

Ruddy article

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A Special Report from the Pittsburgh *Tribune-Review*

Friday, October 20, 1995

New Face Emerges in Probe of Vincent Foster's Death

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—Whitewater Independent Counsel Kenneth Starr has hired San Diego Chief Medical Examiner Dr. Brian Blackbourne to re-examine the death of Deputy White House Counsel Vincent W. Foster Jr.

Blackbourne told the *Tribune-Review* he began last month to review Foster's July 20, 1993, death.

Blackbourne joins noted forensic scientist Henry C. Lee, who has been studying the case since late spring.

According to a source close to Starr's probe, Lee's investigation is limited in scope—scrutinizing physical evidence such as Foster's clothing and several Polaroid photos taken at the scene.

Lee will not rule on whether Foster committed suicide.

Blackbourne, the source said, will be handling matters relating to the original autopsy conducted shortly after Foster's death, photographs taken during that procedure, and the report of a panel of four pathologists convened by former Special Counsel

Robert Fiske.

The Virginia pathologists who conducted the first autopsy, and Fiske's panel, concluded Foster committed suicide.

But their methodology and conclusions have been challenged by other experts.

"The (Fiske) panel of forensic pathologists looking into this I thought left a lot to be desired," said Dr. Michael Baden, the former New York City chief medical examiner who testified at the O.J. Simpson trial.

"Because they all didn't go to the (death) scene (and) only one of them interviewed the person who did the first autopsy, (the Fiske panel) tended to just adopt whatever was given to them," Baden said.

"I think Brian (Blackbourne) would be of the type that would want to get all the information necessary to arrive at a conclusion," Baden added. "You can't just adopt what the person who hires you says, or gives you."

Fiske's pathology panel included, Charles Hirsch, medical examiner for New York; Donald Reay, medical examiner for Seattle; Charles Stahl, pathol-

ogist with the Armed Forces Institute of Pathology; and James Luke, forensic pathologist with the FBI Academy. During 1994 Senate hearings, Dr. Hirsch said that only two of the pathologists visited the death scene at Fort Marcy Park, though all four certified Foster died at the spot where his body was found.

Starr's spokesperson in Little Rock, Ark., has stated the investigation into Foster's death "is active and ongoing."

"I haven't gotten any timetable from (Starr's office) at all," Blackbourne said in response to questions about when he would issue his report.

"I am waiting for some additional information from them, and I have been told to wait until I get all the information before I even consider a report," he added.

Blackbourne, a Canadian citizen, has been certified in forensic pathology for 26 years, and has headed the medical examiner's office for San Diego County for 12 years.

Before arriving in San Diego, Blackbourne was chief medical

examiner for Massachusetts during most of the 1980's. He has strong experience in urban settings, having worked in both the medical examiner's offices in Miami (Dade County) and Washington, D.C., where he served as deputy chief medical examiner. His resume indicates that he has conducted over 5,200 medical-legal autopsies, including about 1,500 involving homicides and suicides.

Blackbourne has for many years served as a regular lecturer for the FBI Academy at Quantico, Va., the Armed Forces Institute of Pathology, and the District of Columbia's Homicide School.

"He's a very competent guy . . . and I think a very good forensic pathologist," Baden said of Blackbourne. Baden suggested that Blackbourne has a "good all-around" background in pathology after serving in several large cities.

FOSTER AUTOPSY

Foster's autopsy was conducted by the deputy medical examiner for Northern Virginia, Dr. James Beyer. Beyer, 77, has conducted thousands of autopsies in his career, but in recent years has come under some criticism in ruling on suicide cases, including Foster's.

Last year, The New York Post and The Washington Times reported that Beyer had ruled incorrectly in the case of 21-year-old Timothy Easley, who Beyer said died of a self-inflicted stab wound. Easley's girlfriend later confessed to Easley's murder, but only after the family had another pathologist, Dr. Harry Bonnell, deputy chief medical examiner of San Diego, review photos they

had taken of cuts to Easley's hand.

"The cut on the hand is definitely *ante mortem*, and I cannot understand how any competent forensic pathologists would miss it. It is a classical defense wound, suffered while trying to avoid the knife," Bonnell concluded.

In another case—the 1991 death of 21-year-old Tommy Burkett—Beyer ruled Burkett's death consistent with a self-inflicted gunshot. Burkett's alleged suicide was similar to Foster's—apparent death by a revolver fired in the mouth.

The Burkett family undertook a second autopsy and found that Beyer had failed to note that Burkett had trauma to his ear and abrasions to his chest, indications he may have been beaten first. Beyer also claimed to have dissected Burkett's lungs, but a second autopsy showed that procedure had never been done.

Several nagging issues relating to Beyer's autopsy of Foster remain:

- **Missing X-rays:** Beyer's autopsy report indicates X-rays were taken of Foster. But Beyer now says his X-ray machine was "inoperable." The police report quotes Beyer as stating "that X-rays indicated that there was no evidence of bullet fragments in the head." X-rays would help substantiate the written autopsy report.
- **Exit Wound:** Fairfax County emergency medical technician Kory Ashford told the FBI last year that while he placed Foster's body in a body bag by grasping his shoulders and cradling his head, he did not see any exit wound. Although the autopsy report said the bul-

let exited the top of the back of the head.

Ashford said he saw little or no blood, didn't need gloves, and didn't wash his hands after the task.

Fiske claimed in his report that Foster had a large exit wound, yet the medical examiner on the scene told the FBI the wound was consistent with a low-velocity weapon. Foster was found with a high-velocity .38-caliber revolver. The lead police investigator said the wound was small.

Joe Purvis, a friend of Foster's and Little Rock attorney, said last March that he was told by a staff member of Ruebel's Funeral Home in Little Rock that Foster had an entry wound deep at the back of the mouth, and an exit wound "the size of a dime" close to the neck at the hairline.

Though Foster's autopsy had yet to be released, Purvis' entry wound description was accurate, placed deep in the back of the mouth. Beyer's autopsy notes a gaping exit wound, however, near the crown of the head.

- **Trauma or Sign of Struggle:** Critical to any determination of suicide is a careful examination for additional wounds to the body, needle marks or other signs of a struggle. Beyer noted no such signs.

But a Polaroid picture taken at the scene and enhanced during Starr's inquiry before the grand jury earlier this year, showed what "appeared to be a wound, puncture or other trauma" to the right side of Foster's head near the jaw line, a source said.

The photo, which was apparently never enhanced for review by Fiske's expert panel, finds some eerie corroboration in the statement made by emergency medical technician Richard Arthur who told the FBI last year "he noted what appeared to be a small-caliber bullet hole in Foster's neck on the right side, just under the jaw line about halfway between the ear and the tip of the chin."

Blackbourne seemed perplexed when asked about the controversy over the scene Polaroid. "I am not familiar with any Polaroid, I'm not familiar with what you are talking about," he said.

• **Drugs, Alcohol Analysis:** Blood lab work attached to Beyer's report indicates no drugs or alcohol were detected in Foster's blood.

Later the FBI analyzed the blood sample and reported to Fiske that it found trace amounts of an anti-depressant and Valium in Foster's blood, though Beyer's lab had tested for these very drugs.

Foster's doctor had prescribed an anti-depressant to help Foster with insomnia the day before his death. The discrep-

ancy between the reports has never been explained, and Fiske never released the blood work report detailing the screens employed in his analysis. Starr's office also refuses to release the report.

"In a case like this I would want to test for all sorts of exotic drugs, ones not normally looked for," said veteran New York homicide expert Vernon Geberth, author of the authoritative text on death investigations *Practical Homicide Investigations*.

Other issues remain, such as the powder burns noted on the autopsy report and photos showing that both of Foster's hands were in the vicinity of the front of the gun when the .38-caliber Colt was fired. This would seem to indicate that neither hand was on the grip.

Seven leading experts, including Dr. Vincent DiMaio, say such a grip is inconsistent with suicide.

Blackbourne said he is reserving judgment on specific issues.

"I would rather not comment any further. I have only had one communication with the independent counsel's office. I think

it's premature to discuss anything."

He declined to say whether he would recommend a second autopsy.

"Consideration of a second autopsy is an evaluation by a forensic pathologist that important information could be obtained from a second autopsy that was not addressed in a first autopsy," Baden explained.

Baden said he has made no judgment in the Foster case.

He added that a second autopsy shouldn't be "for trivial information, or a fishing expedition." He suggested that one legitimate reason for a second autopsy would be to retrieve tiny bullet fragments that are left behind in the head as the bullet breaks through the skull.

The recovery of such fragments could identify the type of bullet that was fired to see if it is consistent with the alleged suicide weapon "because the original bullet was never found," Baden said.

FBI agents have been engaged in an exhaustive search, the third one so far, and apparently have yet to find the bullet at Fort Marcy Park.

The text from a full-page ad in today's Sunday, October 15, 1995 New York Times(Week In Review) follows:

Mike Wallace, Can You Pass the Cover-Up Test?

Special Counsel Robert Fiske Flunked It.

**A SPECIAL REPORT NOW AVAILABLE TO THE PUBLIC
TELLS WHY.**

Mike Wallace of CBS "60 Minutes" gave his verdict on Vincent Foster's death: suicide at the spot he was found. Wallace's conclusion was primarily based on the investigation last year of Wallace's friend, former Special Counsel Robert Fiske. Fiske, appointed by the Clintons, said Foster's violent death on July 20, 1993, was "fully and thoroughly investigated"—even though Fiske didn't use a grand jury to

report supported by FBI and other reports completed by Fiske's own staff?

The Western Journalism Center, a non-profit organization that supports investigative journalism, is now offering THE RUDDY INVESTIGATION—a special compilation of news reports written by Christopher Ruddy of the Pittsburgh Tribune-Review. By doing the type of

If Fiske did such a thorough job, then Mike Wallace should have demonstrated that Fiske

could pass this test. In the information in Fiske's

Take the Cover-up Test and see for yourself if Fiske's conclusions add up:

Question No. 1—TRUE or FALSE

According to Fiske, only two witnesses were in Fort Marcy Park when the police first arrived. The Fiske report states "*Neither individual heard a gunshot while in the Park or observed anything unusual.*" (Fiske Report, p. 35)

Answer: FALSE. In fact, these two critical witnesses both told Fiske's FBI investigators that they saw two men—not Foster—in and around Foster's Honda within a half hour of the body's discovery. One witness said that a man with "long blonde hair and beard" was standing in the vicinity of Foster's Honda with the hood "up."

Fiske not only omitted these statements from his report, but then falsely stated that the witnesses saw nothing unusual. Further, Fiske ignored a protest one of the witnesses made to the FBI that the Park Police had misrepresented their statements—*the only two witness statements the Park Police took that day.* (The witnesses' Confidential FBI Statements are included in THE RUDDY INVESTIGATION for your review. Mike Wallace didn't mention this critical evidence to his viewers.)

Question No. 2—TRUE or FALSE

To explain the strange and unexpected "suicide," Fiske builds a theory that Foster was clinically depressed before he died. Fiske asserts "... it was obvious to many that (Foster) *had lost weight.*" (Fiske Report, p. 9)

Answer: FALSE. Medical records demonstrate Foster actually gained weight while working at the White House. And

FBI documents don't support Fiske's claim "many" noticed this weight loss. Just weeks before arriving at the White House, Foster's doctor weighed him at 194 pounds, noting he was dieting. The autopsy shows Foster weighed 197 pounds—presumably not including the weight of lost blood. Strangely Fiske made his assertion even though Mrs. Foster told the FBI, "She believed that most of the weight which Foster had lost by that time had been lost prior to his arrival in Washington, D.C." (Wallace didn't examine this either.)

Question No. 3—TRUE or FALSE

Fiske claimed, again as a hallmark of his thorough investigation, "*Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned.*" (Fiske Report, p. 3)

Answer: FALSE. Here's a list of some persons known to have been in Fort Marcy that were never questioned by Fiske: a park jogger, "volunteers" a police officer said were working on a park trail, the two men in and around Foster's car identified by the couple, a police officer, another male visitor, a male driving an "old, dirty and run down large 4-door sedan", another male walking in the park, and the occupant(s) of an unidentified car in the lot. (Wallace never challenged the Park Police or Fiske reports.)

Question No. 4—TRUE or FALSE

To explain the unusual lack of blood from a gunshot wound to the head at the Foster death scene, Fiske claimed "... Dr. Donald Haut, the Fairfax County Medical Examiner, engaged

examine the body. At that point Foster's body was rolled over and those present *observed a large pool of blood* located on the ground where Foster's head had been. *Haut observed a large exit wound* in the back of the skull." (Fiske Report, p. 36)

Answer: FALSE. Haut's FBI interview statement never mentions a "large pool of blood." Instead, Haut, the only trained medical professional on the scene, told the FBI that the back of the head showed "the volume of blood was

small" which had "matted and clotted under the head." Haut told the Tribune-Review in a taped interview, "There was not a hell of a lot of blood on the ground. Most of it had congealed on the back of the head." In addition to the lack of blood, Haut contradicted Fiske's claim he saw a "large exit wound." Haut told the FBI the exit wound "was consistent with a low velocity weapon." Haut noted in another case that a .25 caliber weapon had caused "a much more devastating

wound." *Apparently no one had told Dr. Haut that Foster is alleged to have been shot with a high velocity, .38 caliber gun.* Even the lead police investigator contradicted Fiske by saying "I probed his head, there was no big hole there." (Mike Wallace tried to imply that Ruddy lied about Haut not seeing much blood, even though Wallace knew Ruddy's interview was taped and that Haut's FBI statement contradicted what he told "60 Minutes.")

MORE FAILING MARKS

In THE RUDDY INVESTIGATION, you'll learn some of the dozens of problems with Fiske's investigation:

- Four "independent" pathology experts hired by Fiske certify Foster died of a suicide at the spot he was found. Yet no second autopsy was conducted; two of the four experts didn't even go to the death scene; two experts were employed by the federal government.
- Multi-colored carpet fibers are found on almost every piece of Foster's clothing including his underwear, but Fiske never bothered to identify their origin.
- Seven leading forensic experts say that gun powder residues found on Foster's hands—as noted in the Fiske report—show that Foster would have to have fired the gun with neither hand on the grip. The experts said this was "inconsistent"

with suicide.

- On April 4, 1994 the Fiske investigation leaks to reporter Ellen Pollock of the Wall Street Journal that the investigation will conclude "suicide"—even though records released this year show no real investigation had taken place by that date—including FBI lab work and an independent autopsy review.
- Fiske accepted a Park Police investigation even though they violated police procedure by jumping to a suicide conclusion. As the lead police investigator said, the determination of suicide was made "prior to going up and looking at the body." This snap judgement becomes even more curious when the police didn't initially find Foster's car keys in his pants or car—though he had allegedly driven to the park.

"60 MINUTES" - HIDING THEIR OWN EVIDENCE?

Did Mike Wallace tell his viewers any of these critical facts? No. Perhaps Wallace knows better than most that Foster didn't kill himself at Fort Marcy: a pair of shoes Wallace tested after walking at Fort Marcy had soil on them, yet the FBI found not a trace of soil on Foster's shoes, though Foster is said to have walked over 700 feet through the park. Why did Wallace never reveal this important information? Why did Wallace claim that Ruddy had misreported that Foster was left-handed when Wallace was well aware that the Boston Globe had first reported that Foster was left-handed?

A SECOND SPECIAL REPORT

In THE RUDDY INVESTIGATION, you won't read about the wild conspiracy theories or speculation promoted by the major media. You will learn the cold, hard facts that seriously challenge the government's assertions about Foster's death. In addition to THE RUDDY INVESTIGATION, you can also receive "The Independent Report in Re: The Death of Vincent Foster" compiled by two former top New York City police homicide experts, Vincent Scalice and Fred Santucci.

"The Independent Report" explains why murder can't be ruled out in Foster's death and how "the overwhelming evidence" indicates that Foster's body had been moved to the park.

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A Special Report from the Pittsburgh-Tribune Review

Thursday, August 3, 1995

Indictments Against Former Clinton Partners in Offing

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

LITTLE ROCK—Indictments against Jim and Susan McDougal, former Whitewater partners of President and Mrs. Clinton, are imminent, according to a source close to the investigation.

Barring any last-minute plea agreement, Independent Counsel Kenneth Starr plans to hand up indictment papers before his Little Rock grand jury, which the source said "could be in days, but certainly this month."

The McDougals will be indicted for financial dealings related to David Hale. Hale's Little Rock finance company, Capital Management Services, defrauded the Small Business Administration by improperly giving loans allocated for disadvantaged and minority-owned businesses to friends and business partners.

Hale entered into a plea arrangement with the original Whitewater prosecutor Special Counsel Robert Fiske, last year. Sources in both Fiske's and Starr's investigation say Hale has been a credible, cooperating figure in the probe.

The main indictment against McDougal is very tenuously

linked with Whitewater, the 50-50 partnership to develop 230 acres of land in Northern Arkansas that the Clintons and McDougals began in 1978.

The indictment against McDougal will center around his ownership of Madison Guaranty Savings and Loan Association which failed in 1989, costing taxpayers more than \$60 million.

The indictment will allege that McDougal provided a loan to Hale's business partner as a front man for the benefit of Hale's company and McDougal's bank.

According to the source, Hale told federal investigators that the Madison loan was part of a scheme to defraud the SBA by artificially inflating his company's assets to give loans to friends and associates, as well as cover bad loans made by Madison Guaranty.

(One beneficiary of Capital Management's loans was Susan McDougal, whose Little Rock advertising firm, Master Marketing, received a \$300,000 loan. The loan was never paid back and published reports indicate some of the money made its way into Whitewater accounts.

The source said a report in the Arkansas Democrat Gazette on Aug. 28, 1994, detailing

McDougal's transactions with Capital Management, closely mirrors the scheme to be presented in the indictment papers.

The August Democrat Gazette article elaborated on a series of transactions in 1986 among Hale, one of his business partners, McDougal and others.

According to the newspaper, Hale and his partner bought and sold a restaurant they jointly owned in Sherwood, Ark., increasing the property's value artificially. Using improper and favorable appraisals, McDougal's Madison Guaranty loaned Hale's business partner \$825,000 to buy the restaurant from Hale.

Hale then took a significant portion of the proceeds from the sale and put them into his company to be used to qualify for matching SBA funds of \$500,000 or more.

Hale used this new supply of capital, and SBA matching funds, to cover bad loans made by Madison Guaranty before bank examiners conducted an audit.

