

REPORT TO CONGRESS 1997

IMPLICATIONS OF
WHITE HOUSE INVOLVEMENT
IN THE DEATH OF
VINCE FOSTER

CLINTON INVESTIGATIVE
COMMISSION

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PREFACE

This report is the second in a series of reports on misconduct in the White House. Our first report was published in 1993 and created a new level of public concern over the Clinton administration. That initial report focused on the unanswered questions surrounding the death of Vincent Foster. Although we have, so far, been unable to discover who killed Vince Foster, we now know many of the reasons the White House wanted Vince Foster eliminated. Understanding those reasons is critical to understanding the Clintons' entire approach to politics and to solving this crime. Unfortunately, nothing we have discovered has reduced our fears for the safety of American democracy.

As always, the Clinton Investigative Commission continues to be a nonpartisan grassroots organization unaffiliated with any political party or candidate. Our sole function is to provide the public and those persons charged with upholding the integrity of our system of government the information they need. We will continue to pursue our independent investigation and to support those responsible journalists and government officials who choose to press forward despite enormous pressure from the White House.

"... we now know many of the reasons the White House wanted Vince Foster eliminated."

For reasons explained within this report, we believe numerous indictments of White House officials and the first couple are overdue. We pray that this report and the other assistance we have provided will force those indictments to be filed. We hope that the few leaks from Special Prosecutor Kenneth Starr's investigation are an indication of professionalism and not cowardice.

Mr. Starr's October pronouncement of a longstanding Department of Justice policy against indicting politicians and their friends shortly before an election worries us. Former Special Prosecutor Lawrence Walsh was apparently unaware of this longstanding practice. More importantly, the voters went to the polls in a presidential election under the false impression that the Clintons have not committed the crimes they are accused of committing.

The White House will criticize the timing of this report. In truth, we would have preferred to gather more information before releasing this update. We could not delay any further because of the silence of the Special Prosecutor, the presidential campaigns and the mainstream media. We will update this report as more information becomes available. Our contacts in the media "assure" us that they will pile on the Clintons any day now. America is still waiting. This is a sad commentary on the priorities of the media conglomerates that control most news outlets in this country.

"Many people have grown rich on the generous handouts of the Clinton administration. Those people thrive on the Clintons' ability to parcel out government funds and suppress law enforcement."

A close-knit team of investigators and informants have made this report and all of our work possible. Their identities must be protected to prevent retaliation by the White House and their cronies. As you will read here, the Clintons' influence extends beyond America's shores and into all corners of the economy. Many people have grown rich on the generous handouts of the Clinton administration. Those people thrive on the Clintons' ability to parcel out government funds and suppress law enforcement. This is the real reason Clinton must continue a free-spending federal government.

Once you have read this report, pass it along to a friend. Then you and your neighbors must decide what you should do to preserve our fragile democracy.

God Bless You and Our Country,

The facts uncovered in this investigation are many but are yet insufficient. The beliefs and impressions of the witnesses and professionals involved in this case are contradictory. Missteps and snap judgements have blocked the road to the ultimate truth of who killed Vince Foster. Each step down that road has revealed other criminal conduct. Only by pursuing each lead and felling each serpent's head can that ultimate truth be known.

INTRODUCTION

Foster's Dealings with Governor Clinton

On July 20, 1993, Vincent Foster, Jr. reported to work as Deputy White House Counsel. His title meant that he was a government employee and a representative of the executive branch of the United States Government. In that capacity, he was formally charged with advising the President and the President's advisors on legal matters inherent in the executive branch's functions. Unfortunately, the job had been reduced to solving leftover disasters from the Clintons' time as Governor and First Lady of Arkansas.

When Hillary Clinton joined the Rose Law Firm, Vince had been concerned about the push for government work and political involvement by the firm. Hillary had been hired as a litigator, but in her entire tenure with the firm, she had handled only three trials. Her skills were not at the level you would expect from someone listed as one of America's top ten attorneys. Vince knew that her top ten listing had been a political prize plucked by Marion Wright Edelman after an extensive lobbying campaign. Edelman's Childrens Defense Fund benefited from Hillary's role as Chair of the federally-funded Legal Services Corporation, and Edelman knew that advancing Bill and Hillary's political lives would benefit Edelman's career.

