Ray v. DOJ (Webster Baetz)

Aug. 27, 1980

Oliver Parrerson, James E Ray

Just a short note with the enclosure. I didn't staple the exhibits on to the Complaint as you will have to part them anyhow to xerox.

A couple days ago I received a letter from [redacted] from the U.S. Attys : Kingsland & Wedemeyer (St. Louis) saying the JD was going to defend Baetz. This is ok with me since he won't be able to complain that he is being financial harrassed by the suit, however, it is unusual for the JD to defend someone when the alleged acts are not directly related to gov. service that the one they are defending has allegedly committed.

I have your letter dated August 16th., no I can't think of anything just now I will need. I am certain the St. Louis suit will never go to trial but if it did I would have Mark represent me and he could call you as a witness.

Until later,

Ray

note, the gov. ask for a continuence to answer the Complaint, until Sept. 26th. For the JD & Baetz.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS, MISSOURI

JAMES E. RAY,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF JUSTICE; CONRAD BAETZ,

Defendants.

Civil action no. 80-0963 C(4).

COMPLAINT

Comes the Plaintiff, James E. Ray, acting pro se, petitioning the court for a "Declaratory Judgment" against defendants, United States Department of Justice and Conrad Baetz, alleging:

1. ALLEGATION OF JURISDICTION.

(a) Jurisdiction founded on diversity of citizenship and the amount.

The plaintiff, James E. Ray (hereinafter, plaintiff), is a citizen under operation of law of the State of Missouri; defendant, United States department of justice (hereinafter, Department of Justice), is an agency of the Federal Government having it's principal place of business in the District of Columbia; defendant, Conrad Baetz (hereinafter, defendant Baetz), is a citizen of the State of Illinois. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(b) Jurisdiction founded on the existence of a federal question and the amount in controversy.

The action arises under the constitution of the United States, Article 3 Section 2, the Fourth Amendment, as hereinafter more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

(c) Jurisdiction founded on the existence of a question arising under particular statute.

The action arises under the Act of, 42 U.S.C.A. Sec. 1983; 28 U.S.C.A. Sec. 1343, as hereinafter more fully appears.

(d) Relief is also sought pursuant to the Federal Declaratory Judgment Act, Title 28, United States Code, Section 2201 and 2202.

2. Plaintiff requests that the court issue summons pursuant to and accordance with Rule 4 (e (f) of the Federal Rules of Civil Procedure.

3. STATEMENT OF THE CASE:

In April 1967 Plaintiff escaped from the Missouri State penitentiary; thereafter in June 1968 plaintiff was indicted and arrested in the Dr. Martin Luther King jr. homicide; subsequently on March 10, 1969, counsel representing plaintiff, Percy Foreman, obtained a guilty plea from the plaintiff for the State in said homicide; the day following said plea plaintiff, then in a legal position to dismiss Percy Foreman as counsel, reputed the guilty plea alleging it was obtain through fraud and coescion, and thereafter plaintiff has been attempting unsuccessfully to have said plea set aside. During the aforementioned plea the State offered no motive on the part of plaintiff for the alleged homicide; in addition, during the period of plaintiff's 1967-68 fugitivity plaintiff received financing of approximately $9.500; the State, during said plea, offered no explanation as to how plaintiff was financed during the 1967-68 period.

4. That Federal & State agencies which have in one form or another participated in the prosecution of plaintiff in the, Martin Luther King jr. homicide have subsequent to 1969 offered directly, or through elements in the print media sympathetic to government causes, the following explanations in respects to how plaintiff was financed during said 1967-68 fugitivity period:

A. That by an F.B.I. AIRTEL dated 8-2-68 the bureau indicates no identification respecting plaintiff involvment in, bank burglaries, bank robberies, or major theft. EXH—A, attached.

B. That shortly after said guilty plea (1969) the Attorney General for Shelby county, Tennessee, Mr. Phil M. Canale, who prosecuted the, Martin Luther King jr., homicide informed the press that..." he had reason to believe" plaintiff trafficked in drugs while in prison and sent out about $7.000, and that he later committed several robberies in Canada and London (England). EXH—B, attached.

C. That in 1972 a Novel written by, Gerold Frank, with government assistance, published by "Doubleday & Co.", Mr. Frank alleged plaintiff financed himself during said fugitivity period by robbing "all night conveniences".

D. That in the April 26, 1976, edition of "Time" Magazine another Department of Justice front person, George McMillian, had published an Article alleging plaintiff had financed himself during 1967-68 by peddling drugs in the Missouri penitentiary in the 1960's, then smuggling the profits to family members for later return to plaintiff. The aforementioned Article was subsequently published in Book form by,"Little Brown & Co." EXH—B, attached.

E. That in January 1978 the Department of Justice/ Federal bureau of Investigation releasted numerous files in the, Martin Luther King jr., case to United Press International and therein stated "...we do not know the source of even the smallest amount of money possessed by Ray..." EXH—B, attached.