Though Starr is said to favor a plea agreement, sources close to the probe doubt that a plea agreement will be struck since the McDougals are demanding full immunity.

A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Tuesday, September 26, 1995

Clinton Security Chief's Murder Still Unsolved

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

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

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

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

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

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

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

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

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

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

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

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

FAMILY UNHAPPY

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

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

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

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

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

table.

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

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

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

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

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

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

FOSTER DEATH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHARLIE ROSE: Whitewater.

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

CHARLIE ROSE: Yeah.

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

CHARLIE ROSE: Ken Starr.

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

CHARLIE ROSE: And one ha—

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

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

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

CHARLIE ROSE: By Robert Fiske [?]?

WILLIAM SAFIRE: That, too, but the original—

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

WILLIAM SAFIRE: —one by the—

CHARLIE ROSE: By the Park Police.

WILLIAM SAFIRE: —by the Park Police.

CHARLIE ROSE: And they were thwarted, you believe—

WILLIAM SAFIRE: Well—

CHARLIE ROSE: —by other members of the government.

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

CHARLIE ROSE: Because they're good at that?

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

CHARLIE ROSE: Yes.

WILLIAM SAFIRE: But if they see a body—

CHARLIE ROSE: Catnappers, they're good.

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

CHARLIE ROSE: They're not like homicide detectives.

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

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

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

CHARLIE ROSE: Probably, people say.

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

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

WILLIAM SAFIRE: Well—

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

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

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

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

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

WILLIAM SAFIRE: Mm-hm.

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

WILLIAM SAFIRE: They've no—

CHARLIE ROSE: —of serious depression, which leads people to commit suicide.

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

A Special Report on the Vincent Foster Case *Who Broke the Story First?*

The Search for the Bullet

BY CHRISTOPHER RUDDY

in the Pittsburgh Tribune-Review on August 6, 1995

“Starr’s staff plans to have the FBI conduct another search for a bullet at Fort Marcy. Two previous searches, first by the Park Police and then by the FBI under Fiske, didn’t find the fired projectile—one of many nagging inconsistencies with the Foster-death scene.”

Travelgate Documents Withheld

BY CHRISTOPHER RUDDY

In the Pittsburgh Tribune-Review on March 29, 1995

“. . . inventories provided by the White House of files in Foster’s office list no files relating to the White House Travel Office.

Because Foster was heavily involved in the Travel Office brouhaha—even mentioning it in his alleged suicide note—congressional investigators believe the omission of such files strongly indicates that the documents had been ‘sanitized’ before the official inventories were compiled.”

Wednesday, September 20, 1995

Pittsburgh Tribune-Review

Police Failed to Find Keys to Foster's Car at Park

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—If Vincent Foster drove his car to Fort Marcy Park to take his own life, why didn't police find Foster's car keys in his pockets at the park?

Questions about the late deputy White House counsel's unusual and sudden death continue to nag Washington's political establishment.

Both House speaker Newt Gingrich and powerful Banking Committee chairman Sen. Al D'Amato have suggested serious, unanswered questions remain as to whether Foster died in the suburban roadside park where his body was found.

Reports in the Tribune-Review, as well as a report by two former New York City homicide investigators, have suggested Foster may have died elsewhere and his body moved to the park.

Among the questions are the following:

- Why was no soil found on his shoes or clothing, even though Foster was alleged to have walked more than 700 feet through the park from the parking lot to the spot he was found?
- Why did the FBI omit any mention of grass stains that should have been apparent on his shoes?
- How did multi-colored carpet fibers come to be found on almost every article of clothing, including his underwear?
- Why did no one see him alive or hear the fatal shot in the park?
- After such a violent death, how did his body compose itself into such a neat arrangement?
- Why was the fired bullet never found?

KEYS NOT FOUND

To all of this add one more: the unusual circumstances of discovery of the keys to Foster's Honda.

According to official accounts, the car keys, as well as other personal keys, were found in Foster's pockets at the morgue, but only after White House officials arrived to identify the body and well after his pockets had already been searched fruitlessly at Fort Marcy Park by a park police investigator. (FOIA # none (URTS 16371) DocId: 70105854 Page 14

The report of former Special Counsel Robert Fiske, issued June 30, 1994,—which concluded Foster died

of a suicide at the park—states innocuously and without detail: "The keys to the car were found in Foster's pocket."

Typical of the Fiske report, it incorrectly implies the keys were found during the investigation at the park while failing to describe the strange circumstances of their discovery.

Senior police investigator Cheryl Braun told the FBI that while at Fort Marcy "she observed Officer (John) Rolla check the pants pockets, both sides and rear, in an effort to find identification or a possible suicide note."

Police officer Christina Hodakievic also told the FBI she saw Rolla check all of Foster's pockets.

Rolla, the lead investigator, described the results of his search of the pockets at Fort Marcy in a Senate Banking Committee deposition: "I searched his pants pockets. I couldn't find a wallet or nothing in his pants pocket."

Foster's wallet and other personal effects were found in his Honda but no keys were found.

The police then allowed Foster's body to be placed in a body bag and moved shortly after 8 p.m. by ambulance to Fairfax County Hospital morgue.

MORGUE SEARCH

The park police said they became puzzled about the absence of keys and decided to go to Fairfax Hospital to re-check the pockets. Around the same time, Associate White House Counsel William Kennedy and White House aide Craig Livingstone had gone to the hospital's morgue to identify the body.

Braun said when she re-checked Foster's right front pants pocket she found car keys.

Records show Braun found two sets of keys in a pocket that had already been searched by Rolla at the park—one ring containing the car keys and the other containing four door and cabinet keys.

"It sounds fishy," former New York City Police homicide expert Vincent Scalice said. He added that if police had theorized Foster had driven to the park to shoot himself but didn't find the key to the Honda "it should have immediately aroused suspicion at the scene."

Scalice has 35 years homicide experience, specializ-

ing in examination and reconstruction of scenes where suspicious deaths have occurred.

Park police indicated they believed they had overlooked the keys and went to the hospital to re-check the pockets.

Scalice said that doesn't add up. "You would want to re-search the death scene first, to see if they were thrown or dropped somewhere," he said, especially "since Foster's eyeglasses were found 19 feet from where his head lay."

Fiske said the eyeglasses "bounced" through thick foliage. But Scalice and two other experts determined it was physically impossible for the glasses to have been thrown that far after the shot was fired.

Records show the police did not search for the keys at the park again but instead went directly to the hospital.

"Without putting your hand in the front pocket, two sets of rings should have been bulging from the

pocket," he said.

He also said the pants should have been stretched as his body bloated in the summer heat, making the metal keys more apparent.

Just a freak occurrence?

A "Citizen's Independent Report" compiled by Hugh Sprunt, a Texas-based accountant who began investigating the death as an avocation on internet bulletin boards, details dozens and dozens of discrepancies, including the one involving the keys, apparent in official documents.

"The sheer number of unusual circumstances and freak occurrences defy mathematical probability," Sprunt said, adding that the official suicide story "doesn't add up."

Sprunt's report is offered as a public service at cost from Bell-Jean Printing in Maryland at 301-864-6882.

A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Saturday, August 19, 1995

D'Amato Admits Questions Remain about Death of Vincent Foster

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

In an apparent about-face, Sen. Alfonse D'Amato, R-N.Y., chairman of the Senate's Special Whitewater Committee, now says "there are some open questions" relating to the death of Vincent Foster that will eventually be reviewed by his committee.

Foster, then deputy White House Counsel, died just over two years ago of a gunshot wound to the head, according to the U.S. Park Police.

"There is no doubt the initial investigation was botched," D'Amato told Charlie Rose, criticizing the park police's handling of the case on Rose's national television program earlier this week.

"His clothing was contaminated. The question as to, Where did he die? Did he have various stains on his clothes that would indicate that maybe the body was moved?" D'Amato said.

D'Amato's comments directly challenge the report of Special Counsel Robert Fiske, who concluded Foster committed suicide in Fort Marcy Park. D'Amato had previously accepted the Fiske report without criticism, and endorsed his conclusions after Senate hearings last summer.

D'Amato told Rose that his "strong feeling" was that Foster

killed himself, but he had reservations about where and when Foster died.

"There seem to be a number of questions that have been raised by some people, some who have expertise, that have not been answered," D'Amato said.

Earlier this week, D'Amato was also on WABC's Bob Grant talk radio program promoting his new book *Power, Pasta, and Politics*, and reiterated his concerns, adding that "it is my intent to raise the various questions that experts and others have raised" on the case.

D'Amato cited for Grant's listeners some of his questions:

- "Did (Foster) die in that position? Was he dragged there? Was he carried there?"
- "What about grass stains and other kinds of evidence that might be found on his clothing or on his shoes?"
- "More particularly, what about powder burns? What about the gun? And the manner in which the gun was held? And the manner in which the gun was found?"

Most recently, Foster's death has been under review by Independent Counsel Kenneth Starr. D'Amato said he will await Starr's report and "then we will review and raise these questions."

D'Amato's comments further undermine Fiske's report that has been challenged by two top New

York City homicide investigators who reviewed the case for the Western Journalism Center, a non-profit organization that supports investigative reporting. The investigators found "overwhelming evidence" that Foster's body had been transported to Fort Marcy Park, and that a 1913 Colt revolver had likely been placed in his hand.

D'Amato's questions about the case come on the heels of similar comments made by House Speaker Newt Gingrich, who last month said he was not convinced Foster committed suicide.

Both Republicans share wide public support for their views. According to a recent Time/CNN poll, 65 percent of the country has not accepted the government's ruling of suicide (20 percent of Americans believe Foster was murdered, 45 percent are not sure, 45 percent believe the administration engaged in a cover-up of the death.)

"... Question after question after question about Foster, and what happened there (at Fort Marcy Park) have not been fully answered," Gingrich said on Grant's New York talk radio program.

Gingrich later told a meeting of Washington reporters that "there is plausible reason to question whether or not it was suicide."

According to a member of Gingrich's staff who asked not to be identified, Gingrich is seriously pur-

suing the matter and has passed on a list of issues to the Government Reform and Oversight committee, headed by Rep. William Clinger, R-Pa.

Cingrich requested that Clinger locate a member of the committee with experience as a prosecutor to determine if hearings are warranted.

According to the staff member, Rep. Steven Schiff, R-N.M., was selected for the task just before Congress went on recess and has not begun a review of the case.

Schiff, vice-chairman of the Government Reform Committee, is

a veteran prosecutor, having served eight years as a district attorney in Albuquerque.

Schiff, through his spokesman, said he couldn't comment on the matter.

Clinger has been a staunch supporter of the Fiske report. Last year, when Rep. Dan Burton took the House floor to criticize the Fiske report on Foster's death, Clinger's office hastily issued its own report in support of Fiske.

Recently, Clinger has become a vocal critic of those who have raised questions about the case, and last

month appeared on ABC's Nightline to debunk issues raised by critics.

For example, Clinger said multi-colored fibers found all over Foster's clothing, including his underwear, were simply the result of Foster's clothing having been mixed together in the same evidence bag.

The FBI lab report contradicts Clinger, indicating the FBI received the evidence in separate bags grouped as follows: pants and belt; shoes and socks; jacket and tie. The underwear and dress shirt were not identified.

Once Again, Chris Ruddy Was Right and First

Today, Independent Counsel Kenneth Starr indicted Jim and Susan McDougal. Here's Ruddy's report of August 3 from the Pittsburgh *Tribune-Review* breaking the news that the McDougals would be indicted this month and giving specific details of the indictment—all of which turned out to be highly accurate.

*Heck -
this is all
from Chris Ruddy
(obviously!).*

DeB

A Special Report from the Pittsburgh-Tribune Review

Thursday, August 3, 1995

Indictments Against Former Clinton Partners in Offing

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

LITTLE ROCK—Indictments against Jim and Susan McDougal, former Whitewater partners of President and Mrs. Clinton, are imminent, according to a source close to the investigation.

Barring any last-minute plea agreement, Independent Counsel Kenneth Starr plans to hand up indictment papers before his Little Rock grand jury, which the source said "could be in days, but certainly this month."

The McDougals will be indicted for financial dealings related to David Hale. Hale's Little Rock finance company, Capital Management Services, defrauded the Small Business Administration by improperly giving loans allocated for disadvantaged and minority-owned businesses to friends and business partners.

Hale entered into a plea arrangement with the original Whitewater prosecutor Special Counsel Robert Fiske, last year. Sources in both Fiske's and Starr's investigation say Hale has been a credible, cooperating figure in the probe.

The main indictment against McDougal is very tenuously

linked with Whitewater, the 50-50 partnership to develop 230 acres of land in Northern Arkansas that the Clintons and McDougals began in 1978.

The indictment against McDougal will center around his ownership of Madison Guaranty Savings and Loan Association which failed in 1989, costing taxpayers more than \$60 million.

The indictment will allege that McDougal provided a loan to Hale's business partner as a front man for the benefit of Hale's company and McDougal's bank.

According to the source, Hale told federal investigators that the Madison loan was part of a scheme to defraud the SBA by artificially inflating his company's assets to give loans to friends and associates, as well as cover bad loans made by Madison Guaranty.

One beneficiary of Capital Management's loans was Susan McDougal, whose Little Rock advertising firm, Master Marketing, received a \$300,000 loan. The loan was never paid back and published reports indicate some of the money made its way into Whitewater accounts.

The source said a report in the Arkansas Democrat Gazette on Aug. 28, 1994, detailing

McDougal's transactions with Capital Management, closely mirrors the scheme to be presented in the indictment papers.

The August Democrat Gazette article elaborated on a series of transactions in 1986 among Hale, one of his business partners, McDougal and others.

According to the newspaper, Hale and his partner bought and sold a restaurant they jointly owned in Sherwood, Ark., increasing the property's value artificially. Using improper and favorable appraisals, McDougal's Madison Guaranty loaned Hale's business partner \$825,000 to buy the restaurant from Hale.

Hale then took a significant portion of the proceeds from the sale and put them into his company to be used to qualify for matching SBA funds of \$500,000 or more.

Hale used this new supply of capital, and SBA matching funds, to cover bad loans made by Madison Guaranty before bank examiners conducted an audit.

Though Starr is said to favor a plea agreement, sources close to the probe doubt that a plea agreement will be struck since the McDougals are demanding full immunity.

Interview with Sen. D'Amato re: Vincent Foster, August 14, 1995

CHARLIE ROSE: What have you learned about Vince Foster's suicide that is instructive to you about what happened?

Sen. ALFONSE D'AMATO: I have to tell you at this point I am waiting for the special prosecutor to conclude his review. There's no doubt—

CHARLIE ROSE: This is Ken Starr.

Sen. ALFONSE D'AMATO: Yes, Ken Starr. There is no doubt that the initial investigation was botched. The autopsy was handled poorly. His clothing was contaminated. The question as to where did he die, did he have various stains on his clothes that would indicate that maybe the body was moved, et cetera. That's unfortunate. It's unfortunate that we didn't have the best forensic people in there immediately. And I've come to a conclusion that no matter what determination is made, as a result of the initial bungling by the Washington, D.C. Coroner's Office in terms of not having in the best, the FBI—initially to work with the Park Police, that you're always going to have people raising questions. But we're going to wait for Ken Starr, the special prosecutor, to give us his review before, before we begin to—

CHARLIE ROSE: But you two are cooperating.

Sen. ALFONSE D'AMATO: We're cooperating in this manner: We have agreed not to just go plunging in until he has an opportunity to examine all the witnesses he wants first. And at this point now, we're going to begin to pick up the pace because we owe it to the American people, and we owe it to the Clintons to do this job expeditiously—thoroughly, but expeditiously.

CHARLIE ROSE: All right. Let me stay with, with the Whitewater and this point, too. Have you—you have said on the record that there's no question in your mind that it was a suicide.

Sen. ALFONSE D'AMATO: The facts indicate that, notwithstanding that there was a, a botched thing in there. The facts from some of the people I've spoken to. But we're going to look at this not in a public way, but in terms of meeting with the experts, looking at them, reviewing the evidence. And at this point, my, my strong feeling is that, that it was a suicide.

CHARLIE ROSE: Any question in your mind as to where it took place and when?

Sen. ALFONSE D'AMATO: There seem to be a number of questions that have been raised by some people, some who have expertise, that have not been answered. And I'm going to look to see—I think that while I—and people have indicated to me, experts, that, that the suicide was committed at the place indicated, there are a number of questions that I think we should resolve to try to—

CHARLIE ROSE: Like what?

Sen. ALFONSE D'AMATO: —minimize the doubts.

CHARLIE ROSE: Like what?

Sen. ALFONSE D'AMATO: Well, for example, the lack of, of grass stains or, or materials that you would find under his shoes that indicated that he would have walked to this place. There is a question of, of the, the position that the gun was found in and whether or not it would have been found in, in the manner indicated. There's a question of, of some other kinds of forensic evidence, and I don't want to get into graphic detail—powder burns, et cetera. And so I think that certainly we owe it to make a review, but not in a ghoulish manner. I don't even think we have to use a public forum to try to satisfy as many of these questions as possible.

CHARLIE ROSE: Any question, though, that a reasonable person—do any of the thi— questions you have heard, would they lead a reasonable person to question where this suicide took place?

Sen. ALFONSE D'AMATO: Charlie, because of the initial failure of the coroner's office to conduct this investigation in the manner that it should have, there are some open questions.

Sen. D'Amato's Comments Re; Vincent Foster on WABC's Bob Grant Program, August 15, 1995

P. 01

CALLER: HELLO BOB AND SENATOR D'AMATO - IT'S AN HONOR. SENATOR, TWO QUICK QUESTIONS IF I COULD. LAST FRIDAY'S WALL ST. JOURNAL EDITORIAL PAGE STATED THAT ALL PHONE CALLS TO AND FROM THE PRESIDENTIAL JETS, LIKE THE ONE HILLARY CLINTON WAS ON THE AFTERNOON VINCE FOSTER DIED - REPORTEDLY THOSE CALLS ARE LOGGED AND TAPE RECORDED. FIRST, IS THAT TRUE, SENATOR?

