

Spunt Report on Death of Vincent Foster

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An Analysis of The New Yorker's "Life After Vince"

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INTRODUCTION

Almost immediately after the death of Vincent W. Foster, Jr., Deputy Legal Counsel to President Clinton, on July 20, 1993, it became politically incorrect in the extreme to question the official "suicide verdict" in any way. Those who have challenged the conclusions of the official Reports have been vilified repeatedly in the mainstream media as "kooks" ("scurrilous" ones at that!).

Although three substantial US government reports on Vince Foster's death have been released to the public: the US Park Police (July 1994), the Independent Counsel (the "Fiske Report" of June 30, 1994) and the US Senate Report (Report 103-433, January 3, 1995), there are serious discrepancies between the large amount of raw *evidence* gathered by the investigations (technically *public*, but not *publicized*) and the conclusions drawn by the official Reports themselves (a suicide some five yards west of the so-called second cannon at Fort Marcy Park in Virginia, due to depression triggered by an ever-growing list of possibilities, none of which have anything to do with Whitewater).

A recent article in the mainstream press attempts to "close the book" on the Foster death. Pages 54-67 of the September 11, 1995, The New Yorker contain a story entitled "Life After Vince" written by Peter J. Boyer in which Lisa Braden Foster, widow of Vince Foster, discusses her ordeal for the first time since his untimely death on July 20, 1993. As it happens, The New Yorker also published one of the first magazine articles about the Mr. Foster's death, "The Suicide," by Sidney Blumenthal, on pages 41-45 of the August 9, 1993, issue (in print just thirteen days after the body was found at Fort Marcy Park, Virginia, across the Potomac from Washington, DC).

My purpose here is to examine the Boyer story (and, to a lesser extent, the earlier Blumenthal piece) in the context of the 2672 pages of official documents concerning the death of Vince Foster released by the US Senate earlier this year (Senate Hearings 103-889, Volumes I and II). There is much in the September 11, 1995, New Yorker article that is not consistent with the official record compiled by the Vince Foster death investigations. To this extent, The New Yorker is in excellent company. As I have documented extensively elsewhere, in my opinion, the three official Reports of the death on Vince Foster are *also* materially inconsistent with the raw evidence in the 2672 page official record of FBI interviews, testimony and depositions of numerous witnesses, and documents gathered by the government investigators.

It would be unfair to charge Mr. Blumenthal, in August 1993, with knowledge of an official investigative record much of which was not made public until 1995. On the other hand, one could expect Mr. Boyer to be reasonably familiar with the official record (at least to the extent it pertains to matters his article covers) since it was made public by the US Senate several months before he began writing "Life After Vince." Although recognizing that neither New Yorker article was intended to be a formal treatise, I was surprised by the magnitude of the numerous discrepancies I found. What are these discrepancies? Are they merely evidence of too-casual reportage?

LISA TOLD OFFICIALS SHE COULD NOT ID THE GUN

Lisa described to The New Yorker what she did with the guns in their Little Rock home when she packed up after the end of the 1993 school year to join Vince in Washington on June 5: "She worried that if she left the shotguns in the attic the heat might cause the shells to explode. Finally, she bought a lock, put the shotguns in Vince's wine closet, and locked it. There were several handguns too, *including a .38 special, with an etched handle, which Vince's father had kept by his bed.* But they were small and easy to move, so Lisa packed them and took them along to Washington [emphasis supplied; 57C]." Lisa is quite specific and knowledgeable about this gun, at least in her New Yorker interviews.

However, in the words of Lisa's interview with the FBI (conducted in the presence of her attorney, James Hamilton): "Lisa Foster does not know where her husband kept the guns left to him by his father while the Fosters were still living in Little Rock [1648]." Why the apparent discrepancy? There must be a good reason for it, but what?

Furthermore, according to The New Yorker article, when Lisa was first told by the Park Police who visited her home around 10 PM on July 20, 1993, that Vince had shot himself with a .38 special, "she realized [that the gun being described to her by the Park Police Investigator] was one of the guns she had packed up and taken to Washington [61C]."

But what does the official record say about the gun when Lisa was first notified of Vince's death? According to the Park Police Investigator who drove to the Foster home to make the death notification (the Investigator is under oath), "The only real question I got to ask was about the gun. Did Vincent own a gun. She asked me what does it look like, you know. To me, right away I am thinking oh, he does, well *it is a black colored revolver, .38 revolver.* She cut me off and. . . threw up her hands and said, '*I don't know what guns look like*' and walked into the kitchen away from me [emphasis supplied; 449]."

Perhaps Lisa was merely overwrought. She had, after all, just learned of her husband's death. However, *according to Lisa's official statement to the Park Police nine days after his death*, "She was presented with a photograph of the weapon that was found with Mr. Foster's body, but *was unable to identify it* [emphasis supplied; 2153]." Why the discrepancy?

Lisa told the Park Police at that time (per the investigating officer's notes), "Not the gun she thought it must be. Silver, six-gun, large barrel [2227]." Lisa apparently had originally thought the gun found at Fort Marcy might have been a silver-colored revolver of unknown caliber that she remembered having seen before somewhere, but told the Park Police Investigator she was mistaken: "Not the gun she thought it must be."

The gun at Fort Marcy was *not silver-colored*. Not even close: the gun from Fort Marcy Park was a *black/blue-steel* Army Colt .38 special with a four-inch barrel [2407-12; 2170-71]. The official record is silent as to whether the silver-colored gun Lisa did remember having seen was ever located.

The firmest identification by Lisa Foster I can find in the record of the gun officially found in Fort Marcy Park occurred when she was interviewed by the FBI on May 9, 1994, some *ten months* after Vince's death and less than two months before the Fiske Report on the death of her husband would be issued.

In the words of her FBI interview, "Lisa Foster then examined a revolver which had been brought to the interview by the interviewing agents. [Lisa] Foster examined the revolver which had been found at Fort Marcy Park on July 20, 1993, and stated that she *believed* it *may* be a gun which she *formerly* saw in her residence in Little Rock, Arkansas [emphasis supplied; 1646]."

Later in the same FBI interview, Lisa stated that she *may* have seen the gun she was earlier shown in the interview at her residence in Washington. However, in the words of her somewhat obscurely-worded FBI interview, "Specifically, as Lisa Foster was packing in Little Rock, she came across a silver-colored gun, which she then packed in with her other property. When Lisa Foster unpacked the gun in Washington, [Vince] Foster saw the gun and commented on it [1647-1648]." The problem? As indicated previously, the Army Colt .38 special found in Fort Marcy Park was a black/blue-steel color [2407-12, 2170-71], according to the official record, not at all similar to the "silver-colored" gun mentioned in her FBI interview.

The statements Lisa gave to the Park Police and to the FBI do not sound like those of someone who, *upon being notified at home by the Park Police that her husband had shot himself with a .38 special* would later tell a magazine interviewer that she "realized [at the time that it] was one of the guns she had packed up and taken to Washington [61C]."

If she "realized" which gun it was when she was first notified of the death by the Park Police, why did she not simply say so *at some point* to either the Park Police (she told the Park Police she "was unable to identify" the gun) or to the FBI ("it may be a gun which she formerly saw in her residence in Little Rock, Arkansas")? Why save this comment for The New Yorker in September 1995 after three government investigations into her husband's death have been completed? There must be a good reason for her having done so. What was it?

WHO MADE THE CALLS FROM FOSTER'S OFFICE TO THE PSYCHIATRIST?

According to The New Yorker [59C] and the official record [1576-77], Vince told his sister Sheila Foster Anthony, an Assistant US Attorney General, by telephone on the morning of Friday, July 16th, that he was "battling depression for the first time in his life." Sheila told the FBI she then offered to help by providing him with psychiatrists' names and phone numbers. Sheila told the FBI that Vince expressed only reluctant interest in contacting a psychiatrist because he was concerned about the effect that consulting a psychiatrist would have on his White House security clearance [1576]. Per Sheila's FBI interview, she called Vince back the same day with the names and phone numbers of three psychiatrists.

According to the New Yorker article, what does *Lisa* think Vince's concerns about consulting a psychiatrist were? "He probably thought . . . if he went to a psychiatrist he'd never have another job [62B]." This is certainly a strange statement for someone to make who has, by her own admission, been under continuous psychiatric care from the third quarter of 1993 until the present day, including treatment with Prozac [66B], and *who has a new job herself as a math teacher* [64A].

And are we to believe that the Rose Law Firm in Little Rock would not have taken Vince back merely because he had visited a psychiatrist? Certainly this would be a politically incorrect attitude for a "Democratic" law firm in the '90s! In the words of John Phillip Carroll, Vince's former mentor and Senior Law Partner at the Rose Law Firm to the FBI, Carroll had "bonded with him [Vince]. . . Carroll characterized Foster as 'prince of the world [1724]' . . . *Carroll was so disappointed that Foster was leaving the firm for Washington, DC, that he actually commented that he wished former President Bush had won the election because then he would not have lost Foster* [emphasis supplied; 1724]."

During his FBI interview, this mentor and close friend of twenty years (and godfather to Vince's oldest child) also had this to say, "Foster handled stress wonderfully and had no problems tackling difficult problems. He said that Foster had good stamina, physically and mentally [1725]." According to The New Yorker, Carroll said of Vince two days after his death, "If I had a son, I'd be proud to have him" and "He handled important cases here at the firm and was subjected to stress many times. He was as cool as a cucumber. I would have entrusted anything to Vince [43A]." I think Vince could have gotten his old job back even if he had consulted a psychiatrist. How about you?

According to the Fiske Report, the telephone instrument *on Vince's desk* was used to call the Chevy Chase psychiatrist, whom Sheila told the FBI she had recommended, at 12:41 PM and again at 1:24 PM on Friday July 16th [197]. The calls connected, if only to the doctor's voice mail, but no message was left either time and the calls lasted less than a minute, possibly only a few seconds. However, the official record is clear that *both calls, although local ones, were charged to Vince's home telephone*, ensuring their subsequent appearance in his residential telephone records [197, 63A].

Since Vince is said to have made the calls around one PM when he could reasonably have been expected to be out of the office for a longish Friday lunch (the record is silent), why did he not simply call the psychiatrist from a phone away from the White House? It is almost as if whoever used the phone on his desk wanted to make certain that the White House and telephone company records would record abundant evidence of the calls to the psychiatrist's phone number from Vince's White House office. Given the concern about his security clearance that Sheila told the FBI that Vince had expressed, it is far from clear why *he* would try to contact the psychiatrist in such a fashion.

None of the three psychiatrists remembered taking a call from Vince Foster or receiving any message via answering machine or voice mail [1654, 1655, 1662; see also 2135].

Given Vince's stated reluctance to involve himself with a psychiatrist out of concern for his security clearance [196, 1576], in my opinion, it is not unreasonable to *consider* the possibility that *he did not place these two calls* from the telephone at his desk at the White House, that someone else did so, and that person caused the calls to be charged to Vince's home telephone number to make it appear that Vince made the calls. Is there other evidence in the official record consistent with this hypothesis?

According to the official record, Sheila encouraged Vince to call the psychiatrists "right away" when she re-contacted him Friday (time not given in the record). Vince's response? "*He said he wanted to think about that course of action over the weekend* [emphasis supplied; 1577, see also 196]." Before she contacted Vince again, Sheila had told the Chevy Chase psychiatrist (per his FBI interview) that her brother Vince "would be in contact with him that day [1663]," consistent with her urging him to make the calls "right away."

Nonetheless, the following Monday, Vince told Sheila (words from Sheila's FBI interview), "*Foster said he was not yet ready to see a psychiatrist in Washington, DC, but that he told Anthony that he had called his physician in Little Rock and had gotten a prescription [1577-78].*" Perhaps Vince had decided not to consult a psychiatrist yet, exactly as his words to Sheila indicate.

He apparently viewed getting a prescription from his family doctor as a more reasonable first step than psychiatric care. Vince's Little Rock doctor, Larry Watkins, who had been his personal physician for fourteen years and had known Vince since they went to college together [1674] prescribed 50 milligram tablets of Desyrel (generic name, Trazodone), the smallest dosage manufactured, "because it does not have side effects and *is helpful for insomnia* [emphasis supplied; 1675]."

The doctor "knew that it took 10 days to two weeks to take effect [as an anti-depressant] but helps with insomnia, sometimes the very first day [1676]. Insomnia? What if Dr. Watkins thought that insomnia, not clinical depression, was the main symptom that needed treatment after he talked with his long-time friend?

The doctor "felt it was very important for Foster to start sleeping better and thought if he got some rest he would feel a lot better. *He did not think that Foster was significantly depressed nor had Foster given the impression that he was 'in crisis.'* From what Foster told him, Foster's condition sounded mild and situational. . . He advised that he did not even ask Foster if he had thoughts about suicide or was having any suicidal ideation because the symptoms that Foster was describing were not severe enough. . . to think that [Foster] might be in that state [emphasis supplied; 1676]." Vince's doctor later alluded to the FBI that *he thought prescribing Prozac for someone in Vince's mild condition was not appropriate* [1676].

Ironically, Lisa told The New Yorker that her psychiatrist has been treating *her* with Prozac for quite some time [66B] (despite its having been associated with some suicides).

Does Lisa say why she thought Vince charged the two local calls to their home phone number? "Apparently embarrassed and concerned that a diagnosis of mental illness would complete the ruin of his reputation, he charged the calls to his home phone [59C]." In my opinion, this explanation is nonsensical. Indeed, as I have written above, Vince's stated concerns logically should have caused him to make these calls in as covert a manner as he feasibly could.

Despite a statement in The New Yorker to the effect that Vince's notes of the psychiatrists' names and phone numbers were found *a week* after the death [42B], the list of names and phone numbers (apparently in his handwriting) was found in his wallet inside his Honda at Fort Marcy by the Park Police *the evening his body was found* at Fort Marcy [2135].

However, the Park Police *report* describing the list of psychiatrists and its discovery was not *written until seven days after the death* [2135]. As it happens, this Park Police report was written around the same time that the "torn note," also said to be in Vince's handwriting, was officially found in Vince's briefcase at the White House and belatedly revealed to the Park Police some thirty hours later.

WHY DID VINCE BREAK HIS "DATE" WITH LISA THE NIGHT HE DIED?

The night of July 19th, Lisa had a special request of Vince regarding the evening of the 20th (the evening his body would be found at Fort Marcy Park). She asked him to "go on a date with her the following night, Tuesday [61B]." Vince thought he might have to attend a birthday party the following night but, if not, he agreed to their date. The birthday party apparently was for someone named "Tom" [2193].

Equally apparent: Lisa had not been invited to the party. Was the birthday party that Vince told Lisa he thought was going to take place on July 20, 1993, for Tom Castleton, the staff assistant in the White House Office of Legal Counsel?

Note that a birthday card was found on the right front floor area of Vince's Honda Accord sedan at Fort Marcy Park on the evening of July 20th [2193]. The card had already been inscribed "To Tom," so perhaps Vince did indeed believe that the birthday party for "Tom" was going to be held the night of July 20th. If the birthday party was rescheduled, it might be of interest to learn when that decision was made. And why did Vince toss the signed birthday card for "Tom's" upcoming party onto the right front passenger floor of his Honda? This was not something anyone would normally do, let alone a meticulous attorney (as Vince is repeatedly described in the official record). How did the card make its way to the floor of the front passenger seat?

Tuesday nights, like July 20th, were nights that the Administration's Arkansas "core" group got together for dinner or a party [1535]. It is not known whether they had assembled for their usual Tuesday night get-together (whether for "Tom's" birthday party or not) by 8:30 PM, the time the official record tells us the Park Police first informed the US Secret Service Command Center in the White House basement that Vince was dead.

Around 5 PM on the 20th, Lisa called the White House and learned that the birthday party that had concerned Vince the night before was not going to take place until the following week, so Lisa quite reasonably assumed Vince would be home on time for their date [61B]. If she asked to speak with Vince directly when she called at 5 PM, Lisa would have simply been told that he was "out of the office [1449]" according to the FBI interview with Vince's executive assistant.

Chief White House Counsel Nussbaum asked where Vince was several times on the afternoon of the 20th [41B]. Bill Kennedy, an Associate White House Counsel, and Margaret Williams, the First Lady's Chief of Staff, had tried to contact Vince that afternoon. Ms. Williams even had Vince paged at 6:20 PM. Had the pager at his waist been in the "on" position (officially it was not [437]), it would have beeped while Fairfax County Fire and Rescue Department personnel were checking for signs of life (and doubtless made everyone jump!) just five minutes after the body was found by a Park Police officer.

According to The New Yorker article [61C], Lisa called the White House one more time that night since Vince had not yet appeared for their date (*my* spouse would have been boiling over under these circumstances, how about yours?), but Lisa seemingly learned only that the President was appearing on Larry King Live that evening. We do not know if Lisa asked to speak to Vince directly this time either but, according to the New Yorker article, Lisa merely decided to go upstairs to watch the President on TV herself [61C].

Given Vince's recent commitment to take her on a date Tuesday night and the relatively late hour of her second call, perhaps one can be forgiven for wondering what Lisa's reactions were when she was told yet again that Vince was "out of the office." After all, he had agreed the night before to their Tuesday date, and she had every reason to think, based on the information in The New Yorker article, that she was being "stood up" *merely because Vince had decided to watch the President on Larry King with his buddies.*

Lisa's mood was doubtless not improved by the knowledge that Vince had returned home *the night before* at 7:45 PM, a full hour later than he had promised [1643], after having vanished from his office sometime Monday from mid-afternoon onward without saying where he was going [1446]. The official Reports do not comment upon his whereabouts during these three to four "lost" hours any more than they account for Vince's whereabouts during the almost five hours between the time he left the White House at one PM on July 20th and the time his body was found at Fort Marcy Park.

THE WHITE HOUSE CREDIT UNION ACCOUNT – OVERDRAWN TWICE?

According to The New Yorker article, a few weeks *after* Vince's death, Lisa discovered that she had overdrawn the Foster account at the White House Credit Union [63C]. Unaccountably, the credit union account had *also* been in an overdrawn condition for a week or two *prior to the death* [2132, 2217]. The investigators nevertheless determined that financial concerns had nothing to do with Vince's death [461].

The credit union had been contacted by Vince early the week of the July 12th and it had agreed to "work with" the Fosters on a "weekly" rather than a "bi-weekly" basis [2132], apparently signifying an on-going problem of some duration. Vince made a trip to the credit union the day before he died [1446]. Why? We do not know. Apparently, no investigator bothered to ask the credit union the reason for Vince's visit on July 19th.

The Foster home in Little Rock had been rented [1478] so their Arkansas residence should not have been causing a big drain on the family's finances. The home they occupied in Georgetown on Cambridge Place had been rented [1477] in March of 1993, not bought, so no down payment had been needed to purchase a home in Washington.

The Fosters' youngest son, John ("Brugh"), was scheduled to enroll at the private Sidwell Friends School in September (joining Chelsea Clinton), but the first check to Sidwell (70% of its hefty annual fee) was not due until August 1st, so Brugh's tuition payment had not yet depleted the credit union account as of the mid-July overdraft. The balance of their known living expenses should not have changed radically due to the move to Washington, either.

Vince had been a partner at the Rose Law Firm for some twenty years. Press reports indicated his earnings from the firm in 1992 had been approximately \$295,000. There is nothing in the record that indicates a lavish general standard of living or pretentious use of money, so *why* the credit union account had been overdrawn and remained overdrawn the week *before* Vince's death is still a mystery.

One would think the Fosters had other financial accounts they could have drawn down to eliminate the credit union overdraft immediately, but they apparently chose, for reasons unknown, not to do so.

The official record is silent as to when the pre-death overdraft was rectified, but it must have been at least temporarily corrected by a cash infusion of some sort since Lisa told the New Yorker that *she* caused the account to become overdrawn several weeks *after* the death. Perhaps the insurance on Vince's life [62A] had paid off very quickly and replenished the account? The New Yorker article is clear that the life insurance had been in force long enough that suicide was no bar to recovery.

Lisa's account of the *post-death* White House Credit Union overdraft to The New Yorker is also confusing. She triggered the overdraft when she withdrew funds a few weeks after Vince died when she transferred some funds to her own account in Arkansas [63C]. Bill Kennedy, an Associate Legal Counsel at the White House, told her the overdraft occurred because there was actually less money in the account than Lisa had thought when she ordered the transfer. The information Lisa that relied upon to determine the account balance prior to deciding upon the amount of her withdrawal is not specified.

Kennedy told Lisa that he had been informed (by a person not named in The New Yorker article) that the reason the balance was less than Lisa expected was that Vince had made "*several large cash* withdrawals of several thousand dollars each from the account [emphasis supplied; 63C]. It is not clear how Kennedy's source was able to obtain this information about *someone else's* credit union account. Vince died on July 20th, so *his* cash withdrawals presumably ceased on or before that date. Since Lisa did not attempt to move the funds until "several weeks" after Vince's death, she presumably would have had in hand the July 31, 1993, credit union account statement showing the actual balance as of July 31st. Nonetheless, she overdrew the account.

Quite naturally, Lisa wanted to confirm Kennedy's reason for the overdraft, so she examined the withdrawal records for the preceding weeks. Per The New Yorker article, Lisa "searched her records from the credit union (presumably the same ones that she had not bothered to search before ordering her large withdrawal), found the receipts from Vince's *automatic* withdrawals, and discovered the credit union had made a series of identical mistakes -- *thirty-five* dollar withdrawals had been misread as *thirty-five-hundred* dollar withdrawals [emphasis supplied; 63C]."

Just what is an "automatic" *cash* withdrawal? Would Vince likely have dropped by the credit union repeatedly to withdraw only \$35 at a time? After all, the man died with \$292 in cash and numerous credit cards in his wallet [2185]. Why did the credit union make the same error multiple times? The New Yorker makes it clear that it was Lisa's discovery of Vince's White House credit union withdrawals shortly before his death that caused Lisa to begin consulting a psychiatrist, one whom she continues to see to this day [63C].

Why did Vince's cash withdrawals cause her to seek psychiatric care *after* she satisfied *herself* that there was an *innocuous* explanation (\$35 withdrawals had been misrecorded as \$3500 withdrawals)? There must be a good reason the innocuous cash withdrawals drove Lisa to a psychiatrist, but the information provided by in The New Yorker article undercuts, not supports, Lisa's decision to seek therapy.

VINCE FOSTER WAS NOT "ABANDONED" BY HIS FAMILY AND FRIENDS

Lisa told The New Yorker that the difficult period when she was in Washington with Vince in June and July "had brought her closer to Vince [59B]. He was talking to me so much. . . ." However, she thought he needed her "because he doesn't have anybody else [59B]." This comment is passing strange since, based on the official record, Vince certainly appears to have been extremely close to his three near-adult children [1579] and to his sister, Sheila, who lived nearby.

According to Sheila's FBI interview, "In terms of her relationship with Foster, Anthony was quite close to him and they spoke to each other often. Anthony saw Foster daily when he was living with her [for about two and one-half months between January 20, 1993, and the time Foster moved into the home he rented for his family in Georgetown]. Anthony spoke with Foster two or three times a week after he and his family moved to their home . . . in Washington, DC [1574]."

According to the official record Vince was "an excellent father who spent much time with his children. In particular Foster was conscientious about spending time with each of his children so that they each received individual attention. Foster would occasionally take one of the children on a trip with him just so the child could receive this individual attention. Foster was very interested in everything his children did [1579]."

Lisa told The New Yorker that she realized, in the weeks prior to his death, Vince "Didn't have help [66C]." This, despite her statement to The New Yorker that "He was talking to me so much, and I thought, well, really, we have each other and I'll be there for him. . . [59C]" and the obvious close relationship Vince had with his three children and his sister Sheila that was apparent in the record (Sheila says she referred him to three psychiatrists).

For that matter, although the purpose of her trip does not appear in the record, Vince's other elder sister, Sharon Bowman, had flown to Washington from Little Rock, apparently arriving the day he died, but not in time to see him before his death. Press accounts indicate Vince had promised her a personal tour and lunch at the White House on July 21st.

Lisa's statement *does* correspond to others provided The New Yorker [42A] that Washington leaves "you without the support you need. There is hardly a worse place to experience depression than the place Vince was in." Beginning about a week after the death, the word began to spread that Vince was clinically depressed, despite previous numerous statements of amazement at his "suicide," statements that indicated in no uncertain terms that Vince was *not* depressed.

A FISKE REPORT ERROR: FOSTER DID NOT LOSE WEIGHT IN 1993

Lisa told The New Yorker that Vince "lost his appetite" [58C] during their brief time together in Washington (between June 5 and July 20, 1993). However, Vince sat at the couch in his office reading his newspaper and ate a hearty meal before leaving the White House for the last time around and (officially) driving himself to Fort Marcy.

What did the man who had "lost his appetite" due to clinical "depression" [66C] and "chemical imbalance" (at least in Lisa's lay opinion) [66C] select for his assistant to fetch from the White House mess right before he is said to have driven off to commit suicide? A medium-rare cheeseburger (he removed the onions), fries, a Coke, and an unknown number of M&Ms [1534, 2130]. According to the record, Vince always removed the onions from his burgers [1448]. He record does not explain why he never said, "Hold the onions." Isn't Vince's taste, or lack thereof, for onions a meaningless issue? Apparently not: the FBI questioned the White House Office of Legal Counsel executive assistants quite closely about Vince's liking for onions on his burgers. Onions aside, Vince apparently ate the entire meal except for some of the M&Ms [1534].

According to the Fiske Report, and in contrast to Lisa's remarks about loss of appetite to The New Yorker, "Although *no one noticed a loss of appetite*, it was obvious to many that he [Foster] had lost weight [186]." What more do we know about this weight loss that, per the Fiske Report, was "obvious to many"? Per The New Yorker article that was in print thirteen days after his death, Vince "had lost fifteen pounds" by the month of July [43B]."

However, Lisa Foster told the FBI (in the words of the official report of her interview) "most of the weight which Foster had lost by that time [Lisa's arrival in Washington on June 5] had been lost prior to his arrival in Washington, DC [in January 1993] [1633]. Lisa Foster's statement about Vince's weight loss clearly contradicts the Fiske Report. The long-time family doctor aside, one would think a wife would have the best information concerning significant fluctuations in her husband's weight.

What can be gleaned from the record? Lisa's statement is confirmed by the family doctor's FBI interview. According to Dr. Larry Watkins' records, *Vince weighed 194 pounds on December 31, 1992*, and had lost ten pounds between August 1990 and December 31, 1992 [1674-78]. Particularly relevant to the Fiske Report's statement that the weight loss was "obvious to many," the body's [stripped] *weight at autopsy was officially recorded as 197 pounds* (this *after* an apparent loss of several pints of blood) [2173].

If the reasonable assumption is made that Vince did not strip naked for Dr. Watkins' nurse when he was weighed on December 31, 1992 (194 pounds), it is clear that, far from having experienced a "weight loss obvious to many" (Fiske Report) or a weight loss of "fifteen pounds" (the amount The New Yorker was told by its unnamed, and apparently unreliable, source), Vince *gained* at least three and, more likely, five or six, pounds between December 31, 1992, and his death on July 20, 1993, if the weight of his clothes on December 31st and the loss of blood on July 20th are taken into account [H].

But why quibble over whether the weight gained per the medical records was three pounds or six? It seems clear, to me anyway, that whatever the amount gained actually was, it did clearly does *not* equate to a *loss* of fifteen pounds or a weight loss that was "obvious to many!" Who told The New Yorker that Vince had lost *fifteen* pounds? Might The New Yorker want to check with its source again?

Who were "the many" who thought Vince had obviously lost weight? Sheila Foster Anthony's FBI interview went into the most detail: "Foster began to lose weight during the last six weeks prior to his death and weighed much less than he had weighed in January 1993." Oh? What was Sheila's basis for this statement? Sheila was never asked. Bill Kennedy of the White House Office of Legal Counsel and member of the Arkansas "core" group in the White House, made a general statement to the FBI that Vince had lost weight after coming to Washington [1612] as did Jim Lyons, a attorney *in Denver* (author of the now-discredited "Lyons Report" that overstated the Clintons \$68,900 Whitewater *financial* loss [171].)

It appears to me from the evidence in the record that he authors of the Fiske Report made a decision to bolster their theory of suicide-due-to-depression by deciding to state that Vince had experienced a significant stress-induced weight loss, even though their investigation's own medical evidence clearly indicated Vince had *gained* a few pounds. There must have been a good reason justifying their decision to do so. What was it?

Finally, on what basis does the *current* New Yorker article state (referring back to June and July of 1993), "He was losing weight [59A]," contradicting both the publicly-available medical evidence in the record and Lisa's own previous statement to the FBI? There must have been a good reason for experienced attorneys and reporters intentionally to make an issue of Vince's significant weight *loss* when he had in fact gained weight. What was it?

CONCLUSION

Should the inconsistencies described above be of interest to The New Yorker? Should the numerous inconsistencies between the official Reports and the raw data latent in the official record released by the US Senate earlier in 1995 be of interest to those involved with the ongoing official investigation of the death of Vince Foster by the current Independent Counsel, Mr. Starr? Should these discrepancies also be of interest to anyone who believes that evidence and logic have a major role in our country's criminal justice system? That, *like much of the record of the Federal Government's investigation into the death of Vince Foster*, remains to be seen!

The New Yorker carried one of the earliest articles on the death of Vince Foster, "Suicide," that appeared in print thirteen days after the death and three days *before* the Park Police officer in charge recommended the investigation be closed and the death ruled a suicide [2115]. The magazine left no doubt as to *its* decision about the cause of death.

The September 11, 1995, New Yorker article, "Life After Vince," is materially at variance with the official record released earlier this year by the US Senate in ways that encourage the acceptance of the official "suicide verdict" reached in the official reports. The publication of the article was announced via the AP wire on Sunday, September 3rd, and subsequently received wide publicity in many newspapers.

The reason for the apparent stance taken by The New Yorker is unclear. Given the material in the official record cited in this article, it does not appear that the weight of the evidence was the only factor relied upon by The New Yorker in reaching its conclusions. Did The New Yorker have access to parts of the official record that have not been made public and thereby obtain evidence to support its September 11, 1995, article?

