

State of mind

without experts or interviews of witnesses, demonstrates that not one substantive point in the OIC's Report stands up to scrutiny. If one or two inexplicable points can be dismissed, what possible conclusion can you draw from every point in the OIC's Report being contradicted without plausible explanation?

Even though the discovery process in Patrick Knowlton's civil rights lawsuit has not yet begun, and so we have not yet exercised subpoena power, we have exposed the OIC's Report for what it is -- clear and convincing evidence of cover-up. The government's finding of the absence of a cover-up is just not in accordance with the truth.

X. STATE OF MIND

The OIC devotes fourteen pages to addressing Mr. Foster's state of mind, more pages than to any other single issue. The issue of whether Mr. Foster was suffering from depression is irrelevant in light of the physical evidence in the case. Although the OIC failed to prove that Mr. Foster was depressed, we will not review the record of his mental state nor compare it to the OIC's claims on the issue. Most of the state of mind evidence is in the footnotes above under Chapter I, *Background*, should you care to review it.

First, we make some observations about the OIC's psychologist's opinion. Then, we see that the oft-repeated verdict of depression and suicide originated in the press, and that early press accounts found their way into the final official expert opinion.

1. The OIC's psychological autopsy is unreliable

The OIC quoted Dr. Alan Berman's secret, 16 or so page report 28 times.⁶²⁵ Dr. Berman⁶²⁶ performed a "psychological

⁶²⁵ OIC, p. 98, fn. 303: "Berman Report at 3. Dr. Berman noted that '[r]ecent studies . . . have documented a significant relationship between perfectionism and both depression and suicidality, particularly when mediated by stress.' Id. at 13." OIC, p. 98, fn. 304: "Id. at 3." OIC, p. 99, fn. 305: "Id. at 5." OIC, p. 99, fn. 306: "Id. at 13." OIC, p. 99, fn. 307: "Id. at 7." OIC, p. 99, fn. 308: "Id. at 14." OIC, p. 99, fn. 309: "Id. at 4." OIC, p. 99, fn. 310: "Id. at 7" OIC, p. 100,

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autopsy." There is such a thing.⁶²⁷ It is a research diagnosis. Dr. Berman's conclusion, that the death was a suicide to a "100 degree of medical certainty,"⁶²⁸ is a

OIC, p. 100, fn. 315: "Id." OIC, p. 100, fn. 316: "Id. at 13." fn. 311: "Id. at 6." OIC, p. 100, fn. 311: "Id. at 6." OIC, p. 100, fn. 311: "Id. at 13." OIC, p. 100, fn. 312: "Id. at 13." OIC, p. 100, fn. 313: "Id. at 14." OIC, p. 100, fn. 314: "Id." OIC, p. 100, fn. 317: "Id. at 10." OIC, p. 100, fn. 318: "Id. at 9." OIC, p. 101, fn. 319: "Id. at 6." OIC, p. 101, fn. 320: "Id. at 14." OIC, p. 101, fn. 321: "Id. at 15." OIC, p. 101, fn. 322: "Id. at 15." OIC, p. 101, fn. 323: "Id." OIC, p. 102, fn. 324: "Id." OIC, p. 102, fn. 325: "Id." OIC, p. 102, fn. 326: "Id." OIC, p. 102, fn. 327: "Id."

⁶²⁶ Alan L. Berman, Ph.D., specializing in adolescent assessment and prediction of suicide, the psychological autopsy study. Born July 10, 1943; B.A., John Hopkins University; Ph.D., Clinical Psychology, Catholic University of America, 1970; Professor of Psychology, American University 1969-1991; private practice, 1977-present; specialty, youth suicide (assessment and treatment), suicide prevention and the use of psychological autopsy.

⁶²⁷ See Assessment and Prediction of Suicide, by David C. Clark, Ph.D. and Sara L. Horton-Deutsch; edited by R. Marris, A. Berman, J. Maltsberger, R. Yufit: *Assessment in Absentia: The value of the Psychological Autopsy Method for Studying Antecedents of Suicide and predicting Future Suicides*: The phrase "psychological autopsy" refers to a procedure for reconstructing an individual's psychological life after the fact, particularly the person's lifestyle and those thoughts, feelings and behaviors manifested during the weeks preceding the death, in order to achieve a better understanding of the psychological circumstances contributing to a death. The essential ingredients of the psychological autopsy method include face-to-face interviews with knowledgeable informants within several months of the death, review of all extant records describing the deceased, and comprehensive case formulation by one or more mental health professionals with expertise in post mortem studies.

