

The Case Against Mark Lane

The conclusion: He has only two motives—profit and headlines

by Steven Brill

It is pounding rain on 101 going north of San Francisco, and Mark Lane's Hertz Toyota is not taking it well. The wind, the splash, the tin grind of the motor, nearly drown out his voice—a voice that is at the beginning of our 120-mile, three-and-a-half-hour drive surprisingly subdued. We are on our way from the San Francisco airport to Santa Rosa, 60 miles north, where Lane, he says, needs to interview a potential witness in the Guyana suicide case. As we go, I keep an eye out for a rent-a-car billboard. Should he explode when I start asking questions, I'll need a way back.

I expect a raving conspiracy addict, a foamer at the mouth. What I get the first 30 miles or so is a monotone paranoid, a voice and face bored with this umpteenth run through the story of how the CIA, State Department, Justice Department, Federal Communications Commission, even the Post Office, conspired to murder the People's Temple residents of Jonestown, Guyana, by driving them and leader Jim Jones to mass suicide. (The Post Office did its part by failing to send Social Security checks to retired cultists.) Lane is medium large, not the peppery little tough conspiracy exposé I anticipated. And with a wide, wide nose, semifluffy black-gray beard and saggy eyes dominating his face, he looks even teddy bearish—like a whimsical cousin or uncle who teaches English lit somewhere. His pedal foot matches his mood. In the beginning, as he softly lays out the plot, we are going 35–45 in a 55-mile-per-hour zone.

When we get to Santa Rosa I will find that the witness doesn't exist: Lane will stop at a gas station, make a phone call, then say he's made a mistake and we might as well turn back. As for the Guyana case, well, Lane doesn't have one of those either. What he has is a twenty-six-year-old friend named Terri Buford who now lives with him at his Memphis house. She was in charge of financial records in Jonestown until just before the suicide, when she defected. Lane has her, and he also has a public relations problem—because since September he's been a lawyer for Jim Jones, a lawyer who said in October that Jonestown was "an incredible experiment with such vast potential for the human spirit and the soul of this country."

But with Buford at his side, Lane has turned his PR problem into a new profit maker. The best defense being a good offense, he has developed his new conspiracy theory, which Buford dutifully parrots: The CIA, Justice Department, and the rest plotted to kill off the Jonestown colony because they feared that Jim Jones's supposed plan to migrate to the Soviet Union would embarrass the United States. "Yes," Lane acknowledges about 20 miles into our ride. "I plan to devote much of my time to helping Terri and to getting to the bottom of how Jones was manipulated by U.S.

intelligence agencies and how the confrontation with Jones [and Congressman Leo Ryan] was arranged by them."

In the months following Guyana, we will be hearing from him again. Not in his early Toyota monotone. But with the practiced hysteria that I'll see later in our ride—the kind that's wowed them on campuses before, when the subject was death and the dead were John Kennedy and Martin Luther King Jr. And always the adjective *lawyer* will come in front of his name. Lawyer Mark Lane today charged that . . . Lawyer Mark Lane revealed . . . Lawyer Mark Lane attacked. . . .

Don't believe him. On major issues, Mark Lane is as utterly truthless as any who has ever moved across our headlines. And his motives are always the same: profit and headlines.

He will tell us how he became Jim Jones's lawyer because he wanted to help Jones avoid harassment from the CIA—harassment Lane *now* says he feared would drive Jones mad. And of course he'll tell us that his mission for Jones was *pro bono*. He told me, for example, that his total fee from the People's Temple was set at \$300 a month.

MONEY FROM PEOPLE'S TEMPLE

In fact, according to documents provided to me by a San Francisco survivor at the People's Temple, Lane's original September retainer arrangement with Jones called for an up front \$10,000 payment and a fee of \$6,000 a month plus telephone and travel expenses. Among the documents I obtained is a photocopy of a \$10,000 cashier's check sent to Lane by the People's Temple. In a tie-in clause that sets new frontiers for lawyer compensation, Lane also suggested in a memo to Jones that the entirety of a three-story building Lane owns across from the Supreme Court, in Washington, should be rented by the temple.

Lane says that in return for the \$6,000 his sole legal service would be to file a Freedom of Information Act request "that would prove that the CIA had conspired to get Jones and the temple." No Freedom of Information Act request was ever filed. All it takes is a simple form letter.

