

[Loose Papers in Ewing, box 2291 re Foster]

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**FAX**

**"National News For Concerned Americans"**

**Media Bypass**

**Date:** 11/12

**To:** Ms. Debbie Gershman

**From:** D. Azzar

**number  
of pages  
including  
cover**

11

**Message:**

*Rough draft of 1<sup>st</sup> installment follows for your review (and comments, if any), as per this morning's conversation. Appreciate your help.*

*DL*

**Alternative Media, Inc.**

**Media Bypass Magazine -- Fulfillment Center**

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# Media Bypass

National News For Concerned Americans Magazine

November <sup>12</sup>~~10~~, 1997

Mr. Kenneth Starr  
Office of Independent Counsel  
1001 Pennsylvania Ave. NW  
Suite 490-North  
Washington, D.C. 20004

Dear Mr. Starr:

I hope this finds you well. *Media Bypass* magazine is about to publish a three-part critique, authored by Mr. Hugh Sprunt, of your report on the death of Vincent Foster. The first installment, scheduled for publication in our December edition, follows so that you may likewise engage in critique. It is offered in the interest of basic fairness, and in the sincere hope that you will address, in whatever detail necessary, its rejection of the OIC investigation.

You have my assurance that your observations will be accommodated, within the constraints of space and time. In that regard, I must have a response no later than Nov. ~~10~~ to ensure inclusion in this edition. Otherwise, it will have to wait for our January offering; that Foster installment will be forwarded for your review as well.

Also, we are in need of a quality color photograph of yourself (the one we have is not of the greatest quality, and we want all things to be clear). Should you have any questions relative to this request, do not hesitate to contact me. In the meantime, I am,

Sincerely,



Rich Azar  
News Editor

/enc

First installment - Rough Draft

## Caught: A Falling Starr

by Hugh Sprunt

First of a three-part series

*From morn*

*To noon he fell, from noon to dewy eve,  
A summer's day; and with the setting sun  
Dropp'd from the zenith like a falling star.*

-- John Milton, "Paradise Lost"

### Introduction

I defended Whitewater Independent Counsel Kenneth Starr in *The New York Times*, shortly after his appointment in August 1994 by a three-judge panel of the District of Columbia Circuit Court of Appeals, from accusations of partisan political bias. I wrote that Mr. Starr, as a prosecutor, should not be held to the strict standard of impartiality applicable to judges.

No, I argued, Mr. Starr is functioning as the people's lawyer. We should properly expect him to be a zealous advocate on our behalf, just as the president and all other potential targets of the Whitewater investigation are entitled to expect their attorneys to aggressively represent their interests. What, I asked readers of the *Times*, poses a greater risk to the nation: a successful cover-up (as Watergate nearly was), or an overzealous prosecutor who must first convince a grand jury to indict, and then persuade a judge to not dismiss his case outright nor grant a defendant's motion for summary judgment?

In the months following his appointment, first my expectations and, ultimately, my hopes that Mr. Starr would in fact turn out be a zealous advocate for the people vanished utterly. My concern, expressed in the August 1994 *Times* article, about the dangers of a successful cover-up ironically came to fall on Starr's Office of Independent Counsel. I have never insisted that Vincent Foster was murdered (although it would not surprise me). It is my firm belief, however he came to grief, that it didn't happen at Fort Marcy Park. I also believe that there is more than ample evidence that this fact has been covered up by every official investigation.

I contend that Starr's report on the death of deputy White House Counsel Vince Foster, unsealed by the three-judge panel on October 10, validates my fears of prosecutorial cover-up. This article provides a modest guided tour of Starr's Foster report and the underlying government investigative documents, in an attempt to prove my contention. Those wishing to explore issues I have raised about the Foster death prior to the release of the Starr report should read the long report on the Foster death that I provided the OIC.

*You*, the reader of this article, will be *my* judge. As you pause now to slip into your judicial robes, I ask that you hark back to that familiar statue of "Blind Justice." You know the one, that blindfolded lady holding scales that enable her to weigh the evidence faithfully and impartially.

### Overview

The first thing that struck me about Starr's report was its relative "anonymity."

Notwithstanding its numerous failings, when former regulatory counsel Robert Fiske's report on the Foster death was made public on June 30, 1994, it featured Robert Fiske's name prominently on its cover, as well as those of Deputy Counsel Roderick Lankler and Associate Counsels Stein and Stich.

In contrast, the portion of the Starr report bears neither the name nor signature of any OIC attorney or staff member on its cover or anywhere else, unless you count one reference to "Independent Counsel Starr" in the court order unsealing the report (signed by a deputy court clerk), and one pro forma appearance of Starr's name in a paragraph referring to his appointment on August 5, 1994.

In sharp contrast, Starr did not hesitate to make judges aware that he was putting his reputation and credibility on the line when he personally signed a motion "for reconsideration of the court's order of September 26, 1997." Starr had thrice been rebuffed in his bid to have the judges exclude a 20-page letter from Foster grand jury witness Patrick Knowlton's attorney, John Clarke, from the official record. More will be said below about the court order forcing Starr to make Knowlton's 20-page "comment" legally as much a part of the OIC's Foster report as if it had been written by Ken Starr himself.

In reaching the same conclusion as the four prior publicly available federal government reports on the Foster death (that Mr. Foster committed suicide where his body was found in Fort Marcy Park, Va., with the gun found in his hand by the U.S. Park Police) Starr, in my opinion, employed three obvious, and less than respectable, techniques:

**The Report is Incomplete.** If the conclusions to be published in Starr's report did not comport with evidence gathered by the government itself in the course of its investigation, the underlying material discrepancies usually went unmentioned, because Starr almost always was uncertain of his ability to devise an innocuous reconciliation that would bear more than casual scrutiny.

**The Report is Unfair.** Witnesses were "reinterviewed" again and again by FBI agents assigned to Starr until virtually all of them -- excepting Knowlton -- eventually wilted under repeated questioning and expressed at least a modicum of doubt about the correctness of information they previously had provided to the FBI, or to other government investigators, in prior interviews or when under oath before the grand jury. At that point, a notation was made that the witness had recanted his prior statements or testimony, and the book was closed.

**The Report is Overly Imaginative.** Experts were used to uncover amazing new forensic and other evidence, the existence of which had somehow been "missed" or even formally denied by other experts. Included was evidence that had never been detected by the FBI lab and others. Some of this new evidence has no chain-of-custody, such as the oven mitt allegedly seen in Foster's Honda the night of the death, but not delivered to Starr by a White House official who kept it in his possession until 10 months after Foster's death.

Finally, stepping back from the official record, there have been press reports from two investigative journalists whose sources indicate that the first lead prosecutor (a Democrat, Miquel Rodriguez) hired by Starr to examine the Foster death, and his assistant, both resigned after several months when it became clear that the OIC leadership would not allow them to develop the case in a normal fashion, and were

actively blocking their attempts to have the bizarre interference stopped. Perhaps they, and others, will come forward on the record now that the Starr report is public.

In short, it appears that Starr's report on the Foster death is a "phony gun-deck job," that is, a long-delayed and highly-manipulated document designed to create the false impression that duties assigned have been faithfully executed. Had TV District Attorney Hamilton Burger placed the Starr report in evidence, Perry Mason would have had a field day with it! A more important question: What would Vince Foster think of his epitaph, provided courtesy of Ken Starr?

### **Judges Order Inclusion of Critique; Media Opts to Completely Ignore It**

Although Independent Counsel Kenneth Starr's Report on the Foster death was made public on Oct. 10, as of this writing not a single major media outlet has covered the most newsworthy aspect of this event: a 20-page attachment filed by federal grand jury witness Patrick Knowlton attacking the Starr investigation and its predecessors as shameless cover-ups.

In 1996 (long before the release of the Starr report), Knowlton filed a civil suit listing more than two dozen named and unnamed parties inside and outside of government who he alleges conducted a concerted campaign of intimidation against him, in an effort to influence his grand jury testimony about who and what he had witnessed in Fort Marcy Park just 70 minutes before Foster's body was found. The harassment commenced the day Knowlton received his grand jury subpoena in October 1995, and subsequently was witnessed by several people. The existence of the subpoena was known only to Starr's OIC and the FBI, and continued for several days immediately prior to his testimony.

Knowlton's car also was attacked with a tire iron in May 1994 by a person identified as having FBI/intelligence connections on the night before his second FBI interview, in a bid to have him recant earlier statements made to investigators. Knowlton refused, and claims the FBI altered them anyway. The portion of the Starr report written by the OIC omits any mention of Knowlton's allegations of harassment.

Starr's bosses, a three-judge panel of the D.C. Circuit Court of Appeals, evaluated Knowlton's 20-page filing (and the supporting evidence), and ordered it attached to the report over Starr's repeated objections. The judges were not legally required to order the attachment; indeed, as Starr pointed out to the court himself, there was much law on his side. The 20-page filing is now legally as integral a part of the report as the material written by the anonymous authors at the Starr OIC.

I believe that a black-letter reading of the statute favored Mr. Starr's position:

1) The witness proffering the 20-page filing was not entitled to even submit it for the court's consideration, because he did not meet the requisite statutory requirement: Knowlton was not named, by name, in the report (Starr instead assigned Knowlton the pseudonym "C2").

2) The paragraphs in the OIC portion of the report that referred to Knowlton were on their face innocuous, in that they did not malign the witness in any way and thus provided no basis for including even any narrowly-focused comments he might want to make about Starr's report.

3) The content of the 20-page filing was a broad indictment of the Starr OIC and

the FBI agents who worked for Mr. Starr and Mr. Fiske in connection with each of their Foster death investigations, and therefore was not the sort of comment contemplated by the statute in order to protect a named party from being maligned or otherwise being treated unfairly.

The OIC received Knowlton's motion along with the text of his proposed 20-page insert on Sept. 24. The next day Starr notified the court his office would formally oppose the motion within two business days. With knowledge that Starr's motion opposing the 20-page comment would be filed within two business days, the very next day (Friday, Sept. 26) the court decided not to wait and promptly ordered its inclusion.

The next business day, Starr filed a nine-page "Motion of the Independent Counsel for Reconsideration." Although neither the printed name nor the signature of anyone at the OIC appears on Starr's Foster report, Ken Starr signed the motion to reconsider himself, putting his full personal credibility as Independent Counsel (and as a former U.S. Solicitor General and Appellate Court Judge) on the line. Motion for Reconsideration denied, Mr. Starr.

Starr's nine-page motion makes arguments against including the 20-page insert that range from the appropriate, to the facile, to the ridiculous. He takes his bosses, the three-judge panel, to task for ruling against him (on Sept. 26) without even reading his motion against inclusion. Had I been in Starr's shoes, I would have been miffed by this apparent lack of professional courtesy if nothing else; time was not of the essence, so there was no need I can envision for the court to have acted so peremptorily in this matter. Unless. . .

Was the court "sending a message" to Mr. Starr (and perhaps to others in government and to the media) that the court had strong reservations about the completeness of Starr's Report and how fairly this witness had been treated by both Counsels Fiske and Starr, not to mention the FBI agents assigned to each of them?

At the least, the court interpreted the statute extremely broadly in reaching its decision to order the 20-page insert made a part of the Starr Report. Why did it bother to do so, especially on behalf of a witness who seemed, on the face of the report, not to have been treated at all unfairly?

Under the law, the three-judge panel does not have the power to assign a "passing" or a "failing" grade to an Independent Counsel's report or to otherwise officially comment directly on its quality. Until the judges see fit to publicly state otherwise, I believe everyone is entitled to take a look at the record and form his or her own conclusion as to what the judges had in mind. The limited case law applicable to the judges' decision suggests that they should order the inclusion of comments by "interested parties" in reports by Independent Counsels only if the report would be incomplete or unfair if the comments were excluded.

Federal grand jury witness Patrick Knowlton ought to be a "poster boy" for the ACLU, but in these morbid and politically partisan times, he is not. Knowlton alleges that the government employed illegal techniques to intimidate him prior to his grand jury testimony. These same techniques have historically been used to harass other "inconvenient" witnesses and dissuade them from giving an honest accounting.

Make no mistake: The intimidation of grand jury witnesses strikes at the heart of our judicial system.

### What a Drag...

Perhaps the most succinct example of Starr's methodology were findings made (p. 51) by his newly hired expert in physical evidence and crime-scene reconstruction, forensic scientist Henry Lee, of O.J. trial fame. Starr wanted Lee see if he could discover new evidence connected to Foster's death. Lee delivered.

Starr, quoting from Dr. Lee's still-secret report, tells us the following about Foster's dress slacks: "[N]o dragging-type soil patterns or damage which could have resulted from dragging-type action were observed on these pants." Lee made the same general observation about the long-sleeved dress shirt that the coatless Foster was wearing.

Starr builds on the quote from Lee's still-secret report: "Examination of Mr. Foster's clothes by Dr. Lee revealed no evidence of a struggle or dragging." This conclusion is important in that it rebuts claims that Foster was transported, unconscious or dead, to Fort Marcy Park, or at least, that this transport must have involved dragging Foster across the park or up the slope on which his body was found. Although Dr. Lee's "evidence" seems to buttress Starr's conclusions, it actually deals a fundamental blow to Dr. Lee's perceived expertise -- and credibility -- and calls into question the validity of other "new evidence" uncovered by Dr. Lee.

According to Starr, Dr. Lee conducted a thorough professional analysis of Foster's dress slacks and found no evidence that the body was dragged. Starr presumably wants us to believe that Dr. Lee's forensic skills would have detected any evidence of dragging and, having found it, he would have reported it to his boss.

Someone apparently failed to back-check this overly creative "conclusion" against the official record, because the government's own documents clearly state that Foster's body was dragged. Not once, but twice.

The lead U.S. Park Police Investigator in charge at the body site stated in a sworn deposition in 1994 that when he and the Medical Examiner rolled over Foster's body at Fort Marcy Park so the investigator could take Polaroid photos of the back side:

You know, we rolled the body and I took Polaroids of the body rolled -- and it's not funny, the reason I remember it [taking the Polaroids of the back of the body] is because I pulled his arm up, rolling him, **OBVIOUSLY MOVING THE BODY** [emphasis added]. I didn't care what position he was in, one arm was pulled up, and **HE BEGAN SLIDING DOWN THE HILL** [emphasis added]. So [the Medical Examiner] stood at his feet while I rolled him over to keep him from sliding all the way down the darn embankment [Foster's feet being 13 feet up-slope from the bottom of the 45-degree embankment]. I pulled one arm up. So when I rolled him, one arm was up, I forget which arm, and I pulled him, he slid down a little bit. So I **PULLED HIM BACK UP, SO HE IS ACTUALLY HIGHER UP ON THE HILL NOW** [emphasis added]. It looked like he was crawling up the hill and it looked funny, wasn't funny. It's kind of one of those things, but I didn't take pictures because it was funny [meaning he did take Polaroids -- to document Foster's back side]. I **KNOW I TOOK POLAROIDS OF THAT** [the back side - emphasis supplied]. I am not sure how many I took, **BUT I DON'T RECALL SEEING THOSE POLAROIDS AGAIN** [emphasis added]. I mean I had them in the office that night, I did reports, and I don't know what happened.



Another Park Police investigator who observed the body being rolled reported the sliding to the FBI: "She specifically remembers also that [the investigator above] assisted the Medical Examiner in rolling the decedent's body to the body's left and then to the right so the Medical Examiner could examine the rear of the body. In this regard, she recalls the body starting to slide down the hill, requiring both [the investigator above] and the Medical Examiner to stop the slide."

Oh, what a tangled web we weave, when first we practice to deceive! Lee appears to have been too clever by half.

### **Make No Bones About It...**

Dr. Lee also discovered a "bone chip" in Mr. Foster's clothing years later that everyone else had missed. You see, the official line involves a 1" by 1.25" chunk of skull that was blown out of the center rear of Foster's head, three inches below the crown. It was officially embarrassing that this skull fragment(s) was never found on the ground up-slope (*down-range*) from Foster's head where it could be expected to have fallen. In light of Lee's conclusions about "dragging," perhaps one is entitled to ask how he found a skull fragment that those at the site that night, and later the Park Police evidence technicians and the FBI Lab, all missed. To boot, Lee found the bone fragment among Foster's clothing, all of which was *up-range* of the official exit wound.

Somehow, in vacuuming Foster's clothes for the hairs and fibers referred to in its reports, the FBI managed to "miss" the bone chip found many months later by Dr. Lee. Perhaps Starr considers this "serendipity." I am inclined to think otherwise.

Dr. Lee also reported that Foster's glasses (found 19 feet *up-range* of his head) were clearly in place when Foster purportedly placed the .38 Colt Revolver into his mouth and fired. This is important since otherwise, Foster's glasses might have fallen from his face as his body was being carried; the location of the glasses corresponds to a change in slope on which his body was found, a likely spot for the glasses to fall or slide off. The only photo of the glasses in the record appears to show a broken stem, but neither the record nor Starr's report reflects how this damage occurred.

Before the Starr report, the only evidence that the glasses were on or near Foster's face when a shot was fired was an FBI Lab report. The lab was so thorough as to have recovered one grain of gunpowder from the glasses. Starr reports (p. 57) that Dr. Lee discovered something new on the glasses that the FBI Lab (and the Park Police evidence technicians) somehow failed to notice: "[B]loodstains were found on *both sides* of the lenses of Mr. Foster's eyeglasses."

Yup. These bloodstains were as large as one millimeter in diameter, Lee reported (a one millimeter drop of blood is easily visible to the naked eye, especially on a glass surface).

### **The Oven Mitt 'Fits,' You Must Acquit?**

Dr. Lee also detected traces of lead in the inside of Foster's left pocket, and the presence of lead and antimony (presumably from ammunition) inside an "oven mitt" from Foster's kitchen, said to have been found in the glove compartment of Foster's Honda at Fort Marcy. The oven mitt is not mentioned in any of the thousands of pages of public documents and reports on the Foster death available prior to Starr's

report(including the evidence control sheets that carefully inventory the evidence, such as the specific numbers and types of coins in the car, the presence of a large Fender guitar pick, the brand names on the empty cigarette packages in the car, etc.).

If genuine, this is a long sought-after link between Foster and the black Colt. 38 revolver Foster (officially) used to kill himself.

Starr tells us (p. 52-54) that the Park Police Investigators, who had never mentioned the existence of the oven mitt before, "confirmed" to the OIC in 1995 and 1996 that it was indeed present in the Honda glove box on July 20, 1993 -- and cites a July 21 photograph of the glove compartment taken at the Park Police impound lot at Anacostia Station. Any problems with that?

First, there are preexisting, under-oath statements from the investigators that call the existence of the oven mitt into question. You see, the investigators were deposed in 1994 regarding what they saw in the Honda's glove compartment that night. The oven mitt apparently filled the length and breadth of the glove compartment, based on the purported July 21 photos in Starr's possession, so this unlikely item should not have been missed. Starr's footnote 56 covers a Park Police report of photos taken July 21, but does not mention the oven mitt. The front seat area of the Honda was photographed at Fort Marcy Park on the evening of July 20, but Starr does not refer to these photos as showing the oven mitt either.

According to the 1994 deposition of Park Police Investigator Cheryl Braun:

Q: What do you find in the car?

A: I went through the car. I found normal stuff in the car, sunglasses, photos, registration. . .

Q: What else did you see in the car?

A: As I was saying earlier, the jacket with the wallet and credentials. There was pictures in the glove box, and sunglasses, a couple of cigarette boxes. . .

According to a second investigator, John Rolla, who searched the car at the same time:

Q: What did you do, what would you describe what your search of the car was [sic]?

A: I went through the car looking -- again, looking for anything that could lead me to believe that it was other than a suicide or it was a suicide, anything that could help confirm one way or the other...

Q: What about on [sic] the glove compartment?

A: Nothing out of the ordinary. I think the registration was in the glove compartment [confirming the other investigator].

The investigator noted he then logged the registration into evidence; the alleged oven mitt did not merit his treatment, although it was a much "stranger" object than most items that were inventoried.

There is an evidence control sheet that inventories at least some of the items found in the glove box, but only "miscellaneous papers" are mentioned (presumably the Honda registration referred to above, and possibly the family pictures also found in the glove compartment). The control sheet does not mention any oven mitt. I submit, given the depositions of the only two people who searched the car that night, that one

could clearly expect mention of an oven mitt in their depositions, and to have said oven mitt logged into evidence. Didn't happen.

Finally, Starr states that Foster's widow and elder son identified the oven mitt on April 7, 1995, to his investigators as being one normally found in the kitchen of the Foster rental home. It's possible, but a Foster investigator (who remains anonymous) has pointed out that although Mrs. Foster granted an extensive series of interviews that summer to a writer for The New Yorker (published as "Life After Vince" in the Sept. 11, 1995, issue), the article never mentions the existence of the oven mitt. The article otherwise covers gun and gun-related evidence in detail that was previously unpublished, and in fact mentions other "new" information from the widow's April 7, 1995, OIC interview.

Perhaps the oven mitt was present in the Honda glove compartment the night of the death, as Starr claims. What is absolutely certain is that Starr indicates that the oven mitt was not turned over to the OIC until about 10 months after the death, 10 months during which the oven mitt was in the possession and control of one of Foster's subordinates at the White House Office of Legal Counsel. Bottom line: No chain of custody exists for the oven mitt even if it was in the Honda at the park that night, and its value is questionable at best.

#### **Dr. Lee Sees Red...Again**

Then there are the "reddish brown, blood-like stains" that Dr. Lee sees on several leaves of the vegetation near where the body was found. Dr. Lee spotted these blood-like stains when he examined the few remaining Polaroids of the body and the area immediately around it. No one else, not the Park Police and not the FBI, remarked on the presence of these stains, said by Dr. Lee to be apparent on the Polaroids. Furthermore, it is not as if no one was looking for stains like those Lee has found in the Polaroids taken at the scene that night.

In a death caused by a point-blank shot to the head, basic forensic science holds that blood will spatter or splatter on the ground, and on anything else near the wound (especially an exit wound, since the heart can pump high pressure arterial blood through this opening that is typically much larger than the entrance wound). The various officials in the park were acutely aware of this point as well. Nonetheless, not one of the 19 individuals who viewed Mr. Foster's body in the park ever mentioned seeing blood spatter on leaves or anywhere else near Mr. Foster or, if they did, there is no mention of it in the voluminous reports that have been made public.

Indeed, some of those at the body site that night affirmatively stated there was *no* such blood spatter present. For example, Medical Examiner Dr. Donald Haut ("did not recall seeing blood on the decedent's shirt or face, and no blood was recalled on the vegetation around the body"), and the lead Park Police investigator at the body site ("There was no blood spatter on the plants or trees surrounding decedent's head," this from a report written the night of the death).

The same investigator also made the following comments about the Polaroids of the body site under oath: "The color of a Polaroid is not exact. Like, the plants that are green do not look exactly green. The color was not exact on the Polaroids. . . again, the blood was not very visible on the ground in the Polaroid photos." How, now, Dr. Lee?

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About the author: **Hugh Sprunt** is a CPA and attorney in Farmers Branch, Texas, whose avocation since July 20, 1993, has been the study of Foster's death. His 380-page report on the death is available for the cost of copying and shipping (call 301-937-6500 for details). Mr. Sprunt informally serves as a "pro bono" attorney for Foster federal grand jury witness Patrick Knowlton (attorney-of-record John H. Clarke, Washington, D.C.). He has discussed the Foster case as a guest on some 200 television and radio shows including CBN, A&E, MSNBC, C-SPAN and NET, and his investigation put Sprunt earlier this year on the cover of *The New York Times Magazine*. The Office of Independent Counsel interviewed him at length in 1996.

# Media shun story alleging a suicide-note forgery

**T**HERE was an interesting issue of news judgment last week. James Davidson, my American partner in the newsletter Strategic Investment, held a press conference in Washington. Three handwriting experts, including Reginald Alton, an Oxford don, and Vincent Scalice, a New York homicide detective, reported that the document which had been taken as Vincent Foster's suicide note is a forgery.

Foster was the White House legal aide found dead in a park outside Washington on July 20, 1993. The three experts compared the document with 12 unquestioned samples of Foster's handwriting. Alton said the note could not have been written by Foster, and the other experts agreed.

The document was in any case recovered in unusual circumstances. It had been torn into a number of pieces. It was not found when Foster's briefcase was first examined, but only a week or so later. Although this is only one of

**Serious questions remain unanswered in Vincent Foster case.**

## COMMENTARY

**WILLIAM REES-MOGG**



the unresolved pieces of evidence relating to Foster's death, it is both striking and intriguing. If a suicide note is forged, it obviously raises a suspicion of murder.

The establishment media decided that it was not news. There was no story in The Washington Post. The New York Times did not contain a line about the forgery allegations. There was a brief story in USA Today, and a longer one in the conservative Washington Times.

Rush Limbaugh commented that the story "didn't get a lot of widespread notice." However, it was thought to be an important news item by some London newspapers. The [London] Times ran it with illustrations of the suspect note and of one of the undisputed letters. Even the untrained reader could see that the capital "T" of the disputed note was formed in a completely different way from the authentic letter. There was also a full story in The Daily Telegraph.

The establishment press long ago decided that Foster committed suicide, and any evidence to the contrary can be disregarded. This judgment seems premature.

Only last week, John Bates, an associate counsel with Kenneth Starr, the special Whitewater prosecutor, said the investigation of Foster's

AY, NOVEMBER 3, 1995 / Cloudy with showers today, low 70s; cloudy tonight, 40s / Details, Page 22



# NEW YORK POST

METRO EDITION

If a "suicide" is still the subject of official investigation at the highest level more than two years after it occurred, there must be serious questions to be answered.

There are indeed many problems in the officially reported evidence. There are missing witnesses, a missing car, missing police photographs and missing X-rays. There is doubt about whether Foster walked to the spot where he died. His body was laid out in a suspiciously tidy way. There was surprisingly little blood. The gun has never been identified. The bullet has never been found.

Some observers thought he had a gaping exit wound in the top of his head, but others thought there was only a small wound, the size of a dime, in his neck. The timing of the first report to the White House is disputed. His grip on the gun was highly unusual. His clothes, even his underwear, were covered with multi-colored carpet fibers; the carpet has never been identified. His office was searched by White House staff contrary to police procedure, and some papers appear to have been missing.

Patrick Knowlton, a key witness, is now reported to have suffered intimidation by unknown persons only last week. Two months after Foster's death, another Arkansas associate of the President was murdered in his car. Not surprisingly, a large number of Americans think there has been a cover-up; in a recent CNN/Time poll, 65 percent were not convinced that Foster committed suicide.

The establishment press and the television networks have been astonishingly reluctant to report on these issues, or even to admit that problems of evidence exist. There has, however, been a great deal of reporting in the alternative press, in such newsletters as Strategic Investment, on talk radio, on the Internet and in faxed exchanges.

Many Americans would sleep better at night if it were established that Vincent Foster did, as described, commit suicide in Fort Marcy Park.

But whatever the truth may be, American media have done a miserable job of looking for it. They have decided that it is not politically correct to ask the obvious journalists' questions about the strange circumstances of Vincent Foster's death.

*William Rees-Mogg is a columnist for The Times of London.*

DATE: 11/1/95  
PAGE: A19

## What's Ken Starr Looking For?

Have the president and first lady committed any crimes in connection with the Whitewater affair? This is the question Independent Counsel Kenneth Starr is charged with answering. What are the specific crimes Mr. Starr has under investigation and what would he need to find to charge either of the Clintons?

Let's begin with conspiracy, a crime often mentioned but rarely discussed with any precision. Federal law provides that "if two or more persons conspire . . . to commit any offense against the United States, and one or more of such persons do any act to effect the object of the conspiracy," each person is guilty of a felony.

### Rule of Law

By Paul G. Cassell

Mr. Starr's indictment of James and Susan McDougal, along with Arkansas Gov. Jim Guy Tucker, illustrates the way in which prosecutors charge conspiracy.

The indictment alleges that, among other things, Mr. and Mrs. McDougal fraudulently obtained a \$300,000 loan from Capital Management Services Inc., an investment company supported through Small Business Administration funding. Capital Management was run by David Hale and was authorized to make loans to socially or economically disadvantaged small businesses. In April 1986, it loaned \$300,000 to "Susan McDougal d/b/a Master Marketing," a company the indictment alleges "was not in operation and had no ongoing business." Proceeds from the loan were deposited into the McDougals' joint account at Madison Guaranty Savings & Loan Association and diverted to personal purposes unrelated to Master Marketing and contrary to the loan documentation.

The press release from Mr. Starr's office takes pains to note that "the Indictment does not charge criminal wrongdoing by President William Jefferson Clinton or First Lady Hillary Rodham Clinton." The question that is worth examining here is what would Mr. Starr need to prove to broaden the conspiracy to include the Clintons?

On this score, the most serious allegation against Mr. Clinton (and indirectly against Mrs. Clinton) comes from Mr. Hale, who has pleaded guilty to fraud. He claims he was "pressured" by Mr. Clinton into making the illegal \$300,000 loan. According to newspaper interviews of Mr. Hale, Mr. McDougal asked for help in clearing up some obligations involving "the political family." Later, Mr. Hale says Mr. Clinton asked him if he was going to be able to "help Jim and me out."

In February 1986, Mr. Hale met with Mr. McDougal and Mr. Clinton on how to structure a loan using Capital Management funds. "Bill said they could use some raw land in the Ozarks as collateral, but that his name couldn't appear on any of the documents," Mr. Hale recounted, although the land-for-collateral offer was not permitted under Small Business Administration regulations. As a result, again according to Mr. Hale, they all agreed to make a loan in the name of Susan McDougal, an agreement that culminated two months later in the \$300,000 loan that forms the basis for the indictment. Mr. Hale is now cooperating with the Independent Counsel's office.

The White House says that Mr. Clinton has no recollection of any meeting with Mr. Hale about a loan. Mr. McDougal claims the meeting never occurred. But it is clear that, after the alleged February meeting, Mr. Hale loaned \$300,000 to Mrs. McDougal in April. Ultimately \$25,000 of the loan was used to fund part of a real estate purchase by Whitewater Development Company Inc., owned by the McDougals and the Clintons.

If Mr. Starr confirms Mr. Hale's story—plainly a big if—would a criminal conspiracy involving Mr. Clinton be proven? Not automatically. The critical question would be whether Mr. Clinton agreed to an unlawful loan. Mr. Hale's allegations provide some strong indications that a fraudulent loan was contemplated, notably Mr. Clinton's suggestions that his name not appear on the documents and that the loan be made in the name of Susan McDougal when the intended beneficiaries were others. But another possible interpretation is that Mr. Clinton understood the loan would

*The conspiracy statute is probably the one Mr. Starr is spending the most time analyzing in connection with the Clintons' Whitewater activities.*

be legitimate, thereby placing him outside the sweep of the conspiracy.

The conspiracy statute is probably the one Mr. Starr is spending the most time analyzing in connection with the Clintons' Whitewater activities in the 1980s. But what about allegations of more recent misconduct? The statute most commonly mentioned is obstruction of justice.

Here, the most relevant statute provides that "whoever corruptly . . . influences, obstructs, or impedes . . . the due

and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by" any congressional committee, shall be guilty of a felony.

How does this language apply to more recent Whitewater allegations? Among the most serious charges come from congressional testimony this summer by Resolution Trust Corp. investigator Jean Lewis. Supported by two supervisors, Ms. Lewis testified that she believed high-ranking government officials made "a concerted effort to obstruct, hamper and manipulate" her investigation of Madison. If Mr. Starr's office finds corroborating evidence—again, a big if—then obstruction charges against the responsible officials would be possible.

A complicated legal issue arises out of the possible obstruction of the investigation of Vincent Foster's suicide. Some have suggested that actions by Maggie Williams, Mrs. Clinton's chief of staff, impeded the investigation. Even assuming such allegations are true, would the investigation constitute a "proceeding" that could be obstructed within the terms of the statute? As to the Park Police investigation of the suicide, maybe not. Some courts have held that a mere police investigation is not a formal "proceeding" protected under the statute.

A related question is presented by the actions of former White House Counsel Bernard Nussbaum, who blocked Justice officials' investigation of Mr. Foster's office. Again assuming that Mr. Starr finds a corrupt motive, would the somewhat informal Justice investigation constitute a "proceeding" under the statute?

Mr. Starr will have to answer all these questions before considering criminal charges. Criminal law does not allow generalized accusations. If the president and Mrs. Clinton were to be charged, it would be on the basis of specific, provable criminal conduct, not speculation about conspiracy or obstruction. Sorting out the facts to determine who is responsible for what may turn out to be Mr. Starr's biggest challenge. It is also why he was appointed.

*Mr. Cassell, a former federal prosecutor, is a professor at the University of Utah College of Law.*

① Ives & Henry probe

Phyllis Coonan  
(husb - SS agent)

② Stemy Wright

Charlotte Belcher



# THE WALL STREET JOURNAL.

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## Why the Mystery?

It is more than two years since Vincent Foster's body was discovered in Fort Marcy Park, and Senate hearings relating to his death will still be going on this week. A cloak of mystery still surrounds events before and after the death of President Clinton's former Deputy White House Counsel.

Tomorrow the Senate Banking Committee will recall Maggie Williams, Hillary Clinton's chief of staff, and Susan Thomases, the New York lawyer and adviser to the Clintons. The Committee was dissatisfied with their previous testimony concerning events after Mr. Foster's death. In its wider probe of the White-water land deal and related matters, it has also issued 49 subpoenas to parties at the White House and in Arkansas.

Senators want to explore the implications of newly released phone records, showing the following sequence of telephone calls on the morning of the official search of Mr. Foster's office, July 22, 1993: 7:44 to 7:51 EDT—from Ms. Williams to the Little Rock home where Mrs. Clinton was staying; 7:57 to 8:00—from Mrs. Clinton to Ms. Thomases' hotel room in Washington; 8:01—from Ms. Thomases to Bernard Nussbaum's pager at the White House. The records also show three calls by Ms. Thomases to Ms. Williams's office later that morning, three more from her to White House Chief of Staff Thomas "Mac" McLarty, and a call from Ms. Williams to Mrs. Clinton 20 minutes before the search began. This, of course, is when Mr. Nussbaum reneged on the previously reached agreement on ground rules for the search.

Ms. Thomases and Mr. Nussbaum have testified they did discuss the impending search that morning, with each insisting the other raised the issue. Mr. Nussbaum said Ms. Thomases told him that otherwise unidentified "people," were concerned about giving investigators

"unfettered" access." Ms. Thomases said her conversation with Mrs. Clinton that morning was an explanation of her decision not to attend the Foster funeral. Senators are naturally curious about why this conversation took place before 7 a.m. Little Rock time, and why she paged Mr. Nussbaum a minute later.

The suspicion that Mrs. Clinton ordered restrictions on the search of the Foster papers is further stoked by revelations in the travel office probe. A handwritten note, the White House listing David Watkins as the source, describes a May 14, 1993, phone conversation between Mr. Watkins and Mrs. Clinton: "Harry says his people can run things better; save money, etc., And besides, we need those people out—We need our people in—We need the slots."

All of these documents have had to be pried out of the White House. Michael E. Shaheen Jr. and Nancy Kingsbury, who reviewed the travel office affair for the Justice Department's Office of Professional Responsibility and the Office of Management and Budget respectively, both complained about a lack of cooperation. Usually, Congressional document requests are enough to get White House material; the last two instances in which Congress felt full-fledged subpoenas necessary were a 1992 dispute over servicemen missing in action, and the Watergate scandal in 1973.

\* \* \*

The day after Mr. Foster's death we wrote—to some ridicule—that in the confusion of multiple investigators, "A direct appointment such as special counsel within Justice would make clear who is in charge and directly responsible." If that advice had been heeded we would not now be left with an investigation with no crime scene photos, no X-rays of the wounds, and the FBI yet again visiting the park to seek the never-located bullet.

The lack of a vigorous initial investigation naturally leads to festering conspiracy theories. Given the unanswered questions and the by-now manifest inadequacy of the Fiske report, we're frankly happy to have Christopher Ruddy and James Dale Davidson

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and others pushing the envelope. But just as frankly, our checks with law enforcement sources we trust find that the handwriting analysts who argue the Foster note was a forgery are not widely known. Similar checks lead us to doubt reports that Mr. Foster made secretive trips to Geneva. We hope that Independent Counsel Kenneth Starr can provide some comfort about these items, as well as reports that witnesses have not been adequately interviewed, that a phone call about the death to the Arkansas governor's mansion came before the discovery of the body, and so on.

In the absence of any compelling evidence to the contrary, we continue to accept the simplest explanation, which is that Mr. Foster committed

suicide in Fort Marcy Park, and that the missing links are the result of bungling in the midst of confusion. Clinical depression is distressingly real. We were initially put off when friends and relatives denied that Mr. Foster suffered from depression, but psychiatrists say such denial is common among bereaved. Subsequent recollections seem more compelling; we were especially impressed with Lisa Foster's account of her husband's depression in her interviews with Peter Boyer in the September 11 issue of *The New Yorker*.

\* \* \*

Events following the death strike us as much more suspicious, however, and may shed some light on the question of what burdens weighed so heavily on Mr. Foster. Within hours, we know, his office was being searched by Mr. Nussbaum, Ms. Williams and longtime Arkansas operative Patsy Thomasson. A Secret Service guard has testified he saw Ms. Williams leaving the office with a stack of files and Ms. Williams has denied it. Ms. Thomasson testified that she peeked into Mr. Foster's briefcase the night of his death but did not see the famous torn-up note.

Park Police Sergeant Peter Markland has said that during the July 22 search, Mr. Nussbaum did not let him examine the briefcase, but looked into

Cont'd.

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it and indicated it was empty. This was the day, we now know, that Mr. Nussbaum spirited from the briefcase the Foster Travelgate diary, only now disclosed after two years. A Foster family lawyer, Michael Spafford, testified that on the same day he heard White House lawyer Clifford Sloan comment that he saw scraps of paper inside the briefcase; Mr. Nussbaum said he would get to it later. Deborah Gorham, Mr. Foster's secretary, testified that she told Mr. Nussbaum after the death that she had seen "something yellow" at the bottom of the briefcase and that Mr. Nussbaum had questioned her intensively about what exactly she had seen. The White House says the note was not discovered until July 24.

Ms. Gorham has also testified that a safe Mr. Foster used in the Counsel's suite contained two manila envelopes—one addressed "eyes only" to associate counsel and former Rose Law Firm partner William Kennedy III and the other to Attorney General Janet Reno—as well as two National Security Agency binders. These too seem to have vanished. There are also reports of another Foster "diary" said to be in the hands of the Foster family lawyer. Mr. Foster's office was never properly sealed, and a proper chain of custody was never established over the documents, which at one point Ms. Williams delivered to the White House family quarters.

\* \* \*

Clearly, Mr. Foster's office, his papers and the possibility of a note were matters of anxiety. In her New Yorker interview, Mrs. Foster discusses one possible source of particular concern, rumors of an affair between her husband and Hillary Clinton. During the 1992 campaign, she reports, Mr. Foster gathered the family together to deny it. Mrs. Foster says, "I just have faith in Vince and faith in Hillary that

they did not have an affair. If they did, who cares now? You know? Who cares? I sincerely believe that they didn't." Though every reporter covering Arkansas has heard these rumors, they are unsubstantiated and thus not widely reported; but they should at least be on record as something possibly on the minds of the trio visiting the Foster office.

More broadly and importantly, look at Mr. Foster's job. It was to clean up the Clintons' tangled finances so they could sustain some public scrutiny, and to defend such governmental practices as the travel office firings and the secrecy of the health care task force. The inner circle of the White House knew then and knows today that this was a series of hot buttons. And Mr. Foster and the Arkansas crowd probably had some sense that the road ahead was littered with land mines such as \$100,000 commodity deals.

Indeed, we now have testimony that Linda Tripp, Mr. Nussbaum's secretary, complained to her boss about Mr. Foster spending "an inordinate amount of time" on the Clintons' personal finances. Ms. Tripp added that Ms. Gorham said she spent long hours working on, among other things, "a real estate matter for Mr. Foster." As the New Yorker's Mr. Boyer puts it, "it is reasonable to suppose that Foster was well aware the Clintons could face future political embarrassments over their Little Rock land deal." But the White House line, blandly echoed in the Fiske report, is that this was not on his mind at the time of his death.

There is one big reason, in short, that Mr. Foster's death remains cloaked in mystery after two years. To wit, from that night's visit to this week's hearings, the White House's inhabitants have acted like people with a lot to hide.

**MEMORANDUM**

**TO:** OIC Attorneys (Little Rock and DC)  
OIC Investigators (Little Rock and DC)

**FROM:** Brett Kavanaugh

**RE:** Articles

**DATE:** January 17, 1996

Anyone with interest in Vincent Foster or the Travel Office should read the attached article by Byron York in The Weekly Standard. It is thorough and fascinating. I also attach a Whitewater article by Tod Lindberg.

# THE HIDDEN TALE OF TRAVELGATE

By Byron York

When a recently released memo placed First Lady Hillary Rodham Clinton at the center of the White House Travel Office firings, some called it the smoking gun of Travelgate. Here's the proof, they said: She did it and she lied about it. But students of Travelgate have long known Mrs. Clinton was a major player. What most intrigues them are questions absent from the press coverage in the past two weeks. Questions like: Why was the Travel Office so important to the new administration? What was going on in the White House that led the First Lady and top officials to rush into action on such a seemingly insignificant issue, firing seven longtime officials and siccing the FBI on them as well? What is the bigger picture of Travelgate?

New information obtained by THE WEEKLY STANDARD provides at least some of the answers. According to that information and documents released earlier by the House committee investigating the scandal, the takeover of the Travel Office was just the first step in a much larger plan involving the president, the first lady, and their Arkansas/Hollywood friend Harry Thomason. Under the plan, Thomason and his partner in the aircraft consulting firm TRM, Darnell Martens, would have been given a profitable and permanent role in government—all quite apart from the White House Travel Office. The new information shows just how extensive the plan was.

Thomason performed all sorts of very public services for the Clintons during the campaign and transition. He produced *The Man From Hope*, the treacly if

*Byron York is a writer and television producer in Washington, D.C. His article "Reelecting Clinton: A Conservative Case" appeared in the Oct. 2, 1995, issue of THE WEEKLY STANDARD.*

effective biographical film played at the convention that nominated Clinton. And he produced the inaugural events that ushered the Clintons into office. (It is easy to forget just how extravagant it all was—remember the national bell-ringing, the Monticello bus trip, the Lincoln Memorial concert, the Hollywood-style gala featuring Barbra Streisand?) Thomason did it all without pay. The new president certainly owed him a favor.

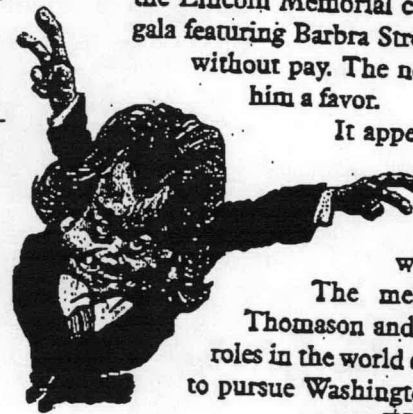
It appears that the payback began barely a week into the new administration. On January 29, 1993, Martens wrote a memo to Thomason.

The memo laid out a plan for Thomason and Martens to play significant roles in the world of federal aviation. "If we are to pursue Washington opportunities," Martens

wrote, TRM needed to "obtain some form of official status as advisors [sic] to the White House for general aviation policy matters." Once that was accomplished, the next step was to propose a large-scale consulting project to be done by TRM. Martens's idea was a plan to "review all non-military government aircraft to determine financial and operational appropriateness." He said he could save the taxpayers millions of dollars by run-

ning the government's 1,800-plane fleet more efficiently.

In the memo, Martens recommended that he and Thomason visit Washington to meet with officials at the Department of Transportation and the White House to discuss the plan. He also mentioned that they should "determine who controls the scheduling of the White House press corps aircraft. This can be done by TRM, much as the campaign aircraft were handled." Finally, Martens added that TRM should be involved in "FAA Administrator: selection assistance, policy recommendations."



**HARRY THOMASON'S  
ATTEMPTED  
TAKEOVER OF THE  
TRAVEL OFFICE WAS  
JUST THE FIRST STEP  
IN A LARGER PLAN.**

This Jan. 29 document is astonishing in the breadth of its ambitions; Thomason and Martens seemed to be planning to set themselves up as a sort of kitchen-cabinet Federal Aviation Administration. The Travel Office takeover seemed a relatively small part of the plan.

At a February 10 Cabinet meeting, Clinton mentioned that his "staff" had told him that lots of money could be saved by reviewing the operation of all government aircraft. On February 11, citing the president's statement, Martens wrote a second and more detailed memo to Thomason. He proposed a "plane by plane" inventory of the government's fleet. "We've demonstrated our capabilities to the President by coordinating all aircraft activities for the Clinton For President Committee," Martens wrote. "Now we have an opportunity to make a substantive contribution to the deficit reduction plans." He estimated the cost of the one-year audit at \$499,000. All that was needed, he continued, was for someone to "put me in front of the right person at the White House and I will prove the value of both the project and Thomason's capabilities."

The "right person" turned out to be the one in the Oval Office. A short time later, Thomason discussed the memo with the president. By February 17, the memo had been stamped "THE PRESIDENT HAS SEEN." Clinton jotted a few notes in the margins. "These guys are sharp," he wrote, forwarding the memo to chief of staff Mack McLarty, McLarty deputy Mark Gearan, and White House administration director David Watkins for action.

With the president's approval, Martens went to work planning the details. "Based on your discussion with President Clinton of my 2/11/93 memo," he wrote Thomason, "I began the process of obtaining specific information regarding the scope of the work . . . the President believes in it." Martens contacted officials of the General Services Administration, which runs something called the Interagency Committee on Aviation Policy, or ICAP. There is evidence that the officials didn't really like the idea—one wrote "the fact is this is a relatively low priority from a government-wide standpoint . . . we have more important uses for ICAP funds." He also mentioned that the project might have to be put up for competitive bidding. Nonetheless, with White House backing, the idea moved ahead.

Meanwhile, Martens was making incredible claims

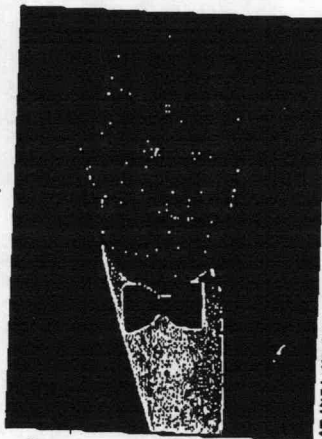
for the project. "I now believe that TRM can identify savings to the government of several hundred million dollars," he wrote to Thomason on March 12. "A very conservative estimate would be \$300 million initially and \$150 million per year thereafter." The savings would come from better management of the fleet and a plan to shift much of the government's air business to private companies—like TRM.

On April 7, Martens met with presidential aide Bruce Lindsey to go over the plan. On April 12, he sent a memo to Lindsey. Now that all the preliminaries were taken care of, Martens told Lindsey, the president should (a) issue an executive order giving ICAP the authority to order the audit, and (b) enter into a consulting agreement with Thomason and Martens's firm to do the actual work. In addition, Thomason and

Martens came up with yet another reason to do the deal. "In discussing this with Harry Thomason after our meeting," Martens wrote, "he noted the same synergistic opportunities we discussed. Such as regenerating single-engine aircraft production in America . . ." (Thomason also owned an aircraft repair business in California.) Lest any more reason be needed, Martens added that "this project falls solidly under the heading of re-inventing government." On May 6, Martens sent detailed plans of the ICAP project to top officials at the Office of Management and Budget.

The plan to take over the White House Travel Office was moving along simultaneously. During the months of February, March, and April, Thomason and Martens were making a case for the ouster of the long-time office staff. In early May, Thomason told the first lady and others he had a plan in place to have the Travel Office up and running smoothly within an hour of any firings. He was at the White House almost constantly in the days before and after the firings, which occurred on May 19. Information obtained by THE WEEKLY STANDARD indicates Thomason was in the White House each day from early morning until evening from May 10 through May 21. Documents indicate Thomason was in close contact during those days with the president, the first lady, their top advisers, and Mrs. Clinton's friend Susan Thomases, who also seems to have played a central role in the firings. On the 11th, for example, Thomason had a message to call the first lady, a message to call Susan Thomases, a 2 p.m. meeting with Mack McLarty, and a 3 p.m. meeting with Thomases.

What all this reveals is that not only was the first



Travelgate producer Thomason

AP / Wide World Photos

JANUARY 22, 1996

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lady deeply involved in Travelgate, but so was the president himself. On May 12, according to information obtained by congressional investigators, Thomason met with Clinton in the Oval Office from 8:30 to 8:45 a.m.—and though 15 minutes doesn't sound like a lot of time, it's not an inconsiderable appointment with a president, whose day is planned down to the minute. Later that day, Thomason met separately with White House deputy counsel Vincent Foster and the first lady. On the 13th, Thomason met again with the president in the Oval Office—this time for 30 minutes, from 8:45 to 9:15 a.m. On the 14th, according to the newly released account by David Watkins, the first lady "cited Thomason's plan as support for the need for immediate action."

Things were moving very quickly. But on the 19th, it all blew up in the administration's face. The Travel Office firings stirred up a storm of press attention and forced the administration to retreat from its original plans for the office. The heat forced White House officials to conduct an investigation in which they found themselves guilty of insensitivity and slapped their own wrists. Those officials, no doubt, wished the whole thing would just go away. In that atmosphere, Thomason's aircraft project died a quiet death.

In the papers that have been released so far, there is little mention of the TRM consulting project after May 1993. Oddly, it resurfaced briefly in August, when at least two officials, deputy chief of staff Roy Neel and White House counsel Bernard Nussbaum, felt the need to write memos saying they never had anything to do with the aircraft project. Nussbaum's August 9, 1993, memo to then-Office of Management and Budget director Leon Panetta reads in part: "I have been advised of a proposal for an audit of federal aircraft by TRM. Although I have been advised of a few meetings and memoranda regarding this proposal, I understand that no government action has been taken with respect to it. I also understand that, several weeks ago, the White House advised OMB that no government action should be taken on this proposal. I want to confirm and reiterate the prior instruction that no government action be taken on this proposal."

The two-track nature of the actions taken by Thomason and the White House is especially baffling. On one track, they were planning a major project that

might eventually result in TRM taking over large chunks of U.S. government aviation. On the other, they were plotting to take over the relatively small operation of the White House Travel Office. Why? Why do the small job when the bigger one beckoned? The best answer yet is contained in Martens's January 29 memo.

Martens wrote that if he and Thomason were to "pursue Washington opportunities," they had to "obtain some form of official status." Running the White House Travel Office would have given them that status. It would provide them the institutional base they needed—the office, the letterhead, the White House address—if they were going to run their proposed aviation business out of the White House. They'd be in. To that end, Thomason and Martens

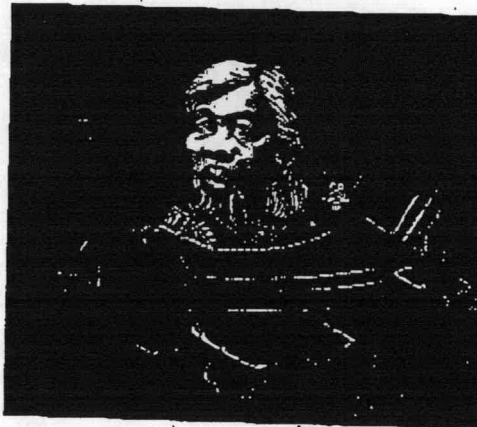
each received a White House pass; Martens's security paperwork said he was being considered for a White House staff position, reporting to Harry Thomason and David Watkins.

The aircraft project also helps answer another lingering question: If Thomason is so rich, and the Travel Office is so small, why was he involved? Remember what Thomason's wife and partner, superstar sitcom producer Linda Bloodworth-Thomason, said at the time. They made a six-figure

income each week, she boasted. Why would she and her husband say, "Ooh, I'm going to like, take my six-figure salary a week and fly off to Washington and see if I can't get those seven little guys out of that travel office in the White House." It's sort of the equivalent of taking over a lemonade stand." And indeed it was, if one only considers the Travel Office. When one adds the aircraft project, things look a little different.

Add it all together, and it is impossible to understand Travelgate without understanding the aircraft project. But there is a still larger picture: Investigators believe that without an understanding of Travelgate, it is impossible to comprehend the series of events surrounding the death of Vincent Foster that now form the core of the investigation being carried out by the Senate Whitewater Committee. Specifically, why did a sense of panic grip the administration the night Foster killed himself? Despite all the attention given to Whitewater matters, Travelgate may play a more significant role in answering the question.

There is ample documentation to show that Foster



Steve Delaney

was up to his ears in the scandal. In his memo, Watkins wrote that "once this made it onto the First Lady's agenda, Vince Foster became involved . . . Foster regularly informed me that the First Lady was concerned and desired action." Foster's diary entries indicate he had doubts about the actions the White House took in firing the Travel Office workers; he also contacted a lawyer about what he believed would be further investigation of the matter. And, unlike Whitewater, Travelgate is specifically mentioned several times in the note found torn up in Foster's briefcase:

"No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group."

"The FBI lied in their report to the AG."

"The press is covering up the illegal benefits they received from the travel staff."

"The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation."

Several of Foster's other statements seem to be related to Travelgate—including his statements, "I did not knowingly violate any law or standard of conduct," and "the public will never believe the innocence of the Clintons and their loyal staff" (some observers believe the last phrase actually reads "their legal staff"; the handwriting is unclear).

Congressional investigators believe that critical Travelgate documents were in Foster's office when he died and that the White House may still be withholding them. For example, the administration has said that Foster's briefcase contained drafts of executive orders, but it will not release the executive orders, claiming they are privileged material. The papers were taken out of the briefcase by Nussbaum and later placed in Foster's "Travel" file. Investigators have

inquired whether they included a draft executive order—never signed—to implement the Thomason/Martens aircraft project, as outlined by Martens's memo of April 12. The White House says the files did not contain such a document. Congressional investigators have also asked the White House about a memo described to investigators as a compilation of the allegations of wrongdoing in the Travel Office gathered by Thomason, Martens, and Travelgate figure (and Clinton cousin) Catherine Cornelius.

The presence of more Travelgate documents in Foster's office would help explain the first lady's actions in the wake of Foster's death. Notified while at her mother's home in Arkansas, she made three long-distance calls that night. The first was to her chief of staff, Maggie Williams. The third was to her closest adviser, Susan Thomases. And the call in the middle was to . . . Harry Thomason. Both Williams and Thomases have described the conversations as outpourings of grief. But what about Thomason? He didn't really know Foster, unlike some administration figures who had known Foster for decades. Yet one of the first lady's first reactions when she learned of Foster's death was a desire to talk to Harry Thomason. It seems only reasonable to ask whether they were talking about Travelgate, which was bigger than any outsider knew at the time.

The new evidence uncovered by both the House committee investigating Travelgate and the Senate Whitewater Committee suggests the two scandals merged in Foster's office. He had the documents. His suicide shocked the White House to the core and sent top officials scurrying to collect those papers the Clintons considered most sensitive. If you want to know why they did what they did, the answer may not be Whitewater. It may be Travelgate. ♦

## WHITewater IN WASHINGTON: A SCANDAL JOURNEYS NORTH

By Tod Lindberg

**W**hat was once an almost indecipherable set of weird financial shenanigans involving the tiny elite of a small Southern state is now a full-blown White House story involving, most recent-

ly, long-missing billing records suddenly found in a drawer in the First Lady's offices. Those bills completed Whitewater's journey north from the Ozarks to Washington, its transition from an impossible-to-fol-

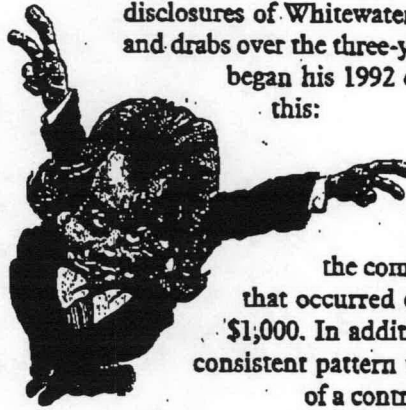
low land deal to an inside-the-Beltway scandal. And this is extremely bad news for Mr. and Mrs. Clinton. After all, the very Arkansasness of Whitewater has been of immense help to them. The Gordian knot of financial transactions involving a large cast of characters and an array of institutions centering around Little Rock during the Decade of Greed has proved as complicated as the plot of the movie *Chinatown*, and almost as hard to follow. And just like the friendly cop at the climax who tells the morally shattered Jack Nicholson to ignore the depravity he sees around him with the words "Forget it, Jake, it's Chinatown," so the sophisticated, pragmatic political view around Washington has been to say "Forget it, Jake, it's Arkansas" whenever the word "Whitewater" is mentioned.

