

SCREENED
By *clp* Date *3/1/2010*

207

Independent Report

4-27-95

Scalice

Specific Findings

p. 6 1. This conclusion is not logical ...

That Foster walked thru the park

2. It is conceivable that the shot would not have been heard by any of the neighbors ...

p. 7 3. Had F. fired gun from sitting posit. at 2d cannon site, the bullet ... could conceivably have died before behind him.

However, after exiting the head, it is reasonable to expect velocity diminished considerably, thereby causing spent projectile to fall close to the body.

Failure to recover spent bullet is consistent w/ the fact that the gun may have been fired at another location.

4. An important focus of this investig. should be placed on the park's rear entrance, as a possible means or method of transporting body to the scene.

p.7

5. Carpet type fibers --- clearly indicative of the fact that his body probably was in contact w/ 1 or more carpets at some point in time prior to his death

It is ∴ logical to assume that such contact would have taken place at some other location---

This type of trace or transfer evidence should be considered highly significant as it would provide an indication of F's possible whereabouts or movements prior to him being found in the park.

This evidence raises the possibility that his body may have been in a prone position, that his clothing may have been searched while in a prone position, &/or his body may have been transported while in contact w/ some type of carpeting

... Nowhere in the fpts is any mention made of any search or vacuuming in Foster's car for trace evidence. No carpet fibers were recovered from interior of F's vehicle or the trunk area. --- might have established whether or not F. had -- drive -- or was transported in the trunk.

p. 7 6. It is inconceivable for the glasses to have been thrown or bounced thru foliage to the location where they [F's eyeglasses] were found. This would seem more likely an indication that the crime scene was tampered with.

p. 7-8 7. According to the Fiske pathology panel --- This conclusively demonstrates that neither ~~the~~ right nor left hand was on the hand grip when it was fired. This evid. is inconsistent with suicide.

In most cases of suicide, the gun does not remain in the victim's hand. [Mr. Scalice & Mr. Santucci, in their combined experience of 50 yrs of investigating homicides, have never seen a weapon or gun positioned in a suicide's hand in such an orderly fashion.]

In addition to the unusual gunpowder soot found on the index finger, we found disturbing

- the proximity of the rt. hand to arm to the rt. leg,
- the unusual dep position of the thumb in the trigger guard,
- the position of the gun barrel tucked under the rt. leg,
- the lack of any visible blood on the gun,
- the failure of the family to positively id. the gun's ownership,
- the failure to recover the fired projectile.

There facts are all supporting evid. that a high probability exists that the position of the gun in the hand was staged.

CONCLUSIONS

- ① ... The opinion has been formed that homicide has not been ruled out.
- ② As a result of our investigation & reconstruction in regard to this case, we have concluded contrary to the conclusions arrived at in the F.Rpt: The overwhelming evidence does not support the conclusion that VWF, Jr. committed suicide (in) FM Park.
- ③ Therefore, wholly separate from the issue of suicide or homicide is the obvious problem of the body's transport (to) the park.
- ④ Still another serious issue concerns the location of the body's discovery (in) FM Park. Based upon the evid. made available & examined, it is more likely that the official location of the second site is not the actual site of the body's discovery. Evid. also indicates that the 1st cannon site is more consistent w/ the actual location of the body's discovery.

INDEPENDENT REPORT

in RE:

The Death of Vincent W. Foster, Jr.

Prepared for:

**Western Journalism Center
April 27, 1995**

By:

**Vincent J. Scalice Associates
Forensic Control Systems**

Report Prepared by
Vincent Scalice, S.C.S.A.
Forensic Control Systems
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Staten Island, NY 10306

for

Western Journalism Center
P.O. Box 2450
Fair Oaks, CA 95628

RE: Confidential Investigation
Crime Scene Reconstruction
Vincent W. Foster Jr. (Deceased)

Case No. 2014/95

At your request, a Confidential Investigation was carried out by this office in regard to the circumstances involved in the death of Deputy White House Counsel, Vincent W. Foster Jr., whose body was reported to have been found within the confines of Fort Marcy Park, Fairfax County, Virginia, during the early evening hours of Tuesday, July 20, 1993. The following is a detailed report of the results of our investigation.

CRIME SCENE RECONSTRUCTION SEQUENCE

On Saturday, March 4, 1995, at approximately 2:00 p.m., our operatives, Vincent J. Scalice, S.C.S.A., Forensic Consultant, Richard Saferstein, PhD., Criminalist, and Fred Santucci, Forensic Photographer, arrived at the parking lot of Fort Marcy Park and commenced this investigation.

Soil and surface conditions were dry. Temperature was measured at 41 degrees fahrenheit.

The operatives took the path which would have been closest to Mr. Foster's car, and entered the main clearing of the earthen fort. The operatives examined the ridge, or berm, immediately to the left as they entered the clearing. Approximately midway along the berm, the operatives noted the metal-concrete anchor which secured the "first cannon." This cannon has been removed from the park recently.

Approximately 50 feet past the first cannon site the operatives noted a curve shaped hollow and a path going down the embankment. This site has been identified in the Ruddy report as the true location of the body's discovery on July 20, 1993. This location herein will be noted as the cannon No. 1 area.

The operatives proceeded directly across the clearing, taking the most direct path to the second cannon site. The site is hidden

from the main clearing, and is approximately 200 feet from cannon area No. 1.

The operatives reviewed the second cannon site, including the berm the second cannon overlooks, where the Park Police claim Foster's body was discovered. This site is referred to herein as "the second cannon site."

The operatives also noted homes along Chain Bridge Road which could be seen from the second cannon site.

The operatives then proceeded along an easterly trail which runs parallel to Chain Bridge Road to the park's rear entrance. The operatives noted that the entrance is for both cars and pedestrians, and identified the compound for the Ambassador of Saudi Arabia, as well as the compound's security camera that views the park's rear entrance.

The operatives then returned to the parking lot and met with a stand-in for Mr. Foster, identified herein as the model. The model is the same approximate weight and height as Mr. Foster.

The model put on a clean pair of dress shoes at the reported location of Mr. Foster's car. He then took the nearest path and proceeded to the second cannon site. He walked along the side of the path, avoiding walking on the freshly laid gravel path that begins at the lot and leads up to the entrance of the main clearing.

The model took the most direct route to the second cannon site. From the time he left the lot until he arrived at the second cannon site, the model was videotaped by Mr. Santucci.

The model thereupon removed the dress shoes, which were examined, bagged and noted by Dr. Saferstein. The model put on a fresh pair of shoes, dress socks, suit pants, and a white dress shirt.

The model then walked several paces down the second cannon site, and sat down on a root stem which forms a natural seat, as identified in the Fiske report. In a reclined position, the model's head laid approximately 10 feet directly in front of the second cannon's barrel. This is consistent with the Fiske report.

While seated the model was asked to place both hands around an imaginary gun placed in his mouth, and simulate firing the weapon.

During this time Mr. Santucci continued taking videotape, as well as 35mm photographs. Mr. Scalice took numerous Polaroids of the scene.

The model was asked to straighten out his legs and arms as he reclined on the path, as consistent with eyewitness descriptions

of how the body was found. Mr. Scalice had the model place his right hand and arm in a position closely resembling the polaroid that was released by ABC News. Similar Polaroid photographs were taken by Mr. Scalice for comparison purposes.

The operatives proceeded down the berm approximately 13 feet from where the body was reported to have been found to the point at which Foster's eyeglasses were said to have landed after being thrown from his body. Photographs were taken at this location.

The operatives noted that from the crest of the berm's hollow, the berm falls at an angle of approximately 25 to 30 degrees for several feet until it reaches the first section of the root stem. At that point, the berm falls away sharply at approximately a 45-degree angle. The abrupt drop in the slope takes place almost at the mid-section of the model's body, causing the body to appear curved around the slope, or bowed outward.

The model's upper body was then lifted up to examine the back of the head and the body was also allowed to slip for three to four inches on the incline, as noted by eyewitnesses. The body was then picked up fully. The model thereupon removed his clothing and shoes. The items were bagged and removed by Dr. Saferstein for further analysis.

Dr. Saferstein also examined soil conditions at the second cannon site.

The operatives then proceeded to the cannon No. 1 site and examined and compared the ABC News copy of the polaroid photo with conditions at this area. It was noted that at this location the body would have lain on a more gentle slope of approximately 25 degrees.

As a result of closer inspection of this site coupled with a detailed examination and comparison of the ABC photograph, obvious similarities were noted in regard to the plant life and vegetation throughout this area. Several leaves of a particular type which matched those contained in the photograph were found to be present at this location. Several of those leaves were collected, bagged and removed for further analysis and possible identification.

The operatives then returned to the second cannon site and thoroughly searched this area for similar type leaves. No matching leaves were found at this location.

The operatives returned to the parking lot at approximately 5:00 p.m., ending their reconstruction project.

In addition to the aforementioned crime scene reconstruction project, a detailed examination and evaluation was carried out in regard to the Fiske Report, as well as all attachments, including

F.B.I. laboratory and interview reports, U.S. Park Police reports, autopsy reports and Senate Banking committee testimony.

The following is a report of the findings and conclusions in regard to our investigation into this matter.

GENERAL FINDINGS

1. Movement of the Body

A high probability exists that Foster's body was transported to Fort Marcy Park from an outside location due to the following:

According to the Fiske report, Foster's shoes had not one trace of coherent soil on them or on his clothing although the 197 pound Foster had allegedly walked over 700 feet to the second cannon site. Although the heavy summer foliage may have covered much of the ground soil, other areas would have been traversed with exposed soil.

For example, a laboratory test conducted on one (1) pair of shoes (15017, worn by model) and walked simply several paces in the vicinity of the second cannon, revealed "significant quantities of soil in combination with vermiculite (mica) on both heels."

The shoes and clothing worn by the model at the park were closely examined and analyzed. Both shoes and clothing were found to contain soil mixed with mica.

These facts would be highly consistent with the fact that Foster did not walk to the spot where he was found, but was more likely transported to this location by other means.

Our laboratory analysis on a pair of shoes (65548) that had been walked from the parking lot to the second cannon site disclosed evidence of grass stains. It should be noted that the walk was carried out in winter weather (March). Had Foster walked this route on July 20, 1993, there would have been a greater likelihood of grass staining. The F.B.I. report omits any mention of grass staining whatsoever.

Officials claim that Foster's body was found on a path lying at the second site. If this were true, especially on a warm summer day, soil and other debris should have adhered to his clothing and shoes. The Fiske report indicates no traces of coherent soil whatsoever.

The position of Foster's body as described in numerous reports is completely unnatural with a suicide of this type. In agreement with the Fiske report the only likely scenario would be that

Foster was in a sitting position. In this position, however, it is not logical to expect that his arms and legs would have fallen

into a neat and orderly position. It is more likely that his arms would extend outwards at an angle to the body as a result of the discharge. The neat arrangement of his arms close to the body, coupled with the overall arrangement of the body itself, is not consistent with suicide.

The lack of extravated blood on the front of the body is inconsistent with death by intra-oral gunshot, which raises the likelihood that Foster's heart had already ceased and that death would have been caused by other means. Dr. Donald Haut, the Medical Examiner present at the scene when the body was rolled over, said there was little blood behind the body on the ground. This is consistent with the small amount of blood that had emanated from the entrance wound.

Haut said that blood had matted or congealed on the back of the head. This is an indication that the exit wound may have been covered if the body was moved.

Had Foster fired the weapon while in the sitting position and the bullet followed the trajectory described in the autopsy, exiting from the back of the top of the head, blood splattered brain tissue and other matter should have been visible above the head, on the surrounding ground or vegetation. No witnesses identified such matter as described and the lead police investigator saw none.

The inconsistent blood tracks and stain on Foster's right cheek, as mentioned in the F.B.I. report, cannot simply be explained by the fact that an emergency worker may have touched the head, for example, while checking the carotid artery. This further supports the theory that the body may have been transported.

2. Location of the Body's Discovery

The forensic evidence does not support the police and Fiske conclusion that Foster's body was found on the path directly in front of the second cannon site. This pathway has clearly been a dirt path edged by root stems. These root stems appear worn as a result of having been exposed for many years. A Gannett news report, published shortly after Foster's death, reported the path to be a dirt one.

Shoes and clothing worn by the model at the second cannon site were closely examined and analyzed. Dress shoes (15017) were found to contain significant quantities of soil mixed with mica. The pants were also found to contain soil mixed with mica.

Had Foster's body been lying at the second cannon site, especially on a warm summer day, soil and other debris should

have adhered to his clothing and shoes. The Fiske report indicates no traces of coherent soil whatsoever.

The second cannon site is not consistent with the heavy and dense foliage said to have been found all around the body. It is not consistent with description of the scenes polaroids, including the ABC News photograph.

The Fiske report notes heavy vegetation below the body extending to the location of Foster's eyeglasses, approximately 13 feet away. This also is not consistent with the barren area below the body at the second cannon site.

The cannon No. 1 site is consistent with the description of heavy foliage. It is consistent with the ABC News polaroid.

The ABC News Polaroid clearly shows evidence of a certain type of leaf, which has been found to be common to the cannon No. 1 area. This leaf has subsequently been positively identified as a species known as **Magnolia acuminata**. As a result of a careful examination and inspection carried out over a wide area in the vicinity of cannon No. 2, it was conclusively established that no leaves of this type were observed in or about this location.

The second cannon site has a slope whose angle of descent drops considerably to a point almost exactly where Foster's mid-section would have been. On the slope the model's body displayed a curved, or bowed appearance, with the abdomen clearly protruding. No mention of this characteristic position was noted in any of the eyewitness statements. The angle of the slope at the first cannon site is less pronounced and would not have resulted in any unusual or curved position of the body.

SPECIFIC FINDINGS

1. The Fiske report states that mica particles found on Foster's shoes and clothing, in the absence of soil, supports the conclusion that Foster had walked through the park. This conclusion is not logical due to the fact that shoes and clothing used in our reconstruction contained a mix of both soil and mica, as noted in our laboratory tests.

Our laboratory analysis of vegetation from the park also revealed "significant quantities of vermiculite (mica) and the absence of soil constituents." Therefore, mica particles found on Foster's clothing supports the conclusion that his body was lying on dense foliage and vegetation only. This fact is also consistent with the probability that his body had likely been transported to the scene.

The aforementioned conclusions are further supported by the F.B.I. report which notes mica being found not only on his shoes, but also on his shirt, pants, belt and socks.

2. Had Foster fired the gun at the second cannon site, it is conceivable that the shot would not have been heard by any of the

neighbors who reside in homes across the road. The barrel's position in the mouth may have produced a muffling effect, and traffic noise could have possibly further diminished the sound of the shot.

3. Had Foster fired the gun while in a sitting position at the second cannon site, the bullet, if it did exit the back of the rear of the head, could conceivably have cleared the berm behind him. However, after exiting the head, it is reasonable to expect that the velocity could have diminished considerably, thereby causing the spent projectile to fall closer to the body. Behind the body and above the crest of the berm is an open clearing area. On the other side of the clearing is a small berm, creating a natural barrier for the fired projectile. Failure to recover the spent bullet is consistent with the fact that the gun may have been fired at another location.

4. An important focus of this investigation should be placed on the park's rear entrance, as a possible means or method of transporting the body to the scene.

5. Carpet-type fibers of various colors which were found on almost all of Foster's clothing was clearly indicative of the fact that his body probably was in contact with one or more carpets at some point in time prior to his death. It is therefore logical to assume that such contact would have taken place at some other location prior to his being found in the park. This type of trace or transfer evidence should be considered highly significant as it would provide an indication of Foster's possible whereabouts or movements prior to him being found in the park. This evidence raises the possibility that his body may have been in a prone position, that his clothing may have been searched while in a prone position, and/or his body may have been transported while in contact with some type of carpeting.

It should be noted that nowhere in the reports is any mention made of any search or vacuuming in Foster's car for trace evidence. No carpet fibers were recovered from the interior of Foster's vehicle or the trunk area. The recovery of such evidence might have established whether or not Foster had in fact driven to the parking lot, or was transported in the trunk.

6. Foster's eyeglasses were reported to have been recovered approximately 13 feet below his body on the berm. The Fiske report notes that since the gunpowder was found on the glasses it meant that they must have been thrown from his head or shirt pocket after the gunshot. It is inconceivable for the glasses to have been thrown or bounced through foliage to the location where they were found. This would seem more likely an indication that the crime scene was tampered with.

7. According to the Fiske pathology panel, "Mr. Foster's index fingers were in the vicinity of the (front) cylinder gap, when

Take
Sample
From Car
House
Office

the weapon was fired." This conclusively demonstrates that neither his right nor left hand was on the hand grip when it was fired. This evidence is inconsistent with suicide.

In most cases of suicide, the gun does not remain in the victim's hand.¹ In addition to the unusual gunpowder soot found on the index fingers, we found disturbing the proximity of the right hand and arm to the right leg, the unusual deep position of the thumb in the trigger guard, the position of the gun barrel tucked under the right leg, the lack of any visible blood on the gun, the failure of the family to positively identify the gun's ownership and the failure to recover the fired projectile. These facts are all supporting evidence that a high probability exists that the positioning of the gun in the hand was staged.

CONCLUSIONS

All cases of suspicious death should be treated as homicides, until proven otherwise. Due to the circumstances involved in this case, the opinion has been formed that homicide has not been ruled out.

As a result of our investigation and reconstruction in regard to this case, we have concluded contrary to the conclusions arrived at in the Fiske report: the overwhelming evidence does not support the conclusion that Vincent W. Foster Jr. committed suicide in Fort Marcy Park.

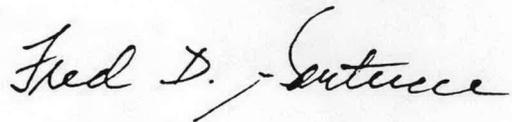
Therefore, wholly separate from the issue of suicide or homicide is the obvious problem of the body's transport to the park.

Still another serious issue concerns the location of the body's discovery in Fort Marcy Park. Based upon the evidence made available and examined, it is more likely that the official location of the second site is not the actual site of the body's discovery. Evidence also indicates that the first cannon site is more consistent with the actual location of the body's discovery.

Signed:



Vincent J. Scalice, S.C.S.A.
Forensic Consultant
Crime Scene Analyst



Fred D. Santucci
Forensic Photographer
Crime Scene Expert

¹ Mr. Scalice and Mr. Santucci, in their combined experience of fifty years of investigating homicides, have never seen a weapon or gun positioned in a suicide's hand in such an orderly fashion.

LABORATORY ANALYSIS

Conducted by Richard Saferstein, PhD.

RE: Vincent Foster

The following articles were subjected to microscopic and mineralogical analysis:

1. One pair of red shoes (serial #15017). These shoes were removed from subject on 3/4/95 who was lying in cannon #2 area in Fort Marcy Park;
2. One pair of brown shoes (serial #12177). These shoes were removed from subject who walked from parking lot to cannon #2 location on 3/4/95 in Fort Marcy Park;
3. One pair of dark brown shoes (serial #65548).
4. Soil samples from cannon #1 and cannon #2 sites collected 3/4/95 in Fort Marcy Park;
5. White dress shirt removed from subject lying in cannon #2 site on 3/4/95 in Fort Marcy Park;
6. Socks removed from subject lying in cannon #2 site on 3/4/95 in Fort Marcy Park;
7. Pants removed from subject lying in cannon #2 site on 3/4/95 in Fort Marcy Park; and
8. Leaves recovered from cannon #1 area in Fort Marcy Park.

Conclusions:

1. Soil samples from both cannon sites are similar. Soils are characteristic of potting or planting soil. Soils contain a mixture of mica (vermiculite), peat, and organic soil (top soil).
2. Examination of red shoes (15017) shows significant quantities of soil in combination with vermiculite on both heels. Soil is consistent with potting or planting soils recovered from both cannon sites.
3. Examination of brown shoes (12177) shows small quantity of peat and organic soil in combination with vermiculite.
4. Examination of dark brown shoes (65548) shows small quantity of soil in combination with vermiculite. These shoes also show evidence of grass stains.
5. The white shirt was negative for soil constituents including vermiculite.

6. The socks were positive for flakes of vermiculite.
7. The pants were positive for peat and organic soil mixed with vermiculite. Vegetation was also present on pants.
8. Examination of leaves recovered from cannon #1 area shows significant quantities of vermiculite particles and the absence of soil constituents.

Vincent J. Scalice
Forensic Consultant • Criminalist

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EXPERIENCE:

1977-
Present

FORENSIC CONTROL SYSTEMS

Executive Director

- Over thirty-five years experience in forensic investigation and consultation including crime scene examination and reconstruction involving the evaluation and analysis of physical trace evidence.
- Specialties include the development and identification of Latent Fingerprints, Palm Prints and Footprints. Examination of Questioned Documents and the examination of Firearms, Tool Marks and Footwear Impressions.
- Investigation, pre-trial consultation and qualified expert testimony in criminal and civil cases.
- *Board Certified:*
 - S.C.S.A. - Certified Senior Crime Scene Analyst [I.A.I.]
 - C.F.E. - Certified Forensic Examiner [A.B.F.E.]
 - C.P.L.E. - Certified Latent Print Examiner [I.A.I.]
 - C.Q.D.E. - Certified Questioned Document Examiner [A.B.F.E.]
- *Licenses:* Licensed and bonded private investigator, State of New York

1977-1978

U.S. HOUSE OF REPRESENTATIVES

Consultant Member for Select Committee on Assassinations

- Worked closely with the Federal Bureau of Investigation concerning deaths of President John F. Kennedy and the Reverend Doctor Martin Luther King. Findings, opinions and conclusions rendered during Public Hearings.

1956-1977

NEW YORK CITY POLICE DEPARTMENT

Detective - First Grade

Coordinator-in-Charge of Latent Fingerprint Unit

Instructor, New York City Police Academy

- Direct supervision of twenty-five employees, formulation of policies and assignment of case loads.
- Senior Project Coordinator for major research and development program which resulted in the first utilization of optical correlation techniques in Fingerprint I.D.
- Instrumental in the introduction and application of Polaroid Photography in law enforcement in NYCPD. Assisted in the design and modification of the Polaroid CU5 Evidence camera for instant photography of Latent Prints and Physical Evidence at crime scenes.
- Formulated and conducted crime scene examination courses for the entire Detective Division of the NYCPD.
- Assisted Internal Affairs Division in investigations relative to integrity and internal security within the Department.
- Supervised Department's Disaster Squad (all major terrorist bombing incidents, airline, rail and sea disasters).
- Worked closely with the Federal Bureau of Investigation, United States Customs, Treasury Department, Food and Drug Administration, Federal Narcotics Bureau, Department of Hospitals, Interpol, and Scotland Yard.
- Cited 15 times for Excellent and Meritorious police duty.

The WJC Report

WINTER 1995

THE NEWSLETTER OF THE WESTERN JOURNALISM CENTER

VOL. 2, NO. 1

CENTER TAKES ON FOSTER PROBE

The Western Journalism Center, a non-profit, tax-exempt foundation promoting philosophical diversity in the news media and investigative reporting, has thrown its weight behind an independent probe of White House deputy counsel Vincent Foster's mysterious death.

The WJC, founded by veteran newsman Joseph Farah, announced its decision in a full-page ad in the Sunday New York Times Aug. 28 — a display which caught the eye of C-SPAN's Brian Lamb as well as radio talk show hosts and news organizations throughout the United States.

The ad raised serious questions about the official investigations conducted by the U.S. Park Police and former independent counsel Robert Fiske. It also offered to the public a special report on the Foster death prepared by investigative reporter Christopher Ruddy, the only journalist who has been working on the Foster story full-time for more than a year.

"To believe that Vincent Foster's death was simply a routine suicide, one must accept a number of unusual premises found in the Fiske and Park Police reports," the ad pointed out. Among them are:

- Foster, a devoted family man with three children, left no suicide note, bade no farewell and made no final arrangements;
- Foster left work midday, after eating a full lunch, to take his own life violently;
- Foster's activities are totally unaccounted for from 1 p.m. until his body was found shortly after 6 p.m.;
- Foster took his pager, and drove to an obscure Virginia park he was never known to have visited before;



Christopher Ruddy

- Foster walked 600 feet through the wooded park without getting a trace of soil on his shoes or clothing, according to an FBI analysis;
- Foster fired the supposed suicide gun — an antique 1913 Colt — which his family still can't positively identify;
- The gun had only two bullets. (No matching bullets were found in his home);
- Foster fired the gun using his right hand, even though he was left-handed;
- Despite the explosive recoil, the gun remained in his hand;
- Although Foster allegedly placed the gun's barrel deep into his mouth, no blood was visible on the gun, no teeth were damaged or broken, and, save for some powder debris on the wound itself, no burns were found in his mouth;
- No fingerprints were found on the gun, which was found neatly at his side;

• Despite the violent nature of his death, his body fell into a stereotypical death position with arms arranged perfectly at his sides, as "if he was ready for the coffin," as one paramedic put it;

The ad that raised these issues prompted a \$2 million lawsuit against Ruddy and the Western Journalism Center by an officer of the U.S. Park Police who claimed Ruddy's report defamed him.

