

Newirth, Steve

SCREENED
By *6/10/10* Date *2/15/10*

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

JUVENILE CASE [

2 SYSTEM AREA

3 WHEN DID IT OCCUR?

MO.

DAY

YR.

4 YEAR

CASE/INCIDENT NUMBER

United States Park Police

0 7 20 93 19 13 1 - 310 5 012

5 NATURE OF INCIDENT

6 RECLASSIFICATION OF INCIDENT

Death Investigation

7 RESULTS OF INVESTIGATION

ITEM

Interview: Steven Neuwirth

[and Nussbaum BK]

Steven Neuwirth is an Assistant White House Counsel and the person reported to have found the note presumably written by Vincent W. Foster that was turned over to Detective L. J. Megby on 7/27/93. The note had been discovered by Mr. Neuwirth during the packaging of Mr. Foster's personal effects on 7/26/93. On 7/29/93 at approximately 1130 hours, Steven Neuwirth was interviewed in Bernard Nussbaum's office by Detective Peter W. Markland and Captain Charles Hume. Mr. Nussbaum was also present and became a subject of the interview.

The following questions were posed to the two gentlemen regarding the note in question:

How could this note have avoided detection during the search of Mr. Foster's office by Mr. Nussbaum and other members of the White House Counsel's office in our presence on 7/22/93?

If the note was found on 7/26/93 why were the police not notified of it's existence until approximately 8:00 P.M. on 7/27/93?

Mr. Nussbaum stated it was his recollection that he removed materials from the briefcase, which remained on the floor, and placed them on the desk in front of him. He then went through the materials. He inferred that because of this he had missed the small scraps of yellow paper that obviously remained in the bottom of the briefcase. I informed Mr. Nussbaum that I was seated on the small couch directly across from and facing him and that I had a clear view of the briefcase when he removed it's contents, also that after the contents were removed I could see that he spread open the briefcase and visually inspected it as if to confirm that it was, indeed, empty. Mr. Nussbaum did not recall doing what I described. Captain Hume stated that he observed that Mr. Nussbaum handled the briefcase a third time when he slid it back towards the wall behind him in order to access the desk's file drawer. Mr. Nussbaum agreed with Captain Hume's recollection of sliding the case to the rear.

Mr. Nussbaum then related that the following people were contacted to view the document before a determination could be made to disclose it to the U. S. Park Police:

- Bill Burton (Deputy Chief of Staff)
- Thomas F. McLarty (Chief of Staff)
- Lisa Foster (wife of Vincent Foster)
- Phillip Heymann (Deputy Attorney General)
- Janet Reno (Attorney General)

8 WARRANT(S)

YES
 NO

9

LATENTS
 PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

FOIA # none (URTS 16369) DocId: 70105740 Page 2

PAGE 1 OF 2 PAGES

13

STATUS: OPEN

SUSPENDED

CLOSED BY:

ARREST

EXCEPTION

UNFOUNDED

14 REPORTING OFFICER

BADGE/ID

DATE

15 INVESTIGATOR

BADGE/ID

DATE

16 SUPERVISOR

BADGE/ID

DATE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

1 JUVENILE CASE

2 SYSTEM AREA

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United States Park Police

0 7 20 93 9 3 - 3 0 5 0

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President Clinton was made aware of the existence of the document. Only Mr. Neuwirth and Mr. Nussbaum handled the document.

Mr. Neuwirth then related his recollection of the discovery of the document. He stated that he was in the process of gathering and packaging Mr. Foster's personal affects for delivery to the family when he turned the briefcase sideways in order to fit it into a box without causing damage to a photograph of the President with Mr. Foster's daughter, Laura. When he did this some torn yellow paper scraps fell out of the briefcase and he noticed handwriting on them. He then retrieved a number of other similar scraps from the bottom of the case and took them to the table in Mr. Nussbaum's office where he assembled the document which was, ultimately, turned over to Detective Megby.

Mr. Nussbaum was asked if he could clarify two entries on the handwritten note. "HRC" refers to the first lady; "KAKI" refers to an interior decorator employed by Mrs. Clinton.

