

Interview with James Lesar: Part II

If Ray did not shoot

Who killed Dr. Martin Luther King, Jr.?

Well, it was not James Earl Ray, says the defense counsel of the man who is now serving a 99-year sentence for the crime.

Atty. James Lesar, a graduate of the University of Wisconsin Law School and now based in Washington, D. C., has been working feverishly at obtaining a new trial for Ray, whom Lesar says was railroaded into prison by the government in collusion with Ray's own former defense counsel.

Lesar says he is confident a federal appeals court will grant a new trial after it has considered his evidence that Ray was deprived of a proper defense, and that federal and state authorities covered up evidence favorable to that defense.

If Lesar proves his contentions that Ray is innocent and that the government concealed evidence in the case, then the government and the American people will be confronted with the important questions of who and why.

The following is the second of two installments of an interview conducted this summer with Lesar by Courier managing editor Dan Carpenter and Jess Kleinert and James Ravet of the Assassination Information Bureau of Wisconsin. The AIBW has done extensive research into the assassination of King and John and Robert Kennedy, and the attempt on the life of George Wallace, and is attempting to build popular pressure for a Congressional investigation into those incidents.

Two parts of the interview

King, who did?

And why?

need elaboration here. To the reference to Ray's six-year fight to be released from solitary confinement, it should be added that he got his wish two weeks ago and was transferred to the general prison population.

Also, mention is made of assassination critic Mark Lane. Lane is the author of "Rush to Judgment," a book attacking the findings of the Warren Commission, which investigated the slaying of President Kennedy.

Mr. Lesar, I was going to ask a couple of questions about Ray himself, if you don't mind. Some of his other attorneys have said they've found him uncooperative, and indeed he's dismissed a whole series of them. I was wondering how you've found him — if he's sullen, if he's cooperative, if he seems fearful for his life, because he's a pivotal figure in this politically volatile situation. How has he acted toward you?

Well, I think we have a very good relationship. He's been very cooperative with me. He even sends me legal decisions

which are sometimes very helpful in my work. He uncovers a lot of issues which have relevance to his case. He has a nice wry sense of humor. He has been under I think very extraordinary pressure from the fact he has been in solitary confinement for six years, for virtually the entire six years, which is a horrendous experience for anyone, and I don't think there are many people who could have withstood it and be in the shape James Earl Ray's in. At times it has affected him very obviously, his health has deteriorated at times, his ability to recollect and focus on things have been impaired, but in spite of it he remains remarkably alert and in remarkably good spirits for a person in his circumstances. And I certainly I would never want to have to go through what he

has gone through. I don't think anyone should ever have to go through that.

On the one hand I've read that Ray has expressed fear for his life rather strongly, and on the other hand he's nonetheless fought to get out of solitary confinement, where presumably he's safer than if he were in the general prison population.

Well, I don't know that I'd assume he's any safer in solitary. I think that it's just as possible something could happen to him in solitary as in the general population. But in any respect, he takes the point of view that, 'Look, am I going to have to spend 99 years in solitary confinement? I'd rather take my chances. 'Everybody in prison, in the general population, takes his chances for being hurt or even possibly killed. And he's willing to take those chances. And he wants to know what right the state authorities have to protect him when he doesn't want that protection.

You may choose not to answer this, I guess. Has he disputed the general, the standard description by the state that he's a hard core racist?

Well, the question has not come up, and it's really irrelevant to the issues which we face in defending him. The question is, I think, a racist is just as entitled under the constitution as anyone else to his constitutional right to a fair trial. And whether he is or is not a racist is not a relevant issue. And I think it's very unfortunate that there has been an attempt by some people, notably by William Bradford Huie and by Judge McCrae to argue a very specious form of logic, that for example, because James Earl Ray hired Arthur Hanes, who had a background as the Mayor of Birmingham Alabama during the period of racial strife, that ergo James Earl Ray is a racist and ipso facto he is guilty of shooting Dr.

Martin Luther King. None of which makes the least bit of sense in terms of logic, and which is contradicted because Judge McCrae pointed to his retaining Arthur Hanes but neglected to mention that he had originally written F. Lee Bailey, who is not a racist. And so you've got that. And as a matter of fact to say I'm not a racist either. I was a supporter of Dr. King's civil rights movement, and I just don't think that those kind of issues are relevant to question of whether or not he's entitled to the same rights as everybody, or whether or not he should get a fair trial.

