

Screened by NARA (RD-F) 08-13-2018 FOIA #56806 (URTS 16312)
DOCID: 70105220

FM # 283

13. Conspiracy Theories:

13.1 "The body was moved from cannon #1 to cannon #2."

COMMENTS:

- This theory springs from a misunderstanding of which cannon was designated #1 or #2. There are no official numbers assigned to either cannon.
- When all witnesses were re-interviewed on-site, they all said that the body was located by the northern most cannon, which has commonly been referred to in this case as cannon #2.

13.2 "VWF killed himself or was killed at another location and was placed in Ft. Marcy Park."

COMMENTS:

- Due to the location of the wound to VWF's head, he would have to have been transported in an almost upright position in order to prevent drainage of blood from his body.
- Access to Fort Marcy Park is limited to: The parking lot off the GW Parkway, a 3 foot opening in the fence at Rte. 123, hiking trails through the woods to the north, west and south, an overgrown driveway leading from the backyard of a home on Rte 123 to an abandoned cottage located outside the park fence (the fence has been knocked down by fallen trees in an area near this cottage).
- Witnesses did not see anyone carry a body into Ft. Marcy via the parking lot.
- No vehicular traffic can pass through the Rte 123 fence opening.
- Photographs taken during 1995 Ft. Marcy Park search depict various vines interwoven in, around and through the park fence and even a tree that has grown around it to the point that the fence pipe is imbedded in the tree. These pictures tend to prove that this fence had been in place for many years before July 1993, and was not recently installed as part of a cover-up.
- SAUDI compound security cameras point directly at this opening and any activity in this area is responded to by security personnel.
- Area homes back up to Ft. Marcy Park in the area of the overgrown driveway.
- Recent inspection of the fence partially surrounding Ft. Marcy Park revealed that an overgrown driveway leading to the abandoned cottage does not enter the park.
- Interviews of neighbors whose properties back up to defunct cottage driveway show strong likelihood that no vehicular traffic was on that driveway on or about July 20, 1993.
- Witnesses say they have not seen any vehicular traffic on the overgrown driveway for many years.
- There is no access road at the foot of the berm which forms the perimeter of the fort, but there is a moat created during construction of the fort which was filled during the Civil War with crisscrossing sharpened tree limbs. Currently this moat has full grown trees and debris in the middle of it making it impassible to vehicular traffic.

Page Denied

FOI # 284-285

OFFICE OF THE INDEPENDENT COUNSEL

FOIA(b)(7) - (C)

FOIA(b)(6)

Date of transcription

5/21/96

On 5/21/96, JOHN EDWARD FANNING, White House Doorman, work telephone (202)456-2650, date of birth [redacted], Social Security Account Number [redacted] home [redacted] home telephone [redacted]

was interviewed by Criminal Investigator (CI) COY A. COPELAND, Office of the Independent Counsel (OIC) and Special Agent JAMES T. CLEMENTE, Federal Bureau of Investigation. After having been advised of the official identities of the interviewers and the nature of the interview, FANNING provided, in part and in substance, the following information:

On 7/20/93, FANNING worked a 1:30 pm through 10:30 pm shift. However, since it is his responsibility as Doorman to remain on duty at the White House until the President retires for the night, FANNING worked over-time until approximately 12:00 midnight on that night.

Just after President BILL CLINTON ended his interview on "LARRY KING LIVE," FANNING took CLINTON up in the elevator from the ground floor library to the second floor of the White House residence. Shortly thereafter, FANNING rode the elevator to the ground floor to answer an elevator call from MACK McLARTY. It was at this time that FANNING learned of the death of VINCENT W. FOSTER, JR., from MACK McLARTY. FANNING noticed that McLARTY was not as sociable as he usually was, so FANNING asked McLARTY what was wrong. FANNING recalls McLARTY responded in substance, "JOHN I have some bad news, a friend of the President's has just committed suicide. And I need to inform him he's dead. You have to make sure no one goes to the second floor to disturb him until I tell him." FANNING thought he heard McLARTY say it was VINCE NEIL who killed himself.

After leaving McLARTY on the second floor, FANNING proceeded to the third floor of the residence to find HELEN DICKEY who was in the solarium watching the "LARRY KING LIVE" show on television. FANNING had planned to enlist DICKEY'S support in keeping people from disturbing the President on the second floor while McLARTY informed him of the death.

Investigation on 5/21/96 at WASHINGTON, D.C. File # 29D-LR-35063 SUB 17
by CI COY A. COPELAND SA JAMES T. CLEMENTE Date dictated 5/21/96

9D-LR-35063 SUB 17

Continuation of OIC-302 of JOHN EDWARD FANNING, On 5/21/96, Page 2

FANNING recalls telling DICKEY, "MACK said a close friend of the President committed suicide. VINCE NEIL or something." DICKEY responded, "You mean VINCE FOSTER?" FANNING replied, "Yes, that's it." FANNING estimates the time he informed DICKEY was between 10:00 pm and 10:05 pm. FANNING recalls they were still discussing this when the "CNN" or "FOX 5" 10:00 pm news began reporting that FOSTER, an aide of President Clinton, had been found dead. FANNING estimates the time he and DICKEY saw this on the news was between 10:00 pm and 10:10 pm.

FANNING firmly believes he was the first to inform DICKEY of the news of FOSTER'S death because of her extreme reaction to the news. FANNING recalls DICKEY becoming hysterical when she realized that it was VINCENT FOSTER, JR., who was dead. The news hit DICKEY like a brick. She jumped up from her seat and began running around crying and screaming. DICKEY then ran down the stairs to the second floor, which was exactly what McLARTY told FANNING to prevent.

FANNING was upset that he had unwittingly broken the news of FOSTER'S death to DICKEY without knowing she was a close friend of FOSTER'S. FANNING had not anticipated DICKEY'S extreme reaction. FANNING then located NICOLE BOXER RODHAM and her friend whose name FANNING does not recall, and asked them to help calm DICKEY down. These two women held DICKEY and succeeded in calming her.

Later at approximately 10:20 pm to 10:25 pm, DICKEY came down to the Ushers' Office to make at least one telephone call to a family member. FANNING believes the call was made to DICKEY'S mother because Mrs. ROBYN DICKEY arrived at the White House shortly thereafter and continued to calm HELEN DICKEY. At approximately 10:50 pm to 10:55 pm, the DICKEY'S both left the White House on their way to the FOSTER residence.

FANNING does not know when or if DICKEY called the Arkansas Governor's Mansion on the night of 7/20/93.

At approximately 10:30 pm, FANNING picked up CLINTON and McLARTY on the second floor of the residence and took them down in the elevator to the ground floor. FANNING believes CLINTON was on his way to announced FOSTER'S death to the West Wing White House Staff in the Map Room at that time. FANNING further believes DICKEY was on the third floor of the residence at the time.

29D-LR-35063 SUB 17

Continuation of OIC-302 of JOHN EDWARD FANNING . On 5/21/96 , Page 3

FANNING did not know FOSTER personally, however, he may have met FOSTER occasionally while transporting him on the elevator.

FN#287

**Report of the
Independent Counsel
In Re
Vincent W. Foster, Jr.**

*Washington, D.C.
June 30, 1994*

Robert B. Fiske, Jr.
Independent Counsel

Roderick C. Lankler
Deputy Independent Counsel

Mark J. Stein
Carl J. Stich, Jr.
Associate Independent Counsel

However, the FBI Lab found small particles of mica on much of Foster's clothing, including his shoes. This mica is consistent with the soil found in the area where Foster's body was found.

I. Search For Additional Evidence In Fort Marcy Park

On April 4, 1994, sixteen individuals from the FBI Lab went to Fort Marcy Park to conduct a search in the area where Foster's body was found.* The purpose of the search was to attempt to find a bullet, bone fragments from Foster's skull, the presence of blood in the soil beneath the location of Foster's body when found, and any other evidence relevant to Foster's death.

In an attempt to locate a bullet, FBI Lab personnel surveyed and marked out a grid in what the FBI Lab determined was the most likely area for the bullet to have landed after passing through Foster's skull. This area was systematically searched using metal detectors. Twelve modern-day bullets were collected during the search and returned to the FBI Lab for analysis. The FBI Lab has determined that none of the bullets found were fired from Foster's gun.**

The area immediately beneath where Foster's body was found was searched by digging and hand sifting the soil and other debris.

* Also present were representatives from the National Park Service and a representative from the Smithsonian Institution.

** In addition to the bullets, a number of cartridges and shell casings were found. The Lab determined that none of these items was fired in Foster's gun. Numerous Civil War artifacts were also found during the search, including ammunition, nails, horseshoes, a military button and other metal objects. These items were turned over to the National Park Service. An index of these items is attached as Exhibit 9.

FBI Lab personnel excavated to a depth of approximately eighteen inches, searching the soil through various screening methods. No bone fragments or bullets were found.

ANALYSIS

A. Analysis And Conclusions Of Forensic Pathology Panel

Four experts in the field of forensic pathology reviewed and analyzed the evidence obtained during the course of this investigation. Each member of the Pathologist Panel was provided unrestricted access to the FBI Lab Reports; the reports of all interviews conducted during the course of the investigation; the report issued by the Park Police following its investigation; the autopsy report; all photographs taken at the scene of Foster's death and during the autopsy; and microscopic slides containing portions of Foster's soft palate obtained during the autopsy. In addition, the Pathologist Panel discussed the evidence with members of this Office, the FBI investigating agents, and FBI Lab personnel. Two members of the Panel met with the Medical Examiner, Dr. Beyer.

After reviewing and analyzing the evidence, the Pathologist Panel issued a report stating its conclusions and summarizing the bases for its conclusions. The Panel concluded the following:

- 1) The bullet wound to Foster's head and brain caused his death;

NATIONAL PARK SERVICE
UNITED STATES PARK POLICE

MOBILE CRIME LAB REPORT SUPPLEMENT

OFFENSE/INCIDENT: DEATH INVESTIGATION CASE NO: 93-30502
INCIDENT LOCATION: FT MARCY DATE: 07-20-93
DISTRICT/FIELD OFFICE: D2 TIME: 1804
REPORTING OFFICER: FERSTL MCL#: 166
C.I.B. INVESTIGATOR: MORRISSETTE

RESULTS OF INVESTIGATION

On Thursday, 07-22-93 at approximately 1000 hours, myself and Tech Johnson responded to the area of Ft Marcy. Upon arrival we met with Sgt. Rule and Detective Morrisette. We were led to the area of the death and proceeded to conduct a search of the vicinity with a metal detector. After a lengthy search for a bullet the results were negative.

SE Hill #097 07-24-93 [Signature] 7/28/93
ID TECHNICIAN DATE SUPERVISOR DATE

FNU # 288-289

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 01/30/96

The following investigation was conducted by Special Agent JAMES T. CLEMENTE, Federal Bureau of Investigation (FBI), and Criminal Investigator COY A. COPELAND, Office of the Independent Council (OIC):

Commencing on September 12, 1995, a systematic and comprehensive metal detection search was conducted of FORT MARCY PARK, VA, for the bullet believed to have been fired from the revolver found in Deputy White House Counsel VINCENT W. FOSTER, JR.'S hand on the evening of July 20, 1993.

This search was undertaken upon the recommendation of Dr. HENRY C. LEE, Director, Connecticut State Police Forensic Science Laboratory, who examined evidence and acted as a consultant on this investigation. Dr. LEE advised that even at this late date the likelihood of locating the bullet was good, since it was composed mainly of lead and would not deteriorate appreciably. This belief was buttressed by the fact that in previous searches of Ft. Marcy Park bullets were unearthed, in near pristine condition, which had been buried since the Civil War 135 years ago.

The goal of this project was to devise and implement a search plan covering an expanded area, i.e., a greater area than searched in the prior U.S. Park Police and FBI searches, in and around Fort Marcy Park (hereinafter referred to as "the intended search area") consistent with the logical location of a bullet travelling with the expected velocity and trajectory of the bullet which is believed to have caused the death of Mr. FOSTER. Included in this intended search area were numerous trees which could have altered the course of or captured the bullet. Therefore, the search plan included any trees which fell within the intended search area.

Investigation on 9/12- 10/31/95 Ft. Marcy Park, VA File # 29D-LR-35063 Sub 17

by SA JAMES T. CLEMENTE, FBI CI COY A. COPELAND OIC Date dictated 01/30/96

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95 Page 2

This search was conducted by the following individuals on behalf of the OIC:

RICHARD K. GRAHAM, GRAHAM DETECTION SYSTEMS;
ROBERT SONDERMAN, NATIONAL PARK SERVICE (NPS) ARCHEOLOGIST;
R. JEFFERY GREENE, OIC CONSULTANT;
COY A. COPELAND, OIC CRIMINAL INVESTIGATOR; and
SA JAMES T. CLEMENTE, FBI.

Also assisting during various stages of the search at Fort Marcy Park were the following individuals:

E. H. LUECKENHOFF, FBI, Inspector In Charge, Whitewater
DR. HENRY C. LEE, Director, Connecticut State Police Laboratory
DANIEL REILEY, SA, FBI, Coordinator, Evidence Response Team (ERT)
ARMIN A. SHOWALTER, SA, FBI, ERT, Washington Field Office (WFO)
MARK TOUHEY, Deputy Independent Counsel (DIC), OIC, Whitewater
BRETT KAVANAUGH, Associate Independent Counsel (AIC), OIC
JOHN BATES, DIC, OIC, Whitewater
ROBERT MARTIN, SA, FBI, Whitewater
UNA D. STANTON, SA, FBI, Whitewater
ROBERT KLIMAS, SA, FBI, Whitewater
[redacted] SA, FBI, Whitewater
DIXON A. LAND, SA, FBI, Whitewater
DAVID REIGN, SA, FBI, Whitewater
LEE GIANNINI, CI, OIC, Whitewater
DANA GILLIS, SSA, FBI, Whitewater
HICKMAN EWING, DIC, OIC, Whitewater
RUSSELL T. BRANSFORD, SA, FBI, Whitewater

[redacted] SA, FBI Academy
[redacted] Clerk, FBIHQ
[redacted] Clerk, FBIHQ
[redacted] Clerk, FBIHQ
[redacted] Clerk, FBIHQ

JOHN J. MESISCA, SA, FBI, ERT, WFO

FOIA(b)(7) - (C)

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95 Page 3

CHRISTINE M. QUEZADA, SA, FBI, ERT, WFO
SUSAN E. BORTZ, SA, FBI, ERT, WFO
PAUL GEIGER, SA, FBI, ERT, WFO

[redacted] SA, FBI, ERT, WFO
GEORGE B. WALSH, Deputy U.S. Marshall, ERT, WFO

FOIA(b)(7) - (C)

[redacted] SA, FBI, ERT, WFO
 [redacted] Photo Technician, WFO
 [redacted] SA, FBI, ERT, WFO
 [redacted] SA, Firearms Examiner, FBI Laboratory
 [redacted] Firearms Trainee, FBI Laboratory
 [redacted] Physical Science Technician, FBI Laboratory
 [redacted] Photography Technician, FBI Laboratory
 [redacted] NPS, Historian
 [redacted] NPS, Metal Detector Operator
 [redacted] NPS, Global Positioning Systems
 [redacted] NPS, Global Positioning Systems
 [redacted] NPS, Director, Archeological Laboratory
 [redacted] NPS, Ranger
 [redacted] NPS, Fulbright Scholar
 [redacted] NPS, Tree Worker
 [redacted] NPS, Tree Supervisor
 [redacted] NPS, Tree Worker
 [redacted] NPS, Tree Worker
 [redacted] NPS, Tree Worker

The following representatives of the NPS also visited Fort Marcy Park in order to observe the progress of the search and its environmental impact:

AUDREY CALHOUN, NPS, Superintendent
DOTTIE P. MARSHALL, NPS, Deputy Superintendent

The search plan was devised through consultation with DR. HENRY LEE, JEFFERY GREENE, RICHARD GRAHAM, ROBERT SONDERMAN, and DR. BRIAN BLACKBOURNE, utilizing information obtained through ballistics tests performed by [redacted] of the ARMY RESEARCH LABORATORY, ABERDEEN PROVING GROUNDS, Maryland.

FOIA(b)(7) - (C)

29D-LR-35063

Continuation of FD-302 of _____

On 9/12-10/31/95 Page 4

The Aberdeen tests were conducted in an effort to produce refined trajectory estimates of the bullet believed to have killed VINCENT W. FOSTER, JR. [redacted] utilized the FOSTER autopsy report, FBI Lab ballistics reports and photographs of the death scene at Ft. Marcy Park to design and conduct ballistics tests duplicating the circumstances of the fatal gunshot wound to FOSTER. These tests were conducted by firing the actual revolver found in FOSTER'S hand, loaded with ammunition identical to both the intact and spent rounds recovered from the revolver. This ammunition was fired through human skulls filled with ballistic gelatin. Pig skin was used to cover the back of the skulls in an effort to approximate the human scalp.

The path, shape and velocity of the test bullets were photographed and measured as they exited the skulls. These measurements were used to calculate a trajectory estimate which in turn was used to approximate the unimpeded distance travelled by the bullet. The results were as follows:

- At an Angle of discharge of 0 degrees, Range = 20 meters.*
- At an Angle of discharge of 37 degrees, Range = 310-610 meters.

*[Estimate applies to a level surface, however, the elevation in Ft. Marcy Park drops significantly in the logical direction of the bullet's flight, increasing the expected range.]

Although the maximum range estimates predicted the possibility that, if unimpeded, the bullet could have cleared the tree tops in Ft. Marcy and landed well outside the park, the possibility exists that the bullet had a lower trajectory which would limit its range. A search covering the maximum range estimates would have included a vast area; therefore, a search which was limited in scope to the highest probability areas, closer to the minimum range estimates, was undertaken.

In addition, since dense foliage and trees surround the area where FOSTER'S body was discovered, and since there is a Civil War cannon approximately 12.5 feet directly behind the location where the body lay, there is a distinct possibility the bullet's trajectory was altered due to its striking or ricocheting off a natural or man-made obstruction. Therefore, search parameters were set which also allowed for this possibility.

29D-LR-35063

Continuation of FD-302 of _____

, On 9/12-10/31/95 Page 5

On September 12, 1995, Ft. Marcy Park was closed to the public and the initial search parameters were set by the search team utilizing the death scene photographs to determine the precise location where the body was discovered on July 20, 1993. Then laser sighting equipment was set on the berm and positioned at the approximate height where the exit wound to FOSTER'S head would have been (assuming he had been seated with his feet and legs directly in front of him following the natural slope of the berm at the time the fatal shot was fired). Stakes were driven into the ground along the laser sight line and a cord was stretched between the stakes to a distance of approximately 150 meters. This cord represented the logical flight path of an unimpeded bullet and was therefore used as the center line for the intended search area.

However, since Foster's head could have been turned to one side or the other when the shot was fired, similar lines were laid out along the outer limits of a 40 degree arc which was bisected by the center line. This arc represented the area of highest probability for the location of the bullet based on evidence available to the investigators and consultants.

The laser sighting device was utilized to scan the trees which stood within the 40 degree arc, to determine where the bullet might have struck a tree, or travelled through or between trees on various possible trajectories. The trunks and branches of trees within the high probability area were then searched visually and with metal detectors to determine whether the bullet could have been lodged therein. This search was accomplished with the use of a NPS utility truck equipped with a "cherry picker" which was capable of raising a searcher with a metal detector to heights of approximately 50 feet. In addition, any scars or marks on these trees which did not appear to be natural were tested by the FBI Lab to determine the presence or absence of lead residue.

Grid lines were then set up within the 40 degree arc parallel to the logical direction of travel and approximately 2 1/2 feet apart. The length of these grid lines varied and was dictated largely by the terrain and natural or man-made obstructions. The area between each of these grid lines was then searched with metal detectors in an effort to locate any lead objects within approximately 6 to 10 inches of the surface.

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95, Page 6

The search was accomplished by passing the detector's search coil back and forth approximately 1 to 2 inches above the ground being searched. GRAHAM and SONDERMAN operated metal detectors at all times. Both are experts in the use of these instruments.

It was necessary for the searchers to carefully sweep the search coils over every inch of ground within the search area. They therefore swept the coils across and beyond the grid lanes so there was overlap coverage between the grid lanes. This procedure ensured that no area was overlooked. Once an area of lanes was searched, the lines were removed and new lines were set further along the ever-widening arc. Due to decades of unfettered growth of vines and underbrush in a large part of the search area, it was necessary to clear the brush and foliage in order to facilitate the metal detector search.

The above process was begun with a search of the berm area immediately surrounding the location where FOSTER'S body was found. From there the search continued within the 40 degree arc on the cleared plateau around and behind the Civil War cannon which points in a Northwesterly direction over the berm on which FOSTER'S body was discovered. This phase of the search took approximately two days to complete.

For the next two weeks the search continued along the Eastern berm of the Fort and down the sloping earthworks within the Fort. When the second interior plateau of the Fort was completely searched, the teams moved to the third plateau within the Fort which rises to meet the Southern berm. This third plateau is located in the area of the Fort which is nearest the paved parking lot in which FOSTER'S car was located by United States Park Police Investigators. After this interior area was searched, the areas located immediately to the East and South of the exterior Fort berms were cleared and searched. The slope of the Fort's exterior berm was so steep in places that it was necessary for the metal detector operators to repel down the outside of the berms in the process of conducting the search.

The area located to the East, between the Fort and Chain Bridge Road was one of the most densely overgrown areas in the Park. Vines, briars, weeds and other foliage formed a natural barrier covering this area up to a height of ten feet, which required several hundred man-hours to clear.

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95, Page 7

Once the area was cleared, grid lines were set and the area was searched. This process continued over approximately the next two weeks until the entire 40 degree arc was searched out to a distance of approximately 175 meters with negative results.

Since the area of highest probability had been searched, the search was expanded to the next highest probability area by expanding the search arc to 60 degrees. This additional area was cleared and searched according to the procedure outlined above. When the search of this expanded area failed to locate the target bullet, the search area was again expanded to a 90 degree arc. This entire area was searched, including the accessible* trees that fell within this expanded arc, during the course of the next week and a half.

*[Some of the trees which fell within the expanded arc were inaccessible to the "cherry picker" do to the thickly forested area and rugged terrain. These inaccessible trees were searched visually.]

When the first search of the entire 90 degree arc failed to locate the target bullet, a second search of the highest probability areas was undertaken. To accomplish this second search, grids were laid out perpendicular to the original grids, and the highest probability areas within the 90 degree arc were searched again to a distance of approximately 125 meters. This second search required approximately a week and a half and was undertaken due to the possibility that variations in ground ionization or the large number of metal artifacts and debris buried in the park might have masked the presence of the target bullet. During this second search, deeper targets were unearthed and a lesser degree of discrimination was utilized in deciding whether to unearth a buried object. Also, the entire interior area of FT. MARCY was searched even though a portion of the Northwest area of the fort fell outside of the 90 degree search arc.

A section of SAUDI ARABIAN PRINCE BANDAR'S Residence Compound, which is located East of Fort Marcy Park just across Old Chainbridge Road (Route 123), fell within the intended search area. Due to sovereignty concerns, this area was excluded from the search. However, it should be noted that this area represented approximately 25% to 30% of the intended search area. In addition, the section of Old Chainbridge Road which fell

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95, Page 8

within the intended search area was not searched because it had been repaved since July 20, 1993. This process included the grading and removal of the road's surface prior to repaving.

The center line was searched beyond the 175 meter line to the fence marking the outer boundary of the Park (approximately 300 meters). However, this search of the area beyond the 175 meter line was conducted without removing any of the ground covering or brush due to time constraints and environmental concerns expressed by the NPS. This search was cursory in comparison to the rest of the search. However, it did include a visual inspection of the trees to detect any indications of holes, scars or marks which may have been made by a bullet.

In an effort to preserve potential forensic evidence associated with any .38 caliber bullets recovered, all bullets which were possibly .38 caliber and all bullet fragments of indeterminant caliber were treated as the target bullet. Therefore, each possible .38 caliber bullet or fragment thereof, was photographed in place before it was recovered and bagged at the scene. The soil and grass surrounding the recovered bullet was also collected and bagged at the scene. Each of the above samples were taken into the custody of the WFO, ERT representative, and hand-delivered to the FBIHQ Lab, Firearms Unit, for ballistic evaluation and elemental analysis. These tests were performed on each of these recovered bullets in order to confirm or rule them out as the target bullet.

The FBI Laboratory, Firearms and Toolmarks Section, made an initial determination of whether or not there were sufficient ballistic characteristics (ie: diameter, weight, lands and grooves) present on each recovered bullet to identify it as a possible match with the spent cartridge recovered from the revolver. Then a Scanning Electron Microscope (SEM) elemental analysis was performed on each bullet to determine its composition in an effort to match it to the composition of the intact bullet recovered from the revolver. Finally, if the preceding tests were not determinative, the bullets were irradiated and spectrally analyzed to determine their exact elemental composition. This spectral analysis was used to determine the general time frame of the bullet's manufacture. If a bullet was determined to have been of modern manufacture, its composition was then compared to the composition of the intact

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95 Page 9

bullet to determine if they were manufactured in the same batch.

One of the recovered bullets was determined to have been fired from a .38 caliber Colt revolver with six (6) lands and grooves with a left-hand twist, which is consistent with the revolver recovered from FOSTER'S hand. However, the FBI Laboratory determined the lands and grooves in the barrel of the revolver recovered from FOSTER'S hand were so worn and fouled with gunshot residue that they were incapable of causing the striations observed on this discovered bullet. Also, this recovered bullet was determined to be a "wad cutter", which is a low velocity, flat-nose bullet. The FBI Lab determined that Remington and Peters did not manufacture High Velocity cases with "wad cutter" bullets in them. For the above reasons this recovered bullet was ruled out as the bullet that caused the death of FOSTER.

As is indicated in the chart below, five (5) .38 caliber bullets were recovered along with sixteen (16) other modern bullets of various other calibers, sixty (60) Civil War period bullets and ten (10) bullet fragments which were so distorted that the caliber could not be determined definitively. In total, ninety-one (91) bullets were recovered during this search.

In addition to the bullets referenced above, over three thousand five hundred (3,500) other metal objects were recovered during this search. Of particular interest is the number of pull-tabs and bottle caps recovered - which exceeds one thousand five hundred (1,500). The electronic signature registered on the metal detectors for these items is nearly identical to that of the target bullet. This fact produced numerous "false-hit" signals throughout the search. Each of these items had to be unearthed, identified and recovered before the search could continue. The extremely high concentration, in the search area, of these items producing "false-hit" signals caused great delays in the progress of the search.

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95, Page 10

RESULTS OF THE SEARCH AND NPS INVENTORY OF ARTIFACTS RECOVERED

ITEMS	Week							Total
	1	2	3	4	5	6	7	
.22 Cal. Bullets	1	1				7		9
.32 Cal. Bullets						1		1
.38 Cal. Bullets		1			2	1	1	5
.45 Cal. Bullets							4	4
Shotgun Slugs						1	1	2
Ballistic Fragments			10					10
.22 Cal. Cases	2	1	1	2		4	5	15
.32 Cal. Cases							2	2
.38 Cal. Cases		2	2	4	3			11
.45 Cal. Cases		1		2			5	8
Rifle Cases		2		2	4	4	1	13
Shotgun Cases	3	6	10	4	10	22	11	66
Civil War Minie Balls			7	9	19	11	14	60
Mortar Round						1		1
Pull Tabs	22	208	86	121	129	255	340	1161
Bottle Caps	5	56	44	47	57	126	96	431
Misc. Metal	29	226	199	139	139	209	518	1459
Coins	1	16	13	17	27	112	65	251
Misc. Items	4	18	25	17	21	10	6	101
Non-ballistic Civil War Artifacts		19	7	13	11	13	4	67
Totals	67	557	404	377	422	777	1073	3677

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95 Page 11

The search was concluded on October 31, 1995, at which time Ft. Marcy Park was reopened to the public. In the end, 70 people assisted and approximately 2,700 man-hours were expended in carrying out this search of Fort Marcy Park with negative results.

FOIA(b)(7) - (C)

29D-LR-35063

Continuation of FD-302 of _____

On 9/12-10/31/95 Page 4

The Aberdeen tests were conducted in an effort to produce refined trajectory estimates of the bullet believed to have killed VINCENT W. FOSTER, JR. [redacted] utilized the FOSTER autopsy report, FBI Lab ballistics reports and photographs of the death scene at Ft. Marcy Park to design and conduct ballistics tests duplicating the circumstances of the fatal gunshot wound to FOSTER. These tests were conducted by firing the actual revolver found in FOSTER'S hand, loaded with ammunition identical to both the intact and spent rounds recovered from the revolver. This ammunition was fired through human skulls filled with ballistic gelatin. Pig skin was used to cover the back of the skulls in an effort to approximate the human scalp.

The path, shape and velocity of the test bullets were photographed and measured as they exited the skulls. These measurements were used to calculate a trajectory estimate which in turn was used to approximate the unimpeded distance travelled by the bullet. The results were as follows:

- At an Angle of discharge of 0 degrees, Range = 20 meters.*
- At an Angle of discharge of 37 degrees, Range = 310-610 meters.

*[Estimate applies to a level surface, however, the elevation in Ft. Marcy Park drops significantly in the logical direction of the bullet's flight, increasing the expected range.]

Although the maximum range estimates predicted the possibility that, if unimpeded, the bullet could have cleared the tree tops in Ft. Marcy and landed well outside the park, the possibility exists that the bullet had a lower trajectory which would limit its range. A search covering the maximum range estimates would have included a vast area; therefore, a search which was limited in scope to the highest probability areas, closer to the minimum range estimates, was undertaken.

In addition, since dense foliage and trees surround the area where FOSTER'S body was discovered, and since there is a Civil War cannon approximately 12.5 feet directly behind the location where the body lay, there is a distinct possibility the bullet's trajectory was altered due to its striking or ricocheting off a natural or man-made obstruction. Therefore, search parameters were set which also allowed for this possibility.

FD # 290

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95 Page 7

Once the area was cleared, grid lines were set and the area was searched. This process continued over approximately the next two weeks until the entire 40 degree arc was searched out to a distance of approximately 175 meters with negative results.

Since the area of highest probability had been searched, the search was expanded to the next highest probability area by expanding the search arc to 60 degrees. This additional area was cleared and searched according to the procedure outlined above. When the search of this expanded area failed to locate the target bullet, the search area was again expanded to a 90 degree arc. This entire area was searched, including the accessible* trees that fell within this expanded arc, during the course of the next week and a half.

*[Some of the trees which fell within the expanded arc were inaccessible to the "cherry picker" do to the thickly forested area and rugged terrain. These inaccessible trees were searched visually.]

When the first search of the entire 90 degree arc failed to locate the target bullet, a second search of the highest probability areas was undertaken. To accomplish this second search, grids were laid out perpendicular to the original grids, and the highest probability areas within the 90 degree arc were searched again to a distance of approximately 125 meters. This second search required approximately a week and a half and was undertaken due to the possibility that variations in ground ionization or the large number of metal artifacts and debris buried in the park might have masked the presence of the target bullet. During this second search, deeper targets were unearthed and a lesser degree of discrimination was utilized in deciding whether to unearth a buried object. Also, the entire interior area of FT. MARCY was searched even though a portion of the Northwest area of the fort fell outside of the 90 degree search arc.

