

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FRANK DUX

Plaintiff

v.

SOLDIER OF FORTUNE, INC.,
LARRY BAILEY AND ROBERT
BROWN

Defendants

CASE NO.

**DECLARATION OF FRANK DUX
IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGEMENT**

DATE:

TIME:

LOCATION:

DECLARATION OF FRANK DUX

I. PRELIMINARY STATEMENT

I, Frank Dux, declare this 20th day of March 1999, under penalty of perjury, that I am over eighteen years of age, a citizen of the United States and a resident of the State of California. I am a party plaintiff in this action. If called upon to do so, I could testify of my personal knowledge to the facts contained within this declaration.

1. Due to *Soldier of Fortune* magazine's malicious and libelous attacks impugning my reputation and sanity, the potential of my career is being destroyed by the actions set forth below:
2. Prior to the August 1996, *Soldier of Fortune* article, Exhibit # 1, where I am libeled and portrayed as a nut case, insane, where I am called a "Full Mental Jacket," I had a chance to enter into an agreement with one or more producers concerning my life story rights. I met with Disney Studios (Jerry Bruckheimer); Fox (for Keanu Reeves); Jersey Films (Danny DeVito); Warner Bros. (Robert Lawrence for George Clooney); DEN Pictures (Max Kirishima); Paramount (Mace- Neufeld Productions); all of whom expressed interest and several that began to enter into negotiations to develop and produce a major motion picture based on my HarperCollins non-fiction book *The Secret Man* and other stories based on incidents in my life. The most prominent offer made, was a (\$500,000 plus bonuses) offer of purchase by influential Disney Studio Producer, Jerry Bruckheimer.

3. In my discussions with Jerry Brucheimer and members of his staff, at this time in 1996, I was made aware that Robert Brown was competing with me for the exploitation of similar genre project with Disney Producer Jerry Brucheimer, titled *Soldier of Fortune*, and that today is the syndicated television show re-titled *Special Ops*, executive produced by Jerry Brucheimer.
4. From 1975 to 1980, I was a martial arts champion, with 12 world records, retiring undefeated after 329 professional matches. I became the most widely recognized and famous non-actor martial artist in 1988 with the premier of the movie "*Bloodsport*", starring Jean Claude Van Damme, playing "Frank Dux." The film was based on my becoming in 1975 the first westerner to win the Kumite (the predecessor to the pay-per-view Ultimate Fight Challenge), a no holds barred human cockfight that is conducted without any protective gear. Since "*Bloodsport*", my name Frank Dux is not just my name but has become the name of a character around whom name value has been built with worldwide recognition. That is one reason why a major publishing company, HarperCollins, published my book. Previous to *Soldier of Fortune's* libeling me, I have made a living from the exploitation of that exposure.

II. CHRONOLOGY

5. Beginning in 1975 I served as a US intelligence specialist of a unique nature, and my United States Marine Corps DD 214 discharge papers reflect this, Exhibit # 5. For example, under the authority of William Casey, DCI (Director Central Intelligence), in 1983, I began to covertly work jointly with Soviet forces as documented by Soviet Major General Anatoly Pavlovich Korneinko, whose affidavit, is authenticated by Colonel V. Potopav with the Leningrad District Military Command Office, [city of

Kiev] Exhibit #6. Korneinko's military rank is authenticated in an affidavit by Major Gen. K. Khrol, Head of Kiev Regional Military Command, Exhibit #7. Both documents bare the Official Seals of the Issuing Authority and are accompanied with court certified translations, prominently, displayed in the photo section of my 1996 HarperCollins biography, *The Secret Man*, Exhibit #8. The cover of that book is attached as Exhibit #9.

6. In April 1993, I was sponsored by Karate-Bushido Magazine, a French publication, to participate in the International Martial Arts Festival held in Bercy Stadium in Paris, France. There, I broke three world records.
7. I have been a tactical consultant to elite police and military units world-wide. I have been an adjunct faculty member for the Department of Defense sponsored Multi-Jurisdictional Counter-drug Task Force training courses at the Criminal Justice Institute, St Petersburg, Florida, Exhibit #13; a key note speaker for the Narcotics Enforcement Officers Association, Exhibit #10. Topics taught by me include undercover operations and planning, and anti-terror tactics employed in my covert activities with the *BERKYT*, Ukrainian, elite Anti-Terrorist forces, Exhibit #11. I have worked with the US NAVY SEALS, Exhibit #14, and my name is listed as one of nine contributors to the creation and implementation of the Naval Special Warfare Combat Fighting Course manual, K-431-0097, Exhibit #12, which can be produced but to the Court's eyes only. K-431-0097 is the property of the United States Department of Defense and it is intended to be used by active duty SPECWAR personnel only; whose tactics when revealed could be construed as a national security risk.
8. In December 1993, because of my knowledge of covert operations and my close association with current SOC (Special Operations Command) operators, I was sought out and hired as a technical advisor for "*Rogue Warrior*" by Hollywood Pictures.

Rogue Warrior is the story of the US Navy SEAL's elite anti-terror unit, founded by Lt. Cmdr. Richard Marcinko, USN (ret). After meeting with executive producers Lucas Foster, Jerry Bruckheimer and Don Simpson, they encouraged me to commit myself fully to writing about my own adventures; arranging literary representation and a book deal with Simon and Schuster (a biography of my life entitled: *The Secret Man*). Further, they told me that they were willing to commit to a franchise series of film projects with me. The project was later acquired by HarperCollins Publishing.

9. Robert Brown in his declaration, Exhibit #42, 6 (a), attempts to use as a defense the alleged fact that because his negotiations with Disney Studio Producer Jerry Bruckheimer concluded in November 1995, he was not competing with me for the exploitation of a "special operations" franchise, action genre, media project. It has been my experience as a WGA screenwriter, *The Quest*, stunt co-ordinator and fight choreographer *Bloodsport*, *Lionheart* and *Only the Strong*, that it is a common practice for a studio to purchase and develop similar projects, simultaneously. However, only one will be given the "green light" and actually see production. The others will be "shelved". The fact that Bruckheimer had already purchased and developed Richard Marcinko's *Rogue Warrior* and, he was in the process of moving on to developing Robert Brown's *Soldier of Fortune* project, made the 1996 acquisition of my project *The Secret Man* a competitive threat to Brown's 1995 project which, potentially, had the ability to shelving Brown's project as done so to Marcinko.
10. Robert Brown plays on words. To my understanding, Operation Phoenix is not an organization and, thereby, his denial in his declaration, Exhibit #42, 6 (b) "...I was never a member of that organization," is irrelevant. However, according to numerous authorities and sources, such as Holly Sklar's *Washington's War on Nicaragua*, (pg 237 para 5), Exhibit #15:

"Soldier Of Fortune (circulation about 200,000) was founded in 1975 by the Colorado-based Omega Group headed by retired Lt. Col. Robert K. Brown, a **veteran of the Phoenix program** and special operations in Laos and ex-mercenary in white ruled Rhodesia. Brown sports a T-Shirt boasting, "I Was Killing When Killing Wasn't Cool"

11. According to the *Boston Globe* and Holly Sklar's, *Washington's War on Nicaragua* (pg 81-82, para 6) Exhibit #16, the Phoenix program involved the torture and assassination of 20,000 to 40,000 Vietnamese by MACVSOG, Singlaub's command, secretly operating in Laos (where Brown reportedly operated) during the Vietnam War.
12. Alexander McColl, by his own admission, served on staff duty to MACVSOG, and in his declaration, Exhibit # 43, McColl confirms that he is aware of the top secret and (as he describes it) "compartmentalized" Phoenix operation; whereas, if compartmentalized, McColl, a non-participant, can neither confirm or deny Singlaub's non-participation. He is representing the illogical premise that a military commander is not informed or responsible for the actions of his command — that the MACVSOG Phoenix operation is conducted by subordinates without the knowledge of MACVSOG commander, then Colonel Singlaub, contradicting, those representations made by the *Boston Globe* and Holly Sklar, *Washington's War on Nicaragua*, (pg 81-82) Exhibit #16;

"During the Vietnam War he [Singlaub] commanded the Special Operations Group— Military Assistance Command Vietnam — Studies and Observations Group (MACVSOG)-- which carried out the Phoenix operation responsible for the assassination of 20,000 — 40,000 Vietnamese."

13. McColl heads the *SOF* affiliated organization IRIS (Institute for Regional and International Studies) which in 1984 was established by Singlaub's WACL (World Anti-Communist League), also contradicting Brown's prior statement that Singlaub has never been a member of an *SOF* affiliated organization.
14. Brown's good friend, General John K. Singlaub, who through his attorneys Spencer and Klein, demanded that my book be pulled from bookstores, served as co-chairman of the American Security Council (ASC), which includes such white supremacist Nazi led WACL affiliates as the Bulgarian National Front.
15. WACL is described by authors William I. Robinson and Kent Norsworthy, in their work *David and Goliath*, (pg 92, para 2) Monthly Review Press, Center for the Study of the America's; Exhibit #19 :

"Singlaub is chairman of the World Anti-Communist League (WACL) a coalition of far right and fascist groups and political parties from some one hundred countries. Founded in 1967, WACL is often referred to as the "Fascist International," and numbers among its members leaders of Latin America's notorious death squads..."

16. The Justice Departments Office of Special Investigations, John Loftus, responsible for prosecuting Nazi war criminals in the United States and Mark Aarons, a twenty year investigative reporter, document WACL's anti-Semitism in their book, *The Secret War Against the Jews* (pg 303, para 2); Exhibit #20 :

While there is some dispute as to the origins of the WACL propaganda front, our sources have little doubt that Jews have been its most consistent target."

17. Brown admits that he is a Special Forces Political Warfare Officer. As an Intelligence Specialist, which my DD 214 discharge form will confirm, Exhibit #5, I was instructed in the use and benefits of Psychological Operations and the role of a Political Warfare Officer, trained to dis-inform and manufacture facts to create any desired outcome; as Brown does in my case. A Political Warfare Officer, who served such distinguished tours of duty as Brown has in that role, become experienced in the implementation of the principles of Perception Management, that relies upon deception; Exhibit #17;

“... deception is the deliberate misrepresentation of reality done to gain a competitive advantage... [the terms lying and deception] are often used interchangeably.”

---US Army, Field Manual FM-33-5,
Psychological Operations,
Techniques and Procedure.

