

August 31, 2018

By Hand

US Senate Judiciary Committee  
Committee on the Judiciary  
United States Senate  
135 Hart Senate Office Building  
Washington, DC 20510

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Orrin G. Hatch  
Lindsey Graham  
John Cornyn  
Mike Lee  
Ted Cruz  
Ben Sasse  
Jeff Flake  
Mike Crapo  
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Mazie Hirono  
Cory A. Booker  
Kamala D.Harris

Re: Brett Kavanaugh  
Patrick Knowlton—Whitewater Grand Jury Witness

Dear Ladies and Gentlemen:

During Kenneth Starr's Whitewater probe, Patrick Knowlton was a grand jury target, in a matter handled by Mr. Kavanaugh.

In October of 1997, Mr. Starr's Office of Independent Counsel ("OIC") released its Report on the Death of Vincent Foster. Shortly before its release, the Special Division of the US Court of Appeals for the DC Circuit, which appointed all Independent Counsels, ordered Mr. Starr to append Mr. Knowlton's letter to the Report, under a provision of the Ethics in Government Act that gave the court discretion to order inclusion of "factual information and comments from persons named in the report." Mr. Starr had opposed including Knowlton's letter in the Report, twice. The letter recounted Kavanaugh's conduct in questioning Knowlton during his two-and-a-half hours of testimony before the grand jury:

Patrick was not interviewed by Mr. Starr's FBI agents about events at Fort Marcy Park until December 1, a month after he testified. When Patrick testified on November 1, 1995, one OIC prosecutor failed to introduce himself, sat behind Patrick and passed notes to the other prosecutor who questioned him while resting his head on his hand, as if Patrick's testimony was little more than an annoyance. During the two and a half hours of testimony, Patrick was asked about what occurred at Fort Marcy Park and his prior statements to the FBI for about an hour. During the balance of the time, the prosecutor insinuated that Patrick was a liar, a homosexual, and a publicity hound. He was repeatedly asked: (1) to explain his relationship with the two men who lived in his Etlan, Virginia residence (a joint real estate venture); and (2) about his involvement with the press or anyone on Capitol Hill. He was also asked: (1) about the "alleged misquotes" in the FBI reports of his statements; (2) to describe the "alleged harassment;" (3) whether the man in the park passed him a note, pointed a gun at him, or touched him; (4) how many times he had been to Fort Marcy Park alone (the park is a reputed homosexual pick-up spot—unbeknownst to Patrick at the time); (5) why he called the police and didn't wait for the police to call him; and (6) sarcastically if he came forward because he is a "good citizen" and a "good Samaritan." When Patrick asked who had sent Agent Bransford to his home on October 30, 1995 (Bransford further intimidated him), the prosecutor seated behind him spoke for the first time, "We sent Bransford."

The Foster death had been conducted by US Attorney Miguel Rodriguez from March of 1994, through early December 1995, when Starr replaced Rodriguez with Kavanaugh. In taped telephone interviews, Rodriguez related Kavanaugh's view that homosexual cruising at the park discredited any such witness.

What they are trying to do is discredit him by making him out to be, um you know a homosexual cruising at a park. The reality is we had this fight a year ago, and I was literally irate with Tuohey and the FBI agents who were snickering and laughing with Brett about this. And I was just livid! And I said I don't care if they were there [f] their favorite tree I said! The fact of the matter is if they know what they saw that does not discount them, as for having the ability to recall what they saw with there own eyes! And I don't care again, if they were [f] their favorite tree. And the FBI finds it particularly funny.

Patrick was not the only victim. "Knowlton should find comfort in the fact that he is not alone," said Rodriguez. "Witnesses who have no incentive to lie should demand, 'Why am I being harassed in the grand jury?'"

We enclose a copy of Knowlton's court-ordered Appendix, and a transcript of Rodriguez's interviews. Also enclosed is Rodriguez's memorandum to Starr about a November 29, 1994 half-day of meeting with Kavanaugh and two others, as well as Rodriguez's resignation letter, written six weeks later, on January 17, 1995.

Kindly note that we are hereby requesting that you include the enclosures in the Congressional record. The request is *pro forma*, in light of your having declined to accept these materials in connection with your hearings confirming Mr. Kavanaugh's nomination to serve on the DC Circuit, as well as during the hearings on reauthorization of the Ethics in Government Act, back in 1999. Rather, the enclosures are provided to you by Whitewater grand jury target Patrick James Knowlton, and Hugh Turley, solely to prove that you received them, for posterity. We understand that certain aspects of the matter, no matter how well documented, are outside the scope of Congressional interest.

As you know, the story line of the investigative history of five probes the death, two by Congress and three by law enforcement, is a myth. Congress has not investigated the death. The 1994 Senate Banking Committee's jurisdiction was limited to probing whether the White House had interfered with the Park Police probe, and Senators stipulated to the suicide conclusion in opening statements. Representative Clinger's "inquiry" produced a four-page double-spaced "Staff Report," relating the product of its interviews with FBI agents. Regarding the Park Police, and two Independent Counsels, the FBI worked "hand in glove" with the Park Police during its 16-day inquiry, the Fisk probe had been based on investigation by seven FBI agents, and Starr used the very same FBI agents.

Given this state of affairs, Congress will remain mute, without question.

The media's interest in the public remaining ignorant is even stronger. There is no chance whatsoever that the press will reveal the existence, much less the contents, of the attachments, as you know. The only journalist on the case at the time played an essential role in obscuring the truth, and he has endorsed Kavanaugh's nomination. For over four years, the press reported that unnamed sources inside that various investigations were to conclude that the death was a suicide. It was longest sustained press leak in US History. Rodriguez, the seasoned US Attorney in charge of the death probe, could not get the media to reveal the facts, notwithstanding his considerable efforts to do so. Rodriguez interview excerpt:

I have talked to a number of people that—you know, from *Time Magazine*, *Newsweek*, *Nightline*, the *New York Times*, *Boston Globe*, the Atlanta whatever, um, you know there have been well over a hundred, and this—this matter is so sealed tight um, and, the reporters are all genuinely interested but the ah, the ah, um—reporters are genuinely interested but the ah—when they start to get excited and they've got a story and they're ready to go, the editors—and they—I've gotten calls back, I've gotten calls back from all kinds of magazines worldwide, what the hell's wrong, why can't, you know, you were telling me that you, you didn't think this would go anywhere and sure enough I wrote the stories.

They went to all the trouble of writing, and then it got killed. Again, I, I, you know, I spent almost eleven hours with, with Labaton, or six hours with Labaton, and ah, you know, I know the guy knows, um, that there's a lot more, um, ah—I know, I know the New York Times has it—knows, and just won't ah, ah, I know that they won't do anything about it and I do know that, that many people have called me back. Reporters that I've spent a lot of time with called me back and said the editors won't allow it to go to press. The accepted media here has always had, ah, a certain take on all of this. And there's been story lines from the get-go.

Our experience was the same, culminating in 1997 when the Foster Report was released. Knowlton's Appendix was the only time in the history of the Ethics in Government Act that an Independent Counsel was ordered to attach evidence of a cover-up by his own investigators to his own report. Not one news organization reported it, to this day.

So, the Judiciary Committee could explore Kavanaugh's seeming animus toward homosexuality, with no fear of the exposure associated with disclosure that the maltreatment was, in fact, in furtherance of the murder cover-up.

The Knowlton Appendix is an eleven-page single-spaced letter, attaching 25 federal investigative records that prove that the FBI (1) "tricked Mrs. Foster into identifying the weapon by showing her a silver gun," (2) "concealed that his car was absent from the park's lot when he was dead," and (3) "concealed the gunshot wound in Mr. Foster's neck by: (i) concealing the contents of the Medical Examiner's Report which states that there was a gunshot wound in Mr. Foster's neck; (ii) falsely reporting that the 35 mm photographs were unclear; (iii) concealing that Polaroid photographs vanished; and (iv) concealing that autopsy x-rays vanished."

The Rodriguez resignation letter states, in part:

...(9) prior to discovery of Foster's identity, persons with USPP Special Forces Branch experience and association were present at Ft. Marcy Park (the USPP Special Forces Branch handle special requests from the White House); (10) the existing FBI interview reports and USPP interview reports do not accurately reflect witness statements; (11) four emergency medical personnel identified, having refreshed their recollection with new photographic evidence, trauma each had observed on Foster's right neck area; and (12) blurred and obscured blow-ups of copies of (polaroid and 35 mm) photographs have been offered and utilized. After uncovering this information, among other facts, my own conduct was questioned and I was internally investigated. I steadfastly maintained, and continue to maintain, that I, at all times, conducted myself as an experienced and trained prosecutor, with years of federal prosecutorial experience and federal grand jury experience.

On January 16, 1995, I expressed to Tuohey and Dash my sincere hope that my painstaking efforts to uncover the truth were not mischaracterized. Then, I told Tuohey and Dash that grand jury testimony had been fruitful and that I was fully prepared to continue grand jury inquiry into the many remaining questions surrounding Foster's death. Nevertheless, on January 16, 1995, I was informed that all planned grand jury investigation would be cancelled, my conduct was under review and I was to be more closely monitored by Tuohey and an FBI agent. In effect, for raising the above questions, I was forced out of this job.

Brett Kavanaugh was his replacement.

Continuing on with our theme of posterity, Rodriguez's 30-page memorandum observes that Foster didn't own the official death weapon, it had been wiped clean of prints, the ammunition used different gunpowder than was involved, the wound had not been caused by the ammunition in it, he did not fire the weapon, it had no saliva or blowback on it, and police had been planted the 1913 untraceable revolver recovered, but not before using a 9-mm as a placeholder before replacing it with the official death weapon.

The first officer on the scene responded before the 911 call came in, he alone knew where the body was, and the closest paramedic to him yelled out, "there's somebody down there," referring to a man running away. That first officer exited the park after 10 minutes at the crime scene, and no investigator interviewed him until nine months later. Most of the initial crime-scene photographs were missing, and the ones that remained demonstrated crime-scene tampering. Blood had been spilled onto the neck, aimed at concealing the existence of the small caliber entry wound just below the jaw line. Two pedestrians had seen two men in and around the Arkansas Honda, with its hood up, when Mr. Foster was dead, and these witnesses stated that their police report was "untrue." Mr. Foster was not depressed, he was not taking depression medication, he was optimistic about work-related events, and had a normal morning at work. He had somewhere to go shortly before 1:00 p.m.

On June 23, 1999, Knowlton again sought redress from the Special Division For the Purpose of Appointing Independent Counsels. He submitted to the US Court of Appeals his 540-page analysis of the Foster death Report, plus the 700 pages of federal investigative records on which the analysis is based. That court filing, which is a comparison of all the representations in the Report with the underlying federal investigative record, proves that there is not a single substantive point in the Report that is true. It proves what US Attorney Rodriguez had observed, and more.

It proves, among other things, that the autopsy was over by the time the police arrived to witness it, that x-rays were, in fact, taken, that the coroner's lab report confirms the absence of any gunpowder debris in the mouth, and that there was no intraoral gunshot entrance wound. Nor was there an exit wound. The bullet was still in Mr. Foster's head. The FBI withheld the records of his car's departure from the White House, and neither Foster's car keys, nor his car, were at the park. In fact, Kavanaugh himself admitted in a taped telephone interview shortly after the release of the OIC's death report that all witnesses had described a brown car. "Well it all comes down to that brown car issue, right... Ah, all the police and medical personnel that were in the park also described it as brown."

In 1998, about a year before we finished our 18-month review of the OIC's Report, the Georgetown University Law Review published, *The President and the Independent Counsel*, by Brett M. Kavanaugh. He argued for abolishment of reports.

Congress should eliminate the reporting requirement. The reporting requirement adds time and expense to independent counsel investigations, and the reports are inevitably viewed as political documents. The ordinary rules of prosecutorial secrecy should apply. \*\*\* The most illogical part of the current independent counsel statute is its final report requirement. The provision was originally designed to ensure that the special prosecutor did not "whitewash" the investigation. The rationale does not justify a report; the fear of whitewashing is the reason that a special counsel is appointed in the first place.

Someday, we believe, the truth of the obvious murder cover-up will be public. Maybe in our lifetime, maybe not. At present, we have only one request: Kindly acknowledge your receipt of the enclosures.

Sincerely,

Hugh Turley  
Patrick Knowlton

Failure of the Public Trust.com

cc: John H. Clarke, Esquire (with enclosures)

4556  
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JU 2.2: F 81/PACK./APP

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division (94-1) for the Purpose of  
Appointing Independent Counsels

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APPENDIX TO REPORT ON THE DEATH OF VINCENT W. FOSTER, JR.,  
CONTAINING COMMENTS OF  
KEVIN FORNSHILL, HELEN DICKEY, AND PATRICK KNOWLTON

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JU 2.2: F 81/PACK./APP.

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F 81/PACK./APP.

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September 23, 1997

The Honorable David B. Sentelle  
The Honorable John C. Butzner  
The Honorable Peter T. Fay  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT  
Division 94-1 for the Purpose of  
Appointing Independent Counsels

Re: *In re: Madison Guaranty  
Savings & Loan Association  
Patrick James Knowlton -  
Request to include comments and factual  
information, pursuant to the Ethics in  
Government Act of 1978, As Amended, to the  
Report on the Death of Vincent Foster, Jr.*

Dear Sirs:

Pursuant to 28 U.S.C. § 594(h)(2), Patrick Knowlton respectfully requests that this letter be appended to Mr. Starr's Report of the Death of Vincent Foster, Jr., "[t]o assure that the report is full and complete and to afford [him] a measure of fairness."<sup>1</sup>

**Facts.** While heading home in heavy traffic on the George Washington Memorial Parkway, and facing over a two hour commute, Patrick Knowlton pulled into Fort Marcy Park at 4:30 p.m. on July 20th, 1993, to relieve himself. Patrick parked close to the main footpath entrance into the park, between the only two cars in the small parking lot, which were parked just four spaces apart.

To Patrick's left was parked an unoccupied mid-1980s rust-brown four-door Honda sedan with Arkansas tags (closest

<sup>1</sup> In re North, 10 F.3rd 831, 835 (D.C. Cir. 1993).

to the footpath entrance), and on his right was a late model metallic blue-gray sedan, backed into its parking space. A man was seated in the driver's seat of the blue-gray sedan. Immediately after Patrick parked, the man lowered the passenger side electric window and stared at him, menacingly. This unnerved Patrick as he exited his car.

As he started from his car toward the footpath, Patrick heard the blue-gray sedan's door open. Apprehensive, Patrick walked to the sign bordering the footpath entrance to the park and feigned to read its historical information while nonchalantly glancing to his right to see if the man was approaching. He saw the man leaning on the roof of the driver's side of his blue-gray sedan, watching him intently. Patrick then cautiously proceeded 75 feet down the footpath's left fork to the first large tree, in the opposite direction from which Mr. Foster's body was later recovered.

As he relieved himself, Patrick heard the man close his car door. Because the foliage was dense, he couldn't see the parking lot and hoped the man wasn't approaching. As Patrick walked back to the parking lot with a heightened sense of awareness, he scanned the lot but did not see the man. Patrick surmised that the man had either gotten back in his car or perhaps could even be crouching between the brown Honda and Patrick's car preparing to attack him.

In order to maintain his distance from the space between the two cars until he learned the man's whereabouts, Patrick walked directly toward the driver's side door of the brown Honda, and then around the back of it. As Patrick reached the driver's side door of the brown Honda, he looked through the window. He also looked into the back seat as he walked the length of the car. He saw a dark colored suit jacket draped over the driver's seat, a briefcase on the front passenger's seat, and two bottles of wine cooler on the back seat. As he reached the back of the Honda, Patrick was relieved to see that the man had returned to his own vehicle. The man was still staring fixedly at him.

Of the five things Patrick witnessed at the park ((1) the man and his car, (2) the suit jacket, (3) the briefcase, (4) the wine cooler, and (5) the mid-1980s Arkansas brown Honda), the Honda itself is the most relevant. It was not Mr. Foster's car. When Mr. Foster's body was discovered approximately 70 minutes after Patrick had left the park, Mr. Foster had been dead for well over 70 minutes. Mr. Foster therefore could not have driven to the park in his Honda, as claimed in the government Reports on the death.

The following evening, Patrick saw on the news for the first time that Vincent Foster had been found dead at Fort Marcy Park, so he telephoned the U.S. Park Police and reported what he had seen. Nine months later, FBI Special Agent Larry Monroe interviewed him. Monroe subsequently wrote in his reports of those interviews that Patrick "identified this particular vehicle [Honda] as a 1988-1990..." and that Patrick "reiterated his description of this Honda as a 1988-1990." This information was false and known to be false.<sup>2</sup>

Eighteen months later, in October of 1995, Patrick was provided a copy of his then publicly-available FBI interview reports by a reporter for a London newspaper. He realized for the first time that Monroe had falsified his account of the car and other facts he had recounted during his FBI interviews. His true account, along with the contradictory information from his FBI interview reports, was reported in the London newspaper on Sunday, October 22, 1995.

Two days later, on Tuesday, October 24, the paper reached American newsstands. That day, Mr. Starr's office prepared a subpoena summoning Patrick to testify before the Whitewater grand jury in this courthouse on November 1, 1995. Two days after that, Thursday, October 26, FBI agent Russell Bransford served the secret grand jury subpoena.<sup>3</sup>

Beginning that same day he was subpoenaed, and continuing into the following day, Patrick was harassed by at least 25 men. The intimidation began at around 7:20 p.m., when Patrick and his girlfriend, Kathy, walked from his home in the Foggy Bottom neighborhood to the Dupont Circle neighborhood, and back. During that time, eleven or more men walked towards him, or came at him from behind. Each man directed a constant threatening glare into Patrick's eyes.

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<sup>2</sup> Monroe tried for hours to get Patrick to admit that the Foster's 1989 silver-gray Honda "could have been" the car Patrick saw. Patrick steadfastly responded, "No," repeating the description he had provided to the Park Police by telephone. Monroe falsified his interview report, writing that Patrick had "identified" the Honda as a "1988-1990," despite the fact that during his second FBI interview, Patrick had picked out the same color he had seen on the mid-1980s Honda from the "browns" section of the car color panels in the FBI laboratory, and that color corresponded to one available only on 1983 and 1984 Hondas.

<sup>3</sup> Agent Bransford had been detailed to regulatory Independent Counsel Fiske's investigation, where he worked with Agent Monroe. Bransford told Patrick he had been "kept on under Starr."

Most of these incidents happened in a rapid and coordinated fashion, so that before one man departed, another was approaching. It is difficult to convey the cumulative effect on the target of this technique of intimidation. Kathy, a Ph.D. consultant and educator, stated in her affidavit that at one point she had to "struggle to keep from crying"<sup>4</sup> and that she "had never witnessed anything like this before or since. It was intentional, coordinated, intimidating, and extremely unnerving."

Experts tell us that the technique is known to federal intelligence and investigative agencies, and that its objects were twofold: (i) to intimidate and warn Patrick in connection with his grand jury testimony; and failing that, (ii) to destabilize him and discredit his testimony before the grand jury.

It worked.<sup>5</sup>

**Investigations by U.S. Park Police & regulatory Office of Independent Counsel ("OIC") Robert Fiske.** The investigation under the auspices of regulatory OIC under Mr. Fiske was little more than an FBI investigation.<sup>6</sup> Publicly-

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<sup>4</sup> Kathy struggled to maintain her composure when she and Patrick began to cross Connecticut Avenue to escape from the sixth, seventh and eighth men, whereupon they noticed the ninth man standing on the corner of R Street and Connecticut Avenue, awaiting their approach while staring directly at Patrick.

<sup>5</sup> Prior to Patrick's appearance, OIC prosecutors had been fully apprised by counsel of Patrick's reports of being harassed by 25 or more men. They clearly appeared not to believe Patrick's bizarre account of having been harassed, at one point asking him to "tell us about the alleged harassment," nor did Starr's deputies appear to believe much of anything Patrick had to say.

<sup>6</sup> That the Fiske Report is for the most part little more than a summary of an FBI investigation is clear from the following excerpt appearing on page two of the Fiske Report: "*The Federal Bureau of Investigation ('FBI') provided substantial and invaluable support in this investigation. The FBI assigned seven experienced agents to the Independent Counsel's Washington office, all of whom have worked exclusively with this office for approximately the last four months.*" When the Senate Committee on Banking, Housing and Urban Affairs conducted its day and a half hearing in 1994, it was not Mr. Fiske who appeared to defend the Fiske Report, but rather FBI agents Larry Monroe and William Colombell, both of whom conducted Patrick's FBI interviews.

available official federal government records demonstrate that throughout the 16 day U.S. Park Police investigation into the case, FBI participation was significant.<sup>7</sup>

<sup>7</sup> At his June 30, 1995 deposition, FBI agent Scott Salter testified that on July 21 he and FBI Agent Dennis Condon were summoned to the White House by FBI Agent John Dana: "called us in my car and told us to go to the southwest gate of the White House and meet him there and that we were to, that we were going to be working on a death investigation involving Mr. Foster's death." On July 21, FBI Agents met with Messrs. Nussbaum, Neuwirth and Sloan to discuss the search of Mr. Foster's office and FBI agents were present the next day during the office search. At a press conference given on August 10, 1993, Deputy Attorney General Philip Heymann said, "The FBI joined the Park Police in the initial stages of the inquiry into Vince Foster's death... [and] the FBI has been assisting in that investigation..." Robert Bryant, Special Agent in Charge of the FBI's Washington Metropolitan Field Office said at the press conference, "We [FBI] followed this case from the time we were notified until we were basically of the opinion, along with Chief Langston's staff, that this was a suicide." At his 6/30/95 deposition, Agent Salter was handed a memorandum and asked to identify it. He responded, "it's basically a summary of events from the 21st through the conclusion of, through August 4th or 6th or whatever it was, through the conclusion of the investigation that we did." Department of Interior Chief of Staff Thomas Collier testified on deposition (6/23/95) that "the FBI and the Park Police ended up working on this kind of hand in glove."

Agent Salter in his 6/30/95 deposition explained the FBI's function was to interview witnesses along with the USPP (from 7/20 thru 8/5), "We were there to assist them in conducting the investigation which meant interviewing co-workers [and] ...then proceed as the investigation, you know, called for." USSS Agent Paul Imbordino, in response to the question at his 6/22/95 deposition "Who conducted the interviews?," answered "Park Police and FBI." During the (7/20 thru 8/5) USPP investigation, FBI agents interviewed over a dozen persons regarding events immediately following Mr. Foster's death.

A U.S. Secret Service memorandum indicates that FBI's active participation included removal of evidence from Mr. Foster's desk. A USSS officer relates in a memorandum to his boss that he was told on July 31 of 1993: (1) by an FBI agent that "[the agent]... and some other agents (five) were working on the Foster suicide... working... leads on some info they had received..."; and (2) by another USSS officer "that the FBI had removed evidence from Mr. Foster's desk..." The FBI's participation apparently did not end on August 5. At the August 10, 1993 press conference, Mr. Heymann said he had "received an FBI report this morning...", four days after the case the was officially closed.

Therefore, prior to Mr. Starr's appointment to head the statutory OIC in August of 1994, the only substantive investigations into the case, with the sole exception of the U.S. Park Police investigation (conducted with FBI participation), were conducted by the FBI.<sup>8</sup> The publicly-available federal government record upon which the Fiske Report is based is replete with evidence that the FBI concealed the true facts surrounding Mr. Foster's death.<sup>9</sup>

<sup>8</sup> There have been no other official investigations. The 1994 Senate Banking committee was precluded by the limited scope of Resolution 229 from independently exploring of the issue of how or where Mr. Foster died ("whether improper conduct occurred regarding... the Park Service Police investigation into the death..."). Mr. Clinger did not investigate and Senator D'Amato's Committee did not explore these issues.

<sup>9</sup> Much evidence of obstruction of justice by the FBI is documented in Patrick's lawsuit in this District Court (No. 96-2467) for *inter alia*, violation of 42 U.S.C. § 1985(2), "...Obstructing justice; intimidating... witness...": "... (3) The FBI concealed... irregularities... during the U.S. Park Police investigation; (4) ...more than two cars in the parking lot; (5) ...deceptively omitted the fact that Foster's car keys were not found at Fort Marcy Park...; (6)...concealed that Mr. Foster's briefcase vanished from the Honda...; (8)...concealed that an automatic pistol was found in Mr. Foster's hand before the revolver...; (9) The FBI ignored forensic evidence...; (10) The wound... [and] blood... is not consistent with... a point blank shot...; (11) The FBI concealed that... a branch [was] lying across Mr. Foster's body; (12) The FBI ignored that the absence of soil on Mr. Foster's shoes is inconsistent with... to where he was... found; (13)... inconceivable for the glasses to have been thrown or bounced...; (15)...taking medication for depression but he was not; (16)...concealed ...doctor opined... Foster was not depressed; (17) The FBI falsely reported that those close... said he was deeply depressed; (20) The FBI lab reported...'suicide note' [authentic]..., but it was forged." See also attached:  
Exhibit 1: (i) Map of the cars in the Fort Marcy lot and Patrick's route to and from his car; & (ii) Timeline. Exhibit 2: Map depicting the harassment Patrick suffered. Exhibit 3: The FBI knew that Mrs. Foster could identify only a silver gun, so FBI agents showed her a silver gun, told her it was found in Mr. Foster's hand, and falsely reported that she identified the (black) gun found in Mr. Foster's hand as belonging to Mr. Foster. Exhibit 4: The FBI concealed that Mr. Foster's car was not in the Fort Marcy lot by the time he was dead. Exhibit 5: The FBI concealed the gunshot wound in Mr. Foster's neck by: (i) concealing the contents of the Medical Examiner's Report which states that there was a gunshot wound in Mr. Foster's neck; (ii) falsely reporting that the 35 mm photographs were unclear; (iii) concealing that Polaroid photographs vanished; and (iv) concealing that autopsy x-rays vanished.

