

EDDIE WHITE

ASSASSINATION

JAMES LESAR

AFIDAVIT FOR JAMES EARL RAY

ROLL 1

RAINER:

As briefly, but as fully as possible, outline for me what you consider to be the most important questions unanswered in the Ray case?

LESAR:

Well, I think the most important unanswered questions are basically, who shot Dr. King? We are faced with a crime which was committed, which has been wrongly solved, James Earl Ray did not shoot Dr. King. And the answer is who did it? That is the single most important unanswered question. Now there are some other questions which don't formally have answers yet. But which the answers are fairly evident. For example, the rifle left on South Main street which everybody has assumed was the rifle which fired the shot at Dr. Martin Luther King, the ballistics expert that we had examined? the bullet removed from Dr. King, indicates that he thinks that that bullet or the remnant of a bullet can be

*Y...
Ray...
Who...
un...
Ans. not relevant to defense*

ROLL 1

LESAR: (continued)

traced to a particular rifle. Now, the FBI did not trace it to a particular rifle. They did not trace it to the rifle left on South Main Street. Instead, the FBI's Ballistic Expert Robert Frazier, drew up an affidavit in which he stated that due to the distortion and mutilation he could not determine whether the bullet removed from Dr. King was fired from that rifle.....Now, in view of what IXX out ballistics expert says, it seems evident that that bullet in fact comes from a different rifle. And the question is, why didn't the FBI determine that? And why was Robert Frazier's affidavit which pretends that it was not traceable to a particular rifle, suppressed from Ray's attorneys and from James Earl Ray?

Q:

All right, question. Ray was in the building across the street from the motel. No dispute about that.

LESAR:

Some time that day, yes. But not at the time that the shot was fired.

Q:

He had or did not have a rifle with him?

LEBAN:

When?

Q:

Any time that day?

LEBAN:

I think that the answer to that is yes, he did take a rifle to that building?

Q:

So there's no dispute that sometime that day Ray was in that building and was in the building with a rifle? Your claim is that he was not the assassin.

LEBAN:

Right, that's right. He is not the assassin. And I think this here, if we can backtrack a minute we can get a better perspective on that question. Ray, you must remember at the time, at this time in April of 1968 is an escaped convict. He is a man who is trying to avoid trouble with the law to the extent that it's possible for him to survive and do so. You've got to question why would he undertake any enterprise so risky? Why would he leave a rifle at the scene of a crime because it would certainly focus the police on him, why would he take that risk and in view of his criminal history?

No

ROLL 1

LESAR: (continued)

it doesn't add up.

Q:

What I'm attempting to do, you understand, is to come up with a list of checkpoints, person in his or her living room saying, "Okay, I've heard a ~~g~~ great deal about the death of Dr. Martin Luther King and the Ray case. There are questions from every direction. There's speculation, rumor, rhetoric, what are the most important things. One is the contention that the shot that killed Dr. King did not come from the weapon in the hands of James Earl Ray?

LESAR:

Right. The second is, that the States case simply doesn't stand up. The way in which they say that the crime was committed. Simply isn't possible. For example, the states allegation is that the shot was fired from a bathroom window, in a rooming house across the street from the Lorraine Hotel at which Dr. King was staying. Now, the claimed that they have overwhelming evidence against James Earl Ray. And part of this overwhelming evidence was supposed to be laboratory tests which connect -- which connected the rifle to that window sill, the rifle left

*The way -
down allistic,
10/10 - J -
facts prove
in no case
b - not guilty*

ROLL 1

LESAR: (continued)

on South Main Street. According to the law enforcement official, rested on that window sill and left marks tracable to it when it fired the shot which killed Dr. King..... Now, first, our forensic scientists say that it's not possible for the under side of the barrel to have made those marks. Secondly, and most IMPORTANTLY, the claim is that that mark was made when the rifle fired and it was made by the recoil of the rifle. Now the part of the window sill which is removed is the inside portion of the window sill. Dr. King was standing on a Lorraine Hotel Balcony and to shoot him from that bathroom windowsill you've got to fire at a slightly downward angle.....There is no way you can rest the barrel of the rifle on the inside of the window sill and fire at anything but an upward angle. So the state's case on that ground alone simply falls apart. But there are other deficiencies in it. For example, it's claimed ---- just let's take the fact that the shot is alleged to have come from the bathroom window. Why would any assassin choose a bathroom to fire a shot from?

