

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PATRICK JAMES KNOWLTON)
2424 Pennsylvania Avenue, NW)
Washington, DC 20037,)
)
Plaintiff,)
)
v.)
)
ROBERT EDWARDS,)
Sergeant, retired)
United States Park Police)
Last known address:)
Park Police, Second District)
7300 MacArthur Boulevard)
Glen Echo, Maryland 20812,)
)
and)
)
JAMES C. BEYER)
Deputy Chief Medical Examiner)
Northern Virginia District) Civil Action No. 96-2467
9787 Braddock Road) JGP
Suite 100)
Fairfax, Virginia 22032,)
)
and)
)
JOHN DOE PATHOLOGIST)
Assistant to Deputy)
Chief Medical Examiner)
Identity & address unknown,)
)
and)
)
ROBERT F. BRYANT,)
Deputy Director,)
Federal Bureau of Investigation)
J. Edgar Hoover Building)
10th & Pennsylvania Avenue, NW)
Washington, DC 20001,)
)
and)
)
LAWRENCE MONROE)

Special Agent, retired)
Federal Bureau of Investigation)
 8128 Blandsford Drive)
 Manassas, Virginia 22110,)
)
 and)
)
SCOTT JEFFREY BICKETT)
 Address unknown,)
)
 and)
)
JOHN DOE FBI LABORATORY TECHNICIAN)
Federal Bureau of Investigation)
 J. Edgar Hoover Building)
 10th & Pennsylvania Avenue, NW)
 Washington, DC 20001,)
)
 and)
)
RUSSEL T. BRANSFORD,)
Special Agent,)
Federal Bureau of Investigation)
 1900 Half Street, SW)
 Washington, DC 20535,)
)
 and)
)
AYMAN ALOURI)
 2300 Pimmit Drive)
 Apartment 704 West)
 Falls Church, Virginia 22043,)
)
 and)
)
ABDEL SALEM ALOURI)
 5800 Quantrell Avenue)
 Apartment 1511)
 Alexandria, Virginia 22312,)
)
 and)
)
JOHN DOE No. 1, through)
 JOHN DOE No. 24, inclusive,)
)
 Defendants.)
)

SECOND AMENDED COMPLAINT (10/98)
(Conspiracy to interfere with Civil Rights
in violation of 42 U.S.C. § 1985(2), Obstructing justice;
Intentional Infliction of Emotional Distress;
Assault; Battery; Civil Conspiracy)

COMES NOW Plaintiff, Patrick James Knowlton, by and through counsel, and respectfully states:

Jurisdiction

1. This Court has jurisdiction over Plaintiff's claims for relief under 42 U.S.C. §§ 1985, 1986, as claims arising under the constitution and laws of the United States, pursuant to 28 U.S.C. §§ 1331, 1343(a)(1) and (a)(2). This Court has supplemental jurisdiction over all of Plaintiff's other claims for relief as state law claims so related to Plaintiff's claim in the action within the original jurisdiction that they form part of the same case or controversy.

Contents

Summary of case:	¶¶ 2-12
Parties:	¶¶ 13-25
Robert Edwards Park Police Sergeant:	¶¶ 32-41
James Beyer, Medical Examiner:	¶¶ 42-54
John Doe pathologist:	¶¶ 44-46, 48
Robert Bryant, Deputy Director, FBI:	¶¶ 55-57
Lawrence Monroe, FBI agent, retired:	¶¶ 58-65, 71-74, 76-77
Scott Bickett:	¶¶ 66-70, 75
John Doe FBI lab technician(s):	¶¶ 78-100
Russell Bransford, FBI agent:	¶¶ 103-104, 106, 155-161
Ayman Alouri & Abdel Alouri:	¶¶ 134-137
John Does No. 1 through 24:	¶¶ 106-133, 138-154, 171-172
Other overt acts:	¶¶ 173-175
Ad damnum:	¶¶ 176-195

Summary of case

2. This case arises from an overall conspiracy to obstruct justice in connection with federal investigations into the death of deputy White House counsel Vincent W. Foster.

3. Upon learning that Mr. Foster's body was found in Fort Marcy Park, Virginia, Plaintiff reported to authorities what he had seen in the park approximately 70 minutes before the discovery of Mr. Foster's body.

4. In April and May, 1994, Defendant Monroe, then an FBI agent detailed to the Office of regulatory Independent Counsel Robert Fiske, interviewed Plaintiff. Plaintiff repeatedly told Monroe that the Arkansas Honda he saw in the Fort Marcy lot, found parked in the same space as Mr. Foster's was later found, was older than Mr. Foster's 1989 Honda. And the two car color panels that Plaintiff identified to Monroe as being the same color as the car he had seen at the park correspond only to Hondas and only for the year models 1983 and 1984. Notwithstanding these facts, Monroe falsified Plaintiff's account and misreported that Plaintiff identified the car he saw as a "1988 to 1990" year-model, which coincided with Mr. Foster's 1989 car. Because Mr. Foster was dead by the time Plaintiff visited Fort Marcy Park, Plaintiff's information refutes the official conclusion that Mr. Foster drove his car there.

5. Shortly after Plaintiff learned from a reporter that Defendant Monroe had falsified his account, Plaintiff's account of what he had witnessed at Fort Marcy and contradictory

information from his FBI interview reports was published in the in October 22, 1995 edition of the *London Sunday Telegraph* newspaper.

6. On the same day that the *Telegraph* reached American newsstands, October 24, the Office of Independent Counsel, *In re: Madison Guarantee Savings & Loan*, prepared a subpoena for Plaintiff to testify before the Whitewater grand jury in this Court.

7. Two days after that subpoena was prepared, Defendant FBI Agent Russell Bransford served it. At the time of the service of that subpoena, Bransford was detailed to Mr. Starr's Washington, DC, Office. Bransford had been detailed to the Fiske probe.

8. Beginning the same day that Bransford served Plaintiff the secret grand jury subpoena, at least 24 Defendants and Bransford harassed and intimidated Plaintiff before he appeared to testify before the grand jury, and one Defendant harassed Plaintiff after he testified:

- (1) Eleven or more Defendants on October 26, 1995;
- (2) Twelve or more Defendants on October 27, 1995;
- (3) Two or more Defendants on October 28, 1995;
- (4) Defendant FBI Agent Bransford on October 30, 1995;
and
- (5) One Defendant on November 2, 1995.

9. Most of these incidents happened in a rapid and coordinated fashion, so that before one man departed, another was approaching. The objects of the harassment were twofold. First, to intimidate and warn Plaintiff in connection with his grand jury testimony and second, to destabilize Plaintiff and discredit his testimony before the grand jury. This technique of subjecting a witness to an overwhelming campaign of non-verbal harassment to intimidate and warn, or alternatively to destabilize and discredit the witness, is known to federal intelligence and investigative agencies.

10. Wrongful acts alleged herein were violations of 42 U.S.C. § 1985(2), which prohibits, inter alia, attempts to deter witnesses by intimidation or threat from testifying freely, fully, and truthfully to matters pending before federal courts. Plaintiff's cause also alleges assault, battery, intentional infliction of emotional distress, and civil conspiracy.

11. Overt acts directed at Plaintiff were part of a subsidiary conspiracy. Because that subsidiary conspiracy was the reasonably foreseeable, necessary or natural consequence of the overall conspiracy to hide the facts of Mr. Foster's death, each member of that overall conspiracy is liable for Plaintiff's damages simply by virtue of his being a conspirator.

12. The initial 16-day death investigation was a joint FBI/Park Police investigation. The investigation under the auspices of regulatory Independent Counsel Robert Fiske was an

FBI investigation. No Congressional Committee has ever investigated Mr. Foster's death. Therefore, before Mr. Starr was appointed to head the statutory Office of Independent Counsel in August of 1994, the FBI conducted all official investigations into the case, with the sole exception of the initial investigation, which was conducted with significant FBI participation. Mr. Starr's office also used FBI agents and the FBI laboratory in conducting its investigation.

Parties

13. Plaintiff Patrick James Knowlton is an individual presently residing at 2424 Pennsylvania Avenue, NW, Washington, DC. At the time of Mr. Foster's death in July of 1993, and when Plaintiff was contacted and interviewed by Defendant Monroe in April and May of 1994, Plaintiff resided in Etlan, Virginia.

14. Defendant Robert Edwards (hereinafter "EDWARDS") was at all times material hereto an individual employed by the United States Park Police, holding the position of Sergeant, assigned to the Second District station, 7300 MacArthur Boulevard, Glen Echo, Maryland. EDWARDS has since retired. EDWARDS' residence address is presently unknown to Plaintiff, but it is believed to be in the state of Georgia.

15. Defendant James C. Beyer (hereinafter "BEYER") is and was at all times material hereto an individual employed as Deputy Chief Medical Examiner, Northern Virginia District, 9787 Braddock

Road, Suite 100, Fairfax, Virginia, and in that capacity performed the July 21st, 1993 autopsy on Mr. Foster.

16. Defendant John Doe Pathologist (hereinafter "PATHOLOGIST") assisted Defendant BEYER in the performance of the autopsy on Mr. Foster. BEYER refused to identify PATHOLOGIST to the Park Police at the autopsy and there is no public record of the PATHOLOGIST's identity. Plaintiff will seek leave of Court to amend his Complaint by inserting his true name in place of the fictitious name PATHOLOGIST when the same has been ascertained.

17. Defendant Robert F. Bryant (hereinafter "BRYANT") is and was at all times material hereto an individual employed by the Federal Bureau of Investigation ("FBI"). During the times alleged hereinafter that BRYANT committed overt acts in furtherance of the conspiracy, BRYANT served as the Special Agent-in-Charge of the FBI's Washington, DC, Metropolitan Field Office. BRYANT currently holds the position of Deputy Director of the FBI, and his business address is the J. Edgar Hoover Building, 10th & Pennsylvania Avenue, NW, Washington, DC.

18. Defendant Scott Jeffrey Bickett (hereinafter "BICKETT") is an individual whose residence address is presently unknown to Plaintiff. Upon information and belief, Plaintiff avers that BICKETT is and was at all times material hereto an individual employed by the Department of Defense, holding an "Active SCI" security clearance, which stands for Sensitive Compartmented Information, a top U.S. Government security clearance. Upon

information and belief, Plaintiff also avers that BICKETT has been briefed at FBI headquarters, has served at the direction of FBI personnel, and was so serving when BICKETT committed the acts hereinafter complained of.

19. Defendant Lawrence Monroe (hereinafter "MONROE") is an individual who resides at 8128 Blandsford Drive, Manassas, Virginia. When MONROE committed the overt acts recited below, he was employed by the FBI as a special agent, and was detailed to the office of regulatory Independent Counsel Robert B. Fiske, Jr.

20. The captioned Defendant referred to as John Doe FBI Laboratory Technician is one or more laboratory technicians employed by the FBI's forensic laboratories, located in the J. Edgar Hoover Building, 10th & Pennsylvania Avenue, NW, Washington, DC. Because Plaintiff does not yet know whether all the FBI laboratory reports quoted below were authored by the same individual, nor his or their identities, the author or authors of these laboratory reports are hereinafter referred to in the singular as "FBI LAB." Plaintiff will seek leave of Court to amend his Complaint by substituting his or their true names instead of the fictitious name FBI LAB when the same has been ascertained.

21. Defendant FBI Agent Russell T. Bransford (hereinafter "BRANSFORD") is an individual who is currently and was at all times material hereto employed by the FBI as a special agent. BRANSFORD's business address is the FBI's Washington, DC

Metropolitan field office, 1900 Half Street, SW, Washington, DC. BRANSFORD had been detailed to Mr. Fiske's office of regulatory Independent Counsel and, upon Mr. Starr's appointment in August of 1994 to serve as statutory Independent Counsel and the simultaneous dissolution of the office of the regulatory Independent Counsel's office, Mr. Starr's office retained BRANSFORD.

22. Defendant Ayman Alouri (hereinafter "AYMAN ALOURI") is an individual whose residence address is 2300 Pimmit Drive, Apartment 704 West, Falls Church, Virginia. AYMAN ALOURI was born in the country of Jordan and is a naturalized citizen of the United States.

23. Defendant Abdel Salem Alouri (hereinafter "ABDEL ALOURI") is an individual whose last known residence address is 5800 Quantrell Avenue, Apartment 1511, Alexandria, Virginia. ABDEL ALOURI was born in the country of Jordan. His citizenship is unknown to Plaintiff.

24. Defendant John Doe No. 1 (hereinafter "ONE"), through Defendant John Doe No. 24 (hereinafter "TWENTY-FOUR"), inclusive, are all male individuals, sued herein under fictitious names, their names and capacities being unknown to Plaintiff who may seek leave of this Court to amend his Complaint by inserting their true names and capacities in the place and stead of the fictitious names.

25. Some of the conspirators joined the conspiracy at different times by pursuit of the common goal or overall conspiratorial objective, the particulars of which are not presently known to Plaintiff. As all conspirators are not presently known, Plaintiff will, should it become appropriate, seek leave to amend this Complaint to name other Defendants and to plead the particulars of their functions in pursuing the overall or subsidiary conspiracy.

