

(19 pages)

MR. GREGORY SALI - Room 1108

A Special Report on the Fiske Investigation
of the
Death of Vincent W. Foster, Jr.

By Christopher Ruddy

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As a reporter for *The New York Post*, I authored a series of articles on the death investigation of Vincent W. Foster Jr., former deputy White House Counsel.

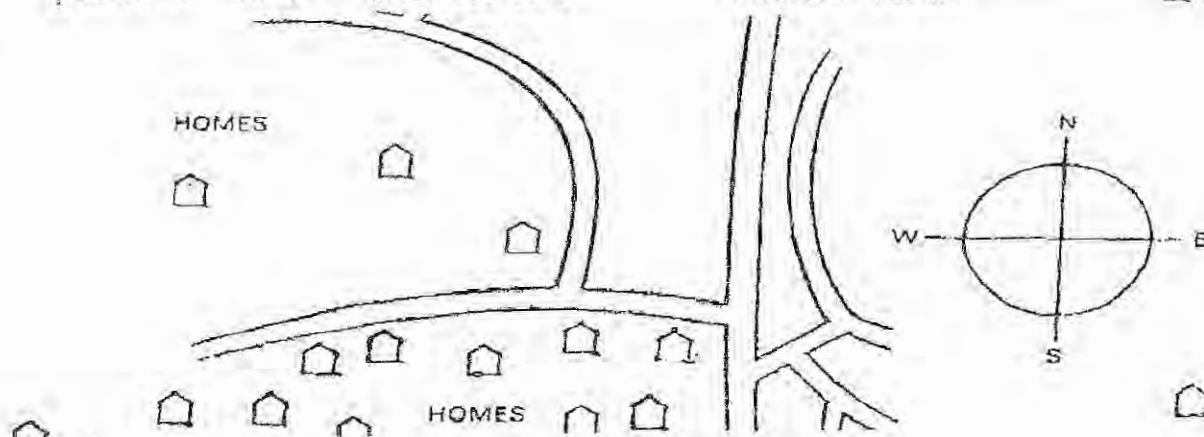
Since the release of the Fiske report of June 30, 1994 on the Foster death investigation, I have received a number of requests for comment. Herein lies my detailed analysis. I have chosen to produce this information in this manner since a newspaper format would be inappropriate, and the pending hearings make this information timely and important.

Christopher Ruddy
July 18, 1994

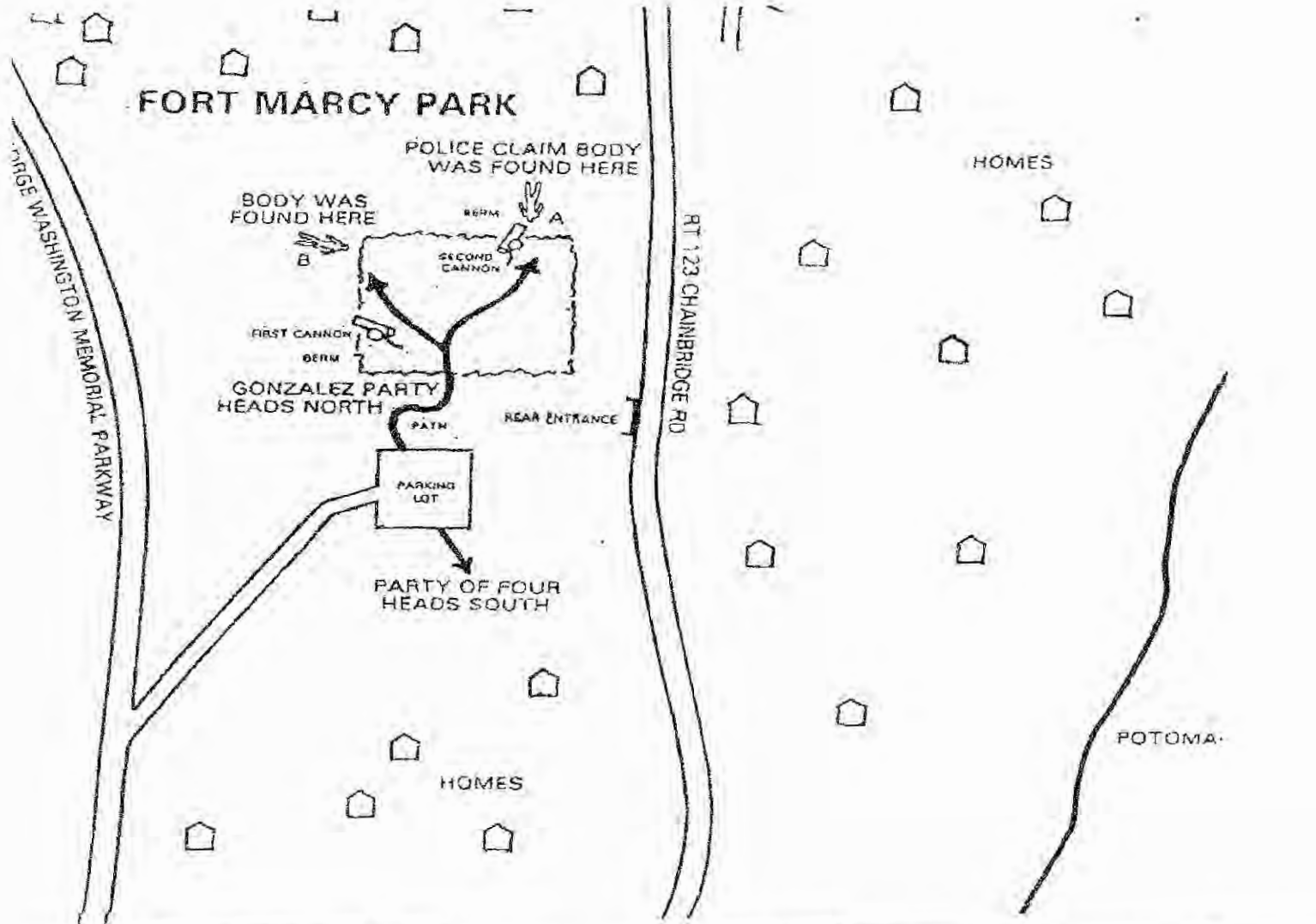
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"Stretch your talents, grasp beyond the closest branch, take a risk, stick your neck out, speak your mind, challenge the status quo and conventional wisdom. Do not just accept responsibility. Chase it down."

