. The long awaited Messiah is here. The proof is that we are going to be shot by the police officers. We have the consent of my father to have our bodies placed on his land for 3 1/2 days. After the 3 1/2 day period the spirit of life and God enters. They stand on their feet...It's all in the Book of Revelations."

As the police were attempting to negotiate with Haigler, the media advised that they would have to get their film to the local T.V. station in time for the evening news. At this point, Haigler stated, "I want you to get the shooting in." A short time later, Keith and Kate "FOU" Haigler exited the bus with their guns in hand. The police fired at their right shoulders to immobilize and save them from themselves. However, both parties turned the guns on each other in a homicide/suicide ending. *It should be noted that on the third day neither one of them rose from the dead.*

Clinical Interpretations

I interviewed Dr. Harvey Schlossberg, former Director of Psychological Services of the New York City Police Department and presently Chief Consulting Psychologist for the Port Authority of New York and New Jersey.[18] I asked him whether or not he recognized the phenomenon of "suicide-by-cop" scenarios. He stated, "Absolutely. It is crystal clear. These type incidents represent clear-cut suicides in which the offender

is inviting the police to kill him." Dr. Schlossberg described an incident involving two police officers. They had responded to a "man with a gun" call and were confronted by an individual who took up a barrier position and pointed his weapon at the police. The police ordered the man to drop his gun. He refused and made actions as if he was about to fire the pistol. The man was shot and killed by the police. His pistol was actually a toy gun. This case is an example of a clear-cut intention to die by police gunfire.

Dr. Schlossberg has testified as an expert witness in many such cases in New York City and across the United States. He states that, "the motivational elements in such incidents illustrate the person's desire oftentimes unconscious, sometimes conscious to commit suicide. Determining the motive is based on the type of weapon which include, unloaded or imitation guns, the threat to shoot, which forces the police to fire and the discovery of an intent on the part of the subject to commit suicide. In other situations, the individual may be seriously psychiatrically disturbed and there will be an extensive psychiatric background."

I asked Dr. Schlossberg, "Why do people select police officers as a vehicle of their own death?" Dr. Schlossberg stated, "It's the most obvious and easiest way to die. Suicide by jumping from a tall building, suicide by running your car into a tree and suicide by blowing your own brains out requires a decision on the part of the person bent on self-destruction. If you can get someone else to do it for you, you are 'writing-off the sin' or avoiding the stigma or social taboos associated with suicide. The police are a good object for this. Police symbolically represent the social conscience. Sometimes, suicidal people feel guilty about something real or imagined. They seek punishment. In other cases they just don't have the guts to end it all."

The Psychopathology of Suicide-By-Cop Scenarios

I interviewed Dr. Ronald Turco, M.D. a psychiatrist and police detective from Beaverton, Oregon, who stated that suicide-by-cop scenarios may take several forms.[19]

1. Individuals simply are depressed to the extent that they wish to die, but do not want to take their own lives. There may be a degree of grandiosity associated with the act of a public display of their difficulty and having the supreme authority figure take their lives.
2. In other instances, and possibly at the root of all such occurrences, is the identification that the individual has with a parent

figure or substitute that has been rejecting and critical. In such an instance, the parent may have harbored an unconscious wish for the destruction of the offspring. It is as if the individual is asking the police officer to kill him or her because this represents the ultimate hostility toward the original parent. It is as if they are saying, "You want me dead. Go ahead kill me. This is what you want. To hell with you."

3. In some cases of terrorists activity, the individual has identified with a "super cause" and desires to die at the hands of the hated enemy in a show of defiance. Usually this type of suicide-by-cop comes at the end of a hostage negotiation that has gone sour or under circumstances in which the member or members of the terrorist group do not wish to capitulate to the 'enemy'; and, therefore choose to be blown-up, shot, etc., and go down "in a blaze of glory."

According to Dr. Turco, "The most commonplace police officer assisted suicide is that of a mentally ill person who is simply depressed, is acting out a rage toward a parent or parent substitute (in psychiatric terms an introjected object), and who has basically cast the police officer in the role of despised parent. Therefore, the individual accomplishes his own destruction; but flaunts it in the face of authority. Police officers in such instances experience various degrees of guilt sometimes necessitating treatment."

Hostage Situations

Many suicide-by-cop scenarios involve hostage taking. This requires that police personnel on the scene be effectively able to diffuse the situation and/or dissuade the hostage taker from harming the hostages or himself. Hostage negotiation skills are of paramount importance in such incidents. Dealing with hostage incidents requires setting up communications, establishing a command post and support personnel for the negotiator, and effective intelligence gathering in order to formulate a negotiating strategy and cooperative team effort with the tactical unit.

I interviewed retired Detective Captain Frank Bolz, Jr.[20] who was one of the founders of the New York City Hostage Negotiation Team and is presently a crisis management consultant. Bolz states, "The perpetrator of a hostage situation has four perceived options: escape, surrender, suicide, or homicide. For two of these options, *suicide and surrender*, there seems to be a ritual that a subject will go through. These are difficult for the police to differentiate."

Some suicide indicators are:

1. The subject sets a deadline for his or her own death.
2. Mentioning names of people who are dead and talking about them as if they are still alive or indicating that he or she will soon be with them.
3. Making verbal statements or arrangements for the disposition of "worldly goods;" giving away "prized possessions", which includes items he or she has at the time of the negotiations; i.e., wrist watch, rings, etc.
4. Subject may create a confrontational face-to-face negotiating posture with the police.
5. Making an announcement or declaration of an intent to die.
6. Making biblical references, specifically as they relate to the Book of Revelations and resurrection.

According to Bolz, who is a recognized authority on hostage negotiations, "The resolve to commit suicide many times fades or is diminished if the person is contained and allowed to articulate and ventilate his or her problems. Many times, in hostage/barricade situations, the tactical people inadvertently contribute to the success of the perpetrator committing suicide by police, because they do not have good cover and are forced to respond with fire power in order to save their own lives. *However, when one sets his or her mind to commit suicide-by-cop, police negotiations and tactics will probably not dissuade their intentions. The Jasper, Arkansas incident in which two religious cult members wanted to die at the hands of the police is an example of such intent."*

EXAMPLE OF THE PSYCHOLOGY OF A WOULD-BE SUICIDE-BY-COP EXCERPT FROM A STATEMENT GIVEN TO POLICE

The subject had gone to a local restaurant with a fake bomb in a box. He asked to speak to the manager, showed him the "bomb" and told him to have everyone leave. The manager advised the patrons that there was a gas leak and they would have to leave. He then called the police and reported that "There was man in the restaurant with a bomb." Houston Police responded with hostage negotiators, who convinced the suspect to surrender his bomb. The subject gave police a complete confession and explanation of his actions. I have taken an excerpt from the statement to illustrate the subject's thinking:

"...my mom had come by to my apartment and accused me of breaking into my grandmother's house. I have pawned some of my

grandmother's things in the past when I was on drugs, but I haven't caused any problems since I have been clean. So when my mom accused me of breaking into my grandmother's house it didn't feel right. It just didn't seem right. It crushed me. So, I thought about killing myself but I didn't want to go to hell. I am religious and I didn't want to go to hell. So, I figured I would just throw a bottle in a box and say it was a bomb and they (police) would have to shoot me. I just figured the police would do it...I figured I would use the fake bomb because I would know that I wouldn't hurt anybody. I knew that if the police were going to shoot me that I would have to be a threat. So, if I had a bomb that would be a threat. I didn't want to use a real bomb or a gun because then I would really be endangering other people's lives. My intentions were not to harm anybody but myself...." (signed by subject)[21]

This particular statement which was taken by the Houston Police is a classic example of the thinking of someone who wants to end his life but doesn't want to do it himself. The subject was charged with making a "terroristic threat" and "possession of a hoax bomb."

CLASSIC CASE HISTORY — INVOLVING A RETIRED POLICE OFFICER

On August 6, 1992, at approximately 6:57 P.M., Richard Raymond Segura entered a retail store in a shopping mall located at 3329 E. Bell Road in Phoenix, Arizona. He approached the clerk and asked her to call the police, stating that there was a man in the parking lot waving a gun around. The clerk called 911 and was asked for a description by the police operator. The clerk went outside and contacted Mr. Segura. When the clerk asked about the man with the gun, Segura told her it was him and showed her a gun. The clerk returned to the store and notified the 911 operator. Phoenix police officers, Gregory Sargis, Dean Flaherty, Ben Leuscher, and James Collins were among the first officers to arrive at the parking lot of the shopping complex. The officers had received a description of the "man with the gun" and his vehicle from the police radio and spotted their suspect on the north side of the parking lot. As officer Collins drove towards the subject's vehicle, he saw the man get out of the car with a gun in his hand. The man held his weapon up for Collins to see and "worked the action." Officer Collins exited his vehicle and drew his service weapon. The man then reached back into his auto and removed a red-colored book. He held his weapon in his right hand and the red book in his left hand and began to move towards Collins. In the meantime, officers Sargis, Flaherty, and Leuscher had positioned themselves behind their police vehicles. Officer Collins yelled to the man to drop his gun, Segura stated, "I can't do that," and kept advancing. Segura then stated, "Shoot me, but don't mess up my face." As the suspect got closer, Collins retreated to the rear of his car. At this point, all four of the officers were yelling to the man to drop his gun, who repeatedly yelled, "Shoot me." During this confrontation, Segura was facing Collins and Flaherty. Officers Sargis and Leuscher were south of the suspect. As Segura made a movement of his right arm towards officer Collins, Officer Sargis fired two shots one of which hit the suspect in the chest. The suspect, Segura died at the hospital. The weapon was a .380 caliber semiautomatic pistol, which was unloaded, but with the hammer cocked.

Richard Raymond Segura, was a 42-year-old male, Hispanic, who had been a deputy with the Pima County Sheriff's Office. He had retired in 1989 due to injuries he had received on the job. Investigation revealed that approximately 2 weeks before this incident, Richard Segura and his wife had become involved in a domestic altercation. Richard Segura was reportedly despondent over the break-up of his marriage and apparently decided to take his own life by forcing the officers to kill him. Among the items that Segura held in his left hand during the confrontation was a handwritten note stating, "I love you my dear wife. To live without you and Krystal is not to live at all." The note had his address and telephone numbers and was signed, "Love Chiquito." At the bottom of the piece of paper Segura had apparently left a message for the police officers who were forced to fire upon him. It stated, "Thanks guys, always trust your own to do the job."

Psychological Ramifications for Police Officers Involved in Suicide-By-Cop Incidents

Suicide-by-cop scenarios psychologically traumatize the officers involved in such incidents. According to psychiatrist, Dr. Ronald Turco, M.D. and psychologist, Dr. Harvey Schlossberg, both forensic experts in the field of police related stress, officers will be depressed and angry upon discovering that they were used for an execution. They need to ventilate and get in touch with their anger. Both recommend intervention strategies.

According to Dr. Harvey Schlossberg, who has treated a number of officers for shooting-related stress, the effects of a "suicide-by-cop" incident can be devastating. It amounts to a psychological assault on the officer. He or she is basically shattered as a result of the incident.

As a general rule, people tend to feel guilty about their actions. It is part of human nature to feel guilty. We are basically governed by guilt. You should do this; you shouldn't do that, etc. The officer finds him or herself second guessing the incident. Maybe I should have held fire until I could get a better look at the gun. Maybe I should have tried to physically disarm him, etc. All of these thoughts are psychologically damaging and parallel Post Traumatic Stress Disorder (PTSD). The officer begins to relive the incident over and over again. Some of the

most common symptoms are depression coupled with anxiety, an inability to sleep, hypersensitivity, irritability, nightmares, and flashbacks.

In addition, most probably there will be civil suits filed by lawyers for the family of the deceased against the police and the sympathies will generally be for the surviving family. This seems to reinforce the guilt the officer is already experiencing. According to Dr. Schlossberg, critical incident stress debriefings and intervention are a must. Ironically, the officer finds himself or herself in a moral dilemma based on role conflict. The messages police receive are twofold. Shoot to kill. Defend yourself. You are supposed to shoot the bad guy. The media, T.V., and movies, i.e., Dirty Harry, Out for Justice, Lethal Weapon all support the concept of the police shooting the offender. At the same time the other message being driven home by many police administrators is, "You're not supposed to shoot your gun. Shoot only as a last resort. You will be suspended and placed under investigation, etc." According to Dr. Schlossberg, these dual messages amount to the "double-bind" concept where the individual receives contradictory messages as portrayed by the schizophrenogenic mother who tells the child you have to drink your milk and then adds you're putting on too much weight, don't drink so much milk.

The Racial Component in Police-Related Shooting Incidents

A police-related shooting incident in which a minority subject is killed by police can cause community unrest and in some instances major civil disturbances. The shooting may be justifiable, but many times the potential for civil violence can be exacerbated by certain individuals, who can best be described as racial racketeers. I refer to them as the racial PEP squad; the *provocateurs, entrepreneurs,* and *prevaricators,* who have made a business of racism in this country. In the two cases cited below, there were allegations by some members of the black community that the police shootings were unnecessary. There were demonstrations against the police and a suggestion that the deaths were racially motivated.

CASE HISTORIES — RACIAL INCIDENTS

Incident: St. Louis, Missouri. Wednesday, December 23, 1992. A 17-year-old, male, black is shot and killed by police. A hostile crowd gathers and surrounds the police, who call for assistance. The allegation by some members of the community was that the police shot an unarmed youth for no reason.

Facts: The police officers had attempted to pull the suspect over for a series of traffic violations. There was a pursuit when he failed to comply. The suspect drove onto a front yard. When the police approached the suspect he reached for a gun in the back seat and pointed it at the officers. The officers yelled to the suspect to "drop the gun" twice. The suspect shouted "You'll have to kill me." He then turned toward one of the officers with a gun in his right hand. The officer fired four shots at the suspect. As the suspect was being handcuffed he stated, "Please kill me, please kill me." The gun was unloaded.

Investigation: Revealed that the suspect, who was upset with his girlfriend, had told his grandmother that he was going to kill himself or someone else. Other relatives confirmed that the subject was "acting and talking crazy" and had made statements that he was going to kill himself. He was last seen by a friend, who saw him run out of the house, enter his jeep and speed away.

Incident: Indianapolis, Indiana. Monday, October 8, 1990. A 40-year-old, male, black was shot and killed by an off-duty police officer who was working an overtime shift in full uniform as a security officer for a restaurant. The subject was identified as an ex-convict and prison-rights activist, who had tried to establish a career as a columnist and minister in the black community.

Facts: The man, who was brandishing a handgun, entered the closed restaurant through an open door and surprised two men who were steam cleaning the rugs. The officer, who was seated in the rear saw the man from the back and asked it he could help him. The subject then turned and started towards the officer with the handgun at his side. As the man came closer to the officer, he raised his left hand, which held the gun and began to point it at the officer. The officer drew his weapon and fired hitting the man in the chest. The gun was unloaded.

Investigation: Revealed that the suspect, who had been arrested 19 times since 1967 and had served 10 years for armed robbery, had recently returned to drug use. The weapon was a .32 caliber semi-automatic pistol. The hammer was in a cocked position with the safety lever in fire mode. The magazine and chamber were void of ammunition. According to friends, the subject had stated that if he didn't get out of town, he felt he was going to die in a police action shooting. He told another acquaintance that he was contemplating suicide. The restaurant, where the shooting took place, always has an armed officer in full uniform at the premises. Witnesses had seen the subject peering into the window of the establishment approximately 10 minutes before entering.

Investigative Considerations

Practically speaking, incidents of suicide-by-cop should be investigated as *both a homicide and suicide.* The investigative procedures employed

should not only focus on the homicide aspect but also the clinical considerations and dynamics of suicide. The reality of police-related-shootings is that the onus is on the police agency involved to articulate and explain exactly how and why the incident took place. In addition, most police-related shootings will become matters of civil litigation. Therefore, it is imperative that the police agency's investigation take into account not only the legal justification aspects of the shooting, but also indicate whether or not the incident and police actions were consistent and in conformance with that agency's department policy. In cases where the elements and facts indicate victim precipitation, I would recommend a specific reference to the incident as suicide-by-cop, with official reports and witness statements supporting this classification based on the dynamics of the event.

References

1. Cachur, Patrick, Ph.D. The Centers for Disease Control. Atlanta, Georgia. Personal Interview. February 22, 1994.
2. Smith, Sandy. Public Affairs Officer, National Center for Health Statistics, Office of Data Processing. Personal Interview, February 22, 1994.
3. Rosenham, David L. and Seligman, Martin. *Abnormal Psychology*. Second Edition. New York: W.W. Norton & Co., 1989, p.355.
4. *New York Daily News*. January 24, 1987, p.6.
5. DiMaio, Vincent J. *Gunshot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques*. New York: Elsevier, 1985, p. 296.
6. New York Times, November 6, 1993, p. A 12.
7. Humphry, Derek. *Final Exit: The Practicalities of Self- Deliverance and Assisted Suicide for the Dying*. New York: Dell Publishing Group, Inc., 1991.
8. Ibid., p.4.
9. Ibid., p.4.
10. Ibid., p.81.
11. Ibid., p.83.
12. Ibid., p.91.
13. Ibid., p.109.
14. Ibid., p.110.
15. Ibid., p.112.
16. Ibid., p.111–112.
17. Ibid., p.82.
18. Dr. Harvey Schlossberg. Personal interview. Feb. 20, 1993.
19. Dr. Ronald Turco, M.D. Personal interview. Feb. 19, 1993.
20. Bolz, Frank Capt. (Ret.) NYPD personal interview. 3/13/93.
21. Sgt. J.G. Burmester, Houston Police Dept. January 28, 1994.
22. Lubrano, Alfred. *New York Newsday*. Nov. 24, 1992 p. 44.

Selected Reading

American Psychiatric Association. (1994). Diagnostic and Statistical Manual of Mental Disorders (4th ed.,rev.). Washington, D.C.: American Psychiatric Association.

Coleman, James C., Butcher, James. N. and Carson, Robert C. *Abnormal Psychology and Modern Life*, 7th ed. Texas: Scott, Foresman and Company, 1984

DiMaio, Dominick J., DiMaio, V.J. *Forensic Pathology*. New York: Elsevier, 1989.

DiMaio, Vincent J. *Gunshot Wounds: Practical Aspects of Firearms, Ballistics, and Forensic Techniques*. New York: Elsevier, 1985.

Geberth, Vernon J. "The Racial Component in Suicide-by-Cop Incidents." *Law and Order Magazine* 42:318–19(1994).

Geberth, Vernon J. "Final Exit Suicide Investigations." *Law and Order Magazine* 41:67–70(1993).

Geberth, Vernon J. "Suicide-by-Cop." *Law and Order Magazine* 41:105–109(1993).

Humphry, Derek. *Final Exit: The Practicalities of Self-Deliverance and Assisted Suicide for the Dying*. New York: Dell Publishing Group, Inc., 1991.

Rosenham, David L. and Seligman, Martin. *Abnormal Psychology*. Second Edition. New York: W.W. Norton & Co., 1989.

FN #17

FORENSIC REPORT
to
The Independent Counsel
In Re
Vincent W. Foster, Jr.

Volume II

Meriden, CT
July 23, 1996

Submitted by
Dr. Henry C. Lee
Connecticut State Police
Forensic Science Laboratory

As indicated previously, a complete reconstruction of the death of Vincent W. Foster, Jr. is not possible at this time due to the following factors:

(1) The lack of complete documentation of the original shooting scene, such as higher quality scene photographs; a videotape of the scene; a detailed description of the scene; diagrams of the location of each item of physical evidence and their condition.

(2) The lack of subsequent records and photographs of each item of physical evidence prior to examination and illustrations of the original patterns and condition of each item of physical evidence.

(3) The lack of x-rays of Mr. Foster's body taken at autopsy, to check for the presence or absence of bullet fragments.

(4) The lack of information and documentation of the amount of blood, tissue, and bone fragments in the areas under and around Mr. Foster's head prior to removal of his body from the scene.

(5) The lack of close-up photographs of any definite patterns and quantity of the bloodstains found on Mr. Foster's clothing and his body at the scene.

(6) The location of the fatal bullet is unknown, which makes the complete reconstruction of the bullet trajectory difficult.

B. Based on review of the submitted photographs and reports and interviews with FBI laboratory examiners and Medical Examiner Dr. Beyer, the following information related to the death of Mr. Vincent W. Foster, Jr. can be summarized:

FN # 19

In re Oliver L. NORTH, et al. (Omnibus Order).

No. 86-6-G.

United States Court of Appeals,
District of Columbia Circuit.

Decided Jan. 7, 1994.

On submission by Independent Counsel of final report of the Iran Contra investigation, and motions for release of report, for withholding release of report, or for withholding parts that constitute grand jury material, the Court of Appeals, Sentelle, Circuit Judge, held that: (1) balancing various factors, release of report was in the public interest; (2) report would issue without imprimatur of the Court; (3) Independent Counsel as attorney for the United States is covered by strictures of grand jury secrecy rule, and reporting requirement of the Independent Counsel statute does not work a pro tanto repealer of that rule as applied to Independent Counsel; and (4) report would not be withheld on ground that it contained grand jury material because secrecy protected by grand jury rule no longer existed.

Ordered accordingly.

[1] RECORDS⚿ 60
326k60
Factors to be considered in determining whether to permit public disclosure of court filings of Independent Counsel, including final report, are: whether subjects of investigation have already been disclosed to the public; whether the subjects do not object to the filings being released to the public; whether filings contain information which is already publicly known; and whether court filings consists of legal or factual rulings in case which should be publicly available to understand court's rules and precedents or to follow developments in a particular manner. 28 U.S.C.(1982 Ed.) § 595(b).

[2] RECORDS⚿ 60
326k60
Public disclosure of final report of the Independent Counsel in the Iran Contra investigation would be ordered, considering that accusations in report were made without imprimatur of the Court of Appeals, accusations were already made in other highly publicized fora, and that contents of report had already been disclosed in fragmentary form. 28 U.S.C.(1982 Ed.) § 595(b).

[3] STATUTES⚿ 158
361k158
Court of Appeals will not construe statutes so as to work a repealer by implication unless statutes are in irreconcilable conflict.

[4] GRAND JURY⚿ 41.10
193k41.10
Section of the Independent Counsel Act requiring Independent Counsel to set forth in a final report description of his work, including "reasons for not prosecuting any matter within the prosecutorial jurisdiction" of the Independent Counsel, has not worked pro tanto repealer of federal criminal procedure rule embodying ancient principle of grand jury secrecy; since Independent Counsel Act can be construed to require reporting only of so much as the Independent Counsel can report without disclosing grand jury material, there is no irreconcilable conflict. 28 U.S.C.(1982 Ed.) § 595(b); Fed.Rules Cr.Proc.Rule 6(e), 18 U.S.C.A.

[5] GRAND JURY⚿ 41.50(5)
193k41.50(5)
For purposes of provision of criminal procedure rule permitting disclosure of grand jury material "when so directed by court preliminarily to or in connection with a judicial proceeding," acts of the Court of Appeals concerning whether to release final report of the Independent Counsel that constitute a "judicial proceeding." Fed.Rules Cr.Proc.Rule 6(e)(3)(C), 18 U.S.C.A.; 28 U.S.C.(1982 Ed.) § 595(b).
See publication Words and Phrases for other judicial constructions and definitions.

[6] GRAND JURY⚿ 41.50(4)
193k41.50(4)
Fact that final report of Independent Counsel on the Iran Contra investigation contained grand jury material protected by grand jury secrecy rule did not preclude release of final report, where material had already lost its protected character by previous disclosure. Fed.Rules Cr.Proc.Rule 6(e), 18 U.S.C.A.; 28 U.S.C.(1982 Ed.) § 595(b).
***1235 **24** Division for the Purpose of Appointing Independent Counsels Ethics in Government Act of 1978, as Amended.

Copr. © West 1997 No claim to orig. U.S. govt. works

Before: SENTELLE, Presiding, BUTZNER and SNEED, Senior Circuit Judges.

ORDER

PER CURIAM.

This matter came before the Court on various motions now pending, and it is the purpose of this order to dispose of those motions. The accompanying memorandum provides the rationale for the order to disclose the Report of the Independent Counsel. As to all other matters, we act in our discretion or for reasons apparent from the face of the order. It is therefore

ORDERED, ADJUDGED and DECREED that:

(1) all motions to reconsider the release of the Final Report of the Independent Counsel are denied,

(2) all motions to release the order are granted, to the extent previously allowed in our order of December 3, 1993, releasing all of the report exclusive of classified material,

(3) the release of the Report shall include an appendix consisting of the comments of all persons named therein submitted to the Court for release, save for those where the commenter has requested that his comments not be released,

(4) all motions by movants requesting that their motions and their submitted material be filed under seal are allowed,

(5) the motion of one person named to remove all references to him in the Report is denied,

(6) all motions to stay the release of the Report are granted in part and denied in part, in that the effects of this order to release shall be stayed for ten days or until such time as the Supreme Court shall act upon an application for stay, whichever shall last occur. The purpose of this decretal paragraph is to permit any party desiring to do so to seek a stay from the Supreme Court. If no such stay is sought within the period granted by this paragraph then this stay shall be lifted. To achieve these ends, it is ordered that counsel for any party seeking a stay from the Supreme Court shall notify the Clerk of the United States Court of Appeals for the District of Columbia Circuit of that fact upon the filing of application for such stay, and shall further notify the Clerk promptly upon learning of the disposition of such application.

Before: SENTELLE, Presiding, BUTZNER and SNEED, Senior Circuit Judges.

Opinion for the Special Division filed by Circuit Judge SENTELLE.

SENTELLE, Circuit Judge:

This matter is before the Court on the submission by the Independent Counsel of his Final Report, the comments of those named therein, and motions of several parties. Some movants have prayed that the Court withhold release of the Independent Counsel's Report in toto, or withhold those parts that constitute grand jury material, covered by Federal Rule of Criminal Procedure 6(e)(2), while still others have moved that the Report be released. We have heretofore ordered, on motion of certain journalism and "public interest" groups that the Report be released except for such deletions as we might find necessary under Rule 6(e) or other statutes. Those movants who seek to have us order withholding of the Report in effect seek reconsideration of that order, as is their right, and we have given their reasons due consideration.

For the most part, those movants praying that the entire Report be withheld rely on two provisions of law. First, they assert their rights under 28 U.S.C. § 595(b)(3) (1982) (recodified at 28 U.S.C. § 594(h)(2)), [FN1] which provides that the Special Division has discretion to release the Report, but is required ****25 *1236** to "make such orders as are appropriate to protect the rights of any individual named in" the Final Report of an Independent Counsel. Second, they argue that the Report is so larded with grand jury material protected by the confidentiality requirements of Rule 6(e) that all, or at least substantial portions of the Report cannot lawfully be released. In conjunction with these two arguments, especially the first, the movants argue that the Independent Counsel Report will bear the imprimatur of the Court. While we find that the arguments of the movants for withholding the Report have considerable merit, for reasons set forth more fully hereinafter, we conclude that we should order the Report released substantially in its entirety. In

Copr. © West 1997 No claim to orig. U.S. govt. works

so doing, we make plain that the Report does not bear the imprimatur of the Court. It is not an official accusation of crime against anyone. Insofar as it contains allegations of crime by persons not indicted, not convicted, or not found guilty, it is no more than the personal opinion of its signator and it does not gain any heightened status by being released under the order of this Court.

FN1. This section, like most governing the Walsh investigation, has been superseded by later reenactments. The older enactment continues to apply to those investigations pending on December 15, 1987. See Pub.L. No. 100- 191, § 6(b), 101 Stat. 1293, 1307 (1987).

I. BACKGROUND

It is not the purpose of this opinion to set forth the entire history of Lawrence Walsh as an Independent Counsel. For the most part, we shall cover only those events beginning with the filing of the Final Report of Independent Counsel Walsh and concluding with the issuance of this order. Such earlier events as we find necessary to reference will be discussed only as they become relevant to particular details herein.

On August 5, 1993, Independent Counsel Walsh filed the "Final Report of the Independent Counsel for Iran Contra Matters," as required by 28 U.S.C. § 595(b) (1982). That section provides that "before the termination of a[n] independent counsel's office under section 596(b) of this title, such independent counsel shall submit to the division of the court the report under this subsection." Id., § 595(b)(1).

Subsection (3) of that same statute provides that this Court "may make any portion" of such report "available to any individual named in [the] report for the purposes of receiving ... any comments or factual information that such individual may submit." Id., § 595(b)(3). Acting pursuant to that subsection, we gave notice to every individual named in the Report and provided that such individuals might have until October 3, 1993 in which to make comment. [FN2] Each named individual and/or counsel for such named individual received access to the portion or portions of the Report naming that person. In two instances, an individual named was discussed so pervasively that the full Report was provided to the individual and the individual's counsel. Upon motion of several of the individuals named, and because of the daunting scope of the task faced by many of them, we granted an extension of the period of comment until December 3, 1993.

FN2. Some individuals given only minor or passing mention in the Report were not included in the first order. However, the Court later endeavored to provide notice and access during the remaining period for comment even as to those individuals. After the filing of comments had been closed, one individual, mentioned in a footnote, notified the Court that he had not received notice. The Court does not deem it necessary to reopen the comment period.

Before the close of the comment period, two journalism organizations and a third "non-profit" organization filed what they styled an "Emergency Motion ... for Disclosure of Independent Counsel's Final Report." While the motion and its accompanying documents never made quite clear the basis upon which the movants thought their cause an emergency, the Court nevertheless considered their motion. The movants, in support of their motion for release of the full Report, quoted from a Senate report accompanying the 1987 reenactment of the Independent Counsel Act suggesting that "Congress" had therein "explained the factors to be weighed in determining the appropriate level of secrecy" for such a report. While obviously Congress speaks only through legislation, we considered the factors set out in the Senate report in making our initial decision to release, not because we found ourselves bound by the unenacted Senate report, but because we believed it to recite serious factors which ***1237 ****26** this court should consider in making that important decision. That report suggests:

> In considering whether to release court filings, it is intended that the court balance the right of the subjects of investigations to be shielded form [sic] publicity about unfounded or unfair allegations with the right of the public to inquire about prosecutions under this act. In balancing these concerns, the court should weigh such factors as [1] whether the subjects of the investigations have already been disclosed to the public; [2] whether the subjects do not object to the filings being released to the public; [3] whether the filings contain information which is already publicly known; and [4] whether the court filings consist of legal or factual rulings in a case which should be publicly available to understand the court's rules

Copr. © West 1997 No claim to orig. U.S. govt. works

and precedents or to follow the developments in a particular matter.
SEN.REP. NO. 123, 100th Cong., 1st Sess. 21 (1987), reprinted in 1987 U.S.C.C.A.N. 2150, 2170.

We agreed that such factors as these ought to be considered, and, upon considering these factors as they existed at the time of the emergency motion, we allowed the same. Upon reviewing the balance today, although we find the considerations against release to be weighty, we do not find them to reverse the tipping of the scales.

We issued the order allowing the emergency motion on December 3, 1993, the same date as the filing of the final comments by the persons named in the Report. In the meantime, former President Ronald W. Reagan had filed with this Court on October 21, 1993, a "suggestion that the Court exercise its power to terminate the office of the Independent Counsel." After the issuance of a show cause order and a response by the Independent Counsel, this Court, though not unanimous in its rationale, ordered that the comments would be the final word on the merits of the Iran/Contra investigation. See In re North (Walsh Show Cause Order), 10 F.3d 831 (D.C.Cir.1993). Specifically, we determined that the Independent Counsel would not have any power to respond to such comments but that he retained the further duty to file the Final Report with an appendix consisting of the comments authorized by this Court in accordance with the provisions of 28 U.S.C. § 594(h)(2) (1988) (reenacting § 595(b)(3) (1982) (technically applicable to the ongoing investigation by Independent Counsel Walsh)). Thus, the filing requirement of the Act, which we consider a condition precedent to the release of the Report, will not have fully passed until the filing inclusive of the comments. The Independent Counsel, operating under the order of December 1, together with the Clerk of this Court and necessary assistance from other government agencies, is currently compiling the statutory appendix and arranging for the final release of the Report.

This all said, we turn to the specific objections by the movants opposing release of the Report.

II. THE FAIRNESS OBJECTIONS

A. Position of the Movants

The movants opposing the release of the Report remind us that the Special Division, in connection with any release of the Final Report, "shall make such orders as are appropriate to protect the rights of any individual named" in the Report. 28 U.S.C. § 595(b)(3) (1982) (emphasis added). They note the contrast between this mandatory duty and the permissive language empowering us to order the release of the Report: "The division of the court may release to the Congress, the public," and others "such portions" of the Report "as the division deems appropriate." Id. They charge, accurately, that the Report repeatedly accuses named individuals of crimes, although in many instances the individual was never indicted, if indicted was never convicted, or if convicted the conviction was reversed. These accusations include charges that named individuals were guilty of a conspiracy charged in a count that was dismissed before trial, that various named public officials engaged in efforts to obstruct justice, where such individuals were never indicted, let alone convicted, and instances in which the Report charges that individuals were "factually guilty" even though the United States Court of Appeals ***1238 **27** for the District of Columbia Circuit had reversed the only conviction relevant to the charge under discussion. Our review of the Report confirms that the movants' charges are accurate. The Report is rife with accusations of guilt of criminal conduct against persons never indicted or convicted.

The movants then argue that the Court cannot, consistent with its obligation to protect the rights of the individuals named, allow the release of what they fear will be considered an official document accusing them and others of crimes when, in some instances they have never been afforded even the determination of probable cause by a grand jury, let alone a constitutionally governed trial at which the government would have the burden of proving them guilty beyond a reasonable doubt. This is a strong argument. In the courts of the United States, any person charged with a felony has the right to have a grand jury pass on the probable cause to believe him guilty and has the further right, with a plethora of attendant constitutional protections, to stand innocent until proven guilty beyond a reasonable doubt before a jury of his peers. U.S. CONST. amends. V, VI.

The Independent Counsel, though not the normal type of federal prosecutor, is a federal prosecutor.

Copr. © West 1997 No claim to orig. U.S. govt. works

As Attorney General and later Supreme Court Justice Robert Jackson observed:

> The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimations.

Robert H. Jackson, The Federal Prosecutor, 24 JUDICATURE 18, 18 (1940) (address delivered at the Second Annual Conference of United States Attorneys, April 1, 1940).

Consistent with the power and responsibility of their office, prosecutors do not issue reports, and they do not pronounce persons guilty of crimes who have not been indicted, tried, and convicted. The filing of reports by Independent Counsels is "a complete departure from the authority of a United States Attorney" and is "contrary to the practice in federal grand jury investigations." In re Sealed Motion, 880 F.2d 1367, 1369-70 (D.C.Cir.1989).

B. Independent Counsel's Position

Unfortunately for movants, and perhaps for the tradition of fairness, the statute does require that the Independent Counsel file a report. See 28 U.S.C. § 595(b)(1) (1982). It is on that statutory requirement that the Independent Counsel relies in urging that we should release his Report even though it contains accusations of crime. As he notes, the purpose of the Final Report is to "ensure the accountability" of the Independent Counsel to the government of the United States and the public by providing "a detailed and official record of the activities of the [independent counsel] which may be reviewed and analyzed at the appropriate time." S.REP. No. 170, 95th Cong., 2d Sess. 70-71 (1978), reprinted in 1978 U.S.C.C.A.N. 4216, 4286. This reflects the sui generis nature of the independent counsel, in that he is an officer performing an executive function almost entirely without oversight from the Executive Branch of government. See generally, Morrison v. Olson, 487 U.S. 654, 705-09, 108 S.Ct. 2597, 2626, 101 L.Ed.2d 569 (1988) (Scalia, J., dissenting).

Independent Counsel specifically relies on the legislative mandate that the Report required by the statute is to include "the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel which was not prosecuted." 28 U.S.C. § 595(b)(2) (1982). He rightly contends that this compels him to comment on cases that were not taken to grand juries and potential charges that were not prosecuted.

It is not clear that this section has anything to do with comments on convictions that were ultimately vacated or reversed on appeal, but at least as to the greater portion of the unproven accusations the statute bears relevance. While it is clear that the statute supports the power of the prosecutor to comment, it is not clear that it supports the form that the present comments take. It is one thing for a report to say "we did not prosecute the allegations of the obstruction of ***1239 **28** justice against John Doe because we did not have sufficient evidence to constitute probable cause;" and quite another to say "John Doe was guilty, but we didn't prosecute him because we could not prove it;" and still a third to say "the Court of Appeals reversed John Doe's conviction, but he was factually guilty anyway."

C. This Division's Role

It is of course a wholly different question whether we should allow the release of the Report, it having been made in the accusatory form. There is no precedent that clearly guides our hand in drafting an answer. The nearest authority offered by any contestant comes from movants opposing release of the Report who compare the document to grand jury reports naming persons as having been criminal actors without making a formal indictment against which the persons named can defend. Federal case law contains a few examples of such presentment and generally condemns the practice.

For example, in United States v. Briggs, the Fifth Circuit noted that "[c]ommon law grand juries at times issued nonindicting reports." 514 F.2d 794, 801 (5th Cir.1975). Nonetheless, that circuit noted that it could "find no substantial authority permitting a federal grand jury to issue a report accusing named private persons of criminal conduct." Id. at 802. It further noted that various courts "have struck down with strong language efforts by grand juries to accuse persons of crime while affording them no forum in which to vindicate themselves." Id. (citing, inter alia, In re United Elec., Radio, and Mach. Workers, 111 F.Supp. 858, 867-68 (S.D.N.Y.1953)).

Copr. © West 1997 No claim to orig. U.S. govt. works

Movants argue, and we agree, that the fear of such condemnation by a grand jury arises in part from the fact that the grand jury report bears an official imprimatur, issued under the Court's aegis. They further contend that we should treat the Independent Counsel's Report just the same. That is, we should consider that it is issued with the Court's imprimatur, as the Court appointed the Independent Counsel, defined his jurisdiction, and most importantly, determined whether and to what extent to release the Report. See In re Sealed Motion, 880 F.2d at 1376-77.

We lay aside for the moment the matter of determining whether and to what extent to release the Report, as that is the very question before us. Aside from deciding that question, appointing and defining the jurisdiction of the Independent Counsel is all that we have done about the Independent Counsel and all that we are going to do. The Independent Counsel does not operate under our supervision and his acts, including the writing of the Report, do not bear our aegis. Indeed, if the Independent Counsel Act did vest us with supervisory power over the essentially executive functions performed by the attorneys we appoint, the statute would be constitutionally suspect as a breach of the separation of powers defined by Articles I, II & III of the Constitution. See Morrison v. Olson, 487 U.S. at 680-84, 108 S.Ct. at 2613-15. As one member of this Special Division has noted, the Supreme Court in Morrison carefully construed the Act to place severe limitations on this Court's authority over the Independent Counsel in order to save the constitutionality of the Act, consistent with the duty of courts " 'to construe a statute in order to save it from constitutional infirmities.' " In re North, (Walsh Show Cause Order), 10 F.3d at 837 (Butzner, J., dissenting in part) (quoting Morrison, 487 U.S. at 682, 108 S.Ct. at 2614).

In short, the Report will not bear the imprimatur of the Court, nor is it issued under this Court's aegis. While we understand the movants' fear that it will be so perceived by the public, we are herein doing all we can to alleviate that misconception.

The Report and most specifically the unlitigated accusations contained in the Report are the Independent Counsel's. They are not the Court's. In a very real sense, the Independent Counsel's Report is no more a product of the Court than some statement made by a prosecutor to the news media. In Buckley v. Fitzsimmons, 509 U.S. 259, 113 S.Ct. 2606, 125 L.Ed.2d 209 (1993), the Supreme Court acknowledged that "[s]tatements to the press may be an integral part of a prosecutor's job, and they may serve a vital public function. But in these respects a ***1240 **29** prosecutor is in no different position than any other executive officials who deal with the press...." Id. at ----, 113 S.Ct. at 2618 (internal citation omitted) (citing National District Attorneys Ass'n, National Prosecution Standard 107, 110 (2d ed. 1991)). Here, the drafting of the Report may be a statutory duty of the Independent Counsel, but it is not part of any function of this Court and the Court places no imprimatur upon it. Therefore, though we find the objections of those movants who seek to have us rescind the release of the Report weighty, we do not find them to be controlling.

D. Standards for Decision

[1] In the end, we find the four standards suggested by the Senate Report to be useful, and again we subject the question before us to analysis under their rubric. We do so expressly noting that these factors are by no means exclusive and were not even suggested as such by the body that forwarded them in its Report. Nonetheless, they are useful. To restate, we ask:

> [1] whether the subjects of the investigation have already been disclosed to the public; [2] whether the subjects do not object to the filings being released to the public; [3] whether the filings contain information which is already publicly known; and [4] whether the court filings consist of legal or factual rulings in a case which should be publicly available to understand the court's rules and precedents or to follow developments in a particular manner.

S.REP. NO. 123, 100th Cong., 1st Sess. 21 (1987), reprinted in 1987 U.S.C.C.A.N. 2150.

[2] As to the first--whether the subjects of the investigations have already been disclosed to the public--in this case, they generally have. For better or for worse, during the course of the past seven years, the Independent Counsel's actions have led to the indictments of fourteen persons, four well publicized trials, and media accounts, which this panel will not undertake to count, but which probably number alongside "cross ties on a railroad

Copr. © West 1997 No claim to orig. U.S. govt. works

or stars in the sky." On Top Of Old Smokey (American Folk Song). While there are some persons named in the Report who have not previously been the subject of indictment, conviction, or general media attention, neither are those persons named in such fashion as to make the release a great concern of theirs. This factor, therefore, weighs in favor of release.

Second--whether the subjects do not object to the filings being released to the public--in this case, some subjects object to release and some move for release. The easy out would be to order the release of those portions bearing on the subjects who want release and deny release as to those who oppose it. This will not work. Movants seeking release and movants opposing are the subjects of accounts as intertwined and inseparable as fibers within the strands of a woven rope. Candidly, more movants oppose than support release. But the vast majority of the persons named in the Report have not expressed an opinion one way or the other. Consistent with our phraseology borrowed from the Senate report, we would count those among the subjects who "do not object" to the release. However, counting noses does not decide the question. Even if only one person objected, and fairness compellingly directed withholding for his sake, we could withhold the Report in the face of one hundred who did not join in his objection. On balance, we find this factor to weigh against release, but only slightly.

Third--whether the filings contain information which is already publicly known--this is a factor which weighs most strongly in favor of release. Not only is the information widely known, it is widely known incorrectly. The Report rehashes interim reports, trial documents, and other matters that have been either formally or informally released in the past. In addition, there have been leaks. While the Court did all in its power to prevent release of the Report during the pendency of the comment period, the Court's power was not enough. There have been media accounts of parts of the Report during this pendency. See, e.g., Max Boot, Walsh's Iran/ Contra Probe Comes to an End as Whimper, Not Bang, CHRISTIAN SCI. MONITOR, Dec. 9, 1993, (The World) at 1; Robert L. Jackson & Ronald J. Ostrow, Final Iran-Contra Report Faults Reagan and Bush, L.A. TIMES, Dec. 5, 1993, at A1; Report ***1241 **30** Criticizes Reagan and Bush, N.Y. TIMES, Dec. 5, 1993, § 1 at 31. The Independent Counsel himself has given statements to the media describing what he intended the Report to contain. Those statements, leaks, and media accounts were made without the right of reply by the subjects, were partial, and were in the judgment of this Court more unfair to the persons named than will be the present release of the completed Report with the comments of the named persons and this Court's express repudiation of imprimatur.

We understand that the calculus just recited may be a dangerous precedent. That is, some might suggest that a future Independent Counsel wishing to ensure the release of his report would go on television and make comments accusing the subjects of his report of crimes so that the Court could later find that the contents of the report were already public. As this Court has no supervisory power, there would be little we could do about it. As the Independent Counsel is virtually without supervision, there would be little anyone could do about it. This danger may be inherent in the nature of the Independent Counsel.

Nonetheless, despite the danger in the precedent, we do think that the reality of the partial public knowledge of the information in the Report weighs strongly in favor of releasing the whole. Particularly is this true, as some movants and some commenters want the Report released because in their view the Report would support a conclusion that they had engaged in no wrongdoing. We therefore weigh this factor in favor of release. We do so with the recognition that the rights of those persons accused of crimes for which they were never convicted are being compromised. We feel however that the protections afforded them by the formal withholding of an informally publicized Report would be ephemeral. Their right of comment, both in the Report and other fora, may do them more good than the order they seek from us.

Fourth--whether the Court filings consist of legal or factual rulings in a case which should be publicly available to understand the court's rules and precedents or to follow the developments in a particular matter--our treatment of this factor is short. The filings do not consist of either legal or factual rulings. Insofar as this weighs at all, it weighs against disclosure. However, it has little weight. If our answer had been "yes," that might be a factor tipping toward release. Where the answer

Copr. © West 1997 No claim to orig. U.S. govt. works

is "no," it affects the balance little one way or the other.