That view can be summed up as follows: *Maybe the Clintons were in some proximity to some sleazy business practices. Who cares? Grow up, this is politics. And, for God's sake, what does any of this admittedly regrettable stuff, much of it dating back 15 years, have to do with Washington? Those who are harping on this ancient history are transparently doing so for partisan political reasons. Sure, we can fault the First Couple for their lack of total candor and lapses of judgment, but let us just say "mistakes were made"—and leave it at that. As with many other self-consciously moderate, worldly assessments that exude a distinct air of self-congratulation, however, this one seems to tilt not toward the worldly middle, but distinctly toward the Clintons. White House counsel Mark Fabiani, the spin doctor on the Clinton scandals, loves it, since it assumes his conclusion about Whitewater: There's no there there.*

The evidence, such as it is, adduced in support of this position is that when you come right down to it, what's come out so far isn't really that bad—nothing more than a little political embarrassment. How can you say the Clintons or their pals obstructed justice when you've got an independent counsel investigating Whitewater to death, as well as a number of regulatory agencies and the hounds of Congress? And when you look at all the details that have emerged, they haven't exactly brought down the administration. The Clinton problem, then, is supposedly aesthetic: Whitewater looks bad because the Clintons themselves are overly cautious, overly concerned with damage control. If they had only told all, released all, sooner, they could have put this matter to rest.

Maybe so. On the other hand, the revelations and

disclosures of Whitewater, which have come in dribs and drabs over the three-year period since Bill Clinton began his 1992 election campaign, look like this:



**IT'S NO LONGER  
ENOUGH TO SAY  
FORGET IT, JAKE,  
IT'S ARKANSAS IF  
WHITEWATER IS  
MENTIONED.**

¶ The Clintons' 1978 and 1979 tax returns show a \$100,000 profit on trades of cattle futures on the commodities exchange—a profit that occurred on an investment of a mere \$1,000. In addition, there was an unusually consistent pattern to the trades—the purchase of a contract came at or near the day's low, a sale came at or near the day's high. And, as it happens, Mrs. Clinton didn't really make the trades herself. She relied heavily on lawyer James Blair, counsel to Tyson Foods, the Arkansas poultry giant. The tax returns also show that the Clintons failed to report some \$6,000 in commodities-trade gains on their 1980 income taxes—equivalent to about one-sixth of the governor's salary at

the time.

¶ The Whitewater partnership was an investment in which the Clintons put up little cash, and a number of loans for which they were responsible were repaid entirely by their supposedly equal partner, James McDougal. Also, the Clintons improperly deducted on tax returns interest they did not pay.

¶ Hillary Clinton had an ongoing relationship with McDougal's Madison Guaranty Savings and Loan, whose failure cost the federal government \$50 million. There was a \$2,000-a-month retainer for the Rose law firm. She received \$6,000 in fees (at \$125 an hour), while the firm received \$21,000 in all. There were some 50 meetings and phone calls she participated in concerning Madison, including an hour-long call to the state's chief S&L regulator, who had been appointed by her husband. Had the feds or the state shut down Madison when they first found it insolvent—before Hillary Clinton's representation of it began—it would have cost taxpayers \$10 million or so, but when the shutdown she delayed finally did occur, Madison had racked up an additional \$40 million in losses.

¶ Then there is the matter of Hillary's participation in the legal work for Castle Grande, a trailer-park development that was the project of James McDougal and Seth Ward, the father-in-law of Hillary's law partner Webster Hubbell—a project whose financing, federal investigators believe, was a sham designed to



allow Madison to circumvent rules against S&Ls investing in real estate.

¶ Then there is the fact that the Rose law firm failed to disclose to the federal government its potential conflicts of interest when it undertook action against bank deadbeats on behalf of Madison's new owner, Uncle Sam. One of those deadbeats from whom the feds hoped to recover was Seth Ward—yes, the father-in-law of the currently jailed Hubbell who was also Hillary's phone buddy on the Castle Grande project.

¶ There are the possibly irregular unsecured personal loans Bill Clinton was able to take out at Arkansas financial institutions and the uncertain terms under which they were repaid. Also, the maximum-level campaign contributions garnered at a Madison fund-raiser from people who deny having made them.

There's more, but let's stop here because the other stuff is even more turgid. And let us ask those sophisticated analysts so bored and uninterested in the details of Whitewater: Would the Clintons indeed have been better off dumping this whole load at once, so that of a Monday morning, we could read the whole story in every newspaper in the country? No, to any reasonable adviser, at any time from the beginning of the Clinton presidential campaign to any day of his service as president, "full disclosure" would have been another way of saying "political suicide."

What to do, then? Retire from the political arena in disgrace? Not likely. Maybe, upon winning election as president of the United States, you try instead to clean up the mess. Close down dirty relationships as quickly as possible. Put your people in key places to keep an eye on things. Disclose only what is necessary ("modified limited hangout" is the classic term) and spin the bejesus out of it. Be as vague as possible. Throw as many roadblocks as you can in front of official inquiries while professing complete cooperation. Find friendly media and work with them to control the blast of explosive information. Rely on your party's majority in Congress to shut down congressional scrutiny. Make counter-allega-

tions about the partisan motives of your critics. And when the going gets tough, hire the priciest lawyers you can find, and don't hesitate to put as many working on this little project as you think you can get away with on the government payroll in the White House Counsel's office.

These are the elements, then, of the Washington Clinton scandals. Some of them are now indisputably matters of record. Some can be inferred from matters of record. It is certainly possible that there are other elements currently unknown. We have good reason to suspect the candor of the principals and their associates, and thus it seems reasonable to suppose that, should one or more of them decide to be forthcoming, we are apt to learn a great deal more. But here are some of the highlights of what we know now about the way the Clintons have tried to clean matters up:

¶ A document produced during the campaign purporting to show the Clintons' losses on Whitewater, the so-called Lyons report, was prepared by a Clinton partisan and offered an exculpatory gloss based on limited documentation. The Clintons needed out of the partnership; James McDougal would buy them out for



\$1,000. But he didn't have the money. James Blair—who managed Hillary Clinton's \$1,000 investment in cattle futures into \$100,000—lent McDougal the money in December 1992. There is no indication that it was ever repaid. The Clintons insist they were "passive investors" with no knowledge of the loans repaid on their behalf.

¶ Vince Foster continued to work on closing the

books on Whitewater in the months before his suicide. His handwritten notes indicate his worry about the finances of the project and his fears that the IRS might audit the Clintons' old tax returns.

¶ The first criminal referral to the Justice Department on Madison Guaranty's financial malfeasance came from the Resolution Trust Corporation (RTC) during the 1992 general election campaign. Shortly after taking office, President Clinton replaced all 93 U.S. attorneys, and in the process installed an associate of his named Paula Casey in Little Rock. She rejected that first referral after it had languished for a year (although filaments of it have since been used in criminal cases brought by Whitewater independent counsel Kenneth Starr).

¶ Files on Whitewater and related matters gathered by a team at the Rose law firm during the campaign made their way to Washington in the custody of Webb Hubbell and Clinton aide Betsy Wright. Some files remained with Hubbell until November 1993—in his basement—when Hubbell claims first to have learned of an RTC criminal referral to the Justice Department. Although he was then the third-ranking official at the Justice Department, he turned the files over to the Clintons' private lawyer, David Kendall.

The principal RTC investigator of Madison, L. Jean Lewis, taped a conversation in which her Washington colleague April Breslaw stated that Breslaw's superiors wanted to be able to say Whitewater had caused no losses for Madison. Breslaw claimed subsequently there had been no pressure to reach any conclusion.

There was a lot of interest in those RTC referrals, in any case. Treasury Department officials were sending multi-headed "heads up" messages about them to the White House in the fall of 1993, and White House meetings ensued. The administration has mainly characterized this activity as an effort to prepare to deal with press inquiries. In November 1993, however, a meeting took place among associate White House counsel William Kennedy (another former Rose partner), Clinton aide Bruce Lindsey, and one other White House official, as well as the Clintons' private lawyers. Kennedy took notes during the meeting, which included the interesting statement "Vacuum Rose Law Firm files. Never know go out. Quietly." The White House maintains that the notes describe a vacuum in the files—in other words, that they are missing, as, indeed, many Rose files seem to be. This interpretation is, in linguistic terms, the equivalent of bending your right leg into the shape of a pretzel. Per-

haps exhausted by their lexicographic efforts on behalf of "vacuum," the White House has never offered an explanation of what the word "quietly" refers to.

¶ Hillary Clinton has also tried to downplay her role in representing Madison. She told FDIC investigators that her role was "minimal"—contrary to what the billing records the White House suddenly "found" early in 1996 indicate. Susan Thomases, a New York lawyer close to the First Lady, also produced some notes in which she wrote that Richard Massey, another lawyer at Rose, "will say" he got Rose the Madison business. Last week before the Senate committee investigating Whitewater, Massey said under oath he did not bring in the business.

¶ White House counsel Bernard Nussbaum agreed to allow Justice Department officials to review the documents in the office of Vince Foster following his suicide—and then rescinded. In the interim, there was a flurry of phone calls involving Hillary Clinton, Thomases, and her chief of staff Margaret Williams. Thomases and Williams profess to have absolutely no recollection of what might have been discussed during those calls.

One witness reported seeing Williams remove files from Foster's office the night of his death—which Williams denies. She has said she removed files only after Nussbaum divided them up into piles, one for Foster's personal material, one for White House counsel's files, a third pertaining to the Clintons' private legal matters, including Whitewater. The last pile was to have been turned over to the Clintons' private lawyers. Before it was, however, that file spent some time in a closet at the White House residence.

The relatively bare recitation of facts here fails to do justice to the shifts in various story lines followed by the Clintons and their friends. Thus the billing records at first did not exist, then were missing, then were found—with the White House, the president, and the First Lady insisting all along the way that they had cooperated fully.

The larger picture here is not an Ozarks landscape with the White river running through it. It is, instead, an intimate West Wing interior, wherein are gathered the Clintons' closest friends, lawyers, fixers, and aides-de-camp. What are they doing? Well, they're sitting around a table talking intently among themselves. Some have sheets of paper and file folders in front of them. Some are talking on telephones. Maybe they're just talking political strategy. On the other hand, what *would* a picture of a group of people straightening out their stories look like?

This activity goes well beyond the realm of political damage control. Any rational person can see that.

How much farther? Well, in the case of a sworn statement about "minimal" legal work then contradicted by records showing some 50 hours of billing, the question of what the word "minimal" can be construed to mean is the question of whether perjury charges are in order for Hillary Clinton. It is difficult to imagine that a First Lady could be indicted—but it is a measure of how serious this has become that it is no longer irresponsible to mention the words "indictment" and "Hillary Clinton" in the same sentence.

All cover-ups seek to work their mystery through

the agency of boredom and obscurity. What happened between Hillary Clinton, the Rose law firm, and Madison Guaranty Savings and Loan happened in the state of Arkansas several years ago. But the word "minimal" was spoken in Washington. The missing billing records were found, in 1996, in Washington. Papers disappeared, and then reappeared, in Washington. Whitewater is not an Arkansas affair any longer, an outgrowth of a small state and its crony elite. It's a Washington story now, and for that reason alone no longer boring and obscure.

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By: David Paynter      Date:  
11-18-2009

December 28, 1995

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John Bates  
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Brett Kavanaugh  
Steve Colloton  
Jim Clemente  
Coy Copeland  
Jeff Greene

[Redacted]

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From: [Redacted]

Re: Foster Investigation Issues

As you are aware, the investigators are currently performing a comprehensive review of the Foster death investigation. We hope to provide a report by the end of January which summarizes the results of the investigation with particular focus on identifying unresolved issues, possible areas for further investigation, and conflicts, inconsistencies and ambiguities in statements of various witnesses. We are reviewing FD-302s, FGJ transcripts, transcripts of Congressional testimony, lab reports, Park Police reports, and physical evidence. We are also closely examining the commentaries of those in the media and general public who have become expert in the Foster matter (e.g., Hugh Sprunt & Chris Ruddy).

This memo provides my preliminary thoughts regarding this process. I believe certain decisions about the nature and scope of the investigation must be made fairly soon if we hope to draw this matter to a successful conclusion in the next few months. Outlined below are issues I believe must be addressed at this time.

**(1) Mission**

The report of the Fiske investigation does not define the scope and objectives of that investigation. I believe this was a serious mistake. It seems to me the mission of the Fiske investigation may have been much more limited than that presumed by its many critics. Although I have no first-hand information in this regard, I believe the Fiske people may have viewed their mission as being quite specific. That limited mission might have been stated as follows: By the earliest possible date, make a

determination based on the information then available (eight months after the fact) whether the initial conclusion of the Park Police that Mr. Foster committed suicide in Ft. Marry Park was reasonable and consistent with the evidence. However, some might argue their mission was broader. Did their mission also require that they conclusively rule out even the outside possibility of foul play? Did their mission require them to determine beyond a reasonable doubt that the suicide had nothing to do with Whitewater? Were they required to ascertain exactly what factors drove Mr. Foster to suicide? The Fiske investigation succeeded if it was intended only a means of testing the general viability of the Park Police conclusions. It failed if its mission was broader in scope.

Unfortunately, we do not know the exact nature of the Fiske mission because the report is silent in this regard. I am reminded of controversies which have arisen in the past regarding FBI background investigations. The Bureau is very careful to avoid claiming our background investigations invariably uncover any and all problems in a person's background no matter how hidden they might be. Instead, we say only that we perform a reasonably thorough check into the person's past. What is reasonably thorough? The White House and our other clients are fully aware of the formula we use in each of these cases (e.g., number of references and associates interviewed, scope in terms of years) so there can be no squabble later if we happen to miss something. (A second similarity of this investigation to background investigations is that, to a large degree, the accuracy of the investigation's results depends upon how forthcoming and honest interviewees choose to be.)

Normal criminal cases are self-defined by the resulting prosecutions. A criminal investigation is sufficiently thorough if the crimes charged are proven beyond a reasonable doubt. This is true even though it may be that the defendant was actually guilty of plenty of other crimes not proven through the investigation.

Certain issues and theories about Mr. Foster's death may never be resolved by our investigation no matter how thorough we are. To the extent possible, we should consider defining the scope of our investigation in such a way that no reasonable person would expect us to provide answers to these riddles. We should also consider setting the scope of our investigation now, well before we publish our report. Otherwise, we risk criticism that we tailored the investigation's objectives after-the-fact to fit the results we were able to produce. It may also be prudent at this time to advise Congress, and perhaps even the media, in general terms of what we believe our mission to be. Through such an airing we could gauge whether others agree with our views on the proper scope of the investigation, or, on the other hand, determine whether some adjustment might be in order.

Defining the scope of the investigation at this time will also help us draw the case to a close. It seems to me that we could investigate certain questions about Mr. Foster's death indefinitely without ever reaching a resolution. If such questions are excluded from our mandate, we would be in a position to avoid these wild goose chases and instead concentrate time and resources on those matters which definitely fall within the defined scope of the case.

Due to the passage of time since July 1993, it may be that our mission must necessarily be more limited than might have been the case had we begun our investigation shortly after Mr. Foster's death.

We should undertake the process of defining our mission during the next month while the current review is ongoing. This process should occur naturally as we begin identifying unresolved questions and possible areas for further inquiry. Each such question should first be examined to determine whether it, and related topics, should be included in our mandate. Decisions in this regard should not be based on the amount of effort which would be required to resolve the matter, or on the likelihood of success, but rather on principled decisions as to what should, and should not, be included in our mission.

I will give a couple of examples at this time to illustrate the point. Many of us agree with the conclusion of the Fiske report that one of the Park Police officers or EMS personnel responding to the scene must have disturbed the body before the polaroid pictures were taken. This explains the contact stain on the face as well as the inconsistencies between the photographs and the CW's statements. Resolving this issue would require substantial additional investigation and probably require that we obtain some type of additional cooperation from a Park Police officer and/or EMS employee. (It may be that we will never conclusively resolve this inconsistency regardless of the amount of additional investigation we perform.) A related question which may also require further investigation involves the possibility that some of the polaroids taken by the Park Police are now missing. Again, we will not be able to resolve this mystery without help from a cooperative witness.

A second example of the type of investigation which may, or may not, be within our mandate involves the question of why Mr. Foster may have committed suicide. Simply put, are we obligated to determine exactly why Mr. Foster may have been depressed and therefore susceptible to a suicidal impulse, or is it enough to demonstrate that he was depressed without drawing conclusions about the reasons for his depression.

Before undertaking this additional investigation, we must ask ourselves whether resolution of these issues is essential to our mission. Apparently, the Fiske office decided there was not a need to push these issues since their report does nothing more

than speculate regarding the origin of the contact stain, says nothing regarding the possibility of missing polaroids, and does not thoroughly examine the potential reasons underlying his apparent depression. I will not outline here the arguments on both sides of these issues, but I do believe these questions can only be answered by analyzing them in terms of a frame of reference provided by a clear definition of our mission.

## (2) Merger of Foster Death & Papers Investigations

I believe these investigations are inextricably bound together and should be merged. I also believe we should consider issuing a combined report for the two areas.

The subject matters of the two investigations are linked in three ways:

\* First, the possibility that materials in Mr. Foster's office may have been disturbed by White House staffers could relate to "state of mind" issues. Could there have been a note or other documents in his office which clearly revealed his intent to take his life and/or reasons underlying that decision?

\* Second, Mr. Sprunt and others have linked the death investigation to the "papers" investigation. We may need to follow suit if we intend to address the legitimate concerns of citizens such as Mr. Sprunt.

\* Third, the ability of the Park Police to perform the original investigation was directly affected by the conduct of the White House staff. The Park Police should have been allowed to seal the office and thereafter review each and every document contained therein to determine whether any of the documents held clues about Mr. Foster's intent. (Any clearance problems could have been handled fairly easily.) I believe the White House staff's conduct impacted the ability of the Park Police to conduct the death investigation professionally. I further believe we should address this in our report.

## (3) Timing of the Report

I know there are reasons why we would prefer to finish our work and issue a report as quickly as possible. I feel strongly, however, that this investigation, and particularly the report, are much too important to rush. As you will see below, there are many areas for possible investigation which we must consider in the next month or so. We either need to investigate each area as thoroughly as possible or make a defensible decision as to why each lies outside the scope of our case. The work of the proposed independent review panel will also prolong the



investigation. I know from personal experience that it will take these experts quite a long time to become familiar with all the facts developed in the investigation to date. I predict it will be late Spring or early Summer before we are ready to issue a report. Perhaps such a timetable should be revealed to Congress or others at this time in an attempt to relieve pressures which would be created by an earlier, arbitrary deadline.

#### (4) Issues/Areas needing Investigation

As part of the ongoing review, we have already identified numerous areas which might require further investigation. Decisions regarding each will need to be made. Are these issues within the scope of our investigation? Do we have the resources/time to conduct the investigation in question? Are there other factors precluding the investigation (e.g., lack of cooperation from the family or the White House)?

Listed below is a sampling of the issues/questions identified so far:

\* Foster Finances---As previously suggested, a comprehensive investigation of the Foster financial situation may be in order. There is indication the family was having some problems in this regard. Also, severe financial problems are often found to be a contributing factor in suicides.

\* Time Lines---Several accurate time lines should be prepared. One should document all of Mr. Foster's business and personal activities for several weeks prior to his death and anticipated activities for several weeks following his death. A detailed time line recording the relevant activities of all persons associated with the case should also be prepared for the period of a few days before and after the death. Finally, a detailed timeline regarding July 20th should be prepared.

\* Car---We have a number of questions relating to Mr. Foster's car and its contents. It may be appropriate to talk to the family regarding the normal locations of the map, oven mit and other items, as well as what the children observed that morning. We might also talk to the Park Police regarding the photographs they took. Were the photos taken before any of the items in the car were moved? Also, we may need to resolve the questions regarding the inconsistent statements concerning the briefcase, winecoolers and suit jacket.

\* Work Matters---A logical area of inquiry might involve the matters Mr. Foster was handling at work. Were any of them causing him stress or other types of problems? In this regard, further discussions about the planned meeting with Mr. Lyons

concerning Travelgate, the unexplained meeting with Marcia Scott, and the proposed reorganization of the White House may be in order. Included in this general area would be questions about his work on the Clinton blind trusts, Health Care task force issues, and the failed nominations.

\* Rose Conflicts---The Rose conflicts, the missing billing records, and the question of Rose/Hillary's work for Madison may all be relevant to Mr. Foster's state of mind.

\* Gun---We have discussed a plan of action regarding the gun. Perhaps the gun could be linked to the Foster family by showing that a revolver like the one in question was a part of Foster Sr.'s collection, that that revolver was given to Foster Jr., and that it is now unaccounted for within the Foster family. We also want to show the codicil did not list all of Foster Sr.'s guns. We could do this by showing there are guns which came from Foster Sr. which were not listed in the codicil.

\* Unexplained Absences---Mr. Foster's unexplained, unusual absences from work on July 19 and 20 may need to be explored. His activities during those times may directly relate to his death.

\* Hairs & Fibers---Many people have opined that we should seek to compare the hair and fibers found on Mr. Foster to known samples. We need to know going into this process that we risk not being able to match these items to any known source, or, on the other hand, proving nothing more than the fact that he had been in his home, office and car, and that he had come into contact with a hair of a relative or acquaintance at some unknown point in time.

\* Knowledge of the Hale Search---There has been some indication Mr. Foster might have learned of the Hale search shortly before his death. Could this have been a factor?

\* Park Police Issues---We have identified a number of issues regarding the handling of the death scene by the Park Police to include questions about the following: Was the body disturbed prior to the photos causing the contact stain and a change of the position of the hands from palms down to palms up; Were the car keys taken from the body at some point prior to their being "found" at the hospital; How was the car accessed; Were items in the car disturbed before the photos were taken; and, Are polaroids missing.

\* People in Park---There were reports of people in the park during the afternoon of July 20 who have not been identified. It may be necessary to do everything possible to identify and interview these individuals. On the other hand, it could be argued this inquiry is not critical in that there may have been

numerous people in and out of the park that afternoon who did not see Mr. Foster and have nothing material to contribute to the investigation.

\* Maryland Weekend---There have been inconsistent statements regarding the Maryland weekend particularly with respect to Mr. Foster's demeanor. Do we need to follow this and reinterview certain people and attempt to identify and interview others with whom Mr. Foster came into contact that weekend?

\* White House Interviews---Immediately following Mr. Foster's death certain White House personnel expressed shock that Mr. Foster would have committed suicide. Later, these same people uniformly said that, indeed, Mr. Foster had seemed depressed. We might consider following these inconsistencies to determine whether there may have been some effort to coordinate stories about Mr. Foster's depression and, importantly, possible reasons for such depression.

## Foster's widow to remarry

Her fiance will  
be federal judge

By Jerry Seper  
THE WASHINGTON TIMES

LITTLE ROCK, Ark. — Lisa Foster, the widow of Deputy White House Counsel Vincent W. Foster Jr., will be married this year to a lawyer whom the Senate recently confirmed for a federal judgeship.

James M. Moody, 55, who was nominated earlier this year by President Clinton to be a U.S. district judge for the Eastern District of Arkansas, told reporters the couple will be married sometime "close to Christmas," but declined to give a specific date.

Mr. Moody, a widower himself, has told friends that a small ceremony is planned with mostly family members present. He said to intimates that the wedding would probably be Dec. 23.

Mr. Foster died July 20, 1993, in what federal authorities have said was a suicide. Reasons for his death have not been determined.

Mrs. Foster and the couple's three children moved from Little Rock, where Mr. Foster had been a partner in the Rose Law Firm, in early 1993. Since her return to Little Rock after her husband's death, Mrs. Foster has resumed her career as a mathematics teacher at the private Anthony School.

Mr. Moody was formerly a partner at the Little Rock law firm of Wright, Lindsey and Jennings, where Mr. Clinton practiced during the two years he was out of the governor's office in the 1980s. Mr. Moody is expected to take the oath of office later this month.

Mrs. Foster could not be reached for comment on her engagement.

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THE WASHINGTON TIMES

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## Widow Denies Whitewater Tie to Suicide

By The Associated Press

Vincent W. Foster Jr.'s widow investigated his death and is certain he committed suicide out of depression and not because of the Whitewater affair, she told The New Yorker.

In her first interview since her husband, the White House deputy counsel, died on July 20, 1993, Lisa Foster said: "I never thought he'd been murdered. The worst possible thing had happened, but it was like everything came together."

After reviewing her husband's records, she determined that he had taken his own life because he was depressed and feared that seeing a psychiatrist would make it impossible to get another job.

"I knew he was down," she says in the magazine's Sept. 11 issue. "I just didn't know people committed suicide. I'd never had any experience with this at all — I hated it when people said he was depressed, because I didn't know what depression was."

She knew her husband had been

troubled by his work, taking personally the failed attempts to name Kimba Wood and Zoe Baird attorney general and Lani Guinier as head of the Justice Department's civil rights division.

He even blamed himself for the Branch Davidian assault. But Whitewater was not a pressing concern.

In June 1993, shortly after she followed him to Washington, her husband told her he had made a mistake and wanted to resign. She said she had talked him out of it.

In early July, he told her again that he intended to resign and she suggested he write down some of the reasons why his difficulties were not his fault. He wrote the complaints on a yellow legal pad, a list that would later be found torn into 27 pieces at the bottom of his briefcase.

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THE NEW YORK TIMES

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# A Special Report on the Vincent Foster Case

## Reprinted from Pittsburgh's *Tribune-Review*

Tuesday, September 26, 1995

# Clinton Security Chief's Murder Still Unsolved

By Christopher Ruddy  
FOR THE TRIBUNE-REVIEW

At the Little Rock Police Department the murder of Jerry Luther Parks might as well have never occurred.

Odd, since the killing has gained folklore status on the "Clinton Chronicles," a video viewed by millions. The death is also a major selling point for direct-mail operators who hawk newsletters. Talk radio remains abuzz about the enigmatic death.

Today marks the second anniversary of the murder of Parks, the security chief of President Clinton's campaign headquarters in Little Rock in 1992 and 1993.

"I can't find him in my computer," Lt. John Hutchinson, Little Rock police spokesman said. "Are you sure it's a Little Rock case?"

Hutchinson, his memory refreshed about Parks, promised to check on the status of the case with his homicide unit.

The details of the murder are not in dispute: Early Sunday evening on Sept. 26, 1993, Parks was returning to his suburban Little Rock home, making a left turn on Arkansas Highway 10, when, without warning, a white Chevrolet raced into the intersection from behind.

An assassin jumped from the passenger seat of the Chevrolet and fired his 9mm pistol, hitting Parks at least seven times.

He died soon thereafter, his body sprawled across the highway. Parks' effort to use a pistol he had begun keeping between the front seats of his car were apparently futile.

Despite several eyewitnesses to the killing, Parks' death remains unsolved.

"The case is at a standstill. The investigators have exhausted all their leads. There's no new information," Hutchinson reported after checking.

Hutchinson would not permit the detective handling the case to speak to a reporter, and a call to Little Rock Police chief Louie Caudell was referred to Hutchinson.

### FAMILY UNHAPPY

Parks, a former Arkansas police officer, private investigator and the owner of a security firm whose services were used by the Clinton-Gore campaign, left behind his wife, Jane, and 24-year-old son Gary. Neither is happy about the police's handling of the case.

Save two feature articles on the case in the Sunday London Telegraph by its intrepid Washington correspondent Ambrose Evans-Pritchard, Parks' death and the allegations made by the Parks family have been ignored in the mainstream press.

The Telegraph reported in March 1994 that Mrs. Parks and her son feared Parks had been killed because of incriminating information he had gathered on Clinton. Clinton's own relationship with Parks remains murky, though Clinton had appointed Parks to the state police's Board of Private Investigators and Security Firms in 1987. His company had a contract for security services at the building used by the Clinton campaign, and later the campaign contracted with Parks directly.

Parks, at the behest of an anonymous third party, had been keeping surveillance on Clinton for five years beginning in the mid-1980s when the governor's brother, Roger, lived temporarily in an apartment in the same complex as Parks. Mrs. Parks managed the complex and had an office that was once a bedroom in the apartment used by Roger Clinton.

"During the time (Mrs. Parks) worked next to Roger's apartment, she could hear the conversations in B107 very clearly," the Telegraph reported, adding, "Gov. Clinton was a frequent visitor." Parks told the Telegraph that drug use took place in the apartment often, and at one point she saw cocaine on a coffee

table.

Mrs. Parks is suffering from multiple sclerosis and has declined to comment on the case to the Tribune-Review. Her friend, Little Rock attorney Harvey Bell, said her health condition is "serious" and she is under a doctor's orders to "disengage" from the case and the controversy. As for the police's handling of the case, Bell said, "Nothing's been done."

Gary Parks, a former Navy submariner, still finds that irksome. Both he and his mother allege that an investigative file on Clinton compiled by his father may have led to his demise. They say that just weeks before Parks' murder, their home was burgled in a sophisticated operation which included cutting phone lines. Taken was the investigative file (which allegedly included photos) stashed in the master bedroom.

The Parks family seems to have some credibility with Sgt. Clyde Steelman, the detective handling the case.

"If they say that some files were missing, then I can tell you those files were missing," he told the Telegraph last year. "The Parks family aren't lying to you."

To be sure, Parks had dealt with a number of shady characters through his business, casting a wide net over those who may have wanted him dead. The Parks family has offered no evidence to support insinuations about the president. The family has also charged that the Clinton connection has prevented a proper police investigation.

Lt. Hutchinson didn't deny the charge, saying in a plain-spoken manner, "I don't know." He also admitted that despite having witnesses, the police never completed composite sketches of the perpetrators.

#### FOSTER DEATH

Parks' murder took place just over two months after the suicide of White House counsel Vincent Foster on July 20, 1993. This would be simple coincidence, were it not for more allegations made by the Parks family.

Gary said his father became noticeably agitated immediately after Foster's death, and suggested just a day after the suicide that Foster had been murdered.

Parks soon began carrying a gun, even taking it with him to his mailbox. He also carried a cellular phone

and checked in with his wife five or six times a day—something he had never done before. He changed his typical route home and began taking medication to sleep.

Parks, according to his family, had a major disagreement with the Clinton-Gore campaign, complaining he had not been paid for his company's services months after the election. Parks had borrowed tens of thousands of dollars to meet his payroll while his invoices to the campaign went unpaid, the family said.

Campaign officials claimed to Parks that he had in fact been paid. An inquiry into the matter, Parks told his family, indicated that someone had improperly diverted campaign funds, and with apologies he was promised full restitution.

Despite the promise, Parks' son said the payment didn't come easy, and led to some wrangling with the campaign in the months after Clinton was inaugurated.

How Foster possibly plays into this is unclear. What is clear is that Foster and Parks were well aware of each other. An associate of Foster's in Little Rock said that Foster had once recommended Parks as a private investigator.

Foster's death has been looked into by Independent Counsel Kenneth Starr, but a homicide investigation has never taken place as police procedure demands.

Starr, unwilling to fully investigate Foster's death, seems unlikely to begin examining Parks' murder.

A source close to Starr's investigation said that at the request of Mrs. Parks, one of Starr's Little Rock prosecutors met with her and Bell at a Little Rock McDonald's for coffee in the past year.

"It certainly should have been jumped on, if there's a hint that the two cases may be related," explained veteran homicide investigator Vernon Geberth.

Geberth, former lieutenant commander of New York's Bronx homicide task force, is the author of the authoritative text on death investigations, *Practical Homicide Investigation*.

"If someone's telling they are related, I would expect it would be picked up as part of the investigation," he said, noting that federal authorities, having investigated Foster's death first, should have looked into the matter.

New York Times columnist William Safire on PBS's Charlie Rose Program, September 19, 1995, discussing Vincent Foster.

CHARLIE ROSE: Whitewater.

WILLIAM SAFIRE: That's off the— everybody's agenda at the moment.

CHARLIE ROSE: Yeah.

WILLIAM SAFIRE: And it's one of these fascinating things that's cooking underneath. Nobody's covering it. Nobody's paying attention. But there is a special prosecutor who is working on it and getting indictments.

CHARLIE ROSE: Ken Starr.

WILLIAM SAFIRE: Right. And I remember in Watergate — which is not comparable to the criminal elements in Washington are to be compared with civil elements in Whitewater.

CHARLIE ROSE: And one ha—

WILLIAM SAFIRE: But, but for a time there, everything went underground, and the, the media wasn't covering it, months at a time, and then suddenly, bang! And I think we'll see a lot more of Whitewater before long.

CHARLIE ROSE: What do you believe about Vince Foster? Because you wrote a column, calling it the can of worms.

WILLIAM SAFIRE: Well, I believe the investigation was a farce.

CHARLIE ROSE: By Robert Fiske [?]?

WILLIAM SAFIRE: That, too, but the original—

CHARLIE ROSE: That, that's another one. Okay.

WILLIAM SAFIRE: —one by the—

CHARLIE ROSE: By the Park Police.

WILLIAM SAFIRE: —by the Park Police.

CHARLIE ROSE: And they were thwarted, you believe—

WILLIAM SAFIRE: Well—

CHARLIE ROSE: —by other members of the government.

WILLIAM SAFIRE: I know members of the Park Police who are nice guys, and if you have a cat up a tree, you would turn to these men first, you know, before the FBI, before anybody.

CHARLIE ROSE: Because they're good at that?

WILLIAM SAFIRE: They're, they're great at it. They— psychologically, they get the cat down.

CHARLIE ROSE: Yes.

WILLIAM SAFIRE: But if they see a body—

CHARLIE ROSE: Catnappers, they're good.

WILLIAM SAFIRE: But if they see a body on the grass, their first reaction is "Get them off the grass." It's not—

CHARLIE ROSE: They're not like homicide detectives.

WILLIAM SAFIRE: Right. And they didn't look for the bullet, and there's a lot of contradictory testimony. Now, there are some conspiracy theorists there, immediately derogated on [?] who doubt whether he was a suicide. And they, they darkly hint at murder.

CHARLIE ROSE: But clearly you don't buy that.

WILLIAM SAFIRE: I don't fall into the trap of making an assumption that is totally unprovable and thereby casting a shadow over all of Whitewater. What we do know is here is a man who is working on the Whitewater file, who became terribly depressed and who may well have killed himself.

CHARLIE ROSE: Probably, people say.

WILLIAM SAFIRE: But a lawyer who left no suicide note, who went to a park across the river when he had a park available in his back yard, and whose files were then spirited away and we, to this day, don't know how much they were sanitized. Now, there's a lot of chicanery involved there. And we saw, finally, when there were hearings, people were giving conflicting testimony. Somebody was lying. Maybe several people were lying. You couldn't just say everybody was, was right because they— the conflict of testimony was blatant. And so I would say you'd have to say "to be continued" on that.

CHARLIE ROSE: His wife says he wasn't worried.

WILLIAM SAFIRE: Well—

CHARLIE ROSE: His wife says he was not worried about Whitewater. He might have been worried about other things, including the travel scam business, but not Whitewater.

WILLIAM SAFIRE: I don't think she was privy to the information that we're looking for, the files of Whitewater.

CHARLIE ROSE: Let me see— hear you carefully. You would not eliminate as a possibility the fact that Vince Foster was murdered?

WILLIAM SAFIRE: I would not have operated immediately on the assumption of suicide, as the Park Police did. When a dead body is found who is the Assistant Counselor for the President, you immediately look for foul play. It may turn out to be suicide, but you immediately move in on— as if it was homicide.

CHARLIE ROSE: There is evidence that he was depressed, clearly.

WILLIAM SAFIRE: Mm-hm.

CHARLIE ROSE: I mean, so there is also on the other side the evidence—

WILLIAM SAFIRE: They've no—

CHARLIE ROSE: —of serious depression, which leads

WILLIAM SAFIRE: There's a strong likelihood that he committed suicide.



6/4/95

ROGER LEE PERRY, Arkansas State Trooper, was advised of the identity of the interviewing agent and the purpose for the interview. PERRY provided the following information:

PERRY was working at the Arkansas Governor's Mansion during the time of VINCENT FOSTER'S death. PERRY received a telephone call from Helen Dickey at the White House sometime between 4 p.m. and 7:30 p.m. Central Standard Time. Dickey told PERRY that VINCE FOSTER had left work, went out to his car in the parking lot, and shot himself in the head. PERRY was unsure of DICKEY'S exact words, but he had the impression that FOSTER had committed suicide in his car parked at the White House. PERRY wrote the message down at the time of the call, but no longer has the written memo. PERRY relayed DICKEY'S message to Governor TUCKER, who called the White House for more details. TUCKER found out that DICKEY had bad information; FOSTER actually committed suicide at FT. MARCY PARK. PERRY did not know who TUCKER spoke to at the White House.

PERRY stated that DICKEY was hysterical when she called, and that he was not surprised that she had incorrect information. PERRY did not know how DICKEY learned of FOSTER'S death.

Screened

By: David Paynter      Date:  
11-18-2009

Did the two workers in the next park over from Ft. Marcey identify "CW" as being the one who stopped and talked with them? I am not talking about a description, but I am talking about identifying him from a picture.

CW surfaced on the G. Gordon Liddy show, who had FBI/CIA ties. Is it strange that CW just "happened" to surface 8-9 months later through that particular medium.

Could it be that someone else prompted the call, or made the 911 call, and that CW is a "cover person."

Is there any corroboration for the fact that CW was in the park? The couple (W3 and W4) saw a van, which we assumed was CW's. However, were they able to identify CW?

Do we doubt parts of CW's story?

The answer is yes, even if it is just the part about him walking 700 feet to "relieve himself" rather than stopping at the first tree.

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

What is the status of subpoenas and/or requests to the White House for particularized telephone records?

I am told that there is a way to have a listing of calls from particular numbers at the White House, even though representations might have been made that they do not keep records in that fashion.

03/03/96 19:35:47 Via Fax

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**CBN News: "Newswatch Today"**  
**Transcript of the Vince Foster Segment**  
**Aired February 29 & March 1, 1996; Length: 12:56**  
**CBN News Is Watched By Over One Million American Households**

**Ben Kinchlow:** Rumors of cover-up just don't go away and now there are some people saying the FBI is involved. For more than two years, the death of White House Counsel Vincent W. Foster has been shrouded in mystery. In an in-depth exclusive story, CBN News Senior Reporter Dale Hurd examines important and unusual questions surrounding Foster's death.

**Dale Hurd:** When Vince Foster left his White House office on that July day in 1993, he told his secretary that he would be back, but the Deputy White House Counsel and boyhood friend of Bill Clinton never returned. And almost three years later, theories and speculation about his mysterious death live on.

On July 20th 1993, Vincent Foster's body was found here in Fort Marcy Park in northern Virginia just outside of the District of Columbia. But that's about the only thing about Foster's death that all parties can agree on. How Foster's body got here, even how Foster died, is still not clear. The 1994 report by Independent Counsel Robert Fiske says the evidence overwhelmingly supports the conclusion that Vincent Foster killed himself in Fort Marcy Park and adds, quote "there is no evidence to the contrary." But that is simply not true.

Here are just some of the inconsistencies, many from Fiske's own report. Police say Foster walked to the edge of this steep berm, sat down, and pressed a 1913 .38 caliber pistol deep against the back of his mouth and pulled the trigger. The gunshot wound should have been extremely gory because a large caliber handgun often leaves a large wound while the heart typically keeps pumping, leaving a lot of blood and brain tissue called "blowback" all over the weapon. There was none.

The coroner said the exit wound for the .38 caliber bullet was only about one-inch wide. There was an unusually small amount of blood under Foster's head and no bone fragments. No bullet was found either, even though searchers managed to find all sorts of ammunition dating back to the Civil War.

Powder burns indicate Foster's hands were not on the grip of the gun when it was fired. His teeth were not damaged from the recoil of the .38. There was no trace of soil or grass on Foster's shoes even though he supposedly walked 700 feet through the park. No one in the park that day ever saw Foster alive.

No one reported hearing a gunshot. Foster's fingerprints were not on the weapon. Foster's wife had trouble identifying the gun as her husband's. The .38 was made from two guns, fitting the classic profile of a hard-to-trace "drop gun" often used to make murders look like suicides.

Foster was covered from head to toe with carpet fibers. Blood tracks on his face and shoulder indicate his head had been moved in as many as four positions after he allegedly pulled the trigger, even though death was determined to have been instantaneous. And blood trails from Foster's nose and mouth inexplicably defied gravity and traveled upwards as he lay on the steep slope.

Critical crime scene photographs are missing. The first paramedics on the scene from this fire station in McLean, Virginia, said they found Foster lying perfectly straight as if ready for the coffin and suggested later that they thought it was a homicide. And some of their accounts about where they found Foster's body differ from where the Park Police say it was, suggesting police wanted to conceal the real crime scene from reporters and others.

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**Chris Ruddy:** At what point do you begin saying, "Something is wrong here, this doesn't add up."

**Dale Hurd:** Chris Ruddy of the Pittsburgh Tribune-Review is the only reporter known to be working on the Foster death full-time. His work has been compiled in the book, "Vincent Foster, The Ruddy Investigation."

**Chris Ruddy:** There's been a tremendous reluctance by authorities to look into this case. We saw that Robert Fiske came along and basically rubber-stamped the police investigation. His FBI agents went before Congress and said the Park Police made no major errors in their case, which is laughable. Ken Starr, the Independent Counsel, said he was going to look into this but we know that he has been unwilling to get to the bottom of this.

**Dale Hurd:** Starr's lead prosecutor quit last year after he said he was kept from pursuing the case too vigorously. There were plenty of witnesses in the park the day that Foster was found and you are about to hear from one of them. Washington, D.C., resident Patrick Knowlton was at Fort Marcy about an hour before Foster's body was discovered and he agreed to this exclusive interview with CBN News. Knowlton has passed a polygraph test.

**Patrick Knowlton:** Soon as I came up the driveway here, I noticed a brown Honda parked here, older reddish brown, rust-brown-colored, Honda with Arkansas license plates. As I pulled in, I saw another vehicle parked maybe four spaces down, I didn't see the license plates.

All that I saw was a single gentleman sitting in the car. He had his car backed in. Then when the window came down and he gave me this intense glare, like you-shouldn't-be-here kind of look, [a] you-should-leave kind of look. I took it to heart that he was here for some kind of activity that didn't -- he was not here to enjoy the park. That's what I -- the glare was very intense and made me very [sic], made me feel very uneasy.

**Dale Hurd:** Knowlton went up into the park to relieve himself and when he came back, he noticed a dark blue suit jacket, a briefcase, and two empty wine-cooler bottles in the brown Honda with Arkansas plates.

Knowlton called authorities the next day, but was never questioned until nine months later in 1994. Then, in 1995 when he was subpoenaed to appear before a grand jury, strange things began to happen.

**Patrick Knowlton:** I was actually beginning to be harassed by well-dressed men who approached me, either head-on or walked at me or walked from the side of me or walked from behind me just giving me intense glares.

**Dale Hurd:** Men Knowlton said were clearly trying to frighten him into not testifying. He took witnesses with him when he was followed, including a reporter, who verified that it was not his imagination.

Then, there is the mysterious letter that the White House offered as Foster's "suicide note." The letter, torn in twenty-eight pieces, suddenly appeared in Foster's office briefcase after it had already been searched twice. The letter in fact is not a suicide note and it has no fingerprints on it even though it was found ripped in more than two dozen pieces. Even stranger, three leading handwriting experts examined it and declared it to be an obvious forgery.

But, perhaps most disturbing are instances where FBI agents either misstated what witnesses told them or tried to get them to change their story. Knowlton says what he told agents was changed in the official reports.

**Patrick Knowlton:** When I was shown those -302s [FBI Interview Form FD-302a], I looked at them and I say, reading them, thinking those aren't my words, that's not what I said.

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**Dale Hurd:** The FBI version of Knowlton's statement said that, among other things, he would not be able to pick out the man he saw in the parking lot in Fort Marcy.

**Patrick Knowlton:** But in fact, [what] I told them was if I had, if they showed me a line up or if they gave me a photo spread, I could have picked the guy out, you know, fairly easily.

**Dale Hurd:** With the help of a police artist, Knowlton even sketched this drawing of the man.  
FBI agents also appear to try to get Arkansas State Troopers to change their account of the time they learned of the Foster death. Roger Perry, a twenty-year veteran, was working as Governor Jim Guy Tucker's bodyguard on July 20, 1993, when he received a call from Helen Dickey who was Chelsea Clinton's nanny.

**Roger Perry:** It was sometime between 6:30 and 7:30 PM [Central Time]. Helen Dickey called me from the White House and told me that Vince Foster had gotten off work that evening, went out to the car in the parking lot, and shot himself in the head.

**Dale Hurd:** You remember those words specifically --

**Roger Perry:** That's exact words [sic]! I wrote those words down on a steno pad.

**Dale Hurd:** When Dickey called Perry is crucial because, if there is a cover-up of the Foster death, it could unravel around the White House claims of when it knew about the death. If the White House knew earlier than it says it did, then that would have allowed officials time to clear Foster's office.

On the day he died, Foster left his office at about 1:00 PM. Foster's body was first discovered at about 5:45 PM by a man known as "Confidential Witness." Shortly after 6:00 PM, Park Police and paramedics arrived on the scene. At 6:37 PM, police at the scene knew that the body was that of White House official Vince Foster, but the Clinton Administration says the White House was not notified until 8:30 PM. It says the staff was not notified until after 9:00, and President Clinton was supposedly not told until after his first hour on CNN's "Larry King Live" program at 10:00 PM.

Perry says Dickey called between 7:30 and 8:30 PM Eastern [Time]. Dickey told the Senate Whitewater Committee she didn't learn of Foster's death until 10:00 PM and didn't call Perry until 10:30.

**Senator D'Amato:** So, it was well after 10:00 o'clock.

**Helen Dickey:** It was well -- my best estimation, that I called the Governor's Mansion was 10:30.

**Senator D'Amato:** Okay.

**Dale Hurd:** Helen Dickey says that she called you at 10:30 at night Eastern [Time].

**Roger Perry:** That can't be. There's no way. When she called me, it was between 6:30 PM and 7:30 PM Arkansas [Central] time.

**Dale Hurd:** And Perry and another trooper have signed sworn affidavits to that effect. Other persons Perry then called affirm that it was early evening. White House phone records that could clear up the discrepancy have not been produced, but when Perry was questioned by the FBI, he got the distinct feeling that agents were trying to get him to say the calls came later.  
So, you got the feeling they were trying to steer your memory a certain direction.

**Roger Perry:** I think they were trying to get me to say that it was possible that I was

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- Dale Hurd:** Former US Attorney Joseph DiGenova says he's never doubted that Foster committed suicide, but what troubles him is the cover-up that began after Foster's death.
- Joseph DiGenova:** It is obvious to me that the lengths to which people went after his death to deal with his office and to prevent people from the Justice Department getting in there leads any reasonable person to wonder aloud what was in there, why was it being removed, what were the reasons for it, and who were they trying to protect.
- Dale Hurd:** And Ruddy says the government cover-up of the Foster death carries grave implications for every American.
- Chris Ruddy:** It's not just an interesting unsolved mystery case. If our law enforcement agencies can be subordinated for political reasons, all of us in this country are threatened by that.
- Dale Hurd:** Friends of Vincent Foster have said they wish the questioners would just let him rest in peace, but it doesn't appear that's going to happen until a few more of the questions about his death are answered. Dale Hurd, CBN News, in Fort Marcy Park in northern Virginia.
- Pat Robertson:** That's an extraordinarily thorough piece and I frankly didn't see the piece before nor had I seen all of the graphic evidence, but it is just mounting and I think the Special Prosecutor, or the Special Counsel as he's called, needs to get into this matter. It is too important and the facts -- but you know, Ben, organizations like "60 Minutes," for example, have done anything they can to discredit anybody who is coming forward with the clear-cut evidence on this.
- It was overwhelming, but there is a *massive* cover-up in the media. The media will not touch it. It is just amazing. Ruddy is one of the few, and of course there have been, I believe the Manchester Guardian had a reporter over here [Ambrose Evans-Pritchard, DC Bureau Chief of the London Sunday Telegraph] and we've been studying it, but nobody else to speak of [except] Strategic Investment, James Dale Davidson, has had extensive writing on it, but the quote "mainstream media" won't touch it. Why? Why are they covering up?
- But is the FBI -- was it corrupted? You know, Sessions claimed he was fired, he was fired peremptorily when all this was coming up, and is the FBI which is the most respected law enforcement agency possibly in the world, have they been turned on this thing? That would be -- what that witness says is the FBI put words in his mouth and tried to make him say things that he didn't say, you know? That he couldn't identify the . . .
- Ben Kinchlow:** It is frightening.
- Pat Robertson:** It is very frightening. And ladies and gentlemen, if you think Watergate was a bad cover-up, this is worse. And how long can it go on? Ladies and gentlemen we have got the Fact Sheet and I agree that we ought to let Vince Foster rest in peace but, if indeed he was murdered or some foul play took place, or there's some cover-up because he knew something that was disturbing to somebody in higher office, that's got to be investigated. 1-800-716-FACT.
- We'll be glad to send this one-page Fact Sheet to you and I'm shocked myself. I for one have never seen all those details on video as we had them there, but that is an accurate portrayal.

- CBN News Segment Ends -

**Chris Ruddy's book "Vincent Foster: The Ruddy Investigation," is available from the Western Journalism Center by calling 1-800-711-1968**

**Hugh Sprunt's, 165-page "Citizen's Independent Report" on the Foster death, cited in "Vincent Foster: The Ruddy Investigation," as "the most exhaustive analysis of the official records," is available for the cost of copying and shipping ONLY. Call: (214) 239-2679.**



DEAR MR STARR

I TRULY HOPE YOU WILL  
DO EVERYTHING POSSIBLE TO  
TO FIND THE REAL TRUTH  
ABOUT HOW VINCENT FOSTER  
DIED. I CAN'T BELIEVE HOW  
THE NEWS MEDIA IS PROTECT-  
ING THE PRESIDENT ON THIS  
INVESTIGATION, NOT TO MENTION  
WHITEWHITE - SAVINGS & LOAN  
DEBACLE - COMMODITIES FIASCO  
OF HILLARY CLINTON. EVEN IF YOU  
FIND REPUBLICANS SLIGHTLY TAINTED  
(OVER)



IN YOUR RESEARCH & INVESTIGA-  
TIONS, SO BE IT. WE HAVE  
TO BRING ALL THESE PEOPLE  
TO JUSTICE. EVEN IF IT MEANS  
BRINGING DOWN THE PRESID-  
ENCY. NO STONE SHOULD  
BE LEFT UNTURNED. BIRD DOG  
AND PULL DOG YOUR INV-  
ESTIGATION RIGHT DOWN  
TO THE LAST SUSPECT.

JUSTICE WILL NOT BE  
SERVED UNTIL WE KNOW  
THE TRUTH AND NOTHING  
BUT THE TRUTH.

DON'T BE INTIMIDATED BY  
THE MEDIA. JUST DO WHAT YOUR  
FEEL IS RIGHT AND HONORABLE

SINCERELY  
11-7-95 TED JONES



## NOTES FROM THE EDITOR'S CUFF

By Reed Irwin

AIM Report

September-A 1994

OVER THE 25 YEARS OF AIM'S EXISTENCE WE HAVE FREQUENTLY CRITICIZED THE establishment media for applying different standards in their treatment of liberals and conservatives. In this AIM Report we expose another glaring example of this—the difference in the treatment of conflict of interest allegations made against independent counsel Robert B. Fiske, Jr. and his replacement, Kenneth W. Starr. One thing that you might miss if you don't read this report carefully is Rita Braver's report on CBS News that Clinton had approved the attack on Starr made by his personal attorney, Robert Bennett. At the same time, the White House was trying to distance Clinton from Bennett's comments.

CLINTON SAID NOTHING CRITICAL OF THE STARR APPOINTMENT, BUT HE MUST HAVE been upset by it. I would be surprised if he didn't call Bennett and White House Counsel Lloyd Cutler to ask what could be done about it. The only way to get rid of Starr would be to persuade him to resign, and that is what Bennett demanded. Sen. Robert Dole charged that what they were trying to do was "to intimidate Starr, trying to make it impossible for him to do the right thing." A Sept. 6 Wall Street Journal editorial referred to "the hilarious attacks on Kenneth Starr's appointment" and said they were "an effort to intimidate Mr. Starr, at least enough to avoid any pre-election indictments." It added, "This effort may succeed. Mr. Starr is in fact anything but a boat-rocker, but rather an establishment figure attuned to the good graces of the Beltway bar and especially the press that covers it."

ONE TEST OF STARR'S DETERMINATION TO DO THE RIGHT THING WILL BE HOW HE handles the Vincent Foster case. The Senate Banking Committee hearings on Foster were disappointing. I thought some of the Senators would try to get the FBI to provide answers to the questions that have cast a cloud over Fiske's findings. Nearly all of them rushed to endorse Fiske's findings. The only one to bring up the blond hair and carpet fibers on Foster's clothing, Sen. Robert F. Bennett, did so apologetically, saying he did so only out of curiosity. Like the Fiske report, he didn't say that hair and fibers were found on Foster's underwear and that semen was found on his shorts. There was no discussion of the blood stains on Foster's face that indicated the body had been moved.

FBI SPECIAL AGENT LAWRENCE MONROE EXPLAINED THAT THE BLOND HAIR COULD have belonged to Foster's daughter. He didn't say they had made any effort to find out if it belonged to the daughter. There was no indication that any effort had been made to determine whether or not the carpet fibers could have provided a clue to where Foster was on the afternoon that he died. The FBI agents were certain the body had not been moved, because, they said, transporting it would have resulted in more spillage and smearing of blood on Foster's skin and clothing than was observed. I have discussed this with experts who say that it would have been possible to minimize the contamination by staunching the flow of blood.

DR. DONALD REAY, ONE OF THE FOUR PATHOLOGISTS USED BY FISKE, HAS CONCEDED that this could have been done, but, he said, there still would have been some spillage and smearing. I pointed out to him that there was—the contact blood stain on Foster's cheek that Fiske's panel of pathologists tried, unsuccessfully, to explain away. The FBI agents were not asked about the claim of CW, the confidential witness who found the body, that there was no gun in Foster's hand when he found it. CW says the FBI agents got him to say that he might not have seen the gun if it had been covered by the hand, but they refused to show him the photo that shows the hand, palm down only partially covering the gun. CW says if they had shown him that photo, he would have told them that wasn't the way it was when he saw it. He insists that the palms of both hands were facing up.

AFTER INTERVIEWING CW, I HAVE PROBLEMS WITH SOME OF THE THINGS HE SAYS HE saw or didn't see. In addition to not seeing a gun in Foster's right hand, he says he didn't see the contact blood stain on his right cheek and jaw or the two blood drainage tracks across Foster's right cheek from his nose and mouth. He says the blood on Foster's face looked like vomit, not blood, except for a dark spot in the middle about the size of a dollar coin. He says Foster's body was

beginning to bloat and that his face was puffy, with dried blood caked on his lips like lipstick. He says that there was a nearly empty bottle of purplish wine cooler near the body, and that he saw a four-pack of identical bottles, two missing, in a white Honda in the parking lot of Fort Marcy Park. He also claims that a jacket, similar to the pants Foster was wearing, was on the front seat of this same car. The police established that the white car belonged to a couple who were trysting in the park, and they were satisfied that they were not involved with Foster. Foster's gray Honda was at the other end of the parking lot, in a spot where CW said he saw a brown or cream-color Japanese car.

CW IMPRESSED ME AS SINCERE AND FIRM IN TELLING HIS STORY. HE STILL DOESN'T want his identity known, but he tells us that is not because he has anything to hide. He is a construction superintendent, and he told his foremen about finding Foster's body the day after it happened. He convinced the FBI that he was the man in the white van who reported finding the body to park maintenance workers. There is no evidence in the Fiske report that the FBI has challenged his credibility, but there are more discrepancies between what he says he saw and what others say they saw and what photographs show than just the absence of a gun. There are some things that could have been changed from the time he saw the body and the time the police arrived. Perhaps a gun was placed in Foster's hand. Perhaps the wine cooler bottle was removed. But vomit on Foster's shirt could not have been changed into blood, and that is what the medical examiners say it was. The bloodstain on his cheek and jaw and the blood drainage tracks shown on the photograph could not have materialized in the brief interlude before the police arrived. No one else has said the body was beginning to bloat or that the face was puffy. Foster's car was gray, not brown or cream-colored. The couple who came in the white Honda acknowledged that they had a pack of wine cooler in their car. None was found in Foster's car, but Foster's jacket was.