F. That in August 1978 plaintiff appeared before a "Select Committee" of the U.S. House of Representatives investigating the, Dr. Martin Luther King jr. homicide. During interrogating of plaintiff a Committee member inferred that plaintiff and a Brother, Jerry W. Ray, had robbed in July 1967 the "Bank of Alton" Illinois. Shortly thereafter Jerry Ray appeared at the "Bank of Alton" and offered to waive the statute of limitation and stand

trial for the robbery; the Alton police then informed, Jerry Ray, that he had never been a suspect in said robbery. EXH—C, attached.

G. That thereafter the "Select Committee" & government press officials line was that plaintiff and another Brother, John Ray, robbed the "Bank of Alton".

H. That the only apparent evidence linking, John L. Ray, to the "Bank of Alton" robbery is a female witness who saw John's picture in the Alton newspaper ten (10) years after said robbery and identified him on the basis that John had White hair & Blue eyes. EXH-D, attached. (John Ray has Brown hair & Brown eyes.

J. That a Justice Department Document dated August 25, 1978, evidences (p.1), that the aforementioned "Select Committee" Chief Counsel, Robert Blakey, requested that the Department of Justice indict said, John L. Ray, for perjury in order to "convince James Earl Ray to testify before the Committee". EXH—E. This Document also states (p.5), in reference to the "Bank of Alton" "...There is no existing or anticipated testimony or other evidence to link John Ray or James Earl Ray to that robbery".

K. That Department of Justice/FBI documents evidence that in 1968 a, John Eugene Gawron, and F.B.I. informant, informed the F.B.I. that Plaintiff and "another person" robbed the "Bank of Alton"; however, said Documents also evidence that when the F.B.I. investigated Mr. Gawron's accusation the bureau found that the other "person" was in jail at the time of said robbery.

L. That in a telephone interview with , Charles Bosworth a reporter for the St. Louis Post-Dispatch published on June 24, 1980, Mr. William H. Webster, director of the F.B.I., stated that there were two similarities between the shootings of, Mr. Vernon Jordan and Dr. Martin Luther King jr.; Mr. Webster stating in effect that Jordan & King were "stalked" and the shootings were financed by "bank robberies"—implying that John Ray had robbed a bank to finance the Vernon Jordan assault, while plaintiff had robbed banks to finance the, Martin Luther King jr., assault. EXH—F ,attached.

5. That the Bank located in Liberty, Illinois, that John L. Ray is alleged to have robbed was robbed after the, Vernon Jorman, assault, which F.B.I. Director Webster knew prior to his aforementioned telephonic news-conference.

6. That the Liberty "Bank" was robbed approximately seve (7) hours after the, Vernon Jordan, assault and since it requires approximately nine (9) hours to drive from Fort Wayne, Indiana, to Liberty, Illinois, it was not possible for, John L. Ray, to have committed both offenses--as Director Webster knew before his Post Dispatch interview.

7. That the Department of Justice/ F.B.I. in league with "friendly press sources" orchestrating the, Vernon Jordan & Martin Luther King jr., assaults as described above is a continuing Department of Justice strategy of signaling the courts, through false and poisonous allegation in print, that the federal government cannot afford for the courts to order a public trial in the, Martin Luther King jr., homicide.

8. That it is the Department of Justice/ F.B.I. policy to resolve the, Martin Luther King jr., case through accusations leaked by them to "friendly Newspaper contacts", as stated by former F.B.I. Official, Cartha Deloach. EXH--B, attached.

9. That defendant Baetz while an employee of the aforementioned "Select Committee" did under color of law direct one, Oliver B. Patterson, a Committee undercover operator, to purloin material from Plaintiff's Brother, Jerry W. Ray, when the opportunity arose.

10. That said Oliver B. Patterson did on or about April 18, 1978, in the "Capitol Hill Quality Inn" Washington, D.C., purloin from Jerry Ray's room, at the direction of Defendant Baetz, letters and other items the property of plaintiff, and after xeroxing same Patterson posted copies to defendant Baetz P.O. Box in Woodriver, Illinois. EXH--G, attached.

11. That it was the policy of said "Select Committee" & Staff members including defendant Baetz to harass under color of law plaintiff and members of plaintiff's family. EXH--H, attached.

12. That plaintiff first learned of defendant Baetz acts refered to in Paragraphs 9,10 & 11 above in January 1980 when the aforementioned Oliver B. Patterson provided plaintiff with sworn af idavitf attesting to said Acts.

13. That all said "Select Committee" staff members including defendant Baetz were required to obtain a security clearance from the F.B.I. before they could inspect F.B.I. records in the, Martin Luther King jr., homicide; and in ad ition defendant Baetz was required to sign an instrument stating in effect that he would in-perpetuity remain silent about the contents of said F.B.I. records.

14. That in effect the F.B.I. & Department of Justice were in charge of said "Select Committee" investigation(s) and that Defendant Baetz is still acting as a transmitter for Department of Justice propaganda in the, Martin Luther King jr., homicide.

15. That in an interview given the St. Louis Post-Dispatch newspaper published in the July 22, 1979, edition, Defendant Baetz informed the Newspaper that one of plaintiff's family members was an intermediary between plaintiff and a, John H. Sutherland, wherein Sutherland payed indirectly plaintiff money to assault, Martin Luther King jr.

