

Loose Papers in Ewing FIRE Box 22913

3 of

SCREENED
By *dep* Date *3/16/00*

170p6J66
7c

Questions Regarding the Vincent Foster Case

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages ▶ 2

To <u>HICKENING</u>	From <u>JOHN BATES</u>
Dept./Agency	Phone #
Fax #	Fax #

1. The Confidential Witness

A. The Gun in the Hand

- * Why did the FBI agents try to steer C.W. on the position of Foster's hand when they knew Foster's hand wasn't in that position when found by the Park Police? (Palms up, thumbs out, gun under the hand)
- * Why didn't the FBI agents show C.W. the photos of the body so C.W. could make a positive I.D.

B. C.W. said there was no blood stain or blood trickles on Foster's cheek. There was a stain and two trickles when the Park Police found him.

C. C.W. said there was a purple wine cooler stain on the shirt -- not blood. The Park Police found only a blood stain.

D. C.W. said there was a wine cooler bottle near Foster's body. Nobody found it.

2. Patrick Knowlton

A. Mr. Knowlton said he could definitely recognize the hispanic-looking man in the blue car. The FBI report said Knowlton told them he would not be able to recognize him again.

B. Knowlton told the FBI he did not see the license plates of the blue car. The FBI said he told them he saw Virginia plates.

C. Knowlton said the car with the Arkansas plates was "rust brown." When the FBI showed him photos of Foster's car, he said that wasn't the car he saw. The car he saw looked older and boxier.

D. When Patrick Knowlton was subpoenaed, he reported being followed and harassed. The FBI and the Independent counsel did not respond for four days despite repeated phone calls.

- * Do you know who was following him?
- * Was the FBI following him?
- * When Special Agent Russell Bransford finally came to his apartment on Monday, he offered no assistance. When Patrick Knowlton asked him if he could trust him, Bransford responded -- "I don't know, Mr. Knowlton. That's a good question."
- * Does the FBI suspect Knowlton of wrongdoing or concealing something?

3. Miguel Rodriguez

A. Miguel Rodriguez was one of the prosecutors working on the Foster case. He reportedly told people he left the Office of Independent Counsel because he was being interfered with and people thought he was being too aggressive.

Why did Rodriguez leave?

Was he doing a good job?

4. Dr. Donald Beyer

Beyer made blatant errors in at least two previous cases.

Timothy Easley -- Knife wound to the chest

Tommy Burkett -- gunshot through the mouth

He declared both suicides and both bodies had to be exhumed.

- * Is the Office Independent Counsel confident in Dr. Beyer's autopsy?
- * Were photos taken of Foster's body at the autopsy? Do they rule out the possibility of any other gunshot wounds?
- * Could we see the photos?

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

YR	INCIDENT NUMB
-9-3-	03050

UNITED STATES PARK POLICE	Relinquished	LOCATION CODE
		11A

EVIDENCE/PROPERTY CONTROL RECEIPT

EVIDENCE FOUND PROPERTY SAFEKEEPING

OFFENSE/INCIDENT: Death Investigation DATE 7-20-93 TIME:

INCIDENT LOCATION: Ft. Marcy GMP Va OFFICER: [REDACTED]

PROPERTY #: NARCOTIC #: DEA LAB #: MCL # 0166-93

ITEM #	QUANTITY	DESCRIPTION OF EVIDENCE/PROPERTY	LOCATION RECOVERED
1	1	Colt, Army special 6 shot revolver #355055	scene
2	1	round of 38 cal. r-p 38spl HV	from item #1
3	1	casing "" "" ""	from item #1
4	1	pair of prescription eyeglasses	scene
10	1	black colored suit jacket	victim's vehicle at Ft. Marcy
11	1	blue silk tie	"" "" ""
13	several	misc. papers	"" "" ""
14	1	keyring marked Cook Jeep sales with keys	"" "" ""
16	1	White Longsleeved shirt	Victim
17	1	White T-shirt	Victim
18	1	White Boxer shorts	Victim
19	1	blue-grey colored pants	Victim
20	1	pair of black colored socks	Victim
21	1	pair black colored dress shoes Sz 11m	Victim
22	1	lock seal envelope containing pulled hairs	Victim
23	1	Wash DC road map	victim's vehicle at Ft Marcy
24	2	sunglasses	"" "" ""
25	1	birthday card	"" "" ""
26	1	piece of white paper with red writing	"" "" ""
27	1	box with 4 checkbooks	"" "" ""
28	1	insurance ID card	"" "" ""
29	1	Sierra Nevada 12oz malt liquor bottle	"" "" ""
30	1	Miller Light beer bottl	"" "" ""
31	1	empty pack of Marlboro light cigarettes	"" "" ""
32	1	bottle of Kaopectate	"" "" ""
33	1	corkscrew (Clos Du Bois)	"" "" ""
34	several	contents of front ashtray	"" "" ""
35	1	pieces of torn note in white House envelope	<input type="checkbox"/> NCIC CHECK MADE White H
36	1	Vial of whole blood	Victim

EVIDENCE/PROPERTY OBTAINED FROM: Victim, Scene, Vehicle, White House

OWNER/DEFENDANT(S):

OWNER'S ADDRESS:

RECOVERED/RECEIVED BY: see orig. 43-11 s DATE: see orig. TIME:

PROPERTY MAY BE: RELEASED: YES () NO (X) ITEM(S):

 DESTROYED: YES () NO (X) ITEM(S):

CASE INVOLVES ASSET FORFEITURE: YES () NO (X) ITEM(S):

November 29, 1995

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

Dear Mr. Starr:

Re: Allegations of Improprieties Concerning the
Investigations of Vincent Foster's Death

I have enclosed a copy of comments made by Representative Burton repeating allegations that certain FBI interview reports were inaccurate. These interviews were part of the investigation into the death of Vincent Foster that was conducted by Mr. Fiske. I understand that you are aware of these allegations.

Since your office has exclusive jurisdiction over this matter, the FBI is not able to make any determinations concerning these allegations. Please advise me if you discover any improprieties on the part of FBI personnel which would warrant any administrative action.

Please contact me at any time regarding this matter, or any assistance the FBI can provide to you.

Sincerely,

Louis J. Freeh
Director



Enclosure

- 1 - Mr. W. Kennedy
- 1 - Mr. W. Esposito
- 1 - Mr. H. M. Shapiro
- 1 - Mr. R. Bucknam
- 1 - Mr. T. A. Kelley
- 1 - Mr. W. Perry
- 1 - Ms. C. Morris
- 1 - Mr. J. Cellingwood
- 1 - Ms. A. Simonton
- 1 - Mr. C. Owens
- 1 - Mr. R. L. Dick
- 1 - Ms. M. Owens
- 1 - Mr. D. Siegle
- 1 - Ms. Siford/Mrs. Leeper
- 1 - Miss N. Gawley
- 1 - 29A-LR-35063

NOTE: This letter requests the OIC (Starr) to advise the FBI if they discover evidence of misconduct on the part of FBI Agents detailed to the OIC. On 11/27/95, DGC Simonton spoke with Assoc. I.C. Robert Bittman, who advised DGC Simonton that the OIC was aware of the allegations. He requested that we send him a copy of the Congressional Record page in which representative Burton makes these allegations and calls for a Congressional Inquiry.

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DEC 5 '95 17:44 FROM FINANCIAL-CRIMES

H13636

CONGRESSIONAL RECORD—HOUSE

November 20, 1995

Thank those people in my district. They have been calling me the last few days telling me, being tough, I am telling you, 25 percent of those people telling me, being tough, hanging in there. I am glad I did it.

Thank you again, American people. Thank you. God bless you.

VINCE FOSTER INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, over the past couple of years I and some of my colleagues and some staff people have been doing an investigation into the death of Vince Foster who was found at Fort Marcy Park a year ago July. It was in 1992, 3 years ago in July. And over the past couple of years we have researched, we have looked into the Foster report.

We have gone out to Fort Marcy Park. We have talked to numerous people who were witnesses or not, witnesses to his death but were at Fort Marcy Park, and we found some striking things. One of things that has really bothered a number of us in the past couple of months is that we found out when we looked at the report that was filed by the FBI that there is some severe inconsistencies.

The man who found Vince Foster's body, who was called the confidential witness, was alleged to have said in the FBI report that when he found Vince Foster's body he looked directly into the face, specifically observing that the eyes of his body were partially open and slightly glazed and that traces of dry black blood were running from the side of the mouth and nose down the right side of his face.

When I talked to the confidential witness, he swore under oath before a court reporter that there was no blood on the side of the man's face. You might say that might be just a mistake. But the report went on to further advised that there were traces of blood stains on the shirt so inside the upper right shoulder area, along with traces of what he considered to be vomit or spilled wine, possibly purple in color. He says there was no blood on his shirt, that there was no blood on the side of his nose and no blood on his shirt, and he told the FBI that. Yet the FBI put in a report that there was blood on the side of his face and on his shirt.

Another part of the report says, he further maintained this is the FBI saying this, he further maintained that he was fixated on the face of the body and did not pay specific attention to body examination, including the hands. In this regard, he advised he could not remember the exact position of the thumb, advising that while he did not observe a gun, there could have been a gun in his hands.

When this was read to the confidential witness, he went into orbit. He said

there is absolutely no question whatsoever that I saw the hands clearly, the thumbs were out, the palms were up and there was no gun in the hands. He said, I was right there. I looked right down in his face, no further than 18 inches from the body. So the FBI accusing to him, misstated that.

Now, you would say if that was the only problem with the investigation by the FBI that they may have just made some mistakes, even though there is some glaring ones here.

Then we ran into another witness who was out at the park that same day and an hour earlier. That fellow, when he was there, his name was Patrick Knowlton. He said that when he went into the park he saw a car, a brown car with Arkansas plates, and it was a Honda and that it was an older model. Yet in the FBI report they say it is a light blue car with Virginia plates. He said, I never said that. I said it was a dark brown car with Arkansas plates and they put it down as a Virginia car with Virginia plates and it is light blue.

He also saw some suspicious people in another car, who were doing some things there and they may have been involved in the Foster case. And he said in the report according to the FBI he could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future. He said that is an absolute lie, because I told the FBI agent specifically I not only could identify him, I could draw a picture of the guy because I would never forget his face. Yet the FBI says he could not identify the gentleman.

Then we go back to the confidential witness. There is another part of the report that says, and the possibility does exist that there was a gun in or near his hands that he might have seen. The confidential witness said that is an absolute lie.

Now, another lady drove up near the park and her car broke down, and it was a Mercedes. When she went into the park to try to find help, she sighted two cars and in her report to the FBI she stated the cars were of different color than what she said. She has been contacted.

The interesting thing about all of this is the two FBI agents that did the investigation, gentlemen named Larry Monroe and Bill Colombelli. All three of these people say that the report that they gave to the Foster Commission was wrong, that it was lies.

If one of them was a lie or a mistake, you could understand it or if two of them. But three, these people interviewed three people and there are glaring inconsistencies in these reports.

I have said to the chairman of the Committee on Government Reform and Oversight here in the House, the gentleman from Pennsylvania (Mr. CLINGER), and to the gentleman from New Mexico (Mr. SCOTT), who is also looking into this for the Speaker, that

we ought to have these FBI agents come in and explain these inconsistencies and inconsistencies. These inconsistencies in this report, because according to the witnesses who found the body, according to the witness who were there, according to the witnesses who saw the cars and the people involved, they say these are out and but lies in these reports.

If the FBI lied to Mr. Foster or if they were asked to lie to Mr. Foster, that is a breach of faith. It is something that has misled the American people as to whether or not this may have been a suicide, someplace else or maybe even a murder. These things need to be brought to the attention of the American people.

We have, I believe, Mr. Starr, the special counsel or prosecutor, who has been looking into this. It has been brought to his attention. I hope he understands this and finds out why these FBI agents did not write the report the way the people who found the body and the way the people who were at the park saw it. I think he should ask those FBI agents directly, why did you misrepresent these things in this report?

In addition to that, I believe it is incumbent upon the Congress of the United States and our constituents to call these FBI agents in and so ask them directly face to face why these things are inaccurate.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey (Mr. FALLONE) is recognized for 60 minutes as the designer of the minority leader.

Mr. FALLONE. Mr. Speaker, I will try not to use the entire hour this evening. But I did want to get to address the House tonight because I feel that the two major bills or resolutions that we passed today are rather significant.

First, of all, the continuing resolution, which, as I think most of us know, allows the Government to continue to operate, prevents the partial shutdown of the Federal Government, which forced many Federal employees to go home and not provide the services that they normally provide to the public.

Second, I would like to address the budget reconciliation or the budget bill that was passed today in final form by the House and sent to the President, which obviously seeks to plan or map out our budget priorities for the next decade in this Nation.

□ 1915

I have to start out by saying with regard to the continuing resolution and the effort which was successful today to prevent the continued Government shutdown. Mr. Speaker, I was very pleased to see that it was passed. I think it was very wrong to have the Federal Government partially shut

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FROM FINANCIAL-CRIMES

DEC 5 95 17:51

Schiff Meeting - Talking Points

- * Three topics for briefing
 - (1) General update on Foster death investigation
 - (2) Knowlton issues
 - (3) MR
- (1) Investigation Update
 - * Continuing with new FBI and non-FBI investigators
 - * No one who worked on Fiske investigation is now working on Foster death investigation - true for months
 - * Several outside experts to assist us
 - * We are pursuing every lead; constantly reviewing record
 - * Answering some questions; others may never be totally resolved
 - * Plan to have panel of experts review our tentative analysis to provide us, Congress and American people with comfort that matter thoroughly reviewed by objective, experienced experts
 - * Timing
 - Goals are thoroughness and reasonable expedition, but former is paramount
 - Plan to update Schiff further on timing after January 1 - to indicate approximately when we expect to draw to a close
 - Should be a point thereafter when Congressional exam of witnesses (police and others) will not hinder or impede our investigation
 - Issues keep arising that divert or delay completion of our efforts

(2) **Knowlton**

* 302s

- Not transcripts; may be "mistakes"; people often disagree with agent's expression of their statements; not unique to this investigation

- Dangerous for prosecutor, or Congress, to rely on 302 as more than aid to further investigative steps

- Here, whatever errors may exist in Knowlton's 302 or PP statement are ultimately unimportant for the completeness and accuracy of our investigation; we haven't relied on 302s alone for witnesses in our investigations, and Knowlton has presented his full version of facts (in Grand Jury)

* Treatment by OIC, including Grand Jury (constrained by 6(e))

- Nothing to his concerns - we have reviewed carefully

- Mistaken in certain things reported in press - Grand Jury transcripts confirm - we wrote Knowlton

- Objective facts have proven his recollections as to events in July '93 and in Grand Jury to be flatly wrong

* Why not called earlier before Grand Jury?

Because until recently no controversy regarding his story - when he said 302 and PP statement inaccurate, we promptly took steps to clarify

* Alleged harassment/following

We have taken seriously from outset - working with him - following-up on all information we receive - believe he is now less concerned

(3) MR [affirmatively raise]

- * Hired to handle Foster death investigation - did good job marshaling facts and planning general course of action
- * But in implementing his plan of action, he conducted himself with witnesses and in Grand Jury in a manner that did not comport with prosecutorial standards of DOJ and OIC
- * Not a problem of who he talked to or in using the Grand Jury, or in being aggressive -- rather, he crossed the line from suitably aggressive, with healthy skepticism, into inappropriate conduct [not close, all who reviewed agreed]
- * Also distrusted others in OIC - wouldn't share plans or theories, locked his office, worked at home - paranoid
- * Told had to avoid certain inappropriate conduct with witnesses and had to communicate more fully with supervisors [Tuohey - not at fault]
- * He then resigned
- * Reviewed thoroughly by KWS, HE, SD and other veteran prosecutors in OIC - all agreed MR conduct unacceptable - one would have "fired on the spot"
- * Continuing to engage in inappropriate conduct in disclosing confidential information to the press
- * Not fired immediately because his resignation pretermitted and because our concern was and is integrity and progress of our investigation - in hindsight, probably should have fired him
- * Must remember - we have progressed much further in investigation than he ever did or even thought of doing - very thorough investigation with full use of Grand Jury and exploration of all evidence - exhaustive efforts (e.g., park search, gun testing) using all available investigative methods and analysis of evidence - probing many additional areas

MEMORANDUM

Date: November 20, 1995
From: Hickman Ewing
To: File
Subject: Patrick Knowlton

On Friday, November 17, 1995 I received and read the grand jury transcript of the testimony of Patrick Knowlton before grand jury 94-1 in Washington, D.C. on November 1, 1995. He was primarily questioned by Brett Kavanaugh, although John Bates did ask some questions [TR 51-52 90-91].

I had asked John and Brett to send me the transcript in order that I might review it. It is my opinion that Brett conducted himself in a very professional manner and at no time mistreated the witness. In fact, Brett may have been a little easy on him in light of the way Knowlton answered certain questions.

FOIA(b)3 - Rule 6(e), Federal Rules of Criminal Procedure

[REDACTED]

After reading, and highlighting certain portions of the transcript on November 17, I re-read the Accuracy in Media (AIM) bulletin dated November 11, 1995 and the Accuracy in Media release dated November, 1995 entitled, "House Must Probe Foster Death." I noted certain things in this article.

AIM Article

AIM reports that Knowlton is a man who had given important information to the U.S. Park Police thirty-eight hours after Foster's body was found.

[REDACTED]

[REDACTED] The Park Police memo indicates the information was taken down on July 22. The AIM article seems to think that he also gave it on July 22.]

The AIM article states that [Knowlton's] statements were misreported and/or mishandled by the Park Police, the FBI, Special Prosecutor Robert Fiske and his successor Kenneth Starr.

The AIM article says, "the man's behavior suggests that he was on an assignment, perhaps to discourage visitors from entering the park or giving a warning if anyone did so. Or he could have been waiting for others to arrive, perhaps even for the arrival of a body." [REDACTED]

The AIM article reports, "[Knowlton] first noticed a man's suit jacket hanging on the back of the driver's seat. He also noticed a dark briefcase on the front passenger seat and two bottles of raspberry wine cooler on the back seat." [REDACTED]

Again, on the second page of the AIM article it is stated "he called the Park Police the next night, after consulting with his girlfriend and was told a detective would contact him. Hearing nothing, he called again on the morning of July 22, and told his story to an officer over the phone."

[REDACTED]

AIM's story: "By reporting that Knowlton would be unable to recognize the man who had made him fearful, Fiske's top FBI agent, Larry Monroe, provided a justification for the lack of any effort on the part of the Park Police, the FBI and Fiske to try and find the man. They could see there was no point in looking for him if Knowlton couldn't describe or recognize him."

[REDACTED]

[REDACTED]

The AIM article states that "Fiske was even more dishonest..." [His report] even lied about what Knowlton said he saw inside Foster's car. [As noted above, Knowlton said he saw his suit jacket hanging over the back of the driver's seat, and that was reported accurately by the FBI. The Fiske report altered that, saying he saw the jacket folded over the front passenger seat. That made his observation conform to that of two police officers. Two other officers said it was folded on the passenger seat.] Knowlton said it was on the driver's side seat.

AIM's story: four days after the Sunday Telegraph story appeared, Starr subpoenaed Knowlton and some other witnesses, including the couple who had seen the two men in and about Foster's car. [Knowlton was subpoenaed but these two other people were not subpoenaed.] The AIM story then goes on to say, "These witnesses would have been called long ago if Miguel Rodriguez had been left in charge of the investigation... [It is clear that Miguel is talking to Reed Irvine, because later in the article he uses "Miguel Rodriguez said." In addition, Irvine told me himself that he talks to Miguel.

In the AIM story there is a section entitled, "Witness Bashing." The AIM story says, "much of the time was spent going into his life history and asking him to list everyone to whom he had related his experience in the park." [REDACTED]

The AIM story says, "Knowlton said it appeared to him that Kavanaugh was more interested in trying to discredit him than in trying to put into the record what he had seen and how the police and FBI had misreported or ignored what he told them." [Again, I thought Brett was very fair to him in light of his demeanor. I would have been much harder on Knowlton when he was stating things that heretofore had never been stated before. I had told Brett before he put Knowlton in the grand jury that he needed to ask Knowlton about everyone he had talked to about this, and everyone who had talked to him about this, to see if his story might have been colored.]

The AIM story goes on to say, "[Kavanaugh] appeared to be trying to give the jurors the impression that Knowlton might be a homosexual and that the suspicious-acting individual who had scared him was really a homosexual who was hitting on him. Kavanaugh went so far as to ask Knowlton if this man had touched his genitals! Knowlton found that extremely offensive. Jerris Leonard, a former Assistant Attorney General for civil rights in the Nixon administration, commented that U.S. Attorneys are supposed to hit hard to test credibility, but that was unfair."

[Brett told me as soon as he had heard of this allegation that he did not say it. John Bates said he did not say it.]

I would have asked the same thing in light of the fact that Ft. Marcey Park is a hang out for homosexuals, in light of all the things we know about the park, and the people who frequent it.

In any event, the "genital" question was inaccurate. It definitely bears on this man's credibility.]

The AIM story further states: "Miguel Rodriguez said the treatment of Knowlton reminded him of what he had told Starr and Tuohey -- that after reviewing all the documents in the case, he noticed that the witnesses who had no incentive to lie were being subjected to tough questioning and re-questioning, but when he tried to ask the Park Police tough questions, he was told by his colleagues and by the FBI agents to back off. [Res Ipsa Loquitor]

The AIM story calls for Congressional hearings. It is stated, "the way in which Knowlton's information was ignored and misreported by the Park Police, the FBI and Fiske and now his outrageous treatment by Kenneth Starr's team, show why Congressional hearings on the Foster death are a must." [There was no "outrageous treatment" of Patrick Knowlton by Brett Kavanaugh or John Bates.]

Ruddy Article

On Sunday, November 5, 1995, Chris Ruddy ran an article entitled, "Foster Case: Witness 'Treated Like a Suspect'." Chris Ruddy article: "A witness who appeared before Independent Counsel Kenneth Starr's grand jury last week says he was given shoddy treatment by Starr's prosecutors." [He was not given shoddy treatment.]

Ruddy article: "I did the right thing," Knowlton told the Tribune-Review of coming forward to tell his story. "Instead of being treated with dignity and respect, I got treated like a suspect, a liar," he said of his grand jury treatment. [In my opinion he was treated with the appropriate dignity and respect. His credibility was tested, as it should have been. The fact that he then went out and made the statement about being questioned about touching his genitals, when in fact he was not questioned in that manner, suggests that he is not credible.]

Ruddy article: "He told the grand jury last week that the FBI statement was a 'lie'," Knowlton said [regarding whether

or not he could identify the man he saw in the park.]

Ruddy article: "The Telegraph reported that Starr had never interviewed nor called before his grand jury the only civilian crime scene witnesses noted in the police report: Knowlton and two other witnesses who told Fiske investigators that they saw two men, not Foster, in and around his Honda. Apparently embarrassed, Starr issued subpoenas to Knowlton and several others after the Telegraph report - though his office had been telling the press in leaks that the case was all but wrapped up." [Knowlton had never been talked to by the Starr team, but had been interviewed twice by Fiske FBI agents. The two other witnesses had been interviewed by the Starr team, including Mark and Brett. Knowlton was the only one subpoenaed of those three up to this point.]

Ruddy article: "Knowlton said prosecutors spent a significant part of his 2 1/2 hours of questioning -- as much as a third of the time -- trying to ascertain who in the press he had spoken with and what he had told them. He was also questioned as to who in Congress he had spoken with." [He was asked about who all he had talked to, including members of the media. It was not anywhere near a third of the time. In fact, Knowlton is the one who brought up the name of Ambrose Pritchard and the whole subject of the media.]

Ruddy article: "He said that during the remaining time, the prosecutors seemed less interested in getting to the bottom of the misrepresentations in the police and FBI reports. "I felt like they were trying to focus on my character," he said of Kavanaugh's line of questioning. [The transcript speaks for itself. Brett was trying to find out who he was and his background.]

Ruddy article: "But telling was the fact that Knowlton said at no point was his brief Park Police statement and FBI statement read back to him in its entirety to be reviewed by the grand jury. He said prosecutors never read back to him handwritten notes of FBI agents that should back up their statement as to what he said." [You normally do not read a person's 302 to them in the grand jury. I have never read anybody's FBI notes to them in the grand jury.]

Ruddy article: "He said Kavanaugh quickly moved off the Park Police report when Knowlton began pointing out some obvious errors." [That is not backed up by the transcript].

"[Jerris] Leonard agreed that Kavanaugh may be checking the credibility of the witness, but said it should be done in a way that does not attempt "to discredit" the witness before the grand jury. [Brett did right.]

LAW OFFICES
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ALSO ADMITTED IN VIRGINIA
AND MARYLAND

November 30, 1995

FACSIMILE
(202) 639-0999

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Lieutenant Russel Knieser
DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT
Second District
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Janet Reno, Esquire, et. al
November 30, 1995
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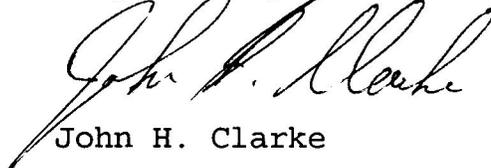
John Bates, Esquire
OFFICE OF INDEPENDENT COUNSEL
1001 Pennsylvania Avenue, NW
Suite 490 North
Washington, DC 20014

Re: Witness tampering -
Witness: Patrick J. Knowlton
Witnessed: Events in Fort Marcy Park July 20, 1995,
within ninety minutes of the discovery of the body
of Deputy White House Counsel Vincent Foster
Proceeding: Federal Grand Jury (ongoing)
Lead Prosecutor: Kenneth W. Starr, Office of
Independent Counsel
Criminal violations:
(1) Title 18 United States Code, Section 1512,
Tampering with witness; and
(2) Title 42 United States Code, Section 1985(2)
Obstructing justice; intimidation of
witness
Jurisdiction: District of Columbia

Dear Ms. Reno & Gentlemen:

I represent Patrick J. Knowlton. Mr. Knowlton has been victimized by the violation of the captioned statutes, as is specifically set forth in the attached Report of Witness Tampering.

Respectfully Submitted,



John H. Clarke

Enclosure

REPORT OF WITNESS TAMPERING

Witness: Patrick J. Knowlton

**Witnessed: Events in Fort Marcy Park July 20, 1995,
within ninety minutes of the discovery of the body of
Deputy White House Counsel Vincent Foster**

Proceeding: Federal Grand Jury (ongoing)

**Lead Prosecutor: Kenneth W. Starr, Office of
Independent Counsel**

Criminal violations:

- (1) Title 18 United States Code, Section 1512,
Tampering with witness; and**
- (2) Title 42 United States Code, Section 1985(2)
Obstructing justice; intimidation of
witness**

Jurisdiction: District of Columbia

Prepared by:
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MR. KNOWLTON'S OBSERVATION AT FORT MARCY PARK, VIRGINIA

July 20, 1993:

While heading home on the George Washington Memorial Parkway, Mr. Knowlton pulled into Fort Marcy Park to urinate at exactly 4:30 pm. There were only two cars in the parking lot, a 1983 or 1984 brown Honda with Arkansas license plates parked close to the foot path entrance, and a metallic bluish gray sedan backed in three or four spaces to the right. As Knowlton parked close to the brown Honda, he observed its distinctive Arkansas license plate.

Immediately after Mr. Knowlton parked, a man in the blue sedan who was seated in the driver seat lowered the passenger side electric window and gave Mr. Knowlton a menacing stare. This man appeared to be Hispanic or Middle Eastern. Knowlton initially thought the man may have been there for some criminal activity. He hid his wallet and checkbook under the seat before getting out of his car.

As Knowlton started towards the park foot path, he heard the door of the blue sedan open. Apprehensive that he might be victimized by the man, Knowlton walked over to the information sign bordering the foot path entering the park, and looked to his right to see if the man was approaching. Knowlton saw the man leaning on the roof of the driver's side of the blue car, watching him intently. After pausing for about a minute pretending to read the sign to make sure the man was not approaching him, Knowlton quickly proceeded to a nearby tree. Knowlton watched the trail to see whether the man approached. He continued to watch as he heard the car door close.

As he returned to his own vehicle, he walked directly toward the driver's side door of the brown Honda with Arkansas plates, and then around the back of that car, thinking that maintaining his distance from the man might provide an additional margin of safety. He looked to his right as he locked his car door, and observed the man still staring at him.

The way he maneuvered back to his car enabled Knowlton to

view the interior of the brown Honda.¹ He noticed a man's dark suit jacket hanging on the back of the drivers seat; a dark briefcase laying flat on the front passenger seat; and two bottles of wine coolers laying flat on the back seat. As he walked around the rear of the brown Honda, he again saw the Arkansas license plate. As he left the Park, after seeing the items in the brown car, it occurred to Knowlton that he might have interrupted the man from rifling that car. As he pulled back onto the parkway, a late model light colored van, with directional or emergency flashers on, slowed or stopped in the right lane, allowing Knowlton to merge into traffic.²

MR. KNOWLTON'S STATEMENT BY TELEPHONE TO PARK POLICE

July 22, 1993:

The following evening, Knowlton saw on the 11:00 news in Etlan, Virginia, that Vincent Foster, Deputy White House Counsel and financial confidante of the Clintons, was found dead at Fort Marcy Park. At 12:23 am, Knowlton called the Park Police and told his story over the phone to an officer. That officer told Knowlton that a detective on the case would call him at 6:00 am. As no officer called, Knowlton called the Park Police at 7:30 am and reported what he had witnessed.³

**MR. KNOWLTON'S INTERVIEWS WITH FBI AGENTS
ASSIGNED TO THE OFFICE OF INDEPENDENT COUNSEL UNDER ROBERT FISKE**

April 15, 1994:

Mr. Knowlton was interviewed by Special Agent Monroe, with Special Agent Colombell in the room intermittently. Knowlton gave his statement about the events he witnessed at Fort Marcy Park three times. The second time, Monroe took notes, and the third time Monroe reviewed his notes with Knowlton. The last

¹ See Attachment 1, Map of Fort Marcy Park parking lot.

² Knowlton is unsure whether the van entered Fort Marcy Park.

³ See Attachment 2, Park Police Report.

part of the interview focussed on the brown Honda with Arkansas plates, and the man in the blue sedan.

May 11, 1994:

Knowlton was reinterviewed by Special Agent Monroe at the Office of Independent Counsel, regarding the brown Honda. At this interview, Agent Monroe showed and read to Knowlton statements of other witnesses who reported seeing a different car. Monroe also showed Knowlton an underexposed photograph of the vehicle the other witnesses had seen. Monroe then escorted Knowlton to the FBI laboratory to further identify the vehicle Knowlton saw.

**SUNDAY TELEGRAPH ARTICLE & REPORTS PREPARED BY FBI AGENTS
ASSIGNED TO THE OFFICE OF INDEPENDENT COUNSEL UNDER ROBERT FISKE**

October 13, 1995:

Knowlton was contacted and interviewed by Ambrose Evans-Pritchard ("Pritchard"), a journalist from a London newspaper, the *Sunday Telegraph*. At that time, Pritchard provided Knowlton with copies of the FBI Reports FD-302 ("302"). Knowlton reviewed the 302s. The reports contained many inaccuracies, some of which Knowlton pointed out to Pritchard.

October 22, 1995:

An article appeared in the *Sunday Telegraph*.⁴ The article reported some of the inaccuracies in the FBI reports, stated that Knowlton had not been subpoenaed to testify before the grand jury, and that two other witnesses who arrived at Fort Marcy park 30 minutes after Knowlton left were also not subpoenaed.

⁴ See Attachment 3, *Sunday Telegraph* article, October 22, 1993, by Ambrose Evans-Pritchard.

