

INDEPENDENT REPORT

in RE:

The Death of Vincent W. Foster, Jr.

Prepared for:

Western Journalism Center

On:

April 27, 1995

By:

Forensic Control Systems

Report Prepared by
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for

Western Journalism Center
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RE: Confidential Investigation
Crime Scene Reconstruction
Vincent W. Foster Jr. (Deceased)

Case No. 2014/95

At your request, a Confidential Investigation was carried out by this office in regard to the circumstances involved in the death of Deputy White House Counsel, Vincent W. Foster Jr., whose body was reported to have been found within the confines of Fort Marcy Park, Fairfax County, Virginia, during the early evening hours of Tuesday, July 20, 1993. The following is a detailed report of the results of our investigation.

CRIME SCENE RECONSTRUCTION SEQUENCE

On Saturday, March 4, 1995, at approximately 2:00 p.m., our operatives, Vincent J. Scalice, S.C.S.A., Forensic Consultant, Richard Saferstein, PhD., Criminalist, and Fred Santucci, Forensic Photographer, arrived at the parking lot of Fort Marcy Park and commenced this investigation.

Soil and surface conditions were dry. Temperature was measured at 41 degrees fahrenheit.

The operatives took the path which would have been closest to Mr. Foster's car, and entered the main clearing of the earthen fort. The operatives examined the ridge, or berm, immediately to the left as they entered the clearing. Approximately midway along the berm, the operatives noted the metal-concrete anchor which secured the "first cannon." This cannon has been removed from the park recently.

Approximately 50 feet past the first cannon site the operatives noted a curve shaped hollow and a path going down the embankment. This site has been identified in the Ruddy report as the true location of the body's discovery on July 20, 1993. This location herein will be noted as the cannon No. 1 area.

The operatives proceeded directly across the clearing, taking the most direct path to the second cannon site. The site is hidden from the main clearing, and is approximately 200 feet from cannon area No. 1.

The operatives reviewed the second cannon site, including the berm the second cannon overlooks, where the Park Police claim Foster's body was discovered. This site is referred to herein as "the second cannon site."

The operatives also noted homes along Chain Bridge Road which could be seen from the second cannon site.

The operatives then proceeded along an easterly trail which runs parallel to Chain Bridge Road to the park's rear entrance. The operatives noted that the entrance is for both cars and pedestrians, and identified the compound for the Ambassador of Saudi Arabia, as well as the compound's security camera that views the park's rear entrance.

The operatives then returned to the parking lot and met with a stand-in for Mr. Foster, identified herein as the model. The model is the same approximate weight and height as Mr. Foster.

The model put on a clean pair of dress shoes at the reported location of Mr. Foster's car. He then took the nearest path and proceeded to the second cannon site. He walked along the side of the path, avoiding walking on the freshly laid gravel path that begins at the lot and leads up to the entrance of the main clearing.

The model took the most direct route to the second cannon site. From the time he left the lot until he arrived at the second cannon site, the model was videotaped by Mr. Santucci.

The model thereupon removed the dress shoes, which were examined, bagged and noted by Dr. Saferstein. The model put on a fresh pair of shoes, dress socks, suit pants, and a white dress shirt.

The model then walked several paces down the second cannon site, and sat down on a root stem which forms a natural seat, as identified in the Fiske report. In a reclined position, the model's head laid approximately 10 feet directly in front of the second cannon's barrel. This is consistent with the Fiske report.

While seated the model was asked to place both hands around an imaginary gun placed in his mouth, and simulate firing the weapon.

During this time Mr. Santucci continued taking videotape, as well as 35mm photographs. Mr. Scalice took numerous Polaroids of the scene.

The model was asked to straighten out his legs and arms as he reclined on the path, as consistent with eyewitness descriptions of how the body was found. Mr. Scalice had the model place his right hand and arm in a position closely resembling the polaroid that was released by ABC News. Similar Polaroid photographs were taken by Mr. Scalice for comparison purposes.

The operatives proceeded down the berm approximately 13 feet from where the body was reported to have been found to the point at which Foster's eyeglasses were said to have landed after being thrown from his body. Photographs were taken at this location.

The operatives noted that from the crest of the berm's hollow, the berm falls at an angle of approximately 25 to 30 degrees for several feet until it reaches the first section of the root stem. At that point, the berm falls away sharply at approximately a 45-degree angle. The abrupt drop in the slope takes place almost at the mid-section of the model's body, causing the body to appear curved around the slope, or bowed outward.

The model's upper body was then lifted up to examine the back of the head and the body was also allowed to slip for three to four inches on the incline, as noted by eyewitnesses. The body was then picked up fully. The model thereupon removed his clothing and shoes. The items were bagged and removed by Dr. Saferstein for further analysis.

Dr. Saferstein also examined soil conditions at the second cannon site.

The operatives then proceeded to the cannon No. 1 site and examined and compared the ABC News copy of the polaroid photo with conditions at this area. It was noted that at this location the body would have lain on a more gentle slope of approximately 25 degrees.

