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MISC. DOCUMENTS

SECTION V
SUMMARY AND CONCLUSIONS

As indicated previously, a complete reconstruction of the death of Vincent W. Foster, Jr. is not possible at this time due to the following factors:

(1) The lack of complete documentation of the original shooting scene, such as higher quality scene photographs; a videotape of the scene; a detailed description of the scene; diagrams of the location of each item of physical evidence and their condition.

(2) The lack of subsequent records and photographs of each item of physical evidence prior to examination and illustrations of the original patterns and condition of each item of physical evidence.

(3) The lack of x-rays of Mr. Foster's body taken at autopsy, to check for the presence or absence of bullet fragments.

(4) The lack of information and documentation of the amount of blood, tissue, and bone fragments in the areas under and around Mr. Foster's head prior to removal of his body from the scene.

(5) The lack of close-up photographs of any definite patterns and quantity of the bloodstains found on Mr. Foster's clothing and his body at the scene.

(6) The location of the fatal bullet is unknown, which makes the complete reconstruction of the bullet trajectory difficult.

B. Based on review of the submitted photographs and reports and interviews with FBI laboratory examiners and Medical Examiner Dr. Beyer, the following information related to the death of Mr. Vincent W. Foster, Jr. can be summarized:

(1) Vincent Foster's body was found on July 20, 1993 in Fort Marcy Park. His body was found on a slope of land on a small path, which was directly in front of a cannon in a wooded area of the park.

(2) Based on examination of the scene photographs, the medical examiner's report and the autopsy photographs, it is clear that Mr. Foster died as a result of a single gunshot wound. The entrance of this wound was in his mouth and the bullet appears to have exited through the back of Mr. Foster's head.

(3) The weapon found at the scene (item #35) was examined by the ATF Laboratory and FBI Laboratory. This weapon was a "Colt" brand, "Army special" revolver, which had been reassembled, in part. Two serial numbers were found on the revolver "356555" and "355055."

(4) Dark-colored, gunshot residue-like particles were observed on Mr. Foster's hands by Medical Examiner Dr. Beyer at the time of autopsy. GSR particles were also found on his eyeglasses, shirt, and some of his clothing by the FBI laboratory.

(5) Various fibers and hairs were recovered from Mr. Vincent Foster's clothing by the FBI laboratory. Those fibers are consistent with natural and synthetic fibers. The hairs are consistent with human Caucasian-type hairs.

(6) Bloodstains were observed in crime scene photographs which were taken by Park Police investigators. Bloodstains were also observed on some of Mr. Vincent Foster's clothing. The majority of these bloodstains were located on the right side of his face and right shoulder. These bloodstains clearly originated

from his mouth and/or his nasal cavity. The bloodstain patterns noted were described in the previous sections of this report.

C. After a detailed study of the crime scene photographs, autopsy photographs, re-examination of items of physical evidence, re-visiting of the incident scene, conducting research and experiments, and interviews with FBI Laboratory examiners and Dr. Beyer, the following new information related to the shooting death of Mr. Vincent W. Foster, Jr. was reconstructed:

1. WEAPON

(1) Item #35, the weapon had an extraordinary front cylinder gap. The size of this gap was measured as 0.010 in. In addition, one area of the frame of the cylinder was extremely worn. These defects are the possible causes of the deposit of a large amount of gunshot residue particles on Mr. Foster's body and clothing.

(2) The handle grip area of item #35 is textured and is not typical of the type of surface which commonly results in the development of identifiable latent fingerprints.

(3) No finger or palm print ridge-type imprints were observed on the lifts of this weapon in item #45. Fingerprint-type powder was present on the lifts, which indicates this weapon was processed prior to the lifts being taken.

Although the fingerprint powder method is one of the most common techniques used in the latent print field, there are also newer technologies, such as cyanoacrylate fuming, laser, and forensic lighting techniques which could

have been used in this case. It is unknown at this time whether these techniques would have provided additional information.