In my opinion, it is quite understandable, that Vince Foster's two sons, Vince III and Brugh, "have occasionally suspected that there is something they still don't know about their father's suicide [66C]." What causes these occasional filial suspicions that The New Yorker article mentions? Will a subsequent New Yorker article tell us more about these suspicions? Will Vince's sons explain their suspicions or act on them?

The September 11, 1995, New Yorker article, "Life After Vince," did *not*, as apparently was the intention, close the book on Vince Foster's death. Instead, thanks to its great variances when compared to the official investigative record, The New Yorker has written yet another chapter on this mysterious death.

Nonetheless, the "suicide verdict" issued by The New Yorker in the name of the mainstream print media was echoed by the electronic media in a "60 Minutes" segment aired on October 8th which managed not to mention virtually all the discrepancies between the raw evidence in official record and the conclusions reached by the official reports. There is little doubt that "Life After Vince" and the "60 Minutes" segment on the death of Vince Foster were the establishment media's one-two punch, intended to knock out any other theory of the death than the official "suicide verdict."

[Box – Suggest Box Be Placed Near The Beginning Of Article]

Citations to the two New Yorker stories in this article were to the particular page number and column. Thus, a citation to the middle column of three on the first page of the Boyer article would have been "[54B]." Citations to the Senate Hearings Volumes were to the page number alone. Thus, a citation to the last page of Volume I would have been "[1343]" and, to the first page of Volume II, "[1344]." I reluctantly acceded to the modern practice, typified by The New Yorker, of generally referring to individuals by their first names. Discrepancies were assigned a letter of the alphabet within brackets and are summarized in the table accompanying this article.

HUGH H. SPRUNT, CPA/PFS PROFESSIONAL SUMMARY

Hugh H. Sprunt is a Certified Public Accountant who has been providing tax consulting services to individuals and businesses for over sixteen years. He was a Tax Partner with a large international accounting firm for six years, concentrating in individual income tax and estate planning. His expert tax knowledge and presentation skills have made him a speaker of choice at financial planning seminars for fellow tax partners and a leader of tax workshops for other tax professionals as well as the general public. Hugh's most recent presentation to nonprofessionals was entitled, "How To Get The Best Service From Your Tax Advisor." He is also one of only some 900 CPAs nationwide certified as Personal Financial Specialists (PFS) by the American Institute of CPAs.

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Advantax is known for the customized "call memo" available to each customer at no additional charge and has been covered by *The New York Times*, *The Wall Street Journal*, *Smart Money*, and *NEWSWEEK*. No one who has ever called the 900 number for tax advice has been dissatisfied with the service and failed to pay the 900 charges, an extraordinary record for any 900 number, let alone one in its fourth year of operation. Callers also use **Advantax** to obtain a quick "second opinion" or when they need real-time tax help with return preparation or tax planning software, especially after hours when they are "stuck" and need help *now!*

Hugh received an MBA from the Stanford University Graduate School of Business and a JD from Stanford Law School in 1979 through the GI Bill. Before joining the service, he obtained BS and MS degrees from The Massachusetts Institute of Technology where he was elected to two national honorary societies. After working abroad for twelve months, he volunteered as a commissioned officer and saw service aboard deep-ocean Federal research vessels in the early 1970's, serving as Chief Ship's Diver and Senior Watch Officer.

His viewpoints have been published in *The New York Times*, *The Washington Times*, *The Wall Street Journal*, *Forbes*, and *The Dallas Morning News*. Hugh and his wife of twenty-two years live quietly with their son and daughter on Rawhide Creek. His favorite aphorism was written by Alfred, Lord Tennyson: "Come, my friends, 'Tis not too late to seek a newer world. . . Tho' much is taken, much abides; and tho' We are not now that strength which in old days Moved earth and heaven; that which we are, we are. . . To strive, to seek, to find, and not to yield." And, lest we forget: "Tell you what - It's gonna be a gunfight, but I came here to bomb." - Unknown Navy Attack Pilot, ca. 1970.

An Analysis of The October 8, 1995 *60 Minutes* Segment, "What About Vince Foster?"

Hugh Sprunt

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Introduction

On October 8, 1995, Mike Wallace presented the lead segment of *60 Minutes*, "What About Vince Foster?" to the CBS television-viewing audience. The apparent purpose of the piece was to convince the public that White House Deputy Counsel Vince Foster committed suicide where his body was found in Fort Marcy Park, Virginia, on July 20, 1993, and that anyone who questions the "suicide verdict" reached by the official reports must, necessarily, have no evidence to support claims that Foster's death might not have been a suicide or that his body might have been moved to the park.

Having satisfied itself that the record compiled by the four Federal government investigations into the death of Vince Foster left no doubt that the "suicide verdict" was the correct one, the segment concludes that those who question the official "suicide verdict" are motivated by a conservative political agenda and the profits to be made from selling videos challenging the government reports about Foster's death.

The primary objects of *60 Minutes'* derision were investigative reporter Chris Ruddy of The Pittsburgh Tribune-Review and the newsletter "Strategic Investment," producer of a video in which Ruddy and others challenge the Foster "suicide verdict." *60 Minutes'* view of the Foster death has long been espoused by the establishment media.

Recent print examples: "Life After Vince" by Peter Boyer in the September 11, 1995, issue of *The New Yorker* in which Foster's widow explains why she is convinced her husband committed suicide, and "Why Vince Foster Lives" on the October 11, 1995, op-ed page of *The New York Times*, in which Frank Rich blames the "long and widespread shelf life" of the "these cockamamie scenarios" on the checkbook of Richard Mellon Scaife, a long-time contributor to right-wing causes (and owner of the Pittsburgh Tribune-Review). Like the mainstream media, virtually all politicians, Democrats and Republicans alike, agree with the official reports though some, such as Representative Bill Clinger (R-Pa), do admit that the original investigation should have been more thorough.

Nonetheless, as *60 Minutes* accurately reported, recent polling indicates that "two-thirds of Americans still are not sure" that Vince Foster died from his own hand in Fort Marcy Park. Does the *60 Minutes* segment, "What About Vince Foster," lay to rest the concerns two-thirds of Americans have about his death? Judge for yourself.

Why Did "60 Minutes" Believe Foster Was In A "Clinical Depression?"

Mike Wallace introduced Foster family attorney, James Hamilton, by saying that Foster was in a "clinical depression" prior to his death caused by public criticism, such as that levied by several *Wall Street Journal* editorials, and the failed Attorney General nominations of Zoë Baird and Kimba Wood. On camera, Attorney Hamilton merely said of Foster, "He was very *unhappy* about those nominations. . . He certainly had a tendency, *I am told*, to blame himself for those things [emphasis added]." Attorney Hamilton's cautious statement clearly falls short of layman Mike Wallace's secondhand diagnosis of "clinical depression." Nonetheless, Wallace goes on to say that Foster "*knew he had to see a psychiatrist for his depression*, but he worried that seeing a psychiatrist would ruin his reputation for stability [emphasis added]."

What do the government's own investigative reports reveal about Foster's alleged clinical depression and his supposed determination to seek psychiatric help? Vince Foster's elder sister, Sheila Foster Anthony, Assistant Attorney General for Legislative affairs, was interviewed by the FBI *in the presence of the Foster attorney, James Hamilton*, and two Associate Counsels of the Office of Independent Counsel charged with investigating Foster's death. On Monday, July 19, *the day before Foster's death*, Sheila told the FBI, in the words of her FBI Interview Report (Form FD-302a):

. . . Anthony called Foster. Foster stated that he was feeling good and that the weekend had gone well. Foster said that he was not yet ready to see a psychiatrist in Washington, DC [as Sheila had suggested to him], but he told Anthony that he had called his physician in Little Rock and had gotten a prescription.

What did long-time Foster family doctor, Larry Watkins, tell the FBI he learned about Foster's mental state when Foster called him the morning of July 19? Bear in mind that Dr. Watkins had known Vince Foster since they were in college together at Davidson College and had been Foster's physician for almost fourteen years. They socialized together and belonged to the same country club. Dr. Watkins was also very familiar with the Foster family since he treated Foster's mother, his wife Lisa, Foster's two older children, and Foster's other sister, Sharon Foster Bowman. In short, Larry Watkins was an MD who knew Foster well and had treated him and many members of his family on a long-term basis. In words extracted from Dr. Watkins' FBI interview:

When Watkins asked him [Foster] if he was depressed, he said yes. Watkins recalled that Foster sounded a little tired. . . Watkins prescribed Desyrel, 50 milligram tablets [the smallest dosage manufactured], which he knew to be the generic drug Trazodone. . . He chose Desyrel because it does not have side effects and is helpful for insomnia.

Watkins knew that it took 10 days to two weeks to take effect [as an anti-depressant] but helps with insomnia, sometimes the very first day. He [Watkins] felt it was important for Foster to start sleeping better and thought if he got some rest he would feel a lot better. He did not think that Foster was significantly depressed nor had Foster given the impression that he was "in crisis." From what Foster told him, Foster's condition sounded mild and situational. . .

He advised that he did not even ask Foster if he had thought about suicide or was having any suicidal ideation because the symptoms that Foster was describing were not severe enough to cause Watkins to think that he might be in that state. Watkins handles depression all the time among his patients. He said that it is a very, very common thing. . .

Watkins described Foster's personality as quiet, and passive, with a good sense of humor and a dry wit -- someone who laughed a lot. Foster was not one to come to Watkins with stress related problems. . .

On July 20, 1993 [the day Foster died], Watkins got a call late in the evening from Lisa Foster, who notified him of Foster's death. Dr. Watkins said he was very surprised at the suicide. . .

Lisa told him that they had gone away and had a nice weekend on July 17-18, and Watkins thought they were planning on going away again the following weekend, and he believes that Lisa told him that Foster had begun jogging again either the 19th or the 20th, but he's not sure of that recollection. He had the distinct impression, however, that things were looking up and that Lisa was taken completely by surprise by this.

On the basis of the above extracts from FBI interviews, I believe it is reasonable to challenge Mike Wallace's statements on *60 Minutes* that Vince Foster was in a state of "clinical depression" or that "He knew he had to see a psychiatrist for his depression. . ." As noted above, Foster family attorney, James Hamilton, was present when Sheila Foster Anthony informed the FBI that "Foster stated that he was feeling good and that the weekend had gone well. Foster said that he was not yet ready to see a psychiatrist."

The above FBI Reports were publicly available eight months before the *60 Minutes* segment aired. I mailed *60 Minutes* a copy of my 165-page report on the death of Vince Foster some six weeks before the broadcast. It was addressed to a specific individual who knew the report was being mailed to him regarding the planned Vince Foster segment. Reporter Chris Ruddy told me that he used my report as his "briefing book" in his discussions with Mike Wallace. Did *60 Minutes* simply fail to do its homework?

My "Citizen's Independent Report," a *pro bono* work, is on the Internet and a hard copy is available for only the cost of copying and shipping from (214) 239-2679. My report described how to obtain the documents from herein and, *inter alia*, specifically referred to Sheila Foster Anthony's FBI interview cited above.

The Amount Of Blood At The Scene

60 Minutes went to great length to impugn Chris Ruddy's reporting that indicated the amount of blood at the death site was significantly less than one would expect, given Foster experienced a point-blank shot to mouth from a Army Colt .38 Special revolver with a four-inch barrel firing high-velocity ammunition (the gun and ammunition combination that Foster used to kill himself per the official reports). On the air, Mike Wallace told Chris Ruddy, "You know and I know that there was blood all over the back of the shirt." Chris Ruddy replied that "Dr. Haut [the only doctor to view the body at the official death scene], in his FBI report and his interview with me, said there was not a lot of blood behind the body."

Mike Wallace interviewed Dr. Haut and stated, "Dr. Haut says Chris Ruddy simply got it wrong." What did Dr. Haut's FBI interviews actually say? Do they back up Chris Ruddy or support Mike Wallace?

Haut did not recall seeing blood on the decedent's shirt or face and no blood was recalled on the vegetation around the body. . . He does recall lifting the body by the right shoulder. . . The purpose of lifting the right shoulder of the body was to check for an exit wound. . .

In examining the back of the head Haut describes the blood as being clotted. Although the volume of blood was small, Haut did recall that the blood was matted and clotted under the head. . . Haut recalled that although blood and hair were matted to the back of Foster's head, there was no dirt on the wound [although the purpose of lifting the body was to "check for an exit wound," the FBI interview report does not describe the exit wound made by the high-velocity .38 slug, merely noting that there was some dried blood on the back of the head]. . .

After examination of the back of Foster's head [still no description of the exit wound itself appears], Haut believed that the wound was consistent with a low velocity weapon [Note: an Army Colt .38 Special firing a high-velocity round, the official death gun, is *not* a low-velocity weapon].

Surprisingly, there is no direct description of the exit wound as such in Dr. Haut's FBI report. The only description we have of the wound therein (other than that the amount of blood over the wound was small and that what blood there was had matted and clotted) was that "the wound was consistent with a low velocity weapon." It is known from publicly available documents that Dr. Haut filed a written report of his examination of Vince Foster's body with the Northern Virginia State Medical Examiner's Office as a matter of routine. Does this report provide further clarification? For reasons unknown, the contents of this contemporaneous report have never been made public.

Is it also significant that the reports of the numerous Fairfax County Fire and Rescue Department EMS workers who attended the body have also never been made public? These individuals had varying degrees of medical training and had been told by their supervisor to be sure to write detailed reports due to the decedent's White House connection. Given some 2700 pages of documents were released (including the autopsy report itself), would it not have made sense to release the reports written by the only medically-trained individuals (including an MD) to examine the body *in situ*? ____

During the course of Chris Ruddy's interviews with Mike Wallace for the *60 Minutes* segment on Vince Foster, Chris Ruddy told me that he had informed Mike Wallace that he had tape-recorded his interview with Dr. Haut and that Dr. Haut confirmed the contents of his FBI interview report on the tape ("There was not a hell of a lot of blood on the ground. Most of it had congealed on the back of his head"). Mike Wallace apparently did not see fit to examine either Dr. Haut's FBI interview report (quoted from above) or Chris Ruddy's taped interview with Dr. Haut that Ruddy said supported his claims.

One of the major objectives of Chris Ruddy's reporting has been to challenge the conclusions of the Federal government reports concerning Vince Foster's death, especially the so-called "Fiske Report," issued June 30, 1994. What does the Fiske Report state that Dr. Haut saw when he examined Vince Foster's body?

"... Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the scene to examine the body. At that point, Foster's body was rolled over and those present observed a large pool of blood on the ground where Foster's head had been. Haut observed a large exit wound in the back of the skull.

The complete discrepancy between the Fiske Report and Dr. Haut's FBI interview report is obvious: Per Dr. Haut's FBI interview report, not only was there no "large pool" of blood behind Foster head ("the volume of blood was small"), but what blood there was, was matted and clotted, not liquid ("large pool"). Why do Dr. Haut's FBI interviews support Chris Ruddy's reporting and contradict both the Fiske Report and Mike Wallace's statements?

As indicated above, I provided *60 Minutes* with my report on the death of Vince Foster some six weeks prior to the broadcast and Chris Ruddy used my report when he briefed Mike Wallace about the Foster death. My report, citing the specific pages in the official record, explicitly addresses the above points concerning the nature of Foster's head wound and the attendant lack of blood. Did *60 Minutes* simply fail to do its homework?

The Carpet Fibers

During the segment, much was made of the fact that Chris Ruddy (and the *Strategic Investment* video, excerpts of which were broadcast) pointed out that numerous carpet-type fibers were found on Foster's clothing by the FBI Laboratory.

What do the presence of these fibers mean? Do they suggest that Foster conceivably could have been transported to his resting place in Fort Marcy Park in a carpet? This does sound far-fetched to most people. What does Mike Wallace have to say about the carpet fibers?

The FBI and the Park Police say the fibers are not significant, that anyone who walks on a carpet picks up fibers, and since all of Foster's clothes was put in one bag, all of his clothes would probably have fibers on them. And James Hamilton says that Foster's wife, Lisa, had just put new carpets in their home [Hamilton: ". . . carpet fibers of those colors were found on Vince's clothing"].

The allegation that the colors of the carpet-type fibers found on the clothes matched the colors of the carpets that Lisa Foster had recently put down in the Foster's Georgetown rental home was new to me. In the over 2700 pages of documents released by the US Senate earlier this year, I could find no statement to this effect. Indeed, it appears from the official record that neither the FBI nor any other investigative body has ever tried to match the fibers with *any* carpeting, in Foster's office, his home, or anywhere else.

According to the summary eight-page "Clinger Report" issued by William F. Clinger (R-Pa) on August 12, 1994, after almost six months of work involving Representative Clinger and three named staff members of the Committee on Government Operations:

Although the origin of those fibers and hair have [sic] not been substantiated, a determinative finding of 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.

Given Mr. Hamilton has somehow determined that the fibers found on Foster's clothing matched the fibers found on the new carpeting in Foster's home and *60 Minutes* left its viewers with the impression that the "carpet fiber" issue had thus been effectively disposed of, why does the Clinger Report state otherwise? Has an attempt been made to match the fibers or not? Does attorney Hamilton have access to official information about the carpet fibers that heretofore has not been made public?

The primary Federal official that appeared on the *60 Minutes* segment that attempted to debunk the work of reporter Chris Ruddy was none other than Representative Clinger. Mike Wallace did not see fit to ask Representative Clinger to comment upon Attorney Hamilton's statement about the carpet fiber colors matching the new carpets in the Foster home, *nor* did Mike Wallace ask Attorney Hamilton how he had learned that carpet fibers "of those colors" [there were *six* colors of "carpet type fibers" present on Foster's clothing according to the FBI lab report, along with some other red/dark pink "wool fibers"]. Why not? Did *60 Minutes* simply fail to do its homework?

A related point should be made in passing. One of the difficulties that Chris Ruddy and others who are familiar with the official record have with the conclusions of the various official reports concluding Foster death was a suicide concerns the lack of soil or grass stains on the bottom of his shoes. According to exhaustive FBI Laboratory reports, Foster is said to have walked some 750 feet over-the-ground from his Honda in the parking lot at Fort Marcy Park to the official death site near the so-called "second cannon" at the northwest side of Fort Marcy itself without getting any soil or grass stains on his shoes.

Non-government investigators have duplicated this walk with fresh pairs of shoes several times and have always found soil and grass stains on the shoes. Chris Ruddy has stated publicly that Mike Wallace told him that he found soil on the bottoms of his own shoes when he, Wallace, walked the route Vince Foster is said to have taken at Fort Marcy Park the afternoon he died.

60 Minutes apparently would have its viewers believe that the 750 foot walk from the parking lot to the official death scene (let alone whatever walking Foster did around the White House for some five hours that day or the five hours between his departing the White House and his discovery at Fort Marcy Park) did not knock the supposed carpet fibers from his home off his shoes even though, according to the official reports, the shoes were incapable of picking up soil or grass stains during the 750-foot walk in the park.

The Condition Of The Ground Around Foster's Body

Mike Wallace interviewed Kevin P. Fornshill for the Foster *60 Minutes* segment on Vince Foster. Mike Wallace told his viewers, "Park Police Officer Kevin Fornshill who discovered the body, says the ground around Foster showed no signs that he had been carried." Actually, at 6:14 PM, Kevin Fornshill was the first *official* to find Foster's body.

Actually, the first *person* to discover Foster's body was the so-called confidential witness, "CW," who came upon the body at approximately 5:50 PM, stood over the body looking at it for several minutes, returned to his white van in the parking lot, and drove to the Turkey Run maintenance facility a couple of miles northwest of Fort Marcy Park off the George Washington Memorial Parkway, and asked a park service maintenance worker to call 911 to report the body. CW requested anonymity when he came forward and his request was granted by the Fiske Office of Independent Counsel.

CW was considered a credible witness by the authors of the Fiske Report; two full pages of the Fiske Report are devoted to *some* of CW's observations. In his FBI interviews for the Fiske Report and in subsequent depositions, CW provided a variety of information that, for one reason or another, did not make it into the Fiske Report or the 1994 Senate Report released in early 1995. Due in part to his dissatisfaction with the Fiske Report, CW gave a deposition on July 28, 1994. One of the relatively minor points CW made in his deposition concerned the ground around Foster's body:

Q: And it [the path below the body] was flattened out?

CW: It was walked completely flat. The [FBI] agents had known about this. Nothing in that [Fiske] report [about the trampled ground]. I don't know. I don't know. Did it disappear [sarcastically] or what happened?

Q: Wait a minute. This is very important. You are saying you told the [FBI] agents this?

CW: Oh, I told them numerous times.

Q: That the ground was trampled from the bottom of his feet all the way down the valley and over the hill?

CW: Completely flat.

Q: Like somebody had been walking back and forth there?

CW: He [CW assumed Foster had done the pacing] had paced back and forth many times. At least a dozen times. You can't trample down that flat.

Q: And they didn't put that in the [Fiske] report?

CW: Nothing in the [Fiske] report that I read. . .

Q: Did you tell them about the trampled. . .

CW: Absolutely. . .

Q: Not once, but how many times?

CW: Minimum of three. Once here and twice at the site with them [Fort Marcy Park where the body was found].

The information in the official record provided by CW, like all statements made to the FBI and in depositions, is subject to challenge. The point here merely being that statements made to the FBI by a witness considered credible by the authors of the Fiske Report were selectively ignored by *60 Minutes*. The discrepancy concerning the lack of trampled ground is covered here primarily because *60 Minutes* made a big issue of it without providing any concrete reasons why anyone should think the ground might have been trampled down.

There were a large number of other discrepancies as well between the information provided by CW and that recorded in the Fiske Report. To cite just one, CW was emphatic in the deposition quoted from above that there was no gun in Foster's hand (according to the Fiske Report, a black-colored Army Colt .38 Special revolver with high-velocity ammunition must have been in Foster's right hand when CW found the body). Interestingly enough, Officer Kevin Fornshill in his deposition is clear that *he never saw a gun in Foster's hand either* even though he stood above the body for some minutes. Although some thought it would have been reasonable for *60 Minutes* to have informed its viewers that the officer who found the body had stated repeatedly under oath that he never saw the gun, Mike Wallace did not do so.

The FBI was able to convince CW to admit the possibility that he missed seeing a gun that actually was present in Foster's hand, but only by getting CW to concede that Foster's upturned hand conceivably could have blocked the gun from CW's view. The problem? CW had told the FBI he was sure both palms were up, but he was later provided a picture of the gun in Foster's hand that showed the palm *down*. Despite his requests, the FBI had refused to show him any photographs during the course of his interviews.

CW stated under oath, "After seeing the photo of the hand and the gun [palm down], I'm sure the hand had been moved because the palms were both face up when I saw Mr. Foster's body." Again: "That's not a picture [palm down] of what I saw. The man's palms were straight up." Once more: "There was no gun in his hand. His -- both palms were face up, thumbs out to the side." Wallace did not mention CW, nor that, like Officer Fornhill, CW never saw a gun in Foster's hand. Did *60 Minutes* simply fail to do its homework?

CBS also did not mention in its October 8, 1995, *60 Minutes* broadcast that Independent Counsel Kenneth W. Starr continues to describe his investigation into Vince Foster's death as ongoing or that the FBI has been tearing out several acres of vegetation in Fort Marcy Park (removing all but the larger trees, which were being searched by crane) looking for the bullet beginning September 12, 1995, and continuing through the date of the broadcast. *60 Minutes* did note these two points briefly in a follow-up on October 15.

The Foster Family Lawyer

The Foster family lawyer, James Hamilton, who appeared extensively in the *60 Minutes* statement has an excellent professional reputation, but *60 Minutes* chose not to reveal some of his professional experiences and areas of expertise. He served as Assistant Chief Counsel to the Senate Select Committee on Presidential Campaign Activities in 1973-74 (the "Watergate Committee") during which time he presumably made the acquaintance of Bernard Nussbaum (Vince Foster's boss at the time of his death) and First Lady Hillary Rodham Clinton, both of whom also were also attorneys for the Watergate Committee.

Mr. Hamilton also served as Clinton-Gore Transition Counsel for Nominations and Confirmations in 1992-93, and apparently vetted both Judges Stephen Breyer and Ruth Bader Ginsberg for potential Supreme Court appointments. In short, he appears to have been intimately familiar with the legal needs of the Administration and to have the legal expertise to address those needs.

According to a standard reference listing attorney qualifications, Mr. Hamilton's practice areas are Government Affairs, Litigation, and Criminal Law. Judging by his list of professional publications, he has also great expertise concerning the legal aspects of congressional investigations, white collar crime, and in defending officials against corruption charges.

It is not that surprising that someone of Mr. Hamilton's caliber was selected to be one of the Foster family lawyers, but some might consider his selection "overkill" in connection with what officially was determined to be a relatively straightforward suicide by mid-August 1994. Neither *60 Minutes* nor the official record specifies whether Vince Foster hired Mr. Hamilton or whether Mr. Hamilton was not retained until Lisa Foster hired him after Vince's death.

Conclusion

In this author's opinion, *60 Minutes'* October 8, 1995, segment did not provide its viewers with the information needed for them to hazard an informed answer to its question, "What About Vince Foster?" Indeed, after reviewing the official documents, all of which were available to CBS, and providing the show a copy of my *Citizen's Independent Report* on the death of Vince Foster weeks before the broadcast, I am left with another question: "What About *60 Minutes*?"

HUGH H. SPRUNT, CPA/PFS PROFESSIONAL SUMMARY

Hugh H. Sprunt is a Certified Public Accountant who has been providing tax consulting services to individuals and businesses for over sixteen years. He was a Tax Partner with a large international accounting firm for six years, concentrating in individual income tax and estate planning. His expert tax knowledge and presentation skills have made him a speaker of choice at financial planning seminars for fellow tax partners and a leader of tax workshops for other tax professionals as well as the general public. Hugh's most recent presentation to nonprofessionals was entitled, "How To Get The Best Service From Your Tax Advisor." He is also one of only some 900 CPAs nationwide certified as Personal Financial Specialists (PFS) by the American Institute of CPAs.

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Advantax is known for the customized "call memo" available to each customer at no additional charge and has been covered by *The New York Times*, *The Wall Street Journal*, *Smart Money*, and *NEWSWEEK*. No one who has ever called the 900 number for tax advice has been dissatisfied with the service and failed to pay the 900 charges, an extraordinary record for any 900 number, let alone one in its fourth year of operation. Callers also use **Advantax** to obtain a quick "second opinion" or when they need real-time tax help with return preparation or tax planning software, especially after hours when they are "stuck" and need help *now!*

Hugh received an MBA from the Stanford University Graduate School of Business and a JD from Stanford Law School in 1979 through the GI Bill. Before joining the service, he obtained BS and MS degrees from The Massachusetts Institute of Technology where he was elected to two national honorary societies. After working abroad for twelve months, he volunteered as a commissioned officer and saw service aboard deep-ocean Federal research vessels in the early 1970's, serving as Chief Ship's Diver and Senior Watch Officer.

His viewpoints have been published in *The New York Times*, *The Washington Times*, *The Wall Street Journal*, *Forbes*, and *The Dallas Morning News*. Hugh and his wife of twenty-two years live quietly with their son and daughter on Rawhide Creek. His favorite aphorism was written by Alfred, Lord Tennyson: "Come, my friends, 'Tis not too late to seek a newer world. . . Tho' much is taken, much abides; and tho' We are not now that strength which in old days Moved earth and heaven; that which we are, we are. . . To strive, to seek, to find, and not to yield." And, lest we forget: "Tell you what - It's gonna be a gunfight, but I came here to bomb." - Unknown Navy Attack Pilot, ca. 1970.

on the

Death of



**Vincent
Foster**

**BY
HUGH
SPRUNT**

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Introduction

The US Park Police Case File, the June 30, 1994 Report of the Independent Counsel ("Fiske Report"), and the 1994 Senate Report (the "Official Reports") covering the July 20, 1993, death of Deputy White House Counsel Foster, selectively (and intentionally) included data that tended to support the officially-sanctioned "suicide verdict" and gave little weight to, ignored, or simply contradicted, the raw evidence in the official record that pointed to murder. The decision to conduct the official investigations in this manner is telling, independent of the facts of Foster's death.

The Citizen's Independent Report

This SI Special Report contains material from a much longer work, my Citizen's Independent Report ("CIR") on the death of Vince Foster (165 single-spaced pages tightly-referenced to the page numbers of the official record and including eight appendices of tabular data, photographs, maps, some traced from aerial imagery of Fort Marcy Park and environs). The points I consider the most striking from the CIR are in this SI Special Report along with some new commentary and additional analysis.

The CIR was addressed primarily to the US Senators on the special Whitewater Committee conducting the 1995 Senate Whitewater Hearings. Secondary audiences included other members of Congress and certain individuals employed by the Executive Branch. Finally, those in the media and any member of the public curious about the factual circumstances surrounding Vince Foster's death will find much that should be of interest.

Since its original release date, July 20, 1995, the second anniversary of Vince Foster's death, I have printed (and paid for) well over a hundred copies of the CIR. I could not afford to produce a free copy of the CIR for everyone who wanted one, so I arranged for copies of the CIR to be available from either of two print shops [(214) 239-2679 and (301) 864-6889]. These print shops accept telephone credit card orders and ship a copy of the entire 165-page CIR for copying and shipping charges only.

The print shops have agreed to charge no more than their normal prices for the printing and shipping.

The Official Record: Public, but Not Publicized Information

Many of the factual disclosures extracted from the official record and presented below will be a shock to many (if not most) readers because these facts are so damaging to the conclusions reached by the Official Reports. Although taken from public documents, this information (with a few exceptions) has not been publicized. This SI Special Report also contains commentary and some analyses I have made based on the data in the official record.

To aid the reader, from this point onward, the author's opinion and commentary, not specifically drawn from the official record, are presented in italics. A good faith effort has been made to segregate factual material from the official record and my comments/opinions by employing italics for the latter. The reader must understand that italicized material is the author's opinion and analysis, not fact.

