

AFFIDAVIT OF JAMES HIRAM LESAR

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

1. I am attorney for James Earl Ray. On December 4, 1972, I filed a habeas corpus petition for Ray in the District Court at Nashville, Tennessee. Since that date, the attorney representing the State of Tennessee on the Ray case has been Assistant Attorney General W. Henry Haile.

2. I consider that Mr. Haile engaged in unethical behavior in the course of the Ray case. His objective was not to see that justice was done, but to win the case by whatever means necessary. Some examples of what I consider to have been unethical and unprofessional conduct are specified in the paragraphs below.

3. In preparing for Ray's evidentiary hearing, I filed a number of discovery motions. Mr. Haile objected vehemently to these discovery motions. In a brief opposing Ray's discovery motions, Mr. Haile made several false statements as part of his effort to discredit the motivation for the discovery sought by Ray. At oral argument on these discovery motions on August 21, 1974, Mr. Haile referred to the counsel representing James Earl Ray as "Mr. Fensterwald and his ilk." Judge McRae granted most of Ray's discovery motions. At a subsequent in chambers conference that day, Mr. Haile requested a stay of the discovery orders. During this conference, Mr. Haile referred to the Sixth Circuit's Chief Judge as "crazy old Judge Phillips."

4. During the first week of October, 1974, I flew to Memphis with Mr. Harold Weisberg, Ray's investigator, in an effort to implement some of the discovery to which Ray was entitled. Although

no stay of the discovery orders had been issued, Mr. Haile and his assistant, Mr. Joseph Haines, vigorously obstructed our attempt to examine the evidence in the James Earl Ray case. There is no doubt in my mind but that this was a willful and deliberate effort to obstruct the implementation of lawful court orders. As a result of this obstruction, Judge McRae's discovery orders were only very partially implemented and Ray's rights under the law were thus seriously impaired.

5. As soon as I had returned to Washington, Mr. Haile filed several discovery motions of his own. For the most part these motions were obviously absurd and designed only to intimidate the judge and to obstruct my capacity to properly prepare for the evidentiary hearing scheduled to start October 22, 1974. In addition, the time for new discovery motions had long since passed, without Mr. Haile having filed a single such motion.

6. Mr. Haile's discovery motions were accompanied by a certificate of service which stated that I had been informed of these motions on October 4, 1974. This was false. Haile's motions, filed October 8, 1974, requested an expedited hearing on October 8, 1974. I received these motions on October 7th, when I was out of town during the day. Late that evening I discovered what Haile was up to. In response to what I thought was a dirty and unethical maneuver, I sent an angry telegram of protest to Judge Robert McRae. [A copy of this telegram is attached hereto] Unfortunately, Mr. Haile did achieve his purpose in making these frivolous motions. My preparation of the Ray case was hindered by Haile's maneuvers. I had to make a trip to Memphis for a hearing on October 17th, just five days before the evidentiary hearing began. At an in chambers conference that day, Judge McRae



considered Mr. Haile's discovery motions. During that in chambers conference, Mr. Haile threatened that if Judge McRae did not grant him discovery of the documents in Ray's possession, he would have them seized from his cell in the Nashville penitentiary. This was not an idle threat. Subsequently, when Ray was transferred from Nashville to Memphis for the evidentiary hearing, those documents were taken from him by state authorities and kept by them overnight.

7. During the evidentiary hearing, Mr. Haile produced a copy of a draft of a letter from James Earl Ray to the Reverend James L. Bevel. When I asked Mr. Haile where he had obtained this letter, he replied: "from your files." This statement was false. Although I knew of the existence of this letter and had attempted to obtain a copy of it, I had not been successful and there was no copy of it in my files. I believe that had Mr. Haile spoken truthfully and revealed the actual source from which he obtained this letter, it would have proven that Mr. Haile was obtaining copies of documents which were supposed to have been made available to James Earl Ray on discovery, but which were not.

8. During the evidentiary hearing I sought to introduce in evidence two letters from William Bradford Huie to James Earl Ray dated February 11, 1969, and September 3, 1968. [Trial Exhibits 38-A and 38-B] Mr. Haile objected to the admission of these letters in evidence, claiming that they were forgeries. When I asked him who forged them, he said "you did." This was false and General Haile knew it was false.