"Mark was also going to do public relations work for the temple," says Lane assistant and girl friend April Ferguson, explaining the stiff fees. "He promised Jones," adds one People's Temple insider, "that the attempt [by San Francisco lawyer and Jonestown defector Timothy Stoen] to get custody of a child Jones had kept in Guyana was part of the CIA plot to harass him and that he [Lane] would expose it all. And Jones was so crazy that he bought it."

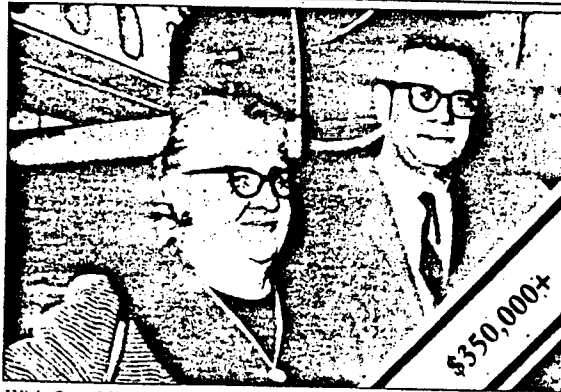
Indeed, Lane's memo to Jones outlining his proposed work did promise public relations work.

What kind of PR work was done? In October, Lane contacted Kathy Hunter, a former reporter for the *Ukiah Daily Journal* (circulation 9,000) in northern California who'd written one of

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His antinuke gig didn't make headlines. Kennedy's death did. Within weeks, Lane had corralled Oswald's mother as a client.



With Oswald's mother: Less than a month after the assassination, Lane gave a 10,000-word brief to the new Warren Commission.

the earliest stories about the goings-on and the problems of defectors at Jones's utopia in Guyana. Lane told her he'd like to meet with her and some of her sources. Except that he didn't say he was lawyer Mark Lane representing Jim Jones. According to Hunter and two others who attended the subsequent meeting, Lane instead said he was Mark Lande, a reporter for Esquire magazine. Eight people on the West Coast involved with Jones say Lane passed himself off as Lande of Esquire during that time.

When "Lande" met with Hunter and her sources, he tape-recorded their accounts of rapes, guns, violence, and other horrors at Guyana (as well as threats against Hunter), egging them on all the while with a promise of a sympathetic piece in Esquire. The next day, lawyer Lane held a press conference in San Francisco and said he'd investigated Hunter's allegations and that she and other Jonestown detractors were crazy.

This masquerade may be grounds for Lane's disbarment that the Grievance Committee of the Second Judicial Department in New York City (Lane's only bar affiliation) could pursue. Disciplinary Rule 7-102 A-5 of The Lawyers Code of Professional Responsibility says that "in his representation of a client, a lawyer shall not knowingly make a false statement of law or fact." Lane's "Mark Lande" act was just that.

My question to Lane about Hunter's charge that he posed as a reporter comes just after we turn around in Santa Rosa, having found no "witness." The voice thunders, the foot pedal pushes the Toyota to 60. One hand jabs the air, the other swerves the wheel half a lane.

"That's crazy. She's a ---- in' liar. . . . Somebody's setting this up. Look at what the Justice Department is doing. They're setting up my murder."

"But two other people told me the same story, on the record."

"Well, I did tell them I was a reporter. But not for Esquire. I'd never work for Esquire. It's not a serious magazine."

Esquire or no Esquire, Lane was admitting a violation of Rule 7-102 A-5. He also admitted that Kathy Hunter asked him directly, "Who are you conducting your investigation for?" and he said, "For a magazine . . . if I'd told her I was a lawyer for the temple she would never have talked." Worse, one of the guests interviewed at Lane's masquerade meeting with Hunter is Steven Katsaris. Katsaris was suing the People's Temple because he claimed his daughter was being held hostage. Now, as we splash along at 65, Lane concedes, "Sure, I took the opportunity to ask

him how he might settle the case." In short, a lawyer on the opposing side in litigation posed as a reporter to learn his opponent's settlement terms.

This apparently was not a spur-of-the-moment subterfuge. Notes of a meeting Lane had with Jones on September 17, 1978, made available to Esquire, report that Lane's "cover," as he described it, for interviewing a private investigator hired by a family who thought their daughter was being held hostage in Jonestown would "be production of a book, with need for facts in order to get errors & omissions insurance policy."

