

Dear Jim, Further thoughts on Mark Lane's new commission 3/4/75

I gave this a little thought along a different line while shaving after I awakened. I do not present it as the result of long or deep thought but as a possibility and the reason is for your understanding of what may become a problem.

Of course I'd rather that the whole thing come apart, regardless of how as long as it does.

My concern is that Mark will be consistent and not have this as his major interest. He never has and I don't believe he does now.

Thus I fear that this, like the Gregory effort, will be designed as propaganda of which the best that can be said is that there is the hope the propaganda will generate enough pressure for success regardless of fact.

In fact, I believe that the attention Greg has gotten is part of the probable inspiration for this. I also believe that Mark spoke to Robert and Jerry at Boston, learned of our successes, perhaps got and read a copy of WHIV, and added the amending of the law and what it could mean to another effort to promote himself and thus another book, too.

If this line of reasoning is correct or close to it we then face the likelihood of another Nichols-like approach and the kind of disaster that can mean.

And in turn that suggests that we have to push the first suit as fast and as hard as possible. We had problems because Nichols could be cited as precedent in the past.

This further suggests that the approach I took beginning with 718-70 is correct: each suit for a single thing.

The next belief is the correctness of your plan, to file a new suit about every two weeks. I do not think that this means exhausting administrative remedies under the new law, unless it is a new final appeal that would be required first. That at least I think we should try and I think that of these the best may be Memo of Transfer or vs the Army for the Powell material from Dallas, the latter probably less substantial fact but more promising in the present climate and more productive along the line of domestic operations and suppression merit for the sake of suppression or to prevent embarrassment. An appeal to the Army ought be enough on that. If you go about these fairly promptly you can have a series filed before these new publicity-seekers can get started with their first.

From Newhall I gather that they will ask CIA for what I've heard of, I think attributed to Marchetti, that as soon as Oswald's name was mentioned the CIA got a 26-page printout.

Lane's promotional method has always been to involve others. This gives him free labor and other supports. He even seems to defer to others, as with Garrison, when he thinks that will help him. He has done this with other committees, but the end result is always the personal reward Mark seeks. In understanding what can happen with his suits this also has to be understood. Fear of fucking up has never deterred him, again the speeches of the Garrison period an example. (Even Ivon was worried about this and a Shaw mistrial from it.) Another particularly bad for a lawyer is what he let Fonda and the N.O. blacks get into during the Desire uprising. This demon investigator actually let his client/companion booby-trap those black by going to a car-rental agency and renting three cars, in the open, all at one place. The cops immediately picked up all in all cars. But it didn't hurt Mark and there was great propaganda.

We talked about your getting together with Halperin a long time ago. Your situation precluded it as it has kept you from going over those cases I've started. I think for the moment the second is more important but the first less of a problem and I encourage it and speaking to Masicin. Masicin may not like what I've written but he'll pay attention to parts. His interest is not like Mark's, personal publicity or cheap success. He'll be more like to respond to logic and reason and the probabilities of success. My central purpose in that letter was in fact to get Marc's attention and to try to get him to think about a number of factors.

I also believe it would not be a bad idea for the Plessner/Ellsworth types to get an idea of what is possible with the likes of Mark filing suits and filing them fast.

Understanding Mark, who is a complex personality, is not difficult. On questions of principle he will always be on the right side, especially now that he can easily afford it. In moving to Washington he has followed his pattern of the past. Vix N.O. But he is without personal principle, utterly and completely. Thus he is not reluctant to be a plagiarist and has a long and clear record of it. He lies with the most pious self-presentation and believes it to be right and proper for the attaining of any objective. There has never been a more dishonest book than Citizen's Dissent. By this I mean more deliberately dishonest. Someone else is always abusing him as he presents it and he alone is upright and principled. He has gotten away with this for so long it is likely to be believed by his new associates.

He can be capsuled in your lawyers' maxim, penis erectus sciam non habet. If my Latin is not too bad you'll get it.

He made be moderated in court by his associates, as I presume he has been in the recent past in Indian cases. But he'll remain the same kind of guy with the same capability. Without a Kunstler as senior counsel there will not be the same restraint.

In these kinds of cases and more in Washington that can be disastrous. He'll have to file in Washington now, too.

These are hasty thoughts after a good and longish night's sleep. I seem to have slept off the chills I had last night and I have packages to make before I take off to work so that they can go out and not accumulate on me. I'll not read and correct for this reason, and hoping what I'm trying to convey will be clear enough.

I do think that as soon as your situation permits you should come up and go over the separate file I have in suits, as we discussed several weeks ago. JM has not yet delivered the ~~zpm~~ paper so we'll be able to copy little, especially on a weekend. (If you can call their sales office again for me, Springfield, Va., it might help. I sent a prepaid order in months ago.)

I also believe this will be important in terms of Mark's new associates, that they should know they are doing what is not really right, proper and decent. When they ~~learn~~ learn that what they now think is an entirely new idea and their's alone really isn't and they are Johnny-come-latelies in a delicate field they may see themselves and what they should or should not attempt differently.

Meanwhile, unless he becomes desperate, don't expect Mark to get in touch with me. He responded to you last week as his immediate need required, no more. And it is not at all merely dislike of me. It is that he will never do anything that doesn't push himself and never has. You may recall an example from the Take It From Here show I did with him when Executive Action appeared. He then persisted in a conscious lie or an utter irresponsibility, the old falsehood about LBJ's secret executive order requiring suppression for 75 years. How much work can he have done to believe it, not to know better. Or what kind of lawyer can he be to believe it. I happen to think he is quite able. So, it seems clear to me that this is typical of what we can expect of him in suits or court: whatever seems to him to serve his interest as he sees his interest at any particular moment and the hell with everything else. One line like that before some of the Washington judges and it will be the end.