In sum, we accept the seriousness of the fairness complaints of movants who have been accused "of crime while afford[ed] ... no forum in which to vindicate themselves." Briggs, 514 F.2d at 802. However, given all the facts and circumstances as they now prevail in this unique case, we will order release. Particularly, we weigh in favor of release the fact that the accusations are made without the imprimatur of the Court, have already been made in other highly publicized fora, and that the contents of the Report are being bandied at large in fragmentary form. We think the rights of all persons named are better protected by a full release with a contemporaneous right of comment than by withholding.

The four standards suggested by the Senate report and employed by us are ultimately for the service of the overriding goal suggested by an earlier Senate. As we noted above, the purpose of the Final Report is to "ensure the accountability" of the Independent Counsel to the government and the public. S.REP. NO. 170, 95th Cong., 2d Sess. 70-71. The American public is particularly entitled to this accountability where the subject of the investigation and the investigation itself have been widely publicized of long duration and great expense. While we are not so naive as to suppose that controversy, publicity, and public questioning, either of the institutions and persons investigated or the Independent Counsel, will promptly cease upon revelation of the Report, we nonetheless think it in the national interest that the public, its representatives in the political branches, and its surrogates in the media have as full an access to the fruits of the investigation as possible, consistent with the fairness dictates of the law. Therefore, not only do we conclude that the microbalance provided by the four enumerated factors favors disclosure, but we further conclude ****31 *1242** that the macro determination of public interest impels us toward the same conclusion.

III. THE RULE 6(e) OBJECTION

A. The Ancient Grand Jury Secrecy Principle

The movants opposing disclosure raise a second objection to release even more weighty than their first. As they note, the Federal Rules of Criminal Procedure, embodying the ancient principle of grand jury secrecy, declare that "an attorney for the government ... shall not disclose matters occurring before the grand jury, except as otherwise provided for in these rules." FED.R.CRIM.P. 6(e)(2). As the Supreme Court has emphasized, "[g]rand jury secrecy ... is 'as important for the protection of the innocent as for the pursuit of the guilty.' " United States v. Sells Eng'g. Inc., 463 U.S. 418, 424, 103 S.Ct. 3133, 3137, 77 L.Ed.2d 743 (1983) (quoting United States v. Johnson, 319 U.S. 503, 513, 63 S.Ct. 1233, 87 L.Ed. 1546 (1943)). Supreme Court decisions have catalogued additional reasons for preserving grand jury secrecy: (1) disclosure of pre-indictment proceedings would make many prospective witnesses "hesitant to come forward voluntarily, knowing that those against whom they testify would be aware of that testimony"; (2) witnesses who did appear "would be less likely to testify fully and frankly, as they would be open to retribution as well as to inducements; and (3) there "would be the risk that those about to be indicted would flee or would try to influence individual grand jurors to vote against indictment." Douglas Oil Co. v. Petrol Stops Northwest, 441 U.S. 211, 218-19, 99 S.Ct. 1667, 1672-73, 60 L.Ed.2d 156 (1979).

B. Movant's Rule 6(e) Argument

Movants thus argue that Rule 6(e) requires the Court to either not permit release, or to order deletion of all grand jury references ("6(e) material") before publication. The second option is a tempting but impossible one. We noted above that references to named persons seeking release of the Report were intertwined with references to named persons opposing it like hemp fibers. The intermingling of grand jury material with the rest of the Report is more like leaven in a loaf of bread. It cannot be separated out. Release is an up-or- down vote; redaction is simply not possible.

C. Independent Counsel's Response

The Rule 6(e) objection is a powerful one. We have accepted response from the Independent Counsel on this subject. First, he contends that Rule 6(e) does not apply to Independent Counsels at all. He points first to the language of Rule 6(e) for the proposition that the secrecy the rule imposes is not absolute. He argues that

Copr. © West 1997 No claim to orig. U.S. govt. works

> the rule applies only to
> [a] grand juror, an interpreter, a stenographer, an operator of a recording device, a typist who transcribes the recorded testimony, an attorney for the government, [and government personnel assisting a government attorney].

Submission of Independent Counsel (quoting FED.R.CRIM.P. 6(e)(2)). This argument avails him little if anything. That list of the "only" people to whom the rule applies encompasses everyone who should know the contents of the grand jury material in the first place except for the witness himself, and it is well established that a witness is not bound to secrecy as to his own testimony. In re Sealed Motion, 880 F.2d at 1370-73. Indeed, the theory of the grand jury " 'privilege is that the witness is guaranteed against compulsory disclosure; the privilege ... therefore [is] that of the witness, and rest[s] upon his consent.' " Id. at 1372 (quoting 8 JOHN H. WIGMORE EVIDENCE, § 2362 (McNaughton Rev. 1961) (emphasis omitted)). More to the point, even if we viewed the category of persons bound by the secrecy requirements as limited, rather than as unlimited but for the witness, this still would not support the conclusion that the Independent Counsel is not covered. The language of Rule 6 expressly binds attorneys for the government, and the Independent Counsel is one. See 28 U.S.C. § 594(a). Thus, from the words of the Rule and the nature of his office, it would appear that the Independent Counsel is generally covered by Rule 6(e).

***1243 **32** The Independent Counsel argues further that because his office is sui generis the grand jury secrecy rules governing "ordinary criminal proceedings" do not apply. In support of this proposition, he cites In re Sealed Motion, 880 F.2d at 1368, wherein we noted the sui generis nature of the office. However, in that case we were dealing not with the power of the Independent Counsel to make general disclosure of grand jury material, but rather with the right of a witness before the grand jury to obtain a transcript of his own testimony over the objection of the Independent Counsel. In that same case, we held that the Special Division has the power to rule on motions for disclosure of grand jury material in matters involving the Independent Counsel as opposed to the general rule that motions "seeking release of such transcripts must, necessarily, be directed to the empaneling court." Id. at 1373. But nowhere did we hold that the secrecy requirement of Rule 6(e) does not apply to Independent Counsels.

The Independent Counsel further argues that the policy reasons normally served by grand jury secrecy are not applicable to the Final Report because "the grand jurors are not identified. The subject matter of the report has received extensive public attention. So have the persons under investigation by the grand jury. So also, have most of the witnesses." Submission of the Independent Counsel at 4. None of these arguments affects the applicability of Rule 6(e), nor even greatly weakens the policy reasons for its existence. Grand jurors are not commonly either more or less identified than those in this investigation. It is not uncommon for the subject matter of grand jury investigations to have received extensive public attention, indeed, it is commonplace. The same is true as to the identity of witnesses and persons under investigation. Again, it is not apparent that Rule 6(e) does not apply by its terms.

However, the Independent Counsel makes two more arguments that carry more weight, the second of which ultimately carries the day. First, he notes that the Act requires the Independent Counsel in the Final Report to "set forth fully and completely a description of [his] work ... including ... the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel...." 28 U.S.C. § 595(b) (1982). He argues, in effect, that this must have worked a pro tanto repealer of the 6(e) obligation for him to include as much as necessary of the grand jury material in order to comply with this duty. While "repeals by implication are disfavored," Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1017, 104 S.Ct. 2862, 2880, 81 L.Ed.2d 815 (1984) (internal quotations omitted), this argument is not without force. Given the overwhelming likelihood that matters within his prosecutorial jurisdiction not taken to indictment have nonetheless been the subject of grand jury inquiry, Congress might have intended by this statutory mandate to release the Independent Counsel from the normal obligations of Rule 6(e). We do not so hold.

D. The Division's Interpretation of Rule 6(e)

[3][4] Though the argument of the Independent Counsel is certainly not frivolous, this is beyond the

Copr. © West 1997 No claim to orig. U.S. govt. works

normal notion of repealer by implication. [FN3] As the Supreme Court has frequently reminded us, "repeals by implication ... will not be found unless an intent to repeal is 'clear and manifest.' " Rodriguez v. United States, 480 U.S. 522, 524, 107 S.Ct. 1391, 1392, 94 L.Ed.2d 533 (1987) (citations omitted). Therefore, we are not to construe statutes so as to work a repealer by implication unless the statutes are in "irreconcilable conflict." Id. (citations omitted). In other words, "where two statutes are 'capable of co-existence, it is the duty of the courts, absent a clearly expressed congressional intention to the contrary, to regard each as effective.' " Ruckelshaus, 467 U.S. at 1018, 104 S.Ct. at 2880 (quoting Regional Rail Reorganization Act Cases, 419 U.S. 102, 133-34, 95 S.Ct. 335, 353-54, 42 L.Ed.2d 320****33 *1244** (1974)). As we can construe the Independent Counsel Act to require reporting only of so much as the Independent Counsel can report without disclosing 6(e) material, we are unable to find an irreconcilable conflict. Therefore, there is no repealer by implication, and Rule 6(e) applies by its terms. While Congress is silent on this exact subject, the nearest provision in the statute supports the view that the Independent Counsel is covered by Rule 6(e). Congress provided in 28 U.S.C. § 594(k)(1) concerning transfer of records to archives that "the independent counsel shall clearly identify which of these records are subject to rule 6(e)...."

> FN3. We assume for purposes of this discussion that a repealer by implication can occur with reference to a statute superseding a rule of court. We know of no case which has passed on this subject one way or the other, but as we do not determine that such has occurred, we need not decide the broader question.

[5] It appears then that the Independent Counsel is covered by Rule 6(e) and its bonds of secrecy. We nonetheless note that the courts may loosen those bonds under the terms of the Rule. "Disclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made--(i) when so directed by a court preliminarily to or in connection with a judicial proceeding." FED.R.CRIM.P. 6(e)(3)(C). It is upon this exception that the Independent Counsel's ultimate argument rests, and it is under this exception that we ultimately order disclosure.

Our ruling here is not without difficulty. In the first place, the exception applies only in connection with judicial proceedings. We held supra that the compiling of the Report is not itself a judicial proceeding, but is at most the act of an executive department employee and is in a sense, only a statement by an individual occupying that position. Nonetheless, the decision to release the Report, in whole or in part, is the Court's.

While the Independent Counsel statute involves us in executive functions to an uncomfortable degree, our act here is a judicial one. See generally Morrison v. Olson, 487 U.S. at 677-84, 108 S.Ct. at 2611-15 (discussing generally the inter-relationship between Article III of the Constitution and the duties of the Special Division under the Independent Counsel Act). The Act requires us to make a decision on the release of the Final Report, as to which portions are appropriate for release, and as to what orders are appropriate for the protection of individuals named therein. As these are the acts of the Court, in a genuine case or controversy between the movants and the Independent Counsel, our acts constitute a judicial proceeding, as we have previously held. In re Sealed Motion, 880 F.2d at 1379 ("A judicial proceeding includes every proceeding of a judicial nature before a competent court or before a tribunal or officer clothed with judicial or quasi-judicial powers") (quoting Jones v. City of Greensboro, 51 N.C.App. 571, 277 S.E.2d 562, 571 (1981)). Thus the exception in Rule 6(e)(3)(C) does apply.

[6] In performing our function in this specific case, we will permit the inclusion of what previously amounted to Rule 6(e) material, not because we hold that the Rule does not apply to the Independent Counsel, but because in this case the material has already lost its protected character. The Independent Counsel in his four interim reports to Congress included most, if not all, of the 6(e) material now disclosed in the Final Report. More specifically, the Independent Counsel submitted his Report to this Court on August 5, 1993. As we noted above, we thereafter permitted full or partial inspection of the Report by all persons named therein. Given the intertwined nature of the materials concerning various persons, and especially given the full disclosure to two persons, many or most of the named persons have already had access, not only to grand jury material concerning themselves, but also to that concerning other persons named in the Report.

Copr. © West 1997 No claim to orig. U.S. govt. works

Arguably, the Independent Counsel should have applied to us for a Rule 6(e)(3)(C) exception before filing the Report containing the grand jury material. Arguably, we should have sua sponte ordered the withholding of the Report upon its original filing, although this would have smacked of the sort of supervision that we are not constitutionally empowered to exercise. See Morrison, 487 U.S. at 680-84, 108 S.Ct. at 2613-15; In re North (Walsh Show Cause Order), 10 F.3d at 836 (Butzner, J., dissenting). Neither of these things happened. Instead, the Rule 6(e) material was given currency among the extended community of persons named in the Report and ultimately became part of the media accounts, though not necessarily identified as grand-jury- related by that time. As ***1245 **34** one member of this panel observed in a far different context, it "is impossible" to "remove[ ] leaked material from the news media and cram[ ] it back into Grand Jury secrecy." Barry v. United States, 865 F.2d 1317, 1328 (D.C.Cir.1989) (Sentelle, J., dissenting). Just so here.

We do not intend to formulate a rule that once a leak of Rule 6(e) material has occurred, government attorneys are free to ignore the pre-existing bond of secrecy. We recognize the general rule that "Rule 6(e) does not create a type of secrecy which is waived once public disclosure occurs." Barry v. United States, 740 F.Supp. 888, 891 (D.D.C.1990). For that reason, it is commonly said that when the media reports information alleged to be grand jury material, "the government is obligated to stand silent" and not confirm the information, whether it is accurate or not. Id. There must come a time, however, when information is sufficiently widely known that it has lost its character as Rule 6(e) material. The purpose in Rule 6(e) is to preserve secrecy. Information widely known is not secret. By way of example, when a judge in open court and in the presence of reporters had inadvertently stated the name of the as yet unindicted subject of a grand jury investigation, one circuit held that "the cat is out of the bag" and vacated an injunction against further publication entered by the district court. In re Charlotte Observer, 921 F.2d 47, 50 (4th Cir.1990).

Similarly, the District Court in Barry, although commenting on the nonwaivable nature of Rule 6(e) secrecy, at the same time observed that by the time an article appeared in a major newspaper and "a myriad of individuals" had become familiar with a witness's testimony, it was "by no means clear that the source for [the] publication was in fact a person covered by Rule 6(e)." 740 F.Supp. at 891.

Although we are once again faced with a question for which there is no compelling precedent, we conclude with reference to the Rule 6(e) objection, as we did with reference to the general fairness issue that publication is in order. Rule 6(e) is designed to protect secrecy. That secrecy no longer exists. While we do not hold that the Independent Counsel is outside the coverage of Rule 6(e), we do hold that Rule 6(e) does not prevent release of the present Report.

CONCLUSION

To summarize: We do not accept the Independent Counsel's invitation to hold that 28 U.S.C. § 595(b) compels him to include in his Report accusations of guilt against persons not indicted or convicted, or against persons whose convictions have been reversed on appeal. We nonetheless reject the motions of persons named in the Report that the Report be withheld on statutory fairness grounds. We do so on our conclusion that a greater unfairness is worked by leaving the public exposed to the partial and potentially distorted accounts at large than by releasing the actual Report to which the persons named have had the right of reply. We further do so with the holding that this Report issues without the imprimatur of the Court and not under its aegis.

We recognize that there are powerful arguments for and against disclosure. Upon reflection on all the arguments brought before us, and on all the things and matters of record, we conclude that it is in the public interest that this matter of extended national controversy be afforded as full a conclusion as possible. Therefore, rather than extend the controversy over the supposed, reported, or suspected contents of the Report, we have determined that the public interest will be served by actual disclosure.

We further conclude that the Independent Counsel as an attorney for the United States is covered by the strictures of Rule 6(e) of the Federal Rules of Criminal Procedure. Nonetheless, we recognize that his argument that the reporting requirement of

Copr. © West 1997 No claim to orig. U.S. govt. works

the Independent Counsel statute works a pro tanto repealer of that Rule insofar as it would cover him is not a frivolous one. In the end, we deny the motions that the Report be withheld on the basis of Rule 6(e), not because Rule 6(e) is ineffective against the Independent Counsel, but because in this case, the secrecy to be protected by Rule 6(e) no longer exists.

***1246 **35** As to the entire order, given the serious nature of the arguments made on all sides, and the serious consequences of our order, we will stay our order for a period of ten (10) days in order to allow all persons objecting a reasonable period of time within which to apply to the Supreme Court for a stay of this order pending review. Should any party have applied for such a stay to the Supreme Court during that ten-day period, and the Supreme Court not have acted on the application at the expiration of ten days, we will extend that stay until such time as the Supreme Court does so act.

ORDERED ACCORDINGLY.

END OF DOCUMENT

Copr. © West 1997 No claim to orig. U.S. govt. works

FN #20

Citation Search Result Rank 3 of 20 Database
H.R. CONF. REP. 103-511 LH
H.R. Conf. Rep. No. 511, 103RD Cong., 2ND Sess. 1994, 1994 U.S.C.C.A.N. 792,
1994 WL 200711 (Leg.Hist.)

P.L. 103-270, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1994
DATES OF CONSIDERATION AND PASSAGE
Senate: November 17, 18, 1993; May 25, 1994
House: February 9, 10, June 21, 1994
Cong. Record Vol. 139 (1993)
Cong. Record Vol. 140 (1994)
Senate Report (Governmental Affairs Committee) No. 103-101,
July 20, 1993 (To accompany S. 24)
House Report (Judiciary Committee) No. 103-224,
Aug. 6, 1993 (To accompany H.R. 811)
House Conference Report No. 103-511,
May 19, 1994 (To accompany S. 24)

HOUSE CONFERENCE REPORT NO. 103-511
May 19, 1994
[To accompany S. 24]

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 24), to reauthorize the independent counsel law for an additional 5 years, and for other purposes, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1994".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1994".

SEC. 3. ADDED CONTROLS.

(a) Cost Controls and Administrative Support.-Section 594 of title 28,

Copr. © West 1997 No claim to orig. U.S. govt. works

United States Code, is amended by adding at the end the following new subsection:

"(l) Cost Controls and Administrative Support.-

"(1) Cost controls.-

"(A) In general.-An independent counsel shall-

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) Liability for invalid certification.-An employee making a certification under subparagraph (A)(iii) shall be liable for an invalid certification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.

"(C) Department of justice policies.-An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) Administrative support.-The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) Office space.-The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less. Until such office space is provided, the Administrative Office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies.".

(b) Independent Counsel Per Diem Expenses.-Section 594(b) of title 28, United States Code, is amended-

(1) by striking "(b) Compensation.-An" and inserting the following:

"(b) Compensation.-

"(1) In general.-An"; and

(2) by adding at the end the following new paragraphs:

"(2) Travel expenses.-Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter I of chapter 57 of title 5, United States Code, including travel, per diem, and subsistence expenses in accordance with section 5703 of title 5.

Copr. © West 1997 No claim to orig. U.S. govt. works

"(3) Travel to primary office.-

"(A) In general.-After 1 year of service under this chapter, an independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel, per diem, or subsistence expenses under subchapter I of chapter 57 of title 5, United States Code, for the purpose of commuting to or from the city in which the primary office of the independent counsel or person is located. The 1-year period may be extended by 6 months if the employee assigned duties under subsection (l)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter.

"(B) Relevant factors.- In making any certification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), such employee shall consider, among other relevant factors-

"(i) the cost to the Government of reimbursing such travel and subsistence expenses;

"(ii) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(iii) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred; and

"(iv) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate.".

(c) Independent Counsel Employee Pay Comparability.-Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level ES-4 of the Senior Executive Service Schedule under section 5382 of title 5, as adjusted for the District of Columbia under section 5304 of that title regardless of the locality in which an employee is employed.".

(d) Ethics Enforcement.-Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) Enforcement.-The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection.".

(e) Compliance With Policies of the Department of Justice.-Section 594(f) of title 28, United States Code, is amended-

(1) by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply";

(2) by adding at the end the following: "To determine these policies and

Copr. © West 1997 No claim to orig. U.S. govt. works

policies under subsection (l)(1)(B), the independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice.";

(3) by striking "An independent" and inserting the following:

"(1) In general.-An independent"; and

(4) by adding at the end the following new paragraph:

"(2) National security.-An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified material.".

(f) Publication of Reports.-Section 594(h) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(3) Publication of reports.-At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44.".

(g) Annual Reports to Congress.-Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made".

(h) Periodic Reappointment of Independent Counsel.-Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 2 years after the appointment of an independent counsel, at the end of the succeeding 2-year period, and thereafter at the end of each succeeding 1-year period.".

(i) Audits by the Comptroller General.-Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) Audits.-(1) On or before June 30 of each year, an independent counsel shall prepare a statement of expenditures for the 6 months that ended on the immediately preceding March 31. On or before December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures on or before the date that is 90 days after

Copr. © West 1997 No claim to orig. U.S. govt. works

the date on which the office is terminated.

"(2) The Comptroller General shall-

"(A) conduct a financial review of a mid-year statement and a financial audit of a year-end statement and statement on termination; and

"(B) report the results to the Committee on the Judiciary, Committee on Governmental Affairs, and Committee on Appropriations of the Senate and the Committee on the Judiciary, Committee on Government Operations, and Committee on Appropriations of the House of Representatives not later than 90 days following the submission of each such statement.".

(j) Threshold Inquiry.-Section 591(d)(2) of title 28, United States Code, is amended by striking "15" each time it appears and inserting "30".

(k) Recusal.-Section 591(e) of title 28, United States Code, is amended to read as follows:

"(e) Recusal of Attorney General.-

"(1) When recusal is required.-(A) If information received under this chapter involves the Attorney General, the next most senior official in the Department of Justice who is not also recused shall perform the duties assigned under this chapter to the Attorney General.

"(B) If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General.

"(2) Requirements for recusal determination.-Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to such information.".

(l) Disclosure of Information.-Section 592(e) of title 28, United States Code, is amended by inserting after "Except as otherwise provided in this chapter" the following: "or as is deemed necessary for law enforcement purposes".

(m) Clarification of Authority To Use Department of Justice Personnel.-Section 594(d)(1) of title 28, United States Code, is amended by adding at the end the following: "At the request of an independent counsel, prosecutors, administrative personnel, and other employees of the Department of Justice may be detailed to the staff of the independent counsel.".

(n) Attorneys' Fees.-Section 593(f) of title 28, United States Code, is amended-

(1) in the last sentence of paragraph (1) by inserting before "Attorney

Copr. © West 1997 No claim to orig. U.S. govt. works

General" the following: "the independent counsel who conducted the investigation and"; and

(2) in paragraph (2)

(A) by striking "may direct" and inserting "shall direct such independent counsel and"; and

(B) by striking all after "subsection," and inserting the following: "addressing-

"(A) the sufficiency of the documentation;

"(B) the need or justification for the underlying item;

"(C) whether the underlying item would have been incurred but for the requirements of this chapter; and

"(D) the reasonableness of the amount of money requested.".

(o) Final Report.-Section 594(h)(1)(B) of title 28, United States Code, is amended by striking ", and the reasons" and all that follows through the period and inserting a period.

SEC. 4. MEMBERS OF CONGRESS.

(a) Discretionary Authority.-Section 591(c) of title 28, United States Code, is amended to read as follows:

"(c) Preliminary Investigation With Respect to Other Persons.-

"(1) In general.-When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

"(2) Members of congress.-When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.".

(b) Postemployment Coverage.-Section 591(b) of title 28, United States Code, is amended-

(1) by striking paragraphs (6) and (7);

(2) by redesignating paragraph (8) as paragraph (6), and, at the end of that paragraph, striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) any individual who held an office or position described in paragraph (1), (2), (3), (4), or (5) for 1 year after leaving the office or position.".

Copr. © West 1997 No claim to orig. U.S. govt. works

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (if not prohibited by law protecting persons from discrimination on the basis of such a disability),".

SEC. 6. REPORT ON WHITE HOUSE OFFICE PERSONNEL.

(a) Submission of Report.-On July 1 of each year, the President shall submit a report described in subsection (b) to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

(b) Contents.-A report under subsection (a) shall, except as provided in subsection (c), include-

(1) a list of each individual-

(A) employed by the White House Office; or

(B) detailed to the White House Office; and

(2) with regard to each individual described in paragraph (1), the individual's-

(A) name;

(B) position and title; and

(C) annual rate of pay.

(c) Exclusion From Report.-If the President determines that disclosure of any item of information described in subsection (b) with respect to any particular individual would not be in the interest of the national defense or foreign policy of the United States-

(1) a report under subsection (a) shall-

(A) exclude such information with respect to that individual; and

(B) include a statement of the number of individuals with respect to whom such information has been excluded; and

(2) at the request of the Committee on Governmental Affairs of the Senate or the Committee on Government Operations of the House of Representatives, the information that was excluded from the report shall be made available for inspection by such committee.

SEC. 7. TRANSITION PROVISIONS.

(a) In General.-Except as provided in this section, the amendments made by this Act shall apply with respect to independent counsels appointed before, on, or after the date of enactment of this Act.

(b) Assignment Of Employee To Certify Expenditures.-An independent counsel appointed prior to the date of enactment of this Act shall assign to an employee

Copr. © West 1997 No claim to orig. U.S. govt. works

the duty of certifying expenditures, as required by section 594(l) of title 28, United States Code, as added by section 3(a), by the date that is 30 days after the date of enactment of this Act.

(c) Office Space.-The Administrator of General Services, in applying section 594(l)(3) of title 28, United States Code, as added by section 3(a), to determine whether the office of an independent counsel appointed prior to the date of enactment of this Act should be moved to a Federal building, shall take into account the moving, legal, and other expenses that might arise if the office were moved.

(d) Travel And Subsistence Expenses.-For purposes of the restrictions on reimbursement of travel and subsistence expenses of an independent counsel and employees of an office of independent counsel contained in paragraph (3) of section 594(b) of title 28, United States Code, as amended by section 3(b), as applied to the office of an independent counsel appointed before the date of enactment of this Act, the 1-year service period shall begin on the date of enactment of this Act.

(e) Rates of Compensation.-The limitation on rates of compensation of employees of an office of independent counsel contained in the last sentence of section 594(c) of title 28, United States Code, as amended by section 3(c), shall not be applied to cause a reduction in the rate of compensation of an employee appointed before the date of enactment of this Act.

(f) Periodic Reappointment.-The determinations by the division of the court contained in the last sentence of section 596(b)(2) of title 28, United States Code, as amended by section 3(h), shall, for the office of an independent counsel appointed before the date of enactment of this Act, be required no later than 1 year after the date of enactment of this Act and at the end of each succeeding 1-year period.

(g) Reporting Requirements.-No amendment made by this Act that establishes or modifies a requirement that any person submit a report to any other person with respect to an activity occurring during any time period shall be construed to require that a report submitted prior to the date of enactment of this Act, with respect to that time period be supplemented to include information with respect to such activity.

(h) Regulatory Independent Counsel.-Notwithstanding the restriction in section 593(b)(2) of title 28, United States Code, the division of the court described in section 49 of that title may appoint as an independent counsel any individual who, on the date of enactment of this Act, is serving as a regulatory independent counsel under parts 600 and 603 of title 28, Code of Federal Regulations. If such an individual is so appointed, such an independent counsel shall comply with chapter 40 of title 28, United States Code, as amended by this Act, in the same manner and to the same extent as an independent counsel appointed before the date of enactment of this Act is required to comply with that chapter, except that subsection (f) of this section shall not apply to such

Copr. © West 1997 No claim to orig. U.S. govt. works

an independent counsel.

(i) White House Personnel Report.-Section 6 shall take effect on January 1, 1995.

And the House agree to the same.

Jack Brooks,
John Bryant,
Dan Glickman,
Barney Frank,
Managers on the Part of the House.
John Glenn,
Carl Levin,
David Pryor,
Bill Cohen,
Ted Stevens,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of S. 24 struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and House amendment. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, structural changes, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 591(b)(6) AND (7): LENGTH OF POSTEMPLOYMENT COVERAGE

1987 law

The 1987 independent counsel law applied on a mandatory basis to certain high level executive branch officials, not only while they occupied a covered office or position, but also for a period of time after they left that office or position. The length of mandatory postemployment coverage varied from a minimum of one year to a maximum of three years.

Copr. © West 1997 No claim to orig. U.S. govt. works

Senate bill

The Senate bill reduces mandatory postemployment coverage from a maximum of three years to a maximum of one year. For persons who leave a covered office or position within 90 days of a new president's inauguration, the Senate bill eliminates the one-year period of postemployment coverage.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the Senate and House provisions by limiting mandatory postemployment coverage to one year after a person leaves a covered office or position, regardless of whether the departure occurs during the term of office of the President who appointed that person or after the expiration of that President's term.

SECTION 591(c): DISCRETIONARY COVERAGE AND MEMBERS OF CONGRESS

1987 law

The 1987 law provided the Attorney General with discretionary authority to use the independent counsel process for any person whose investigation or prosecution by the Department of Justice "may result in a personal, financial or political conflict of interest." This discretionary authority permitted the Attorney General, if a conflict of interest were present, to use the independent counsel process to investigate Members of Congress. However, Members of Congress were not specifically identified as falling within that general category of coverage.

Senate bill

The Senate bill gives the Attorney General specific discretionary authority to use the independent counsel process to investigate Members of Congress. It broadens the standard for invoking the process with respect to Members from requiring a conflict of interest to requiring the Attorney General to find it would be in the public interest. This broader standard would permit the Attorney General to use the independent counsel process for Members of Congress in cases of perceived as well as actual conflicts of interest. In addition, the Senate bill rewords the general discretionary provision to simplify it and to authorize the Attorney General to use the independent counsel process to investigate a

Copr. © West 1997 No claim to orig. U.S. govt. works

"matter" as well as a person.

House amendment

The House amendment also gives the Attorney General specific discretionary authority to use the independent counsel process with respect to Members of Congress. The House amendment does not otherwise change the general discretionary provision that appeared in the 1987 law.

Conference agreement

The conference agreement follows the Senate bill, except that the language giving the Justice Department general discretionary authority to use the independent counsel process to investigate a "matter" as well as any person is deleted, because it would in effect substantially lower the threshold for use of the general discretionary provision. The conference agreement makes no change from the 1987 law in the substantive reach or scope of the general discretionary provision.

SECTION 591(e): RECUSAL BY ATTORNEY GENERAL

1987 law

The 1987 law set forth the standards and procedures governing recusal by the Attorney General in a matter being handled under the independent counsel law.

Senate bill

The Senate bill rewords the provision to make it clear that recusal is automatic in any matter in which the Attorney General is personally involved.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the Senate bill.

SECTION 592(a)(2)(B): CRIMINAL INTENT

1987 law

Copr. © West 1997 No claim to orig. U.S. govt. works

The 1987 law set forth with the Attorney General could close a matter under the independent counsel law based upon a determination that an investigatory subject lacked the intent necessary for a crime to have been committed. The law prohibited any consideration of intent in the context of a threshold inquiry under section 591(d), and permitted closure of a matter after a preliminary investigation under section 592 only if the Attorney General determined there was "clear and convincing evidence" of a lack of criminal intent.

Senate bill

The Senate bill permits the Attorney General to close a matter after either a threshold inquiry under section 591(d) or a preliminary investigation under section 592, if the Attorney General determines there are "no reasonable grounds to believe that the subject acted" with criminal intent and "no reasonable possibility that further investigation would develop such evidence."

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the House bill. Congress believes that the Attorney General should rarely close a matter under the independent counsel law based upon finding a lack of criminal intent, due to the subjective judgments required and the limited role accorded the Attorney General in the independent counsel process. Congress also believes that at least one Attorney General abused his authority in this area, that this abuse was the impetus for the statutory restriction in the expired law, and that a statutory restriction remains necessary to prevent future problems.

SECTION 592(e): DISCLOSURE OF COURT FILINGS

1987 law

The 1987 law prohibited employees of the Justice Department and of an independent counsel from disclosing any filing with the special court to any person outside their office without first obtaining a court order.

Senate bill

The Senate bill creates a limited exception to this nondisclosure provision by authorizing disclosure of court filings to outside persons for law enforcement

Copr. © West 1997 No claim to orig. U.S. govt. works

purposes.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the Senate bill with a minor change. The Congress intends that this exception should be narrowly construed to permit, for example, giving copies of court filings to an IRS investigator to facilitate examination of a tax matter under the independent counsel's purview or to an agency Inspector General or state prosecutor performing a separate but possibly related criminal investigation to determine whether coordination of the criminal case is appropriate.

In determining whether a proposed disclosure is deemed necessary for law enforcement purposes, Congress intends independent counsels and attorneys for the government to be guided by the law enforcement exception to the grand jury secrecy rules found in Rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure. That rule allows otherwise prohibited disclosures to be made "to such governmental personnel (including personnel of a state or subdivision of a state) as are deemed necessary by an attorney for the government to assist an attorney for the government in the performance of such attorney's duty to enforce federal criminal law." If no such law enforcement purpose is present, a court order must be obtained prior to disclosure.

SECTION 593(f): ATTORNEY FEES

1987 law

The 1987 law set forth the standards and procedures governing when persons may recover attorney fees incurred in response to independent counsel proceedings. Essentially, to recover fees, a person must have been an unindicted subject of an independent counsel's investigation and incurred fees which would not have been incurred but for the requirements of the independent counsel law. Fee requests were decided by the special court which could ask the Attorney General to file a written evaluation of the reasonableness of the amounts requested, the supporting documentation and the need or justification for each expense.

Senate bill

The Senate bill follows the 1987 law, but adds a sentence stating that no award of attorney fees may be made for fees that would have been incurred if the

Copr. © West 1997 No claim to orig. U.S. govt. works

investigation had been conducted by the Department of Justice. The purpose of this sentence is not to change the standard for awarding fees, but to help illuminate application of the provision which permits reimbursement of only those fees that "would not have been incurred but for the requirements of the independent counsel law" (the "but-for" requirement). The new language indicates that, in judging whether the but-for requirement has been met, a significant factor the special court must consider is whether these fees would have been incurred if the Justice Department had handled the investigation instead of the independent counsel. The Senate bill also expands the written analysis by the Justice Department on fee requests by allowing it to comment on whether the but-for requirement has been satisfied.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the Senate and House provisions. It retains the Senate language requiring an expanded analysis of each attorney fee request, and adds a provision directing the special court to obtain this analysis from not only the Department of Justice, but also the independent counsel who handled the investigation. The conference agreement drops the Senate language conditioning payment of attorney fees on whether the same fees would have been incurred if the matter had been handled by the Justice Department, because that concept is already addressed in the existing but-for requirement.

Since the inception of the attorney fee provision, Congress has intended it to be narrowly construed. The conferees believe detailed analyses of fee requests by both the Department and independent counsel, including application of the but-for requirement, will aid the special court in keeping to a narrow construction.

Since the last reauthorization of the independent counsel statute in 1987, a number of decisions awarding attorney fees have been issued by the special court. The conferees believe that several of these decisions were overly generous in interpreting the attorney fee provision.

Illustrative of the conferees' concerns is the 1993 decision awarding attorney fees to former Secretary of State George Shultz (In re: Oliver L. North, Shultz Fee Application, December 7, 1993). In that decision, the court found that the but-for requirement was met in part because, "in the experience of the Court, it is not reasonable to expect that a professional prosecutor" would begin to treat a witness as the subject of an investigation "four and one-half years after the commencement"' of the case. Congress did not intend the but-for requirement to

Copr. © West 1997 No claim to orig. U.S. govt. works

be used as a vehicle for the special court to rule on the wisdom or timing of an independent counsel's prosecutorial decisions. The opinion also held that the but-for requirement was met in part because the investigation centered on violation of the Boland Amendment, which the Justice Department had determined was not a criminal statute. In fact, the independent counsel subsequently indicated that the Shultz investigation centered on false testimony and concealed documents relating to Iran arms sales and not at all on the Boland Amendment. This misreading of the basis of the investigation may have been the result of the court's decision to handle the fee application under seal, on an ex parte basis, and without its usual practice of affording the independent counsel an opportunity to comment. In another case, the court appears to have awarded attorney fees to a subject, because it surmised that had the Attorney General been able to use a grand jury during the preliminary investigation, the case might have been closed after "a non-public summary investigation."

Such recent court decisions suggest that the special court may be viewing the attorney fee provision as one which should routinely result in fee awards. That has not been Congress' intent because, were it not for the existence of the independent counsel statute, the Department of Justice may well have investigated these same matters and, had it done so, no attorney fees would be recoverable under any circumstances. The court has, on occasion, accurately quoted legislative history stating that an attorney fee award under the independent counsel law "is warranted, if at all, in only rare instances" and "should not become a routine event." In reauthorizing the statute, the Congress reaffirms its original intent, as reflected in legislative history, that the special court construe the but-for requirement of the attorney fee provision narrowly.

Finally, the conferees note the special court's decision in the Shultz matter that an hourly rate of $370 is reasonable under the law. The court observed that the Justice Department describes this rate as "extraordinarily high," but stated that the law "provides no particular guidance for our determination of standards of reasonableness." It also cites two opinions from 1989 and 1990, subsequent to the 1987 reauthorization of the law, approving similar hourly rates.

In response to the court's invitation to provide guidance in evaluating the reasonableness of hourly rates requested by defense counsel under the independent counsel law, the conferees note that Congress did not intend that properly recoverable attorney fees under this statute be construed to be what the market will bear in the private sector. Rather, Congress intends that the reasonableness of attorney fee requests under the independent counsel law be judged, not solely with reference to the rates commanded by expensive legal counsel, but also with reference to what cost is reasonable for the taxpayers to bear.

Three statutes provide the special court with the guidance it seeks in evaluating the reasonableness of attorney fees requested by defense counsel

Copr. © West 1997 No claim to orig. U.S. govt. works

under the independent counsel statute. First, by law, the independent counsel is compensated at the per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule, which is currently set at $115,700. At that annual rate of pay, the independent counsel's compensation is approximately $55 per hour. Second, the Equal Access to Justice Act, Public Law 96-481, which allows Federal courts to award attorney fees to private parties in suits against the United States, limits the amount of attorney fee recovery to "$75 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee." 28 U.S.C. 2412(d)(2)(A). Third, fees to private defense counsel who are paid by the United States pursuant to the Criminal Justice Act of 1984, Public Law 88-455, to represent indigent defendants in Federal criminal cases, are currently limited to "$60 per hour for time expended in court or before a United States magistrate and $40 per hour for time reasonably expended out of court, unless the Judicial Conference determines that a higher rate of not in excess of $75 per hour is justified for a circuit or for particular districts within a circuit, for time expended in court or before a magistrate and for time expended out of court." 18 U.S.C. 3006A(d)(1).

These three statutes identify hourly rates, ranging from $40 to $75 per hour, which Congress has determined are reasonable and may be fully reimbursed with taxpayer dollars. Although by design the independent counsel law does not impose a specific ceiling on the hourly rates payable to defense counsel, hourly rates of $300 and $400 generally so far exceed other statutorily approved rates that they should not be fully recoverable under the independent counsel law. While individuals remain free, of course, to employ any defense counsel they choose, they should be on notice that the independent counsel law may not authorize payment of taxpayer dollars to reimburse fully all of the fees they incur.

SECTION 594(b): INDEPENDENT COUNSEL TRAVEL EXPENSES

1987 law

The 1987 law contained no explicit direction on whether an independent counsel was subject to federal law regarding travel expenses, whether executive or judicial branch requirements applied, or whether expenses were reimbursable for travel to and from an independent counsel's primary office if that independent counsel resided elsewhere.

Senate bill

The Senate bill provides that independent counsels and their staffs are subject to the same restrictions on travel expenses as other federal executive branch employees. It also states that, after one year of service, independent counsels and their staffs are not entitled to travel and per diem expenses to

Copr. © West 1997 No claim to orig. U.S. govt. works

commute to and from the city in which their primary office is located or subsistence expenses at such location, except that an independent counsel's certifying official may approve payment of these expenses for an additional three months if the official determines the investigation "will likely be concluded within that time period."

House amendment

The House amendment contains similar provisions to those in the Senate bill, except that the one-year limit on reimbursement of expenses relating to the primary office may be extended for successive 6-month periods if the certifying officials, after considering certain specified factors, determines payment would be in the public interest.

Conference agreement

The conference agreement follows the House amendment, except that the one-year limit on reimbursement of expenses relating to the primary office may be extended for only one 6-month period. The conference agreement also makes it clear that the prohibition on reimbursement of travel, per diem and subsistence expenses applies only to expenses incurred by independent counsels or their staff in commuting to and from their primary office, and does not prohibit reimbursement of their expenses for traveling elsewhere.

SECTION 594(c): STAFF COMPENSATION

1987 law

The 1987 law specified that staff hired by the independent counsel could not be compensated at a rate exceeding the maximum rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5. The law provided no other guidance on staff compensation.

Senate bill

The Senate bill states that employees hired by the independent counsel may not be paid at a rate greater than Level IV of the Executive Schedule under 5315 of title 5. This rate is comparable to the GS-18 rate which no longer exists under the current General Schedule. In addition, the bill directs the independent counsel to compensate staff at levels not to exceed those payable for comparable positions in the U.S. Attorney's Office for the District of Columbia.

House amendment

Copr. © West 1997 No claim to orig. U.S. govt. works

The House amendment provides that no more than 2 employees of the independent counsel may be compensated at a rate equal to Level V of the Executive Schedule and that remaining staff may not be compensated at a rate greater than GS-15 of the General Schedule.

Conference agreement

The conference agreement strikes a compromise between the House and Senate provisions. It specifies that no independent counsel staff may be compensated at a rate greater than Level 4 of the Senior Executive Service Schedule, as adjusted by locality pay applicable to the District of Columbia, and that no staff compensation level may exceed that payable for comparable positions in the U.S. Attorney's Office for the District of Columbia. It is the intent of these provisions that independent counsels pay reasonable salaries commensurate with an employee's experience and job responsibilities and that only the most senior assistants receive the maximum rate allowable for staff. No independent counsel should pay all or even most staff attorneys at the maximum permissible rate, nor should part-time counsel be paid at the billable hourly rate they receive when privately employed. Congress intends by these provisions to conserve taxpayer dollars, while ensuring staff salaries in an independent counsel's office are comparable to those paid to other federal prosecutors.

SECTION 594(d): JUSTICE DEPARTMENT ASSISTANCE

1987 law

The 1987 law provided that the independent counsel may request assistance from the Department of Justice in carrying out the law, and the Department was required to provide that assistance, including use of Department resources and personnel.

Senate bill

The Senate bill requires the independent counsel to request such assistance, and the Department to provide it.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the House and Senate

Copr. © West 1997 No claim to orig. U.S. govt. works

approaches, by clarifying the existing authority of independent counsels, at their option, to ask the Department of Justice to detail to their staffs, on a reimbursable or nonreimbursable basis, prosecutors, administrative personnel, or other persons employed by the Department. Independent counsels have already made frequent use of FBI detailees, who are employees of the Justice Department; it is the intent of this provision to clarify, not alter, the authority for that practice. While the Justice Department is encouraged to support the work of independent counsels by facilitating details, it does retain the authority to decline an independent counsel's request for a specific detailee.

This provision is intended to allow independent counsels to take advantage of the expertise of Justice Department personnel. Department employees accepting a detail under this law must understand that, during the detail, they owe their allegiance solely to the independent counsel, and it would be a serious breach if they were to violate that allegiance by, for example, providing unauthorized information to the Department or other parties. This obligation must be made clear to the detailee by both the Department and the independent counsel.

SECTION 594(f): COMPLIANCE WITH JUSTICE POLICIES

1987 law

The 1987 law required independent counsels to comply with Department of Justice policies on criminal law enforcement "except where not possible."

Senate bill

The Senate bill requires independent counsel compliance with Department policies on criminal law enforcement "except to the extent that to do so would be inconsistent with the purposes" of the independent counsel law. It also requires the independent counsel to consult with the Department on its law enforcement and spending policies "to the extent possible throughout his or her term of office."

House amendment

The House amendment contains the same provision as the Senate bill, except that it does not require independent counsels to consult with the Department of Justice throughout their term of office.

Conference agreement

The conference agreement follows the Senate bill, but modifies the consultation provision by requiring independent counsels to consult with the

Copr. © West 1997 No claim to orig. U.S. govt. works

Department on law enforcement and spending policies "except where to do so would be inconsistent with the purposes" of the independent counsel law. This standard is consistent with the rest of the section and signals the need for independent counsels to balance the goal of handling matters in the same way as other federal prosecutors with the goal of retaining appropriate independence. By including this provision, Congress affirms its intent that independent counsels engage in appropriate consultation with the Department of Justice.

SECTIONS 594(H)(1) AND 595(A)(2): INDEPENDENT COUNSEL REPORTS

1987 law

The 1987 law required independent counsels to file with the special court semi-annual expense reports under section 594(h)(1)(A), and a final report under section 594(h)(1)(B) "setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel." In addition, independent counsels were permitted under section 595(a)(2) to "submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel consider[ed] appropriate."

Senate bill

The Senate bill amends section 595(a)(2) to require independent counsels to report to Congress quarterly on "all monies expended" and annually on "their activities, including a description of the progress of any investigation or prosecution*** adequate to justify the expenditures" made. In addition, the Senate bill narrows the scope of the final report required under section 594(h)(1)(B) by removing requirements that it be full and complete and that it explain the reasons for not prosecuting any matter.

