

HRC/VF ---

SCREENED
By dep Date 3/5/2010

The Washington Times

DATE: 10-10-95PAGE: A-18

'Dear Vince, . . . Very Truly Yours, Henry'

U.S. District Judge Henry Woods of Little Rock, whose remarkable career has led him through the heavy brush and briars of Arkansas politics to the senior federal judgeship there, has been the subject of recent commentary on the page opposite by Jim Johnson, a onetime Democratic nominee for governor and a retired justice of the Arkansas Supreme Court. Judge Johnson has argued that Judge Woods' close and particularly warm friendships with President Clinton and the first lady constitute a conflict of interest that renders him unable to preside fairly over litigation related to Whitewater.

Judge Woods has so far declined to recuse himself from participation in Whitewater-related matters. In fact, he recently dismissed an indictment obtained by Independent Counsel Kenneth Starr against Arkansas Gov. Jim Guy Tucker. Judge Woods said that Mr. Starr's prosecution of Mr. Tucker exceeded the scope of legitimate inquiry by his office.

The effect of Judge Woods' decision has been to delay the Whitewater investigation while Mr. Starr appeals his ruling — an appeal Mr. Starr will certainly eventually win, given the broad charter granted his office. The delay, however, may prove useful to certain parties. Specifically, it may postpone consideration of Mr. Tucker's fate past the 1996 elections.

Was Judge Woods ruling impartially? Did he just happen to arrive at this (crank) opinion on the proper scope of the independent counsel's inquiry?

Well, maybe he did. But the correspondence reproduced on the page opposite seems instructive in this regard. It's a letter Judge Woods wrote to Deputy White House Counsel Vincent Foster in July 1993. This correspondence illustrates the protective care that Judge Woods has exercised in matters great and small relating to the Clintons.

Judge Woods is seeking guidance from Mr. Foster on whether to cooperate with a journalist, Nina Martin, who is working on a profile of Hillary Rodham Clinton for Mother Jones magazine. Judge Woods asks Mr. Foster to "take this up with Hillary or her press secretary and give me instructions as to whether this interview should be granted."

Judge Woods also attaches the letter he received from Ms. Martin, which describes some of what her research into the connections between Judge Woods and the Clintons has already revealed: "Several people — including, most recently, Winslow Drummond — have noted that you would be an especially good person to talk to because you have been in a position to watch Mrs. Clinton's career and development for more than 15 years and to measure her against her peers. Mr. Drummond mentioned that you had appointed Mrs. Clinton (then Ms. Rodham) to a trial advocacy panel in the late 1970s at a time when others might have thought she was still relatively untested. I'm interested in what promise you saw in her then, and why, years later, you appointed her counsel to the Citizens' Committee in the Little Rock school desegregation case."

The question here is obvious. If "Henry" is so solicitous of the Clintons' wishes in relation to so small a thing as an interview that he writes "Vince" to obtain instructions, then is it not at least possible that he was being unilaterally solicitous in tossing out the Tucker indictment?

Because of his personal connections to the Clintons, Judge Woods had no business presiding over the Tucker case. He should have recused himself. He didn't, and evidently he believes his black robe provides him immunity from accountability for his decision. So it does — unless he abused the judiciary to provide political cover for his old friends.

The Washington Times

DATE: 10/10/95
PAGE: A19

'DEAR VINCE, . . . YOURS, HENRY'

Editor's note: Reproduced here is 1993 correspondence from federal Judge Henry Woods to then-Deputy White House Counsel Vincent Foster, in which the judge seeks guidance on whether or not to cooperate with writer Nina Martin on a profile of Hillary Rodham Clinton for Mother Jones magazine. A related editorial appears on the preceding page.

The Hon. Henry Woods
U.S. District Judge
600 W. Capitol
Room 360
Little Rock, Ark. 72201

BY FAX:

Dear Judge Woods:

I as a reporter with a couple of pretty legal and health care issues -- so Mr. Clinton was appointed head of the White force, I started reading about her already had been. I bought a paper of old, magazine clippings, ran turned put that, despite the fact woman was so important to her, yet the media's response to her, what Mrs. Clinton actually did career; how she developed, changed choices; what she learned, and that experience to her current put these choices in context, to assess her accomplishments to assess her (except in she helped steer almost as if people didn't work seriously, or as if the way of their theory of what

relat
then,
Citiz.
does
piece
unders

I'm wri
suspect
like me)
on the
However,
finished
a differ
quite use

I can be
to arrang

Thanks ver
sincerely,

Nina Martin
Nina Martin

U STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
U. S. Post Office & Court House
P. O. Box 2666
LITTLE ROCK, ARKANSAS 72202
June 16, 1993

Mr. Vincent Foster
Deputy Counsel to the President
The White House
Washington, D.C.

Dear Vince:

Reference is made to our phone conversation earlier this week about Nina Martin, a reporter for Mother Jones magazine, who is asking to interview me about Hillary. I have not responded to her phone calls, as I mentioned to you on the phone. Today I received the enclosed letter. Would you take this up with Hillary or her press secretary and give me instructions as to whether this interview should be granted?