The Fiske Report correctly states at page 39 that upon Mr. Foster's death, "the FBI would have had primary investigative jurisdiction if the circumstances fell within... the United States Code Section... [which] makes it a federal crime to... kill... a specified number of persons... appointed by the President... [and that the statute mandates that] violations shall be investigated by the FBI." If Mr. Foster's death is ever ruled a homicide, the FBI will necessarily have violated the law simply by virtue of its having failed to exercise primary jurisdiction. The Fiske Report excuses the FBI's failure to take the case (relegating the investigation ostensibly only to the U.S. Park Police) "based on a preliminary inquiry by the FBI which failed to indicate criminal activity."

**The OIC's investigation.** The fundamental purposes of our Ethics in Government Act are (1) to ensure that justice has been done and (2) to preserve and promote public confidence in the integrity of the federal government by maintaining the appearance that justice has been done.<sup>10</sup> In light of (1) the FBI's statutory mandate to exercise primary jurisdiction in July of 1993 in the event of foul play, (2) two prior FBI findings of no criminal activity, and (3) evidence of a cover-up by the FBI already in the public domain, the OIC's use of the FBI in this matter undermines both purposes of the Act. No OIC can fulfill its mandate to preserve and protect the appearance of justice having been done when its investigation employs the very agency it is designed to be independent from, the Justice Department.<sup>11</sup>

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<sup>10</sup> See 139 CONG. REC. S15846-01, S15847-01 & S15850-01 (daily ed, Nov. 17, 1993), statement of Sen. Cohen: "[W]here an investigation has been conducted by the Justice Department... questions have remained. They say, 'Well, was it really an independent investigation or was it a cover-up, a whitewash?'"... The law, however, serves two ends, both equally important in our democratic society. One is that justice be done, and the other is that it appear to be done." See also (daily ed, Nov. 17, 1993), statement of Sen. Levin: "Here is what **the American Bar Association said** in its letter of November 17. 'As noted above, **the principle underlying statute is that an independent counsel may be needed when there may be a conflict of interest in having the Department of Justice carry out a particular investigation..'**"

<sup>11</sup> Under the Act, the OIC's use of the FBI is free, tempting the OIC to create a microcosm of the DOJ. (See Act of Dec. 15th 1987, Pub. L. No. 100-191, 1987 U.S.C.C.A.N. (101 Stat. 1293) p. 2172: "Congress intended the Justice Department to provide independent counsels with the same assistance it provides to its other high-priority, federal criminal cases... federal agencies are instructed to discontinue... requiring reimbursement agreements..."

Upon review of those excerpts of the Report provided by the OIC, it is manifest that the Report omits the information Patrick provided which refutes the FBI's repeated official conclusion of suicide in the park. Even though our review is limited by the fact that we were provided only the passages reprinted below and so the context is unclear, it is apparent that the Report also omits evidence Patrick provided which indicates that the FBI obstructed justice in this matter.

For example, the Report's first reference notes that at 4:30 p.m., Patrick saw in the Fort Marcy lot a rust-brown Honda with Arkansas license plates. Although this information is correct, it deceptively omits that Patrick is certain that this older car was not Mr. Foster's 1989 silver-gray colored car. Forensic evidence strongly indicates that Mr. Foster was dead by the time Patrick was in the park. Therefore, Mr. Foster could not have driven to the park in his Honda.<sup>12</sup>

Page 21 of the OIC's Report:

Another citizen (C2) drove his rental car into Fort Marcy parking lot at approximately 4:30 p.m. While there, C2 saw one unoccupied car which he describes as a "Rust brown colored car with Arkansas license plates."<sup>35</sup> C2 also saw another nearby car; that was occupied by a man who exited his car as C2 exited his own car.<sup>36</sup> C2 described this man as having "as look like he had a -- an agenda, although everything I based my observation of this guy, was from the gut," "more than anything else.:" C2 and the man did not speak to one another.

<sup>35</sup> OIC 11/1/95 at 22, 28

<sup>36</sup> Id at 25

<sup>37</sup> Id at 27, 62

<sup>38</sup> Id at 61-62

<sup>12</sup> See Exhibit 4. A USPP report notes that the autopsy doctor estimated that Mr. Foster died "2-3 hours" after having eaten "large meal" "which might have been meat and potatoes." Several people reported that Mr. Foster had finished his lunch of a cheeseburger and French fries by 1:00 p.m., therefore putting the time of death between 3:00 and 4:00 p.m. Also, the paramedic in his Incident Report estimates that based upon the "pooling of blood in the extremities," Mr. Foster had been dead "2-4 hrs" at 6:10 p.m., putting the time of death between approximately 2:00 and 4:00 p.m. Because Patrick saw an Arkansas car at 4:30 p.m. which was not Mr. Foster's, parked in the same space where Mr. Foster's car was later found, Mr. Foster could not have driven to the park. Also, the descriptions of this older car (the only car in the lot) provided by the two other civilians who arrived at the park 40-55 minutes after Patrick left generally fits the description of the car Patrick saw, not Mr. Foster's car.

This first passage also notes that the other car in the lot was occupied by a man who exited his car as Patrick exited his own car (the man exited his car after Patrick walked toward the park). The excerpt omits any other details of the man's behavior. Mr. Foster's body was located about 700 feet away from the area where: (1) the man's car was backed in to its parking spot giving him full view of the driveway leading into the lot; (2) the man gave Patrick a menacing stare; and (3) the man returned to his own car only when Patrick chose to walk in the opposite direction from where Mr. Foster's body was found about 70 minutes later.

The Report goes on at page 22 to tell us that the "man had reentered his car by the time" Patrick had "returned to the parking lot," and at 69 that he saw "a man in a car next to him." We do not know of the context in which these passages appear.

Page 22 of the OIC's Report:

went into the park to urinate, and the other man had reentered his car by the time C2 returned to the parking lot.<sup>39</sup> C2 then left the park in his car.<sup>40</sup>

<sup>39</sup> Id at 38

<sup>40</sup> Id at 61-62

Page 69 of the OIC's Report:

During the afternoon, before Park Police and FCFRD personnel were called to the scene at Fort Marcy Park, C2 saw a man in a car next to him;

Twenty pages later, the Report notes that Patrick "saw a briefcase" in the Arkansas car along with a "jacket... [and two] wine coolers." This statement again deceptively implies that the car was Mr. Foster's even though Mr. Foster's car reportedly did not contain wine coolers or a briefcase.

Page 89 of the OIC's Report:

C2 testified that he saw a briefcase -- as well as wine coolers in a car with Arkansas plates that was parked in the parking lot. He stated: "I looked and saw the briefcase and saw the jacket, saw the wine coolers it was two of them. I remember exactly how they were laying in the back seat of the car."<sup>274</sup>

<sup>274</sup> C2 OIC, 11/1/95, at 34

This final passage omits that Patrick testified (and repeatedly told the FBI) exactly where these items were in the rust-brown Honda. The suit jacket Patrick saw in that car was draped over the back of the driver's seat. The suit jacket later found in Mr. Foster's car was folded and lying on the front passenger's seat.

Moreover, the Report's purported reliance on grand jury testimony<sup>13</sup> is an attempt to give the Report more credibility. Indeed, the catalyst for Patrick's grand jury testimony was the appearance in U.S. newsstands of the October 22nd issue of the *London Sunday Telegraph*, in which Ambrose Evans-Pritchard described Patrick's reaction when he was shown the FBI report of his interview with two FBI agents detailed to Mr. Fiske's probe. It was the first time Patrick had seen the report of the interview, which had been conducted eighteen months earlier. Pritchard wrote that Patrick "was stunned." Referring to the FBI's assertion that Patrick stated he "would be unable to recognize the man" he had seen at the park, Patrick is quoted as saying "That's an outright lie."

Pritchard's article also states:

"They showed him a photograph of [Foster's] Honda... 'They went over it about 20 times, telling me that this was Foster's car,' said Knowlton. 'But I was quite adamant about it. I saw what I saw, and I wasn't going to change my story'... Starr's investigators have never talked to Knowlton. The federal grand jury has never summoned him to give sworn testimony."

---

<sup>13</sup> Patrick was not interviewed by Mr. Starr's FBI agents about events at Fort Marcy Park until December 1, a month after he testified. When Patrick testified on November 1, 1995, one OIC prosecutor failed to introduced himself, sat behind Patrick and passed notes to the other prosecutor who questioned him while resting his head on his hand, as if Patrick's testimony was little more than an annoyance. During the two and a half hours of testimony, Patrick was asked about what occurred at Fort Marcy Park and his prior statements to the FBI for about an hour. During the balance of the time, the prosecutor insinuated that Patrick was a liar, a homosexual, and a publicity hound. He was repeatedly asked: (1) to explain his relationship with the two men who lived in his Etlan, Virginia residence (a joint real estate venture); and (2) about his involvement with the press or anyone on Capitol Hill. He was also asked: (1) about the "alleged misquotes" in the FBI reports of his statements; (2) to describe the "alleged harassment;" (3) whether the man in the park passed him a note, pointed a gun at him, or touched him; (4) how many times he had been to Fort Marcy Park alone (the park is a reputed homosexual pick-up spot - unbeknownst to Patrick at the time); (5) why he called the police and didn't wait for the police to call him; and (6) sarcastically if he came forward because he is a "good citizen" and a "good Samaritan." When Patrick asked who had sent Agent Bransford to his home on October 30, 1995 (Bransford further intimidated him), the prosecutor seated behind him spoke for the first time, "We sent Bransford."

On October 24, the same day that this newspaper reached U.S. newsstands, the OIC prepared a subpoena summoning Patrick to testify before the Whitewater grand jury. The secret grand jury subpoena was served two days later by an FBI agent who was formerly detailed to Mr. Fiske's probe, whereupon Patrick was harassed and intimidated by 25 or more men -- during which time the FBI ignored his repeated pleas for help. The Report omits all of this, even though Patrick submitted a report detailing the harassment to the OIC in March of 1996, which included reports of a polygraph examination, a psychiatric examination, witnesses' affidavits, photographs of two members of the harassment team and the names and addresses of two others.

**Conclusion.** Because Patrick did not heed the warning regarding his grand jury testimony and continued to tell the truth, including his account of the bizarre harassment he suffered, his testimony was discredited. Patrick was harassed in an effort to make him look unbalanced or dishonest. Since that time, he has been defamed by numerous individuals, most of whom are journalists. He has been attacked as a delusional conspiracy theorist, a homosexual, and as an outright liar. Patrick has been fighting to reestablish his credibility for the past two years. Patrick did nothing to deserve the outrageous treatment he received at the hands of the OIC and its FBI agents. He did nothing to deserve being yanked into this FBI debacle, having his life turned upside down, and having to endure this fight for his reputation. Patrick's only "crime" was reporting to the authorities what he had seen at Fort Marcy Park, consistent with his understanding of his duties as a good citizen.

Patrick respectfully asks that the Division of the Court append this letter to the Independent Counsel's Report on the Death of Vincent Foster, Jr. to afford him a measure of fairness. A denial of this relief would augment the appearance of justice having not been done and would further frustrate legislative intent. Patrick should not have to go through the rest of his life labeled as a liar or some kind of nut. He has no remedy at law for injury to his reputation causally related to the subject investigations. Patrick Knowlton merely seeks to establish that he is telling the truth and that he is mentally stable.

Respectfully submitted,



John H. Clarke

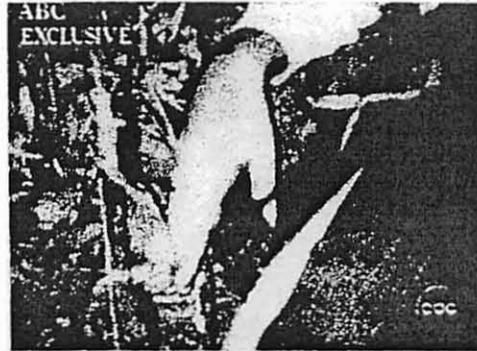




US PARK POLICE REPORT. GUN FOUND IN MR. FOSTER'S HAND WAS BLACK.

UNITED STATES PARK POLICE			
MOBILE CRIME LAB REPORT SUPPLEMENT			
OFFENSE/INCIDENT: <u>Death Investigation</u>	CASE NO: <u>30502-01</u>		
INCIDENT LOCATION: <u>Ft. Marcy</u>	DATE: <u>7-20-93</u>		
were at his sides and the victim had his right hand on a black revolver. The right thumb			
ID TECHNICIAN: <u>Suberal Simonsido</u>	DATE: <u>7-26-93</u>	SUPERVISOR: <u>[Signature]</u>	DATE: <u>7/28/93</u>

PHOTOGRAPHS OF BLACK GUN FOUND IN MR. FOSTER'S HAND AT FORT MARCY PARK.



US PARK POLICE HANDWRITTEN INTERVIEW NOTES. MRS. FOSTER UNABLE TO IDENTIFY BLACK GUN.

<p><i>Not the gun she thought it must be. Silver, six-guns, large barrel.</i></p>	<p>Not the gun she thought it must be. Silver, six-gun, large barrel.</p>
	<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <p style="margin: 0;">EXHIBIT</p> <p style="margin: 0; font-size: 2em;">3</p> </div>

FBI INTERVIEW REPORT. FBI SHOWED MRS. FOSTER "SILVER" GUN "FOUND" AT FMP. SHE IDENTIFIED IT.

<p>Continuation of FD-302 of <u>ELIZABETH BRADEN FOSTER</u>, On <u>5/9/94</u>, Page <u>14</u></p>
<p>LISA FOSTER then examined a revolver which had been brought to the interview by the interviewing agents. FOSTER examined the revolver, which had also 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.</p>
<p>may be the silver gun which she brought up with her other belongings when she permanently moved to Washington. LISA FOSTER</p>

**USPP REPORT. INTERVIEW BY USPP & FBI OF ASSISTANT IN WHITE HOUSE COUNSEL'S OFFICE: MR. FOSTER ATE LUNCH OF "CHEESEBURGER" AND "FRENCH FRIES."**

Agency United States Park Police	Date 07 20 19 31	Time 19 30	Case # 3 01 5101
Nature of Incident Death Investigation		Classification of Incident	
<p>The first conversation she had with him was about lunch around 1200-1230 hours. He said he would eat at his desk. He ordered a medium rare cheeseburger, french fries and coke. She and Linda Tripp went to the cafeteria and ordered his lunch. She</p>			

**FBI INTERVIEW REPORT. EXECUTIVE ASSISTANT IN WHITE HOUSE COUNSEL'S OFFICE: MR. FOSTER LEFT OFFICE SHORTLY AFTER 1:00 PM AFTER HE ATE LUNCH.**

Continuation of FD-302 of <u>Linda A. Tripp</u>	On <u>4/12/94</u>	Page <u>4</u>
<p>from work. When he left the office at shortly after 1:00PM he did not have anything with him. TRIPP did not know where he was going and it was not appropriate for her to ask him. He did not have any appointments noted on his office calendars or that anybody knew about.</p>		

**USPP REPORT. DOCTOR WHO PERFORMED AUTOPSY SAID EATEN "MEAT AND POTATOES" "2-3 HOURS PRIOR TO DEATH."**

NATIONAL PARK SERVICE		JUVENILE CASE #	
<b>SUPPLEMENTAL CRIMINAL INCIDENT RECORD</b>			
Agency GNP Ft. Marcy	Date 07 20 19 31	Time 19 30	Case # 0 3 0 3 0 2
<p>Dr. Byer stated that it appeared that the victim had eaten a "large" meal which he believed to have occurred within 2-3 hours prior to death. He was unable to state positively what type of food was consumed but stated that it might have been meat and potatoes.</p>			

**PARAMEDIC'S INCIDENT REPORT. AT 6:10 PM "HAD BEEN DEAD APPROX 2-4 HRS."**

This is certified a true copy of the actual field incident report in possession of the Fairfax County Fire and Rescue Department  
Signed Gemma Diamonds  
Date 7-19-94

**EXHIBIT**  
4  
Page 1 of 2 pages

<p style="text-align: center;">NARRATIVE REPORT</p> <p>INCIDENT # R32011315 UNIT M01 SUPP02 SITF 801 07/20/93</p> <p>HAD SET IN. POOLING OF BLOOD IN THE EXTREMITIES. PT HAD BEEN DEAD APPROX. 2-4 HRS. PT HAD A WEAPON IN HIS-RIGHTHAND</p>	<p style="text-align: center;">NARRATIVE REPORT</p> <p>INCIDENT # R32011315 UNIT M01 SUPP02 SITF 801 07/20/93</p> <p>HAD SET IN. POOLING OF BLOOD IN THE EXTREMITIES. PT HAD BEEN DEAD APPROX 2-4 HRS. PT HAD A WEAPON IN HIS-RIGHTHAND</p> <p style="text-align: right;">original from</p>
--	---

**FBI REPORTS OF INTERVIEWS WITH PATRICK AND TWO OTHER CIVILIAN PARK WITNESSES**

**PATRICK ARRIVED 4:30 PM. CAR "BROWN... HONDA WITH ARKANSAS PLATE"**

parking area, he immediately noticed an unoccupied vehicle parked front end in facing the park in one of the first parking slots on the left-hand side. He identified this particular vehicle as a 1988-1990 brown or rusty brown in color Honda with Arkansas plates. He stated that he could not remember whether this vehicle was a two door or four door sedan and outside of the

**MALE SAYS HE AND FEMALE ARRIVED AROUND 5:00 P.M. CAR "BROWNISH."**

They arrived at Fort Marcy Park at approximately 5:00 p.m. As they drove into the parking lot, he observed a vehicle, possibly a small station wagon or "hatchback" model, brownish in color, parked to his left. The vehicle was parked close to the path leading up to Fort Marcy, with the front of the car pulled

**FEMALE SAYS THEY ARRIVED BETWEEN 5:15 & 5:30 PM. CAR "MID-1980s."**

Marcy Park in her white Nissan , arriving at Fort Marcy Park sometime between 5:15 and 5:30 p.m. To the best of her recollection, she maintained that upon entering the parking lot at Fort Marcy Park, she noted that the only vehicle in the parking area was a relatively old (mid-1980's) 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. believed that this particular Honda was parked with the front of the vehicle facing the park area and to the best of her recollection, believes a

**SWORN TESTIMONY OF PATRICK KNOWLTON (ARRIVED FMP 4:30 PM)**

REGARDING: VINCENT FOSTER. SWORN STATEMENT OF PATRICK KNOWLTON  
PRESENT: CONGRESSMAN DAN BURTON KEVIN BINGER JOHN CLARKE

14 | THERE WAS TWO VEHICLES IN THE PARKING LOT -- ONE WAS A  
15 | BROWN, RUST-BROWN COLORED HONDA WITH ARKANSAS LICENSE  
16 | PLATES. IT WAS AN OLDER VEHICLE.

19 | SUGGESTED TO ME THAT THAT WAS THE AGE OF IT, AND, WHEN HE  
20 | SHOWED ME THE PICTURES OF A CAR THAT WAS AN '88 OR A '90, I  
21 | SAID, NO. IT IS, OBVIOUSLY, AN OLDER CAR. THE CAR THAT  
22 | YOU ARE SHOWING ME THE PICTURE OF IS TOO NEW.

**EXHIBIT**

**4**

Page 2 of 2 pages

REPORT... BY MEDICAL EXAMINER. "NARRATIVE SUMMARY..." STATES "...GUNSHOT WOUND MOUTH TO NECK..." DISCOVERED JULY 17, 1997 AT NATIONAL ARCHIVES.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH  
**OFFICE OF THE CHIEF MEDICAL EXAMINER**  
NORTHERN VIRGINIA DISTRICT  
9787 BRADDOCK ROAD  
SUITE 100  
FAIRFAX, VA 22032-1700  
PHONE (703) 764-4640



Resident  C  
Non-resident  Washington D.C.  
Jan 15, 1945

**REPORT OF INVESTIGATION BY MEDICAL EXAMINER**

DECEDENT Vincent Walker FOSTER Jr AGE: 48 RACE: Cauc SEX: male

**NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH:**

JULY 20, 1993 After anonymous call was received at 18:04 hours US Park Police officers found 48 yrs Caucasian male with self-inflicted gunshot wound mouth to neck on a foot path in Marcey Park .His car was parked in the parking lot but no note was found.

MEDICAL HISTORY Unknown

I hereby declare that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause and manner of death in accordance with the Code of Virginia as amended; and that the information contained herein regarding such death is correct to the best of my knowledge and belief.

July 20, 1993  
Date

Fairfax County  
City or County of Appointment

  
Signature of Medical Examiner

**DEPOSITION OF PARAMEDIC. SAW BULLET HOLE IN NECK.**

**DEPOSITION OF RICHARD M. ARTHUR  
IN RE: S. RES. 229**

THURSDAY, JULY 14, 1994

U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.  
Deposition of RICHARD M. ARTHUR, called for exam-

- 19 Q Where was the blood coming from?  
20 A To me, it looked like there was a bullet hole  
21 right here.  
22 Q In the neck?
- 
- 1 A Yes, right around the jawline.

24

**EXHIBIT**  
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Page 1  
of 4 pages

**FISKE REPORT. DISMISSES BULLET WOUND IN NECK BASED ON PHOTOGRAPHS AND AUTOPSY.**

**Report of the  
Independent Counsel**

Arthur believed he saw a bullet wound in the right side of Foster's neck. These wounds did not exist. The autopsy results, the photographs taken at the scene, and the observations made by Park Police investigators conclusively show that there were no such wounds.

FBI LABORATORY REPORT. EFFORTS TO ENHANCE 35MM PHOTOGRAPHS TO MAXIMUM IMAGE PRODUCED LIMITED DETAIL.



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

**PHOTOGRAPHIC:**

The 35mm color negatives (Q32) were examined to locate frames for photographic enhancement. The selected frames (5, 6, 7, 8, 9, 10, 17, 18) were printed using Kodak Ultra print paper to produce maximum image detail. Due to the negatives having been underexposed during the photographic process, limited detail could be extracted from each of the selected frames.

USPP WHO TOOK 35 MM PHOTOGRAPHS TESTIFIED THESE PHOTOGRAPHS "LOOKED GOOD."

**DEPOSITION OF PETER J. SIMONELLO**

U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.  
Deposition of PETER J. SIMONELLO, called for exam-

18 Q Have you subsequently become aware of any  
19 information that would contradict anything in your report?  
20 A The only thing I read in there that I was  
21 wondering about is they said my 35 millimeter roll of film  
22 was overexposed and they weren't able to get any prints

1 from it. But I recall that I was in the office there when  
2 they took a statement from me that day. I guess that was  
3 that date in May, and they showed me some 8-by-10 color  
4 photographs, and they indicated they were able to, in fact,  
5 enhance the photographs which I took, and I saw several of  
6 those 8-by-10s and I commented on what a good job they did  
7 because they looked good to me. They didn't look  
8 underexposed. They were able to enhance them and in the  
9 report they indicate they were not able to get anything  
10 from them.

EXHIBIT  
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Page 2  
of 4 pages

DEPOSITION OF USPP WHO TOOK POLAROID PHOTOGRAPHS. "BACKSIDE" PHOTOS VANISHED.

**DEPOSITION OF JOHN C. ROLLA**

U.S. SENATE,  
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,  
Washington, DC.  
Deposition of JOHN C. ROLLA, called for examination

11 A I think I had more than one packet. I don't  
12 think I took more than one. There's only 10 in a pack. I  
13 may have reloaded because I know I took some on the  
14 backside. I don't have those photos, I put them in a  
15 jacket, God knows how many people looked through those, and  
16 I don't know what happened.

FBI INTERVIEW REPORT. USPP FERSTL TOOK APPROXIMATELY 7 POLAROID PHOTOGRAPHS.

Continuation of FD-302 of FRANZ JOSEF FERSTL , On 5/2/94 , Page 2

lot. FERSTL advised that he also took several polaroid photos of the crime scene, adding that he is not sure if he did the photography or taping first. He stated that to the best of his recollection, on returning a second time to the death scene, the body appeared to be in the identical position it was when he first observed it.

FERSTL stated that to the best of his recollection, he took approximately seven photos; he cannot recall if he initialed

FBI REPORT FOR RECEIPT OF POLAROID: FIRST SET OF FIVE POLAROID OF BODY SITE TAKEN BY USPP EDWARDS; SECOND SET OF FIVE POLAROID OF CAR TAKEN BY USPP BRAUN; THIRD SET OF EIGHT POLAROID OF BODY SITE TAKEN BY USPP ROLLA.

ALL OF FERSTL'S "APPROXIMATELY SEVEN" POLAROID VANISHED, AND ROLLA'S "BACKSIDE" POLAROID VANISHED -- ONLY NINE USABLE PHOTOGRAPHS OF BODY OFFICIALLY EXIST (SEVEN OF BODY AND TWO OF FACE).