18. Robert Brown is a strong promoter of unconventional tactics and “the ends justify the means,” philosophy; the basis of the Phoenix operation, which utilized assassination and murder as its “means to an end.” According to Holly Sklar, *Washington’s War on Nicaragua*, (pg 238, para 2), Exhibit # 18 :

“The CIA Contra manual is mild compared to some of the murder and sabotage manuals *SOF* promotes, with titles as *How to Kill Vols. I-V*, *Hit Man* (“Learn how a pro makes a living at this craft without landing behind bars”), *Techniques of Harassment and Elementary Field Interrogation*. The last manual

includes explicit instructions for psychological and physical torture. Under a section titled, "the cook out" the manual advises:

Ignite a piece of C-4 (explosive) in front of your subject and use it to boil water in a small pot...Pour a little of the boiling water on his genitals for effect, if you wish.

Now, take a similar amount of the same explosive and tape it over the subject's eye, leaving one eye unobstructed to see that you are holding a lighted match within a few inches of the material on his eye. Begin your questions, if the subject panics or refuses to answer, hold the flame to his nipple to let him know you're serious. No one wants to be blinded by fire.

19. Robert Brown claims in his declaration Exhibit #42, 6 (c) line 19:

"Although I am privileged to call General Singlaub a personal friend, he is not and has never been a member of the board of directors or any of its affiliated organizations."

Contradicting Brown's representation, according to Holly Sklar, *Washington's War on Nicaragua*, (pg 237-238), Exhibit #18: one, among several such *SOF* affiliated organizations that General John K. Singlaub is a member of is, *SOF* affiliate, Refugee Relief International.

"Refugee Relief is led by Thomas Reisinger, the assistant director of *SOF* for special projects; board members include Singlaub, Aderholt and *SOF* Military Affairs Editor Alexander McColl."

20. Alexander McColl is the author of "*Full Mental Jacket*", Exhibit #1, the August 1996 *Soldier of Fortune* magazine article, libeling me. Selectively, he quotes an excerpt taken from my alleged military medical file and reports that I was psychologically evaluated because of "...some type of bizarre behavior..." then says "Enough said," never revealing that in that same report my mental health is found to be sound. However, I still am confronted by others, who think I was found mentally ill, because of McColl's words: "Enough said."
21. *SOF* ratifies the fraudulent and baseless claims of *Los Angeles Times* reporter, John Johnson, whose reckless behavior and lack of proof for his allegations made against me, in 1988, is exposed in my book (pg 64-67) Exhibit #21. Johnson, like *SOF*, is very calculated in their placement of the Yiddish word for nerve, "*Chutzpah*," denoting my faith in the disputed August 1996 *SOF* article, (column 2, para 4), Exhibit #1, rejuvenating Johnson's baseless fabrications libeling me.
22. *SOF* in the August 1996 *SOF* article refer to my supporters as "the *cultural elite* in New York and Hollywood," a code word for Jews. My faith is openly discussed throughout my book, *The Secret Man* (pg 13, 43-45), Exhibit #46.
23. In my book, *The Secret Man*, I expose the use of torture and atrocities being committed in Latin America, principally, by a person I nicknamed Fish; whose crimes date back to his participation in the Phoenix program and the cover up of a murder of a Phoenix operation participant named Curtis Aston, killed by his fellow American. Based upon McColl, Brown and Singlaub's admissions of type of service, place and time of service in Vietnam, Fish's theater of service, type of service and time of service correspond to McColl, Brown and Singlaub. Fish's credentials, as reported in my book, meet the requirements to have been recruited through IRIS or the *SOF* affiliated WACL\Singlaub founded CMA (Civilian Material Assistance a.k.a. Civilian Military Assistance), a group composed of

white supremacists Ku Klux Klansman and John Birchers, that I expose in my book (pg 196), Exhibit # 22, operating in Latin America in the mid-eighties. As confirmed by Holly Sklar, *Washington's War on Nicaragua*, (pg 238, para 4), Exhibit #18.

24. Those atrocities exposed in my book, expose the culpability of CMA, IRIS and others, like those death squad commanders affiliated with Singlaub's WACL and their involvement in heinous crimes documented by Amnesty International.
25. Brown and McColl assert that they were thorough in investigating my claims, however, their actions prove otherwise. I was interviewed only once in mid 1996 and not as Brown misrepresents in his declaration. Exhibit #42, 7 (a) as: "Personal interviews of Dux." When being interviewed, I had no idea of who I was talking to or who might be listening over an unsecured phone line. McColl acknowledges my trepidation in his 1996 article, when he uses it against me by accusing me of back peddling and hiding behind responses of secrecy, Exhibit #1.
26. During my one short interview, so as not to compromise my personal and, inadvertently, national security concerns, I, immediately, prefaced our conversation — that under the circumstances and manner in which the interview is being conducted, over the phone, I would not, therefore, confirm facts or inappropriately discuss the topic, starting with where I first met Director of Central Intelligence, Casey. McColl acknowledges this in the 1996 SOF article, "this lame evasion avoided such things as the actual place of his purported , initial interview with Casey", Exhibit #1. Further, as for any detailed accuracy, I reminded McColl of my books' disclaimer, where I state, Exhibit 44:

"To avoid compromising special and covert operations sources and methods, certain names, locations, and time frames have been modified or

withheld. Tactical details and chronological sequences have also been altered so as not to betray current special operations, covert operations, or any ancillary "black ops" and their methodology.

27. I was further made reluctant to speak openly with McColl, because before our conversation, I was contacted by a staff member at *Soldier of Fortune* magazine whom, after making several off the cuff remarks, conveyed to me a pre-determined attitude of insincerity, intent to cause me harm. Mind one, this is committed one day prior to my being called by a stranger [allegedly McColl] stating that he worked for *Soldier of Fortune* magazine, and could he please put me on a speaker phone?
28. Of those topics we discussed, I put McColl on notice that in the past, while enjoying some celebrity status, people have impersonated me; that articles have been written about me for which I have never been interviewed. For that matter, there are articles that I have, personally, never seen but I have been aware of as being the basis for creating a snowball effect, of portraying me as a decorated Vietnam veteran. Claims, I have denied and taken steps to protect myself and my reputation from, Exhibit #29, Exhibit #30, Exhibit #31. In fact, nowhere in my book do I represent myself as a combat veteran.
29. Confiding in McColl, I informed him that I was displeased in the manner that the book was assembled. The Chapter heading was missing from my twenty third chapter. That I had first met Singlaub not at the SpecWAR CONFERENCE as it is written in my book, but ironically, at the SOF convention\dinner function in Las Vegas. That photos taken of the dinner tables and guests will confirm it. I also pointed out that there were other errors like, Admiral Smith, who was what I described in my book as the "big chief" of the SEAL's, was a Gulf war commander, as in holding the rank of a US Navy commander in the Gulf War. An editor charged

with condensing 450 pages into 350 pages of text, had made the error; my author's galley changes were not adhered to. Unfortunately, McColl exploits this to attack me by proclaiming I didn't know Singlaub wasn't even at the SpecWar conference and of course, there is no admiral Smith that anyone knew as a Gulf War commander.

30. I advised McColl of an incident in which, accompanied by Air Force recruiter, Jim Hensley, I was summoned to the Army Public Affairs Office, located in the Federal Building in Westwood. In the lobby we were redirected⁸ at the check-in counter to another location, where I was presented with what looked like to me as Army medals, citations and their orders. We both mused over the Army medals, since I was a Marine and too young to have served in Vietnam. Afterwards, as a precaution, and following Hensley's advice, the medals, immediately, ceased being in my possession and were kept in the offices of my legal counsel, Michael Lucero, Fredric Kling, and Richard Springer. I do not recall what medals they were. I am unfamiliar with such awards. Apparently, someone was going through a great deal of trouble to dupe me or to later, discredit me. I am aware of similar "blackmail" ploys used to discredit covert operatives if they should become a threat by going public or to prevent them from resigning. However, I paid no concern, made confident by a former SOG and Vietnam veteran, my attorney Michael B. Frankel. Frankel informally attempted to try to understand how this could have happened and cautioned me that as long as I didn't display them in public I should have nothing to fear. I should not destroy them, either, in case they belong to another Frank Dux, although, unlikely.. Technically, it could even be considered government property.
31. I alerted McColl to a person impersonating me and posting posters (which McColl admits to having in his possession in McColl's declaration para. 12) and counterfeit pamphlets, where it appears that I am advertising myself as war hero. Whoever this was they were working in concert with the *Los Angeles Times* reporter John Johnson, whose audacity in making known and false statements about me and by attempting

to intimidate persons that corroborate my bonafides, warranted a meeting with my attorney, Michael Lucero, and an editor for the *Los Angeles Times*, before his article is written. Made necessary to officially curtail the false representations that Johnson was attempting to attribute to me, such as fabricated articles describing an "Operation Sanction," that Johnson, outlandishly, in *Stolen Valor* represents that I gave to him when my *Los Angeles Times* rebuttal, written in 1988, serves as an extemporaneous record to prove otherwise.

32. At this meeting, the editor confided that behind John Johnson, the source of my problems was "North." McColl and *SOF* is made aware of this connection in my book *The Secret Man* (pg. 67) Exhibit #21 . At this time, as a result of Iran Contra hearings, potentially, I could have been subpoenaed as a witness, further impeaching North's Congressional testimony.
33. I referred McColl to Mr. Jeff Langton who has known me for many years. Langton could corroborate my long absences from my business, confirm that I have never misrepresented myself as a war hero. That I am a skilled martial artist and that he has even been present when I trained Jean Claude Van Damme for *Bloodsport*. In our many years together, Langton was never made aware by me, that I even possessed any medals. Langton confirms these facts with McColl.
34. During my interview with McColl, I explained that John Johnson had offered as his proof that my trophy had been made near my home (insinuating it is purchased by me) is an alleged receipt from the W.R Moody company, in North Hollywood. My name on the receipt is mis-spelled "Dukes," which is altered to "Dux" and it is dated 1982. In the editorial offices of the *Los Angeles Times*, my attorney, Michael Lucero and myself, pointed out to the editor that in the November 1980 issue of *Black Belt* magazine, I am photographed holding the trophy — TWO YEARS BEFORE ITS ALLEGED MANUFACTURE.

