

February 17, 2021

**VIA EMAIL**

William Adams  
Senior Vice President and General Counsel  
Harper Collins Publishers  
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RE: *THE FBI WAY* BY FRANK FIGLIUZZI

Dear Mr. Adams:

We are litigation counsel representing Stephen Lawrence, a Special Agent with the Federal Bureau of Investigation (“FBI”), in his personal capacity. We demand a retraction of the following passage in *The FBI Way*, published by Harper Collins Publishers’ Custom House imprint.

On page 165 of *The FBI Way*, Frank Figliuzzi writes:

Inside the back of the truck, on this sweltering sauna of a Miami day, were two very proud and perspiring agents who had just found the most money they had ever seen in their relatively young lives. In fact, they were so happy and eager to show their bosses the fruits of their labor that they were "making it rain" inside that truck. Loose bills were cascading from the agent's hands in a shower onto the floor of the vehicle.

Though Mr. Lawrence is not mentioned by name in this passage, it is widely known amongst several hundred current and retired FBI employees that he is the agent who was in the armored car alone with the seized cash that day in Miami in 1999.

In California, where Mr. Lawrence resides and has experienced harm, libel is a false and unprivileged publication that “exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.” (Cal. Civ. Code § 45.) This passage constitutes libel on its face under California Civil Code section 45a because it “is defamatory of the plaintiff without the necessity of explanatory matter.” This is shown in detail below, using Mr. Figliuzzi’s own words.

Additionally, stating that Mr. Lawrence was “making it rain,” meaning handling seized evidence as if it were bills showered on a dancing woman at a strip club, or what drug dealers do, is

particularly injurious. Any reasonable reader of this passage would understand that Mr. Figliuzzi is stating that Mr. Lawrence acted, at best, unprofessionally and more seriously, that he harmed the credibility of a high-stakes federal criminal investigation.

To clarify, Mr. Lawrence is the FBI Special Agent who found boxes of cash in an attic during the execution of a search warrant. To preserve the chain-of-custody, he stayed with the seized evidence as it was loaded into the armored truck and routed to a bank for counting. Mr. Lawrence was in the back of the armored truck with one guard, while a fellow agent rode in the front with the driver. During the drive, the armored car was re-routed to the FBI office for a photo-op. Once the car arrived at the office, the guard riding in the back with Mr. Lawrence exited the side door of the vehicle, and Mr. Lawrence waited inside, alone, for the back door to be opened. Mr. Lawrence was alone with the evidence for about thirty seconds before the door was opened. For this reason, Mr. Figliuzzi could not possibly be identifying or making his statement of or about anyone other than Mr. Lawrence.

Mr. Figliuzzi asserts on page 165 that Mr. Lawrence and his fellow agent were “literally sitting in loose cash” and “personally handling and ‘playing’” with the seized money. In fact, the cash was still in the boxes in which it was loaded into the vehicle. This was witnessed by about forty fellow FBI employees who were waiting alongside Mr. Figliuzzi as the door opened to congratulate Mr. Lawrence.

In his narrative timeline leading up to the seizure, Mr. Figliuzzi illustrates the gravity of his allegations. He states on page 163 of his book: “We [he and the Assistant U.S. Attorney working on this particular search and seizure] even talked about the possibility of recovering fingerprints or hair and fiber evidence off either the money or its packaging that might be attributed to organization associates. The credibility of our case depended on getting the details right.”

Moreover, on page 164, he lays out the FBI’s operational plan if cash was seized during its execution of search warrants, stating “we would enter any bulk cash into evidence, seal it, then transport it to our local bank for an accurate and monitored count. The ops plan specified that any cash or packaging might be subject to forensic examination and should be kept undisturbed.”

Therefore, stating that Mr. Lawrence handled and tossed the seized cash onto the floor of an armored car supports an inference that Mr. Lawrence negatively impacted the credibility of the investigation and ensuing criminal prosecution and was derelict in his duties to preserve evidence for forensic examination. This is clearly defamatory of Mr. Lawrence.