Attorney Stoner, I guess, belonged to the States Rights Party.

Yes, but Stoner, you must remember, volunteered. James Earl Ray did not seek Stoner out. JB Stoner wrote, his organization wrote, James Earl Ray.

That was the reason I asked that question. It seems as though now that the results of that minitrial are being challenged, in response to all this, the former prosecutor and others I guess have said in response to that, 'well, this is a lot of BS. Ray didn't like Black people, he hated Dr. King,' and that's been pretty much the sum and substance of their response, almost as though, like you say, they had raised it to the level of hard evidence.

That's fine, and if we're going to start convicting racists for the murder of Dr. Martin Luther King, were going to cram the jails full of innocent people.

Just generally, have you found the work of these citizens' groups, in investigating, petitioning, researching, and so forth - have you found that to be helpful or just something that might be complicating?

I've generally found it to be counterproductive, unfortunately.

And why is that, because it

would be prejudicial, maybe?

Well, no, you're talking, I would assume you're talking about President Kennedy's assassination, because there's been very little done by any groups on the King assassination, and I think that the problem lies in -- it's a very complicated problem -- there are a number of people who claim to know what in fact they really don't know. And I speak

from long experience with knowing most of the people who've been involved in the effort to reopen the JFK assassination. And the amount of misinformation and misdirection by some of the people on my side of the fence is frightening, and that's one of the reasons why I have worked very closely, and almost exclusively, but not entirely over the past two or three years with Harold Weisberg, because I feel his approach is a responsible approach and one which rather than creating problems of credibility and misdirection and misfocus is responsible, partly because it's directed through the courts.

For example, I have filed a number of Freedom of Information suits on his behalf seeking to get vital evidence and information pertaining to President Kennedy's assassination from the

government. We've been very successful in doing that. The January 22 transcript -- the January 22-January 27, 1964 transcript of the Warren Commission executive session from those dates -- were obtained as the results of actions that I made for Mr. Weisberg under the Freedom of Information Act, and those have

been enormously influential in convincing people that the issue ought to be reopened. There've been no drawbacks to that sort of effort.

The current suits that I have for him for disclosure of the spectrographic and neutron activation analyses of tests that were made on the vital evidence is another such action. These actions focus attention on the places where the government is weak and where its unassailably wrong, and these actions, because they're brought in courts of law, inform people in the establishment who are misinformed or uninformed as to the facts of the assassination of President Kennedy.

I think one of the things that is going on behind the scenes is

that while a lot of theorizing about the assassination, a lot of people on the lecture circuit have gotten a lot of attention, the most important aspect has been the behind the scenes influence of the lawsuits that Harold Weisberg has filed. To give you an example, the Department of Justice has been resisting in court for the past five years Harold Weisberg's attempts to get the basic hard evidence on the Kennedy assassination. Now, we have stated time and again in our brief that it is obvious that if this information supported the Warren Commission the government would have it on the front page of every newspaper in the country and have it on radio and tv. The fact that they haven't indicates that it doesn't support the official view, the government would want to have made public, and so I think we are accomplishing a lot by bringing these lawsuits and these actions, and while a lot of wild allegations have been made about CIA involvement and about involvement by Hunt

and Strugis, that's been easily refuted and it's proved to be hurtful to those who are critical of the investigation of the assassination.

But our efforts in the courts,

have been, on the contrary, been very helpful -- with the establishment press, with government officials who otherwise wouldn't be aware of this.

As a matter of fact, we've been helpful in another way. We've had an impact that very few people are aware of on the Freedom of Information Act itself. The first time we brought what we called, referred to as the "spectro suit." We lost that lawsuit, and the case went all the way to the supreme court. In the course of losing that suit, it destroyed the Freedom of Information Act. And as a result, Congress had to amend the Freedom of Information Act. When they were amending the Freedom of Information Act, Congress specifically men-

tioned -- in fact, Senator Kennedy specifically mentioned -- that the Weisberg decision, the spectro decision, Weisberg vs. the Department of Justice, was a case that had to be overturned. So, the suit that we lost, was the basis for enacting a stronger Freedom of Information Act. Now, we're back in the courtroom again, and we may be headed the same route, but we are going to continue fighting until we force the government into the position where it either produces the evidence which we want, produces the tests which we want, or admits that the evidence, that the tests were never made, or were destroyed. So, these are obviously political fights as well as legal ones?

