

WCJ Press Conf., Etc.

SCREENED  
By *clg* Date 11/24/09  
NW25720 NND39718

Brett 514-8778  
Carmie 221-8721  
Jody 221-8749

4-24-95

1215 Brett - to DE

. KS wants you to  
consider talking w/ Paddy  
prior to this w/ the press

conf.

. Tell Brett  
MR, LW (re: Postland)  
call.

4-26-95

wed.

HE - KS (in OJC-LR)

①

②

③ KS - BK - HE:

① KS wants Rajew, or someone to attend thru. press conf.

② Response to WCI conf. - poss. release...

"Thorough, comprehensive, professional investigation"

③ HE call Miguel -

"it would be a lie that people have not been called before GI, etc."

[continue to want your input]

④ BK, MT, JB, HE - poss. Dash: Council of Elders -

[Poss. OPR-type investig re: MR, leader]

. If MR is becoming martyr, victim

⑤ BK - we are getting 100's of post cards a day re: Miguel.



4-27-95 Thurs.

1155  
1230

<IDE in AR> - [WDC - John, Monica  
- MT, BK, AA ]

• Review by John & Monica -

Recorded it

• Middle of briefing from Capt. -  
Scalisp

- Sessions said that his firing hindered FBI investig.
- reconstruction of scene
- photos
- another residence - in Chain Bridge
  - 380' from a private drive
  - and the Saudi ambassador lives near the park
  - Neither Fiske or Comm. concerned re by behind.

Lux disc  
• Whether body moved twice w/ the Park -

- 1 or 2 cannons
- glasses
- dispute location - Model walked to site -

dirt, mica -

- tented foliage
- no gun stin on shoes

• Body position - - if sitting, blood should spread out.

- palms up
- Dr. Haupt - little blood
- blood congealed back of head

• Blood tracks -

- 4 track diagram -
- means body moved -

Blood - not consistent w/

Couldn't find bullet

Carpet fibers - many colors

- FBI should check carpet fibers in  
his car, home, office
- No search of car for fibers.

Prints - didn't check car, etc.

---

WH credentials - RPT

What are you getting at?

Ans - let us finish  
she left

• Still shot of ABC photo -

• 1 exp - not indigenous to the area...

---

• 2 dozen EMT's

- Didn't see ABC, W. Post -  
poss. little political groups---
  - Hays said body 100' from 1st cannon.
- 

• Ruddy - DOJ - change in stories -  
• Gonzalez - 100' from 1st cannon  
• Ashford - doesn't rem. cannons  
"selective"

---

Scalise: NY

- 35mm photos underexposed -  
[This has never happened before]  
[Monica - only thing that this rang true]
  - Did say M. had been enhanced
- 

→ • Misadvised on 3-20?  
• had polaroid blown up.  
What kidding?

No mention of sten on / tape.

- Q - how IC taken EMT's out to Park  
to lead through:  
- Fiske
- 

Scalise -

NY Rptr - so what are you telling us?  
(Christine)  
(ex-civil Al-Dinuk)

---

- 4 Pathologists said head moved ~~pos~~ by EMT

Dr Ray - Seattle > told R. Irvine -

"bandage up" - possible.

- a cheap gun to kill yourself

"people who put the powder burns on  
his fingers" --- outsmarted themselves.

Rptr - who are you saying did this?

Irvine " We are counting on Mr. Starr  
to find out the truth? "

---

Scalise -

- Find it strange got out of car w/o jacket w/  
4" gun in hand---

Rptr - "How hard to carry a body  
there then?"

Entrances -

770'

500'

380'

{no mention of "maintenance road"}

Rptr

- Are you accusing Taylor of viol. law?

over the edge

• Then a bunch of Q's---

---

Ruddy -

"The ball in Starr's Ct."

Ruddy - serious development in the case.

- Miguel resigned --- lead prosecutor ---  
interfere w/ by WASH staff.  
• Not allowed to ask Q's -

• "Miguel is still a player in the case." >

- 
- Troop Brown: NRC - VF affair?  
Ruddy - serious  
- we are into in the truth.

