IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JOYCE HORMAN, 57 West 90th Street, New York, New York, suing on her own behalf and as personal representative of Charles Horman, deceased; ELIZABETH HORMAN, 231 East 76th Street, New York, New York; and EDMUND C. HORMAN, 231 East 76th Street, New York, New York,

Plaintiffs,

V.

HENRY A. KISSINGER, 1800 K Street, N.W., Washington, D.C., individually and as former Special Assistant to the President for National Security Affairs, former head of the "Forty Committee" and former Secretary of State; WATHANIEL DAVIS, Faculty Advisor, Naval War College, Newport, Rhode Island, individually and as former Ambassador to Chile; FREDERICK D. PURDY, U.S. Embassy, Manila, Phillipines, individually and as former American Consul in Chile; DALE L. SHAFFER, U.S. Embassy, Santo Domingo, Dominican Republic, individually and as former American Vice Consul in Chile; JAMES E. ANDERSON, U.S. Embassy, San Jose, Costa Rica, individually and as former American Vice Consul in Chile; MARIAN L. TIPTON, Department of State, Washington, D.C., individually and as former American Vice Consul in Chile; JUDD L. KESSLER, 516 A Street, N.E., Washington, D.C., individually and as former Multisector Officer of the Agency for International Development; JACK B. KUBISCH, Advisor, National Defense University, Ft. McNair, Washington, D.C., individually and as former Assistant Secretary of State for Latin American Affairs; COLONEL WILLIAM HON, 3402 Haven Place, Falls Church, Virginia, individually and as former U.S. Army Attache to the U.S. Embassy in Santiago, Chile; CAPTAIN RAY E. DAVIS, 2401 Arlington Blvd., Charlottesville, Virginia, individually and as former Commander of the United States Military Group in Chile and as former Chief of the U.S. Navy Section in Valparaiso, Chile; LIEUTENANT COLONEL PATRICK RYAN, Camp Pendleton, California, individually and as former Acting Chief of the Navy Section, United States Military Group in Valparaiso, Chile; and RICHARD ROE and DAVID DOE, individually and as unknown agents and/or employees of the United States Government,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND FOR DAMAGES

Civil Action Number

: JURY : TRIAL : REQUESTED Plaintiffs, for their verified complaint, say and allege:

PRELIMINARY STATEMENT

1. This is an action for declaratory and injunctive relief and for compensatory and punitive damages brought by the surviving family of the late Charles Horman to redress acts and omissions of defendant government officials in violation of their duties to protect Charles Horman from injury by foreign government, which acts and omissions resulted in the murder of Charles Horman by officials of the Government of Chile.

JURISDICTION

- 2. The jurisdiction of this Court arises under 28 U.S.C. \$\$ 1331, 1332, 1343, 1651, 2201 and 2202, and the doctrine of pendent jurisdiction.
- 3. The amount in controversy exceeds \$10,000 exclusive of interest and costs, in that the value of each of the rights of which plaintiffs have been deprived is in excess of \$10,000.
- 4. Plaintiffs' causes of action arise under the First, Fourth, Fifth and Ninth Amendments to the Constitution of the United States; 28 U.S.C. §2201-2202; 42 U.S.C. §1985(3); 22 U.S.C. §1732; 22 CFR Parts 71-72; the wrongful death statutes; the U.N. Charter; the U.N. Universal Declaration on Human Rights; the American Declaration of the Rights and Duties of Man; and other pertinent declarations, documents and practices constituting the customary international law of human rights.

PLAINTIFFS

PARTIES

5. Plaintiff JOYCE HORMAN is the widow of the late Charles Horman and is a citizen of the United States and of New York State. She sues on her own behalf and as personal representative of Charles Horman.

7. Plaintiff EDMUND HORMAN is the father of the late Charles Horman and is a citizen of the United States and of New York State.

DEFENDANTS

- 8. Defendant HENRY A. KISSINGER is a resident of the District of Columbia. Between 1969 and 1973 defendant KISSINGER was Special Assistant to then President Nixon for National Security Affairs. In September, 1973, he became Secretary of State of the United States. Defendant KISSINGER, at the time of the coup, was the head of the "40 Committee," the Sub-Cabinet level body of the Executive Branch of the United States Government which reviewed and/or proposed major covert action in Chile by the Central Intelligence Agency and other United States government officials. On information and belief, defendant KISSINGER was involved in planning the 1973 coup d'etat.
- 9. Defendant NATHANIEL DAVIS is the United States Ambassador to Switzerland. At all times relevant herein, defendant DAVIS was the United States Ambassador to Chile, stationed in Santiago, Chile.
- 10. Defendant FREDERICK D. PURDY is stationed with the United States Foreign Service in Manila, The Philippines. At all times relevant herein, defendant PURDY was the American Consul stationed in Santiago, Chile.
- ll. Defendant DALE L. SHAFFER is stationed with the United States Foreign Service in Santo Domingo, D.R. At all times relevant herein, defendant SHAFFER was an American Vice Consul stationed in Santiago, Chile.

- 12. Defendant JAMES E. ANDERSON is stationed with the United States Foreign Service in San Jose, Costa Rica. At all times relevant herein, defendant ANDERSON was an American Vice Consul stationed in Santiago, Chile.
- 13. Defendant MARIAN L. TIPTON is employed by the United in Washington, D.C.
 States Foreign Service / At all times relevant herein, defendant
 TIPTON was an American Vice Consul stationed in Santiago, Chile.
- 14. Defendant JUDD KESSLER is employed by the Agency for International Development in Washington, D.C.. In 1973, defendant KESSLER was stationed in Santiago, Chile, as a Multisector Officer.
- 15. Defendant Jack B. KUBISCH is employed by National Defense University in Washington, D.C.. At all times relevant herein, defendant KUBISCH was United States Assistant Secretary of State for Latin American Affairs.
- 16. Defendant COLONEL WILLIAM HON is a resident of the State of Virginia. At all times relevant herein, defendant HON was United States Army Attache to the United States Embassy in Santiago, Chile.
- 17. Defendant CAPTAIN RAY E. DAVIS is a resident of the State of Virginia. At all times relevant herein, defendant DAVIS was Commander of the United States Military Group in Chile, and Chief of the United States Navy Section in Valparaiso, Chile.
- 18. Defendant LIEUTENANT COLONEL PATRICK RYAN is a resident of the State of California. At all times relevant herein, defendant RYAN was Acting Chief of the Navy Section, United States Military Group, in Valparaiso, Chile.