Form FD-302 (Rev. 3-29-84) UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

On (date) 5/2/94

Item(s) listed below:  
 Received From  
 Returned To  
 Released To  
 Seized

(Name) Capt. Charles Hamel  
 (Street Address) U.S. Park Police  
 (City) CTIS - Anacostia Cops. Facility  
Wash. DC

Description of Property:  
5 Polaroids marked 1-2-3-4-5 depicting:  
1 - Rear of Cannon  
2 - Heavily tolged area  
3 - VF's body - looking down from top of body  
4 - VF's body - focusing on face  
5 - VF's body - focusing on RT. side shoulder  
(notation in back of 1-5 - from car Sgt. Edwards 7/12/93)  
5 Polaroids (Marked in back 1-5) 1-5  
1 - Driver seat  
2 - Rear seat - driver side  
3 - Rear seat - passenger side  
4 - Ft seat - passenger side  
5 - Rear of vehicle  
8 Polaroids (Marked in back JCR 7/2/93 ez-2050)  
1 - Right hand showing gun + thumb in guard  
2 - classes on ground  
3 - VF's body - taken from below feet  
4 - VF's body focusing on right side + arm  
5 - VF's body - focus on top of head then heavy faking  
6 - VF's body - focus on head + upper torso  
7 - VF's face - looking directly down into face  
8 - VF's face - taken from right side focusing

EXHIBIT  
5  
Page 3  
of 4 pages

**AUTOPSY REPORT. X-RAYS TAKEN:**

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH  
**OFFICE OF THE CHIEF MEDICAL EXAMINER**  
NORTHERN VIRGINIA DISTRICT  
1717 BRADDOCK ROAD  
SUITE 100  
FAIRFAX, VA 22032-1700  
PHONE (703) 764-4840



**REPORT OF AUTOPSY**

Autopsy No. 322/93  
Date 7/21/93  
Time 10:00 A.M.

DECEDENT VINCENT FOSTER  
First Middle Last

Autopsy Authorized by: Dr. Donald Hays - Fairfax County

Body Identified by: U.S. Park Police Tag - 7/20/93

Persons Present at Autopsy:  
James C. Beyer, M.D.; Doc. James C. Morrisette, U.S. Park Police

Photographs made: Yes  No  X-rays made: Yes  No

Examined by: J. C. Beyer Date: 7-21-93

**US PARK POLICE REPORT. X-RAYS READABLE:**

NATIONAL PARK SERVICE  
**SUPPLEMENTAL CRIMINAL INCIDENT RECORD**

INCIDENT	DATE	TIME	LOCATION	AGENCY	OFFICER	REMARKS
QSP Ft. Myer	07/22/93	09:30	913	03	01	01

head. Dr. Beyer stated that X-rays indicated that there was no evidence of bullet fragments in the head.

**AFFIDAVIT. X-RAY MACHINE FUNCTIONING PROPERLY:**

**AFFIDAVIT**

I, I am Reed J. Irvine, Chairman of Accuracy in Media, Inc.,

Virginia Beach, Va. I succeeded in located the technician who was responsible for installing and servicing this machine, Mr. Jesse Poor. Mr. Poor denied that there had been any trouble with the machine, which he had installed in June 1993. He checked his records and reported that the machine was installed on June 15, 1993 and that the first service call was on Oct. 29, 1993 to make an adjustment to make the pictures darker.

**FISKE REPORT. X-RAY MACHINE INOPERABLE SO NO X-RAYS TAKEN:**

**Report of the  
Independent Counsel**

The office X-ray machine was inoperable at the time of Foster's autopsy, and as a result no X-rays were taken.

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O'BRIEN and O'BRIEN  
ASSOCIATES, P.C.

JOHN J. O'BRIEN, JR.  
JOHN J. O'BRIEN, III\*  
PHILIP MATTHEW STINSON, SR.  
WILLIAM C. REIL  
LYNDA RUSZKIEWICZ O'BRIEN  
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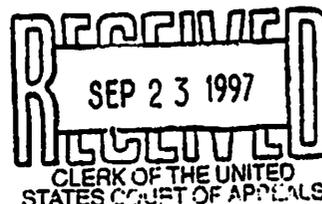
WILLIAM A. ROBBINS  
(1931-1980)  
STANLEY I. SCHLESINGER  
(1950-1978)  
LARRY C. STURLEY  
(1972-1991)  
  
808 SCOTT LAKE  
WALLINGFORD, PA 19086  
  
210 ROBBINS BUILDING  
42 SOUTH 18TH STREET  
PHILADELPHIA, PA 19102

\* ALSO MEMBER OF TEXAS AND D.C. BARS  
\*\* ALSO MEMBER OF NEW JERSEY BAR

September 23, 1997

VIA FEDERAL EXPRESS & FAX (202) 273-0988

Marilyn Sargent  
Chief Deputy Clerk  
Room 5409  
U.S. Court of Appeals - D.C. Circuit  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001



Re: UNDER SEAL  
Report on the Death of Vincent Foster, Jr., by the  
Office of Independent Counsel - In Re: Madison  
Guaranty Savings and Loan Association - Division  
(9-4-1) for the Purpose of Appointing  
Independent Counsels, United States Court of  
Appeals for the District of Columbia Circuit,  
filed for Comments, July 15, 1997

Dear Ms. Sargent:

Pursuant to the Court's Order in the above-captioned matter, the following comments are hereby filed with the Court on behalf of my client, Kevin Brian Fornshill, of the United States Park Police.

On Page 23 of the Report it is stated that "the Fornshill-Hall-Gonzalez group first reached the body of Mr. Foster, and the other group joined them soon thereafter." On Page 25 of the Report, however, it is correctly noted in Footnote 47 that Fornshill advised that he located the body.

Please be advised that, consistent with Mr. Fornshill's testimony, Fornshill arrived at the body of Mr. Foster at Fort Marcy Park first, and then called out to Gonzalez and Hall -- who were not yet in the hidden grove adjacent to the second cannon -- to join him at the location of the body.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Philip M. Stinson, Sr." with a stylized flourish at the end.

Philip Matthew Stinson, Sr.

EDWARD L. WRIGHT  
(1903-1977)  
ROBERT S. LINDSEY  
(1913-1991)  
ISAAC A. SCOTT, JR.  
JOHN G. LILE  
GORDON S. RATHER, JR.  
TERRY L. MATHEWS  
DAVID M. POWELL  
ROGER A. GLASGOW  
C. DOUGLAS BUFORD, JR.  
PATRICK J. GOSS  
ALSTON JENNINGS, JR.  
JOHN R. TISDALE  
KATHLYN GRAVES  
M. SAMUEL JONES III  
JOHN WILLIAM SPIVEY III  
LEE J. MULDROW  
N. M. NORTON  
EDGAR J. TYLER  
CHARLES C. PRICE  
CHARLES T. COLEMAN  
JAMES J. GLOVER  
EDWIN L. LOWTHER, JR.  
CHARLES L. SCHLUMBERGER  
SAMMYE L. TAYLOR  
WALTER E. MAY  
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OF COUNSEL  
ALSTON JENNINGS  
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M. TODD WOOD

September 18, 1997

UNDER SEAL

WALTER MCPADDEN  
ROGER D. ROWE  
NANCY BELLHOUSE MAY  
JOHN D. DAVIS  
JUDY SIMMONS HENRY  
KIMBERLY WOOD TUCKER  
RAY F. COX, JR.  
HARRY S. HURST, JR.  
TROY A. PRICE  
PATRICIA A. SIEVERS  
JAMES M. MOODY, JR.  
KATHRYN A. PRYOR  
J. MARK DAVIS  
CLAIRE SHOWS HANCOCK  
KEVIN W. KENNEDY  
JERRY J. SALLINGS  
FRED M. PERKINS III  
WILLIAM STUART JACKSON  
MICHAEL D. BARNES  
STEPHEN R. LANCASTER  
JUDY M. ROBINSON  
BETSY MEACHAM  
AINSLEY H. LANG  
KYLE R. WILSON  
DON S. MCKINNEY  
MICHELE SIMMONS ALLGOOD  
KRISTI M. MOODY  
J. CHARLES DOUGHERTY  
M. SEAN HATCH  
PHYLIS M. MCKENZIE  
LISA MASTERTSON WHITE

United States Court of Appeals  
For the District of Columbia Circuit

FILED SEP 22 1997

Special Division

Mr. Mark J. Langer, Clerk  
United States Court of Appeals  
District of Columbia Circuit  
Washington, D.C. 20001-2866

Dear Mr. Langer:

We are the attorneys for Ms. Helen Dickey who is referred to in a portion of the Final Report of Independent Counsel Starr relating to the death of Vincent W. Foster, Jr. The Report is being held under seal in the Division for the Purpose of Appointing Independent Counsels.

Ms. Dickey has reviewed the Report pursuant to your letter to me dated July 25, 1997. We would ask that the following information be included in any Appendix to that Report in order to clarify certain information relating to Ms. Dickey found on page 91 of the Report:

(1) Ms. Dickey's proper title in her position at the White House was Staff Assistant, rather than "personal assistant" as stated in the Report.

(2) There is a reference to an entry in Ms. Dickey's diary for July 20, 1993, with the following notation "(written within a few days of the event)". Ms. Dickey's recollection, which we believe she conveyed in her interview with the Office of the Independent Counsel, is that the referenced diary entry was written no later 5:00 a.m. on July 21, 1993.

(3) In footnote 288, there is the statement that a call made by Ms. Dickey to the Arkansas Governor's Mansion "may have been made from a phone in the White House not on the floors of the White House Residence . . ." Ms. Dickey's recollection, which we believe that she state in her interview with the Office

WRIGHT, LINDSEY & JENNINGS

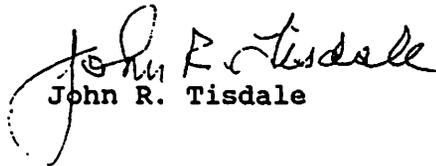
Mr. Mark J. Langer  
September 18, 1997  
Page 2

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of the Independent Counsel, is that the phone call was made from the third floor of the White House Residence, but was placed through the White House Operator, rather than by direct dial.

Cordially yours,

WRIGHT, LINDSEY & JENNINGS

  
John R. Tisdale

JRT:try  
cc: Ms. Helen Dickey  
l:uy1136.027-12

January 17, 1995

The Honorable Kenneth W. Starr  
Office of the Independent Counsel  
Washington, D.C.

Dear Judge:

It is with much regret that I am forced to offer my resignation as Associate Independent Counsel.

As you are aware, I participated in review of the Foster documents matter. When this matter was proposed for closure, I met with various staff members and provided recommendations for further investigation and possible targets. I provided you with memoranda concerning my recommendations.

In addition, I participated in review of the Foster death matter. At meetings and via memoranda, I specifically indicated my disagreement that there existed "overwhelming" evidence that Foster committed suicide where he was found in Ft. Marcy Park. I proposed, at numerous meetings, various investigative steps. Upon approval, I commenced to undertake these investigative steps.

In my attempt to find answers to many remaining questions regarding Foster's death, I was able to uncover numerous investigative leads and new information. The leads and information included, among other facts and contacts, that on or about July 20, 1993 (1) there was a second parking area to Ft. Marcy Park; (2) there was a second entrance to Ft. Marcy Park; (3) the USPP knew of this second entrance and parking area; (4) the second entrance and parking area at Ft. Marcy Park was not secured or investigated by the USPP; (5) the second entrance and parking area at Ft. Marcy Park served as a post/beat for the USPP; (6) USPP officials, the USPP report, and the FBI failed to indicate the existence or awareness of the second entrance and parking area at Ft. Marcy Park; (7) there were maintenance roads and access roads at Ft. Marcy Park; (8) the USPP had a key to maintenance gates and access roads at Ft. Marcy Park; (9) prior to discovery of Foster's identity, persons with USPP Special Forces Branch experience and association were present at Ft. Marcy Park (the USPP Special Forces Branch handled special requests from the White House); (10) the existing FBI interview reports and USPP interview reports do not accurately reflect witness statements; (11) four emergency medical personnel identified, having refreshed their recollection with new photographic evidence, trauma each had observed on Foster's right neck area; and (12) blurred and obscured blow-ups of copies of (polaroid and 35mm) photographs have been offered and utilized. After uncovering this information, among other facts, my own conduct was questioned and I was internally investigated. I steadfastly maintained, and continue to maintain, that I, at all times, conducted myself as an experienced and trained prosecutor, with years of federal prosecutorial experience and federal grand jury experience.

On January 16, 1995, I expressed to Tuohey and Dash my sincere hope that my painstaking efforts to uncover the truth were not mischaracterized. Then, I told Tuohey and Dash that grand jury testimony had been fruitful and that I was fully prepared to continue grand jury inquiry into the many remaining questions surrounding Foster's death. Nevertheless,

Judge Starr  
January 17, 1995  
Page Two

on January 16, 1995, I was informed that all planned grand jury investigation would be cancelled, my conduct was under review and I was to be more closely monitored by Tuohey and an FBI agent. In effect, for raising the above questions, I was forced out of this job.

I regret that fundamental prosecutorial differences have apparently divided your "reporting" staff and me. Reasonable people frequently differ, but you, as Independent Counsel, obviously must pursue the path and direction with your "reporting" staff that makes you most comfortable. I no longer believe in the dynamics of the decision making process presently employed in your Washington, D.C. office.

With your consent, due to administrative and transfer constraints, my resignation will be effective March 6, 1995. While this date may seem distant, during February 1995 I intend to schedule leave to remove myself from the office. I will leave sooner if you request.

Very truly yours,

  
Miguel Rodriguez  
Assistant U.S. Attorney  
E.D. California

## MEMORANDUM

Date: December 9-29, 1994  
From: Miguel Rodriguez *MR3*  
To: File  
Subject: November 29, 1994 Meeting Concerning Foster  
Death Matter And Supplemental Investigation  
Prior to Grand Jury

**CONFIDENTIAL**

Present for this meeting were Mark Tuohey, Brett Kavanaugh, Jeff Greene and me. The meeting was convened to discuss my review of the Foster death materials.

I began by citing my earlier memorandum indicating independent review observations, in summary. I explained that (1) the Fiske counsel report conclusions are not fully supported by the existing record and that the report contains misstatements and supposed facts that are inconsistent with the record; (2) there is not "overwhelming" evidence in the existing record to support voluntary discharge of the weapon in suicide or to support that VF was alone the afternoon of his death; and, (3) there is not "overwhelming" evidence to support the report's conclusions regarding motivation for suicide. Before any discussion, Tuohey disagreed.

## I.

Regarding motivation, generally, I pointed out that numerous "state of mind" issues are inconsistent with suicide.

First, VF did not intimate suicide and facts indicate VF was not intent on fatally harming himself; indeed, VF indicated to a number of individuals that he was optimistic about work-related events to come and that he was planning future family events.

Second, the gravity of VF's apparent involvement in the travel office and usher matters did not indicate VF was in a dire predicament. The spirit of writing about the travel office, indicated Lisa Foster (LF), was optimistic and an effort to prepare for an offensive stance, *i.e.* that VF did not commit impropriety regarding the travel office. Moreover, I pointed out that those persons working closest to VF on the travel office matter indicated that VF was not obsessed with the matter. White House staffers Neel and Nolan declared that it was out of VF's hands. VF was not implicated in the travel office matter (or even the usher matter); the magnitude of the matters was, at worst, ethical violations by Clinton administration officials and

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supposedly embezzlement by non-Clinton administration officials. Others conducted the review of the travel office matter -- GAO and (internally by) McLarty and Panetta;<sup>1</sup> the matters had been out of VF's hands for at least four weeks; and, to the extent VF

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<sup>1</sup>The travel office matter involved the firing of seven career White House personnel for supposed mismanagement and embezzlement. This impropriety was "revealed" by Clinton's cousin who was "planted" in the travel office. This cousin was later put in charge of the travel office.

The White House and then the GAO issued separate reports on the travel office matter. News reports pointed out issues presented by the separate reports.

First, the GAO concluded that no laws were violated but certain conduct created "appearances" of impropriety and conflicts of interest. Can such appearances be gleaned from the White House review? For example, on the afternoon of Thursday, May 13, 1993 "[HRC] told [VF] that she heard about problems in the travel office." The GAO report did not mention HRC's conversation and provided no insight into HRC's source for these complaints. On the same day, HRC also asked McLarty "about the situation in the travel office." The GAO report ignored this discussion as well. Again, on May 13, 1993, "[VF] subsequently informed [HRC] that Peat Marwick was going to conduct a review of the [travel office matter]." The GAO report provided no information about this conversation either.

Second, the GAO's report stated WK - who initiated contact with the FBI concerning the travel office matter - told the FBI "that the matter was 'directed at the highest levels' in the White House." It remains unclear what Kennedy meant?

Third, the White House review described the firing of the travel office employees "as a result of a review conducted as part of the Vice President's National Performance Review." That is also the claimed reason the White House hired Peat Marwick to audit the office. However, the GAO report states "[a] representative of the Vice President's office informed us [GAO] that . . . [the audit] was not conducted under the auspices of the NPR."

And fourth, Peat Marwick began its audit on May 14, 1993. This is the same day HRC reportedly "urged that action be taken to get 'our people' into the travel office."

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was upset, he was upset regarding William Kennedy's (WK) reprimand (as indicated in the internal McLarty/Panetta report). These facts were not pointed out by Fiske counsel.<sup>2</sup>

Third, I pointed out that there were additional matters on VF's mind that indicated VF's ability to cope with variables and stress, which matters were not addressed by Fiske counsel. These matters may not be disputed and at least include: (1) the blind trust; (2) the 1992 taxes, which taxes involved Whitewater concerns; (3) VF's wife, recently in Washington, D.C.; (4) the FBI's director was being replaced (after the FBI had not been accommodating to the White House on the travel office investigation); (5) new personnel in the counsel's office (Sloan and Castleton); (6) VF's weekend with Hubbell; (7) VF's visiting sister; and (8) financial concerns,<sup>3</sup> which concerns were demonstrated by VF's special authorization of release of financial statements, every Friday, to LF via VF's secretary.

<sup>2</sup>Fiske counsel also failed to consider: (1) the travel office matter involved David Watkin's (DW) staff and, specifically, Patsy Thomasson (PT); (2) the usher matter involved HRC and her staff, including Maggie Williams (MW); (3) both matters involved allegations concerning loosely managed money (the travel office from the press corp. and the usher's office from private donations); (4) money was allegedly mishandled in both matters resulting in controversy; (5) the legal counsel's office was called into each matter; (6) while VF was doing damage control on the travel office matter and usher matter, he learned certain facts (and possibly improprieties); (7) VF was involved in assessing the White House's actions; (8) VF was found dead; (9) PT and MW are in VF's office searching the evening of VF's death; and (10) DW requests PT to search and MW goes to the White House and searches after speaking with HRC. Against this background, the torn paper makes a distinction between the Clinton Administration's loyal staff and others. Also against this background, there are allegations that the Clintons received cash prior to moving to Washington, D.C. through Madison Guarantee -- closed due to loosely managed money.

<sup>3</sup>VF's secretary (Deborah Gorham) was "absolutely" certain VF had no financial difficulty. According to Gorham, the financial statement request was made merely because the Foster family checking account in Washington, D.C. was overdrawn. If such witnesses are correct about the Foster's not having financial trouble, VF's financial concerns may instead be his desire to monitor his account to ensure that, for example, no mysterious deposits (or withdrawals) were made or merely to ensure the Washington, D.C. account was not overdrawn again.

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Fourth, apparently on VF's mind were private conversations VF had, at length, with two blonde females (Marsha Scott and Susan Thomases) prior to VF's death. Neither female can recall details of her conversation with VF. Neither female, however, indicated that her conversation with VF caused VF dire concern. Although Fiske counsel identified that such conversations occurred, no probe of the conversations was conducted. Thomases claimed attorney client privilege regarding her conversations with VF. I have advocated, however, that she has no such privilege and/or VF had no such privilege. I strongly recommended further exploration on her (and Robert Lyon's) dealings with VF and the privilege issues.

And fifth, on the day of VF's death -- in Arkansas -- the search warrant for Hale's office was executed. However, while VF's Rolodex contained Hale's telephone number, there is no indication that VF knew of the search or that VF was preoccupied by events concerning investigation of Hale. Later in Arkansas, reportedly, documents VF had worked on were removed from Rose law firm storage and were destroyed.

## II.

In addition to "state-of-mind" inconsistencies, I reminded Tuohey that several issues -- VF's 1 1/2 days off the previous week, VF's weekend association with Hubbell (contrasted to the account by LF), VF's conversation with WJC and Lyons, and VF's concern for media attention in connection with the taxes (Whitewater) -- remained.

In addition, telephone logs from the counsel's office are incomplete. Betsy Pond, Nussbaum's secretary, said VF may have had a private phone line. Even if VF did not have a private line, was there more than one line into VF's office? Only one line, to date, has been investigated. Fiske counsel did not follow through in its investigation of these issues.

Tuohey agreed with my decision to investigate these issues but cautioned that no one in Little Rock and none of the Foster family members were to be contacted until he was further briefed on areas.

## III.

I pointed out that little is known about VF's final week of activity involving WJC, Hubbell, Scott, Thomases, and Lyons. Regarding these individuals, I had pointed out the following.

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WJC 3

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Sunday and prior July 18, 1993	Monday July 19, 1993	Tuesday July 20, 1993	Wednesday July 21, 1993
<p>-VF took 1 1/2 days off during this prior week.</p> <p>-During prior week, VF had met with Thomases (HRC's lawyer) at her hotel room and again for lunch with "friends."</p>	<p>-VF's office contained personal Clinton family documents including 1992 tax documents and Whitewater documents.</p>	<p>-No one admits to know what work related tasks VF did in morning or what he was to do in afternoon.</p> <p>-VF death</p> <p>-Thomases seen in VF's office searching</p>	<p>-Lyons came to Washington, D.C. supposedly to discuss with VF only travel office matters.</p>
<p>-VF took weekend vacation with Hubbell in attendance.</p>	<p>-VF had been working on Whitewater issues with Riki Seidman and with a paralegal (VF is concerned about tax related media attention says paralegal).</p>	<p>-Scott in White House the late evening.</p>	
<p>-Upon return on Sunday, VF has conversation with Lyons and conversation with WJC.</p> <p>-While VF is not implicated in the travel office matter or the Usher matter, VF is fully involved in the 1992 tax matter (involving Whitewater), which taxes must be filed imminently.</p> <p>-Lyons is not involved in the travel office matter but is fully involved in the tax matter.</p> <p>-Lyons and Foster agree to meet on Wednesday, July 21, 1993.</p>	<p>-VF meets with Scott for a long private discussion.</p> <p>-Hubbell is with WJC at White House and they call VF, supposedly only to invite him to watch a movie and not to discuss pending matters.</p> <p>-Pending matters undisputedly include taxes, blind trust, and weekend.</p> <p>-O'Neil sees Susan Thomases in VF's office on the night of death.</p>		

Also, I reminded Tuohey that it seemed odd that WJC and Hubbell called for VF to come over on the eve before VF's death. Neither WJC nor Hubbell can recall details (except as to the movie invitation).<sup>4</sup>

<sup>4</sup>Ironically, the proposed movie was "In The Line of Fire," which movie involved a person's loyalty to the Office of the President and the person's willingness to sacrifice his life for the President. Also ironic is that VF's corpse was found under a cannon's line of fire.

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## IV.

I raised other issues occurring in the period before VF's death, and particularly Monday, July 19, 1993 (the day after VF and LF supposedly returned from vacation).

Specifically, I pointed out that cancelled checks indicate a home security system payment, medical lab report payment, radiology center payment and pediatric center payment, all within four weeks of VF's death. Tuohey acknowledged the need to investigate these expenses and a Kinko expense. Regarding the "Kinko" expense, I pointed out that, sometime on July 19, 1993, LF wrote a check to "Kinko's" for approximately \$19.00. What was being copied (or purchased)? Did the Fosters leave documents to be reproduced over the weekend? None of these expenditures were explored by Fiske counsel.

I pointed out that the credit card receipts indicated that the Fosters checked out on Monday, July 19, 1993, and not Sunday. I will investigate this issue as well as the telephone records at the lodging. Moreover, some of VF's credit cards and other papers in his wallet have never been investigated. VF's wallet was returned to the legal counsel's office on the night VF died. See infra.

## V.

Regarding the period before VF's death, I posed the following question: how did VF acquire the unidentified loaded weapon?

First, there was no definitive evidence that the bullets or weapon found at the death scene were linked to VF prior to July 20, 1993 -- the day of VF's death.

Second, I pointed out that on the day of VF's death, once VF left his residence, he was not observed to return. Thus, assuming VF's possession of the weapon on the 20th was voluntary and purposeful, VF either took it with him to the White House (carrying it from his residence on his person or in his car) or he acquired it after leaving the White House at 1:10 p.m. (acquired it from somewhere outside of his residence). At the present time, there is no evidence to believe there was another residence or area VF maintained. If VF did not go at 1:10 p.m. to a private place where he stored the weapon and his possession of the weapon was voluntary and purposeful, then VF must have had the loaded weapon on his person at the White House or it was unattended in his vehicle at the White House.

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Third, even if VF was voluntarily and purposely carrying the loaded unidentified weapon on the day of his death, his motivation necessitating carrying a loaded weapon is unclear. In this regard, there is presently insufficient evidence of VF's intentions when he left his residence. On one hand, VF said no goodbyes and VF was not described to be morose or otherwise fatalistic when he departed family members. The lack of unusual behavior by VF is consistently reported by legal counsel staff in interview "notes" made by USPP. See infra. On the other hand, there is a lot of, apparently surprising, after the fact "state-of-mind" rhetoric from some friends and family that VF was mentally disturbed. Prior to VF's death, however, there is no direct non-testimonial evidence (medical/psychiatric reports of treatment<sup>5</sup> or even consultation<sup>6</sup>) for such a mental imbalance. Despite the after the fact rhetoric, VF is described by friends and family as the last anyone could imagine committing suicide and as a virtual well-spring of strength.

