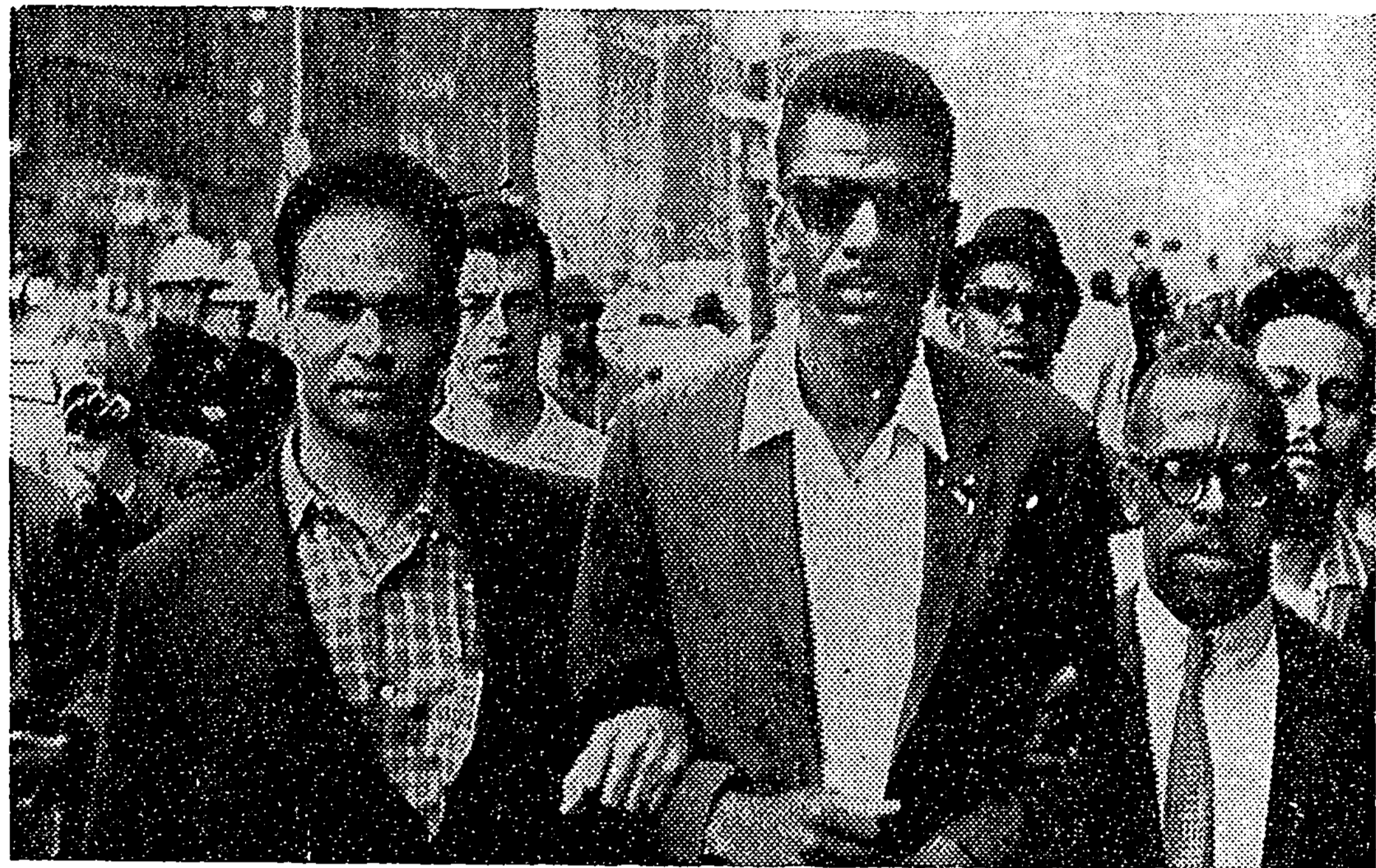


ROCHESTER: Policemen subduing participant in last night's outbreak of violence

Associated Press Wirephoto



HARLEM: William Epton, center, just before he was seized on way to lead protest march

The New York Times

## PROTEST LEADERS SEIZED IN HARLEM

### Two Leftists Arrested After Defying Police and Ignoring Pleas for Negro Unity

By R. W. APPLE Jr.