⁶²⁸ Compare OIC, p. 103: This outline is not designed to set forth or suggest some particular reason or set of reasons why Mr. Foster committed suicide. Rather, the issue for purposes of the death investigation is whether Mr. Foster committed suicide, and this outline is designed to show that, as Dr. Berman concluded, compelling evidence exists that Mr. Foster was distressed or depressed in a manner consistent with suicide.^{fn328}

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clinical diagnosis. The psychological autopsy is an "advisory"⁶²⁹ research diagnosis, not a clinical one.⁶³⁰ To be a clinical diagnosis, the information upon which it would have to have been based would have to have been gathered by face-to-face interviews by Dr. Berman or another trained professional,⁶³¹ not by FBI agents untrained

⁶²⁹ See Assessment and Prediction of Suicide, Chap. 8, *Assessment in Absentia: The Value of the Psychological Autopsy Method for Studying Antecedents of Suicide and Predicting Future Suicides*; by David C. Clark, Ph.D.; and Sarah L. Horton-Deutsch M.S., R.N.: "Finally, we recommend that clinicians conceive of the clinical formulation and psychiatric diagnoses resulting from psychological autopsy studies as *research* formulations and research diagnoses... [T]he findings and formulations of the mental health expert have always been considered *advisory* to a medical examiner's final decisions... and not conclusive in their own right."

⁶³⁰ See Assessment and Prediction of Suicide, Chap. 8, *Assessment in Absentia: The Value of the Psychological Autopsy Method for Studying Antecedents of Suicide and Predicting Future Suicides*; by David C. Clark, Ph.D.; and Sarah L. Horton-Deutsch M.S., R.N.; under *Standard For Future Psychological Autopsy Studies*: Although the psychological autopsy method generates psychological formulations and psychiatric diagnosis that outwardly resemble clinical diagnosis... those studies have always presented their formulations and diagnosis as research diagnoses. Research diagnoses... cannot be considered equivalent to clinical diagnoses unless a clinician has validated them by means of face-to-face clinical evaluations... [and] one can never send a clinician back to interview the deceased in an attempt to validate the research diagnoses... *** [T]here is a critical limit on how much information we can construct about the person who has died by suicide, and emphasize that external validation of our formulations and diagnoses is difficult if not impossible.

⁶³¹ See Assessment and Prediction of Suicide, Chap. 8, *Assessment in Absentia: The Value of the Psychological Autopsy Method for Studying Antecedents of Suicide and Predicting Future Suicides*; by David C. Clark, Ph.D.; and Sarah L. Horton-Deutsch M.S., R.N.; under *Assessment in Absentia, Methodological Considerations*: [U]nless data from various informants are elicited in the framework of standardized protocol, (1) the quantity and quality of data will vary as a function of the informant and the

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in gathering clinical data,⁶³² not 8 to eleven months after death,⁶³³ and not based on Mr. Foster's writings.⁶³⁴

interviewer, and (2) reconciling discrepant information from different sources will be fraught with a number of sources of bias... [T]he investigator is deprived of the means for establishing the reliability and validity of the observations."

⁶³² OIC, p. 98: "The OIC provided Dr. Berman with relevant state-of- mind information (the bulk of which consisted of interview reports and transcripts), which he studied and analyzed..."

⁶³³ See Assessment and Prediction of Suicide, Chapter 8, *Assessment in Absentia: The Value of the Psychological Autopsy Method for Studying Antecedents of Suicide and Predicting Future Suicides*; by David C. Clark, Ph.D.; and Sarah L. Horton-Deutsch M.S., R.N.; under heading *Psychological Autopsy Studies for Forensic Purposes*: Police reports and other sources of information compiled shortly after a death are often more helpful than are personal interviews conducted months after the fact, when witnesses have had a chance to forget -- and conceivably alter or embellish the facts... *** [W]hen a consulting expert is not contacted until months or years after a death for an opinion about an unfamiliar case..., information available to the expert witness is usually in the form of depositions collected many months or years after the suicide. This kind of data is suspect for scientific purposes, because of the passage of time and memory decay... [T]he degree of distortion introduced cannot be quantified by any measure currently available. *** The only situation where forensic case review truly approximates the psychological autopsy method is that in which the expert undertakes a structured, independent psychological autopsy study of the death within a reasonable period of time after the death (i.e. within a year)

Compare OIC, p. 13-14: [T]he important information in assessing the cause and manner of death of death includes... testimonial and documentary evidence revealing the decedent's... state of mind in the days and weeks before his death.^{fn18} In particular, the OIC obtained information gathered during the FBI and Mr. Fiske's... Experts retained by the OIC reviewed and examined the evidence.

⁶³⁴ See Assessment and Prediction of Suicide; Ed. Ronald W. Maris, Ph.D.; Alan L. Berman, Ph.D.; John T. Maltsberger, M.D.;

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In any event, in a paper that Dr. Berman himself wrote and published in 1993, he observed that "the psychological autopsy is speculative"⁶³⁵ -- unlike an opinion to a "100% degree of medical certainty."⁶³⁶

2. The verdict of depression

The verdict of depression is the mainstay of press reports on the matter. It has steadfastly reported the "why" of Mr. Foster's death, but failed to report the basic information of who, what, where, when, or how.

Robert I. Yufit, Ph.D.; Chap. 16, *Suicide Notes Communication and Ideation*, A. Leenaars: "The problem of the relationship between communication-written communication (including writing forms such as notes) and thought (or ideation) is a historical one... Today the relation between communication and ideation is acknowledged to exist, but it remains complex and controversial..."