(4) Macroscopic and microscopic examination of item # 36, a piece of paper which was originally around the barrel of item #35, revealed the presence of reddish-colored particles. These stains also gave positive results with a chemical test for blood. This fact suggests that the barrel of the weapon was in contact or at close range to a source of liquid blood.

(5) Blood spatters and tissue-like materials were noted on the fingerprint lift tape from the weapon, submitted item #45. Chemical tests for blood were positive with some of these materials.

The presence of blood and tissue-like materials on the lifts is another strong indication that this weapon was fired while in contact with or close to a blood source.

(6) Based on laboratory observations and the examination of the scene photographs, the revolver in item #35 is consistent with the weapon which resulted in the death of Mr. Vincent Foster. The barrel of this weapon was likely in Mr. Foster's mouth at the time the weapon was discharged. Gunshot residue noted on Mr. Foster's right hand and the lesser amount of deposits on his left hand indicated that Mr. Foster held the weapon when it was fired.

2. AMMUNITION and GSR

(1) The ammunition found in this weapon was type "RP .38 SPL HV", manufactured by Remington Peters. Information supplied by the manufacturer

indicated that this ammunition was discontinued in 1975. Thus, the cartridge fired from item #35 would have been manufactured prior to this time.

(2) This type of .38 cartridge was found to contain approximately 13 grains of ball-shaped powder which varied slightly in size.

(3) Test firing was conducted using a laboratory standard weapon and the reference ammunition in submitted item #57. Little or no observable gunpowder particles were released on the shooter's hand or around the cylinder under this condition.

(4) The results of each test firing utilizing item #35, the revolver found at Fort Marcy Park, were examined by the CT Forensic Laboratory. Each shot produced a significant amount of unburned and partially burned gunpowder.

(5) A few unburned and partially deformed gunpowder-like particles were recovered from the soil in the area where Vincent Foster's body was found. Whether these particles were deposited on the ground at the time of Mr. Foster's death or at any other period of time cannot be determined at this time. If these particles, in fact, were deposited contemporaneous with the death of Mr. Foster, this could suggest the location where he was found is consistent with the primary scene.

(6) GSR particles were also found on Mr. Foster's eyeglasses, his shirt, his T-shirt, his pants and the papers used for drying of clothing. These findings clearly indicate the Mr. Foster was wearing these items of clothing at the time the weapon was discharged.

3. CLOTHING

(1) The jacket submitted for examination (item #32) was located in Mr. Foster's vehicle at the Fort Marcy parking lot. No bloodstains or gunpowder particles were found on this jacket. This fact indicates that Mr. Foster was not wearing the jacket or the jacket was not in close proximity to the weapon at the time the weapon was discharged.

(2) Item #42 consisted of Mr. Foster's long sleeve shirt. Reddish and purplish colored stains were noted on the front chest area, collar area, and cuff areas of the shirt. Small deposits of gunpowder residue and partially burned gunpowder particles were located on the shirt.

Bloodstains were located in various portions of the shirt. The back of the shirt was soaked with blood. Also, various other bloodstain patterns were noted on the shirt. However, when these bloodstain patterns were compared with the original scene photographs, it was determined that the blood patterns on the shirt when it was examined at the laboratory were inconsistent with those bloodstain patterns visible in the scene photographs.

These changes to the bloodstain patterns most likely occurred when the body was placed into the body bag and moved from the scene and/or when in the body bag, prior to the collection of the decedent's clothing. No detailed analysis of bloodstain patterns on the shirt, therefore, could be made at this time.

Gunpowder particles were located in the materials submitted as scrapings from item #42. This fact supports the interpretation that the weapon was in close proximity to the shirt when it was discharged. However, there is no information regarding the original location of these particles; therefore, no further reconstruction could be made at this time.

No ripping or tearing of the shirt was visible. A small amount of vegetative material was found on the victim's shirt. These deposits could have resulted from contact with the ground in the park.

No scratch or scraping-type marks were observed on the shirt. This fact suggests that no prolonged moving contact with a soil surface occurred which would cause the type of damage commonly resulting from dragging or similar action.