This is very definitely a highly political case. The whole history of the case is unusually political. In 1970, when the case

was brought in the District Court, ironically it was tied up by later events before Judge Sirica, the government attorney got up and declared that the attorney General of the United States has determined that it is not in the national interest to release these spectrographic analyses. Now, as a matter of fact, that was a false statement. No such determination was ever made. But the US Attorney got up and said so and Sirica threw us out of court. So you can see that when the United States Attorney is willing to go to those desperate lengths to invoke an irrelevant standard under the Freedom of Information ACT, and to claim falsely that the Attorney General had made a determination of fact which he had never made, it's a highly political case.

So, even with the dangers of wild theories, adventurism, confusion, and so forth, it would seem it would be helpful to have at least have some kind of popular agitation.

• If it's correctly focused. The problem is, it's not being focused in the right way.

• OK, how about the petitioning?

Well, that's perfectly all right, depending on what you're going to petition them to do.

The petition I've seen is very brief, it simply asks for a trial, or asks for an investigation of some sort, not positing any conspiracy theories or theories as to how Dr. King was assassinated or anything, but at least I guess the objective is to have that popular weight which is believed necessary in some trials which are not tried in what you would call a legal laboratory -- without political implications. A case like this, or the trial of a political activist, or something like that. But you would agree that some kind of popular effort is helpful.

I think that citizens of the United States always have an interest in a defendant's getting

a fair trial. It is in the interest of everyone that James Earl Ray gets the fair trial that he was denied. And so I certainly support the citizens who want to see James Earl Ray given a trial. He deserves it, and the fact that he has not been given a trial, that it has taken this long to get this far along the road to getting him a trial -- that is a scandal comparable to the fact that it took 12 years to clear up the Dreyfus Case in France.

You mentioned the Dreyfus case. One of the key points there was the public outcry that came from Zola's book, "I Accuse." I recall with warm feelings the fact that you were one of the few people who were not frightened on the Madison campus after the Kennedy assassination. You had enough courage to go out there with the National Guardian newspaper and hand out Mark Lane's brief that opened unanswered questions around the Kennedy assassination. What I'm afraid of is that if we follow your instructions explicitly, that is put all our weight in the courts, legal action, we're putting in a sense all our eggs in one basket and we're not providing the kind of political pressure that citizens can provide....

I would agree that you should provide that pressure. My only question is how you do it. For example, I think that it is perfectly valid for citizens to ask the government why certain information is being suppressed, and it's perfectly valid for them to raise the questions about the conduct of governmental officials.

I think it is valid to ask about the function of the legal system, for instance, why has it taken five years to get an evidentiary hearing where the claim has such obvious merit. And there are plenty of ways, valid ways, of asking those questions. Why was the evidence about FBI ballistics experts, Robert

Frazier's affidavit and the other affidavits that were submitted at the extradition in London, England, why was that evidence suppressed. I think those are very valid questions that ought to be raised.

I'm afraid I'm getting into a dialogue with you, but let me do it for just a second. We got about 500 signatures on a petition here on Juneteenth Day, the celebration of the freeing of the slaves in the southwest territories, around the notion of setting up a watergate type committee to reinvestigate the King assassination. The problem when we're dealing with people who may not know the specific information as to how the case is functioning, it's hard to organize around those very specific issues, we have to be more general. Would you say it would be better for us to petition with regard to your appeals to the 6th Circuit Court, rather than to do it around House Resolution 204, then?

I think basically, that people out to be given proper information about what the status of the case is, what the facts of the case are. They ought to understand what happened. That's the basis for any sort of proper action. You've got to understand what's involved.

Of course, a lot of people, and it's unfortunately that they're not knowledgeable in all aspects of the case, but they have a gut feeling that there's something wrong with this country, that there've been too many political assassinations, and so forth. Now, I'm not trying to play upon irrationality when I petition, I'm trying to educate people, and a petition can be used as a means to carry along a dialogue.....

