

TELECOPY COVER SHEET

OFFICE OF THE INDEPENDENT COUNSEL

1001 Pennsylvania Avenue, N.W., Suite 490N

Washington, D.C. 20004

telephone (202) 514-8688

facsimile (202) 514-8802

Date: _____

TO: Hick Ewing

Company Name: _____

Fax Number: _____ Telephone Number: _____

FROM: Brett Kavanaugh

Number of Pages: 15 (including this cover sheet)

Message: Here are some of the
VWF Travel Office notes +
papers, incl. all references
to HRC

CONFIDENTIALITY NOTE

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Ⓞ

1st discussion - attempt to reconstitute
go to see re HC, ^{express} ^{half} ^{viability} possibly
Q - when will ^{HC} analysis be finished

~~To the effect what's going on w the TVL off their
Are you on top of it~~

DK whether brought up mgment or wrongdoing
or both | or she brought up mgment and I brought up wrongdoing | or she brought up guidelines and I brought up 2 segments ^{wrongdoing} | or just ^{wrongdoing}
What's going on? Are you on top of it?
Trying to determine if there is ^{actual} wrongdoing

Assigned to WK

~~quite impatience (wrong word)~~

quite frustration - I responded just ~~we~~ heard about it yesterday
(prob made me made at criticism and frustrated no auditors
Q did HT say anything?

Del cent

HCare?

What's going on

will use outside auditors - lets see what's there

quite frustration w/ mgment drift

I understand - understaffed

(thought more of a combination of
mgment concern, HC resolution problems
quite frustration, prob aggravated by
quiz

2 conversation w/ ALC on Thurs

1ST aft: late lunch

go to see her re med malpractice issue

- could be on viability of enterprise liability
(was conducting analysis of proposed reforms)

Q - how trl office come up?

Eg, do you know anything re ^{any} problems w/ trl office
or I've heard something about " " " "

told her had some (soft?) info, assigned to WK

Q - anyone else present

don't recall

When SS in hall & door open I go in

sometimes ^{other} persons present, sometimes not

2d conv

also re malpractice study

(possibly re alternative study)
on enterprise liability - do liability w/ o.o.o. w/s

mentioned auditor plan

- Q - personal vs telephone?
- Q - when? where?
- Who called whom?

Friday

in discussion w/ DW mid to late afternoon
pass on Eller / MFL meeting

+ discussion w/ Eller in afternoon that

DW would decide how to respond to
results of own and when

- believe DW has best update on audit from PT, which is serious
suggestion, in light of HLC inquiry

previous day, DW might want to update her on audit
results

(try to conf. call but lose him)

[by this time what is status of own report?

by 33001A# / none (BRTS 16388) DocId: 70105362 Page 5 discrepancy
CKS

F 000111

In discussion w/ MM, PT & DW on Thurs aft/noon

f/or w/ PT, DW Thurs nite

S/or w/ " " Fri

w/ PT Sat am

could have discussed genl observation that HRC
generally appeared less than satisfied with
timeliness of decision-making, i.e. closure

Never discussed w/ anyone anytime prospect HT
would directly or indirectly benefit, never a possibility
in my mind given his disclaimer Wed aft/noon



What are theories of complaint?

1. Wrongful termination*

how can there be a right to term. w/o cause?

Maybe terminating w/o cause while asserting it is
for cause (e.g. talking pts) - believed Dale was terminating on
management basis, incompatible + downsize office (memo to back up
down to 3)

2. Slander, particularly by letter

(Contrary to advice, H no party)

3. Attempting to benefit friends?

a) H.T.? - contrary to his rep.

b) CC? - not knew she a cousin, no reason to assume
she would get any increase in pay

* No choice but to terminate Dale

can't continue to let him handle money, run office
given findings

4. Misuse of FBI?

they deny

HR no role





F 000154

363-3020

Rowland PI

Coordination -

BWN

? respond to future

at 34th - becomes Rens@Porter

Rowland only to Rt

Ed on left

WA packet

3321

defend my mind decision
thereby defend HRC role whatever is
was in fact or might have been

unperceived to be

A) Harry memo -
Darnell
prey's

Bob Bennett

John Culver, head f

Bill Taylor, Zuckerman (Crawton)

