

QUESTIONS re: Foster

14p b67c

**SCREENED**  
By *das* Date *3/17/2010*

2:35 PM

6-12-95

202-514-3703

(LR) KS-WE-BD

WDC  
(SK) -

- ① Senate wants - all the docs - that were in Foster's office -
- ② White House - producing -
- ③ W&C docs on WW

[Would it hinder an investigation in LR?]

• Can't proceed w/ VF Docs investigation w/o the docs ---

① We can't produce -

① Try to get thru W&C "use limitation" at Hqs -

BD - Boxer S & G - Kendall Production -

Jiffrah <sup>called -</sup> 1 Disc. - BK & SK  
9:30 or 10:00

• DOJ had some materials - FBI interview notes re: removal...

• DOJ asked us (on Friday) - Paul Fishman (Acting Principal Deputy AG) - contact person at DOJ.

We can not say there are all the Docs.  
which were in VF's office.

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\* 7-20-93 WW Doc in VF's Office

{ Produced by W&C to BD -  
Boxer 5 & 9 -  
original W&C production }

\* 10/93 - WW Doc to W&C for WLH's  
baronment

{ Produced in Another Box }

today

• Fishman, SK & BK, Jiffrah - Cont. Call

Learned abt

• Doc. Request to Whitehouse  
(issued on 6-2-95)

• Discussed the issue in general.

• BK - we did not talk their request  
to DOJ covered specific docs.

• Jiffrah - of course, we need those  
documents - w/o docs, can't show motive.

• Jiffrah - apologize that we didn't  
let you know - request to White House  
wanted specific documents -

[BD - we have the "originals"]

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• Miriam (Stein) - at White House

○ John Batev o Brett K. -  
at White House -

6-13-95

Ray - Steve K called for Le Ray ...

I called Alex -

- dismissed
- Told him to tell SK to talk w/ BD

**MEMORANDUM**

**TO:** Judge Starr  
Mark Tuohey  
Bill Duffey  
Hickman Ewing  
John Bates

**FROM:** Brett Kavanaugh

**RE:** Foster Investigations

**DATE:** March 4, 1995

At Friday's meeting in Washington, decisions were made regarding certain aspects of the Foster death investigation. I will summarize those decisions and then list other points for discussion at our next team meeting.

**Decisions**

1. The Foster state of mind investigation necessarily must be a balance of thoroughness against reasonableness. Striking that balance, Ken concluded that it would be inappropriate at this juncture to issue a subpoena to the White House for "all documents to, from, or referring or relating to Vincent W. Foster, Jr." Such a subpoena remains a future option, however.

2. The goal of the Foster death investigation is to attempt to determine to as high a degree of certainty as is reasonably possible whether Foster's death was a homicide or a suicide. One factor to consider in making that determination is Foster's state of mind prior to his death. A troubled state of mind would be probative of suicide; a healthy state of mind would be probative of homicide. Of course, a particular state of mind is not definitive proof of suicide or homicide, but it nonetheless is a standard factor to weigh in death investigations.

With that in mind, the Travel Office is an important issue. It is well documented that the Travel Office concerned Foster a great deal. The episode seems to have bothered him in two different ways. First, he was angry and upset at the press, the FBI, and the White House for the manner in which they portrayed the events surrounding the firing of the Travel Office employees and the subsequent reprimands of various White House officials. Second, he appears to have been concerned about the possibility of congressional hearings on the Travel Office.

With respect to Foster's concern about potential congressional hearings, it is incumbent upon us to determine the precise nature of his concern about the potential hearings. Foster's

brother-in-law Beryl Anthony has speculated that there might have been facts about the Travel Office that were not publicly known and that Foster did not want to reveal to Congress and the public. For that reason, it is necessary that we carefully examine all of the facts surrounding the firings of the Travel Office employees.

At this point, however, it is important to note that we are not investigating the Travel Office for the purpose of determining whether any individual inside or outside the White House violated any federal criminal law in connection with the firing of Travel Office employees. Of course, if we discover credible evidence of criminal wrongdoing with respect to the Travel Office firings during the course of the Foster investigation, we might initiate such an investigation. If so, we would immediately inform the Public Integrity Section because of their pending case against Billy Dale, which might have to be suspended under 28 U.S.C. § 597. We also would apply for an expansion of jurisdiction.

