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MEMPHIS, Tenn. AP - Judge W. Preston Battle rejected Friday a defense contention that James Earl Ray could not get a fair trial here because of widespread publicity following the Dr. Martin Luther King Jr. slaying.

The judge overruled a motion to quash an indictment charging ~~Ray with the~~ ~~rights leader's~~ ~~murder~~ his considered opinion that Ray would receive a fair and impartial trial.

The trial is scheduled to start Nov. 12.

Ray was not present in the courtroom when the motion, one of three by the defense, was heard and rejected. His attorney, Arthur J. Hanes, former mayor of Birmingham, Ala., waived his client's presence for the arguments and Judge Battle permitted the hearing to proceed without him.

Even so there was little relaxing of the tight security measures prevalent when Ray was arraigned last July. Newsman were frisked before being admitted to the courtroom and one was permitted to leave while the proceedings were in progress.

Judge Battle also turned down a defense request to throw out a second charge against Ray, that of carrying a dangerous weapon. He said the motion was premature.

The prosecution disclosed during the hearing that it does not plan to consolidate the two charges but would try Ray on the murder count only.

Hanes argued that there was no place in the United States that had not been permeated by a "torrent of words" linking his client to Dr. King's slaying. He told the court he knew he was asking for "unusual relief" but needed to take the step in order to halt the "crucifixion" of an accused person.

Hanes cited the Dr. Sam Sheppard case in which the U.S. Supreme Court ruled pre-trial publicity had violated the defendant's right to a fair trial.

In another motion, the defense won access to many items of evidence in the case.

Judge Battle instructed state and defense attorneys to confer and try to agree on what items the state can show the defense immediately and what would have to be produced later.

Dr. King was slain by a sniper's bullet April 4 after he came here to lead a march in support of this city's striking sanitation workers. Ray was arrested two months later in London, England.

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