--Vincent W. Foster, Jr. May 8, 1993, Commencement Address, University of Arkansas Law School

THE COVER-UP

When Sgt. George Gonzalez, a lead paramedic, reported for duty to cover for an absent member of the Fairfax County (Va.) Fire & Rescue Station No. 1 on July 20, 1993, little did he know that fate would make him privy to one of the biggest cover-ups in American history.

For just a couple of hours into that sweltering evening, Gonzalez, and at least 20 other officials, would have intimate knowledge of the spot where Vincent Foster's body was found in Fort Marcy Park -- and the subsequent knowledge that the Park Police participated in a cover-up by changing the location, in their official reports, by a couple of hundred feet.

What Gonzalez and his fellow officials know could incriminate many of the federal officials involved in investigating the death of Foster, then deputy White House Counsel. There is powerful evidence that these officials obstructed justice by:

- issuing false reports.
- lying to the press and public.

- committing a number of other federal offenses, including intentionally misleading Special Prosecutor Robert Fiske, his staff -- and the FBI.

Revelation of this cover-up would also seriously impugn the credibility and legitimacy of the U.S. Park Police, whose forensic and physical evidence constituted a major part of the Special Prosecutor's report on the cause of Foster's death.

Late on a January night six months after Foster's death, Gonzalez detailed the circumstances of his death to this reporter; this unrehearsed testimony remains the most comprehensive, accurate and honest account of what happened at Fort Marcy Park in McLean, Virginia, following a 911 call reporting a lifeless body in that park.

In reviewing my notes of that interview, I noted that Gonzalez's recall of details was sharp. He remembered, for example, a Mercedes standing at the park's entrance with hazard-lights blinking -- something a police officer who followed him into the

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park couldn't remember, even though the Fiske report confirms Gonzalez's account. And Gonzalez vividly recalled the two small cars in the parking lot.

And Gonzalez's description of the crime scene -- the highlight of my first major article on the event in *The New York Post*, which is generally acknowledged to have prompted the broadened probe by Special Counsel Robert Fiske into Foster's death -- parallels the findings of that probe, as follows:

- Foster's body lay on the side of a hill, face-up.
- He wore suit pants, a dress shirt, but no tie or jacket.
- The top shirt was unbuttoned.
- A trickle of blood emanated from the side of the mouth.
- Flies were buzzing around his eyes and orifices.
- A gun was in his right hand.
- Every limb was straight, as if Foster was "ready for the coffin," in Gonzalez's words.

Everything Gonzalez said was in agreement with Fiske's findings - except for two all-important details: the body's location, and who discovered it.

Gonzalez and the Fiske report are in agreement that at approximately 6 p.m. on July 20, 1993, Gonzalez's paramedic unit, consisting of himself and two other rescue workers, arrived at the parking lot of Fort Marcy Park, followed closely by Officer Kevin Fornshill of the Park Police. A Fairfax County fire truck carrying three other rescuers also arrived.