SEEING A DEAD BODY CAN BE A VERY UNSETTLING EXPERIENCE FOR THOSE WHO ARE not used to it and can interfere with one's powers of observation. CW spent only a couple of minutes examining the body, but he didn't make notes. I wouldn't trust my own memory to recall all the details accurately eight days later, much less eight months, which was the time that elapsed before he talked to the FBI. I don't think that everything CW says should be brushed aside. Since he says he was looking to see if there was a gun, perhaps more weight should be given to what he says about the absence of a gun than to what he says about blood stains. But it would be a mistake to rest the case against the Fiske report on his story alone. The forensic evidence may be less dramatic, but it is less vulnerable to challenge.

A NUMBER OF TV STATIONS AND CABLE SYSTEMS ARE NOW AIRING AIM'S TV SHOW IN addition to those that pick it up from the NET Network. Some of these take it off the satellite and others use tapes which we provide. We don't have a complete schedule of the times the program airs on these stations, so we have included phone numbers for you to call. If you have any problem getting information from them, call Deborah Lambert at 202-364-4401.

### TV Outlets That Air AIM's Show "The Other Side of the Story"

<u>Location</u>	<u>Outlet</u>	<u>Phone #</u>
South Pasadena, CA	American Cablevision	818-441-4559
Newark, CA	South Bay Cable	510-651-4030
Branford, CT	TCI Public Access	203-483-2307
Litchfield, CT	Laurel Cablevision	203-567-4589
Waterford, CT	Eastern Connecticut Cable TV	203-447-3544
Clinton, CT	Storer Communications	203-669-6494
Miami, FL	WBFS-TV 33	305-621-3333
Waukegan, IL	U.S. Cable of Lake Cty.	708-336-7200
Catskill, NY	Mid-Hudson Cablevision	518-943-6600
Hickory, NC	Catawba Valley Cable	704-322-2288
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## NOTES FROM THE EDITOR'S CUFF

By *Reed Irvine*

ON SEPT. 21 AIM HAD A LUNCHEON IN WASHINGTON FOR CARTHA "DEKE" DE LOACH, former deputy director of the FBI under J. Edgar Hoover and author of a new book, *Hoover's FBI*. The same day, Larry Potts, the recently demoted deputy director of the FBI under Louis Freeh, testified before the Senate committee investigating the FBI's handling of the siege of Randall Weaver's home at Ruby Ridge in Idaho. Potts denied that he had authorized the illegal rules of engagement that resulted in an FBI sharpshooter shooting and killing Weaver's wife as she stood in the doorway of their cabin holding her baby in her arms. The previous day, special agent Eugene Glenn had testified that he personally had discussed the rules with Potts and had obtained his approval. Glenn's punishment for his role in the affair was loss of his job as head of the FBI bureau in Salt Lake City. Potts received a letter of censure from his good friend, Director Louis Freeh, followed by promotion to the post of deputy director. He lost that job a few months later when it was discovered that the in-house investigation of Ruby Ridge had been entrusted to friends of Potts and some relevant documents had been destroyed.

THE AUDIENCE THAT CAME TO HEAR DE LOACH INCLUDED 15 OR 20 RETIRED FBI special agents, men who had worked with and for DeLoach under J. Edgar Hoover. Their presence and DeLoach's remarks were a tribute to J. Edgar Hoover's leadership of the FBI, his contributions to elevating the status and competence of law enforcement, and the accomplishments of the bureau under his direction. DeLoach freely acknowledged that Hoover had his faults and had clung to his post too long, but that Hoover "exuded strength and authority" and stood ten feet tall in the eyes of the agents. This is reflected in the appreciation expressed by former FBI agents throughout the country for what AIM has done to combat the lies and distorted history spread by the left to ruin Hoover's reputation.

OUR MOST RECENT CONTRIBUTION TO SETTING THE RECORD STRAIGHT WAS OUR TV show of Sept. 13 exposing the lies in a National Public Radio documentary titled "Blacklisting," which repeated the oft told tale of how the House Committee on Un-American Activities and Hoover's FBI ruined the lives of Hollywood figures who were carrying out Lenin's advice to advance the revolution through the medium of the movies. Produced with \$80,000 from the Corporation for Public Broadcasting, this documentary recounts the suffering of a Hollywood screenwriter named Gordon Kahn, one of the Communists blacklisted in 1947. Kahn's suffering consisted of having to sell his 13-room house in Beverly Hills and moving to Mexico, where he and his family lived very well on the income from their savings until they were ripped off by a Mexican con artist. They then went to live with Mrs. Kahn's father in New Hampshire, where they found the climate less appealing than Beverly Hills and Cuernavaca. If this was their gulag, it compared very favorably with the gulags where Solzhenitsyn and other Russian writers were sent by Kahn's fuerher, Josef Stalin, for offenses far less serious than participating in a conspiracy directed by a foreign power to overthrow the government.

WE EXPOSED THIS EFFORT TO REWRITE HISTORY ON OUR TV SHOW WITH THE HELP OF an expert on that era, Herbert Romerstein, a former investigator for the House Committee on Un-American Activities. You can order the tape, postpaid, for \$13.95. We also discussed it at our luncheon with Deke DeLoach, where we collected 50 signatures to the letter described below, which I will deliver to Delano Lewis, the president of National Public Radio. I urge you to reinforce this protest by sending the enclosed postcard or your own letter to Mr. Lewis.

OUR LETTER TO DELANO LEWIS DESCRIBED "BLACKLISTED" AS "A VERY ONE-SIDED and misleading presentation of the efforts of our government to expose and curtail the influence of the Communist Party in the film industry in the years immediately following World War II." It cited as one example Tony Kahn's account of an encounter his father, Gordon Kahn, allegedly had with J. Edgar Hoover in the Washington restaurant where Hoover dined regularly.

Harvey's Restaurant and walked to the men's room. Down the stairs, arm in arm with his male lover, perfumed and in lipstick, came J. Edgar Hoover. Hoover and my father recognized each other and passed without a word. My father was hardly the only person in Washington to know that one of America's biggest champions of traditional morality was also one of its biggest hypocrites, but he was one of the few who had nothing to lose by making the information public. He never did. The only record of what my father had seen that night was in a confidential report from one of the men at my father's table, who turned out to be an informer. It stayed in my father's FBI file where Hoover could look at it for the nearly two decades he spent collecting information to ruin my father's reputation.

OUR LETTER NOTED THAT THE CHARGE THAT HOOVER WAS HOMOSEXUAL DIDN'T surface until over two decades after that alleged encounter. The idea that he would be seen in public as described is patently absurd. Perhaps Kahn or one of his comrades sent such a letter to the FBI, adding to the many uncorroborated and patently false allegations included in the raw files. Deke DeLoach effectively lays the homosexual charge to rest in his book. Our letter concluded: "It is unpardonable for NPR to make this reckless, unfounded smear a prominent part of its program. We ask that you insist that the stations that have aired this program air an apology and correction."

ON SEPT. 12, THE FBI BEGAN ANOTHER SEARCH OF FORT MARCY PARK FOR THE BULLET that is supposed to have killed Vincent Foster. They were still there searching two weeks later. This long and intensive search was undertaken after Dr. Henry C. Lee, the renowned criminalist engaged by independent counsel Kenneth Starr, said that another search should be made for the bullet. The reason is simple: without the bullet there is simply no evidence to prove that Foster died on the spot where his body was found. But there is evidence that the body was moved, beginning with the transfer bloodstain on his right cheek and jaw that the FBI crime lab said demonstrated that his head had not always been in the position in which it was found. Of course, Ken Starr, who refuses to comment on any aspect of his 13-month investigation, won't admit what now appears obvious—that he desperately wants to put out a report upholding the suicide-in-the-park theory.

BUT EVEN AS STARR HAS THE FBI SEARCHING HIGH UP IN THE TREES AND DOWN IN the mud for the phantom bullet, Chris Ruddy of the Pittsburgh Tribune-Review and Ambrose Evans-Pritchard of the London Sunday Telegraph continue to write about additional evidence that points to foul play and a White House cover-up in the Foster case. Ruddy's most recent story points out that the police could not find Foster's car keys either on his person or in his car when they looked for them at Fort Marcy Park. So how could he have driven to the park? His body had already been transported to the morgue, and so they drove there to make another search for the keys. By some miracle they found both his car keys and four other keys on a separate ring in his pants pocket, where they had previously searched and found nothing. The guard at the morgue refuses to talk to reporters who want to know who, if anyone, had access to the body before the police arrived.

EVANS-PRITCHARD REPORTS THAT THE WHITE HOUSE NOW DENIES THE EXISTENCE of telephone records that would show what time Helen Dickey placed a call from the White House to the Governor's mansion in Little Rock to notify Gov. Tucker and his wife of the death of Vince Foster. Trooper Roger Perry, who took the call, said it could have been as early as 5:38 p.m. Eastern time, which was before Foster's body was found. A White House source told Evans-Pritchard the call was made at 5:48 p.m. Eastern time and that it lasted seven minutes. Evans-Pritchard says he has not been able to obtain documentary proof of this and can't vouch for the accuracy of the claim, which, if true, would indicate that the White House knew of Foster's death before the Park Police even found the body. This could be dismissed as utterly absurd but for one thing—the White House has refused to release the records that would prove the time the call was made, first on grounds they are protected by executive privilege and now, Evans-Pritchard says, with the claim that the records don't exist.

EVANS-PRITCHARD WRITES, "THIS IS REGARDED AS PREPOSTEROUS. THE WHITE House Communications Agency, which is run by the Defense Department, keeps precise records of all calls in and out of the building." So far the White House has gotten away with its refusal to provide the records to the media or to Congress. Sen. Al D'Amato has said he is going to subpoena Helen Dickey to testify before his committee. Evans-Pritchard points out that she has issued a supposedly sworn statement saying she knew nothing of Foster's death until after 10:00 p.m., but he points out that the signature of the notary is undated and is on a detached page, casting doubt on the validity of the affidavit. The notary, he said, had refused to sign it until he had issued the affidavit.

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INSIGHT, 11 December 1995

## Fair Comment

# Watergate Has No 'Foster' Children

By Hugh Sprunt

**W**hy so little in the media about the suspicious death of White House Deputy Counsel Vince Foster? Perhaps putting some evidence regarding his death in a Watergate-like context will bring this question into focus. Assume you are "Ben Bradlee," editor of the *Washington Post*. Vague rumors about the break-in at the Democratic National Committee Headquarters in the Watergate complex have begun to surface, and two of your reporters, "Woodward" and "Bernstein," come to you with an amazing story they are calling "Watergate." They tell you that they have located and interviewed someone who happened to be at the Watergate that night and apparently observed the burglars near the time of the break-in (Analogue: Virginia construction consul-

tant Patrick Knowlton's damning report of what he saw at Fort Marcy Park on July 20, 1993, see "The Vince Foster Mystery" Nov. 27). This witness saw the burglars clearly and can describe them in detail. This is particularly important since the burglars so far have managed to elude the authorities. The witness happens to be a supporter of Richard Nixon (and Knowlton's home sports Clinton/Gore campaign literature), but still wants to tell the truth about what he saw at the Watergate that night.

You learn from your reporters that, after the witness gave his eyewitness account to Nixon's FBI, the bureau scheduled a second FBI interview solely to get him to change his story, something he refused to do (as Knowlton claims happened to him).

When the Watergate witness subsequently was served a subpoena to appear before the District of Columbia federal grand jury, he was harassed by more than two dozen individuals, on the street, in numerous threatening phone calls, and by people who illegally entered his apartment building at night (as Knowlton claims happened to him). Both Woodward and Bernstein personally observed this type of harassment numerous times over a three-day period and took photos of the intimidators and their vehicles (which is how reporters Chris Ruddy and Ambrose Pritchard-Evans personally confirmed harassment of Knowlton).

Woodward and Bernstein also tell you of a copy of a handwritten note that they have obtained from a source within the Nixon White House. This note authorizes the Watergate break-in on national security grounds and appears to have been written and signed by President Nixon himself, at the insistence of those committing the break-in, who had demanded assurance that

aging editor, you have recently heard vague rumors about this note, but your sources in Nixon's FBI have told you that the note was an obvious forgery, and you thus far have printed nothing about the note's existence out of respect for the president (Inverted analogue: the FBI decided that the torn "suicide note" belatedly found in Foster's briefcase was written by Foster himself.)

But Woodward and Bernstein have a copy of the FBI lab report on this note. The lab report indicates that the FBI is *not certain* the note is a forgery and suggests that more than one known sample of Nixon's handwriting be provided to the lab for comparison. (The FBI hedged its opinion that the torn note was written by Foster.) Although weeks have passed, no additional samples of Nixon's handwriting were provided to the FBI lab. Finally, your reporters tell you that they hired three highly-qualified independent handwriting experts who examined the note, along with many known samples of Nixon's handwriting, and all three experts are unanimous that the note is genuine: It clear-

ly was written and signed by Nixon himself. (Inverted analogue: Three handwriting experts at a Washington press conference on October 25 announced that Foster's suicide note was forged.)

As managing editor of the *Washington Post*, would you think this story worth printing or would you tell Woodward and Bernstein that obviously it is the fabrication of a bunch of scurrilous left-wing kooks out to "get" President Nixon?

What if the actual Watergate events had been ignored by the mainstream media, except for CBS' Mike Wallace vilifying Woodward and Bernstein on *60 Minutes* for dreaming up a cockamammy Watergate conspiracy theory just to sell newspapers? (See *Insight*, "The Foster Coverage: A 60 Minutes Autopsy," Dec. 4.) Had this happened, Watergate would have been a minor crime, briefly noted, then quickly and quietly interred.

FOIA # none (PARTS 16371) DocId: 70105756 Page 55

Hugh Sprunt is author of the *Citizens*

NEWSROOM OF THE '70s



NEWSROOM OF THE '90s



22 • Insight

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COVER STORY, New York's Staten Island Advance, November,  
1995

# Island expert claims Foster note was fake

## ■ Crime consultant contradicts two government probes

By TERENCE J. KIVLAN  
ADVANCE WASHINGTON BUREAU

WASHINGTON — A Staten Island crime consultant and two other independent experts hired by a conservative publisher to scrutinize the apparent suicide note of White House counsel Vincent Foster have labeled it a fake.

In a joint report recently issued here, the three experts said they had separately concluded that the enigmatic, 150-word document could not have been written by Foster. Each based his opinion on a comparison of 12 other samples of Foster's handwriting with a photocopy of the note.

The three-month private investigation, which directly contradicted two government probes finding the note to be

authentic, was commissioned by James Dale Davidson, publisher of a Baltimore-based business newsletter and chairman of the National Taxpayers Union, a fiscal watchdog group here.

"Although a generalized degree of similarity exists between the photocopied questioned document with the known samples furnished, upon closer examination ... numerous marked differences have been noted throughout the writings," said Vincent Scalice of Eltingville in his portion of the report.

A retired city detective, Scalice, 62, has headed his own crime investigation firm, Forensic Control Systems, for the past 18 years. His previous clients include the House committee that reinvestigated the assassinations of President John Kennedy and the Rev. Dr. Martin Luther King Jr.

Scalice questioned the absence of fingerprints on the

*I made mistakes from ignorance, inexperience and overwork*

*I did not knowingly violate any law or standard of conduct.*

*No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group.*

*The FBI lied in their report to the AG.*

*The press is covering up the illegal benefits they received from the travel staff.*

*The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation.*

*The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC.*

*The public will never believe the innocence of the Clintons and their loyal\* staff.*

*The WSJ editors lie without consequence.*

*I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport.*

*\*A transcript of the note prepared by the Park Police identifies this word as "legal."*



PLEASE SEE FOSTER,  
PAGE A 11

note, which was discovered in 28 pieces at the bottom of a briefcase left in Foster's White House office. The Island Investigator, who also is a fingerprint expert, said that if Foster had ripped up the document, he "should have left numerous latent fingerprint impressions."

Scalice said that, in view of the fact that it said nothing about self-inflicted harm and lacked any semblance of a signature or date, the document may not have been a suicide note at all.

"There is no mention or characteristic statements of departure for loved ones, the putting of affairs in order, or a motive for suicide," Scalice argued.

In an interview, Scalice said that aside from the issue of whether Foster took his own life, he was "convinced beyond a shadow of a doubt" that the White House official did not die at the location where his body was found — a secluded roadside park in northern Virginia.

The Island private eye said he arrived at that conclusion while doing "homicide reconstruction" of the case earlier this year for the Western Journalism Center, a conservative group headed by media magnate Richard Sciafe of Pittsburgh.

A spokesman for the Park Service Police, which conducted the original Foster investigation, dismissed the independent probe of the note as "tainted" because of its connection to Davidson, who has been at the forefront of an effort to suggest foul play in Foster's death.

"Vincent Foster committed suicide," said Robert Hines, the spokesman. "We are sticking to that."

Hines also noted that the FBI and former Whitewater prosecutor Robert Fiske had similarly concluded that Foster was the author of the note.

"Even his wife said it was his," Hines added.

FBI officials said the agents involved in evaluation of the note had been detailed to the office of current special prosecutor, Kenneth Starr, and that in any event they did not discuss active cases. Starr's office has declined all comment on its activities.

A third official probe of Foster's death is currently being carried out for Starr by Dr. Henry Lee, one of the forensic scientists who testified at the O.J. Simpson



ADVANCE PHOTO BY MIKE FALCO

Crime consultant Vincent Scalice sits in front of blown-up versions of a handwritten letter by Vincent Foster, left, and his supposed suicide note, which Scalice says was written by another person.

trial. Lee is not expected to finish the project for several weeks or more.

A longtime Arkansas confidant of both President Clinton and Hillary Rodham Clinton, Foster was found dead of a gunshot wound to the head in the park July 20, 1993. His right hand was still clutching the apparent suicide weapon, a family owned, antique pistol. The note, written on yellow loose-leaf paper, was not turned over to the Park Service Police by White House aides until six days later.

Scalice's partners in the private probe said the Foster note was not only a forgery, but an obvious one.

Dr. Reginald Alton, a professor at Oxford University in England, told the London Sunday Express, "Foster is what I call a natural 'swagger' — his letters have lots of elegant flourishes. The forger failed to spot this until about the 10th line, when he suddenly started using Foster's wide, saucer-shaped loops."

A world-renowned expert in his field, Alton was recently retained to help judge the authenticity of some manuscripts attributed to C.S. Lewis, the late British social philosopher and man of letters. They were determined to be genuine.

The professor also was quoted as saying that whereas Foster's hand was "firm, and consistent," the forger's was decidedly "inconsistent" and "uneven."

The third expert, Ronald Rice, a Boston-based investigator, said he noticed right away that the real author of the letter took two or three strokes to make letters accomplished by Foster in one.

"It was no clever forgery," said Rice in an interview. "It was hastily thrown together ... pathetic at best."

"It was being done by someone in a hurry who had a rough idea what he was doing but was not absolutely positive," Rice said.

A veteran consultant for law enforcement authorities around the nation, Rice also worked this year on the Simpson investigation. His earlier big cases include those of mass murderers Ted Bundy and the Boston Strangler.

Both Scalice and Rice denied that their assessments of the Foster note were tailored to please the bankroller of the probe, Davidson.

"We get that [accusation] all the time," Rice said. "I didn't do this for financial gain ... I did it as a

matter of professional courtesy."

He explained that he agreed to take part in the investigation as a favor to Scalice, an old colleague in the crime consulting business, and didn't even know he would be paid until the report was completed. At that point, Rice explained, he was informed that he, Alton and Scalice would "get to split \$2,500."

"My usual fee for something like this would be from \$6,000 to \$8,000," he explained.

Scalice said his fees for all the work he had done on the Foster case totaled less than \$5,000.

"Believe me, I am not in this for financial gain," the Islander said, adding that he was sometimes "sorry I ever took it" because it had "gotten blown out of proportion" politically.

He insisted his involvement was motivated solely by his belief "that we have to get to the bottom" of the Foster incident.

All three independent experts acknowledged that because they had access only to a photocopy of the reassembled note, their evaluations could not be considered definitive.

"Let them produce the original," Rice said.

All three also charged that the two government examinations of the Foster note were inadequate because in both instances it was compared with only two known samples of his handwriting.

Among other points raised in his second-guessing of the official inquiry into Foster's death, Scalice noted that although police said the victim drove to the park site alone, no car keys were found on his body at the scene.

# A Special Report from the Pittsburgh Tribune-Review

Sunday, February 4, 1996

<http://www.tribune-review.com/trib/>

## Aide Saw Foster Leave with Briefcase: Contradicts Official Claims

By Christopher Ruddy  
FOR THE TRIBUNE-REVIEW

WASHINGTON—A White House staffer, among the last people to see Vincent Foster alive, has told federal investigators that Foster was carrying a briefcase when he left his office on the day of his death.

The account directly contradicts two federal investigations that have painted a scenario of Foster leaving his office without his briefcase.

In 1994, Thomas Castleton, a young staffer in the White House Counsel's Office—where Foster was a deputy—told investigators for Special Counsel Robert Fiske that when he saw Foster leave his West Wing office, Foster was holding a briefcase case, according to a source familiar with Fiske's probe.

Several witnesses who say they saw Foster's car in Fort Marcy Park on July 20, 1993—before and after the police arrived to investigate the discovery of Foster's body—also have apparently told Fiske's investigators

they saw what appeared to be a briefcase or attaché case on the seat of Foster's Honda.

Castleton's testimony adds further weight to their observations. It also further fuels speculation that—as some investigators believe—a cover-up of the death may have been under way early on the night of the death and that the removal of the briefcase from the crime scene at Fort Marcy may have been part of the effort.

Official Park Police investigative and evidence reports make no mention of a briefcase, and several policemen have testified pointedly under oath that there was no briefcase at the scene, according to sources.

Castleton, since promoted to the Department of Justice's Office of Legislative Affairs, declined to comment on the matter for the Tribune-Review.

Despite the possible implications of Castleton's account, Fiske, in his June 1994 report on Foster's death, made no mention of Castleton's recollection of seeing Foster leave with the briefcase. Instead, he offered another account.

The Senate Banking Committee signed off on Fiske's report after a single day of hearings in July 1994. The committee also released more than 2,500 pages of documents and FBI interview statements given to it for review by Fiske's staff.

Castleton's interview statement was not included in those documents which have been made public.

Castleton's interview statement, however, was included in material Fiske turned over to his successor. Fiske, the original Whitewater special prosecutor, was later replaced by Kenneth Starr.

### FISKE VERSION

According to the Fiske report, Foster left work on the day of his death at about 1 p.m. after eating lunch in his office. Soon after that, he drove to suburban Washington's Fort Marcy Park, where he shot himself in the head with a 1913 Colt revolver.

The report addresses the issue of a briefcase. On page 26 is the following: "At about 1 p.m., (Foster) came out of his office holding his suit jacket, without

a briefcase. He told (Linda) Tripp (the top assistant) that there were still some M&M's on the tray if she wanted them. He said 'I'll be back' and then left."

Foster never did return, leaving major questions in his wake for investigators: Where was Foster going? Why did it take so long for his body to be found (nearly five hours)? Why didn't anyone see him in the interim?

Two prosecutors told the Tribune-Review that if Castleton's statement about the briefcase had been accepted by Fiske's investigators, it would have raised the possibility of a cover-up (the improper removal of the briefcase from the crime scene) and of foul play in the death (where was Foster before he was found in the park?).

The only statement by Castleton in the material given to the Senate Banking panel is a brief one found in the Park Police report compiled shortly after Foster's death. Castleton told the Park Police that he "was present when Mr. Foster left the office after eating lunch and said 'So long.' Mr. Foster did not respond and seemed to Mr. Castleton to be 'In his own world,' focused and disturbed."

The written account of the Park Police interview with Castleton on July 22, 1993, makes no mention of any briefcase.

Yet the briefcase becomes an issue in the police interview that immediately followed Castleton's, the interview of Linda Tripp, executive assistant

to White House Counsel Bernard Nussbaum. The police account of Tripp's interview has her "absolutely certain that Mr. Foster did not carry anything in the way of a briefcase, bag, umbrella, etc. . . out of the office."

#### LIAISON OFFICER

The issue of the briefcase cropped up early last year during grand jury proceedings in Washington led by Associate Independent Counsel Miguel Rodriguez.

Rodriguez eventually resigned from Starr's staff to return to his post as an assistant U.S. attorney in Sacramento, Calif. The Tribune-Review has reported that Rodriguez's superiors thwarted his efforts to conduct a full probe. The stunted grand jury proceedings brought no indictments.

But two sources close to Starr's probe confirmed for the Tribune-Review that at one point their investigation had focused on the possibility that someone had returned the briefcase to the White House. The matter was not pursued after Rodriguez left.

During grand jury testimony, a ranking Park Police officer said that a "liaison officer" with the U.S. Secret Service was present at Fort Marcy on the night of the death. The presence of an additional law enforcement agent contradicts official records, the sworn testimony of some officers, and claims that the death investigation was solely handled by the Park Police.

During grand jury proceedings last year, at least four park policemen testified there was no briefcase at the scene.

However, Rodriguez had turned up photographic evidence of a black briefcase lying in the vicinity of Foster's car. The police said it was a carrying case for crime scene equipment, but during proceedings admitted that their cases are tan or silver, not black like the one depicted in an enhanced photograph.

Testimony also demonstrated that the briefcase found at Fort Marcy was not the leather satchel case found in Foster's office after his death, and one in which a torn note surfaced almost a week later. Foster was said to rarely, if ever, have carried that case.

Patrick Knowlton, the first witness to have spotted Foster's Honda in Fort Marcy's lot, told Fiske's FBI agents that he "observed in this Honda a leather briefcase or leather folder on the passenger side seat."

Similarly, at least two emergency workers told Fiske's investigators and Starr's grand jury they saw a briefcase after the police arrived. Paramedic Sgt. George Gonzalez told the FBI, "The Honda contained a necktie, suit coat, and a black briefcase/attaché case."

Shortly after Rodriguez's departure, Starr effectively closed down the investigation into Foster's death, and no indictments have been handed up.

*Vincent Foster: The Ruddy Investigation* is available by calling (800) 711-1968

Chris Ruddy is available for interviews by calling (603) 887-2445

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November 3, 1995

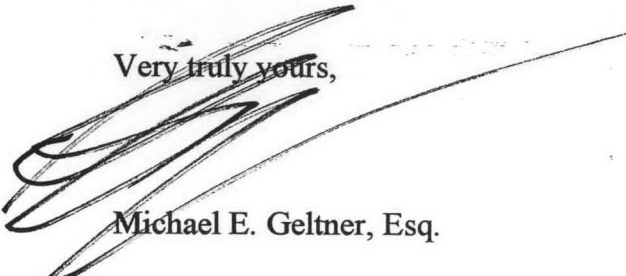
Office of Independent Prosecutor Kenneth Starr  
Delivered by hand

Re: Vincent Foster Investigation

Dear Sir:

I have been asked to provide you with the attached articles by Mr. Hugh Sprunt.

Very truly yours,

  
Michael E. Geltner, Esq.

TO HICK EWING  
FROM BRETT  
KAVANAUGH

MEG:jjw 56-13e/683 Starr.ltr

# An Analysis of The New Yorker's "Life After Vince"

by Hugh Sprunt

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## INTRODUCTION

Almost immediately after the death of Vincent W. Foster, Jr., Deputy Legal Counsel to President Clinton, on July 20, 1993, it became politically incorrect in the extreme to question the official "suicide verdict" in any way. Those who have challenged the conclusions of the official Reports have been vilified repeatedly in the mainstream media as "kooks" ("scurrilous" ones at that!).

Although three substantial US government reports on Vince Foster's death have been released to the public: the US Park Police (July 1994), the Independent Counsel (the "Fiske Report" of June 30, 1994) and the US Senate Report (Report 103-433, January 3, 1995), there are serious discrepancies between the large amount of raw *evidence* gathered by the investigations (technically *public*, but not *publicized*) and the conclusions drawn by the official Reports themselves (a suicide some five yards west of the so-called second cannon at Fort Marcy Park in Virginia, due to depression triggered by an ever-growing list of possibilities, none of which have anything to do with Whitewater).

A recent article in the mainstream press attempts to "close the book" on the Foster death. Pages 54-67 of the September 11, 1995, The New Yorker contain a story entitled "Life After Vince" written by Peter J. Boyer in which Lisa Braden Foster, widow of Vince Foster, discusses her ordeal for the first time since his untimely death on July 20, 1993. As it happens, The New Yorker also published one of the first magazine articles about the Mr. Foster's death, "The Suicide," by Sidney Blumenthal, on pages 41-45 of the August 9, 1993, issue (in print just thirteen days after the body was found at Fort Marcy Park, Virginia, across the Potomac from Washington, DC).

My purpose here is to examine the Boyer story (and, to a lesser extent, the earlier Blumenthal piece) in the context of the 2672 pages of official documents concerning the death of Vince Foster released by the US Senate earlier this year (Senate Hearings 103-889, Volumes I and II). There is much in the September 11, 1995, New Yorker article that is not consistent with the official record compiled by the Vince Foster death investigations. To this extent, The New Yorker is in excellent company. As I have documented extensively elsewhere, in my opinion, the three official Reports of the death on Vince Foster are also materially inconsistent with the raw evidence in the 2672 page official record of FBI interviews, testimony and depositions of numerous witnesses, and documents gathered by the government investigators.

It would be unfair to charge Mr. Blumenthal, in August 1993, with knowledge of an official investigative record much of which was not made public until 1995. On the other hand, one could expect Mr. Boyer to be reasonably familiar with the official record (at least to the extent it pertains to matters his article covers) since it was made public by the US Senate several months before he began writing "Life After Vince." Although recognizing that neither New Yorker article was intended to be a formal treatise, I was surprised by the magnitude of the numerous discrepancies I found. What are these discrepancies? Are they merely evidence of too-casual reportage?

### LISA TOLD OFFICIALS SHE COULD NOT ID THE GUN

Lisa described to The New Yorker what she did with the guns in their Little Rock home when she packed up after the end of the 1993 school year to join Vince in Washington on June 5: "She worried that if she left the shotguns in the attic the heat might cause the shells to explode. Finally, she bought a lock, put the shotguns in Vince's wine closet, and locked it. There were several handguns too, *including a .38-special, with an etched handle, which Vince's father had kept by his bed.* But they were small and easy to move, so Lisa packed them and took them along to Washington [emphasis supplied; 57C]." Lisa is quite specific and knowledgeable about this gun, at least in her New Yorker interviews.

*However*, in the words of Lisa's interview with the FBI (conducted in the presence of her attorney, James Hamilton): "Lisa Foster does not know where her husband kept the guns left to him by his father while the Fosters were still living in Little Rock [1648]." Why the apparent discrepancy? There must be a good reason for it, but what?

Furthermore, according to The New Yorker article, when Lisa was first told by the Park Police who visited her home around 10 PM on July 20, 1993, that Vince had shot himself with a .38 special, "she realized [that the gun being described to her by the Park Police Investigator] was one of the guns she had packed up and taken to Washington [61C]."

But what does the official record say about the gun when Lisa was first notified of Vince's death? According to the Park Police Investigator who drove to the Foster home to make the death notification (the Investigator is under oath), "The only real question I got to ask was about the gun. Did Vincent own a gun. She asked me what does it look like, you know. To me, right away I am thinking oh, he does, well *it is a black colored revolver, .38 revolver.* She cut me off and. . . threw up her hands and said, '*I don't know what guns look like*' and walked into the kitchen away from me [emphasis supplied; 449]."

Perhaps Lisa was merely overwrought. She had, after all, just learned of her husband's death. However, *according to Lisa's official statement to the Park Police nine days after his death*, "She was presented with a photograph of the weapon that was found with Mr. Foster's body, but *was unable to identify it* [emphasis supplied; 2153]." Why the discrepancy?

Lisa told the Park Police at that time (per the investigating officer's notes), "Not the gun she thought it must be. Silver, six-gun, large barrel [2227]." Lisa apparently had originally thought the gun found at Fort Marcy might have been a silver-colored revolver of unknown caliber that she remembered having seen before somewhere, but told the Park Police Investigator she was mistaken: "Not the gun she thought it must be."

The gun at Fort Marcy was *not silver-colored*. Not even close: the gun from Fort Marcy Park was a *black/blue-steel* Army Colt .38 special with a four-inch barrel [2407-12; 2170-71]. The official record is silent as to whether the silver-colored gun Lisa did remember having seen was ever located.

The firmest identification by Lisa Foster I can find in the record of the gun officially found in Fort Marcy Park occurred when she was interviewed by the FBI on May 9, 1994, some *ten months* after Vince's death and less than two months before the Fiske Report on the death of her husband would be issued.

In the words of her FBI interview, "Lisa Foster then examined a revolver which had been brought to the interview by the interviewing agents. [Lisa] Foster examined the revolver which had been found at Fort Marcy Park on July 20, 1993, and stated that she *believed* it *may* be a gun which she *formerly* saw in her residence in Little Rock, Arkansas [emphasis supplied; 1646]."

Later in the same FBI interview, Lisa stated that she *may* have seen the gun she was earlier shown in the interview at her residence in Washington. However, in the words of her somewhat obscurely-worded FBI interview, "Specifically, as Lisa Foster was packing in Little Rock, she came across a silver-colored gun, which she then packed in with her other property. When Lisa Foster unpacked the gun in Washington, [Vince] Foster saw the gun and commented on it [1647-1648]." The problem? As indicated previously, the Army Colt .38 special found in Fort Marcy Park was a black/blue-steel color [2407-12, 2170-71], according to the official record, not at all similar to the "silver-colored" gun mentioned in her FBI interview.

The statements Lisa gave to the Park Police and to the FBI do not sound like those of someone who, *upon being notified at home by the Park Police that her husband had shot himself with a .38 special* would later tell a magazine interviewer that she "realized [at the time that it] was one of the guns she had packed up and taken to Washington [61C]."

If she "realized" which gun it was when she was first notified of the death by the Park Police, why did she not simply say so *at some point* to either the Park Police (she told the Park Police she "was unable to identify" the gun) or to the FBI ("it may be a gun which she formerly saw in her residence in Little Rock, Arkansas")? Why save this comment for The New Yorker in September 1995 after three government investigations into ~~her~~ ~~husband's~~ death have been completed? There must be a good reason for her having done so. What was it?



## WHO MADE THE CALLS FROM FOSTER'S OFFICE TO THE PSYCHIATRIST?

According to The New Yorker [59C] and the official record [1576-77], Vince told his sister Sheila Foster Anthony, an Assistant US Attorney General, by telephone on the morning of Friday, July 16th, that he was "battling depression for the first time in his life." Sheila told the FBI she then offered to help by providing him with psychiatrists' names and phone numbers. Sheila told the FBI that Vince expressed only reluctant interest in contacting a psychiatrist because he was concerned about the effect that consulting a psychiatrist would have on his White House security clearance [1576]. Per Sheila's FBI interview, she called Vince back the same day with the names and phone numbers of three psychiatrists.

According to the New Yorker article, what does *Lisa* think Vince's concerns about consulting a psychiatrist were? "He probably thought . . . if he went to a psychiatrist he'd never have another job [62B]." This is certainly a strange statement for someone to make who has, by her own admission, been under continuous psychiatric care from the third quarter of 1993 until the present day, including treatment with Prozac [66B], and *who has a new job herself as a math teacher* [64A].

And are we to believe that the Rose Law Firm in Little Rock would not have taken Vince back merely because he had visited a psychiatrist? Certainly this would be a politically incorrect attitude for a "Democratic" law firm in the '90s! In the words of John Phillip Carroll, Vince's former mentor and Senior Law Partner at the Rose Law Firm to the FBI, Carroll had "bonded with him [Vince]. . . Carroll characterized Foster as 'prince of the world [1724]' . . . *Carroll was so disappointed that Foster was leaving the firm for Washington, DC, that he actually commented that he wished former President Bush had won the election because then he would not have lost Foster* [emphasis supplied; 1724]."

During his FBI interview, this mentor and close friend of twenty years (and godfather to Vince's oldest child) also had this to say, "Foster handled stress wonderfully and had no problems tackling difficult problems. He said that Foster had good stamina, physically and mentally [1725]." According to The New Yorker, Carroll said of Vince two days after his death, "If I had a son, I'd be proud to have him" and "He handled important cases here at the firm and was subjected to stress many times. He was as cool as a cucumber. I would have entrusted anything to Vince [43A]." I think Vince could have gotten his old job back even if he had consulted a psychiatrist. How about you?

According to the Fiske Report, the telephone instrument *on Vince's desk* was used to call the Chevy Chase psychiatrist, whom Sheila told the FBI she had recommended, at 12:41 PM and again at 1:24 PM on Friday July 16th [197]. The calls connected, if only to the doctor's voice mail, but no message was left either time and the calls lasted less than a minute, possibly only a few seconds. However, the official record is clear *that both calls, although local ones, were charged to Vince's home telephone*, ensuring their subsequent appearance in his residential telephone records [197, 63A].

Since Vince is said to have made the calls around one PM when he could reasonably have been expected to be out of the office for a longish Friday lunch (the record is silent), why did he not simply call the psychiatrist from a phone away from the White House? It is almost as if whoever used the phone on his desk wanted to make certain that the White House and telephone company records would record abundant evidence of the calls to the psychiatrist's phone number from Vince's White House office. Given the concern about his security clearance that Sheila told the FBI that Vince had expressed, it is far from clear why *he* would try to contact the psychiatrist in such a fashion.

None of the three psychiatrists remembered taking a call from Vince Foster or receiving any message via answering machine or voice mail [1654, 1655, 1662; see also 2135].

Given Vince's stated reluctance to involve himself with a psychiatrist out of concern for his security clearance [196, 1576], in my opinion, it is not unreasonable to *consider* the possibility that *he did not place these two calls* from the telephone at his desk at the White House, that someone else did so, and that person caused the calls to be charged to Vince's home telephone number to make it appear that Vince made the calls. Is there other evidence in the official record consistent with this hypothesis?

According to the official record, Sheila encouraged Vince to call the psychiatrists "right away" when she re-contacted him Friday (time not given in the record). Vince's response? "*He said he wanted to think about that course of action over the weekend* [emphasis supplied; 1577, see also 196]." Before she contacted Vince again, Sheila had told the Chevy Chase psychiatrist (per his FBI interview) that her brother Vince "would be in contact with him that day [1663]," consistent with her urging him to make the calls "right away."

Nonetheless, the following Monday, Vince told Sheila (words from Sheila's FBI interview), "*Foster said he was not yet ready to see a psychiatrist in Washington, DC, but that he told Anthony that he had called his physician in Little Rock and had gotten a prescription* [1577-78]." Perhaps Vince had decided not to consult a psychiatrist yet, exactly as his words to Sheila indicate.

He apparently viewed getting a prescription from his family doctor as a more reasonable first step than psychiatric care. Vince's Little Rock doctor, Larry Watkins, who had been his personal physician for fourteen years and had known Vince since they went to college together [1674] prescribed 50 milligram tablets of Desyrel (generic name, Trazodone), the smallest dosage manufactured, "because it does not have side effects and *is helpful for insomnia* [emphasis supplied; 1675]."

The doctor "knew that it took 10 days to two weeks to take effect [as an anti-depressant] but helps with insomnia, sometimes the very first day [1676]. Insomnia? ~~What~~ if Dr. Watkins thought that insomnia, not clinical depression, was the main symptom that needed treatment after he talked with his long-time friend?

The doctor "felt it was very important for Foster to start sleeping better and thought if he got some rest he would feel a lot better. *He did not think that Foster was significantly depressed nor had Foster given the impression that he was 'in crisis.'* From what Foster told him, Foster's condition sounded mild and situational. . . He advised that he did not even ask Foster if he had thoughts about suicide or was having any suicidal ideation because the symptoms that Foster was describing were not severe enough. . . to think that [Foster] might be in that state [emphasis supplied; 1676]." Vince's doctor later alluded to the FBI that *he thought prescribing Prozac for someone in Vince's mild condition was not appropriate* [1676].

Ironically, Lisa told The New Yorker that her psychiatrist has been treating *her* with Prozac for quite some time [66B] (despite its having been associated with some suicides).

Does Lisa say why she thought Vince charged the two local calls to their home phone number? "Apparently embarrassed and concerned that a diagnosis of mental illness would complete the ruin of his reputation, he charged the calls to his home phone [59C]." In my opinion, this explanation is nonsensical. Indeed, as I have written above, Vince's stated concerns logically should have caused him to make these calls in as covert a manner as he feasibly could.

Despite a statement in The New Yorker to the effect that Vince's notes of the psychiatrists' names and phone numbers were found *a week* after the death [42B], the list of names and phone numbers (apparently in his handwriting) was found in his wallet inside his Honda at Fort Marcy by the Park Police *the evening his body was found* at Fort Marcy [2135].

However, the Park Police *report* describing the list of psychiatrists and its discovery was not *written until seven days after the death* [2135]. As it happens, this Park Police report was written around the same time that the "torn note," also said to be in Vince's handwriting, was officially found in Vince's briefcase at the White House and belatedly revealed to the Park Police some thirty hours later.

#### **WHY DID VINCE BREAK HIS "DATE" WITH LISA THE NIGHT HE DIED?**

The night of July 19th, Lisa had a special request of Vince regarding the evening of the 20th (the evening his body would be found at Fort Marcy Park). She asked him to "go on a date with her the following night, Tuesday [61B]." Vince thought he might have to attend a birthday party the following night but, if not, he agreed to their date. The birthday party apparently was for someone named "Tom" [2193].

Equally apparent: Lisa had not been invited to the party. Was the birthday party that Vince told Lisa he thought was going to take place on July 20, 1993, for Tom Castleton, the staff assistant in the White House Office of Legal Counsel?

Note that a birthday card was found on the right front floor area of Vince's Honda Accord sedan at Fort Marcy Park on the evening of July 20th [2193]. The card had already been inscribed "To Tom," so perhaps Vince did indeed believe that the birthday party for "Tom" was going to be held the night of July 20th. If the birthday party was rescheduled, it might be of interest to learn when that decision was made. And why did Vince toss the signed birthday card for "Tom's" upcoming party onto the right front passenger floor of his Honda? This was not something anyone would normally do, let alone a meticulous attorney (as Vince is repeatedly described in the official record). How did the card make its way to the floor of the front passenger seat?

Tuesday nights, like July 20th, were nights that the Administration's Arkansas "core" group got together for dinner or a party [1535]. It is not known whether they had assembled for their usual Tuesday night get-together (whether for "Tom's" birthday party or not) by 8:30 PM, the time the official record tells us the Park Police first informed the US Secret Service Command Center in the White House basement that Vince was dead.

Around 5 PM on the 20th, Lisa called the White House and learned that the birthday party that had concerned Vince the night before was not going to take place until the following week, so Lisa quite reasonably assumed Vince would be home on time for their date [61B]. If she asked to speak with Vince directly when she called at 5 PM, Lisa would have simply been told that he was "out of the office [1449]" according to the FBI interview with Vince's executive assistant.

Chief White House Counsel Nussbaum asked where Vince was several times on the afternoon of the 20th [41B]. Bill Kennedy, an Associate White House Counsel, and Margaret Williams, the First Lady's Chief of Staff, had tried to contact Vince that afternoon. Ms. Williams even had Vince paged at 6:20 PM. Had the pager at his waist been in the "on" position (officially it was not [437]), it would have beeped while Fairfax County Fire and Rescue Department personnel were checking for signs of life (and doubtless made everyone jump!) just five minutes after the body was found by a Park Police officer.

According to The New Yorker article [61C], Lisa called the White House one more time that night since Vince had not yet appeared for their date (*my* spouse would have been boiling over under these circumstances, how about yours?), but Lisa seemingly learned only that the President was appearing on Larry King Live that evening. We do not know if Lisa asked to speak to Vince directly this time either but, according to the New Yorker article, Lisa merely decided to go upstairs to watch the President on TV herself [61C].

Given Vince's recent commitment to take her on a date Tuesday night and the relatively late hour of her second call, perhaps one can be forgiven for wondering what Lisa's reactions were when she was told yet again that Vince was "out of the office." After all, he had agreed the night before to their Tuesday date, and she had every reason to think, based on the information in The New Yorker article, that she was being "stood up" *merely because Vince had decided to watch the President on Larry King with his buddies.*

Lisa's mood was doubtless not improved by the knowledge that Vince had returned home *the night before* at 7:45 PM, a full hour later than he had promised [1643], after having vanished from his office sometime Monday from mid-afternoon onward without saying where he was going [1446]. The official Reports do not comment upon his whereabouts during these three to four "lost" hours any more than they account for Vince's whereabouts during the almost five hours between the time he left the White House at one PM on July 20th and the time his body was found at Fort Marcy Park.

### THE WHITE HOUSE CREDIT UNION ACCOUNT – OVERDRAWN TWICE?

According to The New Yorker article, a few weeks *after* Vince's death, Lisa discovered that she had overdrawn the Foster account at the White House Credit Union [63C]. Unaccountably, the credit union account had *also* been in an overdrawn condition for a week or two *prior to the death* [2132, 2217]. The investigators nevertheless determined that financial concerns had nothing to do with Vince's death [461].

The credit union had been contacted by Vince early the week of the July 12th and it had agreed to "work with" the Fosters on a "weekly" rather than a "bi-weekly" basis [2132], apparently signifying an on-going problem of some duration. Vince made a trip to the credit union the day before he died [1446]. Why? We do not know. Apparently, no investigator bothered to ask the credit union the reason for Vince's visit on July 19th.

The Foster home in Little Rock had been rented [1478] so their Arkansas residence should not have been causing a big drain on the family's finances. The home they occupied in Georgetown on Cambridge Place had been rented [1477] in March of 1993, not bought, so no down payment had been needed to purchase a home in Washington.

The Fosters' youngest son, John ("Brugh"), was scheduled to enroll at the private Sidwell Friends School in September (joining Chelsea Clinton), but the first check to Sidwell (70% of its hefty annual fee) was not due until August 1st, so Brugh's tuition payment had not yet depleted the credit union account as of the mid-July overdraft. The balance of their known living expenses should not have changed radically due to the move to Washington, either.

Vince had been a partner at the Rose Law Firm for some twenty years. Press reports indicated his earnings from the firm in 1992 had been approximately \$295,000. There is nothing in the record that indicates a lavish general standard of living or pretentious use of money, so *why* the credit union account had been overdrawn and remained overdrawn the week *before* Vince's death is still a mystery.

One would think the Fosters had other financial accounts they could have drawn down to eliminate the credit union overdraft immediately, but they apparently chose, for reasons unknown, not to do so.

The official record is silent as to when the pre-death overdraft was rectified, but it must have been at least temporarily corrected by a cash infusion of some sort since Lisa told the New Yorker that *she* caused the account to become overdrawn several weeks *after* the death. Perhaps the insurance on Vince's life [62A] had paid off very quickly and replenished the account? The New Yorker article is clear that the life insurance had been in force long enough that suicide was no bar to recovery.

Lisa's account of the *post-death* White House Credit Union overdraft to The New Yorker is also confusing. She triggered the overdraft when she withdrew funds a few weeks after Vince died when she transferred some funds to her own account in Arkansas [63C]. Bill Kennedy, an Associate Legal Counsel at the White House, told her the overdraft occurred because there was actually less money in the account than Lisa had thought when she ordered the transfer. The information Lisa that relied upon to determine the account balance prior to deciding upon the amount of her withdrawal is not specified.

Kennedy told Lisa that he had been informed (by a person not named in The New Yorker article) that the reason the balance was less than Lisa expected was that Vince had made "*several large cash* withdrawals of several thousand dollars each from the account [emphasis supplied; 63C]. It is not clear how Kennedy's source was able to obtain this information about *someone else's* credit union account. Vince died on July 20th, so *his* cash withdrawals presumably ceased on or before that date. Since Lisa did not attempt to move the funds until "several weeks" after Vince's death, she presumably would have had in hand the July 31, 1993, credit union account statement showing the actual balance as of July 31st. Nonetheless, she overdrew the account.

Quite naturally, Lisa wanted to confirm Kennedy's reason for the overdraft, so she examined the withdrawal records for the preceding weeks. Per The New Yorker article, Lisa "searched her records from the credit union (presumably the same ones that she had not bothered to search before ordering her large withdrawal), found the receipts from Vince's *automatic* withdrawals, and discovered the credit union had made a series of identical mistakes -- *thirty-five* dollar withdrawals had been misread as *thirty-five-hundred* dollar withdrawals [emphasis supplied; 63C]."

Just what is an "automatic" *cash* withdrawal? Would Vince likely have dropped by the credit union repeatedly to withdraw only \$35 at a time? After all, the man died with \$292 in cash and numerous credit cards in his wallet [2185]. Why did the credit union make the same error multiple times? The New Yorker makes it clear that it was Lisa's discovery of Vince's White House credit union withdrawals shortly before his death that caused Lisa to begin consulting a psychiatrist, one whom she continues to see to this day [63C].

Why did Vince's cash withdrawals cause her to seek psychiatric care *after she satisfied herself* that there was an *innocuous* explanation (\$35 withdrawals had been misrecorded as \$3500 withdrawals)? There must be a good reason the innocuous cash withdrawals drove Lisa to a psychiatrist, but the information provided by in The New Yorker article undercuts, not supports, Lisa's decision to seek therapy.

## VINCE FOSTER WAS NOT "ABANDONED" BY HIS FAMILY AND FRIENDS

Lisa told The New Yorker that the difficult period when she was in Washington with Vince in June and July "had brought her closer to Vince [59B]. He was talking to me so much. . . ." However, she thought he needed her "because he doesn't have anybody else [59B]." This comment is passing strange since, based on the official record, Vince certainly appears to have been extremely close to his three near-adult children [1579] and to his sister, Sheila, who lived nearby.

According to Sheila's FBI interview, "In terms of her relationship with Foster, Anthony was quite close to him and they spoke to each other often. Anthony saw Foster daily when he was living with her [for about two and one-half months between January 20, 1993, and the time Foster moved into the home he rented for his family in Georgetown]. Anthony spoke with Foster two or three times a week after he and his family moved to their home . . . in Washington, DC [1574]."

According to the official record Vince was "an excellent father who spent much time with his children. In particular Foster was conscientious about spending time with each of his children so that they each received individual attention. Foster would occasionally take one of the children on a trip with him just so the child could receive this individual attention. Foster was very interested in everything his children did [1579]."

Lisa told The New Yorker that she realized, in the weeks prior to his death, Vince "Didn't have help [66C]." This, despite her statement to The New Yorker that "He was talking to me so much, and I thought, well, really, we have each other and I'll be there for him. . . [59C]" and the obvious close relationship Vince had with his three children and his sister Sheila that was apparent in the record (Sheila says she referred him to three psychiatrists).

For that matter, although the purpose of her trip does not appear in the record, Vince's other elder sister, Sharon Bowman, had flown to Washington from Little Rōck, apparently arriving the day he died, but not in time to see him before his death. Press accounts indicate Vince had promised her a personal tour and lunch at the White House on July 21st.

Lisa's statement *does* correspond to others provided The New Yorker [42A] that Washington leaves "you without the support you need. There is hardly a worse place to experience depression than the place Vince was in." Beginning about a week after the death, the word began to spread that Vince was clinically depressed, despite previous numerous statements of amazement at his "suicide," statements that indicated in no uncertain terms that Vince was *not* depressed.

## A FISKE REPORT ERROR: FOSTER DID NOT LOSE WEIGHT IN 1993

Lisa told The New Yorker that Vince "lost his appetite" [58C] during their brief time together in Washington (between June 5 and July 20, 1993). However, Vince sat at the couch in his office reading his newspaper and ate a hearty meal before leaving the White House for the last time around and (officially) driving himself to Fort Marcy.

What did the man who had "lost his appetite" due to clinical "depression" [66C] and "chemical imbalance" (at least in Lisa's lay opinion) [66C] select for his assistant to fetch from the White House mess right before he is said to have driven off to commit suicide? A medium-rare cheeseburger (he removed the onions), fries, a Coke, and an unknown number of M&Ms [1534, 2130]. According to the record, Vince always removed the onions from his burgers [1448]. He record does not explain why he never said, "Hold the onions." Isn't Vince's taste, or lack thereof, for onions a meaningless issue? Apparently not: the FBI questioned the White House Office of Legal Counsel executive assistants quite closely about Vince's liking for onions on his burgers. Onions aside, Vince apparently ate the entire meal except for some of the M&Ms [1534].

According to the Fiske Report, and in contrast to Lisa's remarks about loss of appetite to The New Yorker, "Although *no one noticed a loss of appetite*, it was obvious to many that he [Foster] had lost weight [186]." What more do we know about this weight loss that, per the Fiske Report, was "obvious to many"? Per The New Yorker article that was in print thirteen days after his death, Vince "had lost fifteen pounds" by the month of July [43B]."

However, Lisa Foster told the FBI (in the words of the official report of her interview) "most of the weight which Foster had lost by that time [Lisa's arrival in Washington on June 5] had been lost prior to his arrival in Washington, DC [in January 1993] [1633]. Lisa Foster's statement about Vince's weight loss clearly contradicts the Fiske Report. The long-time family doctor aside, one would think a wife would have the best information concerning significant fluctuations in her husband's weight.

What can be gleaned from the record? Lisa's statement is confirmed by the family doctor's FBI interview. According to Dr. Larry Watkins' records, *Vince weighed 194 pounds on December 31, 1992*, and had lost ten pounds between August 1990 and December 31, 1992 [1674-78]. Particularly relevant to the Fiske Report's statement that the weight loss was "obvious to many," the body's [stripped] *weight at autopsy was officially recorded as 197 pounds* (this *after* an apparent loss of several pints of blood) [2173].

If the reasonable assumption is made that Vince did not strip naked for Dr. Watkins' nurse when he was weighed on December 31, 1992 (194 pounds), it is clear that, far from having experienced a "weight loss obvious to many" (Fiske Report) or a weight loss of "fifteen pounds" (the amount The New Yorker was told by its unnamed, and apparently unreliable, source), Vince *gained* at least three and, more likely, five or six, pounds between December 31, 1992, and his death on July 20, 1993, if the weight of his clothes on December 31st and the loss of blood on July 20th are taken into account [H].



But why quibble over whether the weight gained per the medical records was three pounds or six? It seems clear, to me anyway, that whatever the amount gained actually was, it did clearly does *not* equate to a *loss* of fifteen pounds or a weight loss that was "obvious to many!" Who told The New Yorker that Vince had lost *fifteen* pounds? Might The New Yorker want to check with its source again?

Who were "the many" who thought Vince had obviously lost weight? Sheila Foster Anthony's FBI interview went into the most detail: "Foster began to lose weight during the last six weeks prior to his death and weighed much less than he had weighed in January 1993." Oh? What was Sheila's basis for this statement? Sheila was never asked. Bill Kennedy of the White House Office of Legal Counsel and member of the Arkansas "core" group in the White House, made a general statement to the FBI that Vince had lost weight after coming to Washington [1612] as did Jim Lyons, a attorney *in Denver* (author of the now-discredited "Lyons Report" that overstated the Clintons \$68,900 Whitewater *financial* loss [171].)

It appears to me from the evidence in the record that the authors of the Fiske Report made a decision to bolster their theory of suicide-due-to-depression by deciding to state that Vince had experienced a significant stress-induced weight loss, even though their investigation's own medical evidence clearly indicated Vince had *gained* a few pounds. There must have been a good reason justifying their decision to do so. What was it?

Finally, on what basis does the *current* New Yorker article state (referring back to June and July of 1993), "He was losing weight [59A]," contradicting both the publicly-available medical evidence in the record and Lisa's own previous statement to the FBI? There must have been a good reason for experienced attorneys and reporters intentionally to make an issue of Vince's significant weight *loss* when he had in fact gained weight. What was it?

## CONCLUSION

Should the inconsistencies described above be of interest to The New Yorker? Should the numerous inconsistencies between the official Reports and the raw data latent in the official record released by the US Senate earlier in 1995 be of interest to those involved with the ongoing official investigation of the death of Vince Foster by the current Independent Counsel, Mr. Starr? Should these discrepancies also be of interest to anyone who believes that evidence and logic have a major role in our country's criminal justice system? That, *like much of the record of the Federal Government's investigation into the death of Vince Foster*, remains to be seen!

The New Yorker carried one of the earliest articles on the death of Vince Foster, "Suicide," that appeared in print thirteen days after the death and three days *before* the Park Police officer in charge recommended the investigation be closed and the death ruled a suicide [2115]. The magazine left no doubt as to *its* decision about the cause of death.

The September 11, 1995, New Yorker article, "Life After Vince," is materially at variance with the official record released earlier this year by the US Senate in ways that encourage the acceptance of the official "suicide verdict" reached in the official reports. The publication of the article was announced via the AP wire on Sunday, September 3rd, and subsequently received wide publicity in many newspapers.

The reason for the apparent stance taken by The New Yorker is unclear. Given the material in the official record cited in this article, it does not appear that the weight of the evidence was the only factor relied upon by The New Yorker in reaching its conclusions. Did The New Yorker have access to parts of the official record that have not been made public and thereby obtain evidence to support its September 11, 1995, article?

