

Ray Plans Appeal After Futile Bid To Avoid Return

By LAWRENCE MALKIN

LONDON, July 2. — (AP) — A British judge Tuesday ejected the defense's contention that the slaying of Dr. Martin Luther King Jr. was a political crime, and approved the United States government's request for extradition of James Earl Ray to stand trial for the slaying.

Ray's lawyers announced they will appeal the decision to Britain's High Court.

A 40-year-old fugitive from the Missouri State Penitentiary, Ray nodded unemotionally on learning he had lost his fight to convince Chief Magistrate Frank Milton that he should not be returned to the United States.

"Yes, sir," he told the magistrate.

Then guards escorted him back to his maximum security cell at Wandsworth Prison to await the appeal, which must be filed within 15 days.

In Washington Atty. Gen. Ramsey Clark said he hoped Ray could be returned to the United States without undue delay so the prisoner could have his "right to a speedy trial."

Milton said "there can be no doubt" that there is a prima facie case against Ray in the murder of the American civil rights leader, felled by a rifle bullet at the Lorraine Motel in Memphis, Tenn., April 4.

The prime evidence submitted in the dingy courtroom Magistrate's Court was testimony of an FBI fingerprint expert, George Jacob Bonebrake, at the hearing last week that Ray's prints were found on a rifle, telescopic sight and binoculars that Memphis authorities consider were used by the killer.

Conviction on a murder charge in a Tennessee court could mean a sentence to death by electrocution.

Milton dismissed a contention of Ray's court-appointed British attorney, Roger Frisby, that the slaying was a political crime, a crime for which a person cannot be returned under the United States-British extradition treaty.

The United States government had denied through its British lawyer, David Calcutt, that the killing was a political crime.

"There is not a shred of evidence to show that the murder took place to further the ends of a larger enterprise," Calcutt said. "... There was no conspiracy. No other man or other body was involved."

In denying there was a conspiracy, Calcutt was walking a legal tightrope. Though the extradition case was based on a Tennessee murder warrant, Ray also faces in the United States a federal charge of conspiracy to deny King his civil rights.

The extradition order was issued on two grounds — that Ray was "a fugitive criminal accused of murder" and "a fugitive convicted of robbery." He was starting the eighth year of a 20-year sentence for armed robbery when he escaped from the Missouri State Penitentiary at Jefferson City in April, 1967.

Ray appeared restless in the heat of the courtroom, but he showed how intently he had been following his lawyer's case when he asked permission to make a statement.

Standing between the inevitable detectives, Ray spoke evenly in his high-pitched voice. He protested again that he had never said, "Oh, God ... I feel so trapped," as he was quoted by a detective last week.

He also complained that he

had not been allowed to see an attorney, Arthur Hanes of Birmingham, Ala., who came to London to consult him.

"I think that 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 have to say and I would like to thank the court."

(Indicate page, name of newspaper, city and state.)

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 7-3-68
Edition:
Author: FRANK R.
Editor: ASILGREN
Title:

Character:
or
Classification: MEMPHIS
Submitting Office:

Being Investigated

44-1987-Sub 4-125

123