Very truly yours,

Henry Woods
Henry Woods

Enclosure

93 JUL 20 P 1: 32

Mother Jones magazine has a professional life that experience -- law school contexts -- law school lawyer, educator, the Legal Profession, the Children's Defense Fund, recently, Winslow Drummond especially good person to talk to position to watch Mrs. Clinton's career than 15 years and to measure her against her mentioned that you had appointed Mrs. Clinton a crisis advocacy panel at Hastings in San Francisco 1976 at a time when others might have thought she was

I hope to talk with you

The Washington Post

DATE: 9/16/95PAGE: A14

White House Kept Foster's Travel Office Notebook From Investigators for a Year

By Susan Schmidt
Washington Post Staff Writer

The White House withheld a handwritten notebook kept by Vincent W. Foster Jr. on the controversial firing of White House travel office employees from federal investigators for a year after Foster's death.

The file was not disclosed to Robert B. Fiske Jr., the first Whitewater independent counsel, until July 1994, the month after Fiske completed a report that concluded Foster did indeed commit suicide and that the travel office affair weighed heavily on his mind. The file was also withheld from the Justice Department, which was investigating the FBI's role in the travel office firings.

Spokesman Mark Fabiani confirmed last night that the White House had failed to turn over the file to the independent counsel and the Justice Department until July 1994. He

said any explanation of those decisions would have to come from former White House counsel Bernard Nussbaum, who was not immediately available for comment.

"We're not in a position to explain it," said Fabiani. "You are going to have to speak to Nussbaum about what happened."

The notebook, made public by the White House in July, discusses the actions of the FBI, first lady Hillary Rodham Clinton and the White House counsel's office in the travel office, which erupted into a public controversy two months before Foster's death.

The Justice Department's Office of Professional Responsibility was "stunned to learn the existence of this document" through press reports just two months ago, according to a July 24, 1995, memo prepared by OPR counsel Michael E. Shaheen Jr. The Foster writings, contained in a spiral notebook, were "obviously relevant" to his

office's investigation, Shaheen wrote, and constitute "another example of the lack of cooperation and candor we received from the White House throughout our inquiry."

The Shaheen memo is the latest in a series of complaints from the Justice Department that the White House has been less than forthcoming in various investigations connected to Foster's death and the Whitewater affair.

Fabiani said that Lloyd N. Cutler, who succeeded Nussbaum as White House counsel in the spring of 1994, asked another White House lawyer whether a travel office file existed after he read Fiske's June 30, 1994, report on Foster's death that cited the travel office affair. "Mr. Cutler got the file and turned it over to Fiske," Fabiani said. Since then, he said, the file has also been turned over to the Justice Department and to three congressional committees.

"This is 'Weekend at Bernie's—Part III,'" said a source close to the White House who is familiar with the investigation. It was a reference to controversial actions that cost Nussbaum his White House job and made him a whipping boy at two sets of congressional Whitewater hearings.

Shaheen's memo was sent to Deputy Associate Attorney General David Margolis, who also has publicly complained that the White House blocked the investigation into Foster's death. The Washington Post learned of the memo from a story that will appear in the conservative The Weekly Standard magazine, due out Sunday.

In a note discovered after his July 1993 suicide, Foster, then deputy White House counsel, mentioned his distress about the criticism leveled at his office over the travel office firings. In May of that year, a public furor had erupted over charges that the White

House pressured the FBI to open an investigation in order to justify the firing of seven veteran employees who actually were being ousted to make room for Clinton associates.

In the wake of Foster's suicide, OPR was assigned to investigate the FBI's role in travel office affair.

Shaheen's memo said his office interviewed numerous White House officials, all in the company of White House lawyers, and no one ever mentioned the notebook.

In early 1994, OPR turned the investigation over to Fiske, the newly named Whitewater independent counsel. Fiske's report on Foster's death discussed the travel office controversy in some detail but makes no mention of the concerns Foster laid out in his notebook.

Fiske, who was succeeded by Kenneth W. Starr in mid-1994, could not be reached for comment, and Starr's office declined to comment.



DATE: 9/18/95
PAGE: 15A

White House still not coming clean on Foster

Turns out critical files, concealed until April, were in Foster's briefcase.

WASHINGTON — The only thing more mysterious than the circumstances of Vincent Foster's death is the way the White House has reacted to the tragedy.

Foster, a boyhood friend of Bill Clinton and former White House counsel, was found dead on the evening of July 20, 1993, in a secluded park outside Washington. He fretted about many things in his final days, but he seemed especially disturbed about the administration's handling of the White House Travel Office.

The key issue in that controversy is whether the White House broke some laws and destroyed innocent lives in order to hand business to presidential pals. The FBI mounted an investigation of former travel office chief Billy Dale, who now faces star-chamber proceedings in federal court. The IRS hounded UltraAir, a company that flew charters in the Bush administration. Harry Thomason, the Hollywood producer, recommended overhauling the travel office even though he was part owner of a charter company that could have stood to gain from the putsch.



