

United States Court of Appeals

District of Columbia Circuit
333 Constitution Ave., N.W.
Washington, DC 20001-2866

David H. Sentelle
United States Circuit Judge

September 24, 1997

RECEIVED
SEP 25 1997
JOHN D. BUTZNER, JR.
SR. U.S. CIRCUIT JUDGE

MEMORANDUM TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle 

RE Division No. 94-1
*Madison Guaranty Savings &
Loan Association--Knowlton "Comments"*

You are receiving herewith the motion of Patrick Knowlton "to Include Comments and Factual Information as an Appendix to the Report on the Death of Vincent Foster, Jr." The question of what to do with his "Comments" is not an easy one. The statute, 28 U.S.C. § 594(h)(2), dealing with comments by "any individual named in such report" provides that "such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report." At least technically, Knowlton is not an "individual named" in the Report. Everyone agrees that Knowlton is the person referred to as "C2" on pages 21-22 of the Report, but he is never actually named in the Report. We could obviously deny his motion on that basis, as well as several other possible bases, particularly given the unqualified discretion afforded us by the statute. The downside of that course of action is that Knowlton appears to be either a product of or a participant with the conspiracy theorists and a denial of the motion will certainly be treated in fringe publications as an attempt to suppress his version, although obviously its non-inclusion would not prevent him from circulating it in any other fashion he chose.

If I were forced to decide the question alone, it would be my inclination to deny the motion. As Judge Butzner pointed out in his separate opinion in *In Re: North*, 10 F.3d 831, 835 (D.C. Cir. 1993), the purpose in inclusion of comments under § 594(h)(2) is "to assure that the report is full and complete and to afford a measure of fairness to persons mentioned in the report." Knowlton is not named in the Report, and does not, in fact, add much to the fullness or completeness of the Report since his "comments" (save arguably the first 2 1/2 pages) is an expression of his personal theories and an account of events beyond the scope of the Report.

Therefore, the inclusion of his comments would neither meet the literal language of the statute nor serve its purpose. Further, if we deny the motion, I suggest we do so in an opinion that stresses his First Amendment right to circulate his account by other means, not at the expense of the taxpayers.

I am by no means, however, wedded to that viewpoint. I would welcome any suggestions either of you have as to the disposition of this motion.

D.B.S.

ENCLOSURE

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
RECEIVED

SEP 23 1997

CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

United States Court of Appeals
For the District of Columbia Circuit

FILED SEP 23 1997

Ethics in Government Act of 1978, As Amended

Special Division

In Re: Madison Guaranty

Savings & Loan Association

) Division No. 94-1

) UNDER SEAL

**MOTION OF PATRICK KNOWLTON TO INCLUDE
COMMENTS AND FACTUAL INFORMATION AS AN APPENDIX
TO THE REPORT ON THE DEATH OF VINCENT FOSTER, JR.**

COMES NOW Patrick James Knowlton, pursuant to 28 U.S.C. § 594(h)(2), and respectfully moves this Division of the Court to include comments and factual information submitted herewith as an appendix to the Report on the Death of Vincent Foster, Jr. Mr. Knowlton requests that the Court include in the Report's appendix a letter from counsel with exhibits, a total submission of 20 pages.

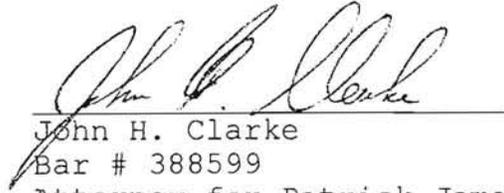
In support hereof, Mr. Knowlton respectfully refers the Court to his Motion filed July 29, 1997 and the Appendix submitted with that Motion. The five exhibits (9 pages) attached to the letter are submitted to explain Mr. Knowlton's involvement in this matter and, by way of example, to prove his allegations of obstruction of justice by the FBI.

The FBI's true involvement in the case will eventually be known, as detailed in pages 11 through 17 of Mr. Knowlton's Motion filed July 29, 1997. Therefore, the object of our Ethics in Government Act to preserve and promote public confidence in the integrity of the federal government by maintaining the appearance that justice has been done will be further frustrated without the inclusion of Mr. Knowlton's submission.¹ As the Supreme Court noted in John Hancock Mut. Ins. Co. v. Harris Trust & Sav. Bank, 114 S. Ct, 517, 523 (1993), "[W]e examine first the language of the governing statute, guided not by a single sentence or member of a sentence, but looking to the provisions of the whole law, and to its object and policy."

WHEREFORE, pursuant to 28 U.S.C. § 594(h)(2), Patrick James Knowlton respectfully moves the Division of the Court to include in the Report's appendix the enclosed letter from counsel with exhibits attached.

¹ The submission includes five exhibits. Exhibit 1: (i) Map of the cars in the Fort Marcy lot and Patrick's route to and from his car; & (ii) Timeline. Exhibit 2: Map depicting the harassment Patrick suffered. Exhibit 3: The FBI knew that Mrs. Foster could identify only a silver gun, so FBI agents showed her a silver gun, told her it was found in Mr. Foster's hand, and falsely reported that she identified the (black) gun found in Mr. Foster's hand as belonging to Mr. Foster. Exhibit 4: The FBI concealed that Mr. Foster's car was not in the Fort Marcy lot by the time he was dead. Exhibit 5: The FBI concealed the gunshot wound in Mr. Foster's neck by: (i) concealing the contents of the Medical Examiner's Report which states that there was a gunshot wound in Mr. Foster's neck; (ii) falsely reporting that the 35 mm photographs were unclear; (iii) concealing that Polaroid photographs vanished; and (iv) concealing that autopsy x-rays vanished.