The 302⁵ apparently dictated by Monroe on April 19, 1994, from his interview with Mr. Knowlton April 15, 1994, is inaccurate in the following particulars:

- (1) Knowlton told Agent Monroe that he entered the park at 4:30 pm. The 302 states that Knowlton entered the park at "*approximately 4:15 pm...*"
- (2) The 302 states that Knowlton reported that the blue sedan had "*Virginia license plates...*" Agent Monroe asked Mr. Knowlton whether it could have been Virginia or Maryland tags. Mr. Knowlton responded that it could have been, but he did not see the tag.
- (3) Referring to the man in the blue car at Fort Marcy Park, the report states that Knowlton "*could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future.*" Knowlton told the Agents: "Show me a photo spread or a lineup and I could probably pick the guy out." Knowlton does not recall being asked how the man was dressed, but but remembers the man was dressed in a short sleeve button down oxford type shirt.
- (4) The report states that Knowlton "*proceeded into the park for approximately 200 feet where he relieved himself...*" Knowlton distinctly remembers telling Agent Monroe that he proceeded only "50 to 75 feet". Monroe several times asked Mr. Knowlton whether it could have been 100 to 200 feet. Each time, Mr. Knowlton responded no, that based on his

⁵ See Attachment 4, FBI 302s prepared for Office of Independent Counsel under Fiske. See also Attachment 5, Excerpt of final Fisk Report, which implies that the car Knowlton saw could have been Foster's, misstates the placement of the jacket, misstates the time Knowlton entered the park, and fails to mention the briefcase, the wine coolers, or the man in the blue sedan.

experience in the construction industry, he was certain it was "50 to 75 feet." The 302 suggests that Knowlton chose the foot path to the right toward the blue sedan, whereas he chose the foot path to the left, in the opposite direction from the sedan.

- (5) The 302 states: "...Knowlton once again observed the occupant of the second vehicle now inside the vehicle with the driver's window slightly down continuing to stare." The car was backed in. So the man looked to his right to view Knowlton through passenger's side window.
- (6) The 302 states that Knowlton "...walked behind the the brown Honda and peered inside where he observed a dark blue jacket draped over the drivers seat and a leather briefcase or a leather folder on the passenger's seat..." Knowlton approached the drivers side door of the brown Honda, where he viewed the contents of the car, then walked around the rear. He never used the word folder, but stated that it was "either a hard shell or soft case". He told Monroe that the jacket was hung over the driver's seat.
- (7) The 302 states that Knowlton "could furnish no other descriptive data regarding the vehicle or for that matter the contents located within the vehicle." Knowlton states that he also reported seeing two wine cooler bottles on the back seat.
- (8) The 302 states that Knowlton "remembers exiting Fort Marcy park at approximately 4:30 pm..." Knowlton reported that he entered the park at exactly 4:30 pm.
- (9) The 302 stated "he identified this particular vehicle as a 1988 to 1990 brown or rust brown

Honda with Arkansas plates." ⁶ Knowlton told the Agents that it was an older car. Agent Monroe suggested that the car was 1988 to 1990.

- (10) The 302 apparently dictated by Monroe on May 11, 1994, from his interview with Mr. Knowlton that same day similarly states that Knowlton reported observing two vehicles "at approximately 4:15 pm", and does not state that

⁶ During the first interview, Agent Monroe brought out some photographs, and before presenting them to Knowlton, stated that "I don't want to influence you [Knowlton] in any way" about the car he saw. He continued that he wanted "to show [Knowlton] some photographs of the car, and tell me [Monroe] what you think." Agent Monroe then turned the photographs over, one by one, while questioning Knowlton. During this part of the interview, Monroe became irritated or angry, and asked Knowlton fifteen to twenty times in different ways whether he was sure that was not the car he saw. He then stood up, threw the photographs on the desk, and called in Agent Colombell. He asked Colombell whether the Park Police photographed the wrong car. Colombell assured Monroe that the photographs were of Foster's car. Monroe then said, "Well, Mr. Knowlton doesn't think this is the right car." Colombell again assured Monroe that the photographs were of Foster's car. Again Monroe showed the photographs to Knowlton, and again repeatedly asked Knowlton whether the photographs were of the car he saw, explaining that the sunlight may have altered the photographs.

At the end of the interview, Agent Monroe, in the presence of Agent Colombell, stated: "Mr. Knowlton, you realize that this has been very hard time for the Foster family, especially the children. And I can tell you're a pretty good guy. I can't tell you not to do this. But I want to suggest that you not talk to the press, just for the sake of the Foster family." Mr. Knowlton replied, "Of course I won't."

Soon thereafter G. Gordon Liddy asked that he appear on his show. Mr. Knowlton declined.

he entered the park at 4:30 pm as he reported. Both 302s imply that Knowlton spent fifteen minutes in the Park, when in fact he reported being there four to five minutes.⁷

**KNOWLTON SUBPOENAED BY WASHINGTON OFFICE OF
INDEPENDENT COUNSEL UNDER KENNETH STARR**

Thursday morning, October 26, 1995:

At 10:30 am, Knowlton was served a subpoena to testify before the grand jury on November 1, 1995. The subpoena was served by FBI Special Agent Russel Bransford, assigned to Starr's Office of Independent Counsel in Washington. Agent Bransford was formerly assigned to the Office of Independent Counsel under Fiske, and worked with Agents Monroe and Colombell.

Criminal conduct began later that evening.

⁷During the second interview at the Office of Independent Counsel under Fiske, Monroe showed and read Knowlton statements of other witnesses who had identified the Foster's car as a later model, grayish brown in color. He then showed Knowlton an under or over exposed photograph of a vehicle parked next to a white police cruiser. Monroe explained the car may have looked darker to Knowlton because of the way the shade from the trees was hitting it. The cars in these photographs looked black. Knowlton again stated that the car he saw was not the one shown in the photographs.

Agent Monroe then escorted Knowlton to the FBI laboratory in the Hoover Building, where he showed Knowlton Honda brochures for 1988 through 1990 Honda, and asked that Knowlton pick out the car. Knowlton said the cars depicted in the brochures were too new, and asked for brochures of older cars. As none were available, Knowlton looked through car color panels. Knowlton picked out two panels, both of which were of early 1980 Honda.

The lab technician suggested to Agent Monroe that he run through Arkansas DMV every Honda of the year and color that Knowlton had picked. Monroe responded curtly, "Don't you worry, we're on top of all this."

FEDERAL WITNESS TAMPERING STATUTE

Title 18 US Code, Section 1512, "Tampering with a witness, victim or an informant", states in part:

- (c) Whoever intentionally *harasses another person* and hinders, delays, prevents, or *dissuades any person from-*

- (4) causing a criminal prosecution... to be sought or instituted, or *assisting in such prosecution or proceeding;*

or attempts to do so shall be fined under this title *or imprisoned...*

(emphasis added)

Title 42 US Code, Section 1985 (2), "Conspiracy to interfere with civil rights", part (2), "Obstructing justice; intimidating party, witness, or juror", states in part:

If two or more persons in any State or Territory *conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States* from attending such court, or *from testifying to any matter pending therein, freely, fully, and truthfully...*

(emphasis added)

WITNESS TAMPERING

THURSDAY EVENING, OCTOBER 26, 1995:

At around 7:20 pm, Mr. Knowlton and his girlfriend, Kathryn K.,⁸ walked from his home in the Foggy Bottom neighborhood to

⁸ The majority of the information in this Report regarding witness tampering was supplied by Mr. Knowlton. His girlfriend contributed to the account of Suspects 1 through 11. She prefers her full name not be used, but is willing to be interviewed, and to testify. No law enforcement agency has interviewed her.

Dupont Circle, and back. It was not a busy night on the streets. He was continuously followed and repeatedly harassed. Eleven or more men walked towards him, or came from behind, and gave him purposeful, intimidating, timed stares. He was followed on the street, into a drug store, into a restaurant, and home. He was also trailed by car. A synopsis of this harassment is as follows. SEE ATTACHMENT 6, MAP 1.

Suspect 1

Description: White male. Approximately 5'10", 180 lbs, mid 40s. Light colored hair, balding, rounded face, light complexion, brown suit, white shirt, red & gold striped tie, black soft soled shoes.

With an aggressive constant stare directly at Knowlton's face, a man walked toward Knowlton and K on New Hampshire Avenue. The man directed his stare at Knowlton's eyes as he approached on their left. As he passed, the man turned his head toward Knowlton, ignoring K who walked to Knowlton's left, and continued the uninterrupted aggressive stare at Knowlton's eyes. The man then crossed O Street, where he stopped and watched Knowlton and K. When Knowlton and K stopped and looked back they saw the man, still standing and looking at them. He raised his wrist to his mouth and spoke into his coat sleeve. This contact lasted for about ninety seconds.

Suspect 2 - within five seconds later

Description: White male. Approximately 5'10", 190 lbs, 40s. Light brown hair, well groomed, fair skinned, clear complexion, navy blue suit jacket, dark gray slacks, maroon tie.

This man gave a constant intimidating stare directly at Knowlton's face as he approached Knowlton and K on New Hampshire Avenue just below Dupont Circle. While continuing the stare, he walked directly towards Knowlton, then cut to Knowlton's left. As he passed, he turned his head toward Knowlton, past K, and continued the uninterrupted intimidating stare at Knowlton's eyes. This contact lasted about six to eight seconds.

Suspect 3 - about 20 seconds later

Description: White male. Approximately 5'10", 190 lbs, 40s. Light colored hair, rough complexion, reddish cheeks, dark eyes.

As Knowlton and K approached the corner of P Street and Dupont Circle to enter the CVS drug store, a man approached them from ahead and passed on Knowlton's right. He stared directly at Knowlton's eyes in a hostile manner, and continued to do so as he passed, ignoring K who walked in front of Knowlton. Knowlton looked back and saw the man was still staring at Knowlton's face in a hostile manner. This contact lasted about six to eight seconds.

Suspect 4 - about four or five minutes later

Description: Black male. Approximately 6'1", 190 lbs, mid 30s. Military style haircut, clear complexion, dark eyes, oval face, small features, Bluejays baseball cap, nylon blue & gray nylon warm-up jacket, dark denims, white sneakers.

As Knowlton sat in a nearby chair while K waited in line at the CVS pharmacy, a man got in line behind K. While in line, the man did not face forward. Rather he stood so as to face Knowlton, and gave Knowlton a aggressive stare. This stare continued as the man moved up in line, for a period of three to four minutes. When K handed her prescription to the pharmacist, the man walked away.

Suspect 5 - about two or three minutes later

Description: Black male. Approximately 5'10", 190 lbs, mid 30s. Clean shaven, clear complexion, black hair, dark eyes, average features, very physically fit, dark jacket, dark green military fatigues, dark shoes, carrying a black shoulder bag.

Knowlton and K walked around Dupont Circle, eastbound, crossed the southbound lane of Connecticut Avenue, and waited for the light to cross the northbound lane. While waiting, Knowlton and K noticed this man standing approximately 50 feet away, continually staring at them. As Knowlton and K began to cross the street, the man walked toward them, giving Knowlton a menacing stare. He directed his stare at Knowlton's eyes as he approached on their right. The man turned his head toward Knowlton, passed K who walked to Knowlton's right, and continued the uninterrupted menacing stare at Knowlton's eyes. This contact lasted for about thirty or forty seconds.

Suspect 6 - about one minute later - same man as Suspect 21

Description: White male. Approximately 6'4", 225 lbs, mid 40s.

Clean shaven, light colored hair, light colored eyes, clear complexion, physically fit, beige baseball cap, beige jacket, wire rim glasses, dark blue jeans, white sneakers.

Knowlton and K were walking north on Connecticut Avenue towards Q Street when they noticed a man standing at Q Street and Connecticut Avenue, standing military at-ease style, staring directly at Knowlton and K. As they approached the corner, the man focused a vicious stare at Knowlton's face. As they reached the corner, the man pivoted on one foot, keeping his military type stance, all the while staring viciously at Knowlton's head. Now panicked, Knowlton and K crossed the street against the light. The man followed behind Knowlton, at a distance of about three feet. While walking the length of the block, Knowlton periodically looked back. [At about the middle of the block, Knowlton and K noticed Suspect 7, (see below).] The man continued to follow, at a distance of about three feet, to the end of the block, at R Street. As Knowlton and K approached the intersection of R Street and Connecticut Avenue, the man veered to the right of Knowlton and K, continuing the stare, at a distance of about eight feet, and again assumed the military type at-ease stance. [As they approached the intersection, Suspect 8 (see below) crossed R Street, walking directly at Knowlton, giving a constant hostile stare at Knowlton's head.] This contact lasted about four minutes.

Suspect 7 - no time elapsed between contacts

Description: White male. Approximately 6'2", 230 lbs, mid 40s. Pot belly, cream colored fisherman type hat, beige windbreaker, cotton button down light blue shirt, beige cotton pants.

Knowlton and K were heading North on Connecticut Avenue, (still being followed by Suspect 6). K noticed Suspect 7 pacing back and forth, four steps each way, about fifty feet ahead on their left. Suspect 7 constantly looked at Knowlton. As they passed, he stared viciously at Knowlton. [After they passed, Knowlton looked back and saw that Suspect 6 was still following, now about six feet behind.] As he looked back, Knowlton saw Suspect 7 now heading South toward Q Street. This contact lasted about forty five to sixty seconds.

Suspect 8 - no time elapsed between contacts

Description: Male, Middle Eastern features. Approximately

5'10", 200 lbs, late 40s. Dark hair, heavy mustache, dark eyes, olive colored skin, clear complexion, well groomed, physically fit, gray suit jacket, off white turtleneck shirt, casual dark slacks.

Knowlton and K were heading North on Connecticut Avenue, [still being followed and stared at by Suspect 6 about six feet behind as Knowlton looked back]. As they approached the corner of R Street and Connecticut Avenue, this man walked directly toward Knowlton while constantly staring at Knowlton's face. The man passed Knowlton on his right, almost brushing against him, all the while continuing to stare directly at Knowlton's eyes. After this man passed, Knowlton glanced back and saw the man still staring at him while walking. [Suspect 6 (see above) maintained his stance and continued the stare directly at Knowlton.] This contact lasted about ten seconds. At this point, Knowlton and Kathy decided to cross the seven lanes of Connecticut Avenue to try and get away from Suspect 6 and Suspect 8.

Suspect 9 - no time between contacts

Description: Male, Middle Eastern features. Approximately 5'8", 190, 40s. Short dark wavy hair, mustache, clear complexion, olive colored skin, stocky upper build, physically fit, brown tweed jacket, open light colored shirt, olive colored pants, black soft soled shoes.

Knowlton and K walked to the median strip between the northbound and southbound lanes of Connecticut Avenue, waiting for a break in the traffic to reach the west side. Knowlton noticed a man standing on the northwest corner of R Street and Connecticut Avenue, staring directly at them. Knowlton directed K's attention to this man. As soon as they began to cross Connecticut Avenue, this man, continuing to stare, began to cross R Street, so that the man reached the southwest corner of Connecticut and R Street at the same time as Knowlton and K. After reaching the corner, Knowlton and K walked arm and arm southbound on Connecticut Avenue. The man also walked southbound, to the left and three feet abreast of K. He looked over K and directly at Knowlton's face, for approximately fifteen seconds as the three walked.

In an effort to escape the man's menacing stare, Knowlton and K, still walking arm and arm, increased their pace. Knowlton looked

back and noticed that the man was walking faster, but that they had separated themselves from the man by a distance of fifteen or so feet. Knowlton and K decided to try and regain their composure by stopping and pretending to read a menu displayed in a restaurant window. As they stopped, the man passed by slowly while continuing the menacing stare at Knowlton's face. The man walked until he reached a Real Estate office three doors down, where he stopped and looked in that window. During the two or three minutes that they all were stopped, the man intermittently looked to his right and observed Knowlton and K.

Knowlton and K began to walk back toward their neighborhood, toward the man. As they began to walk southbound, the man began to walk southbound, looking back every few seconds. So Knowlton and K slowed their pace, almost to a stop. The man did the same. So Knowlton and K stopped to look at another restaurant menu display. The man also stopped, and again looked at Knowlton and K every few seconds. Knowlton and K decided to walk at a brisk pace, back to CVS, then home, without looking or paying attention to anyone on the streets. The man watched intently as they departed. This contact lasted for about six minutes.

Suspect 10 - about ten minutes later

Description: White male. Approximately 5'10", 180 lbs, late 20s or early 30s. Dark brown curly hair, average features, bluejeans, light blue jacket, white sneakers.

Knowlton and K were walking southbound on New Hampshire Avenue, approaching N Street, when they notice a southbound car driving past them very slowly. The car pulled over about a half block ahead of them, between N Street and 21st Street. The driver exited the car, walked toward Knowlton and K, stopped and looked up at a parking sign, and looked at them. As they approached, the man walked to a point about thirty feet south, looked up at another parking sign, and again looked at Knowlton intensely as they passed. After they had proceeded about another seventy-five feet, Knowlton and K stopped and looked back and observed the man open the passenger door of the car, reach inside and pull out a telephone or walkie talkie and speak into it while looking in their direction. This contact lasted for about two minutes.

Suspect 11 - about fifteen minutes later

Description: White male. Approximately 5'10", 180 lbs, late 40s

or early 50s. Gray hair, full rounded face, physically fit & healthy, camel colored sport jacket, white shirt, tie, light gray dress pants.

Knowlton and K were seated in the downstairs dining area of Bertucci's Restaurant, 2000 Pennsylvania Avenue. After ordering food, Knowlton looked up and saw in the mall area a man looking directly at them for about a minute. About three minutes later, the man was observed walking down the stairs into the dining area. He walked through the dining area, slowed his pace, and stared directly at Knowlton. About fifteen seconds later, he walked back through the dining area, and again slowed his pace and stared directly at Knowlton. He then proceeded back up the stairs.

FRIDAY MORNING, OCTOBER 27, 1995

At around 9:30 am, Mr. Knowlton and his girlfriend walked from his home in the Foggy Bottom neighborhood to the CVS drugstore on P Street in Dupont Circle, and back. They took the same route as they had the previous evening. A synopsis of the harassment which occurred that morning is follows. SEE ATTACHMENT 7, MAP 2.

Suspects 12 & 13

Description 12 (driver): White male. Approximately: late 30s. Short light colored hair, light complexion, clean shaven, neat in appearance.

Description 13 (passenger): Black male. Approximately: late 30s. Short hair, mustache, average features, clean shaven, neat in appearance, dark blue shirt w/ white T-Shirt underneath.

Knowlton and K walked northbound on the west side of New Hampshire Avenue between N and O Streets. A northbound car with two men in it drove by slowly, and the two men stared at Knowlton. A few minutes later, the car came back, southbound, slowed when it reached Knowlton and K, whereupon the two men

again stared at Knowlton. Knowlton took down the license plate number.⁹

FRIDAY NOON HOUR, OCTOBER 27, 1995:

At around noon, a journalist from the *Pittsburgh Tribune-Review*, Christopher Ruddy, visited Knowlton at his home. He was skeptical about the occurrences Knowlton related earlier that morning and the previous night. Ruddy accompanied Knowlton on Knowlton's routine daily walk.¹⁰ SEE ATTACHMENT 8, MAP 3.

Suspects 14 & 15

Description 14: White male. Approximately: 6', 180 lbs, mid 30s. Reddish blond hair, green eyes, slightly crooked front teeth, fair complexion, healthy in appearance, navy blue fine pin stripe suit, reddish tie, carrying blank legal size pad.

Description 15: White male. Approximately: 6', 190 lbs, mid 30s. Wavy black hair, dark eyes, slightly spotty complexion, black suit jacket, light gray pants, white shirt, striped tie, physically fit, carrying blank legal size pad.

Knowlton and Ruddy left Knowlton's residence at 2424 Pennsylvania

⁹When he returned home, Knowlton gave the plate number to Pritchard. A journalist from the *Pittsburgh Tribune-Review*, Christopher Ruddy, referred to this plate in his October 29, article, "Foster Case: Park Witness to Appear Before Starr's Grand Jury" (see Attachment 8, page 2), "Pritchard said that the license plate Knowlton noted from Thursday had checked out with a law enforcement source of Pritchard's as being a **Federal Government vehicle. His source suggested Knowlton was 'being warned, or there was an attempt being made to destabilize him before he appears before the Grand Jury'**, Pritchard recounted." The plate was apparently a duplicate plate used by an intelligence agency.

¹⁰See Attachment 9, *Pittsburgh Tribune* article describing the intimidation Ruddy witnessed. Ruddy has yet to be interviewed by law enforcement.

Avenue, and walked eastbound on Pennsylvania Avenue. They crossed 24th Street, whereupon Suspect 14 crossed Pennsylvania Avenue on their left, and reached the corner at the same time. Suspect 14 glared at Knowlton, raised his eyebrows, and from the waist pointed his finger at Knowlton, as if to say "gotcha". Stunned, Knowlton froze. Suspect 14 then walked on and crossed the westbound lane of K Street.

Ruddy approached Suspect 14 on the corner of K Street and Washington Circle, produced his journalist ID, and spoke to Suspect 14 as if Ruddy knew him but couldn't place him. Suspect 14 said he had worked at the White House, an international technology business, a World Bank organization, and as an advisor to Bill Clinton. During the conversation, Knowlton stood to the left of the pedestrian crossway, with Ruddy to his right.

A few minutes into the conversation, Knowlton noticed Suspect 15 standing still on the sidewalk of Washington Circle, about 60 feet away, watching them. Suspect 15 approached, and stood to the left of Suspect 14, and stared at Knowlton's face for about thirty seconds. Suspect 15 then left.

Suspect 14 then reintroduced himself, shook Ruddy's hand, turned to Knowlton and shook his hand. While shaking Knowlton's hand, Suspect 14 said to Knowlton, "I didn't hear your name". Knowlton repeated "Patrick Knowlton", whereupon Suspect 14 gave Knowlton's hand a hard squeeze, and while glaring into Knowlton's eyes and leaning forward, said "Nice to meet you, Mr. Knowlton". Suspect 14 then walked away. These contacts lasted about five minutes.

Suspects 16 & 17 - about thirty seconds later

Description 16 (driver): Male, Middle Eastern features. Approximately: early 30s. Short neatly cut wavy hair, mustache, dark eyes, glasses, white shirt w/ open collar, healthy looking.

Description 17 (passenger): Male, Middle Eastern features. Approximately: early 30s. Straight neatly cut dark hair, dark eyes, mustache, healthy looking.

Ruddy and Knowlton continued walking around Washington Circle. As they walked around the Circle, they observed a white Toyota parked in a no parking zone in the northbound lane of 23rd Street, at Washington Circle. The car was occupied by two men,

both of whom were staring in their direction. The two men glared at Knowlton and Ruddy as they crossed in front of them at 23rd Street. When they got about twenty feet past the intersection, both Ruddy and Knowlton glanced back. The two men were still staring. The car started, and proceeded very slowly onto the circle. As the car proceeded past them, the passenger gave Knowlton a continued menacing stare. The car went around the circle, out of sight.

After Knowlton and Ruddy walked for about another thirty seconds, the car approached them again from behind, and as it drove slowly past, both occupants glared at Knowlton. The car stopped about sixty feet ahead, then stopped. Ruddy and Knowlton stopped walking. Both occupants then adjusted the car mirrors so as to watch Ruddy and Knowlton. Ruddy and Knowlton walked in the direction of the car, observed the license plate,¹¹ whereupon the car ran a light and sped away.

Suspects 18 (about thirty seconds later), 19, 20, 21, 22, & 23

Description 18: Male, Middle Eastern features. Approximately: 5'8", 170 lbs, early 30s. Black neatly cut hair, dark eyes, clean shaven, distinguishing features, very healthy in appearance, greenish double breasted suit, white shirt, tie, black shoes, carrying blank legal size pad & newspaper.

¹¹ See Attachment 10, *Sunday Telegraph* article, November 5, 1995, "Death mystery plot thickens", by Ambrose Evans-Pritchard, "Just to be certain we found the right people, we paid a midnight visit to on of the owners at his rented house near Langly. Two Arabs came to the door and Ruddy recognized them instantly as the driver and the passenger of a white Honda that had trailed them. Knowlton, further back in the shadows, said he recognized the driver at once. To our suprise, the license plates were clearly displayed in the parking spot in front of the house, but they were attached to a different car... We chatted on the doorstep... Ayman had the air of a man who had been contracted to do some low level harassment and had now found himself way out of his depth..." Pritchard's investigation has revealed that Ayman is a Jordanian, politically involved in Middle Eastern politics. Pritchard further reports that Ayman was involved with organizing political support for Kuwait during the Gulf war, and supporting U.S. troops.

Description 19: White male. Approximately: 5'10", 170 lbs, late 40s early 50s. Full rounded face, glasses, very rough complexion, clean shaven, salt & pepper neatly cut hair, tweed full brim dress hat, brown sportcoat, sweater vest, brown pants, white shirt, tie, brown soft sole shoes, carrying blank legal size pad.

Description 20: Black male. Approximately: 6', 230 lbs, 40s. Short hair, clean shaven, clear complexion, rounded face, dark eyes, white zip-up jacket, red & black plaid shirt, beige pants, sneakers, very healthy in appearance, carrying two white twine handled shopping bags.

Description 21 (Same man as Suspect 6): Description: White male. Approximately 6'4", 225 lbs, 45. Clean shaven, light colored hair, slightly balding, light colored eyes, clear complexion, physically fit, blue suit, white shirt, red tie, wire rim glasses.

Description 22: White male. Approximately: 5'10", 190 lbs, late 40s. Dark hair graying on the sides, clean shaven, very clear complexion, black rimmed glasses, broad shoulders, black suit, white shirt, tie, soft soled shoes, carrying newspaper, very healthy looking.

Description 23: White male. Approximately: 6', 190 lbs, late 40s. Rounded face, grayish light hair, glasses, clean shaven, gray sport coat, blue dress shirt, tie, healthy looking.

Knowlton and Ruddy continued eastbound on Pennsylvania Avenue, and crossed 22nd Street. As they stepped onto the sidewalk, Suspect 18 approached northbound on their right, staring directly at Knowlton's face. As Suspect 18 passed and changed direction eastbound, he gave Knowlton a continuous blank stare. Suspect 18 walked ahead of Knowlton and Ruddy, so they slowed their pace. For the next half block, every few seconds Suspect 18 looked back at Knowlton's face.

As Ruddy and Knowlton approached the middle of the block, Suspect 19 passed them on Ruddy's left, while staring at Knowlton's face. When Suspect 19 got about five paces in front of them, Ruddy approached him and tried to speak to him, whereupon the man walked into the building then to his right, the Humana Health Clinic. Knowlton and Ruddy stood outside the door and watched Suspect 19, who was clearly out of place surrounded by a roomful

of mostly juvenile patients.

As Knowlton and Ruddy continued to walk eastbound, they noticed Suspect 18 standing on the sidewalk about sixty feet ahead looking in their direction. Suspect 18 then resumed walking eastbound ahead of Knowlton and Ruddy. Suspect 18 turned right on 21st Street, toward Eye Street. He crossed Eye Street and walked eastbound in front of 2000 Penn Mall. Knowlton and Ruddy followed. As Ruddy and Knowlton entered that block, Suspect 20 walked directly toward Knowlton, giving Knowlton a purposeful, confrontational stare. Suspect 20 passed Knowlton on his right, continually giving Knowlton the stare. Knowlton and Ruddy then entered the 2000 Penn Mall.

Five minutes later, Knowlton and Ruddy exited through the main exit. Standing to their right about fifty feet were Suspect 18 and Suspect 20, conversing. Suspect 20 looked toward Ruddy and Knowlton, and began walking toward them. Suspect 18 then talked into his shirt sleeve, and crossed 20th Street. Ruddy followed Suspect 18, who then entered the Soho Deli through its only entrance. Ruddy and Knowlton then entered the Deli. Ruddy approached Suspect 18, displayed his press ID, and conversed with him. During their short conversation, Ruddy asked whether the man was with a federal law enforcement agency. The man replied, "Something like that," and walked away shortly thereafter.

As Knowlton neared the steps into the Deli, he saw Suspect 21 staring down at him from the top of the steps. Knowlton recognized him as Suspect 6 from the previous evening. As Knowlton climbed the steps, Suspect 21(a/k/a Suspect 6) descended the steps, staring constantly at Knowlton.

Knowlton exited the building and sat down alone at a sidewalk table. Three or so minutes later, Suspect 22 bumped his chair from behind, and walked passed him while staring aggressively.

As Ruddy exited the building, Knowlton stood up, approached Ruddy, and pointed out Suspect 22, who was looking in a bank window, and peering at Knowlton. Suspect 23 then walked passed Knowlton while giving him an aggressive stare.

Ruddy again wanted to approach one of these men. Knowlton insisted that head back to Knowlton's home.

Suspect 24 - about two minutes later

Description: Male, Middle Eastern features. Approximately: Early 30s. Dark neatly cut hair, mustache, blue suit jacket, white shirt, maroon tie.

As Knowlton and Ruddy proceeded back to Knowlton's residence on the north side of Eye Street approaching 21st Street, they observed a blue Toyota facing them for a period of about four minutes. The man was staring at them. As they crossed in front of the Toyota, Ruddy recorded the license plate number.¹² The car then sped away.

Suspect # 25 - about ten minutes later

Description: White male. Approximately: 5'11", 185 lbs, early 30s. Short neatly cut light brown hair, fair skin, clean shaven, healthy looking, white shirt, carrying a long black shoulder bag (photograph attached).

Knowlton and Ruddy reached Ruddy's jeep parked in front of Knowlton's apartment building. As Knowlton and Ruddy sat in the jeep, they noticed a man approach the rear of the jeep and look at the license plate. The man then walked next to where Knowlton was seated, and stared at Knowlton. He then walked around to the front of the jeep, and looked at the front plate. Knowlton then snapped a photograph¹³ of the man, just before the man covered his face with his hands. The man then walked away.

FRIDAY MIDNIGHT HOUR, OCTOBER 28, 1995:

At 12:15 am, someone rang the door to Knowlton's apartment, then knocked. A few minutes later, Knowlton observed through his

¹² Pritchard reports that this car is also owned by a politically active Lebanese man, who may be a Shiite.

¹³ See Attachment No. 11, Photograph of Suspect 25.

window a man watching his apartment from the street below.¹⁴

SATURDAY MORNING, OCTOBER 28, 1995:

Suspect 26

Description: White male. Approximately: 5'10", 190 lbs, early 30s. Brown hair combed back, dark eyes, white sweatshirt, bluejeans, sneakers, clean shaven, carrying long black shoulder bag, healthy in appearance, physically fit (photograph attached).

Knowlton left his Apartment building at 9:15 am. He walked up Pennsylvania Avenue toward Georgetown. As he approached the corner of 25th Street, a man came from behind. Knowlton stopped at the intersection of 26th Street, glanced back and saw that the man had slowed his pace as he walked toward Knowlton.

In an effort to see whether the man was following him, Knowlton increased his pace. The man increased his pace. As Knowlton entered the bridge over the Rock Creek Parkway, he slowed his pace. The man slowed his pace. Knowlton stopped in the middle of the bridge and looked toward the Watergate. The man then stopped and also looked south. Knowlton began to walk again. The man began to walk again. Knowlton then stopped, and looked south. The man hesitated, then walked slowly passed Knowlton. After the man passed, Knowlton continued to walk westward, now

¹⁴Mr. Knowlton went to bed around midnight. The doorbell rang, and awoke Knowlton at 12:15. He got up, yelled "Just a minute", put on some clothing, went to the door, and asked "Who's there?" The intruder then knocked four times. Knowlton again asked "Who's there?" There was no reply. He stood to the side of the door, heard nothing, looked out the peephole, and saw no one. He then looked out his window, and using his binoculars, saw a black man, in his fifties, wearing a green trenchcoat, looking up in his direction. He then snapped a photograph from his window. After Knowlton's camera flashed, the man departed quickly. He then called Pritchard. Mr. Hugh Sprunt and another man accompanied Mr. Pritchard to Knowlton's apartment building.

A letter from Mr. Sprunt, outlining the activities he observed outside Mr. Knowlton's building later that night, is Attachment 12.

about ten feet behind the man. The man then slowed his pace considerably, almost to a stop. So Knowlton walked quickly, passed the man.

After walking briskly for about another half block, Knowlton glanced back and saw that the man was also walking briskly. Knowlton then stopped at a sidewalk book display. The man then stopped and looked through the window of a closed tailor shop. While pretending to look at the books, Knowlton took out his camera. He then resumed walking westbound for five or so paces. As the man followed, Knowlton quickly turned around and snapped a photograph of him, with the flash.¹⁵ The man said nothing, and walked passed Knowlton.

MONDAY AFTERNOON, OCTOBER 30, 1995:

After returning home the previous Saturday morning, Knowlton did not leave his apartment building until Monday afternoon. His account of what happened follows.

