Loose Papers in Ewing FRC Box 2293

1 of

264p GJ b67c

SCREENED
By clas Date 3/16/2010

FOIA # none (URTS 16370) DocId: 70105696 Page 1

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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

by Hugh Sprunt [(214 484 - 7136]

© October 1995. All Rights Reserved

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

For Discussion Purposes Only -- This Has Been Offerred On A Non-Exclusive Basis

INTRODUCTION

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

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

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

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

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

LISA TOLD OFFICIALS SHE COULD NOT ID THE GUN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

None of the three psychiatrists remembered ever taking a call from Vince Foster [1654, 1655, 1662; see also 2135].

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

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

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

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

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

The doctor "felt it was very important for Foster to start sleeping better and thought if he got some rest he would feel a lot better. *He did not think that Foster was significantly depressed nor had Foster given the impression that he was 'in crisis.'* From what Foster told him, Foster's condition sounded mild and situational. . . He advised that he did not even ask Foster if he had thoughts about suicide or was having any suicidal ideation because the symptoms that Foster was describing were not severe enough. . . to think that [Foster] might be in that state [emphasis supplied; 1676]." Vince's doctor later alluded to the FBI that *he thought prescribing Prozac for someone in Vince's mild condition was not appropriate* [1676]. Ironically, Lisa told The New Yorker that her psychiatrist has been treating *her* with Prozac for quite some time [66B] (despite its having been associated with some suicides).

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

Despite a statement in The New Yorker to the effect that Vince's notes of the psychiatrists' names and phone numbers was found *a week* after the death [42B], the list of names and phone numbers (apparently in his handwriting) was found in his wallet inside his Honda at Fort Marcy by the Park Police *the evening his body was found* at Fort Marcy [2135]. However, the Park Police *report* describing the list of psychiatrists and its discovery was not *written* until *seven days after the death* [2135]. As it happens, this Park Police report was written around the same time that the "torn note," also said to be in Vince's handwriting, was officially found in Vince's briefcase at the White House and belatedly revealed to the Park Police some thirty hours later.

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

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

Was the birthday party that Vince told Lisa he thought was going to take place on July 20, 1993, for Tom Castleton, the staff assistant in the White House Office of Legal Counsel? Note that a birthday card was found on the right front floor area of Vince's Honda Accord sedan at Fort Marcy Park on the evening of July 20th [2193]. The card had already been inscribed "To Tom," so perhaps Vince did indeed believe that the birthday party for "Tom" was going to be held the night of July 20th. If the birthday party was rescheduled, it might be of interest to learn when that decision was made.

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

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

Chief White House Counsel Nussbaum asked where Vince was several times on the afternoon of the 20th [41B]. Bill Kennedy, an Associate White House Counsel, and Margaret Williams, the First Lady's Chief of Staff, had tried to contact Vince that afternoon. Ms. Williams even had Vince paged at 6:20 PM. Had the pager (it was at his waist) been in the "on" position (officially it was turned off [437]), it would have beeped while Fairfax County Fire and Rescue Department personnel were checking his body (and doubtless made everyone jump!) just five minutes after the body was discovered by the Park Police officer.

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

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

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

THE WHITE HOUSE CREDIT UNION ACCOUNT – OVERDRAWN TWICE?

According to The New Yorker article, a few weeks *after* Vince's death, Lisa discovered that she had overdrawn the Foster account at the White House Credit Union [63C]. Unaccountably, the credit union account had *also* been in an overdrawn condition for a week or two *prior to the death* [2132, 2217].

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

The Foster home in Little Rock had been rented [1478] so it should not have been causing a big drain on the family's finances. The home they occupied in Georgetown on Cambridge Place had been rented [1477] in March of 1993, not bought, so no down payment had been needed to purchase a home. The Fosters' youngest son, John ("Brugh"), was scheduled to enroll at the private Sidwell Friends School in September (joining Chelsea Clinton), but the first check to Sidwell (70% of its hefty annual fee) was not due until August 1st, so Brugh's tuition payment had not yet depleted the credit union account as of the mid-July overdraft. The balance of their known living expenses should not have changed radically due to the move to Washington, either.

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

One would think the Fosters had other financial accounts they could have drawn down to eliminate the credit union overdraft immediately, but they apparently chose, for reasons unknown, not to do so. The official is silent as to when the pre-death overdraft was rectified, but it must have been at least temporarily corrected by a cash infusion of some sort since Lisa told the New Yorker that she caused the account to become overdrawn several weeks after the death. Perhaps the insurance on his life [62A] had paid off very quickly and replenished the account. Perhaps not.

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

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

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

Just what is an "automatic" *cash* withdrawal? Would Vince likely have dropped by the credit union repeatedly to withdraw only $35 at a time? After all, the man died with $292 in cash and numerous credit cards in his wallet [2185]. Why did the credit union make the same error multiple times?

The New Yorker article makes it clear that it was Lisa's discovery of Vince's White House credit union withdrawals shortly before his death that caused Lisa to begin consulting a psychiatrist, one whom she continues to see to this day [63C].

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

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

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

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

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

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

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

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

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

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

What did the man who had "lost his appetite" due to clinical "depression" [66C] and "chemical imbalance" (at least in Lisa's lay opinion) [66C] select for his assistant to fetch from the White House mess right before he is said to have driven off to commit suicide? A medium-rare cheeseburger (he decided to remove the onions), fries, a Coke, and an unknown number of M&Ms [1534, 2130]. He apparently ate the entire meal except for some of the M&Ms [1534].

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

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

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

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

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

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

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

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

CONCLUSION

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

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

The September 11, 1995, New Yorker article, "Life After Vince," is materially at variance with the official record released earlier this year by the US Senate in ways that encourage the acceptance of the official "suicide verdict" reached in the official reports. The publication of the article was announced via the AP wire on Sunday, September 3rd, and subsequently received wide publicity in many newspapers. The reason for the apparent stance taken by the New Yorker is unclear. Given the material in the official record cited in this article, it does not appear that the weight of the evidence was the only factor relied upon by the New Yorker in reaching conclusions.

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

The September 11, 1995, New Yorker article, "Life After Vince," did *not*, as apparently was the intention, close the book on Vince Foster's death. Instead, it has written yet another chapter.

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

[Box -- Suggest Box Be Placed Near The Beginning Of Article]

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

HUGH H. SPRUNT, CPA/PFS
PROFESSIONAL SUMMARY

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

Hugh has devised and implemented successful multi-year tax strategies involving Fortune 500 corporations and does tax planning for individual clients, some with a net worth exceeding $100 million and single-year personal tax liabilities over $10 million. An IRS private ruling request he drafted for a client used a previously unexploited generation-skipping transfer tax "opportunity" Hugh discovered that reduced the taxes on a $14 million intrafamily gift by over $1 million. Hugh has also been the first to inform the IRS of substantive errors in the government's favor on various IRS tax forms, including Schedule K-1 (The IRS acknowledged its errors and corrected the official forms and instructions the following year).

Hugh is the lead author of a two-volume 750-page tax reference work, first published for CPAs, tax attorneys, and other tax professionals in late 1992. The fourth edition will be released in December 1995. Hugh has also written on technical tax subjects in *The Journal of Taxation.* Since 1991, he has supplemented his traditional tax consulting practice as the owner of **Advantax - Your Tax Advantage**, a live nationwide "900" tax planning and tax return advice line (900-933-3004, $3 Per Minute) carried by AT&T's **MultiQuest®** Express900 service. **Advantax** is known for the customized "call memo" available to each customer at no additional charge and has been covered by *The New York Times, The Wall Street Journal, Smart Money,* and *NEWSWEEK.* Callers also use **Advantax** to obtain a quick "second opinion" and real-time tax help with return preparation or tax planning software, especially after hours when they are "stuck" and need help *now!*

Hugh received an MBA from the Stanford University Graduate School of Business and a JD from Stanford Law School in 1979 through the GI Bill. Before joining the service, he obtained BS and MS degrees from The Massachusetts Institute of Technology where he was elected to two national honorary societies. After working abroad for twelve months, he volunteered as a commissioned officer and saw service aboard deep-ocean Federal research vessels in the early 1970's, serving as Chief Ship's Diver and Senior Watch Officer.

His viewpoints have been published in *The New York Times, The Washington Times, The Wall Street Journal, Forbes,* and *The Dallas Morning News*. Hugh has written extensively about the July 20, 1993, death of Deputy White House Counsel Vince Foster. His 170-page *Citizen's Independent Report*, written in the winter and spring of 1995, is available for the cost of copying and shipping *only* and can also be downloaded from the Internet (latest release: October 8, 1995).

Hugh and his wife of twenty-two years live quietly with their son and daughter on Rawhide Creek. His favorite aphorism was written by Alfred, Lord Tennyson: *"Come, my friends, 'Tis not too late to seek a newer world. . . Tho' much is taken, much abides; and tho' We are not now that strength which in old days Moved earth and heaven; that which we are, we are. . . To strive, to seek, to find, and not to yield."* And, lest we forget: *"Tell you what -- It's gonna be a gunfight, but I came here to bomb."* -- Unknown Navy Attack Pilot, ca. 1970.

Appendix I

Table of Homes Nearest Mr. Foster's Body

Homes Nearest Mr. Foster's [VWF's] Body -- Estimated From Aerial Imagery

Street Address	Lot No.	Distance to VWF From Front Door	Same Side Of CBR?	Apparent Legal Owner ****
640 Chain Bridge Rd.*	**1A**	**720 Feet**	**NO**	**K. of Saudi Arabia**
650 Chain Bridge Rd.**	37	700 Feet	NO	K. of Saudi Arabia
660 Chain Bridge Rd.	37A	300 Feet	NO	①
Homes on Cricket Place [Merry Wood on the Potomac]	Various	~550 Feet	NO	Various
681 Chain Bridge Rd.***	39	470 Feet	YES	②
1315 Merrie Ridge Rd. [The Dogwoods]	3	560 Feet @	YES	③
1317 Merrie Ridge Rd. [The Dogwoods]	4	570 Feet @	YES	Senator J. B. Johnston (Democrat of Louisiana)

* This address apparently is the Saudi Arabian Ambassador's Residence referred to in the Fiske Report as being the "closest building to the park." [There *is* a an outbuilding 420 feet from the body.]

** This structure is also owned by The Kingdom. Construction of this building was underway on the day VWF died, so this appears to be the Saudi construction work referred to in the Fiske Report. It was typical for workers' cars to be parked on the south side of Chain Bridge Road near the north pedestrian entrance to FMP.

*** This home is on a lot that abuts Fort Marcy Park [FMP] at the park's northwest corner.

**** Per public property ownership records of Fairfax County and contacts with the Tax Office.

@ These lots that are separated from the western edge of FMP by the unimproved portion of Lot 39.

① The current corporate owner (McLean International, Ltd.) purchased from the individual owners on 9/7/93. The former individual owners are not obvious public personages, so their names are omitted.

② The owner of this home is not obviously a public personage. Thus, although public, his name is omitted. The owner apparently rents 681 Chain Bridge Road [CBR] to others. The same individual also owns Lot 38, another lot that abuts the west side of FMP, on which an old abandoned cabin is located.

③ The owner of this home is not obviously a public personage. Thus, his name is also omitted.

Note: The Saudi Residence is **not** "the closest building to the park," despite this quotation from Page 55 of the Fiske Report (Whitewater Hearings Volumes, 230). The front doors of **all** of the non-Saudi-owned buildings listed above are closer to the official body location than is the Saudi Residence. **[See Maps IV, V(R) & VI]** *Although the only known direct connection of the buildings to the death of VWF is merely geographic, one might ask how and why the Fiske Report contains such a fundamental error.*

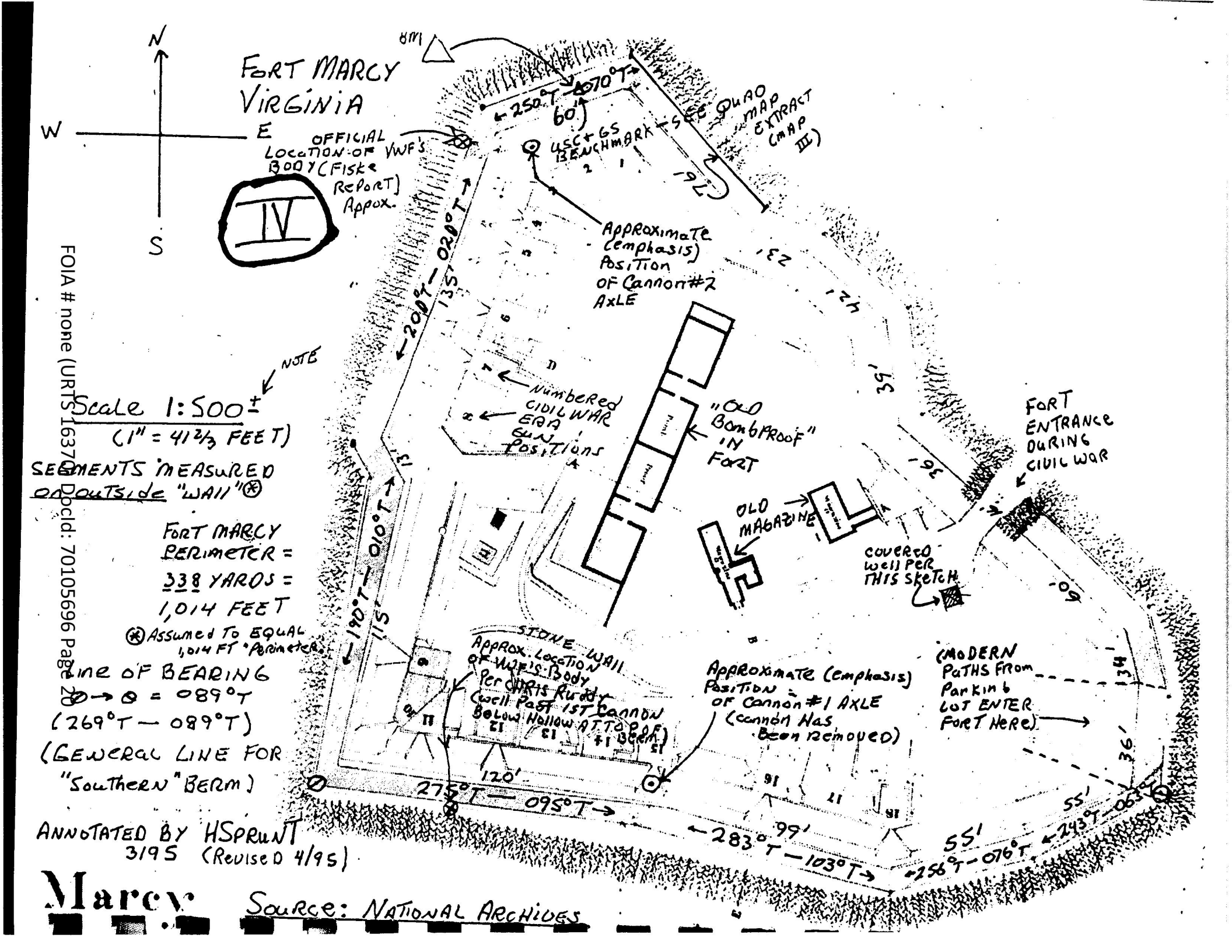
Furthermore, based on a review of publicly-released documents from the VWF Investigations (that is, the unredacted portions thereof accessible by the public), it appears that no one other than the Saudis was ever interviewed by the US Park Police, The FBI, or attorneys with the Fiske Office of Independent Counsel. ***None of the public official documents even mentions these non-Saudi dwellings.***

The last three lots are separated from body's official location only by uneven, heavily-treed, park land, an old road that runs south from Chain Bridge Road through Lot 39, and the western border fence of Fort Marcy Park (the fence is collapsed for a few feet near the old cabin on Lot 38). The entrance to the old road on the south side of CBR is quite discrete. For comparison, the *line-of-sight* distance from FMP's north side pedestrian entrance to the body is 450 feet (and from his car, 600 feet).

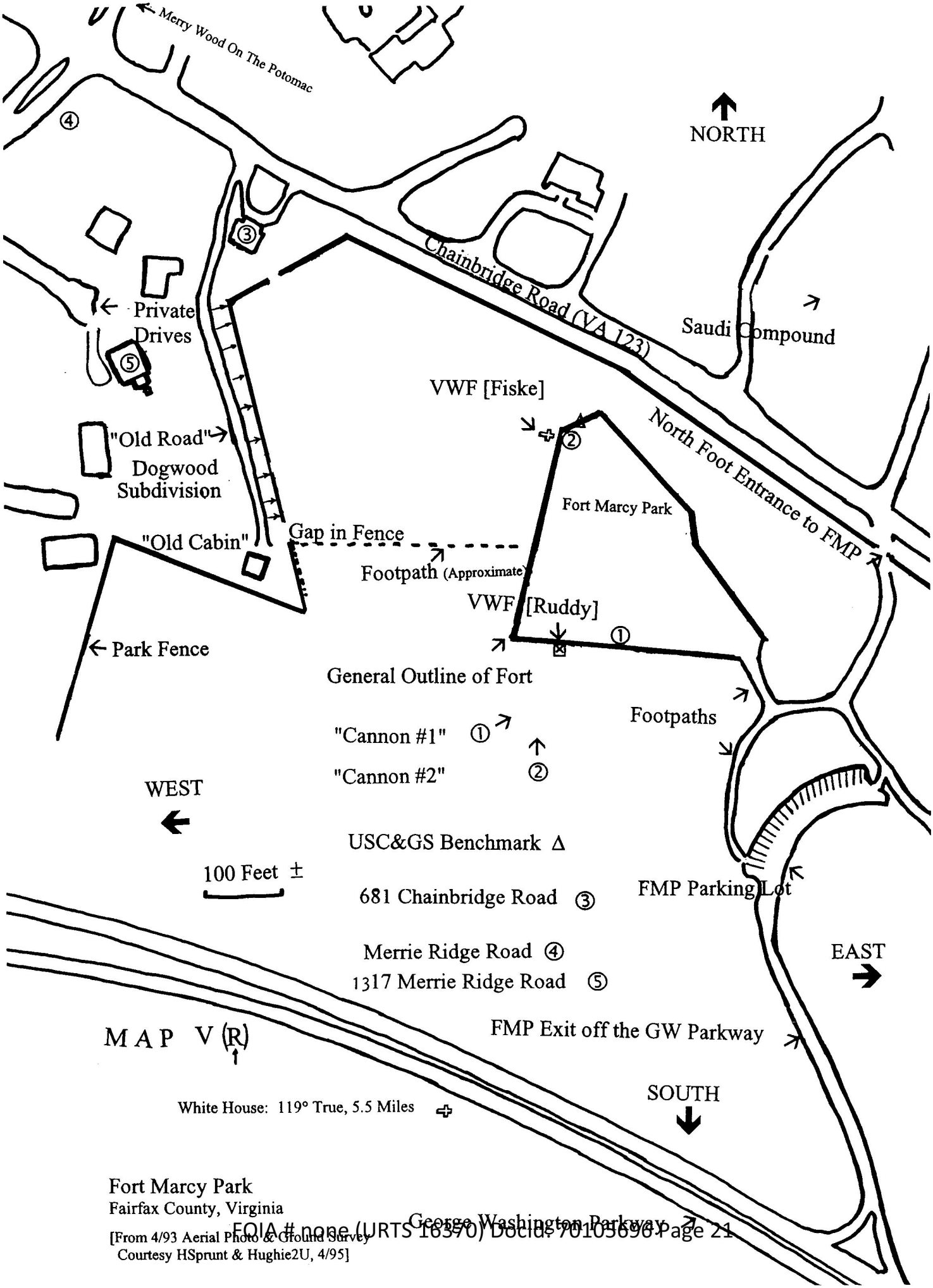
FOIA # none (URTS 16370) DocId: 70105696 Page 18

Appendix II

Selected Maps of Fort Marcy Park and Environs

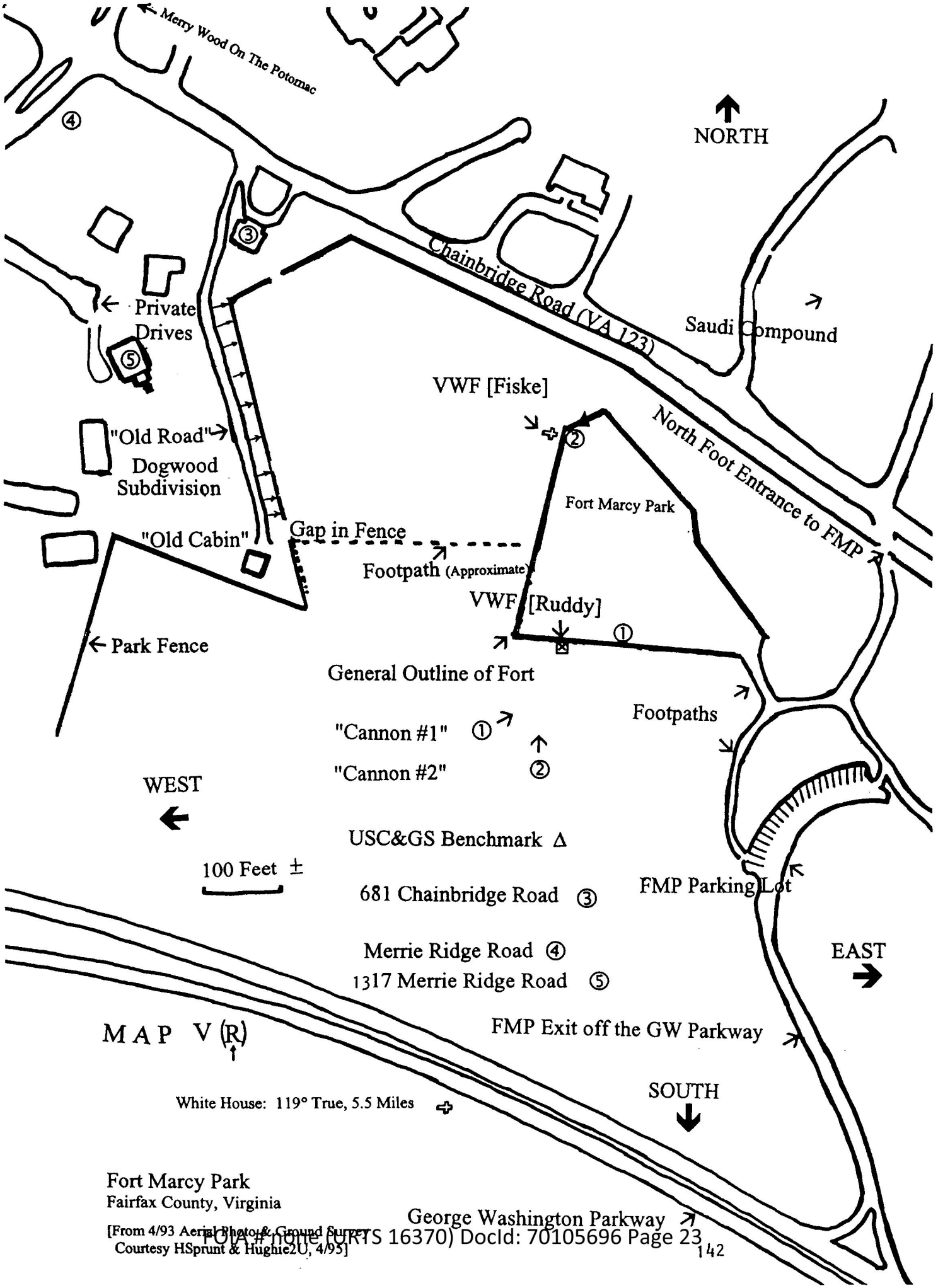


FOIA # none (URTS 16370) DocId: 70105696 Page 20



Fort Marcy Park
Fairfax County, Virginia
[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprunt & Hughie2U, 4/95]

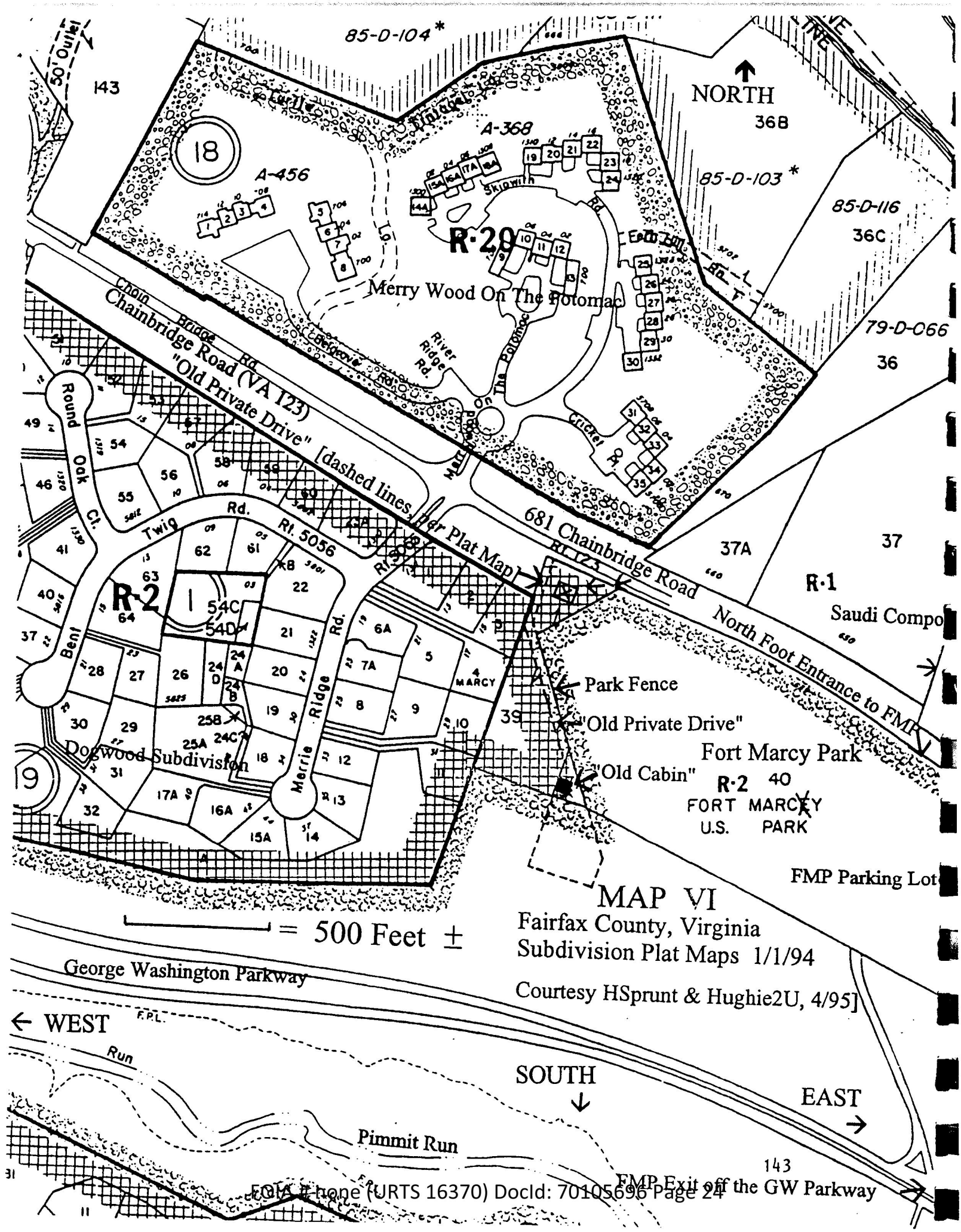
FOIA # none (URTS 16370) Docid: 70105696 Page 21



Fort Marcy Park
Fairfax County, Virginia

[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprunt & Hughie2U, 4/95]

FOIA # none (URTS 16370) DocId: 70105696 Page 23


85-D-104 *
143
NORTH
36B
A-368
A-456
18
85-D-103 *
85-D-116
36C
R-20
Merry Wood On The Potomac
79-D-066
36
Chainbridge Road (VA 123)
"Old Private Drive" [dashed lines, per Plat Map]
681 Chainbridge Road
Rt. 123
37A
37
R-1
Saudi Compo
North Foot Entrance to FMP
Round Oak Ct.
Twig Rd.
Rt. 5056
R-2
Bent
Merrie Ridge Rd.
Dogwood Subdivision
Park Fence
"Old Private Drive"
"Old Cabin"
Fort Marcy Park
R-2 40
FORT MARCEY
U.S. PARK
FMP Parking Lot
MAP VI
Fairfax County, Virginia
Subdivision Plat Maps 1/1/94
Courtesy HSprunt & Hughie2U, 4/95]
= 500 Feet ±
George Washington Parkway
WEST
SOUTH
EAST
Pimmit Run
143
FMP Exit off the GW Parkway

Appendix III

ABC News Photo of VWF's Right Hand With The Gun

FOIA # none (URTS 16370) DocId: 70105696 Page 25

none (L) 165/01

ABC
EXCLUSIVE

Appendix IV

Senate Whitewater Hearings Volumes
Locator Table For Testimony, Depositions, Interviews, etc.

Locator Table For Testimony, Depositions, Interviews, Reports, & Documents

Body of Table Contains Senate Hearings Volume Page Numbers -- Duplicates Omitted

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
Charles Hirsch	43			
Larry Monroe	43			
William Colombell	43			
James Beyer	77	564		
Cheryl Braun	77	491	559	152,2125
John Rolla	77	380	478,1600	150,2123,2135,2516
Robert Hines	149	1179		
James Lyons			171,1805	2157
Fletcher Jackson			177	
Brantley Buck			178	2157
Richard Pence			376	
Dale Bumpers			378	
Kenneth Stoll			379	
James Luke			610	
Peter Simonello		621	1589,1713,1737,1742	[Smith too]1757,2141,2159
Charles Hume		697	1718,1779	2114
Richard Arthur		871	1381,1563	
Kevin Fornshill		911	1582	
George Gonzalez		979	1046	
Todd Hall		1139	1157	
Eugene Smith		1164		
Robert Rule		1270		
Corey Ashford			1346,1559	
Jennifer Wacha			1353	
James Iacone			1356	
Ralph Pisani			1360,1548	
William Bianchi			1364	
Andrew Makuch			1369,1557	
Victoria Jacobs			1373	
Roger Harrison			1376	
Female sees FMP gates opened			1379	
Park Service 911 Caller			1439	
Deborah Gorham			1443	2132
G. Gordon Liddy			1457,1508	
Park Service Worker [CW ID]			1465	2144
MD Nissan - Male			1469,1474	
MD Nissan - Female			1470	
Webster Hubbell			1477,1745	
CW		2659 [Burton]	1514,1542,1543	
Female, Broken Down Mercedes			1522	
Thrifty Rental Driver			1525,1631	2143
Saw Japanese Car Cut Into FMP			1528,2145	2145,2246,2509
Linda Tripp			1531	2134
James Charron			1539	
John Skyles			1546	

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
Patrick Gavin			1553	
VWF Pharmacist			1569	
Sheila Foster Anthony			1570	
Renee Apt			1586	
Christine Hodakievic			1594	2127
Julie Spetz			1597	
Robert Denning			1607	
Roger Bailey			1608	
William Kennedy			1611,1758	
Franz Ferstl			1628	2121
Elizabeth (Lisa) Foster			1633	2152
Foster Neighbors			1652	
Potential VWF Psychiatrist #1			1654	
Potential VWF Psychiatrist #2			1655	
Potential VWF Psychiatrist #3			1662	
Julian Orenstein			1656	
Donald Haut			1658	
Dennis I Foreman			1665	
Joel Klein			1669	
Larry Watkins			1674	2156
Dogwood Female sees Man at FMP 7/19			1679	2512
Marsha Scott			1689,1748	
Joel Kleinman			1695	
Stephen Silverman			1715	
VWF Neighbor			1717	
John Carroll			1724	
Loraine Cline			1728	
Gordon Rather			1731	2157
Brantley Buck			1735	2157
Stephen Neuwirth			1739	2150 [Redacted!]
Beth Nolan			1753	
Timothy Keating			1762	
Nancy Hernreich			1765	
Roger Altman			1767	
Wayne Johnson			1772	
William Roelle			1773	
Susan Thomases			1777	
Senator Richard Shelby [VWF Neighbor]			1780	
A Tow Truck Driver			1782	
Man Who Spoke With A Tow Truck Driver			1783	
Park Service Worker [CW ID]			1785	
Todd Stern			1786	
David Watkins			1789	
Ricki Seidman			1793	
Bruce Lindsey			1800	
Lee Bowman			1806	
William Clinton		1813 [by Fiske OIC]		
Mack McLarty			2087	
Hillary Clinton		2096 [by Fiske OIC]		
James Morrissette (a)				2128,2137,2143

FOIA # none (URTS 16370) DocId: 70105696 Page 30

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
James Morrissette				2128,2144(?)
Bernard Nussbaum				2129
Ms. Pond [WH OLC]				2130
Tom Castleton				2134
E. J. Smith				2139
S. E. Hill				2140
Beryl Anthony				2146
Clifford Sloan				2155

Document	Page Number
FBI Pager Letter	116
Senate Resolution 217	118
Senate Resolution 229	138
Foster Family Statement	154
Fiske Report [Body]	181
Fiske Report [FBI Reports]	234
Fiske Report [Hirsch et al.]	333
Fiske Report [VWF Note]	353
Fiske Report [VWF Speech]	360
Fiske Report [Autopsy Report]	364
Monroe Letter	374
Rolla Notebook Pages	488-490
John Hanchette News Story	615
FCFRD Computer Log, E01, M01	1045
FCFRD Computer Log, M01	1050
FCFRD Computer Coding Info	1054
FCFRD Computer Log (911 Call)	1075
FCFRD Computer Log Inventory	1079
FCFRD Personnel Listing	1080,1810 [Substitute Victoria Jacobs for James Sutton]
FCFRD Computer Logs, Various	1094
Washington Post Article	1113
Ruddy Report	1118
USPP Death Investigation Guidelines	1322
Fiske Letter, OIC Records To Senate	1344
FCFRD Personnel Listing	1392
FCFRD Computer Logs	1416
911 Call Transcript	1430
FBI Search of Second Cannon Area	1905,2039
William Clinton 7/21/93 Remarks	1914
USSS Memo - Death Known To WH	2076, 2551 [Dupe Listed]
USPP Polaroid Inventory Sheet	2112
USPP Report (Autopsy X-rays)	2128
Psychiatrists' Phone Numbers	2135
Letter from John Sloan	2169
Revolver - DC Police	2170
Revolver BATF	2171
USPP Property Control Receipt	2185
USPP Property Control Receipt	2189
Honda USPP Impound Record	2201

FOIA # none (URTS 16370) DocId: 70105696 Page 31

Document	Page Number
VWF Checking Account Note	2217
No Briefcase - Tripp	2219
USPP Communications Memo	2251,2252
USPP Photo of Second Cannon/Tape	2392
USPP Photo of Revolver	2407
Lab Photo of Broken VWF Glasses	2448
"CHB" Sheet from VWF Wallet	2499

FOIA # none (URTS 16370) DocId: 70105696 Page 32

Appendix V

Table of Civilian Vehicles Seen at FMP [The Afternoon of July 20, 1993]

FOIA # none (URTS 16370) DocId: 70105696 Page 33

Civilian Vehicles Seen at FMP the Afternoon of July 20, 1993

[~ means "approximately" and < means "sometime before"]

Description	Source Pages	Arrival	Departure	Comments
Mercedes	210/152 1522	~1800	1900	Broken down *on exit* from GWMP to FMP parking lot with hazard lights flashing; towed away; female driver left FMP on foot after the breakdown; color: blue
Four-door white late model [Honda?]	1523	<1800	~1815	Offered a ride to Blue Mercedes lady on foot. Driver: Well-groomed white male, dark thick hair, summer shirt on, medium build, age 38-42. Seen by the lady lobbyist Mercedes owner.
Dark Blue Car	1523	<1800		Parked near beginning of parking lot and unoccupied; parked near a light gray or silver car. Seen by lady lobbyist in Mercedes.
Metallic Blue Car	1525	<1615		Japanese make, parked several spaces into the parking lot in vicinity of path leading to north side of park. VA license plate. Relatively new. Backed in to its slot. Occupied by a Mexican or Cuban male in his late 20s. Short, curly dark brown or black curly hair. Stared. Seen by man driving the Thrifty Rental vehicle
Red Car	881 1563	<1809		At entrance to park with hazard lights flashing. Seen by Arthur. Possibly Blue Mercedes with the color not remembered correctly?

FOIA # none (URTS 16370) DocId: 70105696 Page 34

Description	Source Pages	Arrival	Departure	Comments
White Nissan Stanza	210 881 1470 1474	~1700 1715 1730 ~1700		Parked at rear of lot. MD state plate. Owned by lady who came to FMP with a friend for a late lunch in the south side of the park.
Gray 1989 Honda Accord	210 1642			VWF's car. Parked in one of the first spaces on the left (4th?) near the start of the FMP parking lot. AR plate Note: Lisa Foster said the Honda was a light "taupe or grayish color."
Japanese Car	202/203 1528 2246 2509	~1450 ~1455		Driven by white male. Out-of-state plate, possibly AR. Possibly VWF's car? Vehicle made quick change from left lane of GWMP and cut into FMP entrance off GWMP. May NOT be VWF Honda -- Problems with the certainty of AR plate ID described by witness, in particular A dark smoke gray metallic mid-sized four door Japanese made sedan. Interior lighter than the exterior. Looked similar to pictures of VWF's car according to eye-witness who made the report.
Japanese Car	203	<1620		Unoccupied, AR plate, possibly darker and smaller than VWF's car. Parked in one of the first spaces in FMP parking lot as enter from the GWMP. Man's suit jacket folded over passenger seat.
Small car	152	<1700	1700+	Man w/o a shirt sitting in car.
Brown, Small Station wagon?	1474	<1700		On left as drive in. Front of car facing Fort. Hood up, white male near vehicle, mid to-late 40s, 6 foot medium build, long blond hair and beard, unclean and unkempt.

Description	Source Pages	Arrival	Departure	Comments
1988-90 rusty or brown Honda with AR Plates	1525 1631 R9	<1615		Parked front end facing Fort in one of the first parking spots on left. Unoccupied. Dark blue jacket draped over *driver's* seat. Leather briefcase or folder on the passenger side seat. Briefcase darker than the interior which was light or beige. Certain of briefcase. Witness thought car he saw was older and shorter than VWF's Honda, but he was sure it was a four door Accord, and he is not sure the color was as glossy as VWF's Honda and thought the license plate had fewer letters.
Light color older model	152 1630	~1715	~1730	White male, "scrungy" hair, parks next to VWF Honda, puts up hood, walks into the woods, returns, drives away.
Old, dirty, run down four-door sedan	1471	~1715+		Drove into lot, made a U-turn and exited FMP. White male with long shaggy hair, large build, 30-40 years of age. Could have had no shirt on.
White van, blue lettering	152 1471	~1710 ~1715+	~1715 1715+	Driver emptied his trash. Driver was a white male late 20s or early 30s with light colored hair, of average height and build, wearing a blue short-sleeved company work-shirt. Not CW [But see R13].
White van, Blue lettering	1475	~1715	1715+	White male driver, 25-30, short dark hair, clean-shaven. Wearing uniform. Not CW [But see R13].

Description	Source Pages	Arrival	Departure	Comments
Thrifty Rental Vehicle	1526	1615	1620	In and out of park fast to urinate [not CW]. Saw the 1988-90 Brown Honda and also the metallic blue Japanese car with VA plates.
Ford Passenger Van	1526	1620		Seen by Thrifty Rental man as it slowed down possibly to enter FMP as Thrifty Rental driver was leaving FMP. Could this van contain the "Volunteers" who were at FMP "working on the trails" the Fornshill mentioned?
Car, engine running	1148	<1809		Mentioned by EMS Hall. He could not say whether it was there when he left at 1837.
	1354	<1809		Also mentioned by EMS Wacha. She said the car was brown, had its engine running, and its hazard lights flashing in the parking lot.
Older Model Light Blue Mercedes 190 4-door	1379	~1800		Slim white male, short brown hair, opens the gate to FMP. [This gate was not closed until USPP Fornshill closed it around 1820 that afternoon.] Age 30s to early 40's. Dark suit, average height. Seen by a lady driving by on the GWMP. Gate not closed until after the body was found. Seen by Mercedes Lady-- who is this man?
Black Cadillac	1559 1561	<2016		Seen by Ashford when his ambulance pulled into the parking lot of FMP to pick up VWF's body for transport to the Fairfax County Hospital & Morgue. Who's car was this? The Cadillac was pulled into the far end of the lot.

Description	Source Pages	Arrival	Departure	Comments
Unknown "extra vehicles," one was brown	944 1148 1354	<1812		Seen by USPP Fornshill EMS Hall, and EMS Wacha. At far end (away from the entrance) of lot. The brown car was not parked in a space its engine was running, and one witness stated its hazard lights were flashing.

Comments on the Above Table of Vehicles

Most of these vehicles are discussed at the appropriate points in the body of this report. The author is of the opinion that all the vehicles within the pair of double-dashed lines above could well be the same vehicle, that is, VWF's 1989 taupe gray four-door Honda Accord with AR plates.

One thing is for sure, even allowing for multiple sightings of the same vehicle by different witnesses, a significant number of vehicles came, stayed, or went at the small (21 slot) parking lot at FMP the afternoon of VWF's death.

Appendix VI

FMP Table of Arrivals and Departures

FOIA # none (URTS 16370) DocId: 70105696 Page 39

Arrival and Departure Times of Officials per the Record

[~ means "approximately"]

FORT MARCY PARK PARKING LOT

Individual	Arrival	Departure
USPP Fornshill	1811:50	1825~
FCFRD Gonzalez (M01)	1809	1837
FCFRD Hall (M01)	1809	1837
FCFRD Arthur (M01)	1809	1837
FCFRD Pisani (E01)	1809	1837
FCFRD Wacha (E01)	1809	1837
FCFRD Iacone (E01)	1809	1837
USPP Hodakievic	1830~	?
USPP Ferstl	1820~	2130
USPP Spetz	1825~	1900~
USPP Edwards	1828~	?
USPP Gavin	1833~	?
USPP Rolla	1835	2045
USPP Braun	1835	2045
USPP Apt	1835	?
USPP Simonello	1845~	?
FC ME Haut	1845	1915
FCFRD Ashford (A01)	2000~	2017
FCFRD Harrison (A01)	2000~	2017
FCFRD Bianchi (T01P)	2002	2015~
FCFRD Makuch (T01P)	2002	2015~
FCFRD Jacobs (T01P)	2002	2015~

VWF HOME

USPP Rolla	2200	2310
USPP Braun	2200	2310

FAIRFAX COUNTY HOSPITAL MORGUE

OLC Kennedy	?	?
OLC Livingstone	?	?
USPP Rolla	?	?
USPP Braun	?	?

[The author could really use some US Government help nailing down these times!]

Appendix VII

Table Of Principal Persons

FOIA # none (URTS 16370) DocId: 70105696 Page 41

Principal Persons

Principal Person	Job Title	Comments Based On The Record
Charles Hirsch	Doctor	Medical Consultant for Fiske OIC.
Larry Monroe	Special Agent	FBI Agent assigned to the Fiske OIC.
William Colombell	Special Agent	FBI Agent assigned to the Fiske OIC.
James Beyer	N VA Deputy M.E.	Did VWF autopsy: X-rays -- yes or no?
Cheryl Braun	USPP Investigator	USPP overall "In Charge" at FMP, 7/20/93.
John Rolla	USPP Investigator	USPP "In Charge" at the body site 7/20/93. When he first arrived, VWF's palms were **up** & a .38 Army Colt Special revolver, four-inch barrel, was in VWF's right hand.
Robert Hines	USPP Major	USPP Chief's Office, 7/20/93.
James Lyons	Private Attorney	Was to fly from Denver to meet VWF, July 21st.
Fletcher Jackson	Ass't. US Attorney	Did VWF know about Hale search?
Brantley Buck	Private Attorney	With RLF, drafted Clintons' Blind Trust.
Peter Simonello	USPP ID Officer	Took the gun from body's right hand for tests.
Charles Hume	USPP Captain	Ass't Commander CIB, signed USPP VWF File.
Richard Arthur	FCFRD Paramedic	Saw USPP "gaining access" to Honda at ~1830.
Kevin Fornshill	USPP Officer	First USPP at the body site; **never saw gun.**
George Gonzalez		First FCFRD at the body site: arrived, VWF's palms were **down**, revolver was in VWF's right hand; saw facial wound not in autopsy report.
Todd Hall	FCFRD Firefighter	Saw "extra" cars in lot, early on scene, examined body. Re gun: "In the **picture** you could see it."
Corey Ashford	FCFRD EMS Tech	Put body in body bag, did not see any blood. Drove body to hospital, arriving at 2031.
Jennifer Wacha	FCFRD EMT	**Saw "extra" car in lot, engine running, hazard lights on.** Member, southern FMP search team.
James Iacone	FCFRD Firefighter	**Saw "extra" car in lot,** examined VWF Honda from outside. Thought **Honda doors locked.**

Principal Person	Job Title	Comments Based On The Record
Ralph Pisani	FCFRD Firefighter	Member southern FMP search team. Observed that body was found on a trail.
William Bianchi	FCFRD Lieutenant	**Said Iacone knew VWF worked at WH when Iacone returned to the station (left FMP 1837).**
Andrew Makuch	FCFRD Firefighter	On Truck 1, responded with Ambulance 1 to bring body from site to FMP parking lot to be transported to hospital by Ambulance 1.
Victoria Jacobs	FCFRD Firefighter	Driver of Truck 1
Roger Harrison	FCFRD EMT	Ambulance 1 driver, took body to morgue.
Female Driver on GWMP		**She saw a man opening the gate to FMP a little after 1800 on July 20, 1993.**
Deborah Gorham	Executive Assistant	VWF's Executive Assistant, VWF's wife called her about VWF's **overdrawn checking account.**
G. Gordon Liddy	Radio Host	CW came forward and was interviewed by Liddy.
Park Service Worker		CW asked him to call 911 from Turkey Run at about 1759 to report the body at FMP.
MD Nissan - Male	------	**Apparently observed VWF's Honda with hood up and unkempt man with long blond hair and beard by the Honda in FMP parking lot.**
MD Nissan - Female	------	**Apparently saw dark-haired white male sitting in driver's seat of VWF's Honda in FMP lot.**
Webster Hubbell	Formerly Deputy Attorney General	Spent VWF's last weekend with him at the Cardoza home near Easton, MD.
CW	------	First non-official to see the body; about 1750, both palms were **up** and there was **no gun** in either of VWF's hands or in the vicinity of the body & **very little blood on face (all dried).**
Female, Broken Mercedes	Lobbyist	Walked through FMP parking lot looking for telephone (none). Left FMP & walked up the GWMP to call a tow truck for her Mercedes.
Thrifty Rental Driver	------	Saw dark blue jacket draped **over** the driver's seat of VWF's Honda at the FMP parking lot.
Saw Car Cut Into FMP	------	Saw Japanese made car with out-of-state tags quickly cut across the right lane of the GWMP and take FMP exit into parking lot. Car *may* have been VWF's Honda.

Principal Person	Job Title	Comments Based On The Record
Linda Tripp	Executive Assistant	Executive Assistant to Nussbaum of WH OLC, **Described VWF's 1-2 hour long doubly "unusual" meeting with Marsha Scott the day before he died.** Brought VWF his last lunch.
John Skyles	USSS Officer	Last WH person officially to see VWF alive as VWF passed through guard post E-4 around lunch time on Tuesday, July 20, 1993.
Patrick Gavin	USPP Lieutenant	Shift Commander on day of death. Responded quickly to park with 12 other USPP officers. Saw body in middle of path. Notified WH of VWF's death (2030 per WH). Tea and Tipton at morgue called him seeking OK for Kennedy & Livingstone to visit VWF's body at morgue.
Sheila Foster Anthony	Assistant Attorney General	One of VWF's sisters, living in DC. Told FBI VWF hesitant to see psychiatrist because due to Top Secret work VWF doing at WH.
Renee Apt	USPP Investigator	Rode to FMP with Rolla and Braun. Helped Braun interview the couple in the MD Nissan.
Christine Hodakievic	USPP Investigator	Came by FMP when heard 911 call even though shift over and on the way home. Remembered Rolla checking the body for ID where body was found at FMP. Arrived at FMP 1815.
Julie Spetz	USPP Officer	Third USPP officer at FMP. Brought Nissan couple to Braun and Hodakievic to be interviewed. Put crime scene tape across the entrance to FMP off the GWMP.
William Kennedy	Associate Counsel	**Visited VWF's body at the morgue with Livingstone (exact time unknown, but before Kennedy checked in at the VWF's home the night of the death). Notified of VWF death by Livingstone at 2015-2030.**
Franz Ferstl	USPP Officer	Second USPP Officer to see the body. **Unlike Fornshill, he was able to see the gun.**
Elizabeth (Lisa) Foster	VWF's Spouse	**Could not identify the gun** shown to her by the USPP (photograph) or (actual gun) by the Fiske OIC FBI investigators.
Foster Neighbors	------	No evidence VWF went home to get the gun after leaving the WH around 1300 on 7/20/93.

Principal Person	Job Title	Comments Based On The Record
Julian Orenstein	Doctor	On duty at Fairfax Hospital complex when VWF's body arrived in Ambulance 1 at 2031. He was the doctor who formally pronounced VWF dead.
Donald Haut	Doctor A Fairfax County Medical Examiner	Responded to FMP at **1845**. Body in "wooded area" about **150 yards from FMP parking lot**. Stayed at FMP 30 minutes. Blood volume at back of head small, also matted and clotted. **Knew VWF worked at WH before he left FMP.** Body located on a dirt path. **Thought VWF killed by a "low velocity weapon" based on his examination of the wound.**
Young Female		She saw a man in a suit walking around at FMP on 7/19/93, the day before VWF died.
Marsha Scott	Deputy Assistant to the President	Had an "unusual" 1-2 hour closed-door meeting with VWF on Monday, June 19, the day before he died, but could not recall the specifics of the conversation when interviewed by the FBI.
John Carroll	Private Attorney	RLF partner and long-time friend of VWF's. Thought VFW had an excellent delivery when he spoke at the University of AR Law School on May 8, 1993.
Loraine Cline	Executive Assistant	RLF employee who was VWF's assistant for seven years. Thought VWF was in good spirits when he spoke at the University of AR Law School on May 8, 1993.
Gordon Rather	Private Attorney	Called VWF on July 20, 1993, out of sheer coincidence (partner in same LR law firm as Bruce Lindsey and (briefly) WJC.
Brantley Buck	Private Attorney	RLF Partner involved with drafting the Clintons' blind trust(s), spoke with VWF several times shortly before VWF died.
Stephen Neuwirth		Found the VWF "suicide note" in a briefcase that had already been searched twice.
Beth Nolan	Associate Counsel	Worked with VWF in the WH OLC. Remembered VWF joking around in a staff meeting on Friday, July 16th.

Principal Person	Job Title	Comments Based On The Record
Nancy Hernreich	Deputy Assistant to the President	One the AR "core" group that regularly went together Tuesday night. VWF was a member of the "core" AR group.
David Watkins	White House Director of Personnel	Picked up at home by Rolla and Braun and taken on the VWF family death notification. Also met VWF the morning of July 19 as VWF returned to the WH.
Bruce Lindsey		With WJC and Hubbell at the WH the evening of 7/19/93 when WJC invited VWF to the White House "to see a movie."
President Clinton	The President	On Monday night, July 19th, scheduled a WH meeting with VWF on July 21st to discuss possible WH organizational changes. VWF died on the 20th.
First Lady Hillary Clinton	The First Lady	Left west coast on the 20th of July. Landed in LR at about 2026 EDT that evening, the day VWF died. Reason given for not flying directly to Washington as planned: to visit her mother.
James Morrissette	USPP Detective	Attended VWF autopsy conducted by Dr. Beyer. Stated in his report that Dr. Beyer told him that the X-rays taken of VWF's head indicated that there were no bullet fragments in the brain. Dr. Beyer states the no X-rays were taken of VWF.
Betsy Pond	Executive Assistant	Assistant to Mr. Nussbaum, White House Counsel (Linda Tripp was the other assistant to Nussbaum). VWF talked to her about what he was ordering for lunch from the WH cafeteria, but it was Linda Tripp who brought VWF his lunch. She and Linda Tripp were in the WH OLC when VWF departed for the last time around 1300.
Tom Castleton	Staff Assistant	WH OLC. VWF sent him to see what was taking Linda Tripp so long to bring him his lunch on July 20th.
Beryl Anthony	Former	Husband of VWF's sister, Sheila. VWF stayed with the Anthonys for several weeks in the later winter of 1993 before renting a home for his family in Georgetown.

Appendix I

Table of Homes Nearest Mr. Foster's Body

Homes Nearest Mr. Foster's [VWF's] Body -- Estimated From Aerial Imagery

Street Address	Lot No.	Distance to VWF From Front Door	Same Side Of CBR?	Apparent Legal Owner ****
640 Chain Bridge Rd.*	**1A**	**720 Feet**	**NO**	**K. of Saudi Arabia**
650 Chain Bridge Rd.**	37	700 Feet	NO	K. of Saudi Arabia
660 Chain Bridge Rd.	37A	300 Feet	NO	①
Homes on Cricket Place [Merry Wood on the Potomac]	Various	~550 Feet	NO	Various
681 Chain Bridge Rd.***	39	470 Feet	YES	②
1315 Merrie Ridge Rd. [The Dogwoods]	3	560 Feet @	YES	③
1317 Merrie Ridge Rd. [The Dogwoods]	4	570 Feet @	YES	Senator J. B. Johnston (Democrat of Louisiana)

* This address apparently is the Saudi Arabian Ambassador's Residence referred to in the Fiske Report as being the "closest building to the park." [There *is* a an outbuilding 420 feet from the body.]

** This structure is also owned by The Kingdom. Construction of this building was underway on the day VWF died, so this appears to be the Saudi construction work referred to in the Fiske Report. It was typical for workers' cars to be parked on the south side of Chain Bridge Road near the north pedestrian entrance to FMP.

*** This home is on a lot that abuts Fort Marcy Park [FMP] at the park's northwest corner.

**** Per public property ownership records of Fairfax County and contacts with the Tax Office.

@ These lots that are separated from the western edge of FMP by the unimproved portion of Lot 39.

① The current corporate owner (McLean International, Ltd.) purchased from the individual owners on 9/7/93. The former individual owners are not obvious public personages, so their names are omitted.

② The owner of this home is not obviously a public personage. Thus, although public, his name is omitted. The owner apparently rents 681 Chain Bridge Road [CBR] to others. The same individual also owns Lot 38, another lot that abuts the west side of FMP, on which an old abandoned cabin is located.

③ The owner of this home is not obviously a public personage. Thus, his name is also omitted.

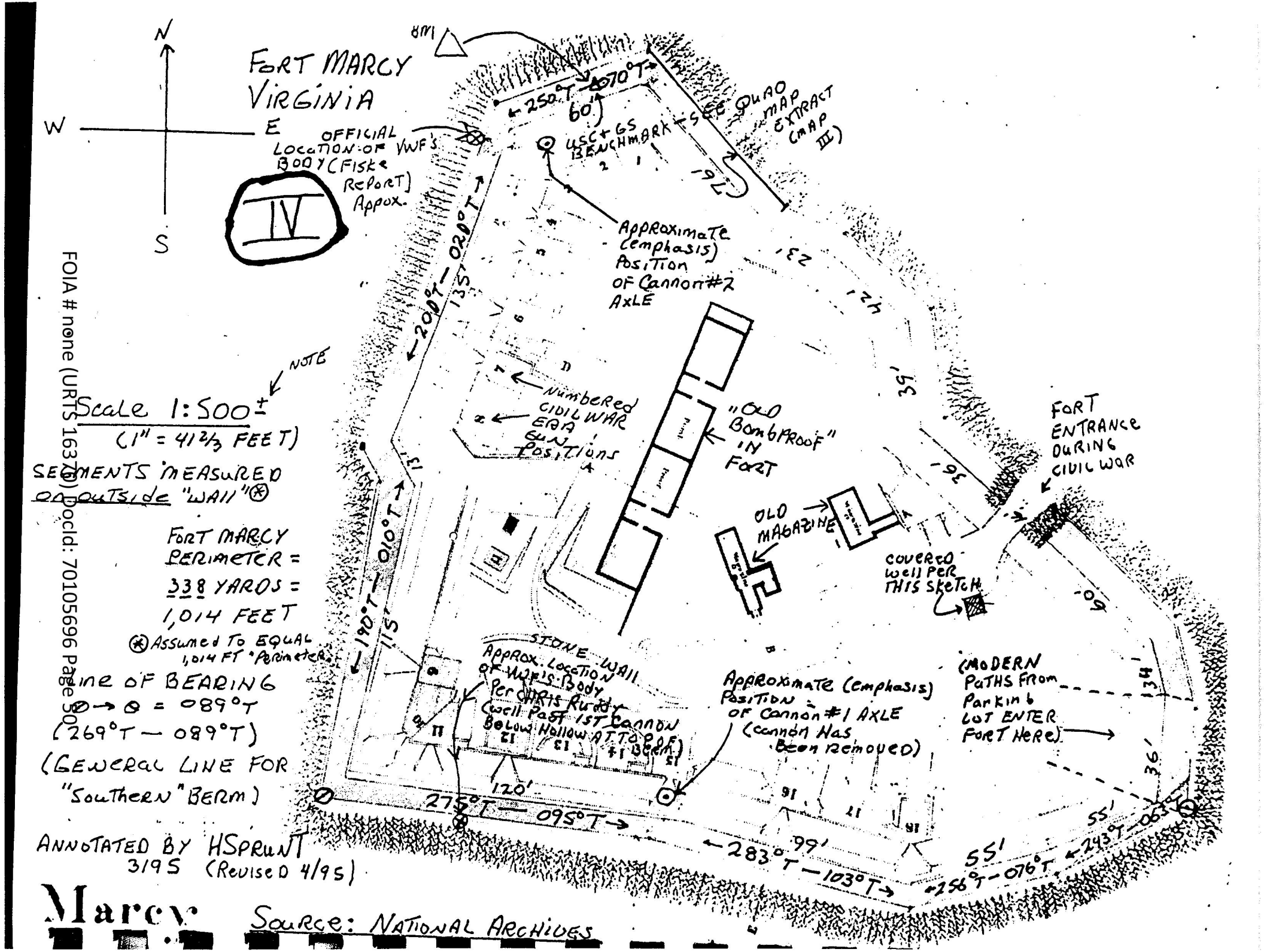
Note: The Saudi Residence is **not** "the closest building to the park," despite this quotation from Page 55 of the Fiske Report (Whitewater Hearings Volumes, 230). The front doors of **all** of the non-Saudi-owned buildings listed above are closer to the official body location than is the Saudi Residence. **[See Maps IV, V(R) & VI]** *Although the only known direct connection of the buildings to the death of VWF is merely geographic, one might ask how and why the Fiske Report contains such a fundamental error.*

Furthermore, based on a review of publicly-released documents from the VWF Investigations (that is, the unredacted portions thereof accessible by the public), it appears that no one other than the Saudis was ever interviewed by the US Park Police, The FBI, or attorneys with the Fiske Office of Independent Counsel. ***None of the public official documents even mentions these non-Saudi dwellings.***

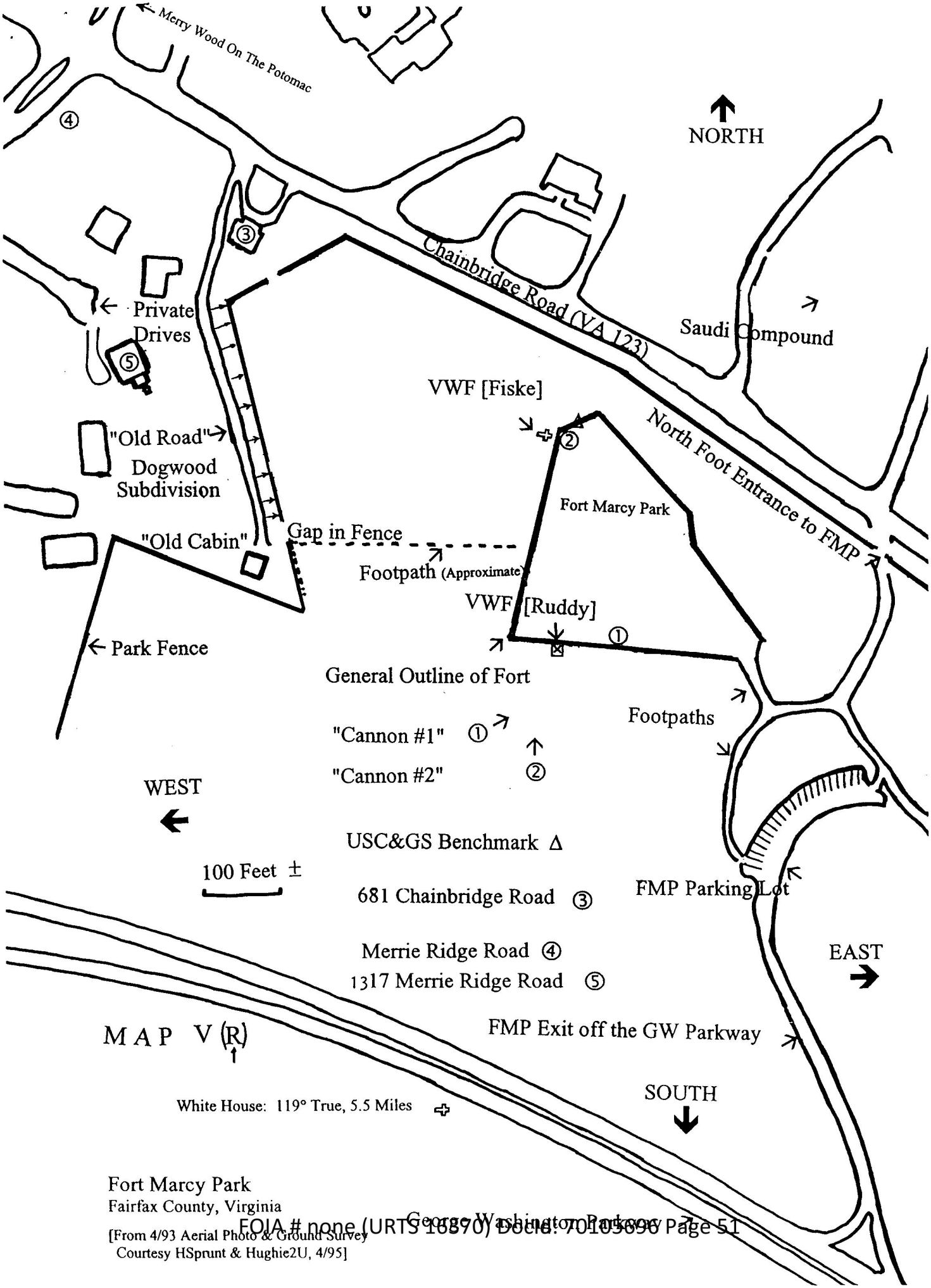
The last three lots are separated from body's official location only by uneven, heavily-treed, park land, an old road that runs south from Chain Bridge Road through Lot 39, and the western border fence of Fort Marcy Park (the fence is collapsed for a few feet near the old cabin on Lot 38). The entrance to the old road on the south side of CBR is quite discrete. For comparison, the *line-of-sight* distance from FMP's north side pedestrian entrance to the body is 450 feet (and from his car, 600 feet).