35. A photo of myself holding my trophy, appears in *SOF*, stating that it was made near my home. And as in the past with John Johnson, this revelation did not deter *SOF* from continuing to make the same false assertion, that the trophy is made near my home, therefore, continuing to insinuate, I am a fraud.
36. McColl relies upon John Johnson as his source. But Johnson only repeats hearsay and cites none of his sources with "The story of Frank Dux, say many who knew him, is one of a bright undistinguished young man" (emph added) which McColl repeats in his article, Exhibit #1. Those few persons who are quoted, I educate McColl to the fact that they are business competitors, such as Shoto Tanemura, and a disgruntled ex-student, Chadwick Minge, in business with my competitor Tanemura. Those who did provide corroborating testimony, such as the founder of American Karate, Ed Parker, they are purposely omitted by John Johnson, as noted in *The Secret Man* (pg 64-67), Exhibit #21. Further, exemplifying Johnson's malice.
37. In contrast to *SOF*, thorough investigating is exemplified by John Monte, Shadow Broadcast Services, Exhibit # 23, who conducted several interviews with me in person. Once I was made confident of my interviewers genuineness, and trustworthiness, I felt enabled to supply confidential and corroborating evidence and testimony, in support of the claims made in my book. I did this not only for news journalist John Monte but his expert, a former Special Forces Captain and distinguished Vietnam veteran. Through networking, Monte's expert was able to confirm facts with an operator that we knew, mutually. The expert appeared as a guest on Monte's radio show with me. He and John Monte, reaffirming that his investigation confirmed my story as being truthful, as best it could be without placing lives or the national interest in jeopardy.

38. A fine example of how McColl and *SOF*'s actions can be construed as trying to manufacture an outcome, is their knowledge of the existence of documentary footage by John Padgett II, who accompanied me to Russia and the Ukraine, Exhibit #11. Interestingly, one of McColl's questions was "Who is paying for your trip to Russia and the Ukraine?" I remember being alarmed by the question, because outside of Michael Bicks, ABC News *Primetime Live*, John Padgett II, my attorney Michael B. Frankel and my agent, Joel Gotler, not even my own family knew, at that time, my destination. The purpose of the documentary was two fold, to reveal the imminent danger of biological weapons and to document my existence as a covert operative, working jointly with agents of the former USSR to locate missing biological weapons; known only to the DCI, my identity purposely masked to the CIA.
39. A thorough investigation by McColl would involve contacting John Padgett II, an independent eyewitness who could, with video, document me interacting with former covert operatives and former Soviet government officials, as well as having interviewed the deputy Defense Minister of the Ukraine, and the Deputy Minister of Health. McColl knew John Padgett II, is someone who can confirm or deny those representations I have made in my book or those representations of fact made by Major General, Anatoly Pavloveich Korneinko.
40. John Padgett II, in accompanying me to Russia and the Ukraine, was able to interview military and intelligence personnel possessing direct knowledge of my covert activities, as well as, document myself in Ukrainian military uniform working with the bERKYT, the elite Ukrainian anti-terror Special Forces. Video captured stills attached to John Padgett II's declaration, Exhibit # 11, corroborate the claims made in my book, *The Secret Man*.

41. Betraying that McColl is guilty of questioning me only with the intent as to manufacture an outcome to further his libelous article, is the fact that those questions asked of me by McColl, did not correspond to my providing the answers to any of the topics or accusations being brought against me in McColl's 1996 article. Or the fact, that my rebuttal to his article is returned to me, unopened.
42. One example, of an undiscussed topic warranting my response, is Lt. Cmdr. Larry Simmons, who falsely alleges in *SOF* and in Brown's declaration, Exhibit #42, 7 (d): "Simmons explained to me that his Foreword had been procured under false pretenses and without him ever reading the book." In the *SOF* 1996 article and according to B.G. Burkett, *Stolen Valor*, Simmons represents that he was asked to write a fraudulent forward to my book by our mutual agent Joel Gotler. This is an outrageous falsehood.
43. In light of Simmons prior inconsistent statements, McColl never contacts the "procurer," Joel Gotler. While Simmons states that he knew nothing of me to *SOF*, contrary to this representation, Simmons admitted to me that he had represented to Joel Gotler and several of Gotler's associates, that "we were even supposed to work together." A statement that Gotler has confirmed to me on several occasions, which is consistent with those representations Simmon's made in his foreword, Exhibit #24.

"Men like Frank Dux, the living agents, are the ones that returned with the information. His reputation proceeds him, unparalleled in achievement..."

44. Simmons requested of me, for well over one year, my help. He request that I assist him in advancing his writing career by including his, inferior and uncustomary, second foreword in my book. I view it as inferior, because Simmons could only represent that he knew me by reputation as he does so in his foreword, as aforementioned. I agreed, only because Simmons acted as a resource for me, triple-checking those "fascinating" facts that he now outlandishly alleges are fraudulent. He also is responsible for helping me obtain authentic photos, whose origins are properly credited, G. Forbes, in each of the captions beneath the appropriate photos, those not my own, in my book, *The Secret Man*.
45. In contrast to Simmons foreword, available to me is the ability to have secured forewords by those who worked with me, directly, during covert operations and who carry with them name recognition. Such as, Iran-contra covert operative, Lt. Cmdr. Alexander Martin, USN (ret). Publicly recognized, Alexander Martin has provided testimony to Congress and has appeared on countless mass media programs nationwide. Unlike Simmons, he is already accepted and established as an intelligence affairs expert and who can, in his declaration, Exhibit # 25, confirm that I am a former covert operative.
46. Further, contradicting Simmons representation that he doesn't know me, is the fact Simmons and myself enjoyed a year and a half long friendship prior to the publication of the book. Impressed with my bonafides, our relationship started out with him offering me a partnership in his company, SOC, Inc. that is specializing in training foreign governments in commando and intelligence operations. His offer of partnership was made in front of witnesses. Such as, Howard Gilbert, who accompanied me in order to create a business plan in the event I accepted the partnership offer being made to me by Simmons. Simmons falsely alleges in *Stolen Valor*, Howard Gilbert is a photographer.

47. Brown states that he relies on Simmons who is a liar by his own admission. Someone guilty of making inconsistent statements by confirming my bonafides then by withdrawing his endorsement. Simmons states boldly in the foreword to my book *The Secret Man*, Exhibit #24:

“Men like Frank Dux, the living agents, are the ones that returned with the information. His reputation proceeds him, unparalleled in achievement. Enjoy this glimpse into the shadow world of a shadow warrior, one of SunTzu’s living agents. You’ll find it fascinating.”

48. Simmons admitted to me that during the Vietnam conflict he was selected and trained for the Phoenix operation, which links him to Singlaub.
49. With the book already out in print and in his possession for several months, Simmons had no complaints until, he expressed he felt snubbed by me for my rejecting his partnership agreement and my referring potential clients to his competition; indirectly, asking me if I was siding with SEAL’s who have derogatorily labeled him “PSYCHO SIMMONS.” SEALs whose names I have been asked to withhold in fear of reprisal by Simmons and his friends, still on active duty. SEALs who have revealed that Simmons is considered an unpopular naval officer. By choosing not to become his partner, Simmons admitted to me that it meant a loss of expected financial gain and a loss of acquiring the name recognition, needed to promote his then failing company, SOC Inc.

50. In his declaration, Brown cites as evidence of his performing his due diligence, Exhibit #42, 7(b):

“ A review of his [Dux] military records that had been obtained pursuant to a Freedom of Information Act request.”

MY MILITARY RECORD IS IRRELEVANT AND WOULD NOT REFLECT INTELLIGENCE ACTIVITIES PERFORMED OUTSIDE OF MILITARY SERVICE; ESPECIALLY, WHEN MY MILITARY SERVICE TOOK PLACE FROM 1975 TO 1978, **FOUR YEARS PRIOR TO MY COVERT ACTIVITIES THAT BEGIN IN 1981.** Being thorough in vetting my military service record, reveals the irregularities I informed *SOF* of, such as my forged signature, the absence of training and proficiency reports reflecting a highly technical skill of service as an alleged wireman, for two years; that which I pointed out to *SOF* and is also noticed in my book *The Secret Man* (pg 35), Exhibit #28.

51. Experienced intelligence officers, such as McColl and Brown lay claim to be, in making their argument appear to be not as cognizant as me, representing that covert activities are openly recorded and for that matter, that confirming one's covert activities can be absurdly obtained through the mere filing of a Freedom of Information Request. In fact, a good example of the practice of selective record keeping appears in *Washington's War on Nicaragua*, (pg 232 para 6) Exhibit #26

“However, while testifying as a character witness at the New York securities fraud trial of NSC aide Thomas Reed, North said he was on active duty in Vietnam “from 1968 through the early part of 1970, and then again in 1971.” He said, “I was an infantry

platoon and company commander in the Special operations Force, team commander." Marine records show no such outfit, but North reportedly performed covert missions under the joint CIA-Pentagon Special Operations Group headed by General Singlaub"

This is the same organization Alexander McColl served, on staff.

52. Military records are irrelevant and inconclusive in confirming "civilian" participants of covert operations, in general. In my book, *The Secret Man* (pg 15 & 28), Exhibit #47, Brown and McColl are made aware of my civilian status, the fact I was not attached to the military or CIA operations, but instead, working directly for DCI Casey.

"You'll be on the outside. We can't take care of you through normal channels" and "That's why you answer only to me [DCI William Casey] **and I mean only me**" (emph. added)

53. Admittedly, McColl, Brown and *SOF* possess a history of being associated with and/or fronting for the CIA. By using my erroneous military records against me, they prevent the re-publication of my book and protect the interests of a CIA, that coincidentally, issued the uncustomary denial quoted by McColl in the 1996 *SOF* article, Exhibit #1. I am aware of other denials being made by a CIA spokesperson in the past, using nearly identical verbiage to argue the same logic "so preposterous we [CIA] thought it appropriate;" The denial is given as to why, in the case of Eugene Hausenfas, he cannot be believed he is CIA connected, even though he is captured in Nicaragua, transporting guns to the contras.