16. That defendants have and are continuing to act in collusion under color of law to deprive plaintiff of constitutional & legal rights complained of above.

17. That plaintiff will waive the statute-of-limitations & any protection he may have under the Treaty he was extradited from England to the United States in 1968 and stand trial for any of the aforementioned cr. offenses that the Department of Justice & the Department's "friendly news sources" have accused plaintiff of providing; however, that the government refrain from utilizing convict & ex-convict witnesses from the Missouri & Tennessee prison system. The plaintiff recognizes that the government could obtain several hundred inmates in the Missouri system to testify plaintiff expressed an intent to commit one of the aforementioned cr. offenses, and a like figure from Tennessee prisons' to testify plaintiff "confessed" the offenses.

18. QUESTIONS POSED BY PLAINTIFF FOR "DECLARATORY JUDGMENT" DETERMINATION:

(1) Whether the Defendants acting in consort or singularly can in print libel plaintiff with impunity by accusing him of having committed numerous criminal offenses regardless of the truthfullness of accusations under, Wolston v. Reader's Digest Associations Inc., et al No. 5484 U.S. Sup. Ct. (1979), wherein the court in proscribing the practice of libeling those convicted of crimes held:

> " to hold otherwise would create an "open season" for all who sought to defame persons convicted of a crime. Slip at, 11.

(2) Whether the Department of Justice can classify all of the substantive evidence in the, Dr. Martin Luther King Jr., homicide , Lesar v. Department of Justice, 455 F. Supp. 921 (1978), while simultaneously on a year in year out basis have or permit their agents,EG. F.B.I. Director, William H. Webster, attributed various criminal acts to plaintiff during the 1967-68 period.

(3) Whether Defendant Beets can with legal impunity obtain illegally personal property rightfully belonging to plaintiff and retain same.

19. WITHOUT A DECLARATION OF THE LEGAL RIGHTS OF PLAINTIFF HEREIN HE WILL BE:

(1) Subject to civil liability suits where the aforementioned accusations against plaintiff may toll the statute of limitations.

(2) Subject to criminal prosecution where the statute of limitations may be tolled.

(3) required to engage in a multiplicity of litigation, and

(4) Under T.C.A. sec. 40-3613 the State of Tennessee board of pardons and paroles has broad authority to investigate and receive new exculpatory evidence and make recommendations to the Governor in respect to Pardon and paroles for State prisoners, after the courts have made a final determination.
It is the intention of plaintiff to petition the State board of Pardon & Paroles shortly with exculpatory evidence; however, if the herein defendants are permitted periodically to have published malicious and false accusations directed at plaintiff,e.g., narcotics peddler, bank robber, without providing plaintiff with an opportunity to disprove same in the courts, said accusations will undoubtedly influence said Pardon & Paroles board adversely toward plaintiff.

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

1) A jury trial in all is ues triable by jury.

2) That the Department of Justice specify just what criminal acts, and the evidence to support same, that the Department contends plaintiff committed prior to his departing the United States in April, 1968—excepting plaintiff convictions in courts of law.

3) Actual damages of $25.000 and punitive damages in the amount of $5[illegible].000 from Defendant Beats for libel, and alike amount for violation of plaintiff civil rights.

4) Such other and further relief as this court deems just, proper and equitable.

Respectfully submitted: James E. Ray, pro se

Brushy Mountain prison

Petros, TN. 37845.

a/ James E. Ray.

Posted 7-18-80

8-2-68

Airtel

To: SAC, Memphis (44-1987)

From: Director, FBI (44-38861)

MURKIN

Reurairtel 7-19-68.

This airtel supplements Buairtel of 7-26-68.

Major case prints of James Earl Ray, FBI #405942G, compared with latent impressions in bank burglary, bank robbery, and major theft sections of National Unidentified Latent File, but no identification effected.

EX-100

REC 74 44-38861-4990

4 AUG 5 1968

1 - Mr. Rosen

G.J.Regd

(6)

MAILED 5
AUG 2 - 1968
COMM-FBI

Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

61 AUG 9 1968 TELETYPE UNIT

EXH-A

Ray Missouri Prison Break Probe Asked

JEFFERSON CITY, Mo. (AP) — Prison officials in Missouri say they will ask the FBI to review the record on James Earl Ray's escape — one year before the assassination of Dr. Martin Luther King Jr. — from the state penitentiary here.

Ray is serving a 99-year sentence for the assassination of the civil rights leader.

GEORGE Camp, deputy director of the state Social Services Department, met for an hour Monday with black leaders and agreed to send Ray's file to the bureau with the request that it be reviewed.

But Camp said the FBI would be told that state officials could find no evidence that Ray escaped with the help of prison guards or that he financed himself with money raised through illegal drug dealings while in prison.

Those allegations were reported in a Time magazine article in January, which quoted excerpts from a book by George McMillan on the King assassination.

The unanswered questions raised by the book "strike at the nerve of black America," said the Rev. Emanuel Cleaver, who is executive director of the Southern Christian Leadership Conference in Kansas City and was among those who met with Camp.

