

RAY TELLS COURT HE IS NOT GUILTY IN DR. KING DEATH

U.S. Says at London Hearing His Fingerprints Were on Rifle and Binoculars

EXTRADITION CASE IS ON

Detective Asserts Suspect Said After Arrest: 'God, I Feel So Trapped'

By ALVIN SCHUSTER
Special to The New York Times

LONDON, June 27 — James Earl Ray, accused of killing the Rev. Dr. Martin Luther King Jr. spoke out about the case for the first time today and denied committing the crime.

Taking the witness stand in a wood-paneled courtroom at 3:12 P.M., Ray said he had never met Dr. King and had never borne a grudge against him. Then his attorney, Roger Frisby, asked him:

"Did you kill Martin Luther King?"

"No sir," Ray replied.

Ray's brief and dramatic appearance in the witness chair at Bow Street Magistrate's Court came after the United States Government had revealed in detail its case alleging that Ray shot Dr. King in Memphis on April 4 in a "calculated, brutal and senseless" murder.

Fingerprints Are Cited

The Government is seeking the extradition of Ray to the United States to stand trial in Tennessee for the King murder. In presenting its case, the Government offered the testimony of a fingerprint expert and read affidavits designed to link Ray with the crime.

Arguing through a British attorney, David Calcott, the Government charged that Ray had bought the rifle that killed Dr. King less than a week before the murder; that on the day of the murder Ray checked into the rooming house across from the Lorraine Hotel, where Dr. King was shot, and that Ray's fingerprints were on the rifle, its telescopic sight and a pair of binoculars, all found near the scene.

Mr. Frisby did not conclude his arguments today, and the presiding chief metropolitan magistrate, Frank Milton, adjourned the proceedings until Tuesday. Mr. Milton said he hoped to rule on the United States Government's efforts on that day.

Appeals Are Provided

If the Magistrate finds against Ray, the defendant may appeal the case to the Divisional Court of the High Court of Justice and then on application to the law judges of the House of Lords.

Ray was arrested at Heathrow Airport here on June 8 under the alias Ramon George Sneyd. Today he sat calmly in the courtroom surrounded by policemen as Mr. Calcott accused him of murder.

Wearing hornrim glasses, a blue checkered suit and a blue shirt, open at the collar, Ray chewed gum and occasionally

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scratched the back of his neck.

The pending United States extradition warrants identify the defendant as Ray, an identification that went unchallenged by Ray today. The pending minor British charges — possession of a forged passport and carrying of a firearm — list him as Sneyd.

But for the most part today the nomenclature problem was solved by avoiding the issue. The suspect was usually called "the defendant," or "this man" or "my client" or "you." At one point, Ray himself declined to give his name.

The first response of the suspect was elicited by the testimony this morning of Detective Chief Superintendent Thomas Butler of Scotland Yard. Ray wrote a note of protest to his lawyer and later denied major parts of what Chief Butler had said.

The chief is a 55-year-old, gray-haired man who has led the hunt for the "great train robbery" gang that got away in 1962 with \$7-million. He told today of his meeting at the airport with Ray on the day of the arrest.

"I saw the defendant at about 1:05 P.M. at London Airport," Chief Butler said. "I told him we were police officers and said we understand he has two Canadian passports in the name of Sneya and Sneyd."

"What is your name?" I asked. He replied: "I can't understand why I'm here. My name is Sneyd."

Chief Butler said he then asked Ray if the information on the passports was correct — that he was a Canadian citizen born in Toronto on Oct. 8, 1932. The chief said that Ray

replied that those facts were correct. The suspect was then taken to Cannon Row police station, near the houses of Parliament.

"At 4:45," Chief Butler went on, "I saw the accused in his cell. I told him that as a result of inquiries made since you have been detained we have every good reason to believe that you are not a Canadian citizen but an American."

"Oh well, yes I am," he said and nodded. I said I now believe your name is not Sneyd, but James Earl Ray, also known as Eric Starvo Galt and other names; that you were wanted at present in the United States for serious criminal offenses including murder in which a firearm was used."

