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RETURN RECEIPT REQUESTED

Joel I. Klein, Chancellor
The Department of Education
52 Chamber Street
New York, NY 10007

July 21, 2005

RE: Request for Prosecutorial Investigation

Dear Chancellor Klein:

After very careful consideration, I feel it necessary to send this cover letter for my correspondence with "documentation" sent to Executive Director of the Division of Human Resources, Office of Appeals & Review, Virginia Caputo, Director, dated July, 5, 2005, to you and Mayor Michael R. Bloomberg. In *The New York Times*, Sunday, July 17, 2005, OP-ED Section, page 13, columnist Frank Rich used in another context the phrase, "To see the main plot, you must sweep away the subplots ..." In my enclosed letter dated July 5th, pages 7 & 8, I state with respect to one particular conspiratorial e-mail very mistakenly sent to me (the "main plot"): "It can be dealt with in an appropriate forum as I or other authorities might feel correct."

With the verity of Mr. Rich's statement as reference, I request a thorough investigation of the situations and matters herein enclosed, starting with the conspiratorial e-mail, letters and "documentation" as stated above. And I believe that you, Chancellor Klein, and Mayor Bloomberg, as the top administration, can properly address the severity of these issues. Investigation is without question the "appropriate forum."

Also, this same conspiracy is accompanied by the flagrant absence of "**due process**" in every manner or matter; the constant **rifling and blatant absence** of legally filed letters and e-mails from my personnel files; and constant **harassment and intimidation**, see "documentation." This also meant conducting potentially unsafe, oversized and under-programmed Physical Education classes with up to 65 students with little or no help. And, gross falsification and misrepresentation of these and other situations and facts in continuing defaming letters, faxes and e-mails to myself and others (without notification to me), see "documentation," by a superior, the Principal of The New York City Museum School, Lindley Uehling.

To further obviate these indiscretions, the enclosed misdirected e-mail dated January 29, 2005 received by me was written the day after I informed the Principal in an e-mail dated January 28, 2005, paragraph 4, see "documentation" Exhibit 3, where I stated, "The safety of the students are of great concern to me, and I am not going to break the rules and regulations of the City and State as you have done." **May I explain that every single word of the conspiratorial e-mail of January 29, 2005, obviously not meant for me, was carefully, continuously and premeditatedly executed during the subsequent months since and until today.**

This situation is continuing as obviously planned and demonstrated in e-mails sent back and forth again to Ms. Uehling on July 17, 2005 and July 18, 2005, "e-mails" enclosed. Again the situation, as admitted by Lindley Uehling in the above-referenced e-mails, will be **illegal, understaffed, oversized, and unsafe** class environments for Physical Education at The New York City Museum School.

This entirely obvious scheme based on oversized classes and lies from the very start on the part of superiors has been unlawful and extremely painful to me from the beginning. So again I feel strongly that the resolution should be in the hands of top administration, the Chancellor, and Mayor, with an investigation.

It is also clear on a very personal level that this situation jeopardizes my entire career and outstanding eleven-year reputation as a teacher, tenured and where I have **never received an unsatisfactory rating or even an unsatisfactory observation**. I therefore respectfully request an acceptable resolution for me for the new school year, even if interim.

I look forward to a timely response to this request and thank you very much consideration

Yours truly,

Theodore D. Smith

Enclosures

cc: The Honorable Michael R. Bloomberg
The Mayor of the City of New York