54. It is through my personal experience, that I can testify to the fact that there exists in the intelligence community those elements who are working under the color of authority and in the name of the national security, (i.e. the Iran Contra fiasco), circumventing Intelligence Oversight safeguards and willfully breaking the laws of this country to serve their own ends. The CIA is an organization that can only function in secrecy, and thereby, operations are run with the intent of maintaining a plausible denial, as in my case. As a matter of custom and practice the intelligence community actively discredits its critics; sometimes using the FBI, as in the case of FBI witness Jack Terrel whom, after having provided much needed testimony to Congress, confirming CIA drug activities, Jack Terrel and his supporters are harassed and he is labeled a terrorist by the FBI.
55. I personally know first hand of CIA agents, who wear two hats — one at CIA and the other in the DEA. They are secretly there to infect the DEA infrastructure in order to protect illegal or politically sensitive intelligence operations and their foreign criminal/intelligence assets; which I learned, firsthand, often results in the compromise of sensitive counter-drug operations and informants or worse, the abduction, torture and murder of American drug enforcement agents, working abroad. In order to maintain a plausible denial strategy, the CIA and intelligence community, will often make use of “cut outs” [ex-military or influential civilians that are more than just sympathetic to the needs and ambitions of the intelligence community] and “black baggers” like Frank Verelli. “Black baggers” are paid informants that will plant evidence in order to create an outcome, as in the case of the FBI and CISPES, revealed in my book (pg 63-64), Exhibit #45 or, as in my own situation where promotion materials advertising myself as a Medal of Honor recipient, has been distributed by others in the hopes of being attributed to me so as not to only result in my embarrassment but criminal prosecution. McColl in his declaration (para 12) , Exhibit #43, he testifies to seeing such an incriminating poster which, curiously, he admits to not discussing it with me during my interview with him in 1996.

56. Who are my critics, right-wing extremists, CIA-intelligence "cut outs." A world renowned CIA "cut out" is General Jack K. Singlaub, who had admittedly bought arms from the PLO and established a conduit to funnel them to the Nicaraguan rebels when the CIA was forbidden to do so; and who did this with support from those at *SOF*, like Alexander McColl, whose 1996 libelous article, by portraying me as mentally ill, shows intent to harm me and fulfill Singlaub's determined campaign to unduly suppress my first amendment rights of free speech. Through his legal counsel and threats of legal entanglement, he demanded a halt to the printing and distribution of my book over the mute argument, that he never took part in a CIA-Pentagon operation, conducted at his MACVSOG command and, whereby, he is identified in numerous publications, *as taking part..*
57. Another contention raised by Brown is that General Schwarzkopf contended that there never was a plan to disguise US Helicopters as Iraqi. Unfortunately, I am made vulnerable to lies and rarely have I found that I have ever been entrusted with such comprising details, if captured. However, what seems to escape Brown and McColl, is that there exists many different ways to disguise US helicopters as Iraqi, which can be done through electronic warfare and secret IFF codes. Contradicting Schwarzkopf's assurances is the newsworthy event that two secret, Sikorsky, Blackhawk US Special Operations Helicopters, (SOA's), were identified by two US Air Force Fighter pilots as visually appearing as Iraqi aircraft. After this visual confirmation, the pilots acted by launching their sidewinder missiles, accidentally, shooting down the secret US SOA's, killing 26. Two generals asked to testify, refused, hinting of a coverup, Exhibit #27.
58. Schwarzkopf's denial does not eliminate the probability that in order to conceal US involvement in the post war Iraqi political struggle where, in all likelihood, the CIA is secretly extracting and delivering CIA advisors and Kurdish rebel leaders in efforts to overthrow the current regime; the need to deny the method of deployment is made necessary to protect the mission.

63. In the B.G. Burkett book, *Stolen Valor*, Exhibit #32, I am being accused by B.G. Burkett of having committed numerous felonies. One of which, is the inferred conspiring with HarperCollins and its legal counsel to commit fraud, while B.G. Burkett cites no attributable sources. B.G. Burkett asserts that I have made claims of being a Vietnam veteran and that I am representing that I was decorated with a secret medal of honor. However, Exhibits #29, #30 & #31, prove I have taken great steps over many years to deny such claims attributed to me by others and to correct any falsehood where it might appear.
64. B.G Burkett and Larry Baily allege Burkett attempted to solicit a response from me in writing. I do not understand how Burkett would have my home address, to write me? With my correspondence being handled by my publicist Linda Palmer of Warren Cowan and Associates, she too, will confirm she knows of no such request ever being made by B.G. Burkett — whose six pages dedicated to defaming me, takes ninety pages to address and, by the time they are all collected, there will be over eighty exhibits, due to the enormity of all of its falsehoods. Which I do not wish to burden the court with, however eager I might be for the court to review it.
65. B.G. Burkett's *gross recklessness and malice, is self evident with his making known false statements in spite of the documented evidence to the contrary.* As discussed, prominently, displayed in the photo section of my book, willfully, he omits the existence of the affidavits of Major General Korneinko, authenticated by Colonel V. Potopav and Major General K Khrol; documents bearing the Official Seal of the Issuing Authority. B.G. Burkett states in *Stolen Valor* (pg 415, para. 2), Exhibit # 32:

“But the book, like *Bloodsport*, like the Soviet officer
"Major General Kornienko," is completely bogus.”

66. Indeed, Major General Korneinko's existence is easily verifiable. The documents proving so, omitted by Burkett, were hand delivered by me to HarperCollins legal counsel and, as custom and practice in the publishing of a non-fiction book (which B.G. Burkett and *SOF* is aware of as custom and practice in the publishing industry), these documents are, as a matter of fiduciary duty, inspected and verified by HarperCollins legal counsel, responsible for signing off on the release of my book for print, making legal counsel not only liable to their client HarperCollins but to the E&O insurance carrier, as well.
67. If one considers the manuscript stage of my book, I expose in 1994 the location and the specific biological weapon (Anthrax) in the possession of Saddam Hussein, *The Secret Man* (page 210, para 3), Exhibit #33, years in advance of any news reports and UN Inspection. I cite human rights abuses being committed by CIA assets, denied and covered up by the CIA but later, with the nationally exposed rape and torture of a nun, many of my revelations are authenticated by Newspapers and Amnesty International. Hardly Bogus.
68. *Bloodsport* is based on and advertised as taken from events in the life of Frank Dux. Supporting evidence that I won this championship and have accomplished the accolades attributed to me by three Martial Arts Halls of Fame, Exhibit #34, is *Black Belt* magazine, November 1980, Exhibit #35, two letters of verification by its editor, John Stewart, Exhibits #36 & #37; who's staff in 1980 spoke with Blair Gerod, who sponsored Kumite events and is present when I was awarded the controversial trophy that B.G. Burkett, John Johnson and *SOF*, maliciously, assert is purchased by me because it is made near my home. That my championship is bogus, aware of Kumite participants, Yugoslavian Karate-Champion, star of the film *Invitation to Die*, Jorgo Ogenovski; the star of the 20th Century Fox released film, *Only the Strong*, Paco Preto. B.G. Burkett, and *SOF* is made aware of their existence as participants in my book *The Secret Man*, (page 258, para.2 & 3), Exhibit #38.

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69. Stewart Wilson, identified in my book, John Padgett II, and many others along with the attached Declaration of David Richardson, Exhibit # 29, will testify to viewing photographic evidence of the event that is the basis for *Bloodsport*, which B.G. Burkett and *SOF* in their defamation of me cannot plead ignorance to, as they are made aware of the existence of my fights documented on video tape in *The Secret Man* (page 258 para. 2), Exhibit #38, and (page 251, para 6), Exhibit #39.
70. In spite of the substantial evidence contradicting their false claims, [as provided to Robert Brown and *Soldier of Fortune* magazine, in 1996 and, later, obtained through the filing of this lawsuit]; they still continue to defame me by asserting that I am a fraud and mentally ill, a nutcase — stating, on the back page (para 2) of their March 1999 issue, Exhibit #40:

“...Frank Dux (rhymes with kooks).”

69. *Soldier of Fortune* magazine and Robert Brown continue to display the offensive and defaming photo of myself taken in a costume Marine uniform; when they are fully aware of the fact that it was snapped on my way to a fraternity costume party, when I was still in college or shortly, thereafter.
70. Recently, I have experienced death threats and a loss of financial opportunity, as *SOF* and Robert Brown continue to incite others against me through their misrepresentation of the photo of me in costume, which is maliciously combined with the false allegations that I had committed a crime by representing myself as a war hero and Vietnam veteran. According to their rationale, they might as well display a photo of one's young daughter sitting on their lap and cite that it is irrefutable evidence of one being a child molester.

71. In 1996, during my interview with McColl and with the filing of this lawsuit, *SOF* is made aware as to the nature and circumstances surrounding this photo of me in costume. And that I have done everything in my power within reason to correct any misconceptions being made about me — not only being spun by my fans but through journalists who have, innocently, made reports of my being a decorated Vietnam veteran, based upon the erroneous facts attributed to me in articles they use for their research. I also made all aware of the fact that being distributed by persons unknown to me are fabricated materials, handouts, being used in order to paint me as a liar and guilty of committing a felony. Threatening my ability to give credible testimony.
72. Since, I do not go out in public as part of some kind of fraudulent speakers circuit, as represented by *SOF*, I recognize that the photo of me appearing in B.G. Burkett's book *Stolen Valor* and in *Soldier of Fortune* magazine, could only come from one source — my ex-wife or her new husband, Richard Bender.
73. Bender has recently admitted to me that the photo of me in costume was turned over to, in 1988, an FBI agent; a friend of his, who's daughter has just been married and, whose daughter, is the friend and student of a business competitor of mine, Roger Lacombe. The FBI agent and I have exchanged heated words in the past. This friend of Bender is Thousand Oaks-Westlake resident, Jack Trimarco. In 1996, I made *SOF* aware that this photo was first being passed around in 1988, when it would have secured a financial benefit to my ex-wife April and Richard Bender, if I was discredited with it in the midst of our divorce property proceedings.

74. Yet, despite this aforementioned knowledge, in November 1998, the photo is prominently shown by *SOF*, again suggesting that I am mentally ill and suffering from delusions of grandeur. The caption to the photo reads:

“A perennial fraud on the fraud circuit, Frank Dux (immortalized in Jean Claude Van Damme’s movie *Bloodsport*, and *SOF*’s “Full Mental Jacket”² review of Dux spurious autobiography *The Secret Man* in August 1996) is shown here in Marine uniform with a PX-salad of bogus medals, and (insert) with a martial arts trophy allegedly won in a “world championship” but which was made near Dux’s home in North Hollywood.”

75. Apparently, circumstance forced me to file this lawsuit. With the *SOF* article being released, in November 1998, as aforementioned, and timed with my civil trial for Breach of Contract against Jean Claude Van Damme (that is, shortly thereafter, nationally televised by Court TV); MALICIOUSLY, the photo is revitalized by Robert Brown and *Soldier OF Fortune*, thereby, once again, almost creating an unfair advantage by discrediting me to the court, expressly, since according to Larry Bailey’s declaration (para 5), Exhibit # 41:

“Neither the photographs nor the caption under them were included in the article prepared by me.”

I, Frank Dux, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this day of March 20th, 1999.


