

Perversion of justice alleged in James Ray case

A perversion of justice and denial of basic constitutional rights were the reason for James Earl Ray's conviction for the assassination of the Rev. Martin Luther King Jr., seven years ago, according to James Lesar, Ray's defense attorney.

Lesar spoke at the University of Wisconsin-Stevens Point Wednesday afternoon as part of a five-day symposium on the assassinations of King and John F. Kennedy.

The FBI, defense lawyers and prosecution were responsible for "one of the grossest abuses" of justice in this country, Lesar said.

The FBI distorted evidence and withheld information which would have been influential in the case, he said. For example, he charged, the FBI said King's assassin fired a rifle which was resting on a bathroom window sill in a rooming house near King's motel. But there was no gun powder residue on the sill, said Lesar, nor evidence on the gun barrel that it had rested on a sill. There also was no evidence that the rifle was the murder weapon, Lesar said, because the FBI said the bullet taken from King was too mutilated for identification. Six years later

another forensics expert examined the bullet fragment and said it was not badly mutilated, he said.

An assassin would not leave the rifle so close to the scene of the murder knowing it had his fingerprints and registration, Lesar said. But the FBI failed to consider the possibility that Ray was framed, he charged, and also failed to consider that the shot could have been fired from a nearby parking lot.

"The investigation was flawed, to say the least," Lesar said. "The reality is that the FBI, knowing it had someone to take the rap, proceeded to frame Ray by not investigating fabricated evidence." The FBI was under criticism at that time because of its handling of the Kennedy assassination, he added.

The accused has an "ironclad right" to private consultation with his lawyer, Lesar said, but Ray was under surveillance from the time he was extradited from England to the time he was convicted. Two guards took notes on everything he did day and night and there was a television camera and microphone in the cell. The prosecution took all of his mail so the district attorney could photocopy it, he said.

"Notes he wrote were stolen from his cell and from the trash can and taken to the district attorney," Lesar said. "This fact alone would be sufficient to overturn the conviction, but the courts have failed to act on such outrageous violations of Ray's rights. And the defense even exceeded the prosecution in violating rights."

Ray's first attorney, Arthur Hanes Sr., entered contracts with an author to provide information for a book. Hanes and the author, William Bradford Huie, had to see that Ray was convicted or they wouldn't have had information for a book, Lesar said.

When Ray realized the conflict of interests, he said, he fired Hanes and hired attorney Percy Foreman, who entered the same contracts with Huie.

Foreman agreed to give Ray money from the book so Ray could afford a lawyer for an appeals hearing, but the agreement was contingent upon Ray's pleading guilty without any embarrassing circumstances, like telling the judge he was being pressured, Lesar said.

Ray did plead guilty.

Five and a half years later, the Sixth Circuit Court of Appeals held a hearing on the allegation that Ray's rights were violated, but the court failed to call the major witnesses, Lesar said. The case has been appealed to the U.S. Supreme Court.

"The Constitution and the American system of justice have been totally violated," Lesar said. "The result is that seven years after the conviction we still don't know who killed King. We all are victims of the way in which that system has worked."