- 19. RICHARD ROE and DAVID DOE were at all times relevant herein employees or agents of the United States Government and represent as yet unidentified officers, agents and employees of the above-named defendants or of the United States government who bear responsibility for acts and omissions alleged in this complaint.
- 20. On information and belief, none of the defendants is a citizen of the State of New York.
- 21. All defendants are sued both individually and in their past and/or present official capacities.

STATEMENT OF FACTS

Charles Horman and His Activities in Chile

- 22. Charles Horman, an American writer and filmmaker, lived with his wife, Joyce Hamren Horman, in Chile from June, 1972, until his death at the age of 31 in September, 1973. Prior to traveling to Chile, Charles Horman was a resident of New York State.
- 23. Charles Horman was graduated with highest honors from Phillips Exeter Academy and Harvard University. After graduation in 1964, he was employed by KING-TV (Seattle) and WNET-TV (New York). Horman was a member of

the Air National Guard Reserves. Following a summer working for the Human Resources Administration, Horman accepted a writing position with INNOVATION, a New York-based business magazine. In 1971, Horman and his wife Joyce began an extensive trip through the United States and Latin America. Their southernmost destination was Chile.

24. Before he went to Chile, Charles Horman was active in the civil rights and anti-Vietnam War movements in the United States. He had participated in "Resurrection City," the demon-

stration by poor people in Washington, D.C. in 1968. He had also attended the March on Washington for Jobs and Freedom in August, 1963.

- United States policies at home and abroad. With other Americans, he participated in "Information Sources on North America" (F.I.N.), which published Spanish translations of newspaper articles from the New York Times, the Washington Post, and the Christian Science Monitor, for the Chilean press. Some of the articles dealt with Watergate, United States actions in Indo-China, and the civil rights movement. Horman was one of 50 people who demonstrated in front of the United States Consulate in Santiago in April, 1973, to protest United States bombings in Cambodia.
- 26. On information and belief, defendants or some of them, or their agents, photographed and maintained files on Charles Horman and other Americans who participated in such demonstrations.
- 27. While in Chile, Charles Horman was employed by the Ford Foundation as a translator and by Pueblo Films to write a film script on the economic history of Chile. At the time of his murder, Horman was working with his wife on an animated children's film.
- 28. He was also researching the/kidnapping and murder of Chilean General Rene Schneider, Chief of Staff during the Frei Administration. Though suspicions of involvement by the C.I.A. were widespread at the time, not until 1975 did the United States Senate Select Committee on Intelligence issue a report on Covert Action in Chile, documenting for the first time that the C.I.A. played a part in arranging an attack on Schneider in the hope of precipitating an armed forces takeover of the Chilean government and of preventing

the inauguration of Salvador Allende, the newly elected President. At the time of his death, Charles Horman had already discovered through his research some of the facts of United States involvement in the Schneider case.

- 29. While in Chile, Horman corresponded with his parents in New York concerning the progress of his work, including, but not limited to, his research on the Schneider assassination.
- 30. On information and belief, defendants, or some of them, or their agents, subjected Charles Horman to illegal and unconstitutional surveillance and to illegal interception, opening and reading of mail sent by and/or addressed to Charles Horman throughout his stay in Chile; and/or said defendants, or their agents, received information derived from such surveillance, including from the openings of such mail by agents or employees of the United States.
- 31. On information and belief, in particular, defendants or some of them, or their agents, subjected Charles Horman to illegal and unconstitutional electronic surveillance, and/or said defendants or their agents received information derived from such surveillance.
- 32. On information and belief, defendants or their agents compiled a dossier on Charles Horman during his stay in Chile, which included information on his political activities in the United States and in Chile. On information and belief, dossiers were made available to elements of the Chilean Government plotting to overthrow the Allende Regime.

The Overthrow Of The Allende Government And Charles Horman's Efforts To Reach Safety

- 33. On Monday, September 10, 1973, Charles Horman and Terry Ann Simon, a friend of Charles and Joyce Horman, travelled from Santiago for a one day trip to Vina del Mar, a seacoast town adjacent to Valparaiso, the site of the headquarters of the Chilean Navy and of the Navy Section Valparaiso, United States Military Group, Chile. Joyce Horman remained in Santiago to renew her resident's visa.
- 34. The next morning, September 11, 1973, the elected government of Salvador Allende was overthrown by a military junta.
- 35. In his capacity as Special Assistant to the President for National Security Affairs and, beginning September 21, 1973 as Secretary of State, defendant Henry Kissinger was, at all times material to this complaint, the government official who conceived, orchestrated and supervised the execution of the American plan to prevent the assumption of power by the Allende government in Chile and, failing in that purpose, to cripple its operations and bring about its downfall. The plan included, but was not limited to, financing propaganda and opposition candidates; economic dis-ruptions; financing paramilitary groups; and encouraging and assisting the kidnapping of Chilean Chief of Staff General Rene Schneider with the object of provoking a takeover of the Government by the Chilean Armed Forces.

36. As Chairman of the "Forty Committee" defendant Kissinger was fully cognizant of the array of covert and overt acts by various agencies of the U.S. government, as well as private bodies acting in concert therewith, designed to accomplish this purpose, including the nature of the contact between U.S. and Chilean intelligence agencies.

Such acts included compilation of arrest lists by the CIA station in Santiago, containing the names of persons to be detained in the event of a coup, which lists on information and belief were transmitted to the junta after the coup or before the coup to elements plotting the overthrow of the lawful Allende government.

- 37. On information and belief, defendant Kissinger had advance knowledge of the September 11 coup, but both before and after the coup materialized, he either failed to instruct U.S. diplomatic and consular officials in Chile on how to deal with the forseeable risk to the safety of certain American citizens in Chile, of which Charles Horman was one, or instructed them to adopt a "hands-off" attitude. After his confirmation as Secretary of State -- a mere formality in terms of real power and responsibility -- he either instructed or consented to the cover-up alleged in this Complaint.
- 38. On information and belief, defendant Kissinger had knowledge of the arrest, detention and execution of Charles Horman, and either instructed the defendants and other U.S. officials not to seek Horman's release and/or to adopt a passive attitude, which resulted in his death.