Chief Butler continued:

"The accused had been standing up but at this point he slumped down on the seat behind him and put his head in his hands and said:

"Oh God."

"After a moment or so, he added:

"I feel so trapped."

"I cautioned him again, and he replied:

"Well, I shouldn't say anything more now. I can't think right."

Crime Called Political

It was after this that Ray passed his note of denial to Mr. Frisby, a soft-spoken 46-year-old graduate of Oxford, who sat beside his legal opponent, Mr. Calcott, a 38-year-old graduate of Cambridge.

Mr. Frisby based the defense today on the argument that the murder was a "political crime" and as a result was not extraditable under the 1931 extradition treaty with the United States. He said he thought the denial by Ray was not relevant to the basic case he was building.

But Ray was not to be denied his protest. When the magistrate told Ray after the lunch break that he could "say anything you wish," the suspect rose to his feet along with the policeman sitting beside him and said:

"I think some of the testimony by Butler is false and I would like to say something about this. I take it that newspapers will report this. Some of it is exaggerated."

When Ray, speaking in a high-pitched voice with a marked Southern accent, said that he had written about it to Mr. Frisby, Mr. Milton recessed the extradition proceedings for 10 minutes to allow Ray and his attorney to confer.

On resuming, Mr. Frisby said his client wanted it known that he had not said that he felt "so trapped;" that he had not said "Oh God" and that he had not collapsed onto a seat in "the manner the chief superintendent described."

"He made no statement like that to any police officers," Mr. Frisby said.

No Oath for Statements

Like others providing testimony, Mr. Frisby had to speak slowly in presenting Ray's reply because all testimony was being taken down in longhand, the procedure usually followed in the Bow Street court.

Asked if he would like to sign the statement read for him, Ray replied he would. But it could not be learned how he signed his name because court officials would not show the document to the press.

The court usher, assuming that Ray would take the oath in the witness box, asked him for his religion so the appropriate Bible could be used. Ray replied softly that he did not have any religion.

The question of "affirming" then arose, but this would have meant that Ray would have had to give his name in the affirmation statement.

Ray looked at Mr. Frisby, who looked at the chief magistrate, who looked at Ray. The magistrate then accepted Mr. Frisby's suggestion that the formalities pass and that Ray merely make a statement and answer a few questions without the oath.

Some court lawyers noted that if the suspect used the name Ray he could jeopardize his pending case here. And to use the name Sneyd might leave him open to the additional charge of lying on the witness stand. Moreover, by merely making his unsworn statements while sitting in the witness box, Ray avoided cross-examination.

Evidence on Name

In arguing for Ray's extradition, the United States provided a preview of the case to be presented if he is returned.

Mr. Calcott read affidavit after affidavit to try to establish that the defendant was in fact James Earl Ray, the man witnesses identified as the purchaser of the rifle, the telescopic sight, the binoculars and as the guest in the rooming house across from Dr. King's hotel.

"Martin Luther King was the victim of a calculated, brutal and senseless murder," the lawyer said. "A murder that was bitter with irony. Though he was a leader of men, he never sought power for himself."

"Though his name was a very password for peace, he met a violent death. This tragic death of Dr. King was the working of the single hand of this man."

Mr. Calcott apparently did not intend to rule out the possibility of a conspiracy by using the phrase "single hand" of this man, but he seemed to be saying that all evidence linked Ray and only Ray to the rifle and the room overlooking the King Motel.

The British attorney sought

to dismiss the defense contention that the slaying was a "political crime" by pointing to Article Three of the extradition treaty, which says that extradition should be granted for "murder (including assassination, parricide, infanticide, poisoning) or an attempt or conspiracy to murder."

Other Charge Pending

If Ray's court-appointed lawyers succeed in convincing the chief magistrate that the murder was a "political crime" and thus not extraditable, the defendant can still be extradited under a second warrant that seeks his return as an escaped convict.

Ray escaped in April, 1961, from Missouri State Penitentiary, where he still had 13 years to serve of a 20-year term for armed robbery and car theft.