The rescuers quickly separated in the lot: Gonzalez, Fornshill and Todd Hall of Gonzalez's unit, took a looping northeast trail of the park; the four others took the south trail through dense brush and woods, moving away from the fort.

Gonzalez's testimony and the Fiske report are in agreement that Gonzalez moved quickly up the park's northeast trail, a distance of about 200 feet, and entered the main clearing of the historic fort around which the park was established. Here, in the fort, there are two cannons, and Gonzalez came upon the first one and searched to the left of it, while Fornshill and Hall probed on the other side of the clearing.

Here we come to the part where Gonzalez's original account to me differs from what he subsequently told Fiske's staff.

Picture Fort Marcy, a small parcel of land wedged between two

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north-south thoroughfares: the George Washington Parkway on the west and Chainbridge Road on the east. Close to Chainbridge Road in the middle of the parcel, the wooded land rises to form a roughly squarish plateau measuring a few hundred feet in length and width; this is the original fort, one of a number that Pres. Lincoln authorized as a bulwark against attack of the Capital during the Civil War.

On two sides of this tiny fort the land falls away sharply, forming steep embankments, sometimes called berms. During the Civil War, numerous cannons sat perched overlooking the berms, giving the defenders maximum effectiveness. Again, only two of

description of the body and its location. He told me the body was well past the first, west cannon, motioning with his hand, as he indicated the body was not near the cannon. He, too, described Foster's feet as pointing toward the parkway.

If Foster's body was lying on the berm by the first, west cannon, it would be on an east-west alignment, with the feet pointing toward the parkway several hundred feet west.

If, on the other hand, it was where the Park Police and Fiske officially locate it, it would be on a north-south alignment, with the feet pointing north toward woods and an out-of-sight development of homes.

More unrehearsed testimony corroborates Gonzalez's original account and that of the above-cited unnamed Park Police Officer. Kory Ashford, an EMS technician who arrived before nightfall at 8:45 p.m. to place Foster's body in a body bag, claimed he didn't even remember seeing a cannon -- which is consistent with the fact that if Foster's body was where Gonzalez originally had it, the first, west cannon would have been off to the side -- out of Ashford's direct line of sight -- as he made the path from the

These Civil War era cannons remain.

The first sits in the southwest corner of the square closest to the park's parking lot. The other rests in the opposite, northeast corner, hidden by brush and earthen mounds. They are referred to in the Fiske report as, respectively, the "first" and "second" cannon.

In that January interview, Gonzalez told me he moved past the first, west cannon and found nothing. But as he moved "at least 20 feet" along the west berm that the cannon overlooks, he came upon the body, lying on the berm itself. (This spot is now wildly overgrown because the park's grounds have not been maintained, as the main entrance to the park has been closed since December.)

But the Fiske report locates the body directly in front of the second, north cannon -- a couple of hundred feet away.

Moreover, Gonzalez told me that upon discovering the body, he shouted to the two other searchers on his team, who, he said, were still in sight. That precludes them from being by the second, north cannon, which, as indicated above, was not visible from that spot.

Gonzalez told me he moved down the berm and checked Foster for life signs, closely examining his eyes and then his fingers, to see if they were cyanotic (pooling blood). They were. Foster was dead. And Gonzalez emphasized -- keep this detail in mind -- that it's important never to assume death but to carefully verify it.

The Fiske report has a significantly different version of the discovery, stating that "Officer Fornhill was the first to arrive at the body." And the location is given as approximately 10 feet in front of the second, north cannon.

The Fiske report has Gonzalez arriving after the two others had found the body. It then states that Todd Hall probed for life signs by checking Foster's pulse. Hall "found none," the report states.

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Gonzalez now claims he never saw Hall check the pulse, but just assumed Foster was dead. He, the lead paramedic -- who, remember, had emphasized to me the necessity of verification -- now says Foster's condition was "obvious."

Cannons flip-flopped. Which version is true?

The evidence supports his original contention that the body was down the berm from the first, west cannon, a couple of hundred feet from where the Fiske report had it.

This is not a matter of verbal confusion; Gonzalez backed up his account of the events by drawing a map and sketching out in my notebook several diagrams of the scene. The map details the looping trail from the parking lot to the fort's main clearing, a distance of about 300 feet. He marked the cannon he saw as he moved to the left. He drew his path past the cannon some distance and marked an "x" as the point at which he found the body. He clearly stated the body was *not* in front of the cannon, and remembered such a seemingly insignificant detail as a curve-shaped hollow at the top of the berm, which he drew in my notepad.