House amendment

The House amendment adopts the Senate's proposed change to section 595(a)(2) requiring independent counsels to report to Congress annually on their activities, but does not otherwise amend the reporting requirements contained in the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the House and Senate approaches.

Copr. © West 1997 No claim to orig. U.S. govt. works

First, in response to the desire to increase fiscal controls on independent counsels, the conference agreement replaces the Senate requirement for quarterly expense reports by independent counsels with requirements for increased financial oversight by the General Accounting Office (GAO). The conference agreement requires GAO to conduct a financial review of independent counsel expenditure statements at mid-year, a full audit at year-end, and another full audit at termination of each independent counsel's office. Requiring this additional oversight by a third party auditor, rather than requiring additional reports by an independent counsel, is believed to be a more effective fiscal control on expenditures. The conferees also direct independent counsels when preparing their expenditure statements to consult with GAO and to prepare them in a format which will facilitate GAO's financial oversight.

Second, in response to concerns about the proper scope of the final report, the conference agreement retains the requirement in the 1987 law that these reports include a full and complete account of the independent counsel's activities, but eliminates the requirement that the independent counsel explain the reasons for not prosecuting any matter.

Requiring a prosecutor to file a final report that may become a public document is unique to the independent counsel process; other federal prosecutors are neither required nor expected to issue such a public report. The final report requirement thus must be understood to be an exception to the norm.

This exception is justified by the unique environment in which an independent counsel must operate-without direct and ongoing supervision by senior Justice Department officials. It serves as an important check on independent counsel investigative and prosecutorial activities by requiring them to identify and explain their actions.

Because this reporting requirement is unique in the federal criminal justice system, the conferees recognize the importance of making the objectives and intended limits of the report clear.

The conference agreement reaffirms the duty of independent counsels to provide a full and complete description of their work. Congress continues to view this requirement as a key measure for insuring accountability. Under this provision, independent counsels are expected to provide a summary of the key steps taken in the investigatory and prosecutorial stages of their work and to explain the basis for their decisions.

Congress also wants to clarify, however, that independent counsels are not expected to and should not take additional investigative steps, such as additional interviews or document requests, in order to produce a detailed report. No investigation by an independent counsel should be lengthened or deepened simply because of the final report requirement. The report should instead reflect only the work required for a prosecutor to execute his or her normal investigative and prosecutorial responsibilities.

The conference agreement eliminates the requirement that independent counsels

Copr. © West 1997 No claim to orig. U.S. govt. works

explain, in every instance, their reasons for not prosecuting any matter within their jurisdiction. Other federal prosecutors do not normally provide public explanations of decisions not to indict and, in deviating from this norm, independent counsels must exercise restraint. The power to damage reputations in the final report is significant, and the conferees want to make it clear that the final report requirement is not intended in any way to authorize independent counsels to make public findings or conclusions that violate normal standards of due process, privacy or simple fairness.

The conferees believe that, in assessing whether an explanation should be provided with respect to a specific unindicted individual, an independent counsel should base the decision on whether it would be in the public interest for such information to be disclosed. The public interest encompasses a wide range of concerns which need to be carefully balanced, including understanding the basis for the independent counsel's decision not to indict; taking into account the extent to which the individual was central or peripheral to the independent counsel's jurisdictional mandate; exonerating the innocent; and protecting individual rights to due process, privacy and fairness. For example, it may be in the public interest to report that the evidence did not sustain the allegations that gave rise to the investigation or that the evidence demonstrates an individual's innocence.

With regard to an individual whose conduct was only tangential to that of the person for whom the independent counsel was appointed, an independent counsel should normally refrain from commenting on the reason for not indicting that person unless it is to affirm a lack of evidence of guilt. On the other hand, the conferees consider to be crucial a discussion of the conduct of the person for whom the independent counsel was appointed to office. This discussion should focus on the facts and evidence and avoid use of conclusory statements in the absence of an indictment. However, in the rare event that an indictment is forestalled because of an event beyond the control of the independent counsel, public accountability may well require such independent counsel to express a professional opinion on whether the grounds for an indictment had been present.

The same concerns apply to the new requirement in both House and Senate bills for independent counsels to file annual reports on their activities. The conferees caution independent counsels to exercise the same degree of restraint and responsibility in issuing those interim reports.

SECTION 594(h)(2): DISCLOSURE OF FINAL REPORT

1987 law

The 1987 law authorized the special court to release a final report filed by an independent counsel after making provisions to ensure that the rights of any individual named in the report and any pending prosecution are protected.

Copr. © West 1997 No claim to orig. U.S. govt. works

Senate bill

The Senate bill follows the 1987 law.

House amendment

The House amendment follows the 1987 law, but adds language encouraging the court to release the report and associated material if the court determines it would be in the public interest and would be consistent with maximizing public disclosure, ensuring a full explanation of the independent counsel's activities and decisionmaking, and facilitating the release of information which the independent counsel had determined should be disclosed.

Conference agreement

The conference agreement follows the Senate bill. The conferees agree that the standards in the 1987 law on releasing a final report to the public are not overly restrictive, as evidenced by the special court's decision to release the final report in the Iran-Contra matter despite numerous motions by persons named in the report to repress all or portions of it. For this reason, the conferees have determined that additional statutory language encouraging disclosure is unnecessary.

SECTION 594(l)(2): ADMINISTRATIVE SUPPORT

1987 law

The 1987 law did not address the issue of administrative support for independent counsels.

Senate bill

The Senate bill states that the Administrative Office of the U.S. Courts "shall provide administrative support and guidance to each independent counsel." It also relieves the Administrative Office of any obligation to disclose information about an independent counsel's operations without the express authorization of that independent counsel. The bill also requires the independent counsel to authorize such disclosure by the Administrative Office unless to do so "would interfere with a pending investigation or prosecution."

House amendment

The House amendment contains a similar provision as the Senate bill, but is not specific as to when an independent counsel should authorize disclosures by

Copr. © West 1997 No claim to orig. U.S. govt. works

the Administrative Office.

Conference agreement

The conference agreement follows the House amendment. The purpose of this provision on administrative matters is threefold. First, it clarifies the responsibility of the Administrative Office to provide administrative support for independent counsel operations. The Administrative Office has been providing this support informally for many years, but the statutory basis for its actions has not been explicit.

Second, the provision makes it clear that the Administrative Office should provide independent counsels with not only the administrative services they need, but also guidance on complying with federal personnel, administrative and procurement requirements. This guidance is sorely needed by offices that have a limited duration and little familiarity with federal procedures. To provide this guidance and develop an institutional memory for how matters have been handled by past independent counsels, the conferees strongly urge the Administrative Office to develop written material to assist new independent counsels in establishing their offices, hiring staff and conducting their work.

By using the words "support and guidance" to describe the Administrative Office's functions, Congress intends for the Administrative Office to provide independent counsels with informed advice, but not to exercise decisionmaking authority for specific actions. Actions taken by an independent counsel's office remain the responsibility of the independent counsel in charge. At the same time, the support and guidance provided by the Administrative Office can serve independent counsels unfamiliar with federal requirements by providing them with the information needed for informed decisions.

The third purpose of this provision is to shield the Administrative Office from conflicts that may arise when Congress, the press or others seek information about independent counsel activities. In the past, some pressed the Administrative Office to provide information which an independent counsel had declined to provide. This provision makes it clear that an independent counsel's decision not to release information may not be circumvented by directing information requests to the Administrative Office. Moreover, Senate language directing independent counsels to authorize the Administrative Office to disclose information "unless it would interfere with a pending investigation or prosecution" is not included, because this language could encourage information requests to be directed to the Administrative Office instead of directly to an independent counsel.

It is the intent of Congress that independent counsels, not the Administrative Office, have sole responsibility for responding to information requests. When confronted with such requests, independent counsels have the same disclosure obligations that apply to the Department of Justice, except where

Copr. © West 1997 No claim to orig. U.S. govt. works

such disclosure would be inconsistent with the purposes of this Act. The independent counsel is also subject to the disclosure requirements of the Freedom of Information Act, and Congress urges all independent counsels to be responsive and forthcoming to such requests for information.

SECTION 593(H): GOOD CAUSE REMOVAL

1987 law

The 1987 law states that an independent counsel may be removed from office by the Attorney General "for good cause."

Senate bill

The Senate bill follows the 1987 law, but adds a sentence indicating that good cause for removal would include an independent counsel's failure to follow written Justice Department guidelines and violation of applicable canons of ethics.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the House amendment. By eliminating the Senate language, the conferees do not mean to suggest that a refusal to follow important Department guidelines or that a serious violation of ethics canons could not be grounds for removal; they-like many other circumstanes-do provide potential grounds for removing an independent counsel from office.

SECTION 596(B): PERIODIC REAPPOINTMENT

1987 law

The 1987 law authorized the special court, on its own motion or at the request of the Attorney General, to terminate an independent counsel's office if that independent counsel's work had "been completed or so substantially completed that it would be appropriate for the Department of Justice to complete" any remaining tasks.

Senate bill

The Senate bill retains the 1987 provision, but adds a requirement that the

Copr. © West 1997 No claim to orig. U.S. govt. works

special court determine whether termination is warranted under the provision "no later than 2 years after the appointment of an independent counsel or the reported expenditures by such independent counsel have reached $2 million, whichever occurs first, and at the end of each succeeding 1-year period."

House amendment

The House amendment retains the 1987 provision, but adds a requirement that the special court determine whether termination is warranted under the provision "no later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period."

Conference agreement

The conference agreement strikes a compromise between the House and Senate provisions, requiring the special court to determine whether termination is warranted under the provision no later than 2 years after appointment of an independent counsel, at the end of the succeeding 2-year period, and then at the end of each succeeding 1-year period.

The purpose of this provision is to ensure that the special court inquires on a periodic basis, with respect to each independent counsel, as to whether that independent counsel's work is complete. It is not intended to establish deadlines for the completion of this work. Nor is it intended to provide the special court with new termination authority that did not exist at the time the law was reviewed by the Supreme Court in Morrison v. Olson. That case formulated a narrow construction of the special court's termination authority, and Congress intends for this new provision to be construed within the bounds of that narrow construction. The sole purpose of the new provision is to ensure that the special court exercises its Constitutionally-defined authority on a periodic basis.

The special court is expected to make the required determination within the statutorily specified period. If it should fail to do so, however, the relevant independent counsel would not be affected. Rather, the court would be obligated to make the needed determination as soon as possible. Until then, the relevant independent counsel would be authorized to continue in office.

OTHER PROVISIONS

With minor changes, the Senate recedes to the House on section 3(a)'s provision creating a new section 594(l)(1)(A) (certifying official); section 3(e)'s provision creating a new section 594(f)(2) (national security procedures); and section 5's amendment of section 596(a)(1) (removal for physical or mental disability). The House recedes to the Senate on section 2's

Copr. © West 1997 No claim to orig. U.S. govt. works

provision relating to the five-year reauthorization; section 3(a)'s provision creating a new section 594(1)(3) (office space); and section 3(j)'s amendment of section 591(d) (30-day period to determine need for preliminary investigation).

REPORT ON WHITE HOUSE PERSONNEL

Senate bill

The Senate bill contains a non-germane provision requiring the White House to file a semi-annual report identifying the names and salaries of persons employed or detailed to the White House.

House amendment

The House amendment has no comparable provision.

Conference agreement

The conference agreement follows the Senate bill with simplifying changes and an exception for disclosures which would not be "in the interest of national defense or foreign policy." The conferees intend that this exception be construed narrowly, and that it be applied in a manner similar to section 552(b)(1)(A) of the Freedom of Information Act, which permits the withholding of information "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy." The conference agreement requires the report to identify the total number of individuals for whom information is excluded, and requires that access to this excluded information be provided to the Senate Governmental Affairs Committee or House Government Operations Committee, upon the Committee's request. The conferees intend that, upon receiving such a request, prompt access to the excluded information be provided to the person or persons (including Committee staff) designated by the requesting Committee to review such information.

EFFECTIVE DATE AND TRANSITION PROVISIONS

Senate bill

The Senate bill is effective on the date of enactment, except for the provisions limiting staff salaries which are applied only to staff hired after the date of enactment of the law. The bill does not address the status of the 1987 law.

House amendment

Copr. © West 1997 No claim to orig. U.S. govt. works

The House amendment is effective on the date of enactment. In the section reauthorizing the law, the amendment states that the 1987 law must be considered as if it had not expired.

Conference agreement

Both the House and Senate intend to reauthorize the independent counsel law for an additional five years. In December 1992, the 1987 independent counsel law ceased to be effective except with respect to independent counsel proceedings then pending. Because two of the three independent counsel proceedings then in existence remain ongoing, the 1987 law has remained on the federal statute books and in effect for those proceedings.

The conferees agree that because this law has remained on the books and in effect for ongoing independent counsel proceedings, and because it has never been repealed, it can be amended to reauthorize the law for all purposes. Accordingly, section 2 of the conference agreement reauthorizes the law, as amended, for an additional five years, and section 7(a) applies the amended law to existing independent counsel proceedings, subject to certain transition provisions.

The transition provisions in section 7 primarily resolve how to apply specific provisions in the amended law to ongoing independent counsel cases.

Section 7(b) states that existing independent counsels shall have 30 days after the date of enactment to appoint the certifying official required by the new section 594(l)(1)(A)(iii).

Section 7(c) states that, in applying to existing independent counsels the new requirement in section 594(l)(3) to use federal office space unless other arrangements would cost less, the Administrator of the General Services Administration is directed to take into account moving, legal and other costs that may arise if an independent counsel is required to move to new offices.

Section 7(d) states that the new restriction on reimbursement of certain travel expenses added by section 594(b)(3) shall apply to existing independent counsel operations by restricting expenses incurred one year after the enactment of this Act. The new restriction on travel expenses is not intended to be applied retroactively.

Section 7(e) states that the compensation restrictions added by section 594(c) shall not be applied to cause a reduction in the compensation paid to any employee appointed before the date of enactment of this Act.

Section 7(f) states that the new requirements added by section 596(b)(2) shall be applied to existing independent counsel operations to require, for each independent counsel, a determination by the court one year after the date of enactment of this Act and thereafter at the end of each succeeding 1-year period.

Section 7(g) states that, in applying new reporting requirements to existing

Copr. © West 1997 No claim to orig. U.S. govt. works

independent counsel operations, these provisions should be interpreted so as not to require any retroactive reports.

Section 7(h) addresses a different concern, involving pending independent counsel proceedings which are regulatory rather than statutory in nature. It creates a transition provision for "any individual serving, at the time of enactment of this Act, as a regulatory independent counsel under Parts 600 and 603 of title 28 of the Code of Federal Regulations."

The 1987 independent counsel law and this reauthorization prohibit the special court from appointing as an independent counsel "any person who holds any office of profit or trust under the United States." 28 U.S.C. 593(b)(2). That provision ensures that the effectiveness of individuals who are chosen to serve as independent counsel will not be impaired as a result of divided loyalty or perceived conflicts of interest.

While the conferees believe that this provision should be continued, the conferees also believe that special circumstances exist with regard to the regulatory independent counsel who was appointed in In re Madison Guaranty Savings and Loan Association. That counsel was appointed from outside the Federal Government by the Attorney General, pursuant to 28 C.F.R. Part 600 et seq., during the period in which the Attorney General lacked the authority to seek appointment by the court of a statutory independent counsel for new matters. Given those circumstances, the conferees believe that it is appropriate for the special court to have the option to appoint the same person as the statutory independent counsel, should the statute be triggered with regard to the allegations that such regulatory independent counsel is currently investigating.

The conferees express no opinion on whether the statute will or should be triggered. That decision rests solely with the Attorney General. Nor do the conferees express any opinion on whether, if triggered, the special court will or should appoint the current regulatory independent counsel as the statutory independent counsel. That decision rests solely with the special court.

The conference agreement requires any regulatory independent counsel, if appointed by the special court as a statutory independent counsel, to abide by the provisions of the independent counsel law, as amended by this Act, to the same extent as statutory independent counsels appointed prior to the enactment of this Act. The only exception is that section 7(f)'s accelerated schedule of court reviews of existing matters to determine whether their termination is appropriate would not apply; instead, the provisions of section 596(b)(2), as amended by section 3(h) of this Act, would apply.

Finally, section 7(i) states that the new reporting requirements for White House personnel added by section 6 of the Act shall take effect on January 1, 1995.

And the House agree to the same.

That the Senate recede to the House's amendment to the title of the bill, so

Copr. © West 1997 No claim to orig. U.S. govt. works

that it will be the "Independent Counsel Reauthorization Act of 1994."

Jack Brooks,
John Bryant,
Dan Glickman,
Barney Frank,
Managers on the Part of the House.
John Glenn,
Carl Levin,
David Pryor,
Bill Cohen,
Ted Stevens,
Managers on the Part of the Senate.

H.R. CONF. REP. 103-511, H.R. Conf. Rep. No. 511, 103RD Cong., 2ND Sess. 1994, 1994 U.S.C.C.A.N. 792, 1994 WL 200711 (Leg.Hist.)
END OF DOCUMENT

Copr. © West 1997 No claim to orig. U.S. govt. works

FN#21

4TH STORY of Level 1 printed in FULL format.

Copyright 1996 The New York Times Company
The New York Times

November 2, 1996, Saturday, Late Edition - Final

SECTION: Section 1; Page 9; Column 1; National Desk

LENGTH: 371 words

HEADLINE: Navy Report Omits Suicide Notes

BYLINE: AP

DATELINE: WASHINGTON, Nov. 1

BODY:

The Navy today released a report of its investigation into the suicide of Adm. Jeremy M. **Boorda** but withheld two notes he wrote shortly before his death.

The inch-thick report by the Naval Criminal Investigative Service said Admiral **Boorda,** the Chief of Naval Operations who committed suicide on May 16 by shooting himself in the chest in his home, makes no conclusions about a motive.

After Admiral **Boorda's** death, two notes were found side by side on the desk in his study, the report said.

One was addressed to Admiral **Boorda's** wife, Bettie. The other was a two-part note addressed to the Navy's Chief Information Officer, Rear Adm. Kendell Pease, with a subsection, "To My Sailors."

However, the report -- provided in response to a request filed under the Freedom of Information Act -- did not release the contents of the notes.

The Navy Department decided not to make the notes public, a Navy spokesman said. He cited exemptions under the act that allow records to be withheld if they "constitute an unwarranted invasion of personal privacy," among other reasons.

Many other items in the report are blacked out, like the autopsy report and the identities of people interviewed by investigators.

The four-star admiral killed himself the day he was to have been interviewed by Newsweek magazine about whether he was entitled to wear Vietnam combat decorations for valor.

Someone in the Government who read the notes shortly after Admiral **Boorda's** death said one note expressed concern about a possible scandal over the combat decorations. The New York Times reported at the time that the notes suggested that Admiral **Boorda** had been driven to take his life by fear that the reputation of the Navy, already battered by a series of scandals, would be further harmed by the disclosures about his medals.

Admiral Pease, the Navy information officer, was with Admiral **Boorda** a little over an hour before the suicide and had scheduled the Admiral's meeting with Newsweek.

Admiral **Boorda,** several people interviewed for the report said, had not seemed upset or distraught in discussing the medals. "We'll just tell him the truth," several individuals quoted Admiral **Boorda** as saying in regard to the medals.

LANGUAGE: ENGLISH

LOAD-DATE: November 2, 1996

D. Mark KATZ, Appellant,
v.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, Appellee.

No. 94-5265.

United States Court of Appeals,
District of Columbia Circuit.

Argued Sept. 22, 1995.

Decided Nov. 14, 1995.

Author sought disclosure under Freedom of Information Act (FOIA) of autopsy photographs and x-rays of assassinated United States President held by National Archives and Records Administration. The United States District Court for the District of Columbia, Thomas A. Flannery, J., 862 F.Supp. 476, entered summary judgment in favor of government. Author appealed. The Court of Appeals, Randolph, Circuit Judge, held that autopsy x-rays and photographs were not "agency records" subject to disclosure under Freedom of Information Act (FOIA), but rather were personal presidential papers subject to restrictions on disclosure contained in deed of gift from president's estate.

Affirmed.

[1] RECORDS 54
326k54
"Agency records" subject to disclosure under Freedom of Information Act (FOIA) must have been created or obtained by government agency, and agency must be in control of requested materials at time FOIA request is made. 5 U.S.C.A. § 552(a)(3), (a)(4)(B).
See publication Words and Phrases for other judicial constructions and definitions.

[2] RECORDS 54
326k54
Autopsy x-rays and photographs of assassinated United States President were not "agency records" subject to disclosure under Freedom of Information Act (FOIA), but rather were personal presidential papers subject to restrictions on disclosure contained in deed of gift from president's estate; although materials were created by Navy and initially received by Secret Service, everyone involved in their creation and handling treated them as though they were personal property of president's estate, and Congress specifically exempted materials from disclosure under President John F. Kennedy Assassination Records Collection Act. 5 U.S.C.A. § 552(a)(3), (a)(4)(B); 44 U.S.C.A. § 2107 note.
See publication Words and Phrases for other judicial constructions and definitions.

***1438 **387** Appeal from the United States District Court for the District of Columbia (92cv01024).

***1439 **388** Lucinda A. Sikes, Washington, DC, argued the cause for appellant. With her on the briefs was Michael E. Tankersley, Washington, DC.

Douglas N. Letter, Litigation Counsel, U.S. Department of Justice, Washington, DC, argued the cause for appellee. With him on the brief were Frank W. Hunger, Assistant Attorney General, Eric H. Holder, Jr., United States Attorney, Leonard Schaitman, Attorney, U.S. Department of Justice, and Amy E. Krupsky, Attorney, National Archives and Records Administration, Washington, DC.

Before: EDWARDS, Chief Judge, WALD and RANDOLPH, Circuit Judges.

Opinion for the court filed by Circuit Judge RANDOLPH.

RANDOLPH, Circuit Judge:

D. Mark Katz appeals from the district court's decision, on summary judgment, rejecting his claim that the National Archives and Records Administration violated the Freedom of Information Act, 5 U.S.C. § 552, by failing to honor his request for "any and all photographs relevant to the autopsy" of President John F. Kennedy. Because these items were not agency records under the control of the Archives, we affirm.

I

After President Kennedy's assassination on November 22, 1963, his body was flown to Washington, D.C., and taken to the Bethesda Naval Hospital where federal doctors performed an autopsy. REPORT OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY 59-60 (1964). Navy personnel took photographs and x-rays of the

Copr. © West 1996 No claim to orig. U.S. govt. works

body. Captain J.H. Stover, Commanding Officer of the U.S. Naval Medical School, delivered the exposed photographic film to Roy Kellerman, a Secret Service agent. At the same time, Commander John H. Ebersole, Acting Chief of Radiology, turned over the x-ray film to Kellerman. Vice Admiral George Burkley, the President's personal physician, "accepted and approved" these actions.

Early the next morning, November 23, 1963, Kellerman delivered the exposed photographic and x-ray film to Secret Service agent Robert Bouck at the Executive Office Building. During the next few weeks, Secret Service personnel had the photographic film developed at the U.S. Navy Photographic Laboratory and returned the film and the prints to the Secret Service office in the Executive Office Building. For the next 17 months, the autopsy photographs and x-rays were stored in a safe in the Secret Service office in the Executive Office Building.

On April 22, 1965, Senator Robert F. Kennedy wrote to White House physician Admiral Burkley "authoriz[ing]" him to release to Senator Kennedy's custody "all of the material of President Kennedy, of which you have personal knowledge, and now being held by the Secret Service." Senator Kennedy requested that Admiral Burkley personally accompany the material and turn it over to Evelyn Lincoln at the National Archives. Senator Kennedy further stated that Mrs. Lincoln was not authorized to release the material to anyone without his written permission. At that time, Mrs. Lincoln, who had been President Kennedy's secretary, occupied a courtesy office in the National Archives building, but was not a government employee. Investigation of the Assassination of President John F. Kennedy, Appendix to Hearings Before the House Select Comm. on Assassinations, 95th Cong., 2d Sess., Vol. VII, at 25-26 (1979) ("House Select Comm. Appendix"). The materials, including the photographs and the x-rays, paraffin blocks of tissue samples, blood smears taken during various periods of President Kennedy's life, and other items, were transferred to Mrs. Lincoln in a locked footlocker on April 26, 1965. No key accompanied the footlocker and the contents were not divulged to officials of the Archives.

In November 1965, Congress passed a statute providing for the acquisition of "all right, title, and interest" in evidence pertaining to the assassination. Pub.L. No. 89-318, 79 Stat. 1185 (1965). The statute gave the Attorney General one year to determine which items to acquire and provided a cause ***1440 **389** of action for owners of the items to obtain just compensation.

In September 1966, in response to a letter from Dr. John Nichols, Admiral Burkley stated that all medical records, other than those supplied to the Warren Commission, were "being held under the same conditions as the President's private papers."

In October 1966, Attorney General Ramsey Clark asked Senator Robert F. Kennedy about the government's obtaining the autopsy photographs and x-rays pursuant to the 1965 statute. Senator Kennedy "was not sympathetic to the Government's need to acquire the autopsy material." House Select Comm. Appendix at 28. After "heated negotiations," the Kennedy family agreed to donate the autopsy photographs and x-rays to the United States pursuant to the Presidential Libraries Act (then codified at 44 U.S.C. § 397(e)(1) (1964)). [FN*] House Select Comm. Appendix at 28. The deed's restrictions were "to continue in effect during the lives of the late President's widow, daughter, son, parents, brothers, and sisters, or any of them." Only federal government officials investigating the death of President Kennedy or "recognized expert[s] in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation" of the death of President Kennedy were to be permitted access to the autopsy photographs and x-rays. Burke Marshall-- the Kennedy family representative--was given authority to decide whether an expert seeking access to the materials had the requisite qualifications and purpose. The photographs and x-rays were transferred to officials at the National Archives on October 31, 1966.

FN* The version of the Presidential Libraries Act then in effect required that documents acquired under the Act be held "subject to such restrictions respecting their availability and use as may be specified in writing by the donors or depositors, ... and such restrictions shall be respected for so long a period as shall have been specified...." 44 U.S.C. § 397(f)(3) (1964). These provisions are now codified as amended at 44 U.S.C. §§ 2111(1), 2112(c).

Copr. © West 1996 No claim to orig. U.S. govt. works

In 1992, Congress passed the President John F. Kennedy Assassination Records Collection Act ("JFK Act"), in order to collect all government assassination records in the Archives and to provide for their timely public disclosure. Pub.L. No. 102-526, § 2(b), 106 Stat. 3443 (1992) (codified at 44 U.S.C. § 2107 note (Supp. IV 1992)). In defining what constituted an "assassination record" subject to disclosure, the JFK Act specifically excluded "autopsy records donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those records." Pub.L. No. 102-526, § 3(2), 106 Stat. 3443, 3444 (1992).

II

[1] Under FOIA, an agency must make "agency records" available to the public unless they fall within one of the statutory exemptions. 5 U.S.C. § 552(a)(3), (a)(4)(B). Are the autopsy photographs and x-rays Katz requested "agency records"? To be so considered, an agency of the government must have created or obtained the records; and an agency must "be in control of the requested materials at the time the FOIA request is made." U.S. Dep't of Justice v. Tax Analysts, 492 U.S. 136, 145, 109 S.Ct. 2841, 2848, 106 L.Ed.2d 112 (1989). When Katz submitted his FOIA request, the Archives was not in control of the autopsy x-rays and photographs, or so it argues; the Kennedy family, pursuant to the deed conveying these materials to the federal government, controlled who could see them.

Katz answers that the deed is invalid. His argument is this. When the records were created they were "agency records" under the Records Disposal Act, ch. 5, 57 Stat. 380-83 (1943) (codified as amended at 44 U.S.C. §§ 3301- 3314), because they were "made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business." 44 U.S.C. § 3301. The Navy created the records and the Secret Service received them as part of the official investigation into the death of President Kennedy. The x-rays and photographs never became the property of President Kennedy's estate because the government never alienated these items or transferred its ownership rights in them in accordance with the rather complicated provisions of the Records Disposal Act. Since ***1441 **390** the estate never owned the materials, the deed of gift is not binding on the Archives.

[2] We do not address most of Katz's argument because we disagree with his initial premise. Indeed, we find that the photographs and x-rays were personal presidential materials when they were first created, and therefore at no time were they ever agency records. As a result, we need not consider the validity of the deed of gift.

We determined in Nixon v. United States, 978 F.2d 1269 (D.C.Cir.1992), that before the Presidential Records Act of 1978, Pub.L. No. 95-591, 92 Stat. 2528 (codified as amended at 44 U.S.C. §§ 2201-2207), each President had considered his presidential papers to be his property, which he could freely alienate or even destroy. We did not there say exactly what constituted "presidential papers," and until 1978, there was no legal definition of the phrase. We therefore looked to history, custom and usage, including practices of past Presidents and their families, the treatment of presidential papers by other government officials, and the apparent affirmation of presidential ownership by Congress. Nixon, 978 F.2d at 1277-84.

While the autopsy x-rays and photographs may satisfy the literal definition of "agency records" under the Records Disposal Act--they were "made or received by an agency"--the strong tradition of presidential ownership of their personal papers, the nature of these x-rays and photographs, and their treatment as the property of the estate of the late President demonstrate that the materials were personal presidential papers and not agency records.

The x-rays and photographs are medical records, which are usually considered private. See, e.g., 5 U.S.C. § 552(b)(6) (exempting "medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" from disclosure under FOIA). Everyone involved with the creation and handling of the materials treated them as though they were the property of President Kennedy's estate, which members of the Kennedy family administered. Mrs. Kennedy was given a choice of where she wanted the autopsy to be performed. She chose the Bethesda Naval Hospital because President Kennedy had served in the Navy. Admiral Burkley, the President's personal physician, was present at the autopsy. He personally "accepted and approved" the transfer of

Copr. © West 1996 No claim to orig. U.S. govt. works

the photographic and x-ray film from the Navy doctors to the Secret Service agents. The film was taken to and stored in the Secret Service office in the White House complex, not to Secret Service headquarters or to FBI headquarters.

Out of concern for the Kennedy family's privacy, Chief Justice Earl Warren, who was chairman of the Commission investigating the assassination, made sure that the x-rays and photographs did not become a part of the record of the Warren Commission. He "instructed that the pictures be removed from the commission's file of documents and be made available only with the consent of the Kennedys." G. EDWARD WHITE, EARL WARREN: A PUBLIC LIFE 199-202 (1982).

When Senator Kennedy "authorized" the transfer of the material to Mrs. Lincoln, neither Dr. Burkley nor anyone in the Secret Service hesitated. Senator Kennedy's letter was dated Thursday, April 22, 1965; the files were taken to Mrs. Lincoln the following Monday, April 26, 1965. Mrs. Lincoln was not a government employee at the time. No one at the Archives had access to the x-rays or photographs; no one there had a key to the footlocker; and until the contents were transferred to the Archives under the deed, no one at the Archives even knew what was in the footlocker. In a letter dated September 1, 1966, Admiral Burkley stated that the x-rays and photographs were "being held under the same conditions as the President's private papers."

The 1965 statute, and the actions of Attorney General Clark and the Archives in connection with the statute provide further support for the conclusion that the materials were considered the private property of President Kennedy's estate. The statute provided that the government could acquire title to the material and gave the owners of the material an action for compensation. Attorney General Clark proceeded under this statute, indicating the position of the Department of Justice that the Kennedy estate had ***1442 **391** title to the property. Rather than arguing that the documents belonged to the federal government or simply taking the documents under the 1965 statute, the Attorney General accepted the Kennedy family's donation of the materials to the Archives subject to the terms of the deed.

Some of the materials acquired by the Navy doctors and the Secret Service during the autopsy, including microscopic tissue slides and other tissue samples, were apparently removed by Senator Kennedy between April 1965 and October 1966. House Select Comm. Appendix at 26-33. These items appeared on the inventory of materials transferred to Mrs. Lincoln but were not later transferred to the Archives under the deed. There is no indication that Attorney General Clark ever sought to obtain these tissue samples, or that anyone ever challenged Senator Kennedy's right to remove them.

In addition, the actions of the Archives since the photographs were deeded to the United States support the validity of the deed. For almost thirty years, the Archives has consistently obeyed the requirements of the deed. The Archives has granted access to federal government investigators, including researchers from the 1978 House Select Committee on Assassinations, the 1975 Rockefeller Commission, and a review panel appointed by Attorney General Ramsey Clark in 1968. But the Archives has also denied private researchers access to the x-rays and photographs. Soon after the deed was executed, the Archives denied a FOIA request from Dr. John Nichols. In Nichols' action for injunctive relief, the Tenth Circuit agreed with the Archives that the 1966 deed--not FOIA--governed and that Nichols did not have standing under FOIA to challenge the validity of the deed. Nichols v. United States, 460 F.2d 671 (10th Cir.), cert. denied, 409 U.S. 966, 93 S.Ct. 268, 34 L.Ed.2d 232 (1972).

Congress itself implicitly recognized that the autopsy records were personal presidential papers. It specifically excluded them from disclosure under the JFK Act. The Act defined the phrase "assassination record" broadly to include any record related to the assassination "that was created or made available for use by, obtained by, or otherwise came in the possession of ... any ... office of the Federal Government." Pub.L. No. 102-526, § 3(2), 106 Stat. 3443, 3444 (1992). The only exceptions to this definition are the records governed by the deed. Clearly these records are unique. Congress assumed that the Kennedy estate owned the records, that the deed was valid, and that the terms of the deed offered the best mechanism for providing access to the materials while honoring the intentions of the Kennedy family. According to the Senate Report, the Committee "carefully examined the deed

Copr. © West 1996 No claim to orig. U.S. govt. works

of gift" and concluded that the terms of the deed would "rightfully balance the needs for access by professionals with the privacy protection intended by the terms of the deed." S.REP. NO. 328, 102d Cong., 2d Sess. 22 (1992).

Thus, all agencies and individuals involved in the creation and handling of the x-rays and photographs --the Secret Service, Admiral Burkley, the Archives, Chief Justice Warren, Attorney General Clark, and the Kennedy family--treated these items as though they were the personal property of the Kennedy estate. This understanding and the actions taken consistent with it were essentially ratified by Congress in the 1992 JFK Act. While the mere assumptions of parties might not normally be dispositive, in the absence of any clear statutory, constitutional, or common law guidance and in light of the strong tradition of presidential ownership of personal papers, we believe that the assumption here was warranted.

Because we hold that the autopsy x-rays and photographs were presidential papers and not agency records, we affirm the district court's judgment that the documents are not subject to disclosure under FOIA.

Affirmed.

END OF DOCUMENT

Copr. © West 1996 No claim to orig. U.S. govt. works

UNITED STATES PUBLIC LAWS
103rd Congress - Second Session
Convening January 25, 1994

COPR. © WEST 1994 No Claim to Orig. U.S. Govt. Works

Additions and Deletions are not identified in this document.

PL 103-345 (HR 4569)
October 6, 1994
PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION EXTENSION ACT OF 1994

An Act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

< < 44 USCA § 2107 NOTE > >

SECTION 1. SHORT TITLE.

This Act may be cited as the "President John F. Kennedy Assassination Records Collection Extension Act of 1994".

< < 44 USCA § 2107 NOTE > >

SEC. 2. EXTENSION OF ACT.

Section 7(o)(1) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended--

(1) by striking "2 years after the date of enactment of this Act" and inserting "September 30, 1996"; and

(2) by striking "2-year".

< < 44 USCA § 2107 NOTE > >

SEC. 3. AMENDMENTS RELATING TO REVIEW BOARD POWERS.

Section 7(j)(1) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended--

(1) in subparagraph (E) by striking "and" after the semicolon;

(2) in subparagraph (F) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(G) use the Federal Supply Service in the same manner and under the same conditions as other departments

Copr. © West 1997 No claim to orig. U.S. govt. works

and agencies of the United States; and

"(H) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.".

< < 44 USCA § 2107 NOTE > >

SEC. 4. AMENDMENTS RELATING TO REVIEW BOARD PERSONNEL.

(a) SECURITY CLEARANCE FOR REVIEW BOARD PERSONNEL.--Section 8 of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended by adding at the end the following:

"(e) SECURITY CLEARANCE REQUIRED.--An individual employed in any position by the Review Board (including an individual appointed as Executive Director) shall be required to qualify for any necessary security clearance prior to taking office in that position, but may be employed conditionally in accordance with subsection (b)(3)(B) before qualifying for that clearance.".

(b) APPOINTMENT AND TERMINATION OF STAFF, GENERALLY.--Section 8(b) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended by striking "(b) STAFF.--" and all that follows through the end of paragraph (1) and inserting the following:

"(b) STAFF.--(1) The Review Board, without regard to the civil service laws, may appoint and terminate additional personnel as are necessary to enable the Review Board and its Executive Director to perform the duties of the Review Board.".

(c) REVIEW BOARD ADMINISTRATIVE STAFF.--Section 8(b)(2) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended--

(1) by striking "A person" and inserting "(A) Except as provided in subparagraph (B), a person"; and

(2) by adding at the end the following:

"(B) An individual who is an employee of the Government may be appointed to the staff of the Review Board if in that position the individual will perform only administrative functions.".

(d) CONDITIONAL EMPLOYMENT OF STAFF.--Section 8(b)(3)(B) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended to read as follows:

"(B)(i) The Review Board may offer conditional employment to a candidate for a staff position pending the completion of security clearance background investigations. During the pendency of such investigations, the Review Board shall ensure that any such employee does not have access to, or responsibility involving, classified or otherwise restricted assassination record materials.

"(ii) If a person hired on a conditional basis under clause (i) is denied or otherwise does not qualify for all security clearances necessary to carry out the responsibilities of the position for which conditional employment has been offered, the Review Board shall immediately terminate the person's employment.".

(e) COMPENSATION OF STAFF.--Section 8(c) of the President John F. Kennedy Assassination Records Collection Act of 1992 (21 U.S.C. 2107 note) is amended to read as follows:

"(c) COMPENSATION.--Subject to such rules as may be adopted by the Review Board, the chairperson,

Copr. © West 1997 No claim to orig. U.S. govt. works

without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, may--

"(1) appoint an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule; and

"(2) appoint and fix compensation of such other personnel as may be necessary to carry out this Act.".

< < 44 USCA § 2107 NOTE > >

SEC. 5. TECHNICAL CORRECTION.

Section 6(1) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended in the matter preceding subparagraph (A) by inserting "record" after "the assassination".

Approved October 6, 1994.

PL 103-345, 1994 HR 4569

END OF DOCUMENT

Copr. © West 1997 No claim to orig. U.S. govt. works

FOSTER INFO ≃ p. 20

VWF Biographical Info

all

29D-LR-35063 Sub 17
RTB:rtb

The following investigation was conducted by Special Agent (SA) RUSSELL T. BRANSFORD on 5/2/94 at Washington, D.C.:

A review was conducted of a Special Inquiry file regarding a background investigation on VINCENT WALKER FOSTER Jr., which had been conducted by the FEDERAL BUREAU OF INVESTIGATION (FBI) at the request of the White House. The Special Inquiry had been requested by the White House because FOSTER had been requested to serve as Deputy Counsel to the President. The term "Special Inquiry" connotes a routine background investigation conducted on a candidate or an appointee for a higher level government position. The review of the Special Inquiry file regarding FOSTER was conducted at FBI Headquarters and yielded the following information:

Name:	VINCENT WALKER FOSTER JR.
Date of Birth (DOB):	1/15/45
Place of Birth:	Hope, Hempstead County, Arkansas
Social Security Account Number (SSAN):	429-80-1132
Telephone Numbers:	(Day) (501) 377-0305 (Night) (501) 663-0141
FOSTER's address from 2/79 - 1/93:	5414 Stonewall Road Little Rock, Arkansas 72207 Telephone: (501) 663-0141
Associate of FOSTER:	PHILLIP CARROLL 2424 North Fillmore Little Rock, Arkansas 72207 Telephone: (501) 663-6025 Knew FOSTER for 22 years.
FOSTER's Mother:	ALICE MAE FOSTER 1021 West 14th Hope, Arkansas DOB: 8/11/15 Maiden name: ALICE MAE WADDLE
FOSTER's Father:	VINCENT W. FOSTER DOB: 2/5/11
FOSTER's Children:	VINCENT W. FOSTER III, DOB: [redacted] LAURA B. FOSTER, DOB: [redacted] JOHN B. FOSTER, DOB: [redacted]
FOSTER'S Sisters:	SHEILA F. ANTHONY

FOIA(b)(6)

805

29D-LR-35063 Sub 17
RTB:rtb

The following investigation was conducted by Special Agent (SA) RUSSELL T. BRANSFORD on 5/2/94 at Washington, D.C.:

A review was conducted of a Special Inquiry file regarding a background investigation on VINCENT WALKER FOSTER Jr., which had been conducted by the FEDERAL BUREAU OF INVESTIGATION (FBI) at the request of the White House. The Special Inquiry had been requested by the White House because FOSTER had been requested to serve as Deputy Counsel to the President. The term "Special Inquiry" connotes a routine background investigation conducted on a candidate or an appointee for a higher level government position. The review of the Special Inquiry file regarding FOSTER was conducted at FBI Headquarters and yielded the following information:

Name:	VINCENT WALKER FOSTER JR.
Date of Birth (DOB):	1/15/45
Place of Birth:	Hope, Hempstead County, Arkansas
Social Security Account Number (SSAN):	429-80-1132
Telephone Numbers:	(Day) (501) 377-0305 (Night) (501) 663-0141
FOSTER's address from 2/79 - 1/93:	5414 Stonewall Road Little Rock, Arkansas 72207 Telephone: (501) 663-0141
Associate of FOSTER:	PHILLIP CARROLL 2424 North Fillmore Little Rock, Arkansas 72207 Telephone: (501) 663-6025 Knew FOSTER for 22 years.
FOSTER's Mother:	ALICE MAE FOSTER 1021 West 14th Hope, Arkansas DOB: 8/11/15 Maiden name: ALICE MAE WADDLE
FOSTER's Father:	VINCENT W. FOSTER DOB: 2/5/11
FOSTER's Children:	VINCENT W. FOSTER III, DOB: [redacted] LAURA B. FOSTER, DOB: [redacted] JOHN B. FOSTER, DOB: [redacted]
FOSTER'S Sisters:	SHEILA F. ANTHONY

FOIA(b)(6)

3900 Macomb Street, N.W.
Washington, D.C.
DOB: [redacted]

FOIA(b)(6)

SHARON F. BOWMAN
5510 Sherwood Road
Little Rock, Arkansas
DOB: [redacted]

FOSTER's Spouse: ELIZABETH BRADEN FOSTER
DOB:
POB:
SSAN: [redacted]
Date of Marriage: 4/20/68 at
Nashville, Tennessee

FOSTER'S Education:

9/63-5/67
Attended DAVIDSON COLLEGE,
Davidson, North Carolina.
Graduated 5/67 with A.B. degree.

9/67-6/68
Attended VANDERBILT UNIVERSITY
School of Law.
No degree awarded.

2/69-1/71
Attended UNIVERSITY OF ARKANSAS
School of Law, Fayetteville,
Arkansas.
Graduated 1/71 with J.D. degree.

FOSTER'S Employment:

1/71-2/93
Employed at Rose Law Firm (RLF),
Little Rock, Arkansas as a partner.
Was actually reflected in RLF
personnel files as having been hired
as a full-time employee on 2/8/71.
Resigned from RLF in 1/93 and was a
senior member at the time.

The file reflected that a foreign exchange student, LUCA DALIA TORRE, a citizen of Switzerland, had formerly lived with the FOSTER family. However, as of 2/12/93, when FOSTER completed his form SF-86, Questionnaire for Sensitive Positions, the student was no longer residing with the FOSTERS.

FOSTER responded "No" to a question regarding whether he had experienced problems on or off the job because of any emotional or mental condition. FOSTER also responded "No" to a question of whether he had ever seen a health care professional for any of the types of problems mentioned above in the form, i.e., problems involving emotional or mental conditions.

People who knew FOSTER well and were named in the report included the following:

WILLIAM DAVID WATKINS
Director of Administration and Management
The White House
WATKINS stated that he had known FOSTER for more than 40 years and he described FOSTER as a good friend.

LORAINE WOLFE CLINE
5212 Stratford Road
North Little Rock, Arkansas
Telephone: (501) 758-2258
CLINE was FOSTER's secretary when he was employed at the Rose Law Firm.

DAVID KNIGHT
Chief Legal Counsel
Stephens, Incorporated
111 Center Street
Little Rock Arkansas
KNIGHT stated that he had worked with FOSTER at the Rose Law Firm. He also said that he had formerly jogged with FOSTER for several years.