39. As a result of the coup, Charles Horman and Terry Simon were trapped in Vina del Mar from September 10,1973, until September 15, 1973.

\$40.\$ During that time, they registered and stayed at the Miramar Hotel in Vina del Mar.

Patrick Ryan, Acting Chief, Navy Section, U.S. Military Group in Valparaiso, Chile, and an American, Art Creter. Creter indicated to Horman that the United States had had advance knowledge of the coup. Creter also indicated that there were an American cruiser, two destroyers and a submarine off-shore. Later, during the same period, another American, Roger Frauenfelder, a military official, told Horman that directly offshore were several United States

Naval vessels which had planned to rendevous with Chilean Naval ships.

42. On information and belief, defendant Ryan had been advised by Chilean Naval authorities at least 18 hours prior to its occurrence that the coup would take place on the morning of September 11, 1973.

43. On September 14, 1973, defendant Ryan told Charles Horman and Terry Simon that his commanding officer, Captain Ray Davis was driving to Santiago the next day and might be able to take them with him.

44. On Saturday, September 15, 1973, defendant Davis drove Horman and Simon back to Santiago.

45. On information and belief, at some time after September 15, 1973, defendant Colonel Ryan came to the Miramar Hotel with a woman whom he falsely represented to be the mother of Terry Simon, and requested of a hotel employee and was given the registration cards which had been signed by Charles Horman and Terry Simon when they had registered at the hotel.

- 46. From September 11, 1973 through September 14, 1973, in Santiago.

 In total curfew was imposed by the military junta / Many people caught on the streets during the curfew were shot.
- 47. When Charles and Terry arrived in Santiago with defendant Captain Davis on September 15, 1973, the curfew had been changed to a sundown curfew. By Sunday, September 16, 1973, the curfew was lifted from sunrise to sundown.
- Embassy and Terry asked the Captain what could be done to get passage for her and the Hormans out of Chile. The Captain left her and returned shortly, saying that he had spoken to Frederick Purdy, the American Consul who was working at the Embassy that day because of a threatened attack on the American Consulate. In regard to Terry's request for information, defendant Davis quoted defendant Purdy as having said, "just wait for the borders to open, then get your ticket."
- 49. Charles Horman went to the Carrera Hotel which was within walking distance of the Embassy to try to call his wife, Joyce, and inform her that he and Terry had returned safely to is intiago. Telephones in the city were still turned off because of the coup, however, and he was not able to reach her.
- 50. After she left the Embassy, Terry Simon met Horman at the Carrera Hotel. They debated over what to do next and concluded that since it took 1 1/2 hours to reach the Horman's apartment by bus, they might not be able to get home before the curfew was reinstated and that they should stay overnight in downtown Santiago.
- 51. The next morning, Sunday, September 16, 1973, the phones were working and Charles called to inform Joyce of their safe arrival. Then, Charles Horman and Terry Simon returned to the Horman house at Vicuna MacKenna, by public transportation, reaching the house by about noon.

- 52. On the way home to Vicuna MacKenna, the group taxi in which Horman and Simon were travelling was stopped by authorities outside of a dry cleaners, all of the passengers were taken out of the car and their documents were inspected.

 Charles and the other passengers all had Chilean identification documents. Terry Simon was the only passenger who did not. Her passport was taken into the dry cleaners and it was checked against a list. On information and belief, that list was an "arrest list" of American citizens in Chile composed by defendants and others unknown to plaintiffs. After Simon's passport was checked against the list, it was returned to her and the taxi and its passengers was permitted to proceed on its way. That incident increased Horman's and Simon's fears for their safety.
- 53. Joyce, Charles and Terry discussed the events of the preceding five days. Col. Ryan had told Charles and Terry that the death toll in Santiago since the coup numbered 3,000 people. Foreigners were being denounced and arrested. Homes and vehicles were being searched. People were being arrested without charges and were being tortured and killed. Several U.S. citizens had been arrested and were incarcerated in the National Stadium. Charles and Terry feared that the information which they had been told in Valparaiso might endanger their lives.
- 54. Fearing for their safety, the Hormans and Terry decided to leave Chile as soon as possible. It was decided that Terry would stay in a hotel in downtown Santiago in order to be near the airline offices and the U.S. Embassy and Consulate, and so the Hormans would have a place to stay if necessary.
- 55. Because they felt that it was dangerous to travel any significant distance alone, Charles Horman accompanied Terry Simon to town while Joyce Horman went with L, a friend of theirs, to do shopping and check on the safety of their other friends.

- 56. When they reached downtown Santiago, Charles Horman and Terry Simon went to Braniff Airlines for information concerning flights leaving Chile. At the airlines they were told that the only possible way out of the country was to go to the American Embassy and ask to be placed on the list of Americans the Embassy was compiling for the first flight out of the country.
- 57. Horman and Simon then went to the Embassy and asked to see the person making up the list for the flight out of the country. They were told that the Embassy was not compiling such a list, and they should go to the Consulate, one to one-half miles away. They asked if the Embassy could call the Consulate to determine if it was open, but their request was refused and they were told that they would have to go and find out for themselves.
- 4:00 p.m. Horman immediately headed for home in order to arrive before curfew. Simon said that she would call with information concerning flights but had forgotten that the phones would be turned off. They made plans that the next day, Tuesday, September 18, 1973, Charles or Joyce would go to the hotel where Simon would stay. If the Hormans could not come, one or both would come to the hotel on Wednesday at 1:00 p.m. In the meantime, Terry would continue trying to get information concerning airplanes leaving Chile.
- 59. At the Consulate, Simon spoke to Vice Consul Marion Tipton, and asked for information concerning flights. Tipton told her that she must first fill out a registration card. Only after the card was filled out did she say that there was no waiting list and there were no plans for evacuating Americans. She then called Braniff Airlines and told them not to give out such information. Defendant Vice Consul Dale Shaffer suggested that Simon call Interpol. Neither defendant Shaffer nor defendant Tipton offered to make any telephone calls. On the following day, a U.N.

chartered plane left with empty seats. Among the passengers were four Americans whose seats had been arranged by the American Ambassador defendant Nathaniel Davis, some fifteen minutes before Horman and Simon had entered the Embassy to seek help.