Appendix II

Selected Maps of Fort Marcy Park and Environs

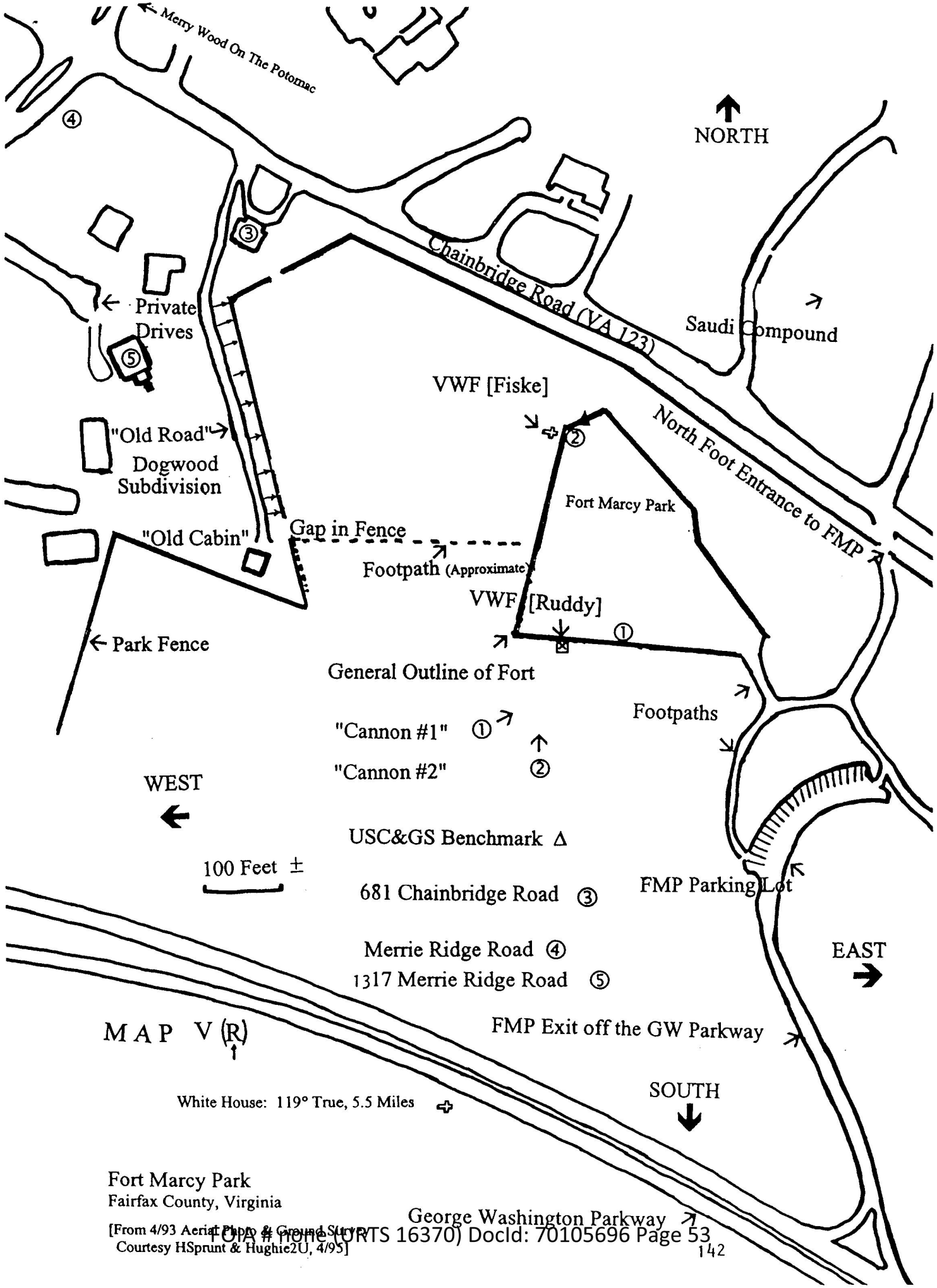


FOIA # none (URTS 16376) DocId: 70105696 Page 30



Fort Marcy Park
Fairfax County, Virginia
[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprunt & Hughie2U, 4/95]

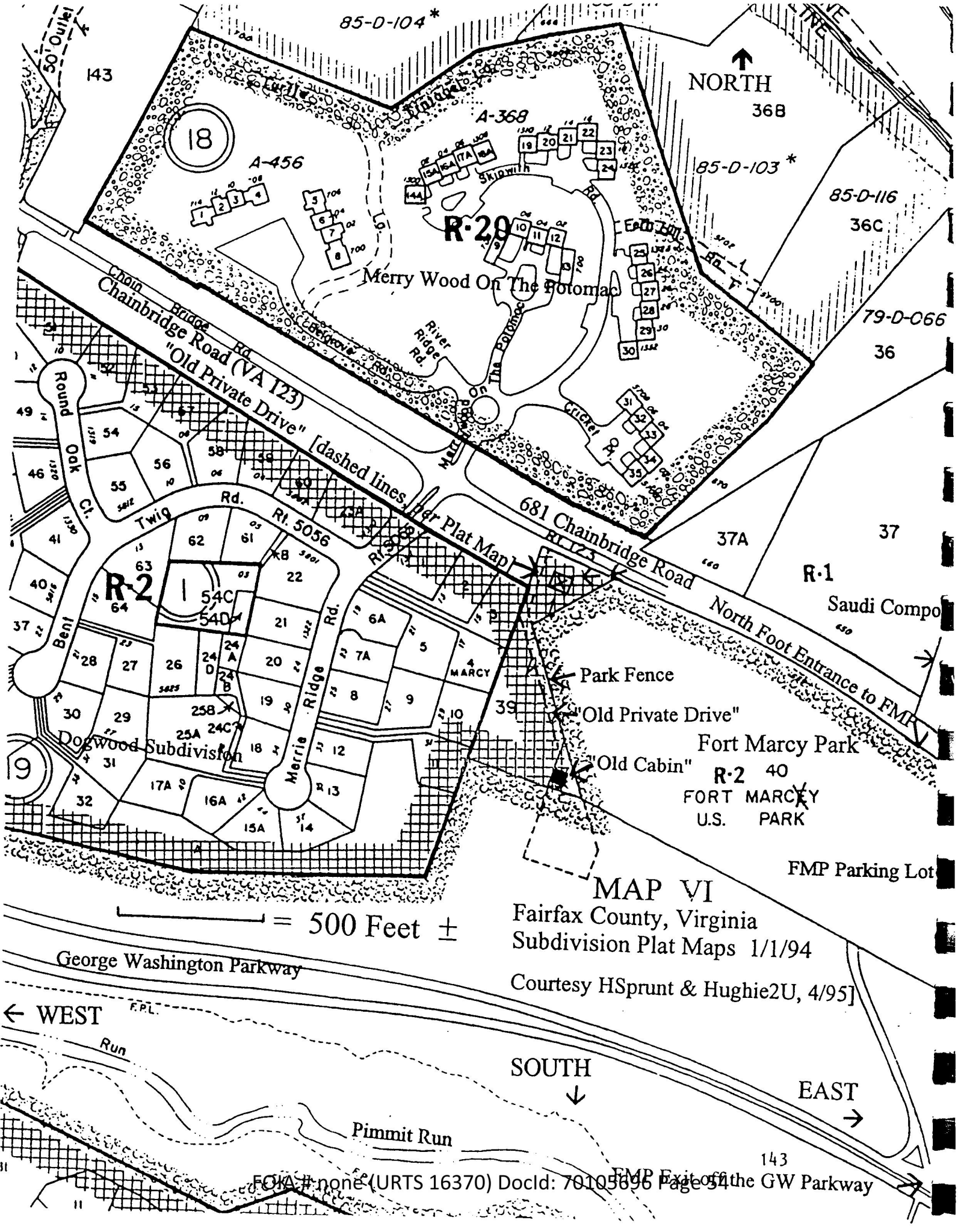
FOIA # none (URTS 16370) Docid: 70103696 Page 51



Fort Marcy Park
Fairfax County, Virginia

[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprunt & Hughie2U, 4/95]

FOIA # none (URTS 16370) DocId: 70105696 Page 53


85-D-104 *
143
50' Outlet
NORTH
368
A-368
A-456
18
R-20
Merry Wood On The Potomac
85-D-103 *
85-D-116
36C
79-D-066
36
Chain Bridge Rd.
Chainbridge Road (VA 123)
"Old Private Drive" [dashed lines, hgr Plat Map]
River Ridge Rd.
The Potomac
Cricket Rd.
Round Oak Ct.
Twig Rd.
Rt. 5056
681 Chainbridge Road
Rt. 123
37A
37
R-1
Saudi Compo
North Foot Entrance to FMP
R-2
Bent
Merrie Ridge Rd.
Park Fence
"Old Private Drive"
Fort Marcy Park
"Old Cabin"
R-2 40
FORT MARCY
U.S. PARK
Dogwood Subdivision
FMP Parking Lot
MAP VI
= 500 Feet ±
Fairfax County, Virginia
Subdivision Plat Maps 1/1/94
Courtesy HSprunt & Hughie2U, 4/95]
George Washington Parkway
← WEST
SOUTH
EAST
Pimmit Run
FMP Exit off the GW Parkway
143

Appendix III

ABC News Photo of VWF's Right Hand With The Gun

FOIA # none (URTS 16370) DocId: 70105696 Page 55

ABC
EXCLUSIVE

ERC
EQUINE

Appendix IV

Senate Whitewater Hearings Volumes
Locator Table For Testimony, Depositions, Interviews, etc.

FOIA # none (URTS 16370) DocId: 70105696 Page 58

Locator Table For Testimony, Depositions, Interviews, Reports, & Documents

Body of Table Contains Senate Hearings Volume Page Numbers -- Duplicates Omitted

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
Charles Hirsch	43			
Larry Monroe	43			
William Colombell	43			
James Beyer	77	564		
Cheryl Braun	77	491	559	152,2125
John Rolla	77	380	478,1600	150,2123,2135,2516
Robert Hines	149	1179		
James Lyons			171,1805	2157
Fletcher Jackson			177	
Brantley Buck			178	2157
Richard Pence			376	
Dale Bumpers			378	
Kenneth Stoll			379	
James Luke			610	
Peter Simonello		621	1589,1713,1737,1742 [Smith too]	1757,2141,2159
Charles Hume		697	1718,1779	2114
Richard Arthur		871	1381,1563	
Kevin Fornshill		911	1582	
George Gonzalez		979	1046	
Todd Hall		1139	1157	
Eugene Smith		1164		
Robert Rule		1270		
Corey Ashford			1346,1559	
Jennifer Wacha			1353	
James Iacone			1356	
Ralph Pisani			1360,1548	
William Bianchi			1364	
Andrew Makuch			1369,1557	
Victoria Jacobs			1373	
Roger Harrison			1376	
Female sees FMP gates opened			1379	
Park Service 911 Caller			1439	
Deborah Gorham			1443	2132
G. Gordon Liddy			1457,1508	
Park Service Worker [CW ID]			1465	2144
MD Nissan - Male			1469,1474	
MD Nissan - Female			1470	
Webster Hubbell			1477,1745	
CW		2659 [Burton]	1514,1542,1543	
Female, Broken Down Mercedes			1522	
Thrifty Rental Driver			1525,1631	2143
Saw Japanese Car Cut Into FMP			1528,2145	2145,2246,2509
Linda Tripp			1531	2134
James Charron			1539	
John Skyles			1546	

FOIA # none (URTS 16370) DocId: 70105696 Page 59

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
Patrick Gavin			1553	
VWF Pharmacist			1569	
Sheila Foster Anthony			1570	
Renee Apt			1586	
Christine Hodakievic			1594	2127
Julie Spetz			1597	
Robert Denning			1607	
Roger Bailey			1608	
William Kennedy			1611,1758	
Franz Ferstl			1628	2121
Elizabeth (Lisa) Foster			1633	2152
Foster Neighbors			1652	
Potential VWF Psychiatrist #1			1654	
Potential VWF Psychiatrist #2			1655	
Potential VWF Psychiatrist #3			1662	
Julian Orenstein			1656	
Donald Haut			1658	
Dennis I Foreman			1665	
Joel Klein			1669	
Larry Watkins			1674	2156
Dogwood Female sees Man at FMP 7/19			1679	2512
Marsha Scott			1689,1748	
Joel Kleinman			1695	
Stephen Silverman			1715	
VWF Neighbor			1717	
John Carroll			1724	
Loraine Cline			1728	
Gordon Rather			1731	2157
Brantley Buck			1735	2157
Stephen Neuwirth			1739	2150 [Redacted!]
Beth Nolan			1753	
Timothy Keating			1762	
Nancy Hernreich			1765	
Roger Altman			1767	
Wayne Johnson			1772	
William Roelle			1773	
Susan Thomases			1777	
Senator Richard Shelby [VWF Neighbor]			1780	
A Tow Truck Driver			1782	
Man Who Spoke With A Tow Truck Driver			1783	
Park Service Worker [CW ID]			1785	
Todd Stern			1786	
David Watkins			1789	
Ricki Seidman			1793	
Bruce Lindsey			1800	
Lee Bowman			1806	
William Clinton		1813 [by Fiske OIC]		
Mack McLarty			2087	
Hillary Clinton		2096 [by Fiske OIC]		
James Morrissette (a)				2128,2137,2143

FOIA # none (URTS 16370) DocId: 70105696 Page 60

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
James Morrissette				2128,2144(?)
Bernard Nussbaum				2129
Ms. Pond [WH OLC]				2130
Tom Castleton				2134
E. J. Smith				2139
S. E. Hill				2140
Beryl Anthony				2146
Clifford Sloan				2155

Document	Page Number
FBI Pager Letter	116
Senate Resolution 217	118
Senate Resolution 229	138
Foster Family Statement	154
Fiske Report [Body]	181
Fiske Report [FBI Reports]	234
Fiske Report [Hirsch et al.]	333
Fiske Report [VWF Note]	353
Fiske Report [VWF Speech]	360
Fiske Report [Autopsy Report]	364
Monroe Letter	374
Rolla Notebook Pages	488-490
John Hanchette News Story	615
FCFRD Computer Log, E01, M01	1045
FCFRD Computer Log, M01	1050
FCFRD Computer Coding Info	1054
FCFRD Computer Log (911 Call)	1075
FCFRD Computer Log Inventory	1079
FCFRD Personnel Listing	1080,1810 [Substitute Victoria Jacobs for James Sutton]
FCFRD Computer Logs, Various	1094
Washington Post Article	1113
Ruddy Report	1118
USPP Death Investigation Guidelines	1322
Fiske Letter, OIC Records To Senate	1344
FCFRD Personnel Listing	1392
FCFRD Computer Logs	1416
911 Call Transcript	1430
FBI Search of Second Cannon Area	1905,2039
William Clinton 7/21/93 Remarks	1914
USSS Memo - Death Known To WH	2076, 2551 [Dupe Listed]
USPP Polaroid Inventory Sheet	2112
USPP Report (Autopsy X-rays)	2128
Psychiatrists' Phone Numbers	2135
Letter from John Sloan	2169
Revolver - DC Police	2170
Revolver BATF	2171
USPP Property Control Receipt	2185
USPP Property Control Receipt	2189
Honda USPP Impound Record	2201

FOIA # none (URTS 16370) DocId: 70105696 Page 61

Document	Page Number
VWF Checking Account Note	2217
No Briefcase - Tripp	2219
USPP Communications Memo	2251,2252
USPP Photo of Second Cannon/Tape	2392
USPP Photo of Revolver	2407
Lab Photo of Broken VWF Glasses	2448
"CHB" Sheet from VWF Wallet	2499

FOIA # none (URTS 16370) DocId: 70105696 Page 62

Appendix V

Table of Civilian Vehicles Seen at FMP [The Afternoon of July 20, 1993]

FOIA # none (URTS 16370) DocId: 70105696 Page 63

Civilian Vehicles Seen at FMP the Afternoon of July 20, 1993

[~ means "approximately" and < means "sometime before"]

Description	Source Pages	Arrival	Departure	Comments
Mercedes	210/152 1522	 ~1800	1900	Broken down *on exit* from GWMP to FMP parking lot with hazard lights flashing; towed away; female driver left FMP on foot after the breakdown; color: blue
Four-door white late model [Honda?]	1523	<1800	~1815	Offered a ride to Blue Mercedes lady on foot. Driver: Well-groomed white male, dark thick hair, summer shirt on, medium build, age 38-42. Seen by the lady lobbyist Mercedes owner.
Dark Blue Car	1523	<1800		Parked near beginning of parking lot and unoccupied; parked near a light gray or silver car. Seen by lady lobbyist in Mercedes.
Metallic Blue Car	1525	<1615		Japanese make, parked several spaces into the parking lot in vicinity of path leading to north side of park. VA license plate. Relatively new. Backed in to its slot. Occupied by a Mexican or Cuban male in his late 20s. Short, curly dark brown or black curly hair. Stared. Seen by man driving the Thrifty Rental vehicle
Red Car	881 1563	<1809		At entrance to park with hazard lights flashing. Seen by Arthur. Possibly Blue Mercedes with the color not remembered correctly?

FOIA # none (URTS 16370) DocId: 70105696 Page 64

Description	Source Pages	Arrival	Departure	Comments
White Nissan Stanza	210 881 1470 1474	~1700 1715 1730 ~1700		Parked at rear of lot. MD state plate. Owned by lady who came to FMP with a friend for a late lunch in the south side of the park.
Gray 1989 Honda Accord	210 1642			VWF's car. Parked in one of the first spaces on the left (4th?) near the start of the FMP parking lot. AR plate Note: Lisa Foster said the Honda was a light "taupe or grayish color."
Japanese Car	202/203 1528 2246 2509	~1450 ~1455		Driven by white male. Out-of-state plate, possibly AR. Possibly VWF's car? Vehicle made quick change from left lane of GWMP and cut into FMP entrance off GWMP. May NOT be VWF Honda -- Problems with the certainty of AR plate ID described by witness, in particular A dark smoke gray metallic mid-sized four door Japanese made sedan. Interior lighter than the exterior. Looked similar to pictures of VWF's car according to eye-witness who made the report.
Japanese Car	203	<1620		Unoccupied, AR plate, possibly darker and smaller than VWF's car. Parked in one of the first spaces in FMP parking lot as enter from the GWMP. Man's suit jacket folded over passenger seat.
Small car	152	<1700	1700+	Man w/o a shirt sitting in car.
Brown, Small Station wagon?	1474	<1700		On left as drive in. Front of car facing Fort. Hood up, white male near vehicle, mid to-late 40s, 6 foot medium build, long blond hair and beard, unclean and unkempt.

Description	Source Pages	Arrival	Departure	Comments
1988-90 rusty or brown Honda with AR Plates	1525 1631 R9	<1615		Parked front end facing Fort in one of the first parking spots on left. Unoccupied. Dark blue jacket draped over *driver's* seat. Leather briefcase or folder on the passenger side seat. Briefcase darker than the interior which was light or beige. Certain of briefcase. Witness thought car he saw was older and shorter than VWF's Honda, but he was sure it was a four door Accord, and he is not sure the color was as glossy as VWF's Honda and thought the license plate had fewer letters.
Light color older model	152 1630	~1715	~1730	White male, "scrungy" hair, parks next to VWF Honda, puts up hood, walks into the woods, returns, drives away.
Old, dirty, run down four-door sedan	1471	~1715+		Drove into lot, made a U-turn and exited FMP. White male with long shaggy hair, large build, 30-40 years of age. Could have had no shirt on.
White van, blue lettering	152 1471	~1710 ~1715+	~1715 1715+	Driver emptied his trash. Driver was a white male late 20s or early 30s with light colored hair, of average height and build, wearing a blue short-sleeved company work-shirt. Not CW [But see R13].
White van, Blue lettering	1475	~1715	1715+	White male driver, 25-30, short dark hair, clean-shaven. Wearing uniform. Not CW [But see R13].

Description	Source Pages	Arrival	Departure	Comments
Thrifty Rental Vehicle	1526	1615	1620	In and out of park fast to urinate [not CW]. Saw the 1988-90 Brown Honda and also the metallic blue Japanese car with VA plates.
Ford Passenger Van	1526	1620		Seen by Thrifty Rental man as it slowed down possibly to enter FMP as Thrifty Rental driver was leaving FMP. Could this van contain the "Volunteers" who were at FMP "working on the trails" the Fornshill mentioned?
Car, engine running	1148	<1809		Mentioned by EMS Hall. He could not say whether it was there when he left at 1837.
	1354	<1809		Also mentioned by EMS Wacha. She said the car was brown, had its engine running, and its hazard lights flashing in the parking lot.
Older Model Light Blue Mercedes 190 4-door	1379	~1800		Slim white male, short brown hair, opens the gate to FMP. [This gate was not closed until USPP Fornshill closed it around 1820 that afternoon.] Age 30s to early 40's. Dark suit, average height. Seen by a lady driving by on the GWMP. Gate not closed until after the body was found. Seen by Mercedes Lady-- who is this man?
Black Cadillac	1559 1561	<2016		Seen by Ashford when his ambulance pulled into the parking lot of FMP to pick up VWF's body for transport to the Fairfax County Hospital & Morgue. Who's car was this? The Cadillac was pulled into the far end of the lot.

Description	Source Pages	Arrival	Departure	Comments
Unknown "extra vehicles," one was brown	944 1148 1354	<1812		Seen by USPP Fornshill EMS Hall, and EMS Wacha. At far end (away from the entrance) of lot. The brown car was not parked in a space its engine was running, and one witness stated its hazard lights were flashing.

Comments on the Above Table of Vehicles

Most of these vehicles are discussed at the appropriate points in the body of this report. The author is of the opinion that all the vehicles within the pair of double-dashed lines above could well be the same vehicle, that is, VWF's 1989 taupe gray four-door Honda Accord with AR plates.

One thing is for sure, even allowing for multiple sightings of the same vehicle by different witnesses, a significant number of vehicles came, stayed, or went at the small (21 slot) parking lot at FMP the afternoon of VWF's death.

Appendix VI

FMP Table of Arrivals and Departures

FOIA # none (URTS 16370) DocId: 70105696 Page 69

Arrival and Departure Times of Officials per the Record

[~ means "approximately"]

FORT MARCY PARK PARKING LOT

Individual	Arrival	Departure
USPP Fornshill	1811:50	1825~
FCFRD Gonzalez (M01)	1809	1837
FCFRD Hall (M01)	1809	1837
FCFRD Arthur (M01)	1809	1837
FCFRD Pisani (E01)	1809	1837
FCFRD Wacha (E01)	1809	1837
FCFRD Iacone (E01)	1809	1837
USPP Hodakievic	1830~	?
USPP Ferstl	1820~	2130
USPP Spetz	1825~	1900~
USPP Edwards	1828~	?
USPP Gavin	1833~	?
USPP Rolla	1835	2045
USPP Braun	1835	2045
USPP Apt	1835	?
USPP Simonello	1845~	?
FC ME Haut	1845	1915
FCFRD Ashford (A01)	2000~	2017
FCFRD Harrison (A01)	2000~	2017
FCFRD Bianchi (T01P)	2002	2015~
FCFRD Makuch (T01P)	2002	2015~
FCFRD Jacobs (T01P)	2002	2015~

VWF HOME

USPP Rolla	2200	2310
USPP Braun	2200	2310

FAIRFAX COUNTY HOSPITAL MORGUE

OLC Kennedy	?	?	[The author could really use
OLC Livingstone	?	?	some US Government help
USPP Rolla	?	?	nailing down these times!]
USPP Braun	?	?	

Appendix VII

Table Of Principal Persons

FOIA # none (URTS 16370) DocId: 70105696 Page 71

Principal Persons

Principal Person	Job Title	Comments Based On The Record
Charles Hirsch	Doctor	Medical Consultant for Fiske OIC.
Larry Monroe	Special Agent	FBI Agent assigned to the Fiske OIC.
William Colombell	Special Agent	FBI Agent assigned to the Fiske OIC.
James Beyer	N VA Deputy M.E.	Did VWF autopsy: X-rays -- yes or no?
Cheryl Braun	USPP Investigator	USPP overall "In Charge" at FMP, 7/20/93.
John Rolla	USPP Investigator	USPP "In Charge" at the body site 7/20/93. When he first arrived, VWF's palms were up & a .38 Army Colt Special revolver, four-inch barrel, was in VWF's right hand.
Robert Hines	USPP Major	USPP Chief's Office, 7/20/93.
James Lyons	Private Attorney	Was to fly from Denver to meet VWF, July 21st.
Fletcher Jackson	Ass't. US Attorney	Did VWF know about Hale search?
Brantley Buck	Private Attorney	With RLF, drafted Clintons' Blind Trust.
Peter Simonello	USPP ID Officer	Took the gun from body's right hand for tests.
Charles Hume	USPP Captain	Ass't Commander CIB, signed USPP VWF File.
Richard Arthur	FCFRD Paramedic	Saw USPP "gaining access" to Honda at ~1830.
Kevin Fornshill	USPP Officer	First USPP at the body site; **never saw gun.**
George Gonzalez		First FCFRD at the body site: arrived, VWF's palms were **down**, revolver was in VWF's right hand; saw facial wound not in autopsy report.
Todd Hall	FCFRD Firefighter	Saw "extra" cars in lot, early on scene, examined body. Re gun: "In the **picture** you could see it."
Corey Ashford	FCFRD EMS Tech	Put body in body bag, did not see any blood. Drove body to hospital, arriving at 2031.
Jennifer Wacha	FCFRD EMT	**Saw "extra" car in lot, engine running, hazard lights on.** Member, southern FMP search team.
James Iacone	FCFRD Firefighter	**Saw "extra" car in lot**, examined VWF Honda from outside. Thought **Honda doors locked.**

Principal Person	Job Title	Comments Based On The Record
Ralph Pisani	FCFRD Firefighter	Member southern FMP search team. Observed that body was found on a trail.
William Bianchi	FCFRD Lieutenant	**Said Iacone knew VWF worked at WH when Iacone returned to the station (left FMP 1837).**
Andrew Makuch	FCFRD Firefighter	On Truck 1, responded with Ambulance 1 to bring body from site to FMP parking lot to be transported to hospital by Ambulance 1.
Victoria Jacobs	FCFRD Firefighter	Driver of Truck 1
Roger Harrison	FCFRD EMT	Ambulance 1 driver, took body to morgue.
Female Driver on GWMP		**She saw a man opening the gate to FMP a little after 1800 on July 20, 1993.**
Deborah Gorham	Executive Assistant	VWF's Executive Assistant, VWF's wife called her about VWF's **overdrawn checking account.**
G. Gordon Liddy	Radio Host	CW came forward and was interviewed by Liddy.
Park Service Worker		CW asked him to call 911 from Turkey Run at about 1759 to report the body at FMP.
MD Nissan - Male	------	**Apparently observed VWF's Honda with hood up and unkempt man with long blond hair and beard by the Honda in FMP parking lot.**
MD Nissan - Female	------	**Apparently saw dark-haired white male sitting in driver's seat of VWF's Honda in FMP lot.**
Webster Hubbell	Formerly Deputy Attorney General	Spent VWF's last weekend with him at the Cardoza home near Easton, MD.
CW	------	First non-official to see the body; about 1750, both palms were **up** and there was **no gun** in either of VWF's hands or in the vicinity of the body & **very little blood on face (all dried).**
Female, Broken Mercedes	Lobbyist	Walked through FMP parking lot looking for telephone (none). Left FMP & walked up the GWMP to call a tow truck for her Mercedes.
Thrifty Rental Driver	------	Saw dark blue jacket draped **over** the driver's seat of VWF's Honda at the FMP parking lot.
Saw Car Cut Into FMP	------	Saw Japanese made car with out-of-state tags quickly cut across the right lane of the GWMP and take FMP exit into parking lot. Car *may* have been VWF's Honda.

Principal Person	Job Title	Comments Based On The Record
Linda Tripp	Executive Assistant	Executive Assistant to Nussbaum of WH OLC, **Described VWF's 1-2 hour long doubly "unusual" meeting with Marsha Scott the day before he died.** Brought VWF his last lunch.
John Skyles	USSS Officer	Last WH person officially to see VWF alive as VWF passed through guard post E-4 around lunch time on Tuesday, July 20, 1993.
Patrick Gavin	USPP Lieutenant	Shift Commander on day of death. Responded quickly to park with 12 other USPP officers. Saw body in middle of path. Notified WH of VWF's death (2030 per WH). Tea and Tipton at morgue called him seeking OK for Kennedy & Livingstone to visit VWF's body at morgue.
Sheila Foster Anthony	Assistant Attorney General	One of VWF's sisters, living in DC. Told FBI VWF hesitant to see psychiatrist because due to Top Secret work VWF doing at WH.
Renee Apt	USPP Investigator	Rode to FMP with Rolla and Braun. Helped Braun interview the couple in the MD Nissan.
Christine Hodakievic	USPP Investigator	Came by FMP when heard 911 call even though shift over and on the way home. Remembered Rolla checking the body for ID where body was found at FMP. Arrived at FMP 1815.
Julie Spetz	USPP Officer	Third USPP officer at FMP. Brought Nissan couple to Braun and Hodakievic to be interviewed. Put crime scene tape across the entrance to FMP off the GWMP.
William Kennedy	Associate Counsel	**Visited VWF's body at the morgue with Livingstone (exact time unknown, but before Kennedy checked in at the VWF's home the night of the death). Notified of VWF death by Livingstone at 2015-2030.**
Franz Ferstl	USPP Officer	Second USPP Officer to see the body. **Unlike Fornshill, he was able to see the gun.**
Elizabeth (Lisa) Foster	VWF's Spouse	**Could not identify the gun** shown to her by the USPP (photograph) or (actual gun) by the Fiske OIC FBI investigators.
Foster Neighbors	------	No evidence VWF went home to get the gun after leaving the WH around 1300 on 7/20/93.

Principal Person	Job Title	Comments Based On The Record
Julian Orenstein	Doctor	On duty at Fairfax Hospital complex when VWF's body arrived in Ambulance 1 at 2031. He was the doctor who formally pronounced VWF dead.
Donald Haut	Doctor A Fairfax County Medical Examiner	Responded to FMP at 1845. Body in "wooded area" about **150 yards from FMP parking lot.** Stayed at FMP 30 minutes. Blood volume at back of head small, also matted and clotted. **Knew VWF worked at WH before he left FMP.** Body located on a dirt path. **Thought VWF killed by a "low velocity weapon" based on his examination of the wound.**
Young Female		She saw a man in a suit walking around at FMP on 7/19/93, the day before VWF died.
Marsha Scott	Deputy Assistant to the President	Had an "unusual" 1-2 hour closed-door meeting with VWF on Monday, June 19, the day before he died, but could not recall the specifics of the conversation when interviewed by the FBI.
John Carroll	Private Attorney	RLF partner and long-time friend of VWF's. Thought VFW had an excellent delivery when he spoke at the University of AR Law School on May 8, 1993.
Loraine Cline	Executive Assistant	RLF employee who was VWF's assistant for seven years. Thought VWF was in good spirits when he spoke at the University of AR Law School on May 8, 1993.
Gordon Rather	Private Attorney	Called VWF on July 20, 1993, out of sheer coincidence (partner in same LR law firm as Bruce Lindsey and (briefly) WJC.
Brantley Buck	Private Attorney	RLF Partner involved with drafting the Clintons' blind trust(s), spoke with VWF several times shortly before VWF died.
Stephen Neuwirth		Found the VWF "suicide note" in a briefcase that had already been searched twice.
Beth Nolan	Associate Counsel	Worked with VWF in the WH OLC. Remembered VWF joking around in a staff meeting on Friday, July 16th.

Principal Person	Job Title	Comments Based On The Record
Nancy Hernreich	Deputy Assistant to the President	One the AR "core" group that regularly went together Tuesday night. VWF was a member of the "core" AR group.
David Watkins	White House Director of Personnel	Picked up at home by Rolla and Braun and taken on the VWF family death notification. Also met VWF the morning of July 19 as VWF returned to the WH.
Bruce Lindsey		With WJC and Hubbell at the WH the evening of 7/19/93 when WJC invited VWF to the White House "to see a movie."
President Clinton	The President	On Monday night, July 19th, scheduled a WH meeting with VWF on July 21st to discuss possible WH organizational changes. VWF died on the 20th.
First Lady Hillary Clinton	The First Lady	Left west coast on the 20th of July. Landed in LR at about 2026 EDT that evening, the day VWF died. Reason given for not flying directly to Washington as planned: to visit her mother.
James Morrissette	USPP Detective	Attended VWF autopsy conducted by Dr. Beyer. Stated in his report that Dr. Beyer told him that the X-rays taken of VWF's head indicated that there were no bullet fragments in the brain. Dr. Beyer states the no X-rays were taken of VWF.
Betsy Pond	Executive Assistant	Assistant to Mr. Nussbaum, White House Counsel (Linda Tripp was the other assistant to Nussbaum). VWF talked to her about what he was ordering for lunch from the WH cafeteria, but it was Linda Tripp who brought VWF his lunch. She and Linda Tripp were in the WH OLC when VWF departed for the last time around 1300.
Tom Castleton	Staff Assistant	WH OLC. VWF sent him to see what was taking Linda Tripp so long to bring him his lunch on July 20th.
Beryl Anthony	Former	Husband of VWF's sister, Sheila. VWF stayed with the Anthonys for several weeks in the later winter of 1993 before renting a home for his family in Georgetown.

Memorandum **Office of the Independent Counsel**

To : IIC, E.H. LUECKENHOFF Date 10/11/95

From : SA VICTOR L. HOUSTON

Subject: SENATOR MCCLELLAN

On 27 September 1995, JOHN SCHUSTER telephonically contacted the Office of Independent Council. He voluntarily provided the following information:

About a year ago, he received a telephone call from a guy who said that he should tell someone about what he knew. About six months later, he called JIM LEACH's office. He became busy with one thing after another, and he finally got around to calling this office.

In 1971, he lived in Oxford, England. His father was in the Air Force and stationed there. One evening, he came upon an American being confronted by some skinheads. He joined the American's side and after a brief engagement, he and the American took off. He saved BILL CLINTON's skin that night.

In August 1974, he met CLINTON in a bar in Georgetown, Washington, DC. CLINTON went on to become a lawyer, and he went on to work for Senator MCCLELLAN.

In 1976, Senator MCCLELLAN had problems in the commodities market. He lost $250,000.00. A commodities broker tried to influence him regarding proposed legislation that was known as the "Lame Duck Intelligence Act of 1976." In exchange for his vote, MCCLELLAN would be covered on his losses. There was an article in the Washington Times about the intelligence act.

Also, the Senator claimed he was drugged by some local boys in Arkansas and photographed in the nude with a thirteen year old girl.

1-29D-35063 SUB 36
VLH/vlh
(1)

SEARCHED_____ INDEXED_____
SERIALIZED_____ FILED_____
OCT 1 8 1995
FBI - L.A.

Ewing

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

The Senator died in a car accident at a 100 miles per hour. His wife died in January 1994 of a heart attack. TOM DAVIS, a former page for the Senator, said that the Senator's sons died mysteriously, also.

SCHUSTER provided no other information, except background data:

He is a Certified Public Accountant in real estate accounting. His address is P.O. Box 6038, McLean, Virginia 22106, telephone number [redacted]. His date of birth is [redacted].

No further investigation will be conducted in this matter.

Citizen's Independent Report

Material Errors, Omissions, Inconsistencies, & Curiosa

The 1994 US Senate Whitewater Hearings Documents *
Re: The Death of White House Deputy Counsel

Vincent W. Foster, Jr.

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

Hugh H. Sprunt
(214) 484 - 7136
HSprunt@aol.com
July 20, 1995

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

© Copyright Notice
The Right to Reproduce This Work Commercially Is Not Granted.

[This Is Release S-03, October 8, 1995]

Quis Custodiet Ipsos Custodes?

-- Juvenal

Vincent W. Foster, Jr.

Davidson College, '67

January 15, 1945 - July 20, 1993

Requiescat In Pace

Alenda Lux Ubi Orta Libertas

[Let Learning Be Cherished Where Liberty Has Arisen]

The author gratefully acknowledges the superior fieldcraft, original ideas, logistical acumen, damn-near infinite patience, unflagging editorial assistance, and near-magical powers proffered by his "District of Columbia Associate" during the course of this Foster investigation. For once, no "Smoke and Mirrors" were required in order to complete one of DCA's successful missions!

An ardent believer in the public's right-to-know and in the direct accountability of individual government officials, DCA understands that, for the well-being of its citizens, the USA must not merely be a place on a map, but must espouse a set of principles that will permit all of us to live together in harmony and abundance. DCA advised the author to remove all hints of sarcasm from the analysis herein. He therefore has, in particular, no responsibility for any that the author "missed!"

Email, fax, vox, snail-mail, or in corpus, you never disappoint, and I reluctantly honor your request to remain incognito given the current political environment. I'm up for a medium-rare cheeseburger (hold the onions) and sushi with you and the delightful MT anytime! Domo arigato gozaimasu, MT!

Special personal thanks go to DCMB, ambassador extraordinary from the Land-of-Please-and-Thank-You and quintessential practitioner of rational *comme il faut*, for shelter, for sustenance, and for her valiant efforts to elevate the author's understanding of the finer things in life, both at Wolf Trap (what a name!) and other venues. Prima ballerina lured to beer blast! Film at eleven!

DCMB's skills behind the wheel rescued this Baker Street Irregular during the high-speed disengagement phase of a reconnaissance run to Fort Marcy Park (and environs!), not to mention the near-continuous availability of an extremely resilient and attractive pair of ears during waking hours.

DCMB, given their therapeutic effect, I should have done a few more crossword puzzles and not become quite so focused. I don't know about that *gargouille assise*, but I do love the omnipresent umbrella girl! Along *those* lines, I can think of no one else with whom I enjoy examining the dynamic tension between certain poems of Byron and Pope. Finally, DCMB, I commit to ongoing contemplation of the concept that *Verbosity* $\neq$ *Virtue*. I could use more help with that sometime. . .

Last to be acknowledged, but *first* in the author's heart, is his family: ESS, ADS, & EDS. Bemused tolerance is commendable enough, but tolerance beyond the point of bemusement is extraordinary indeed! My humble thanks for your forbearance throughout this Foster investigation. "Whom shall I send and who will go for us? Here am I, send me." Wider den Tod ist kein Kraut lein gewachsen! Too bad for those like me who manage to improve, if at all, only at a glacial pace!

***All* "Errors, Emissions, Inconsistencies, & Curiosa in *this* Report are solely the author's!**

"And ye shall know the truth and the truth shall make you free." -- John 8:32

Executive Summary

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

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

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

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

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

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

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

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

FOIA # none (URTS 16370) DocId: 70105696 Page 81

Overview of the Record

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

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

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

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

- **The first official to discover Foster's body**, a US Park Police officer, was quite clear that he **never saw the gun.** His testimony on this point is repetitive and quite clear. He was a few feet from the gun for several minutes, but he says he never saw it. The Fiske Report ignores this fact.
- Two civilian witnesses, interviewed about the vehicles they saw in the parking lot, describe a vehicle that could only have been Mr. Foster's Honda. **They saw individuals around this car: the hood was up, one individual was standing by the Honda, and the other was sitting in it some 30 minutes before Mr. Foster's body was found.** The descriptions of these individuals make it impossible that either of them was Mr. Foster. The official Reports say these two individuals have no connection with Mr. Foster or simply ignore them completely.
- A civilian witness told the FBI that, for reasons unknown, **information, which she had previously provided to US Park Police investigators, had not been correctly recorded in her US Park Police interview report**.
- **Six of the seven** US Park Police and Fairfax County Fire and Rescue Department personnel who responded to the 911 calls **told the FBI** (with varying degrees of certainty and specificity) that **there was at least one "extra" civilian vehicle in the parking lot** when they arrived at Fort Marcy, a vehicle that the official Reports either ignore or treat as completely irrelevant.

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

- The doctor who performed the autopsy **stated that he took no X-rays of the body.** The US Park Police report, produced because it sent **four** observers the autopsy, stated **however, that the doctor conducting the autopsy told the US Park Police Detective in attendance that "X-rays indicated that there was no evidence of bullet fragments in the head."**
- The second US Park Police officer at the ~~second~~ scene took seven Polaroids of the body. **The Polaroids he took are not among the thirteen of the body that are inventoried in the record**. The record contains no explanation why they vanished.
- **The lead US Park Police Investigator at the body site had this to say about some of the Polaroids he took: "I know I took Polaroids of that. I am not sure how many I took, but I don't recall seeing those Polaroids again. I mean I had them at the office that night, I did reports, and *I know what happened. . .* I don't have those photos. I put them in a [US Park Police case] jacket. . . and *I don't know what happened.*"** The Polaroids he is speaking of are not inventoried in the record. The record contains no explanation why they vanished.
- The lead US Park Police Investigator at the body site searched for a suicide note, identification documents, or other items in the victim's pockets. The investigator found no car keys on the body. No car keys were found in Mr. Foster's Honda either. **Why wasn't the death immediately treated as a homicide as soon as the investigators realized their suicide theory required the decedent to have driven himself to the park without using his car keys?**
- As soon as the investigators realized there were no car keys to be found, rather than search the Honda again or search the area where the body had been found (his glasses had, after all been found 19 feet from his head), they drove to the morgue and searched the body's pockets one more time. There, **the investigators not only discovered they had missed Mr. Foster's personal key ring in the right front pants pocket (with his car keys), but also found his White House keys on a separate key ring that held a high-security type key**. Did this search of the body took place before or after the body was also visited at the morgue that night by White House staffers?
- **The only paper in Mr. Foster's wallet at Fort Marcy that the lead investigator at the body site considered "unusual" was never explained in the official Reports**. It contains groups of initials that correspond to the President, the First Lady, and to their daughter. It contains a variety of dates and numerical amounts along with several Arkansas city names. Mr. Foster was known to be involved with the formation of blind trusts for all the Clinton family. The private attorney involved talked with him the day before Mr. Foster died and tried to reach him the next day a few minutes after Mr. Foster left the White House for the last time.
- The Fiske Report and the gun: "When shown the gun, Foster's sister, Sharon Bowman, identified it as appearing very similar to the one their father had kept in his bedside table, specifically recalling the pattern on the grip." **However, Lisa Foster, in the words of the report of her interview said: "Not the gun she thought it must be. Silver, six gun, large barrel." The gun officially found in Mr. Foster's right hand at Fort Marcy was a dark-colored gun per the photographs of it in the record**. Per Sharon Bowman's interviewer: "I asked if she remembered any other features [other than the web-like detailing on the grip mentioned in the Fiske Report quote above]. She did not." The Fiske Report statement is misleading.
- Despite the official conclusion that financial concerns had no role in Mr. Foster's death, **the family checking account had been overdrawn for the two or three weeks prior to his death.** The credit union had shifted from "working with" the Fosters on a "bi-weekly" to a "weekly" basis the week before he died. Mr. Foster visited the credit union the day before he died.

- To support its conclusion that Vince Foster was under great stress, The Fiske Report states that "It was **obvious to many** that **he had lost weight**" in the months before his death. **Medical reports in the record** show that he actually **gained** weight in the six months prior to his death.

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

- The Fiske Report refers to the lack of damage done to Mr. Foster's teeth and the soft tissues of his mouth by the barrel of the gun in support of the official suicide theory (Mr. Foster presumably must have put the gun into his mouth voluntarily since there were no signs of a struggle). **However, the Fiske Report does not mention the damage that should have been done to the soft tissues and teeth from the powerful recoil of the Army Special Colt .38 Revolver (and its unusually high front sight).** The recoil must have been sizable since it carried Mr. Foster's right arm away from his mouth and forced it neatly down by his side.

- **A US Park Police Investigator at the body site somehow knew to write the name of a US Secret Service uniformed officer and his White House Phone number (in Room 058 in the White House basement) in his investigator's notebook**, apparently around 6:40 PM. However, according to official Reports, the US Park Police itself did not learn of Mr. Foster's White House connection for at least another hour, probably an hour-and-a-half. The official position (in a Secret Service memo) is that the White House did not learn about the Mr. Foster's death until 8:30 PM.

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

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

- **In the words of the FBI interview of the only doctor who examined the body at Fort Marcy, the doctor "believed the wound was consistent with a 'low-velocity weapon.'" The revolver, especially with the high-velocity ammunition the Fiske Report said Mr. Foster used, is *not* a "low velocity weapon." How does the Fiske Report reconcile the doctor's statement in the Report? The doctor's statement is not mentioned in the Report at all.**

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

CONSUMER WARNING! *

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

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

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

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

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

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

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

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

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

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

It was not always so.

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

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

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

> **"The Washington Murder Mystery, the whodunit death of the deputy White House counsel, Vincent Foster." [Frank Rich]**
>
> **"Of a thousand people, of those who might commit suicide, I would never pick Vince." [Hillary Rodham Clinton as quoted by Frank Rich]**
>
> **"The most normal person who worked in the White House [with] no known history of mental illness or erratic behavior." [The Washington Post as quoted by Frank Rich]**
>
> **"Widely admired as a portrait of poise. . . a man who seemed to glide through life." [The New York Times as quoted by Frank Rich]**
>
> **"But if Foster's White House pressures fully explained his self-destruction, virtually every major government official should be placed under suicide watch." [Frank Rich]**

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

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

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

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

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

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

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

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

Summary Table Of Contents *

Report Section		Page #
Title Page		0
Dedication And Acknowledgments		1
Executive Summary		2
Overview of the Record		3
Consumer Warning!		7
Why Is It No Longer Acceptable To Seek The Facts?		8
Summary Table Of Contents		10
Letter Transmitting This Report To Chairman D'Amato		11
July 20, 1993: Vince Foster's Body Is Found At Fort Marcy Park, Virginia		13
How To Obtain Government Information On The Death Of Vince Foster		14
Introduction		15
Tables, Photos, Maps, And Aerial Imagery Of Fort Marcy Park & Environs		25
Abbreviations Used In This Report		28
Selected Foster-Related Events Prior To Monday, July 19, 1993		29
July 19, 1993: Foster's Next-To-Last Day At The White House		41
July 20, 1993: Foster's Last Day At The White House		51
July 20, 1993: Fort Marcy Park		57
The Autopsy And Related Matters		132
The Torn Note Found In Foster's Briefcase		136
Appendix I:	Tables Of Homes Nearest Mr. Foster's Body	138
Appendix II:	Selected Maps Of Fort Marcy Park And Environs	140
Appendix III:	ABC News Photo of Foster's Right Hand With Gun	144
Appendix IV:	1994 Senate Whitewater Hearings Locator Table	146
Appendix V:	Table Of Civilian Vehicles Seen At Fort Marcy Park	151
Appendix VI:	Table of Fort Marcy Park Arrivals And Departures	157
Appendix VII:	Table Of Principal Persons	159
Appendix VIII:	Author's [Kook-Proof?] Biographical Summary	165

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

FOIA # none (URTS 16370) Docid: 70105896 Page 89

Hugh H. Sprunt

Thursday, July 20, 1995

Senator Alfonse M. D'Amato, Chairman
The Whitewater Committee
Room SD-534, Dirksen Office Building
United States Senate
Washington, D.C. 20510

Re: The 1995 Senate Whitewater Hearings

Dear Senator D'Amato:

It is appropriate for me to explain why I had sufficient interest in the death of Vincent W. Foster, Jr., to generate the enclosed analysis. I am neither a Democrat nor a Republican. I spent significant time in east Arkansas when I was younger and was generally familiar with Mr. Clinton and Arkansas politics when he sought his party's 1992 Presidential nomination as a "New Democrat." Two acquaintances ran the Clinton Campaign in North Texas, where I now reside. One of these individuals, whom I particularly respect, was a Special Assistant to the President during the first seven months of the Clinton Administration.

My father and other close family members were graduated from Davidson College, Mr. Foster's Alma Mater (an uncle was a psychology major like Mr. Foster). Mr. Foster was President of Sigma Alpha Epsilon fraternity at Davidson, as was I at MIT. We are each law school graduates, both of us at mid-year. Furthermore, I strongly identify with the address Mr. Foster gave on May 8, 1993, at the University of Arkansas Law School, although I do *not* agree with the "spin" given the speech by the Fiske Report.

Most important, some twenty-five years ago, my grandfather, terminally ill with cancer, took his life on Christmas Day by shooting himself in the head using a Colt .38 Special revolver with a four-inch barrel, precisely the type of weapon with which Mr. Foster is said to have taken his own life at Fort Marcy. At his request, I had helped my grandfather into his dressing room where he kept *his* .38, was necessarily first-on-the-scene a few seconds after he fatally shot himself, and could do nothing for his *massive* head wound.

I thus have direct experience with suicide-by-gunshot *and* with the huge amount of damage a .38 Special "HV" round from such a revolver does when fired point-blank into the head. I was therefore amazed when I read the Autopsy Report on Mr. Foster (The June 30, 1994, Fiske Report at Tab 8) and subsequent official descriptions of Mr. Foster's *far* less dramatic head injury (*also* from an "HV" .38 round).

My professional précis is in Appendix VIII. I trust that you will be able to satisfy yourself that I am no "kook," right-wing, or otherwise. This report could have been completed within three or four weeks of the publication of the Senate volumes last January, but "Baker Street Irregular" that I am, I have normal day-to-day professional and family responsibilities. I am *not* commercially involved with any individual or group calling for further investigation of the Foster death, nor do I sell video tapes, books, or newsletters concerning the death of Mr. Foster or other Whitewater matters. I deal openly on a non-exclusive basis with the members of the media who contact me. My work to-date in connection with Mr. Foster's death is available *gratis* to those who request it. I hope you, and the other members of the Committee, will take what I say seriously enough to make your own evaluations of my report and act accordingly.

My analysis is based on the information contained in the 1994 Senate Report (Rept. 103-433, Vol. I) and Senate Hearings Volumes (S. Hrg. 103-889, Volumes I & II) that cover the death of Deputy White House Counsel Vincent W. Foster, Jr. I believe you and the other members of the Committee will find this report useful in connection with the hearings that began this week and in any related subsequent congressional proceedings. Open hearings can put vital information before the public that would otherwise remain closely held (witness my reliance on the published volumes from last summer's Senate hearings). Perhaps Mr. Fiske's "Final Report" and related documents can be released in addition to the Senate Report and Hearings volumes based on the 1995 Whitewater hearings.

FOIA # none (URTS 16370) DocId: 70105696 Page 90

Committee staff tell me that the wording of the resolution governing the 1995 hearings does not explicitly authorize further inquiry into Mr. Foster's death. However, I also understand that the resolution in no way bars the Special Committee from undertaking such an inquiry should it choose to do so. *You and the other members of the Committee should unquestionably re-investigate the death of Vince Foster.* Why? The amazing information latent in the 1994 Senate Report and Hearings volumes and detailed in this report!

My report demonstrates that *numerous* and *material* errors, omissions, and inconsistencies are submerged in the public record of the 1994 hearings. Furthermore, the Committee *is* directed to investigate the fate of Mr. Foster's White House papers, and there is evidence in the record that a now-unaccounted-for briefcase was seen in Mr. Foster's Honda at Fort Marcy Park. Also, the two key rings Mr. Foster carried were *not* found at Fort Marcy, despite a thorough search of the body and Mr. Foster's Honda. It appears from the record that these office, personal, and Honda keys may have been retrieved from Mr. Foster's right front pants pocket by the Park Police only after the body was visited at the morgue by White House staffers.

If one needed to search Mr. Foster's office (or other spaces under his control), or move his car after he left the White House on the day he died, these keys could be quite useful. It has long been admitted that senior White House officials entered Mr. Foster's office the evening of his death, despite standard investigative prohibitions and notwithstanding assurances given the US Park Police that Mr. Foster's office would be sealed forthwith. This report also analyzes pages from a Park Police notebook and other items in the record indicating that Mr. Foster's White House connection was known to the Park Police at about 6:30 PM, some two hours before the White House officially admits having been informed of his death. *If* the Park Police knew at 6:30 PM, what use did the White House make of the additional two-hour window?

The enclosed report is drawn from the three Senate volumes cited above. Specifically, I have had *no* access to data contained only in Mr. Fiske's unreleased "Final Report," in the unreleased work-product of the US Park Police, the Fiske or the Starr Offices of Independent Counsel (including that developed by the FBI), or that of congressional investigators working on the 1994/95 hearings, or to evidence developed for (or by) the currently sitting Federal Grand Jury convened in the District by Mr. Starr.

I do not espouse any "conspiracy theory" regarding the ultimate reason for Mr. Foster's death (there are quite a few, many of them extremely bizarre, as you know). I have merely attempted to study the public record of the Foster death investigations and comment reasonably thereon. The enclosed analysis describes what I believe are numerous material errors, omissions, inconsistencies, and *curiosa* submerged in the public record. Voluminous citations to the record are provided to permit an efficient evaluation of the care with which the enclosed report is directly tied to the Senate volumes.

I have no particular desire to become publicly involved with any congressional hearings, but I will speak to Committee members or staff if such discussions would advance the cause of truth. I love my country, but I am not in the habit of using the American flag as a blindfold. The analysis I have made gives me little confidence in the processes that influenced the prior Foster death probes by placing limits on the investigations, including prior congressional hearings. I hope that you and the other members of the Whitewater Committee will read my analysis, put partisanship aside, and do what must be done. No "Wise Men." Certainly no "Star Chamber" in Congress (*or* in the Office of Independent Counsel).

Warm regards,

/s/ Hugh H. Sprunt

HHS/hs

cc: Members of the Whitewater Committee
Ms. Laura Tolson, Federal Grand Jury Coordinator
Deputy White House Counsel Bruce R. Lindsey
Chairman James Leach, House Banking Committee
Speaker of the House Newt Gingrich
Special Counsel Michael Chertoff
Independent Counsel Kenneth W. Starr
Chief of Staff Margaret Williams
Mr. Miguel Rodriguez
FBI Director Louis Freeh [& Others]

[Note to the October 8, 1995, release: The author's mother and Vince Foster's widow, Lisa, both graduated from Sweet Briar College. *This* indirect personal link was not mentioned in the above transmittal letter out of deference to the widow, who had not yet broken her public silence about her husband's death. This status changed with the publication of the lengthy September 11, 1995, New Yorker article, "Life After Vince."]

FOIA # none (URTS 16370) Docid: 70105696 Page 91

July 20, 1993: Vince Foster's Body Found at Fort Marcy Park, Virginia

Per the official record, the body of Vincent W. Foster, Jr., Deputy White House Counsel to President Clinton, is first found in Fort Marcy Park, Fairfax County, Virginia, at about 5:50 PM on Tuesday, July 20, 1993, by a person who later asked that his identity be kept a secret when he came forward some eight months later, the so-called "Confidential Witness."

After discovering the body, the Confidential Witness drives his white construction van from the Fort Marcy parking lot to the Turkey Run maintenance facility, a little over two-and-a-half miles northwest of Fort Marcy off the George Washington Memorial Parkway. While remaining in his vehicle, the Confidential Witness asks two maintenance workers he sees outside at the maintenance facility to call 911 and report the body and one of the workers agrees to do so.

The younger worker calls Fairfax County 911 at 5:59:59 PM (EDT): ". . . this guy told me there was a body laying up there by the last cannon." Per the request of Fairfax County 911, the worker quickly makes a second call to the US Park Police describing what he had been told: ". . . He said you got a dead body down there at the Ft. Marcy's. . . . He said it was back up there by the cannon." Fairfax County also notifies the US Park Police: ". . . can you respond with our ambulance to Ft. Marcy Park, near the last cannon gun, there is supposed to be a body." Since Fort Marcy is a United States Park, the US Park Police has law enforcement jurisdiction at Fort Marcy Park.

The Fairfax County Fire and Rescue Department responds promptly to the 911 call with two vehicles, Engine 1 and Medic 1. Engine 1 arrives in the parking lot at Fort Marcy at 6:09:58 PM, with Medic 1 arriving 18 seconds later. The First US Park Police officer, who volunteered to respond to the call, also reaches the parking lot quickly, arriving there at 6:11:50 PM.

The US Park Police officer locates the body first, reporting its discovery at 6:14:32 PM, two-minutes-and-forty-two-seconds after his arrival in the Fort Marcy parking lot, and requests by radio that Investigators from the US Park Police Criminal Investigation Branch's Anacostia Station respond to the scene because he believes the death is "suspicious" (meaning only that the officer does not believe the death is due to natural causes).

Per the official record, when found the body is lying neatly on its back, both arms at its sides, near the northern end of the western earthen berm of Fort Marcy, the head closest to the top of the earthen berm, 14 feet 3 inches west of the axle of the so-called "second cannon" at Fort Marcy. The deceased is wearing a white dress shirt with the top button undone, gray pin-striped suit pants, and dress shoes. The White House Communications Agency Motorola Bravo pager (#052943) he checked out is clipped to the right side of his waist.

The body lies some 775 feet over-the-ground northwest of the Fort Marcy parking lot where Vince Foster's 1989 taupe-gray four-door Honda Accord (with Arkansas plate, RCN 504) is seen by the US Park Police officer and by the six Fairfax County Fire and Rescue Department personnel who respond to the scene. Vince Foster's tie, suit coat, wallet, and his White House ID are inside his unlocked Honda Accord in the fourth slot on the left hand side of the Fort Marcy parking lot as the emergency units enter the parking lot, having jumped the median strip from the southeast-bound George Washington Memorial Parkway to take the Fort Marcy exit off the Parkway.

Vince Foster is dead, and thereby hangs a tale that sorely needs telling.

How to Obtain Government Information on the Death of Vince Foster

The 1995 Senate Whitewater Hearings began two days ago on July 18, 1995. The 1995 Senate Whitewater Hearings began with an examination of the fate of the papers located in Vince Foster's White House office on the day he died. The Senate Banking Committee "Hearings Hot Line" phone number is (202) 224-0791 and plays a taped message about currently scheduled hearings, the subject matter thereof, the witnesses who will be called, and so on. The House Banking Committee has scheduled its own 1995 Whitewater Hearings to begin sometime the week of August 7, 1995. The House Banking Committee "Hearings Hot Line" phone number is (202) 225-7588.

The 1994 Senate Hearings and Report Volumes that cover the death of Vince Foster can be obtained by contacting the Senate Committee on Banking, Housing, and Urban Affairs, Room SD-534, United States Senate, Washington, D.C. 20510. The Senate Banking Committee phone number is (202) 224-7391. The two Hearings Volumes and the Report Volume cited on the title page constitute the official "record" on which the report you have in your hands is based and were released to the public by the US Senate in 1995. The two 1994 Hearings Volumes total 2672 pages and the related Report Volume is 54 pages long, for a total of 2726 pages. Presumably the Hearings Volumes for the 1995 Senate Whitewater Hearings will be released by the Document Clerk sometime after those proceedings are complete in late 1995 or early 1996.

The Senate Banking Committee Document Clerk's phone number (the Document Clerk actually ships the volumes) is (202) 224-1578 [Fax: (202) 224-5137]. The author has dealt with the Senate Document Clerk's office since the end of the 1994 Senate Whitewater Hearings in August 1994 and has found the individuals in that office to be extremely helpful.

The Fiske Report, released to the public on June 30, 1994; can be obtained by calling (202) 514-8688 [Fax: (202) 514-8802]. This is the phone number of the DC Office of Independent Counsel for Whitewater and Related Matters (headed since August 1994 by Independent Counsel Kenneth W. Starr, replacing former Independent Counsel Robert Fiske). The text of the entire Fiske Report is contained in the Senate documents so, if small print is not a problem, the Fiske Report can be obtained by ordering the two Senate Hearings Volumes above. The so-called "Final" Fiske Report has never been made available to the public nor has any significant part of the investigative work-product of his successor, Mr. Kenneth W. Starr.