The problem, however, is that, under the 1931 treaty, if Ray is surrendered on the lesser charge he cannot later be charged in an American court with the murder of Dr. King. The court dealt with both warrants today but most of the evidence presented centered on the King slaying.

Mr. Calcutt began revealing what he said were Ray's movements up to the time of the crime and shortly thereafter. Quoting from affidavits, he said that Ray had gone to the Aero Marine Supply Company in Birmingham, Ala., on March 29 and had purchased a Winchester rifle, using the name Harvey Lowmyer.

Standing in front of Fred M. Vinson Jr., the United States Assistant Attorney General, who arrived yesterday, Mr. Calcutt said that Ray had called the store the next day and had said that he had talked with his brother and wanted to exchange the rifle. Ray reportedly said he was "going deer hunting in Wisconsin with a brother or a brother-in-law."

He returned the next day, Mr. Calcutt went on, and exchanged the rifle and telescopic lens for a Remington, serial number 461476. The lawyer added that Ray was identified by Donald Wood, owner of the gun store, and a customer, John De Shazo.

An affidavit from Henrietta Hagemaster, clerk at the New Rebel Motel in Memphis, then placed Ray there for the night of April 3. Another affidavit, from Charles Stephens, resident at the rooming house at 424½ South Main Street, placed Ray there the day of the slaying.

Witness Tells of Shot

"From a bathroom (in the rooming house), a person could see into Dr. King's room," the lawyer went on. "At 4 o'clock in the afternoon this defendant went into 424½ South Main Street, where accommodation was available, and he booked a room.

"As he did, this he was seen by a witness — a Mr. Stephens. The defendant got a room and

between then and 6 o'clock in the evening he used only the bathroom and lavatory.

"Mr. Stephens, who was in the adjoining room, says that the man used the bathroom and lavatory on three occasions, each time for a long time.

"At 6 o'clock Mr. Stephens says he heard a shot fired from the bathroom. He came out of his room and saw a man leaving below. He says it was the man who he had seen booking in earlier.

"The defendant left in a hurry, leaving binocular straps in his room. When he got out of the hotel entrance, he turned left and dropped his kit of rifle, sights and binoculars in a doorway.

"He then made off in a car waiting nearby," the lawyer alleged.

The package was dropped in front of an amusement arcade owned by Guy Canipe, who, Mr. Calcutt said, came out and saw a man drive off in a white car.

The police took possession of the rifle and binoculars, and the Federal Bureau of Investigation fingerprint expert who testified today, George Bonebrake, said that Ray's fingerprints had been on both.

Political Questioning

"The bullet which killed Dr. King," Mr. Calcutt went on, "was examined and recovered and there is a strong likelihood that the bullet came from the rifle found by the police. It is also likely that the strap found in his room belonged to the binoculars found with the rifle."

The recovered rifle, he said, bore the same serial number as the one purchased in Birmingham—461476. It was a .30-'06, model 760.

Mr. Bonebrake, who is with the F.B.I. in Washington, said he had compared the fingerprints he found with the finger-

prints of James Earl Ray in Los Angeles police files.

"I found that they belonged to one and the same individual," he added.

Mr. Bonebrake then underwent some unusual questioning for a fingerprint expert, Mr. Frisby gently put to him a series of questions about the racial situation in the United States, about the role of Dr. King, and about the hostility the Negro leader often encountered.

Mr. Frisby said the questioning was part of his effort to establish the killing as a "political crime." Article Six of the extradition treaty says in part that a "fugitive criminal shall not be surrendered if the crime or the offense in respect of which his surrender is demanded is one of a political character."

At the outset of today's proceedings, Mr. Frisby asked that no restriction on publicity under the new Criminal Justice

Act be applied to the proceedings, and the magistrate said that the act did not apply today.

The new act, which became effective last Jan. 1, prohibits the publication in England of newspaper reports on preliminary criminal hearings unless the defense requests publication. The idea is to prevent prejudicing the jury in the actual trial later. But this provision of the act does not apply to extradition proceedings.