Gonzalez drew a picture of what he thought was a little used, brush-filled pathway down the berm where he said Foster's body was lying. He also drew a cross-section of the body on the berm, indicating that the feet of the body were pointed toward the George Washington Memorial Parkway, which runs parallel to the berm.

A Park Police officer present at Fort Marcy that night, speaking on condition of anonymity, corroborated Gonzalez's general description of the body and its location. He told me the body

clearing's entrance to the body. Were the body where the Fiske report had it, it is difficult imagining Ashford wouldn't have noticed the cannon, since it sits prominently over the berm where the body supposedly was.

The location of the body is disputed only because the Park Police curiously omitted what every death investigation requires: key crime scene photographs.

In my March 7 *New York Post* article, I noted that the Park Police had failed to take a "crucial crime scene photograph," or series of photos that would depict the entire crime scene, including shots of the *whole body and its surroundings*, as well as "relationship photos," pictures that would show where the body was relative to such landmarks as a cannon or the deceased's car, which was found in the parking lot.

"It's extremely important in an investigation (to have such photos) because it shows the body's position and other patterns which can never be re-created," said Vernon Geberth, a former lieutenant commander of New York City's homicide division. Geberth, author of the authoritative police text "Practical Homicide Investigation," noted that such indispensable photos, for one thing, allow police to re-create the scene of death and establish if homicide was staged to look like suicide.

That *Post* article was widely misinterpreted as stating the police had no photographs; this was not the case. The Park Police have claimed that these photos were taken, but the film was not properly developed. The Fiske report noted that 35 mm shots were taken -- but they were "underexposed."

In the absence of these crucial photos, the police took 13 Polaroid photos, which show only close-up shots of Foster's body, according to a source who has seen them. One of these photos was leaked to ABC News; it showed Foster's right thumb inserted into the trigger guard of a .38 Colt lying next to his thigh. The photo also shows *thick quantities of vegetation* around the gun, hand and body.

This photo, as well as some that were not released, corroborates Gonzalez's original statements of the location of the body and undermine the Fiske report. The path on the berm directly in front of the second, north cannon is *devoid* of vegetation, and the sides of the pathway, where Foster's arm was supposedly reclined, has only small amounts of vegetation and foliage -- a condition inconsistent with the photos.

In early April, Fiske's staff excavated for a bullet in the place where they believe Foster's head lay, which was directly in front of the cannon. But film footage of the berm taken prior to the excavation indicates the path had no real foliage, and little plant growth on either side.

"The post-mortem findings demonstrated in this case are typical and characteristic of such findings in deaths due to intentional, self-inflicted intraoral gunshot wounds."

The pathologists documented several critical findings based exclusively on Beyer's notations: that there was no sign of a struggle or injury on Foster's body; that the bullet path described by Beyer was accurate in that it passed through Foster's brain stem and out the upper-rear of Foster's head, disabling the brain stem and causing instantaneous death (clinical death followed shortly after) with cardiovascular activity ceasing immediately; and that toxicology tests were accurate, and no drugs had incapacitated Foster. [Fiske's Independent Pathology team stated that Foster's brain stem was disabled by the bullet, causing his heart to cease pumping promptly. But pathologists I consulted indicated the heart, operating on an independent electro-impulse system, does not cease pumping simply because the brain stem is disabled. Disabling the brain stem immediately stops lung activity, as the lungs are controlled by the brain. The heart is oxygen sensitive, and deprived of oxygen, the heart ceases pumping typically anytime from 30 seconds to two minutes after the bullet is fired. In other words, Foster's heart should have pumped more than several times after the shot was fired, causing blood to gush out of the entrance wound onto his mouth, face and shirt. Greater blood loss would have been expected from the exit wound at the rear of the head.]

Two critical issues -- the legitimacy of the Park Police's original investigation and the integrity of the autopsy report -- seriously undermine the credibility of the Fiske report on Foster's death. Despite the blatant discrepancies pointing to a cover-up, there has been, to-date, no indication that Fiske is taking any of the normal steps to resolve the case, such as exhuming the body or using subpoena power.

OTHER PROBLEMS IN FISKE'S FINDINGS

The Fiske report raises, and either casually dismisses or ignores other serious questions:

1. According to the evidence, Foster's head had to have assumed four distinct positions after his supposed instantaneous death. (The pathologists believe Foster's heart stopped almost immediately, which would explain the lack of visible blood on the front of his body.)
 - a) There was a bloodstain on Foster's right cheek, presumably from touching his shirt, which the report said was blood-soaked in the shoulder.
 - b) The report said the head was tilted slightly to the right because blood tracks had run from the right side of his mouth and nose.

and I cannot understand how any competent forensic pathologist would miss it," said Dr. Harry Bonnell, who reviewed the case. Bonnell is chief deputy medical examiner of San Diego, Calif. "It is a classic 'defense' wound suffered while trying to avoid (a) knife" attack.

