

# My sinister battle with Brett Kavanaugh over the truth — by Ambrose Evans-Pritchard

The Telegraph • October 3, 2018



*Illustration by Kerry Squires*

## Ambrose Evans-Pritchard

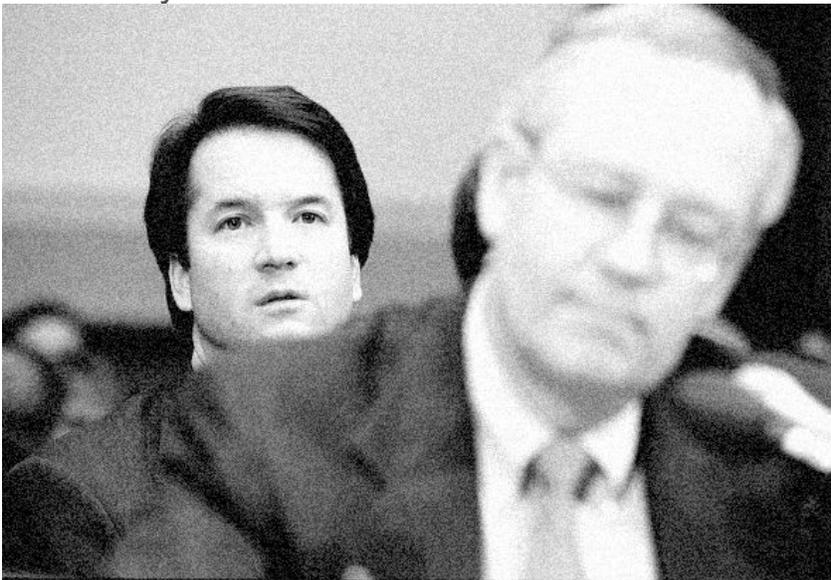


*Ambrose Evans-Pritchard is International Business Editor of The Daily Telegraph. He has covered world politics and economics for 30 years, based in Europe, the US, and Latin America. He joined the Telegraph in 1991, serving as Washington correspondent and later Europe correspondent in Brussels.*

Twenty-three years ago I crossed swords with a younger Brett Kavanaugh in one of the weirdest and most disturbing episodes of my career as a journalist.

What happened leaves me in no doubt that he lacks judicial character and is unfit to serve on the US Supreme Court for the next thirty years or more, whatever his political ideology.

He was not a teenager. It related to his duties in the mid-1990s as Assistant Independent Council for the Starr investigation, then probing Bill and Hillary Clinton in the most sensitive case in the country.



Brett Kavanaugh sits behind Kenneth Starr during his testimony before the House Judiciary Committee regarding the possible impeachment of President Bill Clinton in 1998 Credit: David Hume Kennerly/Getty Images

To my surprise, the incident has suddenly become a second front in his nomination saga on Capitol Hill. Senator Dianne Feinstein, the top Democrat on the Senate Judiciary Committee, has accused him of violating secrecy laws by revealing the details of a federal grand jury.

“Disclosing grand jury information is against the law,” she told Politico. She [said it also showed he had misled the Senate](#) by assuring categorically that he had never leaked grand jury material to journalists. Sen Feinstein released a ‘smoking gun’ document from the archive files of the Starr investigation. It [shows Mr Kavanaugh’s efforts to suppress a news story](#) about his wild cross-examination of a witness, including a wayward discussion of “genitalia” that particularly worried him. This piqued my interest since I am named in the document and the witness – Patrick Knowlton – was in a sense ‘my witness’.

Sen Feinstein is doubtless unaware of the larger, surreal story behind that week, and what it might suggest about rogue operations at the heart of the US federal system.



Brett Kavanaugh shakes hands with President Bill Clinton on board Air Force One Source: White House

The document is one of hundreds of papers released by the US National Archives this year. For me it has been a strange journey back in time, like reading your old STASI file in East Berlin. There is one handwritten note by a Starr prosecutor stating – obliquely – “Ambrose about to go off the deep end”. OK, nobody is perfect.

There were debriefing memos of clandestine meetings I had with federal agents and prosecutors. One from Shoney’s restaurant in Little Rock,

Arkansas; another from a dinner at the Occidental Grill in Washington (my old haunt).

Mr Knowlton had been called to the grand jury because of a story in the Telegraph. Little did I know then that I was about to turn this brave man's life upside down.

