

2. Since most of the story has been available to the public for over twenty years, Mr. Lane and the two women who were involved have little privacy remaining to protect.

The FBI has already released to the public most of the information regarding the Queens County District Attorney's investigation. In addition to reviewing its own records for processing under the JFK Act, the FBI reviewed its information in the records of other agencies prior to their release in the JFK Collection. In so doing, the FBI consented to the public release of documents which describe the photograph and witness statements extensively. The FBI gave the four appealed records or descriptions of the appealed records to at least four different entities. These entities include: 1) members of the Warren Commission and its staff; 2) the Johnson White House; 3) the House Select Committee on Assassinations (the HSCA); and 4) the Senate Select Committee on Intelligence Activities within the United States (the Church Committee).

In its review of assassination records under the JFK Act, the FBI did not claim privacy postponements on behalf of Mr. Lane in many documents released to the public in the JFK Collection. For instance, a February 3, 1964 FBI report on Mark Lane, the FBI writes:

In February, 1963, records of the Office of the District Attorney, Queens County, New York City, reflected that in January, 1962, an investigation was conducted by that office concerning alleged sodomy charges against Mark Lane. These records disclosed that during this investigation, signed statements from two women were secured, which statements alleged perverted sexual acts of a sadistic and masochistic nature were performed by these individuals on the person of Mark Lane. An obscene photograph of a person described as Mark Lane was also secured.

The FBI sent a copy of this report to the Warren Commission in the spring of 1964, and consented to its full release in 1995.¹

By not claiming a privacy postponement in the above document and other documents² February 3, 1964 report and others, the FBI itself has made the information at issue widely available to the public. Thus, whatever privacy interest Mr. Lane had in keeping the story secret has already been lost.

¹See 179-40001-10335

²See 157-10011-10132, 179-40001-10367, 179-40007-10228, 180-10045-10046, 180-10045-10340, 180-10045-10446, 180-10067-10283.