Q-assignment of HT

Offense strategy

Hill
GAO

Avoid forcing DOJ

BWN Guidance



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. Privileges
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 + TV office
news file

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

10. Offense

Hill strategy
'88 invN

request to Archives

11. Communications of top 2

12. O'Brien FOIA # none
vs what is disclosed



Privileged
in anticipation of litigation

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 FOIA # none (ORTS 16333) DocId: 70105362 Page 9 were being used and probably told her they would

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FROM: Brett Kavanaugh

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Message: FYI : Page 3 certainly gives me some pause.

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OIC-302 (Rev. 8-19-94)

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 6/29/95

KYLE ERIC CHADWICK was interviewed in a conference room in the offices of the Office of the Independent Counsel (OIC), 1001 Pennsylvania Avenue, N.W., Suite 480 North, Washington, D.C. (WDC). After being advised of the official identity of the interviewing agent and the nature of the interview, CHADWICK provided the following information:

In late April or early May of 1993, while CHADWICK was a first year law student at Stanford Law School in California, he heard about an opportunity to serve as an unpaid intern in the White House Counsel's Office (WHCO) in WDC. CHADWICK knew that Associate White House Counsel CHERYL MILLS had attended Stanford Law School, and he faxed a copy of his resume to her at the White House. Because CHADWICK could not afford to travel to WDC to be interviewed for an internship position, he was interviewed over the telephone by MILLS and Associate White House Counsel BETH NOLAN. There was a two to three week interlude between CHADWICK's interview and his receipt of an offer of an internship.

CHADWICK arrived in WDC in early June, possibly during the first week of June, to begin his internship at the White House. CHADWICK does not recall the exact date when he began his internship. The summer was divided into two internship sessions, and there were five to six interns working in the WHCO in each of the two sessions. MILLS was generally the supervisor over the WHCO interns. While the interns were designated as working for specific people on the WHCO staff, the interns rotated roles and worked for a number of people during their internships. The interns were given fairly discrete legal questions to work on. They would typically be asked to write memoranda answering specific questions posed by members of the WHCO staff. Some of the interns were also given the opportunity to research policy decisions.

Some of CHADWICK's work involved photocopying of statutes which were relevant to matters under consideration by WHCO staff. The assignments given to interns were generally

Investigation on 6/29/95 at Washington, D.C. File # 29D-OIC-LR-35063

by SA RUSSELL T. BRANSFORD RTB:rtb Date dictated 6/29/95

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channeled through MILLS to ensure that the workloads assigned to each of the interns were fairly equal. Each of the interns was given a telephone and a desk at which to work. CHADWICK's desk was in an area resembling a reception area in the Old Executive Office Building (OEOB). The area in which his desk was located was next door to the suite where NOLAN and Associate White House Counsel WILLIAM H. KENNEDY III had their offices. CHADWICK did not perform any vetting work for administration nominees.

CHADWICK served at the White House for eight weeks. His first four weeks were spent working for MILLS, the next two were spent working for NOLAN, and CHADWICK worked his last two weeks for Deputy White House Counsel VINCENT W. FOSTER, Jr. FOSTER died during CHADWICK's second week working for FOSTER. CHADWICK's last day of work at the White House was the Friday following FOSTER's death, i.e., July 23, 1993.

When CHADWICK first arrived at the White House, there was an orientation meeting for the WHCO interns conducted by FOSTER and White House Counsel BERNARD W. NUSSBAUM. There was a marked contrast in the personalities of NUSSBAUM and FOSTER. NUSSBAUM was talkative and gestured quite a bit as he spoke. FOSTER was very tightly controlled and had the appearance of a highly successful president of a small town bank. FOSTER also had an air of real propriety, and he told the interns that most of the matters on which he worked at the WHCO were of such a nature that he could not even discuss them with his wife.