There was one other "public relations" effort. Former People's Temple San Francisco official Jean Brown says that Lane convinced her on November 8, 1978, at a meeting at the Los Angeles airport, to get \$10,000 in cash from the People's Temple treasury and deliver it to Lane at the airport the next day. Lane said that with the cash, he'd get a draft of a negative article the *National Enquirer* was preparing on Jonestown and that he'd then be able to postpone or "kill" the article. Brown told me she delivered the \$10,000 the next day but that Lane took only \$7,500 of it, saying that was all he'd needed to get the advance copy. According to Brown, Lane also said that while getting the article in advance might help the temple prepare for it or even postpone it, for \$100,000 in cash he could get the article killed forever. Brown has signed a sworn affidavit recounting the airport cash-delivery story. Everyone at the *Enquirer* denies Lane used money to buy an advance copy. Lane now concedes that he took \$7,500 from Brown but that it was for more unspecified legal work, not to kill the *Enquirer* piece.

The *Enquirer* article might have once been worth killing, just as Hunter and the defectors might have once been worth denouncing. But Lane and Buford are now conceding that they knew in advance that Jones was so crazy that a horror such as the mass suicide was virtually inevitable. This and the fact that Lane had heard the allegations from Hunter's sources put him in jeopardy of a second possible ground for disbarment—that he didn't tell authorities, American or Guyanese, what he knew of a client's intention to violate the law. Lane, however, says that he did warn Congressman Ryan and that he went with Ryan to "smooth things over" and "prevent mass killing."

If that's true, I ask as we splash along 101, then why did he denounce Hunter and say Jonestown was an "incredible experiment . . . for the human spirit"? The car jumps ahead from 50 to 60. His right hand leaves the wheel. "I went there and saved the lives of a lot of ----ing people while you and your ----ing editors were sitting on your butts attacking me. I risked my life for people. I made it possible for five people to get out."

REAPING THE PROFITS

The last part of Lane's new Jonestown scenario is that before he died, Jones dispatched a hit squad to kill off public officials. While the press is busy speculating about who is on the Jonestown hit list and when they'll be hit, Lane may make even more money than he would have netted from his retainer/building-rental agreement with Jones. Three weeks before we met, Lane told me he's not planning to make any money on Guyana lectures. Now, he tells me during our ride that he's got a \$2,500 gig in Salt Lake City tonight. And I find that his agent, George Greenfield, is telling college groups and other potential audiences that Lane will appear for \$2,750. Lane tells me in the car he doesn't plan to write a book. Six publishers I've checked with reported solicitations from Lane agents. One agent, Lisa Collier, told me recently that she's asking for "at least a \$150,000 advance for Mark's Guyana book. . . . I thought it would be just \$100,000, but we've raised it in light of subsequent events, including the revelation [Lane's] of the hit squads."

If you're tempted to believe that there's a reasonable answer for such discrepancies, or that the CIA plotted to kill off the Jonestown colony by driving Jones mad, consider Lane's past performances:

□ November 1961: Lane, then a freshman New York assemblyman, broke into the headlines and stayed there for four

mounts by accusing the assembly speaker of a conflict of interest. On February 20, 1962, the assembly ethics committee cleared the speaker of all conflict and said that Lane "gave wide publicity to a most serious charge against a public official without a shred of credible evidence to sustain it." When the entire assembly, Democrats and Republicans, voted 143-1 to exonerate the Republican, Lane cast the lone dissenting vote. Next he announced a run for Congress. He then dropped the campaign, explaining that he was quitting elective politics to do something about "the steady drift toward nuclear annihilation."

□ December 1963: Preventing nuclear annihilation hadn't made headlines. The Kennedy assassination did. Less than a month after the assassination, Lane volunteered a 10,000-word brief to the newly formed Warren Commission in which he argued in Lee Oswald's defense. By January, he corralled Oswald's mother as a client, and by the fall, he was giving lectures (for as much as \$2,000 a night) and selling record albums of his Warren Commission testimony for \$5.95.

□ August 1966: Lane published *Rush to Judgment*—his attack on the Warren Commission. Although reviewers called it one-sided, it made an impressive case. But according to people who worked for Lane at the time, the book was mostly written and researched by volunteers of the Lane-organized nonprofit Citizens Commission of Inquiry. Hardback sales reached 225,000 in the United States, and overall the best estimate is that Lane personally cleared \$300,000 from the book.

Contrary to his earlier claims, Lane now concedes that he made "over \$100,000" and that none of that money was turned over to the Citizens Commission. He declines to make the commission's books available to substantiate earlier assertions that his lecture fees were turned over to the commission. "Your questions about my money are strangely similar to a CIA directive that I know was issued telling reporters that the way to handle Mark Lane is to talk about money," he explains. I look harder for a rental car sign.