A section of SAUDI ARABIAN PRINCE BANDAR'S Residence Compound, which is located East of Fort Marcy Park just across Old Chainbridge Road (Route 123), fell within the intended search area. Due to sovereignty concerns, this area was excluded from the search. However, it should be noted that this area represented approximately 25% to 30% of the intended search area. In addition, the section of Old Chainbridge Road which fell

FD # 291

29D-LR-35063

FOIA(b)(7) - (C)

Continuation of FD-302 of _____

On 9/12-10/31/95 Page 4

The Aberdeen tests were conducted in an effort to produce refined trajectory estimates of the bullet believed to have killed VINCENT W. FOSTER, JR. [redacted] utilized the FOSTER autopsy report, FBI Lab ballistics reports and photographs of the death scene at Ft. Marcy Park to design and conduct ballistics tests duplicating the circumstances of the fatal gunshot wound to FOSTER. These tests were conducted by firing the actual revolver found in FOSTER'S hand, loaded with ammunition identical to both the intact and spent rounds recovered from the revolver. This ammunition was fired through human skulls filled with ballistic gelatin. Pig skin was used to cover the back of the skulls in an effort to approximate the human scalp.

The path, shape and velocity of the test bullets were photographed and measured as they exited the skulls. These measurements were used to calculate a trajectory estimate which in turn was used to approximate the unimpeded distance travelled by the bullet. The results were as follows:

- At an Angle of discharge of 0 degrees, Range = 20 meters.*
- At an Angle of discharge of 37 degrees, Range = 310-610 meters.

*[Estimate applies to a level surface, however, the elevation in Ft. Marcy Park drops significantly in the logical direction of the bullet's flight, increasing the expected range.]

Although the maximum range estimates predicted the possibility that, if unimpeded, the bullet could have cleared the tree tops in Ft. Marcy and landed well outside the park, the possibility exists that the bullet had a lower trajectory which would limit its range. A search covering the maximum range estimates would have included a vast area; therefore, a search which was limited in scope to the highest probability areas, closer to the minimum range estimates, was undertaken.

In addition, since dense foliage and trees surround the area where FOSTER'S body was discovered, and since there is a Civil War cannon approximately 12.5 feet directly behind the location where the body lay, there is a distinct possibility the bullet's trajectory was altered due to its striking or ricocheting off a natural or man-made obstruction. Therefore, search parameters were set which also allowed for this possibility.

FND # 292

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95, Page 7

Once the area was cleared, grid lines were set and the area was searched. This process continued over approximately the next two weeks until the entire 40 degree arc was searched out to a distance of approximately 175 meters with negative results.

Since the area of highest probability had been searched, the search was expanded to the next highest probability area by expanding the search arc to 60 degrees. This additional area was cleared and searched according to the procedure outlined above. When the search of this expanded area failed to locate the target bullet, the search area was again expanded to a 90 degree arc. This entire area was searched, including the accessible* trees that fell within this expanded arc, during the course of the next week and a half.

*[Some of the trees which fell within the expanded arc were inaccessible to the "cherry picker" do to the thickly forested area and rugged terrain. These inaccessible trees were searched visually.]

When the first search of the entire 90 degree arc failed to locate the target bullet, a second search of the highest probability areas was undertaken. To accomplish this second search, grids were laid out perpendicular to the original grids, and the highest probability areas within the 90 degree arc were searched again to a distance of approximately 125 meters. This second search required approximately a week and a half and was undertaken due to the possibility that variations in ground ionization or the large number of metal artifacts and debris buried in the park might have masked the presence of the target bullet. During this second search, deeper targets were unearthed and a lesser degree of discrimination was utilized in deciding whether to unearth a buried object. Also, the entire interior area of FT. MARCY was searched even though a portion of the Northwest area of the fort fell outside of the 90 degree search arc.

A section of SAUDI ARABIAN PRINCE BANDAR'S Residence Compound, which is located East of Fort Marcy Park just across Old Chainbridge Road (Route 123), fell within the intended search area. Due to sovereignty concerns, this area was excluded from the search. However, it should be noted that this area represented approximately 25% to 30% of the intended search area. In addition, the section of Old Chainbridge Road which fell

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95, Page 8

within the intended search area was not searched because it had been repaved since July 20, 1993. This process included the grading and removal of the road's surface prior to repaving.

The center line was searched beyond the 175 meter line to the fence marking the outer boundary of the Park (approximately 300 meters). However, this search of the area beyond the 175 meter line was conducted without removing any of the ground covering or brush due to time constraints and environmental concerns expressed by the NPS. This search was cursory in comparison to the rest of the search. However, it did include a visual inspection of the trees to detect any indications of holes, scars or marks which may have been made by a bullet.

In an effort to preserve potential forensic evidence associated with any .38 caliber bullets recovered, all bullets which were possibly .38 caliber and all bullet fragments of indeterminant caliber were treated as the target bullet. Therefore, each possible .38 caliber bullet or fragment thereof, was photographed in place before it was recovered and bagged at the scene. The soil and grass surrounding the recovered bullet was also collected and bagged at the scene. Each of the above samples were taken into the custody of the WFO, ERT representative, and hand-delivered to the FBIHQ Lab, Firearms Unit, for ballistic evaluation and elemental analysis. These tests were performed on each of these recovered bullets in order to confirm or rule them out as the target bullet.

The FBI Laboratory, Firearms and Toolmarks Section, made an initial determination of whether or not there were sufficient ballistic characteristics (ie: diameter, weight, lands and grooves) present on each recovered bullet to identify it as a possible match with the spent cartridge recovered from the revolver. Then a Scanning Electron Microscope (SEM) elemental analysis was performed on each bullet to determine its composition in an effort to match it to the composition of the intact bullet recovered from the revolver. Finally, if the preceding tests were not determinative, the bullets were irradiated and spectrally analyzed to determine their exact elemental composition. This spectral analysis was used to determine the general time frame of the bullet's manufacture. If a bullet was determined to have been of modern manufacture, its composition was then compared to the composition of the intact

FBI # 293

29D-LR-35063

FOIA(b)(7) - (C)

Continuation of FD-302 of _____

, On 9/12-10/31/95, Page 4

The Aberdeen tests were conducted in an effort to produce refined trajectory estimates of the bullet believed to have killed VINCENT W. FOSTER, JR. [redacted] utilized the FOSTER autopsy report, FBI Lab ballistics reports and photographs of the death scene at Ft. Marcy Park to design and conduct ballistics tests duplicating the circumstances of the fatal gunshot wound to FOSTER. These tests were conducted by firing the actual revolver found in FOSTER'S hand, loaded with ammunition identical to both the intact and spent rounds recovered from the revolver. This ammunition was fired through human skulls filled with ballistic gelatin. Pig skin was used to cover the back of the skulls in an effort to approximate the human scalp.

The path, shape and velocity of the test bullets were photographed and measured as they exited the skulls. These measurements were used to calculate a trajectory estimate which in turn was used to approximate the unimpeded distance travelled by the bullet. The results were as follows:

- At an Angle of discharge of 0 degrees, Range = 20 meters.*
- At an Angle of discharge of 37 degrees, Range = 310-610 meters.

*[Estimate applies to a level surface, however, the elevation in Ft. Marcy Park drops significantly in the logical direction of the bullet's flight, increasing the expected range.]

Although the maximum range estimates predicted the possibility that, if unimpeded, the bullet could have cleared the tree tops in Ft. Marcy and landed well outside the park, the possibility exists that the bullet had a lower trajectory which would limit its range. A search covering the maximum range estimates would have included a vast area; therefore, a search which was limited in scope to the highest probability areas, closer to the minimum range estimates, was undertaken.

In addition, since dense foliage and trees surround the area where FOSTER'S body was discovered, and since there is a Civil War cannon approximately 12.5 feet directly behind the location where the body lay, there is a distinct possibility the bullet's trajectory was altered due to its striking or ricocheting off a natural or man-made obstruction. Therefore, search parameters were set which also allowed for this possibility.

FNS#294

29D-LR-35063

Continuation of FD-302 of _____, On 9/12-10/31/95 Page 5

On September 12, 1995, Ft. Marcy Park was closed to the public and the initial search parameters were set by the search team utilizing the death scene photographs to determine the precise location where the body was discovered on July 20, 1993. Then laser sighting equipment was set on the berm and positioned at the approximate height where the exit wound to FOSTER'S head would have been (assuming he had been seated with his feet and legs directly in front of him following the natural slope of the berm at the time the fatal shot was fired). Stakes were driven into the ground along the laser sight line and a cord was stretched between the stakes to a distance of approximately 150 meters. This cord represented the logical flight path of an unimpeded bullet and was therefore used as the center line for the intended search area.

However, since Foster's head could have been turned to one side or the other when the shot was fired, similar lines were laid out along the outer limits of a 40 degree arc which was bisected by the center line. This arc represented the area of highest probability for the location of the bullet based on evidence available to the investigators and consultants.

The laser sighting device was utilized to scan the trees which stood within the 40 degree arc, to determine where the bullet might have struck a tree, or travelled through or between trees on various possible trajectories. The trunks and branches of trees within the high probability area were then searched visually and with metal detectors to determine whether the bullet could have been lodged therein. This search was accomplished with the use of a NPS utility truck equipped with a "cherry picker" which was capable of raising a searcher with a metal detector to heights of approximately 50 feet. In addition, any scars or marks on these trees which did not appear to be natural were tested by the FBI Lab to determine the presence or absence of lead residue.

Grid lines were then set up within the 40 degree arc parallel to the logical direction of travel and approximately 2 1/2 feet apart. The length of these grid lines varied and was dictated largely by the terrain and natural or man-made obstructions. The area between each of these grid lines was then searched with metal detectors in an effort to locate any lead objects within approximately 6 to 10 inches of the surface.

FU# 296

Figure 2. Ten Leading Causes of Death, by Age Group, United States, 1992

Rank	Age Groups										
	<1	1-4	5-9	10-14	15-24	25-34	35-44	45-54	55-64	65+	Total
1	Congenital Anomalies 7,449	Unintentional Injuries 2,467	Unintentional Injuries 1,628	Unintentional Injuries 1,760	Unintentional Injuries 13,662	Unintentional Injuries 13,798	Malignant Neoplasms 16,882	Malignant Neoplasms 41,206	Malignant Neoplasms 91,609	Heart Disease 595,314	Heart Disease 717,706
2	SIDS 4,891	Congenital Anomalies 856	Malignant Neoplasms 557	Malignant Neoplasms 548	Homicide 8,019	HIV 10,426	HIV 14,203	Heart Disease 31,413	Heart Disease 72,516	Malignant Neoplasms 362,060	Malignant Neoplasms 520,578
3	Short Gestation 4,035	Malignant Neoplasms 479	Congenital Anomalies 245	Homicide 441	Suicide 4,693	Homicide 7,343	Heart Disease 12,698	Unintentional Injuries 7,485	Bronchitis Emphysema Asthma 10,098	Cerebrovascular 125,392	Cerebrovascular 143,769
4	Respiratory Distress Synd. 2,063	Homicide 430	Homicide 146	Suicide 304	Malignant Neoplasms 1,809	Suicide 6,172	Unintentional Injuries 12,010	HIV 5,575	Cerebrovascular 9,709	Bronchitis Emphysema Asthma 78,182	Bronchitis Emphysema Asthma 91,938
5	Maternal Complications 1,461	Heart Disease 286	Heart Disease 130	Congenital Anomalies 203	Heart Disease 968	Malignant Neoplasms 5,303	Suicide 6,009	Cerebrovascular 4,791	Diabetes 7,109	Pneumonia & Influenza 67,489	Unintentional Injuries 86,777
6	Placenta Cord Membranes 993	Pneumonia & Influenza 188	HIV 72	Heart Disease 154	HIV 578	Heart Disease 3,423	Homicide 4,460	Liver Disease 4,569	Unintentional Injuries 6,397	Diabetes 37,328	Pneumonia & Influenza 75,719
7	Perinatal Infections 901	HIV 161	Benign Neoplasms 53	Bronchitis Emphysema Asthma 62	Congenital Anomalies 450	Cerebrovascular 796	Liver Disease 3,608	Suicide 4,018	Liver Disease 5,780	Unintentional Injuries 26,633	Diabetes 50,067
8	Unintentional Injuries 819	Perinatal Period 113	Pneumonia & Influenza 53	Pneumonia & Influenza 51	Pneumonia & Influenza 229	Liver Disease 765	Cerebrovascular 2,591	Diabetes 3,203	Pneumonia & Influenza 3,453	Nephritis 18,711	HIV 33,566
9	Intrauterine Hypoxia 613	Septicemia 77	Bronchitis Emphysema Asthma 38	Benign Neoplasms 44	Cerebrovascular 197	Diabetes 658	Diabetes 1,600	Bronchitis Emphysema Asthma 2,274	Suicide 3,105	Atherosclerosis 15,995	Suicide 30,484
10	Pneumonia & Influenza 600	Anemias 65	Anemias 30	Cerebrovascular 37	Bronchitis Emphysema Asthma 189	Pneumonia & Influenza 654	Pneumonia & Influenza 1,350	Homicide 2,046	HIV 1,785	Septicemia 15,884	Homicide 25,488

NON-FIREARM SUICIDE DEATHS AND RATES PER 100,000, UNITED STATES, 1988-1994
E950-E954, E955.5-E959

All Races / Both Sexes

Age (in Yrs)	1988		1989		1990		1991		1992		1993		1994	
	No.	Rate												
0-4	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
5-9	5	0.03	3	0.02	4	0.02	1	0.01	7	0.04	5	0.03	3	0.02
10-14	112	0.68	98	0.58	116	0.68	109	0.62	132	0.73	129	0.70	131	0.70
15-19	798	4.31	768	4.23	647	3.62	619	3.60	596	3.48	611	3.54	571	3.24
20-24	1,116	5.66	1,086	5.63	1,057	5.52	1,023	5.33	1,024	5.37	1,025	5.46	1,041	5.67
25-29	1,437	6.61	1,443	6.69	1,272	5.96	1,307	6.30	1,225	6.07	1,208	6.15	1,276	6.64
30-34	1,567	7.33	1,490	6.87	1,505	6.89	1,607	7.25	1,589	7.14	1,488	6.69	1,546	6.98
35-39	1,365	7.19	1,385	7.12	1,487	7.49	1,485	7.24	1,553	7.37	1,577	7.31	1,546	6.98
40-44	1,032	6.38	1,063	6.27	1,185	6.74	1,255	6.69	1,377	7.33	1,399	7.29	1,447	7.35
45-49	827	6.40	845	6.30	851	6.19	960	6.81	991	6.45	999	6.27	1,056	6.33
50-54	631	5.75	653	5.83	678	5.99	731	6.28	738	6.12	736	5.78	797	6.04
55-59	662	6.17	627	5.95	619	5.90	627	6.02	555	5.29	569	5.33	560	5.12
60-64	574	5.32	599	5.59	597	5.62	608	5.74	590	5.65	495	4.83	455	4.51
65-69	574	5.85	551	5.53	480	5.02	489	4.88	476	4.77	479	4.78	426	4.27
70-74	481	6.15	440	5.57	411	6.02	429	5.20	396	4.68	457	5.30	429	4.91
75-79	456	7.74	394	6.55	332	6.73	387	6.17	423	6.62	378	5.84	360	5.48
80-84	330	8.92	308	8.06	270	8.49	321	7.95	342	8.27	298	7.02	288	6.62
85+	258	8.96	288	9.74	270	8.94	313	9.85	290	8.80	295	8.64	314	8.93
Unknown	13		13		5		13		11		14		13	
Total*	12,238	5.00	12,054	4.88	12,021	4.83	12,284	4.87	12,315	4.83	12,162	4.72	12,377	4.75
Ageadj**		(4.68)		(4.58)		(4.52)		(4.56)		(4.51)		(4.43)		(4.47)

* Total number and crude rate include unknown age.
 ** Age-adjusted rate excludes unknown age. Standard population is 1940 U.S. all races / both sexes.
 Data Sources: National Center for Health Statistics Mortality Data Tapes for number of deaths.
 U.S. Bureau of Census population estimates; intercensal data are used for 1984-1989.
 Decennial census data are used for 1990. Demo-Detail postcensal population estimates are used for 1991-93.

SUICIDE DEATHS AND RATES PER 100,000, UNITED STATES, 1988-1994
 E950-E959

All Races / Both Sexes

Age (in Yrs)	1988		1989		1990		1991		1992		1993		1994	
	No.	Rate												
0-4	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
5-9	6	0.03	4	0.02	6	0.03	1	0.01	10	0.05	6	0.03	4	0.02
10-14	237	1.44	236	1.40	258	1.51	265	1.50	304	1.68	315	1.70	318	1.70
15-19	2,059	11.12	2,009	11.07	1,979	11.07	1,899	11.05	1,847	10.80	1,884	10.91	1,948	11.06
20-24	2,870	14.57	2,861	14.84	2,890	15.11	2,852	14.87	2,846	14.93	2,965	15.79	3,008	16.39
25-29	3,355	15.43	3,299	15.30	3,192	14.97	3,086	14.88	2,864	14.18	2,979	15.16	3,026	15.76
30-34	3,355	15.69	3,266	15.07	3,358	15.38	3,428	15.48	3,308	14.87	3,328	14.96	3,328	15.02
35-39	2,909	15.33	2,937	15.11	3,098	15.61	3,089	15.06	3,177	15.08	3,248	15.06	3,328	15.48
40-44	2,296	14.19	2,394	14.12	2,619	14.89	2,678	14.28	2,832	15.07	2,922	15.23	3,397	15.13
45-49	1,898	14.68	1,954	14.57	2,059	14.98	2,206	15.65	2,251	14.66	2,269	14.25	2,978	15.13
50-54	1,634	14.88	1,688	15.08	1,659	14.66	1,777	15.26	1,767	14.66	1,899	14.92	2,407	14.44
55-59	1,720	16.04	1,650	15.66	1,692	16.13	1,613	15.48	1,541	14.70	1,561	14.62	1,889	14.32
60-64	1,686	15.62	1,692	15.80	1,691	15.91	1,628	15.38	1,564	14.98	1,500	14.64	1,462	13.37
65-69	1,718	17.52	1,742	17.49	1,666	16.55	1,572	15.67	1,555	15.58	1,499	14.95	1,350	13.39
70-74	1,578	20.19	1,533	19.40	1,461	19.60	1,512	18.34	1,483	17.51	1,541	17.88	1,384	13.87
75-79	1,447	24.56	1,349	22.42	1,461	23.94	1,395	22.23	1,387	21.70	1,347	20.81	1,351	20.56
80-84	1,015	27.42	910	23.82	1,032	26.40	1,031	25.55	1,021	24.69	1,043	24.56	981	22.56
85+	605	21.02	694	23.47	671	22.21	758	23.85	714	21.68	778	22.79	811	23.05
Unknown	19		14		11		20		13		18		19	
Total*	30,407	12.43	30,232	12.25	30,906	12.43	30,810	12.22	30,484	11.95	31,102	12.06	31,142	11.96
Ageadj**		(11.45)		(11.32)		(11.47)		(11.32)		(11.09)		(11.23)		(11.19)

* Total number and crude rate include unknown age.
 ** Age-adjusted rate excludes unknown age. Standard population is 1940 U.S. all races / both sexes.
 Data Sources: National Center for Health Statistics Mortality Data Tapes for number of deaths.
 U.S. Bureau of Census population estimates: Intercensal data are used for 1984-1989.
 Decennial census data are used for 1990. Demo-Detail postcensal population estimates are used for 1991-93.

FIREARM SUICIDE DEATHS AND RATES PER 100,000, UNITED STATES, 1988-1994
E955.0-.4

All Races / Both Sexes

Age (in Yrs)	1988		1989		1990		1991		1992		1993		1994	
	No.	Rate												
0-4	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00
5-9	1	0.01	1	0.01	2	0.01	0	0.00	3	0.02	1	0.01	1	0.01
10-14	125	0.76	138	0.82	142	0.83	156	0.88	172	0.95	186	1.00	187	1.00
15-19	1,261	6.81	1,241	6.84	1,332	7.45	1,280	7.45	1,251	7.31	1,273	7.37	1,377	7.82
20-24	1,754	8.90	1,775	9.21	1,833	9.58	1,829	9.54	1,822	9.56	1,940	10.33	1,967	10.72
25-29	1,918	8.82	1,856	8.61	1,920	9.00	1,779	8.58	1,639	8.12	1,771	9.01	1,750	9.11
30-34	1,788	8.36	1,776	8.19	1,853	8.49	1,821	8.22	1,719	7.73	1,840	8.27	1,782	8.04
35-39	1,544	8.13	1,552	7.98	1,611	8.12	1,604	7.82	1,624	7.71	1,671	7.75	1,733	7.90
40-44	1,264	7.81	1,331	7.85	1,434	8.15	1,423	7.59	1,455	7.74	1,523	7.94	1,531	7.78
45-49	1,071	8.28	1,109	8.27	1,208	8.79	1,246	8.84	1,260	8.21	1,270	7.97	1,351	8.10
50-54	1,003	9.13	1,035	9.24	981	8.67	1,046	8.98	1,029	8.54	1,163	9.14	1,092	8.28
55-59	1,058	9.87	1,023	9.71	1,073	10.23	986	9.46	986	9.40	992	9.29	902	8.25
60-64	1,112	10.30	1,093	10.20	1,094	10.30	1,020	9.64	974	9.33	1,005	9.81	895	8.88
65-69	1,144	11.66	1,191	11.96	1,161	11.53	1,083	10.80	1,079	10.81	1,020	10.18	958	9.60
70-74	1,097	14.04	1,093	13.83	1,084	13.58	1,083	13.14	1,087	12.84	1,084	12.58	1,052	12.04
75-79	991	16.82	955	15.87	1,050	17.20	1,008	16.06	964	15.08	969	14.97	991	15.08
80-84	685	18.51	602	15.76	700	17.91	710	17.59	679	16.42	745	17.54	693	15.94
85+	347	12.06	406	13.73	401	13.27	445	14.00	424	12.87	483	14.15	497	14.13
Unknown	6		1		6		7		2		4		6	
Total*	18,169	7.43	18,178	7.36	18,885	7.59	18,526	7.35	18,169	7.12	18,940	7.35	18,765	7.21
Ageadj**		(6.77)		(6.74)		(6.96)		(6.76)		(6.58)		(6.80)		(6.72)

* Total number and crude rate include unknown age.
 ** Age-adjusted rate excludes unknown age. Standard population is 1940 U.S. all races / both sexes.
 Data Sources: National Center for Health Statistics Mortality Data Tapes for number of deaths.
 U.S. Bureau of Census population estimates; intercensal data are used for 1984-1989.
 Decennial census data are used for 1990. Demo-Detail postcensal population estimates are used for 1991-93.

FACSIMILE TRANSMISSION

**CENTERS FOR DISEASE CONTROL AND PREVENTION
NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL
DIVISION OF VIOLENCE PREVENTION**

*4770 Buford Highway, NE
Mailstop K60
Atlanta, Georgia 30341-3724
Phone No. (770) 488-1654
FAX No. (770) 488-4349*

TO: *Lindsey Matson*

FROM: *Tom Simon, Ph.D.*

FAX NO. *202) 514-8802*

VERIF. NO. _____

SUBJECT: *Total and firearm suicide 1993 and 1994*

DATE: *04/08/97* **NO. OF PAGES (including this page):** *4*

NOTE: *Call with any questions - Tom*

FN# 298-321

Psychological Autopsy

Basic Personality and Character

Descriptors used by interviewees with regard to Vincent Foster's basic personality were extraordinarily consistent in describing a controlled, private, perfectionistic character whose public persona as a man of integrity, honesty, and unimpeachable reputation was of utmost importance. The following verbatim remarks reflect these and related themes [numbers refer to multiple reporters using the same descriptor]:

Private: kept own counsel; not open; did not engage in casual conversation; very private [4]; tough to read; laconic; taciturn; carried confidentiality to extreme [2]; inward; introverted [4]; an internalizer; did not openly display emotions; strong, silent type; close to the vest; shut off; uncomfortable talking about personal feelings; kept distance from associates; difficult to get close to;...to get to know; quiet.

Always in Control; used to being in control [4]; rigidity; no resilience; (too) responsible; intellectual/thoughtful [2]; reflective; not given to rash judgments; disciplined; mild-mannered; calm; reserved [5]; sober/serious [3]; cautious [2]; restrained [2]; careful; never effervescent; an anchor, a rock; a Rock of Gibraltar.

Perfectionist [7]; demanding; not tolerant of mistakes or sloppiness [2]; intense [6]; focused [2]; meticulous/methodical [2]; a detail man; lacked experience at failure; never seemed to have any difficulties; **Thin-skinned , not used to criticism;** did not like having honor questioned; moody; took too much to heart; paranoid.

Persona: Reputation (unimpeachability) [2]; Impeccable reputation [3]; lived his life to maintain his reputation; man of high principle, high honor; integrity/honesty [3]; ethical [2]; loyalty [2]; the perfect family.

Hobbies/Interests; Typical Patterns of Coping with Stress/Change

Foster's life, since arriving in Washington, was filled with long, intense and demanding hours of work. The relative comfort of his lifestyle in Little Rock and his civic/social involvements, theater, etc. were no longer in evidence. As well, his retreat in Michigan was not replicated in DC [neither was his advice to the University of Arkansas Law School graduation class to "Take some time out for yourself. Have some fun...Take an occasional walk in the woods...Learn to relax"]. Where he once exercised daily in the RLF gym, he now only had/took time to read and jog to "relax." Until the week before his death, he appears not to have taken time off. Religion as a protective factor was not significantly in his life.

Significant Relationships

Driven, self-reliant men value their autonomy and tend to avoid intimate relationships. Foster was an intensely private man whom few felt close to. His most significant relationships were with his wife, Lisa, and his three children. Since coming to Washington, and until early June when they arrived to stay, these relationships were strained by distance and the demands of his work; as were those with his working associates at the Rose Law Firm. Most significant among these was a falling out with a father figure at the firm, Phillip Carroll, and the change in his relationship to Hillary Rodham Clinton, a partner and friend, who now was in a conflictual role as a superior whom Foster was to protect.

In addition, he was close to his sister Sheila and her husband Berl Anthony, with whom he lived upon coming to DC. Marsha Scott may have been a confidante.

Communication Style

As noted above, Foster generally was not open with others. His role as a protector, as responsible and serious, was more important to him than his comfort with others as an emotionally vulnerable and communicative person. Significant changes in this controlled style were evident beginning in 1993 and escalated as he neared his death.

Note should be made here of his two written communications: (1) his Commencement Address, delivered in early May, which is a study in regret, and (2) the "Torn Note," allegedly written within two weeks of his death, which highlights his preoccupation with themes of guilt, anger, and his need to protect others (see below).

Method/Familiarity/Knowledge/Frequency of Use

Foster was not known to use guns, to hunt or target shoot. The lethal weapon, however, was known to him and, most probably, was one (of several) confiscated from his parents' house in 1991, when there was some anxiety that his father might suicide with one of them; and packed in his suitcase when he moved to DC. Within two weeks of his death, his wife twice told him to remove the guns from their house. Upon learning of her husband's death, she reportedly went to a closet and found a gun was missing. Her behavior suggests an awareness of her husband's potential for suicide.

History and Recent Status:

Marital History/Children

Vincent Foster met Lisa while he attended Vanderbilt Law School; they married in April, 1968. This was the first marriage for both. There is a strong implication that there was considerable marital strain during the last several months after his move to DC. Lisa Foster's interview reported in the September 11, 1995 *New Yorker* quoted her as "unreserved about

voicing her feelings," "angry with Vince about 90% of the time," and "that it was not easy for us to console each other." Moreover, it is probable that his intense and stressful work life, in addition to their separation, had significantly and negatively impacted their sexual relationship.

Foster was described as "family oriented." His children, two sons and a daughter: Vincent W. Foster, III, Laura Foster, and John Brugh Foster, were born, respectively, in 1972, 1973, and 1975. The two oldest children described their relationship with Foster as "excellent" and "great." He appears to have been least close with Brugh. Foster was described as most anxious about the effect of the family's move on [REDACTED] Moreover, he felt responsible for his son, Brugh's unhappiness about being in DC.

-FOIA(b)(6)

Educational History

Foster graduated Davidson in 1967, entered law school at Vanderbilt, graduating from the University of Arkansas Law School in 1971. He graduated first in his class and had the top score on the Arkansas bar exam.

Military History

After 1 and ½ years at Vanderbilt Law School, Foster dropped out to enter the New Jersey National Guard, during the Viet Nam War, but decided to return to the study of the law at the University of Arkansas, during which time he was deferred from military service..

Occupational History

Foster began employment at the Rose Law Firm (RLF) in 1971, upon his graduation from the University of Arkansas Law School. Until President Clinton's election, Foster's entire professional life was spent with the RLF. In January, 1993 he resigned his partnership with the RLF, arriving in DC for the inauguration. In Little Rock, he was on a pedestal, well-respected and admired. His work style was pressured by self-imposed demands for perfection; however, he generally had the luxury of a measured pace. At the RLF, "20 drafts" were possible. His May 8th (1993) Commencement Address to the University of Arkansas Law School graduates is replete with reflections upon and regret regarding the changes wrought by his experiences in Washington.

At the White House, Foster was second in command to Bernard Nussbaum with primary responsibilities for issues affecting the first family and their finances. Upon his death, several files were found in his office regarding open cases on which he was working. In addition, during early 1993 Foster had responsibilities relating to Whitewater, the White House Travel Office firings, various nominations, and the remodeling of the White House; all issues of considerable stress.

Medical/Physical Health History

Dr. Larry Watkins in Little Rock was Foster's personal physician since 1979. His records are relatively unremarkable. However, beginning in late 1992, there are signs of increased stress and complaints of insomnia, for which a prescription for Restoril (30 mg PRN) was ordered. Foster's weight ranged from 200# in 1987 to 207# in August, 1990 to 194# on 12/31/92. [Reports of Foster having lost weight during the spring of 1993 are not verified in these, or any other records; Foster's weight at autopsy was 197#]. Foster's blood pressure appears to have been mildly elevated, ranging as high as 140/90 in 1990; no treatments are noted.

Most notable is Watkins' characterization of Foster's insistent telephone call of July 19th as "unprecedented." Over the phone Watkins prescribed trazadone (Deseryl), a heterocyclic antidepressant, for what he referred to as symptoms of a mild depression (insomnia and anorexia), "lots of stress, criticism, and long hours." Watkins did not ask Foster about suicide ideation, nor did he refer him to a local (DC area) colleague for further evaluation, monitoring of medication effects, or psychotherapy. Watkins appears not to have any records regarding Foster's family medical history and did not know that [redacted]

[redacted]

Foster took only one (of 30 available) Desyrel (50 mg) the night prior to his death. One pill would have had no significant therapeutic effect as the majority of those prescribed this drug do not report benefit for at least two weeks' treatment.

