

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

.....
JAMES EARL RAY,

Petitioner,

v.

No. C-74-166

J. H. ROSE, Warden,

Respondent
.....

AFFIDAVIT

I, James Hiram Lesar, being first duly sworn, state as follows:

1. Since August, 1970, I have been attorney for James Earl Ray. I am personally responsible for 95% of the legal work which has been done on the Ray case since that date. I would estimate that I have spent at least four or five thousand hours working on the Ray case. This work has been done on a pro bono basis. I have not been paid for it;

2. The amount of time which I have had to devote to the Ray case in order to represent him properly has made it impossible for me to earn any substantial amount of money from the practice of law. In no year since I began working on the Ray case have I earned more than \$4,030 gross. My average gross income has been only a little more than half that. A large part of this meager income has been spent on xeroxing, office supplies, phone calls, and other expenses incidental to the handling of the Ray case;

3. I have made this extreme personal sacrifice because I believe that James Earl Ray is innocent of the charge that he assassinated Dr. Martin Luther King;

4. James Earl Ray's habeas corpus pleadings are based on the investigative work of Mr. Harold Weisberg of Frederick, Maryland. Mr. Weisberg has devoted many thousands of hours to the preparation of Ray's defense. He has not been paid for this work. In my judgment, James Earl Ray would never have obtained an evidentiary hearing had it not been for the work done by Harold Weisberg on his case;

5. Mr. Bernard Fensterwald, Ray's chief counsel, has reviewed all the work which I have done on the Ray case and presented it with extreme effectiveness to the courts on oral argument. Mr. Fensterwald has spent an enormous amount of time with me and Mr. Weisberg discussing the tactics and strategy of the Ray case;

6. In addition, Mr. Fensterwald has already spent a vast sum of his own money--I believe in excess of \$15,000--in winning Ray his right to an evidentiary hearing. I know of no other attorney willing to spend the amount of money necessary to defend James Earl Ray properly. Had Mr. Fensterwald not been willing to spend his own money on the effort to obtain justice for James Earl Ray, I think it exceedingly unlikely that James Earl Ray would ever have obtained his right to an evidentiary hearing on the claim that his plea was coerced;

7. I have read the "brief" which General Haile has submitted in response to the discovery motions which I filed. I am shocked and outraged at General Haile's false accusations.

8. In his "brief," General Haile states that Harold Weisberg is a "CTIA Operative." This is false. Mr. Weisberg has never been

a member of the CTIA. He has opposed every project and plan of the CTIA since its inception. He is not even on speaking terms with many, perhaps most members of the CTIA;

9. General Haile's "brief" repeatedly asserts that I filed discovery motions not on behalf of my client but because I want to obtain materials for the files of the CTIA. This is also false;

10. Had General Haile honored his prosecutorial duty to investigate before making serious charges, he would have learned that the investigative files on the Ray case are physically segregated from those of the CTIA. They are not accessible to the membership. Nor has this investigative material been fed into any computer;

11. I anticipate that the respondent will not dare call Percy Foreman, William Bradford Huie, Arthur Hanes, or Gerold Frank as witnesses at Ray's evidentiary hearing. For that reason, among others, I believe my client's interests are best served by a thorough discovery of all relevant documents;

12. General Haile's "brief" refers to an article in the Memphis Press-Scimitar of July 25, 1974. Shortly after 6:00 p.m. on that day I received a call from Bud Fensterwald. He told me that Weisberg had just called him about an AP wire which stated that I had filed a motion for the production of certain Dealey Plaza photographs to find out if there is any connection between the assassination of President John F. Kennedy and that of Dr. Martin Luther King. He suggested that I call both AP and Weisberg;

13. When I reached Weisberg he told me that he had received a phone call from a reporter who had been unable to reach me. He told me the substance of the statements which the AP wire falsely attributed to me and advised me to call AP, inform AP that it

was carrying on its wire service a story containing statements I never made, and request a retraction;

14. I immediately phoned the AP offices in Washington, Memphis, and New York City. After checking out the story itself, AP then put out a "bulletin" to "kill" the false story and distributed a "corrective." [The "bulletin" and the "corrective" and my July 25 letter to the AP are attached hereto.]