- 5 or 6 Apts had w/d credentials -

---

"Mr. Starr has subp. power -  
Can prosecute if perjury committed -

- 
- RH v. LH - <sup>were on</sup> laundry list -  
1 Q. --- No reproduction

- wr: the rpt - we got a copy

- 1 camera crew for AIM -

"The Trial of VF" -

- No blond hair man's

5-10-95

Wed.

Note: HRC & BC in  
Russia on this day.

6:35 pm

G. Gordon Liddy - AM 1010 - LR

Called - FR

"Susan - atn in the white house"

} Susan  
Thamara? }

[S] - irresponsible radio - GGL educ. - but his  
audience can't handle

(I) his students = rich going to school armed -  
GGL - No - said if got foreign child to school  
X, & don't protect, go home to combat armed thugs

[S] - The main point is that you use "violent rhetoric" &  
your audience can't handle it.

(I) you tell your audience how to kill someone ...  
GGL - if in "life & death struggle", & it's you  
or the other person -  
GGL - wouldn't you want to eliminate him from the  
face of the earth, rather than ~~let~~ him have his  
perverse way w/ you? Susan - No - have his  
perverse way to leave.

GGL - suggest you read the Miller case - re: 2d Amnt.

GGL - the fun thing - I guess you're the only non-stamp  
listener here (URTS 16371) DocId: 70105766 Page 11

Advised Brett  
5-12-95

Hick - This is more palatable but I'd wait to see if this story develops to determine if any release is warranted.

Ken, Mark, Bill, Hick:

Here is the "short version."

Brett

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In recent weeks, some members of the media and of the public have raised questions about the resignation of former Associate Independent Counsel Miguel Rodriguez and this Office's investigation into the death of former Deputy White House Counsel Vincent W. Foster, Jr. This Office's investigation into Mr. Foster's death has been, is being, and will continue to be conducted in a thorough, aggressive, and professional manner. I have been personally involved in all major decisions regarding the direction and scope of that investigation. Because the investigation is continuing before a federal grand jury, I will not comment on its substance; I can provide assurances, however, as to its continued thoroughness and professionalism.



Hick - I believe that this or any other statement makes it open season on this issue. Something along the lines of this will encourage Miguel to speak his mind.

Ken, Mark, Bill, Hick:

As I have seen from Ruddy it all so far strikes me as speculation and conjecture. My personal belief is that Miguel has

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If you want a statement shorter than this draft statement, perhaps some variation of the first and third paragraphs would be sufficient.

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In the wake of Mr. Rodriguez's resignation, some have stated that this Office's investigation into Mr. Foster's death has been thwarted by a senior member of my staff and that the investigation is not being conducted in a thorough manner designed to elicit the truth. Mr. Rodriguez made similar statements to me in offering his resignation in January. At that time, I took his statements seriously and became personally and actively involved in investigating them. In so doing, I was assisted by numerous members of my staff, including many seasoned prosecutors and my Ethics Counsel, Professor Samuel Dash. After carefully reviewing and investigating Mr. Rodriguez's allegations, I found them to be without any merit whatsoever, as did every member of my staff who reviewed the matter.

The investigation into Mr. Foster's death has been, is being, and will continue to be conducted in a thorough, aggressive, and professional manner. I am fully satisfied that no one on my staff has thwarted or attempted to thwart the investigation of Mr. Foster's death. I have been personally involved in all major decisions regarding the direction and scope of that investigation. Because the investigation is continuing before a federal grand jury, I will not comment on its substance; I can provide assurances, however, as to its continued thoroughness and professionalism.

During my review of Mr. Rodriguez's allegations, I ultimately concluded not only that his allegations were unfounded but that, in the course of the investigation into Mr. Foster's death, Mr. Rodriguez had not conducted himself with the professionalism I demand of myself and of each member of my staff. I therefore accepted his offer to resign.

CURRIE - 4/27 // 0825

Ⓢ This news conference is  
at 10:00 am AR time. PLS  
turn on C-span then to see  
if it is being carried live. If so  
pls type - Hick

Hick -

It's not  
being carried  
at all.