- 60. While at the Consulate, Simon asked for mail which the Consulate had previously informed Joyce Horman they were holding. Defendant Tipton told her that there was nothing there for her and refused to let Simon look through the box of mail on the desk.
- 61. In the meantime, Joyce Horman went with L to buy food and make sure that another family friend was safe. They travelled by bus and reached their friend's home after approximately an hour. They started back to the Horman house shortly after 4:00 p.m., taking the bus. When they reached the bus transfer point it was nearly 5:30 p.m. and people were panicking because of the approaching curfew. Bus drivers were not stopping for passengers, some people were hailing cars or hanging from the outside of buses in order to avoid getting caught after curfew. Horman was afraid to walk the rest of the way to her house because she did not have her visa. They therefore walked back toward town and went to the apartment of acquaintances, hoping to stay there for the night. They were not home so Joyce and L asked a neighbor if they could stay there for the night or use the phone to call other friends. The neighbor was frightened and refused to admit them, so they spent the night at the top of the stairwell because they feared going back to the street after curfew.

The Arrest, Detention And Execution Of Charles Horman

- 62. At or about 5:30 on the afternoon of Monday, September 17, 1973, Charles Horman was arrested and his apartment thoroughly and violently ransacked by Chilean military personnel, and he was taken to the National Stadium in Santiago.
- 63. Two telephone calls were made on September 18, 1973 to friends of Charles Horman by members of Chilean Military Intelligence Service [SIM]. Both callers asked details about Horman and one said that Military Intelligence was holding him in custody. As described further in \P 80 and 82, <u>infra</u>, both phone calls and information concerning the arrest were reported to the U.S. Consulate that day.
- 64. On information and belief, after Charles Horman was arrested, the following occurred:
- (a) He was brought to the National Stadium where he was interrogated by Chilean Military Intelligence;
- (b) He was sentenced to death in the National Stadium by Chilean Military Intelligence;
- (c) Thereafter he was taken by Chilean Military Intelligence to the office of General Lutz, Chief of Chilean Military Intelligence, on the 9th floor of the Chilean Ministry of Defense in Santiago;
- (d) In the office of General Lutz, the death sentence which had been pronounced at the National Stadium was reviewed by General Lutz, Colonel Barria, his second in command, and an American;
- (e) The American present at that meeting was an agent of the United States Government;
- (f) At the meeting it was stated that Horman must , be executed because he "knew too much"; and
- (g) On or after September 20, 1973, Charles Horman was executed.

- 65. On information and belief, the agent of the United States Government referred to in ¶64, supra, participated in, acquiesced in, and/or could have prevented the implementation of the death sentence on Charles Horman.
- 66. On information and belief, at the time the death sentence was confirmed, the offices of the United States Military Mission were located down the hall from those of General Lutz, and were regularly used by members of the U.S. Military Mission.
- 67. From and after September 15, 1973, defendants, or some of them, had a duty to take necessary steps to secure safe passage out of Chile for Charles Horman, Joyce Horman and Terry Simon at their request.
- 68. At no time did any of these defendants make any effort to secure safe passage out of Chile for Charles Horman, Joyce Horman or Terry Simon, despite their explicit request for the same.
- 69. Upon learning of the disappearance and probable arrest of Charles Horman, defendants, or some of them, had a duty to take all steps necessary to locate him and procure his release, including, but not limited to a duty to
- (a) file a prompt, formal protest with the government of Chile;
- (b) insist on their right to visit the National Stadium where, as the defendants knew on or before September 16, 1973, American prisoners were being held, which knowledge they had obtained from officials of other countries, including Sweden, who had successfully insisted on such a right and had reported to defendants that they had seen Americans detained in the Stadium;
- (c) take steps necessary to insure that Charles
 Horman would be able to exercise his right to contact his Embassy
 by telephone from the Stadium;

- (d) make all reasonable efforts to contact neighbors who had seen Charles Horman arrested and to otherwise follow up on their reports; and
- (e) immediately contact the Chilean military in response to reports of Charles Horman's disappearance received by the Embassy on September 18, 1973, for the purpose of safeguarding the life and liberty of Charles Horman.
- 70. Upon learning of the disappearance and probable arrest of Charles Horman, these defendants failed to carry out any of their duties as set forth in $\P 69$, supra.
- 71. Defendant Jack Kubisch, as Assistant Secretary of State for Latin American Affairs, knew or should have known of Charles Horman's arrest and detention as soon as they occurred. Defendant Kubisch had a duty to act to procure his release but failed to do so.
- 72. The failure of the defendants to act was designed to, and did result in, vastly increasing the risk that Charles Horman would be injured by the junta.
- 73. On information and belief, the acts and omissions were designed to, and did result in, encouraging the junta to arrest, detain and execute Charles Horman without fear of reprisal.
- 74. On information and belief, the arrest of Charles
 Horman and the decision of the junta to kill him were made with
 the knowledge and/or acquiesc ence and/or consent of the defendants
 or some of them.
- 75. On information and belief, the arrest and execution of Charles Horman were encouraged, suggested and/or actually requested by the defendants or some of them.

Efforts By The Horman Family To Find Charles, And The Defendants' Cover-up Of His Death

- 76. On Tuesday morning, September 18, 1973, Joyce Horman and L returned to the Horman house. They found that the house had been ransacked. Charles was not there. While they were in the house some neighbors came by and told Joyce that the military had come the previous evening two or three times, and urged her to leave immediately to stay at another place since they thought the military would soon return.
- 77. Assuming that Charles Horman had also been unable to return home because of the curfew and that he had not yet been back to the house, plaintiff Joyce Horman left a note for Charles to contact their friend M, concerning her whereabouts.
- 78. Moving slowly and carefully so as not to attract attention, Joyce Horman and L went to the home of a Chilean family they knew. She called M, who was extremely disturbed. He told her to come over right away because he didn't want to talk over the phone.
- 79. Because Joyce Horman was extremely upset by what she had already seen and heard at her home, a son of the family with whom she was staying went to see M. Joyce was given a sedative and slept until later in the afternoon.
- 80. When the son returned, he told his mother that M's home had been called earlier that day by SIM (Chilean Military Intelligence Service). They had indicated that they had arrested Charles, described him, called him an extremist, and asked how the family knew Charles. The mother called the Consulate and notified them about Charles' arrest and the inquiries about Charles.