Beyer admitted, during an interview with me, that he saw the cut, and that he failed to note it. He said it was "consistent with a needle mark " (Would, say, a needle mark on Foster's body have been important enough to note?)

Bonnell also challenged Beyer's assertion that Easley could have stabbed himself, noting that the trajectory of the knife was "inconsistent" with a self-inflicted wound.

In the other case -- one that has striking parallels to the Foster matter -- Beyer ruled that 21-year-old Tommy Burkett's death was "consistent with a suicide."

Burkett, like Foster, was found dead of an apparent gunshot through the mouth. After Burkett's survivors noticed that Beyer had failed to note a "bloody and disfigured ear" on his autopsy, they had the young man's body exhumed for a second autopsy, which was performed by Dr. Erik Mitchell, former chief of pathology for Syracuse, N.Y.

Mitchell found not only trauma to the ear, but other crucial evidence that Beyer had failed to note: a fractured lower jaw, which indicated the deceased may have been beaten first. That second autopsy also revealed that Burkett's lung had not been dissected, as Beyer claimed in his report.

Beyer, in several interviews with me, emphasized that the U.S. Park Police ruled the death of Foster a suicide. He did not.

His autopsy report doesn't say that the wound was self-inflicted, rather the cause of death is simply stated: "Perforating gunshot wound mouth-head."

Nevertheless, Beyer's report is the basis for Fiske's independent pathology report -- signed off by four prominent pathologists:

Fiske did in fact impanel two grand juries: one in Washington, one in Little Rock. *But neither the Washington nor the Little Rock grand juries heard testimony concerning Foster's death investigation.*

Fiske, in his report, tells of extensive interviews his office conducted. And a footnote to that section attempts to justify his not using the grand jury in the way Geberth thinks it should have been used: It maintains that if those interviewed gave false answers to his FBI staff, they "would be prosecutable under Title 18, United States Code, Section 1001."

Section 1001 states that intentional lying or misleading federal investigators, such as those of the FBI, is a prosecutable offense. However, experts say, that code is rarely invoked and carries little practical weight.

"Thousand and one (Section 1001) is very, very, very, very seldom used," noted William F. Roemer, Jr., a 35-year FBI veteran who headed the Bureau's Organized Crime Strike Force in Chicago and is the FBI's highest decorated former agent. "I have never heard it applied. We never observed it."

"If Fiske had the power (of subpoena) and he didn't use it, something could be inferred from that," Roemer added, "I would certainly use the hammer, because sworn testimony is a powerful lever -- to put witnesses before a grand jury with the threat of perjury charges hanging over them."

"On the surface, it appears there could have been a lot of disinformation given (Fiske's investigators)," Wheaton added, agreeing with Roemer on the need for using a grand jury. Wheaton, who has read the Fiske report, suggested that using sworn testimony would lessen the possibility conflicting information might have been fed to the investigators to confuse them.

THE CORNERSTONE OF THE INVESTIGATION

Fiske's conclusions that Foster committed suicide rely heavily on an autopsy performed by the Virginia medical examiner, Dr. James Beyer, shortly after the body was discovered.

Incredibly, 91 pages of Fiske's almost 200-page report are resumes trumpeting the qualifications of Dr. Beyer's medical and pathology team. The actual report on Foster's death is only 58 pages. Even more incredible, the one resume that really counts is absent: that of Beyer himself.

A number of newspapers, including *The New York Post*, *The Washington Times*, and several Virginia newspapers, have seriously challenged Beyer's credentials and abilities.

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Beyer, 76, has been under fire for two "suicides" he ruled on; in one case, medical evidence suggested the deceased had been attacked, and in the other case someone later actually confessed to killing the deceased.

That confession came about after the family of 21-year-old Tim Easley challenged Beyer's findings that the young man had taken his own life. At his funeral, the family noted and photographed a cut on Easley's hand that Beyer had not noted on the autopsy report.

"The cut on the hand is definitely ante mortem (before death), and I cannot understand how any forensic..."

A transcript of the 911 call quotes the park worker: "There's ah, ah, have, ah, ah, this is, is a body, this guy (CW) told me was a body laying up there by the last cannon."

The park worker repeated: "The last cannon gun."

Walking from the parking lot, the second, north cannon is the "last cannon." CW gave the wrong location of the body, which was by the first, west cannon.