"The fact of the matter is that the Ruddy report strongly suggests somebody in the official Foster probes is lying," explained Farah. "But it doesn't draw any conclusions about which individuals are responsible for the cover-up of the facts in the case."

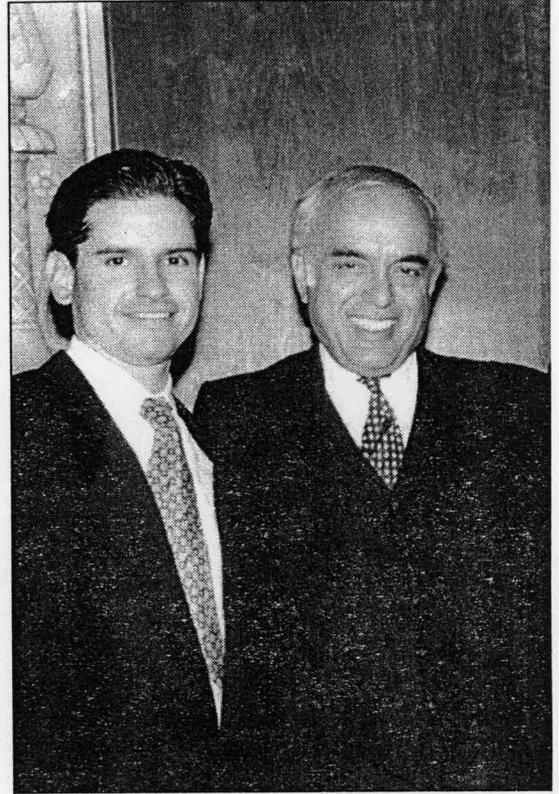
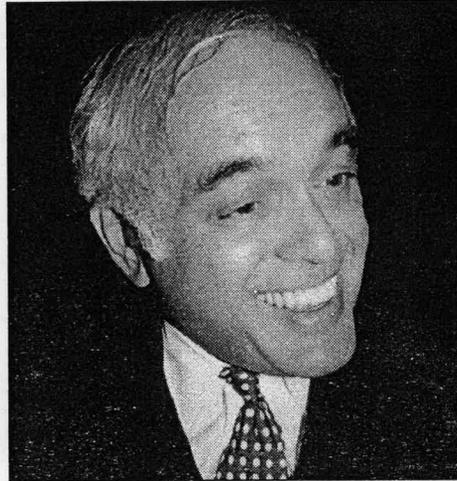
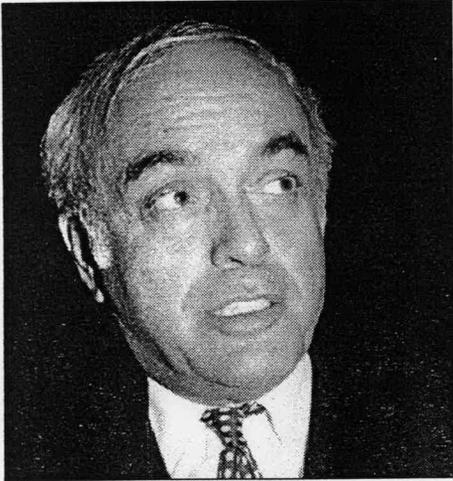
As syndicated columnist Paul Craig Roberts put it recently: "Someone's lying big time about the death of White House deputy counsel Vincent Foster." The Western Journalism Center simply wants to find out who that "someone" is.

The costs of supporting a major national investigation like this are, of course, high. There are legal costs, publicity costs, as well as support of the probe itself. Therefore, the Western Journalism Center is urgently seeking tax-deductible contributions to support this program. Since the appearance of the New York Times ad Aug. 28, nearly 5,000 individuals have sent donations to the center and three major philanthropic foundations have stepped forward with grants.

"People have been complaining about the news media now for 25 years," explained Farah. "It's time to stop complaining and start competing. That's what the Western Journalism Center is all about. And it is a project that anyone and everyone can get behind." ■

First annual WJC awards dinner

AN EVENING OF TRIBUTE TO A



FEW MEDIA HEROES



LOS ANGELES, Dec. 1, 1994 — The Western Journalism Center, a non-profit organization promoting freedom and American values in the news media, honored two investigative reporters with awards and \$2,000 cash prizes at a dinner at the Los Angeles Biltmore Hotel December 1.

"Why should the elitist Pulitzer board have a monopoly on setting the editorial agenda of American journalism?" asked Joseph Farah, executive director of the WJC, in honoring David Brock of the American Spectator and investigative journalist Christopher Ruddy, with "Courage in Journalism" awards.

Veteran newsman Robert Novak, who delivered the keynote address, congratulated Farah and the WJC on the new awards program. Despite a distinguished career as a reporter, columnist and conservative commentator, Novak himself said he has never been honored for his work by his peers.

"David Brock told me before the dinner that this was the first time he has received an award from his colleagues," Novak said. "David, don't feel bad. I still haven't received one."

In addition to the awards to Brock and Ruddy, ABC News reporter John Stossel was also honored with the "Warren T. Brookes Truth in Journalism Award" for his specials "Are We Scaring Ourselves to Death?" and "The Blame Game." Investor's Business Daily founder William O'Neil was given a special award for media entrepreneurship.

The Western Journalism Center, founded by veteran newspaper editor Joseph Farah, is a non-profit, tax-exempt corporation dedicated to fostering more philosophical diversity in the news media. To achieve its goals, the center utilizes a four-point program that includes commissioning investigative reporting projects, sponsoring internships for entry-level journalists, sponsoring forums and seminars and recognizing excellence through the awards program.

"When it comes to the news media, everyone seems content to complain and curse the darkness," explains Farah. "But the Western Journalism Center's goal is to light some candles. We think it's time someone honored those courageous souls who step forward and challenge the conventional wisdom of the day and do battle in the marketplace of ideas." ■



WHAT WE'VE ACCOMPLISHED, SO FAR, WITH YOUR HELP

Last year was a banner year for the Western Journalism Center. Though the center was incorporated in 1991 and experimented with its programs for several years, 1994 represented the the first year of full operations for WJC.

In addition to receiving major seed funding for our investigative reporting program from the Harold W. Siebens Foundation, the center was also blessed with a big grant from the Carthage Foundation. Generous funding was also provided by Mrs. William J. Casey, the Armstrong Foundation, the Jacobs Family Foundation and about 5,000 other individual contributors.

The funding allowed us to launch all of our programs — sponsorship of investigative reporting, internship training, media education and awards. But it was our sponsorship of the indepedent investigation into the death of Vincent Foster that really put the center on

...some of our sources in Washington suggest our stories and ads played a role in the dismissal of special counsel Robert Fiske...

the map.

Full-page ads in the New York Times, Washington Post, Los Angeles Times, Chicago Tribune, Philadelphia Inquirer, Houston Chronicle, San Diego Union-Tribune and other major dailies grabbed the nation's attention, put the Foster case back in the nation's conscience and helped build the center's donor list.

In addition, some of our sources in Washington suggest our stories and ads played a role in the dismissal of special counsel Robert Fiske and the appointment of independent prosecutor Kenneth Starr.

Our first awards dinner in Los Angeles on Dec. 1 was a big hit, and plans are already underway for a followup next year in Washington, D.C.

With our internship program, we have established new relationships with major news syndicates, major dailies, magazines and other news organizations.

We outgrew our 300-square-foot office and moved into quarters twice that size, so we are better able to handle and process the volume of mail we receive.

It's clear the Western Journalism Center made a difference in 1994. That's something that every contributor should feel good about.

OUR GOALS FOR 1995

Great things are ahead for the Western Journalism Center. We will not be resting on our laurels in 1995. We believe that, before all is said and done, the Vincent Foster story may well become the biggest news story of the year — or, perhaps, many years.

In addition to the Foster case, the Western Journalism Center is sponsoring an investigation into voter fraud, a probe that we believe will be very explosive and a service to the entire nation. In California, the center has come to the aid of a journalist stymied by his inability to get his hands on public records. So, on his behalf, we are suing Assembly Speaker Willie Brown and others responsible for a flagrant violation of open government laws.

Our internship program, where we match up young prospective journalists with an appreciation of free markets, limited government and American culture with news organizations that share similar values, will expand exponentially in 1995. Our goal is to train 50 to 100 young reporters and editors this year.

We believe it is critically important to offer journalists incentives for better and more diverse work, so we plan to offer more awards and bigger cash prizes this year.

And lastly, we hope to expand our media education program in which we sponsor conferences and seminars for our journalistic colleagues and raise their awareness of the importance of philosophical diversity in the press. ■

THE WJC REPORT

The Western Journalism Center is a 501(c) non-profit, tax-exempt corporation devoted to fostering greater philosophical diversity in the news media through a program of investigative reporting sponsorship, internship training, education and awards.

Contributions to WJC, which are supported by a broad base of support from individuals, foundations, corporations and trusts are tax deductible. Our federal tax identification number is 68-0260052. Further information about the tax status and financing of the center may be obtained by writing:

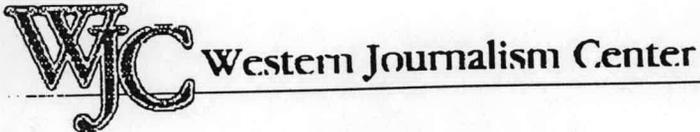
Western Journalism Center

P.O. Box 2450

Fair Oaks, CA 95628.

Phone: (916) 852-6300.

Executive Director Joseph Farah



FOR IMMEDIATE RELEASE:

For more information,
contact Joseph Farah,
916-852-6300

U.S. Park Policeman's Libel Suit Dismissed

A U.S. District Judge in Maryland has dismissed a \$2 million defamation lawsuit against the Western Journalism Center, reporter Christopher Ruddy and others by a Park Police officer who investigated Vincent Foster's death scene at Fort Marcy Park in Virginia two years ago.

Judge Alexander Williams Jr. granted a motion for summary judgment of Officer Kevin Fornshill's complaint against the WJC, Ruddy, Strategic Investment Editor James Dale Davidson and Agora Publishing. Fornshill was the first Park Police officer on the scene after Foster's body was discovered.

Fornshill claimed he was libeled in a special report on Foster's death written by Ruddy and distributed by the center. Judge Williams found that the Ruddy Report was a criticism of the official Park Police investigation and a followup probe by Special Counsel Robert Fiske and that there was no basis for any defamation claim.

In dismissing the complaint, Judge Williams noted that it was "beyond doubt that the plaintiff can prove no set of facts entitling him to relief." He cited the 1966 *Rosenblatt v. Baer* case which found, "Criticism of government is at the very center of the constitutionally protected area of free discussion, criticism of those responsible for government operations must be free, lest criticism of government itself be penalized."

"The Court has found nothing in the Ruddy Report or in any of the extrinsic evidence which creates a factual issue that the Ruddy Report was of and concerning Fornshill," the judge concluded. "Under the summary judgment standard Fornshill must create a genuine issue of material fact which merits a trial of this matter. He has not done so."

The judge also noted the fact that the WJC was named in the suit before distributing any copies of the Ruddy Report. "WJC does nothing more than raise a series of questions about Foster's death and describes to the readers what they can expect from the Ruddy Report," Judge Williams wrote.

P.O. Box 2450, Fair Oaks, California 95628-2450

"We are very pleased with Judge Williams' ruling," said Joseph Farah, executive director of the Western Journalism Center. "We interpret it as a further validation of Christopher Ruddy's dogged work on the Foster case -- work which has been consistently accurate, fair and responsible."

Ruddy, a former New York Post reporter, now works for the Pittsburgh Tribune-Review. The Western Journalism Center, a non-profit, tax-exempt California corporation supporting independent investigative reporting, has backed Ruddy's full-time probe of the Foster case for more than a year.

The official record contradicts Foster suicide conclusion

Editor's Note: This publication has reported to you about many of the anomalies, inconsistencies, and defects of various official reports concluding that the late Deputy White House Counsel committed suicide. Yet, many in the news media and elsewhere have challenged the authenticity of the information we have shared with you. It is for this reason that we present the following article by Hugh Sprunt. Sprunt has carefully studied all 2,726 pages of testimony and documents collected in the official Foster investigation and released by the U.S. Senate in early 1995. His analysis, based entirely upon the official documentary record, compiled by the United States Senate, confirms that the verdict of suicide is remote from the facts.

Strategic Investment has invited Hugh Sprunt to prepare a longer report that includes his informed speculation about what may have happened at Ft. Marcy Park. This report is available through Strategic Investment by mailing or faxing the order form provided on page 10 of this issue.

by Hugh Sprunt

I write about the death of Vince Foster from a unique perspective. When my elderly grandfather, terminal with cancer and in horrible pain, decided to take his own life some 25 years ago, I was "first-on-the-scene" and could do nothing to help him. He shot himself in the head using an Army Colt .38 Special Revolver with a four-inch barrel, the very same type of weapon that Mr. Foster allegedly used to kill himself in Fort Marcy Park on July 20, 1993.

Since I had direct personal experience both with suicide-by-gunshot and with the tremendous damage a high-velocity .38 round from this particular weapon does to the human head when fired point blank, I was intrigued by the relatively modest head wound Mr. Foster was said to have suffered from the identical revolver and ammunition.

There are other personal associations that inspired my initial interest in his death. Vince Foster and my father graduated from the same college in North Carolina (Davidson). Mr. Foster's wife, Lisa, and my mother are alumnae of the same college in Virginia (Sweet Briar). Vince Foster was President of SAE fraternity at Davidson, as I was at MIT. We were both mid-year law school graduates who elected to skip graduation (he from the University of Arkansas and I from Stanford Law School). I eventually learned that both of us even drove trashed-out Honda Accords.

There is one other link. Two acquaintances of mine ran the 1992 Clinton campaign in my part of the country, and I was sufficiently interested in the 1992 Clinton Campaign to have made suggestions to the Campaign through these two individuals. One of these individuals, whom I particularly respect, left

her position as a Special Assistant to the President the month after Mr. Foster's death.

As I pursued the blatant anomaly concerning his head wound, I discovered many equally amazing facts within the official records of Mr. Foster's death. I obtained copies of the Fiske Report and the U.S. Park Police Case File on the death of Vince Foster. When the Senate released two Hearings Volumes and a Report Volume on the Foster death in 1995, I obtained these volumes (a total of 2,726 pages of documents, testimony, depositions, and FBI interview reports, including Fiske and U.S. Park Police Reports). I studied all the documents and reached two fundamental conclusions: 1) The raw evidence in the official record was amazing in light of the conclusions reached by the official reports and 2) With minor exceptions, no one in the media was at all familiar with the raw evidence compiled in the Senate documents.

As 1995 progressed and only a very few publications appeared to be covering the Foster case seriously, I decided to write my own report, based on the 2,726 pages of Senate documents. Although I had no intention of producing so lengthy a report, it grew to 165 single-spaced pages, tightly cross-referenced, with maps (including one traced from aerial imagery of Fort Marcy Park flown a few weeks before Foster's death) and tabular data in eight appendices.

Relatively few individuals will have the time or the inclination to study my 165-page "Citizen's Independent Report," written as it was for the primary use of the members and staff of the special Senate Whitewater Committee. Shortly thereafter, *Strategic Investment* approached me to prepare another report including personal commentary about what may have happened at Fort Marcy Park. Much of this analysis was intentionally omitted from my 165-page compilation.

This piece highlights what I consider some of the most damaging evidence that was ignored in the Fiske and the U.S. Park Police reports on Foster's death. I hope this article and my report increase significantly the number of people who are aware of the amazing facts buried in the 2,726 pages of official documents. I may be naive, but I believe a sufficiently widespread knowledge of these facts will compel officials to undertake the sort of investigation that should have begun the evening of July 20, 1993, when Mr. Foster's body was found in Fort Marcy Park. First comes truth. Then comes justice. That's the American way.

The U.S. Park Police Report, The Fiske Report, and the 1994 Senate Report (the "Official Reports") selectively included data that supported the officially-sanctioned "suicide verdict" and ignored, gave little weight to, or contradicted the evidence that pointed to murder. Many of the most interesting de-

tails in the points summarized below have been omitted due to the consideration of space. Nonetheless, I believe that many readers will be surprised by even this brief summary. I emphasize that every detail you read below has been taken from official public documents. It is amazing that these facts have not been publicized by those charged with doing so in a free society.

Facts such as the ones below have caused people who are at least somewhat familiar with the raw data justifiably to question the processes that controlled the prior investigations of Mr. Foster's death. It is my hope that the information in this article and in my separate *Strategic Investment Report on the Death of Vince Foster* will permit everyone to understand why there is more to Mr. Foster's death than official Washington wishes you to believe.

Here are some of the items that challenge, and in my opinion overwhelm, the conclusions reached by the Official Reports:

- The first official to discover Vince Foster's body, a U.S. Park Police officer, was quite clear he never saw the gun that, according to the Official Reports was in Mr. Foster's right hand at the time he located the body. His deposition and FBI interview on this point are repetitive and quite clear. He was 4-5 feet from the body for several minutes, but never saw the gun. The confidential witness, CW, who discovered the body was emphatic in his FBI interviews and deposition that he, too, had not seen a gun.

- The first official to discover Mr. Foster's body called in his discovery on his radio 2 minutes 42 seconds after radioing his arrival in the Fort Marcy parking lot. The official location of the body placed it out of plain view on the back slope of a berm some 775 feet over-the-ground from the parking lot near the so-called second cannon. The searchers knew the body was near a cannon, but the only cannon in view was the so-called first cannon around which they initially searched. The cannons are some 200 feet apart and cannot be seen from each other. Assuming the officer left the parking lot immediately upon calling in his arrival, walked directly to the body (no searching) at three miles an hour, and called in his discovery immediately upon reaching the body (taking no time to check the body before radioing in), the time required to reach the body is 2 minutes 56 seconds.

- Two civilian witnesses described a vehicle in the Fort Marcy parking lot that could only have been Mr. Foster's Honda. They saw two individuals around his car: the hood was up, one individual was standing by the Honda, and the other was sitting in it some 30 minutes before Mr. Foster's body was first found by CW. Who were these people? No attempt was made to find out.

- One civilian witness in the park told the FBI that, for reasons unknown, information which she provided to U.S. Park Police investigators had been incorrectly recorded in her U.S. Park Police interview report.

- Six of the seven U.S. Park Police and Fairfax County Fire and Rescue Department (FCFRD) personnel who responded to the 911 calls told the FBI (with varying degrees of certainty and specificity) that there was at least one "extra" civilian vehicle in the parking lot when they arrived at Fort Marcy, a vehicle that the Official Reports concluded was not present. Whose car was this? None of the FCFRD personnel was interviewed by the Park Police and the FCFRD reports are not in the record even though a supervisor requested that night that detailed reports be written.

- The U.S. Park Police officer who found Foster's body described the presence of "volunteers" who were in the park when the body was found. He stated these volunteers were working on the park trails. None of these "volunteers" was ever named, interviewed, or mentioned in the U.S. Park Police or Fiske Official Reports. Who were they? FBI had been repeatedly informed by CW that the area below Foster's feet had clearly been recently disturbed (his statement was not considered by Official Reports). There is evidence in the record of unexplained and unidentified people and vehicles entering and leaving Fort Marcy. Some of these individuals were allowed official access to the park after the body was officially located by the U.S. Park Police Officer.

- The lead U.S. Park Police Investigator at Fort Marcy stated: "It seems to me that we [the U.S. Park Police Investigators] made that determination [that the death was a suicide] prior to going up and looking at the body."

- The report of the only Medical Doctor to examine the body in place at Fort Marcy is, for reasons unknown, not a part of the Official Record available to the public. This doctor told the FBI he arrived and departed Fort Marcy an hour before the U.S. Park Police or Fiske reports say he did. He also stated that the body was located some 450 feet from the parking lot although the official body site is over 750 feet from the parking lot.

- The doctor told the FBI he "believed the wound was consistent with a low-velocity weapon." The revolver, especially with the high-velocity ammunition the Fiske Report said Mr. Foster used, is not a "low velocity weapon." How does the Fiske Report reconcile the doctor's statement to the FBI? The doctor's statement is not mentioned at all in the Official Report.

- The Fiske Report: "Those present observed a large pool [sic] of blood located on the ground where Foster's head had been." The Fiske Report: [the doctor who examined the body in place at Fort Marcy] "Observed a large exit wound in the back of the skull." However, the doctor told the FBI that the blood volume was "small" and what blood there was had "matted and clotted."

- The lead Investigator at the body site had this

Continued on next page

Foster, from page 7

to say: "I still can't believe the [exit] hole — it's a small hole. . . I probed his head; there was no big hole there. . . I initially thought the bullet might still be in his head." *The Fiske Report statements are thus directly contradicted by the MD and the Investigator on scene.*

- *The doctor who performed the autopsy stated that he took no X-rays.* The U.S. Park Police report, produced because it sent four observers the autopsy, stated however, that the doctor conducting the autopsy told the U.S. Park Police Detective in attendance that "X-rays indicated that there was no evidence of bullet fragments in the head." Although this contradiction has achieved a certain notoriety, none of the Official Reports reconcile it.

- Almost all sources within the record indicate that the autopsy was moved up from Thursday, July 22 to Wednesday morning, July 21. One consequence of the move was to make it infeasible for any official who had been present at Fort Marcy Park the night before to attend the autopsy. Thus no one who had 1st-hand knowledge was there to see what happened.

- *Mr. Foster's glasses were found 19 feet downslope from his head.* The Fiske Report stated that they must have "bounced" there (through heavy vegetation) due to the gun shot to the mouth—a conclusion which is contrary to physics. The only recognizable picture (a lab photo) of the glasses in the Senate documents shows one of the stems broken off from the frame. The Official Reports have no explanation for the breakage.

- The second U.S. Park Police officer at the scene took seven Polaroids of the body. *The Polaroids he took are not among the thirteen of the body site that are inventoried in the record.* The record contains no explanation why these photos vanished.

- The lead U.S. Park Police Investigator at the body site had this to say about some of the Polaroids he took: "I know I took Polaroids of that. I am not sure how many I took, but I don't recall seeing those Polaroids again. I mean I had them at the office that night, I did reports. . . I don't have those photos. I put them in a [U.S. Park Police case] jacket. . . and I don't know what happened." *The Polaroids he is speaking of are not inventoried in the record.* The record contains no explanation why they vanished.

- The lead U.S. Park Police Investigator at the body site searched for a suicide note, identification documents, or other items in the victim's pockets. The investigator found no car keys on the body. No car keys were found in Mr. Foster's Honda either. *Why wasn't the death immediately treated as a homicide as soon as the investigators realized their suicide theory required the decedent to have driven himself to the park without using his car keys?*

- Some time after the investigators realized

there were no car keys to be found, rather than search the Honda again or research the area where the body had been found (his glasses had, after all been found 19 feet from his head), *the investigators drove to the morgue and searched the body's pockets one more time.* There, the investigators stated they not only discovered that they had originally missed Mr. Foster's personal key ring in the right front pants pocket (with his car keys), but also found his White House keys on a separate key ring that held a high-security type key.

- At least two White House staffers visited the body at the morgue the night of July 20th to "confirm" the deceased was Vince Foster although the U.S. Park Police had already matched the face to Vince Foster's White House ID and to his Arkansas driver's license. One of the individuals to visit the body at the morgue was the White House Security Coordinator, even though he had previously confirmed the victim's identity to his boss, an Associate White House Counsel who also visited the body in the morgue that evening. *Why was this trip necessary?*

- *The only paper in Mr. Foster's wallet at Fort Marcy that the lead investigator at the body site considered "unusual" was never explained in the Official Reports.* It contains groups of initials that correspond to those of the President, the First Lady, and to their daughter. It lists a variety of dates and numerical amounts along with several Arkansas city names. Mr. Foster was known to be involved with the formation of blind trusts for all the Clinton family. The private attorney involved talked with him the day before Mr. Foster died and tried to reach him the next day a few minutes after Mr. Foster left the White House for the last time.

- Five civilian and government witnesses at Fort Marcy stated (with varying degrees of certainty and specificity) that *there was a briefcase in Mr. Foster's Honda.* This briefcase is not mentioned in the Reports (other than to indicate Mr. Foster had no briefcase with him when he left the White House).

- Several Fairfax County Fire and Rescue Department personnel state that Mr. Foster's Honda was *locked* when they examined its exterior (and viewed the interior through the windows) sometime before 6:35 p.m. The Official Reports indicate that the Honda was *not locked* well over an hour later when it was "officially" searched for the first time. *Officially no one on the investigation knew where the Honda keys were during this interval, so these keys could not have been used to unlock the car during this period of time.*

- A Fairfax County Fire and Rescue Department worker observed the U.S. Park Police "gaining access" to Mr. Foster's Honda (his White House ID was on the front seat) before 6:37 p.m. *The White House position is that it was not informed of Mr. Foster's death until 8:30 p.m.* Another Fairfax County emergency worker said it was known within his group (that left the park at 6:37 p.m.) that Mr.