Out of necessity Hillary had turned to transactional work. She was good at cajoling or pressuring government contractors and others connected to the Arkansas Democratic Party into sending work to the firm. Bill Clinton's second election as Governor had opened the floodgates and a Pandora's box. Vince had prided himself on his ethical purity, but the new clients were quick-buck artists who needed more freedom than traditional ethics allowed.

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Vince's Relationship with Hillary

Vince had begun to appreciate Hillary as a woman. Bill Clinton's womanizing was legendary. Hillary had come to work steaming about Bill's infidelity on more than one occasion. She knew, however, that as a woman and carpetbagger, she had no independent future in Arkansas. She also understood the value of being a big fish in a small pond. Arkansas' state population was less than the population of any of the United States' top ten cities. Sadly, she obviously felt there was no one in Arkansas nearly as smart as she was. Even worse, politics in Arkansas was dominated by the Fulbright mafia. Every major Democratic party figure in Arkansas seemed to be a former employee or intern of Sen. William J. Fulbright. The Democratic Party for all intents and purposes was the only political party in Arkansas.

"Vince and Hillary had a long intimate affair. Her forcefulness and active mind were more attractive than his wife's complacency."

Vince and Hillary had a long intimate affair. Her forcefulness and active mind were more attractive than his wife's complacency. Vince was badly hurt, but not surprised when Hillary called off their affair. He was reluctant to follow the Clintons to Washington, but Hillary had asked personally and stressed their need to have people they could trust working for them. Vince was disappointed again when the leadership of the White House Counsel's Office went to Bernard Nussbaum.

Key Players: Nussbaum and Ickes

Nussbaum was a royal pain. He epitomized the pushy, abrasive New York lawyer. He issued edicts designed to ensure all meaningful decisions were funneled through the White House Counsel's Office. On the positive side, he did immediately list the scandals the administration must conceal or deflate and assigned them to various attorneys in the Counsel's Office. Vince felt that after the assignments, he had responsibility for the worst secrets of the administration and no authority to resolve the issues. Nussbaum and Hillary always second guessed Vince, and that was not a normal situation for Vince.

If anyone in the White House was more dissatisfied than Vince Foster, it was Harold Ickes. Ickes had saved Bill Clinton from political obscurity. Ickes convinced organized labor to back Clinton after the Gennifer Flowers debacle. More importantly, he convinced the union bosses that they would own Bill Clinton. Ickes parlayed his years of representing New York's most violent organized crime influenced unions into an offer of the White House

Chief of Staff job. Ickes was dismayed when Congressional opposition from both sides of the aisle prevented him from taking the Chief of Staff position. Ickes settled instead for the Deputy Chief of Staff slot.

Conservative political groups that exposed the Clinton scandals kept the Counsel's Office on constant Red Alert. They would not leave Whitewater alone even though it was one of the Clintons' smaller sins. Vince knew that Whitewater was a simple attempt by Jim McDougal to pass a bribe to the then Attorney General, later Governor and now President. Compared to the illegal campaign contributions and Hillary's participation in bank fraud, Whitewater was small potatoes.



THE FINAL DAYS OF VINCE FOSTER

"Most importantly, he had decided to unburden himself; Vince had called the Department of Justice's Office of Government Ethics. His appointment with Justice was two days away, and now that he had made the decision, he felt better already."

"Nussbaum told Vince to relax – that Travelgate would blow over."

Personally, Vince's life was on the upswing. His wife Lisa and the kids had moved to Washington. Vince really enjoyed spending spare moments with the kids. Lisa was comforting in a familiar way. So long as she had shopping to do and receptions to attend, she would be fine. Vince had found someone to satisfy his physical needs. So far, Lisa was not aware of the condo in Virginia. Most importantly, he had decided to unburden himself; Vince had called the Department of Justice's Office of Government Ethics. His appointment with Justice was two days away, and now that he had made the decision, he felt better already.

A few days earlier, Vince had announced his intention to resign from the White House. His family pled with him to reconsider. Further, Vince had also repeatedly asked to let himself take the blame for Travelgate of Bernard Nussbaum. Nussbaum told Vince to relax – that Travelgate would blow over.

