

Memorandum

Office of the Independent Counsel

To : AC BRETT KAVANAUGH

Date 7/10/96

From : SA JAMES T. CLEMENTE

Subject: FBI LAB REPORT ADDENDUM

After meeting with DR. HENRY LEE and representatives of the OIC, the FBI Laboratory agreed to issue an addendum to their previous lab report (dated May 9, 1994) concerning soil and fiber evidence found on the shoes and clothing VINCENT W. FOSTER, JR. This addendum details the prior findings of the FBI Lab with greater specificity. In a criminal case, this kind of specificity is usually provided through the testimony of FBI scientists when the evidence is presented at trial. The FBI Lab has provided this information at this time to assist the OIC in making its report on FOSTER'S death.

The following is a summary of the attached addendum:

- In its original examination of FOSTER'S dress shirt, t-shirt, boxer shorts, suit pants, belt, socks, shoes and the paper these items had been wrapped in, the FBI Lab found trace amounts of loose, unconsolidated soil.
- These trace amounts of loose, unconsolidated soil do not amount to "coherent soil," which is soil that is held together as part of the same mass.
- Only "coherent soil" can be used to make a soil comparison because it is reasonable to conclude that soil that is held together as part of the same mass, originated from the same source or location. Conversely, loose, unconsolidated soil can not reasonably be said to have originated from a single source or location.
- When the sample of loose, unconsolidated soil is limited to trace amounts, additional uncertainty is introduced into the determination of source or origin of the sample.
- Mica was present in the trace amounts of loose, unconsolidated soil found on or with the above items.
- This soil could have originated from the micaceous soil found at Fort Marcy Park, however, since the sample is small and not "coherent" no definitive source determination can be made.

| <u>ITEM</u> | <u>CARPET FIBERS FOUND</u> |
|---------------------------------------|--|
| Q4 - Suit jacket | } -1 pale gray delustered trilobal fiber |
| Q5 - Neck tie | |
| Q8 - Dress shirt | -1 gray delustered trilobal fiber -1 blue delustered trilobal fiber |
| Q9 - T-shirt | -No carpet fibers |
| Q10- Boxer shorts | -1 white lustrous trilobal fiber |
| Q11- Suit pants & belt | -Several tan delustered trilobal fibers -1 gray/green delustered trilobal fiber -1 greenish delustered round fiber |
| Q12- Black sock (w/ red and green) | -1 white trilobal fiber |
| Q13- Black sock (w/ gold toe) | -No carpet fibers |
| Q14- Left shoe | -No carpet fibers |
| Q15- Right shoe | -1 white trilobal fiber |
| Q31- 2 Brown paper sheets | -1 white trilobal fiber -1 red delustered trilobal fiber |

In summary the following carpet fibers were found:

- 1 pale gray delustered trilobal fiber
- 1 gray delustered trilobal fiber
- 1 gray/green delustered trilobal fiber
- 1 greenish delustered round fiber
- 1 red delustered trilobal fiber
- 1 white lustrous trilobal fiber
- 3 white trilobal fibers
- 1 blue delustered trilobal fiber
- Several tan delustered trilobal fibers
- [10 + several] total carpet fibers of nine different colors and types were found.

*No forensically significant number of one type of carpet fiber was found.