D'AMATO: WE'RE LOOKING INTO THAT RIGHT NOW TO SEE WHETHER OR NOT THOSE CALLS ARE LOGGED AND TAPE RECORDED - THAT'S NUMBER ONE. SECOND, THERE SEEMS TO BE A VERY REAL ISSUE AS IT RELATES TO WHETHER OR NOT MRS. CLINTON WAS ON AN AIRPLANE WHEN THE FIRST CALL WAS MADE. MAGGIE WILLIAMS TESTIFIED THAT THE FIRST LADY CALLED HER WHEN SHE WAS ON THE AIRPLANE. HOWEVER, THAT PLANE TOUCHED DOWN AT 8:40 AND THE PERSON WHO FIRST INFORMED HER ABOUT VINCENT FOSTER'S DEATH CALLED HER AT ABOUT 9 O'CLOCK, WHEN SHE WAS IN LITTLE ROCK AT THE TIME. AND THAT WAS MACK MCLARTY, THE CHIEF OF STAFF. SO THERE'S AN INCONSISTENCY AND THAT'S ONE OF THE REASONS WE'VE ASKED FOR THE PHONE LOGS OF THE RODHAM HOUSE - HILLARY CLINTON'S MOTHER'S HOME, THE PHONE LOGS FROM MAGGIE WILLIAMS - HER CHIEF OF STAFF, AND THEN ALSO SUSAN THOMASES - HER FRIEND AND LAWYER WHO SHE SPOKE TO THAT NIGHT AND THEN WHO BARRAGED THE WHITE HOUSE WITH ABOUT 14 OR 15 CALLS OVER THE NEXT DAY AND A HALF.

CALLER: WELL, I HOPE YOU DO GET THOSE LOGS. I THINK IT WOULD BE INTERESTING. SECONDLY SENATOR, ACCORDING TO A RECENT TIME/CNN POLL 65% OF THE AMERICAN PEOPLE ARE NOT CONVINCED THAT VINCENT FOSTER COMMITTED SUICIDE.

D'AMATO: NO, IT'S 20%.

CALLER: NO, THAT - 20% BELIEVE IT WAS MURDER.

D'AMATO: OH, O K.

CALLER: AND ANOTHER -- I BELIEVE IT WAS 45% AREN'T SURE. ARE YOU CONTENT TO LEAVE THIS KIND OF QUESTION MARK HANGING OVER THIS CASE? YOU HAVE IT IN YOUR POWER TO OPEN IT UP AND ANSWER ALL THESE QUESTIONS - WHY NOT DO THAT?

D'AMATO: WELL, LET ME TELL YOU WHAT WE'RE DOING RIGHT NOW - AND I MENTIONED IT ON THE CHARLIE ROSE SHOW LAST NIGHT. WE ARE WAITING FOR THE SPECIAL COUNSEL TO COMPLETE HIS REVIEW OF THE DEATH OF VINCENT FOSTER. AND THEN, IT IS MY INTENT TO RAISE THE VARIOUS QUESTIONS THAT EXPERTS AND OTHERS HAVE RAISED. BECAUSE THERE'S NO DOUBT THAT THE INITIAL INVESTIGATION WAS TERRIBLY BOTCHED. THE CORONOR'S OFFICE IN D.C. CONTAMINATED FOSTER'S CLOTHING. THEY WERE NEVER ABLE TO MAKE - AND GET THE KIND OF SAMPLES NECESSARY AS IT RELATED TO - YOU KNOW - DID HE DIE IN THAT POSITION? WAS HE DRAGGED THERE? WAS HE CARRIED THERE? WHAT ABOUT GRASS STAINS AND OTHER KINDS OF EVIDENCE THAT MIGHT BE FOUND ON HIS CLOTHING OR ON HIS SHOES? MORE PARTICULARLY, WHAT ABOUT POWDER BURNS? WHAT ABOUT THE GUN? AND THE MANNER IN WHICH THE GUN WAS HELD? AND THE MANNER IN WHICH THE GUN WAS FOUND? SO THOSE QUESTIONS - AS A RESULT OF NOT HAVING THE KIND OF FORENSIC EXPERTS THERE - IN DOING THIS, UNDERTAKING THIS INVESTIGATION - REALLY ARE UP IN THE AIR AND PROBABLY WILL NEVER BE SATISFACTORILY ANSWERED TO MANY. BECAUSE ONCE YOU GOOF UP THE INITIAL INVESTIGATION, THERE'S NO WAY TO RECONSTITUTE IT. BUT WE'LL TRY TO DO THE BEST WE CAN AND WE ARE GOING TO RAISE THOSE QUESTIONS. I DON'T BELIEVE THAT AT THIS POINT WE SHOULD DO IT PUBLICLY - BECAUSE I'M GONNA TAKE THE SPECIAL COUNSEL'S REPORTS AND THEN WE WILL REVIEW AND RAISE THESE QUESTIONS. AND THEN MAKE A REPORT ON IT.

END OF CALL

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A Special Report from the Pittsburgh Tribune-Review

Sunday, August 6, 1995

Clinton Indictments Unlikely

By Christopher Ruddy
FOR THE TRIBUNE REVIEW

LITTLE ROCK, Ark.—Chances are slim that Independent Counsel Kenneth Starr will indict Bill or Hillary Clinton as a result of the Whitewater probe, sources close to the inquiry have told the Tribune-Review.

Starr, passing the first anniversary of his appointment this week, has found little substantive evidence linking the Clintons to wrongdoing relating to their Whitewater partnership, dealings with Madison Guaranty, or possible obstruction issues in Washington.

"At this time, it would take someone like (Jim Guy) Tucker or the McDougals to turn, and testify, against the Clintons," one source said, which would then allow prosecutors to "move up the food chain."

Clinton's main accuser has been David Hale, who maintains that Bill Clinton pressured him into making a fraudulent \$300,000 Small Business Administration-backed loan to Susan McDougal.

While acknowledging Hale has been a credible witness, a member of Starr's team said "Hale versus the president is not going to fly," indicating more substantive evidence would have to be forthcoming to present to a grand jury.

But sources, critical of Starr's handling of the investigation, suggest the long delays in Starr's staff getting up to speed where the Robert

Fiske investigation left off, the mishandling of Webster Hubbell's plea agreement and the problems in the Washington end of the investigation—highlighted by a major resignation—have all impeded a swift resolution of the case.

Starr's indictment of Arkansas Gov. Jim Guy Tucker and associates in June were more than six months behind the schedule set by Special Counsel Fiske's staff, which had planned a series of indictments for the fall of 1994.

Contrary to some expectations, Tucker has not sought a plea agreement behind the scenes as he awaits a decision on his motion to have the indictments thrown out, claiming Starr had no jurisdiction to indict him. Starr's staff is confident they will win the motion. Prosecutors also doubt Tucker would be cooperative under any circumstances.

The McDougals have demanded full immunity for a plea agreement, which is unacceptable to Starr.

Even if the McDougals were to testify against the Clintons, sources say, their credibility as witnesses would be seriously challenged.

Sources also suggest that getting individuals to cooperate in the future may be less than fruitful because of the mishandling of Hubbell's plea and the troubled investigation in Washington.

FIRST RESIGNATION

The first major policy dispute in Starr's staff led to the resignation of his chief trial counsel, Russell C.

Hardin, last September, according to several Whitewater prosecutors.

Hardin, a seasoned former Houston assistant district attorney who was named Texas State Prosecutor of the Year in 1989, was hired by Fiske as his lead trial prosecutor.

Hardin was to have tried Hale for using his company, Capital Management Services, to defraud the SBA.

But Hale entered into a plea agreement with Fiske early last year. Hardin remained on the staff to try the next major case.

With Fiske's ouster in August 1994, Hardin was one of two prosecutors to continue with Starr's inquiry, and had agreed to try the probe's next major target, former Associate Attorney General Hubbell.

"Rusty (Hardin) wanted to go in with big guns against Hubbell, to nail him since the case was airtight and show others we weren't fooling around," one prosecutor familiar with the events in Starr's staff last year said.

Starr's staff had prepared a 38-count indictment against Hubbell, according to one source. Hubbell entered into a plea agreement in December, sparing himself "an extremely embarrassing trial," a prosecutor said.

As part of the agreement, Hubbell was charged on two counts of mail fraud and tax evasion, that entailed a 21-27 month term in federal

prison, which could be reduced if he cooperated with the independent counsel (under sentencing guidelines, Hubbell's prison term would be the same for two counts or 38).

STARR OVER ANXIOUS

Hardin had argued for Starr to play "hard to get" with Hubbell, who was seen as the first major target of the investigation, and one that could link the Clintons to wrong-doing in both Washington and Arkansas, sources said.

Hardin had successfully handled the plea agreement with Hale, when prosecutors went down to the wire to begin trial proceedings before a plea agreement was struck. The agreement was struck only after Hale had been debriefed for two weeks by investigators "as to what he knew and what he could give prosecutors," a prosecutor familiar with Fiske's probe said.

Instead, Starr, who had no experience as a prosecutor, and who served as federal judge and a well-regarded Justice Department official, was over-anxious to get Hubbell's plea and did not rigorously debrief him before entering into the agreement, two prosecutors familiar with Starr's probe told the *Tribune Review*.

The process of agreeing to a plea "should be structured so the defendant has an overwhelming need to tell what he knows," one prosecutor said, lamenting that that had not been the case with Hubbell.

"If Hardin had argued for this, he'd be exactly right," Thomas Scorza, a former federal prosecutor and lecturer of legal ethics at the University of Chicago, said.

"Typically a prosecutor wants to flip the smallest fish, the people at

the bottom like an office secretary, to get higher ups," Scorza explained, "But Hubbell was a big fish, so a prosecutor figures he's going to be disinclined to give information. It's really important to hammer him at the early stage when the person is most vulnerable."

Scorza said that Starr could have, for example, tried to find additional charges, such as perjury, to increase sentence time, and use this as an additional lever.

Going easy on Hubbell though he failed to cooperate "is a sign to others not yet charged that the prosecutor is going to roll over, that you don't have to cooperate," Scorza said.

Another source in the Starr probe has disputed that Hardin left over a disagreement about dealing with Hubbell, and suggested he resigned solely because he was not allowed to choose the prosecutors handling the day-to-day case before the grand jury.

Hardin, in private practice in Houston, declined to comment on the matter, but did say he resigned several months earlier than planned.

At Hubbell's sentencing in June, Starr sought no reduction in sentencing, which was an indication of Hubbell's lack of cooperation. According to several sources, Hubbell provided no information that will lead to additional indictments.

One prosecutor pointed out that Starr's handling of the Washington side of the investigation may also have been a roadblock to cooperation from Hubbell and other witnesses.

Last March, Associate Independent Counsel Miquel

Rodriguez resigned after he was apparently stymied in conducting what he felt was a full probe into Vincent Foster's death.

"Hubbell's probably a lot more worried about what happened with Foster than serving in prison," one prosecutor suggested.

After a year of investigation, Starr's office had come up with no indictment on the Washington end of his probe, and has shown no interest in "flipping" lower-level officials over apparent problems in testimony and evidence.

In other developments related to Starr's investigation:

- Forensic scientist Henry C. Lee is currently on hiatus from investigating aspects of Foster's death as he consults for the O.J. Simpson defense team. Lee, who heads the Connecticut state crime lab, has recently visited Fort Marcy Park in a suburb just outside Washington, the site where Foster's body was found.
- Starr's staff plans to have the FBI conduct another search for a bullet at Fort Marcy. Two previous searches, first by the Park Police and then by the FBI under Fiske, didn't find the fired projectile—one of many nagging inconsistencies with the Foster-death scene.
- Starr's Washington deputy, Mark H. Tuohy, plans to resign in September for a new position, as the Washington phase of the investigation winds down.
- Starr has resisted efforts by the White House to issue a report on Foster's death, as Fiske did in June 1994. He will wait until the end of his Whitewater probe, a source said.

A Special Report

Reprinted from Pittsburgh's *Tribune-Review*

Friday, June 30, 1995

Doubts Cast on Whitewater Prosecutors

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

The staff of Independent Counsel Kenneth Starr's probe has become increasingly eclectic as time goes by.

In May, Starr's office hired O.J. Simpson defense team forensic expert Henry Lee to review the Vincent Foster death case.

This month, two U.S. attorneys who prosecuted the Waco-Branch Davidian case have joined Starr's Little Rock office.

The two lead Waco prosecutors, the husband-and-wife team of Ray and LeRoy Jahn (pronounced "Yawn"), were brought onto Starr's team as he attempts to bolster his staff with experienced prosecutors—apparently preparing for the prosecution phase of his Whitewater inquiry.

But, like the controversy that has swirled around the Waco case, that inquiry also has come to include the Jahns.

The Jahns have sterling resumes.

As career prosecutors with about 25 years of federal service, they first gained recognition for handling the assassination case of U.S. District Court Judge John H. Wood in Texas.

The Jahns have spent most of their tenure as federal attorneys working in the U.S. attorney's office in San Antonio, though they served a brief stint as staff attorneys to FBI Director William S. Sessions in Washington.

Over the years, the Jahns have developed a close association with Justice Department officials in Washington.

When the Clinton administration needed experienced prosecutors to handle one of the most politically sensitive cases—Waco—the Jahns were selected.

Asked if the Justice Department played a significant role in the Jahns' selection, former San Antonio U.S. Attorney Ron Ederer said, "There's no question about it, Washington was very much involved."

Ederer was the Bush-appointed U.S. attorney who served several months into the Clinton administration when the Waco incident began. The Jahns were tapped as the federal prosecutors for the case shortly after the Bureau of Alcohol, Tobacco and Firearms' Feb. 28, 1993, raid on the Branch Davidian compound.

"In the past, the Jahns have been successful as far as Justice was concerned," Ederer said.

Their close association with the Justice Department and their work on Waco, considered very important for the Clinton administration, appears to have posed no obstacle to their joining Starr's team, which has been investigating matters relating to the Clintons.

Former federal prosecutor Thomas Scorza, a lecturer on legal ethics at the University of Chicago, thinks the appointment of prosecutors close to the Justice Department "is something less than desirable" for an independent counsel's probe.

"It doesn't violate any rule of ethics and is not a conflict of interest," he said, "but it does seem picking prosecutors with strong connections to the Department of Justice is not the way to go."

Scorza noted that the "essence" of the independent counsel law was to have an independent investigation that doesn't answer to Justice or the President.

He believes that selecting prosecutors with "strong personal connections to Justice" undermines the spirit of the law.

Ray Jahn, contacted at Starr's Little Rock office, referred all questions about his appointment to Starr's press aide, but did say he did not see his association within Justice as a problem since "we're not the only people working here (on the staff) from Justice."

Starr's office refused to comment on the Jahns' appointment or the matters they may be handling.

The couple's ties with Justice Department officials were strengthened, according to FBI sources, after their stint as aides to Director Sessions, even though Sessions' last years were marked by difficulties with Justice and the White House.

In 1993, Sessions was fired by President Clinton.

According to sources familiar with the Jahns' work at the FBI, the couple quickly aligned themselves with Justice Department officials after joining Session's staff in 1992. Sessions and his wife believed that it was an effort to undermine the Director's position, sources said.

Eventually, Sessions asked the Jahns to return to San Antonio before their one-year contract expired.

Sessions didn't comment on the matter, but sources say Sessions and his wife who were friends with the Jahns for over two decades, have fallen out and no longer talk to the couple.

WACO CASE

After the Jahns returned to San Antonio, they eventually tried the Waco case.

"They (the Jahns) have a reputation for taking a mess like the Waco case and making sense of it," Houston attorney Mike DeGuerin said.

DeGuerin was the lead counsel for the 11 Branch Davidian survivors brought to trial and charged with conspiring to kill federal agents.

After a seven-week trial in 1994, the prosecution took a "big loss" according to DeGuerin, when a Texas jury found the survivors not guilty on the prosecution's two main charges, including con-

spiracy to murder federal agents.

DeGuerin felt then that the Jahns handled the government's case fairly, but said "the jury just wasn't going to buy a conspiracy theory."

DeGuerin suggested the Jahns' appointment to Starr's staff "raises some eyebrows."

The Jahns' handling of the Waco case has come under sharp criticism.

Author and columnist James Bovard wrote about the Jahns in a recent article titled "Feds Must Fess Up About Role in Waco":

"Federal Prosecutors were caught manipulating evidence at the trial. Prosecutors presented a transcript of tapes made from listening devices inside the compound in its last days, purportedly showing that the Davidians intended to commit suicide. But under cross-

examination, the government's audio expert admitted altering the transcripts after meeting with the chief prosecutor."

Ray Jahn told the Tribune-Review that this allegation was a "bunch of beans" and said the defense team had full access to all of the tapes, amounting to over 100 hours of audio time, and the right to have them played.

DeGuerin, laughing, said while technically Jahn was correct, the defense team didn't have "200 people working the case" as the prosecution did, and the resources to examine all of the evidence thoroughly.

He said he was disturbed that the prosecution had omitted parts of the tapes that had the Davidians praying, and children screaming as tanks began knocking down the compound walls.

Sara L. Bain, forewoman of the jury and a San Antonio teacher, said she was concerned the prosecution was not "presenting all the evidence."

Bain cited the fact that a metal door, said by witnesses to have shown a barrage of bullets which the Davidians claimed demonstrated the ATF made the initial attack, was said to be destroyed in the compound's subsequent fire.

"The other metal doors were found, they didn't melt, some were even run over by tanks and were recovered," a suspicious Bain said.

DeGuerin agreed the door, a key point of evidence, was significant in its absence, but pointed out "I don't think Ray Jahn has any idea what happened to the door."

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A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Wednesday, June 28, 1995

Grand Jury Examines Foster Matters

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—With Senate hearings into the handling of documents from the office of the late White House Deputy Counsel Vincent Foster set for mid-July, Independent Counsel Kenneth Starr's staff has been feverishly attempting to wrap up their investigation—which is already a year behind schedule.

News Analysis

This time last year, Special Counsel Robert Fiske was set to end his probe into the removal and handling of documents from Foster's office, giving a green light for the findings to be aired at congressional hearings last summer.

But within days of releasing his conclusions last July, Fiske balked and asked for more time. His report would have reportedly cleared White House officials of any wrongdoing, including Fiske's friend, resigned White House Counsel Bernard Nussbaum.

Congressional investigators told the *Tribune-Review* the apparent reason for the delay was that Fiske's staff admitted to the investigators that several key White House officials had never been interviewed, and were unavailable for interviews by congressional investigators.

For example, Fiske's staff had never interviewed Charles Easley, the White House staffer in charge of safe combinations, including Foster's.

In an interview earlier this year, Fiske wouldn't comment on the delay, saying only that he needed more time.

Despite the long lag time given to Independent Counsel Kenneth Starr, who took over for Fiske in August 1994, sources familiar with the probe suggest that Starr's probe been less than exhaustive.

"We were not given all the access we needed," one prosecutor familiar with

Starr's probe said.