⁶³⁵ See Suicidology, Essays in Honor of Edwin S. Schneidman edited by A. Leenaar; consulting editors A. Berman, P. Cantor, R. Litman & R. Maris; 1993, Essay 14: *Forensic Suicidology and the Psychological Autopsy* by Alan L. Berman: [F]rom this reconstruction the relationship between an individual's life-style and death style may be established (Brent 1989, Clark and Horton-Deutch 1992). As a postdictive analysis, the psychological autopsy is speculative. It provides a probabilistic statement, a best-bet conclusion, giving a logical understanding of the interaction between the person and events leading to that person's death. *** The light it [the psychological autopsy] throws on its subject may be distorted by both the quality and veracity of its sources and by the pristine lens of its interpreter.

⁶³⁶ OIC, p. 3: "Dr. Berman stated that '[i]n my opinion and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion.'"^{fn3} OIC, p. 102: "In sum, Dr. Berman, based on his evaluation of the evidence, concluded: 'In my opinion and to a 100% degree of certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion.'"^{fn327} OIC, p.110: "Indeed, the evidence was sufficient for Dr. Berman to conclude that 'to a 100% degree of medical certainty, the death of Vince Foster was a suicide.'"^{fn350}

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The official explanation for the death has appeared in the press hundreds of times in the last six years, beginning even before the first official verdict was public. These articles repeated, over and over again, that Mr. Foster had in fact committed suicide, and that he did so because of his clinical depression and perfectionist personality. Two-and-a-half years later, The American Psychologist published Dr. Sidney Blatt's *The Destructiveness of Perfectionism*, a study which used some of these early articles ("detailed reports") as its data. The OIC hired Dr. Berman, who apparently relied on *The Destructiveness of Perfectionism* in concluding that Mr. Foster took his own life because he was suffering clinical depression associated with his perfectionism. The OIC relied on Berman's conclusion in ruling that the death was, in fact, a suicide, which the media duly repeated. Thus, the psychological opinions of the reporters, based on information from unnamed sources, have come full circle. We will review this process.

But before we do, we will look at excerpts of a March 1993, speech given by former Associated Press investigative reporter Robert Parry. The subject of the speech is how the most controversial facts of the Iran-Contra affair remained largely unknown to the public. Parry's speech, given four months before Mr. Foster's death, may provide us with some insight to the media's coverage of the Foster case.

Parry said that in the seventies and early eighties, the Washington press corps was "the Watergate press corps," "fairly aggressive," "not inclined to believe... the government," and "when necessary, adversarial." During the twelve years that he worked for AP, 1974 through 1986, he saw a change, beginning with the pre-scandal denial to Congress that the Sandinistas were guilty of the human rights violations as reported by journalists in the field. Then, as the three parts of the Iran-Contra scandal broke in succession, pressure was applied to shape the media's account of the facts. Parry witnessed efforts to "discredit the journalists." The next two-and-a-half pages are taken exclusively from Parry's March, 1993, talk.

[W]hat we began to see was something that I think was unusual I think even for Washington - certainly it was unusual in my experience - a very nasty, often *ad hominem* attack on the journalists who were not playing

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along... And sadly, it worked. So, the message was quite clearly, made to those of us working on this topic that when you tried to tell the American people what was happening, you put your career at risk.

* * *

And what it did was escalate the pressure on journalists who were left, who were still trying to look at this in a fairly honest way and tell the American people what they could find out... In the case of NPR... Paul Allen... felt that he had no choice but to leave NPR and he left journalism altogether. These were the kind of prices that people were starting to pay, all across Washington. The message was quite clear both in the region and in Washington that you were not going to do any career advancement if you insisted on pushing these stories.

What you'll hear if you listen to the McLaughlin Group or these other shows is a general consensus - there may be disagreement on some points - but there is a general consensus of the world that is brought to bear, and often it is in absolute contradiction to the real world. It is a false reality - it's a Washington reality.

And what we have seen at the end of these twelve years, and I guess what the challenge of the moment becomes is how that gets changed. How do the American people really get back control of this - not just their government, but of their history - because it's really their history that has been taken away from them. And it's really what the Washington press corps and the Democrats in Congress as well as the Republicans are capable of, was this failure to tell the American people their history. And the reason they didn't was because they knew, or feared, that if the American people knew their real history - whether it goes back to the days of slaughters going on in El Salvador - if they had known about the little children that were put in the house and shot to death and garroted - that they wouldn't have gone along with that. And if they had known that there were felony obstructions of justice being carried out in the Oval Office they wouldn't have gone along with that either, and there would have been a real problem - there would have been a political problem I guess.

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But it is not the role of the Washington press corps, maybe this sounds like an understatement, but it's not the role of the Washington press corps to take part in that. Our job was supposed to be, I thought, to kind of tell people what we could find out! We go in, we act nice, we ask a lot of questions, find some things and run out and tell you! We're sort of like spies for the people, you know, and instead, we sort of got in there - and I guess it was real nice, we felt like we were insiders.

* * *

We also knew that there was a cover-up going on - which I kept insisting on even though *Newsweek* kept trying to retract it, and so I left.

* * *

What I think the bottom line of both books is that we are in great danger of losing our grasp of reality as a nation. Our history has been taken away from us in key ways. We've been lied to so often. And important things have been blocked from us.

* * *

It is something that, as a democracy, we can't really allow to happen.