Mr. Nussbaum stated that there were only "three or four" work related documents on Mr. Foster's computer.

Inquiries were made regarding the phone logs kept at the office. Mr. Neuwirth stated that they had been assembled and that they will review them and contact us.

The interview concluded at approximately 1230 hours.

8 WARRANT(S)

YES NO

9

LATENTS PHOTOS

10 ID TECH NOTIFIED

11 INVESTIGATOR NOTIFIED

12

FOIA # none (URTS 16369) DocId: 70105740 Page 3

PAGE 2 OF 2 PAGES

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 8/3/93

STEPHEN R. NEUWIRTH, Assistant Counsel, the White House, Washington, D.C., was advised of the identities of the interviewing agents and informed of the nature of the interview. NEUWIRTH provided the following information:

NEUWIRTH advised that he was present on July 22, 1993, when the items in VINCENT FOSTER's office were inventoried by BERNARD NUSSBAUM. NEUWIRTH was aware that the items which were immediately identifiable as personal items were provided to the attorney representing the FOSTER family. After July 22, 1993, NEUWIRTH did not again go to VINCENT FOSTER's office until Monday, July 26, 1993.

NEUWIRTH advised that while he was in Arkansas attending VINCENT FOSTER's funeral he was asked by BERNARD NUSSBAUM to conduct a review of the items which were identified as work files in VINCENT FOSTER's office. On Monday, July 26, 1993, at approximately 10:00 a.m., NEUWIRTH began the review of the items in FOSTER's office. NEUWIRTH was also instructed to take any remaining personal items and place them in a box to be provided to the FOSTER family. As NEUWIRTH placed VINCENT FOSTER's briefcase in the box of personal items, he turned the briefcase on its side or upside down and observed several small pieces or scraps of yellow paper fall out of the briefcase. NEUWIRTH then reached inside the briefcase and pulled out more scraps of yellow paper. He speculated that the pieces of paper may have been stuck down in a corner of the briefcase and therefore not seen during the July 22, 1993 inventory of FOSTER's office. He recognized these to be in the handwriting of VINCENT FOSTER and he took the scraps of paper to the conference table located in BERNARD NUSSBAUM's office. He observed that the scraps of paper could be assembled and that they were pieces of a single sheet of yellow paper which had been torn into pieces. As he assembled the note, BERNARD NUSSBAUM returned to the office and was shown the note. The note was unsigned and contained no date. NEUWIRTH confirmed that the briefcase from which the scraps were recovered was the same briefcase which BERNARD

Show Photos of briefcase by Char - c.p. color, size etc.

Investigation on 7/30/93 at Washington, D.C. File # WMFO 175B-WF-187743

by SA CHARLES K. DORSEY
SA SCOTT M. SALTER:plj Date dictated 8/2/93

WMFO 175B-WF-187743

Continuation of FD-302 of STEPHEN R. NEUWIRTH, On 7/30/93, Page 2

NUSSBAUM reviewed during the inventory of VINCENT FOSTER's Office on July 22, 1993.

*William
2,
Why not
mentioned?*

NEUWIRTH advised that after reading the note, NUSSBAUM left the office to see if he could find White House Chief of Staff MACK McLARTY. NUSSBAUM shortly thereafter returned with Assistant White House Chief of State BILL BURTON who advised that McLARTY was in Chicago with the President. NUSSBAUM, BURTON and NEUWIRTH decided to try to reach McLARTY in Chicago and they did in fact speak with him (NUSSBAUM, BURTON and NEUWIRTH participated in the conversation via speaker phone). During that conversation, McLARTY stated that it was important to notify VINCENT FOSTER's family and President CLINTON before anything was done with the note. There was also a discussion about whether this note was in fact a suicide note. During their conversation they also discussed the fact that the note should be turned over to the law enforcement personnel handling FOSTER's death investigation. BURTON questioned whether this unsigned, undated note constituted a suicide note. NEUWIRTH made the observation that even if this note did not meet the strict qualifications of being a suicide note, it was without question relevant to the investigation and was well within the guidelines of what the investigators sought. In addition, NEUWIRTH stated that concern that the U.S. PARK POLICE would leak the note's contents to the press was never an issue. NEUWIRTH advised the interviewing agents that at no time during the conversation was it stated that the note should not be turned over to the appropriate authorities.