CB

**PRESS RELEASE**

April 25, 1995

**Contact:** Reed Irvine  
202-364-4401  
Joseph Farah  
916-852-6300  
James Davidson  
410-576-0900 -**REPORTS TO BE RELEASED CHALLENGE RULING OF SUICIDE IN DEATH OF VINCENT W. FOSTER, JR.**

Date: Thursday, April 27, 1995  
Time: 11:00 a.m.  
Place: International Club, 1800 K Street, NW (18th & K),  
Washington DC. Room C on B-1 Level

Representatives of three separate organizations will present two reports that seriously challenge both the finding of suicide and official claims of the circumstances in the death of former deputy White House Counsel Vincent W. Foster, Jr.

Participants will also be discussing the resignation of Associate Independent Counsel Miguel Rodriguez from the staff of Kenneth Starr and apparent attempts by the Independent Counsel to stifle the grand jury probing Foster's death.

Joseph Farah, Executive Director of the Western Journalism Center, a non-profit organization that supports investigative journalism, will release "An Independent Report in re: The Death of Vincent Foster."

The report was compiled by two former New York City police homicide forensic experts, both noted in their fields and having more than 50 years combined experience investigating homicides.

Their startling conclusions were the result of a two-month investigation, crime scene reconstruction project at Fort Marcy Park and analysis of relevant forensic work, including their own laboratory analysis, conducted by one of the nation's pre-eminent forensic scientists.

The two homicide experts will give a short presentation followed by questions.

The experts will discuss, among other issues: the movement of Foster's body to the park, the issue of the disputed location of the body's discovery, and the gun's positioning in Foster's hand.

The Western Journalism Center has supported an independent investigation into the probe of Foster's death, and has promoted

the efforts of investigative journalist Christopher Ruddy, a correspondent with the Pittsburgh Tribune-Review. Mr. Ruddy will be available for questions.

Reed Irvine, Chairman of Accuracy in Media, a media watchdog group, will issue his AIM Report, "The Trial of Vincent Foster."

The report is a culmination of more than a year's review of the Foster case, as well as a thorough analysis of the relevant documents.

"The Trial of Vincent Foster," based on a hypothetical defense lawyer similar to one found in the Simpson case, concludes that the evidence indicates Foster was the victim of a homicide.

Mr. Irvine will also discuss his concerns regarding the resignation of prosecutor Rodriguez. He will also be available for questions.

James Dale Davidson, co-editor of the international financial newsletter Strategic Investment, will discuss his interest in the case, and why he believes the evidence does not support a suicide conclusion. His organization has produced a 40-minute video, "Unanswered: The Death of Vincent Foster."

Davidson will discuss the serious implications of the resignation of prosecutor Miguel Rodriguez from Mr. Starr's staff in mid-March and the ongoing cover-up of the case.

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Screened

By: David Paynter      Date:  
11-24-2009

April 25, 1995

On April 10, 1995, London Sunday Telegraph article by A. Pritchard, included:

"The Pittsburgh Tribune Review reported this week that the Washington part of the Whitewater/Foster investigation, under the control of Democrat Mark Touhey, is seriously compromised. The lead prosecutor, Miguel Rodriguez, resigned in March because the federal grand jury was unable to call witnesses and issue subpoenas."

I talked with Pritchard this morning. On this subject (off the record), I advised him that in the course of investigations sometimes there are disagreements. Miguel submitted his resignation in mid-JAN, effective March. Ewing was called in in JAN to become involved. Needed someone "beyond reproach", where it could not be said, no matter what the results, that something was covered up.

Not accurate that the federal grand jury was unable to call witnesses or issue subpoenas. Was never told that. In fact, I have been in grand jury with a number of witnesses, including some names he had mentioned earlier in conversation. [at that point he had mentioned lots of names, including Marsha Scott, Braun, Rolla, Gavin, Haupt, Orenstein, etc. I did not say what witnesses had been before GJ, or which ones I had talked with. I, in fact, had been in GJ when [redacted] were in there.]

FOIA(b)3 - Rule 6(e), Federal Rules of Criminal Procedure, Grand Jury

# A Special Report on the Vincent Foster Case

## Reprinted from Pittsburgh's *Tribune-Review*

Thursday, April 6, 1995

### Prosecutor's Resignation Comes at Crucial Point in Foster Probe

By Christopher Ruddy  
FOR THE TRIBUNE-REVIEW

WASHINGTON—The resignation of a key prosecutor for independent counsel Kenneth Starr challenges the integrity of a grand jury investigation into the death of Vincent W. Foster Jr., according to a Washington law enforcement source close to the probe.