Foster was employed at the White House.

- *The lead U.S. Park Police Investigator at the body site somehow knew to write the name of a U.S. Secret Service uniformed officer and his White House Phone number (in Room 058 in the White House basement) in his investigator's notebook, apparently around 6:40 p.m. The official position (in a Secret Service memo) is that the White House did not learn about the Mr. Foster's death until 8:30 p.m.*

- *The U.S. Park Police Lieutenant who officially notified the White House of Vince Foster's death had his call returned in 5-10 minutes by an Assistant White House Chief of Staff. The first question to the Lieutenant (in the words of his FBI interview) was "whether the U.S. Park Police had checked the registration on the gun and knew whose gun it was." The Lieutenant received another call at almost the same time from the White House Director of Personnel. He also asked about the*

weapon and was told the U.S. Park Police did not have that information.

Why were the first two White House callers interested in the weapon above all else?

- *The Fiske Report refers to the lack of damage done to Mr. Foster's teeth and the soft tissues of his mouth by the barrel of the gun in support of the official suicide theory (Mr. Foster presumably must have put the gun into his mouth voluntarily since there were no signs of a*

struggle). However, the Fiske Report does not mention the damage that should have been done to the soft tissues and teeth from the powerful recoil of the Army Special Colt .38 Revolver and its unusually high front sight.

- *The Fiske Report states that the body was bagged back by the second cannon at Fort Marcy Park at about 8:45 p.m. before being transported the 750 feet to the parking lot and then taken on a 15-minute trip to the Fairfax County Hospital. The ambulance log indicates the body arrived at the hospital 15 minutes before the Fiske Report says the body was put in a body bag up by the second cannon at Fort Marcy. Times given by the doctor who pronounced Mr. Foster dead at the hospital corroborate the ambulance log, not the Fiske Report. The Medical Examiner told the FBI he arrived at Fort Marcy at about 6:45 p.m., an hour before the Fiske Report says he did.*

- *To support its conclusion that Vince Foster was under great stress, The Fiske Report states that "It was obvious to many that he had lost*

weight" in the months before his death. Medical reports in the record show that he actually gained weight in the six months prior to his death.

- *Despite the official conclusion that financial concerns had no role in Mr. Foster's death, the family checking account had been overdrawn for some one or two weeks prior to his death. The credit union had shifted from "working with" the Fosters on a "bi-weekly" to a "weekly" basis the week before he died. Mr. Foster visited the credit union the day before he died.*

- *On July 21, President Clinton spoke to White House staffers who knew Vince Foster well. Were his words a warning not to discuss Foster's death outside of the White House "family?" This is what the president said: "In the first place, no one can ever know why this happened. Even if you had a whole set of objective reasons, that wouldn't be why*

"In the first place, no one can ever know why this happened. Even if you had a whole set of objective reasons, that wouldn't be why it happened, because you could get a different, bigger, more burdensome set of objective reasons that are on someone else in this room. . . . I hope when we remember him and this we'll be a little more anxious to talk to each other and a little less anxious to talk outside our family."

—Bill Clinton speaking to the White House staff the day after Foster died.

it happened, because you could get a different, bigger, more burdensome set of objective reasons that are on someone else in this room. . . . I hope when we remember him and this we'll be a little more anxious to talk to each other and a little less anxious to talk outside our family."

- *There are unusual memory lapses on the part of various White House officials when it comes to the subject of their last conversations with Mr. Foster. For example, a Deputy Assistant to the President*

who had known Mr. Foster since 1967 had what Chief Counsel Bernard Nussbaum's Executive Assistant described as a "highly unusual" 1-2 hour closed door meeting with Vince Foster on July 19. In the words of this individual's FBI interview, "She does not remember what topics they talked about." Bear in mind that this was her last conversation (1 to 2 hours long) with a friend she had known for over 25 years who officially committed suicide the next day. She couldn't remember the topics they discussed?

- *An excellent memory was, however, demonstrated by a female witness in her late teens who voluntarily came forward and was interviewed by the FBI on May 17, 1994, about events she had witnessed at Fort Marcy Park nearly a year earlier on July 19, 1993, the day before Vince Foster died. She told the FBI she remembered seeing at a distance of 10-15 feet a lone white male in his early 40s who, despite the intense heat, was wearing a dark suit and red necktie. This individual was walking in Fort Marcy Park from the George Washington Park-*

Continued on next page

Foster, from page 9

way entrance toward the northern side of the park. When he noticed her looking at him, he immediately turned away. It was clear from her description that the individual in question could not have been Vince Foster. Who was he? No attempt was ever made to find out, even though he was viewing the park at 3 p.m. the day before Mr. Foster's death and at the approximate mid-point of the hours Mr. Foster went missing the next day (1 p.m. to 6 p.m.).

Order Form

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INDEPENDENT REPORT

in RE:

The Death of Vincent W. Foster, Jr.

Prepared for:

**Western Journalism Center
April 27, 1995**

By:

**Vincent J. Scalice Associates
Forensic Control Systems**

Report Prepared by
Vincent Scalice, S.C.S.A.
Forensic Control Systems
107 Cedarview Avenue
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for

Western Journalism Center
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Fair Oaks, CA 95628

RE: Confidential Investigation
Crime Scene Reconstruction
Vincent W. Foster Jr. (Deceased)

Case No. 2014/95

At your request, a Confidential Investigation was carried out by this office in regard to the circumstances involved in the death of Deputy White House Counsel, Vincent W. Foster Jr., whose body was reported to have been found within the confines of Fort Marcy Park, Fairfax County, Virginia, during the early evening hours of Tuesday, July 20, 1993. The following is a detailed report of the results of our investigation.

CRIME SCENE RECONSTRUCTION SEQUENCE

On Saturday, March 4, 1995, at approximately 2:00 p.m., our operatives, Vincent J. Scalice, S.C.S.A., Forensic Consultant, Richard Saferstein, PhD., Criminalist, and Fred Santucci, Forensic Photographer, arrived at the parking lot of Fort Marcy Park and commenced this investigation.

Soil and surface conditions were dry. Temperature was measured at 41 degrees fahrenheit.

The operatives took the path which would have been closest to Mr. Foster's car, and entered the main clearing of the earthen fort. The operatives examined the ridge, or berm, immediately to the left as they entered the clearing. Approximately midway along the berm, the operatives noted the metal-concrete anchor which secured the "first cannon." This cannon has been removed from the park recently.

Approximately 50 feet past the first cannon site the operatives noted a curve shaped hollow and a path going down the embankment. This site has been identified in the Ruddy report as the true location of the body's discovery on July 20, 1993. This location herein will be noted as the cannon No. 1 area.

The operatives proceeded directly across the clearing, taking the most direct path to the second cannon site. The site is hidden

from the main clearing, and is approximately 200 feet from cannon area No. 1.

The operatives reviewed the second cannon site, including the berm the second cannon overlooks, where the Park Police claim Foster's body was discovered. This site is referred to herein as "the second cannon site."

The operatives also noted homes along Chain Bridge Road which could be seen from the second cannon site.

The operatives then proceeded along an easterly trail which runs parallel to Chain Bridge Road to the park's rear entrance. The operatives noted that the entrance is for both cars and pedestrians, and identified the compound for the Ambassador of Saudi Arabia, as well as the compound's security camera that views the park's rear entrance.

The operatives then returned to the parking lot and met with a stand-in for Mr. Foster, identified herein as the model. The model is the same approximate weight and height as Mr. Foster.

The model put on a clean pair of dress shoes at the reported location of Mr. Foster's car. He then took the nearest path and proceeded to the second cannon site. He walked along the side of the path, avoiding walking on the freshly laid gravel path that begins at the lot and leads up to the entrance of the main clearing.

The model took the most direct route to the second cannon site. From the time he left the lot until he arrived at the second cannon site, the model was videotaped by Mr. Santucci.

The model thereupon removed the dress shoes, which were examined, bagged and noted by Dr. Saferstein. The model put on a fresh pair of shoes, dress socks, suit pants, and a white dress shirt.

The model then walked several paces down the second cannon site, and sat down on a root stem which forms a natural seat, as identified in the Fiske report. In a reclined position, the model's head laid approximately 10 feet directly in front of the second cannon's barrel. This is consistent with the Fiske report.

While seated the model was asked to place both hands around an imaginary gun placed in his mouth, and simulate firing the weapon.

During this time Mr. Santucci continued taking videotape, as well as 35mm photographs. Mr. Scalice took numerous Polaroids of the scene.

The model was asked to straighten out his legs and arms as he reclined on the path, as consistent with eyewitness descriptions

of how the body was found. Mr. Scalice had the model place his right hand and arm in a position closely resembling the polaroid that was released by ABC News. Similar Polaroid photographs were taken by Mr. Scalice for comparison purposes.

The operatives proceeded down the berm approximately 13 feet from where the body was reported to have been found to the point at which Foster's eyeglasses were said to have landed after being thrown from his body. Photographs were taken at this location.

The operatives noted that from the crest of the berm's hollow, the berm falls at an angle of approximately 25 to 30 degrees for several feet until it reaches the first section of the root stem. At that point, the berm falls away sharply at approximately a 45-degree angle. The abrupt drop in the slope takes place almost at the mid-section of the model's body, causing the body to appear curved around the slope, or bowed outward.

The model's upper body was then lifted up to examine the back of the head and the body was also allowed to slip for three to four inches on the incline, as noted by eyewitnesses. The body was then picked up fully. The model thereupon removed his clothing and shoes. The items were bagged and removed by Dr. Saferstein for further analysis.

Dr. Saferstein also examined soil conditions at the second cannon site.

The operatives then proceeded to the cannon No. 1 site and examined and compared the ABC News copy of the polaroid photo with conditions at this area. It was noted that at this location the body would have lain on a more gentle slope of approximately 25 degrees.

As a result of closer inspection of this site coupled with a detailed examination and comparison of the ABC photograph, obvious similarities were noted in regard to the plant life and vegetation throughout this area. Several leaves of a particular type which matched those contained in the photograph were found to be present at this location. Several of those leaves were collected, bagged and removed for further analysis and possible identification.

The operatives then returned to the second cannon site and thoroughly searched this area for similar type leaves. No matching leaves were found at this location.

The operatives returned to the parking lot at approximately 5:00 p.m., ending their reconstruction project.

In addition to the aforementioned crime scene reconstruction project, a detailed examination and evaluation was carried out in regard to the Fiske Report, as well as all attachments, including

F.B.I. laboratory and interview reports, U.S. Park Police reports, autopsy reports and Senate Banking committee testimony.

The following is a report of the findings and conclusions in regard to our investigation into this matter.

GENERAL FINDINGS

1. Movement of the Body

A high probability exists that Foster's body was transported to Fort Marcy Park from an outside location due to the following:

According to the Fiske report, Foster's shoes had not one trace of coherent soil on them or on his clothing although the 197 pound Foster had allegedly walked over 700 feet to the second cannon site. Although the heavy summer foliage may have covered much of the ground soil, other areas would have been traversed with exposed soil.

For example, a laboratory test conducted on one (1) pair of shoes (15017, worn by model) and walked simply several paces in the vicinity of the second cannon, revealed "significant quantities of soil in combination with vermiculite (mica) on both heels."

The shoes and clothing worn by the model at the park were closely examined and analyzed. Both shoes and clothing were found to contain soil mixed with mica.

These facts would be highly consistent with the fact that Foster did not walk to the spot where he was found, but was more likely transported to this location by other means.

Our laboratory analysis on a pair of shoes (65548) that had been walked from the parking lot to the second cannon site disclosed evidence of grass stains. It should be noted that the walk was carried out in winter weather (March). Had Foster walked this route on July 20, 1993, there would have been a greater likelihood of grass staining. The F.B.I. report omits any mention of grass staining whatsoever.

Officials claim that Foster's body was found on a path lying at the second site. If this were true, especially on a warm summer day, soil and other debris should have adhered to his clothing and shoes. The Fiske report indicates no traces of coherent soil whatsoever.

The position of Foster's body as described in numerous reports is completely unnatural with a suicide of this type. In agreement with the Fiske report the only likely scenario would be that

Foster was in a sitting position. In this position, however, it is not logical to expect that his arms and legs would have fallen

into a neat and orderly position. It is more likely that his arms would extend outwards at an angle to the body as a result of the discharge. The neat arrangement of his arms close to the body, coupled with the overall arrangement of the body itself, is not consistent with suicide.

The lack of extravated blood on the front of the body is inconsistent with death by intra-oral gunshot, which raises the likelihood that Foster's heart had already ceased and that death would have been caused by other means. Dr. Donald Haut, the Medical Examiner present at the scene when the body was rolled over, said there was little blood behind the body on the ground. This is consistent with the small amount of blood that had emanated from the entrance wound.

Haut said that blood had matted or congealed on the back of the head. This is an indication that the exit wound may have been covered if the body was moved.

Had Foster fired the weapon while in the sitting position and the bullet followed the trajectory described in the autopsy, exiting from the back of the top of the head, blood splattered brain tissue and other matter should have been visible above the head, on the surrounding ground or vegetation. No witnesses identified such matter as described and the lead police investigator saw none.

The inconsistent blood tracks and stain on Foster's right cheek, as mentioned in the F.B.I. report, cannot simply be explained by the fact that an emergency worker may have touched the head, for example, while checking the carotid artery. This further supports the theory that the body may have been transported.

2. Location of the Body's Discovery

The forensic evidence does not support the police and Fiske conclusion that Foster's body was found on the path directly in front of the second cannon site. This pathway has clearly been a dirt path edged by root stems. These root stems appear worn as a result of having been exposed for many years. A Gannett news report, published shortly after Foster's death, reported the path to be a dirt one.

Shoes and clothing worn by the model at the second cannon site were closely examined and analyzed. Dress shoes (15017) were found to contain significant quantities of soil mixed with mica. The pants were also found to contain soil mixed with mica.

Had Foster's body been lying at the second cannon site, especially on a warm summer day, soil and other debris should

have adhered to his clothing and shoes. The Fiske report indicates no traces of coherent soil whatsoever.

The second cannon site is not consistent with the heavy and dense foliage said to have been found all around the body. It is not consistent with description of the scenes polaroids, including the ABC News photograph.

The Fiske report notes heavy vegetation below the body extending to the location of Foster's eyeglasses, approximately 13 feet away. This also is not consistent with the barren area below the body at the second cannon site.

The cannon No. 1 site is consistent with the description of heavy foliage. It is consistent with the ABC News polaroid.

The ABC News Polaroid clearly shows evidence of a certain type of leaf, which has been found to be common to the cannon No. 1 area. This leaf has subsequently been positively identified as a species known as **Magnolia acuminata**. As a result of a careful examination and inspection carried out over a wide area in the vicinity of cannon No. 2, it was conclusively established that no leaves of this type were observed in or about this location.

The second cannon site has a slope whose angle of descent drops considerably to a point almost exactly where Foster's mid-section would have been. On the slope the model's body displayed a curved, or bowed appearance, with the abdomen clearly protruding. No mention of this characteristic position was noted in any of the eyewitness statements. The angle of the slope at the first cannon site is less pronounced and would not have resulted in any unusual or curved position of the body.

SPECIFIC FINDINGS

1. The Fiske report states that mica particles found on Foster's shoes and clothing, in the absence of soil, supports the conclusion that Foster had walked through the park. This conclusion is not logical due to the fact that shoes and clothing used in our reconstruction contained a mix of both soil and mica, as noted in our laboratory tests.

Our laboratory analysis of vegetation from the park also revealed "significant quantities of vermiculite (mica) and the absence of soil constituents." Therefore, mica particles found on Foster's clothing supports the conclusion that his body was lying on dense foliage and vegetation only. This fact is also consistent with the probability that his body had likely been transported to the scene.

The aforementioned conclusions are further supported by the F.B.I. report which notes mica being found not only on his shoes, but also on his shirt, pants, belt and socks.

2. Had Foster fired the gun at the second cannon site, it is conceivable that the shot would not have been heard by any of the

neighbors who reside in homes across the road. The barrel's position in the mouth may have produced a muffling effect, and traffic noise could have possibly further diminished the sound of the shot.

3. Had Foster fired the gun while in a sitting position at the second cannon site, the bullet, if it did exit the back of the rear of the head, could conceivably have cleared the berm behind him. However, after exiting the head, it is reasonable to expect that the velocity could have diminished considerably, thereby causing the spent projectile to fall closer to the body. Behind the body and above the crest of the berm is an open clearing area. On the other side of the clearing is a small berm, creating a natural barrier for the fired projectile. Failure to recover the spent bullet is consistent with the fact that the gun may have been fired at another location.

4. An important focus of this investigation should be placed on the park's rear entrance, as a possible means or method of transporting the body to the scene.

5. Carpet-type fibers of various colors which were found on almost all of Foster's clothing was clearly indicative of the fact that his body probably was in contact with one or more carpets at some point in time prior to his death. It is therefore logical to assume that such contact would have taken place at some other location prior to his being found in the park. This type of trace or transfer evidence should be considered highly significant as it would provide an indication of Foster's possible whereabouts or movements prior to him being found in the park. This evidence raises the possibility that his body may have been in a prone position, that his clothing may have been searched while in a prone position, and/or his body may have been transported while in contact with some type of carpeting.

It should be noted that nowhere in the reports is any mention made of any search or vacuuming in Foster's car for trace evidence. No carpet fibers were recovered from the interior of Foster's vehicle or the trunk area. The recovery of such evidence might have established whether or not Foster had in fact driven to the parking lot, or was transported in the trunk.

6. Foster's eyeglasses were reported to have been recovered approximately 13 feet below his body on the berm. The Fiske report notes that since the gunpowder was found on the glasses it meant that they must have been thrown from his head or shirt pocket after the gunshot. It is inconceivable for the glasses to have been thrown or bounced through foliage to the location where they were found. This would seem more likely an indication that the crime scene was tampered with.

7. According to the Fiske pathology panel, "Mr. Foster's index fingers were in the vicinity of the (front) cylinder gap, when

the weapon was fired." This conclusively demonstrates that neither his right nor left hand was on the hand grip when it was fired. This evidence is inconsistent with suicide.

In most cases of suicide, the gun does not remain in the victim's hand.¹ In addition to the unusual gunpowder soot found on the index fingers, we found disturbing the proximity of the right hand and arm to the right leg, the unusual deep position of the thumb in the trigger guard, the position of the gun barrel tucked under the right leg, the lack of any visible blood on the gun, the failure of the family to positively identify the gun's ownership and the failure to recover the fired projectile. These facts are all supporting evidence that a high probability exists that the positioning of the gun in the hand was staged.

CONCLUSIONS

All cases of suspicious death should be treated as homicides, until proven otherwise. Due to the circumstances involved in this case, the opinion has been formed that homicide has not been ruled out.

As a result of our investigation and reconstruction in regard to this case, we have concluded contrary to the conclusions arrived at in the Fiske report: the overwhelming evidence does not support the conclusion that Vincent W. Foster Jr. committed suicide in Fort Marcy Park.

Therefore, wholly separate from the issue of suicide or homicide is the obvious problem of the body's transport to the park.

Still another serious issue concerns the location of the body's discovery in Fort Marcy Park. Based upon the evidence made available and examined, it is more likely that the official location of the second site is not the actual site of the body's discovery. Evidence also indicates that the first cannon site is more consistent with the actual location of the body's discovery.

Signed:



Vincent J. Scalice, S.C.S.A.
Forensic Consultant
Crime Scene Analyst



Fred D. Santucci
Forensic Photographer
Crime Scene Expert

¹ Mr. Scalice and Mr. Santucci, in their combined experience of fifty years of investigating homicides, have never seen a weapon or gun positioned in a suicide's hand in such an orderly fashion.

LABORATORY ANALYSIS

Conducted by Richard Saferstein, PhD.

RE: Vincent Foster

The following articles were subjected to microscopic and mineralogical analysis:

1. One pair of red shoes (serial #15017). These shoes were removed from subject on 3/4/95 who was lying in cannon #2 area in Fort Marcy Park;
2. One pair of brown shoes (serial #12177). These shoes were removed from subject who walked from parking lot to cannon #2 location on 3/4/95 in Fort Marcy Park;
3. One pair of dark brown shoes (serial #65548).
4. Soil samples from cannon #1 and cannon #2 sites collected 3/4/95 in Fort Marcy Park;
5. White dress shirt removed from subject lying in cannon #2 site on 3/4/95 in Fort Marcy Park;
6. Socks removed from subject lying in cannon #2 site on 3/4/95 in Fort Marcy Park;
7. Pants removed from subject lying in cannon #2 site on 3/4/95 in Fort Marcy Park; and
8. Leaves recovered from cannon #1 area in Fort Marcy Park.

Conclusions:

1. Soil samples from both cannon sites are similar. Soils are characteristic of potting or planting soil. Soils contain a mixture of mica (vermiculite), peat, and organic soil (top soil).
2. Examination of red shoes (15017) shows significant quantities of soil in combination with vermiculite on both heels. Soil is consistent with potting or planting soils recovered from both cannon sites.
3. Examination of brown shoes (12177) shows small quantity of peat and organic soil in combination with vermiculite.
4. Examination of dark brown shoes (65548) shows small quantity of soil in combination with vermiculite. These shoes also show evidence of grass stains.
5. The white shirt was negative for soil constituents including vermiculite.

6. The socks were positive for flakes of vermiculite.
7. The pants were positive for peat and organic soil mixed with vermiculite. Vegetation was also present on pants.
8. Examination of leaves recovered from cannon #1 area shows significant quantities of vermiculite particles and the absence of soil constituents.

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EXPERIENCE:

1977-
Present

FORENSIC CONTROL SYSTEMS

Executive Director

- Over thirty-five years experience in forensic investigation and consultation including crime scene examination and reconstruction involving the evaluation and analysis of physical trace evidence.
- Specialties include the development and identification of Latent Fingerprints, Palm Prints and Footprints. Examination of Questioned Documents and the examination of Firearms, Tool Marks and Footwear Impressions.
- Investigation, pre-trial consultation and qualified expert testimony in criminal and civil cases.
- *Board Certified:*
 - S.C.S.A. - Certified Senior Crime Scene Analyst [I.A.I.]
 - C.F.E. - Certified Forensic Examiner [A.B.F.E.]
 - C.P.L.E. - Certified Latent Print Examiner [I.A.I.]
 - C.Q.D.E. - Certified Questioned Document Examiner [A.B.F.E.]
- *Licenses:* Licensed and bonded private investigator, State of New York

1977-1978

U.S. HOUSE OF REPRESENTATIVES

Consultant Member for Select Committee on Assassinations

- Worked closely with the Federal Bureau of Investigation concerning deaths of President John F. Kennedy and the Reverend Doctor Martin Luther King. Findings, opinions and conclusions rendered during Public Hearings.

1956-1977

NEW YORK CITY POLICE DEPARTMENT

Detective - First Grade

Coordinator-in-Charge of Latent Fingerprint Unit

Instructor, New York City Police Academy

- Direct supervision of twenty-five employees, formulation of policies and assignment of case loads.
- Senior Project Coordinator for major research and development program which resulted in the first utilization of optical correlation techniques in Fingerprint I.D.
- Instrumental in the introduction and application of Polaroid Photography in law enforcement in NYCPD. Assisted in the design and modification of the Polaroid CU5 Evidence camera for instant photography of Latent Prints and Physical Evidence at crime scenes.
- Formulated and conducted crime scene examination courses for the entire Detective Division of the NYCPD.
- Assisted Internal Affairs Division in investigations relative to integrity and internal security within the Department.
- Supervised Department's Disaster Squad (all major terrorist bombing incidents, airline, rail and sea disasters).
- Worked closely with the Federal Bureau of Investigation, United States Customs, Treasury Department, Food and Drug Administration, Federal Narcotics Bureau, Department of Hospitals, Interpol, and Scotland Yard.
- Cited 15 times for Excellent and Meritorious police duty.

TEACHING EXPERIENCE:

- Lecturer for New York City Police Academy, New York University Law School, Brooklyn Law School, NYCPD Detective Division, District Attorney's office, U.S. Coast Guard and various law enforcement, security and professional organizations. Topics include: Crime Scene Examination and Reconstruction, Collection and Preservation of Physical Trace Evidence, Latent Fingerprint Identification, Examination of Questioned Documents, Crime Scene Photography, Forensic Techniques and Courtroom Procedures Re: Direct and Cross Examination of Expert Witnesses.
- Faculty Member: Homicide Investigation and Robbery Investigation training courses for NYCPD Detective Division.