Facts

26. On July 20th, 1993, between the time of 3:00 p.m. and 4:00 p.m., Vincent Foster died of a small-caliber gunshot wound to his head, at the hand of another. The bullet entered his head from the upper portion of the right side of his neck, under the jaw line, passed upward through the body of the tongue, pierced his brain and struck the skull approximately three inches below the top of the head, fracturing it. The bullet remained in his head. Blood drained from the entrance wound in the neck onto his right collar and shoulder and was absorbed down onto his right shirtsleeve. Blood also accumulated in his mouth.

27. Also on July 20th, 1993, Plaintiff was driving on the George Washington Memorial Parkway. In heavy traffic and facing over a two-hour commute, Plaintiff pulled into Fort Marcy Park at 4:30 p.m. to relieve himself. Plaintiff parked close to the main

footpath entrance into the park, between the only two cars in the small parking lot, which were parked just four spaces apart.

28. To Plaintiff's left was parked an unoccupied mid-1980s rust-brown four-door Honda sedan with Arkansas tags (closest to the footpath entrance), and on his right was a late model metallic blue-gray sedan, backed into its parking space. A man was seated in the driver's seat of the blue-gray sedan. Immediately after Plaintiff parked, the man lowered the passenger side electric window and stared at him, menacingly, which unnerved Plaintiff as he exited his car.

29. As he started from his car toward the footpath, Plaintiff heard the blue-gray sedan's door open. Apprehensive, Plaintiff walked to the sign bordering the footpath entrance to the park and feigned to read its historical information while nonchalantly glancing to his right to see if the man was approaching. He saw the man leaning on the roof of the driver's side of his blue-gray sedan, watching him intently. Plaintiff then cautiously proceeded 75 feet down the footpath's left fork to the first large tree, in the opposite direction from which Mr. Foster's body was later recovered.

30. As he relieved himself, Plaintiff heard the man close his car door. Because the foliage was dense, he could not see whether the man was approaching. As Plaintiff walked back to the parking lot with a heightened sense of awareness, he scanned the lot but did not see the man. Plaintiff surmised that the man had

either gotten back in his car or perhaps could even be crouching between the brown Honda and Plaintiff's car.

31. In order to maintain his distance from the space between the Honda and his own car until he learned the man's whereabouts, Plaintiff walked directly toward the driver's side door of the Honda, and then around the back of it. As Plaintiff reached the driver's side door of the brown Honda, he looked through the window. He also looked into the back seat as he walked the length of that car. He saw a dark-colored suit jacket draped over the driver's seat, a briefcase on the front passenger's seat, and two bottles of wine cooler on the back seat. As he reached the back of the Honda, Plaintiff was relieved to see that the man had returned to his own vehicle. The man was still staring fixedly at him.

Defendant Edwards

32. After the discovery of Vincent Foster's body, Defendant U.S. Park Police Sergeant Robert EDWARDS, who was the supervisor for the area that included Fort Marcy Park, responded to the park. EDWARDS was the third U.S. Park Police personnel to arrive at the body site, which was in a secluded area of the park and not observable from the direction of the park's parking lot. By the time EDWARDS had arrived at the body site at approximately 6:28 p.m., the six Fairfax County Fire & Rescue personnel had left the body site.

33. EDWARDS did not compose any report. Neither the FBI nor Park Police investigators interviewed him during the course of the first 16-day investigation, nor did the FBI interview him during the course of the five-month Fiske probe.

34. As EDWARDS walked from the parking lot towards the body, he walked past U.S. Park Police Officer Kevin Fornshell as Fornshell was walking back to the parking lot, whereupon EDWARDS instructed Fornshell to leave the park.

35. When EDWARDS arrived at the body site, only U.S. Park Police Officer Franz Ferstl was present.

36. Upon EDWARDS' arrival at the body site, EDWARDS took possession of the approximately seven Polaroid photographs that U.S. Park Police Officer Franz Ferstl had taken.

37. EDWARDS then ordered Ferstl to return to the parking lot.

38. Alone at the body site, and in possession of the only photographic evidence that would have exposed his tampering with the crime scene, EDWARDS:

- (1) Turned Mr. Foster's head to the right, whereupon blood drained laterally from his mouth, toward the small caliber bullet wound in Mr. Foster's neck, and down onto his right shoulder; and
- (2) Repositioned the head in the "straight up" position, leaving a contact stain caused by the face having touched the bloody right shoulder of the shirt.

39. EDWARDS' purpose in causing blood to spill toward the small caliber bullet wound in Mr. Foster's neck and down onto his

right shoulder and collar was twofold:

- (1) To obscure and camouflage the existence of the bullet wound in Mr. Foster's neck; and
- (2) To make it appear that the blood on Mr. Foster's right side collar and right shoulder, which had in fact drained from the neck wound, had emanated from his mouth.

40. EDWARDS absconded with the Polaroid photographs that U.S. Park Police Evidence Technician Franz Ferstl had taken.

41. The forgoing actions of EDWARDS were made with specific intent to obstruct justice.

Defendants Beyer & Pathologist

42. Defendant Deputy Chief Medical Examiner BEYER rescheduled the autopsy from its initial scheduled time of 7:00 a.m., Thursday, July 22nd, to Wednesday, July 21, at 10:00 a.m. Because the timetable for the performance of the autopsy was moved up to occur just 16 hours after the body's discovery, Park Police Investigators assigned to the case, Cheryl Braun and John Rolla, who had inspected the body at Fort Marcy Park, did not attend because they had worked all night.

43. This failure of police Investigators assigned to the case to attend the autopsy prevented the exchange of information between BEYER and the Investigators during the performance of the autopsy, and was in violation of the standard operating procedures of both the U.S. Park Police and the Office of the Medical Examiner.

44. On July 21st, 1993, Defendant BEYER and Defendant PATHOLOGIST performed the autopsy on Mr. Foster. These Defendants began performing the autopsy well before its rescheduled time of 10:00 a.m., which was when Park Police personnel arrived to witness the autopsy. These Defendants' performance of a significant portion of the autopsy, without the presence of police witnesses, was in violation of the requirements of the Medical Examiner's Office and of the U.S. Park Police.

45. Before the rescheduled time of the arrival of Park Police personnel to witness the autopsy, Defendants BEYER and PATHOLOGIST removed Mr. Foster's clothing, scrubbed the body and x-rayed the head. And, before Sergeant Robert Rule, Detective James Morissette and Identification Technicians Wayne Johnson and S.E. Hill arrived to witness the autopsy, BEYER and PATHOLOGIST removed Mr. Foster's tongue and portions of his soft palate.

46. The reason that BEYER and PATHOLOGIST removed portions of Mr. Foster's soft palate and tongue before the police autopsy witnesses arrived was to further the conspiracy by concealing:

- (1) The fact that there was no entrance wound in the soft palate;
- (2) To conceal the absence of gunshot residue on the soft palate; and
- (3) To conceal the defect in the tongue which was

caused when the bullet entered under the jaw line.

47. BEYER conducted still photography of Mr. Foster's body during the course of the autopsy, using both 35-mm and Polaroid cameras, but avoided any photography of the soft palate. BEYER's purpose in failing to photograph the soft palate was to obscure the absence of a bullet wound in, and gunshot residue on, the soft palate.

48. Upon the arrival of U.S. Park Police to witness that portion of the autopsy which was still left to do, Park Police Sergeant Robert Rule asked BEYER the PATHOLOGIST's name. BEYER failed and refused to identify PATHOLOGIST, and PATHOLOGIST failed to identify himself.

49. Overt acts in furtherance of the conspiracy committed by BEYER in the preparation of his July 28, 1993 Report of Autopsy include fabricating the existence of:

- (1) A perforating gunshot wound;
- (2) An entrance wound in posterior oropharynx;
- (3) Powder debri on the soft palate; and
- (4) An exit wound in the back of the head.

50. On March 31, 1994, BEYER was interviewed in connection with the Fiske probe's investigation into Mr. Foster's death by a Dr. Norman, Charles J. Stahl, M.D. and James L. Luke, M.D. During the course of that interview, BEYER committed overt acts in furtherance of the conspiracy by falsely reporting to these men:

- (1) That the autopsy commenced at approximately 10:00 a.m.;
- (2) The existence of an entrance wound at the central midline soft palate, 7 1/2 inches below the top of the head;
- (3) The existence of "abundant gunpowder residue" on the soft palate;
- (4) The existence of an inch by inch-and-a-quarter exit wound three inches below the top of the head;
- (5) The absence of identifiable food material in the stomach; and
- (6) The absence of x-rays.

51. On July 13, 1994, BEYER testified on deposition, as follows:

- Q. Was anyone present with you when you did the autopsy?
A. Park Police were present.

* * *
- Q. What was your conclusion about the cause of death in this case?
A. Perforating gunshot to the head with entrance in the mouth, exiting the head.
- Q. What was the path of the bullet?
A. Entered through the mouth, through the posterior pharynx, went backward -- backward and upward with exit from the back of the head.

* * *
- Q. Other than these two wounds, did you see any other wounds to the body?
A. None.
- Q. Did you see any gunpowder burns on the body?
A. Tissue taken from the posterior oral pharynx or the back of the mouth contained powdered debris.

* * *
- Q. Were any X-rays taken?
A. I had anticipated taking it, but our machine was not operating properly... I did the autopsy without an x-ray.

* * *

Q. Did you make any findings about position of the weapon?

A. No, except that the weapon undoubtedly had the muzzle in the mouth at the time of discharge.

* * *

A. That's [presence of police] a requirement of my office. Any time you have a gunshot wound and particularly one that might be of a suspicious character, the police have to be present during the autopsy.

* * *

Q. Doctor, you mentioned that the X-ray machine wasn't working during this particular autopsy. Is there an x-ray machine in the room where autopsies are performed?

A. There's one available in the autopsy suite. We had a new machine. It had not been operating properly...

* * *

A. I looked at it [clothing], then gave it over to the police for their examination.

* * *

A. They [pathology panel] were provided with a copy of the autopsy, a copy of the microscopic slides and a copy of the photographs.

52. Overt acts in furtherance of the conspiracy committed by BEYER during the course of the July 13, 1994 deposition include falsely testifying that:

- (1) The police witnessed the autopsy and withholding that PATHOLOGIST was present during the autopsy;
- (2) There was a perforating gunshot to the head with an entrance wound through the posterior pharynx and an exit wound in the back of the head;
- (3) There were no other wounds to the body;
- (4) Tissue taken from the posterior pharynx contained powder debris;
- (5) The x-ray machine was not functioning properly and therefore no x-rays were taken;

- (6) The muzzle of the weapon had been in the mouth at the time of discharge; and
- (7) The clothing was given to the police upon its removal from the body.

53. On July 29, 1994, Defendant BEYER testified before the United States Senate Banking Committee:

THE CHAIRMAN. Now, can you indicate how it was you were able to rule out any other cause of death and why you reached that conclusion, in terms of a short summary.

Dr. BEYER. Mr. Foster had a perforating gunshot wound to the head with entrance in the mouth, exit in the back of the head. There was abundant powder debris in the mouth at the entrance site. Therefore, I concluded that this was essentially a contact perforating gunshot wound consistent with being self-inflicted.

* * *

The CHAIRMAN. You have given us the central reason I take it that you ascribe to why you concluded, or one of the main reasons you concluded this was a suicide. How were you able to rule out any possibility of an alternative cause of death?

Dr. BEYER. There was no other evidence or trauma to the body, and with the entrance wound located in the mouth the way it was, with abundant powder debris, no trauma to the jaws, no trauma to the teeth, it would be my conclusion that this was self-inflicted.

* * *

Senator KERRY. Officer Rolla, you were asked earlier about this question of moving up the autopsy. It is agreed that the autopsy was moved up by a day. Is that correct, doctor?

Dr. BEYER. Well, as soon as I heard about the case, I had the body transported over, and we make every effort to do an autopsy within less than 24 hours if possible. Therefore, once I could get the body over, we proceeded with the autopsy.

Senator KERRY. But did you receive a message, doctor, asking you to try to proceed faster than normal?

Dr. BEYER. No, sir.

* * *

Senator KERRY. So irrespective of the timing, you are saying to us that the findings with respect to this autopsy are true and accurate and as you found them to be at the time. Is that correct?

Dr. BEYER. That is correct.

* * *

Senator FAIRCLOTH. All right, I will skip over to Dr. Beyer. Dr. Beyer, did you actually perform the autopsy on Mr. Foster?

Dr. BEYER. Yes, sir.

* * *

Senator FAIRCLOTH. You did it yourself?.

Dr. BEYER. [Nods in the affirmative.]

* * *

Senator FAIRCLOTH. Dr. Beyer, your autopsy report indicates that you took x-rays of Mr. Foster.

Dr. BEYER. I had anticipated taking them, and I had so stated on one of my reports.