In my opinion, it is quite understandable, that Vince Foster's two sons, Vince III and Brugh, "have occasionally suspected that there is something they still don't know about their father's suicide [66C]." What causes these occasional filial suspicions that The New Yorker article mentions? Will a subsequent New Yorker article tell us more about these suspicions? Will Vince's sons explain their suspicions or act on them?

The September 11, 1995, New Yorker article, "Life After Vince," did *not*, as apparently was the intention, close the book on Vince Foster's death. Instead, thanks to its great variances when compared to the official investigative record, The New Yorker has written yet another chapter on this mysterious death.

Nonetheless, the "suicide verdict" issued by The New Yorker in the name of the mainstream print media was echoed by the electronic media in a "60 Minutes" segment aired on October 8th which managed not to mention virtually all the discrepancies between the raw evidence in official record and the conclusions reached by the official reports. There is little doubt that "Life After Vince" and the "60 Minutes" segment on the death of Vince Foster were the establishment media's one-two punch, intended to knock out any other theory of the death than the official "suicide verdict."

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*[Box – Suggest Box Be Placed Near The Beginning Of Article]*

Citations to the two New Yorker stories in this article were to the particular page number and column. Thus, a citation to the middle column of three on the first page of the Boyer article would have been "[54B]." Citations to the Senate Hearings Volumes were to the page number alone. Thus, a citation to the last page of Volume I would have been "[1343]" and, to the first page of Volume II, "[1344]." I reluctantly acceded to the modern practice, typified by The New Yorker, of generally referring to individuals by their first names. Discrepancies were assigned a letter of the alphabet within brackets and are summarized in the table accompanying this article.

## HUGH H. SPRUNT, CPA/PFS PROFESSIONAL SUMMARY

Hugh H. Sprunt is a Certified Public Accountant who has been providing tax consulting services to individuals and businesses for over sixteen years. He was a Tax Partner with a large international accounting firm for six years, concentrating in individual income tax and estate planning. His expert tax knowledge and presentation skills have made him a speaker of choice at financial planning seminars for fellow tax partners and a leader of tax workshops for other tax professionals as well as the general public. Hugh's most recent presentation to nonprofessionals was entitled, "How To Get The Best Service From Your Tax Advisor." He is also one of only some 900 CPAs nationwide certified as Personal Financial Specialists (PFS) by the American Institute of CPAs.

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# An Analysis of The October 8, 1995 *60 Minutes* Segment, "What About Vince Foster?"

Hugh Sprunt

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## Introduction

On October 8, 1995, Mike Wallace presented the lead segment of *60 Minutes*, "What About Vince Foster?" to the CBS television-viewing audience. The apparent purpose of the piece was to convince the public that White House Deputy Counsel Vince Foster committed suicide where his body was found in Fort Marcy Park, Virginia, on July 20, 1993, and that anyone who questions the "suicide verdict" reached by the official reports must, necessarily, have no evidence to support claims that Foster's death might not have been a suicide or that his body might have been moved to the park.

Having satisfied itself that the record compiled by the four Federal government investigations into the death of Vince Foster left no doubt that the "suicide verdict" was the correct one, the segment concludes that those who question the official "suicide verdict" are motivated by a conservative political agenda and the profits to be made from selling videos challenging the government reports about Foster's death.

The primary objects of *60 Minutes'* derision were investigative reporter Chris Ruddy of The Pittsburgh Tribune-Review and the newsletter "Strategic Investment," producer of a video in which Ruddy and others challenge the Foster "suicide verdict." *60 Minutes'* view of the Foster death has long been espoused by the establishment media.

Recent print examples: "Life After Vince" by Peter Boyer in the September 11, 1995, issue of *The New Yorker* in which Foster's widow explains why she is convinced her husband committed suicide, and "Why Vince Foster Lives" on the October 11, 1995, op-ed page of *The New York Times*, in which Frank Rich blames the "long and widespread shelf life" of the "these cockamamie scenarios" on the checkbook of Richard Mellon Scaife, a long-time contributor to right-wing causes (and owner of the Pittsburgh Tribune-Review). Like the mainstream media, virtually all politicians, Democrats and Republicans alike, agree with the official reports though some, such as Representative Bill Clinger (R-Pa), do admit that the original investigation should have been more thorough.

Nonetheless, as *60 Minutes* accurately reported, recent polling indicates that "two-thirds of Americans still are not sure" that Vince Foster died from his own hand in Fort Marcy Park. Does the *60 Minutes* segment, "What About Vince Foster," lay to rest the concerns two-thirds of Americans have about his death? Judge for yourself.

## Why Did "60 Minutes" Believe Foster Was In A "Clinical Depression?"

Mike Wallace introduced Foster family attorney, James Hamilton, by saying that Foster was in a "clinical depression" prior to his death caused by public criticism, such as that levied by several *Wall Street Journal* editorials, and the failed Attorney General nominations of Zoë Baird and Kimba Wood. On camera, Attorney Hamilton merely said of Foster, "He was very *unhappy* about those nominations. . . He certainly had a tendency, *I am told*, to blame himself for those things [emphasis added]." Attorney Hamilton's cautious statement clearly falls short of layman Mike Wallace's secondhand diagnosis of "clinical depression." Nonetheless, Wallace goes on to say that Foster "*knew he had to see a psychiatrist for his depression*, but he worried that seeing a psychiatrist would ruin his reputation for stability [emphasis added]."

What do the government's own investigative reports reveal about Foster's alleged clinical depression and his supposed determination to seek psychiatric help? Vince Foster's elder sister, Sheila Foster Anthony, Assistant Attorney General for Legislative affairs, was interviewed by the FBI *in the presence of the Foster attorney, James Hamilton*, and two Associate Counsels of the Office of Independent Counsel charged with investigating Foster's death. On Monday, July 19, *the day before Foster's death*, Sheila told the FBI, in the words of her FBI Interview Report (Form FD-302a):

. . . Anthony called Foster. Foster stated that he was feeling good and that the weekend had gone well. Foster said that he was not yet ready to see a psychiatrist in Washington, DC [as Sheila had suggested to him], but he told Anthony that he had called his physician in Little Rock and had gotten a prescription.

What did long-time Foster family doctor, Larry Watkins, tell the FBI he learned about Foster's mental state when Foster called him the morning of July 19? Bear in mind that Dr. Watkins had known Vince Foster since they were in college together at Davidson College College and had been Foster's physician for almost fourteen years. They socialized together and belonged to the same country club. Dr. Watkins was also very familiar with the Foster family since he treated Foster's mother, his wife Lisa, Foster's two older children, and Foster's other sister, Sharon Foster Bowman. In short, Larry Watkins was an MD who knew Foster well and had treated him and many members of his family on a long-term basis. In words extracted from Dr. Watkins' FBI interview:

When Watkins asked him [Foster] if he was depressed, he said yes. Watkins recalled that Foster sounded a little tired. . . Watkins prescribed Desyrel, 50 milligram tablets [the smallest dosage manufactured], which he knew to be the generic drug Trazodone. . . He chose Desyrel because it does not have side effects and is helpful for insomnia.

Watkins knew that it took 10 days to two weeks to take effect [as an anti-depressant] but helps with insomnia, sometimes the very first day. He [Watkins] felt it was important for Foster to start sleeping better and thought if he got some rest he would feel a lot better. He did not think that Foster was significantly depressed nor had Foster given the impression that he was "in crisis." From what Foster told him, Foster's condition sounded mild and situational. . .

He advised that he did not even ask Foster if he had thought about suicide or was having any suicidal ideation because the symptoms that Foster was describing were not severe enough to cause Watkins to think that he might be in that state. Watkins handles depression all the time among his patients. He said that it is a very, very common thing. . .

Watkins described Foster's personality as quiet, and passive, with a good sense of humor and a dry wit -- someone who laughed a lot. Foster was not one to come to Watkins with stress related problems. . .

On July 20, 1993 [the day Foster died], Watkins got a call late in the evening from Lisa Foster, who notified him of Foster's death. Dr. Watkins said he was very surprised at the suicide. . .

Lisa told him that they had gone away and had a nice weekend on July 17-18, and Watkins thought they were planning on going away again the following weekend, and he believes that Lisa told him that Foster had begun jogging again either the 19th or the 20th, but he's not sure of that recollection. He had the distinct impression, however, that things were looking up and that Lisa was taken completely by surprise by this.

On the basis of the above extracts from FBI interviews, I believe it is reasonable to challenge Mike Wallace's statements on *60 Minutes* that Vince Foster was in a state of "clinical depression" or that "He knew he had to see a psychiatrist for his depression. . ." As noted above, Foster family attorney, James Hamilton, was present when Sheila Foster Anthony informed the FBI that "Foster stated that he was feeling good and that the weekend had gone well. Foster said that he was not yet ready to see a psychiatrist."

The above FBI Reports were publicly available eight months before the *60 Minutes* segment aired. I mailed *60 Minutes* a copy of my 165-page report on the death of Vince Foster some six weeks before the broadcast. It was addressed to a specific individual who knew the report was being mailed to him regarding the planned Vince Foster segment. Reporter Chris Ruddy told me that he used my report as his "briefing book" in his discussions with Mike Wallace. Did *60 Minutes* simply fail to do its homework?

My "Citizen's Independent Report," a *pro bono* work, is on the Internet and a hard copy is available for only the cost of copying and shipping from (214) 239-2679. My report described how to obtain the documents from herein and, *inter alia*, specifically referred to Sheila Foster Anthony's FBI interview cited above.

## The Amount Of Blood At The Scene

*60 Minutes* went to great length to impugn Chris Ruddy's reporting that indicated the amount of blood at the death site was significantly less than one would expect, given Foster experienced a point-blank shot to mouth from a Army Colt .38 Special revolver with a four-inch barrel firing high-velocity ammunition (the gun and ammunition combination that Foster used to kill himself per the official reports). On the air, Mike Wallace told Chris Ruddy, "You know and I know that there was blood all over the back of the shirt." Chris Ruddy replied that "Dr. Haut [the only doctor to view the body at the official death scene], in his FBI report and his interview with me, said there was not a lot of blood behind the body."

Mike Wallace interviewed Dr. Haut and stated, "Dr. Haut says Chris Ruddy simply got it wrong." What did Dr. Haut's FBI interviews actually say? Do they back up Chris Ruddy or support Mike Wallace?

Haut did not recall seeing blood on the decedent's shirt or face and no blood was recalled on the vegetation around the body. . . He does recall lifting the body by the right shoulder. . . The purpose of lifting the right shoulder of the body was to check for an exit wound. . .

In examining the back of the head Haut describes the blood as being clotted. Although the volume of blood was small, Haut did recall that the blood was matted and clotted under the head. . . Haut recalled that although blood and hair were matted to the back of Foster's head, there was no dirt on the wound [although the purpose of lifting the body was to "check for an exit wound," the FBI interview report does not describe the exit wound made by the high-velocity .38 slug, merely noting that there was some dried blood on the back of the head]. . .

After examination of the back of Foster's head [still no description of the exit wound itself appears], Haut believed that the wound was consistent with a low velocity weapon [Note: an Army Colt .38 Special firing a high-velocity round, the official death gun, is *not* a low-velocity weapon].

Surprisingly, there is no direct description of the exit wound as such in Dr. Haut's FBI report. The only description we have of the wound therein (other than that the amount of blood over the wound was small and that what blood there was had matted and clotted) was that "the wound was consistent with a low velocity weapon." It is known from publicly available documents that Dr. Haut filed a written report of his examination of Vince Foster's body with the Northern Virginia State Medical Examiner's Office as a matter of routine. Does this report provide further clarification? For reasons unknown, the contents of this contemporaneous report have never been made public.



Is it also significant that the reports of the numerous Fairfax County Fire and Rescue Department EMS workers who attended the body have also never been made public? These individuals had varying degrees of medical training and had been told by their supervisor to be sure to write detailed reports due to the decedent's White House connection. Given some 2700 pages of documents were released (including the autopsy report itself), would it not have made sense to release the reports written by the only medically-trained individuals (including an MD) to examine the body *in situ*?

During the course of Chris Ruddy's interviews with Mike Wallace for the *60 Minutes* segment on Vince Foster, Chris Ruddy told me that he had informed Mike Wallace that he had tape-recorded his interview with Dr. Haut and that Dr. Haut confirmed the contents of his FBI interview report on the tape ("There was not a hell of a lot of blood on the ground. Most of it had congealed on the back of his head"). Mike Wallace apparently did not see fit to examine either Dr. Haut's FBI interview report (quoted from above) or Chris Ruddy's taped interview with Dr. Haut that Ruddy said supported his claims.

One of the major objectives of Chris Ruddy's reporting has been to challenge the conclusions of the Federal government reports concerning Vince Foster's death, especially the so-called "Fiske Report," issued June 30, 1994. What does the Fiske Report state that Dr. Haut saw when he examined Vince Foster's body?

"... Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the scene to examine the body. At that point, Foster's body was rolled over and those present observed a large pool of blood on the ground where Foster's head had been. Haut observed a large exit wound in the back of the skull.

The complete discrepancy between the Fiske Report and Dr. Haut's FBI interview report is obvious: Per Dr. Haut's FBI interview report, not only was there no "large pool" of blood behind Foster head ("the volume of blood was small"), but what blood there was, was matted and clotted, not liquid ("large pool"). Why do Dr. Haut's FBI interviews support Chris Ruddy's reporting and contradict both the Fiske Report and Mike Wallace's statements?

As indicated above, I provided *60 Minutes* with my report on the death of Vince Foster some six weeks prior to the broadcast and Chris Ruddy used my report when he briefed Mike Wallace about the Foster death. My report, citing the specific pages in the official record, explicitly addresses the above points concerning the nature of Foster's head wound and the attendant lack of blood. Did *60 Minutes* simply fail to do its homework?

### **The Carpet Fibers**

During the segment, much was made of the fact that Chris Ruddy (and the *Strategic Investment* video, excerpts of which were broadcast) pointed out that numerous carpet-type fibers were found on Foster's clothing by the FBI Laboratory.

What do the presence of these fibers mean? Do they suggest that Foster conceivably could have been transported to his resting place in Fort Marcy Park in a carpet? This does sound far-fetched to most people. What does Mike Wallace have to say about the carpet fibers?

The FBI and the Park Police say the fibers are not significant, that anyone who walks on a carpet picks up fibers, and since all of Foster's clothes was put in one bag, all of his clothes would probably have fibers on them. And James Hamilton says that Foster's wife, Lisa, had just put new carpets in their home [Hamilton: ". . . carpet fibers of those colors were found on Vince's clothing"].

The allegation that the colors of the carpet-type fibers found on the clothes matched the colors of the carpets that Lisa Foster had recently put down in the Foster's Georgetown rental home was new to me. In the over 2700 pages of documents released by the US Senate earlier this year, I could find no statement to this effect. Indeed, it appears from the official record that neither the FBI nor any other investigative body has ever tried to match the fibers with *any* carpeting, in Foster's office, his home, or anywhere else.

According to the summary eight-page "Clinger Report" issued by William F. Clinger (R-Pa) on August 12, 1994, after almost six months of work involving Representative Clinger and three named staff members of the Committee on Government Operations:

Although the origin of those fibers and hair have [sic] not been substantiated, a determinative finding of origin is not practical nor necessary in light of other overwhelming forensic evidence. Specifically, carpet fibers may be transmitted from almost any source. It would be impossible to determine when or where the carpet fibers found on Mr. Foster's clothing would have originated.

Given Mr. Hamilton has somehow determined that the fibers found on Foster's clothing matched the fibers found on the new carpeting in Foster's home and *60 Minutes* left its viewers with the impression that the "carpet fiber" issue had thus been effectively disposed of, why does the Clinger Report state otherwise? Has an attempt been made to match the fibers or not? Does attorney Hamilton have access to official information about the carpet fibers that heretofore has not been made public?

The primary Federal official that appeared on the *60 Minutes* segment that attempted to debunk the work of reporter Chris Ruddy was none other than Representative Clinger. Mike Wallace did not see fit to ask Representative Clinger to comment upon Attorney Hamilton's statement about the carpet fiber colors matching the new carpets in the Foster home, *nor* did Mike Wallace ask Attorney Hamilton how he had learned that carpet fibers "of those colors" [there were *six* colors of "carpet type fibers" present on Foster's clothing according to the FBI lab report, along with some other red/dark pink "wool fibers"]. Why not? Did *60 Minutes* simply fail to do its homework?

A related point should be made in passing. One of the difficulties that Chris Ruddy and others who are familiar with the official record have with the conclusions of the various official reports concluding Foster death was a suicide concerns the lack of soil or grass stains on the bottom of his shoes. According to exhaustive FBI Laboratory reports, Foster is said to have walked some 750 feet over-the-ground from his Honda in the parking lot at Fort Marcy Park to the official death site near the so-called "second cannon" at the northwest side of Fort Marcy itself without getting any soil or grass stains on his shoes.

Non-government investigators have duplicated this walk with fresh pairs of shoes several times and have always found soil and grass stains on the shoes. Chris Ruddy has stated publicly that Mike Wallace told him that he found soil on the bottoms of his own shoes when he, Wallace, walked the route Vince Foster is said to have taken at Fort Marcy Park the afternoon he died.

*60 Minutes* apparently would have its viewers believe that the 750 foot walk from the parking lot to the official death scene (let alone whatever walking Foster did around the White House for some five hours that day or the five hours between his departing the White House and his discovery at Fort Marcy Park) did not knock the supposed carpet fibers from his home off his shoes even though, according to the official reports, the shoes were incapable of picking up soil or grass stains during the 750-foot walk in the park.

### **The Condition Of The Ground Around Foster's Body**

Mike Wallace interviewed Kevin P. Fornshill for the Foster *60 Minutes* segment on Vince Foster. Mike Wallace told his viewers, "Park Police Officer Kevin Fornshill who discovered the body, says the ground around Foster showed no signs that he had been carried." Actually, at 6:14 PM, Kevin Fornshill was the first *official* to find Foster's body.

Actually, the first *person* to discover Foster's body was the so-called confidential witness, "CW," who came upon the body at approximately 5:50 PM, stood over the body looking at it for several minutes, returned to his white van in the parking lot, and drove to the Turkey Run maintenance facility a couple of miles northwest of Fort Marcy Park off the George Washington Memorial Parkway, and asked a park service maintenance worker to call 911 to report the body. CW requested anonymity when he came forward and his request was granted by the Fiske Office of Independent Counsel.

CW was considered a credible witness by the authors of the Fiske Report; two full pages of the Fiske Report are devoted to *some* of CW's observations. In his FBI interviews for the Fiske Report and in subsequent depositions, CW provided a variety of information that, for one reason or another, did not make it into the Fiske Report or the 1994 Senate Report released in early 1995. Due in part to his dissatisfaction with the Fiske Report, CW gave a deposition on July 28, 1994. One of the relatively minor points CW made in his deposition concerned the ground around Foster's body:

Q: And it [the path below the body] was flattened out?

CW: It was walked completely flat. The [FBI] agents had known about this. Nothing in that [Fiske] report [about the trampled ground]. I don't know. I don't know. Did it disappear [sarcastically] or what happened?

Q: Wait a minute. This is very important. You are saying you told the [FBI] agents this?

CW: Oh, I told them numerous times.

Q: That the ground was trampled from the bottom of his feet all the way down the valley and over the hill?

CW: Completely flat.

Q: Like somebody had been walking back and forth there?

CW: He [CW assumed Foster had done the pacing] had paced back and forth many times. At least a dozen times. You can't trample down that flat.

Q: And they didn't put that in the [Fiske] report?

CW: Nothing in the [Fiske] report that I read. . .

Q: Did you tell them about the trampled. . .

CW: Absolutely. . .

Q: Not once, but how many times?

CW: Minimum of three. Once here and twice at the site with them [Fort Marcy Park where the body was found].

The information in the official record provided by CW, like all statements made to the FBI and in depositions, is subject to challenge. The point here merely being that statements made to the FBI by a witness considered credible by the authors of the Fiske Report were selectively ignored by *60 Minutes*. The discrepancy concerning the lack of trampled ground is covered here primarily because *60 Minutes* made a big issue of it without providing any concrete reasons why anyone should think the ground might have been trampled down.

There were a large number of other discrepancies as well between the information provided by CW and that recorded in the Fiske Report. To cite just one, CW was emphatic in the deposition quoted from above that there was no gun in Foster's hand (according to the Fiske Report, a black-colored Army Colt .38 Special revolver with high-velocity ammunition must have been in Foster's right hand when CW found the body). Interestingly enough, Officer Kevin Fornshill in his deposition is clear that *he never saw a gun in Foster's hand either* even though he stood above the body for some minutes. Although some thought it would have been reasonable for *60 Minutes* to have informed its viewers that the officer who found the body had stated repeatedly under oath that he never saw the gun, Mike Wallace did not do so.

The FBI was able to convince CW to admit the possibility that he missed seeing a gun that actually was present in Foster's hand, but only by getting CW to concede that Foster's upturned hand conceivably could have blocked the gun from CW's view. The problem? CW had told the FBI he was sure both palms were up, but he was later provided a picture of the gun in Foster's hand that showed the palm *down*. Despite his requests, the FBI had refused to show him any photographs during the course of his interviews.

CW stated under oath, "After seeing the photo of the hand and the gun [palm down], I'm sure the hand had been moved because the palms were both face up when I saw Mr. Foster's body." Again: "That's not a picture [palm down] of what I saw. The man's palms were straight up." Once more: "There was no gun in his hand. His -- both palms were face up, thumbs out to the side." Wallace did not mention CW, nor that, like Officer Fornhill, CW never saw a gun in Foster's hand. Did *60 Minutes* simply fail to do its homework?

CBS also did not mention in its October 8, 1995, *60 Minutes* broadcast that Independent Counsel Kenneth W. Starr continues to describe his investigation into Vince Foster's death as ongoing or that the FBI has been tearing out several acres of vegetation in Fort Marcy Park (removing all but the larger trees, which were being searched by crane) looking for the bullet beginning September 12, 1995, and continuing through the date of the broadcast. *60 Minutes* did note these two points briefly in a follow-up on October 15.

### **The Foster Family Lawyer**

The Foster family lawyer, James Hamilton, who appeared extensively in the *60 Minutes* statement has an excellent professional reputation, but *60 Minutes* chose not to reveal some of his professional experiences and areas of expertise. He served as Assistant Chief Counsel to the Senate Select Committee on Presidential Campaign Activities in 1973-74 (the "Watergate Committee") during which time he presumably made the acquaintance of Bernard Nussbaum (Vince Foster's boss at the time of his death) and First Lady Hillary Rodham Clinton, both of whom also were also attorneys for the Watergate Committee.

Mr. Hamilton also served as Clinton-Gore Transition Counsel for Nominations and Confirmations in 1992-93, and apparently vetted both Judges Stephen Breyer and Ruth Bader Ginsberg for potential Supreme Court appointments. In short, he appears to have been intimately familiar with the legal needs of the Administration and to have the legal expertise to address those needs.

According to a standard reference listing attorney qualifications, Mr. Hamilton's practice areas are Government Affairs, Litigation, and Criminal Law. Judging by his list of professional publications, he has also great expertise concerning the legal aspects of congressional investigations, white collar crime, and in defending officials against corruption charges.

It is not that surprising that someone of Mr. Hamilton's caliber was selected to be one of the Foster family lawyers, but some might consider his selection "overkill" in connection with what officially was determined to be a relatively straightforward suicide by mid-August 1994. Neither *60 Minutes* nor the official record specifies whether Vince Foster hired Mr. Hamilton or whether Mr. Hamilton was not retained until Lisa Foster hired him after Vince's death.

### **Conclusion**

In this author's opinion, *60 Minutes'* October 8, 1995, segment did not provide its viewers with the information needed for them to hazard an informed answer to its question, "What About Vince Foster?" Indeed, after reviewing the official documents, all of which were available to CBS, and providing the show a copy of my *Citizen's Independent Report* on the death of Vince Foster weeks before the broadcast, I am left with another question: "What About *60 Minutes*?"

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To: S. Bates  
H. Ewins  
B. Kavanaugh  
J. Clemente  
C. Copeland

Date: Tue, 9 Apr 1996 19:52:17 -0700  
From: Stephen Bates <[redacted]>  
To: [redacted]  
Newsgroups: alt.current-events.clinton.whitewater  
Subject: (fwd) Sprunt To Appear On CBN News Foster Segment To Air April 26

Xref: netcom.com alt.current-events.clinton.whitewater:40789  
Path: netcom.com!csus.edu!druid.borland.com!news.sprintlink.net!newsfeed.interne  
From: hsprunt@aol.com (HSprunt)  
Newsgroups: alt.current-events.clinton.whitewater  
Subject: Sprunt To Appear On CBN News Foster Segment To Air April 26  
Date: 3 Apr 1996 13:38:04 -0500  
Organization: America Online, Inc. (1-800-827-6364)  
Lines: 18  
Sender: root@newsbf02.news.aol.com  
Message-ID: <4jugic\$m2a@newsbf02.news.aol.com>  
NNTP-Posting-Host: newsbf02.mail.aol.com  
X-Newsreader: AOL Offline Reader

Dale Hurd, the CBN reporter on the segment, emailed me today and indicated that the Foster-related segment I was taped for in DC thirteen days ago will air on April 26th. This appears to be a "hard date," but anything can happen in TV, I guess.

I do not know how long the entire segment will be nor how long I will appear.

We taped me for about 150+ minutes and covered a huge amount of ground. I assume that one component of the segment will include what I had to say about Blood Sport.

Will let you know more if I learn more in advance of the show.

Warm regards,  
Hugh Sprunt



Date: Tue, 9 Apr 1996 20:08:04 -0700  
From: Stephen Bates <[REDACTED]>  
To: [REDACTED]  
Newsgroups: alt.current-events.clinton.whitewater  
Subject: (fwd) Re: Foster Death Gun

Xref: netcom.com alt.current-events.clinton.whitewater:40836  
Path: netcom.com!ix.netcom.com!howland.reston.ans.net!newsfeed.internetmci.com!i  
From: hsprunt@aol.com (HSprunt)  
Newsgroups: alt.current-events.clinton.whitewater  
Subject: Re: Foster Death Gun  
Date: 8 Apr 1996 13:17:22 -0400  
Organization: America Online, Inc. (1-800-827-6364)  
Lines: 45  
Sender: root@newsbf02.news.aol.com  
Message-ID: <4kbhn2\$4u@newsbf02.news.aol.com>  
References: <4kagod\$mmi@newsbf02.news.aol.com>  
NNTP-Posting-Host: newsbf02.mail.aol.com  
X-Newsreader: AOL Offline Reader

FOIA(b)6

In article <4kagod\$mmi@newsbf02.news.aol.com>, [REDACTED]  
[REDACTED] writes:

>Is there any information available about the identity of the FBI agent(s)  
>who apparently showed Lisa Foster a "silver" gun? Where are they now?  
>Has anybody talked to them about this gun color problem? Has anybody  
>talked to the OIC about talking to these FBI agents(s) about this?

I spoke with Coy Copeland (ex-FBI) and another OIC person on Monday March 25th at the OIC in DC. I was treated quite nicely as I indicated a couple of weeks ago in my posts on the meeting.

One of the items covered in that meeting was the sequence of items in Lisa Foster's FBI info that appears to indicate (unless Lisa can't tell the difference between "silver" and "black") that the FBI showed Lisa a "silver" gun (meaning, apparently a nickel plated gun).

Coy alluded (off the record, though we officially never went off the record since I was told the OIC can't go "off the record") to an explanation for this seeming inconsistency, but it was cryptic and didn't make much sense to me.

As to the FBI agents who interviewed Lisa Foster -- Can help you some, but not that much. Here goes:

The interview took place on 5/9/94. The agents'' notes were not transcribed until 5/16/94. Lisa was interviewed in the offices of James Hamilton, her attorney. Also participating in the interview was Rod Lankler, Fiske's Deputy Counsel. Lisa Foster was advised as to the ID's of the interviewing FBI agents, but the agents were not named in the typed interview report (this is typical and traditional).

If I had to guess, I would say the agents were Colombel and Monroe, but that is merely because they did a lot of interviewing of witnesses (they were the two that interviewed Pat Knowlton a couple of days after the Foster interview -- that was Knowlton's second FBI interview, on the 11th).

I faxed Mike Rivero four pages of the FBI Handwritten interview notes obtained via Chris Ruddy's FOIA suit in early March. These pages center  
FOIA # none (URTS 16371) DocId: 70105756 Page 89

on "the gun." Mike may put them up on his web page -- just faxed these pages to him this morning.

Warm regards,  
Hugh Sprunt

Some of you who are newer to the OIC have inquired about the origins and progression of the various Foster death investigations. A chronology is attached.

Screened

By: David Paynter Date:  
11-18-2009**Chronology -- Foster Death Investigation**

July 20, 1993

Foster's death

Aug. 10, 1993

Park Police concludes investigation: suicide in Fort Marcy Park

Jan. 20, 1994

SC Fiske appointed

June 30, 1994

Fiske Report issued: suicide in Fort Marcy Park

Aug. 5, 1994

IC Starr appointed

Aug. 12, 1994

Congressman Clinger completes his probe: suicide in Fort Marcy Park

Sept.-Oct. 1994

Tuohey and Kavanaugh read reports, 302's, etc., for OIC's "review" of Foster's death

Nov.-Dec. 1994

Rodriguez hired and assigned to open and run OIC's "investigation" of Foster's death; Rodriguez examines evidence and prepares lengthy memo outlining his "theories" that clearly imply that death was murder and/or body was moved into park after fatal shot fired

Dec. 1994

decision is made for Rodriguez to call "summary witness" and death scene witnesses before grand jury

Jan. 3, 1995

Senate Banking Committee unanimously concludes that the death was a suicide in Fort Marcy Park

Jan. 1995

Rodriguez questions "summary witness" and death scene witnesses before grand jury; Park Police witnesses complain about hostile treatment (e.g., Rodriguez warns them during testimony of perjury statute)

Jan. 1995

Rodriguez resigns, stating that he was, "in effect," being "forced out" for raising questions about Foster's death

Mar.-Apr. 1995

Tuohey, Bates, and Kavanaugh question other scene witnesses before grand jury

Apr./May 1995

Kavanaugh, Gillis, and Bransford spend several weeks at White House reviewing all documents known to have been in Foster's office at the time of his death [first time this has been done by any investigators]

May 1995

Kavanaugh and Regini go to Little Rock to interview numerous Rose Law Firm and other witnesses who were colleagues or friends of Foster (receive chilly or hostile reception from several)

Summer 1995

internal OIC meetings to review where death investigation stands; decision is made to hire Dr. Lee and Dr. Blackburne to analyze forensic and physical evidence; they are hired and begin their review

Sept. 20, 1995

Congressman Schiff (N.M.), directed by Speaker Gingrich to look into Foster death matter, writes letter to OIC saying that "I and many of my House colleagues strongly desire to see the Office of Special [sic] Counsel and Grand Jury conduct the broadest possible investigation, with all theories being given consideration."

Sept.-Oct. 1995

approximately 7-week search of park for bullet (numerous weeks involved in planning for search before it began)

Dec. 1995

grand jury subpoena issued to Hamilton and Swidler & Berlin for certain documents relating to Foster death (and to other investigations)

Winter 1995-96

under [redacted] supervision, OIC investigators Clemente, [redacted] and Copeland review all evidence

Mar. 1, 1996

OIC investigators Clemente, [redacted] and Copeland circulate a lengthy memo summarizing evidence and listing further possible steps to pursue

Spring 1996

- Parker hired to review Foster death
- 3-23-96 newspaper account upon his hiring: "There remain questions about Foster's death. . . . Was it a murder? Or was it a suicide? Either way, why?"
- Parker and OIC investigators re-interview number of witnesses, per recommendation in investigators' memo

Apr. 1996

Dr. Berman hired to review state-of-mind evidence, per recommendation in investigators' memo

July 23, 1996

Dr. Lee's Report submitted to OIC

Aug. 24, 1996

Dr. Blackbourne's Report submitted to OIC

Sept. 4, 1996

Dr. Berman's Report submitted to OIC

Dec. 16, 1996

Chief Judge Penn rules in Hamilton subpoena matter

Dec. 1996

OIC draft report given limited circulation

Jan. 16, 1997

OIC draft report circulated

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: 1-24-97

TO: \_\_\_\_\_

Company Name: \_\_\_\_\_

Fax Number: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

FROM: Brett Kavanaugh

Number of Pages: 5 (including this cover sheet)

Message: PLEASE DISTRIBUTE TO  
ALL ATTORNEYS

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a:\faxform.nmr

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

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

KAVANAUGH

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/6/95

PATRICK GAVIN, Lieutenant, U.S. Park Police, Federal Law Enforcement Training Center (FLETC), Glynco, Georgia; (912) 267-2139, was contacted at his work telephone number, per his request. Gavin was aware of the identity of the interviewing agent from previous conversations.

[Redacted]

GAVIN had only taken a brief, cursory look in the vehicle. GAVIN clearly remembers beer containers inside of the vehicle because that seemed unusual to him. GAVIN also recalled a man's suit-jacket inside of the vehicle, but less clearly.

GAVIN stated that it was not his responsibility to search or inventory the vehicle [Redacted]

[Redacted] GAVIN stated that he responded too hastily when asked about the briefcase. GAVIN recalls some mention of a briefcase in a report or newspaper article, and that he may be confusing his actual observations with what he has read or learned through other sources.

GAVIN stated that his best recollections were provided in his previous interview last year. GAVIN recalled that he did not mention anything about a briefcase in his previous interview.

GAVIN apologized for his mistake concerning the briefcase.

Screened

By: David Paynter Date: 11-18-2009

(telephonically)

Investigation on 3/1/95 at Washington, D.C. File # 29D-LR-35063

by SA C.L. FOIA# None (URTS 16371) DocId: 70105756 Page 96 Date dictated 3/6/95



IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division (94-1) for the Purpose of  
Appointing Independent Counsels

---

APPENDIX TO REPORT ON THE DEATH OF VINCENT W. FOSTER, JR.,  
CONTAINING COMMENTS OF  
KEVIN FORNSHILL, HELEN DICKEY, AND PATRICK KNOWLTON

---

Screened

By: David Paynter Date:  
11-18-2009

call for Mr. Schneider 11-27-95 11:55pm  
Not aware of article 12:15pm  
by Ruddy - knows people  
called him. then I seen an article  
@ Sue Schmitt  
Ruddy  
3 others  
every wk - 2 or 3 calls  
I listen - I say no cont.  
don't know where word  
"resignation" comes from  
was mentioned in  
@ 700 Club - that would  
be great - wish I had known -  
would have told my parents  
to watch

Reed Irvine - DC# -  
I talked to him - told him  
I could not cont. He asked me  
asked him his source - DS  
Touhey manipulates media -  
he owns them.

You people weren't history  
to me. You people forced  
me to resign.  
Very severe feelings about  
Touhey.  
I want to know a lot of anything.  
I did nothing wrong. Neither did we.

- I did a damn good job. 1A
- I'm not telling that to anyone.
- I know you are very good at investig. leaks.
- I listen to E. Coast; no cont.
- I'm waiting for you call to say sth bad abt me.

[very upset --- firing out]

• Never abt the merits could do damn good work for you.

Calm down - ...

\*you know how many points I made \* \* \* \*

I still have ideas - to them / never be explored @ @ @

"clear them" - don't know what it

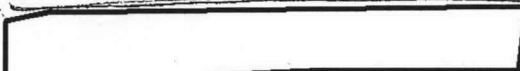
I'm not talking abt my ideas & thesis - hitting gold -

• stains on shirt - explanation -  
don't work 2

• don't propa get a weak  
explanation

• Back in FEB, I told  
you ... you told me you don't need me.

• We set around for while



I would have gotten  
a diff's ans for her

• I don't talk I can talk  
over phone abt the merits...

• Send articles -

• If KS still considers me to  
be on team - let me know

• still bound by Rules

I'm a damn honorable  
person.

• Do you talk KS told my boss  
he appreciated me...

By inaction you got rid of me.  
• MT knew I wanted to get 2A  
with me in in a row.  
• KS - no show; by surprise -  
MT/Dash - you're off this case -  
you're 2d banana if that.  
Start sharing w/ USAP.

---

• MT told MR - rubber stamp  
this to shut up - OCT, NOV, DEC  
R/Pro - 5 mos, too late -

---

You guys have allowed Touhy -  
to destroy all the leads - MT  
is a clever manipulator

---

• John Bates - lap dog - yes men

---

• I don't know what leads  
destroyed ...  
irrelevant now

---

• The whole corruptive team  
...

---

• element of surprise was lost

---

• you're going to wind up  
w/ bs explanation

- you've ~~got~~ got to shake the system up. 3
- Believe me, you can't do it  
you don't have the credibility.
- The status quo - remember you are operating under ---
- you cannot get people to believe you  
it's too late - you've embraced the existing situation.
- FBI, other experts - want status quo.
- No one believes you have a big stick -
- With more will maintain the same b.s. ---
- You're not the dog wagging the tail.
- I scared the hell out of people -  
It was a conscious action on my part
- Nothing media people <sup>work</sup> <sub>with</sub> FBI.  
(Rudd) etc.

When witness S. to down 3A  
to they see FBI - They know  
it will get back to their  
bosses ...

I'm not saying there is  
a conspiracy

Wit to USPP to FBI  
are all working on the  
same unduly.

Not trying to say conspiracy  
- didn't get that far

Turn it upside down

Went, ideas, network; will be  
bold person ... let go

Will be in my office man.  
If you want to talk to me  
stay out.

3-13-95 Mon.

3:45pm  
- 4:12pm

Lucia Rambush - called me back in LA  
<sup>started giving me insight</sup> (can't talk long, people coming over now) • Fiske v. friend

① if discrepancies to problems -  
if I have ideas - don't want to cont

② Mark Turkey, Lucia, Chuck - went over every  
fact - true, you have all the facts I had---

ASKED her for her opinion on what happens to VF -

③ She says, "My opinion is irrelevant."  
IDE - no it's not - <sup>you</sup> think about it ---

④ I can't go into story that I haven't made my  
mind up on --- may be when I return from T&A ---

FOIA(b)7 - (C)

⑤ I'm not going to tell you any of  
my theories ---  
LA - but will you discuss facts -  
[<sup>LA -</sup> you ought to reach some conclusions on some facts;  
<sup>IDE -</sup> But you & MR worked closely on this, fell into  
the outside tendency to show not being true, etc.]

⑥ Are there 3 facts to support -

1) the gun was planted by   
[see ME, 22, Rv 17]

2) maint. reds, instead of path, ditches

I really don't want to discuss. would have to review again---

• Asked her to show facts, theories w/ one more talk-  
over the case

• Did not want to agree



Review of GJ Tr.



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

March 13, 1995

From: H. Ewing  
To: K. Starr  
Re: Lucia Rambusch

1. After hearing from Alex Azar over the weekend (reporting on Ken Starr's conversation with Lucia Rambusch), I called Lucia's parents' number in New York on Sunday night, March 12. I talked with her mother, leaving my Memphis home and work numbers, and the hours I would be at each; and my Little Rock number (where I would be after 11:00 a.m. Monday). I had learned that Lucia was scheduled to go out of the country on Tuesday, March 14, for at least two months to Tasmania.
2. Having not heard back from Lucia by a certain time on Monday, I called back from Little Rock, and left my number twice on the answering machine at the New York number.
3. At approximately 3:45 p.m., today, March 13, Lucia called me in Little Rock. We talked until 4:12 p.m.

We talked briefly about her upcoming trip. I told her that my old boss had a son in law who was a photographer for an outdoors magazine; and that they had a great trip covering a river race in New Zealand.

I began by trying to tell her where I was coming from, including my having been called by Ken Starr and asked to become involved; my having been briefed by Mark Touhey and Brett Kavanaugh in Little Rock; having been furnished with copies of certain grand jury transcripts, [REDACTED]; having come to Washington, touring Fort Marcy Park on Feb. 6 with Miguel Rodriguez; and my discussions with Miguel on Feb. 13 and 14. I further told her that I had previously been furnished with a copy by Miguel of his lengthy memo.

I told her I wanted to get her perspective on the investigation, since she had been very involved in it.

I noted to her that I knew she had been there when Bob Fiske was there. I told her that I was aware that she had said certain facts were discovered after she and Miguel started working on it, and asked her why she thought these had not been discovered while Mr. Fiske was there.

She said if there were discrepancies and problems, and if she had ideas, she did not want to comment on it. She then told me that she just had a very short while to talk, as she was preparing to leave, and some friends were coming over.

4. I told her I wanted to find out from her what she thought had happened out at Fort Marcy Park. She said that she, Mark Touhey, and Chuck (SA Chuck Regini, FBI) had gone over every fact that she knew. She said words to the effect, "Thus, you have all the facts I had."

I asked her for her opinion on what had happened to Vince Foster. She said, "My opinion is irrelevant." I told her, "No, it's not. You worked on the case." I told her that anytime I have ever taken over a case from someone, they have discussed it with me, both as to the facts developed to date, and what they think happened. I have done likewise if I was bringing someone up to speed on a matter.

I told her that if we continued on with the investigation, and one and a half months from now came up with an opinion different from hers, was she then going to state that she had a different opinion. I told her I felt like we were entitled to her input.

She said words to the effect, "I can't go into something that I haven't made my mind up on... maybe when I return from my trip, I might talk about it."

5. I asked her what her theory was on whether Vince Foster was killed or committed suicide, and what the motives might have been. She said, "I'm not going to tell you any of my theories." She said that I ought to reach the same conclusion on the same facts that she had. I again stated to her that she and Miguel had worked on this day in and day out. I told her I wanted to know if she had information which was not reflected in memos, etc., i.e. like someone giving information indicating the Park Police were lying, etc. She did not want to discuss it.

6. Since she said she did not want to give opinions or theories, I asked her if she would talk about facts. She said she would. I then asked:

1) Do you know of any facts that would show that [redacted], [redacted] staged the corpse and planted the gun on Vince Foster? [I was looking a Miguel's memo, p.22, fn. 17, as my basis, but made no mention of Miguel or the memo in asking this.] She said, "I really don't want to discuss this."

Several times, she asked me to hold on as she took other calls. She said several times that people were on their way over.

2) Do you know of any facts that would show that there was a maintenance road running around the bottom of the berm where Foster's body was found, as opposed to a path, or grown over ditch? [My basis for asking this question was [redacted]

his questions]. She said she would have to review the evidence again, and she really did not want to discuss this.

She said she had done nothing wrong, and wanted to know why I was interrogating her. I told her that I was not saying that she had done anything wrong. I told her I was trying to be responsible and talk with her about the facts, and what she thought happened.

7. About that time she said her mother was waiting and her friends were arriving, and that she had to go.

I told her that I had given her an opportunity to share her view of the facts, what she thought the facts showed, and what she thought had happened, and she had declined to do so.

TRANSCRIPT OF NOTE

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

No one in The White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up the illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

✓ The ~~Ushers Office~~ plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their loyal\* staff

The WSJ editors lie without consequence

I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport.

---

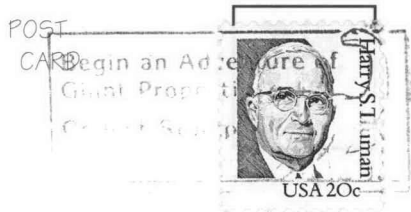
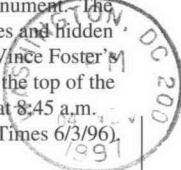
\* A transcript of the note prepared by the Park Police identifies this word as "legal."



White House Counsel  
Vincent W. Foster

FOSTER  
MURDER

**Rare Photograph** of 30 Foot Tall fertilized letters in the lawn by the shadow of the Washington Monument. The message was quickly removed by authorities and hidden from public view, just like the truth about Vince Foster's death. This amateur photo was taken from the top of the Washington Monument on April 13, 1996 at 8:45 a.m. (Reported N.Y. Post 4/18/96, Washington Times 6/3/96)



**True Foster Facts**

- \*Foster's car and office key rings were not found at Fort Marcy Park with Foster's car and body.
- \*3 handwriting experts, including one from Oxford Univ., concluded the "suicide" note was a forgery. \*Evidence including Foster's briefcase, X-rays, and crime scene photographs mysteriously vanished.
- \*The White House lied about when it first learned of Foster's death by over two hours! Witness statements make it clear that the time was fudged.
- \*Foster was not depressed or seeing a psychiatrist as the White House and media have claimed. \*Paramedics testified they saw an "extra" small caliber bullet wound on the side of Foster's head.
- \*No fingerprints were on the gun found in Foster's right hand. It was not even his gun.

Mr. John Bates  
Office of Independent Couns  
1001 Penn Ave. NW Rm 490  
Washington, D.C.  
20004

*\*20 pages added to Starr Rpt.*

# FBI report hints at Foster's frame of mind in final days

BY SUSAN SCHMIDT  
The Washington Post

WASHINGTON — In the weeks before his July 1993 suicide, Hope native Vincent Foster believed the White House counsel's office was doing work it shouldn't be doing, a friend, James Lyons, told the FBI in May 1994.

"Foster believed that private-sector attorneys should be handling many of the matters they were handling, both for ethical and workload reasons," said the FBI's summary of the Lyons interview.

That interview may partly explain why independent counsel Kenneth Starr still wants to look into Foster's death, the subject of lengthy inquiries by his predecessor, special counsel Robert Fiske Jr., and a Senate committee.

Every official inquiry into the former deputy White House counsel's death has concluded that he killed himself, but the question of what troubled him so deeply lingers.

Buried within thousands of pages of depositions and FBI interviews of Clinton administration officials made public by Congress in January are a few hints, such as the comments from Lyons, that Foster might have been worried about the ethics of some work handled by the counsel's office.

Those suggestions, coupled with unresolved issues surrounding the administration's handling of Foster's office files

after his death, pose continuing questions for Starr as he conducts his investigation of the Whitewater Development Corp. affair.

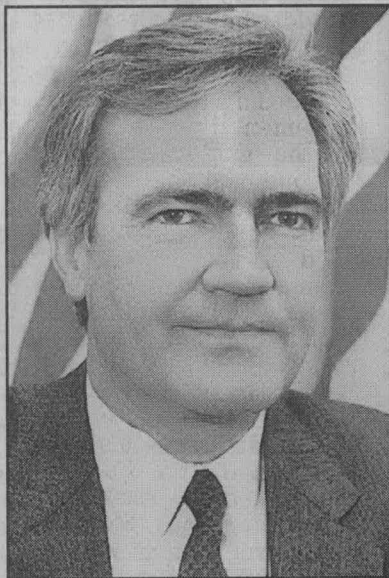
## Portrait of a proud man

The document archive on Foster, released last month by the Senate Banking Committee, is in part a collection of impressions about his final days. It is a portrait of a proud man and careful lawyer who followed Clinton from Little Rock to the White House and was soon humiliated by bad press and his own mistakes.

Although his family and many White House co-workers recognized Foster was becoming deeply anxious over his work in Washington, his best friend, former Rose Law Firm colleague Webb Hubbell, and Clinton said in interviews with investigators that they did not realize Foster was under so much stress.

In the months before his death, Foster and others in the White House counsel's office had been accused of trying to gin up charges against seven longtime travel office workers, even going so far as calling the FBI to investigate the employees.

All investigations to date have said concern over the travel office matter was a chief cause of Foster's anxiety. The Department of Justice was preparing to release its report on the affair. Foster, fearing there would be congressional



Vince Foster

hearings, had begun discussions with Lyons and other lawyers about serving as his personal attorney.

Foster also was working on personal legal matters for the president and first lady Hillary Rodham Clinton, including placing their assets in a blind trust, selling off their 50 percent interest in Whitewater and filing three years of delinquent tax returns for the company.

Whitewater owned a failed 230-acre land development along the White River in Marion County. The Clintons were partners with James and Susan McDougal.

The Senate documents show that Starr has tried to learn

whether Foster was worried about handling Whitewater matters or about fielding several private offers that came to the Clintons offering property for a presidential retreat, an idea Clinton said in his deposition that he wasn't sure was appropriate.

## Hubbell's cooperation

Starr has secured the cooperation of Hubbell, the former associate attorney general, in his investigation. Hubbell pleaded guilty last year to fraud and tax charges in connection with overbilling at the Rose firm. As part of his plea, Hubbell agreed to cooperate with Starr's investigation.

A key question that Hubbell might be able to answer is whether Foster knew about the Resolution Trust Corp.'s 21-page request for a criminal investigation of Madison Guaranty Savings and Loan Association that languished for months at the Justice Department. Madison, which was owned by James McDougal, failed in 1989 at a cost to taxpayers of \$65 million.

The RTC referral outlined a suspected check-kiting scheme, naming the Clintons as potential witnesses and suggesting that the 1984 Clinton gubernatorial campaign committee be investigated.

Starr is looking into whether the criminal referral was handled properly by the Justice Department and in the office of

U.S. Attorney Paula Casey of Little Rock, who ultimately declined to pursue it.

In June 1994, it seemed the questions surrounding Foster's death would end when Fiske concluded his investigation with a report that said Foster took his own life because he was deeply depressed over his work in Washington, particularly criticism he and his colleagues were getting over the firing of travel office employees. Fiske found no evidence that Whitewater matters played a role in Foster's death.

## Conspiracy theories

Conspiracy theories suggesting that Foster was murdered or his body was moved have abounded.

Starr said he will review Fiske's findings and render an "independent judgment" on Foster's death. In recent weeks, his office has called police and rescue officials before a Washington grand jury in what some lawyers familiar with the proceedings said appears to be an effort to air all contradictory accounts and put the conspiracy theories to rest.

A top RTC official testified last summer that in March 1993, he briefed then-Deputy Treasury Secretary Roger Altman about the Clintons' being named in the Madison criminal investigation.

Altman testified that he didn't recall that briefing, but White House documents turned

over to the Senate show that he immediately had old news clippings on Madison faxed to then-White House Counsel Bernard Nussbaum.

Nussbaum testified that he did not recall getting the materials or being told by Altman about the Madison investigation.

Foster completed work on the Whitewater tax returns in June 1993. About that time, his office got letters from Sens. Dale Bumpers and David Pryor, both D-Ark., questioning the RTC's treatment of Little Rock businessman Seth Ward, who was employed by a Madison real estate subsidiary. Ward is Hubbell's father-in-law.

## Conflict of interests

In early July, Foster told Nussbaum he would have to recuse himself from handling those congressional inquiries. Rose had done work for the RTC, he pointed out.

Work on Whitewater finances was something Foster had in common with Lyons, who handled Whitewater issues for Clinton when they arose during the campaign. Lyons, a Denver attorney, spent a lot of time in Little Rock.

He and Foster became friends and talked often after Foster joined the White House staff. Lyons told the FBI he believed the travel office matter, not Whitewater, was the main source of Foster's concern.



WITHDRAWAL NOTICE

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SERIES: IC Starr/Ray, FRC box 2291

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FOIA CASE NUMBER: 25720

WITHDRAWAL DATE: 11/05/2009

BOX: 00017

FOLDER: 0003

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The item identified below has been withdrawn from this file:

FOLDER TITLE: [Loose papers in Ewing Bx 2291 re Foster] 2/2

DOCUMENT DATE: 03/16/1995 DOCUMENT TYPE: Fax

FROM: Kavanaugh

TO: Ewing

SUBJECT: "Your comments & suggestions..."

This document has been withdrawn for the following reason(s):

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

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FOIA (b) 6

TO: Mr. Ambrose Evans-Prichard, c/o London Telegraph DC Bureau
[Fax in Response to Mr. Evans-Prichard's call to me 3/11/95]

FAX: 202 - 393 - 1335

FROM: Hugh Sprunt

SUBJECT: My [Redacted] Post This Morning at 9 AM CT (+/-) to the:
alt.current-events.clinton.whitewater Newsgroup on the Internet
(one of the posts sorted on this Newsgroup under Re: Plain Dealer Story)

PAGES: This page only

TIME SENT: Monday, March 13, 1995; 9:55 AM CT +/-

COMMENTS: Thanks again for your call on Saturday.

Further to the fax package I sent you in response to your call, I think you might want to copy the post I made this morning to the Internet Newsgroup above. I don't know when my communications node will actually place the post in the Newsgroup, but I expect it will be in the next few hours. I do not expect the post to stay more than 12-36 hours before going the way of all Newsgroup posts, so time is of the essence if you want to retrieve it. I believe some of the information in it will be useful to you.

I assume you, the AIM folks, Chris Ruddy, and others (those at Strategic Investment etc.) do compare notes and brainstorm from time to time re the death of VWF. I hope professional relationships have not become too circumscribed due to the "territorial imperative." Anyway, the post above is my latest toss into the VWF/Fort Marcy brainstorming hopper. Chris Ruddy would be the first to say I could benefit from more discussions with those who have done the actual field work re the death of VWF! The question is whether that effort is worth the time of the others involved. I agree with Chris Ruddy and hope I have the right "currency" to become a kibitzer if not have a small seat at the table.

What's the best walk-through VWF/death/post-death scenario for Tuesday, July 20, 1993, through Monday July 26, 1993, that you folks have? [No professional worries -- I do not earn by daily bread this way]

Screened

FOIA # none (URTS 16371) regards: 70105766 Page 114

By: David Paynter Date: 11-20-2009

Hugh Sprunt

*Please Pass To Ken STARR'S*  
 Subject: Re: Plain Dealer Story  
 From: [redacted] (HSprunt) *STAFF (DC OIC)*  
 Date: 13 Mar 1995 10:18:57 -0500  
 Message-ID: <3k1np1\$7hl@newsbf02.news.aol.com>

*- Here IS THAT INTERNET POST*  
*3/13 1335 1995 CT*

Re the comment that Foster may have been driven back to Fort Marcy Park and his body dumped. (I have some large scale maps of the area but am relying on someone who has visited the area extensively for much of the GEOGRAPHIC detail below. I like to think that what follows is at least semi-informed speculation, but let's be honest, it IS speculation).

If you would like to preserve this post, I suggest you SAVE it.

[Material in brackets below added to formal saved version of this post that I have. Rounds out post and corrects some typos in the post to the Newsgroup above.]

There is an old house (old in the sense that it is older than the homes in the subdivision to the west/northwest) on the south side of Chainbridge Road, between the turnout on the south side of Chainbridge Road (the one with 2-3 parking spaces and a gap in the fence allowing [foot]access to the Park) and the [road] entrance into the subdivision just to the west and northwest of Fort Marcy. The [old] house is approximately across Chainbridge Road from the entrance to the Saudi diplomatic residence.

There is a wide trail or "road" that leads southerly from alongside this [old] house. The lot this house sits upon is a narrow long one, with the long dimension (roughly 300 feet, maybe somewhat more) extending to the south to the vicinity of the "old cabin" mentioned by CW in his testimony to Dan Burton et al of last summer. In effect this lot is a roughly one hundred foot wide buffer zone between the subdivision to the W and NW and Fort Marcy to the E and SE.

If one turns into the first entrance of the subdivision (Dogwood Subdivision?), as one motors northwest along Chainbridge Road (past the foot entrance to the Park and past the old house), one finds that there is a tall fence that separates the subdivision itself from the lot on which the old house sits (there is also a larger home near this entrance to the subdivision that sits to the WNW of the old house), and [further in] the entrance road to the subdivision (as one moves southerly to the end of it) has homes on the eastern side (the Fort Marcy side).

If one explores the possibility that VWF was transported into the park (unconscious or dead), I would favor two of four routes to get him to the park (especially if he was in fact lying, at one point in time anyway, a few feet to the south of Cannon Two with his head near the top of the berm).

One such route would be south via the "road" by the old house. This would allow someone to drive to within roughly 150-200 feet west of the point where CW located the body at Cannon Two. Alternatively, the body could have been brought into the park from the "foot" entrance to the park (through the gap in the fence) to the southeast of the ["road" entrance] described above.

Of the two of these, I would favor the former since there is no chance that one would be seen transporting a body-sized object in a rug through the gap in the fence at the [public] foot entrance turn out.

Entrance to the Park via the subdivision [also] appears unlikely due to the presence of people in the subdivision and the high fence [on the east side of the subdivision]. Entrance through the parking lot [of Fort Marcy itself] appears unlikely since one would be unloading a large object (in a rug, etc.) from a car in the parking lot and humping it over to cannon one, going through some of the most well traveled section of the park. [Evidence indicates that one could expect to encounter a number of people in the park even on a hot sunny summer weekday afternoon]

The difficulty with the foot entrance [from Chainbridge Road], however, is that one could not know in advance that there would be little [or no] traffic on Chainbridge Road [at the instant the body was unloaded], say around 4 that afternoon. More important, one could not know that there would be no cars parked in the little turnout by the foot entrance or people entering or leaving the park at the same time our (two or three) people were carrying [VWF] uphill into the park (wrapped in a rug, whatever).

Furthermore, it may be possible that the cameras surveying the entrance to the Saudi residence (on the other side of the [Chainbridge] Road and apparently a bit further to the NW) might not be able to depict (and record) this unusual transport operation.