And fourth, as previously stated, while the weapon found at death has not been conclusively identified as belonging to VF or even the Foster family, VF did have a weapon -- his own weapon -- in his Washington, D.C. home. Fiske counsel did not determine if VF's weapon, found in the Foster's Washington, D.C. home, was registered. We then discussed the following questions:

<sup>5</sup>According to VF's sister, VF was very anxious and concerned about his security clearance. In this regard, VF's sister stated that she tried to persuade VF to speak with a psychiatrist about job related anxiety. VF reportedly told his sister that he was concerned about revealing confidential information, placing the psychiatrist in jeopardy, and VF leaving a trail to medical help. Despite these concerns, VF supposedly accepted from his sister three psychiatrist names and telephone numbers. Also, despite VF's concerns about being linked to psychiatrists, VF apparently wrote the names and telephone numbers onto White House stationery and then loosely carried this writing in his daughter's car or in his wallet. See infra. And, despite VF's concerns about being linked to psychiatric help, each psychiatrist was demonstrably called from VF's office, which calls were boldly billed to VF's home phone number. Oddly, VF never personally spoke to any psychiatrist. Also oddly, VF billed the calls to his home phone instead of using his home phone telephone card (which he carried in his wallet) or a pay phone. Thus, in spite of VF's reported concerns, VF left a clear trail to each of the psychiatrists, while never speaking to any one psychiatrist.

<sup>6</sup>The Foster family physician reportedly spoke with VF the night before his death and prescribed medication for supposed depression; VF reportedly described himself to the doctor as anxious and as not being able to sleep.

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(1) why would VF "surepticiously" get an unidentified gun (and where could he get two bullets only) to commit an "obvious" act of suicide when VF had his own weapon at his bedside, and (2) whose weapon did VF possess in his hand upon his death?

In sum, at the present time, there is insufficient evidence to conclude (1) how VF acquired the unidentified loaded weapon -- assuming his possession of it was voluntary and purposeful; and (2) it is not possible to conclude when, or why VF came to possess the loaded unidentified weapon. Against this background, I pointed out that it was odd that David Watkins and Bruce Lindsay, each upon receiving notice of VF's death (independent from the other), immediately inquired if the weapon was identified.<sup>7</sup> LF, upon notification, oddly immediately asked if the gun was placed in his mouth (as if this were a signal to her of some kind). LF was described as angry upon notification.

## VI.

I next addressed the manner of VF's death. In doing so, I disputed that the weapon found in VF's hand was discharged from VF's hand.<sup>8</sup> Arguendo, I also disputed how the weapon was discharged: voluntarily or discharged in some other manner.

I pointed out that for voluntary discharge, according to how the weapon was found, VF must have held the weapon in a peculiar backwards position. Also, VF must have held the weapon in a manner that caused (along his index finger and thumb/finger webbing) an unusual amount of gun powder residue.

<sup>7</sup>I speculated that if Watkins and Lindsay were already aware VF had died and the manner of death (or the location of death assuming suicide) was the object of a cover-up, Watkins and Lindsay would be waiting for confirmation that an unidentified weapon was located and planted.

<sup>8</sup>On one hand, of the first two individuals to see the corpse, neither W5 nor Fornhill saw a weapon in VF's right hand. Fornhill was the 1st response person to the corpse. On the other hand, Hall, the 2nd response person, glanced at what he thought was a gun but Hall could not describe it. Gonzales, the 3rd response person to the corpse, only saw what he believed to be the cylinder of a gun and disputed the photographs supposedly representing VF's arm position and the location of the gun in VF's hand. Gonzales did not describe the cylinder until he had seen a picture, thereafter he said it appeared to be a revolver. Arthur, the 4th response person, believed there was a different gun (a clip loading gun) than that depicted in the photograph that he was shown. Similarly, Wacha and Iacone saw a different gun (a silver gun).

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(A later meeting -- with a D.C. forensic scientist who observed a photo of the gun powder hand residue -- revealed that such an amount of residue indicated numerous firings of the weapon. At this meeting, Greene agreed that numerous firings could be an explanation for such residue.) This gun powder residue is not only questionable due to amount but is also questionable due to its thumb/index finger placement on VF's right hand. See infra.

The backwards position of the weapon -- for a voluntary suicide discharge -- would have required a firm grip on the revolving cylinder with the right hand (with thumb through the trigger guard) and a firm grip on the gun handle by the left hand. The weapon is not small or of slight weight. However, on this humid summer day, though the weapon was found untouched in the clutch of VF's right hand (VF's thumb jammed in the trigger and guard), no fingerprints, partials or even smudges were found on the weapon. Also, no prints were found even though VF supposedly held the weapon tightly enough not to break or even chip his teeth upon discharge. Apparently, this would mean VF, supposedly contemplating his life, did not have moisture or sweat on his hands as he held the loaded weapon in his mouth.

Contrary to my position, Tuohey and Greene did not find these facts troubling. I added that the FBI latent examiner stated to me that the weapon appeared clean or wiped when he received it from the USPP. I also reported that agent Colombell had stated to me that (1) by the USPP's own admission to him, the USPP's latent test was rushed, (2) a "taping" of the entire weapon to recover prints possibly destroyed prints, partials or smudges, if any existed, and (3) the weapon was processed without the proper chain of custody transfer from the USPP scene evidence collector.

## VII.

I pointed out that, on July 20, 1993, VF had a normal morning at work. "Notes" from initial USPP interviews, conducted immediately after VF died, revealed the following. VF's secretary, Deborah Gorham, stated that she noticed "nothing different from normal in [the] last week." Gorham said there was "nothing unusual in his [VF's] mood that morning" and it was "normal for him [VF] to be quiet." Pond, Nussbaum's secretary, stated that she observed "no depression" and that there had been "no difference in VF's emotional state." Pond added that she was "unaware of any weight loss." Months later, Pond confided to another White House staffer that VF really seemed OK when he left at 1:10 p.m. on July 20, 1993. Nussbaum similarly detected "no unusual behavior" prior to VF leaving the counsel's office at 1:10 p.m. on July 20, 1993. Moreover, the USPP notes indicate that at 12:17 p.m. on the 20th -- less than one hour before VF leaves the counsel's office -- VF was actively working and

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returned Brant Buck's telephone call (presumably concerning the blind trust matter). Buck was out. VF nevertheless had a brief conversation with Buck's secretary, Linda Johnson. The USPP notes indicate that, according to Johnson, VF "appeared to be normal" and "nothing [was] out of the ordinary." Gordon Rather, (VF's long time friend and a partner at Bruce Lindsay's firm) also tried to communicate with VF on the day of his death. Rather stated that based on his past dealings with VF and, having personally met with him only 4 months earlier, "[VF] was the same Vince [Foster] he has always known" and Rather offered that "[VF] was a very impressive person." These initial interview statements were not addressed by Fiske counsel in its final report.

Subsequent FBI interviews of these witness and other legal counsel staff indicate that, contrary to earlier statements, VF was preoccupied and not fully responsive on the morning of his death. White House and legal counsel staff all -- oddly in these later interviews -- used similar descriptions of VF's preoccupied manner. Against this background, I reminded Tuohy that the legal counsel's office admitted that the secretaries had been "prepared". Also, with the exception of Colombell, FBI agents who I interviewed stated that, across the board, the counsel's office staff appeared to be incomplete or false in response to questions.

## VIII.

I pointed out that while one secretary was unsure if VF left with his coat and a briefcase and another was sure he had no briefcase when he left with his coat, a legal counsel office clerk, Castleton, recalled that VF left with both a briefcase and coat.<sup>9</sup> Also, VF took a beeper, which beeper was supposedly off

<sup>9</sup>At least four non-law enforcement, i.e. non-USPP, personnel observed a briefcase with VF's coat in the Ft. Marcy parking lot. Witnesses (Hall, Gonzalez and W5) observed the briefcase in VF's locked vehicle after the witnesses had observed VF's body. Hall and Gonzalez described the briefcase as black. Photos taken of VF's vehicle on July 20, 1993 -- in the Ft. Marcy parking lot -- depict a black briefcase on parking lot asphalt between VF's car and an adjacent responding USPP vehicle. W2 stated that he observed a briefcase at a time prior to discovery of VF's death. Moreover, the existing record is clear that VF had at least two briefcases. Indeed, PT searched one briefcase, Lindsay recalled two briefcases, and Nussbaum searched a different briefcase than that searched by PT. The briefcase searched by Nussbaum was later turned over to OIC. Fiske counsel only concluded one briefcase existed and failed to probe observations of a briefcase with VF's coat in the Ft. Marcy parking area.

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when USPP arrived to VF's corpse. VF's intent to return is also demonstrated by his statement upon leaving: "I'll be back". Moreover, I pointed out that it was odd that VF appeared to be in a hurry or, at least, to be on a time schedule, i.e. VF appeared to have somewhere to go. This is demonstrated by the manner in which he left, how he ate and the manner in which he acquired his lunch. On the other hand, after a subsequent interview by Colombell regarding how VF acquired his lunch, Castleton stated that he was not sent by VF to hurry VF's lunch along.

## IX.

On the day of VF's death, during the afternoon, I pointed out that LF was occupied by Watson's wife. (VF apparently was at odds with Watson because of the travel office matter.)

At approximately the time VF's corpse was being photographed by USPP, LF was seen and talked to by neighbors as she worked on her front yard. I advocated interviewing the neighbors at least concerning: conversations with Foster family members, dealings with VF, security concerns the Fosters may have expressed and regarding whether the Fosters stated their sentiments about being in Washington, D.C. Fiske counsel only interviewed neighbors in connection with Craig Livingstone's claimed presence in the neighborhood on the 21st morning.

## X.

I next focused on Ft. Marcy park generally.

I stated that the FBI refused to provide me with a scale map and a map indicating all maintenance roads. I pointed out that I walked a maintenance road from the second cannon area (where VF's corpse was found) and that there was at least one additional, supposedly pedestrian only, entrance to the park (this second entrance is closer to the second cannon than the main entrance). The second entrance has a parking area. There is no evidence that this second entrance and parking area was secured or investigated at the time VF's corpse was processed by USPP. Fiske counsel has not investigated any aspects of this second entrance and it is not indicated in any FBI reports or USPP reports. It appears Congress did not know of the second entrance and second parking area. Since VF's death, it appears a fence has been erected at this second entrance and the area between the second cannon and the maintenance road has been altered.

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As part of our general discussion, Greene, upon examining USPP on-the-scene polaroid photos, observed that the photos depict an unusual darkness background. Kavanaugh had also made this observation. By contrast, the body was found and photographed between 6:15 p.m. and 7:00 p.m. on a clear summer day.<sup>10</sup> (I investigated these photos with the assistance of paralegal Lucia Rambusch. See infra.)

Also, as part of our general discussion, I pointed out that -- although taken -- no 35mm photos were successfully developed and although there were at least five photographers, only 18 polaroid photos were provided by USPP to OIC.<sup>11</sup> The USPP provided OIC 18 "polaroid copies" of 18 polaroid photos and no 35mm photos of the death scene. The original polaroids were also provided. Both the original polaroids and the polaroid copies are of poor quality, depicting poor color and blurred, bleached objects. Obviously, the polaroid copies are even more distorted

<sup>10</sup>At this point, I described the day according to the existing record: it was a hot, humid, July afternoon, the parkway traffic was crawling, and there was a clear sky.

<sup>11</sup>The following USPP were observed as polaroid photographers: Braun (VF's vehicle in Ft. Marcy parking lot), Edwards (VF corpse), Simonello (VF corpse), Ferstl (VF corpse), Rolla (VF corpse). Only photos from Braun, Edwards and Simonello have been received by OIC. Significantly, Ferstl's polaroids (which OIC does not possess) were taken before the special (Criminal Investigation Branch (CIB)) team -- Braun, Siminello and Rolla -- arrived. The gun in VF's hand supposedly changed color and position after this special team arrived and the glasses were also found after this special team arrived. Braun supplied 5 photos, Edwards supplied 5 photos, and Simonello supplied 8 photos. Ferstl estimated he took at least 7 photos but none have been provided. Witnesses observed Rolla taking polaroid photos but none have been provided. Regarding the polaroids, the original emulsion package numbers indicate at least 4 packages (minimum of 10 per package) of film was used (excluding an apparent 5th package for Ferstl's 7 photos). Thus, OIC does not have all polaroids.

At least, Simonello took 35 mm photos (in addition to polaroids). Other USPP may have taken 35 mm photos. However, none of his 35 mm photos resulted in a clear depiction -- the camera was improperly set and each frame was over-exposed. Despite the claimed best efforts and technology of the FBI, the existing 35 mm photos are useless.

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than the original polaroids.<sup>12</sup> I also pointed out to Greene that the terrain and foliage depicted does not match in each picture. The second cannon appears only in one on-the-scene polaroid photo (wherein only the top of VF's head is barely discernable), despite the cannon being approximately 10 feet from the corpse. Also, VF's glasses are depicted in a strange arrangement, found completely folded approximately 20 feet from the head of VF's corpse, with no spatter or prints/partials/smudges. The glasses are found, after an unsuccessful preliminary search, by Simonello, USPP, who specially arrived from the USPP station in Anacostia over 30 minutes after the body was discovered.<sup>13</sup>

## XI.

I then specifically focused on the first time Ft. Marcy park is possibly linked to VF.

I reported that at approximately 2:30 p.m. a witness (W1) driving on the G.W. Parkway observed an out-of-state Japanese-type metallic colored car dart, cut into, the Ft. Marcy parking area. The driver of the metallic colored car, says W1 during an initial interview, was alone and was a white male. W1 only saw the rear of the metallic colored car. W1 initially believed the car to possess out-of-state (Arkansas or Ohio) plates. However, when shown a photo of the rear of VF's car, W1 is confident that it was not VF's car. W1 stated that the car that cut him off was a different color and that the metallic colored car displayed a different type plate than VF's car. Despite a subsequent FBI interview by Colombell in which W1 supposedly cut back on his confidence in his recollections, W1 steadfastly maintained it was an Arkansas, or similarly identified plate on the car and that it was not VF's car, as depicted.

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<sup>12</sup>Moreover, only polaroid copies of original polaroids were analyzed by FBI lab technicians in blood spatter analysis and also by the forensic scientist team relied upon by Fiske counsel. Apparently, blow-ups of "polaroid copies of polaroid originals" were shown to EMT witnesses. All witnesses will thus have bases on "new evidence" to formulate their refreshed recollection, including the forensic scientist team relied upon by Fiske counsel. I have already taken successful steps in this direction.

<sup>13</sup>After preliminary review of some photos, Tuohey had to leave for a short time, then Kavanaugh left for a short time. Both counsel then returned and then again left at different times, as needed, during the afternoon. I continued with Greene and the counsel as each was present.

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Although Tuohey's position (and the Fiske report) was contrary, I pointed out that VF was thus not identified by car at that time. Indeed, W1 could have observed anyone with out-of-state plates driving into the park, even someone who VF was to meet or who was otherwise coming to the scene. Indeed, a metallic colored car was later seen next to VF's car in the Ft. Marcy parking area. See infra. Despite W1's disagreement, that the metallic car was VF's car, Fiske counsel only stated that they were "unable" to conclude time of arrival of the car.

XII.

I pointed out that, in fact, the first time VF's car was observed at Ft. Marcy Park was at approximately 4:30 p.m. At that time, a witness (W2) stopped at Ft. Marcy park to urinate.

W2 saw VF's car parked where it was later found -- at a front (approximately 4th) parking space as one enters the lot. W2 walked along the side of VF's car. W2 saw, "draped over the driver's seat", VF's coat and VF's leather briefcase on the passenger side seat. W2 specifically recalled the presence of VF's briefcase. W2 clearly identified VF's car. In addition, W2 recalled a dark metallic Japanese type car near the front of the parking lot, i.e. near where VF's car was parked at 4:30 p.m. There was a dark complexion male in the car watching W2. In fact, as W2 walked near VF's car, the male in the metallic colored car got out of his metallic colored car and stood next to it.

The USPP, the FBI and Fiske counsel did not attempt to investigate the metallic colored car or its occupant. W2's recollection of the occupant as a person watching him as he was next to VF's car is not recounted in the Fiske report. Further, Fiske counsel did not address this witness' account of the metallic car in its public report.

XIII.

I next discussed W3 and W4. These witnesses, with intent to picnic, arrived at the park in one car at approximately 5:00 - 5:30 p.m. While reports stated W3 and W4 were in a white Nissan sedan, no pictures of the car exist. (What does the registration say?) W3 and W4 were seated in their car, backed into a space at the far end of the lot. W3 stated that she observed 4 people in the park before they (W3 and W4) were contacted by responding personnel. W3, as they pulled into the parking area, saw a dark haired male with no shirt sitting in the driver's seat of VF's car; she saw W5 and his van, see infra; she saw a sedan driven by a shaggy haired male pull into the lot and then pull out; and she later saw a big and burly dark haired male in jeans in the lower park area (after W3 and W4 left their car

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to picnic). W4 stated he recalled at least 3 persons. W4 saw a shaggy haired blond male working under VF's car hood; W4 saw W5 and W5's white van, see infra; and a jogger type white male in the lower park area (after W3 and W4 left their car to picnic. The witnesses' USPP interview is contrary on each and every point. W3 boldly claimed, after reviewing the USPP interview report by USPP Braun, that the USPP report was flatly "untrue". Oddly, these two witnesses names, addresses, phone numbers and SSN were on David Watkins' White House stationery. Subsequent interviews resulted in one of the two witnesses stating wine coolers were in the witnesses' own car and that their car was a white 4-door Nissan with blue interior.

W3's and W4's recounting, on the other hand, of the white van, (belonging to W5 -- the confidential witness) is consistently reported.<sup>14</sup>

Later, W3 and W4 are found picnicking in another area of the park, an opposite end from the corpse.

Even though W3 and W4 corrected the USPP interview report with their later (FBI) statements, Fiske counsel did not state W3's and W4's observations of persons working on VF's car and sitting in VF's car. The observations occurred immediately before W5 observed VF's corpse, i.e. VF was already dead.

## IVX.

W5, a confidential witness, was the next person to arrive at the Ft. Marcy parking area. W5 arrived at approximately 5:30 p.m. W5 was consistently observed by W3 and W4. W5 upon arriving in a white van, threw trash away and then walked the upper, north, path searching for a private area to urinate. W5 found his way to the second cannon area. W5 stated that he was familiar with Ft. Marcy park, having been to the park on a previous occasion. About the time (or after) W5 urinated, he saw the corpse. He went over to the corpse and stood approximately three feet from VF's head. W5 stared at VF, the corpse, for several minutes. W5 also observed a wine cooler type bottle, half-consumed, next to VF's body. W5 believed that there were wine cooler stains on VF's shirt. (Later review of autopsy

<sup>14</sup>Here, I digressed and offered the following observation, based on my reading of the entire death and document records: witness accounts were consistently reported (as re-interviewed) on issues suggesting suicide but inconsistently reported on other issues.

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photos indicated that VF's shirt was wet and cleaned in spots, i.e., there is a wet spot detected on the shirt in the area depicted as containing a purplish spot.) W5 observed a trampled area below the corpse looking down from the berm. W5 left the scene and returned to the parking area. Upon returning to the parking area, W5 looked into VF's vehicle, the brown Honda, and observed VF's coat, briefcase, and tie. W5 then left the parking area and went to another park, Turkey Run park, and notified park workers who relayed this information at approximately 5:50 p.m.

## XV.

Review of emergency vehicle dispatch logs indicate that the medic unit called, Medic 1, was dispatched at 6:03 p.m. At the same time, an Engine crew, Engine 1, was dispatched from the same fire house, Station 1. The dispatch logs also indicate that the medic unit and engine unit were packed up and on their way back to the station from Ft. Marcy at 6:37 p.m. Thereafter, the dispatch logs indicate that the U.S. Park Police (USPP) requested an ambulance to transport the body at 7:45 p.m. The ambulance unit was on scene at Ft. Marcy park to transport the body at 8:16 p.m. Thus, the USPP were in exclusive control of VF's corpse from 6:37 p.m. to after 8:00 p.m. Thus, there is no evidence that anyone other than USPP personnel (excepting Dr. Haut who arrived at 7:40 p.m.) were in Ft. Marcy park or anywhere near the death scene for approximately 1 1/2 hours.

## XVI.

W6, a white female driving a Mercedes, arrived at the entrance of Ft. Marcy park at approximately 6:00 p.m. W6 was experiencing car trouble and abandoned her vehicle at the entrance to Ft. Marcy park. As she left her vehicle, she left the Mercedes' emergency lights on. W6 then walked into the Ft. Marcy parking area from the GW Parkway entrance. On the way, W6 observed a well-dressed white male sitting in a white Honda. The white male was looking at papers in the white Honda. The white male made comments to her, asking her if he could help her. He then started his engine and followed her into the park. Eventually, he went past her and into the parking area where he turned his vehicle around and then exited the parking area. W6 continued into the parking lot area, specifically, the upper parking lot area. W6 does not know what cars were in the lower parking lot area, e.g., W3 and W4's white Nissan. W6 observed at the upper parking lot area, VF's Honda and also a dark blue (metallic?) car. W6, not being able to find a public telephone, then walked back out of the Ft. Marcy parking lot area and proceeded to walk on the right shoulder of the G.W. Parkway.

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## XVII.

When the emergency vehicles arrived at approximately 6:10 p.m., there were supposedly only two vehicles in the Ft. Marcy parking area. The brown Honda, VF's car, and the white Nissan at the lower parking area (the vehicle used by W3 and W4).

Some emergency personnel recall there being a red or reddish Honda also present in the parking lot area or entrance area. Also, emergency personnel differ in their recollection of USPP arrival. In fact, USPP Fornshill arrived at the scene at approximately 6:10 p.m. It is unclear from the existing record whether Fornshill arrived before or after the emergency vehicles.

When the USPP vehicle and the emergency personnel got together, they decided to split into two teams to search for the reported corpse. The north path was pursued by Team 2, comprised of Gonzalez, Hall and USPP Fornshill. The lower (Pimmit Run) path, i.e. southern path, was investigated by the Engine 1 crew (Pisani, Iacone, and Wacha) and Arthur, EMT. Team 1, the Engine 1 crew and Arthur, passed W3 and W4 as they moved on the Pimmit Run path in the direction of the Potomac river. Upon notification from dispatch that Team 2 had found the corpse, Team 1 retraced their steps and saw W3 and W4 a second time. When Team 1 arrived in the parking area, USPP were in the area but not observed in the parking area.

Then, Team 1 personnel all went to the death scene area. In particular, Team 1 passed Team 2 on the way to the death scene and Team 1 received instruction on how to get to the death scene as they passed Team 2. Gonzalez (and Hall) before returning from the death scene, indicated the DOA status of the body to dispatch. As Gonzales and Hall were leaving the death scene area at cannon area 2, Gonzalez and Hall saw USPP personnel enter cannon area 2. Fornshill, however, stated that these personnel were other EMT or emergency personnel. In other words, Fornshill did not recognize these persons any more than Gonzalez and Hall recognized these persons.

## XVIII.

Regarding Team 2, I explained that when Fornshill arrived at the corpse, it was approximately 6:10 p.m. Fornshill arrived with Hall nearby, then Hall rushed over, and seconds later, Gonzalez rushed over. Thus, the only USPP officer, of all seven responding personnel present and searching, located the corpse. When Hall rushed over, pursuant to Fornshill's shout of discovery, Hall saw and heard a person in orange moving swiftly away behind bushes on the maintenance path/road immediately below the berm and corpse. In a later re-interview, Hall supposedly cut back on his initial statement and said he may have seen and

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heard a car on Chain Bridge Road. Chain Bridge Road, however, was approximately 100 yards away and Hall did not know Chain Bridge Road even existed. At the time, Hall was so sure of his observations on the park's path/road immediately below the berm, that he told Fornshill "there's someone down there."<sup>15</sup>

Gonzalez, upon rushing to the corpse, observed that the body was in a laid out position with no blood on the ground. The pictures show no blood on the ground. Gonzalez checked for a pulse but did not move the head or the body. Neither Hall nor Fornshill moved the body; similarly, no one present observed the other move the head or the body. The upper right side of VF's shirt, however, was spattered with blood and "unidentified" debris. (Why was the debris not identified?) Later interviews indicated the witnesses believed it to be vomit or dried, coagulated blood. Gonzalez, a paramedic, believed the decedent suffered a bullet wound to the head (with an entry point from the neck's bloody area?).

I reminded Tuohey that only two identical sets of 18 polaroid photographs were provided to OIC. One photo clearly depicts a dark, burnt appearing, blood area on VF's neck. The D.C. medical examiner who observed the photo stated that, if the picture were cropped and without knowing more, the burnt blood patch looked like a bullet hole or puncture wound. Based on my own experience and training, I am confident the traumatized area was caused by a "stun-gun" or "tazer" type weapon.

In addition, I pointed out that the third EMT to the body, EMT Arthur, concluded that there was a puncture wound or bullet wound on VF's neck. I offered that such wound(s) would explain the upper right shoulder blood. Arthur is also a "paramedic" EMT.

Regarding the trauma to the neck area, I jumped forward to an autopsy photograph depicting the right side of the neck. I offered my opinion that two puncture like wounds can be observed. The D.C. Medical Examiner similarly observed the appearance of crater-like indentations on the right side of the neck. The examiner stated that such could be caused by a foreign object folded into the neck upon transport. However, due to the burnt blood area observed and photographed at the scene, it is illogical that such occurred during transport. The autopsy report does not identify trauma to the neck.