The investigation had reached a critical state by mid-March when associate independent counsel Miguel Rodriguez quit after he was stilled by his superior in his efforts to conduct a full grand jury probe, according to a source. Rodriguez's superior is deputy independent counsel Mark H. Tuohey III, who is viewed by many in the Washington legal community as being above reproach professionally.

Rodriguez's departure came at a crucial juncture.

The source said that by the time Rodriguez left, or shortly thereafter, Starr's investigative team had progressed in several critical areas:

- 1) Investigators had received new photographic evidence of a "significant" nature that was not available to investigators from the U.S. Park Police and the office of Starr's predecessor, former special counsel Robert Fiske.
- 2) Strong evidence had emerged that the 1913 Colt revolver found in Foster's hand—the alleged "suicide" weapon—had been "moved or switched."
- 3) Investigators had developed a clear theory that the body had been moved and had focused on the park's rear entrance.

Starr began using his Whitewater grand jury in early January to investigate Foster's death which occurred on July 20, 1993.

Park police and Fiske concluded

Foster committed suicide. Fiske further concluded the body had not been moved and cleared officials of possible obstruction in the investigation.

Fiske had been criticized for not including Foster's death in his grand jury probe of the Whitewater affair.

The Starr investigation has turned up discrepancies in the testimony of police and rescue workers called before the grand jury, according to several sources.

Despite significant developments in the case, Rodriguez left because he believed the grand jury process was being thwarted by his superior, the key source said.

In a full grand jury process, a prosecutor has complete subpoena power to call witnesses, subpoena documents, and is to seek out wrongdoing at all levels.

Typically, prosecutors "work their way up" beginning with the lowest officials. Prosecutors are not supposed to exempt individuals or groups of individuals, such as police, from prosecution, according to a legal expert.

#### REPUTATION

Rodriguez, an assistant U.S. attorney from Sacramento, joined Starr's staff early last fall and had been the lead prosecutor on the Foster case.

Rodriguez, who is in his mid-30's, has approximately seven years experience as a prosecutor and had gained a reputation as a hard-nosed, diligent prosecutor, especially on civil rights cases, said an FBI agent in California familiar with his work.

"He's the perfect lawyer for a case like this," the agent said, suggesting that if any cover-up existed, Rodriguez's cross-examination skills would be well suited for ferreting out the truth.

The agent also described Rodriguez as a "guy with a conscience. He could never play Pontius Pilate."

Rodriguez became critical of the

investigation after he was denied the right to bring witnesses he deemed important before the grand jury, the source said.

Rodriguez also became frustrated because of delays in bringing witnesses before the grand jury. He believed the delays could allow park police and other officials to adjust conflicting testimony.

A recent published report stated that by mid-March, after three months of proceedings, about a dozen fire and rescue workers had been brought before the grand jury.

Reached at his Sacramento office, Rodriguez confirmed he left the Whitewater probe and returned to his post with the U.S. Attorney's office on March 20. He refused to explain his departure.

"Ken Starr is a great man and a great prosecutor. Beyond that, I cannot comment on any aspect of the on-going investigation," he said tersely.

Rodriguez also declined to provide biographical information on himself, such as his age or experience as a government prosecutor.

Tuohey confirmed Rodriguez's resignation, but said he couldn't comment on the reasons for the departure. He also refused to comment on the notion that Rodriguez left because he was not given full grand jury powers.

However, another person familiar with the Starr investigation has categorically denied the information provided the *Tribune-Review* as to the reasons for Rodriguez's departure.

"It's absolutely not true," the person said about Rodriguez being denied the right to call crucial witnesses.

"Absolute nonsense," the source said about allegations witnesses were being called too slowly.

Despite the contradictory statements of people close to the investigation, there are indications that a disagreement developed between Rodriguez and Tuohey.