NEUWIRTH advised that on the evening of Monday, July 26, 1993, the note was secured in the desk or safe within BERNARD NUSSBAUM's office. It was decided that the handling of the note would be discussed on Tuesday morning, July 27, 1993 in a meeting with McLARTY, DAVID GERGEN, BILL BURTON and NUSSBAUM. NEUWIRTH was requested by NUSSBAUM to conduct appropriate legal research to determine if there were any legal problems associated with turning the note over to law enforcement individuals.

NEUWIRTH advised that he was aware that LISA FOSTER, VINCENT FOSTER's widow, met with BERNARD NUSSBAUM in his (NUSSBAUM's) office sometime during the afternoon of Tuesday, July 27, 1993. NEUWIRTH stated that he was not present at that meeting.

WMFO 175B-WF-187743

Continuation of FD-302 of STEPHEN R. NEUWIRTH, On 7/30/93, Page 3

NEUWIRTH advised that on the evening of July 27, 1993, a meeting was held between Deputy Attorney General PHILIP HEYMANN, Attorney General JANET RENO and White House officials regarding the note (NEUWIRTH was not present at that meeting). During that meeting, the UNITED STATES PARK POLICE arrived and took custody of the note.

NEUWIRTH advised that after locating the scraps of paper which constituted the note in the briefcase he observed that the only other items in the briefcase were a pen, a single rubberband and a single blank "post-it" note.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 5/16/94

Stephen Randall Neuwirth, Associate Counsel to the President, was interviewed in the Office of the Special Counsel, 1001 Pennsylvania Avenue, NW in the presence of his attorney, Lawrence B. Pedowitz. Also present during this interview were Associate Special Counsels Carl Stich and Mark Stein. Mr. Neuwirth was advised as to the official identities of the interviewing attorneys and agents present and of the nature of the interview. He then provided the following information:

Prior to his coming to work at The White House in February, 1993 he had been an associate in the New York City Law Firm of Wachtell, Lipton, Rosen, and Katz where his attorney, Lawrence Pedowitz and Bernard Nussbaum are currently employed. Shortly after Bernard Nussbaum was appointed to the position of Counsel to the President, he (Nussbaum) asked Neuwirth to be Associate Counsel to the President.

He first met Vincent Foster in January, 1993, during the transition period following Bill Clinton's election as President. In characterizing his relationship with Foster he said that he had never seen Foster outside of an office environment and did not consider himself to have known Foster personally. He liked Vincent Foster and admired him as a very good lawyer, and enjoyed working with him. He said that while he did not notice any physical changes or changes in Foster's demeanor prior to his death and while he did not think that Foster was depressed or suffering any extraordinary weight loss, he did think that Foster was under stress and trouble. He explained that Foster seemed troubled mainly because of work-related issues such as, congressional and news media criticism of The White House travel office matter and several Wall Street Journal editorials that were critical of Foster as well as two of his friends, Webb Hubbell and Bill Kennedy. He said that Foster's death came as a total shock to him.

Neuwirth said that in his job as Associate Counsel to the President during 1993, he reported to both Bernard Nussbaum and Vincent Foster and was a "generalist" handling a wide range

Investigation on 5/13/94 at Washington, D.C. File # 29D-LR-35063 SUB A

by FOIA(b)7 - (C) Date dictated 5/13/94

-LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 2

of matters coming to the Counsel's office. As examples, he said that early on in the Clinton Administration he handled a number of lawsuits against The White House and/or President Clinton such as the suit to open the records of White House health care planning session. He described the environment of the Counsel office as being busy, small, and informal with daily morning staff meetings that served to bring all of the Counsel employees up-to-date.