If Foster's death was not a suicide, CW, by placing the body in the wrong location, would become a prime suspect for the police.

FISKE AND THE TRUTH

The facts about this case are not elusive; over 20 Park Police and Fairfax Fire & Rescue personnel are aware of the location of the body.

Yet the weighty "Report of the Independent Counsel in re Vince Foster, Jr." does not contain the truth. Why?

For one thing, many of those present at Fort Marcy Park that night were probably not even asked about the body's location. And of those that were, perhaps they believed that telling the truth wasn't all that important on this seemingly minor point.

But there was a way that Fiske could have gotten to the truth on this "minor point."

"If they (Fiske's staff) were suspicious, it would amount to putting people under subpoena before a grand jury," said Vernon Geberth as to why the strong possibility of cover-up was not explored. "He (Fiske) accepted the fact it was a suicide from the beginning."

According to Geberth, standard police practice requires that every suicide investigation first be treated as a homicide investigation, until proven otherwise; why did Fiske not look into this alarming departure from standard police procedure?

In a press release accompanying the report, Fiske stated, quite obscurely and without explanation, only that the "investigation into Mr. Foster's death was not a grand jury investigation."

But Geberth, in commenting on the grand jury process, said, "If he (Fiske) was inclined to believe there was a cover-up, you put everyone -- medical examiner, emergency medical workers, police, witnesses -- under subpoena to get sworn testimony under oath. What doesn't jibe with official reports, you charge those (who gave such false information) with either issuing false reports or perjury."

These discrepancies point to an apparent attempt to falsify the facts relating to the body's discovery. Why?

We might look to Watergate -- where we still do not know for sure why the original burglary took place. We only know that it happened -- and that a massive cover-up ensued to hide the truth.

Similarly here: We don't know yet why they changed the location of Foster's body; we just know that certain parties have falsified the location of Foster's body -- and that a concerted effort is being made to hide this fact and other truths.

Gene Wheaton, a former Army Criminal Investigation Division agent with 25 years experience in homicide investigations, suggests the key to understanding the cover-up is to place the events in the context of July 20, 1993.

Wheaton, who spent several weeks in Washington investigating the Foster case, says that the Park Police at Fort Marcy that night recognized that Foster "did not commit suicide." He suggests they may have wanted to move the official location in order to hide the real crime scene. "Maybe Foster's body, neatly arranged in the middle of knee-high brush, looked like a strange location to kill oneself," he speculated.

He also suggested that because the police did not find the bullet that went through Foster's head, they may have feared someone else would find it -- a possible explanation for the ruse of the second cannon site, complete with rubber gloves and a bloodstain.

As for Fiske, he attempts to substantiate the second cannon site through Park Police Officer Fornshill and a confidential witness identified as "CW" throughout the report. CW testified he found the body directly in front of the second, north cannon.

Wheaton thinks CW's testimony strains credulity. For example, CW claims he stopped at the park because he had to urinate badly -- and then walked several hundred yards through the heavily wooded park before doing so, accidentally coming upon the body.

CW claims he then told a park maintenance worker to call 911. (In an off-air interview with radio talk show host G. Gordon Liddy, CW was insistent that he did not see a gun in Foster's hand; according to Fiske's report, he later said he wasn't sure -- an equivocation.)

The 911 call came about after CW left the park in his white van, and drove north on the parkway several miles from Fort Marcy to a park maintenance facility. He drove into the lot and encountered two park workers. CW told them he found a body in Fort Marcy and asked them to notify the Park Police. CW then drove off.

One of the park workers, Francis Swan, called 911 and reported the discovery of a body.

Further, a journalist who visited the site the day after Foster died says the berm does not match with the photo shown on ABC. John Hanchette, a reporter for Gannett Newspapers, was at the fort, together with another reporter, around 1 p.m. the day after Foster's death. Neither had any idea where the body had been discovered, so they began a search until they found what they believed to be the site.

"The (Park Police) were sloppy," Hanchette recalled in describing the area of the second, north cannon. "They left rubber (crime scene) gloves all over the place."

Hanchette said he and his colleague further confirmed the spot where they found a "bloodstain in the dirt," which he said had dried. He said the spot was on the slope directly in front of the second, north cannon, just where the police claim Foster's body was found.

Hanchette remembers his colleague putting a stick into the dirt and confirming the color as "red." He assumed the blood to have been Foster's.

Asked if the photo released by ABC News matches the area where the bloodstain was found, Hanchette replied: "No, it does not. I thought it (the photo) was fishy."

Hanchette said the photo was "too verdant" for the area he remembers seeing, where the landscape clearly shows bare ground.

