

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- UNCLAS E F T O
- UNCLAS

Date 12/29/78

TO: DIRECTOR, FBI (89-4286)

FROM: SAC, BROOKLYN QUEENS (89-495) (P)

SUBJECT: RYMUR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/5/82 BY 1048 OKM/udm

Enclosed for FBIHQ and San Francisco, is one self-explanatory copy of the National Law Journal, Volume 1, Number 14, Monday, 12/18/78, article regarding MARK LANE. (u)

Wls

EX-113

REC 27

89-4286-1489

2 JAN 2 1979

b6
b7c



Wls

- ② - Bureau (Encls. 1) ENCLOSURE
- 2 - San Francisco (89-250) (Encls. 1)
- 1 - New York (BQ 89-495)

BJB:crf
(6)

Approved: 38 JAN 5 1979

Transmitted _____ (Number) _____ (Time)

Per _____ FBI/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/5/92 BY 1048 DKM/NDM

UN CLASSIFIED INFORMATION ENCLOSED

ENCLOSURE TO THE BUREAU (1)

Bufile 89-4286
NYfile BQ89-495

Airtel, dated 12/29/78.

89-4686 - 1489
ENCLOSURE

Mark Lane: Harlem to Dallas

AUSDEA95*25QI7 50 NL
US DEPT OF JUSTICE
FBI SUPV [redacted]
45 25 QUEENS BLVD
REGO PK

SEP 78

b6
b7c

NY 11374

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/8/82 BY [redacted]

SEARCHED INDEXED
SERIALIZED FILED
DEC 26 1978
FBI

THE NATIONAL

LAW JOURNAL

©1978 The National Law Journal

1—NO. 14 PRICE \$1.50

The Weekly Newspaper for the Profession

MONDAY, DECEMBER 18, 1978

Legal Error Jeopardizes First Major Post-Bakke Case

Red-Faced at the High Court

AMAR LEWIN -
Law Journal Staff Reporter

WASHINGTON, D.C. — It's a lawyer's nightmare — a one-word clerical error may have changed the course of the term's most important post-term Supreme Court case. During oral argument, Dec. 5 of *Los Angeles v. Davis* (77-1001), the justices were far more con-

cerned about what one lawyer kept calling "a mere oversight" than they were about the constitutionality of racial quotas or whether intent to discriminate is a necessary element of liability under U.S.C. Section 1981 — the two broad issues the *Davis* case was expected to resolve.

The oversight was that the most important plaintiffs were left out of the case — a class action charging that the Los Angeles Fire Department had used a written exam that black and Hispanic applicants did badly on. The last time the test was used to rank applicants was in 1969.

The plaintiffs included in the class were "present and future" job appli-

pears from the questioning that there is a consensus on the Supreme Court that the plaintiffs didn't have any standing to sue for that relief because none of them were "past" applicants who had been hurt by the test.

A. Thomas Hunt of the Center for Law in the Public Interest in Los Angeles, arguing for the class, admitted under questioning that, strictly speaking, the case was on shaky legal ground.

'Hard to Justify'

"We must concede that the scope of this action did not include past job applicants," he told the court. "And we must concede that the named plaintiffs suffered no injury. And logically from that, we must concede that the relief

It's Time To Slice The Pie

Year-End Profit Split Is a Touchy Task, With No Model Method

BY JAMES S. GRANELLI
National Law Journal Staff Reporter

WITH THE END of the year at hand, many law firm partners will be trying

HIGHLIGHTS

Mark Lane: Harlem to Dallas to Guyana

By MARTIN FOX

Special to The National Law Journal

WHERE THERE is death and tragedy, horrors of unimaginable proportions that tear at the very fabric of American society, there Mark Lane is likely to be found.

During the past 15 years, beginning with the assassination of President Kennedy that launched him on the national scene with accusations of conspiracy, through the mass suicide-murder of Peoples Temple cultists at Jonestown, Lane has managed to weave himself into the public's consciousness.

There are very few episodes of national importance over the past two decades in which the flamboyant attorney has not been involved in one form or another.

Persons who remember him from his early political days in New York City, after graduating from Brooklyn Law School in 1951, see no difference in his modus operandi then and now.

On the Scene

"All Mark was interested in in those days was to pick up an issue and run with it," recalled New York State Supreme Court Judge Bentley Kassal, a former colleague. "He was mostly interested in sensationalism, everything else became secondary. He'd pick up an issue and milk it for all it was worth, then forget about it."