4. SHOES

Shoes from Mr. Foster were found in item #38. Photograph #V-1 was submitted by the Office of Independent Counsel and was taken by the FBI Laboratory. This photograph depicts the soles of Mr. Foster's shoes at the time of the FBI Laboratory examination. Examination of photograph #V-1 revealed the following:

- (1) Brownish smears on the left heel.
- (2) Reddish-colored, blood-like stains on the right sole and heel.
- (3) Scrape and scuff-type marks in some portions of the soles.

Subsequent macroscopic and microscopic examinations of the shoes revealed the presence of soil-like debris and abrasion-like marks.

Abrasion-type damage on the surfaces of the shoes indicated possible contact with a hard surface with some motion, at some time prior to Mr. Foster's body being found. Whether or not these damaged areas resulted on the day Mr. Foster was found or at some other time cannot be established at this time.

No heavy bloodstains or dripping type bloodstain patterns were observed on the shoes in submitted item #38. Trace materials were located embedded in the grooves of the sole patterns at the heel of item #38L. A portion of this material subsequently was removed. Microscopic and macroscopic examination showed this material to contain mineral particles, including mica, other soil materials, and vegetative matter. This fact indicates the sole of the shoe had direct contact with a soil surface containing these materials.

5. PANTS

Submitted item #39 is a pair of pants. Macroscopic and microscopic examination of these pants revealed the presence of bloodstains. The majority of these bloodstains were consistent with contact transfer type bloodstain patterns.

No gunpowder particles were identified on item #39. Soil and grass-like materials were present on these pants in the area of the rear pocket. These deposits indicate the pants had direct contact with a soil surface. No dragging-type soil patterns or damage which could have resulted from dragging-type action were observed on these pants.

Macroscopic and microscopic examination of the inside of the front pants pockets revealed the presence of fibers and other materials, including a portion of a sunflower seed husk in the front left pocket. Instrumental analysis of particles removed from the pocket surface revealed the presence of lead. These materials were also found inside the oven mitt located in the glove compartment of Mr. Foster's vehicle (item #100). The presence of these trace materials could indicate that they share a common origin. These materials in the

pants pocket clearly resulted from the transfer by an intermediate object, such as the Colt weapon (item #35).

6. EYE GLASSES

Submitted item #40 consisted of a pair of eyeglasses. Bloodstains were found on both sides of the lenses of these glasses. These bloodstains were less than or equal to 1 mm in size. In addition, blood-like and tissue-like materials were identified on the lifts of the eyeglasses in submitted item #44.

A gunpowder particle was located in submitted item #3 and identified as being collected from the eyeglasses.

These facts support the interpretation that Mr. Foster was wearing his eyeglasses at the time the gun was discharged.

7. TRACE EVIDENCE FROM CLOTHING

Various items were submitted which contained materials collected by the FBI during their analyses. One of these items, #24, was found to contain a bone chip.

DNA was extracted from this bone fragment and amplified according to laboratory PCR protocols. The DNA profile generated for this bone sample was consistent with the HLA-DQA1, Polymarker, and D1S80 DNA types of Mr. Foster. This bone chip originated from Mr. Foster and separated from his skull at the time the projectile exited Mr. Foster's head. This fact suggests that the location where Mr. Foster's body was found was consistent with the primary scene.

8. OVEN MITT

Information was supplied by the submitting agency that the oven mitt in item #100 was recovered from Mr. Foster's car (see photograph #V-2). Dark particle residues were located inside of the oven mitt. Instrumental analysis revealed the presence of the elements lead and antimony in these particles; this finding could indicate that an item which had gunshot residue on it, such as the revolver in item #35, came in contact with the interior of item #100.

Sunflower-type seed husks were located on the inner surfaces of this oven mitt. These sunflower seed particles were similar to the sunflower seed husks found in Mr. Foster's front, left pants pocket. Photographs #V-3 (item #39) and #V-4 (item #100) are photomicrographs used for comparison of these specimens. This finding suggests that the sunflower seed husk found inside the pants pocket could have been transferred from the oven mitt through an intermediate object, such as the revolver in item #35.