"WE ARE representing the frustration of black people as to the mystery of King's assassination," he said. "It's difficult to believe that James Earl Ray escaped without the participation and knowledge of prison officials."

Camp, who directs Missouri's correction system, said "all or as anxious as you to explore as fully as possible any leads available." But, he added, "there's no indication that he (Ray) was involved in illegal activities to gather the money Mr. McMillan is talking about." He added that Ray could have come by the money some other way after escaping from the prison.

CAMP WAS not involved with Missouri's corrections system at the time of Ray's imprisonment.

Ray was serving a 20-year sentence for robbery when he made good his third escape attempt on April 23, 1967. He was arrested in London, two months after King's April 4, 1968 assassination in Memphis.

Suspicion that Ray was financed with large amounts of money is based on the estimate that he spent $10,000 to $15,000 in the time between his escape and his arrest.

AFTER RAY pleaded guilty to the assassination, Dist. Atty. Gen. Phil Canale of Shelby County, Tenn., said he had reason to believe the convicted assassin trafficked in drugs while in prison and sent out about $7,000, and that he later committed several robberies in Canada and London.

Cleaver said the Justice Department would announce this month whether it intends to reopen the investigation of the King assassination.

Nashville—Tennessean, 4-14-1976.

KINGSPORT TIMES (TN), JANUARY 29, 1978

Where did he get the money he lived on while a fugitive before killing King?

WASHINGTON (UPI) — FBI files show that James Earl Ray had no job in the year and a half between his escape from Missouri's state prison and his arrest for the murder of Martin Luther King. But he always had money and always paid cash.

Where Ray got the money is one of the major questions surrounding King's death that never was answered in the reams of files made available to UPI Tuesday by the FBI. Just last year, a Justice Department task force said "the sources for Ray's funds remain a mystery today."

In 1974, the FBI found "nothing to indicate that Ray ever received any large sum of money from anyone, and what we know of his living habits both before and after the murder would indicate that he lived on a very limited amount of money," the files said.

"We do not know the source of even the smallest amount of money possessed by Ray, but since we know him to have robbed a bank in England after fleeing to that country, it is a reasonable presumption that Ray committed robberies in the United States during the time he was a fugitive."

After Ray's capture in London, Scotland Yard linked him to two robberies and considered him a suspect in several others. The FBI Director J. Edgar Hoover reported that to then Attorney General Ramsey Clark.

Ray also was believed to have been involved in the sale of drugs in Los Angeles in the year and a half between his escape from prison and the King slaying.

The files also show the FBI considered unusual means to discredit King's widow, Coretta; Ralph Abernathy, his successor as leader of the Southern Christian Leadership Conference; and other supporters who disputed the bureau's conclusion that Ray was not merely the agent for forces who wanted the world's foremost spokesman for racial equality silenced.

U.P.I. FEB 1978

Two days after Ray pleaded guilty and was sentenced to serve 99 years, Cartha DeLoach, a top aide to Hoover, suggested the bureau quietly sponsor the publication of a book presenting "the true history of this case" against attack from those who disputed the bureau's version.

"O.K." Hoover wrote on the memo, but there was no further indication the plan was carried out.

"Now that Ray has been convicted, I would like to suggest that the director allow us to choose a friendly, capable author, or the Readers Digest, and proceed with a book based on the case," DeLoach wrote.

"I would also like to suggest ... advising a friendly newspaper contact, on a strictly confidential basis, that Coretta King and Rev. Abernathy are deliberately plotting to keep King's assassination in the news by pulling the ruse of maintaining that King's murder was definitely a conspiracy and not committed by one man.

"This, of course, is obviously a rank trick in order to keep the money coming to Mrs. King, Abernathy and the Southern Christian Leadership Conference," DeLoach said. "We can do this without any attribution to the FBI and without anyone knowing that the information came from a wiretap."

The files disclosed nothing more about the projects.

ST. LOUIS POST-DISPATCH Fri., August 18, 1978

Jerry Ray Visits Alton Bank To Deny He Robbed It In '67

By ROBERT J. WEHLING
Of the Post-Dispatch Staff

A brother of James Earl Ray popped into the Bank of Alton, Ill., today and told startled bank officers he had no part in robbing it 11 years ago.

Then Jerry Ray went to the Alton Police Department and repeated the denial for amused officers.

Both visits apparently stemmed from the appearance of James Earl Ray before a congressional committee in Washington. The committee is investigating the assassination of the Rev. Dr. Martin Luther King, for which James Earl Ray is serving a prison sentence.

In questioning, Rep. Floyd J. Fithian, D-Ind., strongly implied that James Earl Ray and brother Jerry could have robbed the Bank of Alton on July 13, 1967 and used the money to stalk King before the assassination 15 months later.

Standing before a local television camera and a newspaper reporter, Jerry, in a powder blue sport coat, told Bank of Alton Vice President, Paul E. Utterback that he had no part in the robbery in which $27,230 was taken. Ray said he was enroute to the police station to waive any statute of limitations and to be charged with the 1967 armed holdup if police wanted.