ROLL 1

LESAR: (continued)

In the first place, there's no assurance that someone will not want in the bathroom while he's there.

RATHER:

This is not a bathroom connected to a room. It's more of a floor bathroom?

LESAR:

It's used by all the tenants in this building. And in addition, the nature of these tenants makes it more likely that they would be in need of a bathroom because they are a number of alcoholics, among them. You do not know at what point Dr. King is going to come out on his balcony so you may be in the bathroom for an extended period of time. And in fact, the state's allegation is that James Earl Ray was there for almost an hour. Now, if you're an assassin and you're going to shoot someone why pick a location with the disadvantage first that someone will spot you when you're coming out with a rifle in your hand. Or secondly, that someone might interrupt it while it's

ROLL 1

LESAR: (continued)

in progress. Because he needed to go to the bathroom badly.

Q:

All right, other deficiencies as you see it in the State's case?

LESAR:

Well, they have no eye witness who can place James Earl Ray at the scene of the crime. And the investigation done by the public defender's office as belated and as miniscule as it was, provided evidence of people who said that the shot was fired from another location. And also provided evidence from witnesses who said that one of the White Mustangs parked in front of the street was gone at the time that the shot was fired.....And then, in addition to that, you have got the very elemental problem of the time lapse between when the shot is fired and the time that the first police officer on the scene discovers the rifle. And Lieutenant Cormley, who was the first man on the scene testified that he was there

*only the one
that was Ray's*

ROLL 1

LESAR: (continued)

approximately two to three minutes after the shot was fired. Well, this, I think, creates an insuperable problem, because it means that the assassin had to -- had to perform all sorts of actions and then escape from the scene before Lieutenant Gormley was on the scene. He had to within three minutes, he had to fire the shot. He had to clean the rifle of fingerprints. He had to return to his room, wrap it up in a bedspread with an enormous amount of miscellaneous junk, and then had to go down the hallway, down the stairs out onto the street dump the bundle get in his car and take off and disappear from sight by the time Lt. Gormely is on the scene.

Q:

if the shots did not come from that window....
From where did they come?

LESAR:

My own belief is that they came from the -- that the shot came from the parking lot. Between the fire station and --- and the rooming house. Well, actually, if you take it going from the south

ROLL 1

LESAR: (continued)

to the north, there's a fire station and then there's an empty parking lot and then there's Knipes Amusement Center and the rooming house. And I think that that parking lot was ideal to fire the shot and there are some witnesses who -- who testified that that's where they heard the shot coming from.

Q:

Other outstanding questions like as you see them? WE're trying to rundown the list of checkpoints, points that you say simply don't match?

LESAR:

I'm also a believer in looking at what the government does. Looking at how willing it is to produce the evidence or what actions it takes to suppress evidence. This is an old lesson that some people knew long before Watergate and is still germane today. The government has suppressed or withheld basic evidence at every juncture in this case. I mentioned earlier that the ballistics affidavit

ROLL 1

LESAR: (continued)

of Robert Frazier had been withheld. The --
as a matter of fact, all of the -- of the affidavits
which the department of Justice put into evidence
that realised extradition in London, was suppressed.
And immediatley thereafter and it was withheld.
And it was only as a result of a Freedom of
Information suit in 1970, a year after Ray pled
guilty, that we obtained to this basis affidavit
evidence. You have to understand that the
evidentiary hearing --- the extradition hearing
in London was sort of a dry run for the xxx mini
trial in Memphis. Against, the fundamental
premises of American law were violated. There
was no cross-examination. There was no
adversary pro ceedings with any teeth in it.
The FBI kept from attendance or let's say they
the American government did not send to the
extradition proceeding in London, those
witnesses necessary to establish a primie
facie case against James Earl Ray who could
cross
have been/examined by Ray's attorneys' in London.
They did not send Charles Quintin Stevens.