<sup>15</sup>Attached hereto is a reproduction of a diagram   
 The diagram depicts Ft. Marcy Park and the paths traveled by Team 1 and Team 2 vis-a-vis the cannon areas and corpse.

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Against this background, the neck area and the original photographs have not been investigated by Fiske counsel.

## IXX.

I next offered to provide the following written summary of USPP and emergency personnel (FBI 302) statements.

Apt, USPP, responding to the Ft. Marcy Park scene, stated that she received the call to respond at approximately 6:00 p.m. Apt recalled that before going into the parking lot, she took information regarding the abandoned Mercedes "on the entrance ramp" to the park. When she arrived at the Ft. Marcy parking lot Apt saw Spetz, USPP, interviewing the picnicking couple, W3 and W4. Apt then said she went to the death scene "immediately" with Rolla, Braun and Simonello, USPP. At the death scene, Apt saw Edwards, Ferstl, and Hodakievic. Apt saw Edwards "completing" taking polaroid pictures. Apt then saw Rolla "commence" taking polaroid pictures. She also saw Simonello taking 35 mm pictures of the corpse. Apt supposedly took careful notes of the death scene. Apt made observations of the corpse from a series of vantage points. It is unclear if Apt's notes were obtained by OIC. Apt provided her notes to Rolla after she returned to the USPP Anacostia substation. Apt says no one touched/moved corpse until deputy medical examiner Haut arrived, which was at approximately 7:40 p.m.

Arthur, EMT, in his first interview stated that he had been present for numerous suicide investigations and approximately 20 have been by gun shot. Arthur stated that Gonzales, EMT, and Hall, EMT, arrived at the parking lot together. Arthur separated from Hall and Gonzales by forming teams. On the scene, Arthur stated that during his team's search, they discovered two people together, later identified was W3 and W4. Arthur told a female uniformed USPP of W3 and W4. Gonzalez and Hall were running en route back to the parking area when Arthur started out in the direction of the corpse. Arthur stated that he later arrived at the area where the corpse was discovered. In fact, Arthur was the 3rd EMT to respond to the scene and observe the corpse. Arthur recalled seeing blood on the right shoulder and shirt area of the corpse. He also observed a bullet wound (possibly .45 caliber) on the right side of the neck under the jaw line. Arthur stated that the neck area had a small caliber bullet hole under the jaw line about halfway between the ear and the tip of the chin before seeing any pictures and before contact by law enforcement. Arthur also observed the gun in VF's right hand and that the gun barrel was "half-way" under VF's thigh. Arthur stated that he was at VF's right side near VF's head when he observed VF's neck and that he was approximately two to three feet from VF's right hand. Arthur believes that the gun that he saw was a "straight-barrel" 9 mm

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"clip-loading" pistol. Arthur stated that he believed the bullet hole on the neck area to be caused by a different caliber weapon. Arthur stated that he did not touch or move VF at the death scene and further Arthur stated that he was not aware of anyone else touching the corpse.

Ashford, EMT, was assigned to take the corpse to the morgue at Fairfax Hospital. Upon arriving at the parking area, Ashford recalled seeing a number of USPP vehicles and a reddish Honda. Similarly, Arthur had observed a red car with its hazard lights blinking in the Ft. Marcy parking area. Ashford also saw a black cadillac in the parking area. When the corpse was lifted, Ashford saw no blood. Ashford could not recall USPP helping to lift the corpse. Ashford classified the death as homicide. Ashford saw the hospital physician examine the corpse by taking a pulse.

Lt. Bianchi, FCFRD fire fighter, was the officer-in-charge on Truck 1, with Jacobs (driver) and Makuch. When the Truck 1 team got to the death scene, the corpse was already in the body bag. Lt. Bianchi observed that Ashford and Harrison did not have blood on their clothes even though they had lifted the body. Lt. Bianchi had the body bag opened so that he could put a tag on VF's toe. Lt. Bianchi stated that Truck 1 got to Ft. Marcy at 8:00 p.m. Lt. Bianchi was aware of Ashford's "homicide" conclusion and of Arthur's statements. Due to these statements a gag order was made pursuant to existing policy. The gag order only applied when FCFRD personnel when they were on duty. Lt. Bianchi observed that VF's car was open when he arrived at approximately 8:00 p.m. Lt. Bianchi observed a 10-inch diameter pool of blood where he "assumed" VF's head had been located. However, by this time the corpse had been rolled, moved and carried to a body bag.

Braun, USPP, was at USPP Anacostia substation with Apt and Rolla when the call came in regarding a corpse at Ft. Marcy. Braun instructed that on-scene USPP should close the park gate. Braun arrived between 6:30 and 6:45. Braun recalled the Mercedes at the park entrance, VF's car and the car of W3 and W4. Braun saw Spetz questioning W3 and W4 when she arrived. Braun recalled Lt. Gavin on the scene. Lt. Gavin was the shift commander, and Gavin left quickly after Braun arrived. Braun, Rolla and Apt waited for Simonello to arrive. Braun walked to scene with Rolla, Apt, and Simonello. Braun saw the revolver in VF's hand when she arrived. Braun saw Rolla take polaroids, Simonello take 35 mm, and she knew that Rolla found the glasses. Braun said all pictures were taken prior to the corpse being moved, touched or disturbed. Rolla then checked the corpse for car keys. (Braun and Rolla later had to go to the morgue with Rolla to get the keys.) Braun went back to VF's car and found VF's coat with wallet (containing White House id). Lt. Gavin,

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said Braun, confirmed advisement of the White House's identification for VF between 7:30 and 7:45 p.m. En route to the hospital, Braun was notified that Watkins wanted to go with USPP to the Foster residence. Either Braun or Rolla allowed the hospital to permit Livingstone and Kennedy to identify the corpse. Braun gave no times for any actions. When Braun, Rolla and Watkins arrived at the Foster residence, LF and Laura Foster were present, with sisters Sheila Anthony and Bowman. LF said/asked "whether her husband had put the gun in his mouth." Braun and Rolla left after WJC arrived. Hubbell was also present at the Foster residence. As Braun was departing, Watkins promised to seal VF's office. During the drive to the Foster residence, Watkins supposedly told Braun that VF was upset about the travel office matter. Why did Braun and Rolla agree to give notice under such conditions, i.e. where the officers had no control?

Hodakievic, USPP, happened to be near Ft. Marcy Park at 6:00 p.m., although she was off duty. After hearing of the corpse, Hodakievic went to Ft. March park. Hodakievic saw the abandoned Mercedes "on the entrance ramp". Hodakievic saw an EMT team in the parking area; she then went to the death scene. Sgt. Edwards, USPP, and Ferstl, USPP, were at death scene when Hodakievic arrived. No one else was present. Hodakievic was briefed by Sgt. Edwards and shown polaroids taken by Edwards (or possibly Ferstl). Edwards told her that VF had a revolver. Hodakievic walked around the corpse, but she did not observe a gun and she did not see blood. No one escorted Hodakievic to the death scene. (How did she get there?) Hodakievic was at the death scene for 10 minutes when Rolla, Braun and Apt arrived. Hodakievic escorted Haut to the death scene. (Who called Haut, why and at what time?) When Haut arrived only Rolla, Braun and Apt were present at the death scene. (Where were Edwards and Gavin?) Prior to this, Hodakievic only saw Rolla touch the corpse to check VF's pockets. She overheard Rolla tell Haut that the exit wound was behind the head. She saw VF's head raised so that Haut could see the exit wound and blood under VF's head. Hodakievic said that additional photos exist -- that were taken and shown by Edwards to her. (She knows other photos exist because those photos shown to her by the FBI were different than those she saw on the scene.)

Sgt. Edwards, USPP, by coincidence,<sup>16</sup> overheard radio of the corpse at Ft. Marcy park. He arrived at 6:20 p.m. Edwards had come from the USPP Communications Center on Ohio Drive, Washington, D.C. Sgt. Edwards said other USPP were already at the death scene when he arrived. (How did he get to

<sup>16</sup>Fornshill, Hodakievic, Spetz, and Edwards (and Gavin?) all were available by apparent coincidence.

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the scene that fast?) When Edwards got to the death scene, he specifically recalled Fornshill and Ferstl being present. Edwards sent Fornshill back to the G.W. Parkway/CIA gate. Edwards claimed blood was "running" down the side of the mouth. Edwards did not touch the corpse and did not see anyone touch the corpse. Edwards saw Ferstl take polaroids. Edwards was still at the death scene when Braun, Rolla and Simonello arrived. Edwards saw 35 mm photos being taken by Simonello. Edwards left only after the corpse was removed.

Ferstl, USPP, was assigned "patrol of the G.W. Parkway" when, at approximately 6:15 p.m., the dispatcher told him to go to Ft. Marcy regarding the corpse. En route, Ferstl heard Fornshill say -- over the radio -- he was responding too. Ferstl stated his arrival was at approximately 6:30 p.m. Ferstl recalled the Mercedes at the entrance. Ferstl saw VF's car and he saw a second car at the back of the parking area. When Ferstl arrived Fornshill was already at the death scene, with the two EMT's. Ferstl saw no one touch the corpse, the blood was not fresh. Ferstl saw no blood from nose and none on the shirt. Ferstl saw a gun in VF's right hand, but he gave no description. Ferstl said Fornshill told him there was a gun, but Fornshill said he never saw a gun. Ferstl left for crime scene tape. Ferstl did not see any evidence (glasses) in the area or any "wine bottles" when he returned and taped the area. (Thus, the area was taped off immediately. As Ferstl returned to the scene to tape it, EMT's were leaving. (In fact, all the EMT's left the parking lot area at 6:37 p.m.) Ferstl admits that he took polaroid photos, at least 7 photos; Ferstl stated the corpse was not moved when he returned with tape. Edwards arrived after Ferstl had taken the 7 photos and had taped off the area. Ferstl gave his photos to Edwards.<sup>17</sup> Edwards sent Ferstl away (as he had sent Fornshill away earlier) when the special team of Braun, Rolla and Simonello arrived. Then, after cursory review of death scene, Braun left with Ferstl to the parking area, where Braun found White House identification. Ferstl also assisted Spetz in interviewing W3 and W4.

Fornshill, USPP (Glen Echo Substation), coincidentally, was asked to work an overtime detail near Ft. Marcy park. Between 5:50 and 6:00 p.m., Edwards gave him

<sup>17</sup>Edwards apparently showed these photos to Hodakievic, plus Edwards' own photos. Later, I suggested, after the corpse was staged with the revolver brought by Braun, Simonello and Rolla. New photos were taken and thus Ferstl's were never produced to OIC. This explained the different arm/body distance, gun/hand positions, Hodakievic's problems with the photos, Ferstl's missing photos and EMT problems with the photos (and their observation of a different gun).

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permission to respond to the corpse at Ft. Marcy park. (Who called whom, and how could Fornshill get permission before the 911 call?) The sector or beat officer could not respond, so Fornshill did? (Who was the beat officer, what is the sector, what is the substation, how many substations, where, how many personnel?) (Wasn't Ferstl the beat officer?) Fornshill's "instructions" were to join up with the EMT personnel. Fornshill found the corpse. (How did Edward's know of EMT personnel? Did Fornshill have special or additional information from Edwards?) Fornshill did not see blood on face or shirt -- just a trickle of dried blood on corner of mouth. Fornshill did not see a weapon, and Fornshill saw no one touch the corpse. Fornshill said that after the EMT's pronounced VF dead, 2 or 3 additional EMT's arrived. (However, Gonzalez and Hall said it was USPP that arrived and specifically a short fat blonde female. Thus, when Gonzalez and Hall left they believed only USPP were still on scene; when Fornshill stood away, he thought he was leaving the corpse to EMT's. In fact, Arthur was still on his way because Arthur passes Gonzalez and Hall.) The next persons to arrive were Edwards and Ferstl (together?). Edwards then ordered Fornshill back to his CIA/G.W. Parkway post. Thus when Fornshill left, he believed he was leaving the body to 2-3 EMT's plus Edwards and Ferstl. Fornshill stated that he was only at the death scene less than 10 minutes. Fornshill only stated he saw the coat in VF's car. (Was he even asked about the briefcase? Was the car locked? and, who was present at the car?)

Lt. Gavin,<sup>18</sup> USPP, was the shift commander who arrived at park between 6:30 - 6:45 p.m. Fornshill and Edwards were at the corpse when he arrived; Ferstl and Hodakievic were in the parking area. Hodakievic directed Gavin to the corpse. The EMT personnel had already left the corpse and were also in the parking area. Gavin saw the Mercedes in the entrance ramp, VF's car and he denied he saw a "white Nissan." Gavin saw no blood on shirt and no blood from nose. He recalled a gun. Gavin saw all 13 death scene photos. Gavin said that he stayed for 30 - 45 minutes and that during the time he was there, no White House identification was discovered. (This is completely inconsistent with Ferstl and Braun as to finding of White House identification.) "Within 10 minutes" of getting the notice from Braun regarding White House id, Gavin called Burton who asked if the gun was registered and who owned the gun. Watkins then called Gavin and made similar inquiry. Gavin kept rough notes of calls, but OIC does not have the originals. Gavin's notes indicate "engine warm on vehicle."

<sup>18</sup>Both Sgt. Edwards and Gavin, both commanders-in-charge the evening of the death, were transferred, after handling the death scene, to USPP in Glencoe, Georgia. Braun was promoted to Sergeant.

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Gonzalez, EMT, responded in Medic 1 from FCFRD. Daylight was visible. Gonzalez saw the Mercedes, white Nissan, VF's car and the USPP car that came just after Medic 1. Dispatch had instructed that the corpse was near a cannon. Forhsnill (and Hall) got to the corpse first, seconds later Gonzalez arrived. VF "suffered a gunshot wound to the head." Gonzalez was not initially asked about an entry point. Gonzalez did not touch VF; but, he looked into VF's mouth and saw blood. Hall was with Gonzalez and may have touched the corpse. Gonzalez and Hall departed and then saw VF's car. As Gonzalez and Hall were departing, a "second" USPP in uniform and then "other investigators" began to arrive. In the car, Gonzalez saw a tie, coat and a "black briefcase." USPP officers were gathering around VF's vehicle. (Who were these officers?) No Fairfax County PD were at the scene. Once it was determined to be a death, FCFRD SOP required an ambulance unit. However, while the EMT's left at 6:37 p.m., no USPP call for an ambulance was made until 7:45 p.m. Gonzalez saw 3-4 photos and believed VF's hand was in a different position. On the second interview, Gonzalez said: there was no trauma to the neck and no puncture wounds to the neck; Gonzalez, however, did not observe the lower portion of VF's neck; Gonzalez could "only see the cylinder of the gun"; little blood was under the head; and he did observe blood on the shoulder. There was vomit and blood on VF's shoulders. Gonzalez estimated that VF had been dead 2-4 hours. Gonzalez did not comment on rigor mortis.

Iacone, EMT, was the officer in charge of Engine 1, which was assigned to Station 1 in McLean. Engine 1 was dispatched for a "shooting victim" at Ft. Marcy park. Arthur and the Engine 1 crew went in one direction, possibly toward Dead Run Creek/Pimmit Run. Engine 1 crew consisted of Pisani, Iacone and Wacha. While searching the woods, Iacone learned from dispatch that Gonzalez' team had found the corpse. Iacone and his entire group arrived at the corpse. Iacone did not recall observing any blood. He saw a gun in VF's hand, a revolver. He did not see an entrance wound. After Iacone's crew left, the EMT's went to the parking area. Iacone did not indicate who the EMT's left at the death scene. Iacone saw the coat "hanging" inside VF car. Hall and Iacone tried the doors, but the car was locked. Iacone told the USPP that the coat matched the pants on the corpse. (Does Iacone know if the car was opened before they left the parking area?) (Did Iacone see the briefcase?) Iacone recalled W3 and W4, both coming and going to Pimmit Run. When Iacone and his team arrived at the death scene, USPP (more than one) had already "secured the scene." Iacone is sure the gun was silver in color and different from the pictures he saw from the FBI.

Harrison, EMT, was the driver of the ambulance dispatched to pick up the corpse. USPP were waiting for the ambulance at the parking area. A USPP helped Harrison and

-----Miguel Rodriguez-----

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Ashford lift the corpse. Harrison and Ashford were at top portion of the corpse. Harrison saw no blood at the scene. There were 6-7 USPP officers at the death scene. Harrison did not see blood on the body or on the ground area. No blood was on Harrison or Ashford. The weather was clear.

Hall, EMT, said that USPP were already on site when Medic 1 arrived. Hall and Gonzalez went with USPP while the other emergency personnel (from Engine 1) went with Arthur. The only USPP present, Fornshill, located the corpse first. (Was it staged? Did USPP know where to go? Was the USPP leading them?) There was gun in hand. No description was given by Hall because he could barely see the gun. Hall checked for pulse. No blood was on the corpse shirt or body, except droplets. VF's right hand was under VF's right thigh. Hall "heard" someone in the woods and then saw someone in an orange vest moving in the woods. When the EMT's returned to the parking area, Hall looked into the windows of VF's car and saw the coat, black briefcase and perhaps a tie. On a second interview, Hall said that he saw someone moving in the trees surrounding VF's body. In his second interview, Hall responded affirmatively to the suggestion that maybe it was a car on Rt. 123. Hall stated that USPP were the next people to the corpse, even before Gonzalez.

Jacobs, EMT, was the driver of Truck 1, which truck was dispatched to help transport the corpse to the hospital. The corpse was already in the body bag when Jacobs arrived at the death scene. Medic 1 and Engine 1 had departed before Jacobs, in Truck 1, arrived. Jacobs heard Hall say the gun and gun hand were under the thigh. Jacobs saw VF's car, but did not say if she looked into the car.

Makuch, EMT, was on Truck 1, driven by Jacobs. The corpse was already in the body bag when Makuch arrived at the death scene. Markuch did not look into VF's car.

Pisani, EMT, was the driver of Engine 1. The Engine 1 crew went with Arthur "toward the Potomac River". Pisani's search team saw "a male and female in the woods," both going and returning from the Pimmit Run trail. USPP were in the parking lot area when the couple came out of the woods (about the same time Pisani's team returned and went toward corpse?). Pisani described the day as very warm, temperature in the 90's, humidity of 80%, daylight was visible. Pisani's team traveled to the death scene with a USPP officer. At the death scene, Arthur went to the corpse and "may" have checked the pulse. Pisani said he heard Arthur say there was a gun. Pisani never saw a gun. Pisani saw blood on VF's shoulder, but no blood on VF's face. Pisani did not see anyone move the corpse. Pisani did not see glasses on the scene. Pisani did not see any blood on the ground around the body. Pisani was shown pictures and he disagreed

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that they accurately depicted the body. Pisani's team then went back to the parking area, where Pisani, Iacone and Wacha all looked into VF's car. Apparently, Pisani was not asked what he saw in the car.

Rolla, USPP, was designated the "primary investigator" for this matter by Braun. (What does this mean? Was Rolla a rookie, with no experience? It was his first death notification.) Rolla, apparently, was the investigator at the death scene. Braun was responsible for the parking area. Rolla, Braun and Apt arrived at approximately 6:35 p.m. "Orientation" by Ferstl occurred when they arrived at the parking area. Ferstl's briefing included: (1) VF "died of self inflicted gunshot wound to the head"; (2) corpse was "tentatively identified as Vincent Foster, Little Rock, Arkansas;" and (3) the Honda belonged to VF. (How could Ferstl know Vincent Foster's name if the identification is in the car?) After orientation in parking area, Rolla, Apt, Ferstl, and Hodakievic go to the death scene, where Edwards and Spetz are already present. Edwards gave Rolla polaroid photos and then briefed Rolla: (1) the corpse had not been touched, and (2) the area had been taped off. Rolla claimed there was blood under the head, but stated that the head was not moved. Rolla claimed blood was on upper right shoulder of shirt; it was wet but drying. Rolla took his polaroid photos within "15 minutes after arriving at the death scene." (Since Rolla arrived at parking area at 6:35 and then immediately went to death scene, photos must have been completed by 7:00 p.m. Moreover, Edwards already took his before Rolla arrived, so Edwards' and Ferstl's photos are before 6:45 p.m.) Rolla photographed the glasses approximately 15 feet from corpse's feet (21 feet from VF's head). (In such dense foliage, how did glasses get that far down hill?) Rolla claimed that VF was still warm with no signs of rigor mortis. Rolla stated there was extreme heat that day. Rolla claimed the body was dead 2-3 hours. Rolla looked for keys in VF's pockets, but did not find them. The search for keys and all touching of the corpse occurred only after all photos were taken. Rolla emphasized this 3 times. Rolla reviewed the polaroids and said they were true and accurate. (How does Rolla explain 35 mm photos and the absent emulsion numbered polaroids?) Rolla found a wine cooler bottle (but failed to collect it?). Haut arrived at 7:45 p.m. At that time, the corpse was rolled. Rolla claimed to find and feel an exit wound and to see a wet spot at the crotch. Rolla removed VF's beeper, Seiko watch, and one ring. Rolla does not mention the gun. Haut watched as Rolla and two ambulance persons put the corpse in a body bag. Rolla went to the parking area, where Braun was still engaged in car inventory. Rolla said Simonello took photos (35 mm) of the car. VF's coat was neatly "folded over the back of the front passenger seat". Rolla saw the White House identification. Rolla said there was a paper with names of 3 Washington, D.C. physicians in the car (not in

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VF's wallet). Rolla said that he and Braun left at 8:45 p.m. to get keys for VF's car. (Is there a record of the keys being turned over from the hospital morgue?) Gavin called Rolla, after Rolla had obtained the keys, to contact Watkins. Then Gavin told Rolla to call Kennedy. Rolla gave morgue at hospital the okay to let Kennedy and Livingstone see the corpse. Rolla and Braun picked up Watkins and went to Foster residence, where two sisters and Hubbell were waiting. Laura Foster was met first, then she called her mother, LF. Rolla heard LF ask "did he [VF] put it in his mouth." No search of the residence occurred that evening; Rolla believed Laura Foster searched for VF's gun in the house. Rolla and Braun left after WJC arrived; they had been there approximately 45 minutes. Berl Anthony later told Rolla that his wife, Sheila Anthony, gave VF the list of 3 psychiatrists. Rolla reviewed VF's diary, 10-15 handwritten pages. Rolla got a letter to a bank to use as a handwriting exemplar. (Where is the exemplar?) Rolla said the autopsy (and the latent gun examination) was hurried because the White House wanted it.

Simonello, USPP, learned of the corpse at Ft. Marcy "shortly after 6:00 p.m." and he arrived at the parking area at approximately 6:30 p.m. (Where did he come from?) Simonello then "immediately proceeded" to the death scene. Simonello was designated the evidence technician. Already at the death scene were Edwards, Rolla, Apt, Ferstl, Braun and Hodakievic. (Thus, no one other than USPP were present at the death scene.) Simonello stated that within "approximately 15 minutes after arriving at the death scene, he took a series of 35 mm photographs, approximately 24 in number" (including some of Ft. Marcy parking area). During his interview, Simonello stated at least twice, emphatically, that all 35 mm photos were taken before the corpse was touched and before the gun was removed from the corpse. Simonello was advised by Rolla of the revolver in the corpse's right hand, and then Simonello saw that the corpse had a revolver in the right hand. Simonello observed blood on the corpse's face and right shoulder. He claimed there was a blood transfer pattern. When Simonello did touch the corpse, he noticed little rigor. (But, Simonello later said there was so much rigor that he may have destroyed prints in getting the gun from VF's hand). Simonello took possession of the glasses. (Glasses weren't observed before the arrival of Simonello, Braun and Rolla.) None of the USPP were asked about the second entrance, the path below, the maintenance road below or how the corpse got there. Simonello specifically stated that he photographed the area under the corpse, the pool of blood under the corpse. Simonello stated there were no signs of rigor in the fingers. Simonello stated that the gun was processed without his release of it, and that the processing was hurried because the White House wanted it processed. (Simonello told Colombell that the gun was mishandled during latent examination.) Simonello also collected the torn paper, gave it to Lockheart, US Capitol

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Police, with a 1 page supposed known exemplar (bank letter). Lockheart, said Simonello, concluded the two were written by VF. (Why didn't USPP use the 15 pages of the diary, the diary is handwritten?) Simonello has the known sample used for comparison. Simonello stated that contamination of evidence resulted in the different powder on evidence.

Spetz, USPP, was at the Glen Echo station at 5:30 p.m. when Spetz overheard the dispatcher calling Ferstl to respond to the corpse at Ft. Marcy park. Ferstl was at the Glen Echo station too. (Doesn't this contradict Ferstl's statement of being on patrol on the G.W. parkway?) Ferstl and Spetz, in different cars, went to parking area. Spetz said that Ferstl and she were the second and third USPP, respectively, to arrive; Fornshill was the first. Spetz saw Mercedes "on the ramp" and she observed 2 cars: VF's car and a white Nissan, Maryland tag WFL154. When Spetz arrived EMT's were coming back into the parking area. (Unclear which EMT's, but one EMT said he "did not think it was a suicide, adding words to the effect that he'd seen a number of suicides and the body was 'too clean.'" Spetz later said that there were several USPP cars in the parking area, and she did not see Ferstl; thus she "assumed" Ferstl and other officers went to the death scene. Spetz decided on her own to look in the park for the occupants of the parking lot vehicles. Spetz stated she found W3 and W4 sitting, and talking on a blanket. Spetz said W3 and W4 said they saw a white van in the parking lot area. Spetz could not recall other comments made by W3 and W4. She interviewed them together. Spetz made no written report, but she did take notes. (Which notes are her notes, even if OIC has the notes?) Spetz said she briefed Braun; Spetz said she did not go to the death scene; Spetz said she then left. (It is unclear if VF's car was opened when Spetz was present.) What did Spetz see in the two cars?