9. BLOODSTAIN PATTERNS

Photograph #V-5 depicts a view of Mr. Foster's body found at the scene in Fort Marcy Park; photograph #V-6 is a closer view showing his shirt. Several areas of bloodstains were noted; saturated-type bloodstains can be seen on his shoulder and collar region. Photograph #V-7 is a view of Mr. Foster's shirt taken at the time of examination. Additional bloodstains can be seen on his shirt similar to smear and folding-type bloodstain patterns. These stains are consistent with having been caused during the transport of Mr. Foster's body from the scene to the medical examiner's office.

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.

SIMONELLO recalls giving his polaroid camera to Investigator ROLLA to use to make "back-up" photographs. SIMONELLO is not aware how many polaroid photographs Investigator ROLLA took nor could he recall whether or not he provided an additional film pack to Investigator ROLLA.

SIMONELLO recalls his first impression when he observed the death scene was that someone had to have moved the head. SIMONELLO did not move the body at any time nor did he observe anyone else move it. SIMONELLO's original impression was based on his seeing the blood transfer stain on the right cheek of the body.

SIMONELLO recalls the body was lying on what appeared to be a footpath and there was a lot of vegetation on both sides of the body. SIMONELLO does not recall there being noticeable trampling of the vegetation. At least no more than you would expect from two Emergency Medical Technicians (EMTs) being there examining the body. SIMONELLO could not recall seeing a wine cooler bottle anywhere near the death scene.

SIMONELLO has no recollection of the presence of anyone at the death scene that he did not know personally or otherwise there in an official capacity. SIMONELLO described "official capacity" as EMTs or the Medical Examiner.

After photographing the death scene, SIMONELLO returned to the parking lot area. SIMONELLO recalls he had a few frames of film left on the roll of film in his 35mm camera and that he used these remaining frames photographing the vehicle believed to be that of the decedent. SIMONELLO also recalls there was someone else taking photographs of the vehicle but he could not now recall who this was.

SIMONELLO has no knowledge of how entry was gained to the vehicle. SIMONELLO did not use a "slim jim" to open the vehicle door nor was he aware of anyone else using one. SIMONELLO was under the impression that the vehicle was unlocked.

SIMONELLO is uncertain as to his memory of observing a map and a birthday card in the vehicle at Fort Marcy Park. SIMONELLO explained he later observed all of the evidence in his office and it is possible he is confusing just what he saw where. SIMONELLO is certain there was no briefcase in the vehicle. SIMONELLO has no recollection of photographing any papers or an

29D-LR-35063

Continuation of OIC-302 of PETER J. SIMONELLO, On 4/17/96, Page 3

oven mitt in the vehicle.

SIMONELLO was in the parking lot at Fort Marcy Park when the Medical Examiner arrived. SIMONELLO returned to the death scene and observed Investigator ROLLA looking through the decedents pockets. SIMONELLO recalls hearing some discussion regarding car keys and recalls hearing Investigator ROLLA mentioning he didn't find car keys on the body.

SIMONELLO recalls he was present when Investigator ROLLA and the Medical Examiner rolled the body over and recalls seeing a blood stain approximately five (5) inches in diameter under where the head had been laying. SIMONELLO also recalls seeing other lighter blood stains under the back and shoulder areas. SIMONELLO also recalled that when the body was rolled over, it partially slid down the incline with the arms reaching overhead as if it were climbing a hill.

SIMONELLO has no knowledge of highway construction on Highway 123 (Old Chain Bridge Road) during July, 1993.

SIMONELLO has no knowledge of any missing polaroid photographs.

SIMONELLO has no knowledge of the polaroid photograph that was released to the press, but would assume that it was not an original photograph. He surmised that someone took a polaroid picture of one of the original polaroid photographs.

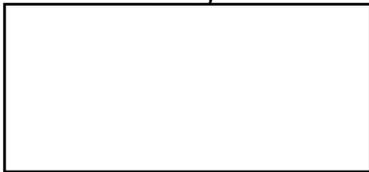
29D-LR-35063

Continuation of OIC-302 of CHERYL A. BRAUN, On 4/24/96, Page 2

parking lot to start the search of the vehicle.