Frank Dux

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FRANK DUX

Plaintiff

v.

SOLDIER OF FORTUNE, INC.,
LARRY BAILEY AND ROBERT
BROWN

Defendants

CASE NO.

**DECLARATION OF FRANK DUX
IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGEMENT**

DATE:

TIME:

LOCATION:

20. Alexander McColl is the author of "*Full Mental Jacket*", Exhibit #1, the August 1996 *Soldier of Fortune* magazine article, libeling me. Selectively, he quotes an excerpt taken from my alleged military medical file and reports that I was psychologically evaluated because of "...some type of bizarre behavior..." then says "Enough said," never revealing that in that same report my mental health is found to be sound. However, I still am confronted by others, who think I was found mentally ill, because of McColl's words: "Enough said."
21. *SOF* ratifies the fraudulent and baseless claims of *Los Angeles Times* reporter, John Johnson, whose reckless behavior and lack of proof for his allegations made against me, in 1988, is exposed in my book (pg 64-67) Exhibit #21. Johnson, like *SOF*, is very calculated in their placement of the Yiddish word for nerve, "*Chutzpah*," denoting my faith in the disputed August 1996 *SOF* article, (column 2, para 4), Exhibit #1, rejuvenating Johnson's baseless fabrications libeling me.
22. *SOF* in the August 1996 *SOF* article refer to my supporters as "the *cultural elite* in New York and Hollywood," a code word for Jews. My faith is openly discussed throughout my book, *The Secret Man* (pg 13, 43-45), Exhibit #46.
23. In my book, *The Secret Man*, I expose the use of torture and atrocities being committed in Latin America, principally, by a person I nicknamed Fish; whose crimes date back to his participation in the Phoenix program and the cover up of a murder of a Phoenix operation participant named Curtis Aston, killed by his fellow American. Based upon McColl, Brown and Singlaub's admissions of type of service, place and time of service in Vietnam, Fish's theater of service, type of service and time of service correspond to McColl, Brown and Singlaub. Fish's credentials, as reported in my book, meet the requirements to have been recruited through IRIS or the *SOF* affiliated WACL\Singlaub founded CMA (Civilian Material Assistance a.k.a. Civilian Military Assistance), a group composed of

white supremacists Ku Klux Klansman and John Birchers, that I expose in my book (pg 196), Exhibit # 22, operating in Latin America in the mid-eighties. As confirmed by Holly Sklar, *Washington's War on Nicaragua*, (pg 238, para 4), Exhibit #18.

24. Those atrocities exposed in my book, expose the culpability of CMA, IRIS and others, like those death squad commanders affiliated with Singlaub's WACL and their involvement in heinous crimes documented by Amnesty International.
25. Brown and McColl assert that they were thorough in investigating my claims, however, their actions prove otherwise. I was interviewed only once in mid 1996 and not as Brown misrepresents in his declaration. Exhibit #42, 7 (a) as: "Personal interviews of Dux." When being interviewed, I had no idea of who I was talking to or who might be listening over an unsecured phone line. McColl acknowledges my trepidation in his 1996 article, when he uses it against me by accusing me of back peddling and hiding behind responses of secrecy, Exhibit #1.
26. During my one short interview, so as not to compromise my personal and, inadvertently, national security concerns, I, immediately, prefaced our conversation — that under the circumstances and manner in which the interview is being conducted, over the phone, I would not, therefore, confirm facts or inappropriately discuss the topic, starting with where I first met Director of Central Intelligence, Casey. McColl acknowledges this in the 1996 SOF article, "this lame evasion avoided such things as the actual place of his purported , initial interview with Casey", Exhibit #1. Further, as for any detailed accuracy, I reminded McColl of my books' disclaimer, where I state, Exhibit 44:

"To avoid compromising special and covert operations sources and methods, certain names, locations, and time frames have been modified or

withheld. Tactical details and chronological sequences have also been altered so as not to betray current special operations, covert operations, or any ancillary "black ops" and their methodology.

27. I was further made reluctant to speak openly with McColl, because before our conversation, I was contacted by a staff member at *Soldier of Fortune* magazine whom, after making several off the cuff remarks, conveyed to me a pre-determined attitude of insincerity, intent to cause me harm. Mind one, this is committed one day prior to my being called by a stranger [allegedly McColl] stating that he worked for *Soldier of Fortune* magazine, and could he please put me on a speaker phone?
28. Of those topics we discussed, I put McColl on notice that in the past, while enjoying some celebrity status, people have impersonated me; that articles have been written about me for which I have never been interviewed. For that matter, there are articles that I have, personally, never seen but I have been aware of as being the basis for creating a snowball effect, of portraying me as a decorated Vietnam veteran. Claims, I have denied and taken steps to protect myself and my reputation from, Exhibit #29, Exhibit #30, Exhibit #31. In fact, nowhere in my book do I represent myself as a combat veteran.
29. Confiding in McColl, I informed him that I was displeased in the manner that the book was assembled. The Chapter heading was missing from my twenty third chapter. That I had first met Singlaub not at the SpecWAR CONFERENCE as it is written in my book, but ironically, at he SOF convention\dinner function in Las Vegas. That photos taken of the dinner tables and guests will confirm it. I also pointed out that there were other errors like, Admiral Smith, who was what I described in my book as the "big chief" of the SEAL's, was a Gulf war commander, as in holding the rank of a US Navy commander in the Gulf War. An editor charged

with condensing 450 pages into 350 pages of text, had made the error; my author's galley changes were not adhered to. Unfortunately, McColl exploits this to attack me by proclaiming I didn't know Singlaub wasn't even at the SpecWar conference and of course, there is no admiral Smith that anyone knew as a Gulf War commander.

30. I advised McColl of an incident in which, accompanied by Air Force recruiter, Jim Hensley, I was summoned to the Army Public Affairs Office, located in the Federal Building in Westwood. In the lobby we were redirected⁸ at the check-in counter to another location, where I was presented with what looked like to me as Army medals, citations and their orders. We both mused over the Army medals, since I was a Marine and too young to have served in Vietnam. Afterwards, as a precaution, and following Hensley's advice, the medals, immediately, ceased being in my possession and were kept in the offices of my legal counsel, Michael Lucero, Fredric Kling, and Richard Springer. I do not recall what medals they were. I am unfamiliar with such awards. Apparently, someone was going through a great deal of trouble to dupe me or to later, discredit me. I am aware of similar "blackmail" ploys used to discredit covert operatives if they should become a threat by going public or to prevent them from resigning. However, I paid no concern, made confident by a former SOG and Vietnam veteran, my attorney Michael B. Frankel. Frankel informally attempted to try to understand how this could have happened and cautioned me that as long as I didn't display them in public I should have nothing to fear. I should not destroy them, either, in case they belong to another Frank Dux, although, unlikely.. Technically, it could even be considered government property.
31. I alerted McColl to a person impersonating me and posting posters (which McColl admits to having in his possession in McColl's declaration para. 12) and counterfeit pamphlets, where it appears that I am advertising myself as war hero. Whoever this was they were working in concert with the *Los Angeles Times* reporter John Johnson, whose audacity in making known and false statements about me and by attempting

to intimidate persons that corroborate my bonafides, warranted a meeting with my attorney, Michael Lucero, and an editor for the *Los Angeles Times*, before his article is written. Made necessary to officially curtail the false representations that Johnson was attempting to attribute to me, such as fabricated articles describing an "Operation Sanction," that Johnson, outlandishly, in *Stolen Valor* represents that I gave to him when my *Los Angeles Times* rebuttal, written in 1988, serves as an extemporaneous record to prove otherwise.

32. At this meeting, the editor confided that behind John Johnson, the source of my problems was "North." McColl and *SOF* is made aware of this connection in my book *The Secret Man* (pg. 67) Exhibit #21 . At this time, as a result of Iran Contra hearings, potentially, I could have been subpoenaed as a witness, further impeaching North's Congressional testimony.
33. I referred McColl to Mr. Jeff Langton who has known me for many years. Langton could corroborate my long absences from my business, confirm that I have never misrepresented myself as a war hero. That I am a skilled martial artist and that he has even been present when I trained Jean Claude Van Damme for *Bloodsport*. In our many years together, Langton was never made aware by me, that I even possessed any medals. Langton confirms these facts with McColl.
34. During my interview with McColl, I explained that John Johnson had offered as his proof that my trophy had been made near my home (insinuating it is purchased by me) is an alleged receipt from the W.R Moody company, in North Hollywood. My name on the receipt is mis-spelled "Dukes," which is altered to "Dux" and it is dated 1982. In the editorial offices of the *Los Angeles Times*, my attorney, Michael Lucero and myself, pointed out to the editor that in the November 1980 issue of *Black Belt* magazine, I am photographed holding the trophy — TWO YEARS BEFORE ITS ALLEGED MANUFACTURE.

35. A photo of myself holding my trophy, appears in *SOF*, stating that it was made near my home. And as in the past with John Johnson, this revelation did not deter *SOF* from continuing to make the same false assertion, that the trophy is made near my home, therefore, continuing to insinuate, I am a fraud.
36. McColl relies upon John Johnson as his source. But Johnson only repeats hearsay and cites none of his sources with "The story of Frank Dux, say many who knew him, is one of a bright undistinguished young man" (emph added) which McColl repeats in his article, Exhibit #1. Those few persons who are quoted, I educate McColl to the fact that they are business competitors, such as Shoto Tanemura, and a disgruntled ex-student, Chadwick Minge, in business with my competitor Tanemura. Those who did provide corroborating testimony, such as the founder of American Karate, Ed Parker, they are purposely omitted by John Johnson, as noted in *The Secret Man* (pg 64-67), Exhibit #21. Further, exemplifying Johnson's malice.
37. In contrast to *SOF*, thorough investigating is exemplified by John Monte, Shadow Broadcast Services, Exhibit # 23, who conducted several interviews with me in person. Once I was made confident of my interviewers genuineness, and trustworthiness, I felt enabled to supply confidential and corroborating evidence and testimony, in support of the claims made in my book. I did this not only for news journalist John Monte but his expert, a former Special Forces Captain and distinguished Vietnam veteran. Through networking, Monte's expert was able to confirm facts with an operator that we knew, mutually. The expert appeared as a guest on Monte's radio show with me. He and John Monte, reaffirming that his investigation confirmed my story as being truthful, as best it could be without placing lives or the national interest in jeopardy.