I agree.

... But it's unfortunate that we have to think in some way use that gut feeling, and so many (Please turn to page 13)

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frankly."

Lesar, who is doing the bulk of Ray's defense work, is more cautious.

Interviewed this summer by telephone at his home in Washington, D.C., Lesar would offer no theory as to who may have killed King. Irresponsible speculation by others, he said, has done more harm than good to the cause of truth about the assassination.

Lesar did assert, though, that federal and state authorities covered up evidence in the case and that James Earl Ray was in effect, railroaded into prison in lieu of a proper and thorough investigation.

The logical first step toward learning the full truth about Dr. King's death, said Lesar, is to give James Earl Ray his public trial. Lesar said he is confident that evidence that Ray was denied due process will convince the federal appeals court to grant a trial. The trial is expected to take place in 1976.

The following is the first of a two-part transcription of the interview with Lesar, conducted by Courier managing editor Dan Carpenter and Jess Kleinert and James Ravet of the Assassination Information Bureau of Wisconsin.

The AIBW is trying to raise public support for a Congressional reinvestigation of the murders of King, John and Robert Kennedy, and the attempt on the life of George Wallace.

The Lesar interview will conclude next issue, and more material on the events and issues surrounding the murder of Dr. Martin Luther King will be published in succeeding weeks.

I've read parts of Mr. Weisberg's book, and some other material, from newspapers, press releases from the AIB, and so forth. Just from what is on the record it frankly is remarkable to me --

I'm not a lawyer of course -- that there'd be any resistance to a complete airing of this case. . .

There's always resistance in a political case, particularly one in which the authorities think they have disposed of the problem, and in this case you cannot reopen it without embarrassing a number of people in political power, at the state level. And ultimately I think some of the federal agencies will also be deeply embarrassed. So that makes for a considerable amount of resistance.

Now, when you talk about embarrassment, you don't just mean over lack of thoroughness or incompetence or back in 1968. You mean perhaps collusion....

Basically, I suppose it's the term that Watergate has made familiar, I mean coverup. I mean that there have been official attempts to cover up the evidence with respect to the assassination of Dr. King. Now, in one of the more bizarre forms this took in the James Earl Ray case was: There were actually affidavits from certain people who, had there been a trial, would have been key witnesses. Those affidavits were introduced in London in the extradition proceedings to bring James Earl Ray back to the United States. They were introduced in evidence there. After that, they were effectively suppressed. James Earl Ray's attorneys did not get them. James Earl Ray tried to get them and did not. A year after, in fact more than a year after James Earl Ray pled guilty, Harold Weisberg brought suit for them under the Freedom of Information Act and finally obtained them but only after the Dept of Justice had falsely stated that they did not have them and claimed that they were exempt from disclosure as part of an investigatory file kept for law enforcement purposes.

So that the government went to

the expense of trying to keep from the public -- from Mr. Ray, from Mr. Weisberg, and the rest of us -- public court documents and once we got hold of those documents we began to understand why -- because the

affidavits that were submitted as evidence against Ray in London proved to be very helpful to Ray's case. It's no wonder the government did not want those affidavits and materials made available to Harold Weisberg, who understood what they meant.

For example, there was an affidavit from the FBI ballistics expert, Robert Frazier which stated that he did not determine whether or not the 'submitted bullet,' by which he meant the remnant that had been removed from Dr. King, he could not determine whether or not the submitted bullet was fired from the submitted rifle, the submitted rifle being the rifle that was found on south main street immediately after Dr. King was shot. Now, of course, that was very favorable to James Earl Ray because it meant that the FBI was saying that they could not establish a link between that rifle and the shooting of Dr. King. And since then, our own ballistics expert has examined that bullet, and he says the FBI affidavit is hogwash, that he believes that from his study of it under microscope that you could trace it to a particular rifle, you could trace that bullet to a particular rifle, or you could very possibly determine that that bullet could not have been fired from the rifle that was found on South Main Street. Now, if that's true, of course that very much enhances James Earl Ray's claim that he was framed, that someone planted that rifle there.

Now, just for my background information, what reasons have the courts given -- what reason, the instance, in the federal district court last time -- have been given for not granting a new trial in light of these questions that to me seem, impossible to dismiss.