Respectfully submitted,



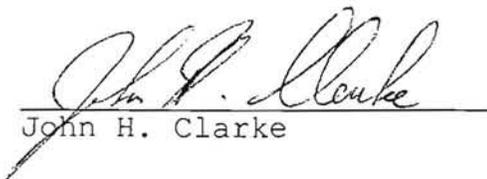
John H. Clarke
Bar # 388599
Attorney for Patrick James
Knowlton
1730 K Street, NW
Suite 304
Washington, DC 20006
(202) 332-3030

Certificate of Service

I hereby certify and affirm that on September 23, 1997 a copy of the foregoing Motion with submission attached was mailed by first class mail, proper postage prepaid, to:

OFFICE OF INDEPENDENT COUNSEL
1001 Pennsylvania Avenue, NW
Suite 490 North
Washington, DC 20004,

OFFICE OF INDEPENDENT COUNSEL
1701 Centerview Drive
Suite 203
Little Rock, Arkansas 72211



John H. Clarke

Memo to Judges Bentelle and
Butzner

Re: Div. No. 94-1

Motion of Patrick Knowlton

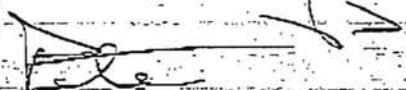
Dear Judges:

While I am anxious to discuss this matter with both of you, my initial reaction is that we should grant Knowlton's request. It seems to me that everyone involved in this investigation (Forte's death) acknowledges that Knowlton is "C2", it has been made public that he gave statements to investigators and it is his request to file these comments.

It doesn't seem to me that at this point we should judge his credibility or try to evaluate the merits of anything he writes. He does comment on specific findings and conclusions in the report. He contradicts specific factual matters and takes issue with the very basis of the report filed by the I.C. It seems

to me that the language of the statute
is designed to cover this type of situation.

In any event, would a conference
call be possible or appropriate.

Sincerely,


UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
443 United States Courthouse
10th & Main Streets
Richmond, Virginia 23219

John D. Butzner, Jr.
Senior Circuit Judge

(804) 771-2506

September 25, 1997

Judge Sentelle

Judge Fay

Div. No. 94-1 - In re: Madison Guaranty Savings & Loan
Association (Knowlton comments)

Dear Judges:

Late this afternoon, I received Judge Sentelle's memorandum of September 24, 1997, enclosing Patrick Knowlton's motion to include comments and factual information as an appendix to the report on the death of Vincent Foster, Jr. Unfortunately, Judge Sentelle's memorandum was delivered to our clerk's office, where it remained for several hours. I also just received Judge Fay's memorandum via fax.

I agree with Judge Fay that we should grant Knowlton's request. I think it should be granted with a simple order that does nothing more than grant the motion with all of its attachments.

I suspect that if we deny the motion we will be charged as conspirators in the cover-up. I think the fact that Knowlton was designated as "C2" in the report is, under the circumstances, immaterial. As Judge Fay points out, it is pretty well acknowledged that Knowlton is "C2." Having said this, I think that we should not identify him in the order as "C2." I suggest we let the motion and attachments speak for themselves.

I will, of course, be available for a conference call, if need be.

Sincerely yours,


John D. Butzner, Jr.

MEMORANDUM

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: Knowlton motion

DATE: September 25, 1997

After reviewing each of your memos of this date I too believe that we should grant Mr. Knowlton's request. As we are all in agreement it does not appear that a conference call is necessary.

I will draft a simple order granting the motion, along the lines suggested by Judge Butzner.

MEMORANDUM



TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: Proposed order for Knowlton motion

DATE: September 26, 1997

Attached for your review is a draft order which simply grants Knowlton's motion to include his comments with attachments in the appendix to IC Starr's Report.

I await your comments.

DRAFT

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

DRAFT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, Presiding, and BUTZNER and FAY, Senior Circuit
Judges.

ORDER

Upon consideration of the motion of Patrick Knowlton to include comments and factual information as an appendix to the Report on the Death of Vincent Foster, Jr. (the "Report"), and it appearing to the court that the motion should be granted, it is

ORDERED that the appendix to the Report shall include the September 23, 1997 letter from Knowlton's attorney to the court, together with exhibits thereto.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
443 United States Courthouse
10th & Main Streets
Richmond, Virginia 23219

John D. Butzner, Jr.
Senior Circuit Judge

(804) 771-2506

September 26, 1997

Judge Sentelle

Judge Fay

Div. No. 94-1 - In re: Madison Guaranty Savings & Loan
Association (Knowlton comments)

Dear Judges:

I concur in the draft of the order that Judge Sentelle
circulated on September 26, 1997.

Sincerely yours,


John D. Butzner, Jr.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

Division for the Purpose of
Appointing Independent Counsels

FILED SEP 26 1997

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit Judges*.

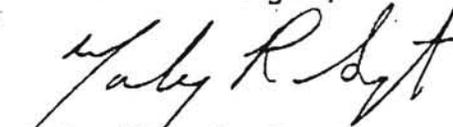
ORDER

Upon consideration of the motion of Patrick Knowlton to include comments and factual information as an appendix to the Report on the Death of Vincent Foster, Jr. (the "Report"), and it appearing to the court that the motion should be granted, it is

ORDERED that the appendix to the Report shall include the September 23, 1997 letter from Knowlton's attorney to the court, together with exhibits thereto.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by



Marilyn R. Sargent
Chief Deputy Clerk

MEMORANDUM

See F3d 831
in Re North

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: IC Starr's motion for reconsideration, and motion for release of report

DATE: September 29, 1997

Attached is IC Starr's motion for reconsideration of our order allowing the comments of Patrick Knowlton to be included in the appendix to the report on Vincent Foster's death. I will call you in the morning to discuss this motion.

Also attached is IC Starr's motion for release of the report. I suggest we immediately grant this motion.

United States Court of Appeals
For the District of Columbia Circuit

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA **FILED SEP 29 1997**

Division for the Purpose of
Appointing Independent Counsels **Special Division**

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

MOTION OF THE INDEPENDENT COUNSEL
FOR RECONSIDERATION OF THE COURT'S ORDER OF SEPTEMBER 26, 1997,
AND IN RESPONSE TO THE MOTION OF PATRICK KNOWLTON
FOR INCLUSION OF COMMENTS IN AN APPENDIX

In a separate motion filed today, the Office of Independent Counsel In re: Madison Guaranty Savings & Loan Association (Kenneth W. Starr) requested that this Court authorize public release of the OIC's report on the death of Vincent W. Foster, Jr. Under 28 U.S.C. § 594(h)(2), the Court may authorize inclusion of an appendix to the report with comments from persons named in it. The OIC submits that inclusion of Patrick Knowlton's letter of September 23, 1997, in an appendix would not be appropriate. For the reasons stated herein, the OIC therefore respectfully moves for reconsideration of the Court's order of September 26, 1997.¹

¹ The OIC received Knowlton's motion and letter from the Court at approximately 1:00 p.m. on Wednesday, September 24, 1997. The OIC indicated by message to the Clerk's Office the next evening (Thursday, September 25) that the OIC intended to file a response to Knowlton's motion by Monday, September 29. Consistent with the Court's order of August 7, 1997, in connection with an earlier motion filed by Knowlton, the OIC anticipated that the Court would rule on Knowlton's September 23 motion after the OIC's response was filed. In light of the

1. Section 594(h)(2) of title 28 states: "The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report." Pursuant to this subsection, the OIC has requested that the Court authorize public release of the OIC's report regarding the death of Vincent W. Foster, Jr.

