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III. OVERVIEW OF THE COMPARISON OF THE PUBLICLY AVAILABLE EVIDENCE TO THE OIC'S REPORT

On July 15, 1997, Mr. Starr filed, under seal, with the United States Court of Appeals for the DC Circuit, Special Division for the purpose of Appointing Independent Counsels, its Report on the Death of Vincent W. Foster, Jr. Eighty-six days later, on October 10, 1997, the Court ordered it unsealed and released to the public. The OIC's interim Report is 114 pages long, exclusive of its twenty-four page Appendix, which it bound separately. It is double-spaced and has 353 footnotes. Its authors are unknown.¹⁴⁶

The available records, from which the exhibits below are drawn, include reports of various kinds, testimony, depositions, FBI and Park Police witness interview reports, photographs, laboratory reports, investigators' memos, and handwritten notes.

Of the 184 exhibits cited below, 134 of them are drawn from the volumes assembled by the 1994 Senate Banking Committee.¹⁴⁷ Except for those documents which are withheld or redacted (the most controversial), these volumes contain most of the records generated by the FBI under the Fiske probe, and many of the records generated under the first FBI/Park Police investigation. They were released in January of 1995. Of the 52 remaining exhibits, 25 were provided through Freedom of Information Act lawsuits. Fourteen exhibits are taken from the volumes assembled by the 1995 Senate Whitewater Committee, released in 1997.¹⁴⁸

¹⁴⁶ OIC, p. 15: "The OIC legal staff in Washington, D.C., and Little Rock, Arkansas, participated in... preparing this report."

¹⁴⁷ S. Hrg. 103-889. HEARINGS RELATED TO MADISON GUARANTY S&L AND THE WHITEWATER DEVELOPMENT CORPORATION - WASHINGTON, DC PHASE, Committee on Banking, Housing, and Urban Affairs, United States Senate, (redacted) Volumes I, II & XIV, available from the Senate Banking Committee clerk in January, 1995.

¹⁴⁸ S. HRG. 104-869. INVESTIGATION OF WHITEWATER DEVELOPMENT Corporation and Related Matters, SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS, ADMINISTERED BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS UNITED STATES SENATE.

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Four exhibits are taken from the U.S. House of Representatives investigation into the Travel Office matter.¹⁴⁹ The five exhibits denoted with an asterisk* were not obtained from any official investigative records. The remaining four exhibits are the Clinger Report, a photograph released by ABC News, a report found in the National Archives, and the Fiske Report (*Report of the Independent Counsel In Re Vincent W. Foster, Jr.*). The Fiske Report, 58 double-spaced pages, was released to the public on June 30, 1994.

The OIC hides FBI agents' participation in its death probe by citing reports conducted during its tenure as "OIC." Because references to the term "OIC" could be to grand jury testimony, or to reports prepared by FBI agents, or to reports prepared by other investigators, there is no way to tell which of these reported witnesses' accounts are the interviewing FBI agents' version of the facts described.

OIC, p. 18-19, fn. 26:

"...As used in citations herein, the term 'OIC' refers to a transcript of either an interview or a grand jury appearance by a witness..."

In its footnotes, the OIC refers its readers to documents that purport to prove the conclusions it makes. Of these 353 footnotes, 265, or 75% of them, refer the reader to documents that are unavailable.

Description of withheld documents	Footnote references	Percentage of secret references
"OIC" documents	88	33%
FBI documents	62	24%
Dr. Henry Lee's Report	60	23%
Dr. Alan Berman's Report	30	11%
Dr. Brian Blackbourne's Report	16	6%
Other documents and sources	7	3%
Total number of secret sources	265	100%

¹⁴⁹ H.R. 104-849. INVESTIGATION OF THE WHITE HOUSE TRAVEL OFFICE FIRINGS AND RELATED MATTERS, available September, 1996.