Suspect 27

Description: White male. Approximately: 6', 190 lbs, late 30s early 40s. Healthy appearance, clean shaven, short neatly cut brown curly hair, dark eyes, rough complexion, brown pants, cream colored zip up coat, new white sneakers, green knapsack.

At around 2:00 pm, Knowlton left his apartment building and walked to the Crestar Bank at 1925 K Street, then to Riggs Bank on Pennsylvania Avenue at 20th Street. While waiting in line at Riggs, he noticed a man staring in his direction through the bank

¹⁵ See Attachment 13, Photograph of Suspect 26. On November 6, late afternoon, Agents Clemente and Copeland visited Knowlton at his apartment and took a walk with Mr. Knowlton through his neighborhood. Knowlton observed Suspect 26, and pointed him out to Agent Clemente, who instructed Knowlton to return to his apartment. About a half hour later, Clemente telephoned Knowlton and reported that Clemente and Copeland followed the man, questioned him, that the man worked in the neighborhood, and that Clemente thought Knowlton did not have anything to worry about regarding the man. Agents Clemente and Copeland have assured Mr. Knowlton and his lawyer that Suspect 26 is not an FBI Agent.

window. He walked to the corner of Pennsylvania Avenue and 20th Street, and saw the man standing next to a paper box. Knowlton then crossed traffic against the light. The man followed. As Knowlton stood at the pedestrian crossing, the man came and stood next to him, touching shoulder to shoulder. Knowlton crossed against the light. The man followed. Knowlton walked into the 20th Street entrance of the 2000 Penn Mall. When he walked back out, Knowlton saw the man walking westbound on Pennsylvania Avenue. Knowlton went back inside the mall. A half hour later, Knowlton walked out the west exit of the Mall, stopped at 21st Street, whereupon he saw the man walking toward him. Knowlton stopped and looked through his newspaper, and the man walked slowly by. As Knowlton followed behind the man, he crossed 21st Street and went into a college bookstore.

THURSDAY AFTERNOON, NOVEMBER 2, 1995:

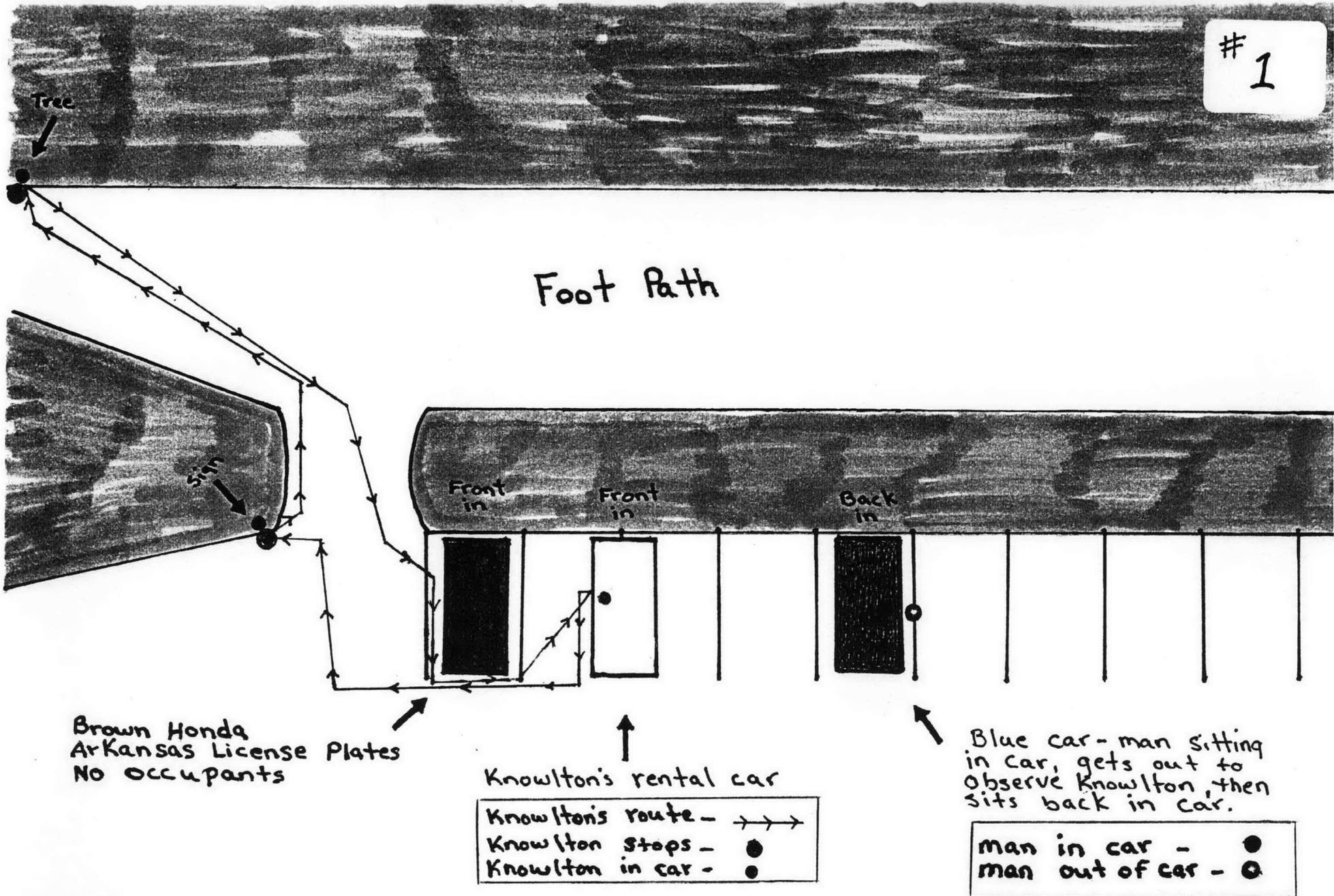
Suspect # 28

Description: Male, middle eastern features. Approximately: 5'8", 160 lbs, 30s. Short black neatly cut hair, dark eyes, clear complexion, mustache, carrying black canvass bag open at the top, black rimmed glasses, army issue green three quarter length coat, light beige pants, black shoes.

At about 3:30 pm, Knowlton went down to the lobby of his apartment building. As he exited the elevator, he noticed a man standing outside the building with his back to the building. As Knowlton walked toward the front door, another tenant came in the building, and the man followed into Knowlton's building. As soon as the man made eye contact with Knowlton, he became startled, and immediately turned around, walked out the door, and stood looking at the paper box to the left of the entrance with his back to Knowlton. With his back to the building, he took short steps, side to side, as if nervous.

Knowlton walked out the door, turned right, walked about twenty feet, looked back and saw the man walking behind him about fifteen feet slightly to his left. Knowlton continued about another eighty feet to the corner to a newspaper box. As he retrieved the paper, he looked up and to his left, and saw the man look down and reach into his bag with his right hand. The man looked up, made eye contact with Knowlton, and immediately pulled his hand out of the bag and dropped the bag to his side.

1



Entrance

Fort Marcy Parking Lot July 20, 1993

2143

#2

USE

NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE 0

INCIDENT DATA

Fort Marcy Park

MONTH
07

DAY
20

YEAR
93

YEAR
93

MONTH
01

DAY
31

YEAR
02

NATURE OF INCIDENT

Death Investigation

CLASSIFICATION OF INCIDENT

ITEM

RESULTS OF INVESTIGATION

On 7/22/93 I received a telephone call from the following person:

Patrick Nolton
MCR #6 Rt #231
Etlan, Va. 22717

Work address -
2424 Pa. Ave NW #507
PH-202-296-3339
4:30 PM cont

During this conversation he stated that he was travelling N/B on the GWMP at approximately [redacted] at which time he pulled into the Fort Marcy parking lot for the purpose of relieving himself. He stated that he recalled that as he was parking he noted a "brown foreign car with Arkansas plates" that was pulled into one of the first parking spaces available. Approximately 2-3 spaces away was what was described as a 1990 light metallic blue Honda with va. tags. This vehicle was backed into the parking spot. It was occupied by a W/M described as follows:

(W/M, 25-30 yrs, 5'10"- 5'11", 170lbs, thin, mixed mexican/American, short hair, tan complexion)

Mr. Nolton stated that as he got out of his vehicle this male subject was staring at him which made Nolton feel uncomfortable. Mr. Nolton relieved himself and immediately left the area. He stated that as he was pulling out from the Ft. Marcy area he noted a older Chevy or Ford van, 1980's, dark brown, possibly a conversion type, to be driving into the parking area.

9 WARRANTS <input type="checkbox"/> YES <input type="checkbox"/> NO		10 LATENTS <input type="checkbox"/> LATENTS <input type="checkbox"/> PHOTOS		11 INVESTIGATOR NOTIFIED		12 PAGE OF PAGES	
13 STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> SUSPENDED		CLOSED BY		<input type="checkbox"/> ARREST <input type="checkbox"/> EXCEPTION <input type="checkbox"/> UNFOUNDED			
14 REPORTING OFFICER		15 INVESTIGATOR		16 SUPERVISOR		DATE	
		Tomas M... 108/8/7/93					

10 27

2 OF 2 PAGES

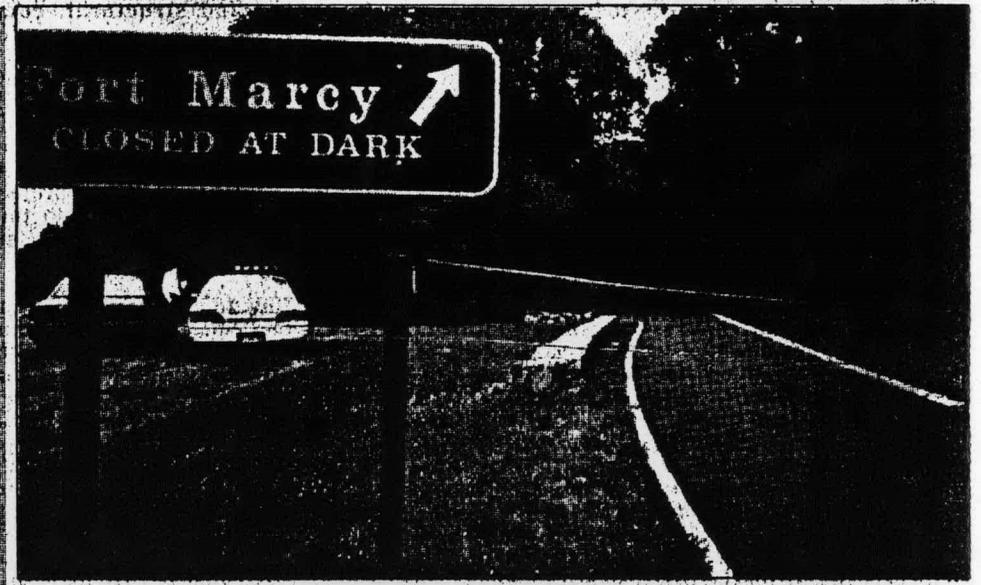
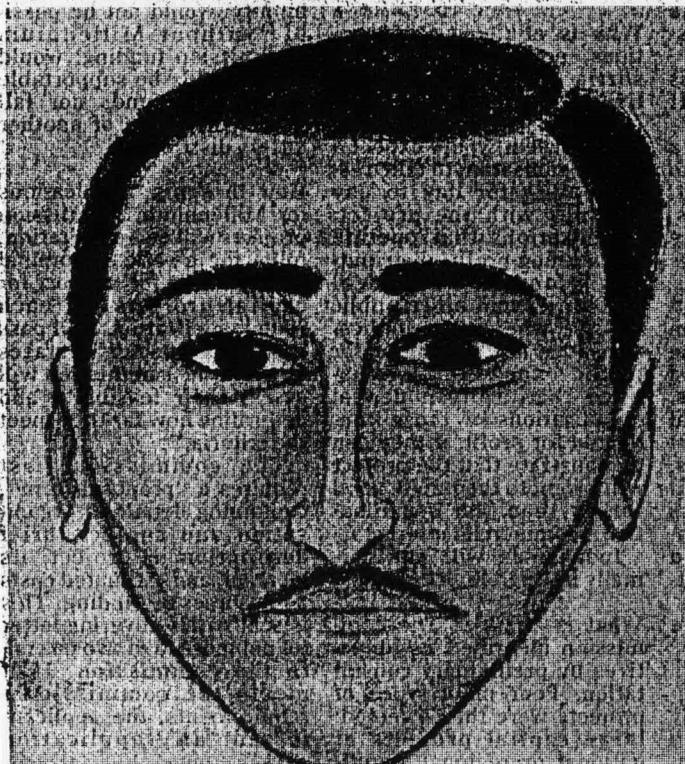
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1993 07 22 11:11:33

FOREIGN NEWS

Foster mystery: a key witness ignored by the FBI reveals the face of a possible murderer

Death in the park: is this the killer?



This man exited his vehicle and was closely watching him as he proceeded into the park to urinate. He further mentioned that this man was staring at him making him feel extremely nervous and uneasy. He could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future.

path leading up to Fort Marcy, with the hood of the car pulled into the parking space. The hood of the vehicle was up and a white male was standing in the vicinity of the vehicle. He described the white male as in his mid- to late 40's, approximately six feet in height, medium build, long blonde hair and beard, appeared unclean and unkempt.

From FBI documents: Knowlton says the statement above is wrong and he would recognize the man he saw. And despite the couple's statement (left) the Fiske Report says they saw 'nothing unusual'

CONFIDENTIAL

Confusion or cover-up? The FBI virtually ignored the testimony of one witness at the death scene in Fort Marcy Park and the Fiske Report overlooked the Bureau's own evidence. Right: Foster had close links with Hillary Clinton

cont.
3

THAT face. Thin and pointed, with menacing eyes. It has haunted Patrick Knowlton for more than two years. He can still remember the Hispanic features exactly as they were on July 20, 1993, the day he stopped at a secluded Virginia park for a quick pee in the bushes. The man was on watch, guarding something. He looked the type who was fully capable of killing.

Hours later, Knowlton heard on the news that a close friend of President Clinton had been found dead in the same park. The victim was Vincent Foster, the Deputy White House Counsel, one of the close-knit Arkansas group.

Knowlton, a construction consultant, called the US Park Police. He thought he had vital information.

Perhaps he had seen a murder suspect. But the police did not seem to be interested. They took a few details in a desultory chat over the telephone. Nobody came to see him.

His statement in the police report was full of mistakes. Even his name was spelled incorrectly.

In the spring of 1994 he

**by Ambrose
Evans-Pritchard
in Washington**

was interviewed by the FBI. It was during the early phase of the investigation by Independent Counsel Robert Fiske. He claims that the FBI tried to badger him into changing his story.

When *The Sunday Telegraph* showed him police and judicial summaries of his testimony — which he had not seen — he was stunned, saying his statements had been falsified.

As he tells the story, he stopped at Fort Marcy Park at 4.30pm on July 20. There were two cars in the car park. One was a brown Honda Accord with Arkansas licence plates, subsequently identified as Foster's car. The other was a blue sedan, possibly a Japanese make. There was a man in his twenties sitting inside it with a manicured appearance. He lowered his window and gave Knowlton a threatening look.

"I was worried about getting mugged, so I left my wallet under the seat," said

Knowlton. "As I got out I heard his car door open and I thought 'Oh sh*t', this is it, the guy's coming after me'. But he just stood there leaning over the roof of the car, watching me . . . When I came back I looked at him and I thought something's going to happen to me unless I get the hell out of here. I really thought he might kill me."

His FBI statement says that Knowlton "could not further identify this individual and stated that he would be unable to recognise him in the future".

"That's an outright lie," he said, angrily. "I want it on the record that I never said that. I told them that I could pick him out of a line-up."

The Sunday Telegraph asked if he would be willing to help with an artist's sketch of the suspect. He agreed. Since the US judicial authorities have failed to take the initiative, we have decided to do it ourselves. The sketch above is drawn by an experienced police artist.

Knowlton was the first eye witness to look into Foster's car. He saw a briefcase on the front passenger seat. "I

remember thinking these people from Arkansas must be real stupid to leave a briefcase on the front seat," he said. (The US Park Police claim that no briefcase was found in the car. Foster's briefcase later turned up at the White House.) He also noted that the driver's seat was forward, which would be strange for a man of 6ft 4in. Knowlton's FBI statement

says that the blue sedan had Virginia licence plates. "That's not true," he said. "I never said that. I told them I didn't see the tags." What is even more bizarre is that the FBI tried to convince him that Foster's car was blue, not brown. [According to the official record, Foster's car was light brown or taupe.] They showed him a photograph of a blue Honda with

Foster's Arkansas number plates. It was a newer model Honda, with a gloss paint, fancy wheels, and a dent in the back — a totally different car.

"They went over it about 20 times, telling me that this was Foster's car," said Knowlton. "But I was quite adamant about it. I saw what I saw, and I wasn't going to change my story."

The official report on the death of Vince Foster, released by Robert Fiske in June 1994, cites Knowlton's testimony on subsidiary issues but makes no mention of the encounter with the menacing man in the blue car. Not a single word.

Kenneth Starr, who took over as Independent Counsel when Fiske was sacked by a panel of judges in 1994, seems content to let his predecessor close the book on this. Starr's investigators have never talked to Knowlton. The federal grand jury has never summoned him to give sworn testimony.

Knowlton is not the only witness to have had vital testimony suppressed by the Fiske Report. Fiske also neglected to mention the devastating information given by a couple found at the park when the police first arrived, shortly after 6pm. The couple, both Washington professionals, had been sitting in their car in the car park, chatting to each other, from about 5-5.30pm. The only other car in the lot was Foster's brown Honda.

4

CONFIDENTIAL

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/18/94

was interviewed at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Washington, D.C. was advised as to the identity of the interviewing agents and informed of the nature of the inquiry. He then provided the following information.

advised that on July 20, 1993, he terminated work on a construction site in Chevy Chase, Maryland and travelled North on the George Washington Memorial Parkway enroute to his residence in He stated that at approximately 4:15 pm while approaching Fort Marcy Park he had to urinate and entered Fort Marcy Park in order to relieve himself. He indicated that he was somewhat familiar with Fort Marcy Park since in, 1991, he had toured this particular park in the company of his girlfriend. He stated that upon entering the parking area, he immediately noticed an unoccupied vehicle parked front end in facing the park in one of the first parking slots on the left-hand side. He identified this particular vehicle as a 1988-1990 brown or rusty brown in color Honda with Arkansas plates. He stated that he could not remember whether this vehicle was a two door or four door sedan and outside of the letter H predominantly displayed on the trunk of the vehicle could furnish no other identifying information regarding this vehicle. however, was positive that this vehicle had Arkansas plates since the Arkansas designation is easily identifiable.

further indicated that a second vehicle, located approximately three spaces past the above mentioned Honda, was observed backed into a parking space in the immediate area of a path leading to the northern section of the park. This vehicle was described by as a Japanese make vehicle, metallic blue in color, with Virginia license plates and in his opinion was considerable newer than the previously described Honda. described the occupant of this vehicle as a male in his late twenties, probably Mexican or Cuban, with dark

Investigation on 4/15/94 at Washington, D.C. File # 29D-LR-35063 SUB A
by _____ Date dictated 4/19/94 OIC 000148

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1526

FD-302a (Rev. 11-15-83)

CONFIDENTIAL

29D-LR-35063 SUB A

Continuation of FD-302 of _____ On 4/15/94 Page 2

complexion, dark brown or black curly hair worn short, 5'10" to 5'11" in height. _____ stated that he specifically remembers this individual since when he, _____ departed his vehicle, this male exited his vehicle and was closely watching him as he proceeded into the park to urinate. He further mentioned that this male was staring at him making him, _____ feel extremely nervous and uneasy. He could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future.

_____ continued by stating that he proceeded into the park for approximately 200 feet where he relieved himself to the right of a trail. He then returned to his vehicle, which was a rental vehicle from Thrifty Rental, and once again observed the occupant of the second vehicle now inside the vehicle with the driver's window slightly down continuing to stare at him. _____ stated, however, that upon returning to the parking lot, he walked behind the brown Honda and peered inside the vehicle where he observed a dark-blue jacket draped over the driver's seat. He further stated that he observed in this Honda a leather briefcase or leather folder on the passenger side seat. He specifically recalls that this particular briefcase or folder was darker than the interior of the vehicle which, according to his recollection, was beige or light in color. _____ further added that he specifically remembers being surprised that anyone would leave a briefcase or folder on the front seat of an unattended vehicle. He could furnish no other descriptive data regarding this vehicle or for that matter the contents located within the vehicle.

_____ advised that, in his opinion, he was in the Fort Marcy Park no more than five minutes and remembers exiting Fort Marcy Park at approximately 4:30 pm and proceeding North on the George Washington Memorial Parkway. He stated he specifically remembers the time being 4:30 pm since the rental vehicle he was driving had a relatively large clock on the dash board. He advised that upon exiting Fort Marcy Park he did view in the right hand lane of the North bound George Washington Parkway a Ford passenger van which was slowing down and possibly could have made a right hand turn into Fort Marcy Park. Mr. _____ was unable to furnish any description of the occupant of this van nor any other identifying data regarding this vehicle.

_____ was shown a series of photographs depicting Mr. Vincent Foster's four door Honda, Arkansas license

OIC 000149

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Continuation of FD-302 of _____, On 4/15/94, Page 3

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plates After closely scrutinizing the photographs he stated that while he was positive this vehicle had Arkansas license plates, as depicted in the photographs, it was his opinion that this vehicle was either brown or rust brown in color and appeared to be an older vehicle than the photographs he was exhibited. In fact, Mr. stated that after viewing television reports the evening of July 20, 1993 in which Mr. Foster was identified as a White House lawyer, he remembered thinking to himself that due to the age of this vehicle it was not, in his opinion, a vehicle typically driven by a lawyer. Based on these observations, he called the U.S. Park Police around midnight on July 20, 1993 and within the next day or two telephonically provided his observations to a U.S. Park Police Officer.

reiterated his description of this Honda as a 1988-1990 Honda sedan with Arkansas plates but could furnish no information relative to whether it was a two or four door vehicle nor furnish any additional information relative to any distinguishing marks, dents, or external stickers on the vehicle. Additionally, he advised that with the exception of the two vehicles previously identified and the occupant of the metallic blue vehicle, he did not observe any other vehicles or individuals in Fort Marcy Park and denied hearing any unusual noises or sounds.

license
OIC 000149

OIC 000150

#4

1631

FD-302 (Rev. 3-10-82)

CONFIDENTIAL

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/12/94

was reinterviewed at the Office of the Independent Counsel, 1001 Pennsylvania Avenue, Washington, D.C. was advised as to the identity of the interviewing agent and specifically informed of the nature of the inquiry. He then provided the following information:

was informed that in light of additional information being obtained by interviewing agent relative to the description of Mr. Vincent Foster's 1989 Honda Accord, that it was necessary to reinterview him relative to his observations at Fort Marcy Park, Virginia on July 20, 1993. maintained that, to the best of his recollection, the observations previously furnished to interviewing agents on April 15, 1994 were still consistent with his observations of the two vehicles he observed at approximately 4:15 pm on July 20, 1993 at Fort Marcy Park.

In an attempt to further clarify observations on that day, he was informed that the official note taker for the U.S. Park Police in describing Mr. Foster's four door Honda, Arkansas license plates, notes that the vehicle examined at the Fort Marcy parking lot on July 20, 1993, was "gray/brown" in color. was also advised that the second USPP officer to arrive at the death scene also described Mr. Vincent Foster's vehicle as, "a gray/brown Nissan four door with Arkansas registration parked in the 4th space from the front of the parking lot." Additionally Mr. was informed that a witness who was in the Fort Marcy parking lot at approximately 5:45 pm on July 20, 1993, described what eventually turned out to be Mr. Foster's Honda vehicle as a "Japanese model, brown in color." In addition to furnishing this background information to he was also exhibited a 35mm photograph (partially underexposed) which was taken by Officer Peter Simonello, USPP at the Fort Marcy parking lot on July 20, 1993. The photograph of Mr. Foster's Honda when viewed next to a light colored USPP vehicle appears extremely dark in

Investigation on 5/11/94 at Washington, D.C. File # 29D-LR-35063

by _____ Date dictated 5/11/94 OIC 000269

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1632

FD-302a (Rev. 11-15-83)

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FD-302 (Rev. 3-10-82)

29D-LR-35063

Continuation of FD-302 of _____, On 5/11/94, Page 2

color.

After being informed of the above-cited information to include viewing the 35mm photograph, _____ still believes that the vehicle he observed during the period of time he was in Fort Marcy Park on July 20, 1993 was brown in color and still believes looked "older" than Mr. Foster's 1989 four door Honda Accord. In a further effort to clarify this situation, Mr.

_____ in the company of the interviewing agents physically viewed a series of automobile color panels at the FBI laboratory, Hoover Building, Washington, D.C. During this review of _____ automobile panels, he identified panels numbered 3499 and 3500 as closely approximating the color of the vehicle he observed at Fort Marcy Park. During this review of color panels as well as a brochure of Honda vehicles stated that he definitely believes that the vehicle he observed was a four door Honda Accord. The vehicle in his opinion, appeared to be shorter in length or more compact than the photographs of Mr. Foster's 1989 Honda and further believed that the color of the vehicle had a flat finish and was not glossy or clear coated as represented in the photographs of Mr. Foster's 1989 Honda. However, _____ did indicate that while he still believes the vehicle had an Arkansas license plate, he doesn't recall that the plate he observed had as many letters preceding the numbers as depicted on the Arkansas plate on Mr. Foster's 1989 Honda.

_____ reiterated his previous observations, that this vehicle was unoccupied and was parked front end in facing the park in one of the first parking slots on the left hand side of the Fort Marcy parking lot. He reemphasized the fact that, in his opinion, this vehicle had an Arkansas plate and that he observed a dark blue jacket draped over the driver's seat of this vehicle. _____ stated that all other information furnished by him to interviewing agents on 4/15/94 were consistent with his recollection of what he personally observed during the period of time he was at Fort Marcy Park on July 20, 1993.

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the license plate he saw identified the state in the lower right
hand corner of the plate.*

Knowlton

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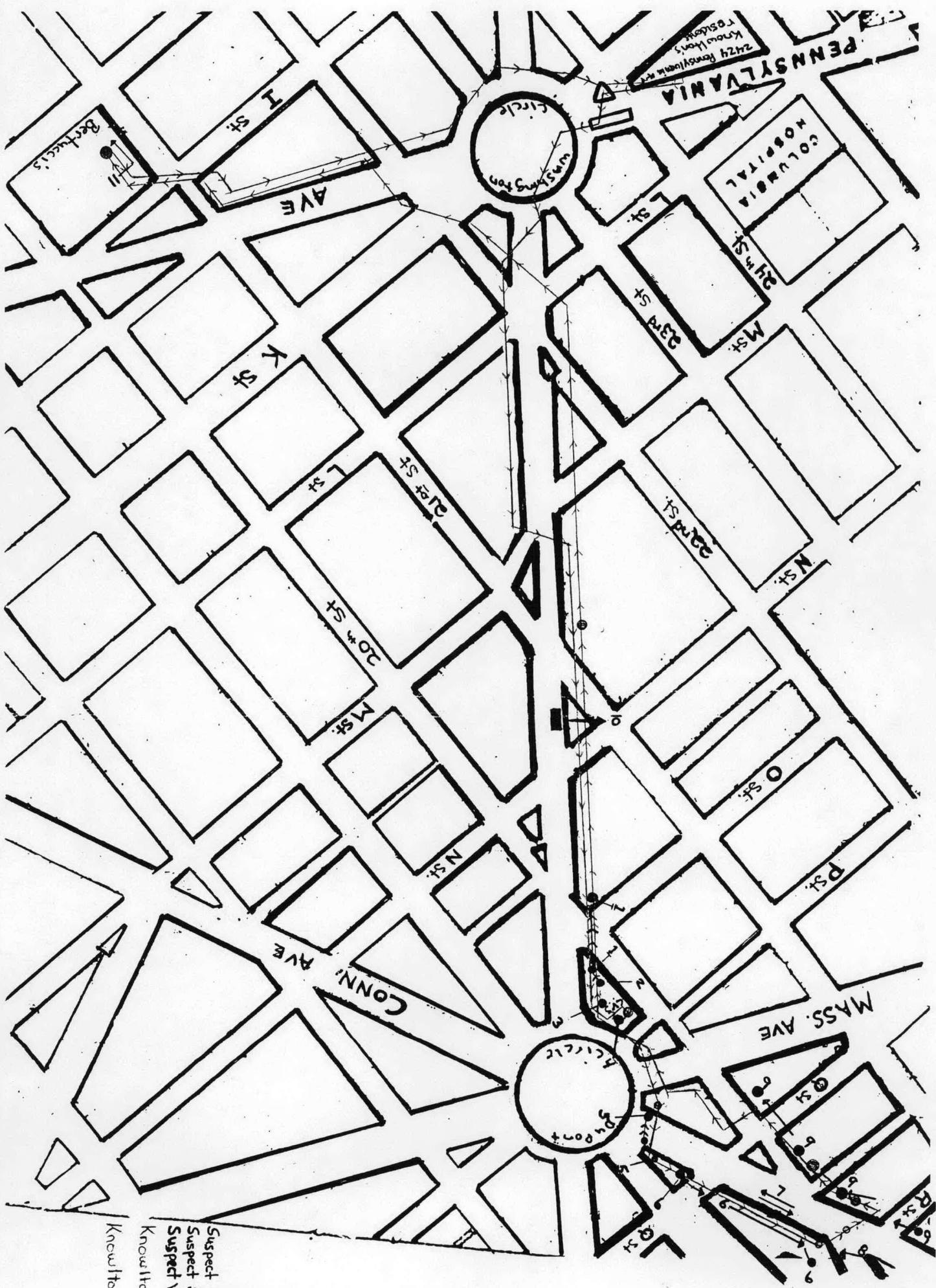
Another man stated that he drove into Fort Marcy Park between 4:15 and 4:30 p.m. He observed two cars in the parking lot of the Park at that time. He described one as a brown Japanese-made car with an Arkansas license plate. When shown photographs of Foster's car, he stated that the car he saw appeared darker in color and more compact. He stated that nobody was in the car, but there was a man's suit jacket folded over the passenger seat of the car. He recalls that the car was parked in one of the first spaces on the left side of the lot, which is where the Park Police found Foster's car following his death. The Park Police also found Foster's suit jacket draped over the front passenger seat of his car.