The main problem, at this point, is that we have a set of establishments in Washington that have failed us, as a people... Congress failed because it didn't have the courage to stand up and do oversight and perform its constitutional responsibilities. But what is perhaps the most shocking to Americans is that the press failed. The press is what people sort of expect to be there as a watchdog. What we have now, and its continuing into this new era, is the Reagan-Bush press corps. It's a press corps that they helped to create - that they created partly by purging those, or encouraging the purging of those who were not going along, but it was ultimately the editors and the news executives that did the purging... And this was the case all around Washington.

The people who succeeded and did well were those that didn't stand up, who didn't write the big stories, who looked the other way when history was happening in front of them, and went along whether unconsciously or just by cowardice with the deception of the American people. And I think that's what we all have to sort of look at to see what we can do to change it. I

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think it will take a tremendous commitment by the American people to insist on both more honest journalism, more straightforward journalism, but also maybe even new journalism. There has to be some other way - some other outlets. In a way, I've grown to despair at the possibility of reforming some of these organizations. Maybe it can happen, but I think ultimately, we're going to have to see a new kind of media to replace this old one.

Parry's observations about the changes he saw in the dynamics of the press may give us some of the explanation of what happened in this case. Excerpts from four early press reports of Mr. Foster's death follow. The first is by Walter Pincus, the Washington Post's CIA beat reporter. In his article, Pincus presented himself as a close friend of Mr. Foster's who claimed to have known, before the authorities had closed the first investigation, that Mr. Foster "took his life." Pincus's article is devoid of any discussion of the facts surrounding the death.

Walter Pincus, Washington Post, *Vincent Foster: Out of His Element*, Thursday, August 5, 1993, distributed by Post syndication:

In the succeeding months we had him [Foster] alone and his wife, Lisa when she was in tow to our home for dinners. He and I met several times for breakfast.

* * *

In private conversations, he would handle criticism of the White House in these matters [nomination of Zoe Baird, Travel Office firings, confirmation of Surgeon-General Jocelyn Elders] calmly. He corrected critics' mistakes and coolly argued the President's case. But you almost could see him weighing each critical point one by one, deciding which to throw away and which to keep and take back with him...The travel office affair was particularly vexing to him.

* * *

When the [Wall Street] Journal took aim at him in a lead editorial titled "Who is Vince Foster?" he suddenly and surprisingly found himself considered a questionable man of mystery in Washington, a "crony" whose very reluctance at immediately handing out a picture of himself to

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an editorial page implied he had something to hide.

His composure sometimes broke when he would discuss what he considered wild assertions in one paper that would be denied but then picked up blindly by others. He would have been amazed and extremely disturbed by the rumors that have accompanied his own suicide and found their way into print.

* * *

Near midnight that Tuesday at the Foster home in Georgetown, I sat in the garden with a few of his Arkansas friends for half an hour. They had stories about his remarkable life in Little Rock. We then all talked - with hindsight - about how he had taken on everyone else's problems in Washington. Each of us recalled how we had seen the little ways the pressure on him had shown through. But none saw any sign that he would take his own life because of them and so - much too late - each voiced his own guilt about having failed Vince when he most needed help.

Similarly, a feature article appearing in the August 15, 1993 edition of Washington Post, by David Von Drehle, began by reporting that Mr. Foster drove his own "gray-brown" Honda to Fort Marcy Park and killed himself. Von Drehle's piece is a mixture of the statistics of suicides in this country⁶³⁷ and a litany of reasons for Mr. Foster to

⁶³⁷ D. Von Drehle, Washington Post, *The Crumbling Of A Pillar In Washington*, Aug. 15, 1993: In America, suicide is most common among white males, with the incidence rising by age, more sharply after 45. Most suicides leave no note. Physicians and lawyers have unusually high suicide rates..., psychologist Robert Litman has said. *** Experts estimate that 70 percent or more of suicides are associated with depression, which has been linked to low levels of a brain chemical called serotonin. Depression, apparently, is brought on sometimes by stressful change. Litman has said, "I believe that suicide has a lot to do with the ideal -- often unconscious -- that one has of oneself... Suicidal people tend to believe that if they do not live up to it, their lives must be a total failure"... People "whose sense of self-esteem is based on what others think of them" may be higher risks. But ultimately, Colt writes,

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have killed himself,⁶³⁸ according to anonymous sources. It too did not discuss the facts surrounding the death. It was a preview of the OIC's Report, which would be released over four years later.

David Von Drehle, Washington Post, *The Crumbling Of A Pillar In Washington, Only Clinton Aide Foster Knew What Drove Him To Fort Marcy*, Sunday, August 15, 1993, distributed by Post syndication:

On the afternoon of July 20, at the end of his life, deputy White House counsel Vincent Walker Foster Jr. steered his gray-brown sedan along the George Washington Memorial Parkway, up a bluff just beyond the Key Bridge.

* * *

About the route to his suicide, there is no doubt. By car, this is the only way.

The other road to Fort Marcy, the psychic road, is vague, mysterious and poorly marked. The map is lost - forever; it existed only in Vince Foster's mind. Some path took him -- this trusted intimate of Bill and Hillary Clinton, their "great protector," in the president's own funereal words -- to the cloistered park where, beside a cannon, he killed himself with a gunshot.

