

time, we are going to give providers of health care the opportunities to help bring down that inflation rate, and I think we will see that happen.

□ 2001

"60 MINUTES" REPORT ON THE DEATH OF VINCE FOSTER

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Indiana [Mr. BURTON] is recognized for 15 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I have been watching the television show on CBS, "60 Minutes," for a long, long time, and I have always respected that program because it was very informative, and I always thought it was factual. And then, just after the last presidential election, I think Mr. Hewlett, the producer of "60 Minutes," said in a national interview that had he exposed all of the information that was available to him at "60 Minutes" during the campaign, that the then candidate for President, who was later elected, would be walking around in the snows of New Hampshire. So it became apparent to me that the "60 Minutes" producers and the people who ran that show had a very strong bias, and that bias was reflected in much of their reporting.

This became apparent to me again about 2 weeks ago on a Saturday night, when I watched Mike Wallace start doing a 20 minute segment on the death of Vince Foster. I have never seen so much misinformation and so much bias in reporting as I saw during that 20 minute segment.

Let me just tell you some of the things that happened, some of the things that "60 Minutes" ignored. Mike Wallace said that every government body that has investigated the death of Vince Foster reached the same conclusion, than he killed himself at Fort Marcy Park.

He did not mention that the independent counsel, Kenneth Starr, has reopened the investigation. Mr. Starr's attorney spent this summer questioning witnesses before a grand jury. The FBI is back in Fort Marcy Park, or was a couple of weeks ago, more than 2 years after Vince Foster's death, looking for the bullet that killed him. Would the independent counsel go through all of this work were there not unanswered questions about the case?

So I believe that Mr. Wallace was incorrect when he said that the conclusion has been reached by every government agency. In addition, many of us in Congress have come to different conclusions as well.

Another thing that he forgot to mention was that the police were not the first people to encounter Foster's body. He mentioned a national park policeman who found the body. The fact of the matter is that the park policeman did not find the body. The body was found by a man called C.W., the con-

fidential witness, who was the first person on the scene.

I have a sworn statement, where I went out to his home with a court reported and two other Congressmen, from the confidential witness. The FBI questioned him extensively and considers him honest and credible.

"60 Minutes" never talked about him or even mentioned on that program that there was a confidential witness that found the body. "60 Minutes" never read his statement.

The gentleman from Pennsylvania [Mr. CLINGER], who is the chairman of the Committee on Government Reform and Oversight in the House, told "60 Minutes" that he knows more about this subject than any Member of Congress, and, although I have high regard for Representative CLINGER, he never interviewed the confidential witness, although he had an opportunity to do so, and he never read his sworn deposition, which was verified.

Mike Wallace went into great detail during this interview about how the gun was found in Foster's right hand. He said critics of the investigation incorrectly stated that Foster was left-handed. Well, that misses the point entirely. When the confidential witness discovered the body, he looked very carefully. He was within 18 inches of Mr. Foster's face. He looked very carefully and saw no gun in either hand. He was very clear in his statement, in the sworn statement before me and the FBI, that when he found Foster, both hands were palm up with the thumbs pointed out away from the body. When the police arrived on the scene, they found his right hand palm down with the thumb pointed in, the gun on the trigger finger, and the gun was partially obscured by his hand and his leg.

When the confidential witness found the body, the head was looking straight up, and there were no bloodstains on his cheek. When the police arrived, the head was still pointing up, but there was a contact bloodstain on the cheek and the trails of blood running from his mouth and nostrils down the side of his face.

Now, how did Foster's hand get moved and why was there no gun in it when the man found it, and later there was a gun in it? How did Foster's head get moved? It is obvious to me that somebody was there and moved the body.

Now, the Park Police officer, Officer Fornshill, was not, as I said before, the first to discover the body. It was a confidential witness. Park Police Officer Kevin Fornshill told Mike Wallace that Foster's body could not have been moved to the park because the vegetation around him was not trampled.

But the fact of the matter is the confidential witness said in a sworn statement that the vegetation below the body, from the feet all the way down to a path that went all the way around the park, it was trampled flat. There was a narrow path at the bottom of the berm that winds around the perimeter of the park. "60 Minutes" would have

known this if they had read his statement, or even decided to look into it and asked.