G. Discovery Of Foster's Body

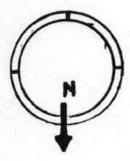
1. Fort Marcy Park

Fort Marcy Park is located adjacent to the northbound lanes of the George Washington Memorial Parkway in Fairfax County, Virginia. The only vehicular entrance is from the Parkway, although there is a small opening in the fence on the Chain Bridge Road side of the park for use by pedestrians. A short drive from the Parkway entrance, there is a parking lot. Several foot trails lead from the lot. The original Fort Marcy was one of a ring of fortifications constructed during the Civil War to defend

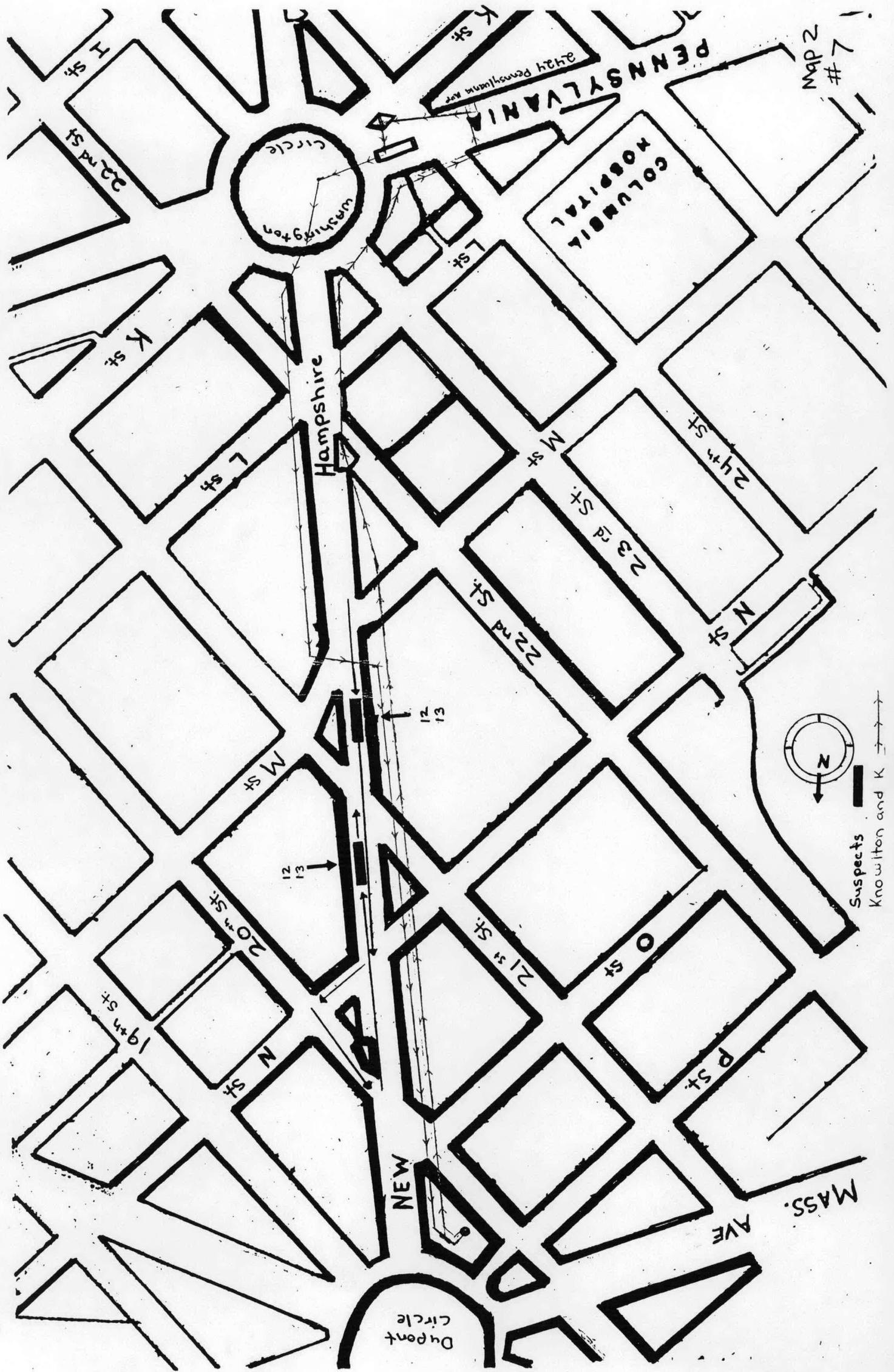
* In recent years, only the State of Montana has a license plate that identifies the State in the lower right corner.

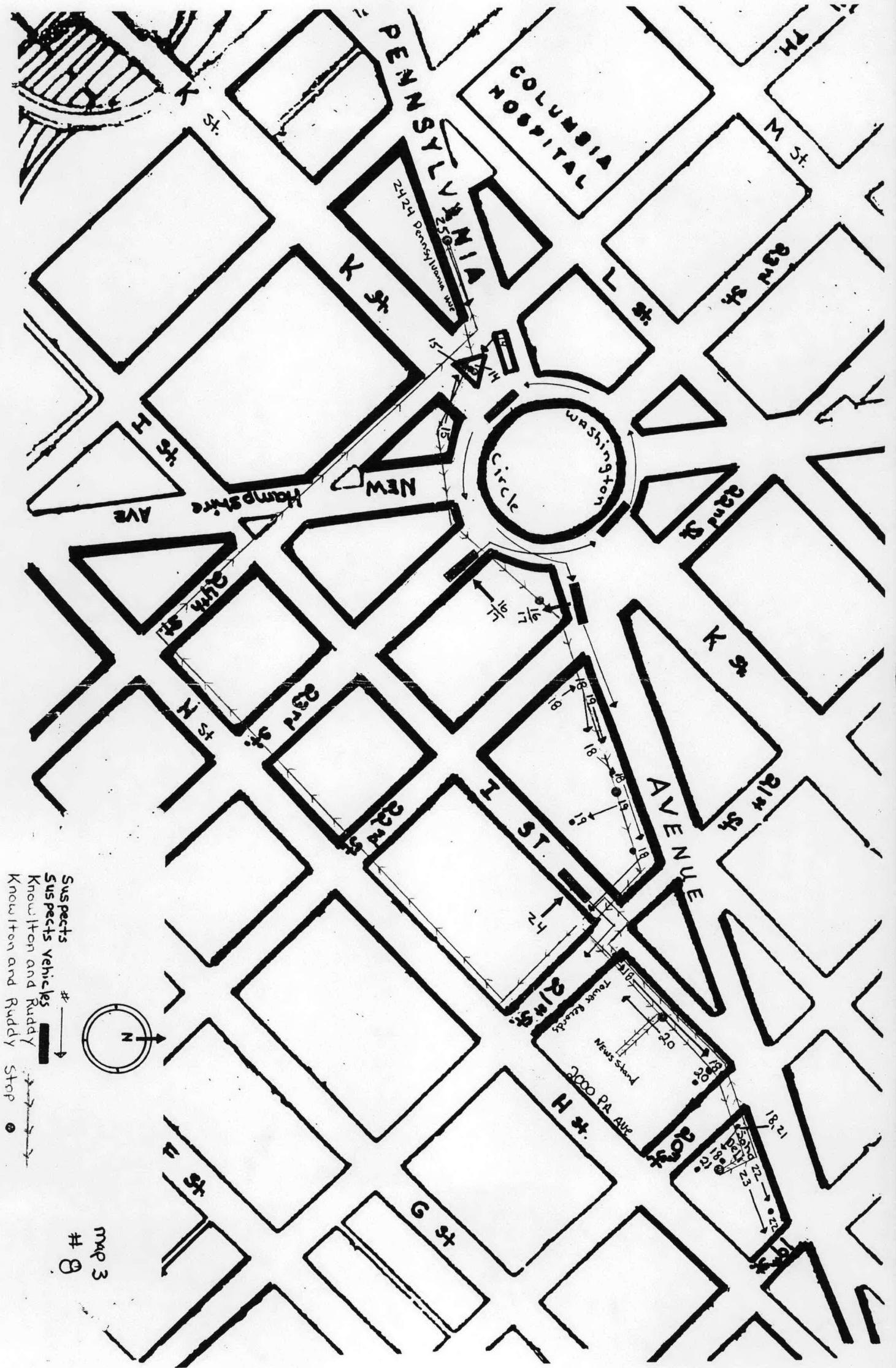


Suspect Walking
 Suspect Standing
 Suspect Vehicle
 Knowlton and K Stop
 Knowlton and K Walk

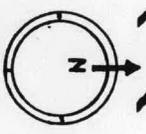


Map 1
 #6





○ Suspects
 # → Suspects Vehicles
 # → Knowledge and Ruddy
 # → Knowledge and Ruddy Stop



map 3 # 8

A Special Report from the Pittsburgh Tribune-Review

9

Sunday, October 29, 1995

Foster Case: Park Witness to Appear Before Starr's Grand Jury

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON, D.C.—A man who says he was at Fort Marcy Park on the evening Vincent W. Foster Jr. died was served a subpoena last week to appear before Independent Counsel Kenneth Starr's Whitewater grand jury at noon Wednesday.

Since being served the subpoena, Patrick Knowlton appears to have been monitored around his Pennsylvania Avenue residence in Georgetown under a massive surveillance operation.

A week ago, Ambrose Evans-Pritchard of London's Sunday Telegraph reported details of Knowlton's account of a tie-in to the Foster case. Knowlton was apparently the first person to see Foster's automobile in the parking lot at Fort Marcy.

The Telegraph reported that Knowlton was "stunned" when he was shown a report in his interview with FBI agents working for former Special Counsel Robert Fiske. His statements had been falsified, the Telegraph reported.

Knowlton agrees with part of the FBI statement; that he arrived at the Fort Marcy parking lot on July 20, 1993, at about 4:30 p.m. Foster's body was found more than an hour later.

DETAILS AT THE PARK

Knowlton said that the first car he saw in the lot, a Honda, was parked to his immediate left and had Arkansas plates. He said he parked his car a few spaces from the Honda, and observed another car, a blue sedan with a young man sitting in it, who gave Knowlton what he said was a menacing look. Knowlton described the man as in his 20's and possibly Mexican or Cuban.

As Knowlton quickly relieved himself by a nearby tree, the Hispanic man got out of his blue sedan and stood leaning over the roof of the car.

Frightened, Knowlton said he quickly left the park, but mentally noted some of the contents of the Arkansas Honda, including a suit jacket and a briefcase. He called the Park Police later the same night after he heard on the news of Foster's death.

The police took a brief statement from him over the phone, which they included in their report though they spelled his name wrong.

But Knowlton told the Telegraph that a key statement attributed to him by the FBI during the Fiske investigation was "an outright lie." The FBI agents who interviewed him wrote, "Knowlton could not further identify this individual (the

would be unable to recognize him in the future."

SHARP MEMORY FOR DETAILS

In point of fact, Knowlton said he has a haunting memory of the man. With the assistance of a police artist provided by the Telegraph, Knowlton even produced a sketch of the man. The composite sketch was published in the Telegraph.

Knowlton, who owns a trading business, says—and his friends agree—that he has a sharp memory for details. Knowlton told the Telegraph that interviewing FBI agents Larry Monroe and William Colombell went to extraordinary lengths to convince him he saw a blue Honda of recent vintage with Arkansas plates. Knowlton insisted that he saw an older model brown Honda with Arkansas plates.

According to experts familiar with the case, Knowlton's testimony could be critical on several points:

- If Foster did not commit suicide, Knowlton likely could positively identify the person somehow involved in the attorney's death. Key forensic and circumstantial evidence led two New York police investigators to conclude that "overwhelming" evidence indicated Foster's body was moved to the park. One source close to Starr's probe has suggested that the man Knowlton saw may have been "secure" the lot. A rear

entrance to the park is close to where the body was found and could have, some theorize, been the actual point of the body's entry.

- He possibly could demonstrate that the FBI covered up key elements in the case.
- He possibly could indicate that another car with Arkansas plates, similar to Foster's, was placed in the park to leave potential witnesses with the impression Foster was in the park earlier than he was. A nagging problem with the case is the large amount of unaccounted-for time—five hours from the time Foster left his office until his body was found.

Last Thursday, Knowlton said an FBI agent with Starr's office showed up at his door to serve him with a subpoena, one of several the agent said he had to deliver that day.

WITNESS BEING WATCHED

Since then, Knowlton has been aware that he is being watched.

"He called me and said that he and a female friend had been passed twice that evening by two men in a dark sedan who gave menacing looks at Patrick," reporter Pritchard said.

On Thursday night, this reporter visited Knowlton at his residence and noticed no unusual activity outside.

Knowlton appears to be a stable, credible professional. His friends in the building describe him as a rather normal person who seems beset in the middle of something larger.

He knows little of the larger issues of the Foster controversy and was unaware of the political overtones of the case. His foyer wall proudly sports a "Clinton-Gore" campaign bumper sticker.

Knowlton and a female friend recounted Thursday's events.

Knowlton said that while taking his daily walk for a newspaper, he encountered more than a dozen men, all wearing suits, who would

be walking toward him or coming from behind, then would give him a sudden, purposed stare.

His female friend said he has no history of paranoia.

To verify Knowlton's account, he agreed the following day to take his daily walk with this reporter.

The surveillance was apparent, almost from the instant we exited his apartment.

He was approached again and again by the same men: dark suits, soft-soled shoes, each carrying a note pad or newspaper. And as they passed us, each gave a pointed, timed stare at Knowlton.

After crossing the first intersection, a man crossing the same street from the other side met us at the sidewalk. He looked at Knowlton and shook his head in an awkward gesture.

Another man, short and Middle Eastern looking, passed us and stared. After he passed, his walk slowed considerably and he made some comment to an African-American man casually dressed and carrying shopping bags—an individual we already had passed who had also given us "the stare."

The short man appeared aimless after passing us—a phenomenon repeated by the others.

Several cars appeared to trail us. In one white Honda with Virginia tags, two dark men with mustaches appeared to make no bones about their surveillance. They first caught our attention as we crossed the intersection, and both gave us a menacing stare.

The car entered a traffic circle, and instead of carrying on, circled back and came alongside, stopping in the middle of the road just yards in front of us. The occupants began to manipulate their mirrors to watch us along the sidewalk.

SIMILAR CIRCUMSTANCES

In all, at least two dozen and possibly more people were encountered under similar circum-

stances from the time Knowlton left his apartment until he returned.

He said he recognized two of them from the day before.

We then took a drive around the block; no one appeared to follow us. But when we first entered the car, a pedestrian came alongside and noticeably checked the car's front and rear license plates.

Knowlton took out a camera and photographed the man, who quickly moved his hand toward his face.

After midnight that evening, Knowlton called Pritchard to say his apartment doorbell had been rung but no one answered when he asked who was there. Then there were four immediate knocks on the door.

Pritchard said that the license plate Knowlton noted from Thursday had checked out with a law enforcement source of Pritchard's as being a federal government vehicle.

His source suggested Knowlton was "being warned, or there was an attempt being made to destabilize him before he appears before the grand jury," Pritchard recounted.

Knowlton's lawyer has contacted the FBI to complain. There has been no return call.

STARR CATCHING UP

The subpoena is one indication that Starr may be playing catch-up; the Telegraph reported that three critical crime scene witnesses had never been called before his Washington grand jury—though Starr says he has been actively investigating the case for more than a year.

In addition to Knowlton, Starr had never brought in two witnesses who said that when they entered Fort Marcy's lot they saw two men—not Foster—in and around his Honda just before the body was found. One man, described as having long blond hair, was said to have stood in front of the car with the other man, as was reported in the Tribune-Review months ago.

The failure to aggressively examine these major discrepancies seemingly corroborates earlier reports that Starr's lead Foster prosecutor, Miquel Rodriguez, resigned after being thwarted by his superiors in conducting a full grand jury probe into the death.

Starr's possible passivity with the Foster case seems to have taken some notice on Capitol Hill.

A leading Republican member of the Senate's "Whitewater" Banking Committee said Thursday night that he was "disappointed" with Starr's work, which he described as

embarrassing. The senator, previously believed to have been a supporter of Starr's, said Starr is motivated by a desire to be on the Supreme Court. He added, as it stands now, that any notion of Starr getting on the court "is finished."

alka

for martyr

er to die..." he says, railing off into nothingness. On Stojanovic's desk, a statuette commemorating the medieval battle of Here, so the story goes, Lazar chose death rather than Turkish vassaldom.

So is Vukovar, too, such a collective Lazar complex. Milosevic is seen as a highly ambiguous signifier, whether he would intend to defend this area that became his own republic. The authorities say the local Serbs negotiate on their own, but evidence suggests that Milosevic is keeping his options open.

Police from Serbia have taken control of the area since August. Colonel Milan Peric, of the equivalent of the SAS, the Police Unit, also makes an appearance show of his presence.

Another indication that

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NOVEMBER 5, 1995

The Sunday Telegraph

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Death mystery plot thickens

IT WAS not my intention to return to the theme of Vincent Foster so soon, but the astounding developments of the last few days cannot pass without comment.

The Sunday Telegraph has tracked leads that suggest a possible link between Arab interests and the mysterious death of the deputy White House counsel. We also have an indication that the CIA played a role in the immediate aftermath of the death, something that has never been disclosed before.

The rush of events began two weeks ago when we published the story about a witness, Patrick Knowlton, along with an artist's sketch of a potential "suspect" observed at Fort Marcy Park, Virginia, on July 20, 1993. We pointed out that Mr. Knowlton had never been called before the federal grand jury, nor had the other key witnesses.

The response was swift. Within days the subpoenas were flying. The FBI turned up at Knowlton's apartment in Foggy Bottom last Thursday week armed with a grand jury subpoena.

Then the madness began. That evening Knowlton and a friend noticed that they were under surveillance as they walked around the artistic quarter of Dupont Circle. Men cut in front of them, they claimed. They were followed. They were given menacing looks. It smacked of witness intimidation.

Knowlton called me up late that night in a state of agitation. I drove over to take a look, but all was quiet. There was no sign of a stake-out. The next day, however, it happened again. This time he was accompanied by Christopher Ruddy, an investigative reporter for the Pittsburgh Tribune-Review, who says that he saw a surveillance operation that must have involved as many as 30 people. Several of the men had a Middle Eastern appearance.

Our conclusion was that somebody was clearly so worried about Knowlton — and what he might say to the grand jury — that they were willing to take a huge risk to shut him up.

Knowlton and Ruddy snapped some photos and wrote down the registration numbers of two cars that were engaged in an obvious attempt to intimidate. It turns out that both cars are owned by young Arabs living in the Washington suburbs of Northern Virginia.

Just to be certain that we had found the right people, we paid a midnight visit to one of the owners at his rented house near Langley. Two Arabs came to the door and Ruddy recognised them instantly as the driver and passenger of a white Honda that had trailed them.

Knowlton, further back in the shadows, said he recognised the driver at once. To our surprise, the licence plates were clearly displayed in the parking spot in front of the house, but they were now attached to a different car — what seemed to

WASHINGTON



AMBROSE EVANS-PRITCHARD

us clear evidence that they had been up to mischief.

We chatted on the doorstep. One of the Arabs — let us call him Ayman — did all the talking. The other, just stared at us. Ayman, 31, claimed to have a doctorate in economics from Oxford (the university in fact has no record of his name). He said that he was from Jordan, which I do not believe either. He denied any involvement in the surveillance of Knowlton. But he paled when we told him that we had photos of the goon squad.

Ayman had the air of a man who had been contracted to do some low-level harassment and now found himself way out of his depth. But who was he working for in the first place? The intelligence service of an Arab government? An organised crime cartel? Or could it be that he was one of the stringers used from time to time by the National Surveillance Team, a US government outfit that likes to use foreigners and part-time reservists? And why would any of these have a stake in covering up the circumstances around the death of a quiet lawyer from Little Rock, if that is what happened?

THE IDEA that the US government could have been orchestrating this crude intimidation campaign is too grotesque to contemplate. But somebody was doing it, and it is hard to believe that the government was oblivious. Perhaps US counter-intelligence has been watching it from the beginning, waiting for the right moment to pounce on the criminals. I hope that is the case. And what of the CIA? Up to now there has been nothing to link the agency to Foster's death, but The Sunday Telegraph has a tape-recorded exchange involving two of the staff at Raley's Towing, the company that towed Foster's car to the Park Police headquarters after his death. A driver can be heard in the background saying that Foster's car was taken to the CIA.

"That would have gone to Park Police headquarters," said one of the staff, when asked about Foster's Honda. "No, it went to the CIA and then went to headquarters," said the driver.

"Oh, it went to CIA first?" Raley's Towing refuses to elaborate. In fact, it now says that it will divulge information only if compelled under a subpoena. So we do not know why they made this excursion to the CIA.

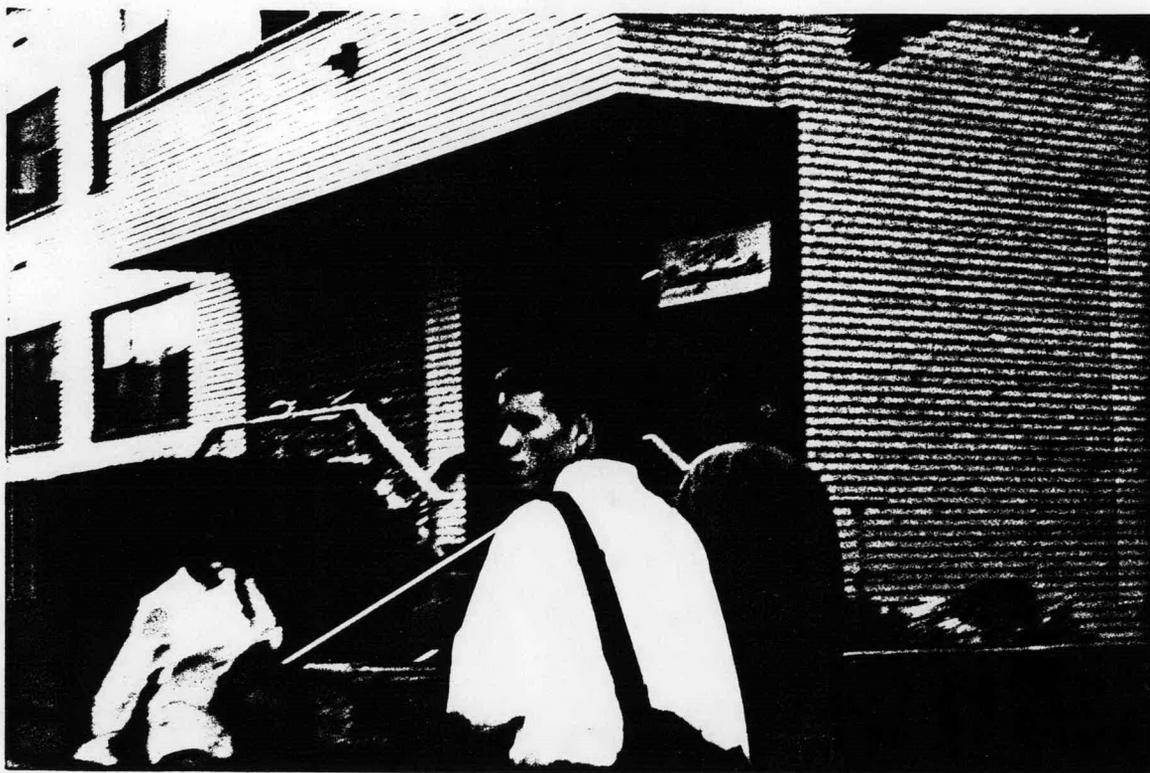
Perhaps there is a banal and innocent explanation. But then again, perhaps not.

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HUGH H. SPRUNT
3508 Watercrest Court
Farmers Branch, Texas 75234-2457
(214) 484-7136
HSprunt@aol.com

[VIA Facsimile & VIA US Mail, 11/20/95]

Sunday, November 19, 1995

Mr. John H. Clarke
Attorney-at-Law, Suite #304
720 7th Street, NW
Washington, D.C. 20001

Dear Mr. Clarke:

As you requested in your call to me yesterday afternoon, I am writing to record for your use what I know of certain events involving your client, Mr. Patrick Knowlton, that took place shortly after midnight on the morning of Saturday, October 28, 1995. This letter will cover what I personally observed but, to put these events in context, I will also mention what I was told in connection with the events that I witnessed that morning.

Ambrose Evans-Pritchard, the DC Bureau Chief of the London Sunday Telegraph, phoned an associate of mine and me where I was staying in the DC area around 12:20 AM on the morning of Saturday, October 28. He called us because he trusted us and wanted to have some additional people with him if Mr. Knowlton persisted in his desire to leave his apartment that evening in the company of Evans-Pritchard.

Evans-Pritchard had written an article on October 22, 1995, in the London Sunday Telegraph describing what Patrick Knowlton had told the US Park Police and the FBI about events he had witnessed in the parking lot of Fort Marcy Park, Virginia, around 4:20 PM EDT on July 20, 1993 (about 90 minutes before the "Confidential Witness" discovered the body of Vince Foster and about 115 minutes before the body was officially located by US Park Police Officer Kevin P. Fornshill and the two accompanying Fairfax County Fire and Rescue Department personnel).

Apparently due to this article, the Office of Independent Counsel Kenneth W. Starr served Mr. Knowlton a subpoena on Thursday, October 26. From what Evans-Pritchard (and later, reporter Chris Ruddy) told me, Mr. Knowlton almost immediately began to be harassed on the streets of Washington, both by well over a dozen pedestrians and by people in at least three vehicles.

We agreed to rendezvous with Evans-Pritchard near Mr. Knowlton's residence when we heard that Mr. Knowlton had told Evans-Pritchard by phone a few minutes previously that he, Knowlton, wanted Evans-Pritchard to extract him safely from his apartment in the building at 2424 Pennsylvania Avenue and take him to a more secure location.

Evans-Pritchard told us that Mr. Knowlton had made this request since various individuals had, late that night, made repeated calls to his apartment phone and banged again and again on his apartment door with the result that Mr. Knowlton feared for his safety.

Shortly after our rendezvous with Evans-Pritchard, he told us Mr. Knowlton had called Evans-Pritchard's cell phone to say that the harassment had ceased and that it was therefore now Mr. Knowlton's decision to remain in his apartment, provided what he viewed as efforts to intimidate him did not recommence that night. Evans-Pritchard advised Mr. Knowlton to unclip his phone jack so that no one could call him the rest of the night. My associate and I then did several walk-arounds of Mr. Knowlton's apartment building and had his still-lit upper-floor-right rear apartment pointed out to us by Evans-Pritchard.

After about a half-hour of "patrolling" the perimeter of Mr. Knowlton's building, Evans-Pritchard elected to return home since it appeared that no one was bothering Mr. Knowlton in his apartment any longer. I suggested to my associate that we remain in front of Knowlton's apartment building for a while to see if we could spot any unusual pedestrian or vehicular behavior at 2424 Pennsylvania Avenue. Our amateur "counter-surveillance" was aided by the lateness of the hour (12:50 - 2:00 AM) and the fact that a light rain was falling -- anyone surveying the building from the sidewalks would stand out more easily under such conditions.

Although we had a four to five good "candidates," two individuals stood out in particular as being potential members of any team watching Mr. Knowlton's apartment building (or, if not, they were individuals whose behavior was totally outré for reasons unknown!).

The first person walked up and down the sidewalk in front of Knowlton's building at least a half-dozen times, returning every three or four minutes after crisscrossing Pennsylvania, sometimes going into the hotel next door and sometimes into Knowlton's building (just the entryway). He took the stairs to the basement in the adjoining hotel on one occasion, where we elected not to follow at that time. However, you should know that one can take these stairs to the basement (with access to phones, bathrooms, and elevators) without passing the front desk.

This individual was of medium height, clean-shaven, with very short dark hair and a muscular build. He appeared to be in his mid-to-late-twenties, and had generic middle-eastern features. He wore what looked like Levi's and some sort of dark-colored pullover, as I recall. His hands were empty. He had no cap or umbrella and looked out of place for someone spending so much time in the rain.

I had my flash camera with me and considered taking some photos, but elected not to do so since I understood that Mr. Knowlton and the two reporters already had taken some photos over the prior couple of days of the people (and vehicles) who had been confronting Mr. Knowlton. Given the lack of people on the street at that hour, I did not think it was prudent to do anything that might provoke an active response. I did give this person a loud "Hi!" the last time he drew abeam of us. This caused no reaction other than a quick trip by him to the basement of the hotel next door. We never saw this individual again since, as stated above, we decided to go no further than the lobby.

The second person we thought might be part of a Knowlton surveillance team was across Pennsylvania and slightly down to our right (near a bar or restaurant that was still open -- I think its name was "Nick's"). We observed this individual for fifteen minutes or so. To the casual observer, he appeared to be hailing a cab, but we noticed that his arm always went up several seconds late and that he appeared to be hailing only cabs driving down the opposite side of Pennsylvania (our side). These motions went on for a number of minutes and began to be more and more amusing the longer we watched.

Mr. John H. Clarke

November 19 1995 Page 3

We therefore decided to hail a cab on our side of the street and suggested to the driver that he pick up this individual across the way. The cab made a U-turn and attempted to provide a ride to the gentleman in question. When called over by the cabby, the individual approached the front passenger side of the cab and almost immediately stepped back and waved the cab on. We began to stare at this individual since we felt the cab driver had probably pointed us out as his "good Samaritans" and we wanted to see what his reaction would be.

After a short interval, this individual apparently decided it looked strange sending a cab away after ostensibly trying to hail one for so long so, for the first time, he hailed a cab on his side of the street and rode off in it. This person was some distance away from us, but appeared to be in his early-thirties, of average to above average height, clean-shaven, with longish straw-colored hair, with a chunkier build than the first individual, and wore a tan raincoat. Both his hands were also empty.

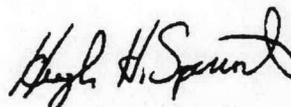
We broke off our amateur attempt at counter-surveillance around at around 2:00 AM and drove back to where we were staying. I realize some of this account would be hearsay if I were formally giving evidence, but I have tried to be as specific as my memory permits concerning what I saw that evening and the actions I took.

I find it horrifying that Mr. Knowlton would be subject to this sort of harassment and surveillance (the latter I believe I saw personally), apparently as part of an ongoing effort to cause him to alter or recant his prior statements to the FBI or to reporters, first just prior to his second interview with the FBI on May 11, 1994, and now prior to his testimony before a District of Columbia Federal grand jury. Such actions cut the heart out of our system of justice. They should be vigorously investigated and those responsible for appropriately sanctioned, no matter who they might be.

Based upon my detailed knowledge of the over 2600 pages of official documents that are technically available to the public concerning the death of Vince Foster, I am personally convinced that all the government reports made available to date on the death of Mr. Foster are, *at best*, materially misleading. I have written the "Citizen's Independent Report" on the death of Vince Foster as a pro bono project (I get not a cent from it) and "merely" would like to have a thorough public investigation of Vince Foster's death and to see justice be done.

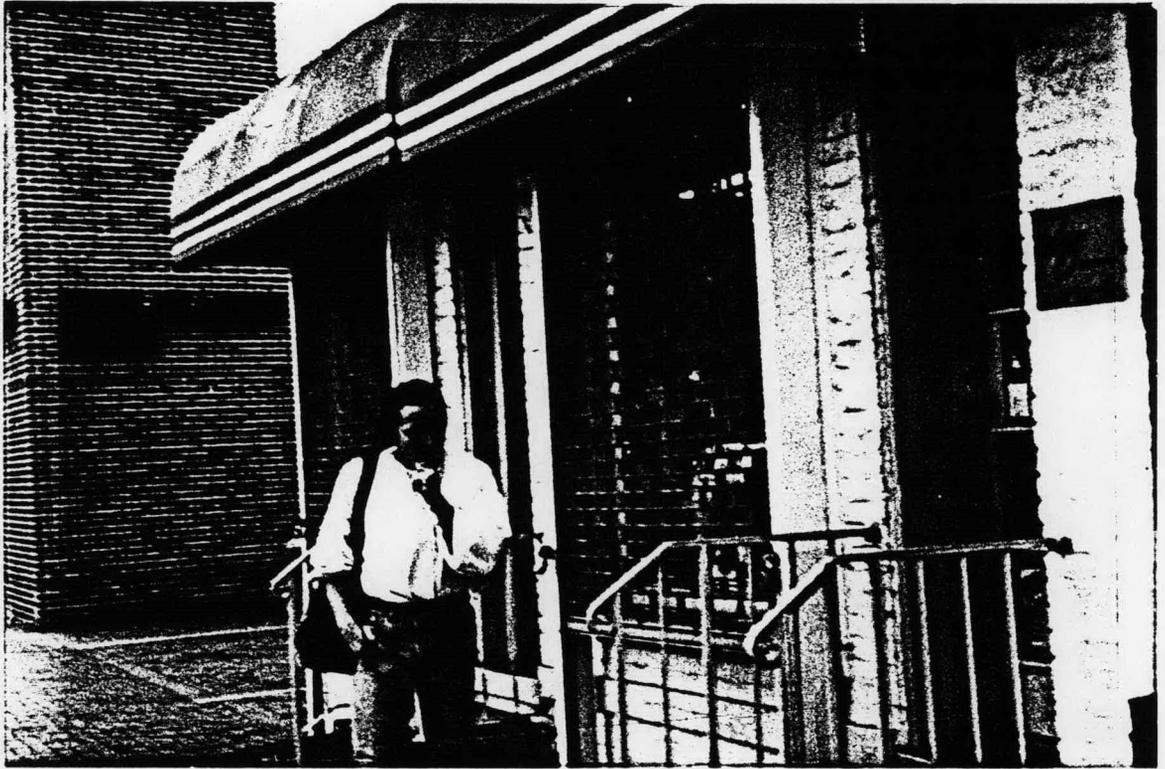
If you have any questions about this letter, please do not hesitate to contact me. I am not a Republican or a Democrat. I am certainly not a conservative. My initial interest in the death of Vince Foster was not political, but arose due to a variety of indirect personal links I have with Mr. Foster and his family.

Warm regards,



Hugh H. Sprunt
Attorney & CPA

B



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November 28, 1995

By Hand

John Bates, Esquire
Mr. Edward H. Lueckenhoff
OFFICE OF INDEPENDENT COUNSEL
1001 Pennsylvania Avenue, NW
Suite 490 North
Washington, D.C. 20014

Re: Patrick Knowlton

Dear Mr. Bates & Mr. Lueckenhoff:

This letter is in response to Mr. Lueckenhoff's November 21, letter to me, and to Mr. Bates' November 22, letter to Mr. Knowlton.