* * *

"You can't have anything to hide in Washington," he told a Rose firm colleague. "If there's anything in your personal or business life that can't bear scrutiny, you shouldn't be up here."

* * *

Foster somehow found time for one large nonpresidential task, addressing the graduating class of the University of Arkansas Law School,

"No one knows why people kill themselves... There is no single answer."

⁶³⁸ D. Von Drehle, Washington Post, *The Crumbling Of A Pillar In Washington*, Aug. 15, 1993: "On May 19, Watkins fired the seven members of the [Travel Office]. *** [He and Kennedy] slowed the FBI, rather than egged it on. *** It was an enormous story, helping to drive Clinton's approval ratings to a record low for a new president... Foster was mentioned in the coverage of the report..."

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his alma mater. It was his first commencement address, and he agonized over it, according to colleagues. The speech was entirely his own, and in the wake of Foster's death friends have combed it for clues.

He prized nothing more than reputation.

* * *

According to colleagues, Foster felt he had failed to protect the president by keeping the process under control - he, the "great protector," who once said his job was to deal with tough issues so that they do not make headlines.

* * *

On June 17, the *Journal's* lead editorial asked, "Who Is Vincent Foster?" a continuation of a line of attack that had begun with Hubbell. About half the essay was devoted to the *Journal's* complaint that it could not get a photograph of Foster. But woven into this puckish tale were barbs at Foster's integrity as a lawyer.

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Another editorial appeared on July 19, the day before Foster died. Kennedy "misus[ed] the FBI's investigative powers," the editors wrote, and they concluded: "The mores on display from the Rose alumni are far from confidence-building."

To Foster, whose whole career was spent in the courtroom, the lack of evidence supporting the *Journal's* attacks was scandalous. Several friends who ventured jokes about them got a cold stare, or humorless snort, in response.

* * *

"It became a metaphor to him for what a snake pit this is," one top White House official said. "Yesterday's conduct judged by tomorrow's standards, with the goal being to see how many ribs you can pull out while a body's still alive."

"There was a clear sense of 'How could I let this happen? How did I let it get out of hand?'" a close Foster friend recalled. "He wasn't blaming others, at least to me. It was more introspective, along the lines of, 'Who am I? I

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am an honest lawyer, wise counsel, valued for brain and integrity.' And suddenly, that was undermined. There was a clear sense of things going wrong, and him at the middle of it."

* * *

The question that haunts his friends is this: If he was so unhappy, why didn't he quit? It is clear to them now that Foster felt powerless to turn things around in the White House. "He felt like he was running through Jell-O," one said.

But how could he go home? Picture it: Rejoin the Rose firm after its "mores," its "view of the law" had been attacked repeatedly (in part because of him) by one of the most important newspapers in America. Walk into the country club after abandoning members as racists. Approach new clients, having failed, in his view, to protect the most important client a lawyer could ever have.

And how would he live? He was, in the words of his friends, the "tower of strength," the "rock," of the Arkansans. How could he leave Washington - with the inevitable headlines: *White House Aide Resigns in Wake of Travelgate* - and sit in Little Rock while his friends struggled on?

"I believe he felt that way," a close friend said. "But you go all the way around it, and it still doesn't get to the point that you pull the trigger."

Yet after many hours of rumination, one White House aide thought she was beginning to understand. "It's really easy to see how, if you got in the tunnel, it could suck you in."

Maybe the rest of the road runs through the tunnel.

All the anonymous sources knew that Mr. Foster committed suicide, and why he did so, according to Von Drehle. On the same day, also appearing in the Washington Post, was Michael Isikoff's list of reasons for Mr. Foster to have killed himself along with his opinion that there

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was "no doubt that Foster was suffering from a worsening depression."

M. Isikoff, *Foster was shopping for private Lawyer, probers find*, Wash. Post, August 15, 1993:

Foster also expressed concerns that the *Wall Street Journal* which had criticized Foster in several editorials...

* * *

[G]iven the prospect that he might be questioned in the course of Justice Department, congressional and General Accounting Office inquiries... in connection to the travel office... Foster['s] concern about the travel office issue was evident in the handwritten note discovered in his briefcase...

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[T]he *Wall Street Journal*, which criticized Foster in several editorials, had "tarnished his reputation..."

* * *

[R]eports leave no doubt that Foster was suffering from a worsening depression...

A week later, the New York Times followed suit with Jason DeParle's feature article, also citing anonymous sources, some of whom spoke "to correct what they called misleading impressions of earlier accounts." It also used the opinions of suicide experts, as Von Drehle's piece had. DeParle claimed that Mr. Foster was "stalked by his own impossible standards of perfection."

J. DeParle, N.Y. Times, *Portrait of a White House Aide Snared by his Perfectionism A Life Undone: A Special Report*, August 22, 1993:

* * *

This account of Mr. Foster's last days is drawn from extensive interviews with White House officials, police investigators, longtime friends, and members of the extended Foster family. Some of them spoke about the situation for the first time, on the condition of anonymity, to correct what they called misleading impressions of earlier accounts.

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The portrait that emerges is at least partly that of a man stalked by his own impossible standards of perfection, trapped in a world where he could no longer seem to meet them.