ROLL 1

LESAR: (continued)

They did not send Robert ~~MEMPHIS~~ Frazier.

And they did not send Policeman Zachary.

And those -- those essential witnesses subjected to cross-examination simply on the basis of the affidavits which they filed with the court in London, would have raised very serious doubts -- as to whether or not there was any case against James Earl Ray at all.

Q;

Question, if Ray was not guilty, why did he seek not to be extradicted?

LESAR:

Well, first of all, that raises a very interesting question because Ray dropped his appeal of the extradition proceeding wrongly. He did so on the advice of Arthur Haynes, to come back and stand trial. I think it was a wrong decision because he had a good defense in London, a defense which had he been a rich man would have left him free as then and as of now. I think. We've had a recent example of this in which one of the Watergate figures ----

ROLL 1

Q: Vesco?

LESAR:

Vesco successfully resisted extradition.

On basically the same grounds that James Earl Ray could have invoked under the 1931 Extradition Treaty between England and America. That this was a political crime and therefore it was not an extradictable offense.

Q:

But he did appear to be on the lam?

LESAR:

Oh, yes, he was. You've got to remember that he's an escaped convict. And anytime he's wanted he's going to run. And -- but to return to the extradition question, he did waive his extradition appeal. Now, I think that this is one of the fundamental junctures at which his legal defense failed him and it failed because of an inherent conflict of interest. in that legal defense. The attorney representing him could not get paid....his fee for defending James Earl Ray until James Earl Ray was extradicted to the United States. I think that's a horrendous conflict of interest.

ROLL 1

LEESAR Q:

All right, this interests me and it's one of the things that we want to follow. For the moment, I'd like to return to what I consider to be the spine of this investigation. Which is, James Earl Ray in the end, faced the American judicial process, flawed in your judgement and in his, he went through that process and he wound up pleading guilty. Where is the evidence that the case should be reopened? You question the evidence that put him behind bars, but where's the evidence that the case should be reopened?

Not in any sense true

LEESAR:

Well, the evidence for reopening the case is first, that you have a man who says that he did not shoot Dr. King. Secondly, that his plea of guilty was coerced. And there is a mountain of evidence which shows that the judicial process which ended in that coerced plea of guilty, was tainted and flawed so as to make it unrecognizable. As part of the American heritage of a free and voluntary plea of guilty in a free and open proceeding. You have a man who was subjected

Constitutional rights

ROLL I

LESAR: (continued)

to unprecedented ~~xxx~~ surveillance in every form.....while he was in jail. You have a man who could not trust his own attorneys because people opposed to Ray's legal interests and legal rights were financing them. You have a situation in which the man standing trial was held in isolation for the entire eight months preceding his plea of guilty under lights twentyfour hours a day with constant TV and electronic surveillance. You have a man who had two prison guards with him twenty-four hours a day, around the clock writing down what he did every fifteen minutes of the day, day or night. You have a man who could not even trust the physician who attended him because that physician was the brother-in-law of the prosecutor, and that physician attempted to provoke him into making statements which the physician could then testify --- use to testify against him at the trial. So in addition you have a prosecution which withheld evidence, evidence which would tend to be exculpatory.

ROLL 1

LESAR: (continued)

*How & why
actually
spied*

You have a prosecution which intercepted James Earl Ray's correspondence including correspondence with his attorneys and read and was aware of that correspondence. YOU have a prosecution which even intercepted James Earl Rays correspondence with the trial judge. The prosecution had copies of that correspondence before the judge had copies of the correspondence which James Earl Ray was writing to him. You have a prosecution that as of the time when the guilty plea negotiations or when the struggle to force Ray to plead guilty began in the middle of February, 1969. You had a prosecution that had by surrepticion taken from James Earl Ray's cell a page of notes to his attorney in which he provided an explanation which in effect shows that he was declaring his innocence. That he was trying to assist his attorney in explaining the flaws in the case against him. And yet, that note was neighter returned to James Earl Ray nor given to his attorney. So you have --- you have a situation in which

*more than one
more than innocene
his defense*

ROLL 1

LESAR: (continued)

the man who was providing the money for James Earl Ray's trial, William Bradford Huely, tried to bribe Ray not to take the witness stand in his own defense.