Facts such as the ones in this SI Special Report have caused people who are at least somewhat familiar with the raw data justifiably to question the processes that controlled the prior investigations of Mr. Foster's death. It is my hope that the information in this SI Special Report on the death of Vince Foster will permit everyone to understand why it is completely legitimate to believe there is much more to Mr. Foster's death than meets the eye.

The Mainstream Media Then and Now: The Official Investigations of the Death of Vince Foster

The mainstream media have disparaged those who question the "suicide verdict" of the Official Reports. However, this was not always so, as quotations from various mainstream media sources in the latter half of 1993 demonstrate (see the Frank Rich's article "Public Stages" in the September 5, 1993, Sunday New York Times Magazine):

"The Washington Murder Mystery, the whodunit death of deputy White House counsel, Vincent Foster."

— **Frank Rich**

The Sunday New York Times Magazine

"The most normal person who worked in the White House [with] no known history of mental illness or erratic behavior."

— *The Washington Post*

"[Vince Foster was] Widely admired as a portrait of poise. . . a man who seemed to glide through life."

— *The New York Times*

"But if Foster's White House pressures fully explained his self-destruction, virtually every major government official should be placed under suicide watch"

— **Frank Rich**

The Sunday New York Times Magazine

Of course official Washington at one time also found it extremely difficult to believe that Vince Foster killed himself:

"Of a thousand people, of those who might commit suicide, I would never pick Vince"

— **Hillary Rodham Clinton**

from The Sunday New York Times Magazine

The Frank Rich piece "Public Stages" appeared roughly a month after the US Park Police closed its investigation by concluding that Mr. Foster committed suicide by shooting himself in the mouth at Fort Marcy Park, Virginia, so merely disagreeing with the conclusions of an official Foster death investigation alone is not sufficient for the establishment media to brand one a pariah.

Nonetheless, there now have been three official investigations of the death of Vince Foster released to the public: The US Park Police investigation, that of the Office of the Independent Counsel headed by Robert Fiske, and that conducted by the 1994 Senate Whitewater Committee. All have concluded that Vince Foster committed suicide (and that Whitewater was not one of the reasons for the decision to take his own life).

However, it turns out that the raw evidence latent in the official record and gathered by government investigators itself constitutes an extremely serious challenge to the conclusions reached by the Official Reports. Read the remainder of this Special SI Report and decide for yourself whether this is not the case.

Performance of Officials

Should any of the basic expositive material or analyses in this report appear to impugn the professional reputation or performance of any public official, it is my explicit and implicit position that shortcomings, if any, can be accounted for and reconciled only by a thorough understanding of the de facto chain-of-command and the broader context of the events sur-

rounding the death of Vince Foster. The present record does not provide this context. This is one of its greatest failures: the unjust and incomplete treatment of the Fairfax County Fire & Rescue Department and US Park Police personnel (particularly the latter) who responded to the scene so quickly after 911 was dialed.

I believe the US Park Police, the Fairfax County Fire & Rescue Department, and other Fairfax County personnel who are discussed in this report were adequately trained for their duties and made an effort to perform those duties under what rapidly became extremely trying circumstances (for a variety of reasons that are not part of the record). The underlying reason that so many errors, omissions, inconsistencies, and curiosities are latent in the record can not therefore be laid at the feet of the US Park Police, the Fairfax County Fire & Rescue Department, or other Fairfax County personnel. This reason can only be discovered by looking elsewhere. Now is the time to do so.

The Ultimate Reason for Vince Foster's Death

This report intentionally has not attempted to divine the "real" or "ultimate" reason for Vince Foster's death. There are many theories out-and-about in the land, the great majority of which I consider too bizarre for words. This work reports and analyzes the genuine and (officially) true material contained in the record published by the United States Senate (One or more sequels are possible, however).

Appendix I

Three maps of Fort Marcy Park and the surrounding area [Maps IV, V (R), and VI] are found in Appendix I. The reader should review these maps prior to reading the remainder of this report and refer to them as needed. Map IV is an engineering drawing of Fort Marcy itself (Fort Marcy is part of Fort Marcy Park) lifted from the National Archives and annotated in my (puerile) hand. Map V (R) is a map of Fort Marcy Park and nearby homes traced from an aerial photo run flown the morning of April 7, 1993. Map VI is a Fairfax County plat map I have annotated that shows the outline of Fort Marcy Park and the surrounding residential lots and subdivisions.

Quality maps are essential to obtaining an understanding of the events at Fort Marcy on July 20, 1993. No such maps (or aerial photographs) are part of the record, although Mr. Fiske informed the 1994 Senate Whitewater Committee that "Large aerial photographs of Fort Marcy Park are available for viewing at the Office of Independent Counsel should you so desire [1345; see also 947,971]." The record does contain numerous not-to-scale extemporaneous freehand sketches of very limited utility and accuracy.

There have been unofficial statements that one of the reasons that Michael Rodriguez, an attorney on the staff of the current Whitewater Independent Counsel, Kenneth W. Starr, resigned late last winter was the difficulty he had in obtaining accurate maps and aerial photos of Fort Marcy Park and environs from official sources. Although I did not know of Mr. Rodriguez' difficulties, I was merrily faxing copies of my maps to the Washington, D.C. offices of the Independent Counsel early last spring in the naive hope that they might prove useful to the investigation.

I have very large-scale (1:500) black and white and color infrared aerial imagery of Fort Marcy Park and the surrounding area from tracks flown both before and after Mr. Foster's death and timed to minimize leaf cover. The aerial imagery itself is not part of this report due to cost and size constraints (the larger black and white photos are 20" by 20" and 18" by 18"), but Map V (R) in Appendix I, having been traced from aerial imagery, should serve as a passable substitute.

Appendix II

Appendix II contains a black and white photocopy (originally taken from the image on a color TV screen) of the picture of Mr. Foster's right hand and the revolver therein. It is the only image purported to be of the body that has ever been released to the public. This photo was leaked to Reuters and ABC News possibly at the instructions of the White House. The photographic image appeared on ABC News Friday, March 11, 1994.

The maps in Appendix I and the image of the gun hand in Appendix II are the only significant Foster-related information in this report not taken directly from the official record.

Appendix III

Appendix III is my one-page summary bio.

Selected Events In Vince Foster's Life Prior to Monday July 19, 1993

James Lyons' July 21st Trip to DC

The Wednesday or Thursday before his death on Tuesday, July 20, 1993, Foster called James Lyons, a trusted advisor, at Lyons' law firm in Denver and requested that he hold himself ready to travel to DC on short notice in order to meet with Foster [1682]. Foster called Lyons again the Sunday night before his death and confirmed that Lyons would be flying to DC to meet with Foster on Wednesday, July 21, 1993 [172,1682].

You contact a trusted friend to make sure he is available to fly across the country to see you on short notice, you re-contact that friend, set a date for a meeting, confirm the date three days in advance, and then commit suicide the day before the meeting? Such behavior would be unusual to say the least. Did Foster make a snap decision to take his own life between late Sunday night and the Tuesday afternoon he died? I believe the official record does not support that conclusion.

The conclusion that Foster made a decision to commit suicide between Sunday night and Tuesday afternoon might make some sense if there had been evidence that Foster was in the depths of depression or manifested substantial out-of-the-ordinary behavior during the 36-to-48 hours before he was found dead at Fort Marcy Park. However, the record, if anything, gives the opposite impression. The Foster may well have been troubled about some matter or other one to several weeks before his death, his mood had materially improved in at least the four days prior to his death.

would be dead? Everything in the record about Foster's habits and values makes it clear that he would not play such a trick on a trusted friend. A person who is polite and considerate by nature does not invite a friend to visit after he intends to be dead. Such an unkind trick would in all likelihood impose a severe psychological burden on that friend after he learned of the suicide.

What The Fiske Report Says About The White House Phone System

It is possible to identify the telephone instrument at the White House used in connection with a particular call!

According to the Fiske Report, White House telephone records were used to determine that the telephone located at Foster's desk was used to make two calls to a psychiatrist on Friday July 16th [197]: "At 12:41 p.m. and again at 1:24 p.m., Foster called the psychiatrist from the telephone in his office [sic], and charged the calls to his home phone." No conversations apparently took place since the doctor was out.

What a phone system! It is a wonder everyone in the White House was not paranoid about using the phones! Mr. Fiske did not find it too difficult to search diligently for two telephonic attempts by Foster or someone using Foster's phone to reach a psychiatrist. Additional telephonic record-checking concerning calls to and from the White House should not be too difficult for the official investigators to accomplish.

Why Charge A Toll-Free Call To Your Home Phone?

Foster must have certainly been a punctilious public servant indeed to have charged what apparently were toll-free calls to his home phone number. One might also wonder whether this was a counter-intuitive step for a person who the record states was concerned to prevent any contacts with psychiatrists from being discovered by White House security. Foster's sister, the Assistant Attorney General for Legislative Affairs, Sheila Foster Anthony told the FBI just that in her interview [1576]. The Fiske Report also reported this concern of Foster's [196].

It's odd that Foster himself would have acted to create and preserve a record that he called a psychiatrist from his White House office the Friday before he died. . . Why might Foster wish to do this? The list of psychiatrists (apparently provided Foster at his request by his sister, was found in Foster's wallet in his Honda at the Fort Marcy Park parking lot [197,211], or possibly the list was not inside his wallet, merely inside the Honda itself [481,1603], waiting to be found.

The Blind Trust(s)

Foster was the White House liaison for the execution of the legally required blind trust(s) for the Clinton Family (for The First Lady, for The President, and possibly separate trust(s) for Chelsea Victoria Clinton) [179,1822] that were drafted by Brantley Buck of the Rose Law Firm. For reasons unknown, it had been previously decided that The First Lady would execute the required blind trust documents when she was in Little Rock (she arrived there about 2026 [EDT] on July 20th [2104], according to publicly available records. Nonetheless, the equivalent documents for The President's signature would be signed by him at the White House (even though public records show he stopped over in Little Rock himself during the weekend of July 17th-18th).

Buck described Foster's duties in connection with the blind trust(s) as being merely "ministerial" or trivial [177,1735]. One might wonder that he called Foster regarding the trust arrangements on the 19th, again at 1217 EDT on the 20th, and also tried to reach Foster at about 1300 EDT on the 20th (apparently just missing Foster who had left his office at the White House, never to return. *Mr. Buck was doing a lot of telephoning in connection with the merely ministerial function Foster was performing in connection with the blind trusts.*

William Kennedy of the White House Office of Legal Counsel indicated in his FBI interview that Foster had had a habit of "doing personal things for [the Clintons] and assisting them as needed such as with tax returns [1613]." *One matter that might have concerned Foster involves the ethical duty of an attorney professionally associated with the creation and funding of blind trusts to ensure that all the assets required are properly marshaled and placed in trust. Might Foster's long-term knowledge of the Clintons' financial affairs have created some concerns along these lines?* The official record does not pursue this question.

Did Foster reach a decision, at least a week or two before he died to begin what he felt would be a disengagement from the Administration? Was Foster in some way finding the "heat too hot to stand," so he "wanted to get out of the kitchen." After all, if you are unhappy in a job, it is much more logical to quit than to kill yourself.

Foster's Workload In The Weeks Prior To His Death

According to the Fiske Report [186] "During the particularly busy period of late June and July, however, Foster was virtually uninvolved." This, despite the following statement [186]:

Foster's position at the White House generally demanded that he work from between 7:30-8:30 in the morning until 9:30 or later at night, either six or seven days a week. He took no vacations or weekends off until the weekend immediately prior to his death [His trip to Arkansas to give the commencement speech on May 8th apparently did not count as a vacation. [192]]. The demands of the Counsel's office were severe, and Bernard Nussbaum heavily relied upon Foster to assist him in accomplishing a wide range of tasks.

One might wonder whether Foster was, during the period from late June until the "weekend immediately prior to his death," 1) "virtually uninvolved" in the work of the White House Office of Legal Counsel or 2) working 80+ hours a week. It seems safe to assume that 1) and 2) cannot both be true in the 4-5 weeks prior to July 20. Why was Foster uninvolved? Was he winding up his affairs at the White House Office of Legal Counsel because he was resigning? Was he assigned no work to do by his superiors? Did he refuse to undertake duties given to him by White House Counsel Nussbaum? Nussbaum was not asked, and did not comment upon, these questions in the record. If Foster was refusing to perform his assigned duties, what were those duties?

Recent disclosures (see the September 11, 1995, issue of The New Yorker at page 62) indicate that Lisa Foster called Bernard Nussbaum (Foster's boss and the White House Counsel) the morning of the 21st to ask him whether he had fired Vince the day before, so Lisa apparently knew or suspected there was some tension concerning this issue.

The Fiske Report States That Foster's Weight Loss Was "Obvious To Many"

The Fiske Report paints a picture of Foster under heavy stress, so much so that he was apparently forgetting to eat properly. According to the Fiske Report "Although no one noticed a loss of appetite [why not?], it was obvious to many that he had lost weight [186]" during the months he worked for the Clinton Administration. *Sounds pretty clear cut, doesn't it? Not quite.*

According to Foster's personal physician, Larry Watkins [1674-1677] (in his FBI interview, during which he is clearly consulting Foster's medical records), Foster weighed 194 pounds on December 31, 1992. Foster's weight at the autopsy [364] is given as 197 pounds. Thus, relying only on medical records, Foster actually had a net weight gain (of at least 3 pounds) during the months in 1993 when the Fiske Report states that he was under heavy stress and his weight loss was

"obvious to many." *Who are these "many" and why did they think Foster's weight loss was "obvious?"*

Why does the Fiske Report have it backwards? The weight data provided by Dr. Watkins (194 pounds on December 31, 1992) was available to Fiske on May 16, 1994, some six weeks before the Fiske Report was released with the above quotation [186]. The autopsy results (weight 197 pounds) had been available to Fiske for roughly 11 months before the Fiske Report was released. Note that Lisa Foster's FBI interview report on May 9, 1994 [1633], agrees with Dr. Watkins: "She believed that most of the weight that Foster had lost by that time [June 5, 1993] had been lost prior to his arrival in Washington, D.C." *Why did the authors of the Fiske Report choose say what they did about an "obvious" [but nonexistent] weight loss between Foster's arrival in Washington and his death?*

Falsehoods From Fiske

The Fiske Report also refers to the "large pool of blood" on the ground under Foster at Fort Marcy Park from the "large exit wound [211]." However much blood Foster lost before the autopsy, it is clear that the official position is that a substantial amount of blood was involved. *If it is assumed that Foster lost about a quart of blood (twice what a blood donor provides in one sitting) and, given whole blood weighs roughly the same as water, then the 197 pound autopsy weight, corrected upward for the lost blood, would mean an actual weight of 199 pounds at death. Two quarts of blood lost would mean a death weight of 201 pounds, and so on.*

Furthermore, Foster probably did not strip naked for Dr. Watkins' nurse to weigh him on December 31, 1992. In contrast, one would think that the weight of a body in an autopsy report is just that, the body's weight. It would be technically unsound to include the weight of an arbitrary amount of clothing with the body's weight in an autopsy report. It thus seems reasonable to assume that the 194 pound weight, corrected downward to a fully-stripped weight, would be 193 or 192 pounds if not less. Bottom line: it is reasonable to conclude that, net, Foster gained about six pounds during the period the Fiske Report says his weight loss "was obvious to many."

It is possible that Foster gained a little weight during a brief period, say while staying with the his sister and brother-in-law, the Beryl Anthonys, for a couple of months prior to moving into his Georgetown rental [1579]. After all, he was without his family in a new city until after his youngest son's junior year of high school ended in Arkansas, was probably eating out more than usual, and doubtless consuming too much "junk food" during the day (cheeseburgers, after all, were Foster's favorite food [1448]). Even so, 5-6 pounds up or down is not a weight loss "obvious to many" for someone weighing around 200 pounds.

Why did the Fiske Report claim that Foster weight loss was obvious during this period? Whether to make an issue of Foster's weight change was a "judgment call" made by the authors of the Fiske Report. Given the Fiske Report introduces weight loss as evidence of stress (just as it did Assistant Attorney General Sheila Anthony's impressions of Foster's over-stressed delivery [192] at the commencement speech on May 8th, blatantly contradicted by the impressions of others who also heard the speech [1726,1729]), isn't it bizarre to discover that the data in the government investigators' own witness interviews explicitly contradict the findings of the Fiske Report?

Sheila Foster Anthony supported the Fiske statement about Foster's weight loss even though Lisa Foster (above) did not. Per Sheila Anthony's FBI interview: "Foster began to lose weight during the last six weeks prior to his death and weighed much less than he had weighed in January 1993." Per Dr. Watkins, Foster weighed 194 pounds on December 31, 1992, and the autopsy report indicated Foster weighed (not adjusting for the weight of blood lost) 197 on the day he died, so Ms. Anthony's assertion is flatly wrong. Foster weighed "much less?" *Did Mr. Fiske transmogrify Ms. Anthony, turning her into the "many?"*

The Eastern Shore of Maryland — Foster's Final Weekend

The Fiske Report describes as "coincidence" that Foster and his wife, Lisa, spent the weekend on the eastern shore of Maryland at the same time the Webster Hubbells were in the area staying with the Michael Cardozas, also friends of the Fosters [197]. Although the Fiske Report does not establish exactly how the connection was made [Hubbell apparently knew exactly where the Fosters were staying], the three couples linked up and spent Saturday evening and Sunday together [198]. Mr. Cardoza had been Deputy White House Counsel in the Carter Administration [1480], the same position Foster held at the time of his death. He also had spent four months at the Department of Justice during the early days of the Clinton Administration [1481], involved with some of the same matters that concerned Foster, such as the failed Zoe Baird nomination.

Coincidentally, we are told, Hubbell knew precisely where the Fosters were staying since he (not the Fosters' ostensible hosts, the Cardozas) called the Fosters up and invited them over to the Cardozas' home where Hubbell and his spouse were staying near Easton, Maryland, on Saturday the 17th [1481]. (The September 11, 1995, New Yorker article contradicts the official record, stating that Suzy Hubbell made this call.) Felicitously, it happened that the Fosters were only fifteen minutes away. Hubbell and Foster ended up spending Saturday and Sunday at the Cardozas. This was officially advertised by the Fiske Report to be the first big weekend in many months for Foster to "get away from it all." *Did he?*

Strangely, neither the Cardozas nor Suzy Hubbell were interviewed by the United States Park Police, the Fiske Office of Independent Counsel, or the Senate Whitewater Committee regarding anything they might contribute to an understanding of Foster's mental state the weekend before he died, *notwithstanding the great interest in the outcome of the weekend later expressed by Foster's close Administration associates* (if there were such interviews, they were redacted from the official record for reasons unknown). The record does not say if other political persons of note were at the Cardozas' that weekend beyond these three men, nor was anyone ever asked if there were others in attendance from the White House or if there were senior civil servants there from the Executive Branch. In response to numerous inquiries, Foster told his associates that the trip to the eastern shore of Maryland the weekend of July 17th and 18th, had gone well [199]. Exactly what aspects of his weekend had gone well? Obviously, the weekend had an agenda that is not part of the official record.

Foster Was Contemplating Resigning As Deputy White House Counsel

The record is clear that Foster was considering resigning his position as Deputy White House Counsel. Foster told his wife, Lisa [1647], his sister Sheila Anthony, and his co-worker William H. Kennedy (an Associate White House Counsel) that he was thinking of resigning [188,195,1614,1647]. His predicament, whatever it was, was so serious that his sister Sheila Anthony told the FBI she had hoped that Foster *would* resign as Deputy White House Counsel [1578]. The September 11, 1995 New Yorker article on Lisa Foster makes this point too. According to the Fiske Report, Deborah Gorham, Foster's Executive Assistant, Foster "... did little work during the week of July 12, and instead concentrated on 'cleaning up' matters that he had not been able to get to for some time, such as dictating thank-you and congratulatory notes [195]." White House Counsel Nussbaum was never asked in the record what work Foster was supposed to have been doing during this time period. Was there no work to be done (apparently so, since Foster did little work from July 12th onward)? *Or was Foster refusing to do his assigned work? Why? What work was that? These are questions that an adequate investigation would answer.*

The piddling described by Ms. Gorham is at least as likely to be done by someone who has made a decision to quit his job as it is to be the action of someone planning to commit suicide, especially in light of Foster's statements to those he loved that he was thinking of resigning his position (after all, people quit their jobs far more often than they commit suicide over them). Did Foster submit his resignation sometime in the first half of July or sound out any Administration officials about leaving the Administration? Was he waiting for some sign from the Administration when he died? Why take the time to write thank-you and congratulatory notes to friends before you commit suicide, but fail to prepare your family in any way for your death? A person might easily do neither or do both, but people who do the first also take care of the second.

Foster Was Accustomed To Long Hours In High-Stress Environments.

One would think that Foster, the former Senior Litigator of the Rose Law Firm, partner since 1973, and in the prime of his professional life, drawing almost \$300,000 a year from the top Arkansas law firm prior to joining the Administration, ought to be made of stronger stuff than the Foster depicted by the Fiske Report. There he appears as something of a shrinking violet, stung to the point of suicide by newspaper editorials, the threat of Congressional Hearings that were unlikely to occur in a Democratic Congress, and a Travel Office-related reprimand that he never received. The record does not support such a picture of Foster.

More than one friend used the word "meticulous" to describe Foster in the record. *That is one reason why the lack of any preparations for (or warnings to) his family prior to his suicide seems particularly unusual.*

Although its importance should not be overstated, Foster's blood pressure when taken at the White House on Friday, July 16, 1993, was 132/84 [196]. *Not bad at all for a man of 48 supposedly working 80+ hours a week in a high-stress environment. The blood pressure reading in itself is not an indication that Foster was over-stressed. If it means anything at all, it supports the opposite conclusion.*

July 19, 1993: Foster's Last Full Day at the White House

Straightening And Cleaning Plus An Unusually Long Meeting With An Old Friend

Foster maintained his goal of disengagement from the Administration, begun not later than July 12th [195], on Monday, July 19th [198]. Although Deborah Gorham, Foster's Executive Assistant, described Monday as a day of "straightening and cleaning [1446]," Foster apparently spent much of this time with his door closed. Part of this time was spent in a long closed-door visit with Marsha Scott [1447], Deputy Assistant to the President and Director of Presidential Correspondence. This was a meeting that Linda Tripp, an Executive Assistant to Bernard Nussbaum, remembered as being "out of the ordinary" and 1-2 hours in length [1535].

According to Tripp's FBI interview, "two things" occurred that were out of the ordinary on July 19th [1535]: "Marsha Scott, Deputy Assistant to the President and Director of Presidential Correspondence, came to see Foster for a closed-door session that lasted over an hour, possibly as long as two hours. This was highly unusual, both her coming to see him and anyone taking up that much time with Foster." Tripp noted that Scott was part of the "core" Arkansas group who went to dinner together every Tuesday night.

Nancy Hernreich, Deputy Assistant to the President for Appointments and Scheduling, confirmed that Foster was part of the "core" Arkansas group that often had dinner with each other on Tuesday nights [1765]. Bruce Lindsey also confirmed that Foster was a member of this group [1800]. Foster died on a Tuesday afternoon. It is not known whether some of the Arkansas "core" group had gotten together for their usual Tuesday evening activities before the time the record claims that the White House was officially informed of Foster's death at 2030 [see the US Secret Service memo at 2551].

Marsha Scott described her relationship with Foster to the FBI as a "personal friendship [1689]." She had known him since 1967. Marsha Scott's FBI interview states "She does not remember what topics they talked about [1690]." However, she later told the FBI that she had stopped by to ask him (apparently in the most general way) how his weekend on the eastern shore of Maryland had gone [1748]. Marsha Scott's statement to the FBI does not seem completely credible. You have an unusual closed-door solo meeting with a personal friend whom you have known for 25 years. This meeting lasts one to two hours. *The next day, your friend happens to commit suicide, and you don't remember what topics were discussed? This type of memory loss would be cause for medical concern.*

Apparently, many people were intensely interested how the weekend in Maryland with Hubbell and Cardoza had gone. *It is as if the weekend had an agenda other than merely permitting a weary and care-ridden Foster some rest and much-needed recreation. If so, this agenda appears to have been well-known to many within the core Arkansas group (including The President, see the material below on The President's call to Foster on Monday night. They wanted to know what the weekend's outcome had been. Was Foster's "disengagement" from the Administration on the weekend's agenda? Was Foster about to become a free agent? Was a quid pro quo in connection with this departure negotiated or did Foster merely believe one had been?*

Lisa Foster was apparently as much "in the dark" as anyone about her husband's alleged mental condition, perhaps more so, given the official pronouncements about Foster's "depression" that surfaced in tight formation a week or two after his death. Scott told the FBI that most of her conversations with Lisa Foster since July 20, 1993, had concerned the reason Foster had killed himself and what could have triggered it [1749].

Hubbell and Sheila Anthony Learn How The Weekend In Maryland Went

Webster Hubbell stopped by Foster's office for a visit on Monday, the 19th [199,1477], but does not remember the business matter, if any, that was discussed. *Again, this is a strange lapse of memory. The business matter may have been inconsequential at the time, but it seems to me that a person would long remember the topics of the last conversation he had with a friend of many years who killed himself the next day.*

Foster called his sister Sheila Anthony to tell her the weekend had gone well and that he was contemplating getting away more often [199,1578]. *Why the gratuitous lie to his sister? If, indeed, Foster was so depressed as to kill himself the next day.*

Foster told Webster Hubbell that the weekend in Maryland at the Cardozas had gone well, too [199]. *This also is interesting. It's not clear why Hubbell had to ask. After all, he had been present too. Did Hubbell instead want to find out about anything that transpired between the time he last saw Foster on Sunday at the Cardozas and the time Hubbell dropped by to see Foster on Monday? Remember Foster contacted James Lyons Sunday night. Could Foster have had some information for Hubbell instead?*

Foster had spoken to his wife, Lisa, about going away the following weekend as well, but no definite plans had been made as of the time of his death [199]. *Why another gratuitous lie by Foster, this time to his wife, if he was actually suicidal? A man discusses his plans for the following weekend with his wife and friends the day before he commits suicide? It is possible. But is it likely? Does the hypothesis jibe with the rest of the information in the record? I do not believe that Foster was contemplating suicide the day or two before he died.*

According to Loraine Cline, Foster's secretary for his last six years at the Rose Law Firm. . . "She could not picture Foster as having a problem he could not figure out how to solve [1730]."

Foster Makes Two Trips Out Of The Office On Monday, One Of Them Unexplained

Foster vanished from his office twice during the day on Monday. One trip was to visit the White House Credit Union [1446]. The other was an unexplained absence that Deborah Gorham described as "very uncommon" since he was in the habit of telling her where he would be during the business day [1446].

The record does not reveal any attempt by the Official Reports to discover where Foster went during the unexplained absence. Why not? If he had had a meeting within the White House compound during this time interval, presumably it would not have been too difficult to discover with whom he met and why.

Foster Left Work Earlier Than Usual — More "Lost" Hours On Monday

Foster left the office much earlier than usual on Monday, July 19th, leaving before Gorham departed at the end of the work day [1446]. It is not known what Foster did between his early departure on Monday the 19th and his arrival home that night at 1945 [1643], an interval of at least 2-hours (excluding his commute time to Georgetown from the White House).

His wife had expected him home around 1845 [1643], an hour earlier, so presumably something unexpected came up or he had matters to take care of that Lisa Foster was not privy to. A projected 1845 arrival in Georgetown is consistent with Foster's having left the White House around 1800, perhaps a little after [I will here gladly defer to DC's expert commuters], which is not consistent with Gorham's statement that Foster left the White House before the end of a normal 9-5 workday. Perhaps he stayed at the White House longer than reported.

Whatever Vince Foster had to do, it did not appear too stressful. According to Gorham's FBI interview, when Foster left his office early that day "He did not seem stressed, just simply left [1447]." He smiled at his wife when he came in the door of their home in Georgetown [1643]. [It is only about 1.8 miles over-the-road from Foster's parking space in Slot 16, Executive Boulevard West [1649], to his rental home in Georgetown.] Anyone married for 25 years, as Vince and Lisa Foster had been as of the prior April 20th [2268], will tell you that spouses don't always greet each other after work with a smile, *so it can be inferred that Monday had not been a bad day for Foster.*

No effort was made by the various official investigations (at least not one revealed by the record) to determine what Foster did 1) during one his unexplained absence during the work day nor 2) what he did in the minimum 2-hour period between the time he allegedly left the White House and arrived at home. Since Gorham did not know the time of his departure other than that he left much earlier than normal and before she left the office, these "lost hours" in mid-to-late afternoon on Monday were likely significantly more extensive than the minimum 2-hour estimate above that assumes he departed around the end of the normal workday, not significantly before it. *The events that took place during this interval may be especially important since The President called Foster that night at his home, a relatively unusual event in its own right. Why was there no interest on the part of the United States Park Police or Office of Independent Counsel investigators in these "missing" hours? More to the point, the existence of these "lost hours" on Monday is not even identified in the Official Reports.*

Foster's Overdrawn White House Credit Union Checking Account

Foster made a trip to the White House Credit Union on the 19th [1446], the day before he died. On the prior Thursday, the 15th, Lisa Foster had called Deborah Gorham, Foster's Executive Assistant, at work [2132]. She told Gorham that

the Foster family checking account was overdrawn. "Check stub filed. All Gone anyway [2217]." Lisa Foster was in the habit of calling Foster at work, especially if she needed money [1634-1635]. An overdrawn account means bounced checks.

An aside: The September 11, 1995, New Yorker article, "Life After Vince," states that the credit union account was overdrawn a few weeks after [sic] the death. According to the article, the reason the account was overdrawn is that Foster made a series of automatic withdrawals [in cash, according to Bill Kennedy of the White House Office of Legal Counsel] of \$35.00, each of which the credit union had erroneously booked as \$3500.00 each. *No one noticed the discrepancy at the time between \$35 and \$3500? Remember more than one withdrawal was apparently involved. It seems strange that Foster would initiate a series of withdrawals of \$35 each (the article gives no indication he was writing checks). Why? He died with \$292 in cash in his wallet. Were these the withdrawals that caused the credit union account to be overdrawn (per the official record)? If not, why was the account also overdrawn prior to his death?*

The credit union had been contacted by Foster the week of the 12th and it had agreed to "work with" the Fosters on a "weekly" rather than "bi-weekly" basis, presumably in connection with the ongoing problems in connection with the overdrawn checking account ["ongoing" since the credit union had agreed to start "working with" the Fosters on a "weekly" basis instead of the former "bi-weekly" basis, implying the existence of some sort of previous bi-weekly arrangement that had lasted for an unknown period of time].