Neuwirth said that he was aware that Foster handled personal matters for the President from time to time. As examples, he said that he can recall Foster handling financial disclosure forms for the President and working to establish a blind trust for both the President and Hillary Clinton. He said, however, that he knew little about these issues and cannot recall anytime when Foster voiced concern about such matters. Neuwirth further advised that he had only a slight awareness of the Whitewater matter and never had anything to do with Whitewater matters, although he does recall the issue surfacing during the 1992 Presidential campaign.

He saw Vincent Foster for the last time on the morning of July 20, 1993 in Bernard Nussbaum's office. Foster, at that time, had asked him to see Jody Greenstone on a matter of White House business, the specifics of which he can not now recall. He telephoned Foster later that day and was told that he was out. He went home late that afternoon without ever hearing from Foster again. During the late evening hours of July 20, 1993 but before midnight, he received a telephone call from Bernard Nussbaum advising him of Foster's death. Nussbaum gave him no instructions and made no requests of him during that conversation. Neuwirth said he believes Nussbaum was phoning him from The White House but he is not certain. Neuwirth said that he does not recall notifying or talking to any other White House personnel that evening and he did not leave his house that evening after being contacted by Nussbaum. He arrived at work on July 21 at approximately 7:30 am and went to the Nussbaum/Foster suite on the 2nd floor of the west wing. He recalls that Betsy Pond, Special Assistant to Nussbaum, was either at her desk or in Foster's office when he arrived. He recalls telling her that it would be better if she were not in Foster's office. He also recalled looking briefly into Foster's office and finding that it looked characteristically neat. He said that he cannot recall observing anything out of the ordinary regarding the appearance of Foster's office. He learned shortly thereafter that Betsy

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 3

Pond had "straightened some things" in Foster's office prior to his arrival. He said that he had no reason to believe, however, that Pond had removed anything from Foster's office. Bernard Nussbaum arrived later that morning and Neuwirth recalled learning that the U.S. Park Police had made it known that they wanted to come to The White House (Foster's office) as part of their Foster investigation. He said that he was aware that some brief meetings had taken place that morning involving discussions centering on how the Park Police would be allowed access. He was not a part of these meetings at that point and time. He does recall, however, being part of a discussion centering on the need to seal Foster's office for investigative reasons. He also recalls telephoning a United States Secret Service (USSS) official asking that they send someone to seal Foster's door. A uniformed USSS employee was posted on the Foster office door shortly thereafter and later that evening a lock was installed on the door. During the late morning hours of July 21, Bill Clinton came to the Counsel suite and spoke to the employees there about Vince Foster and his death. Many people came to the Counsel suite throughout the day of July 21. He remembers that the President met with the entire White House staff in the Old Executive Office Building later on July 21 to brief them on Foster's death.

From this point forward in the interview, the majority of Neuwirth's answers to questions began with or included phrases such as: "I can't remember; I have no clear recollection of; I seem to have a sense that; It is possible that; and I cannot be positive, but...". He said that his recollection of events that took place in The White House on July 21 and July 22 are "muddled in (his) mind". He further qualified his answers to questions regarding events of these two days by saying that he could not always recall on what day specific events occurred or where they occurred within The White House.

Neuwirth said that prior to the USSS Uniform Officer being posted in front of Foster's door, there may have been "one or two instances" where people went in and out of Foster's office. For example, he recalled Bernard Nussbaum taking a photograph out of Foster's office and he also recalled Nussbaum sitting on a couch in Foster's office, possibly making a telephone call. He cannot recall, however, anyone going into Foster's office after the USSS officer was posted in front of his door. Neuwirth said that he learned at a later time, although he does not know exactly when, that Bernard Nussbaum, "Maggie"

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 4

Williams, and Patsy Thomasson had been in Foster's office during the late evening hours of July 20. He said that Bernard Nussbaum had told him that Maggie Williams was sitting on Vince Foster's couch. He said that he also seems to recall Bernard Nussbaum telling him that nothing was taken out of Foster's office on July 20, although he cannot recall where or when Nussbaum told him this. He has no information indicating that any other individuals were in Foster's office on the evening of July 20 following his death.