Q:

Now that's a very serious charge.

LESAR:

Yes.

Q:

And you can demonstrate that as truth?

LESAR:

That is -- it's quite evidently true. The charge was first made in some affidavits that I filed by Jerry Ray and James Earl Ray in 1972. Essentially, the story is this, that -- and this goes back to the question why James Earl Ray fired Arthur Haynes.....

Q:

His original attorney?

LESAR:

His original, his first American attorney to represent him.

ROLL 1

LEASAR: (continued)

Arthur Haynes was getting paid by William
Bradford Huey.....

Q:

An author and journalist.

LEASAR:

An author and journalist, excuse me, a writer
who had written several books on murder in the
South dealing with racial overtones. And
Huey about the 1st of November, Huey sent
Jerry Ray who at that time was living in St.
Louis, a plane ticket and said, "I want you
to come down to Huntsville, Alabama and talk
with me. They met at the airport and then
in a motel, spent the day in a motel with
Huey providing Jerry Ray with plenty of
booze and trying to explain, answer some of
the ~~quizzical~~ questions that Jerry Ray wanted
to know??????? Huey told Jerry ray that if
James Earl Ray took the witness stand it would
destroy his book, and he offered Jerry Ray
twelve thousand dollar bribe if Jerry Ray
would persuade James Earl Ray, ---- actually,

ROLL 1

DESAR: (continued)

he offered the bribe to Jerry Ray or any member of the Ray family, including James Earl Ray. A twelve thousand dollar bribe if James Earl Ray could be persuaded not to take the witness stand. James EARL Ray told me in 1972 that after he fired Arthur Haynes, a few days after that, he received a letter from Huey in which Huey offered him this money. Offered to pay him something, I think exactly ~~XXXX~~ twelve thousand dollars, the sum mentioned by Jerry Ray. Last fall, when for the first time with the discovery mechanisms of the court, I was able to get a discovery order on a number of the parties involved in this case.. We obtained the mail logs which recorded all of the mail, or at least purportedly recorded all of the mail which James Earl Ray received, and which he sent out during the time he was in the Shelby County Jail. That log confirms that five days after Ray fired???? William Bradford Huey????? he received a letter from Huey. No~~z~~ I had a discovery order on

Hance

w/

ROLL 1

LESAR: (continued)

William Bradford Huey. And under the terms of that discovery order, Huey should have provided me with a copy of that letter. He has not.

Q:

Yet, if I may, let me loop back.....Your first point.....On the face of it, you say, evidence that would have raised at least a reasonable doubt about Ray's innocence has been suppressed. Now what evidence do you want now to prove that?

LESAR:

Well, there's -- to prove what?

Q:

That there's a reasonable doubt about Ray's innocence. In other words, what evidence don't you have that you would like to have or need, to do that. Well, there's a lot of evidence that -- that would be relevant to that charge. I'm not sure that I know of all of it. But for example, if there was any spectrographic or neutron activation

ROLL 1

*all lab reports
still with held*

LESAR: (continued)

analysis conducted on the bullet or the cartridge,
a/ my laboratory tests performed on the rifle,
photographs of the bullet which I have attempted
to get and have thus far been refused.

There are a variety of other things which
I think would show the fraudulent nature of
some of the claims made. For example,
the laboratory tests on the window sill which
were purportedly made and which purportedly
demonstrated that that rifle to the exclusion of
all other rifles were fired from that window.
That I've been unable to obtain. And then
there's some other evidence which I don't want
to go into at the moment because it's vital
to the defense and in some ways, I don't
want to disclose at the moment.

Q:

What is your bottom line theory on what happened?
Somebody shot Dr. Martin Luther King?

LESAR:

The short answer is I don't know. There are
some leads and we do not have the capability of

ROLL 1

LESAR: (continued)

following them out. It's the governments function to solve crimes. It's my function to defend James Earl Ray.