During my November 20 meeting with the both of you, Mr. Kavanaugh, and Agents Clemente and Copeland, I explained that we are in the process of preparing an in-depth report of the events of July 20, 1993, as well as the recent harassment suffered by Mr. Knowlton. Your November 21 letter asks that I make Mr. Knowlton available to the OIC for an additional interview regarding the harassment, and the first interview about Mr. Knowlton's visit to Fort Marcy Park on July 20, 1993. We are anxious to do so. In the interest of efficiency, I suggest that you wait until after that report is completed so you can review it before interviewing my client. We expect to complete and deliver to you the report this week.

FBI Agent Larry Monroe apparently attempted to cover up the truth when he prepared the 302s about what Mr. Knowlton witnessed at Fort Marcy Park on July 20, 1993. The apparent lies in the 302s are the root cause of Mr. Knowlton's suffering at the hands of persons unknown. The 302s were prepared by an FBI Agent assigned to the OIC.

November 28, 1995
John Bates, Esquire
Mr. Edward H. Lueckenhoff
Page 2

So we are naturally angry and frustrated about the treatment given early on to my client by the OIC, the apparent initial disbelief of the OIC to the harassment and intimidation suffered by Mr. Knowlton, and the apparent slow response of the IOC to fully investigate the intimidation.

The OIC was notified about the harassment the day after it started, Friday October 27, 1995. In the early afternoon, Mr. Ambrose Evans-Pritchard ("Pritchard") called the OIC in Little Rock to report the harassment. The OIC directed his call to the Little Rock FBI Office, who in turn suggested that he call the FBI Agents assigned to the Washington OIC. So Pritchard notified Special Agent Russel Bransford. Bransford seemed concerned only with how Pritchard learned that Knowlton had been subpoenaed. Again on Friday, Chris Ruddy, Pritchard, and Mr. Knowlton tried to conference call Mr. Hickman Ewing of the OIC in Little Rock, and John Bates or Brett Kavanaugh of the Washington OIC office. As none of those individuals were available, Pritchard later spoke with Mr. Bates' secretary, who reported that she was taking notes and would pass the information of the harassment on to Mr. Bates. Later that day, the secretary told Pritchard that Bates had received the information.

On Saturday and Sunday, October 28 and 29, I left messages on Agent Bransford's answering machine regarding the harassment.

It was not until Monday, October 30, that the OIC first contacted Mr. Knowlton regarding the harassment he suffered. Bransford told Mr. Knowlton that he would call before coming over to his residence, but called as he was arriving.¹ During the

¹ Knowlton asked for a few minutes so he could call me so I could be present. Immediately after hanging up Knowlton's telephone line went dead. Upon arriving, Bransford confirmed that the phone was dead, and during the conversation regarding the phone stated, "If there was a phone tap on there, you'd never know it." As Agent Bransford was leaving, Knowlton's phone rang and his telephone service was restored.

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Mr. Edward H. Lueckenhoff
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conversation, in response to Knowlton's request for protection, Bransford repeatedly replied "What do you want us to do?" Knowlton asked Bransford whose side he was on, to which Bransford replied, "Kenneth Starr's side." During that interview, Agent Russel Bransford made an outrageous intimidating comment to my client. Knowlton asked if he should trust Bransford. Bransford answered, "I don't know Mr. Knowlton, that's a good question."

My client's next contact with the OIC was his appearance before the Grand Jury on November 1. The treatment he received there was also unsatisfactory. During the questioning, Mr. Bates sat behind my client, and at no time did he introduce himself or thank Mr. Knowlton. Mr. Knowlton was asked many questions about his contacts with the press and capital hill. One line of questioning seemed to Mr. Knowlton to imply that he was in Fort Marcy Park to engage in a homosexual liaison. He was asked about the frequency and with whom he had been to Fort Marcy Park. He was asked about the two men who share Mr. Knowlton's summer residence in Etlan, Virginia, then about his association with CW. This line ended with a series of questions about the man who gave him a menacing stare in the parking lot of Fort Marcy Park. He was asked, among other things, whether this man passed him a note. For most of the two and one half hours, Mr. Kavanaugh sat resting his head on his hand, as if the testimony was of little or no importance. And regarding the harassment² Mr. Knowlton suffered, perpetrated by at least twenty-seven people before November 1, Mr. Kavanaugh asked, "Tell us about the alleged harassment?"

On Thursday evening, November 2, I met with the OIC to express my concern for Mr. Knowlton's safety after he called me and related the following account. A man came into his building lobby, became startled when he made eye contact with Knowlton,

² During the proceeding, Mr. Kavanaugh had in his possession a letter from me to the OIC and the FBI, hand delivered that morning, summarizing the harassment, and requesting protection from the FBI.

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and immediately left the building. Knowlton walked out the door toward the paper box on the corner, and saw the man walking behind him. As he retrieved a newspaper from a corner newspaper box, he looked up saw the man reach into his bag with his right hand. The man looked up, made eye contact with Knowlton, immediately pulled his hand out of the bag, and turned and ran. On Friday, November 3, at the OIC's request, the OIC met with Mr. Knowlton and me regarding the harassment.

Thus the OIC waited for one week after being told of the harassment to interview Mr. Knowlton, and only after I had asked that something be done three times, first to Agent Bransford by telephone on October 30, second by letter hand delivered to the OIC and the FBI on November 1, and third during a meeting with the OIC on November 2.

We have almost no way of knowing the resources devoted to identifying those responsible for harassing Mr. Knowlton. But as of Monday, November 20, the OIC had not interviewed one of the individuals who participated in the harassment, whose license plate number was supplied to you by Mr. Pritchard prior to Grand Jury, and who Mr. Knowlton personally identified on November 1. And the OIC has yet to interview the two other witnesses to the harassment, Mr. Knowlton's girlfriend and Christopher Ruddy.

As to your concerns about Mr. Ruddy's November 5, 1995, article, "Foster Case: Witness 'Treated Like a Suspect'", keep in mind that Mr. Knowlton did not write that article. In light of the above, Mr. Knowlton's quotes in that article are certainly understandable.

On several occasions the OIC has told me that they have an idea of who harassed Mr. Knowlton. We are relying on the OIC to identify those responsible for harassing my client, and to eventually share that information. Patrick Knowlton is the OIC's witness.

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John Bates, Esquire
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Please do not hesitate to contact me if we can be of any further assistance to your investigation.

Sincerely,

John H. Clarke

JHC:jeh

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ALSO ADMITTED IN VIRGINIA
AND MARYLAND

November 30, 1995

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COPY

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DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT
Second District
3320 Idaho Avenue, NW
Washington, DC 20016

Janet Reno, Esquire, et. al
November 30, 1995
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John Bates, Esquire
OFFICE OF INDEPENDENT COUNSEL
1001 Pennsylvania Avenue, NW
Suite 490 North
Washington, DC 20014

Re: Witness tampering -
Witness: Patrick J. Knowlton
Witnessed: Events in Fort Marcy Park July 20, 1995,
within ninety minutes of the discovery of the body
of Deputy White House Counsel Vincent Foster
Proceeding: Federal Grand Jury (ongoing)
Lead Prosecutor: Kenneth W. Starr, Office of
Independent Counsel
Criminal violations:
(1) Title 18 United States Code, Section 1512,
Tampering with witness; and
(2) Title 42 United States Code, Section 1985(2)
Obstructing justice; intimidation of
witness
Jurisdiction: District of Columbia

Dear Ms. Reno & Gentlemen:

I represent Patrick J. Knowlton. Mr. Knowlton has been victimized by the violation of the captioned statutes, as is specifically set forth in the attached Report of Witness Tampering.

Respectfully Submitted,

John H. Clarke

Enclosure

MEMORANDUM

Date: November 17, 1995
From: Hickman Ewing
To: File
Subject: Vince Foster

1. Ron Clark of the Rose Law Firm was surprised that Vince Foster had taken files from the firm at the time of the campaign/transition. The "Bank of Kingston" file was taken, with no copies left. Portions of the MGSL representation, including the fee statements were taken. The fee statements never were returned.

2. A coverup of Hillary's role on the "retainer" and the representation of Madison before the state agency took place in 1992. According to Rick Massey, Vince Foster examined the file then. According to Webb Hubbell, Foster, Kennedy, Massey, and he (Webb) examined the file. Could it be that Vince knew about this coverup, the removal of the files or the alteration thereof...?

MEMORANDUM

Date: November 20, 1995
From: Hickman Ewing
To: File
Subject: Jean Lewis-1993 Arkansas Visit

I have thought about this a lot before, and again expressed my views on this to Bob Bittman on the morning of November 20.

From May 31 until June 4, 1993, Jean Lewis of the Resolution Trust Corporation was back in Arkansas, looking again at Madison, Whitewater, etc. and beginning to draw up additional criminal referrals.

She got the key to the Madison warehouse from Bonnie Crocheron. Bob said that if Crocheron knew, then McDougal would know.

Lewis also says that definitely there are people at the various courthouses who would know. This includes apparently the courthouse near Flippin, Arkansas.

Bob said that also people in the RTC knew.

This occurred approximately a month and a half before Vince Foster died. If, Vince Foster had heard about new activity on RTC/Whitewater, including the fact that they were "ginning up" additional criminal referrals, it is just one more factor contributing to his "state of mind" and death -- either by his own hand or otherwise.

TELECOPY COVER SHEET

OFFICE OF THE INDEPENDENT COUNSEL

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

Washington, D. C. 20004

telephone (202) 514-8688

facsimile (202) 514-8802

Date: _____

TO: Hick Swing

Company Name: _____

Fax Number: _____ Telephone Number: _____

FROM: Brett K

Number of Pages: 2 (including this cover sheet)

Message: _____

CONFIDENTIALITY NOTE

This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the facsimile by mail.

VINCENT W. FOSTER
DEPUTY COUNSEL TO THE PRESIDENT

DAILY PHONE LOG

DATE: 4/12

NAME <u>Mark Grahmeyer</u> Date <u>4/12</u> Time <u>3:45</u> Phone _____	REMARKS ACTION TAKEN <u>James Kiati wanted to say hi. will be by tomorrow afternoon to say</u>
NAME <u>Todd Stern</u> Date <u>4/12</u> Time _____ Phone <u>2702</u>	REMARKS <u>hi to you.</u> ACTION TAKEN _____
NAME _____ Date _____ Time _____ Phone _____	REMARKS _____ ACTION TAKEN _____
NAME _____ Date _____ Time _____ Phone _____	REMARKS _____ ACTION TAKEN _____
NAME _____ Date _____ Time _____ Phone _____	REMARKS _____ ACTION TAKEN _____
NAME _____ Date _____ Time _____ Phone _____	REMARKS _____ ACTION TAKEN _____

HOUSE DELAYS HEARINGS ON FOSTER

House Speaker Newt Gingrich has agreed to postpone hearings on the death of Vince Foster until Kenneth Starr completes his investigation.

Earlier this year, Gingrich appointed Rep. Steven Shiff (R- NM), a former prosecutor, to look into the circumstances surrounding the death of Vince Foster. Mr. Gingrich apparently was alarmed by an article in the Investor's Business Daily listing a number of discrepancies and deficiencies with the official government investigations. Mr. Gingrich said in public that he was not convinced that Foster's death was a suicide.

Shiff has spent two months on the review and told the Albuquerque Tribune last week that he had recommended to Mr. Gingrich to hold off until Starr's Foster investigation is completed. Mr. Starr's ongoing investigation "obviously is in the fast track on the matter," Mr. Shiff said. "It seems to make sense first to work with their ongoing investigation instead of duplicating what they are doing.... Then, based upon their results, the speaker can decide whether Congress should have further hearings into this case." Copyright (c) 1995 The Washington Weekly (<http://www.federal.com>)

FOSTER WITNESS IS BEING HARASSED

After Patrick Knowlton revealed to the British press what he saw in Fort Marcy Park the day Vince Foster's dead body was found there, his life has not been the same. He has told Chris Ruddy of the Pittsburgh Tribune-Review that he was being stalked by a number of menacing people in dark suits.

Ruddy, wanting to see for himself, took a stroll with Knowlton outside Knowlton's residence and saw obvious stalking by up to three dozen men in dark suits. Ruddy concluded that the surveillance was so obvious it was intended for Knowlton to be intimidated.

A few days after his testimony appeared in the London Telegraph, Knowlton received a subpoena from an FBI agent working for Kenneth Starr, asking him to appear before the grand jury.

Ambrose Evans-Pritchard of the London Telegraph had a law enforcement source check out a license plate noted by Knowlton as belonging to one of the stalkers. It was a federal government vehicle. Pritchard's source suggested Knowlton was "being warned, or there was an attempt being made to destabilize him before he appears before the grand jury," Evans-Pritchard told Ruddy.

Knowlton's lawyer has contacted the FBI to complain. There has been no return call. Copyright (c) 1995 The Washington Weekly
(<http://www.federal.com>)

Schiff Meeting - Talking Points

- * Three topics for briefing

- (1) General update on Foster death investigation

- (2) Knowlton issues

- (3) MR

- (1) Investigation Update

- * Continuing with new FBI and non-FBI investigators

- * No one who worked on Fiske investigation is now working on Foster death investigation - true for months

- * Several outside experts to assist us

- * We are pursuing every lead; constantly reviewing record

- * Answering some questions; others may never be totally resolved

- * Plan to have panel of experts review our tentative analysis to provide us, Congress and American people with comfort that matter thoroughly reviewed by objective, experienced experts

- * Timing

- Goals are thoroughness and reasonable expedition, but former is paramount

- Plan to update Schiff further on timing after January 1 - to indicate approximately when we expect to draw to a close

- Should be a point thereafter when Congressional exam of witnesses (police and others) will not hinder or impede our investigation

- Issues keep arising that divert or delay completion of our efforts

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
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

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

Forensic Control Systems

107 Cedarview Avenue
Staten Island, NY 10306
Tel: (718) 979-0339
Fax: (718) 979-3261

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: Committee on Forensic Sciences, American Society for Testing 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

Fred D. Santucci
Forensic Photographer

Forensic Control Systems

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Staten Island, NY 10306
Tel: (718) 979-0339
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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.
6. "An Introductory Forensic Science Course in a Law Enforcement Program," in Forensic Science. American Chemical Society (1975), 22-27.
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.
16. "Applications of Dynamic Headspace Analysis to Laboratory and Field Arson Investigation," Journal of Forensic Sciences, vol. 27 (1982), 484.
17. "Forensic Science," Analytical Chemistry, vol. 55 (1983), 19R.
18. "Forensic Science," - Winds of Change," in Chemistry and Crime, (edited by Samuel Gerber) American Chemical Society, Washington, D.C. (1983), 39- 43.

19. "Forensic Aspects of Analytical Pyrolysis," in Pyrolysis and GC in Polymer Analysis (edited by S.A. Liebman and E.J. Levy), Marcel Dekker, New York (1985), 339-71.
20. "Forensic Science," Analytical Chemistry, vol. 57 (1985), 175R.
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.
23. "Experimental Evidence of Ac0-7 Neighboring Group Participation," Tetrahedron, vol. 43 (1987), 5089.
24. "Forensic Science," Analytical Chemistry, vol. 59 (1987), 162R.
25. "Dual Column Pyrolysis Gas Chromatography," Crime Laboratory Digest, vol. 15 (1988), 39.
26. "Forensic Science," Analytical Chemistry, vol. 61 (1989), 95R.
27. "The Scientific Explanation of Intoxication and The Use of the Breathalyzer," in The Drunk Driving Case: From Municipal Court To Supreme Court, New Jersey Institute for Continuing Legal Education, New Brunswick, N.J., (1989), 163-86.
28. "Forensic Science," Analytical Chemistry, vol. 63 (1991), 148R.
29. "DNA Fingerprinting," Chem Matters, vol. 9, no. 3 (1991), 10.
30. "Mouth Alcohol, Denture Adhesives and Breath - Alcohol Testing," Drunk Driving Liquor Liability Reporter, Vol. 6, no. 2 (1992), 24.
31. "Forensic Science," Analytical Chemistry, vol. 65 (1993), 293R.
32. "The Theory and Operation of the Breathalyzer," in DWI:1994, Handling the Drunk Driving Case in New Jersey, New Jersey Institute for Continuing Legal Education, New Brunswick, N.J., (1994), 407-20.

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And now my schemes have come true

And who could forget this BIG hit

Take em down take em down down down
In a coma down doo be doo down down
In a coma down doo be doo down down
Waken up is hard to do

So call now

PREPUBLICATION COPY

BY JAMES R. NORMAN

ERIE STILL

The Still Before The Storm

Wall Streeters, politicians, assorted bigshots may wish to grab their umbrellas

By all appearances, things are business as usual in Washington. There is the traditional budget tickering this time of year, the partisan sniping and the backstabbing among Republican presidential hopefuls angling for pole position next year. Meanwhile, President Clinton and his ambitious wife manage to hold a comfortable approval rating in the polls, enjoy favorable press and seemingly have managed to shrug off persistent "Whitewater" allegations that have dogged his presidency.

But don't be lulled by the mainstream media, which has been hard at work poon-pooling those corruption charges and doubts about the official "suicide" of former White House Deputy Counsel Vincent W. Foster. This is just the calm still before a storm. A hurricane lurks just over the horizon. Thunderheads are gathering and lightning strikes can be seen but not yet heard. Straws are starting to blow in the wind.

This government may be on the threshold of upheaval unprecedented since the Civil War. That is the cryptic message coming from multiple well-connected sources close to the intelligence community, who say big things are quietly afoot that could fundamentally shuffle this country's political deck. And that may be just fine with Speaker of the House Newt Gingrich (R-Ga.), who sources say is quietly maneuvering to use this impending turmoil not just to "re-engineer government" but to purge both political parties and effect what amounts to a bloodless coup d'etat.

Swept away will be not only a raft of big-name Democratic senators and congressmen, but also many prominent, old-line Republicans who have been feeding at the trough of corruption for years. It won't stop with politicians, either. Prominent Wall Streeters, bureaucrats, military officers and a slew of intelligence bigshots are also said to be about to take a fall. Well over 300 names are said to be involved in the scandal.

"Apocalypse soon" predicts P.P. Willie. P.P. Willie is actually a dog. But it is also the pen name for a legendary World War II military intelligence veteran, now living in St. Petersburg, Fla., who writes for a semi-weekly newsletter called *Washington Report*. It is a pithy, irreverent Capitol gossip sheet with a penchant for pink paper. But it is read with considerable interest by its 5,000 subscribers - mostly in Washington and overseas - because Willie is known to be well-connected to senior bureaucrats within the intelligence community. In the past he has been uncannily accurate about goings-on in the "spook world."

Willie's latest "Remember reading about TEA POT DOME? How about WATERGATE? Then came IRAN-CONTRA. Not bad. All the past WASHINGTON political SCANDALS are ITTY BITTY compared to one that should surface next year, about early spring. "You don't suppose a few GOOD GUYS in the CIA, FBI, IRS, and NSA (they are not many, but they exist) are fed up with tucking their tails and running in the face of WHITE HOUSE pressure? What if they went public with TRUE DOCUMENTED stories of ESPIONAGE, TAX EVASION, MURDER, DRUG DEALING, MILLIONS OF DOLLARS STASHED IN OFFSHORE BANK ACCOUNTS AND OTHER BIG TIME HANKY PANKY at the very TIP TOP of the WASHINGTON manure pile? The MAJOR MEDIA would not want to embarrass the LIBERAL DARLINGS. BUT WHAT IF A LONDON newspaper and PINK newsletter broke the story? Talk RADIO would then spread the word across the nation...The odds are this scandal will break. We hear it's a DONE DEAL."

Whispers of such a spilling of the beans are being heard from multiple, separate intelligence sources. Specifically, as reported in the August and October editions of *Media Bypass*, a small, vigilante team of CIA computer hackers dubbed the Fifth Column has managed to penetrate Swiss and other foreign banks to quietly withdraw what is now an astounding \$2.5 billion in illicit money from coded accounts they have identified as belonging to government figures.

Starting in 1991, this five-man Fifth Column team has been using its own Cray supercomputer to break into foreign bank computers, download vast libraries of data and trace this money to a wide range of illegal activities, from kickbacks on drug and arms deals to insider trading profits.

The money has been moved to a U.S. Treasury holding account at several Federal

Reserve Banks, earmarked for use by the CIA if and only if the CIA gets rid of its own bad apples. How could the government bid that much money, denying under Freedom of Information Act requests that it even exists? Just ask the National Reconnaissance Office, the government's spy satellite agency, which recently feasted up to having \$1.7 billion stashed in secret accounts.

More important than the money, however, are the NAMES. Who had these accounts? Are they still in office? Who has the list and the proof? Are they using the information to extort political blackmail? Will the bad guys be able to buy their way out of exposure? One thing is certain:

Whoever controls this phantom roster of corrupt politicians and money men has this government's private parts in a tightening vice. One man who may know is Charles S. Hayes, an irascible Kentucky computer salvage dealer and recently-retired CIA contractor believed to be part of, or closely involved with, this Fifth Column.

Hayes, corroborating P.P. Willie's report, does declare that all the names will come out. Eventually. "When we get good and ready," Hayes says. The Powers That Be can do little to stop him. Any move against the three remaining Fifth Column compatriots (one has died and another is disabled) would be certain to unleash the information in a flood.

At least one big name has already been revealed: Vincent Foster. Multiple sources say one of Foster's several Swiss accounts was raided just before his death of \$2.73 million in proceeds from the sale of sensitive codes and other secrets to Israel's Mossad. Which may explain why the government is so anxious to portray Foster's death as a simple suicide. In reality, it could be the loose thread that unravels a massive tapestry of corruption.

That suicide cover story is rapidly unravelling despite intense efforts by the White House and Washington establishment to hold it together. For instance, credible independent handwriting analysis concluded in

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late October that Foster's supposed suicide note is a forgery.

Indeed, there are a number of recent tall-tale events that suggest that something very big is at hand. Among them:

• CIA briefings. Beginning in late October, high-level CIA officials began sensitive one-on-one briefings with key members of Congress and those with intelligence committee assignments. No staff members are allowed. All parties are sworn to secrecy. Less than a dozen lawmakers are involved. The subject, according to two sources: Espionage activities of Vicear Foster and his alleged partner - First Lady Hillary Rodham Clinton - on behalf of Israel's Mossad and perhaps other foreign governments.

The purpose of these briefings appears to be to prep key leaders for calamitous political events ahead, including the likely indictment and possible flight to a foreign country of the First Lady and what would surely then be the inevitable removal of Bill Clinton from office.

• Resignations. There has been an unusually large number of veteran congressmen and senators announcing their resignations, retirements or switching parties. Among them, Sen. Sam Nunn (D-Ga.), former chairman and now ranking minority member of the powerful Senate Armed Services Committee. Another is Rep. Norman Mineta (D-Cal.), former chairman of the pork-laden House Transportation Committee. The official explanation: It's no fun now that the Republicans control Congress.

But sources claim the real reason is that some of these departees have been quietly confronted with evidence that they took bribes or payoffs through Swiss or other offshore bank accounts. Rumor has it that about 30 current members of the House and Senate have been identified as having such foreign slush-fund accounts and that Gingrich is trying to weed them out before the names become public.

• Cautious dentals. Multiple good sources have confirmed a report by veteran Washington correspondent Sarah McClendon that over the Labor Day weekend, Gingrich attended a "party" at the home of Vice President Al Gore that included Sen. Bill Bradley, Attorney General Janet Reno and some other prominent Democrats, after which Gore and Clinton had a shouting match.

But everyone said to be involved in the meeting claims it never took place. Is it because Gingrich was there to deliver the bad news to a mountain of hard evidence of high-level corruption? Gingrich declines to be interviewed by Media Bypass.

This Fifth Column team apparently began its work in the late 1980s. Their primary assignment was to break into foreign intelligence agency data bases by a variety of physical and electronic means. But the main means of entry was via secret "back doors" programmed into the modified "FROMIS" tracking software which our government, under the direction of CIA spy-master William Casey, managed to market all over the globe, even to our enemies.

This initial phase of the computer spy effort succeeded in downloading data from more than 50 foreign intelligence services, including the KGB, the Mossad and most of Europe's spy agencies, according to various CIA-related sources. Contrary to boastful claims by the FBI, this is apparently how Russian mole Aldrich Ames was identified as a double agent more than two years before his dramatic arrest in February 1994. It is also how the CIA found out Foster was working for the Mossad, after learning that someone in our government was delivering highly sensitive computer codes to the Israelis; Foster had been a long-time handler of sensitive computer spy deals and covert money-laundering for the NSA (Media Bypass, Aug. 1995). Found along with Foster's name in the Mossad data base was that of Hillary Clinton, whose name also cropped up as an operative for at least two other European intelligence services, as yet unidentified.

At the time of his death, Media Bypass has previously reported, Foster was under close counter-espionage surveillance involving agents of the CIA, FBI, Secret Service as well as an IRS team. Two good sources say they have heard that Saudi Arabis also had agents surveilling Foster. He knew he was being investigated and was apparently under pressure to cop a plea to prevent the probe from bringing down others in the White House. The FBI apparently also knew that Foster's life was in danger. According to two reliable intelligence sources, on the day of his death, FBI agents used a pair of bomb-sniffing dogs to inspect Foster's Honda in the White House parking lot - and probably planted a transponder on the car so they could track his movements.

White House videotapes of the parking lot, which would have shown that inspection, have allegedly disappeared, according to this intelligence source. But sources say the surveillance teams have still photos and videotapes of Foster's activities on the afternoon he died, July 20, 1993, showing him entering an apartment. It is here that Foster was apparently killed after a sexual encounter with a brown-job-blond haired woman photographed leaving the apartment

those sources say, was the hit squad, apparently "assets" contacted by the Mossad but not including any agents of the Mossad itself. Foster's body was apparently rolled up in a rug and deposited at Fort Marcy Park - which is still closed to visitors as the FBI supposedly searches for the bullet that killed him.

Duggedy, the White House and official Washington, aided by a blundered mainstream press, continue to claim it was just a suicide, despite the seriously flawed and widely discredited report to that effect by original Whitewater Special Counsel Robert Fiske, and a cursory Senate inquiry.

Sources say it is the continuing cover-up, now more than two years after Foster's death, and the brazen nature of Foster's assassination, that has angered CIA professionals and has prompted them to consider going public with what they know. Adding to their frustration was the resignation of reform-minded CIA director James Woolsey last year and his replacement by John Deutch.

Deutch's job appears to be to keep a lid on things and to protect the Clintons and the massive, ongoing illegal drug and arms trade that provides the agency with billions of dollars in revenue completely out of view of Congress and government watchdogs.

Deutch's recent attempt to use the Aldrich Ames case as a rush to attack the CIA and its past directors has brought the agency's simmering revolt to a boil. "Deutch had better watch his attitude and attitude," said one veteran CIA man. "He'd better get off his soap box before he gets indicted himself!"

Rumors of CIA involvement in drug trafficking go back to before the Vietnam war, with heroin deals from Laos' Golden Triangle. But in the late '70s or early '80s, the agency virtually took over and nationalized the wholesale importation of cocaine into this country through obscure airstrips like the one at Mena, Ark., on the grounds that it was the only way to control the drug trade. In other words: "If you can't beat 'em, join 'em." The operation was soon generating vastly more money than ever imagined - which has come back to line the pockets of top government officials from the Reagan, Bush and Clinton administrations. The money-laundering operations have likewise drawn in major banks and brokerage houses. By some accounts, the revenues still run upwards of \$7 billion a year.

Details of government involvement in this society-wrecking drug trade are now emerging from various sources. Bits and pieces emerged during the Iran-Contra and Impeachment hearings of the 1980s, which produced a million pages of documents but only a handful of indictments, and

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Ewing
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caught was Reagan Defense Secretary Caspar Weinberger, charged with lying to Congress. He was pardoned by President George Bush just as Bush was leaving office in 1992. Curiously, Weinberger's right-hand-man through most of that period was would-be presidential contender Gen. Colin Powell, who Weinberger had brought up to be a top military advisor, out of Casey's intelligence empire where he is said to have served with the NSA and to have been intimately familiar with the drug and arms flow.

There is also a growing court record of sworn testimony in the wrongful prosecution case of former CIA contract pilot Tary Reed. Reed claims in his book, "Compromised: Clinton, Bush and the CIA," that Bill Clinton, while governor of Arkansas, was well aware of the drug trafficking there but played along with the game to earn himself the status of an "approved" candidate for the presidency. With that would come plenty of financing.

Another source now openly discussing the massive drug business is retired Navy Lt. Commander Alexander Martin. Martin was, in effect, the chief accountant for the Reagan/Bush drug operations run by Marine Lt. Col. Oliver North, through an obscure arm of the White House National Security Council called the National Programs Office. In a radio interview with talk show host Tom Valentine last July, Martin spoke not only of drugs and money, but death. "Out of roughly 5,000 of us who were originally involved in Iran-Contra, approximately 400, since 1986, have committed suicide, died accidentally or died of natural causes. In over half these deaths, official death certificates were never issued. In 187 circumstances, the bodies were cremated before the families were notified." Martin then said he was lying low.

Not low enough. In late October, Martin was arrested and jailed without bond in Broward County, Fla., for supposed violation of his probation on a 1990 bad-check charge. Such small-time charges are a common device used to squeeze and discredit former players in this government-run drug and arms racket.

Corruption. Most Americans like to think their government is somehow immune to the kinds of bribery and abuse of public power rampant in "Third World" countries. The emerging reality is that the exact opposite is true. The more wealth and power at stake, the greater the incentive to subvert and corrupt. Sources say the dark truths predicted to be unveiled by P.P. Willis will be utterly damning.

1 NOVEMBER 1990

Gen. Sam Nunn - Sen. Sam Nunn
87-104 Capitol Service Office Building
Washington DC 20540-1001

NORMAN obviously didn't get a reply

Dear Gen. Nunn:

In connection with an article scheduled for appropriate publication in Media Bypass Magazine, I request your expeditious response to the following questions:

- 1) Have you or any other persons in Federal checked office been a signatory to or a beneficiary of an offshore bank account?
- 2) What were the sources of funds for that account? The amount?
- 3) Were those funds collected as bribes or "retainer" fees?
- 4) Did the creation or revelation of such an account have any bearing on your official not to seek re-election?
- 5) Were any of those funds removed from such an account without permission of the account-keeper?

Due to the pending deadline for this copy, your prompt response is requested by close of business Thursday, Nov. 2, to Path Acon, editor of Media Bypass, tel number 212-477-4377. Please copy me at 512-477-7887 phone and fax. Thank you for your attention.

Very respectfully yours,

James R. Norman
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consulting writer
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New York, NY 10035

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Journalist Who Dealt with Holocaust Survivors Takes on Vincent Foster and Mike Wallace

By Ira Mandell

NEW YORK—Christopher Ruddy, the investigative reporter who broke the story on PBS's "Liberators" documentary hoax, was the subject of a recent attack piece by Mike Wallace on CBS's "60 Minutes."

Mr. Ruddy, now a reporter with Pittsburgh's *Tribune-Review*, has gained national attention for his reporting on the unusual circumstances of Deputy White House Counsel Vincent Foster's July 1993 death.

Officials claim the death was a suicide; others are not so sure.

Great Story, Not True

Mr. Ruddy, who is now 30, first rose to prominence by breaking a series of stories in 1992 and early 1993 about PBS's "Liberators," then a widely acclaimed documentary about two heroic black combat units which supposedly liberated the Buchenwald and

Dachau concentration camps after engaging in fierce gun battles.

"It was a great story," said Mr. Ruddy. "But it was not true. The producers took two very real stories—the very real heroism of black combat troops who had experienced discrimination during World War II, and the great suffering of Jews in concentration camps—and created this fanciful story of black units liberating the camps."

Soon after Mr. Ruddy's stories appeared, *The Jewish Voice and Opinion* investigated the matter, too. "Liberators was a wonderful story," said Susan Rosenbluth, editor of *The Jewish Voice*. "The only problem was, it didn't happen."