It is not known if the Fosters had other dealings with the credit union besides the difficulties with their checking account. *They presumably had accounts at other financial institutions, but there is no evidence that these other accounts were drawn upon to solve the overdrawn credit union checking account problem. Why not? What was the purpose of Foster's trip to the credit union on the 19th? Foster should not have had any cash flow problems associated with his Little Rock home since he had been able to rent it when he came to work with the Administration [1478], certainly none that are part of the record. Furthermore, his modest townhouse in Georgetown was rented, not purchased.*

In short, the classic causes of cash flow problems when one takes a job in a new city did not apply to Foster. Why was the family checking account overdrawn and what was the connection, if any, with the death of Foster? Furthermore, it should be remembered that Foster had been a partner with Rose Law Firm for almost twenty years prior to joining the Administration, earning some \$295,000 his last year at Rose Law Firm according to newspaper reports. There is nothing in the record that would indicate he (or his wife) was a lavish spender or used money unwisely. The man drove a four-year-old Honda filled with the debris from his kids' social and academic lives [505,506] to and from the White House while he was the number two person in the White House Office of Legal Counsel. Why was there apparently no money available to replenish the overdrawn checking account?

The overdrawn checking account may amount to nothing, but no financial details were pursued by any of the investigations per the record [a sample limited exception: 461 — checking account not addressed as such] A "very smart. . . meticulous man [1478]" overdraws his checking account for at least the two weeks before he commits suicide. He makes an "unusual trip" to his credit union the day before he allegedly kills himself. We have nothing in the record to account for the overdrawn checking account. What do we have about the Fosters' general financial condition or the forensic accounting investigations that support the decision in the Official Reports to avoid this issue? United States Park Police Investigator Rolla's testimony did not mention the overdrawn credit union account described in the record that existed at least the week or two prior to the death:

I have heard it so many times now that I don't know whether I am thinking it in my mind or I saw it, but whatever it was, the documents I looked through were — I looked through financial documents to see if there was [sic] any major losses of money, withdrawals of money or anything crazy, and there just didn't appear to be any of that [461].

The Call From The President On Monday Evening

The evening of the 19th, Foster received a call at home from The President [200]. The President had heard that Foster was feeling "down" about the Travel Office matter and phoned to invite Foster to watch a movie at the White House, but Foster declined, stating he was home with his wife and wanted to stay there [1829]. Like many people, The President asked about Foster's weekend in Maryland [no specific weekend topics in the call were covered, nor were they provided in the Official Reports]. The President told Foster that he was seeking Foster's advice on "possible White House organizational changes" [200,1830]. There is no indication in the record whether or not such changes involved Foster himself. According to their depositions, neither The President nor The First Lady had personally ever heard that Foster had been telling his friends and associates he was considering resigning [1827]. Many of those friends and associates were part of the same "core" Arkansas crowd that included The President and The First Lady; Foster had been the "family lawyer" for many years. The President, however, allegedly had heard that Foster was "down" about the Travel Office Matter.

Hubbell and Lindsey happened to be with The President when he invited Foster to the White House to watch a movie ("In the Line of Fire") on Monday night [1829]. As matters turned out, this might have been a doubly ironic "last movie" for Foster. By the way, the normal "movie night" at the White House was Friday [1800], not Monday.

In his deposition, the President indicated that he had invited Foster to the White House to see the movie because "It was a time of high-stress for the Counsel's Office because of the White House travel office matter and other things [1828]." Nonetheless, neither Nussbaum, the White House Counsel, nor any other members of the Office of Legal Counsel (including "core" group member Kennedy) were invited to the show. Furthermore, as indicated above, the record does not reveal that Foster had been doing much substantive work in the Office of Legal Counsel for at least a week, so that work was presumably not the work to which The President was referring. Note, too, the number of individuals in the record who remarked that Foster's mood had improved the week before his death and that he was in good spirits on Monday and Tuesday. *The President might have been a little behind the times. Perhaps Foster did not attend the movie because he was not "down" or perhaps he had nothing to talk about (if the movie was simply a "screen" for a substantive meeting).*

Foster and The President agreed to meet on Wednesday concerning the possible White House organizational changes but, of course, this meeting was pre-empted by the extraordinary White House "organizational change" on the following day. Foster did not sound downcast or depressed during this conversation according to The President's deposition. Then why the comments beginning a week or two after the death by many in the Administration about Foster's depression?

The nature of the questions and responses when The President was deposed concerning Foster and the call The President made to him is of interest [1827]:

[Here is The President's response to a question asking him to recall his phone conversation with Foster Sunday night, the 19th:]

A: . . . Then I told him I wanted to talk to him about some matters relating to the White House and I wanted to ask his advice on some organizational issues, but that I could not see him the next day because we had the announcement of Mr. Freeh, the FBI Director, and several other things on my schedule, and could we please meet on Wednesday. And he said, yes, I have some time on Wednesday and I will see you then.

Is The President merely being over-polite? Foster tells The President that he, Foster, has some time on Wednesday, and that he agrees to see the President then? Was Foster in the driver's seat? The President seemed somewhat on edge during his deposition, after all. Remember that Foster was at an unknown location for at least two hours after he left the

office early the afternoon of the 19th and that The President called him that night.

There should be no misunderstanding: The record alleges The President had not even spoken to Foster anytime during the "few weeks" leading up to Foster's death. In his deposition, The President said "I called him [Foster] because I had not seen him in a while. . . And so, I hadn't seen Vince in a while and I hadn't had a chance to talk to him in a few weeks [1828]. . . As a matter of fact, I was just pleased that I was going to be seeing him Wednesday because I hadn't seen him in a while. I mean, whole weeks would go by and I wouldn't see him. . . [1830]." According to The First Lady's deposition, she did not talk with Foster either during the month before his death [2105].

Fort Marcy Park: Monday, July 19, 1993, 1500 Hours

Monday July 19th, like the Tuesday to come, was an extremely hot and humid day in the Washington, D.C., area. A 17 year-old girl was walking in the northeast portion of Fort Marcy Park, having gained access to Fort Marcy Park "where the tennis courts of the Dogwood subdivision border Fort Marcy Park [1679]." This means she entered Fort Marcy Park from the west side by coming over the border fence or, more likely, coming through one of the gaps in that fence. See Map V (R) in Appendix I. She volunteered the following statement to the FBI:

At approximately 3:00 PM on July 19, 1993, . . she noticed at a distance of approximately 10 to 15 feet [up close!] a white male walking by himself in a direction leading from the George Washington Memorial Parkway into the northeast section of the park. [The interviewer did not ask her exactly where she was when the interviewee saw the man. This would have seemed an obvious question to me. Why was it not asked?]

She stated that what caught her attention was that this white male, in spite of the heat, was dressed in a dark suit, white shirt, and a red neck tie. [She] further described this white male as being in his early 40's [Foster was 48], dark hair, approximately 180 pounds [Foster weighed about 200 pounds], and slightly over 6 foot in height [Foster was 6 foot 4.5 inches tall] . . .

This white male had no facial hair nor was he wearing eyeglasses [Foster was near-sighted and had astigmatism in both eyes; 245]. She further stated that when she noticed this white male, he immediately looked away from her and therefore she could furnish no additional details relative to his facial characteristics.

In a further attempt to determine the height of this white male, it was [the interviewee's] opinion that he was slightly over 6 foot tall, but did not approach 6 foot 4 inches in height. [The interviewee] was exhibited photographs of Mr. Foster but she was unable to make any determination as to whether these photographs resembled the white male she saw at the park on July 19, 1993 [1679-1680].

This individual was clearly not Foster. My associate, DCA, and I have collectively spent enough time at Fort Marcy Park in the summer months to state categorically that seeing a man dressed the way this gentleman was is extraordinarily rare to say the least. *It is tantalizing to wonder whether the references to "the park" in the interview should have been references to "the fort."* Fort Marcy itself is a small part of Fort Marcy Park. The fort is located northwest of the parking lot [see Map V (R)]. The official location for Foster's body was at the northern end of the western berm of Fort Marcy itself.

If the interviewee were truly on the northeast side of Fort Marcy Park (cf., the northeast side of the fort itself), she was on the far side of Fort Marcy Park from her home, a round trip over-the-ground distance of at least three-fourths of a mile, even if her home abutted the western border of Fort Marcy Park. The northeast corner of the fort itself is about 800-900 feet over-the-ground from the tennis courts that abut the western border of Fort Marcy Park.

Who is this trim and fit individual ("fit" since he was strolling around in a dark suit unperturbed by a hot humid day)? Note that he avoided eye contact with the witness. Notice, too, that he was at Fort Marcy Park around 1500. The next day, Foster left the White House at 1300 and was found at 1800. The midpoint of this five-hour interval is 1530. It is tempting to speculate that this individual was involved in a reconnaissance of Fort Marcy Park in connection with the events of the following afternoon, but the very limited data are nowhere nearly adequate to support any analysis beyond that which precedes this paragraph. The witness was not asked if she saw others in the park at this time or what she remembered about vehicles in the parking lot or parked in the spaces by the north side pedestrian entrance to the park off Chain Bridge Road..

I note that the failure of the United States Park Police investigative team, for reasons unknown, to canvass the neighborhoods around Fort Marcy Park for additional witnesses who might have seen something out of the ordinary on July 20th *was unfortunate*. This young female witness came forward, apparently a volunteer in the purest sense of the word, on May 17, 1994, simply because she lived near Fort Marcy Park and remembered seeing a man in a dark suit walking in the park some ten months previously. *This young lady's memory is as surprisingly good as those of some White House personnel are surprisingly bad*. It appears the young lady was aware of FBI visits to Fort Marcy Park (accompanying various Fairfax County Fire & Rescue Dept. and United States Park Police witnesses) in the late spring of 1994 in connection with the Fiske Office of Legal Counsel investigation into the death of Foster and came forward.

As an aside, it was reported to me that the FBI was out in force in Fort Marcy Park near the second cannon the evening of September 12, 1995. The FBI told civilians in the park that tests of some sort that could damage people's eyes were underway. Civilians were ordered from the park by FBI agents who refused to identify themselves and showed their FBI identification only while blocking their names from view.

July 20, 1993: Foster's Last Day at the White House

A Routine Start To Foster's Last Workday

Foster arrived at his White House office about 0850 [1448] and attended the routine 0900 White House Office of Legal Counsel staff meeting and then the Rose Garden ceremony announcing the selection of Louis Freeh to head the FBI [201]. [The previous Director of the FBI, William J. Sessions, the first-ever FBI Director to be fired, had been dismissed the previous day.] Beth Nolan, Associate Counsel at the White House Office of Legal Counsel, saw Foster at the Rose Garden ceremony for Louis Freeh on Tuesday morning [1755]. In the words of Nolan's FBI interview, "His mood had lifted in the last couple of days." She noted that he had been joking around in the staff meeting the prior Friday morning (the 16th, four days prior). When she had seen him on the 19th, he did not seem distracted and handled his exchange with her normally. *All this, notwithstanding that, on the morning of Tuesday, July 20th he allegedly had previously decided to kill himself that very afternoon and in all likelihood officially already had the loaded gun in his possession (at the White House or in his Honda) or knew where he was going to get it.*

Foster left his office for an hour the morning of the 20th between 1030 and 1130, saying "I'll be back [1449]." He appeared "relaxed and normal" to Gorham on his return.

Foster's Sister, Sharon Bowman, Had Just Arrived In DC For A Visit

Sharon Bowman, had come to Washington D.C., apparently arriving on the 20th, and was staying with her sister, Sheila Anthony [1482]. She apparently had not seen her brother yet..

Your sister comes a thousand miles to visit you. You kill yourself the day she arrives in town before she even has a chance to see you? The day before you promised her lunch at the White House and a personal tour. Anything is possible, but this sounds out of character for Foster, given the picture of him that emerges from the record. Note, too, (based

on Nolan's comments and others) that he seemed to have crossed some sort of emotional hump several days before he died and was clearly more cheerful from at least Friday the 16th onward. In the author's opinion, as of Friday, Foster thought he was pedaling downhill, not up [whatever mountain he was on].

If he had decided to commit suicide, why would Foster knowingly have caused Lyons to fly to DC from Denver to meet with him the next day (as described previously), the day after Foster knew he would be dead? The Wednesday, July 21, 1993, appointment with Lyons in DC was confirmed by Foster just the prior Sunday. The record does not say why Sharon Bowman picked that particular day to fly to DC. No one bothered to ask her for the record.

Might Foster have made a snap decision to kill himself between Sunday night and Tuesday lunch? Unlikely. Those who gave statements of one kind or another about his mood from Friday, July 16th, through Tuesday, July 20th, uniformly give evidence of Foster's general good spirits and unstressed demeanor.

A Brief Look Ahead: The White House Changes Its Stance On Foster's Death

At first, the death was pronounced a completely unexpected tragedy by the White House (see The First Lady quotation from Frank Rich of the New York Times above). After a week or two, numerous Administration people began making statements about Foster's having been seriously depressed for a couple of months. The statements about Foster's improved spirits immediately above were all provided to the FBI months after Administration figures had switched their statements (a week or two after his death) from, in effect, "This was a huge and totally unexpected surprise!" to "Well, you know, he had been really depressed for some time. I had noticed something along those lines, but I had no idea it was so serious. I should have paid more attention to it at the time, but I didn't."

Thus, the statements in the record about Foster's improved spirits the last few days he was alive are contrary to the "Pravda" about Foster's ongoing depression that began to be publicly bruited about some ten days or so after his death. The day after Foster's death, the "huge and totally unexpected surprise" orientation was still on display. I admit that the "who could have known" initial reaction is a common one for many people, but The President had a bit more to say than that. Part of his approach included "marching orders" that, whatever their intention, may well have had the effect of discouraging the White House staff from talking about Foster's death. I do not believe I am exaggerating when I make this statement.

On July 21st, The President spoke to the White House staff members that knew Foster well:

In the first place, no one can ever know why this happened. Even if you had a whole set of objective reasons, that wouldn't be why it happened, because you could get a different, bigger, more burdensome set of objective reasons that are on someone else in this room [?]. So what happened was a mystery about something inside of him and I hope all of you will always understand that. . . and I hope when we remember him and this we'll be a little more anxious to talk to each other and a little less anxious to talk outside of our family [1916].

The President's statement is somewhat elliptical, but I believe that there were those present who understood these words far better than I do. Were these words a warning? Did Foster's death have anything to do with a willingness to talk "outside the family?" In his deposition months later [1827-1829], The President mentioned knowing Foster was under a lot of stress in the White House Office of Legal Counsel and also that Foster was "down" about the Travel Office Matter, but these factors were not mentioned when he addressed "the troops" on the 21st. Why not? It is also significant to note that there is nothing in the record to indicate that Foster was "anxious to talk outside of our family." Had Foster been threatening to talk about something embarrassing?

Foster Orders Lunch

At around noon on Tuesday, Foster asked Linda Tripp, one of Bernard Nussbaum's Executive Assistants to fetch the lunch he had selected off the daily menu of the White House cafeteria [201]. His own Assistant, Deborah Gorham, had already left for her own lunch break. Thomas Castleton, a junior employee of the White House Office of Legal Counsel, was soon dispatched to the cafeteria by Foster to discover what was taking Tripp so long to return with Foster's meal. Castleton told Tripp that Foster had sent him to find out what was taking her so long [201], but by then she was already on her way back with Foster's lunch. Tripp delivered Foster's lunch to his office, having added some M&Ms to his tray, apparently on her own initiative. Foster relaxed on his couch and read his newspaper while he ate his meal [1534]. Tripp was surprised that Foster had sent Castleton to look for her since she had not been gone long at all [1534]. *Why was Foster in a hurry to get his cheeseburger? Are we to believe that he was that eager to rush away and commit suicide?*

Foster Leaves the White House For The Last Time

At about 1300 [201], Foster left his office, carrying his suit jacket, but without a briefcase. Foster told Tripp that there were still some M&Ms on his tray if she wanted them [1534]. While I do not believe that casual talk about leftover M&Ms a couple of hours before one is supposed to have committed suicide (after a leisurely lunch spent reading the newspaper) is a strong indication that a suicide did not occur, I do believe that casual conversation volunteered about leftover M&Ms alone constitutes slight evidence that Foster did not leave the White House with the intention of killing himself that afternoon. *I claim no psychological or psychiatric training of any sort. However, to this layman, Foster as he left the White House, considering the information in the record about the prior week or two, just does not look like a fellow hell-bent on killing himself that particular Tuesday afternoon.*

Foster told Tripp, "I'll be back," just as he had when he had left the office for an hour that same morning between 1030 and 1130 [201,1449,2130]. This time he did not come back. According to Gorham's FBI interview, "Foster had never left in the middle of the day before [1449]." There was nothing unusual in his demeanor and he did not seem distressed [1534]. When he left his office shortly after 1300, he was not carrying anything with him (he was not carrying a briefcase, per Tripp, just his suit jacket) [1534].

I believe that it is reasonable to think that Foster's behavior around lunch time indicated that he had some sort of appointment outside the White House shortly after 1300. He was on a "time-line" with a limited cushion. Hence his concern that Tripp not take too long bringing him his lunch. However, since it turned out there was no delay in obtaining his lunch, Foster had ample time to eat his medium-rare cheeseburger with fries and drink his Coke at his couch while working his way through the newspaper [2130].

Foster was concerned enough, in light of his schedule that afternoon (killing himself?), about the onions on his cheeseburger to remove them [1534], leaving only the onions and a few M&Ms behind on his tray. *Anything is possible, but one might wonder why thoughts of his impending suicide did not interfere with eating his entire medium-rare cheeseburger, reading his newspaper, or deciding whether he wanted onions on his burger that day [1448].*

The record shows no evidence how Foster filled the roughly five hours between departing the White House and the discovery of his body by the Confidential Witness in Fort Marcy Park just before 1800 (other than that he was presumably in transit and at Fort Marcy Park (dead, alive, or both) for some portion of the five hours).

Foster's Last Official White House Contact, The Uniformed US Secret Service Guard at Post E-4.

The last White House person officially to see Foster alive was Officer Skyles, a uniformed US Secret Service officer who was at the guard post in the west lobby (referred to as "E-4" [sic]) [1546]. He remembered seeing Foster leave the west wing of the White House through E-4 sometime "about lunch time" on July 20th. According to the Skyles FBI interview, "He distinctly recalled that Foster did not appear to be at all depressed or preoccupied as he walked by. He said he was therefore quite surprised to learn that Foster had committed suicide [1547]." *This comment, from the last person in the White House compound who officially saw Foster alive is consistent with many others concerning Foster's demeanor during the last few days of his life.*

July 20, 1993: Fort Marcy Park (Including United States Park Police Excursions & Some Lab Results)

The Discovery of Foster's Body By The Confidential Witness

Foster's body was discovered in Fort Marcy Park at about 1745 by the Confidential Witness, a male witness who knew the park well and who requested that his identity be kept confidential. In contrast to the detailed personal identity data on many other witnesses casually revealed in the record, the Confidential Witness is not named or otherwise indirectly specifically identified therein. The Confidential Witness described a light-colored Japanese make car parked in the second or third slot on the left as he drove into the parking lot from the George Washington Parkway in his construction van [see Map V (R)] that was indeed Foster's Honda per the Official Reports. In an FBI interview, the Confidential Witness described Foster's car as a "light tan or light brown Japanese vehicle [1544]." The only other car in the lot was described by the Confidential Witness as a white Honda Accord parked near the rear (far end as one drives in) of the lot [204]. The former [sic] car was apparently Foster's Honda and the latter was apparently the white Nissan with MD plates, according to the consensus in the Official Reports.

While standing on the top of the northern end of the western berm of the Fort and some 15-20 feet to the right (e.g., to the north) of the second cannon [see Map V (R)] and (officially) urinating, the Confidential Witness noticed what he soon determined was a body below and to his left, the head just visible (thanks to the Confidential Witness's elevated position at the top of the berm) over the top of the earthen berm in front of the second cannon [205,2663]. The berm is sloped roughly 45 degrees (shallower in parts) and is some 20-25 feet in length [207]. Foster was lying on his back on the western slope of the western berm, very neatly laid out, with his arms straight down at his sides and with both palms up [1461], according to the Confidential Witness.

The body was bloating, there were "traces" of dried blood around the nostrils and mouth, and flies were crawling over those parts of the body [1461,1517]. But the Confidential Witness did not see any blood or traces of dried blood running down the left or right side of the face [1517], nor did he observe any blood or dried blood on the shirt. This description contrasts sharply with the statements of the first officials to reach the body, which in turn do not jibe with the photos taken of the deceased's face taken at the death scene.

The Confidential Witness Sees Very Little Blood, And What He Does See Has Completely Dried

In a deposition, the Confidential Witness stated, "I saw blood traces on his nose and around his lips. There was not streams of blood on the side of his face. There was not trickles of blood as indicated in the [Fiske] report. . . I didn't see any signs of a gunshot on his shirt or clothes. . . There was no gun in his hand. His — both palms were face up, thumbs out to the side [2660]." As to the small amount of blood that was seen by the Confidential Witness, "The blood was dried hard and black [2665]." A bit later in his deposition, in response to a question, the Confidential Witness confirmed that what little blood he did see (on the nostrils and lips) was "hard and black [2665]." Later witnesses in general not only saw more blood, but the blood they did see was not as dry and hard as that described by the Confidential Witness. Although the Emergency Medical Services and United States Park Police personnel in the park who arrived at the body roughly 25 minutes after the Confidential Witness were generally surprised at the lack of blood coming from Foster's wound, given he had been shot in the mouth point blank with a Colt Army .38 Special, it is clear that the Confidential Witness saw even less blood on Foster's face and upper torso than did the first few Emergency Medical Services and United States Park Police personnel to come upon the body.

A possible explanation for these two related observations (the greater amount of blood seen later on (whether that blood was dry or not) and that less blood in general was seen than expected) would be: 1) the body was shifted in place or moved bodily after the Confidential Witness saw it, causing more (and fresher) blood to appear and 2) for some unexplained reason the .38 Special that was found with the body did much less damage than would normally have been expected from a point blank shot to the mouth from that particular weapon and cartridge combination.

The Fiske Report Versus The Confidential Witness: The Gun and The Position of Foster's Palms

The Confidential Witness did not see a gun in either of Foster's hands. According to one interview, "Witness was emphatic, saying he had spent several minutes observing the body closely and there was absolutely no firearm there [1462]." The Confidential Witness confirmed the lack of a firearm multiple times in this interview. However, the Fiske Report records that the Confidential Witness said "There could have been a gun in the man's [Foster's] hand that he [the Confidential Witness] did not see [205]."

The "could have been" wording in the Fiske Report is based upon numerous FBI attempts to have the Confidential Witness concede he might possibly have missed seeing the gun since it was largely covered by the right hand. The Confidential Witness agreed that was conceivably possible, though he did not understand how this could be so, and therefore asked the FBI to show him its photo of the gun hand to illustrate what the FBI had in mind. The FBI refused to do so despite several requests by the Confidential Witness [2661]. *The Fiske Report quotation and the Confidential Witness's own statements are thus in conflict as to whether the Confidential Witness thought there could have been a gun in Foster's right hand that the Confidential Witness did not see.* The Confidential Witness is quite clear that he saw no gun.

How Sure Was The Confidential Witness That There Was No Gun And That Foster's Palms Were Up?

To understand why this is an important issue, see the photocopy of the image of a color photo leaked to ABC News in Appendix II. The picture shows the gun with the gun hand palm down and the gun partially underneath the hand, but clearly visible. During a subsequent deposition, when the Confidential Witness was handed this photo of the hand with

the gun in it for the first time [the FBI having refused to show it to him during its prior interrogations], the Confidential Witness said, describing what his reaction would have been if the FBI had originally shown the photo to him, “. . . I would have probably been — know I would have been screaming. . . . That is not a picture of what I saw. The man's palms were straight up. . . . The man's hands were against his leg [2661].”

Q: How sure are you that the palms were up?

A: As sure as I am standing right here. I am absolutely and totally unequivocally, the palms were up. I looked at both palms. There was nothing in his hands. I didn't look at one and assume the other. I looked at both of them [2666].

The author interprets these comments to mean that the Confidential Witness's belief that the palms were up and there was no gun are strongly held. The Fiske Report and the Confidential Witness's deposition [this one taken on July 28, 1994, after the Fiske Report was issued and in response to its contents] are thus in conflict as to whether the Confidential Witness thought there could have been a gun in Foster's right hand that, for whatever reason, the Confidential Witness did not see. How can this discrepancy be explained? Was a gun added to Foster's hand by persons unknown after the Confidential Witness saw the body?

According to the Confidential Witness's deposition, the FBI “. . . led me to believe that the hands were up [the Confidential Witness agreed with that] and the gun was concealed on the other side [2662].” However, the FBI would not show the Confidential Witness the picture of the gun in Foster's right hand at Fort Marcy Park (the photo showed the right hand palm down, hence the Confidential Witness's comment above that he would have been screaming. . . if the FBI had showed him the picture [see Appendix II] during the numerous occasions the interviewers attempted to get the Confidential Witness to agree it was conceivable he missed seeing the gun).

The Confidential Witness Sees The Path Is Trampled Beginning Immediately Down Slope From Foster's Body

The Confidential Witness stated he never touched the body [205]. The Confidential Witness also told the FBI that Foster's were palm up [1517]. What else did he tell the FBI? The Confidential Witness said that the foliage below the body had been “trampled down as if the individual might have been walking or pacing in that area [2664].” But not only was the berm the body was lying on trampled directly immediately down slope from the body. According to the Confidential Witness:

Below this man's feet all the way down into the bottom of the ditch, approximately ten feet or better up the berm on the other side, over the hill to the walking trail everything had been trampled completely flat like the man had walked back and forth at least a dozen times or better. It was at least 24, maybe 30 inches wide that everything was trampled completely flat. Every twig, every leaf [2664].

Could this trampling have represented evidence of the “passage” of a dead or unconscious Foster down the shallow grade opposite the berm, then up the berm itself? Only two significant berms remain at Fort Marcy Park, the southern and western berms of the fort. This possibility was not explored by the Reports, despite evidence that there were people at Fort Marcy Park that afternoon “working on the trails” [918] at the time the Fairfax County Fire & Rescue Dept. and United States Park Police officials responded to the 911 calls, individuals who were never interrogated or even specifically identified. There was a general reason for doing so: they were in the park around the time United States Park Police Fornshill reached the body. More specifically: they might have shed some light why the trail down the berm and up the adjacent slope from the body had the appearance of having been recently disturbed (the “volunteers” were working on the Fort Marcy Park trails, after all). Could some of these “volunteers” have done the “trampling” seen by the Confidential Witness?

For reasons unknown, none of the Confidential Witness's comments about the trampled vegetation below the body and up the opposite slope was included in the Fiske Report. *This is yet another example of the Fiske's Report's "selectivity" that is apparent when the Fiske Report itself is contrasted with the raw data in the underlying witness statements.*

Why Did The Confidential Witness Wait Until March Of 1994 To Come Forward?

The Confidential Witness was interviewed by G. Gordon Liddy, the radio show talk personality, on March 22, 1994 [1459], after deciding to contact Liddy and insisting his identity be kept secret. The Confidential Witness decided to come forward because the stories he had been reading in the press about the discovery of Foster's body were "not right" [1464]. In the words of Liddy's interview with the FBI, the Confidential Witness expressed to Liddy "a fear of some type of retaliation if his identity is surfaced, based primarily on observations that neither of Mr. Foster's hands held a gun at the time and location of his sighting by this witness [1509]."

The Confidential Witness told the FBI that one reason he came forward when he did was that he had read and heard reports that the two Park Service maintenance employees whom he asked to call 911 from the US Park Service's Turkey Run maintenance yard had retracted their story about the "man in the white van" (the Confidential Witness) [1519,2663-2664], and were now claiming they were the ones who had found the body. The Confidential Witness was concerned that something very persuasive had caused these two civil servants to alter their previous statements about the Confidential Witness, his white van, and the provenance of the 911 calls. *If it is assumed that these press reports were indeed accurate, what motivated these two workers to change their story and deny that the Confidential Witness and his van ever existed, saying instead that they had found the body? Why were these individuals never questioned about the truth of these news accounts? Whether the news accounts were true or not, they had the effect of causing the Confidential Witness to come forward since he believed them.*

Statement Of The Lady In The White Nissan

This individual was the female half of a couple that was first interviewed at Fort Marcy Park by United States Park Police Officer Spetz and then by two United States Park Police Investigators. Spetz passed the basic information to Investigator Braun when Braun arrived at Fort Marcy Park with Investigators Rolla and Apt [498,522]. This couple were the only civilians interviewed at the scene the day of Foster's death [507] and the occupants of the only car (that is, excepting Foster's Honda) that was officially in the parking lot when the first wave of United States Park Police officers and Fairfax County Fire & Rescue Dept. personnel arrived about 1811. Braun didn't think this couple was able to provide much information [523], but that was not the case. *Readers should evaluate carefully what these witnesses said and decide whether they did not provide "much information."*

This female witness to the "traffic" in the Fort Marcy Park parking lot and her male companion drove to Fort Marcy Park in her Nissan, arriving at 1715 plus or minus fifteen minutes (depending on whether the male's or the female's estimate of the arrival time is used) [1470]. She told the FBI that the only vehicle in the lot when they arrived was

A relatively old (mid-1980s) Honda, possibly a Honda Accord, either tan or dark in color, parked close to the entry of the parking lot, adjacent to a path leading to the northern section of the park. [She] believed this particular Honda was parked with the front of the vehicle facing the park area [meaning the fort itself] and to the best of her recollection believes a white male was seated in the driver's seat of this particular vehicle. . . she believed the occupant had dark hair and could have been bare-chested [1470].