In light of the above, it would be appropriate at this juncture to issue a subpoena to the White House for (1) all documents to or from Foster referring or relating to the Travel Office; (2) all documents that both were within Foster's office on July 20, 1993, and refer or relate to the Travel Office; and (3) all documents referring or relating both to Vincent W. Foster and to the Travel Office.

#### For next team meeting

1. (Foster death) Given the above discussion, we should discuss whether it would be appropriate to issue a subpoena to the White House for all documents referring or relating to the Travel Office affair. Alternatively, we perhaps could issue a subpoena for all H. Clinton, Kennedy, Watkins, Thomasson, Livingstone, and McLarty documents referring or relating to the Travel Office.
2. (Foster death) Because Vince Foster apparently consulted Jim Hamilton, Jim Lyons, and Susan Thomases about the Travel Office in the week prior to his death, we should discuss whether to request a waiver of attorney-client privilege from the executor of Foster's estate (John Sloan).
3. (Foster documents and Foster death) We should discuss whether to subpoena the White House for all documents that were within Vince Foster's office, on his computer, within his secretary's office space, on his secretary's computer, or in the Counsel's safe on July 20, 1993. If we do not issue such a subpoena, we implicitly will have accepted the Nussbaum view of privilege and relevance as to Foster's office. If the White House objects to such a subpoena - - as I am sure it will -- we may want to offer a compromise whereby they would collect all such documents and I would review them. But we need to review them all -- regardless of the sensitivity of such documents.
4. (Foster documents and Foster death) We should discuss whether to issue a

subpoena or request to Jim Hamilton and Lisa Foster for all documents that were within Vince Foster's office, on his computer, within his secretary's office space, on his secretary's computer, or in the Counsel's safe on July 20, 1993.

5. (Foster documents) We should discuss whether to subpoena from the White House all e-mail, calendars, diaries, and message logs for the following people for the period July 15-July 30, 1993: Kennedy, Lindsey, McLarty, Burton, Williams, Gergen, Thomasson, Livingstone, Scott, Neuwirth, Sloan, Nussbaum, Watkins, Quinn, Kennedy, Mills, Cerda, Nolan, Gearan, Klain.

6. (Foster death) We should obtain or review Foster's diary and any and all of Foster's calendars. We should also inquire about whether he used e-mail. Some of these documents have previously been reviewed by the FBI, but I would like to examine them. (White House, Lisa Foster, or Hamilton in possession).

7. (Foster death) We should discuss whether to issue subpoenas to Foster's mother, Lisa Foster, Foster's children, Foster's siblings, and Foster's friends for documents that might shed light on Foster's state of mind or their perceptions of Foster's state of mind (e.g., letters from Foster, letters to each other before or after Foster's death, notes, personal diaries, etc.). I would be uneasy issuing such subpoenas, but I would be more uneasy making definitive conclusions about Foster's state of mind without reviewing these relevant documents.



The following investigation was conducted by SSA STEVEN D. IRONS:

On 5/23/95, an individual utilizing the alias "NOTEBOOK" advised there was a story in last Sunday's London Telegraph newspaper concerning the travels of VINCE FOSTER to Geneva, Switzerland. The writer claimed FOSTER made several trips to Switzerland and cancelled one in July, 1993, shortly before his death. It also mentioned a former Office of Independent Counsel (OIC) attorney named RODRIGUEZ has said he felt not enough was done to investigate the death of FOSTER.

As a result of the article, NOTEBOOK heard discussions that FOSTER took trips to Europe related to FIRSTSOUTH, a now defunct savings and loan in Arkansas, as well as trips on behalf of the STEPHENS company of Little Rock. The STEPHENS representation dealt with the company's purchase of a part of a French bank or corporation, more likely a bank. WEBB HUBBELL went on some of the trips related to the STEPHENS interest. T.E. TURNER, who is still employed by STEPHENS, was also involved with FOSTER on the matter involving the French bank.