Another lawyer familiar with the inquiry said that all White House security personnel, including those in the Clinton's private residence, had not been interviewed by Starr's investigators, even though documents from Foster's office had been transported to the private quarters.

Three individuals who were working in the White House residence at the time of Foster's death, including one member of the Secret Service, told the *Tribune-Review* they had yet to be interviewed by anyone on Starr's staff.

Another member of the residence staff said they had understood that papers belonging to Foster had been stored in a converted office on the third floor of the White House residence.

Starr has been utilizing his Washington grand jury to review the handling of documents after Foster's death as well as the subsequent police death investigation.

SIGNIFICANCE OF DOCUMENTS

Papers taken from Foster's office shortly after his death have been considered a key element in unlocking the mystery surrounding his death. On the day of his death, Foster, according to official accounts, left his office at about 1 p.m. to violently take his own life at a roadside Virginia park just seven miles from the White House.

"That office, in any death investigation, would be considered part of the crime scene. Even more so because he died during the workday," former Army criminal investigator Gene Wheaton said.

Wheaton, a retired 25-year veteran of the Army's Criminal Investigation Division who has handled federal investigations—including homicides—is an expert witness who has looked in to the Foster case for a confidential party. He says it would be "essential" for investigators to know what Foster was working on to determine a motivation for his death.

Wheaton suggests that the quickness by which officials sought to enter Foster's

office and tamper with the scene, only should "heighten investigator's concerns about the case."

The entire Whitewater scandal erupted on Dec. 20, 1993, when the *Washington Times* reported that three senior aides entered Foster's office just hours after his body was discovered on the night of July 20.

According to the *Times*, park police sources confirmed that Whitewater documents were removed from Foster's office. The White House quickly confirmed that Whitewater documents were among the first papers removed from Foster's office.

At the time, Foster was not only deputy White House counsel, but the Clintons' private attorney, privy to all of their dealings.

Since the *Times* report, the White House gave differing versions of what happened to papers removed from the office. First, the papers were said to have been handed over to the president's attorney. Later, it was revealed that Hillary Clinton ordered the papers be put into a closet in the private residence, where they remained for a week until they were handed over to her husband's attorney.

Both Fiske and Starr have made a painstaking effort to reconstruct the papers as they were when Foster left his office for the last time.

But a number of experts believe that may be futile because of the long delay in securing and sealing the office by law enforcement and the high number of people who entered the office without supervision.

Another suspicious aspect is what is missing from official inventories for the office.

"You become suspicious when papers relating to a hot-potato issue are not accounted for, and should be there," said Thomas Scorza, a former federal prosecutor and lecturer of legal ethics at the University of Chicago.

Inventories of Foster's papers compiled by White House staffers shortly after his death show no files relating to one "hot-potato" issue, the White House Travel Office brouhaha.

The White House has told congressional investigators the files relating to the Travel Office were in cabinets outside his office. But one investigator found that hard to believe because of Foster's intimate involve-

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ment in the case, and the fact inventories of documents in his office showed files on cases that he was intimately involved with.

The House Committee on Operations is expected to open hearings into the Travelgate matter this fall. Foster's files will also be examined during those hearings, according to a staff member.

ACCOUNTABILITY

A separate issue relating to the files is an effort by officials to deny federal investigators access to Foster's office.

On the night of Foster's death, the park police requested that the White House secure and seal Foster's office. When police investigators arrived at Foster's office the morning after his death, they discovered this was not done.

The investigators were also denied access by the White House.

The police returned the following day and were not allowed independent access to the office, but stood by and watched as Nussbaum searched the office. FBI agents were told to sit outside the office in a hallway.

"It's a very serious issue," said William F. Roemer Jr., former lead agent for the FBI's Organized Crime Strike Force in Chicago and the bureau's most highly decorated living agent.

Roemer suggested that apparent efforts to thwart a federal criminal probe by denying access to federal investigators "raised the possibility of obstruction of justice."

"It's the tail wagging the dog," he said, arguing that the incident is an example of increasing Justice Department and White House interference in federal criminal investigations.

"The office should have been sealed immediately after it was known he (Foster) died. In earlier days, the FBI would have pursued this vigorously," he said.

Army investigator Wheaton agrees with Roemer.

"Determining which papers were taken

may be impossible. At this point, the grand jury may only be able to hold officials accountable for interfering in a criminal investigation," Wheaton said.

According to Scorza, the issue of possible obstruction of justice has to be determined by examining "the intent of officials at the time, was there a purpose or a hidden motive by officials in blocking access."

Park police investigator Sgt. Pete Markland told the Washington Post earlier this year. "The whole search of that office was absurd," adding that he believed White House aides "obviously had something to hide."

Markland told the Post that Nussbaum claimed executive privilege in not allowing police the right to independently review the documents, which Nussbaum sorted himself.

"He should know better," Scorza said, adding that Nussbaum as White House counsel should have been aware that invoking executive privilege would mean that the documents "should have been sealed, each document initialed and catalogued and then handed over to judicial authorities for a determination."

Another matter the grand jury can weigh, Scorza said, was whether Hillary Clinton attempted to mislead investigators in "the very curious" way she "ordered documents from the office to the personal quarters."

Markland also told the Post that Nussbaum searched a briefcase twice declaring, "It's empty." Several days later, the White House claimed they found Foster's so-called suicide note in the same briefcase.

DELIBERATIONS

Whether the grand jury will bring indictments against officials for possible obstruction of justice is still an open question.

As a technical matter, prosecutors present indictments and must sign off on them. If a grand jury believes "there was intent to obstruct justice" on the part of officials, they have the right to vote for indictments

without the consent of the prosecutors, Scorza said.

An indictment does not imply guilt. "It means there is evidence of a probable cause of a federal offense," Scorza said.

He emphasized that the grand jury does not decide on guilt or innocence, and that a trial is the fair and appropriate forum for that.

"If the grand jury were to hand down indictments in the case, I think they'd find a lot of people coming back to the witness stand to change their testimony," Wheaton speculated.

Aside from the serious issue of obstruction of justice in relation to the office, Wheaton believes that the grand jury also could seriously weigh indictments against officials for mishandling the death investigation of Foster "regardless of whether the case is a suicide or not."

Wheaton outlined some areas that the grand jury could review:

- Missing evidence - Crime scene Polaroid taken by a second police officer are missing and he says later photos don't match his recollection of the scene. Other 35mm photos were said to be underexposed in the police labs.
- Possible tampering with the crime scene - Photographic evidence supports contentions that Foster's hand was moved and the gun possibly tampered with after police arrived. Also, four witnesses, not members of the police, say a briefcase was in Foster's car. The police evidence report does not list a briefcase.
- Possible misrepresentation of witness statements.
- Evidence suggests that X-rays taken at the autopsy are now missing. The autopsy report and the police report state X-rays were taken but the medical examiner states the X-ray machine was broken.
- Discrepancies in sworn testimony as to the investigation and activities relating to the case.

Hiring of Renowned Scientist Paves Way for Fresh Review

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

The recent hiring by Independent Counsel Kenneth Starr of renowned forensic scientist Henry C. Lee to review the death of Vincent Foster has once again raised nagging doubts about Foster's alleged suicide.

Lee, one member of a panel of forensic experts assembled by Starr, reportedly is already reviewing evidence.

The independent panel will be reviewing the results of the original park police investigation, as well as the conclusions of an independent panel used by Special Counsel Robert Fiske's probe. Both concluded Foster committed suicide.

"Usually, experts don't like overturning another expert panel's conclusions," said Vincent Scalice, a former New York City police homicide expert. Scalice has reviewed various aspects of the Foster case.

He believes the experts may feel differently about this case.

Scalice says he has "a high opinion" of

Lee's ability, and thinks the new panel will not conclude Fiske's panel was wrong by coming to a different conclusion.

"There's more new information, evidence and testimony since the original review," Scalice said, adding "the new panel may just conclude differently based on new information."

Such new information might include photographic evidence unavailable to Fiske's team. One photo shows an apparent trauma wound to Foster's neck.

Additionally, grand jury proceedings this year produced a wealth of new information about the crime scene, a source said. At least 10 witnesses have also stated that FBI reports on interviews conducted by Fiske's staff did not accurately reflect their accounts.

Fiske's team also had several handicaps. Although the team included four eminent pathologists (two were employed by the federal government), Fiske never authorized a second autopsy.

It was also revealed at a Senate hearing that only two members of the panel bothered to view the crime scene at Fort Marcy,

though they certified he died at the spot he was found.

Another factor helping Starr's panel is the increasing recognition of the high number of inaccurate suicide rulings around the country.

This issue was featured as the cover story in the prestigious American Bar Association Journal this month in an article entitled "Body of Evidence: When Coroners and Medical Examiners Fail to Distinguish Accidents from Murders from Suicides. . . ."

"We're still living in the Dark Ages when it comes to death investigations," Dr. Michael Baden, the former chief medical examiner for the city of New York, told the Journal. "It's a national disgrace," he said.

Foster's autopsy was conducted by a Virginia medical examiner who has been challenged on two suicide rulings in recent years.

In one suicide ruling the murderer confessed. In a second case, a second autopsy showed the decedent may have been attacked before he died.

The empanelment of a new independent panel is one sign of a more assertive grand jury, and marks a reversal for Starr's Washington Deputy Mark Tuohey.

Tuohey, according to a source, had argued against a new panel early in the investigation.

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Wednesday, June 14, 1995

Foster Eyewitnesses Ignored

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

A couple present at Fort Marcy Park on the evening of Vincent Foster's death told the FBI last year that at least two individuals were in or around the White House aide's car shortly before his body was found.

The witness statements, which they claim were incorrectly recorded by U.S. Park Police, "were completely ignored" by the staff of former Independent Counsel Robert Fiske, a source close to Whitewater Independent Counsel Kenneth Starr said.

With the resignation of Associate Whitewater Counsel Miquel Rodriguez in March, Starr's staff has apparently also chosen not to re-investigate the matter.

The witness statements add to the several dozen inconsistencies and discrepancies in the suicide ruling, homicide experts say.

FIRST SIGHTING

Foster's body was found in the Civil War roadside park shortly after 6 p.m. July 20, 1993—approximately five hours after he had left the White House West Wing.

No one saw him alive, as far as anyone is concerned, from the time he passed a Secret Service checkpoint at 1 p.m. that fateful afternoon until his lifeless body was found at Fort Marcy.

described as "mid to late 40s, appeared unclean and unkempt."

The male witness said he saw the unkempt man standing near Foster's car after they had backed into a parking spot, giving him a clear view of Foster's car to his right.

The couple said they sat in their car until about 6 p.m., and then exited the car to have their picnic. They first learned of a problem, they said, when emergency workers stumbled upon them during a search for the body shortly after 6 p.m.

MISREPRESENTATION?

The park police report gives a decidedly different representation of their accounts.

The scene investigation report, prepared by plain-clothes investigator Cheryl Braun, contains the only witness statements of persons found in the park after police arrived. That report cites the couple as having observed "a small car with a man without a shirt sitting in it" who the couple was quoted as saying "left shortly after their arrival."

The man with the long blond hair who had the hood raised is described in this way: "The final vehicle they observed was a light colored older model that pulled in next to the deceased vehicle. The hood was raised, the hood up, went into the woods for a short time and then left."

Other Witnesses Still Unexplained

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

The couple who saw persons in and around Vincent Foster's car at Fort Marcy Park were not the only persons ignored during the investigation of Whitewater prosecutor Robert Fiske.

To date, no one can account for several men seen wearing orange vests in the park, as well as park visitors who entered after police arrived.

According to a source familiar with the probe, several people entered during the night through a rear entrance and encountered park police. The police had not secured that entrance.

The officers also violated standard police procedure by not recording the names of the individuals who came into the park on the night of July 20, 1993.

And then there were the mysterious men wearing orange vests. A park police officer has acknowledged to Starr's inquiry that after police arrived at the park and well after the end of the workday, they discovered several men wearing

FOIA # none (PARTS 16371) DocId:70105854 Page 31

cle. She said he had dark hair and could have been bare chested."

As the driver of the car, she had an unobstructed view of Foster's car, which was parked to her immediate left.

Her male companion told the FBI that he remembered the hood of the vehicle was up and a white male was standing near the hood of Foster's car. He was

report and the police report.

STATEMENTS OVERLOOKED

Fiske's 58-page report makes no mention of the witness statements, which were part of his investigation and released by the Senate Banking Committee this year.

According to a source close to the investigation,

Rodriguez believed the witness statements were supportive of evidence Foster's body had been transported to the park.

No time has ever been nailed down for Foster's death, and the Fiske report concludes death could have occurred from the time Foster left the White House up until the time the body was found.

Now available from the Western Journalism Center "An Independent Report Re: The Death of Vincent W. Foster Jr." Compiled by 2 leading homicide experts formerly with the New York City Police Department. Their report offers a number of startling conclusions that challenge the official suicide ruling of Foster's death. By receiving this confidential report you will learn why the experts have concluded that homicide has not been ruled out in Foster's death. You will also learn why the

experts believe Foster's body was moved to Fort Marcy Park. These and other important conclusions are in this valuable report. The Western Journalism Center is also offering with this report a compilation of Christopher Ruddy's news reports in the Pittsburgh Tribune-Review. The independent report and Ruddy's articles are available for only \$9.95.

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The witness statements, which they claim were incorrectly recorded by U.S. Park Police, "were completely ignored" by the staff of former Independent Counsel Robert Fiske, a source close to Whitewater Independent Counsel Kenneth Starr said.

With the resignation of Associate Whitewater Counsel Miquel Rodriguez in March, Starr's staff has apparently also chosen not to re-investigate the matter.

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FIRST SIGHTING

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No one saw him alive, as far as authorities are concerned, from the time he passed a Secret Service checkpoint at 1 p.m. that fateful afternoon until his lifeless body was discovered at Fort Marcy.

The first firm sighting of his car was at approximately 4:30 p.m., by a motorist who entered the small parking lot off the George Washington Memorial Parkway, according to an FBI report.

The motorist noted a Honda with Arkansas plates in one of the first spots in the lot, fitting the location and description of Foster's car.

The motorist also observed another car, probably of Japanese make, parked several spots past Foster's car. The car was occupied by an individual described as a male in his late 20s, probably Mexican or Cuban, with a dark complexion.

When the motorist left his car to urinate in some nearby woods, he said the male occupant left his car and followed him, making the motorist "feel extremely nervous and uneasy."

The motorist quickly relieved himself and left.

KEY STATEMENTS

Shortly after 5 p.m. a couple who have sought to keep their identities secret drove up to the park to enjoy a late picnic.

Both told Fiske's FBI investigators just over a year ago that when they entered the parking lot there was only one car parked in the lot, and their descriptions are generally consistent with Foster's 1989 Honda and its placement in the lot.

The female visitor told the FBI she believed that "a white male was seated in the driver's seat" of the vehicle. She said he had dark hair and "could have been bare chested."

As the driver of the car, she had an unobstructed view of Foster's car, which was parked to her immediate left.

Her male companion told the FBI that he remembered the hood of the vehicle was up and a white male was standing near the hood of Foster's car. He was described as "mid to late 40s, appeared unclean and unkempt."

The male witness said he saw the unkempt man standing near Foster's car after they had backed into a parking spot, giving him a clear view of Foster's car to his right.

The couple said they sat in their car until about 6 p.m., and then exited the car to have their picnic. They first learned of a problem, they said, when emergency workers stumbled upon them during a search for the body shortly after 6 p.m.

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The man with the long blond hair who had the hood raised is described in this way: "The final vehicle they observed was a light colored older model that pulled in next to the deceased vehicle." The driver then pulled his hood up, went into the woods for a short time and then left.

After being shown the park police statement of her account, the female witness told the FBI that the police statement was not true, and did not match her recollection of what she told them.

The police statement implies that two cars, in addition to Foster's Honda, were observed by the couple, who saw persons either in a car or with the hood up.

The FBI witness statements make clear that the male and female both saw only one car, apparently Foster's, and individuals in or around it.

In two interviews this year, the female witness told the Tribune-Review that she stood by her account to the FBI, which she said is consistent with her male friend's statement of seeing only one car parked in the lot.

The only other vehicle that parked in the lot while they were there was a white utility van. Fiske's investigators concluded the van driver was the first person to find Foster's body.

An older model car was driven into the lot, as noted in the police report, but contrary to that report never parked. The driver just turned and left, according to an FBI witness statement.

The female witness stated she has never been contacted by anyone on Starr's staff, nor has she or her friend been summoned before a grand jury.

A spokesman for the park police, Maj. Robert Hines, said Officer Braun was not available for comment on the case. He added that the park police stood by her report and the police report.

STATEMENTS OVERLOOKED

Fiske's 58-page report makes no mention of the witness statements, which were part of his investigation and released by the Senate Banking Committee this year.

According to a source close to the investigation, Rodriguez believed the witness statements were supportive of evidence Foster's body had been transported to the park.

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According to a source familiar with the probe, several people entered during the night through a rear entrance and encountered park police. The police had not secured that entrance.

The officers also violated standard police procedure by not recording the names of the individuals who came into the park on the night of July 20, 1993.

And then there were the mysterious men wearing orange vests. A park police officer has acknowledged to Starr's inquiry that after police arrived at the park and well after the end of the workday, they discovered several men wearing orange vests who claimed to be park maintenance workers clearing a park trail.

The park police did not record their names or positively identify them.

Fairfax County rescue worker Todd Hall was among the first at the scene.

Sources in Whitewater Independent Counsel Kenneth Starr's probe were aware that he told the grand jury that when he first arrived at the death scene, he thought he saw a man wearing an orange vest running from the body on a footpath just below the slope where Foster's was found. The man, Hall reportedly said, was running toward the rear entrance.

During grand jury proceedings, park police claimed they were unaware of the second entrance. Prosecutors had evidence, however, that police were regularly stationed at the rear entrance during the Gulf War, since the entrance is directly across the street from the Saudi Arabian ambassador's residence.

Park police spokesman Major Robert Hines said he was unaware of additional persons in the park and couldn't comment on the matter.

"Every investigation is not perfect. We are

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

Thursday, June 15, 1995

Foster's Death: What and When Did the White House Know?

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

When it comes to the death of Deputy Counsel Vincent W. Foster Jr., the question remains: what did the White House know and when did they know it?

Another question: if Foster was not identified as a White House official until at least an hour and a half after police arrived, why were police officers associated with an elite federal unit on the scene within 45 minutes?