2. Section 594(h)(2) of title 28 further provides: "The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report" (emphasis added).

Patrick Knowlton has submitted an 11-page, single-spaced letter together with nine additional pages of exhibits and moved for their inclusion in an appendix. The OIC submits that Knowlton's letter and exhibits should not be included in an appendix.

To begin with, Knowlton is not named in the report. The OIC

Court's order of September 26, however, we have filed our response to Knowlton's motion as a motion for reconsideration.

is not aware of any precedent for including in an appendix comments from a person not named in a report. While one could conceive of scenarios in which such comments might be included in an appendix consistent with the statute, this is not such a case.

Knowlton is referenced in the report only by pseudonym (C2), and the references to C2 are exclusively factual. Those factual references, moreover, are minimal (pages 21-22, 69, and 89), neutral, and entirely fair.² (As recounted in the OIC's report at page 21, Knowlton's connection to the investigation is that he stopped to urinate in Fort Marcy Park at approximately 4:30 p.m. on the afternoon of July 20, 1993, where he observed another individual in the parking lot.) The report clearly does not accuse C2 of misconduct or criminal or inappropriate behavior of any kind. Cf. In re North, 16 F.3d 1234, 1237 (D.C. Cir. Spec. Div. 1994) (report accused persons of crimes); In re Sealed Motion, 880 F.2d 1367, 1374 (D.C. Cir. Spec. Div. 1989) (comment period provides some protection against "publicized allegations of unsubstantiated criminal conduct"); id. at 1378 (right to comment "stems from the hazard to the reputation of the high-level officials covered by the Act").

In short, because Knowlton's name never appears in the report, because Knowlton is not a subject of the investigation,

² In complying with the congressional intent of the Independent Counsel Reauthorization Act of 1994, see H.R. Conf. Rep. No. 103-511, at 19 (1994) -- that an independent counsel seek to avoid causing unnecessary reputational harm in a report -- the OIC's report uses pseudonyms where appropriate, particularly for private citizens such as Knowlton who were only minimally connected to the Foster death investigation.

and because the OIC's report refers to the pseudonym "C2" in a factual, minimal, fair, and non-disparaging manner, neither the text nor the purpose of the statute justifies inclusion of Knowlton's letter and exhibits in an appendix.

The nature and contents of Knowlton's letter and exhibits support and strengthen the conclusion that inclusion of the letter and exhibits in an appendix would not be appropriate.

Knowlton's letter consists primarily of scattershot complaints and accusations that have virtually no relevance to Knowlton's activities in Fort Marcy Park on July 20 or to the report's mention of C2. For example, Knowlton refers to an allegedly false FBI 302 report that was neither written during the OIC's investigation nor referenced in the OIC's report. Letter at 3. He discusses his involvement with a London newspaper, id., but that incident is not referenced in the OIC's report. He says he "was harassed by at least 25 men" in and around the District of Columbia around the time of his appearance before the federal grand jury. Id. at 3-4. He claims that this activity was connected to his grand jury appearance, but there is no evidence to support that allegation -- and in any event, the incident is not referenced in the OIC's report. He further claims -- without any supporting evidence -- that this technique is known to federal intelligence and investigative agencies, and that its "objects" in this case were to "intimidate and warn Patrick" and "to destabilize him and discredit his testimony before the grand jury." Id. at 4. Knowlton claims, furthermore,

that he has been "defamed by numerous individuals, most of whom are journalists," id. at 11 -- again, incidents that are not recounted in the OIC's report, related to Knowlton's activities in Fort Marcy Park, or otherwise caused by the OIC.

Knowlton makes numerous allegations about other law enforcement investigations -- in particular, the Park Police and Fiske investigations. He contends that the record upon which the Fiske Report is based is "replete with evidence that the FBI concealed the true facts surrounding Mr. Foster's death." Id. at 6. He contends also, with no supporting evidence, that "the FBI concealed the gunshot wound in Mr. Foster's neck." Id. at 6 n.9. Again, these comments have nothing to do with Knowlton's activities in Fort Marcy Park on July 20 or with any references to C2 in the OIC's report.

Notwithstanding specific statutory authorization that an independent counsel rely on Department of Justice resources, see 28 U.S.C. § 594(d), Knowlton complains that the OIC's investigation is contrary to law because DOJ personnel and FBI agents have been used. Letter at 7. He also contends, erroneously, that the FBI had primary jurisdiction over the investigation. Id.; cf. In re Visser, 968 F.2d 1319, 1321 (D.C. Cir. Spec. Div. 1992) (dismissing allegations relating to independent counsel that indicate the complainant's "absence of any knowledge of the federal system of government of the United States").

Knowlton accuses specific FBI agents by name of serious

misconduct, see Letter at 3, although those agents are not mentioned in the OIC's report. The OIC finds it extremely troubling that these career federal agents would have no opportunity to respond to these allegations in this forum. The statutory right of review under Section 594 is intended to allow named individuals to correct factual inaccuracies, not to besmirch the reputations of others.

The exhibits attached by Knowlton are largely not germane to the references to C2 in the report or to Knowlton's activities in Fort Marcy Park. In addition, they contain pernicious allegations and insinuations about the conduct of third parties unable to defend themselves in this forum. These exhibits relate to, for example, allegations relating to Mr. Foster's wife that have no connection to Knowlton's activities or to the references to C2 in the report; allegations relating to supposed other gunshot wounds that were on Mr. Foster's body; accusations concerning allegedly missing photographs of the death scene; and allegations relating to the conduct of the Medical Examiner's Office. Yet the persons affected and named have no opportunity to respond to these many claims and insinuations. Perhaps most egregious, Knowlton's exhibits include pictures of the gun, including one of the gun in Mr. Foster's hand, the inclusion of which would be highly offensive to the Foster family, and which are unconnected to Knowlton's activities in the park or to the references to C2 in the report.

