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

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

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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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."¹

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

¹ 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.²

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.³

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.

² 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.

³ 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"⁴ 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.⁵

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.⁶ Publicly-

⁴ 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.

⁵ 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.

⁶ 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.⁷

⁷ 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.⁸ 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.⁹

⁸ 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.

⁹ 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.¹⁰ 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.¹¹

¹⁰ 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..**'"

¹¹ 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.¹²

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."³⁵ C2 also saw another nearby car; that was occupied by a man who exited his car as C2 exited his own car.³⁶ 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.

³⁵ OIC 11/1/95 at 22, 28

³⁶ Id at 25

³⁷ Id at 27, 62

³⁸ Id at 61-62

¹² 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.³⁹ C2 then left the park in his car.⁴⁰

³⁹ Id at 38

⁴⁰ 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."²⁷⁴

²⁷⁴ 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 testimony¹³ 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."

¹³ 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

Fort Marcy Park
July 20, 1993. 4:30-4:35 p.m.

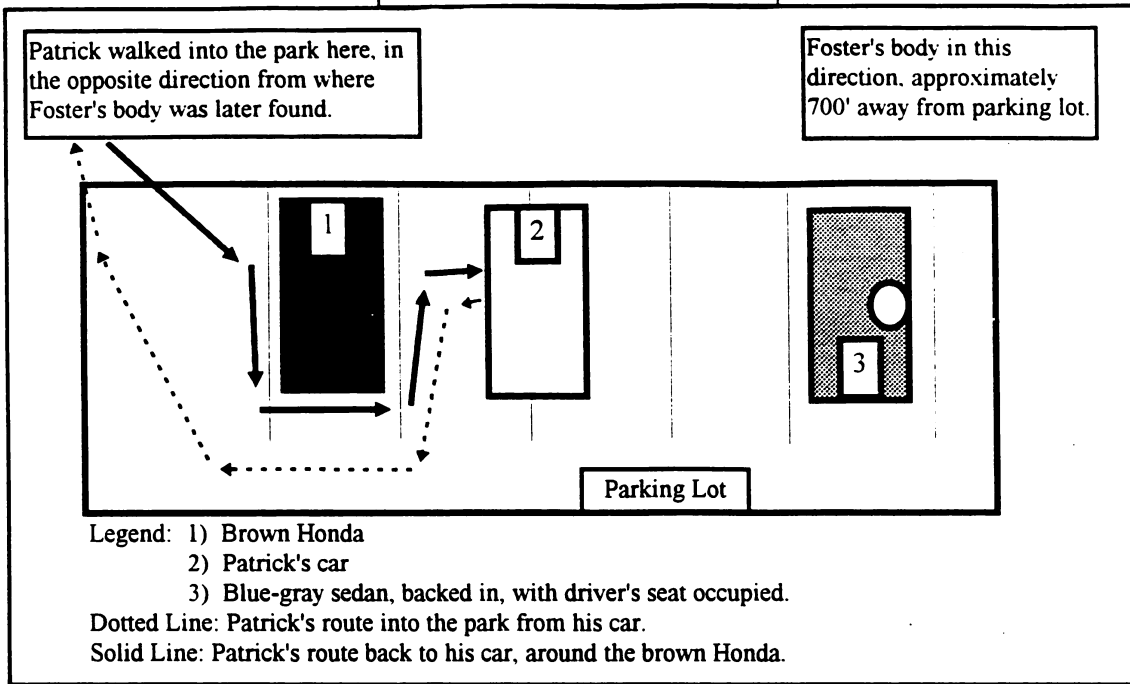
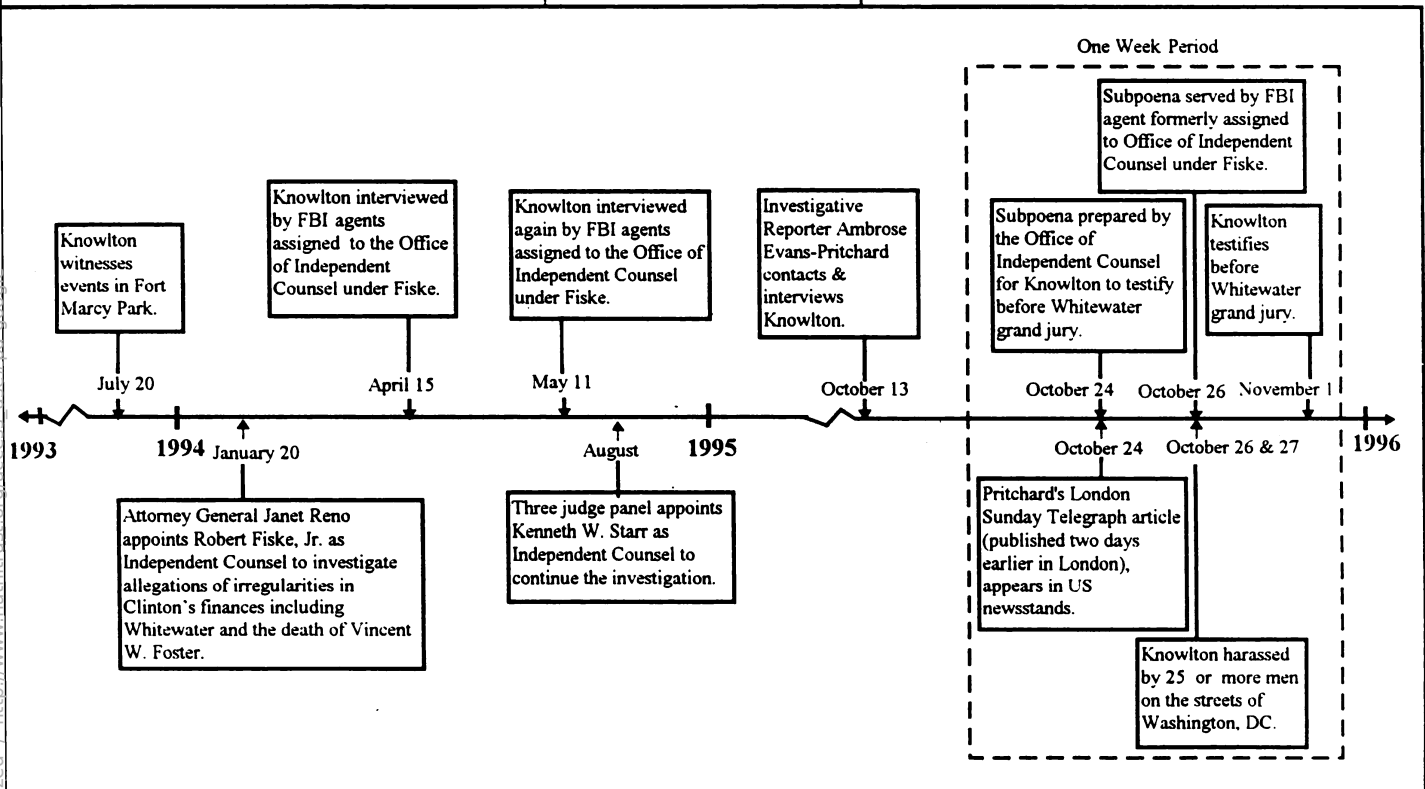