38. A fine example of how McColl and *SOF*'s actions can be construed as trying to manufacture an outcome, is their knowledge of the existence of documentary footage by John Padgett II, who accompanied me to Russia and the Ukraine, Exhibit #11. Interestingly, one of McColl's questions was "Who is paying for your trip to Russia and the Ukraine?" I remember being alarmed by the question, because outside of Michael Bicks, ABC News *Primetime Live*, John Padgett II, my attorney Michael B. Frankel and my agent, Joel Gotler, not even my own family knew, at that time, my destination. The purpose of the documentary was two fold, to reveal the imminent danger of biological weapons and to document my existence as a covert operative, working jointly with agents of the former USSR to locate missing biological weapons; known only to the DCI, my identity purposely masked to the CIA.
39. A thorough investigation by McColl would involve contacting John Padgett II, an independent eyewitness who could, with video, document me interacting with former covert operatives and former Soviet government officials, as well as having interviewed the deputy Defense Minister of the Ukraine, and the Deputy Minister of Health. McColl knew John Padgett II, is someone who can confirm or deny those representations I have made in my book or those representations of fact made by Major General, Anatoly Pavloveich Korneinko.
40. John Padgett II, in accompanying me to Russia and the Ukraine, was able to interview military and intelligence personnel possessing direct knowledge of my covert activities, as well as, document myself in Ukrainian military uniform working with the bERKYT, the elite Ukrainian anti-terror Special Forces. Video captured stills attached to John Padgett II's declaration, Exhibit # 11, corroborate the claims made in my book, *The Secret Man*.

41. Betraying that McColl is guilty of questioning me only with the intent as to manufacture an outcome to further his libelous article, is the fact that those questions asked of me by McColl, did not correspond to my providing the answers to any of the topics or accusations being brought against me in McColl's 1996 article. Or the fact, that my rebuttal to his article is returned to me, unopened.
42. One example, of an undiscussed topic warranting my response, is Lt. Cmdr. Larry Simmons, who falsely alleges in *SOF* and in Brown's declaration, Exhibit #42, 7 (d): "Simmons explained to me that his Foreword had been procured under false pretenses and without him ever reading the book." In the *SOF* 1996 article and according to B.G. Burkett, *Stolen Valor*, Simmons represents that he was asked to write a fraudulent forward to my book by our mutual agent Joel Gotler. This is an outrageous falsehood.
43. In light of Simmons prior inconsistent statements, McColl never contacts the "procurer," Joel Gotler. While Simmons states that he knew nothing of me to *SOF*, contrary to this representation, Simmons admitted to me that he had represented to Joel Gotler and several of Gotler's associates, that "we were even supposed to work together." A statement that Gotler has confirmed to me on several occasions, which is consistent with those representations Simmon's made in his foreword, Exhibit #24.

"Men like Frank Dux, the living agents, are the ones that returned with the information. His reputation proceeds him, unparalleled in achievement..."

44. Simmons requested of me, for well over one year, my help. He request that I assist him in advancing his writing career by including his, inferior and uncustomary, second foreword in my book. I view it as inferior, because Simmons could only represent that he knew me by reputation as he does so in his foreword, as aforementioned. I agreed, only because Simmons acted as a resource for me, triple-checking those "fascinating" facts that he now outlandishly alleges are fraudulent. He also is responsible for helping me obtain authentic photos, whose origins are properly credited, G. Forbes, in each of the captions beneath the appropriate photos, those not my own, in my book, *The Secret Man*.
45. In contrast to Simmons foreword, available to me is the ability to have secured forewords by those who worked with me, directly, during covert operations and who carry with them name recognition. Such as, Iran-contra covert operative, Lt. Cmdr. Alexander Martin, USN (ret). Publicly recognized, Alexander Martin has provided testimony to Congress and has appeared on countless mass media programs nationwide. Unlike Simmons, he is already accepted and established as an intelligence affairs expert and who can, in his declaration, Exhibit # 25, confirm that I am a former covert operative.
46. Further, contradicting Simmons representation that he doesn't know me, is the fact Simmons and myself enjoyed a year and a half long friendship prior to the publication of the book. Impressed with my bonafides, our relationship started out with him offering me a partnership in his company, SOC, Inc. that is specializing in training foreign governments in commando and intelligence operations. His offer of partnership was made in front of witnesses. Such as, Howard Gilbert, who accompanied me in order to create a business plan in the event I accepted the partnership offer being made to me by Simmons. Simmons falsely alleges in *Stolen Valor*, Howard Gilbert is a photographer.

47. Brown states that he relies on Simmons who is a liar by his own admission. Someone guilty of making inconsistent statements by confirming my bonafides then by withdrawing his endorsement. Simmons states boldly in the foreword to my book *The Secret Man*, Exhibit #24:

“Men like Frank Dux, the living agents, are the ones that returned with the information. His reputation proceeds him, unparalleled in achievement. Enjoy this glimpse into the shadow world of a shadow warrior, one of SunTzu’s living agents. You’ll find it fascinating.”

48. Simmons admitted to me that during the Vietnam conflict he was selected and trained for the Phoenix operation, which links him to Singlaub.
49. With the book already out in print and in his possession for several months, Simmons had no complaints until, he expressed he felt snubbed by me for my rejecting his partnership agreement and my referring potential clients to his competition; indirectly, asking me if I was siding with SEAL’s who have derogatorily labeled him “PSYCHO SIMMONS.” SEALs whose names I have been asked to withhold in fear of reprisal by Simmons and his friends, still on active duty. SEALs who have revealed that Simmons is considered an unpopular naval officer. By choosing not to become his partner, Simmons admitted to me that it meant a loss of expected financial gain and a loss of acquiring the name recognition, needed to promote his then failing company, SOC Inc.

DECLARATION OF FRANK DUX

I. PRELIMINARY STATEMENT

I, Frank Dux, declare this 20th day of March 1999, under penalty of perjury, that I am over eighteen years of age, a citizen of the United States and a resident of the State of California. I am a party plaintiff in this action. If called upon to do so, I could testify of my personal knowledge to the facts contained within this declaration.

1. Due to *Soldier of Fortune* magazine's malicious and libelous attacks impugning my reputation and sanity, the potential of my career is being destroyed by the actions set forth below:
2. Prior to the August 1996, *Soldier of Fortune* article, Exhibit # 1, where I am libeled and portrayed as a nut case, insane, where I am called a "Full Mental Jacket," I had a chance to enter into an agreement with one or more producers concerning my life story rights. I met with Disney Studios (Jerry Bruckheimer); Fox (for Keanu Reeves); Jersey Films (Danny DeVito); Warner Bros. (Robert Lawrence for George Clooney); DEN Pictures (Max Kirishima); Paramount (Mace- Neufeld Productions); all of whom expressed interest and several that began to enter into negotiations to develop and produce a major motion picture based on my HarperCollins non-fiction book *The Secret Man* and other stories based on incidents in my life. The most prominent offer made, was a (\$500,000 plus bonuses) offer of purchase by influential Disney Studio Producer, Jerry Bruckheimer.

50. In his declaration, Brown cites as evidence of his performing his due diligence, Exhibit #42, 7(b):

“ A review of his [Dux] military records that had been obtained pursuant to a Freedom of Information Act request.”

MY MILITARY RECORD IS IRRELEVANT AND WOULD NOT REFLECT INTELLIGENCE ACTIVITIES PERFORMED OUTSIDE OF MILITARY SERVICE; ESPECIALLY, WHEN MY MILITARY SERVICE TOOK PLACE FROM 1975 TO 1978, FOUR YEARS PRIOR TO MY COVERT ACTIVITIES THAT BEGIN IN 1981. Being thorough in vetting my military service record, reveals the irregularities I informed *SOF* of, such as my forged signature, the absence of training and proficiency reports reflecting a highly technical skill of service as an alleged wireman, for two years; that which I pointed out to *SOF* and is also noticed in my book *The Secret Man* (pg 35), Exhibit #28.

51. Experienced intelligence officers, such as McColl and Brown lay claim to be, in making their argument appear to be not as cognizant as me, representing that covert activities are openly recorded and for that matter, that confirming one's covert activities can be absurdly obtained through the mere filing of a Freedom of Information Request. In fact, a good example of the practice of selective record keeping appears in *Washington's War on Nicaragua*, (pg 232 para 6) Exhibit #26

“However, while testifying as a character witness at the New York securities fraud trial of NSC aide Thomas Reed, North said he was on active duty in Vietnam “from 1968 through the early part of 1970, and then again in 1971.” He said, “I was an infantry

platoon and company commander in the Special operations Force, team commander." Marine records show no such outfit, but North reportedly performed covert missions under the joint CIA-Pentagon Special Operations Group headed by General Singlaub"

This is the same organization Alexander McColl served, on staff.

52. Military records are irrelevant and inconclusive in confirming "civilian" participants of covert operations, in general. In my book, *The Secret Man* (pg 15 & 28), Exhibit #47, Brown and McColl are made aware of my civilian status, the fact I was not attached to the military or CIA operations, but instead, working directly for DCI Casey.

"You'll be on the outside. We can't take care of you through normal channels" and "That's why you answer only to me [DCI William Casey] **and I mean only me**" (emph. added)

53. Admittedly, McColl, Brown and *SOF* possess a history of being associated with and/or fronting for the CIA. By using my erroneous military records against me, they prevent the re-publication of my book and protect the interests of a CIA, that coincidentally, issued the uncustomary denial quoted by McColl in the 1996 *SOF* article, Exhibit #1. I am aware of other denials being made by a CIA spokesperson in the past, using nearly identical verbiage to argue the same logic "so preposterous we [CIA] thought it appropriate;" The denial is given as to why, in the case of Eugene Hausenfas, he cannot be believed he is CIA connected, even though he is captured in Nicaragua, transporting guns to the contras.