His critics maintain nothing has changed, referring to him as a clever opportunist devoid of any altruistic or benevolent purpose, embarked upon a never-ending journey of egotistical and financial self-aggrandizement. They point to the riches that have come to the fifty-one-year-old attorney through his books, substantial fees earned on the lecture circuit, radio and television appearances, promoting whatever issue is presently fashionable that will give him public exposure.

One former New York politician — a frequent antagonist of his when both served in the New York State Assembly in the early 1960's, asked whether there was substance to reports that Lane was preparing to write a book on Jonestown.

Books Appear

The inquiry is not surprising, because in every controversy he has been involved, a book invariably followed. First there was "Rush to Judgment," in 1966, the best-seller which castigated the Warren Commission's findings on the assassination of President Kennedy, which later became the basis for a film of the same title which Lane helped to produce.

A second book arising out of the Kennedy assassination was "A Citizen's Dissent," in 1968, in which he charged the communications media with engaging in a conspiracy to keep him from telling the American people the truth about the murder of the President. After his involvement in the defense of the "Chicago 7," the trial of leaders of the demonstration and violence at the Democratic National Convention in 1968, a book followed, "Chicago Eyewitness."

Move to Memphis

His role in the Vietnam anti-war campaign produced a book, and only last year, he wrote "Code Name Zorro," dealing with the assassination of Martin Luther King and the role of James Earl Ray. It was his representation of Ray that led him to shift his home and business interests to Memphis, Tenn., far from his residence at 339 East 77th Street in Manhattan when he was an assemblyman. In Memphis, he operates a small law firm although not a



MARK LANE's most recent burst upon the public scene, before Jonestown, came last month representing James Earl Ray before the Housing Assassinations Committee. Lane now involved in a "Rush to Judgment" — on Guyana?

Mark Lane was mostly interested in sensationalism, everything else became secondary. He'd pick up an issue and milk it.

member of the Tennessee Bar. (He is a member of the New York Bar only.)

It was his constant agitating that he had "new information" to uncover "conspiracies" in the murders of Kennedy and King that led to the House Assassinations Committee reopening the cases. The committee sustained the Warren Commission findings concerning the deaths of Kennedy and Oswald. In the case of the King assassination, the evidence introduced to clear James Earl Ray failed to show that he had not in fact killed the civil rights leader, although investigators found evidence that a bounty had been offered for King's murder.

Rights & Indians

In his defense, Lane has espoused causes at the time unpopular which ultimately turned the nation in a new direction. His work on behalf of the civil rights movement in the South in the early '60s, his involvement in the anti-war movement and Indian rights come to mind. His efforts in bringing attention to the possibility that conceivably more than one individual acting on his own was responsible for the slaying of national leaders also must get their due.

But more often, he has joined a movement already in motion and proceeded to graft himself to it, by using to the maximum his "talent for publicity," as one observer phrased it, to make him and the cause synonymous and as one.

This instinct for the spotlight has caused critics to call Lane everything from a "demagogue" to a "charlatan." New York Times columnist Anthony Lewis said he was the "chief ghoul of American assassinations" and Mary McGrory called him a "scavenger."

Typical of a Lane operation, critics insist, came in 1970 after he published "Conversations with Americans," a book of interviews with Vietnam veterans. James Simon Kunen, in his book "Standard Operating Procedure, Notes of a Draft-Age American," writes that the Lane book "became the target of some criticism when it was found that some of his sources had never been where they said they'd witnessed crimes."

Todd Ensign, a leader in the Vietnam Veterans Against the War, said Lane wanted to hold mock trials "as a way of legitimizing himself and promoting his book." Ensign, along with another movement leader, is quoted as saying "they felt Lane had given the whole business of war-crimes revelation a bad name." The obvious question is whether Lane was more interested in the cause or his royalties.

The Jonestown tragedy is the latest example of what his opponents see as this uncanny ability to occupy the limelight and begin a personal exploitation. His words and deeds — or lack of the latter — before and after the suicides and murders there are being used as ammunition by those determined to prove that Jonestown will reveal the true nature of the man.

Iresist Twist

In pushing for some formal bar investigation to determine whether he violated a basic ethical tenet that may have resulted in the needless deaths of hundreds, critics note ironically that this stems from efforts to extricate himself from a self-made dilemma.