The Friday before his death Foster admitted to his sister Sheila that he was depressed. This was most uncharacteristic of him. She passed three names of DC area psychiatrists to him. Foster attempted to call one of the three, but never connected. His lack of follow-through reflects his ambivalence about help-seeking and, perhaps, his feared vulnerability and paranoia about the confidentiality of mental health treatment.

Mental Health History -none; see above.

Family Mental Health History

[redacted]

Financial History

The Fosters lived well in Little Rock on his salary reputed to be almost \$300,000 per annum. Foster took a sizable pay cut in moving to his White House position (see Commencement Address reference) and downsized his personal lifestyle in a more expensive

Washington, DC. References to a possible overdrawn credit union account appear to be unsupported.

Religious Involvement

Foster's religiosity was low. There are no references to church-related activity during his days in Washington.

Alcohol and Drug Use (licit and illicit) History

Foster was a social drinker and collected fine wines. No increase (in 1993) in his alcohol use was reported.

Evidence of Thought Disorder

None; although signs of paranoia in the late spring, 1993 were evident (see below).

Cognitions/Hopelessness/Negativity

Foster's drive for perfection masked his fear of failure and criticism. When criticism came, Foster responded to the public scrutiny and criticism with anger and anxiety. He feared these issues would "never die." The publicity "ate him up." He no longer was in control. He felt trapped and talked of resigning, but considered a return to Little Rock to be a "humiliation." But, his wife pressured him to stay ("You can't quit; I just got here."). He "saw no light at the end of the tunnel." He and his wife "compromised" that he would not leave his job until Christmas (1993), but Foster had too much guilt and sense of failure to last that long.

His admission to his sister that he needed help was a profound expression of his depression. Concurrently, he had concerns about the confidentiality of therapy.

Foster appears to have lost perspective in his thinking, "blowing [things] out of proportion" according to observers. Indeed, a reading of the *New Yorker* editorials does not lead the disinterested observer to anywhere near the same level of sensitivity or outrage.

Stressors: Anticipated/threatened changes/losses/transitions

1. The Move to Washington:

Foster missed his life in Little Rock (his house, being able to walk to work). In addition, the move was costly financially--Foster was living in a more expensive city on a lessened income in a "cramped house."

2. Family/Marital problems:

Foster's separation from his family in the early months of his job, then the increasing pressure from and demandingness of his wife about his long working hours led to

7. Loss of Support:

Foster increasingly felt alone, responsible for failures, and untrusting to the point of an increasing paranoia. To Webster Hubbell he "would not speak openly over the phone," and "did not trust the walls of the White House." He told Jim Lyons that he "would not talk with him at the White House."

Evidence of recent change in behavior, mood, life style

There is little doubt that Foster was clinically depressed (see below) in early 1993, and, perhaps, sub-clinically even before this. Additionally, signs of intense anxiety (insomnia, "absently wringing his hands, pacing, tension, profuse sweating) appeared, perhaps reactivating earlier experienced panic attacks. He increasingly started his sentences with, "I just can't handle..." Numerous observations are documented of changes in his last few months, e.g., "His sense of humor wasn't quite as available;" "He was more reserved than usual;" "In last 2 weeks his tone of voice changed...he wasn't participating; he just wasn't there." He called in sick for two days during the week before his death. His morning call to Dr. Watkins on the 19th was "unprecedented." He did not get up to greet Marsha Scott, as usual (in their meeting on the 19th): He "seemed preoccupied; quieter than usual." On July 20th he "was very quiet;" "He was more reserved and non-responsive;" He was uncharacteristically anxious to get his lunch and seemed rushed to eat; He was distracted; the newspapers on his office table were left in "uncharacteristic disarray."

Future Orientation

Foster had a scheduled meeting on Wednesday, July 21 with Jim Lyons, his personal attorney, on legal issues related to "Travelgate." Telephone calls were placed to Lyons on Sunday night, the 18th, upon returning from the Eastern Shore and again on the morning of the 20th. It was understood that Foster was anxious about his vulnerability.

Foster's sister, Sharon Bowman, had arrived in town on the 20th. It is not known what or if they had any plans scheduled, although his calendar listed a dinner date with her later in the week.

Talk of Death or Evidence of Suicide Ideation

None known; however, in the last two weeks of his life his wife wanted the guns removed from their house. References to death are noted in two circled passages found among his belongings.

Evidence of Exposure

Foster recently (date unknown) watched the movie "A Few Good Men," which involved a

scene involving a gunshot wound suicide in the mouth. Foster's father was allegedly suicidal shortly before his death from cancer.

Specific Description of Behavior in Last Four Days Before Death

Foster's last 96 hours show clear signs of crisis and uncharacteristic vulnerability: He admits his depression to his sister, Sheila, and asks for help. His ambivalence about help-seeking is evident in his not following through to reach the one psychiatrist to whom he placed a call, and making no attempt to reach either of the other two names given him by his sister.

The weekend getaway to the Tidewater Inn was intended to relax him, but appears to have been a disappointment. He was stressed; tears welled in his eyes when he talked of feeling trapped. At the Cardozo's he was non-interactive and withdrawn. It is not known if there was any attempt at a sexual interaction (and possible performance failure) with his wife during the weekend. It is not known what the content of their discussions were, for example, in the car upon returning to DC. [Here it would be most helpful to have his wife's further observations and recollected verbalizations both during this weekend and in the car while in transit]. The night of his return to DC (Sunday), he evidently was immediately focused on (and anxious about) a possible Congressional inquiry. Immediately upon returning home he called his attorney, Jim Lyons.

By Monday, he turns, uncharacteristically, to Dr. Watkins and discloses enough to get medication, but not enough to alarm his physician to insist he be evaluated in person. He meets with Marsha Scott for what appears to be longer than usual. She has not been forthcoming about this meeting.

On Tuesday, he uncharacteristically asks about his wife's plans. Awaiting lunch he shows signs of impatience. It is unknown what he might have read in the paper, however the *Wall Street Journal* column regarding the FBI director's replacement appeared the day before and Freeh was presented this morning. Out of character, he leaves the White house in mid-afternoon (and leaves the newspapers in disarray on his table). It is probable that he developed his plan to suicide before this date and was ambivalent to the end about carrying it out. He knew his family's schedule on the 20th, most probably secreted the gun from his house in the early afternoon, and drove around for some time before arriving at a secluded, pastoral setting, at which he killed himself.

Commentary: Recent studies by Hewitt and his colleagues (Hewitt et al, 1992, 1994) have documented a significant relationship between perfectionism and both depression and suicidality, particularly when mediated by stress.

3. Help-seeking Interaction: Foster was not a help-seeker; he was private and fearful (paranoid?) about the consequences of seeking help for his depression and anxiety. He sought help only in his last few days and preferred the safety of his family physician, who asked few evaluative questions, to the immediacy and presence of other, unknown professionals in the DC area.

4. Behavioral: Foster was methodical and perfectionistic in character. He showed no signs of impulsivity. He was known to be moody, and, although not aggressive, was clearly angry at both others and self-blaming in his last few weeks. Generally his aggression was handled in a controlled fashion through a rigid demandingness of self and others. His history of handling stress was good. However, in his last few months there are clear and evident signs of a breakdown in his ability to cope with stress. He, uncharacteristically and unacceptably (to his ego) talked of quitting. There is no indication in his history of ever giving up or not engaging the battle.

5. Environment: A social support system, although present, was burdensome for Foster. He felt responsible for increasing family stress and was not/could not accept being supported at home. He kept his own counsel for the most part and did not have any clear intimate friendships. He disliked his living arrangements in DC. His daily routine was intense, filled with long hours of defending the fort. He did not work out physically as he used to.

A Suicide Paradigm

Death Before Dishonour

Litman (personal communication) has used the phrase "death before dishonour" to describe the suicides of executive personalities facing public disgrace, humiliation, disclosure of wrong-doing, etc. In essence, death is preferred to preserve one's identity. The suicide has an inability to tolerate an altered view of himself; suicide maintains a self-view and escapes having to incorporate discordant implications about the self. These types of suicides are typically complete surprises to others in the available support system.

Vincent Foster showed a real vulnerability and sensitivity to external criticism (rigid/fragile defenses). A number of negative life-events, now opened to public scrutiny by the *Wall Street Journal* articles and the threat of a Congressional Inquiry, posed serious questions of character and exposed him to feelings of failure and the threat of punishment. Mistakes, real or perceived, posed a profound threat to his self-esteem/self-worth and represented evidence for a lack of control over his environment. Feelings of unworthiness, inferiority, and guilt followed and were difficult for him to tolerate. There are signs of an intense and profound anguish, harsh self-evaluation, shame, and chronic fear. All these on top of an evident clinical depression and his separation from the comforts and security of Little Rock. He, furthermore, faced a feared humiliation should he resign and return to Little Rock in disgrace. Foster felt trapped and had no felt hope of changing his circumstances in the near term. Feelings of hopelessness increases suicide risk significantly (see Figure 1).

Aware he was in trouble psychologically, Foster, nevertheless, was reluctant to seek help. This difficulty accepting the vulnerable position is common to successful executives. By the Friday before his death he was desperate; calling for names of psychiatrists was a clear public (and personally intolerable) admission of his failure. He was ambivalent and fearful about this help-seeking. Even his call to Dr. Watkins on Monday signals his attempt to minimize while announcing his depression to someone other than Lisa or Sharon (and, perhaps, Marsha Scott on the 19th).

Specific Questions:

1. If Foster was intent on his suicide, why did he eat lunch?

There is no study in the professional literature that has examined eating behavior prior to suicides. Gastric contents are usually not recorded on autopsy unless there is a specific reason to look and record.

Foster was ambivalent about his death until the end. His behavior on the 20th is consistent with this: He did not need to go to work if he was unambivalent in his suicide intent that morning. I believe the fatal decision was not made until lunch-time, perhaps triggered by something read in the newspaper. However, the plan to secret the gun from the home was probably formed over the weekend. In any event, even death row inmates, knowing they are to die within a short time, eat a last meal.

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

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

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

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

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

4. Why was no suicide note left by Foster?

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

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

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

5. Why did the pressure get to Foster now?

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

Mode of Death Determination:

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

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

FN# 322

Citation	Search Result	Rank 3 of 20	Database
H.R. CONF. REP. 103-511			LH
H.R. Conf. Rep. No. 511, 103RD Cong., 2ND Sess. 1994, 1994 U.S.C.C.A.N. 792, 1994 WL 200711 (Leg.Hist.)			

P.L. 103-270, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1994
 DATES OF CONSIDERATION AND PASSAGE

Senate: November 17, 18, 1993; May 25, 1994

House: February 9, 10, June 21, 1994

Cong. Record Vol. 139 (1993)

Cong. Record Vol. 140 (1994)

Senate Report (Governmental Affairs Committee) No. 103-101,
 July 20, 1993 (To accompany S. 24)

House Report (Judiciary Committee) No. 103-224,
 Aug. 6, 1993 (To accompany H.R. 811)

House Conference Report No. 103-511,
 May 19, 1994 (To accompany S. 24)

HOUSE CONFERENCE REPORT NO. 103-511

May 19, 1994

[To accompany S. 24]

The committee of conference on the disagreeing votes of the two Houses on the bill (S. 24), to reauthorize the independent counsel law for an additional 5 years, and for other purposes, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Counsel Reauthorization Act of 1994".

SEC. 2. FIVE-YEAR REAUTHORIZATION.

Section 599 of title 28, United States Code, is amended by striking "1987" and inserting "1994".

SEC. 3. ADDED CONTROLS.

(a) Cost Controls and Administrative Support.-Section 594 of title 28,

Copr. © West 1997 No claim to orig. U.S. govt. works

FOIA # none (URTS 16312) DocId: 70105220 Page 70

H.R. CONF. REP. 103-511

United States Code, is amended by adding at the end the following new subsection:

"(1) Cost Controls and Administrative Support.-

"(1) Cost controls.-

"(A) In general.-An independent counsel shall-

"(i) conduct all activities with due regard for expense;

"(ii) authorize only reasonable and lawful expenditures; and

"(iii) promptly, upon taking office, assign to a specific employee the duty of certifying that expenditures of the independent counsel are reasonable and made in accordance with law.

"(B) Liability for invalid certification.-An employee making a certification under subparagraph (A)(iii) shall be liable for an invalid certification to the same extent as a certifying official certifying a voucher is liable under section 3528 of title 31.

"(C) Department of justice policies.-An independent counsel shall comply with the established policies of the Department of Justice respecting expenditures of funds, except to the extent that compliance would be inconsistent with the purposes of this chapter.

"(2) Administrative support.-The Director of the Administrative Office of the United States Courts shall provide administrative support and guidance to each independent counsel. No officer or employee of the Administrative Office of the United States Courts shall disclose information related to an independent counsel's expenditures, personnel, or administrative acts or arrangements without the authorization of the independent counsel.

"(3) Office space.-The Administrator of General Services, in consultation with the Director of the Administrative Office of the United States Courts, shall promptly provide appropriate office space for each independent counsel. Such office space shall be within a Federal building unless the Administrator of General Services determines that other arrangements would cost less. Until such office space is provided, the Administrative Office of the United States Courts shall provide newly appointed independent counsels immediately upon appointment with appropriate, temporary office space, equipment, and supplies."

(b) Independent Counsel Per Diem Expenses.-Section 594(b) of title 28, United States Code, is amended-

(1) by striking "(b) Compensation.-An" and inserting the following:

"(b) Compensation.-

"(1) In general.-An"; and

(2) by adding at the end the following new paragraphs:

"(2) Travel expenses.-Except as provided in paragraph (3), an independent counsel and persons appointed under subsection (c) shall be entitled to the payment of travel expenses as provided by subchapter I of chapter 57 of title 5, United States Code, including travel, per diem, and subsistence expenses in accordance with section 5703 of title 5.

H.R. CONF. REP. 103-511

"(3) Travel to primary office.-

"(A) In general.-After 1 year of service under this chapter, an independent counsel and persons appointed under subsection (c) shall not be entitled to the payment of travel, per diem, or subsistence expenses under subchapter I of chapter 57 of title 5, United States Code, for the purpose of commuting to or from the city in which the primary office of the independent counsel or person is located. The 1-year period may be extended by 6 months if the employee assigned duties under subsection (1)(1)(A)(iii) certifies that the payment is in the public interest to carry out the purposes of this chapter.

"(B) Relevant factors.- In making any certification under this paragraph with respect to travel and subsistence expenses of an independent counsel or person appointed under subsection (c), such employee shall consider, among other relevant factors-

"(i) the cost to the Government of reimbursing such travel and subsistence expenses;

"(ii) the period of time for which the independent counsel anticipates that the activities of the independent counsel or person, as the case may be, will continue;

"(iii) the personal and financial burdens on the independent counsel or person, as the case may be, of relocating so that such travel and subsistence expenses would not be incurred; and

"(iv) the burdens associated with appointing a new independent counsel, or appointing another person under subsection (c), to replace the individual involved who is unable or unwilling to so relocate."

(c) Independent Counsel Employee Pay Comparability.-Section 594(c) of title 28, United States Code, is amended by striking the last sentence and inserting: "Such employees shall be compensated at levels not to exceed those payable for comparable positions in the Office of United States Attorney for the District of Columbia under sections 548 and 550, but in no event shall any such employee be compensated at a rate greater than the rate of basic pay payable for level ES-4 of the Senior Executive Service Schedule under section 5382 of title 5, as adjusted for the District of Columbia under section 5304 of that title regardless of the locality in which an employee is employed."

(d) Ethics Enforcement.-Section 594(j) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(5) Enforcement.-The Attorney General and the Director of the Office of Government Ethics have authority to enforce compliance with this subsection."

(e) Compliance With Policies of the Department of Justice.-Section 594(f) of title 28, United States Code, is amended-

(1) by striking "shall, except where not possible, comply" and inserting "shall, except to the extent that to do so would be inconsistent with the purposes of this chapter, comply";

(2) by adding at the end the following: "To determine these policies and

H.R. CONF. REP. 103-511

policies under subsection (1)(1)(B), the independent counsel shall, except to the extent that doing so would be inconsistent with the purposes of this chapter, consult with the Department of Justice.";

(3) by striking "An independent" and inserting the following:

"(1) In general.-An independent"; and

(4) by adding at the end the following new paragraph:

"(2) National security.-An independent counsel shall comply with guidelines and procedures used by the Department in the handling and use of classified material."

(f) Publication of Reports.-Section 594(h) of title 28, United States Code, is amended by adding at the end the following new paragraph:

"(3) Publication of reports.-At the request of an independent counsel, the Public Printer shall cause to be printed any report previously released to the public under paragraph (2). The independent counsel shall certify the number of copies necessary for the public, and the Public Printer shall place the cost of the required number to the debit of such independent counsel. Additional copies shall be made available to the public through the depository library program and Superintendent of Documents sales program pursuant to sections 1702 and 1903 of title 44."

(g) Annual Reports to Congress.-Section 595(a)(2) of title 28, United States Code, is amended by striking "such statements" and all that follows through "appropriate" and inserting "annually a report on the activities of the independent counsel, including a description of the progress of any investigation or prosecution conducted by the independent counsel. Such report may omit any matter that in the judgment of the independent counsel should be kept confidential, but shall provide information adequate to justify the expenditures that the office of the independent counsel has made".

(h) Periodic Reappointment of Independent Counsel.-Section 596(b)(2) of title 28, United States Code, is amended by adding at the end the following new sentence: "If the Attorney General has not made a request under this paragraph, the division of the court shall determine on its own motion whether termination is appropriate under this paragraph no later than 2 years after the appointment of an independent counsel, at the end of the succeeding 2-year period, and thereafter at the end of each succeeding 1-year period."

(i) Audits by the Comptroller General.-Section 596(c) of title 28, United States Code, is amended to read as follows:

"(c) Audits.- (1) On or before June 30 of each year, an independent counsel shall prepare a statement of expenditures for the 6 months that ended on the immediately preceding March 31. On or before December 31 of each year, an independent counsel shall prepare a statement of expenditures for the fiscal year that ended on the immediately preceding September 30. An independent counsel whose office is terminated prior to the end of the fiscal year shall prepare a statement of expenditures on or before the date that is 90 days after

H.R. CONF. REP. 103-511

the date on which the office is terminated.

"(2) The Comptroller General shall-

"(A) conduct a financial review of a mid-year statement and a financial audit of a year-end statement and statement on termination; and

"(B) report the results to the Committee on the Judiciary, Committee on Governmental Affairs, and Committee on Appropriations of the Senate and the Committee on the Judiciary, Committee on Government Operations, and Committee on Appropriations of the House of Representatives not later than 90 days following the submission of each such statement."

(j) Threshold Inquiry.-Section 591(d)(2) of title 28, United States Code, is amended by striking "15" each time it appears and inserting "30".

(k) Recusal.-Section 591(e) of title 28, United States Code, is amended to read as follows:

"(e) Recusal of Attorney General.-

"(1) When recusal is required.- (A) If information received under this chapter involves the Attorney General, the next most senior official in the Department of Justice who is not also recused shall perform the duties assigned under this chapter to the Attorney General.

"(B) If information received under this chapter involves a person with whom the Attorney General has a personal or financial relationship, the Attorney General shall recuse himself or herself by designating the next most senior official in the Department of Justice who is not also recused to perform the duties assigned under this chapter to the Attorney General.

"(2) Requirements for recusal determination.-Before personally making any other determination under this chapter with respect to information received under this chapter, the Attorney General shall determine under paragraph (1)(B) whether recusal is necessary. The Attorney General shall set forth this determination in writing, identify the facts considered by the Attorney General, and set forth the reasons for the recusal. The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to such information."

(l) Disclosure of Information.-Section 592(e) of title 28, United States Code, is amended by inserting after "Except as otherwise provided in this chapter" the following: "or as is deemed necessary for law enforcement purposes".

(m) Clarification of Authority To Use Department of Justice Personnel.-Section 594(d)(1) of title 28, United States Code, is amended by adding at the end the following: "At the request of an independent counsel, prosecutors, administrative personnel, and other employees of the Department of Justice may be detailed to the staff of the independent counsel."

(n) Attorneys' Fees.-Section 593(f) of title 28, United States Code, is amended-

(1) in the last sentence of paragraph (1) by inserting before "Attorney

H.R. CONF. REP. 103-511

General" the following: "the independent counsel who conducted the investigation and"; and

(2) in paragraph (2)

(A) by striking "may direct" and inserting "shall direct such independent counsel and"; and

(B) by striking all after "subsection," and inserting the following:
"addressing-

"(A) the sufficiency of the documentation;

"(B) the need or justification for the underlying item;

"(C) whether the underlying item would have been incurred but for the requirements of this chapter; and

"(D) the reasonableness of the amount of money requested."

(o) Final Report.-Section 594(h)(1)(B) of title 28, United States Code, is amended by striking ", and the reasons" and all that follows through the period and inserting a period.

SEC. 4. MEMBERS OF CONGRESS.

(a) Discretionary Authority.-Section 591(c) of title 28, United States Code, is amended to read as follows:

"(c) Preliminary Investigation With Respect to Other Persons.-

"(1) In general.-When the Attorney General determines that an investigation or prosecution of a person by the Department of Justice may result in a personal, financial, or political conflict of interest, the Attorney General may conduct a preliminary investigation of such person in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether that person may have violated Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction.

"(2) Members of congress.-When the Attorney General determines that it would be in the public interest, the Attorney General may conduct a preliminary investigation in accordance with section 592 if the Attorney General receives information sufficient to constitute grounds to investigate whether a Member of Congress may have violated any Federal criminal law other than a violation classified as a Class B or C misdemeanor or an infraction."

(b) Postemployment Coverage.-Section 591(b) of title 28, United States Code, is amended-

(1) by striking paragraphs (6) and (7);

(2) by redesignating paragraph (8) as paragraph (6), and, at the end of that paragraph, striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) any individual who held an office or position described in paragraph (1), (2), (3), (4), or (5) for 1 year after leaving the office or position."

H.R. CONF. REP. 103-511

SEC. 5. GROUNDS FOR REMOVAL.

Section 596(a)(1) of title 28, United States Code, is amended by striking "physical disability, mental incapacity" and inserting "physical or mental disability (if not prohibited by law protecting persons from discrimination on the basis of such a disability),".

SEC. 6. REPORT ON WHITE HOUSE OFFICE PERSONNEL.

(a) Submission of Report.-On July 1 of each year, the President shall submit a report described in subsection (b) to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives.

(b) Contents.-A report under subsection (a) shall, except as provided in subsection (c), include-

(1) a list of each individual-

(A) employed by the White House Office; or

(B) detailed to the White House Office; and

(2) with regard to each individual described in paragraph (1), the individual's-

(A) name;

(B) position and title; and

(C) annual rate of pay.

(c) Exclusion From Report.-If the President determines that disclosure of any item of information described in subsection (b) with respect to any particular individual would not be in the interest of the national defense or foreign policy of the United States-

(1) a report under subsection (a) shall-

(A) exclude such information with respect to that individual; and

(B) include a statement of the number of individuals with respect to whom such information has been excluded; and

(2) at the request of the Committee on Governmental Affairs of the Senate or the Committee on Government Operations of the House of Representatives, the information that was excluded from the report shall be made available for inspection by such committee.

SEC. 7. TRANSITION PROVISIONS.

(a) In General.-Except as provided in this section, the amendments made by this Act shall apply with respect to independent counsels appointed before, on, or after the date of enactment of this Act.

(b) Assignment Of Employee To Certify Expenditures.-An independent counsel appointed prior to the date of enactment of this Act shall assign to an employee

H.R. CONF. REP. 103-511

the duty of certifying expenditures, as required by section 594(1) of title 28, United States Code, as added by section 3(a), by the date that is 30 days after the date of enactment of this Act.

(c) Office Space.-The Administrator of General Services, in applying section 594(1)(3) of title 28, United States Code, as added by section 3(a), to determine whether the office of an independent counsel appointed prior to the date of enactment of this Act should be moved to a Federal building, shall take into account the moving, legal, and other expenses that might arise if the office were moved.

(d) Travel And Subsistence Expenses.-For purposes of the restrictions on reimbursement of travel and subsistence expenses of an independent counsel and employees of an office of independent counsel contained in paragraph (3) of section 594(b) of title 28, United States Code, as amended by section 3(b), as applied to the office of an independent counsel appointed before the date of enactment of this Act, the 1-year service period shall begin on the date of enactment of this Act.

(e) Rates of Compensation.-The limitation on rates of compensation of employees of an office of independent counsel contained in the last sentence of section 594(c) of title 28, United States Code, as amended by section 3(c), shall not be applied to cause a reduction in the rate of compensation of an employee appointed before the date of enactment of this Act.

(f) Periodic Reappointment.-The determinations by the division of the court contained in the last sentence of section 596(b)(2) of title 28, United States Code, as amended by section 3(h), shall, for the office of an independent counsel appointed before the date of enactment of this Act, be required no later than 1 year after the date of enactment of this Act and at the end of each succeeding 1-year period.

(g) Reporting Requirements.-No amendment made by this Act that establishes or modifies a requirement that any person submit a report to any other person with respect to an activity occurring during any time period shall be construed to require that a report submitted prior to the date of enactment of this Act, with respect to that time period be supplemented to include information with respect to such activity.

(h) Regulatory Independent Counsel.-Notwithstanding the restriction in section 593(b)(2) of title 28, United States Code, the division of the court described in section 49 of that title may appoint as an independent counsel any individual who, on the date of enactment of this Act, is serving as a regulatory independent counsel under parts 600 and 603 of title 28, Code of Federal Regulations. If such an individual is so appointed, such an independent counsel shall comply with chapter 40 of title 28, United States Code, as amended by this Act, in the same manner and to the same extent as an independent counsel appointed before the date of enactment of this Act is required to comply with that chapter, except that subsection (f) of this section shall not apply to such

H.R. CONF. REP. 103-511

an independent counsel.

(i) White House Personnel Report.-Section 6 shall take effect on January 1, 1995.

And the House agree to the same.

Jack Brooks,
John Bryant,
Dan Glickman,
Barney Frank,
Managers on the Part of the House.
John Glenn,
Carl Levin,
David Pryor,
Bill Cohen,
Ted Stevens,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 24) to reauthorize the independent counsel law for an additional 5 years, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of S. 24 struck out all of the Senate bill after the enacting clause and inserted a substitute text. The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and House amendment. The differences between the Senate bill, House amendment, and substitute agreed to in conference are noted below, except for clerical corrections, structural changes, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 591(b)(6) AND (7): LENGTH OF POSTEMPLOYMENT COVERAGE

1987 law

The 1987 independent counsel law applied on a mandatory basis to certain high level executive branch officials, not only while they occupied a covered office or position, but also for a period of time after they left that office or position. The length of mandatory postemployment coverage varied from a minimum of one year to a maximum of three years.

H.R. CONF. REP. 103-511

Senate bill

The Senate bill reduces mandatory postemployment coverage from a maximum of three years to a maximum of one year. For persons who leave a covered office or position within 90 days of a new president's inauguration, the Senate bill eliminates the one-year period of postemployment coverage.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the Senate and House provisions by limiting mandatory postemployment coverage to one year after a person leaves a covered office or position, regardless of whether the departure occurs during the term of office of the President who appointed that person or after the expiration of that President's term.

SECTION 591(c): DISCRETIONARY COVERAGE AND MEMBERS OF CONGRESS

1987 law

The 1987 law provided the Attorney General with discretionary authority to use the independent counsel process for any person whose investigation or prosecution by the Department of Justice "may result in a personal, financial or political conflict of interest." This discretionary authority permitted the Attorney General, if a conflict of interest were present, to use the independent counsel process to investigate Members of Congress. However, Members of Congress were not specifically identified as falling within that general category of coverage.

Senate bill

The Senate bill gives the Attorney General specific discretionary authority to use the independent counsel process to investigate Members of Congress. It broadens the standard for invoking the process with respect to Members from requiring a conflict of interest to requiring the Attorney General to find it would be in the public interest. This broader standard would permit the Attorney General to use the independent counsel process for Members of Congress in cases of perceived as well as actual conflicts of interest. In addition, the Senate bill rewords the general discretionary provision to simplify it and to authorize the Attorney General to use the independent counsel process to investigate a

H.R. CONF. REP. 103-511

"matter" as well as a person.

House amendment

The House amendment also gives the Attorney General specific discretionary authority to use the independent counsel process with respect to Members of Congress. The House amendment does not otherwise change the general discretionary provision that appeared in the 1987 law.

Conference agreement

The conference agreement follows the Senate bill, except that the language giving the Justice Department general discretionary authority to use the independent counsel process to investigate a "matter" as well as any person is deleted, because it would in effect substantially lower the threshold for use of the general discretionary provision. The conference agreement makes no change from the 1987 law in the substantive reach or scope of the general discretionary provision.

SECTION 591(e): RECUSAL BY ATTORNEY GENERAL

1987 law

The 1987 law set forth the standards and procedures governing recusal by the Attorney General in a matter being handled under the independent counsel law.

Senate bill

The Senate bill rewords the provision to make it clear that recusal is automatic in any matter in which the Attorney General is personally involved.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the Senate bill.

SECTION 592(a)(2)(B): CRIMINAL INTENT

1987 law

H.R. CONF. REP. 103-511

The 1987 law set forth with the Attorney General could close a matter under the independent counsel law based upon a determination that an investigatory subject lacked the intent necessary for a crime to have been committed. The law prohibited any consideration of intent in the context of a threshold inquiry under section 591(d), and permitted closure of a matter after a preliminary investigation under section 592 only if the Attorney General determined there was "clear and convincing evidence" of a lack of criminal intent.

Senate bill

The Senate bill permits the Attorney General to close a matter after either a threshold inquiry under section 591(d) or a preliminary investigation under section 592, if the Attorney General determines there are "no reasonable grounds to believe that the subject acted" with criminal intent and "no reasonable possibility that further investigation would develop such evidence."

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the House bill. Congress believes that the Attorney General should rarely close a matter under the independent counsel law based upon finding a lack of criminal intent, due to the subjective judgments required and the limited role accorded the Attorney General in the independent counsel process. Congress also believes that at least one Attorney General abused his authority in this area, that this abuse was the impetus for the statutory restriction in the expired law, and that a statutory restriction remains necessary to prevent future problems.

SECTION 592(e): DISCLOSURE OF COURT FILINGS

1987 law

The 1987 law prohibited employees of the Justice Department and of an independent counsel from disclosing any filing with the special court to any person outside their office without first obtaining a court order.

Senate bill

The Senate bill creates a limited exception to this nondisclosure provision by authorizing disclosure of court filings to outside persons for law enforcement

H.R. CONF. REP. 103-511

purposes.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the Senate bill with a minor change. The Congress intends that this exception should be narrowly construed to permit, for example, giving copies of court filings to an IRS investigator to facilitate examination of a tax matter under the independent counsel's purview or to an agency Inspector General or state prosecutor performing a separate but possibly related criminal investigation to determine whether coordination of the criminal case is appropriate.