A copy of the US Park Police Case File #93-30502, Death Investigation 7/20/93, Ft. Marcy/G.W.M.P.) can still (possibly) be obtained from the US Park Police, Anacostia Station. Captain C.W. Hume (Badge #823) signed off on the US Park Police Report on August 5, 1993, and it was released to the public in July 1994. It is the least formal of the three substantial government reports on the death of Vince Foster. The address of the US Park Police Criminal Investigation Branch unit that handled the US Park Police investigation of the death of Vince Foster is United States Park Police, Anacostia Station, 1901 Anacostia Drive, SE, Washington, D.C. 20020. The phone number is (202) 690-5000. Virtually all of the US Park Police Case File is also contained in the two Senate Hearings Volumes.

The Ranking Republican on the Committee on Government Operations issued an eight-page "Summary Report" on August 12, 1994, on the Death of Deputy White House Counsel Vincent W. Foster, Jr. This committee is now called the Government Reform & Oversight Committee, and is currently chaired by the former ranking member, Representative William F. Clinger, Jr. (R-Pa.-5). His address is 2160 Rayburn House Office Building, Washington, D.C. 20515 [Phone: (202) 225-2121]. The "Oversight Committee" is now located in Room 2157 of the Rayburn Building [Phone: (202) 225-5074].

FOIA # none (URTS 16370) DocId: 70105696 Page 93

Introduction

The Official Readers For Whom This Report Was Written

The primary readers for whom this report was written are the Members of the US Congress, particularly the Senators on the Special Whitewater Committee (see the transmittal letter to Chairman D'Amato). The author believes that an open and unfettered inquiry into the death of Vince Foster should be made by the Senate due to the constraints placed on prior investigations such as those undertaken by the US Park Police and the Office of Independent Counsel under Robert Fiske (constraints that the author believes must have existed, given the content of the record).

The report is written with that "official" goal in mind. Convincing the Senators on the Special Whitewater Committee (or the Representatives on the House Banking Committee) to conduct such an inquiry is going to be difficult for a variety of reasons that will not be discussed here, but, like anything else, "all you can do is give it your best shot." Wide knowledge of the contents of the of the official record of the Foster death investigations (contained in the Hearings Volumes) should, if acted upon by a sufficient number of individuals, *may* produce results.

Length Of This Report

This report, analyzing the 1994 Senate Report and Hearings Volumes concerning the death of Vince Foster that were released in January 1995, is by no means a short one, but it does *selectively* summarize and comment upon the entire 2726 pages in the official public record of the 1994 Senate Hearings in about one-sixteenth the number of pages that comprise the record.

Caveats: After reading this report, the author would suggest that readers consider carefully whether the author better belongs in the category of those who "know nothing and say all" or those who "know all and say nothing."

In the author's opinion, although the evidence in this report permits readers to cut through one "layer of the onion" surrounding the death of Vince Foster, there are at least two more layers yet to be pierced. This report, linked as tightly as it intentionally is to the official record, can take its readers only so far.

More tears will be shed, whether more "layers of onion" are pierced or not. The concepts "defense-in-depth" and "modified limited hang-out" also spring to mind. Naiveté is not a concept the author espouses, notwithstanding the contents of the official Reports concerning the death of Vince Foster.

The Privacy Concerns Of Non-Government Witnesses

The Senate volumes released to the public include the names (and sometimes the Social Security numbers, work & home phone numbers, and work & home addresses) of many of the civilian witnesses. The author has suppressed this information in order to respect their privacy, instead referring to these individual witnesses without mentioning their names or otherwise effectively identifying them (for example, "the couple in the white Nissan with MD plates," and so on).

FOIA # none (URTS 16370) DocId: 70105696 Page 94

The Record

All references in this report to "the record" are to the three Senate volumes listed on the title page. References to the "Reports" constitute a collective reference to the US Park Police Report, the Fiske Report, and the 1994 Senate Whitewater Hearings Report Volume. The Reports are a part of the record. Individual reports are cited by name.

Persons familiar with the record (rare though they may be!) and interested in amplification of the points raised in the Executive Summary should focus on the *italicized* analyses below and refer to the expositive plain text material in this report only when necessary.

Times In The Record

The times given in the record are sometimes witness estimates and sometimes quite precise, such as those generated by computer-driven chronological logging systems. The times in the record often are internally inconsistent. The author is aware that the times encountered in these situations are sometimes mere estimates since people are involved with *doing*, not taking notes and looking at their watches, especially in the early, more fluid, phases of some sort of an investigation.

As with other investigative issues, the author will make points from time to time about the times events occur if the consensus in the Reports is materially different from what the author believes the consensus should be, based on a careful reading of the raw evidence in the record. If the times provided in this report seem confusing, the author hopes that the blame can be shared with the record, because it *is* difficult to decipher at times! The times events occur are critical to understanding the events on July 20th, so readers should be particularly careful to challenge any estimates or conclusions of the author (or the Reports!) as they see fit regarding the time events are alleged to have occurred.

Citations To The Record

Citations in this report are to page numbers of the two 1994 Senate Whitewater Hearings Volumes [S. Hrg. 103-889, Volumes I & II] and of the 1994 Report Volume [Rept. 103-433, Volume I]. These three volumes constitute "the record." Relatively rare citations to page numbers in the Senate Report are identified by a leading "R". All times in the body of this report are Eastern Daylight Time and use a 24-hour clock (unless, of course, a time is part of a quotation). Although multiple cites to the same specific subject matter are often given, no systematic attempt has been made to provide every such citation to the record in a particular case.

Emphasis Supplied

Quite often in a quotation an author wants to emphasize a portion of the remark being quoted. To accomplish this, those words are sometimes **in boldface type like this.** A normal convention is to place within brackets [ ] the words "emphasis supplied" so that readers will know that the words being quoted were not in boldface in the original material.

In order to save himself the trouble of typing "[emphasis supplied]" dozens of times, this author is putting the reader on notice that ***he*** **has entered in boldface *all* such words within quotation marks in this report**.

Boldfaced material that is not in quotation marks is simply text written by the author that he wishes to stand out. Italicized words identify material that is primarily of an analytical, rather than expositive, nature (cites to the record are also a part of the italicized analysis where appropriate).

Sometimes, in a frenzy of attention-seeking, the author will both ***boldface and italicize*** analytical material that he thinks is particularly noteworthy. [Like many amateur report-writers who survived grammar school before the advent of word processing software and PCs, your author is somewhat font-happy. Though not apparent, restraint was exercised].

Use of Headings and Sub-headings

Each Comment is prefaced by a short underscored sub-heading arranged in **approximate** chronological order under a large **boldfaced heading**. Voluminous citations are provided in the Comments to the appropriate page number(s) of the record.

This approach permits an efficient review of the report in conjunction with the Hearings and Report Volumes themselves and allows the reader to see how intimately the expositive material in this report is in fact linked to the record.

Repetition

A certain amount of repetition is necessary in this report to tie together the various factual threads. For example a reader, interested in learning about the activity of Fairfax County Fire and Rescue Department and US Park Police personnel near the body immediately after it was discovered, and another reader, curious about the precise location of the body at Fort Marcy Park, will both need to know some of the same information.

Although the author would prefer that all readers study this report with the care with which he believes it was written, he expects that many users will initially just read the Executive Summary and then skim the rest of the report for individual topics that attract their eye, rather than study the report carefully (that assessment might be optimistic!). A certain amount of repetition across Comments, including the titles of officials, is therefore necessary in order to be fair to the former group, so the indulgence of serious readers is requested.

Government Agencies Present At Fort Marcy Park

The two primary agencies present at Fort Marcy Park, per the record, are represented by 1) the uniformed and plainclothes officers of the US Park Police and 2) by personnel from the Fairfax County Fire and Rescue Department (The FCFRD includes both firefighters and emergency medical services workers employed by Fairfax County, Virginia).

Although the fire-fighters and the emergency medical services personnel are all employees of the FCFRD, persons operating fire-fighting vehicles are sometimes identified in this report as FCFRD workers, as in "FCFRD Smith," and persons operating emergency medical service vehicles and providing emergency medical services are often identified as EMS, as in "EMS Jones," in an attempt to make the reader more aware of their roles late on the afternoon of July 20, 1993, when Mr. Foster's body was found at Fort Marcy (persons operating fire equipment also often have some EMS training).

If readers become confused about who is who, they should refer to the Table of Principal Persons in Appendix VII.

The Purpose Of This Report

Like all tools, this report has at least one purpose. The author, of course, would like the report to be the "Swiss Army Knife" of Foster reports analyzing the 1994 Senate Whitewater Hearings documents. Like a Swiss Army knife, folded within this report are many "devices" intended to make it "all purpose," at least within the limitations imposed by basing this report only on the official record.

The primary purpose of this report, drawn almost exclusively as it is from documents published by the US Senate (the major exceptions: the publicly available data in Appendix I, Homes Nearest Mr. Foster's Body and the three maps in Appendix II), is to delineate what the author believes are material errors, inconsistencies, omissions, and curiosa latent in the record waiting for all to discover (assuming everyone had the inclination and the time to study the 2726 pages).

The primary audience is intended, as stated previously, to be the members of the "Special Whitewater Committee" of the US Senate. The secondary audience is intended to be the Members of The House Banking Committee (and certain officials within the Executive Branch).

This report is also designed for the use of anyone who has been at least mildly curious about the "official facts" surrounding the death of Vince Foster. Use it to learn more about his death. Take the information herein and build on it intelligently. This report is intentionally subtle at times. In general, it adapts a "lead the horse to water" approach in the hope that readers will, as a result, read this report with care.

Many individuals have strong feelings that the death of Vince Foster was just a "simple" suicide. Others believe it was something else and (**unlike the author**) also claim to know the "ultimate" reason for his death. Sadly, in many instances members of both groups have relatively little knowledge of the raw data in the record itself. Analyses aside, one function of this report is to extract (and cite) information from the record and present it in more usable form.

The final potential audience for this report are those (apparently the great majority, if one believes the mainstream media) who believe that the prior official investigations demonstrated beyond a reasonable doubt that Mr. Foster died by his own hand at the spot where he was found in Fort Marcy Park and that anyone with the temerity even to question the official consensus is *by definition* totally incorrect and either 1) deranged or otherwise suffering from some sort of mental impairment or 2) a *political* nut case.

The author believes that no one reading this report with an open mind (even if some of the analytical material in italics below is rejected) will come away thinking that the record brooks nothing less than a substantial uncertainty that the death was a suicide committed a few feet in front of the barrel of the second cannon at Fort Marcy. The author may be foolish to think that his readers will decide the official Reports are indeed fatally flawed, but he is an optimist at heart.

Relevant Data Not Yet Available To The Author (Or To Any Other Private Party)

The author states that he has had no access to the wealth of information that has presumably been developed by various official entities involved with the Foster death investigation and simply not yet released to the public (though the second anniversary of the death has arrived).

The author expects that some, if not most, of the issues raised below could be resolved (albeit at great political cost to the two current major political parties) by public access to this as yet unreleased material. Unreleased materials, of which the author is aware, are listed in the transmittal letter to Senator D'Amato.

Performance of Officials

Should any of the basic expositive material or analyses in this report appear to impugn the professional reputation or performance of any public official, it is the explicit and implicit position of the author that shortcomings, if any, can be accounted for and reconciled only by a thorough understanding of the *de facto* chain-of-command and the broader context of the events surrounding the death of Vince Foster.

The present record does not provide this context. ***This is one of its greatest failures: the unjust and incomplete treatment of the Fairfax County Fire & Rescue Department and US Park Police personnel (particularly the latter) who responded to the scene so quickly after 911 was dialed.***

The author believes that the US Park Police, the Fairfax County Fire & Rescue Department, and other Fairfax County personnel who are discussed in this report were adequately trained for their duties and made an effort to perform those duties under what rapidly became extremely trying circumstances (for a variety of reasons that are not mentioned in the record).

The author believes the underlying reason that so many errors, omissions, inconsistencies, and curiosa are latent in the record can *not* be laid at the feet of the US Park Police, the Fairfax County Fire & Rescue Department, or other Fairfax County personnel. The author believes the reason can only be discovered by looking elsewhere. Now is the time to do so.

Every Potential Issue Re The Death of Vince Foster Is Not Addressed Herein

Although numerous issues are the subject of Comments below, they were selected by the author and no attempt has been made to raise every potential issue submerged in the record. Additional releases of the report may well introduce other issues drawn from the official record. As described above, this report in general adopts a "lead the horse to water approach" and to that extent is "optimized" use by thirsty horses.

The author hopes that at least a few of this report's addressees will realize they "could really use a drink!"

If the author had had access to a sophisticated relational database, an optical scanner, and a high-end workstation, he is certain that this report would be both somewhat longer and certainly more unsettling than it already is. Perhaps this procedure will be adopted for both the 1994 and 1995 Senate Hearings documents when the latter documents are officially released.

With very limited exceptions, no background information external to the Senate Volumes is assumed that cannot be gleaned from a so-called US "newspaper of record" (The Table of Homes Nearest Mr. Foster's Body in Appendix I contains straightforward, publicly-available, geographical and property ownership data, not in the record, that was gathered by the author, as do the maps in Appendix II).

Reasonable People Do Not Always Agree.

This is a truism for the author but, sadly, a concept rejected by many of those on **both** sides of the debate who have chosen to comment openly upon the death of Vince Foster ("A simple suicide, the man was obviously clinically depressed" *versus* "This was a suspicious death, something is not right").

All of us should remember that reasonable people make different *evaluations* constantly. Everyone will not give the same factors the same weight for many reasons, but it is not therefore legitimate to infer that a particular individual is unreasonable *per se*. Regrettably, there is too much of this sort of thing going on in our country today.

A simple example shows how common it is for reasonable people to differ: if everyone valued a product and its sales price equally, no markets of any kind would exist. The person selling some bread for $3 values the $3 he will receive **more** than the bread he will give up. The person purchasing the bread values the bread he will receive **more** than the $3 he will have to part with. We do not make a habit of condemning bread-purchasers and bread-sellers as money-grubbing nut cases or bread-crazed fanatics (and for good reason).

A few potential Comments were omitted because the author considered them too peripheral. Some other potential Comments were deleted during the editing process because the author considered them too controversial -- that is, the author believed they were inappropriately speculative (one of those value judgments), given the nature and extent of the data in the record (another value judgment) supporting the particular hypothesis.

The reader is again cautioned that reasonable people constantly differ when it comes to making such judgment calls. All of us learn from experience, ideally with objective reality as our constant coach.

As indicated above, a few of the *analyses* in this report may appear to be something of a "stretch," but were retained because the author believed they remained within the "reasonable range" and constituted the best explanation the author could produce, given the data in the record. The people who enjoy being branded a "kook" are few and far between, and the author is no exception!

No Attempt Is Made Here To Discover The "Real" Reason For Mr. Foster's Death

The author has intentionally not attempted to divine the "real" or "ultimate" reason for Vince Foster's death *in this report*. There are many theories out-and-about in the land, the great majority of which the author considers too bizarre for words.

For this reason, the author has concentrated here on reporting and analyzing the officially true and genuine material contained in the record published by the United States Senate. *The author does not rule out one or more sequels, however.*

The Analyses In This Report -- Active Involvement Of The Reader's Mind Is Sought

The great majority of the analyses in this report is quite straightforward and the author expects most readers will readily agree with much that is in the italicized analytical statements within the Comments below without finding them particularly controversial **(although, of course, the mere discovery that many material inconsistencies and apparent errors in the record exist will come as a shocking surprise to almost everyone reading this report).**

Other analyses in this report are less straightforward and doubtless will be more controversial. These analyses usually involve the author's attempt to reconcile a complex set of conflicting data in the record by putting forward one or more hypotheses that the author believes have good potential to contribute to a better understanding of the events in and near Fort Marcy Park on July 20, 1993.

Reasonable people *will* differ. In fact, **any effort to fashion a realistic acceptance of the conflicts and ambiguities within the particular record released by the US Senate virtually ensures that different reasonable interpretations of the events described therein will exist.** In this context, otherwise reasonable people would *be unreasonable if they did not differ!* The author endorses further investigation to reduce the substantial uncertainties he believes the current record fosters.

The first rule of **any** investigation is a healthy intellectual skepticism coupled with an emotional appreciation that **when you probe the unknown, by definition, you do not know what you will find.** There is a widespread tendency today, when probing the unknown, to decide up-front what *will be* discovered and then examine the evidence only for data that support one's *a priori* conclusion. This attitude makes for bad science, defective engineering, naive public policies, and irresponsible journalism. In the author's opinion, the Reports of the Foster death investigations are guilty of this particular sin against logic, as well as other contemporary philosophical failings.

For this reason, notwithstanding the statements in the official Reports, there is strong evidence in the record that Vince Foster's death was considered a suicide from the get-go and evidence was gathered, analyzed, and, in some cases, ignored with a view toward supporting the "suicide verdict."

Since there is no reason to believe the officials involved 1) lacked the requisite intelligence or 2) did not have the fundamental substantive knowledge critical to carry out their duties, the author believes the reason the record contains as many material errors, omissions, inconsistencies, and curiosa must lie elsewhere.

The author is the first to admit that some readers may find *some* of the analyses herein to be less than totally convincing. Why? Reasonable people can differ!

Readers are welcomed to construct hypotheses of their own that more clearly reconcile the raw data in the record in a less-controversial or non-controversial manner whenever they balk at a particular interpretation proffered by the author. *Perhaps our government can help us with this effort if it so chooses.*

If a novel and substantial "breakthrough" in understanding is achieved by any reader, please let the author know what has been discovered. Obviously, the same request is made if any reader finds an error was made when the author extracted any of the contents of this report from the record!

Before getting into the body of this report, the reader should ask "What variety and volume of irregularities in a death investigation would cause me to question its conclusions?" After finishing this report, the reader should decide if such irregularities were present in the Foster death investigations conducted to date.

Those who insist the conclusions in the official Foster Reports must be correct, because of the large number of co-conspirators required by any other theory, miss the point. In the author's opinion, this report contains overwhelming evidence that major *differences* in witness statements exist! Those providing information to the investigation often differ in *fundamental* ways from the consensus officially reported to the public in the Reports.

The author questions the results of the Foster death investigations to date, not because the detailed information provided by witnesses demonstrates such a clear-cut consensus that the conclusions reached could have been achieved only via a conspiracy of silence, but precisely because the record is so extremely *in*consistent that it bespeaks the fundamental rejection of a monolithic conspiracy, not the creation of one.

At Bottom, A Detective Story

Putting aside the extremely significant human and, in the author's opinion, political, tragedy that the death of Vince Foster represents for a moment, please remember that the record contains the raw data of any good detective story. The body of this report first provides background information concerning events in the final weeks of Vince Foster's life. Next, the pace picks up considerably when the body is found at Fort Marcy and evidence concerning the death is described.

Some mysteries within the overall story are more easily solved than others. Examining the data with an open mind and striving to construct workable hypotheses that have real explanatory value is the essence of all detective work. The data is in this report. Readers are invited to give it "their best shot," too. In return, the author guarantees that this report contains subtleties that will reward discerning readers. Generally, the trend has been to make each subsequent release of this report less subtle, but careful readers should continue to reap the benefits of being "led to water" as opposed to being "made to drink."

This report provides a huge amount of "worm's-eye level" evidence straight from the record, but it has been organized in a way that is much easier for the reader to cope with, while providing voluminous citations directly to the record. The author would not wish multiple readings of the undigested evidence in the Hearings Volumes upon anyone, having done that (and more) himself!

Oops!

Given its length, the author would be astounded if there are not a few factual errors remaining herein (all made in good faith). The reader is cautioned not to allow a factual error or a given analysis that the reader believes is a "stretch" *ipso facto* to taint either the rest of the analyses or the routine expositive information in this report. The author assembled and wrote this report in the evenings over 4-5 weeks, staying up until one and two AM (running on hot showers and cold lemonade) after handling the requirements of his day job, so modest mistakes of some kind are virtually guaranteed!

Along these lines, the author is not exactly a fantastic typist (excuse me, keyboarder), so there are going to be some typos and similar mistakes made in this report that the author and his loyal spell-checking software did not catch.

Subsequent releases of this report will strive to eliminate any remaining typos and grammatical errors and generally to improve the readability of this report while also adding new substantive material. If were the author a superb proofreader, this entire Comment could have been eliminated!

A Gift

This report on the death of Vince Foster unlike other non-governmental efforts, in books, newsletters, or on video tapes, is a gift, at least to its official readers, to many of those in the media and to a few unofficial readers. Some readers obtained the report for the cost of duplicating and shipping it simply because the author could not afford to duplicate and ship a copy to everyone who wanted the report (paying for 200 of these reports to date was painful enough!).

As the reader will remember from the letter transmitting this report to Chairman D'Amato, the author has significant personal reasons why he would like to discover the truth about the death of Vince Foster. There's more to it than that, though, also per the transmittal letter. "Truth, Justice, and the American Way." Remember them? It's not baseball: one-hit-in-three-at-bats is **not** a decent average.

Supplemental Printings

The author found the first printing of this report, dated July 20, 1995 (the second anniversary of Mr. Foster's death) to be useful in an "up-by-your-own-bootstraps" manner when he reread the first print himself. For that reason, and due to the volume of material in the record, the author intends to update this report from time-to-time, in an attempt to improve the grammar and the writing style, decrease the number of spelling errors, and to add substantive material and additional references **to the record** that are useful in understanding the death of Mr. Foster.

On the occasions when a new print is released, the supplemental print number will appear on the Title Page and in the Summary Table of Contents. A printing history will appear in this Comment. This release is the fourth supplemental printing **[S-03]** dated October 8, 1995. The prior formal release, dated August 31, 1995, was the second supplemental release and that dated July 31, 1995, was the first supplement. The release dated July 20, 1995, was the original print.

The third release, dated September 30, 1995, was triggered by rumors that Reporter Chris Ruddy (and others?) would be the subject of a so-called "take-out" piece on an October segment of "60 Minutes." Chris Ruddy (and others) are the author's *co-belligerents* vis à vis the death of Vince Foster, not necessarily his *allies*. Readers are reminded that everyone seeking to re-open the investigation into the death of Vince Foster does not have the same motivation and are not reading the same script!

For example, it should be noted that the first time the author of this report contacted Chris Ruddy (directly or indirectly) was in January 1995 in connection with *problems* this author had with the sketch map of Fort Marcy Park contained in the July 18, 1994, "Special Report on the Fiske Investigation of the Death of Vincent W. Foster, Jr."

Tables, Photos, Maps, & Aerial Imagery of Fort Marcy Park & Environs

Appendix I -- The Table of Homes Nearest Mr. Foster's Body

The information in **Appendix I** was developed by the author and his incognito associate, DCA, from aerial imagery of Fort Marcy park and environs and from publicly-available Fairfax County, Virginia, property records. This table and the Maps in Appendix II are the only significant Foster-related information in this report not taken directly from the record. As explained therein, the Table of Homes provides specific examples of incorrect information and other investigative failures this author associates with the Fiske Report

Appendix II -- Three Maps of Fort Marcy And The Surrounding Area

Three maps of Fort Marcy Park and the surrounding area [Maps IV, V (R), and VI] are found in **Appendix II**. The reader should review these maps prior to reading this report. These maps should be referred to as necessary thereafter. The reader is directed to the maps by the text from time to time, but not on every occasion on which they might prove useful to the reader.

Map IV is an engineering drawing of Fort Marcy itself (Fort Marcy is part of Fort Marcy Park) lifted from the National Archives and annotated in the author's puerile hand. Map V (R) is a map of Fort Marcy Park and nearby homes traced by the author from an aerial photo run flown on the morning of April 7, 1993. Map VI is a portion of a Fairfax County plat map showing the outline of Fort Marcy Park with the surrounding residential lots and subdivisions annotated by the author. Immediately following Map V(R) is a color photocopy derived from an aerial photo run using color infrared film.

No such maps (or aerial photographs) are part of the record, although Mr. Fiske informed the 1994 Senate Whitewater Committee that "Large aerial photographs of Fort Marcy Park are available **for viewing** at the OIC should you so desire [1345; see also 947,971]." The record does contain numerous not-to-scale extemporaneous freehand sketches of limited utility.

The author has very large-scale black and white (1:500) and color infrared aerial imagery of Fort Marcy Park and the surrounding area from tracks flown both before and after Mr. Foster's death and timed to minimize leaf cover. Very little of this aerial imagery is part of this report due to cost and size constraints (the larger black and white photos are 20" by 20" and 18" by 18"), but Map V (R) and in Appendix II, having been traced from aerial imagery, should serve as a passable (and cheaper!) substitute, especially when viewed in conjunction with the single color infrared photocopy following Map V(R). The author has several dozen ground-level photos of points of interest at Fort Marcy Park. While useful, they are not included in this report because doing so would also increase the production cost significantly, too significantly for this author, anyway.

[The FBI has been in Fort Marcy Park more or less continuously since the afternoon of September 12, 1995. The park has been essentially closed to the public since September 12th. Tens of thousands of square feet of vegetation have been removed, save only the large trees, downrange of the spot where Vince Foster is said to have shot himself some five yards west of the so-called "second cannon". A thorough search, including the trees themselves, is apparently being conducted by a half dozen agents for "the bullet" that is said to have killed Vince Foster. As of October 7, there has been no announcement that the bullet (or anything else on consequence) has been found by the FBI in this, the third search for the bullet.]

Appendix III -- The Photo Of The Hand With The Gun That Was Leaked To ABC News

Appendix III contains a photocopy (originally taken from the image on a color TV screen) of the picture of Mr. Foster's right hand and the revolver therein. This image is referred to several times in the body of the report in different contexts. It is the only image purported to be of the body that has ever been released to the public. The photographic image originally appeared on ABC News Friday, March 11, 1994.

In the original color image (which the author *believes* was provided to Reuters at the direction of the White House and then given to ABC News), the gun contrasts even more sharply with the hand and the background. There has been some speculation, commencing as soon as it was released, that this photo is *not* what it purports to be. However, no person involved in the official Foster death investigations has called it into question. Presumably Reuters and ABC News were (and are) professionally satisfied as to its authenticity as well since those two organization have not questioned the authenticity of the photo since they released it.

Appendix IV -- The Locator Table

Appendix IV contains a Locator Table that should aid readers in finding the particular page in the Senate Hearings Volumes on which the testimony or deposition of a given witness begins, an FBI interview with a particular individual is to be found, a US Park Police internal report authored by a particular individual commences, and so on. An effort has been made to include all witnesses covered by the Hearings Volumes, whether the author believes their evidence is significant or not.

The Locator Table in Appendix IV also contains the Hearings Volume page number for what the author believes are the more **significant** documents found in the Hearings Volumes. The table is sorted by the name of the individual involved or the title of the document being referenced.

If nothing else, Appendix IV should provide a great deal of assistance to those who have found the "organization" of the 1994 Hearings Volumes frustrating. The Hearings Volumes are supposed to contain raw data from the investigation and that they definitely do, but the author wonders why the information in the Hearings Volumes could not have been put in a more logical order and the duplicate documents culled before it was printed.

Appendix V -- Civilian Vehicles Seen At Fort Marcy The Afternoon of July 20, 1993

Appendix V contains a listing of each description of a civilian vehicle that made an appearance at the Fort Marcy Park parking lot on the afternoon of July 20, 1993 (unless a vehicle in the record managed to "slip past" the author -- a certainty *if* it was not mentioned in the official record).

Often a vehicle was seen by more than one witness and the descriptions they gave differed somewhat (as should be expected), so one vehicle may have multiple entries in the table. Multiple descriptions that the author believes describe one vehicle are grouped together in the table. The vehicles that the author believes are sufficiently interesting are covered at the appropriate places in the body of the report.

Appendix VI -- Table Of Official Comings And Goings

Appendix VI contains data on the "comings and goings" of selected individuals on the afternoon and evening of Mr. Foster's death. It is necessarily incomplete since, somewhat surprisingly, the record is often silent about the time someone arrived at (or, more commonly, left) a location. Estimated times are given if a witness provided a time-range, or if an approximate time can be gleaned from witness accounts.

Questions marks are used when in the author's opinion, there is substantial uncertainty (one of those judgment calls again!) concerning the time someone arrived or departed one of the listed locations. In significant situations, the body of this report will discuss the particular arrival-departure issue.

Appendix VII -- List Of Principal Persons

Appendix VII is a Table of Principal Persons, their job titles, and a short comment referencing a significant connection each has to the body of this report. Unlike Appendix IV, numerous individuals mentioned in the Hearings Volumes are **not** listed (as unimportant) and there are no cross references to their location in the Hearings volumes (see Appendix IV for those).

This is the best table to refer to if the reader does not recognize the name of a person appearing in the body of the report. The author suggests this table be read **before** starting the body of the report. It is one of the last appendices because the author hopes readers will use scanning Appendix VII as an opportunity to page this entire report to get a feeling for it before putting it to the use(s) they choose.

Appendix VIII -- Biographical Summary

Appendix VIII contains the one-page biographical summary of the author that was referenced in the cover letter to Chairman D'Amato in an effort to persuade the Senator that the author is not a kook.

There Is Only One Table Within The Body Of This Report

That table is on the following page and lists **the abbreviations used from this point forward**.

Abbreviations Used In This Report

Full Name *	Abbreviation	Full Name *	Abbreviation
Vincent W. Foster, Jr.	VWF	Fort Marcy Park	FMP
United States Park Police	USPP	Chain Bridge Road	CBR
Office of Legal Counsel	OLC	George Washington Parkway	GWMP
US Secret Service	USSS	Fairfax County, Virginia	FC
WH Communications Agency	WHCA	Little Rock	LR
The Confidential Witness	CW	Arkansas	AR
Department of Justice	DOJ	Emergency Medical Services	EMS
Rose Law Firm	RLF	FC Fire & Rescue Dept.	FCFRD
The White House	WH	FCFRD Ambulance Unit 1	A01
The President	WJC #	FCFRD Medic Unit 1	M01
The First Lady	HRC ##	FCFRD Engine Unit 1	E01
Chelsea Victoria Clinton	CVC	FCFRD Truck Unit 1	T01P
Criminal Investigation Branch	CIB	Assistant US Attorney	AUSA

* By custom and tradition, the abbreviation, "FBI" [like "IRS"], is well known to all Americans and therefore is not listed as one of the Abbreviations Used In The Report.

\# Lest the reader think otherwise, no disrespect is meant by use of the President's initials in this report. Independent Counsel Robert Fiske referred to the President as "WJC" in connection with the President's Deposition [1815], and his doing so was "Okay" with the President. The author infers that any American would be granted this privilege by WJC if the occasion arose.

\## Lest the reader think otherwise, no disrespect is meant by his use of the First Lady's initials in this report. VWF referred to the First Lady as "HRC" in the torn note found in his briefcase at the WH OLC six days after his death [353]. The author is quite certain that VWF meant no disrespect when he did so and the author intends no disrespect to HRC either.

Selected VWF-Related Events Prior to Monday, July 19, 1993

VWF's Arkansas Law School Commencement Speech on May 8, 1993

The Fiske Report cites the words of VWF's commencement speech [192] to support its conclusion that VWF took his own life.

In a speech to the graduating University of Arkansas Law School class on May 8, 1993, VWF stated [360-363]:

> Following the bar exam, your most difficult test will not be of what you know but what is your character. Some of you will fail.
>
> The class of 1971 [VWF's class] had many distinguished members who also went on to achieve high public office. But it also had several who forfeited their license to practice law. Blinded by greed, some served time in prison.
>
> **I cannot make this point to you too strongly. There is no victory, no advantage, no fee no favor which is worth even a blemish on your reputation for intellect and integrity. . .**
>
> **The conviction that you did the right thing will be the best salve and the best sleeping medicine.**
>
> **Take time out for yourself. Have some fun, go fishing, every once in a while take a walk in the woods by yourself. Learn to relax, watch more sunsets. . .**
>
> **If you find yourself getting burned out or unfulfilled, unappreciated, or the profits become more important than your work, then *have the courage to make a change.***

In the author's opinion and in light of other information in the record analyzed below, the author believes it is quite reasonable to think that these are ***not*** *the words of a man contemplating suicide, but rather the words of a man who shortly thereafter summoned the courage to "make a change" of his own and resign as Deputy White House Counsel, but died before he could do so. VWF told many among his family, friends, and associates that he was considering resigning (see Comment below).*

In passing, it should be noted that VWF's belief that taking "a walk in the woods by yourself" is fun would be an unlikely attitude for a man who, officially at least, took a solo "walk in the woods" some ten weeks later and fatally shot himself.

This Speech Is A Good Way To Learn How To Understand VWF

According to Webster Hubbell's FBI interview, "Hubbell said if you really want to understand Foster, to take a look at his recent speech at the University of Arkansas [1479]." Sheila Anthony told the FBI that VWF had personally prepared this speech [1581].

Strangely Different Opinions About VWF's Delivery Of This Speech

Per the Fiske Report, one of VWF's sisters described VWF's delivery during the speech in the following way: "Sheila Anthony [Assistant Attorney General for Legislative Affairs] recalls that during his address Foster's voice was unnaturally strained and tense, reminiscent of their father's voice when he was distraught during the period before his death in 1991 [192]." Lisa Foster told the FBI that VWF's delivery was "very stiff" [1636].

Sheila Anthony's remarks are a powerful specific description of VWF's strained and tense delivery, are they not? She even goes so far as to link the sound of VWF's voice during the speech to the distraught tone of voice used by their father shortly before his own death.

However, that is **not** the way two long-time friends and associates of VWF remember the speech. Phillip Carroll of the RLF, who had known well VWF for about twenty years and had been his mentor when VWF first joined the firm, told the FBI, in the words of his interview report "Carroll said at a commencement ceremony at the University of Arkansas Law School, Foster gave **a splendid delivery with no stress showing during the speech** [1726]."

Loraine Cline of the RLF who had been VWF's secretary for six years, also attended this speech. In the words of her FBI interview, she described VWF the day of the speech "He acted excited and 'up' and he looked good [1729]."

What is going on here? How can different adults listening to a speech delivered by someone they all know extremely well have such diametrically opposing views on its delivery? What is truth and what is "Pravda?" The speech was videotaped, but the author has not had access to it. A review of this tape ought to indicate who is right and who is wrong re the nature of VWF's delivery.

VWF's Security Clearance

According to the Fiske Report [196], VWF told his sister Sheila Anthony, that he hesitated to see a psychiatrist in connection with the problem she told the FBI was depressing him because he feared it would "jeopardize his White House Security clearance." This statement is also contained in Sheila Anthony's FBI interview [1576].

In light of the difficulties that many on the WH staff experienced when applying for and obtaining the legally-required high-level security clearances in early 1993, one might ask whether VWF was concerned that his temporary clearance (or his application for clearance) might be threatened or whether he was worried that his pre-existing "permanent" clearance would be jeopardized. If the latter, one might ask how his permanent clearance was obtained so quickly or if he had obtained a top secret security clearance that pre-dated his service to the Clinton Administration.

VWF was not described in the record as a person who had required a top-secret clearance prior to joining the Clinton Administration. For example, the only military service the record reveals was a short stint of some sort in the late 1960s when VWF served in the New Jersey National Guard [1571]. [No other association between VWF and the state of New Jersey is in the record.]

James Lyons' July 21st Trip to DC

The Wednesday or Thursday before his death on Tuesday, July 20, 1993, VWF called James Lyons, a trusted advisor, at Lyons' law firm in Denver and requested that he hold himself ready to travel to DC **on short notice** in order to meet with VWF [1682]. VWF called Lyons again the Sunday night before his death and confirmed that Lyons would be flying to DC to meet with VWF on Wednesday, July 21, 1993 [172,1682].

It is not clear from the record when the date of the July 21st meeting was originally decided upon [see also 195]. Perhaps the date was set in a phone call not documented in the record.

You contact a trusted friend to make sure he is available to fly across the country to see you on short notice, you re-contact that friend, set a date for a meeting, confirm the date three days in advance, and ***then commit suicide*** *the day before the meeting? Such behavior would be unusual* ***to say the least unless, conceivably, a snap decision to commit suicide was made after the meeting date was confirmed.***

Did VWF make a snap decision to take his own life between late Sunday night and the Tuesday afternoon he died? As analyzed below, in the author's opinion, the record does not support the conclusion that VWF ***ever*** *made a decision to commit suicide, and* ***certainly does not*** *support the conclusion that VWF made the decision to kill himself between Sunday night and Tuesday afternoon.*

The conclusion that VWF made the decision to commit suicide between Sunday night and Tuesday afternoon might make some sense if there had been some evidence that VWF was in the depths of depression or manifested substantial out-of-the-ordinary behavior during the 36 hours before he was found dead at FMP.

However, the record, if anything, gives the opposite impression: while VWF may well have been troubled about some matter or other one to several weeks before his death, his mood had materially improved during at least the four days prior to his death.

If his mood only ***seemed*** *better because he had finally made the extremely difficult decision to take his own life, why did VWF still call Lyons in Denver (not the other way 'round) and set up an appointment for the day after VWF knew he would be dead? Everything in the record about VWF's values as described in this report makes it clear that he would not play such a gratuitous and evil trick on a trusted friend, especially a deception that would in all likelihood impose a severe psychological burden on that friend after he learned of the suicide.*

VWF's Knowledge of the Search of David Hale's LR Office A Factor?

The possibility that VWF killed himself because of records he knew would be found once a search warrant issued for the LR offices of Judge Hale was a concern of those investigating VWF's death.

Fletcher Jackson, AUSA for the Eastern District of Arkansas, reported to the FBI that VWF **could** have learned of the search of David Hale's office in the following manner (quoted from Jackson's FBI interview on May 16, 1994):

> The only other avenue through which Vince Foster could possibly have known about the search was that the morning of the search [apparently not later than the morning of July 20, the day VWF died -- VWF obviously could not have found out about the

> search after his own death!] sometime between 9:00 and 9:30 AM agents went to Hale's office in Little Rock and Hale was not there but he was at a location six or seven miles away where he was fulfilling magistrate responsibilities. He found out that a search was being conducted of his office and he made a phone call that morning. Jackson advised that he does not know who that phone call was made to but that whoever it was may have been a possible conduit of Foster finding out about the search if indeed he did [177].

It is of course possible that the person who called Hale may have called VWF directly, that Hale called VWF directly, or that there was more than one intermediary That is, the assumption (of Fletcher's) in the FBI interview that another party would be necessarily interposed between VWF and the information about the search is not necessarily a valid one.

Was a search made of calls to the White House (whether or not placed through the switchboard) that morning to determine what individuals called the White House from AR and whether any calls (from AR or not) were to private lines to which VWF had access in the WH? Phone records could also be checked to determine whether any non-AR-source calls to such private lines received a call from AR shortly before the call to the private WH line was made.

*This research would not be as laborious as it sounds. An impossible task? No. **Why not?***

The Fiske Report & The White House Phone System: VWF Calls A Psychiatrist

*It is possible to determine **the particular telephone instrument** at the WH used in connection with a particular call. How does one know this?*

According to the Fiske Report, WH telephone records were used to determine that **the telephone located at VWF's desk** was used to make two calls to a psychiatrist on Friday July 16th [197]: "At 12:41 p.m. and again at 1:24 p.m., Foster called the psychiatrist **from the telephone in his office** [sic], and charged the calls to his home phone."

The call was made to a psychiatrist who practices in Chevy Chase, Maryland [166,2135], but Chevy Chase is a local call from the WH. The calls from VWF's desk phone apparently connected (otherwise there presumably would have been no charges recorded on VWF's home phone number), reached the psychiatrist's voice mail [1663], and no message was left by the caller.

This psychiatrist indicated to the FBI that a third party (name redacted) called him on Friday, July 16th, to ask whether he would speak with a Sheila Foster Anthony about a relative of hers who was "in a crisis situation" [1662] because he was "dealing on a daily basis with Top Secret matters" that were causing his "depression." He agreed to take the call and Sheila Foster Anthony called him later on Friday concerning her brother, VWF (time of day not provided in the FBI interview report). Sheila told the psychiatrist that VWF would be in contact with him later that day [1663] but, according to the psychiatrist, VWF never reached him.

*What a phone system! It is a wonder everyone in the WH was not paranoid about using the phones! Mr. Fiske did not find it too difficult to search diligently for two telephonic **attempts** made using the telephone on VWF's desk to reach the Chevy Chase psychiatrist, so the additional telephonic record-checking proposed here should not be too difficult for others to accomplish.*

VWF Was An Amazingly Punctilious Public Servant

It should be noted in passing that VWF must have certainly been a punctilious public servant indeed to have charged what were toll-free calls to his home phone number. . . One might also wonder whether this was a counter-intuitive step for a person who the record states was concerned to prevent any contacts with psychiatrists from being discovered by WH security [see above under the Comment, "VWF's Security Clearance"].

Indeed, it is almost as if VWF were acting to preserve a record that ***he did call*** *a psychiatrist from his WH office during the work day around the lunch hour. . . Why might VWF wish to do this?*

The list of psychiatrists (provided VWF at his request by his sister, Sheila Anthony, Assistant US Attorney General for Legislative Affairs) was found in VWF's wallet in his Honda at the FMP parking lot [197, 211], or possibly the list was not inside his wallet, merely inside the Honda itself [481,1603].

Based upon USPP Investigator Rolla's July 27, 1993, report [2135], the list of psychiatrists (apparently in VWF's own handwriting) was actually found in VWF's wallet the night of July 20th at FMP, waiting to be discovered, as it were. As it happens, the torn note found by Stephen Neuwirth, also officially in VWF's own handwriting, was found on July 26th [188], though its existence was not disclosed to the USPP for some thirty hours.

A student of coincidences might ask why Rolla's written report describing the list of psychiatrists was not drafted until July 27th, even though the listing of psychiatrists was officially discovered in VWF's wallet the night of the 20th and Rolla's report gives no reason for the delay in his documenting the existence of the list of psychiatrists, nor any intervening event that occurred between July 20th and July 27th that triggered his written report on July 27th.

What About Communications To And From VWF Not Via The WH Phone System?

Strangely enough, there was no effort made (at least by the USPP) to determine what email messages VWF sent or received in the several weeks before his death, nor any attempt to obtain records relating to calls to and from VWF's home phones [850-851] or family cell-phones, if any. If these records were eventually obtained, the information therein has not been made public.

VWF was carrying a WHCA Motorola Bravo pager clipped to the right side of his waist when found at FMP [438].

The quote from the May 16, 1994, FBI interview with AUSA Jackson (long after the interviewee would have known the date of VWF's death) commented upon above is particularly important in light of FBI testimony [77] that the warrant was "issued" on July 20th, but [the search itself was?] not "effected" until July 21st [see also 194].

In short, there is an apparent conflict in the official record [194 vs. 177]: Did the search in question actually take place the morning of the 20th or the morning of the 21st? The possibility that VWF learned of the issuance of the warrant prior to the scheduled search should also be

pursued to a firmer conclusion in light of the Jackson FBI interview [177] (of which the FBI agent testifying before the committee might have been unaware).

A letter to the Senate Whitewater Committee from an FBI agent [374-375] on August 3, 1994, states that the FBI "found no evidence" that VWF had any information about the search or the issuance of the search warrant, includes a reference, inter alia, to the interview the AUSA Jackson quoted above that describes the existence of a first link in the chain to VWF.

Given the rapid and aggressive recovery of the pager by the WH (see the Comment on the pager below), is it impossible that the pager contained evidence that VWF was contacted regarding either the issuance of the Hale search warrant or (if the search was conducted while VWF was still alive, as implied by AUSA Fletcher) the start of the search itself?

Alternatively, persons as yet unknown may have thought it possible that VWF had been contacted regarding the warrant or the search itself [or some other matter as yet unknown] and arranged the rapid release of the pager from the USPP to ensure its contents, if any, would be protected from disclosure in any case. Could VWF's WHCA pager be paged only by the WH, or could anyone with his pager number page him? Better safe than sorry?

The Blind Trust(s)

VWF was the WH liaison for the execution of the legally required blind trust(s) for the Clinton Family (for HRC, for WJC, and possibly separate trust(s) for CVC) [179,1822] that were drafted by Brantley Buck of the RLF. [See the Comment below concerning the "unusual" "CHB" sheet found in VWF's wallet at FMP.]

For reasons unknown, it had apparently been previously decided that HRC would execute the required blind trust documents when she was in LR (she arrived there about 2026 [EDT] on July 20th [2104], according to publicly available records), but that the equivalent documents for WJC's signature would be signed by him at the WH (even though he stopped over in LR himself during the weekend of July 17th-18th).

Given Buck described VWF's duties in connection with the blind trust(s) as being merely "ministerial" [177,1735], one might wonder that he called VWF regarding the trust arrangements on the 19th, again at 1217 EDT on the 20th, and also tried to reach VWF at about 1300 EDT on the 20th (apparently just missing VWF who had left his office at the WH, never to return, at that time or possibly a couple of minutes later).

Perhaps one can be forgiven for believing Mr. Buck was doing a lot of telephoning in connection with the merely ministerial function VWF was performing in connection with the blind trusts.

William Kennedy of the WH OLC indicated in his FBI interview that VWF had had a habit for years of "doing personal things for [the Clintons] and assisting them as needed such as with tax returns [1613]."

One matter that might have concerned VWF involves the ethical duty of an attorney professionally associated with the creation and funding of blind trusts to ensure that all the assets required are

properly marshaled and placed in trust. Might VWF have had some concerns along these lines? The record does not pursue this question.

*It is the author's opinion, VWF reached a decision, a week or two before he died, if not more, **not** to commit suicide, but to begin what VWF felt would ultimately be a successful disengagement process from the Administration. In one way or another, the author believes that VWF was finding the "heat too hot to take," so he "got out of the kitchen" (or tried to, anyway).*

In the author's opinion (considering the analysis below) that neither the Travel Office Matter, the Wall Street Journal Editorials cited in the Fiske Report [189], or the other concerns cited therein were the decisive factor(s) in VWF's desire to resign his position, let alone his alleged decision to kill himself.

VWF's Workload In The Weeks Prior To His Death

There seems to be some official confusion on this point. According to page 10 of the Fiske Report [186] "During the particularly busy period of late June and July, however, Foster was virtually uninvolved." This, despite the following statement [186]:

> Foster's position at the White House generally demanded that he work from between 7:30-8:30 in the morning until 9:30 or later at night, either six or seven days a week. He took no vacations or weekends off **until the weekend immediately prior to his death** [His trip to AR to give the commencement speech on May 8th apparently did not count as a vacation]. The demands of the Counsel's office were severe, and Bernard Nussbaum heavily relied upon Foster to assist him in accomplishing a wide range of tasks.

One might wonder whether VWF was, during the period from late June until the "weekend immediately prior to his death," 1) "virtually uninvolved" in the work of the WH OLC or 2) working 80+ hours a week.

*Until there is a confirmed sighting of a "married bachelor," it seems safe to assume that 1) **and** 2) cannot **both** be true in the 4-5 weeks prior to July 20!*

Why** was VWF uninvolved? Was he assigned **no work** to do by his superiors? Did he refuse to undertake duties given to him by White House Counsel Nussbaum? Nussbaum was not asked, and did not comment upon, these questions in the record. **If VWF was refusing to perform his assigned duties, what were those duties?

Deborah Gorham, VWF's Executive Assistant, told the FBI VWF sometimes had "lulls" in his work of a couple of hours [1446]. *Such short lulls can be expected from time-to-time even if one were working 80+ hour weeks.* However, **beginning the week of the 12th** [195], VWF spent much of the day writing a lot of personal "thank-you" letters. Gorham further noted that VWF had a "major and uncharacteristic lull" in his work on Monday, the 19th (see under that heading below).

The Fiske Report States That VWF's Weight Loss Was "Obvious To Many"

The Fiske Report paints a picture of a man under heavy stress, so much so that he was apparently forgetting to eat properly. According to the Fiske Report "Although no one noticed a loss of appetite [why not?], it was **obvious to many** that he had lost weight [186]."

Sounds pretty incontrovertible, doesn't it? There is a problem with this statement, however. According to VWF's doctor [1674-1677] (in his FBI interview, during which he is clearly consulting VWF's medical records), VWF weighed 194 pounds on December 31, 1992. VWF's weight at the autopsy [364] is given as 197 pounds. Thus, relying only on ***medical records****, VWF actually had a net weight* ***gain*** *(3 pounds) during the months in 1993 when the Fiske Report states that he was under heavy stress and his weight loss was "obvious to many."* ***Who are these "many" and why did they think VWF's weight loss was "obvious?"***

Dr. Watkins gives VWF's weight in August 1990 as 204 pounds, ***so VWF lost weight during the 30 months or so prior to working for the Administration at the WH (10 pounds)*** *and* ***gained weight, net, during the last 6-1/2 months of his life while working for the administration (3 pounds).*** *Why does the Fiske Report have it backwards? Why did "many" people have it backwards?*

The weight data provided by Dr. Watkins (194 pounds on December 31, 1992) was available to Fiske on May 16, 1994, some six weeks before the Fiske Report was released with the above quotation [186]. The autopsy results (weight 197 pounds) had been available to Fiske for roughly 11 months before the Fiske Report was released. Note that Lisa Foster's FBI interview report[1633] agrees with Dr. Watkins: "She believed that most of the weight that Foster had lost by that time [June 5, 1993] had been lost **prior to his arrival in Washington, D.C."** ***Why did the Fiske Report say what it did about an obvious [but nonexistent] weight loss between VWF's arrival in Washington and his death?***

A bit of lagniappe: The Fiske Report also refers to the "large pool of blood" on the ground under VWF at Fort Marcy Park from the "large exit wound [211]." However much blood VWF lost before the autopsy, it is clear that the official position is that a substantial amount of blood was involved. [More will be said about the blood loss and the large exit wound later.] If it is assumed that VWF lost about a quart of blood (twice what a blood donor provides in one sitting) and, given whole blood weighs roughly the same as water, then the 197 pound autopsy weight, corrected upward for the lost blood, would mean an actual weight of 199 pounds. Two quarts of blood lost would mean a date-of-death weight of 201 pounds, and so on.

Furthermore, VWF probably did not strip down fully for Dr. Watkins' nurse to weigh him on December 31, 1992. However, the author assumes that the weight of a body in an autopsy report is just that, the ***body's*** *weight. It would be technically unsound to include the weight of an arbitrary amount of clothing with the body's weight in an autopsy report. It thus seems eminently reasonable to assume that the 194 pound weight, corrected downward to a fully-stripped weight, would be 193 or 192 pounds.* ***Bottom line: it seems reasonable to conclude that, net, VWF gained around six pounds during the period the Fiske Report says his weight loss "was obvious to many."***

The author concedes that it is possible that VWF gained a little weight over a brief period, say while staying with the his sister and brother-in-law, the Beryl Anthonys, for a couple of months prior to moving into his Georgetown rental [1579]. After all, he was without his family in a new city until after his youngest son's junior year of high school ended in AR, was probably eating out more than usual, and doubtless consuming too much "junk food" during the day (cheeseburgers,

after all, were VWF's favorite food [1448]). Even so, the author believes that 5-6 pounds ***up or down*** *is not a weight loss "obvious to many" for someone weighing around 200 pounds.*

Why did the Fiske Report claim that VWF had obviously lost weight during this period? Whether to make an issue of VWF's weight change was a "judgment call" made by the authors of the Fiske Report. ***Given the Fiske Report introduces weight loss as another evidence of stress*** *(just as it did Assistant Attorney General Sheila Anthony's impressions of VWF's delivery at the commencement speech on May 8th, blatantly contradicted by the impressions of others who also heard the speech), it was somewhat "scary" to* ***this*** *report writer when he discovered that the data in the government investigators' own witness interviews explicitly contradict the findings of the Fiske Report.*

Sheila Foster Anthony also supported the Fiske statement about VWF's weight loss. Per her FBI interview: "Foster began to lose weight during the last six weeks prior to his death and **weighed much less than he had weighed in January 1993**." Per Dr. Watkins, VWF weighed 194 pounds on December 31, 1992, and the autopsy report indicated VWF weighed (**not** adjusting for the weight of blood lost) 197 on the day he died, so Ms. Anthony's assertion seems a bit dicey. VWF weighed **"much less?"** ***Did Mr. Fiske transmogrify Ms. Anthony, turning her into the "many?"*** Bill Kennedy, a member of the WH OLC life VWF, make a generic statement to the FBI that VWF had lost weight after he came to Washington [1612] as did Denver Attorney Jim Lyons, author of the now discredited Lyons Report that supported long-standing WH claims that WJC and HRC last lost $68,900 on their Whitewater investment. [171].

What Projects Was VWF Working On In The Five Weeks Prior To His Death?

Whatever these projects were, "Lisa Foster said that Foster received no joy from his work during that time [186]." Deborah Gorham, VWF's Executive Assistant, told the FBI **she did not remember what VWF was working on during the last few weeks** he was alive [1447], even though she typed all his correspondence and memos from Dictaphone tapes that he gave her. It is known that VWF completed the filing of three years of delinquent Whitewater Development Corporation income tax returns and also did some work in connection with the Clintons' blind trust(s) shortly before he died [63; also see the Comment, "The Blind Trusts" above].

VWF And The Travel Office Matter

VWF was said to be concerned that Congress would hold hearings into the Travel Office Matter and that he would be called to testify about his role therein [189]. According to the Fiske Report, the Travel Office Matter was one of the primary reasons VWF was over-stressed and depressed.

Per White House Counsel Nussbaum, VWF urged him to hire outside counsel [private attorneys] to represent the WH OLC attorneys involved in the Travel Office decisions (principally VWF and Bill Kennedy), even though James Lyons, the Denver attorney whose firm issued a report confirming the Clintons' Whitewater losses at $68,900 (a figure subsequently discredited), had read the WH report on the Travel Office **on VWF's behalf** and **did not see a conflict of interest** for VWF between his actions in the Travel Office matter and his objectivity in advising the Clintons [188].

One might wonder why VWF would be concerned in the summer of 1993, when the Democratic Party controlled both Houses of Congress, that hearings on the Travel Office matter would come to

pass and that he would be required to testify before a somehow hostile committee controlled by fellow-Democrats. Surely his brother-in-law, Beryl Anthony, a former member of Congress, would have advised VWF that Congressional Hearings into the Travel Office matter were highly unlikely, given the Democratic Party's control of Congress (whatever the experts' predictions were at the time, hearings have yet to be held on the Travel Office Matter). Apparently, Mr. Anthony did not do so [195], although he was never questioned in the record regarding his opinion of the likelihood of Travel Office hearings.

The Eastern Shore of Maryland -- VWF's Final Weekend

The Fiske Report describes as "coincidence" that VWF and his wife, Lisa, spent the weekend on the eastern shore of Maryland at the same time the Webster Hubbells were in the same area staying with the Michael Cardozas, also friends of the Fosters [197]. Although the Fiske Report does not establish exactly how the connection was made [Hubbell apparently knew exactly where the Fosters were staying], the three couples linked up and spent Saturday evening and Sunday together [198].

Mr. Cardoza had been Deputy White House Counsel in the Carter Administration [1480], coincidentally the same position VWF held at the time of his death. He also had spent four months at the DOJ during the early days of the Clinton Administration [1481], involved with some of the same matters that concerned VWF, such as the failed Zöe Baird nomination.

Coincidentally, Hubbell apparently knew precisely where the Fosters were staying since **he (not** the Fosters' ostensible hosts, the Cardozas) called the Fosters up and invited them over to the Cardozas' home where Hubbell and his spouse were staying near Easton, Maryland, on Saturday the 17th [1481]. Felicitously, it happened that the Fosters were only fifteen minutes away. Hubbell and VWF ended up spending Saturday and Sunday at the Cardozas.

This was officially advertised by the Fiske Report to be the first big weekend in many months for VWF to "get away from it all." Did he?

Strangely, the Cardozas were not interviewed by the USPP, the Fiske OIC, or the Senate Whitewater Committee regarding anything they might contribute to an understanding of VWF's mental state the weekend before he died, notwithstanding the great interest in the outcome of the weekend later expressed by VWF's close Administration associates (if there were such interviews with the Cardozas, they were redacted from the official record for reasons unknown).

The record does not say if other political persons of note were at the Cardozas' that weekend beyond these three men, nor was anyone ever asked if there were other personages in attendance from the WH or if there were senior civil servants from the Executive Branch about.

In response to numerous inquiries, VWF told his associates that the trip to the eastern shore of Maryland the weekend of July 17th and 18th, had gone well [199].

The Weekend: WJC Was Curious How VWF's Visit With Hubbell & Cardoza Had Gone

On the evening of Monday, July 19th [see an additional Comment below], WJC called VWF at home [200,1829]. One reason for the call: WJC wanted to ask VWF how the weekend in

Maryland with Hubbell and Cardoza had transpired too. WJC had also heard that VWF was "down" about the Travel Officer Matter. WJC made an appointment to see VWF (not the other way 'round) for Wednesday, July 21st. The subject: unspecified "organizational changes" being contemplated at the WH [1830].

VWF Was Contemplating Resigning As Deputy White House Counsel

The record is clear that VWF was considering resigning his position as Deputy White House Counsel.

VWF told his wife, Lisa [1647], his sister Sheila Anthony, and his co-worker William H. Kennedy (an Associate White House Counsel) that he was thinking of resigning [188,195,1614,1647]. His predicament, whatever it was, was so serious that his sister Sheila Anthony told the FBI she had hoped that VWF *would* resign as Deputy White House Counsel [1578].

According to the Fiske Report, Deborah Gorham, VWF's Executive Assistant, VWF ". . . did little work during the week of July 12, and instead concentrated on 'cleaning up' matters that he had not been able to get to for some time, such as dictating thank-you and congratulatory notes [195]."

White House Counsel Nussbaum was never asked in the record what work VWF was supposed to have been doing during this time period. Was there no work to be done (apparently so, since VWF did little work from July 12th onward)? Or was VWF refusing to do his assigned work? Why? What work was that?

The piddling described by Ms. Gorham is ***at least*** *as likely to be done by someone who has made a decision to quit his job as it is to be the action of someone planning to commit suicide, especially in light of VWF's statements to those he loved that he was thinking of resigning his position (after all, people quit their jobs far more often than they commit suicide over them). Did VWF submit his resignation sometime in the first half of July or sound out any Administration officials about leaving the Administration? Was he waiting for some sign from the Administration when he died?*

Why take the time to write thank-you and congratulatory notes to friends before you commit suicide, but fail to prepare your family in any way for your death? In the author's lay opinion, a person might easily do neither or do both, but people who do the first also take care of the second.

Shouldn't VWF Have Been Accustomed To Long Hours In High Stress Environments?

One would think that VWF, the former ***Senior Litigator*** *(and Chief Operating Officer) of the RLF, partner since 1973, and in the prime of his professional life, drawing almost $300,000 a year from the top AR law firm prior to joining the Administration, ought to be made of stronger stuff than the VWF depicted by the Fiske Report (something of a shrinking violet, however intelligent, stung to the point of suicide by newspaper editorials, the threat of Congressional Hearings that never occurred, and a Travel Office-related reprimand that he never received; a high-powered trial attorney somehow unaccustomed to working long-hours in a high-stress environment).*

Although the Fiske Report characterizes much of the text of the torn note (see the Comment below) found in VWF's briefcase [192,353] as the opening argument for his defense in anticipated

Congressional Hearings on the Travel Office matter, the note could ***at least as easily*** *be interpreted as a list of bullet points for the first draft of his letter of resignation (or* ***something else*** *entirely).*

VWF was nothing if not an orderly man who first thought through a problem and then acted accordingly. More than one friend used the word "meticulous" to describe VWF in the record. That is one reason why the lack of any preparations for (or warnings to) his family prior to his suicide seems particularly unusual. "Spontaneous" is not a word anyone in the record associated with VWF, though he clearly did care deeply for his wife, Lisa, and the children.

In the author's opinion, ***if*** *VWF* ***had decided*** *to consult with a psychiatrist (see the two phone calls above that were cited by the Fiske Report), he would have had at least a session or two before deciding whether therapy was right for him. By all accounts, he was a man who parsed difficult problems carefully and, having decided to act (make the calls to the psychiatrist), would not have changed his mind on a whim or otherwise failed to follow through.*

Although its importance should **not** be overstated, VWF's blood pressure when taken at the WH on Friday, July 16, 1993, was 132/84 [196]. ***Not bad at all*** *for a man of 48 supposedly working 80+ hours a week in a high-stress environment and, as it came out in official statements made by his close friends in the Administration (commencing en masse a week or two* ***after*** *the fact), obviously in the throes of a profound depression. The blood pressure reading in itself is* ***not*** *an indication that VWF was over-stressed;* ***if*** *it means anything at all, it is some evidence supporting the opposite conclusion.*

July 19, 1993: VWF's Last Full Day at the White House

Straightening And Cleaning Plus An Unusually Long Meeting With An Old Friend

VWF continued what this author believes was his goal of disengagement from the Administration, begun not later than July 12th [195], on Monday, July 19th [198].

Although Deborah Gorham, VWF's Executive Assistant, described Monday as a day of "straightening and cleaning [1446]," VWF apparently spent much of this time with his door closed, including time spent in a long closed-door visit with Marsha Scott [1447], Deputy Assistant to the President and Director of Presidential Correspondence, a meeting that Linda Tripp, one of the Executive Assistants to Bernard Nussbaum, remembered as being "out of the ordinary" and 1-2 hours in length [1535].