Lieutenant Bill Bianchi of Fairfax Fire & Rescue was present when Kory Ashford put Foster's remains in a body bag. He told me he saw a bloodstain "on the grass."

Yet Hanchette saw a bloodstain on dirt, not on grass.

However, Gonzalez said -- and the Polaroids verify -- that the body was on top of vegetation.

The truth is that Foster's body was on top of grass on the berm by the first, west cannon. It left a residue of blood on the grass. The Park Police changed the location of the body in their official report. Furthermore, someone re-created a second crime scene by the second, north cannon -- complete with bloodstain.

The Park Police report, which has not been released, places the body in still another, third location. According to a source, that report, "Tab 46: The Initial Mobile Crime Lab Report of the Scene of Death," states that Park Police crime-scene technician Peter Simonello places Foster's body approximately 20 feet west of the cannon axle, in an east-west alignment. This contradicts Fiske's report, which said that the body was some 10 feet north in a north-south alignment.

c) The report also said because blood had run from the nose to where it was seen on the temple area above the ear -- in the sloping position he was perched on the steep berm -- the head would have had to be tipped slightly backward.

d) Finally, the report notes the Polaroid photo shows the head to be looking generally "straight-up."

Fiske accepts the premise that Foster's head was touched by what he believes to be an early observer. Even if this occurred, the evidence of four different head positions is ignored.

2. Why, despite the claim that the investigation was thorough, were not elementary investigative practices followed?

Standard police procedure calls for questioning neighbors, passersby and everyone else in the vicinity of deaths that are even remotely suspicious. Apparently, Fiske's staff failed to do this.

Several weeks ago, The London Telegraph reported that it had canvassed the many homes abutting and near Fort Marcy Park. The newspaper discovered that neither the Park Police nor Fiske's staff had ever conducted a house-to-house canvass. (The Fiske report notes only that it interviewed security personnel at the Saudi ambassador's residence, which is directly across the street from the rear entrance to the park. The Fiske report refers to the rear entrance as a "pedestrian" one, but motorists frequently park on the shoulder of the road by the rear entrance, and then enter the park.)

3. Why was the gun in Foster's right hand if, as The Boston Globe reported and the Park Police confirmed, he was left-handed?

4. Why is evidence that might be conflicting left out of the Fiske report?

For example, Fiske treats CW as credible -- yet in his original testimony to G. Gordon Liddy, he stated that he found a wine cooler bottle near the body and that he saw a wine cooler pack in Foster's car.

The Fiske report makes no mention of this seemingly significant testimony, nor does it explain why it was omitted from the list of official evidence.

5. Why were key observations by the emergency workers left out of their Fairfax official reports?

In a footnote, Fiske states that both Fairfax EMS workers Gonzalez and Richard Arthur doubted the suicide ruling because they believed they saw additional wounds on Foster's head and neck. Yet no mention was made in their Fairfax County reports of such wounds.

And former Army CID agent Gene Wheaton concurs, describing the Park Police as being the "most pliable of federal law enforcement agencies."

When I asked the Park Police for a breakdown of their approximately 35 death investigations last year that were suicides, homicides or natural deaths, they could not provide that.

CONCLUSION

As soon as Fiske accepted the Park Police testimony at face value, the results of his report became inevitable. He chose not to use his subpoena power. He accepted the autopsy report without question.

With the same type of acceptance, Fiske would have us also believe that "there is no evidence that any issues related to Whitewater, Madison Guaranty or Capital Management Services played any part in (Foster's) suicide." Perhaps he is right: Whitewater had no connection.

allow the glasses to slide (and remember, they say the site had dense foliage).

The explanations in the Fiske report still leave the public with a high number of unusual occurrences, or a "preponderance of inconsistencies," as Wheaton calls them. Among them: the gun still in Foster's hand; a gun still not positively identified by his family; a gun with only two bullets (no matching ammunition was found in Foster's home); the lack of visible blood and the unusual, immediate cessation of the heart; the neat position of Foster's body; the lack of powder burns in Foster's mouth; no broken teeth despite the barrel having been placed deep into his mouth; the fact that Foster, a devoted family man, made no arrangements for his family, or even said a good-bye; the fact no one heard a shot; the fact Foster had chosen a park he had never visited before; and the fact no soil was found on his clothes or shoes.

OBSTRUCTION OF JUSTICE

Fiske pledged that in addition to examining the issue of the alleged suicide, he was going to look into the serious charge that the White House had kept the FBI out of the investigation and had assigned it instead to the far less qualified and less-experienced Park Police.