Well, you see, you have to understand first that James Earl Ray pled guilty to the crime, and it was a coerced plea, but once you enter a plea of guilty it is very difficult to reopen a case even if it was in fact coerced. On appeal, in the American courts, with the exception of the military courts, guilt or innocence is not in and of itself a relevant question. You can be innocent. You can prove yourself innocent. And unless you can prove there was a violation of your constitutional rights at the trial, or that guilty plea proceeding, you're gonna remain in jail. And so the question, the first question, is whether or not James Earl Ray was denied any of his constitutional rights. We've claimed that he was denied several fundamental constitutional rights, that the plea of guilty was not freely and voluntarily entered, as a coerced plea, and that he was denied the effective assistance of counsel in several respects. And those are quite detailed and lengthy and somewhat complicated allegations and they take several forms.

One of them that has emerged more recently has a very substantial ground is the overwhelming surveillances placed on James Earl Ray during the eight months prior to the guilty plea proceeding at the trial. James Earl Ray was a man in almost total isolation from the rest of the world. Everything he did was kept under surveillance. There were two television cameras on his cell, electronic microphones in his cell, two guards in the series of cells that formed the cellblock in which he alone was

kept as a prisoner. He had lights on him 24 hours a day. His mail was intercepted, copies of all his incoming and outgoing mail were delivered to the prosecutor. Even his communications with his attorney were delivered to the prosecutor. The prison physician who was supposed to attend to his medical needs was in fact the brother in law of one of the prosecutors, and

deliberately tried to bait James Earl Ray into making statements that would be harmful to him had there been a trial. Even James Earl Ray's letters to the trial judge were intercepted and delivered to the prosecution before Judge Battle ever got copies, the prosecutor had copies of his letters to Judge Battle. So you have an unprecedented problem of surveillance. And I think an unprecedented violation of the defendant's right to have confidential communication with his attorney, to consult in private with his attorney. So that is one set of allegations, very substantial allegations, in an ordinary case it would in and of itself be enough to guarantee a reversal of a conviction.

Then you have a conflict of interest -- we've alleged that there was a conflict of interest -- on the part of his attorneys. Ray's attorneys were paid by writer, William Bradford Huie. William Bradford Huie originally wanted to prove that there was a conspiracy, and that Ray was guilty of being a participant in that conspiracy. And of course this immediately conflicted with Ray's right to be presumed innocent. You have the man who is paying James Earl Ray's defense attorney with a vested interest in subverting the proper defense of James Earl Ray. And this led to the situation in which when the guilty plea was finally entered after a considerable amount of pressure had been brought to

bear on James Earl Ray to plead guilty, Ray's attorney made certain concessions to James Earl Ray contingent upon the plea of guilty going through in court on March 10, 1969 without any embarrassing conduct on the part of James Earl Ray. And there was actually a contract signed on Madison Avenue in which William Bradford Huie and both of Ray's attorneys were to receive money contingent upon his plea of guilty going through during the week of March 10, 1969.

So that this was not in any sense a plea of guilty that was untainted, that was free, and voluntarily entered under those circumstances would be overturned, and I still think that in spite of the enormous pressure against reopening this case, that the courts will have to overturn the denial of James Earl Ray's petition for a writ of habeas corpus and grant him a trial.

It's pretty remarkable the court has not been sufficiently impressed so far with these obvious matters of fact that you've just cited.

It took a five year fight just to get an evidentiary hearing, just to get a hearing on these claims. It won't take long now to get that district court decision reversed. But this is a very rough case, not because the facts are not on James Earl Ray's side, they are overwhelmingly on James Earl Ray's side. But it is made difficult because the implications are very powerful and they embarrass powerful people, embarrass members of the legal profession, embarrass the FBI, embarrass virtually all of the local officials in Memphis, Tennessee connected with the prosecution of James Earl Ray.

I wanted to turn to some of the political questions that may be involved here. Although it is not necessarily the job of the

defense attorney that you are, I'd like to know if you have developed a theory as to how and why Dr. King was slain, as well as a strong defence that Ray didn't pull the trigger. If so, could you at least give us an inkling of your countertheory.