COUNTERPOINTS
By Tony Snow

Investigators have spent the better part of two years trying to get to the bottom of the bizarre imbroglio. The White House, which had promised full cooperation with the inquiry, concealed critical travel office files until April of this year, when it handed some stuff over to Kenneth Starr, the independent counsel looking into Whitewater. The documents had belonged to none other than Vincent Foster Jr. News of the papers' existence enraged U.S. Justice Department Counsel Michael Shaheen, who complained two months ago that "we were stunned to learn of the existence of this document since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August 1993."

Now comes an even more spectacular bit of information: The files were in Foster's briefcase at the time of his death.

Abner Mikva, the present White House legal coun-

U. S. Department of Justice
Office of Professional Responsibility

Memorandum

TO: David Margolis
Associate Deputy Attorney General

SIGNED: MICHAEL E. SHAHEEN, JR.
Michael E. Shaheen Jr.
Counsel

FROM: Michael E. Shaheen Jr.
Counsel

SUBJECT: Undisclosed Foster Notebook to the White House Travel Office Matter

In a July 1993 *Newsweek* article (copy attached), "The Night Foster Died," Michael Zellhoff noted "Newsweek has also reviewed a previously undisclosed handwritten notebook in which Foster painstakingly detailed his actions in the travel-office controversy." In that notebook, Foster also, we are told, criticized, line by line, the FBI's Report to the AG on the White House Travel Office matter.

We were stunned to learn of the existence of this document since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August 1993, by then SAC Philip Brynman -- that is, to review the conduct of the FBI in connection with its contacts with the White House on the Travel Office matter and to determine what Vincent Foster meant by the statement in his note that "the FBI lied in their report to the AG."

In a July 13, 1993 letter, President Clinton informed then Congressman Jack Brooks that the Attorney General was in the process of reviewing matters relating to the Travel Office, "and you can be assured that (we) will have the Administration's full cooperation in investigating those matters which the Department wishes to review." (While these may have been Mr. Clinton's views, the White House personnel with whom we dealt apparently did not share his commitment to full cooperation with respect to our investigation.) The recent disclosure of the Foster notebook confirms this.

MEMO: Enraged Justice Department Counsel Michael Shaheen complains about documents.

sel, offered the confession in an Aug. 30 letter to William Clinger, chairman of the House Committee on Reform and Oversight. He noted that "the documents we have loosely described as Mr. Foster's Travel Office 'file' were not in a discrete file when they were found.

"Rather, they apparently constitute the contents of Mr. Foster's briefcase, most of which pertained to the Travel Office matter."

He also asserted, contrary to prior testimony by administration aides, that the documents had lain in the White House from two days after Foster's death until they were turned over to Starr.

White House counsels Bernard Nussbaum and Lloyd Cutler had maintained control of the papers, and a handful of key officials -- Deputy Counsel Joel Klein, Staff Secretary John Podesta, Special Counsel

VF

39

Cont'd

Jane Sherburne, Special Associate Counsel Sheila Cheston and Associate Counsel Neil Eggleston — had reviewed the papers.

Nevertheless, White House lawyers, spokespeople and administrators cleverly evaded questions about the documents. Former counsel Nussbaum made great show of a shredded paper in the briefcase, for instance, depicting the sheet as a suicide note. Yet he neglected to mention that the valise also contained travel office memoranda and notes that were roughly the length of *War and Peace* and that went a long way toward explaining the mysterious missive.

When Clinger's committee asked about the whereabouts of the files, White House administrator Patsy Thomasson said she had not seen anything relating to the travel office on Foster's desk. (The briefcase was under the desk.)

Later she and Margaret Williams, the chief of staff for Hillary Rodham Clinton, wrote to committee members that they never found or heard of "any references to the White House Travel Office in either paper or computer files maintained in Mr. Foster's office." Nobody asked about papers maintained in the briefcase.

Clinton spinmeisters have tried to make Nussbaum the fall guy for this paper shuffle. But at least a half dozen senior aides knew about the files, which got moved around the executive mansion. The present White House team has offered a series of conflicting and contradictory accounts about the Foster files. Most disturbing, someone seems to have altered a precise index of the papers that were in Foster's office at the time of his death.

The Clinton team is covering up something — although it's tough to say what. The White House could help unravel the mystery by releasing the hundreds of pages of papers (once described by a senior official as a "thimbleful" of documentation) that it still holds.

The admission that the travel office papers were in Foster's briefcase and that the White House hid them for nearly two years raises a host of juicy questions: What is in those files? Who had possession of Foster's papers, and when? What happened to his index and other documents concerning his work for the Clintons? Why did administration aides work so hard to conceal the papers and mislead investigators? And what did Vincent Foster know that we don't?

And remember when Mikra, Sherburne et al directed Kennedy not to answer certain Q's ----