

Mr. Stephen J. Pollak
Assistant Attorney General

August 5, 1968

Director, FBI

1 - Mr. Long

REC-30 44-38861-5004

ASSASSINATION OF MARTIN LUTHER KING, JR.

We are in receipt of a memorandum from Mr. Fred M. Vinson, Jr., Assistant Attorney General, Criminal Division, dated July 29, 1968, which was in response to our memorandum dated July 23, 1968, raising the question as to whether the Department should arrange for immediate dismissal of the Federal complaint against James Earl Ray. Mr. Vinson concurred in our recommendation that Federal Process be dismissed.

We indicated in this memorandum it is our understanding that prosecution of the Civil Rights - Conspiracy charge is no longer possible in view of the fact that this offense was not cited in the order of extradition.

Inasmuch as your view is in conflict with the opinion - expressed by the Criminal Division, we would appreciate knowing under what circumstances prosecution of James Earl Ray would be obtained.

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NOTE:

We directed a memorandum to the Attorney General pointing out that it was our understanding that since the Civil Rights - Conspiracy charge was not cited in the order of extradition, prosecution was not possible on this charge. The Criminal Division of the Department advised the Civil Rights Division that it concurred with our observation.

In a memorandum from the Civil Rights Division of the Department they advised it would not be appropriate to dismiss the complaint at this time as the conspiracy investigation is still underway. They further pointed out that if the evidence and outcome of state proceedings warrant continued pursuit of the prosecution against Ray, they would want to consider steps through proper channels to obtain a waiver from British Government under the treaty so prosecution could proceed. This memorandum to Mr. Pollak is for clarification in view of the position taken by Mr. Vinson.

July 31, 1968

GENERAL INVESTIGATIVE DIVISION

This is the case involving the murder of Martin Luther King, Jr.

Attached is in response to our memorandum to the Attorney General pointing out that it was our understanding that since the Civil Rights - Conspiracy charge was not cited in the order of extradition, prosecution was not possible on this charge. The Criminal Division advised the Civil Rights Division that it concurred with our observation.

We will, of course, continue to run out any allegations relating to possible conspiracies in this case.

JM *Chas* *Span* *R* *L* ***

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UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director,
Federal Bureau of Investigation

DATE: JUL 30 1968

FROM : *SJP* Stephen J. Pollak
Assistant Attorney General
Civil Rights Division

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144-72-66
#41-157

SUBJECT: JAMES EARL RAY

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Mr. Tolson	
Mr. DeLoach	<input checked="" type="checkbox"/>
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

This is in response to your memorandum to the Attorney General of July 23, 1968, raising the question as to whether or not the complaint filed against Ray in Birmingham on April 17, 1968 under 18 U.S.C. 241 should be dismissed.

In our view, it would not be appropriate to dismiss the complaint at this time. The conspiracy investigation is still under way. After that investigation has been completed, we would want to review the facts and determine whether or not prosecution of Ray or other persons might be appropriate. If the evidence and the outcome of the State proceedings warranted but continued pursuit of the prosecution against Ray, we would want to consider appropriate steps through proper channels to try to obtain a waiver from the British government under the Treaty so that prosecution could proceed.

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*Letter to Mr. Pollak
8-5-68
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