15. No reporter ever questioned me about the alleged motion to produce the Dealey Plaza photographs. Nor did I ever state that the motion which I did file regarding Foreman's attempt to sell the Dealey Plaza photographs to Life magazine was intended to discover some connection between the assassination of President Kennedy and Dr. King;

16. When General Haile wrote his "brief" he knew full well that I had filed no motion for the discovery of the Dealey Plaza photographs; he also knew that those photographs had been made part of the record in this case nearly two years ago.

James H. Lesar

JAMES HIRAM LESAR

Before me this 2/9/74 day of August, 1974, deponent JAMES HIRAM LESAR, has appeared and signed this affidavit, first having sworn that the statements made therein are true.

~~My commission expires on~~ *J. LaFon,*
Deputy Clerk

~~NOTARY PUBLIC IN AND FOR THE
COUNTY OF _____
STATE OF _____~~

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024
TELEPHONE (202) 484-6023

July 25, 1974

General Manager
Associated Press
Associated Press Building
Rockerfeller Center
New York City, New York

Dear Sir:

I am attorney for James Earl Ray. Shortly after 6:00 p.m. this evening I was informed that the AP wire out of Memphis was falsely attributing to me statements which I did not make. I immediately contacted the AP office in Washington. After considerable difficulties and delays, I was finally invited to call the AP office in Memphis collect.

I did this at once. I spoke with a Mr. Robert Shaw, who read me the text of the AP dispatch. The dispatch attributed these statements to me: "Lesar said attorneys for Ray are trying to find out if there is a connection between [President] Kennedy's death and the shooting of Dr. Martin Luther King"; and "Lesar said Ray wants to see photographs allegedly snapped at Dealey Plaza seconds after Kennedy was shot."

Both statements are false. I never made either statement. Not to the AP, not to anyone else.

I did not file any motion for the production of photographs taken at Dealey Plaza, nor did I file any motion "to find out if there is a connection between Kennedy's death and the shooting of Dr. Martin Luther King.

I did file a motion requesting copies of Percy Foreman's correspondence with Life Magazine. No newspaper or wire service called me to ask why I filed that motion. There was, of course, no need to. The memorandum supporting the motion clearly shows that I sought the documents requested because they relate to the commercialization of Ray's defense by his attorney, Percy Foreman.

It is also untrue that Ray wants to see the "photographs allegedly snapped at Dealey Plaza seconds after Kennedy was shot." As the motion itself states, Ray has already seen those photographs, on or about February 3, 1969, when Percy Foreman showed them to him. In fact, those photographs were filed with the district court in Nashville at the time Ray's petition for a writ of habeas corpus was filed there nearly two years ago.

Finally, I call your attention to one other serious factual error in the wire story which was read to me by Mr. Shaw. It concerns the statement that we have alleged that "Arthur Hanes and Percy Foreman coerced Ray's guilty plea." With respect to Arthur Hanes, that statement is false. Ray has never alleged that Arthur Hanes coerced his guilty plea. Hanes was not Ray's attorney at the time that plea was entered and had not been for some four months. I hope you will instruct your people not to make this mistake again in any future coverage on the Ray case.

As of about 9:30 this evening it is my understanding that you have killed this story, or at least those parts of it which I told you were false, and that you will print a retraction wherever the uncorrected version of your dispatch was printed. While your action was somewhat belated, having taken more than three hours to accomplish, I do appreciate it.

There are, however, some issues still unresolved, and I would like your assistance with them. Mr. Shaw said that your wire story was based on a rewrite of a newspaper story. The AP man I spoke with in New York told me that the newspaper was the Memphis Press-Scimitar. I ask that you send me a copy of the story which appeared in the Press-Scimitar and the AP rewrite of that story. In addition, I ask that you also send me a copy of the order which was sent out killing the story and the "corrective" of it.

Finally, with respect to the false statements attributed to me, there seem to be two possibilities: either a reporter from AP or the Press-Scimitar invented statements I did not make to them, or else some other person told a reporter that I had made those statements. It is important for me, in the interest of my client, to learn the truth about the source of these false statements. I ask, therefore, that you investigate this matter for me and report to me what you find to be the origin of this false story.

I think that in fairness you owe this to me. I have been forced to waste several hours of very precious time trying to repair the damage done and halt any further damage which might occur as a result of the false and irresponsible wire story which your organization carried. I would welcome your cooperation in helping me ascertain who is responsible for it.

Sincerely yours,

Jim Lesar

THE ASSOCIATED PRESS

50 ROCKEFELLER PLAZA
NEW YORK, N. Y. 10020

August 1, 1974

Mr. James H. Lesar
1231 Fourth Street S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

Your letter to Wes Gallagher, president of The Associated Press, has been referred to me.