Q:

Taking yourself out of the role of defense attorney for the moment -----

LESAR:

That I can't do.....

Q:

But for the ~~xxx~~ purpose of the interview, looking at it broadscale, you're familiar with most of the claims of most of the critics in this case. Beyond the legal points that you have raised, what are the other claims that you consider to be most believable, the most supportable about this case?

LESAR:

Well, the basic claim is that James Earl Ray was framed and that the crime is unsolved and that that is an important concern for the American people. And as a citizen, I share that concern.

Q:

ROLL 1

Q:

What you're outlined in listing the mistakes
made
mistakes as you see them/by not one but two
of James EARL Ray's own defense attorney's,
the original judge in the case, by investigators,
if this is a conspiracy it is indeed, a very
large conspiracy?

*No investigators
FBI?*

LESAR:

No, I don't know that. I don't ~~know~~ know
that at all. I think it could be -- if you're
talking about a conspiracy to committt the
crime, I don't think that that requires a large
conspiracy. And of course, common sense ~~millennium~~
militates against large conspiracies. Anytime
you're going to committ a crime you want to
keep it as small as you can. You want to keep
the number of participants small. If you're
talking about a cover-up of the basic evidence
and of the fact that James Earl Ray was framed,
then yes, you involve a much larger number of
people. If you extend it to the number of
people that are some way or another participated
in depriving James EARL Ray of his Constitutional

ROLL 1

LESAR: (continued)

rights, then it is a very large number of people.

Q:

So under your hypothesis, with this case as in the case of some of the other well known assassination cases over the last decade, it is one small conspiracy to committ the crime, a larger conspiracy of cover-up?

LESAR:

I think that that's probably the truth. Now, I, of course, have no personal knowledge as to how large of the original conspiracy to committ the other crime is or is not. WE simply don't have any evidence. And that's the unpleasant truth that we have to face that we do not know what was behind these crimes because the crimes have been investigated wrongly.

Q Q Q Q Q Q Q Q Q

You're confident that given a jury trial, that you could beat the case against James Earl Ray?

LESAR:

Without a doubt.

Q:

ROLL 1

Q:

Picture yourself in final summation before the jury.....and you've got a minute, a minute and a half left in your time in the final summation, and you want to review the most important points for the jury. I know this is a difficult task and you'd want time ----

LESAR:

Difficult because we don't know what the evidence is.....

Q:

You'd want more time to prepare.

LESAR:

Sure.

XXXXX Q Q Q

But if you can within reason play that game for me.....

LESAR:

Well, I think that the basic points are one, James Earl Ray had no motivation for assassinating Dr. King. Secondly, the evidence which exists shows that he could not have done it.

ROLL 1

LESAR: (continued)

And in fact, did not do it. He was not at the scene of the crime at the time the crime was committed. And had no reason to shoot Dr. King and every reason to avoid the difficulty with the law.....which participating in a conspiracy to assassinate Dr. King would entail.

Q:

On the basis of what you know now, if you were given a jury trial, would you put Ray on the stand?

LESAR:

I think that I would, yes. He initially, one of the --- one of the difficulties that he had with his first American attorneys was that he wanted to take the stand and they did not want to put him on the stand. And that, again, was at the insistence of William Bradford Huey. There's no doubt that William Bradford Huey who paid all of the attorneys of Ray's choice, Arthur Haynes and Percy Foreman, William Bradford Huey put pressure on Ray's attorneys to not put him on the witness stand.

ROLL 1

Q:

You listed earlier what you maintain were vio-
lations of ----- (CUT)

END OF ROLL 1

RATHER:

Constitutional rights violated.

LESAR:

Yes.

RATHER:

What are your three best arguments, that his constitutional were in fact violated?