The police blocked a proposed protest march in Harlem yesterday by arresting two of the leftists who had organized it.

Leaders of the anti-police demonstration had insisted on proceeding with it despite a ban by Police Commissioner Michael J. Murphy, a Supreme Court injunction obtained by the city and the opposition of nearly all Harlem organizations.

The march had been planned by the Harlem Defense Council, an offshoot of the Communist-controlled Progressive Labor Movement. City officials had feared that the demonstration would precipitate renewed violence in Harlem.

Those arrested were William Epton, 32 years old, the council's leader and a self-described disciple of the Chinese Communists, and his lawyer, Conrad J. Lynn, 55, who has a long record of associations with left-wing movements.

#### Negro Arrests Pair

As Mr. Epton and Mr. Lynn attempted to rally a small band of followers at the corner of Lenox Avenue and 116th Street at about 4:20 P.M., patrolmen wearing helmets and brandishing nightsticks pushed their way through the crowd.

A Negro policeman said to the two men, who are also Negroes, "You're under arrest," and led them to a squad car. They were taken to the West 126th Street police station and charged with disorderly conduct.

Later they were arraigned in Night Court before Judge Bert Koehler Jr., who released both men, Mr. Lynn without bail and Mr. Epton in \$1,000 bail. They were ordered to appear at a Criminal Court hearing on Aug. 7.

Harlem and the Bedford-Stuyvesant section of Brooklyn, which were torn by rioting last week, were quiet early today. Reinforced police patrols were on duty in the area between 116th and 135th Streets in central Harlem.

#### Governor Issues Statement

Yesterday afternoon, Governor Rockefeller issued through his office in Albany a statement deploring the racial unrest in New York and Rochester. He promised to use "every legal means" to maintain order in the state.

Mayor Wagner met for about two and a half hours with a delegation of 30 civil rights leaders at Gracie Mansion. Later he left for his summer

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home in East Islip, L. I., without issuing a statement.

Among those who took part in the meeting were Bayard Rustin, organizer of last year's March on Washington; the Rev. Richard Hildebrand, president of the New York chapter of the National Association for the Advancement of Colored People, and several Black Nationalist leaders.

All of them, according to a reliable source, opposed with equal fervor the proposed demonstration and Commissioner Murphy's prohibition of it.

Later, the Negro leaders joined others at a three-and-a-half-hour meeting of the Joint Committee on Unity Organizations, at the headquarters of the Negro Labor Committee at 312 West 125th Street.

The leaders, representing 69 organizations, made a futile attempt to dissuade Mr. Epton from going ahead with his demonstration. They also failed in an attempt to persuade Mr. Epton to enlist in their drive for Harlem unity.

At 3:30 P.M., members of the committee fanned out through Harlem and began to distribute leaflets on the sidewalks. The leaflets said:

"Soldiers! Stop! Harlem is united! Please postpone demonstration! Trap is set! Murphy plans to provoke! Mothers keep your children home! Unity of all means Murphy must fall!"

## Leaders Link Arms

Just before 4 P.M., Mr. Epton, Mr. Lynn and three unidentified members of the Harlem Defense Council emerged from the council's office at 336 Lenox Avenue and started walking toward 116th Street with their arms linked.

When Mr. Epton arrived at the corner, he was immediately swallowed up in a crowd of about 300, most of whom were bystanders. Then the police moved in, made the arrests, and told the crowd to break up and go home.

Mr. Epton had said the march would be a protest against the shooting of a Negro boy by a white patrolman 10 days ago. He said it would proceed up Lenox Avenue to the 32d Precinct station house on 135th Street near Eighth Avenue.

Yesterday, however, he changed his mind and designated a new target: the Frederick Douglass Junior High School at 139th Street and Lenox Avenue. No demonstrations materialized at either location, and no march took place.