BRAUN did not use any type of car opening device such as a "slim jim" to enter the vehicle. BRAUN tried the right front door and found it to be unlocked. To her knowledge, BRAUN was the first person to enter the vehicle.

BRAUN recalled she photographed the interior of the vehicle prior to starting the actual search. All of the items shown in the photographs are as they were when BRAUN first opened the vehicle door. BRAUN recalled the map, as shown in photographs on the right, front floor board, was folded in a "nice" square with the area of Fort Marcy Park visible. BRAUN also recalled the oven mitt being in the glove compartment.



BRAUN recalled that Detective ROLLA joined her in the search after she had completed the interior of the vehicle and while she was searching the trunk. BRAUN recalled finding the White House identification early in the search. The name VINCENT FOSTER meant nothing to BRAUN but she was aware that the White House security people would have to be notified eventually.

BRAUN recalled that she and Detective ROLLA completed the search of the vehicle and departed Fort Marcy Park between 8:00 and 8:30 PM. Since the car keys were not located by Detective ROLLA during his initial cursory search of the trouser pockets, they drove directly to Fairfax County Hospital to conduct a more through search for the car keys. The drive to the hospital was approximately twenty (20) to twenty five (25) minutes. BRAUN recalled that enroute to the hospital, Detective ROLLA removed FOSTER's wallet from the inside pocket of the suit coat found in FOSTER's vehicle.

Upon arrival at the Fairfax County Hospital, BRAUN and

Page Denied

Page Denied

Page Denied

FOLIOS

437

113

1 front pants pocket the whole time.
 2 Q Were you describing what you were finding in the
 3 car? Was someone with you at the time or were you just
 4 doing this by yourself?

5 A Yes, I mean, everybody was in the park at this
 6 time because the other scene was cleared. I don't think I
 7 was taking notes on what I found, because at this time -- I
 8 think Cheryl Braun said he has a White House ID here, I
 9 gave that to her, credit cards, wallet, driver's license.
 10 I said this looks like the guy, this must be the guy, it
 11 must be him.

12 Obviously, I secured the personal belongings,
 13 wallet, jacket, the ID. I went through the car looking --
 14 again, looking for anything that could lead me to believe
 15 that it was other than a suicide or it was a suicide,
 16 anything that could help confirm one way or the other.
 17 There really was nothing. There was mail from his daughter
 18 to him or him to his daughter in the trunk of the car and
 19 stuff. There was a college sticker on the back of the car.

20 Q What about on the glove compartment?

21 A Nothing out of the ordinary. I think the vehicle
 22 registration was in the glove compartment. I took that for

114

1 the time being.

2 Q Back seat area?

3 A There was a green canvas -- beige and green
 4 canvas bag-type thing and there was nothing --

5 Q Did you look inside the bag?

6 A Oh, yes, I looked through the whole car. I
 7 looked at everything.

8 Q What was inside the bag?

9 A I don't remember. It wasn't full. There may
 10 have been a shirt or something.

11 Q Any paper?

12 A No. No. Trust me, I looked. I looked under the
 13 seats, I looked in the trunk. I looked at every piece of
 14 paper I could find.

15 Q Did you leave the paper in the car, did you
 16 physically take it and remove it at that time?

17 A No. I left it. If there wasn't some reason to
 18 have it, then, you know, I didn't take it.

19 Q So other than his ID and the wallet, did you take
 20 anything out of the car at that time?

21 A No. I looked at the cards and letters in the
 22 trunk. There was maybe some school books back there, too.

29D-LR-35063

Continuation of OIC-302 of JOHN ROLLA, On 2/7/95, Page 4

decedent's pockets. ROLLA and BRAUN later retrieved the keys from the decedent's pockets at Fairfax Hospital. ROLLA removed the decedent's rings, pager, and watch from the body prior to the coroner's arrival. ROLLA noted that the decedent's pager was turned off, which to him indicated suicidal intent. ROLLA remarked that he does not think that he moved the body at all to check the decedent's back pockets.

