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TV USE PROPOSED IN PANTHER TRIAL

Hogan Offers Plan to Deal With Court Disruption

By EDITH EVANS ASBURY

If 13 Black Panthers facing trial here persist in unruly behavior and have to be sent from the courtroom again, District Attorney Frank S. Hogan proposed yesterday that they be kept in touch with their pretrial hearings by means of closed-circuit television. Mr. Hogan filed a motion yesterday asking Supreme Court Justice John M. Murtagh to approve the plan, which would also permit use of closed-circuit TV for the actual trial.

Declaring that the Panthers have been guilty of "the most outrageous and disgraceful conduct ever perpetrated in a New York court," Mr. Hogan said, "it is still our belief that we should do everything within our power to afford every defendant as fair a trial as his conduct will permit."

TV Demonstration Tuesday

Hearings for the Panthers, who are accused of plotting to bomb public places, are scheduled to resume Tuesday. The hearings, which began Feb. 2, were halted Feb. 25 by Justice Murtagh because of the defendants' continual outbursts. Since then, the United States Supreme Court, in a decision announced Tuesday, has decreed that defendants who refuse to behave in the courtroom may be removed and tried in absentia.

Mr. Hogan's application will be argued orally before Justice Murtagh Tuesday, prior to resumption of the Panther hearings. Mr. Hogan will also seek to demonstrate his proposed television plan for Justice Murtagh Tuesday.

In his motion papers, Mr. Hogan disclosed that he began developing the television plan after two of his appeals staff, Michael Juveler and William Donnino, accidentally heard the oral argument in the case ruled on this week by the United States Supreme Court.

When the case of Illinois V. Allen was argued Feb. 24, Mr. Juveler and Mr. Donnino were at the Supreme Court in Washington on other business. They heard a Chicago lawyer, H. Reed Harris, attorney for Allen, argue that unruly defendants could be kept in touch with court proceedings by means of closed-circuit TV.

The Supreme Court, in a unanimous decision, ruled against Mr. Harris's contention that his client was deprived of his constitutional right to confrontation of witneses because his trial was continued after he was removed because of unruly behavior.

The Court opinion said nothing about use of closed-circuit TV. However, in a separate, concurring opinion, Justice William J. Brennan Jr. suggested that, in an effort to keep a "constumacious defendant" who had been removed in touch with his trial, "It is not weakness to mitigate the disadvantages of his expulsion as far as technologically possible in the circumstances."

Mr. Hogan noted in his motion that, as a result of the Allen decision, disruptive defendants had lost their right to confrontation and neither court nor prosecutor was required to provide electronic techniques for following the trial from the outside.

However, he observed: "We share with the United States Supreme Court the belief that removal of a defendant from the courtroom during his trial is deplorable. If modern electronic techniques can minimize the disadvantages . . . proper caution and good judgment suggest that course."

Mr. Hogan said that the Appellate Court would have less difficulty in dealing with defense arguments that the defendants should not have been excluded. Another advantage, he said, was that the trial would be speeded because consultation between defendants and their attorneys would be expedited.