According to Tripp's FBI interview, "two things" occurred that were out of the ordinary on July 19th [1535]: "Marsha Scott, Deputy Assistant to the President and Director of Presidential Correspondence, came to see Foster for a closed-door session that lasted over an hour, possibly as long as two hours. **This was highly unusual, both her coming to see him and anyone taking up that much time with Foster**." Tripp noted that Scott was part of the "core" Arkansas group who went to dinner together every Tuesday night.

Nancy Hernreich, Deputy Assistant to the President for Appointments and Scheduling, confirmed that VWF was part of the "core" Arkansas group that often had dinner with each other on Tuesday nights [1765]. Bruce Lindsey also confirmed that VWF was a member of this group [1800].

VWF died on a Tuesday afternoon. It is not known whether some of the Arkansas "core" group had gotten together for their usual Tuesday evening activities before the time the record states that the WH was informed of VWF's death at 2030 [see the USSS memo at 2551].

Marsha Scott described her relationship with VWF to the FBI as a "personal friendship [1689]." She had known him since 1967. **Marsha Scott's FBI interview states "She does not remember what topics they talked about** [1690]." However, she later told the FBI that she had stopped by to ask him how the weekend on the eastern shore of Maryland had gone [1748].

*Many people were intensely interested how the weekend in Maryland with Hubbell and Cardoza had gone. In the author's opinion, it is almost as if the weekend had an agenda other than merely permitting a weary and care-ridden VWF some rest and much-needed recreation. **If so**, this agenda appears to have been well-known to many within the core AR group (including WJC, see the material below on WJC's called to VWF on Monday night), and they wanted to know what the weekend's outcome had been.*

Was VWF's "disengagement" from the Administration on the weekend's agenda? Was VWF about to become a free agent? Was a quid pro quo negotiated or did VWF merely believe one had?

*Marsha Scott's statement to the FBI does not seem quite complete. **You have an unusual closed-door solo meeting with a personal friend whom you have known for 25 years. This meeting lasts one to two hours. The next day, your friend happens to commit suicide, and you don't remember what topics were discussed?***

The author has mentioned that some of his hypotheses in this report might be seen as something of a "stretch" by a reasonable person. The author hopes the same reasonable person would find some of the statements in Ms. Scott's FBI interview a "stretch" if identically strict standards were imposed. ***She*** *came to see* ***him****, after all. Ms. Scott was not having a casual social conversation with the FBI. The FBI agent (assigned to the Fiske OIC) was interviewing her as part of a formal inquiry into the death of VWF.*

This is as good a time as any to mention the author's understanding of the difference between "giving a false statement" and "perjury." The author believes the penalties for perjury are much more severe than those for merely "giving a false statement." As the author understands it, only those whose depositions were taken or who provided testimony before the 1994 Senate Whitewater Hearings were under oath.

The author has no training whatsoever in psychology or psychiatry, but believes Ms. Scott's is a surprising memory lapse under the circumstances! Reminiscences about VWF's final days around the WH must have had quite a few gaps in them if no one remembered any more than Marsha Scott told the FBI she recalled about her last conversation with VWF.

WJC himself encouraged top staffers in the WH family to "talk to each other" about VWF, but not to take that talk "outside of our family [1916]."

Lisa Foster was apparently at least as "in the dark" as anyone about his alleged mental condition, perhaps more so, given the official pronouncements about VWF's "depression" that surfaced in tight formation a week or two after his death.

Scott told the FBI that most of her conversations with Lisa Foster since July 20, 1993, had concerned the reason VWF had killed himself and what could have triggered it [1749]. *What transpired during the one-to-two-hour VWF-Scott meeting? Ms. Scott was not particularly forthcoming or specific in her first FBI interview on this subject. This author believes the non-productive first interview was the reason Ms. Scott had a second interview with the FBI.*

Hubbell and Sheila Anthony Learn How The Weekend In Maryland Went

Webster Hubbell stopped by VWF's office for a visit on Monday, the 19th [199,1477], but does not remember the business matter, if any, that was discussed.

The business matter may have been inconsequential at the time, but it seems to the author that a person would likely long remember the topics of the last conversation he had with a friend of many years who killed himself the next day.

Hubbell's FBI interview describes the once-a-week "Arkansas Nights" frequently attended by VWF. Bruce Lindsey, Marsha Scott, and the Anthonys were among the other typical attendees [1478]. According to what Linda Tripp, one of Nussbaum's Executive Assistants, said in her FBI interview, "Nobody outside the Arkansas 'group' would be considered a confidante [of VWF's] [1532]."

VWF called his sister Sheila Anthony to tell her the weekend had gone well and that he was contemplating getting away more often [199,1578]. ***Why the gratuitous lie to his sister?*** *Unless he made a snap decision to kill himself later than Monday, he knew he would be dead the next day.*

Presumably, the WH phone records vouch for the existence of all calls that the record indicates were made to or by VWF from telephone instruments at the WH. Per the Fiske Report, the system certainly had that capability [197].

VWF told Webster Hubbell that the weekend in Maryland at the Cardozas had gone well, too [199].

It's not clear why Hubbell had to ask. After all, he had been present too. Did Hubbell instead want to find out about anything that transpired between the time he last saw VWF on Sunday at the Cardozas and the time Hubbell dropped by to see VWF on Monday? Could VWF have had some information for Hubbell instead?

VWF had spoken to his wife, Lisa, about going away the following weekend as well, but no definite plans had been made as of the time of his death [199]. ***Why another gratuitous lie, this time to his wife?*** *A man discusses his plans for the following weekend with his wife and friends the day before he commits suicide? It is certainly possible. But is it likely? Does the hypothesis jibe with the rest of the information in the record?*

VWF Sends A Letter To His Mother

According to the Fiske Report, on Monday the 19th (the day before he died), VWF mailed some oil leases to his mother and included a cover letter of instructions for her [199]. *Somewhat surprising to the author, in light of his decision to kill himself the next day, he included no personal message for her of any kind nor any hint that he was depressed or was contemplating suicide.*

The Fiske Report's source for its statement is the FBI interview with Gorham [1446-1447] conducted on April 19th and 26th 1994.

The author has a concern about Gorham's statement. The FBI had interviewed Linda Tripp one week ***earlier*** *on April 12th. In that interview, Tripp had given the FBI a detailed description of what she had learned from Gorham "soon after the death."*

In the words of Tripp's FBI interview:

> Gorham told Tripp that **the morning of his death**, much earlier than his leaving [the WH that day for the last time at about 1300] Foster placed three pieces of correspondence in the outgoing mail. The pieces were definitely personal, Foster having addressed them by hand and used stamps instead of officially franked envelopes. This was sufficiently unusual that Gorham noted it, and told Tripp who two of the items were addressed to. Tripp was unable to recall one of the items, but said the other was to Foster's mother [1534-1535].

Tripp also told the FBI that she had urged Gorham to report the mailing of these letters **[the morning of his death]** to the USPP.

It is not clear from the record what day the letter to VWF's mother was mailed. Was it Monday, the 19th or Tuesday the 20th? Does it matter?

The author believes it is quite possible that VWF's mother (or Sheila Anthony) retained the cover letter and envelope sent to VWF's mother, if only for sentimental reasons A postmark of the 19th would clearly vindicate Gorham's statement that the letter was mailed on Monday. A postmark of the 20th would be some evidence that VWF mailed the letter to his mother on Tuesday, the 20th (not conclusive, of course, although the record indicates that the letter in question was picked up relatively early in the day by an internal WH courier [1447]). However, a postmark of July 21st (or later) would be strong evidence, given the same-day courier pick-up and morning "mailing," that Tripp (interviewed by the FBI before Gorham) is correct: the letter was mailed to VWF's mother on Tuesday morning.

Again, is the exact mailing date of interest? It has long seemed improbable to the author that a man, especially a southern-style "True Gentleman" [1731], who sent his mother a letter 30 hours or so before he shoots himself to death did not also take a moment to include some expression of personal feelings for her, certainly not along the lines of "I'll be dead by the time you get this," possibly not even a veiled reference to his troubles, but at least some sort of modestly intensive and out-of-the-ordinary identifiable expression of personal sentiment.

VWF's letter did not contain any noticeable expression of feelings toward his mother at all. According to Sheila Foster Anthony (who was with VWF's mother when she opened the envelope) [in the words of Anthony's FBI interview]:

> The letter from Foster concerned oil leases which had been passed on to Foster's mother from her late husband's estate. . . . In attempting to recall what was in the envelope, Anthony now believes that there was an extremely brief cover letter which had been typewritten [apparently not by Gorham -- VWF apparently typed it at home, though, of course, for some reason he did not mail it from home], and which contained one or two sentences asking Foster's mother to sign the enclosed form and return it to the oil company [1580].

If Tripp's account is correct, VWF mailed a letter to his mother roughly six hours before he killed himself. That letter contained no particular personal sentiments of any sort, ***nor apparently any other information of interest to the investigators.***

Whatever VWF's relationship with his mother might have been (and there is no evidence in the record that it was other than excellent, similar to the other family relationships VWF enjoyed that are described in detail in the record), the author, however surprised he might be that VWF would not include a personal message of some kind in a letter mailed 30 hours before his death, would be dumfounded to learn that VWF included no such personal message to his mother (widowed just two years earlier) in a letter mailed roughly 6 hours before the record states VWF drove to Fort Marcy and shot himself dead. Unless of course, VWF made a snap decision to kill himself late Tuesday morning after the letter had been mailed.

One problem the author has had from the beginning with the claim that VWF committed suicide is that such an act does violence to the author's sense of VWF's personal style, as revealed in the record. The author realizes that his beliefs in this area merely those of a layman and based on data that is necessarily "soft," but "everybody has to be somewhere." In the author's opinion, the evidence on the other side (represented by the Fiske Report) is nowhere nearly so compelling.

In the author's opinion, stipulating for this purpose only that VWF had indeed made the decision to kill himself, the lack of sentiment in the letter to his mother is beyond bizarre: the omission is something that is "just not done." Such an uncaring gesture would not have been consistent with virtually any son's sense of propriety, let alone that of the VWF described in the record.

Finally, let it be said: The author is sure, to a moral certainty, that if the letter contained any wording that could be interpreted to support the Fiske Report's suicide hypothesis in any way, that Report would have spared its readers none of the particulars.

VWF Makes Two Trips Out Of The Office On Monday, One Of Them Unexplained

VWF vanished from his office twice during the day on Monday. One trip was to visit the WH Credit Union [1446]. The other was an **unexplained absence** that Deborah Gorham described as **"very uncommon"** since he was in the habit of telling her where he would be during the business day [1446]. David Watkins saw VWF Monday morning at 1100 as VWF was entering the WH [1791]. In the words of Watkins' FBI interview, **"Foster's demeanor was cheerful."** Presumably this encounter with the WH Director of Personnel took place as VWF was returning from one of his two Monday excursions.

The record does not reveal any attempt by the official Reports to discover where VWF went during the unexplained absence. If he had had a meeting within the WH compound during this time interval, presumably it would not have been too difficult to discover with whom he met and why. The author does not recall whether the credit union is inside the White House compound or not. If not, VWF could have been returning from the credit union when seen by Watkins.

According to Loraine Cline, VWF's secretary for his last six years at the RLF (FBI interview), "He [VWF] was very good about keeping in touch with her. He would always let her know where he was and when he was going to be back. He was meticulous about keeping an accurate and complete calendar. . . She could not picture Foster as having a problem he could not figure out how to solve [1730]."

VWF Left Work Earlier Than Usual -- Monday's "Lost" Hours

VWF left the office much earlier than usual on Monday, July 19th, leaving before Gorham departed at the end of the work day [1446].

It is not known what VWF did between his early departure on Monday the 19th and his arrival home that night at 1945 [1643], an interval of **at least 2-hours** (excluding his commute time to Georgetown from the WH).

His wife had expected home around 1845 [1643], so presumably something unexpected came up or he had matters to take care of that he had not told Lisa Foster about. A projected 1845 arrival in Georgetown is consistent with VWF's having left the WH around 1800, perhaps a little after [the author will here gladly defer to DC's expert commuters], which is not consistent with Gorham's statement that VWF left the WH before the end of a normal 9-5 workday. Whatever he had to do, it did not appear too stressful. According to Gorham's FBI interview, when VWF left his office early

that day "He did not seem stressed, just simply left [1447]." He smiled at his wife when he came in the door of their home in Georgetown [1643].

[It is only about 1.8 miles over-the-road from VWF's parking space in Slot 16, Executive Boulevard West [1649], to his rental home in Georgetown; VWF's address has been suppressed by the author.]

Anyone married for 25 years, as VWF and Lisa Foster had been as of the prior April 20th [2268], will tell you that spouses don't always greet each other after work with a smile, so an inference that VWF thought Monday was a fairly good day is clearly reasonable. Per the record, VWF certainly gave no particular indication to his wife that he had plans to make the next day his last day on earth!

No effort was made by the various official investigations (at least not one revealed by the record) to determine what VWF did 1) during one his unexplained absence during the work day nor 2) what he did in the minimum 2-hour period between the time he left the WH and arrived at home.

Since Gorham did not know the time of his departure other than that he left much earlier than normal and before she left the office, these "lost hours" in mid-to-late afternoon on Monday were likely significantly more extensive than the minimum 2-hour estimate above that assumes he departed around the end of the normal workday, not significantly before it. The events that took place during this interval may be especially important since WJC called VWF that night at his home, a relatively unusual event in its own right.

Why was there no interest on the part of the USPP or OIC investigators in these "missing" hours? That understates the point. The existence of these "lost hours" on Monday is not even identified in the official Reports.

VWF's Overdrawn White House Credit Union Checking Account

VWF made a trip to "the bank" (the WH Credit Union) on the 19th [1446], the day before he died. On the prior Thursday, the 15th, Lisa Foster had called Deborah Gorham, VWF's Executive Assistant, at work [2132]. She told Gorham that the Foster family checking account was overdrawn. "**Check stub filed. All Gone anyway** [2217]." Lisa Foster was in the habit of calling VWF at work, especially if she needed money [1634-1635]. ***An overdrawn account means bounced checks.***

The credit union had been contacted by VWF the week of the 12th and it had agreed to "work with" the Fosters on a "weekly" rather than "bi-weekly" basis, presumably in connection with the **ongoing** problems in connection with the overdrawn checking account ["ongoing" since the credit union had agreed to start "working with" the Fosters on a "weekly" basis instead of the former "bi-weekly" basis, implying to the author the existence of some sort of previous bi-weekly arrangement that had lasted for an unknown period of time].

It is not known if the Fosters had other dealings with the credit union besides the difficulties with their checking account. They presumably had accounts at other financial institutions, but there is no evidence that these other accounts were drawn upon to solve the overdrawn credit union checking account problem. ***Why not? What was the purpose of the trip to the credit union on the 19th?***

VWF should not have had any cash flow problems associated with his AR home (in "the Heights" section of LR) since he had been able to rent it when he came to work with the Administration [1478], certainly none that are part of the record. Furthermore, his modest townhouse in Georgetown was rented, not purchased. Finally, VWF's youngest child, John (called "Brugh") was scheduled to start his senior year at the Sidwell Friends School in September, but the first check (70% of tuition) was not due until August 1st, so that expense had not yet depleted the checking account at the time of his death.

In short, the classic causes of cash flow problems when one takes a job in a new city did not apply to VWF. Why was the family checking account overdrawn and what was the connection, if any, with the death of VWF?

Furthermore, VWF had been a partner with RLF for almost twenty years prior to joining the Administration, earning some $295,000 his last year at RLF according to newspaper reports. There is nothing in the record that would indicate he (or his wife) was a lavish spender or used money pretentiously. The man drove a four-year-old Honda filled with the debris from his kids' social and academic lives [505,506] to and from the WH while he was the number two person in the WH OLC. *Why was there apparently no money available to replenish the overdrawn checking account?*

*The overdrawn checking account **may** amount to nothing, but **no financial details** were pursued by any of the investigations per the record [limited exception: R30,461 -- checking account not addressed as such] A "very smart. . . meticulous man [1478]" overdraws his checking account for at least the two weeks before he commits suicide. He makes an "unusual trip" to his credit union the day before he kills himself. We have nothing latent in the record to account for the overdrawn checking account. What **do** we have about the Fosters' general financial condition or the forensic accounting investigations that support the decision in the official Reports to avoid this issue?*

According to USPP Investigator Rolla's **testimony:**

> I have heard it so many times now that I don't know whether I am thinking it in my mind or I saw it, but whatever it was, the documents I looked through were -- I looked through financial documents to see if there was [sic] any major losses of money, withdrawals of money or anything crazy, and there just didn't appear to be any of that [461].

The Call From WJC On Monday Evening

The evening of the 19th, VWF received a call at home from WJC [200]. WJC had heard that VWF was feeling "down" about the Travel Office matter and phoned to invite VWF to watch a movie at the WH (as touched upon in a previous Comment), but VWF declined, stating he was home with his wife and wanted to stay there [1829].

Like many people, WJC asked about VWF's weekend in Maryland [no specific weekend topics in the call were covered, nor were they provided in the official Reports]. WJC told VWF that he was seeking VWF's advice on "possible White House organizational changes" [200,1830].

There was no indication in the record whether or not such changes involved VWF himself. Per the record, WJC had personally never heard that VWF had been telling his friends and associates he was considering resigning [1827] (many of those friends and associates were part of the same "core"

Arkansas crowd that included WJC and HRC; VWF had been the "family lawyer" for many years). Although he had **not** heard that VWF was contemplating resigning, WJC **had heard** that VWF was "down" about the Travel Office Matter.

Coincidentally, Hubbell and Lindsey were with WJC when he invited VWF to the WH to watch a movie ("In the Line of Fire") on Monday night [1829]. *As matters turned out, this might have been a doubly ironic "last movie" for VWF to have seen at the WH, concerned as it is with protecting the President. By the way,* the normal "movie night" at the WH was Friday [1800], not Monday.

In his deposition, the President indicated that he had invited VWF to the WH to see the movie because "It was a time of high stress for the Counsel's Office because of the White House travel office matter and other things [1828]."

Nonetheless, neither Nussbaum, the White House Counsel, nor any other members of the OLC (including "core" group member Kennedy) were invited to the show. Furthermore, as indicated above, the record does not reveal that VWF had been doing much substantive work in the OLC for at least a week, so ***that*** *work was presumably not the work to which WJC was referring. Note, too, the number of individuals in the record who remarked that* ***VWF's mood had improved the week before his death and that he was in good spirits on Monday and Tuesday.*** *WJC might have been a little behind the times. Perhaps VWF did not attend the movie because he was not "down" or perhaps he had nothing to talk about (if the movie was a screen for a substantive meeting).*

One can almost picture these four senior Administration executives sitting in the dark together, communing silently in the WH theater as they watch Clint Eastwood protect ***his*** *President. Almost. After all, VWF decided to stay home that night. Since VWF decided not to attend this gathering, did Lindsey, Hubbell, and WJC still watch the film together? None of them were asked that question by the official investigators.*

VWF and WJC agreed to meet on Wednesday concerning the possible WH organizational changes but, of course, this meeting was pre-empted by the extraordinary WH "organizational change" on the following day. VWF did not sound downcast or depressed during this conversation according to WJC's deposition. Then why the later comments re VWF's depression?

The nature of the questions and responses when WJC was deposed concerning VWF and the call WJC made to him is of interest [1827]:

> Q: "Yes, I will get to that. That's why up to now we are just up to the 19th."
>
> A: "Uh-huh. But in that conversation, I referred in the briefest manner to the whole question of **operational problems** in the White House. So, when we get to that, we can talk about that."
>
> Q: "We'll get there in just a minute. Was there anything else that you heard, right up to that phone conversation on the 19th that -- [question interrupted]
>
> A: "No."
>
> Q: "-- might be disturbing him?"
>
> A: "No."
>
> Q: "Had you ever heard that he was thinking of resigning his job?"
>
> A: "No."

Q: **"Had you ever -- [question interrupted once more]**

A: **"Not that I recall." [WJC answered before any question was asked!]**

Q: **"Okay." . . .**

[Here is WJC's response to a question asking him to recall his phone conversation with VWF Sunday night, the 19th:]

> A: " . . . Then I told him I wanted to talk to him about some matters relating to the White House and I wanted to ask his advice on some organizational issues, but that I could not see him the next day because we had the announcement of Mr. Freeh, the FBI Director, and several other things on my schedule, **and could we please meet on Wednesday. And *he* said, yes, *I* have some time on Wednesday and *I will see you* then."**

*VWF **tells** WJC that he, VWF, has some time on Wednesday, and that he agrees to see the President then? Was VWF in the driver's seat? WJC seemed somewhat on edge during his deposition. Remember that VWF was at an unknown location for at least two hours after he left the office early the afternoon of the 19th.*

There should be no misunderstanding: The record indicates WJC had **not** even spoken to VWF anytime during the "**few weeks**" leading up to VWF's death. In his deposition, WJC said "I called him [VWF] because I had not seen him in a while. . . And so, I hadn't seen Vince in a while and I hadn't had a chance to talk to him in a few weeks [1828]. . . As a matter of fact, I was just pleased that I was going to be seeing him Wednesday because I hadn't seen him in a while. **I mean, whole weeks would go by and I wouldn't see him**. . . [1830]."

Per WJC, he saw VWF the morning of the 20th in the crowd at the Rose Garden ceremony announcing Louis Freeh's nomination to the Director of the FBI, but they did not speak. WJC was not asked in his deposition specifically when he last spoke to VWF prior to WJC's telephoning VWF on the night of the 19th.

FMP: Monday, July 19, 1993, 1500 Hours

Monday July 19th, like the Tuesday to come, was an extremely hot and humid day in the Washington, D.C., area. A 17 year-old girl was walking in the northeast portion of FMP, having gained access to FMP "where the tennis courts of the Dogwood subdivision border Fort Marcy Park [1679]." *This means she entered FMP from the west side by coming over the border fence or, more likely, coming through one of the gaps in that fence.* She volunteered the following to the FBI:

> At approximately 3:00 PM on July 19, 1993, . . she noticed at a distance of approximately 10 to 15 feet [up close!] a white male walking by himself in a direction leading from the George Washington Memorial Parkway into the northeast section of the park. [The interviewer did not ask her exactly where she was when the interviewee saw the man. This would have seemed an obvious question to the author, so he wonders why it was not asked.]
>
> She stated that what caught her attention was that this white male, in spite of the heat, was dressed in a dark suit, white shirt, and a red neck tie. [She] further described this white male as being in his early 40's [VWF was 48], dark hair,

FOIA # none (URTS 16370) DocId: 70105696 Page 128

> approximately 180 pounds [VWF weighed about 200 pounds], and slightly over 6 foot in height [VWF was 6 foot 4.5 inches tall] . . .
>
> This white male had no facial hair nor was he wearing eyeglasses [VWF was near-sighted and had astigmatism in both eyes; 245]. She further stated that when she noticed this white male, he immediately looked away from her and therefore she could furnish no additional details relative to his facial characteristics.
>
> In a further attempt to determine the height of this white male, it was [the interviewee's] opinion that he was slightly over 6 foot tall, but did not approach 6 foot 4 inches in height. [The interviewee] was exhibited photographs of Mr. Foster but she was unable to make any determination as to whether these photographs resembled the white male she saw at the park on July 19, 1993 [1679-1680].

In the author's opinion, this individual was clearly not VWF. The author and his associate, DCA, have collectively spent enough time at FMP in the summer months to state categorically that seeing a man dressed the way this gentleman was is extraordinarily rare to say the least.

The author is curious whether the references to "the park" in the interview should have been references to "the fort." Fort Marcy itself is a small part of Fort Marcy Park. The fort is located northwest of the parking lot [see Map V (R)]. If the interviewee were truly on the northeast side of FMP (cf., the northeast side of the fort itself), she was on the far side of FMP from her home, a round trip over-the-ground distance of at least three-fourths of a mile, even if her home abutted the western border of FMP. The northeast corner of the fort itself is about 800-900 feet over-the-ground from the tennis courts that abut the western border of FMP.

The author has no idea who this trim and fit individual was ("fit" since he was strolling around in a dark suit unperturbed by a hot humid day). Note that he avoided eye contact with the witness. Notice, too, that he was at FMP around 1500. VWF left the WH at 1300 and was found at 1800. The midpoint of this five-hour interval is 1530. [Speculative analysis about FMP around 1500 on the 20th is omitted here.]

It is tempting to speculate that this individual was involved in some sort of reconnaissance of FMP in connection with the events of the following afternoon, but the very limited data are nowhere nearly adequate to support any analysis beyond that which precedes this paragraph.

The author will note that the failure of the USPP investigative team, for reasons unknown, to canvass the neighborhoods around FMP for additional witnesses who might have seen something out of the ordinary on July 20th was unfortunate. This young female witness came forward, apparently a volunteer in the purest sense of the word, on May 17, 1994, simply because she lived near FMP and remembered seeing a man in a dark suit walking in the park some ten months previously. In the author's opinion, this young lady's memory is as surprisingly good as those of some WH personnel are surprisingly bad.

The author infers the young lady was aware of FBI visits to FMP (accompanying various FCFRD and USPP witnesses) in the late spring of 1994 in connection with the Fiske OIC investigation into the death of VWF and came forward on her own at that time and for that reason.

July 20, 1993: VWF's Last Day at the White House

An Unusual Early-Morning Question For Lisa Foster

In her FBI interview, Lisa Foster remembered an "unusual event" before VWF left home on the 20th for the WH [1644]: He asked her about her schedule for the day. It was uncommon for VWF to ask her about her plans, she told the FBI.

Perhaps he needed to know where she would be during the day so as to be better able to contact her with some news of his own (such as the "word" on his letter of resignation?). There is no indication in the record that VWF tried to contact his wife in the hours before his death, despite his asking this unusual question.

Lisa Foster played tennis at 0830 Tuesday morning with Mrs. David Watkins, the wife of the White House Director of Personnel [82,1644], attended a charity meeting at 1145, had a late lunch with Mrs. McLarty, wife of Chief of Staff Thomas McLarty, taking a taxi back to VWF's home with Mrs. McLarty around 1530 and then driving to the McLarty residence, and finally returned to the Foster home at about 1700.

Mrs. Foster certainly spent a good deal of time on Tuesday with the "core" Arkansas crowd, even though it appears that her husband did not. Why would VWF ask an unusual early morning question about his wife's schedule on the day he planned to commit suicide? Did he really care what she was going to be doing when he shot himself? Did he plan to phone her just before his death? Unlikely, in the author's opinion.

However, VWF's concern about his wife's schedule (in the context of his alleged suicide) is ***not*** *consistent with the total lack of effort he made to prepare his family (and extended family) for that suicide and, given he had decided to kill himself, the total lack of effort he made at FMP to make this shocking event as easy as possible on them under the circumstances [see the Comment below re his unlocked Honda and his having left his wallet inside].*

Mrs. Foster called the WH around 1700 [1644], asked for VWF, and was told by Deborah Gorham, VWF's Executive Assistant, that he was unable to come to the phone. Lisa Foster was not told that VWF had left the WH around 1300 and had not returned as promised. It is unknown how insistent Lisa Foster was when she tried to reach her husband late Tuesday afternoon.

A Routine Start To VWF's Last Workday

VWF arrived at his WH office about 0850 [1448] and attended the routine 0900 WH OLC staff meeting and then the Rose Garden ceremony announcing the selection of Louis Freeh to head the FBI [201]. [The previous Director of the FBI, William J. Sessions, the first-ever FBI Director to be fired, had been dismissed the previous day.]

Beth Nolan, Associate Counsel at the WH OLC, saw VWF at the Rose Garden ceremony for Louis Freeh on Tuesday morning [1755].

In the words of Nolan's FBI interview, "His mood had lifted in the last *couple* of days." She noted that he had been joking around in the staff meeting the prior Friday morning (the 16th,

***four* days prior). When she had seen him on the 19th, he did not seem distracted and handled his exchange with her normally.**

All this, notwithstanding that, on the morning of Tuesday, July 20th he "officially" had very likely previously decided to kill himself that very afternoon and in all likelihood already had the loaded gun in his possession (at the WH or in his Honda) or knew where he was going to get it.

VWF left his office for an hour the morning of the 20th between 1030 and 1130, saying "I'll be back [1449]." He appeared "relaxed and normal" to Gorham on his return. He may have attended the Rose Garden ceremony for Louis Freeh during some of this time, but he was not a participant and was on the periphery of the event.

Did VWF meet with anyone in particular during this absence from his office? What did they talk about?

VWF's Sister, Sharon Bowman, Had Just Arrived In DC For A Visit

It should be noted that VWF's other sister, Sharon Bowman, had come to Washington D.C., apparently arriving on the 20th, and was staying with her sister, Sheila Anthony [1482]. Hubbell told the FBI that Sharon Bowman just happened to be in town that day [1482], *another coincidence.*

Sharon Bowman was never interviewed directly by the USPP or the FBI. Ms. Bowman was the sister who lived in AR as opposed to Sheila Foster Anthony, VWF's sister who lived in the DC area and was an Assistant US Attorney General.

Whether or not there was a particular specific reason for his sister's visit from AR, VWF was a known family man. According to Hubbell's FBI interview VWF "loved his children more than anything, very close to them [1478]."

Sheila Anthony told the FBI that she and VWF were extremely close and they spoke with each other often [1574]. The FBI interview with Sheila Anthony described VWF's family life in the following terms:

> Anthony regarded it as warm and real. Foster was married to Lisa Foster for about twenty-five years. Anthony regarded Foster as an excellent father who spent much time with his children. In particular Foster was very conscientious about spending time with each of his children so that they each received individual attention. Foster would occasionally take one of the children on a trip with him just so the child could receive this individual attention. Foster was very interested in everything his children did [1579]."

Your sister comes a thousand miles to see you. You kill yourself the day she arrives in town before she even has a chance to see you? The day before you promised her lunch at the WH and a personal tour? Anything is possible, but this sounds out of character for VWF, given the picture of him that emerges from the record.

*Note, too, that he seemed to have crossed some sort of emotional hump several days before he died and was clearly more cheerful from at least Friday the 16th onward. In the author's opinion, as of Friday, VWF **thought** he was pedaling downhill [whatever hill he was on], not up it.*

FOIA # none (URTS 16370) DocId: 70105696 Page 131

If he appeared more cheerful only because he had obtained the emotional peace that could possibly come (?) from making the suicide decision, why would VWF knowingly have caused Lyons to fly to DC from Denver to meet with him the next day, the day after VWF knew he would be dead? The Wednesday, July 21, 1993, appointment with Lyons in DC was confirmed by VWF just the prior Sunday. The record does not say why Sharon Bowman picked that particular day to fly to DC. No one bothered to ask her for the record.

Did VWF make a snap decision to kill himself between Sunday night and Tuesday lunch? Unlikely? It's certainly possible, but those who gave statements of one kind or another about his mood from Friday, July 16th, through Tuesday, July 20th, uniformly give evidence of VWF's general good spirits and unstressed demeanor.

A Brief Look Ahead: The White House Changes Its Stance On VWF's Death

*At first, the death was pronounced a **completely unexpected** tragedy by the WH. After a week or two, numerous people began making statements about VWF's having been seriously depressed for a couple of months. The statements about VWF's improved spirits in the immediately prior Comment were all provided long after Administration figures had switched their statements (a week or two after his death) from, **in effect**, "This was a huge and totally unexpected surprise!" to "Well, you know, he had been really depressed for some time. I had noticed something along those lines, but I had no idea it was so serious. I should have paid more attention to it at the time, but I didn't."*

Thus, the statements in the record about VWF's improved spirits the last few days he was alive are contrary to the "Pravda" about VWF's ongoing depression that began to be publicly bruited about some ten days or so after his death.

*The day after VWF's death, the "huge and totally unexpected surprise" orientation was still on display. The author admits that the "who could have known" initial reaction is a common one for many people, but WJC had a bit more to say than that. Part of the approach included "marching orders" that, whatever their intention, certainly did have **the effect of discouraging those who knew him from speculating with those outside the small group of senior WH staff why VWF died.*** The author does not think he is exaggerating when he makes this statement.

On July 21st, WJC spoke to the WH staff members that knew VWF well:

> **"In the first place, no one can ever know why this happened.** Even if you had a whole set of objective reasons, **that wouldn't be why it happened, because you could get a different, bigger, more burdensome set of objective reasons that are on someone else in this room [?].** So what happened was a **mystery about something inside of him** and I hope all of you will always understand that. . . Vince Foster had an extraordinary sense of propriety and loyalty, and **I hope when we remember him and this we'll be a** little more anxious to talk to each other and a **little less anxious to talk outside of our family [1916].**

WJC's statement is somewhat elliptical, but the author believes that there were those present who understood these words far better than the author does, even today. Were these words a warning?

In his deposition months later [1827-1829], WJC mentioned knowing VWF was under a lot of stress in the WH OLC and also that VWF was "down" about the Travel Office Matter, but these factors were not mentioned when he addressed "the troops" on the 21st.

VWF Orders Lunch

At around noon on Tuesday, VWF asked Linda Tripp, one of Bernard Nussbaum's Executive Assistants [the other was Betsy Pond] to fetch the lunch he had selected off the daily menu of the WH cafeteria [201]. His own Assistant, Deborah Gorham, had already left for her own lunch break. Thomas Castleton, a junior employee of the WH OLC, was soon dispatched to the cafeteria by VWF to discover what was taking Tripp so long to return with VWF's meal. Castleton told Tripp that VWF had sent him to find out what was taking her so long [201], but by then she was already on her way back with VWF's lunch.

Tripp delivered VWF's lunch to his office, having added some M&Ms to his tray, apparently on her own initiative. VWF relaxed on his couch and read his newspaper while he ate his meal [1534]. Tripp was surprised that VWF had sent Castleton to look for her since she had not been gone long at all [1534].

Why was VWF in a hurry to get his cheeseburger? Had he scheduled the precise time of his suicide in advance?

VWF Leaves The White House For The Last Time

At about 1300 [201], VWF left his office, carrying his suit jacket, but without a briefcase.

The Fiske Report (issued about a month before the start of the 1994 Senate Whitewater Hearings), is at times shy on details and finesses some matters, but it explicitly states that VWF was not carrying a briefcase when he left the White House. The author does not know whether VWF owned more than one, but presumably the black briefcase that he did not leave with was the one in which Mr. Neuwirth found the torn note on July 26th (see that Heading below). The statement that VWF was not carrying a briefcase may be important since several witnesses at FMP later saw a briefcase in VWF's Honda in the FMP parking lot, although the official Reports reach the conclusion that this briefcase did not exist (see the sub-heading, "Was There A Briefcase In VWF's Honda At FMP?" below).

VWF told Tripp that there were still some M&Ms on his tray if she wanted them [1534].

While the author does not believe that casual talk about leftover M&Ms a couple of hours before one is supposed to have committed suicide (after a leisurely lunch spent reading the newspaper) is that strong an indication that a suicide did not occur, he does believe that casual conversation volunteered about leftover M&Ms constitutes slight evidence that VWF did not leave the WH with the intention of killing himself that afternoon. The author claims no psychological or psychiatric training of any sort. However, to this layman, VWF as he left the WH, considering the information in the record about the prior week or two, just does not look like a fellow hell-bent on killing himself that Tuesday afternoon.

There is some question whether the letter to his mother (see the Comment, "VWF Sends A Letter To His Mother" above) was mailed on the morning of the 19th or the morning of the 20th. Since the Fiske Report states that it was mailed on the 19th, it is discussed in this report under that date.

VWF told Tripp, "I'll be back," just as he had when he had left the office for an hour that same morning between 1030 and 1130 [201,1449,2130].

This time he did not come back.

According to Gorham's FBI interview, "Foster had never left in the middle of the day before [1449]." **There was nothing unusual in his demeanor and he did not seem distressed** [1534]. When he left his office shortly after 1300, he was not carrying anything with him (he was not carrying a briefcase, per Tripp, just his suit jacket) [1534].

The author believes that it is reasonable to think that VWF's behavior around lunch time indicated that he had some sort of appointment outside the WH shortly after 1300. Was he on a "time-line" with a limited cushion in it? Hence his concern that Tripp not take too long bringing him his lunch.

However, since there actually had been little delay in obtaining his lunch, VWF had ample time to eat his medium-rare cheeseburger with fries and drink his Coke at his couch while working his way through the newspaper [2130].

He was concerned enough, in light of his schedule that afternoon (*killing himself?*), about the onions on his cheeseburger to remove them [1534], leaving only the onions and a few M&Ms behind on his tray.

Anything is possible, but one might wonder why thoughts of his impending suicide did not interfere with eating his entire medium-rare cheeseburger, reading his newspaper, or deciding whether he wanted onions on his burger that day [1448]. The author concedes there is some evidence that VWF removed the onions because he simply did not like onions. But, who cares about the damn onions, anyway? The FBI.

Some days ***after*** *Tripp wondered to the FBI why VWF bothered to remove the onions from his cheeseburger (she, like the author, had thought it singularly unusual that VWF would have concerned himself with the onions on his cheeseburger shortly before he left the WH to commit suicide and had told the FBI her opinion) [1534], the FBI elicited from Gorham that VWF always removed onions from his cheeseburgers [1448]. The FBI cared enough about the onions to ask a follow-up question to another interviewee.*

The record shows no evidence how VWF filled the roughly five hours between departing the WH and the discovery of his body by CW in FMP just before 1800 (other than that he was presumably in transit and at FMP (dead, alive, or both) for some portion of the five hours).

Phone Calls VWF Missed At the WH on July 20th And The Relevancy Of His Pager

In addition to calls to VWF from Brantley Buck [see under Blind Trusts] and James Lyons [see James Lyons' Trip to DC] that did not reach VWF because he had already left the White House, Gordon Rather, a Little Rock Attorney at Bruce Lindsey's (and WJC's) old firm, happened to call

VWF [202, 1733, 1449] concerning what Rather's FBI interview describes as a completely routine matter involving the business of the American Board of Trial Advocates. He too, failed to connect.

Maggie Williams, HRC's Chief of Staff, and William Kennedy also tried to reach VWF after he left the WH just after 1300 [1449]. Maggie Williams also tried to reach VWF at about 1820. She called the WH OLC for him and had Betsy Pond page him at that time. Since the body was first found per the record at 1814:32 [2252] had the pager been turned on, it would have gone off as USPP Officer Fornshill and the first two FCFRD EMS personnel were attending to the body.

Were records from his pager ever examined [85] to determine if he was paged because he missed any of these calls (he had his WHCA Motorola Bravo pager, #052943 [438,2185] clipped to his waist), either before or after the body was found?

The official Reports are quite clear that the pager ***had been turned off*** *when USPP Investigator Rolla reached the body about 1845. Do pager records reveal only pages that connect or do they also reveal unsuccessful attempts? The author would expect that only connections, not attempts, are preserved in the communications companies' records, but he does not know.*

VWF's Last Official White House Contact, The Uniformed USSS Guard at Post E-4

The last WH person officially to see VWF alive was Officer Skyles, a uniformed USSS officer who was at the guard post in the west lobby (referred to as "E-4" [sic]) [1546]. He remembered seeing VWF leave the west wing of the WH through E-4 sometime "about lunch time" on July 20th.

According to the Skyles FBI interview, **"He distinctly recalled that Foster did not appear to be at all depressed or preoccupied as he walked by. He said he was therefore quite surprised to learn that Foster had committed suicide** [1547]." *This, from the last person in the WH compound who officially saw VWF alive.*

VWF normally parked his car in slot 16 on Executive Boulevard West when he was at the WH [1649], a short stroll from E-4.

There are no reports in the record of anyone employed by the WH having seen VWF after Skyles did. The author does not remember the WH compound well enough to say what other checkpoints or gates, if any, lay between Guard Post E-4 and VWF's Honda, presumably parked, as usual, in Slot 16, Executive Boulevard West.

July 20, 1993: FMP (Including USPP Excursions & Some Lab Results)

The General Environmental Conditions At FMP That Day

Tuesday, July 20, 1993, was a clear day with afternoon temperatures in the high nineties [1459]. There had been no significant rain for several weeks [386]. The trees and bushes at FMP were, of course, fully leafed-out and visibility was much lower than in the winter and early spring months for that reason. The sun set that evening around 2030.

Witnesses See A Car Similar To VWF's Honda Turn Into FMP

A motorist traveling northwest on the GWMP saw a Japanese car, occupied by a lone white male, swerve into Fort Marcy Park between 1445 and 1500 on the afternoon of July 20th [202,1528,2145], cutting sharply from the left lane across the right lane and taking the FMP exit off the GWMP. The witness thought the car's license plate might have been an AR plate, but there is some uncertainty on that score [203].

Another man drove into the FMP Parking lot between 1615 and 1630 in a Thrifty Rental Vehicle and noticed an unoccupied brown Japanese made car with AR license plates parked in the lot, but when he was later showed photographs of VWF's Honda, he thought the car in the parking lot was somewhat smaller and darker in color, according to his FBI interview [203,1525,1631].

Interestingly enough, no physical description of the Thrifty Rental vehicle appears in the record, making it unnecessarily difficult to reconcile witnesses' descriptions of various cars in and near the FMP parking lot. This was a needless omission in the record since the Thrifty Rental driver could obviously have given a description of his own vehicle to his FBI interviewer. Presumably, the vehicle he saw was VWF's Honda, unless for some reason, another auto with AR plates was in the parking lot that afternoon.

The vehicle he described was parked in one of the first spaces on the left-hand side of the lot [the location in which VWF's Honda was found by the USPP] and had a man's suit jacket folded ***over*** [not "on"] *the passenger seat* (as did VWF's Honda) [203]. See the Comment immediately following the Table of Civilian Vehicles in the FMP parking lot and their estimated arrival and departure times [Appendix V].

The Discovery of VWF's Body By The Confidential Witness

VWF's body was discovered in FMP at about 1745 by CW, a male witness who knew the park well and who requested that his identity be kept confidential. In contrast to the detailed personal identity data on many other witnesses casually revealed in the record, CW is not named or otherwise indirectly specifically identified therein. CW described a light-colored Japanese make car parked in the second or third slot on the left as he drove into the parking lot from the GWMP in his construction van [see Map V (R)].

In an FBI interview, CW described VWF's car as a "light tan or light brown Japanese vehicle [1544]." The only other car in the lot was described by CW as a white Honda Accord parked near the rear (far end as one drives in) of the lot [204]. The **former** [sic] car was apparently VWF's

FOIA # none (URTS 16370) DocId: 70105696 Page 136

Honda and the **latter** was apparently the white Nissan with MD plates, according to the consensus in the official Reports.

CW said he turned into FMP off the GWMP because he had been drinking a lot of coffee [1515] and he badly needed to urinate. Having seen the two vehicles in the parking lot, he decided to walk some 750 feet to the northwestern corner of the earth-walled Fort, to a spot near the so-called second cannon to ensure his privacy.

*This explanation for his long stroll from the parking lot is difficult to believe if CW were truly **in extremis** from having drunk a lot of coffee!*

While standing on the top of the northern end of the western berm of the Fort and some 15-20 feet to the right (e.g., to the north) of the second cannon [see Map V (R)], CW noticed what he soon determined was a body below and to his left, the head just visible (thanks to CW's elevated position at the top of the berm) over the top of the earthen berm in front of the second cannon [205,2663].

The berm is sloped roughly 45 degrees (shallower in parts) and is some 20-25 feet in length [207]. VWF was lying on his back on the western slope of the western berm, very neatly laid out, with his arms straight down at his sides and with both palms **up** [1461], according to CW.

The body was bloating, there were "traces" of dried blood around the nostrils and mouth, and flies were crawling over those parts of the body [1461,1517], but **CW did not recall seeing any blood or traces of dried blood running down the left or right side of the face [1517], nor did he observe any blood or dried blood on the shirt.**

This description contrasts sharply with the statements of the first officials to reach the body, which in turn do not jibe with the photos taken of the deceased's face taken at the death scene (see Comments below).

CW Sees Very Little Blood, And What He Does See Has Completely Dried

In a deposition, CW stated, "I saw **blood traces** on his nose and around his lips. There was not streams of blood on the side of his face. **There was not trickles of blood as indicated in the [Fiske] report**. . . I didn't see any signs of a gunshot on his shirt or clothes. . . There was no gun in his hand. His -- both palms were face up, thumbs out to the side [2660]."

As to the small amount of blood that was seen by CW, "**The blood was dried hard and black** [2665]." A bit later in his deposition, in response to a question, CW confirmed that what little blood he did see (on the nostrils and lips) was "**hard and black** [2665]."

*Later witnesses in general not only saw more blood, but the blood they did see was **not** as dry and hard like that described by CW.*

Although the EMS and USPP personnel in the park who arrived at the body roughly 25 minutes after CW were generally surprised at the lack of blood coming from VWF's wound, given he had been shot in the mouth point blank with a Colt Army .38 Special (see Comment below), it is clear that CW saw even less blood on VWF's face and upper torso than did the first few EMS and USPP personnel to come upon the body.

A possible explanation for these two related observations (the greater amount of blood seen later on (whether that blood was dry or not) and that less blood in general was seen than expected) would be: 1) the body was shifted in place or even moved bodily after CW saw it, causing more (and fresher) blood to appear and 2) for some reason the .38 Special that was found with the body did much less damage than would normally have been expected from a point blank shot to the mouth from that particular weapon and cartridge combination.

*The **only medical doctor to examine the body in place** thought the wound to VWF's head was caused by a **"low velocity weapon** (see the sub-heading, "More On The Nature Of VWF's Head Wound" below). The official record rejects the first possibility described above and simply ignores the doctor's statement. Why?*

The Fiske Report *Versus* CW: The Gun and The Position of VWF's Palms

The right shoulder of VWF's shirt had a light purple-colored stain on it and there was a wine cooler bottle a couple of feet away from the body on the right, according to CW. **CW did not see a gun in either of VWF's hands.** According to one interview, "Witness was emphatic, saying he had spent several minutes observing the body closely and there was absolutely no firearm there [1462]." CW confirmed the lack of a firearm multiple times in this interview.

However, the Fiske Report records that CW said "There could have been a gun in the man's [VWF's] hand that he [CW] did not see [205]."

*The "could have been" wording in the Fiske Report is based upon numerous FBI attempts to have CW concede he might possibly have missed seeing the gun since it was largely covered by the right hand. CW agreed that was **conceivably possible**, though he did not understand how this could be so, and therefore asked the FBI to show him its photo of the gun hand to illustrate what the FBI had in mind. The FBI refused to do so despite several requests by CW [2661].*

*The Fiske Report quotation and CW's own statements are thus in conflict as to whether CW thought there could have been a gun in VWF's right hand that, for whatever reason, CW did not see. CW is quite clear that he saw **no** gun.*

How Sure Was CW That There Was No Gun And That VWF's Palms Were Up?

To understand why this is an important issue, see a black and white photocopy of the image of a color photo leaked to ABC News in Appendix III. The picture shows the gun with the gun hand palm down and the gun partially underneath the hand, but clearly visible. The gun is even more distinct in the original color image.

During a subsequent deposition, when CW was handed this photo of the hand with the gun in it for the first time [the FBI having refused to show it to him during its prior interrogations], CW said, describing what his reaction would have been if the FBI **had** originally shown the photo to him, **"... I would have probably been -- know I would have been screaming.... That is not a picture of what I saw. The man's palms were straight up... The man's hands were against his leg** [2661]."

Q: "How sure are you that the palms were up?" A: "As sure as I am standing right here. I am absolutely and totally unequivocally, the palms were up. I looked at both palms. There was nothing in his hands. I didn't look at one and assume the other. I looked at both of them [2666]."

The author interprets these comments to mean that CW's belief that the palms were up and there was no gun are strongly held! This question will be revisited herein once the USPP and FCFRD personnel appear on the scene. What CW saw will be then be contrasted to what the officials' reports say they saw.

The Fiske Report and CW's deposition [this one taken on July 28, 1994, after the Fiske Report was issued and in response to its contents] are thus in conflict as to whether CW thought there could have been a gun in VWF's right hand that, for whatever reason, CW did not see. How can this discrepancy be explained?

According to CW's deposition, the FBI ". . .led me to believe that the hands were **up** *[CW agreed with that] and the gun was concealed on the other side [2662]." However, the FBI would not show CW the picture of the gun in VWF's right hand at FMP (the photo showed the right hand palm down, hence CW's comment above that he would have been screaming. . . if the FBI had showed him the picture [see Appendix III] during the numerous occasions the interviewers attempted to get CW to agree it was conceivable he missed seeing the gun).*

<u>CW Sees The Path Is Trampled Beginning Immediately Down Slope From VWF's Body</u>

CW stated he never touched the body [205]. CW also told the FBI that VWF's were palm up [1517]. *What else did he tell the FBI?* **CW said that the foliage below the body had been "trampled down as if the individual might have been walking or pacing in that area** [2664]."

But not only was the berm the body was lying on trampled directly immediately down slope from the body. According to CW:

> **Below this man's feet all the way down into the bottom of the ditch, approximately ten feet or better up the berm on the other side, over the hill to the walking trail everything had been trampled completely flat like the man had walked back and forth at least a dozen times or better. It was at least 24, maybe 30 inches wide that everything was trampled completely flat. Every twig, every leaf [2664].**

Could this trampling have represented evidence of the "passage" of a dead or unconscious VWF down the shallow grade opposite the berm, then up the berm itself? Only two significant berms remain at FMP, the southern and western berms of the fort.

This possibility was not explored by the Reports, despite evidence that there were people at FMP that afternoon "working on the trails" [918] at the time the FCFRD and USPP officials responded to the 911 calls, individuals who were never interrogated or even specifically identified. There was a general reason for doing so: they were in the park around the time USPP Fornshill reached the body. More specifically: they might have been able to shed some light why the trail down the berm and up the adjacent slope from the body had the appearance of having been recently disturbed (the

FOIA # none (URTS 16370) DocId: 70105696 Page 139

"volunteers" were working on the FMP trails, after all). Could some of these "volunteers" have done the "trampling" seen by CW?

For reasons unknown, none of CW's comments about the trampled vegetation below the body and up the opposite slope was included in the Fiske Report. This is an example of the Fiske's Report's selectivity that is apparent when the Fiske Report itself is contrasted with the raw data in the underlying witness statements.

"All the evidence that fits is printed?" "When the data contradicts what we want to say, we say it anyway?" Remember the weight loss issue? [Apologies -- the author had a weak moment there.]

In his deposition, CW had something to say about the omission by the Fiske Report of CW's statements about the trampled trail below the body: "**The agents had known about this and known about this. Nothing in that report [the Fiske Report]. I don't know. I don't know. Did it disappear or what happened** [2664]?"

CW was asked to confirm that he told the FBI agents assigned to the Fiske OIC about the trampling when they interviewed him on several occasions. "Oh, I told them numerous times [2664]. . . A minimum of three. Once here and twice at the site with them."

However, USPP Investigator Rolla volunteered in his deposition when he was asked if he had seen any signs that the body had been dragged to the site *from the parking lot*: "There's not any. . . heavy trampling around the body [386]." Rolla and CW clearly disagree. The Fiske Report apparently decided to concur with Rolla since the trampling is not even mentioned in the Report. There is other evidence in this report that the body was moved bodily (or at least shifted in place) between the time CW first saw it and its discovery by USPP Fornshill. Though not absolutely conclusive, the Fiske Report ignored all witness statements or lab report data that suggested the body was moved.

CW Did Not See The Body Immediately When He First Stood Near It

CW did not know the object he had noticed on the berm slope was actually a human body until after he had finished urinating, walked over to it, and determined exactly what it was. He then stared at the body for two or three minutes from a position leaning directly over it as he stood just up-slope of the head. As he had started to go back to his van, he had seen what he thought was a bit of trash near the top of the berm to his left, crossed over to see what it was, and found the body. It was only then that he realized what he had seen [2666].

*Thus, **if** other persons just happened to have been in the vicinity of the body when CW first appeared, off to the north on top of the western berm, they would have had a number of seconds to conceal themselves from CW (in plain view as he was, standing on top of the berm, some 15-20 feet to the north of the cannon, taking care of business (probably looking down, as it were!), the dense vegetation shielding anyone further down the berm and to his left from his view), before he ambled over to ascertain just what it was that he had noticed on the berm slope.*

CW Returns To His Van In The FMP Parking Lot And Drives Away

CW passed the Honda in the FMP parking lot on his return from the body site. He saw a gray suit jacket that matched the suit pants on the body tossed **over** the **back** of the front passenger seat [1463]. *CW, as do some others who saw the Honda early on at FMP, states that the jacket was not on the front passenger seat, but was hanging from (or over) the **back** of the passenger seat [1511, 1515].*

CW believes he saw a briefcase on the passenger floor of the Honda [1463,1518], but he is certain there was a wine cooler four-pack on the passenger seat floor [R11,2666].

The question whether VWF's Honda contained a now-unaccounted-for briefcase will be returned to later in this report.

There is some question whether CW confused the White Nissan (the other civilian vehicle officially in the lot at the time) with the Honda. The male half of the couple that drove to FMP in the Nissan stated that to the best of his recollection there was **a bottle of beer and a wine cooler bottle** in the Nissan [1469] and a high probability that he had left his **blue blazer** on the **back seat** of the Nissan. His briefcase was likely on the **rear** seat of the Nissan, he said.

Regarding whether the suit jacket he saw was in VWF's Honda (as opposed to the Nissan with MD plates), CW stated in a deposition "I thought sure that was his [VWF's] car since the jacket was so similar to the pants he had on [2665]." Asked if he was sure the jacket matched the pants, CW replied "Exactly." [Per the Clinger Report (pg. 5) there was *no* jacket in the other civilian vehicle.]

The color, placement, and style of the jacket, the fact that CW identified the vehicle as a Honda, the fact that CW says he saw a wine cooler four-pack on the passenger seat floor (as opposed to a wine cooler bottle and a beer bottle somewhere else in the vehicle), and the fact that CW believed the briefcase was on the floor of the front passenger seat, not the rear seat, all reinforce the likelihood that CW was indeed describing VWF's car.

*The female driver of the Nissan confirmed her male companion's statement to the FBI that any wine coolers in her car were **not** in a four-pack or a six pack, but **loose** [1472]. Whether CW was describing the Honda or the Nissan is, however, not entirely free from doubt [1511].*

Note that the FBI interview with CW has him going into the fort itself via the path at the far end of the lot (the northerly end, near the white Nissan) and returning via the same route [1518; see also 1610], whereas Liddy's FBI interview has CW returning to his van via a separate route [1511]. It is not known from the record whether these two "routes" refer to the two ends of the path that arcs from one end of the north side of the lot to the other [see Map V (R)] or to two totally separate routes to and from the body.

There are no paths that lead to the body from the parking lot. The "trail" or "path" that was under or near the body to which many witnesses at FMP referred is a short pathway down the western berm headed away from the barrel of the second cannon (headed west) and extending perhaps few yards up the much shallower opposite slope before quickly fading away in the woods.

*The path near the parking lot forms a semi-circle (each "end" starting at a different "end" of the parking lot) just to the northwest of the parking lot. **There is no path encountered when one enters the first open grassy area** in the center of the old fort [observation of author June 1995 and*

confirmed by the configuration of this path on aerial imagery flown on April 7, 1993; see Map V (R).

CW had parked his construction van between the two other vehicles in the parking lot (The Honda and the Nissan. There is only one row of slots, on the left as one drives into the lot, with spaces for 21 vehicles). As he faced the northwest, standing by his van, the path entering the northern half of the park (where the earthen-walled fort itself is located) on his left would have taken him past VWF's Honda and the path entering the northern half of the park on his right would have taken him past the Nissan.

On the return to his van from the body site near the second cannon, CW says he passed by the vehicle at the end of the lot (which CW termed a Honda but, if at the northern end of the lot, was the Nissan). CW had gone into the fort via a different route. It is possible that CW passed VWF's car one time, the Nissan the other time, and confused the two vehicles and their contents. CW apparently traced his route in the park to and from the body on a sketch map he gave to talk show personality G. Gordon Liddy that is not part of the record. Access to the map of the routes taken by CW might clear up this ambiguity [1460-1463].

Why Did CW Wait Until March Of 1994 To Come Forward?

CW was interviewed by G. Gordon Liddy, the radio show talk personality, on March 22, 1994 [1459], after deciding to contact Liddy and insisting his identity be kept secret. CW decided to come forward because the stories he had been reading in the press (that CW had assumed were true) about the discovery of VWF's body were "not right" [1464].

In the words of Liddy's interview with the FBI, CW expressed to Liddy "a fear of some type of retaliation if his identity is surfaced, based primarily on observations that neither of Mr. Foster's hands held a gun at the time and **location of his sighting by this witness** [1509]."

CW's concern about the body's location is unexpected and remains unexplained to this day since the Fiske Report, issued some eleven months after the death of VWF, and three months after CW first came forward, concluded that the body was clearly at the location described by CW. Did CW make a mistake about one of the reasons why he should be afraid? CW was never asked to clarify this point. What is the implication if CW was not mistaken in his reasoning that the location he reported for the body could cause severe problems for him?

CW told the FBI that one specific reason he came forward when he did was that he had recently read and heard reports in the media that the two Park Service maintenance employees whom he asked to call 911 from the US Park Service's Turkey Run maintenance yard (see the sub-heading, "The 911 Calls" below) had retracted their story about the "man in the white van" (CW) [1519,2663-2664], and were now claiming **they** were the ones who had found the body. CW was concerned that something very persuasive had caused these two civil servants to alter their previous statements about CW, his white van, and the provenance of the 911 calls.

If it is assumed that these press reports were indeed accurate, what motivated these two workers to change their story and deny that CW and his van ever existed, saying instead that they had found the body? Why were these individuals never questioned about the truth of these news accounts?

Whether the news accounts were true or not, they had the effect of causing CW to come forward since he believed them.

Statement Of The Lady Who Drove Her White Nissan With Maryland Plates To FMP

This individual was the female half of a couple that was first interviewed at FMP by USPP Officer Spetz and then by two USPP Investigators. Spetz passed the basic information to Investigator Braun when Braun arrived at FMP with Investigators Rolla and Apt [498,522]. This couple were the only civilians interviewed at the scene the day of VWF's death [507] and the occupants of the only car (that is, excepting VWF's Honda) that was officially in the parking lot when the first wave of USPP officers and FCFRD personnel arrived about 1811. **Braun didn't think this couple was able to provide much information [523],** ***but that was not the case. Readers should evaluate carefully what these witnesses said and decide whether they did not provide "much information."***

This female witness to the "traffic" in the FMP parking lot and her male companion drove to FMP in her Nissan, arriving at 1715 plus or minus fifteen minutes (depending on whether the male's or the female's estimate of the arrival time is used) [1470]. She told the FBI that the **only vehicle in the lot** when they arrived was

> A relatively old (mid-1980s) Honda, possibly a Honda Accord, either tan or dark in color, parked close to the entry of the parking lot, adjacent to a path leading to the northern section of the park. [She] believed this particular Honda was parked with the front of the vehicle facing the park area [meaning the fort itself] and to the best of her recollection believes a white male was seated in the driver's seat of this particular vehicle. . . she believed the occupant had dark hair and could have been bare-chested [1470].

Based on this detailed description and the fact that the official Reports indicate there were only two vehicles in the parking lot when the EMS vehicles arrived at 1810, it is quite likely that this witness is describing VWF's Honda. It is extremely ***unlikely*** *that the individual she described was VWF.*

What is going on in the Fort Marcy parking lot about a half hour before CW discovered VWF's body, where is VWF, and who is sitting in his Honda?

The male companion of the Nissan driver also noticed ***just one other vehicle*** *in the lot around 1725 (which he described as "a small station wagon or hatchback, brown in color" [1474] [words of his FBI interview]: "The hood of the vehicle was up and a white male was standing in the vicinity of the vehicle. He described the white male as in his mid- to late-40's, approximately six feet in height, medium build, long blond hair and beard, appeared unclean and unkempt."*

After he and his female companion had sat in her Nissan for about 15 minutes [1475], during which time they saw the two described individuals in and near VWF's Honda, they left the Nissan and took a path leading southeasterly from the northern end of the parking lot. The brown or tan car was still parked in the same place at the time they started on their walk (at 1730 plus or minus fifteen minutes, depending on whether the female's or the male's estimate of their arrival time in the FMP parking lot is used). ***Where is VWF and who are these people fooling around with his car? The Reports do not say. Nor do they even comment on these unsavory-looking individuals.***

*That is not **quite** true. There is an indirect official comment regarding these two individuals. The Fiske Report [210] states: **[Referring to the couple who drove to FMP in the Nissan] "Neither individual heard a gunshot while in the park or saw anything unusual."** The author believes the two people in and around VWF's Honda should count as something "unusual." The USPP Report reads as if these individuals were not associated with VWF's Honda, but with other vehicle(s) that came and left while the Nissan couple were in the parking lot. [However, Fiske had access to the FBI interview of the female Nissan owner in which she "corrected" what had been written down when she was interviewed by the USPP at Fort Marcy Park on July 20, 1993.]*

It is also noteworthy that, when the FBI showed the female witness a copy of her interview with the USPP, she stated to the FBI that she is positive her comments in that interview report concerning a light-colored older model car pulling in next to the Honda were not true [1472]. She confirmed there was no vehicle between her vehicle and the Honda except an unrelated white van or truck (see Table of Civilian Vehicles in Appendix V) whose occupant stopped to dump trash and left soon after.

The reader is also reminded of Investigator Braun's statement (at the beginning of this Comment) that this couple was not able to provide much information. They certainly did not provide much information that became part of the official Reports!