The problem with the road by the old house -- would be kind of awkward if the owner happened to wander out and ask what you were doing driving your vehicle on his property. I supposed one could say one was looking for [the entrance to] Fort Marcy Park and play innocent, but the encounter might well have been remembered by the owner of the property, especially if the vehicle had memorable plates (such as AR license plates).

Side issue: Remember that the USPP supposedly [originally] did not interview "the neighbors" and that the Fiske investigators eventually did? They talked to the Saudi residence security people across the way. Did they talk to the owner of what I have termed the "old house"? Did they talk to the owner of the larger home just to the NW by the [first] entrance [road] to the subdivision?

WHO owns this house and lot (and the site of the old cabin several hundred feet to the south)? What do the title records (and a plat map) reveal? Who or what is the actual entity "behind" the nominal legal owner?

Given the location of the house, it is not inconceivable (that's like saying "possible" folks) to me that it serves or has served as an overwatch location for the Saudi residence (either the Saudis themselves, US domestic intelligence, Israeli intelligence, etc.). In any event, I am sure the Saudis know who lives across the street.

The proximity to CIA just up the road is tantalizing, if nothing else. CIA (and other agencies) maintain a variety of "safe houses" within a half day's drive of DC itself.

Since I'm being a little too subtle, let me go ahead and say that one would of course not have to worry about the owner barging out and asking you what was in the rug rolled up in the back of your vehicle [etc.,] if he was a 'friend' or at least someone [or a representative of some agency] willing to turn a blind eye in your time of need (quid pro quo later).

Pushing these long shots a bit further, might the old house conceivably be the Virginia hideaway for White House Senior staff that was rumored to exist shortly after VWF's death? Now, if one wanted such a [suburban] hideaway (I leave it to readers to divine its true purposes), might one approach [if one represented high USG officials] a friendly agency with a safe house to spare?

After all, it would not be the lowest profile thing to do to buy such a hideaway or enter into a new lease with the owner. Higher profile than necessary. On top of that, you couldn't have senior "staffers" (many of whom were more well known to the public than VWF) strolling around a [public] condo parking lot headed toward the hideaway. It wouldn't be a good hideaway then, would it? The location is certainly a decent one -- quite close to the White House, about as close as one could hope for [and far enough from the madding crowd, including the pesky press].

[Based on the publicly available "facts" re the death of VWF,] I think it extremely unlikely that the old house served as such unless it was panic time [the afternoon the July 20, 1993] among the [intelligent] amateurs [present] or the aid of true pros used to cutting things fine was enlisted immediately. The old house is simply too close to the scene [where the body was dumped] and one would expect detailed inquiries to be made of those who occupy and own the old house [with the risk of blowing the gaffe]. Now, that's not a big deal if the "cover" of the old house is super solid. It is, after all, not a new house and its cover (if any) will have had some time to age.

On balance, though, too many folks would know its "past" (some with axes to grind) to risk such a thing. I favor amateurs who knew (or believed) time was of the essence, especially as matters progressed (see below) [and believed that if, push came to shove, the cloak of the agency whose house it was would support the cover-up].

Let's push this a little further. As the body was being humped up the western berm (the one that runs roughly 020-200 degrees true [the Cannon Two berm]), what if those doing the humping (no pun intended) happen[ed] to look up (people look up when climbing a slope, even if doing some heavy toting) and saw CW quietly pissing away at their 10 O'clock position, range 60 feet?

CW would in all likelihood not see the humpers first since he is (probably) looking downward [you know] (or off to the right -- out over the Potomac). Anyway, the folks carrying VWF's body see CW first since he is in full view [through the foliage] once the lead humper's head comes over the top of the berm, they put down the body [carefully and quietly], skedaddle back down the berm, up the opposite slope, and out of sight.

CW comes over, sees the body, looks at it a few minutes, and leaves, largely as he described to Mr. Fiske's FBI agents, Rep. Dan Burton, and Mr. Liddy. Now[,] the transport team returns, once CW has decamped. The goal all along has been to get the body far enough into Fort Marcy Park (with the risk that the transport team will be seen [risky but no choice]) so that anyone coming upon it will [probably] make the unconscious inference that [VWF arrived in the park in a car that used the GW Parkway road entrance to Fort Marcy.

That argues for a drop zone much closer to cannon one than to cannon two. As I indicated above, the parties in question [amateurs and likely good friends of VWF] would need to do something fast based on the practicalities (it's a hot day, if nothing else) and would likely be highly stressed.

I don't think the cooler head among (between) them would be so overwrought that s/he would be unable to realize that dumping the body so close to the old house would be a mistake. [Course it would have been clearly better to clamp the whole thing for a few hours and dispose of the body properly, assuming that could have been done without someone official having to implicate themselves with Mrs. Foster -- "Vince is working late tonight, Lisa."]

There was some risk that the transport of the body would be seen, especially if one had to move it 200 or so additional feet to the vicinity of Cannon One [on the southern berm of the Park] (to get the body close to the parking lot [to enhance the likelihood that it would appear that VWF drove his Honda to the Park, entering off the GWP]). If we had three transporters, two could carry and one (just like in those old war movies [most, if not all, of these folks were not trained military people]) could act as point person, making sure the way was clear and motioning the others when it was.

After the body is place (presumably at Cannon One), the team leaves the way it entered and then has to do a car shuffle to 1) get VWF's car into the Fort Marcy Parking lot and 2) get a vehicle over there to get the driver of VWF's car out of there fast. [Presumably there was some hurried discussion whether it would be better to leave VWF near Cannon Two in case CW came forward and introduced a complication re which cannon the body was near.]

[If you believe this (long shot) scenario you have to say those in question came down in favor of getting the body further away from the hideaway and doing all they could to enhance the likelihood that observers after the fact would credit the proposition that VWF drove himself to Fort Marcy via the GWP.]

[The transport team is] really racing here since there is an obvious concern that [the fellow who turned out to be] CW will do the right thing and call 911 -- producing USPP and Fairfax EMS within a few minutes. [Did this haste produce obvious mistakes re VWF and the crime scene at Cannon One (or Cannon Two if you believe in Cannon Two and Cannon Two only)? Cautious folks would have removed the CHB sheet from VWF's wallet -- no benefit to having it in there -- but there was no time to be cautious in case the 911 troops were on the way.]

Oh, one other little point -- under this scenario, the humpers WOULD be familiar with Fort Marcy since it is very likely that one or more of them would have strolled it for one reason or another in the months since the late spring of 1993 (around the time they started making use of the hideaway). After all, it's like a big back yard for the 'old house' [and suitable for discreet wanderings].

[Under this scenario, the reappearance of CW (in February 1994 or so) really [REALLY!] messed things up for the humpers [and their associates who were enlisted to quash the reality behind this whole deal].

He [CW] was a credible witness and his account had to be squared with "reality." CW had a high enough profile that it would have been dicey to put him out of the picture [or attempt to suborn him -- always better if you know the person will stay suborned]. Furthermore, he was nervous about his role in all this. A nervous man is tougher for a pro to "butter up" (put at ease so it is a clean and not so suspicious hit -- indeed, it doesn't look like a hit) before victim is "toasted."

Sadly, this scenario would require a sizable conspiracy and much rewriting of reports (and, OOPS, a delay in the previously promised release of the Fiske Report [-- remember that?]) since those early official reports as written [presumably] placed the body at Cannon One, not Cannon Two where good old CW was clear that he saw it (a little less bloody than the official witnesses stated, by the way [since there was some more jostling to get the body to Cannon One]).

Rewriting reports is a tougher row to hoe (if you are the rewriter) than merely fudging them (shade this that way, leave this out -- well a reasonable person has to make judgments all the time)! If this scenario has some truth to it, we're in deep yogurt in terms of, shall we say, governmental processes. . .

Spin-off: The first USPP officer on the scene apparently didn't write a [real time] report [as required of the 'first on the scene'].

[Note that many of the official observers on the scene that night thought that VWF's car was locked instead of doors closed, not locked -- the official version. See below re the "key shuffle" issue.]

[Another point: even if you were going to kill yourself, would you leave your wallet and White House pass along with your suit jackets in your car AND leave the car unlocked? VWF does not strike me as the sort of man who would want to have his car and personal effects violated or stolen after his death. I think it is likely that he did 'die with his jacket off,' but possibly not the way it was described officially.]

[Another points: VWF's Honda was photographed extensively at the scene in the Fort Marcy parking lot -- VWF was 6-foot-4-and-a-half-inches tall. Can it be discerned from the Honda photos (mine are too blurry) whether the seat was slid back into the best position to accommodate someone as tall as VWF?]

Is it possible that [the first USPP officer on the scene] came upon the auto shuffle described above [or was otherwise messing things up for the transporters], followed up with questions like any upstanding police officer would, and got hit with a TON of high-powered ID, official connections, and (last resort) "social responsibility." [Is it possible that a "real" Federal Security type (FBI does domestic surveillance) was immediately available to be "whistled" up by the transport team (if one was not on the team) to provide some sort of plausible story to the first USPP officer on the scene? Q: At what point does official cajoling become Obstruction of Justice? A: Not later than the time you first ask yourself that question."]

[The 90s notwithstanding, it probably was 'National Security' and not 'social responsibility']? These powerful ripples then spread out from him to others? [What a tangled web we weave when first we practice to deceive.]

[Note that the car shuffle might help to explain the vehicle that cut hastily across NW-bound traffic on the GWP that afternoon in order to be able to make the Fort Marcy exit. At least one witness thought a car did so in mid-afternoon and also, initially at least, thought the vehicle in question had AR plates though the description was not clearly VWF's Honda. The failure to find VWF's keys by the USPP investigators -- they looked in his pants pockets, etc., for his keys since they were not in VWF's Honda that he presumably drove to the park -- may bear on this.]

[Official reports say that, after missing the keys (two keys rings) when the body was searched in the park prior to bagging it, the keys were discovered in VWF's right front pants pocket at the hospital by the same two investigators. VWF's wallet was in his suit jacket and he was apparently left-handed-- I would think the right pants pocket is a strange place for a left-handed man to put both his key rings, especially when there is nothing [nothing mentioned anyway] placed in his left pants side (front) pocket.]

[One of the key rings apparently help personal car and house keys, the other apparently held keys to things in VWF's White House OLC office -- remember the early stories about WH officials running around that night trying to get into things in VWF's office that were locked up? (These points was made in an earlier post to the Newsgroup).]

Well, I think this scenario has points to recommend it and hangs together after a fashion. [I would be flabbergasted if this entire scenario were basically true, but some pieces of it may be attractive to folks who have "facts" or a familiarity with 'ground truth' that I do not.] There are a number of obvious things that field investigative types can pursue in an attempt to nail down or refute this hypothesis [various individual points]. Hint, hint.

[The matters described above depend in significant part on CW's testimony being fundamentally truthful, even if he is not in fact on the side of the angels re certain details. I do not know of enough information that would make me think it likely that CW is other than he appears to be. I would gladly listen to data that would undermine my beliefs on this point if someone could produce something beyond what I have encountered so far.]

Warm regards,  
HSprunt

FOIA (b) 6

6 of 6



Q -

- How long were you at OZC?
- Did other invols. in the investig. / or when you did?  
[Lucia]

MR - well it's an ongoing investig.; I will

- I was concerned
- I wanted to be reassured
- I don't have conf. in your dep. in WDC
- don't want to be put in posit. w/ee I'm pitted ag. him
- I'de made it dr. that MT would be staying, so I would have to Lv.

Q - Can you confirm that a person named IHE thru LR is involved in the Q - ?

MR - at a minute notice I will be glad to talk to IHE

- I have spoken w/ Lucia --- parents concerned, ex-wife, mother.

MR - a suggestion this was a LE source - re: IHE being invold

- his name no longer on subpoena.

MR - MT's efforts to press ought to be monitored.

4-4-95

KS - conv. w/ MR (3/30/95) - 45 min.

MR - absent --- pleasant chat

MR - I want to try to work out  
to get the approp. attr ---  
(sorrow)

Press calls -

• 4 or 5 calls rec'd - 10 seen -

• 3 of 4 directly to him

Last wk to this wk.

KS

Who?

W-Timer

W-Post

Scraps Howard

Sac-Bee

MR - the guy who works for the NY Post... <sup>Christ</sup> Ruddy  
(a lot of homing & hawing)

"Some of @'s brothers are"

Suggest they have more info than they do

I want concern you issued press release.

KS - HE trying to reach you - hope you will talk

MR - ~~6/30/95~~ FOIA # none (URTS 16371) DocId: 70105756 Page 122

① Plan - on Lisa

. Lisa - condition of the interview -  
she to kids want to say some things to Ken Starr ---

- Start 0830 -

. Ken vs 1620 Flight - Lv 1530

. MT to id Hamilton - hope through by then ---

② Thurs - 0930 - 1100

. Heyman

③ Clemente }  
Lerman }

don't need whole roster of people.

RTC-DOJ: Bitman, Marsh  
JHE ---

Screened

By: David Paynter Date:  
11-20-2009

4-4-95

1045 Called OIC-WDC: (from LR) - left #

1211-  
1234  
MT called back: (JB w/ him) -

⊙ Puddy doing 2 stories - told Debbie G. this -  
which we won't like.

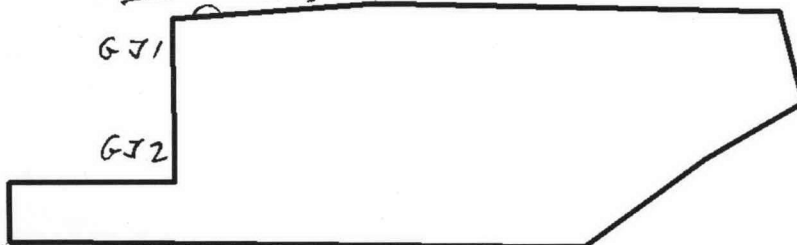
- 1) [Miguel]
- 2) [Rusty]

⊙ RTC/DOJ phase <sup>(WLD)</sup> - should there be a ct Rpt?  
 raised by Bitman/Marsh - should we change when w/ him -  
 make it more serious? - CYA: if second given by Conjen re:  
 our dealings w/ WLD --- (witness stat probs. w/ that approach)  
 his evasiveness --- Poss. change of ground rules might make him  
 more forthcoming ---

⊙ My views --- initial reaction: No to ct Rpt;  
 no to Behavioral Science Unit ---

⊙ JB - in reviewing  
 people which may help  
 w/ interview WLD.

MT  
 ⊙ After Mon. -



⊙ <sup>necessarily</sup> don't need to get to R. A. Jensen ---  
 FOIA # none (URTS 16371) DocId: 70105756 Page 124

4/5/95

Brett K. -

Cliff Sloan - ~~abt~~ Fri. July 9 -  
ran into VF - VF had a box of chow -  
putting into car - "this is transition stuff"

4-5-95

1045

KS/HE (in LR) - MT (WDC)

① Foster interviews - 0830 at their office

MT thoughts -

1) KS - initial start to Lisa to kids  
- tragic...

Lisa - op. start (not controlled Rony)

2) Interview Lisa alone

(She has been insistent that IC be true)

Outline of Q's (will

[Brief working lunch])

3) Then kids -

\* KS - who present -

• BK, MT, HE, KS -

Dave says hello & leave

Agent - Regini

• Hamilton

MT - Jim: KS must leave at a certain time...

KS, MT, etc - meet at OIC - 0800 Fri.

• Poss. get KS to ask some Q's...

Start w/ Lisa, et al at 0900 -

1119 BR left -  
KA, EB, HE

① Look at WW -  
HUB -  
Billing Records -  
VF Docx -

- Corrections -

- Writing - Rewriting - Changing -

< How this came abt - > < 1000 mtg, etc. >

[ Just cost me \$600 ---- ] [ Mex trip steel 6 mos in advance ]

Writers - BR - Folio  
What else KA - JA  
are they doing - IE - JFT  
KF - JH - Lit's  
JS - Email

BC - do Footnote -

~~At a of car~~

Screened

By: David Paynter      Date:  
11-20-2009

MEMORANDUM

To:            Hickman Ewing ✓  
From:          Miguel Rodriguez MR  
Date:          November 9, 1994  
Re:            Attached 302's

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Attached are copies of 302's which may be of  
interest to you. I'm curious about further investigation of  
[redacted] I'll call you later.

FOIA(b)7 - (C)

cc: SA [redacted]



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/9/94

DEBORAH L. COYLE, Personal Secretary to the President, was interviewed in a ground floor conference room in the west wing of The White House. Prior to any questions being asked of Mrs. COYLE she was advised as to the official identities of the interviewing agents and of the nature of the interview. She provided the following information:

While her official title is Personal Secretary to the President, she also works for BRUCE LINDSEY, Assistant to the President and Senior Advisor. Prior to assuming her current position at The White House, she was employed at the Rose Law Firm in Little Rock, Arkansas for many years and thereafter worked as Assistant to the Chief of Staff for then Arkansas Governor BILL CLINTON. Following BILL CLINTON's election to the Presidency, she worked on the Presidential Transition Team for MAC MCLARTY. In early 1993, NANCY HERNRAICH, Deputy Assistant to the President for appointments and scheduling, whom she has known since 1987, asked her if she would like to take the position of Personal Secretary to the President. She agreed and has been so employed since early 1993.

Prior to his death, she had known VINCENT FOSTER since 1986, having met him at the Rose Law Firm. She described their relationship as "business associates and friends". She knew FOSTER's wife and had met various members of his family. While she had never been directly supervised by FOSTER, she recalled working with him and other Rose Law Firm attorneys on numerous large projects. She described FOSTER as being "very much in control and a take charge man". She said that he was "very methodical and organized". She advised that she has no idea why VINCENT FOSTER decided to take his own life and that his doing so came as a complete surprise and shock to her. Mrs. COYLE said that during the first four or five months of 1993 when she, FOSTER, and other Arkansans in the administration were working in Washington before their spouses joined them, they would often go out to dinner on Tuesdays as a group. After their spouses joined them the Arkansan members of the administration and their spouses tried to get together for dinner on a monthly basis. She usually

Investigation on 6/8/94 at Washington, D.C. File # 29D-LR-35063 SUB A

by FOIA(b)7 - (C) Date dictated 6/8/94  
FOIA # none (URTS 16371) DocId: 70105756 Page 129

LR-35063 SUB A

Continuation of FD-302 of DEBORAH L. COYLE, On 6/8/94, Page 2

organized/arranged these dinners at various restaurants in the Washington, D.C. area. The regular attendees at these dinners were: VINCENT FOSTER, WEBB HUBBELL, MARSHA SCOTT, BILL KENNEDY, JOHN EMERSON, NANCY HERNRAICH, and DEBORAH COYLE, although others joined them on some occasions.

Mrs. COYLE last saw VINCENT FOSTER alive on Monday, July 19, 1993. Although she can not recall the circumstances of this meeting, she believes it was a casual contact, perhaps in a hallway. She did recall that the "Arkansas group" had no plans to go to dinner on Tuesday, July 20. She first learned of VINCENT FOSTER's death in a telephone call to her residence on the evening of July 20, 1993. This telephone call came from BRUCE LINDSEY at approximately 10-10:30 pm who advised her that VINCENT FOSTER was dead and "had shot himself". While LINDSEY did not ask her to come to The White House or give her any type of instructions, she asked if there was anything she could do. After a brief conversation, she and LINDSEY agreed that there would probably be a large number of news media telephone calls coming into The White House and there were people who needed to be notified of FOSTER's death. She therefore went to The White House to help accomplish these tasks, arriving at approximately 11:00 pm.

Upon arriving at The White House she entered the west wing and went to her 1st floor office where she encountered BRUCE LINDSEY. While she was at The White House until approximately 2-3:00 am the next morning, time seemed compressed and events seemed to blur and run together. Shortly after arriving at her office, she went upstairs to the 2nd floor suite of NUSSBAUM/FOSTER. From the entrance to the suite she could see that this was "a busy place and it was crowded". She recognized BERNARD NUSSBAUM but can not recall the names of anyone else she saw inside the suite. She said that she did not go into the NUSSBAUM/FOSTER suite once she realized that the people inside were not immediately recognizable to her. She explained that her reason for going to the NUSSBAUM/FOSTER suite was to see if she could offer any help or sympathy to the persons who normally work in that suite of offices whom she knew. She cannot recall having seen anyone in the office who normally worked there except BERNARD NUSSBAUM. She was on the 2nd floor of the west wing for "less than a minute" before she went back to her office. She stayed in her office the remainder of the evening answering incoming telephone calls and making a series of "notification calls" to people in the Washington area and in Arkansas regarding

LR-35063 SUB A

Continuation of FD-302 of DEBORAH L. COYLE, On 6/8/94, Page 3

FOSTER's death. Shortly after she returned to her office from the 2nd floor (perhaps 11:30 - 11:45 pm) BERNARD NUSSBAUM came to her office and she, NUSSBAUM, and LINDSEY talked for approximately 20 minutes. Their conversation centered on FOSTER's state of mind, the tragedy of his death, and any potential "signals" that he may have been giving off that they perhaps missed. Numerous news media calls began coming in at approximately midnight. She also recalls numerous people stopping by her office that evening to include, MARSHA SCOTT, PATSY THOMASSON, and others. She does not recall seeing TIMOTHY KEATING at The White House that evening or during the early morning hours of July 21. She recalled CRAIG LIVINGSTONE coming by her office late on the evening of July 20 (perhaps around midnight). She recalls LIVINGSTONE coming by because they discussed his having gone to the hospital with BILL KENNEDY to identify FOSTER's body and the emotional impact that this experience had had on him. She does not recall them discussing any other matters.

Mrs. COYLE did not go to the FOSTER residence during the evening hours of July 20 or the early morning hours of July 21, 1993. She does recall, however, being aware that numerous White House employees had gone there to express their condolences. She has no knowledge of anyone being at the FOSTER residence during the 5:30-7:30 am time frame on the morning of July 21, 1993 for the purpose of handling news media inquiries.

She has no knowledge of anyone removing any items or documents from VINCENT FOSTER's office on the evening of his death or during the early morning hours of July 21, 1993. No one at The White House has discussed any such thing with her and she can recall no one having told her that they had been in VINCENT FOSTER's office during the late evening hours of July 20, 1993. She further recalls no conversations wherein anyone said that they had been in or near FOSTER's office looking for a suicide note although she does seem to recall people indicating at some point in time, that such a note had not been found. She has not been asked to handle, move, transport or mail any items or documents that she believes came from VINCENT FOSTER's office. Similarly, she has not done so.

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/29/94

DEBORAH L. COYLE, Personal Secretary to the President, The White House, Washington, D.C., telephone number (202) 456-2668 was interviewed just outside the West Executive Avenue entrance to the west wing of The White House. The interview was conducted at this outside location as COYLE could not locate any interior White House space which could provide privacy for the interview. COYLE was advised of the identity of the interviewing agents and of the purpose of the interview. This was a follow-up to COYLE's interview on June 8, 1994. COYLE provided the following information:

She was asked to focus on the time she was at The White House on the evening of July 20, 1993 through the early morning hours of July 21, 1993 just after the death of VINCENT FOSTER, JR., Deputy White House Counsel. She had previously advised in an interview conducted June 8, 1994 that she was at The White House from approximately 11:00 pm on the evening of July 20, 1993 until approximately 2:00 or 3:00 am the next morning. COYLE was asked who she saw at The White House during this period of time and she provided the following names in response to this question: BRUCE LINDSEY, BERNARD NUSSBAUM, CHERYL MILLS, KIMBERLY MARTEAU and her husband JOHN EMMERSON, CRAIG LIVINGSTONE, and MARSHA SCOTT. She said there may have been others but those were the names that she could recall at this time.

COYLE was asked to describe the circumstances in which she saw each of these people. She saw LINDSEY in his office on the 1st floor of the west wing of The White House. She had seen NUSSBAUM and MILLS in LINDSEY's office. She had seen MARTEAU and EMMERSON in the hallway outside her office door. She had seen SCOTT also in the hallway.

COYLE advised she had seen LIVINGSTONE when he "put his head in my door". She recalled talking with LIVINGSTONE about his (LIVINGSTONE's) identifying the FOSTER body that evening. She described the discussion with LIVINGSTONE as an "unloading sort of thing" by him with her. She said LIVINGSTONE, on

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by SSA FOIA(b) FOIA# none (URTS 16371) DocId: 70105756 Page 1324

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Continuation of FD-302 of DEBORAH L. COYLE, On 7/27/94, Page 2

occasion, comes to her with such "unloading" discussions. When asked if LIVINGSTONE was an emotional person, she said it would be best to describe him as a "sensitive person". COYLE said her meeting with LIVINGSTONE that evening was some time just after midnight. She did not recall discussing with LIVINGSTONE what else he was doing that night or planned to do either that night or the next day. She had no conversation with him regarding any press involvement by him the next morning at the FOSTER residence. She was asked if she remembered receiving a phone call during the evening or early morning hours of July 20-21, 1993 from WEBSTER HUBBELL concerning White House presence at the FOSTER residence early on July 21, 1993, in connection with press concerns. She answered she did not remember such a contact by HUBBELL.

COYLE was asked what time she arrived at The White House on the morning of July 21, 1993. She said it would have been between 7:30 and 8:00 am. She did not recall seeing CRAIG LIVINGSTONE on the morning of July 21, 1993.

COYLE volunteered at the end of the interview that her encounter with LIVINGSTONE "could have been the next morning" but her recollection was that she had seen him at The White House at about midnight on July 20, 1993.

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/22/94

M. Morgan Cherry, Investigator, M. Morgan Cherry & Associates, Ltd., came to the Office of the Independent Counsel, Washington, D.C. to provide information possibly related to the Whitewater investigation. Cherry asked to be interviewed in the presence of a white male individual who would only identify himself as Mr. Walters (not his true name). Walters described himself as an attorney and business acquaintance of Cherry for years. Walters said he did not wish to be further identified as he is a lobbyist on Capitol Hill. Cherry declined to be interviewed without Mr. Walters present. Cherry provided the following information:

He is a licensed investigator in the State of Virginia and for more than twenty years has performed White Collar Crime investigations throughout the United States. He said that perhaps 5% of his business was in the Washington, D.C. area. His company assists business and non-law enforcement investigators with matters having an interstate nature. He advised his company's network of sources has also provided information which has generally been accurate to Federal law enforcement, such as the FBI and Customs in the past. He named FBI agents [redacted] (while assigned to the Brooklyn/Queens office), [redacted] (WMFO) and [redacted] (now retired - Atlanta) as individuals who could speak to his reliability in the past.

Both Cherry and Walters advised they were not looking for anything in return for providing this information. They were not "brokering" for the source of the information or employed as his agents. Their motivation was described as "just to get the story out." Walters further commented that he doesn't want to participate beyond this meeting.

The source's motivation to have Cherry contact law enforcement was to "clean" or "seal" source's record. Cherry explained his introduction to the source. About two weeks ago, an "asset" of Cherry's called and advised Cherry that a long-term friend (the Source) had called him and advised that he was in Broward County Jail (Florida) on a probation violation in

Investigation on 4/21/94 at Washington, D.C. File # 29D-LR-35063

SA [redacted]  
by SA Russell T. Bransford Date dictated 4/22/94

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Continuation of FD-302 of M. Morgan Cherry, On 4/21/94, Page 2

connection with bad checks. This source also needed to post bond in two other jurisdictions on similar bad check pending matters: a \$3,500 check written to a car dealership being prosecuted in Hillsboro County, Florida and a \$1,000 bad check matter being prosecuted in Pinellas County, Florida. Appearance dates for these two matters were uncertain. The source's worry was that he would have to do actual time for one or both of these offenses. His situation relative to the probation violation in Broward County was most likely going to result in a house detention deal.

Cherry's asset, who Cherry described as reliable in the past, said that he had trained the source and that whenever the source gets in trouble, the Source calls him (Cherry's asset).

The source was identified as [REDACTED] DOB: [REDACTED] now incarcerated in the North Broward (County) Detention Complex, Pompano Beach, Florida, arrest number [REDACTED] attorney in the Broward County probation violation matter was identified as [REDACTED] from the Miami/Ft. Lauderdale area, telephone [REDACTED] Cherry also indicated that [REDACTED] has another attorney from a "big firm" in the Miami area whom Cherry understood had contact with such media outlets as "Current Affair," "Geraldo" and perhaps "20/20" concerning the information [REDACTED] has in his possession. However, while such programs as these can, perhaps, pay [REDACTED] they can't deliver what he wants, i.e., his record cleared.

The information available through [REDACTED] was described as follows:

Approximately two months ago, [REDACTED] was hired to track Vincent Foster bank accounts/financial transactions/flow of funds. [REDACTED] was paid for the completion of his work by an individual named Mike from New Jersey. This Mike operates a company with the word [REDACTED] in its name. Cherry cannot recall Mike's last name, but believes [REDACTED] knows the name. The last transaction identified by [REDACTED] was four days before Foster's death on July 20, 1993. [REDACTED] has identified bank transactions concerning Gennifer Flowers, an Arkansas Highway Patrolman who bowed out of the allegations against President Clinton, and a number of other individuals.

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Continuation of FD-302 of M. Morgan Cherry, On 4/21/94, Page 3

[redacted] identified an Arkansas bank account which can be linked to [redacted] and another joint account in Arkansas held by [redacted]. A Swiss bank account has also been identified in Vincent Foster's name and the original signatory on this account is [redacted].

[redacted] alleges he has traced routing from the Arkansas bank accounts to Safra Bank in New York City, a subsidiary of Republic Bank to a Vincent Foster account in The Cayman Bank, Cayman Islands, and then to the Swiss bank account in Foster's name. The last known balance in this Swiss account was \$550,000 - \$575,000. [redacted] has traced a money flow through these accounts over several months totaling \$1 million. [redacted] has represented to Cherry that he has bank names, signatories, amount of transactions, dates, etc. and can document this information. In addition, [redacted] says he has a copy of a fax from the Rose Law Firm which provided instructions to an intermediary investigator working for Rose, which in turn had been faxed to [redacted]. [redacted] also has documentation of a Western Union payment by the Rose Law Firm, which he can provide. Cherry has not viewed the fax or the Western Union payment, and has no further details on these items.

[redacted] also has phone conversation tapes which can corroborate some of his documentation.

[redacted] says that the documentation concerning this information is in a briefcase now located at a collection agency named Spencer & Lacy (phonetic) in the Broward County area. [redacted] said prior to his arrest, he was using space at this business. At Cherry's request, he attempted to send a courier to Spencer & Lacy to pick up this information, but was advised by them that since he [redacted] owes them money, he could not do this.

[redacted]

Cherry indicated that [redacted] was dealing exclusively with him (Cherry) now. Cherry cautioned that [redacted] "lives by his wits." He is smooth, and as such, nobody questions him. Cherry had heard [redacted] name before as an information broker.



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Continuation of FD-302 of M. Morgan Cherry, On 4/21/94, Page 4

Cherry believes [redacted] is not involved in felonies, drugs or violent crimes. Cherry has heard that the source of [redacted] problems is women. As indicated above, [redacted] has talked with someone else about this information. [redacted] has also indicated his phone calls to Cherry may have been monitored.

Cherry provided his business card and other telephone information as follows:

Name:	M. Morgan Cherry
Title:	Investigator
Company:	M. Morgan Cherry & Associates, Ltd.
Address:	Suite 1600, 5203 Leesburg Pike, Falls Church, Virginia 22041
Telephone:	(703) 941-0066 or (800) 800-8593
Fax Number:	(703) 824-7860
Home Telephone:	[redacted] FOIA(b) 6

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/13/94

Webster Lee Hubbell appeared at the Office of the Independent Counsel, Washington, D.C. as scheduled at 2:00 p.m. for interview. Mr. Hubbell was advised of the identity of the interviewing agents and that the purpose of the interview was to discuss his personal knowledge of Vincent Foster, his weekend at the shore with the Vincent Fosters on the weekend just prior to Vincent Foster's death, and his knowledge regarding a meeting on July 21, 1993 with the U.S. Park Police concerning their investigation of Foster's death. In addition to the interview agents, Carl Stich, Assistant to Independent Counsel, Robert B. Fiske, Jr., also assisted with the interview. Also present during the interview was John Nieldes, attorney for Hubbell. Mr. Hubbell provided the following information:

Personal Knowledge of Vincent Foster:

He had known Vincent Foster for about 20 years, having worked with him at the Rose Law Firm in Little Rock, Arkansas. He explained that Foster started at this firm in January, 1971, and that he (Hubbell) started work there in May of 1973. He said that Foster was a graduate of the Arkansas Law School.

After coming to Washington, D.C. with the President in January, 1993, he said he spoke with Foster on a daily basis, at least concerning business matters. He advised that when Foster first came to Washington, he stayed with his (Foster's) sister, Sheila Anthony. Hubbell's wife came to Washington in March of 1993 and Foster's family joined him permanently in June of 1993. Foster's wife had rented temporary quarters in Washington in March or April, but continued to reside in Little Rock. The Foster children came to Washington in May or June of 1993.

Hubbell described his relationship with Foster as being "best friends."

The last time Hubbell saw Foster was the Monday before Foster died (7/19/93). He saw Foster in Foster's office and can't remember the business matter discussed, if any, but does

Investigation on 4/13 & 14/94 at Washington, D.C. File # 29D-LR-35063

by SA FOIA(b)7 - (C) Date dictated 4/13 & 15/94

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remember discussing the previous weekend the Foster and Hubbell families had spent together.

Hubbell described Foster in the following terms: reserved; not loud, held everything inside; loved his children more than anything, very close to them; had no weaknesses; very smart; quiet; meticulous in his work; spent time gathering facts before drawing conclusions; frustrated with White House Travel Office issues - attention in the media, unhappy with the FBI and internal report on the Travel Office matter; someone who worked until 10:00 to 11:00 p.m. each night and also on Saturdays and Sundays; hadn't gotten away from his White House work. When asked if he had observed any noticeable behavioral or emotional changes in Vincent Foster prior to his death, Hubbell said that in hindsight, he realized that the no time off from work was wearing on us all. Hubbell described a "once a week" dinner or "Arkansas night" frequently attended by Foster. Others who would often join the group included Deb Coyle (phonetic), Bruce Lindsey, Marsha Scott, John Emerson, Sheila and Burl Anthony and other out-of-town friends. Hubbell said Foster was a great friend, but not the life of the party. He did not notice Foster acting differently in the days or weeks before his death.

Hubbell said that Foster would cope with problems in his life, both professionally and personally, by relaxing by the pool, reading and jogging, although he had done the latter less since coming to D.C. and was not able to relax by a pool at all. His reading included everything such as novels, history, newspapers, etc.

Hubbell said that he was not aware of any problems or difficulties Foster was experiencing prior to his death. He said Foster never talked about money concerns and had successfully rented his house in Little Rock and that this was not a concern for him. When asked if there may be any stress associated with working on Whitewater tax returns, Hubbell answered that he was not sure - Vince never mentioned this as a point of stress. He said Foster felt responsible for the Travel Office matter and didn't like the criticism being received on this issue.

When asked if Vincent Foster had an individual in his life in whom he could confide, Hubbell replied that Foster wasn't the type of person to say let's go for an hour or two and unload, but rather during five minute breaks in business discussions, he

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 3

would confide in Hubbell concerning matters on his mind. In addition to Hubbell, Hubbell believed Foster confided with his wife, Lisa, and his sister, Sheila Anthony, but he really wasn't someone to often do this.

Hubbell never remembered statements by Foster such as "I can't stand it anymore" or "I'd be better off dead" or other similar statements.

Hubbell answered no to all questions concerning any noticeable changes in Foster's personal appearance, physical ailments, headaches, loss of appetite or any kind of stomach trouble. He said, however, that both he and Foster had confided in each other about sleep difficulties. Foster had said on occasion that he had been up all night or didn't sleep well the previous night or that he had awakened in the middle of the night. Hubbell said that Foster had lost approximately 10-15 pounds prior to his death. At the time, Hubbell associated Foster's weight loss with work and the fact that they were eating lunch at the desk or not eating regularly. He and Foster had discussed that the new administration had walked into an "empty office." They compared it to a law office where "the clients were ready and you have nothing." Newspaper accounts concerning the previous administration's removal of office items was termed by Hubbell as accurate.

Hubbell said that he was not aware that Foster was experiencing any type of stress. Foster never talked to Hubbell about missing the comfort zone of the Rose Law Firm where they had worked for more than 20 years. They just never talked about it one way or the other. Rather, Foster talked about being on this great adventure in Washington, D.C. Hubbell said he and Foster were very close to the President and First Lady and discussed with each other, prior to coming to Washington, that I'll go if you go. Hubbell believed that Foster thought that the option of going back to Little Rock or the Rose Law Firm would have been an acknowledgement of failure. This was during the time of the Travel Office situation. Hubbell said if you really want to understand Foster, to look at his recent speech at the University of Arkansas. He believed Foster wrote the speech after someone else had worked on it. Foster rewrote the speech himself on the plane.

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 4.

Hubbell described Foster's reputation as being "impeccable." He said Foster could have run for President of the Bar Association in Little Rock and nobody would have run against him. Foster was an anchor, a rock, in the White House Counsel office. Everybody felt they could go to him for advice. As examples, Foster assisted/counseled George Stephanopoulos, the Domestic Policy Council, the lawsuit against the Healthcare Advisory Group and the Department of Justice.

Hubbell did not believe that Foster himself relied upon religion. Lisa Foster is Catholic and their children were raised Catholic. Hubbell believes Foster attended church at times with his family.

When asked if he had noticed any changes in interests or hobbies by Foster prior to his death, Hubbell replied that Foster continued to relax by reading. He had no knowledge of Foster having any firearms. He said he was not a hunter and only rarely participated in Arkansas duck hunt trips, if at all. Hubbell was very surprised to learn that Foster had any guns. "It just wasn't in his (Foster's) personality."

Hubbell described Foster's relationship with his wife as good. As with most people, there had perhaps been some stress adjusting to their new world; however, this was helped as Lisa became closer to other White House wives, to include Hubbell's. There may also have been some stress associated with Foster not being home often. Hubbell believed Lisa Foster was in favor of moving to Washington, D.C. with her husband. Again, as with anyone, perhaps with some reservations. However, they were all excited about joining the President.

Weekend of 7/17-18/93:

Hubbell was asked about the weekend before Foster's death. He explained that he and his wife were supposed to go to dinner with the Fosters on Friday evening, but that Foster had called him (Hubbell) in Miami and said that he and his wife were planning to go to the Eastern Shore.

Hubbell explained that both he and Foster knew Mike Cardoza, who had been Deputy White House Counsel in the Carter administration. During the transition, Cardoza had been asked by Zoe Baird for his help with personnel issues. Cardoza ended up

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 5

spending four months at the Department of Justice with Hubbell prior to Janet Reno being in place as Attorney General. Foster had met Cardoza in this same transition period. Cardoza's wife, Harolyn, was originally from the Washington, D.C. area and both families relied upon her and Mike for advice about household matters such as what plumber to call or otherwise how to get things done for the family. Hubbell and the Cardozas left Saturday morning for the Cardozas' house near Easton, Maryland. Hubbell told them that Vincent Foster and his wife were "somewhere close" and let's invite them over. They called the Fosters and found that they were, in fact, only 15 minutes away. The Fosters came over for dinner. The families spent a good relaxing evening together. It was arranged that both Mrs. Hubble and Mrs. Foster would receive a tennis lesson from nationally famous tennis instructor Nick Boliterri (phonetic), a friend of Harolyn's father, Nate Landow, a developer in the Washington, D.C./Baltimore area. Both Boliterri and Landow also spent the weekend with the Hubbells and Cardozas at the Cardozas' house. Following their Saturday get together, Vincent Foster and his wife went back to the hotel and Foster went on a long jog. During their association on both Saturday and Sunday, Foster spent his time reading the paper, boating, hitting some golf balls and being introduced to eating fresh crab. They talked about how their lifestyles had changed and how they needed to have a life outside of work. Foster talked about taking June/July off when he was employed at the Rose Law Firm to visit his house in Michigan and how he missed doing that. They had agreed to not talk about work-related matters. Hubbell said both he and Foster were concerned about each other but that the weekend was very relaxing. The Monday before he died, Foster said he was making arrangements to take the next weekend off similar to the one they had just spent to get away from Washington, D.C.

Other Comments Regarding Foster and Events Surrounding the Day of Death:

Hubbell was asked about comments by anyone concerning Vincent Foster and his well being in the days before his death. Hubbell said he could not recall any specifics, but that Foster had been working too hard and some of his friends were worried about Foster being under too much stress. Hubbell said it is hard to read your name in the paper so often.

→ but  
not  
Webb  
Hubbell

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 6.

Hubbell said he was notified of Foster's death while at dinner with his family and Marsha Scott on the evening of July 20, 1993. George Stephanopoulos called him and asked him to get to a phone where he could talk. Stephanopoulos told him that Foster had been found dead and indicated that it was thought it might be a suicide. At first, Hubbell believed Stephanopoulos was referring to young Vince Foster, Foster's son. Hubbell told his wife and Marsha that they had to leave dinner and the kids were left in the restaurant to finish their dinner.

Hubbell said that Bill Kennedy had gone to identify the body and that Foster's car and White House pass had been found. Hubbell said he wanted to be at the Foster residence when the U.S. Park Police came to tell Foster's wife, Lisa. Hubbell lives on McComb Street, near Sheila Anthony, Foster's sister. On this particular night, Foster's other sister, Sharon Bowman, a Little Rock housewife, happened to be visiting at Sheila Anthony's home. Hubbell knew he had to go to Sheila's home and also find her husband, Beryl. Hubbell and his wife, Susie, went to the Foster residence.

Foster was asked about what kind of car Foster was driving while in Washington. Hubbell said that he believed it was a Honda or similar car that was used on a regular basis by Foster. He said this car was Foster's daughter Laura's car and that Foster had left his car, an older model Olds Toronado, in Little Rock. Hubbell was asked if he knew how Foster had brought his gun up to the D.C. area from Arkansas. Hubbell said he did not know when Foster brought the gun to Washington. He was aware that Foster was concerned with the crime rate in the D.C. area. Hubbell did not know that Foster even had a gun until the night of Foster's death. He said Lisa Foster believed that Vince had two guns and maybe more. Foster had been given these guns when his father died. On the night of Foster's death, they found only one gun at the Foster residence and no ammunition.

Foster had talked with friends about being upset. Foster felt that people were being unfairly criticized. Hubbell gave as an example that Bill Kennedy had been reprimanded by an internal report concerning the Travel Office and that Foster viewed this as a "bum rap." Hubbell said that everyone at the Foster residence that evening was trying to make logic out of the death, trying to pinpoint some event, but that they could not do so.

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 7

When the U.S. Park Police advised Lisa Foster of her husband's death, Lisa responded by screaming, "It can't be true, it can't be true."

Hubbell said he had no knowledge of any prior history of clinical depression for Vincent Foster or anyone in the Foster family.

Foster's mother still resides in Hope, Arkansas and Hubbell was aware that Vince talked with her frequently on the telephone. Foster did not return to Arkansas on a regular basis since coming to Washington. Hubbell was asked to recall the times Foster may have returned to Arkansas. He said for Mr. Rodham's funeral, perhaps at Easter time, and for the University of Arkansas graduation commencement speech, were probably Foster's only times back to Arkansas.

Hubbell was asked if he had received any letters or other correspondence from Foster immediately preceding or just following Foster's death. He answered no.

Individuals present at the Foster residence on the night of Foster's death included the following: Bruce Lindsey; Bill Kennedy; Marsha Scott; David Watkins and his wife (Watkins was Operations for the White House); Mack McLarty and his wife, Donna; Senator Pryor; Burl Anthony; Foster's daughter, Laura; and then later the two boys were located and on one of the nights, President Clinton. Hubbell noted that Mrs. Clinton was out of town at the time, maybe in Arkansas. Hubbell identified Foster's children as son Vincent, age 22-23; daughter Laura, age 21; and son Brugh, 17-18.

*Denise  
Corresp  
from  
VF*

*Shelia  
Anthony  
?*

*Sharon  
Pona  
?*

Hubbell was not aware of any particular projects on which Marsha Scott was working, other than that she was working on Clinton work. Hubbell also knew that Foster was setting up a blind trust for the Clintons with the help of outside counsel. Brantley Buck, of the Rose Law Firm, was working on this project with Vince.

Hubbell said that the hours immediately after Foster's death were busy with making arrangements for the funeral and family and friend notifications. On the night of Foster's death, he left Foster's residence sometime after midnight, perhaps even as late as two or three in the morning.



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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 8Meeting with U.S. Park Police 7/21/93:

On the evening of July 20th or early morning of July 21st, Hubbell can't remember which, he was notified of a meeting at the White House where the U.S. Park Police would provide a report concerning the circumstances of Foster's death. Hubbell remembers possibly getting a ride to the White House after stopping that morning at the Foster residence. The meeting with the Park Police was held in David Watkins' office early on the morning of July 21, 1993. He said Watkins' office is on the ground floor of the West Wing of the White House. He could remember that the meeting was attended by David Watkins, two U.S. Park Police investigators, Bill Kennedy, and perhaps George Stephanopoulos and Bernie Nussbaum. The Park Police provided a report of what they had found. The Park Police wanted to know who the point person would be at the White House during the investigation. Hubbell's memory was that initially this individual was identified to be David Watkins. Hubbell said that no White House instructions were given to the U.S. Park Police concerning the conduct of their investigation at that meeting. Hubbell said he was at the meeting as a representative of the Foster family. He wanted to obtain information regarding the suicide that he could relay back to the family.

It was at this time that Jim Hamilton was hired as the Foster family attorney. Hubbell told Lisa she would need an attorney to assist with details regarding transfer of the body back to Arkansas, the autopsy and someone who knew the Washington, D.C. climate. Vince Foster knew Jim Hamilton and had great regard for him.

When asked about the search of Foster's office, Hubbell replied that someone might have mentioned it. Hubbell himself may have asked Nussbaum if there had been a note. Hubbell could not recall other discussions regarding a search for a suicide note. He also did not visit the Foster office himself. Hubbell had been told that Foster's office had been locked. Hubbell remembered calling Bill Burton regarding the question of locking the door.

Hubbell said he did not find out about the note until after he got back from the Foster funeral. When he was shown the note by David Margolis of the Department of Justice, his first reaction was that it was not in Foster's handwriting. However,

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 9

he later learned that this was simply a transcription of the original note which had been torn. He eventually saw the torn note and agreed that it was Foster's handwriting. Hubbell said that the contents of the note were "not atypical" of Foster. He said it was common for Foster to prepare "to do" and other lists. Hubbell understood that Lisa Foster had told her husband to make a list of the things that were bothering him. He also said that Foster had called for medication and had some psychiatrists' names.

Hubbell was asked who else should be talked to concerning this investigation. His immediate reply was that was assuming investigators "ought to be talking to anybody." Hubbell then said that he was not aware of any information out there to draw any other conclusion other than what has already been done.

Hubbell described Hillary Clinton's relationship with Vince Foster as being close friends. He said Hillary, Vince and I were very, very close. He also described Mrs. Clinton and Foster as co-workers. They had had a fifteen year close working relationship at the Rose Law Firm. He said there was no truth to reported rumors of anything more than this.

At the conclusion of the interview, Hubbell's attorney wanted to bring up two items. The first, some information provided to Hubbell from the son of a writer in Fayetteville, Arkansas. This individual, Sean Harrison, had provided Hubbell with information that Foster may have been murdered by a Navy hit squad. Prior to his death, Foster had been furnished information regarding unexplained suicides of two Arkansas military men. This information was provided for the record.

Secondly, Nieldes wanted Hubbell to comment regarding his (Hubbell's) earlier comments at the time of Foster's death that it may not have been a suicide. Hubbell explained that that comment was only an immediate reaction. He now believed that Foster's death was a suicide and had no doubt that it had been done at Fort Marcy Park, even though he (Hubbell) has never been there.

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Continuation of FD-302 of Webster Lee Hubbell, On 4/13&15/94, Page 10

The following description of Hubbell was obtained through observation and interview:

Name: Webster ("Webb") Lee Hubbell  
 Race: White  
 Sex: Male  
 DOB: 1/18/48  
 POB: Little Rock, Arkansas  
 SSAN: FOIA(b) 6  
 Current Address: 3843 McComb Street, N.W.  
 Washington, D.C. 20016  
 Temporary Office Space: 1125 19th Street, N.W.  
 Washington, D.C.  
 Telephone: (202) 363-0743 (home)  
 (202) 429-1780 (work)

On April 14, 1994, John Nieldes telephonically contacted attorney Carl Stich with the following information:

Hubbell would like to add that he now recalls that there was an issue shortly after Vince Foster's death that Vince had sent a package to his mother shortly before his death, perhaps the Monday before. The package contained some legal materials related to a family trust or something like that. There was no personal letter included, so far as Hubbell knows. This information came to Hubbell from Foster's sister, Sheila Anthony.

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription

7/21/94

SUZANNA WARD HUBBELL, wife of former Associate Deputy Attorney General WEBB HUBBELL, appeared at the Office of the Independent Counsel with her and WEBB's attorney JOHN W. NIELDS, JR. Howrey & Simon, 1299 Pennsylvania Avenue, NW, 202-383-6639. Also present representing the Office of the Independent Counsel was Attorney MARK STEIN. After being advised of the identity of the interviewing agent and the nature and purpose of the interview, HUBBELL provided the following information:

HUBBELL advised that she and her husband, WEBB, went together to the FOSTER residence both the night of 7/20/93 and the morning 7/21/93. Mrs. HUBBELL advised that she drove because Mr. HUBBELL does not drive. They went to the residence on both occasions because they were the FOSTER's closest friends and it was unthinkable not to be there.

To the best of HUBBELL's recollection, they had gotten home at approximately 2:00 am on 7/21/93 and slept heavily-being very tired. Mrs. HUBBELL called the FOSTER residence at approximately 8:00 am the following morning. To the best of her recollection, SHEILA ANTHONY, who had spent the night at the FOSTER residence, answered the phone and said that LISA and the rest of the household was still asleep.

Mrs. HUBBELL said that she and her husband got up and got dressed and got to the FOSTER residence at approximately 9:00 am. She parked the car fairly close to the residence. She does not recall exactly where, but said that she usually parks around the corner. She does not recall one way or the other if any member of the press was there. She also does not recall anybody else at or near the residence. In particular she does not recall one way or the other whether or not there was a young woman in front of the residence. HUBBELL advised that when they arrived at the residence, the only people there were SHEILA ANTHONY, LISA FOSTER and the FOSTER children. She said that EILEEN WATKINS and DONNA MCLARTY arrived later in the morning. She does not recall anyone there from The White House or anybody acting in a security capacity that she was aware of. She remembers seeing MARSHA

gation on 7/20/94 at Washington, D.C. File # 29D-LR-35063

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Continuation of FD-302 of SUZANNA WARD HUBBELL . On 7/20/94 . Page 2

SCOTT sometime that day but she does not recall when.

She does not know CRAIG LIVINGSTONE. She has never heard his name and positively does not know who he is.

Date of Birth:

FOIA (b) 6

Place of Birth:

Chicago, Illinois

Social Security

Account Number:

FOIA (b) 6

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/7/94

WEBSTER LEE HUBBELL, former Associate Attorney General, U.S. Department of Justice (DOJ), telephone (202) 363-0743 (home), (202) 429-1780 (work), was interviewed at the Office of the Independent Counsel, Washington, D.C. MR. HUBBELL was advised of the identity of the interviewing agent and of the purpose of the interview. This was a follow-up interview to his interview by the FBI and the Office of Independent Counsel on April 13, 1994. CARL STICH, Assistant to Independent Counsel, ROBERT B. FISKE, JR., assisted with the interview. Also present during the interview was JOHN NIELDES, attorney for HUBBELL. MR. HUBBELL provided the following information:

His first recollection of VINCENT FOSTER discussing the White House Travel Office matter with him was right after his (HUBBELL's) confirmation hearing in mid-May, 1993. HUBBELL recalled that the hearing was on a Wednesday and that on a Thursday or Friday night dinner after this, FOSTER told him that the Travel Office situation "looks like a mess." FOSTER indicated to HUBBELL that this was another matter starting to hit. FOSTER expressed a concern regarding whether the White House had acted properly in contacting the FBI. The issue was whether BILL KENNEDY, Associate Counsel to the President, should have called the FBI directly. FOSTER's reaction was that he didn't know what had been wrong with this. KENNEDY dealt with the FBI on a daily basis regarding nominations and it seemed reasonable he would contact the FBI with a new issue asking who it should be referred to. FOSTER didn't see anything wrong with this and discussed what the future White House policy should be as the White House was being criticized. FOSTER was upset, but not terribly so, about the criticism.

FOSTER's concern over the Travel Office matter "got worse." FOSTER expressed concern to HUBBELL that he shouldn't have handed the matter off. FOSTER wanted to take responsibility. He was not happy that the FBI report had criticized KENNEDY. A

Investigation on 6/7/94 at Washington, D.C. File # 29D-LR-35063

by SA FOIA(b)7 - (C) Date dictated 6/7/94

FOIA # none (URTS 16371) DocId: 70105756 Page 150

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Continuation of FD-302 of WEBSTER LEE HUBBELL, On 6/7/94 , Page 2

The White House report on the Travel Office had censured BILL KENNEDY. FOSTER was very upset about this. FOSTER felt that KENNEDY was being made a "scapegoat." FOSTER had asked KENNEDY to handle the matter and felt personal responsibility.

HUBBELL was asked if he believed KENNEDY pressured the FBI. HUBBELL replied that this statement was in the FBI report but that it was hard to recall when he had first heard this. FOSTER had told HUBBELL that KENNEDY wouldn't have done this. FOSTER didn't believe that KENNEDY had pressured anybody or had threatened IRS involvement.

HUBBELL was asked about FOSTER's statement that the FBI had lied. HUBBELL answered that "lied" is "not a word that VINCE used."

HUBBELL was asked if he had noticed any change in FOSTER concerning the Travel Office matter. HUBBELL replied that FOSTER continued to be upset, focused on the matter and concerned that Congress was talking about holding hearings on the issue. FOSTER expressed concern that people should be hired to represent the White House. HUBBELL explained it was not that FOSTER had done anything wrong, but that he was just focused on the matter. HUBBELL said he would not describe FOSTER's reaction as anger, as he never saw FOSTER "blow up." FOSTER was "upset" that the Travel Office matter couldn't be put to bed or die and be over with. Newspaper articles, particularly the Wall Street Journal, were continuing over this issue. There were calls for files and Congressional hearings.

HUBBELL said he thought that FOSTER was overreacting to this. HUBBELL advised FOSTER to get outside counsel if that was what was needed. FOSTER was trying to get BERNARD NUSSBAUM, White House Counsel, to hire outside counsel.

FOSTER was never concerned for his personal exposure on the issue. He wanted the outside lawyer to give the matter a "fresh look."

When asked if FOSTER had hired an attorney personally, HUBBELL said that he knew FOSTER had talked with JIM LYONS and JIM HAMILTON regarding representation. HUBBELL believes he found out about this afterwards. HUBBELL said he did not know why.

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Continuation of FD-302 of WEBSTER LEE HUBBELL, On 6/7/94, Page 3

FOSTER would personally need an attorney. HUBBELL said it was hard to remember when you first knew about some of these things.

FOSTER had talked to HUBBELL about wanting to get outside counsel for the White House Counsel's office.

HUBBELL was questioned again about FOSTER's statement that the FBI had lied to the Attorney General. HUBBELL said that FOSTER was probably referring to the FBI report on the Travel Office with that statement. HUBBELL could not recall or think of anything else FOSTER may have been referring to.

HUBBELL was asked if he knew the name CRAIG LIVINGSTONE. HUBBELL replied that "the name sounds familiar." When LIVINGSTONE was further described as a White House employee, HUBBELL asked if he was a heavyset guy and then said he could recall LIVINGSTONE. HUBBELL saw LIVINGSTONE at FOSTER's residence on the evening of July 20, 1993. LIVINGSTONE worked for BILL KENNEDY. LIVINGSTONE may have gone to identify FOSTER's body with KENNEDY but HUBBELL said he didn't know that. HUBBELL recalled sitting in LIVINGSTONE's car, using his car phone. LIVINGSTONE also came to FOSTER's residence on the morning of July 21, 1993 to assist with press control. He may also have helped on the evening of July 20, 1993 at the residence with press control. HUBBELL said that White House communications people had also been called for someone to be at the FOSTER residence on the morning of July 21, 1993. HUBBELL could not recall exactly who he talked to about this; it may have been MCLARTY, BILL BURTON, DAVID WATKINS and he could not recall if MARK GEARAN was there yet or not. HUBBELL said that either he or BILL KENNEDY would have asked LIVINGSTONE "can you be here in the morning?" referring to the FOSTER residence. HUBBELL said he could not recall anything further, other than he thought there had been some press at the FOSTER residence on the morning of July 21, 1993. He cannot remember White House presence. HUBBELL is not sure if White House personnel showed up. He can just remember the issue being discussed.