LESAR:

Well, we'll begin with the-- the easiest and most clear probably and that is the surveillance which was conducted on him. Any defendant in an American trial has a right to confer confidentially with his attorney. In James Earl Ray's case, his right to confidential communications was transgressed in a manner I think previously unknown to American litigants. His mail was intercepted by policy directive of the sheriff, delivered to the prosecution, Even his confidential letters to the trial judge, Judge Preston Battle were intercepted and read by the prosecution before they were delivered to the ~~xxxx~~ trial judge. He could not be certain that anything he told his attorneys in the confines of his cell would not be picked up by the prosecution because that cell was

LESAR:(Continued)

bugged, it had constant electronic and TV surveillance and it had always the presence of two guards most of the time within ear shotx of what was being said in that cell.

RATHER:

If he were anyone else in any other case, would this alone be enough to sustain reversal?

LESAR:

Certainly.

RATHER:

Now if I may to get back to the-- the mini summation to the jury. Your second point was on the basis of the evidence.

LESAR:

Right.

RATHER:

6/ You can't conflict James Earl Ray. What evidence?

lesar;

Well, the evidence at a ~~trial~~^{trial} would show one, that James Earl Ray had no motivation for shooting Dr. X King, that from the time of his arrest in London through the date of this trial, with the sole exception of the Nx day on which he plead guilty, he has constantly maintained that

LESAR:(Continued)

he did not shoot Dr. King and had no reason to shoot Dr. King. Secondly it's not physically possible for the crime to have been committed in the manner alledged by the State by James Earl Ray. Thirdly, James Earl Ray was not present when the shoot which killed Dr. King was fired.

RATHER:

What about the ballistic's evidence which the State claims was conclusive against Ray?

LESAR:

Our ballistics -- our ballistic's expert will testify and has testified in this trial that that ballistics -- that the bullet is traceable and is traceable to a different rifle than the one which left on South Main Street. The obvious conclusion from that is that somebody used a rifle associated with James Earl Ray to implicate him in a crime which he did not commit.

RATHER:

Is it your contention that James Earl Ray had no connection whatever with the people, the person, or persons who who shot Dr. King and they no connection with him?

LESAR:

Well I think what we've said is that James Earl Ray was framed, and that implies that someone who had had some contact with him knew enough about him and his association with that rifle to be in a position to -- to frame him.

RATHER:

If he is innocent, why did he plead guilty?

LESAR:

Well, basically because he believed that he had no other alternative, he believed that his attorney Percy Foreman would sell him out. Percy Foreman had refused to withdraw from the case when James Earl Ray asked that he withdraw, and Percy Foreman had reminded Ray that the trial judge had-- had indicated that he would not look favorably upon any further attempts to change attorneys. So Ray saw himself in a box. He couldn't trust the attorney who was representing him, he had every reason to believe that that attorney would -- would not represent him faithfully would not put forward his best efforts. He knew that an adequate investigation had not been made and that the attorney was advancing

LESAR:(Continued)

spurious reasons for Ray's pleading guilty.

So he concluded that rather than have a trial at which -- which would be faked, but which would appear to be genuine, that it would be better for him to go through with a -- a guilty plea proceeding and then try to overturn that.

RATHER:

But he -- he admitted flatly that he was guilty, did he not?

LESAR:

No, he did not admit flatly that he ~~was~~ guilty and it's one of the very interesting aberrations of the guilty plea proceeding. In other words in particular, one point at which his attorney Percy Foreman made statements denying that there had been a conspiracy to kill Dr. King. And Ray later got to his feet and said that he did not agree that the statements that had been made that there was no conspiracy involved. Now--

RATHER:

This is at the-- court hearing in which he pleads guilty.

LESAR:

This is at the March 19, 1969 guilty plea proceeding.

This is the day that James Earl Ray -- waves his

LESAR(Continued)

right to a trial, by pleading guilty.

RATHER:

So you're having his defense attorney
Percy Foreman saying that there is no
conspiracy and then you have Ray getting
(INDISTINCT) his feet--

LESAR:(OVERLAPPING)

You have James Earl Ray denying that. Now
at that point the trial judge sort of said,
Wow, what's going on here? I want some
specific answers to some specific questions.
I want to know whether ~~you~~ you pulled the
trigger, are you admitting that you fired the
shot which killed Dr. King?

RATHER:

But that question was not asked?

LESAR:

That question was not asked.

RATHER:

You've talked with James Earl Ray many times.