According to the law enforcement source, Starr has given wide authority to his deputies with Tuohey heading up the

NO

Jan. 17 resignation

Washington phase and William S. Duffey Jr. in Arkansas. Starr has taken great pains to not interfere in their handling of the respective parts of the investigation, the source said.

Tuohey is a highly respected former federal prosecutor, who also served during the Carter administration as a special counsel prosecuting former Rep. Daniel Flood of Pennsylvania. He is currently a partner at the law firm of Reed, Smith, Shaw and McClay where he handles white-collar criminal matters. In 1993-1994, he was president of the District of Columbia Bar Association.

According to several friends and associates, Tuohey is described as a congenial, fair, honest man.

Press accounts at the time of his selection by Starr last September noted that Tuohey's activism in Democratic party circles helped answer criticism that Starr, an active Republican, would be unfair.

The Washington Post reported that Tuohey "is close to some Clinton administration officials, including Associate Attorney General Jamie S. Gorelick, and last year hosted a party for Attorney General Janet Reno at his Washington home."

#### SIGNIFICANT QUESTION MARK

Thomas Scorza, a former federal prosecutor in Chicago and a professor of legal ethics at the University of Chicago, said Rodriguez's resignation in the middle of grand jury proceedings could be significant.

Scorza said that "it's very unusual for someone above the working prosecutor (Rodriguez) to call the shots in the investigation." During his 10 years as a prosecutor in Chicago, he couldn't recall an instance where the actual prosecutor was limited in his powers.

Scorza also termed serious the allegation that witnesses were not expeditiously called before the grand jury.

"That's how a practicing prosecutor wants it done," he said. "If you're questioning several people about the same thing, you want to get testimony before the grand jury quickly. That's how you find discrepancies and you discover something and the dominoes begin to

fall."

Scorza said that if he, as a prosecutor, found that he had been limited in his grand jury powers, he would resign.

"I'd also go public with it," he said.

Reports of problems in the Starr investigation surfaced in early January as park police officers were first summoned to testify.

A Jan. 12 story by The Associated Press reported that lawyers for the park police had objected to Rodriguez's "tough questioning" of officers about their probe of Foster's death.

Several officers were upset because Rodriguez repeatedly read perjury statutes to grand jury witnesses, according to press reports of the proceedings.

"He (Rodriguez) was doing exactly what he should be doing," Scorza said. He based his remarks on personal experiences.

"The police always get upset," Scorza said of the prosecutor's repeated reading of the perjury statute.

He said it's necessary so witnesses don't later claim they didn't understand the significance of their testimony or the consequences of lying under oath.

Asked about his methods, Rodriguez said, "A law enforcement agent has to be held accountable to the same law as everyone else. If they aren't, faith and trust in a central institution in society is destroyed."

"There are some that say exposing corruption among police and officials is a bad thing because it weakens public confidence. In the short run, that may be true, but in the long term, it restores people's confidence and trust," he said.

#### PRESS REPORTS

January press reports about the grand jury proceedings and Rodriguez's handling of it, seemed to exacerbate the rift between Rodriguez and Tuohey, the source suggested.

The Associated Press report detailing police anger over Rodriguez's questioning said, "Rodriguez's boss, deputy Whitewater prosecutor Mark Tuohey, acknowledged there had been problems, though he declined to discuss them."

The story went on to quote Tuohey as saying Rodriguez would continue asking

the questions in the grand jury probe.

According to the law enforcement source, Rodriguez and several members of the staff were unhappy that Tuohey had spoken to the press. They interpreted his remarks as a violation of a federal mandate that grand jury proceedings remain secretive.

Scorza said he found Tuohey's comments to be "odd," even if they didn't directly relate to the internal activities of the grand jury.

"Any prosecutor knows that when asked about anything relating to a grand jury proceeding, you can only say, 'I cannot comment on pending grand jury matters, period,'" Scorza said.

Tuohey said he was not commenting about the grand jury itself, but on complaints made outside the courtroom by attorneys for the police.

"I responded to The AP that aggressive questioning sometimes causes friction," Tuohey said.

Some staff members, including Rodriguez, bristled over other press reports that the Foster probe basically had been concluded. Some people were concerned that political maneuvering was distorting the outcome of the proceedings, according to the source.