- 81. When Joyce woke from the sedation it was too late to go to the Consulate.
- 82. Chilean Military Intelligence also attempted to call a New Zealander, Warwick Armstrong, and left a message for him indicating that he should go to the nearest police station and answer questions about Charles. Armstrong received the message that day and called the Consulate to report the inquiries concerning Horman.
- 83. The next morning, September 19, 1973, Joyce Horman went to the Consulate and reported Charles' arrest to Vice Consul John Hall. Hall gave no indication that the Consulate was aware of Horman's arrest, but rather asked Joyce Horman if there was anything at the Horman residence that might have "irritated" the Chilean soldiers. She described the Rene Schneider study. At the mention of Rene Schneider's name, Hall immediately leaned forward, and his facial expression and behavior changed from casual and detached to intense. His speech accelerating, he asked Joyce in quick succession whether Charles had done any interviews, what exactly he had written about, and where he was getting his information.
- 84. Afraid to return to her apartment, and afraid for her own safety, Joyce Horman asked to stay at the Consulate until she could get out of Chile. Her request was refused and the meeting was ended.
- 85. The evening before this meeting, Tuesday, September 18, 1973, defendant Purdy had been told by a journalist then employed by CBS, Inc., that Charles Horman had disappeared and was believed arrested.
- 86. Between September 18 and October 5, 1973, Joyce Horman continued her efforts to locate Charles Horman and to learn what had happened to him.

- 88. In addition to talking with Vice Consul Hall on September 19th, she called defendant Ray Davis for assistance.
- 89. On September 20th, Ms. Horman went to the U.S. Embassy to meet with defendant Ray Davis. On September 21st, she notified Captain Davis of information she had obtained from neighbors concerning Charles' arrest. On September 22nd, Ms. Horman went to the Consulate and met with defendant Purdy and indicated, among other things, that she had been told that the Consulate was erroneously telling people that Charles had disappeared on September 10th.
- 90. On September 24th, Ms. Horman again went to the U.S. Consulate, and this time sought assistance from defendant Dale Shaffer. He merely suggested she contact the Dutch Embassy because they had gotten a representative inside the National Stadium. He also mentioned the names of two U.S. citizens who had just been released from the Stadium. He did not offer to contact them for her, but suggested that she do it herself.
- 91. Ms. Horman asked to see the notecards being kept on Charles. Shaffer had made a passing reference to these notecards earlier in the conversation. Nonetheless, Shaffer looked surprised at her request. As she looked through the cards, she noticed the following phrase in reference to Charles: "Journalist . . . working on (maybe as) extremist."

- 92a. After leaving the Consulate, Ms. Horman sought further assistance from defendant Ray Davis.

 Later that evening he called her and asked if Charles had been involved in political activity without her knowing it. She told him that was impossible.
- 93. On September 26th, Ms. Horman went to see defendant Nathaniel Davis, who was then U.S. Ambassador to Chile. She met with him and defendant Ray Davis. During that meeting, defendant Nathaniel Davis refused her request that United States officials visit the National Stadium in Santiago to search for her husband, saying "We do not wish to do possible damage to our relations with this new Chilean government."
- 94. On September 27th, Ms. Horman called defendant Purdy and gave him information she had obtained through her own efforts the previous day concerning her husband's arrest and detention.
- 95. On September 29th, Ms. Horman called defendant Ray Davis to report information she had learned the day before in visiting her house where Charles had been seized.
- 96. On September 30th, Ms. Horman attempted to enter the National Stadium to look for her husband but was turned away.
- 97. On October 1st, Ms. Horman went to see defendant Ray Davis, who had been officially assigned to the case, and called him later in the day with information from a woman who had followed the truck in which Charles Horman had been taken to the National Stadium.
- 98. On October 2nd, Ms. Horman again went to seek defendant Ray Davis' assistance. He failed to give her any information concerning Charles, but asked for a resume of all Charles' past work experience and a list of all his friends in Chile with information about what each one was doing there. On information and belief, defendant Davis did not want or need this information in order to find Charles Horman, but rather to gather information concerning other American and Chilean citizens considered sympathetic to the Allende government.

100. On the evening of October 2nd, Joyce Horman called her father-in-law, plaintiff Edmund Horman, in New York, and asked him to come to Santiago to help her. He agreed to do so.

- 101. On October 3rd, Ms. Horman went back to Vicuna MacKenna with the investigator assigned by the Embassy. Because he had frightened the neighbors the previous day, no one would talk with him. She later called defendant Purdy for information concerning the progress of American inquiries concerning Charles Horman, and requested that a different investigator be assigned to the case.
- 102. On October 4th, Ms. Horman returned to Vicuna MacKenna and met with the new investigator and interviewed a neighbor.
- 103. On October 5th, Ms. Horman, having received no satisfactory help from defendants, went to the International Red Cross seeking help from them.
- 104. During the period when Joyce Horman and Terry Simon were trying to obtain information about Charles, defendants, or some of them, not only failed to assist them but in addition, subjected them, or caused them to be subjected, to illegal electronic and other surveillance.
- 105. Between September 11 and September 24, 1973, the policy of the United States Embassy in Chile was to refrain from asking the new junta government for information or assistance concerning the safety of American citizens.

106. On or about September 24, 1973, formal diplomatic relations between the United States and Chile, which had been suspended immediately following the coup, were reinstated.

107. On or about September 28, 1973, an official of the former Allende government told defendant Judd Kessler that he had reliable information to the effect that Charles Horman had been shot by the junta about a week earlier, and that the junta had a dossier on Horman.