He was a crime scene witness in the death of Vincent Foster, the White House aide and ex-law partner of Hillary Clinton. At the time this was a mystery case, a big story during my tenure as the Sunday Telegraph's bureau chief in Washington.

I had tracked down Mr Knowlton and discovered that the Starr probe had never spoken to him, even though he had been the first person at the Fort Marcy death location and had highly-relevant information.

I showed him his FBI '302' witness statement from the earlier, superficial Fiske probe. He had never seen the words attributed to him before.

Mr Knowlton was stunned. It contradicted his express assertions. He said the FBI had tried repeatedly to badger him into changing his story on key facts. Each time he refused. Now it appeared they had written in what they wanted to hear. He agreed to go public and accused the FBI of falsifying his witness statement. This was to court trouble.



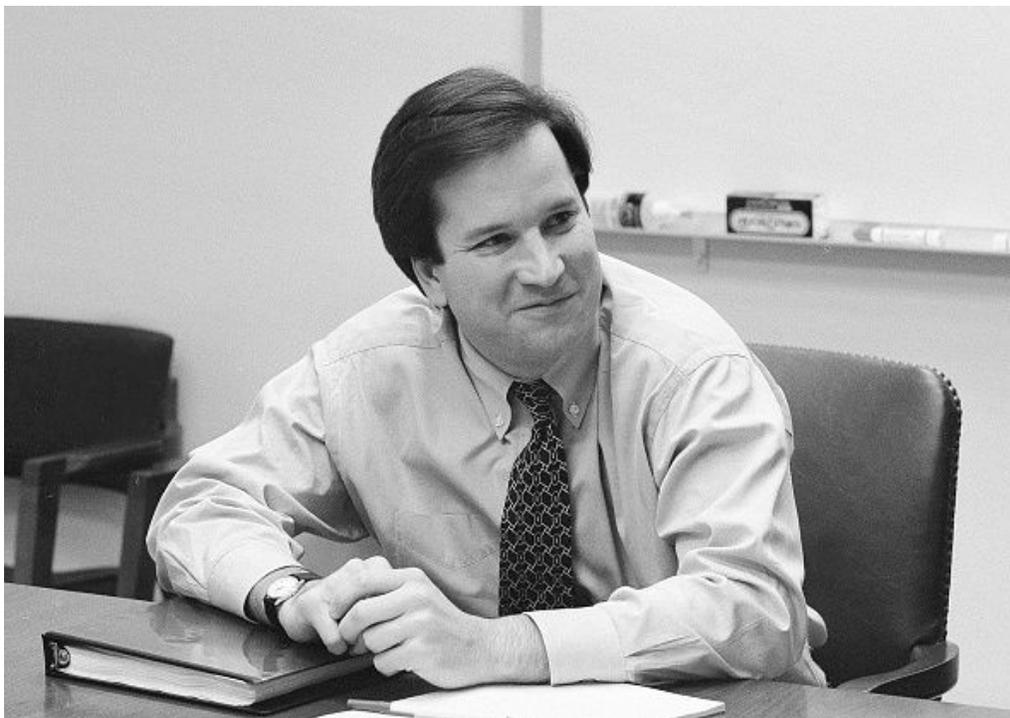
Key witness Patrick Knowlton

As soon as the print edition of the Telegraph reached Washington, the Starr investigation issued a subpoena calling Mr. Knowlton to the grand jury. He was to face questioning by Brett Kavanaugh.

Mr. Kavanaugh was then a cocky 30 year-old from the affluent WASP suburbs of Northwest Washington, very much the country club boy with a high sense of his status, and Georgetown Prep and Yale Law School behind him, though only with a humdrum Cum Laude. If anybody was going to wind up my hard-scrabble, salt-of-America witness, it was this child of privilege.

What happened first was an eye-opener. Before testifying, he suffered two days of what appeared to be systematic intimidation by a large surveillance team. This was observed by two other witnesses, including Chris Ruddy, now the powerful chief executive of NewsMax.

Mr. Ruddy called me in shock from Dupont Circle to recount what he saw. A deeply-shaken Mr Knowlton contacted me from his home several times, until his phone was cut off.