HUBBELL said he would like to correct the date on which JIM HAMILTON had been hired from what he said in his previous interview. He now remembered a call being made to HAMILTON on the evening of July 20, 1993. HUBBELL believed he previously stated that HAMILTON had been contacted the following day (July 21, 1993).



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Continuation of FD-302 of WEBSTER LEE HUBBELL, On 6/7/94, Page 4

HUBBELL was asked if there was anything about the Travel Office matter that was similar to anything which FOSTER had experienced in the past and, therefore, caused him so much concern. HUBBELL replied that you "can't make logic out of an illogical act." FOSTER had become focused on the Travel Office issue and blown it out of proportion. HUBBELL had told FOSTER that you have the Travel Office matter and I have Waco. HUBBELL believes that FOSTER would have told him if he had done anything wrong in connection with the Travel Office situation. FOSTER always wanted a secondary role and wanted to avoid the spotlight. \*

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/21/94

WEBB HUBBELL, former Deputy Assistant Attorney General, appeared at the Office of the Independent Counsel with his attorney JOHN W. NIELDS, JR. of the law firm HOWREY & SIMON, 1299 Pennsylvania Avenue, NW, Washington, D.C., (202) 383-6639. Present representing the Office of the Independent Counsel were MARK STEIN and BETH GOLDEN. After being advised of the identity of the interviewing agent and the nature and purpose of the interview, HUBBELL provided the following information:

HUBBELL advised that he is acquainted with CRAIG LIVINGSTONE having seen him several times at the Old Executive Office Building on The White House grounds. He also said that WILLIAM KENNEDY would refer people to him including HUBBELL himself if they needed to get White House passes for any reason. He does not recall any other dealings that he had with LIVINGSTONE.

HUBBELL said he remembers talking with LIVINGSTONE the night of July 20, 1993 at the FOSTER residence. HUBBELL was making a lot of telephone calls that evening and they were having a problem getting enough telephones. There was only one telephone available for use in the FOSTER kitchen. MAC MCLARTY had his cellular telephone with him which he was using. HUBBELL said that the battery on his phone was weakening and therefore he was using the telephone in LIVINGSTONE's car. It was the type of cellular phone which could plug into the lighter. He recalls calling JIM HAMILTON and a lot of individuals were calling from Arkansas. HUBBELL advised that LIVINGSTONE was showing him how to use the phone and stayed with him in the car while he made telephone calls.

HUBBELL advised that there had been a concern that the press was going to show up at the FOSTER residence the following morning. When asked to explain who was concerned, he responded the "collective we". He recalled KENNEDY suggesting that LIVINGSTONE could help if the press became a problem. As it turned out, only one reporter showed and HUBBELL said he does not know if LIVINGSTONE helped with the press that following morning

interview on 7/18/94 at Washington, D.C. File # 29D-LR-35063

by SSA [redacted] FOIA (b) 7 - FOIA # none (URTS 16371) DocId: 70105756 Page 154 Date dictated 7/20/94

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WEBB HUBBELL

. On 7/18/94 . Page 2

or not. He recalls a discussion on the night of July 20 about LIVINGSTONE going to the residence on the morning of July 21. He had this conversation, he believed, with MCLARTY or DAVID WATKINS. HUBBELL said that he himself raised the subject to the FOSTER family and then discussed it with MCLARTY or WATKINS. He recalls that the response he received was "we'll get somebody". HUBBELL took the initiative of making calls to The White House to pass this message on. He made the call either from LIVINGSTONE's car phone or the kitchen phone. If he made the call from the car phone, LIVINGSTONE would probably have overheard it there.

He cannot recall specifically who he talked with on this matter at The White House but he believes it was probably MARK GEARAN. It was not DEE DEE MYERS or RICKI SEIDMAN.

HUBBELL said that to the best of his memory, there was somebody there between 7:00 and 8:00 am the morning of 7/21. The best he can recall, when he and his wife showed up at the FOSTER residence early that morning, there was a woman standing by the sidewalk just outside the FOSTER gate. He had never seen before at The White House and did not recognize her. He has a vague recollection of asking "can I help you" and her responding, "I'm (she gave her name) from The White House". If asked to speculate, he guessed that she may have been with the Communications Office. He described her as having brown hair, being of medium of height, perhaps 5'5" or 5'6" and young, meaning under 30. His memory of her is very unclear.

With regard to what time the HUBBELL's arrived at the FOSTER residence on the morning of 7/21, HUBBELL said that they called LISA FOSTER before going over and believes that it may have been closer to 8:00 than 7:00 because where he comes from in Arkansas you generally did not even call people until after 8:00 in the morning and he knew that everyone had been up very late the night before (as he had, not getting home until about 2:00 am on the morning of July 21, 1993) and that LISA FOSTER had been given a sleeping pill. From that he guesses that he would have arrived there closer to 8 am. When he arrived with his wife SUSAN HUBBELL, he does not recall seeing any press people. He was surprised at this. HUBBELL said that he remained at the FOSTER residence for the entire day except for a brief period in the afternoon when he went to The White House for a meeting with the Park Police.

HUBBELL said that LISA FOSTER and her children were at

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Continuation of FD-302 of

WEBB HUBBELL

On 7/18/94

Page 3

the residence and he thinks there was some other female (possibly a relative) who had spent the night with LISA but he could not recall who it was.

He has no recollection of seeing CRAIG LIVINGSTONE at the FOSTER residence, either parked outside of it or standing outside of it or in the residence the morning of July 21, 1993. He has no information about LIVINGSTONE's having been there. HUBBELL explained that he could have been there but he has no affirmative memory of it. He does not remember one way or the other whether KENNEDY, LIVINGSTONE and HUBBELL himself had talked about LIVINGSTONE being there that morning. He said that the statement that they had discussed it in a prior interview was incorrect.

He went on to explain that the previous evening, July 20, LIVINGSTONE stayed outside the residence. HUBBELL said that he remembers KENNEDY and HUBBELL himself discussing whether or not LIVINGSTONE should be there and conceded that maybe it had been in LIVINGSTONE's presence.

Returning to the subject of the morning of the 21. HUBBELL said that SHEILA ANTHONY came over later in the morning and MARSHA SCOTT came even later than that when it was time to pick HUBBELL up to take him to The White House for the meeting with the Park Police. He advised that nobody from The White House was there at the house that morning.

HUBBELL said that parking on the street in front of the FOSTER residence was not a problem at all in the morning when they arrived. It had been the night before. It was very crowded and they had had to park around the corner but the following morning there were plenty of spaces. He does not recall seeing any car with any individual sitting in it at or near the FOSTER residence. SUSAN HUBBELL parked their car on the street near the residence.

4-7-95

FRI

WDC

0800 ARR OZC WDC

Conf. Room

KS - IE - BK - SA Regini

Went over game plan for Foster interviews.

KS - "noncommittally reassuring" or "reassuringly non-committal"

IE - Question —

0840 Mark Touhey picked up IE, KS, BK  
Talked - disc. Ruddy article on Miguel.

0900 ARR at Jim Hamilton's firm

0915 Lisa Foster

KS - IE - MT - BK - Regini - Dana Billis

[IE - KS talk w/ LF, JH]

2:00 Vincent Foster III

3:00 Laura Foster

3:40-4:15 BWS 2 FOIA # none (URTS 16371) DocId: 70105756 Page 157

4:45-5:05 OZC

1 Allan J. Favish, Bar No. 99651  
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Tarzana, CA 91356-1802

3  
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E-mail: ajfavish@att.net  
In pro se  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 ALLAN J. FAVISH, ) Case No. CV-97-1479-WDK  
12 Plaintiff, )  
13 v. ) MOTION FOR COURT TO COMPEL  
OFFICE OF INDEPENDENT COUNSEL, ) TESTIMONY REGARDING  
14 Defendant. ) ALLEGATIONS OF ILLEGAL  
15 ) GOVERNMENT CONDUCT REGARDING  
16 ) SUBJECT PHOTOGRAPHS; POINTS AND  
17 ) AUTHORITIES; DECLARATION OF  
18 ) ALLAN J. FAVISH  
19 )  
20 ) Date: February 12, 2001  
21 ) Time: 3:00 p.m.  
22 ) Place: 312 N. Spring St., L.A.,  
23 ) CA, Rm. 1600  
24 ) Judge: Hon. William Keller  
25 )  
26 )  
27 )  
28 )

19 To all parties and their attorneys of record in this action:

20 Please take notice that on February 12, 2001, at 3:00 p.m., before the Honorable William  
21 Keller, Rm. 1600, 312 N. Spring St., Los Angeles, California 90012, plaintiff Allan J. Favish  
22 will move the court for an order compelling testimony regarding allegations of illegal  
23 government conduct regarding the subject photographs. The motion is based on the attached  
24 points and authorities, the attached exhibits, the attached declaration of Allan J. Favish, the files  
25 and records in this action and all other evidence that may be presented at the hearing.

26 This motion is made following the conference of counsel pursuant to Local Rule 7.4.1,  
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1 that took place on October 13, 2000.

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Dated: January 19, 2001

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Allan J. Favish  
In pro se

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **1. INTRODUCTION**

3 By order of January 11, 2001, this court ruled that five of the photos must be released and  
4 five can be withheld.<sup>1</sup> The parties and the court must be absolutely certain that any photographs  
5 produced by the government to this court on January 10, 2001 and later to the public, are the  
6 pristine originals. This is especially true given that the Ninth Circuit stated that “Favish, in fact,  
7 tenders evidence and argument which, if believed, would justify his doubts” about the  
8 government’s conclusion of suicide in the park. *Favish v. Office of Independent Counsel*, 217  
9 F.3d 1168, 1173 (9<sup>th</sup> Cir. 2000). There is a legitimate reason to be concerned that instead of the  
10 pristine originals, the government may have produced originals that were “touched-up” or  
11 otherwise tampered with, or produced copies of originals.

12 The reason for concern arises from two books by major United States publishers that tell  
13 a story of illegal conduct by members of the Office of Independent Counsel and the Federal  
14 Bureau of Investigation in trying to keep the pristine original of at least one of the subject  
15 photographs from being properly examined in order to conceal a neck wound that officially did  
16 not exist.<sup>2</sup> The books describe an effort to illegally obstruct the work of Assistant United States  
17 Attorney Miquel Rodriguez and his former assistant Lucia Rambusch, while they were working  
18 on the Vincent Foster death investigation at the OIC.

19  
20  
21 <sup>1</sup> *Favish v. OIC*, CV 97-1479 WDK, Civil Minutes – General at 1-2, filed Jan. 11, 2001  
(summary judgment ruling).

22 <sup>2</sup> While it is unclear at this point, at least three of the subject photographs may depict the  
23 alleged neck wound described in the books. These three photographs are described as “5 - VF’s  
24 body - focusing on Rt. side shoulder/arm,” “4 - VF’s body focusing on right side & arm,” and “8  
25 - VF’s face - Taken from right side focusing on face & blood on shoulder. . . .” See *Favish v.*  
26 *OIC*, CV 97-1479 WDK, Civil Minutes – General at 1-2, filed Jan. 11, 2001 (summary judgment  
ruling). This court ordered the first two of these photos released, but withheld the third. The  
book excerpts appear to indicate that the third photo, the one the court did not order released, is  
the alleged neck wound photo.

27 The court withheld this third photo because it is “so explicit as to be not discoverable as it  
28 clearly violates the privacy of the survivors.” *Id.* at 2. It is unclear from the court’s ruling  
whether partial redaction of the photo, perhaps of the face area, while leaving the neck area  
visible, would make it appropriate for release, given the public’s interest in seeing whether the  
alleged neck wound exists.



1 It is requested that the court take judicial notice pursuant to Federal Rule of Evidence  
2 201,<sup>3</sup> of the publication of these books. However, such judicial notice only establishes that the  
3 books were published; the judicial notice does not establish the accuracy of the facts alleged in  
4 the books.

5 Indeed, if the books were being offered to prove the truth of the matters asserted in them,  
6 they would be objectionable as hearsay under FRE 801(c). However, because the books are not  
7 being offered to prove the truth of the matters asserted in them, but only for the limited purpose  
8 of showing that they were published, there is no hearsay. *Gibbs v. State Farm Mut. Ins. Co.*, 544  
9 F.2d 423, 428 (9<sup>th</sup> Cir. 1976) (letters admitted for the limited purpose of showing that State Farm  
10 had received them, but not admitted to show the truth of the matters asserted in them, did not  
11 contain hearsay).

12 There is no way to establish the truth of the matters asserted in the books without the  
13 testimony of Rodriguez and Rambusch. Therefore, this court should compel their testimony,  
14 along with any additional testimony the court deems appropriate, either in open court or in  
15 camera, in order to determine if there is a legitimate reason for concern that the pristine originals  
16 have not been produced to this court or may not be produced to the public. If the allegations in  
17 the books are true, then the court will have to take action to insure that the photographs produced  
18 to the court and the public, are the pristine originals.

19 On October 13, 2000, this court stated that it was inclined to allow such testimony and  
20 that plaintiff should not make this motion until after the court ruled on the photographs:  
21  
22

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23 <sup>3</sup> FRE 201 states:

24 . . . .  
25 (b) Kinds of facts.

A judicially noticed fact must be one not subject to reasonable dispute  
26 in that it is . . . capable of accurate and ready determination by resort to  
27 sources whose accuracy cannot reasonably be questioned.

28 . . . .  
(d) When mandatory.

A court shall take judicial notice if requested by a party and supplied  
with the necessary information.

1 MR. FAVISH: I plan to file a motion to ask the court to compel testimony from  
2 two former employees of the OIC regarding allegations of illegal tampering with  
3 one or more of these subject photographs. The two former employees are  
4 Miguel Rodriguez, who is currently an assistant U.S. attorney in Sacramento,  
5 and his former assistant at the OIC, Lucia Rambush. I know under the local rule  
6 7.41, I have to have a conference with Ms. Luymes.

7 THE COURT: You are conferring right -- well, I think you better confer further  
8 because it may be -- Ms. Luymes, this area is a -- to say the least -- a sensitive  
9 area. If Mr. Favish is of the opinion that there is the potential that somebody in  
10 some manner compromised these photographs, then I think as a part of the  
11 discovery associated with this lawsuit, prior to my ruling or associated with my  
12 ruling, he needs to be able to take those depositions. That would be my  
13 preliminary ruling.

14 . . . .

15 THE COURT: . . . Now, the answer is preliminarily he is entitled to those  
16 depositions. How you arrange it, it's up to you. You meet and you figure it out.  
17 And I am giving you a little bit of prompting, i.e., I am favorably inclined to  
18 issue an order to the effect that the two depositions will be taken. Okay?

19 . . . .

20 THE COURT: Here's the thing. If you can't agree -- if you can't agree -- one  
21 would hope you would -- I just gave you preview ruling, okay, not a final ruling,  
22 a preview ruling called a preliminary ruling. The preliminary ruling is given the  
23 nature of the statute, given the nature of the subject matter, given the  
24 background in this case with it going to the court of appeals, the answer is that it  
25 seems to me that Mr. Favish is entitled under his theory of the case -- albeit very  
26 speculative, one could argue -- entitled to limited discovery, i.e., "who are you?  
27 Did you have these photographs? Did you ever do anything to them?" The man  
28 says "no." That's just about it. The deposition is over. It isn't a very long

1 deposition. Okay? Now, I'm not arguing it any further. I'm just telling you that's  
2 where you are.

3 . . . .

4 THE COURT: At any rate, so here we are then. I'll look at them. And if I need  
5 further hearing in view of the in-camera review, I'll tell you. If I don't, I'll rule.  
6 And associatedly, if you want to pursue some type of discovery, discovery to the  
7 effect of, "well, what you're looking at, judge, isn't really what was originally  
8 photographed, i.e., it's been doctored or altered," you can take the -- you can  
9 take the discovery. As I talk it out, I think the better way to do this is that you  
10 proceed with my making a ruling on the photographs. . . . Now, I'll make the  
11 ruling. The ruling will be yes or no. If it's a "no," then your back-up argument is  
12 "wait a second, judge. You know, what you looked at wasn't the original. I want  
13 a deposition." Under those circumstances, subject to briefing, I think you're  
14 entitled to it. On the other hand, if I release all of the photographs and you look  
15 at it, you may -- what you haven seen -- you may say, "I don't need the  
16 deposition." So I think the deposition logically comes after my ruling. Follow  
17 me? Okay. So that's the way we're going to do it. I'll make my ruling and then  
18 you're going to have your rule umpty-um meeting, seven or whatever it is. You  
19 have your meeting. And if you can't agree on it, then you notice your  
20 deposition, but do so after I've made the ruling on the ten photographs. Okay?

21 . . . .

22 MR. FAVISH: Your honor, my concern is the timing of my motion, which I've  
23 actually prepared and I'm --

24 THE COURT: The deposition motion?

25 MR. FAVISH: Yes, to ask the court to --

26 THE COURT: I just told you. Hold it until I give you the ruling. That's the  
27 logical way. Put a note in the file. Okay?

28 MR. FAVISH: All right, your honor. Thank you.

1 THE COURT: It will help you, believe me. Okay. Thank you.<sup>4</sup>

2 **2. THE COURT IS AUTHORIZED TO ALLOW THE TESTIMONY TO BE TAKEN**

3 Discovery is appropriate in a FOIA case when there is valid concern about the credibility  
4 of agency affidavits. In *Van Strum v. U.S. E.P.A.*, 680 F.Supp. 349 (D.Or. 1987), the FOIA  
5 requestor received documents from an anonymous source that according to the court, “indicate  
6 that plaintiff may have a valid concern regarding the credibility of some affidavit statements  
7 accompanying EPA’s motion for summary judgment.” *Id.* at 352. The court held that “plaintiff  
8 in this case has raised sufficient questions as to the integrity of the EPA affidavits to warrant  
9 discovery.” *Id.*

10 In our case, the OIC has filed declarations concerning the body photographs.  
11 Additionally, the OIC has been ordered to produce the original pristine photographs to the court  
12 and allegedly did so on January 10, 2001. The OIC has been ordered to make five of the original  
13 pristine photographs available for public inspection and copying.

14 The book excerpts, with their citations to confidential sources, raise valid concerns about  
15 whether the OIC presented the original pristine photographs to its own personnel, the FBI and  
16 this court, and whether it will do so to the public. The book excerpts raise valid questions. Are  
17 the OIC’s affidavits based on viewing of the original pristine photographs? Have the original  
18 pristine photographs been located? Have they been produced to this court? Would the original  
19 pristine photographs be made available to the public for inspection and copying if ordered by the  
20 court?

21 The court should not take any action on the assumption that the book excerpts are true.  
22 However, the book excerpts are not mere speculation. They are serious accounts that have been  
23 published by major publishers. The proper course is to conduct the limited discovery requested  
24 in order to learn whether the book excerpts are true. The court will then be free to determine the  
25 appropriate course of action after the limited discovery is completed.

26  
27  
28 <sup>4</sup> *Favish v. OIC*, CV 97-1479 WDK, Reporter’s Transcript Of Proceedings Hearing: Filing  
And Spreading-Reversal/Remand at 12:14 - 18:17, Oct. 13, 2000 (attached as Exhibit 3).

1 **3. THE BOOK EXCERPTS THAT MAKE TESTIMONY BY RODRIGUEZ AND**  
2 **RAMBUSCH NECESSARY**

3 **A. The Strange Death of Vincent Foster: An Investigation**

4 In "The Strange Death of Vincent Foster: An Investigation,"<sup>5</sup> author Christopher Ruddy  
5 states:

6 Backing up [former Independent Counsel Robert] Fiske's claim that what  
7 [paramedic Richard] Arthur saw was only a bloodstain on Foster's face was an  
8 FBI analysis of one key close-up Polaroid analyzed for Fiske. The FBI lab had  
9 described a bloody mark on Foster's neck, in the precise area that EMT worker  
10 Richard Arthur claimed he saw a bullet wound or trauma, as a stain. But a later  
11 review of the photographic evidence led others to believe that the FBI working  
12 for Fiske had done some finagling to cover much more than a stain. Soon after  
13 Fiske departed, Starr's prosecutor, Miquel Rodriguez, after considerable  
14 haggling, was able to gain custody of the original 35 mm film that had been  
15 underexposed through apparent negligence in the Park Police labs. Fiske and  
16 the FBI had stated the photos were useless. He also got custody of the scene  
17 Polaroids. Rodriguez and his assistant, Lucia Rambusch, then took the photos to  
18 Asman Photo, a private agency in Washington used by the Smithsonian  
19 Institution. Rambusch stood by as the photos were enhanced.

20 The results were nothing short of remarkable. The private lab recovered  
21 more pictures from the 35 mm photos than did the FBI lab (such as a photo  
22 indicating Foster's right hand had been moved after the police arrived); even  
23 more significant results were achieved by enhancing the Polaroids.

24 The enhancement of a Polaroid made by the outside agency was showing  
25 something more awful than a simple bloodstain: A large gash, with black  
26 powdery marks, was evident on the right side of Foster's neck. In addition, the  
27 enhanced photo showed that some blood from Foster's shirt may have stained his  
28

1 neck, but this didn't provide an explanation for the apparent damage to the neck  
2 or the black marks.

3 Rodriguez went back and looked at the enhanced photo used by the FBI  
4 during the Fiske probe. He noted how blurry it looked compared to the one he  
5 had had enhanced at the outside agency. He then began to review the handling  
6 of the photos by reading the notations made on the back of each set during the  
7 time they were enhanced. These markings showed that the FBI lab had not used  
8 the original Polaroids for enhancement as he did when he sent Lucia Rambusch  
9 to have them enhanced. Instead, the FBI lab had made copies of the original  
10 Park Police Polaroids with another Polaroid camera. Then the second-  
11 generation Polaroids were photographed by a 35 mm camera in the FBI lab to  
12 make enhancements for analysis. These blurred and enhanced photographs,  
13 made from copies of copies, were utilized by the FBI experts and Fiske's  
14 pathology team to make conclusions about the stains and blood patterns.

15 According to Fred Santucci, a former New York City detective who spent  
16 fifteen years as a forensic crime-scene photographer and analyst, the multiple  
17 generation of photos was done "because someone wanted to hide something."  
18 As Santucci noted, Polaroids are of lesser quality to begin with. There is no  
19 good reason to make a copy with another Polaroid camera, unless one wanted to  
20 further distort and blur the original.<sup>6</sup>

21 **B. The Secret Life of Bill Clinton: The Unreported Stories**

22 In "The Secret Life of Bill Clinton: The Unreported Stories,"<sup>7</sup> author Ambrose Evans-  
23 Pritchard states:

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27 <sup>5</sup> Published in 1997 by The Free Press, a division of Simon & Schuster, Inc.

28 <sup>6</sup> C. Ruddy, *The Strange Death of Vincent Foster: An Investigation* 163-165 (1997)  
(attached as Exhibit 1).

<sup>7</sup> Published in 1997 by Regnery Publishing, Inc.

1 Miquel Rodriguez kept holding the photograph up in the light, wondering.  
2 He knew there was something wrong with it. The resolution was too blurred,  
3 even for a blowup of a Polaroid.

4 . . . .

5 Miquel Rodriguez, however, was not a fully signed-up member of the  
6 Washington power elite. A man of slight stature, a high-pitched voice, Iberian  
7 features, and large, round, Pre-Raphaelite eyes, he does not look the part of a  
8 tough prosecutor. But he has an almost reverential passion for his work as an  
9 Assistant United States Attorney in Sacramento. Clearly, Kenneth Starr did not  
10 know quite what he was getting when this young Hispanic—a child of migrant  
11 farm workers and a graduate of Harvard Law School—arrived in Washington in  
12 the fall of 1994 to take up his new post of Associate Independent Counsel.

13 . . . .

14 Rodriguez kept muttering about the photograph. “Is this all there is?” he  
15 asked.

16 Yes, that’s all there is; that’s the original, replied his FBI staff. And so it  
17 might have rested if it had not been for the courage of one person in the Office  
18 of the Independent Counsel who managed to gain access to the locked files.  
19 Hidden inside was a folder of crime scene photographs that had been  
20 deliberately withheld from the prosecutor.

21 Among them was the original Polaroid of Foster’s neck. What it showed was  
22 something very different from the “contact stain” in the fraudulent picture that  
23 had been circulating. Evidently, somebody had taken a photo of the original and  
24 then touched it up to disguise the incriminating evidence. This second-  
25 generation copy had then been used to create an enhanced “blow up.”

26 It was blatant obstruction of justice. Indeed it was worse. Whoever had done  
27 this was now an accessory after the fact in the death of the Deputy White House  
28 Counsel, and they had made the mistake of failing to destroy the original.

1           Wary of entrusting anything to the FBI crime labs, Rodriguez turned to the  
2 Smithsonian Institution for enhancement of the original. The work was done by  
3 the Smithsonian's subcontractor, Asman Custom Photo Service on Pennsylvania  
4 Avenue. A set of five "blowups" of the original were made. They revealed a  
5 dime-sized wound on the right side of Foster's neck (his left side) about half  
6 way between the chin and the ear. It was marked by a black "stippled" ring—  
7 sort of a dotted effect, like an engraving—that was suggestive of a .22 caliber  
8 gunshot fired at point blank range into the flesh. . . .

9           One medical examiner who looked at the photo thought that the wound might  
10 be the result of a 40,000 volt stun-gun, designed to cause temporary paralysis for  
11 about fifteen minutes. Fired at short range it can leave burn marks. But it was  
12 more likely to be a low caliber gunshot wound. Something had perforated the  
13 skin, causing blood to ooze down the side of the neck and into the collar.

14           The photograph, which I have examined carefully, is one of the few surviving  
15 Polaroids taken at Fort Marcy that night. The rest disappeared. . . .

16 . . . .  
17           All that survives is a motley collection of 18 Polaroids. Five of them depict  
18 Foster's grey Honda Accord. The rest are a mix, showing the cannon, the  
19 surrounding foliage, Foster's glasses, the gun in Foster's hand, and so forth.  
20 There is only one Polaroid close-up showing the right side of Foster's face and  
21 neck. It is signed JCR 7/20/93 on the back, indicating that it was taken by  
22 Detective John Rolla. This is the Polaroid retrieved from the FBI's hiding place  
23 at the Office of the Independent Counsel.

24 . . . .  
25           . . . [Kenneth Starr] was none too pleased when Miquel Rodriguez started  
26 sending memos warning that there was something deeply wrong. Starr was  
27 charming, of course. The son of a Texas, small-town, Church of Christ minister,  
28 he is a delightful man, and a devout Christian. But had no idea what to do when



1 Rodriguez told him that an original Polaroid showed a wound in the neck, and  
2 that renegade elements of the FBI were covering up the case.

3 . . . .

4 . . . the San Diego Medical Examiner, Dr. Brian Blackbourne, was wrapping  
5 up his independent review of the case. I asked him if he had been provided with  
6 the original Polaroid showing a black stippled wound on the side of Foster's  
7 neck.

8 No, he said, he had not been given anything like that.

9 The most important piece of crime scene evidence remained locked in a file.<sup>8</sup>

10 **4. CONCLUSION**

11 If the allegations in the books are true, then the court will have to take action to insure  
12 that the photographs produced to the court and to be produced to the public are the pristine  
13 originals. To determine if the allegations are true, the court should allow the testimony of  
14 Rodriquez and Rambusch to be taken, either in camera or in open court, along with any  
15 additional testimony the court deems appropriate.

16  
17 Dated: January 19, 2001

18 \_\_\_\_\_  
19 Allan J. Favish  
20 In pro se  
21  
22  
23  
24  
25  
26  
27

28 <sup>8</sup> A. Evans-Pritchard, *The Secret Life of Bill Clinton: The Unreported Stories* 135-153 (1997) (attached as Exhibit 2).

1 **DECLARATION OF ALLAN J. FAVISH**

2 I am the plaintiff in this case. I am over 18 years of age.

3 Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the book, The  
4 Strange Death of Vincent Foster: An Investigation, by Christopher Ruddy, a book that I  
5 purchased.

6 Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the book, The  
7 Secret Life of Bill Clinton: The Unreported Stories, by Ambrose Evans-Pritchard, a book that I  
8 purchased.

9 Attached hereto as Exhibit 3 is a true and correct copy of the October 13, 2000 hearing in  
10 this case that I received from the court reporter.

11 I declare under penalty of perjury under the laws of the United States that the foregoing is  
12 true and correct. Executed in Los Angeles, California on January 19, 2001.

13  
14 \_\_\_\_\_  
Allan J. Favish  
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1 **PROOF OF SERVICE**

2 I am an attorney licensed to practice before all the courts in California. I am over the age  
3 of 18 and my address is 18645 Hatteras St., #289, Tarzana, CA 91356-1802.

4 On January 19, 2001, I served the document entitled MOTION FOR COURT TO  
5 COMPEL TESTIMONY REGARDING ALLEGATIONS OF ILLEGAL GOVERNMENT  
6 CONDUCT REGARDING THE SUBJECT PHOTOGRAPHS; POINTS AND AUTHORITIES;  
7 DECLARATION OF ALLAN J. FAVISH, by placing a true copy thereof enclosed in a sealed  
8 envelope addressed to each of those identified in the service list, below.

9 **(XX) BY MAIL**

10 I deposited such envelope(s) in the mail at Los Angeles, California. The envelope(s)  
11 were mailed via U.S.P.S. first class mail, with postage thereon fully prepaid.

12 **( ) BY PERSONAL SERVICE**

13 I caused such envelope(s) or document(s) to be delivered by hand to the addressees or the  
14 addressees' office(s).

15 Executed on January 19, 2001, at Los Angeles, California. I declare under penalty of  
16 perjury under the laws of the United States that the foregoing is true and correct.

17 \_\_\_\_\_  
18 Allan J. Favish

19 SERVICE LIST

20 Ms. Jan L. Luymes  
21 Assistant U.S. Attorney  
22 U.S. Department of Justice  
23 411 W. 4th St., Suite 8000  
24 Santa Ana, CA 92701-4599

25 Attorney for defendant Office of  
26 Independent Counsel



DATE: 4-27-95

PAGE: 10-A

**WHITewater PROBE:** Whitewater prosecutors questioned former White House secretary Betsy Pond before a federal grand jury, as part of an investigation of the handling of papers following the 1993 death of Vincent Foster, the deputy White House counsel. Pond entered Foster's unlocked White House office briefly the morning after his death, straightening a batch of papers, The Associated Press reported. Foster's papers are important because he had files of tax documents on the Clintons' Whitewater land deal.

# The Washington Times

## Whitewater probe looks into papers

ASSOCIATED PRESS

Whitewater prosecutors summoned a former White House secretary before a federal grand jury yesterday, pursuing an investigation into the handling of papers after the 1993 death of Deputy Counsel Vincent W. Foster Jr.

Betsy Pond was questioned for more than an hour by prosecutors investigating the possible removal of a box of papers from Mr. Foster's office the morning after his suicide.

Authorities say Mr. Foster shot himself in Fort Marcy Park on July 20, 1993.

Miss Pond entered Mr. Foster's unlocked White House office briefly the morning after his death, straightened a batch of papers that were in disarray and turned off an office alarm that had been in use overnight, according to sources who spoke on the condition of anonymity.

Prosecutors are looking into information that a White House security aide, Craig Livingstone, removed a box of papers from the second floor of the West Wing of the White House that morning, the sources said. Mr. Foster's office was on the second floor.

U.S. Park Police Detective Pete Markland has said Mr. Livingstone acknowledged carrying a box of papers from the second floor the morning of July 21, 1993, but Mr. Livingstone's attorney, Randall Turk, denies his client did so.

The handling of Mr. Foster's papers has become part of the Whitewater investigation because a file of Whitewater Development Corp. tax documents was in Mr. Foster's office when he died. President and Mrs. Clinton were partners in the Whitewater venture in northern Arkansas with James B. McDougal, owner of Madison Guaranty Savings and Loan Association, and his wife, Susan. Mr. Foster was the Clintons' personal attorney.

The Foster file was moved to a room in the White House family residence and was turned over to the Clintons' new personal attorney several days later.

Separately, a public affairs officer for the Resolution Trust Corp., Steve Katsanos, spent three hours before the Whitewater grand jury.

Prosecutors are looking into whether the Clinton White House interfered in an RTC investigation of Madison.

DATE: 4-27-95

PAGE: A-6

# Secretary testifies as prosecutors track Foster's papers

BY PETE YOST  
Associated Press Writer

WASHINGTON — Federal prosecutors summoned a former White House secretary before a federal grand jury here Wednesday as they pursued their investigation into the handling of papers after the July 1993 death of Vincent Foster.

Betsy Pond was questioned for more than an hour by employees of independent counsel Kenneth Starr. They are trying to determine whether a White House aide removed a box of papers from Foster's office the morning after his suicide, according to sources close to the investigation.

The deputy White House counsel, a Hope native, shot himself in a Virginia park on July 20, 1993. Foster was a partner at Little Rock's Rose Law Firm before moving to Washington in early 1993.

Pond entered Foster's unlocked White House office briefly the morning after his death, straightening papers

that were in disarray and turning off an office alarm system that had been in use overnight, according to the sources.

Prosecutors are looking into information that a White House security aide, Craig Livingstone, removed a box of papers from the second floor of the West Wing of the White House that morning, according to the sources. Foster's office was on the second floor.

Pete Markland, a U.S. Park Police detective, said Livingstone acknowledged carrying a box of papers from the second floor on the morning of July 21, 1993. But Livingstone's lawyer, Randall Turk, denied that.

The handling of Foster's papers has become part of the investigation into the Whitewater Development Corp. affair. Foster was working on Whitewater matters for President Clinton and first lady Hillary Rodham Clinton at the time of his death.

The Clintons were partners from 1978-92 with James McDougal in Whitewater, a failed 230-acre real estate develop-

ment along the White River in Marion County, Ark. McDougal also owned Madison Guaranty Savings and Loan Association, which failed in 1989 at a cost to taxpayers of \$65 million.

McDougal's business dealings are the focus of Starr's investigation.

Foster's Whitewater file was moved to a room in the White House family quarters. Several days later, it was turned over to the Clintons' personal attorney. The file is now in the possession of Whitewater prosecutors.

Through her attorney, Tom Dyson, Pond declined to comment about her grand jury appearance.

A public affairs officer for the Resolution Trust Corp., Steve Katsanos, testified for three hours before the Washington grand jury. Katsanos declined to comment on his grand jury appearance. The RTC is charged with disposing of the assets of failed S&Ls.

A separate grand jury at Little Rock is looking into the Whitewater affair.

**REVISED MEMORANDUM**

TO: Judge Starr  
Mark Tuohey  
John Bates

CC: Jackie Bennett

FROM: Brett Kavanaugh

DATE: April 10, 1995

RE: Questioning of Bruce Lindsey about Foster Death and Foster Documents

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

Jackie and I will remain in contact on this issue and will revisit it periodically.

# The Washington Post

## Whitewater Counsel Probes Question of Foster Documents Removal

DATE: 4-20-95  
PAGE: A-3

By Susan Schmidt  
Washington Post Staff Writer

The Whitewater independent counsel's office, moving toward completing its investigation into the handling of documents in the office of late deputy White House counsel Vincent Foster, is looking into whether a box of papers was removed the morning after Foster's suicide.

A U.S. Park Police sergeant who went to the White House the morning of July 21, 1993, to investigate the circumstances of Foster's death the previous day said he was told the White House personnel security chief had removed a box of papers early that morning.

Sgt. Pete Markland said in an interview this week that when he arrived at the West Wing that morning to search Foster's office, he was pulled aside by the uniformed Secret Service officer stationed at a desk by the elevator. Markland said the officer told him White

House security chief Craig Livingstone had come down the elevator earlier that morning carrying a cardboard box filled with papers.

Markland said he encountered Livingstone later in the day and asked him about taking papers from the counsel's office.

"He admitted he had a box of documents, but said they came from another location," said Markland, who said he detailed the incident both in his written police report and in interviews with lawyers from then-special counsel Robert B. Fiske's staff last year.

There are other offices on the West Wing's second floor, including the first lady's office and offices for legislative affairs and domestic policy.

Markland said he has been summoned for questioning Friday by Fiske's successor, independent counsel Kenneth W. Starr.

Livingstone's lawyer, Randy Turk, said his client "did not remove any documents from the White House or the White House counsel's of-

fice after Foster's suicide and does not know of anyone else doing so." Turk said Livingstone is cooperating fully with Starr's investigation and "hasn't done anything wrong."

White House counsel Abner J. Mikva said he is aware the matter is being reviewed by Starr's office and that it is a "a matter of some controversy." He said his office does not know of a box being removed and said he could not comment further.

A spokesman for the Secret Service refused to disclose the name of the officer on duty that morning, citing Starr's ongoing investigation.

Livingstone was the White House official first notified about the discovery of Foster's body in Fort Marcy Park in Virginia. Livingstone was intimately involved in the subsequent events, accompanying Foster's long-time friend William Kennedy, then an associate White House counsel, to identify his body at the hospital that night.

Markland said that when he encountered Livingstone the next day, his eyes were red and he appeared distraught over the death.

White House officials kept Markland and other Park Police officers from entering Foster's office until the following day. Even then, Bernard Nussbaum, then White House counsel, prevented law enforcement officials from looking at Foster's papers and sorted through them himself, withholding some on various grounds, including claims of executive privilege. A folder containing materials relating to Whitewater investments by President Clinton and first lady Hillary Rodham Clinton was removed from Foster's office that day and placed in a closet in the White House residence, a fact that was disclosed five months after Foster's death.

"The whole search of that office was absurd," said Markland, who along with other officers was kept at a physical distance while Nussbaum went through the material. "We had no control over it at all. If we were going

to discover anything at all, it would have been with the approval of the chief counsel."

Markland said the office was supposed to have been secured, but when he asked to see Foster's trash, "it wasn't there. . . . They said that it was taken out by maintenance or the housekeeper."

A log of people entering Foster's office on July 21 suggests the trash was removed and then returned. The log contains the following notation for 6:34 p.m.: "Cliff Sloan, to replace a bag of trash previously taken from Mr. Foster's trash can." Sloan was then an associate White House counsel.

Markland said he believes White House officials "obviously had something to hide." Nussbaum's failure to discover a torn-up note at the bottom of Foster's empty briefcase until days later "clinches it for me," he said. Nussbaum, he said, looked into the briefcase twice that day and told the assembled law enforcement officials, "It's empty."



# The Washington Times

DATE: 4-20-95  
PAGE: A8

## Whitewater probe seeks missing box

By Pete Yost  
ASSOCIATED PRESS

In yet another mystery stemming from Vincent Foster's 1993 suicide, the Whitewater independent counsel's office is investigating whether a presidential aide removed a box of papers from a White House office the morning after the death, according to people close to the investigation.

For the past year, Whitewater investigators have been unable to locate the box, nor do they know what was in it, where it came from or whether it relates to Mr. Foster's death, the sources said, speaking on the condition of anonymity.

The investigators are interested because a Secret Service officer reported seeing White House aide Craig Livingstone carrying a box of papers down from the second floor of the West Wing the morning after the suicide, said the sources, who are outside the independent counsel's office.

Mr. Foster's office was on the second floor, as were several other presidential aides' offices.

A U.S. Park Police detective who investigated the suicide told the Associated Press that Mr. Livingstone confirmed moving a box of papers from the floor that morning.

Detective Pete Markland said he questioned Mr. Livingstone after being alerted by the Secret Service officer.

"It was obviously unusual to him that Livingstone would have been coming down with papers like that," Detective Markland said.

He said Mr. Livingstone told him the box was not from Mr. Foster's office. Whitewater investigators, however, are trying to determine where Mr. Livingstone picked it up, where he took it and what was in it, the sources said.

Mr. Livingstone's attorney, Randall J. Turk, said his client "did not remove any documents from the White House or the White House Counsel's Office the morning after Mr. Foster's suicide, and he has no knowledge of anyone else having done so."

Mr. Livingstone declined comment, except to say he had appeared before a federal grand jury.

Mr. Livingstone in 1993 worked for White House Associate Coun-

### Papers taken day after Foster's death

sel William Kennedy III, who was a partner in the same Little Rock law firm as Mr. Foster and Hillary Rodham Clinton.

Mr. Livingstone, who had security responsibilities in the White House, was among the first to be notified that Mr. Foster had shot himself in Fort Marcy Park on July 20, 1993. He and Mr. Kennedy went to the hospital that night to identify the body.

The next day, Park Police went to the White House to search Mr. Foster's office for a suicide note.

Detective Markland said a Secret Service officer told them he had seen Mr. Livingstone bringing down a box of papers from the second floor that morning and suggested the Park Police investigators talk to him about it.

Detective Markland introduced himself a short time later, telling Mr. Livingstone: "You were seen carrying a box of papers off the second floor. Did they come from Mr. Foster's office? ... Were you in Mr. Foster's office?"

Mr. Livingstone replied that he had gotten the material from elsewhere on the second floor and that he hadn't gone into Mr. Foster's office, Detective Markland said. No further questions were asked.

Whitewater investigators had hoped last summer to conclude their probe into the actions of White House aides after the suicide of Mr. Foster, who was deputy White House counsel and a close friend of President Clinton's.

But questions arose about whether the White House tried to hide documents in Mr. Foster's possession from authorities. The White House has repeatedly denied any wrongdoing.

Among the disclosures was that two days after Mr. Foster's death several files involving the Clintons' Whitewater real estate venture and other business dealings were removed from Mr. Foster's office by presidential aides and sent to the first family's White House residence.

[The Washington Times first reported in December 1993 that White House officials had removed files from Mr. Foster's office during two searches.

[The searches included a clandestine visit to Mr. Foster's office by two Clinton political operatives less than three hours after his body was found about 6 p.m., according to two Park Police investigators who asked not to be identified.]

The Clintons' private attorney ultimately turned over those records to Whitewater investigators.

The Livingstone issue was handed off when special counsel Robert B. Fiske was replaced by independent counsel Kenneth Starr in August.

93

# THE SUN

BALTIMORE, MARYLAND

DATE: 4-20-95

PAGE: 13-A

## Mysterious White House box sought

### Possibly linked to Foster death

Associated Press

WASHINGTON — In yet another mystery stemming from Vincent Foster's 1993 suicide, Whitewater prosecutors are investigating whether a presidential aide removed a box of papers from a White House office the morning after the death, according to people close to the investigation.

For the past year, prosecutors have been unable to locate the box, nor do they know what was in it, where it came from or whether it even relates to Mr. Foster's death, the sources said, speaking only on condition of anonymity.

Prosecutors are interested because a Secret Service officer reported seeing White House aide Craig Livingstone carrying a box of papers down from the second floor of the West Wing the morning after Mr. Foster's suicide, said the sources, who are outside the prosecutor's office.

Mr. Foster's office was on the second floor, along with several other presidential aides' offices.

In addition, a U.S. Park Police detective who investigated the suicide told the Associated

Press that Mr. Livingstone confirmed to him that he did indeed move a box of papers from the floor that morning.

Detective Pete Markland said he questioned Mr. Livingstone after being alerted by the Secret Service officer.

He said Mr. Livingstone told him that the box was not from Mr. Foster's office. Whitewater prosecutors, however, are still trying to determine where Mr. Livingstone picked it up, where he took it and what was in it, the sources said.

Mr. Livingstone's lawyer, Randall J. Turk, says his client "did not remove any documents from the White House or the White House counsel's office the morning after Mr. Foster's suicide, and he has no knowledge of anyone else having done so."

Mr. Livingstone declined to comment, except to say that he had appeared before a federal grand jury.

At the time, Mr. Livingstone worked for then-associate White House counsel William Kennedy III, a former law partner of both Mr. Foster and Hillary Rodham Clinton.

Mr. Livingstone, who had security responsibilities in the White House, was among the first to be notified that Mr. Foster had shot himself in a Virginia park on July 20, 1993. He and Mr. Kennedy went to the hospital later that night to identify the body.

94

**DRAFT**

**MEMORANDUM**

TO: Judge Starr  
 Mark Tuohey  
 Bill Duffey  
 Hickman Ewing  
 John Bates

CC: Amy St. Eve

FROM: Brett Kavanaugh

RE: Foster Office/Documents/Note Investigation

DATE: March 5, 1995

I have devised the following tentative schedule for Foster documents interviews over the next six weeks. Please review this schedule as soon as possible; if anyone has any suggestions or problems, please let me know immediately.

**Grand Jury Interviews**  
**(first of these subpoenas to issue on March 8, 1995)**

To schedule for week of 3/13

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

To schedule for week of 3/20

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

To schedule for week of 3/27

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

To schedule for week of 4/3

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

For week of 4/10 and thereafter

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

**Unsworn Interviews**

To schedule for weeks of 3/6 and 3/13

- \* secretaries Deborah Gorham, Betsy Pond, and Linda Tripp

\* Phil Heymann

To schedule for week of 4/10

**ALL FOSTERS, ANTHONYS, AND SHARON BOWMAN RE: FOSTER DEATH INVESTIGATION**

To schedule intermittently

- \* Paul Begala re: night of the 20th at WH
- \* Nicole Boxer re: night of the 20th at WH and phone conversation with HRC (daughter of Barbara Boxer)
- \* CNN confidential witness re: night of the 20th
- \* Eileen Watkins re: night of the 20th
- \* Heidi Schulman (wife of Mickey Kantor) re: night of the 20th
- \* Senator David Pryor re: night of the 20th
- \* Mrs. Pryor re: night of the 20th

**Polygraph Offers**

FOIA(b)7 - (C)
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A belated welcome to the OIC! I thought you might get a kick out of reading this. If not, please pass to any one at the OIC **HUGH H. SPRUNT** whom you think might <sup>CPA & Attorney</sup> be. Give my best to Jim Clemente if he happens to still be around (don't think so).

3508 Watercrest Court <sup>972 (214)</sup> 484-7136  
Farmers Branch, TX 75234-2457 HSprunt@aol.com

-HHS

# ##### Caught: A Falling Starr #####

© Hugh Sprunt [(972) 484 - 7136], October 1997; All Rights Reserved

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From morn  
To noon he fell, from noon to dewy eve,  
A summer's day; and with the setting sun  
Dropp'd from the zenith like a falling star.  
-- *Paradise Lost*, bk. 1, l. 679

## INTRODUCTION

I defended Whitewater Independent Counsel Kenneth Starr in *The New York Times*, shortly after his appointment in August 1994 by a three-judge panel of the District of Columbia Circuit Court of Appeals, from accusations of partisan political bias, writing that, as a prosecutor Mr. Starr should not be held to the strict standard of impartiality applicable to judges.

No, I argued, Mr. Starr is functioning as the people's lawyer and we should properly expect him to be a zealous advocate on our behalf, just as the President and all other potential targets of the Whitewater investigation are entitled to expect their own attorneys to defend them to the ethical utmost. What, I asked readers of the *Times*, poses a greater risk to the nation, a successful cover-up (as Watergate very nearly was) or an overzealous prosecutor who must first convince a grand jury to indict and then persuade a judge neither to dismiss his case outright nor to bar a trial on the merits by ruling in favor of the defendant's motion for summary judgment?

In the months following his appointment, first my expectations and ultimately my hopes that Mr. Starr would, in fact, be a zealous advocate for the people vanished utterly. Ironically my concern, expressed in the *Times* in August 1994, about the dangers of a successful cover-up came to fall on the Starr Office of Independent Counsel ("Starr" or "OIC"). I have never insisted that Mr. Foster was murdered (though that would not surprise me). It is my firm belief, however he came to grief, that it didn't happen at Fort Marcy Park and that the body was interfered with prior to, or in connection with, its discovery and autopsy. I also believe that there is more than ample evidence of an official cover-up of these events.

A thorough analysis of portions of Starr's report (such as the section dealing with the handwriting analysis of the so-called "torn note" commissioned by Starr) must wait until more of the source documents and reports cited by in the Starr report have been made public.

That having been said, it is nonetheless my contention that Starr's report on the death of deputy White House counsel Vince Foster, unsealed by the three-judge panel on October 10, validates my fears of prosecutorial cover-up. This article provides a modest guided tour of Starr's Foster report and the underlying government investigative documents, in an attempt to prove my contention. Those who wish to explore the issues I raised about the Foster death prior to the release of the Starr report should read the long report on the Foster death that I provided the OIC.

You, the reader of this article, will be my judge. As you pause now to slip into your black judicial robes, I ask that you hark back to that familiar statue of "Blind Justice." You know the one, the blindfolded lady, holding the scales that enable her to weigh the evidence intelligently and impartially.

## OVERVIEW

The first thing that struck me about Starr's report was its relative "anonymity." Notwithstanding its numerous failings, when former regulatory counsel Fiske's report on the Foster death was made public on June 30, 1994, it featured Robert Fiske's name prominently on its cover as well as those of Deputy Counsel Roderick Lankler, and Associate Counsels Stein and Stich. In contrast, the portion of the Starr written by the OIC report bears neither the name nor signature of any Starr attorney or staff member on its cover or anywhere else, unless you count one reference to "Independent Counsel Starr" in the court order unsealing the report (signed by a deputy court clerk) and one pro forma appearance of Starr's name in a paragraph referring to his appointment on August 5, 1994.

In sharp contrast, Starr, having been twice rebuffed by the three-judge panel in connection with the court's decision to order a 20-page evidential filing from Foster grand jury witness Patrick Knowlton's attorney, John Clarke, made a part of Starr's report, did not hesitate on that occasion to make his bosses aware that he was putting his personal reputation and credibility on the line when he filed his motion "for reconsideration of the court's order of September 26, 1997."

More will be said below about the court order forcing Starr to make Knowlton's 20-page evidential filing legally as much a part of the OIC's Foster report as if it had been written by Ken Starr himself. It should be noted here, however, that many of the analyses and documents cited in the Starr report are still secret, whereas every government document cited by Knowlton's attorney, John Clarke, in the 20-page evidential filing is, with a little digging, publicly-available.

It would be a mistake to examine the Starr report on a "stand-alone" basis just because it (as might be expected of all but the most slipshod effort) is internally consistent. No, the pre-existing official record (including government source documents) must be used to place the Starr report in the context it deserves.



In reaching the same conclusion as the four prior publicly-available federal government reports on the Foster death (that Mr. Foster was clinically depressed and committed suicide where his body was found in Fort Marcy Park, Virginia, with the gun found in his hand by the US Park Police) Starr, in my opinion, employed three obvious, and less than respectable, techniques:

1) "Incomplete Report." If the conclusions to be reported in Starr's report did not comport with evidence gathered by the government itself in the course of its investigation into the death, the numerous material discrepancies involved simply went unmentioned if Starr was at all uncertain of his ability, as he almost always was, to devise an innocuous reconciliation that would bear more than casual scrutiny;

2) "Unfair Report." Witnesses were "re-interviewed" again and again by FBI agents assigned to Starr until virtually all of them (excepting Knowlton) eventually wilting to one degree or another under repeated questioning and expressing at least a modicum of doubt about the correctness of information they had provided to the FBI, or to other government investigators, in prior interviews or when under oath before a grand jury. At that point, a notation was made that the witness had recanted his prior statements or testimony, and the Starr investigators' notebooks were closed;

3) "Over-Imaginative Report." Use of experts to uncover new, and astonishing, forensic and other evidence, the existence of which had somehow been "missed" or even formally denied by previous government experts, including items of evidence that were never detected by the FBI Laboratory and others. Sometimes, this new evidence has no chain-of-custody, such as the oven mitt allegedly seen in Foster's Honda the night of the death, but not delivered (by a White House official and subordinate of Mr. Foster's) to Starr for testing until ten months after the death.

Another technique which Starr used when he investigated the Foster death is not so obvious: the same FBI agents used by Starr were also employed in many cases by his predecessor Robert Fiske. Thus the same agents were ordered by one prosecutor to reevaluate the work they had for a previous prosecutor ("Compromised Report")

Finally, stepping back from the official record, there have been press reports from two investigative journalists whose sources indicate that the first lead prosecutor (a Democrat) hired by Starr to examine the Foster death as well as his assistant both resigned from Starr's staff after several months when it became clear to them that the OIC leadership was refusing to permit them to develop the case in a normal fashion and were actively blocking their attempts to have this bizarre interference stopped.

Perhaps they, and others, will come forward on the record now that the Starr report is public.

In short, it appears to me that Starr's report on the Foster death is a "phony gun-deck job" – that is, a long-delayed and highly-manipulated document designed to create the false impression that duties assigned have been faithfully executed. Had TV District Attorney Burger placed the Starr report in evidence, Perry Mason would have had a field day with it! A more important question: What would Vince Foster think of his epitaph, provided courtesy of Ken Starr?

## THE KNOWLTON EVIDENTIAL FILING

Although Independent Counsel Kenneth Starr's report was made public on October 10, as of this writing not a single major media outlet has yet covered the most newsworthy aspect of this event: a 20-page insert filed by federal grand jury witness Patrick Knowlton which attacks the Starr investigation and its predecessors as across-the-board cover-ups.

In October 1996, long before the release of the Starr Report, Knowlton filed a civil suit listing over two dozen named and unnamed parties inside and outside of government whom he alleges undertook a concerted intimidation campaign against him in an effort to influence his grand jury testimony about who and what he had witnessed in Fort Marcy Park just 70 minutes before Foster's body was found. A scheduling conference was held with the judge on December 12, and oral arguments on the government's request that the court either dismiss the case or rule in the government's favor without a trial are scheduled for January 20, 1998.

The harassment was witnessed by several people who recorded their observations real-time. The intimidation efforts commenced the day Knowlton received his federal grand jury subpoena in October 1995. The existence of his subpoena was known only to the Starr OIC and the FBI. The harassment continued during the several days immediately prior to his testimony. Knowlton begged the OIC and Starr's FBI agents for help but the civil suit recounts that, in response, an FBI agent appeared at Knowlton's home and joined in himself.

Knowlton's car had been attacked with a tire iron on May 10, 1994 by a person later identified as having FBI connections on the night before his second FBI interview, at which interview a concerted effort was made to get him to change his prior Park Police and FBI witness statements (Knowlton refused and claims the FBI altered his statements anyway). One blatant omission from the portion of the Starr report written by the OIC is any mention of Knowlton's allegations of harassment (not even a denial).

Starr's "bosses," a three-judge panel of the District of Columbia Circuit Court of Appeals, evaluated Knowlton's 20-page filing and additional documentary evidence supporting it and then ordered the 20-page filing attached to the OIC's report over the repeated objections of Kenneth Starr. There was no legal requirement that the judges order the attachment made.

Indeed, as Starr pointed out to the court himself, there was much law on the OIC's side. The 20-page evidential filing is now legally as much a part of the report as the material written by the anonymous authors at the Starr OIC. I believe that a black-letter reading of the statute *favours* Mr. Starr's position that the filing with the court should not have been sanctioned by the court and, in any event, that the material should have excluded from the Starr report *in toto*:

1) The witness proffering the 20-page filing was not entitled to even submit it for the court's consideration because he did not meet the requisite statutory definition – Starr had chosen not to name him by name in the OIC's portion of the report – and thus the witness did not qualify as someone entitled to offer comment;

2) The paragraphs in the OIC portion of the report that referred to this witness were on their face innocuous – they did not malign the witness in any way and thus provided no basis for including even any narrowly-focused comments he might want to make about Starr's report.

3) The contents of the 20-page filing were a broad indictment of the Starr OIC and the FBI agents who worked for Mr. Starr and Mr. Fiske in connection with each of their Foster death investigations and therefore were not the sort of comment contemplated by the statute (to protect a named party from being maligned or from otherwise unfair treatment in the report).

Nonetheless, the three-judge panel unanimously ordered the 20-page filing made a part of Starr's report. They did, first by deciding that Knowlton should be deemed “named” even though he was not actually named in the report and then, after evaluating the contents of the 20-page filing itself, ordering it to be included in its entirety, despite knowing that the next business day Starr would be filing a motion opposing inclusion.

Although the court had broad discretion under the law to deny the inclusion, some guidance is provided in applicable case law [e.g., *In re North*, 10 F.3rd 831, 835 (DC Cir. 1993)]: such comments should be made a part of an Independent Counsel's report when necessary “[t]o assure that the report is full and complete and to afford [the “interested party”] a measure of fairness.” This guidance should be kept in mind when the procedural and substantive motions filed by the witness and by the OIC are analyzed since it appears that the judges unanimously decided that Starr's report would be incomplete and unfair *without* the attachment.

After the court agreed to grant Knowlton access to the paragraphs of the OIC report about him even though those paragraphs merely referred to the witness by pseudonym, the OIC received Knowlton's motion for inclusion, along with the text of his proposed 20-page evidential insert, on September 24. Starr responded immediately by notifying the court on the 25th that the OIC intended to formally oppose Knowlton's motion and would do so within two business days.

