

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 75-1795

JAMES EARL RAY,

Petitioner-Appellant,

vs.

J. H. ROSE, Warden, Tennessee State Penitentiary,

Respondent-Appellee

AFFIDAVIT OF JAMES HIRAM LESAR

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

1. I am an attorney residing at 1231 Fourth Street, S. W., Washington, D. C. I am a member of the Bar of the State of Wisconsin, the District of Columbia Bar, the Bar of Sixth Circuit Court of Appeals, and the Bar of the United States Supreme Court.

2. Since approximately August of 1970, I have been attorney for James Earl Ray. I estimate I have spent in excess of 5,000 hours working on the Ray case. To the best of my recollection, I have personally written, researched, and typed all pleadings, briefs,

and motions submitted in connection with Ray's habeas corpus petition and the appeal from the district court's denial of it.

3. I have represented Ray without fee for the past six years. I estimate that this has cost me more than \$100,000 in lost income. I have also done an approximately equal amount of pro bono work on several Freedom of Information Act lawsuits brought by Mr. Harold Weisberg for access to records on the assassinations of President Kennedy and Dr. Martin Luther King, Jr. As a result, I have earned less than \$4,000 in every year since 1970.

4. I can no longer afford to make this kind of extreme personal sacrifice. Yet to a considerable extent the obligations which I have already assumed prevent me from earning the income I need.

5. For example, since 1970 I have represented Mr. Weisberg in his eleven-year struggle to force the disclosure of the FBI's reports on scientific tests conducted on items of evidence in President Kennedy's assassination. When Mr. ^{Weisberg} filed suit in 1970 for the FBI's final reports on the spectrographic analysis of this evidence, the FBI suppressed them on the grounds that they were "investigatory files compiled for law enforcement purposes" and the United States Attorney representing the government falsely told the district court that the Attorney General of the United States had determined that it was not in the "national interest" to divulge them. After four years of expensive litigation, the courts upheld the FBI's claim. But the Freedom of Information Act was then amended so as to specifically

overturn this precedent. When Weisberg filed suit under the new law, the FBI claimed that the spectrographic reports did not exist and were never made. However, the FBI refused to state this under oath or to answer any of Weisberg's interrogatories. The United States Court of Appeals for the District of Columbia has just handed down a new decision on this case which declares that it is in the national interest to determine whether the records sought by Weisberg were made. In order to make this determination, Weisberg is not only entitled to ask interrogatories, but he must take depositions and/or testimony from FBI agents and others who conducted the tests or have personal knowledge of them. This is a historic decision and I want to do my best to fulfill its mandate, even though this means that I will have to do a substantial amount of work without any likely prospect of getting paid for it within the next year or two.

5. Similarly, I also represent Mr. Weisberg in Civil Action No. 75-1996, his Freedom of Information Act lawsuit for Department of Justice records pertaining to the assassination of Dr. King. I consider this suit to be of major importance. The Department of Justice is conducting another internal probe of the King assassination. This probe is head by Mr. Michael Shaheen of the Office of Professional Responsibility. Mr. Shaheen is a former law clerk of Judge Robert McRae, who denied Ray's habeas corpus petition, and has publicly stated that he intends to return to Memphis and practice law there in a few years. This blatant conflict of interest

and other indications suggest that another whitewash is in the making. The best way of countering this is through Mr. Weisberg's suit for King assassination documents. The Department of Justice is presently engaged in an all-out effort to stonewall Mr. Weisberg's information request. In the fifteen months since Mr. Weisberg made his initial request and the eight months since he instituted suit, less than 200 out of an estimated 203,000 documents have been made available. A long and bitter fight is at hand. Again, this will will require a large amount of my time and there is little prospect of my getting paid until the suit terminates, which is probably years away.

6. Even before he was extradited to the United States, Ray made it clear that he did not intend to plead guilty and wanted to take the witness stand at his trial. On July 4, 1968, he wrote Attorney General General Ramsey Clark:

In the near future I will most probably be deported to the United States. The reason I am writing you is that you will probably dispatch agents to London to return me to the U.S. and I would like to have it on record now that I have no intentions of making any oral statements. Not that I have anything to hide, but I would prefer to tell my story to a judge and jury.

(A copy of this letter is attached hereto. It was obtained a few months ago under Mr. Weisberg's Freedom of Information suit. On July 7, 1970, Ray's counsel requested copies of all correspondence to and from Ray in Department of Justice files, on grounds that Ray did not have copies of all of his own correspondence and some of it

might prove helpful in connection with his petition for post-conviction relief. The Department of Justice refused to provide Ray's counsel with any of his correspondence in its files and Ray was thus prevented from introducing this letter in evidence at his evidentiary hearing in 1974. Another letter in Department of Justice files which was recently obtained under the Freedom of Information Act, Ray's August 14, 1969, letter to the Department of State concerning attempts to get the official records pertaining to his extradition, is also attached hereto.)