Neuwirth said that during the late morning of July 21, he recalls that there was a meeting on the first floor or ground floor of the west wing wherein Park Police Officers briefed a number of White House staffers on their findings regarding the Foster death to that point. He recalled both Bernard Nussbaum and Bill Kennedy leaving the Counsel suite and going down to this meeting.

Regarding the existence of a "suicide note", Neuwirth said that he has heard nothing about such a note wherein Foster said he was committing suicide and/or said why he was committing suicide and he was no personal knowledge of the existence of any such note.

Neuwirth was asked about any knowledge he might have regarding trash being removed from and/or replaced into Vincent Foster's office following his death. He said that he can recall hearing "something about his trash" although he cannot recall when or from whom he heard it. He thinks he heard that Foster's trash was removed from his office by someone on July 20, 1993, taken to Mac McLarty's office, and then brought back to Foster's office at a later time. He does not recall Cliff Sloan's name being mentioned regarding this "trash" incident.

There were several brief meetings held on July 21 and July 22, 1993 wherein concerns were voiced that Vincent Foster's office contained privileged, perhaps classified, and personal material that should be safeguarded to preserve executive privilege. These conversations were spurred by a U.S. Park Police request to conduct investigation in Vincent Foster's office. Neuwirth said that he was present at only one such meeting that took place in the "Chief of Staff's office". He said that also present at this meeting were "Bill Burton, Bruce Lindsey, Bernard Nussbaum, Mac McLarty, and Jack Quinn, Counsel to the Vice President. At one time during this meeting there

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 5

were also discussions in the Vice President's office with Jack Quinn in that the Vice President was not at The White House on that day.

At the meeting in the Chief of Staff's office the attendees had similar views regarding Foster's papers being covered by executive privilege although a "range of methods" was discussed regarding means of accommodating the Park Police's desire to "search" Foster's office. There was a general consensus that the fact that Vince Foster was Deputy Counsel to the President, by definition of the position, made a strong argument for considering his office documents privileged. He said that he can recall no mention of potential embarrassment or potential political damage that could come about if certain documents from Foster's office were disclosed. He recalls a general consensus that the Park Police request had to somehow be accommodated but that allowing a traditional search would violate executive privilege. He recalls hearing from Bernard Nussbaum on either July 21 or July 22 that Hillary Clinton was concerned about such access being granted to Foster's office.

Neuwirth said that he also recalls being present at another such meeting in Bernard Nussbaum's office on possibly July 21. He recalls that a Mr. Margolis of the Department of Justice was present at this meeting and strongly advocated that Department of Justice attorneys should be present during any "search" of Foster's office and should be allowed to view documents wherein executive privilege was to be asserted. He recalled representatives of the Park Police being present but he cannot recall many details regarding their input. He does recall Bernard Nussbaum, at one point, talking to Philip Heyman of the Department of Justice, by telephone, about proposed methodology governing the search. It is his understanding that an agreement was reached that day wherein Bernard Nussbaum would go through the documents found in Foster's office with law enforcement and Department of Justice personnel present and he (Nussbaum) would describe items he saw to those present without them seeing. Bernard Nussbaum was to decide which items would fall under executive privilege as he went through the items found. It is Neuwirth's recollection that Bernard Nussbaum was to be in total control under this agreement. Neuwirth later characterized the July 22 inventory/search of Vincent Foster's office as "that exercise".

Neuwirth said that he recalls having conversations with

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 6

Betsy Pond, Linda Tripp, Deborah Gorham, and other support employees of The White House Counsel's office regarding proposed interviews of these employees by the Park Police. He recalls telling them to "tell the truth and not worry" because such interviews are to be expected in this type of an investigation. He also recalls "sitting in" on "a couple" of these interviews, although the only one he can recall specifically is Deborah Gorham. He can also not recall on which day these interviews took place.