CHADWICK only spoke with FOSTER in person once during the two weeks of CHADWICK's assignment to FOSTER. This conversation occurred early in CHADWICK's first week working for FOSTER, and it occurred in FOSTER's office in the West Wing of the White House. CHADWICK had tried to telephone FOSTER on CHADWICK's first day working for FOSTER to obtain his work assignments, but CHADWICK was unable to reach FOSTER. CHADWICK believes he may have then met with FOSTER on Tuesday of that week (July 13, 1993). FOSTER told CHADWICK that he had some health care-related work that he wanted CHADWICK to perform. This work involved finding sources of information and locating and making copies of state statutes which were relevant to health care issues. FOSTER held out a few newspaper clippings which related to health care as an example of what he had in mind. FOSTER was eating lunch in his office during this conversation, and CHADWICK only spent approximately five minutes or a little more with

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FOSTER. FOSTER seemed intent on CHADWICK comprehending what it was that FOSTER wanted CHADWICK to do. This was the only occasion when CHADWICK spoke with FOSTER in FOSTER's office. There were other occasions when CHADWICK might encounter FOSTER in a hallway, but on such occasions CHADWICK and FOSTER would just exchange greetings.

FOSTER's physical appearance during this conversation seemed about the same as CHADWICK recalled it having been during the orientation meeting. CHADWICK does not recall observing any changes in FOSTER's personality or physical appearance during the time that CHADWICK knew FOSTER.

CHADWICK usually had a difficult time reaching FOSTER by telephone because FOSTER was so busy. When CHADWICK completed an assignment for FOSTER, CHADWICK would usually send the completed product to FOSTER via inter-office mail or CHADWICK would place the work product in an envelope and leave it with a guard at the West Wing.

On the morning of July 20, 1993, CHADWICK called FOSTER regarding the project on which CHADWICK was working, which involved the photocopying of statutes. CHADWICK was unsuccessful in reaching FOSTER so he left a message asking FOSTER to call him. CHADWICK recalls receiving a telephone message slip which indicated that FOSTER had returned CHADWICK's call at approximately 12:40 p.m., at a time when CHADWICK must have been away from his desk. CHADWICK called FOSTER back and was put through to FOSTER. FOSTER said that he wanted a copy of the complete statute which CHADWICK had located rather than just the portion FOSTER had earlier requested. FOSTER commented in words to the effect that, It seems like a good statute, don't you think? CHADWICK did not know how to respond to this question since he has rarely attempted to characterize a statute. CHADWICK felt at the time that FOSTER seemed "distracted" since FOSTER had asked a question which seemed so out of character for him. FOSTER was usually very businesslike and direct in his conversations with CHADWICK, and FOSTER did not discuss personal matters with CHADWICK or ask for CHADWICK's opinions.

CHADWICK does not recall any other details of this telephone conversation with FOSTER. FOSTER did not say anything else in the conversation which CHADWICK regarded as remarkable or memorable. CHADWICK does not recall FOSTER's voice or speech

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sounding any different than usual.

The statute about which FOSTER had asked for CHADWICK's opinion was a Florida statute relating to people waiving their right to sue for tort after suffering certain types of injuries. The statute had relevance to both health care issues and to tort reform.

FOSTER also seemed to be distracted on one other occasion when FOSTER asked CHADWICK to obtain a copy of a book written by a Harvard University professor, whom CHADWICK believes to have been PAUL WEILER. The book related to health care issues. When CHADWICK inquired about obtaining a copy of the book for FOSTER, he learned that a copy had already been sent to the WHCO. CHADWICK believes FOSTER forgot that the WHCO was already in receipt of the book.

CHADWICK did not have personal contact with FOSTER at all on July 20, 1993, and he did not observe FOSTER at all on that day. The office space in which CHADWICK was located was on the first floor and south side of the OEOB. Because of the location of CHADWICK's office, CHADWICK would not have been able to observe FOSTER leaving the West Wing of the White House.