Mr Kavanaugh, as aide to Independent Counsel Kenneth Starr, during a meeting in the Office of the Solicitor General in November 1996 Source: David Hume Kennerly/Getty Images

Veteran intelligence agents might recognise a method. It had the hallmarks of a boilerplate softening-up operation. In my view – unprovable – the objective was to frighten him before his grand jury appearance. It smacked of police state behaviour on the streets of Washington DC.

I informed Mr Starr's office that their grand jury witness was being intimidated. So did Mr. Knowlton's lawyer, who asked for witness protection. Nothing was done. Mr. Kavanaugh brushed it off, saying the Telegraph was behind all this mischief in order to "sell newspapers".

When Mr. Knowlton appeared at the grand jury – thinking he was doing his civic duty – he says he was subjected to two and a half hours of character assassination by Mr. Kavanaugh. There was little attempt to find out what he knew about the Foster death scene.

Could it be that the witness was distraught and imagined much of this? Possibly. But Mr Knowlton and his lawyer later filed a [federal lawsuit against FBI agents he claimed were working for Brett Kavanaugh](#), alleging witness tampering and a conspiracy to violate his civil rights. This eventually reached the US District Court in Washington DC. The quixotic case was impossible to prove. Yet it was the action of a man who clearly felt wronged. To this day he blames Mr. Kavanaugh personally. Thousands of documents from the Starr probe are still secret. Others are redacted. It is impossible to know whether Mr. Kavanaugh was linked to any intimidation or obstruction of justice, but there is no doubt in my mind that he failed to protect the rights of his own grand jury witness.

This is not the place to revisit the Foster case, the electric third rail of US politics. But it is worth noting two points that touch on Mr Kavanaugh.

Few people are aware that the US federal prosecutor handling the death investigation at the outset, Miquel Rodriguez, had resigned earlier from the Starr investigation after a bitter dispute.

His [resignation letter](#) – later leaked – said he was [prevented from pursuing investigative leads](#), that FBI witness statements did not reflect what witnesses had said, that the suicide verdict was premature, and that his grand jury probe was shut down just as he was beginning to uncover evidence. An informed source told me his work had been sabotaged by his own FBI agents.



US federal prosecutor Miquel Rodriguez

The nub of the dispute was over compelling evidence of a wound in Foster's neck, which contradicted the official version that Foster shot himself in the mouth and had essentially been suppressed. The key crime scene photos had vanished and the FBI labs said others were over-exposed and useless.

Mr Rodriguez, by then suspicious, slipped them to the Smithsonian Institution and had them enhanced. One showed a black stippled ring like a gunshot wound in the side of Foster's neck. This remains secret but I have seen it.

The photo was pivotal. It confirmed what several people who handled the body had originally stated. I interviewed the first rescue worker on the scene and when I asked him about the mouth wound, he grabbed me, and said with frightening intensity: "listen to me buddy, Foster was shot right here," jabbing his finger into my neck. He said the FBI had pressured him too into changing his story and that official narrative was a pack of lies.

Mr Kavanaugh's reaction to the findings of his colleague can be [found in the stash of released documents from the Starr inquiry](#). One says in his

hand-written notes: "startling discovery", "blew up portions of photo – trauma to the neck on rt side", "appears to be bullet hole".

He was presented with a long analysis by Rodriguez that ripped apart the earlier Fiske report and called for an open homicide investigation. This had huge implications for the Clinton presidency and caused an internal crisis in the Starr office. A decision was made to shut down that part of probe.

Miquel Rodriguez said he was "forced out". It was the end of the only genuine probe of the Foster death – conducted under oath – that had ever occurred.

Mr Kavanaugh faced a choice. He chose to go with the establishment rather than stick up for his colleague. This proved good for his career. He took over the grand jury, by then a legacy showpiece. His treatment of my witness revealed his colours.





Mr Kavanaugh went on to write the Starr Report on the Foster death. But Mr Knowlton got the last word, literally. He filed a 511-page report at the US Federal Court with evidence alleging a pattern of skullduggery, and asked that it be [attached to the Starr Report](#).

The three top judges did not agree but they [ordered that a shorter 20-page version be attached](#) at the end, despite vehement protest from the Starr office. This had never happened before in the history of the office of the independent council.

This summary asserts that the FBI had “concealed the true facts”, that there had been witness tampering, and that the report had wilfully ignored facts that refuted its own conclusions. There it sits in perpetuity, a strange rebuke for Mr Kavanaugh by his own fellow judges on the federal bench.