

Western Journalism Center - Foster  
Report

**SCREENED**  
By *clp* Date *11/24/09*

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JOSEPH FARAH

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

23 Apr 1995

Dear Mr. Starr:

I was disappointed to learn Miguel Rodriguez had resigned from your staff, reportedly because one of his superiors interfered with his conduct of the probe of Vincent Foster's death.

Evidence already made public overwhelmingly points to foul play, not suicide; we rely on you to find out who was responsible for Foster's death. VITAL questions need answers, including:

- did Foster own the gun found in his hand?
- did that gun fire the bullet that killed him?
- were his fingerprints on that gun?
- was there any blood on that gun?
- was the fatal shot fired where the body was found?
- was the spent bullet found there?
- were bone fragments from his skull found there?
- was any blood splattered on the vegetation?
- did gunshot residue show that he had fired the gun?
- was the attitude of the body consistent with suicide?
- were the spilled blood and blood stains consistent with suicide on the spot where the body was found?
- had anyone heard the shot?
- by whom and where was he last seen alive?
- was he familiar with this little-known park?
- was there any evidence such as dirt or traces of vegetation on his shoes, socks and trousers that showed he had walked from where his car was parked to where his body was found?
- did he have a motive for killing himself?
- through actions or words had he given anyone the impression that he might commit suicide?
- did he leave a suicide note?
- did he put his affairs in order as if preparing for death?
- what was he doing in the hours before his death?
- was there any reason to suspect foul play?
- would anyone have had reason to kill him?
- was there any reason to think he might have been killed?
- could he have died elsewhere and been moved to the park?

Previous reports and explanations have not adequately addressed all the unanswered questions, and, indeed, appear to be part of a cover-up of what REALLY happened to this public servant.

Please investigate this FULLY, and let the American people know what really happened to Vince Foster.

May I have your comments.

Sincerely,  
Edward A. Geier

*Edward A. Geier*

STARR1

MRS. SUSAN I. LEVITUS

FOIA(b) 6

April 23<sup>rd</sup>, 1995

Dear Mr. Starr,

As a very concerned American,  
I feel that we have been lied to  
(regarding the very mysterious death of  
Mr. Vincent Foster).

I am hoping that you will be  
able to get to the truth of this matter  
since Mr. Fiske most certainly did not!

There are many of us here in S.A.  
who are counting on you to let us know  
what really happened. We, as law  
abiding, tax paying, good U.S. citizens  
have a right to know the real story.

Sincerely,  
Susan Levitus

✓  
To: Langer Ken Starr.

subject: Airm Report April - A 1995.

Ken,

Mr Irvine looks like an optimist.

There must be lots of lawyers in this country who do a decent, honest job but I can't remember a single one of you gov't lawyers, from Jane on down, who rule and act in a way that we common folks would qualify as such.

And we working people certainly should not have to spend our time to tell you to do your job right.

April 21, 1995.

Renon, Wash.

Sincerely,

Jonnie G. Smit

Frank B. Lynott

FOIA (b) 6

Dear Mr. Star

4-22-95

What on earth is taking  
you so long to get something  
accomplished on the Vincent  
Foster Probe?

Surely you must realize with  
Clinton's background how this  
slowly action incriminates you  
also!

Either get it done or resign  
& let it get resolved honestly

Frank Lynott

FOIA (b) 6

24 April 1995

Mr. Kenneth Starr  
Office of the Independent Counsel  
1001 Pennsylvania Avenue NW  
Suite 490-North  
Washington, DC 20004

Dear Mr. Starr:

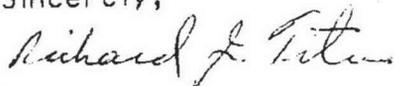
It was very disappointing to learn that Miguel Rodriguez had resigned from your staff. It was reported that one of his superiors was interfering with his conduct of the Grand Jury probe of Vincent Foster's death. This could explain the leisurely pace of that investigation, which took testimony from hardly a dozen witnesses in three months and has yet to question many key figures.

The evidence already made public overwhelmingly points to a crime other than suicide. You may be our last hope to get to the truth of this matter.

Please don't follow Fiske's example. If you do, your reputation will be ruined and the country's faith in the system will be further undermined.

Do not let us down.