Knowlton contends both that Mr. Foster did not commit

suicide, see Letter at 8 (information "refutes the FBI's repeated official conclusion of suicide in the park"), and that "the FBI obstructed justice," id., but the statutory reporting mechanism set out in Section 594(h)(2) is clearly not the appropriate forum for Knowlton to spin out his theories. Knowlton speculates, in addition, about the time Mr. Foster must have died, id. at 8 n.12, and that "Mr. Foster could not have driven to the park," id., but such speculation is not only unsupported, it is obviously unrelated to Knowlton's activities in Fort Marcy Park or to the references to C2 in the report.

Knowlton complains, finally, that he has been "attacked as a delusional conspiracy theorist, a homosexual, and as an outright liar." Id. at 11. But the OIC's report clearly does not -- explicitly or implicitly -- advance such claims, nor have OIC officials made such accusations.

Knowlton has availed himself of many outlets for his extraordinary complaints. Indeed, as Knowlton notes, id. at 6 n.9, many of his complaints are currently the subject of a civil lawsuit he has filed in federal district court against two FBI agents. He also has communicated to the media about his grievances. For example, a commentator informed the OIC of a sensational accusation made by Knowlton regarding his grand jury appearance. The OIC informed Knowlton by letter dated November 22, 1995, that careful review of the transcript of the grand jury appearance conclusively demonstrated the falsity of his accusation. Knowlton also has appeared on a widely advertised

and distributed video repeating complaints and allegations about the Foster investigations.

In sum, Knowlton's letter consists primarily of complaints and allegations that are totally unrelated to his activities in Fort Marcy Park on July 20 or to the report's references to C2. Moreover, most important in terms of the text and purposes of the statute, Knowlton is not referenced by name in the report, and the minimal pseudonym references are completely factual, fair, and neutral.

This Court possesses discretion under the statute to determine whether to include comments, in whole or in part, in an appendix.³ For the many foregoing reasons, the OIC requests that the Court exercise its discretion so as not to include Knowlton's comments in an appendix.

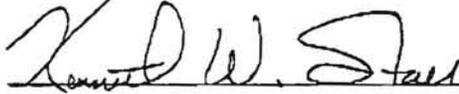
If the Court rejects our primary suggestion that Knowlton's letter should not be included in an appendix, we submit in the alternative that only certain portions of Knowlton's letter warrant inclusion. See 28 U.S.C. § 594(h)(2) (Court may order inclusion of a named person's comments "in part"). In particular, page 1, page 2, the first sentence of page 3, page 8 (excluding footnote 12), and page 9 are the only parts of

³ The phrasing of the statute -- comments "in whole or in part, may, in the discretion of the division of the court, be included" -- clearly evinces the congressional expectation that not all comments would be appropriate for inclusion in an appendix.

Knowlton's letter related to the OIC's report or to Knowlton's activities on July 20, 1993.

Respectfully submitted,

KENNETH W. STARR
Independent Counsel

A handwritten signature in black ink, appearing to read "Kenneth W. Starr". The signature is written in a cursive style and is positioned below the typed name and title.

Office of Independent Counsel
1001 Pennsylvania Avenue
Suite 490-North
Washington, D.C. 20004

September 29, 1997

United States Court of Appeals
For the District of Columbia Circuit
IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of **FILED** SEP 29 1997:
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended **Special Division**

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

MOTION OF THE INDEPENDENT COUNSEL
FOR PUBLIC RELEASE OF REPORT
ON THE DEATH OF VINCENT W. FOSTER, JR.

The Office of Independent Counsel In re: Madison Guaranty Savings & Loan Association (Kenneth W. Starr) respectfully requests that this Court authorize public release of the OIC's report on the death of Vincent W. Foster, Jr., with an appendix that includes comments submitted by Helen Dickey and Kevin Fornshill.

1. Section 594(h)(2) of title 28 states: "The division of the court may release to the Congress, the public, or any appropriate person, such portions of a report made under this subsection as the division of the court considers appropriate. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report."

Pursuant to this subsection, the OIC respectfully requests that the Court authorize public release of the OIC's report regarding the death of Vincent W. Foster, Jr. No party has opposed public release of the report. In addition, previous law

enforcement and congressional reports on Mr. Foster's death have been publicly released (including one prepared by regulatory independent counsel Fiske). Moreover, as the Court is aware, there has been substantial congressional and public interest in the subject matter of the OIC's report on this investigation and in the report's release. In addition, this Court has authorized public release of previous independent counsel reports on investigations known to the public. Finally, the OIC has taken great care in the report to safeguard the privacy and other rights of individuals named in the report. For these reasons, public release of the OIC's report on this matter is "appropriate" and in the public interest.

2. Section 594(h)(2) of title 28 further provides: "The division of the court may make any portion of a final report filed under paragraph (1)(B) available to any individual named in such report for the purposes of receiving within a time limit set by the division of the court any comments or factual information that such individual may submit. Such comments and factual information, in whole or in part, may, in the discretion of the division of the court, be included as an appendix to such final report."

a. The Court made the report available to persons named in the report for comments, and only two persons named in the report, Kevin Fornshill and Helen Dickey, submitted comments. The OIC agrees with them that inclusion of their letters in an appendix would be appropriate under the statute.

b. A third person, Patrick Knowlton, has submitted an 11-page, single-spaced letter together with nine additional pages of exhibits. For the reasons stated in a separate response filed today, the OIC believes that Knowlton's letter and exhibits should not be included in an appendix.

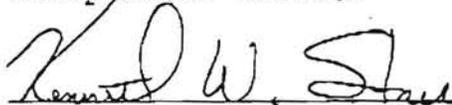
3. The OIC proposes to make the following minor changes to the report before it is publicly released. On page 52, footnote 147, the word "Attorney" would be deleted. On page 66, line 16, "Those" would be changed to "Many." On page 91, line 2, "in Washington" would be added after "briefcase used." None of these proposed clarifications would alter the meaning or substance of the report or be in any way inconsistent with the language or intent of 28 U.S.C. § 594(h).