After the article appeared in *The Jewish Voice*, other media outlets took an interest in Mr. Ruddy's reports. Soon *The New Republic*, *New York* magazine, the *American Jewish Con-*

gress, and, eventually, even PBS admitted the main selling point of "Liberators" was a hoax. PBS withdrew its support for the documentary after Mr. Ruddy's reports, citing their desire not to engage in Holocaust revisionism.

Grateful Vets

Some of those most grateful for Mr. Ruddy's work were members of the unit featured in "Liberators," the all-black 761st Tank Unit that served in Patton's Third Army.

"I admire [Ruddy]," said E.G. McConnell, a veteran of the all-black 761st who was a key character in "Liberators." Mr. McConnell, a Purple-Heart veteran, said his unit had suffered tremendous casualties (nearly 50 percent), and Mr. Ruddy was the only news reporter who took an interest in their cause.

No Substantive Issues

On Oct. 8, 1995, "60 Min-

utes" led its weekly newsmagazine with a segment hosted by Mike Wallace entitled "What about Vince Foster?" But the story was more about Mr. Ruddy than Mr. Foster.

"I was promised that Wallace would investigate the case to explore the problems," said Mr. Ruddy. But Mr. Wallace's segment did not touch on any of the substantive issues Mr. Ruddy has over Mr. Foster's death.

Mr. Ruddy began investigating the Foster case when he was with the *New York Post*, starting with doubts held by paramedics and police at the death scene. The officials cited some unusual aspects, including the small amount of blood despite the gunshot to the head and the neat arrangement of Mr. Foster's body with the gun found still in his hand.

Wide Praise

In several dozen stories, Mr.

Ruddy has detailed over 70 inconsistencies in the death and official handling of the investigation by the Park Police, Special Counsel Robert Fiske, and Independent Counsel Kenneth Starr. Mr. Ruddy has offered no conspiracy theories. He merely questions why officials are not interested in conducting a full death investigation.

Mr. Ruddy's work has been praised by a broad spectrum of specialists. Former FBI Director William Sessions described his reports as "serious and compelling." Former NY Mayor Ed Koch said Mr. Ruddy raised "important questions." Recently, on his WABC radio program, Mr. Koch said, "I trust Chris Ruddy."

But instead of addressing these issues, Mr. Wallace began his "60 Minutes" segment by stating that Mr. Ruddy had misreported that Mr. Foster was

left-handed, a fact that, as Mr. Ruddy told Mr. Wallace, had been originally reported by *The Boston Globe*. Mr. Foster was, in fact, right-handed, explaining why the gun was found in his right hand.

Strange Burns

But "60 Minutes" overlooked Mr. Ruddy's focus, which was not the issue of handedness but, rather, the unusual powder-residue burns on Mr. Foster's hands. According to the FBI lab, neither of Mr. Foster's hands could have been on the gun's grip when he fired it. Mr. Ruddy quotes seven leading experts, including one from the FBI, who say the burns are not consistent with suicide.

Although Mr. Wallace then accused Mr. Ruddy of implying that Mr. Foster had been murdered, Mr. Ruddy denied he ever made such a claim. The thrust of his reports have dealt with the

botched police investigations, which have left open reasonable questions about the suicide.

Later, Mr. Wallace criticized Mr. Ruddy for having made a "mistake" in reporting that the medical examiner had seen little blood on the ground under Mr. Foster's body. But taped conversations with the medical examiner and an FBI statement prove that is what the medical examiner said he saw.

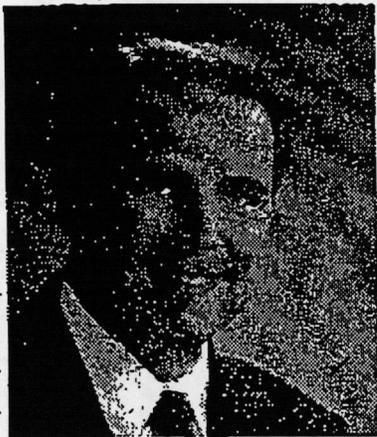
The FBI statement is public record, and Mr. Wallace never asked to hear the original tape. Instead, he interviewed the medical examiner, who has since changed his story. Mr. Wallace used the new version in what some observers say was a deliberate, unfair effort to discredit Mr. Ruddy.

Stung Partner

And Mr. Ruddy is not the only professional who has felt stung by Mr. Wallace recently.

Complaining that CBS executives had not allowed him to air an interview with a whistle blower who had been formerly employed by a cigarette company, Mr. Wallace and his "60 Minutes" co-host Morely Safer went on the Charlie Rose program to criticize what they said was a "cave-in" because of the threat of a law suit from the cigarette company.

Journalist continued from page 37



Chris Ruddy

But Mr. Wallace did not disclose that "60 Minutes" had once paid the whistle blower as a consultant and was, therefore, vulnerable; because it had agreed to indemnify the whistle blower if he were sued. Mr. Safer, apparently miffed by Mr. Wallace's selective disclosure of the facts, faxed a letter of apology to Mr. Rose and his viewers, saying he would not have appeared with Mr. Wallace had he been aware of those circumstances.

Mr. Wallace refused to be interviewed for this story, and has been ducking other media calls as well. *Investor's Business Daily* ran a cover story on Mr. Wallace's handling of the Foster story, but Mr. Wallace declined to comment.

"Shabby Journalism"

"[Wallace's segment] was the most shabby piece of journalism I've ever seen," said Joan Swirsky, an author and award-winning journalist who writes for the *New York Times* and

founded the Jewish Political Caucus. "Chris does not do a story unless he has thoroughly researched it. He is a hard-nosed, scrupulous, and honest reporter." She said she has followed his work for years.

Her characterization was seconded by Mrs. Rosenbluth. "He has an unmitigated dedication to the truth," she said.

Joseph Farah, a former newspaper editor and executive director of the Western Journalism Center, a California non-profit which supports investigative reporting, including Mr. Ruddy's work, described Mr. Wallace's segment on the Foster case as more appropriate "for a propaganda film."

Mr. Farah noted that two New York City police homicide experts, after conducting tests, concluded that Mr. Foster's body had been moved because he was "found 700 feet deep in

a wooded park with not a speck of soil on his shoes." Mr. Ruddy told Mr. Wallace about this report, and Mr. Wallace mentioned that he, too, had taken a similar test and found "some soil" on his shoes. But Mr. Wallace never mentioned any of this during the segment.

Mr. Farah said the "60 Minutes" segment was "unprecedented" because it was the first time the show had attacked a journalist not for what he had written, "but in a McCarthyite way to smear him as a liar."

Pay Cut

In fact, Mr. Ruddy has taken a significant cut in pay in order to pursue the Foster story. The Western Journalism Center has sold approximately 1,000 videos based on Mr. Ruddy's work, and has not made nearly the \$500,000 Mr. Wallace claimed in the segment.

Rabbi Morton Pomerantz, a New York State chaplain, who has known Mr. Ruddy for more than ten years, found Mr. Wallace's segment "revolting." Mr. Ruddy, he said, is "a person of character and integrity, not driven by money, but by a desire to help people."

The rabbi explained that Mr. Ruddy had eschewed well-paying jobs after college in order to work as a bi-lingual and social studies teacher in two of the toughest schools in the South Bronx.

"He's a person with a so-

cial commitment," said the rabbi, noting that Mr. Ruddy had pursued the "Liberators" story even though colleagues told him it could be detrimental to his career.

"Wallace has shown a reckless disrespect for the truth when it doesn't suit his purpose," said Rabbi Pomerantz.

Hebrew University

"[The segment] was a slanted, biased piece," said Mel Rappaport, a member of the Jewish War Veterans whose unit helped liberate Buchenwald in 1945. "Chris is a superb, first-class reporter. I was amazed how quickly and accurately he put the whole ['Liberators'] story together."

Mr. Ruddy, who holds a graduate degree from the London School of Economics, also studied at the Hebrew University in Jerusalem. His professor there, Dr. Mordechai Nisan, still keeps in touch with his former student. Admitting he has no particular interest in the political implications of the Foster story, Dr. Nisan said, "If Chris wrote it, I would be very much drawn to accepting the integrity of what he had written. He's committed to the truth."

"The Jewish people have survived because we believe in truth and courage and we respect tenacity. David is our hero, not Goliath. Ruddy has lived up to that ideal," said Rabbi Pomerantz.

DATE: 12/6/95
PAGE: 5A

Arkansas Democrat Gazette

Number possibly 'secure'

Newsday, Long Island, N.Y.

WASHINGTON — The mysterious Washington telephone number dialed from the Little Rock condominium of Hillary Rodham Clinton's mother the night Vincent Foster died may have been a routing line of the type "generally used for intelligence and military" purposes, Senate Special Whitewater Committee Chairman Alfonse D'Amato, R-N.Y., said Tuesday.

Leads developed by committee investigators indicate that the 10-minute call placed from the Dorothy Rodham residence on July 20, 1993, could have been to a number reserved for "secure conversations," D'Amato said during a break in Whitewater hearings Tuesday.

Last Thursday, Republicans and Democrats on the panel took the unprecedented step of sending four interrogatories — a form of questioning used in pretrial proceedings — to Clinton asking her to provide a sworn statement about whether she called (202) 628-7087 that night and, if so, with whom she spoke. It's anticipated that the first lady will respond today or Thursday.

Republicans say they can't determine who was at the number, and Bell Atlantic says the number hasn't been in service since 1978. But phone records and testimony show that Clinton used her mother's phone to contact numerous friends and aides the night Deputy White House Counsel Foster killed himself. And sources say she may have tried to contact the president — who was visiting Foster's widow in Georgetown — through a secure line.

The committee is seeking information concerning the phone call from the White House Communications Agency, which is administered by the Department of Defense, sources said.

Eric Harnishchfeger, a Secret Service spokesman, refused to discuss the first lady's telephone access to the White House. But a former senior White House official said that Hillary Clinton would have access to secure telephones at the White House, as well as to unlisted numbers in the president's quarters and unlisted numbers at the White House switchboard.

A recently retired intelligence official also said it's possible to place a call from an unsecure phone, which Hillary Clinton's mother presumably had, to certain types of secure phones. The conversation, however, would be unsecure.

Citizen's Independent Report

Material Errors, Omissions, Inconsistencies, & Curiosa

The 1994 US Senate Whitewater Hearings Documents *

Re: The Death of White House Deputy Counsel

Vincent W. Foster, Jr.

*** Report 103-433, Volume I &
Hearings 103-889, Volumes I & II**

Hugh H. Sprunt
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July 20, 1995

Please Contact The Author Regarding Any
Factual Data Not Correctly Extracted From
The Three Senate Volumes Listed Above.

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[This Is Release S-03; October 8, 1995]
FOIA # none (URTS 16370) DocId: 70105700 Page 108

Executive Summary

The facts in this "Citizen's Independent Report" on the death of Mr. Foster have been extracted directly from the raw evidence the Senate released in January 1995 (2726 pages in three volumes). This voluminous Senate material is presented here in a much more coherent and logical fashion.

This report contains many citations to the official record, should readers wish to check the accuracy of the quotations and other facts in this report against the record. This report contains evidence from the US Park Police Case Jacket on the death of Vince Foster, from later FBI witness interviews, from testimony and depositions taken in connection with the 1994 Senate Whitewater Hearings, and from the huge number of documents gathered by official investigators. For a quick overview of some of the disturbing facts taken straight from the official record, see the next section of this report.

The US Park Police Report, The Fiske Report, and the 1994 Senate Report (the "Reports") selectively included data that supported the officially-sanctioned "suicide verdict" and ignored, or gave little weight to, those that did not. Therefore, many facts in this report will be "new," even to those who have followed the prior investigations via the media. The author is putting the disturbing raw data from the record before the public in an attempt to convince Congress to hold the open and unrestricted inquiry into Vince Foster's death that should have occurred in July 1993.

Examples of the selectivity of the official Reports: 1) Two witnesses at Fort Marcy Park the afternoon of Vince Foster's death described individuals whom they saw in the vicinity of Mr. Foster's Honda about a half hour before his body was officially discovered. One of these individuals was seen sitting in the Honda. The other stood by the Honda which had its hood raised. Mr. Foster was nowhere to be seen. These individuals were not considered important enough to be a factor in the conclusions reached by the official Reports. 2) One of these witnesses told the FBI that information recorded in her prior official interview did not accurately reflect what she had said, but the official Reports ignored that unpleasant circumstance.

Witness statements and other useful data were ignored by the official Reports unless they bolstered the "suicide verdict." Examples: 1) The decision to treat the death as a suicide was made before the Criminal Investigation Branch investigators had even seen the body and 2) The Park Police closed its investigation before learning whether the gun found with Mr. Foster could shoot.

There are gross contradictions in the record evidenced by the official photographs, the FBI interview of the doctor who examined the body at Fort Marcy, the official autopsy report, and the statements made by US Park Police and Fairfax County personnel. Times in the record are often contradictory and items that disturb the official consensus are given short shrift in the Reports. There is strong evidence that Foster's White House connection was known not later than 6:35 PM (at least an hour before its "official" discovery), although the White House was not notified until 8:30 PM per the Secret Service memo in the record. Are the various contradictions significant? See the next section.

Mr. Foster's body and his Honda were searched, but no car keys were found at Fort Marcy Park. This raised the possibility that someone else had driven his car to Fort Marcy Park. Mr. Foster's car keys were located in his previously-searched pants pocket hours later and miles away from the park on the key ring holding his "personal" keys. Another key ring, with his White House keys, was discovered at that time along with his personal keys. The White House key ring held a high-security type key, a plastic tab, a key for double-bitted cam locks, and two keys for standard door locks.

This report offers no "ultimate" reason for Mr. Foster's death. Instead, it describes the very sizable errors, omissions, and inconsistencies latent in the record, items that have not been part of the public debate about his death. It's time they should be. *They are amazing enough all by themselves.*

Overview of the Record

Very few individuals, whether members of the media or not, have had the time and the inclination to examine carefully the official record and summarize the evidence found among the 2726 pages that are the official public record of investigations into the death of Deputy White House Counsel Vince Foster on July 20, 1993. The *three* 1994 Senate Hearings and Report Volumes cited on the title page of this report and released by the Senate in January 1995 contain a wealth of raw data that is neither well-organized nor selective. **This report has extracted the most important official evidence and presents it in an organized fashion.**

Some of the more striking facts and witness statements extracted directly from the official record are below. The citations allowing the reader to locate the evidence described in, and quotations copied from, the official record are in this report along with the supporting detail. This report also contains some analysis of the facts in the record, but the list below is of factual data taken directly from the official record and gives readers a taste of the matters discussed in detail in the body of this report.

The author believes that these items will be a great shock to most readers because they are so damaging to the conclusions about Mr. Foster's death contained in The US Park Police Report, The Fiske Report, and The 1994 Senate Report Volume. Facts such as these have caused the few people at least somewhat familiar with the raw data justifiably to question the processes that controlled the prior investigations of Mr. Foster's death. The author believes that the death of Mr. Foster may be the "thin edge of the wedge" that, if examined carefully and without guile, will demonstrate the need for fundamental reform at the Federal level.

The author hopes the information in this report will allow those that have, until now, heard only selected information from the official Reports (and only after that information was, in turn, culled by the media), to understand why some people believe there is more to Mr. Foster's death than meets the eye. *There is certainly more to his death than meets the casual and superficial glance that has been provided by the mainstream media!*

- **The first official to discover Foster's body, a US Park Police officer, was quite clear that he never saw the gun.** His testimony on this point is repetitive and quite clear. He was a few feet from the gun for several minutes, but he says he never saw it. The Fiske Report ignores this fact.
- Two civilian witnesses, interviewed about the vehicles they saw in the parking lot, describe a vehicle that could only have been Mr. Foster's Honda. **They saw individuals around this 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 found.** The descriptions of these individuals make it impossible that either of them was Mr. Foster. The official Reports say these two individuals have no connection with Mr. Foster or simply ignore them completely.
- A civilian witness told the FBI that, for reasons unknown, **information, which she had previously provided to US Park Police investigators, had not been correctly recorded in her US Park Police interview report.**
- **Six of the seven US Park Police and Fairfax County Fire and Rescue Department 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 either ignore or treat as completely irrelevant.**

- The Report concluding Mr. Foster's death investigation by determining the death was a suicide was signed before the US Park Police had taken the time to confirm that the gun Mr. Foster is said to have used could actually fire a shot.
- The US Park Police officer who found Foster's body described the presence of "volunteers" who were in the park when the body was found. He said these volunteers were *working on the park trails*. None of these "volunteers" was ever named, interviewed, or mentioned in the official Reports, though Mr. Foster's body was found lying on a pathway that a witness insisted to the FBI had clearly been recently disturbed.
- Five civilian and government witnesses at the park that afternoon stated (with varying degrees of certainty and specificity) that there was a briefcase in the Honda. This briefcase is not mentioned in the Reports (other than to state it was not at Fort Marcy Park), even though there is allegedly great interest in the fate of Mr. Foster's White House papers on the part of the Senate Special Whitewater Committee.
- The lead US Park Police Investigator at Fort Marcy stated: "It seems to me that we made that determination [that the death was a suicide] prior to going up and looking at the body." The senior EMS Sergeant at the scene reported "Obvious suicide. . . with gun" 25 minutes after he arrived at the park.
- The US Park Police crime scene perimeter extended over 1,000 feet from the body in some directions. However, the lead US Park Police Investigator at Fort Marcy was not aware that the park entrance closest to the body, or an old road on the western border of the park, existed. Access to the body site from these directions was therefore not sealed off.
- The lead Emergency Medical Services representative at Fort Marcy who called in the suicide report for the Fairfax County Fire and Rescue Department and examined the body at the scene stated that the hand holding the gun was palm down. He had no idea why he was later shown crime scene photos depicting the hand palm up.
- The lead US Park Police Investigator at the body site reported that the palms were up. This conflicts with the one crime scene photo leaked to the media. That photo shows the right hand palm down with the hand holding a revolver.
- 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 record. This Medical Examiner told the FBI he arrived and departed Fort Marcy an hour before the official Reports say he did.
- 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 had this to say about the head wound he observed: "I still can't believe the 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 Reports ignore these statements.
- The experienced Evidence Technician who took the 35-mm crime scene photos reported that none of these photos were usable because they were underexposed. The camera he used was never tested to determine why these pictures were no good.
- Mr. Foster's glasses were found 19 feet down slope from his head. The Fiske Report stated that they must have "bounced" there (through heavy vegetation) due to a gunshot to the mouth.

- The doctor who performed the autopsy stated that he took no X-rays of the body. The US Park Police report, produced because it sent four observers the autopsy, stated however, that **the doctor conducting the autopsy told the US Park Police Detective in attendance that "X-rays indicated that there was no evidence of bullet fragments in the head."**
- The second US Park Police officer at the ~~second~~^{scene} took seven Polaroids of the body. **The Polaroids he took are not among the thirteen of the body that are inventoried in the record.** The record contains no explanation why they vanished.
- **The lead US 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, and I know what happened. . . I don't have those photos. I put them in a [US 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 US 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?**
- As soon as the investigators realized there were no car keys to be found, rather than search the Honda again or search the area where the body had been found (his glasses had, after all been found 19 feet from his head), they drove to the morgue and searched the body's pockets one more time. **There, the investigators not only discovered they had 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.** Did this search of the body take place before or after the body was also visited at the morgue that night by White House staffers?
- **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 the President, the First Lady, and to their daughter. It contains 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.
- The Fiske Report and the gun: "When shown the gun, Foster's sister, Sharon Bowman, identified it as appearing very similar to the one their father had kept in his bedside table, specifically recalling the pattern on the grip." **However, Lisa Foster, in the words of the report of her interview said: "Not the gun she thought it must be. Silver, six gun, large barrel."** The gun officially found in Mr. Foster's right hand at Fort Marcy was a dark-colored gun per the photographs of it in the record. Per Sharon Bowman's interviewer: "I asked if she remembered any other features [other than the web-like detailing on the grip mentioned in the Fiske Report quote above]. She did not." The Fiske Report statement is misleading.
- Despite the official conclusion that financial concerns had no role in Mr. Foster's death, **the family checking account had been overdrawn for the two or three 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.

- 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.
- A Fairfax Country Fire and Rescue Department worker observed the US Park Police "gaining access" to Mr. Foster's Honda (his White House ID was on the front seat) before 6:37 PM. The White House position is that it was not informed of Mr. Foster's death until 8:30 PM. Another Fairfax County emergency worker said it was known within his group (that left the park at 6:37 PM) that Mr. Foster was employed at the White House.
- 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 recoil must have been sizable since it carried Mr. Foster's right arm away from his mouth and forced it neatly down by his side.
- A US Park Police Investigator at the body site somehow knew to write the name of a US 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 PM. However, according to official Reports, the US Park Police itself did not learn of Mr. Foster's White House connection for at least another hour, probably an hour-and-a-half. 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 PM.
- Several Fairfax Country Fire and Rescue Department personnel state that the Honda was locked when they examined its exterior (and viewed the interior through the windows) sometime before 6:35 PM. The official Reports indicate that the Honda was found unlocked well over an hour later when it was "officially" searched for the first time. 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.
- The Fiske Report states that the body was bagged back by the second cannon at Fort Marcy Park at about 8:45 PM 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. Furthermore, the Medical Examiner told the FBI he arrived at Fort Marcy an hour before the Fiske Report says he did. The Medical Examiner told the FBI that Mr. Foster's White House connection was known to those in the park while he was on the scene.
- In the words of the FBI interview of the only doctor who examined the body at Fort Marcy, the doctor "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 in the Report? The doctor's statement is not mentioned in the Report at all.

Are These Kinds Of Discoveries Sufficient To Cause A Reasonable Person To Question Fundamental Conclusions Of A Death Investigation Or Not?

CONSUMER WARNING! *

**The Author Of This Report Is Neither
A Democrat Nor A Republican.**

The Author Of This Report Is *Not* A Conservative.

**The Author Of This Report Has Never Sold Any
Books, Newsletters, Or Videotapes That
Concern The Death Of Vince Foster Or
The Whitewater Matter Generally.**

**The Author Of This Report Does Not Consider Himself
A Scurrilous Kook, Right-Wing Or Otherwise,
But Will Graciously Allow His Readers
To Decide That For Themselves!**

**The Author Reasons For Writing This Report
Are Given In The Transmittal Letter To
Chairman Alfonse D'Amato Of
The Whitewater Committee.**

**The Author Of This Report Has Personally Borne
The Entire Cost Of His Investigation Into The
Death Of Vincent W. Foster, Jr.**

* Note: As of September 1, 1995, the author began to write about the death of Vince Foster for money in an effort to recoup some of his expenses and to reach a wider range of readers.

However, this report (the "CIR"), the author's core work on the death of Vince Foster continues to be a totally pro bono effort for which he receives not a cent. Various copy shops continue to provide copies of the CIR directly to readers for their normal printing and shipping charges ONLY. Indeed, the full text of the CIR has been available for downloading from the Internet since early September 1995 and many on-line individuals have done so at no cost to them except possibly the marginal cost of the download time itself.

It is the author's intention to update the CIR periodically. Updated CIR releases will continue to be provided completely *pro bono*. Updated master copies will continue to be provided to print shops and updated releases will be placed on the Internet for downloading.

Why Is It No Longer Acceptable To Seek The Facts About This Death?

It was not always so.

For some reason, a lot has changed in our country since the summer Vince Foster died. Today, anyone who seriously questions any aspect of the results of the official investigations into his death runs a sizable risk of being branded a "kook," or worse ("scurrilous kook?"). For many months, the "mainstream media" have, in general, scornfully heaped ridicule upon the relatively few individuals (both within and without the media) who have dared to speak up about Vince Foster's death. The author is sorely tempted to quote samples of this ridicule, but will resist doing so. Virtually everyone reading this page knows what the author means, whether she or he believes the mainstream media's scorn is deserved or not.

Expressing concern about the Foster death investigations and gaining a meaningful personal understanding why he is gone have become "politically incorrect" in the extreme. Questions that intelligent, sensitive, individuals posed in the weeks following his death are now beyond the pale, "*Verboten!*" as it were, in the eyes of the mainstream media. Why? There is a *subtle* reason for this behavior that the author will save for another day. The *obvious* reason is discussed below.

A sampling from a *single* "mainstream media" article follows below from a piece that ran in the Sunday New York Times the day before Labor Day in 1993. It looks back on Vince Foster's death less than two months after his body was found at Fort Marcy. The quotations below are from the Sunday Times Magazine's "Endpaper" piece entitled "Public Stages" written by Mr. Frank Rich. Apparently, the author of the report in your hands *once* was in respectable company indeed when he wondered about Vince Foster's death and decided it might not be merely a "simple suicide."

"The Washington Murder Mystery, the whodunit death of the deputy White House counsel, Vincent Foster." [Frank Rich]

"Of a thousand people, of those who might commit suicide, I would never pick Vince." [Hillary Rodham Clinton as quoted by Frank Rich]

"The most normal person who worked in the White House [with] no known history of mental illness or erratic behavior." [The Washington Post as quoted by Frank Rich]

"Widely admired as a portrait of poise. . . a man who seemed to glide through life." [The New York Times as quoted by Frank Rich]

"But if Foster's White House pressures fully explained his self-destruction, virtually every major government official should be placed under suicide watch." [Frank Rich]

The artistic collage created for his piece lends credibility to the "mysterious" interpretation Mr. Rich puts on Vince Foster's death (Mr. Rich does not appear to challenge the suicide verdict, except possibly when penning phrases such as "Washington Murder Mystery" and the "whodunit death of the deputy White House counsel, Vincent Foster," at least until one examines the collage).

The color artwork depicts dark storm clouds over the dome of the US Capitol. Much of the Capitol's dome and façade are shown as if taken from a film negative: everything that one would expect to be light is dark and everything one would expect to be dark is light. The famous Washington Cherry trees are in bloom. They frame and surmount a statue of President, "I cannot tell a lie, I chopped down the cherry tree", George Washington. Washington is positioned on his back in the collage, as if someone had laid *him* carefully on the ground. Intended or not, presumably readers of this piece would be forgiven if they saw parallels with Mr. Foster's death in this collage.

Mr. Rich was **not** taken to task for implying there might have been (was?) a cover-up regarding the Foster death. [The US Park Police report concluding that suicide was the cause of death was signed a month before the piece appeared.] Mr. Rich was not chastised in the establishment media for scurrilous insinuations that Mr. Foster's death was not a suicide, nor told that his shameful article would upset Vincent's distraught widow and young children, appearing as it did in the *premier newspaper magazine in the nation*.

The author will now address the more obvious reason why people asking about Vince Foster's death have been declared "*Persona Non Grata*" by the mainstream media. The reason is the superficial credibility of the official Reports on Vince Foster's death. The Park Police Report, the 1994 Fiske Report, the 1994 Senate Report -- they all said Foster killed himself, didn't they? **However, the author of this report says: Look at the raw data in the record before you decide!**

There is a constant (and reasonable-sounding) drumbeat in the mainstream media (and elsewhere) that goes something like this: "There have been **four** different investigations into this guy's death. The US Park Police, The Fiske Investigation (and its FBI agents), the 1994 Senate Whitewater Hearings, and the House Banking Committee Hearings. They all said it was suicide. Why don't you let the poor guy and his family rest in peace?"

As indicated in the body of this report, it is the nature of raw evidence uncovered by these investigations (latent in the two Senate Whitewater Hearings Volumes' 2,672 pages, all pages that the author has studied with care) that is being called to the reader's attention. *What if the official investigative record contains astounding information that, while technically public, has not been publicized by those charged with doing so?* The author assumes (charitably) that most individuals, and virtually all members of the media, are *not* familiar with the wealth of material contained in the official record detailed and detailed in this report.

Ignore the *analysis* in this report if that makes the basic expositive material easier to examine. In the author's opinion, the expositive material herein is tied **extremely closely** to the official record via *exhaustive* citations throughout this report [That they were *exhausting* citations, the author has no doubt!]. **Read** the expositive material herein **and then ask** if those who question the death of Vince Foster or challenge the official "suicide verdict" just might have legitimate reasons for doing so.

What do you do with your answer once you've found it? Look in the mirror. Deal with it. I did.

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* This fifth release [S-03, dated October 8, 1995] corrects some typographical and grammatical errors and adds a modest amount of new material to the third release dated August 31, 1995, just as that release did for the first and second releases, dated July 20, 1995, and July 31, 1995, respectively. The fourth release [S-02CR, dated September 30, 1995] was provided to Reporter Chris Ruddy only, via a 3.5" diskette, in anticipation of the "60 Minutes" segment on the death of Vince Foster aired on Sunday, October 8, 1995.