9. At the close of the evidentiary hearing, I asked General Haile stipulate the admissibility of these two Huie letters. Although he had privately apologized for falsely calling me a forger, he refused, saying that they were "pretty damning documents."

Later, several weeks after the conclusion of the evidentiary hearing, Judge McRae, on my motion, admitted these two Huie letters in evidence. In my post-hearing motion to admit the Huie letters, I showed that Mr. Haile knew from other evidence in his possession that these letters had been written by Huie and thus lied to the court when he claimed they were forgeries.

10. At the close of the evidentiary hearing Mr. Haile also agreed to admit certain affidavits in evidence by stipulation. After the hearing was over, I discovered that he had failed to put some of them in evidence as agreed. While not denying that he had stipulated to the admission of these exhibits, Mr. Haile opposed my post-hearing motion to introduce them in evidence. Judge McRae granted my motion and ordered them put in evidence.

11. After the evidentiary hearing had ended, Mr. Haile wrote Judge McRae a letter in which he stated that our ballistics expert, Professor Herbert MacDonell, was "a complete fraud." Mr. Haile did not make that charge when Professor MacDonell was on the witness stand. He could not make it outside of court without a libel suit.

12. During a deposition which he took of William Bradford Huie on September 20, 1974, Mr. Haile falsely stated that I had agreed to be present at that deposition. I never stated to Mr. Haile or to anyone else that I would be present at that deposition. The taking of that deposition was a transparent fraud, arranged by Mr. Haile so as to deprive James Earl Ray of his right to confront and cross-examine Mr. Huie in open court and to make it possible for Mr. Huie to avoid compliance with the court's discovery orders. The pretext for the sudden taking of this deposition--that it would be almost impossible for Mr. Huie to leave Hartselle,



Alabama and testify at the evidentiary hearing in Memphis because he could not leave his 85 year-old mother overnight--was also fraudulent. As Mr. Haile knew, Mr. Huie is a world-traveler. Indeed, less than two months after Mr. Haile took his deposition in Nashville on the pretext that he couldn't leave home overnight, Mr. Huie was interviewed on WNET TV in New York City, where he stopped en route to Rome and Tel Aviv.

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JAMES HIRAM LESAR

Before me this 28th day of May, 1975, deponent JAMES HIRAM LESAR has appeared and signed this affidavit, first having sworn that the statements made therein are true.

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NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

My commission expires \_\_\_\_\_.

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western union Mailgram



V  
JAMES H LESAR  
1231 4 STREET SOUTHWEST  
WASHINGTON DC 20024

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2024846023 TDMT WASHINGTON DC 178 10-08 0103A EDT  
PMS HONORABLE JUDGE ROBERT M MCRAE JR, DLR  
UNITED STATES COURT HOUSE  
MEMPHIS TN 38103

DEAR JUDGE MCRAE I RECEIVED SEVERAL MOTIONS FROM GENERAL HAILE TODAY. BECAUSE I WAS OUT OF TOWN DURING THE DAY, I DID NOT READ THEM UNTIL THIS EVENING. GENERAL HAILE STATES THAT ON FRIDAY, OCTOBER 4, I WAS GIVEN NOTICE BY TELEPHONE OF A HEARING ON OCTOBER 8 1974. THIS IS FALSE. GENERAL HAILE DID CALL ME THAT DAY TO TALK ABOUT A NUMBER OF THINGS, BUT HE GAVE ME NO NOTICE OF ANY HEARING ON OCTOBER 8. HAD I BEEN INFORMED OF IT, I WOULD OF VEHEMENTLY OBJECTED AS I NOW DO. IF THERE IS TO BE ANY HEARING ON THE DISCOVERY MOTION WITH WHICH I AM NOW CONFRONTED, A SCANT TWO WEEKS BEFORE THE DATE OF THE EVIDENTIARY HEARING, I INSIST ON BEING PERSONALLY PRESENT. I AM OPPOSED TO THE BELATED ATTEMPT TO DEPOSE JAMES EARL RAY ON THE VERY EVE OF THE EVIDENTIARY HEARING. I INTEND TO BE READY FOR TRIAL ON OCTOBER 22. I BELIEVE GENERAL HAILE MOTIONS ARE INTENDED TO MAKE THAT IMPOSSIBLE.  
SINCERELY

JAMES H LESAR ATTORNEY FOR JAMES EARL RAY

01:04 EDT

MGMWSHT HSB