ROLLA returned to the parking lot area where he observed the decedent's coat folded on the seat of the vehicle. Inside the fold was a White House identification. ROLLA stated that he also may have popped open the trunk to look inside. ROLLA recalls that there were books, cards, and letters inside the trunk. Additionally, ROLLA stated that there were items in the car that made it seem that the vehicle did not belong to the decedent. ROLLA stated that he did not observe any briefcase in the vehicle at all.

ROLLA was shown a photograph which was taken during a search of the decedent's vehicle at the U.S. Park Police impoundment lot on the following day. ROLLA looked at a picture taken of the glove compartment of the vehicle which contained a pot holder mit. ROLLA stated that he recalled the mit in the glove compartment. The mit was of such a size that the decedent's revolver could have fit into it. ROLLA looked at a photograph taken of the front seat of the vehicle in which a small post-it sticker was located. ROLLA stated that he did not recall seeing the note on the seat.

BRAUN returned the White House credentials to the U.S. Secret Service later in the evening. The pager remained with the decedent's personal property, which was subsequently returned to the decedent's family through an individual named CLIFF SLOAN. ROLLA stated that he photocopied everything that was contained in the wallet prior to releasing it. ROLLA recalled locating a money machine receipt for \$300 from several days prior, and a note with three doctors names on it.

ROLLA went to the decedent's residence with BRAUN, and a friend of the decedent's named DAVID WATKINS. WATKINS' wife followed in their car.

ROLLA had previously telephoned LIVINGSTONE and KENNEDY on BRAUN's car phone, per the request of Lieutenant GAVIN. These individuals had requested to see the decedent's body at the

29D-LR-35063 SUB17

Continuation of OIC-302 of DET. JOHN C. ROLLA, On 04/17/96, Page 6

ROLLA remembers BRAUN taking polaroids of the car. ROLLA does not recall any other person taking pictures of the car. ROLLA was shown a polaroid photograph, exhibit #85C1, he describes the car depicted therein as FOSTER'S, the police cruiser as being SIMONELLO'S and the case located on the ground near the right front wheel as an evidence case. He also describes a brown paper bag depicted on the hood of the cruiser.

ROLLA recalls an oven mit being located in the glove compartment of FOSTER'S vehicle, however, he did not attach any significance to it.

ROLLA never saw or heard about anyone using a slim-jim to unlock FOSTER'S vehicle in the parking lot at Fort Marcy Park.

ROLLA used a cellular phone to obtain the registration information for the victim's car and received VINCENT FOSTER'S name and Arkansas address. ROLLA recorded this information in his investigative notes, however, he did not recognize the name.

ROLLA does not specifically recall from whom he received United States Secret Service (USSS) Lieutenant WOLTZ'S name and telephone number, however, he does recall receiving it after BRAUN had located FOSTER'S White House identification in the car. ROLLA was shown a copy of his investigative notes contained in his 7/21/94, Senate Deposition on page 488 exhibit #3, where the words "Lt. WOLTZ" appear, followed by the number "395-4366." ROLLA states when he received this number he remembers flipping back in his notes to the page on which he had earlier written FOSTER'S vehicle registration information. He then wrote the Lieutenant's name and number next to the registration information. ROLLA did this so the registration information would be handy for him when he called the USSS to report FOSTER'S death.

Captain HUME had the case jacket for the FOSTER file locked in his office at the Annocostia Station. He was the primary person in control of the case jacket at the time ABC television published the photograph of the revolver in FOSTER'S hand in March of 1994, although Major HOLMES also had access to this file. The USPP has the capability at this office to make one-to-one photographic copies of polaroids. ROLLA believes that the photograph published by ABC was a copy of the only close-up he took of the revolver in FOSTER'S hand.