In determining whether a proposed disclosure is deemed necessary for law enforcement purposes, Congress intends independent counsels and attorneys for the government to be guided by the law enforcement exception to the grand jury secrecy rules found in Rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure. That rule allows otherwise prohibited disclosures to be made "to such governmental personnel (including personnel of a state or subdivision of a state) as are deemed necessary by an attorney for the government to assist an attorney for the government in the performance of such attorney's duty to enforce federal criminal law." If no such law enforcement purpose is present, a court order must be obtained prior to disclosure.

SECTION 593(f): ATTORNEY FEES

1987 law

The 1987 law set forth the standards and procedures governing when persons may recover attorney fees incurred in response to independent counsel proceedings. Essentially, to recover fees, a person must have been an unindicted subject of an independent counsel's investigation and incurred fees which would not have been incurred but for the requirements of the independent counsel law. Fee requests were decided by the special court which could ask the Attorney General to file a written evaluation of the reasonableness of the amounts requested, the supporting documentation and the need or justification for each expense.

Senate bill

The Senate bill follows the 1987 law, but adds a sentence stating that no award of attorney fees may be made for fees that would have been incurred if the

H.R. CONF. REP. 103-511

investigation had been conducted by the Department of Justice. The purpose of this sentence is not to change the standard for awarding fees, but to help illuminate application of the provision which permits reimbursement of only those fees that "would not have been incurred but for the requirements of the independent counsel law" (the "but-for" requirement). The new language indicates that, in judging whether the but-for requirement has been met, a significant factor the special court must consider is whether these fees would have been incurred if the Justice Department had handled the investigation instead of the independent counsel. The Senate bill also expands the written analysis by the Justice Department on fee requests by allowing it to comment on whether the but-for requirement has been satisfied.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the Senate and House provisions. It retains the Senate language requiring an expanded analysis of each attorney fee request, and adds a provision directing the special court to obtain this analysis from not only the Department of Justice, but also the independent counsel who handled the investigation. The conference agreement drops the Senate language conditioning payment of attorney fees on whether the same fees would have been incurred if the matter had been handled by the Justice Department, because that concept is already addressed in the existing but-for requirement.

Since the inception of the attorney fee provision, Congress has intended it to be narrowly construed. The conferees believe detailed analyses of fee requests by both the Department and independent counsel, including application of the but-for requirement, will aid the special court in keeping to a narrow construction.

Since the last reauthorization of the independent counsel statute in 1987, a number of decisions awarding attorney fees have been issued by the special court. The conferees believe that several of these decisions were overly generous in interpreting the attorney fee provision.

Illustrative of the conferees' concerns is the 1993 decision awarding attorney fees to former Secretary of State George Shultz (In re: Oliver L. North, Shultz Fee Application, December 7, 1993). In that decision, the court found that the but-for requirement was met in part because, "in the experience of the Court, it is not reasonable to expect that a professional prosecutor" would begin to treat a witness as the subject of an investigation "four and one-half years after the commencement" of the case. Congress did not intend the but-for requirement to

H.R. CONF. REP. 103-511

be used as a vehicle for the special court to rule on the wisdom or timing of an independent counsel's prosecutorial decisions. The opinion also held that the but-for requirement was met in part because the investigation centered on violation of the Boland Amendment, which the Justice Department had determined was not a criminal statute. In fact, the independent counsel subsequently indicated that the Shultz investigation centered on false testimony and concealed documents relating to Iran arms sales and not at all on the Boland Amendment. This misreading of the basis of the investigation may have been the result of the court's decision to handle the fee application under seal, on an ex parte basis, and without its usual practice of affording the independent counsel an opportunity to comment. In another case, the court appears to have awarded attorney fees to a subject, because it surmised that had the Attorney General been able to use a grand jury during the preliminary investigation, the case might have been closed after "a non-public summary investigation."

Such recent court decisions suggest that the special court may be viewing the attorney fee provision as one which should routinely result in fee awards. That has not been Congress' intent because, were it not for the existence of the independent counsel statute, the Department of Justice may well have investigated these same matters and, had it done so, no attorney fees would be recoverable under any circumstances. The court has, on occasion, accurately quoted legislative history stating that an attorney fee award under the independent counsel law "is warranted, if at all, in only rare instances" and "should not become a routine event." In reauthorizing the statute, the Congress reaffirms its original intent, as reflected in legislative history, that the special court construe the but-for requirement of the attorney fee provision narrowly.

Finally, the conferees note the special court's decision in the Shultz matter that an hourly rate of \$370 is reasonable under the law. The court observed that the Justice Department describes this rate as "extraordinarily high," but stated that the law "provides no particular guidance for our determination of standards of reasonableness." It also cites two opinions from 1989 and 1990, subsequent to the 1987 reauthorization of the law, approving similar hourly rates.

In response to the court's invitation to provide guidance in evaluating the reasonableness of hourly rates requested by defense counsel under the independent counsel law, the conferees note that Congress did not intend that properly recoverable attorney fees under this statute be construed to be what the market will bear in the private sector. Rather, Congress intends that the reasonableness of attorney fee requests under the independent counsel law be judged, not solely with reference to the rates commanded by expensive legal counsel, but also with reference to what cost is reasonable for the taxpayers to bear.

Three statutes provide the special court with the guidance it seeks in evaluating the reasonableness of attorney fees requested by defense counsel

H.R. CONF. REP. 103-511

under the independent counsel statute. First, by law, the independent counsel is compensated at the per diem rate equal to the annual rate of basic pay payable for level IV of the Executive Schedule, which is currently set at \$115,700. At that annual rate of pay, the independent counsel's compensation is approximately \$55 per hour. Second, the Equal Access to Justice Act, Public Law 96-481, which allows Federal courts to award attorney fees to private parties in suits against the United States, limits the amount of attorney fee recovery to "\$75 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee." 28 U.S.C. 2412(d)(2)(A). Third, fees to private defense counsel who are paid by the United States pursuant to the Criminal Justice Act of 1984, Public Law 88-455, to represent indigent defendants in Federal criminal cases, are currently limited to "\$60 per hour for time expended in court or before a United States magistrate and \$40 per hour for time reasonably expended out of court, unless the Judicial Conference determines that a higher rate of not in excess of \$75 per hour is justified for a circuit or for particular districts within a circuit, for time expended in court or before a magistrate and for time expended out of court." 18 U.S.C. 3006A(d)(1).

These three statutes identify hourly rates, ranging from \$40 to \$75 per hour, which Congress has determined are reasonable and may be fully reimbursed with taxpayer dollars. Although by design the independent counsel law does not impose a specific ceiling on the hourly rates payable to defense counsel, hourly rates of \$300 and \$400 generally so far exceed other statutorily approved rates that they should not be fully recoverable under the independent counsel law. While individuals remain free, of course, to employ any defense counsel they choose, they should be on notice that the independent counsel law may not authorize payment of taxpayer dollars to reimburse fully all of the fees they incur.

SECTION 594(b): INDEPENDENT COUNSEL TRAVEL EXPENSES

1987 law

The 1987 law contained no explicit direction on whether an independent counsel was subject to federal law regarding travel expenses, whether executive or judicial branch requirements applied, or whether expenses were reimbursable for travel to and from an independent counsel's primary office if that independent counsel resided elsewhere.

Senate bill

The Senate bill provides that independent counsels and their staffs are subject to the same restrictions on travel expenses as other federal executive branch employees. It also states that, after one year of service, independent counsels and their staffs are not entitled to travel and per diem expenses to

H.R. CONF. REP. 103-511

commute to and from the city in which their primary office is located or subsistence expenses at such location, except that an independent counsel's certifying official may approve payment of these expenses for an additional three months if the official determines the investigation "will likely be concluded within that time period."

House amendment

The House amendment contains similar provisions to those in the Senate bill, except that the one-year limit on reimbursement of expenses relating to the primary office may be extended for successive 6-month periods if the certifying officials, after considering certain specified factors, determines payment would be in the public interest.

Conference agreement

The conference agreement follows the House amendment, except that the one-year limit on reimbursement of expenses relating to the primary office may be extended for only one 6-month period. The conference agreement also makes it clear that the prohibition on reimbursement of travel, per diem and subsistence expenses applies only to expenses incurred by independent counsels or their staff in commuting to and from their primary office, and does not prohibit reimbursement of their expenses for traveling elsewhere.

SECTION 594(c): STAFF COMPENSATION

1987 law

The 1987 law specified that staff hired by the independent counsel could not be compensated at a rate exceeding the maximum rate of pay payable for GS-18 of the General Schedule under section 5332 of title 5. The law provided no other guidance on staff compensation.

Senate bill

The Senate bill states that employees hired by the independent counsel may not be paid at a rate greater than Level IV of the Executive Schedule under 5315 of title 5. This rate is comparable to the GS-18 rate which no longer exists under the current General Schedule. In addition, the bill directs the independent counsel to compensate staff at levels not to exceed those payable for comparable positions in the U.S. Attorney's Office for the District of Columbia.

House amendment

Copr. © West 1997 No claim to orig. U.S. govt. works

FOIA # none (URTS 16312) DocId: 70105220 Page 86

H.R. CONF. REP. 103-511

The House amendment provides that no more than 2 employees of the independent counsel may be compensated at a rate equal to Level V of the Executive Schedule and that remaining staff may not be compensated at a rate greater than GS-15 of the General Schedule.

Conference agreement

The conference agreement strikes a compromise between the House and Senate provisions. It specifies that no independent counsel staff may be compensated at a rate greater than Level 4 of the Senior Executive Service Schedule, as adjusted by locality pay applicable to the District of Columbia, and that no staff compensation level may exceed that payable for comparable positions in the U.S. Attorney's Office for the District of Columbia. It is the intent of these provisions that independent counsels pay reasonable salaries commensurate with an employee's experience and job responsibilities and that only the most senior assistants receive the maximum rate allowable for staff. No independent counsel should pay all or even most staff attorneys at the maximum permissible rate, nor should part-time counsel be paid at the billable hourly rate they receive when privately employed. Congress intends by these provisions to conserve taxpayer dollars, while ensuring staff salaries in an independent counsel's office are comparable to those paid to other federal prosecutors.

SECTION 594(d): JUSTICE DEPARTMENT ASSISTANCE

1987 law

The 1987 law provided that the independent counsel may request assistance from the Department of Justice in carrying out the law, and the Department was required to provide that assistance, including use of Department resources and personnel.

Senate bill

The Senate bill requires the independent counsel to request such assistance, and the Department to provide it.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the House and Senate

H.R. CONF. REP. 103-511

approaches, by clarifying the existing authority of independent counsels, at their option, to ask the Department of Justice to detail to their staffs, on a reimbursable or nonreimbursable basis, prosecutors, administrative personnel, or other persons employed by the Department. Independent counsels have already made frequent use of FBI detailees, who are employees of the Justice Department; it is the intent of this provision to clarify, not alter, the authority for that practice. While the Justice Department is encouraged to support the work of independent counsels by facilitating details, it does retain the authority to decline an independent counsel's request for a specific detailee.

This provision is intended to allow independent counsels to take advantage of the expertise of Justice Department personnel. Department employees accepting a detail under this law must understand that, during the detail, they owe their allegiance solely to the independent counsel, and it would be a serious breach if they were to violate that allegiance by, for example, providing unauthorized information to the Department or other parties. This obligation must be made clear to the detailee by both the Department and the independent counsel.

SECTION 594(f): COMPLIANCE WITH JUSTICE POLICIES

1987 law

The 1987 law required independent counsels to comply with Department of Justice policies on criminal law enforcement "except where not possible."

Senate bill

The Senate bill requires independent counsel compliance with Department policies on criminal law enforcement "except to the extent that to do so would be inconsistent with the purposes" of the independent counsel law. It also requires the independent counsel to consult with the Department on its law enforcement and spending policies "to the extent possible throughout his or her term of office."

House amendment

The House amendment contains the same provision as the Senate bill, except that it does not require independent counsels to consult with the Department of Justice throughout their term of office.

Conference agreement

The conference agreement follows the Senate bill, but modifies the consultation provision by requiring independent counsels to consult with the

H.R. CONF. REP. 103-511

Department on law enforcement and spending policies "except where to do so would be inconsistent with the purposes" of the independent counsel law. This standard is consistent with the rest of the section and signals the need for independent counsels to balance the goal of handling matters in the same way as other federal prosecutors with the goal of retaining appropriate independence. By including this provision, Congress affirms its intent that independent counsels engage in appropriate consultation with the Department of Justice.

SECTIONS 594(H) (1) AND 595(A) (2): INDEPENDENT COUNSEL REPORTS

1987 law

The 1987 law required independent counsels to file with the special court semi-annual expense reports under section 594(h) (1) (A), and a final report under section 594(h) (1) (B) "setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought, and the reasons for not prosecuting any matter within the prosecutorial jurisdiction of such independent counsel." In addition, independent counsels were permitted under section 595(a) (2) to "submit to the Congress such statements or reports on the activities of such independent counsel as the independent counsel consider[ed] appropriate."

Senate bill

The Senate bill amends section 595(a) (2) to require independent counsels to report to Congress quarterly on "all monies expended" and annually on "their activities, including a description of the progress of any investigation or prosecution*** adequate to justify the expenditures" made. In addition, the Senate bill narrows the scope of the final report required under section 594(h) (1) (B) by removing requirements that it be full and complete and that it explain the reasons for not prosecuting any matter.

House amendment

The House amendment adopts the Senate's proposed change to section 595(a) (2) requiring independent counsels to report to Congress annually on their activities, but does not otherwise amend the reporting requirements contained in the 1987 law.

Conference agreement

The conference agreement strikes a compromise between the House and Senate approaches.

H.R. CONF. REP. 103-511

First, in response to the desire to increase fiscal controls on independent counsels, the conference agreement replaces the Senate requirement for quarterly expense reports by independent counsels with requirements for increased financial oversight by the General Accounting Office (GAO). The conference agreement requires GAO to conduct a financial review of independent counsel expenditure statements at mid-year, a full audit at year-end, and another full audit at termination of each independent counsel's office. Requiring this additional oversight by a third party auditor, rather than requiring additional reports by an independent counsel, is believed to be a more effective fiscal control on expenditures. The conferees also direct independent counsels when preparing their expenditure statements to consult with GAO and to prepare them in a format which will facilitate GAO's financial oversight.

Second, in response to concerns about the proper scope of the final report, the conference agreement retains the requirement in the 1987 law that these reports include a full and complete account of the independent counsel's activities, but eliminates the requirement that the independent counsel explain the reasons for not prosecuting any matter.

Requiring a prosecutor to file a final report that may become a public document is unique to the independent counsel process; other federal prosecutors are neither required nor expected to issue such a public report. The final report requirement thus must be understood to be an exception to the norm.

This exception is justified by the unique environment in which an independent counsel must operate-without direct and ongoing supervision by senior Justice Department officials. It serves as an important check on independent counsel investigative and prosecutorial activities by requiring them to identify and explain their actions.

Because this reporting requirement is unique in the federal criminal justice system, the conferees recognize the importance of making the objectives and intended limits of the report clear.

The conference agreement reaffirms the duty of independent counsels to provide a full and complete description of their work. Congress continues to view this requirement as a key measure for insuring accountability. Under this provision, independent counsels are expected to provide a summary of the key steps taken in the investigatory and prosecutorial stages of their work and to explain the basis for their decisions.

Congress also wants to clarify, however, that independent counsels are not expected to and should not take additional investigative steps, such as additional interviews or document requests, in order to produce a detailed report. No investigation by an independent counsel should be lengthened or deepened simply because of the final report requirement. The report should instead reflect only the work required for a prosecutor to execute his or her normal investigative and prosecutorial responsibilities.

The conference agreement eliminates the requirement that independent counsels

H.R. CONF. REP. 103-511

explain, in every instance, their reasons for not prosecuting any matter within their jurisdiction. Other federal prosecutors do not normally provide public explanations of decisions not to indict and, in deviating from this norm, independent counsels must exercise restraint. The power to damage reputations in the final report is significant, and the conferees want to make it clear that the final report requirement is not intended in any way to authorize independent counsels to make public findings or conclusions that violate normal standards of due process, privacy or simple fairness.

The conferees believe that, in assessing whether an explanation should be provided with respect to a specific unindicted individual, an independent counsel should base the decision on whether it would be in the public interest for such information to be disclosed. The public interest encompasses a wide range of concerns which need to be carefully balanced, including understanding the basis for the independent counsel's decision not to indict; taking into account the extent to which the individual was central or peripheral to the independent counsel's jurisdictional mandate; exonerating the innocent; and protecting individual rights to due process, privacy and fairness. For example, it may be in the public interest to report that the evidence did not sustain the allegations that gave rise to the investigation or that the evidence demonstrates an individual's innocence.

With regard to an individual whose conduct was only tangential to that of the person for whom the independent counsel was appointed, an independent counsel should normally refrain from commenting on the reason for not indicting that person unless it is to affirm a lack of evidence of guilt. On the other hand, the conferees consider to be crucial a discussion of the conduct of the person for whom the independent counsel was appointed to office. This discussion should focus on the facts and evidence and avoid use of conclusory statements in the absence of an indictment. However, in the rare event that an indictment is forestalled because of an event beyond the control of the independent counsel, public accountability may well require such independent counsel to express a professional opinion on whether the grounds for an indictment had been present.

The same concerns apply to the new requirement in both House and Senate bills for independent counsels to file annual reports on their activities. The conferees caution independent counsels to exercise the same degree of restraint and responsibility in issuing those interim reports.

SECTION 594(h)(2): DISCLOSURE OF FINAL REPORT

1987 law

The 1987 law authorized the special court to release a final report filed by an independent counsel after making provisions to ensure that the rights of any individual named in the report and any pending prosecution are protected.

Copr. © West 1997 No claim to orig. U.S. govt. works

FOIA # none (URTS 16312) DocId: 70105220 Page 91

H.R. CONF. REP. 103-511

Senate bill

The Senate bill follows the 1987 law.

House amendment

The House amendment follows the 1987 law, but adds language encouraging the court to release the report and associated material if the court determines it would be in the public interest and would be consistent with maximizing public disclosure, ensuring a full explanation of the independent counsel's activities and decisionmaking, and facilitating the release of information which the independent counsel had determined should be disclosed.

Conference agreement

The conference agreement follows the Senate bill. The conferees agree that the standards in the 1987 law on releasing a final report to the public are not overly restrictive, as evidenced by the special court's decision to release the final report in the Iran-Contra matter despite numerous motions by persons named in the report to repress all or portions of it. For this reason, the conferees have determined that additional statutory language encouraging disclosure is unnecessary.

SECTION 594(1)(2): ADMINISTRATIVE SUPPORT

1987 law

The 1987 law did not address the issue of administrative support for independent counsels.

Senate bill

The Senate bill states that the Administrative Office of the U.S. Courts "shall provide administrative support and guidance to each independent counsel." It also relieves the Administrative Office of any obligation to disclose information about an independent counsel's operations without the express authorization of that independent counsel. The bill also requires the independent counsel to authorize such disclosure by the Administrative Office unless to do so "would interfere with a pending investigation or prosecution."

House amendment

The House amendment contains a similar provision as the Senate bill, but is not specific as to when an independent counsel should authorize disclosures by

H.R. CONF. REP. 103-511

the Administrative Office.

Conference agreement

The conference agreement follows the House amendment. The purpose of this provision on administrative matters is threefold. First, it clarifies the responsibility of the Administrative Office to provide administrative support for independent counsel operations. The Administrative Office has been providing this support informally for many years, but the statutory basis for its actions has not been explicit.

Second, the provision makes it clear that the Administrative Office should provide independent counsels with not only the administrative services they need, but also guidance on complying with federal personnel, administrative and procurement requirements. This guidance is sorely needed by offices that have a limited duration and little familiarity with federal procedures. To provide this guidance and develop an institutional memory for how matters have been handled by past independent counsels, the conferees strongly urge the Administrative Office to develop written material to assist new independent counsels in establishing their offices, hiring staff and conducting their work.

By using the words "support and guidance" to describe the Administrative Office's functions, Congress intends for the Administrative Office to provide independent counsels with informed advice, but not to exercise decisionmaking authority for specific actions. Actions taken by an independent counsel's office remain the responsibility of the independent counsel in charge. At the same time, the support and guidance provided by the Administrative Office can serve independent counsels unfamiliar with federal requirements by providing them with the information needed for informed decisions.

The third purpose of this provision is to shield the Administrative Office from conflicts that may arise when Congress, the press or others seek information about independent counsel activities. In the past, some pressed the Administrative Office to provide information which an independent counsel had declined to provide. This provision makes it clear that an independent counsel's decision not to release information may not be circumvented by directing information requests to the Administrative Office. Moreover, Senate language directing independent counsels to authorize the Administrative Office to disclose information "unless it would interfere with a pending investigation or prosecution" is not included, because this language could encourage information requests to be directed to the Administrative Office instead of directly to an independent counsel.

It is the intent of Congress that independent counsels, not the Administrative Office, have sole responsibility for responding to information requests. When confronted with such requests, independent counsels have the same disclosure obligations that apply to the Department of Justice, except where

H.R. CONF. REP. 103-511

such disclosure would be inconsistent with the purposes of this Act. The independent counsel is also subject to the disclosure requirements of the Freedom of Information Act, and Congress urges all independent counsels to be responsive and forthcoming to such requests for information.

SECTION 593(H): GOOD CAUSE REMOVAL

1987 law

The 1987 law states that an independent counsel may be removed from office by the Attorney General "for good cause."

Senate bill

The Senate bill follows the 1987 law, but adds a sentence indicating that good cause for removal would include an independent counsel's failure to follow written Justice Department guidelines and violation of applicable canons of ethics.

House amendment

The House amendment follows the 1987 law.

Conference agreement

The conference agreement follows the House amendment. By eliminating the Senate language, the conferees do not mean to suggest that a refusal to follow important Department guidelines or that a serious violation of ethics canons could not be grounds for removal; they-like many other circumstances-do provide potential grounds for removing an independent counsel from office.

SECTION 596(B): PERIODIC REAPPOINTMENT

1987 law

The 1987 law authorized the special court, on its own motion or at the request of the Attorney General, to terminate an independent counsel's office if that independent counsel's work had "been completed or so substantially completed that it would be appropriate for the Department of Justice to complete" any remaining tasks.

Senate bill

The Senate bill retains the 1987 provision, but adds a requirement that the

H.R. CONF. REP. 103-511

special court determine whether termination is warranted under the provision "no later than 2 years after the appointment of an independent counsel or the reported expenditures by such independent counsel have reached \$2 million, whichever occurs first, and at the end of each succeeding 1-year period."

House amendment

The House amendment retains the 1987 provision, but adds a requirement that the special court determine whether termination is warranted under the provision "no later than 3 years after the appointment of an independent counsel and at the end of each succeeding 3-year period."

Conference agreement

The conference agreement strikes a compromise between the House and Senate provisions, requiring the special court to determine whether termination is warranted under the provision no later than 2 years after appointment of an independent counsel, at the end of the succeeding 2-year period, and then at the end of each succeeding 1-year period.

The purpose of this provision is to ensure that the special court inquires on a periodic basis, with respect to each independent counsel, as to whether that independent counsel's work is complete. It is not intended to establish deadlines for the completion of this work. Nor is it intended to provide the special court with new termination authority that did not exist at the time the law was reviewed by the Supreme Court in Morrison v. Olson. That case formulated a narrow construction of the special court's termination authority, and Congress intends for this new provision to be construed within the bounds of that narrow construction. The sole purpose of the new provision is to ensure that the special court exercises its Constitutionally-defined authority on a periodic basis.

The special court is expected to make the required determination within the statutorily specified period. If it should fail to do so, however, the relevant independent counsel would not be affected. Rather, the court would be obligated to make the needed determination as soon as possible. Until then, the relevant independent counsel would be authorized to continue in office.

OTHER PROVISIONS

With minor changes, the Senate recedes to the House on section 3(a)'s provision creating a new section 594(l)(1)(A) (certifying official); section 3(e)'s provision creating a new section 594(f)(2) (national security procedures); and section 5's amendment of section 596(a)(1) (removal for physical or mental disability). The House recedes to the Senate on section 2's

H.R. CONF. REP. 103-511

provision relating to the five-year reauthorization; section 3(a)'s provision creating a new section 594(1)(3) (office space); and section 3(j)'s amendment of section 591(d) (30-day period to determine need for preliminary investigation).

REPORT ON WHITE HOUSE PERSONNEL

Senate bill

The Senate bill contains a non-germane provision requiring the White House to file a semi-annual report identifying the names and salaries of persons employed or detailed to the White House.

House amendment

The House amendment has no comparable provision.

Conference agreement

The conference agreement follows the Senate bill with simplifying changes and an exception for disclosures which would not be "in the interest of national defense or foreign policy." The conferees intend that this exception be construed narrowly, and that it be applied in a manner similar to section 552(b)(1)(A) of the Freedom of Information Act, which permits the withholding of information "specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy." The conference agreement requires the report to identify the total number of individuals for whom information is excluded, and requires that access to this excluded information be provided to the Senate Governmental Affairs Committee or House Government Operations Committee, upon the Committee's request. The conferees intend that, upon receiving such a request, prompt access to the excluded information be provided to the person or persons (including Committee staff) designated by the requesting Committee to review such information.

EFFECTIVE DATE AND TRANSITION PROVISIONS

Senate bill

The Senate bill is effective on the date of enactment, except for the provisions limiting staff salaries which are applied only to staff hired after the date of enactment of the law. The bill does not address the status of the 1987 law.

House amendment

H.R. CONF. REP. 103-511

The House amendment is effective on the date of enactment. In the section reauthorizing the law, the amendment states that the 1987 law must be considered as if it had not expired.

Conference agreement

Both the House and Senate intend to reauthorize the independent counsel law for an additional five years. In December 1992, the 1987 independent counsel law ceased to be effective except with respect to independent counsel proceedings then pending. Because two of the three independent counsel proceedings then in existence remain ongoing, the 1987 law has remained on the federal statute books and in effect for those proceedings.

The conferees agree that because this law has remained on the books and in effect for ongoing independent counsel proceedings, and because it has never been repealed, it can be amended to reauthorize the law for all purposes. Accordingly, section 2 of the conference agreement reauthorizes the law, as amended, for an additional five years, and section 7(a) applies the amended law to existing independent counsel proceedings, subject to certain transition provisions.

The transition provisions in section 7 primarily resolve how to apply specific provisions in the amended law to ongoing independent counsel cases.

Section 7(b) states that existing independent counsels shall have 30 days after the date of enactment to appoint the certifying official required by the new section 594(l)(1)(A)(iii).

Section 7(c) states that, in applying to existing independent counsels the new requirement in section 594(l)(3) to use federal office space unless other arrangements would cost less, the Administrator of the General Services Administration is directed to take into account moving, legal and other costs that may arise if an independent counsel is required to move to new offices.

Section 7(d) states that the new restriction on reimbursement of certain travel expenses added by section 594(b)(3) shall apply to existing independent counsel operations by restricting expenses incurred one year after the enactment of this Act. The new restriction on travel expenses is not intended to be applied retroactively.

Section 7(e) states that the compensation restrictions added by section 594(c) shall not be applied to cause a reduction in the compensation paid to any employee appointed before the date of enactment of this Act.

Section 7(f) states that the new requirements added by section 596(b)(2) shall be applied to existing independent counsel operations to require, for each independent counsel, a determination by the court one year after the date of enactment of this Act and thereafter at the end of each succeeding 1-year period.

Section 7(g) states that, in applying new reporting requirements to existing

H.R. CONF. REP. 103-511

independent counsel operations, these provisions should be interpreted so as not to require any retroactive reports.

Section 7(h) addresses a different concern, involving pending independent counsel proceedings which are regulatory rather than statutory in nature. It creates a transition provision for "any individual serving, at the time of enactment of this Act, as a regulatory independent counsel under Parts 600 and 603 of title 28 of the Code of Federal Regulations."

The 1987 independent counsel law and this reauthorization prohibit the special court from appointing as an independent counsel "any person who holds any office of profit or trust under the United States." 28 U.S.C. 593(b)(2). That provision ensures that the effectiveness of individuals who are chosen to serve as independent counsel will not be impaired as a result of divided loyalty or perceived conflicts of interest.

While the conferees believe that this provision should be continued, the conferees also believe that special circumstances exist with regard to the regulatory independent counsel who was appointed in *In re Madison Guaranty Savings and Loan Association*. That counsel was appointed from outside the Federal Government by the Attorney General, pursuant to 28 C.F.R. Part 600 et seq., during the period in which the Attorney General lacked the authority to seek appointment by the court of a statutory independent counsel for new matters. Given those circumstances, the conferees believe that it is appropriate for the special court to have the option to appoint the same person as the statutory independent counsel, should the statute be triggered with regard to the allegations that such regulatory independent counsel is currently investigating.

The conferees express no opinion on whether the statute will or should be triggered. That decision rests solely with the Attorney General. Nor do the conferees express any opinion on whether, if triggered, the special court will or should appoint the current regulatory independent counsel as the statutory independent counsel. That decision rests solely with the special court.

The conference agreement requires any regulatory independent counsel, if appointed by the special court as a statutory independent counsel, to abide by the provisions of the independent counsel law, as amended by this Act, to the same extent as statutory independent counsels appointed prior to the enactment of this Act. The only exception is that section 7(f)'s accelerated schedule of court reviews of existing matters to determine whether their termination is appropriate would not apply; instead, the provisions of section 596(b)(2), as amended by section 3(h) of this Act, would apply.

Finally, section 7(i) states that the new reporting requirements for White House personnel added by section 6 of the Act shall take effect on January 1, 1995.

And the House agree to the same.

That the Senate recede to the House's amendment to the title of the bill, so

H.R. CONF. REP. 103-511

that it will be the "Independent Counsel Reauthorization Act of 1994."

Jack Brooks,
John Bryant,
Dan Glickman,
Barney Frank,
Managers on the Part of the House.

John Glenn,
Carl Levin,
David Pryor,
Bill Cohen,
Ted Stevens,
Managers on the Part of the Senate.

H.R. CONF. REP. 103-511, H.R. Conf. Rep. No. 511, 103RD Cong., 2ND Sess. 1994,
1994 U.S.C.C.A.N. 792, 1994 WL 200711 (Leg.Hist.)

END OF DOCUMENT

FN 324



March 4, 1993

Mr. Phillip Carroll
120 East Fourth Street
Little Rock, Arkansas 72201

Dear Phil:

Excuse my delay in responding to your congratulatory letter. I have never worked so hard for so long in my life. The legal issues are mind boggling and the time pressures are immense. The day-to-day work, however, is extremely challenging and professionally exciting. While I am prejudiced, I believe that my background as a trial lawyer is the best training for the pressures to make prompt and difficult judgments on an hourly basis.

The pressure, financial sacrifice and family disruption are the price of public service at this level. As they say, "The wind blows hardest at the top of the mountain."

I regret we did not have an opportunity to say good-bye. I hope to be back in Arkansas sometime this spring and to see you and Diane at that time.