Mr. Figliuzzi continues with his narrative of the aftermath of this particular FBI seizure on pages 165-67, explaining that the purpose of the “strip search” Mr. Lawrence and his fellow agent, who was never even near the seized evidence, underwent was to clear them of any allegation of theft. In fact, the strip searches of Mr. Lawrence and his fellow agent that were performed at the behest of Mr. Figliuzzi violated FBI policy. Mr. Lawrence was not provided with a standard FBI “consent to search” form, and the U.S. Attorney’s office was not notified, as required by the FBI’s legal manual. He was not patted down nor asked to turn out his pockets, but rather he and his fellow agent were taken into a gym locker room and instructed to take off all of their clothes

in front of two other agents and two supervisors. This prompted the FBI Office of Professional Responsibility (“OPR”) year-long inquiry into Mr. Figliuzzi’s conduct he mentions on pages 166-67. Mr. Figliuzzi claims that he “chose to protect the investigation and the reputation of the two agents despite the risk of office perceptions” on page 167.

However, in the preceding pages, Mr. Figliuzzi does the opposite. According to Mr. Figliuzzi’s telling, Mr. Lawrence’s alleged actions would have necessarily interfered with any forensic examination of the seized cash evidence. Merely stating that the agents were shown to not have stolen the evidence does not cure Mr. Figliuzzi’s accusations of wrongdoing. On this basis, Mr. Figliuzzi defames Mr. Lawrence in these passages, stating as fact that Mr. Lawrence acted incompetently and depicting him as unfit to perform his duties as an FBI Special Agent. Further, if Mr. Lawrence had conducted himself in the manner which Mr. Figliuzzi describes, he would certainly have been subject to an internal investigation by the FBI’s Office of Professional Responsibility for mishandling evidence and unprofessional conduct. He was not.

Years later, in 2005, Mr. Lawrence was a new squad supervisor posted in Los Angeles when he again came into contact with Mr. Figliuzzi, then a senior leader on an OPR inspection team. The inspection team leader initially reported to the squad that there were no inspection findings, but the squad was later informed that there was a potential inspection finding involving Mr. Lawrence. After a series of disagreements and overrulings between the squad and the inspection team, Mr. Lawrence explained his history with Mr. Figliuzzi and the OPR inquiry resulting from his strip search to his supervisor. Mr. Lawrence’s supervisor then contacted the Assistant Director at FBI Headquarters with the information, who subsequently agreed that there were no inspection findings and instructed the inspection team to stand down. Mr. Figliuzzi had claimed wrongdoing when none occurred. This history supports an inference that Mr. Figliuzzi bears substantial animosity towards Mr. Lawrence as a result of their experiences in Miami and seeks retaliation. We understand Mr. Figliuzzi’s career was hampered and he received no promotions for a five year period following the OPR inquiry.

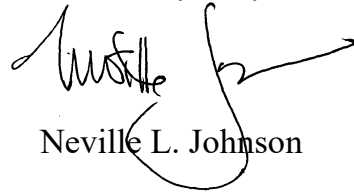
We demand a retraction of the defamatory passage. Its audience has already exceeded those who have purchased *The FBI Way*. *The Washington Post* repeated Mr. Figliuzzi’s version of events, including his allegation that agents “were found playing ‘make it rain’ with huge piles of seized cash inside an armored car” and the resulting strip search in its January 8, 2021, review of the book.

Mr. Figliuzzi seemingly fails to recognize that stating that the agents were not thieves does not undo his allegations of professional incompetence. The defamatory statements made by Mr. Figliuzzi and published by Harper Collins Publishers have caused Mr. Lawrence to suffer severe emotional distress due to the humiliating falsities presented as truth. As long as this passage stands uncorrected, the negative impact on his current role in the FBI and his post-retirement employment opportunities is grave.

Harper Collins Publishers needs to correct and/or delete this passage from all further printings and from any e-book.

This letter is made without prejudice to any rights and remedies, all of which are hereby expressly reserved.

Yours very truly,

A handwritten signature in black ink, appearing to read "Neville L. Johnson". The signature is stylized with a large, sweeping flourish that extends to the right and then loops back down and to the left, crossing over the printed name below it.

Neville L. Johnson

cc: Stephen Lawrence