Senator FAIRCLOTH. Your autopsy report says you took x-rays of Mr. Foster. Did you?

Dr. BEYER. No, sir.

Senator FAIRCLOTH. Why did you say you did if you didn't?

Dr. BEYER. As I indicated, I made out that report prior to actually performing the autopsy. We'd been having difficulty with our equipment, and we were not getting readable x-rays. Therefore, one was not taken.

Senator FAIRCLOTH. What was wrong with the x-ray machine?

Dr. BEYER. We had a new machine; we had new grids; and we had a new processor. We were having a number of problems.

Senator FAIRCLOTH. Why didn't you call Fairfax Hospital and arrange for a portable x-ray machine to be brought in for your use in such an important occasion?

Dr. BEYER. Because this was a perforating gunshot wound. If it had been a penetrating one, I would have gotten an x-ray of the head.

* * *

Senator FAIRCLOTH. Did you or the Medical Examiner's office have your servicing company come in and fix the x-ray machine?

Dr. BEYER. We were trying to remedy our problems. At

that particular time we were not getting readable x-rays.

Senator FAIRCLOTH. When was it repaired?

Dr. BEYER. I have no x-rays in my files between July 6 to the 26. After July 26, 1993, we were getting x-rays.

Senator FAIRCLOTH. You mean for 20 days you ran a coroner's office and did autopsies without an x-ray machine?

Dr. BEYER. We don't take x-rays on very many cases. Primarily only gunshot cases.

Senator FAIRCLOTH. The Park Police officers who were present at the autopsy said you told them not only was an x-ray taken, you also told them the results of the x-ray. How do you account for the contradiction?

Dr. BEYER. I have no explanation because I did not take an x-ray.

Senator FAIRCLOTH. How did you tell the Park Police the results of an x-ray that you didn't take?

Dr. BEYER. I don't recall telling --

Senator FAIRCLOTH. Well, they do.

Dr. BEYER. I have no explanation.

* * *

Dr. BEYER. The equipment was not working, and I saw no need to take an x-ray.

Senator FAIRCLOTH. You saw no need to take an x-ray?

Dr. BEYER. No, sir.

54. Overt acts in furtherance of the conspiracy committed by BEYER in his July 29th, 1994 testimony before the United States Senate includes falsely testifying that:

- (1) Mr. Foster had a perforating gunshot wound to the head with entrance wound in the mouth and an exit wound in the back of the head;
- (2) There was "abundant powder debris in the mouth at the entrance site;"
- (3) There was no other evidence of trauma to the body;
- (4) He himself performed the autopsy on Mr. Foster;
- (5) No x-rays were taken because the Office of the Medical Examiner's new machine had "a number of problems" and "difficulty with the equipment" resulting in "not getting readable x-rays," and

that there was "no need to take an x-ray."

Defendant Bryant

55. On July 22, 1993, at 8:46 p.m., the FBI Washington Metropolitan Field Office (WMFO) sent a Teletype to the Director of the FBI. Its subject was the Presidential staff assassination inquiry pursuant to 18 U.S.C. ¶ 1751, under which the FBI was mandated to exercise primary jurisdiction over the case. Sent less than 34 hours after the autopsy, and routed through the Violent Crimes Unit of the FBI's Criminal Investigation Division (VCU-CID), it was sent to confirm the contents of the previous day's telephone conversations between the WMFO and the VCU-CID. These telephone conversations occurred the day of the autopsy, while Defendant Robert BRYANT held the position of special agent-in-charge of the WMFO. The Teletype confirmed that the telephone conversations included the knowledge that the autopsy's "results include the finding... that [there was] no exit wound."

56. On August 10th, 1993, eighteen days after having sent the Teletype, BRYANT, then special agent-in-charge of the FBI's Washington, DC metropolitan field office, appeared with U.S. Park Police Chief Robert Langston and Justice Department spokesman Carl Stern to announce, inter alia, the outcome of the FBI's investigation into Mr. Foster's death. During that press conference, BRYANT stated:

Ladies and gentlemen, I'm Bob Bryant, and I'm the special agent in charge of the Washington metropolitan field office field office of the FBI... [I]nitially, when there is a death of a high government official

that's covered by the assault or assassination statutes, the FBI as a matter of course establishes liaison with the police agency that has the primary lead, in this case the United States Park Police. We followed this case from the time we were notified until we were basically of the opinion... that this was a suicide...

* * *

Well, I think while we were with the United States Park Police, it became reasonably apparent that this was a suicide.

* * *

I think what we were trying to do here first was trying to find out if there was a violation, if he'd been harmed, you know, assaulted or assassinated or whatever. We concluded no...

* * *

I suggest to you that it's a very thorough investigation.

* * *

I'd be delighted to answer that question. Any time there is an assault or death under suspicious circumstances of an official covered by the assassination or assault of a federal officer statute, we immediately put with the primary or lead agency, in this case the United States Park Police, to determine the circumstances. As we became convinced that it was, in fact, a suicide, we subsequently started to withdraw...

57. These remarks made by BRYANT were untrue and BRYANT knew them to be untrue. They were overt acts made to further the cover-up. BRYANT's public pronouncement that the FBI "became convinced that it [Mr. Foster's death] was, in fact, a suicide," made eighteen days after the Teletype confirmed BRYANT's knowledge that there was, in fact, "no exit wound," constitutes active participation by BRYANT in the cover-up.

Defendants Monroe & Bickett

58. In early April of 1994, MONROE, while serving in his capacity as FBI agent detailed to the Office of regulatory Independent Counsel under Robert B. Fiske, Jr., telephoned Plaintiff at his Virginia residence and requested an in-person interview. On April 15, 1994, MONROE interviewed Plaintiff at the Office of regulatory Independent Counsel. While showing Plaintiff six or more photographs of Mr. Foster's car, MONROE questioned Plaintiff over 15 times in various ways whether the Arkansas Honda he had seen, parked in the same space as Mr. Foster's Honda was later found, could have been Mr. Foster's 1989 silver-gray colored Honda. Plaintiff repeatedly responded, "No"; that the Honda he saw was older, of a different body shape, and was rust-brown in color.

59. At the conclusion of this interview, MONROE asked Plaintiff "not to go to the press" with his story. Plaintiff's information controverts the conclusion that Mr. Foster drove his 1989 silver-gray colored Honda to Fort Marcy Park, and MONROE's request that Plaintiff not publicize his information was made in furtherance of the cover-up.

60. On April 18th, 1994, MONROE composed an "FD-302" report of his April 15th interview with Plaintiff. Despite MONROE's failure to obtain an admission from Plaintiff that the Honda Plaintiff saw could have been Mr. Foster's 1989 silver-gray colored Honda, MONROE, knowingly and with specific intent to obstruct justice, falsified Plaintiff's account of the 1983 or

1984 rust-brown Honda Plaintiff had observed. MONROE's April 18th FD-302 of his interview with Plaintiff three days earlier willfully misreported that Plaintiff had:

- (1) "[I]dentified this particular vehicle as a 1988 to 1990... Honda with Arkansas plates;" and
- (2) "[R]eiterated his description of this Honda as a 1988-1990..."

61. Regarding the man in the blue-gray sedan who had stared at Plaintiff menacingly as Plaintiff pulled into his space, walked into the park and as he left the park, Plaintiff told MONROE that the man was wearing a button-down oxford-type short sleeve shirt, and that Plaintiff probably would be able to recognize the man in the future. Plaintiff also told MONROE that Plaintiff had not seen the license plates on the suspicious acting man's blue-gray sedan. Notwithstanding Plaintiff's account, MONROE falsely reported in his April 18th, 1994 FD-302 that:

- (1) Plaintiff said he "could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future;" and
- (2) Plaintiff identified the blue-gray sedan as having "Virginia license plates..."

62. Regarding the contents of the mid-1980s brown Arkansas Honda, Plaintiff told MONROE that among the car's contents Plaintiff saw as he walked directly toward the driver's side door of the brown Honda and then along side of it, were two bottles of wine cooler on the back seat. Implicit in MONROE's report was

that Plaintiff viewed the contents of the car through the back window and therefore could not have seen the contents of the car's back seat. MONROE reported that Plaintiff "...walked behind the brown Honda and peered inside..." Omitting the two wine cooler bottles that Plaintiff reported seeing on the back seat, MONROE reported that Plaintiff "could furnish no other descriptive data regarding the vehicle or for that matter the contents located within the vehicle."

63. The wine cooler bottles were in the car that Plaintiff observed, but not in Mr. Foster's Honda at the park. Mr. Foster's Honda arrived at the park after Plaintiff had left.

64. Soon after his April 15th, 1994 interview with MONROE, radio talk-show host G. Gordon Liddy requested Plaintiff to appear for an on-air interview. In compliance with MONROE's request, Plaintiff declined.

65. In early May of 1994, MONROE telephoned Plaintiff at his Virginia residence and requested a second in-person interview. Plaintiff agreed. The two scheduled a meeting for 10:00 a.m., May 11th, 1994.

66. On May 10, 1994, the night before his second interview with MONROE, Plaintiff was driving his 1979 refurbished Peugeot 504 eastbound on Constitution Avenue, NW, accompanied by three adult passengers, one gentleman and two ladies. It was about 10:30 p.m. Defendant Scott Jeffrey BICKETT drove a 1988 Oldsmobile with Illinois license plates, accompanied by adult two

male passengers, and was tailgating Plaintiff for about three blocks. Plaintiff, driving slowly and looking for a parking space, approached the intersection of 21st Street, saw a vacant parking spot, put on his directional, and stopped just past the spot. BICKETT pulled into the spot. Plaintiff got out of his car and said to BICKETT, "I was gonna park there." BICKETT said two words, then walked away, accompanied by the two other males who were passengers in the Oldsmobile. There was no other conversation between the occupants of Plaintiff's car and the occupants of BICKETT's car.

67. Plaintiff parked his car in front of BICKETT's, then left with his companions.

68. Immediately upon Plaintiff's vacating the area, BICKETT returned to the scene, took a tire iron from his Oldsmobile, smashed the Peugeot's four headlights, both taillights and struck the radiator with sufficient force to put a hole in it, causing over \$3,700 in damages to Plaintiff's Peugeot.

69. About fifteen minutes after he had left his Peugeot, Plaintiff returned to where it was parked. A limousine driver, who is a retired District of Columbia Metropolitan Police Department captain, who had witnessed the incident, told Plaintiff and Park Police Officers Hammond and McIntyre who had arrived by that time what BICKETT had done, and provided the Oldsmobile's license plate number. Park Police assigned the case incident number 021327.

70. Plaintiff reasonably believes and therefore avers that BICKETT is employment by the Department of Defense with a Sensitive Compartmented Information security clearance, and that BICKETT has been briefed at FBI headquarters and has served at the direction of FBI personnel, as alleged above. Accordingly, Plaintiff alleges that BICKETT's wrongful conduct was at the direction of FBI personnel. The purpose of BICKETT's having committed these violent actions toward Plaintiff late in the evening before the morning of Plaintiff's second scheduled interview with MONROE was to cause Plaintiff to be in a deteriorated emotional state while being interviewed by MONROE. The conspirators sought to make Plaintiff more vulnerable to being manipulated by MONROE's haranguing to obtain from Plaintiff the sought-after admission that the Arkansas Honda Plaintiff saw in the park could have been Mr. Foster's 1989 year model Honda.

71. MONROE interviewed Plaintiff a second time on the morning following BICKETT's malicious attack on Plaintiff's car, while Plaintiff was still jarred and distressed. MONROE again repeatedly questioned Plaintiff whether the Honda he saw could have been Mr. Foster's 1989 silver-gray colored Honda. Notwithstanding his distraught emotional state, each time Plaintiff responded, "No." In a further attempt to obtain an admission from Plaintiff that the Honda he saw could have been Mr. Foster's, MONROE showed Plaintiff reports of other witnesses' interviews who had described the 1989 silver-gray colored Honda,

and a 35-mm photograph of Mr. Foster's Honda. Mr. Foster's Honda arrived in the Fort Marcy lot after Plaintiff had left. After Plaintiff had read these other witness statements and viewed the 35-mm photograph, MONROE again repeatedly asked Plaintiff whether the Honda he saw could have been Mr. Foster's 1989 silver-gray colored Honda. Each time, Plaintiff's response was the same.

"No."

72. MONROE then escorted Plaintiff to the FBI laboratory, where MONROE provided Plaintiff with brochures of late model Hondas. Upon inspection of these brochures, Plaintiff told MONROE that the Hondas depicted in the brochures were too new to be of the same Honda Plaintiff had seen at Fort Marcy Park, and asked MONROE for brochures of older model Hondas. MONROE responded that brochures of older Hondas were unavailable. Plaintiff described the distinctive dull finish of the car he saw to FBI laboratory technician Dr. Frederick Whitehurst, who responded that he was familiar with the unusual finish Plaintiff described. Plaintiff was then directed to the section of the car color panels containing brown panels, whereupon Plaintiff picked out two car color panels, both of which were of the same color. These two panels were numbered 3499 and 3500. Whitehurst informed Plaintiff and MONROE that the panels Plaintiff had picked correspond to a color available only on Hondas and only available for the year models 1983 and 1984.