Based on this detailed description and the fact that the Official Reports indicate there were only two vehicles in the parking lot when the Emergency Medical Services vehicles arrived at 1810, *it is likely that this witness is describing Foster's Honda. It is extremely unlikely that the individual she described was Foster. What was going on in the Fort Marcy parking lot about a half hour before the Confidential Witness discovered Foster's body? Where was Foster, and who was sitting in his Honda?* Note that Foster's 1989 Honda Accord was taupe gray in color per the consensus in the official record.

The male companion of the Nissan driver also noticed just one other vehicle in the lot around 1725 (which he described as "a small station wagon or hatchback, brown in color" [1474] [words of his FBI interview]: "The hood of the vehicle was up and a white male was standing in the vicinity of the vehicle. He described the white male as in his mid- to late-40's, approximately six feet in height, medium build, long blond hair and beard, appeared unclean and unkempt."

After he and his female companion had sat in her Nissan for about 15 minutes [1475], during which time the two described individuals in and near Foster's Honda were seen, the couple walked away from the Nissan and took a path leading southeasterly from the northern end of the parking lot. The brown or tan car was still parked in the same place at the time they started on their walk (at 1730 plus or minus fifteen minutes, depending on whether the female's or the male's estimate of their arrival time in the Fort Marcy Park parking lot is used). These individuals remained out of sight of the parking lot until some minutes after the body was found. *Where was Foster and who were these people fooling around with his car?* The Official Reports do not say.

There is only one very disturbing official comment regarding these two individuals. The Fiske Report [210] states: [Referring to the couple who drove to Fort Marcy Park in the Nissan] "Neither individual heard a gunshot while in the park or saw anything unusual." *Unlike Fiske, I believe the two people in and around Foster's Honda should count as something "unusual."* The United States Park Police Report reads as if these individuals were not associated with Foster's Honda, but with other vehicle(s) that came and left while the Nissan couple were in the parking lot. Fiske had access to the FBI interview of the female Nissan owner in which she "corrected" the misrepresented testimony that had been written down when she was interviewed by the United States Park Police at Fort Marcy Park on July 20, 1993.

It is also noteworthy that, when the FBI showed the female witness a copy of her interview with the United States Park Police, she stated to the FBI that she is positive her comments in that interview report concerning a light-colored older model car pulling in next to the Honda were not true [1472]. The reader is also reminded of United States Park Police Investigator Braun's statement that this couple was not able to provide much information. They certainly did not provide much information that became part of the Official Reports! Did her United States Park Police interviewers (there were at least three: Spetz, Braun, and Hodakievic; see above in this sub-heading) record the female Nissan owner's statement incorrectly in the confusion? Or for some other reason?

This female Nissan owner's male companion, while seated south of the parking lot, saw a jogger running from the southeastern half of Fort Marcy Park toward the parking lot [1475]. The jogger was an older man with graying hair, a thin build, and wearing shorts. If an official search was ever made for this jogger, no evidence of it appears in the official record. This individual was running toward the northwest from an area southeast of the Fort Marcy Park parking lot shortly after 1800 (Foster's body was found by United States Park Police Fornshill at 1814:32 [2252] on the northwest side of Fort Marcy Park). *This jogger could easily have been a critical witness: shortly before the Confidential Witness finds the body, this person was jogging along, headed northwesterly in the general direction of the spot where the Confidential Witness saw the body. Was this jogger ever sought through advertising? Did anyone at Fort Marcy Park know who he was? Is he still jogging this route most days after work around 1800? Have any investigators checked?*

The female Nissan owner remembered a white male, 6 foot tall with dark brown hair who appeared to be in his late 20s to early 30s walking toward the parking lot. He might have been big and burly and wearing blue jeans [1471,1472]. It is not clear who this person in Fort Marcy Park was. Conceivably, it was the "jogger" described above by the Nissan driver's male companion, but that seems unlikely based on the male companion's description of the jogger. The person seen by the female witness appeared quite close to the time the Confidential Witness first observed Foster's body, but the description does not match the Confidential Witness well either, who is a white male, 45-48, 210-215 pounds,

stocky build, 5'-7" to 5'-8", with light brown hair worn short [1467]. *This person would have made an ideal witness, just like the jogger.* There is no evidence in the record that he was ever interviewed or sought out. Why did the investigations fail to interview potentially crucial witnesses?

More Falsehoods From Fiske

In the words of the Fiske Report [183]: "Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned." This statement is ("known to have been") and is demonstrably not true. *There were many people known to have been at Fort Marcy Park that afternoon who were observed by government and civilian witnesses who were never questioned. At the least, the Fiske Report statement gives an unmerited impression of thoroughness, a thoroughness that does not exist.*

The 911 Calls

After returning from the body site to the lot (viewing Foster's Honda and the white Nissan with MD plates in the lot on the way as described above), the Confidential Witness drove his white van from Fort Marcy Park some two-and-a-half miles northwest on the George Washington Parkway to Parkway Headquarters' Turkey Run maintenance yard where he asked two Park Service maintenance workers to call 911 [2663] and report the body. The Confidential Witness did not give his name, nor did the workers record his license plate number. The Confidential Witness wanted to remain anonymous from the beginning (for the reasons described previously). The younger maintenance worker made two 911 calls, one to Fairfax County at 1759:59 that ended at 1804:01 [1430] and another to the United States Park Police at 1803:30 [2116]. Fairfax County itself also made a short call to the United States Park Police [2116] in response to the 911 call it had received from the maintenance worker because Fort Marcy Park, a Federal Park, was also part of the United States Park Police's jurisdiction.

The Fairfax County Fire & Rescue Dept. And A United States Park Police Officer Arrive At Fort Marcy Park And Begin The Search For The Body

Fairfax County Emergency Medical Services units (part of the Fairfax County Fire and Rescue Department) and a United States Park Police officer were immediately dispatched to Fort Marcy Park, with the three vehicles (Fairfax County Fire & Rescue Dept.'s FCFRD Engine Unit 1 and FCFRD Medic Unit 1, plus Unit 261, the United States Park Police vehicle) arriving in the parking lot from 1810 to 1812 [206]. Computer time records are available for the Emergency Medical Services vehicles [1045]. The fire engine (FCFRD Engine Unit 1) dispatched with the Emergency Medical Services vehicle (FCFRD Medic Unit 1) pulled into the parking lot in Fort Marcy Park at 1809:58 and the Emergency Medical Services vehicle followed 18 seconds later.

Per a United States Park Police communications record memo in the record that provides precise times, United States Park Police Officer Kevin Fornshill, arrived one minute and fifty-two seconds behind FCFRD Engine Unit 1 [2252], and the six Fairfax County Fire & Rescue Dept. workers on FCFRD Engine Unit 1 and FCFRD Medic Unit 1 [1392]. These seven individuals constituted the first official presence at Fort Marcy Park among those who responded to the 911 calls. FCFRD Engine Unit 1 contained Pisani, Iacone, and Wacha. FCFRD Medic Unit 1 contained Hall, Gonzalez, and Arthur. Per the Official Reports, United States Park Police Officer Fornshill was the first official to find the body (in the same location and general position described by the Confidential Witness).

Were There Still More "Unaccounted-For" People And Vehicle(s) At Fort Marcy Park That Evening?

When Fornshill drove his cruiser (Unit 261) into the Fort Marcy Park parking lot, the Fairfax County Fire & Rescue Dept. vehicles (FCFRD Engine Unit 1 and FCFRD Medic Unit 1) had just arrived [917]. According to Fornshill, when he arrived at the lot [944], excluding his own vehicle and the two Emergency Medical Services vehicles, there were two to three cars at the far end of the lot [where, officially, only the white Nissan was parked] and a Honda parked closer to the entrance [this apparently was Foster's car]. Were there one or two "extra" vehicles in the Fort Marcy Park parking lot when the United States Park Police and Fairfax County Fire & Rescue Dept. first arrived, vehicle(s) that were ignored by the Official Reports?

FCFRD Arthur said he remembered a red car with its hazard lights flashing as his unit, FCFRD Medic Unit 1, entered Fort Marcy Park [1381,1563]. FCFRD Hall, in his deposition, also states that there were two or three [civilian] cars in the lot when the Emergency Medical Services units pulled in. Thus a third witness, in addition to FCFRD Arthur and United States Park Police Fornshill, indicated he thought there might have been at least one 'extra' car in the parking lot about 1809.

A little more about the "extra" car(s) is known. One of these "extra" vehicles had its engine running according to Hall [1148]. In his FBI interview, Hall described this vehicle as being a brown car in the lot but not parked in a space. Since it was in the lot and brown, it was apparently not the blue Mercedes broken down (hazard lights flashing) near the exit off the George Washington Parkway 550 feet away from the lot [see Map V (R) and Appendix III]. According to the Official Reports, neither the Nissan or the Honda had their engines running. *Whose vehicle was this and what was it doing in the Fort Marcy Park parking lot?*

Considering statements made by the Nissan couple and by the Confidential Witness, did this vehicle arrive in the parking lot between 1800 and 1810, after the Confidential Witness had left Fort Marcy Park and while the Nissan couple were sitting out of sight on the southeastern side of Fort Marcy Park away from the parking lot? Why did the officials present not prevent it from driving away? Note that Hall did not recall whether the "extra" car was still in the parking lot when the Emergency Medical Services personnel departed the park at about 1837. The vehicle had been unoccupied when he first saw it. Does this mean the driver (and anyone else?) was elsewhere in the park at this time?

Jennifer Wacha of Fairfax County Fire and Rescue's Emergency Medical Services team arrived at the Fort Marcy Park parking lot in Engine 01 with Ralph Pisani and James Iacone, also of Fairfax Emergency Medical Services [1354], 18 seconds ahead of FCFRD Medic Unit 1 containing Gonzalez, Hall, and Arthur. United States Park Police Fornshill arrived 94 seconds after FCFRD Medic Unit 1. Like FCFRD Hall, Wacha noticed a car in the parking lot with its engine running (she also noted that its hazard lights were on) [1354]. A fourth witness (four out of a possible seven, so far) sees an "extra" car in the lot.

The identity of this vehicle is unknown since FCFRD Engine Unit 1 was the first non-civilian vehicle to enter the parking lot and both other vehicles there were exhaustively described as being Foster's Honda and the White Nissan [2504-2505] with MD plates, with no indication that either of their engines was running or their hazard lights were on. Wacha also said she separately remembered Foster's car [1354] in the lot. Iacone, who arrived on FCFRD Engine Unit 1 with Wacha and Pisani is still another witness who believed there were three or four civilian automobiles in the lot when FCFRD Engine Unit 1 arrived, that is one or two "extra" vehicles not accounted for in the Official Reports [1358]. The running total has now reached five witnesses out of a possible seven who saw at least one "extra" vehicle in the parking lot when the first officials reached the lot.

What about the remaining two officials who arrived in the Fort Marcy Park parking lot with the first group of seven (6 Fairfax County Fire & Rescue Dept. and 1 United States Park Police)? Pisani noticed Foster's Honda [1548] which he described as a light-colored four-door compact sedan with Arkansas plates (observation as he rode into the lot). He did not remark on the Nissan (parked at the far end of the lot), but he did notice a "light-colored vehicle located "at the entrance." *This might have been the broken-down Mercedes driven by the female lobbyist that was officially accounted*

for in the Reports. However, Pisani's statement does not make it clear whether the "extra" vehicle he saw was "at the entrance to the lot" or "at the entrance to Fort Marcy Park" itself (that is, at the beginning of the exit ramp off the George Washington Parkway into Fort Marcy Park). *If the latter, it could have been the broken-down Mercedes.* However, the Mercedes' hazard light were flashing and Pisani did not notice such lights on the "light-colored car" he saw. I consider Pisani as the sixth out of a possible seven witnesses who saw an "extra" vehicle (that is, a vehicle that "officially speaking" was not in the lot) that afternoon. *However, Pisani is a "weak" member of this group at best!* Gonzalez, the last of the seven officials, said there were only two civilian vehicles in the lot when he arrived. He described Foster's Honda and the white Nissan accurately.

Thus, it certainly appears that there was at least one civilian vehicle in the parking lot more than the Reports place there. There is no more information on these one to two additional vehicles in the official record. The Official Reports make no attempt to reconcile these witness statements with the Official Reports' conclusion that the Nissan and Foster's Honda were the only civilian vehicles in the parking lot.

The Fiske Report states that the Honda and the Nissan were the only vehicles in the lot when the Fairfax County Fire & Rescue Dept. personnel and United States Park Police Officer Fornshill arrived [204]. *Why did the Fiske Report ignore six witness accounts (of varying degrees of certainty and specificity) of at least one "extra" vehicle in the Fort Marcy Park parking lot when the first group of police and emergency personnel arrived?* There is not even an explanation in the Fiske Report describing why, per the Fiske Report, this information is not correct.

Were There Unidentified Civilians At Fort Marcy Park At About 1812 "Not Listed" In The Official Reports?

Iacone arrived in the Fort Marcy Park parking lot on FCFRD Engine Unit 1 with Wacha and Pisani. He thought a civilian, name unknown, directed the northern search team (he was not a member, having gone with the southern team) to the location of Foster's body [1357]. *A civilian?* If at least one 'extra' vehicle was in the lot per the prior comment, could this civilian have been the operator of the "extra" vehicle? This report of a civilian who directed United States Park Police Fornshill to the body *is all the more interesting given the short time it took United States Park Police Fornshill to locate the body after calling in on arrival at the Fort Marcy Park parking lot.*

In an interview with the FBI [1157-1159], Hall stated that he might have seen a car on Chain Bridge Road instead of the (otherwise unaccounted for) person [sic] he mentioned in his deposition [1148] whom he saw near Foster's body. However, the foliage in the park was much thicker on the date of death (July 20, 1993) than when Hall was at Fort Marcy Park for his FBI interview (April 27, 1994), making it less likely (but possible) he saw all the way through to Chain Bridge Road from the body site. *One might be forgiven for wondering how a car driving either way on Chain Bridge Road might be confused with a person moving through the woods near the body site. I have stood in this position at about the same time of year and time of day and cannot understand how a car (driving along Chain Bridge Road) could possibly be confused with a person moving through the woods near the body site close by the second cannon.*

In the words of Hall's FBI interview, "During a cursory search of the area surrounding Foster's body, Hall thought he heard someone else in the woods." What sort of noise was it? A question he was not asked. He subsequently saw something red moving in the woods [1161]. *Something red moving in the woods. Could he have seen one or more persons wearing those international red-orange traffic safety vests? Were the "volunteer" workers on the trails to whom United States Park Police Fornshill referred (see below) wearing such safety vests?* The United States Park Police officers on the scene made no attempt to interview these individuals.

Hall stated that Pisani and one other member of the Fairfax County Fire & Rescue Dept. team (he did not name this individual) thought they saw two males getting dressed in a wooded area adjacent to the site (meaning the site where Foster's body was found) [1387]. These individuals were not interviewed either. *Perhaps the extra vehicle(s) belonged*

to one of these two (or three?) persons. Was one of these individuals the 'civilian' that Iacone thought directed the northern search team to the body? Based on the raw evidence in the record, it surely looks as if there were some unaccounted-for people seen near Foster's body just after the Fairfax County Fire & Rescue Dept. and United States Park Police personnel arrived at Fort Marcy Park. This thread is not complete yet, however.

Remember the words of the Fiske Report [183]: "Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned." *Right. At what point to omissions and distortions rise to a level that makes it legitimate to challenge all of a Report's conclusions?*

The "Volunteers" At Fort Marcy Park Described By The First United States Park Police Officer To See The Body

When asked if there were any other civilians (excluding the couple in the Nissan) in the park when he arrived, Fornshill stated in his deposition "I was told [By whom? No one asked Fornshill this critical question] later that some persons on, I think it was, they were doing some repair work on a trail, they were on the opposite end of the park. There is a nature hiking trail that I imagine they were doing some work on. . . They were volunteers [917-918]." *This is potentially a very important statement. Fornshill "was told" about these "volunteers" implying he did not also see them himself, although he nonetheless somehow was told they were volunteers working on the park trails. Did these individuals in fact have other duties that afternoon? They were "on the opposite end of the park" but Fornshill was never asked what "end" of the park [northwestern or southeastern] he was referring to. The earthen berm fort lies entirely northwest of the parking lot. Foster's body was officially found near the second cannon at the far northwest corner of the fort.*

Numerous witnesses indicated the body was lying on a trail or path to the west of the second cannon (on the northwest side of Fort Marcy Park), for example, see Gonzalez' deposition [1018], Gavin's FBI interview [1553], and Pisani's statement [1361]. Dr. Haut, the Medical Examiner at the scene, also remembers the body lying on a "foot path" [1659,1661] and thought it peculiar that the body was located in the middle of a path. Arthur told the FBI that the body was lying near a path, but not on it, such that "if you were just walking the path you could miss it 1383]." Simonello stated that there was a path that led down [to the west] directly in front of the second cannon and that there was dense vegetation on both sides of the path [628].

The Confidential Witness also refers to the walking path near where he saw the body [2663] and the trampled-down area below the body. *Since Foster's body was apparently lying on a trail (indeed, a path that had been recently trampled according to the Confidential Witness's deposition cited above) one would think that volunteer trail workers would have made excellent interview subjects for the investigators at Fort Marcy Park that night. For reasons unknown, this statement of Fornshill's about the "volunteers" was never pursued in the Fiske Report (any more than the numerous other statements about unaccounted-for people near the body and extra cars in the parking lot were considered by the Reports). If any of these workers were interviewed, the interviews were redacted.*

One might ask how much stronger an indication of unaccounted-for persons and vehicles is required before that information is considered worth the space in the Official Reports to even mention (if not analyze).

Was There A Briefcase In Foster's Honda At Fort Marcy Park?

According to his deposition, Gonzalez also saw some sort of "paper attaché case" in Foster's Honda [1027]. In his FBI interview, however, this item was described as a black briefcase/attaché case [1048]. According to FCFRD Hall's deposition, he also thought he saw a briefcase in Foster's Honda [1148]. In his FBI interview he is more definite: "Also contained in the car was a briefcase [1162]." *A fairly succinct statement.* The car described was a four-door light blue sedan that also contained a suit jacket matching Foster's suit pants. Foster's Honda was a light gray (Lisa Foster also used the word "taupe") four-door Accord, so Hall's description matches the Honda pretty closely. When he passed by

the Honda on the way back to his cruiser, Fornshill stated in his deposition that he "possibly" saw a briefcase in the Honda. However, "It doesn't stick in my mind right now [968]."

There is an interesting exchange in Braun's deposition regarding her search of the Honda in which she volunteers that she was not looking for a briefcase in the Honda and, in any event, there was no briefcase in the vehicle [532]. The Confidential Witness also believed he saw a briefcase on the passenger floor of the Honda [1463,1518]. The witness who described the 1988-90 rusty brown Honda in the Fort Marcy Park parking lot also saw a briefcase in the vehicle (this witness entered and left the lot before the body was found.)

At about 1300 [201], Foster left his office holding his suit jacket [The Fiske Report helpfully states he was not carrying a briefcase]. When Foster left his office shortly after 1300, he was not carrying anything with him (no briefcase, per Tripp, just his suit jacket) [1534]. *Was there a briefcase in Foster's Honda or not?* Five witnesses indicate (with varying degrees of certainty and specificity, conceded) that there was. *If so, what did it contain and why did it vanish?* Despite the statements of many witnesses (generally speaking, not from the United States Park Police, except for the "possible" sighting by Fornshill, the first United States Park Police officer at the scene), the Official Reports do not indicate that there was a briefcase in Foster's Honda. *If present at Fort Marcy Park, could the contents of this briefcase be relevant to the admitted presence of senior White House staff in Foster's White House office that very night who were apparently conducting a search of some kind?*

Officials Concluded That Foster Killed Himself Even Before the Investigation Started.

United States Park Police Officer Fornshill, the first official to find the body and call it in on his radio was asked about his radio call: Q: "And you said that it appeared to be a suicide based on what?" A: Based on the determination the person was dead [923]..." [Fornshill continues, trying to make a clarification: "Again, my assumption from the paramedic and that the gun was found in his hand, which is what the paramedic told me." Fornshill is clear throughout the record that he never saw the gun in Foster's hand. As the reader might expect, this topic will be turned to in detail below. Fornshill was the first official to discover the body, making his failure to see the gun, clearly visible in the photocopied image in Appendix II, of great interest.]

Ferstl, the United States Park Police officer whose beat that day included Fort Marcy Park, informed United States Park Police Investigator Rolla upon Rolla's arrival in the Fort Marcy Park parking lot that a body had been found at the "second cannon," [150] with a gun in the hand, an apparent suicide [78]." United States Park Police Officer Julie Spetz and United States Park Police Officer Ferstl were the second and third officers on the scene [1597], arriving at about the same time in separate cars, both having departed from Glen Echo Station.

After confirming the person was dead, and having packed up the Emergency Medical Services equipment, Gonzalez returned to the parking lot and transmitted "Obvious. . . Suicide with gun [1045]" prior to departing the lot at about 1837. The "suicide verdict" was thus reached very early by both the first United States Park Police officer on scene and the lead FCFRD Sergeant Gonzalez [1045], with the United States Park Police evaluation being the more tentative one.

United States Park Police Investigator Braun's deposition further reveals the mind set that prevailed from a time immediately after the body was found by Fornshill. (The news of his discovery was transmitted by Fornshill to the United States Park Police communications center at 1814:32 (162 seconds after reaching the parking lot) when he requested that the Criminal Investigations Branch be sent to Fort Marcy Park [2252]):

Q: When did you first hear the word 'suicide' in Fort Marcy Park [522-523]?

A: When — when we saw, I guess Sergeant Edwards. [The fourth or fifth United States Park Police officer to arrive at the site; the fifth or fourth was Lt. Gavin, the United States Park Police shift commander.]

Q: Did he say he thought the death was by suicide?

A: I don't recall exactly how he did it, and he did show the pictures [sic] to it that he had snapped.

Q: Was it your understanding that a determination had been made as to the cause of death?

A: I think we [the United States Park Police investigators] more made that determination. You know, like I said, when we first got the call it was for a dead body. Then I asked [Fornshill] if it was natural or of a suspicious nature. And I was told suspicious, so I had them close the gate.

Then once we [Rolla, Braun, and Apt, the three United States Park Police Investigators] got there [at about 1835], maybe actually I do remember speaking to Lieutenant Gavin [the United States Park Police shift commander who reached the body well before his own investigators], so maybe it was Lieutenant Gavin who might have — it might have been Lieutenant Gavin then who actually initially explained what the scene was, because I had some knowledge of it when I went to speak with the couple [the ones in the MD Nissan] and ask them if they had heard anything or seen anything and ask them about other vehicles that were in the area. Yeah, I would say it was Lieutenant Gavin, actually.

Q: Did Lieutenant Gavin mention anything about suicide?

A: I can't recall. I don't — I don't recall if he did or not or if that was what we — it seems to me that we had made that determination [that the death was a suicide] prior to going up and looking at the body.

I hope the reader will not think the hypothesis that the death was considered a suicide and investigated as such from the beginning is a "stretch" based on the evidence cited in this comment! In fact, the team of investigators (three of them: Braun, Rolla, and Apt) were briefed by their shift commander and a sergeant in the parking lot, and the decision was made (before the investigators even saw the body.) to investigate the death as a suicide (subject, at best, only to the real-time discovery of evidence that blatantly indicated the death could not possibly have been a suicide). The failure to discover the Honda keys anywhere in the park constituted such evidence. Note that neither Lt. Gavin nor Sergeant Edwards were ever interviewed or deposed concerning the briefing given Investigator Braun (and possibly also to Investigator Rolla). Why not? Why are there so many "cut-outs" in the official investigation?

Where Was Foster's Body Located At Fort Marcy Park?

Officially, Foster's body was just to the west of the second cannon with his head 14 feet 3 inches west of the axle of the second cannon [1905], lying face up on the northern end of the western berm of the Fort itself, on the outer berm slope [see Map IV, Map V (R)]. The second cannon is located much closer to Chain Bridge Road than the "first" cannon [103]. United States Park Police Officer Ferstl, whose "beat" included Fort Marcy Park, arrived at Fort Marcy Park at about 1830 [1628,2121], or slightly before that time, and was the second United States Park Police officer on the scene after Fornshill.

United States Park Police Investigator Rolla provided one of the most detailed descriptions of the body's location "The hill, berm or embankment was dirt, there was [sic] other leaves and grass around him, but it wasn't like a pathway, it was too steep. You would break your neck walking down there, but yes, there was dirt, leaves, flies [421]." Earlier in his deposition, Rolla gave another description of the location "I observed very thick foliage, trees, branches around him

also. There was almost like a very steep embankment, it was dirt, but no grass or anything on it, but on the sides of it, and the bottom was broken branches, and like a gully [390-391].”

Although some allowance might be made for the alleged sifting of the soil by the FBI [222-223] in its search for the bullet, the steepness of the berm described by Rolla (“you could break you neck walking down there. . . the bottom was broken branches, and like a gully” and the lack of a true pathway corresponds more closely (in steepness, and considering the reference to a gully) to an area some yards west of the first cannon, at the western end of the southern berm and near the southern end of the western berm of the Fort where there are some steep narrow pathways leading down from the berms [see generally, Maps IV and V (R)].

Dr. Haut, the Fairfax County Medical Examiner who appeared at Fort Marcy Park about 1845 (see the comment later) told the FBI the body was located about 150 yards from the parking lot [1659]. This is only about 60% of the over-the-ground distance from the parking lot to the official body site near the second cannon (some 775 feet). However, this 150 yard estimate of Dr. Haut’s jibes rather nicely with the distance from the parking lot to a specific area a few yards west of the first cannon: the over-the-ground distance from the parking lot to this area on the southern berm a few yards past the first cannon was estimated by the author from aerial imagery to be 470 feet before he read Dr. Haut’s FBI statement. Dr. Haut’s FBI interview also places the cannon some 10-20 yards from the body, far more than the less than five-yard official distance between Foster’s head and the cannon’s axle.

The area along the southern berm several yards to the west of the first cannon is known as the location Reporter Chris Ruddy [1118] believes was the spot where the body was actually found based on his early 1994 interviews with numerous Fairfax County Fire & Rescue Dept. and United States Park Police personnel who were in the park that night [1118-1138; see Map V (R) where this approximate location is marked]. There is a shallow depression in this particular area at the top of the southern berm that Mr. Ruddy’s work indicates is where Foster’s body was recovered by the United States Park Police and Fairfax County Fire & Rescue Dept. personnel the evening of July 20, 1993.

Was Dr. Haut’s estimate of 150 yards reasonably accurate? If so, the body, when viewed by Dr. Haut, was not in front of the barrel of the second cannon and reinforces the conclusion of Reporter Chris Ruddy. If one believes the Confidential Witness’s statement that the body was located a few feet to the west of the second cannon, why was the body moved from one location to the other? Was it to position the body closer to the parking lot (and the parked Honda), thereby shifting attention away from its actual entry point into Fort Marcy on the north or northwest side of the park (via the pedestrian entrance or via the old road that borders the northwest side of the park)?

The United States Park Police Officer Who Found The Body Leaves Fort Marcy Park After An Extremely Short Stay

When United States Park Police Fornshill, the official who first found the body, located it, he advised his communications center by radio [923] that he had come upon an apparent suicide and called out to the two emergency medical workers [FCFRD Gonzalez and FCFRD Hall] who had been searching the northern half of the park with him.

Very shortly after finding the body, around 1820, Officer Fornshill was relieved by Officer Ferstl (the relief was approved by Sergeant, Edwards, his supervisor, who was also on scene) [923-925], and Fornshill returned to the CIA where his duties were to constitute a uniformed presence at the exit gates during rush hour (it was apparently critical that he return to his CIA gate about 1835, well after peak traffic at this CIA gate). According to Fornshill, he estimates he was relieved less than ten minutes after he originally arrived in the parking lot [952] (in response to the 911 calls).

This is an incredibly short period of time in which to join the northern search team, coordinate the northern search effort, search the area thoroughly, especially the area around the first cannon [the searchers saw this cannon first since it is in plain view from the central area of the fort], find the body near the second cannon (over 750 feet from the parking lot), make sure the body was in fact dead in consultation with Gonzalez and Hall, be relieved by Ferstl after getting

the approval of Sergeant Edwards, return 750 feet to the parking lot, observe the contents of Foster's Honda, and leave Fort Marcy Park. A busy "less than ten minutes [952]."

This was indeed a short stay for the officer who volunteered to respond to the 911 call regarding a body in Fort Marcy Park since the beat officer, Officer Ferstl, was temporarily occupied. In my opinion (and it is that and no more), along about 1800, the exit traffic at the CIA was winding down and, naturally enough, United States Park Police Fornshill was ready for something more exciting than watching CIA day shift workers leave for home on a late hot July afternoon, so, when he heard the radio call about a body in the park, he volunteered to check it out. His radio request seeking permission to do so was approved, the "cop on the beat" being temporarily otherwise engaged, and Fornshill, having taken the initiative, "rolled" on the call. Contrast this johnny-on-the-spot initiative with Officer Fornshill's stated desire to return to his gate at the CIA so quickly (even though he wouldn't have been able to get back to it until 1830-1835, hardly a peak time for exit traffic at the CIA).