Several days after FOSTER's death, CHADWICK went to lunch with MILLS in the White House mess. This lunch meeting was on the day the FOSTER note was released to the media, but the note had not yet been released at the time of the meeting. MILLS did not offer any insights into FOSTER's death other than to say that FOSTER had been under a lot of pressure.

CHADWICK did not travel to Little Rock with other White House staff members, and he did not attend FOSTER's funeral. CHADWICK knows of no information or events which should have warned White House officials that FOSTER might take his own life.

There were two male interns who worked for FOSTER during the early part of the internship period. GEORGE CANNON was one of these males, but CHADWICK is unable to recall the name of the other intern.

(At this point in the interview, CHADWICK was asked about a number of former WHCO interns by name.) CHADWICK furnished the following information:

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JONATHAN KOPP was possibly a full-time employee of the WHCO and may have been attending law school at Georgetown University at night. KOPP was already serving at the WHCO prior to the arrival of the WHCO interns, and he had possibly been there during the entire spring of 1993. KOPP guided the WHCO interns around the White House on their first day there.

MATTHEW FOGELSON would have worked for FOSTER at some point. CHADWICK believes FOGELSON was attending law school at New York University.

URSULA HALL was a female who attended the North Texas School of Law.

DANIEL RAPPORT was a student at Yale University.

DANA HYDE had been a student at Hastings College of Law prior to becoming a WHCO intern. CHADWICK had met HYDE once before when she was working for the presidential campaign of Governor BILL CLINTON. HYDE spoke of possibly transferring to attend law school at either Georgetown University or George Washington University. CHADWICK does not know if she actually transferred.

There was one other intern but CHADWICK is unable to recall the name of this person. CHADWICK believes this intern attended law school at either Vanderbilt University or possibly the University of Arkansas.

On further reflection by CHADWICK, DANA HYDE may have been one of the interns who served in the second eight week internship session during the summer of 1993.

GEORGE CANNON and the unknown male worked for FOSTER the first two weeks of the internship period. It is possible that DANIEL RAPPORT worked for FOSTER during the second two week block of the first summer session. CHADWICK cannot recall who worked for FOSTER the third two week block of the internship period. There was no inherited work which was passed on from, for example, FOSTER's intern in the third block to the intern in the fourth block (CHADWICK). The fact that CHADWICK tried to contact FOSTER on CHADWICK's first day of being assigned to FOSTER reflects that CHADWICK was attempting to get his work assignments.

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On July 21, 1993, CHADWICK learned of FOSTER's death the preceding night. CHADWICK was living with his brother in Rockville, Maryland at the time. At approximately 8:00 a.m., CHADWICK was getting ready for work and listening to National Public Radio when he heard the hourly summary of the top news stories. The top story mentioned the death of the Deputy White House Counsel. CHADWICK had not received notification of FOSTER's death from anyone at the White House either that morning or the night before.

Once CHADWICK arrived at the White House that morning, there was still never a formal announcement of FOSTER's death. It was as if it was assumed that everyone knew of FOSTER's death. The full-time attorneys on the WHCO staff had a meeting that day in a conference room in the OEOB. CHADWICK does not know if this meeting occurred in the morning or afternoon. The interns and the detailee attorneys from other agencies who were serving on the WHCO staff were not invited to attend this meeting. As the full-time WHCO attorneys left the room following the meeting, they were very quiet and appeared grief-stricken. CHADWICK does not recall specifically who attended this meeting, but he does not recall observing anyone leaving the meeting who was not an attorney or at least a member of the WHCO staff. CHADWICK does not recall CRAIG LIVINGSTONE attending this meeting.

CHADWICK had very little contact with LIVINGSTONE. LIVINGSTONE addressed the interns on their first day at the White House and cautioned them about proper handling of documents. CHADWICK would occasionally see LIVINGSTONE in passing, such as in the halls. CHADWICK has never spoken with LIVINGSTONE about LIVINGSTONE's activities following FOSTER's death.

