

RAY IS ORDERED RETURNED TO U.S.

LONDON (AP)—A British court today granted extradition of James Earl Ray, wanted in the United States as the accused assassin of Dr. Martin Luther King Jr.

The extradition order was granted by Chief Magistrate Frank Milton.

Ray's lawyers told newsmen they would appeal the decision to Britain's High Court. They have 15 days to file the appeal. They are not expect-

ed to act until near the end of that period. A court hearing would follow, probably within a week.

THE MAGISTRATE granted Ray legal aid to pursue his appeal in a higher court within the required 15-day deadline.

Ray received the magistrate's decision without any outward show of emotion. He was immediately led

from court, still surrounded by a cordon of Scotland Yard detectives, and taken back to his maximum security jail at Wandsworth Prison in south London.

There was no reaction from spectators in the crowded courtroom.

The magistrate, sitting at his bench stacked with law books, addressed Ray directly and told him:

"You will be committed to

prison to await extradition to the United States."

In Washington, Atty. Gen. Ramsey Clark said he was pleased with the action of the British court and said he hoped Ray could be returned to the United States without undue delay. Clark said, "It is important that Ray's right to a speedy trial be provided."

As Milton delivered his decision, he glanced at notes and occasionally referred to

one of the law volumes.

He dealt at some length with the contention of defense attorney Roger Frisby that Ray could not be extradited because the slaying of the civil rights leader, shot in Memphis April 4, was a political offense.

The judge agreed it was common knowledge that King was a controversial figure in the United States. But he refused to accept the defense

contention that this alone would make the crime of his assassination a political one.

"TO HOLD SO would be to extend the meaning of this case too far," the magistrate said.

The case turned on whether the crime was political or not.

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"On this, on the verbal and affidavit evidence before me, there can be no doubt," he said:

Milton said no evidence had been produced in Ray's case to show it was not an individual act.

"ALL I KNOW is that this accused man said he didn't do it," he said.

The magistrate also passed over the question of Ray's identification without difficulty. Ray was arrested in Britain on forged passport and illegal gun-carrying charges under the alias of Ramon George Sneyd.

But the magistrate said: "I find evidence that James Earl Ray is the same person now before me."

Although Ray was granted legal aid to pursue an appeal if he wished, there was no public announcement that he would.

HOWEVER, lawyers close to the case said that an appeal would be carried to the High Court with arguments on the same political grounds as Milton rejected in Magistrate's Court.

Should the High Court reject the appeal, Ray could go to the House of Lords, which is Britain's highest court. But he could make an appeal to the Lords only on a point of law.

Shortly after the court adjourned for lunch, Ray returned to make an unexpected statement.

At one point Milton said that if this were an English case he would commit it for trial at Old Bailey, Britain's central criminal court.

He said Ray would not be surrendered to U.S. authorities until after the expiration of 15 days. Ray has the right to apply for a writ of habeas corpus or other like processes

THE EXTRADITION order against the 40-year-old prisoner was on two grounds—being "a fugitive criminal accused of murder" and "a fugitive convicted of robbery."

This traces to his escape in April, 1967, from the Missouri State Penitentiary at Jefferson City, where he was starting his eighth year of a 20-year sentence for armed robbery.

Two British charges on which Ray was arrested at London Airport June 8—having a forged Canadian passport and an unlicensed gun—are due to come up next Tuesday. In view of the developments, they may be dropped.

Ray vocced a complaint about British officialdom in the final stage of the hearing. Shortly after the court had ordered an adjournment for lunch, Ray returned to make an unexpected statement.

Sandwiched between two policemen, he told the magistrate:

"I don't want to repeat myself. I would like to take the opportunity to object to Mr. Butler's testimony."

Detective Chief Supt. Thomas Butler of Scotland Yard had testified last week that, when accused, Ray collapsed on a seat in his cell crying: "Oh God. I feel so trapped."

Ray quickly denied he ever said it and he made a further denial today especially in view of the fact that this case will probably 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," Ray said. "One that I did not sign any kind of statement whatsoever, and also the fact that I said I did not want to have conversation with anybody connected with the United States Justice Department."

"ONE OTHER thing I object to, I'm sure it is not connected with the case. I believe there is a connection between this hearing and the trial in the States. Shortly after I was arrested by the British authorities, I engaged an attorney in the United States—Mr. Arthur Hanes of Birmingham, Ala.

"He subsequently made a trip to consult with me. This was opposed by the Home Secretary, James Callaghan, and I made an application to the home secretary and I received no answer.

"I then wrote to Mr. Edward Heath, Conservative opposition leader, and I was informed by the governor of Wandsworth Prison that this was not permissible and that he would forward the letter to Mr. Callaghan. Evidently the home secretary would decide whether Mr. Heath would be permitted to read the letter.

"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."

Ray was then taken back to the cells adjoining the court.

London was sweltering with temperatures in the 80s and humidity high.

Courtroom shades were closed to keep out the sun, but the atmosphere was close and sleepy. Many took off their jackets and fanned themselves with papers.



Ray himself had his white shirt open at the neck. But he kept on the vest of his blue checked suit.

He looked hot and limp.

FRISBY, IN his final statement, submitted that whoever did the killing was acting consciously or otherwise as representative of a large body of persons who disagreed with the objects and aims of King's Southern Christian Leadership Conference.

The defense claimed there was something akin to a state of civil war or insurrection in the American South. Frisby conceded that, if indeed there was only one finger on the trigger of the gun that killed King, "the nature of the thing is that you can only

get one finger on the trigger at the time."

Frisby said the passing of the Civil Rights Act of 1964 was in a sense the culmination of the efforts of King and others of the conference and other bodies. It was political work, he said, and an effort to compel the government to change its policy.

The attorney went on:

"It becomes abundantly plain that whoever did the killing did not do it on personal grounds but on grounds which arose out of the disapproval of the type of activity Dr. King was conducting."

An office was opened in Washington by the conference, and these activities, according to Frisby, were clearly political.

Frisby made his statement at the second session in the Bow Street Magistrate's Court on the U.S. government's application for Ray's extradition. Ray at the first hearing last week denied that he killed King or even knew him.

Persons accused of political crimes are not subject to extradition under the treaty between Britain and the U.S. The U.S. has also asked for Ray's extradition as an escaped convict from the Missouri State Penitentiary, but if he is returned on that charge only, the extradition treaty would prevent his trial on the murder charge.

FRISBY ARGUED that an offense could be a political offense without any attempt to overthrow the lawful government of a country. Nor was it necessary for there to be any kind of open insurrection or civil war, he contended.

"Wherever there is a substantial body of persons in the state seeking by constitutional or other means to compel the government or the state to change its policy, you have a situation where even the crime of murder may be motivated politically," Frisby asserted.

"I have to say that the deceased man was a political figure engaging in political activities."