For reasons not yet fully clear — perhaps because of their joint activity in the past on behalf of blacks and Indians — Lane became counsel to

James Jones, the demented leader of the Peoples Temple. Because of his association with Jones, Lane, along with San Francisco attorney Charles Garry, went along with Representative Leo Ryan on the ill-fated fact-finding trip last month to Guyana that touched off the "holocaust."

What the anti-Lane elements want the legal profession to investigate are his statements immediately before and after the world learned of the mass deaths of the cultists.

Before Jones led or forced his followers to take their own lives, Lane was quoted as saying that the "American intelligence community," among other government entities, was conspiring to destroy the Peoples Temple. In October, a press release issued by the cult attributed the following quote to Lane:

"It makes me almost weep to see such an incredible experiment with such vast potential for the human spirit and soul of this country to be cruelly assaulted by the intelligence operations."

And then, in what opponents call vintage Lane, he added this media-grabbing vow, via a talent honed to a fine perfection: "... Before the dust settles, we are going to learn a great deal about the conduct of the conspirators against this organization and against this experiment in Jonestown."

But after the activist attorney barely escaped with his life — by hiding out in the jungle in Guyana for two days after Congressman Ryan and four others were gunned down at the airport by Jones' followers — Lane now had a different version. Although an investigation by his own "Citizens Commission of Inquiry" earlier had found nearly utopia-like conditions in Jonestown, Lane was now saying, hold it. I knew this was coming. Jones was crazy, his followers were being held against their will, I knew something terribly bad was going to happen.

Lane was quoted in *The New York Times* as stating: "Jones turned to look at me and I'm telling you I saw a death warrant in his eyes."

And how did Lane manage to escape? According to the version he gave to newsmen, he convinced one of the guards holding him to let him go so "that I will be able to tell the world about the last minutes of Jonestown."

According to critics, the ethical problems from all this is that Lane — if his after-the-fact statements are to be believed — might have been concealing information of a crime to be committed. Lane was quoted as saying he gave this information to Ryan, but to no one else.

Efforts to interview Lane for this article were unsuccessful.

Lane antagonists are wary of anything he has to say based upon his words and deeds of the past and what they think motivates the man — an insatiable desire or obsession to be out in front. "His attitude is me first," recalled Todd Ensign of his days with Lane in the anti-war movement.

Russell D. Hemenway, the executive director of the Committee for an Effective Congress, remembers Lane from when the latter was beginning in politics in the East Harlem section of Manhattan, a neighborhood then and now made up primarily of the poor.

"It was obvious then that Mark was marching to a different drummer," he said. "Even then there was a conspiratorial air about him. He was a loner. He was always looking for a handle to get publicity."

Hemenway emphasized another factor about Lane that acquaintances also have validity: "He didn't care much for the facts, as long as he could ride the crest."

Hemenway said that Mark Lane

Continued on page 15

Mark Lane: Harlem to Dallas to Guyana

Continued from page 12

was not his real name. He believed his surname was the anglicized version from Russian or Polish. As for the first name of Mark, Hemenway said he took R for political purposes, because the highly popular congressman in the area had been the late Vito Marcantonio, commonly known as "Marc" in the community, and an intimate of Mayor Fiorello LaGuardia. "I think Lane even spelled his name as M-A-R-C," Hemenway reminisced.

Evidence to support Lane's penchant for "high visibility," as a former colleague put it, for newspaper and television television coverage, dates back at least to 1960 when he successfully ran for a seat in the New York State Assembly as a reform candidate of the city's Democratic party. During the campaign he charged threats were made against three of his aides and demanded police protection. Later that year, when two men were arrested at a political rally for, what they claimed, was booing Governor Rockefeller, Lane jumped in as their defense counsel and immediately served a subpoena on the Governor to testify at their trial.

For the next two years, in and out of the Assembly (mainly out, detractors recollect, saying he had a high rate of absenteeism), Lane made a lot of noise representing tenants in widely publicized lawsuits against landlords, a solid issue in a tenant-oriented city; getting himself arrested in Mississippi for trying to integrate facilities at an airport; making headlines by announcing an investigation of the arrest of "Freedom Riders." He also took part in hand-bomb demonstrations and represented protesters who were arrested.

Lane's political support began to deteriorate when colleagues sensed that his mission apparently was. Bentley Kasal, now a New York State Supreme Court justice, who was active in Democratic reform circles with Lane and an Assemblyman at the same time, said Lane was interested "only in building up his own little constituency, his own little group."

Kasal, like others interviewed, said they were not the least surprised by Lane's promotion of his conspiracy theory in the Kennedy assassination or his other activities, including Jonestown.