54. It is through my personal experience, that I can testify to the fact that there exists in the intelligence community those elements who are working under the color of authority and in the name of the national security, (i.e. the Iran Contra fiasco), circumventing Intelligence Oversight safeguards and willfully breaking the laws of this country to serve their own ends. The CIA is an organization that can only function in secrecy, and thereby, operations are run with the intent of maintaining a plausible denial, as in my case. As a matter of custom and practice the intelligence community actively discredits its critics; sometimes using the FBI, as in the case of FBI witness Jack Terrel whom, after having provided much needed testimony to Congress, confirming CIA drug activities, Jack Terrel and his supporters are harassed and he is labeled a terrorist by the FBI.
55. I personally know first hand of CIA agents, who wear two hats — one at CIA and the other in the DEA. They are secretly there to infect the DEA infrastructure in order to protect illegal or politically sensitive intelligence operations and their foreign criminal/intelligence assets; which I learned, firsthand, often results in the compromise of sensitive counter-drug operations and informants or worse, the abduction, torture and murder of American drug enforcement agents, working abroad. In order to maintain a plausible denial strategy, the CIA and intelligence community, will often make use of “cut outs” [ex-military or influential civilians that are more than just sympathetic to the needs and ambitions of the intelligence community] and “black baggers” like Frank Verelli. “Black baggers” are paid informants that will plant evidence in order to create an outcome, as in the case of the FBI and CISPES, revealed in my book (pg 63-64), Exhibit #45 or, as in my own situation where promotion materials advertising myself as a Medal of Honor recipient, has been distributed by others in the hopes of being attributed to me so as not to only result in my embarrassment but criminal prosecution. McColl in his declaration (para 12) , Exhibit #43, he testifies to seeing such an incriminating poster which, curiously, he admits to not discussing it with me during my interview with him in 1996.

56. Who are my critics, right-wing extremists, CIA-intelligence "cut outs." A world renowned CIA "cut out" is General Jack K. Singlaub, who had admittedly bought arms from the PLO and established a conduit to funnel them to the Nicaraguan rebels when the CIA was forbidden to do so; and who did this with support from those at *SOF*, like Alexander McColl, whose 1996 libelous article, by portraying me as mentally ill, shows intent to harm me and fulfill Singlaub's determined campaign to unduly suppress my first amendment rights of free speech. Through his legal counsel and threats of legal entanglement, he demanded a halt to the printing and distribution of my book over the mute argument, that he never took part in a CIA-Pentagon operation, conducted at his MACVSOG command and, whereby, he is identified in numerous publications, *as taking part..*
57. Another contention raised by Brown is that General Schwarzkopf contended that there never was a plan to disguise US Helicopters as Iraqi. Unfortunately, I am made vulnerable to lies and rarely have I found that I have ever been entrusted with such comprising details, if captured. However, what seems to escape Brown and McColl, is that there exists many different ways to disguise US helicopters as Iraqi, which can be done through electronic warfare and secret IFF codes. Contradicting Schwarzkopf's assurances is the newsworthy event that two secret, Sikorsky, Blackhawk US Special Operations Helicopters, (SOA's), were identified by two US Air Force Fighter pilots as visually appearing as Iraqi aircraft. After this visual confirmation, the pilots acted by launching their sidewinder missiles, accidentally, shooting down the secret US SOA's, killing 26. Two generals asked to testify, refused, hinting of a coverup, Exhibit #27.
58. Schwarzkopf's denial does not eliminate the probability that in order to conceal US involvement in the post war Iraqi political struggle where, in all likelihood, the CIA is secretly extracting and delivering CIA advisors and Kurdish rebel leaders in efforts to overthrow the current regime; the need to deny the method of deployment is made necessary to protect the mission.

63. In the B.G. Burkett book, *Stolen Valor*, Exhibit #32, I am being accused by B.G. Burkett of having committed numerous felonies. One of which, is the inferred conspiring with HarperCollins and its legal counsel to commit fraud, while B.G. Burkett cites no attributable sources. B.G. Burkett asserts that I have made claims of being a Vietnam veteran and that I am representing that I was decorated with a secret medal of honor. However, Exhibits #29, #30 & #31, prove I have taken great steps over many years to deny such claims attributed to me by others and to correct any falsehood where it might appear.
64. B.G Burkett and Larry Baily allege Burkett attempted to solicit a response from me in writing. I do not understand how Burkett would have my home address, to write me? With my correspondence being handled by my publicist Linda Palmer of Warren Cowan and Associates, she too, will confirm she knows of no such request ever being made by B.G. Burkett — whose six pages dedicated to defaming me, takes ninety pages to address and, by the time they are all collected, there will be over eighty exhibits, due to the enormity of all of its falsehoods. Which I do not wish to burden the court with, however eager I might be for the court to review it.
65. B.G. Burkett's *gross recklessness and malice, is self evident with his making known false statements in spite of the documented evidence to the contrary.* As discussed, prominently, displayed in the photo section of my book, willfully, he omits the existence of the affidavits of Major General Korneinko, authenticated by Colonel V. Potopav and Major General K Khrol; documents bearing the Official Seal of the Issuing Authority. B.G. Burkett states in *Stolen Valor* (pg 415, para. 2), Exhibit # 32:

“But the book, like *Bloodsport*, like the Soviet officer
"Major General Kornienko," is completely bogus.”

66. Indeed, Major General Korneinko's existence is easily verifiable. The documents proving so, omitted by Burkett, were hand delivered by me to HarperCollins legal counsel and, as custom and practice in the publishing of a non-fiction book (which B.G. Burkett and *SOF* is aware of as custom and practice in the publishing industry), these documents are, as a matter of fiduciary duty, inspected and verified by HarperCollins legal counsel, responsible for signing off on the release of my book for print, making legal counsel not only liable to their client HarperCollins but to the E&O insurance carrier, as well.
67. If one considers the manuscript stage of my book, I expose in 1994 the location and the specific biological weapon (Anthrax) in the possession of Saddam Hussein, *The Secret Man* (page 210, para 3), Exhibit #33, years in advance of any news reports and UN Inspection. I cite human rights abuses being committed by CIA assets, denied and covered up by the CIA but later, with the nationally exposed rape and torture of a nun, many of my revelations are authenticated by Newspapers and Amnesty International. Hardly Bogus.
68. *Bloodsport* is based on and advertised as taken from events in the life of Frank Dux. Supporting evidence that I won this championship and have accomplished the accolades attributed to me by three Martial Arts Halls of Fame, Exhibit #34, is *Black Belt* magazine, November 1980, Exhibit #35, two letters of verification by its editor, John Stewart, Exhibits #36 & #37; who's staff in 1980 spoke with Blair Gerod, who sponsored Kumite events and is present when I was awarded the controversial trophy that B.G. Burkett, John Johnson and *SOF*, maliciously, assert is purchased by me because it is made near my home. That my championship is bogus, aware of Kumite participants, Yugoslavian Karate-Champion, star of the film *Invitation to Die*, Jorgo Ogenovski; the star of the 20th Century Fox released film, *Only the Strong*, Paco Preto. B.G. Burkett, and *SOF* is made aware of their existence as participants in my book *The Secret Man*, (page 258, para.2 & 3), Exhibit #38.

69. Stewart Wilson, identified in my book, John Padgett II, and many others along with the attached Declaration of David Richardson, Exhibit # 29, will testify to viewing photographic evidence of the event that is the basis for *Bloodsport*, which B.G. Burkett and *SOF* in their defamation of me cannot plead ignorance to, as they are made aware of the existence of my fights documented on video tape in *The Secret Man* (page 258 para. 2), Exhibit #38, and (page 251, para 6), Exhibit #39.
70. In spite of the substantial evidence contradicting their false claims, [as provided to Robert Brown and *Soldier of Fortune* magazine, in 1996 and, later, obtained through the filing of this lawsuit]; they still continue to defame me by asserting that I am a fraud and mentally ill, a nutcase — stating, on the back page (para 2) of their March 1999 issue, Exhibit #40:

“...Frank Dux (rhymes with kooks).”

69. *Soldier of Fortune* magazine and Robert Brown continue to display the offensive and defaming photo of myself taken in a costume Marine uniform; when they are fully aware of the fact that it was snapped on my way to a fraternity costume party, when I was still in college or shortly, thereafter.
70. Recently, I have experienced death threats and a loss of financial opportunity, as *SOF* and Robert Brown continue to incite others against me through their misrepresentation of the photo of me in costume, which is maliciously combined with the false allegations that I had committed a crime by representing myself as a war hero and Vietnam veteran. According to their rationale, they might as well display a photo of one's young daughter sitting on their lap and cite that it is irrefutable evidence of one being a child molester.

71. In 1996, during my interview with McColl and with the filing of this lawsuit, *SOF* is made aware as to the nature and circumstances surrounding this photo of me in costume. And that I have done everything in my power within reason to correct any misconceptions being made about me — not only being spun by my fans but through journalists who have, innocently, made reports of my being a decorated Vietnam veteran, based upon the erroneous facts attributed to me in articles they use for their research. I also made all aware of the fact that being distributed by persons unknown to me are fabricated materials, handouts, being used in order to paint me as a liar and guilty of committing a felony. Threatening my ability to give credible testimony.
72. Since, I do not go out in public as part of some kind of fraudulent speakers circuit, as represented by *SOF*, I recognize that the photo of me appearing in B.G. Burkett's book *Stolen Valor* and in *Soldier of Fortune* magazine, could only come from one source — my ex-wife or her new husband, Richard Bender.
73. Bender has recently admitted to me that the photo of me in costume was turned over to, in 1988, an FBI agent; a friend of his, who's daughter has just been married and, whose daughter, is the friend and student of a business competitor of mine, Roger Lacombe. The FBI agent and I have exchanged heated words in the past. This friend of Bender is Thousand Oaks-Westlake resident, Jack Trimarco. In 1996, I made *SOF* aware that this photo was first being passed around in 1988, when it would have secured a financial benefit to my ex-wife April and Richard Bender, if I was discredited with it in the midst of our divorce property proceedings.

74. Yet, despite this aforementioned knowledge, in November 1998, the photo is prominently shown by *SOF*, again suggesting that I am mentally ill and suffering from delusions of grandeur. The caption to the photo reads:

“A perennial fraud on the fraud circuit, Frank Dux (immortalized in Jean Claude Van Damme’s movie *Bloodsport*, and *SOF*’s “Full Mental Jacket”² review of Dux spurious autobiography *The Secret Man* in August 1996) is shown here in Marine uniform with a PX-salad of bogus medals, and (insert) with a martial arts trophy allegedly won in a “world championship” but which was made near Dux’s home in North Hollywood.”

75. Apparently, circumstance forced me to file this lawsuit. With the *SOF* article being released, in November 1998, as aforementioned, and timed with my civil trial for Breach of Contract against Jean Claude Van Damme (that is, shortly thereafter, nationally televised by Court TV); MALICIOUSLY, the photo is revitalized by Robert Brown and *Soldier OF Fortune*, thereby, once again, almost creating an unfair advantage by discrediting me to the court, expressly, since according to Larry Bailey’s declaration (para 5), Exhibit # 41:

“Neither the photographs nor the caption under them were included in the article prepared by me.”

I, Frank Dux, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this day of March 20th, 1999.