EDUCATION:

City College of New York - Police Science & Administration, Criminalistics
U.S. Marine Corps Institute - Criminal Investigation
New York Institute of Criminology - Criminal Investigation; Forensic Science; Questioned Document Examination; Firearms and Ballistics; Tool Marks; Microscopic Analysis; Photography
Bureau of Criminal Identification (NYCPD) - Fingerprint Identification
Photographic Unit (NYCPD) - Crime Scene Examination; Latent Fingerprint Photography
Federal Bureau of Investigation Law Enforcement Officers Training School - Advanced Latent Fingerprint School
Additional Education includes: Various Symposiums, Courses and Conferences (Law Enforcement; Crime Scene Examination; Criminal Investigation; Security Management and Forensic Science) at *N.Y.U. Post Graduate Medical School, Police Academy, Project SEARCH Symposia, International Association for Identification, Evidence Photographers International Council, Northeastern Association of Forensic Scientists, National Forensic Center* and *American Board of Forensic Examiners*

ADDITIONAL EXPERIENCE:

- Former Security Director for two major department stores
- Managed operations and investigations involving property theft (internal & external), illegal kickbacks, violations of policy and fiscal violations.
 - Security management and loss prevention consultant for various retail, industrial and business organizations.
 - Author, articles and publications pertaining to Forensic Investigations, Criminalistics, Crime Scene Examination and Fingerprint Identification. Guest appearances on local and national television.

ADDITIONAL QUALIFICATIONS:

Fellow: American Board of Forensic Examiners
Chairman: Executive Board of Scientific and Technical Advisors - American Board of Forensic Examiners (1994)
Sgt. at Arms: New York State Division, International Association for Identification (1993-1994)
Vice President: Tri-State Local Photographers (1992-1993)
Member: American Society for Testing and Materials (1993-1994)

PROFESSIONAL AFFILIATIONS:

American Board of Forensic Examiners
International Association for Identification
New York State Division of the International Association for Identification
New Jersey State Division of the International Association for Identification
Connecticut State Division of the International Association for Identification
California State Division of the International Association for Identification
New Jersey State Identification Association
Northeastern Association of Forensic Scientists
National Forensic Center
American Society for Testing Materials [ASTM]
Society of Professional Investigators
Evidence Photographers International Council
National Association of Criminal Defense Lawyers
New York State Association of Criminal Defense Lawyers
New York City Detective Endowment Association
Superior Officers Association Retired (NYCPD)
Retired Detectives of the City of New York

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EXPERIENCE:

- 1979-Present • Forensic Consultant and Legal Photographer, extensive background in Law Enforcement Photography, specialization in Color Processing and Crime Scene Examination, with emphasis on Latent Print Recovery.

NEW YORK CITY POLICE DEPARTMENT, New York, NY

- 1970-1979 Senior Forensic Photographer, Criminal Laboratory Section
- Duties included sole responsibility and supervision of Color Photography involving all types of Physical Trace Evidence, including the development and photography of Evidential Material for Court Presentation.
 - Senior Photographer and coordinator specializing in Color, Black & White, Infra-red, Ultra-violet, Macro and Micro photography assigned to the New York City Criminal Laboratory. Have been responsible for Investigation and Laboratory Analysis on such cases as: F.A.L.N., Rap Brown, Phillips, Wells Fargo, 44 Caliber (Son of Sam), and many others.
 - Qualified as an expert witness in numerous cases involving all aspects of Forensic Photography and Latent Fingerprint Development.
- 1969-1970 Narcotic Investigator, Bronx, NY
- 1961-1969 Crime Scene Photographer, responsible for photography of crime scenes and collection of physical evidence in connection with same.
- 1952-1961 Police Officer, assigned to routine patrol duties, 44th Precinct, Bronx, NY.

EDUCATION:

- New York University*, Two years towards a baccalaureate degree.
New York Police Department, Criminal Investigation and Crime Scene Examination Courses.
Kodak Corporation, Law Enforcement Photographic Techniques, Rochester, NY, Diploma.
Leica School, Advanced Laboratory Techniques, Certification.
Federal Bureau of Investigation, Washington, D.C., Advanced Laboratory and Photographic Processing Certification.

RICHARD SAFERSTEIN, Ph.D.
20 Forrest Court
Mt. Laurel, New Jersey 08054

Chief Forensic Scientist for the State of New Jersey
Department of Law and Public Safety
New Jersey State Police
1970-1991

Technical Director of one of the largest forensic science laboratories in the United States, conducting over 35,000 case analyses per year and employing a staff of over 90 professional scientists.

Areas of expertise encompass toxicology, pharmacology and analyses of alcohol and drugs of abuse. I have been accepted and testified as an expert witness over 650 times in nearly 125 courts on a variety of forensic science issues which include: breath and blood testing for alcohol content, the pharmacological effects of alcohol, detection and identification of drugs in biological fluids, arson-related analyses, and the forensic examination of blood, semen, hair, paint, fiber, and glass evidence.

Certified by the State of New Jersey as qualified and competent to conduct chemical breath analyses in the operation of the Breathalyzer.

ACADEMIC TRAINING

Ph.D. Organic Chemistry, City University of New York - 1970
M.S. Organic Chemistry, City College of New York - 1966
B.S. Chemistry, City College of New York - 1963

ACADEMIC POSITIONS

Instructor of Forensic Science, Trenton State College, 1972 - Present
Instructor of Forensic Science, University of Delaware, 1985 - Present
Instructor of Forensic Science, Law School of Widener University, 1991-Present
Asst. Adjunct Professor of Science, Ocean County College, 1972-1991

PROFESSIONAL AFFILIATIONS

American Academy of Forensic Sciences - Promoted to Fellow, 1977.
American Chemical Society
American Microchemical Society
Canadian Society of Forensic Scientists
Chromatography Forum of Delaware Valley

Forensic Science Society of England
International Association for Identification
Mid-Atlantic Association of Forensic Scientists
National Safety Council
New York Microscopical Society
Northeastern Association of Forensic Scientists

PAST POSITIONS

Analytical Toxicologist
Shell Chemical Company
Princeton, New Jersey
1969-1970

Group leader assigned to perform residue analyses on animal tissues and organs. My duties encompassed the development and implementation of laboratory procedures designed to measure the uptake of pesticides of livestock.

Forensic Chemist
U.S. Treasury Department
Alcohol, Tobacco, and Firearms Laboratory
New York, New York
1964-1969

Responsible for the analysis of drug and alcoholic beverage preparation. Testified on numerous occasions as an expert witness in Federal and State courts on alcohol and drug chemistry.

PROFESSIONAL EDUCATIONAL COURSES

Poison 91: Fundamentals and Analytical Considerations - Sponsored by the American Association for Clinical Chemistry, 1991

Workplace Drug Testing Workshop - Sponsored by the American Association for Clinical Chemistry, 1990

The Drunk Driving Case: From Municipal Court to Supreme Court - New Jersey Institute for Continuing Legal Education, 1989

The Drinking Driver: Medical and Legal Issues of Blood Alcohol Testing - conducted by American Association for Clinical Chemistry, 1985

Forensic Toxicology Workshop - conducted by the American Academy of Forensic Sciences Toxicology Section, 1983

HONORS

Award of Merit- American Academy of Forensic Sciences
Member of the Editorial Board of the Journal of Forensic Sciences (1984-1994)
Member of the Editorial Board of the Microchemical Journal
Member of the Editorial Board of the Journal of Analytical and Applied Pyrolysis (1980-1984)

DIRECTORY LISTINGS

Who's Who in the East
American Men and Women of Science
Directory of Speakers - American Chemical Society
Dictionary of International Biography

BOOKS PUBLISHED

"Criminalistics - An Introduction to Forensic Science," (Fifth Edition). Prentice-Hall, Englewood Cliffs N.J., 1995.
"Forensic Science Handbook," Prentice-Hall, Englewood Cliffs, N.J., 1982.
"Forensic Science Handbook - Volume II," Prentice-Hall, Englewood Cliffs, NJ, 1988.
"Forensic Science Handbook - Volume III," Prentice-Hall, Englewood Cliffs, NJ, 1993.
"Laboratory Manual for Criminalistics," Prentice-Hall, Englewood Cliffs, N.J., 1990.

PAPERS AND ARTICLES PUBLISHED

1. "The Reaction of Halogen-Containing Lewis Acids with Esters" - 1970 (Doctoral Dissertation).
2. "Examination of Automobile Paints by Laser Beam Emission Spectroscopy," Journal of the Association of Official Analytical Chemists, vol. 56 (1973), 1227.
3. "Identification of Drugs by Chemical Ionization Mass Spectroscopy," Journal of the Association of Official Analytical Chemists, vol. 56 (1973), 1234.
4. "Identification of Heroin and its Diluents by Chemical Ionization Mass Spectroscopy," Analytical Chemistry, vol. 46 (1974), 296.

5. "Identification of Drugs by Chemical Ionization Mass Spectroscopy," Journal of Forensic Sciences, vol. 19 (1974), 463.
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7. "Isobutane Chemical Ionization Mass Spectrographic Examination of Explosives," Journal of the Association of Analytical Chemists, vol. 58 (1975), 734.
8. "Pyrolysis Mass Spectrometry - A New Forensic Science Technique," Journal of Forensic Sciences, vol. 22 (1977), 748.
9. "The Forensic Identification of Heroin," Journal of Forensic Sciences, vol. 23 (1978), 44.
10. "Drug Detection in Urine by Chemical Ionization Mass Spectrometry," Journal of Forensic Sciences, vol. 23 (1978), 29.
11. "Routine Separation and Identification of Drugs of Abuse by GC/IR," American Laboratory, vol. 10 (1978), 125.
12. "Drug Detection in Urine by Chemical Ionization Mass Spectrometry - II," Journal of Analytical Toxicology, vol 2 (1978), 245.
13. "Chemical Ionization Mass Spectrometry of Morphine Derivatives," Journal of Forensic Sciences, vol. 24 (1979), 925.
14. "Criminalistics - A Look Back at the 70's; A Look Ahead to the 80's," Journal of Forensic Sciences, vol. 24 (1979), 925.
15. "Forensic Applications of Mass Spectrometry," in Forensic Science Handbook (edited by R. Saferstein), Prentice-Hall, Englewood Cliffs, N.J. (1982), 92-138.
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21. "Forensic Science: A Strategy for Teaching Science in a Liberal Arts Curriculum," in Forensic Science, 2nd Ed., (edited by Geoffrey Davies), American Chemical Society, Washington, D.C., 1986, 51-65.
22. "Forensic Analytical Pyrolysis," in Proceedings of the International Symposium on the Analysis and Identification of Polymers, U.S. Government Printing Office, Washington, D.C., (1986), 9-20.
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JOSEPH FARAH

Joseph Farah is a veteran newsman, columnist and media consultant. His company, Farah & Associates, includes among its varied individual and corporate clients best-selling authors, Hollywood studios and network news divisions. The former editor of the Sacramento Union, the oldest daily newspaper in the West, founded and edits DISPATCHES, the bi-weekly cultural watchdog newsletter, and Inside California, the monthly publication covering state politics. He created the Western Journalism Center, a non-profit, tax-exempt foundation promoting journalism education and investigative reporting, and serves as the organization's executive director. Farah has more than 15 years of experience as a daily newspaperman. Prior to his time at the helm of The Union, Farah was executive editor of the Glendale Newspapers, a group of dailies and weeklies in Southern California. He also served as executive news editor of the Los Angeles Herald Examiner, running the news department of that metropolitan daily for more than six years. He is currently a contributing editor for Human Events, the Washington-based conservative weekly, and has written for for the Los Angeles Times, Boston Globe, the San Francisco Chronicle, San Francisco Examiner, Orange County Register, the Sacramento Bee, Washington Times, National Review, Reason, TV Guide and dozens of other national and regional publications.

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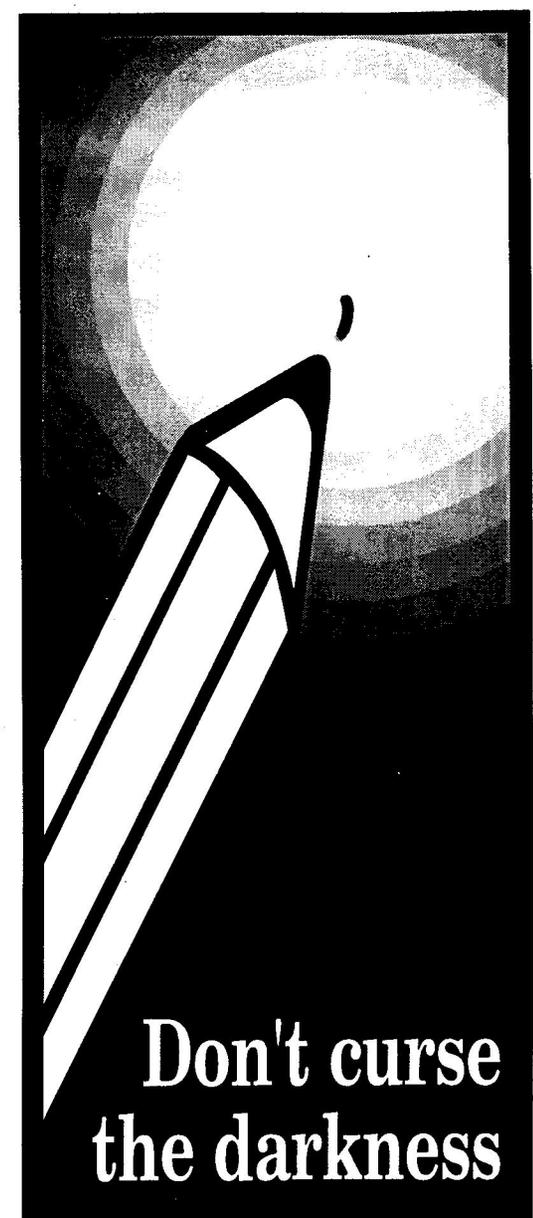
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...Light a candle

WJC Western Journalism Center

OUR PHILOSOPHY

Everyone complains about it, but nobody does anything. The weather? Sure. That was what people once said about the unpredictability of Mother Nature. But today, it's even more true of one of America's most important cultural institutions — the press.

There are media critics everywhere. Left, right and center — everyone, it seems, wants to get in their licks. But is complaining about the media going to get us anywhere?

At the *Western Journalism Center*, we don't think so. We believe the answer to the public's legitimate concerns about press bias, distortion and imbalance can be addressed adequately only through more competition, more voices, more information, more debate.

Nothing of consequence will be accomplished by sitting on the sidelines and booing the action on the field. The real answer is getting in the game and playing. That's the philosophy behind the *Western Journalism Center*, a non-profit, tax-exempt corporation dedicated to fostering more philosophical diversity in the news media.

We believe this pro-active approach by news professionals will provide both long- and short-term results. By confidently competing in the marketplace of ideas, our program will stimulate dramatic media reforms, create more opportunities for young journalists and bring to the public's attention important stories that would otherwise never see the light of day.

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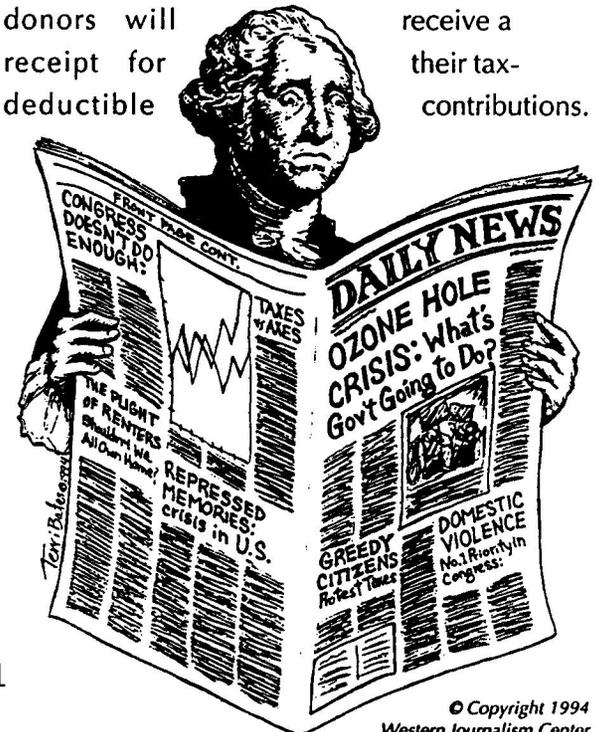
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Suicide is hard to sell

As the Whitewater investigation gains momentum, much may hinge on the suspicious death of a Clinton aide. In Washington, AMBROSE EVANS-PRITCHARD finds growing belief in a cover-up theory



Main picture: AMBROSE EVANS-PRITCHARD



Last month his lawyers grilled Webb Hubbell — the confessed felon who once ran the Clinton Justice Department — questioning him about Vince Foster, according to sources in Little Rock. Starr also called a number of Park Police officers before a grand jury, read them the perjury statutes in a pointed manner, then interrogated them at length about discrepancies in testimony.

If we are really watching the unravelling of a colossal cover-up involving police officers, rescue workers, FBI agents, and the inner circle of the White House — a very big "if" — then much of the credit must go to a young Irish-American reporter called Christopher Ruddy who has been keeping the story alive in a lone crusade.

RUDDY has the right background for a sleuth. His father was a veteran of a New York police force. "My dad would never have looked the other way. That's part of what motivates me," he said. Before starting his career as a journalist he took a masters degree at the London School of Economics and then taught history in one of the toughest schools of the South Bronx.

It was Ruddy who broke the key stories in the *New York Post* last year that revealed that the rescue workers had doubts about the suicide theory. He reported that the paramedics were surprised by the lack of blood on the ground. There was no soil on Foster's shoes. The body was laid out "as if in a coffin". The suicide weapon, a Colt of

Body of evidence: Chris Ruddy (above) believes Vincent Foster's body was found near here. Police say it was at another cannon. From top: Foster, William Sessions, Webb Hubbell, Kenneth Starr

A member of the Foster family has said he no longer believes the verdict of suicide. He suspects it may have been a political murder

pre-First World War vintage that his family could not identify, was in his hand — always a red flag for experienced homicide investigators. The crucial crime scene photos were ruined by under-exposure. "What we found out was that the Park Police never did a proper investigation," said Ruddy. The case was treated as a suicide from the beginning. The police did not bother to speak to nearby residents and failed to interview an old man who spends all day in the park and is a goldmine of information on everything that goes on there.

For a few weeks Ruddy, 30, was a star. But America's establishment press was not willing to pursue the mystery too deeply — nor was the *New York Post*, a gutsy, well-written tabloid. It is owned by Rupert Murdoch. As the first wave of interest in the Foster case subsided, Ruddy was pulled off the story.

The editor of the *New York Post*, Ken Chandler, praised Ruddy but said that there was a limit as to how far the *Post* could go in covering the story. He told one magazine: "The lack of blood on the ground and others fear to tread. When you do that, you get criticism and scorn heaped upon you. When you're

writing about something you can't get answers to, you have to keep pushing, and he did."

Ruddy persisted. With the backing of the Western Journalism Centre, a California group that funds investigative reporting, he launched a guerilla campaign to get the story out. He published a document known as the "Ruddy Memorandum" attacking the report of former Whitewater prosecutor Robert Fiske, and chipped away at public apathy with a barrage of newspaper advertisements paid for by wealthy donors and grass roots fund-raising. In November he was employed full-time on the story by the *Pittsburgh Tribune-Review*.

He says the facts of the case simply do not point to suicide. Why were Foster's fingerprints not found on the gun? Why were no skull fragments found? Why was the gun in Foster's right hand when he was left-handed? Why was no attempt made to investigate carpet fibres and blonde hairs found on his clothes? Why did the chief medical examiner claim there were no X-rays of the body? A *Washington Post* report talking about the results of X-rays? The list goes on. But the big question is over the

true location of the body. The police say that Foster was at the foot of a civil war cannon deep inside the park. This is the so-called "second cannon". But Ruddy says that two of the paramedics he interviewed last year located the body in a different spot, in an area of dense undergrowth 20 yards from the "first cannon". In a more recent interview, a medical examiner drew a map placing the body in the same spot. (The first cannon, interestingly, was recently removed from the park.)

CRITICS say his theory is preposterous. Twenty to thirty people saw the body that night. How could the Park Police get so many public servants to change their story? Why would they do so? What difference does it make whether the body was at the first or the second cannon?

Ruddy's answer is that the witnesses were not questioned under oath by the Fiske investigation, which is unusual, and most of them were never asked about the location of the body. As for the scale of the alleged cover-up, he argues that it shows the enormity of whatever it is they are trying to hide. And what might that be? Ruddy prefers not to speculate, except to say it must be something more breathtaking than a 15-year-old property deal called Whitewater. As for Vince Foster, Ruddy is working from the assumption — until shown otherwise — that the man lost his life because of a refusal to compromise his honour and integrity.

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A Special Report on the Vincent Foster Case Reprinted from Pittsburgh's Tribune-Review

Wednesday, March 22, 1995

Press Leaks Indicate Fiske Conclusions Were Preordained

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

Recently released documents of the official investigation into the death of Vincent W. Foster Jr. suggest that Special Counsel Robert Fiske's conclusion of suicide was preordained.

On April 4, 1994, the Wall Street Journal published a story headlined "Fiske Is Seen Verifying Foster Killed Himself."

The Journal scoop, quoting lawyers familiar with the case, stated Fiske's staff is "expected to release a report this month declaring the death of White House aide Vincent Foster was a suicide."

Seemingly corroborating the report was Fiske's deputy counsel, Roderick Lankler, who told the Journal that "he hoped to release the report in mid-April."

The report on Foster's death, in fact, was not released for another three months.

But the timing and accuracy of the Journal's story as to the suicide conclusion, followed as it was with a spate of similar stories in other media, raises suspicions that Fiske's staff announced their conclusions before any substantive aspects on the investigation had taken place.

Documents released by the Senate Banking Committee this past January demonstrate conclusively that by April 4 the investigation into Foster's case was at the most preliminary of stages.

"The Wall Street Journal had a stifling effect on independent press inquiry of the case," according to conservative media critic Reed Irvine. "It said Fiske has already made this conclusion, and if anyone else questions it, you're marginalized as a conspiracist."

Irvine, chairman of Accuracy in Media, has actively challenged official versions of Foster's death, faulted the Journal for being "patsies" for both the White House and Fiske's staff, who "apparently didn't want anyone looking into the matter."

Fiske was officially appointed special counsel on Jan. 20, 1994. On Feb. 23, Fiske appointed Lankler, a New York criminal attorney, to head up the Foster probe.

On Feb. 28, in a letter presented in federal court to block the release of a park police report on Foster's death, Fiske promised a "thorough and complete investigation" into the case. He noted that forensic experts and pathologists were to be retained, and added that the matter would be reviewed by two former homicide prosecutors, Lankler and Russell Hardin Jr.

A team of seven FBI agents was assigned to the Foster case. Those familiar with the investigation say what was billed as a homicide probe only began to pick up steam by mid-March.

Records demonstrate that by the end of March, Fiske's FBI investigators had only conducted interviews with most of the Fairfax County emergency fire and rescue workers who were present at Fort Marcy Park, where

Foster was found dead July 20, 1993.

Their testimony supported earlier published statements about the unusual circumstances of the death, notably that there was little blood, the gun was still in Foster's hand, and the appearance of the body was neat.

One EMS worker even coded the case as a homicide on his official report.

A careful examination of the Fiske report shows that Fiske's conclusions relied heavily on Foster's depression and an independent pathology review of the autopsy conducted by Dr. James Beyer, the Virginia medical examiner. But records show that the bulk of FBI interviews of Foster's friends and family that would describe Foster's state of mind, and the independent pathology review took place in May and June, well after the Journal's article and shortly after a similar report in May run by Reuters.

Press leaks by Fiske's staff didn't stop with the Journal. On May 4, 1994 a Reuter's wire story indicated "Whitewater Counsel to Report Foster Killed Himself."

The Reuters story reported "... Fiske has told associates his report, accepting the official police version that Foster committed suicide last year because he was depressed, may be released by the middle of May."

By May 6, the Reuters story had received wide confirmation, with corroborating reports in the Washington Post and Boston Globe.

But the chronological developments in the Fiske investigation are in black and white, laid out in a two volume set, produced by the Senate Banking Committee and just released this past January.

Here's how a chronology of major developments compares with press reports of a suicide conclusion:

- On April 4, the very day the Journal piece ran, an FBI team working for Fiske begins the rudimentary task of searching for a missing bullet. It is not found.
- On April 6, Fiske's staff reviews a transcript of an interview with Dr. Beyer, conducted a week earlier by one member of Fiske's pathology team. The report draws no conclusions and simply reiterates the autopsy results already stated in the police report.
- An interview with Dr. Donald Haut, the medical examiner who visited Fort Marcy on the night of Foster's death, is conducted April 12. (In a Jan. 12 article in the Tribune-Review, Haut was quoted as stating he gave no FBI statement. Documents released on Jan. 23 indicate that he had.)
- By April 20, Fiske's investigators interview a White House Secret Service officer who last saw Foster leave the White House's West Wing.
- The lead Park Police investigator for the case is interviewed April 27. Five other officers present at the scene that night will be interviewed over the following five days.
- Five days after the Reuters story appears May 4, Mrs. Foster is interviewed for the first time.