On July 22, the search of Foster's office took place with numerous people in attendance. Neuwirth said that while he cannot recall their names, he recalls two Park Police investigators, two FBI special agents, and two USSS special agents being present. He also recalls the following individuals being present: Bernard Nussbaum, Cliff Sloan, Bill Burton, David Margolis and Roger Adams of the Department of Justice, and Michael Spafford, representing the Foster family. Bernard Nussbaum was seated behind Foster's desk with Neuwirth, Sloan and Burton standing near the desk. David Margolis was sitting directly in front of the desk and closest to it. Once everyone was in the office Margolis reiterated his previously stated views as to the Department of Justice being allowed to review any documents found during this procedure wherein executive privilege was to be claimed. There was a verbal exchange between Margolis and Nussbaum at that point although Neuwirth said that he cannot recall any of the exact words that either spoke. The "exercise" began with the understanding that it was to be done Nussbaum's way. Some of the documents in the room were thereafter described by Nussbaum with some specificity while others were broadly characterized or described only by categories such as "White House project" or "work papers."

During the 7/22 procedure in Foster's office, Neuwirth was not standing in a location where he could view the documents that Nussbaum was describing. He said that he does not recall taking any notes during this process but does distinctly recall Cliff Sloan taking many notes. When asked what part he had in these proceedings, Neuwirth said that he cannot recall any particulars but "it is possible at some point during the exercise I could have said something to Bernie" in the way of advice regarding certain documents. Neuwirth cannot recall where in Foster's office the search started but he has "a sense" that all items in the office had been characterized by the time the proceedings were finished.

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 7

Regarding the methodology of the July 22 proceedings in Foster's office, work files were often left where they were found such as in file cabinets or drawers, after they were verbally characterized by Nussbaum and without the attendees having seen them. Neuwirth says that he can recall that the documents were divided into piles but he cannot recall how each pile was designated. One pile was documents that were deemed to be personal items of Vincent Foster. The items in this pile were given to Mr. Spafford, representing the Foster family, at the end of the proceedings. Neuwirth said that he believes he recalls another pile in which items were placed after investigators had expressed an interest in reviewing them. He does not recall any search of a file cabinet near Deborah Gorham's desk nor does he recall any search of a safe in Bernard Nussbaum's office. He also does not recall any discussion of this cabinet or this safe.

At this point in the interview, Associate Special Counsel Carl Stich showed Steve Neuwirth and his attorney the briefcase that is believed to have been Vincent Foster's that was in his office at the time of the July 22 search. Neuwirth said that he was unable to state whether this was the briefcase he had seen in Foster's office or not. He further stated that he is not sure if he was in Foster's office on July 22 when the contents of Foster's briefcase were removed and described. It is his "understanding" that "something" was taken out of the briefcase during the search. He said that it was sitting on the floor behind Foster's desk but that he has no recollection of the briefcase or specifically its interior, being shown to those present. He cannot recall if Foster's office was locked at the conclusion of the July 22 search when everyone departed.

Neuwirth said that while he can recall no specific "after search" meetings to discuss what was found during the July 22 proceedings, Bernard Nussbaum said that a complete inventory of Foster's office should be done. Nussbaum said that this inventory, to be done by Neuwirth, could wait until July 26, the Monday after the Foster funeral.

Neuwirth said that he and numerous other White House staffers went to Arkansas on July 23 to attend the Foster funeral. He said that they arrived back in Washington very late on July 23 and that he did not go to the office on Saturday or Sunday.

Neuwirth was asked if he was aware of anyone being in

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 8

Foster's office during the late evening hours of July 20 following his death. He said that as of July 22, "he had become aware" that Bernard Nussbaum, Cliff Sloan, "Maggie" Williams had been in Foster's office on July 21. He was told that Nussbaum and Sloan were also in Foster's office on July 22 following the search "going through files" to further categorize the files located. He also became aware that Maggie Williams was in Foster's office on July 22. The significance of Williams' presence in Foster's office did not become apparent to him until July 23. During the flight back to Washington, D.C. from Little Rock on July 23, Bob Barnett, an attorney with the law firm of Williams and Connolly, told him that "certain files" from Foster's office were to be "given to (him) by Maggie Williams". Neuwirth was not told and does not know what these "certain files" concerned but it was his understanding that Bob Barnett was the "local" Washington, D.C. attorney representing Bill and Hillary Clinton. He does not know when documents were removed from Foster's office, who removed them, how they got to Maggie Williams, or how they got to Barnett. He has heard, however, since that date, other White House staffers mention certain files in the possession of the Williams and Connolly law firm.