Evidence suggests that White House officials were informed of Foster's death July 20, 1993 at least an hour before they claim to have been initially notified.

Recently, Whitewater Independent Counsel Kenneth Starr apparently reopened an examination into the time discrepancy. His staff questioned an Arkansas trooper who received a phone call informing him of Foster's death from a White House staffer before the White House claims to have been officially notified.

The time discrepancy, apparent from public documents relating to the case, was first investigated by Miquel Rodriguez, who was Starr's lead prosecutor probing Foster's death. The discrepancy was first reported by London's Sunday Telegraph.

According to a well-informed source, Rodriguez believed the time discrepancy was an important clue in unmasking a possible cover-up into Foster's death. Rodriguez, an assistant U.S. Attorney

in Sacramento, would not comment on the case and referred all calls to Starr's office.

The Tribune-Review reported Rodriguez resigned from the prosecutor's staff in March because he believed he was not allowed to explore inconsistencies and discrepancies before Starr's Whitewater grand jury in Washington.

SPECIAL FORCES

By January of this year, as the grand jury began taking a cursory look into Foster's death, Rodriguez found evidence that police officers associated with the U.S. Park Police's special forces—an elite unit with close ties to White House security—showed up at the park by 7 p.m., the source said.

These officers have never been identified in the police report, congressional reports or any FBI report.

U.S. Park Police spokesman Maj. Robert Hines said he was unaware of the presence of such officers. He said the special forces unit was the police's "SWAT team . . . involved in sensitive duties."

Rodriguez apparently believed the introduction of these elite officers to a crime scene seriously diminished park police claims that the death scene did not strike them as unusual, and that the White House was not notified until 8:30 p.m.

SECRET SERVICE MEMO

Earlier this year, the Senate Banking Committee released documents relating to the Fiske investigation into Foster's death, which was the original

Prosecutor Robert Fiske.

One document, a Secret Service memorandum, was written on the night of Foster's death, a minute after 10 p.m.

Foster's body was found by officials shortly after 6 p.m. in the small Virginia roadside park just seven miles from the White House.

The memo states that at 8:30 p.m. Lt. Pat Gavin of the park police contacted Lt. Woltz, a uniformed member of the Secret Service. This is the official version of White House notification of Foster's death.

Strangely, no member of the president's entourage would be informed for another 45 minutes, until about 9:15, while the president was on the "Larry King Live" television program.

And if the official notification was indeed made by Gavin at 8:30 p.m., other testimony then becomes inconsistent.

Cheryl Braun, then a park police investigator, told Fiske's FBI agents that she searched Foster's car at about 7 p.m. and found his White House ID, at which point she asked an unidentified officer to call Lt. Gavin, the police shift commander on duty that night.

The officer apparently failed to do so, and Braun said she herself called Gavin between 7:30 p.m. and 7:45 p.m.

Gavin was unreachable for comment. He did tell Fiske's FBI investigators that he notified the White House within 10 minutes of being informed of Foster's White House ID—which still would have made the official notification

tion a half hour to an hour before the time mentioned in the Secret Service memo.

Gevin also told the Sunday Telegraph that he was notified not by Braun, but by park police investigator John Rolla.

And Rolla gives still another story as to the time he discovered Foster was a White House official.

Rolla, in his sworn deposition before Banking Committee investigators last summer, as well as in his FBI statement of last year, said he searched the car after the death scene had been cleared and the body removed to Fairfax County Hospital.

"I believe I went through the passenger's door first and lifted up the suit jacket, observed the White House identification with his picture and name on it," Rolla said in his deposition, directly contradicting Braun's version of events.

Rolla was explicit in saying this search was conducted after the death scene had been cleared.

Fiske placed the approximate time of the removal of the body from the scene at 8:45 p.m.—meaning Rolla didn't begin his search until after the official 8:30 p.m. notification time.

Hines was unaware of any discrepancy involving the time the White House was contacted. He said if there was a delay, it probably occurred because investigators "didn't think of suicide as a big deal."

He said police are trained to be sensitive to handling cases involving offi-

cial, but the officers, even with his ID, were unaware of Foster's level at the White House.

TROOPER'S VERSION

The Telegraph also reported that in an affidavit, Trooper Roger Perry states that on the night of Foster's death, while on guard duty at the Arkansas governor's mansion, he answered a call from Helen Dickey, an assistant to the Clinton family working in the White House.

Before being put through to Gov. Jim Guy Tucker, Dickey related to Perry that Vince Foster had killed himself.

"She told me that Vince got off work, went out to his car in the parking lot, and shot himself in the head," Perry recalled.

Perry, in his affidavit, states the call came from Dickey no later than 7 p.m. Arkansas time, 8 p.m. Washington time—a half hour before the White House claims to have been notified.

But Perry believes, based on the remembrances of others he notified after Dickey's call, her call may have come in much earlier, shortly after 6 p.m. Washington time.

Perry's recollection is buttressed by the sworn statement of State Trooper Larry Patterson and Lynn Davis, former head of the Arkansas State Police.

They both claim Perry contacted them immediately after receiving Dickey's call—and they both place the time before 7 p.m. Washington time—a

full hour and a half before the White House claimed to have been notified.

Perry's remembrance of Helen Dickey's account of Foster being found dead in his car—a story he had told long before the Secret Service memo had been released—finds corroboration in the memo.

The Secret Service memo reads: "On the evening of 7/20/93, unknown time, U.S. Park Police discovered the body of Vincent Foster in his car. The car was parked in the Ft. Marcy area of Virginia near the George Washington Parkway. Foster apparently died of a self-inflicted gunshot wound to the head. A .38 caliber revolver was found in the car."

Foster was found, according to officials, 700 feet from his car near an old civil war cannon. Investigators for Fiske and Starr have deemed the memo's account "an honest mistake" according to one source.

Another source familiar with the investigation believes the "body-in-the-car" scenario may have been an initial attempt to cover up the unusual circumstances of death, considering Foster's body was found lying on a steep hill, in a neat position amidst dense foliage and brush. The source said it would be difficult to imagine that the circumstances of death of a high official would be so dramatically confused, and not verified by the Secret Service before being disseminated through the chain of command.

To : HICKMAN EWING JR
From : L W.

Foster Update June 11, 1995

1. The AP story that follows was carried by CBS Evening News with Dan Rather and by CNN on Friday.

2. During an interview with Bob Grant of WABC (New York's most listened to talk program) presidential candidate Pat Buchanan reacted to Grant's question about the Lee appointment by saying, "Although I think Foster took his own life in Fort Marcy Park, Chris Ruddy has raised a lot of valid questions. Let's get it all out on the table."

3. June 10 report in the Pittsburgh Tribune Review follows:

Top Forensic Pathologist Tapped for Foster Probe

Washington(AP)--Nationally known forensic scientist Henry C. Lee is helping Whitewater prosecutors by reviewing the death of White House lawyer Vincent Foster two years ago.

Lee, whose expertise has been sought in prominent trials such as the OJ Simpson case, said Friday that he agreed to review the prosecutors' investigatory reports about Foster's July 1993 death to determine if they support the original finding of suicide.

"I think that is the major issue," Lee said in a telephone interview from his office in Connecticut, where he is the state's chief forensic scientist.

Lee said he met with Whitewater prosecutors three weeks ago in Washington and thus far he has conducted only an initial examination of some documents. But he said he expected to "use some of my spare time, my weekend time, to assist," the prosecutors.

Mark Tuohey, the prosecutor in charge of the Washington office of Whitewater Independent Counsel Kenneth Starr, declined comment Friday through his office.

Lee's emergence in the case is one more twist in the agonizing review into the death of one of President Clinton's closest advisers, which twice has been ruled a suicide but still remains under investigation.

Starr appeared close to ending his probe a few months back. But then, the prosecutor assigned to the Foster death resigned after lawyers for several witnesses complained about his tough questioning before a grand jury in Washington.

Lee said Tuohey contacted him about three weeks ago.

In late April, the Western Journalism Center, a California non-profit organization that supports investigative journalism, issued a report on the Foster case compiled by two former New York police homicide experts.

Vincent Scalice and Fred Santucci reviewed the crime scene at Fort Marcy Park (where Foster's body was discovered), along with numerous reports, and had laboratory analyses conducted by one of the nation's top forensic scientists, Dr. Richard Saferstein.

Their report concluded that homicide has not been ruled out in the death and that it was very likely that Foster's body had been transported to the park. The report also stated that the 1913 Colt found in Foster's right hand had likely been staged.

As White House deputy counsel, Foster was in the middle of many of the Clinton administration's early problems from health care reform to the White House travel office scandal. His body--gun in hand and with a single wound to his head--was found in a suburban park near Washington on July 20, 1993.

U.S. Park Police ruled Foster's death a suicide.

Whitewater prosecutors opened a review, however, after paramedics who attended the scene publicly questioned the suicide ruling. Prosecutors are also interested in Whitewater documents that were removed from Foster's office after his death.

The first Whitewater prosecutor, Robert Fiske, brought in homicide and forensics experts to review the death, and issued a report last summer reaffirming the Park Police finding that it was a suicide.

But then a panel of federal appellate judges that oversees independent counsel investigations replaced Fiske with Starr.

Due to continuing doubts about the suicide ruling, Starr launched his own review, bringing in new experts to study the evidence.

But none to date have had the stature of Lee, who in two decades has built the Connecticut State Police Crime laboratory into one of the nation's most respected crime scene investigative agencies.

The veteran of hundreds of crime scenes in the United States and abroad, Lee gained national notoriety when he helped Connecticut prosecutors convict a man who had run his wife's body through a wood chipper. He identified minute fragments of bone, teeth and fingernails as those of the victim.

More recently, Lee was hired as an expert court witness and helped defense lawyers in the rape trial of William Kennedy Smith, who was acquitted.

Last year, Simpson's defense team hired him. He is expecting to testify in that murder trial this summer.

JUNE 11, 1995

by Ambrose
Evans-Pritchard in
Washington

IT IS now clear to everybody that the Independent Counsel investigating the labyrinth of Clinton scandals known as Whitewater is working from the premise that Vincent Foster may have been murdered.

That was the obvious message behind the move that stunned Washington insiders last week when it was announced that a top forensic scientist had been appointed to review the death of Foster, the Deputy White House Counsel whose body was found on July 20, 1993.

The small band who have accused the government of an elaborate cover-up in the Foster case can no longer be glibly dismissed as conspiracy theorists.

The forensic expert, Henry C. Lee, is a household name in the US. The first thing he may want to look into is whether or not the autopsy report by the Virginia Medical Examiner's Office was fabricated to make it look as if Foster committed suicide.

According to the official version, Foster shot himself in the mouth with a .38 calibre Colt revolver of Edwardian vintage, a gun that his family was unable to identify. Somehow, he managed to fire it with both hands gripping the barrel — which is almost impossible to do, according to some homicide experts. The gun, which has a fierce recoil, jumped back out of his mouth without chipping his teeth or leaving any marks on his gums. It landed neatly by his side, still jammed in his right hand.

The autopsy report says that the exit wound in the



Seeking truth: some of the doubt cast by this paper

back of the head was one inch by 1.25 inches. This is curious because no skull fragments were ever found. The bullet was not found either.

The Fairfax County paramedics who retrieved the body from a secluded Virginia park were struck by the lack of blood at the scene. Gunshot wounds of this kind would normally leave an abundant splattering of blood. One of the rescue workers, Corey Ashford, helped put the body in a bag for transport to the morgue.

"Ashford lifted Foster from behind the shoulders, cradling the victim's head," reads the FBI synopsis of his statement. "Ashford did not recall seeing any blood while placing Foster in the bag. Ashford did not recall any blood getting on his uniform or on the disposable gloves he wore while handling the body."

Roger Harrison, another paramedic, helped Ashford with the body. He told the FBI that he "did not recall seeing any blood on Foster

and did not recall seeing any blood on individuals handling the body".

Also present was a paramedic Richard Arthur who believed that Foster had been murdered. He did not see an exit wound in the back of the head. In his FBI statement he said Ashford told him later that "Foster's head was intact and he had not observed any exit wound".

So, who did see this gaping hole in the back of Foster's head? Not the doctor who certified death, which is a bit surprising. According to his FBI statement, Dr Julian Orenstein of the Fairfax Hospital lifted the body by the shoulders "to locate and observe the exit wound on the decedent's head".

But he told *The Sunday Telegraph* that he did not in fact see an exit wound. "I never saw one directly," he said. "I didn't spend too much time looking back there. My suspicions weren't aroused." He was unaware, however, that somebody in the FBI had apparently misrepresented his testimony.

White House death: murder theory comes under scrutiny



Not resting in peace: Vince Foster's death was officially recorded as suicide

X-rays would settle the dispute. According to the autopsy report X-rays were taken, and Virginia's Assistant Chief Medical Examiner, Dr James Beyer, is quoted in the US Park Police report discussing them. But they seem to have disappeared. Dr Beyer now says that the X-rays were never taken because the machine was not working properly. The contradiction is unexplained.

All that is left to go on is a set of photographs taken during the autopsy. Some of the prints show a rod, used in such examinations, pushed through the mouth and coming out at the back of the head. But they are profile shots that are easy to manipulate.

Dr Donald T. Reay, chief medical examiner of King County in Seattle and one of four outside experts brought in by the Fiske investigation last year to review the death, told *The Sunday Telegraph* that he could not remember seeing a photo that gave a clear view of the exit wound. His panel concluded that Foster "shot himself where he was found".

The embalming of the body was done by Robert J. Murphy in Arlington, Virginia. This is unusual. Murphy has a classified contract

with the US Defence Department. His firm allegedly provides cover stories for operatives killed on secret assignments overseas, according to an intelligence source who has had direct dealings of this nature with the funeral home. The waiting room is decorated with commemorative certificates from military units.

From there the body was taken to the Reubel Funeral Home in Little Rock, Arkansas, for final viewing. The director, Tom Wittenberg, was asked by a private investigator in Arkansas what the exit wound looked like. He replied: "What if I told you there was no exit wound?"

But when pressed on the matter, Wittenberg refused to elaborate. He told *The Sunday Telegraph* that he checked the hair, face, suit and hands, but did not lift the body. "I didn't want to look at Vince," he said, explaining that he had close ties to the Foster family.

Investigators working for the Independent Counsel, Kenneth Starr, are starting to look into the possibility that the exit wound was fabricated in order to make it appear as if the powerful .38 calibre revolver found in Foster's hand was the cause of death.

A .22 calibre weapon —

typically used for close-up assassinations — would tend to produce a tiny exit wound in the shape of a disk. The trajectory of the shot would also tend to be lower, with the bullet coming out through the back of the neck.

Ultimately, the Starr investigation may have to exhume the body to get to the truth. "It would be a last resort," said a well-placed insider. "But in the end we might have to do that."

A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Tuesday, June 13, 1995

Missing Briefcase Could Be Key in Solving Vince Foster Mystery

Editor's Note: Last week's announcement that nationally-renowned forensic scientist Henry C. Lee was reviewing evidence in the Vincent Foster death has renewed interest in the shooting of the White House aide. In this four-part series, investigative reporter Christopher Ruddy takes a look at the discrepancies and inconsistencies in the official reports of Foster's death.

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

Testimony would seem to indicate that a briefcase in the car of Vincent Foster was removed after U.S. Park Police arrived at his death scene July 20, 1993.

The briefcase, which may have carried important documents, was never listed on official evidence reports compiled by park police who conducted the first investigation into the White House deputy counsel's death.

Foster was found dead of an apparent gunshot wound to the head in Ft. Marcy Park. His unoccupied car, a 1989 Honda, was found in the park's parking lot.

Several witnesses—before and after the arrival of the park police—have claimed they saw a briefcase in Foster's car.

Park police spokesman Maj. Robert Hines said the police are sticking with their version that no briefcase was in the car. He suggested that witnesses may have seen something else that they thought was a briefcase.

The briefcase issue became a focus of serious inquiry in January before a federal grand jury sitting in Washington to probe Whitewater-related matters.

Associate Independent Counsel Miquel Rodriguez was seriously pursuing several apparent inconsistencies in Foster's death and the subsequent police investigation.

Rodriguez resigned in March, according

to sources, because he believed his superior, Deputy Independent Counsel Mark Tuohy, was not allowing him to conduct a full grand jury probe into Foster's death.

Rodriguez declined to comment on the case, referring all inquiries on the matter to the Independent Counsel's office.

FIRST WITNESS

The arguments over the existence of a briefcase first surfaced during the investigation by Robert Fiske, the original Whitewater prosecutor.

According to documents from the Fiske investigation into Foster's death, the first witness to observe Foster's car at Ft. Marcy was a motorist who noted the car's Arkansas plates at approximately 4:30 p.m.

The motorist told the FBI last year that after exiting his vehicle for a brief time, he returned to his car and "he observed in this Honda a leather briefcase or leather folder on the passenger side seat."

Another witness, a van driver who Fiske claimed first discovered Foster's body and is now identified as CW, or the confidential witness in the Fiske report, reportedly told the grand jury that he, too, saw a briefcase in Foster's car.

According to a source familiar with the probe, at least two Fairfax County emergency workers present at Ft. Marcy also testified before the grand jury they saw a briefcase in Foster's car.

Paramedic Sgt. George Gonzalez told Fiske's investigators "The Honda contained a necktie, suit coat, and a black briefcase/attaché case."

Emergency Medical Technician Todd Hall also told the grand jury and Fiske's FBI investigators he saw a briefcase in the car, according to the source.

FOUR VERSUS FOUR

Another source familiar with new Whitewater Independent Counsel Kenneth

Starr's probe admitted the briefcase discrepancy has not been pursued, stating "Four witnesses say there was a briefcase, four say there wasn't."

The four officials swearing there was no briefcase were all park police officers.

But Rodriguez, according to a source, disagreed with that view, believing "the police had everything to lose and the four other witnesses had no reason to lie," the source said.

Thomas Scorza, a former federal prosecutor and lecturer of legal ethics at the University of Chicago, suggested the briefcase is "important, not in an isolated way, but in the context of other discrepancies."

"I wouldn't say don't follow it because it's four versus four on the witness stand," he said. "When you have a pattern of these discrepancies, a prosecutor should pursue the matter vigorously."

PHOTO AND LEAKS

Other evidence indicated the presence of a briefcase. A Polaroid of Foster's car taken by park police showed a briefcase on the ground.

Early in the grand jury process, a high level source in the Starr investigation was quoted in an Associated Press report as detailing the probe's focus on the briefcase.