A credit bureau report, dated 2/2/93, was in the file and reflected the following accounts for FOSTER:

FIRST USA
Account # 7126105510
201 North Walnut Street
Wilmington, Delaware 19801
Account balance: 0

SAKS FIFTH AVENUE
Account # 29176914
450 West 15th Street
New York, New York 10011
Account balance: 0

BROOKS BROTHERS
Account # 289978866
1120 Avenue of the Americas
New York, New York 10036
Account balance: 0

DILLARDS DEPARTMENT STORE
Account # 297371030985
Post Office Box 52005
Phoenix, Arizona 85072
Telephone: (501) 376-5380
Account balance: Paid account

AMERICAN EXPRESS
Account # 37280
770 Broadway
New York, New York 10003
Account balance: $3187

J.C. PENNEY
Post Office Box 31
Shawnee Mission, Kansas 66201
Telephone: (913) 677-8600
Account balance: 0

MONTGOMERY WARDS/MWCC
Account # 1271050503742380
Post Office Box 29116
Shawnee Mission, Kansas 66201
Telephone: (913) 789-2024
Account balance: 0

TOYOTA MOTOR CREDIT
Account # 70402300261170001
600 Emerson Road, Suite 3
Creve Coeur, Missouri 63141
Account balance: $30761

SECURITY NATIONAL BANK
Account # 442860800005
Credit line closed-customer's request.
Account balance: 0

SIMMONS BANKCARD
Account # 46100015305548660
Post Office Box 6609
Pine Bluff, Arkansas 71611
Telephone: (501) 541-1000
Account balance: 0

SEARS
Account # 687129816603
Post Office Box 29600
New Orleans, Louisiana 70129
Telephone: (504) 254-3960
Account balance: $100

NEIMAN MARCUS
Account # 4017702444394442
1201 Elm Street, 27th floor
Dallas, Texas 75270
Telephone: (214) 761-2700
Account balance: 0

HAROLDS
Account # 3050107232
765 Asp Street
Norman, Oklahoma 73070
Account balance: 0

M.M. COHN COMPANY
Account # 20701629
300 South University
Little Rock, Arkansas 72205
Telephone: (501) 666-3550
Account balance: $150

DINER'S CLUB
Credit line closed-consumer's request.
Paid satisfactorily.

CHEVRON USA
Account # 9242370980
200 Diamond Boulevard, #12
Concord, California 94524
Account balance: $3

FIRST FEDERAL SAVINGS OF ARKANSAS
Account # 129531170
401 West Capitol Avenue
Little Rock, Arkansas 72203
Telephone: (501) 372-3200
Account balance: no figure provided.

CELLULAR ONE
Account # 2150 000 0250 06479
5509 North Pennsylvania
Oklahoma City, Oklahoma 73112
Account balance: 0

FIRST COM (sic) MORTGAGE
Account # 17904434523
Post Office Box 626
Little Rock, Arkansas 72203
Account balance: $70817

DILLARD'S DEPARTMENT STORE
Account # 29678885
Post Office Box 486
Little Rock, Arkansas 72203
Account balance: $3399

STATE FIRST NATIONAL BANK
Account # 4301 1000 0010 5029
Box 8000, State Line
Texarkana, Arkansas 75502
Telephone: (501) 773-4541
Account balance: $2014

Inquiries regarding FOSTER's credit history were made to the credit bureau by the following entities:

CHARLES SCHWAB & COMPANY, INCORPORATED
101 Montgomery Street
San Francisco, California 94104

WORTHEN NATIONAL BANK
Post Office Box 1681
Little Rock, Arkansas 72203
Telephone: (501) 378-1323

F 013587

VINCENT W. FOSTER, JR.

Born: Hope, Arkansas; January 15, 1945

Family: Married to Lisa Braden Foster; three children

Addresses:	Residence	Business
	5414 Stonewall Little Rock, AR 72207 (501) 663-0141	Rose Law Firm 120 East Fourth Street Little Rock, AR 72201 (501) 375-9131

Employment:

Member
Rose Law Firm
Little Rock, Arkansas 72201

Associated with Rose Law Firm since 1971
Member since 1974
Executive Committee 1980-1985, 1988-90
Chair 1983-1985

Education:

A.B., Davidson College, North Carolina, 1967
Vanderbilt University School of Law, 1967-68
J.D. with high honors, University of Arkansas (at Fayetteville) School of Law, 1971
Senior Scholars Award (graduated first in School of Law class of 1971)
Managing Editor, *Arkansas Law Review*

Professional Associations and Honors:

Pulaski County Bar Association

President, 1981-82
Board of Directors 1980-83
Lawyers' Award 1979
Lawyer of the Year Award 1990
Chair, Long Range Planning Committee 1983-85

Arkansas Bar Association

Executive Council 1987-88, 1992
Chair, 1987-88
House of Delegates 1973-76, 1990-
Golden Gavel Award 1977
Golden Gavel Award 1986
Golden Gavel Award 1988
Golden Gavel Award 1990
Charles L. Carpenter Memorial Award 1991
Chair, Annual Meeting Committee 1989-90

210-DC-00004526

F 013588

Chair, Jurisprudence and Law Reform Committee 1985-87, 1988-
Chair, Legal Aid Committee 1974-77
Chair, Legislative Policy Committee, 1987-88
Delegate, Arkansas Judicial Council 1980-83, 1985-86, 1987-
Member, Task Force on Committees 1989-92

American College of Trial Lawyers

Fellow since 1987

American Board of Trial Advocates

Associate since 1988

The American Inns of Court Foundation

Judge William R. Overton Inn of Court

Master of the Bench 1988-
Executive Committee 1991-

Arkansas Bar Foundation

Fellow since 1983
Board of Directors 1990-
Trust Committee 1986-
Special Projects Committee 1986

Arkansas IOLTA Foundation

Board of Directors 1990-
Secretary, 1992-

American Bar Association

Arkansas Trial Lawyers Association

Executive Committee, Litigation Section 1991-92

The Best Lawyers in America, 1993-94

Top Grade, Arkansas Bar Exam; March, 1971

Civic Organizations and Public Appointments:

Legal Services of Arkansas, Inc.
Board of Directors, 1979-87
Chair, 1983-85

210-DC-00004527

F 013589

Pulaski County Legal Aid Bureau (now
Central Arkansas Legal Services, Inc.)
Board of Directors 1973-75
Vice Chair, 1975

Chair, Arkansas Advisory Council
Legal Services Corporation
1976-1980

Member, Little Rock Motion Picture and
Television Commission, 1984-89

Arkansas Repertory Theatre
Board of Directors, 1986-92
Chair, 1988-90
Secretary, 1987-88

Other:

Chair, Platform Committee, Arkansas State
Convention of Democratic Party, 1982

Arkansas Finance Council, Democratic
National Committee, 1992

National Lawyers Council, Democratic
National Committee, 1992

Advisory Group, Eastern District of
Arkansas (Drafting Committee for "Your
Day In Court")

F 116911

VINCENT FOSTER, JR.
PERSONAL INFORMATION

5414 Stonewall Road
Little Rock, AR 72207
(501)663-0141

Car phone: 681-5671
American Airlines Advantage
No. 3966808

American Bar Association
No. 29898900 KG
#1 Club Membership No. 15953117
Member since 1971

American Express
3728-04617-81009
Expires 8/94

Arkansas Bar Association
Bar I.D. No. 71031
March 31, 1971

Arkansas BC/BS
Contract No. 318120
Group No. 000118-9

Arkansas Supreme Court Enrollment
No. 71031

Avis Delta
AWD#A/K817600
1(800)831-8000

CLE I.D. No. 71031

Continental Travel Bank
9276270
Delta Crown Room
No. 0123615486
Expires 4/30/

210-DC-00004588

Delta Frequent Flyer
No. 0123615486

Drivers License
No. 0057-3761
Expires 1/31

F 116912

First Federal Joint A/C
NO. 99200453242652

Hertz Express
No. 7464160
1(800)654-3131
Hertz #1 Club
No. 15953117
Express Service #3117
ABA CDP#13000

Hilton Hotels
No. 23710411

Master Card
Airacademy National Bank
No. 5371 7485 00025063

Northwest Airlines
#091-171-710

Passport
No. 081506299

Payroll I.D. No. 20

Social Security
No. 429-80-1132

Taxpayer ID No. 71-0561188

TWA Airlines
No. W15971863

United Airlines
No. 00095829481

U.S. Airlines
No. 302-121-525

Visa
No. 4019030001934114 ✓ cay
Expires 9/93

Worthen Trust A/C
No. 8906-623-0

210-DC-00004589

F 116913

Michigan:
The Surf
Epworth Heights
Ludington, Michigan 49431
(616)845-6697

Fax to: Epworth Administration Office
1161 North Shore Drive
Ludington, Michigan 49431

Phone: (616)843-8011
Fax: (616)845-1084

Quick Print (616 845-7030
Ludington, Michigan
FAX (616)843-3022
Mon.--Fri. $4 1st page $1 add. page

Lewis Drug Store (616)843-3291
Ludington, Michigan
FAX (616)843-1718
Mon.--Sat.
$1 per page

210-DC-00004590

F 116914

Elizabeth (Lisa) Braden Foster

Birthday [redacted]

Social Security
No. [redacted]

[redacted] FOIA(b)(6)

Maid - Runnell (501)490-0391

Lisa Foster Frequent Flyer Numbers

[redacted]

210-DC-00004591

F 116915

Vincent W. Foster, III
Sigma Chi House
Box 29091
TCU Station
Fort Worth, Texas 76129
(817)924-0475
Summer '92
Home 924-6458
Work 332-3566

[redacted]

[redacted]

Birthday [redacted]

Social Security
No. [redacted]

FOIA(b)(6)

210-DC-00004592

RLL01C76.WP5
011193

F 116916

Laura Braden Foster
Vanderbilt University
Box 3111 Station B
Nashville, TN 38235

For Packages:
Room 2222 Scales House
Vanderbilt Place

[redacted]

Birthday [redacted] FOIA(b)(6)

Social Security No. [redacted]

210-DC-00004593

RLL01C76.WP5
011193

F 116917

John Brugh Foster

Birthday [redacted]

Social Security
No. [redacted]

[redacted]

FOIA(b)(6)

FN#23

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	-30502

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

M

On Thursday, August 22, 1993, Detective Pete Markland and I responded to the White house to meet with Special Agents Scott Salter and Dennis Condon of the FBI to conduct interviews. The purpose of the interviews were to reconstruct the final hours of Vincent Foster's life.

Myself and Special Agent Condon interviewed Ms. Betsy L. Pond; Staff Assistant to Bernard Nussbaum, Chief Counsel for the White House. The interview took place in an office that was unoccupied for the day. Present in the room during the entire interview were Clifford Sloan; associate counsel to Nussbaum, and Paul Imbordino; assistant Special Agent in Charge, Office of Protective Operation, U.S. Secret Service. Clifford Sloan took notes throughout the interview. During the interview Bernard Nussbaum burst into the room and demanded "is everything all right?"

We started the interview at approximately 0900 hours. Ms. Pond got in to work at around 0900 hours on Tuesday, July 20th. Usually there is a staff meeting of the counsel's office from 0900 to 0945 hours each morning that Vincent Foster would attend. She assumed he was at the staff meeting as she didn't see him when she arrived at work. She first recalled seeing him outside in the Rose Garden. The President was nominating Judge Freeh at the ceremony as the new director of the FBI.

She doesn't recall Vincent Foster having any visitors on Tuesday. The first conversation she had with him was about lunch around 1200-1230 hours. He said he would eat at his desk. He ordered a medium rare cheeseburger, french fries and coke. She and Linda Tripp went to the cafeteria and ordered his lunch. She recalled there were M & M's on the tray with the food because Linda wanted them. He sat on his sofa and ate lunch in his office.

At around 1300 hours he came out of the office and stated "I'll be back, there are M & M's left in my office". Ms. Pond recalled that she and Linda were in the office when he left. She wasn't sure if Tom was in the office or not. Tom Castleton is a young college graduate working in the office. There was nothing unusual about his emotional state. In fact, over the last several weeks she did not notice any changes, either physically or emotionally. She noticed no weight lost. She was unaware of him taking any medication or seeing any doctors. I asked here would she be surprised if I found out he was seeing a psychiatrist. She said yes. She was not aware of any depression problems. She had no information whether he owned any weapons.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES ☐ NO	☐ LATENTS ☐ PHOTOS			PAGE 1 OF 2 PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER / BADGE/ID / DATE	15 INVESTIGATOR / BADGE/ID / DATE	16 SUPERVISOR / BADGE/ID / DATE
F 001256	Charles W. Hume Cpt. Charles Hume #852 8/4/93	Mary B. Hulse 843 8/6/93

U.S.GPO:1992-0-625-524/41193

covering for her for FOSTER, who was still in his office. FOSTER came out of his office and looked at the cafeteria menu, choosing a hamburger. TRIPP left him with TOM CASTLETON while she went to get his lunch. She dumped a whole handful of M&M candies on his tray as a pleasantry. When she returned CASTLETON was gone. FOSTER asked her what took her so long and said he had sent CASTLETON to go find her. TRIPP was surprised that FOSTER would send CASTELTON to look for her because she had not been gone very long. FOSTER seemed in a rush. He sat at his couch, eating and reading the newspaper. He removed the onions from his hamburger, which struck TRIPP as odd in retrospect. She couldn't understand why he would do that if he was planning to commit suicide. It did not make sense to her that he might be worried about his breath if that were the case. TRIPP does not know if FOSTER likes or dislikes onions. She had never ordered lunch for him before and made a mental note of his preference at the time in case she ever ordered lunch for him again.

Shortly after she left him eating and reading the newspaper FOSTER came out of his office with his jacket on and empty-handed. He said, "There are lot's of M&Ms left in there. I'll be back." There was nothing unusual about his demeanor and he did not seem distressed. TRIPP advised that it was FOSTER's habit to carry his briefcase with him when he traveled to and from work. When he left the office at shortly after 1:00PM he did not have anything with him. TRIPP did not know where he was going and it was not appropriate for her to ask him. He did not have any appointments noted on his office calendars or that anybody knew about.

Some time during the afternoon NUSSBAUM casually asked where FOSTER was, and POND, GORHAM, and TRIPP discussed whether or not they should page him and decided against it. TRIPP does not know if NUSSBAUM paged FOSTER. TRIPP left at 5:30 PM. COYLE, the President's secretary, called TRIPP at approximately midnight to notify her about FOSTER's apparent suicide. TRIPP called GORHAM and notified her, and left a message on POND's telephone answering machine in an attempt to notify her. She did not speak to anyone else that night. She arrived the next day at her usual time, approximately 8:00 AM.

She advised that sometime soon after the death, GORHAM told TRIPP that the morning of his death, much earlier than his leaving, FOSTER had placed three pieces of personal correspondence in the outgoing mail. The pieces were definitely

FN # 24

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	- 30502

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

Office Personnel Interviews

The following two people were interviewed at the West Wing of the White House by Detective Markland and Special Agent Salter on 7/22/93. The information provided by these two individuals was brief.

Tom Castleton (Staff Assistant) @ 1000 hours:

Mr. Castleton stated that he worked on 7/20/93 and remembers that Mr. Foster ate lunch at the office, although he could not place the time. Mr. Castleton was present when Mr. Foster left the office after eating lunch and said "So Long". Mr. Foster did not respond and seemed to Mr. Castleton to be "In his own world", focused, disturbed.

Linda Tripp (Executive Assistant) @ 1150 hours:

Ms. Tripp stated that she began her workday on 7/20/93 at 0800 hours. Mr. Foster's demeanor seemed normal to her, however, she had no personal dealings with him on that day.

Ms. Tripp makes it a habit to notice what the staff members are taking with them when they leave the office in order to determine for herself how long she may expect them to be away from the office. Ms. Tripp was absolutely certain that Mr. Foster did not carry anything in the way of a briefcase, bag, umbrella, etc... out of the office.

Investigation continues.

8 WARRANT(S)	9 ☐ LATENTS ☐ PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE 1 OF 1 PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
F 001260			Det. P.W. Markland	#330	8-5-93			

★U.S.GPO:1992-0-625-524/41103

Castleton advised that he last saw Vincent Foster at approximately 1:00 pm on July 20, 1993. He said that Foster had asked Linda Tripp, another Special Assistant in the Counsel's office to pick up lunch for him and bring it to his office. He then sat at the coffee table in his office, ate his sandwich, then took his briefcase and his suit jacket and left the office saying "I'll be back later". Castleton said that it was his belief that Foster was going to a meeting or an appointment. He said that he assumed this because Foster usually did not take his suit jacket when he was going anywhere else within The White House. He also said that Foster seemed to be in good spirits when he left the office. Mr. Castleton said that primarily because of the lunch hour, he (Castleton) and Linda Tripp were the only two persons in the office at the time Foster departed.

Thomas Castleton stated that he knows of no problems of any sort that Vincent Foster had that would have caused him to take his life. He said that he cannot recall Foster mentioning any physical ailments or pain and the only thing physical he can recall was that he either heard Foster say or heard someone else in the office comment that he was losing weight.

Castleton was asked how he felt about Vincent Foster and responded that he "looked up to him" and that he felt that Foster was a "model lawyer". He explained that Foster was restrained, not impulsive, professional, careful, very bright and reflective, and a man who cared greatly for his family. Castleton said that he recalls meeting Foster's wife on one occasion when Foster brought her into the office and introduced her to the workers in the Nussbaum/Foster suite. He said that while he could "just tell" that Foster's family was important to him, he did not feel that he could offer a substantial opinion regarding Foster's relationship with his wife, having only met her one time.

Thomas Castleton said that he does not recall Foster ever discussing any hobbies or leisure time activities although he does recall that Foster took a "short vacation" about a week before his death.

Mr. Castleton was asked who most often visited Foster in his office. He responded that Webb Hubbell, Cliff Sloan, and Steve Neuwirth were seen in Foster's office on a fairly regular basis. He said that he saw Hillary Clinton in Foster's office approximately four times during the five weeks he was employed

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	-30502

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

On Thursday, August 22, 1993, Detective Pete Markland and I responded to the White house to meet with Special Agents Scott Salter and Dennis Condon of the FBI to conduct interviews. The purpose of the interviews were to reconstruct the final hours of Vincent Foster's life.

Myself and Special Agent Condon interviewed Ms. Betsy L. Pond; Staff Assistant to Bernard Nussbaum, Chief Counsel for the White House. The interview took place in an office that was unoccupied for the day. Present in the room during the entire interview were Clifford Sloan; associate counsel to Nussbaum, and Paul Imbordino; assistant Special Agent in Charge, Office of Protective Operation, U.S. Secret Service. Clifford Sloan took notes throughout the interview. During the interview Bernard Nussbaum burst into the room and demanded "is everything all right?"

We started the interview at approximately 0900 hours. Ms. Pond got in to work at around 0900 hours on Tuesday, July 20th. Usually there is a staff meeting of the counsel's office from 0900 to 0945 hours each morning that Vincent Foster would attend. She assumed he was at the staff meeting as she didn't see him when she arrived at work. She first recalled seeing him outside in the Rose Garden. The President was nominating Judge Freeh at the ceremony as the new director of the FBI.

She doesn't recall Vincent Foster having any visitors on Tuesday. The first conversation she had with him was about lunch around 1200-1230 hours. He said he would eat at his desk. He ordered a medium rare cheeseburger, french fries and coke. She and Linda Tripp went to the cafeteria and ordered his lunch. She recalled there were M & M's on the tray with the food because Linda wanted them. He sat on his sofa and ate lunch in his office.

At around 1300 hours he came out of the office and stated "I'll be back, there are M & M's left in my office". Ms. Pond recalled that she and Linda were in the office when he left. She wasn't sure if Tom was in the office or not. Tom Castleton is a young college graduate working in the office. There was nothing unusual about his emotional state. In fact, over the last several weeks she did not notice any changes, either physically or emotionally. She noticed no weight lost. She was unaware of him taking any medication or seeing any doctors. I asked here would she be surprised if I found out he was seeing a psychiatrist. She said yes. She was not aware of any depression problems. She had no information whether he owned any weapons.

8 WARRANT(S)	9	10 TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES ☐ NO	☐ LATENTS ☐ PHOTOS			PAGE 1 OF 2 PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			Charles W. Hume Cpt. Charles Hume	#852	8/4/93		843	8/6/93

F 001256

U.S.GPO:1992-0-625-524/41193

FN # 25

FN # 28 + 29

(3/83) NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	0305012

5 NATURE OF INCIDENT	6 RECLASSIFICATION OF INCIDENT
Death Investigation	Suicide

7 RESULTS OF INVESTIGATION

FOIA(b)(7) - (C)

Jim Ferris

Home phone
Work phone [redacted] - - FOIA(b)(6)

C1

[redacted]

He was questioned over the phone by Detective Markland on July 26, and again by me on August 2. The following is a summary of the information he provided:

On July 20, Ferris was on his way home to Sterling Park, Virginia from Washington, D.C. [redacted] He always takes the George Washington Parkway home from work and drives past Fort Marcy Park. He passed Fort Marcy between 2:45 p.m. - 3:05 p.m. on July 20, 1993. He was driving north on the Parkway in the right lane when he noticed a dark metallic grey, Japanese sedan, cut from the left northbound lane into the right lane and turn abruptly into Fort Marcy. The vehicle was occupied by a single white make who was the driver. He remembered an out-of-state license tag with blue letters, Mid-Western State of Ohio or Arkansas. He recalled the state lettering in the lower right corner. The letters were blue. He thought is was unusual to see an out-of-state vehicle go into Fort Marcy. He was unable to offer any further description of the vehicle or driver.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
ES O	☐ LATENTS ☐ PHOTOS			PAGE 1 OF 1 PAGES

STATUS: ☐ OPEN ☐ SUSPENDED | CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
F 001266			Charles W. Hume Capt. C.W. Hume	#852	8/5/93	Maj. BJ Holly	843	8/6/93

★U.S.GPO:1992-0-625-524/41193

FN # 30

vehicle or, for that matter, the occupant of this car.

In an attempt to refreshen Mr. Ferris' recollection of the specifics of this vehicle and the occupant, interviewing agents related to him comments he furnished to the U.S. Park Police when initially telephonically interviewed. He advised that his observations, as related to the U.S. Park Police, were reported correctly, specifically his initial observations that the license tag on the above sighted vehicle had blue letters and was from a mid-western state, possibly Ohio or Arkansas.

Mr. Ferris was shown a series of photos depicting Mr. Vincent Foster's four door Honda sedan, Arkansas plates RCN-504. After viewing these photographs, Mr. Ferris stated that while this vehicle depicted in the photographs was similar to the vehicle he observed on the George Washington Parkway on July 20, 1993, the license plate was different. He once again reiterated the fact that the license plate he observed had the name of the state located in the lower right hand corner of the plate, further stating that since the Arkansas plate has, in bold letters, the name of the state at the top of the plate, he would have clearly remembered the identification of the state. In response to questions regarding his initial interview with U.S. Park Police officials regarding the possibility of this car having an Arkansas plate, Mr. Ferris stated that he probably informed officials of this fact but after viewing an actual photograph of the Arkansas plate on Mr. Foster's vehicle, was positive that the plate he observed on this particular vehicle contained the identification of the state in the lower right hand corner of the license plate.

Mr. Ferris advised that he is fairly confident that he would be able to identify this particular license plate in the future but stated that since his view of the driver of this vehicle was limited to the back of his head, he would be unable to identify the driver. Furthermore, he advised that he did not view the vehicle in question until it cut in front of his vehicle at the bridge before entering the Fort Marcy Park and lost sight of this particular vehicle once it made its entry on the road that leads to the Fort Marcy parking area.

During the course of this interview, Mr. Ferris referred to a schematic which he had drawn noting the vehicle description and location of sighting on July 20, 1993 as well as a description of this vehicle and details regarding the license

FN # 31-36

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FN # 37

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
GWMP Ft. Marcy	07	20	93	93	- 3052

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

Scene Investigation

FOIA(b)(7) - (C)

Upon my arrival on the scene at approximately 1835 hours, I was advised by Ofc. J. Spetz that the following individuals had been in the area of Ft. Marcy for about the last hour. The individual were identified as:

FRIST, Mark J.
W/M DOB:
Soc. #
Home phone:
Work phone:

FOIA(b)(6)

and

DOODY, Judith L.
W/F DOB:
Soc. #
Home phone:
Work phone:

Mr. Frist and Ms. Doody advised that they had been in the area of Ft. Marcy since approximately 1700 hours. Mr. Frist and Ms. Doody advised that they had not noticed anything unusual. Mr. Frist and Ms. Doody advised that they had been sitting in the wooded area off the south side of the parking lot. I asked Mr. Frist and Ms. Doody what other vehicles were in the area and they advised that when they arrived there had been a small car with a man without a shirt sitting in it, who left shortly after their arrival. They also described a white van with blue lettering, and advised that they observed the driver get out and empty trash. The final vehicle that they observed was a light colored older model car that pulled in next to the deceased vehicle. Mr. Frist said that the driver put the hood up and then walked up into the woods for a while and then returned to his vehicle and left. Mr. Frist and Ms. Doody described the driver as a white male with scrungy hair, but could not provide anything further. Mr. Frist and Ms. Doody were driving a white Nissan with MD. registration WFL 154, which was parked towards the east end of the parking lot. After receiving Mr. Frist's and Ms. Doody's information they were allowed to leave the area.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES ☐ NO	☐ LATENTS ☐ PHOTOS			PAGE OF PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			C. Braun	267	7/20/93			

F 001251

*U.S.GPO:1992-0-625-524/41193

-115-

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 ITEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
GWMP Ft. Marcy	0 7	2 0	9 3	9 3	- 3 0 5 0 2

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

After speaking with Mr. Frist and Ms. Doody, I went to observe the scene of the apparent suicide. After observing the scene of the apparent suicide with Inv. Abt, Inv. Rolla and Identification Technician Simonello, I returned to the vehicle in an attempt to locate identification for the deceased and a suicide note. I obtained identification for the deceased from his wallet. The wallet was located in the interior pocket of the suit jacket lying on the front passenger seat of a gray Honda with Arkansas registration RCN 504. The Arkansas drivers license identified the deceased as:

Vincent W. FOSTER
W/M, DOB: 01/15/45,
Address: 5414 Stonewall Rd.,
Little Rock, Arkansas.

Also, present on the front passenger seat was a White House Identification in the name of Vincent W. Foster. The photographs from both identifications resembled the deceased. In searching the vehicle, I obtained correspondence that gave the following address of 3027 Cambridge Pl., N.W., Washington, D.C., for the deceased. I performed a thorough search of the vehicle and was unable to locate a suicide note.

Due to the fact that White House Identification was recovered, Lt. Gavin was notified and he made notification to the U.S. Secret Service.

After searching the vehicle, the keys to the vehicle could not be located, so Inv. Rolla and myself responded to Fairfax Hospital to recheck the decedents pockets. I located the keys to the vehicle in the decedents right front pants pocket. This set of keys and another set of keys were taken into custody to be held with the rest of the decedent's property.

Investigation continues.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES	☐ LATENTS ☐ PHOTOS			PAGE OF PAGES

13 STATUS: ☐ OPEN ☐ SUSPENDED — CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			C. Braun	267	7/20/93			

4 U.S.GPO:1992-0-625-524/41193

-1116-

F 001252

FN # 38 + 39

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 8/8/94

A physical surveillance was conducted of the parking lot at the headquarters building for the George Washington Memorial Parkway (GWMP), which is located on GWMP just east of the Turkey Run Recreation Area. The surveillance revealed the presence of a bulletin board and two pay telephones for use by the public on the southwest corner of the GWMP Headquarters parking lot. The telephone number for the telephone furthest to the north was (703) 821-9809, and the telephone number for the other telephone was (703) 847-9872

A review of records which had been provided by the Fairfax County Fire and Rescue Department (FCFRD) revealed that the person who called in the initial 911 call to FCFRD about the discovery of the body of VINCENT W. FOSTER, Jr. in Fort Marcy Park, Virginia on July 20, 1993 placed the call from a telephone with telephone number (703) 847-9872.

Investigation on 4/29/94 at Fairfax County, VA File # 29D-LR-35063

by SAs DANA M. GILLIS and RUSSELL T. BRANSFORD RTB:rtb Date dictated 4/29/94

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

which at this particular time would have been a total of five or six at the death scene. However, Fornshill states that he did not observe any of the additional Fire or Rescue employees touch or move the body in any fashion during the period he was at the death scene. Fornshill admitted, however, that he did not "stand at attention" over the body, but moved in the general vicinity of the death scene in order to transmit to U.S. Park Police personnel the status of the death scene. He stated therefore it was a possibility that some of the personnel at the death scene could have touched or moved the body and specifically recalls a short white female who arrived after the EMT personnel being extremely close to the body but once again reiterated that he does not recall seeing anyone physically touch the body.

In addition to the above sighted information relative to the body position, Private Fornshill advised that he did not notice any trampled vegetation or any other indicators that a struggle might have ensued at the death scene and stated that outside of U.S. Park Police and EMT personnel, he did not observe anyone else in the park. He maintained that he was at the death scene for approximately five to seven minutes and departed the death scene upon the arrival of Sergeant Edwards and Officer Fronz Ferstl (USPP). To the best of his recollection, when he departed the death scene area, the two EMT's were still at the death scene but believes the additional two or three Fire and Rescue personnel had departed the area.

Officer Fornshill advised that upon reaching the Fort Marcy parking lot, prior to returning [redacted] he did notice a Honda Accord with Arkansas license plates specifically noting that a man's jacket was neatly folded over the front passenger seat which in his opinion matched the decedent's trousers. Private Fornshill could provide no additional information regarding the death scene or for that matter the investigation which was being conducted in the parking lot at Fort Marcy.

FOIA(b)(7) - (C)

FN #40

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/15/94

Mrs. Jeanne Lynne Slade was interviewed at her place of employment, American College of Emergency Physicians, 900 17th Street, N.W., Suite 1250, Washington, D.C. 20006. She was advised of the identity of FBI Agent William E. Colombell and informed that he wished to speak to her concerning an ongoing investigation into the death of Vincent Foster on July 20, 1993. Mrs. Slade advised that several days after the events of July 20, 1993, she was contacted by telephone by an individual who identified himself as a Park Police Officer; adding that she answered his questions and provided whatever information she had.

Mrs. Slade advised that on the day in question, she left her office at approximately 5:15 p.m. and took her usual route home, proceeding North on the George Washington Parkway. She advised that as she approached Fort Marcy Park, the gas pedal "stopped working" and her car would not accelerate. She stated that she started to coast, coasting as far as she could and ending up approximately 50-60 feet into the entrance ramp leading into Fort Marcy Park. She stated that she was driving her 1987 Mercedes 300E, color dark blue. She advised that she put the emergency flashers on and started walking towards the Fort Marcy parking lot, hoping that there would be a phone located in that area. She stated that another car, occupied by a white male, was also parked off to the right on the entrance ramp leading into the Fort Marcy parking lot. She advised that she had to walk by this vehicle as she approached the parking lot and noticed that the occupant appeared to be looking at some papers or possibly a map.

Mrs. Slade advised that as she walked past this individual, he started his car and then pulled up next to her, adding that they had still not reached the parking lot area. She said this individual inquired if she needed a ride and she declined; she stated that he asked a second time if he could help or give her a ride and she again remarked no, that she was just trying to find a telephone. As best she recalls, this individual proceeded up into the parking lot, turned around, and then drove off in the direction of the GW Parkway. She described the

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency;

individual who offered to give her a ride as a white male, dark hair, thick, well-groomed, summer-type shirt on, possibly plaid color, age 38-42, medium build. She described his vehicle as a late model vehicle, 4-door, color white, possibly a Honda. She was unable to recall any other details.

Mrs. Slade stated that she is quite sure that it was somewhere in the vicinity of 5:45-6:15 p.m. when her car broke down and she pulled into Fort Marcy Park. Mrs. Slade advised that she approached the front area of the parking lot and was unable to locate a phone; she recalls some type of park sign that appeared next to the entrance to a trail leading up into the park. Mrs. Slade advised that at least two cars were in the parking lot and that they were both parked fairly close to one another, not necessarily side by side but within a few spaces of one another. Her recollection was that these cars were parked more or less in front of her as she walked into the lot and were situated in the beginning of the lot, not towards the back of the lot. She stated that she was unable to comment as to whether there were any additional cars located towards the rear of the lot. She stated that she was quite sure that there was no one present in the cars, nor did she observe anyone else in the parking lot area. The only thing that she can recall about these two cars was that one was dark blue and the second was light gray or silver in color. Mrs. Slade stated that she saw no one else, nor did she see any other cars coming into or out of the lot. Mrs. Slade advised that she then walked back to the George Washington Parkway shoulder and proceeded to walk North on the Parkway to the McLean/Chain Bridge exit, where she sought assistance at an Exxon station located on Chain Bridge Road.

Mrs. Slade stated that she did not see any vehicle resembling a white van in the vicinity of the Fort Marcy parking area. She also stated that she did not hear any loud noises or possible gunshots while she was in the Fort Marcy parking lot area.

Mrs. Slade advised that as she was walking North on the GW Parkway, another white male stopped to assist her and she refused. She also recalled that while walking North, she observed several emergency vehicles with sirens sounding heading South on the GW Parkway. Mrs. Slade concluded the interview by providing the following background information:

FN # 41

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

February 24, 1994

TO: David P. Bobzien
County Attorney

FROM: Chief Deputy Mark S. Wheatley
Office of the Fire Chief

SUBJECT: Unit Personnel

The following units are listed with the respective personnel and employee numbers who responded to Incident #932011315 (initial call) and Incident #932011483 (body transport):

#932011315

Engine 1	Ralph Pisani, 47518 James Iacone, 47253 Jennifer Wacha, 47729
Medic 1	Todd Hall, 47395 George Gonzalez, 47252 Richard Arthur, 47552

#932011483

Truck 1	~~James Sutton, 49702~~ Victoria Jacobs William Bianchi, 49369 Andrew Makuch, 47194
Ambulance 1	Roger Harrison, 49571 Corey Ashford, 47581

GAG/evb

EVENT HISTORY
SEGMENT RECORDS

EVENT*NUMBER-*F82011515

COMMAND TIME	HOT ENTRY	COMMAND CODE	TEXT
18:02:26		ENTRY	WHERE 123 RUNS INTO GW PW,3/4 MILE SOUT
19:45:17		ENTRY	H OF THAT,FORT MARCY???,THERE'S SUPPOSE
19:45:17		ENTRY	D TO BE A DEAD BODY LYING NEAR THE LAST
19:45:17		ENTRY	CANNON GUN IN THE PARK ,THIRD PARTY,UN
19:45:17		ENTRY	K IF THIS PERSON IS DEAD OR NOT
18:02:33		UNREC	M01
18:02:41		SUPP	NAME: ADDR: PHON: TEXT: TRYING TO N
19:45:37		DP	OTIFY US PARK PD AS WELL,THEY ARE NOT A
19:45:37		DP	NSWERING PHONE
18:03:05		MCOM	E01 M01
18:03:08		DP	E01 , CH1
18:03:08		DP	M01 , CH1
18:03:28		SUPP	NAME: ADDR: PHON: TEXT: US PARK PD
20:08:33		UTIMEX	IS RESPONDING
18:03:45	*	ENRTE	(070007) E01
18:03:54	*	ENRTE	(076273) M01
18:09:58	*	ONSCNE	(070007) E01
18:10:16	*	ONSCNE	(076273) M01
18:36:46	*	MISC	(076273) M01 , OBVIOUS 10-61,SUICIDE W/
20:17:47	*	TRANS	GUN
18:37:02	*	AOR	(070007) E01 @ 01 11
18:37:18	*	AOR	(076273) M01 @ 01 11
18:40:43		CLOSE	(008134)

EVENT HISTORY
SEGMENT RECORDS

EVENT*NUMBER*=932011483

COMMAND TIME	MDT ENTRY	COMMAND CODE	TEXT
19:45:17		ENTRY	US PARK REQUESTING TRANSPORT OF THE BOD
19:45:17		ENTRY	Y
19:45:31		UNREC	A01
19:45:37		DP	A01 , CH1
19:47:32	*	ENRTE	(070004) A01
19:53:37		BACKER	T01P
20:02:25	*	ONSCNE	(077079) T01P
20:08:33		UTIMEX	A01 ENROUTE TO ONSCENE
20:08:45		UTIMER	A01
20:16:27		ONSCNE	A01
20:17:26	*	TRANS	(070004) A01 25
20:17:29		TRANS	(008134) A01 25
20:17:47	*	TRANS	(070004) A01 25
20:21:27	*	AOR	(077079) T01P @ 01 11
20:30:55	*	ATHOSP	(070004) A01
20:59:28	*	AOR	(070004) A01 @ 18 11
21:18:39		CLOSE	(007682)

Fairfax County Public Safety Communications Center
Fairfax, Virginia
March 9, 1994

FOIA(b)(7) - (C)

Event # 932011315

The following is a transcript of a 9-1-1 telephone call received in the Fairfax County Public Safety Communications Center at 17:59.59 hours on July 20, 1993. The dispatcher is [redacted] at Calltaker Position 11, and the caller is unknown. There is also on this recording a question directed to Dispatcher [redacted] response was recorded on the accompanying transcript. The call ended at 18:04.01 hours.

Dispatcher: Fairfax County 9-1-1. Do you have an emergency?

Caller: Yes ma'am, there's ah, guy that come up to at ah, Turkey Run Park. And reported that there was a dead body at Fort Marcy.

Dispatcher: At where?

Caller: At Fort Marcy Park.

Dispatcher: Where's that?

Caller: That's on GWP Parkway.

Dispatcher: You saw this person?

Caller: Yes ma'am he left outta there, he was in a contractor van.

Dispatcher: He was what?

Caller: He left out in a contractor's van. A white van. And he said it was ah, he just left him down there and ah.

Dispatcher: Okay, where exactly is this dead body supposed to be?

Caller: Supposed to be up there at Fort Marcy at the, where the cannon at.

Dispatcher: Is this a U.S. Park?

Caller: U.S. Park Police. I mean U.S. Park ah, service.

Dispatcher: Okay, hold on a minute.

Dispatcher: Are you getting the dead body? (This question was directed to [redacted] - - - - FOIA(b)(7) - (C))

Dispatcher: Okay, sir.

Caller: Yes ma'am.

Dispatcher: For some weird reason they're not answering, so if you could tell me exactly where this is it would help.

Caller: Ah, its ah, know where 123 runs into the George Washington Memorial Parkway.

Dispatcher: Where ah, hold on a minute, 123 runs into GW Parkway.

Caller: Yes ma'am.

Dispatcher: Okay.

Caller: Okay, ah, its ah, one mile south about three quarters of a mile south and ah, there's a fort there called ah, Fort Marcy. On the Parkway. There's ah, have ah, ah, this is, is a body, this guy told me was a body laying up there by the last cannon.

Dispatcher: Last what?

Caller: Huh?

Dispatcher: There's a body laying near what?

Caller: There's, there's a man laying up there by the last cannon gun.

Dispatcher: Near the, near the last what? I can't understand a word your saying.

Caller: The last cannon gun.

Dispatcher: Cannon.

Caller: Yes, they have cannons up there. Those big guns.

Dispatcher: Oh, okay.

Caller: Uh, huh, at Fort Marcy.

Dispatcher: Okay, you're sure he's dead?

Caller: Huh?

Dispatcher: You're sure he's dead?

Caller: That's what this guy said, ah, ah, I'm taking his word, you know.

Dispatcher: Okay, I'll get a hold of them and I'll send the ambulance, okay?

Caller: Okay.

Dispatcher: Alright.

Park: United States Park (Unintelligible).

Dispatcher: Hi, could you. This is Fairfax County. Can you respond with our ambulance to Fort Marcy Park. Near the last cannon gun there's supposed to be a dead body.

Park: Okay.

Dispatcher: Okay.

Park: Alright.

Dispatcher: Thank you.

Park. Your welcome.

FOIA(b)(7) - (C)

This statement has been typed as recorded by [redacted] on March 9, 1994.

NARRATIVE REPORT

ACCIDENT # 932011315 UNIT #01 SUPP #1 SEQ 1 SITE 901 DATE 07/20/93

I REC. A CALL FOR A POSS. DOA IN THE PARK OFF GW PKWY. WHILE IN ROUTE AS W
GOT ONTO GW PKWY WE SAW A CAR ON THE SIDE OF THE ROAD THAT APPEARED TOBE
K LINC. TWNCAR WHICH HAD WRECKED INTO THE TREES. MINOR AUTO DAMAGE. DRIVER
OKED OK AND WAS WALKING AROUND. AS WE ENTERED THE PARK (FORT MARCY) WE
SSED A LIGHT BLUE MERCEDES W/IT HAZARDS ON. NO OCCUPANT IN VEH. WENT FURTH
R UP IN TO THE PARK AND SAW TWO OTHER VEH. BRWN HONDA.AR TAGS. AND A WHITE
ISSAN W/MD TAGS. NO OTHER PEOPLE IN THE AREA. WE SPLIT OUR CREWS ONE WENT
N THE NORTH TRAIL AND THE OTHER ON THE SOUTH TRAIL. SGT. GONZALEZ AND TECH
LL ALONG W/PARK PD FORSHON WENT UP THE NORTH TRAIL IN SEARCH OF A BODY. WE
ME ACROSS THE FIRST CANNON. I SEARCHED AROUND THIS AREA AND FOUND NOTHING,
I SEARCHED FURTHER TO THE NEXT CANNON

NARRATI[illegible]EPORT

CIDENT # 932011315 UNIT H01 SUPP [illegible] SEQ 2 SITF 901 DATE 07/20/93

O FOUND A DEAD MALE W/SUIT PANTS, AND DRESS SHIRT. NO TIE OR COAT. LAYING PINE FEET FIRST DOWN THE HILL. THE FIRST PERSON TO REACH HIM WAS THE TECH DD HALL AND PARK PD. I FOLLOWED SECONDS BEHIND THEM. I THEN ADVISED FX. PS OF THE SITUATION. WE LEFT PARK PD WITH THE VICTIM AND RETURNED OUR EQUIP OUR UNIT. IN DISCUSSION W/PD HE ASKED HOW MANY CARS WERE OUT IN THE PARK G LOT I SAID 3. 1 AT THE ENTRANCE AND 2 IN THE PARKING LOT. WE ARRIVED BAC AT OUR UNIT AND ASSISTED PD. WHILE IN THE PARKING LOT WE LOOKED FOR VEH. W HE INFO. TO RELATE TO THE PT. ONE VEH. STOOD OUT. THE HONDA. WHICH HAD THE MAINING PARTS TO HIS SUIT, HIS COAT AND TIE. PT ASSESSED VISUALLY LIVIDITY D SET IN, POOLING OF BLOOD IN THE EXTREMITIES. PT HAD BEEN DEAD APPROX. 2 HRS. PT HAD A WEAPON IN HIS RIGHTHAND

NARRATIVE REPORT

CIDENT # 932011315 UNIT #01 SUPP . . SEQ 3 SITF 901 DATE 07/20/93

RR PD DID NOT NEED ANY OTHER SERVICES.

