# John Ray, In Prison Again, Says Brother Is Target

By Robert Goodrich and Richard Dudman
Of the Post-Dispatch Staff

John Larry Ray is back in federal prison in what he contends is the latest effort by federal authorities to persecute him because he is the brother of James Earl Ray, convicted assassin of Dr. Martin Luther King.

An internal memo obtained by Ray's Washington attorney under the federal Freedom of Information Act appears to indicate that the House Assassinations Committee tried to have John Ray indicted in order to put pressure on his brother. But the committee's chief counsel, G. Robert Blakey, says that is not true.

"John is really a very sad case," Blakey said. "He has been involved in trouble all his life. Any notion that our committee is the cause of his troubles is just foolishness."

Ray, 46, is confined at the Medical Center for Federal Prisoners at Springfield, Mo. Officials there say he is a member of the work force, not a patient, but will not say what his duties are.

Ray was sentenced in 1970 to 18 years in prison for driving the getaway car in a St. Peters bank robbery. He told the Post-Dispatch in an interview last year that he was not involved in that or any other bank robbery and that even if he had been, 18 years was a stiff term for a mere "wheel man."

In the spring of 1978, John Ray was called several times as a witness before the House Assassinations Committee. He was asked about various St. Louis area bank holdups, including one in 1967 in Alton that Blakey and committee members thought might have helped finance the King assassination. The five-year statute of limitations had expired, but Ray denied knowing anything about the robberies.

Blakey said, "We developed evidence that he had participated in a series of bank robberies. Other people who participated with him said that he did it."

Blakey suggested that the U.S. Justice Department prosecute Ray for perjury.

The Justice Department replied that the alleged false testimony was "not material" and "surrounding circumstances" indicated that "discretion is best exercised by declining (to prosecute)," according to an internal memo by Alfred A. Hantman, chief of the general crimes section of the department's criminal division.

The memo says Blakey met with Justice Department representatives on May 24, 1978, and "advised that the primary reason that 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."

Blakey said that is a totally erroneous representation of his reasons for suggesting prosecution. He said he went to the Justice Department only because he believed there was clear evidence of perjury, which "certainly had obstructed the effort by the committee to find out the truth."

A later memo, written by Hantman's assistant Roger B. Cubbage, says: "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. It is one thing to use the criminal laws to pressure an individual into cooperating with the government. 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."

Copies of both memos were obtained by Ray's Washington attorney, James H. Lesar, under the Freedom of Information Act, and copies were later obtained by the Post-Dispatch.

Robert L. Keuch, deputy assistant attorney general, told the Post-Dispatch he was not at the May meeting when Blakey first presented his material. But Keuch said he was present at a later meeting when Blakey denied that he wanted John Ray prosecuted to put pressure on his brother. The later meeting also involved Attorney General Benjamin R. Civiletti, then deputy attorney general.

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There were several meetings and conferences on the subject, Keuch said. In his opinion, the department's decision not to prosecute was merely "an honest disagreement" with Blakey.

Blakey disputed whether "materiality" was grounds for not prosecuting. Congressional committees are not as restricted as grand juries and courts on what is material to their investigations, he said.

Justice Department records show two other reasons for the decision not to prosecute:

— The suggested perjury charge would involve a crime for which the statute of limitations had long expired. This is called "bootstrapping" by prosecutors and is frowned upon by judges.

— Ray already had served an unusually long sentence, almost eight years, for driving a getaway car. His lawyer says none of his co-defendants, who supposedly committed the crime, served anywhere near that long.

But in June 1978, a few days before he was to be paroled, Ray was arrested at Dismas House, a St. Louis "halfway house," and held in the St. Clair County Jail in Belleville while federal parole authorities investigated the Assassination Committee's findings. They decided to "retard" his release.

In an interview on June 17, Ray told the Post-Dispatch the committee was determined to get him. "They've got a million dollars to investigate that King deal. Somebody is going to be convicted and it won't be a white-collar criminal," he said.

Although his parole was "retarded," Ray was later allowed to return to Dismas House. He obtained a job driving an airport bus. But last Jan. 20, he was involved in a traffic accident in Fredericktown, Mo.

In a letter to the Post-Dispatch, Ray said he had not been drinking, but had refused a breath test for "other reasons" that he did not specify. He said he had posted a $144 bond, which was forfeited when he did not return for trial.

His driver's license was suspended and he was laid off from his job until he could clear up his license problem.

On July 28 he was arrested. He was confined at the St. Clair County Jail pending a parole board hearing. On Sept. 13 in St. Louis, according to his lawyer, the parole authorities recommended his return to prison for the alleged drinking and the failure to report the Fredericktown arrest to them.

According to the Bureau of Prisons regional office in Kansas City, the National Parole Commission affirmed that decision on Nov. 13. On Dec. 19 Ray was taken from Belleville to the prison at Springfield. He will be eligible for parole again on April 10, authorities said.

John Larry Ray ... Back behind bars

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