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BLACK MUSLIMS LOSE ON MURDER APPEAL

Special to The New York Times

ALBANY, April 16—The Court of Appeals rejected today an appeal of three Black Muslims sentenced to life in prison for the murder of Malcolm X, leader of the Organization of Afro-American Unity.

In a unanimous opinion, the state's highest court ruled there was no reversible error in the first-degree murder conviction of Thomas Hagan, Norman 3X Butler and Thomas 15X Johnson.

The appeal asked the reversal of the conviction because the press and public were barred from the courtroom during the testimony of two witnesses. This act, the three claimed, denied them their constitutional right to a public trial.

That contention was rejected, said Associate Judge Francis Bergan, who wrote the opinion, because:

"In the balancing of policy and of interests if, for a good reason related directly to the management of the trial, the judge closes the court room as to the testimony of a witness and otherwise keeps it open to the press and public, a defendant is not necessarily deprived of a 'public' trial."

The judge had closed the

court when the attorney for an witness said the life of his witness had been threatened and he feared for his life if he testified. Related testimony by an agent of the Federal Bureau of Investigation was also taken in private.

Malcolm X was murdered Feb. 21, 1965, while addressing an audience in the Audubon Ballroom in New York City.