

Hogan Seeks Stay of U.S. Writ That Freed Manager of WBAI

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The office of District Attorney Frank S. Hogan yesterday asked the United States Court of Appeals for the Second Circuit to overturn the lower Federal court order that freed the general manager of WBAI-FM from Civil Jail on Sunday.

A stay of the writ of habeas corpus granted by Federal District Court Judge Marvin E. Frankel could result in the radio station manager, Edwin A. Goodman, being returned to

jail to finish a 30-day contempt sentence.

The sentence was imposed after the listener-supported station refused to turn over to Mr. Hogan tape recording made during the prisoner takeover of the Tombs in October, 1970.

David S. Worgan, executive assistant district attorney, said that papers filled with the Circuit Court argued that Judge Frankel's writ "interferes with the orderly administration of state justice," that there was no violation of Federal rights and that Mr. Goodman failed to exhaust state remedies.

Michael Ratner of the Center for Constitutional Rights, representing Mr. Goodman, said: "You always worry when your case goes before a higher court."

Mr. Goodman and his lawyers have contended that turning over the tapes would violate constitutional guarantees against abridgement of freedom of the press and unreasonable search and seizure. Mr. Worgan repeated yesterday the state's contention that everything being sought had already been broadcast and thus had lost any claim to confidentiality it may have had.

Mr. Goodman has applied to the state Appellate Division for bail pending appeal of the con-Hogan filed papers with the Appellate Division in asserting that the bail plea was moot in light of Mr. Goodman's release.

Mr. Ratner said he would file papers today requesting that the bail proceeding go ahead.