73. Whitehurst then suggested to MONROE that since there must be only a few 1983 and 1984 Hondas of that color registered in the state of Arkansas, MONROE should run a computer check at the Arkansas Department of Motor Vehicles. MONROE curtly responded something like, "Don't you worry, we're on top of all of this."

74. Toward the end of the interview, Plaintiff relayed to MONROE the facts of the malicious attack on his car late the night before and asked MONROE whether he could tell Plaintiff the identity of the perpetrator from the Oldsmobile's license plate number. MONROE inexplicably told Plaintiff that he could do so only if Plaintiff could provide MONROE with the perpetrator's date of birth.

75. In the weeks-ensuing BICKETT's malicious conduct, Park Police told Plaintiff that the vandal could not be identified or located. On October 18, 1995, this license plate number was provided to a private investigator. The next day, the investigator called and provided the Oldsmobile owner's name, address, home telephone number, employer, and wife's name. Plaintiff provided this information to the Park Police, whereupon BICKETT confessed to Park Police Detective Frank A. Barwinzak. Despite repeated requests to do so, the Office of the United States Attorney for the District of Columbia failed and refused to prosecute BICKETT.

76. On July 29, 1994, Defendant MONROE testified before the United States Senate Banking Committee:

Mr. MONROE. ...We also interviewed everyone known to have been in Fort Marcy Park on the afternoon or evening of Mr. Foster's death...

* * *

First, there can be no question that Vincent Foster committed suicide. Interviews with Mrs. Foster and other family members revealed that Mr. Foster was deeply depressed in the weeks prior to his death. Those close to him told us that in those final weeks he had lost considerable weight and was having trouble sleeping. He appeared exhausted most of the time and he began to take on a drawn and gray appearance. Family and friends stated that he appeared distracted and worried most of the time and that he became quite subdued. Coworkers, including former White House Counsel, Bernard Nussbaum, noted that his productivity at the White House began to decline. We learned that Mr. Foster was deeply disturbed by the fallout from the travel office matter over which the Counsel's Office was harshly criticized in the press. We also know that he was distressed about the criticism that he received in a series of editorials that appeared in *The Wall Street Journal*.

* * *

Telephone records reveal that in the early afternoon of July 16, Mr. Foster, as previously mentioned, did attempt to reach out for help by twice attempting to contact one of the psychiatrists but was unsuccessful. The list of psychiatrists was found in Mr. Foster's wallet after his death. On Monday, July 19, a day before his death, he contacted his physician in Arkansas and informed him of his depression.

* * *

This was confirmed by an examination of microscopic slides taken during the autopsy which revealed a large quantity of gunpowder on the soft pallet tissue inside of his mouth. This indicates that the barrel of the weapon was essentially in contact with the soft pallet when fired.

* * *

The physical evidence further reveals that Mr. Foster pulled the trigger... This evidence leads to the inescapable conclusion that Mr. Foster committed suicide. The physical evidence makes it equally clear that the suicide occurred right where the body was found on the slope of the berm located in Fort Marcy Park.

* * *

Had the body been moved to Fort Marcy Park after his death, the Park Police would have found Mr. Foster's body and clothing far more bloody than they were at the scene.

* * *

Senator DODD. It's your conclusion, as has been stated, that Mr. Foster committed suicide.
There's no doubt in any of your minds about that?
Mr. MONROE. No doubt.

* * *

Senator DODD. ...[W]ere there any "significant" irregularities in the Park Service Police's investigation?

Mr. MONROE. Your question, Senator, had to do with the Park Police and the response that I have to that is we do not know of any significant irregularities.

* * *

Senator BENNETT. ...The FBI identified blond/light brown head hairs of Caucasian origin dissimilar to Mr. Foster's on several pieces of clothing.
Has the FBI investigation determined the identity of those blond Caucasian head hairs?

Mr. MONROE. No, we have not, sir, and I'd be glad to respond why not. Basically for the following reasons, sir. There were three blond hairs found on articles of clothing, as you've said. Our objective, as I've mentioned before, was to find out how Mr. Foster died, why did he die, and whether Whitewater at all played any role. It was our professional judgment that trying to determine that hair would not lead us or advance us in this objective. And let me go one step further, if I could, sir. The source of this hair could have been boundless. It could have been obtained at work. There was a White House ceremony that morning. It could have been from his residence.

It could have been from his automobile, which was used quite often by his children, during the autopsy, during the period of time that the clothing was in the possession of the U.S. Park Police, any blond-haired person at the death scene, and there's no way to determine whether or not those hairs were on those certain articles of clothing either on the day of his death or days previous to it. We were also very well aware, sir, that Mr. Foster's daughter, 21 year-old daughter, has blond hair.

* * *

Senator BENNETT. The second one is in the same category. I'm curious. The FBI identified carpet-type fibers of various colors. They contain red, dark pink wool fibers on various pieces of his clothing. Does the FBI have any idea where that came from? Was there any attempt made to match that with any carpet in his home, car, or office?

Mr. MONROE. No, sir, and for the same reasons I provided in response to your first question relative to the hairs. They were multiple colors. We had no way to match those particular carpets up, outside the fact that they most likely came from his residence or from his office, and if we had any knowledge of any other venue or location he might have been at, specifically the day of his death, we would have done it. So once again, Senator, nothing sinister whatsoever.

* * *

Mr. MONROE. No, I don't think so. I'd like to clarify it. In any death investigation, we had overwhelming evidence to reflect that it was a suicide...

77. The greater part of this testimony was false, was known by MONROE to be false, and constituted overt acts in furtherance of the cover-up. Contrary to MONROE's testimony:

- (1) The FBI did not "interview everyone known to have been in Fort Marcy Park on the afternoon or evening of Mr. Foster's death," including:
 - (a) Defendant EDWARDS;

- (b) "Volunteers" working on a trail;
 - (c) Two men seen in and around the 1983 or 1984 rust-brown Honda;
 - (d) The man in the blue-gray Japanese car seen by Plaintiff;
 - (e) Men seen getting dressed in the woods by paramedics; and
 - (f) A jogger;
- (2) Those close to Mr. Foster did not report that "he had lost considerable weight" because he had in fact gained weight;
- (3) Mr. Foster did not tell his physician that he was depressed;
- (4) The microscopic slides did not reveal "a large quantity of gunpowder on the soft palate tissue inside of his mouth," rather they revealed the absence of any gunpowder;
- (5) Defendant MONROE in fact knew of numerous "significant irregularities" during the course of the first 16-day investigation, including but not limited to:
- (a) Polaroid photographs were not treated as evidence and many vanished;
 - (b) 35-millimeter crime scene photographs taken by an experienced U.S. Park Police Evidence Technician were reported to be of limited value, MONROE had viewed these photographs and knew they were clear;
 - (c) The first witness to discover the body told MONROE that Mr. Foster's palms facing up, contrary to the depiction in the official crime scene photographs;
 - (d) The Park Police officer who first responded to the body site radioed the death an "apparent suicide" without having seen the weapon;
 - (e) At least four witnesses saw a briefcase in a

Honda in the lot, and that briefcase, if not the Honda, vanished;

- (f) The crime scene was not secured and the driver of a car in the lot when the first officials arrived drove away without being identified;
 - (g) The Park Police knew that Mr. Foster was employed at the White House by 6:35 p.m. but reportedly failed to notify the Secret Service until around 8:30 p.m.;
 - (h) Two sets of keys, including those to Mr. Foster's car, were not found at the park;
 - (i) Mr. Foster's eyeglasses, with gunpowder on them, were found stems closed 19 feet below Mr. Foster's head in dense foliage, uprange from the bullet trajectory;
 - (j) A civilian park witness told the FBI that she was "positive" that her information reflected in the Park Police report "was untrue;" and
 - (k) The lead Park Police Investigator "made the determination" that Mr. Foster's death was suicide before viewing the body;
- (6) The "overwhelming evidence" indicated that the death was not, in fact, a suicide.

FBI Laboratory Technician(s)

78. When a revolver is fired and the bullet leaves the cylinder and enters the barrel, the internal pressure expels gasses, burning and unburned powder, and particulate and vaporized lead, referred to as "gunshot residue." The blast results in gunshot residue being vented through the "barrel-cylinder gap" at high speed, forming a ring perpendicular to the gun's barrel. As the residue escapes, it separates like spokes of a wheel.

79. When these residues become deposited on a surface, they form, roughly speaking, a line, like the lines of deposits left on both of Mr. Foster's index fingers and the web between his right thumb and index finger. This proves that, when the shot was fired, the web between his right thumb and index finger, and both of his index fingers, were in the gunshot residue trajectory of the cylinder-blast from the cylinder-barrel gap.

80. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 7, ¶¶ 1 and 3, state:

Apparent gunshot residue (smoke) was noted in the Q60, Q112, Q125, Q126, photographs on the side of the right forefinger and web area of the victim's right hand. These residues are consistent with the disposition of smoke from the muzzle blast or cylinder blast when the K1 revolver is fired using ammunition like that represented by specimens Q1 and Q2 when this area of the right hand is positioned near the front of the cylinder or to the side of and near the muzzle.

The position of the victims [sic] hand in the Q77, Q79 and Q97 photographs relative to the revolver and the apparent disposition [sic] of gunshot residue (smoke) visible in the Q60, Q112, Q125, Q126 and Q127 photographs is consistent with, but not limited to, the following position of the right hand during firing: Pulling the trigger of the K1 revolver with the right thumb, single or double action, or having the right thumb inside the trigger guard with the web area and side of the right forefinger near the front of the cylinder.

81. Because the muzzle was officially in Mr. Foster's mouth when the shot was fired, FBI LAB's statement that the gunshot residue is "consistent with... [his] right hand [being] positioned... to the side of and near the muzzle" is inapplicable.

82. Had the revolver been fired with the right thumb, gunshot residues could not have been deposited on the "web area" between the right thumb and index finger because the web would not have been "to the sides of the front cylinder." Mr. Foster's right thumb could not have been on the trigger at the same time as his right thumb-index finger web was in the trajectory of the gunshot residue from the cylinder-blast. The fact that the web between the thumb and right index finger was "near the front cylinder" eliminates the possibility of Mr. Foster's having fired the K1 revolver with his right thumb. If the revolver had been fired with the right thumb, the web area would have been completely blocked from any barrel-cylinder blast, regardless of how the revolver is held.

83. FBI LAB also failed to note that "pulling the trigger of the K1 revolver with the right thumb... [in the] double action" mode is a highly improbable scenario because the required grasp would require holding the gun in a way which would prevent the cylinder from turning.

84. The foregoing ¶¶ 1 and 3 of page 7 of FBI LAB's May 9, 1994 Report 40324038 S/D QV was made with the intent to conceal that Mr. Foster could not have held the weapon when it was discharged, and constitutes an overt act in furtherance of the conspiracy to obstruct justice.

85. Because Mr. Foster could hold a basketball palm-down with one hand, the length of his right index finger approached

six inches in length from the top of his fingertip to the web area, and the third (last) phalange of his index finger was around an inch long. Because gunshot residue "extend[ed] from the distal joint" of the right index finger into the web area between it and his right thumb, the length of the gunshot residue deposit was over five inches long. Taking into account the absence of residue being expended from the upper part of the weapon's frame (where the cylinder pin "masks" gunshot residue from emanating from the weapon), the minimum distance that Mr. Foster's fingers could have been from the center of the barrel when cylinder blast occurred, using the five-inch arc, is calculated as over two inches away, perpendicular from the barrel. The closer his hands were to the cylinder, the shorter length of the residue deposit. Had he been holding the weapon with his index finger, the line of deposits would have been less than two inches long. Mr. Foster could not have been grasping the gun with his right index finger when it was discharged.

86. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 7, ¶ 1 only describes cylinder blast. This Defendant failed to note that gunshot residue was also found on Mr. Foster's left index finger. His description that the residues are "consistent with the this area," when the "right hand" is "near the front of the cylinder" inadequately describes the coverage and length of the gunshot residue deposits on Mr. Foster's right index finger and the web between it and his right thumb.

87. FBI LAB's failure to properly describe the gunshot residue patterns was deliberate and made with the willful and specific intent to conceal the fact that Mr. Foster could not have fired the K1 revolver with his right thumb.

88. The only possible way to have gunshot residue deposited on the right index finger and web area and left index finger, a sufficient distance from the barrel-cylinder gap to provide the five-inch length of the residue pattern, is if the weapon was fired by the hand of another. The gunshot residue patterns found were made when Mr. Foster held his hands with the palms facing the revolver's cylinder, consistent his hands being in a defensive posture.

89. FBI LAB's concealing that at the time of the shot, Mr. Foster's index fingers could not have been in contact with the weapon and that his hands were in a defensive posture, were overt acts in furtherance of the overall conspiracy and cover-up of the facts of Mr. Foster's death.