20 July 1993

TO: Lt Gavin

FROM: JH Ramsden

SUBJECT: Sequence of calls + transmissions

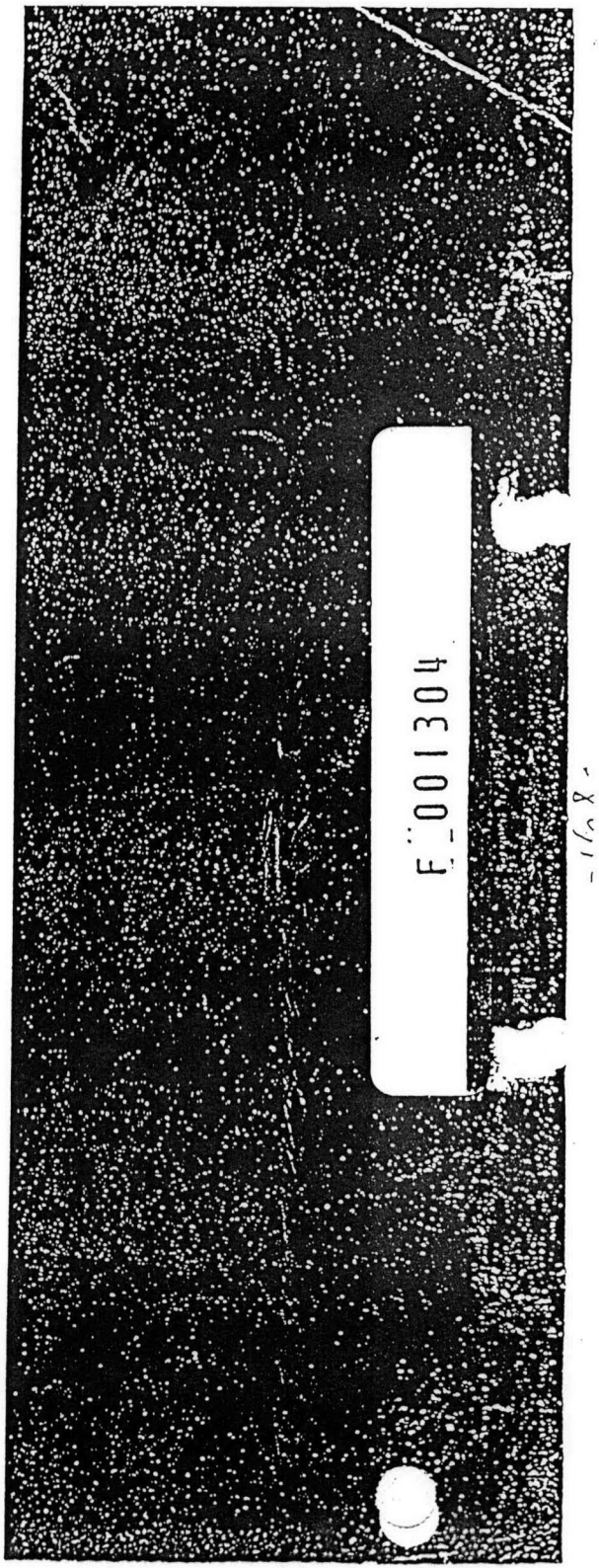
TIME

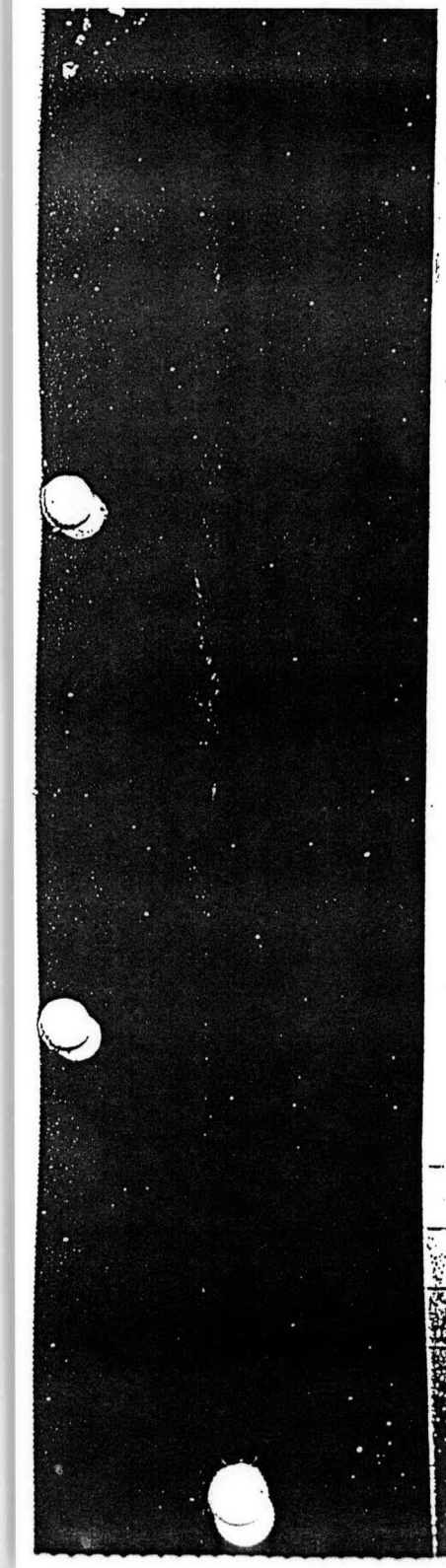
180235 – Fairfax EOC called us to say they had Ambulance enroute to Ft. Marcy for dead body (Sgt. Borden)

180330 – NPS employee called to say a white Contractor-type van pulled into Turkey Run and a w/m advised them of a dead body by the last cannon in Ft. Marcy. Despite repeated requests by Sgt Myers – NPS employee refused to identify himself. (Sgt Myers)

180530 – Call broadcast to 911 (at D-2)

1911 c.i. – 761 arrived at Ft Marcy – Fairfax Fire





Contractor-type van pulled into Turkey Run and a w/m advised them of a dead body by the last Cannon in Ft. Marcy. Despite repeated reqs by Sgt Myers - NPS employee refused to identify himself. (Sgt Myers)

180530 - Call broadcast to 211 (at D-2)

181158 - 261 arrived at Ft. Marcy - Fairfax Fire was already there searching

181432 - 261 found body and asked for CIB

181455 - 31 enroute to Ft Marcy

181509 - 618 enroute to Ft. Marcy

F 001305

-1124-

FN # 44

NARRATIVE REPORT

:1515 UNIT M01 SUP# .1 SEQ 1 SITF 901 DATE 07/20/93

CALL FOR A POSS. DOA IN THE PARK OFF GW PKWY. WHILE IN ROUTE AS W

INTO GW PKWY WE SAW A CAR ON THE SIDE OF THE ROAD THAT APPEARED TOBE

LING. TWNCAR WHICH HAD WRECKED INTO THE TREES. MINOR AUTO DAMAGE. DRIVER

OKED OK AND WAS WALKING AROUND. AS WE ENTERED THE PARK (FORT HARCY) WE

SSED A LIGHT BLUE MERCEDES W/IT HAZARDS ON. NO OCCUPANT IN VEH. WENT FURTH

R UP IN TO THE PARK AND SAW TWO OTHER VEH. BRWN HONDA.AR TAGS. AND A WHITE

ISSAN W/MD TAGS. NO OTHER PEOPLE IN THE AREA. WE SPLIT OUR CREWS ONE WENT

N THE NORTH TRAIL AND THE OTHER ON THE SOUTH TRAIL. SGT. GONZALEZ AND TECH

LL ALONG W/PARK PD FORSHON WENT UP THE NORTH TRAIL IN SEARCH OF A BODY. WE

ME ACROSS THE FIRST CANNON. I SEARCHED AROUND THIS AREA AND FOUND NOTHING,

SEARCHED FURTHER TO THE NEXT CANNON

Gon
Re

FCFRD REPORT
(GONZALEZ)

NARRATIVE REPORT

CIDENT # 932011315 UNIT #01 SUPP .. SEQ 2 SITF 901 DATE 07/20/93

O FOUND A DEAD MALE W/SUIT PANTS. AND DRESS SHIRT. NO TIE OR COAT. LAYING PINE FEET FIRST DOWN THE HILL. THE FIRST PERSON TO REACH HIM WAS THE TECH DD HALL AND PARK PD. I FOLLOWED SECONDS BEHIND THEM. I THEN ADVISED FX. PS OF THE SITUATION. WE LEFT PARK PD WITH THE VICTIM AND RETURNED OUR EQUIP OUR UNIT. IN DISCUSSION W/PD HE ASKED HOW MANY CARS WERE OUT IN THE PARK G LOT I SAID 3. 1 AT THE ENTRANCE AND 2 IN THE PARKING LOT. WE ARRIVED BAC AT OUR UNIT AND ASSISTED PD. WHILE IN THE PARKING LOT WE LOOKED FOR VEH. W ME INFO. TO RELATE TO THE PT. ONE VEH. STOOD OUT. THE HONDA. WHICH HAD THE MAINING PARTS TO HIS SUIT, HIS COAT AND TIE. PT ASSESSED VISUALLY LIVIDITY D SET IN, POOLING OF BLOOD IN THE EXTREMITIES. PT HAD BEEN DEAD APPROX. 2 HRS. PT HAD A WEAPON IN HIS RIGHTHAND

NATIONAL PARK SERVICE

CRIMINAL INCIDENT RECORD

PARK RANGER/TECH | JUVENILE CASE

2 ORGANIZATION CODE	3 SYSTEM AREA	4 LOCATION CODE	5 YEAR	CASE/INCIDENT NUMBER
3960	United States Park Police	2422	93	0305022

6 LOCATION OF INCIDENT	7 BEAT	8 WHEN DID IT OCCUR?	MO.	DAY	YR.	24 HOUR TIME	HRS.	MIN.	10 DAY OF WEEK
Ft. Marcy (grass area N/O parking lot)	211		07	20	93		18	04	3

11 OFFENSE/INCIDENT CODE	12 NATURE OF INCIDENT	13 WHEN RECEIVED: DATE	TIME
	Death Investigation	7/20/93	1804

COMPLAINANT / WITNESS / VICTIM

14 LAST	FIRST	MI	C V W	15 DATE OF BIRTH	16 PHONE BUSINESS
Ofc. F. Ferstl			X		(301)492-6250
17 ADDRESS NUMBER	**STREET**	**CITY**	**STATE**	**ZIP**	**18 PHONE RESIDENCE**
USPP D-2					
19 LAST	**FIRST**	**MI**	**C V W**	**20 DATE OF BIRTH**	**21 PHONE BUSINESS**
22 ADDRESS NUMBER	**STREET**	**CITY**	**STATE**	**ZIP**	**23 PHONE RESIDENCE**

ARRESTED SUSPECT / OTHER

24 LAST	FIRST	MIDDLE	A S O	25 DATE OF BIRTH	26 PHONE BUSINESS
Unknown					
27 ADDRESS NUMBER	**STREET**	**CITY**	**STATE**	**ZIP**	**28 PHONE RESIDENCE**

29 RACE	30 SEX	31 AGE	32 HGT	33 WGT	34 EYES	35 HAIR	36 HAIR LENGTH	37 HAIR STYLE	38 FACIAL HAIR	39 MARKS/SCARS	40 ARMED WITH

41 HAT	42 COAT/JACKET	43 SHIRT	44 TROUSERS/SKIRT	45 SHOES	46 SOCIAL SECURITY NUMBER	47 PDID

48 LAST	FIRST	MIDDLE	A S O	49 DATE OF BIRTH	50 PHONE BUSINESS
51 ADDRESS NUMBER	**STREET**	**CITY**	**STATE**	**ZIP**	**52 PHONE RESIDENCE**

53 RACE	54 SEX	55 AGE	56 HGT	57 WGT	58 EYES	59 HAIR	60 HAIR LENGTH	61 HAIR STYLE	62 FACIAL HAIR	63 MARKS/SCARS	64 ARMED WITH

65 HAT	66 COAT/JACKET	67 SHIRT	68 TROUSERS/SKIRT	69 SHOES	70 SOCIAL SECURITY NUMBER	71 PDID

VEHICLE

☐ INVOLVED IN CRIME ☐ KNOWN TO OPERATE	73 YEAR	74 MAKE	75 MODEL	76 BODY STYLE	77 COLOR	78 TAG NUMBER	79 STATE	80 IDENTIFYING FEATURES/VIN
		Nissan		4dr	gry/brn	RGN-504	Arkansas	

81	REMOVED TO	REMOVED BY	82
XX IMPOUNDED ☐ STOLEN ☐ RECOVERED ☐ SEIZED	CIB	Raleys	NCIC ☐ TELETYPE ☐ RADIO LOOKOUT ☐

83 ARREST(S) DATE	84 TIME	85 CHARGE(S)	86 COURT DATE	87 VALUE STOLEN	88 VALUE RECOVERED
				$	$

89 ITEM	NARRATIVE: (1) CONTINUATION OF ABOVE ITEMS, INDICATE ITEM NUMBER AT LEFT. INCLUDE ADDITIONAL WITNESSES AND SUSPECTS. (2) INDICATE HOW NOTIFIED OF INCIDENT, DESCRIBE DETAILS OF INCIDENT. (3) DESCRIBE PROPERTY AND ITS VALUE.	90 STL	91 REC	92 PROP	93 VALUE

On 7/20/93 at approximately 1804 hrs, I was dispatched to Ft. Marcy for a reported dead body that was seen in the vicinity of the second cannon which is located N/O the parking lot. Car 261 Ofc. Kevin Fornshill was the first unit to arrive on the scene. Fairfax Co. Medic 1 and Engine 1 arrived on the scene and assisted Ofc. Fornshill in trying to locate the body. Shortly after, Ofc. Fornshill advised that he located the body just north of the second cannon approximately 200 yards N/O the parking lot. Ofc. Fornshill advised that a medic checked the subjects neck for a pulse and that the body had not been moved.

When I arrived on the scene, I observed three vehicles parked in the area. A blue 300E Mercedez 4dr. with Va. registration EZO 317 was abandoned with its hazard lights flashing at the entrance to Ft. Marcy. A white Nissan 4dr with Md. registration WFL 154 was backed in to the 5th parking space from the rear of the parking lot. A gray/brown Nissan 4dr with Arkansas registration RGN-504 was parked in the 4th space from the front of the parking lot.

94 INVESTIGATOR NOTIFIED: Det. Braun

STATUS: ☒ OPEN ☐ SUSPENDED | CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED | 96 DISPOSITION: 1

97 REPORTING OFFICER	BADGE/ID	DATE	98 ASSISTING OFFICER	BADGE/ID	99 SUPERVISOR	BADGE/ID	DATE
Ofc. F. Ferstl	559	7/20/93				845	7/21/93

F 001247

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA: United States Park Police

3 WHEN DID IT OCCUR? MO. 07 DAY 20 YR. 93

4 YEAR 93 CASE/INCIDENT NUMBER 030502

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

NOTIFICATION:

On 07/20/93 at approximately 1815 hours while monitoring channel 2, I heard scooter 261, Off. K. Fornshill, request C.I.B. to respond to Ft. Marcy for a dead body. I advised communications that myself, Inv. Braun and Inv. Abt would be responding. At approximately 1835 hours we arrived at Ft. Marcy.

PRELIMINARY INVESTIGATION:

Upon arrival we met with Lt. Gavin, Off. Ferstle, car 211, Off.Spetz, car 213, and Sgt. Edwards, car 202. After speaking with the officers on the scene, it was determined that we had a white male with an apparent self-inflicted gunshot wound to the head. Off. Ferstle advised that the subject still had the gun in his hand. Off. Ferstle advised that Off. Fornshill was the first unit on the scene with Fairfax Fire and Rescue. Fairfax Fire felt for a pulse in the carotid artery and got none. The body was not moved.

Parked in the fourth spot from the entrance, I observed a 1989 grey Honda Accord, 4 door, with Arkansas license plates RCN-504; expiration 10/93. The registration returned to FOSTER, Jr.,Vincent, at 5414 Stonewall Rd., Little Rock, Arkansas 72207. Off. Ferstle stated that he believed that this vehicle may belong to the decedent. Off. Ferstle stated that the suit coat on the front seat appeared to match the pants of the decedent. I observed that the vehicle was unlocked and that there was a dark blue suit jacket with blue pin stripes and a blue tie on the front passenger seat.

SCENE:

The decedent was located north of the parking lot, approximately one quarter mile at the second cannon. I observed the decedent to be a white male, approximately 45 to 50 years of age with dark hair, graying, and slightly receding. The decedent was laying face up on an embankment in front of the second cannon. The decedent's head was facing east and his feet facing west. I observed blood in his nose and mouth area, on his right shoulder area and underneath his head. The blood on the ground and on his shirt appeared to still be wet. There was no blood spatter on the plants or trees surrounding the decedent's head. I observed a dark colored revolver in his right hand. The decedent's right thumb was still in the trigger guard. After lifting both arms of the decedent, I observed lividity but no rigor mortis.

8 WARRANT(S) ☐ YES

9 ☐ LATENTS ☐ PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12 PAGE 1 OF 2 PAGES

13 STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
F 001249			John C. Rolla	284	07/21/93			

* U.S.GPO:1992-0-625-524/41193

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

SIMINELLO, ROLLA and ABT all walked up to the death scene together.

Sergeant BRAUN stated that the body was lying approximately fifteen to twenty feet in front of "the second cannon" in the center of a steeply sloped path on the downside of a berm or hill. She stated that the head was at the top of the slope, with the body extending down the slope, positioned flat on its back, hands by side. BRAUN stated that there was thick foliage on both sides of the body. To some degree, the foliage extended out over the body, making it difficult to see. BRAUN stated that she recalls seeing a revolver in the right hand, pointing out that she was looking for the gun as she had already been informed that it was a suicide. BRAUN states that she clearly recalls blood in the area of the nose running down the right side of the face; she can't say for sure, but she vaguely recalls some trace of blood around the mouth and also traces of blood on the right shoulder of the shirt. BRAUN stated that by the time she had viewed the body, a heavy concentration of flies were around the mouth, nose and eyes. BRAUN further stated that the head was tilted up and back, with the eyes partially opened, looking straight up towards the sky.

Sergeant BRAUN advised that shortly after arriving at the death scene, Office JOHN ROLLA began taking polaroid pictures; she stated that at approximately the same time or possibly shortly thereafter, PETE SIMINELLO also began taking 35mm photographs. She stated that both ROLLA and SIMINELLO worked their way around the body taking both polaroids and 35mm photographs from various angles. As she recalls, JOHN ROLLA, while taking photographs of the body, discovered a pair of eyeglasses approximately ten feet below the body on the down side of the berm. She stated that to the best of her recollection, this was the only other physical evidence found in the vicinity of the body, adding that she has no recollection of a wine bottle being found near the right side of the body. Sergeant BRAUN recalled specifically looking around the area for any possible suicide note, but found none. Sergeant BRAUN stated that to the best of her recollection, both 35mm and polaroid photos were taken prior to the time that any of the Park Police officers touched or disturbed the body. Sergeant BRAUN advised that at one point prior to her going back down to the parking lot, she observed Officer ROLLA check the pants pockets, both sides and rear, in an effort to find identification or possible suicide

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

(Rev. 3-10-82)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/5/94

Officer CHRISTINE HODAKIEVIC, United States Park Police (USPP), Glen Echo Station (telephone number 301-492-6293) was interviewed at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Washington, D.C. Officer HODAKIEVIC was advised as to the identity of the interviewing agent and informed of the nature of the inquiry. She then provided the following information:

OFFICER HODAKIEVIC advised that shortly after 6:00 p.m. on July 20, 1993, while in an off-duty status and while traveling north on the George Washington Memorial Parkway in her personal vehicle, heard on her police radio that a dead body had been located at Fort Marcy Park. In view of the fact that she was in the proximity of Fort Marcy Park, she responded to this notification, specifically observing an abandoned vehicle on the entrance ramp leading to the Fort Marcy Parking lot. HODAKIEVIC recalls observing a team of three or four EMT personnel in the parking lot, then recalls proceeding to the death scene located at the second cannon at Fort Marcy Park.

OFFICER HODAKIEVIC advised that to the best of her recollection, upon arriving at the death scene, Sergeant EDWARDS (USPP) was basically in charge of the death scene and believes that Officer FRANZ FERSTL was also present. She could not recall any other individuals being present at the time she arrived at the death scene. She does recall being initially briefed by Sergeant EDWARDS, which included being informed that the decedent had a revolver in his right hand, as well as being shown a polaroid photograph of decedent's position at the death scene. She further maintained that after being briefed, she initiated a cursory look at the body from the top of the berm, moving from the left of the decedent's body to the right of the body. She related that in spite of being informed that decedent had a gun in his right hand, it was difficult to actually see the weapon. To the best of Officer HODAKIEVIC's recollection, the decedent was lying on a steep angle, with his head resting just below the crest of a berm. She advised that she did not notice any blood on the decedent's face or on his shirt but recalls his arms being

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency;

FD 3-10-82)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/5/94

Mr. Peter J. Simonello, Identification Technician, United States Park Police (USPP), Annocostia Operations Facility, Washington, D.C. (telephone number 690-5192) was interviewed at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Washington, D.C. Mr. Simonello was advised as to the identity of the interviewing agent and informed of the nature of the inquiry. He then provided the following information.

According to Mr. Simonello, shortly after 6:00 pm on July 19, 1993, he was informed of the location of a dead body at Fort Marcy Park and in his capacity as identification technician for the U.S. Park Police, he responded to this notification arriving at Fort Marcy Park at approximately 6:30 pm.

Mr. Simonello advised that he immediately proceeded to the location of the second cannon at Fort Marcy Park and noted that at the death scene were U.S. Park Police officers Sergeant Edwards, John Rolla, Renee Apt, Frans Ferstl, Cheryl Braun, and Chris Hodakievic. According to Mr. Simonello, no other individuals were at the death scene when he arrived. In his capacity as identification technician, Mr. Simonello advised his activities at the death scene included the following:

Mr. Simonello's initial activities included being briefed by Investigator John Rolla relative to Rolla's initial observations of the death scene to include being advised by Rolla that the decedent had a revolver in his right hand and apparently had died from a self-inflicted gunshot. Mr. Simonello then proceeded to observe the disposition of the body as well as to check the immediate area for any physical evidence specifically verifying that the deceased had a revolver in his right hand. In regards to Mr. Simonello's observations, he advised that the decedent was laying face up with the head upslope resting near the crest of the slope, eyes were slightly open with arms straight at his sides. He specifically recalls blood staining around the chin area and from the nose down the right cheek. Simonello also observed blood along the right side of the decedent's mouth and specifically recalls what he labeled as a

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

wounds, HILL stated that she would have photographed them.

HILL was shown a photograph of the decedent's head, neck, and shoulder area, which was taken during the autopsy. HILL stated that it was an accurate depiction of the appearance of the decedent at that time.

HILL was then shown a series of autopsy photographs which she identified as the ones that she took. HILL stated that the first two photos are dark because she forgot to use the flash on the camera. HILL did not recall the number of photos that she took during the autopsy, but stated that the number would be on the envelope containing the photos, which would be part of the MCL file. HILL did not remember what happened to the photos after she received them from the developing lab. HILL stated that at some point she saw the photos, but doesn't recall when.

HILL stated that she did not take any Polaroid photos during the autopsy.

HILL has not received any calls from news reporters regarding this case.

HILL'S only other involvement in this case was to search the death scene with a metal detector in an attempt to locate the bullet. HILL returned to the death scene on the day after the autopsy with JOHNSON, RULE, and MORRISSETTE. HILL stated that she had never used a metal detector before. HILL searched the area behind where the body was found in a cone-shaped pattern. HILL searched the area for approximately an hour. HILL located pop-tops, money, and some nails, but no bullet. HILL stated that it was very hot outside and the area was simply too big. HILL stated that she located the position of the body by the large blood stain on the ground. HILL searched that area with the metal detector and did not locate any bullets.

HILL did not find out until later, after the autopsy, the official identity of the decedent, and the significance of his position at the White House.

When they returned to the USPP Office, the decedent's clothes were laid out on brown paper on the floor of the photo processing area. The room is not used very much, as all of their photo processing is done by the USPP Photo Processing Laboratory. However, HILL stated that the USPP's MP-4 camera is kept in that

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 4/19/96

JOHN HANCHETTE, International Corespondent, Gannett News Service, 1000 Wilson Boulevard, Arlington, Virginia, telephone 703-276-5854, telephonically furnished the following information:

In July, 1993, HANCHETTE was a reporter for his present employer. On July 21, 1993, he and another reporter, JEFF STINSON, who is now the National Editor with Gannett, traveled to Fort Marcy Park, Virginia, to view the area where the body of VINCENT FOSTER had been found the previous day.

Upon arrival at Fort Marcy Park, HANCHETTE and STINSON attempted to locate the spot where FOSTER's body was found. They first walked to the area of the "fist" cannon. HANCHETTE described the "first" cannon as the cannon located on the left side of the park as you walk into the interior of the park from the parking lot area.

HANCHETTE and STINSON searched the area around this "first" cannon very carefully and could locate nothing to indicate a body had ever been there. They then walked up the hill to the vicinity of the "second" cannon.

HANCHETTE identified this "second" cannon as the cannon located in the far northeast corner of the park. HANCHETTE and STINSON realized this was the death scene when they observed several pairs of rubber gloves in the immediate vicinity of the cannon.

HANCHETTE and STINSON both observed what appeared to be a large blood spot on the footpath directly in front of the cannon, approximately one (1) foot down from the crest of the berm. HANCHETTE described this blood spot as being approximately twelve (12) inches in diameter. HANCHETTE then picked up a stick and stuck it into the blood spot and estimated the blood stain to have been approximately one-eighth inch deep.

HANCHETTE and STINSON then searched the entire area in

the vicinity of the cannon very carefully attempting to locate any other drops of blood, scuff or drag marks. Both had previously heard the rumor that FOSTER had been killed elsewhere and his body placed here after his death. HANCHETTE and STINSON came to the conclusion that FOSTER's body could not have been brought to this location after his death without leaving some type of visible sign and further concluded that this was, in fact, the site of his death.

HANCHETTE and STINSON them conducted a neighborhood inquiry in the vicinity of the park and did not locate anyone who had heard or saw anything unusual the proceeding day. HANCHETTE was not surprised to not find anyone who heard the gunshot because of the muffling effect of the dense vegetation in the vicinity of the death scene.

HANCHETTE and STINSON did not have a news photographer or a personal camera with them when they were in Fort Marcy Park on July 21, 1993.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/4/95

SARA MCNAULL and LASZLO CSIBA, Botanists, U.S. Department of Agriculture, National Arboretum, Washington, D.C. were contacted at the National Arboretum and transported to Ft. Marcy Park. MCNAULL and CSIBA were advised of the identity of the investigating agent, and the purpose for contacting them. Also present was JOHN MCCARRICK of the Office of the Independent Counsel- Whitewater.

MCNAULL and CSIBA studied the plant life at FT. MARCY PARK, specifically the plants in and around the sites of "cannon #1" and "cannon #2" (the location where VINCENT FOSTER'S body was found). MCNAULL and CSIBA were also shown two Polaroid photographs which were taken at the death scene; "Q-97" and "Q-98"; Q-97 had previously been shown on the ABC television news.

CSIBA and MCNAULL positively identified the plants depicted in the photographs. The long thin plant located next to FOSTER'S right hand was identified as "panicum" genus; a type of grass. The large leafy plant on the left side of FOSTER'S body was identified as a "paw paw" plant (ascina triloba). A large brown leaf under FOSTER'S right hand, and partially obscured, was not positively identified. The leaf could be one of several species common to the park; oak, hickory, or paw-paw.

MCNAULL and CSIBA could not locate any magnolia acuminata trees at either cannon #1 or cannon #2. MCNAULL and CSIBA were unable to locate any magnolia trees of any type at Ft. Marcy Park, and stated that they would not expect to find any magnolia leaves due to the absence of magnolia trees.

MCNAULL and CSIBA agreed that the plant life is generally the same at cannon #1 and cannon #2. However, the photographs are more consistent with the cannon #2 area due to the presence of paw-paw trees, which are depicted in the photographs and at cannon #2. MCNAULL and CSIBA were unable to locate paw-paw trees in the immediate area of cannon #1.

MCNAULL and CSIBA collected samples of the following

Investigation on 6/2/95 at Ft. Marcy National Park File # VA.29D-LR-35063

by SA C.L. REGINI Date dictated 6/4/95

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

leaves from the cannon #2 area: chestnut oak, paw-paw, hickory, and another unidentified oak leaf. Additionally, they collected a panicum plant from beside the dirt path leading down the slope from cannon #2.

MCNAULL and CSIBA were returned to the National Arboretum, where a search was conducted of reference files and live trees for a magnolia acuminata. Subsequent to a review of reference materials and a live magnolia acuminata tree, MCNAULL and CSIBA agreed that the unidentified brown leaf in the Polaroid photographs is not a magnolia acuminata leaf. The brown leaf is similar to a magnolia acuminata leaf, but not the same. The magnolia acuminata leaf is generally wider and more oblong at the end. The brown leaf in the photos is thinner and narrower than a magnolia acuminata leaf.

Magnolia trees are not common to this area; they do not occur naturally. Magnolia trees must be planted; they are not native to this area, and will not grow spontaneously. Magnolia trees are difficult to grow in this area; survivability is limited. The National Arboretum has only one magnolia acuminata tree.

FN# 45

which at this particular time would have been a total of five or six at the death scene. However, Fornshill states that he did not observe any of the additional Fire or Rescue employees touch or move the body in any fashion during the period he was at the death scene. Fornshill admitted, however, that he did not "stand at attention" over the body, but moved in the general vicinity of the death scene in order to transmit to U.S. Park Police personnel the status of the death scene. He stated therefore it was a possibility that some of the personnel at the death scene could have touched or moved the body and specifically recalls a short white female who arrived after the EMT personnel being extremely close to the body but once again reiterated that he does not recall seeing anyone physically touch the body.

In addition to the above sighted information relative to the body position, Private Fornshill advised that he did not notice any trampled vegetation or any other indicators that a struggle might have ensued at the death scene and stated that outside of U.S. Park Police and EMT personnel, he did not observe anyone else in the park. He maintained that he was at the death scene for approximately five to seven minutes and departed the death scene upon the arrival of Sergeant Edwards and Officer Fronz Ferstl (USPP). To the best of his recollection, when he departed the death scene area, the two EMT's were still at the death scene but believes the additional two or three Fire and Rescue personnel had departed the area.

Officer Fornshill advised that upon reaching the Fort Marcy parking lot, prior to returning [redacted] he did notice a Honda Accord with Arkansas license plates specifically noting that a man's jacket was neatly folded over the front passenger seat which in his opinion matched the decedent's trousers. Private Fornshill could provide no additional information regarding the death scene or for that matter the investigation which was being conducted in the parking lot at Fort Marcy.

FOIA(b)(7) - (C)

Hall 7/20/94

FOLIOS

went this way, some that way, looking because I was worried. There was only four cannons there so we split up. Me and one of the Park Police, we was together, and I think he pretty much knew the vicinity of the cannons.

Q So you went with a Park Police officer. Do you remember his name?

A No.

Q Any other fire personnel or emergency personnel that went with you and the Park Police officer?

A No. We split up.

Q Did you guys find anything?

A Yes.

Q What?

A We found a body lying in front of the cannon, in front of the bank on the slope.

Q Do you remember which cannon it was near?

A No.

EVENING SESSION

(6:00 p.m.)

BY MR. IVEY:

Q About how far was the body from the cannon?

A The cannon was underneath the slope. The slope

was going up and came down, I'd say no more than five feet.

Q What did you do after you came across the body?

A Well, I was about to go down and check the pulse when the police was going, he was heading back. I was about to check the pulse when I noticed a gun in his hand and I advised the police officer, maybe, I think we have a suicide here. Maybe you better come back. He came back.

Q So you saw the gun?

A Yes.

Q Do you remember which hand it was in?

A The right hand.

MR. IVEY: Can you mark these two for me?

(The document referred to was marked for identification as Deposition Exhibit Number 2.)

(The document referred to was marked for identification as Deposition Exhibit Number 3.)

BY MR. IVEY:

Q Let me break off a second and ask you this question.

observed a path down the slope which was in line with FOSTER's body.

GONZALEZ had a portable radio with him which he used to call the Fairfax County Public Safety Communications Center and advise the dispatcher that a body had been found and the patient was already deceased. GONZALEZ also asked the dispatcher to notify the other group of FCFRD personnel that the patient's body had been found. GONZALEZ and HALL subsequently encountered the other group of FCFRD personnel in the parking lot and directed them uphill to the location of the body.

GONZALEZ currently recalls that almost the entire slope where FOSTER's body had been found was green and there was much more ground cover on it on July 20, 1993 than on the date of this interview.

When GONZALEZ approached to examine FOSTER's body, he observed flies on almost every orifice of FOSTER's face. FOSTER's body was lying in a supine position with the head on the uphill portion of the slope. FOSTER's mouth was open and his eyes were partially open. GONZALEZ observed blood coming out of the right side of FOSTER's mouth in what GONZALEZ now describes as a streak of blood. FOSTER's neck was intact and no puncture wounds or trauma were evident. GONZALEZ did not observe a great deal of blood on FOSTER's face, and the blood which was visible was dark and appeared to have been dry for awhile.

GONZALEZ does not now recall whether he saw HALL check FOSTER's pulse.

GONZALEZ knelt by FOSTER on FOSTER's right side to examine the scene. Both of FOSTER's hands were at his side. GONZALEZ observed a handgun in FOSTER's right hand, but he could only see the cylinder of the gun. GONZALEZ did not see much blood under FOSTER's head but he did not lift the head. FOSTER's head was facing straight forward. GONZALEZ observed blood on the right shoulder of FOSTER's unbuttoned white shirt.

GONZALEZ observed lividity in FOSTER's fingertips. Since FOSTER's clothes were not removed or displaced, GONZALEZ does not know if lividity was visible in FOSTER's legs, back or feet. Based on his previous experience with dead bodies, GONZALEZ estimated that FOSTER had been dead from two to four hours. GONZALEZ did not move any of FOSTER's limbs so he cannot

there was no circulation; however, he does recall basing his conclusion of no circulation on the apparent lividity GONZALEZ noticed in FOSTER'S extremities. GONZALEZ recalls he made his initial assessment from FOSTER'S right side.

GONZALEZ was shown USPP death scene polaroid photographs (marked 85C6 through 85C11 and 85C13 through 85C18). GONZALEZ indicates all of these polaroid photographs are fairly accurate depictions of the death scene as he recalls first observing it.

GONZALEZ selected the polaroid photograph marked 85C11 and indicated the streak of blood from the mouth down the right cheek area as all he recalls seeing on the face. GONZALEZ could not now recall the transfer blood stain on the right cheek/jaw area. GONZALEZ states it is possible the transfer stain was present but his best recollection is he did not observe it when he viewed the body. GONZALEZ recalls the victim's mouth was open wider than shown in this photograph because he recalls looking inside the mouth and seeing a dark pool of blood. GONZALEZ estimates the mouth was less than one-half full of blood.

GONZALEZ also recalls seeing a spot on the right jaw area he originally thought might have been a contact contusion. GONZALEZ stated that since his original FBI interview, he has had an opportunity to view the photographs taken during FOSTER's autopsy and is now convinced there was no wound, contusion or ecchymosis on the victim's right jaw. GONZALEZ is now certain the spot he originally observed in this area and mistook for a wound or contusion was actually a spot of dried blood.

GONZALEZ was then read a portion of his prior interview conducted on February 23, 1994, which states in part, "From visual inspection it was obvious that FOSTER had suffered a gunshot wound to the head." GONZALEZ's intention was to say it was obvious FOSTER had suffered from a gun shot wound based on his observations of a gun in FOSTER's hand; wet and dried blood in and around the mouth; and flies on the mouth, nostrils and face. GONZALEZ further intended to express that although it was obvious from these circumstances that FOSTER had died of a gunshot wound, GONZALEZ never actually saw this wound. GONZALEZ believed this gunshot wound to be somewhere inside FOSTER'S mouth.

GONZALEZ was then read the following statement from his

two EMT personnel, he clearly remembers that the black male EMT approached the body from the body's right hand side, crouching over the decedent's head slightly to the right of the head and specifically noted that the EMT's hands were moving back and forth. Fornshill stated however, that due to the heavy vegetation and the fact that the black EMT had blocked his vision of the body, he could not visually observe the EMT touching the decedent's body. Fornshill advised that it was his opinion that the EMT was attempting to obtain a pulse or check other vital signs but reiterated the fact that he did not observe this EMT physically touch the decedent's body.

According to Private Fornshill, the black EMT while still in a crouch position, informed the other EMT who was to the left of the decedent's body that the person was, in fact, dead. In attempting to recall the specifics of the EMT's activities, Private Fornshill recalls the white EMT bending down over the body and engage in an unrecalled conversation with the black EMT. Private Fornshill stated that he did not observe the white EMT touch the body.

Private Fornshill did advise, however, the black EMT calling to his attention words to the affect that, "we've got a gun here" and pointing in the general direction of the decedent's right hand. Private Fornshill recalls positioning himself to the top right hand side of the body and looking down at the decedent's right hand maintaining however that either due to his position or the intense foliage and overgrown vegetation, he could not observe the weapon in the decedent's hand. He maintained that his attempt to see the weapon was from a distance of approximately 4-5 feet to the top right of the body.

In further determining the activities of the two EMT personnel at the death scene, Private Fornshill reiterated the fact that he did not observe in any form or fashion the EMT personnel touch or roll the body in any manner nor did he observe the EMT personnel place a monitor on the body. In fact, Fornshill stated that after the EMT personnel had pronounced the individual dead, he again observed the body and maintains that the body's position as well as the previously described facial blood had not in any way changed from his initial viewing of the body. During this viewing he still did not notice the weapon in the decedent's hand. Fornshill continued by stating that shortly after the two EMT's arrived at the scene, he recalls two to three additional Fire and Rescue personnel arriving at the death scene

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

hitched or drawn up indicating to him that the body could have slide down the slope. He stated that there were traces of blood stained on the shirt, upper right shoulder area along with traces of what he thought was either vomit or spirited purplish blood wine. He stated that there was also a wine bottle that he described as approximately ten inches in height, tapered top, with the remains of some wine, purplish in color, still contained in the bottle. He stated that the bottle was located on the side of the berm, approximately two and a half feet to the right of the body.

Mr. Kyle stated that he stood directly over the body, looking down, for several seconds, specifically recalling that he looked at both hands. He stated that the arms were down by the body's sides and that the hands were palms up. He stated that while he was not looking for a gun, he has no recollection of there being a gun present in either hand. Mr. Kyle pointed out that upon observing the blood in the vicinity of the mouth and nostrils, the thought entered his mind that someone had hit the person in the head and that was possibly how he had been killed. Mr. Kyle advised that there was extreme dense and heavy foliage in the area and in close proximity to the body and the possibility does exist that there was a gun in his hand that he might not have seen. Mr. Kyle stated that he did not, in any way, touch or disturb the body. He stated that he did not attempt to walk down the bank or approach the body from either side, nor did he go to the lower part of the bank and observe the body from that point looking upward. He stated that as best he recalls from his vantage point on the top of the berm, the foliage and brush at the bottom of the berm or slope (approximately fifteen feet below the body) was trampled down as if the individual might have been walking or pacing in that area. Prior inspection of the area by the FBI within the past two weeks concluded that a walking path had been worn in the berm from the front of the cannon down the berm and into the woods joining up with other walking paths that criss-cross the wooded area of the park. Mr. Kyle stated that based on his recollection, there was no walking path down the berm on July 30, 1993 and the area was heavily overgrown with foliage. He again reiterated that his only close point of observation of the body was from a position directly above the head at the top of the berm looking down at the body with the tip of his right foot approximately thirty to thirty-six inches from the top of the head. Kyle stated that the

OIC-302 (Rev. 8-19-94)

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 9/25/95

BERYL FRANKLIN ANTHONY, JR., was interviewed at the law offices of SWIDLER & BERLIN, 3000 K Street, NW. ANTHONY was interviewed in conjunction with Deputy Independent Counsel MARK TUOHEY, and Associate Independent Counsels HICKMAN EWING and BRETT KAVANAUGH. Also present for the interview was Attorney JAMES HAMILTON of SWIDLER & BERLIN. ANTHONY was advised of the identities of all the individuals that were present, and the purpose for the interview. ANTHONY then provided the following information:

ANTHONY was formerly a United States Congressman for 14 years, and also worked as a prosecutor and defense attorney.

ANTHONY stated that VINCE FOSTER was right-handed.

ANTHONY knew VINCENT FOSTER, JR. for most of his life. ANTHONY first became acquainted with FOSTER when he began dating FOSTER's sister, SHEILA.

ANTHONY stated that FOSTER's reputation was "the highest possible." FOSTER was often "put on a pedestal" by those around him. FOSTER's reputation was built on his integrity.

FOSTER was sought out by clients for his courtroom ability. However, FOSTER also gave alot of time for charitable events.

FOSTER excelled at everything he did, and his reputation was unimpeachable.

VINCENT and LISA FOSTER were social friends with the CLINTONs. ANTHONY stated that he is unaware of any legal counsel FOSTER provided to the CLINTONs. ANTHONY recalled that FOSTER was excited about the election, and the idea of being close friends with the newly elected President. FOSTER was honored to be selected as the Deputy White House Counsel.

FOSTER was frustrated with the politics of

Investigation on 4/11/95 at Washington, D.C. File # 29D-LR-35063

by SA C.L. REGINI CLR:sla Date dictated 7/26/95

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 7/27/95

SHEILA FOSTER ANTHONY, sister of VINCENT WALKER FOSTER, JR., was interviewed in the offices of SWIDLER & BERLIN, 3000 K Street, NW. ANTHONY was interviewed in conjunction with Deputy Independent Counsel MARK TUOHEY and Associate Independent Counsels HICKMAN EWING and BRETT KAVANAUGH. Also present for the interview was attorney JAMES HAMILTON of SWIDLER & BERLIN. ANTHONY was advised of the identities of all the individuals that were present, and the purpose for the interview. ANTHONY then provided the following information:

ANTHONY reviewed the results of her prior interview in this case of 4/28/94. ANTHONY stated that there was nothing material to correct in the FD-302, although she did note some minor inconsequential misstatements.

ANTHONY stated that VINCENT FOSTER, JR. was right-handed.

FOSTER was interested in coming to D.C. to work in the Federal Government during the CLINTON administration. He had originally expressed interest in a position at the Department of Justice, and asked her for information. Eventually, FOSTER accepted a job as the Deputy White House Counsel. The position did not require FOSTER to interact with the media, which he was thankful for; FOSTER was reserved, and preferred to avoid high profile situations.

FOSTER never specifically discussed issues that he was working on. However, ANTHONY was generally familiar with the type of work that FOSTER was doing and some of the general matters that he was tasked to handle. For example, ANTHONY knew that FOSTER was working on identifying nominees for the position of Attorney General.

While FOSTER lived in D.C. without his family, ANTHONY rode to work with him in the morning. FOSTER rarely returned home with her in the evening; he generally worked later.

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 9/4/95

ELIZABETH "LISA" BRADEN FOSTER was interviewed at the offices of Swidler & Berlin, 3000 K St. NW, by Independent Counsel Kenneth Starr, Deputy Independent Counsel Mark Tuohey, Associate Independent Counsel Hickman Ewing, and Associate Independent Counsel Brett Kavanaugh. Also present during the interview was LISA FOSTER'S attorney, James Hamilton of Swidler & Berlin.

LISA FOSTER was advised of the nature and purpose for the interview by Independent Counsel Kenneth Starr. At various times during the interview, LISA FOSTER requested that certain statements be kept confidential to protect her family's privacy. Per direction of Independent Counsel Kenneth Starr, those statements were not documented.

LISA FOSTER stated that she is convinced that her husband committed suicide; VINCENT FOSTER (who shall be denoted throughout this document as FOSTER) was not murdered. LISA FOSTER does not specifically know the reasons why her husband took his life, and is not sure that she will ever know for certain. However, LISA FOSTER has no doubts regarding the suicide finding, and stated that she simply wants to go on with her life. LISA FOSTER expressed her discontent regarding the continued misinformation and exaggeration in the media, and its effect on her family and children.

LISA FOSTER stated the VINCENT FOSTER, JR. was right-handed.

The FOSTERS rented their home in Little Rock to Candy and Bill Lyle. LISA FOSTER left Little Rock during June 4th and 5th of 1993. The Lyles moved into the residence immediately after she left. There were some items that were left in the residence; one of the bedrooms was used as storage for the FOSTERS' items. There were some boxes of FOSTER'S containing items from his office at the ROSE LAW FIRM, some of these boxes were transported to D.C. LISA FOSTER stated that there was "no mystery" relating to these boxes, it was simply "stuff" from his office. There was

of the elements of depression. VINCENT FOSTER was not in his right mind. As a result of his depression, VINCENT FOSTER was not the same person.

BRUGH FOSTER had no recollection of his father shooting any handguns.

BRUGH FOSTER stated that he was fairly certain that his father was right-handed.

BRUGH FOSTER reiterated that he was excited about moving to Washington, D.C. He had no regrets about leaving Little Rock and coming to D.C. His father told him that he would not have to go if he did not want to. BRUGH FOSTER was looking forward to attending Sidwell Friends School, and stated that it was a great opportunity.

BRUGH FOSTER stated that his father committed suicide because he was extremely frustrated and did not see any way out of his problems. VINCENT FOSTER was extremely bitter and depressed over the media and politics of D.C.

At the conclusion of the interview, BRUGH FOSTER was shown the Colt revolver which was found in the hand of VINCENT FOSTER at the time of his death. BRUGH FOSTER stated that he does not specifically recognize the gun, and is unable to identify it as one of his grandfather's handguns.

LAURA FOSTER stated that her father was right-handed.

LAURA FOSTER had no knowledge of anyone named CRAIG LIVINGSTONE.

LAURA FOSTER had no specific information regarding a road map that was found in the Honda sedan on the day of her father's death. LAURA FOSTER stated that the family had lots of maps of the District of Columbia.

LAURA FOSTER recalled that a friend of hers named JENNIFER PIERCE, who was an intern at the White House, came over to the family's residence the following evening to express her condolences and to talk with LAURA about her father's death.

VINCENT FOSTER, III stated that his father was not a Civil War enthusiast.

VINCENT FOSTER, III cannot recall how he learned of the note that his father had written.

VINCENT FOSTER, III stated that his father "got along" with BERNARD NUSSBAUM, his boss at the White House Counsel's office. However, VINCENT FOSTER, JR. did not agree with the way that all of the matters at the White House Counsel's office were handled. BERNIE NUSSBAUM was a "different type of a lawyer" than VINCENT FOSTER, JR. was used to working with.

VINCENT FOSTER, III was unaware of any sleeping problems that his father had during this time. Additionally, he had no knowledge of his father taking any medication.