"This kind of perfectionism and purity is a kind of two-edged sword," said Dr. Jerome Motto, a psychiatrist at the University of California at San Francisco and an expert on suicide. "On the one hand, it makes for fantastic performance. On the other hand, it can cut you up pretty badly."

A few weeks later, the New York Times published Frank Rich's piece. Rich compared Mr. Foster's "suicide" to the subject of Calvin Tillin's book, "Remembering Denny," about Roger Denny Hansen's life and suicide. Tillen called Hansen a "golden-boy." Rich called Mr. Foster a "golden boy."

F. Rich, *Endpaper: Public Stages; Down Time*, N.Y. Times, September 5, 1993 (syndicated):

To believe that Foster's depression had no roots in Little Rock is also naïve. Recalling Foster's service as chairman of the Arkansas Repertory Theater, Sidney Blumenthal reported in the *New Yorker* that Foster "was especially proud of its performances of Broadway dramas, such as 'Night, Mother' and 'Agnes of God.'" An armchair sleuth or shrink might point out that 'Night Mother' is about a woman who shoots herself and that 'Agnes of God' tells of a nun engaged in violent martyrdom.

* * *

The Foster and [Frank] Aller cases are echoed in another golden-boy suicide -- of another Rhodes scholar and Washington policy maker -- chronicled by Calvin Trillin this year in his book 'Remembering Denny,' Trillin had gone to Yale in the 1950's with Roger D. Hansen, a.k.a. Denny, a star athlete with a 'million dollar smile,' 'a limitless future' and a presence so potentially Presidential that his classmates pictured themselves in his cabinet...

* * *

Trillin's baffled memoir about the demise of would-be President Hansen became a best seller

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this Spring. Although few Americans had previously heard of Vincent Foster, his mid-summer death became a national obsession. Perhaps these capitol suicides touch the raw nerves of the country's own disillusioned mood as it lowers its expectations for a golden boy who did become President.

* * *

Of course, a nation's clinical depression is as hard to gauge as an individual's. It may not be politically significant that "Listening to Prozac," a scholarly meditation on America's current antidepressant of choice, started leapfrogging up the best-seller list just as Vincent Foster was laid to rest.

Two-and-a-half years later, The American Psychologist published Dr. Sidney Blatt's *The Destructiveness of Perfectionism*, a study which used that articles of Von Drehle, Isikoff, DeParle, and Rich, ("detailed reports") as its data. Dr. Blatt's study repeats the accounts of unnamed sources, which formed the basis of the lay opinions of Michael Isikoff, David Von Drehle, Jason DeParle, and Frank Rich. Dr. Blatt's article mentions two other suicides, but devotes most of its discussion to Mr. Foster's death.

S. Blatt, *The Destructiveness of Perfectionism*,
Am. Psych. J., Vol. 50, No. 12 (Dec., 1995):

The tragic death of Vincent Foster, a gifted and accomplished lawyer and deputy counsel to President Clinton, provides insight into how perfectionism could lead a very talented and successful individual to resort to a drastic action like killing himself - to leave family and friends at the peak of his life and career. Vincent Foster was regarded by friends and associates as a "pillar of strength" (Von Drehle, 1993, p. A21), "a rock of Gibraltar" (DeParle 1993, p.1). Rich (1993, p. 42), quoting *The Washington Post* and *The New York Times*, noted that Foster was considered "one of the golden boys..."

* * *

Hillary Rodham Clinton reportedly said, "Of a thousand people who might commit suicide, I would

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never pick Vince." (Rich, 1993, p. 42). Detailed reports in the public media enable us to appreciate the intensity of Vincent Foster's perfectionistic standards and his vulnerability to personal and public criticism. Extensive articles by Von Drehle (1993) in the *Washington Post* and DeParle (1993) in the *New York Times*... provided biographic materials that enable us, to some degree, to appreciate the intensity of his critical self scrutiny, his unyielding need for perfection, and the profound anguish he experienced when he felt he had failed, especially in his responsibilities to be the "great protector" (Von Drehle, 1993, p. A21) of people for whom he had felt a deep loyalty. According to DeParle (1993), "the portrait that emerges is at least partly a man stalked by his own impossible standards of perfection" (p. 22)... In a commencement address to the graduates of the University of Arkansas Law School a few months before his death, Foster stressed the importance of one's reputation... "Dents to the reputation in the legal profession are irreparable" (cited by Von Drehle, 1993, p. A20).

* * *

Another series of events at this time involved the decision of Foster and others to resign their membership in the all-White and Christian Country Club of Little Rock, a decision that "really upset Vince... with the implication that the club and their friends were racist (Von Drehle, 1993, p. A21)...

* * *

In this letter [note] Foster wrote... No one in the White House, to my knowledge violated any law or standard of conduct, including any action in the travel office..." (cited by Von Drehle, 1993, p. A21 [Washington Post])

* * *

He "felt he had failed to protect the president by keeping the process under control" (Von Drehle, 1993, p. A21, [Washington Post])

* * *

As the note written shortly before his death indicated, Foster was deeply upset by the editorials in the *Wall Street Journal*...