90. Consistent with the absence of the official mouth entrance wound, there was no gunshot residue found in Mr. Foster's mouth. Consistent with the absence of gunshot residue found in Mr. Foster's mouth, the Virginia Division of Forensic Science found no gunshot residue on the five microscopic slides containing 13 sections of the soft palate that Defendant BEYER had falsely reported contained "large quantities of black foreign material." Consistent with the Virginia Division of Forensic

Science's finding, FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 8, ¶ 5, noted:

No Ball-shaped gunpowder was identified in the tissue samples from the inside of Foster's mouth, when examined at the Office of the Medical Examiner for Northern Virginia.

91. To conceal the absence of the official mouth entrance wound, and in furtherance of the overall conspiracy to conceal the true facts of Mr. Foster's death, FBI LAB in its June 13, 1994 Report No. 40525002 S QV, page 2, ¶ 3, falsely reported that the Virginia Division of Forensic Science's finding was consistent with the "suicide finding in which the muzzle of the firearm was in Foster's mouth":

It was previously reported that no ball-shaped gunpowder was identified on the tissue samples from the inside of Foster's mouth, when examined at the Office of the Medical Examiner for Northern Virginia. Inasmuch as these tissue samples were prepared in such a way which is not conducive to retaining unconsumed gunpowder particles, these findings are not unexpected... The FBI Laboratory findings are not inconsistent with the Pathologists' Report relating to a suicide finding in which the muzzle of the firearm was in Foster's mouth.

92. Defendant BEYER's report of having found "abundant powder debris" and "abundant gunpowder residue" on the soft palate is the cornerstone of the official conclusion. Defendant FBI LAB sought to explain how the "abundant powder debris" on the soft palate could have vanished between the time that BEYER reportedly observed it and someone else at the Office of the Medical Examiner microscopically examined the thirteen tissue

samples from the soft palate. BEYER prepared the tissue samples to be tested for the presence of "powder debris," and FBI LAB's declaration that the "tissue samples were prepared in such a way which is not conducive to retaining unconsumed particles" was false and was made in furtherance of the conspiracy.

93. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 6, ¶ 5, and his June 13, 1994 Report No. 40525002 S QV, page 2, ¶ 1, respectively, state:

When the Q8 shirt was received in the Laboratory, the resultant color reaction for a positive reaction for the sodium rhodizonate test was apparent... consistent with muzzle blast or cylinder blast from a revolver like the K1 revolver using ammunition like specimens Q1 and Q2.

Issue No. 1 in the ALSO SUBMITTED note relates to the positive color reaction for vaporized lead and fine particulate lead which was noted on the front of the Q8 shirt... The presence of gunshot residues... are consistent with the cylinder blast or the muzzle blast which would be produced if the K1 revolver was fired in close proximity to the front of the Q8 shirt.

94. A positive sodium rhodizonate test, which detects vaporized lead or very fine lead particles, would be consistent with the firing of any weapon using any lead bullet, not just "a revolver like the K1 revolver using ammunition like specimens Q1 and Q2." The foregoing excerpts from FBI LAB's reports, intended to mislead the reader into the false impression that the official death weapon caused Mr. Foster's death, was made in furtherance of the overall conspiracy to hide the true facts of Mr. Foster's death.

95. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 6,
¶¶ 1 and 2, respectively, state:

Specimen Q2 is a .38 Special caliber cartridge case of Remington manufacture which was identified as having been fired in the K1 revolver. Several pieces of ball smokeless powder were removed from the Q2 cartridge case in the laboratory.

Specimen Q1 is a .38 Special caliber cartridge of Remington manufacture which is loaded with a round-nosed lead bullet. The Q1 cartridge and Q2 cartridge case are similar in caliber type and manufacturer and bear similar "R-P .38 Spl HV" headstamps. The bullet was removed from the Q1 cartridge in the laboratory.

96. The K1 revolver is a high-powered weapon and was loaded with Remington "HV" (high velocity) cartridges, higher than the standard velocity cartridge. Remington has never used Ball Smokeless Powder in the manufacture of its R-P .38 Spl HV ammunition. FBI LAB concealed that Remington has never used Ball Smokeless Powder in the manufacture of its R-P .38 Spl HV ammunition, in furtherance of the conspiracy.

97. Ball Smokeless Powder is consistent with small caliber ammunition such as .22 caliber ammunition manufactured by Winchester. It is also commonly used to reload ammunition.

98. FBI LAB also failed to reveal what type of powder was in the Q1 cartridge case after the bullet was removed.

99. FBI LAB's May 9, 1994 Report 40324038 S/D QV, page 13,
¶ 4, states:

The 35mm color negatives (Q32) were examined to locate frames for photographic enhancement. The selected frames (5, 6, 7, 8, 9, 10, 17, 18) were printed using Kodak Ultra print paper to produce maximum image detail. Due to the negatives having been underexposed

during the photographic process, limited detail could be extracted from each of the selected frames.

100. FBI LAB's report that "limited detail could be extracted from each of the selected frames" was false known to be false, and was made in furtherance of the cover-up to conceal the existence of photographic evidence which would have exposed the conspiracy. The FBI "was able to, in fact, enhance the photographs" and they "looked good," according to U.S. Park Police Evidence Technician Peter Simonello, who had taken the photographs.

Witness Tampering

101. On October 13, 1995, Ambrose Evans-Pritchard, the Washington DC Bureau Chief of the *London Sunday Telegraph*, who Plaintiff had never heard of, contacted Plaintiff and showed him the then publicly available FD-302 Reports of his statements prepared by MONROE, which Plaintiff had not seen. Plaintiff realized for the first time that Monroe had falsified his account of the car and other facts he had recounted during his FBI interviews, and Plaintiff told Evans-Pritchard the true facts of his visit to Fort Marcy Park.

102. On October 22, 1995, a newspaper article entitled "Death in the Park: Is this the killer?" appeared in the *London Sunday Telegraph*. The article reported that Plaintiff was in Fort Marcy Park the day Vincent Foster's body was discovered. An artist's sketch of a man Plaintiff saw in the Park appeared with

the article, which was subtitled, "Foster mystery: a key witness ignored by the FBI reveals the face." That article states in part:

When the *Sunday Telegraph* showed him police judicial summaries of his testimony - which he had not seen - he was stunned, saying his statements have been falsified...

The other [car in the parking lot of Fort Marcy Park] was a blue sedan, possibly a Japanese make. There was a man in his twenties sitting inside it with a manicured appearance. He lowered his window and gave Knowlton a threatening look...

His FBI statement says that Knowlton "could not further identify this individual and stated that he would be unable to recognize him in the future." "That's an outright lie," he said, angrily. "I want it on the record that I never said that. I told them I could pick him out of a line-up." The *Sunday Telegraph* asked if he would be willing to help with an artist's sketch of the suspect. He agreed... The sketch above was drawn by an experienced police artist...

Knowlton's statement says that the blue sedan had Virginia license plates. "That's not true," he said.

They showed him a photograph of... a Honda with Foster's Arkansas number plates. It was a newer model Honda, with a gloss paint, fancy wheels, and a dent in the back -- a totally different car. "They went over it about 20 times, telling me that this was Foster's car," said Knowlton. "But I was quite adamant about it. I saw what I saw, and I wasn't going to change my story."

Starr's investigators have never talked to Knowlton. The federal grand jury has never summoned him to give sworn testimony...

103. Two days later, on Tuesday, **October 24, 1995**:

(1) The October 22, 1995 issue of the *London Sunday Telegraph*, containing the foregoing article,

appeared on American newsstands;

- (2) The Office of Independent Counsel under Kenneth Starr prepared a subpoena for Plaintiff to testify before the Whitewater grand jury; and
- (3) That subpoena was delivered to FBI agent Russell T. BRANSFORD for service on Plaintiff.

104. Two days after that, on **Thursday, October 26, 1995**, BRANSFORD served the subpoena on Plaintiff to appear and testify before the Washington, DC, Whitewater grand jury six days later, Wednesday, November 1. At the time of the service of the subpoena, BRANSFORD gave Plaintiff his business card and said to Plaintiff, "Call me if you have any problems."

105. Having failed to obtain an admission from Plaintiff that the car he saw could have been Mr. Foster's, MONROE falsified his FD-302 Report of Plaintiff's statements to conceal Plaintiff's account. When the story reporting that MONROE had falsified Plaintiff's account was published, Defendants conspired and schemed to neutralize Plaintiff's statements, both made and anticipated. Defendants undertook to subject Plaintiff to an overwhelming campaign of harassment and intimidation to neutralize any damage Plaintiff could do to the ongoing conspiracy to hide the circumstances of Mr. Foster's death, by:

- (1) Intimidating and warning Plaintiff in connection with his grand jury testimony; and failing that,

by

(2) Destabilizing Plaintiff and discrediting Plaintiff's testimony before the grand jury.

This *modus operandi* is known in federal intelligence and investigative agencies.

Harassment & intimidation

106. Beginning later the **same day AGENT BRANSFORD served Plaintiff the subpoena, Thursday, October 26, 1995, which subpoena was known only to the FBI and the Office of Independent Counsel**, Defendants, and each of them, began a campaign of harassment, intimidation, terror, and psychological attack upon Plaintiff, committing overt acts intended to accomplish the objects of the subsidiary conspiracy, to wit, to deter Plaintiff from testifying freely, fully and truthfully before the grand jury by intimidating and warning him, and to destabilize and discredit Plaintiff. Overt acts undertaken by Defendants against Plaintiff in furtherance of the conspiracy included but was not limited to overt acts recounted below.

107. On October 26, 1995, Plaintiff discussed by telephone with his girlfriend (hereinafter "Kathy") their plans for that evening. Plaintiff and Kathy agreed to walk from Plaintiff's residence to the Dupont Circle neighborhood CVS and then to a particular restaurant in that neighborhood.

108. During the evening of October 26, 1995, Plaintiff and Kathy walked on the public street. Defendant ONE walked toward them while constantly staring directly at Plaintiff's face. Kathy directed Plaintiff's attention to ONE's behavior. ONE directed a fierce glare into Plaintiff's eyes as he approached, and continued this uninterrupted glare as he walked past Plaintiff. After they passed, ONE stopped and continued to watch Plaintiff as he raised his left wrist to his mouth and spoke into his coat sleeve.

109. Within five seconds after Plaintiff's contact with ONE, Defendant TWO walked directly toward Plaintiff while directing a constant fierce glare at Plaintiff's face, then cut to Plaintiff's left, turned his head toward Plaintiff, past Kathy, all the while continuously glaring into Plaintiff's eyes.

110. Approximately twenty seconds after Plaintiff's contact with TWO, Defendant THREE approached them from ahead, and while passing on Plaintiff's right, glared fiercely into Plaintiff's eyes, and continued to do so as he passed.

111. Approximately four minutes after Plaintiff's contact with THREE, Kathy waited in line at the CVS pharmacy counter while Plaintiff sat in a nearby chair. During the five minutes Defendant FOUR stood in line behind Kathy, FOUR did not face forward, but rather stood facing Plaintiff and continuously glared fiercely at Plaintiff as FOUR moved up in line. When

Kathy handed her prescription to the pharmacist, FOUR walked away.

112. Approximately four minutes after Plaintiff's contact with FOUR, Defendant FIVE stood on the street approximately 50 feet away, continually staring in Plaintiff's direction. FIVE walked toward Plaintiff and directed a fierce glare into Plaintiff's eyes as he approached and passed.

113. As a direct and proximate result of the continuous and persistent physical displays of Defendants ONE through FIVE, inclusive, Plaintiff reasonably believed the entire course of conduct was a single continuing action, and reasonably feared the use of harmful physical force by Defendants to cause severe bodily harm to Plaintiff and to Kathy.

114. Approximately one minute after Plaintiff's contact with FIVE, as Plaintiff and Kathy walked northbound, Defendant SIX stood military "at-ease" style on the corner glaring at Plaintiff as they approached. As Plaintiff reached the corner, SIX pivoted on one foot, keeping his military-type "at-ease" stance while glaring fiercely at Plaintiff, then followed Plaintiff about three feet behind him, the length of the block. SIX came from behind and overtook Plaintiff and Kathy on their right while continually glaring at Plaintiff, again assumed the military-type "at-ease" stance and continued to glare fiercely at Plaintiff.

115. As a direct and proximate result of the continuous and persistent physical displays of ONE through SIX, inclusive, Plaintiff reasonably concluded the entire course of conduct of ONE through SIX was a single continuing action, and as SIX followed three feet behind him, Plaintiff reasonably feared the imminent use of harmful physical force by SIX. Plaintiff's emotional distress was so extreme that he felt physically sick and his legs felt rubbery.

116. At this point in time, one of the objects of Defendants' conspiracy was realized: Plaintiff reasonably concluded that this bizarre continuing harassment and intimidation was related to the subpoena to testify before the grand jury in the US District Court for the District of Columbia, served earlier that day.

117. Simultaneously with Plaintiff's contact with SIX, Defendant SEVEN paced back and forth about 50 feet ahead. SEVEN constantly glared at Plaintiff before, during and after Plaintiff and Kathy passed.