* * *

If the Court authorizes public release of the report, the OIC will coordinate promptly with the Clerk of the Court and the Government Printing Office regarding publication of the report (and public notice of its availability). See 28 U.S.C. § 594(h) (3).

Respectfully submitted,

KENNETH W. STARR
Independent Counsel



Office of Independent Counsel
1001 Pennsylvania Avenue
Suite 490-North
Washington, D.C. 20004

September 29, 1997

MEMORANDUM

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: Orders re Foster report

DATE: September 30, 1997

Please find attached a draft order denying the motion of the IC for reconsideration. I felt the less we said the better.

Also attached is a draft order allowing public release of the report.

I await your comments.

DRAFTUNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**DRAFT**Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit
Judges*.ORDER

Upon consideration of the motion of Independent Counsel
Starr for leave to publicly release the Report on the Death of
Vincent Foster, it is

ORDERED that the motion be granted. It is therefore

ORDERED, ADJUDGED, and DECREED that the Report on the Death
of Vincent Foster, inclusive of an appendix containing all
comments or factual information submitted by any individual
pursuant to 28 U.S.C. § 594, shall be released to the public.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Chief Deputy Clerk

DRAFT**DRAFT**

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit
Judges*.

ORDER

This matter coming before the court upon a motion by the Independent Counsel for reconsideration of the court's order of September 26, 1997 allowing the comments of Patrick Knowlton to be included in the appendix to the Report on the Death of Vincent Foster, it is

ORDERED that the motion of the Independent Counsel for reconsideration is denied.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

443 United States Courthouse
10th & Main Streets
Richmond, Virginia 23219

John D. Butzner, Jr.
Senior Circuit Judge

(804) 771-2506

September 30, 1997

Judge Sentelle

Judge Fay

Div. No. 94-1 - In re: Madison Guaranty Savings & Loan
Association (orders re Foster report)

Dear Judges:

I concur in the draft orders that Judge Sentelle circulated on
September 30, 1997.

Sincerely yours,


John D. Butzner, Jr.

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

Division for the Purpose of
Appointing Independent Counsels

FILED SEP 30 1997

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit Judges*.

O R D E R

This matter coming before the court upon a motion by the Independent Counsel for reconsideration of the court's order of September 26, 1997 allowing the comments of Patrick Knowlton to be included in the appendix to the Report on the Death of Vincent Foster, it is

ORDERED that the motion of the Independent Counsel for reconsideration is denied.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
443 United States Courthouse
10th & Main Streets
Richmond, Virginia 23219

John D. Butzner, Jr.
Senior Circuit Judge

(804) 771-2506

October 21, 1998

Dear Dave:

I appreciate more than I can say your generous letter of October 14, 1998. My contribution to the work of the division has been quite small compared to the matters that you have taken care of. Your ability, diligence, and attention to detail have made you an exceptional presiding judge. Your concurrence in In re North (George fee application), 62 F.3d 1434 (D.C. Cir. 1994), which denied attorney fees following President Bush's pardon, dispels any notion that you have allowed political concerns to influence the discharge of your duties.

I think we differed only once--the appointment of Mr. Starr. But in the end, I decided, as you will recall, to concur. A dissent on this question would have been perceived as politicizing the court.

In every other respect we have worked in harmony. Let me assure you that it has been a source of great pleasure to be associated with you.

With every good wish, I am

Sincerely yours,



John D. Butzner, Jr.

The Honorable David B. Sentelle
United States Circuit Judge
United States Court of Appeals
333 Constitution Ave., N.W.
Washington, D.C. 20001



Office of the Independent Counsel

1001 Pennsylvania Avenue, N.W.
Suite 490-North
Washington, D.C. 20004
(202) 514-8688
Fax (202) 514-8802

United States Court of Appeals
For the District of Columbia Circuit

FILED JUL 14 1997

July 14, 1997

Special Division

Marilyn Sargent, Chief Deputy Clerk
United States Court of Appeals
for the District of Columbia Circuit
United States Courthouse
333 Constitution Avenue, Northwest
Room 5409
Washington, D.C. 20001

Dear Ms. Sargent:

This Office intends tomorrow to file its report on the death of Vincent Foster, Jr. Because of innumerable inquiries regarding our filing of the report, we also plan tomorrow, absent objection from the Special Division, to issue a brief, public statement that the report has been filed.

Thank you for your continued assistance.

Sincerely,

John D. Bates
Deputy Independent Counsel

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED JUL 15 1997

Division for the Purpose of
Appointing Independent Counsels

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

MOTION FOR DISCLOSURE OF REPORT
ON THE DEATH OF VINCENT W. FOSTER, JR.,
TO APPROPRIATE INDIVIDUALS FOR COMMENTS WITHIN 30 DAYS

The Office of Independent Counsel In re: Madison Guaranty Savings & Loan Association (Kenneth W. Starr) has today filed its report on the death of former Deputy White House Counsel Vincent W. Foster, Jr. The OIC has prepared the report mindful of the obligation of restraint imposed by the Independent Counsel Reauthorization Act of 1994. See, e.g., Report at 16 n.23.

The OIC respectfully moves this Court for disclosure of the report to appropriate parties for comments within 30 days. The OIC intends to move for the Court's authorization of public release of the report at the conclusion of that comment period (with appropriate comments, if any, included in an appendix).

Traditionally, an independent counsel files a single final report that can be disclosed to appropriate parties and then publicly released. 28 U.S.C. § 594(h). The OIC respectfully submits that a variety of extraordinary and unique factors regarding the final report on the death of Mr. Foster justify

public release of that report as soon as practicable -- and thus immediate disclosure to appropriate parties for comments to the Court within 30 days.

1. To begin with, the Court's involvement in the report process is necessary because of the restrictions of Fed. R. Crim. P. 6(e), which applies in this Circuit primarily to testimony obtained before the grand jury.¹ In this matter, however, the witnesses named in the report who testified before the grand jury also have provided statements to Congress or to federal investigators. In addition, the report does not specifically identify any particular testimony as having occurred before the grand jury.