At police headquarters, Jerry Ray told Police Chief Rudy Sowders, Assistant Chief John Light, Lt. Walter Conrad, and others, that he would take a lie detector test if they desired.

Police declined the offer.

"He was interviewed briefly by Lt. Conrad and was told he is not, and was not then, a suspect in the holdup," Sowders said.

Two masked men rifled two cash drawers in the 1967 holdup at the bank at 1520 Washington Avenue and escaped without harming anyone. It was the first bank robbery in Alton's history, and remains unsolved.

"Conrad asked him if he wanted to confess to the crime, and he said he could not confess to something he did not do," Sowders said. "Then we took his name and address and told him we'd call him if we needed him."

Conrad said Ray told him he is now 43, unemployed, and living with relatives in the Mehlville area of south St. Louis County. Then he left, accompanied by cameramen.

EXH-C

SIO001 3401855Z

OO HQ

DE SI

O 061856Z DEC 78

FM SPRINGFIELD (62-2567) (P).

TO DIRECTOR (62-117290) IMMEDIATE

BT

UNCLAS

HOUSE SELECT COMMITTEE ON ASSASSINATION (HSCA)

ON DECEMBER 5, 1978, [redacted] CONTACTED THE ALTON RESIDENT AGENCY OF THE FEDERAL BUREAU OF INVESTIGATION (FBI) CONCERNING THE ROBBERY OF THE BANK OF ALTON WHICH OCCURRED IN 1967. [redacted] ADVISED "THE ALTON TELEGRAPH", ALTON, ILLINOIS, RAN AN ARTICLE ON SATURDAY, DECEMBER 2, 1978, CONCERNING THE RAY BROTHERS' ALLEGED INVOLVEMENT IN THE 1967 ROBBERY OF THE BANK OF ALTON. [redacted] ADVISED UPON OBSERVING THE TWO PHOTOGRAPHS OF JOHN RAY AND JERRY RAY THAT JOHN RAY IS THE INDIVIDUAL SHE OBSERVED ON THE DAY OF THE BANK ROBBERY CROSSING THE STREET NEXT TO THE BANK OF ALTON.

[redacted] ADVISED THAT ON THE DAY OF THE ROBBERY OF THE BANK OF ALTON IN JULY, 1967, SHE WAS GOING HOME FROM WORK FOR LUNCH AT

6 DEC 78 19 11 Z

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec.

7-13

EX-113

62-117290-13

REC-80

91-27494

NOT RECORDED
100 JAN 22 1979
DEC 20 1979

RECORDS: ICC to 91-27494 (ALTON GR)

Dated 12/7/78

JAN 24 1979

1- AGG Criminal Div. (enc.) 1- Civil Rights (enc.) 1- C.I.U. (enc.) JTA/DF

EXH-D

APPROXIMATELY 1:00 P.M. [redacted] ADVISED SHE WAS HEADING EAST ON BROWN STREET APPROACHING THE INTERSECTION OF BROWN AND WASHINGTON STREET WHEN SHE OBSERVED TWO MEN CROSS BROWN STREET FROM THE DIRECTION OF THE BANK OF ALTON HEADING IN A SOUTHERLY DIRECTION TOWARD THE REAR OF THE CALVARY BAPTIST CHURCH. [redacted] ADVISED THERE WAS A HOLLOW BEHIND THE CHURCH THAT WAS WOODED.

[redacted] STATED THAT ONE OF THE MEN STOPPED DIRECTLY IN FRONT OF HER CAR IN THE LANE OF TRAFFIC AND THE SECOND MAN WAS A FEW STEPS AHEAD OF THE INDIVIDUAL WHOM SHE IDENTIFIED AS JOHN RAY. [redacted] ADVISED BOTH MEN WERE WEARING GRAY AND WHITE LOOSE COVERALLS AND THE INDIVIDUAL SHE IDENTIFIED AS JOHN RAY WAS WEARING A GRAY AND WHITE CAP DESCRIBED AS ONE WORN BY A RAILROAD ENGINEER. [redacted] STATED WHEN JOHN RAY STOPPED IN FRONT OF HER CAR, HE WAS APPROXIMATELY 12 TO 15 FEET AWAY AND AS HE TURNED TO LOOK AT HER HE REMOVED HIS CAP AND SHE NOTICED HE WAS WEARING A RED WIG AND SHE STATED THAT JOHN RAY HAD GRAY HAIR SHOWING UNDER THE WIG. [redacted] STATED HE WALKED OVER TO THE CURB IN THE SAME DIRECTION AS THE SECOND MAN. [redacted] NOTED THAT THE SECOND MAN WAS NOT WEARING

A CAP, AND WAS HOLDING HIS RIGHT THIGH GIVING THE IMPRESSION HE WAS CARRYING SOMETHING.

[redacted] FURTHER STATED THAT IF SHE COULD SEE A PROFILE OF JERRY RAY, SHE COULD POSSIBLY IDENTIFY HIM AS THE MALE INDIVIDUAL WHO WAS WITH JOHN RAY. [redacted] STATED SHE DID NOT KNOW ABOUT THE BANK ROBBERY AT THE TIME AND DID NOT LEARN ABOUT THE BANK ROBBERY UNTIL LATER THAT DAY WHEN SHE NOTIFIED THE FBI AND FURNISHED INFORMATION CONCERNING HER OBSERVATIONS.