[Did her USPP interviewers (there were at least three: Spetz, Braun, and Hodakievic; see above in this sub-heading) record the female Nissan owner's statement incorrectly in the confusion?]

*Based on the times stated, man who drove **this** white van into the park (the man who emptied trash into one of the barrels on the northwest side of the parking lot) does not appear to have been CW, but there is some uncertainty on this point. CW never mentioned emptying trash to anyone when he was interrogated, nor was he asked that question See Appendix V.*

This female Nissan owner's male companion, while seated south of the parking lot, saw a jogger running from the southeastern half of FMP toward the parking lot [1475]. The jogger was an older man with graying hair, a thin build, and wearing shorts. If an official search was ever made for this jogger, evidence of it does not appear in the record. This individual was running toward the northwest from an area southeast of the FMP parking lot shortly after 1800 (VWF's body was found by USPP Fornshill at 1814:32 [2252] on the northwest side of FMP).

This jogger could easily have been a critical witness: shortly before CW finds the body, this person was jogging along, headed northwesterly in the general direction of the spot where CW saw the body. Was this jogger ever sought through advertising? Did anyone at FMP know who he was? Is he still jogging this route most days after work around 1800? Have and investigators checked?

The female Nissan owner, while she was sitting in the park south of the parking lot with her male companion, remembered a white male, 6 foot tall with dark brown hair who appeared to be in his late 20s to early 30s walking toward the parking lot. He might have been big and burly and wearing blue jeans [1471,1472].

It is not clear who this person in FMP was. Perhaps it was the "jogger" described above by the Nissan driver's male companion, but that seems unlikely based on the male companion's description of the jogger. The person seen by the female witness appeared quite close to the time CW first observed VWF's body, but the description does not match CW well either, who is a white male, 45-

48, 210-215 pounds, stocky build, 5'-7" to 5'-8", with light brown hair worn short [1467]. *This person would have made an ideal witness, just like the jogger. There is no evidence in the record that he was ever interviewed or sought out.*

In the words of the Fiske Report [183]: "Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned."

This statement is relatively unqualified ("known to have been") and is demonstrably not true. There were many people known to have been at FMP that afternoon who were observed by government and civilian witnesses who were never questioned. At the least, the Fiske Report statement gives an unmerited impression of thoroughness, a thoroughness that does not exist.

CW never entered the southeastern side of the park according to his statements. If he did not, he could not have been seen on the southeastern side of the park headed northwest toward the parking lot. See the Comments below concerning ***the evidence that "others" were also in FMP at this time.***

CW told the FBI he stopped to take his shirt off before commencing his walk in the park [1515] [*another indication he, and in particular, his bladder, was not* ***in extremis****, in addition to his apparent willingness to roam over 750 feet to find a private spot at which to urinate]*, but the couple in the Nissan were away from the lot on the south side of FMP when CW drove into the parking lot somewhere between 1730 and 1745 [1515, 1470, 1474].

Remember that the driver of the Nissan stated that the occupant of VWF's Honda "could have been bare chested." However, CW clearly does not match the descriptions of the drivers of the other vehicles this couple saw in the parking lot that afternoon [1471,1474-1475].

It is quite possible that CW arrived, emptied his bladder near the second cannon, spotted and observed VWF's body, and left, all unseen by the Nissan couple since they were sitting on the southeastern side FMP during the time CW indicates his van was present in the parking lot.

The 911 Calls

After returning from the body site to the lot (viewing VWF's Honda and the white Nissan with MD plates in the lot on the way as described above), CW drove his white van from FMP some two-and-a-half miles northwest on the GWMP to Parkway Headquarters' Turkey Run maintenance yard where he asked two Park Service maintenance workers to call 911 [2663] and report the body. CW did not give his name, nor did the workers record his license plate number. *CW wanted to remain anonymous from the beginning (for the reasons described previously).*

The younger maintenance worker made two 911 calls, one to Fairfax County at 1759:59 that ended at 1804:01 [1430] and another to the USPP at 1803:30 [2116]. Fairfax County itself also made a short call to the USPP [2116] in response to the 911 call *it* had received from the maintenance worker because FMP, a Federal Park, was also part of the USPP's jurisdiction.

[The fact that the call to Fairfax County by the maintenance worker apparently did not end until 31 seconds after he placed his call to the USPP can likely be attributed to slightly different clock times used by the two agencies that day.]

The FCFRD And A USPP Officer Arrive At FMP And Begin The Search For The Body

Fairfax County Emergency Medical Services units (part of the Fairfax County Fire and Rescue Department) and a USPP officer were immediately dispatched to FMP, with the three vehicles (FCFRD's E01 and M01, plus Unit 261, the USPP vehicle) arriving in the parking lot from 1810 to 1812 [206]. Computer time records are available for the EMS vehicles [1045]. The fire engine (E01) dispatched with the EMS vehicle (M01) pulled into the parking lot in FMP at 1809:58 and the EMS vehicle followed 18 seconds later. The author assumes that the FCFRD computer-driven times are accurate.

Per a USPP communications record memo in the record that provides precise times, USPP Officer Kevin Fornshill, arrived one minute and fifty-two seconds behind E01 [2252], and the six FCFRD workers on E01 and M01 [1392]. These seven individuals constituted the first official presence at FMP among those who responded to the 911 calls. E01 contained Pisani, Iacone, and Wacha. M01 contained Hall, Gonzalez, and Arthur.

Per the official Reports, USPP Officer Fornshill was the first official to find the body (in the same location and general position described by CW).

FCFRD Pisani stated there were *no* police on the scene when E01 arrived [1361], although Fornshill arrived only about two minutes later and joined the northern search team consisting of EMS Gonzalez, EMS Hall, and Fornshill. According to EMS Arthur, the first USPP officer arrived while he and other EMS persons were searching FMP southeast of the parking lot [881,988], *so maybe the southern search team left the lot a little ahead of the northern search team.*

However, EMS Hall (one of the two EMS personnel to reach the body immediately after Fornshill and a member of the **northern** search team) told the FBI in his interview that some USPP officers [plural] were **already** in the parking lot when the Fairfax County EMS workers arrived [1160].

FCFRD Iacone thought the first US Park Police officers arrived on the scene 5-10 minutes after the body had been found [1357-1358]. Presumably these would either have been USPP Ferstl, USPP Spetz or USPP Gavin (see Appendix IV) since the record indicates that Fornshill arrived within two minutes of the initial FCFRD units on the scene [1045,1392].

Iacone, like Arthur, didn't see any USPP until he returned to the lot from the unsuccessful search to the south. Hall and Gonzalez would have then been with the body and Fornshill, if not still at the body site, would have been preparing to leave FMP shortly.

Perhaps the discrepancy regarding the presence or absence of Fornshill at the beginning of the search can be explained in the following way: the southern search team (consisting of all the FCFRD personnel except Gonzalez and Hall who searched the northern half of FMP) left the lot to search just before Fornshill arrived, and Fornshill, seeing Gonzalez and Hall headed northwest into the park to search, joined them since they were the only EMS personnel he saw.

This may not be correct since the natural split of the six EMS people would have been three to the north and three to the south. Furthermore, the view of the park from the parking area (personal

observation of the author) would tend to cause more searchers to head northerly rather than southerly since there is more open space visible to the northwest.

Another complication: Fornshill stated that no one had begun searching for the body when he (Fornshill) arrived at FMP [918].

It remains unclear who the additional USPP officer(s) (in additional to Fornshill) seen by Hall were.

Were There Still More "Unaccounted-For" People And Vehicle(s) At FMP That Evening?

When Fornshill drove his cruiser (Unit 261) into the FMP parking lot, the FCFRD vehicles (E01 and M01) had just arrived [917]. According to Fornshill, when he arrived at the lot [944], excluding his own vehicle and the two EMS vehicles, there were **two to three cars at the far end of the lot** [where, officially, only the white Nissan was parked] **and a Honda parked closer to the entrance** [this apparently was VWF's car]. Were there one or two "extra" vehicles in the FMP parking lot when the USPP and FCFRD first arrived, vehicle(s) that were ignored by the official Reports?

EMS Arthur said he remembered a red car with its hazard lights flashing as his unit, M01, entered FMP [1381,1563].

EMS Hall, in his deposition, **also states** that there were two *or three* [civilian] cars in the lot when the EMS units pulled in.

Thus a third witness, in addition to EMS Arthur and USPP Fornshill, indicated he thought there might have been at least one 'extra' car in the parking lot about 1809.

A little more about the "extra" car(s) is known. One of these "extra" vehicles had its engine running according to Hall [1148]. In his FBI interview, Hall described this vehicle as being a brown car in the lot but **not** parked in a space. Since it was in the lot and brown, it was apparently not the blue Mercedes broken down (hazard lights flashing) near the exit off the GWMP 550 feet away from the lot [see Map V (R) and Appendix V]. According to the official Reports, neither the Nissan or the Honda had their engines running.

Whose vehicle was this and what was it doing in the FMP parking lot? Considering statements made by the Nissan couple and by CW, did this vehicle arrive in the parking lot between 1800 and 1810, after CW has left FMP and while the Nissan couple were sitting out of sight on the southeastern side of FMP away from the parking lot?

Hall did not recall whether the "extra" car was still in the parking lot when the EMS personnel departed the park at about 1837. The vehicle had been unoccupied when he first saw it.

Jennifer Wacha of Fairfax County Fire and Rescue's EMS team arrived at the FMP parking lot in Engine 01 with Ralph Pisani and James Iacone, also of Fairfax EMS [1354], 18 seconds ahead of M01 containing Gonzalez, Hall, and Arthur. USPP Fornshill arrived 94 seconds after MO1. *Like EMS Hall,* Wacha noticed a car **in the parking lot with its engine running** (she also noted that its hazard lights were on) [1354].

A fourth witness (four out of a possible seven, so far) sees an "extra" car in the lot.

The identity of this vehicle is unknown since E01 was the first non-civilian vehicle to enter the parking lot and both other vehicles there were exhaustively described as being VWF's Honda and the White Nissan [2504-2505] with MD plates, with no indication that either of their engines was running or their hazard lights were on. Wacha also said she separately remembered VWF's car [1354] in the lot.

Iacone, who arrived on E01 with Wacha and Pisani is still another witness who believed there were three or four civilian automobiles in the lot when E01 arrived, that is one or two "extra" vehicles not accounted for in the official Reports [1358].

The running total has now reached five witnesses out of a possible seven who saw at least one "extra" vehicle in the parking lot when the first officials reached the lot.

What about the remaining two officials who arrived in the FMP parking lot with the first group of seven (6 FCFRD and 1 USPP)? Pisani noticed VWF's Honda [1548] which he described as a light-colored four-door compact sedan with AR plates (observation as he rode into the lot). He did not remark on the Nissan (parked at the far end of the lot), but he did notice a "light-colored vehicle located "at the entrance." This might have been the broken-down Mercedes driven by the female lobbyist (see Appendix V) that was officially accounted for in the Reports.

However, Pisani's statement does not make it clear whether the "extra" vehicle he saw was "at the entrance to the lot" or "at the entrance to FMP" itself (that is, at the beginning of the exit ramp off the GWMP into FMP). If the latter, it could have been the broken-down Mercedes. However, the Mercedes' hazard light were flashing and Pisani did not notice such lights on the "light-colored car" he saw. The author counts Pisani as the sixth out of a possible seven witnesses who saw an "extra" vehicle (that is, a vehicle that "officially speaking" was not in the lot) that afternoon. However, Pisani is a "weak" member of this group at best.

Gonzalez, the last of the seven officials, said there were only two civilian vehicles in the lot when he arrived. He described VWF's Honda and the white Nissan accurately.

Thus, it certainly appears that there was at least one civilian vehicle in the parking lot more than the Reports place there. There is no more information on these one to two additional vehicles in the official record. The official Reports make no attempt to reconcile these witness statements with the Reports' conclusion that the Nissan and VWF's Honda were the only civilian vehicles in the parking lot.

USPP Investigator Cheryl Braun believed that the Honda and the Nissan were the only two civilian vehicles in the lot when she arrived with Investigator John Rolla [559] at, she estimated 1830-1845.

The Fiske Report states that the Honda and the Nissan were the only vehicles in the lot when the FCFRD personnel and USPP Officer Fornshill arrived [204]. Why did the Fiske Report ignore six witness accounts (of varying degrees of certainty and specificity) of at least one "extra" vehicle in the FMP parking lot when the first group of police and emergency personnel arrived?

<u>Was There A Civilian At FMP at About 1812 Who Was Unknown To the Search Teams?</u>

Iacone arrived in the FMP parking lot on E01 with Wacha and Pisani. He thought **a civilian**, name unknown, directed the northern search team (he was not a member, having gone with the southern team) to the location of VWF's body [1357].

A civilian? If at least one 'extra' vehicle was in the lot per the prior Comment, could this civilian have been the operator of the "extra" vehicle? This report of a civilian who directed USPP Fornshill to the body is all the more interesting given the short time it took USPP Fornshill to locate the body after calling in on arrival at the FMP parking lot.

In an interview with the FBI [1157-1159], Hall stated that he might have seen a car on CBR instead of the (otherwise unaccounted for) **person** [sic] he mentioned in his deposition [1148] whom he saw near VWF's body. However, the foliage in the park was much thicker on the date of death (July 20, 1993) than when Hall was at FMP for his FBI interview (April 27, 1994), making it less likely (but possible) he saw all the way through to CBR from the body site.

One might be forgiven for wondering how a car driving either way on CBR might be confused with a person moving through the woods near the body site. The author has stood in this position at about the same time of year and time of day and cannot understand how a ***car*** *(driving along CBR) could possibly be confused with a* ***person*** *moving through the woods near the body site close by the second cannon.*

In the words of Hall's FBI interview, "During a cursory search of the area surrounding Foster's body, Hall thought he **heard** someone else in the woods. *What sort of noise was it? A question he was not asked.* He subsequently **saw** something **red** moving in the woods [1161]."

Something red moving ***in the woods.*** *Could he have seen one or more persons wearing those international red-orange traffic safety vests? Were the "volunteer" workers on the trails to whom USPP Fornshill referred (see the following Comment) wearing such safety vests? The USPP officers on the scene made no attempt to interview these individuals (assuming Hall did indeed see or hear one or more people).*

Hall stated that Pisani and one other member of the FCFRD team (he did not name this individual) thought they saw two males getting dressed in a wooded area adjacent to the site (meaning the site where VWF's body was found) [1387]. These individuals were not interviewed either.

Perhaps the extra vehicle(s), if any actually were there, belonged to one of these two (or three?) persons. Was one of these individuals the 'civilian' that Iacone thought directed the northern search team to the body? Based on the raw evidence in the record, it surely looks as if there were some unaccounted-for people seen near VWF's body just after the FCFRD and USPP personnel arrived at FMP. This thread is not complete yet, however.

Remember the words of the Fiske Report [183]: "Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned."

The "Volunteers" At FMP Mentioned By The First USPP Officer To See The Body

When asked if there were any other civilians (excluding the couple in the Nissan) in the park when he arrived, Fornshill stated in his deposition "I was told [By whom? No one asked Fornshill this critical question] later that some persons on, I think it was, they were doing some repair work on a trail, they were on the opposite end of the park. There is a nature hiking trail that I imagine they were doing some work on. . . They were volunteers [917-918]."

This is potentially a very important statement. Fornshill "was told" about these "volunteers" implying he did not also see them himself, although he nonetheless somehow ***was told*** *they were volunteers working on the park trails.* ***Did these individuals in fact have other duties that afternoon?*** *They were "on the opposite end of the park" but Fornshill was never asked what "end" of the park [northwestern or southeastern] he was referring to. The earthen berm fort lies entirely northwest of the parking lot. VWF's body was officially found near the second cannon at the far northwest corner of the fort.*

Numerous witnesses referred to in this report indicated the body was lying on a trail or path to the west of the second cannon (on the northwest side of FMP), for example, see Gonzalez' deposition [1018], Gavin's FBI interview [1553], and Pisani's statement [1361]. Dr. Haut, the Medical Examiner at the scene, also remembers the body lying on a "foot path' [1659,1661] and thought it peculiar that the body was located in the middle of a path. Arthur told the FBI that the body was lying near a path, but not on it, such that "if you were just walking the path you could miss it 1383]." Simonello stated that there was a path that led down [to the west] directly in front of the second cannon and that there was dense vegetation on both sides of the path [628].

CW also refers to the walking path ***near*** *where he saw the body [2663] and the trampled-down area below the body. Since VWF's body was lying on a trail (indeed, a path that had been recently trampled according to CW's deposition cited above) one would think that volunteer* ***trail*** *workers would have made excellent interview subjects for the investigators at FMP that night. For reasons unknown, this statement of Fornshill's about the "volunteers" was never pursued in the Fiske Report (any more than the numerous other statements about unaccounted-for people near the body and extra cars in the parking lot were considered by the Reports). If any of these workers were interviewed, the interviews were redacted.*

Other than the Park Police, the Fairfax County EMS personnel, and the two civilians who had driven into the parking lot well before any officials arrived (the male and female the Nissan with MD plates in the vehicle table), according to USPP Investigator Rolla's testimony there was no one else in the area when he arrived in the parking lot and proceeded to the body site [441]. This is the official consensus of the Reports, exemplified by the USPP Case File and the Fiske Report.

There were never any FBI agents there at FMP nor any individuals that Rolla could not identify [441].

Remember that the Fiske Report states: "Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned [183].

One might ask how much stronger an indication of unaccounted-for persons and vehicles is required before that information is considered worth the space in the official Reports to even mention (if not analyze). The USPP does have its own SWAT team available if there is a need to deploy it [783].

The FCFRD Personnel Gather Around VWF's Honda In The FMP Parking Lot

When Iacone returned to the lot after his group of four FCFRD personnel had searched the south side of FMP, he noticed VWF's Honda, which he described as red or maroon in color with AR plates. Iacone and his crew all looked inside the Honda through the windows. Iacone told the FBI that he believes he and Hall tried to open the door of the Honda and found it **locked** [1358]. EMS Gonzalez had the impression when he checked out the Honda that is was also **locked** [1027-1028].

*This contrasts with USPP information mentioned later in this report that the Honda was always **unlocked** at the parking lot, with its doors closed, until Rolla or Braun searched it. **Since Rolla and Braun did not recover the Honda keys at FMP** (see the sub-heading "VWF's Keys [Two Sets] Were Located At The Morgue Hours After He Died" below), if the Honda had been locked, it would have had to have been broken into before anyone could access its interior. An unlocked Honda takes care of that particular problem. Perhaps that is why the indications it was locked received short shrift in the Reports?*

In EMS Hall's deposition, there is the following exchange about the Honda "Did you say that anyone tried to open the door while you were there?" A: "**No, not by forcible entry, no.**" [The obvious follow-up question, at least in the author's mind, was not asked: Q: "So, are you saying you saw someone just open the door and go in?"] Q: "Did you know if the car was locked?" A: "I don't recall. I may have." [At this point, the official transcript states "(pause)"]. [Then] Q: "Tell me again what was the position of the head when you first saw the body?" [Clearly, a shift was made to a different line of questioning when Hall "paused."]

Most of the six EMS personnel surrounded the Honda before they left the parking lot. There was plenty of time for them to do so since the USPP officers were gathering their names and unit information for future use [However, strange as it seems, **no** FCFRD personnel were **ever** interviewed by the USPP during the its VWF death investigation]. Gonzalez thought someone among the group tried to open the car, but could **not** do so. "They were just trying [to get into the Honda] themselves. No one asked me, they just went ahead [1033]."

*Of course, if this effort to get inside the Honda was **successful**, then the interior of the Honda was accessed by the FCFRD personnel around 1830, much earlier than the time implicit and explicit in Rolla and Braun's various statements and in the Fiske Report (see the sub-heading, "The Official Search Of VWF's Honda Came Significantly Later Than 1830" below). If they did so, presumably they would have discovered VWF's WH ID in its official position on the front passenger seat.*

*If the effort was **unsuccessful**, then the car doors must have been locked, contradicting the official Reports (primarily derived from USPP sources) that the Honda was unlocked.*

More On The Suit Jacket's Location

Iacone told the FBI he remembered Hall (the second EMS person to reach the body) remarking that there was a suit coat hanging [sic] inside the Honda.

*There is a tendency for the earlier-arriving personnel to believe the suit jacket was hanging in the Honda or folded over the **back of the front passenger seat.** Later-arriving personnel tend to believe that the jacket was folded and **resting on the seat itself as the Fiske Report concludes [210].***

Pisani also remembers looking inside VWF's Honda (through the windows), seeing the suit jacket, and assuming it belonged to the dead man 1361].

Was There A Briefcase In VWF's Honda At FMP?

According to his deposition, Gonzalez also saw some sort of "paper attaché case" in VWF's Honda [1027]. In his FBI interview, however, this item was described as a black briefcase/attaché case 1048].

According to EMS Hall's deposition, he also thought he saw a briefcase in VWF's Honda [1148]. In his FBI interview he is more definite "Also contained in the car was a briefcase [1162]." *A fairly succinct statement.* The car described was a four-door light blue sedan that also contained a suit jacket matching VWF's suit pants. VWF's Honda was a light gray (Lisa Foster also used the word "taupe") four-door Accord, *so Hall's description matches the Honda pretty closely.*

When he passed by the Honda on the way back to his cruiser, Fornshill stated in his deposition that he "possibly" saw a briefcase in the Honda. "It doesn't stick in my mind right now [968]."

There is an interesting exchange in Braun's deposition regarding her search of the Honda in which she **volunteers** that she was **not looking for** a briefcase in the Honda and, in any event, there was **no briefcase** in the vehicle [532].

CW also believed he saw a briefcase on the passenger floor of the Honda [1463,1518].

The witness who described the 1988-90 rusty brown Honda in the FMP parking lot (see Appendix V) also saw a briefcase in the vehicle.

At about 1300 [201], VWF left his office holding his suit jacket [The Fiske Report helpfully states he was not carrying a briefcase]. When VWF left his office shortly after 1300, he was not carrying anything with him (no briefcase, per Tripp, just his suit jacket) [1534].

Was there a briefcase in VWF's Honda or not? Five witnesses indicate (with varying degrees of certainty and specificity, conceded) that there was. If so, what did it contain and why did it vanish? Despite the statements of many witnesses (generally speaking, not from the USPP, except for the "possible" sighting by Fornshill, the first USPP officer at the scene), the official Reports do not indicate that there was a briefcase in VWF's Honda. If present at FMP, could the contents of this briefcase be relevant to the presence of senior WH staff in VWF's WH office that very night who were apparently conducting a search of some sort?

Officials Assumed That VWF Killed Himself Even Before the Investigation Started.

USPP Officer Fornshill, the first official to find the body and call it in on his radio was asked about his radio call: **Q: "And you said that it appeared to be a suicide based on what?" A: Based on the determination the person was dead [923]."**

[Fornshill continues, trying to make a clarification: "Again, my assumption from the paramedic and that the gun was found in his hand, which is what the paramedic told me." *Fornshill is clear throughout the record that **he never saw the gun in VWF's hand.** As the reader might expect, this topic will be turned to in detail below. Fornshill was the first official to discover the body, making his failure to see the gun, clearly visible in the photocopied picture in Appendix III, of great interest.]*

Ferstl, the USPP officer whose beat that day included FMP, informed USPP Investigator Rolla upon Rolla's arrival in the FMP parking lot that a body had been found at the "second cannon," [150] with a gun in the hand, **an apparent suicide** [78]." USPP Officer Julie Spetz and USPP Officer Ferstl were the second and third officers on the scene [1597], arriving at about the same time in separate cars, both having departed from Glen Echo Station.

After confirming the person was dead, and having packed up the EMS equipment, Gonzalez returned to the parking lot and transmitted "**Obvious. . . Suicide with gun** [1045]" prior to departing the lot at about 1837.

The "suicide verdict" was thus reached very early by both the first USPP officer on scene and the lead EMS Sergeant Gonzalez [1045], with the USPP evaluation being the more tentative one.

USPP Investigator Braun's deposition further reveals the mind set that prevailed from a time immediately *after* the body was found by Fornshill. (The news of his discovery was transmitted by Fornshill to the USPP communications center at 1814:32 (162 seconds after reaching the parking lot) when he requested that the Criminal Investigations Branch be sent to FMP [2252]):

> Q: "When did you first hear the word 'suicide' in Fort Marcy Park [522-523]?"
>
> A: "When -- when we saw, I guess Sergeant Edwards." [The fourth or fifth USPP officer to arrive at the site; the fifth or fourth was Lt. Gavin, the USPP shift commander.]
>
> Q: "Did he say he thought the death was by suicide?"
>
> A: "I don't recall exactly how he did it, and he did show the pictures [sic] to it that he had snapped."
>
> Q: "Was it your understanding that a determination had been made as to the cause of death?
>
> A: "I think we [the USPP investigators] more made that determination. You know, like I said, when we first got the call it was for a dead body. Then I asked [Fornshill] if it was natural or of a suspicious nature. And I was told suspicious, so I had them close the gate.
>
> Then once we [Rolla, Braun, and Apt, the three USPP Investigators] got there [at about 1835], maybe actually I do remember speaking to Lieutenant Gavin [the USPP shift commander who reached the body well before his own investigators], so maybe it was Lieutenant Gavin who might have -- **it might have been Lieutenant Gavin then who actually initially explained what the scene was**, because I had some knowledge of it when I went to speak with the couple [the ones in the MD Nissan]

FOIA # none (URTS 16370) DocId: 70105696 Page 153

and ask them if they had heard anything or seen anything and ask them about other vehicles that were in the area. **Yeah, I would say it was Lieutenant Gavin, actually."**

Q: "Did Lieutenant Gavin mention anything about suicide?"

A: "I can't recall. I don't -- I don't recall if he did or not or if that was what we -- **it seems to me that we had made that determination [that the death was a suicide] *prior to going up and looking at the body*."**

The author hopes the reader will not think the hypothesis that the death was considered a suicide and investigated as such from ***the beginning*** *is a "stretch" based on the evidence cited in this Comment! In fact, the team of investigators (three of them: Braun, Rolla, and Apt) were briefed by their shift commander and a sergeant in the parking lot, and the decision was made* ***(before the investigators even saw the body!)*** *to investigate the death as a suicide (subject, at best, only to the real-time discovery of evidence that blatantly indicated the death could not possibly have been a suicide). The failure to discover the Honda keys anywhere in the park constituted such evidence.*

Note that neither Lt. Gavin nor Sergeant Edwards were ever interviewed or deposed concerning the briefing given Investigator Braun (and possibly also to Investigator Rolla).

Where Was VWF's Body Located At FMP?

Officially, VWF's body was just to the west of the second cannon with his head 14 feet 3 inches west of the axle of the second cannon [1905], lying face up on the northern end of the western berm of the Fort itself, on the outer berm slope [see Map IV, Map V (R)]. The second cannon is located much closer to CBR than the "first" cannon [103].

USPP Officer Ferstl, whose "beat" included FMP, arrived at FMP at about 1830 [1628,2121], or slightly before that time, and was the second USPP officer on the scene after Fornshill.

According to the Fiske Report "One **path** from the parking lot leads up to two cannons dating from the Civil War [204]."

This is misleading.

Anyone visiting the park ***will*** *note a semi-circular path arcing across the northwestern side of the parking lot, starting at both ends of the lot [see Map V (R)].* ***However****, this path does not continue as one walks northwest and enters the first clearing within the Fort itself northwest of the parking lot [see Map V (R)].*

There are no paths to guide anyone searching for a body near either one of the cannons, although there is a short trail that leads up the western berm in front of the barrel of the second cannon [1018] and some other trails in various states of repair within FMP (generally outside the perimeter of the Fort). The author bases these statements on his visits to FMP and on aerial imagery flown on April 7, 1993.

USPP Investigator Rolla provided one of the most detailed descriptions of the body's location "The hill, berm or embankment was dirt, there was [sic] other leaves and grass around him, but it wasn't

like a pathway, it was too steep. You would break your neck walking down there, but yes, there was dirt, leaves, flies [421]."

Earlier in his deposition, Rolla gave another description of the location "I observed very thick foliage, trees, branches around him also. There was almost like a very steep embankment, it was dirt, but no grass or anything on it, but on the sides of it, and the bottom was broken branches, and like a gully [390-391]."

Although some allowance might be made for the alleged sifting of the soil by the FBI [222-223] in its search for the bullet, the steepness of the berm described by Rolla ("you could break you neck walking down there. . . the bottom was broken branches, and like a gully" and the lack of a true pathway corresponds more closely (in steepness, and considering the reference to a gully) to an area some yards west of the first cannon, at the western end of the southern berm and near the southern end of the western berm of the Fort where there are some steep narrow pathways leading down from the berms *[see generally, Maps IV and V (R)].*

Dr. Haut, the Fairfax County Medical Examiner who appeared at FMP about 1845 (see the Comment later) told the FBI the body was located about 150 yards from the parking lot [1659]. This is only about 60% of the over-the-ground distance from the parking lot to the official body site near the second cannon (some 775 feet).

*However, this **150 yard** estimate of Dr. Haut's jibes rather nicely with the distance from the parking lot to a specific area a few yards west of the **first** cannon: the over-the-ground distance from the parking lot to this area on the southern berm a few yards past the first cannon was estimated by the author from aerial imagery to be **470 feet** before he read Dr. Haut's FBI statement.*

The area along the southern berm several yards to the west of the first cannon is known as the location Reporter Chris Ruddy [1118] believes was the spot where the body was actually found based on his early 1994 interviews with numerous FCFRD and USPP personnel who were in the park that night [1118-1138; see Map V (R) where this approximate location is marked]. There is a shallow depression in this particular area at the top of the southern berm that Mr. Ruddy's work indicates is where VWF's body was recovered by the USPP and FCFRD personnel the evening of July 20, 1993.

[The first cannon was removed by the Park Service some months after VWF's death, but the permanent mounting peg for the cannon's "tail" is still in the park, per the author's observations in June 1995. The author's April 7, 1993, aerial imagery shows the first and second cannon with a resolution of several inches or somewhat less.]

*Was Dr. Haut's estimate of 150 yards reasonably accurate? If so, the body, when viewed by Dr. Haut, was **not** in front of the barrel of the second cannon and reinforces the conclusion of Reporter Chris Ruddy. The author has some conjectures that could explain the discrepancies in the location of the body by the Fiske Report (and by CW) and the location of the body that Chris Ruddy believes is the correct one.*

*This conjecture is one of the ones specifically omitted from this report as too speculative (see the Introduction). Another report, another day. Note that the author is **not** branding Chris Ruddy's work as "speculative." The author is simply saying **his own hypothesis** that attempts to reconcile*

the location of the body in the Fiske Report (and as reported by CW) with the location suggested by Chris Ruddy is somewhat too speculative for inclusion here.

Rolla thought the GWMP ran north-south by FMP [1440], but it in fact runs northwest-southeast [440] [see Map V (R)]. Rolla testified that the body's feet were to the west and the head to the east, even though he (or Simonello -?- [639]) apparently made a drawing [2441?] that may show the body lying in a north-south direction [440]. This matters since a body lying head to the north and feet to the south would be lying on the southern, not the western berm. If the body was actually found on the southern berm, the theory of the death put forth in the Fiske Report is in deep yogurt.

There also exists a "diagram of the death scene" that was drawn during the course of the USPP investigation, apparently a detailed drawing done by an ID Technician [1301]. If this drawing is present in the record, it is not obvious where *it* is located **either**.

Rolla believes he took a Polaroid of the second cannon at FMP, looking generally westerly from a position east of the second cannon [441]. There **is** such a Polaroid in the Polaroid inventory [2112], but the one listed was taken by Sergeant Edwards. A very poor reproduction that appears to be of this photo by Edwards appears in the record [2392]. *What happened to the Polaroid that Rolla took? There will be a discussion below concerning numerous Polaroids taken by various USPP officers that went missing.*

Simonello, who arrived at FMP at about 1830 [1589], but after Rolla and Braun, agrees that the body was located at the second cannon [628] as does EMS Gonzalez [989] and essentially every one else in the park that night who claimed to be either knowledgeable enough or observant enough to express an opinion. The Fiske Report concurs: The body was found a few feet in front of (to the west of) the second cannon.

The USPP Locates The Body

When USPP Fornshill, the official who first found the body, located it, he advised his communications center by radio [923] that he had come upon an apparent suicide and called out to the two emergency medical workers [EMS Gonzalez and EMS Hall] who had been searching the northern half of the park with him.

The USPP Officer Who Found The Body Leaves FMP After An Extremely Short Stay

Very shortly after finding the body, around 1820, Officer Fornshill was relieved by Officer Ferstl (the relief was approved by Sergeant Edwards, his supervisor, who was also on scene) [923-925], and Fornshill returned to the CIA where his duties were to constitute a uniformed presence at the exit gates during rush hour (it was apparently critical that he return to his CIA gate about 1835, well after peak traffic at this CIA gate).

According to Fornshill, he estimates he was relieved less than ten minutes after he originally arrived in the parking lot [952] (in response to the 911 calls).

This is an incredibly short period of time in which to join the northern search team, coordinate the northern search effort, search the area thoroughly, especially the area around the first cannon [the

searchers saw this cannon first since it is in plain view from the central area of the fort], find the body near the second cannon (over 750 feet from the parking lot), make sure the body was in fact dead in consultation with Gonzalez and Hall, be relieved by Ferstl after getting the approval of Sergeant Edwards, return 750 feet to the parking lot, observe the contents of VWF's Honda, and leave FMP. A busy "less than ten minutes [952]." As it turns out, Fornshill did other things as well.

This was a short stay for the officer who volunteered to respond to the 911 call regarding a body in FMP since the beat officer, Officer Ferstl, was temporarily occupied. In the author's opinion (and it is that and no more), along about 1800, the exit traffic at the CIA was winding down and, naturally enough, USPP Fornshill was ready for something more exciting than watching CIA day shift workers leave for home on a late hot July afternoon, so, when he heard the radio call about a body in the park, he volunteered to check it out. His radio request seeking permission to do so was approved, the "cop on the beat" being temporarily otherwise engaged, and Fornshill, having taken the initiative, "rolled" on the call.

Contrast this johnny-on-the-spot initiative with Officer Fornshill's stated desire to return to his gate at the CIA so quickly (even though he wouldn't have been able to get back to it until 1830-1835, hardly a peak time for exit traffic at the CIA).

While they were en route to FMP, the USPP Investigators (Rolla, Braun, and Apt) had **Fornshill** close the gate to the park at the exit on the GWMP after he found the body [496]. He was still the only USPP officer on the scene per the record, although Ferstl, Spetz, Edwards, and Gavin were to arrive shortly.

*As described above, USPP Fornshill spent less than ten minutes **in total** at FMP that day. Since he had to close the gate to FMP (down by the GWMP) in additional to his other activities within his stated time frame, the author wonders how he managed to close the gate and return to the body (to be relieved by USPP Ferstl with the approval of USPP Sergeant Edwards, according to Fornshill's evidence) on top of everything else.*

The round trip distance-over-the-ground from the official body site to the gate down at the GWMP and back measured by the author (from aerial imagery) is about 2500 feet. Moving at four miles an hour (a brisk walk; the victim had been located and had been found to be dead, so there was no need to run), this round trip would alone require about seven of Fornshill's "less than ten minutes" in total at FMP.

USPP Officer Ferstl isolated the body site itself with crime scene tape [1629] immediately on seeing the body, but to do so he had to return to his police cruiser for the tape and Fornshill was still present at the body when he returned.

If Fornshill stayed at the body site while Ferstl made the 1400+ foot round trip to the parking lot and back with the crime scene tape, it appears all the more likely Fornshill could not have done all the things he did at FMP and left within the less than ten minute time period he stated. Did he do fewer things, did he stay longer than ten minutes, or did someone else assist him?

In this context, FCFRD Iacone's belief that an unknown civilian directed Fornshill and the rest of the northern search team (Gonzalez and Hall) to the body [1357] is of particular interest.

*Is there any reason Fornshill would have to leave FMP so soon after he found the body [watching traffic dribble out of the CIA lot at 1835 does not sound like a convincing reason in the author's opinion, but there **must** have been a good reason. What was it?]*

The searchers had no idea where the body was in FMP since they had no idea where the cannons were [884] or even how many cannon there were. Nevertheless, the search was quite short.

The USPP Communications Memo Contained In The Record

A USPP communications memo indicates that Fornshill advised that he had arrived at the parking lot at 1811:50 [2252]. Fornshill's estimate that he was at FMP a total of less than ten minutes cannot be radically off since he had departed by the time USPP Investigators John Rolla and Cheryl Braun had arrived in the parking lot about 1835 [385,2123], or possibly five or ten minutes later, according to Investigator Braun's estimate.

Even though no one had any idea where the cannons were or how many there were and the park consists of a number of open spaces surrounded by trees with the body officially located at the extreme northwest side of the fort some 750 feet away from the parking lot, **Fornshill called in at 1814:32 that the body had been found, 2 minutes and 42 seconds after he arrived in the parking lot** [2252].

Note that the communications memo in question was handwritten to Gavin, the shift commander, the night the body was found (and written in response to a request to provide Gavin with a record of the times of relevant USPP FMP radio calls and the subject of those calls), so the times therein should be quite accurate.

Even if no time is allowed to assemble the search team of three that searched the northern half of the park at a trot, and even if it is assumed that Fornshill called in on his radio the very second he spotted the body, *2 Minutes and 42 seconds is a very short search!*

How was Fornshill able to find the body so quickly? Was FCFRD Iacone correct in his belief that a civilian directed USPP Fornshill to the body [1357]? Who was this individual and why was his existence not considered or even mentioned in the official Reports, especially since there is ample other evidence that there were "unaccounted for" individuals in the park late that afternoon?

Fornshill's locating the body so quickly is as difficult for the author to comprehend as the laundry list of items above that USPP Fornshill accomplished at FMP in less than ten minutes. It is certainly true that one could trot directly to the second cannon from the parking lot in about 90 seconds if one headed right to it, but that was clearly not what he did, according to Fornshill's statements in the record.

The author stated in the Introduction that reasonable people will differ. In the interest of full disclosure, the person recognized in the acknowledgments as DCMB (familiar with the fort itself) did not think it particularly unusual that the body could have been found 2 minutes 42 seconds after Fornshill arrived in the parking lot. [DCMB is also more of an athlete, has longer legs, and is generally in better shape than the author, so those may be considerations as well.]

There were *three* individuals searching the northerly half of the park, after all. Key considerations are the time USPP Fornshill spent (if any) in the lot before departing with (or catching up to) Gonzalez and Hall, the time needed to "search thoroughly" in the vicinity of the first cannon, and for Fornshill to move (alone) to the vicinity of the second cannon and finally, the interval between seeing the body and making his radio call announcing its discovery.

Fornshill indicates he went into the northern half (actually northwest half) of the park with two EMS workers, one named Gonzalez [the other was EMS Hall; 988]. **The large open area where the first cannon is located was "thoroughly searched."** After doing so, he moved to the right and discovered a quasi-hidden clearing with a second cannon and located the body [918].

The area around the **first** cannon contains a number of steep trails going down either the southern berm or the southern end of the western berm of the Fort. Searching all these go-downs "thoroughly" would be more than a couple of minutes work in the author's opinion [the first cannon has since been removed by the Park Service, but the permanent "peg" for the cannon's tail is still there, per the author's visit to FMP in June 1995].

The two cannon are not visible from each other. Based on his aerial imagery, the author estimates that these two cannon were about 270 feet apart (line-of-sight distance).

What Did The USPP Officer See As He Approached The Body?

Although it likely had no impact on the speed with which Fornshill found the body once he had the second cannon in sight, Fornshill testified that "The closer I got [to the second cannon], I could see what appeared to be the top of a person's head [919]." *As Fornshill ran **up** to the cannon, he was indeed climbing a slight grade [author's observation, June 1995]. Despite this grade,* Fornshill stated he saw first saw the head when he was "approximately 30 feet away from the cannon [919]."

*That statement placed the head roughly 45 feet away from Fornshill at the moment he saw it. It is difficult to see a head sticking above the top of the berm **behind** the cannon in any event [but see Rolla's comment immediately below], but impossible to see the head it if were on the far side of the berm, just **below** the berm top. CW, when deposed, stated that the head was slightly **below** the top of the berm [2663]. CW was only able to see the head since he was standing on top of the berm about fifteen feet to the right of the cannon, looking down the slope of the berm (and to his left) at the body.*

*If these two statements in the record are both correct, this means the body apparently slid **up the slope** in the roughly 25 minutes between CW first saw the body and Fornshill officially discovered it. How could this have happened? Officially, no one was at the body between the time it was seen by CW and the time it was seen by Fornshill. CW stated that the body did not look as if it had slid **down** the slope when he observed it [2666], or perhaps only slightly [1461], just enough to take the slack out of the pants legs.*

Interestingly, Braun stated in her deposition: "His head was like just below [sic] the top [525]." Rolla stated: "Unless you got about -- right by the cannon, and you are looking over there, it would be very hard to see the body [388]." Also, per Rolla [433] "When you are standing where the cannon is at, and I would say within a -- I will give you as much as ten feet in an area, the foliage is so thick. . . you can't see a body."

Dr. Haut, the Medical Examiner, told the FBI in his interview [1660] that the head was "close to the summit of the hill" and "more on the slope of the hill rather than at the top of the hill." EMS Sergeant Gonzalez said: "Right about that hill top with a small decline [meaning just below the top of berm?] is where we found the body [1018]."

Braun, Rolla, CW, Dr. Haut, and (possibly) Gonzalez all differ with Fornshill: the head was just below the top of the berm, not just above it. If the majority is correct, how did Fornshill see the head at all as he climbed the slight grade toward the second cannon, let alone see the head just on the other side of the berm (and behind the cannon) from 45 feet away? Is a head 14 feet 3 inches west of the axle of the second cannon visible in the way described by USPP Fornshill?

The FCFRD Broadcasts: "Obvious Suicide With Gun"

According to Gonzalez' deposition, Fornshill found the body, Hall was on the scene next, and then Gonzalez arrived, all within a few seconds of each other [989]. According to EMS Hall's FBI interview, he agreed that Fornshill found the body, followed by himself, and then Gonzalez [1157]. EMS Gonzalez used his radio from the parking lot at 1836 to tell Fairfax EMS that a body had been found [990] (some 25 minutes after the EMS workers and Fornshill arrived in the parking lot). The computerized communications logs indicate that at 1836:46 **Gonzalez transmitted ""Obvious. . . suicide with gun [1045]."**

Despite his radio call "Obvious. . . Suicide with gun," Gonzalez later said he doubted the death was a suicide [208]. EMS Arthur also had doubts the death was a suicide [208]. These statements by two of the first three EMS personnel to see the body were rejected in the Fiske Report [208] because they were in large part based on wounds these EMS personnel saw on VWF's head, wounds that were not reported in the autopsy. The autopsy is discussed below.

How Far Was It From VWF's Honda In The Parking Lot To The Official Body Site?

The author estimates the distance over-the-ground from the fourth slot of the FMP parking lot (the consensus position for the Honda, per the official Reports) to the body's location some 14-15 feet west of the second cannon, via a reasonably direct route utilizing the grassy open area of FMP and the semi-circular pathway that exists near the parking lot, to be about 800 feet based on aerial imagery.

The distance-over-the-ground obtained by using a rolling distance-measuring wheel of the type employed by landscape architects is 775 feet, good agreement with the estimate from the aerial photos. The straight line distance, which no one would have walked due to impenetrable brush, is 600 feet. This distance over-the-ground of 775-800 feet corresponds reasonably well to the distance estimated in the record of around 700 feet, though the specific support for the 700 foot estimate is not in the record. This report has been using and will generally continue to use "about 750 feet" as the correct distance from the parking lot to the body site.

The Crime Scene Tape -- A Potpourri Of Connections To Events At FMP

FOIA # none (URTS 16370) DocId: 70105696 Page 160

When USPP CIB Investigators Rolla and Braun arrived at the body site, Rolla personally observed that the crime scene had already been taped off [78, 386, 478,1600]. The **first** Polaroid taken by Sergeant Edwards shows the crime scene tape [2112, 2392]. EMS Hall, who arrived and left before USPP Investigators Rolla and Braun appeared at FMP, also remembers the body site was taped with crime scene tape shortly after he arrived [1147]. Simonello, the USPP Evidence Technician, confirmed that crime scene tape was in place when he arrived at the body site with Investigators Rolla and Braun [2159].

As EMS Arthur left the body site to return to the parking lot, the USPP "were roping off the scene [1383]." Pisani also saw yellow crime scene tape at the body site [1549]. He, like Arthur was among the EMS personnel who arrived in the parking lot at 1810. USPP Officer Ferstl did the taping.

Officer Julie Spetz who was the third USPP officer to arrive at FMP after Fornshill and very shortly thereafter she placed crime scene tape across the entrance to FMP from the GWMP [1597] (the gate had already been closed by Fornshill, per the record).

Query: If Fornshill had already closed the gate, did Spetz put up crime scene tape across an already closed gate? Perhaps she did. However, if the gate was open when she arrived, who opened it? What are the possibilities?

Did Ferstl open the gate (a sizable gate that when open, as it usually is during daylight hours, vehicles can pass through to the parking lot) when he entered the park (if it is assumed he did not arrive before Fornshill closed the gate on Braun's orders immediately after Fornshill found the body) and then leave it open, even though he presumably knew via listening to his radio that Braun had told Fornshill to close it?

Another USPP officer could not have left the gate open before Spetz put up the crime tape since Spetz was the third USPP officer on the scene (the six FCFRD personnel had arrived just before Fornshill, so it could not have been them). There will be more on this gate shortly.

The USPP Crime Scene Perimeter: Large And Leaky

However, according to Braun's deposition, the body site had *not* been roped off. Q: "Had the area been roped off?" A: "No, we didn't actually because of closing the gate. **That kept anybody else from coming into the area** [499]." Braun merely ordered the gate at the entrance to FMP from the GWMP closed to isolate the crime scene.

The gate and the body are about 1250 feet apart measured over-the-ground (see the Comment, "The USPP Officer Who Found The Body Leaves FMP After An Extremely Short Stay" above) and about 1100 feet apart (line-of-sight) based on aerial imagery.

Braun told "the officers" in the park to close the gate across the entrance and exit off the GWMP once she was told the body was "suspicious [559]."

Officers [plural]? Fornshill was officially the only USPP officer to have arrived at that point, though, as shall be seen, many more would arrive soon.

Elsewhere Braun explicitly states she asked Fornshill to close the gate: Q: "Do you recall who that was you were talking with [on the radio]?" A: "I believe it was Fornshill." Q: "Okay." A: "I believe to my recollection he was the first on the scene." [Braun was unsure of the name, but was trying to refer to the first officer on the scene when she "believe[d] it was Fornshill."] . . . Q: "What was the rest of the conversation?" A: "He advised that it was suspicious [the body] and so I asked him to close off the gate to Fort Marcy and set up a, you know, perimeter around the crime scene [496]."

Cheryl Braun, the lead USPP Investigator at FMP that evening, thought there was no other way anyone could get access to FMP except via the GWMP exit to FMP. She did not know about the north side pedestrian entrance (complete with a few spaces for vehicles to park) [or about the old road running south from CBR along the west side of FMP]. This came up in her deposition. Q: "But you can enter the park through the Chain Bridge Road side, can you?" A: "No." Q: "You can't?" A: "No."

It is clear from Braun's statements that she missed seeing the crime scene tape and did not know there was a north side entrance into FMP [with spaces for several cars to park]. What else did she miss? Might she have missed a briefcase? Was there a briefcase in VWF's Honda? Had it been removed by persons unknown by the time the Honda was officially searched or otherwise not accounted for (well after the FCFRD workers left the park at 1837)?

Why attempt to create such a large crime scene perimeter? The author has no police training, but it seems to him that a better use of personnel (and crime scene tape) would have been to secure the area immediately around the Honda (once it was known to have been the dead person's vehicle) and to have secured the immediate area (out 25-50 feet or so) from the body itself.

A Male Driving a Mercedes 190, Opens The Gate To FMP and Drives In

A witness [1379] gave a detailed description of a man and a car she saw at the entrance to FMP sometime around 1800 [1379] (also see the Civilian Vehicle Table in Appendix V). *The man had stopped his car and was in the process of opening the gate to FMP.*

Did this individual have to open the gate because it had recently been closed by Fornshill? That seems likely since the gate had been open (as usual in daylight hours) before Fornshill shut it, around 1820.

If the man in this Mercedes entered the park shortly after about 1820 (the first time the gate was officially closed), and if he had left the gate open, it would have still been open when Officer Spetz arrived and decided to put crime scene tape across the entrance to FMP from the GWMP. Note that the FCFRD workers who responded to the 911 call and their vehicles did not leave FMP until around 1837, so they could not have been the ones who opened the gate (assuming Officer Spetz did indeed discover it open).

Officer Spetz' statement about her exiting from the GWMP and putting up the crime scene tape gives no indication that the gate was other than open when she arrived. FBI interview: "She stated that she initially stopped at the entrance to the park, got out of her car [nothing about having to open the gate to enter the road to the parking lot], and placed crime scene tape across the park entrance [1597]."

Can anything else be said about the Mercedes 190 that the witness saw opening the gate to FMP other than it appears it was driving into FMP around 1820? Could this vehicle have been the one described in the Civilian Vehicle Table as "car, engine running?" It could ***not*** *unless it happened to arrive before the FCFRD personnel at 1810, but that would have put him at FMP before the gate was closed by USPP Fornshill. The witness who saw the Mercedes 190 indicated it arrived around 1800, so it certainly could have arrived prior to the FCFRD and USPP personnel and thereby constituted the "extra" civilian vehicle in the parking lot (that is, a vehicle in addition to VWF's Honda and the white Nissan with MD plates) when the emergency vehicles arrived. This would mean that the gate was closed by someone unknown prior to 1810 or so. The driver of the Mercedes 190 could have, of course, closed the gate behind him.*

Could this vehicle be the same vehicle as either of the blue vehicles in the parking lot seen by the female lobbyist about 1800? The lobbyist's Mercedes had broken down at the exit; the Mercedes 190 wasn't hers; the 190 also had a male driver) or by the Thrifty Rental driver (before 1615)? It might have been the blue car seen by the lobbyist, but probably not the car seen by the Thrifty Rental driver before 1615 (unless the vehicle in question was making multiple trips, which is unlikely, but not impossible).

The Mercedes 190 would not be as interesting but for the variety of information that swirls around it: many individuals reported an "extra" car in the FMP parking lot at the time the two FCFRD vehicles appeared [1809], a vehicle that clearly was neither of the two civilian vehicles "officially" in the FMP parking lot, VWF's Honda and the White Nissan with MD plates. There is no evidence in the record that the Mercedes 190 sighting was explored by the official Reports or correlated with the statements of those on scene.

The USPP Investigators View The Body

USPP Investigators John Rolla and Cheryl Braun decided that Braun would be primarily responsible for the parking lot scene and Rolla would be in charge at the body site, even though Rolla was junior to Braun (who was about to be promoted), but after Rolla wrote down a visual description of the Honda, ran the tag number of the Honda, and recorded the results in his investigator's notebook (officially not learning of VWF's WH connection at that time), both investigators walked up to the official body site at the second cannon together, having waited briefly in the parking for Evidence Technician Simonello to arrive.

"I believe we both went up there at first [Rolla] [78, 386]." "We both went [Braun] [78; see also 499, 560]," but apparently not until Simonello arrived in the parking lot: "We all walked up there [499]." Rolla grabbed a Polaroid camera from the investigators' unit [405]. Rolla was an advocate of taking lots of crime scene photographs [387,405,426].

However, it appears that Rolla and Braun may ***not*** *have gone up to view the body together since Braun, according to her own written report stayed in the parking lot for several minutes interviewing the civilians who had previously arrived in the parking lot around 1700, driving a white Nissan with Maryland plates [153].*

Simonello estimated he arrived in the FMP parking lot at about 1900, some 25 minutes after Rolla and Braun arrived [627]. This is only an estimate since Simonello also indicated he arrived within "minutes" after Rolla and Braun did. He also says he arrived "right after" Rolla and Braun did.

Per Simonello, Sergeant Edwards was on the scene before Simonello arrived and Officer Fornshill was also still there (though Simonello may be confusing Fornshill and Ferstl; investigators Rolla and Braun indicated that Fornshill had left by the time they arrived, but Officer Ferstl was the one who met the investigators on their arrival at the FMP parking lot). Simonello confirms that the Fairfax County EMS personnel had left by the time he arrived.

How were Rolla and Braun occupied at the parking lot during the wait for Simonello before they all went up to the body site? Braun interviewed the couple in the Nissan and was briefed by Gavin and Edwards about what she should expect to see at the body site [522-523], but if Rolla did not participate in that interrogation, so what did he do? Perhaps he, too, was being briefed by Gavin and Edwards on the Honda and on VWF's WH connection which had actually been discovered, contrary to the official Reports, shortly before the investigators arrived in the FMP parking lot (See the Comment, "When Did The USPP Learn Of VWF's WH Connection?" below).

For the reasons stated above, in the author's opinion, the Honda's doors were first opened by officials around 1825 and then probably again by Rolla or Braun (or both) shortly after they arrived around 1835. This will be covered in detail. Opening the doors of the Honda could have taken place in conjunction with the briefing provided by Gavin and Edwards.

Rolla's statement to the FBI did not indicate that Braun went up to the body site with him, Ferstl, Investigator Apt (who came in the car with Rolla and Braun) and, possibly Investigator Hodakievic, where they joined up with Sergeant Edwards and possibly (but see immediately below) Officer **Julie** Spetz [478]. *It's quite a listing of USPP personnel, but Investigator Braun is not on it.*

There were two uniformed officers already there when Rolla arrived at the body, Sergeant Edwards and one other officer. Rolla stated, of the other officer he said was present, "I can't place **his** face." He was asked if it was Officer Spatz [apparently referring to female USPP Officer *Julie* Spetz] and Rolla stated "Yes, I think it is Spatz. Right." A bit later in his deposition when asked who was at the body site when he arrived, Rolla stated "Edwards and I guess it was Spatz. That's the **other name** that was there [387]."

Rolla is not confusing uniformed USPP Officer Julie Spetz with Investigator Christine Hodakievic, a fellow investigator in plain clothes whom he knew relatively well [408]. Having monitored the radio calls, Hodakievic stopped by FMP briefly on her way home at the end of her shift, arriving at FMP slightly before Rolla and Braun. Braun was still in the parking lot being briefed by Edwards and Gavin at that time.

Having said that there were two uniformed male officers present at the body site when he arrived, Rolla also mentioned [387] that USPP evidence technician Simonello, whom he knew, was there when he reached the body site.

*Who was the male officer Rolla said he thought was "Officer Spatz?" A mistake of some sort has occurred here since Rolla thought it was a uniformed **male** officer when he tried to visualize the identity of the second officer's face, but promptly agreed it was **female** officer Spatz/Spetz. There is*

no Officer Spatz referred to elsewhere in the record. ***Furthermore, in her FBI Interview Officer Spetz stated that she never went to the body site [1598].***

Who might this unexplained male officer have been? This may be simply a case of poor memory and nothing more. However, it might take on added importance since there is evidence in the record of USPP officers and others, unnamed in the record, in the park that evening, as discussed above in this report. Did Rolla remember a male officer at the park who is not named in the record for reasons unknown? Additional information not currently in the record might explain who this unidentified male officer was.

The VWF Gun Hand -- Palm Up Or Palm Down?

Although the photo apparently leaked to Reuters and to ABC News by persons unknown [see Appendix III; not authenticated, but the genuineness of this photo has never been denied; the authentication standards of ABC News were presumably also satisfied] of the gun in VWF's right hand shows VWF's right hand palm down with the gun partially under it, Investigator Rolla, the USPP person in charge of the body site was deposed thus: Q: "When you first saw the body, can you describe which position the hands were in?" A: "Like this." ***Q: "You are indicating palms up?" A: "Palms up, [arms] down by the side*** **[429]."**

According to the deposition of EMS Gonzalez who viewed the body and left before Rolla arrived [998; see also 1017-1018, 1049], the senior EMS person at the park that night, Q: Apparently, you recall the gun being in a different position from that what was photographed [That is, in a different position than in the photographs he had been shown]?" A: "That's correct." . . . Q: "How did the picture depict it?" A: "Hand out like this?" Q: The hand was out?" A: "Yes, right hand." Q: "With the palm up?" A: "That's what I remember." **As for what Gonzalez saw (as opposed to what he later saw in the pictures): Q: "The palm was up or down?" A: "Down."**

Clearly there is substantial confusion between Gonzalez and Rolla whether the right palm (with the gun in it) was up or down. The gun was not removed from the hand until much later by Evidence Technician Simonello. The photos shown to them by the FBI do not jibe with the witnesses' memories of the scene. Why? Earlier the reader will remember that CW indicated in no uncertain terms that the palms were up, and that there was no gun in either hand [2660].

Did the missing photos taken by Ferstl and Rolla (see the sub-heading "Photographs Of The Crime Scene" below) show VWF's palms up (that was what Rolla and CW said they saw)? Was the gun hand (and the gun) moved or "rearranged" even though the official Reports give no indication that this occurred?

The Amount of Blood On VWF's Face And Clothes

The Fiske Report [208] indicates (based on the Polaroid photos) that far *more blood* was present on VWF's face and clothing at the time the photos were taken than CW indicated in his description [205].

Pisani did not recall seeing any blood on VWF's face (Pisani was in the first group of EMS personnel who arrived in the parking lot at 1810) [1549]. Gavin, also one of the first on the scene, only

remembers seeing a trickle of blood coming out of the mouth [1555]. Ferstl also did not remember much blood, just a small amount around the mouth and no blood on the shirt [1629].

When Dr. Haut examined the back of VWF's head at the body site, he told the FBI that the volume of blood at the back of the head was "small" and that the blood was matted and had clotted [1659].

This contrasts with the Fiske Report statement about what Dr. Haut saw [211] "Haut observed a large exit wound in the back of the skull." There was a "large pool of blood" under the head [211]. Compared to the statement of the only medical doctor at the scene, the blood volume per the Fiske Report is significantly greater and the blood is liquid, not matted and clotted. Why the divergence? Why is there no explanation in the Fiske Report attempting to reconcile the doctor's statement with the words in the Fiske Report?

The Fiske Report quote above concerning what Dr. Haut said thus contrasts strongly with what Dr. Haut himself told the FBI.

Dr. Haut's Report Of His Examination Of VWF At The Body Site

Dr. Haut's own report of the time he spent at FMP and provided to the Virginia Medical Examiner's office is not in the record for reasons unknown. One would have thought [the author does, anyway] that the report of the first medical doctor to view the body, and the only doctor to view the body in situ, might be of some importance! This is one of many unexplained omissions in the record.

Could the failure to include Dr. Haut's report have something to do with his having told the FBI he arrived at FMP at about 1845, whereas the USPP witnesses and the Fiske Report [211] agree he arrived about an hour later, at 1940 or so? Clearly, one could expect Dr. Haut's report to include the time he arrived in the park and viewed the body. Dr. Haut's report might clarify many things, not the least of which being the time he arrived at FMP.

The Blood Stain Patterns on VWF's Face at FMP

The Fiske Report recognizes that the blood-staining patterns on VWF's face as described by the witnesses are inconsistent with the position of the head as described by the same witnesses [220].

The Fiske Report therefore assumes that some person at the site must have touched the body, though no one in the record admits to having down so until after **all** photographs of the site and the body were taken [219]. "The FBI **concluded** that the pattern of the blood on Foster's face and on Foster's shoulder is consistent with Foster's face having come in contact with the shoulder of his shirt at one point," says the Fiske Report.

However, here is what the FBI Lab Report actually says: "The available photographs [sic] depict the victim's head not in contact with the shirt and therefore indicate that the head moved or was moved after being in contact with the shoulder. **The specific manner of this movement is not known** [242]." Nonetheless, the Fiske Report stated "The FBI **concluded. . .**"

In the author's opinion, the Fiske Report finesses the statement in the FBI lab report about these blood tracks in order to buttress the Fiske Report statement that the head must have been moved [220, 242] by some person who was officially at the scene.

The same FBI Lab report earlier uses some wording regarding the blood stains that could be important [241]: **"It is to be noted that a study of the above evidence alone can not substitute for an in person examination of the original/*unaltered* crime scene." Why say *"unaltered"* in addition to "original?"**

See the previous comments to the effect that CW saw the least blood on VWF's body (just on the lips and nostrils) and the later-arriving personnel tended to see more, but still less than they thought they ***should*** *have seen, given a point blank shot in the mouth from a Army Colt .38 Special firing high-velocity ammunition.*

Could the change in the amount of blood seen between CW and everyone else (and some related confusion concerning how much blood the Polaroids showed compared to what people remembered at the scene) be some indication that the body was moved between the time CW saw it and everyone else did?

If the body was moved (by persons unknown) from the second cannon site (CW saw the body there) to another site (the site favored by Chris Ruddy to the west of the first cannon being one possibility), to what place was it moved and why? As stated above in another Comment, the author has some conjectures along these lines which will be omitted here for the reasons described in the Introduction.

The changes in VWF's palm positions reported by a convincing set of witnesses (and apparently by at least some of the photos) is evidence that VWF's palms, if not his whole body, was also moved between the time CW saw the body and the time it was hoisted into a body bag. Why was this thread not pursued in the official Reports, if only in an attempt to reconcile the conflicting evidence in the record?