Moreover, the very purpose of disclosure to appropriate parties before public release is authorized is to ensure that individuals are able to protect the same reputational and privacy interests that undergird Rule 6(e). If an individual objects to public disclosure of some portion of the report (which we do not anticipate here), that objection can appropriately be considered by the Court at the conclusion of the comment period. In short, the policies underlying Rule 6(e) simply are not a reason to delay outright the process of receiving comments and authorizing

¹ See, e.g., Senate of Puerto Rico v. Department of Justice, 823 F.2d 574, 582 (D.C. Cir. 1987) (quotation and citation omitted) ("Rule 6(e)'s purpose is not to foreclose from all future revelation to proper authorities the same information or documents which were presented to the grand jury"); In re Grand Jury, 510 F. Supp. 112, 115 (D.D.C. 1981) ("documents sought for their own sake are not protected by Rule 6(e) merely because they were subpoenaed or shown to the grand jury").

public disclosure.

2. In any event, the question is not whether disclosure to affected parties is appropriate, but when. Even if the above analysis were not sufficient to justify immediate disclosure to appropriate parties (and then public release) of the OIC's report on the Foster death matter, several factors unique to the Foster death report justify that step here.

* Previous federal investigations (including those conducted by the United States Park Police and regulatory independent counsel Fiske) have publicly released statements and reports on the Foster death matter. Therefore, we believe there is no discernible public or private interest that would be served by keeping the OIC's report, which addresses the same subject matter, secret for some indefinite period until all of the OIC's investigations have concluded.

* The question at issue in the Foster matter is whether and where Mr. Foster committed suicide. The enormous public interest in a persuasive answer to that question cannot be meaningfully addressed without release of the report. The number of theories that have developed regarding Mr. Foster's death (many bearing only a loose relationship to the facts but nonetheless taking hold with segments of the public) no doubt will continue to multiply and flourish without a report explaining the reasoning behind the OIC's conclusion.

* The Congress of the United States has expressed a substantial interest in disclosure of the OIC's report. Indeed,

in 1995, the Speaker of the House asked Congressman Steven Schiff to examine the Foster death matter. Congressman Schiff has urged this Office to complete promptly a thorough report.

* We are confident, moreover, based on their communications to the OIC, that the parties primarily affected by the report -- the Foster family members -- are strongly in favor of prompt public release of the report (pending their possible specific objection to public disclosure of certain portions of it). They fervently desire closure to this matter.

3. We respectfully request a comment period of 30 days because prompt public release is strongly in the public interest and because the number of appropriate parties who will be notified for comments is manageable.

The OIC has prepared a list of contact numbers for the following named parties, and the list will be provided to Chief Deputy Clerk Marilyn Sargent:

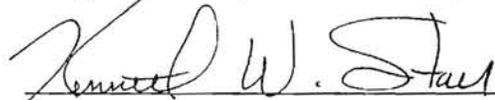
the Foster family members
Thomas Castleton
President and Mrs. Clinton
Helen Dickey
Deborah Gorham
Kaki Hockersmith
Webster Hubbell
William Kennedy
Bruce Lindsey
Craig Livingstone
James Lyons
Bernard Nussbaum
Betsy Pond
Marsha Scott
Susan Thomases
Patsy Thomasson
Linda Tripp
David Watkins
Dr. Larry Watkins
the United States Park Police

the United States Secret Service
the Fairfax County Fire and Rescue Department
Dr. James Beyer
Dr. Donald Haut

The OIC will work closely with Ms. Sargent to ensure that the notice-and-comment period proceeds as smoothly and efficiently as possible.

The OIC respectfully requests that the Court grant this motion.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kenneth W. Starr". The signature is written in dark ink and is positioned above the printed name.

KENNETH W. STARR
Independent Counsel

Office of Independent Counsel
1001 Pennsylvania Avenue
Suite 490-North
Washington, D.C. 20004

July 15, 1997
Washington, D.C.

MEMORANDUM

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: Motion re Foster report and proposed order to IC to respond to motion

DATE: July 30, 1997

We have received a motion from a witness in the Vincent Foster matter, requesting access to relevant portions of IC Starr's report on Foster's death and permission to attach comments to the report, pursuant to section 594 (h)(2) of the IC statute. Apparently this is a witness who, for privacy reasons, was not identified in the report, but was referred to only as "C2". Attached for your review is a proposed order directing IC Starr to respond to the motion.

Also attached is the first page of the motion (total of 19 pages) and the first page of the movant's letter to us (total of 8 pages). I will send to you the complete motion and letter by mail today. I will also send to you, if you wish, the appendix attached to the motion; however, it is in two volumes and quite lengthy (several hundred pages).

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit
Judges*.

O R D E R

This matter coming before the Court upon a Motion by Patrick Knowlton for access to relevant portions of Independent Counsel Kenneth Starr's report on the death of Vincent Foster and for leave to include comments as an appendix to that report, it is

ORDERED that the Independent Counsel respond to the motion within 5 business days of the date of this order.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Chief Deputy Clerk

LAW OFFICES
JOHN H. CLARKE
1730 K STREET, N.W.
SUITE 304
WASHINGTON, D.C. 20006
(202) 332-3030

July 29, 1997

United States Court of Appeals
For the District of Columbia Circuit
FAX (202) 822-8620

FILED JUL 29 1997

Special Division

The Honorable David B. Sentelle
The Honorable John C. Butzner
The Honorable Peter T. Fay
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
Division 94-1 for the Purpose of
Appointing Independent Counsels

Re: *In re: Madison Guaranty
Savings & Loan Association
Patrick James Knowlton -
Request to include comments and factual
information, pursuant to the Ethics in
Government Act of 1978, As Amended, to the
Report on the Death of Vincent Foster, Jr.*

Dear Sirs:

Pursuant to 28 U.S.C. § 594(h)(2), Patrick Knowlton respectfully requests that this letter be appended to Mr. Starr's Report of the Death of Vincent Foster, Jr., "[t]o assure that the report is full and complete and to afford [him] a measure of fairness."¹

Facts. While heading home in heavy traffic on the George Washington Memorial Parkway, and facing over a two hour commute, Patrick Knowlton pulled into Fort Marcy Park at 4:30 p.m. on July 20th, 1993, to relieve himself. Patrick parked close to the footpath entrance into the park, between the only two cars in the small parking lot, which were parked just four spaces apart.