There was another Rose Garden ceremony that day – the president was announcing the appointment of FBI Director Louis Freeh. Vince spoke to a number of White House guests; he was outgoing and, by all appearances, happy. Afterwards, he returned to the office and worked until his lunch was delivered. Vince sent two staffers, one after the other, to get his lunch. He conveyed a sense of urgency to having lunch before 1:00 p.m. Before eating his cheeseburger, Vince took the time to remove the onions. He read the newspaper while eating. After eating his hamburger and fries, he left the office within a few minutes of 1:00 p.m. On his way out, Vince told one of the executive assistants he would be back and that she could have the M&M's left on his lunch tray.

Where Vince was for the next three hours remains unknown. Most likely Vince drove to his condo just across the Potomac River in Rosslyn, Virginia. Vince had entertained in the mid-rise condo before. The condo was ten minutes from the White House, ten minutes from the Foster family's rented house and fifteen minutes from Fort Marcy Park.

Fort Marcy Park 4:15 p.m.

Allegedly, a charcoal-gray, four-door, Japanese-made sedan cut across the two lanes of northbound traffic and into the Fort Marcy Park entrance. The sedan was reportedly driven by a white male. No better description was available. The license plates bore blue lettering. The state lettering was said to be in the lower right corner and could have been Arkansas or Ohio.

Patrick Knowlton sat in traffic on George Washington Memorial Parkway. Knowlton was driving north to his country house. He should have used the men's room before starting out. Clearly, the traffic was going to be backed up for some time. When he saw the sign for Fort Marcy Park, he decided to pull off and locate a convenient tree.

Fort Marcy Park is the site of a small, Civil War-era artillery emplacement. Two cannons remained overlooking the river. The park was not a frequent tourist stop. More commonly, the park served as a lovers' lane for local residents. Although originally designed to protect Washington from river-borne attackers, the park is now separated from the river by a strip of private property and Chain Bridge Road.

Mysterious Arkansas Honda Sighted

The clock in Knowlton's car read 4:30 p.m. Two cars were already parked in the small lot. A brown Honda sat empty next to the path leading to Vince Foster's body. A few spaces away, Knowlton saw a dark sedan with someone sitting in the driver's seat. As Knowlton left his car, the sedan's occupant also got out. He was a man with olive skin and dark hair. The man leaned over the sedan's roof, staring intently at Knowlton. Knowlton felt vaguely threatened by this man. When Knowlton turned left, away from the path towards Vince Foster's corpse, the sedan's driver returned to his car.

Knowlton relieved himself against a tree and turned back toward his car. As he walked back to his car, he rounded the rust brown Honda. The Honda bore Arkansas license plates. A dark suit coat visible through the Honda's rear window hung over the back of the driver's seat. Through the passenger side windows, Knowlton saw a briefcase on the passenger seat and two full wine coolers in

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the back seat. As Knowlton restarted his own car, he looked over at the sedan. The sedan's driver was still glaring at Knowlton.

Knowlton pulled out of his parking space and returned to the Parkway. Traffic continued to crawl due to a traffic accident further up the road. A light colored van with lights flashing stopped and allowed Knowlton to rejoin traffic. Knowlton was in Fort Marcy Park for approximately 10 minutes.

A young couple entered the Park at approximately 5:15 p.m. They parked their white Nissan at the far end of the parking lot. When they arrived, the only vehicle in the lot was a tan Honda. They remained in their car for ten minutes before going for a walk in the woods.

At approximately 5:25 p.m., a white van with blue lettering pulls into the parking lot. The driver climbs down and, after looking around the parking lot, takes the path toward Vince Foster's body. He paused at the top of the earthen berm. A dark object lay half hidden by the tall grass and underbrush. Standing six feet from Vince Foster's body, the van's driver smoked a cigarette. When the cigarette was finished, he approached the object in the grass to examine it.

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Vince Foster lay on his back. Blood was visible from his nose and mouth. The van's driver did not see much blood behind the head or any fresh blood. Flies had already gathered at Vince's mouth and nose. The blood had blackened and stiffened. The driver quickly returned to his truck and drove to the U.S. Park Service's Turkey Run Maintenance Yard.