Sincerely,



Richard J. Titus

# The WJC Report

WINTER 1995

THE NEWSLETTER OF THE WESTERN JOURNALISM CENTER

VOL. 2, NO. 1

## CENTER TAKES ON FOSTER PROBE

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

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

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

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

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



*Christopher Ruddy*

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

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

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

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

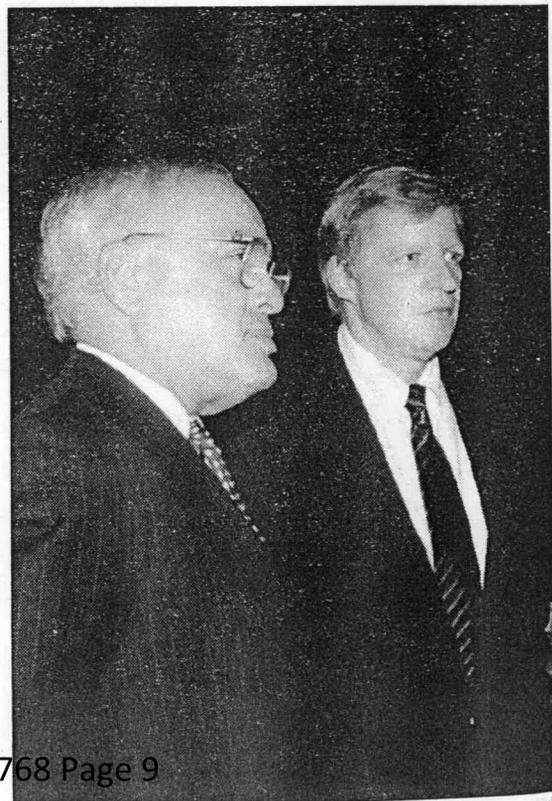
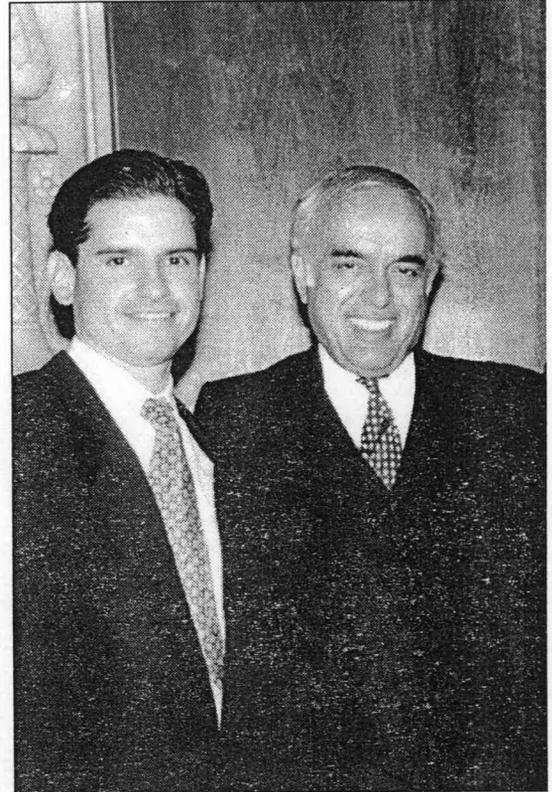
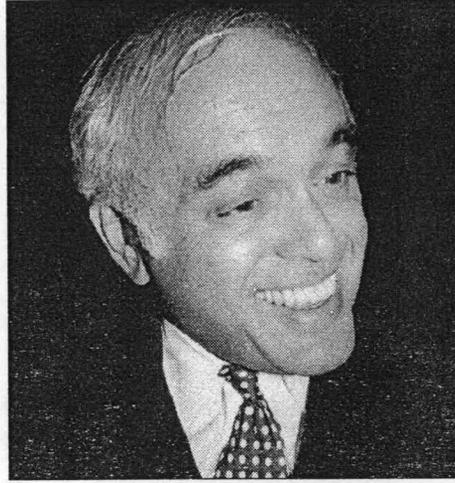
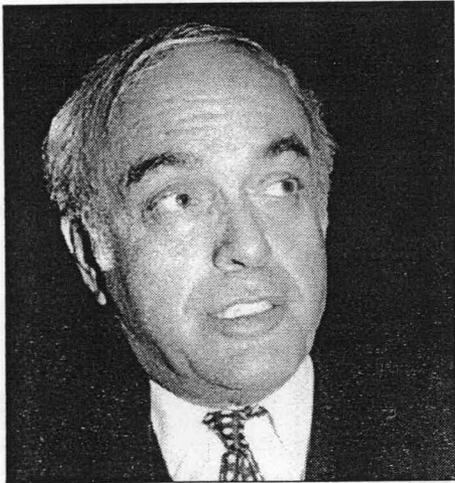
As syndicated columnist Paul Craig Roberts put it recently: "Someone's lying big time about the death of White House deputy counsel Vincent Foster." The Western Journalism Center simply wants to find out who that "someone" is.

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

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

*First annual WJC awards dinner*

# AN EVENING OF TRIBUTE TO A



# FEW MEDIA HEROES



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

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

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

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

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

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

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



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

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

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

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

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

the map.

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

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

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

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

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

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

## OUR GOALS FOR 1995

Great things are ahead for the Western Journalism Center. We will not be resting on our laurels in 1995.

We believe that, before all is said and done, the Vincent Foster story may well become the biggest news story of the year — or, perhaps, many years.

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

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

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

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

## THE WJC REPORT

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

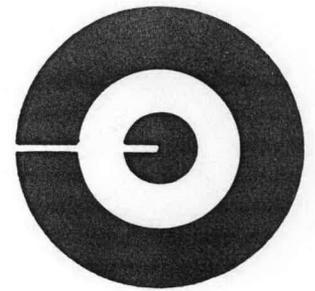
Contributions to WJC, which are supported by a broad base of support from individuals, foundations, corporations and trusts are tax deductible. Our federal tax identification number is 68-0260052. Further information about the tax status and financing of the center may be obtained by writing:

### Western Journalism Center

P.O. Box 2450

Fair Oaks, CA 95628.

Phone: (916) 852-6300.



Published by ACCURACY IN MEDIA, INC.

4455 Connecticut Avenue, N.W., Suite 330  
Washington, D.C. 20008 • Telephone: 202-364-4401  
Fax: 202-364-4098

Reed Irvine, Editor  
Joseph C. Goulden, Associate Editor

\$1.50

April-A 1995

XXIV-7

## THE TRIAL OF VINCENT FOSTER

The attention of much of the nation has been riveted on the trial of O.J. Simpson as his "dream team" of high-priced lawyers fight tooth and nail to convince a jury that O.J. did not kill Nicole Brown Simpson and Ronald Goldman.

Simpson's lawyers are making heroic efforts to overcome an avalanche of evidence pointing to their client's guilt. They have left no stone unturned in their effort to create reasonable doubt in the minds of the jurors and the public. They have challenged the competence and integrity of the detectives and charged that their investigation was flawed. They have combed California for witnesses who might help them undermine the prosecution's case. They found a Nobel laureate chemist to help them attack the validity of the damning DNA findings. No matter how outlandish their arguments, they have captured the media's attention.