At the time, Rodriguez told associates that he believed the leak, a violation of grand jury secrecy rules, had seriously undermined the investigation by giving officials time to possibly prepare testimony.

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An older model car was driven into the lot, as noted in the police report, but contrary to that report never parked. The driver just turned and left, according to an FBI witness statement.

The female witness stated she has never been contacted by anyone on Starr's staff, nor has she or her friend been summoned before a grand jury.

A spokesman for the park police, Maj. Robert Hines, said Officer Braun was not available for comment on the case. He added that the park police stood by her report and the police report.

STATEMENTS OVERLOOKED

Fiske's 58-page report makes no mention of the witness statements, which were part of his investigation and released by the Senate Banking Committee this year.

According to a source close to the investigation, Rodriguez believed the witness statements were supportive of evidence Foster's body had been transported to the park.

No time has ever been nailed down for Foster's death, and the Fiske report concludes death could have occurred from the time Foster left the White House up until the time the body was found.

Other Witnesses Still Unexplained

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The couple who saw persons in and around Vincent Foster's car at Fort Marcy Park were not the only persons ignored during the investigation of Whitewater prosecutor Robert Fiske.

To date, no one can account for several men seen wearing orange vests in the park, as well as park visitors who entered after police arrived.

According to a source familiar with the probe, several people entered during the night through a rear entrance and encountered park police. The police had not secured that entrance.

The officers also violated standard police procedure by not recording the names of the individuals who came into the park on the night of July 20, 1993.

And then there were the mysterious men wearing orange vests. A park police officer has acknowledged to Starr's inquiry that after police arrived at the park and well after the end of the workday, they discovered several men wearing orange vests who claimed to be park maintenance workers clearing a park trail.

The park police did not record their names or positively identify them.

(Sidebar Continued)

Fairfax County rescue worker Todd Hall was among the first at the scene.

Sources in Whitewater Independent Counsel Kenneth Starr's probe were aware that he told the grand jury that when he first arrived at the death scene, he thought he saw a man wearing an orange vest running from the body on a footpath just below the slope where Foster's was found. The man, Hall reportedly said, was running toward the rear entrance.

During grand jury proceedings, park police claimed they were unaware of the second entrance. Prosecutors had evidence, however, that police were regularly stationed at the rear entrance during the Gulf War, since the entrance is directly across the street from the Saudi Arabian ambassador's residence.

Park police spokesman Major Robert Hines said he was unaware of additional persons in the park and couldn't comment on the matter.

"Every investigation is not perfect. We are standing behind our investigation," he said.

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Foster Eyewitnesses Ignored

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

A couple present at Fort Marcy Park on the evening of Vincent Foster's death told the FBI last year that at least two individuals were in or around the White House aide's car shortly before his body was found.

The witness statements, which they claim were incorrectly recorded by U.S. Park Police, "were completely ignored" by the staff of former Independent Counsel Robert Fiske, a source close to Whitewater Independent Counsel Kenneth Starr said.

With the resignation of Associate Whitewater Counsel Miquel Rodriguez in March, Starr's staff has apparently also chosen not to re-investigate the matter.

The witness statements add to the several dozen inconsistencies and discrepancies in the suicide ruling, homicide experts say.

FIRST SIGHTING

Foster's body was found in the Civil War roadside park shortly after 6 p.m. July 20, 1993—approximately five hours after he had left the White House West Wing.

No one saw him alive, as far as authorities are concerned, from the time he passed a Secret Service checkpoint at 1 p.m. that fateful afternoon until his lifeless body was discovered at Fort Marcy.

The first firm sighting of his car was at approximately 4:30 p.m., by a motorist who entered the small parking lot off the George Washington Memorial Parkway, according to an FBI report.

The motorist noted a Honda with Arkansas plates in one of the first spots

in the lot, fitting the location and description of Foster's car.

The motorist also observed another car, probably of Japanese make, parked several spots past Foster's car. The car was occupied by an individual described as a male in his late 20s, probably Mexican or Cuban, with a dark complexion.

When the motorist left his car to urinate in some nearby woods, he said the male occupant left his car and followed him, making the motorist "feel extremely nervous and uneasy."

The motorist quickly relieved himself and left.

KEY STATEMENTS

Shortly after 5 p.m. a couple who have sought to keep their identities secret drove up to the park to enjoy a late picnic.

Both told Fiske's FBI investigators just over a year ago that when they entered the parking lot there was only one car parked in the lot, and their descriptions are generally consistent with Foster's 1989 Honda and its placement in the lot.

The female visitor told the FBI she believed that "a white male was seated in the driver's seat" of the vehicle. She said he had dark hair and "could have been bare chested."

As the driver of the car, she had an unobstructed view of Foster's car, which was parked to her immediate left.

Her male companion told the FBI that he remembered the hood of the vehicle was up and a white male was standing near the hood of Foster's car. He was described as "mid to late 40s, appeared unclean and unkempt."

The male witness said he saw the unkempt man standing near Foster's car after they had backed into a parking spot, giving him a clear view of Foster's

car to his right.

The couple said they sat in their car until about 6 p.m., and then exited the car to have their picnic. They first learned of a problem, they said, when emergency workers stumbled upon them during a search for the body shortly after 6 p.m.

MISREPRESENTATION?

The park police report gives a decidedly different representation of their accounts.

The scene investigation report, prepared by plainclothes investigator Cheryl Braun, contains the only witness statements of persons found in the park after police arrived. That report cites the couple as having observed "a small car with a man without a shirt sitting in it" who the couple was quoted as saying "left shortly after their arrival."

The man with the long blond hair who had the hood raised is described in this way: "The final vehicle they observed was a light colored older model that pulled in next to the deceased vehicle." The driver then pulled his hood up, went into the woods for a short time and then left.

After being shown the park police statement of her account, the female witness told the FBI that the police statement was not true, and did not match her recollection of what she told them.

The police statement implies that two cars, in addition to Foster's Honda, were observed by the couple, who saw persons either in a car or with the hood up.

The FBI witness statements make clear that the male and female both saw only one car, apparently Foster's, and individuals in or around it.

In two interviews this year, the female witness told the *Tribune-Review* that she stood by her account to the FBI, and said is consistent with her

male friend's statement of seeing only one car parked in the lot.

The only other vehicle that parked in the lot while they were there was a white utility van. Fiske's investigators concluded the van driver was the first person to find Foster's body.

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(Sidebar Continued)

Fairfax County rescue worker Todd Hall was among the first at the scene.

Sources in Whitewater Independent Counsel Kenneth Starr's probe were aware that he told the grand jury that when he first arrived at the death scene, he thought he saw a man wearing an orange vest running from the body on a footpath just below the slope where Foster's was found. The man, Hall reportedly said, was running toward the rear entrance.

During grand jury proceedings, park police claimed they were unaware of the second entrance. Prosecutors had evidence, however, that police were regularly stationed at the rear entrance during the Gulf War, since the entrance is directly across the street from the Saudi Arabian ambassador's residence.

Park police spokesman Major Robert Hines said he was unaware of additional persons in the park and couldn't comment on the matter.

"Every investigation is not perfect. We are standing behind our investigation," he said.

Reprinted from Pittsburgh's Tribune-Review

Wednesday, May 3, 1995

but he would on others

Policy Dispute Led to Shakeup in Foster Probe

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—The prosecutor and his top assistant assigned to investigate the death of White House deputy counsel Vincent W. Foster Jr. abruptly resigned earlier this year after sparring with their superior over how the grand jury probe of the case should proceed.

A Washington, D.C. law enforcement source close to the case says Miquel Rodriguez, an associate assigned to the office of Independent Counsel Kenneth Starr, called it quits when his supervisor, Deputy Independent Counsel Mark H. Tuohey III, allegedly:

- 1) Insisted that witnesses before a grand jury probing Foster's death be allowed to review evidence prior to testifying. Rodriguez, noting several discrepancies in the case, feared these previews would give witnesses time to rehearse and perhaps alter their testimony.
- 2) Refused a request from Rodriguez to decide which expert witnesses would be brought before the grand jury. Rodriguez wanted to summon independent experts—outside of the FBI—to explore inconsistencies in the case.
- 3) Interfered with Rodriguez's desire not to use FBI laboratory and forensic analyses for the case, Rodriguez was disturbed by previous FBI work and sought to use outside agencies, according to the source.

These new details have surfaced since the Tribune-Review first reported on Rodriguez's resignation last month. The report cited a number of reasons for his departure including the fact that Rodriguez believed he was not allowed to conduct a full grand jury probe and that witnesses were not being called quickly enough, allowing them to possibly adjust testimony.

On March 20, Rodriguez pulled up stakes in Washington and returned to his position as an assistant U.S. attorney in Sacramento, Calif. His assistant, a paralegal, also resigned

as a result of the disagreement with Tuohey, the source said.

Tuohey, former president of the Washington D.C. Bar Association, is leading up the Washington phase of Starr's investigation of the now infamous failed Arkansas Whitewater real estate dealings. As part of that probe, Starr is delving into the death of Foster, a close friend and counsel to Bill and Hillary Clinton, both involved in the Whitewater deal.

This week, a source close to Starr's Arkansas investigation said Rodriguez departed as a result of a "personality conflict" with Tuohey. *HE TO AP? MT??*

Both Rodriguez and Tuohey have declined to comment on the departure. Starr's office also has declined to comment on the issue.

POLICY DIFFERENCES *SEI MRSHIT*

The Washington source disagreed that Rodriguez resigned over personality issues.

The source said it was the mounting policy disputes between Rodriguez and Tuohey over the handling of the grand jury probe that eventually led to Rodriguez's departure.

After the grand jury probe began in January, Rodriguez had the investigation moving quickly, the source said.

"They (Rodriguez and his assistant) had people quaking," the source said. The case was so sensitive that even Tuohey was unaware of Rodriguez's daily plans to interrogate witnesses before the grand jury, the source added.

Soon, press reports surfaced that the Park Police were complaining of tough questioning by Rodriguez. Thereafter, Tuohey took a more active role in Rodriguez's day-to-day work, the source said.

One significant policy difference stemmed from Tuohey's alleged insistence that witnesses be allowed to review evidence before they were brought before the grand jury, the source said.

Rodriguez, noting many discrepancies in the case, feared that previewing evidence would allow witnesses time to prepare and make their testimony agree with those who had already testified. *Photos??*

Rodriguez would not comment on this specific allegation. Tuohey also declined to comment.

WITNESS ISSUE

Perhaps the most serious disagreement between Tuohey and Rodriguez related to the issue of deciding which expert witnesses were to be brought before the grand jury to explain the inconsistencies and unusual circumstances of the case, the source said.

According to the source, Rodriguez made substantial progress in building a case that Foster's body had been transported to the park and that the gun found in his hand had either been "moved or switched" after the Park Police arrived.

Last week, the Western Journalism Center, a California non-profit organization that supports investigative journalism, issued a report on the Foster case compiled by two former New York police homicide experts.

Vincent Scalice and Fred Santucci reviewed the crime scene at Fort Marcy Park (where Foster's body was discovered), along with numerous reports, and had laboratory analyses conducted by one of the nation's top forensic scientists, Dr. Richard Saferstein.

Their report concluded that homicide has not been ruled out in the death and that it was very likely that Foster's body had been transported to the park. The report also stated that the 1913 Colt found in Foster's right hand had likely been staged.

An official present at Fort Marcy Park on the night Foster died and who has testified before the grand jury, said he was shown enhanced photographs taken at the scene that suggested someone had moved Foster's hand.

Careful examination of the enhanced photos showed a glaring discrepancy, the official said.

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Rodriguez clashed with Tuohey over the issue of expert witnesses slated to testify to explain such inconsistencies before the grand jury, the source said. Rodriguez wanted to summon independent experts outside the FBI to explore inconsistencies revealed before the grand jury. He believed FBI experts were not interested in exploring

Classic Miquel

ILS - note - no criticism of MR; only of MT, et al. *AB* • ORR? - This is so detailed - direct, not indirect.

Poss. of MR talking to Ruddy. *AB* • MR spent a day w/ ENT's pre-testimony

FOIA # none (URTS 16371) DocId: 70105854 Page 49

Alex to meet w/ Ruddy at 4AM (EDT) today.

PROMIGUEL leak

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Rodriguez again declined to comment. Tuohy described the idea that he didn't want to have experts explore inconsistencies as "absolutely ridiculous."

THE FBI

According to the source, Rodriguez developed grave doubts about the FBI's ability to properly investigate the case. For example, important photographic evidence, said to be unusable by certain FBI experts, was turned over by Rodriguez to an outside agency that produced remarkable results.

Eventually, Rodriguez would refuse the use of FBI labs or forensic experts in the case—another point of contention with Tuohy.

The FBI's role in the Foster case comes late. Agents were first assigned to the investigation of Special Prosecutor Robert Fiske early in 1994, seven months after Foster's death on July 20, 1993. Starr was later named to replace Fiske to investigate the Whitewater affair.

Some controversy of FBI handling of the case has surfaced, for example with a confidential witness.

The confidential witness—also the man alleged to have first found Foster's body—charged that FBI agents had badgered him, and that his testimony, such as not seeing a gun in Foster's hand, had been misrepresented in the Fiske report.

A number of other issues involving the FBI have raised eyebrows inside and outside the bureau.

For example, some of the agents assigned

to the Foster case had little or no practical homicide experience.

Also, two FBI agents who worked for Fiske testified before the Senate Ranking Committee, which conducted a day of hearings related to Foster's death last year.

They drew several conclusions about the death—a function generally considered outside the investigative role of the FBI.

Several FBI sources expressed surprise that one of the agents during the Senate hearings dismissed the importance of trace evidence—multi-colored carpet fibers found on most of Foster's clothing. No effort was made to track the source of these fibers. Homicide expert Scalice said "the highly suspicious fibers could be the most important evidence of the case."

Earlier this month, the Tribune-Review quoted sources as questioning whether an excavation said to have been conducted by FBI lab personnel at Fort Marcy Park actually occurred.

Statements made in FBI reports of the excavation were disputed by a Park Service archaeologist and Smithsonian anthropologist who were present when the excavation allegedly took place.

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A statement issued by former FBI Director William Sessions may explain Rodriguez's concerns about bureau behavior.

In February 1994, Sessions wrote that he had been fired the day before Foster's death, and that his firing effectively "compromised"

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The Justice Department gave jurisdiction in the investigation of the death to the Park Police over the FBI—a decision that has been widely criticized.

Sessions, known for his integrity and non-partisanship, also stated that his firing was the result of a power struggle that had begun before Clinton took office. That struggle pitted the FBI director, seeking to maintain the FBI's political neutrality, against the Justice Department and White House.

Another development that may have affected the FBI's handling of the Foster probe in light of Rodriguez's difficulties was the resignation of the head of the FBI laboratory, Assistant Director John Hicks.

Hicks is highly regarded for modernizing the bureau's capabilities. Along with Sessions, he pioneered the FBI's entry into DNA analysis. Hicks retired early over several issues relating to the reorganization of the FBI implemented by Sessions' successor, Louis Freeh.

Soon after his appointment, Freeh quickly moved to reassign all special agents as specialists in FBI labs back into field investigations, sources confirmed.

Hicks opposed the reassignment on several grounds, including the fact that the removal left the labs staffed by technicians who he believed were more susceptible to political pressures.

Hicks, now affiliated with the Alabama State Crime Lab, declined to comment. Several bureau officials who served with Hicks on the Executive Committee confirmed the story.

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MR told me on 5/1 he told notes about his background (also told Ruddy) 004

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Recent news accounts have reported that Starr's office has been focusing its grand jury probe on documents removed from Foster's office, including a box apparently removed by a presidential aide.

But, the Washington law enforcement source said the office issue was "a diversion" from the serious issue of Foster's death.

The source denied that the removal of the box was a new development and said its removal was known by Fiske's staff early in their inquiry.

According to the source, he believes the internal problems in Starr's staff are partly a result of the "grand jury not knowing their full powers or how to use them."

An active and trained grand jury, "keeps the prosecutors on their toes," the source said. The source stressed the importance of the grand jury in this case because of the gravity of the issues involved, and the fact that certain law enforcement agencies may

not want full disclosure of the facts.

The source said the Foster case is basically a civil rights one since it challenges the government as to whether justice was properly administered in a politically sensitive case. The source suggested that Harvard-educated Rodriguez, noted for his handling of civil rights cases, was extremely well suited for the case.

Also, the District of Columbia, strongly represented by minorities and African-Americans sensitive to issues of civil rights and law enforcement agencies, should make for a grand jury less willing to accept law enforcement testimony at face value, the source added.

"No one has to explain to an African-American that the police or the FBI can be politically pressured," the source said, noting the FBI's controversial record vis-a-vis the civil rights movement and Dr. Martin Luther King Jr.

Thomas Scorza, a former Chicago federal prosecutor and professor of legal ethics at the University of Chicago, suggests that difficulties between Miquel Rodriguez and Mark H. Tushnet III, if true, are "very serious."

He said he found it unusual that a supervisor would be telling a working prosecutor such as Rodriguez how to handle a case, or demanding a type of witness to be called.

Scorza agreed that some internal problems of a case can be helped if the grand jury is not used as a "rubber stamp."

He said the grand jury "has the ultimate

power" in an investigation, which it can exercise through a number of "controls" on the prosecutor to ensure an investigation is thorough and proper.

Scorza outlined some of these sweeping powers:

- The active questioning of witnesses.
- The ability to subpoena witnesses. As a practical matter, the grand jury can't prepare a subpoena, but can vote to do so. If the prosecutor refused to consent, the jury can appeal to the supervisory judge.

Scorza said the grand jury has a legitimate right, for example, to have both Rodriguez and Tushnet subpoenaed before them where they could be questioned under oath to see if any interference in the proceedings took place. They can also vote to have expert witnesses brought that explain inconsistencies.

- The right to refuse to continue proceedings or to bring indictments.
- The right to vote for indictments. Scorza said as technical matter a prosecutor has to sign off on an indictment, and prepare the necessary forms, but nothing prevents a grand jury from voting indictments if they believe they discovered wrongdoing or a witness committed perjury. If the prosecutor doesn't comply, the jury can appeal to the supervisory judge.

"Just imagine if it comes out a grand jury voted to indict and the prosecutor refused to," Scorza explained.

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The Sunday Telegraph
March 19, 1995
Pg. 25

Doubts linger over Clinton aide's 'suicide'

by Ambrose
Evans-Pritchard
in Little Rock

THE ghost of Vince Foster is coming back to haunt the White House. Once again Washington is buzzing with gossip about what really happened to the friend of the Clintons who handled the family's private financial affairs until he was found dead in a Virginia park in July 1993.