- Foster's own physician isn't interviewed until May 16.
- Documents in May and June reveal that investigators only then begin to focus on Foster's friends and colleagues in developing their theory of Foster's state of mind.
- Perhaps the clearest evidence that Fiske's investigators had pre-drawn conclusions are found on the dates of the critical FBI reports. Those FBI forensic reports are first dated May 9, over a month after the Wall Street Journal report, and several days after the Reuters report.
- The independent pathology report is undated, but clearly makes reference to the FBI lab reports. Indicating it too was completed well after press reports had said the Foster case was closed.

Vincent Scalise, a former New York City police crime scene expert with 35 years experience on major homicide cases, said no legitimate conclusion could have been drawn based on early interviews with police and rescue workers, that is before April 4.

"The fact is that the observations of people on the scene are inconsistent with suicide," he said.

And Scalise said the FBI lab reports would be "critical" in making any judgment in a case like this, but added "they don't lend support to the suicide conclusion either."

One report demonstrates for example that Foster fired the gun with neither hand on the gun's hand grip—something Scalise and some of the nation's top forensic experts view as implausible, whether Foster was left or right-handed.

In March 1994 the Boston Globe reported that Foster was left-handed, even though the gun was found in his right hand. The Globe reported, according to the Park Police chief, that "Foster, as is common in suicide by handgun, used two hands to put the gun to his mouth."

Contrary to the clear inference of that news report, Foster was right-handed, according to several Little Rock sources close to him.

Blood tracks as well as unusual carpet fibers also counter the official version, Scalise said.

"In police work you never jump to conclusions. Every lead has to be followed up on, especially in a case like this," Scalise said, adding, "It wasn't done here. That's obvious."

A recent spate of reports bear an eerie resemblance to last year's Wall Street Journal and Reuters reports. Last month the Journal ran a page one story "There May Be Less To Whitewater Case Than Meets the Eye," stating that the present independent counsel, Kenneth Starr, had concluded Foster's death was a suicide. A similar story appeared in USA Today.

Despite the press reports several legal experts indicate that it would be highly unlikely that Starr could draw any conclusions at this stage of the grand jury process. A number of homicide experts indicate that a suicide conclusion at this point would carry little weight unless a second autopsy was conducted on the body.

Efforts to reach Fiske for comment were unsuccessful. Lankler has referred all inquiries on the matter to Starr.

A source close to the Starr investigation has told the Tribune-Review that the independent counsel has not drawn a conclusion of suicide at this point.

A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Thursday, April 6, 1995

Prosecutor's Resignation Comes at Crucial Point in Foster Probe

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—The resignation of a key prosecutor for independent counsel Kenneth Starr challenges the integrity of a grand jury investigation into the death of Vincent W. Foster Jr., according to a Washington law enforcement source close to the probe.

The investigation had reached a critical state by mid-March when associate independent counsel Miguel Rodriguez quit after he was stifled by his superior in his efforts to conduct a full grand jury probe, according to a source. Rodriguez's superior is deputy independent counsel Mark H. Tuohey III, who is viewed by many in the Washington legal community as being above reproach professionally.

Rodriguez's departure came at a crucial juncture.

The source said that by the time Rodriguez left, or shortly thereafter, Starr's investigative team had progressed in several critical areas:

- Investigators had received new photographic evidence of a "significant" nature that was not available to investigators from the U.S. Park Police and the office of Starr's predecessor, former special counsel Robert Fiske.
- Strong evidence had emerged that the 1913 Colt revolver found in Foster's hand—the alleged "suicide" weapon—had been "moved or switched."
- Investigators had developed a clear theory that the body had been moved and had focused on the park's rear entrance.

Starr began using his Whitewater grand jury in early January to investigate Foster's death which occurred on July 20, 1993.

Park police and Fiske concluded

Foster committed suicide. Fiske further concluded the body had not been moved and cleared officials of possible obstruction in the investigation.

Fiske had been criticized for not including Foster's death in his grand jury probe of the Whitewater affair.

The Starr investigation has turned up discrepancies in the testimony of police and rescue workers called before the grand jury, according to several sources.

Despite significant developments in the case, Rodriguez left because he believed the grand jury process was being thwarted by his superior, the key source said.

In a full grand jury process, a prosecutor has complete subpoena power to call witnesses, subpoena documents, and is to seek out wrongdoing at all levels.

Typically, prosecutors "work their way up" beginning with the lowest officials. Prosecutors are not supposed to exempt individuals or groups of individuals, such as police, from prosecution, according to a legal expert.

REPUTATION

Rodriguez, an assistant U.S. attorney from Sacramento, joined Starr's staff early last fall and had been the lead prosecutor on the Foster case.

Rodriguez, who is in his mid-30's, has approximately seven years experience as a prosecutor and had gained a reputation as a hard-nosed, diligent prosecutor, especially on civil rights cases, said an FBI agent in California familiar with his work.

"He's the perfect lawyer for a case like this," the agent said, suggesting that if any cover-up existed, Rodriguez's cross-examination skills would be well suited for ferreting out the truth.

The agent also described Rodriguez as a "guy with a conscience. He could never play Pontius Pilate."

Rodriguez became critical of the

investigation after he was denied the right to bring witnesses he deemed important before the grand jury, the source said.

Rodriguez also became frustrated because of delays in bringing witnesses before the grand jury. He believed the delays could allow park police and other officials to adjust conflicting testimony.

A recent published report stated that by mid-March, after three months of proceedings, about a dozen fire and rescue workers had been brought before the grand jury.

Reached at his Sacramento office, Rodriguez confirmed he left the Whitewater probe and returned to his post with the U.S. Attorney's office on March 20. He refused to explain his departure.

"Ken Starr is a great man and a great prosecutor. Beyond that, I cannot comment on any aspect of the on-going investigation," he said tersely.

Rodriguez also declined to provide biographical information on himself, such as his age or experience as a government prosecutor.

Tuohey confirmed Rodriguez's resignation, but said he couldn't comment on the reasons for the departure. He also refused to comment on the notion that Rodriguez left because he was not given full grand jury powers.

However, another person familiar with the Starr investigation has categorically denied the information provided the *Tribune-Review* as to the reasons for Rodriguez's departure.

"It's absolutely not true," the person said about Rodriguez being denied the right to call crucial witnesses.

"Absolute nonsense," the source said about allegations witnesses were being called too slowly.

Despite the contradictory statements of people close to the investigation, there are indications that a disagreement developed between Rodriguez and Tuohey.

According to the law enforcement source, Starr has given wide authority to his deputies with Tuohey heading up the

Washington phase and William S. Duffey Jr. in Arkansas. Starr has taken great pains to not interfere in their handling of the respective parts of the investigation, the source said.

Tuohey is a highly respected former federal prosecutor, who also served during the Carter administration as a special counsel prosecuting former Rep. Daniel Flood of Pennsylvania. He is currently a partner at the law firm of Reed, Smith, Shaw and McClay where he handles white-collar criminal matters. In 1993-1994, he was president of the District of Columbia Bar Association.

According to several friends and associates, Tuohey is described as a congenial, fair, honest man.

Press accounts at the time of his selection by Starr last September noted that Tuohey's activism in Democratic party circles helped answer criticism that Starr, an active Republican, would be unfair.

The Washington Post reported that Tuohey "is close to some Clinton administration officials, including Associate Attorney General Jamie S. Gorelick, and last year hosted a party for Attorney General Janet Reno at his Washington home."

SIGNIFICANT QUESTION MARK

Thomas Scorza, a former federal prosecutor in Chicago and a professor of legal ethics at the University of Chicago, said Rodriguez's resignation in the middle of grand jury proceedings could be significant.

Scorza said that "it's very unusual for someone above the working prosecutor (Rodriguez) to call the shots in the investigation." During his 10 years as a prosecutor in Chicago, he couldn't recall an instance where the actual prosecutor was limited in his powers.

Scorza also termed serious the allegation that witnesses were not expeditiously called before the grand jury.

"That's how a practicing prosecutor wants it done," he said. "If you're questioning several people about the same thing, you want to get testimony before the grand jury quickly. That's how you find discrepancies and you discover something and the dominoes begin to

fall."

Scorza said that if he, as a prosecutor, found that he had been limited in his grand jury powers, he would resign.

"I'd also go public with it," he said.

Reports of problems in the Starr investigation surfaced in early January as park police officers were first summoned to testify.

A Jan. 12 story by The Associated Press reported that lawyers for the park police had objected to Rodriguez's "tough questioning" of officers about their probe of Foster's death.

Several officers were upset because Rodriguez repeatedly read perjury statutes to grand jury witnesses, according to press reports of the proceedings.

"He (Rodriguez) was doing exactly what he should be doing," Scorza said. He based his remarks on personal experiences.

"The police always get upset," Scorza said of the prosecutor's repeated reading of the perjury statute.

He said it's necessary so witnesses don't later claim they didn't understand the significance of their testimony or the consequences of lying under oath.

Asked about his methods, Rodriguez said, "A law enforcement agent has to be held accountable to the same law as everyone else. If they aren't, faith and trust in a central institution in society is destroyed."

"There are some that say exposing corruption among police and officials is a bad thing because it weakens public confidence. In the short run, that may be true, but in the long term, it restores people's confidence and trust," he said.

PRESS REPORTS

January press reports about the grand jury proceedings and Rodriguez's handling of it, seemed to exacerbate the rift between Rodriguez and Tuohey, the source suggested.

The Associated Press report detailing police anger over Rodriguez's questioning said, "Rodriguez's boss, deputy Whitewater prosecutor Mark Tuohey, acknowledged there had been problems, though he declined to discuss them."

The story went on to quote Tuohey as saying Rodriguez would continue asking

the questions in the grand jury probe.

According to the law enforcement source, Rodriguez and several members of the staff were unhappy that Tuohey had spoken to the press. They interpreted his remarks as a violation of a federal mandate that grand jury proceedings remain secretive.

Scorza said he found Tuohey's comments to be "odd," even if they didn't directly relate to the internal activities of the grand jury.

"Any prosecutor knows that when asked about anything relating to a grand jury proceeding, you can only say, 'I cannot comment on pending grand jury matters, period,'" Scorza said.

Tuohey said he was not commenting about the grand jury itself, but on complaints made outside the courtroom by attorneys for the police.

"I responded to The AP that aggressive questioning sometimes causes friction," Tuohey said.

Some staff members, including Rodriguez, bristled over other press reports that the Foster probe basically had been concluded. Some people were concerned that political maneuvering was dictating the outcome of the proceedings, according to the source.

On the day grand jury proceedings in the Foster case began in January, a Scripps-Howard wire story reported that Kenneth Starr had concluded Foster's death was a suicide and was preparing to close the case.

Recently, the Wall Street Journal and USA Today reported that despite the preliminary aspects of the grand jury proceedings, Starr had concluded the case was a suicide.

Last month, the Tribune-Review reported on a similar occurrence in the early stages of the Fiske investigation into Foster's death. For example, the Wall Street Journal reported in April 1994 that Fiske had ruled the death a suicide and was set to issue a report.

Fiske did issue a report several months later, but documents released this year demonstrate that the most basic elements of the investigation had yet to be completed by the time the Wall Street Journal reported the case closed.

A Special Report on the Vincent Foster Case

Reprinted from London's *Sunday Telegraph*, as reported by Ambrose Evans-Pritchard

Sunday, April 9, 1995

When Did White House Learn of Aide's Death?

By Ambrose Evans-Pritchard
FOR THE SUNDAY TELEGRAPH

The White House may have received an early tip-off about the death of Vincent Foster, the President's Deputy Counsel, long before the US Secret Service unit in the building was officially notified.

Evidence has come to light that members of the President's staff knew of Foster's death earlier than they have publicly stated, raising the possibility of a cover-up of the circumstances leading to his mysterious demise.

The official version of events says that normal procedures were followed and that the White House was first alerted when the Secret Service received a call from the US Park Police.

Foster, a former law partner of Hillary Clinton in Arkansas, managed the Clinton's personal financial affairs at the White House. He was found shot in a Virginia Park on July 20, 1993. The death was ruled a suicide by subsequent investigation by the US Park Police.

The US Secret Service office at the White House was told of the discovery at 8:30 p.m. But Arkansas State Trooper Roger Perry, who was on duty that night at the Governor's Mansion in Little Rock, has issued an affidavit stating that he learned about the death from a White House aide certainly before 7 p.m., Central Time, (8 p.m. Washington D.C. time), and possibly much earlier.

The White House has refused to comment on the matter. A request for the relevant telephone logs under the Freedom of Information Act was turned down.

In a parallel development, The Sunday Telegraph has learned that the Park Police knew Foster was a White House official much earlier than previously supposed. A rescue worker said that by the time he left the park at around 6:45 p.m., everybody knew that the victim worked at the White House.

An investigation into the affair by Special Counsel Robert Fiske has been criticized for failing to call a grand jury which would have the power to compel testimony under oath. A new prosecutor, Kenneth Starr, has re-opened the investigation into Foster's death.

When did the White House know?

When did the Clinton administration first learn about the death of Vincent Foster, the deputy White House counsel and intimate friend of the First Family? Was it at 8:30 p.m. on July 20, 1993, as the official version claims? Or was it really at about 7 p.m., an hour-and-a-half earlier?

It is not an academic question. If the exact time of notification was falsified, there must have been some purpose behind it. So far it is not clear what that might have been or who was involved.

Inquiries by the Sunday Telegraph have established however, that an Arkansas State Trooper, Roger Perry, has signed an affidavit stating that he learned of the death suspiciously early, definitely before 7 p.m. local time. (Arkansas is an hour behind Washington.)

**"There is no doubt that
police found Foster's ID
before 6:45 p.m."**

In an interview he estimated the call at 5:15 p.m.—or 6:15 p.m. in Washington D.C., very shortly after the Park Police first discovered the body.

He claims that he was on duty that afternoon at the Governor's Mansion in Little Rock when a junior White House aide, Ms. Helen Dickey, called to tell the Governor and his wife what had happened.

"She was kind of hysterical, crying, real upset," said Perry. "She told me that Vince got off work, went out to his car in the parking lot, and shot himself in the head."

The wording is significant. It is very similar to the Secret Service memorandum on the night of the death which reported that the "US Park Police discovered the body of Vincent Foster in his car." The memorandum was wrong, of course. Or was it? When rescue workers and Park Police found the body after a telephone tip-off at 6:03 p.m., Foster's corpse was deep inside a Virginia park. But the body-in-the-car version was the first one circulating in the White House that night.

After receiving the call, Perry telephoned several other people in Little Rock to relay the news. One of them was Arkansas State Trooper Larry Patterson. A second was Lynn Davis, a former US Marshal and former commander of the Arkansas State Police. Both Patterson and Davis have issued affidavits which carry a penalty of perjury, swearing that they were told of Foster's death before 6 p.m. local time. This would be a full hour-and-a-half before the Secret Service says

it was notified by the US Park Police.

Dickey, a former nanny to Chelsea Clinton, is a member of the tight-knit "Arkansas group." She refused to answer queries about the alleged call to the Governor's Mansion. "It's going to have to go through the press office," she said. The White House press office, however, did not return repeated calls.

A Freedom of Information Act request for the telephone logs from the White House social office, where Dickey worked in 1993, was made on behalf of the Sunday Telegraph last year, but it was rejected without explanation.

It is possible that Perry, Patterson, and Davis are confused about the time, though they all seem certain that it was during the Little Rock rush-hour.

But there is another reason to doubt the official version of events.

People on the scene that night dispute a key element of the story put out by the Park Police. The shift commander on duty, Lt. Pat Gavin, told the FBI that he notified the Secret Service within 5 to 10 minutes of finding out that Foster was a senior White House official. This would suggest he discovered the fact at about 8:20 p.m.—that is, shortly before the 8:30 p.m. call to the Secret Service.

But there is no doubt that the Park Police found Foster's White House ID on the front seat of his Honda Accord much earlier, probably before 6:45 p.m. The first medical examiner to see the body, Dr. Donald Haut, told the Sunday Telegraph that everybody knew Foster was a White House official by the time he arrived on the scene at 7:30 p.m. "They all knew right away," he said.

A Fairfax County rescue worker, who left the Park at 6:45 p.m., said: "We all knew that it was a White House official when we left." He is under a strict gag order, and asked not to be identified.

How does the Park Police explain the delay of one-and-a-half hours before notifying the Secret Service, which they should have done to comply with standard operating procedure? They say that there was a failure of communication.

The investigator who found the White House ID, Cheryl Braun, told the FBI that she gave instructions to another officer to pass on the word to the shift commander. This officer, who is never fully identified, apparently forgot to do so. She then made the call herself, she says, at roughly 7:30 p.m.

This still leaves almost an hour unaccounted for. In an attempt to explain the delay, the shift commander inadvertently contradicted her story. He told the Sunday Telegraph that he was first informed by another officer on the scene, John Rolla.

The investigation of Special Counsel Robert Fiske last year never began to probe the glaring discrepancies in chronology. The shift commander, Lt. Gavin, was not required to testify under oath. It remains to be seen whether the new investigation of Special Counsel Kenneth Starr does any better.

The Pittsburgh Tribune-Review reported this week that the Washington part of the Whitewater/Foster investigation, under the control of Democrat Mark Tuohy, is seriously compromised. The lead prosecutor, Miguel Rodriguez, resigned in March because he was unable to call key witnesses before the federal grand jury and issue subpoenas he deemed important.

If the White House received an early warning about Foster's death, why would it have been covered up?

One explanation is that a tip-off could have provided a window of time for pre-emptive moves. Papers that might have thrown light on any number of sensitive issues could have been removed or destroyed.

It is already acknowledged that Patsy

"The Pittsburgh Tribune-Review reported this week that the Washington part of the Whitewater/Foster investigation, under the control of Democrat Mark Tuohy, is seriously compromised. The lead prosecutor, Miguel Rodriguez, resigned in March because he was unable to call key witnesses before the federal grand jury and issue subpoenas he deemed important."

Thomasson, the White House Director of Administration, went into Foster's office to remove documents later on the night of his death. Did anybody enter between 7 p.m. and 8:30 p.m.—that is, before the Secret Service claims it was notified?

President Clinton clearly had no advance warning. He was on CNN's Larry King Live from 9 p.m. onwards, giving a cheerful account of himself.

His right-hand man, Webb Hubbell, did not know anything either.

He was having dinner with his family at the Lebanese Taverna when the Justice Department Command Center contacted him with the bad news. It was already dark outside, clearly after 8:30 p.m.

Janet Schaufele, a young White House intern staying with the family, said that Hubbell was shattered by the news. After the dinner he couldn't remember where he parked his car. Then he lost the keys to his house.

But somebody must have known. Somebody must have passed the word to young Helen Dickey. Who was it?

Vince Foster's Death Is a Lively Business For Conspiracy Buffs

* * *

They Sell Videos and Raise Cash From Conservatives; Arianna Huffington's Role

By ELLEN JOAN POLLOCK

Staff Reporter of THE WALL STREET JOURNAL
Vince Foster's death two years ago continues to excite conspiracy buffs. It has also become a lively business.

Newsletters, on-line computer services and, especially, videos have kept the former deputy White House counsel's memory very much alive, mainly by generating elaborate and scurrilous rumors about his suicide.

Since Mr. Foster's body was found in July 1993 in Virginia's Fort Marcy Park, two federal investigations have concluded that he shot himself after a devastating bout of depression. Two congressional panels have concurred. His family has issued a statement calling the murder rumors "despicable" and begging the conspiracy theorists to back off.

'Real Strange'

Not a chance. At least three organizations are marketing the Foster conspiracy theories. Perhaps you have caught one of a torrent of newspaper ads that spins out elaborate conspiracy tales, with headlines like, "Vincent Foster Case Still Not Closed - New Video Proves It!"

It is "real, real strange" that no soil was found on the bottom of Mr. Foster's shoes even though his body was found in the middle of the park, says Paul Mortell, a Lehman Brothers trader in Chicago, who came across that particular ad recently. "How did he get there?"

Most visible among the groups plying conspiracy theories is the Western Journalism Center, a tiny, heretofore unknown organization in California that has placed a number of ads, including the one Mr. Mortell saw. That ad calls Mr. Foster "the highest ranking U.S. official to die under mysterious and violent circumstances since JFK." For a \$35 donation it offers a 40-minute video that "You will watch . . . over and over again. You will want to show it to your friends."

So who is behind the Western Journalism Center? Not the Los Angeles Times, or the San Francisco Chronicle, or, for that matter, any other newspaper. The group is, instead, basically a one-man show created by conservative consultant Joseph Farah, backed in part by wealthy conservatives.

Indeed, as it turns out, all three of the major groups spreading conspiracy theories are linked to conservative activists, whose agendas include campaigning for a balanced budget and against gay rights. For some of them, the drive to portray Mr. Foster's death as something nefarious is also an opportunity to suggest that President and Mrs. Clinton may be responsible for a coverup—or worse.

A Mellon Heir's Role

Mr. Farah's biggest contributors include the Carthage Foundation, funded by Richard Scaife, a Mellon heir and supporter of conservative causes and newspapers. Another donor is Joseph Jacobs's family foundation; Mr. Jacobs, founder of Jacobs Engineering Group, says the WJC sees a "coverup" that may lay bare "a weakness in the liberal position." Arianna Huffington, wife of defeated Republican senatorial candidate Michael Huffington, sits on WJC's advisory board.

Ms. Huffington, who is developing a television show called "Beat the Press" and is looking for "alternatives to the welfare state," says she doesn't have "any special knowledge" about Mr. Foster's death. But she is interested in "any-

Please Turn to Page A6, Column 1

Vincent Foster's Death Provides Conspiracy Buffs a Lively Business

Continued From First Page

thing that smacks of a general withholding of information. There are, you know, some unanswered questions."

For his part, WJC founder Mr. Farah, 40, is a self-described "Watergate baby" who believes that today's breed of reporter goes too soft on government. "We make no apologies for being suspicious of government," says Mr. Farah. "That's what we're trying to recapture."

Mr. Farah created the WJC in 1991, but it was dormant until it took on the Foster investigation last year. "There just seemed to be so much resistance in the mainstream press, we decided to look at it," Mr. Farah says. He ended up buying full-page newspaper ads to publicize the findings of Christopher Ruddy, a reporter who says he was forced to leave the New York Post after refusing to write about anything but Mr. Foster's death. The ads have appeared in the New York Times, Washington Post, Chicago Tribune, Los Angeles Times and other newspapers.

'Not Rush Limbaugh'

It was in one of those ads that Mr. Mortell, the trader, learned about the mystery of the missing soil. "That's not Rush Limbaugh making those claims," says Mr. Mortell. "That's FBI analysis." And so it is. Only the ad neglected to mention something that might have put the Chicago trader's mind at ease. The FBI lab did find mica—rock particles that litter the ground in the park—on Mr. Foster's shoes and socks.

The response to the ads, nevertheless, has been overwhelming and lucrative, according to Mr. Farah. In less than a year, Mr. Farah has collected "darn close to \$500,000" from people answering the ads and from his foundation backers, he says. His goal for the first year had been to raise between \$250,000 and \$300,000.

The money, most of which goes to bankroll more ads, is also being used to develop a list of contributors. WJC hopes to hit up these donors when it comes time to finance future projects—including an investigation of voter fraud, which Ms. Huffington and her husband blamed for his loss last November in California.

King of Conspiracy

The king of Foster conspiracy theories is 30-year-old Mr. Ruddy. Since leaving the Post, he has been all but adopted by some right-wing groups. He now covers the Foster case for a conservative Pittsburgh paper owned by Mr. Scaife, and has also received financial support from WJC. But Mr. Ruddy was propelled to conspiracy superstardom by James Davidson, who produced the WJC-distributed video.

Mr. Davidson is chairman of the National Taxpayers Union, which has long lobbied for a balanced-budget amendment. He also owns Strategic Investment, a newsletter that recently predicted that allegations against Mr. Clinton will "go beyond anything ever alleged in the Watergate scandal" and that the Clintons "will be eliminated from the political scene, hopelessly and totally discredited."

Mr. Davidson maintains that there is only a "one in a million possibility that [Mr. Foster's death] was actually a suicide. . . . You don't have to be Agatha Christie to know this doesn't make any sense." Actually, many conspiracy theorists, including Mr. Ruddy, stop short of saying they have proved murder. This may be because so many of the theorists' suspicions can be explained away by a cursory reading of a report by Robert Fiske, the former independent counsel.

Among the "inconsistencies" cited in WJC's ad are that the gun remained in Mr. Foster's hand despite the explosion, that little blood was found under his body, that no powder burns were found in his

found with the gun in his right hand, and that carpet fibers were found on his clothes—suggesting that the body was rolled up in a carpet and moved.

The Fiske report explains that Mr. Foster's thumb was caught between the trigger and trigger guard of the gun, that because his body was on an incline, gravity drew his blood away from the head wound, and that a substance consistent with powder residue was found on his soft palate. Fiske investigators found that Mr. Foster was in fact right-handed. And the report says that if the body had been transported, "substantially greater contamination of skin surfaces and clothing by spilled and/or smeared blood would have been unavoidable," and that in fact, once the body was moved to the morgue, "substantial blood loss did occur."