As a result of closer inspection of this site coupled with a detailed examination and comparison of the ABC photograph, obvious similarities were noted in regard to the plant life and vegetation throughout this area. Several leaves of a particular type which matched those contained in the photograph were found to be present at this location. Several of those leaves were collected, bagged and removed for further analysis and possible identification.

The operatives then returned to the second cannon site and thoroughly searched this area for similar type leaves. No matching leaves were found at this location.

The operatives returned to the parking lot at approximately 5:00 p.m., ending their reconstruction project.

In addition to the aforementioned crime scene reconstruction project, a detailed examination and evaluation was carried out in regard to the Fiske Report, as well as all attachments, including F.B.I. laboratory and interview reports, U.S. Park Police reports, autopsy reports and Senate Banking committee testimony.

The following is a report of the findings and conclusions in regard to our investigation into this matter.

GENERAL FINDINGS

I. Movement of the Body

A high probability exists that Foster's body was transported to Fort Marcy Park from an outside location due to the following:

According to the Fiske report, Foster's shoes had not one trace of coherent soil on them or on his clothing although the 197 pound Foster had allegedly walked over 700 feet to the second cannon site. Although the heavy summer foliage may have covered much of the ground soil, other areas would have been traversed with exposed soil.

For example, a laboratory test conducted on one (1) pair of shoes (15017, worn by model) and walked simply several paces in the vicinity of the second cannon, revealed "significant quantities of soil in combination with vermiculite (mica) on both heels."

The shoes and clothing worn by the model at the park were closely examined and analyzed. Both shoes and clothing were found to contain soil mixed with mica.

These facts would be highly consistent with the fact that Foster did not walk to the spot where he was found, but was more likely transported to this location by other means.

Our laboratory analysis on a pair of shoes (65548) that had been walked from the parking lot to the second cannon site disclosed evidence of grass stains. It should be noted that the walk was carried out in winter weather (March). Had Foster walked this route on July 20, 1993, there would have been a greater likelihood of grass staining. The F.B.I. report omits any mention of grass staining whatsoever.

Officials claim that Foster's body was found on a path lying at the second site. If this were true, especially on a warm summer day, soil and other debris should have adhered to his clothing and shoes. The Fiske report indicates no traces of coherent soil whatsoever.

The position of Foster's body as described in numerous reports is

completely unnatural with a suicide of this type. In agreement with the Fiske report the only likely scenario would be that Foster was in a sitting position. In this position, however, it is not logical to expect that his arms and legs would have fallen into a neat and orderly position. It is more likely that his arms would extend outwards at an angle to the body as a result of the discharge. The neat arrangement of his arms close to the body, coupled with the overall arrangement of the body itself, is not consistent with suicide.

The lack of extravated blood on the front of the body is inconsistent with death by intra-oral gunshot, which raises the likelihood that Foster's heart had already ceased and that death would have been caused by other means. Dr. Donald Haut, the Medical Examiner present at the scene when the body was rolled over, said there was little blood behind the body on the ground. This is consistent with the small amount of blood that had emanated from the entrance wound.

Haut said that blood had matted or congealed on the back of the head. This is an indication that the exit wound may have been covered if the body was moved.

Had Foster fired the weapon while in the sitting position and the bullet followed the trajectory described in the autopsy, exiting from the back of the top of the head, blood splattered brain tissue and other matter should have been visible above the head, on the surrounding ground or vegetation. No witnesses identified such matter as described and the lead police investigator saw none.

The inconsistent blood tracks and stain on Foster's right cheek, as mentioned in the F.B.I. report, cannot simply be explained by the fact that an emergency worker may have touched the head, for example, while checking the carotid artery. This further supports the theory that the body may have been transported.

2. Location of the Body's Discovery

The forensic evidence does not support the police and Fiske conclusion that Foster's body was found on the path directly in front of the second cannon site. This pathway has clearly been a dirt path edged by root stems. These root stems appear worn as a result of having been exposed for many years. A Gannett news report, published shortly after Foster's death, reported the path to be a dirt one.

Shoes and clothing worn by the model at the second cannon site were closely examined and analyzed. Dress shoes (15017) were found to contain significant quantities of soil mixed with mica. The pants were also found to contain soil mixed with mica.

Had Foster's body been lying at the second cannon site, especially on a warm summer day, soil and other debris should have adhered to his clothing and shoes. The Fiske report indicates no traces of coherent soil whatsoever.

The second cannon site is not consistent with the heavy and dense foliage said to have been found all around the body. It is not consistent with description of the scenes polaroids, including the ABC News photograph.

The Fiske report notes heavy vegetation below the body extending to the location of Foster's eyeglasses, approximately 13 feet away. This also is not consistent with the barren area below the body at the second cannon site.

The cannon No. 1 site is consistent with the description of heavy foliage. It is consistent with the ABC News polaroid.