The confidential witness told the FBI that he saw a half-empty wine cooler body near Foster's body. The Park Police did not find it. What happened to the wine cooler bottle and were there any fingerprints on it? As the confidential witness was leaving the park, he looked inside the white Nissan parked in the lot and saw a half-full package of wine cooler bottles, very similar to the one beside the body, a briefcase, and a suit jacket that looked similar to Foster's suit pants. This was not Foster's car. Foster's car was a gray Honda and it was parked further away, and C.W., the confidential witness, did not walk near it.

Mike Wallace made a big issue out of the amount of blood around the body. He interviewed the medical examiner, who said there was sufficient blood underneath the head and shoulders to conclude that he died at that spot.

This misses the key point. There would have been blood underneath Foster's head, whether he shot himself at the spot or was moved there. The key point is there was no blood spattered on anything behind where Foster was sitting. Anytime someone shoots himself through the mouth, there would be blood splattered all over above him, and there was nothing above him that had any blood on it whatsoever. The vegetation on the path behind Foster was clean.

The first emergency medical services person who arrived at the park, George Gonzalez, commented that it was very unusual for a suicide victim's body to be laid out so neatly, with the feet together and the hands neatly at his side. He told this to the staff of the Committee on Government Operations, and he said: "I find it odd to have the body laid out like it was. I wouldn't expect the hand or body in the position found, the hands perfectly at the side." "60 Minutes," incidentally, did not interview Mr. Gonzalez.

Mike Wallace noted that it was not unusual for Foster's clothes to have carpet fibers on them. Foster's attorney said that Mrs. Foster had just had new carpeting installed in their home. Well, if that is the case, why did the FBI not take carpet samples and match them with the fibers on his clothes? They did not do that.

There were blond hairs on Mr. Foster's body and all over his clothes. Why did the FBI not compare these hairs to the hair of the people Foster knew and was close to?

Here are some other key points that "60 Minutes" left out in their biased reporting.

First, the Park Police investigation was incomplete and unprofessional. The photos of the crime scene were underexposed and did not turn out. The only photos were of very poor quality, and they were made with instamatic cameras.

No search was conducted for any skull fragments. When you blow the top of your head out with a .38 caliber bullet, there are skull fragments and bone fragments all about where the head was. There was none of this, no blood and no brain particles.

No search was conducted for skull fragments, as I said. Only a very cursory search was conducted for the bullet. White House Counsel Bernie Nussbaum refused to allow Park Police officers or the FBI to search Foster's office. In fact, the night of Foster's death, Bernie Nussbaum, the chief counsel of the President, and two other high level White House aides, Patsy Thomason, who was the chief personnel officer, and Mrs. Williams, Hillary Clinton's chief of staff, searched Foster's office and removed files having to do with Whitewater. This was after the Park Police asked that the office be sealed, and it was not sealed for at least 12 hours while they went through and rifled through those papers. Justice Department officials accused Nussbaum of violating an agreement they had reached regarding the search of Foster's office.

Second, the coroner that conducted the autopsy on Foster has made glaring errors in the past. This was not revealed by the "60 Minutes" show. Dr. James Beyer was the coroner who reviewed and did the autopsy on Vince Foster.

Let me tell you about Mr. Beyer. In 1989 there was an autopsy on establishing the death of a man named Tim Easley. Mr. Beyer, the coroner, ruled that Easley killed himself by stabbing himself in the chest. He failed to notice a defensive wound on the man's hand. The case was reopened, and, after an outside expert reviewed the case, Easley's girlfriend confessed to murdering him, after he had been judged a suicide by the coroner. That is one mistake.

In 1991, regarding a Mr. Tommy Burkett, Mr. Beyer did an autopsy on him and ruled that Burkett had killed himself with a gunshot wound to the mouth very similar to Vince Foster's. He said it was a suicide. Mr. Burkett's family had the body exhumed and reexamined by an outside expert. The second coroner reported that Dr. Beyer had failed to notice a disfigured and bloody ear, indicating a struggle, and a broken jaw, indicating he had been hit in the face and his jaw was broken during a struggle. The FBI is now investigating this case. It obviously was a murder or homicide, and not a suicide.

The first special counsel, Robert Fiske, appointed a board of forensic experts to review the Vince Foster case. They concurred in Fiske's opinion that Foster killed himself at Fort Marcy Park. However, they were not appointed until a year after Foster died, and the only way that they could come to the conclusions they did was to read the coroner's report and use that as a guide to come to their conclusions. So they never saw the body, and they verified he was killed at the park. But the

fact of the matter is, they could not possibly have known that, because they only used the coroner's report to come to the conclusions they did.

