

**FILED**

**JAN 29 2009**

**NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT**

Anthony Martin  
3295 N. Nellis Blvd., Space 57  
Las Vegas  
Nevada 89115  
(702) 444-7160  
*Plaintiff in proper Person*

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF COLUMBIA**

ANTHONY MARTIN,  
  
Plaintiff,

Case: 1:09-cv-00169  
Assigned To : Sullivan, Emmet G.  
Assign. Date : 01/29/2009  
Description: Civil Rights-Non. Employ.

VS.

UNITED STATES MARSHALL SERVICE;  
THOMAS E. WIGHT, Chief, Witness Security  
Program; UNITED STATES DEPARTMENT  
OF JUSTICE; MICHAEL MUKASEY, ESQ.,  
U.S. Attorney General; ALBERTO R.  
GONZALEZ, ESQ., U.S. Attorney General (Former);  
FEDERAL BUREAU OF INVESTIGATION  
(F.B.I.); ROBERT MUELLER, ESQ., Director,  
F.B.I.; UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; MICHAEL  
CHERTOFF, Secretary Homeland Security,

**COMPLAINT**

**JURY TRIAL REQUESTED**

Defendants.

**Jurisdiction**

The Plaintiff is a resident of Nevada and the Defendants are all residents or operate in the normal course of business in the District of Columbia. Plaintiff was engaged for service to the United States in Washington, D.C. and all actions pertinent to this complaint occurred in the District of Columbia..

**Venue**

Venue is claimed for the District of Columbia under 28 USC 1391(a) & (3), a judicial district in which a substantial part of the claim occurred and Defendants' main place of business is located in

Washington, D.C. All of the negotiations and agreements entered into by Plaintiff, and the resulting injurious acts alleged herein took place in and about the District of Columbia.

**Allegations Common to All Counts**

Plaintiff was born, Lee Mark Mc Knight and entered the Witness Protection Program (hereinafter "the Program") on or about February 13, 1992. Plaintiff was given the name of Anthony Lee Martin while in the Program and was relocated to a safe haven in Beaumont, Texas.

When Plaintiff entered the Program he was assured that his real identity would never be disclosed by the Program unless he was rearrested for a crime; any crime. If he was rearrested and booked, he was told that a red flag would come up to the U.S. Marshall's Service and that he would be notified.

Plaintiff has never been arrested or booked by any police agency in the United States or abroad.

Upon entering the program Plaintiff was given a lump sum of \$8,000.00 for a car and nothing else. Plaintiff's monthly income from the Program was \$1,200.00 which at that time was right at the poverty level. As Plaintiff was struggling financially, he left the Program on or about July 15, 1992 and went on his own and lived in New York City and Connecticut after which he moved to Phoenix, Arizona

After the "9/11" terrorist attack in New York on September 11, 2001, Plaintiff contacted his old F.B.I. handler and requested to go back and work as an informant to infiltrate terrorists and assist the United States. This request was approved by the U.S. Attorney General's office and was given the code name of "PABST."

Plaintiff was an informant and assigned to work under the supervision of Special Agent, Herb Lasko out of the F.B.I.'s Las Vegas office which resulted in four arrests of people entering the country

illegally. The offences included forgery, arson, and fabricating false passports for individuals entering from mid-east countries. All were convicted, served time and were deported or will be, after their sentences are served.

Special Agent, Bob Hunt contacted the Las Vegas Taxi Cab Authority to arrange to have Plaintiff employed to drive a cab undercover so he could keep tabs on drivers of certain religious and/or ethnic origin who might be a danger to America and who might pose a threat to national security. Bob Hunt spoke with former Special Agent, James Plunkett who was now the Director of the Taxi Authority.

Plaintiff's name of Anthony Martin was not in the system at the time because Special Agent, Bob Hunt reviewed a criminal scope on him for his (Plaintiff's) protection one day prior to applying to work with the Taxicab Authority, and determined that there was no criminal record in existence.

On or about 2004, in a totally unrelated incident, Plaintiff called the Las Vegas Metropolitan Police Department (LVMPD) to complain about a man who was wielding a knife in a threatening manner on a business premises. The LVMPD police officer requested Plaintiff's I.D. as the complainant of this incident and ran Plaintiff's I.D. through his police car computer system. The rookie police officer informed that Plaintiff that he was not Tony Martin but Lee McKnight and took his driver's license.

Plaintiff learned for the first time that he had been exposed under his former, alias, Lee McKnight for all law enforcement and other non-approved third parties to witness and his life was now in danger

At this time Plaintiff contacted the U.S. Marshall's Service in Las Vegas for an explanation and to resolve this situation. Plaintiff talked with a Marshall Riviera who told him to call the Los

Angeles office which he did. He telephoned Los Angeles number at (213) 894-2124 and talked with a woman Marshall named "Robin:" and explained to her what happened.

