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**From:** CN=Kevin Tiernan/O=ARRB  
**DisplayFromDomain:**  
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**DisplayDate\_Time:** 9:03:46 AM  
**ComposedDate:** 08/05/1998  
**ComposedDate\_Time:** 8:55:42 AM  
**Subject:** the appeal

The Bureau's appeal does not accurately describe how the offending documents came into their possession. The facts (drawn from the Bureau's own file on Lane) show that the Bureau was actively investigating Lane for several years before he became a prominent FBI/Warren Commission critic. And that during a background investigation in 1962 on a Peace Corps applicant, she revealed that she had a intimate relationship with Mark Lane. The Bureau looked more closely at Lane's private life and discovered he had been investigated on sodomy charges by the Queen's D.A. in 1962. Through their contacts with the Queen's D.A., the New York office obtained copies of the Witness Statements and the List of Instructions and the photograph. When Lane arises as the chief critic of the FBI's performance in investigating the assassination of JFK, the Bureau's investigation of him expands dramatically and every time he is described, the sodomy investigation is mentioned prominently. The FBI used the material to smear Lane's reputation before the Warren Commission, and President Johnson, and the New York Bar Association, etc....

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