□ February 1967: Lane promised that New Orleans district attorney Jim Garrison knows "who fired the shots that killed President Kennedy," and that Garrison's case against businessman Clay Shaw for conspiracy in the Kennedy case had been presented "to me detail by detail, incident by incident," and that it was an ironclad case that would shake "the very foundations of this country." When the case came to trial, Garrison presented no significant evidence, and the jury took less than an hour to acquit Shaw. "Garrison was right about the CIA, wasn't he?" He pounds the hard vinyl dashboard. "You know he was right."

□ July 1968: Lane published another book, *A Citizen's Dissent*, in which he accused the press of a conspiracy to suppress *Rush to Judgment*. Reviewing the book for *The New York Times*, Victor Navasky, author of *Kennedy Justice* and now editor of *The Nation*, randomly selected six of Lane's claims of a media attempt to suppress him and found five to be "misrepresentations." "What do you expect from someone like Navasky?" Lane shouts. According to Lane, the book netted at least another \$50,000.

□ October 1968: Lane published a quickie paperback on a new American tragedy—the Vietnam War and the protests against it at the 1968 Democratic Convention, in Chicago. The book was called *Chicago Eyewitness*, and Lane wrote that "I relate what I saw which is quite different from what newspaper readers have been told took place." Fifteen months later, in testimony at the Chicago Seven conspiracy trial, Lane conceded under sharp cross-examination that statements in the book were drawn from newspaper accounts rather than personal observations.

□ December 1970: Lane, still on his Vietnam kick, published *Conversations with Americans* on the heels of the My Lai massacre and other disclosures. It purported to be a series of no-holds-barred interviews with real American soldiers who committed real atrocities, such as killing Vietnamese women by putting hand flares in their vaginas. In a review, *New York Times* reporter Neil Sheehan, who spent three years in Vietnam, called the book "a lesson in what happens when a society shuns the examination of a pressing, emotional issue and leaves the answers to a Mark Lane." Sheehan, who took the trouble to check, found that many

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With James Earl Ray: Lane pushed Ray to testify before the House Assassinations Committee. They were demolished.

of the soldiers Lane interviewed simply were not stationed where they said they were when the supposed atrocities took place and that other basic facts didn't check out. Interviewee Chuck Onan, for example, was described as being part of an elite Marine long-range patrol unit that received special torture-technique training in addition to parachute, frogman, and jungle-survival courses. Sheehan checked Marine records and found that Onan had only been to basic boot camp and an aviation school before working as a stock-room clerk at a Marine base in South Carolina—from which he deserted in 1968.

Sheehan was "interested in covering up for the Army in Vietnam," Lane hollered. Sheehan is the *Times* reporter who was responsible for publication of *The Pentagon Papers*.

The reviews of *Conversations* were so bad that the book sold only 10,000 hardbacks and less than 100,000 paperbacks, but Lane still netted "more than \$50,000" in advances from the publisher, he says.

□ July-August 1976: Lane had been largely unheard of for several years, except for some Kennedy-assassination press releases and a brief set of headlines garnered for getting arrested in 1974 as a lawyer at the Wounded Knee Indian rights trial. (The books of a defense committee he formed to receive contributions for that cause are also not available.) Then he got himself into the Martin Luther King Jr. assassination case. Five months earlier, reporter Les Payne, of *Newsday*, had written two articles suggesting that the investigation leading to the arrest of James Earl Ray as King's lone assassin was less than thorough and that the FBI and Memphis police might have been involved in the murder. So Lane went to Memphis and reinterviewed people Payne had interviewed. According to Payne, Lane "lied and told my sources he was working with me." Lane then wrote a series of articles in a short-lived publication called *Washington Newsworks* and lobbied with the Congressional Black Caucus, calling for a reinvestigation of King's murder because of the possibility of FBI and Memphis police involvement and an FBI cover-up. Nearly every fact he used (and distorted) was drawn from Payne's work, yet he characterized it all as his own new revelation.

"He's always ripping off other people's work," Payne told me recently, echoing the reaction I got most often from assassination buffs around the country. "The worst part," Payne added, "is that he distorted my work so much that he thoroughly discredited it. . . . He jumped from my information about the FBI [not

**Lane's masquerade as a reporter
—to learn his opponent's
settlement terms—may be
grounds for his disbarment.**



With Garry in Guyana: "...The son of a bitch contacted Jones and told him he'd file a Freedom of Information Act suit..."

investigating thoroughly and hating King] to the fact that the FBI killed King. He had no bridge to get to that conclusion. But if you know Lane, you know he needs no bridge."