"My reaction was, 'There he is in the middle of where the action is,'" he recalled. "I wasn't at all surprised."

Assembly Confrontations

The incident still vivid in many minds is his attempt to have the Assembly Speaker, Joseph Carlino, censured for an alleged conflict of interest arising out of his ties to a company building fallout shelters. He charged Carlino, one of the state's most powerful political figures, had concealed this interest in supporting legislation for a program of fallout shelters statewide as a civilian defense necessity.

The Assembly Ethics Committee found no basis for a conflict, and its findings were adopted by the full Assembly by a 145-1 vote, with Lane being the only dissenter.

Kasal remembers Lane telling him he had no intention at all of seeking a censure of the Speaker and was primarily interested in the publicity it was generating. His intent may have been detected by his referring the case to the State Commission of Investigation, whose jurisdiction is only over criminal matters. The SCI referred the case to the Assembly Ethics Committee, where it should properly have been brought in the first place since no criminality was alleged.

Carlino, who has since retired from elective politics and is an attorney and skilled lobbyist on Long Island and in New York City, said the image is still

vivid of Lane's "opportunism." He added, "All he wanted to do was grab publicity."

In 1962, Lane sought the Democratic nomination for Congress, but never garnered sufficient reform backing to make it to the primary. He did not seek election to the Assembly.

Little was heard from Lane until late 1963, following the assassination of President Kennedy. He showed up in Dallas, a move with repercussions that have yet to end. Observers credit his arrival to his talent at "being where the action is" and being able to sense that a conspiracy theory could get widespread publicity.

He first made his presence felt when he petitioned the newly formed Warren Commission to have an attorney named to defend the interests of

"Rush to Judgment," published in 1968, castigating the Warren Commission's conclusions on the murders of Kennedy and Oswald. It became a best seller, and earned Lane substantial royalties.

Lane was attacked from various quarters for his book, leading to him being called "a literary scavenger."

The Reporter called the book "transparently malicious or ignorant." The New Republic described Lane's defense of the book and his "ceaseless attacks on the mass media" as "a search for personal publicity."

But with each outburst of criticism at Lane and "Rush to Judgment," sales increased. And Lane fueled the promotion by, from time to time, issuing statements or holding news conferences alleging "powerful forces"

cause until "Wounded Knee" became a national issue. In the subsequent trial of the leaders Lane overshadowed his clients by alleging various nefarious deeds by the government, including an assault on his person. At one point during the trial, he and other defense attorneys vociferously challenged a judge's ruling and were physically removed from the courtroom.

Following "Wounded Knee," Lane attempted to resurrect an old chestnut with a timely new development — the disappearance and presumed murder of former Teamster president Jimmy Hoffa. His "Citizens Commission of Inquiry," of which he was director, alleged that the slain union leader might have had ties to Jack Ruby, the killer of Lee Harvey Oswald.

The next year, he caught the public attention's with the accusation that Ruby worked for the FBI and Oswald may have also, a crucial link to his conspiratorial theory on why the FBI failed to properly investigate the assassination.

As conspiratorial theories continued to flourish concerning President Kennedy and Martin Luther King, thanks in no small part to Lane, the House Assassinations Committee began an extensive investigation based upon allegedly "new information" it had received. The information, it was reliably reported by committee sources and the media, came mainly from Lane. There was no evidence to dispute that Oswald and James Earl Ray were the killers.

The intriguing aspect of the reopening of the King assassination was that Ray was now being represented by Mark Lane. How did Lane get himself another controversial client? The pair managed to capture some prime-time television exposure on the nightly news and page 1 stories in many newspapers when the committee held its hearings earlier this year.

Lane's involvement with Ray produced the book, "Code Name Zorro," published last year.

Lane detractors and cynics point out his latest exploits, in connection with the Jonestown deaths, fit nicely into his old pattern of startling, media-grabbing headlines. Newspaper reports said a woman — described as Jones' chief administrator with access to millions of dollars in People Temple funds until her defection in October — had been placed in hiding by Lane as protection against cultists. The disclosure was made as reports circulated that the cult had \$10 million in secret bank accounts around the world.

The Cult's Money

Lane followed this up by stating that he learned from this defector, Terri Buford, that all the money had been put in the name of a woman who died in the killings and suicides. The woman's heir, a son, was said by Lane to want to use the money "to help the surviving members come back." Lane said he would represent the unidentified heir and turn over his fee to "survivors' relatives so they can use it to get the bodies back home."