Sincerely,

Vincent W. Foster
Deputy Counsel to the President

210-DC-00005573

FN# 325

Nominee lied, says NAACP

Effort to recruit blacks disputed

By Jerry Seper
THE WASHINGTON TIMES

A1

Two officials of the Little Rock chapter of the NAACP yesterday sharply disputed Associate Attorney General-designate Webster L. Hubbell's assurances to a Senate committee that he tried to find black members for his fashionable Arkansas country club and could not.

They urged President Clinton to withdraw the nomination.

"He's lying," Daniel Bowman, manager and chaplain of the Little Rock chapter, said of Mr. Hubbell's claims. "I've known Hubbell a long time, long enough to know that he's now saying whatever it takes to win Senate confirmation."

The White House, responding to calls by conservative organizations to pull back the Hubbell nomination, noted that the club had accepted its first black member.

Clinton administration officials said the president would continue to support Mr. Hubbell, 45, a longtime friend of the president.

Concern over the Hubbell comments also spread yesterday to other black officials, including Joe Johnson, campaign manager for Virginia Gov. L. Douglas Wilder's 1992 presidential bid. Mr. Johnson said no one in the black community would accept from anyone the kind of statements made by Mr. Hubbell "and still believe that person to be credible."

Mr. Hubbell's membership in the Country Club of Little Rock is thought to imperil his confirmation in the Senate. His situation parallels that of U.S. District Judge Kenneth Ryskamp two years ago. The Republican judge was rejected by Senate Judiciary Committee Democrats for the appeals court after it was learned he had been a member of a Florida golf club that excludes Jews and blacks.

"I would have been the first to know had he made any effort to bring blacks into that club. It just didn't happen," Mr. Bowman said of Mr. Hubbell.

Dale Charles, president of the Little Rock chapter of the National Association for the Advancement of Colored People, said he, too, was unaware Mr. Hubbell had tried to recruit black members. He said the

see NOMINEE, page A8

Mr. Bowman said country club members admitted Mr. Reed only as a response to negative criticism, saying it was "solely a political decision." He described Mr. Reed as the club's token black and charged that the Hubbell recruitment effort "began and ended" with Mr. Reed.

Mr. Bowman said country club members admitted Mr. Reed only as a response to negative criticism, saying it was "solely a political decision." He described Mr. Reed as the club's token black and charged that the Hubbell recruitment effort "began and ended" with Mr. Reed.

Mr. Bowman said he personally led that effort. But Mr. Bowman said he knew of no blacks in the Little Rock area who were asked between 1986 and mid-1992 to apply for membership, or of any black organizations, including the NAACP, that was asked to assist in the search.

Mr. Hubbell was concerned about discrimination at the club, he had the option to resign, Mr. Johnson said. "The bell has to have rung for Mr. Hubbell at some point," he said. "I'm not sure your continued presence in that situation is the best way to register your dissatisfaction."

Mr. Hubbell was concerned about discrimination at the club, he had the option to resign, Mr. Johnson said. "The bell has to have rung for Mr. Hubbell at some point," he said. "I'm not sure your continued presence in that situation is the best way to register your dissatisfaction."

NOMINEE

From page A1

club admitted one black member last year only after The Washington Times disclosed that Mr. Clinton, then a candidate for president, played golf there. Mr. Clinton had an honorary club membership awarded to him as governor of Arkansas. Mr. Charles said many blacks believe the Little Rock club excluded them by setting fees so high they could not afford to join and by treating a nominating process that automatically guaranteed that blacks would not get in.

210-DC-00003907

TUESDAY, MAY 11, 1993

The Washington Times



69

FN # 3210

1ST STORY of Level 1 printed in FULL format.

Copyright 1993 The New York Times Company: Abstracts
WALL STREET JOURNAL

June 17, 1993, Thursday

SECTION: Section A; Page 10, Column 1

LENGTH: 47 words

HEADLINE: REVIEW & OUTLOOK: WHO IS VINCENT FOSTER?

ABSTRACT:

Editorial sees further indications of the Clinton administration's carelessness in following the law; discusses case of White House deputy counsel Vincent Foster, a former partner of Hillary Clinton in the Rose Law Firm in Little Rock

LANGUAGE: ENGLISH

The Wall Street Journal
Copyright (c) 1993, Dow Jones & Co., Inc.

Thursday, June 24, 1993

Review & Outlook (Editorial)

Vincent Foster's Victory

Meet Vincent Foster, movement conservative.

Vincent Foster is one of the White House lawyers from the Rose Law Firm, whose picture we've been seeking through the alleys and byways of the Freedom of Information Act. The picture arrived in time this week for us to celebrate Mr. Foster's victory yesterday in the battle over Hillary Clinton's status as head of the Clintons' health care task force.

An appeals court ruled Tuesday that, as Mr. Foster had been arguing, Mrs. Clinton is indeed the "functional equivalent" of a federal employee, at least as concerns compliance with the Federal Advisory Committee Act, or FACA (as in "focka").

The FACA Fight, initiated by various health and doctors' groups, was over whether the Hillary Clinton Health Task Force had to hold its meetings in public, which is what FACA requires when private citizens are serving on a President's advisory committees. Or whether Hillary, the functional federal equivalent, could hold her meetings in secret, as she desired. The appeals court said, sure, go ahead and meet in secret if you want. That's a win for the White House.

However, the court also said it didn't have a clue as to what exactly the task force's so-called "working groups" were all about, or whether FACA applied to their members. The White House said those are all federal employees, too, so they can hold secret meetings. But the appeals court said the legal status of these people isn't at all clear, and ordered the district court to revisit the FACA netherworld to explore such issues as whether some of Hillary's helpers are "special government employees" or "full time" or "intermittent" or "consultants."

Finally, the court said the plaintiff doctors groups get to look at the almost football-field's worth of paper and documentation that the working groups have piled up by now.

As we say, for achieving these outcomes we think Mr. Foster deserves a salute from conservatives. With one mighty sweep he has struck a blow for separation of powers, executive authority, critics of the litigation explosion, and we dare say, even for the formulators of the Reagan White House's off-the-books Iran-Contra operation.

Conservatives have worried out loud for years about inroads against the President's ability to carry out the functions of his office. In particular, conservatives have noted Congress's instinct to usurp presidential authority, tipping the balance of powers in the legislature's favor. Thus, particular or parochial interests subsume any national interest that a President is elected to represent.

Judge Laurence Silberman, writing for the appeals court (and alluding to Alexander Hamilton along the way), noted: "The ability to discuss matters confidentially is surely an important condition to the exercise of executive power. Without it, the President's performance of any of his duties . . . would be made more difficult. In designing the Constitution, the Framers vested the executive power in one man for the very reason that he might maintain secrecy in executive operations."

Alas, the Clintonites, as is their wont, again allowed hubris to smother mere principle. Instead of a more well-defined operation, they went secret over changing the entire American health care system. Even defenders of executive authority would blanch at such imperial overstretch.

And so now the Clintons will discover the pleasures of the litigation explosion as defined by former Vice President Dan Quayle. Instead of doing productive work, they will spend days bringing forth box after box of documentation, while arguing with a judge about "intermittent" vs. "full-time" -- just the way private companies do for the federal prosecutors and agency bureaucrats who enforce the kinds of vague laws that the Clintons' political philosophy favors. Dan Quayle has further details.

As for Iran-Contra, we suspect that Vincent Foster and Ollie North might hit it off. After all, we're supposed to believe that the health task force "officially" disbanded on May 30, and so FACA's requirements are moot. That is, we're supposed to believe that Mrs. Clinton and her associates will never ever hold off-the-books meetings with "non-government" advisers to get the reform plan finished.

Mr. Foster's boss, Bill Clinton, often rails against the gridlock of the "last 12 years." For that reason, we're glad that the case of Association of American Physicians and Surgeons v. Hillary Rodham Clinton, et al. has given a Democratic administration the opportunity to explore the questions of presidential authority discussed by Judge Silberman and his colleagues in their decision for the White House.

---- INDEX REFERENCES ----

NEWS SUBJECT: LAW & LEGAL ISSUES; HEALTH-CARE POLICY; HEALTH (LAW HCP HLT)

GOVERNMENT: EXECUTIVE; JUSTICE DEPARTMENT (EXE JUS)

REGION: NORTH AMERICA; UNITED STATES (NME US)

Word Count: 738

6/24/93 WSJ A12

END OF DOCUMENT

FN #327

Washington, D.C. There were numerous problems during the early stages of the CLINTON administration; many "stumbles" in first getting started. This became the reputation of the CLINTON administration. VINCENT FOSTER took this reputation personally. ANTHONY stated that he could see FOSTER withdraw within himself. There was a compaction of problems. Many family members became concerned and discussed how FOSTER was reacting to these problems. SHEILA ANTHONY picked up FOSTER's distress quickly.

The Wall Street Journal articles and editorials bothered FOSTER; he felt that they demolished his reputation. This had a "tremendous impact" on FOSTER.

FOSTER had a difficult time adjusting to his new lifestyle. FOSTER went from being put on a pedestal to having his "throat cut" every day. FOSTER couldn't handle it. FOSTER cared too deeply about the "right way" to handle things. FOSTER could not develop the necessary "hard outer shell" to deal with Washington, D.C. media and politics. FOSTER was a target because of his history with the CLINTONS, and his friendship with many of the Arkansans in the Administration. FOSTER was unable to leave his job and go back to Arkansas because it would mean failure.

FOSTER was mild-mannered, savvy, and intellectual. However, FOSTER's immediate superior, BERNIE NUSSBAUM, was a New York-style "street fighter." NUSSBAUM's personality conflicted with FOSTER's methodical approach. NUSSBAUM, contrary to FOSTER's advice, would provide poor political leadership.

ANTHONY recalled advising FOSTER to "chill out," and not take things so personally. ANTHONY advised FOSTER to go home, and that his work had become too stressful.

ANTHONY was unaware of the specifics of FOSTER's work. However, ANTHONY stated that he knew that FOSTER was working on a Presidential library for BILL CLINTON in Arkansas. ANTHONY had no knowledge regarding Whitewater, or any other matters relating to Madison Guaranty.

FOSTER called ANTHONY regarding legal representation in the Travel Office matter, if the matter went to congressional hearings. ANTHONY provided FOSTER with a list of attorneys in D.C. FOSTER had concerns regarding his position as an attorney with the administration versus being a witness before Congress.

Travel Office case when they were having dinner together on one occasion. ANTHONY tried to reassure FOSTER and told him he had always exhibited good judgment. FOSTER responded that he had not shown good judgment this time. After the White House report on the Travel Office was issued, FOSTER told ANTHONY that he felt badly for WILLIAM KENNEDY, who was also an attorney in the White House Counsel's office. FOSTER told ANTHONY that KENNEDY was getting more criticism than he deserved.

ANTHONY recalls having two conversations with FOSTER about the Travel Office case. One of these conversations occurred when the issue of the firing of the Travel Office employees first broke in the press. The second conversation occurred when the White House report regarding the Travel Office case was issued. This latter conversation occurred over the telephone at a time when FOSTER was no longer living with ANTHONY. ANTHONY believes that FOSTER's distress at that time was severe. ANTHONY was unable to make FOSTER understand that the treatment of the Travel Office case was par for the course in a very partisan city such as Washington, D.C. ANTHONY does not now recall whether FOSTER was more distressed during the second conversation or not. She does recall that FOSTER was very distraught over a series of articles which had appeared in the Wall Street Journal newspaper regarding FOSTER. ANTHONY now recalls that she told FOSTER that no one who had voted for BILL CLINTON would read the Wall Street Journal anyway. FOSTER did not find ANTHONY's remark to be humorous, and he still appeared to be upset. The only newspaper article which FOSTER and ANTHONY specifically discussed from the Wall Street Journal was an article entitled "Who is Vincent Foster?". ANTHONY recalls that FOSTER was upset over two aspects of this particular article. FOSTER had learned that there had been confusion at the White House regarding the sending of a photograph of FOSTER to the Wall Street Journal to accompany the article. FOSTER complained to ANTHONY that the Communications Office at the White House had not sent the photo of FOSTER to the Wall Street Journal, and that this failure to forward the photograph may have triggered the critical article which appeared in the paper. FOSTER was also upset that the Wall Street Journal article denigrated the Rose Law Firm.

ANTHONY has no knowledge of FOSTER continuing to be affected by Rose Law Firm business once he left the firm. FOSTER

D-LR-35063

Continuation of OIC-302 of ALICE MAE FOSTER, On 5/2/95, Page 2

concerned that her husband might also commit suicide. Mrs. FOSTER had all of the handguns in the house placed in a box and put in a closet.

Subsequent to her husband's death, VINCENT FOSTER came to her and told her that his father had told him that he could have the guns. Mrs. FOSTER gave VINCENT FOSTER the box of handguns.

Mrs. FOSTER was shown a revolver which was recovered from the hand of VINCENT FOSTER subsequent to his death at Fort Marcy Park. Mrs. FOSTER was unable to identify the gun, and could not say whether the gun belonged to her husband. Mrs. FOSTER's husband had a membership in a hunting cabin at Yellowcreek, Arkansas. He would go there occasionally with his friends. Mrs. FOSTER never accompanied them to the cabin to hunt or shoot.

Mrs. FOSTER recalled that at one time, her husband told her that he had obtained a permit for the gun. Mrs. FOSTER recalled that the conversation regarding the permit would have occurred in Hope, Arkansas during the 1950s or 60s.

Mrs. FOSTER was unaware of any family photos depicting the gun.

Mrs. FOSTER is aware that her son VINCENT accepted an appointment with the CLINTON administration to become the Deputy White House Counsel, not the White House Counsel. VINCENT FOSTER told her that he did not want the publicity that would accompany the position as the White House Counsel. At the time of his appointment, Mrs. FOSTER was very happy and proud of her son; now she stated that she wishes that he hadn't accepted the appointment. Mrs. FOSTER believes that her son would be alive today if he had not accepted the position at the White House. Mrs. FOSTER is sure that her son was deeply disturbed about the publicity he received in The Wall Street Journal articles.

Mrs. FOSTER is unaware of her son receiving any previous treatment for depression. Dr. LARRY WATKINS was his personal doctor.

Mrs. FOSTER last talked to VINCENT a day or two prior to his death. She had attempted to contact him during the weekend prior to his death; he returned her call and told her

29D-LR-35063

Continuation of OIC-302 of ELIZABETH "LISA" BRADEN FOSTER, On 4/7/95, Page 8

LISA FOSTER did not know where FOSTER was during the hours immediately prior to his death.

LISA FOSTER thought that FOSTER owned three handguns. She located one after his death, and does not know what happened to the others.

SHARON BOWMAN, FOSTER'S sister, was travelling to D.C. for a visit on the day of his death.

FOSTER was very serious about the criticism he was receiving in the newspapers. At one point, LISA recalled FOSTER taking a newspaper out of her hands and throwing it away.

LISA FOSTER recalled FOSTER taking Monday off, the week before his death. LISA considered this very unusual for FOSTER.

LISA FOSTER was shown a green pot holder-type mitt, which was obtained from the glove compartment of the vehicle FOSTER drove to FT. MARCY park. LISA identified the mitt as an item from their kitchen. A Swiss exchange student gave it to the family as a gift. LISA had no knowledge of how it came to be in the vehicle.

LISA FOSTER was also shown a white envelope which contained the registration to the family's Lexus sedan. LISA had no knowledge of the circumstances pertaining to the registration, envelope, or post-it note attached to the registration. Lisa stated that the writing on the envelope is similar to FOSTER'S, and that he was responsible for obtaining a vehicle inspection for the Lexus.

LISA FOSTER was unsure of where FOSTER normally carried his wallet, but thought that he usually carried it in the backpockets of his pants.

At the conclusion of the interview, LISA FOSTER stated that she has no doubt that her husband took his own life at FT. MARCY PARK as a result of the enormous pressure that he put on himself. FOSTER blamed himself for all of the CLINTON administration's problems. LISA FOSTER stated that there were lessons to be learned from the way FOSTER lived and died.

D-LR-35063

Continuation of FD-302 of COY A. COPELAND *Hockersmith*, On 8/31/95, Page 3

a lot of pressure trying to figure out their jobs. She recalled FOSTER was very concerned about his separation from his family and appeared very anxious for them to get moved to Washington. She remembered that LISA made occasional trips to Washington during this time frame.

About Father's Day weekend in 1993, she and her husband were in Washington. They visited with FOSTER in his office on a Friday. During the visit FOSTER appeared to be very "stressed out". He showed them the Wall Street Journal article and talked to them about it. FOSTER was not accustomed to criticism and took the article very hard. The following night (Saturday), they went out to dinner with the Arkansas group. The FOSTER's were in the group. She recalls now that FOSTER was very quiet that evening but did not think anything about it at the time because the restaurant was very loud. The following day (Sunday), a smaller group, including the FOSTERS, attended a brunch at the home of JOHN EMERSON. FOSTER did participate a little bit in the conversation and he appeared to be having a good time.

She recalled a telephone conversation with LISA approximately two weeks before FOSTER's death. LISA had called her to ask her opinion on where to put a rug or something. During the telephone call, she also talked to FOSTER and asked him where he thought LISA should put the rug. He replied something to the effect of "That is the last thing on my mind right now".

She recalled later making the comment to her husband that VINCE was really not behaving like himself.

There is no doubt in her mind that FOSTER killed himself. The note that was found in his briefcase contain items that were a reflection of his state of mind. She had no conversations with FOSTER about the Travel Office but felt the other items listed had caused him a great deal of stress. She mentioned she was now very remorseful because she did not take the obvious stress he was experiencing very seriously at the time.

She knew the FOSTER's did not travel extensively. They did spend some summer vacations at Lake Michigan. She is aware of no foreign travel except one trip. They traveled to Italy for one week and then met a travel group in France for an additional

D-LR-35063

Continuation of FD-302 of WILLIAM H. KENNEDY, On 5/6/94, Page 4

KENNEDY said that FOSTER coped with problems in his life by internalizing them. KENNEDY said FOSTER's hobbies included "puttering in the kitchen," family activities, visiting in Hot Springs, Arkansas and tennis. KENNEDY noted that FOSTER loved his children.

KENNEDY did not think FOSTER had any immediate financial problems and was not a gambler. He said that like others who had moved to Washington, D.C. from Arkansas, they had housing expense increases and in FOSTER's case, also children in college.

KENNEDY said he "had no indication" of extra-marital relationships of FOSTER. KENNEDY said the rumors regarding FOSTER and MRS. CLINTON had kicked around in Arkansas for years. Their origin was probably political enemies. It was no secret that VINCE FOSTER, WEBB HUBBELL and HILLARY CLINTON were good friends. FOSTER "hated" the rumors regarding himself and MRS. CLINTON. KENNEDY remembered a 1992 campaign comment FOSTER made that he (FOSTER) was considering not talking to the press because of these rumors. KENNEDY said MRS. FOSTER had to have heard these rumors.

KENNEDY said that FOSTER really had no one in his life in whom he would confide completely. KENNEDY listed FOSTER's closest confidants as HILLARY CLINTON, WEBB HUBBELL, LISA FOSTER, PHILLIP CARROLL, a partner at RLF and mentor of FOSTER, and other friends - BILL WOODYARD and WALTER HUSSMAN.

KENNEDY cannot recall VINCENT FOSTER ever making statements such as "I can't stand it anymore" or "I'd be better off dead." KENNEDY did recall FOSTER making one comment to him in the second week of June saying "he (FOSTER) was thinking about finding a job with less pressure." Another job in the administration with not as much strain. KENNEDY noted this was an amazing comment for FOSTER to have made to anyone. In hindsight, KENNEDY realizes that FOSTER was trying to tell him he needed help. Unfortunately, KENNEDY did not understand at the time and told FOSTER that he was invaluable in his present position. KENNEDY was unaware of FOSTER making similar statements to anyone else. KENNEDY said this was during the time period of the Travel Office matter and that the "Who is Vince Foster?" article in the Wall Street Journal was upsetting to FOSTER. Even though the assertions in the article were

D-LR-35063

Continuation of FD-302 of WILLIAM H. KENNEDY, On 5/6/94, Page 5

ludicrous, FOSTER realized that Arkansas people read the Wall Street Journal and being trashed in the Wall Street Journal meant being trashed in Arkansas. FOSTER lived his life to maintain his reputation.

KENNEDY was asked if he was aware if FOSTER was experiencing any symptoms related to depression, such as changes in personal appearance, sleep difficulties, physical ailments, headaches, loss of appetite, indigestion or the like. KENNEDY replied that he knew FOSTER had lost weight but was unaware of any of the other symptoms. He said FOSTER was drawn and frowned and was working too many hours. FOSTER was working on the run and he was working under stress, as most in the White House were. At the time, it didn't surprise KENNEDY that FOSTER was losing weight. You could see someone beaten down, but those seeing it also were beaten down. Asked if he was aware if FOSTER had seen a physician, KENNEDY answered he could only recall FOSTER seeing a dentist on one occasion.

KENNEDY said FOSTER's reputation in Arkansas was excellent. The main reason KENNEDY was surprised FOSTER had gone to Washington with the President was that KENNEDY had seen FOSTER posturing himself for the position of President of the Arkansas Bar Association. KENNEDY expected FOSTER to run in 1993. KENNEDY said FOSTER was active in the Arkansas Repertory Theatre and fundraising projects, etc. FOSTER was extremely well thought of in the Arkansas community. KENNEDY felt FOSTER's reputation in Washington was becoming what it had been in Arkansas.

KENNEDY was asked about FOSTER cancelling his appearance to accept an award from the Arkansas Bar Association the day before the award was to be presented. KENNEDY said he had asked FOSTER about this and had received the reply that FOSTER had "too much to do." At the time, this explanation made sense to KENNEDY.

KENNEDY did not see any changes in FOSTER's desire to be around other people. However, FOSTER's work kept him pinned in place a lot of the time.

KENNEDY described FOSTER as not being a very religious person. FOSTER's religion was not manifested outwardly.

LR-35063

Continuation of FD-302 of

BRUCE ROBERT LINDSEY

, On 6/22/94

, Page 2

Arkansas and they would talk about what their life was like. LINDSEY estimated that FOSTER's level of anxiety and loneliness in connection with what he was experiencing as about comparable to what LINDSEY was experiencing and did not consider it to be inordinate.

The only time that LINDSEY recalls an incident where FOSTER seemed inordinately upset about something was the day that The Wall Street Journal published an article on either FOSTER himself or the Rose Law Firm that showed no picture of him, in the usual box where The Wall Street Journal likes to put a sketch of the individual being discussed. The criticism that appeared in that article painted a shady, if not unethical, image of FOSTER and FOSTER found it extremely irritating. FOSTER had initially refused to send them a photograph but then did so but not in time for it to appear with the article. LINDSEY recalls FOSTER saying to him, "The damn thing is that I sent them a picture". LINDSEY said that by his way of thinking, it was not that big of a deal, but it appeared that FOSTER had no sense of resilience or sense of humor on the matter. The article implied that FOSTER and The White House was willing to play "fast and loose" with the rules.

LINDSEY said that he knew FOSTER had lost some weight, but that he did not attribute it to anything of significance. He noted that he himself had lost 25 pounds since coming to work at The White House. He remembers one night shortly before FOSTER's death when HUBBELL, the President and himself were going to watch a movie at The White House and the President called FOSTER to invite him to come. Foster declined saying that his wife LISA was already ready for bed. His refusal to come to the movie did not seem significant. He remembers discussing FOSTER with WEBB HUBBELL and could only recall the sense that FOSTER needed a good weekend to rest.

At the initial meeting regarding the Travel Office, VINCE FOSTER was most defensive about WILLIAM KENNEDY's participation in the matter. FOSTER was very unhappy that KENNEDY was reprimanded with regard to the Travel Office matter. LINDSEY said that MACK MCLARTY, JOHN PODESTA, VINCE FOSTER, MARK GEARAN and possibly LEON PANETTA and BERNARD NUSSBAUM were at that meeting. The purpose of the meeting was to develop a strategy prior to the press release of the Travel Office report. FOSTER was angry about the letters of reprimand. KENNEDY was also very unhappy and LINDSEY said he thought he remembered that KENNEDY was feeling as though perhaps he should resign. LINDSEY

Page Denied

Page Denied

Page Denied

Page Denied

D-LR-35063

Continuation of FD-302 of MARSHA SCOTT, On 6/9/94, Page 3

With regard to the last thing that SCOTT heard him say, that is, "the staffing cuts are killing us", the context for that statement was that SCOTT asked FOSTER, "If I talk to him (meaning President CLINTON) before you do, what do you want me to tell him?" FOSTER's response was, "The staff cuts are killing us." SCOTT further explained that everybody serves at the pleasure of the President and by custom when the administrations change, anybody can be asked to stay or might be asked to leave.

With regard to the Travel Office matter, SCOTT advised that she does not recall specific conversations. She recalls knowing that FOSTER was particularly upset about the reprimand of BILL KENNEDY. He felt that BILL was "taking a fall" for something he hadn't done. She knows that she and VINCE talked about it, but she doesn't recall the conversation now. She also did not discuss the matter with LISA FOSTER. She said she doesn't remember ever talking about work items with LISA FOSTER and explained that she does not consider it appropriate and so keeps her conversation general. She also had the impression that FOSTER himself did not talk about work with LISA.

SCOTT advised that she has the sense that FOSTER had reached a personal dead end. It is her opinion that he would have reached it whether or not he had come to Washington, D.C. She opined that FOSTER lacked the ability to see options and on July 20, he felt that he had no other option but to commit suicide. His view of his responsibilities was very serious. He was accustomed to succeeding and to being able to affect closure in his work tasks. The White House involved work made up of endless loops without any resolution.

With regard to articles in The Wall Street Journal, she said that VINCE was shocked when the article on him appeared in the paper. They had wanted a picture of him and characterized their not getting it as stonewalling on The White House's part. That struck all of them in the Arkansas group as "dumb". She felt that FOSTER thought that the press was being absolutely ruthless. It seemed to him a personal, mean and vicious attack at a time when he was working extremely hard. FOSTER (and others in the Arkansas group) felt that they (meaning the press and possibly specifically The Wall Street Journal) would stay at it until they "took somebody out"--until they drove a wedge to separate the President from his Arkansas friends. In saying that FOSTER was upset, SCOTT does not know if he was angry upset (because she never saw him angry) but she knew that it weighed

Page Denied

Page Denied

Page Denied

D-LR-35063

Continuation of FD-302 of TRIPP, On 3/27-28/95, Page 2

FOSTER had a great relationship with NUSSBAUM. FOSTER maintained a strictly professional relationship with GORHAM. TRIPP was surprised that FOSTER did not become closer to GORHAM.

TRIPP noticed changes in FOSTER'S personality over the time that she worked at the WHITE HOUSE COUNSEL'S OFFICE. FOSTER became quieter, more introverted, and more removed from the others in the office. TRIPP perceived FOSTER losing weight; he seemed to be notching his belt tighter, and there were several comments in the office.

TRIPP stated that FOSTER seemed distracted on the day of his death. LOUIS FREEH was sworn in as the new FBI Director on the same day. TRIPP recalled asking FOSTER a simple question regarding a press inquiry concerning FREEH'S nomination. TRIPP had to repeat the question several times before FOSTER heard her and understood the question.

TRIPP had no personal knowledge of FOSTER'S finances. However, TRIPP recalled that GORHAM had mentioned some possible problems in this area; mostly due to the huge cut in pay that FOSTER took when he accepted his position in the White House. Additionally, cost of living was much more expensive in D.C. than in Little Rock.

TRIPP could not recall FOSTER ever mentioning owning any guns.

VINCENT FOSTER was heavily involved in the changes in the White House Travel Office. FOSTER was concentrating on "getting their people in there"; replacing the Travel Office employees with friends of the CLINTONS. FOSTER had meetings regarding the Travel Office with KENNEDY, WATKINS, THOMASSON, CLARISSA CERDA, and CATHERINE CORNELIUS. TRIPP recalled CORNELIUS at one point saying "They'll be gone in a week, stay tuned"; referring to the employees in the Travel Office being replaced by friends of the CLINTONS. TRIPP stated that FOSTER was acting under HILLARY CLINTON'S guidance in the Travel Office matter. TRIPP recalled seeing a memo which referred to a plan to replace the present Travel Office employees with friends of the CLINTONS, TRIPP recalled that memo stated "We need to get our people in there". TRIPP stated that NUSSBAUM was not involved in the Travel Office matter.

VINCENT FOSTER was "crucified" in the press over the

D-LR-35063

Continuation of FD-302 of

TRIPP

On

3/27-28/95

Page

3

Travel Office matter. FOSTER seemed surprised at the criticisms in the press. The media attention became an immense issue for FOSTER. TRIPP heard him make comments about some of the news articles.

FOSTER was normally a very mild mannered individual. TRIPP recalled FOSTER at one point yelling at NUSSBAUM that he (FOSTER) should be held accountable and "take the fall" for the Travel Office situation. TRIPP recalled that NUSSBAUM wanted to take responsibility for it himself.

FOSTER was very distressed over the newspaper articles criticizing him and his abilities. One of the newspapers requested a photograph of FOSTER. FOSTER did not want his picture released.

TRIPP recalled discussions regarding JIM HAMILTON representing FOSTER in the Travel Office matter. FOSTER also interacted a lot with a Mr. LYONS in this matter. TRIPP was not privy to these conversations, but placed and received a lot of calls to and from LYONS.

TRIPP stated that regular visitors to FOSTER's office were HILLARY CLINTON, MAGGIE WILLIAMS, LISA CAPUTO, BILL KENNEDY, an individual who worked on the White House interior decorations who was from Little Rock, WEBB HUBBELL and AMY STEWART; who was a young female that worked for HILLARY CLINTON as her personal aide. HUBBELL would see FOSTER at his weekly meeting with BERNIE NUSSBAUM. KENNEDY was a close friend of FOSTER's, and often talked with FOSTER on work-related items. MAGGIE WILLIAMS was an intermediary for HILLARY CLINTON; WILLIAMS would give FOSTER information from HILLARY CLINTON. AMY STEWART seemed to base herself out of FOSTER's office; STEWART stayed there, received calls there, and seemed to share his office at times. FOSTER said that she was "working on a project" for him.

Additionally, SUSAN THOMASES was a regular visitor to the White House Counsel's suite, not necessarily exclusively to see FOSTER. THOMASES had a "blue pass" at the White House, and was powerfully involved in the CLINTON administration.

FOSTER's typing and dictation was completed by GORHAM.

In-coming messages for FOSTER or NUSSBAUM could be taken by anyone in the White House Counsel's office.

FN # 328

SUBJECT: MENTAL CRIMINAL INCIDENT **LORD**

JUVENILE CASE

2 SYSTEM AREA

United States Park Police

3 WHEN DID IT OCCUR?

MO.	DAY	YR.
07	27	93

4 YEAR	CASE/INCIDENT NUMBER
93	030502

5 NATURE OF INCIDENT

Death Investigation

6 RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

Investigator John C. Rolla 07/27/93

On 07/27/93 myself and Captain Hume conducted an interview with Mr. Berl Anthony concerning case number 93-30502, death investigation of Vincent FOSTER, Jr.