While they were en route to Fort Marcy Park, the United States Park Police Investigators (Rolla, Braun, and Apt) had Fornshill close the gate to the park at the exit on the George Washington Parkway after he found the body [496]. He was still the only United States Park Police officer on the scene per the record, although Ferstl, Spetz, Edwards, and Gavin were to arrive shortly. As described above, United States Park Police Fornshill spent less than ten minutes in total at Fort Marcy Park that day. *Since he had to close the gate to Fort Marcy Park (down by the George Washington Parkway) in addition to his other activities within his stated time frame, the author wonders how he managed to close the gate and return to the body (to be relieved by United States Park Police Ferstl with the approval of United States Park Police Sergeant Edwards, according to Fornshill's evidence) on top of everything else.* The round trip distance-over-the-ground from the official body site to the gate down at the George Washington Parkway and back measured by the author (from aerial imagery) is about 2500 feet. *Moving at four miles an hour (a brisk walk; the victim had been located and had been found to be dead, so there was no need to run), this round trip would alone require about seven of Fornshill's "less than ten minutes" in total at Fort Marcy Park.*

United States Park Police Officer Ferstl isolated the body site itself with crime scene tape [1629] immediately on seeing the body, but to do so he had to return to his police cruiser for the tape and Fornshill was still present at the body when he returned. *If Fornshill stayed at the body site while Ferstl made the 1400+ foot round trip to the parking lot and back with the crime scene tape, it appears all the more likely Fornshill could not have done all the things he did at Fort Marcy Park and left within the less than ten minute time period he stated. Did he do fewer things, did he stay longer than ten minutes, or did someone else assist him?*

In this context, Fairfax County Fire & Rescue Dept. Iacone's belief that an unknown civilian directed Fornshill and the rest of the northern search team (Gonzalez and Hall) to the body [1357] is of particular interest. Is there any reason Fornshill would have to leave Fort Marcy Park so soon after he found the body [watching traffic dribble out of the CIA lot at 1835 does not sound like a convincing reason in the author's opinion, but there must have been a good reason. What was it?]

The United States Park Police Communications Memo Contained In The Record

A United States Park Police communications memo indicates that Fornshill advised that he had arrived at the parking lot at 1811:50 [2252]. Fornshill's estimate that he was at Fort Marcy Park a total of less than ten minutes cannot be radically off since he had departed by the time United States Park Police Investigators John Rolla and Cheryl Braun had arrived in the parking lot about 1835 [385,2123], or possibly five or ten minutes later, according to Investigator Braun's estimate.

Even though no one had any idea where the cannons were or how many there were and the park consists of a number of open spaces surrounded by trees with the body officially located at the extreme northwest side of the fort some 750 feet away from the parking lot, Fornshill called in at 1814:32 that the body had been found, 2 minutes and 42 seconds

after he arrived in the parking lot [2252]. The communications memo in question was handwritten to Gavin, the shift commander, the night the body was found (and written in response to a request to provide Gavin with a record of the times of relevant United States Park Police Fort Marcy Park radio calls and the subject of those calls), so the times therein should be quite accurate.

Even if no time is allowed to assemble the search team of three that searched the northern half of the park at a trot, and even if it is assumed that Fornshill called in on his radio the very second he spotted the body, 2 Minutes and 42 seconds is a very short search! *How was Fornshill able to find the body so quickly? Was Fairfax County Fire & Rescue Dept. Iacone correct in his belief that a civilian directed United States Park Police Fornshill to the body [1357]? Who was this individual and why was his existence not considered or even mentioned in the Official Reports, especially since there is other evidence that there were "unaccounted for" individuals in the park late that afternoon?*

Fornshill's locating the body so quickly is as difficult for me to comprehend as the laundry list of items above that United States Park Police Fornshill accomplished at Fort Marcy Park in less than ten minutes. It is certainly true that one could trot directly to the second cannon from the parking lot in about 90 seconds if one knew where it was and headed right to it. But that was clearly not what happened, according to Fornshill's statements in the record.

Key considerations are the time United States Park Police Fornshill spent (if any) in the lot before departing with (or catching up to) Gonzalez and Hall, the time needed to "search thoroughly" in the vicinity of the first cannon, and for Fornshill to move (alone) to the vicinity of the second cannon and finally, the interval between seeing the body and making his radio call announcing its discovery. Fornshill indicates he went into the northern half (actually northwest half) of the park with two Emergency Medical Services workers, one named Gonzalez [the other was FCFRD Hall; 988]. The large open area where the first cannon is located was "thoroughly searched." After doing so, he moved to the right and discovered a quasi-hidden clearing with a second cannon and located the body [918]. The area around the first cannon contains a number of steep trails going down either the southern berm or the southern end of the western berm of the Fort. Searching all these go-downs "thoroughly" would be more than a couple of minutes work [the first cannon has since been removed by the Park Service, but the permanent "peg" for the cannon's tail is still there, per my visit to Fort Marcy Park in June 1995].

The two cannon are not visible from each other. Based on his aerial imagery, the author estimates that these two cannon were about 270 feet apart(line-of-sight distance).

The Foster Gun Hand — Palm Up Or Palm Down?

Although the photo apparently leaked to Reuters and to ABC News by persons unknown [see Appendix II; not authenticated, but the genuineness of this photo has never been denied; the authentication standards of ABC News were presumably also satisfied] of the gun in Foster's right hand shows Foster's right hand palm down with the gun partially under it, Investigator Rolla, the United States Park Police person in charge of the body site was deposed thus: Q: "When you first saw the body, can you describe which position the hands were in?" A: "Like this." Q: "You are indicating palms up?" A: "Palms up, [arms] down by the side [429]."

According to the deposition of FCFRD Gonzalez who viewed the body and left before Rolla arrived [998; see also 1017-1018,1049], the senior Emergency Medical Services person at the park that night, Q: "Apparently, you recall the gun being in a different position from that what was photographed [That is, in a different position than in the photographs he had been shown]?" A: "That's correct." . . . Q: "How did the picture depict it?" A: "Hand out like this?" Q: "The hand was out?" A: "Yes, right hand." Q: "With the palm up?" A: "That's what I remember." As for what Gonzalez saw (as opposed to what he later saw in the pictures): Q: "The palm was up or down?" A: "Down."

Clearly there is a complete difference between Gonzalez and Rolla as to whether the right palm (with the gun in it) was up or down. The gun was not removed from the hand until much later by Evidence Technician Simonello. The photos

shown to them by the FBI do not jibe with the witnesses' memories of the scene. Why? Earlier the reader will remember that the Confidential Witness indicated in no uncertain terms that the palms were up, and that there was no gun in either hand [2660]. Was the gun hand (and the gun) moved or "rearranged" even though the Official Reports give no indication that this occurred?

More Blood On Foster's Face And Clothes

The Fiske Report [208] indicates (based on the Polaroid photos) that far more blood was present on Foster's face and clothing at the time the photos were taken than the Confidential Witness indicated in his description [205]. Pisani did not recall seeing any blood on Foster's face (Pisani was in the first group of Emergency Medical Services personnel who arrived in the parking lot at 1810) [1549]. Gavin, also one of the first on the scene, only remembers seeing a trickle of blood coming out of the mouth [1555]. Ferstl also did not remember much blood, just a small amount around the mouth and no blood on the shirt [1629]. *Was the body moved in between the Confidential Witness's observations and those of the others? Moving the body would presumably mean the appearance of more and fresher blood.*

When Dr. Haut examined the back of Foster's head at the body site, he told the FBI that the volume of blood at the back of the head was "small" and that the blood was matted and had clotted [1659]. This contrasts with the Fiske Report statement about what Dr. Haut saw [211] "Haut observed a large exit wound in the back of the skull." There was a "large pool of blood" under the head [211]. *Compared to the statement of the only medical doctor at the scene, the blood volume per the Fiske Report is significantly greater and the blood is liquid, not matted and clotted. Why the divergence? Why is there no explanation in the Fiske Report attempting to reconcile the doctor's statement with the words in the Fiske Report? After all, the Fiske Report quote above concerning what Dr. Haut said thus contrasts strongly with what Dr. Haut himself told the FBI.*

Dr. Haut's Report Of His Examination Of Foster At The Body Site

Dr. Haut's own report of the time he spent at Fort Marcy Park and provided to the Virginia Medical Examiner's office is not in the record for reasons unknown. *One would have thought [I do, anyway] that the report of the first medical doctor to view the body, and the only doctor to view the body in situ, might be of some importance!* This is one of many unexplained omissions in the record.

Could the failure to include Dr. Haut's report have something to do with his having told the FBI he arrived at Fort Marcy Park at about 1845, whereas the United States Park Police witnesses and the Fiske Report [211] agree he arrived about an hour later, at 1940 or so? Clearly, one could expect Dr. Haut's report to include the time he arrived in the park and viewed the body. Dr. Haut's report might clarify many things, not the least of which being the time he arrived at Fort Marcy Park.

The Blood Stain Patterns on Foster's Face at Fort Marcy Park

The Fiske Report recognizes that the blood-staining patterns on Foster's face as described by the witnesses are inconsistent with the position of the head as described by the same witnesses [220]. The Fiske Report therefore assumes that some person at the site must have touched the body, though no one in the record admits to having done so until after all photographs of the site and the body were taken [219]. "The FBI concluded that the pattern of the blood on Foster's face and on Foster's shoulder is consistent with Foster's face having come in contact with the shoulder of his shirt at one point," says the Fiske Report. However, here is what the FBI Lab Report actually says: "The available photographs [sic] depict the victim's head not in contact with the shirt and therefore indicate that the head moved or was moved

after being in contact with the shoulder. The specific manner of this movement is not known [242].” Nonetheless, the Fiske Report stated “The FBI concluded . . . *“In my opinion, the Fiske Report finesses the statement in the FBI lab report about these blood tracks in order to buttress the Fiske Report statement that the head must have been moved [220,242] by some person who was officially at the scene.*”

The same FBI Lab report earlier uses some wording regarding the blood stains that could be important [241]: “It is to be noted that a study of the above evidence alone can not substitute for an in person examination of the original/unaltered crime scene.” *Why say “unaltered” in addition to “original?”* See the previous comments to the effect that the Confidential Witness saw the least blood on Foster’s body (just on the lips and nostrils) and the later-arriving personnel tended to see more, but still less than they thought they should have seen, given a point blank shot in the mouth from a Army Colt .38 Special firing high-velocity ammunition. *Could the change in the amount of blood seen between the Confidential Witness and everyone else (and some related confusion concerning how much blood the Polaroids showed compared to what people remembered at the scene) be an indication that the body was moved between the time the Confidential Witness saw it and everyone else did?*

If the body was moved (by persons unknown) from the second cannon site (the Confidential Witness saw the body there) to another site (the site favored by Chris Ruddy to the west of the first cannon being one possibility), to what place was it moved and why?

The “Unofficial” Wounds On Foster’s Face

FCFRD Sergeant Gonzalez (either the first or second medically-trained person to see Foster’s body) and FCFRD Technician Arthur both had doubts whether Foster’s death was a suicide [205]. They based their doubts in large part on the wound they saw on Foster’s face. The autopsy report had no indication of any other wound than the entrance wound within Foster’s mouth and an exit wound at the upper rear of the skull: no wound (entry or exit), caused by a bullet or anything else, on the right side of Foster’s head [2031-2036].

According to Arthur’s deposition:

Q: Where was the blood coming from?

A: To me it looked like there as a bullet hole right here.

Q: In the neck?

A: Yes, right around the jawline.

Q: The neck and jawline underneath the right ear?

A: Somewhere there. I would have to see a picture to point it out exactly where [irony?] but there was a little bit of blood coming out of the mouth, too, and a little out of the nose but the main was right here. I didn’t see any on the left side. I didn’t see any on the chest or anything [883].

Q: With respect to the bullet wound you think you saw in the — at the scene could you describe in some detail exactly what you thought you saw?

A: I saw what appeared to be a bullet hole, which was right around the jawline on the right side of the neck.

Q: About how big?

A: It looked like a small-caliber entrance wound, something with — I don't want to say a .22 or whatever, but it was a small caliber. It appeared to be a smaller caliber than the gun I saw. . .

Q: How close to the body were you when you saw this?

A: 2, 3 feet [903-904].

According to FCFRD Gonzalez' deposition:

Q: Did you ever see an entrance wound or an exit wound?

A: I can only assume that there's an entrance wound and that was from the mouth, because there was a lot of blood within the mouth, you could see that. It was dark and some of it had clotted already. I didn't see an exit wound [996]. . .

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 or run of blood. . .

Q: And the side of the head?

A: Right side.

Q: Upper part, lower part?

A: Let's 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 in that area.

Per Gonzalez' FBI Interview "The wound was recalled to be located in the upper right front portion of the skull [1047]."

Gonzalez and Arthur were trained Emergency Medical Services workers with years of experience between them, so one might be forgiven for thinking they did in fact see some sort of injury on the right side of Foster's head. In the words of the Fiske Report [208] "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 not such wounds."

A review of the United States Park Police case file (also in the record) covering the Foster investigation revealed that the United States Park Police never interviewed any of the Fairfax County Fire & Rescue Dept. personnel who responded to the park that night. *I do not consider it a "stretch" to classify this as a serious omission. There must have been some good reasons why the United States Park Police failed to do this, especially since the United States Park Police took the time to record the names and identifying particulars of all the Fairfax County Fire & Rescue Dept. personnel while they were in the parking lot before they returned to the station.*

The omission is particularly curious in light of the large number of medically-trained Fairfax County Fire & Rescue

Dept. personnel who were present and the large number of them that viewed the body. It seems particularly unusual that the first two Emergency Medical Services personnel who came upon the body (Gonzalez and Hall) were not interviewed by the United States Park Police, nor was the other Emergency Medical Services person in Medic 01 (FCFRD Medic Unit 1), FCFRD Arthur.

Foster's Eye Glasses Were Found Some 19 Feet Down Slope From His Head

Foster's eye glasses (he was near-sighted and had astigmatism in both eyes [244-245]) were found by Rolla some thirteen feet down the slope of the berm, that is, some thirteen feet west of Foster's feet as he lay prone on the berm, feet downslope and head upslope [209,479,629]. This places Foster's eyeglasses about 19 feet down the berm slope from the head. A single piece of ball powder was found on these glasses that was physically and chemically similar to the powder in the cartridge case removed from Foster's gun [217].

One might believe that the evidentiary value of this single piece of ball gunpowder on the glasses is entitled to even less weight than would ordinarily be the case since two other types of gunpowder were found in scrapings from Foster's clothes, types of powder that also were not consistent with the type of powder fired by the discharged cartridge found at the body site. The Fiske Report dismisses the presence of these two powders as mere contamination [218], while using the single piece of similar gun powder found on the glasses to place the glasses on Foster's face or in his shirt pocket when the revolver was fired into his mouth.

The description in the Fiske Report places Foster's glasses roughly 19 feet [see also 391: 13 feet plus Foster's height of 6 feet 4.5 inches equals roughly 19 feet] down slope from Foster's head. Notwithstanding whatever evidentiary value is assigned to the single piece of powder found on the eyeglasses, it is difficult to see how the motion of Foster's head when the shot was fired (presumably throwing the head back, that is, up slope) could throw the eyeglasses some 19 feet in the opposite direction (the glasses moving down slope and the head and upper torso moving up slope as the seated body reclines to the neat prone position it was found in after the shot).

The Fiske Report nonetheless hypothesizes that the "glasses bounced down the hill" [217] even though the Fiske Report also indicates that "there was dense foliage in the area where the body was lying [205]" and ". . . the natural foliage around Foster's body blocked his view of Foster's hands [207]." *One might wonder how the glasses bounced (this word is actually used in the Fiske Report — see the quotation above) through all the foliage to reach their position at the bottom of the slope. It is significant that the FBI Lab Report [249] states "No determination can be made as to the position of the Q3 glasses at the time of death."* The Fiske Report hypothesis that has the glasses flying 19 feet downhill due to the gun shot to the mouth is thus not supported by the underlying FBI Lab Report, any more than the conclusion in the Fiske Report that someone on scene must have moved the head before the Polaroids were taken. This is the FBI conclusion even though the FBI found the ball gunpowder on the glasses.

Note: None of the official documents indicate whether the glasses were found with their stems open, shut, or somewhere in between, though this should be evident from one of the body site Polaroids taken before the glasses were touched [2112; the second Polaroid in the set of eight]. *If the glasses shown on the ground in the Polaroid happen to have their stems closed, the official theory also requires the stems to spring shut while the glasses were "bouncing" 19 feet down slope (counter to the direction of motion of Foster's head and upper torso when shot). If the one photo in the record shows damaged eyeglasses (see below under in this sub-heading) how was that damage explained?*

Were Foster's body to have been carried into the park, over the uneven ground (a possibility never officially considered), from the northwest side of Fort Marcy Park, glasses in either his shirt pocket, his pants pocket (his suit jacket was in the Honda), or on his face might well have eventually fallen completely out (or slid off) when the slope changed from "downhill" to "uphill" as one progresses eastward down the opposite slope and then up the western berm on which the body was officially found.

An old road, not mentioned in the Fiske Report [see Maps V (R); Map VI, "old private drive"], is clearly the closest vehicular approach to the body site as well as the most discreet (at least in the summer months when the trees and shrubs have leafed out). This road is invisible from the western berm of the Fort in the summer although it is only 260 feet to the west at its closest point [see Map V (R)].

The entrance to the old road lies on the south side of Chain Bridge Road immediately to the northwest of the small home at 681 Chain Bridge Road. It is easily missed from Chain Bridge Road since there is a small rise on the south side of Chain Bridge Road and the old road drops away to the south, largely obscured by the terrain and the circular driveway of 681 Chain Bridge Road. *Given the entrance to the old road is quite discreet, if the old road was used to bring Foster's body into Fort Marcy Park, first by vehicle down the old road, then on foot through the woods to the fort, might one infer that the persons using the old road must have been familiar with it in order to have found it at all? Familiar how? Perhaps if persons unknown were involved in transporting Foster down this old road (and through the gap in the western border fence of Fort Marcy Park near the old cabin [see Map V (R)]), one of the people involved might be familiar with the old road merely because he or she lived in the immediate area or otherwise have spent significant time in the neighborhood. The position of the glasses and the trampling of the path below the body described by the Confidential Witness also support this possibility.*

The north side pedestrian entrance to Fort Marcy Park off Chain Bridge Road is another route to the western side of Fort Marcy Park [See Map V (R)]. A vehicle parked at the pedestrian entrance could easily have shielded the passage of the body through the pedestrian entrance from observers along Chain Bridge Road or from those driving their cars on the road.

There is a separate photo taken by the FBI Lab of the glasses (poor quality) that appears to show the right stem has been broken off the frame [2448]. The FBI report on the glasses worn by Foster merely states: "The ear pieces on the . . . glasses move very easily [245]." There is no usable picture of the eyeglasses in situ in the record, so one cannot tell whether the frames were broken when found at Fort Marcy Park. *Given the Confidential Witness said there was a lot of trampled ground down the slope from Foster's feet, is it too much of a stretch to wonder if the foot of a person unknown happened to step on the glasses, which had previously fallen from Foster's face or shirt pocket, and break the stem when this unknown person walked back down the slope and returned from whence he came? This possibility was never examined in the Official Reports, nor does the text in the record even mention that the right stem of Foster's eyeglasses had been broken off as shown in the lab photo of the eyeglasses at page 2448 of the record. (When? How? Why?). Were the eyeglasses broken in the crime scene photo (the photo inventoried on page 2112, but not in the record itself in usable form)?*

Foster was a tall man at 6 foot 4.5 inches. Even if no one "walked point" (unlikely), *it would take a minimum of two persons to transport his body the distance involved, unless the body was dragged, presumably trampling down the vegetation below the body as described by the Confidential Witness. If one of these individuals had less strength than an average male in his 30's, then three individuals to transport the body is probably the minimum requirement (unless the two involved put the body down quite a few times to rest along the way or dragged the body).* The location described for the glasses places them at (or just east of) the bottom of the berm where the earth slopes upward to the west and to the east.

The Photographs Of The Crime Scene: Some Were "Underexposed" & Some Have Vanished

Simonello took 35 mm film, Rolla took Polaroids, and Sergeant Edwards took Polaroids, both of the body and the immediately surrounding area [387]. The 35 mm film was underexposed for reasons unknown and therefore were of little value, apparently despite alleged attempts by the FBI Lab to enhance its quality [207,428].

Officer Ferstl, the second United States Park Police officer on the scene, also took Polaroids [1629]. He believes he took seven and gave them either to Edwards (who appeared after Ferstl had placed crime scene tape at the body site and taken his Polaroids) or to one of the two investigators, Rolla and Braun [1629]. These Polaroids are not inventoried in the official record [2112]. *What happened to the Polaroids that Ferstl took at the body site?*

Rolla never saw some of the Polaroids he took at the body site again (he also noted that he likes to take lots of crime scene photos to be sure he has plenty of them):

I know I took Polaroids of that. I am not sure how many I took, but I don't recall seeing those Polaroids again. I mean, I had them at the office that night, I did reports. . . I don't have those photos. I put them in a [case] jacket. . . and I don't know what happened. . . I may have taken a close-up of the back of the head [speaking of one of the "missing" photos], there may have been one, but I don't remember [425,426]. (The Polaroids in question are not among those inventoried in the Hearings Volumes [2112]).

What happened to some of the Polaroids that Rolla took at the crime scene? One would think that each Polaroid would be all the more precious to the investigation since the 35 mm film did not turn out properly. Seven of Ferstl's Polaroids are missing too. What happened to all these missing Polaroids? Why did these photos disappear? What precisely did these missing photos depict? Would these missing Polaroids have eliminated the discrepancy concerning the blood volume (a little or a lot) and state (liquid or clotted) between the Fiske Report and what Dr. Haut told the FBI he observed at the scene?

Hodakievic was shown some Polaroids by the FBI during the course of her interview [1596]. She told the FBI, in the words of the report, "They were not identical to the Polaroid initially shown to her by Sergeant Edwards [on the scene]." *What was the difference?* There was no blood on the decedent's face nor any blood on the decedent's shirt in the Polaroid shown her by Sergeant Edwards. This photo is apparently one of the missing Polaroids. Hodakievic did not understand why the Polaroid shown her did not jibe with her memory of the body either. Gavin also stated that he remembered there being less blood on the body than evidenced by the Polaroids he was shown by the FBI [1554].

Gavin was only shown the thirteen Polaroids (in total) that were taken by Rolla and Edwards [1554] and inventoried at 2112. However, the FBI did not show him the original Polaroids since the photos he saw were all 8X10s. He was never shown either the Polaroids that Rolla took and never saw again or the Polaroids that Ferstl took that also went astray for reasons unknown.

What happened to the numerous missing Polaroids shot by Rolla and Ferstl? Why are they not inventoried at page 2112 of the record? Why do witnesses claim that the Polaroids shown to them do not depict what they saw? Witnesses were apparently shown photos that were not in the inventory of 13 Polaroids taken at the body site. Why? Were they expected not to notice the difference and confounded the situation by doing so?

The Personal Effects Are Recovered From The Body

Rolla recovered the personal effects from the body: the watch, two rings, and the pager, just before the body was rolled over for the benefit of Dr. Haut, the Medical Examiner [393,421,481]. Rolla stated "The pager was on him [438]." According to Rolla, no one at Fort Marcy Park (or later) tried to turn on the pager [437] which was officially in the off position when found. The pager belonged to the White House Communications Agency, not to Foster personally.

The failure to check the pager for its contents seems curious, given the diligent search of the body, the Honda, and the personal effects for some sign of a suicide note or other clues that would tend to confirm suicide. Why wasn't the pager checked after it was recovered from Fort Marcy Park? Were the pager records ever subpoenaed?

Given Foster was functioning, at least in part, as the Clintons' personal attorney and was involved on the White House end with getting the paperwork needed to fund the Clintons blind trust(s) executed [See that comment], it appears reasonable to the author to infer that "C" is Chelsea Victoria Clinton, "H" is Hillary Clinton, and "B" is Bill Clinton. Of course, one of the ethical responsibilities of an attorney involved with the funding of blind trusts is to ensure that all assets, wherever located, that are required to be placed in blind trusts are in fact placed there.

Perhaps these initials represent the titling of accounts of some kind ("Chelsea or Hillary," "Chelsea or Bill," "Chelsea or Bill or Hillary"). After all, Chelsea Victoria Clinton was born on February 27, 1980, closely corresponding to the 2/80 and 3/80 paired dates above, and "C" always comes first, so a Chelsea Victoria Clinton-bank-account hypothesis might be a promising one (though those dates, February and March 1980, also roughly correspond to the Democratic primary season in Arkansas that year). Continuing this necessarily tentative analysis, the numbers in the third column would indicate the dollar amounts in the four accounts on the dates listed in the first column. The fourth column would represent the cities in which the accounts were located. Although it would be unusual for an attorney to make notes about accounts with only \$1,000, \$100, \$50, and \$50 in them (such legal jottings more often concern dollars in "000"), let alone make and retain notes recording events from thirteen years prior concerning such small amounts, no other single explanation seems as likely to the author.

Even if only a total of \$1,200 (and not \$1,200,000) is represented by the 1980 amounts, the meaning of this sheet should be determined, if only because the lead United States Park Police investigator at the body site believed 1) it was the one unusual item in Foster's wallet the day he died and 2) Foster was involved with the creation of the Clintons' blind trust(s) on the day he died [see the above sub-headings concerning Brantley Buck's calls to Foster].

The Gun: The United States Park Police Officer Who Found The Body Never Saw The Gun.

The gun was untraceable in the sense that it could not be determined if anyone ever bought it at retail. The gun was sold at wholesale in 1913 and had apparently been assembled using components from two different weapons since the gun had two serial numbers [2171]. The wholesale purchases of the two components are the last official record of the components of the revolver that Foster officially used to shoot himself. *An untraceable fully functional weapon assembled from components. Who might have a need for such a gun? The author rather doubts Foster (or anyone in his family) did.*

United States Park Police Officer Fornshill is emphatic that he personally never bothered actually to view the gun in Foster's right hand even though it was pointed out to him by the two Emergency Medical Services workers [Gonzalez and Hall] who made up the team searching the northern half of Fort Marcy Park [207, 1144, 1583-1585]. Heavy foliage blocked his view of the gun from where he was standing, and he never moved to bring the gun into his view. *Even I, the prolix author of this report, is at a loss for words! What could explain this?*

According to Fornshill's deposition "I am straining and looking for the gun. I couldn't see the gun [950]." *Note that he makes this statement even though FCFRD Hall states that he called Fornshill back to the body site to tell him about the gun [1144].* See also the black and white photocopy in Appendix II that shows the gun quite clearly (indeed, the contrast of the gun with the hand and the ground is even starker in the color image). However, according to Ferstl's FBI interview (Ferstl was second United States Park Police Officer on the scene after Fornshill) "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 [1628]." Fornshill was perfectly clear that he never saw the gun (apparently because he physically could not even though he was standing over the body), but he advised Ferstl that a gun was present and Ferstl (standing on top of the berm looking down at the body [1628]) saw the gun without difficulty. *The author believes some "tap-dancing" is going on here, but exactly what? And why? There must have been good reasons. What were they?*

Since Fornshill was the first police officer on the scene and stood within a few feet of the body it is bizarre, in the author's opinion, that he emphatically states he did not see the gun and did not take the trouble to view it. One would think that it was his duty as the first police officer on the scene to confirm the presence of the gun and secure the scene (until relieved) for the Evidence Technician (Simonello) who would arrive to collect the gun (once all the crime scene photos had been taken).

Strangely enough (and conceivably related to Officer Fornshill's never having seen the gun in Foster's right hand, even though he was the first police officer to find the body), the Fiske Report never states that the gun seen in Foster's hand by the two Emergency Medical Services personnel (Gonzalez and Hall) appears in any photos taken at the scene [208-209], although the report does make mention of Foster's injuries and other features (such as blood stains) that were recorded on film at the scene (presumably just by the Polaroids), including the powder residue on Foster's right thumb and along the edge of Foster's right index finger. Was this important linkage of the photos to the gun a casual omission?

The Gun: Despite Some Finesses In The Fiske Report, The Family Could Not Identify It.

Here is what Lisa Foster told the United States Park Police when she was shown the gun nine days after Foster died (in the words of the United States Park Police interview report): "She was presented with a photograph of the weapon that was found with Mr. Foster's Body, but was unable to identify it." The gun itself was apparently unavailable for viewing so soon after the death because it was being analyzed. Lisa suggested the investigators give Foster's sister in Arkansas, Sharon Bowman, a try to see if she could identify the gun [2153] since Ms. Bowman was something of a 'gun' person and Lisa Foster definitely was not.

The Fiske Report states "When shown the gun, Foster's sister, Sharon Bowman, identified it as appearing very similar to the one their father had kept in his bedside table, specifically recalling the pattern on the grip [213, see also 2169,2436]." However, according to the entry in the interviewing investigator's notebook, Sharon Bowman actually viewed only a photo of the gun [2227; see also 741].

Lisa Foster, though indicating she was less familiar with guns than her sister-in-law Sharon Bowman [2153], stated [the words in the notes of her interviewer] "Not the gun she thought it must be. Silver, six-gun, large barrel [2227]." Lisa Foster thought the gun found at Fort Marcy Park might have been a silver-colored revolver she remembered having seen before, but the gun at Fort Marcy Park turned out not to be the one she thought since the gun from Fort Marcy Park was the opposite color (dark, not silver). *How could a gun be "very similar" (in the words of the Fiske Report) to the gun in Foster's hand (notwithstanding the similarity in the grips!) if the gun in Foster's hand is dark in color [2407-2412; see also 883] while the other gun (the one Lisa Foster had originally mentioned she thought might have been the gun she remembered from Arkansas) was silver in color? Why is a superficial similarity (the webbing on the grip) relevant when the two guns are clearly not the same?*

However, Lisa Foster said something different to the FBI when she was interviewed on May 9, 1994, less than two months before the Fiske Report was released. "Lisa Foster then examined a revolver which had been brought to the interview by the interviewing agents. Foster examined the revolver which also had been found at Fort Marcy Park [not "in the right hand of Vince Foster at Fort Marcy Park"] on July 20, 1993, and **stated that she believed it may be a gun which she formerly saw in her residence in Little Rock Arkansas** [1646]. *An unusual verbal formulation! "Had seen" versus "Believed it may be a gun which she formerly saw." The quality of the gun ID is getting worse. Recall what Lisa Foster had originally told the United States Park Police investigators (cited at the beginning of this comment)? Nine days after the death of her husband, "She was presented with a photograph of the weapon found with Mr. Foster's body but was unable to identify it [2153]." The phrase in bold face is not much of a gun identification at all, in my opinion!*

Sheila Anthony, with whom Foster lived for several weeks when he first came to Washington with the new Clinton Administration, was apparently never asked if she remembered whether Foster had a gun with him when he stayed in her home. *This would have been an excellent question to ask. Perhaps Foster had the weapon in question among his possessions while living with the Anthonys?* It is clear from the record that, whatever Foster's attitude about guns from his youth in Arkansas, Lisa Foster did not like them and did not want them in their home. If Foster did not have "a gun" with him before the family moved to DC and Lisa did not want guns in her home, *why did she even take the "silver gun" (not a match to the revolver found at Fort Marcy Park) to DC with her?* Any guns in the Foster Georgetown home were illegally held (not registered with DC).