LESAR:

Yes.

RATHER:

As an attorney you must consider yourself an
officer of the court.

Should

LESAR:

Yes.

RATHER:

Here you have, what to all appearances was a down and out escaped felon, on the run. Where did he get the money to get all the way from Memphis Tennessee to London, England?

LESAR:

Well I don't-- I think that didn't require that much money and the -- the more interesting question is where did he get the money to live? The year preceding the assassination and the answer to that is-- is contained in what Ray has written William Bradford Huely; that he was involved with some people, engaged in illegal activities, running contraband across the Canadian and Mexican borders and that they paid him for these jobs that he was running for them?

RATHER:

Do we know who these people were?

LESAR:

No, we do not.

RATHER:

Ray knows who they are.

LESAR:

No not in the sense that he can identify them.
You've got to remember that again Ray was
dealing in -- lives in a shallowly world.
The people he deals with go by pseudonyms
or aliases, not by real names.

Shadowy

RATHER:

And presumably also could deal through third
parties.

LESAR:

Yes.

RATHER:

Get money to him through a broker.

LESAR:

Right. I think -- I think that that would be--
well, -- not getting money to him through a
broker but if you're talking about the
assassination I would imagine that the people
Ray had been in contact with would be middlemen
for someone else who actually conspired to
assassinate Dr. King. (CUT)

RATHER:

Let's talk about Ray's movements, after the
murder of Dr. King. First of all he knew
Memphis well?

LESAR:

LESAR:

No, Ray was a stranger to Memphis, and he went there on the directions of someone else. He stayed on the outskirts the day before Dr. King was shot and then on the day that Dr. King was shot he went into the city but he did not know Memphis and he did not have any basis for knowing even that Dr. King could have been shot from the rooming house ^{it} from which/is alledged Dr. King was shot.

RATHER:

Question, if he didn't know Memphis so well, how did he manage to get away so quickly with what was ostensibly an all points out.

LESAR:

No, you-- your'e making an assumption that's not justified and that it that he was there at the time the shot was fired, and he was not at the scene when the shot was fired. Secondly, you're assuming that that, that the all points ^{And} bulletin was implemented. /I don't think that we can make that assumption, either.

RATHER:

What about the strange circumstances of his ^{and} stay in Canada/which -- and the fact that he

LESAR:(Continued)

apparently used several aliases.

LESAR:

Well that, I haven't really gone into myself. I'd rather defer to (NAME) Weissberg to discuss that, he's paid more attention to that than I have. I've been concerned with the -- the immediate questions of what I need to know to get James Earl Ray a -- a trial.

RATHER:

Were you aware that the prosecutors in the case, and the law enforcement officers in the case, tick off among others the following pieces of what they say are overwhelming evidence: James Earl Ray bought the rifle that killed Dr. Martin Luther King/ Not only did he buy a rifle then he exchanged the rifle.

LESAR:

-- They don't say that except on occasion and you see their own ballistic expert contradicts that because he says that the remnant of a bullet removed from Dr. King can't be linked to that rifle. So there's no way of determining according to the FBI, that that rifle was the one which fired the shot. So all we know is that Ray left a rifle which was left at the

LESAR:(Continued)

scene of the crime.

RATHER:

That he bought a rifle.

LESAR:

That he bought a rifle which was left at the scene of the crime.

RATHER:

This was not the rifle that he originally bought?

LESAR:

it was---
No, he first bought a 243 caliber rifle and then he went back the next day and exchanged it for a thirty (WORD) ^{bought} six. Now in terms of an assassination of Dr. King there's no point in exchanging that rifle. One is as good as the other for the purposes of assassination and the 243 which he returned is perhaps better for the purpose of shooting Dr. King from the location from which he was shot than the thirty (WORD) six. So the obvious implication of that is that somebody was setting Ray up and that returning the rifle accomplished two purposes. First, that it served to identify James Earl Ray in the mind of the person that sold him the rifle.