**By contrast, another prominent individual has been judged by the authorities and the media to be guilty of a killing without the benefit of any defense that has been reported by any of the TV networks or national newspapers or news magazines. Not a single lawyer was engaged to expose the serious flaws in the investigation of his case or the hasty rush to judgment based on incomplete, flimsy evidence. Even the family and close friends of the accused failed to rise to his defense. They all meekly accepted the findings of the police without closely examining the evidence, much of which was not made known to them and to the public until nearly a year after the killing.**

The accused himself was silent. He was unable to speak out in his own defense because he was dead. The failure of others to speak out on his behalf is hard to explain. He was not the kind of person who would be immediately suspect of committing such a crime. He was an upstanding citizen with an excellent reputation. He was not a nobody. He was a high White House official and a close personal friend of the President and the First Lady. His name was Vincent W. Foster, Jr. He was accused of killing himself.

Suicide is different from murder, to be sure. It is a crime that by definition is always punished by death. It is also punished by the indelible stain it leaves on the reputation of the killer-victim. That punishment is particularly severe for a man of high character and

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reputation. He would not want to be remembered as a coward who would inflict grievous hurt and hardship on his loved and loving wife and children, to escape some petty embarrassment. Nor would he want it said that he was so cruel that he would desert them without a parting word, sentencing them to live tortured by the thought that perhaps they were somehow to blame for his death.

### The Rush To Judgment

That punishment was inflicted on Vincent Foster by police investigators who jumped to the conclusion that he had killed himself because they found a gun in his hand and no sign of any struggle. They made and acted on that determination before they knew the answers to many vital questions, including these:

1. Did Foster own the gun found in his hand?
2. Did that gun fire the bullet that killed him?
3. Were his fingerprints on the gun?
4. Was there any blood on the gun?
5. Was the fatal shot fired where the body was found?
6. Was the spent bullet found there?
7. Were bone fragments from his skull found there?
8. Was any blood splattered on the vegetation?
9. Did gunshot residue show that he had fired the gun?
10. Was the attitude of the body consistent with suicide?
11. Were the spilled blood and blood stains consistent with suicide on the spot where the body was found?
12. Had anyone heard the shot?
13. By whom and where was he last seen alive?
14. Was he familiar with this little-known park?
15. Was there any evidence such as dirt or traces of vegetation on his shoes, socks and trousers that

showed he had walked from where his car was parked to where his body was found?

16. Did he have a motive for killing himself?
17. Through actions or words had he given anyone the impression that he might commit suicide?
18. Did he leave a suicide note?
19. Did he put his affairs in order as if preparing for death?
20. What was he doing in the hours before his death?
21. Was there any reason to suspect foul play?
22. Would anyone have had reason to kill him?
23. Was there any reason to think he might have been killed?
24. Could he have died elsewhere and been moved to the park?

The Park Police investigators reached and acted on the conclusion that Vincent Foster had killed himself while they were still at the crime scene on the night of July 20, 1993, but they did not officially make this charge until August 11. They carried out their investigation based on the assumption that it was a suicide. Explaining to Senate Banking Committee investigators why his investigation of the crime scene had not been more careful and thorough, Sgt. John C. Rolla of the U. S. Park Police said: "If there's some suspicion, which there wasn't then, is not now and never has been, then, yes, it would be more of a crime scene." (Banking Committee Hearings, p. 436)

**Even though he saw none of the usual splatter of blood and tissue on the vegetation surrounding Foster's body, Rolla had no doubt that Foster had inflicted the wound found in his head with the .38 caliber Colt revolver found in his hand. No doubts were aroused by the failure to find the bullet or the fragments of skull that it blew out of Foster's head. Rolla said he "probed" for the bullet and the Park Police claimed they searched for it with a metal detector the next day, but without success. A thorough FBI search eight months later failed to find either the bullet or the skull fragments.**

With that as a beginning, let us imagine what a lawyer like Robert Shapiro or Johnny Cochran or F. Lee Bailey, the Simpson "dream team," would do if hired to defend Vincent Foster against the charge that he had killed himself. Let's call this figment of our imagination Johnny Bob Lee, a famous Arkansas defense attorney, and pretend that he has argued his case in a court hearing. We will assume that the media were as eager to report his words as they are those of the Simpson lawyers and will summarize what they might have said.

## **HEADLINE: LEE CLAIMS FOSTER SUICIDE FAKED, POLICE FOOLED BY GUN**

Johnny Bob Lee charged today that the police had no evidence to prove that the gunshot that killed Vincent W. Foster, Jr. was fired at the spot where his body was found. They found no bullet, no skull fragments and no splatter of blood and tissue on vegetation surrounding Foster's body. (Banking Committee Hearings, p. 2123) The hard evidence that Foster shot himself was *all* missing, Johnny Bob declared.

The veteran defense lawyer charged that Park Police had not even tested Foster's hands for powder burns to prove that he had fired the gun that was found in his hand. He said the dark mark on Foster's right index finger that they assumed to be a powder burn could have been eye shadow for all they knew. He pointed out that the autopsy report showed a similar mark on Foster's left index finger, and this presented a problem for the police which they had simply ignored. Rather than being proof that Foster had fired the gun, Lee argued that these marks were actually evidence that Foster's death was a homicide disguised to look like a suicide.