On the day grand jury proceedings in the Foster case began in January, a Scripps-Howard wire story reported that Kenneth Starr had concluded Foster's death was a suicide and was preparing to close the case.

Recently, the Wall Street Journal and USA Today reported that despite the preliminary aspects of the grand jury proceedings, Starr had concluded the case was a suicide.

Last month, the Tribune-Review reported on a similar occurrence in the early stages of the Fiske investigation into Foster's death. For example, the Wall Street Journal reported in April 1994 that Fiske had ruled the death a suicide and was set to issue a report.

Fiske did issue a report several months later, but documents released this year demonstrate that the most basic elements of the investigation had yet to be completed by the time the Wall Street Journal reported the case closed.



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Rodriguez became critical of the

investigation after he was denied the right to bring witnesses he deemed important before the grand jury, the source said.

Rodriguez also became frustrated because of delays in bringing witnesses before the grand jury. He believed the delays could allow park police and other officials to adjust conflicting testimony.

A recent published report stated that by mid-March, after three months of proceedings, about a dozen fire and rescue workers had been brought before the grand jury.

Reached at his Sacramento office, Rodriguez confirmed he left the Whitewater probe and returned to his post with the U.S. Attorney's office on March 20. He refused to explain his departure.

"Ken Starr is a great man and a great prosecutor. Beyond that, I cannot comment on any aspect of the on-going investigation," he said tersely.

Rodriguez also declined to provide biographical information on himself, such as his age or experience as a government prosecutor.

Tuohey confirmed Rodriguez's resignation, but said he couldn't comment on the reasons for the departure. He also refused to comment on the notion that Rodriguez left because he was not given full grand jury powers.

However, another person familiar with the Starr investigation has categorically denied the information provided the *Tribune-Review* as to the reasons for Rodriguez's departure.

"It's absolutely not true," the person said about Rodriguez being denied the right to call crucial witnesses.

"Absolute nonsense," the source said about allegations witnesses were being called too slowly.

Despite the contradictory statements of people close to the investigation, there are indications that a disagreement developed between Rodriguez and Tuohey.

According to the law enforcement source, Starr has given wide authority to his deputies with Tuohey heading up the

Washington phase and William S. Duffey Jr. in Arkansas. Starr has taken great pains to not interfere in their handling of the respective parts of the investigation, the source said.

Tuohey is a highly respected former federal prosecutor, who also served during the Carter administration as a special counsel prosecuting former Rep. Daniel Flood of Pennsylvania. He is currently a partner at the law firm of Reed, Smith, Shaw and McClay where he handles white-collar criminal matters. In 1993-1994, he was president of the District of Columbia Bar Association.

According to several friends and associates, Tuohey is described as a congenial, fair, honest man.

Press accounts at the time of his selection by Starr last September noted that Tuohey's activism in Democratic party circles helped answer criticism that Starr, an active Republican, would be unfair.

The Washington Post reported that Tuohey "is close to some Clinton administration officials, including Associate Attorney General Jamic S. Gorelick, and last year hosted a party for Attorney General Janet Reno at his Washington home."

#### **SIGNIFICANT QUESTION MARK**

Thomas Scorza, a former federal prosecutor in Chicago and a professor of legal ethics at the University of Chicago, said Rodriguez's resignation in the middle of grand jury proceedings could be significant.

Scorza said that "it's very unusual for someone above the working prosecutor (Rodriguez) to call the shots in the investigation." During his 10 years as a prosecutor in Chicago, he couldn't recall an instance where the actual prosecutor was limited in his powers.

Scorza also termed serious the allegation that witnesses were not expeditiously called before the grand jury.

"That's how a practicing prosecutor wants it done," he said. "If you're questioning several people about the same thing, you want to get testimony before the grand jury quickly. That's how you find discrepancies and you discover something and the dominoes begin to

fall."

Scorza said that if he, as a prosecutor, found that he had been limited in his grand jury powers, he would resign.

"I'd also go public with it," he said.

Reports of problems in the Starr investigation surfaced in early January as park police officers were first summoned to testify.