The ABC News Polaroid clearly shows evidence of a certain type of leaf, which has been found to be common to the cannon No. 1 area. This leaf has subsequently been positively identified as a species known as **Magnolia acuminata**. As a result of a careful examination and inspection carried out over a wide area in the vicinity of cannon No. 2, it was conclusively established that no leaves of this type were observed in or about this location.

The second cannon site has a slope whose angle of descent drops considerably to a point almost exactly where Foster's mid-section would have been. On the slope the model's body displayed a curved, or bowed appearance, with the abdomen clearly protruding. No mention of this characteristic position was noted in any of the eyewitness statements. The angle of the slope at the first cannon site is less pronounced and would not have resulted in any unusual or curved position of the body.

SPECIFIC FINDINGS

1. The Fiske report states that mica particles found on Foster's shoes and clothing, in the absence of soil, supports the conclusion that Foster had walked through the path. This conclusion is not logical due to the fact that the shoes and clothing contained both soil and mica in our laboratory tests.

Our laboratory analysis of vegetation from the park also revealed "significant quantities of vermiculite (mica) and the absence of soil constituents." Therefore, mica particles found on Foster is only proof that his body was laying on dense foliage and leaves, which is still consistent with the probability that his body had likely been transported to the scene.

The aforementioned conclusions are further supported by the F.B.I. report which notes mica being found not only on his shoes,

but also on his shirt, pants, belt and socks.

2. Had Foster fired the gun at the second cannon site, it is conceivable that the shot would not have been heard by any of the neighbors who reside in homes across the road. The barrel's position in the mouth may have produced a muffling effect, and traffic noise could have possibly further diminished the sound of the shot.

3. Had Foster fired the gun while in a sitting position at the second cannon site, the bullet, if it did exit the back of the rear of the head, could conceivably have cleared the berm behind him. However, after exiting the head, it is reasonable to expect that the velocity could have diminished considerably, thereby causing the spent projectile to fall closer to the body. Behind the body and above the crest of the berm is an open clearing area. On the other side of the clearing is a small berm, creating a natural barrier for the fired projectile. Failure to recover the spent bullet is consistent with the fact that the gun may have been fired at another location.

4. An important focus of this investigation should be placed on the park's rear entrance, as a possible means or method of transporting the body to the scene.

5. Carpet-type fibers of various colors which were found on almost all of Foster's clothing was clearly indicative of the fact that his body may have been in contact with one or more carpets at some point in time prior to his death. It is therefore logical to assume that such contact may have taken place at some other location prior to his being found in the park. This type of trace or transfer evidence should be considered highly significant as it would provide an indication of Foster's possible whereabouts or movements prior to him being found in the park. This evidence raises the possibility that his body may have been in a prone position, that his clothing may have been searched while in a prone position, and/or his body may have been transported while in contact with some type of carpeting.

It should be noted that nowhere in the reports is any mention made of any search or vacuuming for trace evidence being carried out. No carpet fibers were recovered from the interior of Foster's vehicle or the trunk area. This might have established whether or not Foster had in fact driven to the parking lot, or was transported in the trunk.

6. Foster's eyeglasses were reported to have been recovered approximately 13 feet below his body on the berm. The Fiske report notes that since the gunpowder was found on the glasses it meant that they must have been thrown from his head or shirt pocket after the gunshot. It is inconceivable for the glasses to have been thrown or bounced through foliage to the location where

the weapon was fired." This conclusively demonstrates that neither his right nor left hand was on the hand grip when it was fired. This evidence is inconsistent with suicide.

In most cases of suicide, the gun does not remain in the victim's hand.¹ In addition to the unusual gunpowder soot found on the index fingers, we found disturbing the proximity of the right hand and arm to the right leg, the unusual deep position of the thumb in the trigger guard, the position of the gun barrel tucked under the right leg, the lack of any visible blood on the gun, the failure of the family to positively identify the gun's ownership and the failure to recover the fired projectile. These facts are all supporting evidence that a high probability exists that the positioning of the gun in the hand was staged.

CONCLUSIONS

All cases of suspicious death should be treated as homicides, until proven otherwise. Due to the circumstances involved in this case, the opinion has been formed that homicide has not been ruled out.

As a result of our investigation and reconstruction in regard to this case, we have concluded contrary to the conclusions arrived at in the Fiske report: the overwhelming evidence does not support the conclusion that Vincent W. Foster Jr. committed suicide in Fort Marcy Park.

Therefore, wholly separate from the issue of suicide or homicide is the obvious problem of the body's transport to the park.

Still another serious issue concerns the location of the body's discovery in Fort Marcy Park. Based upon the evidence made available and examined, it is more likely that the official location of the second site is not the actual site of the body's discovery. Evidence also indicates that the first cannon site is more consistent with the actual location of the body's discovery.

Signed:



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Forensic Consultant
Crime Scene Analyst



Fred D. Santucci
Forensic Photographer
Crime Scene Expert

¹ Mr. Scalice and Mr. Santucci, in their combined experience of fifty years of investigating homicides, have never seen a weapon or gun positioned in a suicide's hand in such an orderly fashion.