

Justice Memos Critical of Assassinations Panel's Treatment of Ray's Brother

12/24/79-WP
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The House Assassinations Committee acted improperly in its efforts last year to secure perjury charges against a brother of convicted assassin James Earl Ray, according to internal Justice Department documents.

Officials at Justice said the committee's attempts to have John Ray indicated smacked of "an abuse of process." They also disputed some of the committee's findings concerning the murder of the Rev. Martin Luther King Jr., and they concluded that many questions the committee asked John Ray were not material to the King investigation.

The internal Justice Department records were provided to Ray's lawyer this month under the Freedom-of-Information Act. The memos contrasted sharply with the now-defunct committee's claim that it scrupulously tried

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to respect the rights of persons who came under investigation.

According to one of the Justice Department memos, chief committee counsel G. Robert Blakey told government prosecutors at a May 24 meeting last year that "the primary reason he wanted John Ray charged with perjury was to convince James Earl Ray to testify before the committee concerning his knowledge of the assassination of Dr. Martin Luther King."

The memo, dated Aug. 25, 1978, and written by Alfred L. Hantman, chief of the Criminal Division's General Crimes Section at Justice, recommended against prosecution.

"Returning an indictment against John Ray in order to pressure his brother James Earl Ray into cooperating could and should be viewed as an abuse of process," Hantman advised Assistant Attorney General Philip B.

Heymann.

"It is one thing to use the criminal laws to pressure an individual into cooperating with the government," Hantman wrote. "It is another thing to use the criminal laws against someone to pressure another individual into cooperating with the government. This is particularly true when the individuals involved are close family relatives such as brothers."

Asked whether he thought John Ray got an unfair shake from the committee, Rep. Louis Stokes (D-Ohio), who served as chairman, replied: "I think Dr. King got an unfair shake from his (John Ray's) brother." Stokes said he had nothing else to say about the matter.

James Earl Ray is serving a 99-year term in Tennessee State Prison for King's murder in Memphis on April 4, 1968.

Committee counsel Blakey, now at Cornell University's Institute on Organized Crime, could not be reached for comment.

John Ray's case produced fireworks between his lawyer and the House committee throughout the year. At first, chairman Stokes raised the prospect of contempt proceedings after Ray appeared before a secret session of the King subcommittee April 17, 1978. According to Stokes, "Mr. Ray refused to disclose information clearly within his knowledge by systematically relying on a supposed lack of recollection."

Ray, 46, was called back for another closed session May 9, 1978, at which he denied involvement in a number of bank robberies, including the 1970 holdup in St. Peters, Mo., for which he had been convicted. The committee maintained that he had perjured himself and sent a complaint to the Justice Department.

As a result, in mid-June 1978, Ray was pulled from a halfway house in St. Louis by federal marshals and put back in jail to await an investigation. He was to have been freed June 16, but the U.S. Parole Commission decided to "retard" his release, although Parole Commission records show he had already served an extraordinary time in prison — 93 months — for driving a getaway car.

Justice Department records show that its lawyers believed Ray had lied about two other 1970 bank robberies he had been asked about, but they still doubted the propriety of prosecuting him.

"Since we can no longer prosecute

John Ray for the bank robberies themselves because of the five-year statute of limitations, we would be bootstrapping ourselves by going after John Ray for perjury concerning those same bank robberies," Hantman said in his Aug. 25, 1978, memo.

The Assassinations Committee contended then, and in its final report this year, that Ray's testimony concerning the robberies was relevant since "it undermines John's credibility . . . shows his character as a bank robber . . . and . . . demonstrates criminal activity" similar to a 1967 bank robbery in Alton, Ill.

The committee contended that John Ray and James Earl Ray probably robbed the Alton bank and that "in all likelihood" James Earl Ray used the loot to support himself until his apprehension for King's assassination in 1968.

In another memo to Heymann on Oct. 25, 1978, however, Hantman said that Ray's testimony concerning the two 1970 robberies — in Meredosia, Ill., and in Laddonia, Mo. — was simply "not material to the committee's inquiry." He pointed out that the Assassinations Committee was "not charged with investigating bank robberies in general" and he rejected the notion that Ray's testimony was somehow impeding the King investigation.

"In order for perjured testimony to be material, the investigation must aid in legislation," Hantman said. "Whether John Ray corroborates or denies participation in the Laddonia

and Meredosia robberies is not going to alter the committee's conclusions regarding changes to be made in the law or improvements to be made by investigative agencies."

Hantman also disputed the committee's contentions, which it reiterated this year in its final report, that the method of operation for the two 1970 robberies was "substantially similar" to the unsolved Alton bank holdup. He said the differences were more pronounced and he emphasized "the lack of any truly distinctive character common to all three robberies."

The committee, however, pressed ahead, calling John Ray to testify at its final public hearing on the King

murder last December. The Assassinations Committee so concentrated on the bank robberies that it didn't ask Ray whether he had anything to do with King's death.

Charles F. C. Ruff, then acting deputy attorney general, formally declined to prosecute Ray in a letter to the clerk of the House May 11. He said a number of senior Justice Department officials had reviewed the evidence "and it is their unanimous opinion that no perjury prosecution is warranted."

The committee dwelt on the robberies in its final report last July when it concluded that "there was a likelihood of conspiracy in the assassination of

Dr. King." Stokes added that the report had been cautiously phrased.

The reason for this, he said, was that "we were determined to respect the rights of subjects of our investigation — including possible suspects in the conspiracies — and their associates."

John Ray is back in jail for an eight-month term for violating parole. He was in an auto accident Jan. 20 that he blamed on an icy road, and he was charged with drunken driving. Seven months later, on July 26, he was charged with violating parole because of the drunken driving charge. He is now in the St. Charles County jail in Belleville, Ill.