Wacha, EMT, was on Engine 1. Pisani was the driver, Iacone was the officer-in-charge, and Arthur joined them to make search team 1. Wacha saw 3 cars in the parking lot: VF's car, a car that was running (no one inside), and a car she cannot recall to describe. Search team 1 found a "couple", W3 and W4. Wacha said her team went to the corpse after the radio message. Wacha said several USPP were present when they arrived. (Where were Gonzalez and Hall, was it the same USPP at the death scene that went with Gonzalez and Hall, did she pass Gonzalez (and Hall) on the way?) Wacha saw blood on VF's shirt and face. Wacha looked into VF's car and saw coat. (Was Wacha asked about briefcase?) Wacha saw no local police at the scene. Wacha shouted to W3 and W4 to ask if they were OK. Did not see "clothes flying." Wacha and her group passed Hall (also Gonzalez?) on the way to the death scene. Wacha saw no blood on the ground or area around the body. Wacha saw a silver colored revolver in the corpse's hand. Wacha thought she saw a cylinder. Wacha thought the gun was very

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large, possibly a .45 caliber. Wacha was shown photos. (Unclear if she disagreed with the photos.)

XX.

Before returning to further discussion of USPP processing of the corpse, I briefly returned to the weapon evidence.

First, the weapon was not observed by W5 when he initially arrived at the corpse. See supra. W5 saw the corpse's hands with "palms up".

Second, the polaroid photographs depict the gun at different distances to the side of the body. By contrast, EMT's Hall, Gonzales, Arthur and Iacone (i.e. all EMTs to inspect the body, said it was tucked under VF's side. Also, the following EMTs said the gun was silver; Iacone and Wacha. Gonzales and Hall were not asked to describe the color. Why would the USPP move the gun (moving the gun and hand to photograph them would constitute tampering with the evidence). I stated my belief that the gun hand was clearly moved, and the pictures also indicate no gun was present.

Third, the position of the gun -- with thumb jammed between trigger guard and trigger -- is odd. How did VF hold the weapon, if VF's possession and discharge of it was voluntary? The powder residue on VF's hand is in a trace line consistent with normal discharge of the weapon according to forensic pathology texts; however, the gun must have been held backwards and thus the line should be on the other side of VF's right hand. How is it possible for VF's hand to have the powder pattern depicted in the photo -- if he held the gun backwards (as he must have given the thumb's jammed position). Also, the pathologists' report stated that powder is observed (by photo only) on the lower face; but, consistent with the large amount of right hand powder residue, the powder should also have been, at least, on the upper face.

Fourth, as previously stated, the evidence does not conclusively establish that the weapon recovered from VF's right hand was, in fact, the fatal instrument. In this regard, (a) the gun apparently was not the property of the Foster family; (b) no prints were found on the weapon (or even partials or smudges); (c) despite supposedly being in VF's mouth, no saliva or blood was recovered from a swab of the barrel of the weapon;<sup>19</sup> (d)

<sup>19</sup>A DNA swab indicated human contact on the weapon's barrel consistent with a person of VF's DQ alpha type. However, approximately 6% of humans possess such a DQ alpha type.

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powder residue on the lower face, if any, was not tested; (e) (vaporized lead and fine particulate lead) powder residue on the shirt, while consistent, cannot be conclusively linked to the weapon; (f) (ball smokeless) powder on VF's glasses merely "could have come" from the bullet and casing found; (g) the hand powder residue (smoke) was not found on the glasses (smokeless) (despite being next to each other upon discharge); (h) while one type (ball smokeless) of gun powder residue is found on the glasses, another type (not ball-shaped) of gun powder residue is found in VF's mouth; (i) the same type of (smokeless) powder on the glasses (which is different from that powder on shirt and in mouth) is found on VF's shoes and socks; (j) the fatal bullet is never found; and (k) the exit wound has not been measured to determine if caused by a .38 caliber bullet.

And fifth, additional bullets to the weapon were not found in the Foster home or in the extended Foster family's possession. Indeed, other bullets that could have been fired from the weapon (recently found -- 1 1/2 years after the death), bear different identification markings. VF's fingerprints were not on these bullets. (Where are the remaining bullets -- or, alternatively, where did VF get only two bullets?)

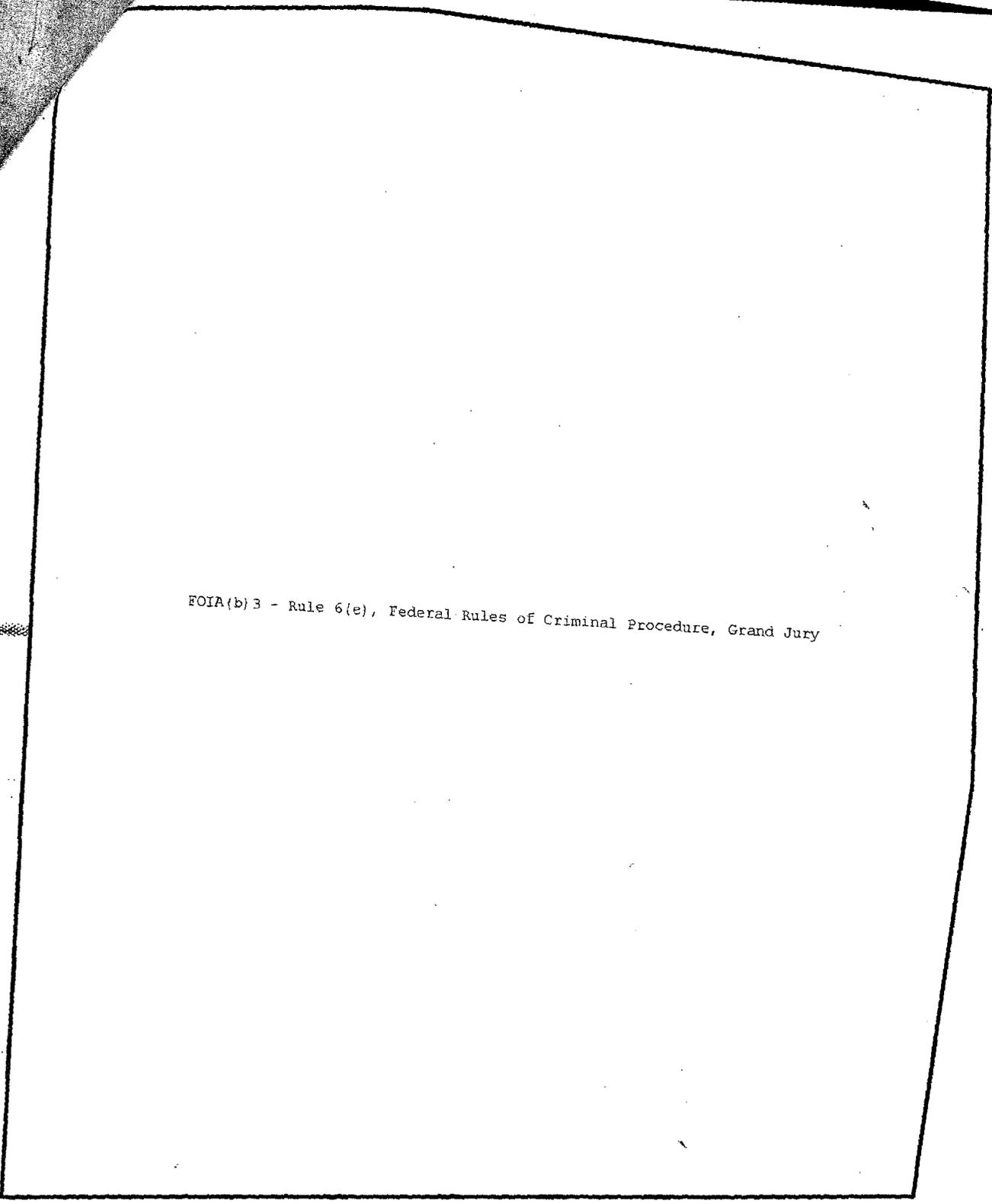
XXI.

Regarding physical evidence, first, latent print analysis of evidence is incomplete. None of the 4 prints found outside of VF's car have been positively identified. The print on the underside of the gun handle has not been identified. The palm print on the torn note has not been identified. The latents of only three individuals have been used for comparison: Simonello, Owen and VF. Against this background, all evidence was processed (and apparently cleaned) by the USPP before being turned over to the FBI. See supra.

Second, "the blonde to light brown head hairs of caucasian origin which are dissimilar to the head hairs in the [ ] known head hair sample from Vincent Foster" have not been identified. These hairs were found from VF's T-shirt, pants and belt and socks and shoes.

And third, the FBI lab report indicated that semen on VF's boxer shorts was found to be excreted by VF. Greene flatly stated that under no circumstances is semen released upon a suicide caused by a fatal bullet to the head.

Moreover, the swab could merely reflect contact with VF's hand, which contact is not disputed.



FOIA(b)3 - Rule 6(e), Federal Rules of Criminal Procedure, Grand Jury

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MR3

LR3

*Miguel Rodriguez was the lead investigator inside the Office  
of the Independent Counsel tasked look into the death of Vincent Foster*

Frustrated in his efforts to uncover the truth, Associate Independent Counsel Miguel Rodriguez submitted his [resignation letter](#) to the Independent Counsel Kenneth Starr.

In a [30-page memorandum](#) Rodriguez stated that he did not think Foster committed suicide at Fort Marcy Park and that park police staged the "suicide" placing a gun in Foster's hand and re-photographing the crime scene. Each page of the memo is initialed by Rodriguez and his assistant [Lucia Rambusch](#).

**Audio of Associate Independent Counsel Miguel Rodriguez**



Miguel Rodriguez  
Associate Independent Counsel

Rodriguez spoke to over 100 journalists trying to blow the whistle on the cover-up of Foster's murder. The audio transcript below contains excerpts of recorded conversations. White House and Justice Department officials, members of Congress and journalists discuss falsifying official reports, witness intimidation, destruction of evidence, death threats, murder, and ultimate power. Owners and editors of the media deliberately fail to publicize this and other serious crimes committed by the highest levels of government. America's most influential news organizations, the Washington Post, L.A. Times, Chicago Tribune, New York Times, Reuters, and the Associated Press continue to conceal the proven criminal activity on this audio.

*Featuring*

U.S. Attorney Miguel Rodriguez  
White House Counsel Brett Kavanaugh  
Grand Jury Witness Patrick Knowlton

*With*

Sen. Orrin Hatch - Sen. Barbara Boxer - Cong. Dan Burton - Peter Jennings - Ted Koppel - Jim Wooten - Mike Wallace - Cong. Newt Gingrich - Tim Russert - Sen. John Kerry - Sen. Pete Domenici - Sen. Bob Bennett - Sen. Richard Shelby - Dr. Donald Haut- Sen. Christopher Dodd - Sen. Ben Nighthorse Campbell - Sen. Carol Mosely Braun



Judge Brett Kavanaugh

Brett Kavanaugh replaced Miguel Rodriguez and then [asked the grand jury](#) witness Patrick Knowlton, "Did the man touch your genitals?"

Later, Miguel Rodriguez would say, "How could Brett stoop that low?"

Narrated by  
Brian Wilson of [BrianWilson.net](http://BrianWilson.net)

## Transcripts of the audio

### Transcript Part One - Threatening a U.S. Attorney

#### Narrator

Since July 20, 1993, when the body of deputy White House counsel Vincent Foster was found at Fort Marcy Park, the American government, and more importantly, the American press, have concealed the true facts of the death from the American people.

Now, ten years later, we hear from the leading government investigator that Foster did not die the way officials have said. We now learn firsthand – from the person in charge of Independent Counsel Kenneth Starr's Foster death investigation – that Starr's investigation was a sham and that its conclusion was determined even before the investigation even began. Investigators altered the crime scene, and a few people controlled the outcome of the investigation. The press controlled how it would be reported.

You are about to hear the voice of Miguel Rodriguez, a United States Attorney working in Sacramento California.

Mr. Rodriguez resigned from Kenneth Starr's office of Independent Counsel in the spring of 1995, when Kenneth Starr's staff frustrated his investigation. Mr. Rodriguez resigned because he refused to join the others in covering up Foster's murder. Mr. Rodriguez revealed the truth to over a hundred people – journalists, congressmen, senators, and others, in his attempts to get the facts of the case to the public. What you will hear are actual excerpts from some of these conversations. Only the voice of Mr. Rodriguez is heard, to protect confidential sources.

In this first segment, you will hear that Vincent Foster did not die the way Kenneth Starr's predecessor, Robert Fiske, had said. The evidence does not support the conclusion of suicide.

#### Miguel Rodriguez:

All I know is that things did not happen the way that Fiske said that they happened. And the reports don't support what Fiske said. There's, there's really nothing is consistent with him, ah, you know, committing that kind of a violent – or that kind of violent act at all. So, it did not happen the way that Fiske said it happened.

#### Narrator

One fact about Foster's death was the first rescue workers to arrive at the body saw very little blood. People who arrived later saw much more blood. Robert Fiske and Kenneth Starr falsely claimed that a quantity of blood was observed where the body was first discovered. Another false story was the story by Fiske and Starr was that an early observer, a rescue worker, had moved Foster's head to check for a pulse.

#### Miguel Rodriguez:

By the way, you know why there was blood by the way. What happened is that by the time they got there when the body was in the position that it was in, there was no virtually no blood anywhere. Um, then there's, there are some conflicting reports about there being blood later on. Later the EMT sees blood, then Haut sees blood. Well the reason is very clear. They lifted the body and pulled it to the top of the ridge, top of the berm, and once they did that blood started flowing fast. And then when they took the body and put it into the body bag, which was right – in other words they – it was on a slope – they pull it up onto the slope. When the body is horizontal or even at the top of the berm it's not quite horizontal it's a little bit of a back-slope – and all of a sudden the blood starts gushing out, there's a lot of blood then under the body.

#### Narrator

Miguel Rodriguez explains that the body was moved in the presence of Park Police Officer John Rolla, with the knowledge of the medical examiner Dr. Donald Haut, and others. Rescue worker Corey Ashford arrived at Foster's body after it had already been moved. Crime scene photos of the body as it had originally been observed apparently vanished.



Ken Starr  
Independent Counsel



Robert Fiske  
Special Prosecutor



Fort Marcy Park where  
Foster's body was found

**Miguel Rodriguez:**

Exactly, but Corey's also the one who – that's when the body's in the upright – not in the upright – but in the ah, in a ah, supine position, um, on the top of the berm, already, in other words, different than, some of the – Ashford and the persons who actually lifted the body into the body bag, don't see the body in its original position. They see it in a horizontal position, um, having been moved from a vertical position. And so when it's in the horizontal position there is blood coagulating under the body before it goes into the body bag. That explains the difference in there being a lot of blood. And that's what Haut sees also. Haut asks that the body be rolled, um, when it's in the horizontal position, so when Haut sees the body, the body then a horizontal state – and yes there's going to be blood.

You see so Haut actually sees the body in two positions and people are conveniently using different phrases of Haut to justify whatever result they want. Sure Haut says on one hand there is no blood, then, he says, on the other hand, there is blood. The fact is, a number of people have said there was a small amount where the body was originally found.

**Narrator**

Mike Wallace of 60 minutes, and Jim Wooten of ABC News along with other journalists hoodwinked the public by broadcasting that there was plenty of blood where Foster's body was found. There was more tampering with the crime scene when the FBI re-landscaped the park where Foster's body was found, destroying evidence of park trails and entrances.

**Miguel Rodriguez:**

And do you really know what the egress and, and access is, ah, to the Park. You have to go back to 1993. You have to go back to prior to the body being found and find out what access there was, who knew about that access, um, and how is it changed. That is the whole point, you're, again you guys really have to understand they've re-landscaped it prior to this – you know, they, they've changed gates, they've changed paths, they've changed trees, they've filled gullies, they've redefined the slope. You know the whole thing was changed when I was there. The whole area has been re-landscaped.

**Narrator**

Officially, Foster was found with a black colt revolver in his hand. But that's not what the first witnesses saw. Richard Arthur, a paramedic at the scene saw an automatic pistol. The investigators ignored this gun. The gun officially found in Foster's hand was not the same gun in his hand when the rescue workers arrived.

**Miguel Rodriguez:**

Even the Park Police, even the Park Police and the person who first saw the body, ah, saw different things. Was there a point in time where the particular gun that you described arrived and something before that was either not observed or not completely identified.

**Narrator**

Both paramedics at the scene saw a bullet wound in Vince Foster's neck. Miguel Rodriguez reviewed photographs of the body at the scene and also saw the trauma to Foster's neck. Fiske's Report falsely stated that, "the photographs taken at the scene conclusively show that there were no such wounds." Starr's report states that the paramedic who was saw the bullet wound in the neck "may have been mistaken."

**Miguel Rodriguez:**

Both EMT's – you remember when you have a, a emergency and you call the fire department they will send their normal crew and each crew may have an EMT with them, ah, with a specially trained fire department person. Both EMT's that responded to the Park both observed trauma to the neck. While Arthur remained clear on it despite the FBI's attempt to shake him, the other one was confused by the FBI and kept saying what he saw but they kept writing it a different way.

I saw pictures that clearly indicate to me that there is trauma on the neck. I believe it's a puncture wound on the neck.

**Narrator**

This gun was planted in Foster's hand by police to stage the crime scene

Kenneth Starr's report on Foster's death states, "according to Secret Service records, the Secret Service was notified of Mr. Foster's death at about 8:30 p.m. eastern time on July 20th." Paramedics and rescue workers were called at 6:00 pm, and, according to Miguel Rodriguez, the White House knew well before the first 911 call was placed.

**Miguel Rodriguez:**

There's indications that the White House and others knew prior to the time it was officially said to be told. There was notification made well before the time that the EMTs were called.

**Narrator**

Reporters and editors have deceived people by publicizing the foolish idea that that too many people would have to be involved for a cover-up to remain secret.

**Miguel Rodriguez:**

There's not that many people who know these things really. You don't need a lot of people to know what's going on. In fact, you don't need many at all. Everyone makes a very big mistake when they believe that a lot of people are necessary to orchestrate some kind of – some result here. Very few people need to know anything about anything, really. All, all people need to know is what their job is, not why – be a good soldier, carry out the orders.

And there are a lot of people from – starting at the very night that the body was investigated, all the way down the line, there were, there were, people told to do certain things and they didn't – and their explanation now is, that they were following orders, being told what to do.

Nobody, ah, and this goes for, the FBI agents – they all, they don't necessarily know the big picture – they don't know what other people are writing in their reports. When you write a report all you have to do is make sure that it's consistent with – the most innocuous thing is to make sure it is consistent with the result that you ultimately want to get, which is not embarrass your other colleagues who have made their conclusions already.

It's a motivation which is that simple and, and, you know all of a sudden your notes don't exactly reflect what other people have said. It's very simple. It's a very, a very, ah, clean formula to achieve the result. You don't have to know the big picture. All you need to do is just have a couple of people involved.

In other words, if Braun and, you know, two or three others are out there assisting and making this all go smoothly, right, then they're the ones who ultimately collecting all the notes of the other officers, right, then they, all they do is submit their own notes and their final report. You see, very few people, okay, they've sent people out there and you, you, ah, talk to those people, interview 'em and I'll be over in a little while. You know, you come over, you get their notes and you write your report. Your report's wrong, you hope nobody's gonna catch you on it but if they do so what. It gets obscured and obscured and obscured because you, you control the central figures in the investigation. You don't need all these Park Police and all these FBI agents to know the overall scheme.

**Narrator**

The FBI conducted the first investigation along with the Park Police. The FBI reinvestigated Foster's death under Independent Counsel Fiske, then, Kenneth Starr used the very same FBI agents in his investigation for his investigation. The American press misled the American public by reporting that there have been several independent investigations, when, in fact, all of the investigations were done by the FBI.

**Miguel Rodriguez:**

Starr could only be as good as the agents – I mean how independent can Starr really be when he was being supplied by the very same agency, ah, you know with the investigative team, the same agency, that did the investigation under question – the same people.

**Narrator**

Another member of Starr's investigation was Mark Touhey, a former President of the District of Columbia's Bar. Mark Touhey squelched Rodriguez' efforts to issue subpoenas and call witnesses.



Park Police detectives Cheryl Braun and John Rolla testifying before the U.S. Senate Banking Committee

**Miguel Rodriguez:**

The games are being played with people, you know, like, like Tuohey and, and – the young aspiring people, you know, who I used to work with back in that office – who will, will say and do what they have to, to move up the ladder.

It's not just Tuohey, there's a lot of people that are, are very interested in controlling the result here. I wrote that to Starr back in January of, of this year and in December of this year it was squelched by, by Tuohey because he could yell louder than I could – he was a team player and, you know, I know, my office was searched by him, you know, um, I know what he is capable of doing. That includes throwing a tantrum and throwing chairs.

I was unable to call witnesses and issue subpoenas and, under control of the Democrat Mark Tuohey, and compromised. You know – it's in many Republican's interest to not rock the boat, because – what we're talking about is ultimate power.

**Narrator**

Clearly, the American Press participated in the cover-up of Foster's murder. Miguel Rodriguez said that he told "over 100" reporters much more than you're hearing today. The American Press only parroted the official lie that they were spoon-fed by Kenneth Starr's Office of Independent Counsel.

**Miguel Rodriguez:**

I have talked to a number of people that – you know, from *Time Magazine*, *Newsweek*, *Nightline*, the *New York Times*, *Boston Globe*, the Atlanta whatever, um, you know there have been well over a hundred, and this – this matter is so sealed tight um, and, the reporters are all genuinely interested but the ah, the ah, um, – reporters are genuinely interested but the ah – when they start to get excited and they've got a story and they're ready to go, the editors – and they – I've gotten calls back, I've gotten calls back from all kinds of magazines worldwide, what the hell's wrong, why can't, you know, you were telling me that you, you didn't think this would go anywhere and sure enough I wrote the stories.

They went to all the trouble of writing, and then it got killed. Again, I, I, you know, I spent almost eleven hours with, with Labaton, or six hours with Labaton, and ah, you know, I know the guy knows, um, that there's a lot more, um, ah – I know, I know the *New York Times* has it – knows, and just won't ah, ah, I know that they won't do anything about it and I do know that, that many people have called me back. Reporters that I've spent a lot of time with called me back and said the editors won't allow it to go to press. The accepted media here has always had, ah, a certain take on all of this. And there's been story lines from the get-go.

**Narrator**

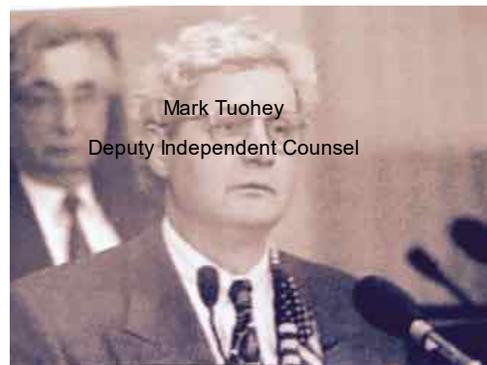
There never really was an investigation into Vincent Foster's death. There was only the appearance of an investigation. Park Police investigator Cheryl Braun, admitted in testimony that the determination that the death was a suicide was made prior to her going up and looking at the body. The Fiske and Starr investigations were result-oriented. Miguel Rodriguez resigned because he would not be part of an investigation with a forgone conclusion.

**Miguel Rodriguez:**

It's ah, the result is being dictated by a lot higher, um, authority than I think people really understand or appreciate and certainly more than I ever appreciated. What with this whole notion ah, you know, of, of doing an honest investigation, um, you know, you know, it's, it's laughable.

I knew what the result was going to be, because I was told what the result was going to be from the get-go. And then there's all so much fluff, and a look-good job, it's just, this is all, all so much nonsense and I knew the result before the investigation began.

That's why I left. I don't do investigations like that – do investigations to justify results. There's a – again, I don't think they can go back to the fact that, and it's just a fact for me because it was told to me, the result here has already been determined. It was determined long ago. Fiske himself indicated that he had determined the result before he had ever released a report. And that's the way all the investigations have resulted – its end



Mark Tuohey  
Deputy Independent Counsel

## The Boston Globe



Steve Labaton  
New York Times reporter

## The New York Times

oriented. Again, you know, I left for a very good reason. The results, you know, were dictated and I don't do that kind of work.

**Narrator**

Who has the power to threaten the United States Attorney without consequence? Miguel Rodriguez was threatened. He was threatened professionally, physically, and personally.

**Miguel Rodriguez:**

The Independent Counsel themselves, and the FBI, beat me back, and in fact threatened me. They told me to quote, this is a quote, "back off." It was either "back off or back down." They used both of them.

You know it's – I have been communicated with again and told to you know, to be careful where I tread.

I can tell you this, that ah, ah, that it has not only to do with my career and reputation, um, they've also had to do with my personal health and my family.