108. Defendant Kessler promptly told this to defendant Purdy, who confirmed to Kessler that his report was accurate.

109. On information and belief, other defendants herein in addition to defendant Purdy, both in the United States and in Chile, knew of Charles Horman's sentence and/or execution immediately or shortly after they occurred, but in any event prior to September 28, 1973.

and October 3, 1973, Edmund Horman, Charles' father, had numerous fruitless meetings with State Department officials in Washington. Finally on October 3, 1973, Edmund Horman advised the Department of State of his intention to fly to Santiago in search of his son, and requested a meeting with defendant Nathaniel Davis. At the time of his request, and at the time of the meeting with defendant Nathaniel Davis on October 5, 1973, Edmund Horman did not know, and defendant United States Officials withheld the information from him, that his mission was futile because his son was already dead.

lll. On October 4, 1973, Edmund Horman flew from New York City to Santiago in search of information about his son. On October 5, 1973, he and Joyce Horman met with defendant Ambassador Nathaniel Davis, defendant Consul Purdy and defendant Colonel Hon.

112. At this meeting, defendant Nathaniel Davis stated that he believed that Charles Horman was probably in hiding, although he knew that Horman had been arrested by Chilean forces on September 17, 1973 and imprisoned in the National Stadium and, on information and belief, he knew that Horman was dead.

113. During the period of October 5-18, 1973, Edmund .

Horman spoke with many United States officials, including defendants Nathaniel Davis, Ray Davis, Purdy, Shaffer, Anderson, Tipton and Hon, who pretended to assist him in locating Charles while knowing that he was dead.

114. During this same period, Edmund Horman and Joyce Horman met with officials of other embassies, and visited hospitals and refugee centers in their efforts to locate Charles Horman.

115. On October 12, 1973, accompanied by defendant Purdy, the United States Consul, and defendant Shaffer, the Vice Consul, Edmund Horman went to the National Stadium in Santiago. He walked up to a microphone and called out to his son:

"I'm talking to Charles Horman. This is your father. I am going to mention the names of people only you and I know."

He then named three boyhood friends of Charles Horman. He continued:

"Charles, if you're here in the Stadium, you're perfectly safe now. If you're here, please come forward."

Defendants Purdy and Shaffer, both of whom knew that Charles was dead, stood by silently.

116. From September 19, 1973 to October 18, 1973, defendants, or some of them, alternately professed to the plaintiffs or some of them, and/or to the public (a) that they knew nothing about what had happened to Charles; (b) that Charles had flown South; and (c) that Charles was in hiding in order to get away from his wife. It was during this period that the hearings concern-

ing the confirmation of defendant Kissinger to be Secretary of State were in progress. The hearings began on September 17, the date of Charles Horman's arrest, and defendant Kissinger was confirmed on or about September 21, 1973. It was also during this period that the U.S. Government extended diplomatic recognition to the military junta of Chile.

117. On October 17, 1973, a source outside the United States Government informed Edmund Horman that his son had been killed.

Edmund Horman that his son had been shot in the National Stadium and that his body had been interred in a wall of the National Cemetery. Prior to defendant Purdy's statement, no official of the United States Government had admitted to any of the plaintiffs herein that Charles Horman was dead. After October 23, 1973, defendants, or some of them, or their agents, alternately professed to the plaintiffs and to the public, either (a) their belief that Charles Horman had been shot in the streets of Santiago, probably by leftists, or (b) their claim that they knew nothing about what had happened to Horman.

118. On October 30, 1973, defendant Purdy caused to be issued a "Preliminary Report of the Death of an American Citizen" pertaining to Charles Horman.

ll9. Said Report stated that Charles Horman died on September 18, 1973, although on information and belief he was killed on or after September 20, 1973.

120. On information and belief, said statement was known

by defendant Purdy to be false when made, and was made in order to cover up the fact that he and other defendants received notice of the arrest and disappearance of Charles Horman at least two days before his death and failed to take any steps to prevent such death.

- 121. After plaintiffs learned of Charles Horman's death, they sought to have his body returned in its then present condition, to the United States for burial. The Chilean government refused to release the body to plantiffs as they had requested.

 Only in March, 1974, as a result of a threat by United States Senator Jacob Javits to withhold military equipment from the Chilean junta did the junta agree to release Horman's body.
- 122. During the period from October, 1973 through March, 1974, defendants had a duty to promptly facilitate the return of Charles Horman's body to his family in the United States, but failed in their duty to do so, causing plaintiffs great anguish.
- 123. Beginning in September, 1974, Edmund Horman filed requests pursuant to the Federal Freedom of Information Act for information from the Department of State, FBI, CIA and NSA concerning the arrest, disappearance and death of his son.
- 124. Each of these agencies has failed and refused to produce documents to which plaintiff Edmund Horman is lawfully entitled pursuant to the Federal Freedom of Information Act.
- 125. On June 12, 1976, plaintiff Edmund Horman wrote to defendant Kissinger requesting that the Department of State take steps to secure safe passage to the United States of a person claiming to have crucial information concerning the leath of Charles Horman.
- 126. By letter dated July 22, 1976, a State Department official replied that the United States Government was engaged in a continuing investigative effort to secure information concerning the death of Charles Horman.
- 127. By letter dated August 12, 1976, plaintiff Edmund Horman wrote to the State Department and requested that his FOIA request be treated as a continuing obligation.

128. Having received no follow-up communications with respect to these letters, plaintiff Edmund Horman again wrote to the State Department on August 2, 1977, inquiring of the status of, and amplifying, his pending FOIA request.

Ž.

129. As of October 4, 1977, two days / the filing of this complaint, the State Department has acknowledged receipt of plaintiff Edmund Horman's letter of August 2, 1977, but has not otherwise responded to it.

130. In response to plaintiff Edmund Horman's FOIA request to the Federal Bureau of Investigation, FBI Director Clarence Kelley advised by letter dated August 6, 1976 that a search of the index to central records of investigations conducted by the FBI revealed no record identifiable with Charles Edmund Horman.

third person seeking the same information, Kelley acknowledged in a letter dated May 17, 1977 that "a preliminary review of the index to our central records discloses references to Charles Edmund Horman's name." Kelley did not advise any of the plaintiffs herein of this fact until September 23, 1977, 6 weeks after plaintiff Edmund Horman directly confronted him in a letter dated August 11, 1977.

132. Plaintiff Edmund Horman is continuing to press his claims for information under the Freedom of Information Act.

133. On information and belief, defendants, or some of them, obtained information in their official capacities as a result of which they presently know when, by whom and under what circumstances Charles Horman was killed.