A series of US media reports has stated that Kenneth Starr, the special counsel probing the Whitewater scandal over an unsuccessful Arkansas development company half-owned by Bill and Hillary Clinton, is wrapping up his probe of Foster's death. Starr's conclusion, the newspaper and magazine articles over the past three months have said, is that it was a straightforward suicide without any evidence of foul play.

But Starr's persistent failure to oblige is now drawing comment. Indeed, if anything, he has been stepping up his investigation. He has called 11 witnesses before a federal grand jury in Washington, and has elicited testimony from three of them that suggests the body was moved and that the crime scene was tampered with in a police cover-up. Last month a group of Park Police officers was made to sit through a pointed reading of the federal perjury statutes.

Now The Sunday Telegraph has learned that Foster's widow, Lisa, his three children and one of his

sisters, Sharon Bowman, have been summoned to Washington for questioning this month by Starr's staff. This will be the first time that the three children, all grown-up, have been asked about the events leading up to their father's death.

The Park Police, who originally handled the case, were refused permission to talk to the children by James Hamilton, a Washington lawyer, who had taken on the role of family attorney. In the subsequent Whitewater probe conducted by Robert Fiske — whom a panel of judges later replaced with their own appointment — the children did meet investigators but only to be briefed, not to answer questions.

"Starr's people were absolutely stunned when they found this out; they couldn't believe the way the investigation had been handled," said a source close to the probe.

It is not clear what Starr expects to learn from talking to the family, but sources say that his investigators are disturbed by conflicting testimony from witnesses about Foster's state of mind before his death. Key figures have changed their stories, raising suspicions that there may have been an orchestrated attempt after the fact to make it look as if Foster was in the grip of a deep depression.

There is no doubt that Foster was suffering a degree of depres-

sion. Lisa Foster told investigators that he was sleeping badly and suffering from a pounding heart. A week before his death he told his sister, Sheila Anthony, a top Justice Department official that he wanted to talk to a psychiatrist but needed assurances that nothing revealed in counselling sessions could be flushed out by subpoena at a later date.

A psychiatrist told the FBI that he was contacted on July 16 by Anthony, who explained that Foster was working on "Top Secret" issues at the White House and "that his depression was directly related to highly sensitive and confidential matters" (FBI file 29D-LE-35063). This gives the lie to farcical theories that Foster took his own life because of criticism by the Wall Street Journal. The psychiatrist never actually spoke to Foster in person.

It is not known what Anthony meant by "top secret", but the Starr investigation has had discussions about Foster's possible involvement in a clandestine operation run by the National Security Agency.

The scheme involved use of an Arkansas computer firm as a front to help install software in

foreign banks, central banks and intelligence agencies around the world.

The software, known as PROMIS, was allegedly used to track money flows on behalf of US intelligence. Sources say that one of the files removed from Foster's office by a White House raiding party on the night of his death contained documents related to this operation.

Foster's children are unlikely to know anything about such matters but they may have insights into his state of mind.

His youngest son Brugh, now a university student in Virginia, was struck by the calm mood of his father as they chatted at their Georgetown home on the night before his death, according to sources close to the family. Foster was making plans in a matter-of-fact way and even discussed buying a boat to use at weekends.

The next day Foster drove to work late, dropping his eldest son Vince Jr (who was then employed as an aide in Arkansas Senator David Pryor's office, and now works for the Chicago Mercantile Exchange) at a metro station. He then took his daughter Laura to work. Once again he seemed to be in a good mood.

Both Brugh and Laura, currently at university in Arkansas, have told friends they find it difficult to believe that their father took his own life. But they

have never spoken out publicly. Foster's sister, Sharon Bowman, is puzzled because she had flown up to Washington from Little Rock with her daughter Mary on July 20, 1993, to spend a few days visiting the Fosters.

They actually arrived the same evening the body was found. Foster had made plans to entertain them and show them a bit of Washington. He had even invited Mary for a special treat (much in the White House mess).

Last July, just nine days before the Senate Banking Committee opened hearings into Foster's death, the family issued a statement endorsing the suicide verdict of the Fiske Report.

It said: "The family believes that questions as to how and why Vince died are now answered as best they can be. There is now no justification for painful, repetitious examination of these issues. The principal advocates for doing this appear chiefly motivated by mean-spirited partisanship."

The wording was drafted by Sheila Anthony, then Associate Attorney-General in charge of selecting US federal marshals, prosecutors, and judges — a very powerful position.

Her husband, Beryl Anthony, was also involved. He is a former US Congressman from Arkansas and used to be Treasurer of the Democratic National Committee. They are both Democratic insid-



Mystery man: suicide verdict for Vince Foster is contested

ers with extremely close ties to the Clinton White House.

The rest of the family were hardly involved in the matter, according to sources in Little Rock. However, the statement was effective in deterring Republican senators from asking tough questions in the hearings. Senator Latch Faircloth wanted to conduct a proper inquiry but came

under intense pressure from colleagues to back off.

The Starr investigation may ultimately conclude that there was no foul play in Foster's death, but news reports claiming that Starr has already made up his mind are patently false — and appear to emanate from those interested in trying to put pressure on the judicial process.

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- MEXICO
- COLUMBIA
- FREE EAST

By ERICH EICHMAN

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

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

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

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

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

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

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

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

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

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

As it turned out, the ATF's conclusions were consistent with suicide, but the procedural confusion left Mr. Ruddy wondering about the integrity of the entire investigation. FOIA #none (URLS: 16371) DocID: 70140585 Page 56
Special Counsel Robert Fiske has announced his intention to re-examine the entire Foster episode. In short: What else

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

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

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

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

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

an article by Thomas Ferraro. He cited mistakes that Mr. McAlary had made: the date of the suicide and the first

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

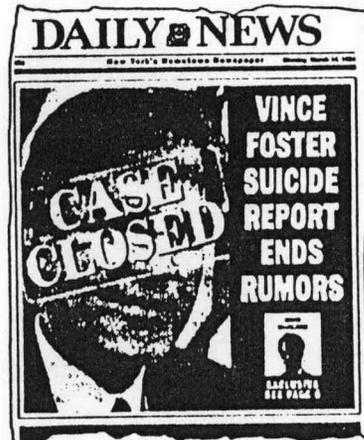
But it isn't, really. Despite Mr. McAlary's heroic effort to refute Mr. Ruddy, and despite the persuasiveness of his account, too much remains hidden about the entire Foster affair. After all, the

Park Police report is still locked away—as are the Foster office papers. Mr. McAlary presents a vivid account of the scene in Mr. Foster's office the day after the suicide. Furious FBI agents and Park Police officials were forced by Mr. Nussbaum to sit 15 feet away from Mr. Foster's desk as he rummaged through papers, saying repeatedly "We can't show you this, this is personal."

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

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

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



DOUBTS RAISED OVER FOSTER'S 'SUICIDE'

By CHRISTOPHER RUDDY

1.27.94



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

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

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

Some clues

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

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

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



The body was found lying on the side of a hill.

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

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

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



VINCENT FOSTER
Neatly laid out.

blood on it; the small amount of blood on and near the body; and the swiftness with which the death was declared a suicide.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Another key question involves the gun.

Gonzalez remembers
See FOSTER on Page 18

Key questions leave experts wondering

By CHRISTOPHER RUDDY

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

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

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

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

for on the day of his death?

The autopsy report put the time of death between 4 and 5 p.m. Foster left the White House at 1 p.m., leaving up to four hours unaccounted for.

■ Did anyone hear the gunshot?
Police say no, but they apparently did not question all homeowners and workers in and near

the park.

■ Were there nearby witnesses?
Police say no one besides Foster apparently was in the park at the time of his death.

But The Post has learned that a blue Mercedes-Benz was parked, unattended, on a short roadway leading to the park when police and ambulances arrived just after

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

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

■ Was a suicide note found?
No suicide note was found on his body, according to officials.

The White House gave police a note — torn in 27 pieces — that had been found in Foster's briefcase. They said it had been overlooked during an earlier police search.

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

sted Doubts over Foster's 'suicide'

FOSTER from Page 5

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looking carefully at Foster's hand.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

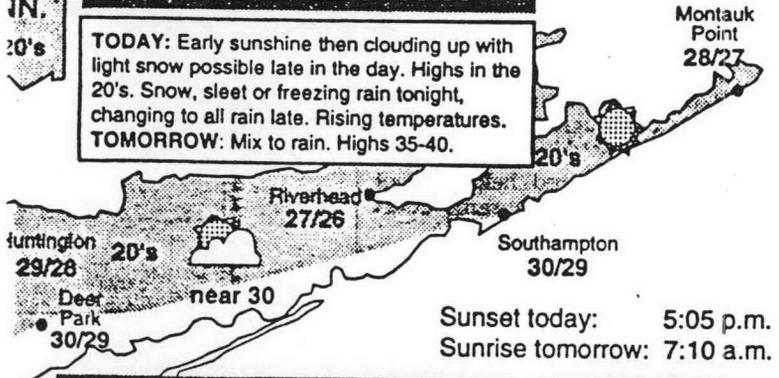
FRIDAY: Rain, tapering to showers, breezy and milder. High 41.

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

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

WESTCHESTER COUNTY

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



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

MARINE FORECAST

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

LONG ISLAND

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

TIDES

	THU	FRI	SAT		THU	FRI	SAT
High Tide for	am pm	am pm	am pm	High Tide for	am pm	am pm	am pm

COPS: FOSTER GUN WAS NEVER TESTED

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

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

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

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

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

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

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

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

The Post reported yesterday that aspects of the



FLASHBACK: How The Post broke story.

Foster death were inconsistent with suicide.

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

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

White House: No comment

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

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

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

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

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

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

New York detective Vernon Geberth explained.

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

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

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

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

But Geberth said he could not draw any con-

clusions without an autopsy report and police file.

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

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

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

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

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



FRED SIEGEL

Columnist Fred Siegel joins Post

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

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

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

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

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

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

Post editorial-page editor Eric Breindel said yesterday

Reno's top aide quits over bad 'chemistry'

By THOMAS FERRARO
Post Correspondent

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

The incompatible odd couple announced their

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

Justice Department

to-eye on some policy matters.

Last month, Heymann tentatively recommended leniency for jailed spy Jonathan Pollard. But Reno had more questions and has yet to make a recommendation on whether his life sentence should be reduced.

Reno, the nation's first

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

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

Reno: "The chemistry



FOIA # none (URTS-16371) DocId: 70105854 Page 59

MORE QUESTIONS ABOUT FOSTER'S 'SUICIDE'

By CHRISTOPHER RUDDY

Who was the man in the white utility van?

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

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

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

POST EXCLUSIVE

from the park when the man in the van appeared.

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

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

Speaking through the van window, Swan said.

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

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

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

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

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

spend the quarter."

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

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

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

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

Another key unanswered question is whether

Swan's call was the only one made to 911, Police insist it was.

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

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

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

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

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

See FOSTER on Page 14

Skin docs burned up

OVER FOR AN



Bill 'pal' W'w dirt

By THO Post C

WASHINGTON Clinton partner, reportedly ago to be lary Clint dirt.

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

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

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

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

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

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

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

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

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

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

Who was mystery man in the white van?

FOSTER from Page 4
calls about Foster.

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

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

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

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

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

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

Wecht told The Associated Press:

EX-CHIEF: POLITICS KEPT FBI OFF FOSTER CASE

2.3.94
by CHRISTOPHER RUDDY

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

The decision about the investigative role of the FBI in the Foster death is... compromised from the beginning," Sessions claimed in a bitter handwritten statement he gave to The Post yesterday. After Foster's death on July 20, the Justice De-

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

WILLIAM SESSIONS



WILLIAM SESSIONS
Bares power struggle.

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

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

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

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

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

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

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



VINCENT FOSTER
"Deeply involved"

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

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

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

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

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

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

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

Other law enforcement officials echoed his sentiments.

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

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

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

Experts: Park cops bungled the probe

by CHRISTOPHER RUDDY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INVESTIGATING A CRIME SCENE

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

Here's what standard police practice requires:

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

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

Find the bullet. Employ metal detectors.

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

Treat the car as part of the crime scene.

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

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

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

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

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

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

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

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

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

Park police did not check the car for fingerprints.

Park Police didn't conduct a ballistics test.

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

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

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POST PAST

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

LOTTERY

NEW YORK
Daily no. for Wed.: 865
Win-4 no. for Wed.: 3451
Pick-10 nos. for Wed. 4, 5
32, 34, 38, 42, 55, 66, 69,
72, 77, 79, 80

The Post uses recycled paper

Take-5 nos. for Tues.: 2, 5,
11, 21, 38
NEW JERSEY
Pick-3 no. for Wed.: 512
Straight payoff: \$199.00
Box payoff: \$33.00
Pairs payoff: \$19.50
Pick-4 no. for Wed.: 7308

Straight payoff: \$2,943.
Box payoff \$122.50
Cash-5 for Wed.: 2, 12,
14, 19
CONNECTICUT
Daily no. for Wed. 05C
Play-4 no. for Wed. 5

FUMBLING FEDS CHANGE STORY ON FOSTER 'SUICIDE'

2-10-94 By CHRISTOPHER RUDDY

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

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

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

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

The Park Police would not comment.

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

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

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

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

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

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

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

POST EXCLUSIVE

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

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

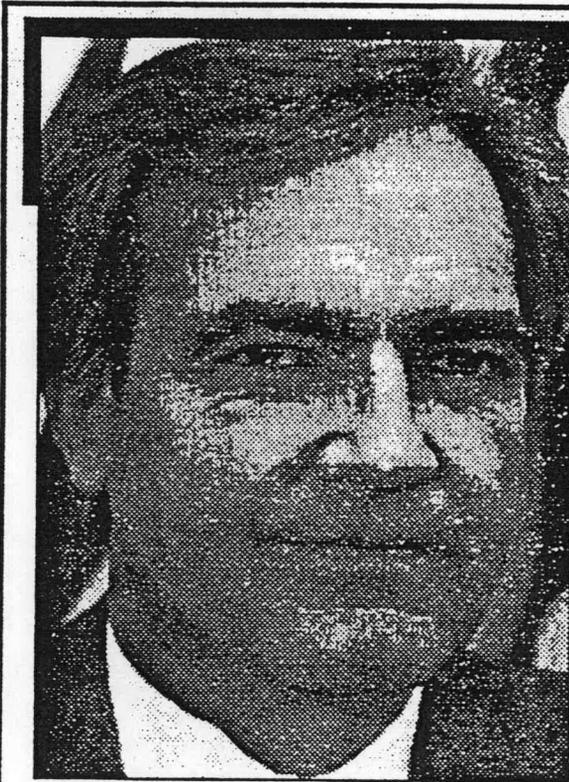
Di Maio said he has not been involved with the Foster case and was speaking in general terms.

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

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

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

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



Former deputy White House counsel Vince Foster

MISSING LINKS IN 'SUICIDE'

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

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

suicide without leaving evidence that an autopsy would turn up.

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

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

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

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

Experts also point out that

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

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

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

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

A person pointing a gun

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

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

"It's virtually impossible," he said.

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

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

TOP DOGS CAST NEW DOUBT ON FOSTER 'SUICIDE'

2-17-94

By CHRISTOPHER RUDDY

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

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

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

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

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

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



VINCE FOSTER
Tragic Clinton aide.

the thumb from a single depression of a trigger.

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

Other leading forensic pathologists agreed.

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

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

see — even at the moment of death.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other pathologists agreed.

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

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

Park cops have botched a death probe before

2-17-94
By CHRISTOPHER RUDDY

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

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

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

Although Wright's death is still classified as a suicide, Congress last fall passed a resolution calling for a Defense Department review of its procedures in investigating suicides and for the reopening of questionable deaths like Wright's.

A retired Army investigator who took part in the probe of Wright's death is convinced the young soldier did not die by his own hand.

"The investigation does not support a suicide," Trent Smith told the Philadelphia Inquirer.

Smith said the Army never challenged the suicide and



TERRY TODD WRIGHT
Shot dead in '91.

ing because the Park Police was the "lead agency" in the investigation.

The Park Police was "very, very unprofessional" in handling the Wright case, said David Zucchini, a Pulitzer Prize-winning investigative reporter for the Inquirer.

"They [the Park Police] didn't bother to gather crucial evidence. They assumed it was a suicide from the very beginning."

Experts say police should treat every suicide as a possible homicide — and should not declare a suspicious death a suicide until all possible evidence is gathered.

See WRIGHT on Page 8B

Park cops have botched probe before

WRIGHT from Page 8
and all necessary tests are conducted.

But the Park Police declared the deaths of Foster and Wright suicides from the start.

A passer-by found Wright's body lying on a dirt road running through parkland adjoining Fort Meade in Maryland.

Officials said Wright had rested the butt of a .22-caliber rifle on the ground and fired it upward into his head.

The passer-by noticed the gurt had no marks left on it by the dirt road, and the dirt bore no marks from the rifle butt.

The passer-by also observed that Wright was wearing thick gloves that would have made it difficult for him to pull the trigger.

In addition, Wright's glasses remained perfectly placed on his nose, despite the jarring shot to his head.

Similar evidence was found in Fort Marcy Park in

Arlington, Va., when Foster's body was discovered.

In both cases, evidence inconsistent with suicide was ignored.

In the Wright case, Zucchini said, the Park Police didn't do basic things, like questioning people living nearby or lifting fingerprints from the victim's car.

The Post has reported that the Park Police didn't canvass homes near Foster's body and didn't dust his car for fingerprints.

COPS MADE PHOTO BLUNDER AT FOSTER DEATH SITE

By CHRISTOPHER RUDDY

The U.S. Park Police never took a crucial crime-scene photo of Vincent Foster's body before it was moved during the investigation into the death of the White House deputy counsel, FBI sources told The Post.

The embarrassing blunder — corroborated by a Park Police source — was one of several routine crime-scene procedures investigators neglected to follow in Fort Marcy Park in Arlington, Va., in the



VINCENT FOSTER
Death mystery deepens.



VERNON GEBERTH
Rips "sloppy" probe.

POST EXCLUSIVE

Foster case, FBI sources said.

And, the sources noted, the break with standard police procedure came in an investigation involving the highest ranking federal official to die under suspicious circumstances in more than 40 years.

According to FBI sources, the Park Police also:

- Failed to test Foster's shoes for residue.

A member of the Fairfax County, Va., Fire and Rescue squad previously told The Post Foster's shoe bottoms were "very clean."