7. Ray still wants to testify before a judge and a jury. It is evident, however, that his faith in the courts has been severely undermined by the way in which his habeas corpus petition has been handled, particularly by the May 10, 1976, decision of this Court, in which he had previously placed great stock. I have advised him, however, that a petition for certiorari is his only sensible course of action at present. If I am appointed to represent Ray, I will do my utmost to see that the petition for certiorari filed on his behalf is as good as I can make it.

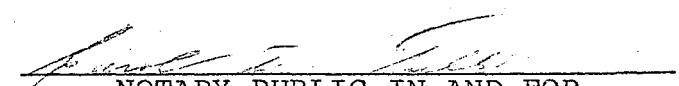
8. James Earl Ray cannot afford to pay me to prepare his petition for certiorari. As the attached affidavits indicated, all courts which have handled his cases have recognized that Ray is an indigent and have accorded him in forma pauperis status.


JAMES HIRAM LESAR

WASHINGTON, D. C.

Before me this 2nd day of August, 1976, deponent James Hiram Lesar has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires 2-14-77.


NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

PAR AY



Mr. Ramsey Clark
attorney general, United States
Washington, D. C.

In replying to this letter, please write on the envelope:—

Number 059184 Name SNEYD.

H. M. PRISON,
HEATHFIELD ROAD,
WANDSWORTH,
LONDON, S.W. 12.

Dear Sir,

I am at present in detention at
the above listed address in London England
In the near future I will most
probably be deported to the United States.
The reason I am writing you is
that you will probably dispatch
agents to London to return me
to the U.S. and I would like
to have it on record now
that I have no intention of
making any oral statements
that I have anything to hide
but I would prefer to tell
my story to a judge & jury.
Therefore I would respectfully
suggest you send someone
with less imagination than
Mr. Vernon. I should also write
my attorney Mr. Arthur Howe a
similar letter. Sincerely
P. M. Sneyd.

U.S. Dept of State
Washington - D.C.

AUG 2 1969

ADMINISTRATIVE
REGULATIONS SECTION

Dear Sir;

In July - 1968 - I was extradited from London England to the state of Tennessee.

Since that time attorneys representing me - and I - have made various attempts to procure the transcript of the extradition proceeding in the London Court.

The court itself - Bow St. Court. - wrote me that it turned over all transcript papers to the "U.S. State Dept." and that only they, and the English attorney representing me in London, Mr. Michel Eugene have a true copy.

Mr. Eugene always gives evasive answers when defense consul ask him for his copy or my copy, of the proceeding.

It is my belief, and attorneys representing me that Mr. Eugene was appointed to defend me at the instigation of the last administration, and was acting in their interest, not mine.

Besides his failure to turn over the transcript to defense, his other actions sustain this view: as follows. He was not chosen to represent me

95-100-477

Call
MAS

in the routine manner - as the English Court Clerk has so used me - specifically, several other low companies were passed over on the rotation list - which English Court's fellow - to get to his company, the Michel Dresden co.

Two! His, Mr. Eugene's questions seemed more directed to the crime - which I reminded him - than to the extradition proceeding.

Also the usual defensive action in a matter of this type of "having me sign a document, praising his performance".

Therefore my reason for writing your office is would your office make available to the defense a true copy of the transcripts, include all information, such as documents, pictures, ect, ect. that was originally sent to London

The defense attorneys will pay what ever fee this may incur.

In the absence of this transcript Defendant would have to rely on notes he took after the proceedings, plus memory - he viewed transcript several times - or procure

the document from one of the news agencies
which monitored the proceedings.

Also, I think - under U.S. statute - where court
doesn't preserve transcripts the defendant's personal
transcript of proceedings are considered official.
But defendant doesn't think this should be
necessary when their are two official
transcripts in existence.

Thanks for any consideration on the matter, and
if no satisfaction can be given would you
please post letter stating so.

Sincerely:

James Earl Ray

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS THE 13th DAY OF AUGUST, 1969

Raymond J. Bran

NOTARY PUBLIC - AT LARGE - Texas

MY COMMISSION EXPIRES 4-26-1972

JAMES E. RAY 65477
STATION-A-WEST
N.S.B. 4-3
NASHVILLE, TENN. 37203,



To: United States Department of State
Washington - D.C.

LEGAL DIVISION - EXTRADITION SECTION.