At the Maintenance Yard, he asked two Park Service employees to call 911 and report finding the body. Fairfax County 911 received the call at 5:59 p.m. The dispatcher asked the U.S. Park Police to send a squad car to Fort Marcy Park. By 6:09 p.m., two units from Fairfax County Fire & Rescue Department arrived at the Park. The first U.S. Park Police squad car arrived two minutes later.

Park Policeman Kevin Fornshill drove the squad car that arrived first. The Fairfax County personnel (Pisani, Gonzalez, Hall, Arthur, Iacone, and Wacha) divided up the Park area and began searching for the body. The 911 caller had not described the location of the body. Officer Fornshill saw only Gonzalez and Hall searching to the North. So, Fornshill joined Gonzalez and Hall.

Fornhill was the first member of the search team to locate the body. He did not see a firearm in either of Vince Foster's hands. In later testimony, Fornhill recalled that both hands were palm up and both arms were straight down at Foster's sides. Fornhill says he did not approach the body but called to the Fairfax County personnel.

Captain Hume, also of the Park Police, later called into question Fornhill's assertion that he had not moved the body. The Senate Whitewater Committee questioned Captain Hume regarding the matching blood stains on Vince Foster's cheek and shirt. Hume suggested that officers sometimes move corpses in the excitement of the moment or to check for a carotid pulse. The carotid artery runs from the heart to the head along the side of the neck. Hume concluded that a patrolman would lie about violating department policy against moving a corpse.

Evidence of Tampering with the Body

Fornhill later recalled that a paramedic told him that the corpse held a gun. The sole photograph released from the scene shows Vince Foster's hand facing down with a revolver hooked on his thumb. One paramedic testified that Foster's hands faced upward. The unnamed witness who first discovered the corpse also testified that Foster's hands faced upward. Richard Arthur, another Fairfax County EMT, told the FBI he definitely saw an automatic pistol of approximately .45 caliber in Foster's right hand and partially under Foster's thigh. The leaked photograph gives the impression that the revolver clearly shown may have been partially beneath Foster's thigh. The likelihood of Foster's placing any pistol under his thigh without assistance is nil.

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Discrepancies in eyewitness testimony are to be expected. Contrary to Perry Mason and other portrayals of defense attorneys, eyewitnesses are neither crucial to a case nor very helpful. The much maligned circumstantial evidence is more conclusive if available in quantity. Each documented circumstance which narrows the field of suspects draws the investigator toward the inevitable truth. Eyewitnesses, on the other hand, always make mistakes. The more eyewitnesses to an event, the less consistent the reports will be. The many differences between various eyewitness accounts from Fort Marcy Park are normal. The critical task is to glean and test the consistent observations for consistency with the physical evidence.

EMS Sergeant Gonzalez was called to Foster's body and made a preliminary examination. Sergeant Gonzalez, who is not trained in forensic science, radioed in that the body was an "obvious suicide with gun." When Park Police Investigator Rolla arrived, he was informed by Park Police personnel that an apparent suicide with the gun in hand was found by the second cannon. Those early judgments would cloud the remainder of the investigation.

"When the corpse was located and determined to have died from unnatural causes, an investigative routine should have taken over. The routine in possible homicides is well known and taught universally. The Park Police personnel were trained and should have automatically reverted to routine."

Standard Procedure for Homicide Not Used

When the corpse was located and determined to have died from unnatural causes, an investigative routine should have taken over. The routine in possible homicides is well known and taught universally. The Park Police personnel were trained and should have automatically reverted to routine.

The standard routine begins with sealing off the crime scene. If ancillary crime scenes are known to exist or are later discovered, they must also be sealed and searched. Before anyone is admitted to the crime scene that person's name, function and arrival time is recorded by the officer posted at the entrance. When that individual leaves the crime scene, his or her departure time is also recorded.

The Park Police closed the gate to Fort Marcy Park's parking area. In addition, the Park Police taped off a 100-foot square around the corpse. Officers should have been posted at each entrance to the crime scene. The record does not reflect the closing of the three pedestrian entrances to the park.