Some locals in Little Rock are saying there is a whitewash coming from the OIC related to BRUCE LINDSEY, and feel if LINDSEY is not prosecuted NEAL AINLEY should not be either. These same observers wonder what will become of HERBY BRANSCUM and ROB HILL.

Persons at ARKANSAS POWER AND LIGHT (APL) are upset over a Washington Times article from last Friday concerning RON BROWN, Commerce Secretary for the United States. The article mentioned money contributed by APL or affiliated persons to Democratic campaigns, which is what APL did not like about the article.

One particular individual continues to claim BILL CLINTON received the benefit of \$200,000-\$250,000 as a result of his actions in the GRAND GULF settlement.

**AGENT COPY**

*Notes: 1cc each OIC atty  
1cc each FBI TR  
1cc SA GIBBS OIC/WOC  
1-ED L.  
TH*

**29D-OIC-LR-35063 SUB F -**

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
MAY 23 1995	
FBI - LITTLE ROCK	

TELECOPY COVER SHEET

OFFICE OF THE INDEPENDENT COUNSEL

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TO: Hick Ewing and Judge Starr Date: \_\_\_\_\_

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

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

FROM: Brett Kavanaugh

Number of Pages: 3 (including this cover sheet)

Message: \_\_\_\_\_

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FOIA(b)7 - (C)

## MEMORANDUM

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

TO: Judge Starr  
Mark Tuohey  
Hickman Ewing  
John Bates  
Ed Lueckenhoff  
[REDACTED]

FROM: Brett Kavanaugh

RE: Summary of Foster Meeting on 6-15-95

DATE: June 16, 1995

We discussed the following at our meeting on Thursday, June 15.

1. We will search the park. Ed and [REDACTED] will coordinate this plan with the FBI lab people and Henry Lee. There is a very high chance that the bullet now is in the same place that it landed on July 20, 1993. That being the case, our attitude should be to do whatever is feasible to find the bullet -- whether that includes searching beyond the park or searching trees. If we find the bullet, that would help to prove place of death, which is an important issue.
2. We will attempt to determine whether a Foster family fingerprint is on the inside of the gun. We may perform a fingerprint search of the Foster home in Hope to obtain prints. In addition, Ed and [REDACTED] agreed to think and consult FBI fingerprint experts about other ways to obtain prints of Foster's father. I encourage Ed and [REDACTED] to consult with the very best fingerprint people in the Bureau to resolve this crucial issue. (We have been using an FBI agent named Hupp; the lack of clarity of his fingerprint reports frankly gives me less than full confidence that he is one of the best Bureau fingerprint examiners.)
3. We agreed to have the IRS perform a full financial analysis of Foster. Ed will take the lead in coordinating this with the IRS. [REDACTED] and I will ensure that we gather all existing financial information about Foster for the IRS.
4. We agreed to track down all of Foster's foreign travel. It should not be difficult to obtain immediate information regarding all of Foster's foreign travel. Ed and [REDACTED] will coordinate this step.
5. We will investigate an alleged Swiss bank account that was in Foster's name. Ed and [REDACTED] will consult with Mark in coordinating this investigatory step.
6. [REDACTED]

FOIA(b)7 - (C)

FOIA(b)6

in an investigation of this sort. At our meeting, however, this was more theory and speculation than a proposed investigatory step. Indeed, no one suggested any concrete steps to pursue in this regard.

[REDACTED] For obvious reasons, that is a delicate issue, one we should discuss in detail before that interview occurs.

### Summary of My Views at this Stage

At this point, I am satisfied that Foster was sufficiently discouraged or depressed to commit suicide. (Of course, that does not establish that he did in fact commit suicide.) I base my conclusion on the fact that Foster was found with a list of three psychiatrists in his wallet, the fact that Foster obtained a prescription on July 19 for an anti-depressant, and the many witness interviews describing his state of mind in the days and weeks preceding his death.

As to exactly what fact or facts were causing Foster to be discouraged or depressed, we have some answers, but there may well be more than we have learned at this point. I would be very interested to hear suggestions from any of you about concrete investigatory steps that we could pursue to discover other possible sources of Foster's discouragement or depression. (A full financial analysis was one such good idea; as noted above, we will pursue that suggestion.)