The "Unofficial" Wounds On VWF's Face

EMS Sergeant Gonzalez (either the first or second medically-trained person to see VWF's body; he and EMS Hall arrived at the body site nearly simultaneously) and EMS Technician Arthur both had doubts whether VWF's death was a suicide [205]. They based their doubts in large part on the wound they saw on VWF's face.

The autopsy report had no indication of any other wound than the entrance wound within VWF's mouth and the exit wound at the upper rear of the skull: no wound (entry or exit), caused by a bullet or anything else, on the right side of VWF's head [2031-2036].

According to Arthur's deposition:

Q: "Where was the blood coming from?"

A: To me it looked like there as a bullet hole right here."

Q: "In the neck?"

A: "Yes, right around the jawline."

FOIA # none (URTS 16370) DocId: 70105696 Page 167

Q: The neck and jawline underneath the right ear?"

A: "Somewhere there. I would have to see a picture to point it out exactly where [*irony?*] but there was a little bit of blood coming out of the mouth, too, and a little out of the nose but **the main was right here**. I didn't see any on the left side. I didn't see any on the chest or anything [883]."

Q: "With respect to the bullet wound you think you saw in the -- at the scene could you describe in some detail exactly what you thought you saw?"

A: **"I saw what appeared to be a bullet hole, which was right around the jawline on the right side of the neck."**

Q: "About how big?"

A: **"It looked like a small-caliber entrance wound, something with -- I don't want to say a .22 or whatever, but it was a small caliber. It appeared to be a smaller caliber than the gun I saw."**

. .

Q: **"How close to the body were you when you saw this?"**

A: **"2, 3 feet** [903-904]."

In the word's of Arthur's FBI interview "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. He did not note anything else he thought might be a bullet hole [1383]."

According to EMS Gonzalez' deposition:

Q: "Did you ever see an entrance wound or an exit wound?"

A: "I can only **assume** that there's an entrance wound and that was from the mouth, because there was a lot of blood within the mouth, you could see that. It was dark and some of it had clotted already. **I didn't see an exit wound** [996]."

. . .

Q: "So you were trying to remember where the entrance wound was?"

A: "Yes, for some reason, I was trying to recall. Something in my mind said it was on the side of the head. There could have been a spot or run of blood. . . "

Q: "And the side of the head?"

A: "Right side."

Q: "Upper part, lower part?"

A: "Let's see. If you want to break it up in four areas, say, and looking from the side profile, top right area."

Q: "So, near the temple area?"

A: "Yes, somewhere in that area."

Per Gonzalez' FBI Interview "The wound was recalled to be located in the upper right front portion of the skull [1047]."

Gonzalez and Arthur were trained EMS workers with years of experience between them, so one might be forgiven for thinking they did in fact see some sort of injury on the right side of VWF's head. In the words of the Fiske Report [208] "These wounds did not exist. The autopsy results [no X-rays were taken, see the Heading, "The Autopsy and Related Matters" below], the photographs taken at the scene, and the observations made by park police investigators conclusively show that there were not such wounds."

Given the 35 mm film taken at the body site by Simonello was apparently completely unusable, a number of the Polaroids taken at the scene cannot be accounted for, and a number of witnesses state that the Polaroids did not depict what they saw at the scene, perhaps one can legitimately ask how many of the 13 Polaroids taken at the body site and inventoried in the record include a good image of the right side of VWF's face.

From the descriptions of the photos in the inventory (all Polaroids) [2112], it appears three or four photos might depict the right side of the head well, although the description of the last Polaroid taken by Rolla is truncated in the record

A review of the USPP case file (also in the record) covering the VWF investigation revealed that ***the USPP never interviewed any of the FCFRD personnel who responded to the park that night. The author does not consider it a "stretch" to classify this as a serious omission. There must have been some good reasons why the USPP failed to do this, especially since the USPP took the time to record the names and identifying particulars of all the FCFRD personnel while they were in the parking lot before they returned to the station.***

This is particularly curious in light of the large number of medically-trained FCFRD personnel who were present and the large number of them that viewed the body. It seems particularly unusual that the first two EMS personnel who came upon the body (Gonzalez and Hall) were not interviewed by the USPP, nor was the other EMS person in Medic 01 (M01), EMS Arthur.

VWF's Eye Glasses Were Found Some 19 Feet Down Slope From His Head

VWF's eye glasses (he was near-sighted and had astigmatism in both eyes [244-245]) were found by Rolla some thirteen feet down the slope of the berm, that is, some thirteen feet west of VWF's **feet** as he lay prone on the berm, feet down slope and head up slope [209,479,629]. This places VWF's eyeglasses about 19 feet down the berm slope from the head. A *single* piece of ball powder was found on these glasses that was physically and chemically similar to the powder in the cartridge case removed from VWF's gun [217].

One might believe that the evidentiary value of this single piece of ball gunpowder on the glasses is entitled to even less weight than would ordinarily be the case since ***two other*** *types of gunpowder were found in scrapings from VWF's clothes, types of powder that also were not consistent with the type of powder fired by the discharged cartridge found at the body site.*

The Fiske Report dismisses the presence of these two powders as mere contamination [218], while using the single piece of similar gun powder found on the glasses to place the glasses on VWF's face or in his shirt pocket when the revolver was fired into his mouth.

The description in the Fiske Report places VWF's glasses roughly 19 feet [see also 391: 13 feet plus VWF's height of 6 feet 4.5 inches equals roughly 19 feet] down slope from VWF's head. Notwithstanding whatever evidentiary value is assigned to the single piece of powder found on the eyeglasses, it is difficult to see how the motion of VWF's head when the shot was fired (presumably throwing the head back, that is, up slope) could throw the eyeglasses some 19 feet in the ***opposite*** *direction (the glasses moving down slope and the head and upper torso moving up slope as the seated body reclines to the neat prone position it was found in after the shot).*

The Fiske Report nonetheless hypothesizes that the "glasses ***bounced*** *down the hill" [217] even though the Fiske Report also indicates that "there was dense foliage in the area where the body was lying [205]" and ". . . the natural foliage around Foster's body blocked his view of Foster's hands [207]." One might wonder how the glasses bounced (this word is actually used in the Fiske Report -- see the quotation above) through all the foliage to reach their position at the bottom of the slope.*

It is significant that the FBI Lab Report [249] states ***"No determination can be made as to the position of the Q3 glasses at the time of death."*** *The Fiske Report hypothesis that has the glasses flying 19 feet downhill due to the gun shot to the mouth is thus* ***not supported by the underlying FBI Lab Report****, any more than the conclusion in the Fiske Report that someone on scene must have moved the head before the Polaroids were taken. This is the FBI conclusion* ***even though*** *the FBI found the ball gunpowder on the glasses.*

Note: *None of the official documents indicate whether the glasses were found with their stems open, shut, or somewhere in between, though* ***this should be determinable from one of the body site Polaroids taken before the glasses were touched [2112; the second Polaroid in the set of eight].*** *If the glasses shown on the ground in the Polaroid happen to have their stems closed, the official theory also requires the stems to spring shut while the glasses were "bouncing" 19 feet down slope (counter to the direction of motion of VWF's head and upper torso when shot). If the one photo in the record shows damaged eyeglasses (see below under in this sub-heading) how was that damage explained?*

Were VWF's body to have been carried into the park, jolting over the uneven ground (a possibility never officially considered), from the northwest side of FMP, glasses in either his shirt pocket, his pants pocket (his suit jacket was in the Honda), or on his face might well have eventually fallen completely out (or slid off) when the slope changed from "downhill" to "uphill" as one progresses eastward down the opposite slope and then up the western berm on which the body was officially found.

An old road, not mentioned in the Fiske Report [see Maps V (R); Map VI, "old private drive"], is clearly the closest vehicular approach to the body site as well as the most discreet (at least in the summer months when the trees and shrubs have leafed out). This road is invisible from the western berm of the Fort in the summer although it is only 260 feet to the west at its closest point [see Map V (R)].

The entrance to the old road lies on the south side of CBR immediately to the northwest of the small home at 681 CBR. It is very easily missed from CBR since there is a small rise on the south side of CBR and the old road drops away to the south, largely obscured by the terrain and the circular driveway of 681 CBR. Given the entrance to the old road is quite discreet, if the old road was used to bring VWF's body into FMP, first by vehicle down the old road, then on foot through the woods

to the fort, might one infer that the persons using the old road must have been familiar with it in order to have found it at all?

Familiar how? Perhaps ***if*** *persons unknown* ***were*** *involved in transporting VWF down this old road (and through the* ***gap*** *in the western border fence of FMP near the old cabin [see Map V (R)]), one of the people involved might be familiar with the old road merely because he or she lived in the immediate area or otherwise have spent significant time in the neighborhood.*

The position of the glasses and the trampling of the path below the body described by CW also support this possibility.

The north side pedestrian entrance to FMP off CBR is another route to the western side of FMP [See Map V (R)]. A vehicle parked at the pedestrian entrance could easily have shielded the passage of the body through the pedestrian entrance from observers along CBR or from those driving their cars on the road.

There is a separate photo taken by the FBI Lab of the glasses (poor quality) that appears to show the right stem has been *broken off* the frame [2448]. *The FBI report on the glasses worn by VWF merely states: "The ear pieces on the . . . glasses move very easily* [245]." *There is no usable picture of the eyeglasses in situ in the record, so one cannot tell whether the frames were broken when found at FMP.*

Given CW said there was a lot of trampled ground down the slope from VWF's feet, is it too much of a stretch to wonder if the foot of a person unknown happened to step on the glasses, which had previously fallen from VWF's face or shirt pocket, and break the stem when this unknown person walked back down the slope and returned from whence he came? This possibility was never examined in the official Reports, nor does the text in the record even mention that the right stem of VWF's eyeglasses had been broken off as shown in the lab photo of the eyeglasses at page 2448 of the record. (When? How? Why?). Were the eyeglasses broken in the ***crime scene*** *photo (the photo inventoried on page 2112, but not in the record itself in usable form)?*

VWF was a tall man at 6 foot 4.5 inches. If no one walked point, it would take a minimum of two persons to transport his body the distance involved, unless the body was dragged, presumably trampling down the vegetation below the body as described by CW. If one of these individuals had less strength than an average male in his 30's, then three individuals to transport the body is probably the minimum requirement (unless the two involved put the body down quite a few times to rest along the way or dragged the body).

The location described for the glasses places them at (or just east of) the bottom of the berm where the earth slopes upward to the west and to the east. The Fiske Report itself states that VWF's shirt had a pocket [217]. The author is unaware of any underlying document that states VWF's dress shirt had a pocket.

Photographs Of The Crime Scene

Simonello took 35 mm film, Rolla took Polaroids, and Sergeant Edwards took Polaroids, both of the body and the immediately surrounding area [387]. The 35 mm film was underexposed for reasons

unknown and therefore were of little value, apparently despite the FBI Lab's attempts to enhance its quality [207,428].

Officer Ferstl, the second USPP officer on the scene, also took Polaroids [1629]. He believes he took seven and gave them either to Edwards (who appeared after Ferstl had placed crime scene tape at the body site and taken his Polaroids) or to one of the two investigators, Rolla and Braun [1629]. These Polaroids are not inventoried in the official record [2112].

What happened to the Polaroids that Ferstl took at the body site?

Simonello was under the impression that the FBI had been amazingly successful in enhancing the 35 mm photos [658], but he may have been in error in that all the FBI might have shown him were blow-ups of some of the Polaroids taken at the body site and part of the inventory on 2112.

Simonello, who took the 35 mm photos that did not come out, stated in one place that they were "underexposed" and in another place that they were "overexposed" [631,637], but there was no follow-up to determine which. Based on further information supplied by Simonello [658], it seems the photos were underexposed (negatives almost clear).

The camera was never checked to determine what was wrong with it [656]. Larry Roman was the USPP person who developed this film [656]. He was apparently never asked on the record why he thought the film did not come out.

Note that Simonello took the photos around the body without using a flash, but that by the time he returned to the Honda, there was less light so he used a flash [654]. Thus, the cause for the underexposed or overexposed 35 mm photos would have to be a cause that would ruin both natural light and flash photos. Whatever the error was, it was not a single simple failure to set the right shutter speed and f-stop.

Rolla never saw some of the Polaroids he took at the body site again (he also noted that he likes to take lots of crime scene photos to be sure he has plenty of them):

> **"I know I took Polaroids of that. I am not sure how many I took, but I don't recall seeing those Polaroids again. I mean, I had them at the office that night, I did reports, and I know what happened. . . I don't have those photos. I put them in a [case] jacket. . . and I don't know what happened. . . I may have taken a close-up of the back of the head [speaking of one of the "missing" photos], there may have been one, but I don't remember [425, 426]." (The Polaroids in question are not among those inventoried in the Hearings Volumes [2112]).**

What happened to some of the Polaroids that Rolla took at the crime scene? One would think that each Polaroid would be all the more precious to the investigation since the 35 mm film did not turn out properly. Seven of Ferstl's Polaroids are missing too. What happened to all these missing Polaroids? Why did these photos disappear? What precisely did these missing photos depict? Would these missing Polaroids have eliminated the discrepancy concerning the blood volume (a little or a lot) and state (liquid or clotted) between the Fiske Report and what Dr. Haut told the FBI he observed at the scene?

Hodakievic was shown some Polaroids by the FBI during the course of her interview [1596]. She told the FBI, in the words of the report, **"They were not identical to the Polaroid initially shown to her by Sergeant Edwards [on the scene]."** *What was the difference?* **There was no blood on the decedent's face nor any blood on the decedent's shirt in the Polaroid shown her by Sergeant Edwards. This photo is apparently one of the missing Polaroids.**

Hodakievic did not understand why the Polaroid shown her did not jibe with her memory of the body either.

Gavin also stated that he remembered there being less blood on the body than evidenced by the Polaroids he was shown by the FBI [1554].

Gavin was only shown the thirteen Polaroids (in total) that were taken by Rolla and Edwards [1554] and inventoried at 2112. However, the FBI did not show him the ***original*** *Polaroids since the photos he saw were all 8X10s. He was never shown either the Polaroids that Rolla took and never saw again or the Polaroids that Ferstl took that also went astray for reasons unknown.*

What happened to the numerous missing Polaroids shot by Rolla and Ferstl? Why are they not inventoried at page 2112 of the record? Why do witnesses claim that the Polaroids shown to them do not depict what they saw? Witnesses were apparently shown photos that were not in the inventory of 13 Polaroids taken at the body site. Why? Were they expected not to notice the difference and confounded the situation by doing so?

Speaking of photos, in his deposition, Hall (one of the two first FCFRD workers to find the body) had something interesting to say when he was asked about the gun in VWF's hand. Q: "[When you were at the body site] Could you see the gun in the palm?" A: **"In the picture you could see it."** *This struck the author as an* ***unusual*** *verbal formulation from a man who knelt over the body for some minutes (he, of course, did know he was under oath).*

The Personal Effects Are Recovered From The Body

Rolla recovered the personal effects from the body: the watch, two rings, and the pager, just before the body was rolled over for the benefit of Dr. Haut, the Medical Examiner [393,421,481]. Rolla stated "The pager was on him [438]." According to Rolla, no one at FMP (or later) tried to turn on the pager [437] which was officially in the off position when found. The pager belonged to the WHCA, not to VWF personally.

This seems curious, given the diligent search of the body, the Honda, and the personal effects for some sign of a suicide note or other clues that would tend to confirm suicide. Why wasn't the pager checked after it was recovered from FMP? Were the pager records ever subpoenaed?

As the senior investigator at FMP, Braun had directed Rolla to check all of VWF's pockets for identification, a suicide note, and anything else he could find [500].

Hodakievic [1595] specifically remembers Rolla checking the decedent's front and rear pockets at the body site.

FOIA # none (URTS 16370) DocId: 70105696 Page 173

A general search of the clothes at the body site, and the pants pockets in particular, revealed nothing else -- no wallet, no car keys [393]. Braun's FBI interview states "She observed Officer Rolla check the pants pockets, both sides and rear, in an effort to find identification or possible suicide note [559-560]." According to Rolla "I searched his pants pockets. I couldn't find a wallet or nothing in his pants pockets [393]."

The Personal Effects Were Returned Within Twenty-Four Hours

Rolla testified that VWF's personal effects (his wristwatch, rings, and wallet which contained credit cards, driver's license, $292 in cash, and miscellaneous personal papers) were sought by the WH [100, 101], apparently on Wednesday night [462,467,735,2185-2186].

Certain WH personnel, whose names are not in the record for reasons unknown, were prepared to break into Rolla's desk drawer to obtain a key to the evidence locker where these items were stored [462]. Rolla did not know who called his Lieutenant so that someone (name not mentioned) could get into Rolla's desk [105] without forcing it open. Rolla remembered he had another key to the evidence locker in his locked briefcase in his office. He provided the briefcase combination, and thus his desk did not need to be forced open.

Rolla stated that the USSS "already had the beeper" [461-462] when the personal effects were picked up. This, despite the USPP Evidence/Property Control Sheet [2185-2186] that shows that the pager was picked up by Clifford Sloan at 1935 on the 21st, like the rest of the personal property.

Exactly when was the pager picked up? Note that the Control Sheet indicated that the pager was being picked up to be "return[ed] to the family," although this was obviously not the case since it was a WHCA pager.

The backs of some USPP evidence control sheets (showing the chain of custody) in the record are not readable [2194, 2196, 2198; see also 2161 -- no back side of the sheet is in the record]

An "Unusual" Paper Was Found In VWF's Wallet, Per USPP Investigator Rolla

According to Rolla, there was an unusual paper found in VWF's wallet that night at FMP:

> There was one piece of paper that had some kind of abbreviations on it and a list of abbreviations and numbers. I don't know if it was years or what, I couldn't decipher it. **That's the only thing I saw that was unusual [in VWF's wallet]**, except the fact that it's not regular handwriting, but people write things, notes to themselves, all the time. **But the one thing that was unusual, yes, that was unusual** [446].

If the assumption is made that the photocopy Rolla made of this sheet was included with the unredacted material in the USPP case jacket (and later reproduced in the Senate volumes), this sheet appears to be the sheet the author has termed the "CHB Sheet" since he first saw it in a copy of the USPP case file in the summer of 1994. It is reproduced at 2449 of the Hearings Volumes [See also R32] and its contents are produced below. This note sheet found in VWF's wallet may or may not be in his handwriting.

At the top of this sheet are four lines of writing grouped into four columns followed by one date entry in the left hand column followed by more lines of writing in the second column only:

2/80	**C or H**	**1000**	**LR**
2/80	**C or [of?] B**	**100**	**N ["?]**
3/80	**C or B or H**	**50**	**Bentonville**
3/80	**C or B**	**50**	**Hot Sp**

12/83	**C or H**
	C or B
	C or B
	C or B
	C or B
	C or B
	C or B
	C or B
	C or B

Given VWF was functioning, at least in part, as the Clintons' personal attorney and was involved on the WH end with getting the paperwork needed to fund the Clintons blind trust(s) executed [See that Comment], it appears reasonable to the author to infer that "C" is Chelsea Victoria Clinton, "H" is Hillary Clinton, and "B" is Bill Clinton. Of course, one of the ethical responsibilities of an attorney involved with the funding of blind trusts is to ensure that all assets, wherever located, that are required to be placed in blind trusts are in fact placed there.

Perhaps these initials represent the titling of accounts of some kind ("Chelsea or Hillary," "Chelsea or Bill," "Chelsea or Bill or Hillary"). After all, CVC was born on February 27, 1980, closely corresponding to the 2/80 and 3/80 paired dates above, and "C" always comes first, so a CVC-bank-account hypothesis might be a promising one (though those dates, February and March 1980, also roughly correspond to the Democratic primary season in Arkansas that year).

*Continuing this necessarily tentative analysis, the numbers in the third column would indicate the dollar amounts in the four accounts on the dates listed in the first column. The fourth column would represent the cities in which the accounts were located. Although it would be unusual for an attorney to make notes about accounts with only $1,000, $100, $50, and $50 in them (**such legal jottings more often concern dollars in "000"**), let alone **make and retain** notes recording events from thirteen years prior concerning such small amounts, no other single explanation seems as likely to the author.*

The amounts could instead represent the face value of savings bonds, often given to a child a birth, but then what would the city names mean? Surely, the city names do not refer to the locations of three or four separate safety deposit boxes containing the bonds? Why have so many? The amounts could also represent shares of stock, but if so, the name of the company is not provided.

Continuing this hypothesis, an additional event apparently happened in December 1983 to cause nine additional accounts to be opened (or the first four accounts closed and the balances transferred to the other nine accounts). Curiously, all these accounts start with Chelsea's name (presumably Chelsea Victoria Clinton or Chelsea Clinton) even though one parent's name (almost always the father's) is listed second on each account (if that is in fact what is being represented).

Even if only a total of $1,200 (and not $1,200,000) is represented by the 1980 amounts, the meaning of this sheet should be determined, if only because the lead USPP investigator at the body site believed 1) it was the one unusual item in VWF's wallet the day he died and 2) VWF was involved with the creation of the Clintons' blind trust(s) on the day he died [see the above sub-headings concerning Brantley Buck's calls to VWF].

Presumably, this sheet had nothing on the back and the photocopy obtained by Rolla was a photocopy of the entire sheet. There is certainly no evidence to the contrary in the record. There is also no evidence in the (unredacted) record that any official analysis of this sheet was pursued in any of the VWF death investigations. Why not?

The Pager

The Secret Service arranged to remove the WHCA Motorola Bravo pager signed out by VWF (#052943 [2185]) and found at his right side waist area [151] from USPP custody the night after his death **before any analysis of the pager** could be done to determine whether any numbers were retained in the pager's memory [438,50].

There is some evidence in the record [1135] that it was not standard procedure for someone such as VWF to check out a WHCA pager. *Why did VWF check one out unless he expected to be paged? Was he paged? Given he bothered to check the pager out, why did he turn it off?*

There was uncertainty whether the pager in question could retain phone numbers when it was turned off [74,75,85].

Correspondence following the Senate Whitewater Hearings in the summer of 1994 [116,117] indicates that the pager was turned over to Clifford Sloan of the WH OLC at 1935 on Wednesday, July 21, 1993. **Although Rolla [461-462] stated that the USSS "already had the beeper" at that time and even though the Control Sheet [2185-2186] shows that the pager and other personal effects were picked up by Clifford Sloan all at the same time.** The current location of the pager was described in the correspondence as "unknown" since the pager had been issued to another party by the WHCA and a new Personal Identification Number assigned.

Even though any information in the pager would have long-since been erased, this statement is incorrect since the pager would have still been identifiable by its serial number. It should also be confirmed when the pager (as opposed to the personal property) was picked up since the WH "already had the beeper" according to Rolla even though all these items were signed for by the WH at the same time. There is an unusual redacted personal property control sheet at pages 2200-2201 that puzzles the author and may have something to do with this issue.

The pager has memory capability, but the subsequent correspondence states that any stored numbers would have been erased if the pager were turned off (the record states that the pager was in the off position when VWF's body was found [390]). There is an indication in the FBI letter that a subpoena may have been issued by the Fiske OIC to obtain the transmitting company's records, but the record does not reveal the results [117].

There should be no uncertainty whether the pager in question could or could not retain paging numbers when it was turned off since the individual pager's serial number was recorded. Was this issue ever unambiguously resolved using the particular pager's serial number and the records of the WHCA and of Motorola, the manufacturer?

In testimony, the statement was made that the pager phone records could be obtained if it was desired to discover who paged VWF that afternoon of his death [85].

Were these records ever obtained and examined [117]? If not, why not? The records of a single pager for a single day cannot be very voluminous. It would appear even more important to take this step since there was apparently no way anyone retrieving the pager from VWF's body could have recalled the numbers that paged him since the pager had been turned off.

It should be noted that an FBI agent, in a letter to the Senate committee [374-375], dated August 3, 1994, stated "We have no information about what, if any, messages may have been in the pager's memory at the time it was returned to the White House."

This comment raises interesting issues. 1) Although unlikely, did the pager have the capability to display messages as well as phone numbers? 2) Officially, the view is that it could store nothing if it were turned off and that turning it off erased any data previously stored in it. It is certainly possible that a pager that could store no new messages transmitted during a time the pager was turned off could still retain messages transmitted to it prior to the point in time that it was turned off. Presumably these records exit (at least for the "connects," if not also for the "attempts").

In any event, these ambiguities should be easily resolved by a subpoena for the relevant phone records and a check with the manufacturer of Motorola Bravo pager # 052943 [2185].

The Gun: The USPP Officer Who Found The Body Never Saw The Gun.

The gun was untraceable in the sense that it could not be determined if anyone ever bought it at retail. The gun was sold at wholesale in 1913 and had apparently been assembled using components from two different weapons since the gun had two serial numbers [2171]. The wholesale purchases of the two components are the last official record of the components of the revolver that VWF officially used to shoot himself.

An untraceable fully functional weapon assembled from components. Who might have a need for such a gun? The author rather doubts VWF (or anyone in his family) did.

USPP Officer Fornshill is emphatic that he personally never bothered actually to view the gun in VWF's right hand **even though it was pointed out to him by the two EMS workers [Gonzalez and Hall] who made up the team searching the northern half of FMP [207, 1144,1583-1585]. Heavy foliage blocked his view of the gun from where he was standing, and he never moved to bring the gun into his view.**

Even the prolix author of this report is at a loss for words. What could explain this?

According to Fornshill's deposition "I am straining and looking for the gun. **I couldn't see the gun** [960]." **Note that he makes this statement even though EMS Hall states that he called**

Fornshill back to the body site to tell him about the gun [1144]. See also the black and white photocopy in Appendix III that shows the gun quite clearly (indeed, the contrast of the gun with the hand and the ground is even starker in the color image).

However, according to Ferstl's FBI interview (Ferstl was second USPP Officer on the scene after Fornshill) "Ferstl advised that he **did** see a weapon in the victim's right hand, adding that he had already been told by Officer Fornshill that there was a gun in the hand, so he was probably looking for it [1628]." *Fornshill was perfectly clear that he never saw the gun (apparently because he physically could not even though he was standing over the body), but he advised Ferstl that a gun is present and Ferstl (standing on top of the berm looking down at the body [1628]) saw the gun without difficulty. The author believes some "tap-dancing" is going on here, but exactly what? And why? There must have been good reasons. What were they?*

Since Fornshill was the first police officer on the scene and stood within a few feet of the body it is bizarre, in the author's opinion, that he emphatically states he did not see the gun and did not take the trouble to view it. *One would think that it was his duty as the first police officer on the scene to confirm the presence of the gun and secure the scene (until relieved) for the Evidence Technician (Simonello) who would arrive to collect the gun (once all the crime scene photos had been taken).*

Rolla agreed that there was heavy foliage around the body [388]. USPP identification technician Simonello removed the gun from VWF's right hand when Dr. Haut, the Medical Examiner arrived at the body site [420]. Dr. Haut told the FBI, however, that he did not see the gun [1660].

Strangely enough (and conceivably related to Officer Fornshill's never having seen the gun in VWF's right hand, even though he was the first police officer to find the body), the Fiske Report ***never*** *states that the* ***gun*** *seen in VWF's hand by the two EMS personnel (Gonzalez and Hall) appears in any photos taken at the scene [208-209], although the report does make mention of VWF's injuries and other features (such as blood stains) that were recorded on film at the scene (presumably just by the Polaroids), including the powder residue on VWF's right thumb and along the edge of VWF's right index finger. Was this important linkage of the photos to the gun a casual omission?*

<u>The Gun: Despite Some Finesses In The Fiske Report, The Family Could Not Identify It.</u>

Here is what Lisa Foster told the USPP when she was shown the gun **nine days after VWF died** (in the words of the USPP interview report): **"She was presented with a photograph of the weapon that was found with Mr. Foster's Body, but was unable to identify it."**

The gun itself was apparently unavailable so soon after the death because it was being analyzed. Lisa suggested the investigators give VWF's sister in AR, Sharon Bowman, a try to see if she could identify the gun [2153] since Ms. Bowman was something of a 'gun' person and Lisa Foster definitely was not.

The Fiske Report states "When **shown the gun**, Foster's sister, Sharon Bowman, **identified it as appearing very similar** to the one their father had kept in his bedside table, specifically recalling the pattern on the grip [213, see also 2169,2436]."

However, according to the entry in the interviewing investigator's notebook, Sharon Bowman actually viewed a only *photo* of the gun [2227; see also 741]. This is confirmed by an examination of the letter in the record [2436] "I visited with Mrs. Sharon Bowman and asked her if she could identify the pistol [actually a revolver, not a pistol] in the **photograph** you had given me last week."

The USPP never interviewed the Foster children about the gun (or anything else) since the family attorney decided not to make the children available for interviews [744]. A nephew of VWF's was asked about the gun, but he was not of significant help. The children (they were not kids -- the youngest had just completed high school) were never interviewed during the course of any of the investigations (at least in the unredacted material).

The family attorney had said "No" and that was apparently that.

Lisa Foster, though indicating she was less familiar with guns than her sister-in-law Sharon Bowman [2153], stated [the words in the notes of her interviewer] **"*Not* the gun she thought it must be. *Silver*, six-gun, large barrel** [2227]." **Lisa Foster thought the gun found at FMP might have been a silver-colored revolver she remembered having seen before, but the gun at FMP turned out *not* to be the one she thought since the gun from FMP was the opposite color (dark, not silver).**

*How could a gun be "very similar" (in the words of the Fiske Report) to the gun in VWF's hand (notwithstanding the similarity in the grips!) if the gun in VWF's hand is **dark** in color [2407-2412; see also 883] while the other gun (the one Lisa Foster had originally mentioned she thought **might** have been the gun she remembered from AR) was **silver** in color? Why is a superficial similarity (the webbing on the grip) relevant when the two guns are clearly not the same?*

*One item omitted from the Fiske Report (per the letter returning the photo of the gun shown to Mrs. Bowman): **"I asked if she remembered any other features [other than the web-like detailing at the base of the grip]. She did not** [2169]."*

There is also a curious change in the wording of the investigative reports as one works backward in time from the Fiske report to the underlying FBI interview report, and finally to the original USPP interview report describing Lisa Foster's inability to recognize the gun or tie it to her family.

In the words of the Fiske Report "Lisa Foster **stated that the gun looked similar to one that she had seen** in their home in Arkansas and that she had brought to Washington [213]."

Sounds like a pretty decent identification of the gun, so far.

However, Lisa Foster said something different to the FBI when she was interviewed on May 9, 1994, less than two months before the Fiske Report was released. "Lisa Foster then examined a revolver which had been brought to the interview by the interviewing agents. Foster examined the revolver which also had been found at Fort Marcy Park [not "in the right hand of Vince Foster at Fort Marcy Park"] on July 20, 1993, and **stated that she believed it may be a gun which she formerly saw** in her residence in Little Rock Arkansas [1646]. *An unusual verbal formulation!*

"Had seen" *versus* **"Believed it may be a gun which she formerly saw." The quality of the gun ID is getting worse.**

Recall what Lisa Foster had originally told the USPP investigators (cited at the beginning of this Comment)? *Nine days after the death of her husband,* "She was presented with a photograph of the weapon found with Mr. Foster's body **but was unable to identify it** [2153]." The phrase in bold face is not much of a gun identification at all, in the author's opinion!

Sheila Anthony, with whom VWF lived for several weeks when he first came to Washington with the new Clinton Administration, was apparently never asked if she remembered whether VWF had a gun with him when he stayed in her home. This would have been an excellent question to ask. Perhaps VWF had the weapon in question among his possessions while living with the Anthonys? It is clear from the record that, whatever VWF's attitude about guns from his youth in AR, Lisa Foster did not like them and did not want them in their home.

If VWF did not have "a gun" with him before the family moved to DC and Lisa did not want guns in her home, why did she even take the "silver gun" (not a match to the revolver found at FMP) to DC with her? Any guns in the VWF Georgetown home were illegally held (not registered with DC).

The Gun: How Visible Was It At The Body Site?

The Fiske Report makes a point that the gun was "partially concealed beneath the hand and right leg [207-208]," presumably in an attempt to explain why some crucial witnesses at the body site did not see the gun (CW and Fornshill, the first two individuals officially to see the body, come immediately to mind).

The Fiske Report uses the heavy vegetation to this same end. To the extent that this statement implies that the gun was therefore difficult to see, it is incorrect, particularly if the gun hand photo leaked to ABC News and shown on the News on Friday, March 11, 1994 (which could only have come directly or indirectly from an official source and whose authenticity has never been officially questioned), is examined [see Appendix III].

The author does not think it a "stretch" to think that anyone standing over the body would probably see the gun pretty easily, given the image of the ABC News photo, if the gun were present at the time they looked. Note: The contrast between the hand and the gun is even higher in the color image than in the black and white photocopy in Appendix III.

Concerning the gun, EMS Arthur in his deposition states " . . . It was not tucked all the way under the leg. Just part of the barrel was underneath his leg. It was, I don't want to say pointed -- almost pointed towards his leg [904]."

The photo leaked to ABC News has been published several times and clearly shows cylinder of the revolver, most of the barrel, and the trigger guard with VWF's thumb hooked on it. The gun is plainly visible, only partly covered by VWF's right hand.

It should also be noted that much of the modest portion of the barrel that is not visible in the leaked photo cannot be seen only due to a long thin leaf of some sort (not close to the barrel) that happens to block the view of a portion of the barrel from the particular perspective from which the photo was taken [see Appendix III].

FOIA # none (URTS 16370) DocId: 70105696 Page 180

The Gun: Was There Any Ammunition For The Gun In The Family Homes?

There was no ammunition of any kind found in the VWF Georgetown home or any .38 caliber ammunition to be found in the VWF LR home [214]. The gun, a Colt Army Special with a four-inch barrel [2170, 2171] contained two .38 Special cartridges [239], one of which fired the slug that killed VWF according to the official Reports. Both rounds were stamped "P" "HV" [meaning higher "pressure" and thus "high velocity" rounds, though this sort of round is a "standard" 38 revolver round today]. This round is not a "magnum" round, however The nearly identical caliber .357 revolver does fire a "magnum" round.

The author (in his transmittal letter to Senator D'Amato) and several medically-trained individuals at the body site noticed that VWF's wound was unexpectedly modest, given a point blank shot inside the mouth with the weapon and ammunition in question. Furthermore, the medically-trained people at the scene did not yet know that the revolver contained high pressure, high velocity, cartridges. **Indeed, based on the wound he saw, Dr. Haut, the doctor who worked as a Medical Examiner in that part of Virginia, thought that a "low velocity" weapon had been used, not a .38 firing a full charge round as discussed above.**

The Gun: Why Were VWF's Fingerprints Not Anywhere On It?

Even though VWF is supposed to have fired the gun inside his mouth while apparently holding it with both hands around the cylinder of the revolver (*butt pointing upward?*), there were no fingerprints on any exterior surface of the gun [220], even though VWF is supposed to have transported the gun while he walked some 750 feet uphill to the second cannon on a hot July afternoon near DC [386].

A "latent fingerprint. . . of value" was found on the underside of the right pistol grip about two inches from the bottom when the grip was removed from the revolver [254, 256,1742].

There is no indication that this print was compared to the prints of the various officials who handled the gun. If these officials' prints were found not to match the print (apparently it is possible to check this point since, after all, the print was determined ***not*** *to be VWF's by the FBI; the body was fingerprinted), then the search should have been expanded to include family members (also not a large population). No attempt was made (the author realizes it was just one print) to run the print through computerized FBI fingerprint data banks (on the off-chance that tentative "hits" would be obtained, even if not a "conclusive comparison," to use the FBI's terminology).*

One FBI report contains a page [256] with a strangely inapplicable generic discussion why an object may not retain fingerprints (". . .rain, snow, etc."). The explanation goes on to state that one reason why there might be no fingerprints on the gun is the lack of sweat on the fingers of the person handling the gun (this on a 95+ ° F July afternoon near Washington, D.C., the hands being the hands of a man about to shoot himself in the mouth and, presumably, a little nervous about doing so). Anything is possible, but the author (admittedly a more or less a dolt about fingerprints) finds this hard to believe.

A better question would have been to have asked whether the state of the gun is consistent with a gun that has been wiped clean of prints. Another even better question to have asked would have been in what way were the expected skin, gun, and weather conditions at FMP that afternoon other

than ideal for the retention of fingerprints? The parts of VWF's right hand that were in direct contact with the revolver at the body site apparently did not leave any fingerprints either. See the photo in Appendix III.

Why No Recoil Damage To Teeth & Lips After VWF Fired The Gun Inside His Mouth?

Poor quality reproductions of photos of the gun in the record [2407] show a dark-colored gun that, like the typical Army .38 Special, has a pronounced raised front sight. Neither the front sight, the 4" barrel, or the ejector rod head of this gun apparently caused any damage to VWF's soft tissues and teeth (upper or lower) as it recoiled forcibly from his mouth and fell to his side [225] (still in his right hand with the right thumb wedged between the trigger and the trigger guard).

The Fiske Report used the lack of tissue and teeth damage only as evidence that VWF voluntarily placed the gun barrel in his mouth.

Why does the Fiske Report include no discussion about the lack of recoil damage? The report discusses the lack of damage to VWF's mouth only to infer that no one could have forced the gun into VWF's mouth.

The Fiske Report assumes VWF was conscious when shot simply as a spin-off from the Report's "suicide verdict." As a result, no physical evidence was examined that might have indicated otherwise (such as a hard blow to the back of the head that could have left some trace on X-rays of the skull).

Why was the complete lack of recoil damage (and the significance thereof, if any) not addressed in the Fiske Report?

The Gun: An Unusual Statement From A Witness

EMS Arthur thought the gun he saw in VWF's hand was an automatic, not a revolver [883,1564]. He drew a picture of a revolver and an automatic for the FBI to prove he knew the differences between the two. Although this statement from Arthur does not fit in with anyone else's [e.g., it appears to be a "sport," even though Arthur was quite firm about what he saw], it is worth noting that an automatic pistol, due to its spring-loaded slide, has less recoil than a revolver of similar caliber, slug weight, powder charge, and barrel length.

The author would not have mentioned this unusual witness claim except for the substantial confusion in the record about the gun and the gun hand. The author does not know what to make of Arthur's statement.

The Test-Firing Of The Gun And The Conclusion Of The USPP Investigation

USPP Captain Hume, Assistant Commander of the CIB [700], signed off on the USPP Synopsis/Conclusion Report on the death of VWF on August 5, 1993 [2114,2115]. This Report states:

Based on the aforementioned synopsis of the facts and circumstances presented, the writer requests that the investigation be "Closed" and that the Manner of Death ruled [sic] as "Suicide."

Some readers might read this and say something like "Well, it seems like the man died on July 20th and the investigation was closed on August 5th. That's not much time in which to complete the investigation of the highest ranking Federal employee to die under mysterious circumstances since JFK. But, my author says reasonable people can and will differ. This looks like a judgment call made by the USPP and who is to say the USPP had not done all that needed to be done by August 5th?"

The author points out to any such readers that a letter dated August 11, 1993, and signed by Captain Hume's boss, Major Benjamin J. Holmes, Jr., Commander of the Criminal Investigations Branch [2429,2430] submitted the revolver found in VWF's right hand at FMP to the Bureau of Alcohol, Tobacco, and Firearms. The letter requests the BATF, inter alia, to perform several tests on the gun.

Here is one USPP request: "Could it be determined if the residue on the victim's right hand (see photograph enclosed) could have been the result of ***discharging*** *Item #1 [the Colt Revolver] in a manner consistent with the other available evidence?"*

Here is another USPP request: "Could it be determined if the primer on Item #3 [the shell casing of the round that had been fired] was ***struck by the firing pin*** *of Item #1 [the Colt Revolver]?*

The letter from the USPP goes on to state "These items have not and will not be examined by any other expert" and "please conduct any additional tests and examinations which you deem appropriate in connection with this case."

The BATF date-stamp reveals the letter, which transmitted among other items the revolver, the one unfired cartridge found in it, and the one fired cartridge found in the .38 revolver, was received by the BATF on August 12, 1993.

The BATF wrote back to Major Holmes on August 16th [2433-2434]: "Exhibit 1 [the revolver] was examined, **found to function**, and test fired twice for comparative purposes."

The author interprets these letters to mean that the USPP closed its investigation into the death of VWF six days before it asked the BATF to determine whether the gun would fire and about eleven days before it knew whether the suicide weapon even functioned.

The author hopes it will not be considered a "stretch" to believe that a death investigation concerning a person who has supposedly been shot with a revolver should not be closed before the investigating agency has ascertained that the gun will actually shoot! Imagine the bureaucratic embarrassment if the gun failed to shoot when test fired, but the investigation proving the gun shot the victim had already been closed. That would be a major "Point of Impact," would it not? Was there a good reason for closing the investigation so quickly?

[Thanks to Bob Lee Swagger and his "dad," Stephen! Additional thanks to VWF's Poet-Laureate, DC Dave.]

Just How Did VWF Carry The Revolver The 750+ Feet To The Second Cannon?

If VWF had driven his Honda into the FMP parking lot with a view toward walking some hundreds of feet (about 700 per the record, but actually closer to 775-800 feet as described elsewhere in this report) into the park and shooting himself, wouldn't he have been concerned about carrying the gun openly in his hands?

For that matter, he did not legally possess this gun in either DC (where he lived) or Virginia (where he died). All the more reason to be discrete.

What could have otherwise been a successful suicide might have been spoiled by someone's seeing him with the gun, calling the police, or watching him from a distance to see what he was going to do (certainly a distraction during what is presumably one of life's supremely private moments). It would certainly have been awkward to slip a Army Colt .38 Special with a four-inch barrel into a the pants pocket of a business suit and stroll about the park.

To stick the revolver in the waistband of one's trousers would still leave it in view as well as having it feel quite awkward during the walk to someone presumably unused to carrying a revolver in his waistband [based on the author's experience, hand guns stuck in one's waistband (unusual situation indeed) have a habit of slipping down inside one's trousers or falling completely out of the waistband].

FMP and even the fort itself are largely deserted on hot workday afternoons in mid-summer, but VWF could not be sure he would not encounter anyone as he searched for an appropriate location in which to kill himself in the unfamiliar park. How might VWF have handled this issue if he had actually been confronted with it?

One obvious and trivial solution (that VWF didn't use, per the record since his suit jacket was found in the Honda) would have been to have taken his suit jacket with him, carried casually over his arm, obscuring the gun. That way, no attention would have been attracted to him if he happened to have been seen by passersby. He certainly would have been less conspicuous than the man in the suit and tie seen at FMP on the 19th by the 17 year-old female (see the sub-heading, "FMP: Monday, July 19, 1500 Hours" above).

There is, of course, the opposite point of view: VWF shed his jacket and tie, leaving his wallet and WH ID behind in the Honda and turning off his pager(?) (symbolically leaving all his troubles behind), took a solo walk alone in the woods to end it all (but remember those solo walks in the woods referred to so lovingly in his commencement speech?).

He would have been just another office worker taking a stroll in the park, carrying his suit jacket over his arm. The fact that the record indicates clearly that his suit jacket was left in the Honda is slight evidence that he did not walk into the park from his car.

The author expects that it would be difficult for those who knew him well to visualize VWF striding some 750-800 feet through an open public park with a revolver in his hand. The distance in fact would have been much greater than that (and he would have been exposed with the gun in plain view for a longer time than otherwise) because he presumably did not exit his Honda and head directly for the area in front of the second cannon, but very likely wandered

around a bit in the unfamiliar park seeking a good spot in which to kill himself. That is, if he did kill himself.

The Park Police Investigators Arrive At FMP

When USPP Investigators Rolla, Braun, and Apt arrived at the FMP parking lot at 1835, as estimated by Rolla [478,2123], or at 1830-1845 as estimated by Braun [559], Officer Fornshill had already left FMP [385]. Rolla and Braun asked that he return to FMP, but Rolla was never able to talk with him at FMP that evening [406].

The CIB investigators at a death scene request the officer who found the body (who wrote no report and left the scene in less than ten minutes) to return to the scene, but he does not do so (having apparently (?) been told by his sergeant that it is more important for him to return to his post at the CIA gate to observe commuters beginning their journey home).

Why did the officer not return when ordered? Normally one would expect the reason to be that he had received countermanding orders from higher authority, but there is no evidence in the record that, however likely, these orders were issued.

The First Officer To Find The Body Did Not Write Any Report

Despite Rolla's expectations that the first officer on the scene would file a written report, Fornshill did not do so [406]. Simonello stated in his deposition that the first officer on the scene at the body site should have filed a report. "He has to file it. The incident report is the initial report [670]."

Why did Fornshill not write a report? In his deposition, Fornshill said he did not write a report because he was told it was not necessary by another officer [928] later that night at the station.

A Large Number Of USPP Officers Responded Rapidly To The Location of The Body

According to Braun, when the investigators arrived in the parking lot at FMP, Officer Spetz, Officer Fornshill, and Lt. Gavin, the shift commander, were already present [498], along with Sergeant Edwards. But Gavin left shortly after briefing her regarding what she would see at the body site [559]. According to Gavin's FBI interview, he arrived at FMP around 1830-1845 [1563]. However, the initial two FCFRD crews (E01 and M01) who departed at 1837 were still in the parking lot when Gavin arrived [1553].

The first USPP radio call from FMP after Fornshill located the body came at 1814:32 [2252], 2 minutes 42 seconds after Fornshill arrived in the parking lot. Here is the text of that message: "261 [Fornshill's unit number] found body and **asked for CIB** [2252]." The quotation may not contain all the words transmitted since the source document's primary function was to record the sequence of USPP calls [2251]. Within 40 seconds of Fornshill's call that he had found the body and requested CIB, Units 31 and 618 had rolled on the call.

It is not obvious from the record what officers were in units 31 and 618. Although most officers' unit numbers can be found in the record (with varying degrees of difficulty) these two were not

found by the author (though they may be in the record somewhere). Unit 31 (a two digit number) might be Lt. Gavin, the shift supervisor. Unit 618 (a high three-digit number) might be some sort of specialty unit (Simonello's, the evidence technician's?). The names of the occupants of these units would be useful information to have and is easily obtainable from the USPP.

The unit number in which Rolla, Braun, and Apt responded to FMP is unknown to the author, so the investigators' unit might have been either 31 or 618.

Within a few minutes either side of 1830, the following USPP personnel (in addition to Fornshill) were on the scene, primarily in response to Fornshill's call asking for CIB assistance: Ferstl, Spetz, Edwards, Gavin, Hodakievic, Rolla, Braun, Apt, and Simonello. Schmidt, Watson, and "an intern" also appeared briefly at the scene.

Hodakievic [2127] stated that she arrived at the FMP parking lot about 1815. This seems a bit earlier than likely since, when she arrived, in addition to the six FCFRD personnel from E01 and M01 (Hall, Gonzalez, Arthur, Pisani, Wacha, and Iacone), the following USPP personnel were already on the scene: Fornshill, Ferstl, Spetz, and Edwards. Gavin apparently arrived shortly after Hodakievic did.

This makes a total of 12 USPP and FCFRD personnel at the scene relatively quickly after Fornshill's radio call. All this activity for what Fornshill reported to be an apparent suicide at 1814:32 and for what Gonzalez at 1837 transmitted was an "Obvious 10-61, suicide with gun [1102]?" The total excludes Fornshill who left before Rolla and Braun arrived to return to his traffic duties at CIA.

This seems to be an unusually large response for an "obvious suicide with gun," particularly if the personnel situation was so tight that Fornshill had to leave FMP less than ten minutes after he arrived in the parking lot in order to return to the CIA to observe the traffic the employees created as they left the Agency [at around 1835 or so (well after normal day shift employees leave work), the earliest time he could have been back on station].

VWF's Name, Age, Sex, And Race Were Known To The USPP By 1837

Note that when they left at 1837, the computer time record clearly shows that the EMS workers knew VWF's name, age, sex, and race (address unknown) [1050]. This information could have been gleaned from Officer Ferstl who apparently ran the plate on VWF's Honda, assuming he did nothing more, such as enter the vehicle, having seen VWF's WH ID on the front passenger seat [1600] (This person couldn't have been Rolla by this logic since Rolla said the EMS personnel had left the parking lot before he arrived).

However, eyewitness accounts below indicate VWF's connection to the WH was widely known before 1837 and probably some minutes before that time.

The Body Was Important Enough To "Roll The Watch Commander" Pronto

Rolla was asked whether Lt. Gavin, the field commander for that shift was on the scene when he arrived. Rolla said he did not remember [407]. Although Gavin responded to FMP, Rolla did not

remember him "ever coming up to the crime scene [408]." However, Gavin indicated to the FBI in his interview that he did view the body, having been directed to the scene by Hodakievic [1553], *although he did not spend much time there [1554] which might explain why Rolla missed him.*

As indicated above, Gavin got to the scene quite early. In any event, he and Sergeant Edwards apparently knew enough (whatever that was) to brief Braun sufficiently for her to consider the death as a suicide before she even saw the body. Was not Rolla in the lot while Gavin was briefing Braun? Was Rolla briefed too? If so, why did he not remember Gavin being there?

A Witness Sees USPP Officers Gaining Access To The Honda Prior To 1837.

Upon his return to the parking lot from the body site, EMS Arthur observed the USPP "*gaining access* to a cream-colored car with a suit jacket and tie in it, looking for identification of some sort" in the words of his FBI interview [1383]. This statement in the FBI report was not pursued in Arthur's deposition. The FCFRD personnel in M01 and E01 (including Arthur) had all left FMP by 1837 [1094,1102]. The official Reports ignore Arthur's statement.

When Did The USPP Learn Of VWF's WH Connection?

All the Fairfax FCFRD personnel had left FMP by 1837 [1094,1102], officially before Rolla and Braun arrived, so presumably the USPP personnel "Gaining access to the Honda" were either Ferstl, Fornshill (if he had not already left), Edwards, Gavin or possibly Spetz or Hodakievic.

Thus, contrary to the Fiske Report, this statement in Arthur's FBI interview is one of the items that shows that the USPP knew that VWF worked at the WH around the time Arthur was leaving the parking lot at 1837 [VWF's WH ID was under his jacket or, if the jacket were hanging over the back of the front passenger seat, VWF's WH ID would have been in plain view on the seat itself].

However, Gavin stated that the VWF-WH connection was not made until after he lad left FMP after a 30-45 minute stay [1555]. This time estimate would have Gavin leaving FMP at about 1900-1930. He explicitly stated that the WH ID had not been found by the time he left the park at roughly 1915. This statement of Gavin's does not agree with the analytical evidence presented in this memo.

With all these officers on the scene by roughly 1830, a body in the park, and one otherwise unaccounted-for vehicle in the parking lot with a suit jacket in it matching the decedent's suit pants, is the author to assume that no one enters that car for well over an hour and the WH does not learn of VWF's death until 2030? That is the conclusion of the official Reports.

Arthur's unit, M01 logged "available on radio" at the end of the run to FMP and preparatory to leaving the park at 1837 [1102,1421], so the USPP apparently knew of VWF's WH connection before 1837. This is consistent, in that the FCFRD personnel had already departed the park when Rolla and Braun arrived at about 1835 [Braun estimated they arrived 5-10 minutes later]. Note, too, that this information supports the inference that Rolla obtained Lt. Walter's name and phone number at Room 058 at the WH shortly after he arrived at FMP. Whoops! "Lieutenant Walter? Who's he?" The Walter connection is discussed in full immediately below.

FOIA # none (URTS 16370) DocId: 70105696 Page 187

William Bianchi remained at the station and did not respond to the 911 call. **Bianchi told the FBI that Iacone knew *when Iacone returned to the station* that VWF was employed at the WH [1365].**

Bianchi instructed Hall and Iacone to make their incident reports detailed since a WH person was dead. ***It would be useful to see these incident reports, especially since the USPP did not interview any of the FCFRD personnel soon after the death, but they are not part of the record.*** *Does the reader observe a trend here?*

For what it is worth, the USPP Property Control Receipt that has the wallet (inside VWF's suit jacket in the Honda) as the first item listed indicates the wallet was recovered by the USPP at 1815 [2185], just about the time that Fornshill called in by radio to say he had found the body.

However, according to Investigator Rolla, no one had gone into the Honda before Rolla and Braun arrived, although the license plate of the Honda had been run and returned as Vincent Foster with a LR address. The name meant nothing to Rolla or anyone else at the time according to his deposition -- no one was yet officially aware that VWF worked at the WH [385].

Didn't any of the USPP officers on scene tell Rolla and Braun about the victim's WH connection when Rolla, Braun, and Apt arrived at FMP?

How Did The Secret Service Phone Number Get Written In USPP Rolla's Notebook?

Does any information in the record provided directly by Rolla or Braun indicate that these two investigators knew of VWF's WH connection almost as soon as they arrived at FMP at about 1845? ***Yes.***

Rolla was asked if he personally ever heard anything from the Secret Service [while at FMP]. He answered "No. I didn't talk to them at all [395]." Later in his deposition, Rolla reiterated he did not contact the Secret Service and stated he did not know who officially did notify the USSS about VWF's body [444].

In this context, another portion of Rolla's deposition and some notes he jotted down in his investigator's notebook at FMP are of interest. Rolla's attention was called to these notes during his deposition [474-475]:

> Q: Officer, this is a copy of some of your notes that we were provided. Could you just take a look at one of the phone numbers in the middle of the page, I think it is just a seven digit number.
>
> A: Yes. Lieutenant Walter?
>
> Q: That one, yes. Who is that?
>
> A: It could be Lieutenant Danny Walters [sic].
>
> Q: Who is that person?
>
> A: He is a Lieutenant on the Park Police. I don't know, call this number and find out.
>
> Q: You don't recall who it is?

FOIA # none (URTS 16370) DocId: 70105696 Page 188

A: I don't know, **maybe this is a Secret Service guy**. **Maybe I called him**. **I don't remember, but I don't remember** [sic]. I say, let's call the number and find out now, then we will know. 395-4366, I don't know if that is a car phone or what it is.

A copy of the note sheet in question is at 488 of the record. Three of Rolla's note sheets are printed at 488-490.

The chronological order of the notes sheets is apparently page 489, page 490, and then page 488 of the record. Page 489 has Rolla's notes when his car first rolls from Anacostia Station on the way to FMP. It next lists the Mercedes that had broken down on the entrance ramp to FMP off the GWMP (not the Mercedes 190), just as Rolla would have seen it as his unit pulled into FMP.

Page 490 contains a ***visual*** *description of VWF's Honda, both the exterior and the interior as viewed through the windows. This is consistent with Ferstl having directed Rolla's attention to the Honda as Rolla and the other investigators drove into the FMP parking lot.*

Page 488, the third page in the chronological sequence, begins with the information one would obtain from running the ***license*** *plate of the Honda (still registered in AR to VWF) at his former LR address.*

Immediately following that notation is the name and number of a "Lt. Walter." Immediately following the name and number of Lt. Walter is VWF's local address in Georgetown (and a 202 area code number that was apparently VWF's home phone number at the time of his death).

If one calls the number given for Lt. Walter today, one reaches a Lt. McBride (or MacBride) who states that ***the phone number in question rings in room 058 in the WH basement. Lt. McBride (or possibly MacBride) informed the author that he is a uniformed officer of the USSS.***

Based on the sequence of notes in his investigator's notebook, Rolla obtained the phone number of a Lt. Walter who was a uniformed officer of the USSS located in the WH basement immediately after he wrote down the information Ferstl had obtained by running the plate of the Honda. Although this particular note does not provide a time, Rolla appears to have written this name and number in his notebook sometime around 1840, based on his official arrival time at the FMP of 1835 and the relationship of the descriptive material in his notes to the rest of the record.

Rolla stated he never contacted the USSS. If so, how did he obtain Walter's name and number? Perhaps he was given it by Officer Ferstl or some other person in the park (such as Lt. Gavin -- the shift commander would doubtless have a phone list of some kind that listed USSS names and numbers)?

Why did this person, whoever it was is unknown, think it appropriate to give Rolla the WH phone number of USSS Lt. Walter [and perhaps VWF's Georgetown address too, since it was the next item recorded in Rolla's notebook with no obvious (at 1840) provenance for it since the Honda had (officially speaking) not yet been entered]? How could the connection have been made unless a person or persons unknown accessed the WH ID in the Honda

FOIA # none (URTS 16370) DocId: 70105696 Page 189

(sometime not later than 1820-1835) ***or was VWF linked to the WH, perhaps much earlier than even 1830, via a mechanism that does not appear even implicitly in the record?***

Rolla stated that he was briefed by Ferstl on his arrival at FMP [478] and that Ferstl already knew VWF's name and that he was from LR [Information that could have been obtained from merely running the plate on the Honda -- no need necessarily to go inside the Honda for that particular information], but the presence of Lt. Walter's name at that point in Rolla's notebook raises some serious questions about the latest possible time the USPP actually knew there was a VWF-WH connection. It is clear from the questions they asked that the individuals taking Rolla's deposition were curious about this issue too.

One easy way for the person who cued Rolla to have known Lt. Walter's name and number at the WH would have been to have opened the (officially) unlocked door of the Honda, after having seen the suit jacket on the front passenger seat [or possibly draped over the back of the front passenger seat] that matched the suit pants VWF was wearing.

Having accounted for the only other car officially in the parking lot at that time (the MD Nissan with the couple having a late lunch [sic] at FMP, who had been located by Spetz), this individual would have opened the Honda, lifted the jacket if necessary, and seen VWF's WH ID lying under it.

The "problem" with this analysis for the official Reports is that it means that the WH, too, almost certainly would have learned that VWF was dead at FMP not later than 1840 or so, not the 2030 officially claimed [2076 & 2551(dupe)] That is, unless the USPP, with the WH ID of a dead person in hand, waited, for reasons unknown, about two hours to call the USSS.

For reasons also unknown, this line of questioning was not pursued further in the Senate Hearings in the summer of 1994. If the WH did know of the death sometime around 1830 rather than the 2030 officially claimed [2551], ***what use, if any, was made of the additional two-hour window?*** *[This should be of interest to those conducting the 1995 Hearings on the fate of VWF's WH papers.]*

The Official Search Of VWF's Honda Came Significantly Later Than 1830

USPP Investigator Rolla ran the plate of VWF's 1989 four-door Honda Accord (AR license plate and parked in the fourth space on the left as one drives into the FMP parking lot) just after he arrived in the FMP parking lot at 1835 [150]. According to Rolla's deposition, however, the plate was not necessarily run by him personally [385], but could have been run by one of the other investigators or by Officer Ferstl.

USPP Officer Ferstl apparently informed Rolla on Rolla's arrival that the Honda likely belonged to the victim: the suit jacket folded on the front passenger seat matched the slacks on the body. When Fornshill left the park (officially around 1825 or slightly sooner), he saw the jacket "neatly folded **over** the front passenger seat [1585]."

Does this phrase mean the same as "folded over the back of the front passenger seat" in contrast to folded "on the front passenger seat?"

The jacket was also found "folded **over the back** of the front passenger seat [481]." Rolla wrote down the tag number, ran it using his car phone, and it "came back to" VWF, exact address unknown, LR [78].

Rolla states that a search of the Honda (referred to as the "official" search herein) found the wallet in VWF's suit jacket **on the front passenger seat** of the Honda [393], but he told the FBI that the jacket was "neatly folded **over the back** of the front passenger seat [1603, see also 2123]." The WH ID was on the front passenger seat by the time of the official search (under the jacket if the jacket had "migrated" to the front passenger **seat**).

Rolla also states that a search (after the body had been bagged [481]) of the Honda found the wallet in VWF's suit jacket **on the front passenger seat** of the Honda [393, 436]. The WH ID was apparently under the jacket. Braun indicated the suit jacket was **on** the front passenger seat when she searched the Honda [561].

Per the Fiske Report, the body was not placed in the body bag by the second cannon until about 2045 [211]. Since Rolla did not begin searching the Honda, according to Rolla's chronology, until after the body was bagged at the 2045 time provided in the Fiske Report, how did the WH know that VWF was dead at no later than 2030 [2551]? Why does the Fiske Report state that the body was bagged significantly later than the record it actually was?

According to Rolla, it was when he discovered the WH ID in the Honda [time not stated] that he first realized that VWF worked at the WH [397]. This discovery took place after Dr. Haut had completed his examination of the body, according to Rolla.

Since Dr. Haut arrived at FMP (per the USPP, at 1940) and Dr. Haut indicated he stayed at the park about 30 minutes, the approximate time Rolla **began** to search of the Honda would have been around 2015, some 15 minutes before the WH officially knew of VWF's death [2551].

This does not leave much time for the WH to have been called (via a call to Gavin from the park and a call by Gavin to the USSS) by 2030, especially since Braun said it took her two tries to get the information to Gavin.

This 2015 starting time for the search of the Honda, though derived directly from the record, is unlikely, given the timetable provided by Braun that states *she* was the first to search the Honda (below). Furthermore, given Dr. Haut told the FBI in his interview he arrived at 1845 (not **1940**) and stayed at FMP about 30 minutes, the actual time Rolla began his "official" search of the Honda was probably about 1915, not 2015.

After completing his work at the body site and after Dr. Haut was finished with his work, Rolla said he returned to the Honda in the parking lot. Q: "Had the car been opened when you returned to the parking lot?" A: "I think it might have been opened with Simonello taking the photographs. **No one had gone in and retrieved anything** [435]." *Retrieved? Retrieved what? The briefcase that several witnesses saw in the Honda but which was not in the Honda per the official Reports? Is this another interesting verbal formulation under the circumstances?*

Rolla said **he** was the USPP person who "went through the car [436]" **after** Simonello had photographed it. Braun says **she** was the one who began the search of the car [561].

