

A Legal Grievance Panel is Asked For an Investigation of Mark Lane

By JOHN M. CREWDSON

A New York legal grievance committee has been asked to investigate reports that Mark Lane, the lawyer who until recently represented the People's Temple, withheld knowledge that he had believed might have helped to prevent harm to Representative Leo J. Ryan and other members of his party on their visit to the cult's Guyana outpost last Nov. 18.

The proceedings, which could ultimately lead to his disbarment in New York, the only state in which he is a member of the bar, were begun after the Lawyers Grievance Committee for the 2d and 11th Judicial Departments in Brooklyn received a request to look into Mr. Lane's reported failure to pass on a warning that sandwiches served to the visitors at the Jonestown, Guyana, settlement might contain drugs.

Mr. Lane graduated from law school in Brooklyn and was admitted to the bar there nearly 30 years ago.

"If the facts are as reported, Mr. Lane's conduct is an ugly stain on our profession," said Jack Sando, a Washington lawyer who urged the grievance committee "to review the qualifications of Mark Lane to continue as a member of the Bar of the State of New York."

News Clipping Attached

The request was attached to the clipping of a newspaper article in which Mr. Lane was reported to have said that the sandwiches, made of grilled cheese, might have been laced with tranquilizers or other drugs.

The article, written by Charles Krause, a reporter for The Washington Post, added, "Instead of warning anyone of that possibility, Lane said later that he simply did not eat the sandwiches."

"I brought along some cough drops, which have a lot of sugar in them," Mr. Lane was quoted as saying. "I sure wasn't going to eat the sandwiches."

Several of the visitors, including Mr. Krause, ate the sandwiches and suffered no ill effects. A few hours later, Mr. Ryan, a California Democrat, was shot to death and more than 900 Temple members, including its founder, the Rev. Jim Jones, also died, many of them apparently from having drunk a soft drink laced with cyanide.

He was "shocked," Mr. Sando wrote, "to read about Mr. Lane's apparent misconduct," which he said seemed "a clear violation" of the canons of the lawyer's code of professional responsibility.

Mr. Sando's letter was dated Nov. 29, five days after Mr. Krause's article was published.

Frank Finnerty, chief counsel to the grievance committee, declined to discuss

the complaint against Mr. Lane or even to confirm that such a complaint had been filed. But he said that as a general matter the subject of such a complaint would be accorded the opportunity to respond to it in writing.

The 20-member grievance committee can then dismiss the complaint, if it appears to be without sufficient merit, or call for a hearing at which both parties will be able to testify.

Lane Not Available

If the grievance committee finds the complaint to have merit, Mr. Finnerty said, it can recommend that an appellate court conduct what amounts to a secret trial at which witnesses can testify under oath. The presiding judge then passes his recommendation to the entire appellate court, which reviews the matter and makes a final decision on disbarment.

Mr. Lane was traveling today and not available for comment, but April Ferguson, the other member of his Memphis law firm, said that a written response had been sent to the committee. The response said that Mr. Lane had been misquoted by The Post.

"Mark didn't have any intention of letting people die down there," she said, adding that he "never had any notion that the cheese sandwiches were poisoned."

Moreover, she said, he had never declined to eat one of them because no sandwich had ever been offered to him.

Mr. Krause, who is vacationing in Michigan, said in a telephone interview that the Temple members "were passing around the cheese sandwiches to everyone," and that Mr. Lane could have taken one if he had wanted to.

Mr. Krause said that the interview with Mr. Lane that produced the contested statements took place by telephone on Thanksgiving Day, after Mr. Lane returned to his home in Memphis and Mr. Krause to Washington.

Charles R. Garry, the Temple's principal lawyer, said today that he, too, had eaten one of the sandwiches, and that as he and Mr. Lane made their way out of Jonestown as the mass deaths began, Mr. Lane turned to him and said, "Charles, you shouldn't have eaten the cheese sandwich."

"I don't know whether he said he thought the cheese sandwiches had been poisoned or doped," Mr. Garry said. But he said that he had demanded of Mr. Lane, for whom he had developed some animosity over the preceding months, why he had not told him earlier in the day.

"Because we weren't speaking," he said that Mr. Lane replied.