As to the physical evidence, there are several steps that we and Dr. Lee are currently pursuing -- some of which are discussed above. If we establish (1) that the gun was a Foster gun and (2) that the shot was fired in the park, then I think we can be satisfied beyond a reasonable doubt that Foster committed suicide in Fort Marcy Park. These two issues are therefore crucial to the bottom line, and I think we should devote extraordinary efforts to resolving them.

MEMO

TO: Whitewater file  
FROM: Hickman  
DATE: September 26, 1994  
RE: Vince Foster

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On Wednesday, September 21, 1994, I reviewed the Report of the Independent Counsel in re: Vincent W. Foster, Jr. released at Washington, D.C., June 30, 1994.

Those listed on the front of the report were:

Robert B. Fiske, Jr. - Independent Counsel  
Roderick C. Lankler - Deputy Independent Counsel  
Mark J. Stein - Associate Independent Counsel  
Carl J. Stich, Jr. - Associate Independent Counsel

After reading the report, certain questions occurred to me:

1. As with many others, where is the spent bullet? It was concluded that the bullet could have gone anywhere in the park and it would be too cost prohibitive to look further for it.
2. It is stated that Whitewater was "not on the screen" at the time, and thus it was concluded that nothing to do with Whitewater, Madison, or CMS contributed to Foster's anxiety; or at least there was no evidence of that.
3. When did Hale's allegations about the Clintons and Whitewater first get into the public domain?
4. The CMS search warrant was issued on the same date. It was stated that there was no evidence to show that Foster knew about the search warrant being issued. Who all knew about the search warrant, including persons in the U.S. Attorney's office?
5. Where did Foster park his car when he came to work on the date of his death?
6. Is there a security to check for firearms when a person comes in to the parking area?
7. In other words, can it be shown that he had the gun when he went to work that day, or did he have to go get the gun after he left the office on that afternoon?
8. Where is the alleged Democratic "safe house"? Who had keys to it? Is there any way to know whether he went there that afternoon?

9. What efforts were made to locate witnesses who would have seen Foster between 1:00 p.m. and the time of his death?
10. Do we have 302's on all the people interviewed that are listed in the report, including Web Hubbell regarding Foster's state of mind and what occurred over that weekend?
11. Would Foster have been aware of the overbillings by Hubbell? I realize that we did not know about the overbillings until later, but did they know?
12. Could Foster have made other telephone calls that afternoon, either local or long distance, where he would receive additional information or news, i.e., could he have called the Rose law firm from a pay phone, using coins, or calling collect?

[One of the things that does point toward suicide is the "weight loss." In the month or so before Sheriff Jack Owens of Memphis, Shelby County, committed suicide, he had lost about twenty pounds. He was under federal investigation and apparently had gotten more worried and worried as the investigation got closer to coming to an end and possible indictment.]

13. It would appear that a number of the questions raised by various "doubters" are addressed toward the end of the report. Are all of the questions raised in "The Clinton Chronicles" addressed in the report?
14. The report refers to a woman being down the trail at the park when the park police arrived. It says that she had "a friend" with her. Was this friend male or female?
15. The witness, referred to as CW, just happened to stop in that park to participate in the activity identified in the report. It said he had been to this park on numerous occasions. Was this park a place where homosexuals went?
16. Although the report states that Foster was very concerned about the Travelgate matter, and upcoming Congressional hearings, how much do we know about the certainty, or lack thereof, of Congressional hearings on the Travelgate matter?
17. What type of report was done up to that point? Could Foster have been concerned about other matters, not exactly related to Travelgate that might have been asked him might he have appeared as a witness?
18. What does James Lyons say about his conversations with Foster? Has he asserted the attorney-client privilege, or has he supposedly said everything that they had talked about? Would he produce his notes? They might reveal possible other things on Foster's mind.

19. What conversations had Foster had with Hillary Clinton, on Travelgate, or other matters?
20. What had his discussions with either Hillary Clinton or Bill Clinton been on Whitewater? On Hillary's stock trading? On Rose law firm problems?