I save questions about Payne until near the end of the ride. Lane ignites, pounding the dashboard. "You ask him for the names of those sources. ... He's a despicable liar. ... I credited him. ... He thinks he has a proprietary right to the news."

On the strength of these new press clips, Lane then corralled James Earl Ray. (In the law business this is called ambulance chasing.) "He stole my client," says James Lesar, who had represented Ray since 1970. "Somehow he went to visit Ray in jail and got in and convinced him [Ray] that if he let Lane file a Freedom of Information Act request about the FBI and King, he [Lane] could exonerate him. The next thing I know, he's Ray's lawyer."

"Lesar's a ---in' liar," Lane thunders. "A total incompetent. Why don't you talk to Bertrand Russell or Arnold Toynbee about me. Come on, write that down, goddamn it. Write down Bertrand Russell." (Russell died in 1975, Toynbee in 1970.) As with the Jonestown Freedom of Information Act requests, Lane never filed Ray's request. But Lane's Ray efforts did produce a quickie hard-cover book, *Code Name "Zorro,"* about the King

murder. It yielded Lane an advance of "six figures," agent Collier says. "I got \$50,000," Lane says.

It was also during this time that *New Times* magazine ran a story alleging that Ray's brother Jerry was involved in the King murder. Lane himself admits that he quickly called Jerry Ray and offered his services to sue *New Times*. (That's two ambulances chased for one assassination.)

□ August 1978: Lane convinced Ray to testify before the House Assassination Committee (with Lane at his side as lights flashed and cameras clicked)—a course lawyer Lesar had advised against.

Lane and James Earl Ray were demolished at the House hearings. Particularly damaging was a statement by a retired Scotland Yard officer who guarded Ray after his arrest. He told committee investigators that Ray clearly indicated he'd shot King and that he "just hated black people." Lane shot back, accusing the committee of "the most irresponsible conduct in the history of Congress" for not revealing that the officer had been "dismissed in disgrace" for theft and perjury. Scotland Yard replied that the officer had been retired honorably.

Undaunted, Lane made new headlines the following month, on October 14, declaring with an air of certainty that would have made Jim Garrison proud that "we now know with irrevocable evidence, evidence which is beyond any question ... who killed Martin Luther King. ... We know James Earl Ray is not guilty. We know who was involved. ... We are prepared to prove this, prepared to prove [that] people in powerful positions of the U.S. government today learned of this information before we did. ..."

KOOL-AID CONSPIRACY

Jim Jones has so far saved Lane from having to produce on that one; the Guyana mass suicide/murder about a month after these promises on the King case gave Lane a new subject.

According to Jones's other lawyer, Charles Garry, "Lane stole my client. Without ever consulting me, the son of a bitch contacted Jones and told him he'd file a Freedom of Information Act suit that could expose a CIA conspiracy."

"He's just a sick old man," Lane says of Garry. "I could say he's CIA, but I think in his case, it's just old age and ego."

Spiced with tales about a hit squad surviving the Guyana disaster, the CIA plot is the new Lane line that we're now destined to sit through. The sole evidence that there is a hit squad, incidentally, other than Lane's and client Terri Buford's statements, are the packets of Kool-Aid Lane says he found on his doorstep in Memphis a few days after the Guyana deaths. (The doorstep dropping of the drink mix used for the Jonestown poison is his death warning from the hit men, Lane says.) At least among law-enforcement people, Lane's credibility is now such that the Memphis detectives investigating the Kool-Aid caper suspect Lane planted it himself. That's the question I save for last, when he's to let me off. "Get me the name of that Memphis cop," he screams. "I'm telling you, it's just part of the plot to discredit me and get me murdered."

"Who's trying to murder you?"

"The CIA, through the media, principally the same media that covered up the Kennedy and King assassinations. The key media are CBS and *The New York Times*."

"Is Walter Cronkite a CIA agent?"

"I don't know what he is, but I know what he's done and what he's doing. ... By reporting I was in Geneva [taking money out of a People's Temple bank], I could have been killed."

"Why would the government want you killed?"

"I don't know. Why was King killed?"

As with the Vietnam atrocities and the assassinations, Guyana needs to be investigated. And the investigators should be watched skeptically. But Lane has repeatedly damaged the credibility of sincere critics of these past investigations by his loud, vengeful, truthless presence at their side. He should not be listened to as he scavenges his way through this new national nightmare, lecture and literary agents in tow. #