ACCORDING TO [redacted], SHE WAS SHOWN A PHOTOGRAPHIC LINEUP OF NUMEROUS INDIVIDUALS, HOWEVER, DOES NOT RECALL EVER SEEING A PICTURE OF ANY OF THE RAY BROTHERS. [redacted] STATED THAT THE FIRST TIME SHE SAW A PHOTOGRAPH OF JOHN RAY WAS THE PHOTOGRAPH SHOWN IN THE DECEMBER 2, 1978, EDITION OF "THE ALTON TELEGRAPH". [redacted] FURNISHED THE FOLLOWING PHYSICAL DESCRIPTION OF THE TWO INDIVIDUALS SHE OBSERVED ON THE DAY OF THE BANK ROBBERY OF THE BANK OF ALTON: THE FIRST INDIVIDUAL WHOM SHE IDENTIFIED AS JOHN RAY WAS DESCRIBED AS A WHITE MALE, 5'9", 150 TO 160 POUNDS, GRAY HAIR STICKING OUT FROM UNDER A RED WIG, BLUE OR GRAY EYES, WEARING WORK SHOES

PARTIALLY LACED, CLEAN SHAVEN, 35 TO 40 YEARS OF AGE WITH LONG FAIRLY WELL SHAPED HANDS. THE SECOND INDIVIDUAL WAS DESCRIBED AS A WHITE MALE, 5'10" TO 5'11", SLENDER BUILD, APPROXIMATELY 140 POUNDS, HAIR DARK, PARTED ON SIDE AND COMBED BACK, BROWN EYES, CLEAN SHAVEN, APPROXIMATELY 25 TO 28 YEARS OLD.

LEADS: SPRINGFIELD DIVISION. WILL RECONTACT [redacted] IN ORDER TO OBTAIN A SIGNED STATEMENT.

BT

Philip B. Heymann
Assistant Attorney General
Criminal Division

August 25, 1978
ALH:RBC:jad

Alfred L. Hantman, Chief
General Crimes Section
Criminal Division

Select Committee on Assassinations - United States House of Representatives; John Ray; Perjury

This is in response to your request for our views as to whether John Ray should be prosecuted for perjury, 18 U.S.C. 1621, as a result of Mr. Ray's alleged false testimony to the House Select Committee on Assassinations. We have concluded that prosecution should be declined because (1) the allegedly false testimony was not material and (2) all surrounding circumstances show that prosecutorial discretion is best exercised by declining prosecution.

By letter to the Attorney General dated June 15, 1978 (Tab A), the Committee specifically referred John Ray's May 9, 1978 testimony [redacted]

Prior to formally referring this matter to the Department of Justice, Mr. Blakey met with United States Attorney Earl Silbert and a representative of the Criminal Division on May 24, 1978 concerning this allegedly false testimony. At that time Mr. Blakey 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. [redacted]

3 rule 30
5
7C

On May 9, 1978, John Ray appeared before the Committee in Executive Session after having been granted immunity pursuant to 18 U.S.C. 6005. [redacted]

General Crimes
Cubbage (2)

John Ray was convicted of the 1970 robbery of the Bank of St. Peters, Missouri. He received an 18 year sentence from which he was to be paroled in late June, 1978. His May 9, 1978 Executive Session testimony, however, contains

[redacted]

Our recommendation to decline prosecution in this case is based on the following reasons:

(1) If John Ray were indicted for perjury, the charges would be of a "bootstrap" variety: i.e., the charge arises from sworn testimony recently elicited about events which occurred eight or more years ago. Since we can no longer prosecute John Ray for the bank robberies themselves because of the five year statute of limitations (see 18 U.S.C. 3282), we would be bootstraping ourselves by going after John Ray for perjury concerning those same bank robberies. 1/ Although logic indicates that a prosecution for perjury about crimes that occurred beyond the statute of limitations will lie, there is little law directly on the issue. Judge Wyzanski stated in dicta in United States v. Worcester, 190 F. Supp. 548, 569 (D. Mass. 1961), that a federal perjury prosecution may be based upon a willfully false statement about a matter not punishable by the federal criminal law. In Worcester, the defendants argued unsuccessfully that it was "fundamentally unfair to put them under oath as witnesses to testify to matters occurring many years ago, many of which [were] barred by the statute of limitations." Cf. United States v. Mayor, 204 F. Supp. 486, 492 (S.D. Cal. 1962), aff'd, 323 F.2d 519 (9th Cir. 1963), cert. den., 375 U.S. 993 (1964).

1/ See attached copy of former DAG Tyler's memorandum to former Director Kelley in which the bootstrap principle was used to decline prosecution of an FBI agent for obstruction of justice in connection with perjurious statements given during an FBI internal investigation into the destruction of a note from Lee Harvey Oswald that Mr. Oswald had left at the Dallas field office approximately a week before the Kennedy assassination (Tab H).

