

EPTON CONVICTED ON RIOT CHARGES

Harlem Leader Could Get
12 Years and \$6,000 Fines

By RICHARD J. H. JOHNSTON

William Epton, the leader of the Harlem Progressive Labor Movement, was found guilty yesterday in Criminal Court of conspiring to riot, of advocating the overthrow of the New York State government and of conspiring to overthrow it.

The verdict was returned at 5:30 P. M. before Supreme Court Justice Arthur Markewich after the jury of three men and nine women had deliberated five hours.

William Bernhard, a bank employe, foreman of the jury, responded to the clerk's questions as to the findings in each of the three counts of the indictment with a firm: "Guilty."

There were three spectators in the courtroom when the verdict was announced.

The 33-year-old defendant, who is an electrical worker and a veteran of the Korean War, listened calmly to the verdicts.

Justice Markewich immediately ordered Epton's bail of \$10,000 rescinded and ordered him to prison for sentencing on Jan. 27. Maximum penalties could reach 12 years in prison and fines totaling \$6,000.

Epton is married and has

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Epton Convicted on 3 Counts Linked to 1964 Harlem Rioting

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two children. He lives at 1420 Amsterdam Avenue. He was arrested Aug. 5, 1964, in the aftermath of the Harlem riot of July 16-18 that year.

Mrs. Eleanor Jackson Piel, one of the defense lawyers, said the verdict would be appealed.

Details of Charges

Epton, a Negro, was accused of conspiring to participate in riot and to use the disturbance to further a plan to have the Progressive Labor Movement take over the functions of government. He was also charged with conspiring to use force and violence against the police.

A count in the indictment charging him with taking part in the Harlem riot was dismissed early in the trial by Justice Markewich on the grounds that the prosecution had offered no proof of the charge.

The jury, among whom were two Negro women, found Epton guilty of conspiring to overthrow the state government through assassination of the



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William Epton

executive officials of the state by force and of advocating the action.

Epton also was accused of

circulating, during the Harlem riot, posters reading "Wanted for Murder," referring to a police officer, Lieut. Thomas Gilligan. On July 16, the officer shot and killed James Powell, 15, a Negro. Lieutenant Gilligan was exonerated by police and prosecuting authorities in the Powell death, which triggered the two-day Harlem outbreak. Epton was charged with trying to inflame the situation in a street-corner speech two days later.

Epton Testifies

Taking the stand in his own defense, Epton pictured himself as a believer in Communist doctrines, but denied advocating their forceful extension. He said he had sought to end "police brutality" and achieve justice for his people. He described himself as the vice chairman of the Harlem branch of the Progressive Labor Movement, a left-wing political group.

In rescinding the bail and ordering Epton held for sentencing, Justice Markewich said that the jury's verdict "imports that the defendant is a dangerous man."

Sanford Katz, a member of

Epton's defense counsel staff, urged the Court to reconsider holding Epton in jail, pending sentence, because, "at this time of year, certainly a father's place at home is highly important."

"The defendant is not a dangerous man," Mr. Katz added. "He was convicted of something he said or wrote, not of anything he did. There's not a scintilla of evidence that he committed a dangerous or violent act."

"The jury's verdict," replied Justice Markewich, "found, in effect, that the defendant did not content himself with the mere advocacy of ideas. Therefore, I am bound by the verdict of the jury."

Old Law Invoked

The counts of the indictment dealing with the planned overthrow of the state government were based on a state law enacted in 1901, following the assassination of President McKinley. Under it Benjamin Gitlow, a Communist, was convicted in 1919, and sentenced to prison. Gov. Alfred E. Smith subsequently pardoned Gitlow. The statute has rarely been invoked.

At Epton's trial the defense contended that the law had been superseded by the Federal Smith Act.

A key witness in the prosecution was Adolph W. Hart, an undercover detective who, posing as a dissident Negro, was ordered by his superiors to infiltrate the Progressive Labor Movement. His testimony and a tape recording made secretly, carrying Epton's voice, were offered by Assistant District Attorney Joseph Phillips as evidence.