No, Harold Weisberg and I tend to oppose theories. I think it is not helpful. First of all, it's not helpful to my client and generally an approach on any of the political assassinations is

not helpful because it enables officialdom and the establishment press to ridicule the variety of theories that have sprung up. "There's no sense in trying to develop a theory, we've just got to admit the plain simple fact that we do not know the truth. And the first step in the James Earl Ray case to uncovering that truth is to give James Earl Ray a trial. There's no other way to do it.

I may as well bring up this question now, then, since you've brought up Another ways': Would it be helpful or a hindrance to what you're trying to do in the Ray case if House Resolution 204 were to succeed and a select body of the House of Representatives were set up to look into the King slaying?

Well, I have very deep reservations about House Resolution 204. Think it's not the proper approach to reopening any of the assassinations, particularly not the assassination of Dr. King. I think the assassination of Dr. King in before the court, and the American system of justice, left to work its own way, should reverse the decision of the district court. That will reopen the issue.

With respect to the assassination of President Kennedy, which that Resolution - House Resolution 204 - is also directed toward, I think that it is mistaken in trying to investigate the circumstances of the assassination itself.

First of all, there is a very real question as to whether or not in that form Congress would have the jurisdiction to investigate

the crime, because ordinarily the investigation of crime is a matter for the executive and judicial branches to take care of, and I think that it presents a problem as to whether or not there is jurisdiction.

Now, in some forms there might be a way to get jurisdiction, but I see another method of approaching the problem, which makes far more sense, and avoids the problems, which makes far more sense, and avoids the problems that approach engenders. I think that the primary focus, one where Congress has proper power to review, is in the question, Did the federal agencies who were encharged with the responsibility for investigating the assassination of President Kennedy, properly fulfill their function? Or, did they withhold evidence, from the Warren Commission, did they fabricate evidence, did they intimidate witnesses, did they ignore evidence?

Those kind of questions, I think, if the resolution were focused on whether or not the federal agencies did their duty as they were charged with doing, then that would put the Congressional investigation on a proper footing and there would be no question about the jurisdiction of Congress to undertake that kind of review. And that would avoid the pitfalls that I see coming, you see.

One of the problems is that there are a large number of people now making irresponsible and unsound statements about the assassination. There are a lot of people running around with theories. If you investigate any of those theories, which the Rockefeller Commission did, you're going to turn up with another whitewash, a whitewash that will be justified because the theories set it up, made it possible - just as the claims, for example, that (Howard) Hunt and Frank) Sturgis were in Dallas set the Warren - set the Rockefeller commission up so they could knock down that

straw man.

The people who talk about the CIA being behind the assassination, or the FBI, are setting themselves up to be knocked down. And discredit the critics. But if you approach this from the point of view of whether or not the federal agencies did what they were supposed to have done, whether or not they did an honest and through job, whether or not they suppressed evidence, distorted evidence, or failed to interview witnesses, then you've got a (Turn to page 20, please)

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sure thing. There is no question then, but that Congress will have to conclude that federal agencies did not do their job properly. And then the next step of course, would be to make them do it again, and this time do it properly.

Not to attempt to prolong this

area of conversation, but wouldn't you agree that the Select Committee in the Senate, the Watergate Committee, did a very good job of unrifling material which we didn't know about before, even though it had a very broad mandate, and not as specific as the one you're talking about?

Well, I have some reservations on the thoroughness of the job which was done by the Watergate Committee. But I don't think that the issues are in any way comparable. You've got very hard practical problems here. The first is that there is going to be a reluctance on the part of many people in power to try and reopen those issues, particularly the assassination of President Kennedy. And you've got to give them something very solid, very solid reasons why they should. And the best ones I think are the ones that are without the liability that the Gonzalez Resolution (204) approach has. It is to focus on the misdeeds of the federal agencies, that there is absolutely no doubt that those agencies did suppress evidence, and did (wrong) and that they did cover up the truth about the assassination of President Kennedy. And you can establish that, and once you do that, then you can worry about going on to whether or not 12 years after the assassination it is possible for the federal government now to do the job again, to do it properly, and find out who was behind the assassination.

OK, let me ask you this: In a Rolling Stone interview, attorney Livingston, who I understand is working with you, said that he new a linkup to the CIA in the King killing. Do you find any such possibilities of a linkup or any reason why the CIA might be embarrassed if the truth came out in the King assassination?