According to an FBI source, this was apparent to law-enforcement officials at Fort Marcy Park on July 20 of last year, the night Foster died.

A residue test would have shown whether Foster had walked in the park — or if his body had been carried there after he died elsewhere.

- Failed to make impressions of footprints around Foster's body.

The impressions would have indicated if Foster had been alone, or if others were with him or had carried him.

- Failed to conduct fiber sweeps of Foster's clothes and his car.

The sweeps would have revealed whether Foster's body had been carried, and if someone else had driven his car.

"It's extremely important, everything should have been vacuumed for trace evidence," said Vincent Scalise, a nationally recognized crime-scene expert.

But the worst police

FOSTER DEATH: KEY QUESTIONS

Roderick Lankler, the Whitewater deputy special prosecutor, will be seeking satisfactory explanations to these 14 key "inconsistencies" in the U.S. Park Police's conclusion that Vincent Foster's death was a suicide:

- Place** Foster had no known history of having visited Fort Marcy Park, the Arlington, Va., site where his body was found.
- Time** Police have been unable to account for Foster's movements in the last three hours of his life.
- Body** Foster's body was found lying face up and straight. His head was at the top of an incline and his feet at the bottom, an unusual position for someone who had shot himself while standing on an incline.
- Blood** His head wounds should have been accompanied by a large loss of blood. Witnesses noted little blood loss.
- Gun** Foster was not known to have owned a weapon, and his family has not positively identified the gun.
- Gun position** Experts say a suicide's hand rarely remains on the gun, as it did in Foster's case.
- Gun condition** Blood residue should be found on the barrel of a gun fired into the mouth, but the gun found in Foster's hand appeared clean.
- Ammunition** The gun, a six-shooter, held only two bullets when it was fired. Police could not locate any additional bullets, although gun owners generally have more than two bullets.
- Foster's mouth** The autopsy did not find thick quantities of gunpowder around or inside the wound, or residue on the tongue, or broken teeth. All would be expected in the case of a gun fired directly into the mouth.
- Foster's face** There was no gunpowder on his face and no damage to his lips.
- Suicide note** A note, torn into 27 pieces, that doesn't mention death or suicide, was "found" by the White House days after Foster's death.
- Clothing** There was no visible blood on the front of Foster's shirt, and his shoes did not show evidence of having been worn while he was walking through the park.
- Witnesses** The official police report said no one heard the fatal shot.
- First person** The first person to report seeing Foster's body was a man, driving a white van, who asked park maintenance workers to call the police. He has never been located.

omission of all in the mishandled investigation, experts say, was the failure to take a crime-scene photograph of the body.

"Photographs should have been taken of Foster before his body was moved, and of his car, and of the relative positions of each," one FBI source said.

Although FBI officials were at Fort Marcy Park after Foster's body was discovered, the Park Po-

lice were in charge of the investigation.

"Crime-scene photographs are permanent and comprehensive pieces of evidence," notes Vernon Geberth in "Practical Homicide Investigation," considered the authoritative text on death probes.

Geberth was incredulous that a crime-scene photo of Foster's body had not been taken.

"I can't believe it. Who's to say this was a suicide?" he asked.

"If this is true, this is the most sloppy death investigation I have ever heard of."

Standard police practice requires that the scene of any death by accident, suicide or homicide be photographed, he said.

"It's imperative. It's a

See FOSTER on Page 16

Pol: Prosecutor blocked House investigation

By CHRISTOPHER RUDDY

A leading House Republican says the special Whitewater prosecutor has

But Fiske, the independent counsel named to head the Whitewater investigation and look into Foster's

the White House had "thwarted" the investigation into Foster's death is

giving investigators free access to Foster's office and his White House colleagues.



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Foster-case police made photo blunder

FOSTER from Page 4

basic requirement. It's extremely important in an investigation because it shows the body's position and other patterns which can never be re-created.

"It's unspeakable. I can't imagine any competent investigator would not take crime-scene photographs," said Robert Ressler, a retired FBI official who is considered a leading forensic expert on staged homicides.

Ressler said the only excuse for not taking a photograph is if the person is still alive and has to be moved.

Ressler said the absence of the photographs will make any investigation into Foster's death difficult.

A spokesman for the Park Police refused to comment on charges that his agency mishandled the crime-scene investigation.

Meanwhile, The Post has learned that Roderick Lankler, the special deputy prosecutor in the Foster investigation, in a bid to re-create the crime scene has interviewed several rescue workers who were among the first to find Foster's body.

law firm). There was talk of a coverup. A top Clinton House con-
Polls hir

Pol: Prosecutor blocked House probe

PROSECUTOR from Page 4

Operations confirmed that the congressional probe into Foster's death had been discussed with Fiske.

The aide said Fiske called the hearings "inappropriate" and asked that they not take place.

Sen. Frank Murkowski (R-Alaska) also was rebuffed when he tried to

find out more about Foster's death.

He had asked that the Park Police brief members of the Senate Subcommittee on Public Lands, National Parks and Forests about the circumstances surrounding the White House aide's death in a national park in suburban Virginia.

Fiske "requested that we

not conduct any briefings until he has completed his investigation," Roger Kennedy, director of the National Park Service, wrote in response to Murkowski's request.

Fiske has appointed Roderick Lankler, a highly respected New York prosecutor, to investigate all matters relating to Foster's death.

sealed, unmarked envelopes with orders that the materials be destroyed at the firm, the unidentified sources said. The report was one of several developments in the Whitewater affair that had the White House in overdrive yesterday, with

man said. Clinton rejected suggestions by D'Amato and other Republicans that the Whitewater probe into the Clintons' Arkansas financial dealings could explode into another Watergate. "We're not covering up anything," he said. "No

poenaed by Fiske. The materials are to be turned over to a federal grand jury Thursday in Washington as part of Fiske's examination of three private Whitewater-related briefings the staffers received from federal regulators. Questions of ethics have been raised

Gingrich of Georgia yesterday asked Attorney General Janet Reno to suspend Associate Attorney General Webster Hubbell, a former law partner of Mrs. Clinton's, until questions about his involvement in Whitewater are resolved. Reno refused.

coverup. "No one has accused me of any abuse of authority in office — that's what Watergate was about," Clinton said. "There will not be a cover-up, there will not be an abuse of office in this White House. "There is no credible charge that I violated any

Treasury officials involved in the probe, Clinton said he was "unaware" of two of them — but made no mention of the other. Clinton insisted the White House is "not covering up, we are opening up," and "we are fully cooperating." But asked if he would take the Fifth Amendment against self-incrimination,

Foster coroner has been dead wrong

2.8.94
By CHRISTOPHER RUDDY

The Virginia pathologist who conducted the autopsy on deputy White House counsel Vincent Foster was proved wrong on one previous suicide ruling and is being challenged on another.

The first "suicide" turned out to be a homicide — and the killer later confessed.

The autopsy was done by Dr. James Beyer, the 76-year-old deputy chief medical examiner for northern Virginia, who last year determined that Foster's death was "consistent with a self-inflicted wound."

The U.S. Park Police, whose investigation into Foster's death has been sharply criticized, have relied heavily on Beyer's autopsy. Park Police officials declined to comment yesterday.

But two families who had "suicide" cases ruled on by Beyer are skeptical of his work.

"I feel he did an incomplete job, and that's scary," Pam Easley told The Post. "He has caused us a lot of pain."

Easley's 21-year-old son, Tim, was found in his apartment with a knife through



TOMMY BURKETT
Autopsy questioned.



TIM EASLEY
"Suicide" a homicide.

later, Easley's girlfriend admitted killing him.

Beyer had ruled the death a suicide. Pam Easley became suspicious when she saw that the autopsy report said Tim had "gray" hair. His hair was dark brown.

"I made a mistake . . . The hair color is not altered after death," Beyer explained later in a letter.

At Tim's funeral, his mom and others noted — and photographed — a significant cut on the back of his right hand that was not mentioned in Beyer's report.

"The cut on the hand is self-inflicted, ante-mortem,"

[before death] and I cannot understand how any competent forensic pathologist would miss it. It is a classical 'defense' wound, suffered while trying to avoid the knife," concluded another pathologist, Dr. Harry Bonnell.

Bonnell, chief deputy medical examiner for San Diego, Calif., reviewed the available records and evidence at the mother's request.

Bonnell also stated that the knife's entry spot and its trajectory to the body were "inconsistent" with a self-inflicted wound.

Beyer told The Post he had



DR. JAMES BEYER: He concluded that Foster killed himself — but another pathologist says, "I cannot understand how any competent forensic pathologist would miss" a clue Beyer apparently overlooked in an earlier suicide probe.

his wife's honor as new allegations erupted that she ordered the shredding of sensitive Whitewater docu-

outburst defending his wife, Clinton appeared mostly affable. There were no temper

It's time to come clean on Whitewater / Editorial: Page 24

on suicide before

no reason to question the trajectory of the wound.

He also said the cut on Easley's right hand was "consistent with a needle mark" — though he noted no such mark on his report. He said it was likely caused by rescue workers, but he had no records for the mark, and no explanation for why other incisions made by rescue workers were noted.

Forensic pathologists consulted by The Post said an examiner should make a note of everything, even if it's caused by medical assistance.

A needle mark, they said, would be extremely important in an apparent suicide because a victim might be drugged in a faked suicide.

A second family is still questioning Beyer's handling of their son's death.

"My wife and I can't measure the pain," said Thomas Burkett.

In December, 1991, Beyer ruled the death of Burkett's 21-year-old son, Tommy Jr., as "consistent with a self-inflicted wound."

"The basic forensic evidence and the opinion of the medical examiner indicate a suicide," Fairfax County, Va., police spokesman Warren Carmichael said, adding

that there are no plans to reopen the case.

But a second autopsy conducted for the family, by Dr. Erik Mitchell, former chief of pathology in Syracuse, detailed serious omissions.

The second autopsy noted trauma and discoloration to Tommy's right ear — which could indicate he was beaten before a shot was fired into his mouth. The Burketts said the ear was so "disfigured and bloody," they thought he had been shot there.

Beyer never noted the trauma to the ear.

Beyer also failed to identify a fractured lower jaw, which could also indicate a beating.

The second autopsy also revealed that the lungs had not been dissected, although Beyer's report claimed they had been.

And the second autopsy found no trace of gunpowder in the mouth. Beyer left blank the section for "powder burns" on the gunshot-wound chart.

In an interview with The Post, Beyer did not challenge the findings of the second autopsy, beyond pointing to his earlier report: "All that I identified at the autopsy was the perforating gunshot

wound to the head."

The Burkett case is similar to Foster's: Both were found with guns in their hand, both had little or no powder burns in their mouths, and there were numerous inconsistencies at the crime scene.

As for the Foster case, Beyer says he "considered it a full autopsy."

But other pathologists have questioned Beyer's actions on such a high-profile case: He did not visit the crime scene at Fort Marcy Park; he did not review crime-scene photos (none was taken); and was not aware of the caliber of the gun before he rendered his judgment.

Beyer admits to having a medical condition with "some impairment of the upper and lower extremities on the left side" due to a "cerebral-vascular accident," he said.

"It has not impaired my ability to perform an autopsy," he said.

According to the American Medical Association, Beyer began practicing medicine in 1946 and received his certification for forensic pathology in 1970. Beyer said he has always practiced pathology, but was late in taking the test for certification.

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FOSTER FILE SHOCKER

2nd set of papers taken from safe after mad scramble for combination

By CHRISTOPHER RUDDY

3-9-94

White House officials frantically scrambled to get the combination to Vincent Foster's office safe soon after his death — and ultimately removed a second set of files, *The Post* has learned.

White House counsel Bernard Nussbaum's removal of one set of Whitewater files from Foster's office has been widely reported.

But the disappearance of a second set of papers — including some also related to Whitewater — wasn't previously known.

Three separate White House sources told *The Post* that Clinton aides were scrambling — like "cats and dogs," as one put it — as they tried to get into Foster's safe just hours after his death.

Foster's body was found in Fort Marcy Park in suburban Arlington, Va., at about 6 p.m. on July 20.

As previously reported, a few hours later, Nussbaum — accompanied by First Lady Hillary Rodham Clinton's chief of staff, Margaret Williams, and longtime Clinton aide Patsy Thomasson — entered Foster's office and removed Whitewater files that were not in the safe.

But *The Post* has learned that Nussbaum also asked

POST EXCLUSIVE

a White House security officer on night duty for the combination to Foster's safe.

Nussbaum was told that the security staff didn't have the combination, a White House source said.

Combinations are controlled through top-secret clearances in the Office of

Administration, which is run by Thomasson.

The Office of Administration staffer in charge of security — including the safeguarding of combinations — was out of town that night, a law-enforcement source said.

Later, during the wee hours of July 21, a senior White House aide — not Nussbaum — succeeded in opening Foster's safe, according to another law-enforcement official who is assigned to the White House.



MARGARET WILLIAMS
Hillary's chief of staff



PATSY THOMASSON
Longtime Clinton aide.

It's not clear how the combination was obtained.

The safe was opened before most White House personnel reported to work on the morning of July 21, the source added.

Several documents, including papers relating to Whitewater, were removed from the safe and turned over to President and Hillary Clinton's personal lawyer, David Kendall, the source said. Then the safe was relocked.

Foster, who was deputy

White House counsel, also handled the Clintons' private legal matters, including Whitewater.

Word that the safe had been opened apparently did not reach most White House officials, including senior members of the White House counsel's office — and they continued to scramble for the combination, a source said.

They were so anxious to be the first to see the contents of the safe that the counsel's office refused to

Documents, including papers related to Whitewater, were removed from the safe.

let Park Police — who were handling the investigation into Foster's death — to search the office on the morning of July 21.

The Park Police agreed to return the next day.

On the afternoon of July 21, members of the counsel's office were again asking White House personnel for the safe combination, claiming that "Bill Kennedy needed to get into Mr. Foster's safe," another source said.

William Kennedy is a former law partner of Mrs. Clinton and Foster at the Rose Law Firm in Little Rock. He is associate White

See FOSTER on Page 15

White House officials scrambled for combination to Foster's safe

FOSTER from Page 2

House counsel — the No. 3 post in the counsel's office.

But the combination could not be given out, a source said, because Foster had taken the rare step of authorizing only himself to have access to the number.

Usually, White House staff members with safes share the combination with their staff or secretary.

The FBI's most highly decorated former agent told The Post that the revelation about entry into Foster's safe after his death underscores questions about a possible coverup.

"The safe is crucial — it's an A-1 priority," said Wil-

liam Roemer, former head of the FBI's Organized Crime Strike Force.

He was sharply critical of the failure by federal authorities to secure Foster's office immediately after his death.

"It raises the question [of] a coverup," Roemer said, adding that the entry into the safe appeared to be "self-serving, to protect documents which could have shed light on either a suicide or homicide."

Repeated calls to the office of Patsy Thomasson and the White House Press Office for comment went unreturned.

3-10-94

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It's a safe bet Foster had one

By CHRISTOPHER RUDDY
Post Correspondent

WASHINGTON — The White House claimed yesterday that deputy counsel Vincent Foster did not have a safe — but two Post sources said he did and would testify about it if subpoenaed.

The Post reported yesterday that a second set of files was hastily removed from Foster's office safe shortly after his death last July 20.

The report said former White House counsel Bernard Nussbaum, who removed other files from Foster's office, tried futilely to get the combination to Foster's safe but another senior official later got it, opened the safe and took the papers.

The papers were turned over to David Kendall, the Clintons' private lawyer, sources told The Post.

White House chief-of-staff Mack McLarty questioned that account, telling reporters: "I don't think there was a safe, as I understand it. To the best of my knowledge, there was not."

But two Post sources reiterated that there was a safe in Foster's office.

The sources — who described a frantic scramble by White House staffers seeking the safe's combination — requested anonymity.

But both said they would be willing to testify if subpoenaed by special Whitewater counsel Robert Flske.

One source suggested the safe may have been removed after Foster's death.

Bush administration officials said there was a safe in the deputy counsel's office while George Bush was president and John Schmitz was his deputy counsel.

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Foster's secret apartment hideaway revealed

3-11-94

By CHRISTOPHER RUDDY

Former Deputy White House Counsel Vincent Foster shared a secret apartment with several senior administration officials at the time of his death, The Post has learned.

"It was like a clubhouse, a place to kick back, have a drink, hide out," a White House source told The Post.

The source, who asked not to be identified, said the apartment was known among a tightknit group of Arkansans — including Foster.

The source said the apartment was "not far from the White House. Maybe just across the [Potomac] River [in suburban Virginia]." Other sources said they believed the apartment was in the

Crystal City development in suburban Virginia.

The July 20 death has been ruled a suicide, but the Whitewater special prosecutor's office has reopened the probe.

The Park Police report on Foster's death does not mention Foster having an apartment, but a police source said the White House told investigators about the apartment — two facts which trouble one leading homicide expert.

"You have to go back immediately to his office and any residence after his death," said Vernon Geberth, a leading national homicide forensic expert.

"Even if this was a suicide you still have to look at all the immediate events leading up to the death."

Geberth also said the

"It was like a clubhouse, a place to kick back, have a drink, hide out."

WHITE HOUSE SOURCE

failure of the Park Police to interview administration colleagues who shared the apartment and neighbors indicated that they had conducted a "less than thorough investigation."

Foster left the White House at 1 p.m. on the day of his death. His body was found at approximately 6 p.m. The autopsy report said Foster died between 4 and 5 p.m., leaving at least three hours of unaccounted time.

Foster's second apartment has been the source of Washington gossip and speculation for months,

and it has grown in significance after a series of articles in The Post challenged the suicide ruling.

A prestigious investment newsletter said Sen. Daniel Moynihan's office indicated that Foster had committed suicide in the undisclosed apartment and that his body was moved to Ft. Marcy Park, in Arlington, Va., several miles away.

Moynihan's office vehemently denied the report in the newsletter put out by Johnson, Smick International, a D.C.-based consulting firm headed by

Manuel Johnson, a former Federal Reserve board member.

White House spokesman Dee Dee Myers denied there was any secret apartment and called the newsletter report "a complete fabrication."

The exact location of the apartment was not known. But a source told The Post Foster visited the rental-leasing offices of Lincoln Towers, 850 North Randolph, Ballston, Va., weeks before he died.

The source said Foster was seeking an apartment in the luxury high-rise development and was shown several and filled out "a traffic card" — a questionnaire interested renters are asked to fill out.

The management company at Lincoln Towers refused comment.

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