Cars Seen at Park Not Identified by Police

When the Park Police closed the gate into the Fort Marcy Park parking area, only two civilian cars remained: Vince Foster's and a white Nissan. The white Nissan was driven by a man and a woman. The couple was walking in the southern portion of the park when Foster's corpse was located. They each reported seeing a third vehicle in the parking area when they arrived at the park, however, they gave dissimilar descriptions of the vehicle. The recollections of the Fairfax County personnel and Park Police officers similarly varied on the number and description of vehicles. The only viable conclusion which can be drawn from the conflicting descriptions is: at least one other passenger car was present at the park. Neither the Park Police nor the FBI ever identified that car or cars.

Other witnesses' descriptions also conflicted with the description given by Patrick Knowlton. Although a Honda Accord with Arkansas plates was in the parking lot, Knowlton maintains that it was not Vince Foster's Honda Accord with Arkansas license plates. Nevertheless, a suit jacket was hung over the driver's seat, a briefcase was on the passenger's side floor, and two wine coolers were in the back seat. Assuming, as Knowlton asserts, that a menacing individual, a lookout, was stationed at the Fort Marcy parking lot, why would a gang of conspirators construct a scene in another car which would have to be reconstructed in Vince Foster's Honda? That behavior would not be consistent with an otherwise professional disposal of Foster.

Procedures for Homicides

Any person not having official business at a crime scene is barred from entering. This includes police officers not required at the scene. In truth, police officers do more destruction to crime scenes than any other class of persons. The destruction is generally inadvertent. The exception is the officer who removes something valuable or a souvenir. In a majority of cases, unnecessary officers trample evidence or bring false evidence to a scene such as fibers or soil.

When a scene is protected, the supervising investigator establishes a grid or reference point for the evidence search. A grid may be laid out with string dividing the crime scene into discrete squares. In large exterior spaces, a reference point is frequently preferred. The reference point should be a fixed object. Each piece of evidence is mapped onto a crime scene sketch. When using the reference point system, a compass bearing is taken between the reference point and the location of each piece of evidence. The distance between the reference point and the piece of evidence is then recorded on the crime scene sketch. The purpose of these systems is to clarify the events leading up to the death and to permit the reconstruction of the crime scene for a jury review or other review.

The documents made available from the Park Police do not include a detailed crime scene sketch. Investigator Rolla described the scene in the investigative reports, however, the description fails to specify the location of items mentioned in various witness statements. The most important missing items are: the exit wound plume, the footprints near the corpse, and the footprints between

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the parking area to the corpse. Even on hard packed dirt paths, the heels of a two hundred-pound man will leave some impression, if he walked to his resting place. If he was carried, there should have been impressions. If the space between the parking area and corpse is too heavily used to preserve footprints, that should be included in the reports.

Disappearance of Crime Scene Photographs

The corpse is searched when the medical examiner arrives. The corpse is first photographed in place to record its position. Aspects of the corpse are also photographed to capture specific items of evidence such as injuries, damage to clothing, lividity, condition of the hands and objects adjacent to the body. The corpse is rolled to reveal items of evidence obscured by the original position of the corpse. Photographs are taken of items of evidence revealed by rolling the body. The corpse's clothing is searched for identification, possession of valuables, contraband and other evidence.

"Additional Polaroid photographs disappeared from the police station. Investigator Rolla searched Foster's clothing but did not find Foster's car keys."

The Park Police did photograph the corpse in its original position and in the rolled position. Many of these photographs were underexposed. Additional Polaroid photographs disappeared from the police station. Investigator Rolla searched Foster's clothing but did not find Foster's car keys. The observations of Rolla and Dr. Haut at the crime scene are contradictory. Consequently, the loss of the photographs is all the more troublesome.

After the body is removed, the crime scene is combed inch by inch for clues. Each clue is mapped onto the crime scene sketch and preserved by photography, bagging or casting. Each item of evidence is logged and secured for transport to the lab or holding area.

The Bullet that Wasn't There

The Park Police did do a limited grid search of the crime scene. Their specific goal was to recover the bullet. The Park Police did not recover the bullet. Two subsequent searches by the FBI also failed to find the bullet in Fort Marcy Park.