***Notwithstanding its knowledge that the Starr motion opposing the inclusion of the 20-page comment would be filed the following business days, the court decided that Starr's motion was not were waiting for and ordered, on September 26, that Knowlton's entire 20-page insert made a part of Starr's Report. The court's pre-emptive strike really got Starr's attention.***

The next business day, Starr filed a 9-page "Motion of the Independent Counsel for Reconsideration." Although neither the printed name nor the signature of anyone at the OIC appears on Starr's report on the Foster death, Ken Starr signed the "Motion for Reconsideration" personally, putting his full personal credibility as Independent Counsel (and as a former US Solicitor General and Appellate Court Judge) on the line. The court's response: Motion for Reconsideration denied, Mr. Starr.

Starr's 9-page motion makes arguments against including the 20-page insert that range from the appropriate, to the facile, to the ridiculous. He takes his bosses, the three-judge panel, to task for ruling against him (on the 26th) without waiting to read his motion in opposition. Had I been in Starr's shoes, I would have been miffed by this apparent lack of professional courtesy if nothing else; time was not of the essence so there was no need I can envision for the court to have acted so peremptorily in this matter. Unless. . .

Was the court "sending a message" to Mr. Starr (and perhaps to others in government and to the media) that the court, had strong reservations about the completeness of Starr's Report and how fairly this witness had been treated by both Counsels Fiske and Starr (not to mention the FBI agents assigned to each of them)? At the minimum, the court chose to interpret the Independent Counsel statute extremely broadly in reaching its decision to order the 20-page insert made a part of the Starr report. Why did it bother to do so, especially on behalf of a witness who seemed, on the face of the report at least, not to have been treated at all unfairly?

The three-judge panel does not have the power to assign a "passing" or a "failing" grade to an Independent Counsel's report or otherwise to officially comment directly on its quality. Although divining judicial motivation is a difficult task, until the judges see fit to publicly state their reasons, I believe everyone is entitled to take a look at the record (including the judicial guidance in case law) and form his or her own conclusion.

Federal grand jury witness Patrick Knowlton ought to be a "poster boy" for the ACLU and other civil rights organizations but, in these morbid, and politically partisan, times he is not. He should be, and not only because the illegal techniques used by the government to intimidate him prior to his grand jury testimony are well-documented illegal tactics used to intimidate and harass other inconvenient witnesses, such as those reporting federal civil rights violations to prosecutors in the 1960's. Make no mistake: the intimidation of grand jury witnesses strikes at the heart of our judicial system.

## GET YOUR AMAZING NEW EVIDENCE RIGHT HERE!

What A Drag . . .

Perhaps the most succinct example of the methodology employed by Starr is illustrated by a determination made Starr's new expert in physical evidence and crime scene reconstruction (page 51). Starr hired forensic scientist Henry Lee to determine if he could discover any new evidence in connection with the Foster death. Lee delivered. Starr (page 51), quoting from Dr. Lee's still-secret report, tells us the following about Foster's dress slacks: "[n]o dragging-type soil patterns or damage which could have resulted from dragging-type action were observed on these pants." Lee made the same general observation about the long-sleeved dress shirt that the coatless Foster was wearing.

Starr builds on Lee's still-secret report: "Examination of Mr. Foster's clothes by Dr. Lee revealed no evidence of a struggle or dragging." This is an important conclusion since it would normally tend to rebut claims made by some that Foster was transported, unconscious or dead, to Fort Marcy Park or, at least, that this transport must necessarily have involved dragging Foster across the park or up the slope on which his body was found. Although this conclusion of the renowned Dr. Lee seems to buttress Starr's conclusions, it actually deals a fundamental blow to Dr. Lee's perceived expertise (or credibility) and therefore necessarily calls into question the validity of various other items of new evidence uncovered by Dr. Lee.

According to Starr, Dr. Lee conducted a thorough professional analysis of Foster's dress slacks and stated that Foster's slacks showed no evidence that the body was dragged. Presumably, Starr wants us to believe that, had there been evidence of dragging, Dr. Lee's forensic skills would have both detected the evidence of that dragging and that he would have told Starr about it. Someone apparently failed to back-check this overly creative "conclusion" against the official record because the government's own record makes it clear that Foster's body *was* dragged – twice.

Here is what the Park Police investigator in charge at the body site said under oath in 1994 about what happened when he and the Medical Examiner rolled over Foster's supine body at Fort Marcy Park so that the Park Police could take Polaroid and 35 mm photos of the back side:

You know, we rolled the body and I took Polaroids of the body rolled - and it's not funny, the reason I remember it [taking the Polaroids of the back of the body] is because I pulled his arm up, rolling him, **OBVIOUSLY MOVING THE BODY** [emphasis added]. I didn't care what position he was in, one arm was pulled up, and **HE BEGAN SLIDING DOWN THE HILL** [emphasis added]. So [the Medical Examiner] stood at his feet while I rolled him over to keep him from sliding all the way down the darn

embankment [Foster's feet being thirteen feet up-slope from the bottom of the 45 degree embankment]. I pulled one arm up. So when I rolled him, one arm was up, I forget which arm, and I pulled him, he slid down a little bit. So I PULLED HIM BACK UP, SO HE IS ACTUALLY HIGHER UP ON THE HILL NOW [emphasis added]. It looked like he was crawling up the hill and it looked funny, wasn't funny. It's kind of one of those things, but I didn't take pictures because it was funny [meaning he *did* take Polaroids – to document Foster's back side]. I KNOW I TOOK POLAROIDS OF THAT [the back side - emphasis added]. I am not sure how many I took, BUT I DON'T RECALL SEEING THOSE POLAROIDS AGAIN. I mean I had them in the office that night, I did reports, and I don't know what happened.

Another Park Police investigator who observed the body being rolled reported the sliding to the FBI: "She specifically remembers also that [the investigator above] assisted the Medical Examiner in rolling the decedent's body to the body's left and then to the right so the Medical Examiner could examine the rear of the body. In this regard, she recalls the body starting to slide down the hill, requiring both [the investigator above] and the Medical Examiner to stop the slide." "Oh, what a tangled web we weave when first we practice to deceive?" Lee appears to have been too clever by half.

#### Make No Bones About It

Dr. Lee also discovered a "bone chip" in Mr. Foster's clothing years after the death that those at the scene and, later, two government laboratories, missed. You see, the official account involves a 1" by 1.25" chunk of skull that was blown out of the center rear of Foster's head three inches below the crown. Prior to the Starr report, it had been an official embarrassment that this sizable skull fragment(s) was never found on the ground up-slope (downrange) from Foster's head – where it would normally have been expected to have fallen after he shot himself point blank in the mouth with a .38 Colt Revolver firing a high-velocity unjacketed lead slug.

In light of Lee's conclusions about "dragging," perhaps one is entitled to ask how he found a skull fragment that those on site that night, and later the Park Police evidence technicians and the FBI Lab all missed. To boot, Lee found the bone fragment among Foster's clothing (all of which was, of course, *up*-range of the back of his head). Somehow, in vacuuming Foster's clothes for the hairs and fibers of various types detailed in its reports, the FBI managed to "miss" the bone chip found many months later by Dr. Lee. Perhaps Starr considers this "serendipity." I am inclined to think otherwise.

#### La Vie En Rose?

Dr. Lee also reported that Foster's glasses (found 19 feet *up*-range of his head – the Fiske report said the glasses “bounced down the hill” despite the thick vegetation officially surrounding the body) that were clearly on his face when the fatal shot was fired. This is a potentially important point since it otherwise would be possible that Foster's glasses might have departed the body as it was being carried – the location of the glasses corresponds to a change in slope from a down-slope to the 45 degree up-slope on which his body was found, a likely spot for the glasses to fall to the ground (the one photo of the glasses in the record appears to show a broken stem, but there is no information in the record describing how this damage occurred).

Before the Starr report, the only evidence the glasses were on or near Foster's face when a shot was fired was a report by the FBI Lab which examined the glasses carefully enough to recover *one grain* of gunpowder from the glasses. Starr (page 57) reports that Dr. Lee was able to discover something new on the glasses that the FBI Lab (and the Park Police evidence technicians) somehow failed to notice: “[b]loodstains were found on both sides of the lenses of Mr. Foster's eyeglasses.” The these bloodstains were as large as one millimeter in diameter, Lee reported (a one millimeter drop of blood is easily visible to the naked eye, especially on a glass surface).

“We’ve Got The Oven Mitt - You Must Acquit?”

Dr. Lee detected traces of lead on the inside of Foster's left pocket and the presence of lead and antimony (presumably from ammunition, but other sources, such as a car battery are possible) inside an "oven mitt" from Foster's kitchen said to have been seen in the glove compartment of Foster's Honda at Fort Marcy Park. But, the existence of this oven mitt is not mentioned in any of the thousands of pages of official documents, testimony, depositions, and reports on the Foster death available prior to the Starr report.

These would include the evidence control sheets that carefully inventory the evidence such as the specific numbers and types of coins in the car, the presence of a large Fender guitar pick, the brand names on the empty cigarette packages in the car, etc.) that the Park Police thought worthy of attention. If Starr’s conclusions regarding the oven mitt are legitimate, it is potentially a significant (and long sought) link between Foster and the black Colt. 38 revolver Foster allegedly used to kill himself.

In 1995 and 1996, Starr (pages 52-54) tells us that the Park Police Investigators (who had heretofore never mentioned the existence of the oven mitt) confirmed that it was indeed present in the Honda glove box on July 20, 1993, at the park. Problems? First, there are pre-existing under-oath statements from the investigators that call the existence of the oven mitt into question: the investigators were deposed in 1994 regarding what they saw in the Honda's glove compartment that night.

The oven mitt apparently filled the length and breadth of the glove compartment, based on a July 21 photo in Starr's possession so this unlikely item would have been impossible to miss. In the very poor quality photocopy available to the public, the object in the glove compartment, assuming it *is* like an oven mitt appears to be more like a barbecue mitt with a long cuff (and possibly left in the car after the kids' beach picnic that took place on the weekend before the death).

Starr's footnote 56 covers the photos taken on July 21 at the Park Police impound lot at Anacostia Station, but the Park Police documents from the impound lot do not mention the oven mitt photo or even that the glove compartment was photographed. The front seat area of the Honda was photographed at Fort Marcy Park on the evening of July 20, but Starr does not refer to these photos as showing the oven mitt.

According 1994 depositions of the two lead Park Police investigators at Fort Marcy Park on July 20, 1993:

Q: What do [did] you find in the car?

A: I went through the car. I found normal stuff in the car, sunglasses, photos, registration. . .

Q: What else did you see in the car?

A: As I was saying earlier, the jacket with the wallet and credentials. There was [sic] pictures in the glovebox, and sunglasses, a couple of cigarette boxes. . .

According to the second investigator who searched the car at the same time:

Q: What did you do, what would you describe what your search of the car was . . . [sic]?

A: I went through the car looking – again looking for anything that could lead me to believe that it was other than a suicide or it was a suicide, anything that could help confirm one way or the other. . .

Q: What about on [sic] the glove compartment?

A: Nothing out of the ordinary. I think the registration was in the glove compartment [confirming the other investigator's deposition above]. I took that for the time being [that is, the registration was logged into evidence; the alleged oven mitt did not merit this treatment].

There is an evidence control sheet that *does* inventory at least some of the items found in the glove box, but only "miscellaneous papers" are mentioned – presumably the Honda registration referred to above and (possibly) the family pictures also found in the glove compartment. There is, however, no mention of an oven mitt in *any* of the evidence control sheets.



I submit, given the depositions above of the only two people who searched the car that night, that one would clearly expect to have heard about an oven mitt in the glove compartment in their depositions and also to have expected said oven mitt to have been logged into evidence. Didn't happen.

Finally, Starr states that Foster's widow and elder son identified the oven mitt on April 7, 1995, to his investigators as being one normally found in the kitchen of the Foster rental home in Georgetown. This is entirely possible, but an anonymous Foster investigator has pointed out that although the widow granted an extensive series of interviews that summer to a writer for *The New Yorker* (published as "Life After Vince," a long article in the September 11, 1995, issue), *The New Yorker* article never mentions the existence of the oven mitt, even though the article covers gun and gun-related evidence in detail that had not surfaced publicly until that time. For what it's worth, the same article *does* mention other "new" information from the widow's April 7, 1995, OIC interview, however.

Perhaps the oven mitt was present in the Honda glove compartment the night of the death, as Starr claims. What is absolutely certain is that Starr indicates that the oven mitt was not turned over to the OIC until about ten months after the death, ten months during which the oven mitt was in the possession and control of one of Foster's subordinates at the White House Office of Legal Counsel. Bottom line: *no chain of custody exists for the oven mitt* even if it was in the Honda at the park that night and its use in evidence is questionable at best.

Dr. Lee Sees Red – Again

Then there are the "reddish brown, blood-like stains" that Dr. Lee sees on several leaves of the vegetation near the spot where the body was found. Dr. Lee spotted these blood-like stains at least two years after the death when he examined the few surviving Polaroids of the body and the area immediately around it. No one else, not the Park Police and not the FBI, remarked on the presence of these stains, said by Dr. Lee to be apparent on the Polaroids. Furthermore, what about witness accounts from the scene the night of the death? It is not as if no one was looking for stains like those Lee has found in the Polaroids taken at the park that night. Searching for such spatter or splatter from the wound is a standard criminal investigative technique in cases of gunshot death.

In a death caused by a point blank shot to the head it is basic forensic science that one expects to see blood spatter or splatter on the ground and on anything else near the wound, *provided* the decedent was shot at the location where the body was discovered. This is especially true in the case of exit wounds if the heart pumps high-pressure arterial blood through this opening, typically a much larger opening than the related entrance wound.

The various officials in the park were acutely aware of this point as well. Nonetheless, not a single one of the nineteen individuals who viewed Mr. Foster's body in the park ever mentioned seeing blood spatter on leaves near Mr. Foster or, if they did, there is no mention of this in the voluminous reports that have been made public.

Indeed, some of those at the body site that night affirmatively stated there was no such blood spatter present; for example, the Medical Examiner ("did not recall seeing blood on the decedent's shirt or face and no blood was recalled on the vegetation around the body") and the lead Park Police investigator at the body site ("There was no blood spatter on the plants or trees surrounding decedent's head" – this from a report written the night of the death).

The same investigator also made the following comments about the quality of the surviving Polaroids under oath: "The color of a Polaroid is not exact. Like, the plants that are green do not look exactly green. The color was not exact on the Polaroids. . . again, the blood was not very visible on the ground in the Polaroid photos." How, now, Dr. Lee?

#### TO A 100% DEGREE OF MEDICAL CERTAINTY

On the assumption that Dr. Lee deserve a rest, let's turn to another of Starr's after-the-fact, remote-control, experts. Starr (page 3) quotes Doctor Alan Berman, the Executive Director of the American Association of Suicidology: "[I]n my opinion, and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion." I would hope that anyone who had read my 380 page report on the Foster death or this article would regard at least the second sentence as laughable, but lets focus on Dr. Berman's "To a 100% medical certainty."

First of all, there is no evidence that Dr. Berman ever interviewed Mr. Foster or even had any indirect contact with him while he was alive. That fact alone makes this layman wonder at Dr. Berman's exalted level of confidence, not to mention his apparent ability to probe with certainty the subtleties of a particular human psyche many months, if not years, after that person's death. Also, for what it's worth, Dr. Berman is *not* a Medical Doctor (MD).

For some days after the death, the evidence in the record indicates that nobody who knew him thought Foster was clinically depressed. However, around 5-7 days after the death (depending on how high the putative observer fell in the White House Communications food chain, perhaps), we suddenly begin seeing great dollops of data regarding Foster's obvious clinical depression from those who had seen him in the weeks prior to this death.

The prior official reports also cite evidence that Foster was depressed. When those citations are run down in the official record, grave doubts about Fiske's and other analyses appear. Although this article concentrates on "new" aspects revealed in Starr's report, all five official reports have major "citation" problems of this sort.

For example, according to the Fiske Report, Foster's weight loss was "obvious to many" when medical records and the own man's widow are specific that Foster lost no weight, and indeed gained weight, in the six months before his death; Fiske reported that the family doctor prescribed an "anti-depressant," but the doctor himself – a long time family friend – told the FBI that he did *not* think Foster was significantly depressed and that said prescription was to help Foster sleep (the alleged dosage corroborates the doctor's statement); the handwritten FBI interview notes with the widow state that Foster was "fighting" taking a "*prescription*" for sleeping pills for this same insomnia, while the typed version of the report states in the equivalent place that Foster was "fighting *depression*"; the list also includes some strange data in connection with the psychiatrist Foster is said to have called the Friday before his death. This material is covered, along with other matters not in this article, in my 380-page report on the Foster death.

On the "suicidal depression" issue, the Berman analysis is the primary new information reported by Starr. Let us look at some of the statements in the record that were collected immediately after the death that apparently did not give Dr. Berman professional pause before he rendered his opinion, to a "100% medical certainty," that Foster killed himself and, to boot, that Foster was suffering from "an evident clinical depression." First, I should note in defense of Dr. Berman that he may have examined *only* documents provided to him by the Starr OIC. The Starr report (page 98) stated that Dr. Berman was retained "to review and analyze state-of-mind evidence *gathered by the OIC in the course of its investigation* [emphasis added]. All of it, including that gathered by the prior four investigations, or just evidence gathered in Starr OIC 1995 and 1996 "re-interviews" and then winnowed by the OIC? That is, Dr. Berman was apparently did not review the entire official record regarding Foster's mental state, let alone gather his data independently. We will see below why Dr. Berman could have been handed a stacked deck.

#### Data-Diving With Dr. Berman?

In a combined Park Police and FBI interview conducted two days after the death, we learn what one of the three secretaries serving Vince Foster and Bernie Nussbaum had to say about Foster's mental state the day of his death: "There was nothing unusual about his emotional state. In fact, over the last several weeks she did not notice any changes, either physically or emotionally. She noticed no weight loss. . . I asked if she would be surprised if I found out he was seeing a psychiatrist. She said yes. She was not aware of any depression problems." [The record makes it clear that Foster had *not* seen a psychiatrist.]

Here is what Foster's own secretary told the Park Police and the FBI, also on the 22nd: "She stated that she did not note any unusual behavior by Mr. Foster on [July 20]."

The third secretary in the office had this to say, also on the 22nd: "Mr. Foster's demeanor seemed normal to her. . ." This was the lady Foster is said to have asked to bring him lunch from the White House mess on the day of his death: A medium-rare cheeseburger with French fries, a Coke, and some M&M's. Mr. Foster ate all his lunch quietly at the couch in his office while reading a newspaper, except for some of the M&M's that he offered the staff when he strolled out of the office for the last time around 1:00 PM.

For reasons unknown, Foster saw fit to remove all the onions from his cheeseburger - a fact that struck the secretary at the time. There are later statements in some of the official reports to the effect that Mr. Foster did not like onions and therefore would have removed them from his cheeseburger on this, the last day last day of his life. This lacks explanatory power since, in six months on the job (and having eaten frequently at his desk, according to the record) one wonders why, if he hated onions so, Mr. Foster had not learned to ask the White House mess to omit them on the cheeseburgers that he often ordered (You know the standard phrase: "Hold the onions!").

According to the Park Police and FBI interviews of the office staff, the only person who remarked that Mr. Foster exhibited any unusual behavior was a junior staff assistant. In the words at the very end of his interview report, when Mr. Foster left, he was "in his own world, focused, confused." Curiously, though these words seem to be support for the conclusion that Foster was at the least temporarily pre-occupied, the initial FBI interview of this staff member, the only staffer in the office whom the Park Police indicate noticed anything unusual about Foster has never been made public (even though the initial FBI interviews of the three secretaries were).

### The "New Pravda" Appears

The first family member to indicate Foster was depressed did not do so until an interview on the same day that the so-called Foster "torn suicide note" was made public, July 27th. The 27th was also the day that the White House "spin" on Foster's death was fundamentally altered. Foster's death went from being 'a bolt from the blue - no one had any inkling he was having problems' - to a recounting of his troubles during a press briefing that afternoon at the White House. Dee Dee Myers told the assembled press that "Vince was having a rough time." Here is the exchange that immediately followed:

Q: Wait a minute that is the first time you have said that from this platform.

A: No it's not. . . that's not true Brit [Hume; ABC News]

Q: Yes, it is true, Dee Dee.

A: No, it's not.

Q: It is true Dee Dee. Your tone has completely changed.

A: OK. I apologize. I am sorry. It is not. Okay.

[Brit Hume, to his credit, caused Dee Dee to recant and admit her "misstatement."]

Foster's widow was not seen again by the Park Police until July 29, after the new "spin" that Foster was depressed was in place. That "interview" lasted only 50 minutes, ending at a convenient 5 PM. According to the Park Police interview report "specifically cit[ed Foster's] not being able to sleep well" saying Foster took personally the "criticism of the President in the news media. . . and even the stress of the family move to Washington." The widow's Park Police interview was essentially a prepared oral statement arranged by Foster family lawyer, James Hamilton, not a dialogue with the investigators. According to the deposition of the senior Park Police officer at this interview: "I don't think we ever asked her a direct question . . ."

### The "Old Pravda" – The Night Of The Death

What did the Park Police learn when they spoke to the Foster family and many of their close friends in the administration *the night of the death* when the family was first notified? Two Park Police investigators spent some 70 minutes in the Foster home. They did not get the cooperation they would have liked (the female investigator was physically shoved aside by Webster Hubbell at one point when she was asking questions), but their depositions provide much information regarding the perspective of Foster's family and friends immediately after they first learned of the death.

Based on the pronounced White House flip-flop a week or so later, these folks should have been expected to be commiserating, speaking of the vast array of symptoms of clinical depression they had all observed in Foster. This is emphatically *not* what the two investigators discovered in their 70 minutes asking questions at the Foster home the night of the death. Bear in mind that the dozen or so friends and family who were present (many of them attorneys) knew the investigators were not simply making idle social chit chat but were conducting a formal Federal investigation into the death of a high-ranking official. According to the two investigators (they are under oath here):

"One of the last things I got from Mrs. Foster – I asked her was he – did you see this coming, was there any signs [sic] of this. . . everyone said no, no, no, no, he was fine. This is out of the blue. . . [Foster's sister] was talking with us. . . I spoke with her, [the other Park Police Investigator] spoke with her. She was very cordial. I remember asking her, did you see any of this coming, and she stated, no. Nobody would say anything about depression or that they noticed some signs, they were worried [the investigator is giving this deposition months later when he knows that the family and friends have completely changed the "no sign of depression" line they gave him and his partner at the Foster home the night of the death]."

Q: Did anyone at the notification [the death notification at the Foster home that night] mention depression or anti-depressant medication that Foster might have been taking?

A: I mentioned depression, did you see this coming, were there any signs, has he been taking any medication? No. All negative answers.

The sister who told the Park Police that she had not noticed any signs that Foster was depressed had been appointed to a high position in the Justice Department months earlier and would eventually be the leader of a future chorus chanting "clinical depression" and describing specific events that led them to believe that Foster could have been suicidal.

#### More Puzzle Pieces For Dr. Berman

The depositions above tell you what everyone was saying the night of the death, despite the transformation of the official administration line roughly a week after the death. The public was told that Foster was indeed taking an "antidepressant" drug – and in fact took his first dose the night of the 19th (what his doctor described to the FBI as a pill to help Foster sleep better). It should be noted that the Park Police investigation included a blood test for drugs. It came up completely negative. Strange or otherwise, it was not until a re-test of the blood some months later by the FBI that we were told traces of the drug in question (Trazodone) and other drugs (including Valium) were found.

The day of Foster's death, it so happened (a coincidence Hubbell later told the FBI) that Foster's other big sister and her daughter had flown in from Little Rock. Foster had promised lunch at the White House and a tour the next day. He never saw his sister or his niece in Washington – he died same the day they arrived in Washington.

The week before his death, Foster had called a Denver attorney friend and obtained his agreement to hold himself in readiness for a trip to Washington to see Foster (some say to hire a lawyer for himself regarding the Travel Office Matter, but some say to hire private counsel for the President and First Lady; July procedural developments in Congress undercut the former hypothesis). Two days before his death, Foster called the Denver attorney and they arranged to meet in Washington . . . the day after Foster died. Unless the suicide decision was spontaneous (Foster was not exactly known for his spontaneity), why did he leave his sister, his niece, and his attorney friend in the lurch like that? Foster was not known for his churlish treatment of his friends and relatives either . . .

A letter from Foster to his recently-widowed mother was mailed from the White House the day he died. Assuming he knew Tuesday morning that he was going to kill himself Tuesday afternoon, Foster would have known that his mother would not receive his letter until two or three days after his death (by which time she would certainly have heard about it), yet there are no words of love, farewell, or suicide in the letter, just mundane administrative detail about the transfer of family oil leases.

A fellow attorney at the White House Office of Legal Counsel had something to say about Foster's mood in her FBI interview. In the words of the FBI report: "She last saw Foster in the [Tuesday morning, the 20<sup>th</sup>] Rose Garden ceremony celebrating Louis Freeh's appointment as Director of the FBI. Her observation of him at that time was that perhaps his mood had lifted a little in the last couple of days of his life and she bases that on some joking around that had occurred during the previous Friday staff meeting. She saw him on Monday, July, 19, 1993 for just a few minutes and he did not seem distracted and handled the exchange normally." Nine days after the death in an interview with the Park Police, she confirmed that Foster's spirits had improved.

The widow had this to say about the last time she saw her husband alive, at about 8:30 AM the day of his death as he and his two eldest children left the house together for work: "[his] mood seemed better than it had been 'in a while.'" Perhaps his spirits had improved because he had recently made the decision to kill himself, but what about arrangements to meet with his sister and his attorney friend the next day, what about the letter to his mother with nary a hint of love, appreciation, or goodbye?

Based on the information from the official record above, were I a high-powered psychologist or a psychiatrist specializing in "suicidology," would I be tempted to say that I was sure "to a 100% medical certainty" that Foster did *not* kill himself? Tempting, but I hope I would not be so certain of my professional expertise! Especially since the record is replete with statements by Foster's friends that he was contemplating resigning his White House job.

As a layman, I might think that Foster had been under some stress (a far cry from clinical depression) and that his mood had lifted somewhat once he had made the difficult decision to resign (trying because of his long relationship with the Clintons – he referred to the First Lady as his "client" while he worked in the White House). A layman might think resignation, not suicide, had been on Foster's mind.

A layman might also be forgiven to for thinking that there might be some unusual aspects to severing the kind of new White House relationship that Foster had experienced (if not enjoyed). Given the family history of keeping his sisters apprised of actions that might affect them, the timing of his Arkansas sister's Washington arrival might be explained in this way as well (Foster's other sister, the point-woman for much of the evidence for Foster's depression, was already in Washington – she was President Clinton's Assistant Attorney General for Legislative affairs).

I think this is a reasonable scenario, actually based on the government own investigative record. I won't tell you that I am 100% certain, though. "100% certainty is hard for me to come by – be it medical, or otherwise.

## STARR EXPLAINS MISSING POLAROID TWO WAYS

Refer back to the lengthy investigator's under-oath statement above about Foster's body sliding down the slope when it was rolled to expose the back side. Did you notice that the investigator also stated with some alacrity that he was certain that he had taken Polaroids of the back side of the body, but that those photos somehow vanished. The long quotation clearly indicates that he has no doubt that he took those photos ["I know I took Polaroids of that"].

Every one of the 35 mm body site photos taken by an experienced evidence technician were officially spoilt because they were somehow exposed or developed improperly, goof-proof camera or not. Many of the Polaroids taken by the investigators and other officers at the scene somehow went missing as well. This was a major problem for the official investigations since there is, in particular, no small amount controversy about the existence of the official exit wound.

### Covering Your Back

How does Starr address the missing "back side" Polaroids? Here is what he has to say: "[The same investigator quoted under oath about the sliding body above] initially *suggested* [emphasis added] in a Senate deposition that he had taken photographs of the backside of Mr. Foster's body . . ." Come now, Mr. Starr, the investigator's exact words under oath are above. Do you think you enhance your own credibility when you report that the investigator merely "suggested" in his deposition that he had taken these photos? Starr continues:

"After reviewing the Polaroids, [the investigator] stated that he intended to take such Polaroids, but he believes that [another investigator] took *the* [emphasis added] Polaroid camera back to the parking lot before . . . the body was turned."

To support his statement and to rebut the investigator's 1994 words under oath provided above, Starr calmly cites a re-interview of the investigator almost three years after the death. As to Starr's reference to "the" Polaroid camera at the body site, we know from this same investigator under oath that there were at least two Polaroid cameras used to take pictures at the body site that night.

The investigator who swore to Senate attorneys that he had taken Polaroids of the "back side" has shown a willingness to be accommodating in the past when interviewed by the OIC. One of the bizarre aspects of the death involves why both the person to discover the body [called "C5" by Starr and the "Confidential Witness" by Starr's predecessor, Fiske] and the first official to locate the body were adamant and repetitive under oath that they *never saw* the black .38 Colt revolver that was officially in Foster's hand the whole time. [The only released photo of the gun in Foster's hand shows it quite clearly].



When the investigator was apparently asked to "help out" on "gun visibility" point when he was interviewed by the FBI, he came up with a novel statement that appears nowhere else in the official record – the gun was very hard to see because, well, when Foster shot himself, after the slug exited the back of his head, it severed the branch of a bush, and the severed branch fell across the torso of the body, obscuring the gun still, the recoil notwithstanding, held in his hand. This written statement was apparently "too much help" even for the FBI agents conducting the interview. Although this bizarre statement is buried in the publicly-available record, it was never included in the typed FBI interview report.

### To Take No Polaroids Before Their Time

A little more on the Polaroids: The first officer to arrive at the body site with a camera told the FBI that he had taken Polaroids at the scene. He was not sure of the number, but he thought he took *seven or eight*. He handed the Polaroid photos he took over to either his sergeant at the scene or to one of the investigators, he said. Starr (page 73) states that the *five* Polaroids contemporaneously labeled at the scene as having been personally taken by the sergeant were really the Polaroids taken by the first officer to take photos. The sergeant himself did not take any.

If the first photos taken of the body at the site did vanish for reasons as yet unknown that is clearly a suspicious happening, especially in such a high-profile and politically charged case where one would expect public officials and bureaucrats to fully "CYA" (did the missing "First Polaroids" depict the unaltered body site, in contrast to what the later "enhanced reality" photos showed?).

To support his point, Starr (page 74) cites January 12, 1995, interviews with the sergeant and with another investigator who "recalled" the sergeant taking Polaroids. Per the sergeant's 1995 interview, he "said he only carried the Polaroid camera" and did not take any Polaroids. Strangely, the Park Police reports regarding what the sergeant did are not public (not even his own) and, if the FBI originally interviewed the sergeant in 1994, that interview has not been made public, though dozens of such interviews have been.

Starr does not cite the original FBI interview of the Park Police investigator whom he says (per the 1995 interview) originally "recalled" that the sergeant took Polaroids. Both the original typed FBI interview report and the underlying handwritten notes taken by the FBI agent are consistent in what they report the investigator recounted and make it obvious why Starr did not cite her original 1994 interview. It must be remembered that the question regarding missing Polaroids could not have surfaced among the public until after the production of thousands of pages of underlying government records of the Foster death investigations by the US Senate in January 1995 revealed the investigator's angst over his missing "back side" photos.

Here is what the investigator who observed the sergeant's actions originally told the FBI in 1994 (and which Starr does not report): "Upon arriving at the death scene, *she specifically observed [the sergeant] in the process of completing Polaroid photography of the body* [emphasis added] and to the best of her recollection believes that contemporaneous with [the sergeant] finishing his Polaroid photography, [another investigator] commenced taking a series of Polaroid photographs."

The investigator making these observations was the one charged with "taking notes of the death scene," she told the FBI, but after the "missing Polaroids" issue was revealed to the public by Senate Hearings Volumes released in very early January 1995, Starr conducted re-interviews to "correct" the information contained in the original 1994 interview of this inconvenient investigator.

STARR'S MANTRA: RE-INTERVIEW, RE-INTERVIEW, RE-INTERVIEW!

As described above, there is controversy about the gun in Foster's hand. The "Confidential Witness" who discovered the body was adamant under oath that both palms were up and neither held a gun. The first official to locate the body in response to the 911 call, a park police officer, was clear and repetitive under oath that he never saw a gun; it was there, he supposed, but since vegetation made it hard to see he never checked the hand and thus never saw the gun.

There are those who say no gun was seen early on because it simply was not present and that the gun first reported to be present was in fact a "placeholder" gun (perhaps semi-automatic pistol temporarily "donated" by one of the many federal officers on-scene) placed in Foster's hand until a suitably anonymous "drop gun," like the official old black Colt revolver, could be found and put in Foster's hand. Clearly, the many paramedics who observed the body (officially, a suicide by gunshot) would wonder where the gun was had there been no gun of any kind present for them to see.

A paramedic, who viewed the body from a distance of 2-3 feet a few minutes after the first Park Police officer located it, was quite clear that he *did* see a gun. However, he originally told the FBI, it most certainly was *not* the official black Colt. .38 revolver. The first time he was ever interviewed, here is what he said about the gun he saw (in words taken down by the FBI): "100% sure automatic weapon (was in Army, looks at magazines, knows the diff between an automatic and a revolver. Appeared like a .45 automatic."

This witness is clearly describing a semi-automatic pistol (a magazine-fed handgun), not a revolver with its rotating cylinder of cartridges. The two look vastly different. The paramedic even drew pictures of each type of weapon for the FBI to emphasize his point and to confirm that he did understand the difference between a revolver and a semi-automatic pistol.

This same paramedic was later re-interviewed multiple times and apparently was induced to express some doubt about the nature of the gun he saw, doubt that was obviously non-existent during his first interview (above) and in his Senate deposition ("What I saw is what I saw. . . I know what I saw").

Here is what Starr reports this witness said when re-interviewed in 1996: "My memory is, I saw a semi-automatic, but I must have been mistaken." Notice, the format: he continues to recount what he "remembers," presumably because he wants to tell the truth. One wonders what happened to make him think (three years later) that he remembered something he "mistakenly" did not see.

## THE GUN THAT SHOT BACK AT STARR

### Silver Threads

According to Starr (pages 80-81), "[Foster's widow] recalled that, after they moved to Washington in 1993, some guns were kept in a bedroom closet. She recalled what she described as a silver-colored gun (she also referred to it as a 'cowboy gun'), which had been packed in Little Rock and unpacked in Washington. She also recalled a .45 caliber semi-automatic pistol. She said she found one gun in its usual location on July 20, 1993, the .45 caliber semi-automatic pistol. She did not find the other gun on or after July 20, 1993."

When interviewed by the Park Police nine days after the death, the widow was presented with a photo of the official death weapon (the gun itself was out for testing), but in the words of the Park Police report, "she could not identify it." The handwritten notes of that interview make it clear *why* she could not identify the official death weapon as family-owned: it was not the gun she expected to see. She had expected to be shown a "silver six gun" with a "large barrel."

In her first FBI interview on May 9, 1994, the widow examined the gun that the FBI told her had been found with her husband in the park. In the words of the FBI interview report she "stated that she believed it may be a gun which she formerly saw in her residence in Little Rock, Arkansas." In addition, she "believes that she may have seen the handgun which she examined previously during the interview at her residence in Washington."

She also recalled, "that as she was packing her belongings in Little Rock in preparation for coming to Washington, DC, she found a handgun inside a travel trunk which had been packed by Foster prior to his departure for Washington. Specifically, as [she] was packing in Little Rock, she came across a *silver-colored gun* [emphasis added], which she then packed in with her other property."

Continuing the May 9, 1994, interview: the widow "was aware of the location of one gun inside her residence in Washington and she found that gun still in its usual location on the night of July 20, 1993. The gun which she found on that date [the .45 semi-automatic above] was not the silver gun which she had earlier found in the trunk in Little Rock." The widow "believes that the gun found at Fort Marcy Park may be the silver gun which she brought up with her other belongings when she permanently moved to Washington." Seems like a pretty good ID of this "silver gun" as the death weapon doesn't it?

Starr's report (pages 81-82) goes on to state that "in November 1995, when viewing the gun recovered from Mr. Foster's hand, that it was [no "may be" for Starr] the gun she unpacked in Washington but had not subsequently found, although she said she remembered the front of the gun looking lighter in color when she saw it during the move to Washington."

Why was the widow sure that the gun in the photo shown to her nine days after the death by the Park Police was *not* the missing family-owned silver gun? After all, it was the same gun she later was shown by the FBI, right? She had expected to be shown the silver six gun with a large barrel (the "cowboy gun") which she remembered bringing to Washington because she had not found the silver-colored gun in its customary place when she checked the night of the death. She discovers that the silver-colored gun is missing from her home just after she is told her husband shot himself. One can see precisely why the widow thought the official death weapon would have to be the silver-colored gun she brought up from Little rock, the "cowboy gun," the "silver six gun" with a "large barrel."

### Black Needles

There is also an excellent reason why she could not identify the gun in the photo she was shown nine days after the death: *the official death gun is entirely black*. It has no other color on it, certainly no "silver color." There is no doubt about this since the contemporaneous official record is replete with references to the "black" or "dark-colored" Army Colt .38 Special Revolver officially removed from Foster's right hand at Fort Marcy Park and there are color photos of it as well.

In an effort to report "a 100% degree of handgun certainty," I must relate that, when interviewed on the record February 5, 1997 (for a Wall Street Journal article that was never published), by my friend attorney Allan J. Favish, the lead investigator at the body site and the evidence technician who removed the official death gun from Foster's hand stood by their July 1993 reports. The investigator said, "the gun was black." The evidence technician said, when asked if the gun could be described as gray or silver said, "No. I took the gun out of his hand. It looked black."

Since the official death gun was black (actually a "blued" gun, that is, a Navy blue color – a blue-black – as confirmed by the Colt Manufacturing Company records for the as-manufactured guns with the two serial numbers found on the official death gun), how should one make sense of the widow's May 9, 1994, interview with the FBI and Fiske's investigators?

She is presented with the entirely black official death gun and examines it. She then says that the gun she has just examined may well be the silver-colored gun that she remembers from Little Rock and that she brought to Washington with her. She holds a black gun in her hand and opines that it may be the silver colored gun she brought up from Little Rock? Does the widow typically confuse the colors "silver" and "black?" It is hard to conceive of a situation in which someone would have any trouble distinguishing the two. Was the widow, through no fault of her own, in such a situation on May 9, 1994?

When the two Park Police officers were interviewed on the record earlier this year, they were shown copies of the widow's May 9, 1994, FBI interview for the first time. Both were asked if they could shed any light on the apparent contradiction: either the widow could not distinguish silver from black or the gun she was shown in her May 9, 1994, interview was silver (*not* the official death gun it was represented to her to be in the interview).

Obviously quite puzzled, neither officer could offer any explanation for this strange state of affairs, the investigator saying, "Ask the FBI. . . Ask Fiske. . ."

The evidence technician confirmed that the leaked color photo showing a black gun in Foster's right hand was indeed the photo of the gun he remembered from the investigation (This photo of the black gun has been shown on national television and printed in TIME Magazine and was leaked as proof that the Park Police indeed had some photos of the body site – despite press reports in early 1994 stating that the all the photos had been spoilt).

### Logical Shots

In the words of independent Foster investigator, attorney Allan J. Favish, "Mr. Fiske's use of Mrs. Foster's statement was clearly deceptive. If she was shown a silver-colored gun at the May 9, 1994, interview, then obviously she failed to give a valid identification of the official black death gun. Likewise, if she was shown the official black death gun at this interview and identified it as being silver-colored then, equally obviously, she failed to give a valid identification of the official black death gun. Mr. Fiske failed to mention his report was based on Mrs. Foster's being shown a gun she believed was silver-colored - a description incompatible with the official black death gun depicted in the official photos, testimony, and reports."

It is interesting to note that no one at the interview with the widow, not the FBI agents, not the representative of regulatory counsel Fiske, and not the Foster family lawyer, saw fit to question what had transpired in their presence. One wonders how each of these gentlemen would have reacted that day if they had been confronted with a married bachelor.

During a lengthy interview I had with two investigators for the Starr OIC in March 1996 in which I raised the "gun color" issue, I was coyly told that the reason that the widow described the gun she was shown by the FBI was silver was that it actually was a *gray* color. You see, I was told, virtually all the bluing had worn off the entire weapon, exposing the dull gray base metal. When I looked at the two Starr investigators as if they were crazy, the interview moved on to other subjects.

For whatever reason, the "no bluing made the gun look gray – kind of a dull silver. . ." explanation died at the OIC long before Starr's report came out. We do know the leaked photo and the record make it clear that the official death gun was entirely black. Furthermore, if one could manage to wear off virtually all the bluing on a gun, the result would be one of the most distinctive and rare descriptive elements for a gun that could be imagined, yet this supposed feature was never mentioned at the time by the Park Police, the ATF, or the FBI Lab (Imagine describing Gorbachev's balding head without mentioning its large "strawberry mark").

As can be seen from the quotes from the Starr report above, Mr. Starr does not tell us in the text of his report that the official death gun *is* black (though in a footnote he does cite 1995 and 1996 witness descriptions of the gun, describing it as black or dark, as "consistent with" the gun officially found in Foster's hand at the park). We are merely told that Mrs. Foster "seemed to remember the front of the gun looking lighter in color when she saw it during the move to Washington."

This is apparently an attempt by Starr to have his readers believe that the two guns are one and the same: the (all silver) gun Mrs. Foster brought with her to Washington and the (all black) gun found at the body site. Anyone who has seen the "gun-in-hand" photo from the park (black gun) will have little difficulty understanding why Starr did not publish this photo with the caption, "the silver-colored family gun Mr. Foster used to kill himself."

Starr also tells us (page 79) that "there are discrepancies in the descriptions of the color and kind of gun seen in Mr. Foster's hand." However, *in this context* (what does the official death gun rally look like?), we care less than we otherwise would about these discrepancies for a very good reason: the investigators possess the actual gun itself so we need not rely on witnesses at the site for the description of *the actual gun that was taken into custody*.

That is not to say that contemporary witness descriptions of the gun they saw (or did not see) in Foster's hand that night are not useful for *another* purpose: whether on site witness accounts of the nature of the gun (if any) in Foster's hand changed from the time the body was discovered to the time the paramedics arrived on the scene, to the time the Polaroids of the gun in Foster's hand were taken and, if so, whether some gun switching took place.

The relevant question is why the widow "identified" the (presumably) black gun she was shown in her FBI interview as the silver six gun she had brought up from Little Rock. Did she think the gun she was shown was the silver six gun she brought up from Little Rock because that gun (which vanished from its customary location in her Georgetown home before she looked for it the night of the death) *was* in fact shown to her?

[There are a number of other attempts in the Starr Report to link the official death gun to the Foster family, but they ring just as false if one is familiar with the contents of the underlying investigative record on the gun gathered by the government – see the long report I wrote on the Foster death.]

Evidentiary "discrepancies" like this one fill the 20-page insert the three judge panel ordered made a part of the Starr Report on the Foster death, along with the well-documented details of Knowlton's harassment. Presumably, this sort of evidence was a material consideration in the court's decision to mandate that Knowlton's evidential insert be made a part of Starr Report. Presumably, also, evidence like this is one reason Starr resisted the insert so strongly and so repeatedly.

### *Some Speculation*

A final comment about the "silver gun" the widow remembered from Arkansas, said she brought to Washington, and did not find in its customary place in her home the night of Foster's death: Since the "silver gun" is clearly not the all-black official death gun, when was the "silver gun" removed from the Foster home, and by whom? What was the reason? Was the silver gun supposed to make its way to the park, to be placed in Foster's hand before the body was discovered earlier than planned?

If the Confidential Witness had not happened to see the body on the backside of an earthen berm in the far northwest corner of the park at about 5:45 PM, one might have expected the body to remain undiscovered until well after sunset. Why? The park is closed at sunset (a gate is moved across the exit from the George Washington Memorial Parkway) by the Park Police. Before they do so, a drive-by is done in the parking lot to shoo out any late visitors.

At that point on the night of the death, the beat officer would have found Foster's Honda sitting by itself in the parking lot. The doors were unlocked and Foster's suit jacket and tie were on the passenger front seat. After calling out ("The Park is closed") and getting no response, the officer would probably have walked over to the car to check it out (someone could be sleeping in the back seat, whatever), seen it was unlocked, opened the door, and found Foster's White House ID under the jacket and Foster's wallet with various photo IDs in the inside pocket of the jacket. The White House ID alone, would have triggered a major flap and a search of the park that would likely have located the body within an hour or two after sunset.

This specific scenario is somewhat farfetched, but it would have allowed several more hours for the silver gun to have made its way to Foster's hand (and for Foster's Honda to actually arrive in the parking lot – see below). It would also have allowed several hours that evening (using Foster's White House keys – see below) to search and to empty his office of any critical documents.

Alternatively, given the official death gun in Foster's hand was particularly unsuitable to be the official death weapon (and the failure of the silver gun to arrive on time at the park?), the silver gun could have been removed from the Foster home the evening of the death for possible eventual use (as it may have been at the widow's FBI interview). After the Park Police investigators had arrived (in the company of a senior White House official, assuring someone from the White House would arrive with the Park Police) to make the death notification, they were followed immediately by other White House officials, family, and friends.

The widow searched for the silver gun, didn't find it, and thus logically assumed it *must be* the official death gun. So sure was she, that when presented with the photo of the all-black official death gun, she told the Park Police she could not identify it and why: it was not the silver six gun with the large barrel ("the cowboy gun") she expected to see.

This, too, is speculative, but the Park Police shift commander noted the night of his death that the first questions he was asked when two senior White House officials called him separately right after the shift commander had notified the Secret Service of the death had to do with the gun: "*First* [emphasis added] he asked whose gun, then, have you checked registration."

Calls from both White House officials came quickly and at almost the same time and both "asked about weapon." A man is found dead of a gun shot and the police receive two calls back to back from his close friends. . . asking for a description of the death weapon and to whom it is registered? Seems like an odd set of questions to be asked first . . . twice. Read on!



The lead Park Police investigator at the body site gloved up and probed all of Foster's pants pockets at the park. Among other things, he said he was searching for a piece of paper (suicide note). Officially, while doing his search of the pants pockets, two separate key rings in Foster's right front pants pocket were missed. One key ring held Foster's four White House keys. The other held an unknown number of Foster's personal keys (this key ring was retrieved by the White House before it could be inventoried). Starr (page 75) incorrectly refers to this search as a merely a "pat down," but elsewhere he does indicate correctly that the investigator "felt into Mr. Foster's pants pockets at the scene."

After realizing that the keys (or at least the Honda ignition key) were not on Foster's body or in the car in the lot said to be Mr. Foster's Honda, the two Park Police investigators did not do the reasonable thing and initially search around the body for them (remember the eyeglasses had been found 19 feet from Foster's face), but apparently spontaneously drove to the morgue to "retrieve" the keys, officially finding them where they fully expected to, in Foster's right front pants pocket.

These temporarily missing keys have produced some controversy, especially since it is clear that two White House officials did visit the morgue that night to confirm what had already been confirmed to both officials – that the deceased was indeed Mr. Foster. It is equally clear that if Mr. Foster's White House office was to be searched that night, his White House keys, including a high security key and the keys to his other locking files, would have been useful. It is also clear that, hypothetically speaking, Mr. Foster's car key would have been useful to anyone who had to drive Foster's car to the park very late that afternoon if, for some reason, Mr. Foster himself could not do so.

There is some evidence (in the official record and elsewhere) that the White House officials visited the morgue *before or about the same time* the Park Police investigators did (and therefore they conceivably could have dropped off the keys for the investigators to retrieve, either from the body or at an actual rendezvous). However, Starr tells us (page 74) that the two White House officials viewed the body "near 10:30 PM," long after the Park Police officers had retrieved the keys (the investigators having been "at the morgue at 9:12 PM" according to the same hospital log *even though* the evidence control sheets show both key rings were logged in to evidence at 8:45 PM). Unlike the investigators, however, the two White House officials were not allowed to go into the morgue where the body was, or so Starr tells us.

Although the official record on this point is somewhat murky, Starr's statement that the two White House officials, Bill Kennedy (who reported to Foster in the Counsel's Office) and Craig Livingstone (of "Filegate" fame and head of White House Personnel Security who reported to Kennedy) viewed the body "near 10:30 PM" based on the hospital log is questionable. To understand why, one only has to refer to information supplied to government investigators by Kennedy and by the White House itself – information that Starr does not attempt to reconcile or even mention.

Officially, the investigators left the hospital immediately after the retrieval of the keys at 9:12 PM and drove to the Foster home to make the death notification to the Foster family. While en route, they received a call from their shift supervisor that Kennedy and Livingstone were on the way to the hospital to view the body. According to the investigator's Senate deposition: "We called the security guards at the hospital, told them they [Kennedy and Livingstone] would be coming and it would be all right to see the body.

This call presumably took place around 9:30 PM at the latest since it was before the two investigators received another call on their mobile phone from their shift supervisor diverting the investigators to pick up David Watkins, a senior White House staffer, at his home and take him to the Foster home in Georgetown for the death notification. Even with the diversions, they arrived at the Foster home at 10:00 PM.

This does not agree with Kennedy's account in his Senate deposition. Kennedy said that he and Livingstone were physically present at the hospital "*at least* [emphasis added] a couple of hours" and "most of that time was spent *waiting* [emphasis added] to view Mr. Foster's body." According to the police account above, Kennedy and Livingstone should not have had to wait at all since the Hospital had been given the OK from the Park Police and had been primed for their arrival.

If Kennedy and Livingstone were at the hospital even the minimum two hours sworn to by Kennedy and, as he also says, left very shortly after viewing the body at Starr's "10:30 PM," they must have arrived at the hospital at not later than 8:30 PM and some forty-five minutes *before* the investigators arrived to retrieve the keys at 9:12 PM.

A hospital employee on duty that evening and with knowledge of these comings and going could not remember the specific clock times that Kennedy and Livingstone arrived or that the Park Police investigators arrived, but this employee (in an unofficial informal interview long ago with a friend of mine, Hugh Turley) was clear on one point: "*The White House people came first.*"

The investigators' own depositions are not consistent regarding when they went to the hospital. One investigator's Senate deposition (before the question was pointedly raised again much later in his deposition) states: "As it turned out, [the other investigator] and myself went to the morgue in Fairfax Hospital, after we made a death notification, to recheck him. At that point [the other investigator] located the keys in his pocket."

Of course, the only death notification these two investigators made that night was the one at the Foster home (arriving at 10:00 PM and staying 70 minutes, requiring the retrieval of the two missing key rings to be no earlier than 11:30 PM or so).

Does anything else in the record tend to corroborate this analysis? According to a White House "chronology" covering the time around Foster's death, Kennedy and Livingstone arrived at the Foster home between 10:00 and 11:00 PM. Livingstone's Senate deposition confirms this range, but is more specific, saying they arrived at the Foster home between 10:30 and 11:00 PM. We have a relatively firm time from Mr. Starr - based on the hospital log - that the two were at the Hospital until 10:30 PM (or shortly thereafter) viewing the body. According to Kennedy, after viewing the body, he spoke by phone with McLarty, Nussbaum, and Hubbell before leaving the hospital.

Then he and Livingstone left the hospital, leaving one of their two cars behind (they differ as to which one), drove the 20-25 minutes to Kennedy's home in the "Beverly Hills" section of Alexandria, waited a while for Mrs. Kennedy to get dressed and for Kennedy himself to change clothes, and only then drove to the Foster home in Georgetown. Even with the light traffic at that time of night, they obviously could not have arrived until well after 11:00 PM if the time Starr says they viewed the body (10:30 PM) is correct.

Finally, Starr says that Kennedy and Livingstone were only allowed to view the body through a glass window. Though of course, someone would still have had to go into the morgue proper, slide the body in its body bag out of the wall unit, put it on a gurney, roll it over to the window, and unzip it before Kennedy and Livingstone could see it from the other side of the glass. This is not the way one of the two Park Police investigators described the process in his 1994 Senate deposition.

After explaining the more than ample reasons why there was no reason for Kennedy and Livingstone to visit the body to confirm it was Foster, the investigator continues: "Many times you view a body, you are in a separate room and view it through the glass. This time, I don't think that happened. They were in the morgue in the hospital, they were let in, the room attendant unzipped the body bag, they looked at it, he zipped it back up."

The investigator did not elaborate why "I don't think that happened" in Kennedy's and Livingstone's case even though Starr tells us in his Foster report that the body was viewed only through a glass window. For what it's worth, we know that the investigator was correct that the body was still in its body bag because the body was not removed from the body bag until the next morning at the autopsy.

#### FOR WHOM THE PAGER BEEPS

Starr (page 72) makes one surprising and very specific statement about the White House pager that was officially found clipped to Foster's waist: "White House records of pager messages do not indicate messages sent to or from Mr. Foster on July 20."

Whether or not White House records "indicate" that Foster was paged or not, what does the Park Police investigation reveal about whether Mr. Foster was paged or not that

afternoon? The Park Police investigation began the night of the death and lasted about two weeks, so information was relatively fresh in people's minds then.

The pager is of interest since there was some controversy whether it was a model that could store messages even though it was turned off (officially, the pager was found in the "off" position). This question has never been definitively answered in the voluminous public record, even though the individual pager's serial number was recorded and the pager itself was returned to the White House.

The pager belonged to the White House Communications Agency and had been signed out by Foster, perhaps on the day of his death. Why he wanted to be certain people could page him while he was on the way to kill himself is a question I leave to my readers.

Obviously, no one could be certain what (if any) messages the pager had stored in it until it could be examined. Perhaps that explains why it was returned to the White House so very quickly. The evidence control and chain of custody paperwork indicate that the pager, along with Foster's personal effects, were picked up at 7:35 PM the next night, a little over 24 hours after the death. However, the investigator who logged the pager and the personal effects into the evidence locker for safekeeping the night of the death stated under oath that the Secret Service "already had the beeper" before the personal effects were picked up at 7:35 PM on the 21st.

Whatever their failures (and there are many), the Park Police and FBI investigations were conducted in the immediate aftermath of the death and, generally speaking, before "re-interviews" could be used to "coordinate" people's stories. That is, if the Park Police did not discern any "problems" with what witnesses told them, chances are that the information received would have been recorded correctly.

For example, this article details a number of "problems" associated with the Park Police records that were generated concerning events at Fort Marcy Park near the time of the death. Those "problems" were "Park Police Problems."

If high officials of other entities, such as the White House, had similar "problems" concerning happened at, say, the White House around the time of the death, it is natural to assume that the Park Police would have been less informed and less knowledgeable about such problems and therefore less able to prevent them from surfacing in its own records.

With that in mind, what does the Park Police case file have to say about whether Foster was paged the afternoon of his death according to interviews conducted two days later? "Mr. Nussbaum [Foster's boss] tried to page him at approximately 1830 hours [6:30 PM on July 20]." "Mrs. Pond [Nussbaum's assistant] said she left work at approximately 1845-1850 hours on Tuesday [6:45-6:50 PM on July 20]; but, before she left at around 1820 or so, Maggie Williams (Mrs. Clinton's Chief of Staff) called for Vincent. She paged Vincent and left the White House number for him to call."

Starr may be literally correct when he states "White House records of pager messages do not indicate messages sent to or from Mr. Foster on July 20," but I think it is clear that both Foster's boss and the First Lady's Chief of Staff tried to reach Foster at about the time the Park Police first located the body.

## THE MEDICAL EXAMINER'S REPORT

That Pesky Official Record. . . Again!

The "Report of Investigation by Medical Examiner" I located in the National Archives last July 19, four days *after* Starr filed his report with the three-judge panel, states that Foster died from a "perforating gun shot wound mouth-head." However, a four-letter word that originally was typed in after "mouth-" has been largely obliterated and the word "head" added following the largely obliterated word. The narrative summary on the next page of the report is inconsistent with the as-altered first page, referring to a "self-inflicted gunshot wound mouth to neck," not "mouth to head."

This discrepancy is all the more important since a paramedic at the scene who viewed Foster's body from a distance of 2-3 feet stated under oath that there was a bullet wound on Foster's neck just under the right jaw-line. He was not certain of the caliber slug involved, but estimated it to be a .22 caliber round. He also did not believe there was an exit wound despite being told of the autopsy results specifying a large exit wound in the upper rear center of the skull. Starr's predecessor, Robert Fiske, said that the paramedic simply did not see what he testified he saw.

For what it's worth, the Medical Examiner estimated that Foster had been shot with a "low velocity weapon" and stated he had seen more damage done by a .25 caliber weapon. His estimate was not biased by knowing that the official death gun was a Colt .38 Special firing high-velocity ammunition since he never saw it -- the gun had been removed from the body site prior to his arrival.

The change to the report is a potentially important alteration and an important inconsistency within the Medical Examiner's report: most gunshot suicides do not shoot themselves in the neck, if for no other reason than the possibility of surviving for years as a quadriplegic.