On behalf of the U.S. Marshall's office, U.S. Marshall, Robin gave Plaintiff a birth certificate with the name of Anthony Martin after approximately 4 months. Plaintiff would at this juncture remind the Court that this birth certificate was now being given to Plaintiff by the U.S. Marshall's office for the first time almost 13 years after first entering the Program in 1992. Also after receiving his birth certificate Plaintiff was given his Military Discharge Papers, one year after later, now some 14 years after he first entered the program.

Plaintiff served his country. All work for the United States before and after 9/11 was approved by the U.S. Attorney's office. However simply by applying for a Taxicab license to do undercover work for the United States, Plaintiff was fingerprinted by the Taxicab Authority and this act of fingerprinting Plaintiff, U.S Marshall Robin said, triggered the computer system into falsely labeling him as a possible felon and exposed his former protected identity (Lee McKnight).

None of the safeguards that Defendants assured Plaintiff would kick into place in the event he was fingerprinted ever occurred and Plaintiff was exposed as a result with dual identities, a criminal record and felony status on any police computer throughout the United States.

The U.S. Marshalls' Service promised Plaintiff that he would never be identified and that a red flag would come up. No such protection kicked into place in Plaintiff's case and the local LVMPD have his entire past record on file thus jeopardizing his life.

Plaintiff would never have entered the Program and offered to serve the United States Terrorist Task Force if he felt that such incompetence was going to lead to his demise where a local rookie cop could expose him through his squad car computer and undermine and jeopardize an entire operation by exposing him to third parties and putting his life at risk.

Plaintiff has contacted all Defendants in a good faith effort to remedy this situation without the necessity of Court action. All Defendants have ignored him and buried their heads in the sand. On behalf of Defendants, U.S. DEPARTMENT OF JUSTICE and UNITED STATES MARSHALS SERVICE, Defendant, THOMAS E. WIGHT in a letter dated September 3, 2008 (Exhibit A attached) finally wrote to Plaintiff in reply to his pleadings for relief and stated unequivocally that Plaintiff was an informant and used his testimony to secure convictions' in criminal complaints against terrorists, with the personal approval of the U.S. Attorney General.

Despite this, Defendant, THOMAS WIGHT also explained in his letter dated September 3, 2008 that the Defendants provided Plaintiff with "a new name birth certificate and DD 214, Certificate or Discharge from Active Duty" for "humanitarian reasons" (see Exhibit A). If Plaintiff was never an informant as inferred by Defendant, U.S. Marshall Service (Exhibit A) then all Defendants were jointly and severally acting under Color of Law to induce Plaintiff to cooperate with the United States under false pretenses and to assist them secure convictions against the parties convicted of plotting alleged terrorist activities, many of whom are still incarcerated.

That as a result of this government conspiracy, Plaintiff will show a connection to nine fired U.S. attorneys around the United States. Also, the plaintiff will show a connection between Gordon Libby exposing Valerie Plame as a CIA operative agent.

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### **The Sham of Witness Protection**

The actions of Defendants exposes their handling of entities in the witness protection program (hereinafter Program); and supports the fact that Defendants have acted under color of law; that the Program is a sham and that little or no protection is afforded these informants working within the Program who have been induced co-opted under false pretenses to work for Defendants to gather evidence and secure criminal convictions against other parties; that these convictions may now be all in jeopardy due to the nature of the testimony or evidence presented by the prosecution in these cases.

That the Witness Program, as evidenced by Plaintiff's experience and delineated herein is a sham. Plaintiff will show the shortfalls of his position within the Program and of others in the Program who were exposed.

This action for relief follows.

### **Legal Argument – Cause of Action**

Plaintiff asserts the following cause of action upon which relief can be granted and would draw the Court's attention to United States Code, Title 50: Sec. 421 (c); Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources:

TITLE 50—WAR AND NATIONAL DEFENSE

CHAPTER 15—NATIONAL SECURITY

SUBCHAPTER IV—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

Sec. 421. Protection of identities of certain United States undercover intelligence officers, agents, *informants, and sources*

(c) Disclosure of information by persons in course of pattern of activities intended to identify and expose *covert agents*

Whoever, in the course of a pattern of activities intended to identify and *expose covert agents* and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, *discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual* and

that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than \$15,000 or imprisoned not more than three years, or both.

*(Emphasis Added)*

Clearly under this statute, Plaintiff, an undercover agent employed by the United States, was exposed to severe harm and the work of the U.S. government was jeopardized as a direct cause of Defendants' actions who acted both jointly and severally to harm Plaintiff.

Plaintiff's has a good faith belief that there are issues of fact that a jury should hear and decide upon in relation to Defendants handling of Plaintiff's complaint filed with them that make them complicit in their involvement in exposing Plaintiff's former protected identity and that just cause appearing THIS CASE SHOULD PROCEED AND GO TO TRIAL ON ITS MERITS

**1<sup>st</sup> Claim for Relief**  
**First Amendment Violation**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

Plaintiff has been denied free speech as guaranteed by the First Amendment to the United States Constitution.