Mr. Anthony is the brother-in-law of Vincent Foster, Jr. Mr. Anthony stated that he has known Vince Foster for thirty-five years. Mr. Anthony is married to Mr. Foster's sister Sheila. Mr. Anthony stated that he and his wife were very close to Vincent Foster and that Vince Foster had lived with he and his wife for ninety days when he first came to Washington, D.C. Mr. Anthony stated that he and his wife had noticed a gradual decline in Mr. Foster's general disposition to the point of depression. Mr. Anthony stated that Mr. Foster was not handling the politics in Washington, D.C. very well and blamed himself personally for the failed nominations for Attorney General and some of the sub-Cabinet posts. Mr. Foster also was very upset over some unfavorable articles printed by the Wall Street Journal in the last several weeks and seemed to take them personally. Mr. Anthony stated the Mr. Foster was also concerned about his legal advice and his role in the firing of seven White House travel office aides, aka (Travelgate).

During the month preceding Mr. Foster's death, Mr. Anthony stated that he and his wife noticed that Mr. Foster's depression had become increasingly worse and became very worried about Mr. Foster's well being. Mr. Anthony stated that he believed his wife had given Mr. Foster a list of three counselors, psychiatrists or other doctors who do counseling. Mr. Anthony stated that during a conversation approximately three weeks prior to Mr. Foster's death, Mr. Foster made a comment to the effect, I have spent a lifetime building my reputation and now I am in the process of having it tarnished.

Mr. Anthony stated that the last time he spoke to Mr. Foster he believed was the morning of July 12, 1993. Mr. Foster had called him and stated that he was worried that there might be a Congressional inquiry into the above mentioned firings of seven White House travel office aides. Mr. Foster asked Mr. Anthony to refer him to an attorney. Mr. Anthony stated that he thought this an odd request because Mr. Foster was a man who kept his own counsel and was not open even with the people who knew him best. Mr. Anthony stated that he got some information together on six different attorneys and it was taken by courier to Mr. Foster's residence on July 15, 1993 at 6:53 pm.

8 WARRANT(S)

YES

9

LATENTS
 PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

PAGE 1 OF 2 PAGES

STATUS: OPEN

SUSPENDED

CLOSED BY:

ARREST

EXCEPTION

UNFOUNDED

14 REPORTING OFFICER

BADGE/ID

DATE

15 INVESTIGATOR

BADGE/ID

DATE

16 SUPERVISOR

BADGE/ID

DATE

F 001267

John C. Rolla 284 07/27/93

834 7/29/93

FN # 329

1ST STORY of Level 3 printed in FULL format.

Copyright 1993 Gannett Company, Inc.
USA TODAY

July 19, 1993, Monday, FINAL EDITION

SECTION: NEWS; Pg. 10A

LENGTH: 302 words

HEADLINE: Appoint **special counsel**

BODY:

Fair and impartial justice.

That's what the Clinton administration needs in the wake of charges of cronyism and abuse of power about its handling of the White House travel office.

And that's why the president should not just heed Senate Minority Leader Bob Dole's call last week for a **special** Justice Department prosecutor. He should seize the chance to urge re-enactment of a law that could provide a totally independent investigation - the independent **counsel** law, which lapsed in December. Clinton has endorsed the law, while many of the Republicans now eager for an investigation opposed it.

The White House firing in May of seven career employees responsible for chartering planes and reserving hotel rooms for the media was at first hailed as cleaning up mismanagement.

After its own review, the White House admitted a lot of bungling. It reprimanded five aides and promised five of the travel office workers other jobs.

While the episode will never rate with Watergate, questions remain:

Were there really improprieties in the office, as the administration alleged?

Did the White House act properly in pushing an FBI investigation?

Why was a distant Clinton cousin who helped get the travel workers fired appointed to head the travel office? And what role did a Hollywood friend of Clinton with an interest in a travel business play in the dismissals?

An independent **counsel** could provide a less partisan portrait of what happened and do so very quickly.

Such **counsels** during the Carter, Reagan and Bush years prosecuted wrongdoers, but they also saved reputations.

Such full and impartial investigations can do the same today. With a truly independent **counsel** for "travelgate," Clinton could ensure government workers, White House aides and the public that justice is being done.

1ST STORY of Level 1 printed in FULL format.

Copyright 1993 News World Communications, Inc.
The Washington Times

July 12, 1993, Monday, Final Edition

SECTION: Part F; COMMENTARY; EDITORIAL; Pg. F2

LENGTH: 1666 words

HEADLINE: The **travel office** controversy isn't over

BODY:

The much-heralded report on the White House internal investigation of the debacle over its **travel office** was released a week ago Friday - timed, conveniently enough, to coincide with the mass exodus from Washington for the Fourth of July holiday - and, as was to be expected, it amounts to not much more than a bit of breast beating and a gentle slap on the wrist for those involved.

The facts presented by the report provide a clear account of the machinations that ended in the summary dismissal - and public humiliation - of the seven long-time employees of the **travel office**. Take, for example, Catherine Cornelius. The president's cousin had coordinated commercial travel during the campaign, and she had her eye on the **travel office** from the beginning. During the transition, according to the report, she prepared two memos outlining her ideas for organizing press travel for the Clinton administration. After the inauguration, and once hired as a general White House assistant, she prepared yet a third memo, this time offering a detailed restructuring of the office that put her in charge. From January until April she pressed her case, and finally made it to the office - though not as director - on April 12.

Meanwhile, Clinton buddy Harry Thomason was hearing complaints from his pal (and partner in an aviation consulting firm) Darnell Martens about not being able to get the time of day, business-wise, from the White House **travel office**. Mr. Martens also let Mr. Thomason in on a rumor he'd heard about corruption in the office. Mr. Thomason passed this on to the president as well as to Assistant to the President for Management and Administration David Watkins - who passed it on to Miss Cornelius, now happily ensconced in the **travel office**, asking her to "keep her eyes and ears open" to any evidence of corruption there.

This she did, and with a vengeance. She sneaked around copying documents, and brought the copies home with her. She also eavesdropped on office conversations that led her to believe, as the report put it, "that the employees were living in a manner beyond the means of government employees."

At the same time, Harry Thomason was still conducting his own campaign to make the office more congenial to his friends in the travel business. And on May 12th, David Watkins arranged for a meeting between Mr. Thomason and Miss Cornelius, who reached an agreement that something was fishy in the **travel office**. Later that day, the two presented this consensus to Mr. Watkins,

The Washington Times, July 12, 1993

bringing along Mr. Thomason's partner Darnell Martens, who, according to the report, happened to be "in Washington at the time" and told his story of being rebuffed by the **travel office's** director. The meeting then expanded to include Deputy White House Counsel Vincent Foster and Associate White House Counsel William Kennedy - though Mr. Martens seems to have dropped out at that point. The counsels recommended an audit of the office; when Mr. Watkins declared such an audit beyond White House capability, the problem was given over to Mr. Kennedy.

He immediately called the FBI for "guidance" - and was still awaiting it next morning, when Mr. Foster pressed him for a solution to the problem. Mr. Kennedy then informed his FBI contact that if he couldn't come up with some guidance in "the next fifteen minutes," Mr. Kennedy might have to turn elsewhere - perhaps to the IRS - for help. No fewer than four FBI honchos met with Mr. Kennedy that day, and he told all of them that the case was of interest at "the highest levels at the White House." This was assuredly the truth, if Hillary Rodham Clinton is considered as being at the highest level of the White House; she questioned both Mr. Foster and Chief of Staff Thomas F. McLarty about the **travel office** problem that afternoon.

While Mr. Kennedy was still awaiting FBI guidance, Mr. Watkins had come up with his own plan: an audit by a non-government firm, KPMG Peat Marwick. The FBI, having been impressed by Mr. Kennedy with the urgency of the case, argued that its agents should accompany the Peat Marwick team; Mr. Thomason, Mr. Cornelius and Deputy Communications Director Jeff Eller - with whom, the report reveals, Miss Cornelius "had a personal relationship" - called for the immediate dismissal of all **travel office** employees; but Mr. McLarty decided to go with the "more cautious and low-key approach" of doing the audit before instituting an FBI investigation or firing anyone.

Three days later, on May 17, Peat Marwick submitted a report detailing "abysmal management," nonexistent accounting and billing procedures and unaccounted-for cash in the **travel office**. On May 19th, Mr. Watkins ordered all seven office employees to leave by the end of the day. He also provided press secretary Dee Dee Myers with talking points for the press that described the dismissals as the result of a routine review and noted that the White House had asked the FBI to investigate financial irregularities. Counsels Foster and Kennedy instructed Mr. Watkins to delete mention of the FBI from the press guidance, but Miss Myers had already left the building. Somehow, no one was able to locate her during the next three hours, and by noon she had already let the FBI cat out of the bag.

The press, having gotten wind of Miss Cornelius' **travel-office** ambitions and Mr. Thomason's partnership with Darnell Martens, smelled a rat and "questioned the bona fides of the FBI investigation." By May 21, Communications Director George Stephanopoulos, chief White House Counsel Bernard Nussbaum, Mr. Foster and Mr. Kennedy were meeting with FBI Public and Congressional Relations director John Collingwood "to clarify the facts and indicate what could properly be said about the investigation." Mr. Collingwood assured the staffers that it would be accurate to say the FBI had determined there was enough evidence to warrant further investigation. He then went back to his office and "updated" his own press guidance accordingly. He faxed that guidance to the White House press office, which, unaware that it was for their information only, released it to the press.

On May 25th, the White House announced that the five **travel office** employees with no financial control had had their status upgraded from "dismissed" to "on paid administrative leave," where they remain as of this writing. The FBI investigation continues.

The report's analysis of its own findings is every bit as revealing as the findings themselves. The **travel office** employees, the report concludes, for one thing, ought to have had "an opportunity to hear the reasons for their termination . . . and . . . to respond." "A more humane approach was in order" in their treatment. The White House ought not to have been so "insensitive" as to have tarnished their reputations, furthermore, by the "inappropriate" disclosure of the FBI investigation.

As to the FBI's involvement in the case, William Kennedy's insinuations about high-level White House interest "risk creating the perception that the FBI is being improperly pressured." Calling the FBI's PR director into a White House communications meeting, moreover, and releasing his updated press guidance, "was . . . improper and insensitive to the appearance of White House influence."

And the role of Harry Thomason and Catherine Cornelius? While "there is every reason to believe," the report asserts, "that these individuals saw their actions as being in the best interests of the White House and the President," and while "it is entirely plausible that Thomason was in no way motivated by the hope of financial gain," nevertheless, their involvement created "the appearance that personal interests" played a role in decisions about the **travel office**."

The whole imbroglio, in the view of Chief of Staff McLarty and Office of Management and Budget Director Leon Panetta, who conducted the investigation together, is nothing more than a matter of insensitivity to appearances and perceptions.

The Landmark Legal Foundation, for one, is not prepared to leave it at that. The Foundation, a non-profit public interest law firm, called on Attorney General Janet Reno weeks ago to institute a nonpartisan investigation conducted by an experienced prosecutor. Said the Foundation's Mark Levin, "An internal White House review by White House staffers, one of whom [Mr. McLarty] was directly involved in the decision-making, does not constitute a proper investigation. Statements were not taken under oath, and documentation was not properly secured. In short, we still don't know if any laws were broken or regulations breached. And we won't until a real investigation is conducted."

The FBI recently informed the foundation that its request for documents in the case under the Freedom of Information Act will not be fulfilled for "a year or more." So the chance that an independent, non-official inquiry will be able to shed much additional light is low. Only the power of subpoena is going to disgorge the necessary documents and testimony. Republicans on Capitol Hill have been making exactly that point.

In the meantime, though we may have no evidence of criminal conduct, we can surely draw the obvious conclusions about the ethics involved. The actions of the White House counsel in this matter were as improper and high-handed as can be imagined. The White House Press Office acted with unforgivable irresponsibility. The behavior of the President's cousin, Catherine Cornelius,

The Washington Times, July 12, 1993

and his best friend, Harry Thomason, was as sleazy as sleazy can be. And the White House report on the incident is itself nothing but further evidence of an unwholesome preoccupation with appearances and an arrogant indifference to real malfeasance.

LANGUAGE: ENGLISH

2ND STORY of Level 1 printed in FULL format.

Copyright 1993 The New York Times Company
The New York Times

July 11, 1993, Sunday, Late Edition - Final

SECTION: Section 4; Page 18; Column 1; Editorial Desk

LENGTH: 560 words

HEADLINE: A **Stealthy, Evasive Confession**

BODY:

When the White House was getting ready to fire all seven employees of its travel office, why was notice sent to Hillary Rodham Clinton and not her husband the President? And why, even after the public had learned how Clinton friends engineered the travel office flushout, did the staff feed President Clinton the discredited line that the firings were simply economy measures?

These are among many questions that remain unanswered after the White House release of what it styles as a "management review" of the travel office fiasco that unraveled in May. Thomas McLarty, the chief of staff, hoping to contain the scandal, calls his report "complete and thorough."

But his accounting is replete with the "mistakes were made" format of White House dodges of the past. The mistakes, the report insists, were simply bad judgment and inexperience, nothing venal. The report's confessions were delivered almost by stealth on July 2, presumably in hopes that anyone interested in its contents would be safely at the beach. In any event, more than mistakes were made: Misstatements were made and wrongs were committed.

The report commendably concludes that the travel office employees were cashiered without "sensitivity and decency," that assigning a Clinton cousin to replace them "fed the appearance of favoritism" in dishing out a White House perk, and that it was "not a good practice" to give Clinton friend Harry Thomason roaming privileges in the White House and not cut off his interventions for his business associates. But surely more than appearances were involved here. Mr. Clinton's friends and relatives abused their White House access to gain advantages for themselves or for their cronies.

The White House also acquits itself of anything much worse than bad appearances in the abuse of the Federal Bureau of Investigation. The staff summoned an F.B.I. official to bolster insinuations that the travel office, instead of being reshuffled for friends, was under investigation for possible criminality. That maneuver, along with suggestions that the Internal Revenue Service might be called in, didn't just look bad. It was bad.

The White House management study says the First Lady inquired about the travel office and was sent a copy of a memo about the impending firings. No one seems to have asked the nature of her interest. The study also says that Bernard Nussbaum, the White House counsel, and two members of his legal staff attended that key meeting with the F.B.I. official. No one asked why Mr. Nussbaum, the in-house ethical watchdog, didn't intervene to stop the obvious pressure on the

The New York Times, July 11, 1993

bureau to make the travel office look crooked as well as inefficient.

The management study concludes that it was wrong to tell reporters that the F.B.I. was probing for criminality but doesn't repent the rest of the White House tale: that the probe of the travel office began as a routine part of Vice President Al Gore's efficiency survey. President Clinton's staff kept giving him that line to sell to the public long after the public had rejected it.

Attorney General Janet Reno may not find criminal abuse of office when she reads this management review. But the Senate Republican leader, Bob Dole, however partisan his impulses, is on the right track to call for a Congressional look at this catalogue of mistakes and deception.

LANGUAGE: ENGLISH

LOAD-DATE: July 11, 1993

FN # ~~330~~ 330

9D-LR-35063

Continuation of OIC-302 of BERYL FRANKLIN ANTHONY, JR., On 4/11/95, Page 2

Washington, D.C. There were numerous problems during the early stages of the CLINTON administration; many "stumbles" in first getting started. This became the reputation of the CLINTON administration. VINCENT FOSTER took this reputation personally. ANTHONY stated that he could see FOSTER withdraw within himself. There was a compaction of problems. Many family members became concerned and discussed how FOSTER was reacting to these problems. SHEILA ANTHONY picked up FOSTER's distress quickly.

The Wall Street Journal articles and editorials bothered FOSTER; he felt that they demolished his reputation. This had a "tremendous impact" on FOSTER.

FOSTER had a difficult time adjusting to his new lifestyle. FOSTER went from being put on a pedestal to having his "throat cut" every day. FOSTER couldn't handle it. FOSTER cared too deeply about the "right way" to handle things. FOSTER could not develop the necessary "hard outer shell" to deal with Washington, D.C. media and politics. FOSTER was a target because of his history with the CLINTONS, and his friendship with many of the Arkansans in the Administration. FOSTER was unable to leave his job and go back to Arkansas because it would mean failure.

FOSTER was mild-mannered, savvy, and intellectual. However, FOSTER's immediate superior, BERNIE NUSSBAUM, was a New York-style "street fighter." NUSSBAUM's personality conflicted with FOSTER's methodical approach. NUSSBAUM, contrary to FOSTER's advice, would provide poor political leadership.

ANTHONY recalled advising FOSTER to "chill out," and not take things so personally. ANTHONY advised FOSTER to go home, and that his work had become too stressful.

ANTHONY was unaware of the specifics of FOSTER's work. However, ANTHONY stated that he knew that FOSTER was working on a Presidential library for BILL CLINTON in Arkansas. ANTHONY had no knowledge regarding Whitewater, or any other matters relating to Madison Guaranty.

FOSTER called ANTHONY regarding legal representation in the Travel Office matter, if the matter went to congressional hearings. ANTHONY provided FOSTER with a list of attorneys in D.C. FOSTER had concerns regarding his position as an attorney with the administration versus being a witness before Congress.

Page Denied

Page Denied

Page Denied

LR-35063

sensed he was losing perspective himself

LYONS felt that FOSTER believed that the allegation that BILL KENNEDY acted inappropriately when he called DOJ or the FBI directly when he first uncovered and feared financial improprieties in The White House Travel Office was unfair. There was a question whether KENNEDY should have gone through a different chain-of-command. There was a question whether the FBI agents, allegedly sensitive to the argument that they had made a mistake in responding to KENNEDY's call, had reason to mischaracterize the nature of their initial meetings at The White House. LYONS advised that the Department of Justice has also interviewed him with regard to possible OPR infractions. Essentially, the FBI Special Agent's account of those initial conversations differs from KENNEDY's account and when FOSTER had a choice between believing his friend or believing the FBI, he believed KENNEDY. That is what LYONS believes lies at the core of the notation in FOSTER's list of things that were bothering him where he says that the FBI lied.

FOSTER was clearly distressed about the "Travelgate" matter. He felt that he and KENNEDY had become, essentially, witnesses with regard to Travelgate and that The White House would need counsel to deal with the matter who weren't in that category. He felt strongly that The White House should hire outside counsel to be handling the Travelgate matter for this reason. He also believed that he would be needing a personal attorney to represent him in the matter.

After FOSTER's death, LYONS found out that FOSTER had also talked to JAMES HAMILTON, an attorney in Georgetown, Washington, D.C. who also represented his family and also to SUSAN THOMASES of the New York firm WILKEY, FARR and GALLAGHER (phonetic) as possible attorneys to represent him in the Travelgate matter.

LYONS advised that during the telephone conversation on Sunday, July 18, 1993, they confirmed that LYONS was coming to Washington, D.C. on the following Wednesday and they would get together. It was anticipated that they would leave The White House and discuss the matter of private representation and also have dinner together. LYONS had insisted on not doing the interview in The White House. He called FOSTER again on July 20 late in the morning. He was simply calling to confirm when he was coming in and final arrangements for meeting. He thinks he

Page Denied

Page Denied

Page Denied

SN # 331



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

<p>To: Office of the Independent Counsel Attention: Mr. C. L. Regini Suite 490 North 1001 Pennsylvania Avenue Northwest Washington, D.C. 20004</p>	<p>Date: July 5, 1995</p> <p><u>REGISTERED</u></p> <p>FBI File No. 29D-LR-35063</p> <p>Lab No. E-2700</p>
--	---

Reference: Telephone call June 13, 1995

Your No.

Re: MOZARK;
MAJOR CASE 106;
FAG-SBA; FIF

Specimens received: June 13, 1995

Specimens:

Major case prints of Bernard William Nussbaum, FBI #766788RA8

This report confirms and supplements information furnished telephonically on June 16, 1995.

One latent palm print on Q1, a torn up note, previously reported in Bufile #72-WF-187908, latent case #L-5024, titled: UNSUB; POSSIBLE OBSTRUCTION OF JUSTICE OF U.S. PARK POLICE INVESTIGATION OF DEATH OF VINCENT FOSTER, COUNSEL TO THE PRESIDENT; O0J, has been identified as a palm print of Bernard William Nussbaum, FBI #766788RA8.

(Continued on next page)

2 - ADIC, WMFO (72-WF-187908) (1) - 29D-LR-35063) (with copy of incoming)

FN# 332

Questioned Document:

1. Handwritten "note" with writing appearing on a yellow, lined paper which had been mutilated by tearing into several pieces. The note had been re-constructed by investigators of the United States Park Police. The note was written with a black in color ink.

Known Documents:

1. Vincent W. Foster
 - a. A photostatic copy of a letter bearing the signature of the person that is the subject of the investigation. The signature is completed as "Vincent W. Foster".
 - b. The photostatic copy represents a letter that was completed on a standard sheet of stationery without lines.

EXAMINER'S CONCLUSIONS

The conclusion as related to the Questioned and Known writings are:

1. The Known Document is a photostatic copy of a handwritten letter that is of excellent quality. The copied writing appears without reproduction flaws that would cause this examiner to question the characteristics as they relate to the author. The author's signature appears on the bottom of the document and is represented as "Vincent W. Foster"
2. Even though the Questioned Document has been re-constructed, the writing contains sufficient characteristics of the author to allow identification.
3. Both the Known and Questioned Documents were completed by the same writer/author and that writer/author is known as Vincent W. Foster.

Questioned Document:

1. Handwritten "note" with writing appearing on a yellow, lined paper which had been mutilated by tearing into several pieces. The note had been re-constructed by investigators of the United States Park Police. The note was written with a black in color ink.

Known Documents:

1. Vincent W. Foster
 - a. A photostatic copy of a letter bearing the signature of the person that is the subject of the investigation. The signature is completed as "Vincent W. Foster".
 - b. The photostatic copy represents a letter that was completed on a standard sheet of stationery without lines.

EXAMINER'S CONCLUSIONS

The conclusion as related to the Questioned and Known writings are:

1. The Known Document is a photostatic copy of a handwritten letter that is of excellent quality. The copied writing appears without reproduction flaws that would cause this examiner to question the characteristics as they relate to the author. The author's signature appears on the bottom of the document and is represented as "Vincent W. Foster"
2. Even though the Questioned Document has been re-constructed, the writing contains sufficient characteristics of the author to allow identification.
3. Both the Known and Questioned Documents were completed by the same writer/author and that writer/author is known as Vincent W. Foster.

The characteristics used to reach the final conclusion of the examiner were not marked on either the known or questioned document. After the examination, which was conducted at the Identification Division Office of the United States Park Police, the documents were released to Officer P. J. Simonello.

EXAMINER:

Sgt Larry G. Lockhart
Sergeant Larry G. Lockhart

DATE:

7/29/93

HWEX/1762



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: ADIC, Washington Metropolitan Field Office
Date: June 17, 1994

FBI File No. 29D-LR-35063

Lab No. 40602045 S/D QV UD
40617025 D UD

Reference: Communications dated June 1, 1994 and June 16, 1994

Your No. 29D-LR-35063

Re: MOZARK;
MAJOR CASE #106
OO: LITTLE ROCK

Specimens received: June 2, 1994

Specimens received under cover of communication dated June 1, 1994 (40602045 D UD)

K5 One photocopied sheet of paper bearing the known handwriting of VINCENT FOSTER

RESUBMISSION OF Q1 (30730011 D UD) AND K4 (40525017 D UD)

Specimens received under cover of communication dated June 16, 1994 (40617025 D UD)

K6 Handwriting sample bearing the purported known writing of VINCENT FOSTER

Results of examination:

It was determined that the handwriting on the previously submitted note designated Q29 in Laboratory report dated May 9, 1994 (Lab #40324038 S/D QV ZG WK UD WP AL QW ZT VY ZZ and AR) was written by VINCENT FOSTER, whose known writings

Page 1
Enclosures (2)

(over)

This Report Is Furnished For Official Use Only

are designated K4 (previously submitted and assigned Lab #40525017 S/D QV ZG UD and VY), K5 (previously submitted and assigned Lab #40602045 S/D QV UD) and K6 (assigned Lab #40617025 D UD).

K5 and K6 are returned herewith. The disposition of Q29 and K4 will be reported separately. Appropriate photographs have been made.



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: Kenneth W. Starr
Independent Counsel
Office of the Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004

Date: November 9, 1995

FBI File No. 29D-LR-35063

Lab No. 51101004 D UD

Reference: Letter dated October 30, 1995

Your No.

Re: MOZARK;
MAJOR CASE #106

Specimens received: October 31, 1995

Specimens:

RESUBMISSION OF Q29 PREVIOUSLY SUBMITTED TO LABORATORY AND
ASSIGNED Q1 (30730011 D/S UD UJ)

K7 Four sheets of paper bearing purported known writing
of VINCENT W. FOSTER, JR.

Results of examination:

It was determined that the questioned writing on
previously submitted Q29 was prepared by VINCENT W. FOSTER, JR.
whose known writings are designated K4 through K7.

The submitted evidence which has been photographed is
returned herewith.

Enclosures (2) (Q29 and K7)

GUS R. LESNEVICH

DIPLOMATE American Board of Forensic Document Examiners

Date: MARCH 18, 1997
To: JIM CLEMENTE
Fax: (202) 514-8802
From: Gus R. Lesnevich

Time: 4:18p

We are faxing 9 pages of the following requested/pertinent information. This page is considered Page 1.

If you do not receive any or only a portion of the above number of pages, please call the following number as soon as possible: (610) 647 2974.

Sandy Ong

*Received
note
document*

QUALIFICATIONS

After four years as a CID Agent (Criminal Investigator), I began my training in the field of Questioned Document Examination at the United States Military Crime Laboratory, Fort Gordon, Georgia. Upon completion of my training (1968 to 1970), I was certified by the Department of Defense, U.S. Army, as Examiner of Questioned Documents. During my military service, I served as Examiner, both in the United States, and as Chief, Questioned Document Section, U.S. Military Crime Laboratory (Provisional) South Viet Nam.

Upon leaving military service, I entered private practice in Atlanta, Georgia. During this time, I worked as a Handwriting Expert for some of the leading law firms in the South, as well as handling civil disputes for private corporations and individual claimants and plaintiffs.

In 1974, I was recruited by the United States Secret Service. In 1976, I was promoted to Senior Document Examiner, at the Secret Service Identification Branch, a division of Special Investigations. During my tenure with the Secret Service, I was responsible for the training of junior examiners, and assuming individual responsibility for the examination of U.S. Treasury Checks, Saving Bonds, Banking Documents, etc., as well as the examination of threatening correspondence directed at the President of the United States, and other persons under the protection of the Secret Service.

In August of 1981, I left the United States Secret Service and re-entered private practice. Although I continue to work for U.S. Attorneys, Federal, and State Law Enforcement Agencies, Legal Aid and Public Defenders, the predominance of my work is in the private sector.

I have qualified and testified as an Expert Witness in all Courts of the United States Armed Forces, State Courts along the East Coast of the United States and Federal Courts throughout the United States.

WHO IS QUALIFIED

There are no colleges or universities that offer a diploma or degree in Handwriting Identification. The only way an individual can adequately master this profession is by serving an intensive apprenticeship training program, conducted under the direct supervision of Senior Court Qualified Document Examiners. This usually occurs within Federal, State, or Military Crime Laboratories, as these are the only facilities that can afford the high cost of such an exhaustive and lengthy training program. The training consists of:

- studying the leading text in the field
- verification of fundamental handwriting comparison principles
- review of research papers and professional articles
- conducting individual research projects
- writing papers
- attending seminars to maintain state-of-the-art credibility as expert witnesses
- actual case work assisted by Senior Examiners who review your work and verify the accuracy of your findings.
- Three to four years of continuous study would be required to:
 - sufficiently understand and master the intricate skills of the modern-day Document Examiner
 - render reliable handwriting opinions in disputed authorship cases
 - be certified as a competent Forensic Document Examiner (Handwriting Expert).

ADDENDUM

July 1970 to April 1972

Instructor, Questioned Documents-United States Army Criminal Investigation School, Fort Gordon, GA.

August 1970 and March 1971

Specialized Training in Printing, Forgery and Counterfeiting-United States Mint, Treasury Department, Washington, D.C. and United States Military Printing Facilities, Japan

August 1974 to July 1981

Instructor, Questioned Documents' Course-United States Secret Service, Washington, D.C.

April 1977 to July 1981

Training of Examiners undergoing Resident Training in the Field of Forensic Document Examination-United States Secret Service Identification Laboratory, Washington, D.C.

August 1980

Certificate of Qualification in Forensic Document Examination issued by the AMERICAN BOARD OF FORENSIC DOCUMENT EXAMINERS, INC.*

Recertified (5 year periods) August 1985, August 1990, and August 1995

July 1981 to Present

Since entering private practice, I have continued training individuals undergoing Resident Training in the field of Forensic Document Examination.

I continue to conduct seminars and training for investigators and attorneys in the field of Forensic Document Examination.

* See attached information on A.B.F.D.E.

COST OF SERVICES
(Effective January 1, 1995)

1. All examination and court preparation time is billed at a rate of ¹⁷⁵~~\$250.00~~ per hour.
2. A minimum \$1,000.00 retainer is requested in advance. This retainer is **not refundable**, but will be applied to the first four (4) hours of work. *no min*
3. Court Appearances and Depositions are billed at a minimum rate of \$2,500.00 per day.
4. *A non-refundable retainer of \$2,500.00 is requested at the time that I am notified of a court appearance.*
5. Any miscellaneous expenses will be billed in addition to the rates listed above.
6. The charges for Federal, State, and Local Government work may be adjusted.

FORENSIC DOCUMENT EXAMINATION

Included are: the scientific examination of handwriting, typewriting, printing, ink, paper or any other aspect of a document for the purpose of determining various legal questions asked about documents. These questions could involve identifying the writer of a document, determining if a signature is authentic or is a forgery, determining the age of a document, deciphering obliterated or erased writings, or a host of other questions that might be raised in civil or criminal trials. The Forensic Document Specialist relies on his carefully honed judgment and experience, his comprehensive reference files, and a variety of scientific tools to make his determinations. The scientific tools range from simple magnifying glasses to sophisticated instrumentation, such as recording spectrophotometers and X-ray fluorescent spectrometers.

CURRICULUM VITAE**June 1962 to March 1965**

Military Policeman, United States Army, Korea and Brooklyn, New York

April 1965 to March 1968

United States Army Certified Criminal Investigator, (C.I.D. Agent), Nuremberg, Bavaria, Germany

April 1968 to June 1970

Resident Trainee (full-time student) in the field of Questioned Documents-United States Army Criminal Investigation Laboratory, Fort Gordon, GA.

July 1970 to April 1972

Examiner of Questioned Documents-United States Army Criminal Investigation Laboratory, Fort Gordon, GA., and United States Army Criminal Investigation Laboratory, (Provisional) South Viet Nam

May 1972 to August 1974

Private Practice, Examiner of Questioned Documents-Atlanta, GA.

August 1974 to July 1981

Examiner of Questioned Documents, Senior Examiner of Questioned Documents-Identification Laboratory, United States Secret Service, Washington, D.C.

