

False Claims - Alan Burke

The knowingly false claims by Mark and his publisher never ended, although more than four months later, the vice president promised they would be. He reckoned without Mark, however, and the attractiveness and profitability of misrepresentation and deception. This was not because they were not called to attention, and not because there was no time to correct the inaccuracy in the writing or the advertising and public relations. All were called to Holt's and Lane's attention three months before publication, four months before the scheduled publication date, well before other changes were made in the book.

The correspondence is unique in that neither Lane nor Holt was at any time responsive. Lane's contribution was to ignore completely all the proof of his own dishonesty and to threaten me with a libel suit, never filed, for saying what he simultaneously acknowledged to be true, that he had been helped. This letter in itself ends forever the current lie about how "alone" he was, and it further makes clear the falsity of the new book which makes this pretense, for it acknowledged that the income of the Citizens' Committee of Inquiry was spent on his behalf. He "alone" had such help - which is a fine way of being "alone".

When Mark did not address himself to these lies and false representations, I again wrote Holt to tell them he had not in any way responded. Neither did Holt, until there was a new and flagrant repetition of the fraud Mark and Holt apparently felt essential to the success of RTJ. On September 1, 1966, I again wrote Arthur Cohen, whose non sequitur is classic.

He passed off their fraudulent advertising as "the intramural competition of the experts", promised to be an honest man thenceforth (while acknowledging, inherently, that he had received maximum benefit from the fraud), and offered an entirely frivolous non-explanation of the apparent plagiarism he did not even bother to deny.

One of the more interesting aspects of this exchange, as it is one of the more fascinating mixed representations and suppressions from Mark's new opus, is his non-response to the somewhat unusual effort by Holt to ruin me and defend the Commission prior to the appearance of RTJ. It was on the Alan Burke Show, In New York. Despite all of Mark's many references to it, including the allegation that in some way he there was on the heroic order, he found no space for the simple truth.

Now, what really happened is that the station asked the American Trial Lawyers Association to send lawyer audience-participants to oppose me. Its then president, Jack Fuchsberg, several months later assured me he had declined any participation, even unofficial. Thus, a motley of legal eagles, led by a man claimed as Holt's lawyer by its director of public relations, lay in ambush, while representing to the station that they were from the Trial Lawyers Association.

For their ignorance, conspicuous bad manners, scientific incompetence, efforts at browbeating and general stupidity, I confess indebtedness, for these made that show the sensation it was and perhaps

the major single contribution to opening up the subject and calling to public attention the inability of any combination of lawyers to defend the Report. It ran for more than two hours and was, I am told, the first one-man special of that kind in TV history. This, too, you will not find in A Citizen's Dissent, for to it Mark cannot dissent. Instead, he pretends it didn't happen.

On September 1, 1966, I asked Holt vice president Arthur Cohen for his assurance that "none of these lawyers has or had any kind of an association whatsoever with your company". His reply - this time he did answer - was, with the emphasis his, to "assure" me that "there is absolutely no connection between Holt Rinehart and Winston and any television station, and in particular no connection between Holt, Rinehart and Winston and Alan Burke or WNEW-TV in New York." He solicited my further assurance that "any allegation to the contrary" or any inference of pressure on the station "would be malicious and untrue and would undoubtedly be defended by our counsel".

One can only hope that his counsel performs better in court than on TV.

What this non-response, so reminiscent of some of Mark's touted footnotes - retailed by the thousand as they are - does not do is answer what Mr. Cohen could not deny: That his own lawyer took the lead in this attempted literary assassination. I do not think it was his intention to stand by his man in the moment of his greatest defeat, where he and his numerous colleagues were simultaneously and oh so publicly bested by the men who to Mark is merely a goose farmer (A Citizen's Dissent 125).

This was not responsive and not by accident. Three days later I so wrote Holt. In 21 months they have not answered, and their stalwart counsel has aimed no "defenses" in my direction.

That is not unique. It is now almost four months since my letter suggesting that perhaps Mark had not discovered sex, invented the wheel, harnessed the awesome power of nature in bridling electricity and splitting the atom, and alone and unassisted bested the Warren Report, as claimed in the January 29, 1968, front-cover ad in Publishers' Weekly. I am no less surprised at his silence than at Mark's, for Mark has established himself as a man content to harvest his reward in the till.