**Lee said gun experts all agreed that if the marks were powder burns, they had to come from the gap between the cylinder and the barrel of the .38 Colt revolver. For both right and left index fingers to have been exposed to the gases from that gap, Foster would have had to fire the gun while gripping the cylinder with both hands. He said that is not only an awkward, unnatural way to fire a revolver, it is impossible.**

Lee pointed out that even Park Police technician Peter Simonello had testified that Foster could not have fired the gun while gripping the cylinder with both hands. (Banking Committee Hearings, pp. 662-663). The police and the FBI had nevertheless cited the powder burns as proof that Foster had fired the gun. "Isn't it interesting," Lee told the court, "that we have what are said to be black powder burns on both index fingers, where they shouldn't have been, but none on Foster's face, where they should have been. And these Keystone cops and our vigilant news media, didn't even find that suspicious! They were blinded by the gun in Foster's hand!"

## **Gun Should Have Aroused Suspicion**

**Lee said the gun that convinced the police they were dealing with a suicide is actually additional evidence of a disguised homicide. He said the police found no evidence to prove that gun killed Foster. He promised to call experts who would testify that the damage done to Foster's mouth and skull by the shot fired inside his mouth would be more consistent with a smaller caliber weapon. They would say that the blast from a weapon that powerful would have scorched the inside of his mouth and the recoil would have knocked out or chipped some of his front teeth. No such damage was found.**

Experts would also testify that in the absence of cadaveric spasm (instant rigor mortis) the gun should have fallen from Foster's hand or been dislodged when it struck the ground, Lee said. He argued that the gun in Foster's hand should have been cause for suspicion that the suicide was faked.

That suspicion should have been heightened, Lee said, when no fingerprints were found on the exposed surfaces of the gun. Lee said Foster would have sweated profusely if he made the long walk from the parking lot, and his prints should have been on the gun if he had handled it. But if the gun were planted, Lee said, those doing the planting would wipe it clean and try to put Foster's prints on it. With a cold corpse, he said that isn't easy.

**The absence of blood on the gun was additional evidence that it was not the gun that killed Foster, Lee said. The gun was**

April-A 1995



## NOTES FROM THE EDITOR'S CUFF

*By Reed Irvine*

THIS AIM REPORT WAS INSPIRED BY THE DOGGED EFFORTS BEING MADE BY O.J. Simpson's lawyers to win the acquittal of their client. It occurred to me that it would be interesting to see a clever lawyer mount a similar defense of Vincent W. Foster, Jr. Not knowing any lawyers willing to do that, I created one and named him Johnny Bob Lee, using the first names of Simpson's attorneys, and put myself in his shoes. I made extensive use of the two-volume collection of documents relating to the investigation of Foster's death published by the Senate Banking Committee under the title "Hearings Relating to Madison Guaranty S&L and the Whitewater Development Corporation—Washington, D.C. Phase." In performing this exercise, I was driven to a conclusion that I had previously refused to draw—that Vincent Foster did not take his own life. That is what the evidence tells me. I think you will agree.

WHEN INDEPENDENT COUNSEL KENNETH STARR REOPENED THE FOSTER INVESTIGATION last January using a grand jury, it appeared that he, unlike his predecessor, Robert Fiske, was determined to learn the truth. But on Feb. 22, The Wall Street Journal ran a page-one story by Ellen Pollock and Viveca Novak saying that little was likely to come of Starr's Whitewater investigation. It said that anyone counting on Starr's finding "a solution to the mystery of a top White House official's death—was it really suicide or was it murder?—is destined to be disappointed." On March 23, the Journal ran another front-page story by Ellen Pollock trashing the handful of people who have been pointing out the serious flaws in the Foster investigations. She named Chris Ruddy, whose stories for the New York Post beginning in January 1994 reopened the Foster case; Joe Farah, whose Western Journalism Center has been buying space in national newspapers to reprint Ruddy's stories from the Pittsburgh Tribune Review; James Davidson, publisher of Strategic Investment newsletter; and Pat Matriciana of Jeremiah Films. Davidson and Matriciana have each produced excellent videos on the Foster case. Pollock sought to leave the impression that these are all "conspiracy buffs" who are spreading wild rumors about the Foster case to sell videos and rake in contributions. My letter responding to Pollock (see the overleaf) appeared in the Journal on April 11, together with letters from Davidson, Farah and Gary D. Martin.

I FOUND ON TALKING TO ELLEN POLLOCK THAT SHE DOESN'T KNOW MUCH ABOUT the serious flaws in the Foster investigations. She accepts the Fiske report as gospel. Her answer to all my efforts to get her answers to the big unanswered questions was, "I don't want to argue any point with you. I'm not going to." I saw that she was being used by someone who hoped to discredit any investigation, much as she had been used a year earlier to discredit Chris Ruddy's stories. She had a story in The Wall Street Journal on April 4, 1994 saying that Robert Fiske would issue his report before the end of April and would confirm that Foster committed suicide. That was one of the leaks that prompted the New York Post to halt Ruddy's aggressive reporting on the Foster case. Ruddy recently showed that when that story ran, Fiske's investigation was still in its preliminary stage. He had not yet interviewed the most important witnesses in the case and the FBI lab had not reported on its findings.

THE MOST DISTRESSING NEWS COMES NOT FROM POLLOCK BUT FROM RUDDY, WHO reported on April 6 that Miguel Rodriguez, the prosecutor in charge of the grand jury investigation of the Foster case had resigned in March. Ruddy's sources said Rodriguez left "because he believed the grand jury process was being thwarted by his superior." That would be Mark H. Tuohey, III, a Democratic activist said to be close to Associate Attorney General Jamie Gorelick. Rodriguez was said to be upset by interference in the choice of witnesses and delays in quizzing them. In three months, only a dozen witnesses have been questioned, and some key people have yet to be summoned. Ruddy quoted Thomas Scorza, a former federal prosecutor and a professor of legal ethics, as saying that he would have resigned under the circumstances described, but he would have made a public stink about it. Rodriguez has not made a stink. A former colleague of Starr's commented that Starr is a fine man but he suffers from a desire to please everyone. It appears in this case that he decided to please Mark Tuohey and sacrifice Miguel Rodriguez, whose determined efforts to learn the truth were making some people in Washington very nervous.