As you requested, I am enclosing copies of our original story, the order to kill it, and subsequent stories distributed after discussion with you.

I do not have a copy of the Press-Scimitar's July 25 story. Its source appears to have been legal briefs filed by you. Attribution of statements to you appears to have been based on those submissions. That story was our only source.

We regret the erroneous dispatch.

Sincerely yours,

Louis D. Boicardi

Enc.
1p

LOUIS D. BOICARDI
EXECUTIVE EDITOR

BULLETIN KILL

MEMPHIS Tenn.—Kill James Earl Ray story. Ray's attorneys are not seeking photographs and are not seeking to connect the assassination of President Kennedy with the death of Dr. Martin Luther King Jr.

EDITORS—Memphis, Tenn., James Earl Ray story has been killed. A kill is mandatory. Make certain the story is NOT published. A sub will follow.

The AP-Memphis

CORRECTIVE

Editors: Newspapers which printed the Memphis, Tenn., story moved Thursday on the James Earl Ray motion are requested to print the following.

Ray

MEMPHIS, Tenn. AP - The Associated Press reported erroneously Thursday that attorneys for James Earl Ray had asked U.S. District Court for photographs of the assassination of President John F. Kennedy to find out if Kennedy's death was related to the fatal shooting of Dr. Martin Luther King Jr.

The AP erroneously quoted one of Ray's attorneys, James H. Lesar of Washington, D.C., as saying he wanted to inspect photographs allegedly taken in Dealey Plaza in Dallas, Tex., seconds after Kennedy was shot in 1963.

The petition filed by the attorneys did not ask for photographs, but asked the court for copies of correspondence between one of Ray's former lawyers, Percy Foreman of Houston, Tex., and now-defunct Life Magazine.

The attorneys also asked to see all contracts or drafts of contracts made in regard to the publication of any material on the Ray case offered to Life by Foreman or Arthur Hanes Sr. of Birmingham, Ala., Ray's first attorney.

In documents they have filed with the court, Ray's current attorneys say Foreman has said he contacted Life about the sale of some photographs. The attorneys quoted Lesar as saying that about Feb. 3, 1969, Foreman asked him to identify photographs of some men at Dealey Plaza in Dallas and added that Ray recalled Foreman "had some deal cooked up with Life Magazine about these photographs."

Lesar said Thursday the photographs were taken on the day Kennedy was shot.

Lesar has filed the information with the court in support of a claim that Foreman wanted to profit off the Ray case and pressured Ray into pleading guilty to the April 4, 1968, slaying of King. The attorneys are preparing for an evidentiary hearing to be held later

Editors: The following story subs for b225 which was killed.

Ray 310

MEMPHIS, Tenn. AP - Attorneys for James Earl Ray have filed a motion in U.S. District Court asking for copies of correspondence between one of Ray's former lawyers and now-defunct Life Magazine.

The attorneys asked for the material as part of their investigation of their allegation that Percy Foreman of Houston, Tex., pressured Ray into pleading guilty in 1969 to the assassination of Dr. Martin Luther King Jr. Foreman was Ray's attorney at the time the guilty plea was entered.

The attorneys also ask to inspect all contracts or drafts of contracts made in regard to the publication of any materials on the Ray case offered to Life by Foreman or Arthur Hanes Sr. of Birmingham, Ala., Ray's first attorney.

The petition said any records on alleged contracts or negotiations would support Ray's allegation that his attorneys were plagued by a conflict of interest.

Ray's attorneys contend that Foreman wanted to profit off the publication of material about the case.

In another petition, Ray's attorneys said Foreman has said he contacted Life about the sale of some photographs. James H. Lessor of Washington, D.C., one of three lawyers for Ray, said Thursday the photographs were made Nov. 22, 1963, in Dallas, Tex., on the day of the assassination of President John F. Kennedy.

"Ray has stated that about Feb. 3, 1969, Foreman asked him to identify photographs of some men at Dealey Plaza," the motion said. "As best Ray recalls, Foreman had some deal cooked up with Life Magazine about these photographs."

Ray's attorneys are preparing for an evidentiary hearing to be held later this year on Ray's claim that he is entitled to a new trial on the grounds that he was coerced into pleading guilty and that there was a conflict of interest by his attorneys. Ray, 46, is now serving a 99-year prison term in the April 4, 1968, shooting of King.