Neuwirth said that on July 26, 1993, he returned to work and went to the Nussbaum/Foster suite at mid morning where he found the door to Foster's office locked. He said that either Bernard Nussbaum or Deborah Gorham had a key and opened the door for him. He began the inventory requested by Nussbaum, by making a list of files by subject. In order to do this, he briefly reviewed each file to ensure that nothing had been inadvertently misfiled. He took a lunch break and returned that afternoon to continue the inventory. He was placing various personal items, such as family photographs, etc., into a box when he saw Foster's briefcase on the floor. He picked up the briefcase and was about to put it into the box with other personal items when several pieces of torn yellow paper fell out. He looked inside, found other torn pieces of yellow paper along with pens, rubberbands, and a small pad of yellow post-it notes at the bottom of the briefcase. He noted handwriting on the torn pieces of yellow paper and decided to piece them together. He went to Bernard Nussbaum's office where there was a table that could be used for this purpose. Upon assembling the pieces he saw what "looked like Vince's handwriting". He immediately asked that Bernard Nussbaum be electronically paged. Nussbaum came in shortly thereafter and saw the note reassembled on the table. Nussbaum telephonically contacted Mac McLarty who was in Chicago at the

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 9

time with President Clinton and advised him of what they had found. Shortly thereafter Neuwirth recommended to Nussbaum that appropriate law enforcement authorities be notified as to what they had found. In several discussions that took place that afternoon, it became obvious that with the President and McLarty being in Chicago with a schedule that would not allow them time to discuss this matter, notification of law enforcement would have to wait. Among those present in these discussions with Nussbaum and Neuwirth were Bill Burton, and Mac McLarty, by telephone. A decision was reached that they should also wait until the Foster family could be notified of this find before law enforcement was made aware. Neuwirth watched Nussbaum make a handwritten transcription of the message found on the assembled torn pieces. The transcription and the pieces were then placed in Nussbaum's desk.

Neuwirth said that once he found these torn pieces of paper, his inventory of the Foster office was stopped. He advised, however, that earlier during the day, Deborah Gorham had helped him with some parts of his review and inventory. She had helped him review what was contained on Foster's computer. They found "a very small number of documents that were clearly work related" on the computer. In response to a specific question, Neuwirth said that no poem was found on the computer.

Once Bernard Nussbaum had made a transcript of the torn note, he instructed Neuwirth to look into several legal issues that could pertain to the disclosure/non-disclosure of this note such as, obstruction of justice, executive privilege, etc. These were issues that Nussbaum said had to be considered and discussed before making the note available to law enforcement. Neuwirth said that he'd looked into these issues and later again recommended to Nussbaum that the note be given to law enforcement authorities.

Neuwirth said that he has no knowledge of how any documents were removed from Vincent Foster's office with the exception of one file regarding the "White House ushers and White House renovation" matter that was reassigned to him from Vincent Foster after Foster's death.

The following descriptive data was obtained through observation and interview regarding Neuwirth:

Name: Stephen Randall Neuwirth

LR-35063 SUB A

Continuation of FD-302 of Stephen Randall Neuwirth, On 5/13/94, Page 10

Employment: Associate Counsel to the President, The White House Washington, D.C.

Home Address: [Redacted] FOIA(b) 6

Telephone Numbers: 202-456-7903 (work) [Redacted] (residence)

Date of Birth: [Redacted] FOIA(b) 6

Place of Birth: New York, NY

Social Security Account Number: [Redacted] FOIA(b) 6

Height: 6'1"

Weight: 175 lbs.