There was generally a normal amount of tension at the FOSTER home between family members. VINCENT FOSTER, III stated that there was nothing really uncommon about the family members' relationships to each other; there was the usual amount of family bickering. Additionally, there were concerns and difficulties regarding [redacted] FOIA(b)(6)

VINCENT FOSTER, III was unfamiliar with CRAIG LIVINGSTONE. VINCENT FOSTER, III did recall someone trying to get rid of the news media that were in front of the FOSTER house on the morning of July 21, 1993.

VINCENT FOSTER, III stated that he thought that his father killed himself because he "lost it." VINCENT FOSTER, JR. did not maintain a healthy perspective on life; he tended to blow little things ways out of proportion.

VINCENT FOSTER, III stated that his father was right-handed.

FN # 46

ROLLA's first actions at the death scene were to photograph the body. ROLLA took some polaroid photographs and SIMONELLO took 35mm photographs. ROLLA identified a "transfer pattern" of blood in photographs from the scene. ROLLA stated that someone must have moved the head, probably the EMT's when they were checking the body for vital signs.

ROLLA observed apparent gun powder residues on the decedent's right hand. ROLLA does not recall looking at the decedent's left hand.

ROLLA was shown a photograph of an unidentified person wearing a white shirt and latex gloves at the death scene. ROLLA stated that he is not sure, but that it's very possible that the individual depicted in the photograph is him. ROLLA stated that he was wearing a short-sleeve, white shirt and latex gloves; exactly what the individual in the photograph is wearing. However, due to the poor quality of the photo, ROLLA was unable to make a completely positive identification.

ROLLA thought that he had taken polaroid photographs of the back of the decedent's body, subsequent to the rolling of the body. However, ROLLA stated that he had talked to APT and came to the conclusion that he did not. ROLLA had no explanation for why he did not take any additional photographs of the back of the body.

ROLLA recalled that the decedent's body slid down the hill when he attempted to roll it. ROLLA stated that the coroner was present at that time.

ROLLA advised that he moved the left arm of the decedent; he picked it up and then dropped it, checking for rigor mortis. ROLLA advised that he did not roll the body until Dr. HAUT (coroner) arrived at the scene. ROLLA advised that he also touched the back and around the head of the decedent looking for an exit wound. ROLLA felt the exit wound at the back of the decedent's head. ROLLA advised that there was a pool of blood underneath the head. ROLLA had to pry the hair of the decedent apart in order to locate the exit wound. The coroner did not touch the body at all. The decedent was subsequently wrapped into a sheet and placed in a body bag. Prior to being placed in the bag, ROLLA searched the decedent's pockets for keys and identification, as well as anything else that may be of value for the investigation. ROLLA stated that he missed the keys in the

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

SIMONELLO PG 2

MOBILE CRIME LAB REPORT SUPPLEMENT

CASE/INCIDENT: Death Investigation
CASE NO: 30502-93
INCIDENT LOCATION: Ft.Marcy
DATE: 7-20-93
DISTRICT/FIELD OFFICE: D-2
TIME: 1804
REPORTING OFFICER: Ferstl
MCL#: 166-93
C.I.B. INVESTIGATOR:

RESULTS OF INVESTIGATION At the scene the following observations were made by the undersigne Approximately 20 feet west of the canons axle the body of a white, male,45 -50yrs.,neat appearance,dressed in a white shirt,bluegrey slacks,black dress shoes,was laying face up with the head upslope in an east - west alignment.There was blood staining around the chin area and from the nose down the right cheek.Blood stains also were found on the right shoulder and neck area as well as the right ribcage area of the shirt.The victim's arms were at his sides and the victim had his right hand on a black revolver.The right thumb was trapped between the trigger and inside front edge of the trigger guard.A cursory examin of the victim's hands for blood spatter evidence revealed one droplet on the right index finger, above the second joint.No discernible forward or back spatter blood evidence on the victim's shirtsleeves.I observed dark residue along the edge of the right index finger facing the thumb between the thumb's joint and finger tip.Approximately 13 ft.downslope from the victim's feet(west) I observed a pair of prescription glasses laying on the ground

After photographing the victim I removed the revolver from the victim's right hand. The victim's hand was flexible with little or no rigor.The thumb was wedged between the trigger and front inside edge of the trigger guard indicating that the hammer was in the cocked position prior to the thumb being inserted.The revolver and pair of glasses were collected as evidence.

The coroner arrived at 1940 hrs. When the body was turned onto its stomach I observed a large area of blood pooled where the head had been resting.The area was photographed and probed for the expended round with negative results.I also observed a larger area of blood where the victim's back had been,coinciding with blood stains on the back of shirt. The pooled blood was beginning to show signs of coagulation.

The body was taken by The McLean VFD unit V4.I transported the weapon to the ID lab where I unloaded it and documented its information and condition onto a USPP Firearms Examinati Report (form USPP 123).I then wrapped the barrel in brown paper secured with rubber bands preserve any blood spatter,blowback,gunpowder residue,hairs,fiber,or tissue evidence.Weap placed in sealed evidence bag in the evid.locker to await submission to the FBI labs.

ID TECHNICIAN DATE SUPERVISOR Sgt. C.G. Ferstl DATE 7/28/93

F 001142

FN #47

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FN # 49

which at this particular time would have been a total of five or six at the death scene. However, Fornshill states that he did not observe any of the additional Fire or Rescue employees touch or move the body in any fashion during the period he was at the death scene. Fornshill admitted, however, that he did not "stand at attention" over the body, but moved in the general vicinity of the death scene in order to transmit to U.S. Park Police personnel the status of the death scene. He stated therefore it was a possibility that some of the personnel at the death scene could have touched or moved the body and specifically recalls a short white female who arrived after the EMT personnel being extremely close to the body but once again reiterated that he does not recall seeing anyone physically touch the body.

In addition to the above sighted information relative to the body position, Private Fornshill advised that he did not notice any trampled vegetation or any other indicators that a struggle might have ensued at the death scene and stated that outside of U.S. Park Police and EMT personnel, he did not observe anyone else in the park. He maintained that he was at the death scene for approximately five to seven minutes and departed the death scene upon the arrival of Sergeant Edwards and Officer Fronz Ferstl (USPP). To the best of his recollection, when he departed the death scene area, the two EMT's were still at the death scene but believes the additional two or three Fire and Rescue personnel had departed the area.

Officer Fornshill advised that upon reaching the Fort Marcy parking lot, prior to returning [redacted] he did notice a Honda Accord with Arkansas license plates specifically noting that a man's jacket was neatly folded over the front passenger seat which in his opinion matched the decedent's trousers. Private Fornshill could provide no additional information regarding the death scene or for that matter the investigation which was being conducted in the parking lot at Fort Marcy.

FOIA(b)(7) - (C)

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/10/94

Officer FRANZ JOSEF FERSTL, U.S. Park Police (USPP) was advised of the identities of FBI Agents WILLIAM E. COLOMBELL and LAWRENCE J. MONROE. He was further advised that the agents wished to interview him regarding his knowledge of events surrounding the death of VINCENT FOSTER at Fort Marcy Park on July 20, 1993.

FERSTL advised that on July 20, 1993, he was working a 2:00-10:00 p.m. shift and was responsible for patrol of the George Washington Parkway. At approximately 6:15 p.m., the USPP dispatcher instructed him to proceed to Fort Marcy Park to investigate the report of a dead body. Enroute to the park, another officer, Officer FORNSHILL, also came on the radio stating that he was responding also.

FERSTL stated that he arrived at the park at approximately 6:30 p.m., and he remembers a disabled Mercedes at the entrance to the lot. He stated that as he drove into the parking lot, he saw a late model, light-colored car that he later learned was FOSTER's vehicle. He stated that there was a second vehicle towards the back of the parking lot. To the best of his recollection, when he arrived, the only other USPP officer present in the park was Officer FORNSHILL, adding that FORNSHILL had already headed up into the park itself looking for the body. Officer FERSTL stated that Fairfax emergency vehicles were already on the scene and emergency personnel were searching the park in an effort to find the body.

FERSTL stated that he made his way up to where the body had been located, stating that when he arrived, the only persons present were Officer FORNSHILL and one or two Fairfax County medics. FERSTL advised that he can't recall if the emergency technicians were in the process of checking the body for life signs or whether they had already done that. FERSTL stated that he did not see Officer FORNSHILL or the medical technicians touch or move the body in any manner. FERSTL advised that he did take a look at the body from a position at the top of the berm, looking down at the body from approximately three to five feet

---

Investigation on 5/2/94 at Dumfries, VA File # 29D-LR-35063

by SSA William E. Colombell
SSA Lawrence J. Monroe WEC:deg Date dictated 5/6/94

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

from the top of the head. He stated that he did not move down the berm or approach the body from the sides or from the bottom of the berm. FERSTL advised that he observed a small amount of blood around the mouth, adding that the blood did not appear fresh. FERSTL did not recall any blood coming from the nose, nor did he recall any blood on the shirt. He stated that the head was pointed straight up toward the sky and the eyes were open. FERSTL advised that he did see a weapon in the victim's right hand, adding that he had already been told by Officer FORNSHILL that there was a gun in the hand, so he was probably looking for it.

FERSTL advised that the body was clad in a white dress shirt, no tie, dress pants, dark in color. He stated that the shirt was very clean and he does not recall any blood stains or dirt stains on the shirt.

FERSTL pointed out his primary responsibility was to secure the crime scene. He added that as soon as he took a look at the body, he returned to his police cruiser, obtained police crime scene tape, and then returned to the death scene and taped off the area. In doing this, Officer FERSTL stated that he did not see any other evidentiary items in the area and did not see any signs indicating that there had been a struggle. He specifically stated that he did not see any wine bottles or other debris in close proximity to the body. FERSTL advised that when he returned to the scene a second time, Officer FORNSHILL was still present; to the best of his recollection, the Fairfax medical people were in the process of returning to the parking lot. FERSTL advised that he also took several polaroid photos of the crime scene, adding that he is not sure if he did the photography or taping first. He stated that to the best of his recollection, on returning a second time to the death scene, the body appeared to be in the identical position it was when he first observed it.

FERSTL stated that to the best of his recollection, he took approximately seven photos; he cannot recall if he initialed or dated them, but he does not believe he did so. FERSTL advised that at some point, Sergeant EDWARDS arrived at the death scene. He thinks it was after he had taped off the area and taken the polaroid shots. FERSTL was not sure who he gave the polaroid photos to, stating that it was either Sergeant EDWARDS or one of the other investigators. FERSTL advised that USPP Investigators

SIMONELLO recalls ROLLA going through the pockets of the decedent, looking for any evidence or identification after the photographs had been taken. SIMONELLO does not recall ROLLA moving the body to go through the decedent's pockets.

SIMONELLO remembers taking additional 35 mm pictures after the body was rolled while the medical examiner was present. SIMONELLO is not sure, but he may have taken polaroids in the parking lot area as well. SIMONELLO stated that the gun that the decedent had in his right hand could not be readily removed. The decedent's thumb was stuck in the trigger guard. The trigger of the gun was wedged up against the decedent's thumb. SIMONELLO had to ease back the hammer in order to release the trigger and free the weapon. SIMONELLO noticed indentations on the decedent's thumb and hand from the trigger and trigger guard of the revolver.

SIMONELLO stated that everything he observed at the death scene indicated to him that it was an apparent suicide.

SIMONELLO noticed no signs of a struggle; there was no disturbance of any of the undergrowth, and the decedent's clothes were neat; there were no tears or rips in the clothing.

SIMONELLO was then shown a photograph of an unidentified person in a white short-sleeve shirt taken at the death scene. SIMONELLO stated that he thought that the individual in the photograph was Detective JOHN ROLLA. The individual in the photograph was pictured with a pair of latex gloves on his hands. SIMONELLO stated that he recalls giving ROLLA a pair of latex gloves at the death scene.

SIMONELLO did not notice any apparent wounds to the decedent's body when he first observed him. When the coroner arrived, the body was rolled. A wound was located on the back of the decedent's skull. SIMONELLO specifically recalls observing blood on the right side of the neck of the decedent, but that there were no wounds at that location, simply external blood which appeared to have come from the nose and mouth. Additionally, after the body was rolled, SIMONELLO observed a large blood pool under the head of the decedent and on the back of the decedent's shirt. SIMONELLO reiterated that he thinks that he took 35 mm photographs of this.

The eyeglasses that SIMONELLO retrieved were pointed

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FN #50

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	0305 02

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

NOTIFICATION:

On 07/20/93 at approximately 1815 hours while monitoring channel 2, I heard scooter 261, Off. K. Fornshill, request C.I.B. to respond to Ft. Marcy for a dead body. I advised communications that myself, Inv. Braun and Inv. Abt would be responding. At approximately 1835 hours we arrived at Ft. Marcy.

PRELIMINARY INVESTIGATION:

Upon arrival we met with Lt. Gavin, Off. Ferstle, car 211, Off.Spetz, car 213, and Sgt. Edwards, car 202. After speaking with the officers on the scene, it was determined that we had a white male with an apparent self-inflicted gunshot wound to the head. Off. Ferstle advised that the subject still had the gun in his hand. Off. Ferstle advised that Off. Fornshill was the first unit on the scene with Fairfax Fire and Rescue. Fairfax Fire felt for a pulse in the carotid artery and got none. The body was not moved.

Parked in the fourth spot from the entrance, I observed a 1989 grey Honda Accord, 4 door, with Arkansas license plates RCN-504; expiration 10/93. The registration returned to FOSTER, Jr.,Vincent, at 5414 Stonewall Rd., Little Rock, Arkansas 72207. Off. Ferstle stated that he believed that this vehicle may belong to the decedent. Off. Ferstle stated that the suit coat on the front seat appeared to match the pants of the decedent. I observed that the vehicle was unlocked and that there was a dark blue suit jacket with blue pin stripes and a blue tie on the front passenger seat.

SCENE:

The decedent was located north of the parking lot, approximately one quarter mile at the second cannon. I observed the decedent to be a white male, approximately 45 to 50 years of age with dark hair, graying, and slightly receding. The decedent was laying face up on an embankment in front of the second cannon. The decedent's head was facing east and his feet facing west. I observed blood in his nose and mouth area, on his right shoulder area and underneath his head. The blood on the ground and on his shirt appeared to still be wet. There was no blood spatter on the plants or trees surrounding the decedent's head. I observed a dark colored revolver in his right hand. The decedent's right thumb was still in the trigger guard. After lifting both arms of the decedent, I observed lividity but no rigor mortis.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES	☐ LATENTS ☐ PHOTOS			PAGE 1 OF 2 PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
F 001249			John C. Rolla	284	07/21/93			

*U.S.GPO:1992-0-625-524/41193

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	0305 02

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

Addendum 08/05/93

The decedent was dressed in a white long sleeve button down dress shirt, white undershirt, dark blue dress pants with blue pin stripes, black dress shoes, black socks and a black belt. The decedent was wearing a Seiko watch with a gold colored face and brown leather band on his left wrist; a silver colored metal ring with a white stone on his right ring finger; a gold colored metal ring, band type, on his left ring finger. The inscription "E.B.B. to V.W.F. 4/20/68" was on the inside of the ring. The decedent also had a Motorola Bravo style pager on his right side waist area. The letters WHCA were inscribed on the side. The pager was turned off. A pair of brownish colored plastic framed glasses were found approximately thirteen feet west of the decedent.

At approximately 1940 hours, Faifax Co. Coroner Donald Haut arrived on the scene and examined the decedent. I rolled the decedent over and observed a large blood stain three quarters down the back of the decedent's shirt. I observed trauma to the center portion of the back of the decedent's head. The skull appeared to be fractured from the inside out. McLean VFD M1 and Fairfax Co. engine 1 responded to the scene to transport the decedent to Fairfax Hospital.

After further investigation of the Grey Honda Accord, a brown leather wallet with an Arkansas driver's permit to Vincent Foster,Jr. was located in the suit jacket inside pocket. This and other photo identifications for Vincent Foster were inside of the wallet. The photos on the identifications appeared to be of the decedent. A White House identification badge with photo to Vincent Foster was located on the front passenger seat under the suit jacket. Cleared the scene at approximately 2045 hours.

NOTIFICATION:

At approximately 2200 hours Inv. Braun and myself responded to the residence of Vincent Foster, at 3027 Cambridge Pl., NW, D.C., to make notification to his family. Inv. Braun and myself brought W. David Watkins, an associate and personal friend of Mr. Fosters with us to make notification to Mr. Foster's wife Elizabeth Foster. Also present during notification was Mr. Foster's daughter, Laura. During notification, Mr. Foster's two sisters arrived with other members of the White House Staff. Mrs. Foster nor other relatives or friends were able to provide any insight as to why Vincent Foster would take his life. Cleared at 2310 hours.

Investigation continues.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES	☐ LATENTS ☐ PHOTOS			PAGE 2 OF 2 PAGES

STATUS: ☒ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			John C. Rolla	284	08/05/93			

F 001250

* U.S.GPO:1992-0-625-524/41193

FN# 51

...MENTAL CRIMINAL INCIDENT ...CORD

1 JUVENILE CASE ☐

3 WHEN DID IT OCCUR?	MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
	07	20	93	93	- 30502

...estigation

6 RECLASSIFICATION OF INCIDENT

...ULTS OF INVESTIGATION

After speaking with Mr. Frist and Ms. Doody, I went to observe the scene of the apparent suicide. After observing the scene of the apparent suicide with Inv. Abt, Inv. Rolla and Identification Technician Simonello, I returned to the vehicle in an attempt to locate identification for the deceased and a suicide note. I obtained identification for the deceased from his wallet. The wallet was located in the interior pocket of the suit jacket lying on the front passenger seat of a gray Honda with Arkansas registration RCN 504. The Arkansas drivers license identified the deceased as:

Vincent W. FOSTER
W/M, DOB: 01/15/45,
Address: 5414 Stonewall Rd.,
Little Rock, Arkansas.

Also, present on the front passenger seat was a White House Identification in the name of Vincent W. Foster. The photographs from both identifications resembled the deceased. In searching the vehicle, I obtained correspondence that gave the following address of 3027 Cambridge Pl., N.W., Washington, D.C., for the deceased. I performed a thorough search of the vehicle and was unable to locate a suicide note.

Due to the fact that White House Identification was recovered, Lt. Gavin was notified and he made notification to the U.S. Secret Service.

After searching the vehicle, the keys to the vehicle could not be located, so Inv. Rolla and myself responded to Fairfax Hospital to recheck the decedents pockets. I located the keys to the vehicle in the decedents right front pants pocket. This set of keys and another set of keys were taken into custody to be held with the rest of the decedent's property.

Investigation continues.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES	☐ LATENTS ☐ PHOTOS			PAGE OF PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			C. Braun	267	7/20/93			

* U.S.GPO: 1992-0-625-524/41193

F 001252

note. She stated that ROLLA, in doing this, did move the body slightly, possibly rolling it to its right and left. Sergeant BRAUN pointed out that Officer ROLLA, in checking the pockets, did not discover the car keys, adding that she and he later had to go to Fairfax Morgue where she recovered the car keys in the right pants pocket.

Sergeant BRAUN advised that at some point, she and Officer SIMINELLO went back to the parking lot to check the car, adding that she took several polaroid pictures and Officer SIMINELLO took 35mm photos of the car. She stated that she began a search of the car and found a suit jacket with a wallet inside and White House identification on the front passenger seat. BRAUN stated that she advised another officer to call the Shift Commander and inform him of this new development while she continued to search the car. She advised that approximately thirty minutes passed whereupon she learned that the Shift Commander had never been notified and she then, herself, called, advising him of the White House identification at approximately 7:30-7:45 p.m. Sergeant BRAUN stated that at about the time she was completing the search of the car, the coroner and ambulance arrived to remove the body and take it to Fairfax County Hospital (morgue). She advised that she did not learn until later that MR. FOSTER was a Deputy White House Counsel.

Sergeant BRAUN advised that while she and Officer ROLLA were in route to the hospital in an attempt to retrieve the keys from the body, she was contacted by the Shift Commander with instructions to call a White House Official named DAVID WATKINS, a friend of the FOSTER family who wanted to accompany the police officers to the FOSTER home when the family was notified of his death. Sergeant BRAUN stated that she and Officer ROLLA did telephonically contact WATKINS, agreeing to pick him up at his home prior to going to the FOSTER residence. Sergeant BRAUN advised that she and ROLLA were again contacted by the Shift Commander by car phone with follow-up instructions to call a White House Official named KENNEDY. She stated that upon calling KENNEDY, he requested that he and a MR. LIVINGSTONE of the White House be permitted to view the body at Fairfax Hospital. To the best of her recollection, either she or JOHN ROLLA called the hospital, identifying themselves as Park Police and instructing the hospital officials to let a MR. KENNEDY and LIVINGSTONE view the body but not to disturb or remove any objects.

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 ITEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
United States Park Police	07	20	93	93	0305012

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

Addendum 08/05/93

The decedent was dressed in a white long sleeve button down dress shirt, white undershirt, dark blue dress pants with blue pin stripes, black dress shoes, black socks and a black belt. The decedent was wearing a Seiko watch with a gold colored face and brown leather band on his left wrist; a silver colored metal ring with a white stone on his right ring finger; a gold colored metal ring, band type, on his left ring finger. The inscription "E.B.B. to V.W.F. 4/20/68" was on the inside of the ring. The decedent also had a Motorola Bravo style pager on his right side waist area. The letters WHCA were inscribed on the side. The pager was turned off. A pair of brownish colored plastic framed glasses were found approximately thirteen feet west of the decedent.

At approximately 1940 hours, Faifax Co. Coroner Donald Haut arrived on the scene and examined the decedent. I rolled the decedent over and observed a large blood stain three quarters down the back of the decedent's shirt. I observed trauma to the center portion of the back of the decedent's head. The skull appeared to be fractured from the inside out. McLean VFD M1 and Fairfax Co. engine 1 responded to the scene to transport the decedent to Fairfax Hospital.

After further investigation of the Grey Honda Accord, a brown leather wallet with an Arkansas driver's permit to Vincent Foster,Jr. was located in the suit jacket inside pocket. This and other photo identifications for Vincent Foster were inside of the wallet. The photos on the identifications appeared to be of the decedent. A White House identification badge with photo to Vincent Foster was located on the front passenger seat under the suit jacket. Cleared the scene at approximately 2045 hours.

NOTIFICATION:

At approximately 2200 hours Inv. Braun and myself responded to the residence of Vincent Foster, at 3027 Cambridge Pl., NW, D.C., to make notification to his family. Inv. Braun and myself brought W. David Watkins, an associate and personal friend of Mr. Fosters with us to make notification to Mr. Foster's wife Elizabeth Foster. Also present during notification was Mr. Foster's daughter, Laura. During notification, Mr. Foster's two sisters arrived with other members of the White House Staff. Mrs. Foster nor other relatives or friends were able to provide any insight as to why Vincent Foster would take his life. Cleared at 2310 hours.

Investigation continues.

8 WARRANT(S)	9	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12
☐ YES	☐ LATENTS ☐ PHOTOS			PAGE 2 OF 2 PAGES

STATUS: ☒ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			John C. Rolla	284	08/05/93			

F 001250

* U.S.GPO:1992-0-625-524/41193

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

UNITED STATES GOVERNMENT
M E M O R A N D U M
U.S. SECRET SERVICE

DATE: 07/20/93 22:01 pm

REPLY TO

ATTN OF: SA SCOTT MARBLE

SUBJECT: DEATH OF VINCENT FOSTER, DEPUTY ASSISTANT TO THE PRESIDENT AND DEPUTY COUNSEL (SEE ATTACHED)

TO: SAIC INTELLIGENCE DIVISION

ON 7/20/93, AT 2130 HRS, LT WOLTZ, USSS/UD - WHB, CONTACTED THE ID/DD AND ADVISED THAT AT 2030 HRS, THIS DATE, HE WAS CONTACTED BY LT GAVIN, US PARK POLICE, WHO PROVIDED THE FOLLOWING INFORMATION:

ON THE EVENING OF 7/20/93, UNKNOWN TIME, US PARK POLICE DISCOVERED THE BODY OF VINCENT FOSTER IN HIS CAR. THE CAR WAS PARKED IN THE FT. MARCY AREA OF VA NEAR THE GW PARKWAY. MR FOSTER APPARENTLY DIED OF A SELF-INFLICTED GUNSHOT WOUND TO THE HEAD. A .38 CAL. REVOLVER WAS FOUND IN THE CAR.

SA TOM CANAVIT, WFO PI SQUAD, ADVISED THAT HE HAS BEEN IN CONTACT WITH US PARK POLICE AND WAS ASSURED THAT IF ANY MATERIALS OF A SENSITIVE NATURE (SCHEDULES OF THE POTUS, ETC.) WERE RECOVERED, THEY WOULD IMMEDIATELY BE TURNED OVER TO THE USSS. (AT THE TIME OF THIS WRITING, NO SUCH MATERIALS WER LOCATED)

NO FURTHER INFORMATION AVAILABLE.

INVESTIGATION BY US PARK POLICE CONTINUING.

THE FOLLOWING NOTIFICATIONS WERE MADE BY USSS/UD - WHB:

DAVE WATKINS	DIR. OF PERSONNEL, WH
INSP. DENNIS MARTIN	USSS/UD
CRAIG LIVINGSTONE	WH SECURITY COORDINATOR
ASAIC PAUL IMBORDINO	OPO
DAD RICHARD GRIFFIN	OPO (BY ASAIC IMBORDINO)
ATSAIC DON FLYNN	PPD (BY ASAIC IMBORDINO)
SAIC RICHARD MILLER	PPD (BY ATSAIC FLYNN)
DIRECTOR MAGAW	DIR (BY DAD GRIFFIN)

THE FOLLOWING NOTIFICATIONS WERE MADE BY THE ID/DD:

ATSAIC LON WARFIELD	ID	2145 HRS
SAIC STEPHEN SERGEK	ID	2155 HRS
DAD DALE WILSON	PA	2205 HRS
ASAIC CARL MEYER	PA	2207 HRS

FN# 52

UNITED STATES PARK POLICE

IMPOUNDED VEHICLE RECORD

Date: 07-20-93 Time: 1804 Case No: 30502

Impounded From: 3rd Marcy Parking

Location Code:

HOLD: (Check Box)-> Yes

Impound Officer Use Only (Check Boxes) WALES Check: USPP Computer Check:

Reason for Hold: Further Investigation

Hold Authorized By (Signature) Badge#

Make	Model	Style	Year	Color	Tag Number	State	VIN
Honda	Accord	4DR			RCN 504	AR	JHMCA56 30KC 074057

Owner's Name: FOSTER VINCENT

Address:

Phone Numbers: Residence: ( ) Business: ( )

Operator's Name:

Address:

Phone Numbers: Residence: ( ) Business: ( )

Reason for Impound:

- [ ] Abandoned
- [ ] Traffic Parking
- [ ] Traffic Moving
- [x] Other:
- [ ] Recovered Stolen
- [ ] Involved in MVA
- [ ] Involved in Crime

Vehicle Stored at: Keys [ ] Yes [ ] No Location:

- [ ] USPP Lot C1B
- [ ] Contract Crane

Address:

Vehicle Condition: (If yes, describe below)

Yes	No	
[x]	[ ]	Body Damage Minor Dents
[ ]	[x]	Broken Glass
[ ]	[ ]	Interior Damage
[ ]	[x]	Tire Damage (RF, LF, RR, LR)
[ ]		Other:

Vehicle Equipment:

Yes	No	
[x]	[ ]	Radio
[ ]	[x]	Tape Player (Separate)
[ ]	[x]	CB Radio
[ ]	[ ]	Spare Tire
[ ]	[x]	Special Wheels/Rims/Tires
[ ]	[ ]	Property Removed from Vehicle
[ ]	[ ]	Property Remaining in Vehicle
[x]		Other: PORTABLE CD PLAYER

Impounded By (Signature) Badge# 559 Supervisor (Signature) Badge#

Released By (Signature) Badge# 398 Date: 7/28 Time: 1435

Released To (Signature) Released To (Print Name) DAVID CRAIG LIVINGSTONE

Address: WHITE HOUSE SECURITY, THE WHITE HOUSE, WASHDC 20500

Copies: Original - Information Mgt. Sec. (After release); Blue - Information Mgt. Sec.; Pink - Worksite; Hard Copy - With Vehicle

USPP Form 43-04

F 001236

STATE OF ARKANSAS

VEHICLE REGISTRATION CERTIFICATE AR-MV-428

LICENSE PLATE NUMBER	LIC. TYPE	LIC. YEAR	VEHICLE IDENTIFICATION NUMBER
TYR646	PC	93	JT8VK13T9N0094638

YEAR MODEL	MAKE	MODEL	BODY STYLE	COLOR	FUEL	TITLE NUMBER
92	LEXS	300	4-D	BLK	G	9220231042

RESIDENCE COUNTY	COUNTY CODE	CYL.	WEIGHT	AXLES	NEW EXPIRATION DATE
PULASKI	60	6	3307		7/31/93

DECAL NUMBER

Y022464

REGISTRATION FEE 25.00

SPECIAL FEE

POSTAGE FEE

TOTAL FEES DUE

PENALTY

ADJUSTED TOTAL

VINCENT W FOSTER JR
5414 STONEWALL RD
LITTLE ROCK AR 72207

(KEEP IN YOUR VEHICLE) OWNER'S SIGNATURE Vincent W Foster Jr

F 001237

T.R. Ltd.
T/A Raley's Towing
24–HOUR TOWING

P. G. 110
I. C. C.
MC 186380

FAX #
(301) 350-3127

1001 RITCHIE ROAD
CAPITOL HEIGHTS, MARYLAND 20743
(301) 350-4800

1021 RIPLEY ST.
SILVER SPRINGS, MD

6035 BLAIR RD., N.W.
WASHINGTON, D.C.

Air Cushion Recovery
8426 BALLEW AVE.
COLLEGE PARK, MD UNK

NAME FOSTER, VINCENT — DATE 1-20-93

ADDRESS U.S.P.P. — TIME OUT — TIME IN

CITY — CASH — CHARGE ✓ — CONTROL # 38069

VEHICLE DESCRIPTION — CALL POLICE

MODEL YEAR 88 — MAKE HONDA — COLOR GREY — BODY STYLE ACCORD 4-DR — UNIT NO. 8 — DRIVER LC

TAG # & YEAR RCV-504-AL — VIN JHMCA5630KC — CONDITION: ☐ GOOD ☐ FAIR ☐ POOR ☐ WRECKED ☐ SHIPPED ☐ BURNED — ENDING MILEAGE 01420

LOCATION FT. MARCY PARKING — STARTING MILEAGE

TOW DESTINATION C.I.B. — TOTAL MILEAGE

REMARKS FURTHER INVESTIGATION

MEMBER # — CASE 30502 — Expiration Date

MARK EXTERIOR DAMAGE

Authorization No. — LOT #

VEHICLE MILEAGE — R.O. NO. — P.O. NO.

THE UNDERSIGNED authorizes listed services and acknowledges that carrier is not responsible for loss or damage due to occurrence beyond control of the carrier or when services are performed under supervision of others.

1½% Charged after 30 days, equivalent to 18% annual charge.

X Robert McEdwards
SIGNATURE

CHARGES

HOOKUP	$
MILEAGE	$
DOLLY	$
DRIVESHAFT/ AXLE	$
PAY OUT	$
FLATBED	$
RECOVERY WORK	$
OTHER	$
TOTAL	$ 65.00

MEMBER TRAA

NORTHERN VIRGINIA PRESS FAIRFAX, VA 22031

44284

F 001238

FN # 53

NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

ENSE/INCIDENT: Death Investigation — CASE NO: 30502-93

INCIDENT LOCATION: Ft Marcy — DATE: 7/20/93

DISTRICT/FIELD OFFICE: D-2 — TIME:

REPORTING OFFICER: — MCL#: 0166-93

C.I.B. INVESTIGATOR: Braun Rolla Markland

RESULTS OF INVESTIGATION

On July 21, 1993, I was requested by Sgt. Lawston to process a vehicle which was impounded by this department. The vehicle is presently in the fenced impound lot at CIB-AOF.
I arrived at the impound lot at approximately 1415 hours. The vehicle is a 4(four) door HONDA ACCORD.There is only one plate on the rear.The plate is Arkansas RCN 504.
There was evidence tape on all doors as well as the hood and trunk.
The vehicle was dusted for latent prints and photographed.All items removed from the vehicle will be listed on a Form 43-11.

Vehicle Info: odometer reading 065449.2 trip meter 840.9
VIN JHMCA5630KC074057
sticker 10 93 the sticker # for the 93 decal is 9317982
The vehicle is grey in color

CHNICIAN DATE — SUPERVISOR DATE 7-22-93

E J Smith 7/21/93

NPS, USPP, FORM 11?A (REV. 12/66)

F 001177

FN#54

(3/83)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
Ft. Marcy (GWMP)	07	20	93	93	0305 02

5 NATURE OF INCIDENT: Investigation

6 RECLASSIFICATION OF INCIDENT:

ITEM — RESULTS OF INVESTIGATION

On 7/20/93, at approximately 1815, I (Inv. C.A. Hodakievic) arrived on the scene of a death investigation at Ft. Marcy. Upon my arrival I observed the following units already on the scene:

Fairfax Co. EMS Medic 1: Todd Hall
George Gonzoles
Rick Arthur
Engine 1: Ralph Pisani
Jennifer Wacha
Jay Iacone

USPP: car 202 Sgt. R. Edwards
car 213 Off. J. Spetz
car 261 Off. K.B. Fornshill
car 211 Off. F. Ferstle

EMS Medic 1 supervisor George Gonzoles notified me that they had discovered the body of a white male in the wooded area of Ft. Marcy. Gonzoles and Hall checked the body for vital signs and found none. Gonzoles stated that no other medical personnel touched or disturbed the body in any way.

As I entered Ft. Marcy parking area, I observed a blue Merz 4dr displaying VA tags EZO-317 ('94) parked in the entrance drive at the gate. The vehicles emergency flashers were activated. The vehicle was unoccupied and returned registered to Jeanne Slade, 1142 Randolph Rd., McLean, VA. At approximately 1900 hrs., a crane from Al's Towing (703) 790-1156 arrived at Ft. Marcy. The driver, Scott Randlett, stated that he had been called by Bob Slade (who claimed to be the owner of the Merz) to pick up the Merz. Randlett stated that he received the call from Slade at approximately 1855 hrs.

At approximately 1940, Fairfax Co. medical Examiner Donald Haut arrived on the scene and examined the body. McLean VFD M1 and Fairfax Co. Engine 1 responded back to the scene to transport the body to Fairfax County Hosp.

I cleared the scene at approximately 2045 hrs.

8 WARRANT(S)	9 ☐ LATENTS ☐ PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE / OF / PAGES

13 STATUS: ☐ OPEN ☐ SUSPENDED — CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			C.A. Hodakievic	0383	7/20/93	F 001253		

* U.S. GPO 1990 0-724-455/10354

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: Death Investigation
CASE NO: 30502-93

INCIDENT LOCATION: Ft.Marcy
DATE: 7-20-93

DISTRICT/FIELD OFFICE: D-2
TIME: 1804

REPORTING OFFICER: Ferstl
MCL#: 166-93

C.I.B. INVESTIGATOR:

RESULTS OF INVESTIGATION At the scene the following observations were made by the undersigne Approximately 20 feet west of the canons axle the body of a white, male,45 -50yrs.,neat appearance,dressed in a white shirt,bluegrey slacks,black dress shoes,was laying face up with the head upslope in an east - west alignment.There was blood staining around the chin area and from the nose down the right cheek.Blood stains also were found on the right shoulder and neck area as well as the right ribcage area of the shirt.The victim's arms were at his sides and the victim had his right hand on a black revolver.The right thumb was trapped between the trigger and inside front edge of the trigger guard.A cursory examin of the victim's hands for blood spatter evidence revealed one droplet on the right index finger, above the second joint.No discernible forward or back spatter blood evidence on the victim's shirtsleeves.I observed dark residue along the edge of the right index finger facing the thumb between the thumb's joint and finger tip.Approximately 13 ft.downslope from the victim's feet(west) I observed a pair of prescription glasses laying on the ground

After photographing the victim I removed the revolver from the victim's right hand. The victim's hand was flexible with little or no rigor.The thumb was wedged between the trigger and front inside edge of the trigger guard indicating that the hammer was in the cocked position prior to the thumb being inserted.The revolver and pair of glasses were collected as evidence.

The coroner arrived at 1940 hrs. When the body was turned onto its stomach I observed a large area of blood pooled where the head had been resting.The area was photographed and probed for the expended round with negative results.I also observed a larger area of blood where the victim's back had been,coinciding with blood stains on the back of shirt. The pooled blood was beginning to show signs of coagulation.

The body was taken by The McLean VFD unit V4.I transported the weapon to the ID lab where I unloaded it and documented its information and condition onto a USPP Firearms Examinati Report (form USPP 123).I then wrapped the barrel in brown paper secured with rubber bands preserve any blood spatter,blowback,gunpowder residue,hairs,fiber,or tissue evidence.Weap placed in sealed evidence bag in the evid.locker to await submission to the FBI labs.

ID TECHNICIAN DATE SUPERVISOR Sgt. C.G. Ferstl DATE 7/28/93

F 001142

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/17/94

Dr. DONALD DAVID HAUT, Medical Examiner, Fairfax County, Virginia, was interviewed at his office, 312 South Washington Street, Alexandria, Virginia. After being apprised of the identities of the interviewing agents and the purpose of the interview, HAUT thereafter provided the following information:

As Medical Examiner, HAUT advised that he is paid on a case by case basis. When not serving in his capacity as a medical examiner for Fairfax County, HAUT is a private physician. HAUT noted that physicians in private practice are selected to assist the forensic pathologists in a specific district. The function of the medical examiner is to investigate any death from unnatural causes or any death that is unattended by a physician. According to HAUT, there are usually two to three medical examiners working at any given time.

HAUT has responded to the scene of approximately 12 suicides in the course of his tenure as a medical examiner. Of the twelve, half were gunshot wounds to the head. At least one or two of those gunshot wounds were to the mouths of the victims.

In the course of the interview, HAUT was shown a series of photographs taken at the scene of the death of VINCENT W. FOSTER, JR. After reviewing the photographs, HAUT did not recall seeing blood on the decedent's shirt or face and no blood was recalled on the vegetation around the body. HAUT does not recall the body being photographed while he was at the death scene. He does recall lifting the body by the right shoulder and remembers receiving some assistance in doing so. He could not recall the individual providing that assistance. The purpose of lifting the right shoulder of the body was to check for an exit wound. HAUT had received no indication by U.S. Park Police (USPP) personnel that the body had been moved. HAUT could not provide any insight regarding the lateral blood flow as depicted in the photographs on FOSTER's face. HAUT did not recall seeing anyone touch the body while he was at the death scene. HAUT recalls arriving at the death scene at approximately 6:45 pm on July 20, 1993; he recalls there being moderate traffic in the area as he drove to Fort Marcy Park on the George Washington Memorial Parkway.

Investigation on 4/14/94 at Alexandria, Virginia File # 29D-LR-35063 SUB A

by SA RUSSELL T. BRANSFORD
SA DANA M. GILLIS/dmg/sla Date dictated 5/16/94

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOR PROFESSIONAL USE ONLY
CONTENTS NOT TO BE DUPLICATED

Resident ☐
Non-resident ☒ Washington D.C.
* Jan 15,1945

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH

OFFICE OF THE CHIEF MEDICAL EXAMINER

NORTHERN VIRGINIA DISTRICT
9797 BRADDOCK ROAD
SUITE 100
FAIRFAX, VA 22032-1700
PHONE (703) 764-4640

B

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

DECEDENT Vincent (First Name) W alker (Middle Name) FOSTER Jr (Last Name) AGE: 48 RACE: Cauc SEX: male

ADDRESS: 3027 Cambridge Place N.W. (Number and Street) Ⓜ W S D OCCUPATION: Attorney

Washington D.C. (City or County) 20007 (Zip Code) SSN: 429-80-1132 EMPLOYER: Law

TYPE OF DEATH: (Check one only)

Sudden in apparent health ☐
Unattended by physician ☐
In prison, jail, or police custody ☐
Suspicious ☐
Unusual ☐
Violent or Unnatural ☐
Means/Weapon x 38 caliber handgun

	Last Seen Alive	Injury or Illness	Death	Medical Examiner Notified	View of Body	Police Notified
DATE			JULY 20'93	JULY 20'93	JULY 20'93	
TIME			6:15pm	6:45 pm	7:15 pm	

If Motor Vehicle Accident Check One of the Following:
☐ DRIVER
☐ PASSENGER
☐ PEDESTRIAN

NOTIFICATION BY: United States Park Police OFFICIAL TITLE Case # 30502
Address 202 619-7105

	LOCATION	CITY OR COUNTY	TYPE OF PREMISES (E.G., HIGHWAY, ETC.)
INJURY OR ONSET OF ILLNESS	George Washington Parkway (Marcey	Park) Fairfax Co.	Park
DEATH DOA	Fairfax Hospital	Fairfax County	Morgue
VIEWING OF BODY BY MEDICAL EXAMINER	Marcey Park(GW Parkway)	Fairfax County	Park

DESCRIPTION OF BODY
Clothed ☐ Unclothed ☐ Partly Clothed ☐
Hair Color ____ Beard ____ Mustache ____
Pupils R ____ L ____ Eye Color ____
Body Heat ____ Scars, Tattoos, etc. ____

	NOSE	MOUTH	EARS
Blood			
Froth			
Other (Sand, dirt water, etc.)			

WEIGHT ____ LENGTH ____

RIGOR
☐ Jaw
☐ Neck
☐ Arms
☐ Legs
☐ Complete

LIVOR
Color ____
Anterior ☐
Posterior ☐
Lateral ☐
Regional ____

NON FATAL WOUNDS
☐ Abrasion ☐ Burn
☐ Contusion ☐ Stab
☐ Gunshot ☐ Incised
☐ Laceration ☐ Fracture
DISTRIBUTION:
☐ Scalp ☐ Chest ☐ Face
☐ Neck ☐ Arms ☐ Back
☐ Abdomen ☐ Legs

FATAL WOUNDS (GUNSHOT, STAB, ETC.)	SIZE	SHAPE	LOCATION	PLANE, LINE OR DIRECTION

CAUSE OF DEATH:
PERFORATING GUNSHOT WOUND MOUTH-HEAD

MANNER OF DEATH: (check one only)
☐ Accident ☒ Suicide ☐ Homicide
☐ Natural ☐ Undetermined ☐ Pending

AUTOPSY: ☒ Yes ☐ No
AUTHORIZED BY: ME
Pathologist Dr. Beyer
Autopsy No. 353-93 7-21-93

I hereby declare that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause and manner of death in accordance with the Code of Virginia as amended; and that the information contained herein regarding such death is correct to the best of my knowledge and belief.

July 20,1993 — *Date*
Fairfax County — *City or County of Appointment*
Signature of Medical Examiner

A COPY TESTE: JAN 30 1995
P. C. Beyer
Assistant ~~Chief~~ Medical Examiner

NV036666

CME Form No 1 Revised 6/89

106A-DC-00000001

MEDICAL ATTENTION AND HOSPITAL OR INSTITUTIONAL CARE:

NAME OF PHYSICIAN OR INSTITUTION	ADDRESS	DIAGNOSIS	DATE

CIRCUMSTANCES OF DEATH:

	NAME	Official Title or Relationship to Decedent	ADDRESS
FOUND DEAD BY			
LAST SEEN ALIVE BY			
WITNESSES TO INJURY OR ILLNESS AND DEATH			

NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH:

JULY 20,1993 After anonymous call was received at 18:04 hours US Park Police officers found 48 yrs Caucasian male with self-inflicted gunshot wound mouth to neck on a foot path in Marcey Park .His car was parked in the parking lot but no note was found,

MEDICAL HISTORY Unknown

FOR PROFESSIONAL USE ONLY
CONTENTS NOT TO BE DUPLICATED

Toxicology sent: Yes ☐ No ☐
☐ Blood
☐ Urine
☐ Other _____

DECEDENT FOSTER, Vincent Walker, Jr.

"This is an uncertified, unofficial photocopy of a Vital Record of the Commonwealth of Virginia to be used exclusively as a convenience to and within the Office of Independent Counsel in its official considerations in the matter of Madison Guaranty Savings and Loan. Any further or other use of this document is expressly prohibited by law."

