

Appeal Expected

Judge Orders Ray Extradited to U.S.

By Karl E. Meyer

Washington Post Foreign Service

LONDON, July 2—A British magistrate today ordered the return of James Earl Ray to the United States to face charges of murdering the Rev. Dr. Martin Luther King Jr.

Ray, 40, showed no visible emotion in Bow Street Court as he heard Chief Magistrate Frank Milton reject a defense argument that the murder of Dr. King was a political crime and therefore not subject to extradition.

The judgment, which is almost certain to be appealed, was pronounced in a crowded and dingy courtroom. It meant that the American had lost the first major round in what could be legal battle lasting well into August.

In an unexpected development, Ray complained that he had not received all the rights due him since he was arrested at London airport on June 8 under the name of Ramon George Sneyd.

Ray volunteered the statement after formal argument had concluded in the morning. He began by repeating his objection to testimony by Chief Superintendent Thomas Butler of Scotland Yard, who quoted Ray at the time of his arrest as say-



United Press International
FRANK MILTON

... orders extradition

ing "Oh God . . . I feel so trapped."

Ray declared:

"I would like to take the opportunity to object to Mr. Butler's testimony, especially in view of the fact that this case will be given wide publicity in the United States, especially in the so-called liberal press.

"I would urge this court to take in the totality of the circumstances. One, that I did not sign any kind of statement whatsoever, and also the fact I said I did not want to have a conversation with anybody connected with the U.S. Justice Department."

Ray also objected to being denied a visit with U.S. Attorney Arthur Hanes, 2nd stat.

See RAY, A6, Col. 6

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RAY, From A1

ing that "I believe there is a connection between this hearing and the trial in the states.

"Shortly after I was arrested by British authorities, I engaged an attorney in the United States, Mr. Arthur Hanes of Birmingham, Ala. He subsequently made the trip to consult with me. This was opposed by the Home Secretary, and I made an application to the Home Secretary and received no answer.

"I then wrote to Edward Heath (leader of the conservative opposition)" Ray said, "and was informed by the governor of Wandsworth Prison that this was not permissible and that he would forward the letter to Mr.

Callaghan (James Callaghan, the Home Secretary).

"Evidently, the Home Secretary would decide whether Mr. Heath would be permitted to read the letter. I think in view of the seriousness of this case I should have had a little more freedom to write and visit people in the circumstances. That is all I would like to say. I would like to thank the court."

Ray spoke in a low voice, his words coming in rapid bursts. The court reported had difficulty understanding his accent, especially the phrase "so-called liberal press," which was initially transcribed as "little press."

Ray's statement was made after the court had formally adjourned for lunch. When the magistrate heard

through Ray's attorney that the defendant wished to offer a statement, he reconvened the court so that he might hear it before making his ruling. The statement was then read aloud by a court reporter when the afternoon session resumed, with Ray making occasional corrections as it was recited.

Later in the day, the Home Office denied that it had prevented Ray from seeing his American attorney. A spokesman said that on June 25 Ray had petitioned the Home Office for a visit with Hanes and this was granted the same day. But Hanes had flown back to the United States on the 24th.

In court, Chief Magistrate Milton said that Ray's complaint could have no bearing on the ruling he was about to make. He pointedly said that Ray's case "could not have been more conscientiously, persuasively and ably put" than it was by Roger Frisby, the defense counsel.

Frisby summed up his main argument by asserting that something akin to an insurrection existed in the South of the United States as a result of the civil rights movement of which Dr. King was a prominent and controversial leader.

Frisby did not dispute that the U.S. had submitted evidence showing that there was a prima facie case for trying Ray for murder, even though his client denies killing Dr. King.

Whoever's finger was on the trigger in Memphis, on April 4, the attorney contended, "was acting consciously or otherwise as a

representative of a large group of people who opposed Dr. King . . ." This, he maintained, meant that the murder was a political crime and as such was specifically excluded from offenses subject to extradition.

David Calcutt, the attorney representing the U.S., retorted that in a political offense the motive is critical and that the crime had to be in furtherance of a larger enterprise. In the case of Ray, he said, all the evidence pointed the other way . . .

There was "no evidence" of a conspiracy in Dr. King's murder, no evidence that Ray was working with another man, he said.

The Judge rejected a defense contention that a technical difference in terminology meant that Ray could not be extradited for armed robbery, for which he was convicted in 1960 and was serving a 20-year sentence in Missouri State Penitentiary until his escape last year. "Robbery with violence" and "armed robbery" are analogous offenses, the Magistrate said.

The next legal move now rests with Ray's court-appointed solicitor, Michael Eugene, who works with Frisby.

An appeal would take the form of a application within 15 days for a writ of habeas corpus to the divisional court of the high court. If the application were granted, the case would be reargued before the high court, whose decision is subject to a final appeal to the Law Lords of the House of Lords.