To Patrick's left was parked an unoccupied mid-1980s rust-brown four-door Honda sedan with Arkansas tags (closest

¹ In re North, 10 F.3rd 831, 835 (D.C. Cir. 1993).

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

Division for the Purpose of
Appointing Independent Counsels

FILED JUL 29 1997

Ethics in Government Act of 1978, As Amended

Special Division

In Re: *In re Madison Guaranty
Savings & Loan Association*

)
)
) Division No. 94-1
)
)
)

MOTION OF PATRICK KNOWLTON
FOR THE DIVISION OF THE COURT TO FURNISH HIM RELEVANT
PORTIONS OF THE REPORT ON THE DEATH OF VINCENT FOSTER, JR.
AND FOR LEAVE TO INCLUDE
COMMENTS AND FACTUAL INFORMATION AS AN APPENDIX

COMES NOW Patrick James Knowlton, pursuant to 28 U.S.C.
§ 594(h)(2), and respectfully moves this Division of the
Court to furnish him relevant portions of the report on the
death of Vincent Foster, Jr., and to include comments and
factual information submitted herewith as an appendix to
that report.

Mr. Knowlton respectfully requests that this Division
of the Court include in the Report's appendix:

- (1) A letter from counsel; and
- (2) A copy of Mr. Knowlton's opposition to motion for
summary judgment filed in the United States
District Court for the District of Columbia on
June 6, 1997, filed in support of Mr. Knowlton's
cause for conspiracy to obstruct justice against

MEMORANDUM

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: Order to IC to respond to motion re Foster report

DATE: August 7, 1997

Attached is an order filed today directing IC Starr to respond to a motion by Patrick Knowlton for access to the report on the death of Vincent Foster. After reviewing the IC's response we can decide whether or not to grant the motion.

United States Court of Appeals
For the District of Columbia Circuit

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FILED AUG 07 1997

Division for the Purpose of
Appointing Independent Counsels

Special Division

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, Presiding, and BUTZNER and FAY, Senior Circuit
Judges.

ORDER

This matter coming before the Court upon a Motion by Patrick Knowlton for access to relevant portions of Independent Counsel Kenneth Starr's report on the death of Vincent Foster and for leave to include comments as an appendix to that report, it is

ORDERED that the Independent Counsel respond to the motion within 5 business days of the date of this order.

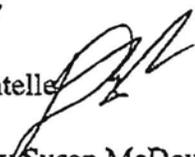
Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
for Marilyn R. Sargent
Chief Deputy Clerk

MEMORANDUM

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle 

RE: Request by Susan McDougal and proposed order

DATE: August 7, 1997

Attached is a letter from Susan McDougal's lawyer requesting that those relevant portions of the report on the death of Vincent Foster be sent to her in Los Angeles where she is incarcerated. Also attached is a proposed order granting the request.

I await your comments.

GERAGOS & GERAGOS
LAWYERS
FIFTH FLOOR
201 N. FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90012-2628
TELEPHONE (213) 250-5055
FAX (213) 250-2828

August 6, 1997

VIA FACSIMILE

Ms. Marilyn Sargent
Chief Deputy Clerk
United States Court of Appeals
District of Columbia Circuit
Washington, D.C. 20001-2866

Facsimile No: 202 273-0988

Re: Susan McDougal

Dear Ms. Sargent:

The purpose of this letter is to memorialize our conversation regarding Susan McDougal's review of the Report on the death of Vincent W. Foster, Jr. It is my understanding that Ms. McDougal is mentioned in the Report and is therefore authorized by the Court to examine any relevant sections and to submit any comments for inclusion in the appendix to the Report.

Due to Ms. McDougal's current incarceration for civil contempt in the Metropolitan Detention Center in Los Angeles, I further understand that I propose that the relevant pages of the Report be photocopied and mailed to my office whereupon I will take the documents to Ms. McDougal for her review. After reviewing the material, if she has any comments or information to add to the Report, I will forward it to the Court.

I have spoken to my client and this is agreeable with her. I am also providing my personal assurance that the materials will be kept confidential by both Ms. McDougal and myself.

We will look forward to your response. In the meantime, if you have any questions, please do not hesitate to contact.

Very truly yours,


Mark J. Geragos
GERAGOS & GERAGOS

MJG:gof

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit
Judges*.

O R D E R

This matter coming before the Court upon a request by Susan McDougal, by and through her attorney, to have relevant sections of IC Starr's Report on the death of Vincent W. Foster, Jr. ("the Report") forwarded to her for her review and comments, if any, it is

ORDERED that the Clerk's office forward to Susan McDougal's attorney those relevant sections of the Report for her review, and it is

FURTHER ORDERED that those sections of the Report made available to Susan McDougal and her attorney be kept under seal.

DRAFT

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Chief Deputy Clerk

MEMORANDUM

TO: Judge Butzner
Judge Fay

FROM: Judge Sentelle

RE: IC response to Knowlton motion, and proposed order

DATE: August 18, 1997

Attached is IC Starr's response to the motion by Patrick Knowlton for access to the report on the death of Vincent Foster. In light of the IC's response I have attached a proposed order granting the motion in part, although denying the motion altogether would appear to be justifiable under § 594 (h)(2) of the IC statute since Knowlton is not "named" in the Report. In any event, I think we should deny his present request to include his submissions as an appendix to the report. Like any other individual who falls under § 594 (h)(2) he will be free to submit comments *after* he has reviewed the relevant portions of the Report, and we can then decide whether or not those comments should be included in the appendix.

I await your comments.

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUITUnited States Court of Appeals
For the District of Columbia CircuitDivision for the Purpose of
Appointing Independent Counsels

FILED AUG 14 1997

Ethics in Government Act of 1978, As Amended

Special Division

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEALRESPONSE TO MOTION BY PATRICK KNOWLTON RE: REPORT
ON THE DEATH OF VINCENT W. FOSTER, JR.

