UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Robert L. Keuch
Deputy Assistant Attorney General
Criminal Division, Dept. of Jus ice

DATE: June 6, 1978
EJS:owt

FROM : Earl J. Silbert
United States Attorney
District of Columbia

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

I have reviewed the memorandum to you from Alfred C. Hantman, dated May 30, 1978, concerning the above subject matter. I agree with it, but have two further thoughts.

(1) There is, of course, sufficient evidence to indict and try John Ray for perjury for his denial of committing the St. Peters bank robbery for which he has been convicted, sentenced, and recently paroled after serving eight years in prison. It is difficult, however, to conceive of any procedure more appropriately subject to an accusation of prosecutorial overreaching.

(2) The goal of the Select Committee--to determine who, if anyone other than James Earl Ray, was involved in the assassination of Dr. Martin Luther King, Jr., is very important. As important as it is, however, proper prosecutorial standards must be maintained. The suggested prosecution is primarily for a purpose other than to punish or deter the conduct involved. This is improper. A trial judge must not allow the proceedings in a criminal trial to be used for any purpose other than to determine whether the prosecution has established the guilt of the accused as required by law. See ABA Standards, The Function of the Trial Judge, §1.1 (Approved Draft, 1972); Similarly, a criminal prosecution should not have as its prime purpose persuading a relative of the alleged offender to "cooperate" with public officials or law enforcement officers.

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Because of the importance of the Committee's project and the need for the full cooperation of the Justice Department, I recommend that Mr. Civiletti's approval be obtained before the Committee is advised of the position of the Department.

bcc: Roger Cubbage

United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

JUL 14 [illegible]

James H. Lesar, Esquire
Suite 203
2101 L Street, N. W.
Washington, D. C. 20037

Re: Appeal No. 9-1501
QJS:AJW:MAI

Dear Mr. Lesar:

You appealed on behalf of your client, Harold Weisberg, from the denial by Acting Director William P. Tyson, Executive Office for United States Attorneys, of one document referred to that Office by the Criminal Division pursuant to his request for records pertaining to the possible perjury prosecution of John Ray.

As the result of discussions between Executive Office personnel and a member of my staff, an unexcised release of the pertinent document is enclosed. Although this document contains privileged predecisional recommendations which are exempt from mandatory release pursuant to 5 U.S.C. 552(b)(5), such materials are being released as a matter of discretion. Since this constitutes a full grant of Mr. Weisberg's request, I am closing the administrative appeal file in this Office.

Sincerely,

John H. Shenefield
Associate Attorney General.

By:
Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

Enclosure

cc: Mr. Weisberg