August 1981 to Present

Private Practice, Forensic Document Examiner-Paoli, PA.

BACKGROUND, FUNCTIONS, AND PURPOSES OF THE AMERICAN BOARD OF FORENSIC DOCUMENT EXAMINERS, INC.

The need to identify Forensic Scientists qualified to provide essential professional services for the nation's judicial and executive branches of government, as well as the community in general, has been long recognized. In response to this professional mandate, the American Board of Forensic Document Examiners, Inc. was organized in 1977 to provide, in the interest of the public and the advancement of science, a program of certification and recertification in forensic document examination. In purpose, function and organization, the ABFDE is thus analogous to the certifying boards in various other scientific fields.

The objective of the Board is to establish, enhance and maintain standards of qualification for those who practice forensic document examination, and to certify as qualified specialists those voluntary applicants who comply with the requirements of the Board. In this way, the Board aims to make available to the judicial system and others a practical and equitable system for readily identifying specialists in Forensic Document Examination who possess the requisite qualifications for competence.

Certification and recertification is based upon the candidate's personal and professional record of education, training, experience, and achievement, as well as the results of formal examinations of forensic document problems.

The Board is a non-profit organization incorporated in the District of Columbia. Its sponsors are the American Academy of Forensic Sciences; the American Society of Questioned Document Examiners; and the Canadian Society of Forensic Science. The Board is composed of Officers and other Directors who serve staggered terms and are elected from among nominees of the designated nominating organizations, or who serve at-large.

**RETAINED AS GOVERNMENT EXPERT
IN THE FOLLOWING WIDELY PUBLICIZED CASES:**

U.S. vs. Eddie Antar ("Crazy Eddie")

U.S. vs. Giovanni Gambino

U.S. vs. Leona Helmsley

U.S. vs. Don King
1985 and 1995

U.S. vs. Imelda Marcos

U.S. vs. Bess Myerson

U.S. vs. Darryl Strawberry

People vs. Chuck Jones
(Marla Maples' Publicist)

People vs. Edward Leary
(N.Y.C. Subway Firebombing)

"Wedtech" Case

"The Commission" Case

"Pizza Connection" Case

"N.Y.C. Parking
Violations Bureau" Scandal

IRAN-CONTRA AFFAIR

U.S. vs. V. Thomas Clines

U.S. vs. Albert Hakim

U.S. vs. Lt. Col. Oliver North

U.S. vs. Admiral John Poindexter

U.S. vs. General Richard Secord

U.S. vs. Caspar Weinberger

INSIDER TRADING

U.S. vs. Ivan F. Boesky

U.S. vs. David W. C. Clark

U.S. vs. GAF Corporation

U.S. vs. Boyd L. Jefferies

U.S. vs. Dennis B. Levine

U.S. vs. Michael Milken

Handwriting Analysis
Vincent Foster
My File No. 97039

April 3, 1997

Kenneth Starr
Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004

Re: Handwriting Analysis
Vincent Foster
My File No. 97039

REPORT OF EXAMINATION

I. EXHIBITS EXAMINED:

Q-1 Original one page torn note bearing questioned written text.

Note: When the original questioned note was received for examination, it had already been pieced back together and one small portion of the document was missing. This original document had also been processed for fingerprints and the document was discolored. However, it should be noted that the fingerprint processing (discoloration) did not effect the handwritten text in a way that would limit or hinder it's evidentiary value in reference to conducting a handwriting analysis (examination and comparison).

K-1 One (1) page (yellow sheet of lined paper) bearing known writing of Vincent Foster. (Original)

K-2 Four (4) pages (one yellow sheet and three white sheets of lined paper) bearing known writing of Vincent Foster. (Originals)

April 3, 1997

I. EXHIBITS EXAMINED: continued

K-3 Eighteen (18) checks bearing known writing of Vincent Foster. (Originals)

Note: Copies of the Exhibit Q-1, K-1, K-2 and K-3 documents have been attached for easy identification.

II. PROBLEM:

To determine if the Exhibit Q-1 document contains the original writing of the author of Exhibits K-1, K-2 and K-3, Vincent Foster.

III. RESULTS OF EXAMINATION:

1. An examination and comparison of the written text appearing on the Exhibit K-1, K-2 and K-3 documents has revealed that all of these documents contain the normal and natural writing on one individual.
2. An examination and comparison of the written text appearing on the Exhibit Q-1 note has revealed that the written text was naturally and spontaneously written and not the product of a tracing or simulation.
3. The written text appearing on the Exhibit Q-1 note contained normal, natural and spontaneous writing variations. These normal, natural and spontaneous writing variations could be found in the letter formations, beginning strokes, ending strokes, connecting strokes, etc.. In addition to having been naturally and spontaneously written, the written text appearing on the Exhibit Q-1 note was highly individualized and unique to one individual.
4. An examination and comparison of the questioned written text appearing on the Exhibit Q-1 note with the known writing appearing on the Exhibit K-1, K-2 and K-3 documents has revealed that the author of the known documents, Exhibits K-1, K-2 and K-3, wrote the Exhibit Q-1 note.

April 3, 1997

IV. REMARKS:

I have attached a fifty one (51) page comparison chart that points out and illustrates a number of the normal, natural and spontaneous writing habits that were found common between the written text appearing on the questioned Exhibit Q-1 note and the known handwriting of Vincent Foster found on the Exhibit K-1, K-2 and K-3 documents.

Part I of the chart, Pages 1 through 12, deals with the similarity found common between some of the uppercase letters contained in the Questioned Note and known writing of Mr. Foster.

- a. Pages 1, 2 and 3 contain enlarged samples of Capital Letters found in the Questioned Note.
- b. Pages 4 through 8 contain enlarged samples of uppercase letters found in Mr. Fosters known writing.
- c. On pages 9 through 12 I have placed, side by side, samples of the uppercase letters found in the Questioned Note and in Mr. Fosters known writing. I have placed a number of arrows on these corresponding upper-case letters to illustrate the unique similarity found common in both sets of writings.

Part II of the chart, pages 13 through 38, deals with the similarity found common between some of the lowercase letters contained in the Questioned Note and known writing of Mr. Foster.

- a. Pages 13 through 20 contain enlarged samples of letters found in the Questioned Note.
- b. Pages 21 through 30 contain enlarged samples of letters found in Mr. Fosters known writing.
- c. On pages 31 through 38 I have placed, side by side, samples of the letters found in the Questioned Note and in Mr. Fosters known writing. I have also placed a number of arrows on these corresponding letters to illustrate the unique similarity found common in both sets of writings.

April 3, 1997

IV. REMARKS: continued

Part III of the chart, pages 39 through 51, deals with the similarity found common between some of the words contained in the Questioned Note and known writing of Mr. Foster.

- a. Pages 39, 40 and 41 contain enlarged samples of words found in the Questioned Note.
- b. Pages 42 through 46 contain enlarged samples of words found in Mr. Fosters known writing.
- c. On pages 47 through 51, I have placed, side by side, samples of the words found in the Questioned Note and in Mr. Fosters known writing. I have also placed arrows on the corresponding words to illustrate the unique similarity found common in both sets of writings.


GUS R. LESNEVICH
Forensic Document Examiner

GRL:sbo

I made mistakes from ignorance, inexperience
and overwork

I did not knowingly violate any loose standard
of conduct

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

The FBI lied in their report to the AG.

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

The GOP has lied and misrepresented its
knowledge and role and covered up a pro-corporation

The Union Office plotted to have excessive
costs incurred, taking advantage of Kake and the

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

The WST editors lie without consequence.

I was not meant for the job or the spotlight
of public life in Washington. Here being people
is considered sport.

To DO

- ① Aurning
- ② Mud Tires - Flat Tire
- ③ Boat -
- ④ Reimburse probate fee
- ⑤ Foster Realty
- ⑥ Meeting
- ⑦ write ^{dated} note re note ~~13 Timberland~~
TRK TX 75504
- ⑧ Locate US Insurance claim fee
- ⑨ Write Edward D. Jones
- 10 ~~ck City of NRE 7.4 bonds for due del~~
11. Dean Witter - transferred to mother?
12. ~~ask mother re WBT stlc~~
- 13 ~~Send up copy of ~~handbook~~ to ~~king~~~~
- 14 Get ID # & send to banks & Stephens
- 15 ~~deposit coupons~~
16. soc sec
- 17 Stephens Acct @ Citizens - Ron Price
- 18 Set up income tax file
- 19 ~~pay Amer Express del~~
- 20 have rug appraised
- 21 Realty taxes - \$2637.55
- 22 Ch 1 temp CO Luder's Firm & Hope Dev Corp
- 23 quarterly tax payments?
- 24 union claims

K6
9/27/91

Privileged - in antitrust litigation

Opponents theories (false but will try to connect fact issues)

1. Plot to fire employees so could operate office in a fashion to allow HT or TRM to profit directly (or indirectly thru goodwill)

A. Violation stems from him being alleged SGE

1. Could become one for original Rahm assignment to improve image, by expanding image to tvl office etc

a. endorsement by Rahm, DW or other

b. Ratification?

→ certainly not directed, supervised or controlled + did not assume responsibility for coordinating the Admin's activities -

B. Aiding and abetting violation?

the what role did he have in designing replacement?

vs
Volunteer
-
independent
contractor



no - they were not in the business

2. acting as agent for TRM or Martens to get business - § 205

3. participating, personally and substantially in a particular matter that has a direct and predictable effect on his financial interest - § 208

B. Aiding and abetting



Privileged
in Prep for litigation

1. Authority to hire
independent contractor
procurement
SGE

2. Reporting

3. Internal ethics
- collateral decisions, eg PIC resignation timing

4. Privileged
A. Pre-release; waiver
B. Post-release

5. Communications by joint defense
- application to Bernice speaking for WH

6. Witnesses by virtue of participation in mgmt review

* 7. Personnel decisions

13. Does everyone who edited report become
a witness

8. Attendance at WH interviews by FBI
- existence of drafts

9. Accumulation of add'l evidence
eg HT tapes
News trk office
news file

14. Difficulty of operating
prep w/ 3-4 WS in office

10. Offense
Hill strategy
'88 invN
request to Archives

11. Communication w/ top 2

12. Ostron
vs whistleblower

7/8
Beth, Cliff

CC

203, ~~205~~ - receiving comp for representation for fed govt
or sharing fees

205 - acting as agent ^{for 3rd party} before fed agency
(w/ intent to influence govt activity)

HT

Q - employment status - SGE
an "employee" then to "special"

- (A) - "appointed"
- (B) - fed function under authority of law
- (C) - supervised

A avoided formal appointment cannot evade "appointed"
cannot evade

Q - does this require conscious evasion
of appointment

18 USC 202 defines SGE as "retained... to
perform formal duties"
- utilized

B - if person advises Pres. daily on informal basis
Goes beyond formal role when calls mtg
& assumes responsibility for that matter

Privileged
in ankerbahn glichter

6/30/3
Podesta mtg in my office:

Watkins says he never talked to HRC before Friday evening, had received prior info about her interest from me

MM is vague in memory when he talked to her but (DW or MM?) believes she first mentioned it to MM shortly before the mtg w/ MM, DW & VF on Thurs afternoon.

I told John that after a late lunch on Thurs I spoke w/ HRC - was primarily working on medical malpractice project at time and could have been in discussion re same. She was aware of some assertions of impropriety in the office and wanted to know what was being done about it - I related I had given to Kennedy an oral security officer

I related I had a later discussion on Thurs (evening?) also may have included health care in which I advised her outside auditors were being used and probably told her they would start Friday morning (over)

1/2/89

I told him I may have had ^{a few} short, uncontentious non-substantive discussions subsequently to him on my understanding from DW of status, which changed

After discussing other issues we mutually exchanged views that HRC is perceived as being involved in decision ^{and events} in which she has no participation

Subsequently talked to SW, asked if he had taken a position in interviews whether he was aware of FBI contact before termination. He said he had not been asked (Podesta told me same). I reminded him of the reasoning discussion re use of outside auditors and holding off FBI. He said he had some recollection and if I remembered he was sure it was true. That he didn't believe he had been told in advance of contact (I agreed) but if we had come to him he is not sure but that he would have ignored contacting them, "not sure I would have caught it"

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8866
81-7820

1/29 1992

Pay to the order of Let usms \$ 122³⁵

One hundred twenty two and ³⁵/₁₀₀ Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 8866 3731 968 3⑆ ⑆0000012235⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8871
81-7820

2/1 1992

Pay to the order of Total \$ 53³⁷

Fifty three and ³⁷/₁₀₀ Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 8871 3731 968 3⑆ ⑆0000005337⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8877
81-7820

2/1 1992

Pay to the order of M M Coker \$ 104⁵⁵

One hundred four and ⁵⁵/₁₀₀ Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 8877 3731 968 3⑆ ⑆0000010455⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

004270028 8881
2/1 1992 81-7820

Pay to the order of Elyson \$ 14³⁰

Fourteen and 30/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vince Foster

⑆08 2000073⑆ 888 373 ⑆968 ⑆3⑆ ⑆0000001430⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8889
2/1 1992 81-7820

Pay to the order of Orlan \$ 23⁰⁰

Twenty three Dollars

1780490

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vince Foster

⑆08 2000073⑆ 8889 373 ⑆968 ⑆3⑆ ⑆0000002300⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8901
2/4 1992 81-7820

Pay to the order of LRAC \$ 105¹⁷

One hundred five and 17/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vince Foster

⑆08 2000073⑆ 890 373 ⑆968 ⑆3⑆ ⑆0000010517⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8903
81-7820

2/4 1992

Pay to the order of Coleman Dany \$ 30⁵⁰
Thirty and 50/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

3-A/36 Vincent Foster

⑆08 2000073⑆ 8903 3731⑆ 968⑆ 3⑆ ⑆0000003050⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

8911
81-7820

2/5 1992

Pay to the order of Freddie \$ 9⁴⁴
Nine and 44/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

30980 Vincent Foster

⑆08 2000073⑆ 8911 3731⑆ 968⑆ 3⑆ ⑆0000000944⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9212
81-7820

7/19 1992

Pay to the order of Sam Strong DDS \$ 69⁰⁰
Sixty-nine Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9212 3731⑆ 968⑆ 3⑆ ⑆0000006900⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9214

7/19 1992 81-7820

Day to the order of Levuisons \$ 97⁷⁰

Ninety seven and 70/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9214 3731 968 3⑆ ⑆0000009770⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9217

7/19 1992 81-7820

Day to the order of Sproutsstop \$ 77⁹¹

Seventy seven and 91/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9217 3731 968 3⑆ ⑆0000007791⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9227

7/21 1992 81-7820

Day to the order of Shell \$ 55⁰⁰

Fifty five Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9227 3731 968 3⑆ ⑆0000005500⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9228

7/21 1992 81-7820

Pay to the order of LRAC \$ 126⁹⁴

One hundred twenty-six and 94/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9228 3731⑆968⑆3⑆ ⑆0000012694⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9233

8/1 1992 81-7820

Pay to the order of Little Rock Country Club \$ 211⁰⁸

Two hundred eleven and 08/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

\$384 *Vincent Foster*

⑆08 2000073⑆ 9233 3731⑆968⑆3⑆ ⑆0000021108⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9236

8/4 1992 81-7820

Pay to the order of Samuel Strong DDS \$ 81⁵⁹

Eighty-one and 59/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9236 3731⑆968⑆3⑆ ⑆0000008159⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9252
81-7820

8/10 1992

Day to the order of Clear Mtn \$ 23¹²

Twenty three and 12/100 Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9252 373⑆ 968⑆ 3⑆ ⑆00000023⑆ 2⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9255
81-7820

08/13/92
029675885
007010004810992

Day to the order of Dillard's \$ 175⁰⁰

One hundred seventy five Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9255 373⑆ 968⑆ 3⑆ ⑆00000017500⑆

CURRENCY ©

VINCENT FOSTER, JR.
DL 900-64-2096 PH. 375-9131
120 EAST FOURTH ST.
LITTLE ROCK, AR 72201

9259
81-7820

8/11 1992

Day to the order of Lisa Kay's \$ 25⁰⁰

Twenty five Dollars

WORTHEN BANK
WORTHEN BANK & TRUST COMPANY, N.A.
LITTLE ROCK, AR/MEMBER FDIC

Vincent Foster

⑆08 2000073⑆ 9259 373⑆ 968⑆ 3⑆ ⑆0000002500⑆

CURRENCY ©

FD #333

D-OIC-LR-35063

Continuation of OIC-302 of BERNARD W. NUSSBAUM, On 6/8/95, Page 6

fulfilling many functions of a government employee. NUSSBAUM recalls this discussion arising, but the matter was handled by FOSTER and BETH NOLAN.

FOSTER did not discuss resigning from the WHCO with NUSSBAUM. When FOSTER appeared to NUSSBAUM to be very upset, NUSSBAUM suggested that FOSTER return to Arkansas and take a couple weeks of vacation there. NUSSBAUM does not recall FOSTER's response to this suggestion but it is possible that FOSTER said he did not need a vacation. NUSSBAUM did not have any discussion with FOSTER about FOSTER possibly moving to a less visible or stressful position. NUSSBAUM would not have favored such a change because he regarded FOSTER as enormously able and a real asset to both the White House and the WHCO.

FOSTER was simply "not functioning" during the process of firing FBI Director WILLIAM SESSIONS and naming a new FBI director. NUSSBAUM wanted FOSTER to do some of the things he had helped out with in previous appointments, such as vetting or interviewing candidates, including Judge LOUIS J. FREEH. FOSTER was not interested in such matters and seemed to be withdrawing. FOSTER performing his assigned duties and doing other things which required FOSTER to have more contact with the associate counsels than with NUSSBAUM. FOSTER had been a self-starter, but his initiative declined in the weeks before his death. FOSTER did not go to some meetings with NUSSBAUM even though NUSSBAUM would have welcomed FOSTER's presence. FOSTER's presence at such meetings was not required, but NUSSBAUM expected that FOSTER would want to attend. FOSTER appeared preoccupied and he was not engaged. FOSTER was tired during that period, and he was thinner and withdrawn in his appearance. FOSTER still attended the morning meetings of the WHCO staff and he continued to deal with the associate counsels. NUSSBAUM recalls the period as a critical time, naming a new FBI director and a Supreme Court justice, and FOSTER was not as much help to NUSSBAUM as he had been previously.

NUSSBAUM does not recall speaking with anyone at that time about his observations of FOSTER. It is possible NUSSBAUM mentioned these observations to his wife, but NUSSBAUM did not discuss them with anyone at the office, with FOSTER's wife, LISA FOSTER, or with President CLINTON or HILLARY RODHAM CLINTON. NUSSBAUM was waiting for the end of the process of naming the new FBI director after which he could address FOSTER's condition and

29D-OIC-LR-35063

Continuation of OIC-302 of JAMES HAMILTON, On 10/23/95, Page 14

known to the public. There were questions which his client, LISA FOSTER, had which HAMILTON looked into to resolve. For example, HAMILTON made an inquiry into what happened in FOSTER's office the night of July 20, 1993.

HAMILTON spoke to someone in the last year about MARSHA SCOTT's conversation with FOSTER on July 19, 1993, but HAMILTON does not recall with whom he spoke.

HAMILTON would like to make two points to the interviewers. There are a few privileged conversations HAMILTON had with NUSSBAUM and others, and HAMILTON has already waived privilege and spoken about a few of these with the interviewers.

HAMILTON did speak with NUSSBAUM about FOSTER's state of mind in the period just before FOSTER's death. HAMILTON was told that FOSTER's work product "had gone to hell," and FOSTER seemed distracted.

FU # 334

J-LR-35063

Continuation of FD-302 of ELIZABETH BRADEN FOSTER, On 5/9/94, Page 15

Although LISA FOSTER did not view or read the note on the day that FOSTER appeared to be energized by her remarks, she is confident that the comments written in the note were written on that same day. LISA FOSTER knows that FOSTER was upset about the Federal Bureau of Investigation (FBI) being called in regarding the Travel Office matter, but she does not believe that FOSTER believed that the FBI had lied. People know that representatives of the media were getting deals through the White House Travel Office. LISA FOSTER is aware that people knew of these deals, but she herself knew nothing about FOSTER's remarks in the note pertaining to the Republicans or the usher's office. LISA FOSTER believes that FOSTER was concerned about excessive costs being incurred by the usher's office, but FOSTER never discussed these matters with her.

On Tuesday night, July 13, 1993, FOSTER spoke with LISA FOSTER about resigning. LISA FOSTER encouraged him to stay in his position in the White House Counsel's office. She advised him that Congress would take a recess in August 1993. LISA FOSTER then suggested to FOSTER that he should stay in his current post until Christmas of 1993. LISA FOSTER understood clearly that FOSTER was speaking about the Travel Office when he was speaking of his depression and his concerns.

LISA FOSTER is aware of the whereabouts of some ammunition which was kept at the FOSTER residence in Little Rock prior to her husband's death. She recalls finding a number of shotgun shells in the top drawer of her dresser. She also recalls that there were a number of shotgun shells kept in a closet. In searching her house, LISA FOSTER found a number of 20 gauge and 12 gauge shotgun shells, some .22 caliber ammunition, and possibly some small handgun ammunition. LISA FOSTER does not recall seeing any such ammunition at her house in Washington, D.C.

LISA FOSTER believes that she may have seen the handgun which she examined previously during the interview at her residence in Washington. LISA FOSTER recalls that as she was packing her belongings in Little Rock in preparation for coming to Washington, D.C., she found a handgun inside a travel trunk which had been packed by FOSTER prior to his departure for Washington. 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

Page Denied

Page Denied

D-LR-35063

FOIA(b)(6)

Continuation of FD-302 of SHEILA FOSTER ANTHONY, On 4/28/94, Page 9

ANTHONY that he had called his physician in Little Rock and had gotten a prescription. FOSTER did not tell ANTHONY anything further about the preceding weekend. FOSTER said that going away from the city was such a good idea that he would like to do it more often or possibly every weekend.

To the best of ANTHONY's knowledge, FOSTER was not receiving any type of medical treatment.

ANTHONY is not certain but she believes that both her parents possibly suffered from depression as well. However, neither of her parents ever sought treatment for depression and ANTHONY is uncertain whether such a diagnosis of depression would have been made since treatment for mental difficulties in that era was considered socially unacceptable. One of the male first cousins of ANTHONY's mother committed suicide. ANTHONY believes that this cousin was born in approximately 1914 and was in his twenties or thirties when he committed suicide. ANTHONY does not know whether FOSTER was aware of the circumstances of this relative's suicide.

ANTHONY has no knowledge of FOSTER having any financial difficulties, problems with gambling, or any type of extramarital involvement. In terms of identifying a person in whom FOSTER would confide, ANTHONY hopes that FOSTER would have confided in either herself or his wife. FOSTER also had a number of close friends in the Rose Law Firm. However, FOSTER, although known to be a good listener, was a very private person. ANTHONY does not believe that FOSTER was close to either a minister or a priest. FOSTER did not attend church very often after he grew up except for certain family occasions.

At the last dinner which FOSTER shared with ANTHONY, FOSTER confided to her that he was considering resigning from his post at the White House. FOSTER indicated that the job in the White House Counsel's office was not right for him. FOSTER was not specific about what was causing him to consider resignation. Among the reasons that became apparent to ANTHONY were the Travel Office investigation, the stress of his job, and the constant overwork. ANTHONY hoped that FOSTER would choose to resign the position.

In terms of changes in personal appearance, ANTHONY noted that FOSTER's face had become gray and drawn. FOSTER had

FN# 335

2 SYSTEM AREA

United States Park Police

3 WHEN DID IT OCCUR?

MO.	DAY	YR.
07	20	93

4 YEAR	CASE/INCIDENT NUMBER
93	- 30502

5 NATURE OF INCIDENT

Death Investigation

6 RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

Interview: Lisa Foster

On 7/29/93 at approximately 1610 hours Lisa Foster, wife of Vincent W. Foster, was interviewed at the law offices of Swidler & Berlin, 3000 K Street, Northwest, Washington, D.C. The interview was conducted by Detective Peter W. Markland and Captain Charles Hume. Mrs. Foster was represented by Mr. James Hamilton. Also present, at Mrs. Foster's request, was Mr. Beryl Anthony and Mr. John Sloan.

Mr. Hamilton prefaced the interview by stating that there would be no waiver of the attorney-client privilege between himself and Lisa Foster. Prior to any disclosure of this report Mr. Hamilton requests that he be consulted. Lisa Foster then provided the following information:

-Lisa and the rest of the family were in Washington, D.C. in November 1992 and again around Easter 1993. They remained in Arkansas the remainder of the time because of school year considerations. Mr. Foster lived apart from his wife and family until June of this year when the family moved to Washington to join him.

-Pressures associated with his role at the White House were physically affecting Mr. Foster adversely. Specifically citing not being able to sleep well and telling his sister, Sheila Anthony, that he was not feeling well and was experiencing high blood pressure.

-The criticism of the President in the news media, the Travel Office investigation, the scrutiny by the press of the people from Arkansas, and even the stress of the family move to Washington in June all seemed to Lisa Foster to have a cumulative effect on Vincent Foster. He "took it all personally" and once stated to her "How did I get myself into this?".

-Vincent Foster historically dealt very well with stressful situations but was used to being in charge and in control of situations while in Arkansas, control that he lost when he took the position at the White House. He also lost the outlets for stress with the family life that he enjoyed while in Arkansas. Lisa and he talked about this and had begun an effort to rectify the situation by taking time out for themselves. They had just traveled to the eastern shore and, although it had not gone particularly well, discussed that things would take time and not change overnight.

8 WARRANT(S)

YES
 NO

LATENTS
 PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

PAGE 1 OF 3 PAGES

STATUS: OPEN

SUSPENDED

CLOSED BY: ARREST

EXCEPTION

UNFOUNDED

14 REPORTING OFFICER

BADGE/ID

DATE

15 INVESTIGATOR

BADGE/ID

DATE

16 SUPERVISOR

BADGE/ID

DATE

F 001273

Det. P.W. Markland #330 2-8-93

*U.S.GPO:1992-0-625-524/41193

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

2 SYSTEM AREA

United States Park Police

3 WHEN DID IT OCCUR?

MO. DAY YR. 0 7 2 0 9 3

4 YEAR 9 3

CASE/INCIDENT NUMBER

- 3 0 5 0 2

5 NATURE OF INCIDENT

Death Investigation

6 RECLASSIFICATION OF INCIDENT

7 RESULTS OF INVESTIGATION

-Vincent Foster had an extreme loyalty to the Clinton Administration and was trying to protect it. He felt he had personally failed and talked to Lisa about quitting, however, would not return to Arkansas (because of the personal humiliation he felt). Lisa Foster felt that something physical came over Vincent quickly.

-Mr. Foster's sister, Sheila Anthony, had recently provided him with the names of three psychiatrists in the event he should seek their care. It is not known whether or not he contacted any of these doctors. The Foster's family doctor, Larry Watkins, was contacted in Arkansas and he prescribed an anti-depressant, Trazodone 50 mg., for Mr. Foster. Lisa and Vincent discussed the prescription and Mr. Foster decided to start with the lowest possible dosage. Vincent Foster took one 50 mg. tablet of Trazodone on the evening of 7/19/93.

-The last time Lisa Foster saw her husband was on the morning of July 20th at approximately 08:30 A.M. when he left for work driving the Honda. She left the house shortly thereafter for an appointment and does not know whether or not he returned to the residence that afternoon. Her son may have been in the basement during the early afternoon but it would be possible for Vincent Foster to enter and exit the residence without the son realizing his presence. On that particular morning Vincent Foster's mood seemed better than it had been "in a while".

-The torn note produced by the White House counsel's office was viewed by Lisa Foster on 7/26/93 at the White House. She stated that it was, indeed, Mr. Foster's handwriting. She also stated that she had counseled him to write down his concerns and he probably did so in preparation for any upcoming investigation into his activities and decision making processes. It is Lisa Foster's opinion that the note was written 1-1 1/2 weeks before his death. *** (Mrs. Foster and Mr. Hamilton have requested that the document be turned over to the custody of the family at the conclusion of this investigation.)

-Mrs. Foster stated that she was used to a number of guns being present at her home in Arkansas due to the different lifestyle there. She was presented with a photograph of the weapon found with Mr. Foster's body but was unable to identify it. She suggested that her sister-in law, Sharon Bowman, may be able to identify the weapon. Mrs. Bowman is an outdoors type person and would have a better knowledge of firearms owned

8 WARRANT(S)

YES NO

9

LATENTS PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

PAGE 2 OF 3 PAGES

STATUS: OPEN

SUSPENDED

CLOSED BY: ARREST

EXCEPTION

UNFOUNDED

14 REPORTING OFFICER

BADGE/ID

FOIA # none

(URFS 16312) DocId: 70105220 Page 194

SUPERVISOR

BADGE/ID

DATE

F 001274

Det. P.W. Markland #330 8-5-93

R-35063

SHEILA FOSTER ANTHONY

, On 4/28/94 . . . Page 7

FOSTER had an excellent reputation in Arkansas, and he had received numerous awards there. FOSTER had been inducted into an honorary association of trial lawyers while still in Arkansas. ANTHONY did not discuss with FOSTER why he elected not to go to a ceremony in Arkansas where he was to be honored by the Arkansas Bar Association as "Lawyer of the Year." ANTHONY believes that some event arose which prevented FOSTER from attending the ceremony, but she does not recall the nature of this event.

In terms of coping with problems in his life, FOSTER never seemed to have any difficulties. FOSTER became a partner at the Rose Law Firm in two years and was slated to become President of the Arkansas State Bar. The only problems which FOSTER experienced in his personal life were in regard to his teenage children. ANTHONY was able to commiserate with FOSTER in this regard as she also had teenage children. For the most part, FOSTER enjoyed a "charmed" life. However, he had been very distraught over his father's illness. ANTHONY recalls that FOSTER cried when he called to tell her their father had been diagnosed with cancer. FOSTER picked up ANTHONY at the airport in Arkansas when she flew there following the death of their father. ANTHONY and FOSTER shared stories about growing up with their father, and she now recalls that was perhaps the only time she actually saw FOSTER cry. FOSTER had been very close to his father, and his father's will had been prepared through the Rose Law Firm. Following the death of the elder MR. FOSTER, FOSTER's mother depended very much on FOSTER. ANTHONY is uncertain how FOSTER dealt with this situation since she returned to Washington, D.C. not long after the funeral services for her father. FOSTER did not appear to be acting differently to ANTHONY at that time.