Another Group's View

The latest entry in the conspiracy market, "The Death of Vince Foster—What Really Happened," is being distributed by Jeremiah Films, a Christian video firm. Released in February, it has sold more than 3,500 copies. Mr. Ruddy is also featured in this video, which was produced by Citizens for Honest Government, a conservative group headed by Jeremiah's owner.

Jeremiah's publishing arm has also been negotiating to distribute "The Murder of Vincent Foster," a self-published book by Michael Kellett. "There is no doubt," writes Mr. Kellett in an open letter to the Clintons. "I . . . hereby accuse the both of you of being responsible for, and the initiation and orchestration of, the murder of Vincent W. Foster, Jr." If Jeremiah does publish the book, says Patrick Matrisciana, Jeremiah's owner, it will probably come up with a new title and make other changes that are "more stylistic than substantive."

Jeremiah also distributes another popular anti-Clinton video made by Citizens for Honest Government, "The Clinton Chronicles," which has sold 150,000 copies. These more political tracts are departures for Jeremiah. Its more typical products reveal "heart breaking accounts of families and lives destroyed by the Mormon Church" and show that Halloween glorifies "Pagan occultism," according to its literature.

The company also has made antihomosexual videos that have been used in campaigns against gay civil-rights measures. One video features kissing homosexual couples, many in flamboyant garb, at a Washington march that, according to the video, was "funded in part by the presidential inauguration committee." The video features one gay man saying of Mr. Clinton, "He's cute!" and warns that civil-rights protection of gays will lead to taxpayer funding of sex-change operations.

"We try to hit issues that are not basically touched by the mainstream media," Jeremiah's Mr. Matrisciana says. "We basically espouse what could be considered old-time values. I think the average American needs to know."

Vince Foster: Big Questions Remain

Your March 23 page-one article labeling critics of the botched investigations of the death of Vincent W. Foster Jr. as "conspiracy buffs" reflects the fact that most journalists who have written about this case want to believe the official reports and refuse to examine critically the evidence they present.

You say that those who have pointed out flaws in the investigations are "generating elaborate and scurrilous rumors about his suicide." You describe Christopher Ruddy, the first reporter to challenge the findings of the Park Police investigation, as "the king of Foster conspiracy theorists." You say that Mr. Ruddy and many other conspiracy theorists "stop short of saying they have proved murder." You say this "may be because so many of the theorists' suspicions can be explained away by a cursory reading of a report by Robert Fiske, the former independent counsel."

A cursory reading of Mr. Ruddy's stories should have shown you that rather than weaving conspiracy theories and generating scurrilous rumors about Mr. Foster's death, Mr. Ruddy did what you and other journalists should have done. Hearing charges that the Park Police investigation had been bungled, he did his own investigation. He was the only reporter who interviewed the EMS personnel and Park Police officers who had seen Foster's body as it lay in Fort Marcy Park. He reported that some of them and experts he consulted had doubts about the quick rush to judgment that this was a suicide. There was the unusual posture of the body (laid out as if it was in a coffin), the paucity of blood, the gun in the hand, the failure to find the bullet or bone fragments from the exit wound in Foster's skull and his shiny shoes in a dusty park.

As Mr. Ruddy pursued the story for the New York Post, he found many flaws in the Park Police investigation, all resulting from their failure to observe the rule that unattended violent deaths should be investigated as a homicide until there is enough evidence to rule out that possibility. The Park Police admitted that they didn't immediately check Mr. Foster's car for fingerprints because "it was obviously a suicide."

Mr. Ruddy neither generated nor disseminated rumors. He reported facts that exposed serious flaws in the Foster investigation. Your article's statement that many of the suspicions raised were explained away by the Fiske report is inaccurate. The Fiske report actually revealed even stronger evidence that cast doubt on the finding that Foster killed himself in Fort Marcy Park. The appended FBI lab report concluded that Foster's head had not always been in the face-up position in which it was found. This was proven by the blood on his right shoulder and on his right cheek and jaw.

Mr. Fiske's rejection of the alternative explanation—that the blood indicates that the body was moved—was based on the claim of his four pathologists that moving the body would have resulted in a lot of blood being spilled on Mr. Foster's clothing and skin. One of these pathologists (Dr. Donald Reay) has since acknowledged that this could have been controlled by bandaging the exit wound.

The Park Police investigators apparently made no tests for gunshot residue on Foster's hands or face, but the autopsy reported that black marks presumed to be gun smoke were observed on both index fingers in front of the gap between the cylinder and the barrel, precluding the possibility of his having a firm grip on the gun to aim it. It would be awkward to have even one hand in that position and senseless to have two. It would have been difficult to aim the gun accurately, risking incurring an injury that would paralyze but not kill.

These are only a few of the unanswered questions that have been posed by those that you berate as "conspiracy buffs" who generate "scurrilous rumors" about Foster's death. If you don't have the answers, you could at least tell your readers what the questions are.

REED IRVINE
Chairman
Accuracy in Media Inc.

Washington

As a concerned former college mate of Vincent Foster Jr., I have done much more than "a cursory reading" of the Fiske report, and I can say unequivocally that the report (which is itself quite cursory) does not "explain away" the numerous inconsistencies in the case pointed out by Mr. Ruddy.

The flecks of mica the FBI lab found on Foster's shoes, socks and clothing are consistent with his body having been transported and dumped in the park. But I have walked the 200 or so yards that Foster would have had to walk to get to where they say his body was found, and that simply can't be done without getting dirt on your shoes. The barren ground in front of the second cannon where they say they found his body is also inconsistent with the one photograph that has been released to the public and also inconsistent with the description of surrounding "heavy vegetation" given by all initial viewers of the body.

I also wonder how it is possible for a police investigator to write that he was told by the autopsy doctor that X-rays showed no bullet fragments in Foster's head when the doctor, as he now maintains, took no X-rays, and how it is possible for assiduous investigators to overlook for almost a week a crucial note torn into 28 pieces and left in Foster's briefcase.

GARY D. MARTIN

Chantilly, Va.

If the CIA or La Securite were doing a course on professional disinformation they could hardly find a more worthy exhibit for study than your articles on Vincent Foster. You have helped to convince the world that Vincent Foster committed suicide—*notwithstanding compelling evidence to the contrary.*

Your most recent article of March 23 is yet another study in insinuation and falsehood. Your intent is plainly to discredit those of us who have attempted to maintain public pressure for a thorough and honest investigation of Foster's death.

Crucial forensic evidence strongly suggests that he met foul play. At least seven of America's leading forensic experts have stated for the record that the pattern of powder burns on both Foster's left and right index fingers is "not consistent with suicide." They include Massad Ayoob, head of the Lethal Force Institute; Dr. Vincent Di Maio, medical examiner for San Antonio, Texas; Dr. Martin Faschler, who headed the U.S. Army's Wound Ballistics Laboratory, and Vincent Scalisie, who was for many years a New York City Police crime scene expert as well as a forensic consultant to the House Committee on Assassinations.

Yet rather than report this important expert testimony, you say that all that keeps Foster's memory alive are "elaborate and scurrilous rumors about his suicide."

A lot more is involved. What is at issue are not rumors, but facts, few of which are known to most Americans. To ask that the truth be told is not to search for conspiracy.

The thinking citizen who looks beyond your reports to review the medical, biographical and simply descriptive facts of

the case will be left with the strongest impression this side of certainty that Foster was murdered.

JIM DAVIDSON

Baltimore

* * *

For someone who thinks conspiracists are silly (yet newsworthy), you certainly weave a pretty good conspiracy tale of your own.

You assert that my organization, the Western Journalism Center, has a political agenda because of its connections with "conservative activists." One of those, it turns out, was a major contributor to Bill Clinton's presidential campaign.

Any good conspiracy theory must, by definition, do two things: (1) explain who's behind it, and (2) reveal what really happened. In our investigation we have scrupulously avoided doing either of these two things. We have simply and painstakingly raised questions and inconsistencies that our colleagues have missed.

So what is your agenda? On April 4, 1994, your news story stated that then-Special Counsel Robert Fiske was about to conclude Foster had killed himself. While it turned out you were right, the curious thing about it is that by April 4, 1994, Robert Fiske had not yet conducted any substantive aspects of his investigation—no FBI lab tests, no pathology review. This fact was reported by Christopher Ruddy in the Pittsburgh Tribune-Review on March 21.

Mr. Ruddy's 20-page response to former special counsel Robert Fiske's report was the only detailed critical analysis published before Fiske was sacked by a three-judge panel. Though you apparently forgot to mention it, Mr. Starr has empaneled the first grand jury investigation into the case.

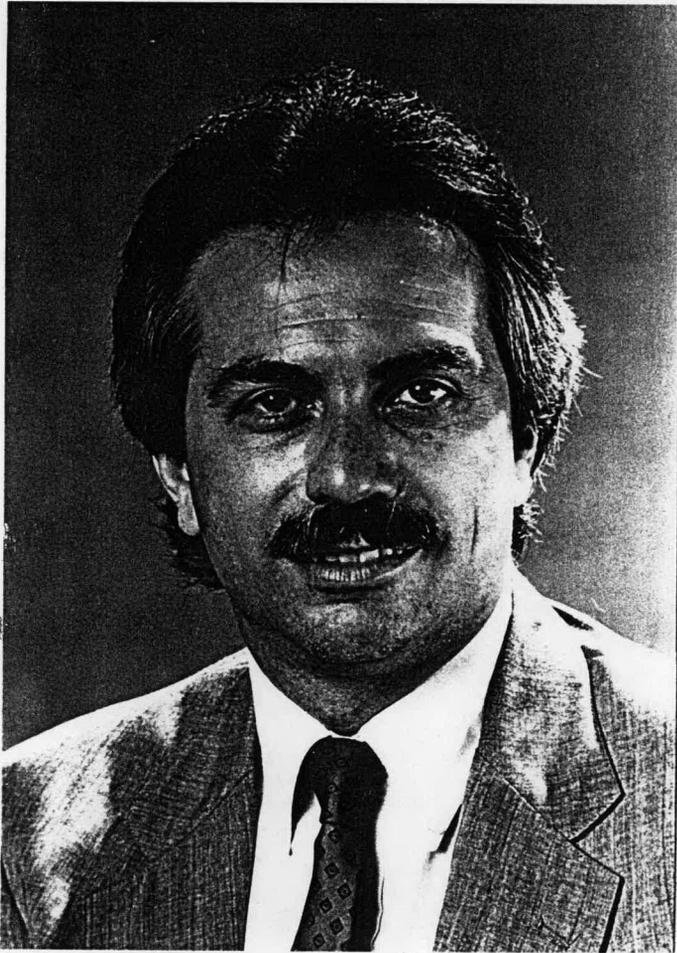
Some of the substantive points raised by Mr. Ruddy: The gun did not have Foster's fingerprints on it. The family has not been able to positively identify the gun. The gun remained in Foster's hand despite the explosive recoil. Gunpowder residues, as noted in the Fiske report, demonstrate that neither of Foster's hands was on the gun's grip when it was fired.

There was uncharacteristically little blood at the scene, according to the medical examiner on the scene—a direct contradiction of the Fiske report. Mr. Foster left no suicide note and made no final arrangements for his family. The note he allegedly left did not have his fingerprints on it. Key crime scene photos, as well as X-rays, are missing. Mr. Foster would have had to walk more than 700 feet through the heavily wooded park without getting a trace of soil on his shoes and clothing. While he had no soil on him, his clothing was littered with unexplained carpet fibers of various colors. Several witnesses even dispute the location of the body's discovery.

JOSEPH FARAH
Executive Director
Western Journalism Center

Fair Oaks, Calif.

THE WALL STREET JOURNAL TUESDAY, APRIL 11, 1995



By ERICH EICHMAN

The producers of "The Paper" couldn't have timed it better. Just as their movie about a scrappy big-city tabloid was opening last week, two rival tabs in New York City went to war. The subject? The mysterious circumstances surrounding the death last July of Deputy White House Counsel Vincent Foster. "Doubts Raised Over Foster's 'Suicide,'" the New York Post had proclaimed in its opening salvo two months ago, inaugurating a series of incisive reports. "Case Closed," countered the Daily News last week.

Who's right? We may never know. But we certainly won't be able to grapple with certain crucial facts until the Justice Department deigns to release the police report of his death, something this newspaper has been calling for since last summer, when we filed our first Freedom of Information Act request. In the meantime, the war of the tabs proves that the old-fashioned art of enterprise journalism isn't dead.

As in the early stages of the Whitewater scandal—a matter that touches on Mr. Foster—the tabloids, unlike most of the establishment press, have shown a willingness to push hard on troublesome questions and odd details. By asking tough and important questions about Mr. Foster's apparent suicide, they may eventually force out the truth.

For the benefit of readers outside New York, here's what the two papers have been reporting:

Christopher Ruddy of the Post led the way, showing the enterprise to interview the emergency personnel who viewed Mr. Foster's body. In late January, Mr. Ruddy was told by paramedic George Gonzalez that there was something "strange" about the Foster death scene. Mr. Foster's body was neatly laid out, with gun in hand, and there was surprisingly little blood ("a thin trickle" near his mouth). One expert told Mr. Ruddy that in 30 years he had "never seen someone shoot themselves in the

mouth and still hold the gun perfectly at his side." According to Mr. Gonzalez and a law-enforcement official, the gun showed no traces of blood.

The park maintenance worker who found Mr. Foster's body had described a heavy-set man in a van who had pulled over and alerted him to the "dead body" in the park. Mr. Ruddy wondered, understandably, "Who was the man in the white utility van?"

All this prompted him to ask why the FBI had been kept out of the investigation. He was told by former FBI head William Sessions (who admittedly has his own ax to grind with the Clinton White House) that a "power struggle" with Justice had left the investigation in the hands of the less experienced Park Police.

Who handled (or bungled) the investigation became important when Mr. Ruddy discovered, the day after his first article appeared, that the Park Police had ruled the Foster death a suicide without running a ballistics test on the gun. The police asked the federal Bureau of Alcohol, Tobacco and Fire-arms to do a test only two days after the official police ruling was handed down, on Aug. 10.

But nothing was yet conclusive: Even the Park Police had questions, as it turned out. A Feb. 4 Washington Post report—perhaps inspired by Mr. Ruddy's hard-hitting articles the week before—confirmed the ballistics-test delay, and revealed that the ATF had been asked by the Park Police to look for powder residue on Mr. Foster's clothes as well, and to comment on the possible position of the gun at the time it was fired.

As it turned out, the ATF's conclusions were consistent with suicide, but the procedural confusion left Mr. Ruddy wondering about the integrity of the entire investigation. He was not alone in such musings. Special Counsel Robert Fiske has announced his intention to re-examine the entire Foster episode. In short: What else

was there to know? And why has the official report—including photographs, autopsy results, and pieces of a suicide note—not been made public, to clear up the mystery and end the speculation?

The answer to that question is still incomplete, and the legal complexity surrounding Mr. Fiske's efforts may even add to the delay. But in last Monday's Daily News, Mike McAlary managed to push the story further toward openness.

Mr. McAlary got a chance to "review" the Park Police report "once" (it was made available, we may presume, to counter the Post's stories), and talked to unnamed investigators. His conclusion: Vincent Foster's death was "a simple story from a police blotter"—decidedly not something that would confirm the "ranting of some conspiracy theorist," whoever that might be.

The chief forensic investigator at the death scene found little blood on the front of Mr. Foster's body, but there was plenty in the back, where the bullet had exited his skull. Mr. Foster's right thumb was stuck in the trigger guard, Mr. McAlary reported, accounting for the gun's still resting in his hand when the body was discovered. Powder burns were found on Mr. Foster's palate and tongue, and on his right hand. The lack of disturbance to the dead man's "blood pools" suggested, as one investigator said, that Mr. Foster "died right on the hill where he was sitting."

All in all, Mr. McAlary concluded, there was no mystery left to this part of the story. Even the man in the white van turned out to lead nowhere: He was the invention of the park worker, who apparently embroidered his account to cover up a midday respite. Mr. McAlary triumphantly announced that Mr. Fiske and his chief Foster investigator had "accepted" the conclusions of the Park Police about Vincent Foster's death. He cited an article by Thomas Ferraro. He cited mistakes that Mr. McAlary had made: the date of the suicide and the first

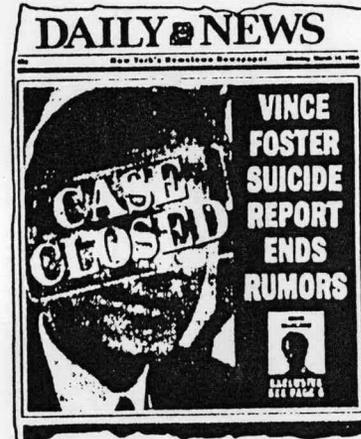
name of Mr. Fiske's deputy, *Rolerick Lankler*. More important, Mr. Lankler denied to the Post that he or Mr. Fiske had reached any conclusions about the Foster death. "Foster Suicide Probe Still Wide Open" the Post trumpeted. That lasted 24 hours—until the News's next salvo. "The Real News on Post Mortem," quipped the paper's headline writers on Thursday. On page two, they dropped the news that the Park Police confirmed that "the case is closed."

But it isn't, really. Despite Mr. McAlary's heroic effort to refute Mr. Ruddy, and despite the persuasiveness of his account, too much remains hidden about the entire Foster affair. After all, the Park Police report is still locked away—as are the Foster office papers. Mr. McAlary presents a vivid account of the scene in Mr. Foster's office the day after the suicide. Furious FBI agents and Park Police officials were forced by Mr. Nussbaum to sit 15 feet away from Mr. Foster's desk as he rummaged through papers, saying repeatedly "We can't show you this, this is personal."

That scene, of course, suggests the possibility that secret, politically sensitive, truths lie behind Mr. Foster's actions. Such a suggestion also emanates—rightly or wrongly—from the "overlooked" suicide note that a White House aide found in Mr. Foster's briefcase five days after the Park Police had not seen it there. Mr. McAlary interestingly reports that, because Mr. Foster called the FBI liars in his note, the Park Police had one of their own sergeants do the handwriting analysis.

Obviously, until everything is made public and properly explained, a cloud of doubt will hover over the Foster affair. In the meantime, we owe a debt of gratitude to the aggressive and consequential fact-finding missions of tough tabloid reporters.

Mr. Eichman is an assistant features editor on the Journal's editorial page.



DOUBTS RAISED OVER FOSTER'S 'SUICIDE'

By CHRISTOPHER RUDDY 1.27.94



CLOSE PAL: President Clinton with Vincent Foster (rear) and Hillary last year in Little Rock.

■ Why was he still holding the gun?
 ■ Why so little blood?

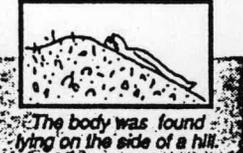
Interviews with some of the first people to see Vincent Foster's body after it was found in a Virginia park have raised new questions about the "suicide" of the White House deputy counsel. The questions involve the position of Foster's body; the fact that the gun was still in Foster's hand and had no blood on it; the small amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

Some clues

Forensic and homicide experts look for a number of immediate telltale signs to help distinguish a suicide from a murder. While an unusual circumstance does not definitely indicate foul play, experts consider all possible evidence. Here are some things investigators might have looked for at the scene of Foster's death:

1. The body should be consistent with the person's original position when he was shot in the mouth. Because of his straight appearance, eyewitnesses assumed that Foster either sat or lay down on the incline to shoot himself. The bullet likely would have been lodged in the ground behind him. Park police said he shot the gun while standing and the bullet went back into the woods.

5. The area around the person should be examined for indications of a struggle. Police said there were no such indications.



4. The gun's position after death should be consistent with the fact the person fired the gun into his mouth. The gun was still clenched in his hand, which was lying in an easy repose alongside his right leg. Typically, the gun is not in the suicide victim's hand.

2. The scene should be consistent with a wound in the mouth and an exit wound in the head. Blood typically is splattered and pools around the body. Eyewitnesses noticed that little blood came from the mouth, and there were no signs of splattering on his face or shirt, or pools of blood around the body.

3. The gun may have blood on it. Eyewitnesses who viewed the gun said it appeared clean.



VINCENT FOSTER
Neatly laid out.

Fairfax County paramedic George Gonzalez, who says he was the first rescue worker to see Foster's body last July 20, told The Post he found several things about the death scene "strange."

For one thing, Foster's body was laid out perfectly "as if in a coffin," Gonzalez said in his first public interview about the mysterious death.

"I found it peculiar: Every extremity [of his body] was straight, as if it was ready for the coffin," said Gonzalez, a paramedic for 13 years.

He said a .38-caliber Colt revolver was in Foster's right hand — even though experts say handguns used in suicides often are "cataapulted" up to 20 feet away from a body.

He said Foster's arms were resting perfectly straight alongside his body.

Gonzalez said he was surprised to find so little blood at the death scene of someone who appeared to have placed a .38 in his mouth and pulled the trigger.

"The face was white and pale, and only a thin trickle of blood oozed from one corner of his mouth," he said.

"Usually a suicide by gunshot is a mess," said Gonzalez, who claimed he has examined a number of suicide victims who shot themselves in the mouth.

Kory Ashford, an emergency service technician who helped put Foster's body into a body bag, also said he does not remember seeing any blood.

"I can't even recall an exit wound," Ashford said, explaining that typically there would be a "mess" under the victim's head.

Park Policeman Kevin Fornshill, the first police officer at the scene, said everything, including Foster's white shirt, "was really neat," with no blood on it.

The apparent contradiction — a scarcity of blood in a death involving a gunshot wound to the head — raised the possibility that Foster may have been killed elsewhere and that his body was dumped in the park, according to homicide experts contacted by The Post.

The pathologist who conducted the autopsy said the wound had been "self-inflicted," but the autopsy results haven't been made public.

The results will be sent to special Whitewater counsel Robert Flisak, who will look into Foster's death as part of his investigation.

Another key question involves the gun.

Gonzalez remembers

See FOSTER on Page 18

Key questions leave experts wondering

By CHRISTOPHER RUDDY

Expert detectives can often distinguish a suicide from a murder by asking — and finding the answers — to a number of key questions.

Here are their unanswered questions about the death of White House lawyer Vince Foster:

- Was the suicide victim familiar with the weapon?
- Police say the 1913 Colt .38-caliber revolver found in Foster's hand was the gun used, based on powder residue on Foster's hand.
- But the Foster family has not positively identified the gun as his.
- Is the victim's time accounted

A note found in Foster's briefcase had been torn in 27 pieces. It detailed Foster's anguish over a number of issues, but made no mention of suicide.

- for on the day of his death?
- The autopsy report put the time of death between 4 and 5 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.
- Did anyone hear the gunshot?
- Police say no, but they apparently did not question all homeowners and workers in and near

- the park.
- Were there nearby witnesses?
- Police say no one besides Foster apparently was in the park at the time of his death.
- But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after

6 p.m. It was still there a half-hour later.

Police say the Mercedes was simply disabled. A spokesman couldn't explain why that information was withheld from the press at the time of Foster's death.

■ Was a suicide note found?

No suicide note was found on his body, according to officials. The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had been overlooked during an earlier police search.

The note detailed Foster's anguish over a number of issues, but made no mention of suicide.

sted Doubts over Foster's 'suicide'

FOSTER from Page 5

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looking carefully at Foster's hand.

"His hand was wrapped around the grip of the gun," he said.

"The fingers were cyanotic — or pooling blood" he said, which is an indication of death.

He said the barrel of the gun was perfectly perpendicular to Foster's leg.

His account of the positioning and condition of Foster's body was corroborated by other witnesses who examined the body and scene.

Two witnesses said the first cops who came upon Foster's body took a cursory look at the crime scene and declared the White House official an apparent suicide.

"They saw the gun," Gonzalez said of the cops' snap judgment.

The Post took Gonzalez's detailed observations to a medical examiner and several present and former New York City homicide investigators.

They said they would not have been so quick to come to a conclusion about Foster's death, because killers often try to make murders look like suicides.

"You treat it as a homicide, particularly if it is a VIP, like this case, until you can prove otherwise," said a city detective with more than 20 years experience with homicides.

"The dead body is the most accurate and honest witness you have, if you know how to 'interrogate' it," he said.

Almost all experts consulted by The Post said it would be impossible to render a judgment on Foster's death, particularly since the autopsy and other crime scene reports have not been released.

But all said some aspects of the crime scene — as described by Gonzalez — baffle them.

"This is a head wound. Usually there's tremendous amounts of blood, blood all over the place, it would be a mess," said a detective considered the city's best.

"There should be pools of blood . . . Look at the gun — if it was the instrument of death, there would be blood on it. A .38 makes a powerful explosion. There's a backwash of blood and tissue."

Gonzalez and a law-enforcement official described the gun as clean.

The experts also said it was highly unusual that Foster was clutching the gun.

"In my 30 years in dealing with homicides, I've never seen someone shoot themselves in the mouth and still hold the gun perfectly at his side," said a retired detective who spent most of his career investigating murders.

A prominent forensic pathologist added: "Normally when a person commits suicide, the gun doesn't end up in their hand. If the individual is gripping the gun, that would lead to thinking that possibly someone put the gun in his hand."