(2) Only one of the bank robberies, the robbery of the Bank of Alton, Illinois, on July 13, 1967, was committed during the period of James Earl Ray's fugitivity — from April 23, 1967 through June 8, 1968. There is no existing or anticipated testimony or other evidence to link John Ray or James Earl Ray to that robbery. It appears that the real issue concerning the remaining bank robberies is that of establishing the materiality of the testimony, a necessary element for a perjury prosecution. The traditional test of materiality of a false statement is whether the testimony has a natural effect or tendency to influence, impede or dissuade the investigating body. United States v. Parker, 244 F.2d 943 (7th Cir.), cert. den. 355 U.S. 836 (1957). [redacted] broad (see [redacted] purpose of [redacted] The bank robberies that occurred after James Earl Ray was arrested on June 8, 1968 could not have been a source of funds for James Earl Ray while he was a fugitive. Therefore, it could be argued that the broad authority of the Committee had been limited by the Committee's own statement in connection with the questions concerning the bank robberies. Even if it could be argued that the questions asked about the bank robberies that occurred after the Alton bank robbery went to credibility and were therefore material, it would seem that a relationship or similarity in the bank robberies would be necessary.

The Committee has taken the position that because of the [redacted]

[redacted] However, my review of the facts surrounding the bank robberies as set forth in a chart supplied by the Committee [redacted]

[redacted]

(3) 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.

The facts of this case have been discussed with United States Attorney Earl Silbert who concurs in our recommendation. For your information, on two occasions, June 23, 1978 and August 24, 1978, representatives of the Criminal Division met with James Lesar, John Ray's attorney, in an unsuccessful effort to obtain Ray's truthful cooperation with the Committee. This approach of attempting to aid the Committee has been a paramount guideline in reviewing this entire matter.

[redacted]

7C

[redacted] Further, Mr. Keuch's June 13, 1978 letter to Parole Commissioner Robert Vincent was instrumental in having John Ray's parole retarded for approximately one month. (Tab J) A subsequent hearing resulted in several months delay in Ray's parole (Ray is scheduled to be paroled on September 18, 1978). The Committee has been advised that we stand ready to assist them in all matters of importance to the Committee wherever appropriate.

Attachments

Exh-F St Louis Post-Dispatch 6-24-80

FBI Wants To Question John Ray

By Charles Bosworth Jr.
Staff
Copyright 1980 St Louis Post-Dispatch

The Federal Bureau of Investigation plans to question John Larry Ray about the shooting of National Urban League leader Vernon Jordan in Fort Wayne last [illegible] that Ray is back in [illegible] Director William H. Webster said today.

Webster said agents will question Ray, the brother of James Earl Ray, [illegible] assassin of the Rev. Dr. Martin Luther King, about his whereabouts at the time of Jordan's wounding outside a Fort Wayne motel May 29. Although the FBI does not at present consider Ray a suspect, there are some similarities in the shootings of the two civil rights leaders that warrant the questioning of John Larry Ray, FBI authorities said.

Ray, a fugitive, was spotted Monday by a Madison County law enforcement officer walking along a road near Alton, in what the officer called a "10-million-to-1 shot."

Sgt. Conrad "Pete" Baetz of the Madison County Sheriff's Department said he was returning from a shopping trip with his wife while off duty about 5:45 p.m. when he saw a man walking along Illinois Route 140 east of Alton. Baetz said he noticed the man looked like Ray, who was wanted for

See RAY, Page 4

J.B. Forbes/Post-Dispatch

Sgt. Conrad "Pete" Baetz
"Damn, that is him"

Ray

FROM PAGE ONE

questioning in a May 30 bank robbery at Liberty, Ill., in Adams County.

Ray also was being sought as a federal escapee for failing to report to a halfway house in St. Louis in February after his release from the federal penitentiary at Marion, Ill., where he served time for bank robbery.

Webster told the Post-Dispatch in a telephone interview that at least two similarities existed between the shootings of the Rev. Dr. King and Jordan. One was the fact that both men were "stalked" by their assailants. The other was that the King assassination was apparently financed by bank robberies. One of the things John Larry Ray is wanted for, Webster noted, is questioning about a bank robbery.

Webster added that it seemed to him that the Ray family has stuck together, no matter what has happened.

A spokesman at the FBI office in Indianapolis, which is handling the investigation of the Jordan shooting, had said earlier that John Larry Ray was not a suspect. "We are not seeking him for that purpose," the spokesman said. "We are not aware presently of any connection he has with this matter."

Sgt. Baetz had met John Ray when Baetz was a staff investigator for the House Select Committee on Assassinations. He had talked to Ray several times, including twice when he served Ray with congressional subpoenas.

On Monday, when Baetz told his wife, Madilyn, that a man they saw walking on the road looked like Ray, she suggested he take another look.

"I turned around and drove past him again," he said. "I said, 'Damn, that is him,'" Baetz said.

Since he was in civilian clothes and was with his wife, Baetz went to a nearby tavern and called the sheriff. Baetz waited for Deputy Thomas Bearce to arrive. Then, as Bearce talked to Ray in front of the patrol car, Baetz approached from the other side.