**Narrator**

The Jason Blair's are only a distraction from what is wrong with the American press. The ongoing problem is the owners and editors that continue to protect the people who threatened Miguel Rodriguez. As long as the criminal cover-up of Vince Foster's murder continues, the journalism profession deserves the scorn of the American public.  
END part one

**Part Two - Special Agents**

**Miguel Rodriguez:**

My name is Miguel Rodriguez, 650 Capitol Mall, Office of U.S. Attorney, Sacramento, 95814

**Narrator:**

Miguel Rodriguez, the lead investigator of Foster's death for independent counsel Kenneth Starr, spoke to over 100 journalists. One journalist, Steve Labaton, of the New York Times called Miguel Rodriguez every other day. America's most influential newspaper never reported the story. Why did Steve Labaton and the New York Times fail the public trust?

**Miguel Rodriguez:**

Labaton still calls me every other day. I know Labaton is a complete believer now. There is no doubt in my mind he's a complete believer. I think that he's a believer and he knows, I spent about five hours with him.

**Narrator:**

To make it appear that Foster was killed with a gun he owned, Kenneth Starr's staff reported the family had brought guns to Washington, D.C.

Yet there was no evidence the family owned two guns.

**Miguel Rodriguez:**

There was no evidence of there being two guns either, that there was evidence of two guns being brought up, no evidence at all.

There is no evidence that that gun was ever found to have ever been part of the family. It contradicts an earlier statement by Lisa [Foster] that it wasn't the gun.

**Narrator:**

During his effort to investigate Foster's murder, Rodriguez discovered photographs were stolen, destroyed or withheld to conceal the truth. In the first audio Rodriguez explained that Foster's body had been moved. The missing photographs would prove the perpetrators recreated the crime scene.

**Miguel Rodriguez:**

To be honest with you I think that ah, I think that the photographs that were taken for several people don't exist any longer or they have never been turned over to reviewing officials. At least seven were missing and that was established at one point. At least five that were taken by one particular person are gone, and don't exist in addition to the thirteen. In other words, I had a person look at 13 photographs and that person told



me, "mine are not here." That person's photographs are missing, at least that much.

**Narrator:**

Brett Kavanaugh, Starr's associate, gave a good deal of credit to the pathology panel of experts that worked for Starr's predecessor Robert Fiske. We now learn that these so-called "experts" did not examine the original crime scene photographs. Dr. Donald Ray, Dr. Charles Hirsch, Dr. Charles Stahl, and Dr. James L. Luke viewed only third and fourth generation copies of photographs.

**Miguel Rodriguez:**

Even the photographs that I had developed that I really don't want to discuss right now. Even that photograph we weren't supposed to see in my opinion. You know because I had to go through great lengths to get it and I had to do it myself. That was a Polaroid, a picture of a picture of a picture. There were three layers. It was a third generation.

The first, the whole first team of forensic scientists looked at the third generation photographs, absolutely ridiculous.

I thought that was what was particularly interesting also was that the finding that we discovered that there were pictures of pictures of pictures, third generation photographs, that were used in the Fiske report.

**Narrator:**

Starr's office used the same photos as his predecessor Fiske. Brett Kavanaugh wrote that the conclusion of suicide was based on photographs, "gathered during the prior investigation."

Starr's associate independent counsel Brett Kavanaugh wrote, "The 35-millimeter photographs were underexposed: thus, the POLAROIDs were of greater investigative utility." Kavanaugh knew the 35-millimeter photos were not underexposed, and he had access to all first generation photos.

**Miguel Rodriguez:**

I found the first generation of Polaroid's. I also had the first generation negative of a 35 millimeters, very interesting stuff.

**Narrator:**

Miguel Rodriguez searched and found the original photographs. From those pictures he discovered that Foster had been moved to recreate the crime scene. According to Rodriguez, Park Police Officer John Rolla's report was not consistent with his own statements. Rodriguez said Officer John Rolla was "incredible".

**Miguel Rodriguez:**

I found Rolla's, the notes that he made at the scene, completely incredible and inconsistent with prior statements both made by him and accounts of others. I think he is completely incredible.

**Narrator:**

During the grand jury process, it is obvious Rodriguez learned important facts about people present at the crime scene. He does not reveal what was said during the proceedings. A slip of the tongue reveals the word "special" as in Special Agents, being present at the crime scene. The only officials at the crime scene, according to the media were; U.S. Park Police, Fairfax County rescue, and the Medical Examiner.

**Miguel Rodriguez:**

God! I'm just brimming over, I'm bubbling over. And I'm angry that I cannot respond. I am angry myself. Because there is much to be said. Let me suggest to you, investigate, be investigative reporters. Investigate these people too. What background did they have? Wouldn't it be surprising if, these people were special liaisons in a prior life to, in some capacity. And were there any other supervisor people out there? And, and what were the backgrounds of some of those police that were out there? There's a whole host of fertile ground out there. And have you really identified all the main players out there at the park police?

**Narrator:**



Park Police officer

John [Rolla](#)

Patrick Knowlton, producer of this audio, testified before the Whitewater grand jury. Knowlton has first hand knowledge of grand jury witness intimidation and abuse at the hands of people like Ken Starr's associates Brett Kavanaugh and John Bates.

Rodriguez tells us that Starr used many of the same investigators that were responsible for the Fiske investigation -- the same FBI agents.

Associate counsel Mark Stein and Deputy Independent [Counsel] Roderick Lankler, whose names appear on the cover of Fiske's Report, were also retained by Starr. Rodriguez relates how Stein and Lankler reacted when he suggested that different FBI agents be used to reinvestigate Foster's death.

**Miguel Rodriguez:**

Well, I couldn't believe it, and these people Mark Stein and what was that guy's name, ah from New York, it starts with an "L", Lankler. My God, I couldn't, they were, they had the nerve to look at me straight in the eye, and ah, when I said, "Look, I think it might be a good idea to use different FBI agents." They went through the roof! They went absolutely nuts! They had everything the way they wanted it. It was a complete sham job. You know, again, I just think it is a whitewash.

**Narrator:**

As Miguel Rodriguez stated, "these people had everything the way they wanted it." Kenneth Starr and his associates knew that they could count on the American press to conceal the truth.

**Patrick Knowlton:**

Hello, I am Patrick Knowlton.

These audios confirm what my lawyer John Clarke, and the leading expert on the case, Hugh Turley, and I, have been telling Congress, the media and others for years.

Attorney Clarke, Mr. Turley and I spent years calling, mailing and personally delivering this information to the Congress, to the press and to others.

Every member of the 104<sup>th</sup> and 105<sup>th</sup> Congress was provided documented proof of the criminal cover-up. Every major newspaper and media outlet including the Network News, Dateline, Nightline, 20-20, Larry King Live, The Wall Street Journal, The Washington Post, New York Times, Washington Times, Los Angeles Times, Chicago Tribune, Newsweek, Time, U.S. News and World Report, CNN and countless others ignored us.

Honest journalism and honest government can be achieved. But not by contacting members of Congress and the press as we have demonstrated.

These audios when distributed will demonstrate to our family, friends, and neighbors that our current American press cannot be trusted, and with this we will take the first step toward achieving a better world.

As Miguel Rodriguez will tell you, the only battle left is the battle for public opinion.

END part two

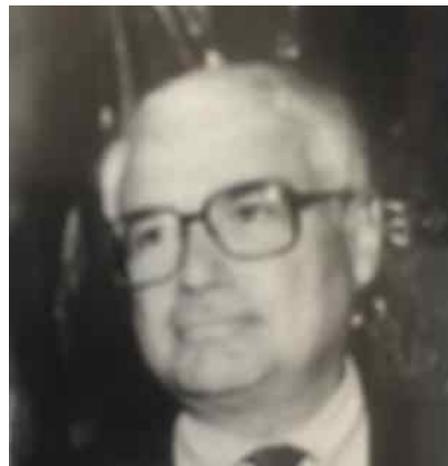
**Part Three - How Could Kavanaugh Stoop So Low?**

**Narrator**

This is the third in a series of audio presentations produced by Whitewater grand jury witness Patrick Knowlton and his lawyer John H. Clarke. You will hear Mr. Knowlton on this audio.

You will also hear the voice of Assistant United States Attorney Miquel Rodriguez, and the voice of Associate White House Counsel Brett Kavanaugh. Both Kavanaugh and Rodriguez served as Associate Independent Counsel under Kenneth Starr. Starr chose Kavanaugh to replace Rodriguez.

In 1994 and 1995, Miquel Rodriguez was the lead prosecutor investigating Mr. Foster's death. Rodriguez thoroughly reviewed all of



Roderick Lankler



Patrick Knowlton  
grand jury witness

the federal records in the Foster case. Despite Ken Starr's and the FBI's attempts to hide the first generation crime scene photographs from him, Rodriguez discovered the original photographs.

Miguel Rodriguez is the leading government authority on the evidence. He witnessed criminal activity in the Office of Independent Counsel.

### **Miguel Rodriguez**

Miguel Rodriguez, from the U.S. Attorney's Office. It is one thing to have read five, ten to twenty, you know, ten thousand pages worth of documents and to know what I know. I mean facts are a strange thing because they can't be denied.

And, you know, and like, for example the 35-millimeters, the hand is in a different position than the Polaroids and like if you look at some of the weeds, little weeds, fibers coming up through his hand they are different on photographs, different ah, different photographs indicate different positions based on the vegetation.

### **Narrator**

From the photographic evidence, Rodriguez knew the perpetrators staged the crime scene.

The press publicized the search of Fort Marcy Park for the fatal bullet to give the public the impression Starr was doing a thorough investigation. The bullet was never found because it remained in Foster's head. Rodriguez discovered that the FBI, with the assistance of Doctor James Beyer, had destroyed the evidence that showed the bullet remained in Foster's brain. People asked Rodriguez if exhuming Foster's body for an X-ray could reveal the bullet trajectory.

### **Miguel Rodriguez**

They certainly won't find a brain there. We sure don't have any way to show what the track of the bullet was, if in fact a bullet came from inside the mouth.

### **Narrator**

The public would expect an investigation to examine telephone records of calls made to and from Vincent Foster around the time of his death. Kavanaugh wrote in the Starr Report that phone records indicated a call was placed from the White House residence at exactly 10:06 p.m. on the night of Foster's death. In the same paragraph Kavanaugh also wrote, "Complete records for such calls are not available."

Rodriguez reveals that the Office of Independent Counsel never subpoenaed any White House telephone records of calls from anyone including Vincent Foster..

### **Miguel Rodriguez**

Telephone records are not a window into anything. Because the telephone records are only going to be as good as what the FBI asks for. Whatever else I am saying is this, okay, there is no way, based on what I knew was subpoenaed, to confirm or deny that somebody made any particular telephone calls at any particular time and that includes Vince Foster.

### **Narrator**

After his departure, Miguel Rodriguez encouraged journalists to write articles to educate the public and the grand jurors about their powers. He realized that the common person was the last bastion of hope.

### **Miguel Rodriguez**

Let me interject one thought, the, really the only fertile ground here for getting a, getting a, ah, full accounting done and I mean even, even beyond what Congress is capable of doing is to target the grand jury. Empowering the grand jury, letting them know what they can demand, what they should be wary of, um, what their independent subpoena powers are, um, whether they have the authority to ask questions on their own in the grand jury. The real check and balance here is um, is the grand jury, the common person, selected at random.

They read the Post. When I used to go into the grand jury, I'd see them reading the Post and the Times on these articles. They follow all of it very carefully. You target them and they are going to feel empowered.



Brett Kavanaugh

Associate Independent Counsel

00:00 | 26:27

Kavanaugh audio with Reed Irvine is unable to answer the question, "What evidence do you have that Foster's car was at the park?"

That is going to piss Starr and people like Tuohey off more than anything else.

**Narrator**

The press did the opposite. Their articles undermined the grand jury. Who were the unnamed government sources that fed the Washington Post and Washington Times information that undermined the grand jury. Rodriguez called a Wall Street Journal article by Ellen Joan Pollock, on March 23, 1995, "nonsense", "pernicious" and "harmful".

**Miguel Rodriguez**

That Pollock article was nonsense. There is so much manipulation going on in terms of what these people are trying to make people believe. It's pernicious, it is harmful.

This is all spin being put out by certain people to manipulate, not only the readership but it, you people have no idea how you affect, ah, ah, an investigation. You know, if I walk into the grand jury on the same day that some Post article said that Starr has reached an opposite conclusion than what I am doing, where is that person getting that information? Why are they timing, why are they timing it so perfectly to, to undermine what I am doing and, the attitudes. It is very, very disturbing, from that aspect on how powerful this all is.



Journalist Ellen Pollock

**Narrator**

Miguel Rodriguez discovered that the investigators were treating witnesses inappropriately. Deputy Independent Counsels John Bates and Mark Tuohey and Associate Independent Counsel Brett Kavanaugh used the FBI to harass and intimidate witnesses who had no reason to lie. Witnesses who told investigators Foster's gray car was not at Fort Marcy Park were re-interviewed, harassed, and intimidated. The goal of Starr's office was to silence witnesses whose accounts contradicted its desired result.

suspect i

**Miguel Rodriguez**

One thing that I met fierce opposition to, in the trenches, inside the Independent Counsel was this, I was really upset that, the, um, the witnesses who had no incentive to lie, this is the way I phrased it, why is the FBI harassing and re-interviewing witnesses who have no incentive to lie and yet we are treating with rubber gloves persons who do have an incentive to lie, and or at least not be candid. And who in fact, have made misstatements involving questionable...

What does this guy Knowlton have to gain in saying something that he said from the outset and continues to say today? And he should take an incredulous, and others should take an incredulous attitude, like a, why are you questioning me? And even in the grand jury, people can respond this way, people don't know it, why are you pushing my? why are you following me? Why are you, and you know, if Knowlton wants to make a statement, he is certainly welcome, you know, there is no problem in asking why am I being followed? Why am I, why was I being harassed in the grand jury? Knowlton should find comfort in the fact that he is not alone. He needs to know that. The guy is a damn hero.

Witness intimidation suspect #1

What they are trying to do is discredit him by making him out to be, um you know a homosexual cruising at a park. The reality is we had this fight a year ago, and I was literally irate with Tuohey and the FBI agents who were snickering and laughing with Brett about this. And I was just livid! And I said I don't care if they were there @#&\*ing their favorite tree I said! The fact of the matter is if they know what they saw that does not discount them, as for having the ability to recall what they saw with there own eyes! And I don't care again, if they were #@\*ing their favorite tree. And the FBI finds it particularly funny.

There is a pattern in the treatment of all of the witnesses. It is absolutely crystal clear and you can only see it when you have gone through the ten thousand, fifteen thousand documents. And when you do so, you will see that, that there is a pattern of basically harassing and misstating people who are sort of the innocent bystanders, including the EMTs [Emergency Medical Technicians] and the people who are law enforcement and FBI and White House are being interviewed once and accepted as being true. The EMTs are outstanding people, all outstanding people. They really are.



Witness intimidation suspect #2

No, actually it was upon review of all of the documents in this case, my observation and statements that I indicated to, to Tuohey and Starr was that witnesses who had no incentive to lie were being unduly, questioned, (pause) inappropriately. Persons with no incentive to lie were being inappropriately treated. I think I could stand by that. You know, that was something that I believed, I believed it from the outset. You know, people like the Park Police were never asked tough questions. I tried to ask them tough questions and they beat the hell out of me. It was just bass ackwards.

### **Narrator**

The public has no way to know how many witnesses may have been harassed and intimidated. Journalists Michael Isikoff, Steve Labaton, Micah Morrison, Matt Drudge and others spoke to Patrick Knowlton about his being harassed, but no stories appeared.

By not reporting witness's stories, journalists aid the perpetrators in silencing witnesses. Crime scene witnesses include civilians Jean Slade, Judith Doody, Mark Fiest, Patrick Knowlton, park service workers Chuck Stough, Francis Swann, as well as rescue workers, Todd Hall, Richard Arthur, George Gonzalez, Ralph Pisani, Jennifer Wach, Cory Ashford, William Bianchi, Victoria Jacobs, Roger Harrison, Andrew Makuch, the coroner's wife and two unnamed tow truck drivers. The public does not know of these people or their stories.

One person's story that did receive media attention was the story of the confidential witness known as, "CW". His name is Dale Kyle, of Midland, Virginia, and his statements and his deposition are not consistent with the facts.

Patrick Knowlton called the authorities to report what he had witnessed. In the months leading up to his Whitewater grand jury appearance, the FBI interviewed Knowlton three times, vandalized his car, and caused him to be intimidated in his home and on the streets of Washington, D.C.

Mr. Knowlton had seen a suspicious man at Fort Marcy Park who may have been involved in the murder of Vincent Foster. After testifying for 2 ½ hours before the grand jury, what interested prosecutor Brett Kavanaugh about this unknown man at the park about 90 minutes before the discovery of Foster's body? Kavanaugh asked Knowlton, "Did he touch your genitals?"

### **Miguel Rodriguez**

Who asked him if he touched his genitals? (Kavanaugh)

How could Brett stoop that low? I can't believe Brett did that.

### **Narrator**

Why did Brett Kavanaugh ask Patrick Knowlton if the suspicious man had touched his genitals? Why did these prosecutors stoop to that level to discredit a witness? Patrick Knowlton saw something very significant in the parking lot. Other witnesses saw the same thing – an old brown car, with Arkansas license plates, not Foster's newer, gray car.

Mr. Foster was already dead when witnesses saw the brown car. This fact proves the official story – that Vincent Foster drove to the park and shot himself – is false.

The strategy of Starr's prosecutors was to convince the grand jury that witnesses, like Patrick Knowlton, had not been harassed. During Patrick Knowlton's grand jury testimony, Brett Kavanaugh said, "Tell us about the alleged harassment, Mr. Knowlton." Knowlton responded, "it was not alleged, it happened."

FBI agent Russell Bransford served the subpoena on Knowlton and later intimidated and harassed him. At the grand jury, Knowlton repeatedly asked Bates and Kavanaugh to tell him who had sent FBI agent Bransford to his home. Kavanaugh responded twice that they were not there to answer Knowlton's questions. When Knowlton adamantly asked again, John Bates, who was seated behind Patrick, said, "We sent Bransford." Patrick Knowlton tells us how his grand jury testimony ended.

### **Patrick Knowlton**



Journalist Michael Isikoff



Fort Marcy Park

Prior to going to the grand jury I was harassed and intimidated on the streets of Washington. And during that time, a three-day period, my attorney John Clarke repeatedly called the FBI and the OICs office. They never responded to give me any protection or any help. It wasn't until the following Monday that Russell Bransford showed up at my door and he interviewed me regarding the harassment. All the time I was telling him the story, of what took place, he sat there and smiled at me. And when I asked him at one point if I could trust him? He leaned over into my face and said, "Mr. Knowlton that is a good question, I don't know."

Well I was looking forward to going to the grand jury and telling them my story about my harassment and at that time, I did not realize that the FBI and the OIC were behind it.

I remember when I went to the grand jury. And towards the end of this 2 ½ hour interview, I was asked by Brett Kavanaugh to step outside of the grand jury room so the grand jurors could ask questions. When I re-entered the room, Kavanaugh first asked me if I was sure that someone else didn't see me in the park? And I replied that I hoped that someone else had seen me in the park. Then, he sarcastically asked me whether I came forward to the authorities because I was a good citizen or a good Samaritan?

Then, John Bates who was seated behind me leaned forward and passed a note to Brett Kavanaugh, from which Kavanaugh read the following questions,

He said, "Mr. Knowlton did the man in the park talk to you?" And I replied, "no."

He asked me, "Did the man in the park pass you a note?" And I replied, "no."

He said, "Did the man approach you?" And I replied, "no."

"Did the man in the park point a gun at you?" I replied, "no."

And lastly Kavanaugh asked me, "Did the man in the park touch your genitals?"

I looked at him and I was in shock. I was dumbfounded. I couldn't believe he asked me such a question. Of course, I replied, "no."

As I left the grand jury I was puzzled why the grand jurors would ask such questions? And as soon as I saw my attorney, John Clarke, I repeated verbatim the last questions I was asked. Now we know those questions, were designed by John Bates and Brett Kavanaugh. They wanted to discredit me, and my testimony.

Bates and Kavanaugh knew Foster's car, that gray car, was not in the parking lot when Foster was dead. They also knew that all of the other witnesses and I all saw the brown car in the small parking lot. No one in that park saw that Foster's gray car.

The press and the government claim that Vincent Foster drove to the park and shot himself. The fact is, Foster did not drive to the park. He did not commit suicide.

#### **Narrator**

Brett Kavanaugh was asked what evidence he had to prove that Foster's car was at the crime scene.

#### **Brett Kavanaugh**

Well I guess some of it depends on whether, whether ah, we know there was a car there. The question is whether there is evidence, um, other than that no one saw it being moved out, and ah, you know, that it had Arkansas plates, ah, ah, um, you know, I'd have to go back to the Report again and give you a full answer on that, but, I mean, I guess, I guess that is an unanswerable question.

#### **Narrator**

Kavanaugh's answer did not provide any evidence that Foster's car was at the crime scene. Kavanaugh is asked a second time about witnesses who saw the brown car.

Listen to Kavanaugh use the phrase "those facts" to avoid using the words, "brown car."

### **Brett Kavanaugh**

What, what you don't like, and I understand this, so I'm not going to get defensive or offensive, is that the ah, you know, you think those facts lead to a certain conclusion, and the Report suggests that those facts do not necessarily lead to any conclusion other than, you know, inconsistent with the ultimate, ah findings, so that is just a debate about what inferences you would take from the facts, that are there, compared to the inferences taken by the, um, Report, which is fine. People disagree about that all the time, I mean the Starr Report seems definitive and, not definitive you wouldn't agree.

But at least in discussing the physical evidence and why it's unlikely what was in the, ah, scene in the parking lot contradicts any of that. I think that's the actual phrasing that's used. But I don't think there was anything ignored, I'll go back and look at that though.

### **Narrator**

For the third time, Kavanaugh is asked what evidence he had to prove that Foster's gray car was at the scene.

### **Brett Kavanaugh**

That, that's the question ah, that there was questions about whether people were mis-describing colors or something like that, now that's one inference, another inference is that there was another car and that's just ah, and then there's a third inference that, I suppose which is that his car, the gray car wasn't there and they switched the cars after the [fire] engine arrived. That's an inference.

### **Narrator**

Kavanaugh is asked a fourth time what evidence he had that Foster's car was in the parking lot. Either Foster's car was there or it was not.

### **Brett Kavanaugh**

Well at least we you know, at least you know, the Report, look the Report was trying to be honest about a few things, and ah, that, that, the people had complained about with the Fiske Report, and one of them was the fact that there were these cars and people saw different cars and different people.

What about the people, I mean this gets to a problem, what about the people who seemed clearly to see ah, Foster's car, and described it as brown. So, people were screwed up on the colors, period.

### **Narrator**

Kavanaugh is right, there is a problem.

### **Brett Kavanaugh**

What about the people, I mean this gets to a problem. What about the people who seemed clearly to see ah, Foster's car, and described it as brown.

### **Narrator**

Kavanaugh's statement that people clearly saw Foster's car is not true. Descriptions of a brown car are not descriptions of Foster's gray car. How does Kavanaugh resolve the problem?

### **Brett Kavanaugh**

So, people were screwed up on the colors, period.

### **Narrator**

Brett Kavanaugh called eyewitnesses "screwed up" because what they saw did not agree with the desired result. But Kavanaugh slipped up. He admitted that all of the police and medical personnel saw a brown car.

### **Brett Kavanaugh**

Well it all comes down to that brown car issue, right? Ah, all the police and medical personnel that were in the park also described it as brown.

### **Narrator**

The conclusion that Vincent Foster committed suicide depends on yet another provable lie – that Foster drove his children's gray Honda to Fort



Early 1980s Brown Honda like the one seen by witnesses at Fort Marcy Park



Official U.S. Park Police photo of Foster's 1989 Gray Honda at the impound lot.

Marcy Park.

Patrick Knowlton and all the other witnesses were correct. There was no gray car in the parking lot.

We just heard Kavanaugh admit that all witnesses were consistent that the car was brown, proving that Foster did not drive his children's car to the park.

Earlier in this audio, we heard Kavanaugh admit that the civilian witnesses reported seeing a brown car, and claimed to believe that all these civilians were all simply mistaken, or, "screwed up."

But twenty-four officials arrived at the park that night, and Kavanaugh admits that these twenty-four police and medical personnel all saw a brown car.

#### **Brett Kavanaugh**

Ah, all the police and medical personnel that were in the park also described it as brown.

#### **Narrator**

Kavanaugh learned of this evidence, disproving the suicide theory, from grand jury testimony. Yet, Kavanaugh knowingly withheld this evidence from Starr's Report on Foster's death, and submitted the Report to the United States Court of Appeals, to the Special Division for the Purpose of Appointing Independent Counsels.

Did Kenneth Starr knowingly allow John Bates and Brett Kavanaugh to submit a fraudulent Report to the United States Court of Appeals?

Kavanaugh was willing to do what Miquel Rodriguez was not willing to do: To lie. Kavanaugh's lie that Vincent Foster drove to the park and killed himself was made to perpetuate the cover-up of the murder.

Brett Kavanaugh and John Bates were among those young, aspiring, people, about whom Miquel Rodriguez said, "will do what is necessary to move up the ladder." And move up the ladder they have. John Bates is now a federal district court judge in Washington DC and Brett Kavanaugh serves as an official in the White House. President Bush recently nominated Kavanaugh to be a judge on the United States Court of Appeals for the District of Columbia Circuit.

#### **Patrick Knowlton**

I am Patrick Knowlton producer of these audios. We have shown that our government and our press have been caught in a provable lie. When our leaders and our press are covering-up murder, the safety and well-being of the American people are threatened.