Fiske, who curiously did not use the grand jury for this critical part of his investigation, devotes just a little over a half page in explanation. While admitting that the circumstances of Foster's death could have come under FBI jurisdiction, he explained that since "a preliminary inquiry by the FBI ... failed to indicate any criminal activity, the FBI's inquiry into this matter was closed."

But in a two-page letter sent to me by Judge William Sessions,

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the former Director of the FBI, Sessions wrote that the FBI was kept off as the lead investigative agency because of a "power struggle (between) the FBI and the Department of Justice" at the time of his firing.

"The decision about the investigative role of the FBI in the Foster death was therefore compromised from the beginning," Sessions wrote, noting specifically that Foster's death took place "the day after my termination" and on the same day Judge Louis Freeh had been "proposed" as Director. Freeh took office several weeks later.

The day of Sessions' firing, *The Wall Street Journal* ran a lead editorial called, "What's the Rush?" It began: "So the gang that pulled the great travel-office caper is now hell-bent on firing the head of the FBI." The paper thought it strange that Sessions had to be fired -- when he had offered to resign once a replacement had been confirmed by the Senate.

Fiske doesn't seem to have turned up any obstruction issues, yet there seems to be no explanation for charges, such as those published in *The Washington Times*, that "Mr. Sessions' statement corresponds with those of current and former FBI and Justice Department officials who told *The Times* of interference by the White House and Justice Department in the Bureau's work in the Foster investigation."

Similarly, ex-FBI notable William Roemer said that "(Attorney General Janet) Reno and Clinton had undue influence. The FBI would normally be finding reasons to get involved in a high-profile case" like this.

(In Gonzalez's discussions with me, he never mentioned the wound, citing primarily the issue of the lack of blood. "Usually a suicide by gunshot is a mess," he told me. "Have you ever had pork brains for breakfast?" he asked rhetorically, in making the point that there should have been a mess of blood and flesh on Foster's face and shirt.)

6. Why does a lab report attached to Beyer's autopsy findings indicate no drugs were found -- yet, an FBI analysis found traces of an anti-depressant, as well as valium (benzodiazepine)?

7. Did the Park Police ever conduct a search for the bullet?

"Tab 55" of the Park Police report indicates a search was conducted for the bullet and none was found -- yet, nine months later when an FBI team searched the area near the second, north cannon where the police claim the body was discovered, 17 contemporary bullets and 58 metal Civil War artifacts were found.

In March, 1994, Park Police told Congressman Robert Dornan they conducted a thorough sweep of the area with sophisticated metal detectors. Why was the FBI able to find so much metal in an area the Park Police said they had swept?

8. Why did Fiske's staff accept the fact that a note allegedly written by Foster was found in his office in his briefcase -- when the Park Police themselves, as reported in The New York Times, claimed they searched the briefcase and found no such note, seriously challenging the White House account?

9. Why did Foster check out a White House beeper if he did not plan on returning? Who tried to contact him?

The Washington Post reported that it is not standard practice to carry a White House beeper, yet Foster's was found at Fort Marcy.

The Fiske report states that the beeper was found on Foster's person, but an official at Fort Marcy that night had told me the beeper was on the passenger car seat.

The Fiske report states that the beeper was found in the off position.

Yet a statement by Major Robert Hines, spokesman for the Park Police, directly contradicts the Fiske report.

"He (Foster) hadn't been answering it (his pager)," Major Robert Hines told media critic Reed Irvine in a taped interview on March 9. Hines also admitted that the White House "had been on that day (he died)" trying to contact Foster.

Curiously, the beeper is not listed on the official list of evidence of items handed over by the Park Police to Fiske's FBI staff.

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10. How did Foster's glasses "bounce" 13 feet?

The police and Fiske say Foster's bouncing eyeglasses were found 13 feet below Foster's body on the berm. Because gunpowder was found on Foster's glasses, the Fiske report concludes that Foster's eyeglasses "were dislodged (from Foster's head or shirt pocket) by the sudden backward movement of Foster's head when the gun was fired, after which the glasses *bounced down the hill*" (emphasis added) -- all of this happened, mind you, while Foster was in a *sitting* position.

A visit to the berm will show that the berm is not that steep so

Perhaps he is wrong

In the end we, the ordinary citizens, are left at Vincent Foster's transitory resting place, Fort Marcy Park.

Fort Marcy brings us to the period of civil war when rivers of blood were spilled so that we might preserve our unique experiment in "government, of, by and for the people" -- one where justice would reign supreme and no man, no group of men, no matter how powerful or highly placed, would be above the law.

How paradoxical, how utterly tragic, then, if that tiny square of earth should now stand as a symbol of violation to that noble ideal.