Trajectory of Missing Bullet

If a bullet was fired into Foster's mouth in Fort Marcy Park, the bullet must land within a relatively confined area. The FBI ballistics report omits the weight of the bullet and powder taken from the remaining cartridge. The maximum range of the cartridge can only be determined from the length of the pistol barrel, the type and weight of powder and the weight of the bullet. For a typical factory loaded cartridge with a 185-grain bullet, the maximum range on a calm day and level terrain could be 1,000 yards. At that range, the bullet would drop to the earth without injury. Effective range, which implies the ability to penetrate solids, is much shorter. The density of trees in Fort Marcy Park makes the shorter effective range the practical limit. Maximum effective range assumes that the bullet has retained aerodynamic shape and is rotating around the bullet's long axis.

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The range of a bullet penetrating Vince Foster's head is much shorter. Passage through solids tends to deform bullets, flattening the bullet's nose and impairing the bullet's aerodynamics. Lesser aerodynamics requires greater energy consumption which shortens the range of travel. Once a bullet impacts a dense solid such as the human skull, the bullet will typically begin to tumble along the bullet's short axis. Tumbling further reduces aerodynamics and range of travel.

The angle of the incline at which the pistol is fired also affects range of travel. The steeper the incline the shorter the range of travel. The autopsy report tells us that the entrance and exit wounds were both on the mid-line of the skull. The exit wound was 4.5" above the entrance wound. The entrance wound was approximately five inches in front of the exit wound. Therefore, the angle of incline was slightly less than 45 degrees.

Absence of Bullet Contradicts Administration Theory

Under the administration's theory, the corpse fell straight back with the arms neatly at the corpse's sides. The corpse's reported position indicates that if the shot was fired where the corpse was found, the pistol point of aim did not deviate significantly from the mid-line of the skull. Further, Foster had not cocked or turned

his head to one side. The point of aim could be confirmed by the direction of the plume of biological material expelled with the bullet. The point of departure from the wound is determined by measuring a distance from the bottom of the corpse's buttocks to the height of the exit wound. The distance above the tree root on which the Park Police found the corpse provides an apex point. From that point, a 45-degree angle can be projected on the area bounding the crime scene. The net result of the calculation is a relatively confined search area almost exclusively within the limits of Fort Marcy Park. The failure to find the fatal bullet within that area strongly suggests Foster did not die within Fort Marcy Park.

After the Park Police conducted a two-hour magnetometer assisted search, the FBI reportedly conducted two searches on separate dates. The FBI did find bullets not found by the Park Police, but according to the FBI lab, none of the bullets found could have been fired from the pistol found with the corpse.

Residents Near Crime Scene Not Questioned

"There is no indication that the Park Police interviewed residents of the residential area 100-200 yards from the crime scene. Whether or not residents in the area heard a gunshot that afternoon is material. Apparently, no effort was made to locate the volunteers who were clearing trails in the park that day."

Hopefully, the investigator has sufficient resources to begin a canvass while conducting the crime scene search. The canvass attempts to identify any persons in the vicinity at the time of death. The Park Police conducted (based on the records available under the Freedom of Information Act) a very limited canvass. They questioned a couple who had stopped in the park, a female jogger and the emergency response personnel still on the scene. There is no indication that the Park Police interviewed residents of the residential area 100-200 yards from the crime scene. Whether or not residents in the area heard a gunshot that afternoon is material. Apparently, no effort was made to locate the volunteers who were clearing trails in the park that day.

Second-Hand Info Basis for Early Suicide Ruling

Fairfax County Medical Examiner Donald Haut, M.D. and Investigator Rolla turned Vince Foster's corpse up onto its side. They saw the exit wound at the rear of Foster's head. Rolla told Haut that Foster had been found with a pistol in his right hand. Based on information provided by Investigator Rolla, Dr. Haut determined that the death was a suicide. Rolla removed Foster's pager, watch, and two rings. He searched Foster's pockets but did not find any car keys. Rolla found the keys in Foster's right-hand front pocket after a much later second search at the morgue.