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 2/23/95

EUGENE JOSEPH "EJ" SMITH, Identification Technician, U.S. Park Police, (202) 690-5050, was interviewed at the Office of the Independent Counsel - Whitewater. SMITH was advised of the identity of the interviewing agent and the purpose for the interview. SMITH then provided the following information:

SMITH has been employed by the U.S. Park Police for approximately 20 years. SMITH has not been previously interviewed regarding this case, however, SMITH provided testimony before a congressional committee on this matter. Additionally, SMITH stated that he was present during an interview of PETE SIMONELLO by the FBI.

On the day of VINCENT FOSTER's death, SMITH was not in the office; it was SMITH's day off. SMITH found out about the death when he returned to work on the following day. SMITH's involvement in the case was limited to processing the decedent's gun and the decedent's vehicle.

SMITH was shown copies of three typewritten reports with his signature at the bottom. SMITH stated that these were the only reports that he completed in this case. SMITH stated that he has no handwritten notes that he can recall, however, he might have taken notes when he processed the car. SMITH stated that he would check at the U.S. Park Police office for any notes that he has.

SMITH inventoried the decedent's car on 7/21/93. SMITH took pictures of the vehicle during the inventory. SMITH was unsure of exactly how many pictures he took. The photos were developed at the U.S. Park Police photo lab located in the Brentwood area of D.C. SMITH recalls developing latents from the vehicle, but did not think that the latents were of any value. SMITH stated that if they were of value, he would have completed a fingerprint report noting any examinations and comparisons that he did.

SMITH was shown a picture of a mit in the glove

Investigation on 2/17/95 at Washington, D.C. File # 29D-LR-35063

by SA C. L. REGINI Date dictated 2/20/95

compartment of the decedent's vehicle. SMITH stated that he does not specifically recall the mit, however, the photograph is one that he would have taken. SMITH stated that he did not seize the mit, as it is not listed on the vehicle inventory sheet. SMITH stated that he probably had no reason to take the mit, as it did not appear related to the suicide investigation.

SMITH had no recollection of a canvas bag in the vehicle. SMITH did not recall taking a picture of any canvas bag in the vehicle. SMITH was then shown a picture of a canvas bag in the back of the decedent's vehicle. SMITH stated that this is a photograph that he would have taken, however, he did not recall the bag. SMITH stated that he did not take this bag, as it is not noted on the inventory sheet. SMITH stated that he probably didn't take it because there was nothing inside of it.

SMITH stated that the pictures in U.S. Park Police cases are developed at their lab, the negatives stay there at the lab in case they need to make duplicates. The photos were sent directly back to him. SMITH reviewed the photographs and then would have put them into the mobile crime laboratory file for this case, which is noted to be 166-93. All latent fingerprints, pictures, and mobile crime laboratory reports are contained in this file. SMITH reviewed all of the photographs that he took in this case. SMITH stated that he hasn't seen them in a while. SMITH does not recall specifically what he did with these photos when they were provided to him after development, however, SMITH stated that he would have put them into the U.S. Park Police Mobile Crime Laboratory file, as was his custom.

SMITH processed the decedent's gun for latent fingerprints. SMITH stated that he used fingerprint powder to attempt to develop latents on the gun. No latents were developed. SMITH took polaroid and 35mm photographs of the gun. SMITH was shown all of the photographs of the gun, and identified the photos that he recalls specifically taking. SMITH was unable to identify some of the photos. SMITH stated that he is unsure of exactly how many photos he took, or of what exact parts of the gun he photographed. SMITH stated that some of the pictures may have been taken by SIMONELLO. SMITH stated that three black and white polaroid photographs were taken with the U.S. Park Police MP-4 camera.

SMITH stated that there was no leather briefcase inside of the decedent's car when he processed it and inventoried it on

Page Denied

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/21/94

Kermit Dale Kyle was interviewed at length and provided specific details related to his discovering the body of Vincent Foster at Fort Marcy Park on July 20, 1993 (results set forth in separate FD-302). In responding to why he did not come forward at the time, Kyle also provided the following additional information:

He stated that in early August, 1993, after there had been considerable news coverage in the media concerning the unknown driver of the white van, he contacted a woman friend of his whom he described as an attorney who works at the Department of Justice. He informed her that he was the person who had discovered the body of Vince Foster and asked her if he were breaking any laws by not coming forward. She informed him that she would look into the matter and call him back. She called him back the next day, advising him that he was not violating any laws by not coming forward. As best he recalls, he asked her what she felt he should do. She advised him to "stay quiet because there's nothing you can do to change things now."