Letters to the Editor

Vince Foster: Big Questions Remain

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

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

A cursory reading of Mr. Ruddy's stories should have shown you that rather than weaving conspiracy theories and generating scurrilous rumors about Mr. Foster's death, Mr. Ruddy did what you and other journalists should have done. Hearing charges that the Park Police investigation had been bungled, he did his own investigation. He was the only reporter who interviewed the EMS personnel and

Park Police officers who had seen Foster's body as it lay in Fort Marcy Park. He reported that some of them and experts he consulted had doubts about the quick rush to judgment that this was a suicide. There was the unusual posture of the body (laid out as if it was in a coffin), the paucity of blood, the gun in the hand, the failure to find the bullet or bone fragments from the exit wound in Foster's skull and his shiny shoes in a dusty park.

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

Mr. Ruddy neither generated nor disseminated rumors. He reported facts that exposed serious flaws in the Foster investigation. Your article's statement that many of the suspicions raised were explained away by the Fiske report is inaccurate. The Fiske report actually revealed even stronger evidence that cast doubt on the finding that Foster killed himself in Fort Marcy Park. The appended FBI lab

report concluded that Foster's head had not always been in the face-up position in which it was found. This was proven by the blood on his right shoulder and on his right cheek and jaw.

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

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

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

REED IRVINE  
Chairman  
Accuracy in Media Inc.

WHAT'S MAKING SOME PEOPLE NERVOUS IS THE NEW EVIDENCE RODRIGUEZ FOUND. Ruddy's story on Rodriguez's resignation cites three important advances: **1. Photographic evidence not previously available to the investigators;** **2. Strong evidence that the gun in Foster's hand had been moved or switched;** **3. Development of a clear theory that the body was moved.** No. 1 suggests good prints have been obtained from the underexposed Park Police negatives. No. 2 suggests the prosecutors have reason to believe that the police may have substituted the .38 Colt revolver for the large caliber automatic that paramedic Richard Arthur said he saw under Foster's hand. This helps explain why Rodriguez subjected the police to such rough grilling. Ruddy and *The Sunday Telegraph* have reported other Park Police cases that raised doubts about their honesty and their competence.

**WHAT YOU CAN DO: Miguel Rodriguez's resignation is disturbing. It suggests that Starr has decided not to play hardball. He will get no heat from the media for that. I fear the worst unless more is done to bring the facts in this AIM Report to the attention of the public. I suggest that we buy space in key papers to print this report or portions of it. If you agree, please fill out and return the coupon below. Also send the enclosed card or a letter to Kenneth Starr.**

TO: Reed Irvine, AIM, 4455 Connecticut Ave., N.W., Washington, D. C. 20008

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supposedly fired with the muzzle pressed against the soft palate in Foster's mouth, creating a bloody mess. How come, Lee asked, the gun came out clean? The FBI lab tests found not a trace of blood or tissue on the gun. Lee said it was unfortunate that the Park Police processed the gun for fingerprints before it was tested for blood, because this provided an excuse for the tests turning out negative for blood. He said that if there was any blood, it should have been easily visible, but no one saw any. Lee was sure none would have been found if the testing had been done in the proper order. He said the FBI found a trace of DNA on the gun, but it did not tie the gun to Foster. Its origin was unknown, and it was common to 6 percent of whites and 8 percent of Hispanics and blacks. (Banking Committee Hearings, p. 1919).

Another flaw in the theory that Foster used that gun to kill himself is that it was not his gun, Lee said. He charged that the Park Police and Fiske created the impression that Foster owned that .38 Colt even though they had evidence that this was not true. Lee pointed out that Foster's widow and his grown children could not recall ever seeing that gun. The police had sent a photo of the gun to Sharon Bowman, Foster's sister, and had gotten back a message via a White House aide that it resembled one her father had owned that may have been given to her brother Vince. (Banking Committee Hearings, p. 2169)

Johnny Bob said Sharon Bowman's son, Lee, who had hunted with his grandfather and had used his guns, told the FBI that his grandfather owned a revolver that may have been .38 caliber, but "he didn't remember the black handle and the dark color of the metal." (Banking Committee Hearings, p. 1807). Foster's widow said the gun was "not the gun she thought it must be—a silver six-gun, large barrel." (Banking Committee Hearings, p. 2227) Lee said that Peter Markland, the Park Police officer who interviewed Mrs. Foster, included the "silver six-gun, large barrel" remark in his notes but omitted it from his report. Lee said this was because the authorities did not want it known that the revolver Foster owned was silver, not black.

A gun was found in Foster's home, he said, but it was never described in any reports. Lee said it had to be the *silver* gun mentioned by Mrs. Foster. Describing it would have ruined the effort to tie the black .38 Colt to Foster. He described the Colt as a typical "drop gun," an untraceable weapon used to stymie a criminal investigation. He said there was no evidence that Foster ever owned or even touched that gun while alive. He pointed out that the man who found the body was certain there was no gun in either hand. The only EMS worker to describe the gun said it was a big brown and black automatic, not a black revolver. He even drew a picture of it. (Banking Committee Hearings, pp. 883, 1564) Lee said that if the police didn't tamper with the evidence, they certainly let their conclusions shape the way they viewed it.