118. Simultaneously with Plaintiff's contacts with SIX and SEVEN, Defendant EIGHT walked directly toward Plaintiff while constantly glaring at him. EIGHT passed on Plaintiff's right and purposely brushed against him while constantly glaring fiercely directly into his eyes, and continued to glare at Plaintiff after he passed.

119. EIGHT'S physical contact with Plaintiff was an

offensive, harmful, offensive touching. Plaintiff suffered severe emotional distress. He reasonably feared the imminent use of harmful physical force by Defendants to cause severe bodily harm to himself and to Kathy, and was becoming increasingly distraught.

120. Simultaneously with Plaintiff's contacts with SIX and EIGHT, Defendant NINE stood on the northwest corner of R Street and Connecticut Avenue.

121. The simultaneous harassment by SIX, EIGHT and NINE, immediately following the back-to-back harassment of ONE through SIX, inclusive, caused Kathy extreme emotional distress. She became panic-stricken and struggled to keep from crying. Plaintiff feared for Kathy as well as himself.

122. As soon as Plaintiff and Kathy began to cross the street at the intersection, NINE, while continually staring at Plaintiff, crossed the street so that he reached the corner at the same time as Plaintiff. Plaintiff and Kathy walked arm-in-arm southbound, whereupon NINE walked southbound to the left and three feet abreast of Kathy while looking over Kathy and directly at Plaintiff's face. Plaintiff and Kathy increased their pace, whereupon NINE also increased his pace. After Plaintiff was ahead of NINE, Kathy and Plaintiff stopped in front of a restaurant window. NINE passed by slowly while continuously glaring at Plaintiff's face, stopped three doors down, and intermittently looked to his right at Plaintiff. Plaintiff and

Kathy resumed walking southbound, whereupon NINE walked southbound while looking back at Plaintiff every few seconds. Plaintiff and Kathy slowed their pace almost to a stop. NINE did the same. Plaintiff and Kathy stopped. NINE stopped and again looked at Plaintiff and Kathy every few seconds.

123. As NINE walked abreast of Plaintiff while glaring directly at him, Plaintiff again felt his legs become rubbery as he continued to suffer extreme emotional distress from the fear of imminent use of harmful physical force by NINE.

124. As Plaintiff and Kathy walked southbound approximately ten minutes after Plaintiff's contact with NINE, a southbound car driven by Defendant TEN proceeded past them very slowly. TEN pulled the car to the curb about a half-block ahead of them, exited the car, and walked toward Plaintiff and Kathy. TEN stopped then looked at them. As Plaintiff approached, TEN walked to a point about 30 feet south and glared intensely at Plaintiff as he passed. After Plaintiff and Kathy proceeded about another 75 feet, TEN opened and reached inside the car's passenger door and pulled out a telephone or walkie-talkie and spoke into it while looking in Plaintiff's direction.

125. When TEN reached inside the passenger's side door of the car, Plaintiff reasonably believed TEN might be retrieving a gun, and Plaintiff and Kathy again reasonably entertained thoughts they might be harmed.

126. Approximately fifteen minutes after Plaintiff's contact with TEN, Plaintiff and Kathy sat in the downstairs dining area of a restaurant, whereupon Defendant ELEVEN stood in the mall area looking directly at them for approximately one minute. About three minutes later, ELEVEN walked down the stairs and through the dining area, where he slowed his pace while staring directly at Plaintiff. About fifteen seconds later, ELEVEN walked back through the dining area and again slowed his pace and stared directly at Plaintiff, then proceeded back up the stairs. Approximately five minutes later, ELEVEN reappeared in the mall area staring down at Plaintiff.

127. On **Friday, October 27th, 1995**, the day following Plaintiff's contacts with Defendants ONE through ELEVEN, the next time Plaintiff went out in public, at around 9:30 a.m., Plaintiff and Kathy walked northbound. A northbound black Nissan Altima, bearing a Maryland license plate, with Defendant TWELVE driving and Defendant THIRTEEN in the passenger's seat, drove by very slowly. TWELVE and THIRTEEN stared directly at Plaintiff. Approximately one minute later, the car came back southbound, slowed when it reached Plaintiff, whereupon TWELVE and THIRTEEN again stared directly at Plaintiff.

128. Upon information and belief, Plaintiff avers that the car occupied by Defendant TWELVE and Defendant THIRTEEN was a federal government vehicle.

129. The same day of Plaintiff's contacts with TWELVE and THIRTEEN, October 27th, 1995, shortly before 1:00 p.m., Christopher Ruddy (hereinafter "Ruddy") visited Plaintiff at Plaintiff's apartment. At the time, Plaintiff did not know Ruddy and was unfamiliar with Ruddy's work. Plaintiff and Ruddy walked eastbound. It was the next time Plaintiff had ventured out in public. Approximately two minutes after they left Plaintiff's building, Defendant FOURTEEN crossed the street so that they all reached the corner at the same time. FOURTEEN glared at Plaintiff, raised his eyebrows and from the waist pointed his finger at Plaintiff as if to say "gotcha." FOURTEEN then walked on. Ruddy approached FOURTEEN, produced his journalist ID, and spoke to FOURTEEN, whereupon FOURTEEN introduced himself as "Joe Colter," said he had worked at the White House, a World Bank organization, as an advisor to Bill Clinton, and currently works for an international technology business.

130. FOURTEEN reintroduced himself and shook Plaintiff's hand while saying, "I didn't hear your name." Plaintiff said "Patrick Knowlton," whereupon FOURTEEN gave Plaintiff's hand a hard squeeze and while leaning forward and glaring into his eyes, said, "Nice to meet you, Mr. Knowlton."

131. Plaintiff reasonably understood FOURTEEN's pointing his finger as if to say "gotcha" as a direct threat of harm. When FOURTEEN spoke to Plaintiff, Plaintiff reasonably believed that FOURTEEN's purpose for stopping was to show Plaintiff that

FOURTEEN knew exactly who he was. Plaintiff experienced severe emotional distress and felt and appeared physically ill.

132. Simultaneously with Plaintiff's conversation with FOURTEEN, Defendant FIFTEEN watched from his position standing on the sidewalk about sixty feet away. FIFTEEN approached and, while ignoring FOURTEEN and Ruddy, stared directly at Plaintiff's face for about thirty seconds. FIFTEEN then left.

133. When FIFTEEN approached, Plaintiff became extremely distressed that FOURTEEN and FIFTEEN intended to assault Plaintiff.

134. Approximately thirty seconds after Plaintiff's contacts with FOURTEEN and FIFTEEN, as Ruddy and Plaintiff continued walking around Washington Circle, a white Honda bearing Virginia license plates number NY 7534 stopped in a no-parking zone in the northbound lane of 23rd Street, at Washington Circle. Defendant AYMAN ALOURI drove the car. Defendant ABDEL ALOURI occupied the passenger's seat. AYMAN ALOURI and ABDEL ALOURI continuously stared in Plaintiff's direction as Plaintiff crossed in front of the car and proceeded around the circle. AYMAN ALOURI drove the car very slowly onto the circle and past Plaintiff while ABDEL ALOURI continuously glared at Plaintiff. The car went around the circle, out of sight. Seconds later the car approached them from behind and drove slowly past as both AYMAN ALOURI and ABDEL ALOURI glared at Plaintiff. The car stopped about sixty feet ahead, whereupon AYMAN ALOURI and ABDEL

ALOURI adjusted the car's mirrors to watch Plaintiff. Ruddy and Plaintiff walked in the direction of the car and observed the license plate just before AYMAN ALOURI drove the car through a red light and sped away.

135. When AYMAN ALOURI and ABDEL ALOURI circled back and came alongside them, Plaintiff was again fearful of being in danger of imminent harmful physical force.

136. License plate NY 7534 was registered to a blue Honda owned by AYMAN ALOURI, but the car Plaintiff observed on October 27, 1995, to which plate NY 7534 was affixed, was white in color. AYMAN ALOURI had removed his plate and affixed it to a different car.

137. In August of 1996, during the time when Plaintiff was publicizing the facts of his case, in a further effort to hide his wrongful participation in the conspiracy, Defendant AYMAN ALOURI reported to the Virginia Department of Motor Vehicles that he had "lost" license plate numbered NY 7534. On August 20, 1996, the Department of Motor Vehicles issued Virginia plate number ZJG 4219 in its place.

138. Approximately thirty seconds after Plaintiff's contact with AYMAN ALOURI and ABDEL ALOURI, as Plaintiff and Ruddy continued eastbound, Defendant SIXTEEN approached while staring directly at Plaintiff's face as he passed. SIXTEEN then walked ahead of Plaintiff and Ruddy. As Plaintiff and Ruddy walked

slowly for the next half block, SIXTEEN looked back at Plaintiff every few seconds.

139. As a direct and proximate result of the continuous and persistent physical displays of the aforementioned eighteen Defendants, Plaintiff reasonably concluded the entire course of conduct of the Defendants was a single continuing action, reasonably feared the imminent use of harmful physical force, and suffered extreme emotional distress. He felt overwhelmed, and again felt physically sick.

140. Simultaneously with Plaintiff's contact with SIXTEEN, as Plaintiff approached the middle of the block, Defendant SEVENTEEN passed them on Ruddy's left while staring at Plaintiff. When SEVENTEEN got about five paces in front of them, Ruddy approached him and tried to speak to him, whereupon SEVENTEEN walked into children's health clinic.

141. As Plaintiff and Ruddy continued to walk eastbound, SIXTEEN stood on the sidewalk about 60 feet ahead looking in their direction. SIXTEEN then resumed walking eastbound ahead of them, then turned right on 21st Street. Plaintiff and Ruddy followed as SIXTEEN walked eastbound in front of the 2000 Penn Mall.

142. As Ruddy and Plaintiff entered that block, Defendant EIGHTEEN walked directly toward Plaintiff while giving Plaintiff a constant purposeful glare. EIGHTEEN passed Plaintiff on his right, continuously glaring at him.

143. Five minutes later, as Plaintiff and Ruddy exited the 2000 Penn Mall, SIXTEEN and EIGHTEEN stood conversing 50 feet to their right. EIGHTEEN looked toward Plaintiff and Ruddy, and began walking toward them. SIXTEEN then raised his left wrist to his mouth and spoke into his coat sleeve and crossed 20th Street. Ruddy and Plaintiff then followed SIXTEEN down a set of stairs into a delicatessen, where Ruddy approached SIXTEEN and asked him if he was with a federal law enforcement agency. SIXTEEN replied, "Something like that," and walked away.

144. As Plaintiff neared the steps out of the delicatessen, Defendant SIX stood at the top of the stairs staring down at Plaintiff. As Plaintiff climbed the steps, Defendant SIX descended the steps past Plaintiff while constantly staring fiercely at him.

145. When Plaintiff recognized SIX from the day before, he suffered severe emotional distress from the firm belief that the entire course of conduct of all Defendants was a single continuing action. As SIX descended the steps past him, Plaintiff reasonably feared the imminent use of harmful physical force, suffered further emotional distress, and again felt physically sick.

146. Approximately three minutes later, Plaintiff exited the building and sat down alone at a sidewalk table and tried to regain his composure, whereupon Defendant NINETEEN pushed Plaintiff's chair from behind, and walked past him while glaring.

As Ruddy exited the building, Plaintiff approached him and pointed out NINETEEN, who was looking in a bank window and intermittently peering at Plaintiff.

147. NINETEEN'S physical contact with Plaintiff was an offensive, harmful, offensive touching.

148. Defendant TWENTY then walked past Plaintiff while glaring at him.

149. As a direct and proximate cause of Defendants' intensified campaign of continuous and persistent harassment and intimidation by wrongful overt acts of the aforementioned 22 Defendants, Plaintiff suffered extreme emotional distress and feelings of being overwhelmed, to the point where Plaintiff could feel his body shaking.

150. As Plaintiff sat in the passenger's seat with Ruddy sitting in the driver's seat of a Jeep, Defendant TWENTY-ONE approached the rear of the Jeep and paused staring at the license plate. TWENTY-ONE walked next to where Plaintiff was seated while staring at Plaintiff, then around to the front of the Jeep, where he stared at the front plate, whereupon Plaintiff snapped a photograph of TWENTY-ONE.

151. Later that afternoon, the Deputy Independent Counsel employed in the Washington, DC Office of the Independent Counsel received actual notice that Plaintiff was the target of an orchestrated campaign of harassment and intimidation. The Office

of Independent Counsel and its FBI agents failed and refused to respond until the following week.

152. On **Saturday, October 28, 1995**, at approximately 12:15 a.m., Defendant TWENTY-TWO rang the doorbell to Plaintiff's apartment as Plaintiff slept. Plaintiff called out "Who's there?" TWENTY-TWO knocked on Plaintiff's door, then departed. Plaintiff believes and therefore alleges that it was TWENTY-TWO who several times earlier that evening harassed Plaintiff by calling his apartment from the lobby telephone, and hung up when the telephone was answered.