Kyle adamantly refused to provide the identity of this woman, stating that she was a very good friend and he did not want to get her involved or to cause her any problem.

Investigation on 4/14/94 at Centerville, Virginia File # 29D-LR-35063

by SSA William E. Colombelli *WEC*
SSA Lawrence J. Monroe Date dictated 4/20/94

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Comments

Twenty three of those fibers were white of those 27, 14 were obtained from Mr. Foster's shoes, socks, and pants. To determine a possible source for the remaining 2 white fibers, the OIC sought gathered comparison samples from locations with which Mr. Foster...

and dissimilar to those of Mr. Foster.¹⁵¹ The hairs did not appear to have been forcibly removed.¹⁵² Hair evidence can become important or relevant in a criminal investigation when there is a known suspect and a significant evidentiary question whether the suspect can be forensically linked to another person (a rape or murder victim, for example) or to a particular location.¹⁵³ If the suspect is a stranger to the victim or the scene, the presence of the suspect's hair is relevant in assessing whether he or she had contact with the victim or scene. In this matter, there was no such suspect as the only known individuals from whom one reasonably might have obtained comparable hair samples were persons already known to have had contact with Mr. Foster.

The FBI Laboratory reported 35 carpet-type fibers in the debris collected from the clothing. Of those fibers, 23 were white fibers, most of which were obtained from Mr. Foster's shoes, socks, and pants.¹⁵⁴ In light of the number of white

¹⁵¹ FBI Lab Report, 5/9/94, at 11; OIC Investigators' Memorandum, 3/2/95, at 4 (Lab Conference). As explained above, the clothing was packaged together before trace evidence was obtained, and particular trace evidence cannot be linked to particular items of clothing that Mr. Foster was wearing at the time of his death.

¹⁵² OIC Investigators' Memorandum, 3/2/95, at 4 (Lab Conference).

¹⁵³ See Crime Scene Investigation 4-5 (Lee ed. 1994) (discussing importance of evidence linking a suspect with a victim).

¹⁵⁴ As noted above, however, there was a possibility that fibers were transferred among items of clothing because of the manner in which the clothes were packaged after the autopsy.

FBI Laboratory Report, July 3, 1997, at 55 - ?

Is there a written report from the FBI Lab that you can cite? Yes -> FW 137

fibers in comparison to the limited number of fibers of other colors gathered from the clothing,¹⁵⁵ OIC investigators sought to determine a possible source for the white fibers.¹⁵⁶ The only known sources for possible comparison were carpets from locations with which Mr. Foster was known to have been in contact -- his car, home, and workplace. OIC investigators obtained carpet samples from those sources, including a white carpet that, in 1993, had been in the bathroom of the house in Washington where Mr. Foster lived with his family. The FBI Laboratory determined that the white fibers obtained from Mr. Foster's clothing were consistent with the samples obtained from the carpet that had been in the bathroom in Mr. Foster's house.¹⁵⁷

In sum, therefore, the carpet fiber evidence -- the determination that the white fibers were consistent with a carpet in the bathroom of the house and the insignificant number of other fibers -- does not support speculation that Mr. Foster was wrapped and moved in a carpet on July 20. Indeed, the fiber evidence, when considered together with the entirety of the evidence, is inconsistent with such speculation.

3. Eyeglasses

¹⁵⁵ The remaining 12 were various colors, including blue gray, blue, gold, light brown, gray, golden brown, pink, and orange. No more than three fibers of any of these colors was found. The variety of colors suggests that those fibers did not originate with a single carpet. *any other possible*

¹⁵⁶ Carpet fibers cannot be conclusively identified as having a specific origin but can be identified for consistency with a particular origin. OIC Investigators' Memorandum (Lee).

¹⁵⁷ FBI Lab *analysis?* Report, July 3, 1997.