EXHIBIT
1

TIMELINE



**TEAM OF MEN WHO HARASSED PATRICK,
NUMBERED IN THE LOCATION AND ORDER IN
WHICH THEY WERE FIRST OBSERVED**

During the course of the two days beginning the day FBI Agent Bransford served the secret grand jury subpoena, Patrick suffered the cumulative effect of intimidation by at least 25 men. They acted in a rapid and coordinated fashion, obviously working in tandem, employing the same *modus operandi* of continuously staring and following. Of the first 25 men, 23 appeared within five minutes of his predecessor; 13 approached before his predecessor had departed.

It is difficult to convey the cumulative effect on the target of this technique of intimidation. Patrick's girlfriend, Kathy, a Ph.D. consultant and educator, accompanied Patrick on the first day. She wrote in her affidavit that at one point she had to "struggle to keep from crying" 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.

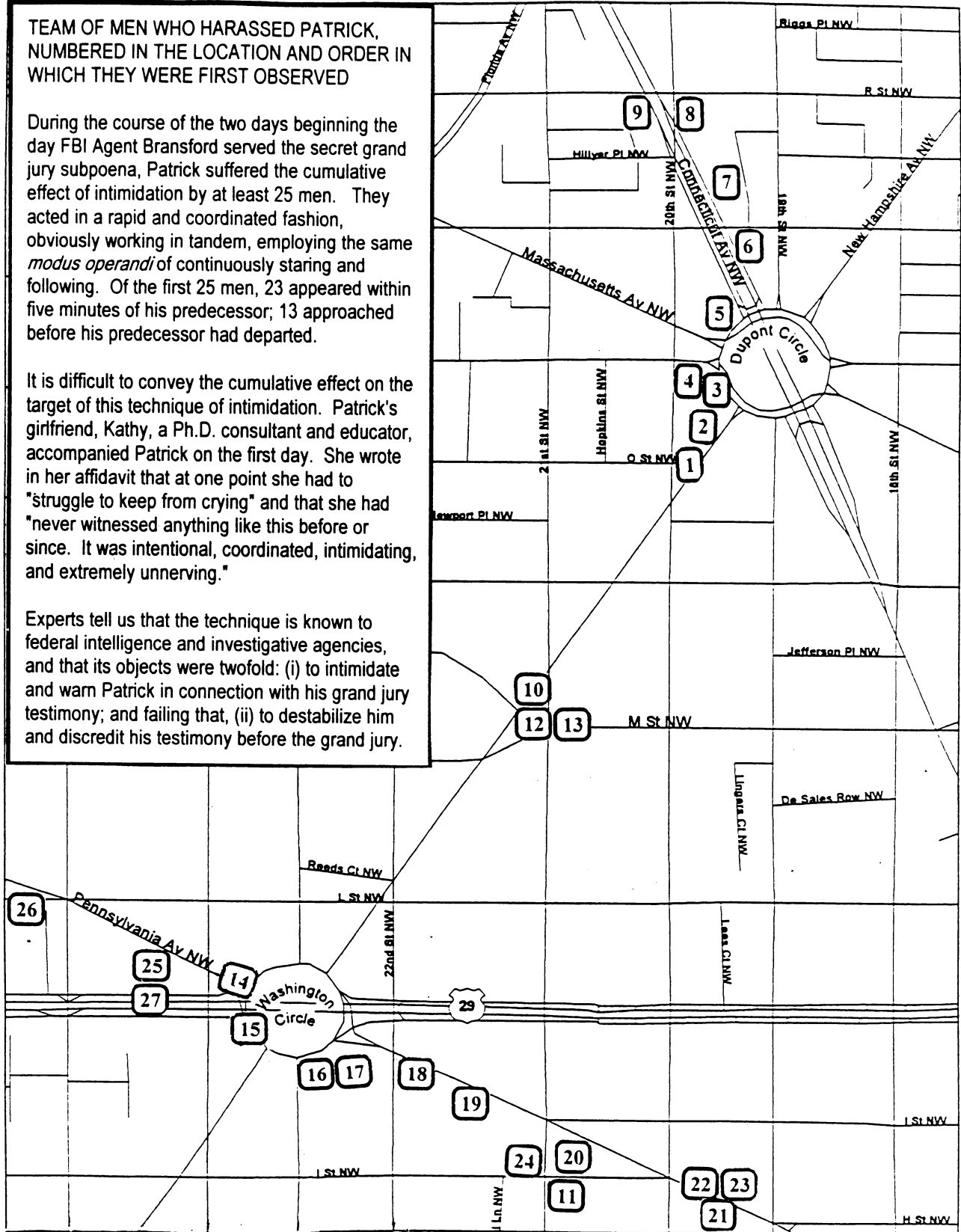


EXHIBIT
2

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>30502-61</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>Robert Simonside</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 gun, 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."

| | | | |
|---|--------------------------------|------------------------------|-----------------------------------|
| REPORTING AGENCY United States Park Police | DATE OF INCIDENT 07 2 019 3 | YEAR 93 | CASE/INCIDENT NUMBER 03 01 510 |
| NATURE OF INCIDENT Death Investigation | | RECLASSIFICATION 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 # | |
| SUPPLEMENTAL CRIMINAL INCIDENT RECORD | | | |
| REPORTING AGENCY GMP Ft. Marcy | DATE OF INCIDENT 07 2 019 3 | YEAR 93 | CASE/INCIDENT NUMBER 03 01 510 |
| <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 the it might have been meat and potatoes.</p> | | | |