The Gun: Was There Any Ammunition For The Gun In The Family Homes?

There was no ammunition of any kind found in the Foster Georgetown home or any .38 caliber ammunition to be found in the Foster Little Rock home [214]. The gun, a Colt Army Special with a four-inch barrel [2170,2171] contained two .38 Special cartridges [239], one of which fired the slug that killed Foster according to the Official Reports. Both rounds were stamped "P" "HV" [meaning higher "pressure" and thus "high velocity" rounds, though this sort of round is a "standard" 38 revolver round today]. This round is not a "magnum" round, however. The nearly identical caliber .357 revolver does fire a "magnum" round.

The author (in his transmittal letter to Senator D'Amato) and several medically-trained individuals at the body site noticed that Foster's wound was unexpectedly modest, given a point blank shot inside the mouth with the weapon and ammunition in question. Furthermore, the medically-trained people at the scene did not yet know that the revolver contained high pressure, high velocity, cartridges. **Indeed, based on the wound he saw, Dr. Haut, the doctor who worked as a Medical Examiner in that part of Virginia, thought that a "low velocity" weapon had been used, not a .38 firing a full charge round as discussed above.**

The Gun: Why Were Foster's Fingerprints Not Anywhere On It?

Even though Foster is supposed to have fired the gun inside his mouth while apparently holding it with both hands around the cylinder of the revolver (butt pointing upward?), there were no fingerprints on any exterior surface of the gun [220], even though Foster is supposed to have transported the gun while he walked some 750 feet uphill to the second cannon on a hot July afternoon near DC [386].

A "latent fingerprint...of value" was found on the underside of the right pistol grip about two inches from the bottom when the grip was removed from the revolver [254, 256,1742].

*There is no indication that this print was compared to the prints of the various officials who handled the gun. If these officials' prints were found not to match the print (apparently it is possible to check this point since, after all, the print was determined **not** to be Foster's by the FBI; the body was fingerprinted), then the search should have been expanded to include family members (also not a large population). No attempt was made (the author realized it was just one print) to run the print through computerized FBI fingerprint data banks (on the off-chance that tentative "hits" would be obtained, even if not a "conclusive comparison," to use the FBI's terminology).*

One FBI report contains a page [256] with a strangely inapplicable generic discussion why an object may not retain fingerprints ("...rain, snow, etc."). The explanation goes on to state that one reason why there might be no fingerprints on the gun is the lack of sweat on the fingers of the person handling the gun (this on a 95+ degree F July afternoon near Washington, D.C., the hands being the hands of a man about to shoot himself in the mouth and, presumably, a lit-

tle nervous about doing so). Anything is possible, but the author (admittedly a more or less a dolt about fingerprints) finds this hard to believe.

A better question would have been to have asked whether the state of the gun is consistent with a gun that has been wiped clean of prints. Another even better question to have asked would have been in what way were the expected skin, gun, and weather conditions at Fort Marcy Park that afternoon other than ideal for the retention of fingerprints? The parts of Foster's right hand that were in direct contact with the revolver at the body site apparently did not leave any fingerprints either. See the photo in Appendix II.

Why No Recoil Damage To Teeth & Lips After Foster Fired The Gun Inside His Mouth?

Poor Quality reproductions of photos of the gun in the record [2407] show a dark-colored gun that, like the typical Army .38 Special, has a pronounced raised front sight. Neither the front sight, the 4" barrel, or the ejector rod head of the gun apparently caused any damage to Foster's soft tissues and teeth (upper or lower) as it recoiled forcibly from this mouth and fell to his side [225] (still in his right hand with the right thumb wedged between the trigger and the trigger guard).

The Fiske Report used the lack of tissue and teeth damage only as evidence that Foster voluntarily placed the gun barrel in his mouth.

Why does the Fiske Report include no discussion about the lack of recoil damage? The report discussed the lack of damage to Foster's mouth only to infer that no one could have forced the gun into Foster's mouth.

The Fiske Report assumes Foster was conscious when shot simply as a spin-off from the Report's "suicide verdict." As a result, no physical evidence was examined that might have indicated otherwise (such as a hard blow to the back of the head that could have left some trace on X-rays of the skull).

Why was the complete lack of recoil damage (and the significance thereof, if any) not addressed in the Fiske Report?

When Did The United States Park Police Learn Of Foster's White House Connection?

All the Fairfax Fairfax County Fire & Rescue Dept. personnel had left Fort Marcy Park by 1837 [1094,1102], officially before Rolla and Braun arrived, so presumably the United States Park Police personnel "Gaining access to the Honda" [1383] were either Ferstl, Fornshill (if he had not already left), Edwards, Gavin or possibly Spetz or Hodakievic or some combination. Thus, contrary to the Fiske Report, *this statement in Arthur's FBI interview is one of the items that shows that the United States Park Police knew that Foster worked at the White House around the time Arthur was leaving the parking lot at 1837 [Foster's White House ID was under his jacket or, if the jacket were hanging over the back of the front passenger seat, Foster's White House ID would have been in plain view on the seat itself].*

However, Gavin, the United States Park Police watch commander, stated that the Foster-White House connection was not made until after he had left Fort Marcy Park after a 30-45 minute stay [1555]. This time estimate would have Gavin leaving Fort Marcy Park at about 1900-1930. He explicitly stated that the White House ID had not been found by the time he left the park at roughly 1915. This statement of Gavin's does not agree with the analytical evidence presented in this memo. With all these officers on the scene by roughly 1830, a body in the park, and one otherwise unaccounted-for vehicle in the parking lot with a suit jacket in it matching the decedent's suit pants, is it a proper assumption that no

one enters that car for well over an hour and the White House does not learn of Foster's death until 2030? That is the conclusion of the Official Reports.

Arthur's unit, FCFRD Medic Unit 1 logged "available on radio" at the end of the run to Fort Marcy Park and preparatory to leaving the park at 1837 [1102,1421], so the United States Park Police apparently knew of Foster's White House connection before 1837. *This is consistent*, in that the Fairfax County Fire & Rescue Dept. personnel had already departed the park when Rolla and Braun arrived at about 1835 [Braun estimated they arrived 5-10 minutes later].

William Bianchi remained at the station and did not respond to the 911 call. Bianchi told the FBI that Iacone knew when Iacone returned to the station that Foster was employed at the White House [1365]. Bianchi instructed Hall and Iacone to make their incident reports detailed since a White House person was dead. It would be useful to see these incident reports, especially since the United States Park Police did not interview any of the Fairfax County Fire & Rescue Dept. personnel soon after the death, but they are not part of the record. *Does the reader observe a trend here?*

For what it is worth, the United States Park Police Property Control Receipt that has the wallet (inside Foster's suit jacket in the Honda) as the first item listed indicates the wallet was recovered by the United States Park Police at 1815 [2185], just about the time that Fornhill called in by radio to say he had found the body. However, according to Investigator Rolla, no one had gone into the Honda before Rolla and Braun arrived, although the license plate of the Honda had been run and returned as Vincent Foster with a Little Rock address. The name meant nothing to Rolla or anyone else at the time according to his deposition — no one was yet officially aware that Foster worked at the White House [385].

How Did The Secret Service Phone Number Get Written In United States Park Police Rolla's Notebook?

Does any information in the record provided directly by Rolla or Braun indicate that these two investigators knew of Foster's White House connection almost as soon as they arrived at Fort Marcy Park at about 1845? Yes.

Rolla was asked if he personally ever heard anything from the Secret Service [while at Fort Marcy Park]. He answered "No. I didn't talk to them at all [395]" Later in his deposition, Rolla reiterated he did not contact the Secret Service and stated he did not know who officially did notify the US Secret Service about Foster's body [444]. In this context, another portion of Rolla's deposition and some notes he jotted down in his investigator's notebook at Fort Marcy Park are of interest. Rolla's attention was called to these notes during his deposition [474-475]:

Q: Officer, this is a copy of some of your notes that we were provided. Could you just take a look at one of the phone numbers in the middle of the page, I think it is just a seven digit number.

A: Yes. Lieutenant Walter?

Q: That one, yes. Who is that?

A: It could be Lieutenant Danny Walters [sic].

Q: Who is that person?

A: He is a Lieutenant on the Park Police. I don't know, call this number and find out.

Q: You don't recall who it is?

A: I don't know, maybe this is a Secret Service guy. Maybe I called him I don't remember, but I don't remember [sic]. I say, let's call the number and find out now, then we will know. 395-4366, I don't know if that is a car phone or what it is.

A copy of the note sheet in question is at 488 of the official record. Three of Rolla's note sheets are printed at 488-490. The chronological order of the notes sheets is apparently page 489, page 490, and then page 488 of the record. Page 489 has Rolla's notes when his car first rolls from Anacostia Station on the way to Fort Marcy Park. It next lists the Mercedes that had broken down on the entrance ramp to Fort Marcy Park off the George Washington Parkway (not the Mercedes 190), just as Rolla would have seen it as his unit pulled into Fort Marcy Park. Page 490 contains a visual description of Foster's Honda, both the exterior and the interior as viewed through the windows. This is consistent with Ferstl having directed Rolla's attention to the Honda as Rolla and the other investigators drove into the Fort Marcy Park parking lot. Page 488, the third page in the chronological sequence, begins with the information one would obtain from running the license plate of the Honda (still registered in Arkansas to Foster) at his former Little Rock address.

Immediately following that notation is the name and number of a "Lt. Walter." Immediately following the name and number of Lt. Walter is Foster's local address in Georgetown (and a 202 area code number that was apparently Foster's home phone number at the time of his death). If one calls the number given for Lt. Walter, one reaches a Lt. McBride (or MacBride) who states that the phone number in question rings in room 058 in the White House basement. Lt. McBride (or possibly MacBride) informed the author that he is a uniformed officer of the US Secret Service.

Based on the sequence of notes in his investigator's notebook, Rolla obtained the phone number of a Lt. Walter who was a uniformed officer of the US Secret Service located in the White House basement immediately after he wrote down the information Ferstl had obtained by running the plate of the Honda. Although this particular note does not provide a time, Rolla appears to have written this name and number in his notebook sometime around 1840, based on his official arrival time at the Fort Marcy Park of 1835 and the relationship of the descriptive material in his notes to the rest of the record. Rolla stated he never contacted the US Secret Service. *If so, how did he obtain Walter's name and number?* Perhaps he was given it by Officer Ferstl or some other person in the park (such as Lt. Gavin — the shift commander would doubtless have a phone list of some kind that listed US Secret Service names and numbers)?

Why did this person, whoever it was is unknown, think it appropriate to give Rolla the White House phone number of US Secret Service Lt. Walter [and perhaps Foster's Georgetown address too, since it was the next item recorded in Rolla's notebook with no obvious (at 1840) provenance for it since the Honda had (officially speaking) not yet been entered]? How could the connection have been made unless a person or persons unknown accessed the White House ID in the Honda (sometime not later than 1820-1835) or was Foster linked to the White House, perhaps much earlier than even 1830, via a mechanism that does not appear even implicitly in the record?

One easy way for the person who cued Rolla to have known Lt. Walter's name and number at the White House would have been to have opened the (officially) unlocked door of the Honda, after having seen the suit jacket on the front passenger seat [or possibly draped over the back of the front passenger seat] that matched the suit pants Foster was wearing. Having accounted for the only other car officially in the parking lot at that time (the MD Nissan), this individual would have opened the Honda, lifted the jacket if necessary, and seen Foster's White House ID lying under it.

*The "problem" with this analysis for the Official Reports is that it means that the White House, too, almost certainly would have learned that Foster was dead at Fort Marcy Park not later than 1840 or so, not the 2030 officially claimed [2076 & 2551(duplicating 2076)] That is, unless the United States Park Police, with the White House ID of a dead person in hand, waited, for reasons unknown, about two hours to call the US Secret Service. For reasons also unknown, this line of questioning was not pursued further in the Senate Hearings in the summer of 1994. *If the White House did know of the death sometime around 1830 rather than the 2030 officially claimed [2551], what use, if any, was made of the additional two-hour window? [This should be of interest to those conducting the 1995 Hearings on the fate of Foster's White House papers.**

A Very Unusual Call From the White House After Gavin Contacts The US Secret Service

Gavin explicitly stated to the FBI that "the White House identification was discovered in the vehicle after he left the scene." Sometime later, one of the detectives called Gavin (name not given in one account, but apparently United States Park Police Watson) to inform him of the White House connection to Foster and Gavin notified the White House within 10 minutes of being notified himself [1555].

His call was returned in about ten minutes by Bill Burton, Assistant White House Chief of Staff. Burton's first question was whether the United States Park Police had checked the registration on the gun and knew to whom it belonged. This struck Gavin as a strange first question for the White House to have asked him. *Why was Mr Burton never asked about this unusual first question to Gavin?*

In addition to the call from Burton, Gavin received a call from David Watkins, the Director of White House Personnel. David Watkins' first question also concerned the weapon! *I find this initial interest in the specifics about the weapon on the part of senior White House personnel to be very strange. Of all the things that could have been asked first, why the concern about the gun?*

Gavin was not asked what time he notified the White House, *although I would think this was an obvious question.*

FBI Lab Analysis Of The Clothing Worn By Foster at Fort Marcy Park

The FBI lab determined that Foster's clothing contained carpet-type fibers of various colors and that his shoes and clothing did not contain any coherent soil [221]. Small particles of mica were found on Foster's clothing [222,251] and mica is present in the soil at Fort Marcy Park. *One might ask why the presence of the carpet fibers, the location of the glasses some 19 feet below Foster's head at the turn in slope at the bottom of the berm, the lack of coherent soil on his shoes, and the body's neatly-laid-out position, taken in combination, do not merit discussion in the record that Foster might have been carried into the park from the north or northwest side inside a carpet or some similar material.*

As far as I can determine from the record, none of the investigations examined the seat of Foster's Honda to determine whether any of the fibers on his clothes matched those of the Honda seat or, more important, whether any of the carpet-type fibers present on Foster's clothes were also present on the driver's seat of the Honda. Presumably, if Foster drove his Honda to Fort Marcy Park and was found on the ground near the second cannon with a sizable number of these fibers on his clothes, the same sort of fibers would also have been found on the driver's seat and seat back of the Honda a few minutes earlier. Had they not been found there (if the seat had been checked for them, which it was not), that would have been some evidence that Foster did not drive his Honda to Fort Marcy Park the day he died. The Honda has long since been released to the widow and sold to a relative.

Blond-to-light-brown head hairs of Caucasian origin that were not Foster's were found that came from some or all of the following clothing items: T-shirt, pants, belt, socks, and shoes. These hairs were mounted and preserved for future comparisons [244], but no comparisons apparently have been made. *Given these hairs were suitable for comparison (they were, after all, compared successfully with Foster's own hair and found to be dissimilar), it would be relatively easy to determine if these hairs matched those of any members of his immediate family. If no match was found, comparisons could then be made to the hair of Foster's day-to-day co-workers (again, not a large population).*

The Medical Examiner Views Foster's Body, It Is Bagged, And Taken To The Fort Marcy Park Parking Lot

According to his FBI interview, however, Dr. Haut arrived at Fort Marcy Park at approximately 1845, or about one hour earlier than stated in the Fiske Report [1658]. He left the scene about 30 minutes after his arrival [1660], never having seen the Fairfax County Fire & Rescue Dept. personnel who made a separate trip to Fort Marcy Park [Ambulance (FCFRD Ambulance Unit 1) and Truck 1 (FCFRD Truck Unit 1)] to transport the body to Fairfax County Hospital. Before he left the scene, Dr. Haut knew that the United States Park Police knew Foster's identity and that Foster was employed at the White House [1660]. According to the Fiske Report [211] Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the body site to examine the body at about 1940 or 1945 [480,2124,2127,2160,2521]. "Haut observed a large exit wound in the back of the skull" when the body was rolled over.

The Fiske Report states that Dr. Haut arrived at Fort Marcy Park at 1940, roughly one hour after Dr. Haut told the FBI he arrived at Fort Marcy Park (1845). The Fiske Report statement about Dr. Haut does not agree with Dr. Haut's statement about Dr. Haut. *Who made this basic mistake and why was it made? Was it useful to the Official Reports to have it seem as if Dr. Haut appeared at Fort Marcy Park around 1940, not 1845, since he would (did) state in his FBI interview that he knew of the Foster-White House connection by the time he left the park (1915 at the latest according to Dr. Haut and about 2015 at the latest according to the United States Park Police time in the record)? If Dr. Haut's official arrival time was about an hour later than actual, then the fact that he knew of Foster's White House connection when he left Fort Marcy Park would not be as awkward, given the official time the White House was notified was 2030 [2551].*

Dr. Haut also told the FBI that he did not recall seeing any blood on Foster's face and shirt (unlike the photos the FBI showed him). This is a yet another trained witness reporting a material discrepancy between the photos shown them by the FBI and what they actually saw. That this witness was the only medical doctor who examined Foster at the scene was apparently no reason for the investigators not to totally discount his statement.

Ambulance 01 Arrives At Fort Marcy Park After Dr. Haut Left The Park

Ashford and Harrison of Fairfax County Emergency Medical Services drove to the Fort Marcy Park parking lot for Foster's body sometime after Dr. Haut's examination of the body was complete after the doctor had left Fort Marcy Park. Their task was to transport Foster's body from the body site to the Fairfax County Hospital/Morgue [1346].

Ashford noted a black Cadillac in the parking lot [1559] when he arrived to transport the body [1559] at 2016 [1108]. *Whose vehicle was this? Certainly a CoDel was not on scene so quickly!* The record does not say. It should not have been Dr. Haut's since Dr. Haut stated he had left before the ambulance drivers arrived. *The car had to have been officially admitted into the Fort Marcy Park parking lot for Ashford to have seen it there.* Thus, it must have been allowed to cross the "perimeter" Braun set up at the exit to Fort Marcy Park off the George Washington Parkway by ordering the Fort Marcy Park vehicle gate closed. *Why was this vehicle allowed in the lot?*

The Body Is Bagged Way Back By The Second Cannon

According to Rolla's FBI interview, having been placed in the body bag, the body was rolled to the Fort Marcy Park parking lot under the direction of the Medical Examiner, Dr. Haut [481]. There are two problems with Rolla's statement. Dr. Haut, in the words of his FBI interview described his departure thus: "According to Haut, there were no paramedics on the scene while he was at the death site. Foster's body was still in place when Haut departed the death scene [1660]." *Why do I believe Dr. Haut is correct? Because Dr. Haut arrived at Fort Marcy Park at about 1845 [1659-*

1660], just like he told the FBI he did, not the 1940 provided by the United States Park Police and the Fiske Report, and left about 30 minutes afterwards (1915, more or less).

The paramedics in the ambulance had not yet arrived to transport the body, so of course Dr. Haut did not see them. The computerized time record reporting system in Ambulance 1 (FCFRD Ambulance Unit 1) show it "on scene" at Fort Marcy Park ready to depart for the hospital with the body at 2016:27 and arriving at the hospital at 2030:55 [1096,1428 read in tandem]. The time needed to drive to the hospital (14-15 minutes) is quite reasonable (I have timed this run at about the same hour on a weekday). FCFRD Truck Unit 1, the truck, had accompanied FCFRD Ambulance Unit 1 since the body was so far back in the woods. FCFRD Truck Unit 1 arrived at Fort Marcy Park at 2002:25 and freed up for new duty at 2021:27 [1096,1428 read in tandem]. *Since Dr. Haut did not see these people who arrived to transport the body, he did indeed leave prior to 2003, consistent with his estimate that he left Fort Marcy Park at about 1915 and inconsistent with the Fiske Report estimate that he arrived at Fort Marcy Park at 1940 [211] (Still staying at Fort Marcy Park about 30 minutes).*

VFW's Body Is Driven To Fairfax County Hospital/Morgue

Foster's body was driven to Fairfax County Hospital by Ashford and Harrison in ambulance FCFRD Ambulance Unit 1 [1097,1377] where it was formally pronounced dead by a hospital physician, Dr. Orenstein [1656]. Ashford did not recall seeing any blood during the physician's brief examination (the doctor felt for a pulse and detected none) [1347]. The corpse was then driven to the morgue located within the hospital complex. According to the Fiske Report, the Fairfax County ambulance was dispatched to Fort Marcy Park and Foster's body was placed in a body bag about 2045, put on a wheeled stretcher, rolled the roughly 750 feet to the parking lot where the body was given a toe tag, and the body was transported to Fairfax County Hospital [211] where it was examined briefly by Dr. Julian Orenstein who officially pronounced the Foster dead, and then driven to the hospital morgue.

The record does not state the amount of time it took to roll Foster's body 750 feet over uneven ground to the lot or how long the body was at the lot before the ambulance left with it inside. The ambulance then took Foster to Fairfax Hospital (and morgue) and Truck 1 returned to the station. Truck 1 responded to the scene at Fort Marcy Park at 2002:25 [1096,1428]. Ambulance 1 reported it started on its way to Fort Marcy Park at 1947:32. Ambulance 1 actually left with the body for the hospital complex at 2017:26 [1096,1428]. Andrew Makuch also rode Truck 1 that night [1369], as did Victoria Jacobs [1373; see also 1390].

The Fiske Report is wrong. According to the computerized time log of the ambulance, it began transporting the body to the Hospital/morgue at 2017:26, and arrived at the hospital at 2030:55 [1096,1428]. Dr. Orenstein estimated he examined the body between 2030 and 2100, an estimate that matches nicely with the 2031 arrival time provided by FCFRD Ambulance Unit 1 and not so nicely with the Fiske Report statement that the body was being bagged back by the second cannon at 2045. If there is a logbook at the morgue that notes the arrival time of bodies received, it should be of great help in establishing what time the body arrived at the morgue.

More On The Nature of Foster's Head Wound

Remember that Dr. Haut told the FBI, in the words of his interview report "Haut believed that the wound was consistent with a low velocity weapon 1660]." [That is, something other than the Army Colt .38 Special with a four-inch barrel and the two high-velocity cartridges (one spent) that were found at the scene]. This remark by the only doctor to examine the body in situ was not mentioned in the Official Reports. *The author finds this judgment call by the authors of the Fiske Report remarkable indeed. Ceteris paribus, a low velocity weapon would cause less damage to the skull and the slug would be more likely to remain within the brain case.* A low velocity weapon is one that imparts a significantly lower muzzle velocity (when compared with the muzzle velocity of a "standard" round for that type weapon) to

the fired slug, either due to shortness of barrel length, changing the amount of gunpowder charge in the cartridge (most common), or the presence of a silencer (or some combination of these reasons).

I am told that such a weapon is typically used (when used at all) in contract killings in which a gun is used up close. In the argot of the trade, first the victim is put at ease ("battered") and then shot without warning ("toasted"). There is a variety of reasons for using a low-velocity weapon: less noise, less splatter and atomization of blood (less chance of getting blood on the shooter, or his clothes, that could be tied to the decedent via DNA-type analyses), etc. "Further, deponent sayeth not," except to mention that he has heard it is usually a good technique to begin "battering" the victim by passing him information intended to put him at ease before the person performing the hit comes into the victim's presence. This makes the shooter's job easier, especially if the victim does not know the shooter personally.

United States Park Police Investigator Rolla, like Dr. Haut (but unlike the Fiske Report), apparently found it somewhat surprising that the revolver found in Foster's right hand was responsible for his head wound. Per Rolla, "I still can't believe the hole — it's a small hole." His head was not blown out. . . I probed his head there was no big hole there. There was no blowout. There weren't brains running all over the place. . . I initially thought the bullet might still be in his head [401]." *In the author's lay opinion, this comment by Rolla is consistent with the use of a low-velocity weapon as described by Dr. Haut. An Army .38 Colt Special with HV ammunition would normally thoroughly blow out the brain case when fired in the manner the Official Reports suggest was used by Foster. Dr. Haut's comments agree with Rolla's. [Given Rolla's probing of the head wound, it is unlikely that he missed the keys in VFW's right pocket (see below) due to squeamishness.]*

FCFRD Arthur also stated in his deposition ". . . a .38 would have an exit wound. I've seen .38 gunshot wounds before to the head, and they have had exit wounds before. I don't know, maybe out of some weird coincidence or something this one didn't, but from what I saw in past times, .38s usually have an exit wound [887]." Thus, Arthur saw the body and, like Rolla and Dr. Haut, thought there was no exit wound. FCFRD Sergeant Gonzalez was also surprised by the lack of blood and the modest extent of damage from the supposed point-blank shot to the head from the .38 [1134].

Arthur stated he talked with FCFRD Ashford who put the body in the body bag and FCFRD Ashford told him there was no exit wound [891] "He said the head was intact when he picked it up." As indicated above, Ashford told the FBI that he did not recall seeing any blood when he placed Foster's body in the body bag [1347]. However, the Fiske Report states "Haut observed a large exit wound in the back of the skull [211]." It would be interesting to be able to compare this statement about what Dr. Haut said to what Dr. Haut's report says (it's not in the record for reasons unknown). It's clear that Dr. Haut and the Fiske Report differ about the time Dr. Haut arrived at Fort Marcy Park (Fiske: 1940; Dr. Haut 1845). It's also clear that Dr. Haut's statement to the FBI about the wound appearing to have been consistent with use of a "low velocity weapon" is inconsistent with the Fiske Report quote above about the large exit wound.

Simonello raised a related point "I wondered about the fact that I did not see a lot of blood spattered on his white shirt. Spatters — when a high velocity bullet hits, blood is turned into teeny, tiny droplets. I saw one or two drops, but not indicative of a pattern [664]." *Fiske's statement does not agree with the ones made by these expert witnesses, nor did the authors of these Official Reports believe any attempt to reconcile these differences was worth their time.*

Foster's Body Arrives At The Hospital/Morgue

Dr. Julian Orenstein examined the body while it was still in the ambulance [1656]. The body was then driven around the grounds to the morgue. At the morgue, Doctor Orenstein and Fairfax County Police (not United States Park Police) Officer Dave Tipton lifted the body by the shoulders. Doctor Orenstein did not recall seeing any blood on the decedent's back [1656,1657]. *This is in contrast to a statement in the Fiske Report: "At that point [when the body was still at Fort Marcy Park], Foster's body was rolled over and those present observed a large pool of blood located on the ground where Foster's head had been [211]."*

The reason that Dr. Orenstein lifted the body by the shoulders was to observe the exit wound. However, Dr. Orenstein's FBI interview is silent as to whether he saw an exit wound when he lifted the body [1657]. It is surprising that the FBI interview report is silent on this point since the presence or absence of an exit wound is one of the few things (other than formally pronouncing Foster dead) that Dr. Orenstein's brief examination could be expected to reveal.

Foster's Two Key Rings Were Located At The Morgue, Not At Fort Marcy Park

After searching Foster's Honda (officially after 1930, perhaps well after), Braun stated that she noticed no car keys had yet been found [153,507]. Rolla and Braun were puzzled after the car was searched why there were no cars keys present in the Honda or on the body [393-394,479,560-561]. *Even if the author concedes that the United States Park Police/Fairfax County Fire & Rescue Dept. "suicide verdict" was only a working hypothesis, AT THE MOMENT ROLLA AND BRAUN REALIZED THAT THERE WERE NO CAR KEYS ON THE BODY AND NO CAR KEYS IN THE HONDA, THERE WAS NO LONGER ANY REASON NOT IMMEDIATELY TO TREAT THE DEATH AS A HOMICIDE. If the working hypothesis had been that Foster drove himself to Fort Marcy Park and shot himself in the mouth over by the second cannon, WHERE WERE HIS CAR KEYS?*

Some professional investigators would have said that the body's originally having been found by someone who refused to identify himself and left the scene should alone have made the decision to investigate the death as a homicide (and not a suicide) a clear-cut one. Couple the anonymous tip about a dead body from someone who left the scene with no car keys at the scene, and the "apparent suicide" working hypothesis (even if that is all it was) should have been thrown out immediately. If the consensus in the record is that Foster drove himself to Fort Marcy Park and proceeded to commit suicide near the second cannon, the lack of keys on the body or in the car would be a big problem, would it not?

At some point in the evening, Braun and Rolla responded (no time given, but officially after they left Fort Marcy Park at 2045 [1603]) to the Fairfax County Hospital Morgue to which the body had been taken by Fairfax County ambulance. Braun stated she located the keys to the vehicle in Foster's right front pants pocket (inside the body bag) [481,507,561]. It is strange that Braun would write in her report [2189] that she recovered the keys from Foster's right front pants pocket at the morgue at 2045 because, per the Fiske Report, Foster was being bagged by the second cannon for the trip to the morgue at 2045 [210]. Braun herself also left Fort Marcy Park at 2045 with Rolla [2124]. Even realizing that all times cannot be expected to be exact, it is clear that several incompatible events all officially happened at 2045.

The Fiske Report avoids and ignores the two United States Park Police Investigators' quest for these [two sets of] keys, merely stating "The keys to the car were found in Foster's pants pocket" [210-211], giving the impression that the keys were found on the body at Fort Marcy Park and that the second key ring did not exist. *Why did the Fiske Report not mention the trip to the morgue for the keys? This official treatment of the keys implies that the important aspect of the keys was that they were found, not where they were found (at the morgue in the right front pants pocket of the body, a pocket that had already been searched at Fort Marcy Park) or when they were found. Where they were found, when they were found, and the fact there were two keys rings are the critical points in my opinion.* There is no absolute time stated in the record when Rolla and Braun recovered the keys at the morgue. This is surprising: the lack of car keys would have been fatal to the suicide hypothesis, so the discovery of the keys on the body, however belated, was a critical event.