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The OIC hired Dr. Henry Lee, a renowned forensic scientist, Dr. Brian Blackbourne, a forensic pathologist, Dr. Alan Berman, a "suicidologist," and a handwriting expert, Gus R. Lesnevich. All experts' reports remain withheld from public view, so that we do not even know their completion dates. The OIC claims to have provided its experts with all the relevant evidence to review. As you will see, it did not. All experts are confident in their opinions, apparently undaunted by the admitted scarcity of evidence.¹⁵⁰

Contrary to the impression given in its Table of Contents, the evidence in support of the Report's various conclusions are largely scattered throughout its 114 pages. Therefore, to analyze any given issue, one must peruse the entire Report in search of citations to evidence bearing on that issue. Consider looking in the OIC's 114-page Report to see its analysis of five important issues.

¹⁵⁰ OIC, p. 14, fn. 20: As Dr. Lee explained, a perfect reconstruction of the circumstances of Mr. Foster's death was not possible at the time of the OIC's investigation. The reasons include the lack of complete documentation of the original shooting scene; the lack of subsequent records and photographs of each item of physical evidence prior to examination; the lack of x-rays of Mr. Foster's body from the autopsy; the lack of documentation of the amount of blood, tissue, and bone fragments in the areas at the scene under and around Mr. Foster's head; the lack of close-up photographs of any definite patterns and quantity of the blood stains found on Mr. Foster's clothing and body at the scene; and the unknown location of the fatal bullet, which makes complete reconstruction of the bullet trajectory difficult. Lee Report at 485.

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}

Exhibit 12, Fiske Report, June 30, 1994: "On the afternoon of Tuesday, July 20, 1993, in Fort Marcy Park, Fairfax County, Virginia, Vincent W. Foster, Jr., committed suicide by firing a bullet from a .38 caliber revolver into his mouth. As discussed below, the evidence overwhelmingly supports this conclusion, and there is no evidence to the contrary."

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Wound	Gunshot Residue	Gun	Blood	Photographic Evidence
1, 8, 26, 27, 29, 30, 31, 32, 33, 34, 61, 63, 64, 75, 76, 111	1, 26, 28, 30, 32, 33, 42, 43, 44, 45, 46, 53, 58, 62, 63, 64, 65, 78, 79, 112	25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 43, 45, 54, 61, 62, 77, 79, 80, 81, 82, 83, 84, 85, 110, 112	11, 14, 25, 26, 28, 29, 36, 38, 39, 40, 46, 47, 48, 49, 57, 59, 60, 61, 63, 64, 65, 66, 67, 68, 112, 113	16, 17, 21, 24, 25, 26, 27, 29, 30, 31, 32, 33, 35, 42, 43, 45, 46, 47, 49, 52, 59, 60, 61, 62, 63, 64, 65, 66, 67, 72, 73, 78, 79, 81, 82, 87, 90, 93, 111, 113

The autopsy is the cornerstone of both the OIC's and the Fiske probe's reports. Officially, six experts have relied on its findings, four hired by the Fiske probe and two by Starr's. All of these experts agree that there was no neck wound. And none of them reported having found anything about the amount or configuration of blood at the scene that refutes or even calls into question the official conclusion of suicide in the park.

In the next 250 pages, for all the issues except depression, we will review most of the available evidence and compare it with the OIC's representations of the evidence, as well as the OIC's conclusions. We will also examine issues that the OIC omitted from its Report. Then, in Chapter X, we will explore the reasonable inferences to be drawn from the facts. As you review the evidence, keep in mind that our goal is to prove to you the existence of a cover-up, and please remember to keep an open mind until you have reviewed all the evidence.

IV. EVIDENCE OF KNOWLEDGE OF THE DEATH BEFORE THE OFFICIAL TIME OF NOTIFICATION

Summary: The OIC conceals that the FBI's Violent Crime Squad claimed it did not learn of the death until press accounts appeared the next day, that Fire & Rescue workers learned from Park Police by 6:37 that Mr. Foster was employed at the White House, and that William Kennedy learned of the death by 8:00. The OIC addresses only the time when Helen Dickey learned of the death. In doing so, it purportedly relies on telephone records to dismiss Arkansas Troopers' accounts that Dickey notified them of the death before 8:30, while claiming that the telephone record of the call to the Trooper is "not available."