According to Braun's deposition Q: "Back to your search of the car. **Were any other Park Police Personnel involved in the search of the car?**" A: "**No.**" Q: "Did any other Park Police personnel touch or otherwise enter the car itself or any of its contents?" A: "**No**, not at the scene."

Something is wrong here. Rolla and Braun cannot both have been the first to search the Honda officially. In fact, since there is strong evidence the Honda was entered sometime earlier (1820-1830), they are ***both*** *wrong: neither of them was the first official to go inside the Honda since it appears that the Honda was initially entered a few minutes before their arrival.*

VWF's WH ID was inside the jacket in the Honda per the Fiske Report [210]. According to Rolla, he found the WH ID under the suit jacket which had been placed on the front seat of the passenger side of the Honda [436]. But a bit later in his deposition he says, "I think Cheryl Braun said he has a White House ID here [437]." The wallet was found inside the jacket [436].

Per Rolla, "I looked through the whole car. I looked at everything. . . Trust me, I looked. I looked under the seats. I looked in the trunk. I looked at every piece of paper I could find [437]." Per Braun, after spending 15-30 minutes at the body site, she returned to the parking lot to go through the Honda "I went through the car [502]."

According to Rolla and Braun, no keys were found in the Honda (or, earlier, with the body when it was searched by Rolla) [436]. ***Who has the keys to the Honda (and VWF's second key ring with his WH keys) at this time? This mystery will be discussed below.***

<u>Watson, The Communications Link Between Braun and Gavin Was Not Questioned</u>

Braun says she found the WH ID [time not given] and had "another officer" [503] [name not given] inform the White House of VWF's death [502,561]. But she later (somehow) found out that the WH had not been notified. *It might be interesting to learn how Braun found out that her prior message to Gavin was* ***not*** *delivered.*

She then personally contacted Lt. Gavin and he let the WH know VWF was dead at FMP [504], estimating that she contacted Gavin at 1930-1945 [561]. Later in her deposition [531] Braun said she asked an officer Watson to tell Gavin (presumably so that the WH would be informed immediately).

Officer Watson is apparently not mentioned elsewhere in the official record, *though one would think that this crucial official first link to notifying the WH of VWF's death would have been pursued.* Watson and an intern [2269] apparently had gotten permission to tour the crime scene, so Braun took the time to escort them up (apparently after having finished her search of the Honda since that is how VWF's WH connection was officially established after Braun returned to the FMP parking lot). The name of the "intern" is not in the record.

In the words of the Fiske Report [183]: "Everyone known to have been in Fort Marcy Park on the afternoon or evening of July 20, 1993, also was questioned." The intern and USPP Watson thus join the long list of those for whom this Fiske Report statement is "not operable."

FOIA # none (URTS 16370) DocId: 70105696 Page 192

Braun Says She Was The First Person To Search The Honda And Notify Gavin

Caution: These times may be hard to follow and somewhat confusing, but they are the times the information in the record provides.

After spending 15-30 minutes at the body site (after having tarried in the parking lot for a time interviewing the couple who had arrived in the Nissan around 1715-1730) Braun says **she, not Rolla,** found the jacket **on** the front [passenger] seat, not folded over the top of the seat [502,561].

Braun states that she personally advised Gavin of VWF's WH connection at about 1930-1945 based on her search of the Honda. Gavin had long since left FMP. However, roughly thirty minutes prior to that time was the first time Braun tried to notify Gavin of VWF's WH connection [561] and failed.

The WH indicates it did not officially know of VWF's death until 2030 [2551]. If Braun's times are correct, Gavin did not notify the WH within the ten minutes or so of being notified himself as he stated in his FBI interview [1555].

Keep in mind at all times that the VWF-WH connection was in reality known not later than 1830 (see the sub-heading "When Did The USPP Learn Of VWF's WH Connection" above) in the author's opinion. Even if Gavin were officially notified by Braun at 1930, that still would leave a one-hour gap before the WH claims it first knew officially that VWF had died [2555].

The USSS Memo That Indicates When The WH Learned That VWF Was Dead

Page 2551 of the record is a copy of a USSS Memo written at 22:01 on July 20, 1993, that states that the WH learned at 2030 on that evening that VWF was dead. The memo says that the body of VWF was found "**in his car. . . parked in the Fort Marcy area of Virginia near the GWMP Parkway**."

The memo states that VWF apparently died of a self-inflicted gun show wound to the head [*more evidence that the suicide theory was fastened onto relatively early in the evening*]. The memo states that the time the body was found is not known to the USSS. The USPP found the body and USPP Gavin had contacted the USSS per the memo.

An aside: This USSS memo indicates that in addition to being Deputy WH Counsel, VWF was also a **Deputy Assistant to the President**. This latter title may simply be an ex officio title deriving from VWF's status as Deputy WH Counsel, but the author does not know for sure.

VWF's Jacket -- "Over" Back Of The Front Seat Versus "On" The Front Seat

*There is evidence that the individuals who viewed the jacket in the Honda relatively soon after the body was found saw it hanging or folded **over** the **back** of the passenger seat while those who saw the jacket somewhat later in the evening saw it folded **on** the passenger seat itself.*

If this turns out to be correct, then VWF's WH ID (which virtually everyone agrees was itself on the front passenger seat [that is, under the jacket when the jacket was on the seat itself]) would have

been in plain sight sitting on the front passenger seat, making it more likely that one of the first USPP or FCFRD personnel would have seen it in plain view on the front passenger seat, and therefore made the reasonable decision to enter the Honda soon after the body was found.

An Unusual Call From The White House After Gavin Contacts The USSS

Gavin explicitly stated to the FBI that "the White House identification was discovered in the vehicle after he left the scene." Sometime later, one of the detectives called Gavin (name not given in one recounting, but apparently USPP Watson; see the Comment above) to inform him of the White House connection to VWF and Gavin notified with WH within 10 minutes of being notified himself [1555].

His call was returned in about ten minutes by Bill Burton, Assistant WH Chief of Staff. **Burton's *first* question was whether the USPP had checked the registration on the gun and knew to whom it belonged. This struck Gavin as a strange first question for the WH to have asked him. Why was Mr. Burton never asked about this unusual first question to Gavin?**

Gavin was not asked what time he notified the WH.

Photographs Of The Honda Were Taken In The FMP Parking Lot, But. . .

Braun, and apparently Simonello, took photographs of the Honda in the parking lot at FMP [529]. *By any chance did Simonello's 35 mm film of the Honda in the parking lot "come out" even though the ones he took at the body sight with the 35 mm camera did not? Apparently not.*

For reasons unknown, all the reproduced photos of the Honda in the record are apparently of the Honda in the USPP Impound Yard, not at FMP, even though USPP Investigator Cheryl Braun took five Polaroids of the Honda at FMP that are inventoried in the record [2112]. Since officially, no one was investigating the death as a homicide, it appears that no notations were made as to the positions of the mirrors and the driver's seat. If VWF drove the Honda to FMP, the seat and mirrors would have been set appropriately for a man of his height, 6' 4.5" [2173].

Due to the compact size of the Honda, if the seat were positioned fully to the rear (the expected position for the 6 foot 4.5 inch VWF), little could be inferred about the height of the person who drove the Honda to the FMP parking lot. On the other hand, if the seat were positioned any other way, a strong inference could be made that the Honda was not driven last by some one over 6 foot 4 inches tall. The mirror positions (inside and driver's side) would have been much more indicative of the height of the individual who drove the car last.

It is a pity that no photos of the Honda in the parking lot made it into the record, for this reason and others. Although no photos of the Honda at FMP apparently appear in the record, five were taken there by Cheryl Braun that are listed in the record [2112]. Do these Polaroids reveal the positions of the driver's seat prior to the search of the Honda? Presumably they do. ***What is the position of the driver's seat?***

This is an example why evidence should not be altered (or released) until a homicide is clearly shown to be a suicide.

FOIA # none (URTS 16370) DocId: 70105696 Page 194

The Honda Was Dusted For Fingerprints, But None Were Found

The Honda was dusted for fingerprints while **at the FMP parking lot** [1660]. However, there is no mention in the record of the analysis of the results obtained. One might think that Evidence Technician Simonello would have been the individual dusting the Honda for fingerprints, but he told the FBI that he did not [639,2159]. Simonello believed another individual [apparently at the impound yard?] had dusted the vehicle for prints.

According to Simonello "I don't believe they found any [fingerprints when the Honda was "processed"'] [639,669]." *This is particularly interesting in the light of the testimony of the couple in the Nissan who saw two individuals (not VWF) in and around VWF's Honda in the FMP parking lot shortly after 1700 (within 2-3 hours of the time the Honda was dusted for prints).*

Although there may well be no connection with the Honda fingerprint issue, the FBI interviewed Simonello on June 1, 1994, telling him that the FBI Lab had completed the majority of the physical examination of the evidence provided to the FBI by the USPP, and informing Simonello that there were two issues that the interviewing agent wished to discuss with Simonello [1757]. The entire remaining portion of the FBI interview report is redacted, so the record does not reveal what questions the FBI had or what Simonello's responses were.

More On The Arrival Time of Dr. Haut, The Fairfax County Medical Examiner

There is an inconsistency in the record: the USPP indicates that Dr. Haut arrived at FMP at 1940. However, his own FBI interview indicates he arrived at FMP roughly one hour earlier at about 1845. In any event, Dr. Haut arrived well before Ambulance 1 (A01) that transported the body to the morgue.

The Map Braun Found On The Front Passenger Seat Floor Was Ignored

Braun found a map on the passenger seat floor of the Honda that had apparently been folded into a square to display just a part of the map [506]. It was a map of the DC area.

Braun was never asked specifically to what area the map was folded. Why might this be an important? The author can think of two reasons. Per the record, VWF had never mentioned FMP and did not know of its existence as far as anyone knew [204]. If VWF had merely selected FMP as a good drive-in suicide site on a real-time basis, he would have needed no map to guide him to an opportunistic venue.

However, if someone other than VWF was driving his Honda around to the vehicle entrance to FMP off the GWMP (from, say, a dwelling near the northwest side of the park), to foster [sorry] the impression that VWF drove himself to FMP, that individual might well have needed a map to help him locate the FMP exit off the GWMP which appears with little warning. Good directions to the exit would have been particularly important if, for some reason, the driver of the Honda were under significant time pressure. The Table of Civilian Vehicles indicates a Japanese car, possibly with AR plates, ***cut sharply across the lanes of the GWMP*** *and took the FMP exit at about 1450.*

FOIA # none (URTS 16370) DocId: 70105696 Page 195

Alternatively, and less controversially, the area to which the map was folded might have indicated the unknown location that VWF traveled to after leaving the WH (This would probably also mean he did not go there regularly -- he needed a map to help him find the place, presumably a rendezvous with persons as yet unknown). The Fiske Report regretted that the investigation could never uncover any leads where or how VWF spent these five hours, but apparently the folded-up map on the front seat was not considered of any importance in this connection.

VWF's Honda -- Locked Or Unlocked?

VWF's taupe gray Honda was always unlocked at FMP [150,436,501,2159] according to the official Reports.

One would think that VWF would have left his car ***locked****, even if he had left it to commit suicide. By all accounts he was a careful man, a "meticulous" perfectionist per his friends' comments in the record. Surely, the last thing he would have wanted to occur would have been to have his family be forced to cope with his suicide and at the same time be hassled by the problems of a stolen wallet, bogus credit card charges, possibly a stolen Honda, and someone running around the Virginia suburbs with his WH ID. That VWF would have locked the Honda is by no means a certainty, but seems to be a reasonable position given the VWF described in the record.*

Note that there is evidence above that the first EMS personnel on the scene (before the USPP investigators arrived) thought the vehicle was ***in fact locked*** *(see the Comment above regarding the EMS personnel who gathered around VWF's Honda at about 1830).*

If everyone after the FCFRD personnel had left says the vehicle was unlocked, who unlocked it, and with what? A critical point: the Honda keys were not officially found until much later (see Comment below).

Could someone have unlocked the locked car with a slim jim or similar tool? If it had been locked and the keys were not to be found in the park (officially because the keys were missed when the VWF's pants pockets were searched) what would have been an alternative way to open the Honda? After all, a man drives himself to a park, kills himself there, leaving his car locked, but with no keys on him or in his car? That is hard to believe, particularly if the car had not been rifled (as VWF's Honda had not been).

Ferstl was the USPP person who accompanied the Honda when it was towed away to the USPP CIB impound yard [1630] later that night at 2130 [2122,2440].

Bill Kennedy told the FBI the Honda was not retrieved from the USPP until "one and one-half to two **months**" after the death [1621]. In fact, Craig Livingstone picked up the Honda on July 28th, **eight days** after the death, at 1435 [2201]. There is an unusual fully-redacted property control receipt at 2199-2200.

FBI Lab Analysis Of The Clothing Worn By VWF at FMP

The FBI lab determined that VWF's clothing contained carpet-type fibers of various colors and that his shoes and clothing did not contain any coherent soil [221]. Small particles of mica were found on VWF's clothing [222, 251] and mica is present in the soil at FMP, *but one might wonder whether some of this mica, a relatively soft, sheet-like mineral, especially in the very dry weather conditions that existed at the time of VWF's death [386], might not be deposited by the wind on the abundant vegetation in the area, making it possible to find traces of mica in his clothes.*

One might also ask why the presence of the carpet fibers, the location of the glasses some 19 feet below VWF's head at the turn in slope at the bottom of the berm, the lack of coherent soil on his shoes, and the body's neatly-laid-out position, taken in combination, do not merit discussion in the record that VWF might have been carried into the park from the north or northwest side inside a carpet or some similar material.

As far as the author can determine from the record, none of the investigations examined the seat of VWF's Honda to determine whether any of the fibers on his clothes matched those of the Honda seat or, more important, whether any of the carpet-type fibers present on VWF's clothes were also present on the driver's seat of the Honda.

Presumably, if VWF drove his Honda to FMP and was found on the ground near the second cannon with a sizable number of these fibers on his clothes, the same sort of fibers would also have been found on the driver's seat and seat back of the Honda a few minutes earlier. Had they not been found there (if the seat had been checked for them, which it was not), that would have been some evidence that VWF did not drive his Honda to FMP the day he died. The Honda has long since been released to the widow and sold to a relative.

Blond-to-light-brown head hairs of Caucasian origin that were not VWF's were found that came from some or all of the following clothing items: T-shirt, pants, belt, socks, and shoes. These hairs were mounted and preserved for future comparisons [244], but no comparisons apparently have been made.

*Given these hairs were suitable for comparison (**they were, after all, compared successfully with VWF's own hair and found to be dissimilar**), it would be relatively easy to determine if these hairs matched those of any members of his immediate family. If no match was found, comparisons could then be made to the hair of VWF's day-to-day co-workers (again, not a large population).*

The Search For The Fatal Bullet At FMP

The Fiske Report notes [222,372-373] that the extensive number of bullets and other metal objects (buttons, coins, nails, etc.) [about 60] detected during the FBI search of the body site for the bullet that was fired from the Army Colt .38 Special revolver found in VWF's right hand was conducted on April 4, 1994 [372-373]. There is no explanation why a previous USPP search of the scene with metal detectors [400] did not turn up **anything metallic**, particularly given all the metal objects later located by the FBI search [2140]. The Fiske Report does not refer to the previous USPP metal detector sweep of the body site.

Although, according to the record, the soil where the body was found was hand-sifted by the FBI in April 1994 and screened by various other methods to a depth of roughly 18 inches [222, 223], none

FOIA # none (URTS 16370) DocId: 70105696 Page 197

of the tree roots found at the surface of the ground under the body [228, 391] appear to have been cut as of mid-June 1995 [personal observation at the site by author].

The FBI search officially cleared out a lot of the vegetation that was in close proximity to the official body site [1019,1158]. Pisani recollected to the FBI in his interview that, although there was a lot of vegetation where the body was found at FMP, in May of 1994 there was no vegetation at the spot [1549] at the time he spoke with the FBI. Hall noted in his FBI interview that the area where the body was found did not contain the heavy vegetation in April of 1994 that it contained at the time of VWF's death [1551].

Based on the time he spent at the site in June 1995, the author questions whether the site on the slope of the western berm neat the second cannon was heavily vegetated in recent years. If he is correct, this is some additional evidence indicating the body was actually located in another place within the park, perhaps the location favored by Reporter Chris Ruddy, some yards west of the first cannon on the slope of the southern berm (there was and is extensive vegetation in this area).

Why Was No Gun Shot Heard -- The Dwellings Near FMP

In discussing the reasons why no one in or near FMP heard the gun shot, the Fiske Report states "The closest building to the Park is the official Saudi Arabian Ambassador's residence located across Chain Bridge Road, a few hundred yards away from the spot that Foster shot himself [230]."

This Fiske Report statement is completely false. See the annotated "Homes" Table in Appendix I. See also Map V (R) in Appendix II.

As indicated in the annotations to the Table, not only is the Fiske Report mistaken in that there are a number of homes closer to the Park and to the location of VWF's body, but also no publicly accessible official VWF death investigation records indicate that the occupants of the five closest homes to the body were ever asked if they heard the shot on the 20th, saw anything unusual that day, or had any other information the might be of use to the investigation.

The M.E. Views VWF's Body, It Is Bagged, And Taken To The FMP Parking Lot

Braun said she was finishing her search of the Honda about the time Dr. Haut and the ambulance that was to take the body to Fairfax Hospital (the morgue) arrived [561].

However, according to his FBI interview, however, Dr. Haut arrived at FMP at approximately 1845, or about one hour earlier than stated in the Fiske Report [1658]. He left the scene about 30 minutes after his arrival [1660], never having seen the FCFRD personnel who made a separate trip to FMP [Ambulance (A01) and Truck 1 (T01P)] to transport the body to Fairfax County Hospital. Before he left the scene, Dr. Haut knew that the USPP knew VWF's identity and that VWF was employed at the WH [1660].

According to the Fiske Report [211] Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the body site to examine the body at about **1940** or 1945 [480,2124,2127,2160,2521]. "Haut observed a large exit wound in the back of the skull" when the body was rolled over.

The Fiske Report states that Dr. Haut arrived at FMP at 1940, roughly one hour after ***Dr. Haut told the FBI he arrived at FMP (1845). The Fiske Report statement about Dr. Haut does not agree*** *with Dr. Haut's statement about Dr. Haut. Who made this basic mistake and why was it made?*

Was it useful to have it seem as if Dr. Haut appeared at FMP around 1940, not 1845, since he would (did) state in his FBI interview that he knew of the VWF-WH connection by the time he left the park (1915 at the latest according to Dr. Haut and about 2015 at the latest according to the USPP time in the record)?

If Dr. Haut's official arrival time was about an hour later than actual, then the fact that he knew of VWF's WH connection when he left FMP would not be as awkward, given the official time the WH was notified was 2030 [2551].

Dr. Haut also told the FBI that he did not recall seeing any blood on VWF's face and shirt (unlike the photos the FBI showed him).

This is a yet another trained witness reporting a material discrepancy between the photos shown them by the FBI and what they actually saw. That this witness was the only medical doctor who examined VWF at the scene was apparently no reason for the investigators not to totally discount his statement.

Rolla estimated he had been at FMP about an hour when Dr. Haut arrived, maybe somewhat more [419]. He told the FBI that Dr. Haut arrived at FMP at 1945 [1602] about an hour after Rolla's 1935 arrival but, **according to Dr. Haut's FBI interview, he arrived just after Rolla (at about 1845).**

Ambulance 01 Arrives At FMP After Dr. Haut Left The Park

Ashford and Harrison of Fairfax County EMS drove to the FMP parking lot for VWF's body sometime after Dr. Haut's examination of the body was complete after the doctor had left FMP. Their task was to transport VWF's body from the body site to the Fairfax County Hospital/Morgue [1346]. Ashford recalled what he thought was a "red Honda Civic" in the parking lot, but he was later informed that the vehicle was VWF's light gray four-door Honda Accord [1346,1559]. He noted to the FBI that the jacket was on a hangar in the back window of the vehicle [1559].

This was around 2000. Perhaps the jacket had been put on a hangar by this time.

One Of The Ambulance Drivers Sees A Car In The FMP Lot Not mentioned Elsewhere

Ashford noted a black Cadillac in the parking lot [1559] when he arrived to transport the body [1559] at 2016 [1108].

Whose vehicle was this? Certainly a CoDel was not on scene so quickly! The record does not say. It should not have been Dr. Haut's since Dr. Haut stated he had left before the ambulance drivers arrived. The car had to have been officially admitted into the FMP parking lot for Ashford to have seen it there. Thus, it must have been allowed to cross the "perimeter" Braun set up at the exit to

FMP off the GWMP by ordering the FMP vehicle gate closed. Why was this vehicle allowed in the lot?

The Body Is Bagged Way Back By The Second Cannon

Ashford lifted VWF from the head and shoulders area (and Harrison from the area of VWF's feet, or possibly the head [1377]), to place him in the body bag [1347]. According to Ashford's FBI interview "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 [1347]. Ashford also did not see any blood on the ground at the body site [1559]."

In the words of Harrison's FBI interview, he "did not recall seeing any blood on Foster and did not recall seeing any blood on individuals handling the body." The reason given for his remembering this was that if blood had been present a hazardous materials report would have had to have been filled out and Harrison decided he need not complete one due to the lack of blood.

Still another apparent discrepancy about the amount of blood seen on the body.

According to Rolla's FBI interview, having been placed in the body bag, the body was rolled to the FMP parking lot under the direction of the Medical Examiner, Dr. Haut [481].

There are two problems with Rolla's statement. Dr. Haut, in the words of his FBI interview described his departure thus: "According to Haut, there were no paramedics on the scene while he was at the death site. Foster's body was still in place when Haut departed the death scene [1660]."

Why does the author believe Dr. Haut is correct? Because Dr. Haut arrived at FMP at about 1845 [1659-1660], just like he told the FBI he did, not the 1940 provided by the USPP and the Fiske Report, and left about 30 minutes afterwards (1915, more or less).

The paramedics in the ambulance had not yet arrived to transport the body, so of course Dr. Haut did not see them. The computerized time record reporting system in Ambulance 1 (A01) show it "on scene" at FMP ready to depart for the hospital with the body at 2016:27 and arriving at the hospital at 2030:55 [1096,1428 read in tandem]. The time needed to drive to the hospital (14-15 minutes) is quite reasonable (the author has timed this run at about the same hour on a weekday). T01P, the truck, had accompanied A01 since the body was so far back in the woods. T01P arrived at FMP at 2002:25 and freed up for new duty at 2021:27 [1096,1428 read in tandem].

Since Dr. Haut did not see these people who arrived to transport the body, he did indeed leave prior to 2003, consistent with ***his estimate*** *that he left FMP at about 1915 and* ***inconsistent*** *with the* ***Fiske Report estimate*** *that he arrived at FMP at 1940 [211] (Still staying at FMP about 30 minutes).*

VFW's Body Is Driven To Fairfax County Hospital/Morgue

VWF's body was driven to Fairfax County Hospital by Ashford and Harrison in ambulance A01 [1097,1377] where it was formally pronounced dead by a hospital physician, Dr. Orenstein [1656]. Ashford did not recall seeing any blood during the physician's brief examination (the doctor felt for a

pulse and detected none) [1347]. The corpse was then driven to the morgue located within the hospital complex.

Truck 1 (T01P) also responded to the scene since the body was hundreds of feet back in the park [1366]. The body in its bag was transported to the parking lot on a wheeled stretcher. Bianchi told the FBI the path was rocky and that it was a long distance. At the parking lot, Bianchi unzipped the body bag and put a toe tag on VWF's right toe (no mention who removed the shoe(s), perhaps Bianchi).

According to the Fiske Report, the Fairfax County ambulance was despatched to FMP and VWF's body was placed in a body bag about 2045, put on a wheeled stretcher, rolled the roughly 750 feet to the parking lot where the body was given a toe tag, and the body was transported to Fairfax County Hospital [211] where it was examined briefly by Dr. Julian Orenstein who officially pronounced the VWF dead, and then driven to the hospital morgue.

The record does not state the amount of time it took to roll VWF's body 750 feet over uneven ground to the lot or how long the body was at the lot before the ambulance left with it inside.

The ambulance then took VWF to Fairfax Hospital (and morgue) and Truck 1 returned to the station. Truck 1 responded to the scene at FMP at 2002:25 [1096,1428]. Ambulance 1 reported it started on its way to FMP at 1947:32. Ambulance 1 actually left with the body for the hospital complex at 2017:26 [1096,1428]. Andrew Makuch also rode Truck 1 that night [1369], as did Victoria Jacobs [1373; see also 1390].

The Fiske Report is wrong. **According to the computerized time log of the ambulance, it began transporting the body to the Hospital/morgue at 2017:26, and arrived at the hospital at 2030:55 [1096,1428]. Dr. Orenstein estimated he examined the body between 2030 and 2100, an estimate that matches nicely with the 2031 arrival time provided by A01 and not so nicely with the Fiske Report statement that the body was being bagged back by the second cannon at 2045.** *If there is a logbook* ***at the morgue*** *that notes the arrival time of bodies received, it should be of great help in establishing what time the body arrived at the morgue.*

More On The Nature of VWF's Head Wound

Dr. Haut told the FBI, in the words of his interview report "**Haut believed that the wound was consistent with a low velocity weapon** [1660]." [That is, something other than the Army Colt .38 Special with a four-inch barrel and the two high-velocity cartridges (one spent) that were found at the scene]. ***This remark by the only doctor to examine the body in situ was not mentioned in the official Reports.*** *The author finds this judgment call by the authors of the Fiske Report remarkable indeed.*

Ceteris paribus, a low velocity weapon would cause less damage to the skull and the slug would be more likely to remain within the brain case (see the Heading, "The Autopsy and Related Matters" for a discussion of the X-rays at the autopsy). A low velocity weapon is one that imparts a significantly lower muzzle velocity (when compared with the muzzle velocity of a "standard" round for that type weapon) to the fired slug, either due to shortness of barrel length, a reduced gunpowder charge in the cartridge (most common), or the presence of a silencer (or some combination of these reasons).

Such a weapon is typically used (when used at all) in contract killings in which a gun is used up close. In the lingo of the trade, first the victim is put at ease ("buttered") and then shot without warning ("toasted"). There are a variety of reasons for using a low-velocity weapon: less noise, less splatter and atomization of blood (less chance of getting blood on the shooter, or his clothes, that could be tied to the decedent via DNA-type analyses), etc. Further, deponent sayeth not.

USPP Investigator Rolla, like Dr. Haut (but unlike the Fiske Report), apparently found it somewhat surprising that the revolver found in VWF's right hand was responsible for his head wound. Per Rolla, "I still can't believe the hole -- it's a small hole." His head was not blown out. . . I probed his head there was no big hole there. There was no blowout. There weren't brains running all over the place. . . I initially thought the bullet might still be in his head [401]."

In the author's lay opinion, this comment by Rolla is consistent with the use of a low-velocity weapon as described by Dr. Haut. An Army .38 Colt Special with HV ammunition would normally thoroughly blow out the brain case when fired in the manner the official Reports suggest was used by VWF. Dr. Haut's comments agree with Rolla's.

[The Comment below about the X-rays at the autopsy is relevant to Rolla's initial thought that the bullet might still be in the head.]

EMS Arthur also stated in his deposition ". . .a .38 would have an exit wound. I've seen .38 gunshot wounds before to the head, and they have had exit wounds before. I don't know, maybe out of some weird coincidence or something this one didn't, but from what I saw in past times, .38s usually have an exit wound [887]." Thus, Arthur saw the body and, like Rolla and Dr. Haut, thought there was no exit wound.

EMS Sergeant Gonzalez was also surprised by the lack of blood and the modest extent of damage from the supposed point-blank shot to the head from the .38 [1134].

Arthur stated he talked with EMS Ashford who put the body in the body bag and EMS Ashford told him **there was no exit wound** [891] "He said the head was intact when he picked it up." As indicated above, Ashford told the FBI that he did not recall seeing any blood when he placed VWF's body in the body bag [1347].

However, the Fiske Report states "Haut observed a large exit wound in the back of the skull [211]."

It would be interesting to be able to compare this statement about what Dr. Haut said to what Dr. Haut's report says (it's not in the record). It's clear that Dr. Haut and the Fiske Report differ about the time Dr. Haut arrived at FMP (Fiske: 1940; Dr. Haut 1845). It's also clear that Dr. Haut's statement to the FBI about the wound appearing to have been consistent with use of a "low velocity weapon" is inconsistent with the Fiske Report quote above about the large exit wound.

Simonello raised a related point "I wondered about the fact that I did not see a lot of blood spattered on his white shirt. Spatters -- **when a high velocity bullet hits, blood is turned into teeny, tiny droplets. I saw one or two drops, but not indicative of a pattern** [664]."

FOIA # none (URTS 16370) DocId: 70105696 Page 202

Fiske's statement does not agree with the ones made by these expert witnesses, nor did the authors of these reports believe any attempt to reconcile these differences was worth their time.

VWF's Body Arrives At The Hospital/Morgue

Dr. Julian Orenstein examined the body while it was still in the ambulance [1656]. The body was then driven around the grounds to the morgue.

At the morgue, Doctor Orenstein and Fairfax County Police (not USPP) Officer Dave Tipton lifted the body by the shoulders. Doctor Orenstein did not recall seeing any blood on the decedent's back [1656,1657]. This is in contrast to a statement in the Fiske Report: "At that point [when the body was still at FMP], 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 [211]."

The reason that Dr. Orenstein lifted the body by the shoulders was to observe the exit wound. However, Dr. Orenstein's FBI interview is silent as to whether he saw an exit wound when he lifted the body [1657]. *It is surprising that the FBI interview report is silent on this point since the presence or absence of an exit wound is one of the few things (other than formally pronouncing VWF dead) that Dr. Orenstein's brief examination could be expected to reveal.*

Rolla And Braun Picked Up David Watkins Before Making The Death Notification

Gavin also called Rolla while he and Braun were en route to VWF's home to make the death notification, telling them to call David Watkins, a friend of VWF's, pick him up, and take him to the notification too [397,481].

According to Braun, this call took place while she and Rolla were on the way to the morgue to retrieve VWF's keys from the body bag [5-7]. David Watkins lived in Georgetown only a couple of blocks from the Fosters [see also 443,508]. His wife followed Rolla, Braun, and Watkins to VWF's home in the family car [482].

VWF's Keys [Two Sets] Were Located At the Morgue Hours After He Died

After searching VWF's Honda, Braun stated that she noticed no car keys had yet been found [153,507]. Rolla and Braun were puzzled after the car was searched why there were no cars keys present in the Honda or on the body [393-394,479, 560-561].

NOTE: Even if the author concedes that the USPP/FCFRD "suicide verdict" was only a working hypothesis, AT THE MOMENT ROLLA AND BRAUN REALIZED THAT THERE WERE NO CAR KEYS ON THE BODY AND NO CAR KEYS IN THE HONDA, THERE WAS NO LONGER ANY REASON NOT IMMEDIATELY TO TREAT THE DEATH AS A HOMICIDE. If the working hypothesis had been that VWF drove himself to FMP and shot himself in the mouth over by the second cannon, WHERE WERE HIS CAR KEYS?

Some professionals would have said that the body's originally having been found by someone who refused to identify himself and left the scene should alone have made the decision to

investigate the death as a homicide (and not a suicide) a clear-cut one. Couple the anonymous tip about a dead body from someone who left the scene with no car keys at the scene, and the "apparent suicide" working hypothesis (even if that is all it was) should have been thrown out immediately.

If the consensus in the record is that VWF drove himself to FMP and proceeded to commit suicide near the second cannon, the lack of keys on the body or in the car would be a big problem, would it not?

At some point in the evening (see the sub-heading, "To The Morgue First For The Keys Or Was The Family Death Notification First?") Braun and Rolla responded (no time given, but officially after they left FMP at 2045 [1603]) to the Fairfax County Hospital Morgue to which the body had been taken by Fairfax County ambulance. Braun stated she located the keys to the vehicle in VWF's right front pants pocket (inside the body bag) [481,507,561].

It is strange that Braun would write in her report [2189] that she recovered the keys from VWF's right front pants pocket at the morgue at 2045 because, per the Fiske Report, VWF was being bagged by the second cannon for the trip to the morgue at 2045 [210]. Braun herself also left FMP at 2045 with Rolla [2124]. Even realizing that all times cannot be expected to be exact, it is clear that several conflicting events all officially happened at 2045.

The Honda keys and other personal keys **(plus another set of keys also found in the right front pocket during the trip to the morgue)** were taken into custody by Braun. Braun was asked if she retained the keys after they had been found and she stated she did (either that or she gave him to Rolla) [508].

The Fiske Report **avoids and ignores** the two USPP Investigators' quest for these [two sets of] keys, merely stating "The keys to the car were found in Foster's pants pocket" [210-211], giving the impression that the keys were found on the body at FMP and that the second key ring did not exist. *Why did the Fiske Report not mention the trip to the morgue for the keys?*

*This treatment implies that the important aspect of the keys was **that they were found**, not **where they were found** (at the morgue in the right front pants pocket of the body, a pocket that had already been searched at FMP) or **when they were found. Where they were found, when they were found, and the fact there were two keys rings are the critical points in the author's opinion.** There is no absolute time stated in the record when Rolla and Braun recovered the keys at the morgue. This is surprising: the lack of car keys would have been fatal to the suicide hypothesis, so the discovery of the keys on the body, however belated, was a critical event.*

One key ring (the one with the words COOK JEEP SALES) of VWF's that was found at the morgue had four keys [246]. One of the four keys bore the inscription "US PROPERTY DO NOT DUPLICATE" and had Medco type cuts [1900]. In the words of the FBI Lab Report, "Such cuts indicate that this key was intended for use in high security locks."

The WH OLC apparently had its own alarm system in place [849], so the key with the Medco cuts could have been to the alarm system in the Office of legal counsel suite, but could just as easily been to some other high security lock in the WH OLC (or other secure space belonging to the US Government).

Another key was of the type ". . . utilized in double bitted cam locks which are used for cabinet drawers, vending machines, lock boxes, etc." The last two keys were "conventionally cut keys which are utilized in standard door locks [247]."

Members of the 1995 Senate Whitewater Committee, the next paragraph is especially for you:

Presumably one focus of the 1995 Senate Whitewater Hearings will be the locks which these four keys were designed to open and close (presumably locks in the WH OLC offices). The uses of the keys on the second key ring (his personal keys, including the Honda key) will presumably also be documented as well.

Was VWF Left- Or Right-Handed?

This issue is of importance not only because some might believe a right-handed person would be more likely to commit suicide holding a gun held in his right hand. It is also of consequence because a right-handed person would be more likely to keep his keys in his right front pants pocket than in his left front pants pocket.

Strangely, given its evidential value, the official record does not specify whether VWF was left-handed or right-handed. Rolla indicated "Sometime I hear that he was left-handed [432]," but he was by no means sure. Dr. Beyer did not determine whether VWF was left-handed or right-handed during the autopsy [364-370]. Nobody who knew VWF was asked on the record whether he was right- or left-handed. Given the gun was found in his right hand, this question should have been asked for that, if for no other, reason.

If VWF were left-handed, then the official position that he retained the gun in his right hand becomes modestly less tenable. However, if VWF were left-handed, in the author's opinion, it becomes significantly less likely that VWF placed his two keys rings in his ***right*** *front pants pocket for them to be discovered at the morgue.*

Since VWF was an athlete in high school, perhaps one of his high school annuals shows him throwing a football, hitting a baseball, shooting a basketball, or in some other activity that might give some hint whether he was left- or right-handed. Several such photos that agreed would provide a high degree of confidence that the "handedness" depicted therein was correct.

The failure of the record to state that VWF was either left- or right-handed (in connection with the discussion of the gun being in his right hand, if nowhere else) is another omission from the record that the author finds curious.

To The Morgue First For The Keys Or Was The Family Death Notification Done First?

According to Rolla's deposition:

> The wallet was in there [in the suit jacket in the Honda] with the cash, his ID, and I did not find the keys. **As it turned out, Investigator Braun and myself went to the morgue in Fairfax Hospital *after [sic] we made a death notification*, to recheck him. At that point, investigator Braun located the keys in his pocket. . . The keys were in his right pants pocket.**

Q: "Right front pants pocket?"

A: "Yes." [394].

[Also:] "**After we left the scene**, myself and Investigator Braun were **heading to Mr. Foster's residence in Georgetown** to make a death notification [397]," [presumably also meaning the death notification came before recovering the keys. Rolla and Braun did not leave the death notification until 2310 [2124]].

Later in his deposition, Rolla makes conflicting statements about the trip to the morgue. Instead of going from FMP to make the death notification to VWF family **first** and **then** going to the morgue to try to locate the keys [441-442 and 481]: Q: "After you left [VWF's home], you went back -- did you go to the hospital or back to your office?" A: "We went back to our office [400]."

Braun was clear that the trip to the morgue for the keys came before the trip to Georgetown to notify VWF's family [508].

Since VWF's eyeglasses were found 19 feet away from his face (a fact that must have seemed unusual to Rolla and Braun at the time), one wonders why Rolla and Braun seized on the already-searched pants pockets as the most likely repository of the car keys and did not first return to the body site (or recheck the Honda) to make sure the keys were not lying a few feet from the body and had just been missed there. Instead, the two of them go to the morgue, per the record (though it is not clear whether the morgue run or the death notification came first after Rolla and Braun left FMP).

Rolla and Braun knew they had a long night ahead of them (they worked straight through until 0630-0700 the next morning). Rather than call the morgue and have the attendant or someone else secure the keys (it's not like Rolla and Braun were going to fingerprint them or subject them to sophisticated forensic analysis that could be spoilt by someone else touching the keys), they decided to head for the morgue themselves (it's not like the morgue is on their way to Georgetown either) and waste an extra half-hour at the beginning of what they must have known would be a long night.

Remember that Rolla and Braun were concerned with doing a proper death notification and getting there before friends of the family swamped the family by trying to pay their condolences. In fact, the latter is exactly what did happen [397-400,508-513]. As it was, VWF's body was officially discovered at about 1815, and fully identified by 1830 at the latest (according to the analyses in this report). According to the record, the death notification was not made until 2200 (some 90 minutes after the WH admits it officially knew of VWF's death). The trip to the morgue to search for the keys and, in particular, the timing thereof, does not sit well with the author, though he would be delighted to learn more on this subject that would address his concerns!

Given Lisa Foster called VWF at the WH at 1700 and was told he could not come to the phone by Deborah Gorham, did she make other attempts did she make to contact VWF between 1700 and the arrival of Rolla and Braun at her home to make the death notification? Although one would think Lisa Foster made a number of additional calls the later it got that night, there is no evidence of them in the record. Assuming she tried at least one other time to locate her husband, what was she told then (and by whom) regarding VWF?

<u>Rolla's Contacts With Kennedy and Livingstone</u>

FOIA # none (URTS 16370) DocId: 70105696 Page 206

According to Fiske Report, WH OLC Associate Counsel Kennedy and Craig Livingstone, a Special Assistant to the White House Counsel, went to the morgue to identify the body [211].

While Rolla and Braun were en route to VWF's residence, Lt. Gavin called Rolla on the unit's mobile phone and asked him to call Kennedy and Livingstone of the WH OLC. Although Rolla stated he and Braun were en route in their car to Georgetown to make the death notification, regarding the call he said he made to Kennedy and Livingstone, he states "I called them. I don't know if it was on a mobile phone or whatever [397; see also 442]."

In his FBI interview, Rolla stated that he contacted Kennedy after picking up VWF's keys at the morgue and after calling Watkins to arrange his pickup in Georgetown before Watkins, Rolla, and Braun (in the investigator's vehicle with Mrs. Watson trailing in the family car) all went to make the VWF family death notification [1603].

Kennedy and Livingstone wanted to see the body to "positively identify" it even though VWF's WH ID and AR DL photos had been recovered and matched the face. Rolla could not understand why Kennedy's and Livingstone's trips to identify the body were necessary under the circumstances, but since Kennedy and Livingstone needed his permission to view the body in the morgue, he gave his OK without consulting with Lt. Gavin [442,481]. He called the hospital twice on this point, stating one time that he was in his car when he called the hospital morgue on his mobile phone [397].

Here is another indication that there was no need to "positively identify" VWF at the morgue. Kennedy in his FBI interview [1616] states that Livingstone was the one who called Kennedy to notify him that VWF was dead. Kennedy was at his house when Livingstone called him. This happened, per Kennedy, at around 2015-2030 (the WH says it first knew at 2030; Livingstone was copied *ex officio* as Director of WH Personnel Security (Mr. Livingstone is a security man of sorts) on the USSS memo [2551]).

In response to Kennedy's statement that he did not believe VWF was dead **and request that Livingstone confirm the death, Livingstone did so and made another call to Kennedy**. In the words of Kennedy's FBI interview: "**Livingstone called back to say he had *confirmed the death*** and that the death was thought to be a suicide in a park."

*Thus, it appears there **really was no need** for Kennedy and Livingstone to appear at the morgue to formally identify the body (whose face had already been matched by the USPP to his AR driver's license and to the picture on his WH ID).*

A related point. When someone dies a violent death, it is somewhat unusual that the first thing an intimate long-time co-worker would want to do is visit the body at the morgue (especially if the head of personnel security for the company [Mr. Livingstone in this case] tells the co-worker his good friend is dead of a gunshot wound to the head, the co-worker asks for confirmation, and the head of his company's personnel security calls the co-worker back and tells him that it's been confirmed).

One would have thought Kennedy's first impulse, as a worker in the WH OLC with VWF and a fellow-member of the AR "core" group, would have been to go directly to VWF's home to console the family. He in fact did so later that night, but only after what in the author's opinion was a curious telephone call from his boss, Bernard Nussbaum, the WH Counsel.

Kennedy told the FBI he only decided to visit the VWF home that night when he called Nussbaum (after his morgue run with Livingstone) and Nussbaum indicated he was going to go to the VWF home (presumably it is quite late by now, certainly after 2200 and maybe after 2230). It seems unusual that Kennedy decided to make his condolence call that night only after he had heard that Nussbaum was going to go (a person much less close to the VWF family than Kennedy was).

Christina Tea, a nurse at Fairfax County hospital, had called Gavin stating that there were WH people **at the hospital** who wanted to see the body and should she permit this [1556]? Livingstone may [?] have arrived at the morgue at 2210 [also?] [2264] and was refused entry until it had been cleared with Gavin, but it was probably much earlier in the evening based on what Kennedy told the FBI unless Livingstone made a second trip to the morgue. According to Kennedy, when Livingstone first called Kennedy at home around 2015-2030 Livingstone had already been told the body was en route to the hospital, and the two of them drove there separately, met, and visited the body together [1616].

Per the Fiske report, the body was not even bagged at the site before 2045. However, the ambulance computer time log indicates it arrived at the hospital at 2031. Kennedy's statement lends further credence to the ambulance's computer time log and undercuts the time given in the Fiske report. The author notes in passing that the Fiske Report was issued on June 30, 1994, roughly a month before the 1994 Whitewater Hearings began.

Thus, Kennedy and Livingstone were already at the morgue, had asked to see the body, doubtless displaying their WH IDs, and had been initially denied permission by Nurse Tea before she contacted Gavin.

Officer Tipton of the Fairfax County Police [not USPP] also contacted Gavin about giving the WH staffers access to the body. Gavin said in his FBI interview that he told Tipton it was OK to "let them see the body, **but make sure they do not disturb or take any effects** [1556]." Gavin's FBI interview states "Craig Livingstone and William Kennedy, identified as White House officials - both these men were **at the hospital** and wanted to view the body [1566]."

Note: Braun told the FBI [561] that she and Rolla talked with Kennedy while Rolla and Braun were en route from FMP to the Hospital (to retrieve the keys).

According to Braun's deposition, in contrast to Rolla, she did not think it unusual that Kennedy and Livingstone wanted to identify the body. Otherwise, she said, they would have had to have asked Mrs. Foster to do it [534]. Braun indicated that Rolla and Kennedy were on the phone for a "very long" period of time. ***Sadly, there are no tapes of these conversations.***

The record contains nothing specific about the times the body was accessed that evening, presumably once by Rolla and Braun to retrieve the keys and once again when it was visited by Kennedy and Livingstone (who arrived in two cars). Did Kennedy and Livingstone visit the body before Rolla and Braun? If any sort of morgue log exists, it could clear up when the two USPP investigators visited the morgue, when Kennedy and Livingstone visited the morgue, and who visited the body first.

According to Rolla's deposition [443] "The morgue or hospital where somebody says I want to see the body and usual [sic] the hospital, if it's a loved one killed or something, I am sure the hospital will let them look at them, view the body."

Q: "What about the possibility that -- what about the possibility of disturbing the body or clothing or evidence as part of an ongoing investigation. Would you be concerned about that?"

A: "They are not viewing it alone."

Q: "Who are they viewing it with?"

A: "They have to be let into the morgue room to view it. Many times when you view a body, you are in a separate room and view it through the glass. This time, **I don't think that happened** [Why not? Is Rolla speaking here from first-hand knowledge?]. They [Kennedy and Livingstone] were in the morgue in the hospital, they were let in, the room attendant unzipped the body bag, they looked at it, he zipped it back up." [All this sounds quite specific.]

Q: **"You can't touch the body or go through the pockets?"**

A: No, nobody would be allowed to do that."

Rolla seems to know a lot of the specific events that took place when Kennedy and Livingstone viewed the body. Namely, he appears to know that Kennedy and Livingstone viewed the body directly and that the two of them were there together. The person questioning Rolla is clearly concerned about whether someone would be able to visit the body and specifically access the pockets. Why?

Braun agreed with Rolla as to what they were doing when Kennedy called them. In her **deposition** (cf. her FBI interview), she states that she and Rolla had left the morgue and were en route to notify VWF's family when Kennedy called them on their car phone and asked that he and Livingstone be allowed to visit the morgue to verify the body was VWF's [509]. ***It is difficult to keep track of all the calls between Kennedy and Rolla. It is clear there was a lot of communicating going on that night.***

Braun was specifically asked in her deposition whether she and Rolla had left the morgue when they spoke with Kennedy. Q: "So they [Kennedy and Livingstone] went to the hospital, but you had already left to go to the --." A: "Right. Right. Right."

The morgue attendant who watched people view and search the body was not interviewed in the record. Were the key rings merely picked up by Rolla and Braun or were they dropped off first and only then retrieved? The author believes this is a reasonable possibility based on the record. He would be delighted obtain information that would address his questions on this point.

Kennedy told the FBI that first he and then Craig Livingstone (who worked under Kennedy at the WH OLC and had the job title Director of White House Personnel Security) appeared at the morgue [1616]. Hospital officials (apparently Nurse Christina Tea and Fairfax County Police Officer Dave Tipton [1556]) finally allowed Kennedy and Livingstone to view the body [after checking with the USPP as described above].

Braun was clear that after the death notification at VWF's home, she and Rolla returned **directly** to their office [513]. Braun stated the keys and the rest of the personal property were put into evidence bags when they returned to their office [513].

It should be noted that William Kennedy also checked in with the WH personnel at VWF's home the night of the 20th [1483], presumably after having visited the body at the morgue. *The time of his arrival is of great interest. Did Kennedy or Livingstone encounter Rolla or Braun at the morgue?*

Sealing VWF's Office at the WH

Although Braun testified she told David Watkins, the WH Director of Personnel [2551] to ensure that VWF's office was sealed the evening the body was found (Tuesday, July 20, 1993), and he indicated he would see that it was done forthwith, the office was not sealed that night [92].

According to Braun's deposition when she met Watkins the night of VWF's death when she and Rolla drove to his home to pick him up on their way to make the Foster death notification, she asked him to get VWF's office sealed [545] and "He said that he would have that done."

That sounds pretty clear, but there were allusions in the 1994 Senate Hearings that VWF's office was not in fact sealed as the USPP had requested and the WH Personnel Director agreed.

Rolla And Braun Had To Leave Their Offices That Night To Handle Another Case?

Simonello and Apt returned to the office before Rolla and Braun returned from the VWF home after making the death notification. Rolla and Braun went out again that night in connection with some juveniles that had been arrested down at Haines Point. Both of them had to supervise the arrest of this juvenile, per Braun [514].

Later in the same deposition, Braun contradicts herself. Q "You said you were assigned to another matter on that same night [the night VWF was found]. Is that right?" A: "I wasn't, no. Investigator Apt was [548]."

What was the significance of Rolla's or Braun's responding (if either of them did) to a routine juvenile arrest call when they both knew they were going to be working till dawn on the high-priority VWF case? What was the necessity (if they actually made the juvenile run) of both of them being out again together that night in the middle of the VWF investigation? Did they meet with any officials unrelated to the juvenile arrest during this trip?

Did they go to the morgue during this trip to get the keys (very late at night)? As with everything in this report, the reader is encouraged to make up his or her own mind, making whatever use of the Senate Hearings Volumes she or he deems appropriate.

The Autopsy and Related Matters

The Autopsy Was Moved Up A Day At The WH's "Request"

Rolla and Braun worked straight through until about 0630 and 0700 respectively on July 21st [411,517], the day after VWF's body was found, and they confirmed with Dr. Beyer that the autopsy would **not** be performed until the morning of July 22nd (Thursday), but the autopsy **was** moved up to Wednesday morning, the day after the body was found [86] at the specific request of the WH [89,411,517,551,825].

This apparently had to be done because the plan was to have VWF's funeral in LR on Friday [616]. Dr. Beyer was relatively alone in his belief that the autopsy was not moved up [215, R28].

Since Rolla and Braun had been on duty for about 17 straight hours straight when they knocked off work on Wednesday morning the 21st at about 0630 [411], moving the autopsy from Thursday morning to Wednesday morning made it unfeasible for the two investigators (or anyone else who had been at the body site) effectively to attend the autopsy [414]. This is contrary to the customary USPP practice. The autopsy commenced at 1000 on Wednesday, July 21 [212].

Since no one who was present at the body site the night before attended the autopsy (contrary to the usual practice), the autopsy was potentially compromised from the start.

The Autopsy and the X-Rays

The USPP sent four individuals to the autopsy, Investigator Morrissette, Sergeant Rule, and two ID technicians [1276] (none of them had been present at the body site at FMP park).

A USPP report on the autopsy mentioned Dr. Beyer's comments about the X-ray results [95]: **"Dr. Beyer stated that X-rays indicated that there was no evidence of bullet fragments in the head** [95,2128]." Dr. Beyer had no explanation for the statement in the USPP report other than stating firmly that no X-rays were taken. *It certainly does not sound like a casual misunderstanding: Dr. Beyer stated that no X-rays were even taken, let alone showed the specific result clearly stated in the USPP report.*

As the records stand now, either the USPP Officer who attended the autopsy (one of four USPP officers there) and wrote the USPP report on the autopsy is incorrect or Dr. Beyer is incorrect. There can be no middle ground. Someone made a mistake, but who?

Dr. Beyer's autopsy report has a check mark indicating that X-Rays were taken [94, 95] and the doctor testified that he anticipated taking X-Rays although none were in fact taken because the new X-ray machine was not producing readable X-rays [see also 213]. Dr. Beyer stated that taking X-rays was a requirement in the case of penetrating (slug retained in the body) gunshot wounds but not in the case of perforating (through-and-through) gunshot wounds such as VWF's.

In contrast, Dr. Beyer stated in his FBI interview that taking X-rays was preferred in the case of **all** gunshot wounds [584].

Thus there were two reasons Dr. Beyer testified that X-rays of VWF's head were not taken: 1) The machine was not working and 2) There was no medical or forensic requirement to do so. Although the new machine was apparently under warranty, no attempts were made to have the machine serviced and Dr. Beyer testified that "I have no X-rays in my files between July 6 to the 26."

Given the X-ray machine had been broken for two weeks and the fact there was no medical or forensic requirement to take X-rays, one is certainly entitled to ask why Dr. Beyer checked the line on the autopsy form that X-rays were taken. One would not think the line was checked out of habit since the new machine had not produced readable X-rays for two weeks (which he said he knew).

Note that Dr. Beyer did not state this explicitly, he merely indicated that his files contained no X-rays for the period between two weeks before and five days after the VWF autopsy. One might be curious whether copies of the appropriate autopsy reports done within that twenty day period indicate that X-rays were or were not taken and whether any of those files contain X-rays.

In the course of his testimony Dr. Beyer indicated both that 1) "I saw no need to take an X-ray" and 2) "I had anticipated taking them" [X-rays].

Even the casual reader should notice the contradictory nature of these two statements, especially were he to remember that Dr. Beyer stated that the X-ray machine had not been working for two weeks. These discrepancies could be the result of some misunderstanding, but the record does not indicate that the four USPP autopsy attendees were ever interviewed (including the writer of the report covering USPP attendance at the autopsy) to clarify this important point.

Later on in his testimony [96] Dr. Beyer stated "Some days we would get a partial readable X-ray," but this statement does not jibe with his statement that his files contained no X-rays at all between July 6 and July 26. Dr. Beyer was asked, "But in this case, if it were working, you would have done an X-ray?" He responded "Yes sir," despite his earlier testimony that an X-ray was needed only in the case of a penetrating gun shot wound, not a perforating gun shot wound, such as VWF's.

Remember that Rolla's initial impression at the body site was that the slug was still in the head. Remember, too, Dr. Haut's comment that VWF's wound appeared to have been caused by a low velocity weapon.

A Senator inquired, ""You were not able to do the X-ray because this machine sometimes works and sometimes didn't. It did not when it needed to in this case and you forgot to remove the check mark. . ." Dr. Beyer replied "That's correct [97]."

This exchange indicates that Dr. Beyer attempted to take an X-ray of VWF's head wound and it did not "come out." One might wish to confirm whether this X-ray was indeed taken and determine what the medical standard was in this case for not "coming out."

The Chairman made this comment and asked a question of Dr. Beyer [96]:

> I take it that report [the Autopsy Report] is two or three pages of which the front page is sort of the checklist of things that you intend to do with respect to this autopsy, and then it is the subsequent pages that, in fact, provide the analysis that you develop in the course of actually performing it, so that you have got to read all the way through to the end to really get to what you determine. Am I right about that?
>
> [Dr. Beyer] Yes sir.

FOIA # none (URTS 16370) DocId: 70105696 Page 212

However, shortly before this exchange, in response to a question from another member of the committee, Dr. Beyer stated [95] "To me the autopsy report is the first and second page which includes my findings." An examination of the seven-page autopsy report [364-370] reveals that the front page is **not** *"sort of the checklist of things you intend to do. . ." Dr. Beyer's statement that ". . . the autopsy report is the first and second page which includes my findings" is correct. The Chairman's statement is incorrect, although Dr. Beyer agreed with him.*

The pathological diagnosis and the cause of death are listed on the first page of the report. The second page of the report contains the "gross description" of the body. The check mark that indicated "X-rays made" is in fact part of the "Gunshot Wound Chart" that comprises the **last** *page of the autopsy report. If one completed the Gunshot Wound Chart from top to bottom, one would come to the "X-rays made" line only after completing the rest of the chart first.*

In passing, it should be noted that the "Cause of Death" listed by Dr. Beyer on Page one of the "Report of Autopsy" was "PERFORATING GUNSHOT WOUND MOUTH - HEAD." However, the Fiske Report section discussing the autopsy report finesses this conclusion and contains the statement "Dr. Beyer **certified** *the death as a suicide.**" [212] and states (in the footnote) "** The complete autopsy report is attached as Exhibit 8."*

If the word "suicide" appears in the autopsy report itself, this author has not been able to find it, let alone a "certification" in the autopsy report that Mr. Foster committed suicide. Indeed, no inference can be drawn from the autopsy report that Dr. Beyer certified VWF's death "as a suicide" unless one makes the assumption that all fatal "perforating gunshot wounds mouth - head" are self-inflicted [see also 1132]. They clearly are not.

It is of course perfectly true [77] that Dr. Beyer, under oath one year and eight days after performing the autopsy, agreed with a Senator's statement that Dr. Beyer "concluded that Mr. Foster's death was a suicide," but it is also true, the Fiske Report's footnote notwithstanding, that Dr. Beyer did not "certify the death as a suicide" in the autopsy report signed on July 28, 1993,

In his FBI interview, Dr. Beyer was asked whether there was a place on the autopsy report where the manner of death was written. He responded "We don't have that on the autopsy report." The first page of the autopsy report has a section entitled "Cause of Death" [598]. *Thus, the first time Dr. Beyer "certified" VWF's death was a suicide was during the 1994 Senate Whitewater Hearings.*

The autopsy reported that VWF was shot through the mouth with the bullet exiting the rear of the skull [212]. There were no other wounds, chipped teeth, or any other indication on the body that a struggle had taken place (or, as discussed above, evidence of any physical damage caused by the powerful recoil of the revolver). Gunpowder residue was apparently found on both index fingers, although more of it was on the right one.

Two days after the autopsy, a news service indicated [618] that "Only one bullet was fired from the Colt revolver, and it was the one found **in** Foster." *Right or wrong, this news story is consistent with the check mark in the autopsy report and the statement in the USPP Report of those attending the autopsy that X-rays were taken. Of course, the USPP Report indicated that Dr. Beyer informed the USPP at the autopsy that the X-ray of the brain did* **not** *contain any fragments of the bullet.*

Some Background on Dr. Beyer

Information here is taken from Dr. Beyer's deposition at [564-593] unless otherwise noted.

Dr. Beyer was 75 years old when he performed the VWF autopsy (date of birth June 2, 1918).

He served in the US Army medical corps for 14 years. His specialty was surgical research (especially "wound ballistics"), duty with the US Army ordnance and chemical corps regarding the development of new weapons, and the development of body armor.

One wonders if other Federal agencies have made legitimate use of his expertise in wound ballistics in the past.

The Death Certificate And Dr. Haut's Report

According to the Clinger Report (Footnote 2, Page 7; see the heading, "How To Obtain Government Information" above), Dr. Haut signed the death certificate ("Medical Examiner's Certificate") and listed the cause of death as "self-inflicted gunshot wound mouth to head." The death certificate is not part of the "official record" as that term is used in this report (that is, not included in the three Senate Volumes released in January 1995). That could have been an oversight.

It is surprising, however, the Dr. Haut's report of his on-scene activities at FMP the night of July 20, 1993, is not part of the official record. One would have thought that the report of the only medical doctor to view the body *in situ* would be an important document and therefore included in the official record.

The Torn Note Found in VWF's Briefcase

Who Found It And When?

This note was found by Stephen Neuwirth of the WH OLC on July 26, 1993, six days after the death [188]. The USPP had examined the briefcase the note was eventually found in without discovering the note [692].

What Kind Of Shape Was It In When Found?

It was torn in 27 pieces [839] and one piece was missing. The typed transcript of the note is at 353; see also 2023 [see the sub-heading, "The Text Of The Note" below for a reproduction of the text of the note].

Was The Single Partial Print On The Note Ever Checked Out?

According to USPP Simonello, the partial palm print on the note was not compared to anyone else's prints [642]. The missing piece of the torn-up note was in the lower right hand part of the rectangular piece of paper.

One might ask how a note sheet can be torn in 27 pieces and leave no fingerprints on the paper at all except for a palm print. If the paper "took" the palm print why did it not also "take" the fingerprints of the fingers that grasped it tightly to tear it up? If a palm print was left, how unlikely is that no other prints were left? Is the paper consistent with a sheet that has been wiped clean of prints and had a palm rested on it after it was wiped clean? If so, why was the note wiped clean and who did it?

Did It Look Like A Suicide Note?

USPP Evidence Technician Simonello had seen other suicide notes and stated in his deposition "I said this doesn't sound like a suicide note [675]."

If this note was some sort of "suicide note," why would VWF tear up his own note? Is there a stylistic break between the third and fourth paragraphs?

How Did VWF Usually Dispose Of Worthless Pieces Of Paper?

According to Loraine Cline, VWF's legal secretary for six years at the RLF [in the words of her FBI interview]:

> He [VWF] was meticulous about keeping an accurate and complete calendar. With regard to how he handled trash, if he didn't need something he would crumple it up and pitch it in the wastebasket. He generally did not tear things up. She knew him to make lists of things -- not lists of things that were bothering him, but lists of things to do [1730].

FOIA # none (URTS 16370) DocId: 70105696 Page 215

The FBI And The AG [Attorney General]

One of the statements on the note was to the effect that the FBI had lied to the AG [Attorney General], but Lisa Foster did not think that VWF thought that the FBI had done so [1647]. William Kennedy, Associate White House Counsel, felt the same way. According to his FBI interview:

> Kennedy said he was surprised to see the word "lie" in Foster's note. He said he and Foster had discussed the issue in terms of differences in interpretation versus a lie. Kennedy doesn't think the FBI lied, but just remembered things differently.

Granted, Kennedy is being interviewed here *by the FBI*, but it is surprising that VWF's wife and one of his closest associates were both surprised by the same line of VWF's note.

A photocopy of the original handwritten note has never been released, but is available for inspection.