Dear Mr Ewing - I meant to have these
to you when you were here -
Johnson
11-29-95
106

REP. BURTON ATTACKS CBS BIAS ON FOSTER INVESTIGATION House of
Representatives, October 26, 1995 Mr. BURTON of Indiana. Mr. Speaker, I
have been watching the television show on CBS, '60 Minutes,' for a long,
long time, and I have always respected that program because it was
very informative, and I always thought it was factual. And then, just after
the last presidential election, I think Mr. Hewlett, the producer of '60
Minutes,' said in a national interview that had he exposed all of the
information that was available to him at '60 Minutes' during the
campaign, that the then candidate for President, who was later elected, would
be walking around in the snows of New Hampshire. So it became apparent to me
that the '60 Minutes' producers and the people who ran that show had a
very strong bias, and that bias was reflected in much of
their reporting. This became apparent to me again about 2 weeks ago on a
Saturday night, when I watched Mike Wallace start doing a 20
minute segment on the death of Vince Foster. I have never seen so
much misinformation and so much bias in reporting as I saw during that 20
minute segment. Let me just tell you some of the things that happened, some
of the things that '60 Minutes' ignored. Mike Wallace said that every
government body that has investigated the death of Vince Foster reached
the same conclusion, than he killed himself at Fort Marcy Park. He did not
mention that the independent counsel, Kenneth Starr, has reopened the
investigation. Mr. Starr's attorney spent this summer questioning witnesses
before a grand jury. The FBI is back in Fort Marcy Park, or was a couple
of weeks ago, more than 2 years after Vince Foster's death, looking for the
bullet that killed him. Would the independent counsel go through all of
this work were there not unanswered questions about the case? So I believe
that Mr. Wallace was incorrect when he said that the conclusion has been
reached by every government agency. In addition, many of us in
Congress have come to different conclusions as well. Another thing that
he forgot to mention was that the police were not the first people to
encounter Foster's body. He mentioned a national park policeman who found the
body. The fact of the matter is that the park policeman did not find the
body. The body was found by a man called C.W., the confidential witness, who
was the first person on the scene. I have a sworn statement, where I went out
to his home with a court reported and two other Congressmen, from the
confidential witness. The FBI questioned him extensively and considers
him honest and credible. '60 Minutes' never talked about him or even
mentioned on that program that there was a confidential witness that
found the body. '60 Minutes' never read his statement. The gentleman from
Pennsylvania [Mr. Clinger], who is the chairman of the Committee on
Government Reform and Oversight in the House, told '60 Minutes' that he
knows more about this subject than any Member of Congress, and, although
I have high regard for Representative Clinger, he never interviewed
the confidential witness, although he had an opportunity to do so, and he
never read his sworn deposition, which was verified. Mike Wallace went into
great detail during this interview about how the gun was found in Foster's
right hand. He said critics of the investigation incorrectly stated that
Foster was left-handed. Well, that misses the point entirely. When the
confidential witness discovered the body, he looked very carefully. He
was within 18 inches of Mr. Foster's face. He looked very carefully and saw
no gun in either hand. He was very clear in his statement, in the
sworn statement before me and the FBI, that when he found Foster, both hands

were palm up with the thumbs pointed out away from the body. When the police arrived on the scene, they found his right hand palm down with the thumb pointed in, the gun on the trigger finger, and the gun was partially obscured by his hand and his leg. When the confidential witness found the body, the head was looking straight up, and there were no bloodstains on his cheek. When the police arrived, the head was still pointing up, but there was a contact bloodstain on the cheek and the trails of blood running from his mouth and nostrils down the side of his face. Now, how did Foster's hand get moved and why was there no gun in it when the man found it, and later there was a gun in it? How did Foster's head get moved? It is obvious to me that somebody was there and moved the body. Now, the Park Police officer, Officer Fornshill, was not, as I said before, the first to discover the body. It was a confidential witness. Park Police Officer Kevin Fornshill told Mike Wallace that Foster's body could not have been moved to the park because the vegetation around him was not trampled. But the fact of the matter is the confidential witness said in a sworn statement that the vegetation below the body, from the feet all the way down to a path that went all the way around the park, it was trampled flat. There was a narrow path at the bottom of the berm that winds around the perimeter of the park. '60 Minutes' would have known this if they had read his statement, or even decided to look into it and asked. The confidential witness told the FBI that he saw a half-empty wine cooler body near Foster's body. The Park Police did not find it. What happened to the wine cooler bottle and were there any fingerprints on it? As the confidential witness was leaving the park, he looked inside the white Nissan parked in the lot and saw a half-full package of wine cooler bottles, very similar to the one beside the body, a briefcase, and a suit jacket that looked similar to Foster's suit pants. This was not Foster's car. Foster's car was a gray Honda and it was parked further away, and C.W., the confidential witness, did not walk near it. Mike Wallace made a big issue out of the amount of blood around the body. He interviewed the medical examiner, who said there was sufficient blood underneath the head and shoulders to conclude that he died at that spot. This misses the key point. There would have been blood underneath Foster's head, whether he shot himself at the spot or was moved there. The key point is there was no blood splattered on anything behind where Foster was sitting. Anytime someone shoots himself through the mouth, there would be blood splattered all over above him, and there was nothing above him that had any blood on it whatsoever. The vegetation on the path behind Foster was clean. The first emergency medical services person who arrived at the park, George Gonzalez, commented that it was very unusual for a suicide victim's body to be laid out so neatly, with the feet together and the hands neatly at his side. He told this to the staff of the Committee on Government Operations, and he said: 'I find it odd to have the body laid out like it was. I wouldn't expect the hand or body in the position found, the hands perfectly at the side.' '60 Minutes,' incidentally, did not interview Mr. Gonzalez. Mike Wallace noted that it was not unusual for Foster's clothes to have carpet fibers on them. Foster's attorney said that Mrs. Foster had just had new carpeting installed in their home. Well, if that is the case, why did the FBI not take carpet samples and match them with the fibers on his clothes? They did not do that. There were blond hairs on Mr. Foster's body and all over his clothes. Why did the FBI not compare these hairs to the hair of the people Foster knew and was close to? Here are some other keys points that '60 Minutes' left out in their biased

reporting. First, the Park Police investigation was incomplete and unprofessional. The photos of the crime scene were underexposed and did not turn out. The only photos were of very poor quality, and they were made with instamatic cameras. No search was conducted for any skull fragments. When you blow the top of your head out with a .38 caliber bullet, there are skull fragments and bone fragments all about where the head was. There was none of this, no blood and no brain particles. No search was conducted for skull fragments, as I said. Only a very cursory search was conducted for the bullet. White House Counsel Bernie Nussbaum refused to allow Park Police officers or the FBI to search Foster's office. In fact, the night of Foster's death, Bernie Nussbaum, the chief counsel of the President, and two other high level White House aides, Patsy Thomason, who was the chief personnel officer, and Mrs. Williams, Hillary Clinton's chief of staff, searched Foster's office and removed files having to do with Whitewater. This was after the Park Police asked that the office be sealed, and it was not sealed for at least 12 hours while they went through and rifled through those papers. Justice Department officials accused Nussbaum of violating an agreement they had reached regarding the search of Foster's office. Second, the coroner that conducted the autopsy on Foster has made glaring errors in the past. This was not revealed by the '60 Minutes' show. Dr. James Beyer was the coroner who reviewed and did the autopsy on Vince Foster. Let me tell you about Mr. Beyer. In 1989 there was an autopsy on establishing the death of a man named Tim Easley. Mr. Beyer, the coroner, ruled that Easley killed himself by stabbing himself in the chest. He failed to notice a defensive wound on the man's hand. The case was reopened, and, after an outside expert reviewed the case, Easley's girlfriend confessed to murdering him, after he had been judged a suicide by the coroner. That is one mistake. In 1991, regarding a Mr. Tommy Burkett, Mr. Beyer did an autopsy on him and ruled that Burkett had killed himself with a gunshot wound to the mouth very similar to Vince Foster's. He said it was a suicide. Mr. Burkett's family had the body exhumed and reexamined by an outside expert. The second coroner reported that Dr. Beyer had failed to notice a disfigured and bloody ear, indicating a struggle, and a broken jaw, indicating he had been hit in the face and his jaw was broken during a struggle. The FBI is now investigating this case. It obviously was a murder or homicide, and not a suicide. The first special counsel, Robert Fiske, appointed a board of forensic experts to review the Vince Foster case. They concurred in Fiske's opinion that Foster killed himself at Fort Marcy Park. However, they were not appointed until a year after Foster died, and the only way that they could come to the conclusions they did was to read the coroner's report and use that as a guide to come to their conclusions. So they never saw the body, and they verified he was killed at the park. But the fact of the matter is, they could not possibly have known that, because they only used the coroner's report to come to the conclusions they did. So, in conclusion, last summer, when the Senate Committee on Banking and Financial Services held a hearing on Foster's death, the FBI testified there was absolutely no doubt that Foster killed himself, and that he killed himself at Fort Marcy Park. Now, let us review the problems and glaring inconsistencies with this investigation. First, the eyewitness who found the body testified that he is sure there was no gun in Foster's hand and the hands were in a different position than when the police arrived. That was not mentioned on '60 Minutes.' Second, the confidential witness said there were no bloodstains on the face when he found the body. There were bloodstains on

the cheek when the police arrived, indicating it had been moved. When they moved his body, his head went over to the side and blood drained out on the face. Third, the confidential witness testified he saw a wine cooler bottle close to Foster's body in the park, and a package of similar wine cooler bottles in a car in the parking lot that did not belong to Foster. Where did they come from? Where did that bottle go? Fourth, despite extensive searches of the park, the FBI has been unable to find the bullet that killed Vince Foster, and they are still looking for it. Evidently the independent counsel sent them back out there 2 or 3 weeks ago to look for it again. Fifth, no skull fragments were ever found at the site where Foster's body was found, even though there definitely would have been skull fragments from that kind of a wound. Sixth, there were no fingerprints on the gun. Get this: The gun was in his hand, and there were no fingerprints on the gun. The FBI said they probably, get this, 'melted off in the heat.' And yet when they took the gun apart, they found fingerprints there from the time the gun was made at the factory. Seventh, there were no fingerprints on the suicide note found in Foster's briefcase in his White House office. It was torn up into 28 pieces, and the first few times the briefcase was searched, they could not find the note at all, even though they turned it upside down, and there were no fingerprints on it. Eighth, the coroner who conducted the autopsy of Foster's body has made glaring errors of high profile cases in the past. In one case, a body had to be exhumed and reexamined in order to change the ruling from suicide to murder. Ninth, security guards working at the Saudi Arabian Ambassador's residence across the street from the park, within 100 yards, 300 feet, with guards outside all day and night, heard no gunshot. Tenth, Foster's shoes were completely clean, with no grass or dirt stains, even though he was supposed to have walked 700 yards through the park to the second cannon. No. 11, the FBI never made any attempt to identify the carpet fibers or the blond hair on Foster's clothing. No. 12, the police photos at the death scene did not turn out, leaving a serious lack of documentation of the death scene. With all of the glaring problems, can you imagine the FBI telling the Senate Banking Committee there could be no doubt about where and how Foster died? With all of these glaring problems, can you imagine what Johnny Cochran, F. Lee Bailey, and O.J. Simpson's other lawyers would have done in a case like this? Independent Counsel Starr is still investigating this death. '60 Minutes' should not jump to conclusions until Mr. Starr has completed his investigation, and Members of Congress should not jump to conclusions until Mr. Starr completes his investigation as well. So I just would like to say to my friends at '60 Minutes,' Mr. Wallace, Mr. Hewlitt, and everybody else, before you make the kind of determination that you did and do the kind of reporting that you did 2 weeks ago, please talk to all the people involved, especially eyewitnesses. The man who found the body, who gave a sworn statement under oath to me and to two other Congressmen, was never contacted, never interviewed, and nobody has seen that report, even Mr. Clinger, who is the chairman of the Committee on Government Reform and Oversight here in the House. So I just say that I think it was a bad piece of reporting, and I would urge them to be more thorough in the future. Rep. Burton (R-IN)
House of Representatives 2411 Rayburn Office Building Washington, D.C.
20515 Phone 1-202-225-2276 Fax 1-202-225-0016

SENATE HEARINGS PROBE TESTIMONY DISCREPANCIES

In their second appearance before the Special Whitewater Committee, Hillary Clinton's associates Maggie Williams and Susan Thomases defended discrepancies between their previous testimony and phone logs that have since become available to the committee.

Senator Connie Mack (R-FL) summed up the disbelief of the Republican members this way:

"Mr. Chairman, I know that this committee has tried not to draw conclusions before we have heard all the evidence. But frankly, at least I think I have formed an opinion about all this phone traffic between Ms. Williams, Ms. Thomases and the First Lady, and I would just like to give a summary of that opinion now."

"In the last round of hearings I was troubled by Ms. William's accusation that the committee was being "too conspiratorial." I thought carefully about what she said to make sure I wasn't reading too much into all this. But now we get these new calls after the last set of hearings concluded, and I feel confident that this committee has something to be concerned about."

"We know Steve Neuwirth testified under oath that Bernie Nussbaum told him Susan Thomases and Hillary Clinton had concerns about unfettered access by law enforcement to Vince Foster's office. We now know that there was in fact a phone call that went from Maggie Williams to the [Rodham] residence [in Little Rock]. I happen to believe that the First Lady was in that conversation."

"Immediately following that conversation, the First Lady calls Susan Thomases and one minute after that call is completed, a call goes in to Bernie Nussbaum. We know that Tom Castleton testified under oath that Ms. Williams told him that the documents were taken to the [White House] residence so the First Lady could review them."

"Ms. Williams earlier said that she remembered, again, only one conversation with the First Lady on July 22 and that was in the evening. In reality there were ten total attempted phone calls between Ms. Williams and Ms. Thomases, and seven attempted phone calls between Ms. Williams and the First Lady. That's a total of seventeen total calls between the three of them in less than 48 hours. Of those seventeen calls I have counted thirteen connections, six with the First Lady, seven with Susan Thomases."

"What I see is a day that ended with Maggie Williams, Susan Thomases and Hillary Clinton conversing. Ms. Williams started the day at 6:44 a.m. Arkansas time with discussions that something needed to be done to keep law enforcement out of Foster's office. She ended the day with a conversation with Ms. Thomases and a conversation with Hillary Clinton to let them know: mission accomplished."

Williams and Thomases denied this version of events and said the calls, to

the extend that they could recall them, represented outreach and despair after the death of Vince Foster.

Senator Faircloth (R-NC) reiterated his call for a subpoena to the First Lady to appear before the committee and clear up the discrepancies.

In an astonishing slip of the tongue, Maggie Williams referred to the death of Vince Foster as follows: "The 20th was Tuesday, the evening that Vince was killed, or died."

And Susan Thomases appeared startled when asked by Majority Counsel about her involvement in deciding what to do with the suicide note that was found in Foster's briefcase:

COUNSEL CHERTOFF: Did that seem unusual to you that you were told about the note before the President?

SUSAN THOMASES: The President wasn't in town.

CHERTOFF: Well, you weren't in town either! You were in Newark.

THOMASES: Maybe he hadn't reached the President, but I think he told me because he knew that I was very close to Vince and I was very close to both the President and the First Lady.

CHERTOFF: Did you know that you actually got the word before Mr. Foster's wife got the word?

THOMASES: No, I don't know that.

[...]

CHERTOFF: Now during that period of time, however many minutes or hours you spent in there [the White House], Mr. Nussbaum, who had called you the day before about the note, never had a discussion with you about the note?

THOMASES: I don't - I don't - I have not looked at my records for the days, I have not looked at any of my notes for the days, this is the first time I have thought about it. I am willing to look at it, but I'm not s -

CHAIRMAN D'AMATO: Are you suggesting to this committee that something of such a magnitude with respect to the note that people were looking - the suicide note - that you wouldn't recall whether you had a conversation with Mr. Nussbaum in regard to that, on the very day that it was turned over to the Attorney General, on the very day after the day that he had informed you of that, and on the very day that the President and others were to be informed, that you didn't discuss this and you didn't remember and you would have to refresh your recollection by going to your notes to remember something like that?

Hearings will resume at 10 a.m. Tuesday. Copyright (c) 1995 The Washington Weekly (<http://www.federal.com>)

11-22-95 Wed.

1:13 pm

KWS called -

⊙ Mtg w/ shift - unfold ---

⊙ Sensitive to other Washington aspects -
Colloton all but sure will help.
[told him I had talked w/ SC] - Be sensitive
to Brett, etc. Encouraged John --- keep thinking
abt DE project ---

09/85

11-9-85

KWS-

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

11-9-95

KWS - JB - BK - HE

in WDC

③ Foster Death

③ Foster Docs

• Indep Handwriting

• Thomas -

[Redacted]

• Natl DA Assn

• Panel

• Shift

[Redacted] - Congren
Referral

• Use of GJ

• Congressional Report

- Knowlton

• Wants to hear more

• W3/W4 - later

• Summary Witness

• Selected witness

• Gonzalez
....

• Expires 3/96

• Memo - Present to
HE, JB, etc. c/a Alex
Present re: Aitson

[Rough - it was not v. id. at
all times... us v. 57 - - - (Rough)]

'92 -

'93 -

'94 -

'95 -

• Clemente/Coy in LR:

- Patterson

• Perry

- Women - VF mj '82

• Death Squad/Panel

• Lee / S.B. Pathologist

• Briefcase - Castleman says he left with

• 5 may have been's...

11-10-95 FRI.

3:02 pm

Checked LR VM - <called for MEM>

① 1141 (REL) - Ambrose Pritchard ^{Evans} - Insight ^{for the Telegraph} reported that ^{magazine} attached ^{the} Starr investigation for coming up ^{the} with death in order that K.S. should get ^{an} ^{the} credit to the set.

I wanted to say that, I never have said any such thing. I have never accused K.S. of anything in a personal way like that. I wanted to get that on the record.

3:10 pm

Joined in Conf. ~~MEMO~~ Call -

(WDC) KWS-AA-BK-IB

(GTN) ISE

KWS - PITF ^{in on 11-9} Paul Titus - his ptr who was head of Litig at Reed Smith - This ptr has handled a lot of stuff for Scaife.

KWS to Titus: Buddy total nut; Scaife

- Last night - General College - audience mbr: why not call PK before GJ? --- 1 student: you vid "Foster death" 3 times -

[Brad Jacob - ✓]

- Also talked to Thornburgh abt Scaife - WSJ

^{T.T.V.} Thornburgh hates Scaife. Scaife hates Thornburgh ---

Ruddy's article feeds the crowd, like Limbaugh, etc.

KWS told Titus he was threatened - indirect msg from Scaife - "dark side" - below avg. intelligence ---



KWS told FOIA # note (KURT S. 16370) DocId:70105700 Page 126 - Titus will take care of that ---

① KWS met John Bingle, BC nominee to USDC - liberal Dan -
former civ. rts. div, AUSA, prosecutor ---

Sciife likes him b/c he's an honest prosecutor -

② KWS - Terry Eastland to look at PIT Tribune Review -

③ KWS call Tom Steven shift at 10:44 am

[BK - Burton, shift interviewed civ, w3, w4, Knowlton]

• ~~UP~~ review, non-mandate ---- on we stand
Possible Congress hrgm ---

<JE caveat: ex state .

3:35 pm

11-14-95

* ① C's financial stuff
(Leroy)

① Blind trust -

. how much?
. where?

. how got assets?

① WLH Phone records

① Commodities trading -

Jack Nolan - trader

Bill Smith

① What was it that C's, VF's, WLH involved in?

① for office e-mail --- <dropped---

→ ① J.R. Adams ... Pardon ...



Office of the Independent Counsel

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Suite 490-North
Washington, D.C. 20004
(202) 514-8688
Fax (202) 514-8802*

November 9, 1995

Mr. James Hamilton
Swidler & Berlin
3000 K Street, # 300
Washington, D.C. 20007

Dear Jim:

By this letter, we request that you produce the following documents in your possession, custody, or control, or in the possession, custody, or control of Swidler & Berlin, to this Office by December 1, 1995:

1. Any and all documents referring or relating to meetings, conversations, communications, messages, or telephone calls to or from Vincent Foster from November 1992 through July 1993, inclusive.
2. Any and all documents to, from, or by Vincent Foster.
3. Any and all documents referring or relating to both Vincent Foster and the Whitewater Development Corporation.
4. Any and all documents referring or relating to both Vincent Foster and the White House Travel Office.
5. Any and all documents referring or relating to Vincent Foster's activities or state of mind from November 1992 through July 1993, inclusive.
6. Any and all calendars, diaries, datebooks, address books, messages, message pads, message logs, summaries or records of conversations, meetings, or interviews, or similar such documents that belonged to Vincent Foster or were used to keep such records for Vincent Foster from November 1992 through July 1993, inclusive.
7. Any and all documents referring or relating to meetings, conversations, communications, messages, or telephone calls on or after July 20, 1993, to or from Roger Adams, Bob Barnett, Bill Burton, Lisa Caputo, Thomas Castleton, Hillary Rodham Clinton, President William Jefferson Clinton, Dennis Condon, Mark Gearan, Deborah Gorham, Nancy Hennreich,

Phil Heymann, Webster Hubbell, Carolyn Huber, Charles Hume, Robert Hines, William Kennedy, Evelyn Lieberman, Bruce Lindsey, David Craig Livingstone, James Lyons, David Margolis, Peter Markland, Sylvia Mathews, Nancy McFadden, Thomas Mack McLarty, Cheryl Mills, Dee Dee Myers, Stephen Neuwirth, Bernard Nussbaum, Betsy Pond, Jack Quinn, Scott Salter, Marsha Scott, Ricki Seidman, Clifford Sloan, George Stephanopoulos, Susan Thomases, Patsy Thomasson, Linda Tripp, David Watkins, Dr. Larry Watkins, Margaret Williams, or any attorneys for the above-named persons, that refer or relate to: Vincent Foster; the death of Vincent Foster; the office of Vincent Foster; papers or documents that were within the office of Vincent Foster on or about July 20, 1993; the removal or movement of papers or documents from the office of Vincent Foster on or after July 20, 1993; any search or inspection of the office of Vincent Foster; any notes or writings found in the office of Vincent Foster; or Vincent Foster's activities or state of mind from November 1992 through July 1993, inclusive.

8. Any and all documents referring or relating to any search, inspection, inventory, removal, movement, or disposition of documents, or of a briefcase, in the office of Vincent Foster.

Excluded from these requests are any documents reflecting information communicated in confidence by any client (other than Vincent Foster) for the purpose of seeking legal advice. If you seek to claim any privileges as to the documents requested, please identify both the document and the precise privilege claimed.

We also request to review at your office any and all documents or communications that as of July 20, 1993, were contained in the office of Vincent Foster; within any boxes, drawers, file cabinets, or similar items used to store documents and/or communications of Vincent Foster; or within the office or work space of Deborah Gorham. With respect to this category of documents, we may wish to request copies of these documents after we review them in your office.

We also request that you produce the following documents in the possession, custody, or control of your client Lisa Foster to this Office by December 1, 1995:

1. Any and all documents referring or relating to both Vincent Foster and the Whitewater Development Corporation.
2. Any and all documents referring or relating to both Vincent Foster and the White House Travel Office.
3. Any and all documents referring or relating to travel of Vincent Foster, including any passport.
4. Any and all documents from or by Vincent Foster from November 1992 through July 1993, inclusive.

5. Any and all documents to Vincent Foster from November 1992 through July 1993, inclusive, from any personal friends, associates, or family members.

6. Any and all calendars, diaries, datebooks, address books, messages, message pads, message logs, summaries or records of conversations, meetings, or interviews, or similar such documents that belonged to Vincent Foster or were used to keep such records for Vincent Foster from November 1992 through July 1993, inclusive.

In these requests to you, your law firm, and your client, the term "documents" includes any typewritten or handwritten notes.

Because we do not know what information may be contained in these documents, we cannot commit that no further requests of you or your clients may be forthcoming.

Thank you for your cooperation and for agreeing with me on the telephone that you will respond to this letter request in some manner by Wednesday, November 15, 1995.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John D. Bates".

John D. Bates
Deputy Independent Counsel

TELECOPY COVER SHEET

OFFICE OF THE INDEPENDENT COUNSEL

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

Washington, D.C. 20004

telephone (202) 514-8688

facsimile (202) 514-8802

Date: 11-8-95

TO: TIM HAMILTON

Company Name: SWIDLER & BERLIN

Fax Number: 202-424-7643 Telephone Number: 202-424-7826

FROM: BRETT KAVANAUGH

Number of Pages: 4 (including this cover sheet)

Message: _____

CONFIDENTIALITY NOTE

This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential, or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the facsimile by mail.



Office of the Independent Counsel

Two Financial Centre
10825 Financial Centre Parkway, Suite 134
Little Rock, Arkansas 72211
(501) 221-8700
Fax (501) 221-8707

Perkins 12/10/95

- ① Sprint book -
 - ① Citizens Independent Report - 165 pages - copyright to produce it commercially -
 - ① Printing 8.95 + shipping 6.50
 - ① Sprint called ^{Michael} Reagan show ... safehouse ...
- ① "Judy" - Nissan picnic - says she can i.d. people standing around Honda, or behind wheel -
 - band
 - Spanish / mid-eastTrooper book lines --- long that --- > Pitland
- ① Major Delsin Causey - ASP - FBI needs to talk to him - Knows a pattern - willing to talk --- will only go before Congress w/ subpoena...
[per Patterson ... neither he nor Causey trust anyone from LR FBI...]
 - 1 spent year to First Baptist.[# - cash, etc.]

Leads

- Volunteers
- W2-W4 > GJ
- Carpet fibers

Foster house / receipt (Hamilton)

Idenda

W4?

- Briefcase -
- Blond hairs ---

- "No onions" - for LISA
- for _____

} did he usually eat onions

• Financial

- Relevance - VF docs - show more likely than not:

Coverup on July 20 ---

• JB - people who have not told truth.

- Suicide - motive ---

How much do we say?

"Side o' tied"

• Can not eliminate - M6SL, WWDC ---
on factors

Coverup: • Park

• Nite of July 20 -

• July 22

• July 26

• attitude to spirit of Non-cooperation

- Single out Park Police
- MR
- McElhaney
- Scalice, etc. ---
- Review/cp. Gavin, et al --- (Cp)

• Another m

• Why not examine?

Diff. From Fiske

✓ GJ

- More exhaustive on:
Security Park
Bun - VF Sr.

• Input -

Citizens

Groups

Etc.

✓ out

✓ consider reasonable review -

JB - Report

BK - happy to hear what you are saying -
can't put everything to rest?

< "The whole Miguel thing." >

BK - we don't have the money, time, etc.

(EIS) → Why Not? Here's Why?
Why not exhume? _____

Culture of deceit - AR

Culture of deceit - WDC

This is at heart of this Admin. ---

"Think Vince Foster"

Culture of deceit - AR

Culture of deceit - WDC

This is at heart of this Admin. ---

"Think Vince Foster"



Office of the Independent Counsel

Two Financial Centre
10825 Financial Centre Parkway, Suite 134
Little Rock, Arkansas 72211
(501) 221-8700
Fax (501) 221-8707

Perkins 12/10/95

- ① Sprint book -
- ① Citizens Independent Report - 165 pages - copyright to produce it commercially -
 - ① Printing 8.95 + shipping 6.50
 - ① Sprint caller ^{Michael} Reagan show ... safehouse ...
- ① "Judy" - Nissan picnic - says she can id. people standing around Honda, or behind wheel -
- band
 - Spanish / mid-east
- Trooper book lineup --- long shot --- > Pittland
- ① Major Delsin Causey - ASP - FBI needs to talk to him - knows a patrol - willing to talk --- will only go before Congress w/ subpoena ...
- [per Patterson ... neither he nor Causey trust anyone from LR FBI ...]
- agent goes to First Baptist.
- [H - Cash, etc.]



Office of the Independent Counsel

1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004
(202) 514-8688
Fax (202) 514-8802

TO: HICK +

STEVE. C.

FROM: BRETT

31 PAGES

**Office of the Independent Counsel**

1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004
(202) 514-8688
Fax (202) 514-8802

November 9, 1995

Mr. James Hamilton
Swidler & Berlin
3000 K Street, # 300
Washington, D.C. 20007

Dear Jim:

By this letter, we request that you produce the following documents in your possession, custody, or control, or in the possession, custody, or control of Swidler & Berlin, to this Office by December 1, 1995:

1. Any and all documents referring or relating to meetings, conversations, communications, messages, or telephone calls to or from Vincent Foster from November 1992 through July 1993, inclusive.
2. Any and all documents to, from, or by Vincent Foster.
3. Any and all documents referring or relating to both Vincent Foster and the Whitewater Development Corporation.
4. Any and all documents referring or relating to both Vincent Foster and the White House Travel Office.
5. Any and all documents referring or relating to Vincent Foster's activities or state of mind from November 1992 through July 1993, inclusive.
6. Any and all calendars, diaries, datebooks, address books, messages, message pads, message logs, summaries or records of conversations, meetings, or interviews, or similar such documents that belonged to Vincent Foster or were used to keep such records for Vincent Foster from November 1992 through July 1993, inclusive.
7. Any and all documents referring or relating to meetings, conversations, communications, messages, or telephone calls on or after July 20, 1993, to or from Roger Adams, Bob Barnett, Bill Burton, Lisa Caputo, Thomas Castleton, Hillary Rodham Clinton, President William Jefferson Clinton, Dennis Condon, Mark Gearan, Deborah Gorham, Nancy Hernreich,

Phil Heymann, Webster Hubbell, Carolyn Huber, Charles Hume, Robert Hines, William Kennedy, Evelyn Lieberman, Bruce Lindsey, David Craig Livingstone, James Lyons, David Margolis, Peter Markland, Sylvia Mathews, Nancy McFadden, Thomas Mack McLarty, Cheryl Mills, Dee Dee Myers, Stephen Neuwirth, Bernard Nussbaum, Betsy Pond, Jack Quinn, Scott Salter, Marsha Scott, Ricki Seidman, Clifford Sloan, George Stephanopoulos, Susan Thomases, Patsy Thomasson, Linda Tripp, David Watkins, Dr. Larry Watkins, Margaret Williams, or any attorneys for the above-named persons, that refer or relate to: Vincent Foster; the death of Vincent Foster; the office of Vincent Foster; papers or documents that were within the office of Vincent Foster on or about July 20, 1993; the removal or movement of papers or documents from the office of Vincent Foster on or after July 20, 1993; any search or inspection of the office of Vincent Foster; any notes or writings found in the office of Vincent Foster; or Vincent Foster's activities or state of mind from November 1992 through July 1993, inclusive.

8. Any and all documents referring or relating to any search, inspection, inventory, removal, movement, or disposition of documents, or of a briefcase, in the office of Vincent Foster.

Excluded from these requests are any documents reflecting information communicated in confidence by any client (other than Vincent Foster) for the purpose of seeking legal advice. If you seek to claim any privileges as to the documents requested, please identify both the document and the precise privilege claimed.

We also request to review at your office any and all documents or communications that as of July 20, 1993, were contained in the office of Vincent Foster; within any boxes, drawers, file cabinets, or similar items used to store documents and/or communications of Vincent Foster; or within the office or work space of Deborah Gorham. With respect to this category of documents, we may wish to request copies of these documents after we review them in your office.

We also request that you produce the following documents in the possession, custody, or control of your client Lisa Foster to this Office by December 1, 1995:

1. Any and all documents referring or relating to both Vincent Foster and the Whitewater Development Corporation.
2. Any and all documents referring or relating to both Vincent Foster and the White House Travel Office.
3. Any and all documents referring or relating to travel of Vincent Foster, including any passport.
4. Any and all documents from or by Vincent Foster from November 1992 through July 1993, inclusive.

5. Any and all documents to Vincent Foster from November 1992 through July 1993, inclusive, from any personal friends, associates, or family members.

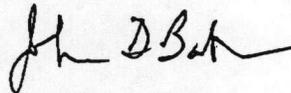
6. Any and all calendars, diaries, datebooks, address books, messages, message pads, message logs, summaries or records of conversations, meetings, or interviews, or similar such documents that belonged to Vincent Foster or were used to keep such records for Vincent Foster from November 1992 through July 1993, inclusive.

In these requests to you, your law firm, and your client, the term "documents" includes any typewritten or handwritten notes.

Because we do not know what information may be contained in these documents, we cannot commit that no further requests of you or your clients may be forthcoming.

Thank you for your cooperation and for agreeing with me on the telephone that you will respond to this letter request in some manner by Wednesday, November 15, 1995.

Sincerely yours,



John D. Bates
Deputy Independent Counsel

SWIDLER
&
BERLIN
CHARTERED

JAMES HAMILTON
ATTORNEY-AT-LAW

DIRECT DIAL
(202)424-7826

November 15, 1995

BY HAND

John D. Bates, Esq.
Deputy Independent Counsel
Office of the Independent Counsel
1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004

Dear John:

I appreciate your November 9, 1995 letter because it allows me to comment on your specific requests to this firm and Lisa Foster. Let me say at the outset that this response is made without an exhaustive review of our firm's voluminous Foster family files, which are more than three feet thick. Such a review would be extremely time consuming and could not be accomplished before the Wednesday, November 15 deadline on which we agreed. Thus, my responses of necessity are preliminary. Nonetheless, I hope my comments below will convince you, Ken and others that many of your requests are overly broad and seek materials that are privileged. As set forth below, however, there are a number of areas as to which, in appropriate circumstances, we voluntarily would provide information.^{1/}

In my conversation today with you, I requested a meeting with Ken, and others he may wish to assemble, to discuss these matters. You said this would occur after you have reviewed

^{1/} This letter should be viewed, pursuant to Federal Rule of Evidence 408, as an attempt to compromise the disputes between your office and our clients and us. Also, it is submitted pursuant to the on-going non-waiver agreement we have reached.

John D. Bates, Esq.
November 15, 1995
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this submission. This firm also will be represented by our partners, Tony Fitch and Andrew Lipps.

Your requests seem essentially to deal with four different areas:

- A. My relations with Vince Foster before he died;
- B. Documents in Vince's possession before he died;
- C. Documents relating to our representation of the Foster family; and
- D. Documents in Lisa Foster's possession.

I will respond seriatim to the requests relating to these four categories. Certain legal issues regarding the work product privilege are discussed in more detail in a separate attachment to this letter.

A. Let me deal first with your requests that appear to involve, at least in part, my relations with Vince before he died. These requests are Nos. 1, 2, and 4.

Most of my involvement with Vince during the specified time period related to my work as transition counsel (which mainly involved vetting Cabinet officials, some sub-Cabinet officials and White House staff) and my work after this Administration took office in heading the outside vetting teams examining Supreme Court candidates. For example, Vince, I, and others interviewed Justices Ginsburg and Breyer and Secretary Babbitt. I believe my notes

John D. Bates, Esq.
 November 15, 1995
 Page 3

relating to these meetings are irrelevant to your concerns.^{2/} In any event, the White House
now has them (if they exist.) (?)

As I have informed you on a non-waiver basis, I had a private, privileged conversation with Vince about my retention regarding the White House Travel Office matter. This conversation, and my notes of it, would be protected, absent waivers, by the attorney client privilege and also by the work product privilege, for the conversation was had and the notes were made in anticipation of various expected investigations and any ensuing litigations.^{3/} Nevertheless, these notes could be made available to you in appropriate circumstances.

I should note, however, another significant legal obstacle your office would face in attempting to subpoena information from me about my contacts with Vince before he died. You seek this information in connection with your investigation of Vince's suicide. We all know, after the many official investigations that have been undertaken, that his death was just that, and not a homicide. Under Sec. 9-2.161(a) of the Criminal Division Guidelines, which your office is obligated to follow by Sec. 594(F)(1) of the Independent Counsel statute, your office may issue a subpoena to an attorney only if there are "reasonable grounds to believe a crime has been . . . committed." You do not have "reasonable grounds to believe" Vince was

^{2/} I also believe my other dealings with Vince regarding vetting or other transition matters are irrelevant to your inquiry.

^{3/} A criminal trial regarding the Travel Office proceeds as I write.

