

City Moves to Lift Harlem Injunction

By PETER KIHSS

The city declared yesterday that "the tense and explosive situation" in Harlem had subsided to normal and moved to vacate a temporary Supreme Court injunction that had barred demonstrations in the area by three groups and their associates.

Corporation Counsel Leo A. Larkin filed the motion, to be heard next Tuesday at 9:30 A.M., to lift the sweeping injunction, first won as a stay on July 25 and then continued by Justice Gerald P. Culin on Aug. 7.

However, Conrad J. Lynn, counsel for a number of those named in the injunction, said yesterday the New York County grand jury had called a dozen witnesses in the last two weeks in a continuing investigation of the Harlem riots of last July.

'Revolt' Is Denied

Mr. Lynn said the groups named in the injunction planned to file affidavits saying that they did not object to vacating of the injunction but insisting that they did not admit that any state of "disorder and revolt" had existed in Harlem.

Further, Mr. Lynn said, the groups are still maintaining a \$1 million counterclaim for damages against the city filed Aug. 14. In this, 10 individual defendants and the Harlem Defense Council, Progressive Labor Movement and Youth Against War and Fascism sued for damages on the ground that the injunction had barred "lawful political activity" and that its enforcement had hurt them in their "private occupations."

Corporation Counsel Larkin's motion said he had been advised by Mayor Wagner and Police Commissioner Michael J. Murphy "that the emergency

which existed in the area at the time of the issuance no longer exists, and that the tense and explosive condition in the Harlem community has subsided to the extent that conditions in that area are now normal."

Three Groups Curbed

The original city complaint had moved to prevent Harlem demonstrations by Milton Rosen and his Progressive Labor Movement, by William Epton Jr. and his Harlem Defense Council, and by Jesse Gray and his Community Council on Housing, as well as anyone acting for them.

The area covered was from 110th to 155th Street between the Hudson and East Rivers. The banned actions were those "likely to disturb the public peace, incite to riot, destroy or injure life and property, induce civil revolt and overthrow lawful government."

In part because of the city's basic testimony that Mr. Epton had called for "smashing this state" and killing policemen and judges, Mr. Epton was indicted Aug. 5 on charges of advocating criminal anarchy. He is free in \$10,000 bail.

Mr. Epton is also free in \$1,000 bail and Mr. Lynn on his own recognizance on disorderly conduct charges. They are accused of an attempt to stage a march in Harlem on July 25 despite a ban by Police Commissioner Murphy. This case comes up in Criminal Court next Thursday.

The march had sought to protest the fatal shooting of a Negro youth by a police lieutenant, which Mr. Epton and Mr. Lynn had asserted was the real spark of the earlier Harlem riots.

Yesterday Mr. Lynn contended that the city motion to lift the injunction was a pre-

election effort "to re-establish the reputation of the city officials with the people of the Harlem community who are justly embittered by their second-class status."

Those persons being called before the grand jury, he said, included members of the Progressive Labor Movement, the Freedom Now Party and other Negroes. At least one witness, he charged, was "threatened with a perjury prosecution when she asserted that the Harlem riot was not started as a planned operation by any political group" but as an outgrowth of feeling over the shooting.