## HEADLINE: LEE CLAIMS BODY WAS MOVED

Johnny Bob Lee, continuing his indictment of the Park Police and Fiske/FBI investigations of Vincent Foster's death today, asserted that evidence presented in official reports proved that Foster's body had been moved to Fort Marcy Park.

Lee said the absence of blood and tissue splatter on the vegetation near Foster's body was a good indication that he was not shot on the spot where the body was found. That, he said, was confirmed by the paucity of blood at the crime scene. He pointed out that Corey Ashford, who handled the bagging of the body, couldn't remember getting blood on his uniform or his disposable gloves. (Banking Committee Hearings, p. 1347) Others had said there was a pool of blood under Foster's head, but it was only visible when the head was moved. There was some blood on the right shoulder of Foster's white shirt, some on his right cheek and jaw, and two dried tracks of blood that had flowed from his right nostril and the right corner of his mouth over and under his right ear to the back of his neck. There was also a spot of blood on his shirt in the area of his right rib cage. The FBI lab found traces of blood on one of his shoes and his belt. (Banking Committee Hearings, p. 243)

Lee said the paucity of blood and the absence of splatter indicated that the shooting and most of the bleeding occurred elsewhere. That was where the missing bullet, bone fragments and splatter might have been found had the case been investigated as a homicide promptly and vigorously. Lee said evidence that the body was moved was found in an FBI lab report dated May 9, 1994, which said that the blood on Foster's right shoulder and on his right cheek and jaw showed that at some point, his face had rested on his shoulder. Blood from his mouth and nose soaked the shoulder of his shirt, and this left what is called a transfer stain on his cheek and jaw. Lee quoted the report as saying: "The available photographs depict the victim's head not in contact with the shirt and therefore indicate that the head moved or was moved after being in contact with the shoulder. The specific manner of this movement is not known." (Banking Committee Hearings, p. 242)

Lee rejected the explanation for the movement of the head given in the Fiske Report—that one of the early observers on the scene moved it. He said there was no evidence to support this. Everyone who saw the body at the crime scene said the head was face-up and denied that they moved the head or saw anyone move it.

Lee also dismissed the contention by Fiske and his team that if the small amount of blood found on Foster's clothing and skin was proof that the body had not been moved. They claimed that moving the body would have caused more spillage of blood. (Banking Committee Hearings, p. 226) But Lee said that experts agreed that such spillage could be minimized by using bandages. Lee said that the altered position of the head, combined with the evidence that the shot had not been fired in Fort Marcy Park, proved that the body was moved. He pointed out that that could explain the blood found on the lower part of Foster's shirt, his belt and one shoe, stains that did not fit the suicide-in-the-park scenario.

Lee said the movement of the body also explained why it was laid out as if in a coffin, as one of the EMS personnel described it, head up, arms at his sides, and legs extended. "'Laid out' is the right word," he said. "Foster did not fall in that position. He didn't sit on that steep, dirt slope in his shiny dress shoes and his neat pin-striped pants, blow out his brains and then extend his legs and drop his arms to his sides. He was carried to that spot and gently

laid out with a gun in his hand. That is why his shoes and pants were not in the least bit soiled by the long walk up the dusty path from the parking lot. Fiske's pathologists said this 'laid out' position was just what was to be expected if Foster sat down on the hill and shot himself. (Banking Committee Hearings, p. 54) They and those who planted the gun forgot one thing. If Foster's right thumb was inextricably trapped in the trigger guard, gravity alone would not have determined where the right arm fell. The gun's powerful recoil would have forced his lifeless hand away from his body, and his right arm would have been found at least partially extended to the side."

## **HEADLINE: NO FOSTER SUICIDE MOTIVE, LEE SAYS**

**"Nothing about this case is more absurd, "Johnny Bob Lee declared, "than the sudden discovery a week after Vince Foster's death that he was suicidally depressed." He pointed out that none of Foster's family, close friends or co-workers, including the President, could think of any reason why he would have committed suicide when they were first questioned. All said that he was behaving normally.**

Lee noted that when White House press secretary Dee Dee Myers first said at a press briefing a week after Foster's death that he had been "having a rough time," reporters protested that this contradicted all that they had been told previously. Lee recalled that Myers backed down saying, "There was absolutely no reason to think that Vince was despondent. Nobody believed that." She then agreed with a reporter who said that Foster certainly wouldn't kill himself over the White House travel office scandal and over the Wall Street Journal's complaining that it couldn't get a picture of him. Myers said, "I would certainly never intimate that he would. There's no way we'll ever know why."

**But, Lee pointed out, in the absence of any better explanation, the Wall Street Journal/travel-office-induced depression soon became accepted as the reason for Foster's alleged suicide. It was incorporated in the Fiske Report in June 1994, and has gone unchallenged by the news media. (Banking Committee Hearings, pp. 186-192)**

Lee said it was sad that so many people accepted this, most of all his friends and family. "Vince Foster was a man of strong character and a tough minded lawyer," Lee declared. "It is ludicrous to think that such trifles would cause him to take his life and abandon his loved ones. I propose to take the testimony of all the co-workers and friends who said they had seen no evidence of any altered behavior or depression, ranging from his secretary to the President and First Lady. But let me cite one who is already on the record, Linda Tripp, the executive assistant he asked to bring him a hamburger for lunch from the White House cafeteria. Tripp said she was surprised to find that he had sent an intern to see what was taking her so long. She said she hadn't been gone very long and that he must have been in a rush. He left the office right after finishing the hamburger. In a rush to commit suicide? The man eats his hamburger while reading a newspaper and leaves, saying, 'I'll be back.' Was he rushing off to kill himself? Incredible! (Banking Committee Hearings, p. 1534)