CERTIFICATION OF VITAL RECORD

COMMONWEALTH OF VIRGINIA

COMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH

DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS

DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS - RICHMOND

REGISTRATION AREA NUMBER: 179 | CERTIFICATE NUMBER: 1876 | **MEDICAL EXAMINER'S CERTIFICATE** | STATE FILE NUMBER: 93-029216

1. FULL NAME OF DECEDENT: Vincent Walker Foster, Jr.

2. SEX: male XX | female

3. DATE OF DEATH: July 20, 1993

4. AGE: 48 years

IF UNDER 1 YEAR: months | days

IF UNDER 1 DAY: hours | minutes

5. DATE OF BIRTH: Jan. 15, 1945

6. WAS DECEDENT EVER IN U.S. ARMED FORCES? yes X | no

7. NAME OF HOSPITAL OR INSTITUTION OF DEATH (if none, so state): Fairfax Hospital — DOA X | Out Pat. Emer Rm | Inpatient

8. COUNTY OF DEATH (if independent city, leave blank): Fairfax

9. CITY OR TOWN OF DEATH: Falls Church — inside city or town limits? yes | no X

10. STREET ADDRESS OR RT. NO. OF PLACE OF DEATH: 3300 Gallows Road

11. STATE (OR FOREIGN COUNTRY) OF DECEDENT'S RESIDENCE: Washington, D,C.

12. COUNTY OF DECEDENT'S RESIDENCE (if independent city, leave blank):

13. CITY OR TOWN OF RESIDENCE: Washington, D.C. — inside city or town limits? yes X | no

14. STREET ADDRESS OR RT. NO. OF RESIDENCE: 3027 Cambridge Place, N.W. — ZIP CODE: 20007

15. NAME OF DECEDENT'S FATHER: Vincent Walker Foster

16. MAIDEN NAME OF DECEDENT'S MOTHER: Alice Mae Waddle

17. RACE OF DECEDENT: Caucasian

18. OF HISPANIC ORIGIN? If yes, specify Cuban, Mexican, Puerto Rican, etc. — no X | yes

19. EDUCATION (Specify only highest grade completed) — Elementary/Secondary (0-12): | College (1-4 or 5+): 5+

20. CITIZEN OF WHAT COUNTRY: U.S.A.

21. BIRTHPLACE (state or country): Arkansas

22. NEVER MARRIED | MARRIED X | DIVORCED | WIDOWED

23. IF MARRIED OR WIDOWED, NAME OF SPOUSE (if divorced leave blank): Lisa Braden Foster

24. SOCIAL SECURITY NUMBER: 429-80-1132

25. USUAL OR LAST OCCUPATION: Attorney

26. KIND OF BUSINESS OR INDUSTRY: Law

27. INFORMANT - OR SOURCE OF INFORMATION: Lisa Braden Foster

CAUSE OF DEATH

28. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. — INTERVAL BETWEEN ONSET AND DEATH

IMMEDIATE CAUSE (Final disease or condition resulting in death) → (A) PERFORATING GUNSHOT WOUND MOUTH - HEAD

DUE TO (OR AS A CONSEQUENCE OF):

Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST

(B) DUE TO (OR AS A CONSEQUENCE OF):

(C)

PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.

28a. AUTOPSY? AUTHORIZED BY: ME — yes X | no

MEDICAL CERTIFICATION

28b. IF FEMALE, WAS THERE A PREGNANCY IN PAST 3 MONTHS? yes | no | unknown

28c. IF EXTERNAL CAUSE, IT WAS PRIMARY or CONTRIBUTING TO CAUSE OF DEATH

28d. DESCRIBE HOW INJURY RELATING TO DEATH OCCURRED: Self-inflicted gunshot wound mouth to head

28e. TIME OF INJURY (mo.) (day) (year): A.M. P.M. July 20'93

28f. INJURY OCCURRED — while at work | not while at work X

28g. PLACE OF INJURY (home, farm, factory, street, office bldg., etc.): Park

28h. (city or town) (county) (state): Fairfax Va

28i. I CERTIFY that I took charge of the remains described above, viewed the body, made inquiry and in my opinion death resulted at or about 6:15 (PM) from:

NATURAL CAUSES | ACCIDENT | SUICIDE X | HOMICIDE | UNDETERMINED | PENDING

ACTUAL SIGNATURE ▶ [signature]

DATE SIGNED: July 27,1993

NAME OF MEDICAL EXAMINER (Type or Print): Donald D HAUT MD

ADDRESS OF MEDICAL EXAMINER: 312 S Washington St Alexandria,Va 22314

29. BURIAL X | REMOVAL | CREMATION

30. PLACE OF BURIAL, REMOVAL, ETC. (name of cemetery or crematory) (city or county) (state): Memory Gardens, Hope, Arkansas

31. (Signature of funeral director or person legally filing this certificate) ▶ [signature]

NAME OF FUNERAL HOME AND ADDRESS: Murphy Funeral Home 4510 Wilson Blvd.,Arlington, VA

32. (signature of registrar) ▶ Wayne Colquitt

DATE RECORD FILED: 7/27/93

RESERVED FOR REGISTRAR'S USE

This is to certify that this is a true and correct reproduction or abstract of the official record filed with the Virginia Department of Health, Richmond, Virginia.

DATE ISSUED: DEC 27 1995

Deborah M. Little, State Registrar

Any reproduction of this document is prohibited by statute. Do not accept unless on security paper with seal of Vital Statistics clearly embossed. Section 32.1-272, Code of Virginia, as amended.

VS-15B

American Bank Note Company

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

COPY NOT OFFICIAL

FN. # 55

...atients

...Doctors Name ... ICU-1

...me 2305 Orderly peggy RN

...reen Herndon Rep. ...

...Time 12:55

7/21/93

☐ YES ☒ NO

Date 7-20-93 Time 1922 Orderly Grey

Rec'd By Browning

Funeral Home Everly Rep. CA

Date of Release 7/21/93 Time 11:00 AM

Released By [illegible]

Personal Belongings: ☐ YES ☒ NO

Remarks:

...Herman Bed # TOR-12

...e 0547 Orderly DW

...Rep. ...

...Time ...

☐ YES ☒ NO

Patients Name Vincent Foster

Doctors Name Orenstein Bed #

Date 7-20-93 Time 2100 Orderly Amb. 1

Rec'd By Browning

Funeral Home MEOFFICE Rep. ...

Date of Release 7/21/93 Time 07:35

Released By ...

Personal Belongings: ☐ YES ☒ NO

Remarks: None

...DCU2 — 517 Bed #

Time 0820 Orderly Weaver

...ner + King Rep. ...

7/21/93 Time ...

☐ YES ☒ NO

None

Patients Name

Doctors Name ... Bed # ...

Date 7/22/93 Time 0455 Orderly ...

Rec'd By R Bateman

Funeral Home Everly Rep. ...

Date of Release 7/22/93 Time 2:45 PM

Released By ...

Personal Belongings: ☐ YES ☒ NO

Remarks: None

108-DC-00000012

BACK DOOR Bed # ICCU

Time 0831 Orderly ...

...Rep. ...

7/20/93 Time 4:30 PM

☐ YES ☐ NO

Patients Name

Doctors Name ... Bed # ...

Date 7/22/93 Time 0800 Orderly Weaver

Rec'd By ...

Funeral Home Everly-Caldwell Rep. ...

Date of Release 7-22-93 Time 5:00 PM

Released By ...

Personal Belongings: ☐ YES ☒ NO

Remarks: 1705 pm

...Bed # ICU 2

...Time 1405 Orderly ...

...him 7 Hr Rep. R Baker

7/21/93 Time 3:50 PM

Patients Name S

Doctors Name Pillow Bed # ...

Date 7-21-93 Time 1822 Orderly Strahn

Rec'd By ...

Funeral Home ... Rep. ...

Date of Release ...

7/20/93

[redacted] 2230 - Completed viewing of the body of Vincent Foster by Craig Livingston and William Kennedy, White House representatives. J Nuzzo notified.

30682 2250 - Responded to Dept. of Medicine for lockout victim Mary O'Donnell, M.D.

[redacted] 2300 - Completed response to Morgue for Dr. Orenstein, M.D.; and D. Tipton, Fairfax County Police; to check body of Vincent Foster.

30684 2330 - Radio D-1 S/M keys to K. Rector. Radio D-6 & G15 keys from Office.

30685 2300 Rector on Duty radio D1 S/M keys to Peterson

30686 0050 Completed lot duties

[redacted] 0100 - Completed lot duties and shift paperwork. Placed Card of Park Police Investigator Braun with body of Vincent Foster in Morgue with Rector. Off duty, D-6 & G15 keys to Office.

30688 0030 Completed Front St. Patrol of Lot #10

30689 0130 Completed Vehicle Patrol

7/20/93

30638 1950 - Completed 10-70 response. R.F

30639 2145 / Quit 6. Jimmy's off duty J.

30640 2145 Abraham off Duty $100.00 Bank

30641 1852 completed one 10-70.

30642 1928 completed zone 2 clockround
2 security violations.

30643 2030 completed SCC Duty.

30644 2130 completed Exterior patrol, one
Fire watch WCC, found 2nd & 3rd floors
assisted Peterson at 10-70. R

30645 2030 Completed patrol of E.R. Tower
Lobby and WCC Basement. R.B

30646 2100 - Opened the Morgue for Ashford
and Harrison Fairfax Co. Amb. 1 and
placed the body of Vincent Foster
No P.E. Telcom & Reg. avail. R.B

30647 2112 - Opened the Morgue for Investigators
Rolla and Braun to check body of
Vincent Foster. R.B

EMPLOYEE NO 022 84 53 85 09 LABOR CODE 110775 STD HRS 01

EMPLOYEE NAME FERNANDEZ J START PAY PERIOD 07/18/93

1ST WEEK	IN	OUT	HOURS	PAY TYPE	LABOR CODE	2ND WEEK	IN	OUT	HOURS	PAY TYPE	LABOR CODE
SUN	2500	2330	8	21	758	SUN					
MON						MON					
TUES	1430	2300	8	20	758	TUES	1430	2300	8	20	758
WED	1430	2300	8	20	758	WED					
THURS	1430	0300	8	20	758	THURS	1430	2300	8	20	758
FRI						FRI	1430	2300	8	20	758
SAT						SAT	1430	2300	8	21	758

TOTAL: 32 TOTAL: 32 = 64

DP-4190 A / R 12/91
CAT NO 99105

SEE REVERSE FOR ON-CALL AND CALL BACK RECORD

I CERTIFY THAT THE ABOVE AND REVERSE ARE AN ACCURATE RECORD OF MY HOURS

Julius Fernandez
EMPLOYEE'S SIGNATURE

Keith A Gurney
APPROVAL SIGNATURE

PAY TYPES

87454

		DAY	EVE	NIT
REGULAR	MON-FRI	10	20	30
REGULAR	SAT-SUN	11	21	31
HOLIDAY 1.5	MON-FRI	12	22	32
HOLIDAY 1.5	SAT-SUN	13	23	33
ORIENTATION	MON-FRI	16	26	36
ORIENTATION	SAT-SUN	17	27	37
CALL-BACK	MON-FRI	18	28	38
CALL-BACK	SAT-SUN	19	29	39
ON CALL		70		
OVERTIME	MON-FRI	80	81	82
OVERTIME	SAT-SUN	83	84	85
MISCELLANEOUS		91		
PERSONAL		92		
HOLIDAY		93		
SICK		94		
VACATION		95		
UNCOMPENSATED HOURS		99		

OTHER PAY TYPE (EXPLAIN ON REVERSE)

PAY TYPE	EX: $$.$$$.cc	LABOR CODE
79	$ 25.00	110761

TIME CARD RECAP

PAY TYPE	HOURS EX:999.9	LABOR CODE
21	16.0	110758
20	48.0	110758
TOTAL	64.0	[redacted]

108-DC-00000015

Date Admitted	Time	or P.M.	Patient's Name	Address	Age	Sex
-19-93	0700	AM			23	M
-2-93	1462	PM		5865 BORNSHIRE CT	45	M
1/23/93	1555	PM		4360 Hamesta Farm	20	M
-25-93	1203	PM		12106 Elm Forest Chantilly	43	M
1/25/93	2345	PM		5415 Clifton Rd.	28	M
1/26/93	1030	PM		7208 Neuncast	60	M
-29-93	2025	PM		9521 Selida Ct. Lorton VA	20	M
7-1-93	1131	AM		2301 Cedar LN Unsure Falls Ch	59	M
1/2/93	0156	AM		6156 Willston Dr.	38	M
7/7/93	2203	AM		5105 Knickerbocker	39	M
7/8/93	0605	A		13705 Ellendale drive	58	M
7/8/93	1730	P		9415 Retriever Rd	69	M
7/9/93	310	A		2909 Rogers Drive Fall Church	20-30	F
7/9/93	1954	P		7423 Little River TNPK	42	F
7/10/93	0138	P		3245 Rio Drive	84	F
7/10/93	0915	AM		7091 Spring Garden Sold	43	M
7/11/93	1911	PM		5930 Woodley Rd McLean VA	93	M
7/12/93	0431	AM		9100 Richmond Hwy Silver Hill apt	46	M
7/13/93		PM		8124 Larkin Lane	37	M
7/15/93	2140	PM		6936 Oak Ridge Rd.	3mos	M
7-17-93	1400	PM		3451 Lake St FC VA	20	M
7-20 93	0811	AM		7835 Cliffside Ct Spring Hill	57	M
7-20 93	2049	PM	Vincent Foster	unknown		M
7-25-93	1647	PM		unknown	20	F

Ed
Communications
Log Book

EMERGENCY ROOM REGISTER

BERWYN, ILLINOIS · PRINTED IN U S A

Nature of Injury	~~Service Rendered~~ Communication from Staff	Amount	Disposition of Case
exan STRUCK BY TRAIN	E. Lamer RN		
TSW LEAS	[illegible]		
	S Became RN		
	mjb		
hanging	S Became		
	C Wright		
	TN		
	E. Lamer RN		
	S Became RN		
oin OD	J. Matthews		
ATL Causes	J. Matthews		
	A Sutter RN		
A	R Daniels		
A	S Became RN		
	mjb		
	E Lamer RN		
	S Became RN		
	E. Lamer		
	S Became RN		
	mjb		
	[illegible]		
Park Pa	A Sutter RN		

108-DC-00000016

EVENT HISTORY
SEGMENT RECORDS

EVENT*NUMBER*=932011483

COMMAND TIME	MDT ENTRY	COMMAND CODE	TEXT
19:45:17		ENTRY	US PARK REQUESTING TRANSPORT OF THE BOD
19:45:17		ENTRY	Y
19:45:31		UNREC	A01
19:45:37		DP	A01 , CH1
19:47:32	*	ENRTE	(070004) A01
19:53:37		BACKER	T01P
20:02:25	*	ONSCNE	(077079) T01P
20:08:33		UTIMEX	A01 ENROUTE TO ONSCENE
20:08:45		UTIMER	A01
20:16:27		ONSCNE	A01
20:17:26	*	TRANS	(070004) A01 25
20:17:29		TRANS	(008134) A01 25
20:17:47	*	TRANS	(070004) A01 25
20:21:27	*	AOR	(077079) T01P @ 01 11
20:30:55	*	ATHOSP	(070004) A01
20:59:28	*	AOR	(070004) A01 @ 18 11
21:18:39		CLOSE	(007682)

FN # 56

FN # 57-61

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FN #63-64

(383)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
GWMP Ft. Marcy	0 7	2 0	9 3	9 3	• 0 3 0 5 0 2

5 NATURE OF INCIDENT
Death Investigation

6 RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

On 7/21/93 Sgt. Rule, I.D.Tech's Johnson and Hill, and the undersigned responded to the officer of the Medical Examiner in Fairfax Va. At this time we met with Dr. Byer. After briefing him with the available information surrounding the crime scene and the victim he started the autopsy on the victim. Prior to our arrival the victim's tongue had been removed as well as parts of the soft tissue from the pallet. Dr. Byer stated that there was evidence of gunpowder residue on the soft tissue but not on the tongue.
Dr. Byer pointed out what he thought to be gunpowder residue on the right hand forefinger of the victim. I supplied him with a picture of the crime scene in which the suspected residue was evident.

During the autopsy Dr. Byer noted that the bullet trajectory was "upward and backward" exiting in the center line of the back of the head. Dr. Byer stated that X-rays indicated that there was no evidence of bullet fragments in the head.

Dr. Byer stated that it appeared that the victim had eaten a "large" meal which he believed to have occurred within 2-3 hours prior to death. He was unable to state positively what type of food was consumed but stated the it might have been meat and potatoes.

The cause of death was determined to be "perforated gunshot wound in and out". The point of entry was in the back of the mouth with the exit in the back of the head.
Autopsy concluded at 1105 hrs.

Hair and blood samples as well as fingerprints were taken from the victim by Dr. Byer and turned over to I.D.Tech Johnson. In addition, I.D. took custody of the victim's clothing.

8 WARRANT(S)	9 ☐ LATENTS ☐ PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE OF PAGES

13 STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			James Morrissette	#398	7/21/93			

*U.S.GPO:1992-0-625-524/41163

FN # 65-77

'97

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

OIC-302 (Rev. 8-19-94)

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 4/25/96

RICHARD M. ARTHUR, Emergency Medical Service Technician, Fairfax County Fire and Rescue Department, was interviewed in the office of the Office of the Independent Counsel, 1001 Pennsylvania, N.W., Suite 490 North, Washington, D.C. Also present during the interview were Associate Independent Counsel STEPHEN C. PARKER and R. JEFFREY GREENE, Consultant.

ARTHUR recalls when he first viewed the body of VINCENT FOSTER in Fort Marcy Park on July 20, 1993, he observed a spot on FOSTER's lower right jaw which he thought to be a gunshot wound.

ARTHUR was then shown an autopsy photograph of the right side of VINCENT FOSTER's head (marked on back, "CWH 543").

After viewing this photograph, ARTHUR acknowledged the picture was taken at a better angle and closer view than he had on July 20, 1993. ARTHUR also recalled when he viewed FOSTER's body, he was standing at the top of the berm approximately three (3) to four (4) feet from FOSTER's head. ARTHUR stated "I may have been mistaken about the neck wound."

ARTHUR does not recall stating to anyone the exact caliber of the weapon he observed in FOSTER's hand. ARTHUR does recall using the terms .45 cal. and 9 mm as a attempt to describe the type of weapon as a semi-automatic.

ARTHUR recalls FOSTER's hand was covering the handle of the weapon and the barrel was partially under FOSTER's leg. ARTHUR could only see approximately three (3) or four (4) inches of the weapon and his recollection was of straight lines as opposed to a cylinder. Because of this, ARTHUR assumed the weapon to be a semi-automatic; however, he could not recall seeing an ejector port.

ARTHUR was then shown a polaroid photograph (marked Exhibit 85A-15), which he identified as a death scene photograph of FOSTER's right hand holding a weapon. ARTHUR acknowledged the

---

Investigation on 4/24/96 at Washington, D.C. File # 29D-LR-35063

by SA James T. Clemente /// CI Coy A. Copeland CAC:cac Date dictated 4/25/96

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

FD-302 (Rev. 3-10-82)

KAVANAUGH

FEDERAL BUREAU OF INVESTIGATION

FOIA(b)(6)

Date of transcription 3/1/95

SHELLY ELAINE HILL [redacted] Officer, U.S. Park Police (USPP), Mobile Crime Laboratory (MCL), (202) 690-5075-work, [redacted] was interviewed at the Office of the Independent Counsel- Whitewater, in the presence of Associate Independent Counsel Brett Kavanaugh. HILL was advised of the identities of the interviewing agent and attorney, and subsequently provided the following information:

HILL found out about the death of VINCENT FOSTER the following day when she reported to work.

HILL was assigned to go to FOSTER'S autopsy by her supervisor, SGT. LAWSON. WAYNE JOHNSON, also of the USPP MCL was assigned to accompany her. SGT. RULE and INVESTIGATOR MORRISSETTE also were assigned to attend the autopsy. HILL stated that she had never attended an autopsy before; SGT. LAWSON gave her instructions on what to do.

JOHNSON and HILL drove to the Medical Examiner's (M.E.) Office in one vehicle, and RULE and MORRISSETTE drove in a second vehicle. On the way to the M.E.'s Office, HILL and JOHNSON discussed what they were going to do, and divided up the duties. JOHNSON was to obtain any evidence and take the decedent's fingerprints. HILL was to take photographs. HILL was unaware of any specific duties assigned to RULE or MORRISSETTE, other than to watch the autopsy. HILL did not recall RULE or MORRISSETTE taking any photographs, but did remember that DR. BEYER (Medical Examiner) took photos.

JOHNSON, HILL, RULE, MORRISSETTE, DR. BEYER, and a M.E. Assistant were present during the autopsy. HILL described the M.E. Assistant as a black male.

During the autopsy, HILL recalled that a trajectory rod was inserted in the wound tract. BEYER opened up the skull and examined the entrance and exit wounds, as well as the bullet tract.

Investigation on 3/1/95 at WASHINGTON, D.C. File # 29D-LR-35063

by SA C.L REGINI Date dictated 3/7/95

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

3/1/95 investigative

HILL could not remember how long the autopsy took.

When HILL first observed the decedent, he was wearing a white shirt, dark pants, and dark-colored shoes.

HILL recalled that BEYER had removed tissue samples from the decedent's soft palate prior to the start of the autopsy.

HILL was unable to recall whether or not x-rays were taken.

HILL stated that no bullet or bullet fragments were recovered during the autopsy. The USPP would have received any bullets taken from the decedent. Additionally, HILL stated that they would not have returned to the death scene to look for the bullet if one had been recovered during the autopsy.

JOHNSON obtained the decedent's fingerprints, but did not take any palm prints. Additionally, JOHNSON took custody of the decedent's hair and blood samples, and the decedent's clothes. The M.E. Technician undressed the decedent. HILL did not recall where the clothes were placed, or how JOHNSON packaged them.

HILL stated that she was simply trying to figure out what pictures she should be taking, and concentrating on what she should be doing. HILL reiterated that this was her first autopsy.

HILL noticed apparent gunshot residues on one of the decedent's hands, which she took a picture of. HILL did not recall looking at the decedent's other hand.

HILL could not recall any statements made by BEYER during the autopsy.

HILL recalled blood stains on the decedent's white shirt.

After the decedent's scalp was pulled back, HILL recalled observing damage to the rear of the skull. This was the only trauma to the decedent's body that HILL observed. HILL did not observe the entrance wound. No pictures were taken of the entrance wound. HILL could not recall noticing any defensive wounds to the decedent's hands. If she had observed defensive

(383)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA: GWMP Ft. Marcy

3 WHEN DID IT OCCUR? MO. 07 DAY 20 YR. 93

4 YEAR 93 CASE/INCIDENT NUMBER 0305 02

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

On 7/21/93 Sgt. Rule, I.D.Tech's Johnson and Hill, and the undersigned responded to the officer of the Medical Examiner in Fairfax Va. At this time we met with Dr. Byer. After briefing him with the available information surrounding the crime scene and the victim he started the autopsy on the victim. Prior to our arrival the victim's tongue had been removed as well as parts of the soft tissue from the pallet. Dr. Byer stated that there was evidence of gunpowder residue on the soft tissue but not on the tongue.
Dr. Byer pointed out what he thought to be gunpowder residue on the right hand forefinger of the victim. I supplied him with a picture of the crime scene in which the suspected residue was evident.

During the autopsy Dr. Byer noted that the bullet trajectory was "upward and backward" exiting in the center line of the back of the head. Dr. Byer stated that X-rays indicated that there was no evidence of bullet fragments in the head.

Dr. Byer stated that it appeared that the victim had eaten a "large" meal which he believed to have occurred within 2-3 hours prior to death. He was unable to state positively what type of food was consumed but stated the it might have been meat and potatoes.

The cause of death was determined to be "perforated gunshot wound in and out". The point of entry was in the back of the mouth with the exit in the back of the head.
Autopsy concluded at 1105 hrs.

Hair and blood samples as well as fingerprints were taken from the victim by Dr. Byer and turned over to I.D.Tech Johnson. In addition, I.D. took custody of the victim's clothing.

8 WARRANT(S)

9 ☐ LATENTS ☐ PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12 PAGE OF PAGES

13 STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER BADGE/ID DATE

15 INVESTIGATOR James Morrissette #398 BADGE/ID 7/21/93 DATE

16 SUPERVISOR BADGE/ID DATE

F 001254

*U.S.G.P.O. 1992-0-625-524/41163

FBI (Rev. 2-21-91)

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: ADIC, WMFO

Date: May 9, 1994

FBI File No. 29D-LR-35063

Lab No. E-2700

Reference: Specimens received March 24, 1994

Your No. 29D-LR-35063

Re: MOZARK;
MAJOR CASE 106

Specimens received: April 15, 1994 in Latent Fingerprint Section

Specimens:

Q2, cartridge case
Q3, eyeglasses (processed prior to receipt)
Q6, miscellaneous papers
Q7, key ring
Q16, map
Q17 and Q18, two pairs of glasses
Q19, card
Q20, piece of paper
Q21, box of checkbooks
Q22, card
Q23, bottle
Q24, can
Q25, pack of cigarettes
Q26, bottle of Kaopectate

(Continued on next page)

1 - WMFO (175B-WF-187743)

This Report Is Furnished For Official Use Only

ADIC, WMFO May 9, 1994

Continuation of specimens:

Q27, corkscrew
Q28, miscellaneous items from ashtray
K1, .38 caliber Colt Revolver, bearing serial number 355055
(processed prior to receipt)

The results of the other requested forensic examinations and the disposition of the specimens will be furnished in a separate report.

The specimens were examined and eight latent fingerprints and one latent palm print of value were present or developed on the underside of a pistol grip removed from K1, a business card, two envelopes and a greeting card, parts of Q6.

Seven latent fingerprints are not the fingerprints of VINCENT WALKER FOSTER, JR., FBI #740702RA9. The remaining latent fingerprint (side area) was compared with the available fingerprints of FOSTER, but no identification was effected. Clearly and completely recorded inked impressions of the side areas of the fingers and palm prints are necessary for conclusive comparisons.

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE ☐

2 SYSTEM AREA	3 WHEN DID IT OCCUR? MO.	DAY	YR.	4 YEAR	CASE/INCIDENT NUMBER
GWMP Ft. Marcy	07	20	93	93	0305 02

5 NATURE OF INCIDENT: Death Investigation

6 RECLASSIFICATION OF INCIDENT:

7 RESULTS OF INVESTIGATION

On 7/21/93 Sgt. Rule, I.D.Tech's Johnson and Hill, and the undersigned responded to the officer of the Medical Examiner in Fairfax Va. At this time we met with Dr. Byer. After briefing him with the available information surrounding the crime scene and the victim he started the autopsy on the victim. Prior to our arrival the victim's tongue had been removed as well as parts of the soft tissue from the pallet. Dr. Byer stated that there was evidence of gunpowder residue on the soft tissue but not on the tongue.
Dr. Byer pointed out what he thought to be gunpowder residue on the right hand forefinger of the victim. I supplied him with a picture of the crime scene in which the suspected residue was evident.

During the autopsy Dr. Byer noted that the bullet trajectory was "upward and backward" exiting in the center line of the back of the head. Dr. Byer stated that X-rays indicated that there was no evidence of bullet fragments in the head.

Dr. Byer stated that it appeared that the victim had eaten a "large" meal which he believed to have occurred within 2-3 hours prior to death. He was unable to state positively what type of food was consumed but stated the it might have been meat and potatoes.

The cause of death was determined to be "perforated gunshot wound in and out". The point of entry was in the back of the mouth with the exit in the back of the head.
Autopsy concluded at 1105 hrs.

Hair and blood samples as well as fingerprints were taken from the victim by Dr. Byer and turned over to I.D.Tech Johnson. In addition, I.D. took custody of the victim's clothing.

8 WARRANT(S)	9 ☐ LATENTS ☐ PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE OF PAGES

STATUS: ☐ OPEN ☐ SUSPENDED CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
			James Morrissette	#398	7/21/93			

*U.S.GPO:1992-0-625-524/41193

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Page Denied

2. **Does the finding of semen on his boxer shorts reflect a possible sexual liason in Fort Marcy Park?**

No: involuntary urination, secreted seminal fluid, and defecation often occur upon death from any cause.

3. **Why did this death occur in Fort Marcy Park?**

If we accept the idea that Foster was ambivalent to the end and that he may have driven his car for some time after secreting the gun from his home, the following possibilities are apparent: he may have simply and inadvertently happened upon the park or he may have purposely picked it off the area map found in his car.

We know Foster valued privacy. He spoke in his Commencement Address of taking "an occassional walk alone in the woods." Similar to the typical male physician who suicides by seeking the guaranteed privacy of a hotel room, and a "do not disturb" sign, Foster, protective of his family, would be most unlikely to suicide at home, leaving the possibility of being discovered by his children as a legacy.

4. **Why was no suicide note left by Foster?**

First, it is less, vs. more, common to leave a suicide note. Only 12-15% of suicides leave a note; 85-88% do not (Leenaars, 1992).

Secondly, Foster, again, was intensely private, protective, and loyal to his family and the president/first family. It would be out of character for him to leave a disclosure such as a note.

Thirdly, I believe Foster was intensely self-focused at this point; overwhelmed and out of control.

5. **Why did the pressure get to Foster now?**

He was under an increasing burden of intense external stress, a loss of security, a painful scanning of his environment for negative judgments regarding his performance, a rigid hold of perfectionistic self-demands, a breakdown in and the absence of his usual ability to handle that stress primarily due to the impact of a mental disorder which was undertreated. He simply could not maintain control or see a way out. Most likely, the precipitating "event" that triggered his suicide was a complex of: dashed expectations of relief from the weekend away, anxiety pertaining to the possible Congressional inquiry, highlighted by the meeting planned with his attorney, and the Freeh nomination placed in the context of the *Wall Street Journal* column the day before.

Mode of Death Determination:

In my opinion and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion.

At worst, there remains a lack of **additional** validating evidence answerable by a number of yet unresolved/unanswered questions posed by the unavailabilty of family members for direct

autopsy was that all of the items of clothing were placed in the same plastic bag since the wound was in the head.

He recalled at the time of FOSTER's autopsy, the laboratory had just received a new X-Ray machine and that it was not functioning properly. Some times it would expose the film and some times it would not. He recalls moving the machine over FOSTER's body in the usual procedure and taking the X-Ray. They did not know until near the end of the autopsy that the machine did not expose the film.

Photographs taken during the autopsy were taken by DR. BEYER. He could not now recall just how many photographs were taken but mentioned the photographs he has observed today accurately depict the body as he recalls it that day. He identified the black male in one of the photographs as being himself.

He recalled seeing a dark area on the webbing and along the thumb and forefinger of FOSTER's right hand. He did not know if this was just a dirt smudge or if it was gun powder but DR. BEYER photographed it. He could not now recall seeing this same type dark matter on the left hand but observed in the autopsy report that there was. He could not explain why DR. BEYER did not photograph the left hand.

He could not recall seeing an indentation on FOSTER's right thumb nor could he recall there being any discussion concerning it during the autopsy.

He said the usual practice during an autopsy such as this one, was for fingerprints to be taken. He had no clear recollection of whether or not fingerprints were actually taken during this autopsy or who took them but would assume the body was fingerprinted.

He recalled that DR. BEYER inserted a probe through the path of the bullet before the skull was opened and that photographs were taken. DR. BEYER did not appear to meet any resistance as he inserted the probe and he recalls that DR. BEYER made some comment that the bullet path was clear.

After the brain was removed and visually inspected, he recalls DR. BEYER did dissect it with cuts of approximately one-

eighth inch thickness. He specifically recalls this because he sharpened the knife prior to the autopsy and recalls asking DR. BEYER if he had done it right and if the knife was sharp enough. He recalled there were no bullet fragments located inside the brain.

He recalled they could not locate the missing skull fragments from the exit wound. They even searched the body bag used to transport FOSTER but found nothing.

During an autopsy, blood is not normally drained for weighing and measurement. If there is blood in the chest cavity, it will be removed, measured and weighed. That was not the situation during this particular autopsy.

He did not see evidence of any other type of injury anywhere on FOSTER's body. He was shown a photograph of a dark spot on the right side of FOSTER's neck area which he identified as dried or smeared blood.

He concluded by saying there was nothing about the autopsy of FOSTER that was unusual or caused him any concern. He described it as just a routine autopsy.

Prior to this interview, BURGESS said he had not been contacted by anyone for interview regarding this matter.

Present during and assisting in the interview was R. JEFFERY GREENE, Consultant.

clothes taken off of the decedent.

RULE advised that he was present at the autopsy to learn the procedures and to observe, as well as inform Dr. BEYER of the crime scene and other elements of the investigation to date. RULE advised that he is a fifteen year veteran of the United States Park Police, previously serving as a patrol supervisor and a SWAT supervisor, but that this was his first autopsy. RULE stated that he was relying upon the Identification Technicians to perform whatever tasks that they were responsible for. Photographs of the autopsy were taken by Dr. BEYER, Identification Technician JOHNSON, and Detective MORRISSETTE. Hair and blood samples from the decedent were obtained by Dr. BEYER and provided to Identification Technician JOHNSON, as well as the decedent's clothing. RULE was unaware of the location of the decedent's clothing prior to the autopsy. RULE could not recall who fingerprinted the decedent, but advised that it possibly could have been Dr. BEYER. RULE noticed apparent gunshot residues on the decedent's right hand. RULE stated that he does not remember looking at the decedent's left hand. RULE did not notice any defensive wounds on the decedent's right hand; there were no apparent defensive wounds on the decedent's right hand. RULE stated that he does not remember whether or not swabs or samples were taken of the apparent gunshot residues. However, RULE stated that possibly Dr. BEYER took swabs and scrapings of the residues, but RULE was not sure.

RULE stated that he was present when the decedent's skull was opened and the wound track was examined. No projectile or fragments were recovered from the wound track.

RULE could not recall observing the right side of the decedent's body. RULE does not remember being on the right side of the examination table. However, RULE stated that there was no discussion of any other trauma to the decedent other than the bullet wound to the mouth and skull. RULE stated that he did not notice any of the trauma to the decedent's body. RULE was then shown a post mortem photograph of the decedent's skull and neck and shoulder area which was taken during the autopsy. RULE stated that the picture accurately depicts the decedent as he appeared during the autopsy. RULE pointed out the projectory rod in the back of the decedent's skull. RULE stated that there was never any indication or information regarding any other trauma to the decedent's body other than the bullet wound.

Examiner's assistant.

JOHNSON stated that he "got a good look" at the decedent's body. JOHNSON observed the entire autopsy. JOHNSON stated that he did not observe any trauma or other marks on the body other than the gunshot wound to the mouth and skull. JOHNSON noticed lividity around the body, particularly around the neck. JOHNSON was then shown a post mortem photograph of the right side of the decedent's head, neck, and shoulder, which was taken during the autopsy. JOHNSON stated that the photo accurately depicts the decedent as he observed the decedent during the autopsy. JOHNSON stated that he did not observe any trauma to the neck area of the decedent.

JOHNSON noted black marks around the thumb and forefinger of the decedent's right hand. Dr. BEYER, the Medical Examiner, stated that the marks were "probably powder burns". JOHNSON specifically recalls the marks on the right hand, JOHNSON stated that he is not sure if the same type of marks were located on the left hand. JOHNSON stated that no swab or scrapings were taken of the powder burn residues. Additionally, JOHNSON stated that no palm prints were taken of decedent. JOHNSON also stated that no scrapings or clippings were taken of the decedent's fingernails.

JOHNSON was present during the examination of the wound track in the skull of the decedent. JOHNSON stated that no projectile or bullet fragments were recovered from the wound track. JOHNSON recalled that Dr. BEYER may have mentioned that it was a "clean wound", indicating that it was a through and through shot.

JOHNSON could not recall if any x-rays were taken. No x-rays were definitely taken in JOHNSON's presence.

JOHNSON stated that the autopsy was concluded at 11:00 or 11:30 a.m. JOHNSON took custody of all of the decedent's personal items after the autopsy was over with. These items included the decedent's shoes, socks, and clothing. These items were in a pile on a table next to the sink in the autopsy room. JOHNSON stated that all the items were together and not packaged separately. JOHNSON simply put all of the items together into one bag. Once JOHNSON returned to the U.S. Park Police office, he separated the items and laid them out to dry. JOHNSON stated that he put some brown wrapping paper on the floor of the

back out there if a bullet had been recovered from the decedent.

MORRISSETTE was then shown a post-mortem photograph of the decedent's head, neck, and shoulder area which was taken during the autopsy. MORRISSETTE stated that the decedent is depicted accurately in the photograph. MORRISSETTE reviewed the photo and stated that the decedent looks exactly as he appeared during the autopsy, MORRISSETTE did not recall a large amount of chest hair on the decedent. MORRISSETTE did not remember personally examining the neck area of the decedent. MORRISSETTE stated that he relied on Dr. BEYER's observations, and noted what the doctor said regarding the autopsy. MORRISSETTE stated that Dr. BEYER did not make any remarks regarding the trauma to the neck of the decedent.

MORRISSETTE was then shown a post-mortem photograph of indentations on the decedent's thumb which was taken during the autopsy. MORRISSETTE stated that he did not recall observing these indentations. MORRISSETTE did not specifically look at the indentations on the decedent's hands. MORRISSETTE was then shown another photograph which was taken during the autopsy depicting Dr. BEYER in the background with the decedent in the foreground. MORRISSETTE identified himself standing in the background near Dr. BEYER.

During the interview MORRISSETTE stated that he has a color deficiency in his vision which makes it very difficult to see the color red.

MORRISSETTE did not recall taking any photographs during the autopsy. However, he stated that there's a possibility that he may have taken some polaroid photographs.

MORRISSETTE stated that his assigned task during the autopsy was to observe and record what was going on, and to make observations regarding the decedent. MORRISSETTE stated that he should have taken notes, although none could be located.

MORRISSETTE stated that he did not look on the hands of the decedent for any defensive wounds.

MORRISSETTE recalled that WAYNE JOHNSON fingerprinted the decedent and that photographs were taken, but he is not sure by who. The photographs would have been taken by either WAYNE JOHNSON or SHELLY HILL. Dr. BEYER also took photographs, but

truck. FAIRFAX COUNTY FIRE AND RESCUE standard operating procedure (SOP), dictates that a fire truck would respond to an emergency dispatch requesting an advanced life support unit. Responsibilities for the fire truck crew include rendering traffic control and operation of recovery and extraction equipment.

GONZALEZ's unit responded from the fire house, to an emergency call at Ft. Marcy Park. The call requested a unit respond to a possible decedent near a cannon at the park. The identification of the dispatcher on duty could not be recalled. Dispatch response is controlled by the Fairfax County Police Department (FCPD). GONZALEZ served as the office-in-charge on this call. The driver of his unit was TODD HALL. RICK ARTHUR was the third individual responding with the unit. GONZALEZ recalls the dispatch call being received at the station between the hours of 3:00 p.m. and 6:00 p.m.. It was noted that daylight was still visible upon the responding unit's arrival at the incident scene.

Prior to arriving at the incident scene, GONZALEZ recalled seeing a vehicle parked along side the George Washington Parkway. The vehicle was parked approximately one mile from the entrance to Ft. Marcy Park. The vehicle bore diplomatic license tags.

Upon arrival at the Ft. Marcy Park parking area, GONZALEZ viewed a four-door Mercedes sedan with its emergency lights on. Also in the lot was a Honda sedan bearing Arkansas license tags. As GONZALEZ's vehicle was entering the park, a United States Park Police (USPP) vehicle arrived and followed the EMS vehicle to the incident scene. HALL and a USPP officer arrived at FOSTER's body first. The USPP officer may have been named FORNSTEIN (phonetic).

FOSTER's body was located on the side of a hill at the park. FOSTER's head was pointing toward the top of the hill with his feet oriented toward the bottom of the hill. FOSTER was lying on his back with his mouth open, hands at his side with a gun in one of his hands. From visual inspection it was obvious that FOSTER had suffered a gunshot wound to the head. The wound was recalled to be located in the upper, right front portion of the skull. FOSTER was dressed in a white shirt and dark colored pin/chalk stripe trousers. GONZALEZ's visual search of the

MEMORANDUM

TO: File

FROM: Brett Kavanaugh

RE: Conversation with Dr. Blackbourne

DATE: May 1, 1997

I talked today with Dr. Blackbourne, and asked him whether he agreed with a statement in our report that urination and secretion of seminal fluid can occur upon death. He said he agreed with that statement.

beneath the hand and right leg. Hall checked for a pulse against the left side of Foster's neck and found none. Hall states that he did not move Foster's head during this time.

Shortly thereafter an additional group of EMS personnel and Park Police officers arrived at the body. Polaroid and 35 mm photographs were taken of the body and the surrounding area. The 35 mm photographs were underexposed and of little value, despite the FBI Lab's effort to enhance their quality. The Polaroid photographs, however, clearly depict the condition of Foster's body shortly after the arrival of the Park Police. The photographs show blood stains on Foster's face and on the right shoulder of his shirt. The staining on his shirt covered the top of his shoulder from his neck to his upper arm. The photographs of his face show two lines of blood, one running from the right corner of his mouth to below the right ear, and the other from the right nostril toward the temple above the right ear. The photographs also show a larger area of blood staining Foster's right cheek and jaw, forming what is described in the FBI Lab Report as a "contact stain." Lab Report at 9.*

---

* Two members of Fairfax County EMS, George Gonzalez and Richard Arthur, have expressed doubts about whether Foster's death was the result of a suicide. In large measure, these doubts were caused by observations of what they believed to be bullet wounds on Foster's face. Gonzalez believed he saw a bullet hole in the upper right portion of Foster's forehead. Arthur believed he saw a bullet wound in the right side of Foster's neck. These wounds did not exist. The autopsy results, the photographs taken at the scene, and the observations made by Park Police investigators conclusively show that there were no such wounds.

February 23, 1994, interview: "The wound was recalled to be located in the upper, right front portion of the skull." GONZALEZ states that he either misspoke or was misquoted in this portion of the interview. GONZALEZ further states that this report of his interview, as read, makes it appear as though the gunshot wound was to the victim's forehead. This is not what GONZALEZ recalls or what he intended to report. The "wound" GONZALEZ refers to in this statement was an apparent contusion in the upper jaw area.

GONZALEZ was then read a portion of the deposition he gave to the U.S. Senate, Committee on Banking, Housing, and Urban Affairs on July 20, 1994 (pages 35 and 36), which states in part:

"A. I think we were trying to -- I was trying to recall whether there was a gunshot wound on the side of the head. I could not remember.

I was just wondering if he had the same recollection.

Q. So you were trying to remember where the entrance wound was?

A. Yes, for some reason, I was trying to recall. Something in my mind said it was on the side of the head. There could have been a spot of blood or a run of blood. I couldn't remember at that time. That's why I was asking him.

Q. And the side of the head?

A. Right side.

Q. Upper part, lower part?

A. Lets see. If you want to break it up in four areas, say, and looking from the side profile, top right area.

Q. So near the temple area?

A. Yes, somewhere right in this area."

GONZALEZ states he was confused and frustrated during this deposition and did not intend to testify that the contusion he thought he observed was in FOSTER's right temple area. GONZALEZ intended to testify the "wound" was in the right jaw

FN # 79-80

RM 43-11

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

YR | INCIDENT NUMBE
93 | [redacted] 3 5 0 2

LOCATION CODE

EVIDENCE/PROPERTY CONTROL RECEIPT

☒ EVIDENCE ☐ FOUND PROPERTY ☐ SAFEKEEPING

OFFENSE/INCIDENT: Death Investigation DATE: 7-20-93 TIME: _____

INCIDENT LOCATION: Ft Marcy GWMP OFFICER: _____

PROPERTY #: _____ NARCOTIC #: _____ DEA LAB #: _____ MCL #: 166-93

ITEM #	QUANTITY	DESCRIPTION OF EVIDENCE/PROPERTY	LOCATION RECOVERED
1	1	Colt, Army Special, 38 Cal revolver, 4", 6 shot Serial 356555 355055	right hand victim
c	1	round 38 cal. r-p 38spl HV	
3	1	casing 38 cal r-p 38spl HV	from revolver
4	1pr	eyeglasses	from revolver

☐ NCIC CHECK MADE

EVIDENCE/PROPERTY OBTAINED FROM: scene

OWNER/DEFENDANT(S): _____

OWNER'S ADDRESS: _____

RECOVERED/RECEIVED BY: P Simonello DATE: 7-20-93 TIME: 1930

PROPERTY MAY BE: RELEASED: YES ( ) NO (X) ITEM(S): _____

DESTROYED: YES ( ) NO ( ) ITEM(S): _____

CASE INVOLVES ASSET FORFEITURE: YES ( ) NO ( ) ITEM(S): _____

CASE UNDER APPEAL: YES ( ) NO ( )

Peter J Simonello P Simonello 94 7-20-93

OFFICER/AUSA OR STATES ATTORNEY

F 001145

FN*81

Memorandum

To : ASSOC. INDEPENDENT COUNSEL BRETT KAVANAUGH Date 6/22/95

From : SA C.L. REGINI

Subject: FOSTER DEATH INVESTIGATION
SUMMARY OF PHYSICAL EVIDENCE

The following is a comprehensive summary of the physical evidence in this case. This summary does not include the items obtained during the search of Ft. Marcy Park on 4/4/94, since none of the items were determined to be relevant to this investigation. Preliminary examination by Dr. Lee indicates the possibility of the presence of blood on the USPP latent lifts from the glasses and revolver, as noted in my memo documenting my meeting with him on 6/9/95. My memo of 6/12/95 identifies the particular locations and amounts of hairs, fibers, and latent prints. Additionally, my memo of 3/2/95, which documents our meeting with the laboratory examiners, contains information regarding the nature of the forensic examinations and some of the conclusions that can be drawn from the results.