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

| | |
|--|---|
| <p>This is certified a true copy of the actual field incident report in possession of the Fairfax County Fire and Rescue Department Signed <u>Gennie Diamante</u> Date <u>7-19-94</u></p> | <p>EXHIBIT <u>4</u> Page 1 of 2 pages</p> |
| <p>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>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> |

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

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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
9797 BRADDOCK ROAD
SUITE 100
FAIRFAX, VA 22032-1700
PHONE (703) 764-4640



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

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

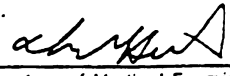
DECEDENT Vincent Walker FOSTER Jr AGE: 48 RACE: Cauc SEX: male

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 Fairfax County 
 Date 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?
 _____ 24
 1 A Yes, right around the jawline.

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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).

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

On (date) 5/2/94

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


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

Description of (item):
5 Polaroids marked 1-2-3-4-5 depicting
1 - Rear of Cannon
2 - Heavily tolaced area
3 - VF's body - looking down from Top of beam
4 - VF's body - focusing on face
5 - VF's body - focusing on RT. side shoulder
(notation on back of 1-5 - from Glen St. Edwards 7/1/93)
5 Polaroids (Marked on back 1-5-93)
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 on back JCR 7/1/93 63-2050)
1 - Right hand showing gun + thumb in guard
2 - classes on ground
3 - VF's body - taken from below + UT
4 - VF's body - focusing on right side + arm
5 - VF's body - focus on top of head then heavy foliage
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
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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
8787 BRADDOCK ROAD
SUITE 100
FAIRFAX, VA 22032-1700
PHONE (703) 764-4840



Autopsy No. 333/93
Date 7/21/93
Time 10:00 A.M.

REPORT OF AUTOPSY

DECEDENT VINCENT FOSTER:
First Middle Last

Autopsy Authorized by: Dr. Donald Hays - Fairfax County Persons Present at Autopsy:
Body Identified by: U.S. Park Police Tag - 7/20/93 James C. Beyer, M.D.; Det. 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

AGENCY: GNP Ft. Marcy

| INCIDENT NO. | DATE | TIME | LOCATION | CHARACTER OF INCIDENT |
|--------------|------|------|----------|-----------------------|
| 072 | 09 | 3 | 93 | 03 04 5 8 |

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.

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

JOHN J. O'BRIEN, JR.
JOHN J. O'BRIEN, III*
PHILIP MATTHEW STINSON, SR.
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STANLEY I. SCHLESINGER
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(1972-1981)

808 SCOTT LAKE
WALLINGFORD, PA 19086

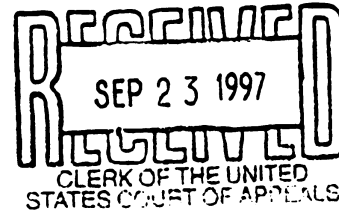
210 ROBINSON BUILDING
42 SOUTH 15TH STREET
PHILADELPHIA, PA 19102

* 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
Independet Counsel, 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 black 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.
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KATHLYN GRAVES
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LEE J. MULDRON
N. M. NORTON
EDGAR J. TYLER
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OF COUNSEL
ALSTON JENNINGS
RONALD A. MAY
M. TODD WOOD

September 18, 1997

UNDER SEAL

WALTER McSPADEN
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NANCY BELLHOUSE MAY
JOHN D. DAVIS
JUDY SIMMONS HENRY
KIMBERLY WOOD TUCKER
RAY F. COX, JR.
HARRY S. HURST, JR.
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JAMES M. MOODY, JR.
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BETSY MEACHAM
AINSLEY H. LANG
KYLE R. WILSON
DON S. MCKINNEY
MICHELE SIMMONS ALLGOOD
KRISTI M. MOODY
J. CHARLES DOUGHERTY
M. SEAN HATCH
PHYLLIS M. MCKENZIE
LISA MASTERTON 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

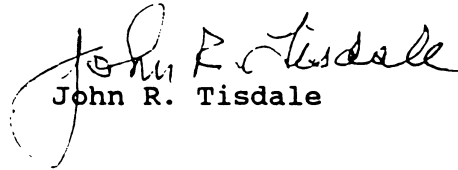
WRIGHT, LINDSEY & JENNINGS

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

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:try1136.027-12