One key ring (the one with the words COOK JEEP SALES) of Foster's that was found at the morgue had four keys [246]. One of the four keys bore the inscription "US PROPERTY DO NOT DUPLICATE" and had Medco type cuts [1900]. In the words of the FBI Lab Report, "Such cuts indicate that this key was intended for use in high security locks." The White House Office of Legal Counsel had its own alarm system in place [849], so the key with the Medco cuts could have been to the alarm system in the Office of legal counsel suite, but could just as easily been to some other

high security lock in the White House Office of Legal Counsel (or other secure space belonging to the US Government). Another key on the White House key ring was of the type “. . . utilized in double bitted cam locks which are used for cabinet drawers, vending machines, lock boxes, etc.” The last two keys were “conventionally cut keys which are utilized in standard door locks [247].”

Presumably one focus of the 1995 Senate Whitewater Hearings will eventually be the locks which these four keys were designed to open and close (presumably locks in the White House Office of Legal Counsel offices). The uses of the keys on the second key ring (his personal keys, including the Honda key) will presumably also be documented as well.

To The Morgue First For The Keys Or Was The Family Death Notification Done First?

According to Rolla's deposition:

A: The wallet was in there [in the suit jacket in the Honda] with the cash, his ID, and I did not find the keys. As it turned out, Investigator Braun and myself went to the morgue in Fairfax Hospital after [sic] we made a death notification, to recheck him. At that point, investigator Braun located the keys in his pocket. . . The keys were in his right pants pocket.

Q: Right front pants pocket?

A: Yes. [394].

[Also:] After we left the scene, myself and Investigator Braun were heading to Mr. Foster's residence in Georgetown to make a death notification [397], [presumably also meaning the death notification came before recovering the keys. Rolla and Braun did not leave the death notification until 2310 [2124]].

Later in his deposition, Rolla makes conflicting statements about the trip to the morgue. Instead of going from Fort Marcy Park to make the death notification to Foster family first and then going to the morgue to try to locate the keys [441-442 and 481]: Q: "After you left [Foster's home], you went back — did you go to the hospital or back to your office?" A: "We went back to our office [400]." Braun was clear that the trip to the morgue for the keys came before the trip to Georgetown to notify Foster's family [508].

Since Foster's eyeglasses were found 19 feet away from his face (a fact that must have seemed unusual to Rolla and Braun at the time), one wonders why Rolla and Braun seized on the already-searched pants pockets as the most likely repository of the car keys and did not first return to the body site (or recheck the Honda) to make sure the keys were not lying a few feet from the body and had just been missed there. Instead, the two of them went to the morgue, according to the record.

Rolla and Braun knew they had a long night ahead of them (they worked straight through until 0630-0700 the next morning). Rather than call the morgue and have the attendant or someone else secure the keys (it's not like Rolla and Braun were going to fingerprint them or subject them to sophisticated forensic analysis that could be spoilt by someone else touching the keys), they decided to head for the morgue themselves (it's not like the morgue is on their way to Georgetown either) and waste an extra half-hour at the beginning of what they must have known would be a long night. Why?

Remember that Rolla and Braun were concerned with doing a proper death notification and getting there before friends of the family swamped the family by trying to pay their condolences. In fact, the latter is exactly what did happen [397-

400,508-513]. As it was, Foster's body was officially discovered at about 1815, and fully identified by 1830 at the latest (according to the analyses in this report). According to the record, the death notification was not made until 2200 (some 90 minutes after the White House admits it officially knew of Foster's death). *The trip to the morgue to search for the keys and, in particular, the timing thereof, does not sit well with me, though I would be delighted to learn more on this subject that would address my concerns.*

Rolla's Contacts With Kennedy and Livingstone

According to Fiske Report, White House Office of Legal Counsel Associate Counsel Kennedy and Craig Livingstone, a Special Assistant to the White House Counsel, went to the morgue to identify the body [211]. While Rolla and Braun were en route to Foster's residence, Lt. Gavin called Rolla on the unit's mobile phone and asked him to call Kennedy and Livingstone of the White House Office of Legal Counsel. Although Rolla stated he and Braun were en route in their car to Georgetown to make the death notification, regarding the call he said he made to Kennedy and Livingstone, he states "I called them. I don't know if it was on a mobile phone or whatever [397; see also 442]."

Kennedy and Livingstone wanted to see the body to "positively identify" it even though Foster's White House ID and Arkansas DL photos had been recovered and matched the face. Rolla could not understand why Kennedy's and Livingstone's trips to identify the body were necessary under the circumstances, but since Kennedy and Livingstone needed his permission to view the body in the morgue, he gave his OK without consulting with Lt. Gavin [442,481]. He called the hospital twice on this point, stating one time that he was in his car when he called the hospital morgue on his mobile phone [397].

Here is another indication that there was no need to "positively identify" Foster at the morgue. Kennedy in his FBI interview [1616] states that Livingstone was the one who called Kennedy to notify him that Foster was dead. Kennedy was at his house when Livingstone called him. This happened, per Kennedy, at around 2015-2030 (the White House says it first knew at 2030; Livingstone was copied ex officio as Director of White House Personnel Security (Mr. Livingstone is a security man of sorts) on the US Secret Service memo [2551]).

In response to Kennedy's statement that he did not believe Foster was dead and request that Livingstone confirm the death, Livingstone did so and made another call to Kennedy. In the words of Kennedy's FBI interview: "Livingstone called back to say he had confirmed the death and that the death was thought to be a suicide in a park." *Thus, it appears there really was no need for Kennedy and Livingstone to appear at the morgue to formally identify the body (whose face had already been matched by the United States Park Police to his Arkansas driver's license and to the picture on his White House ID).*

A related point. When someone dies a violent death, it is somewhat unusual that the first thing an intimate long-time co-worker would want to do is visit the body at the morgue (especially if the head of personnel security for the company [Mr. Livingstone in this case] tells the co-worker his good friend is dead of a gunshot wound to the head, the co-worker asks for confirmation, and the head of his company's personnel security calls the co-worker back and tells him that it's been confirmed). One would have thought Kennedy's first impulse, as a worker in the White House Office of Legal Counsel with Foster and a fellow-member of the Arkansas "core" group, would have been to go directly to Foster's home to console the family. He in fact did so later that night, but only after what in the author's opinion was a curious telephone call from his boss, Bernard Nussbaum, the White House Counsel.

Kennedy told the FBI he only decided to visit the Foster home that night when he called Nussbaum (after his morgue run with Livingstone) and Nussbaum indicated he was going to go to the Foster home (presumably it is quite late by now, certainly after 2200 and maybe after 2230). *It seems unusual that Kennedy decided to make his condolence call that night only after he had heard that Nussbaum was going to go (a person much less close to the Foster family than Kennedy was).*

Christina Tea, a nurse at Fairfax County hospital, had called Gavin stating that there were White House people at the hospital who wanted to see the body and should she permit this [1556]?

Livingstone may [?] have arrived at the morgue at 2210 [also?] [2264] and was refused entry until it had been cleared with Gavin, *but it was probably much earlier in the evening based on what Kennedy told the FBI unless Livingstone made a second trip to the morgue.*

According to Kennedy, when Livingstone first called Kennedy at home around 2015-2030 Livingstone had already been told the body was en route to the hospital, and the two of them drove there separately, met, and visited the body together [1616].

Per the Fiske report, the body was not even bagged at the site before 2045. However, the ambulance computer time log indicates it arrived at the hospital at 2031. *Kennedy's statement lends further credence to the ambulance's computer time log and undercuts the time given in the Fiske report. The author notes in passing that the Fiske Report was issued on June 30, 1994, roughly a month before the 1994 Whitewater Hearings began. Thus, Kennedy and Livingstone were already at the morgue, had asked to see the body, doubtless displaying their White House IDs, and had been initially denied permission by Nurse Tea before she contacted Gavin.*

Officer Tipton of the Fairfax County Police [not United States Park Police] also contacted Gavin about giving the White House staffers access to the body. Gavin said in his FBI interview that he told Tipton it was OK to "let them see the body, but make sure they do not disturb or take any effects [1556]." Gavin's FBI interview states "Craig Livingstone and William Kennedy, identified as White House officials - both these men were at the hospital and wanted to view the body [1566]." Braun told the FBI [561] that she and Rolla talked with Kennedy while Rolla and Braun were en route from Fort Marcy Park to the Hospital (to retrieve the keys).

The record contains nothing specific about the times the body was accessed that evening, presumably once by Rolla and Braun to retrieve the keys and once again when it was visited by Kennedy and Livingstone (who arrived in two cars). *Did Kennedy and Livingstone visit the body before Rolla and Braun?* If any sort of morgue log exists, it could clear up when the two United States Park Police investigators visited the morgue, when Kennedy and Livingstone visited the morgue, and who visited the body first.

According to Rolla's deposition [443] "The morgue or hospital where somebody says I want to see the body and usual [sic] the hospital, if it's a loved one killed or something, I am sure the hospital will let them look at them, view the body."

Q: What about the possibility that — what about the possibility of disturbing the body or clothing or evidence as part of an ongoing investigation. Would you be concerned about that?

A: They are not viewing it alone.

Q: Who are they viewing it with?

A: They have to be let into the morgue room to view it. Many times when you view a body, you are in a separate room and view it through the glass. This time, I don't think that happened [Why not? Is Rolla speaking here from first-hand knowledge?]. They [Kennedy and Livingstone] were in the morgue in the hospital, they were let in, the room attendant unzipped the body bag, they looked at it, he zipped it back up. [All this sounds quite specific.]

Q: You can't touch the body or go through the pockets?

A: No, nobody would be allowed to do that.

Rolla seems to know a lot of the specific events that took place when Kennedy and Livingstone viewed the body. Namely, he appears to know that Kennedy and Livingstone viewed the body directly and that the two of them were there together. The person questioning Rolla is clearly concerned about whether someone would be able to visit the body and specifically access the pockets. Why? Did the questioner know something not in the public record? Braun was specifically asked in her deposition whether she and Rolla had left the morgue when they spoke with Kennedy. Q: "So they [Kennedy and Livingstone] went to the hospital, but you had already left to go to the —." A: "Right. Right. Right." Right, right, right?

The morgue attendant who watched people view and search the body was not interviewed in the record. Were the key rings merely picked up by Rolla and Braun or were they dropped off first and only then retrieved? I believe this is a reasonable possibility based on the record, but I would be delighted obtain information that would address my questions concerning this point.

Kennedy told the FBI that first he and then Craig Livingstone (who worked under Kennedy at the White House Office of Legal Counsel and had the job title Director of White House Personnel Security) appeared at the morgue [1616]. Hospital officials (apparently Nurse Christina Tea and Fairfax County Police Officer Dave Tipton [1556]) finally allowed Kennedy and Livingstone to view the body [after checking with the United States Park Police as described above].

William Kennedy also checked in with the numerous senior White House personnel at Foster's home the night of the 20th [1483], presumably after having visited the body at the morgue. *The time of his arrival is of great interest. Did Kennedy or Livingstone encounter Rolla or Braun at the morgue?*

The Autopsy and Related Matters

The Autopsy Was Moved Up A Day At The White House's "Request"

Rolla and Braun worked straight through until about 0630 and 0700 respectively on July 21st [411,517], the day after Foster's body was found, and they confirmed with Dr. Beyer that the autopsy would not be performed until the morning of July 22nd (Thursday), but the autopsy was moved up to Wednesday morning, the day after the body was found [86] at the specific request of the White House [89,411,517,551,825]. This apparently had to be done because the plan was to have Foster's funeral in Little Rock on Friday [616]. Dr. Beyer was relatively alone in his belief that the autopsy was not moved up [215,R28].

Since Rolla and Braun had been on duty for about 17 straight hours straight when they knocked off work on Wednesday morning the 21st at about 0630 [411], moving the autopsy from Thursday morning to Wednesday morning made it unfeasible for the two investigators (or anyone else who had been at the body site) effectively to attend the autopsy [414]. *This is contrary to the customary United States Park Police practice.* The autopsy commenced at 1000 on Wednesday, July 21 [212]. Since no one who was present at the body site the night before attended the autopsy (*contrary to the usual practice*), the autopsy was potentially compromised from the start.

The Autopsy and the X-Rays

This issue has received some notoriety, but the detailed account here adds some new analysis. The United States Park Police sent four individuals to the autopsy, Investigator Morrissette, Sergeant Rule, and two ID technicians [1276] (none of them had been present at the body site at Fort Marcy Park). A United States Park Police report on the autopsy mentioned Dr. Beyer's comments about the X-ray results [95]: "Dr. Beyer stated that X-rays indicated that there was no evidence of bullet fragments in the head [95,2128]." Dr. Beyer had no explanation for the statement in the United States

Park Police report other than stating firmly that no X-rays were taken. It certainly does not sound like a casual misunderstanding: Dr. Beyer stated that no X-rays were even taken, let alone showed the specific result clearly stated in the United States Park Police report. As the records stand now, either the United States Park Police Officer who attended the autopsy (one of four United States Park Police officers there) and wrote the United States Park Police report on the autopsy is incorrect or Dr. Beyer is incorrect. *There can be no middle ground. Someone made a mistake, but who?*

Dr. Beyer's autopsy report has a check mark indicating that X-Rays were taken [94,95] and the doctor testified that he anticipated taking X-Rays although none were in fact taken because the new X-ray machine was not producing readable X-rays [see also 213]. Dr. Beyer stated that taking X-rays was a requirement in the case of penetrating (slug retained in the body) gunshot wounds but not in the case of perforating (through-and-through) gunshot wounds such as Foster's. In contrast, Dr. Beyer stated in his FBI interview that taking X-rays was preferred in the case of all gunshot wounds [584].

Thus there were two reasons Dr. Beyer testified that X-rays of Foster's head were not taken: 1) The machine was not working and 2) There was no medical or forensic requirement to do so. Although the new machine was apparently under warranty, no attempts were made to have the machine serviced and Dr. Beyer testified that "I have no X-rays in my files between July 6 to the 26."

If the X-ray machine had been broken for two weeks and the fact there was no medical or forensic requirement to take X-rays, *one is certainly entitled to ask why Dr. Beyer checked the line on the autopsy form that X-rays were taken. One would not think the line was checked out of habit since the new machine allegedly had not produced readable X-rays for two weeks.* Note that Dr. Beyer did not state this explicitly, he merely indicated that his files contained no X-rays for the period between two weeks before and five days after the Foster autopsy. *One might be curious whether copies of the appropriate autopsy reports done within that twenty day period indicate that X-rays were or were not taken and whether any of those files contain X-rays.*

In the course of his testimony Dr. Beyer indicated both that 1) "I saw no need to take an X-ray" and 2) "I had anticipated taking them" [X-rays]. *Even the casual reader would notice the contradictory nature of these two statements, especially were he to remember that Dr. Beyer stated that the X-ray machine had not been working for two weeks. These discrepancies could be the result of some misunderstanding, but the record does not indicate that the four United States Park Police autopsy attendees were ever interviewed (including the writer of the report covering United States Park Police attendance at the autopsy) to clarify this important point.*

Later on in his testimony [96] Dr. Beyer stated "Some days we would get a partial readable X-ray," but this statement does not jibe with his statement that his files contained no X-rays at all between July 6 and July 26 Dr. Beyer was asked, "But in this case, if it were working, you would have done an X-ray?" He responded "Yes sir," despite his earlier testimony that an X-ray was needed only in the case of a penetrating gun shot wound, not a perforating gun shot wound, such as Foster's. Remember that Investigator Rolla's initial impression at the body site was that the slug was still in the head. Remember, too, Dr. Haut's comment that Foster's wound appeared to have been caused by a low velocity weapon.

A Senator inquired, "'You were not able to do the X-ray because this machine sometimes works and sometimes didn't. It did not when it needed to in this case and you forgot to remove the check mark. . ." Dr. Beyer replied "That's correct [97]." This exchange indicates that Dr. Beyer attempted to take an X-ray of Foster's head wound and it did not "come out." *One might wish to confirm whether this X-ray was indeed taken and determine what the medical standard was in this case for not "coming out."*

The Chairman made this comment and asked a question of Dr. Beyer [96]:

I take it that report [the Autopsy Report] is two or three pages of which the front page is sort of the checklist of things that you intend to do with respect to this autopsy, and then it is the subsequent pages that, in fact, provide the analysis that you develop in the course of actually performing it, so that you have got to read all the way through to the end to really get to what you determine. Am I right about that?

[Dr. Beyer] Yes sir.

However, shortly before this exchange, in response to a question from another member of the committee, Dr. Beyer stated [95] "To me the autopsy report is the first and second page which includes my findings." An examination of the seven-page autopsy report [364-370] reveals that the front page is not "sort of the checklist of things you intend to do." Dr. Beyer's statement that ". . . the autopsy report is the first and second page which includes my findings" is correct. The Chairman's statement is incorrect, although Dr. Beyer agreed with him. The pathological diagnosis and the cause of death are listed on the first page of the report. The second page of the report contains the "gross description" of the body. The check mark that indicated "X-rays made" is in fact part of the "Gunshot Wound Chart" that comprises the last page of the autopsy report. If one completed the Gunshot Wound Chart from top to bottom, one would come to the "X-rays made" line only after completing the rest of the chart first.

Another Falsehood From Fiske

In passing, it should be noted that the "Cause of Death" listed by Dr. Beyer on Page one of the "Report of Autopsy" was "PERFORATING GUNSHOT WOUND MOUTH - HEAD." However, the Fiske Report section discussing the autopsy report finesses this conclusion and contains the statement "Dr. Beyer certified the death as a suicide.**" [212] and states (in the footnote) "***The complete autopsy report is attached as Exhibit 8." If the word "suicide" appears in the autopsy report itself, this author has not been able to find it, let alone a "certification" in the autopsy report that Mr. Foster committed suicide. *Indeed, no inference can be drawn from the autopsy report that Dr. Beyer certified Foster's death "as a suicide" unless one makes the assumption that all fatal "perforating gunshot wounds mouth - head" are self-inflicted [see also 1132]. They clearly are not.*

It is of course perfectly true [77] that Dr. Beyer, under oath one year and eight days after performing the autopsy, agreed with a Senator's statement that Dr. Beyer "concluded that Mr. Foster's death was a suicide," but it is also true, the Fiske Report's footnote notwithstanding, that Dr. Beyer did not "certify the death as a suicide" in the autopsy report signed on July 28, 1993,

In his FBI interview, Dr. Beyer was asked whether there was a place on the autopsy report where the manner of death was written. He responded "We don't have that on the autopsy report." The first page of the autopsy report has a section entitled "Cause of Death" [598]. Thus, the first time Dr. Beyer "certified" Foster's death was a suicide was during the 1994 Senate Whitewater Hearings.

Some Background on Dr. Beyer

Information here is taken from Dr. Beyer's deposition at [564-593]. Dr. Beyer was 75 years old when he performed the Foster autopsy (date of birth June 2, 1918). He served in the US Army medical corps for 14 years. His specialty was surgical research (especially "wound ballistics"), duty with the US Army ordnance and chemical corps regarding the development of new weapons, and the development of body armor.

One wonders if other Federal agencies have made legitimate use of his expertise in wound ballistics in the past.

Conclusion:

I believe that anyone taking the time to read the Official Reports issued by the US Park Police, The Office of Independent Counsel under Mr. Fiske, and the US Senate concerning the death of Vince Foster will be shocked to dis-

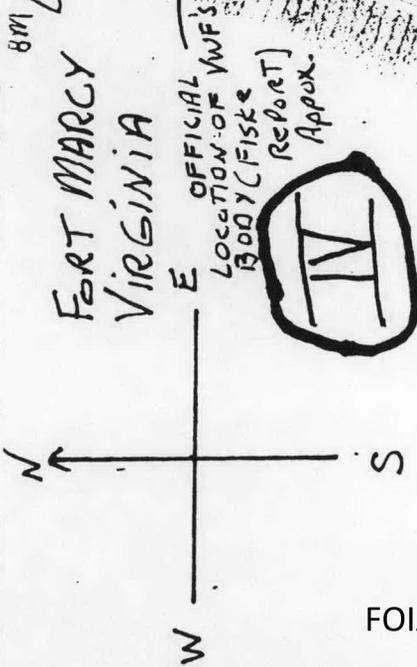
cover the evidence on which the Official Reports' conclusions are reportedly based. Numerous "disconnects" between the Official Reports and the evidence in the Senate Hearings Volumes have been described here. Further inconsistencies and contradictions are detailed in my much longer "Citizen's Independent Report." I discover new problems each time I re-read the 2,726 pages of the official record. In my opinion, the Official Record points more to murder and cover-up than to suicide. Be your own judge. I object that Official Reports such as these, were however indirectly, written in my name.

Given the nature and extent of the raw evidence in the record, I do not say that the Official Reports were incompetently written. It's worse than that. I believe they were written on the assumption that no one in the media or within the citizenry would carefully examine the official record. A record that, whatever the redactions, fortunately was publicly accessible. Sadly, I believe the Official Reports were also written with a particular purpose: to enable certain individuals, and the so-called public servants in fief to them, to continue to conduct "business as usual". Chances are, they are going to get away with it. Regrettably, that too is part of "business as usual" these days. There ain't no Justice.

Given the evidence described herein, I believe the burden has shifted to the authors of the Official Reports (or their successors) to reconcile publicly the investigative record with their Foster "suicide verdict." The sizable portion of the record that remains off limits to the public might eliminate some of the difficulties I have with the Official Reports, but each cycle to date has been one of obfuscation and silence. In that obfuscation and that silence, at bottom, I see contempt. If sheep we are, it's sheep dogs we must have, not wolves.

Whenever the underserving appropriate the unearned, the only rational organizing principle of human civilization, and by extension civilization itself, is threatened. A growing number of people in this nation undertake such activities daily and without conscious thought. Government at all levels operates by promoting this obscene standard of behavior as if it were the highest aim of public policy. The death of Vince Foster is merely a particularly outré manifestation of what we have all learned to live with. We will soon pay a terrible price for our indolence. We will have deserved it.

Appendix I
Selected Maps of Fort Marcy Park and Environs



FORT MARCY
VIRGINIA

OFFICIAL
LOCATION OF WVF'S
BODY (FISKE
REPORT)
Approx.

IV

NOTE

Scale 1:500 ±
(1" = 41 2/3 FEET)
SEGMENTS MEASURED
ON OUTSIDE "WALL"

FORT MARCY
PERIMETER =
338 YARDS =
1,014 FEET

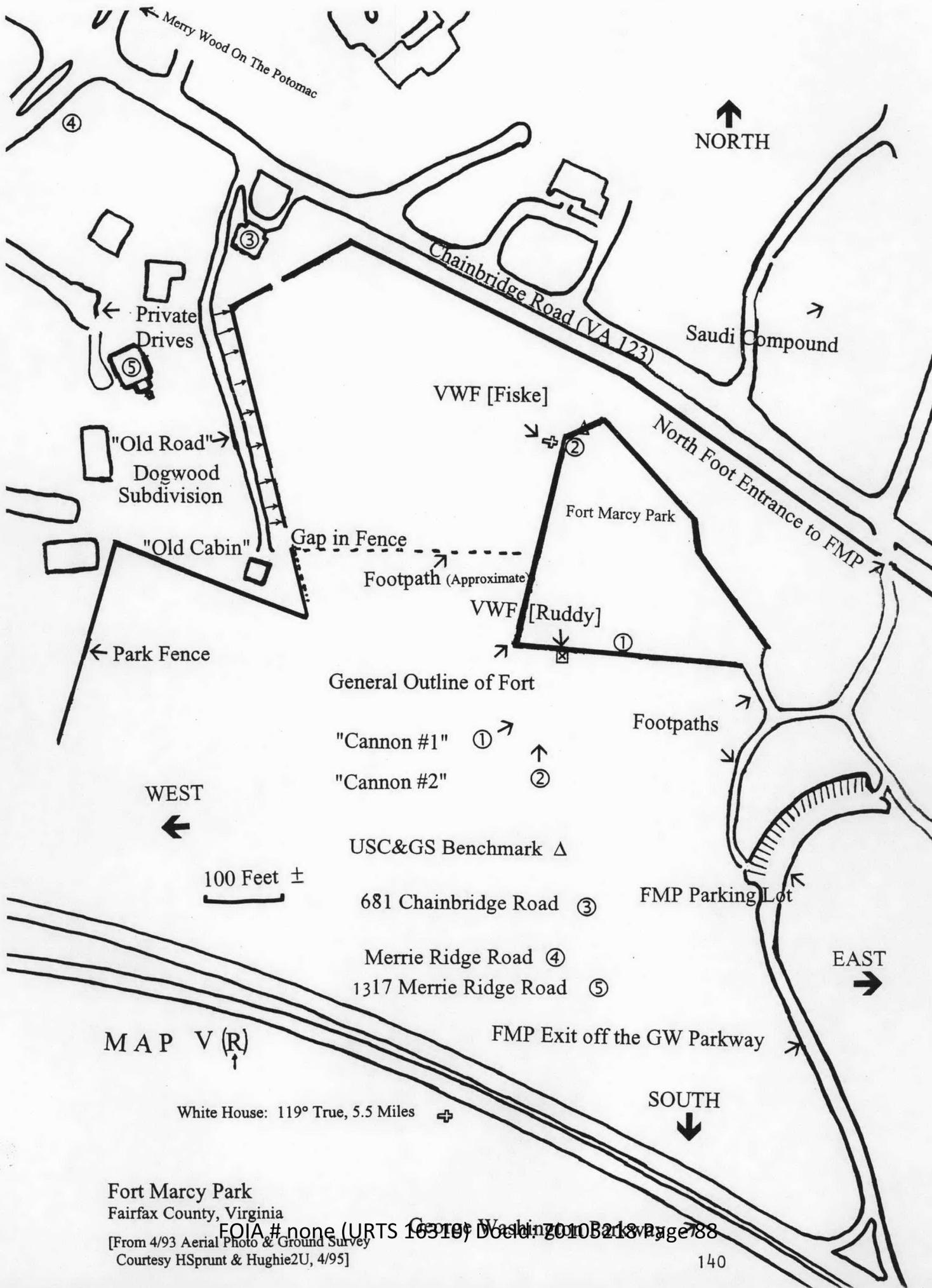
(*) Assumed to equal
1,014 FT. Perimeter.

LINE OF BEARING
⊙ → ⊙ = 089° 07'

(269° T - 089° T)
(GENERAL LINE FOR
"SOUTHERN" BERM)

ANNOTATED BY HSPRUNT
3195 (Revised 4/95)

Ma IV Source: NATIONAL ARCHIVES



Fort Marcy Park
Fairfax County, Virginia

FOIA # none (URTS 16319) DocId:3010B218 Page 788
[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprnt & Hughie2U, 4/95]

Appendix II
ABC News Photo of VWF's Right Hand With the Gun

ABC NEWS
EXCLUSIVE



ABC

TS 16370/0000 Page 90

Appendix III
Author's Biographical Summary

HUGH H. SPRUNT, CPA/PFS
PROFESSIONAL SUMMARY
July 1995

Hugh H. Sprunt is a Certified Public Accountant who has been providing tax consulting services to individuals and businesses for over sixteen years. He was a Tax Partner with a large international accounting firm for six years, concentrating in individual income tax and estate planning. His expert tax knowledge and presentation skills have made him a speaker of choice at financial planning seminars for fellow tax partners and a leader of tax workshops for other tax professionals as well as the general public. Hugh's most recent presentation to nonprofessionals was entitled, "*How To Get The Best Service From Your Tax Advisor.*" He is also one of only some 900 CPAs nationwide certified as Personal Financial Specialists (PFS) by the American Institute of CPAs.

Hugh has devised and implemented successful multi-year tax strategies involving Fortune 500 corporations and does tax planning for individual clients, some with a net worth exceeding \$100 million and single-year personal tax liabilities over \$10 million. An IRS private ruling request he drafted for a client used a previously unexploited generation-skipping transfer tax "opportunity" Hugh discovered that reduced the taxes on a \$14 million intrafamily gift by over \$1 million. Hugh has also been the first to inform the IRS of substantive errors in the government's favor on various IRS tax forms, including Schedule K-1 (The IRS acknowledged its errors and corrected the official forms and instructions the following year).

Hugh is the lead author of a two-volume 750-page tax reference work, first published for CPAs, tax attorneys, and other tax professionals in late 1992. The fourth edition will be released in December 1995. Hugh has also written on technical tax subjects in *The Journal of Taxation*. Since 1991, he has supplemented his traditional tax consulting practice as the owner of **Advantax - Your Tax Advantage**, a live nationwide "900" tax planning and tax return advice line (900-933-3004, \$3 Per Minute) carried by AT&T's **MultiQuest®** Express900 service.

Advantax is known for the customized "call memo" available to each customer at no additional charge and has been covered by *The New York Times*, *The Wall Street Journal*, *Smart Money*, and *NEWSWEEK*. *No one* who has ever called the 900 number for tax advice has been dissatisfied with the service and failed to pay the 900 charges, an extraordinary record for any 900 number, let alone one in its fourth year of operation. Callers also use **Advantax** to obtain a quick "second opinion" or when they need real-time tax help with return preparation or tax planning software, especially after hours when they are "stuck" and need help *now!*

Hugh received an MBA from the Stanford University Graduate School of Business and a JD from Stanford Law School in 1979 through the GI Bill. Before joining the service, he obtained BS and MS degrees from The Massachusetts Institute of Technology where he was elected to two national honorary societies. After working abroad for twelve months, he volunteered as a commissioned officer and saw service aboard deep-ocean Federal research vessels in the early 1970's, serving as Chief Ship's Diver and Senior Watch Officer.

His viewpoints have been published in *The New York Times*, *The Washington Times*, *The Wall Street Journal*, *Forbes*, and *The Dallas Morning News*. Hugh and his wife of twenty-two years live quietly with their son and daughter on Rawhide Creek. His favorite aphorism was written by Alfred, Lord Tennyson: "*Come, my friends, 'Tis not too late to seek a newer world. . . Tho' much is taken, much abides; and tho' We are not now that strength which in old days Moved earth and heaven; that which we are, we are. . . To strive, to seek, to find, and not to yield.*" And, lest we forget: "*Tell you what -- It's gonna be a gunfight, but I came here to bomb.*" -- Unknown Navy Attack Pilot, ca. 1970.



"Nothing changes but the uniform, the weapons, and the transportation."