A Jan. 12 story by The Associated Press reported that lawyers for the park police had objected to Rodriguez's "tough questioning" of officers about their probe of Foster's death.

Several officers were upset because Rodriguez repeatedly read perjury statutes to grand jury witnesses, according to press reports of the proceedings.

"He (Rodriguez) was doing exactly what he should be doing," Scorza said. He based his remarks on personal experiences.

"The police always get upset," Scorza said of the prosecutor's repeated reading of the perjury statute.

He said it's necessary so witnesses don't later claim they didn't understand the significance of their testimony or the consequences of lying under oath.

Asked about his methods, Rodriguez said, "A law enforcement agent has to be held accountable to the same law as everyone else. If they aren't, faith and trust in a central institution in society is destroyed."

"There are some that say exposing corruption among police and officials is a bad thing because it weakens public confidence. In the short run, that may be true, but in the long term, it restores people's confidence and trust," he said.

#### **PRESS REPORTS**

January press reports about the grand jury proceedings and Rodriguez's handling of it, seemed to exacerbate the rift between Rodriguez and Tuohey, the source suggested.

The Associated Press report detailing police anger over Rodriguez's questioning said, "Rodriguez's boss, deputy Whitewater prosecutor Mark Tuohey, acknowledged there had been problems, though he declined to discuss them."

The story went on to quote Tuohey as saying Rodriguez would continue asking

the questions in the grand jury probe.

According to the law enforcement source, Rodriguez and several members of the staff were unhappy that Tuohey had spoken to the press. They interpreted his remarks as a violation of a federal mandate that grand jury proceedings remain secretive.

Scorza said he found Tuohey's comments to be "odd," even if they didn't directly relate to the internal activities of the grand jury.

"Any prosecutor knows that when asked about anything relating to a grand jury proceeding, you can only say, 'I cannot comment on pending grand jury matters, period,'" Scorza said.

Tuohey said he was not commenting about the grand jury itself, but on complaints made outside the courtroom by attorneys for the police.

"I responded to The AP that aggressive questioning sometimes causes friction," Tuohey said.

Some staff members, including Rodriguez, bristled over other press reports that the Foster probe basically had been concluded. Some people were concerned that political maneuvering was dictating the outcome of the proceedings, according to the source.

On the day grand jury proceedings in the Foster case began in January, a Scripps-Howard wire story reported that Kenneth Starr had concluded Foster's death was a suicide and was preparing to close the case.

Recently, the Wall Street Journal and USA Today reported that despite the preliminary aspects of the grand jury proceedings, Starr had concluded the case was a suicide.

Last month, the Tribune-Review reported on a similar occurrence in the early stages of the Fiske investigation into Foster's death. For example, the Wall Street Journal reported in April 1994 that Fiske had ruled the death a suicide and was set to issue a report.

Fiske did issue a report several months later, but documents released this year demonstrate that the most basic elements of the investigation had yet to be completed by the time the Wall Street Journal reported the case closed.

January 17, 1995

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,

Judge Starr  
January 17, 1995  
Page Two

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,

A handwritten signature in cursive script that reads "Miguel Rodriguez". The signature is written in dark ink and is positioned above the typed name.

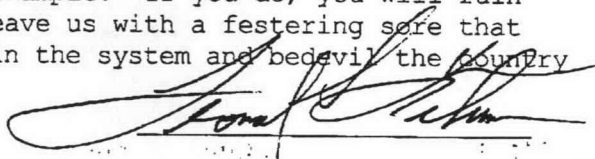
Miguel Rodriguez  
Assistant U.S. Attorney  
E.D. California



Dear Mr. Starr:

I was very disappointed to learn that Miguel Rodriguez had resigned from your staff reportedly because one of his superiors was interfering with his conduct of the grand jury probe of Vincent Foster's death. This would appear to explain the leisurely pace of that investigation, which took testimony from only a dozen witnesses in three months and has yet to question many key figures.

Since the evidence already made public overwhelmingly points to foul play, not suicide, we are depending on you to find out who was responsible for Foster's death. Please don't follow Fiske's example. If you do, you will ruin your reputation and leave us with a festering sore that will undermine faith in the system and bedevil the country for decades.



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4/21/95

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*Let's get things moving!*