Patrick Knowlton has moved for access to relevant portions of the OIC's report on the death of Vincent W. Foster, Jr. Although Mr. Knowlton is not technically entitled under the statute to access to the report because his "name" nowhere appears in it, see 28 U.S.C. § 594(h)(2), he is briefly referenced in the report by pseudonym, which is a step taken to protect the privacy of a witness. Under the unusual circumstances, we do not object to allowing Mr. Knowlton access to the relevant portions of the report, and we thus have submitted those portions to the Clerk's Office.

At this time, Mr. Knowlton's further request for leave to include comments in an appendix is premature. The proper procedure under the statute is for Mr. Knowlton to review the relevant portions of the report and then to submit whatever factual information or comments regarding the report that he wishes to file. In accord with the statutorily ordained procedure and in the interest of efficiency, we plan to await Mr.

Knowlton's review of the report (and his possible submission of any comments following his review) before objecting, if necessary, to inclusion of any of his comments in an appendix to the report.

In sum, Mr. Knowlton's motion for access to the relevant portions of the report is moot in light of our submission of them to the Clerk, and his motion for inclusion of comments is premature pending his review of the relevant portions of the report.

Respectfully submitted,

KENNETH W. STARR
Independent Counsel

Jackie M. Bennett _{JK}

JACKIE M. BENNETT
Deputy Counsel

Office of Independent Counsel
1001 Pennsylvania Avenue
Suite 490-North
Washington, D.C. 20004

August 14, 1997

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

d
DRAFT

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Madison Guaranty Savings
& Loan Association

Division No. 94-1

UNDER SEAL

Before: SENTELLE, *Presiding*, and BUTZNER and FAY, *Senior Circuit Judges*.

O R D E R

This matter coming before the Court upon a motion by Patrick Knowlton for access to relevant sections of IC Starr's Report on the death of Vincent W. Foster, Jr. ("the Report"), and to include as an appendix to the Report comments submitted with the motion, it is

ORDERED that the Clerk make available to Patrick Knowlton or his attorney relevant portions of the Report; it is

FURTHER ORDERED that those sections of the Report made available to Patrick Knowlton or his attorney be kept under seal; and it is

FURTHER ORDERED that the request of Patrick Knowlton to include as an appendix to the Report comments submitted with his

motion is denied, without prejudice to his right to refile upon completion of his review.

Per Curiam
For the Court:
Mark J. Langer, Clerk

by

Marilyn R. Sargent
Chief Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

443 United States Courthouse
10th & Main Streets
Richmond, Virginia 23219

John D. Butzner, Jr.
Senior Circuit Judge

(804) 771-2506

August 18, 1997

Judge Sentelle

Judge Fay

Div. No. 94-1 - In re: Madison Guaranty Savings & Loan
Association (IC response to Knowlton motion)

Judges:

I concur in the draft of the order that Judge Sentelle
circulated on August 18, 1997.

Sincerely yours,


John D. Butzner, Jr.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

Hon. Peter T. Fay
Senior U.S. Circuit Judge

99 NE 4th Street, Room 1255
Miami, FL 33132
(305) 536-5974

TO: Judge Sentelle
FROM: Peter T. Fay
RE: No. 94-1, In re: Madison Guaranty Savings & Loan Assoc.
(IC response to Knowlton motion)
DATE: August 20, 1997

I concur your August 18th draft of the order.

PTF/mz

cc: Judge Butzner

United States Court of Appeals

District of Columbia Circuit
Washington, DC 20001

RECEIVED

OCT 11 1994

David B. Sentelle
United States Circuit Judge

October 6, 1994

JOHN D. BUTZNER, JR.
SR. U.S. CIRCUIT JUDGE

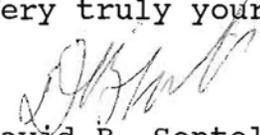
The Honorable John D. Butzner
United States Court of Appeals
Post Office Box 2188
Richmond, VA 23217

Dear Judge Butzner:

I note that Chief Justice Rehnquist has reappointed the two of us along with The Honorable Peter T. Fay, Senior Judge of the Eleventh Circuit to serve as the Special Panel for the Appointment of Independent Counsels for the next two years. While the task is at times a daunting one, it is made to look much more manageable by the knowledge that I will continue to have you as a colleague. It has been an interesting two years and I must say that I hope the next two will be less interesting. Nonetheless, I hope we will be in frequent contact.

With kindest personal regards, I am

Very truly yours,


David B. Sentelle

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JOHN D. BUTZNER, JR.
SENIOR CIRCUIT JUDGE
POST OFFICE BOX 2188
RICHMOND, VIRGINIA 23217

October 12, 1994

The Honorable David B. Sentelle
United States Circuit Judge
United States Courthouse
3rd & Constitution Ave., N.W.
Washington, D.C. 20001

Dear Judge Sentelle:

Thank you for your kind note of October 6, 1994. I, too, hope that the next two years will present fewer problems than we have had. But whatever may come, I am sure that I will continue to enjoy working with you.

With every good wish, I am

Sincerely yours,



John D. Butzner, Jr.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JOHN D. BUTZNER, JR.
SENIOR CIRCUIT JUDGE
POST OFFICE BOX 2188
RICHMOND, VIRGINIA 23217

October 12, 1994

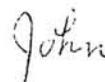
The Honorable Peter T. Fay
Senior United States Circuit Judge
Suite 332
300 N.E. First Avenue
Miami, Florida 33132

Dear Judge Fay:

I was delighted to learn that the Chief Justice has appointed you to the Special Division of the District of Columbia Circuit for the Appointment of Independent Counsel. I am sure that it will be a pleasure to work with you for the next two years.

With every good wish, I am

Sincerely yours,



John D. Butzner, Jr.

PETER T. FAY
UNITED STATES CIRCUIT JUDGE
MIAMI, FLORIDA 33101

RECEIVED

OCT 28 1994

Oct. 25, 1994

JOHN D. BUTZNER, JR.
SR. U.S. CIRCUIT JUDGE

Dear Judge,

Thanks for your kind note.
I am certainly looking forward to
working with you.

While visiting in Washington
for the wedding of a nephew, I
had a delightful meeting with David
in his chambers. It should be
an interesting challenge.

Warm personal regards,

Sincerely,
Peter

P.S. We are enjoying the color of the mountains
of N.C. for a few days.