## Injunction Issued

While the Negro leaders were making their last-ditch attempt to prevent the demonstration, Leo A. Larkin, the city's Corporation Counsel, was at work in his office in the Municipal Building on papers asking for a temporary injunction.

The injunction was signed at about 4:25 P.M. by Supreme Court Justice Charles Marks, who had been waiting in Mr. Larkin's office. Thus it did not take effect until the police, acting under Commissioner Murphy's ban, had already stopped the demonstration.

Named in the injunction were Mr. Epton, Jesse Gray, the rent-strike leader, and Milton Rosen of the Progressive Labor Movement, as well as their organizations and allied groups.

They were ordered to appear at 9:30 A.M. tomorrow in Special Term, Part I, of State Supreme Court to show cause why the injunction should not be made permanent.

The injunction was based on affidavits by Assistant Chief Inspector Sanford D. Garelik of the Police Department and District Attorney Frank S. Hogan. Both documents stated that the demonstration would be a threat to the peace.

## Epton Remarks Quoted

Mr. Garelik quoted the following statement from what he described as a police transcript of remarks made by Mr. Epton on Saturday at Lenox Avenue and 115th Street:

"If we're going to be free—and we will not fully be free until we smash this state completely and totally—destroy and set up a new state of our own choosing and liking.

"And in the process of smashing this state, we're going to have to kill a lot of these cops, a lot of these judges, and we'll have to go up against their army. We'll organize our own militia and our own army."

Mr. Hogan said he was "satisfied that a temporary injunction and restraining order should be granted to prevent the defendants from violating Section 161 of the Penal Law of the State of New York."

That section, headed "Advocacy of Criminal Anarchy," states that any person who "by word of mouth or writing advocates, advises or teaches the . . . necessity of overthrowing . . . organized government" is guilty of a felony.

Although Mr. Murphy cited no specific legal ground for his action in banning the proposed march, he apparently issued his order under Section 435-9.0 of the Administrative Code of the City of New York.

It states that parades—whether on the streets or in any public place—are legal only after the issuance of a permit by the Commissioner. Such permits must be applied for 36 hours in advance of an event, and Mr. Epton had filed no application.

The section also specifically forbids the Commissioner to grant a permit where he has reason to believe that "the proposed procession, parade or race will be disorderly in character



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**DENOUNCE NEGRO GROUP:** Pickets marching outside Police Headquarters yesterday in a demonstration arranged by the Nationalist Party. Sign in foreground refers to Lieut. James Gilligan of Police Department, whose fatal shooting of a Negro boy he said came at him with a knife touched off rioting. Pickets also denounced CORE group.

or tend to disturb the public peace."

Elsewhere in the city, there were two orderly demonstrations against alleged police brutality.

About 150 civil rights advocates, most of them young and most of them white, gathered on the west side of Amsterdam Avenue between 73d and 74th Streets. They sang freedom songs, listened to short speeches and waved placards bearing the legend "Fight Crime, Not People."

Across the street, 200 counter-demonstrators, mostly middle-aged white persons from the neighborhood, stood by to heckle. They shouted "Communists go home!" at the speakers, but there were no incidents.

Outside Police Headquarters at 240 Centre Street, the Congress of Racial Equality continued its daily demonstrations. Neighborhood onlookers were kept behind police barricades during the picketing, which lasted from 4:30 until 8 P. M.

James Farmer, the national

director of CORE, said the continuing demonstrations were a way of giving white persons a chance to demonstrate, since they could not go to Harlem.

Headquarters was also the scene of a demonstration in support of the police and of Lieut. James R. Gilligan, who shot the Negro boy. It was called by the United States Nationalist party, a right-wing group, and was peaceful.

In another development, City Council President Paul R. Screvane said his comment Wednesday about Communist influence in the rioting had been "enlarged and misconstrued." He had said Communist influence was "undoubtedly" a factor.

Yesterday Mr. Screvane said he had given no estimate of the "proportionate influence" that the Communists had exerted.

"I have regretted to see this answer of mine stretched into a positive assertion that the Communists caused the riots," he said.