So, in conclusion, last summer, when the Senate Committee on Banking and Financial Services held a hearing on Foster's death, the FBI testified there was absolutely no doubt that Foster killed himself, and that he killed himself at Fort Marcy Park.

Now, let us review the problems and glaring inconsistencies with this investigation.

First, the eyewitness who found the body testified that he is sure there was no gun in Foster's hand and the hands were in a different position than when the police arrived. That was not mentioned on "60 Minutes."

Second, the confidential witness said there were no bloodstains on the face when he found the body. There were bloodstains on the cheek when the police arrived, indicating it had been moved. When they moved his body, his head went over to the side and blood drained out on the face.

Third, the confidential witness testified he saw a wine cooler bottle close to Foster's body in the park, and a package of similar wine cooler bottles in a car in the parking lot that did not belong to Foster. Where did they come from? Where did that bottle go?

Fourth, despite extensive searches of the park, the FBI has been unable to find the bullet that killed Vince Foster, and they are still looking for it. Evidently the independent counsel sent them back out there 2 or 3 weeks ago to look for it again.

Fifth, no skull fragments were ever found at the site where Foster's body was found, even though there definitely would have been skull fragments from that kind of a wound.

Sixth, there were no fingerprints on the gun. Get this: The gun was in his hand, and there were no fingerprints on the gun. The FBI said they probably, get this, "melted off in the heat." And yet when they took the gun apart, they found fingerprints there from the time the gun was made at the factory.

Seventh, there were no fingerprints on the suicide note found in Foster's briefcase in his White House office. It was torn up into 28 pieces, and the first few times the briefcase was searched, they could not find the note at all, even though they turned it upside down, and there were no fingerprints on it.

Eighth, the coroner who conducted the autopsy of Foster's body has made glaring errors of high profile cases in the past. In one case, a body had to be exhumed and reexamined in order to change the ruling from suicide to murder.

Ninth, security guards working at the Saudi Arabian Ambassador's residence across the street from the park, within 100 yards, 300 feet, with guards outside all day and night, heard no gunshot.

Tenth, Foster's shoes were completely clean, with no grass or dirt

stains, even though he was supposed to have walked 700 yards through the park to the second cannon.

No. 11, the FBI never made any attempt to identify the carpet fibers or the blond hair on Foster's clothing.

No. 12, the police photos at the death scene did not turn out, leaving a serious lack of documentation of the death scene.

With all of the glaring problems, can you imagine the FBI telling the Senate Banking Committee there could be no doubt about where and how Foster died? With all of these glaring problems, can you imagine what Johnny Cochran, F. Lee Bailey, and O.J. Simpson's other lawyers would have done in a case like this?

Independent Counsel Starr is still investigating this death. "60 Minutes" should not jump to conclusions until Mr. Starr has completed his investigation, and Members of Congress should not jump to conclusions until Mr. Starr completes his investigation as well.

So I just would like to say to my friends at "60 Minutes," Mr. Wallace, Mr. Hewlitt, and everybody else, before you make the kind of determination that you did and do the kind of reporting that you did 2 weeks ago, please talk to all the people involved, especially eyewitnesses. The man who found the body, who gave a sworn statement under oath to me and to two other Congressmen, was never contacted, never interviewed, and nobody has seen that report, even Mr. CLINGER, who is the chairman of the Committee on Government Reform and Oversight here in the House.

So I just say that I think it was a bad piece of reporting, and I would urge them to be more thorough in the future.

#### BALANCED BUDGET RECONCILIATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. RIGGS] is recognized for 45 minutes as the designee of the majority leader.

Mr. RIGGS. Mr. Speaker, I am very pleased to take advantage of this momentous occasion to talk with some of my distinguished colleagues a little further on what we did on this floor today.

This vote earlier today on the Seven Year Balanced Budget Reconciliation Act of 1995, as far as I am concerned, is not only the defining moment for the 104th Congress, but clearly it is one of the most historic votes in modern memory.

I had the opportunity to preside for a short period of time today in the Speaker's chair over the debate, and, as I was sitting up there, Mr. Speaker, where you are sitting now, I was really struck. I found myself thinking back