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questioning his integrity... He believed that they had "tarnished his reputation" (Isikoff, 1993, p. A20, [Washington Post]).

* * *

Socially prescribed perfectionism... [is] often associated with depression and suicidal thoughts...

* * *

Believing he was disgraced in Washington and perceived as a failure in Little Rock, Foster probably felt he had nowhere to go (Von Drehle, 1993, [Washington Post]).

* * *

Calvin Trilling (1993) also wrote about the suicide at age 51 of a "golden boy" he had known at Yale, Roger (Denny) Hansen...

* * *

These accounts of Vincent Foster, Alasdair Clayre, and Denny Hansen are typical of numerous examples of talented, ambitious, and successful individuals who are driven by intense needs for perfection and plagued by intense self-scrutiny, self-doubt, and self-criticism.

* * *

Although **it is inappropriate to make a formal clinical diagnosis without personal contact with the patient**, extensive knowledge about a person's life (Hersh & Lazar, 1993), and/or a comprehensive psychological assessment, clearly Foster was experiencing considerable depression.⁶³⁹

(emphasis supplied)

The process seems to have transformed the reporters' lay opinion into one of an expert. The OIC signed on.

OIC, p. 98, fn. 303:

"Berman Report at 3. Dr. Berman noted that '[r]ecent studies... have documented a significant relationship between perfectionism and both depression and suicidality, particularly when mediated by stress.' Id. at 3."

⁶³⁹ See S. Blatt, *The Destructiveness of Perfectionism*, Am. Psych. J.; Vol. 50, No. 12 (Dec., 1995).

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The unanimous 1993 conclusion of journalists Von Drehle, DeParle, Isikoff, and Rich is the same as the conclusion of Dr. Berman, which was released to the public in the OIC's 1997 Report.⁶⁴⁰ The media reported it, again.

⁶⁴⁰ OIC, p. 15: In his report, Dr. Berman first noted that "[d]escriptors used by interviewees with regard to Vincent Foster's basic personality were extraordinarily consistent in describing a controlled, private, **perfectionist** character whose public persona as a man of integrity, honesty, and unimpeachable **reputation** was of utmost importance." ^{fn303}

OIC, p. 99: "He, furthermore, faced a feared humiliation should he resign and return to Little Rock" ^{fn308} OIC, p. 99: "The torn note 'highlights his preoccupation with themes of guilt, anger, and his **need to protect others**.' ^{fn309} "

OIC, p. 99: Dr. Berman reported that "[m]istakes, real or perceived, posed a profound threat to his self-esteem/self-worth and represented evidence for lack of control over his environment. Feelings of unworthiness, inferiority, and guilt followed and were difficult for him to tolerate. There are signs of an intense and **profound anguish**, harsh self-evaluation, **shame**, and chronic fear.

OIC, p. 100: Dr. Berman said that Mr. Foster's "last 96 hours show clear signs of crisis and uncharacteristic vulnerability." ^{fn317} Dr. Berman concluded, furthermore, that "[t]here is little doubt that Foster was **clinically depressed** . . . in early 1993, and, perhaps, sub-clinically even before this." ^{fn318}

OIC, p. 101: As to why Mr. Foster was overwhelmed at that particular time, Dr. Berman explained that Mr. Foster was "under an increasing burden of intense external stress, a loss of security, a **painful scanning** of his environment for negative judgments regarding his performance, a rigid hold of **perfectionistic** self-demands..."

OIC, p. 104: During that six-month period, certain other aspects of Mr. Foster's life also came under some scrutiny. For example, in May 1993, a controversy arose over membership of Administration officials in **the Country Club** of Little Rock, which had no black members. Mr. Foster was a member of that club and resigned from it that month. On a copy of a May 11, 1993, newspaper article in Mr. Foster's office that mentioned the controversy, Mr. Foster wrote, "I wish I had done more." ^{fn331}

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Micah Morrison, Wall Street Journal, *In Re: Vincent Foster*, November 25, 1997:

Now Independent Counsel Kenneth Starr has compiled the results of a much more comprehensive investigation, a 114-page "Report on the Death of Vincent W. Foster Jr.," released in October by

OIC, p. 105: According to Mr. Foster's brother-in-law, former Congressman Beryl Anthony, Mr. Foster said words to the effect that he had "spent a lifetime building [his] **reputation** and was in the process of having it **tarnished.**"^{fn334} As Dr. Berman noted, reputation was clearly important to Mr. Foster. Indeed, in the May 8, 1993 commencement address, Mr. Foster said that "**[d]ents to the reputation in the legal profession are irreparable**" and that "no victory, no advantage, no fee, no favor . . . is worth even a blemish on your reputation for intellect and integrity." He emphasized that the "reputation you develop for intellectual and ethical integrity will be your greatest asset or your worst enemy."