134. Defendants, or some of them, haveengaged, and continue to engage, in a coverup of the facts surrounding the death of Charles Horman, in particular by:

(a) failing for a period of 21 to 28 days to notify plaintiffs of the death of Charles Horman after they learned of it;

- (b) negligently and/or deliberately concealing for 21 to 28 days, the fact that Charles Horman was dead, permitting plaintiff Joyce Horman to continue a futile and agonizing search for her husband during this period and permitting plaintiff Edmund Horman to make a futile and agonizing journey to Santiago in search of his son;
- (c) concealing from plaintiffs and the public, to the present time, material and critical facts concerning the death of Charles Horman; and
- (d) failing and refusing to the present time, to produce documents to which plaintiffs are lawfully entitled pursuant to the Federal Freedom of Information Act.
- 135. On information and belief, acts and omissions of the defendants, or some of them, which resulted in Charles Horman's death, occurred in the District of Columbia.
- 136. The acts and omissions of defendants complained of herein or some of them were done in their official capacities, but beyond the scope of their authority.
- 137. As a result of the acts and omissions of the defendants herein complained of, plaintiffs have, since September, 1973, suffered injury in the form of the loss of Charles Horman's life, and in the form of time and money expended and mental and emotional distress suffered in the search for Charles Horman and for the truth about his murder.
- 138. The acts and omissions of the defendants herein complained of were done intentionally and without just cause or excuse.

FIRST CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

- 139. Plaintiffs reallege each and every allegation in \$\$1-138, supra, as if fully set forth herein.
- 140. On September 9, 1977, the Surrogate's Court of the State of New York, County of New York, granted to Joyce Horman letters of administration over the estate of Charles Horman, in order to qualify her as his personal representative, with legal capacity to sue on his behalf to recover damages for his wrongful death.
- 141. The acts and omissions of the defendants, or some of them, set forth in this complaint, were willful, intentional, unwarranted and/or wrongful and without any just cause or provocation.
- 142. As a result of the acts and omissions of the defendants, or some of them, set forth in this complaint, the deceased, Charles Horman, sustained bodily injuries causing death.
- 143. At the time of his arrest, detention and death, Charles Horman, deceased, was 31 years old and was in good health and physical condition, and in possession of all of his faculties.
- 144. As a result of the acts and omissions of the defendants, or some of them, set forth in this complaint, plaintiff Joyce Horman, as the widow of Charles Horman, has been deprived of pecuniary assistance or support which she would reasonably have expected to receive from the deceased Charles Horman, had he lived.
- 145. As a result of the acts and omissions of the defendants, or some of them, set forth in this complaint, plaintiff Joyce Horman incurred expenses for the shipment and burial of decedent's remains, and general damages by reason of decedent's wrongful death.

SECOND CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

j.

- 146. Plaintiffs reallege each and every allegation in \$\f1-145,\supra, as if fully set forth herein.
- 147. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants wilfully abrogated their duties owing to Charles Horman, as an American citizen residing in Chile, in violation of the provisions and requirements of 22 U.S.C. §1732, in that they failed, neglected, and/or refused:
- (a) to immediately demand that the Government of Chile release Charles Horman, and/or $\ensuremath{\mathsf{Chile}}$
- (b) to take necessary steps to obtain or effectuate such release.
- 148. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants wilfully abrogated their duties owing to Charles Horman, as an American citizen residing in Chile, in violation of the provisions and requirements of 22 C.F.R. Part 71, in that they failed, neglected and/or refused:
- (a) to perform such duties in connection with the protection of American nationals abroad imposed upon them by rules and regulations prescribed by the Secretary of State, 22 C.F.R. §71.1; and
- (b) to extend every possible aid and assistance within their power to distressed American citizens within their districts, 22 C.F.R. §71.6.
- 149. The acts and omissions of the defendants, or some of them, set forth in this complaint, which violated 22 U.S.C. \$1732 and 22 C.F.R., Part 71, resulted in the death of Charles Horman.

THIRD CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

- 150. Plaintiffs reallege each and every allegation in 11-149, supra, as if fully set forth herein.
- 151. Defendants, or some of them, conspired to commit the acts and omissions, or some of them, complained of in the second cause of action, in violation of 42 U.S.C. §1985(3).

FOURTH CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

- 152. Plaintiffs reallege each and every allegation in $\P1-151$, supra, as if fully set forth herein.
- 153. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants wilfully abrogated their duties owing to Charles Horman, as an American citizen residing in Chile, in violation of the provisions and requirements of the Fifth Amendment to the United States Constitution in that said acts and omissions caused Charles Horman to be deprived of his life and liberty without due process of law.
- 154. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants wilfully violated Charles Horman's rights under the First Amendment to the United States Constitution.

FIFTH CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

- 155. Plaintiffs reallege each and every allegation in $\P1-154$, supra, as if fully set forth herein.
- 156. Defendants, or some of them, conspired to commit the acts and omissions, or some of them, complained of in the fourth cause of action, in violation of 42 U.S.C. §1985(3).

SIXTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN, AND JOYCE HORMAN ON HER OWN BEHALF

- 157. Plaintiffs reallege each and every allegation in \$\$1-156, supra, as if fully set forth herein.
- 158. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants wilfully violated the provisions and requirements of 22 C.F.R. Part 72, in that they failed, neglected and/or refused
- (a) to immediately report to plaintiffs the death of Charles Horman, 22 C.F.R. §72.1; and
- (b) to exert all reasonable efforts to carry out the express wishes of plaintiffs as to shipment of the remains of Charles Horman to the United States, 22 C.F.R. §72.9.
- 159. As a result of the acts and omissions of the defendants, or some of them, set forth in this complaint, which violated 22 C.F.R. Part 72, plaintiffs suffered pecuniary losses and severe mental and emotional distress.

SEVENTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN, AND JOYCE HORMAN ON HER OWN BEHALF

- 160. Plaintiffs reallege each and every allegation in $\P1-159$, supra, as if fully set forth herein.
- 161. Defendants, or some of them, conspired to commit the acts and omissions, or some of them, complained of in the sixth cause of action, in violation of 42 U.S.C. §1985(3).

EIGHTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN, AND JOYCE HORMAN ON HER OWN BEHALF

- 162. Plaintiffs reallege each and every allegation in \P_1^* 1-161, supra, as if fully set forth herein.
- 163. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants made representations to the plaintiffs, or to some of them, which were false and/or misleading when made.

164. At the time these representations were made, the defendants who made them knew they were false and/or misleading, or were in reckless disregard of their truth.

165. These representations were made with the intent to deceive plaintiffs and to induce plaintiffs to refrain from bringing any action or otherwise enforcing any claim against the defendants and/or against the United States.

- 166. These representations did deceive plaintiffs and did induce them, prior to the filing of this action, to refrain from bringing any action or otherwise enforcing any claim against the defendants and/or against the United States.
- 167. As a result of defendants' acts and omissions referred to above, plaintiffs have been unable to ascertain critical and material facts in the possession of the defendants concerning the death of Charles Horman, despite plaintiffs' tireless efforts since 1973 to do so.
- 168. Defendants have knowledge of and continue to conceal these facts so as to prevent plaintiffs from obtaining knowledge of the wrongful acts of the defendants.
- 169. As a result of this concealment of facts by defendants, plaintiffs are unable, short of this litigation, to ascertain critical and material facts in the possession of the defendants concerning the death of Charles Horman, including knowledge of the wrongful acts of the defendants, notwithstanding the pursuit of such facts with due diligence by plaintiffs from September, 1973 until the present.

NINTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN AND JOYCE HORMAN ON HER OWN BEHALF

170. Plaintiffs reallege each and every allegation in \P_{1-169} , supra, as if fully set forth herein.

171. Defendants, or some of them, conspired and continue to conspire to withhold and conceal from plaintiffs, critical and material facts concerning the death of Charles Horman, as set forth in the eighth cause of action, in violation of 42 U.S.C. \$1985(3).

TENTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN AND JOYCE HORMAN ON HER OWN BEHALF

- 172. Plaintiffs reallege each and every allegation in $\P1-171$, supra, as if fully set forth herein.
- 173. By the acts and omissions of the defendants, or some of them, set forth in this complaint, said defendants have wilfully violated the provisions and requirements of the Ninth Amendment to the United States Constitution in that said acts and omissions denied plaintiffs their right to be free of governmental interference with the integrity of their family.

ELEVENTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN AND JOYCE HORMAN ON HER OWN BEHALF

- 174. Plaintiffs reallege each and every allegation in $\P1-173$, supra, as if fully set forth herein.
- 175. Defendants, or some of them, conspired to commit the acts and omissions, or some of them, complained of in the tenth cause of action, in violation of 42 U.S.C. §1985(3).

TWELFTH CAUSE OF ACTION BY PLAINTIFFS EDMUND HORMAN, ELIZABETH HORMAN AND JOYCE HORMAN ON HER OWN BEHALF

- 176. Plaintiffs reallege each and every allegation in $\P\{1-175, \underline{\text{supra}}, \text{ as if fully set forth herein.}$
- 177. By intentional acts and omissions of the defendants, or some of them, set forth in this complaint, plaintiffs Edmund Horman, Elizabeth Horman and Joyce Horman, on her own behalf, were wrongfully caused to suffer extreme mental and emotional distress.

THIRTEENTH CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

178. Plaintiffs reallege each and every allegation in \$1-177, supra, as if fully set forth herein.

.

179. By the acts and omissions of the defendants, or some of them, or of their agents, set forth in ¶¶26 and 30-32 of this complaint, said defendants wilfully violated the provisions and requirements of 18 U.S.C. §2510 et seq. and of the Fourth Amendment to the United States Constitution, prohibiting unauthorized electronic and other surveillance of Charles Horman.

FOURTEENTH CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN ON HER OWN BEHALF

180. Plaintiffs reallege each and every allegation in $$\P1-179$, supra, as if fully set forth herein.

181. By the acts and omissions of defendants, or some of them, or of their agents, set forth in ¶ 104 of this complaint, said defendants wilfully violated the provisions and requirements of 18 U.S.C. §2510 et seq. and of the Fourth Amendment to the United States Constitution, prohibiting unauthorized electronic and other surveillance of plaintiff Joyce Horman.

FIFTEENTH CAUSE OF ACTION BY PLAINTIFF JOYCE HORMAN AS PERSONAL REPRESENTATIVE OF CHARLES HORMAN

182. Plaintiffs reallege each and every allegation in ¶ 1-181, supra, as if fully set forth herein.

183. By the acts and omissions of the defendants, or some of them, or of their agents, set forth in this complaint, said defendants wilfully violated the rights of Charles Horman under article 55 c. of the United Nations Charter, articles 1 through 14 of the Universal Declaration of Human Rights, articles 1, 2,4, 9,10,17,18,25,26 and 27 of the American Declaration of the Rights and Duties of Man and other pertinent declarations, documents and practices constituting the customary international law of human rights.

WHEREFORE, plaintiffs pray that this Court Enter a judgment awarding compensatory and punitive damages to be paid by the defendants to plaintiff Joyce Horman as personal representative of Charles Horman, deceased, to plaintiff Joyce Horman in her own behalf, and to plaintiffs Edmund

ا عدم أوريان

\$540,000, \$500,000 and \$500,000, for a total of \$4,540,000, plus interest, costs and disbursements;

2. Enter judgment declaring that plaintiffs Edmund Horman, Elizabeth Horman and Joyce Horman in her own behalf, are entitled to receive any and all information within the possession of the defendants concerning the death of Charles Horman;

Horman and Elizabeth Horman, in the respective sums of \$3,000,000,

Enter a permanent injunction requiring defendants to promptly provide to said plaintiffs any and all information within defendants' possession concerning the death of Charles Horman;

4. Award plaintiffs reasonable attorneys fees and costs; and

Award plaintiffs such other, further and different relief as to this Court seems just and equitable.

Dated: New York, New York October 34, 1977

Respectfully submitted,

Ina Kine-15

RHONDA COPELON JOHN W. CORWIN NANCY STEARNS PETER WEISS

c/o Center for Constitutional Rights 853 Broadway New York, New York 10003 (212) 674-3303

IRA LOWE 2700 Q Street, N.W. Washington, D.C. 20007 (202) 483-6777

Attorneys for Plaintiffs