LESAR:(Continued)

so that he could be easily identified by that person and a second person may have been the second possibility is that the orig-- the rifle which Ray originally bought was of a type which the perpetrators of the assassination knew was inconsistent with the rifle which was going to be used in the assassination and they ordered him to go back and exchange it for one which would be consistent.

RATHER:

On the basis of what you know did James Earl Ray ever at any time, in any way have any connection with the Central Intelligence Agency?

LESAR:

To my knowledge, no.

RATHER:

The FBI?

LESAR:

To my knowledge no. (CUT)

RATHER:

It's a question of the evidence. What in your judgement were the most important suppressions?

LESAR:

Well, the most -- the most important in terms of preparing James Earl Ray a trial, were the

LESAR:(Continued)

documents which the American government supplied the British court with in London at James Earl Ray's extradition proceedings. Those -- there were affidavits in those proceedings which stated -- in which the FBI's ballistic expert stated that he could not identify the bullet removed from Dr. King as having come from the rifle left on South Main Street. There was an affidavit in there by the only alleged eye witness, Charles Whitman Stevens, which in effect said that Charles Whitman Stevens could not identify James Earl Ray as the ^{man} ~~man~~/who fled the rooming house, allegedly fled the rooming house after the shot was fired. And thirdly there was a very important affidavit by a policeman, Zachary, in which he stated that he found the rifle; and ~~it~~ there was a photograph accompanying that affidavit and the other affidavits and that photograph is a staged photograph. It shows the bundle and the rifle in a position other than which they were found. At a time other than which they were found.

RATHER:

But didn't the judge in the case know this?

LESAR:

No. Nobody knew this. -- Except the government officials. First of all, it's a very bizarre tale but James Earl Ray's attorneys none of them apparently ever obtained these materials prior to Ray's plea of guilty. Secondly, after Ray's plea of guilty, the State Department and the Department of Justice/^{first} claimed that they did not have them and then -- and at the same time denied access to them, both to James Earl Ray and to Arthur Harold Weissberg. Only-- it took a year contest, in court, a year long contest in court before Harold Weissberg finally gained access to them. And then it was ~~discovered~~ discovered that they had indeed been suppressing public court records. Public court records had been suppressed. In fact even-- even worse, according to the British authorities, the British government, the British court, retained no copy of these records, they gave all the court records to the State Department. Ultimately what we found out was that when -- when Richard Kleindinst and John Mitchell said that the Department ^{of Justice} did not have copies of these documents they were

LESAR: (Continued)

lying, they did have them and ultimately they were forced under the Freedom of Information to produce them. When they were obtained they formed the basis for Ray's habeas corpus petition, part -- part of the basis for that petition. So you had suppression of very important basic evidence. That's -- that is a suppression ~~that~~ which continues today. I have recently had correspondence with the Department of Justice asking for additional materials, such as the photographs of the bullet, the ballistic tests, any spectrographic testing that was performed and so far they have not stated that we will be given access to those materials. And their time for replying I think is -- has run ~~is~~ now and I anticipate that I will be filing suit for those under the Freedom of Information Act very shortly.

RATHER:

What you suggested is a consistent pattern of suppression of the evidence.

LESAR:

Yes, it's -- it's extremely consistent and one ^{upon} of the things that intruded/and denied James

LESAR: (Continued)

Earl Ray the sort of full scale judicial inquiry which the Sixth Circuit wanted him to have last fall was the fact that the authorities for the State of Tennessee very actively obstructed our attempts to implement the discovery orders pertaining to the State's evidence against James Earl Ray. When we attempted to examine this evidence, all ~~xxx~~ sorts of objections were thrown up frivolous objections and time consuming maneuvers were resorted to to try and impede our access to the discovery material. As a result we had to exclude much of the material that were -- that are ~~xxxx~~ relevant to the case. We never for example got to examine the police logs or the sheriff's logs of -- at the time of the scene of the crime. We were denied copies ~~xxx~~ -- we were denied photographs of the window sill, photographs of the bullet. We had to make our own photographs of the bullet. We were -- hampered in every way in our attempt to examine that evidence or examine it properly. We were denied access to the autopsy photographs. We were given instead of photographs we were given xeroxs, only.

We're foreclosed from