Frank Dux

3. In my discussions with Jerry Brucheimer and members of his staff, at this time in 1996, I was made aware that Robert Brown was competing with me for the exploitation of similar genre project with Disney Producer Jerry Brucheimer, titled *Soldier of Fortune*, and that today is the syndicated television show re-titled *Special Ops*, executive produced by Jerry Brucheimer.
4. From 1975 to 1980, I was a martial arts champion, with 12 world records, retiring undefeated after 329 professional matches. I became the most widely recognized and famous non-actor martial artist in 1988 with the premier of the movie "*Bloodsport*", starring Jean Claude Van Damme, playing "Frank Dux." The film was based on my becoming in 1975 the first westerner to win the Kumite (the predecessor to the pay-per-view Ultimate Fight Challenge), a no holds barred human cockfight that is conducted without any protective gear. Since "*Bloodsport*", my name Frank Dux is not just my name but has become the name of a character around whom name value has been built with worldwide recognition. That is one reason why a major publishing company, HarperCollins, published my book. Previous to *Soldier of Fortune's* libeling me, I have made a living from the exploitation of that exposure.

II. CHRONOLOGY

5. Beginning in 1975 I served as a US intelligence specialist of a unique nature, and my United States Marine Corps DD 214 discharge papers reflect this, Exhibit # 5. For example, under the authority of William Casey, DCI (Director Central Intelligence), in 1983, I began to covertly work jointly with Soviet forces as documented by Soviet Major General Anatoly Pavlovich Korneinko, whose affidavit, is authenticated by Colonel V. Potopav with the Leningrad District Military Command Office, [city of

Kiev] Exhibit #6. Korneenko's military rank is authenticated in an affidavit by Major Gen. K. Khrol, Head of Kiev Regional Military Command, Exhibit #7. Both documents bare the Official Seals of the Issuing Authority and are accompanied with court certified translations, prominently, displayed in the photo section of my 1996 HarperCollins biography, *The Secret Man*, Exhibit #8. The cover of that book is attached as Exhibit #9.

6. In April 1993, I was sponsored by Karate-Bushido Magazine, a French publication, to participate in the International Martial Arts Festival held in Bercy Stadium in Paris, France. There, I broke three world records.
7. I have been a tactical consultant to elite police and military units world-wide. I have been an adjunct faculty member for the Department of Defense sponsored Multi-Jurisdictional Counter-drug Task Force training courses at the Criminal Justice Institute, St Petersburg, Florida, Exhibit #13; a key note speaker for the Narcotics Enforcement Officers Association, Exhibit #10. Topics taught by me include undercover operations and planning, and anti-terror tactics employed in my covert activities with the *BERKYT*, Ukrainian, elite Anti-Terrorist forces, Exhibit #11. I have worked with the US NAVY SEALS, Exhibit #14, and my name is listed as one of nine contributors to the creation and implementation of the Naval Special Warfare Combat Fighting Course manual, K-431-0097, Exhibit #12, which can be produced but to the Court's eyes only. K-431-0097 is the property of the United States Department of Defense and it is intended to be used by active duty SPECWAR personnel only; whose tactics when revealed could be construed as a national security risk.
8. In December 1993, because of my knowledge of covert operations and my close association with current SOC (Special Operations Command) operators, I was sought out and hired as a technical advisor for "*Rogue Warrior*" by Hollywood Pictures.

Rogue Warrior is the story of the US Navy SEAL's elite anti-terror unit, founded by Lt. Cmdr. Richard Marcinko, USN (ret). After meeting with executive producers Lucas Foster, Jerry Bruckheimer and Don Simpson, they encouraged me to commit myself fully to writing about my own adventures; arranging literary representation and a book deal with Simon and Schuster (a biography of my life entitled: *The Secret Man*). Further, they told me that they were willing to commit to a franchise series of film projects with me. The project was later acquired by HarperCollins Publishing.

9. Robert Brown in his declaration, Exhibit #42, 6 (a), attempts to use as a defense the alleged fact that because his negotiations with Disney Studio Producer Jerry Bruckheimer concluded in November 1995, he was not competing with me for the exploitation of a "special operations" franchise, action genre, media project. It has been my experience as a WGA screenwriter, *The Quest*, stunt co-ordinator and fight choreographer *Bloodsport*, *Lionheart* and *Only the Strong*, that it is a common practice for a studio to purchase and develop similar projects, simultaneously. However, only one will be given the "green light" and actually see production. The others will be "shelved". The fact that Bruckheimer had already purchased and developed Richard Marcinko's *Rogue Warrior* and, he was in the process of moving on to developing Robert Brown's *Soldier of Fortune* project, made the 1996 acquisition of my project *The Secret Man* a competitive threat to Brown's 1995 project which, potentially, had the ability to shelving Brown's project as done so to Marcinko.
10. Robert Brown plays on words. To my understanding, Operation Phoenix is not an organization and, thereby, his denial in his declaration, Exhibit #42, 6 (b) "...I was never a member of that organization," is irrelevant. However, according to numerous authorities and sources, such as Holly Sklar's *Washington's War on Nicaragua*, (pg 237 para 5), Exhibit #15:

"Soldier Of Fortune (circulation about 200,000) was founded in 1975 by the Colorado-based Omega Group headed by retired Lt. Col. Robert K. Brown, a **veteran of the Phoenix program** and special operations in Laos and ex-mercenary in white ruled Rhodesia. Brown sports a T-Shirt boasting, "I Was Killing When Killing Wasn't Cool"

11. According to the *Boston Globe* and Holly Sklar's, *Washington's War on Nicaragua* (pg 81-82, para 6) Exhibit #16, the Phoenix program involved the torture and assassination of 20,000 to 40,000 Vietnamese by MACVSOG, Singlaub's command, secretly operating in Laos (where Brown reportedly operated) during the Vietnam War.
12. Alexander McColl, by his own admission, served on staff duty to MACVSOG, and in his declaration, Exhibit # 43, McColl confirms that he is aware of the top secret and (as he describes it) "compartmentalized" Phoenix operation; whereas, if compartmentalized, McColl, a non-participant, can neither confirm or deny Singlaub's non-participation. He is representing the illogical premise that a military commander is not informed or responsible for the actions of his command — that the MACVSOG Phoenix operation is conducted by subordinates without the knowledge of MACVSOG commander, then Colonel Singlaub, contradicting, those representations made by the *Boston Globe* and Holly Sklar, *Washington's War on Nicaragua*, (pg 81-82) Exhibit #16;

"During the Vietnam War he [Singlaub] commanded the Special Operations Group— Military Assistance Command Vietnam — Studies and Observations Group (MACVSOG)-- which carried out the Phoenix operation responsible for the assassination of 20,000 — 40,000 Vietnamese."

13. McColl heads the *SOF* affiliated organization IRIS (Institute for Regional and International Studies) which in 1984 was established by Singlaub's WACL (World Anti-Communist League), also contradicting Brown's prior statement that Singlaub has never been a member of an *SOF* affiliated organization.
14. Brown's good friend, General John K. Singlaub, who through his attorneys Spencer and Klein, demanded that my book be pulled from bookstores, served as co-chairman of the American Security Council (ASC), which includes such white supremacist Nazi led WACL affiliates as the Bulgarian National Front.
15. WACL is described by authors William I. Robinson and Kent Norsworthy, in their work *David and Goliath*, (pg 92, para 2) Monthly Review Press, Center for the Study of the America's; Exhibit #19 :

"Singlaub is chairman of the World Anti-Communist League (WACL) a coalition of far right and fascist groups and political parties from some one hundred countries. Founded in 1967, WACL is often referred to as the "Fascist International," and numbers among its members leaders of Latin America's notorious death squads..."

16. The Justice Departments Office of Special Investigations, John Loftus, responsible for prosecuting Nazi war criminals in the United States and Mark Aarons, a twenty year investigative reporter, document WACL's anti-Semitism in their book, *The Secret War Against the Jews* (pg 303, para 2); Exhibit #20 :

While there is some dispute as to the origins of the WACL propaganda front, our sources have little doubt that Jews have been its most consistent target."

17. Brown admits that he is a Special Forces Political Warfare Officer. As an Intelligence Specialist, which my DD 214 discharge form will confirm, Exhibit #5, I was instructed in the use and benefits of Psychological Operations and the role of a Political Warfare Officer, trained to dis-inform and manufacture facts to create any desired outcome; as Brown does in my case. A Political Warfare Officer, who served such distinguished tours of duty as Brown has in that role, become experienced in the implementation of the principles of Perception Management, that relies upon deception; Exhibit #17;

“... deception is the deliberate misrepresentation of reality done to gain a competitive advantage... [the terms lying and deception] are often used interchangeably.”

---US Army, Field Manual FM-33-5,
Psychological Operations,
Techniques and Procedure.

18. Robert Brown is a strong promoter of unconventional tactics and “the ends justify the means,” philosophy; the basis of the Phoenix operation, which utilized assassination and murder as its “means to an end.” According to Holly Sklar, *Washington’s War on Nicaragua*, (pg 238, para 2), Exhibit # 18 :

“The CIA Contra manual is mild compared to some of the murder and sabotage manuals *SOF* promotes, with titles as *How to Kill Vols. I-V*, *Hit Man* (“Learn how a pro makes a living at this craft without landing behind bars”), *Techniques of Harassment and Elementary Field Interrogation*. The last manual

includes explicit instructions for psychological and physical torture. Under a section titled, "the cook out" the manual advises:

Ignite a piece of C-4 (explosive) in front of your subject and use it to boil water in a small pot...Pour a little of the boiling water on his genitals for effect, if you wish.

Now, take a similar amount of the same explosive and tape it over the subject's eye, leaving one eye unobstructed to see that you are holding a lighted match within a few inches of the material on his eye. Begin your questions, if the subject panics or refuses to answer, hold the flame to his nipple to let him know you're serious. No one wants to be blinded by fire.

19. Robert Brown claims in his declaration Exhibit #42, 6 (c) line 19:

"Although I am privileged to call General Singlaub a personal friend, he is not and has never been a member of the board of directors or any of its affiliated organizations."

Contradicting Brown's representation, according to Holly Sklar, *Washington's War on Nicaragua*, (pg 237-238), Exhibit #18: one, among several such *SOF* affiliated organizations that General John K. Singlaub is a member of is, *SOF* affiliate, Refugee Relief International.

"Refugee Relief is led by Thomas Reisinger, the assistant director of *SOF* for special projects; board members include Singlaub, Aderholt and *SOF* Military Affairs Editor Alexander McColl."