**2<sup>nd</sup> Claim for Relief**  
**Eight Amendment Violation**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

Plaintiff has been subjected to cruel and unusual punishment by the acts of the Defendants as stated herein in violation to the Eight Amendment to the United States Constitution.

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**3rd Claim for Relief**  
**Fourteenth Amendment Violation**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

Plaintiff has been denied equal protection under the law as guaranteed by the Fourteenth Amendment to the United States Constitution.

**4<sup>th</sup> Claim for Relief**  
**Breach of Contract**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

Defendants engaged the services of Plaintiff to work undercover as an Informant for the United States to gather evidence against individuals thought to be a threat to the security of the United States; that Defendant entered into a contract with Plaintiff assuring him that his identity would be protected at all times and would never be revealed; that this agreement was untrue, was false when made and has caused harm to Plaintiff, exposing him as an informant and jeopardizing his life.

**5<sup>th</sup> Claim for Relief**  
**Breach of an Oral Agreement**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

Defendants engaged the services of Plaintiff to work undercover as an Informant for the United States to gather evidence against individuals thought to be a threat to the security of the United States; and entered into a contract with Plaintiff orally assuring him that his identity would be protected at all times and would never be revealed; that these oral assurances were untrue, were false when made and have caused harm to the Plaintiff, exposing him as an informant and jeopardizing his life.



**6<sup>th</sup> Claim for Relief**  
**Defamation Per se, Libel Per se**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

Plaintiff has been libeled and his reputation in the community subject to ridicule as a result of Defendants' actions.

Plaintiff does not need to show actual damages because of the nature of the defamation. However, Plaintiff has damages in that he is under medical supervision; he has been severely stressed; has suffered sleepless nights; is suffering from nervous tension; and has been treated with numerous prescriptive medications to relieve his symptoms, all of which will be further testified to at trial by expert witness(es).

**7<sup>th</sup> Claim for Relief**  
**Invasion of Privacy/False light**

Plaintiff realleges and incorporates all prior paragraphs as though the same are fully set forth hereat.

That as a result of Defendants' actions and negligence in the handling of Plaintiff's case-file, Plaintiff has suffered mortal stress; has been publicly exposed as a former felon; has been exposed to public ridicule and that the actions of Defendants were willful, wanton, and in reckless disregard to the financial and emotional well being of Plaintiff.

The acts of the Defendants' were oppressive; fraudulent, and malicious so as to justify an award of exemplary damages, and that by virtue of Defendants' conduct as aforesaid, Plaintiff seeks exemplary damages from each defendant, to be decided by a jury.

Wherefore, Plaintiff prays judgment as follows:

1. For actual damages subject to proof at trial, but which are not a necessary element of this action.
2. For exemplary damages of \$3,000,000 from each Defendant.
3. For general damages of \$3,000,000 from each defendant.
4. For all costs of litigation.
5. For attorneys fees as they become appropriate.
6. For such other and further relief as the Court may deem just and proper in the premises.

Dated this 6<sup>th</sup> day of January, 2009

Submitted By: \_\_\_\_\_

ANTHONY MARTIN  
3295 N. Nellis Boulevard, Space 57  
Las Vegas, NV 89115  
(702) 444-7160  
*Plaintiff in Proper Person*

# EXHIBIT A



U.S. Department of Justice

United States Marshals Service

Washington, DC 20530-1000

SEP 30 2008

Mr. Anthony L. Martin  
c/o United States Marshals Service  
Washington, D.C. 20530

Dear Mr. Martin:

Your letter to the Director of the United States Marshals Service, dated August 11, 2008, was referred to our office for review and response.

You were authorized entry into the Witness Security Program (Program) on February 13, 1992, and were relocated to a safe area shortly thereafter. Our records reflect that you voluntarily terminated from further Program services on July 15, 1992. At that time, you reported that you would be returning to the danger area.

The Memorandum of Understanding you signed states very clearly that Government protected witnesses will **not** act as informants and that such actions will result in termination from the Program. In addition, all protected witnesses are cautioned against being fingerprinted, as doing so will cause their identity to be compromised. Since you have a criminal history, by being fingerprinted your identity was compromised.

While you are no longer a witness in good standing, it appears that for humanitarian reasons this office provided you with a new name birth certificate and DD 214, Certificate of Release or Discharge from Active Duty.

If you feel your life is in danger, you should contact the U.S. Attorney's office or your case agent. If you cooperated with the Federal Bureau of Investigation, you should contact that office to discuss your concerns.

I hope the above information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Wight".

Thomas E. Wight  
Chief, Witness Security Program