Clinton Staff Access Body Between Searches

Between Investigator Rolla's two searches, Director of White House Security Craig Livingstone and White House Counsel William Kennedy had access to Foster's still clothed corpse. Rolla is an experienced investigator, who has frisked living and dead bodies many times. The front of Foster's trousers was not bloody and nothing prevented a thorough search at Fort Marcy Park. If the keys had been present at the Park, Investigator Rolla should have found them.

Craig Livingstone is the Clinton operative who worked for James Carville's "dirty tricks unit" in the Pennsylvania Senatorial special election campaign and the 1992 Clinton-Gore Presidential Campaign. Livingstone managed the Clinton's illegal use of thousands of FBI background files. He resigned from the White House before taking the Fifth Amendment during Congressional testimony. Most recently, he has been working for the Democratic Party in the Midwest.

William Kennedy was the Rose Law Firm managing partner who engineered fraudulent nursing home transactions in Arkansas and Iowa for the Stephens family and others. Kennedy also brought the FBI and the IRS into the Travelgate fiasco. Foster was still trying to quiet the Travelgate matter at the time of his death. Bill Clinton had condemned Kennedy's nursing home scam while governor, but still trusted Kennedy enough to appoint him Associate White House Counsel.

Rolla was appropriately concerned about the car keys. If the keys were not present at Fort Marcy Park, Foster's death could not be a suicide. Corpses do not drive themselves to the Washington suburbs.

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BASIC QUESTIONS LEFT UNANSWERED

As the lead investigator conducts the crime scene search and canvass, he or she is looking for answers to simple questions. The simple questions may lead to more complex questions but the investigation always begins with the simple questions first. Who is the decedent? How did the decedent arrive at the crime scene? Who else was at the crime scene? Where did the decedent come from?

"Neither the Park Police nor the FBI has advanced an explanation for how Foster spent the two or three hours immediately prior to his death."

The Park Police identified Foster based on his driver's license. His driver's license was found in his wallet inside his car. The insurance identification card, also inside the car, identified the car as belonging to the Foster family. Foster's White House pass was also found in the Fosters' car. From these documents alone, the Park Police knew the death was potentially an interstate crime within the jurisdiction of the FBI.

The Park Police could not determine where Foster had come from or how he arrived at the crime scene. The Park Police assumed he drove his own car to the scene. Neither the Park Police nor the FBI has advanced an explanation for how Foster spent the two or three hours immediately prior to his death. According to the forensic pathologist, Dr. Beyer, Foster's lunch had been in his stomach two to three hours before death. Lisa Foster said Vince had not been home in that period. The examination of the Foster car did not reveal any purchases or other acquisitions. He was not shopping, at home or at work.

Vince was alive and out of sight until at least 3:00 p.m. He had removed the onions from his cheeseburger as though he intended to be in close contact with someone.



THE SUICIDE THEORY

Investigatively speaking, all death investigations should be handled as homicide cases until the facts prove differently. The resolution of the mode of death as suicide is based on a series of factors that eliminate homicide, accident and natural causes of death.¹

Vince Foster did not die of natural causes. Foster died from one or more bullet wounds to the head. Everyone agrees to that much. A pistol was found, at some time, near the corpse. The pistol could have fired a fatal shot into Foster's head. Beyond those few bare facts, complete agreement on the cause and course of death is impossible. Too much evidence is missing and much of the evidence has been destroyed. The remaining evidence is contradictory. Contradictions are normal in investigations. The investigator looks for those items on which the majority of credible witnesses agree. The investigator then looks for recurrences of those items or likely misinterpretations of those items.

Dr. James Beyer, Deputy Chief Medical Examiner for Northern Virginia, conducted the autopsy on Foster's corpse. Contrary to the FBI lab's findings, Dr. Beyer noted "abundant powder debris in the mouth at the entrance site." Dr. Beyer claimed that most contact wounds are self-inflicted and concluded that Foster's death was a suicide. While the probabilities may be on Dr. Beyer's side, a contact wound (even inside the mouth) does not establish the existence of suicide. The best evidence of suicide is the decedent's mental state as reflected in his speech, actions and writings.