**"Experts will tell you that the activities and behavior of Vince Foster prior to his death are definitely not those of a despondent and suicidal man. He had just returned from a pleasant weekend with his wife and friends on the Maryland eastern shore. His sister Sharon was arriving from Arkansas for a visit that night, and he planned to take her to lunch at the White House. A lawyer friend was flying in from Denver to see him the next day, and he had an appointment with the President the day after. Nothing devastating had happened and no impending catastrophe loomed before him. He was not mentally imbalanced and there is no way that he would forsake those he loved most without even saying goodbye or leaving a note of explanation simply because he was having a little trouble sleeping. Vince Foster did not rush from his office with the intention of killing himself. He had neither a motive nor the means to do so."**

## **HEADLINE: WHO KILLED VINCE FOSTER, LEE ASKS**

Johnny Bob Lee, the Arkansas attorney who took on the unusual task of defending Vincent W. Foster, Jr. against the government's charge that he killed himself, wound up his defense today, claiming that he had proved that Foster did not commit suicide in Fort Marcy Park by shooting himself in the mouth with a .38 Colt revolver that was found in his hand. Stressing that there was nothing to connect that gun to Foster, Lee said that the former White House Deputy Counselor had neither the means nor the motive to kill himself that afternoon.

Lee said that in showing that Foster did not commit suicide and that his body was moved to the spot where it was found, he had accomplished all that he set out to do. It was the duty of the government, not him, to find out how, why and at whose hand Vince Foster died. That, he said, was a duty that the Park Police, the FBI, and Robert Fiske, the former independent counsel, had all ducked, choosing to ignore all the evidence that pointed to Foster's innocence in order to avoid the difficult task of finding the truth. He charged that they were abetted in this by virtually all the news media. They had eagerly accepted a motive for Foster's suicide that they had once agreed was absurd. They had ridiculed as wild conspiracy theorists the few journalists who had the integrity and courage to dig up the evidence and expose it to public view. The great New York Times had refused to report even the unanswered questions about Foster's death, saying it feared it would only discover more unanswered questions.

**Lee said he hoped that independent counsel Kenneth Starr would focus on trying to answer the question, "Who killed Vincent Foster?" He said he himself had no idea who it was or why they did it, but he hoped that Foster's real friends would now come forward and give Kenneth Starr their full cooperation in his efforts to find the answer to that question. He asked the news media "to take off their blinders" and join in the search for those responsible for Foster's death.**

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AIM REPORT is published twice monthly by Accuracy In Media, Inc., 4455 Connecticut Avenue, N.W., Washington, DC 20008, and is free to AIM members. Membership dues are \$25 a year. Dues and contributions to AIM are tax deductible. Corporate membership is \$50.

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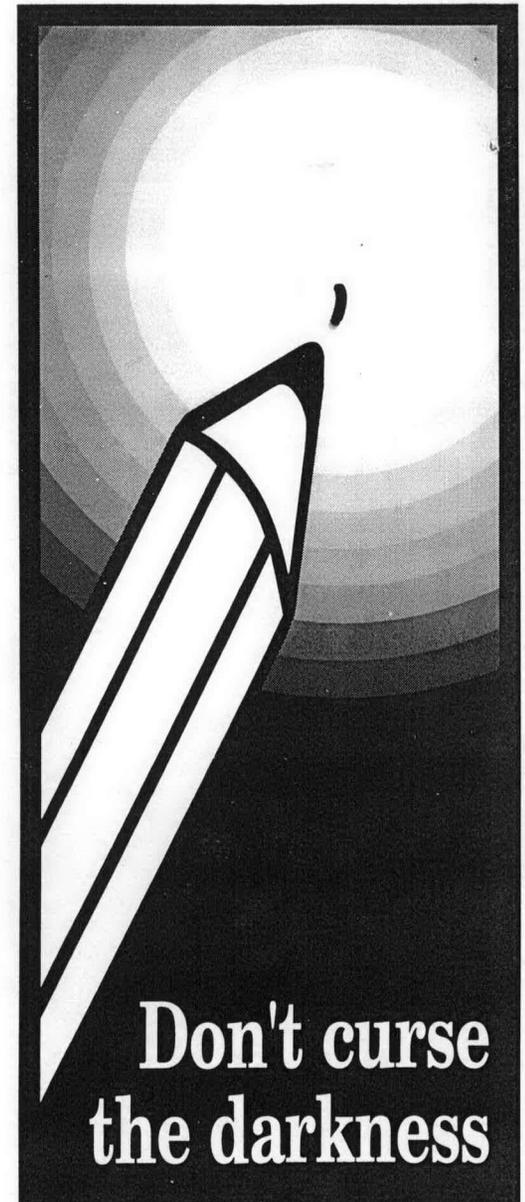
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Don't curse  
the darkness

...Light a candle

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Western Journalism Center

# OUR PHILOSOPHY

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

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

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

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

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

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## Suicide is hard to sell

As the Whitewater investigation gains momentum, much may hinge on the suspicious death of a Clinton aide.

In Washington, AMBROSE EVANS-PRITCHARD finds growing belief in a cover-up theory

**M**ORE THAN a year and a half has passed since the body of Vincent Foster was found in a secluded Virginia park near the headquarters of the CIA. Controversy about the highest ranking suicide in almost half a century should have subsided by now. Two investigations found no evidence of foul play, and the press has been almost unanimous in accepting that the Deputy White House Counsel shot himself in the mouth during a bout of depression.

