

JUN 16 1968

# RAY EXTRADITION TO START TUESDAY

## Long Process Begins With 2d Appearance in Court

By HOMER BIGART  
Special to The New York Times

LONDON, June 15—James Earl Ray, the accused slayer of the Rev. Dr. Martin Luther King Jr., will make his second appearance Tuesday in Bow Street Magistrate's Court, where the chief metropolitan magistrate, Frank Milton, will inform him that American authorities are seeking two warrants for his extradition.

The hearing had been set for the charges on which Ray was arrested at London Airport last Saturday: possessing a forged passport and the carrying an uncertified firearm.

These charges will probably be set aside, and the magistrate will fix a date for the formal hearing on the extradition warrants.

One warrant seeks Ray's extradition to face trial in Memphis, Tenn., for murder in the fatal shooting there of Dr. King on April 4.

The other seeks his extradition as an escaped convict. Ray escaped in April, 1967, from the Missouri State Penitentiary, where he still had 13 years to serve of a 20-year term for armed robbery and car theft.

### Extradition Complexities

Extradition is a complicated procedure. The extradition act of 1870 provides for the surrender by Britain of fugitive criminals to another state, but only after several conditions are complied with.

The United States authorities must establish, to the satisfaction of the chief magistrate, that there is prima facie evidence that Ray murdered Dr. King. Mere suspicion that the escaped felon committed the assassination is not enough.

Moreover, if evidence of Ray's guilt could be produced only after American authorities interrogated him, the application for extradition would be rejected.

That was why Assistant Attorney General Fred M. Vinson Jr. was at pains to deny published stories that he had interviewed Ray before Mr. Vinson returned to Washington last Thursday.

The British law permits Ray to argue that his alleged crime was a political offense. For under the Extradition Act no one may be turned over to another country for a political crime.

As The Economist notes this week: "There are dicta by the courts which might lead surprisingly to the conclusion that the killing of Dr. King was an offense of a political character."

"What is clear is that it was the intention of those responsible for the 1870 act to exclude political assassination from the concept of an offense of political character, but they failed to use language restricting the scope of the concept in this way."

This vagueness in the law is probably why the Americans are also seeking Ray's extradition as an escaped convict.

Under an extradition treaty of 1931 with the United States, if Britain surrenders Ray on the lesser charge he cannot later be charged in an American court with the murder of Dr. King.

The Economist points out that there is an alternative to extradition under the 1870 act. This is the device of "disguised extradition."

It means using the powers given to the Home Secretary to deport any alien. A deportation order that expressly required an alien to leave Britain and go to the United States, would be illegal. But there may be a way of getting around this.

In 1917 it was held lawful for the Home Secretary to require an alien to leave Britain on a particular ship or airplane, even if the sole object was to give effect to a request from a foreign state for his surrender. However, the House of Lords, in its judicial capacity, could overturn this decision.

Ray could simplify the issue by agreeing to return voluntarily to the United States. Wandsworth Prison, where he is now incarcerated, is probably grimmer than most American jails. But the comparative comforts of the jails are hardly likely to induce Ray to come home and face trial for murder.

The formal hearing on the extradition warrants would normally be set in a week or 10 days, but Ray's court-appointed counsel could request another week to study the voluminous evidence submitted by the United States.

Then, if extradition is ordered, Ray will have 15 days to appeal.

44-703-691

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 16 1968	
FBI — WASH. F. O.	
Dawson	