Vince Foster's Torn Note

Vince Foster may have left one unexplained writing behind. The now notorious note was allegedly recovered from the bottom of Foster's top opening briefcase. The note had apparently been torn into 28 roughly rectangular pieces. When the pieces were discovered, a portion of the note was missing. That portion remains missing. Lisa Foster identified the note as an outline Vince had

¹Vernon J. Geberth, *Practical Homicide Investigation* (Elsevier, New York 2d ed. 1990).

written for his testimony before a Congressional Committee on Travelgate. The note had been crumpled up before being torn. Foster was in the habit of crumpling waste paper, not tearing it. The note read as follows:

I made mistakes from ignorance, inexperience and overwork

I did not knowingly violate any law or standard of conduct

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no intent to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up illegal benefits they received from the travel staff

The GOP has lied and misrepresented its knowledge and role and covered up a prior investigation

The Ushers Office plotted to have excessive costs incurred, taking advantage of Kaki and HRC

The public will never believe the innocence of the Clintons and their (loyal/legal) staff

The WSJ editors lie without consequence

I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport.

"The note, particularly at the end, drips with self-pity but it is not a suicide note."

Torn Note Not a Suicide Note

The note, particularly at the end, drips with self-pity but it is not a suicide note. A careful review of hundreds of suicide notes derived five types of statements that strongly indicate suicidal intent and are not common to non-suicidal writings.

1. In the suicide note, the person communicates flight from one of the following: pain, incurable disease, the threat of helplessness, senility, a violent death; from anticipated rejection or fear of becoming dependent; or from self-depreciation, feelings of sexual or general inadequacy, humiliation, unknown danger. However, the suicide does not appear to be caused only by such a single thing; other motives appear to be evident.

2. In the suicide note, the following emotional states are evident: pitiful forlornness, deprivation, distress and/or grief.
3. In the suicide note, the person communicates evidence of adult trauma (e.g., poor health, rejection by the spouse, being married to a competing spouse).
4. In the suicide note, the person communicates ambivalence; (e.g., complications, concomitant contradictory feelings, attitudes and/or thrusts).
5. In the suicide note, the communications suggest that the person's personality organization is not adequately developed and narcissistic.²

Foster's Behavior Not Suicidal

Foster's note rejects flight from the identified trauma of Travelgate. Instead, Foster's note strikes a combative tone. The last line of Foster's note does give in to self pity but not a helpless forlornness. Foster's note does not confess his trauma or injury. The note does not reflect ambivalence over his situation. To the contrary, he strongly indicates a desire to be rid of Washington. The note was written by a personality that was not immature or self absorbed. Instead, the note reflects concern about the Clintons, Kaki and other staff members. By the common indicators, the note is not a suicide note. Whether the note is really in Foster's handwriting, speaks rather to obstruction of justice, not the issue of suicide versus homicide.

The overwhelming majority (85% or more) of suicides gave earlier clues and had prior diagnosable mental disorders. The clues may include statements such as "I wish I were dead" or nonverbal acts such as giving away keepsakes. None of Foster's family members or his co-workers reported any such clues. After initial denials, the White House did suggest that Foster had been depressed or quiet in the week or two before his death.

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²Antoon A. Leenaars, Ph.D., *Suicide Notes: Predictive Clues and Patterns* (Human Sciences Press, New York 1988).

"Impulsive suicides do not put a pistol into their briefcase before leaving for work. They do not make sure the pistol is loaded. They are unlikely to search out a quiet location to commit suicide."³

The minority of suicides (10%-15%) which lack early warning signs are impulsive. These impulsive suicides lack the sequential acts common to premeditated suicides. An impulsive suicide would involve jumping in front of a car or shooting themselves with a weapon which was convenient. Impulsive suicides do not put a pistol into their briefcase before leaving for work. They do not make sure the pistol is loaded. They are unlikely to search out a quiet location to commit suicide.³

Foster's behavior in the days leading up to his death did not indicate a premeditated intent to take his own life. Foster planned to see his sister the day after his death. He made tentative plans to return to the Maryland shore the next weekend with family and friends. At the same time, the Clinton administration's theory of death negates an impulsive suicide. Neither Foster's actions, speech nor writings support a suicide theory.



³See generally, Robert E. Litman, M.D., "Psychological Autopsies," *Mental Illness and Intention in Suicide*, THE SUICIDE CASE (American Bar Association, Chicago 1988).