On July 16, 1993, which ANTHONY recalls as the last Friday before July 20, 1993, FOSTER called ANTHONY and wanted to discuss two topics of significance. First, FOSTER told her that he was battling depression for the first time in his life. ANTHONY responded by asking FOSTER to allow her to help him. She offered to contact a doctor for FOSTER. FOSTER then expressed concern that if he were to be seen by a doctor, his security clearance could be jeopardized. ANTHONY attempted to reassure FOSTER by saying that she would determine the parameters for a visit with a doctor prior to actually scheduling an appointment for FOSTER. The second topic which FOSTER brought up with

J-LR-35063

Continuation of FD-302 of SHEILA FOSTER ANTHONY, On 4/28/94, Page 8

ANTHONY during this same phone call was to ask ANTHONY to recommend a place on the Eastern Shore of Maryland where he and his wife could go that weekend. ANTHONY told FOSTER that she would check with her husband and call FOSTER back. ANTHONY later called LISA FOSTER and recommended two or three places on the Eastern Shore where the ANTHONYS had previously stayed. ANTHONY also called a friend who had received treatment from a psychiatrist in the past. The friend provided ANTHONY with the name of one psychiatrist. The friend later called ANTHONY back approximately thirty minutes later and furnished ANTHONY with the names of two additional psychiatrists.

ANTHONY called one of the psychiatrists and asked how she could structure a visit to him so that the visit would be unrecorded until FOSTER could decide whether to start a course of treatment. ANTHONY then called FOSTER back that same day and furnished him with the names of the three psychiatrists. She encouraged FOSTER to make an appointment with one of the psychiatrists, but he said that he wanted to think about that course of action over the weekend.

ANTHONY does not believe that she ever spoke to LISA FOSTER about FOSTER's statement that he was battling depression. She remembers speaking with LISA FOSTER about trying to get FOSTER to leave work earlier during the week or to go away on weekends. ANTHONY recalls that LISA FOSTER wanted FOSTER to come home more.

ANTHONY believes that LISA FOSTER came to Washington, D.C. to look for a family house in March 1993. LISA FOSTER continued to travel back and forth between Little Rock, Arkansas and Washington, D.C. in an effort to prepare the house so that it would be ready for her family to move into it. LAURA FOSTER, FOSTER's daughter, came to Washington, D.C. when her school semester was over, which was possibly in April 1993. FOSTER's youngest son was still attending school in Little Rock. The FOSTER family also had a foreign student living with them in Little Rock at that time. LISA FOSTER came to Washington, D.C. permanently in mid to late May 1993.

On July 19, 1993, possibly in the morning, ANTHONY called FOSTER. FOSTER stated that he was feeling good and that the weekend had gone pretty well. FOSTER said that he was not yet ready to see a psychiatrist in Washington, D.C., but he told

NATIONAL PARK SERVICE
SUI MENTAL CRIMINAL INCIDENT ORD

JUVENILE CAS

2 SYSTEM AREA United States Park Police	3 WHEN DID IT OCCUR? 0 7 2 7 9 3	MO.	DAY	YR.	4 YEAR 9 3	CASE/INCIDENT NUMBER 0 3 0 5 0			

5 NATURE OF INCIDENT Death Investigation	6 RECLASSIFICATION OF INCIDENT
---	--------------------------------

7 RESULTS OF INVESTIGATION

Investigator John C. Rolla 07/27/93

On 07/27/93 myself and Captain Hume conducted an interview with Mr. Berl Anthony concerning case number 93-30502, death investigation of ~~Vineent FOSTER, Jr.~~

Mr. Anthony is the brother-in-law of Vincent Foster, Jr. Mr. Anthony stated that he has known Vince Foster for thirty-five years. Mr. Anthony is married to Mr. Foster's sister Sheila. Mr. Anthony stated that he and his wife were very close to Vincent Foster and that Vince Foster had lived with he and his wife for ninety days when he first came to Washington, D.C. Mr. Anthony stated that he and his wife had noticed a gradual decline in Mr. Foster's general disposition to the point of depression. Mr. Anthony stated that Mr. Foster was not handling the politics in Washington, D.C. very well and blamed himself personally for the failed nominations for Attorney General and some of the sub-Cabinet posts. Mr. Foster also was very upset over some unfavorable articles printed by the Wall Street Journal in the last several weeks and seemed to take them personally. Mr. Anthony stated the Mr. Foster was also concerned about his legal advice and his role in the firing of seven White House travel office aides, aka (Travelgate).

During the month preceding Mr. Foster's death, Mr. Anthony stated that he and his wife noticed that Mr. Foster's depression had become increasingly worse and became very worried about Mr. Foster's well being. Mr. Anthony stated that he believed his wife had given Mr. Foster a list of three counselors, psychiatrists or other doctors who do counseling. Mr. Anthony stated that during a conversation approximately three weeks prior to Mr. Foster's death, Mr. Foster made a comment to the effect, I have spent a lifetime building my reputation and now I am in the process of having it tarnished.

Mr. Anthony stated that the last time he spoke to Mr. Foster he believed was the morning of July 12, 1993. Mr. Foster had called him and stated that he was worried that there might be a Congressional inquiry into the above mentioned firings of seven White House travel office aides. Mr. Foster asked Mr. Anthony to refer him to an attorney. Mr. Anthony stated that he thought this an odd request because Mr. Foster was a man who kept his own counsel and was not open even with the people who knew him best. Mr. Anthony stated that he got some information together on six different attorneys and it was taken by courier to Mr. Foster's residence on July 15, 1993 at 6:53 pm.

8 WARRANT(S) YES	9 <input type="checkbox"/> LATENTS <input type="checkbox"/> PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE 1 OF 2 PAGES
---------------------	--	---------------------	--------------------------	-------------------------

STATUS: <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED	CLOSED BY: <input type="checkbox"/> ARREST <input checked="" type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED
--	---

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
----------------------	----------	------	-----------------	----------	------	---------------	----------	------

F 001267

John C. Rolla 284 07/27/93

834 7/29/93

FU # 336

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

2 SYSTEM AREA United States Park Police	3 WHEN DID IT OCCUR? MO. DAY YR. 0 7 2 0 9 3	4 YEAR 9 3	5 CASE/INCIDENT NUMBER 0 3 0 5 0 2					
			6 RECLASSIFICATION OF INCIDENT					

6 NATURE OF INCIDENT
Death Homicide

7 RESULTS OF INVESTIGATION

FOIA(b)(7) - (C)

On 07/20/93 a Death Investigation was initiated into the apparent suicide of Vincent FOSTER, Jr., at Ft. Marcy Park, G.W.M.P. While going through the decedent's personal effects for possible motives for suicide, I, (Inv. Rolla), observed a piece of White House stationery in the decedent's wallet, upon which was written, among other things, the names of three Doctors and their phone numbers. The names and numbers were listed as follows:

[Redacted]

On 07/22/93 myself and Inv. Abt. spoke via telephone to all three of the above listed Doctors. I spoke with [Redacted] and Inv. Abt spoke with [Redacted]. All three Doctors are Psychiatrists. All three Doctors also stated that they did not know Vincent Foster, Jr. and that he was not a patient of theirs.

[Redacted]

Investigation continues;

8 WARRANT(S) <input checked="" type="checkbox"/> YES	9 <input type="checkbox"/> LATENTS <input type="checkbox"/> PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE 1 OF 2 PAGES
STATUS: <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED		CLOSED BY: <input type="checkbox"/> ARREST <input checked="" type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED		

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
----------------------	----------	------	-----------------	----------	------	---------------	----------	------

FNU # 332

202 337 8103 805 ACCOUNT NUMBER
CSP Telephone Company

7-22-93 BILL DATE

ITEMIZED CALLS

Agcy	Date	Time	Place Called	Number	From	Number	Mins	RC	Amount	ESTC	LIBCBC	Time	LAT	OPC	ADJCRCD/INVO	
	7	9	1222PM	LOCAL MESSAGE	202 456 6611	WASH DC	202 783 9566	2		.77	63K B2	1222	1	0	D 337 8103	
	7	16	1241PM	LOCAL MESSAGE	301 657 4749	WASH DC	202 456 6612	1		.64	63K B2	1241	1	0	C 337 8103	
	7	16	124PM	LOCAL MESSAGE	301 657 4749	WASH DC	202 456 6612	1		.64	63K B2	1324	1	0	C 337 8103	
	1 CALL(S) COMP. BY DIR. ASST.															
										.30						
										TOTAL					2.35	

Bell Atlantic IQ Card

Agcy	Date	Time	Place Called	Number	From	Number	Mins	RC	Amount	ESTC	LIBCBC	Time	LAT	OPC	ADJCRCD/INVO
	7	6	1222PM	LITTLE ROCK AR	501 374 4361	WASHING DC	202 456 6612	5	QCD	2.00	J3R 18	1222	8	0	J 337 8103
	7	6	545PM	LITTLE ROCK AR	501 663 8905	WASHING DC	202 456 6611	9	OCE	2.24	J3Y 18	1745	8	0	J 337 8103
	7	7	1112AM	LITTLE ROCK AR	501 375 9131	WASHING DC	202 456 6611	1	QCD	1.04	J3R 18	1112	8	0	J 337 8103
	7	8	331PM	WASHINGTON DC	202 456 6611	BALTIMO MD	410 539 9459	3	QCD	1.40	J3R 18	1531	8	0	J 337 8103
	7	16	1011PM	WASHINGTON DC	202 337 8103	EASTON MD	410 822 1300	7	QCE	1.85	J3Y 18	2211	8	0	J 337 8103

039-DC-00000006

FN# 338

SUBSTITUTED CRIMINAL INCIDENT RECORD

2 SYSTEM AREA United States Park Police	3 WHEN DID IT OCCUR? 0 7 2 0 9 3	MO.	DAY	YR.	4 YEAR 9 3	CASE/INCIDENT NUMBER					
		0 7	2 0	9 3		0 3 0 5 0 2					
5 NATURE OF INCIDENT Death Homicide					6 RECLASSIFICATION OF INCIDENT						

7 RESULTS OF INVESTIGATION

FOIA(b)(7) - (C)

On 07/20/93 a Death Investigation was initiated into the apparent suicide of Vincent FOSTER, Jr., at Ft. Marcy Park, G.W.M.P. While going through the decedent's personal effects for possible motives for suicide, I, (Inv. Rolla), observed a piece of White House stationary in the decedent's wallet, upon which was written, among other things, the names of three Doctors and their phone numbers. The names and numbers were listed as follows:

[Redacted]

On 07/22/93 myself and Inv. Abt. spoke via telephone to all three of the above listed Doctors. I spoke with [Redacted] and Inv. Abt. spoke with [Redacted]. All three Doctors are Psychiatrists. All three Doctors also stated that they did not know Vincent Foster, Jr. and that he was not a patient of theirs.

[Redacted]

Investigation continues;

8 WARRANT(S) <input checked="" type="checkbox"/> YES	9 <input type="checkbox"/> LATENTS <input type="checkbox"/> PHOTOS	10 ID TECH NOTIFIED	11 INVESTIGATOR NOTIFIED	12 PAGE 1 OF 2 PAGES
STATUS: <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED		CLOSED BY: <input type="checkbox"/> ARREST <input checked="" type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED		

14 REPORTING OFFICER	BADGE/ID	DATE	15 INVESTIGATOR	BADGE/ID	DATE	16 SUPERVISOR	BADGE/ID	DATE
								7-27-93

FOIA # none (URTS 16312) DocId: 70105220 Page 203

F 001261

FNU # 339

LD-LR-35063.

Continuation of OIC-302 of ELIZABETH "LISA" BRADEN FOSTER, On 4/7/95, Page 3

During the weekend prior to his death, FOSTER talked of quitting his job. However, he could not return to Little Rock because of the embarrassment it would cause him. LISA suggested that they could simply buy a boat and live on it. When they returned home from the Eastern Shore, VINCE talked with their son BRUGH about purchasing a boat. LISA FOSTER stated that FOSTER had not previously discussed buying a boat and had no familiarity with boats.

Finances were not a significant problem for the FOSTERS. Trust funds had previously been established for the children. The FOSTERS also owned stock in a variety of companies, including Wal Mart, Dillard's, Federal Express, and Al-Tel/Systematics. LISA FOSTER recalled having stock in Mid-Life Investors, but stated that they never made any money. Regardless, VINCENT FOSTER was not particularly interested in investments, and did not follow the stock market. LISA FOSTER stated that "all he (FOSTER) ever did was work."

LISA FOSTER recalled a mistake on their automatic debit for Exxon charges through the White House Credit Union. They received overdraft notices from the credit union. There were also mistakes relating to ATM withdrawals. Subsequently, they requested weekly statements from the credit union to monitor the account more closely.

LISA FOSTER stated that a KINKO'S copying expense was for their personal tax records. FOSTER normally handled all aspects of the family's taxes. However, at one point, FOSTER simply said "I can't handle it," referring to the preparation of their tax returns. LISA and BRUGH attempted to help FOSTER with the tax preparation by handling some of the necessary copying. LISA FOSTER stated that she wanted to do everything she could to relieve some of FOSTER'S stress. LISA FOSTER stated that she tried to take care of everything at home.

The move to D.C. was a tremendous strain on LISA FOSTER; she had to handle everything. The logistics and coordination for the family move, and the details of renting the Little Rock residence were overwhelming. FOSTER was unable to return to Little Rock to help move the family. WEBB HUBBELL returned to help SUZY HUBBELL, but FOSTER would not leave his job at the WHITE HOUSE.

29D-LR-35063

Continuation of OIC-302 of ELIZABETH "LISA" BRADEN FOSTER, On 4/7/95, Page 5

prescription for FOSTER.

FOSTER never specifically told LISA that he was depressed. However, when she looks back at all of the events during that time, it makes sense that FOSTER was suffering from depression. Particularly when noting that Dr. Watkins prescribed an anti-depressant, and that he took one of those pills the night before his death. LISA stated that she was present when he took the pill.

LISA FOSTER stated that FOSTER had never expressed any fear for his life. LISA had no knowledge of FOSTER ever being threatened, nor any reason why FOSTER would carry a gun to work.

FOSTER was somewhat paranoid about telephone conversations; he was often concerned that the phone might be tapped, or that others were listening to his conversations.

LISA FOSTER stated that she is convinced that FOSTER'S biggest concern was the Travel Office matter.

The FOSTERS received the Washington Post at home.

The weekend prior to his death, FOSTER and LISA went away for the weekend to Maryland's Eastern Shore. At first, FOSTER was very positive about the idea; he thought it would be a good opportunity to relax. However, the first night in the hotel he became upset, and was very emotional. He simply was unable to place his concerns in a proper perspective. He remained upset throughout the weekend. He complained of indigestion. They spent most of the weekend with the HUBBELLS at the CARDOZO'S house. The CARDOZOS were friends of the HUBBELLS. They were very active that weekend; tennis, golf, boating. FOSTER mainly stayed by their pool reading. FOSTER had a couple of beers and seemed to relax a little.

The evening that they returned home, FOSTER telephoned JIM LYONS, an attorney friend of FOSTER'S, who he relied on for legal advice. FOSTER was on the phone with LYONS for almost half an hour. LISA assumed it was about work, specifically the Travel Office matter.

The next morning, LISA told FOSTER to go jogging and that she would fix breakfast. She told FOSTER that they were

FNU # 340

D-LR-35063

Continuation of OIC-302 of ALICE MAE FOSTER, On 5/2/95, Page 3

about their weekend at the shore. Mrs. FOSTER recalled asking him why he sounded unhappy. VINCENT FOSTER told her that it was because of his job; he said "It's such a grind".

Mrs. FOSTER recalled a previous conversation with her son on the day of the President's inauguration. VINCENT FOSTER called her from his office at the White House. Mrs. FOSTER recalled that VINCENT sounded very proud, and was happy to be a part of the administration.

Mrs. FOSTER saw VINCENT again in May of 1993 when he returned to Arkansas to give a speech at the University of Arkansas Law School. Mrs. FOSTER does not recall noticing any substantive changes in her son's physical appearance or personality.

At that point in the interview, SHARON BOWMAN stated that VINCENT FOSTER's speech at the University of Arkansas reveals a lot of information regarding VINCENT FOSTER's character and values.

Mrs. FOSTER reiterated that her son was worried about his name being in the media and specifically on television in connection with the Travel Office matter. VINCENT FOSTER was concerned that he would be publicly reprimanded for his involvement in the Travel Office matter. Mrs. FOSTER recalls her son explaining the situation to her and that she did not understand what was so bad and why he was so concerned. Mrs. FOSTER stated that it just did not seem that important to her. However, VINCENT FOSTER was very serious-minded, particularly about work-related issues.

Mrs. FOSTER was of the opinion that her son was deeply affected by the Waco incident. The whole situation appeared to be very upsetting to him. Mrs. FOSTER stated that her son was a very sensitive man.

Mrs. FOSTER stated that it was difficult for her son to be separated from his wife and family during his first months in Washington, D.C. Mrs. FOSTER stated that her son was a "big family man".

Mrs. FOSTER was unsure of any specifics regarding her son's financial situation. However, she stated that she recalled him telling her about having to take a substantial cut in income

FD # 341

VINCE FOSTER

7-19-93

Rx Desyrel 50mg #30

Sig: $\dot{\bar{i}}$ to iii @ HS.

\bar{c} 5 refills

CSW/lsn

Pharmacy # (202) 337-4100

7/21/93 Pt. committed suicide on 7/20/93 *lsn*

7/21/93 I talked to Vince on 7/19/93, at which time he complained of anorexia and insomnia. He had no GI symptoms. We discussed the possibility of taking Axid or Zantac to help with any ulcer symptoms as he was under a lot of stress. He was concerned about the criticism they were getting and the long hours he was working at the White House. He did feel that he had some mild depression. I started him on Desyrel, 50 mg. He was to start with one at bedtime and move up to three. He was to call me in about ten days to let me know how he was doing. I received word at about 10:20 p.m. on 7/20/93 that he had committed suicide.

LSW/as

FD # 342

D-D-LR-35063 SUB A

Continuation of FD-302 of Dr. Larry S. Watkins, On 5/16/94, Page 2

going to rent it in anticipation of returning to Little Rock at some future date. At the time, their son DREW was in private Catholic School, their son VINCENT, Jr. was attending Texas Christian University (TCU) and LAURA was at Vanderbilt. FOSTER's father had set up a trust fund to assist with VINCE, Jr.'s and DREW's college costs but not LAURA's. All together WATKINS estimated that FOSTER was handling about \$40,000 in educational costs alone every year.

Another matter which WATKINS advised was probably a source of stress at the time in their lives was the scandal over members of CLINTON's staff being members of the Little Rock Country Club, which had no Black members. The four members of his staff who were members there agreed to drop their membership, but WATKINS said that there was a rumor that FOSTER had not been in favor of that decision. The reason was essentially that the family planned to return to Little Rock and the Country Club membership was important to their lives. All of their friends belonged to the club and LISA and the children used it frequently. In addition, the joining fee is \$25,000 which is forfeited when you give up your membership. WATKINS advised that whereas WEBB HUBBELL, BILL KENNEDY and the CLINTONS could afford to walk away from a \$25,000 investment, FOSTER's family could not. In closed circles in Little Rock, there was a rumor that FOSTER had not wanted to drop out but that he had to go along with it. WATKINS does not believe that the Rose Law Firm picked up any part of that \$25,000 joining fee.

The last time that Dr. WATKINS talked to FOSTER was when FOSTER called him sometime mid-day between 10:00 am and 2:00 pm on July 19, 1993. It was very unusual, in fact unprecedented, for FOSTER to call the doctor directly. Usually patients, including FOSTER, would pass messages and get what they needed through a nurse for efficiency's sake. This time, however, FOSTER insisted on speaking with WATKINS. He complained of loss of appetite and insomnia; he wasn't eating well and when WATKINS asked him if he was depressed, he said yes. WATKINS recalled that FOSTER sounded a little tired. They discussed depression and FOSTER knew that he was being prescribed an anti-depressant.

WATKINS prescribed Desyrel, 50 milligram tablets, which he knew to be the generic drug Trazodone, a tricyclic anti-depressant. 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 but helps with insomnia,

FNU # 343

LD-LR-35063

Continuation of FD-302 of ELIZABETH BRADEN FOSTER, On 5/9/94, Page 13

When asked whether she had made a remark about FOSTER putting the gun in his mouth, LISA FOSTER replied that when she was notified of his death, someone kept saying that FOSTER had shot himself in the head. LISA FOSTER recalls that she was very concerned about how FOSTER had shot himself because she was trying to imagine what he looked like and wondering whether he had suffered. She further said that she was concerned about whether he had blown his head off.

FOSTER had never spoken with LISA FOSTER before about suicide and he had never attempted suicide before. LISA FOSTER believes that her husband took his life because he was so terribly depressed.

LISA FOSTER has no doubts that her husband took his own life and she had no such doubts on the night of July 20, 1993.

LISA FOSTER was concerned about the autopsy being performed on her husband because she wanted to know his mental state at the time that he died. She also wanted to know if he had taken the sleeping pills or if he had been consuming alcohol or was drunk. She did not have any influence or input into causing the autopsy to be conducted so promptly.

In terms of other drugs which may have been prescribed for FOSTER in the past, LISA FOSTER is aware of the sleeping pill Restoril having been prescribed. She also recalls that an antibiotic was prescribed for FOSTER in approximately December 1992. LISA FOSTER recalls that Feldene was prescribed for treatment of FOSTER's tennis elbow.

LISA FOSTER is aware that her husband took one 50 milligram dose of Trazadone on the evening of July 19, 1993 because she told her husband to take one pill and she watched him take it. She does not know if he took any sleeping pills on that evening. On the morning of July 20, 1993, FOSTER told LISA FOSTER that he did not go out for a jog because it would take him too long to cool off. LISA FOSTER notes that her house has only one bathroom for such a large family. She notes further that, due to her relatively early departure from home on July 20, 1993, there were several family members attempting to use the single bathroom during the same period of time.

FN # 344



Report to the Office of
Independent Counsel

The Death of Vincent W. Foster, Jr.

Alan L. Berman, Ph.D.
September 4, 1996

A Suicide Paradigm

Death Before Dishonour

Litman (personal communication) has used the phrase "death before dishonour" to describe the suicides of executive personalities facing public disgrace, humiliation, disclosure of wrong-doing, etc. In essence, death is preferred to preserve one's identity. The suicide has an inability to tolerate an altered view of himself; suicide maintains a self-view and escapes having to incorporate discordant implications about the self. These types of suicides are typically complete surprises to others in the available support system.

Vincent Foster showed a real vulnerability and sensitivity to external criticism (rigid/fragile defenses). A number of negative life-events, now opened to public scrutiny by the *Wall Street Journal* articles and the threat of a Congressional Inquiry, posed serious questions of character and exposed him to feelings of failure and the threat of punishment. Mistakes, real or perceived, posed a profound threat to his self-esteem/self-worth and represented evidence for a lack of control over his environment. Feelings of unworthiness, inferiority, and guilt followed and were difficult for him to tolerate. There are signs of an intense and profound anguish, harsh self-evaluation, shame, and chronic fear. All these on top of an evident clinical depression and his separation from the comforts and security of Little Rock. He, furthermore, faced a feared humiliation should he resign and return to Little Rock in disgrace. Foster felt trapped and had no felt hope of changing his circumstances in the near term. Feelings of hopelessness increases suicide risk significantly (see Figure 1).

Aware he was in trouble psychologically, Foster, nevertheless, was reluctant to seek help. This difficulty accepting the vulnerable position is common to successful executives. By the Friday before his death he was desperate; calling for names of psychiatrists was a clear public (and personally intolerable) admission of his failure. He was ambivalent and fearful about this help-seeking. Even his call to Dr. Watkins on Monday signals his attempt to minimize while announcing his depression to someone other than Lisa or Sharon (and, perhaps, Marsha Scott on the 19th).

Specific Questions:

1. If Foster was intent on his suicide, why did he eat lunch?

There is no study in the professional literature that has examined eating behavior prior to suicides. Gastric contents are usually not recorded on autopsy unless there is a specific reason to look and record.

Foster was ambivalent about his death until the end. His behavior on the 20th is consistent with this: He did not need to go to work if he was unambivalent in his suicide intent that morning. I believe the fatal decision was not made until lunch-time, perhaps triggered by something read in the newspaper. However, the plan to secret the gun from the home was probably formed over the weekend. In any event, even death row inmates, knowing they are to die within a short time, eat a last meal.

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

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

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

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

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

4. Why was no suicide note left by Foster?

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

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

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

5. Why did the pressure get to Foster now?

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

Mode of Death Determination:

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

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

FN# 345

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 11/7/94

JOHN B. EMERSON, Deputy Director of White House personnel, was interviewed at the Office of the Independent Counsel. EMERSON's work telephone number is 202-456-7953. He was told of the identities of the interviewers and nature of the interview.

EMERSON first met VINCENT FOSTER after the presidential inauguration on January 20, 1993. EMERSON had recently moved from California to Washington, DC and was alone. DEB COYLE and BRUCE LINDSEY, EMERSON's superior, would arrange social occasions such as dinners for the new people at The White House, especially those from Arkansas. EMERSON would talk to FOSTER at these events as well as at work. KIMBERLY MARTEAU, EMERSON's wife, also attended these functions when she moved to Washington in late April or early May 1993.

EMERSON said he spoke to VINCE FOSTER on Monday, July 19, 1993 as well as on the day of FOSTER's death, July 20th. EMERSON related that he saw FOSTER on Monday at the regularly scheduled Department Deputy's meeting. FOSTER appeared, in EMERSON's words, "lackluster." EMERSON next saw FOSTER on July 20 at lunch time. EMERSON, whose office at the time was on the first floor of The White House west wing, walked to FOSTER's office on the second floor of the west wing to ask FOSTER a question. FOSTER was eating lunch and, in EMERSON's words, "really looked down." EMERSON commented on that and FOSTER told him about "how tough things were" and about having a fun weekend with his friends, the HUBBELL's, on the Eastern Shore. FOSTER mentioned a recent editorial that appeared in the Wall Street Journal that was critical of him. EMERSON said FOSTER seemed to "shrug it off" and said he realized the importance of getting out of town "to clear your head." EMERSON agreed, asked his question and returned to his office.

That night, at about 10:30 pm, EMERSON received a telephone call at his home from BRUCE LINDSEY. LINDSEY told EMERSON that VINCE FOSTER was dead, and that it appeared to be a suicide. EMERSON hung up the phone and he and his wife, KIMBERLY

Investigation on 11/3/94 at Washington, DC File # 29D-LR-35063

by SA STEPHEN P. CUTLER *SPC*
SA - FOIA(b)(7) - (C) Date dictated 11/3/94

FN # 346

Report to the Office of
Independent Counsel

The Death of Vincent W. Foster, Jr.

Alan L. Berman, Ph.D.
September 4, 1996

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

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

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

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

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

4. Why was no suicide note left by Foster?

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

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

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

5. Why did the pressure get to Foster now?

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

Mode of Death Determination:

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

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

FNU # 347

Report to the Office of
Independent Counsel

The Death of Vincent W. Foster, Jr.

Alan L. Berman, Ph.D.
September 4, 1996

scene involving a gunshot wound suicide in the mouth. Foster's father was allegedly suicidal shortly before his death from cancer.

Specific Description of Behavior in Last Four Days Before Death

Foster's last 96 hours show clear signs of crisis and uncharacteristic vulnerability: He admits his depression to his sister, Sheila, and asks for help. His ambivalence about help-seeking is evident in his not following through to reach the one psychiatrist to whom he placed a call, and making no attempt to reach either of the other two names given him by his sister.

The weekend getaway to the Tidewater Inn was intended to relax him, but appears to have been a disappointment. He was stressed; tears welled in his eyes when he talked of feeling trapped. At the Cardozo's he was non-interactive and withdrawn. It is not known if there was any attempt at a sexual interaction (and possible performance failure) with his wife during the weekend. It is not known what the content of their discussions were, for example, in the car upon returning to DC. [Here it would be most helpful to have his wife's further observations and recollected verbalizations both during this weekend and in the car while in transit]. The night of his return to DC (Sunday), he evidently was immediately focused on (and anxious about) a possible Congressional inquiry. Immediately upon returning home he called his attorney, Jim Lyons.

By Monday, he turns, uncharacteristically, to Dr. Watkins and discloses enough to get medication, but not enough to alarm his physician to insist he be evaluated in person. He meets with Marsha Scott for what appears to be longer than usual. She has not been forthcoming about this meeting.

On Tuesday, he uncharacteristically asks about his wife's plans. Awaiting lunch he shows signs of impatience. It is unknown what he might have read in the paper, however the *Wall Street Journal* column regarding the FBI director's replacement appeared the day before and Freeh was presented this morning. Out of character, he leaves the White house in mid-afternoon (and leaves the newspapers in disarray on his table). It is probable that he developed his plan to suicide before this date and was ambivalent to the end about carrying it out. He knew his family's schedule on the 20th, most probably secreted the gun from his house in the early afternoon, and drove around for some time before arriving at a secluded, pastoral setting, at which he killed himself.

FV# 348 ~~FAP# 282~~

Report to the Office of
Independent Counsel

The Death of Vincent W. Foster, Jr.

Alan L. Berman, Ph.D.
September 4, 1996

7. Loss of Support:

Foster increasingly felt alone, responsible for failures, and untrusting to the point of an increasing paranoia. To Webster Hubbell he "would not speak openly over the phone," and "did not trust the walls of the White House." He told Jim Lyons that he "would not talk with him at the White House."

Evidence of recent change in behavior, mood, life style

There is little doubt that Foster was clinically depressed (see below) in early 1993, and, perhaps, sub-clinically even before this. Additionally, signs of intense anxiety (insomnia, "absently wringing his hands, pacing, tension, profuse sweating) appeared, perhaps reactivating earlier experienced panic attacks. He increasingly started his sentences with, "I just can't handle..." Numerous observations are documented of changes in his last few months, e.g., "His sense of humor wasn't quite as available;" "He was more reserved than usual;" "In last 2 weeks his tone of voice changed...he wasn't participating; he just wasn't there." He called in sick for two days during the week before his death. His morning call to Dr. Watkins on the 19th was "unprecedented." He did not get up to greet Marsha Scott, as usual (in their meeting on the 19th): He "seemed preoccupied; quieter than usual." On July 20th he "was very quiet;" "He was more reserved and non-responsive;" He was uncharacteristically anxious to get his lunch and seemed rushed to eat; He was distracted; the newspapers on his office table were left in "uncharacteristic disarray."

Future Orientation

Foster had a scheduled meeting on Wednesday, July 21 with Jim Lyons, his personal attorney, on legal issues related to "Travelgate." Telephone calls were placed to Lyons on Sunday night, the 18th, upon returning from the Eastern Shore and again on the morning of the 20th. It was understood that Foster was anxious about his vulnerability.

Foster's sister, Sharon Bowman, had arrived in town on the 20th. It is not known what or if they had any plans scheduled, although his calendar listed a dinner date with her later in the week.

Talk of Death or Evidence of Suicide Ideation

None known; however, in the last two weeks of his life his wife wanted the guns removed from their house. References to death are noted in two circled passages found among his belongings.

Evidence of Exposure

Foster recently (date unknown) watched the movie "A Few Good Men," which involved a

FN # 349

Report to the Office of
Independent Counsel

The Death of Vincent W. Foster, Jr.

Alan L. Berman, Ph.D.
September 4, 1996

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

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

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

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

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

4. Why was no suicide note left by Foster?

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

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

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

5. Why did the pressure get to Foster now?

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

Mode of Death Determination:

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

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

FN # 495

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

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

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

10. CONCLUSION

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