153. The next time he left his Apartment building, at approximately 9:15 a.m. on Saturday, October 28th, Plaintiff walked west on Pennsylvania Avenue. As Plaintiff approached the corner of 25th Street, Defendant TWENTY-THREE approached on foot from behind. Plaintiff stopped, whereupon TWENTY-THREE slowed his pace. Plaintiff increased his pace, whereupon TWENTY-THREE increased his pace. Plaintiff slowed his step, whereupon TWENTY-THREE did the same. Plaintiff stopped. TWENTY-THREE stopped. Plaintiff again walked, whereupon TWENTY-THREE followed. Plaintiff stopped. TWENTY-THREE hesitated then walked slowly past Plaintiff. After TWENTY-THREE passed, Plaintiff continued to walk about ten feet behind TWENTY-THREE. TWENTY-THREE then slowed his pace almost to a stop. Plaintiff walked quickly past TWENTY-THREE for about another half block. TWENTY-THREE followed

briskly. Plaintiff stopped at a sidewalk book display. TWENTY-THREE then stopped and looked in the window of a closed tailor shop. While pretending to look at the books, Plaintiff took out his camera then resumed walking westbound for five or so paces. TWENTY-THREE followed, whereupon Plaintiff quickly turned around and snapped a photograph of TWENTY-THREE, with the flash. TWENTY-THREE said nothing and walked past Plaintiff.

154. The FBI has had the identity of Defendant TWENTY-THREE since at least as of November 6, 1995, but has failed and refused to provide Plaintiff TWENTY-THREE's identity.

Defendant Bransford

155. On **Monday, October 30, 1995** at around noon, four days after the harassment began, and three days after the OIC and FBI received actual notice of it, BRANSFORD finally telephoned Plaintiff and agreed to visit Plaintiff later that day. Plaintiff asked that BRANSFORD call Plaintiff in advance of his visit so Plaintiff's lawyer could be present. BRANSFORD tried to talk Plaintiff out of having counsel present, but at Plaintiff's insistence, BRANSFORD reluctantly agreed to call in advance of his visit.

156. That afternoon, BRANSFORD called from his car telephone while parked in front of Plaintiff's building, despite his having agreed to call Plaintiff in advance of his visit so Plaintiff's counsel could be present. Plaintiff asked BRANSFORD

to wait fifteen minutes so that Plaintiff could telephone his lawyer so Plaintiff's lawyer would be present during the interview. BRANSFORD again tried to talk Plaintiff out of having counsel present, but at Plaintiff's insistence, BRANSFORD reluctantly agreed to wait fifteen minutes for the arrival of counsel.

157. Plaintiff hung up his telephone then picked it up to telephone his lawyer. Plaintiff's telephone line was dead.

158. In violation of his agreement to wait fifteen minutes for the arrival of Plaintiff's counsel, BRANSFORD arrived at Plaintiff's door two or three minutes later.

159. Plaintiff remarked that his telephone had inexplicably gone dead, whereupon BRANSFORD immediately remarked something like, "If there was a phone tap on there, or if we did something to your phone, you'd never know it, they're totally undetectable." BRANSFORD unbuttoned his suit jacket to display his weapon, and, during their conversation, BRANSFORD grinned at Plaintiff as if he knew exactly what had happened to Plaintiff. BRANSFORD refused to provide Plaintiff protection, explained that he had been detailed to the Fiske probe, that he had been "kept on" by Mr. Starr's office, and that he had worked with MONROE. Plaintiff asked BRANSFORD whether Plaintiff should trust him, whereupon BRANSFORD leaned forward, and, while grinning at Plaintiff, responded, "I don't know Mr. Knowlton, that's a good question." Plaintiff ordered BRANSFORD out of his home,

whereupon Plaintiff's telephone rang and his telephone service was immediately restored.

160. Upon information and belief, Plaintiff avers that BRANSFORD purposely disabled Plaintiff's telephone to prevent Plaintiff from contacting his lawyer, that BRANSFORD was carrying a wireless transmitter and that another FBI agent was monitoring their conversation, and that this other FBI agent called Plaintiff's telephone number to signal BRANSFORD to exit Plaintiff's apartment when Plaintiff became upset and ordered BRANSFORD out of Plaintiff's apartment.

161. BRANSFORD's efforts in twice trying to talk Plaintiff out of having counsel be present, and BRANSFORD'S twice disregarding his agreement to let Plaintiff contact counsel in advance of his arrival to interview Plaintiff, were intended to give Defendant BRANSFORD the opportunity to further intimidate and cause Plaintiff emotional distress unhindered by the presence of counsel.

162. On **Wednesday, November 1, 1995**, Plaintiff testified before the District of Columbia federal Whitewater grand jury investigating the death of deputy White House counsel Vincent Foster. Prosecutors questioning Plaintiff during his grand jury appearance were apprised before Plaintiff's appearance of his reports of being harassed by 25 or more men, and Plaintiff was

relieved to have the opportunity to report to authorities the facts of the intimidation he had suffered.

163. When Plaintiff testified on November 1, 1995, deputy Independent Counsel failed to introduced himself, sat behind Plaintiff and passed notes to the associate Independent Counsel, who questioned him while resting his head on his hand, as if Plaintiff's testimony was little more than an annoyance.

164. During two and a-half-hours of testimony, Counsel asked Plaintiff about what occurred at Fort Marcy Park and his prior statements to MONROE for about an hour. During this time, Counsel referred to MONROE's false statements in his reports of interviews with Plaintiff as "alleged misquotes," and referred to the overwhelming campaign of intimidation that Plaintiff had just suffered as the "alleged harassment."

165. During the balance of the time, associate Independent Counsel insinuated that Plaintiff was a liar, a homosexual, and a publicity hound. Counsel repeatedly asked Plaintiff to explain his relationship with the two men who resided part-time in his Etlan, Virginia residence. It was a joint real estate venture, at the time owned by Plaintiff and the two men.

166. When Plaintiff demanded to know who had sent agent BRANSFORD to his home on October 30, 1995, deputy Independent Counsel, seated behind Plaintiff, spoke for the first and only time, "We sent BRANSFORD."

167. Towards the end of his appearance before the grand jury, associate Independent Counsel asked Plaintiff to step out of the room so that Counsel could ask the grand jurors whether they had any questions for Plaintiff. When Plaintiff returned, associate Independent Counsel asked Plaintiff, among other things, whether the suspicious acting man in the park talked to Plaintiff, passed him a note, confronted Plaintiff in any way or pointed a gun at Plaintiff. Counsel then asked Plaintiff a question that was coarse, insulting, injurious, hurtful, offensive, and outrageous. Plaintiff was appalled. Counsel then followed up by asking Plaintiff why he called the police and did not wait for the police to call him, and sarcastically if he came forward because he is a "good citizen" and a "Good Samaritan."

168. Prosecutors' ill-treatment of Plaintiff during his appearance before the grand jury, in response to Plaintiff's attempts to tell the truth and to be a responsible citizen, was excessive, improper, malicious and outrageous, and was a patent abuse and perversion of the grand jury process. Plaintiff's experience in being treated so contemptuously and disrespectfully by associate and deputy Independent Counsels, who are recognized authority figures, in front of the grand jurors, on the heels of having suffered the effects of the overwhelming campaign of intimidation, caused Plaintiff further grief. Plaintiff's distress associated with prosecutors' mistreatment of him before

the grand jury was a direct and proximate result of the overall conspiracy and its subsidiary conspiracy to intimidate him.

169. Defendants accomplished their object of discrediting Plaintiff before the grand jurors.

170. Defendants also accomplished their object of publicly discrediting Plaintiff. On November 24, 1997, a book review entitled *The Secret Life of Ambrose Evans-Pritchard*, written by Michael Isikoff, appeared in the widely circulated Weekly Standard Magazine. In it, Isikoff wrote:

* * *

Evans-Pritchards' work, such as it is, consists of little more than wild flights of conspiratorial fancy coupled with outrageous and wholly uncorroborated allegations offered up by his "sources" - largely a collection of oddballs... and borderline psychotics.

* * *

Back in Washington, Evans-Pritchard breaks one of his big stories: Patrick Knowlton, a construction worker who stopped to urinate at Fort Marcy Park on the afternoon of Vince Foster's death and -- here's the key part -- recalls seeing a mysterious "Hispanic-looking" man lingering around the parking lot. No sooner has Evans-Pritchard popped this bombshell in the *Telegraph* than, Knowlton reports, menacing-looking men in business suits begin following him and staring really hard at him...

* * *

But for the moment I prefer my own conspiracy theory: Evans-Pritchard doesn't believe a word he has written... designed to discredit critics of the Clinton White House by making them look like a bunch of blithering idiots.

* * *

The next day, November 25, 1997 another book review, entitled *Conspiracy Central*, authored by Jacob Cohen, appeared in the widely circulated National Review Magazine. In it, Cohen wrote:

* * *

...Patrick Knowlton, who claims that he came to the park at 4:30 on the afternoon of July 20 to relieve himself, and at that time saw in the parking lot a brown Honda with Arkansas plates...

* * *

He insists that a very sinister-looking man was hovering around the parking lot and may have monitored his peeing... Knowlton seems to have a penchant for seeing the sinister in the glances of those he meets... Mysterious cars follow him, he says. Carefully organized teams of men constantly pass him and his girlfriend on the streets, giving them very menacing stares... Apparently, they are present during every walk Knowlton takes, so that any experimental stroll will reveal them. One wonders, is there a school that teaches federal agents this methodology of intimidation?

171. On **Thursday, November 2, 1995** at about 3:30 p.m., as Plaintiff exited the elevator of his apartment building, Defendant TWENTY-FOUR stood outside with his back to the building. TWENTY-FOUR entered Plaintiff's building, made eye contact with Plaintiff, acted startled and immediately turned around and walked out the door. TWENTY-FOUR loitered in front of the building entrance. Plaintiff walked out the door and walked to his right, whereupon TWENTY-FOUR followed. Plaintiff continued to the corner and retrieved a paper from the newspaper box, looked up and saw TWENTY-FOUR looking down and reaching into his bag with his right hand. TWENTY-FOUR looked up and made eye

contact with Plaintiff and immediately yanked his hand out of the bag and dropped the bag to his side. After Plaintiff and TWENTY-FOUR walked past one another, Plaintiff reversed course and walked toward TWENTY-FOUR, whereupon TWENTY-FOUR turned and ran.

172. As Plaintiff observed TWENTY-FOUR reach into his bag, Plaintiff reasonably believed TWENTY-FOUR intended to retrieve a handgun to shoot Plaintiff.

Other overt acts in furtherance of the conspiracy

173. Additional overt acts in furtherance of the overall conspiracy to obstruct justice concerning the federal investigations into Mr. Foster's death, not mentioned above, are intimately connected to and blended with the facts of the violations of 42 U.S.C. § 1985(2) alleged.

174. The publicly available record in the Foster case contains evidence of numerous overt acts in furtherance of the overall conspiracy by FBI agents, including but not limited to:

- (1) The FBI failed to conduct an official investigation in violation of 18 U.S.C. 1751;
- (2) The FBI removed evidence from Mr. Foster's desk before the locks were changed at 10:30 p.m., July 21, 1993;
- (3) The FBI concealed that significant irregularities occurred during the US Park Police investigation;
- (4) Contrary to the Fiske report, when authorities arrived at Fort Marcy Park, there were more than two cars in the parking lot;
- (5) The Fiske Report deceptively omitted the fact that two key rings including Mr. Foster's car keys were found in his pocket at the morgue after police had failed to discover any keys during their thorough

body search at Fort Marcy Park;

- (6) The Fiske Report concealed that the brown Honda, with a briefcase in it, vanished from Fort Marcy Park;
- (7) Based on her prior U.S. Park Police interview, the FBI knew that Mrs. Foster could not identify the black Colt Army .38 Special revolver found at Fort Marcy Park as being a gun owned by the family, so the agents showed her a silver gun similar to a family owned gun and then falsely reported that she had identified the gun found in Mr. Foster's hand at Fort Marcy Park;
- (8) The Fiske Report concealed that a semi-automatic pistol was found in Mr. Foster's hand before the revolver was placed in his hand;
- (9) The FBI ignored forensic evidence found on Mr. Foster's clothing;
- (10) The wound to Mr. Foster's head, as well as the amount of blood at the scene, is not consistent with his having died at the scene by a point blank shot into the mouth from the official death weapon;
- (11) The FBI concealed that a US Park police officer saw a branch lying across Mr. Foster's body;
- (12) The FBI ignored that the absence of soil on Mr. Foster's shoes is inconsistent with his having walked some 700 feet on dirt paths to the spot where his body was officially found;
- (13) Fiske ignored that it is inconceivable for Mr. Foster's glasses to have been thrown or bounced 19 feet uprange through foliage to the location where they were found;
- (14) The FBI Laboratory concealed that the 35-millimeter roll of film taken at the park produced usable photographs, and the Fiske Report concealed that many of the death scene Polaroid photographs mysteriously vanished;
- (15) The Fiske Report states that Mr. Foster was taking medication for depression but he was not;

- (16) The Fiske Report concealed that Foster's doctor and long-time friend with whom he had consulted the day before he died opined that Mr. Foster was not depressed;
- (17) The FBI falsely reported that those close to Mr. Foster said he was deeply depressed;
- (18) The FBI knew Mr. Foster had gained weight, but reported that he lost weight to buttress the claim that he was clinically depressed;
- (19) Mr. Fiske stated that no autopsy x-rays were taken without investigating significant evidence that x-rays were in fact taken; and
- (20) The FBI lab reported that the "suicide note" was written by Mr. Foster, but it was forged.