Also questioning the position of the gun was Vernon Geberth, a former city detective who wrote a nationally recognized homicide-investigation textbook.

"Under ordinary circumstances, after the firing, the gun is away from the person," Geberth said, acknowledging that there are "rare" instances when the gun remains in the suicide's hand.

Experts said a suicide gun can end up 20 feet away — thrown by a reflex action of the person committing suicide.

Witnesses surmised that Foster was sitting or lying in the park when the fatal shot was fired.

"It's hard to explain how he shot himself — putting the barrel in at a right angle to his arm — fired it, and [had] it land still in his hand at his side," a detective said.

Forensic experts and homicide detectives said the key to answering many questions could be found in the bullet — if the cops ever find it.

The White House did not respond to several requests for comment.

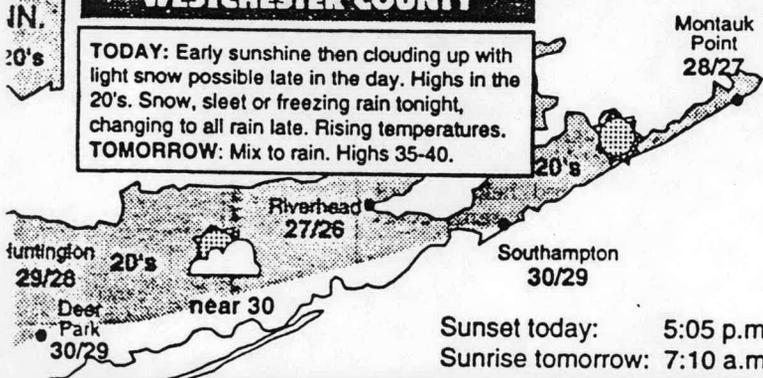
FRIDAY: Rain, tapering to showers, breezy and milder. High 41.

SATURDAY: Cloudy to partly sunny and less breezy. High 40.

SUNDAY: Mostly cloudy, chance of snow or rain late. Highs near 35.

WESTCHESTER COUNTY

TODAY: Early sunshine then clouding up with light snow possible late in the day. Highs in the 20's. Snow, sleet or freezing rain tonight, changing to all rain late. Rising temperatures.
TOMORROW: Mix to rain. Highs 35-40.



Sunset today: 5:05 p.m.
Sunrise tomorrow: 7:10 a.m.

MARINE FORECAST

Small craft advisory...
New York Harbor: Northeast to east winds 15-22 knots. Waves 2-4 feet. Good visibility this morning, lowering in snow this evening.
Long Island Sound: Northeast winds 15-25 knots, becoming east late today. Seas 3-5 feet. Good to fair visibility, lowering to 1-3 miles in snow this evening.
Atlantic Ocean: Northeast winds 15-25 knots, becoming east by this evening. Seas 4-7 feet. Visibility good to fair much of the day but will lower late in the afternoon and tonight as snow develops.

LONG ISLAND

TODAY: Morning sunshine then increasing clouds, chance of snow or sleet by evening.

TIDES

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COPS: FOSTER GUN WAS NEVER TESTED

1/28/94 By CHRISTOPHER RUDDY 1-28-94

The gun found in Vincent Foster's hand after his reported suicide might not have been tested to determine if it was the weapon used in the White House deputy counsel's death.

"We may not have done a ballistics test," Maj. Robert Hines, a spokesman for the U.S. Park Police, told The Post.

The agency had reported after Foster's death that the Washington Metropolitan Police performed tests confirming the gun killed Foster.

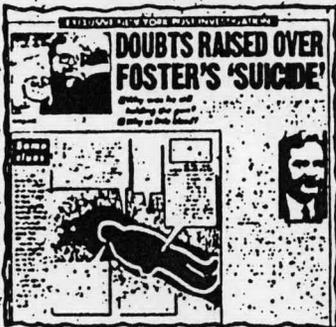
The district police routinely do such testing for the federal service.

But the district police's ballistics unit told The Post this week that had not happened.

"No, we did not test that gun," the head of the unit, George Wilson, said.

Questioned about the conflicting reports, Hines told The Post yesterday, "We will no longer be providing you with information. You will have to FOIA all requests from now on" — submit formal requests under the Freedom of Information Act.

The Post reported yesterday that aspects of the



FLASHBACK: How The Post broke story.

Foster death were inconsistent with suicide.

Homicide investigation experts said that even without the bullet, ballistics tests could be helpful.

A test would show that the gun worked. And, any unused ammunition should be fired to compare the gun's powder with the powder burns and stippling (a tattooing effect) in the victim's mouth, retired

White House: No comment

WASHINGTON — The White House yesterday declined comment on The Post's report raising questions about the reported suicide of White House deputy counsel Vince Foster.

"The Park Service police investigated that at the time," said White House press secretary Dee Dee Myers.

She added that special Whitewater counsel Robert Flske "has now included that in the scope of his investigation."

"We'll cooperate with the investigation and beyond that I have nothing to add," she said.

Myers didn't address any points raised by The Post, which quoted a paramedic who said the scene was "strange" due to the body's position and the lack of blood.

Attorney General Janet Reno said: "I have heard absolutely no information at all that would indicate that it is anything but a suicide."

New York detective Vernon Geberth explained.

Park police say the bullet exited the back of Foster's head and was lost in the woods. A second bullet was found in the revolver.

Geberth, whose book "Tactics" is considered the bible on homicide forensics, said, "The last

thing you want to classify a death as is a suicide. Death investigations are analytical. Don't jump to conclusions."

Just because a gun is found in the victim's hand, he said, "Who says that it is the gun that is fired?"

But Geberth said he could not draw any con-

clusions without an autopsy report and police file.

Dr. James Byer, the Virginia medical examiner who conducted the autopsy on Foster's body, said that the finding of suicide was made by the park police.

Foster's body was found on July 20 in Fort Marcy Park, just across the Potomac River from Washington. The park falls under the jurisdiction of the park police.

Park police said they did not canvass the neighborhood around the park.

"There are no homes around there, it's secluded," Hines said.

But from where Foster's body was found, one can see directly down a gully into the front yard of a home where a large construction project has been going on since before Foster's death.



FRED SIEGEL

Columnist Fred Siegel joins Post

Fred Siegel, former editor of the widely acclaimed City Journal, will be writing a new weekly column dealing with New York political issues, Post Editor Ken Chandler announced yesterday.

The column, titled "City watch," will appear every Friday on the op-ed page.

Siegel, 48, is professor of history at The Cooper Union. He is also a former fellow at the Institute of Advanced Study and former instructor at the Sorbonne in Paris.

Last year, he was editor of the City Journal, the Manhattan Institute's highly successful quarterly magazine.

Siegel, who lives in Brooklyn, contributes to such publications as The New Republic, The Atlantic, Commonweal, and The American Spectator.

"I'm delighted to be writing for the New York Post a time when the paper is helping to reshape the political culture of New York City," said Siegel.

Post editorial-page editor Eric Breindel said yesterday

Reno's top aide quits over bad 'chemistry'

By THOMAS FERRARO
Post Correspondent

WASHINGTON — Janet Reno's top deputy abruptly announced his resignation yesterday, saying he and the often brusque attorney general have had "chemistry."

The incompatible odd couple announced their

General Phillip Heymann wrote: "The attorney general has concluded that our operational and management styles are too different for us to function fully effectively as a management team."

He added, "That is a judgment I share."

Justice Department

to-eye on some policy matters.

Last month, Heymann tentatively recommended leniency for jailed spy Jonathan Pollard. But Reno had more questions and had not to make a recommendation whether his life sentence should be reduced.

Reno, the nation's first

ment's criminal division during the Carter administration, is viewed as mild mannered.

Reno and Heymann carefully measured their words yesterday and refused to detail their differences except to say they basically involved style not policy.

Reno: "The chemistry



PHILLIP HEYMAN

AP/WIDE WORLD PHOTOS (L) \$ 16370 DocId:70195676 Page 63

MORE QUESTIONS ABOUT FOSTER'S 'SUICIDE'

1-31-94

By CHRISTOPHER RUDDY

Who was the man in the white utility van?

This is one of many nagging questions that remain unanswered in the official account of the "suicide" of deputy White House counsel Vincent Foster.

The mysterious man in the white van was the first person known to have seen Foster's body — which was found on a ridge in Fort Marcy Park in Arlington, Va.

At about 6 p.m. on July 20, park worker Francis Swan was in the parking lot of a maintenance facility two miles away

POST EXCLUSIVE

from the park when the man in the van appeared.

Swan was sitting with a co-worker on the tailgate of his truck "having a beer after work" when the white van pulled up, Swan told the Post in his first press interview.

Swan said the driver was a heavyset white man in his mid-40s, with graying hair, who was dressed in work clothes "like a utility worker." CW

Speaking through the van window, Swan said.

the man told him: "There's a dead body by the cannon up in Fort Marcy. Will you call the Park Police?"

Then, Swan said, the man drove off, but "not in a rush."

Swan said he went to a pay phone in the parking lot and called 911.

He didn't write down the van's license plate number — and doesn't even remember what state it was from.

Swan said he wondered why the man didn't make the call himself — and recalled joking with his co-worker about it, saying: "Maybe he didn't want to

spend the quarter."

Rescue workers said Foster's body was not visible from the main trail that runs through Fort Marcy Park.

That means the unknown driver had to have been out of his van and off the main trail to have seen the corpse.

The U.S. Park Police said they have been unable to locate the driver.

If he were located, he could tell police if others were in the park at the time, if he had seen Foster alive and if he heard the fatal shot.

Another key unanswered question is whether

Swan's call was the only one made to 911,

Police insist it was.

But George Gonzalez, a Fairfax County, Va. paramedic dispatched to Fort Marcy Park, said he distinctly remembers that a 911 call was made by an unidentified woman.

Warren Carmichael, a spokesman for Fairfax County's 911 dispatch unit, told The Post that Swan's call was the only one on record.

"We only keep the first call that comes in," he said.

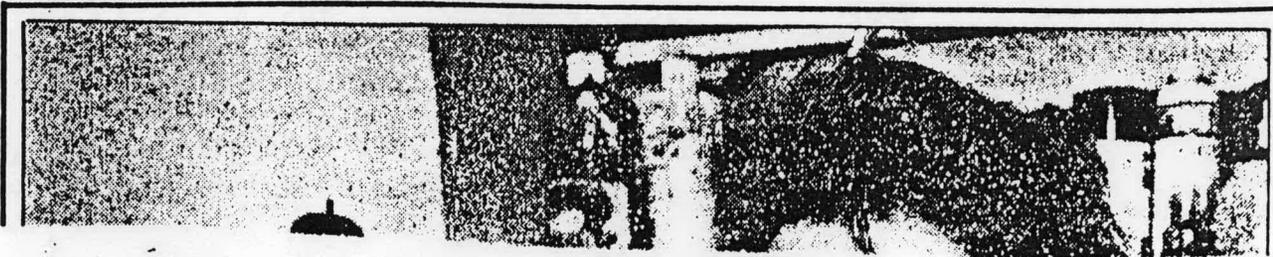
Carmichael said the park police had a tape of Swan's call, but — like all his unit's 911 recordings — it was destroyed 30 days after the emergency.

He said he was "pretty sure" there were no other

See FOSTER on Page 14

Skin docs burned up

over ran on



Bill 'pal' W'w dirt

By THO Post C

WASHINGTON
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... you can get, in many of these instances, an instantaneous, spasmodic reflex, which is entirely involuntary, and the hand will clutch an object, in this case a gun."

He added: "Often, the fingers will tighten around the weapon."

But his explanation doesn't jibe with the park police account that Foster had fired the gun with his thumb.

Wecht, a former Democratic Senate candidate, fielded questions about Foster's death for the White House without benefit of the autopsy report.

The Post asked Dr. Lester Adelson, longtime medical examiner for Cleveland and a highly respected pathologist, if Wecht's explanation meshes with the park police account of Foster's death.

Adelson, who also hasn't seen the autopsy, said:

"I think that if a person shot himself in the mouth with a .38, they are not going to be able to carry out purposeful acts.

"Nature is honest. Use common sense," Adelson reasoned, questioning whether Foster could fire the gun with his thumb and then change his grip and move the weapon to his side.

Yet another question is why Foster would choose to die in Fort Marcy Park.

Experts say that there is usually some logic behind the selection of a suicide site.

Who was mystery man in the white van?

FOSTER from Page 4
calls about Foster.

Another question — one that forensic pathologists and homicide experts find particularly puzzling — involves the positioning of Foster's hand and the gun that was found in it.

They wonder how the gun came to be clutched in Foster's hand — with fingers around the grip — after he had apparently used his thumb to fire a single fatal shot into his mouth.

They note that using the thumb to fire a suicide shot is normal — but it's highly unusual for the gun to then end up clutched in a normal position.

Last week, The Post reported that homicide experts found it strange that Foster's .38 Colt revolver had ended up clutched in his hand, which was lying neatly alongside his body.

They said in most cases the gun would be thrown from the hand either by reflex or by the force of the gun blast.

The White House, besieged by calls for comment about the questions raised by The Post, referred reporters to Dr. Cyril Wecht, a Pittsburgh pathologist.

Wecht told The Associated Press:

EX-CHIEF: POLITICS KEPT FBI OFF FOSTER CASE

by CHRISTOPHER RUDDY

The FBI was kept out of the investigation into Vincent Foster's alleged suicide because of a "power struggle within the FBI and the Department of Justice," former FBI Director William Sessions said.

The decision about the investigative role of the FBI in the Foster death was... compromised from the beginning," Sessions claimed in a bitter handwritten statement he gave to The Post yesterday.

After Foster's death on July 20, the Justice De-

"The role of the FBI was... compromised from the beginning."

WILLIAM SESSIONS



WILLIAM SESSIONS
Bares power struggle.

Foster's death should be looked at in the context of known events which had political implications.

Sessions said. Sessions — fired by President Clinton the day before Foster's suicide — noted that there had been a long-standing "power struggle within the FBI and the Department of Justice."

He said Foster, as the top deputy in the White House counsel's office, "was deeply involved in [the] relationships and events" involving the dueling bureaucracies.

One of those "events," he said, was the Travelgate scandal — when FBI agents were "summoned to the White House without

my knowledge" as part of a bid by Clinton aides to oust veteran White House travel staffers in an abortive bid to make way for Clinton cronies.

The White House later admitted erring in getting the FBI involved and in publicizing its involvement.

"The White House and Justice Department were clearly in a politically awkward position with the FBI 'Travelgate' investigation in July 1993" — when Foster's body was discovered, Sessions wrote The Post.

Floyd Clarke, who was



VINCENT FOSTER
"Deeply involved"

named acting FBI director the day before Foster died "had been long involved with the Department of Justice to affect the position at the FBI," Sessions said.

And that, Sessions inferred, is why Clarke the Park Police head investigation.

Calls for comment to White House and the Justice Department were returned.

A number of law enforcement officials questioned why the FBI did not act on the investigation.

"In view of the nature of this case, the FBI should have been involved," William Roemer, former head of the FBI's Organized Crime Strike Force, told The Post.

Roemer blasted the reason for "allowing the dog to wag the tail."

"Attorney General Janet Reno and Clinton had undue influence," FBI would normally find reasons to get involved in a high profile case," Roemer said, questioning the reasoning behind the Park Police's role in the probe.

Other law enforcement officials echoed his sentiments.

"The Park Police are much more than traffic control and night watchmen," said Gene Wheaton, a retired investigator with the Army Criminal Investigations Division.

In his dealings with Park Police during his years with the Army, Wheaton said, they were known as the most "able" of law enforcement agencies and had almost no experience in "professional investigations."

Last year, the Park Police criminal investigations unit probed 35 deaths. The agency refused to provide a breakdown on how many were homicides, suicides or natural deaths.

Experts: Park cops bungled the probe

by CHRISTOPHER RUDDY

The U.S. Park Police failed to follow standard investigative procedures in probing circumstances surrounding the death of deputy White House counsel Vincent Foster, law-enforcement experts told The Post.

The Park Police, by quickly classifying Foster's death as a suicide, violated a cardinal investigative rule: don't jump to conclusions, experts said.

Making a snap judgment of Foster's death as a suicide was a violation of textbook procedure — which laid the groundwork for further violations.

In the Vince Foster case nothing was done right, as the public record shows," said Gene Wheaton, an investigator for 22 years with the Army's Criminal Investigation Division.

Experts stress that any death should be considered a possible homicide until it is proven otherwise by forensic and autopsy reports and other evidence.

The Park Police conducted only a cursory search in Fort Marcy Park in Arlington, Va. — apparently because they believed Foster's July 20 death was a suicide.

Witnesses said police did not follow textbook procedure and do a "hand and

knee" search of the area around his body, or use metal detectors to search for the bullet that was fired into Foster's mouth and exited through the back of his head.

They also didn't dust Foster's car for fingerprints, or canvass the neighborhood around the park, or interview regular park visitors.

And they were apparently unaware that there was a rear park entrance — closer to the death scene than the main entrance.

Their sloppy on-site investigation was duplicated off-site when they delayed securing Foster's office for at least 12 hours — if not longer.

And they also didn't run ballistic tests on the gun found in Foster's hand — tests that experts say would show whether the 80-year-old weapon was operable.

Park Police officials have defended the probe that followed the discovery.

"It seemed definitely a suicide," said one of the first law enforcement officials to arrive at the scene of Foster's body.

"It was a perfect place to commit suicide. It's very peaceful there in the woods," another investigator, Park Police Officer Kevin Foranhill, told The Post.

INVESTIGATING A CRIME SCENE

Following are the standard police procedures followed in death investigations — and they were violated by the U.S. Park Police in probing the death of deputy White House Counsel Vincent Foster.

Here's what standard police practice requires:

Don't call a death a suicide until you can prove it.

Treat the area around the body as a crime scene. Conduct a thorough search.

Find the bullet. Employ metal detectors.

Canvass the park and neighboring homes. Interview regular visitors to the park.

Treat the car as part of the crime scene.

Conduct ballistics tests on the gun, firing the unused bullet. Test the gun for operability.

Secure the victim's office immediately, particularly since the death took place during the workday.

Consider the first person to have found the body as an important witness, and, if foul play is involved, as a possible suspect.

This is what the U.S. Park Police did:

Officers on the scene judged the death a suicide. Officials made the same call days after the death, without the benefit of forensic tests.

Park police made a cursory examination of the primary crime scene, but did not conduct a "hands and knees" search around the body, looking for evidence.

The Park Police never found the bullet, and didn't use metal detectors.

Park police were unaware of several homes about the park. They were unaware that the park has a rear entrance.

Park police did not check the car for fingerprints.

Park Police didn't conduct a ballistics test.

Foster was found at 6 p.m. His office was not secured until 10 a.m. the next morning.

The first person who found the body asked a park maintenance worker to call 911. Police say they never found the person. The maintenance worker said police did not ask him for help in putting together a sketch of the person's face.

Source on police practice: "Practical Homicide Investigation: Tactics, Procedures and Forensic Techniques," Second Edition, Vernon J. Geberth.

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POST PAST

30 YEARS AGO: More than 460,000 children were absent from the city's "ghetto" schools today in a boycott seeking total integration of the system. More than 3,500 teachers also were absent. "Wonderful!" said the Rev. Martin Luther King, chairman of the Civil Rights Commission. "The school system is not an other boycott will be necessary. The school is a mean business." New York Post, Feb. 3, 1964

LOTTERY

The Post uses recycled paper

NEW YORK
Daily no. for Wed.: 865
Win-4 no. for Wed.: 3451
Pick-10 no. for Wed.: 4, 5

NEW JERSEY
Take-5 nos. for Tues.: 2, 5, 11, 21, 38
Straight payoff: \$199.00
Box payoff: \$33.00
Pairs payoff: \$19.50
Pick-4 no. for Wed.: 7308

Straight payoff: \$2,943
Box payoff: \$122.50
Cash-5 for Wed.: 2, 12, 14, 19
CONNECTICUT
Daily no. for Wed.: 057
Play-4 no. for Wed.: 5

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FUMBLING FEDS CHANGE STORY ON FOSTER 'SUICIDE'

2-10-94 By CHRISTOPHER RUDDY

The U.S. Park Police has quietly revised its theory about exactly how Vincent Foster died — but its latest account of his "suicide" still doesn't jibe with the official autopsy report, The Post has learned.

Initially, Park Police investigators said the former deputy White House counsel inserted the barrel of a gun in his mouth and pulled the trigger.

Confronted with medical evidence that showed this almost certainly could not have happened, the investigators now have a new conclusion — that Foster held the gun a few inches away from his mouth and fired.

But that's equally inconsistent with the medical evidence, according to experts consulted by The Post.

The Park Police would not comment.

Foster was found dead July 20 in Fort Marcy Park in Arlington, Va.

The Park Police, put in charge of the investigation by the Justice Department, first said Foster put the barrel of an 80-year-old .38-caliber Colt Army service revolver into his mouth and fired.

If a suicide victim put a gun inside his mouth, experts say, there likely would be:

■ Thick quantities of gunpowder around or inside the wound.

■ Trace residue of gunpowder on his tongue.

■ Broken or damaged teeth.

■ Blood on the gun barrel.

But none of these conditions existed when Foster's body was found.

"The entrance wound [inside the mouth] would be seared with a black margin, a heavy deposit of black soot, the size of a silver dollar, with a hole in the center," said Dr. Vincent Di Maio.

Di Maio, medical examiner for San Antonio, Texas, and a leading expert on wounds caused by firearms, said the only reason soot would not be

POST EXCLUSIVE

found around the wound is if "the barrel is jammed really tight against the palette."

But then, he said, soot would be found inside the hole made by the bullet — and that was not the case, according to the autopsy report.

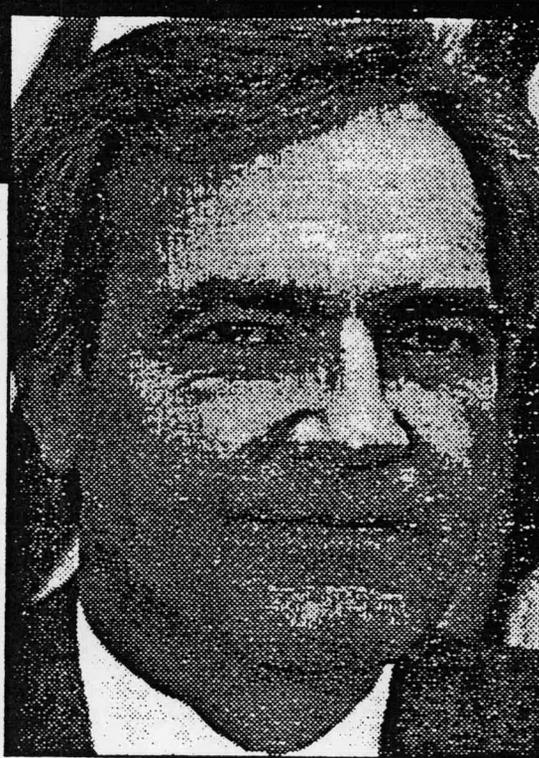
Di Maio said he has not been involved with the Foster case and was speaking in general terms.

The Park Police's revised theory — that Foster fired the gun a few inches outside his mouth — also falls to hold up, according to pathologists consulted by The Post.

They agreed that if a gun were held outside Foster's mouth and fired, there would likely have been powder and burn marks on his face and damage to his lips.

Witnesses who saw Foster's body, including the first paramedic on the scene, recalled that Foster's face was "white and pale," with no evidence of powder marks or injury to his lips.

According to one veteran New York City homicide detective, there's only one possible way Foster — holding the gun either inside or outside his mouth — could have committed



Former deputy White House counsel Vince Foster

MISSING LINKS IN 'SUICIDE'

If a suicide victim put a gun inside his mouth, experts say, there likely would be:

- Thick quantities of gunpowder around or in the wound.
- Trace residue of gunpowder on his tongue.
- Broken or damaged teeth.
- Blood on the gun barrel.

suicide without leaving evidence that an autopsy would turn up.

That would be if the gun had been equipped with a silencer, which extends the barrel, absorbs the blast and reduces the soot discharged.

But experts say suicide with a silenced weapon is extremely rare. And there was no silencer on the gun found in Foster's hand, or near Foster's body.

The Park Police maintain that the Colt, which lay clutched in Foster's hand alongside his hip, is the weapon that caused his death.

But the gun has not been positively identified as Foster's by his widow, according to Park Police.

Experts also point out that

because of its age and the fact that its history is unknown, the weapon fits the description of a "drop gun."

A "drop gun" is an old, nondescript and untraceable revolver that can be "dropped" by someone at a staged suicide or crime.

The gun found in Foster's hand "was an old, reconstituted gun that had cannibalized pieces of other guns used to replace parts of it," Jack Killoran, a spokesman for the federal Bureau of Alcohol Firearms and Tobacco, told The Post.

Park Police have said one of the key reasons they ruled Foster's death a suicide is that his thumb bore an indentation from the trigger.