There is no evidence I know of that links the CIA to the assassination of Dr. Martin Luther King. And I think that the proper approach is, you've got a man who says that he didn't shoot Dr. King, the evidence indicated that that is true, the evidence shows that his constitutional rights were violated. He's entitled to a fair trial. Give it to him and let's see where that takes us.

I agree with you completely.

I'm just continuing this line of questioning to see if anything will come out of it. Were you disturbed in relationship to the King case to find out that the FBI had a program called COINTELPRO, and that part of that program was to neutralize Black leaders that may become 'Black Messiahs.' Does that at all disturb you, with your assassination interests?

Well, it always disturbs me to uncover what I regard as improper surveillance, improper political activity by the Federal Bureau of Investigation. If you mean, do I think that because of that the FBI was involved in the assassination of Dr. King, the answer is no. I don't.

Let me try to be more specific. When you're talking about the political context of the King case and why it's so volatile because of its politics, could you just be a little bit more specific what you mean? What are the politics that are making it so difficult to push through a new trial?

You've got a very powerful federal agency, the FBI, which claims to have solved the assassination, and if you have a trial, and James Earl Ray is found not guilty, that agency is going to be severely embarrassed. People are going to want to know why the touted FBI wrongly solved the assassination of Dr. King. And when they find out some of the coverup that has been going on, then I think there is going to be, or should be I would think, considerable outrage against the FBI. The same is true of the local officials. The implications

of this case are tremendous, as far as the officials involved. And when the American public finds out what some of the attorneys and the trial judge did during the course of this case, even after watergate, I think they'll be shocked. And so there are a lot of people that have a lot to lose. By reopening the case, and they'd like to keep the lid on.

In the Rolling Stone interview, I believe you were quoted as saying, that you discounted the intermediary for two self-proclaimed assassins of Dr. King as "horseshit." Now, if these two would come forward, or the intermediary would come forward and testify, how would that possibly harm your case?

Well, suppose he's testifying falsely? Suppose this is someone who's going to testify against my client, and say my client's involved in a conspiracy, when my client wasn't involved in any such conspiracy.

So that's a judgment that you're making, that he won't be helpful. Isn't it just as possible that he would be helpful to you?

No, under the circumstances of that story as I noted, I don't believe that the person involved had any knowledge of the King assassination that he claimed to have. I think you've got to answer some very obvious, basic questions. Why would anyone wait seven years after the assassination to come forward? Why would any so-called intermediary for a group of alleged assassins come to the defense attorney? Why, in heaven's name? And you have

to take into account the timing. Why would he come forward ... you see, the time when that happened was just after the Sixth Circuit had declared that James Earl Ray was entitled to an evidentiary hearing ... but before it was certain he was going to get an evidentiary hearing, because the Supreme Court had not yet decided whether to grant the State of Tennessee's petition for a writ of certiorari to review the case. So, the question that you have there is, why would any so-called intermediary acting on behalf of alleged assassins come forward at a time when it wasn't certain whether there was going to be an evidentiary hearing, much less whether there was ever going to be a trial? Why come forward when

there wasn't any reason to believe that they were in any jeopardy at all? It doesn't make sense.

Good point. But now, either this man would be a help to your case, or he would be a hindrance.

He could be a hindrance in several ways. It could be a setup. It could be just a lunatic. Suppose you've just got a lunatic involved. You stake your credibility to a lunatic; it turns out to be a lunatic, where are you?

So there's no point in investigating this individual, trying to trace his background?

There's no point in it. In the first place, it's not the function of the defense attorney. My job is to defend James Earl Ray, to do the best I can to see that his

constitutional rights are enforced in the courts of law. And it is obligation of the government to investigate the crime, it's not my obligation.

What kind of help, if any, have you received from the civil rights movement in either financing or helping you do research or whatever?

Well, I'd have to say that it's been virtually nil. The NAACP Legal Defense Fund on the West Coast was helpful in sending me a couple of briefs that they had done. But so far our attempts have been unsuccessful. I would like very much to have our investigator interview Jesse Jackson for example. Attempts have been made to have that happen, and so far they've not succeeded.

(CONCLUSION NEXT WEEK)