175. On July 15, 1997, the Office of Independent Counsel, *In re Madison Guarantee Savings & Loan Association*, filed with the United States Court of Appeals for the DC Circuit, Special Division for the purpose of Appointing Independent Counsels, its Report on the Death of Vincent W. Foster, Jr. This Report is replete with overt acts in furtherance of the conspiracy. A partial list of these acts, not heretofore mentioned, is as follows:

- (1) FBI's substantial participation in the first 16-day investigation is concealed by the OIC;
- (2) The OIC concealed that there is no record of Mr. Foster's having left the White House complex alive;
- (3) OIC conceals the existence of an old, secluded road at Fort Marcy, 650 feet from the body site;
- (4) OIC conceals that the day before the death, a man was seen by this road acting suspiciously;
- (5) OIC conceals that Park Police and Fire & Rescue

workers knew by 6:35 p.m. that Mr. Foster was employed at the White House but that officially, the White House was not notified until about 8:30 p.m.;

- (6) OIC conceals that William Kennedy testified he learned of Mr. Foster's death "around 8:00";
- (7) OIC conceals that David Watkins learned of Mr. Foster's death before 8:00;
- (8) FBI claimed it did not learn of the death until press accounts appeared on Wednesday, July 21;
- (9) OIC concealed the Medical Examiner's Report of Investigation, documenting the bullet wound in Mr. Foster's neck;
- (10) OIC concealed that there is no record of any of 25 persons who viewed the body before the autopsy having seen an exit wound in Mr. Foster's head;
 - (a) Arthur testified there was no exit wound;
 - (b) Investigator Rolla probed the head, felt a "mushy" spot, thought the skull appeared fractured and that the bullet might still be in the head;
 - (c) Other than Dr. Haut's report of the neck wound, the only record of an exterior wound seen by Dr. Haut is that it was inconsistent with the official death weapon;
 - (d) Paramedic Ashford related that the head was intact and coded the death a homicide;
 - (e) No record of Dr. Julian Orenstien, who viewed the body twice at the Hospital, ever having seen an exit wound;
- (11) OIC conceals that bloodstains are consistent with the neck wound, but not with the official mouth wound;
 - (a) Blood present on Mr. Foster's neck, in his mouth, collar, right-side and back-side of shirt is consistent with its having drained from the neck wound;

- (b) OIC posits that (because no neck wound existed) the blood on Mr. Foster's right side had drained from his mouth when an "early observer" moved the head to check for a pulse, then repositioned it;
 - i. OIC conceals that no one admitted to having moved the head or seen it being moved, and that no one tried resuscitation because Mr. Foster clearly appeared to have been dead for some time;
 - ii. OIC conceals that the blood on the right shoulder and shirt could not have been caused by an "early observer" because all early observers saw these stains on Mr. Foster's right shoulder as they arrived;
- (12) OIC's claim of "blood-like stains" on the vegetation is contradicted by the accounts witnesses at the body site;
- (13) Blood drainage could have been limited by bandaging the body before moving it to the park;
 - (a) OIC claims Mr. Foster's neck or head couldn't have been bandaged before the body was moved because the blood spatters weren't smudged;
 - (b) There were no such blood spatters to be smudged;
- (14) Other claims of blood evidence contradicted by the evidence;
 - (a) OIC claims blood was visible on both sides of both eyeglass lenses, but conceals that a year earlier the FBI's serological analysis was negative;
 - (b) OIC's finding of blood on the gun contradicted by earlier FBI lab report of "no definitive conclusion;"
 - (c) OIC's claim that lack of blood on the shoes indicates the body was not moved, yet

- in 1994 the FBI found blood on the shoes;
- (15) OIC claims Dr. Lee found powder in the soil where Mr. Foster was found, but omits that the FBI claimed to have dug this area eighteen inches a year earlier;
- (16) OIC conceals that Mr. Foster's car keys were not at Fort Marcy Park by falsely reporting that (1) Rolla had "simply missed" the keys when he "patted" the pockets at the park (2) the Police had retrieved the keys before Kennedy and Livingstone visited the morgue and (3) Kennedy and Livingstone were not allowed in the same room as the body;
- (a) OIC's claim that Rolla had "simply missed" two sets of keys when he "patted" Mr. Foster's pockets at the park is contradicted by the accounts of Rolla and at least two other Park Police;
- i. Rolla twice testified that he had searched and emptied the pants pockets;
- ii. Rolla's search of the pocket was thorough enough to rule out its containing a suicide note, according to Braun;
- iii. Hodakievic "specifically" recalled Rolla check the front pockets;
- (b) OIC falsely claims that Kennedy and Livingstone could not later have placed the keys in the pocket because they visited the morgue after police had retrieved the keys at the morgue;
- i. OIC's chronology is contradicted by accounts of Park Police & Secret Service;
- ii. OIC's chronology is contradicted by accounts of Kennedy & Livingstone;
- iii. OIC's chronology is contradicted by accounts of White House personnel Marsha

Scott, Web Hubbell, Bill Burton, Mac McLarty, Jane Sherburn, and George Stephanopoulos;

- (c) OIC's claim that Kennedy and Livingstone were not allowed in the room with the body contradicted by Rolla's testimony;
- (17) OIC conceals that there were other unidentified persons at Fort Marcy;
- (18) OIC cites lack of dragging-type soil patterns on Mr. Foster's clothes as evidence that he was not dragged through the park, yet his body slid down a steep embankment after which police dragged him back up;
- (19) OIC claims dirt on the shoes was visible to the naked eye, a year after the FBI had reported that the lab analysis found "no coherent soil;"
- (20) OIC claims to have found a bone fragment from clothing years after FBI lab found none after analysis of debris from clothing;
- (21) Mr. Foster would have to have been wearing gloves to have torn up his "suicide note" because tearing would have resulted in numerous thumb and forefinger prints on both sides of the paper, but there were no prints;
- (22) OIC conceals that the first investigation was closed without having tested the official death weapon to see if it could fire;
- (23) OIC's hired a suicidologist, who conducted "psychological autopsy" and concluded to "100% medical certainty" that Mr. Foster committed suicide;
 - (a) OIC's psychologist published paper in which he notes that "the psychological autopsy is speculative;"
 - (b) Experts maintain psychological autopsy is advisory, not conclusive, because it is a research diagnoses without face-to-face interview of subject.

Count I
(Conspiracy to interfere with Civil Rights
in violation of 42 U.S.C. § 1985(2), Obstructing justice)
All Defendants

176. Plaintiff incorporates paragraphs 1 through 175 as if fully repeated here.

177. Conduct alleged supports the reasonable inference that the object of the overall conspiracy was to obstruct federal investigations into the death of Vincent W. Foster.

178. All wrongful acts alleged herein were commenced by agreement, concert of action, a meeting of the minds or the pursuit of conspiratorial objectives by and between named or unnamed Defendants. All Defendants are conspirators.

179. Because overt acts directed at Plaintiff were the reasonably foreseeable, necessary or natural consequences of the overall conspiracy to obstruct justice in connection with the investigations into Mr. Foster's death, each member of that overall conspiracy is liable for Plaintiff's damages simply by virtue of his participation in that conspiracy.

180. Each Defendant designated herein is responsible in some way for overt acts of his fellow conspirators. Accordingly, each allegation against an individual named Defendant should be read to include and be made against all Defendants, and all Defendants are jointly and severally liable for Plaintiff's compensatory damages.

181. The continuous and persistent course of Defendants' intentional wrongful conduct establishes that the entire course of conduct was a single continuing action, and that there was a meeting of the minds between two or more Defendants.

182. Defendants, and each of them, commenced by express or implied agreement, concert of action, communications, or a meeting of the minds, a conspiracy to harass, intimidate, and psychologically attack Plaintiff by means of overt acts intended to accomplish the objects of the subsidiary conspiracy, to wit, to obstruct justice by deterring Plaintiff from testifying freely, fully and truthfully before the grand jury by intimidating and warning him, or alternatively to destabilize and discredit Plaintiff.

183. Acts alleged herein were violations of 42 U.S.C. § 1985(2) as overt acts of two or more Defendants in furtherance of a conspiracy to deter by intimidation or threat, Plaintiff, a grand jury witness in US District Court for the District of Columbia, from attending the grand jury proceeding, or from testifying to matters pending therein freely, fully, and truthfully.

184. All Defendants acted to violate statutory rights vested in Plaintiff, or acted with intent to cause Plaintiff harm or damage.

185. Wrongful acts of Defendant TWENTY-FOUR constitute a violation of 42 U.S.C. § 1985, prohibiting conspiracy to

retaliate against and to injure Plaintiff on account of his having attended and testified as a witness in a Court of the United States.

186. Defendants' outrageous wrongful conduct was willful, wanton, oppressive, and in reckless disregard of the civil rights of Plaintiff, entitling Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

- (1) Against all Defendants, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper;
- (2) Against each and every Defendant, separately, punitive damages in an amount the jury deems just and proper; and
- (3) Against all Defendants, jointly and severally, an amount equal to reasonable attorneys' fees and costs associated with the prosecution of this action, pursuant to 42 U.S.C. § 1988.

Count II
(Intentional Infliction of Emotional Distress)
All Defendants

187. Plaintiff incorporates paragraphs 1 through 186 as if fully repeated here.

188. As a further object of the conspiracy, Plaintiff avers that Defendants, and each of them, intended to subject Plaintiff to severe emotional distress and harm.

189. By virtue of and as a direct and proximate cause of Defendants' intentional wrongful conduct, Plaintiff suffered,

continues to suffer, and probably will suffer in the future, severe emotional distress. Defendants' wrongful conduct has had significant effects on Plaintiff's overall well being, which effects include but are not limited to:

- (a) Depression and anxiety;
- (b) Intense fear of personal harm and feelings of being overwhelmed and vulnerable;
- (c) Impaired concentration, withdrawal, irritability, preoccupied and tense moods;
- (d) Stomach and intestinal disorders and sleep and appetite disturbances;
- (e) Loss of interest in sexual and exercise and other routines;
- (f) An exaggerated startle response; and
- (g) Loss of confidence and feelings of degradation and shame.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

- (1) Against all Defendants, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and
- (2) Against each and every Defendant, separately, punitive damages in an amount the jury deems just and proper.

Count III
(Assault)

**Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN,
FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, TWENTY-FOUR**

190. Plaintiff incorporates paragraphs 1 through 189 as if fully repeated here.

191. As a direct and proximate cause of the threatened use of imminent harmful physical force and other physical displays by Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY and TWENTY-FOUR, Plaintiff reasonably feared immediate and severe bodily harm.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

- (1) Against Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, and TWENTY-FOUR, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and
- (2) Against Defendants FIVE, SIX, SEVEN, EIGHT, NINE, TEN, FOURTEEN, FIFTEEN, SIXTEEN, SEVENTEEN, NINETEEN, TWENTY, and TWENTY-FOUR, separately, punitive damages in an amount the jury deems just and proper.

Count IV
(Battery)
Defendants EIGHT and NINETEEN

192. Plaintiff incorporates paragraphs 1 through 194 as if fully repeated here.

193. Conduct of Defendants EIGHT and NINETEEN was an offensive, harmful, offensive touching, and was a battery.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

- (1) Against Defendants EIGHT and NINETEEN, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and

- (2) Against Defendants EIGHT and NINETEEN, separately, punitive damages in an amount the jury deems just and proper.

Counts V
(Civil Conspiracy)
All Defendants

194. Plaintiff incorporates paragraphs 1 through 193 as if fully repeated here.

195. The facts alleged constitute a civil conspiracy. Wrongful acts alleged herein were overt acts of two or more Defendants in furtherance of a civil conspiracy.

WHEREFORE, Plaintiff Patrick James Knowlton demands that judgment be entered in his favor:

- (1) Against all Defendants, jointly and severally, an award of compensatory damages in an amount that the jury deems just and proper; and
- (2) Against each and every Defendant, separately, punitive damages in an amount the jury deems just and proper.

Plaintiff demands trial by jury.

Verification

I hereby certify and affirm that to the best of my information, knowledge, and belief, the foregoing facts are true and correct.

Patrick Knowlton

Respectfully submitted,

John H. Clarke
Bar # 388599
Attorney for Plaintiff
1730 K Street, NW
Suite 304
Washington, DC 20006
(202) 332-3030