*in other words, you
can never investigate
to investigate his death would contrave*

Reason to
believe
OOJ...

s that were in Vince's possession before he died. These

from his office, all of which personnel assigned to your
FOIA # none (URTS 16376) DocId: 70105700 Page 147

know, in appropriate circumstances and under certain

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murdered, and thus any subpoena to me to investigate his death would contravene the authorizing statute.

*in other words, you
can never investigate an
"apparent suicide"*

B. I have certain documents that were in Vince's possession before he died. These include the documents we received from his office, all of which personnel assigned to your office already have reviewed. As you know, in appropriate circumstances and under certain conditions, the Foster family would not object to another review. There are certain documents whose copying the family strongly would resist because of their fear of leaks, their concern about how the briefcase was handled by your office, and the realization that, as in the past, Congress may be given records (e.g., 302's) that will then be made public.

I also have in my possession certain documents relating to Vince's work at the Rose Law Firm, which Vince had kept at home. Some of these documents were turned over to the FDIC; others were not because of privileges the law firm asserted or other reasons. They all predate 1992, many by a number of years, and likely are irrelevant to your inquiries.

I have copies of other documents from Vince's White House office that recently have been released by the White House or the President's attorney, which I obtained in the course of representing the family. You undoubtedly have copies of those documents and do not need them from me. I also have copies of Vince's note, which, of course, you have.

C. Many of the requests in your letter -- see, ¶¶ 1, 3, 4, 5, 7 and 8 -- seek work product created during our representation of our clients, including many pages of handwritten notes regarding conversations with various parties. These notes embody our mental

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island

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Page 5

impressions, conclusions, opinions, theories, thought processes, selection of topics of importance, and strategies. Not only are these notes work product, they are to a significant degree core work product.^{4/} Your requests also cover certain legal research done by our office relating to our representation of the family.

I believe the work product doctrine protects these documents.^{5/} Your sole response appears to be that these materials were not created or collected in anticipation of litigation. This is simply not so.

I was engaged by the Foster family to represent it regarding all investigations relating to Vince's death and "any ensuing litigation." See, United States v. Paxson, 861 F.2d 730, 736 (D.C. Cir. 1988). Having been involved in (and written extensively about) many very public Washington controversies, I anticipated that litigation might well result, as it has.^{6/} Indeed, virtually everything we did was done with "an eye toward litigation" -- see, In Re Sealed Case, 29 F.3d 715, 718 (D.C. Cir. 1994) -- for we recognized that the events relating

^{4/} Item 7 requests documents regarding contacts with various persons "or any attorneys of the above-named persons" that relate to various matters. In addition to the work product protections that pertain to those conversations, certain conversations were conducted under a joint defense or common interest privilege.

^{5/} You asked us, if we claim privilege as to any documents requested, to identify the documents and the precise privilege claimed. We have not done so in part because of the burden involved.

^{6/} I was, after all, retained because I have experience in litigation and criminal, Congressional, and other investigations, not because I am a probate, estates, or corporate attorney. See, United States v. Bonnell, 483 F. Supp. 1070, 1078 (D. Minn. 1979).

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November 15, 1995
Page 6

death and its aftermath (particularly those concerning the search of his office and his note) eventually might end up in court. Among the litigations we anticipated were the following:

1. Early on we anticipated that litigation might result because of grand jury or Congressional requests for information from the Foster family. After reviewing the documents received from Vince's office, Mrs. Foster concluded that she did not want these records turned over to investigating authorities because they were, in some respects, highly personal and the family feared leaks. Litigation almost resulted after the Department of Justice issued a subpoena to Mrs. Foster for these documents. We prepared papers seeking a protective order, but did not file them because an accommodation with Mr. Fiske's office was reached after he assumed responsibility for the investigation.

2. In 1993, Mrs. Foster concluded that she did not want her children interviewed by investigating authorities. Had a grand jury or Congressional committee sought to do this by subpoena, litigation could well have resulted. We also have considered and researched how to resist other investigative activities by Mr. Fiske's and your offices that fortunately have not been undertaken. Indeed, a major focus of our representation has been protecting the family from overreaching investigations; use of litigation always has been a distinct possibility in this regard.

3. Early on, the family requested the Attorney General not to release a photocopy of Vince's note, and she agreed. However, we anticipated FOIA requests and subsequent litigation, which indeed occurred. Dow Jones and the editor of The Wall Street Journal

John D. Bates, Esq.
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Page 7

brought an FOIA suit that sought a photocopy of Vince's note.¹⁷ Mrs. Foster has intervened in this suit, which is still pending and which required a balancing of the public's right to know against the Foster family's privacy interest and consequently directly raised issues concerning the discovery of the note, the briefcase, the note's handling and its authenticity. Your requests, e.g., ¶8, seek attorney work product directly related to this litigation and actions taken in anticipation of it.

4. We also anticipated that Mrs. Foster or other clients could well be involved as witnesses in grand jury and Congressional investigations and in litigations against others regarding various matters, including the handling of the note.¹⁸ For example, as you know Mrs. Foster was at the White House on July 27, 1993, and participated in discussions about the note, its discovery, its authenticity and how it would be handled.

5. As you also know, Mike Spafford and I, as representatives of the Foster family, were involved in events at the White House concerning the search of Vince's office and discussions about discovery of the note, its authenticity and how it would be handled. We anticipated that we might be witnesses in grand jury and Congressional investigations and

¹⁷ We also anticipated that The Journal, which had attacked Vince, would be the entity taking such action.

¹⁸ Cases cited in the attached memorandum -- see, Sec. B(4), p. 10 -- indicate that the work product privilege applies to work related to Congressional proceedings, even though no litigation is contemplated.

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Page 8

litigations concerning what we had done for the family in these regards. This is one reason for Mike's copious documentation as to the matters in which he participated.

6. We anticipated, given the wild allegations that have swirled around regarding Vince's death and conduct, that the various investigations somehow might focus (however wrongly) on our clients -- e.g., that someone falsely might claim that our clients participated in or knew about conduct in which Vince allegedly was involved. Even you now seek information about Vince's travel -- a question we assume relates to the totally false allegations that Vince had a secret bank account in Geneva and was involved in nefarious spying activities. There are equally false allegations that attempt to tie Sheila Anthony and Lisa Foster to this alleged conduct -- i.e., untrue allegations that shortly before Vince's death Mrs. Anthony wired a large sum of money to Mrs. Foster. These false allegations appear intended to leave the impression that Vince was paid to keep quiet about something. Without giving credence to such outlandish allegations, we did anticipate that family members' conduct might be investigated.

7. We also actively have considered the suits family members could bring against those who defame them, invade their privacy, and use Vince's name and image and events surrounding his death (including discovery of his note) for commercial reasons. And on various occasions we have asked government bodies -- the Department of Justice, the Department of Interior and the Special Senate Whitewater Committee -- to investigate and seek prosecution of persons leaking items related to Vince's death, including a photocopy of his

John D. Bates, Esq.
November 15, 1995
Page 9

note. I will be pleased to provide you with the letters I have written to government officials in these regards.

The attached memorandum provides authority for the proposition that the work product doctrine protects the notes generated during our representation of the Foster family. And it shows (as does the above discussion) that the anticipation of litigation requirement is more than met.

--- 0 ---

In addition to the legal principles that protect work product material from grand jury subpoena, the Independent Counsel statute places specific obligations on your office to respect that privilege and the attorney-client relationship. As discussed above, that statute requires you to follow the Criminal Division guidelines regarding subpoenas to attorneys. Several guidelines are relevant.

Guideline E(6) provides that, for a subpoena to issue, "[t]he information sought shall not be protected by a valid claim of privilege." As described above and in the attached memorandum, the notes you seek are protected by the work product privilege belonging both to our clients and to us.^{2/}

^{2/} The D.C. Circuit has held that the work product privilege belongs to both the lawyer and his or her clients. In Re Sealed Case, 29 F.3d 715, 718 (D.C. Cir 1994).

John D. Bates, Esq.
November 15, 1995
Page 10

Guideline E(4) provides that "[t]he reasonable need for this information must outweigh the potential adverse effects upon the attorney-client relationship." Surely, if our notes can be subpoenaed in the present circumstances, we and other attorneys will be greatly handicapped in representing our clients.^{10/}

Guideline E(3) provides that "[a]ll reasonable attempts to obtain information from alternative sources shall have proved to be unsuccessful." You thus generally must try to

^{10/} As said in Horn & Hardart Co. v. Pillsbury Co., 703 F. Supp. 1062, 1972 (S.D.N.Y.), aff'd, 808 F.2d 8 (2d Cir. 1989):

Had the notes been ordered to be produced, . . . we are certain that Stringer and any other attorney learning of such a happening would long hesitate before again making a similar memorandum, with resulting erosion of conscientious representation of their clients.

John D. Bates, Esq.
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Page 11

obtain information about our conversations with third parties from them before you seek information from us by a subpoena. We are not informed that you have done so.^{11/}

--- 0 ---

Your current request overlaps the subpoena to me dated June 20, 1995, which was the subject of my agreement with Mark Tuohey. The essence of the agreement was this: If the Foster family gave your office permission to seek fingerprints in the Foster family home in Hope, Arkansas, your office would agree to accept my claims of attorney-client and work-

^{11/} Moreover, Rule 3.8(f) of the American Bar Association Model Rules of Professional Conduct provides:

The prosecutor in a criminal case shall:

...

- (f) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless:
 - (1) the prosecutor reasonably believes
 - (a) the information sought is not protected from disclosure by any applicable privilege;
 - (b) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution;
 - (c) there is no feasible alternative to obtain the information; and
 - (2) the prosecutor obtains prior judicial approval after an opportunity for an adversarial proceeding.

John D. Bates, Esq.
November 15, 1995
Page 12

product privilege as to subpoenaed documents relating to my representation of the family without requiring me to review my voluminous files and create a detailed privilege log, which I considered burdensome in the circumstances.^{12/} Whatever Mark agreement, one thing is clear: the family would not have allowed the visit to Hope if my claims of privilege had not been accepted.

The current request calls for some materials covered by the June subpoena. For example, both specifically seek documents relating to the Whitewater Development Company. Moreover, while I have not thoroughly reviewed my files, certain conversations identified in ¶7 of your current requests dealt with subjects covered by the June subpoena. Surely, the prior understanding pertains to any documents now requested that were covered by the June subpoena.

The family would not have agreed to the visit to Hope had they been informed that this firm would be subject to another subpoena seeking work product materials regarding our representation of the family. As Mark knows, the subpoena was a major subject of controversy and your office had every opportunity to inform me that more information would be sought, which it did not. I certainly believed no further subpoena to me would issue. There are issues here of good faith and fair dealing.

^{12/} Presumably Mark would not have agreed to my assertion of the work product privilege without tacitly agreeing that my files were created or maintained in anticipation of litigation. (7)

John D. Bates, Esq.
November 15, 1995
Page 13

D. Let me now respond to your requests to Mrs. Foster, first stating each request.

I assume you are not asking for any documents covered by the attorney-client privilege.

- 1. Any and all documents referring or relating to both Vincent Foster and the Whitewater Development Corporation.**

A request covering such documents was made in the Department of Justice's January 18, 1994 subpoena to Mrs. Foster, to which she has responded. She has no additional documents, except she now may have pertinent newspaper clippings and public documents, such as Mr. Fiske's report.

- 2. Any and all documents referring or relating to both Vincent Foster and the White House Travel Office.**

Mrs. Foster has no such documents except newspaper clippings and public documents, such as the Fiske report.

- 3. Any and all documents referring or relating to travel of Vincent Foster, including any passport.**

This request is overbroad, burdensome, and seeks irrelevant information. It would cover any travel at any time by Mr. Foster -- foreign, domestic, or within Arkansas. For example, it would cover documents relating to the Foster's honeymoon in 1968. It would cover documents pertaining to travel to Hope to see his parents or travel to appear in court or to take depositions. I believe, however, that Mrs. Foster would agree to a review of certain documents, such as Vince's passport.

- 4. Any and all documents from or by Vincent Foster from November 1992 through July 1993, inclusive.**

John D. Bates, Esq.
November 15, 1995
Page 14

This request is overbroad, burdensome and seeks irrelevant information. For example, it seeks every check written by Vince during the time period. It would cover all messages, no matter how personal or trivial, from Mr. Foster to his wife, even though any such confidential communications would be protected by the marital privilege. It may be, however, that Mrs. Foster would agree to a review of certain documents if the request were narrowed.

5. Any and all documents to Vincent Foster from November 1992 through July 1993, inclusive, from any personal friends, associates, or family members.

This request is overbroad, burdensome and seeks irrelevant information. For example, it would cover messages, however personal or trivial, from Mr. Foster's family to him. Confidential messages from his wife would be covered by the marital privilege. Again, if the request is narrowed, Mrs. Foster might agree to a review of certain documents.

6. Any and all calendars, diaries, datebooks, address books, messages, message pads, message logs, summaries or records of conversations, meetings, or interviews, or similar such documents that belonged to Vincent Foster or were used to keep such records for Vincent Foster from November 1992 through July 1993, inclusive.

This request is overbroad, burdensome and seeks irrelevant information. For example, it would include messages or records of meetings that have nothing to do with his state of mind or other matters under investigation. Perhaps Mrs. Foster would respond to a more limited request.

John, I hope you and Ken will rethink these requests to Mrs. Foster, which truly are invasive and would produce considerable irrelevant information. Given the fact that Mrs.

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Foster, her children, Vince's sisters and his mother have been interviewed extensively (thrice in some instances), the material you now request seems most unnecessary. Moreover, these requests -- which would require extensive review of her husband's records -- are particularly harsh at this time as Mrs. Foster prepares for marriage and a new life. She understandably is loath to undertake such a review and to turn over highly personal, irrelevant information. She also finds most disturbing the prospect of even more requests (which you allude to in your letter) that would arrive almost two and one-half years after Vince's death. She wonders, as does Mrs. Anthony, why these requests come at such a late date in your investigation, which the family fervently believes should have been concluded long ago.

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We ask you, given the above considerations, to reconsider the sweeping requests contained in your letter. We hope a compromise can be reached that allows this matter to be resolved without a subpoena and litigation, which we firmly believe you would lose. Indeed, it would be quite extraordinary for a court to allow your office to intrude in a major way into our analyses, research, inquiries, and strategies regarding an almost two and one-half year representation, which has involved both litigation and multiple investigations (including that by your office) and where the potential for other litigation always has loomed large.

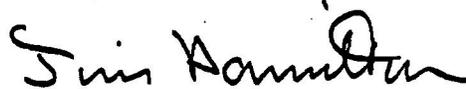
May I close by reminding you again how cooperative the family and this firm have been during your investigation. Your office has achieved much that it would not have -- or would not have without controversy -- without this cooperation, for example:

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- a. the interviews with Vince's mother
- b. access to the family home in Hope to remove articles belonging to Vince's father in order to obtain fingerprints
- c. the bullets found in Hope, which were volunteered
- d. additional interviews with family members
- e. interviews with Vince's children
- f. the turning over of Mike's notes, memorandum and inventory relating to the search of Vince's office
- g. my two interviews, on a non-waiver basis, which you have said provided helpful information.

The family and this firm remain willing to cooperate with reasonable requests.

Sincerely,



James Hamilton

JH/cmb

cc: The Honorable Kenneth W. Starr
Mark H. Tuohey, III, Esq.
Professor Samuel Dash
(all by hand)

MEMORANDUM RE WORK PRODUCT PRIVILEGE

Introduction

The work product privilege finds its genesis at common law, where the English courts protected "all documents prepared by or for counsel with a view to litigation." Hickman v. Taylor, 329 U.S. 495, 510 n.9 (1947); In re Grand Jury Proceedings, 473 F.2d 840, 844-45 (8th Cir. 1973). In Hickman, the Supreme Court adopted this common law privilege and extended it to all information, both tangible and intangible, prepared by or for counsel "with an eye toward litigation." 329 U.S. at 511. The Supreme Court articulated the strong public policy underlying the work product doctrine:

In performing his various duties...it is essential that a lawyer work with a certain degree of privacy, free from unnecessary intrusion by opposing parties or their counsel. Proper preparation of a client's case demands that he assemble information, sift what he considers to be relevant facts from irrelevant facts, prepare his legal theories and plan his strategy without undue or needless interference. . . . This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways -- aptly though roughly termed by the Circuit Court of Appeals as the "Work product of the lawyer." Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney's thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of the clients and the cause of justice would be poorly served.

Hickman v. Taylor, 329 U.S. at 511.

Rule 26(b)(3) partially codified Hickman, by providing that:

a party may obtain discovery of documents and tangible things otherwise discoverable under subdivision (b)(1) of this rule and prepared in anticipation of litigation or for trial...only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of

the mental impressions, conclusions, opinions or legal theories of an attorney or other representative of a party concerning the litigation.” (Emphasis added).

Rule 26 thus accords special protection to documents that record an attorney’s thought processes.

A. Attorneys Notes Are Sacrosanct

An attorney’s notes are entitled to special protection. The Supreme Court observed that “[n]ot even the most liberal of discovery theories can justify unwarranted inquiries into the files and mental impressions of an attorney.” Hickman v. Taylor, 329 U.S. at 510. Since Hickman, “the Supreme Court has never permitted intrusion into work product revealing the attorney’s thought processes.” 3 Weinstein’s Evidence, ¶ 612[04], pp. 612-45.

In Upjohn Co. v. United States, 449 U.S. 383 (1981) the Supreme Court held that discovery of notes and memoranda prepared by an attorney in connection with an internal investigation, including notes summarizing witness interviews, is particularly disfavored because:

it tends to reveal the attorney’s mental processes....Rule 26 accords special protection to work product revealing the attorney’s mental processes...Based on the foregoing, some courts have concluded that no showing of necessity can overcome protection of work product which is based on oral statements from witnesses.... Those courts declining to adopt an absolute rule have nonetheless recognized that such material is entitled to special protection.

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The notes and memoranda sought by the Government here...are work product based on oral statements....[T]hey reveal the attorneys’ mental processes in evaluating the communications. As Rule 26 and Hickman make clear, such work product cannot be disclosed simply on a showing of substantial need and inability to obtain the equivalent without undue hardship.

Upjohn v. United States, 449 U.S. at 400.

The lower courts generally have refused to order the production of an attorney’s notes, including witness interviews, absent proof of criminal activity by the attorney sufficient to satisfy

the crime fraud exception. For example, in United States v. Paxson, 861 F.2d 730 (D.C. Cir. 1988), the lower court denied a criminal defendant discovery of notes taken by a witness' attorney during the witness' interviews with prosecutors. The "notes of the interviews were not verbatim but rather contained assessments, thought processes, analyses and strategy of counsel, and reflected his judgment on how best to advise and protect the interests of his client." Id. at 735. The Court of Appeals for the District of Columbia affirmed, holding that a party seeking such materials bears a heavy (if not impossible) burden that the criminal defendant in Paxson could not meet.

While the Supreme Court in Upjohn did not adopt a rule of absolute protection for an attorney's notes and memoranda, neither did it reject such a rule. The Court simply found it unnecessary to reach the question of absolute protection, holding instead that discovery of such material required "a far stronger showing of necessity and unavailability by other means than was made by the Government. . . in this case."

Id. at 736 (quoting Upjohn Co. v. U.S., 449 U.S. 383, 402 (1981)).

The District Court in In Re Grand Jury Investigation, 412 F. Supp. 943 (E.D. Pa. 1976), reached a similar conclusion, holding that a file memorandum prepared by an attorney of a telephone conversation with an officer of the client was "so much a product of the lawyer's thinking and so little probative of the witness's actual words that they are absolutely protected from disclosure." 412 F. Supp. at 949. See also In Re Grand Jury Proceedings, 43 F.3d 966, 970 (5th Cir. 1994) (documents that reflect oral conversations between an attorney and third parties are entitled to strict protection as opinion work product "due to the likelihood that such documents will reveal the attorney's mental processes or litigation strategy"); In Re Grand Jury Investigation, 599 F.2d 1224, 1230-33 (3d Cir. 1979) (interview notes protected).

This protection also has been extended to writings other than interview notes. In Horn & Hardart v. Pillsbury, 888 F.2d 8 (2d Cir. 1989), a takeover competitor sought to discover notes prepared by the acquiring corporation's counsel about meeting (which the attorney did not attend) between representatives of the competitors to discuss negotiation ground rules. The district court had denied discovery on the ground that the notes contained "mental impressions." Id. at 12. The Second Circuit affirmed. "[P]ermitting discovery of the [] notes would have contradicted 'the general policy against invading the privacy of an attorneys' course of preparation [that] is so well recognized and so essential to an orderly working of our system of legal procedure.'" Id.

In United States v. Bonnell, 483 F. Supp. 1070 (D. Minn. 1979), the court accorded protection to an attorney's memorandum summarizing his meeting with clients and others concerning certain IRS inquiries. "Although [the memorandum] is hardly replete with legal theories and strategies, it is a personal recollection or memorandum," discovery of which cannot be obtained absent extraordinary circumstances. Id. at 1078.

The mere fact that an attorney has selected documents or other evidence for review or elected to retain them may be enough to trigger work product protection. In U.S. v. Horn, 811 F. Supp. 739 (D.N.H. 1992), rev'd in part on other grounds, 29 F.3d 754 (1st Cir. 1994), the prosecutor ordered copies for the government of documents selected for copying by defense counsel. When defense counsel discovered the prosecutor's conduct, he demanded return of the extra copies, but the prosecutor refused. The district court sanctioned the prosecutor, finding that "[t]he high degree of selectivity resulting in a relatively small number of documents being copied clearly reflected the thought processes of defense counsel" and thus fell "within the highly-protected category of opinion work product." 811 F.Supp. at 746-47.

In Sporck v. Peil, 759 F.2d 312 (3d Cir. 1985), cert. denied, 474 U.S. 903 (1985), the Third Circuit reversed the lower court's order that counsel produce documents shown to a witness prior to his deposition. "[N]one of the individual documents. . . contained work product of defense counsel." Id. at 313. Nevertheless, the group of documents constituted opinion work product because they were selected by counsel.

Opinion work product includes such items as an attorney's legal strategy, his intended lines of proof, his evaluation of the strengths and weaknesses of his case, and the inferences he draws from interviews of witnesses. Such material is accorded an almost absolute protection from discovery because any slight factual content that such items may have is generally outweighed by the adversary system's interest in maintaining the privacy of an attorney's thought processes and in ensuring that each side relies on its own wit in preparing their respective cases.

We believe that the selection and compilation of documents by counsel in this case in preparation for pre-trial discovery falls within the highly-protected category of opinion work product.

Id. at 316 (citations omitted).

B. In Anticipation of Litigation

Most courts have interpreted broadly the Rule 26(b)(3) requirement that documents be created "in anticipation of litigation" to mean "with an eye toward litigation." Hickman v. Taylor, 329 U.S. at 511; In re Sealed Case, 29 F.3d 715, 718 (D.C. Cir. 1994); Martin v. Bally's Park Place Hotel & Casino, 983 F.2d 1252, 1260-61 (3d Cir. 1993); United States v. Paxson, 861 F.2d at 736. It is not necessary that a complaint be filed or that litigation be imminent in order for the work product privilege to apply. "[T]he generic prospect of litigation may be enough." United States v. Exxon Corp., 87 F.R.D. 624, 638 (D.D.C. 1980) (documents prepared two years before litigation commenced may be work product). The fact that the attorney did not or could not "foresee the specific litigation that has resulted" is not determinative. United States v. Bonnell,

483 F. Supp. 1070, 1078 (D. Minn. 1979); see also In re Grand Jury Proceedings, 43 F.3d 966, 967, 971 (5th Cir. 1994) (successive grand jury investigations). As long as the "materials [were] prepared or collected by an attorney in the course of preparation for possible litigation," they are work product. In re Grand Jury Investigation, 599 F.2d 1224, 1228 (3d Cir. 1979).

"Only by looking to the state of mind of the party preparing the document...can [a court] determine whether [the in anticipation of litigation] test has been satisfied....This rule is limited, however, by the requirement that the preparer's anticipation of litigation be objectively reasonable." Martin v. Bally's Park Place Hotel & Casino, 983 F.2d at 1260. In applying this rule, courts look to see whether the materials were "assembled in the ordinary course of business, or pursuant to public requirements unrelated to the litigation or for other nonlitigation purposes." Fed.R.Civ.P. 26(b)(3) Advisory Committee Note. Attorney-prepared documents that do not fall within those categories typically are accorded work product protection, particularly where they are prepared by a litigation attorney. See, e.g., United States v. Bonnell, 483 F. Supp. at 1078 ("Levine is the head of the Dorsey firm's trial department; he was clearly not brought into the case as a business advisor").

Courts have held that the work product protection extends to the following:

(1) In Anticipation of Grand Jury Investigations or Proceedings. In re Sealed Case, 29 F.3d 715 (D.C. Cir. 1994), involved an attorney who met with his client and gave him legal advice. Almost two years later, a grand jury investigation of the client commenced. When the client learned he was a target of the investigation, he met with the prosecutor and recounted in some detail his consultations with the attorney. The client did not assert the attorney-client privilege. 29 F.3d at 718. A grand jury subpoena for the attorney's files followed. The Court of Appeals for the District of Columbia rejected the lower court's determination that "the [work

product] privilege was inapplicable because no grand jury investigation had commenced at the time.”

Even though the grand jury investigation had not begun when the Lawyer met with the appellant and prepared his file, he may well have had an eye toward litigation “Some cases [interpreting work product privilege] have attributed significance to whether a document was obtained before or after litigation was commenced, but this cannot be sound. Prudent parties anticipate litigation, and begin preparation prior to the time suit is formally commenced.”

29 F.3d at 718 (citations omitted) (quoting 8 Wright & Miller, Federal Practice & Procedure § 2024, at 197-98 (1970)).

In another In Re Sealed Case, 676 F.2d 793 (D.C. Cir. 1982), a grand jury subpoena sought production of the files of a corporation’s former general counsel. Two of the documents were notes prepared by the attorney in accumulating information relevant to IRS inquiries, but prior to any formal litigation or grand jury proceeding. The Court of Appeals found the notes to be “material ‘obtained or prepared by an adversary’s counsel’ in the course of his legal duties. . . ‘with an eye toward litigation,’” 676 F.2d at 809-10 (quoting Hickman v. Taylor, 329 U.S. at 511), that clearly “were not meant for any eyes but the author’s.” Id. at 811.

In re Grand Jury Proceedings (McCoy), 601 F.2d 162 (5th Cir. 1979), involved a client who retained counsel to determine whether his conduct was subject to criminal sanctions; counsel retained an accountant to assist him. Over two years later, a grand jury commenced an investigation of the client and subpoenaed the accountant’s work. The Third Circuit held that the accountants’ financial analyses were prepared “in anticipation of litigation” because they were prepared to assist the attorney “in assessing [the client’s] potential criminal liability.” 601 F.2d at 171. The court found it significant that the records prepared by the accountant were not records that the client ordinarily kept for his business. Id.

In re Grand Jury Investigation (Appeal of United States), 599 F.2d 1224 (3d Cir. 1979), involved a law firm's investigation of "suspected criminal violations" begun over a year prior to a grand jury investigation.

[T]he [law firm's] investigation concerned suspected criminal violations If further investigation confirmed that suspicion, litigation of some sort was almost inevitable. The obvious possibilities included criminal prosecutions, derivative suits, securities litigation, or even litigation by [the client]

* * *

[W]e perceive no reason to distinguish between the [law firm]'s role as a legal advisor and its role as an investigator. The attorney in Hickman acted in a similar dual capacity when he interviewed witnesses. Under these circumstances we conclude that the district court did not err in holding that [the law firm] was acting in contemplation of litigation and that the work-product doctrine applies to the questionnaires and interview memorandum at issue.

599 F.2d at 1229-30. See also United States v. Nobles, 422 U.S. at 236 ("[a]lthough the work-product doctrine most frequently is asserted as a bar to discovery in civil litigation, its role in assuring the proper functioning of the criminal justice system is even more vital").

(2) Documents Prepared in Connection with an Administrative Proceeding. In Upjohn Co. v. United States, the company's attorneys commenced an internal investigation when its outside auditors discovered "questionable payments" by company employees to foreign government officials. Subsequently, the IRS issued a summons demanding production of the "files" created as a result of the internal investigation. Even though no litigation was pending or even imminent, the Supreme Court overruled the lower court's enforcement of the summons. The attorney's notes and memoranda were prepared in anticipation of litigation because they were "written statements, private memoranda and personal recollections prepared or formed by an

adverse party's counsel in the course of his legal duties.'" 449 U.S. at 397 (quoting Hickman, 329 U.S. at 510).

In United States v. Bonnell, 483 F. Supp. 1070 (D. Minn. 1979), an attorney attended a meeting to discuss his client's responses to certain requests for information from the IRS. Subsequently, the IRS subpoenaed his notes. The court found that the notes were work product because, as a trial attorney, the lawyer

was clearly not brought into the case as a business adviser, a private investigator or a tax expert. He was present as a result of [his client]'s reasonable belief that [their] tax problems would produce litigation. Litigation need only be a reasonable contingency for the work-product doctrine to apply. That [the client] and [the attorney] could not foresee the specific litigation that has resulted does not mean that [the attorney] did not prepare his document "with an eye toward litigation."

483 F. Supp. at 1078 (citations omitted).

In Martin v. Bally's Park Place Hotel & Casino, 983 F.2d 1252 (3d Cir. 1993), OSHA notified Bally's of an employee's complaint and directed Bally's to investigate the allegations and make corrections, if necessary. As a result, Bally's counsel retained an expert and conducted an internal investigation of those allegations. OSHA subsequently sought a copy of the consultant's report. The Third Circuit held that the report was protected work product.

The Secretary [of Labor] reads [Rule 26(b)(3)] to insulate work product prepared for litigation only when the litigation has begun or is at least "imminent," a standard narrower than that embodied in Fed. R. Civ. P. 26(b)(3), which requires only that the material be prepared "in anticipation of litigation." As we previously indicated, a document satisfies Rule 26(b)(3) where "in light of the nature of the document and the factual situation in the particular case, the document can fairly be said to have been prepared or obtained because of the prospect of litigation.

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In limiting work product to materials prepared "in anticipation of litigation," the drafters of Rule 26(b)(3) excluded from the rule's protection "[m]aterials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes." Fed. R. Civ. P. 26(b)(3) advisory committee note The consultant's report . . . was not such a routine record

984 F.2d at 1260-61.

(3) Notes concerning witnesses in a criminal investigation. In Paxson, the Court of Appeals for the District of Columbia held that the attorney's notes were protected as work product, even though the witness was neither a target of the investigation nor a defendant in the ensuing litigation.

Paxson further argues that the material sought is not within the work product doctrine because [the attorney] "did not prove as he must, that the primary motivating purpose behind the creation of the [memorandum was] to aid in possible future litigation." This argument is an unusually lame one. The entire record is to the effect that [the witness] retained [his attorney] only for the purpose of protecting himself against criminal exposure in an ongoing antitrust investigation and any ensuing litigation.

861 F.2d at 736.

(4) In anticipation of a congressional investigation or hearing. In United States v. Davis, 131 F.R.D. 391 (S.D.N.Y. 1990), the government sought discovery of documents prepared as a result of an internal investigation conducted in response to a newspaper article about a former employee. Company counsel's affidavit stated that he ordered the internal investigation, in part, to enable him "to offer informed advice and counsel to the Company's Chairman and Chief Financial Officer, who were scheduled to testify at a Congressional hearing" concerning the former employee's allegations. The court rejected the government's contention that "the assertion of the work product privilege is improper because the documents were not

prepared in the anticipation of imminent or concrete litigation.” 131 F.R.D. at 403. Instead, the court found that the work product privilege applicable because:

the investigation was conducted at the behest of the general counsel. Contrary to the Government’s assertion, it is of no consequence that the investigation followed the publication of [the employee’s] allegations.

The court thus assumed that an attorney’s preparation for a congressional hearing may be work product. 131 F.R.D. at 404. See also In re Air Crash Disaster at Sioux City, Iowa, 133 F.R.D. 515, 526 (N.D.Ill. 1990) (drafts of letter to a member of Congress concerning questions posed to client during Congressional hearing were work product); Eagle-Pitcher Industries, Inc. v. United States, 11 Cl. Ct. 452 (US Claims Court 1987) (“documents and other sources of information” used by the Assistant Attorney General to prepare for his testimony before Congress are protected by the work product doctrine).