But the mystery continues to fester. A growing number of people suspect that there may be a darker story behind the death of the handsome, soft-spoken man who accompanied the Clintons from Little Rock to Washington. He was no ordinary White House aide, after all. One of the Four Musketeers from the Rose law firm, he had been mentor, law partner, and intimate friend of Hillary Clinton.

At the White House he had been the keeper of the secrets, managing the personal financial affairs of the President and the First Lady. Within hours of his death a high-level raiding party ransacked his office, removing a number of files, including the Whitewater papers.

The doubts are not confined to anti-Clinton enthusiasts. A member of the Foster family has told *The Sunday Telegraph* that he no longer believes the official verdict of suicide. He suspects the death may have been a political murder with elements of government complicity. He says some other members of the family are increasingly willing to entertain that idea.

There are also murmurs at the Federal Bureau of Investigations. In a recent interview with the *Telegraph*, a high-level FBI source spoke about a cover-up by the US Park Police and voiced suspicions that the abrupt firing of FBI Director William Sessions on July 19, 1993 — the day before Foster's death — was in some sinister way linked. The man who took over as acting Director did not assert FBI jurisdiction over the case, leaving the investigation in the hands of a Park Police officer with no homicide experience.

Now it appears that the Whitewater special prosecutor, Kenneth Starr, is beginning to view the Foster mystery as the Rosetta Stone that can open up the Whitewater complex of scandals.



Main picture: AMBROSE EVANS PRITCHARD



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

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

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

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

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

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

pre-First World War vintage that his family could not identify, was in his hand — always a red flag for experienced homicide investigators. The crucial crime scene photos were ruined by under-exposure.

"What we found out was that the Park Police never did a proper investigation," said Ruddy. The case was treated as a suicide from the beginning. The police did not bother to speak to nearby residents and failed to interview an old man who spends all day in the park and is a goldmine of information on everything that goes on there.

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

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

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

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

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

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

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

Ruddy's answer is that the witnesses were not questioned under oath by the Fiske investigation, which is unusual, and most of them were never asked about the location of the body. As for the scale of the alleged cover-up, he argues that it shows the enormity of whatever it is they are trying to hide.

And what might that be? Ruddy prefers not to speculate, except to say it must be something more breathtaking than a 15-year-old property deal called Whitewater. As for Vince Foster, Ruddy is working from the assumption — until shown otherwise — that the man lost his life because of a refusal to compromise his honour and integrity.

Printed in Great Britain by W & A G. Telephone 0117 2363744. Droid: 70.105.768 Page 20

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

Wednesday, March 22, 1995

# Press Leaks Indicate Fiske Conclusions Were Preordained

By Christopher Ruddy  
FOR THE TRIBUNE-REVIEW

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

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

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

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

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

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

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

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

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

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

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

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

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

Foster was found dead July 20, 1993.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# A Special Report on the Vincent Foster Case

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

Thursday, April 6, 1995

### Prosecutor's Resignation Comes at Crucial Point in Foster Probe

By Christopher Ruddy  
FOR THE TRIBUNE-REVIEW

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

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

Rodriguez's departure came at a crucial juncture.

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

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

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

Park police and Fiske concluded

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

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

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

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

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

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

#### REPUTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **SIGNIFICANT QUESTION MARK**

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

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

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

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

fall."

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

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

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

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

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

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

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

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

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

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

#### **PRESS REPORTS**

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

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

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

the questions in the grand jury probe.

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

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

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

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

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

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

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

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

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

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

# A Special Report on the Vincent Foster Case

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

Sunday, April 9, 1995

# When Did White House Learn of Aide's Death?

By Ambrose Evans-Pritchard  
FOR THE SUNDAY TELEGRAPH

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

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

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

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

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

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

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

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

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When did the White House know?

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

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

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

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

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

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

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

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

After receiving the call, Perry telephoned several other people in Little Rock to relay the news. One of them was Arkansas State Trooper Larry Patterson. A second was Lynn Davis, a former US Marshal and former commander of the Arkansas State Police. Both Patterson

and Davis have issued affidavits which carry a penalty of perjury—swearing that they were told of Foster's death before 6 p.m. local time. This would be a full hour-and-a-half before the Secret Service says

it was notified by the US Park Police.

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

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

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

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

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

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

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

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

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

This still leaves almost an hour unaccounted for in the official version of the story. He told the Sunday Telegraph that he was first informed by another officer on the scene, John Rolla.

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

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

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

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

It is already acknowledged that Patsy

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

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

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

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

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

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

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

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

\* \* \*

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

By ELLEN JOAN POLLOCK

Staff Reporter of THE WALL STREET JOURNAL

Vincent Foster's death two years ago continues to excite conspiracy buffs. It has also become a lively business.

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

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

### 'Real Strange'

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

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

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

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

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

### A Mellon Heir's Role

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

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

Please Turn to Page A6, Column 1

## Vincent Foster's Death Provides Conspiracy Buffs a Lively Business

Continued From First Page

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

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

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

### 'Not Rush Limbaugh'

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

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

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

### King of Conspiracy

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

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

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

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

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

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

### Another Group's View

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

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

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

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

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

## Vince Foster: Big Questions Remain

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

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

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

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

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

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

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

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

REED IRVINE  
Chairman  
Accuracy in Media Inc.

Washington

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

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

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

GARY D. MARTIN

Chantilly, Va.

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

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

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

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

A lot more is involved. What is at issue are not rumors, but facts, few of which are known to most Americans. To ask that the truth be told is not to search for conspiracy. The thinking citizen who looks beyond your reports to review the medical, biographical and simply descriptive facts of

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

JIM DAVIDSON

Baltimore

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

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

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

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

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

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

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

JOSEPH FARAH  
Executive Director  
Western Journalism Center

Fair Oaks, Calif.