The Text Of The Note

Here is the text of the note found torn into 27 pieces in VWF's briefcase (no signature and the 28th piece is missing) at the WH OLC six days after the death, as rendered in the Fiske Report [353] [there are wider margins below than in the Fiske Transcript]:

TRANSCRIPT OF NOTE

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

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

The FBI lied in their report to the AG

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

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

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

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

The WSJ editors lie without consequence

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

---

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

Appendix I

Table of Homes Nearest Mr. Foster's Body

FOIA # none (URTS 16370) DocId: 70105696 Page 217

Homes Nearest Mr. Foster's [VWF's] Body -- Estimated From Aerial Imagery

Street Address	Lot No.	Distance to VWF From Front Door	Same Side Of CBR?	Apparent Legal Owner ****
640 Chain Bridge Rd.*	**1A**	**720 Feet**	**NO**	**K. of Saudi Arabia**
650 Chain Bridge Rd.**	37	700 Feet	NO	K. of Saudi Arabia
660 Chain Bridge Rd.	37A	300 Feet	NO	①
Homes on Cricket Place [Merry Wood on the Potomac]	Various	~550 Feet	NO	Various
681 Chain Bridge Rd.***	39	470 Feet	YES	②
1315 Merrie Ridge Rd. [The Dogwoods]	3	560 Feet @	YES	③
1317 Merrie Ridge Rd. [The Dogwoods]	4	570 Feet @	YES	Senator J. B. Johnston (Democrat of Louisiana)

* This address apparently is the Saudi Arabian Ambassador's Residence referred to in the Fiske Report as being the "closest building to the park." [There *is* a an outbuilding 420 feet from the body.]

** This structure is also owned by The Kingdom. Construction of this building was underway on the day VWF died, so this appears to be the Saudi construction work referred to in the Fiske Report. It was typical for workers' cars to be parked on the south side of Chain Bridge Road near the north pedestrian entrance to FMP.

*** This home is on a lot that abuts Fort Marcy Park [FMP] at the park's northwest corner.

**** Per public property ownership records of Fairfax County and contacts with the Tax Office.

@ These lots that are separated from the western edge of FMP by the unimproved portion of Lot 39.

① The current corporate owner (McLean International, Ltd.) purchased from the individual owners on 9/7/93. The former individual owners are not obvious public personages, so their names are omitted.

② The owner of this home is not obviously a public personage. Thus, although public, his name is omitted. The owner apparently rents 681 Chain Bridge Road [CBR] to others. The same individual also owns Lot 38, another lot that abuts the west side of FMP, on which an old abandoned cabin is located.

③ The owner of this home is not obviously a public personage. Thus, his name is also omitted.

Note: The Saudi Residence is **not** "the closest building to the park," despite this quotation from Page 55 of the Fiske Report (Whitewater Hearings Volumes, 230). The front doors of **all** of the non-Saudi-owned buildings listed above are closer to the official body location than is the Saudi Residence. **[See Maps IV, V(R) & VI]** *Although the only known direct connection of the buildings to the death of VWF is merely geographic, one might ask how and why the Fiske Report contains such a fundamental error.*

Furthermore, based on a review of publicly-released documents from the VWF Investigations (that is, the unredacted portions thereof accessible by the public), it appears that no one other than the Saudis was ever interviewed by the US Park Police, The FBI, or attorneys with the Fiske Office of Independent Counsel. ***None of the public official documents even mentions these non-Saudi dwellings.***

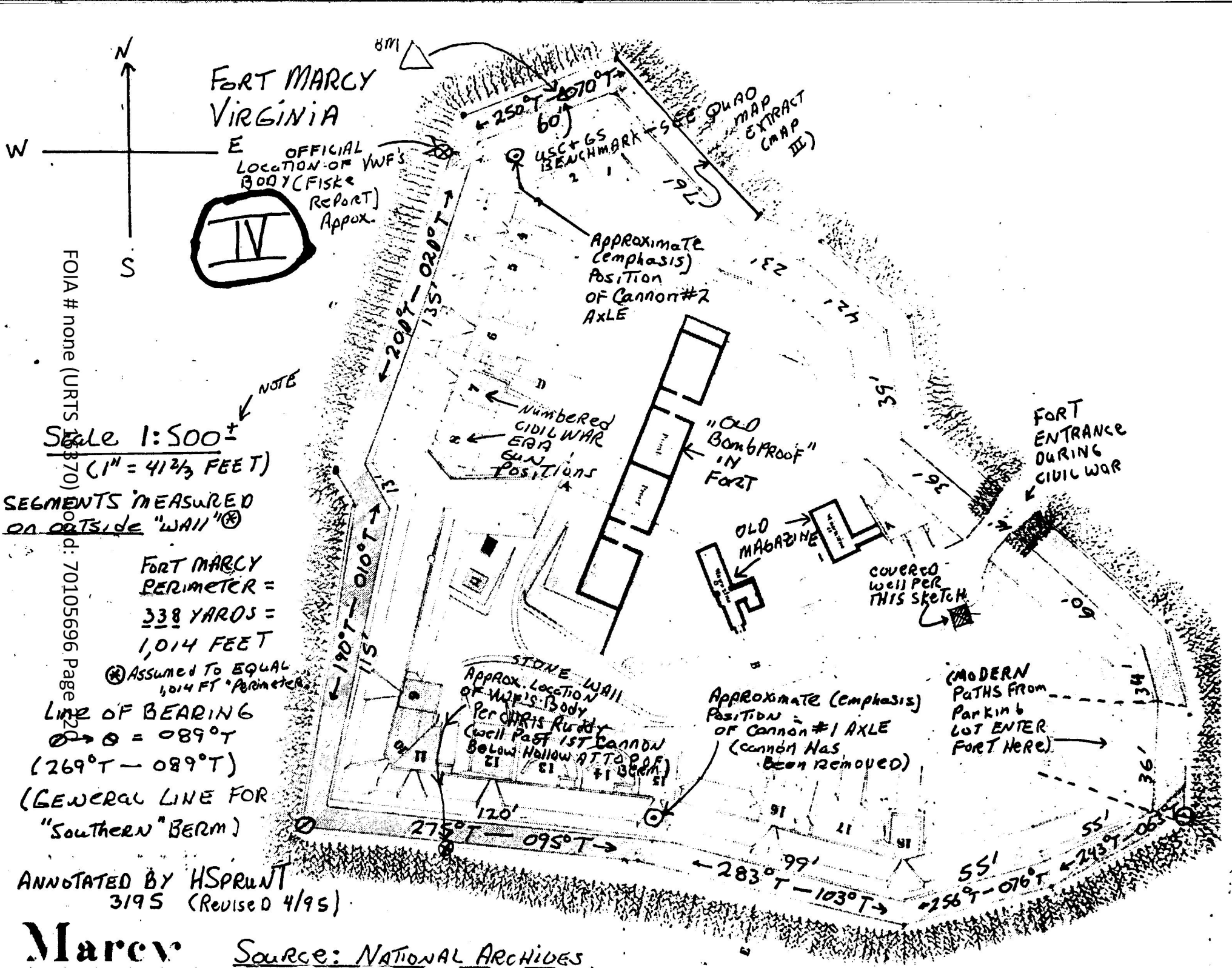
The last three lots are separated from body's official location only by uneven, heavily-treed, park land, an old road that runs south from Chain Bridge Road through Lot 39, and the western border fence of Fort Marcy Park (the fence is collapsed for a few feet near the old cabin on Lot 38). The entrance to the old road on the south side of CBR is quite discrete. For comparison, the *line-of-sight* distance from FMP's north side pedestrian entrance to the body is 450 feet (and from his car, 600 feet).

FOIA # none (URTS 16370) DocId: 70105696 Page 218

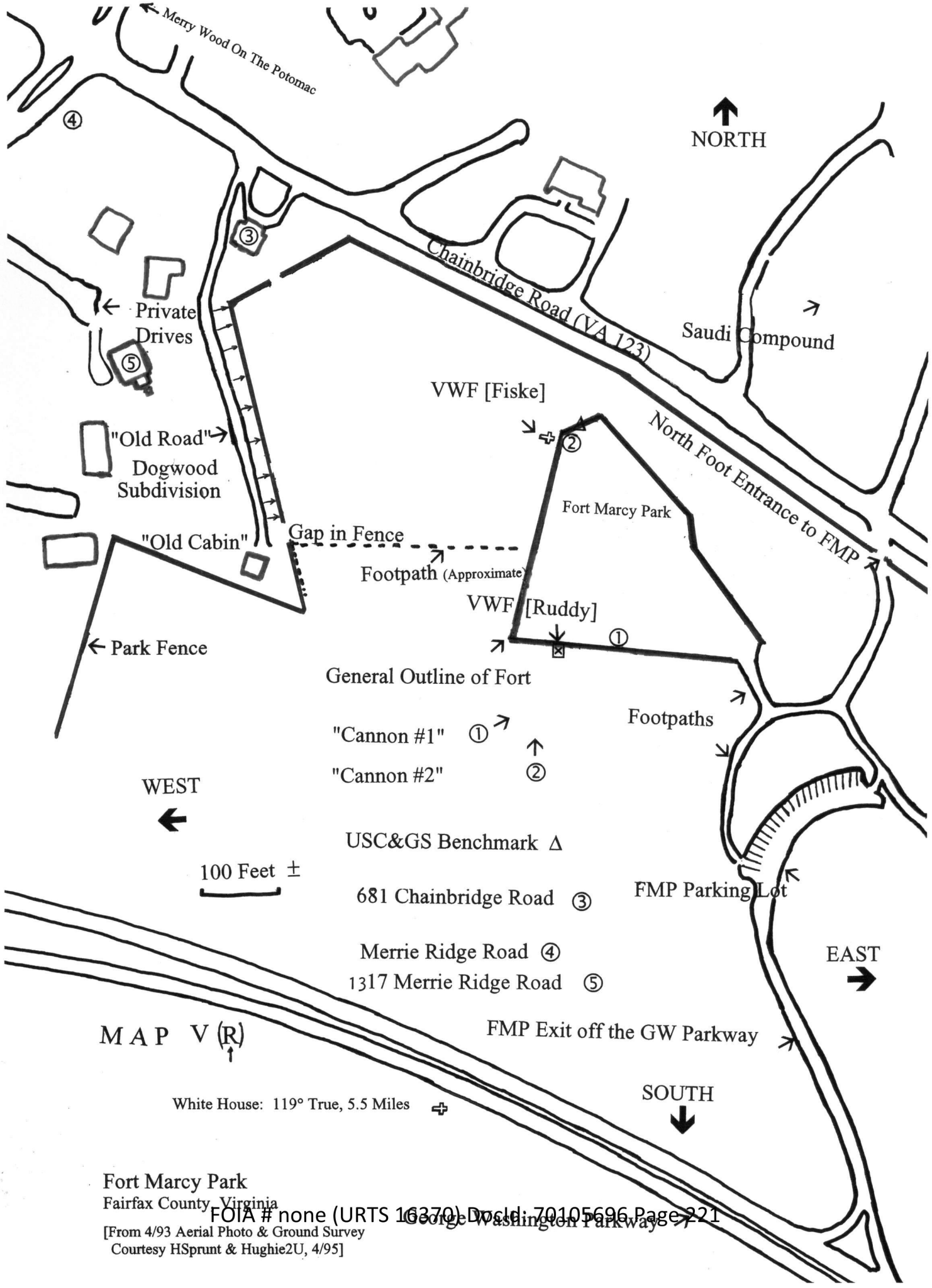
Appendix II

Selected Maps of Fort Marcy Park and Environs

FOIA # none (URTS 16370) DocId: 70105696 Page 219

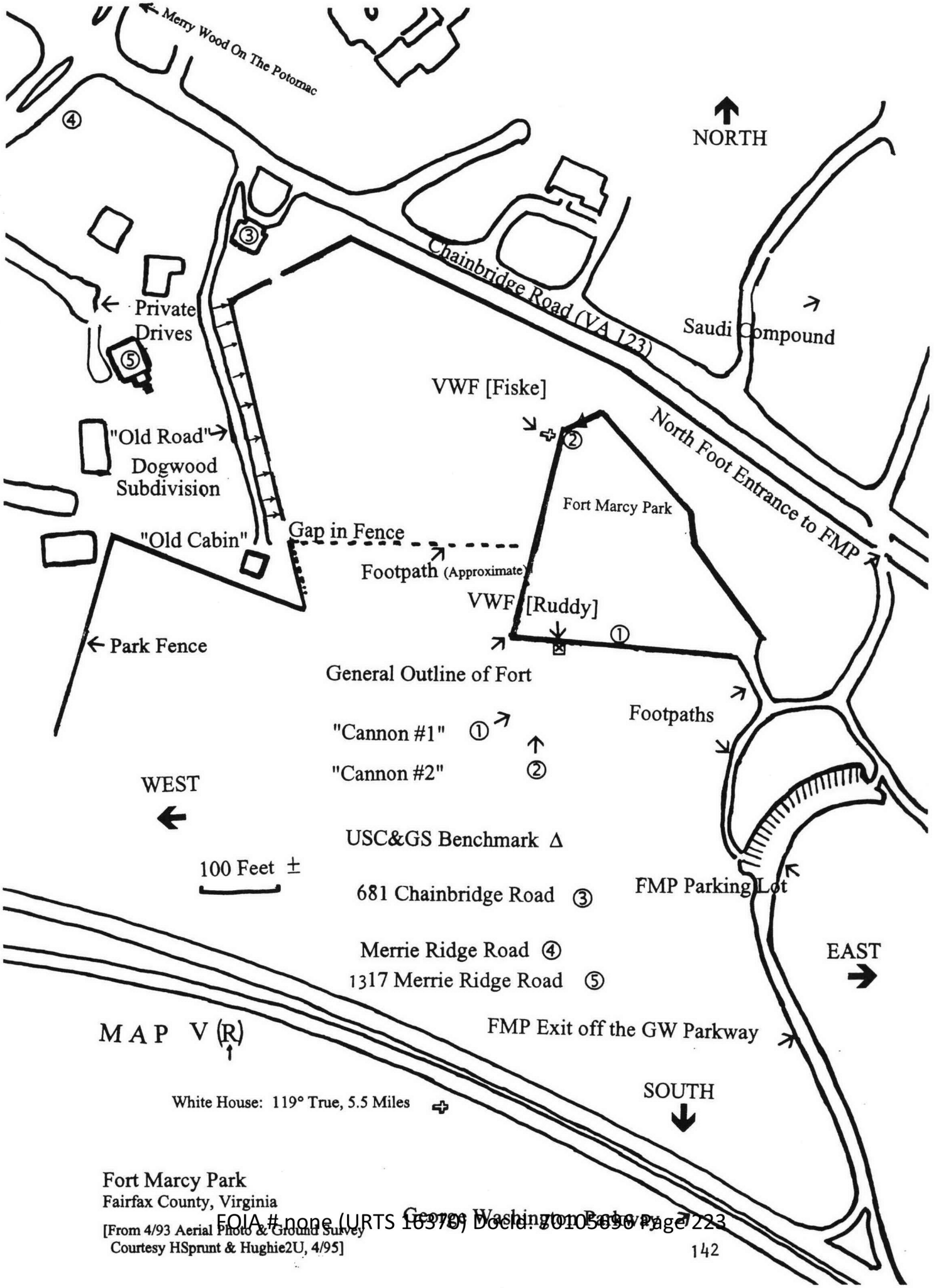


FOIA # none (URTS 16370) Docd: 70105696 Page 20



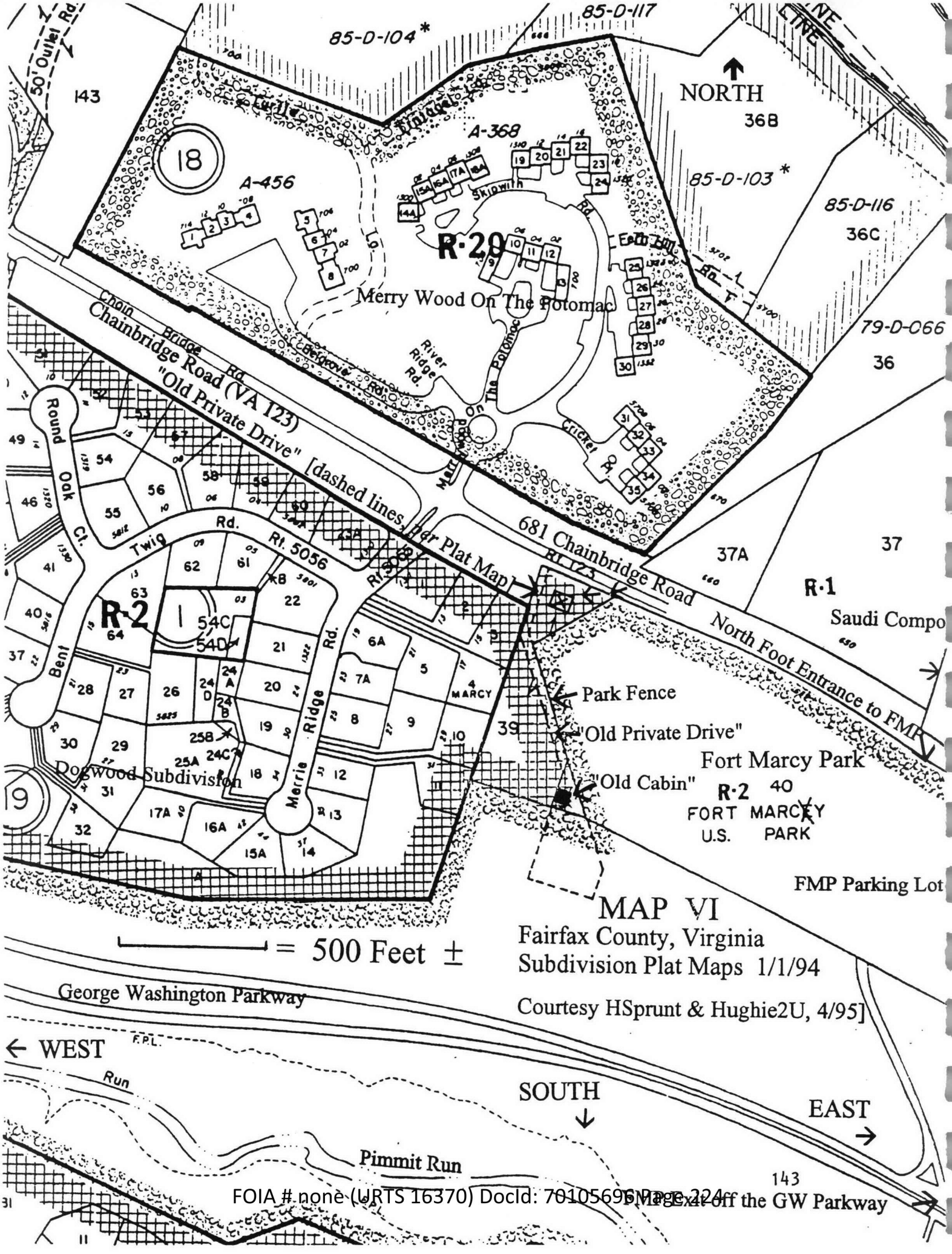
Fort Marcy Park
Fairfax County, Virginia
[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprunt & Hughie2U, 4/95]

FOIA # none (URTS 16370) DocId: 70105696 Page 221



Fort Marcy Park
Fairfax County, Virginia
[From 4/93 Aerial Photo & Ground Survey
Courtesy HSprunt & Hughie2U, 4/95]

FOIA # none (URTS 16376) Docid: 80105696 Page 223



FOIA # none (URTS 16370) DocId: 7010569 Page 224

Appendix III

ABC News Photo of VWF's Right Hand With The Gun

FOIA # none (URTS 16370) DocId: 70105696 Page 225

FOIA Phone (OR TS 16370) DocId: 70105696 Page 226

DIA # none (URTS 16370) Doc ID: 70105696 Page 227

Appendix IV

Senate Whitewater Hearings Volumes
Locator Table For Testimony, Depositions, Interviews, etc.

FOIA # none (URTS 16370) DocId: 70105696 Page 228

Locator Table For Testimony, Depositions, Interviews, Reports, & Documents

Body of Table Contains Senate Hearings Volume Page Numbers -- Duplicates Omitted

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
Charles Hirsch	43			
Larry Monroe	43			
William Colombell	43			
James Beyer	77	564		
Cheryl Braun	77	491	559	152,2125
John Rolla	77	380	478,1600	150,2123,2135,2516
Robert Hines	149	1179		
James Lyons			171,1805	2157
Fletcher Jackson			177	
Brantley Buck			178	2157
Richard Pence			376	
Dale Bumpers			378	
Kenneth Stoll			379	
James Luke			610	
Peter Simonello		621	1589,1713,1737,1742	[Smith too]1757,2141,2159
Charles Hume		697	1718,1779	2114
Richard Arthur		871	1381,1563	
Kevin Fornshill		911	1582	
George Gonzalez		979	1046	
Todd Hall		1139	1157	
Eugene Smith		1164		
Robert Rule		1270		
Corey Ashford			1346,1559	
Jennifer Wacha			1353	
James Iacone			1356	
Ralph Pisani			1360,1548	
William Bianchi			1364	
Andrew Makuch			1369,1557	
Victoria Jacobs			1373	
Roger Harrison			1376	
Female sees FMP gates opened			1379	
Park Service 911 Caller			1439	
Deborah Gorham			1443	2132
G. Gordon Liddy			1457,1508	
Park Service Worker [CW ID]			1465	2144
MD Nissan - Male			1469,1474	
MD Nissan - Female			1470	
Webster Hubbell			1477,1745	
CW		2659 [Burton]	1514,1542,1543	
Female, Broken Down Mercedes			1522	
Thrifty Rental Driver			1525,1631	2143
Saw Japanese Car Cut Into FMP			1528,2145	2145,2246,2509
Linda Tripp			1531	2134
James Charron			1539	
John Skyles			1546	

FOIA # none (URTS 16370) DocId: 70105696 Page 229

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
Patrick Gavin			1553	
VWF Pharmacist			1569	
Sheila Foster Anthony			1570	
Renee Apt			1586	
Christine Hodakievic			1594	2127
Julie Spetz			1597	
Robert Denning			1607	
Roger Bailey			1608	
William Kennedy			1611,1758	
Franz Ferstl			1628	2121
Elizabeth (Lisa) Foster			1633	2152
Foster Neighbors			1652	
Potential VWF Psychiatrist #1			1654	
Potential VWF Psychiatrist #2			1655	
Potential VWF Psychiatrist #3			1662	
Julian Orenstein			1656	
Donald Haut			1658	
Dennis I Foreman			1665	
Joel Klein			1669	
Larry Watkins			1674	2156
Dogwood Female sees Man at FMP 7/19			1679	2512
Marsha Scott			1689,1748	
Joel Kleinman			1695	
Stephen Silverman			1715	
VWF Neighbor			1717	
John Carroll			1724	
Loraine Cline			1728	
Gordon Rather			1731	2157
Brantley Buck			1735	2157
Stephen Neuwirth			1739	2150 [Redacted!]
Beth Nolan			1753	
Timothy Keating			1762	
Nancy Hernreich			1765	
Roger Altman			1767	
Wayne Johnson			1772	
William Roelle			1773	
Susan Thomases			1777	
Senator Richard Shelby [VWF Neighbor]			1780	
A Tow Truck Driver			1782	
Man Who Spoke With A Tow Truck Driver			1783	
Park Service Worker [CW ID]			1785	
Todd Stern			1786	
David Watkins			1789	
Ricki Seidman			1793	
Bruce Lindsey			1800	
Lee Bowman			1806	
William Clinton		1813 [by Fiske OIC]		
Mack McLarty			2087	
Hillary Clinton		2096 [by Fiske OIC]		
James Morrissette (a)				2128,2137,2143

Individual	Senate Testify	Senate Depose	FBI Interview	USPP Report
James Morrissette				2128,2144(?)
Bernard Nussbaum				2129
Ms. Pond [WH OLC]				2130
Tom Castleton				2134
E. J. Smith				2139
S. E. Hill				2140
Beryl Anthony				2146
Clifford Sloan				2155

Document	Page Number
FBI Pager Letter	116
Senate Resolution 217	118
Senate Resolution 229	138
Foster Family Statement	154
Fiske Report [Body]	181
Fiske Report [FBI Reports]	234
Fiske Report [Hirsch et al.]	333
Fiske Report [VWF Note]	353
Fiske Report [VWF Speech]	360
Fiske Report [Autopsy Report]	364
Monroe Letter	374
Rolla Notebook Pages	488-490
John Hanchette News Story	615
FCFRD Computer Log, E01, M01	1045
FCFRD Computer Log, M01	1050
FCFRD Computer Coding Info	1054
FCFRD Computer Log (911 Call)	1075
FCFRD Computer Log Inventory	1079
FCFRD Personnel Listing	1080,1810 [Substitute Victoria Jacobs for James Sutton]
FCFRD Computer Logs, Various	1094
Washington Post Article	1113
Ruddy Report	1118
USPP Death Investigation Guidelines	1322
Fiske Letter, OIC Records To Senate	1344
FCFRD Personnel Listing	1392
FCFRD Computer Logs	1416
911 Call Transcript	1430
FBI Search of Second Cannon Area	1905,2039
William Clinton 7/21/93 Remarks	1914
USSS Memo - Death Known To WH	2076, 2551 [Dupe Listed]
USPP Polaroid Inventory Sheet	2112
USPP Report (Autopsy X-rays)	2128
Psychiatrists' Phone Numbers	2135
Letter from John Sloan	2169
Revolver - DC Police	2170
Revolver BATF	2171
USPP Property Control Receipt	2185
USPP Property Control Receipt	2189
Honda USPP Impound Record	2201

FOIA # none (URTS 16370) DocId: 70105696 Page 231

Document	Page Number
VWF Checking Account Note	2217
No Briefcase - Tripp	2219
USPP Communications Memo	2251,2252
USPP Photo of Second Cannon/Tape	2392
USPP Photo of Revolver	2407
Lab Photo of Broken VWF Glasses	2448
"CHB" Sheet from VWF Wallet	2499

FOIA # none (URTS 16370) DocId: 70105696 Page 232

Appendix V

Table of Civilian Vehicles Seen at FMP [The Afternoon of July 20, 1993]

FOIA # none (URTS 16370) DocId: 70105696 Page 233

Civilian Vehicles Seen at FMP the Afternoon of July 20, 1993

[~ means "approximately" and < means "sometime before"]

Description	Source Pages	Arrival	Departure	Comments
Mercedes	210/152 1522	 ~1800	1900	Broken down *on exit* from GWMP to FMP parking lot with hazard lights flashing; towed away; female driver left FMP on foot after the breakdown; color: blue
Four-door white late model [Honda?]	1523	<1800	~1815	Offered a ride to Blue Mercedes lady on foot. Driver: Well-groomed white male, dark thick hair, summer shirt on, medium build, age 38-42. Seen by the lady lobbyist Mercedes owner.
Dark Blue Car	1523	<1800		Parked near beginning of parking lot and unoccupied; parked near a light gray or silver car. Seen by lady lobbyist in Mercedes.
Metallic Blue Car	1525	<1615		Japanese make, parked several spaces into the parking lot in vicinity of path leading to north side of park. VA license plate. Relatively new. Backed in to its slot. Occupied by a Mexican or Cuban male in his late 20s. Short, curly dark brown or black curly hair. Stared. Seen by man driving the Thrifty Rental vehicle
Red Car	881 1563	<1809		At entrance to park with hazard lights flashing. Seen by Arthur. Possibly Blue Mercedes with the color not remembered correctly?

Description	Source Pages	Arrival	Departure	Comments
White Nissan Stanza	210 881 1470 1474	~1700 1715 1730 ~1700		Parked at rear of lot. MD state plate. Owned by lady who came to FMP with a friend for a late lunch in the south side of the park.
Gray 1989 Honda Accord	210 1642			VWF's car. Parked in one of the first spaces on the left (4th?) near the start of the FMP parking lot. AR plate Note: Lisa Foster said the Honda was a light "taupe or grayish color."
Japanese Car	202/203 1528 2246 2509	~1450 ~1455		Driven by white male. Out-of-state plate, possibly AR. Possibly VWF's car? Vehicle made quick change from left lane of GWMP and cut into FMP entrance off GWMP. May NOT be VWF Honda -- Problems with the certainty of AR plate ID described by witness, in particular A dark smoke gray metallic mid-sized four door Japanese made sedan. Interior lighter than the exterior. Looked similar to pictures of VWF's car according to eye-witness who made the report.
Japanese Car	203	<1620		Unoccupied, AR plate, possibly darker and smaller than VWF's car. Parked in one of the first spaces in FMP parking lot as enter from the GWMP. Man's suit jacket folded over passenger seat.
Small car	152	<1700	1700+	Man w/o a shirt sitting in car.
Brown, Small Station wagon?	1474	<1700		On left as drive in. Front of car facing Fort. Hood up, white male near vehicle, mid to-late 40s, 6 foot medium build, long blond hair and beard, unclean and unkempt.

FOIA # none (URTS 16370) DocId: 70105696 Page 235

Description	Source Pages	Arrival	Departure	Comments
1988-90 rusty or brown Honda with AR Plates	1525 1631 R9	<1615		Parked front end facing Fort in one of the first parking spots on left. Unoccupied. Dark blue jacket draped over *driver's* seat. Leather briefcase or folder on the passenger side seat. Briefcase darker than the interior which was light or beige. Certain of briefcase. Witness thought car he saw was older and shorter than VWF's Honda, but he was sure it was a four door Accord, and he is not sure the color was as glossy as VWF's Honda and thought the license plate had fewer letters.
Light color older model	152 1630	~1715	~1730	White male, "scrungy" hair, parks next to VWF Honda, puts up hood, walks into the woods, returns, drives away.
Old, dirty, run down four-door sedan	1471	~1715+		Drove into lot, made a U-turn and exited FMP. White male with long shaggy hair, large build, 30-40 years of age. Could have had no shirt on.
White van, blue lettering	152 1471	~1710 ~1715+	~1715 1715+	Driver emptied his trash. Driver was a white male late 20s or early 30s with light colored hair, of average height and build, wearing a blue short-sleeved company work-shirt. Not CW [But see R13].
White van, Blue lettering	1475	~1715	1715+	White male driver, 25-30, short dark hair, clean-shaven. Wearing uniform. Not CW [But see R13].

FOIA # none (URTS 16370) DocId: 70105696 Page 236

Description	Source Pages	Arrival	Departure	Comments
Thrifty Rental Vehicle	1526	1615	1620	In and out of park fast to urinate [not CW]. Saw the 1988-90 Brown Honda and also the metallic blue Japanese car with VA plates.
Ford Passenger Van	1526	1620		Seen by Thrifty Rental man as it slowed down possibly to enter FMP as Thrifty Rental driver was leaving FMP. Could this van contain the "Volunteers" who were at FMP "working on the trails" the Fornshill mentioned?
Car, engine running	1148 1354	<1809 <1809		Mentioned by EMS Hall. He could not say whether it was there when he left at 1837. Also mentioned by EMS Wacha. She said the car was brown, had its engine running, and its hazard lights flashing in the parking lot.
Older Model Light Blue Mercedes 190 4-door	1379	~1800		Slim white male, short brown hair, opens the gate to FMP. [This gate was not closed until USPP Fornshill closed it around 1820 that afternoon.] Age 30s to early 40's. Dark suit, average height. Seen by a lady driving by on the GWMP. Gate not closed until after the body was found. Seen by Mercedes Lady-- who is this man?
Black Cadillac	1559 1561	<2016		Seen by Ashford when his ambulance pulled into the parking lot of FMP to pick up VWF's body for transport to the Fairfax County Hospital & Morgue. Who's car was this? The Cadillac was pulled into the far end of the lot.

FOIA # none (URTS 16370) DocId: 70105696 Page 237

Description	Source Pages	Arrival	Departure	Comments
Unknown "extra vehicles," one was brown	944 1148 1354	<1812		Seen by USPP Fornshill EMS Hall, and EMS Wacha. At far end (away from the entrance) of lot. The brown car was not parked in a space its engine was running, and one witness stated its hazard lights were flashing.

Comments on the Above Table of Vehicles

Most of these vehicles are discussed at the appropriate points in the body of this report. The author is of the opinion that all the vehicles within the pair of double-dashed lines above could well be the same vehicle, that is, VWF's 1989 taupe gray four-door Honda Accord with AR plates.

One thing is for sure, even allowing for multiple sightings of the same vehicle by different witnesses, a significant number of vehicles came, stayed, or went at the small (21 slot) parking lot at FMP the afternoon of VWF's death.

Appendix VI

FMP Table of Arrivals and Departures

FOIA # none (URTS 16370) DocId: 70105696 Page 239

Arrival and Departure Times of Officials per the Record

[~ means "approximately"]

FORT MARCY PARK PARKING LOT

Individual	Arrival	Departure
USPP Fornshill	1811:50	1825~
FCFRD Gonzalez (M01)	1809	1837
FCFRD Hall (M01)	1809	1837
FCFRD Arthur (M01)	1809	1837
FCFRD Pisani (E01)	1809	1837
FCFRD Wacha (E01)	1809	1837
FCFRD Iacone (E01)	1809	1837
USPP Hodakievic	1830~	?
USPP Ferstl	1820~	2130
USPP Spetz	1825~	1900~
USPP Edwards	1828~	?
USPP Gavin	1833~	?
USPP Rolla	1835	2045
USPP Braun	1835	2045
USPP Apt	1835	?
USPP Simonello	1845~	?
FC ME Haut	1845	1915
FCFRD Ashford (A01)	2000~	2017
FCFRD Harrison (A01)	2000~	2017
FCFRD Bianchi (T01P)	2002	2015~
FCFRD Makuch (T01P)	2002	2015~
FCFRD Jacobs (T01P)	2002	2015~

VWF HOME

USPP Rolla	2200	2310
USPP Braun	2200	2310

FAIRFAX COUNTY HOSPITAL MORGUE

OLC Kennedy	?	?	[The author could really use
OLC Livingstone	?	?	some US Government help
USPP Rolla	?	?	nailing down these times!]
USPP Braun	?	?	

Appendix VII

Table Of Principal Persons

FOIA # none (URTS 16370) DocId: 70105696 Page 241

Principal Persons

Principal Person	Job Title	Comments Based On The Record
Charles Hirsch	Doctor	Medical Consultant for Fiske OIC.
Larry Monroe	Special Agent	FBI Agent assigned to the Fiske OIC.
William Colombell	Special Agent	FBI Agent assigned to the Fiske OIC.
James Beyer	N VA Deputy M.E.	Did VWF autopsy: X-rays -- yes or no?
Cheryl Braun	USPP Investigator	USPP overall "In Charge" at FMP, 7/20/93.
John Rolla	USPP Investigator	USPP "In Charge" at the body site 7/20/93. When he first arrived, VWF's palms were **up** & a .38 Army Colt Special revolver, four-inch barrel, was in VWF's right hand.
Robert Hines	USPP Major	USPP Chief's Office, 7/20/93.
James Lyons	Private Attorney	Was to fly from Denver to meet VWF, July 21st.
Fletcher Jackson	Ass't. US Attorney	Did VWF know about Hale search?
Brantley Buck	Private Attorney	With RLF, drafted Clintons' Blind Trust.
Peter Simonello	USPP ID Officer	Took the gun from body's right hand for tests.
Charles Hume	USPP Captain	Ass't Commander CIB, signed USPP VWF File.
Richard Arthur	FCFRD Paramedic	Saw USPP "gaining access" to Honda at ~1830.
Kevin Fornshill	USPP Officer	First USPP at the body site; **never saw gun**.
George Gonzalez		First FCFRD at the body site: arrived, VWF's palms were **down**, revolver was in VWF's right hand; saw facial wound not in autopsy report.
Todd Hall	FCFRD Firefighter	Saw "extra" cars in lot, early on scene, examined body. Re gun: "In the **picture** you could see it."
Corey Ashford	FCFRD EMS Tech	Put body in body bag, did not see any blood. Drove body to hospital, arriving at 2031.
Jennifer Wacha	FCFRD EMT	**Saw "extra" car in lot, engine running, hazard lights on**. Member, southern FMP search team.
James Iacone	FCFRD Firefighter	**Saw "extra" car in lot**, examined VWF Honda from outside. Thought **Honda doors locked**.

FOIA # none (URTS 16370) DocId: 70105696 Page 242

Principal Person	Job Title	Comments Based On The Record
Ralph Pisani	FCFRD Firefighter	Member southern FMP search team. Observed that body was found on a trail.
William Bianchi	FCFRD Lieutenant	**Said Iacone knew VWF worked at WH when Iacone returned to the station (left FMP 1837).**
Andrew Makuch	FCFRD Firefighter	On Truck 1, responded with Ambulance 1 to bring body from site to FMP parking lot to be transported to hospital by Ambulance 1.
Victoria Jacobs	FCFRD Firefighter	Driver of Truck 1
Roger Harrison	FCFRD EMT	Ambulance 1 driver, took body to morgue.
Female Driver on GWMP		**She saw a man opening the gate to FMP a little after 1800 on July 20, 1993.**
Deborah Gorham	Executive Assistant	VWF's Executive Assistant, VWF's wife called her about VWF's **overdrawn checking account.**
G. Gordon Liddy	Radio Host	CW came forward and was interviewed by Liddy.
Park Service Worker		CW asked him to call 911 from Turkey Run at about 1759 to report the body at FMP.
MD Nissan - Male	------	**Apparently observed VWF's Honda with hood up and unkempt man with long blond hair and beard by the Honda in FMP parking lot.**
MD Nissan - Female	------	**Apparently saw dark-haired white male sitting in driver's seat of VWF's Honda in FMP lot.**
Webster Hubbell	Formerly Deputy Attorney General	Spent VWF's last weekend with him at the Cardoza home near Easton, MD.
CW	------	First non-official to see the body; about 1750, both palms were **up** and there was **no gun** in either of VWF's hands or in the vicinity of the body & **very little blood on face (all dried).**
Female, Broken Mercedes	Lobbyist	Walked through FMP parking lot looking for telephone (none). Left FMP & walked up the GWMP to call a tow truck for her Mercedes.
Thrifty Rental Driver	------	Saw dark blue jacket draped **over** the driver's seat of VWF's Honda at the FMP parking lot.
Saw Car Cut Into FMP	------	Saw Japanese made car with out-of-state tags quickly cut across the right lane of the GWMP and take FMP exit into parking lot. Car *may* have been VWF's Honda.

FOIA # none (URTS 16370) DocId: 70105696 Page 243

Principal Person	Job Title	Comments Based On The Record
Linda Tripp	Executive Assistant	Executive Assistant to Nussbaum of WH OLC, **Described VWF's 1-2 hour long doubly "unusual" meeting with Marsha Scott the day before he died.** Brought VWF his last lunch.
John Skyles	USSS Officer	Last WH person officially to see VWF alive as VWF passed through guard post E-4 around lunch time on Tuesday, July 20, 1993.
Patrick Gavin	USPP Lieutenant	Shift Commander on day of death. Responded quickly to park with 12 other USPP officers. Saw body in middle of path. Notified WH of VWF's death (2030 per WH). Tea and Tipton at morgue called him seeking OK for Kennedy & Livingstone to visit VWF's body at morgue.
Sheila Foster Anthony	Assistant Attorney General	One of VWF's sisters, living in DC. Told FBI VWF hesitant to see psychiatrist because due to Top Secret work VWF doing at WH.
Renee Apt	USPP Investigator	Rode to FMP with Rolla and Braun. Helped Braun interview the couple in the MD Nissan.
Christine Hodakievic	USPP Investigator	Came by FMP when heard 911 call even though shift over and on the way home. Remembered Rolla checking the body for ID where body was found at FMP. Arrived at FMP 1815.
Julie Spetz	USPP Officer	Third USPP officer at FMP. Brought Nissan couple to Braun and Hodakievic to be interviewed. Put crime scene tape across the entrance to FMP off the GWMP.
William Kennedy	Associate Counsel	**Visited VWF's body at the morgue with Livingstone (exact time unknown, but before Kennedy checked in at the VWF's home the night of the death). Notified of VWF death by Livingstone at 2015-2030.**
Franz Ferstl	USPP Officer	Second USPP Officer to see the body. **Unlike Fornshill, he was able to see the gun.**
Elizabeth (Lisa) Foster	VWF's Spouse	**Could not identify the gun** shown to her by the USPP (photograph) or (actual gun) by the Fiske OIC FBI investigators.
Foster Neighbors	------	No evidence VWF went home to get the gun after leaving the WH around 1300 on 7/20/93.

Principal Person	Job Title	Comments Based On The Record
Julian Orenstein	Doctor	On duty at Fairfax Hospital complex when VWF's body arrived in Ambulance 1 at 2031. He was the doctor who formally pronounced VWF dead.
Donald Haut	Doctor A Fairfax County Medical Examiner	Responded to FMP at **1845**. Body in "wooded area" about **150 yards from FMP parking lot.** Stayed at FMP 30 minutes. Blood volume at back of head small, also matted and clotted. **Knew VWF worked at WH before he left FMP.** Body located on a dirt path. **Thought VWF killed by a "low velocity weapon" based on his examination of the wound.**
Young Female		She saw a man in a suit walking around at FMP on 7/19/93, the day before VWF died.
Marsha Scott	Deputy Assistant to the President	Had an "unusual" 1-2 hour closed-door meeting with VWF on Monday, June 19, the day before he died, but could not recall the specifics of the conversation when interviewed by the FBI.
John Carroll	Private Attorney	RLF partner and long-time friend of VWF's. Thought VFW had an excellent delivery when he spoke at the University of AR Law School on May 8, 1993.
Loraine Cline	Executive Assistant	RLF employee who was VWF's assistant for seven years. Thought VWF was in good spirits when he spoke at the University of AR Law School on May 8, 1993.
Gordon Rather	Private Attorney	Called VWF on July 20, 1993, out of sheer coincidence (partner in same LR law firm as Bruce Lindsey and (briefly) WJC.
Brantley Buck	Private Attorney	RLF Partner involved with drafting the Clintons' blind trust(s), spoke with VWF several times shortly before VWF died.
Stephen Neuwirth		Found the VWF "suicide note" in a briefcase that had already been searched twice.
Beth Nolan	Associate Counsel	Worked with VWF in the WH OLC. Remembered VWF joking around in a staff meeting on Friday, July 16th.

Principal Person	Job Title	Comments Based On The Record
Nancy Hernreich	Deputy Assistant to the President	One the AR "core" group that regularly went together Tuesday night. VWF was a member of the "core" AR group.
David Watkins	White House Director of Personnel	Picked up at home by Rolla and Braun and taken on the VWF family death notification. Also met VWF the morning of July 19 as VWF returned to the WH.
Bruce Lindsey		With WJC and Hubbell at the WH the evening of 7/19/93 when WJC invited VWF to the White House "to see a movie."
President Clinton	The President	On Monday night, July 19th, scheduled a WH meeting with VWF on July 21st to discuss possible WH organizational changes. VWF died on the 20th.
First Lady Hillary Clinton	The First Lady	Left west coast on the 20th of July. Landed in LR at about 2026 EDT that evening, the day VWF died. Reason given for not flying directly to Washington as planned: to visit her mother.
James Morrissette	USPP Detective	Attended VWF autopsy conducted by Dr. Beyer. Stated in his report that Dr. Beyer told him that the X-rays taken of VWF's head indicated that there were no bullet fragments in the brain. Dr. Beyer states the no X-rays were taken of VWF.
Betsy Pond	Executive Assistant	Assistant to Mr. Nussbaum, White House Counsel (Linda Tripp was the other assistant to Nussbaum). VWF talked to her about what he was ordering for lunch from the WH cafeteria, but it was Linda Tripp who brought VWF his lunch. She and Linda Tripp were in the WH OLC when VWF departed for the last time around 1300.
Tom Castleton	Staff Assistant	WH OLC. VWF sent him to see what was taking Linda Tripp so long to bring him his lunch on July 20th.
Beryl Anthony	Former	Husband of VWF's sister, Sheila. VWF stayed with the Anthonys for several weeks in the later winter of 1993 before renting a home for his family in Georgetown.

Appendix VIII

Author's Biographical Summary: Kook Or Not?

FOIA # none (URTS 16370) DocId: 70105696 Page 247

HUGH H. SPRUNT, CPA/PFS
PROFESSIONAL SUMMARY
July 1995

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

Hugh has devised and implemented successful multi-year tax strategies involving Fortune 500 corporations and does tax planning for individual clients, some with a net worth exceeding $100 million and single-year personal tax liabilities over $10 million. An IRS private ruling request he drafted for a client used a previously unexploited generation-skipping transfer tax "opportunity" Hugh discovered that reduced the taxes on a $14 million intrafamily gift by over $1 million. Hugh has also been the first to inform the IRS of substantive errors in the government's favor on various IRS tax forms, including Schedule K-1 (The IRS acknowledged its errors and corrected the official forms and instructions the following year).

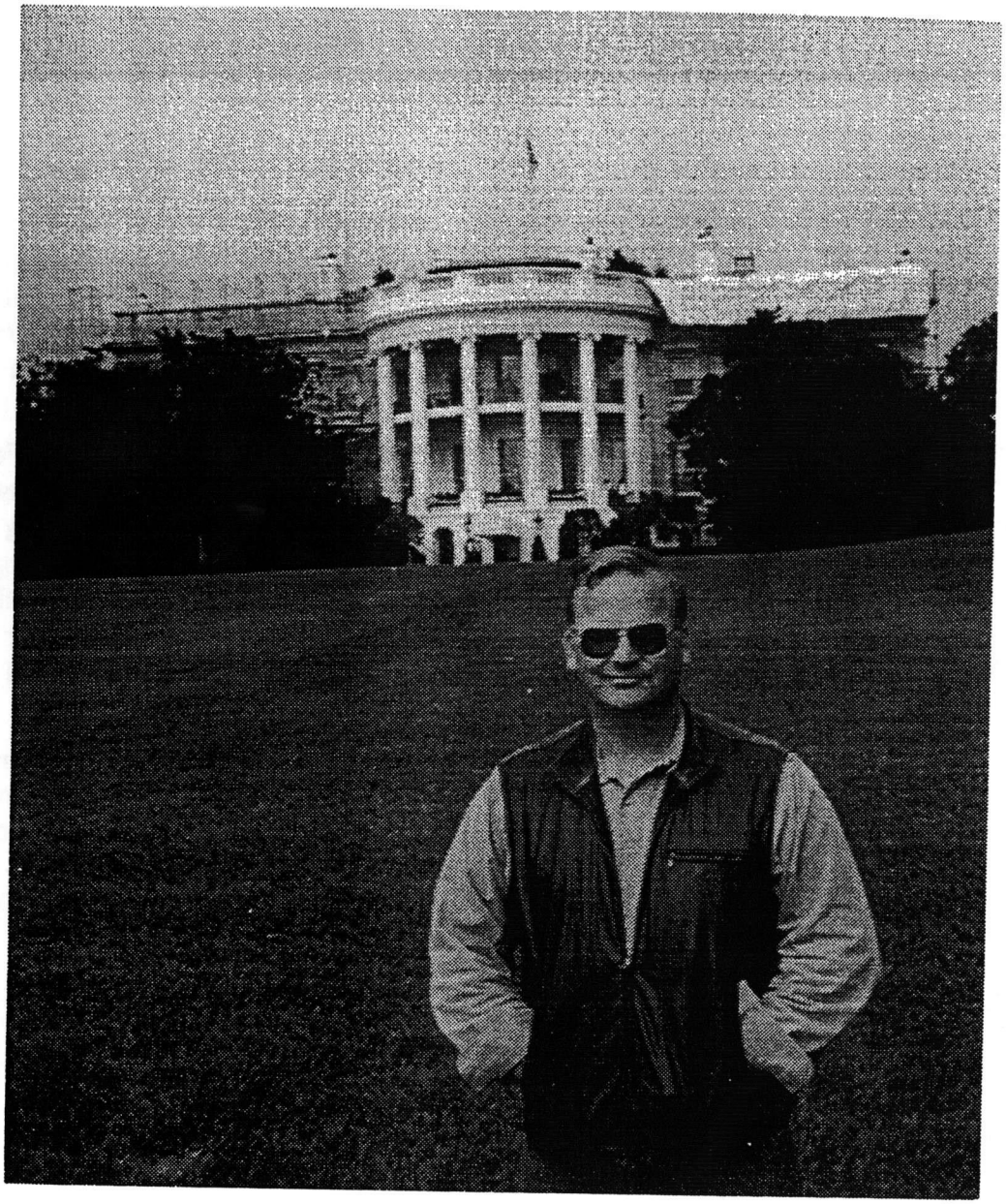
Hugh is the lead author of a two-volume 750-page tax reference work, first published for CPAs, tax attorneys, and other tax professionals in late 1992. The fourth edition will be released in December 1995. Hugh has also written on technical tax subjects in *The Journal of Taxation.* Since 1991, he has supplemented his traditional tax consulting practice as the owner of **Advantax - Your Tax Advantage,** a live nationwide "900" tax planning and tax return advice line (900-933-3004, $3 Per Minute) carried by AT&T's **MultiQuest®** Express900 service.

Advantax is known for the customized "call memo" available to each customer at no additional charge and has been covered by *The New York Times, The Wall Street Journal, Smart Money,* and *NEWSWEEK. No one* who has ever called the 900 number for tax advice has been dissatisfied with the service and failed to pay the 900 charges, an extraordinary record for any 900 number, let alone one in its fourth year of operation. Callers also use **Advantax** to obtain a quick "second opinion" or when they need real-time tax help with return preparation or tax planning software, especially after hours when they are "stuck" and need help *now!*

Hugh received an MBA from the Stanford University Graduate School of Business and a JD from Stanford Law School in 1979 through the GI Bill. Before joining the service, he obtained BS and MS degrees from The Massachusetts Institute of Technology where he was elected to two national honorary societies. After working abroad for twelve months, he volunteered as a commissioned officer and saw service aboard deep-ocean Federal research vessels in the early 1970's, serving as Chief Ship's Diver and Senior Watch Officer.

His viewpoints have been published in *The New York Times, The Washington Times, The Wall Street Journal, Forbes,* and *The Dallas Morning News.* He is the author of the "Citizen's Independent Report" on the death of Deputy White House Counsel Vince Foster and has written extensively on various aspects of the Foster case. Hugh and his wife of twenty-two years live quietly with their son and daughter on Rawhide Creek. His favorite aphorism was written by Alfred, Lord Tennyson: *"Come, my friends, 'Tis not too late to seek a newer world. . . Tho' much is taken, much abides; and tho' We are not now that strength which in old days Moved earth and heaven; that which we are, we are. . . To strive, to seek, to find, and not to yield."* And, lest we forget: *"Tell you what -- It's gonna be a gunfight, but I came here to bomb."* -- Unknown Navy Attack Pilot, ca. 1970.

FOIA # none (URTS 16370) DocId: 70105696 Page 248



"Nothing changes but the uniform, the weapons, and the transportation."

FOIA # none (URTS 16370) DocId: 70105696 Page 249

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

Get Your Friends A Copy Of
A Citizen's Independent Report On
The Death of Vince Foster
The Report Is Not Being "Sold," But The Author Can't Give A Free Copy To Each Person Who Wants One!
Get It **[170 Pages!] For Printing & Copying Cost *Only***
By Phone, With Your Credit Card, Simply By Calling:
(214) 239-2679 Or (301) 937-6500
Printing Is About $9-12 (+ Your Shipping Cost)

FOIA # none (URTS 16370) Docid: 70105696 Page 250

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/2/94

LT. PATRICK STEVEN GAVIN, U.S. Park Police was advised of the identities of FBI Agents William E. Colombell and Lawrence J. Monroe. He was further advised that the agents wished to interview him re his knowledge of events surrounding the death of VINCENT FOSTER at Fort Marcy Park on July 20, 1993.

LT. GAVIN stated that he was the Shift Commander for the 2:00 p.m. to 10:00 p.m. shift on July 20, 1993. He stated that when the U.S. Park Police dispatcher put out a report of a dead body at Fort Marcy Park, he proceeded to the park, arriving at approximately 6:30-6:45 p.m. To the best of his recollection, the following U.S. Park Police officers were present at the park when he arrived: Officer KEVIN FORNSHILL, Sergeant BOB EDWARDS, Officer FRANZ FERSTL, Investigator CHRISTINE HODAKIEVIC. He stated that Investigator HODAKIEVIC met him at the parking lot and later directed him up to where the body had been discovered. To the best of his recollection, Office KEVIN FORNSHILL and Sergeant BOB EDWARDS were not in the parking lot when he arrived, adding that they had already gone up to where the body was found. LT. GAVIN stated that Fairfax County Medical personnel were also in the Fort Marcy parking lot and it was his understanding that they had already been at the death scene and examined the body, determining that FOSTER was dead.

LT. GAVIN stated that when he first pulled into Fort Marcy Park, he noticed a disabled Mercedes parked off to the side of the entrance ramp leading up to the parking lot. He also noted what he later learned was FOSTER's Honda with Arkansas tags parked off to the left and in the front part of the parking lot and a white Nissan which was parked in the rear of the lot.

LT. GAVIN stated that when he viewed the body, he was standing approximately three feet above the head, on the top of a berm, looking down at the body. He stated that there was a path directly in front of the cannon that went over and then down the berm. LT. GAVIN stated that the body was lying on the down side of the berm, in the middle of the path. He described the path as being not very well worn and to some degree overgrown with

---

Investigation on 4/28/94 at Washington, D.C. File # 29D-LR-35063

SSA William E. Colombell

by SSA Lawrence J. Monroe WEC:deg Date dictated 4/29/94

FOIA # none (URTS 16370) DocId: 70105696 Page 251

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

foliage.

LT. GAVIN advised that he took a cursory look at the body and his only recollections are that there was a trickle or what appeared to be blood coming out of the mouth, running down the right side of the face. He stated that the face was pointing up toward the sky. He did not recall seeing blood coming from the nose, nor does he recall any blood or blood stains on the shirt. LT. GAVIN stated that there could have been more blood present on the shirt or face, but that he does not recall seeing it. He also recalls seeing the gun in the right hand with the thumb in the trigger guard, adding that the two things he focused on were the blood around the mouth and the gun in the hand. He stated that he did not proceed down the berm on either side of the body because he did not want to disturb the crime scene, adding that he was unable to furnish any other details regarding the appearance of the body. He does recall checking the area out at the top of the berm and around the cannon, looking for signs of a possible struggle or evidence of a mugging; he stated that he saw no such signs.

LT. GAVIN was asked to review thirteen polaroid death scene photographs (8x10s). After reviewing the photographs, he again reiterated that the only blood that he recalls is the trickle coming out of the mouth. He does not recall blood coming from the nose, nor does he recall blood on the shirt. He again reiterated that he only took a cursory look at the body from a position at the top of the berm and that there could have been additional blood on the face and/or clothing.

LT. GAVIN stated that he has extensive experience as a Emergency Medical Technician, having worked as a paramedic in the Aviation Section, USPP from 1978-1992. After reviewing the death scene photos, he pointed out that the neck of FOSTER appears to be hyperextended; he pointed out that Emergency Medical Technicians "instinctively open airways by hyperextending the neck." He noted that this procedure makes it easier to find a pulse and check the carotid artery and also opens the airways allowing the victim to breathe easier. In the course of the interview, portions of the U.S. Park Police Report were referred to, specifically the report of Officer JOHN ROLLA which states that Fairfax County Emergency were on the scene and checked the carotid artery for pulse. LT. GAVIN stated that he himself did not see anyone touch or move the body nor did he see anyone

administering such an emergency procedure. LT. GAVIN stated that his investigative officers did take a series of 35mm and polaroid shots of the death scene. He stated that he was not sure if they took the 35mm or polaroid shots first, nor was he able to comment at what point in time these photos were taken.

LT. GAVIN stated that he stayed in the area for approximately 30-45 minutes, insuring that witnesses in the parking lot were interviewed and the vehicles in the parking lot were checked. By the time he left, the evidence officer, PETER SIMINELLO, had arrived on the scene. LT. GAVIN stated that he thought that the victim might possibly have been a government appointee because of the Arkansas tags. He noted, however, that the White House identification was discovered in the vehicle after he left the scene. To the best of his recollection, one of the detectives at the scene called him later in the evening, informing him that they had found White House identification for FOSTER. He stated that within ten minutes of receiving that call, he called the U.S. Secret Service, notifying them. LT. GAVIN stated shortly thereafter (within 5 to 10 minutes), MR. BILL BURTON, who identified himself as the Assistant White House Chief of Staff, contacted him by phone. LT. GAVIN stated that he asked for a callback number and was provided two numbers by BURTON; (202) 456-1414 and (202) 456-6797.

LT. GAVIN states that to the best of his recollection, MR. BURTON first inquired about whether the U.S. Park Police had checked the registration on the gun that was used, asking if they knew whose gun it was. LT. GAVIN stated that he informed BURTON that the Park Police did not have such information. LT. GAVIN recalls that at about the same time he received a call from another White House staffer identified as DAVID WATKINS. As best he recalls, WATKINS also inquired about the weapon and to the best of LT. GAVIN's recollection, informed GAVIN that he was a personal friend of FOSTER's and wanted to be with the police officers when they made notification to the family.

LT. GAVIN stated that he kept notes of conversations and calls he handled that night and provided interviewing agents with a typed copy of his notes. Review of his notes by himself

and interviewing agents confirms that on the night of July 20, 1993, either he or the other U.S. Park Police officers either

spoke by phone or in person with the following individuals:

CHRISTINA TEA, Fairfax County Hospital - she called him stating that there were White House people at the hospital who wanted to see the body and should she permit this.

OFFICER TIPTON, Fairfax County Police Department - he talked to TIPTON also re White House staffers wanting to see the body and informed TIPTON to "let them see the body but make sure they don't disturb or take any effects."

CRAIG LIVINGSTONE and WILLIAM KENNEDY, identified as White House officials - both these men were at the hospital and wanted to view the body.

DEE DEE MYERS, White House Press Secretary - was provided a fax press release per instructions from MAJOR HINES of the U.S. Park Police.

TOM CANVIT and JOHN KEENEY, U.S. Secret Service - calling concerning White House passes and/or classified documents in vehicle and were provided assurances that the car was sealed for processing in the morning.

Review of LT. GAVIN's notes reflects the following notation; "engine warm on vehicle." LT. HINES pointed out that he did not check the engine on the FOSTER vehicle and to the best of his recollection, that information was furnished to him by one of the officers on the scene. He stated that he does not believe the actual engine was checked, but that someone may have felt the hood.

In concluding, LT. GAVIN provided the following points of contact: home number (301) 251-6294; work number (912) 267-2489. LT. GAVIN pointed out that as of May 1, 1994, he will be living and assigned to the Federal Law Enforcement Training Center in Glenco, Georgia.

WITHDRAWAL NOTICE

RG: 449 Independent Counsels

Starr/Ray FRC box 2293

NND PROJECT NUMBER: 37918 FOIA CASE NUMBER: 25720

WITHDRAWAL DATE: **03/18/2010**

BOX: 00019 FOLDER: 0 TAB: 1 DOC ID: 31313557

COPIES: 1 PAGES: 4

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: Loose papers in Ewing FRC box 2293 #1

DOCUMENT DATE: DOCUMENT TYPE: Transcript

FROM:

TO:

SUBJECT: Grand jury transcript

This document has been withdrawn for the following reason(s):

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

WITHDRAWAL NOTICE

WITHDRAWAL NOTICE

RG: 449 Independent Counsels

Starr/Ray FRC box 2293

NND PROJECT NUMBER: 37918 FOIA CASE NUMBER: 25720

WITHDRAWAL DATE: **03/18/2010**

BOX: 00019 FOLDER: 0 TAB: 2 DOC ID: 31313558

COPIES: 1 PAGES: 16

ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

FOLDER TITLE: Loose papers in Ewing FRC box 2293 #1

DOCUMENT DATE: DOCUMENT TYPE: Transcript

FROM:

TO:

SUBJECT: Grand jury transcript

This document has been withdrawn for the following reason(s):

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

WITHDRAWAL NOTICE

Sprunt

p.29 VWF spch "courage to make a change"

"take a walk in the woods by yourself"

summoned the courage to make change & resign.

Why resign?

But, cp others who thought of, & did resign —
WLH — "you can't
WK — persona non grata
used him up —

Sprunt, p.30 — no access to type — review ought to indicate who is rt & who wrong re demand

HS — 1 man's op — suggest how to proceed — many, w/ more exp came up w/ Q's — how to proceed — followed.

10E VWF prob confided to MS, WLH, LF
sick & tired of WJC, HRC ....
being one-upped by attns w/i WH — BN
& outside WH — ST, JL, JH, etc. > espec. galling
when someone not "counsel of record" has more say than you...

37 Lyons conflict, who would he be looking out for; cp. Hamilton-LF

FOIA # none (URTS 16370) DocId: 70105696 Page 257

Conflict – Tell it like it was re VWF or maintain goal – protect WSC/HRC at all costs – don't mention VWF's neg. cmts

41 goal of disengagement from the WH

Collect

VWF cmts – neg trwd –

BN

HRC

etc.

Defense plays up neg cmts re:

WSJ

FBI

WDC ...

Mere neg. cmts re: outside: WSJ, FBI, etc.

tends to show – suicide – w/ none caused by WH

If neg trwd both

1) outside

2) inside

Conclusions: 1) neg suicide – sick & tired of outside and inside

* 2) suicide then coverup – actions by many to control dmg – point to outside; not inside. → remember who we are declaring w/ DC experts dmg control

* 3) forced suicide – you can't quit – hang in there (i.e. WLH to Cabe) but didn't want him to commit suicide – looks

4) homicide

41 para. 1

next to last para

Scott – team player – Knew best:
1) WLH – Hall HS
2) WJC
3) VWF – slighter...

---

42 2d para –
perjury v. giving false start

---

43 WLH (who admits telling Cabe to hang in there)
talked w/ VWF Sat-Sun.
[hang in there]

Mon. – hang in there – invite to movie-Sun-no
– WJC personally called late
WLH rpt to WJC div. or indiv.

→ Check calls to HRC on weekend –
+ Mon + Tuesday/day –