OIC, p. 105: At the same time, the White House staff generally was subject to media criticism during the first six months of the Administration. Some public criticism suggested incompetence, if not malfeasance, by staff members. Mr. Foster himself was mentioned several times in some of the critical editorial commentary. Numerous witnesses said that **Mr. Foster was concerned and/or upset over the press criticism.**^{fn333}

OIC, p. 106: The **Travel Office matter**, in particular, was the subject of public controversy beginning in May 1993 and continuing through Mr. Foster's death. Criticism focused on the White House's handling of the matter before and after the May 19 firings. Legislation enacted on July 2, 1993, required the General Accounting Office (GAO) to investigate the Travel Office Firings. There was a possibility of some form of congressional review, or perhaps special counsel investigation.^{fn335}

OIC, p. 106-107: At some point in the last week of his life, Mr. Foster wrote a note^{fn337} that he had "made mistakes from ignorance, inexperience and overwork" and that he "was not meant for the job or the spotlight of public life **in Washington. Here ruining people is considered sport.**"^{fn338} OIC, p. 114: "Dr. Berman concluded that '[i]n my opinion and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion.'"^{fn353} (emphasis supplied)

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the Special Division of the U.S. Court of Appeals for the District of Columbia. "An evident clinical depression," was the diagnosis of Alan Berman, executive director of the American Association of Suicidology and one of the many experts Mr. Starr brought in to assist with the probe. "There are signs of an intense and profound anguish, harsh self-evaluation, shame, and chronic fear." "Mr. Foster's last 96 hours show clear signs of crisis and uncharacteristic vulnerability," Dr. Berman writes. In poignant new disclosures, Mr. Starr reports that Mr. Foster cried while talking to his wife on the Friday before his death, and in a letter to a friend wrote that "pressure, financial sacrifice, and family disruption are the price of public service at this level. As they say, "The wind blows hardest at the top of the mountain."

The wind was blowing hard at Mr. Foster from many directions. Though there was no "single, obvious triggering event" to explain the suicide, Mr. Starr writes that Mr. Foster seemed particularly plagued by the Travel Office affair. Other matters troubling him included litigation surrounding Hillary Clinton's Health Care Task Force and media criticism, led by our editorials. But also issues related to the Clinton's personal finances, their tax returns and the "1992 sale of their interest in Whitewater."

When the first investigation closed, August 5, 1993, the Washington Post had already published an article by Walter Pincus stating that Mr. Foster had "taken on everyone else's problems in Washington," that his death was a suicide, and that questions regarding that conclusion were based on "rumors." The verdict of depression, which would be repeated for the next six years, was exemplified in two articles in the Washington Post's August 15 Sunday edition, an August 22, New York Times piece, and a September 5, New York Times Magazine piece. The long summarizing Sunday Post and Times articles were widely syndicated.

These media reports are the data on which the psychological study was based, Berman almost certainly relied on the study, the OIC relied on Berman, and media

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reported the OIC's "100% certain" verdict. Thus, the psychological opinion of Michael Isikoff, David Von Drehle, Jason DeParle, and Frank Rich, based on information from unnamed sources, has come full circle,⁶⁴¹ and is now the OIC's psychologist's official expert opinion.⁶⁴²

⁶⁴¹ Mr. Foster was suffering from severe depression, according to Michael Isikoff, then to DeParle and Rich. Drs. Blatt and Berman agreed. Dr. Blatt accepted the accounts of Isikoff, DeParle, Von Drehle, and Rich of the importance to Mr. Foster of his reputation. Blatt said it caused him "profound anguish." Von Drehle made much of Mr. Foster's anguish over resignation from all-white Country Club. So did Dr. Blatt, Dr. Berman and the OIC. DeParle, Von Drehle, and Isikoff gave the Travel Office matter and the Wall Street Journal Editorials as the primary triggering events for Mr. Foster's demise. So did Drs. Blatt and Berman. DeParle and Von Drehle covered the unsigned torn note, discovered six days after the death in the previously searched and thought to be empty briefcase, in 28 pieces with one piece missing. Dr. Blatt's study followed suit, as did the OIC. Von Drehle called the torn note a list of his "complaints," chiefly among them being that in Washington, "ruining people is considered sport." Mr. Foster suffered from a negative self-image, according to the reporters, Dr. Blatt, Dr. Berman and the OIC. According to Von Drehle, the negative self-image was significant enough to keep Mr. Foster from returning to Little Rock. Dr. Blatt concurred. Von Drehle reported that Foster felt he had failed as the "great protector." Dr. Blatt agreed. So did Dr. Berman and the OIC. Von Drehle reported that Mr. Foster "felt powerless to turn things around." Dr. Blatt opined that he had "feelings of failure, anxiety, anger, helplessness." The OIC followed suit. Both Von Drehle and Dr. Blatt describe Mr. Foster as overwhelmed by feelings of unworthiness, failure, guilt, and disapproving self-criticism. Frank Rich compared Mr. Foster to Roger D. Hansen in Calvin Trillin's book, Remembering Denny. So did Dr. Blatt, calling Mr. Foster and Mr. Hansen perfectionists. Dr. Berman too concluded that Mr. Foster was a perfectionist.

⁶⁴² See H. Fineman & B. Cohen, *The Mystery of the White House Suicide*, Newsweek Magazine, August 2, 1993: The park Police and the Justice Department now insist that they want to know not just the "if" of suicide, but the "why" as well. If they really want to know the reason why, said Edwin Schneidman, professor emeritus of thanatology at the University of California, Los Angeles, they will have to perform what he calls a "psychological autopsy"...