

■■■■■■■■■■■■■■■■ in which he refuses to provide such permission. The response does not indicate whether ■■■■■■■■■■■■■■ actually contacted the respondents. Therefore, I am contacting you directly to request permission to publish the materials.

Further, at pages 2-3 of my letter to ■■■■■■■■■■■■■■, I discuss the ways I might present the matter on the web page pending a determination of whether I could secure your consent to making all materials public. As indicated, I assume that the confidentiality provisions of Rule XI of the Rules Governing the Bar are not intended to, and could not, prevent me from publishing that I filed a complaint. Since writing to ■■■■■■■■■■■■■■, I went on to post some material concerning the filing of the complaint. It may be found as Section B.11a of the Prosecutorial Misconduct page.

Finally, I note that the material in Section B.11a gives particular attention to the Independent Counsel's use of the testimony of Supervisory Special Agent Alvin R. Cain, Jr. and the post-trial actions of Independent Counsel attorneys in responding to allegations that Agent Cain lied. Such matter also received special attention elsewhere on the page, including particularly Section B.1 (which section is also made available by means of a tab on the page). The matter is also the subject of a lengthy August 8, 2008 post by Paul Mirengoff on powerlineblog.com.

As I have explained in various places, it is my understanding that Agent Cain was pressured into giving testimony that would be interpreted by observers as a firm denial of any recollection of a telephone call from the defendant on or about the date she received a copy of the HUD Inspector General's report and thereby lead the jury and the court to believe that the defendant had perjured herself in testifying that she called Agent Cain immediately after the report was made public. In fact, I maintain, Agent Cain did remember the call, but had been pressured into giving the testimony by Mr. O'Neill and Mr. Swartz, who persuaded him that his testimony would nevertheless be literally true because the defendant called him on or about the date the Inspector General's report was made public not the date the report was published internally at HUD. In various places, including a September 4, 2008 response to the Power Line post, I also argue that in responding to the defendant's motion for a new trial by concealing the circumstances of their securing Agent Cain's testimony, Independent Counsel attorneys committed the crime of obstruction of justice. Section B.11a also raises the issue of whether the response to Bar Counsel could have been part of a scheme to cover up the nature of Independent Counsel conduct regarding Agent Cain.

As discussed on the Prosecutorial Misconduct page, I have given a great deal of attention to the Agent Cain matter since 1994. In addition to seeking to cause the Office of Bar Counsel to reopen its consideration of this and other matters, I intend to cause the widespread publication of my perception of Independent Counsel actions regarding the testimony of Agent Cain at least for the next decade (unless I earlier conclude that the matter has become sufficiently understood by the knowledgeable public). And at least the web page will continue to publicize the matter for decades after that. So if you have any information that might cause me to believe I am mistaken as to my interpretation of

