

Paper Radio

A regular feature by the noted KDAY newscaster.

Mark Lane; A small town lawyer sues sheriff & wins

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Since April 22nd of this year, Mark Lane has been living in Mountain Home, Idaho. "I chose it because it's the cultural and gourmet center of the Northwest," says the attorney in the same acid voice that characterized his attack years ago on the Warren Commission Report on the Kennedy assassination.

The population of Mountain Home is 7000, or thereabouts, and Lane told me: "If it seems strange for you to find me here, it seems stranger for me to find me here. But, as it turns out, I kind of like small-town living. I grew up in New York City, and the adjustment hasn't been too hard to make."

Lane originally came to Mountain Home to take part in a peace demonstration at Air Force base ten miles away. And the thought crossed his mind, "Wouldn't it be interesting to start a movement against the war in Indochina at a military base that would be just as vocal and aggressive as any civilian anti-war movement?" Lane decided to stay on and do just that. With some local townsfolk and some anti-war G.I.'s, he rented an old abandoned theater in the town called "The Covered Wagon." He gathered together some carpenters, plumbers, and electricians and renovated the theater turning it into a local coffeehouse, where on a Saturday night G.I.'s on the base got together to exchange ideas about the war and to entertain one another. The Jane Fonda — Donald Sutherland group played "The Covered Wagon."

Says Lane: "Things were going remarkably well. Hundreds of G.I.'s from the base were relating to what we were doing. We started putting out our own newspaper called *Helping Hand*. Our last edition was thirty-two pages, and it was a very impressive document."

Everything was going well until November 21st. On that day somebody burned down "The Covered Wagon." Police are still investigating the arson.

Almost on the same day two leaders of the anti-war G.I.'s, James Schaffer of Hamburg, New York, and Thomas Spalding of Evansville, Indiana were arrested on charges of illegally distributing peace literature on the base. The "peace literature" was an invitation to G.I.'s to a rice dinner at the "Covered Wagon" in

honor of the Americans and the Indochinese who have died in Vietnam.

The attack on "The Covered Wagon" was expected. The building had been broken into, and someone had sprayed the words "This is a Warning" on the wall. Other patriotic souls had taken upon themselves the task of disciplining the G.I.'s who visited the place by beating them up outside.

The arrest of Schaffer and Spalding was not expected. The airmen who had decided to participate in the anti-war activities in Mountain Home knew that sooner or later, something would happen, but the dinner invitations hardly seemed like the catalyst to bring about a crackdown.

In any event, Mark Lane found himself with a major case again. At issue: Air Force Regulation 3515 which forbids the distribution of any literature on a base without the approval of the commanding general. Penalty: six months in the stockade.

Lane immediately began his "push to judgement." The Air Force presented witnesses at the court martial of Schaffer and Spalding who testified that they had seen the two men in Building 2422 on base distributing the leaflets in question. But Lane managed to collect a pile of affidavits from men who were actually involved in the leaflet distribution in the building claiming that they were responsible and that neither Schaffer nor Spalding had been in the building at all on the night in question.

Lieutenant Colonel Allan C. Smith, who had been flown in from Travis Air Force Base to preside at the court martial, declared a mistrial and the two men were cut loose. The military courtroom exploded in shouts of "wow" and cheers for Schaffer, Spalding, and Mark Lane. Schaffer reached for his attorney's hand and hooked thumbs together in the unity handshake of the peace

movement.

Lane said later: "I think the decision will encourage the members of 'The Covered Wagon' and will also mean a lot of new members for us. It proves that when G.I.'s stick together they can prevail."

Most of the people of Mountain Home condemned the military court's decision. And referring to Mark Lane, Earl R. Orbin, the local Chamber of Commerce President, said: "He's here to agitate the base." As for the burning of "The Covered Wagon," Orbin says, "Of course, there are a few hot heads."

Lane says, "The town has been hostile since I got here. I've received a number of death threats. But there are a lot of people here who have been quite friendly. We live between a school teacher and a social worker, and they are very warm people. And just down the block is the President of the Junior Chamber of Commerce, and he has just invited me and some of the G.I.'s to speak to the group at the next meeting."

Those people make living in Mountain Home bearable. Lane does not feel so isolated as he thought he would be. And watching the G.I. anti-war movement grow has given him a kind of satisfaction that he never felt when he was damning Earl Warren. Referring to the G.I.'s he says: "They're really inspiring. They're the ones who are going to change America and save the soul of this country."

Meanwhile Lane continues living his life as a small-town lawyer. Recently he represented Carolyn Mugar, who was arrested last August during a peace demonstration in Boise, about forty miles away. She and several others had been picketing the Roadway Inn, where a dinner honoring Army Chief of Staff General William Westmoreland was being conducted. Miss Mugar brought along her camera to snap pictures of the protest for *Helping Hand*. When she was jailed Ada County Sheriff Paul Bright nabbed the camera and exposed the film.

Miss Mugar, accompanied by Lane, filed suit in small claims court against the sheriff — and they won a judgement of \$10.25 to cover the price of the film and court costs. Miss Mugar asked for the money, but Sheriff Bright refused to pay — saying he had thirty days in which to appeal. On the thirty-first day, Miss Mugar and Lane went back to court again and levied against the sheriff's horse, badge, gun, and the razor strop he had hanging in his office. The sheriff immediately handed over the \$10.25 to Miss Mugar.

Mark Lane had won another victory. "Believe it or not," he told me, "it's very rewarding to live here and work here with these people."