"To distract him and to confirm his identity, I called him by his nickname, Jack," Baetz said. "When he turned around, that confirmed to me that he was John Larry Ray, so I stuck my gun in his face and told him he was under arrest. After he had been patted down and handcuffed, I asked him if he remembered me. He looked at me and said, 'Oh, hi, Conrad. I thought you were in Ed[illegible] told him county venue included Alton."

Baetz said Ray, who was wearing a blue leisure suit, did not resist arrest. Baetz would not comment on reports that a loaded pistol was found in a shopping bag Ray was carrying. Baetz said that, to avoid interfering with the investigation of the Liberty bank robbery by the Adams County Sheriff's Department, Ray was not questioned. Ray was [illegible] arraigned before a circuit judge [illegible] today.

Baetz said he did not know why Ray was in Madison County or where he had been staying.

Baetz said he rode back to [illegible] Edwardsville with Ray. Baetz said Ray told him that he had not been in contact recently with his brother James Earl Ray, who is in a federal prison in Tennessee. John Larry Ray also told Baetz that he had not been doing much since they last saw each other. "He said they've been keeping him in jail most of the time," Baetz said.

Baetz said Ray had accused him of harassing him during the House investigation of the King assassination; Baetz said a review of the charges produced no evidence of that.

Baetz said he believes Ray should be questioned about the shooting last month of civil rights leader Vernon Jordan in Fort Wayne, Ind.

"There is nothing to indicate John Larry Ray was involved," Baetz said. "However, the possibility should not be ignored. The possibility that John Larry Ray was involved in the King assassination with his brother has not been eliminated, and the circumstances with Jordan are almost identical. A 30.06 rifle was used. Jordan, leader of the National Urban League, was shot in front of his motel. The reports on Jordan sound like the first reports on King. I would never ignore the possibility, but there is nothing to indicate a probability."

Said Baetz of his chance encounter Monday with Ray: "It was a 10 million-to-1 shot. I'm without a doubt the only guy in the area that has met John Larry Ray."

The FBI had been among several agencies searching for Ray. The FBI entered the case only last week when the bureau and St. Louis police were notified of Ray's escape four months after the fact. St. Louis Police Chief Eugene J. Camp and Robert Kingsland, U.S. attorney for the Eastern District of Missouri, were critical of the delay, saying they should have been notified immediately.

Baetz manned the St. Louis area office of the House Assassinations Committee in 1977 and 1978 while on a leave of absence from his job with the Madison County Sheriff's Department. Baetz had been assigned to learn whether James Earl Ray had accomplices in this area. James Ray was born in Alton and lived for several years in St. Louis.

Baetz is a native of Alton. Before joining the Sheriff's Department in 1970, he was a legal technician with Army Intelligence.

I was originally scheduled to testify before the House Select Committee on Assassinations during the first part of March. So was Jerry Ray. Because of illness, I was unable to travel, and my testimony was rescheduled for mid-April. Jerry Ray was also rescheduled for mid-April.

I was told by Baetz to drive to Marietta, Georgia, pick up Jerry Ray and drive together to Washington, D.C. to try and get information from him.

I was told repeatedly by Baetz to make sure that I shared rooms in Washington, D.C. with Jerry Ray so that I could:

1) Report statements and feelings between members of the Ray family.
2) Report statements and feelings between members of the Ray family and their attorneys.
3) Be in a position to search Jerry Ray's personal belongings to look for anything that might be of importance to the H.S.C.A. (to search the room while the Committee held up Jerry Ray in hearings.)

After finding written documents in the search of the room, Baetz told me to mail the documents to his Post Office Box in Wood River, Illinois. (Clarification-Copies of the documents)

Baetz told me that a meeting was held in Washington, D.C. attended by FBI Director Webster, Attorney General Griffin Bell, H.S.C.A. Chief Attorney G. Robert Blakey and a fourth party to discuss the contents of the documents.

Oliver Patterson

Oliver Patterson

[illegible] SUBSCRIBED before me on this 10th day of January, 1980.

Julia Lynn Benton

Notary Public

[illegible] Commission expires: June 21, 1982

Exh. 6

House Select Committee on Assassinations investigater, Conrad "Pete" Baetz often told me stories on how the House Select Committee on Assassinations would harass the Ray family, particularly Jerry Ray.

Several times I heard Baetz talking to Michael C. Eberhardt, Special Counsel for the H.S.C.A. about slowing up and/or avoiding payments to Jerry Ray for travel expenses to Washington, D.C. for reimbursement for testimony travel.

Several conversations concerned calling and/or writing Jerry Ray to tell Jerry Ray that Jerry Ray could and would be called to reappear before the H.S.C.A. for additional testimony by Jerry Ray. Baetz would then tell me that they had no intention of recalling Jerry Ray until late fall and with laughter in his voice and expression would say "we'll screw him up all summer.

Oliver Patterson

SWORN TO AND SUBSCRIBED before me on this 10th day of January, 1980.

Julia Lynn Benton
Notary Public

My Commission expires:

June 21, 1982

EXH-H.