I) Death Scene Observations.
A) The decedent was lying face-up on an approximate 45 degree sloped embankment, with his head toward the top of the slope. The location was consistently described to be near the "second cannon".
B) The decedent was wearing a white shirt. Blood stains are only observed on the right shoulder and neck area, and around the right rib cage area.
C) Blood trails are observed on the decedent's face.
D) The decedent's arms were at his sides. The right hand was around the cylinder of a black revolver.
1) right thumb trapped between trigger and inside edge of trigger guard.
2) one blood droplet on right index finger above second joint.
3) apparent gunshot residues along the outside edge of the right index finger, in close proximity to the cylinder gap of the weapon.

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

4) The hammer of the revolver had to be cocked to remove the weapon from the hand (indicates that the revolver was cocked when the thumb was inserted).
5) The decedent's hand was flexible (gun was not tightly gripped).
E) Prescription glasses were collected approximately 13' downslope from the decedent's feet.
F) When the body was rolled, a large pool of blood was observed where the head had been resting.
1) Additionally, a larger area of blood was observed where the decedent's back was in contact with the ground, which coincided with blood stains observed on the back of the decedent's shirt.
2) A gunshot wound was observed at the back of the decedent's head.
G) The area was not searched for blood, other than by sight.
1) No blood was visually seen on surrounding vegetation.
H) The decedent was still wearing his jewelry and pager.
1) The pager had been manually turned off.
2) The decedent's wallet and identification were located in his unlocked vehicle.
a) The wallet contained $292 and various credit cards.
I) The weapon was unloaded at the USPP office.
1) The hammer was down on a fired .38 caliber casing.
2) An unfired .38 cal. bullet was in the next chamber.
a) Colt revolvers rotate clockwise. The unfired bullet was in the next chamber to be rotated into firing position.
3) The serial number from the crane of the revolver cylinder (356555) was traced to the Seattle Hardware Co., Seattle, WA., 9/14/13.
a) The serial number on the frame of the revolver (355055) was traced to the Gus Habich Co., Indianapolis, IN., 12/29/13.
b) Consistent with describing the weapon as an antique or family heirloom.
J. The following items were taken as evidence at the location of the body on 7/20/93:
a) eyeglasses- 13' downslope from the decedent's feet. (Simonello).
b) revolver- from the decedent's right hand (Simonello).
c) Seiko wrist watch- from decedent's left wrist (Rolla). Returned to Cliff Sloan on 7/21/93.
d) Pager- from decedent's right waist area (Rolla). Returned to Cliff Sloan on 7/21/93.
e) Silver ring with large white stone- from decedent's right ring finger (Rolla). Returned to Cliff Sloan on 7/21/93.
f) Gold colored ring with inscription "E.B.B. to V.W.F. 4-20-68" - from decedent's left ring finger (Rolla). Returned to Cliff Sloan on 7/21/93.

FN# 82

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
1401 Research Boulevard
Rockville, Maryland 20850
FTS 443-5337
(301) 443-5337
FAX FTS 443-9611

CWH 9-14-93

Laboratory Report

To: Major Benjamin J. Holmes Jr.
Commander Criminal Investigations Branch
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20242

Date of Report: August 17, 1993

Lab Number: 93N0649 (1)

Reference: 63541932032A

Type of Exam: Firearms/Toolmarks

The following evidence was received on August 16, 1993, from Officer Peter J. Simonello (hand carried).

EXHIBITS

1 - One (1) Colt .38 special caliber, model Army Special revolver, serial number 355055.

2 - One (1) cartridge.

3 - One (1) cartridge case.

16 - One (1) white long sleeve shirt.

19 - One (1) blue grey trousers

20 - Thirteen (13) photographs.

RESULTS OF EXAMINATION

Exhibit 1 was examined, found to function and test fired twice for comparative purposes. Exhibit 3 (cartridge case) was identified as having been fired in the Exhibit 1 revolver.

Gunshot residue patterns were reproduced in the laboratory which were consistent with the pattern in the Exhibit 20 photographs. These patterns were produced from the cylinder gap.

Exhibit 2 (cartridge) and Exhibit 3 (cartridge case) are .38 special high velocity caliber which were produced by Remington Peters Company.

Accredited by The American Society of Crime Laboratory Directors

Examination and chemical processing of Exhibit 16 for the presence of gunpowder gunshot residue determined a positive reaction consistent with the discharge of a revolver in close proximity to the upper front of the shirt.

Examination and chemical processing of Exhibit 19 for the presence of gunpowder gunshot residue determined no reaction present.

DISPOSITION OF EVIDENCE

The submitted evidence will be retained in the laboratory until called for by a representative from your office.

Carlo J. Rosati
Carlo J. Rosati
Firearms and Toolmarks Examiner

REVIEWED BY: Benjamin L. Wilson
Benjamin L. Wilson, Chief
Identification Section

cc: Special Agent Elvis Acosta
Bureau of Alcohol, Tobacco and Firearms
7799 Leesburg Pike, Suite 600, South Tower
Falls Church, VA 22043

CJR/jmb

FN # 83-85

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

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Date: May 9, 1994

To: ADIC, Washington Metropolitan Field Office

FBI File No. 29D-LR-35063

Lab No. 40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ AR
4033007 S/D QV ZG WK UD WP AL VY ZZ AR
40405047 S QV RU
40413029 S QV
40414002 S/D QV QW WP AL
40422001 S QV QW

Reference: Communication dated 3/29/94

Your No. 29D-LR-35063

Re: MOZARK
MAJOR CASE #106
OO: Little Rock

Specimens received: March 24, 1994

Specimens personally delivered by SSA William Colombell on March 24, 1994 (Laboratory Number 40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ AR):

Q1	Cartridge (2)
Q2	Cartridge case (3)
Q3	Eyeglasses (4)
Q4	Jacket (10)
Q4A	Handkerchief (10)
Q5	Tie (11)
Q6A-Q6F	Miscellaneous papers (13)
Q7-Q7D	Key ring and keys (14)

(over)

This Report Is Furnished For Official Use Only

FBI LAB REPORT

Result of examination:

FIREARMS:

Specimen Q2 is a .38 Special caliber cartridge case of Remington manufacture which was identified as having been fired in the K1 revolver. Several pieces of ball smokeless powder were removed from the Q2 cartridge case in the Laboratory.

Specimen Q1 is a .38 Special caliber cartridge of Remington manufacture which is loaded with a round-nosed lead bullet. The Q1 cartridge and the Q2 cartridge case are similar in caliber type and manufacturer and bear similar "R-P .38 Spl HV" headstamps. The bullet was removed from the Q1 cartridge in the Laboratory.

The K1 revolver functioned normally when test fired in the Laboratory. The trigger pulls (single action and double action) were normal for the K1 revolver.

One piece of ball smokeless powder was removed from the Q3 glasses in the Laboratory. This piece of ball smokeless powder could have been deposited on the Q3 glasses from the cylinder blast or muzzle blast of the K1 revolver when fired. Ball smokeless powder was also removed from the Q30 paper in the Laboratory.

When the Q8 shirt was received in the Laboratory, the resultant color reaction for a positive reaction for the sodium rhodizonate test was apparent. This reaction was positive for vaporized lead and very fine particulate lead; it was noted on the front of the Q8 shirt. This type of reaction is consistent with the type of reaction expected when a firearm is discharged in close proximity to this portion of the shirt. It is consistent with muzzle blast or cylinder blast from a revolver like the K1 revolver using ammunition like specimens Q1 and Q2.

Subsequent chemical processing of the Q8 shirt in the Laboratory revealed lead residues in a small area near the sixth button from the collar on the front of the Q8 shirt. This reaction could have been caused by contact with a source of lead residues. Lead residues were also detected on the underside of the edge of the collar on the left side of the Q8 shirt. This small area of lead residues could have been caused by the discharge of a firearm consistent with the positive reaction noted above when the Q8 shirt was received in the Laboratory.

FN # 86

Additional experiments using the Colt revolver, item #35, were conducted. These experiments, including the test firing of the weapon, were conducted to determine the amount of unburned, partially burned, and burned gunpowder residue produced when this weapon was used with RP ammunition similar to that in submitted items #34 and #57.

The first set of experiments described was conducted in Meriden, CT by State Police Forensic Science Laboratory personnel. The second set of tests was performed by FBI investigators and scientists at the U.S. Army Laboratory Aberdeen Proving Ground. Information concerning these experiments were submitted for review. The following is a summary of the results of these experiments.

A. CT Forensic Laboratory Experiments

1. The amount of visible gunshot residue deposited on the target surface was observed by using submitted item #35 (Colt revolver) and Remington Peters .38 HV ammunition, submitted item #57. Photograph #IV-1 shows the weapon prior to these experiments. Test shots were fired into a bullet trap; this bullet trap is shown in photograph #IV-2. The weapon was fired under several conditions; a single shot using RP ammunition was fired under each condition:

Condition (1): A cloth target was used with clean paper under the bullet trap to catch gunpowder particle residue. The weapon was not covered under this testing condition. (Photograph #IV-3)

Condition (2): The revolver was placed inside a plastic bag at the time of firing. Clean paper was used to collect visible gunpowder particles. (Photograph #IV-4)

Condition (3): Both a manila envelope and a plastic bag were placed over the weapon when it was fired. Clean paper was placed under the trap area. (Photograph #IV-5)

Condition (4): A clean cardboard box was used with cotton batting at the entrance to the bullet trap. This box formed a total enclosure around the weapon and the shooter's hand. (Photograph #IV-6)

2. Under Condition (1), using item #35 and RP .38 SPL HV ammunition, a large amount of partially burned and unburned gunpowder particles were seen in addition to soot and other materials on the target surface. Photograph #IV-7 depicts some of these particles on the paper.

3. Photograph #IV-8 depicts Condition (2) after the weapon was discharged. Soot and gunpowder particles can be seen on the target area and on the paper under the target . Soot and gunpowder particles were also noted on the inside of the plastic bag.

4. Photograph #IV-9 depicts a view of the inside of the manila envelope after the weapon was fired under Condition (3). Numerous gunpowder particles and soot-like residues can be seen on the inside of the envelope.

5. Photograph #IV-10 depicts the cotton batting from the bullet trap under the Condition (4). Macroscopic and microscopic examination of this

batting and the contents of the cardboard box showed the presence of a large number of particles of unburned and partially burned gunpowder.

6. A Colt revolver from the Laboratory reference collection similar to item #35 was also test fired using the RP .38 SPL HV ammunition. This weapon is shown in photograph #IV-11 next to item #35. As shown in photograph #IV-12, gunpowder residue was observed on the target surface, but a relatively small amount of gunpowder was found on the paper under the target.

7. In addition to the RP .38 SPL HV ammunition, item #35 was test fired using standard "Remington" ammunition. A very small amount of gunpowder was noted on the collection paper after this test firing, as seen in photograph #IV-13.

8. The shooter's hand was monitored for visible deposits after the test firing. After one shot was fired using item #35 and RP .38 SPL HV ammunition, the hand holding the weapon showed the presence of soot and powder-like material. A view of the side of the shooter's hand is shown in photograph #IV-14.

In addition, a piece of cotton cloth was used to cover the cylinder area of the weapon for a single shot using the RP .38 HV ammunition, as shown in photograph #IV-15. A view of deposits of soot and gunpowder-like material found on this cloth after the weapon was discharged is shown in photograph #IV-16.

9. The following conclusions were reached as a result of the Connecticut Forensic Laboratory test firing experiments:

(a) Each test condition using submitted item #35 and "RP .38 SPL HV" ammunition resulted in the release of a large quantity of unburned and partially burned gunpowder particles. Greater than 1,000 particles were recovered from each test condition.

(b) Using the weapon found at the scene (#35) with more recently manufactured ammunition produced a lesser amount of unburned gun powder. When the RP .38 HV SPL ammunition (item #57) was used with the laboratory test revolver, a lesser amount of unburned or partially burned gunpowder was also produced. Using recently manufactured ammunition in the laboratory test weapon produced the least amount of residual gunpowder particles.

(c) It was noted that there was a significant difference in the cylinder gap between item #35 and the laboratory test revolver. A feeler gauge, as shown in photograph #IV-17, was used to measure the cylinder gap of these two weapons. The gap of item #35 was measured to be approximately .010 in. (Photograph #IV-18); the cylinder gap of the laboratory test revolver measured 0.007 in., as shown in photograph #IV-19. A close-up view of the cylinder area of the weapon from Fort Marcy Park (item #35) is depicted in photograph #IV-20. This larger cylinder gap could have contributed to the large amount of gunpowder residue produced when the revolver was fired.

(d) It was also noted that the strap area of the frame at the cylinder of item #35 was extremely worn. This area is depicted In photograph #IV-21. This defect in the weapon could also have contributed to the large amount of gunshot residue and gunpowder particles produced when this weapon was discharged using the RP .38 HV ammunition.

B. Experiments at the Aberdeen Test Center

FN # 87-88

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

NATIONAL TRACING CENTER
REPORT OF FIREARMS TRACING

Headquarters, Office of
Law Enforcement
Washington, D.C. 20226

FAX: 1-800-578-7223
PHONE: 1-800-788-7133

A.T.F.
PAT HINES
WASHINGTON FIELD DIVISION
607 4TH STREET, SUITE 620
WASHINGTON, DC 20005

PETER MARKLAND
UNITED STATES PARK POLICE
1100 OHIH DRIVE S.W.
WASHINGTON, DC 20242

HISTORY OF FIREARM SERIAL NUMBER: 356555 FIREARM TYPE: PISTOL
MANUFACTURER: COLT COUNTRY OF ORIGIN: UNITED STATES O
MODEL: ARMY SPECIAL CALIBER/GAUGE: 38

THE FIREARM LISTED ABOVE WAS TRACED BASED ON YOUR REQUEST OF 07-22-93. THE FOLLOWING RESULTS WERE DETERMINED:

THE FIREARM WAS PURCHASED BY THE FOLLOWING DEALER ON 09-14-13:
DEALER NO: ZZZ
FFL DOES NOT EXIST IN THE ATF LICENSING SYSTEM.
SEATTLE HARDWARE CO., SEATTLE, WA
TELEPHONE: - - INVOICE NO:

NO FURTHER TRACE POSSIBLE.

TRACE WAS STOPPED BECAUSE OF THE FOLLOWING REASON:
MANUFACTURED PRIOR TO 1945

SPECIAL AGENT IN CHARGE
NATIONAL TRACING CENTER

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

NATIONAL TRACING CENTER
REPORT OF FIREARMS TRACING

Headquarters, Office of
Law Enforcement
Washington, D.C. 20226

FAX: 1-800-578-7223
PHONE: 1-800-788-7133

A.T.F.
HINES PAT
WASHINGTON FIELD DIVISION
607 4TH STREET, SUITE 620
WASHINGTON, DC 20005

PETER HARKLAND
UNITED STATES PARK POLICE
1100 OHIH DRIVE S.W.
WASHINGTON, DC 20242

HISTORY OF FIREARM SERIAL NUMBER: 355055 FIREARM TYPE: PISTOL
MANUFACTURER: COLT COUNTRY OF ORIGIN: UNITED STATES O
MODEL: ARMY SPECIAL CALIBER/GAUGE: 38

THE FIREARM LISTED ABOVE WAS TRACED BASED ON YOUR REQUEST OF 07-22-93. THE FOLLOWING RESULTS WERE DETERMINED:

THE FIREARM WAS PURCHASED BY THE FOLLOWING DEALER ON 12-29-13:
DEALER NO: ZZZ
FFL DOES NOT EXIST IN THE ATF LICENSING SYSTEM.
GUS HABICH CO., INDIANAPOLIS, IN
TELEPHONE: - - INVOICE NO:

NO FURTHER TRACE POSSIBLE.

TRACE WAS STOPPED BECAUSE OF THE FOLLOWING REASON:
MANUFACTURED PRIOR TO 1945

ATF F 7520.2 (9-92)

SPECIAL AGENT IN CHARGE
NATIONAL TRACING CENTER

F 001149

FN# 89

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

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: ADIC, Washington Metropolitan Field Office

Date: June 21, 1994

FBI File No. 29D-LR-35063

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

Reference: Communication dated 3/29/94

Your No. 29D-LR-35063

Re: MOZARK
MAJOR CASE #106
OO: Little Rock

Specimens received: March 24, 1994

Result of examination:

Reference is made to the FBI Laboratory reports that were previously provided in this case. Please refer to these reports for a complete listing of the submitted items, results and evidence disposition.

NUMBER RESTORATION:

Examination of K1 found no indication of any alteration of the serial number of the weapon. The original serial number of the firearm was determined to be "355055".

The additional serial number on the crane of the firearm most likely occurred at some time when the eighty year-old weapon was repaired. There is no realistic way to determine when such a repair occurred. The exchange of the two numbers between the frame and the crane is a condition noted on many similar firearms in the Laboratory's Reference Firearms Collection and is not considered significant.

(over)

This Report Is Furnished For Official Use Only

FN # 90

have been used in this case. It is unknown at this time whether these techniques would have provided additional information.

(4) Macroscopic and microscopic examination of item # 36, a piece of paper which was originally around the barrel of item #35, revealed the presence of reddish-colored particles. These stains also gave positive results with a chemical test for blood. This fact suggests that the barrel of the weapon was in contact or at close range to a source of liquid blood.

(5) Blood spatters and tissue-like materials were noted on the fingerprint lift tape from the weapon, submitted item #45. Chemical tests for blood were positive with some of these materials.

The presence of blood and tissue-like materials on the lifts is another strong indication that this weapon was fired while in contact with or close to a blood source.

(6) Based on laboratory observations and the examination of the scene photographs, the revolver in item #35 is consistent with the weapon which resulted in the death of Mr. Vincent Foster. The barrel of this weapon was likely in Mr. Foster's mouth at the time the weapon was discharged. Gunshot residue noted on Mr. Foster's right hand and the lesser amount of deposits on his left hand indicated that Mr. Foster held the weapon when it was fired.

2. AMMUNITION and GSR

(1) The ammunition found in this weapon was type "RP .38 SPL HV", manufactured by Remington Peters. Information supplied by the manufacturer

indicated that this ammunition was discontinued in 1975. Thus, the cartridge fired from item #35 would have been manufactured prior to this time.

(2) This type of .38 cartridge was found to contain approximately 13 grains of ball-shaped powder which varied slightly in size.

(3) Test firing was conducted using a laboratory standard weapon and the reference ammunition in submitted item #57. Little or no observable gunpowder particles were released on the shooter's hand or around the cylinder under this condition.

(4) The results of each test firing utilizing item #35, the revolver found at Fort Marcy Park, were examined by the CT Forensic Laboratory. Each shot produced a significant amount of unburned and partially burned gunpowder.

(5) A few unburned and partially deformed gunpowder-like particles were recovered from the soil in the area where Vincent Foster's body was found. Whether these particles were deposited on the ground at the time of Mr. Foster's death or at any other period of time cannot be determined at this time. If these particles, in fact, were deposited contemporaneous with the death of Mr. Foster, this could suggest the location where he was found is consistent with the primary scene.

(6) GSR particles were also found on Mr. Foster's eyeglasses, his shirt, his T-shirt, his pants and the papers used for drying of clothing. These findings clearly indicate the Mr. Foster was wearing these items of clothing at the time the weapon was discharged.

3. CLOTHING

FN#91

5/9/94 FBI LAB REPORT

SEROLOGICAL ANALYSES:

Grouping tests conducted on the K3 blood sample and the human blood identified on the below-listed specimens disclosed the following:

K3	"PGM 2-2+, Hp 2, Gc 1F1S"
Q8	"PGM 2-2+"
Q9	"PGM 2-2+, Hp 2, Gc 1F1S"

Attempts to further characterize Q8 were inconclusive. Human blood, too limited in amount for conclusive grouping purposes, was identified on Q11A. Blood, too limited in amount for conclusive origin determination, was identified on Q15. A preliminary chemical test for the presence of blood was positive on a stain of human origin on Q10; however, the presence of blood could not be confirmed. A preliminary chemical test for the presence of blood was positive on stains on Q4A and Q11; however, the presence of blood could not be confirmed due to a limited amount of stain. No blood was identified on Q3, Q4, Q5, Q12 through Q14, Q30 or K1.

Semen was identified on Q10. No semen was identified on Q4, Q4A, Q5, Q8, Q9 or Q11.

DNA ANALYSIS:

DNA DQ alpha types as listed were detected for the following specimens:

Specimens	DNA DQ alpha Type
K3 (FOSTER)	2,4
K1 (Muzzle portion of barrel)	2,4
Q6F (envelope flap)	
Q6F (stamp)	3,4

Based on the DNA DQ alpha results, the source of K3 is included as a potential contributor to the DNA detected in specimen K1. The estimated percentage of selecting an unrelated individual at random from the population having DQ alpha type 2,4 as detected in specimens K3 and K1, is approximately 6 percent of Caucasians, 8 percent of Blacks and 8 percent of Hispanics.

(over)

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

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Date: May 9, 1994

To: ADIC, Washington Metropolitan Field Office

FBI File No. 29D-LR-35063

Lab No. 40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ AR
4033007 S/D QV ZG WK UD WP AL VY ZZ AR
40405047 S QV RU
40413029 S QV
40414002 S/D QV QW WP AL
40422001 S QV QW

Reference: Communication dated 3/29/94

Your No. 29D-LR-35063

Re: MOZARK
MAJOR CASE #106
OO: Little Rock

Specimens received: March 24, 1994

Specimens personally delivered by SSA William Colombell on March 24, 1994 (Laboratory Number 40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ AR):

Q1	Cartridge (2)
Q2	Cartridge case (3)
Q3	Eyeglasses (4)
Q4	Jacket (10)
Q4A	Handkerchief (10)
Q5	Tie (11)
Q6A-Q6F	Miscellaneous papers (13)
Q7-Q7D	Key ring and keys (14)

(over)

This Report Is Furnished For Official Use Only

FN# 92

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: *Death Investigation* CASE NO: *30502-93*

INCIDENT LOCATION: *Ft Marcy GWMP VA* DATE: *7/20/93*

DISTRICT/FIELD OFFICE: *D-2* TIME:

REPORTING OFFICER: MCI #: *0166-93*

C.I.B. INVESTIGATOR:

RESULTS OF INVESTIGATION

On July 23, 1993, I was requested by Sgt Rule to immediately process the weapon in the above case. I removed the weapon from a sealed bag and observed that the barrel of the weapon was covered with a piece of brown paper secured by rubber bands. I advised Capt. Hume of this.I collected and wrapped this piece of paper in an evidence bag. I then processed the weapon for latent prints which the Capt had requested. The results were negative.

F 0011187

ID TECHNICIAN
E J Smith 7/23/93 DATE

USDI, NPS USPP FORM 1174 (REV. 12/88)

SUPERVISOR DATE *7/28/93*

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: Death Investigation
CASE NO: 30502-93

INCIDENT LOCATION: Ft.Marcy
DATE: 7-20-93

DISTRICT/FIELD OFFICE: D-2
TIME: 1804

REPORTING OFFICER: Ferstl
MCL#: 166-93

C.I.B. INVESTIGATOR:

RESULTS OF INVESTIGATION At the scene the following observations were made by the undersigne Approximately 20 feet west of the canons axle the body of a white, male,45 -50yrs.,neat appearance,dressed in a white shirt,bluegrey slacks,black dress shoes,was laying face up with the head upslope in an east - west alignment.There was blood staining around the chin area and from the nose down the right cheek.Blood stains also were found on the right shoulder and neck area as well as the right ribcage area of the shirt.The victim's arms were at his sides and the victim had his right hand on a black revolver.The right thumb was trapped between the trigger and inside front edge of the trigger guard.A cursory examin of the victim's hands for blood spatter evidence revealed one droplet on the right index finger, above the second joint.No discernible forward or back spatter blood evidence on the victim's shirtsleeves.I observed dark residue along the edge of the right index finger facing the thumb between the thumb's joint and finger tip.Approximately 13 ft.downslope from the victim's feet(west) I observed a pair of prescription glasses laying on the ground

After photographing the victim I removed the revolver from the victim's right hand. The victim's hand was flexible with little or no rigor.The thumb was wedged between the trigger and front inside edge of the trigger guard indicating that the hammer was in the cocked position prior to the thumb being inserted.The revolver and pair of glasses were collected as evidence.

The coroner arrived at 1940 hrs. When the body was turned onto its stomach I observed a large area of blood pooled where the head had been resting.The area was photographed and probed for the expended round with negative results.I also observed a larger area of blood where the victim's back had been,coinciding with blood stains on the back of shirt. The pooled blood was beginning to show signs of coagulation.

The body was taken by The McLean VFD unit V4.I transported the weapon to the ID lab where I unloaded it and documented its information and condition onto a USPP Firearms Examinati Report (form USPP 123).I then wrapped the barrel in brown paper secured with rubber bands preserve any blood spatter,blowback,gunpowder residue,hairs,fiber,or tissue evidence.Weap placed in sealed evidence bag in the evid.locker to await submission to the FBI labs.

ID TECHNICIAN DATE SUPERVISOR Sgt. C. G. Ferstl DATE 7/28/93

F 001142

FN# 93-99

Item #35 (FBI #: K1)

"One (1) Colt revolver"

Description:

One plastic bag labeled "30502-93 Item #1 K1 RC 0324" containing paper wrapping.

Examination Results:

One (1) .38 caliber Colt revolver, Army .38 Special model. Photographs #II-35-1 and #II-35-2 are two views of this revolver.

Two (2) numbers were stamped on the weapon: It appears a reversed number "355055" was on the frame and underside plate; serial number "356555," stamped on top of the previous number, was on the crane. These numbers are depicted in photograph #II-35-3.

A. The weapon in item #35 had a four inch barrel, a blue steel finish, and a hard, black-colored "Colt" grip. The left grip was broken and a piece was missing. Closer views of the grip area are shown in photographs #II-35-4 and #II-35-5.

   (1) The cylinder gap was found to be .010 in. Heavy gas cutting was noted on the top strap above the cylinder gap.

   (2) The trigger pull of item #35 was 10 3/4 pounds double action and 4 3/4 pounds, single action, which was within the normal range for this type of weapon.

B. Various scraped and damaged areas were noted on the revolver. In addition, rust-type and dark-colored deposits were noted on the weapon.

C. Small specks of brownish-colored deposits were noted. Some of these deposits gave positive results with a chemical test for blood. The quantity of sample present was insufficient for further analysis. A closer view of some of these specks on the barrel of the weapon is shown in photograph #II-35-6.

have been used in this case. It is unknown at this time whether these techniques would have provided additional information.

(4) Macroscopic and microscopic examination of item # 36, a piece of paper which was originally around the barrel of item #35, revealed the presence of reddish-colored particles. These stains also gave positive results with a chemical test for blood. This fact suggests that the barrel of the weapon was in contact or at close range to a source of liquid blood.

(5) Blood spatters and tissue-like materials were noted on the fingerprint lift tape from the weapon, submitted item #45. Chemical tests for blood were positive with some of these materials.

The presence of blood and tissue-like materials on the lifts is another strong indication that this weapon was fired while in contact with or close to a blood source.

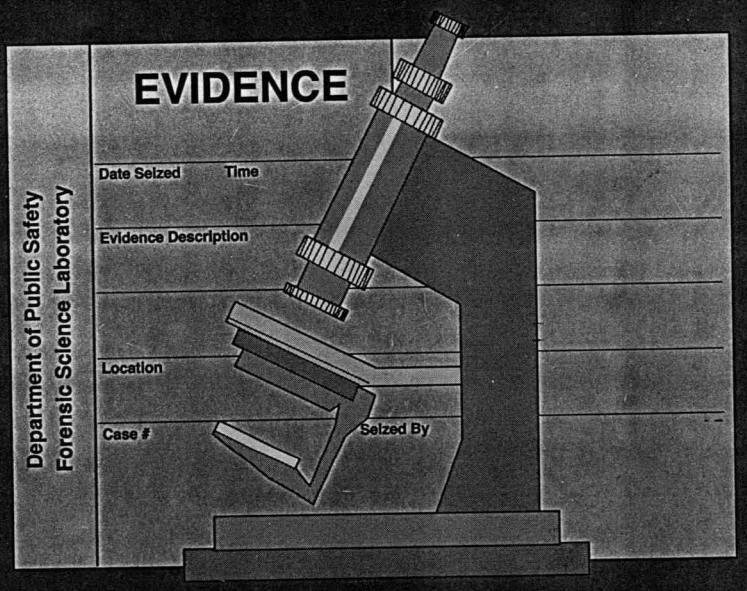
(6) Based on laboratory observations and the examination of the scene photographs, the revolver in item #35 is consistent with the weapon which resulted in the death of Mr. Vincent Foster. The barrel of this weapon was likely in Mr. Foster's mouth at the time the weapon was discharged. Gunshot residue noted on Mr. Foster's right hand and the lesser amount of deposits on his left hand indicated that Mr. Foster held the weapon when it was fired.

2. AMMUNITION and GSR

(1) The ammunition found in this weapon was type "RP .38 SPL HV", manufactured by Remington Peters. Information supplied by the manufacturer

FN # 100

PHYSICAL EVIDENCE



laboratory or members of the identification unit should be consulted as to other methods which may be utilized to obtain the fingerprints.

III. Laboratory Examination of Latent Prints Evidence

A. Processing of Physical Evidence for Latent Fingerprints

Physical evidence submitted to the forensic laboratory can be processed by various methods, depending on the nature of the print and the substrate upon which it is deposited. In addition, photographic techniques may also be employed to enhance visible characteristics. Table 15 summaries various methods utilized to visualize latent fingerprints. The following are general descriptions of some of the methods used in the laboratory.

1. Powder dusting.

A powder of contrasting color to the surface being dusted is chosen. Impressions on objects such as metal, plastic, glass, tile and the like are easily processed with various fingerprint powders. Occasionally, a magna-brush can be used; fine steel particles are used as powder for developing the latent fingerprints.

2. Iodine fuming.

Vapor from warmed iodine crystals reacts with the oils deposited, yielding a yellow brown print. The developed latent prints must be photographed immediately or chemically fixed for a permanent record.

3. Ninhydrin.

Reagent is sprayed on the medium and reacts with amino acids and peptides from body secretions, giving a violet color.

4. Silver nitrate.

A dark image is produced when the silver nitrate solution reacts with salts in the latent print.

5. Fluorescent reagents.

Fluorescamine and o-Phthalaldehyde react almost instantaneously with amines from body secretions, yielding highly fluorescent patterns. These reagents are useful on multi-colored surfaces.

6. "Super glue" method.

This process relies on the fumes of cyanoacrylic esters chemically forming cyanoacrylic polymers in the presence of water and amino acid molecules. "Super glue"

Table 15: Methods for Visualization of Latent Fingerprints

Methods	Principle	Applicable Surfaces
Powder dusting	Adherence of inert material to fingerprint residues	Smooth, non-porous such as metals, glass, plastics, tile and finished woods.
Oblique lighting and photography	Natural residues of fingerprints	Smooth and non-reflective surfaces
Laser or alternative light source	Fluorescent material in fingerprint residues	Smooth, non-porous or lightly porous surfaces such as plastic and paper
X-ray	Adherence of lead to residues	Smooth, non-porous and slightly porous surfaces such as human skin
Vacuum coating	Adherence of gold, silver, or cadmium to residues	Smooth surfaces, such as plastic films, polyethylene, and paper
Iodine fuming	Chemical interaction with fatty acids and lipids	Smooth surfaces such as paper and human skin
Ninhydrin	Chemical interaction with amino acids, peptides and proteins of residues	Paper, cardboard
Super Glue	Formation of polymers with amino acids and water	Paper, plastics, wood, metal and other surfaces

fuming can also be used in conjunction with various colored and fluorescent powders.

7. Alternate Processing Methods.

Various techniques relying on technological advances in instrumentation and illumination have been employed with some success.

a) *Argon laser*: In the proper optical setup, various components of body secretions fluoresce and may be photographed. This technique is non-destructive, but expensive, and requires specialized equipment. Use of fluorescent powders and sprays may enhance the effects of laser illumination.

b) *X-ray detection*: Prints are dusted with lead powder, producing distinct images on photographic film when exposed to x-rays. This is useful on many objects and on skin.

c) *Vacuum coating*: A fine vapor of metal is developed in a vacuum and deposits on the print. Prints on paper, fabrics, and plastics have been processed in this manner.

d) *Alternative light illumination*: Use of various wavelengths of light to illuminate a latent fingerprint may enhance the print. By varying the wavelength and intensity of light and the filters used to view the print, background or contaminant interferences may be reduced or eliminated.

B. Development of Latent Prints on Skin

Prints on skin can be difficult to obtain, especially if the cadaver has been exposed to adverse environmental conditions.

1. Iodine-silver method.

Iodine-fumed prints are exposed to a thin, polished silver plate, turning it black at ridge locations.

2. Cyanoacrylate fuming and laser/alternative light source detection.

The areas of interest on the body are fumed with super glue and then dusted with fluorescent powders, which are easily detected with alternate light sources.

3. Decomposed bodies.

Some laboratories are equipped to make identifications of fingerprints from decomposed bodies. Silicone or glycerin may be injected into the fingers; in some cases, the skin is removed, mounted on a glass slide and photographed from the back of the skin, thus making the patterns visible. Ultimately, identifications are made in many cases.

C. Comparison of Fingerprints

Comparison of fingerprints for identification is based on the recognition of general patterns and ridge characteristics. Figure 46 depicts an example of a fingerprint comparison chart.

1. A 1973 International Association for Identification (I.A.I.) study concluded that no valid basis exists for requiring a predetermined minimum number of friction ridge characteristics to be present in two impressions in order to establish positive identity.

2. The I.A.I. has officially rejected the notion of "possible" or "probable" identifications of questioned fingerprints. In the August 1979, Identification News, the I.A.I. reported the passage of Resolution VII which states in part:

"Whereas the delegates of the International Association for Identification, assembled in their 64th annual conference in Phoenix, Arizona, August 2, 1979, state unanimously that friction ridge identifications are positive, and officially oppose any testimony or reporting of possible, probable or likely friction ridge identification."

D. Fingerprint Classification Systems

The modified Henry System is the most common in use in the United States today. It is a ten-finger classification system that is easily retrieved from files.

E. Automated Fingerprint Identification Systems (AFIS)

Computer-based identification systems for the storage and retrieval of fingerprint files and comparison of latent fingerprints with print records in these files have been developed, and implemented in a number of jurisdictions.

1. Types of AFIS Systems

a) *Index Systems*: These systems store information such as "MO", individual characteristics, fingerprint classifications and other information. Primarily, these systems serve as a computerized method of sorting information available to the analyst prior to a manual search of fingerprint files, thus eliminating some individual cards.

b) *Ridge-angle Systems*: The angle of ridge flow at certain points on a ten-print card are stored. This information combined with stored classification information allows for comparison to and search of the reference file.

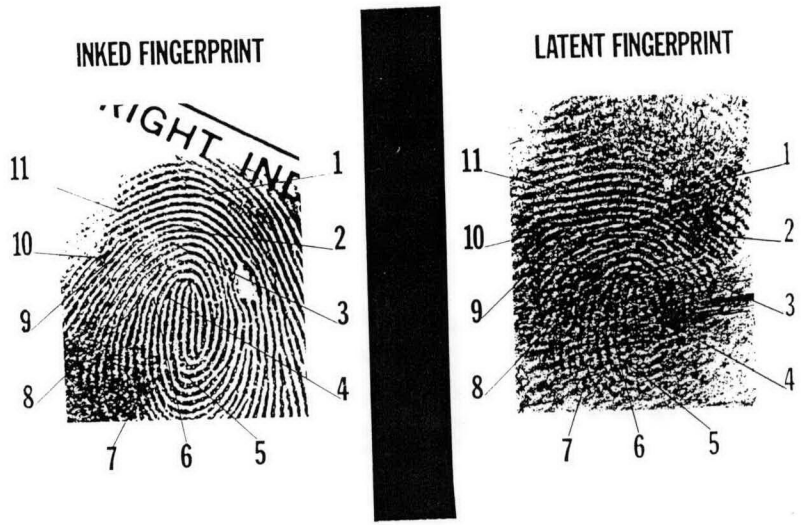


Figure 46. Fingerprint comparison chart showing the points of identification which indicate a positive match.

c) *Encoded Minutiae Systems*: Ten-print cards or latent fingerprints are scanned and the minutiae (small details) of the print are encoded. Each result may be examined and edited, if necessary. The fingerprint(s) can then be compared against a stored file.

2. Use of AFIS

In addition to automating the classification and filing of 10-print cards, AFIS systems may have the following capabilities:

a) Search and comparison of 10-print card against known identification files.

b) Comparison of 10-print card against the unidentified latent print file.

c) Search of a latent print against the unidentified or known latent prints on file.

d) Input into the file of unidentified latent prints.

e) Image enhancement to reduce background, "fill-in", particle or other interferences in latent fingerprints.

FN# 101

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: Death Investigation
CASE NO: 30502-93

INCIDENT LOCATION: Ft.Marcy
DATE: 7-20-93

DISTRICT/FIELD OFFICE: D-2
TIME: 1804

REPORTING OFFICER: Ferstl
MCL#: 166-93

C.I.B. INVESTIGATOR: Det.Markland

RESULTS OF INVESTIGATION On Sunday July 25,1993,I was advised by Tech. S.Hill that item #1 Had been processed for latent prints by Tech E.J.Smith and that the results were negative.The br paper which I had placed around the barrel to preserve trace evidence had been removed and placed in a separate bag.Item #1 will be secured in the evidence locker to await any other testing deemed necessary.

On Monday July 26,93,I packaged the victim's clothing which had been air drying in the evidence area and placed them in the evidence locker for safekeeping.I was also informed by Tech.L. Romans that the roll of 35mm color film which I had taken at the scene developed to light to make prints.

On Wed. July 28,1993, I received from Capt.C.Hume a white envelope with the words "THE WHITE HOUSE" WASHINGTON.The envelope had a small piece of transparent tape sealing the back flap,and the envelope contained (27) TWENTY SEVEN pieces of ruled yellow paper (legal pad type).The paper peared to have been torn, and some pieces contained handwriting in black ink.I then reconstruc e pieces which all fit together to form a handwritten statement approx. 8 1/4" by 11 1/4". The reconstructed page was missing one piece,a triangular section approx. 1 1/2"x 1 3/8x 1 3/8" The undersigned made four (4) photostatic copies of the reconstructed statement ,numbered and initialed each.Captain Hume requested a copy and was given copy #3.

On Thursday July 29,1993 I received a handwriting sample in the form of a letter,which as signed Vincent W. Foster ,from Capt.Hume.Sgt.L .Lockhart, a handwriting expert,with the U.S.Capital Police, arrived at this office to conduct his examinations.I HANDED both the reconstructed statement and the known sample over to Sgt. Lockhart who examined them in my presence.At the conclussion of his examinations he returned the documents to me.The documents were then placed in the evidence locker to await further processing.

ID TECHNICIAN — DATE — SUPERVISOR — DATE

Peter J. Simonello — 7-29-93

E 001189

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: Death Investigation — CASE NO: 30502-93

INCIDENT LOCATION: Ft.Marcy — DATE: 7-20-93

DISTRICT/FIELD OFFICE: D-2 — TIME: 1804

REPORTING OFFICER: Ferstl — MCL#: 166-93

C.I.B. INVESTIGATOR: Det.Markland

RESULTS OF INVESTIGATION On Sunday July 25,1993,I was advised by Tech. S.Hill that item #1 Had been processed for latent prints by Tech E.J.Smith and that the results were negative.The br paper which I had placed around the barrel to preserve trace evidence had been removed and placed in a separate bag.Item #1 will be secured in the evidence locker to await any other testing deemed necessary.

On Monday July 26,93,I packaged the victim's clothing which had been air drying in the evidence area and placed them in the evidence locker for safekeeping.I was also informed by Tech.L. Romans that the roll of 35mm color film which I had taken at the scene developed to light to make prints.

On Wed. July 28,1993, I received from Capt.C.Hume a white envelope with the words "THE WHITE HOUSE" WASHINGTON.The envelope had a small piece of transparent tape sealing the back flap,and the envelope contained (27) TWENTY SEVEN pieces of ruled yellow paper (legal pad type).The paper peared to have been torn, and some pieces contained handwriting in black ink.I then reconstru e pieces which all fit together to form a handwritten statement approx. 8 1/4" by 11 1/4". The reconstructed page was missing one piece,a triangular section approx. 1 1/2"x 1 3/8x 1 3/8" The undersigned made four (4) photostatic copies of the reconstructed statement ,numbered and initialed each.Captain Hume requested a copy and was given copy #3.

On Thursday July 29,1993 I received a handwriting sample in the form of a letter,which as signed Vincent W. Foster ,from Capt.Hume.Sgt.L .Lockhart, a handwriting expert,with the U.S.Capital Police, arrived at this office to conduct his examinations.I HANDED both the reconstructed statement and the known sample over to Sgt. Lockhart who examined them in my presence.At the conclussion of his examinations he returned the documents to me.The documents were then placed in the evidence locker to await further processing.

ID TECHNICIAN — DATE — SUPERVISOR — DATE

Peter J. Simonello — 7-29-93

E 001189

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: Death Investigation
CASE NO: 30502-93

INCIDENT LOCATION: Ft.Marcy
DATE: 7-20-93

DISTRICT/FIELD OFFICE: D-2
TIME: 1804

REPORTING OFFICER: Ferstl
MCL#: 166-93

C.I.B. INVESTIGATOR:

RESULTS OF INVESTIGATION At the scene the following observations were made by the undersigne Approximately 20 feet west of the canons axle the body of a white, male,45 -50yrs.,neat appearance,dressed in a white shirt,bluegrey slacks,black dress shoes,was laying face up with the head upslope in an east - west alignment.There was blood staining around the chin area and from the nose down the right cheek.Blood stains also were found on the right shoulder and neck area as well as the right ribcage area of the shirt.The victim's arms were at his sides and the victim had his right hand on a black revolver.The right thumb was trapped between the trigger and inside front edge of the trigger guard.A cursory examin of the victim's hands for blood spatter evidence revealed one droplet on the right index finger, above the second joint.No discernible forward or back spatter blood evidence on the victim's shirtsleeves.I observed dark residue along the edge of the right index finger facing the thumb between the thumb's joint and finger tip.Approximately 13 ft.downslope from the victim's feet(west) I observed a pair of prescription glasses laying on the ground

After photographing the victim I removed the revolver from the victim's right hand. The victim's hand was flexible with little or no rigor.The thumb was wedged between the trigger and front inside edge of the trigger guard indicating that the hammer was in the cocked position prior to the thumb being inserted.The revolver and pair of glasses were collected as evidence.

The coroner arrived at 1940 hrs. When the body was turned onto its stomach I observed a large area of blood pooled where the head had been resting.The area was photographed and probed for the expended round with negative results.I also observed a larger area of blood where the victim's back had been,coinciding with blood stains on the back of shirt. The pooled blood was beginning to show signs of coagulation.

The body was taken by The McLean VFD unit V4.I transported the weapon to the ID lab where I unloaded it and documented its information and condition onto a USPP Firearms Examinati Report (form USPP 123).I then wrapped the barrel in brown paper secured with rubber bands preserve any blood spatter,blowback,gunpowder residue,hairs,fiber,or tissue evidence.Weap placed in sealed evidence bag in the evid.locker to await submission to the FBI labs.

ID TECHNICIAN DATE SUPERVISOR DATE 7/28/93

F 00114 2

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: *Death Investigation* CASE NO: *30502-93*

INCIDENT LOCATION: *Ft Marcy GWMP VA* DATE: *7/20/93*

DISTRICT/FIELD OFFICE: *D-2* TIME:

REPORTING OFFICER: MCI #: *0166-93*

C.I.B. INVESTIGATOR:

RESULTS OF INVESTIGATION

On July 23, 1993, I was requested by Sgt Rule to immediately process the weapon in the above case. I removed the weapon from a sealed bag and observed that the barrel of the weapon was covered with a piece of brown paper secured by rubber bands. I advised Capt. Hume of this.I collected and wrapped this piece of paper in an evidence bag.
I then processed the weapon for latent prints which the Capt had requested. The results were negative.

F 001187

ID TECHNICIAN *E J Smith 7/23/93* DATE

SUPERVISOR DATE *7/25/93*

USDI-NPS USPP FORM 10-A (REV. 1-88)