There is no question that an improper "alteration" of a medical record has taken place, not a "correction," since a correction would involve drawing a single line through the error, correcting the error nearby, and initialing it (or performing some similar procedure that leaves a record of who made the change and what the change was).

It appears that Starr did not realize that this inconvenient and partially-altered report was buried in the National Archives when he submitted his report on July 15, since the following appears in his report (page 27) referring to the Medical Examiner's report: "The report states that the cause of death was 'perforating gunshot wound mouth-head' [no mention of the alteration]. . . [The death certificate - same doctor] states that . . . the manner of death was . . . 'self-inflicted gunshot wound mouth to head.'"

The Medical Examiner's report above, has the identical phrase, although it seems that Starr's quote has changed "neck" to "head" even though the OIC references both pages of the Medical Examiner's report (including the page that says "mouth to neck" in the copy at the National Archives). Since I didn't find this document until July 19, I was unable to let Starr know about its presence there until after his report had been handed in to the three-judge panel.

#### Time, If Not The Tide, Waits For Mr. Starr

Starr (page 27) continues to rely on Park Police reports that the Medical Examiner arrived at Fort Marcy Park at 7:40 PM, even though the doctor told the FBI he arrived at 6:45 PM. Starr ignored the handwritten notes of a park police investigator taken in the park that night and Dr. Haut's own Medical Examiner's report dated the day of the death.

The investigator's notes are a real-time listing of events, including an inventory of Foster's personal effects as they were removed from the body. The inventory could not have been done before the personal affects were removed from Foster's body because, for example, there is a notation of the words engraved inside Foster's wedding band. Immediately after the personal effects removed from the body were listed, the investigator wrote "1943 [7:43 PM] Dr. Haut [the ME] ffx co. [Fairfax County Hospital] take to ffx co hosp[ital] to be pronounced [the ME pronounces the body dead at the scene, but a doctor at the hospital also "pronounces" someone dead, and this happened with Foster's body as well]."

The notation continues: "2003 [8:03 PM] ffx co Fire & Rescue Engine One (McLean) ffx co Fire & Rescue Truck One." Fairfax County Fire and Rescue returned to Fort Marcy Park to transport the body a little after 8:00 PM. According to the computerized time logs for these vehicles, Truck One ["T01P"] arrived at the parking lot at 8:02:25 PM, a near perfect match to the 7:43 PM time noted by the investigator as the time the unit was summoned (fifteen minute drive from the station to the park).

The fire truck (apparently a pumper unit) was followed shortly thereafter by the ambulance ["A01" at 8:16:27 PM] that would transport the body. The ambulance arrived at Fairfax County Hospital at 8:30:55 PM, consistent with its departure time from the park. The fire truck was dispatched because Foster's body was some 775 over fairly rough terrain from the parking lot and the truck crew was needed to help roll the body over the ground on a gurney to the parking lot.

Further corroborating the time in the investigator's handwritten notes for the arrival of the fire truck, the dispatch log of the Fairfax County Fire and Rescue Department notes that a call was received at 19:45:13 (7:45 PM and 13 seconds) that resulted in the dispatch of the fire truck that arrived in the Fort Marcy Parking lot at the 8:02:25 PM referred to above.

What do the investigator's contemporaneous handwritten notes and the rescue vehicles' time logs mean? They mean that 7:40 PM or so is *not* the time the Medical Examiner arrived in the park, it is instead the time (7:43 PM) that he turned to the police on scene and said, in effect, "I'm done with the body, you can call to have it transported to the morgue at Fairfax County Hospital." Whoever wrote the Starr report again failed to check the official record (or decided to simply brazen it out).

To put this in context, the report of Starr's predecessor, Robert Fiske stated that the Medical Examiner arrived at the park at 7:40 PM and that the body was bagged (some 250 yards from the parking lot) at "approximately 8:45." Allowing several minutes to bag the body and move it the 250 yards or so to the parking lot (where a toe tag was placed on the body) and considering the fifteen minutes the logs show it took to reach the hospital from the time the ambulance left the park, it's clear that both Mr. Starr and Mr. Fiske fooled with the actual time-line for events that night. They pushed back the actual times of a number of events, apparently in an effort to explain the huge interval between the time the Park Police actually learned that Foster worked at the White House (no later than about 6:30 or so) and the time the White House officially says it first learned of the death (8:30 PM).

Is there any other contemporaneous record that would explain the Medical Examiner's statement to the FBI regarding his arrival time ("recalls arriving at the death scene at approximately 6:45 pm") and buttress the times in the investigator's handwritten notes described above? Starr tells us that the doctor "did not contemporaneously record the time of his arrival." That's true, depending on how close to the event you think "contemporaneously" implied. It is clear, however, that the doctor typed up his formal report that night (at least it is dated July 20). The report is very revealing since it states that the time the doctor was notified he was needed at the park was "6:45 pm," jibing quite nicely with the 6:45 time in the FBI report (erroneously reported therein, apparently, as his arrival time at the park).

To top it off, the Medical Examiner's report states that the doctor first viewed the body at "7:15 pm." Allowing a reasonable 30 minutes or so to examine the body gets us to the time the investigator noted, 7:43 PM, as the time that the doctor gave permission to call for an ambulance to transport the body. Finally, according to his FBI interview, "Haut left the scene approximately 30 minutes after his arrival," meshing quite nicely with the time he says he arrived on scene (7:15 PM) and the time the investigator recorded that he was finished examining the body (7:43 PM).

## SOME FOREST WITH YOUR TREES

Perhaps one reason why the government denies allegations that there was a cover-up involving the death of Vince Foster has to do, in part, with what a poorly executed cover-up attempt it was. Embarrassing. . .as well as illegal. But the lousy job done on the cover-up does make it easier to find evidence in the official record that a cover-up existed.

Perhaps it is necessary to state the obvious. Mr. Starr and his predecessors were charged with determining, among other things, whether there was a cover-up in connection with the Foster death. Now, if for the sake of argument, we ask ourselves who would have a key role in that cover-up, might we consider the possibility that the police on scene could have been involved? Hypothetically-speaking, this seems like a good possibility.

So, what did Starr and his predecessors do? They relied heavily on *police* reports to confirm that there was no cover-up involving the police even though detailed contemporaneous records are available from equally reliable sources that simply scream cover-up when compared to the Park Police reports. Perhaps this utter lash-up helps explain the common phrase "close enough for government work."

## STARR ON THE AUTOPSY

### A Pre-Autopsy?

There are many discrepancies having to do with the autopsy that were known prior to Starr's report. However, he introduces a new misleading statement. Referring to the publicly-available report written by the senior of four Park Police Officials to attend the 10 AM autopsy on July 21, Starr (page 28) quotes from it: "After briefing [the autopsy doctor] with the available information surrounding the crime scene and the victim he started the autopsy on the victim." This leaves the reader with the impression that the four Park Police officials were present at the beginning of the autopsy just as they were supposed to have been. Not so.

Starr does not quote these lines from the Park Police Report: "Prior to our arrival, the victim's tongue had been removed as well as parts of the soft tissue from the pallet [sic.]" This is a potentially important omission since the work done before the arrival of the Park Police was central to an autopsy of a man who was said to have pressed a gun against his soft palate and pulled the trigger.

The Starr quote also gives the impression, without saying so directly, that some or all of the four Park Police officials had been present at the body site the night before. Not so.



None of the Park Police officers at the autopsy had been present at the body site the night before. Reason? The Investigators who would normally attend the autopsy had confirmed with the autopsy doctor that morning that the autopsy would not take place until the July 22 and had gone home to get some sleep after a long day and a long night.

The date of the autopsy was then moved up from July 22 to July 21, apparently due to the desires of the White House. This prevented anyone who had viewed the body and its injuries at the park from also seeing the body at the autopsy (a useful cross-check for all those involved in the investigation and thus a standard police procedure).

### A Salient Omission

Starr (pages 31 and 32) also quoted selectively from the Park Police report in describing what the autopsy doctor told the Park Police: "There was no evidence of bullet fragments in the head." This is misleading. The entire quote from the Park Police Report: "[The doctor] stated that X-rays indicated that there was no evidence of bullet fragments in the head." The part about the x-rays is significant since the doctor later stated under oath that he took no x-rays (even though he had indicated within the autopsy report that he did take x-rays).

### THE FOSTER HONDA – "EVIDENTLY" STARR HAS A PROBLEM

#### When Did Foster's Honda Arrive At Fort Marcy Park?

Starr's report gives the reader with the impression that Foster's gray 1989 four-door Honda Accord LX sedan arrived at the park prior to 4:30 PM on Tuesday, July 20, 1993, perhaps as early as 3:00 PM, or perhaps even earlier. However, numerous witness accounts ignored by Starr consistently indicate that the vehicle Starr refers to as Foster's Honda was actually not Foster's. The parking lot at Fort Marcy is a quite small one with only about 20 spaces, all of which are located on the left side as one drives into the lot. The presence or absence of a given car in this lot would be hard to miss, especially if there were only two or three cars therein.

This is an important point since all the official reports indicate that Foster drove himself to Fort Marcy park in his gray four-door 1989 Honda Accord LX sedan before committing suicide in the extreme northwest corner of the earthen-walled fort. The consensus in the record indicates a time of death roughly halfway between 1:10 PM when Foster left the White House and 5:45 PM, the time his body was officially discovered.

If Foster's Honda did not arrive at Fort Marcy Park until well after Foster was dead, the theory of the death advanced in all the official reports is obviously in error, to say the least.

## Starr Caught In The Act

Starr (pages 20-21) makes much of a witness [C1, a CIA employee] who saw a "dark metallic gray, Japanese sedan occupied by a single, white male" take the Fort Marcy Park exit from the George Washington Memorial Parkway between 2:45 and 3:05 PM on the day of Foster's death, suppressing the most salient fact: that C1 himself, when interviewed by the FBI, made it clear that the car he had seen could not have been Foster's 1989 four-door metallic gray Honda Accord LX sedan with Arkansas plates.

According to the FBI, "[C1] once again reiterated the fact that the license plate he observed had the name of the state located in the lower right hand corner of the plate, further stating that since the Arkansas plate has, in bold letters, the name of the state at the top of the plate, he would have clearly remembered the identification of the state. . . [The car he saw was] definitely not [the one in the] photo of car [he was] exhibited. The license plate [was] definitely not the same."

Thus, Starr to the contrary, there is no evidence that Mr. Foster's Honda entered Fort Marcy around 3:00 PM. Why did Starr use this much space in his report to describe a car that could not possibly have been Foster's unless he was desperate to put forward any witness whose account might place Foster's Honda at the park that afternoon before the body was first discovered around 5:45 PM?

## Who Will Rid Me Of This Inconvenient Witness?

Starr next reports the statement (pages 21-22) of a witness regarding a car he had seen in the Fort Marcy Parking lot from 4:30 to 4:35 PM: "[C2; Patrick Knowlton] saw one unoccupied car, which he described as a "rust brown colored car with Arkansas plates" [Knowlton had reported "a brown foreign car with Arkansas plates" when he called the US Park Police shortly after the death]. Without more, someone reading Starr's report could be forgiven for thinking that Knowlton's description corresponds fairly well to Foster's 1989 Honda since Foster's Honda, after all, did have an Arkansas license plate.

Curiously, Starr chose not to report that Mr. Knowlton was emphatic in all his FBI interviews (and when under oath before the Whitewater grand jury) that the vehicle he saw could not have been Mr. Foster's Honda because, although the vehicle he saw was a Honda Accord with Arkansas plates, it was not at all similar in color to Foster's 1989 Honda Accord ["Asturias Gray," a pure medium gray according to Honda's records] and was roughly five years older than Mr. Foster's 1989 model.

When he was shown photos of Foster's car by the FBI, Knowlton repeated that the car in the photo was *not* the car he had seen in Fort Marcy park. Mr. Knowlton was even asked

whether the car in question was an LX model, as Foster's Honda was, and he replied that the Honda he saw had not been an LX model. When escorted to the FBI paint lab, Knowlton picked out two color panels (same color) as the color of the Honda he had seen in the parking lot about 75 minutes before Foster's body was discovered. The dull brown color in question was only offered by Honda in 1983 and 1984, thereby independently corroborating Knowlton's prior estimate of the vehicle's age.

Mr. Knowlton also described several other aspects of this vehicle that did not correspond to the Foster Honda that was "officially" in the parking lot. Thus, it appears that Foster's Honda was not at Fort Marcy by 4:30 PM, though an innocent reader of Starr's report would reach the opposite impression. Mr. Knowlton was harassed for telling the truth, lodged a civil suit against the government agents involved, and was able to convince Starr's bosses to make his 20-page filing legally as much a part of the Starr Report as if the OIC had written it (See above).

Damn Civilian Witnesses!

Starr next reports (page 22) a very small part of the information provided by a couple [C3 & C4; "the couple"] who pulled into the Fort Marcy Parking lot at about 5:00 PM and remained sitting in their white four-door 1992 Nissan with Maryland plates until about 5:30-5:45 PM when they left the lot and walked southeast into the woods. Curiously, Starr chose not report the descriptions they provided of the only other car that was in the parking lot when they arrived (and which was still in the lot when C3 and C4 left the parking lot and walked into the woods).

The reason for Starr's omission? Officially, Foster's car was the only other vehicle parked in the lot at the time and both these witnesses describe a car that, while not corresponding to Foster's 1989 gray Honda, corresponds quite well with the description provided by Knowlton of the vehicle he had seen from 4:30 to 4:35 PM. The couple told the FBI that "the only vehicle in the parking area was a relatively old (mid-1980's) Honda, possibly a Honda Accord." The FBI interview notes of the couple stated that the vehicle in question was a "tannish/dark color." The car was also described by the Bureau in the couple's interview reports as "a small station wagon or hatchback model, brownish in color" and also as a "brown car."

Thus, it appears that Mr. Foster's gray Honda had not been observed at Fort Marcy by about 5:30 PM. Starr also fails to tell us that this couple reported the presence of two men in and around the "brown car" to the FBI - one man was in the driver's seat and the other had put the hood up. Since Starr would have us believe that this brown car was Mr. Foster's vehicle, why did he think *the presence of the two men in and around Foster's car about 20-30 minutes before his body was found* not worth mentioning? Perhaps Starr agrees with his predecessor about this couple: Robert Fiske reported "Neither individual. . . observed anything unusual" (Fiske Report, page 35).

In a bizarre *tour de force*, the Park Police interview of the couple on the afternoon of the death provides no description whatsoever of the vehicle in question, except to gratuitously describe it as the "deceased's vehicle"! Perhaps it is no coincidence that C4, when shown her Park Police interview report for the first time, told the FBI that the Park Police report did not accurately reflect what she had told the Park Police about the cars she had seen in the parking lot. . . This amazing direct evidence that prior official reports had been altered was completely ignored by Starr.

Although, based on the evidence presented here that Foster's gray Honda was *not* present in the parking lot before the couple left the lot for their walk in the woods, the Starr report, in footnote 199, makes us think that they told Starr's investigators they *did* see Mr. Foster's Honda: "According to the reports of their interviews at the scene on July 20, 1993, C3 and C4 did not see anyone in or touching *Mr. Foster's car* [emphasis added]." Notice that Starr is citing the July 20, 1993, Park Police interview report – the same interview that C4 later told the FBI did not accurately reflect what she had reported to the Park Police!

#### The "Confidential Witness"

Starr next describes a highly selective portion of what another witness [C5, termed the "Confidential Witness" in the Fiske Report since he made a formal request, which was respected in the record, unlike what happened to the other civilian witnesses. During the Park Police investigation, he was known simply as "the man in the white van"] reported seeing that afternoon in Fort Marcy Park when he arrived around 5:40 PM.

[This is the man who officially first discovered Foster's body in the far northwest corner of Fort Marcy, some 750 feet from the parking lot, at about 5:45 PM. This "confidential witness" was not interviewed by the Park Police since he did not come forward until some eight months after the Park Police investigation was had ended.]

Starr also omits C5's description of the vehicle in the parking lot that afternoon - the one that was officially Foster's Honda but, apparently, was not. This witness "described this vehicle as a compact Japanese made sedan, color possibly light blue or tan. . ." in his first FBI interview.

In his second interview, he described the vehicle "as light tan or light brown Japanese vehicle which could have been a Nissan, Toyota, or possibly a Honda." When shown photographs of the Foster's Honda, this witness told the FBI that he could not identify it. He later described the vehicle he had seen under oath as a "light brown or cream colored Japanese made car," next as "brown [not "light brown"] or cream colored. . ."

This witness came forward publicly to Radio Host G. Gordon Liddy in March 1994. He also described the vehicle in the parking lot that was officially Foster's gray Honda to Liddy as "a light brown or cream colored Japanese-made car." This witness told Liddy that he had decided to come forward because he had heard of a story in the March 14, 1994, in the *New York Daily News* which stated that the two Park Service workers to whom the witness had reported the body just before 6 PM on July 20, 1993, were now denying that the confidential witness ever existed. There being no phone at Fort Marcy, the witness had driven almost three miles northwest on the George Washington Memorial Parkway to the Turkey Run maintenance facility and asked two workers he found there to call 911. They did so at 5:59:59 PM, but did not obtain the witness's name or the license plate number of his white construction van.

This witness told Liddy that the newspaper article had said that the two workers "were now stating that they had snuck off down to the park to have a drink, found the body, and made up the story about [me]. I became very, very concerned about my personal safety. If someone could make two career employees fabricate a story like that, then that same person that could have that power. . . would be looking for me." Liddy then asked him, "You were ready to commit suicide just yet, were you?" and he answered, "No sir." Liddy's FBI interview states that the witness had "a strongly expressed fear for his life."

Thus, based on the description provided by witness C5, it appears that Foster's gray Honda had not arrived in the park as of about 5:50 PM or so, even though the body had been discovered by that time.

#### The "Mercedes" Of Witnesses

Starr next mentions a witness [C6, the last civilian witness cited by Starr] whose blue Mercedes had broken down on the George Washington Memorial Parkway and coasted to a stop on the exit ramp to Fort Marcy, but Starr does not tell us anything about the vehicle, officially said to have been Foster's gray Honda, which she saw in the parking lot at about 6:00 PM when she walked up to the lot looking unsuccessfully for a pay phone so that she could call a tow truck. This witness *was* interviewed by the Park Police and reported that the vehicle in question was (the total description) "a lighter gray or silver," according to the handwritten notes of her Park Police interview on August 5, 1993.

This information on the car does not appear, however, in any of the typed Park Police reports on the death, but her FBI typed interview report essentially duplicates the vehicle's description from the handwritten Park Police interview: "light gray or silver in color." Thus, this witness appears, based on at least some of the underlying investigative record, to have been the first witness to report the presence of a car in the Fort Marcy parking lot that could have been Foster's medium gray Honda. Why didn't Starr mention this description, the first that appears to back of his claims that Foster's car was in the parking lot at Fort Marcy?

Perhaps because the description recorded by the Park Police is bogus and not substantiated by what the driver of the broken-down Mercedes actually told the FBI. Two journalists working independently (the latter at my direct suggestion), interviewed C6 separately. She described the vehicle in question in the following way: "tannish brown" (to Ambrose Evans-Pritchard) and "light tan or brown" (to the other reporter) "Are you sure?" Evans-Pritchard asked, immediately after receiving her unhesitating description of the vehicle. "Oh, yes, quite sure," she told him.

Evans-Pritchard reports that has had access to C6's handwritten FBI interview notes (the record upon which the typed FD-302 interview reports are based). Evans-Pritchard wrote, "The color is not even mentioned. It is obvious that the FBI inserted the words 'light grey' ['gray'] later." It would be interesting to see this handwritten FBI interview report; it is not in the original public record and not among the 389 pages of handwritten FBI interview notes freed up by a successful Freedom of Information Act lawsuit in March 1996

Damn Paramedic Witnesses!

It's now 6:00 PM, some 10-15 minutes after Foster's body has been discovered and it appears that there is little or no evidence that Foster's 1989 gray Honda is present in the parking lot and quite a lot of consistent evidence (even given the natural variations descriptions generally provided by witnesses) that a brown car some five years older has been present in the lot since at least 4:30 PM.

The Fairfax County Fire and Rescue Department responded quickly to the 6:00 PM 911 call with two units, Engine 1 and Medic 1, which arrived in the parking lot at 6:09:58 and 6:10:16 respectively, based on computerized time logs. The first Park Police unit to respond arrived in the lot very soon afterwards at 6:11:50 PM.

The contemporary "Narrative Report" keyed in by the lead paramedic describing what he saw as his emergency units pulled into the parking (ignored by Starr) lot would presumably be a good source of information about the civilian vehicles then in the lot (all the more so if it turns out that there is valid evidence that Park Police reports were altered at some point in the Foster death investigations, as suggested by C4's statement to the FBI mentioned above). So, what does the lead paramedic's report tell us?

"As we entered the park (Fort Marcy) we passed a light blue Mercedes w[ith]/its hazards on [emergency flashers]. No occupant in view [C6's Mercedes]. Went further up into the park and saw two other veh[icles]. Brwn [Brown] Honda AR Tags. And a white Nissan w[ith]/MD [Maryland] tags. No other people in the area. We split our crews one went on the north trail and the other on the south trail [searching for the body]."

The description of C6's Mercedes is accurate, including as to its position and the fact that its emergency flashers were on. The description of the "white Nissan with Maryland tags" is completely accurate as well (the car that C3 and C4 rode in to the park a bit after 5:00 PM; they were not present when the emergency units arrived because they left the parking lot using the "southern" trail shortly after 5:30 PM and were out of sight of the parking lot to the southeast. The search team that searched down the "southern" trail promptly found C3 and C4.

Witnesses can mistake and misremember vehicle colors. However, given the volume and consistency of the witness descriptions through the arrival of the first emergency units, it seems quite likely, at the least, that Foster's gray Honda had not put in an appearance by about 6:15 PM, some 30 minutes after his body had been found. Remember too, that according to the manufacturer's records, Foster's car was a medium pure gray with no brown mixed in (that is, not "taupe" or a similar color).

#### The Park Police Report A Different Car

It is only after the arrival of the Park Police at Fort Marcy that we start to see traces of a gray Honda. The transition from the dull brown 1983-84 vehicle to Foster's 1989 grey car is ignored by Starr. The "beat cop" was the second US Park Police Officer to arrive at Fort Marcy Park (the first officer to arrive in the parking lot – about two minutes behind the paramedics and who was the first official to locate the body – did not make any written report). The beat cop's report, dated July 20, 1993, states: "A gray/brown Nissan 4dr with Arkansas Registration RCN504 was parked in the 4th space from the front of the parking lot." This was the location that prior witnesses had reported being occupied by the "brown car." The plate on the Foster Honda was RCN-504.

Remember that the Park Police handwritten notes indicating that C6 had seen a "lighter gray or silver" car in the lot at 6:00 PM were not made until the interview on August 5, so the beat cop's report is the first mention of a vehicle in the parking lot with any gray to it.

The report written by the lead Park Police investigator at the body site who reached the park about 6:35 PM reports the presence of "a 1989 gray Honda Accord, 4 door, with Arkansas license plates RCN-504." The report by the Park Police Evidence Technician who photographed the car refers to "the 4dr, grey, Honda Accord bearings Arkansas tags RCN 504."

The transitional "gray/brown" reported by the beat cop has vanished. The next Park Police Report in their case file jacket was written by the investigator who interviewed both the witnesses that Starr later referred to as C3 and C4 in 1997. This report was written sometime after about 6:45 PM.

Amazingly, the vehicle that was brown and apparently now is gray (and right there in the lot before the eyes of the investigator, C3, and C4 - the only civilian vehicle in the small parking lot except their own white Nissan) is described only as "the deceased's vehicle" and there is no indication whatsoever in the report that C3 and C4 were asked the obvious question: "See that [brown or gray - take your pick] car parked over there? Is that the same car you saw in the lot before you went off into the woods?"

It is also clear from the record that the couple was first interviewed by another Park Police officer (officially the third officer to reach the park) while they were still in the woods. When interviewed by the FBI, this officer (who did not file a report) remembered little of what the couple told her even though she remembers asking them about the cars in the lot. The officer's FBI interview describes the vehicle in question in the parking lot: "[The officer] cannot recall the color or make of the vehicle, but does remember it had Arkansas tags on it." She *did* remember the white color of the couple's Nissan, however.

A third Park Police investigator, who spent two and a half hours on scene wrote a report that provides chapter and verse on the disabled Mercedes several hundred feet away from the parking lot (description of the vehicle, its license plate number, the name of owner from DMV records, the name of the tow truck driver, his company and phone number, the time the call to tow the Mercedes came in, ad nauseam) but not one word about any vehicle in the parking lot. It is legitimate to ask, "Why not?"

The six paramedics and firefighters who had responded to the 911 call all left from the body after confirming the victim was dead and spent several minutes in the parking lot before departing Fort Marcy prior to the arrival of the Park Police investigators at about 6:35 PM. The record is clear that the Park Police recorded their names and other ID data.

Presumably these six professionals could have provided relevant information to the Park Police about the condition of the body, the site where it was found, what they saw in the parking lot, and so forth. All six had, of course, arrived in the parking lot one or two minutes before the first Park Police officer arrived. What did these emergency personnel have to say when the Park Police interviewed them in the course of the 17-day Park Police death investigation? Nothing - the Park Police interviewed none of them, not about the body, the parking lot, nor anything else they observed.

### How Now, Brown Car?

Since the information above makes it apparent that there was a brown car in the parking lot for an extended period of time that clearly was not Mr. Foster's gray Honda, is there anything in the record that indicates what happened to this brown vehicle and anything indicating when Mr. Foster's gray Honda did appear (assuming C6's statements to the Park Police and to the FBI about a light gray car being in the lot at about 6:00 PM can be ignored for the reasons given above)?



One of the two paramedics who reached the body immediately after the first police officer was pretty specific about a car he saw in the parking lot at Fort Marcy at about 6:15 PM, a car that never existed as far as the official reports are concerned. Here is the paramedic's exchange with a Senate investigator (the paramedic is under oath):

Q: Do you remember seeing an unoccupied car with the engine running in the parking lot?

A: Yes. It was speculation between all of us that it was the car in the lot running.

"It was the car in the lot running"? What's the "it" refer to? The car is right in front of them, why bother to speculate whether its engine is running? Was the speculation instead that "it" (this car) was somehow related to the victim? Why else would the paramedics speculate about a car in the parking lot?

Was this the brown car with the AR license plate, fired up and ready to leave the lot, but prevented from doing so because the two paramedic vehicles and the Park Police car were rolling up the long driveway into the parking lot? What would link the brown car to the (supposed) suicide victim they had just seen dead in the park - the presence of an Arkansas license plate, perhaps?

More than one FBI interview of the Fairfax County emergency workers has them clustered around a car in the lot (officially Foster's) speculating that it belong to the dead guy ("Several jokes were made regarding the Clinton Administration and it was further alluded to that the victim was someone who had not gotten a job in the Administration. The vehicle with Arkansas plates was described to be a business kind of car [meaning?]."

Remember that in-charge paramedic's Narrative Report recorded the presence of two vehicles in the lot as his units rolled up the driveway into Fort Marcy's parking lot, including a Brown Honda with Arkansas tags. Was this that vehicle? Well, the initial FBI interview of the paramedic above who saw the car with the engine running also has the following statement: "Upon arriving at Fort Marcy Park, [this paramedic] noticed an unoccupied *brown* [emphasis] car with the engine running in the parking lot. He noted that the car was not parked in a space." He also did not recall whether this car was still in the lot when the paramedics departed the parking lot at 6:37 PM to return to the station. . .

This paramedic is not the only person to notice this vehicle. According to another Fairfax County emergency worker with the first group who entered the park that night (bear in mind the Park Police made a decision to interview none of these individuals): "Upon entering Fort Marcy Park, [this female emergency worker] recalls seeing one car in the parking area with its hazard lights on. [She] remembers that the engine was running, noting that the car was unoccupied."

The FBI indicates that the car she saw with its engine running was not the car with the Arkansas license plate (officially, Foster's Honda), but there was only one other car clearly in the lot at the time and it did not have Arkansas plates: the white Nissan with Maryland plates (C3's and C4's car).

Even the first US Park Police officer to arrive and locate the body indicated there were more than two civilian vehicles (officially only Foster's gray Honda and the white Nissan were present then) in the parking lot when he arrived. Still another paramedic referred (in his FBI interview) to: "Car (red?) with hazard lights in park. . . Red [?] car gone when he left [the park]." "Red" is not that far from a "rusty brown" - one of the color descriptions of the brown car seen by so many in the parking lot.

Some analysts, based on a crude map in the record, have thought it possible that this emergency worker who mentioned a "car (red?)" could have been referring to the blue Mercedes (its hazard lights *were* flashing) that was a couple of hundred yards away from the parking lot, down on the George Washington Memorial Parkway, but the red-blue color difference aside, it is clear from the official records that the emergency workers left the park at 6:37 PM (arriving back at the fire station at 6:45 PM) but that the Mercedes was still in its original location until sometime after 7:00 PM when it was towed. Thus it is clear that the Mercedes was *not* "gone when he left the park" and therefore he could not have been referring to a vanished Mercedes.

It therefore seems clear that there was indeed a mid-eighties brown car with Arkansas plates in the Fort Marcy Parking lot for an extended period that afternoon. It appears to have departed the parking lot at about 6:25 PM or so. This car is ignored in the official reports. It was also not Mr. Foster's gray 1989 Honda Accord. It is less than clear when the gray Foster Honda arrived in the parking lot because there appears to be an intention in the record to make everyone believe that the gray Honda was in the parking lot sometime from mid-afternoon onward.

Better Late Than Never – Foster Honda *Actually* Appears At Fort Marcy?

Perhaps the most telling evidence about the arrival of the gray Honda is the contemporary notes of the Park Police shift commander who appeared in the parking lot at about 6:25 PM. He made a short note about an unusual vehicle in the parking lot: "Engine warm on vehicle," thereby presumably implying that the vehicle in question had had its engine running very recently.

He does not indicate that the engine "*was* running" so his note apparently does not refer to the brown car in the lot, not in a parking space, with its engine running.

The shift commander's notes reveal nothing else about the vehicle with the warm engine. When the shift commander was interviewed by the FBI in 1994 as a part of the investigation conducted by regulatory counsel Robert Fiske, the questions about this vehicle were apparently cryptic, perhaps because the combined Park Police/FBI investigation immediately after the death had concluded that Foster committed suicide in the park with no evidence of foul play. Fiske's FBI agents were reviewing conclusions previously reached by the team of FBI agents who had worked with the Park Police.

According to the FBI interview, the Park Police shift commander's only comments about the vehicle with the warm engine (no other descriptors, etc.) were "Engine warm on vehicle. Who checked possibly [he names the two lead Park Police Investigators who arrived in the parking lot at about 6:40 PM, *after* the emergency workers had left the park] probably just checked hood."

The two investigators presumably did not notice a warm engine on the brown car that had left the parking lot *before* the emergency workers did (and thus before the investigators arrived in the park), so the best evidence in the record, taken as a whole, may well indicate that Foster's car did not arrive prior to about 6:25 PM, perhaps overlapping the brown car in the lot for a very few minutes.

Of course, any overlap would have allowed the driver of the departing brown car - the one who had the car's engine running, ready to leave the lot when the emergency workers drove up the long driveway to the lot and kept him from leaving - to give a lift to the person who drove the gray Honda to the park.

If you believe this long series of witness observations makes it reasonable for Starr (and Fiske) to have actively investigated (rather than ignore) whether a brown car, not Foster's gray Honda, was present in the parking lot for much of the afternoon before departing sometime after 6:00 PM, you also have to ask yourself *who* drove this car to the lot, who drove it out, and what activities did the driver undertake while in the park.

## CONCLUSION

Mr. Starr's report reflects poorly on him and the others who prepared it.

I provided the Starr OIC a copy of my long report on the death in July 1995 and was told in person and over the phone by three different Star investigators to keep my subsequent analyses flowing to the OIC. I did so. Two of the investigators (and I have no reason to doubt them) told me that my report had been disseminated among the team investigating the Foster death and that all of them had a personal copy to read. A reporter friend of mine saw some of these copies of my report and told me, "Hugh, they must be reading it. I see yellow highlighter all over the pages."

I sent my Foster analyses, reports, and article to the OIC for two, partially conflicting reasons. First, I thought it proper to give the OIC the "benefit of the doubt" regarding its Foster investigation long after I had a pretty good idea what was going on. In short, as best I could, I wanted to hold Starr's "feet to the fire" in the hopes that the OIC would eventually realize it could not get away with producing another fiasco like the Fiske Report. I didn't succeed.

The second reason I sent what I did to the OIC was to keep anyone at the OIC (should what I believe to be the truth about this investigation become widely known) from being able to plead ignorance by claiming important items buried in the thousands of pages of the official record were simply missed.

*There is an unholy effort underway that spans the political spectrum in this country and involves almost all politicians, and nearly all those in the print and electronic media, who write and speak about the Foster death to ensure that the problems with the Starr Report I detail in this article remain unknown.*

For the same two reasons that applied to the Starr OIC, I did my best I could to make my analyses known to these politicians and media folks, including printing some 250 copies of my long report on the Foster death at my own expense and transmitting them to various politicians and media types. My report is available from a number of copy shops as well as the worldwide web. I make not a dime from it. I have also made nearly 200 gratis radio and television appearances and written sixteen articles describing the major problems with the five public official reports on the Foster death.

I believe evidence of cover-up is blatant and easily detectable by anyone who cares to examine the underlying public investigative record. We should be concerned about the cover-up I believe is evident in the official reports for two reasons. First - where and why did Vince Foster die and are there implications for the political way of life in this country? Second, such a poor job was done with the Foster cover-up - those in power must realize that if they can get away with this one, they can get away with pretty much anything they chose to slip by an apathetic public. They would be right, too.

As the bumper-sticker says "I love my country, but fear my government." Or to be more specific: I fear the actions of some rogue elements within my government, even if they are merely some bad apples who have not yet spoiled the rest of the barrel. As for myself, as I have said in print and on national television, I object that these government reports on the Foster death were done, however indirectly, in my name. We may yet prove ourselves to be a nation of sheep. Even if that sorry result comes to pass, sheep still deserve to be watched over by sheep dogs, not wolves.

\* \* \* \* \*

Hugh Sprunt is a CPA and Attorney in Farmers Branch, Texas. Investigating the Foster case has been an avocation of his since the July 20, 1993, death. His ~380-page report on the death is available for the cost of copying and shipping only from print shops (Try 301-937-6500). He serves on the legal team of Foster federal grand jury witness Patrick Knowlton (Attorney-of-Record, John H. Clarke, Washington DC, 202-332-3030). Mr. Sprunt has also been a guest on some 200 radio and television programs concerning the Foster death, including appearances on CBN, A&E, MSNBC, C-SPAN, and NET. His work has been utilized by the authors of two books on the Foster death published in late 1997, Chris Ruddy's The Strange Death of Vincent Foster and Ambrose Evans-Pritchard's The Secret Life of Bill Clinton. Mr. Sprunt was interviewed at length in 1996 by the Starr OIC in Washington. His Foster work also put him on the cover of The New York Times Magazine earlier this year.

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[Unlike the ~380-page "Citizen's Independent Report" on the Foster death, this article was written and published for a widespread audience and therefore does not include citations to the underlying government investigative record of the Foster death. These citations are available upon request. HHS]



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Hugh H. Sprunt, a **Certified Public Accountant & Attorney**, has provided tax consulting services to individuals & businesses for over nineteen years. He was a **Tax Partner** with one of the world's largest accounting & consulting firms for six years, concentrating in individual income & estate tax planning. His expert tax knowledge & presentation skills made him a speaker of choice at financial planning seminars for fellow tax partners & a leader of tax workshops for other tax professionals. Hugh's most recent tax presentation: "*How To Obtain The Best Service From Your Tax Advisor.*" He is also one of the very few CPAs certified as a **Personal Financial Specialist (PFS)** by the American Institute of CPAs. He has devised & implemented successful **multi-year tax strategies** involving Fortune 500 corporations & performed tax planning for individual clients, some with a net worth exceeding \$100 million & single-year personal tax liabilities over \$10 million. An IRS ruling request he drafted utilized a previously unexploited generation-skipping transfer tax "opportunity" Hugh discovered that reduced the transfer taxes on a \$14 million intrafamily gift by over \$1 million. Hugh was also the first to inform the IRS of substantive errors in the government's favor on various IRS tax forms, including Schedule K-1 (The IRS acknowledged its errors & corrected the official forms & instructions the following year).

Hugh is the lead **author** of a two-volume 800-page work on fiduciary income taxation, first published for CPAs & tax attorneys in 1992. The sixth edition shipped in December 1997. Hugh has written on technical subjects in *The Journal of Taxation*, edits several other multi-volume tax planning & compliance works marketed to other attorneys & CPAs, & evaluates continuing education programs for CPAs. Since 1991, he has supplemented his traditional tax consulting practice as the **Proprietor of Advantax - Your Tax Advantage**, a live nationwide "900" tax planning & tax return advice line (900-933-3004, \$3 Per Minute) carried by AT&T's **MultiQuest® Express900** service. Advantax is known for the customized "call memo" available to each customer & has been covered by *Smart Money*, *NEWSWEEK*, *The New York Times*, *The Wall Street Journal*, *The Seattle Times*, among other publications. No one who has ever called for tax advice has been dissatisfied & failed to pay the 900 charges, an amazing record for any 900 number, let alone one in its eighth year of operation. Callers also use Advantax for a quick "second opinion" or when they need live real-time tax help with return preparation or tax planning software, especially after hours when they are "stuck" & need help *now!*

Hugh received an **MBA** from the **Stanford University Graduate School of Business** & a **JD** from **Stanford Law School** in January 1979 on the GI Bill. Before the service, he obtained **BS & MS** degrees in Earth & Planetary Sciences from the **Massachusetts Institute of Technology** where he was elected to two national honorary societies & stroked intercollegiate lightweight crew for two seasons before "grades & girls" won out. After working abroad for twelve months as a utility diver, he volunteered as a **commissioned officer** & saw service aboard a variety of deep-ocean Federal research platforms in the early 1970's, serving as Chief Ship's Diver, Senior Watch Officer, & Assistant Operations Officer before being assigned shore duty near the Naval Postgraduate School in Monterey, California.

Hugh's viewpoints a variety of issues have appeared in *The New York Times*, *The Washington Times*, *The Wall Street Journal*, *Forbes*, & *The Dallas Morning News*. He is also the author of the 380-page "**Citizen's Independent Report**" & related view-graph presentations on the death of Deputy White House Counsel Vince Foster. His Foster work was requested on an ongoing basis by the Office of Independent Counsel & Hugh was interviewed by the Starr OIC in Washington. His 23,000 word analysis of the 10/1097 Starr report on the Foster death was picked up by two publishers in November 1997. Hugh is on the legal team of Federal plaintiff, & grand jury witness, **Patrick Knowlton, whose 20-page filing was made a part of the Starr OIC report on the Foster death, released 10/10/97, on the order of the DC Circuit Court of Appeals over Starr's vigorous & repeated objections.** Hugh was on the cover of the 2/23/97 *New York Times Magazine* & featured inside (author, Philip Weiss, had his mind changed about Foster's death). Hugh's Foster work has been covered by *The New York Post*, *The New York Observer*, *Accuracy In Media*, *The Pittsburgh Tribune-Review*, *CBN TV News*, *NET*, *MSNBC*, *C-Span*, & *A&E*. **Twenty of his Foster articles** have appeared in *Media Bypass*, *Heterodoxy*, *Insight*, & *Strategic Investment*. He has been a **guest on some 210 radio & TV programs** distilling the thousands of pages of public official documents underlying the five public Federal reports on the Foster death. An "old, low, & slow" pilot, Hugh has had five TV appearances covering TWA 800 & has written three articles on the technical aviation aspects of the 4/3/96 crash of Commerce Secretary Ron Brown's plane in Croatia.

Hugh & his wife of twenty-five years, a Ph.D. in geophysics, live with their son & daughter on Rawhide Creek in Farmers Branch, Texas. His favorite aphorism: (Alfred, Lord Tennyson) "*Come, my friends, 'Tis not too late to seek a newer world. . . Tho' much is taken, much abides; and tho' We are not now that strength which in old days Moved earth and heaven; that which we are, we are. . . To strive, to seek, to find, and not to yield.*" Finally, lest we forget: "*Tell you what -- It's gonna be a gunfight, but I came here to bomb.*" -- Unknown Navy Attack Pilot, ca. 1970.

## EVERY AMERICAN SHOULD READ THIS

***For four years, an investigative journalist by the name of Ambrose-Evans Pritchard has been a major problem to the corrupt Clinton Administration. Just as fast as the spinmeisters in the Clinton White House and their fellow-travelers of the U.S. mainstream media had put the latest scandal in the "proper perspective", here came Pritchard to set the record straight.***

***What should have been embarrassing to Americans was that Pritchard was not a member of the U.S. press corps. He was the Washington correspondent of the Sunday Telegraph of London. His reports would appear in the United Kingdom, then find their way back into the American media, putting a lie to the Clinton version. Clinton and his cronies retaliated with relentless attacks on the journalist and his employer.***

***Now, Pritchard is being recalled to London. Following—with all due respect to George Washington—is his farewell message to the American people:***

***By AMBROSE-EVANS PRITCHARD:***

***Let me state for the record that I was not sent to Washington as part of a British government plot to destabilize the Clinton Administration in revenge for U.S. meddling in Ulster. Or at least, I don't think I was. Contrary to assertions made in a congressional hearing, I have never worked for British military intelligence, or M15, or M16, or for that matter M17.5—the fabled Welsh branch.***

***No, I found my own way into a spitting match with President Clinton. It was the last thing I expected, upon arriving in Washington, for I had succumbed to the Clinton charm years before at a meeting of the Democratic Leadership Council. As for Hillary, I was rather taken by her image of flinty altruism.***

***Disappointment was swift, however. I was stunned when the new president – barely installed in the White House – repudiated his campaign promise for a tax cut. It was down hill from there.***

***The Clintons look good from a distance. As Yale Law School graduates they have mastered the language and style of the mandarin class. It is only when you walk through the looking glass into the Arkansas underworld they came from, that you begin to realize something is horribly wrong.***

***You learn that Bill Clinton grew up in the Dixie Mafia stronghold of Hot Springs, and that his brother Roger was a convicted drug dealer who was once taped during undercover surveillance saying, "Got to get some for my brother, he's got a nose like a vacuum cleaner." You learn about sworn testimony that links Clinton to cocaine smuggling in the early 1980's. You learn that Clinton's chief of security in Little Rock was gunned down in 1993 by assassins who seem to be enjoying immunity.***

***All you have to know about Bill Clinton is that he chose Patsy Thomasson – top lieutenant of convicted cocaine distributor Dan Lasater—to be his White House chief of personnel.***

***The Clintons wasted little time taking charge of the U.S. Justice Department. All U.S. attorneys were asked to hand in their resignations. It was a move of breathtaking audacity, one that gave the Clintons control over the prosecutorial machinery of the federal government in every judicial district in the country.***

*They then set about eliminating the director of the FBI , William Sessions, who was known for his refusal to countenance White House interference in the affairs of the bureau. Sessions was toppled in a 'putch', without a murmur of protest from America's press, and replaced by the hapless errand boy Louis Freeh. The Clintons installed their friend Webster Hubbell as "Shadow" attorney general -until Hubbell was jailed for Arkansas crimes.*

When you are living through events day by day, it is hard to know whether you are witnessing a historic turning point, or just mistaking the usual noise of politics for something meaningful. But there is no doubt that strange things have been going on in America.

The Clinton era has spawned an armed militia movement involving tens of thousands of people. At the very least, the militias reveal the hatred building up against the irksome yuppies who run the country.

No official has ever lost a day's pay for the incineration of 80 people, most of them women and children, in the worst abuse of power since Wounded Knee a century ago.. Instead of shame and accountability, the Clinton administration accused the victims of setting fire to themselves and their children. It then compounded the injustice by pushing for a malicious prosecution of the survivors.

A majority of Americans refuse to accept that Vincent Foster committed suicide, and they have good reason. Paramedics and crime scene witnesses tell a story that flatly contradicts the official findings. Foster was laid out neatly on the ground with a gun in one hand, carpet fibbers all over his clothes and little blood by his head. In addition a second wound in his neck suggests a smaller caliber bullet and two different guns. Also very strange for the White House to have the Park Department investigate the death of the closest man to the President of the United States and then keep the FBI out of Foster's office.

Since Foster's death there have been a steady stream of lies, serious corruption and scandals emanating from the White House and each are handled with a tricky one-liner when discovered. Also, the familiar phrase ' WE ARE COOPERATING FULLY WITH ALL INVESTIGATIONS', where in reality they have been working behind the scenes to vilify the chairman of every investigating committee, use the IRS illegally and in general stonewall, delay, withhold documents and coverup.

Is Bill Clinton to Blame? Of course he is, but the willing media has seldom seen fit to search for the truth and seems overpowered by the office and his charm and charisma.

Degradation spreads from the top down, and four years were damaging enough. Another four—if Clinton lasts, will do real harm to the institutions of the federal government.

To the American people I bid a fond farewell. Guard your liberties. It is the trust of each generation to pass a free republic to the next. And if I know you right, you will rouse yourself from slumber to ensure exactly that.





**"No one ever, even my roughest enemies, my strongest opponents, never suggested that there was a hint of scandal in my administration."**

*Bill Clinton interview with CNN News 8/25/96*



**Says Democratic Sen. Bob Kerrey of Nebraska about Bill Clinton's skills as a prevaricator:  
"Clinton's an unusually good liar. Unusually good. Do you realize that?"**

**1996**

*(over)*

**USA TODAY - CNN - GALLUP POLL reported September 30, 1997 that 73% were in favor of Attorney General Janet Reno appointing an Independent Counsel to investigate the Democratic Party's 1996 fund-raising practices.**

**"IT IS SHOCKING, but there was a decision in the White House that people would get access in return for their contributions, and it went on a lot. It went on all the time". ..(Words of GEORGE STEPHANOPOLIS on "Meet the Press" August 3, 1997)**

**"Well, if in fact the President, the First Lady, any senior official in the White House authorized or condoned the accepting and looking into and perhaps circulation of FBI information on political opponents, that is devastating. I believe it could bring down any administration". ..(Words of TIM RUSSERT, NBC Commentator on "Meet the Press)**

**IMPEACHMENT is a tool to deal with corruption in office THAT IS NOT NECESSARILY LIMITED TO COMMON LAW OR STATUTORY CRIMES. A president can be impeached for serious offenses that subvert our government and undermine the integrity of the office". ...[Words of Hillary Clinton , from a report she prepared as a member of the staff of the Watergate Committee]**

**"WHAT IS OUTLINED IN THIS MEMO, IS A SPECIFIC STEP-BY-STEP PLAN TO KEEP CONGRESS AND THE AMERICAN PEOPLE FROM FINDING OUT THE TRUTH". ...[Repr. Christopher Cox , referring to WHITE HOUSE COUNSEL JANE SHERBURNE'S MEMO , showing a task list of 39 scandals that the White House needed to work on]**

**"MONEY IS THEIR GOD. They have bought and sold the White House, the presidency, and America's global influence, in a manner that offends propriety and despoils the very institution itself. If there is any politician who should step down in shame, it is the incumbent president." .....[Human Events Weekly]**

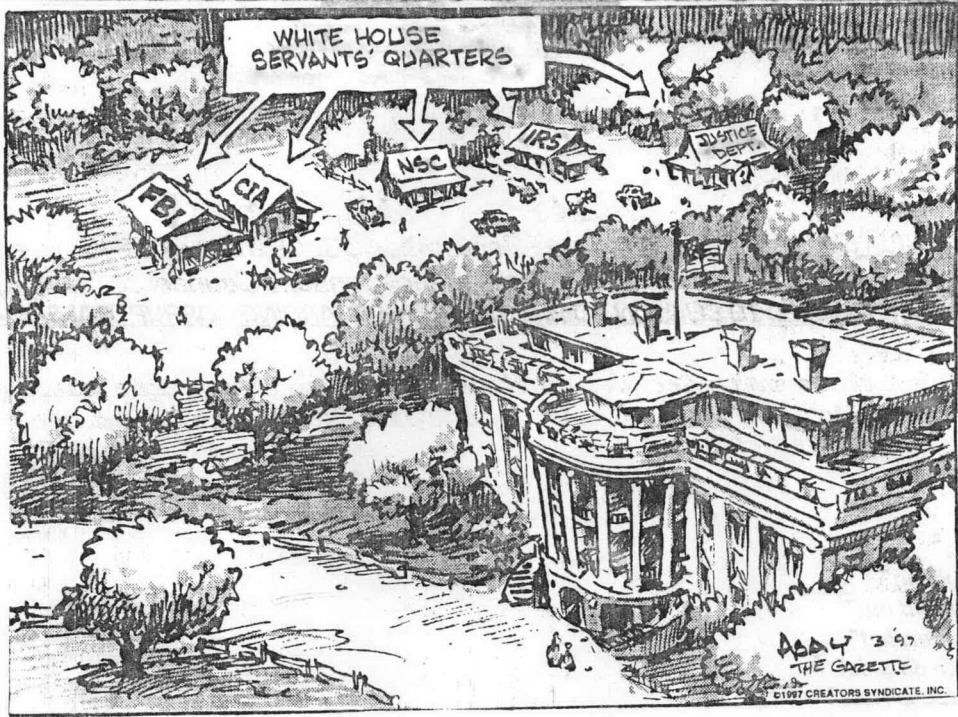
**THE PRESIDENT AND VICE PRESIDENT WERE WARNED IN WRITING THAT SOLICITING DONATIONS FROM FEDERAL PROPERTY WAS A FELONY. Also, accepting money from foreign countries is illegal, and coupled with this was the obvious favors that were granted shortly after large sums of money were received. ....[The President's response to this was to attack the investigators, withhold information and stonewall]**

**"Almost every group on the Clinton enemies list is being audited by the IRS". ...[Grover Norquist, of Americans for Tax Reform]**

**"Clinton himself has now acknowledged that he was the main architect of a sweeping plan to reward big donors with overnight stays in the Lincoln bedroom of the White House. Clinton and Gore should face the music now." ....[Richard Benedetto, USA TODAY]**

**"There is no president in modern times more systematically protected by the elite media and no White House press corps which has more avoided holding the president accountable" .....[Newt Gingrich]**

**"The Clintons are the center of power in the most abusive and corrupt administration in history of our country.**



By Mike Smith, Las Vegas Sun, United Feature Syndicate



**REMARKS ATTRIBUTED TO CLINTON ADMINISTRATION REGARDING CORRUPTION & SCANDALS**

*"So what"*

*"It's troubling"*

*"Nobody told me"*

*"We are puzzled"*

*"Everyone does it"*

*"What else is new"*

*"I'm not sure, frankly"*

*"I literally don't know"*

*"Mistakes were made"*

*"I don't precisely recall"*

*"I may have transgressed"*

*"I put my trust in Jim Blair"*

*"The system is out of whack"*

*"It better never happen again"*

*"We need new campaign laws"*

*"I don't know anything about it"*

*"It was just an innocent mistake"*

*"It was a pure innocent oversight"*

*"I simply cannot say I've ever done it"*

*"It was some glitch in communication"*

*"Outrageous... not one shred of evidence"*

*"The president hasn't done anything wrong"*

*"I'm not answering questions on this matter"*

*"Files were never removed from Foster's office"*

*"I've never done anything wrong in my public life"*

*"I am proud of what I did but I'll never do it again"*

*"This action was a very serious error of judgment"*

*"There was no controlling authority for what I did"*

*"I refuse to answer on advice of the Special Counsel"*

*"We have strictly abided by all the campaign laws, strictly"*

*"I was absolutely not told about FBI warnings about China"*

*"I think I mentioned Huang to someone but don't remember who"*

*"I have told the truth. I will continue to tell the truth. That is all I can do"*

*"I really don't have anything to add to what Mr. Bennett already said about it"*

*"I don't think you can find evidence that I changed policy for a campaign donation"*

*"Ethical standards in White House are highest in history with a tougher code of ethics"*

**METHODS USED  
TO SILENCE PEOPLE  
WHO HAVE INTIMATE KNOWLEDGE OF WRONG DOING**

***Offer a better paying job, if an employee.***

***Investigate employee's personal life.***

***If still a problem, consider one of the following:***

***Discuss with personal security staff.***

***Discredit employee with false statements. (Trooper L. D. Brown)***

***Give employee veiled warning.***

***Vilify anyone investigating possible wrong doing.***

***If misfortune should occur to employee, have own medical examiner.***

***Keep option of pardon open. (Susan McDougal)***

***Bribery only in severest cases. (Webster Hubbell)***

***NEVER explain ANYTHING in detail...use simple one-line statements.***

***Proclaim often of full cooperation with investigations.***

***If found breaking the law, insist it is an 'ethics' issue.***

***If that doesn't work, insist that the other party has been doing it for years.***

***If that doesn't work, insist on rewriting the law so you won't do it again.***

***If that doesn't work, intrepret the law to exempt the executive branch.***

***Proclaim innocence loudly.***

***NEVER admit anything, even if your initials are on document.***

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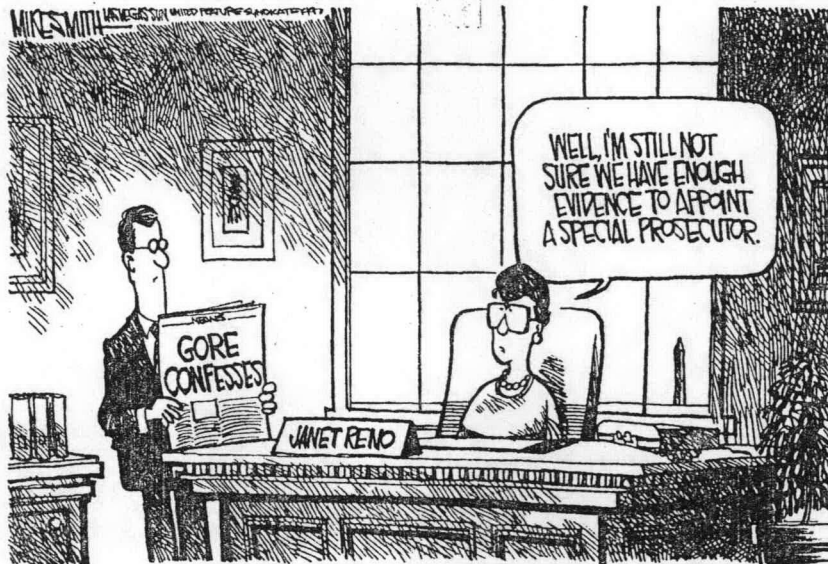
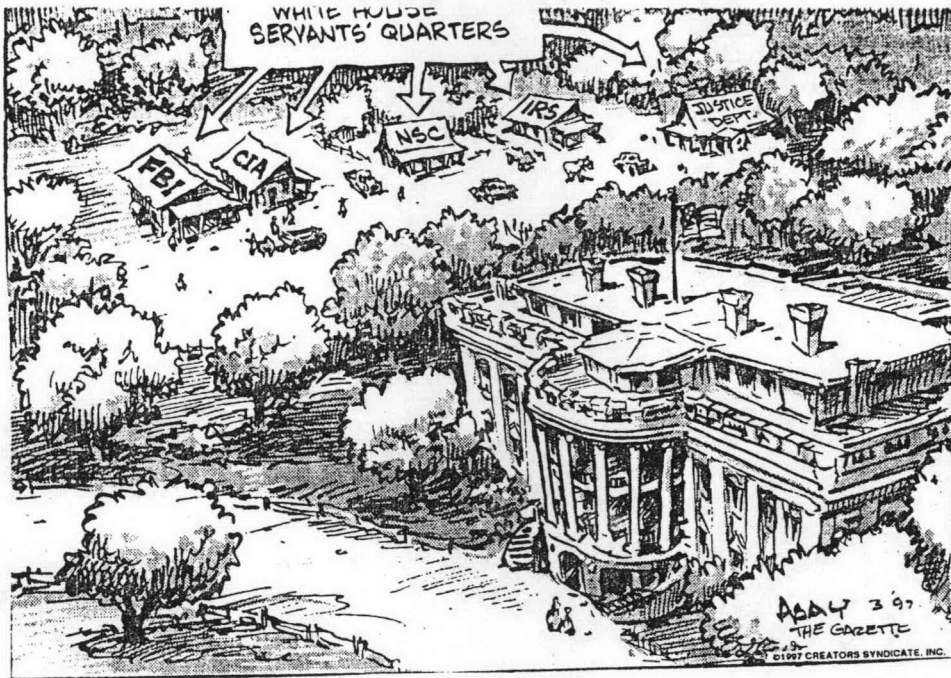
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