

January 17, 1995

MR

The Honorable Kenneth W. Starr
Office of the Independent Counsel
Washington, D.C.

Dear Judge:

It is with much regret that I am forced to offer my resignation as Associate Independent Counsel.

As you are aware, I participated in review of the Foster documents matter. When this matter was proposed for closure, I met with various staff members and provided recommendations for further investigation and possible targets. I provided you with memoranda concerning my recommendations.

In addition, I participated in review of the Foster death matter. At meetings and via memoranda, I specifically indicated my disagreement that there existed "overwhelming" evidence that Foster committed suicide where he was found in Ft. Marcy Park. I proposed, at numerous meetings, various investigative steps. Upon approval, I commenced to undertake these investigative steps.

In my attempt to find answers to many remaining questions regarding Foster's death, I was able to uncover numerous investigative leads and new information. The leads and information included, among other facts and contacts, that on or about July 20, 1993 (1) there was a second parking area to Ft. Marcy Park; (2) there was a second entrance to Ft. Marcy Park; (3) the USPP knew of this second entrance and parking area; (4) the second entrance and parking area at Ft. Marcy Park was not secured or investigated by the USPP; (5) the second entrance and parking area at Ft. Marcy Park served as a post/beat for the USPP; (6) USPP officials, the USPP report, and the FBI failed to indicate the existence or awareness of the second entrance and parking area at Ft. Marcy Park; (7) there were maintenance roads and access roads at Ft. Marcy Park; (8) the USPP had a key to maintenance gates and access roads at Ft. Marcy Park; (9) prior to discovery of Foster's identity, persons with USPP Special Forces Branch experience and association were present at Ft. Marcy Park (the USPP Special Forces Branch handled special requests from the White House); (10) the existing FBI interview reports and USPP interview reports do not accurately reflect witness statements; (11) four emergency medical personnel identified, having refreshed their recollection with new photographic evidence, trauma each had observed on Foster's right neck area; and (12) blurred and obscured blow-ups of copies of (polaroid and 35mm) photographs have been offered and utilized. After uncovering this information, among other facts, my own conduct was questioned and I was internally investigated. I steadfastly maintained, and continue to maintain, that I, at all times, conducted myself as an experienced and trained prosecutor, with years of federal prosecutorial experience and federal grand jury experience.

On January 16, 1995, I expressed to Tuohey and Dash my sincere hope that my painstaking efforts to uncover the truth were not mischaracterized. Then, I told Tuohey and Dash that grand jury testimony had been fruitful and that I was fully prepared to continue grand jury inquiry into the many remaining questions surrounding Foster's death. Nevertheless,

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on January 16, 1995, I was informed that all planned grand jury investigation would be cancelled, my conduct was under review and I was to be more closely monitored by Tuohey and an FBI agent. In effect, for raising the above questions, I was forced out of this job.

I regret that fundamental prosecutorial differences have apparently divided your "reporting" staff and me. Reasonable people frequently differ, but you, as Independent Counsel, obviously must pursue the path and direction with your "reporting" staff that makes you most comfortable. I no longer believe in the dynamics of the decision making process presently employed in your Washington, D.C. office.

With your consent, due to administrative and transfer constraints, my resignation will be effective March 6, 1995. While this date may seem distant, during February 1995 I intend to schedule leave to remove myself from the office. I will leave sooner if you request.

Very truly yours,



Miguel Rodriguez
Assistant U.S. Attorney
E.D. California