A person pointing a gun

backward, into his mouth, would pull the trigger with his thumb.

But Di Maio said he has never heard of a case in which a permanent imprint was made on a finger simply pulling a trigger.

"It's virtually impossible," he said.

An imprint on the thumb would be plausible if Foster had been found still clutching the trigger in "cadaveric spasm" — a spasm caused by instant death, according to Vernon Geberth, a leading authority on death investigations and author of the standard police text on the subject.

But police said when Foster's body was found, his thumb was not on the trigger — it was caught under the trigger guard.

TOP DOCS CAST NEW DOUBT ON FOSTER 'SUICIDE'

2-17-74

By CHRISTOPHER RUDDY

Leading pathologists dispute the U.S. Park Police's conclusion that an indentation on late White House counsel Vincent Foster's right thumb is evidence that he committed suicide.

Police claim the indentation proves Foster pulled the trigger of the 1913 Colt .38 that was found in his hand in Fort Marcy Park in Arlington, Va., last July 20.

They contend that Foster pointed the gun toward his mouth and pulled the trigger with his thumb.

But leading pathologists and forensic experts told The Post they were surprised that the existence of the indentation was presented as a key element in the official suicide ruling.

"I wouldn't call it on that," Dr. Vincent Di Maio told The Post.

Di Maio, medical examiner for San Antonio and a leading expert on firearms and their effects on the human body, said it's "virtually impossible" to find an indentation on



VINCE FOSTER
Tragic Clinton aide.

the thumb from a single depression of a trigger.

Di Maio said he had never heard of such a case.

Other leading forensic pathologists agreed.

"Try it yourself," suggested Dr. Charles Petty, former chief medical examiner of Dallas.

He explained that the skin's resilience would make any indentation from a single moment on the trigger impossible to

see — even at the moment of death.

"You're no more likely to see it than you would find an imprint of the steering wheel on the hand of someone who died in a car accident," Petty said.

Yet another expert said an impression on the thumb would likely not occur even if, in foul play, a gun were put into someone's hand and the thumb manipulated to pull the trigger.

"I wouldn't expect it," said Dr. Richard Mason, medical examiner of Santa Cruz, Calif., who specializes in firearms forensics.

"You might get a bruise from the recoil, but not an imprint."

The pathologists agreed that there are several other circumstances that could create an indentation or impression on the thumb of a deceased person.

First, acids from a corpse's "sweat" can "rust the skin," Di Maio said.

"The acids can actually dissolve metal, which can impregnate themselves in the hand," he explained.

Foster's right thumb, according to police, was under the gun, trapped between the trigger and the front of the trigger guard.

Foster's other fingers clutched the top part of the gun's cylinder and the handgrip.

The pathologists said the weight of the gun — very likely two pounds — lying on top of Foster's thumb for several hours before his body was taken away would have created this effect.

Another explanation, they said, would be a rare phenomenon known as cadaveric spasm — which occurs in instantaneous death.

But the doctors believe cadaveric spasm is unlikely in Foster's case because he was not found depressing the trigger, and his arm and fingers had moved after the gun was fired.

In concluding that Foster's death was a suicide, the Park Police cited forensic tests that, the agency contends, prove powder burns on Foster's hands match the powder found in his mouth.

"There is no such test," Di Maio said.

Other pathologists agreed.

They said only ballistic tests using the fired bullet could confirm that the Colt fired the fatal shot.

Police never found the bullet that exited the back of Foster's head.

Park cops have botched a death probe before

By CHRISTOPHER RUDDY

When the U.S. Park Police ruled that Vincent Foster killed himself, it wasn't the first time the agency declared a suspicious death a suicide without conducting a proper investigation.

Its probe into Foster's death bears striking similarities to its handling of the 1991 death of Terry Todd Wright, a 20-year-old soldier assigned to the National Security Agency.

Wright's "suicide" stunned his family because he had no known history of mental or social problems.

Although Wright's death is still classified as a suicide, Congress last fall passed a resolution calling for a Defense Department review of its procedures in investigating suicides and for the reopening of questionable deaths like Wright's.

A retired Army investigator who took part in the probe of Wright's death is convinced the young soldier did not die by his own hand.

"The investigation does not support a suicide," Trent Smith told the Philadelphia Inquirer.

Smith said the Army never challenged the suicide finding.



TERRY TODD WRIGHT
Shot dead in '91.

ing because the Park Police was the "lead agency" in the investigation.

The Park Police was "very, very unprofessional" in handling the Wright case, said David Zucchini, a Pulitzer Prize-winning investigative reporter for the Inquirer.

"They [the Park Police] didn't bother to gather crucial evidence. They assumed it was a suicide from the very beginning."

Experts say police should treat every suicide as a possible homicide — and should not declare a suspicious death a suicide until all possible evidence is gathered.

See WRIGHT on Page 8b

Park cops have botched probe before

WRIGHT from Page 8
and all necessary tests are conducted.

But the Park Police declared the deaths of Foster and Wright suicides from the start.

A passer-by found Wright's body lying on a dirt road running through parkland adjoining Fort Meade in Maryland.

Officials said Wright had rested the butt of a 22-caliber rifle on the ground and fired it upward into his head.

The passer-by noticed the gun had no marks left on it by the dirt road, and the dirt bore no marks from the rifle butt.

The passer-by also observed that Wright was wearing thick gloves that would have made it difficult for him to pull the trigger.

In addition, Wright's glasses remained perfectly placed on his nose, despite the jarring shot to his head.

Similar evidence was found in Fort Marcy Park in

Arlington, Va., when Foster's body was discovered.

In both cases, evidence inconsistent with suicide was ignored.

In the Wright case, Zucchini said, the Park Police didn't do basic things, like questioning people living nearby or lifting fingerprints from the victim's car.

The Post has reported that the Park Police didn't canvass homes near Foster's body and didn't dust his car for fingerprints.

COPS MADE PHOTO BLUNDER AT FOSTER DEATH SITE

By CHRISTOPHER RUDDY

The U.S. Park Police never took a crucial crime-scene photo of Vincent Foster's body before it was moved during the investigation into the death of the White House deputy counsel, FBI sources told The Post.

The embarrassing blunder — corroborated by a Park Police source — was one of several routine crime-scene procedures investigators neglected to follow in Fort Marcy Park in Arlington, Va., in the

POST EXCLUSIVE

Foster case, FBI sources said.

And, the sources noted, the break with standard police procedure came in an investigation involving the highest ranking federal official to die under suspicious circumstances in more than 40 years.

According to FBI sources, the Park Police also:

■ Failed to test Foster's shoes for residue.

A member of the Fairfax County, Va., Fire and Rescue squad previously told The Post Foster's shoe bottoms were "very clean."

According to an FBI source, this was apparent to law-enforcement officials at Fort Marcy Park on July 20 of last year, the night Foster died.

A residue test would have shown whether Foster had walked in the park — or if his body had been carried there after he died elsewhere.

■ Failed to make impressions of footprints around Foster's body.

The impressions would have indicated if Foster had been alone, or if others were with him or had carried him.

■ Failed to conduct fiber sweeps of Foster's clothes and his car.

The sweeps would have revealed whether Foster's body had been carried, and if someone else had driven his car.

"It's extremely important, everything should have been vacuumed for trace evidence," said Vincent Scalise, a nationally recognized crime-scene expert.

But the worst police

FOSTER DEATH: KEY QUESTIONS

Roderick Lankler, the Whitewater deputy special prosecutor, will be seeking satisfactory explanations to these 14 key "inconsistencies" in the U.S. Park Police's conclusion that Vincent Foster's death was a suicide:

- **Place** Foster had no known history of having visited Fort Marcy Park, the Arlington, Va., site where his body was found.
- **Time** Police have been unable to account for Foster's movements in the last three hours of his life.
- **Body** Foster's body was found lying face-up and straight. His head was at the top of an incline and his feet at the bottom, an unusual position for someone who had shot himself while standing on an incline.
- **Blood** His head wounds should have been accompanied by a large loss of blood. Witnesses noted little blood loss.
- **Gun** Foster was not known to have owned a weapon, and his family has not positively identified the gun.
- **Gun position** Experts say a suicide's hand rarely remains on the gun, as it did in Foster's case.
- **Gun condition** Blood residue should be found on the barrel of a gun fired into the mouth, but the gun found in Foster's hand appeared clean.
- **Ammunition** The gun, a six-shooter, held only two bullets when it was fired. Police could not locate any additional bullets, although gun owners generally have more than two bullets.
- **Foster's mouth** The autopsy did not find thick quantities of gunpowder around or inside the wound, or residue on the tongue, or broken teeth. All would be expected in the case of a gun fired directly into the mouth.
- **Foster's face** There was no gunpowder on his face and no damage to his lips.
- **Suicide note** A note, torn into 27 pieces, that doesn't mention death or suicide, was "found" by the White House days after Foster's death.
- **Clothing** There was no visible blood on the front of Foster's shirt, and his shoes did not show evidence of having been worn while he was walking through the park.
- **Witnesses** The official police report said no one heard the fatal shot.
- **First person** The first person to report seeing Foster's body was a man, driving a white van, who asked park maintenance workers to call the police. He has never been located.



VINCENT FOSTER
Death mystery deepens.



VERNON GEBERTH
Rips "sloppy" probe.

omission of all in the mishandled investigation, experts say, was the failure to take a crime-scene photograph of the body.

"Photographs should have been taken of Foster before his body was moved, and of his car, and of the relative positions of each," one FBI source said.

Although FBI officials were at Fort Marcy Park after Foster's body was discovered, the Park Po-

lice were in charge of the investigation.

"Crime-scene photographs are permanent and comprehensive pieces of evidence," notes Vernon Geberth in "Practical Homicide Investigation," considered the authoritative text on death probes.

Geberth was incredulous that a crime-scene photo of Foster's body had not been taken.

"I can't believe it. Who's to say this was a suicide?" he asked.

"If this is true, this is the most sloppy death investigation I have ever heard of."

Standard police practice requires that the scene of any death by accident, suicide or homicide be photographed, he said.

"It's imperative. It's a

See FOSTER on Page 16

Pol: Prosecutor blocked House investigation

By CHRISTOPHER RUDDY

A leading House Republican says the special Whitewater prosecutor has

But Clinger said Robert Fiske, the independent counsel named to head the Whitewater investigation

the White House had "thwarted" the investigation into Foster's death is

access to Foster's office and his White House colleagues.



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Foster-case police made photo blunder

FOSTER from Page 4

basic requirement. It's extremely important in an investigation because it shows the body's position and other patterns which can never be re-created."

"It's unspeakable. I can't imagine any competent investigator would not take crime-scene photographs," said Robert Ressler, a retired FBI official who is considered a leading forensic expert on staged homicides.

Ressler said the only excuse for not taking a photograph is if the person is still alive and has to be moved.

Ressler said the absence of the photographs will make any investigation into Foster's death difficult.

A spokesman for the Park Police refused to comment on charges that his agency mishandled the crime-scene investigation.

Meanwhile, The Post has learned that Roderick Lankler, the special deputy prosecutor in the Foster investigation, in a bid to re-create the crime scene has interviewed several rescue workers who were among the first to find Foster's body.

law firm). There was talk of a coverup. A top Clinton House confidant says Clinton is right at the heart of the matter.

Pol: Prosecutor blocked House probe

PROSECUTOR from Page 4

Operations confirmed that the congressional probe into Foster's death had been discussed with Fiske.

The aide said Fiske called the hearings "inappropriate" and asked that they not take place.

Sen. Frank Murkowski (R-Alaska) also was rebuffed when he tried to

find out more about Foster's death.

He had asked that the Park Police brief members of the Senate Subcommittee on Public Lands, National Parks and Forests about the circumstances surrounding the White House aide's death in a national park in suburban Virginia.

Fiske "requested that we

not conduct any briefings until he has completed his investigation," Roger Kennedy, director of the National Park Service, wrote in response to Murkowski's request.

Fiske has appointed Roderick Lankler, a highly respected New York prosecutor, to investigate all matters relating to Foster's death.

sealed, unmarked envelopes with orders that the materials be destroyed at the firm, the unidentified sources said. The report was one of several developments in the Whitewater affair that had the White House in overdrive yesterday, with

man said. Clinton rejected suggestions by D'Amato and other Republicans that the Whitewater probe into the Clintons' Arkansas financial dealings could explode into another Watergate. "We're not covering up anything," he said. "No

poenaed by Fiske. The materials are to be turned over to a federal grand jury Thursday in Washington as part of Fiske's examination of three private Whitewater-related briefings the staffers received from federal regulators. Questions of ethics have been raised

Gingrich of Georgia yesterday asked Attorney General Janet Reno to suspend Associate Attorney General Webster Hubbell, a former law partner of Mrs. Clinton's, until questions about his involvement in Whitewater are resolved. Reno refused.

coverup. "No one has accused me of any abuse of authority in office — that's what Watergate was about," Clinton said. "There will not be a cover-up, there will not be an abuse of office in this White House. "There is no credible charge that I violated any

Treasury officials involved in the probe, Clinton said he was "unaware" of two of them — but made no mention of the other. Clinton insisted the White House is "not covering up, we are opening up," and "we are fully cooperating." But asked if he would take the Fifth Amendment against self-incrimination,

Foster coroner has been dead wrong



DR. JAMES BEYER: He concluded that Foster killed himself — but another pathologist says, "I cannot understand how any competent forensic pathologist would miss" a clue Beyer apparently overlooked in an earlier suicide probe.

By CHRISTOPHER RUDDY

The Virginia pathologist who conducted the autopsy on deputy White House counsel Vincent Foster was proved wrong on one previous suicide ruling and is being challenged on another.

The first "suicide" turned out to be a homicide — and the killer later confessed.

The autopsy was done by Dr. James Beyer, the 76-year-old deputy chief medical examiner for northern Virginia, who last year determined that Foster's death was "consistent with a self-inflicted wound."

The U.S. Park Police, whose investigation into Foster's death has been sharply criticized, have relied heavily on Beyer's autopsy. Park Police officials declined to comment yesterday.

But two families who had "suicide" cases ruled on by Beyer are skeptical of his work.

"I feel he did an incomplete job, and that's scary," Pam Easley told The Post. "He has caused us a lot of pain."

Easley's 21-year-old son, Tim, was found in his apartment with a knife through



TOMMY BURKETT
Autopsy questioned.

later, Easley's girlfriend admitted killing him.

Beyer had ruled the death a suicide. Pam Easley became suspicious when she saw that the autopsy report said Tim had "gray" hair. His hair was dark brown.

"I made a mistake . . . The hair color is not altered after death," Beyer explained later in a letter.

At Tim's funeral, his mom and others noted — and photographed — a significant cut on the back of his right hand that was not mentioned in Beyer's report.

"The cut on the hand is entirely ante-mortem"



TIM EASLEY
"Suicide" a homicide.

[before death] and I cannot understand how any competent forensic pathologist would miss it. It is a classical 'defense' wound, suffered while trying to avoid the knife," concluded another pathologist, Dr. Harry Bonnell.

Bonnell, chief deputy medical examiner for San Diego, Calif., reviewed the available records and evidence at the mother's request.

Bonnell also stated that the knife's entry spot and its trajectory to the body were "inconsistent" with a self-inflicted wound.

Beyer told The Post he had

his wife's honor as new allegations erupted that she ordered the shredding of sensitive Whitewater docu-

outburst defending his wife, Clinton appeared mostly affable. There were no temper

It's time to come clean on Whitewater / Editorial: Page 2A

on suicide before

no reason to question the trajectory of the wound.

He also said the cut on Easley's right hand was "consistent with a needle mark" — though he noted no such mark on his report. He said it was likely caused by rescue workers, but he had no records for the mark, and no explanation for why other incisions made by rescue workers were noted.

Forensic pathologists consulted by The Post said an examiner should make a note of everything, even if it's caused by medical assistance.

A needle mark, they said, would be extremely important in an apparent suicide because a victim might be drugged in a faked suicide.

A second family is still questioning Beyer's handling of their son's death.

"My wife and I can't measure the pain," said Thomas Burkett.

In December, 1991, Beyer ruled the death of Burkett's 21-year-old son, Tommy Jr., as "consistent with a self-inflicted wound."

"The basic forensic evidence and the opinion of the medical examiner indicate a suicide," Fairfax County, Va., police spokesman Warren Carmichael said, adding

that there are no plans to reopen the case.

But a second autopsy conducted for the family, by Dr. Erik Mitchell, former chief of pathology in Syracuse, detailed serious omissions.

The second autopsy noted trauma and discoloration to Tommy's right ear — which could indicate he was beaten before a shot was fired into his mouth. The Burketts said the ear was so "disfigured and bloody," they thought he had been shot there.

Beyer never noted the trauma to the ear.

Beyer also failed to identify a fractured lower jaw, which could also indicate a beating.

The second autopsy also revealed that the lungs had not been dissected, although Beyer's report claimed they had been.

And the second autopsy found no trace of gunpowder in the mouth. Beyer left blank the section for "powder burns" on the gunshot-wound chart.

In an interview with The Post, Beyer did not challenge the findings of the second autopsy, beyond pointing to his earlier report: "All that I identified at the autopsy was the perforating gunshot

wound to the head."

The Burkett case is similar to Foster's: Both were found with guns in their hand, both had little or no powder burns in their mouths, and there were numerous inconsistencies at the crime scene.

As for the Foster case, Beyer says he "considered it a full autopsy."

But other pathologists have questioned Beyer's actions on such a high-profile case: He did not visit the crime scene at Fort Marcy Park; he did not review crime-scene photos (none was taken); and was not aware of the caliber of the gun before he rendered his judgment.

Beyer admits to having a medical condition with "some impairment of the upper and lower extremities on the left side" due to a "cerebral-vascular accident," he said.

"It has not impaired my ability to perform an autopsy," he said.

According to the American Medical Association, Beyer began practicing medicine in 1946 and received his certification for forensic pathology in 1970. Beyer said he has always practiced pathology, but was late in taking the test for certification.

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FOSTER FILE SHOCKER

2nd set of papers taken from safe after mad scramble for combination

By CHRISTOPHER RUDDY

3.9.94

White House officials frantically scrambled to get the combination to Vincent Foster's office safe soon after his death — and ultimately removed a second set of files, *The Post* has learned.

White House counsel Bernard Nussbaum's removal of one set of Whitewater files from Foster's office has been widely reported.

But the disappearance of a second set of papers — including some also related to Whitewater — wasn't previously known.

Three separate White House sources told *The Post* that Clinton aides were scrambling — like "cats and dogs," as one put it — as they tried to get into Foster's safe just hours after his death.

Foster's body was found in Fort Marcy Park in suburban Arlington, Va., at about 6 p.m. on July 20.

As previously reported, a few hours later, Nussbaum — accompanied by First Lady Hillary Rodham Clinton's chief of staff, Margaret Williams, and longtime Clinton aide Patsy Thomasson — entered Foster's office and removed Whitewater files that were not in the safe.

But *The Post* has learned that Nussbaum also asked

POST EXCLUSIVE

a White House security officer on night duty for the combination to Foster's safe.

Nussbaum was told that the security staff didn't have the combination, a White House source said.

Combinations are controlled through top-secret clearances in the Office of

Administration, which is run by Thomasson.

The Office of Administration staffer in charge of security — including the safeguarding of combinations — was out of town that night, a law-enforcement source said.

Later, during the wee hours of July 21, a senior White House aide — not Nussbaum — succeeded in opening Foster's safe, according to another law-enforcement official who is assigned to the White House.



MARGARET WILLIAMS
Hillary's chief of staff



PATSY THOMASSON
Longtime Clinton aide.

It's not clear how the combination was obtained.

The safe was opened before most White House personnel reported to work on the morning of July 21, the source added.

Several documents, including papers relating to Whitewater, were removed from the safe and turned over to President and Hillary Clinton's personal lawyer, David Kendall, the source said. Then the safe was relocked.

Foster, who was deputy

White House counsel, also handled the Clintons' private legal matters, including Whitewater.

Word that the safe had been opened apparently did not reach most White House officials, including senior members of the White House counsel's office — and they continued to scramble for the combination, a source said.

They were so anxious to be the first to see the contents of the safe that the counsel's office refused to

Documents, including papers related to Whitewater, were removed from the safe.

let Park Police — who were handling the investigation into Foster's death — to search the office on the morning of July 21.

The Park Police agreed to return the next day.

On the afternoon of July 21, members of the counsel's office were again asking White House personnel for the safe combination, claiming that "Bill Kennedy needed to get into Mr. Foster's safe," another source said.

William Kennedy is a former law partner of Mrs. Clinton and Foster at the Rose Law Firm in Little Rock. He is associate White

See FOSTER on Page 15

White House officials scrambled for combination to Foster's safe

FOSTER from Page 2

House counsel — the No. 3 post in the counsel's office.

But the combination could not be given out, a source said, because Foster had taken the rare step of authorizing only himself to have access to the number.

Usually, White House staff members with safes share the combination with their staff or secretary.

The FBI's most highly decorated former agent told The Post that the revelation about entry into Foster's safe after his death underscores questions about a possible coverup.

"The safe is crucial — it's an A-1 priority," said Will-

liam Roemer, former head of the FBI's Organized Crime Strike Force.

He was sharply critical of the failure by federal authorities to secure Foster's office immediately after his death.

"It raises the question [of] a coverup," Roemer said, adding that the entry into the safe appeared to be "self-serving, to protect documents which could have shed light on either a suicide or homicide."

Repeated calls to the office of Patsy Thomasson and the White House Press Office for comment went unreturned.

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It's a safe bet Foster had one

By CHRISTOPHER RUDDY
Post Correspondent

WASHINGTON — The White House claimed yesterday that deputy counsel Vincent Foster did not have a safe — but two Post sources said he did and would testify about it if subpoenaed.

The Post reported yesterday that a second set of files was hastily removed from Foster's office safe shortly after his death last July 20.

The report said former White House counsel Bernard Nussbaum, who removed other files from Foster's office, tried futilely to get the combination to Foster's safe but another senior official later got it, opened the safe and took the papers.

The papers were turned over to David Kendall, the Clintons' private lawyer, sources told The Post.

White House chief-of-staff Mack McLarty questioned that account, telling reporters: "I don't think there was a safe, as I understand it. To the best of my knowledge, there was not."

But two Post sources reiterated that there was a safe in Foster's office.

The sources — who described a frantic scramble by White House staffers seeking the safe's combination — requested anonymity.

But both said they would be willing to testify if subpoenaed by special Whitewater counsel Robert Fluke.

One source suggested the safe may have been removed after Foster's death.

Bush administration officials said there was a safe in the deputy counsel's office while George Bush was president and John Schmitz was his deputy counsel.

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Foster's secret apartment hideaway revealed

3-11-94

By CHRISTOPHER RUDDY

Former Deputy White House Counsel Vincent Foster shared a secret apartment with several senior administration officials at the time of his death, The Post has learned.

"It was like a clubhouse, a place to kick back, have a drink, hide out," a White House source told The Post.

The source, who asked not to be identified, said the apartment was known among a tightknit group of Arkansans — including Foster.

The source said the apartment was "not far from the White House. Maybe just across the [Potomac] River [in suburban Virginia]." Other sources said they believed the apartment was in the

Crystal City development in suburban Virginia.

The July 20 death has been ruled a suicide, but the Whitewater special prosecutor's office has reopened the probe.

The Park Police report on Foster's death does not mention Foster having an apartment, but a police source said the White House told investigators about the apartment — two facts which trouble one leading homicide expert.

"You have to go back immediately to his office and any residence after his death," said Vernon Geberth, a leading national homicide forensic expert.

"Even if this was a suicide you still have to look at all the immediate events leading up to the death."

Geberth also said the

"It was like a clubhouse, a place to kick back, have a drink, hide out."

WHITE HOUSE SOURCE

failure of the Park Police to interview administration colleagues who shared the apartment and neighbors indicated that they had conducted a "less than thorough investigation."

Foster left the White House at 1 p.m. on the day of his death. His body was found at approximately 6 p.m. The autopsy report said Foster died between 4 and 5 p.m., leaving at least three hours of unaccounted time.

Foster's second apartment has been the source of Washington gossip and speculation for months,

and it has grown in significance after a series of articles in The Post challenged the suicide ruling.

A prestigious investment newsletter said Sen. Daniel Moynihan's office indicated that Foster had committed suicide in the undisclosed apartment and that his body was moved to Ft. Marcy Park, in Arlington, Va., several miles away.

Moynihan's office vehemently denied the report in the newsletter put out by Johnson, Smick International, a D.C.-based consulting firm headed by

Manuel Johnson, a former Federal Reserve board member.

White House spokesman Dee Dee Myers denied there was any secret apartment and called the newsletter report "a complete fabrication."

The exact location of the apartment was not known. But a source told The Post Foster visited the rental-leasing offices of Lincoln Towers, 850 North Randolph, Ballston, Va., weeks before he died.

The source said Foster was seeking an apartment in the luxury high-rise development and was shown several and filled out "a traffic card" — a questionnaire interested renters are asked to fill out.

The management company at Lincoln Towers refused comment.

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