Build: Slender

Hair: Brown (receding and curly)

Attorney: Lawrence B. Pedowitz 51 West 52nd Street New York, NY

Telephone Number: 212-403-1000

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/6/94

On June 2, 1994 a conference call was held between STEPHEN NEUWIRTH, his attorney LAWRENCE B. PEDOWITZ of the law firm WACHTELL, LIPTON, ROSEN and KATZ, CARL STICH of the Office of the Independent Counsel in Washington, D.C. and Special Agent FOIA(b)7 - (C). The purpose of the conference call was to discuss NEUWIRTH's previous discussions with the Office of Professional Responsibility with regard to the Travel Office matter. All callers were familiar with the nature and purpose of the interview and the identities of all individuals. NEUWIRTH provided the following information during the call:

With regard to what statements VINCE FOSTER, Jr. may have made to NEUWIRTH with regard to the Travel Office matter, NEUWIRTH said that at the present time he did not recall anything specific that he himself had said on that subject. In addition, he had no recollection of FOSTER having said anything specific on the topic other than the item in his note that "the FBI lied" in their report regarding the Travel Office matter. NEUWIRTH said that when he read that allegation as part of the published text of the entire note, he did not know what FOSTER had meant by it. He added that these events occurred a long time ago and he has no present recollection of specifics.

In an attempt to refresh NEUWIRTH's memory, CARL STICH read the following portion of the report to him, "According to STEVE NEUWIRTH, another Associate Counsel, FOSTER was generally disappointed with The White House report. FOSTER thought KENNEDY's version of events and his conversations with the FBI should have been adopted as definitive. FOSTER was also concerned that the conclusions contained in The White House report could cause people to question the motives of well intentioned people and lead to calls for unwarranted investigation."

Asked to comment on the above opinions which were attributed to him, NEUWIRTH said that he spoke with the OPR investigators several months ago and at that time, the subject of the questioning involved events which had happened even more

(telephonically)

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FOIA # none (URTS 16369) DocId: 70105740 Page 17

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LR-35063

Continuation of FD-302 of STEPHEN NEUWIRTH, On 6/2/94, Page 2

months previous to that. NEUWIRTH remembered that FOSTER was not happy that BILL KENNEDY had been criticized in the report that implicated several people in The White House, but NEUWIRTH was unable to recall specifically his conclusions that the report "could cause people to question the motives of well intentioned people and lead to calls for unwarranted investigation." He does recall that there was some concern about congressional investigation regarding the Travel Office matter. NEUWIRTH did not recall particular conversations on this matter. He said that he was just aware generally that there were discussions and concerns about congressional hearings on the topic. He said it was "conceivable I might have said something like that".

NEUWIRTH said that at the time he was interviewed by the OPR investigators, he had the sense that his words were being restated and he is not sure how the OPR investigators put his responses down in their notes. He said that FOSTER had characterized the report as unfair and NEUWIRTH can not himself now characterize that with greater specificity. He recalls that engaging outside counsel was being discussed but he cannot recall any details of those discussions. With regard to the first sentence of the portion of the report read to him, namely, that "according to STEVE NEUWIRTH another Associate Counsel, FOSTER was generally disappointed with The White House report", NEUWIRTH said that that sentence was accurate. With regard to the second sentence namely, "FOSTER thought KENNEDY's version of events and his conversations with the FBI should have been adopted as definitive", NEUWIRTH characterized it as sounding a bit too stark for something that he would have said, and cited it as an example of the OPR investigators restating opinions he expressed to them in a slightly different way than he had meant them. With regard to the third sentence, namely, "FOSTER was also concerned that the conclusions contained in The White House report could cause people to question the motives of well intentioned people and lead to calls for unwarranted investigations", NEUWIRTH said that he was not in a position to say that he did not say that, but again, it sounded too stark for him to believe that he had said it.

NEUWIRTH said that the travel report ended up choosing to adopt the FBI's version of early contacts between The White House and the FBI with regard to the Travel Office but that NEUWIRTH himself was never in a position to know the details of why FOSTER was so disappointed in that fact.

LR-35063

Continuation of FD-302 of STEPHEN NEUWIRTH, On 6/2/94, Page 3

Finally, NEUWIRTH said that he had no reason to believe that the statement in FOSTER's list saying that "the FBI lied" had to do with anything other than the Travel Office. On the other hand, NEUWIRTH is unable to confirm that it was, in fact, the Travel Office report that FOSTER was referring to, although NEUWIRTH was not aware of any other report that he could have been referring to.