Two other reports emanating from the Jonestown deaths and his presence there seem to fit a familiar pattern. One has it that Lane, a day after his escape, was interviewed on the telephone by a Washington, D.C. radio talk show. An effort to begin a new promotion?

A second says that Lane is preparing to begin a lecture tour on his experiences in Jonestown and his relationship to Jones, in conjunction with a forthcoming book.

Russell Hemenway reflecting on Lane's new role in relation to Jonestown, remarked, "It looks like a lot of the same old thing, doesn't it?"

Is it here we go again?

A report says Lane is preparing to begin a lecture tour on his experiences in Jonestown, in conjunction with a book.

Lee Harvey Oswald. He also suggested that Oswald's mother bring suit against Dallas for the death of her son while in police custody, although he reportedly stopped short of publicly stating he would like to represent her. In any event, Mrs. Oswald subsequently retained Lane to represent her son before the Commission. A sudden switch?

Allegation after allegation, some outlandish, some incredible, some immediately denounced as false, began to flow from Lane, who used the publicity to promote a series of fee-producing lecture tours here and in Europe. The proceeds, he said, would go to the Oswald family, although little evidence was reported that such actually occurred.

Among Lane's accusations to support the theory that Oswald did not shoot the President was a statement attributed to Oswald's mother that she had been told by Oswald's wife that the gun used to kill the President did not belong to her husband. The Oswald widow immediately denied this.

Lane then charged the FBI investigation was inadequate and was failing to get to the heart of the "conspiracy." Later, he told a news conference (much of Lane's accusations over the years were made at news conferences, including one recently following the Jonestown massacre) that he had a tape of a conversation with an eyewitness to the assassination who said the shots were fired from in front of the President's car, not from the Texas Schoolbook Depository, which had been conclusively proven.

Lane detractors maintain that no substantial evidence has yet to be uncovered that anyone other than Oswald killed the President. But with a public stunned and having difficulty believing that an act of such ignominy could be carried out by one individual by himself, the theory of a conspiracy became fascinating news, and also provided Lane with the image of "an expert" of sorts.

With his reputation growing, Lane proceeded to plant other conspiratorial seeds such as that the testimony of Oswald's widow was "a classic example of brainwashing by the Secret Service and the FBI." Evidence that paraffin tests raised doubts that Oswald fired the fatal shots, another eyewitness, this one claiming that someone not fitting Oswald's description killed J.D. Tippett, the Dallas policeman killed by Oswald shortly after the assassination.

The net result of Lane's involvement in the investigation was the book

were blocking the truth about the assassination. The "powerful sources" were never revealed.

In 1968, cashing in on the media publicity generated by his first book, Lane wrote "A Citizen's Dissent." That, too, reportedly, had respectable sales.

Anti-War Movement

It was at this point that, with the public's appetite for conspiratorial theories beginning to diminish, Lane turned his attentions to the anti-war movement, particularly the reports of atrocities being committed by Americans. The campaign was well under way when Lane arrived. He started slow but came on very fast.

Todd Ensign, who was a leader of the Vietnam Veterans Against the War, is still bitter seven years later about Lane's role. He became associated with the movement, he remembered, because Lane had become "some kind of legal adviser to actress Jane Fonda," one of the most prominent and outspoken of the war's critics. "As a result, we were stuck with the guy," he explained, "but we weren't comfortable with him. He was a loner, arrogant, with an imperial attitude."

The fallout resulted from Lane's book, "Conversations with Americans," purportedly reporting actual atrocities by veterans. Ensign said the book was "unsubstantiated," adding, "He was oblivious to reality or facts, just completely reckless with the issues. It was an ego thing." Veterans quoted by Lane were outraged by what he attributed to them.

"Anybody familiar with combat knows this wasn't the way things were done," Ensign said. He said in an interview that when Lane was asked to disassociate himself from the movement, he became belligerent and hostile. "I'm gonna crush you," Ensign quoted him as stating.

At one point, with the movement in financial difficulty, Ensign remembered, "Lane refused to give us a dime even though he had just received a substantial advance for his book."

Ensign, now a New York attorney, added, "I'm not quite sure he isn't the total entrepreneur."

In 1973, he turned his attention to the problems of the American Indians, mainly in the "Wounded Knee" incident in which a band of 250 armed Indians seized a government reservation in South Dakota. Lane proceeded to become an outspoken advocate of Indian rights, although there is little evidence he expressed interest in their