

# HARLEM LEFTISTS CURBED BY COURT

## Three Barred From Staging Protests — Epton Freed on Bail Put Up by Texan

By **FRED POWLEDGE**

A state judge granted a temporary injunction yesterday against continued "illegal demonstrations" by three individuals and organizations in Harlem.

Supreme Court Justice Gerald P. Culkin said the "conduct" of Milton Rosen, William Epton Jr. and Jesse Gray "creates a clear and present danger of irreparable injury to life and property."

The three men and their organizations, the Progressive Labor Movement, the Harlem Defense Council and the Community Council on Housing, had been accused by the city and state of fomenting tensions during the recent period of racial violence in Harlem.

Mr. Rosen is chairman of the Progressive Labor Movement; Mr. Epton, head of the Harlem Defense Council, and Mr. Gray head of the Community Council on Housing.

The city obtained a restraining order on July 25 to prohibit a demonstration by the Harlem Defense Council, scheduled for that day. The order, and a show-cause order, were argued during the next week. Justice Culkin's injunction was the result of that hearing.

Mr. Epton, meantime, was freed in \$10,000 bond yesterday in another action and told that he could not leave the city limits of New York. The son of a wealthy Texas oilman posted collateral for Mr. Epton, a professed Communist.

Mr. Epton was indicted

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Wednesday on charges of criminal anarchy. Conviction under the seldom-used 1902 state statute could bring up to 20 years in prison and a \$10,000 fine. A hearing on the indictment has been scheduled for next Thursday.

Justice Culkin's finding in the injunction was that the conduct of the three defendants was dangerous in the light of "the current tense and truly explosive condition in the Harlem community."

He said that the testimony of Mr. Gray, the only defendant to take the stand, "shows him to be irresponsible and intemperate, if not untruthful."

Justice Culkin said he was aware "of the drastic nature of the remedy of an injunction against public demonstrations." But, he said, the remedy to Harlem's problems lay only in "lawful channels."

"The people of Harlem are law-abiding citizens," he said. "It is only a few individuals who seek to provoke disorder and violence, in order to obtain publicity and seek their own aims."

## Permanent Ban Asked

A legal action by the city and state to levy a permanent injunction against the three is still pending.

Mr. Epton's attorney, Conrad J. Lynn, said his bail in the anarchy case had been put up by Albert Lasater Maher, 22-year-old son of John Fielding Maher of Houston.

The young man posted stock valued at \$5,700 and promised to produce the entire \$10,000 if conditions of Mr. Epton's bail were not met.

Mr. Maher, a former student at Harvard, was one of 50 Americans who accepted an invitation of Premier Fidel Castro to visit Cuba last year in violation of a State Department ban.

Mr. Epton, who says he is a follower of Chinese Communism, has been accused of advocating the overthrow of the state by force and violence and of calling for the killing of policemen and judges.

## Negroes Laud Wagner

In other action yesterday, a spokesman for the United Council of Harlem Organizations, formed by 69 diverse groups following the Harlem rioting, said he believed Mayor Wagner "has finally moved in a direction which will be advantageous to our city and to the economic growth of all of the communities in our city."

L. Joseph Overton, who is the temporary chairman of the council and national secretary of the Negro American Labor Council, said in an interview:

"I realize that Mayor Wagner has been advised in the past by people who are not familiar with the [racial] question, who have given him expressions on the basis of theory. He has now decided to accept communications from people who will give them to him based on practical experience."

Mr. Overton's group met for two days this week with the Mayor to discuss the Negroes' demands and requests. Another meeting is scheduled for next Tuesday with Police Commissioner Michael J. Murphy, said Mr. Overton.

Among their demands is the immediate dismissal of Lieut. Thomas R. Gilligan, the detective who shot and killed James Powell, a 15-year-old Negro. The Gilligan case has been before a grand jury for 10 days.