

The case of Clifford Baxter: more questions raised over alleged suicide of Enron executive

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In the first major media inquiry into the alleged suicide of former Enron Vice Chairman J. Clifford Baxter, CBS News broadcast a segment April 10 which raised significant questions about the police handling of Baxter's death.

Baxter was found shot to death in his car in the early morning hours of January 25, a few days after he agreed to testify to Congress. Formerly the head of Enron's gas pipeline operations, and vice chairman of the company until his resignation last May, Baxter was in a position to give insider testimony on the causes of the biggest bankruptcy in US history.

According to congressional investigators, Baxter was being sought, not as a target in his own right, but to provide evidence against other top executives. He was known within Enron for having opposed the off-the-books financial manipulations directed by CEO Jeffrey Skilling and Chief Financial Officer Andrew Fastow.

Police in the wealthy Houston suburb of Sugar Land declared the death a suicide without any investigation, and the Harris County coroner initially declined to conduct an autopsy, only reversing herself after media publicity and objections by Baxter's family.

According to the story narrated by CBS correspondent Sharyl Attkisson, the network obtained police, autopsy and lab reports and had them analyzed by two independent experts, coroner Cyril Wecht and former homicide detective Bill Wagner.

Wecht noted that the ammunition used was so-called "rat-shot," rather than regular bullets, consisting of pellets that break apart and spread after discharge. "This kind of ammunition cannot be easily or readily traced back to the gun from which it was fired," he told CBS.

"It's not as frequently used by people for any reason. It's not the type of ammunition one finds in guns—it has

a specific purpose: shooting at snakes and rodents in order to get a distribution pattern of the small pellets contained within the nose portion of the bullet. It's not something that a person is likely to have and to use if they intended to kill themselves."

Wagner said that murder could not be ruled out, despite the evidence suggesting that the shooting was a suicide. "Murder can be made to look like a suicide," he said. "Someone who is knowledgeable about forensics can very well have the ability to stage a murder, commit a murder and stage it to look as if it was a suicide, understanding what the police are going to be looking for."

Apparently, however, the Sugar Land police were not looking for much of anything. Wagner said their handling of the crime scene was deficient. They neither "bagged" Baxter's hands—i.e., checked for chemical residues and other indications that he had fired the gun—nor did they fingerprint the interior of the car. "I'm just amazed frankly that the hands were not bagged," Wecht said.

The timeline produced by the Sugar Land police has major inconsistencies. For instance, the police report says that a blood stain was found on the pavement outside the car, caused by someone laying Baxter on the ground. Yet the body was in the car when the funeral home personnel arrived to handle it.

This suggests two alternatives: that Baxter was shot on the pavement and then placed in the car to make it look like suicide; or that the body was removed from the car—perhaps in an attempt to resuscitate him—and then, for unknown reasons, put back into the driver's seat.

Crime scene photos were only taken after the gun and other evidence, as well as the body, had been moved. There are unexplained bruises on Baxter's left hand,

together with traces of black material, which are consistent with him putting out his hand to brace a fall onto asphalt pavement after he was shot in the right temple—a scenario that suggests murder rather than suicide.

Other questions have been raised about the fatal wound, which was very large—7.2 cm by 4.5 cm—according to the coroner’s report. One estimate of the spread pattern of rat shot suggests that the gun muzzle must have been two to three feet away from his temple for the shot to have diverged that much, an improbably awkward position for a suicide.

The day after the CBS report, Texas Attorney General John Cornyn ordered the release of the suicide note that was found on the seat of Carol Baxter’s car in the family garage. Cornyn is the Republican candidate for US Senate in Texas, to fill the seat being given up by Phil Gramm.

Sugar Land police refused to release the note for nearly three months, after the Baxter family sought to keep it confidential, citing their right to privacy. Cornyn’s office issued a ruling that cited “the substantial public interest in the causes of Enron’s failure and its far-reaching consequences.”

The brief 61-word note makes no direct mention of Enron. It is written in block capital letters on a plain sheet of notepaper, and signed in block capitals rather than handwriting, making it impossible to determine if Baxter actually wrote the note.

The state attorney general’s office also ordered the local police to release photos of the death scene and other investigative records, long sought by the press. However, Baxter family attorney Pike Powers obtained a court order blocking the release temporarily until the issue is argued before a judge.



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