If our press and the government will lie to us about the murder of a White House official we should ask what else are they lying to us about?

END part three

#### **Part Four - Be A Good Soldier**

#### **Narrator**

This is part four of a series produced by Patrick Knowlton. On this audio, you will hear, Miguel Rodriguez, the most qualified government official to speak on Foster's death. You will also hear comments by media personalities and members of Congress, including Senator Orrin Hatch and Representative Dan Burton.

The Federal Bureau of Investigation conducts background checks on the president's nominations for federal judgeships. This agency, and possibly the same FBI agents, that assisted Bates and Kavanaugh in covering-up Foster's murder, assures that nominees have no criminal background, and so are qualified to serve as judges.

The Senate Judiciary committee, chaired by Senator Orrin Hatch, confirms judicial nominees. Listen and compare the comments of Miquel Rodriguez to Chairman Hatch.

#### **Senator Orrin Hatch:**



Official FBI photo of Vince Foster's keys with NO HONDA CAR KEY



A 1989 Honda car key

Accordingly, I want to be clear on one point, there is absolutely no credible evidence to contradict the Fiske Report's conclusion that Vincent Foster took his own life, and it happened at Fort Marcy Park. There is no credible evidence to the contrary. I suspect conspiracy theorists will always differ with this conclusion.

**Miguel Rodriguez:**

Both EMTs that responded to the park. Both observed trauma to the neck. I saw pictures that clearly indicate to me that there is trauma on the neck. I believe it's a puncture wound on the neck. There is really nothing that is consistent with him committing that kind of violent act at all.

**Narrator:**

The public has been told by the media that the Senate Banking Committee investigated the death of Vincent Foster. Compare the remarks of committee members with those we have heard from Miguel Rodriguez. First is California Senator Barbara Boxer:

**Barbara Boxer:** <sup>(11 SEP)</sup> The first issue is the Vince Foster death. Independent Counsel states quote, "the overwhelming evidence compels the conclusion that Vincent Foster committed suicide. There is no evidence that issues related to Whitewater played any part in his suicide." Now you've heard that several times, but that's the crux of the matter.

**Miguel Rodriguez:**

This whole notion of doing an honest investigation is laughable. I knew what the result was going to be, because I was told what the result was going to be from the get go.

**Narrator:**

Republican Senator Bob Bennett:

**Bob Bennett:**

I will be happy to stipulate that Vince Foster committed suicide. There was a time when the rumors that were in the press lead me to believe there was some credence to an additional theory. I find no possible justification for that now and I am one senator who is willing to say that this hearing should not be about whether or not Vince Foster committed suicide. He committed suicide, I'll so stipulate.

**Miguel Rodriguez:**

All I know is that things did not happen the way Fiske said that they happened, and the reports don't support what Fiske said.

**Narrator:**

Senior Republican Senator Pete Domenici said the Republicans would not challenge the Fiske Report.

**Senator Pete Domenici:**

With reference to his death I don't think anyone on our side is challenging the suicide. So perhaps we can get rid of that rather quickly.

**Miguel Rodriguez:**

It is in many Republicans' interest to not rock the boat, because what we are talking about is ultimate power.

**Narrator:**

Former Democrat and now Republican, Senator Ben Nighthorse Campbell:

**Senator Campbell:**

These hearings begin with the investigation of Vincent Foster's suicide and that should turn the stomach of any caring American. I really believe we should drop that whole issue. The Park Police, the FBI, the Medical Examiner, the Independent Counsel they are all professionals and they did their job and concluded that Vince Foster did indeed commit suicide.

**Miguel Rodriguez:**

And this is all so much fluff and a look-good job. This is all so much nonsense. I knew the result before the investigation began.

**Narrator:**

Democrat Senator Christopher Dodd:



Sen. Orrin Hatch



Sen. Barbara Boxer



Sen. Bob Bennett



Sen. Pete Domenici

**Senator Dodd:** This panel is a banking committee, not a medical board of inquiry. We're senators not coroners. There are some legitimate questions that ought to be examined but probing in a macabre way into the family tragedy, that all that have looked at it have concluded was tragically a suicide and nothing more. I hope we can move through very quickly and get to the issues that are more important in my view.

**Miguel Rodriguez:**

They had the nerve to look at me straight in the eye, and ah, when I said, "Look, I think it might be a good idea to use different FBI agents." They went through the roof! They went absolutely nuts! They had everything the way they wanted it. It was a complete sham job. You know, again, I just think it is a whitewash. I know these people and I know what they are trying to do. I know where they want to go. Where they want to go is the path of least resistance.

**Narrator:**

Democrat Senators Carol Moseley-Braun and Senator John Kerry:

**Carol Moseley-Braun:**

Mr. Chairman I would like to associate myself with the remarks of Senators Bennett and Boxer regarding the Vincent Foster issue. We are not conducting an investigation into a suicide.

**Senator John Kerry:**

The FBI, the Park Police, the Foster family and the Special Counsel have all concluded that Vince Foster tragically took his own life. The medical examiner, the FBI laboratory, the DNA analysis on the gun, the medical and forensic experts all agree yet somehow here is the United States Senate giving credence to the most insulting, degrading, lurid, and lunatic theories that people could invent.

**Miguel Rodriguez:**

Very few people need to know anything about anything really. All people need to know is what there job is, not why, be a good soldier, carry out the orders.

**Narrator:**

Alabama Senator Richard Shelby and Vincent Foster were next door neighbors in a Georgetown rowhouse. This is what Senator Shelby said about his neighbor:

**Senator Shelby:** It is my understanding, as others have said, and people have testified like Doctor Hirsch, um, that it was a suicide and I have no reason to question that. And I was hoping that we can close this forever.

**Miguel Rodriguez:**

Even the Park Police, even the Park Police and the person who first saw the body, ah, saw different things. But there was a point in time where the particular gun that he described arrived and something before that was either not observed or not completely identified.

**Narrator:**

Peter Jennings aided the cover-up when he announced that ABC News had been, "investigating to see if there is any truth to the rumors," about Vince Foster's death. But the ABC news investigation did not include interviewing Patrick Knowlton and other witnesses that could prove Foster did not drive his family's gray Honda to the park . On March 11, 1994, ABC News broadcast the conclusion that Vince Foster committed suicide. At that time, only two witnesses had been interviewed by Robert Fiske. Miguel Rodriguez told us, the conclusion was determined long ago and "the news media had the story line from the get go."

**Peter Jennings:**

Another story about violence, in Washington today the White House is accusing Republicans of spreading irresponsible and unsubstantiated rumors about the Whitewater affair. In particular a rumor circulating yesterday insinuating foul play in the death of Vince Foster, the White House Counsel, who police have said committed suicide last summer. We have been investigating to see if there is any truth to the rumors. Here is ABC's Jim Wooten:



Sen. Ben Nighthorse Campbell



Sen. Christopher Dodd



Sen. Carol Moseley-Braun



Sen. John Kerry

**Jim Wooten:**

The common thread is that Foster was murdered someplace else, that his body was moved to this park above the Potomac where it was found. And feeding all this speculation, is more speculation. For instance, the rumor that there are no photographs of the scene. There are. ABC News has seen a complete set, including this one showing Foster's hand, his thumb caught in the trigger guard. Some rumors insist there was little or no blood on or around Foster's body. The grim and graphic photographs of the scene prove that is not true either. The White House itself may have fueled some of the rumors with its own incompetence in the hours after Foster's death. But there is little reason now to doubt that for whatever reason he may have had, the President's boyhood friend drove himself across the Potomac one afternoon last July and tragically took his own life. Jim Wooten ABC News Washington.

**Miguel Rodriguez:**

The photographs that were taken for several people don't exist any longer or they have never been turned over to reviewing officials. I had a person look at thirteen photographs and that person told me mine are not here. So that person's photographs are missing. At the time they got there, and the body was in the position that it was in, there was virtually no blood anywhere. Then there are some conflicting reports of there being blood later on. Later the EMT sees blood, then Haut sees blood. Well the reason is very clear. They lifted the body and pulled it to the top of the ridge, to top of the berm, and once they did that blood started flowing fast.

**Narrator:**

Why did Fiske and his FBI investigators give ABC News the death scene photographs during their ongoing investigation? Six years after Starr issued his conclusion, the public is still denied the right to view the photographs. A Freedom of Information Act suit, by Attorney Alan Favish, to release the photographs is before the United States Supreme Court.

Does the news media act as the voice of the government or does it serve as the eyes and ears of the American people?

Miguel Rodriguez told us he spoke to over 100 journalists, including ABC's Nightline. Ted Koppel talked to Miguel Rodriguez and knew that Rodriguez would not join the criminal cover-up. Publicly Koppel concealed what Rodriguez told him. Koppel discredited Rodriguez for not being a team player.

**Ted Koppel:** Let me just put a slightly different turn on the facts as you have recounted them. I am familiar with the gentleman of whom you speak. I am familiar with the charges. The only difference with the version I have heard and the version you have recounted is that I have heard is that he is described as a guy who wanted to go off on his own, who did indeed want to follow some leads that his superiors did not want him to follow, because they wanted to follow a team approach there. But that in and of itself, and I don't think even Mr. Rodriguez, would take the position that he had evidence, of Vince Foster having been killed.

**Miguel Rodriguez:**

Well I wrote that to Starr back in January of this year and it was squelched by Tuohy, he could yell louder than I could. He was a team player. I know. My office was searched by him. There is really nothing that is consistent with him, ah, you know, committing that kind of a violent – or that kind of violent act at all.

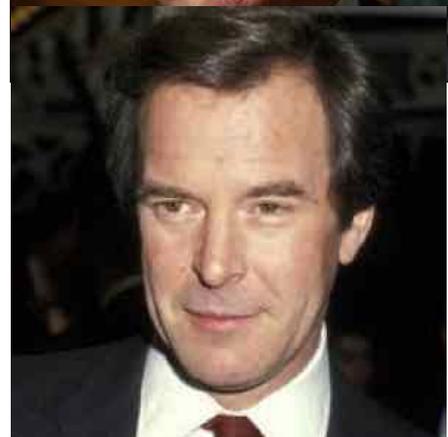
**Narrator:**

After Miguel Rodriguez contacted ABC Nightline, Ted Koppel did not report the evidence that Foster was murdered. Nightline's host misled viewers by broadcasting the foolish idea that if Foster had been murdered too many people would have to be involved in a conspiracy.

**Ted Koppel:** Let me take for the moment what you have said, with a grain of salt. But let's assume for the sake of argument that it were true. One would then have to also conclude that everyone who subsequently has investigated this case, now I'm not now talking about reporters, I'm talking about the FBI, I'm talking about the Senate Banking Committee, I'm talking about the Park Service itself, all those who have investigated it, and all those who have subsequently read all of the reports, would



Sen. Richard Shelby  
Foster's next door neighbor



Peter Jennings



Jim Wooten

Award-winning journalist

have to be in collusion, say for whatever reason, I'm wondering what reason you might think, ah would bring Democrats and Republicans, critics and friends of the Clinton administration, to, to conspire to come to that conclusion.

**Miguel Rodriguez:**

You don't need a lot of people to know what's going on. In fact, you don't need many at all. Everyone makes a very big mistake when they believe that a lot of people are necessary to orchestrate some kind of – some result here. Very few people need to know anything about anything really. When you write a report all you have to do is make sure it is consistent with, the most innocuous thing is to make sure it is consistent with the result that you ultimately want to get, which is to not embarrass your other colleagues who have made their conclusion already.

**Narrator:**

Knowlton learned that Miguel Rodriguez was talking to the New York Times, Washington Post and the Associated Press, at the same time Rodriguez contacted Nightline. Miguel Rodriguez told Ted Koppel about the criminal activity in Kenneth Starr's Office of Independent Counsel. Why is Ted Koppel still asking for someone to give him the evidence?



Ted Koppel  
ABC News

**Ted Koppel:**

The impression that somehow if there was a great, dramatic, indeed shattering story like the one just mentioned, that those of us in the media have anything to gain, I'm talking now about the mass media, by not broadcasting it. You give me the evidence, I'll be delighted to broadcast it. I have no particular problem with where the ideology of a story comes from, as long as I can prove it to be true. Okay?

**Narrator:**

Patrick Knowlton personally delivered evidence of his intimidation to every news organization including Ted Koppel personally. Mr. Knowlton also included the proof Foster's car was not at Fort Marcy Park. Koppel told his producer to ask Patrick Knowlton to bring his evidence to his ABC office. After meeting with Nightline's producer, ABC never contacted Patrick Knowlton again.

**Miguel Rodriguez:**

I have talked to a number of people from Time Magazine, Newsweek, you know, Nightline, there have been well over a hundred. And this matter is so sealed tight the editors won't allow it to go to press. The accepted media here has always had, ah, a certain take on all of this. And there's been story lines from the get-go.

**Narrator:**

When confronted with their failure to report important news, an excuse offered by journalists is, "We don't have the facilities. We don't have the time." It is interesting that stories like Monica Lewinsky get the full attention and resources of the press. Corruption uncovered by the government is acceptable, without question, and reported. Serious government corruption, uncovered by citizens, is suppressed and/or dismissed as conspiracy theories.

**Ted Koppel:**

I do five programs a week on Nightline. For example, turning out 2 ½ hours of broadcasting every week means that on average we will probably spend, I'm talking about different members of our staff, perhaps, five or six days on a program. Some programs we may spend five or six hours on. If news breaks, a major news story breaks at seven o'clock in the evening or at eight o'clock in the evening, we'll have it on Nightline at eleven-thirty at night, three hours later. There is no question in my mind, and it has always been so, that the fringe media, on the left and on the right, the smaller organizations, the ones that can and do in fact, focus an enormous amount of attention, on a particular story, sometimes spending many months, even years on a story, that it is often the fringe media that will develop a story that is ultimately picked up by the mass media. If you are looking to the mass media to do the real investigative journalism, if you're looking for Nightline to do major investigative stories, you're looking in the wrong direction. We don't have the facilities we don't have the time. I have a staff of 50 people and we do 2 ½ hours of broadcasting a week.

**Narrator:**

When it comes to reporting the news, ABC is no different than FOX, CNN, NBC and CBS. Compare the comments of journalist Mike Wallace of CBS 60 Minutes, to what we now know from Miguel Rodriguez. It is clear that Mike Wallace has it wrong.

**Mike Wallace:**

What really happened to Vince Foster? Did President Clinton's boyhood friend kill himself or was he murdered? Foster's body was found outside Washington more than two years ago, but still we read stories about his death almost every day. And just as often viewers call or write asking us to investigate. So we have taken a look at what really happened to him.

But the evidence does not indicate that to any of the investigators, all of whom concluded that the body could not have been moved. Dr. Donald Haut you are the Fairfax County Medical Examiner?

**Dr. Haut:**

Yes I am.

**Mike Wallace:**

Was there a suspicious lack of blood at the scene?

**Dr. Haut:**

Absolutely not.

**Mike Wallace:**

Did you tell a reporter by the name of Christopher Ruddy that there was an unusual lack of blood?

**Dr. Haut:**

No.

**Mike Wallace:**

Christopher Ruddy says that you changed your story.

**Dr. Haut:**

No. That's not true.

**Miguel Rodriguez:**

So Haut actually sees the body in two positions and people are conveniently using different phrases of Haut to justify whatever result they want. Sure Haut says on one hand there is no blood, but, he says, on the other hand, there is blood. The fact is, a number of people have said there was a small amount where the body was originally found. Later on it's moved to a horizontal position at the top of the berm, it does have some seepage under the body. So when Haut sees the body it is in a horizontal state, so yes there is going to be blood. Haut actually sees the body in two positions.

**Narrator:**

Mike Wallace and Jim Wooten of ABC News hoodwinked the public by broadcasting that there was plenty of blood where Foster's body was found.

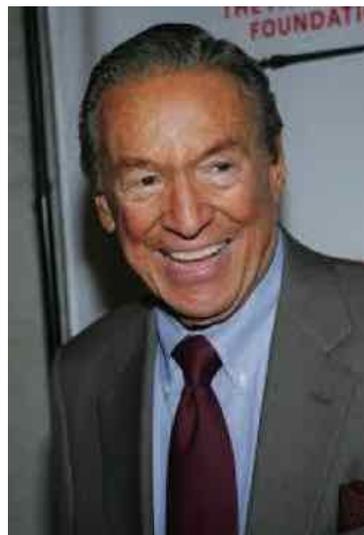
NBC's Tim Russert, without presenting facts or evidence, suggests the public should accept and trust whatever the authorities say.

**Tim Russert:**

The Fiske investigation, a former Republican U.S. attorney, concluded the death was a suicide. If Ken Starr, a man who accepted the position as Dean of the Pepperdine Law School, School of Public Policy, if he concludes, if he concludes, that Vincent Foster's death was a suicide, will you then accept that?

**Narrator:**

NBC's Tim Russert personally received the evidence of Patrick Knowlton's harassment and what he and other witnesses saw at Fort Marcy Park. Knowlton appealed to Tim Russert to look at the evidence and report the story of his harassment. Tim Russert took Knowlton's evidence and telephone number, but Russert never contacted Knowlton. The private Tim Russert is different from the public Tim Russert:

**Tim Russert:**

Mike Wallace

CBS News



Dr. Donald Haut

Medical examiner

And if there is a situation where an individual is being harassed or is placed in harm in any way, shape, or form, be it Waco, Ruby Ridge, wherever the case may lead us we'll be there covering it.

**Miguel Rodriguez:**

It was the Independent counsel themselves and the FBI that beat me back, in fact threatened me. They told me to back off and back down. I have been communicated with again and told to be careful where I tread. I can tell you this it's not just my career and reputation, but it also has to do with my personal health and my family.

**Narrator:**

Several prominent Senators stated their agreement with Robert Fiske's Report. on Foster's death. Patrick Knowlton met personally with many members of Congress including House Speaker Newt Gingrich and Dan Burton. Publicly, Speaker Gingrich stated that his committee chairmen would investigate Foster's death.

House Speaker Newt Gingrich:

**Newt Gingrich:**

I think we are entitled to a full airing and I think you are going to find that Congressional hearings are going to raise those questions. I was very struck by an article I think it was in the Investors Business Daily, ran a very long article that I thought was stunning, raising question after question about Foster and what happened there. And I have asked several of our Congressional chairmen of our committees to look into that and I think you will be seeing some hearings on these topics because when you look at them there is just too much there to not try to find out what really happened.

**Narrator:**

Privately, Dan Burton, Chairman of the Government Oversight Committee, in a meeting with Patrick Knowlton promised he would hold hearings to investigate Foster's death.

Representative Dan Burton:

**Representative Dan Burton:**

You know me, if I tell you something it is going to be the straight scoop or I won't tell it to you. I am not going to violate your trust. I promise.

Well let me just say I had an interview with Novak. And anytime I am talking to the media, even my good friend Bob Novak, I am not going to say that I am going to re-open any investigation, the Travel Office, the FBI, Vince Foster or anything. Now that doesn't mean that I am not going to look into things that I think are relevant or important, and I am going to do that.

Oh no, what I said was that unless I have additional information that would lead me to believe that we ought to re-open any of the investigations then I am not going to do anything. Now that doesn't mean that, see I'm going to be looking into all of this to find out if there is additional information. But publicly I am not going to re-open the investigation unless I get something. There is no need to do it. And I am going through it. And if that, that, that, that, that, would shed new light on it, of course I am going to explore it.

Listen to me. I, I, I, I am going to look into every aspect of every one of these investigations. I am going to go through all the files that Clinger had. I am going to go through my files. I've got a deposition of the man who found his body. But I am not going to divulge how I am going to conduct any of this until the proper time. And what I need is something to hang my hat on that will show that there is additional information or evidence.

Now you got to do that in a very careful way. Otherwise the media is going to have a field day. They are expecting me to do that. They expect me to right off the bat to start beating on the Foster issue. And, and I can't do that right off the bat. Just give me a little bit of time to go through this.

I do what I say I am going to do and if you don't trust me. If you don't want to give me information then don't do it.

I am just telling you as chairman of this committee I got three investigations, right now. I got Travel Office, I got FBI and now I got these illegal contributions. And I have got to deal with those.



Tim Russert  
NBC News



Newt Gingrich

Now Foster, I told you and I still believe this. I said it on the record to the New York Times or Washington Post I can't remember which one. I said I don't recant anything I said about Foster. I believe his body was moved. I believe that Report was in error. I believe what the confidential witness said.

But I have got to do this at the right time. And I don't think starting right off the bat doing this would be the right thing to do because they would, they would try to blow that up and make it look like I was not a credible chairman. So what I've got to do is deal with the things that are right on my plate which are Travel Office, Filegate Office, er File Office, er FBI Files, and this this issue right now.

And Foster you may rest assured. I am going to look at all the documents I possibly can. I'm going to look at those pictures. I am going to look into that. This is not the time to be beating on that drum until we're ready.

Well, then don't believe me.

**Miguel Rodriguez:**

I still have hope that what I uncovered will not be explained away.

END part four

**The Rodriguez Tapes**

Brett Kavanaugh and John Bates,  
Two lackeys for Kenneth Starr,  
Supplanted one far more scrupulous.  
Now see how successful they are.

Covering up a murder  
May fill the air with its stench,  
But for George W. Bush,  
It has made them fit for the bench.  
-David Martin



[Home](#)

MEMORANDUM

Date: November 13, 1995

From: *JE* Hickman Ewing

To: File

Subject: Chris Ruddy

RELEASED PER P.L-102-526(JFK ACT)  
NARA 8-17 DATE 12-16-09

At noon, Saturday, November 4, 1995, I checked my Little Rock voicemail. Brett Kavanaugh had called at 5:50 p.m. on Friday, November 3 leaving a voicemail to the effect: "I got a voicemail message from Ruddy. He said he had talked to Patrick Knowlton. He said that Knowlton was disappointed by the way he was treated in the grand jury. He said he was treated as a suspect. Ruddy knows some of the questions that Brett Kavanaugh asked. Why did Brett ask Knowlton if the guy in the park grabbed his genitalia.

Brett said on the voicemail to me, "I didn't ask him that. I did ask him about sexual advances by the other man in the park. John Bates and I want you to call Ruddy - at least get him off the genitalia part. I am worried about that. Ruddy left his number as 718-229-8209.

I telephoned Chris Ruddy at that number at 12:09 p.m. on Saturday, November 4. He said he would call me back in about five minutes. He called back at 12:13 p.m.

I told him I had just checked my voicemail, that I had received a voicemail from Brett, in which Brett advised me of Chris's call, and I was returning his call to Brett.

Chris said that he had talked to Knowlton. He said that Brett asked him the following questions, to which he responded, "No." Brett asked him the following questions about the man Knowlton saw in the park:

1. Did he talk to you?
2. Did he threaten you?
3. Did he touch your genitals?

According to Ruddy, Knowlton said he answered "No" to all of these questions. But he wanted to know why we were asking questions like that.

04/27/95

07:56

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Hick - I believe that this or any other statement makes it open season on this issue. Something along the lines of this will encourage Miguel to speak his mind. All I have seen from Ruddy et al so far strikes me as speculation and conjecture. My personal belief is that Miguel has not said much. He will if this goes out.

Ken, Mark, Bill, Hick:

Here is a draft press statement. Alex Azar, Steve Kubiowski, and John Bates have provided edits and comments. We all have serious doubts whether this kind of statement is a good idea. That is especially true of the fourth paragraph.

If you want a statement shorter than this draft statement, perhaps some variation of the first and third paragraphs would be sufficient.

Brett

In recent weeks, some members of the media and of the public have raised questions about the resignation of former Associate Independent Counsel Miguel Rodriguez and this Office's investigation into the death of former Deputy White House Counsel Vincent W. Foster, Jr. Prior to offering his resignation to me in January, Mr. Rodriguez had been involved in this Office's investigation of Mr. Foster's death.

In the wake of Mr. Rodriguez's resignation, some have stated that this Office's investigation into Mr. Foster's death has been thwarted by a senior member of my staff and that the investigation is not being conducted in a thorough manner designed to elicit the truth. Mr. Rodriguez made similar statements to me in offering his resignation in January. At that time, I took his statements seriously and became personally and actively involved in investigating them. In so doing, I was assisted by numerous members of my staff, including many seasoned prosecutors and my Ethics Counsel, Professor Samuel Dash. After carefully reviewing and investigating Mr. Rodriguez's allegations, I found them to be without any merit whatsoever, as did every member of my staff who reviewed the matter.

The investigation into Mr. Foster's death has been, is being, and will continue to be conducted in a thorough, aggressive, and professional manner. I am fully satisfied that no one on my staff has thwarted or attempted to thwart the investigation of Mr. Foster's death. I have been personally involved in all major decisions regarding the direction and scope of that investigation. Because the investigation is continuing before a federal grand jury, I will not comment on its substance; I can provide assurances, however, as to its continued thoroughness and professionalism.

During my review of Mr. Rodriguez's allegations, I ultimately concluded not only that his allegations were unfounded but that, in the course of the investigation into Mr. Foster's death, Mr. Rodriguez had not conducted himself with the professionalism I demand of myself and of each member of my staff. I therefore accepted his offer to resign.

TELECOPY COVER SHEET

OFFICE OF THE INDEPENDENT COUNSEL  
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Washington, D.C. 20004  
telephone (202) 514-8688 facsimile (202) 514-8802

Date: \_\_\_\_\_

TO: Hick Ewing

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

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

FROM: Brett Kavanaugh

Number of Pages: 3 (including this cover sheet)

Message: WE HAVE  
BIG PROBLEMS  
W/ MIGUEL'S  
LEAKS.

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