CHADWICK did not attend the address by President CLINTON to White House employees, and he does not recall being invited to attend it, although he did hear about it after it had occurred.

CHADWICK cannot recall the name of an unpaid woman who worked at a desk immediately outside MILLS's office. This woman spoke about her interest in obtaining full-time work at the White House, but CHADWICK doubts that she would have been hired because she had a poor attitude.

JENNIFER MILLER was an assistant to Associate White

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House Counsel RON KLAIN. MILLER had just finished her first year of law school at Stanford. Currently, MILLER may be taking some time off from her law school studies to participate in the CLINTON presidential campaign.

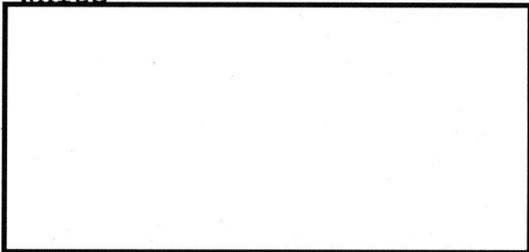
Neither KLAIN nor Associate White House Counsel CLIFF SLOAN had receptionists working for them.

CHADWICK has been unable to locate the written telephone message slip which notified CHADWICK of the return call from FOSTER on July 20, 1993. He had retained the slip for some time but he was unable to find it prior to the instant interview. Without viewing the slip, CHADWICK cannot recall with certainty what time FOSTER returned CHADWICK's call, but it was no more than five minutes either before or after 12:40 p.m. CHADWICK knows of one more place where this message slip may be, and he will advise the interviewing agent if he locates the slip.

CHADWICK has no knowledge or reason to believe that FOSTER's death was anything other than a suicide.

CHADWICK is not currently employed since he is studying to take the bar examination. A background investigation is currently being conducted on CHADWICK because he will be going to work at the United States Department of Justice in the Office of Legal Counsel.

Based on observation and interview, CHADWICK is described as follows:

Name:	KYLE ERIC CHADWICK
Sex:	Male
Race:	White
Date of Birth:	
Place of Birth:	
Social Security Account Number:	
Residence:	
Home Telephone:	

FOIA(b) 6
FOIA(b) 7 - (C)

MEMORANDUM

TO: Judge Starr
Mark Tuohey
Hickman Ewing ✓
John Bates

CC: Ed Lueckenhoff
Dana Gillis

FROM: Brett Kavanaugh

RE: Foster Death Investigation

DATE: May 15, 1995

FOIA(b)7 - (C)

The following are the steps that Mark, Hickman, John, and I discussed today as possibilities for our continuing investigation of the physical evidence (as contrasted to state of mind).

1. Fingerprint on Gun

We are currently attempting to obtain Mr. Foster Sr.'s fingerprints from the military records center. If that proves fruitless, we may attempt to find his fingerprints from the Foster home in Hope. (If the fingerprint on the underside of the grip matched Mr. Foster Sr., that obviously would be a very significant step in our investigation.)

2. Carpet Fibers

We may obtain carpet fibers from various sources and attempt to match them to the fibers found on Foster. The possible sources are (a) his car; (b) the White House; and (c) his house in Georgetown.

3. Search of Park for Bullet

We may search the entire park for the bullet.

4. Stains on Shirt

The FBI lab is currently testing Foster's shirt to determine what if any material other than blood was present on the shirt.

5. Palm Print on Note (more relevant to Foster documents investigation)

We may try to match the palm print on the note to Foster's palm print. To do so, we would need to find a palm print from Foster. That would not be easy, but we can consult the lab and/or experts on the possibilities in this regard.

If we could not obtain a Foster palm print or if the prints did not match, we might obtain palm prints from various other persons in logical order: (1) the Park Police officers who handled the note; (2) Neuwirth, Gorham, Pond, Tripp, and Nussbaum; and (3) Williams, Castleton, and Thomasson.