

UNITED STATES GOVERNMENT

Memorandum

<input type="checkbox"/>	Tolson
<input type="checkbox"/>	DeLoach
<input type="checkbox"/>	Mohr
<input type="checkbox"/>	Bishop
<input type="checkbox"/>	Casper
<input type="checkbox"/>	Callahan
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<input type="checkbox"/>	Holmes
<input type="checkbox"/>	Gandy

TO : Mr. DeLoach

DATE: June 20, 1968

FROM : A. Rosen *AR*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long
- 1 - Mr. Conrad
- 1 - Mr. Bishop
- 1 - Mr. Gale
- 1 - Mr. Mohr
- 1 - Mr. Sullivan
- 1 - Mr. Trotter

SUBJECT: MURKIN

The extradition hearing in the matter involving the subject James Earl Ray is set for June 27. If successful there is a mandatory waiting period of 15 days within which the defendant has a right to file an appeal. After this is resolved, then there usually is a 5-day waiting period until the Home Office signs the papers making the order of extradition official and it can be expected there may be delays for several days after this for the order to be returned and so forth.

Once the above is resolved, the question of who will transport the prisoner and return him to the United States has not been resolved. It is recalled the FBI sent two Agents to London on short notice for the purpose of being available to return the prisoner to the United States with the assistance of the Legat and another Agent in London. These four would be available and could adequately handle the prisoner for such a return. It should be recognized that their presence in London was required on short notice in contemplation of a deportation proceedings. Such did not take place and in the meantime the Department through its insistence was successful in seeking a removal on the basis of an extradition proceeding. This is presently in the mill.

DOES THE FBI HAVE AUTHORITY TO TRANSPORT RAY

There is a real question as to whether the FBI has any authority whatsoever to return Ray to the United States following a successful extradition hearing. The request for extradition is based upon two charges: (1) that Ray is wanted for the murder of Dr. Martin Luther King, and (2) that he is an escapee from the Missouri State Penitentiary at Jefferson City, Missouri. If either or both of these charges are supported, there is nothing that has been indicated to us by the Department which would suggest that we are to remove the subject.

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Memorandum to Mr. DeLoach
Re: MURKIN

It is also doubted whether the Department has any authority to designate the transporting authorities. This, of course, would depend on the authorities demanding his return. As we understand it, the United States Government merely acts as a transmission belt through accepted diplomatic channels and uses the Department of Justice as the vehicle through which any request for extradition is brought about on behalf of the demanding authorities which in this case is the State of Tennessee and the State of Missouri.

** We have no request from either of the above jurisdictions to bring Ray back to the United States on their behalf.

The responsibility for extradition is a great one and there is no doubt the FBI can effectively handle it. Nevertheless, there are these questions which must be resolved from a jurisdiction standpoint before Ray is returned. There is ample time to resolve these matters and it would appear to be desirable that these matters be resolved at this time well in advance so that appropriate steps may be taken by the transporting agency, whoever that may be.

ACTION TO BE TAKEN:

It is recommended that these matters be taken up with the Department and confirmed thereafter in writing so that the Bureau will know without equivocation and in writing our responsibility, if any, for the returning of Ray.

D. J. R.

I have already asked you to send me a copy of the A.G. setting forth our proposed steps if FBI handles Ray's transfer

D. U. S.

R

*end to DeLoach
FTR to A.G.
6-22-68*

Although we have been advised by the Attorney General that the Governor of Tennessee would desire to have the FBI bring the prisoner back, this comment was made by the Attorney General prior to a decision that Ray would not be deported but would be handled by extradition proceedings. It would be desirable to have this matter resolved at this time by the Attorney General in order that the Bureau would be able to move quickly in the event we can extradite him upon orders of the British Court.