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Lawyer in 'Harlem 5' Case Sees 'Vindication'

By PAUL L. MONTGOMERY

The lawyer for four young men found guilty Thursday night of possession of weapons and bombs in the "Harlem Five" conspiracy trial said yesterday that his clients would appeal.

The lawyer, Larry Rabinowitz, said the defendants had been "vindicated" by acquittal on five conspiracy counts in a seven-count indictment.

Of six original defendants, one had all the charges against him dismissed during the trial, another was acquitted on all counts by the jury on Thursday and the remaining four were found guilty of the lesser charges of possession.

The case, going back to 1968, attracted attention because the defendants were charged with planning to "kill a cop a week" and to raid the Kingsbridge Armory in the Bronx to obtain weapons.

A Committee for the Legal Defense of the Harlem Five, composed of more than 40 Harlem leaders, was formed to support the young men and has raised about \$4,000 for their defense.

Some Members Listed

Among the participants are Representative Charles B. Rangel, Manhattan Borough President Percy E. Sutton, City Councilman Charles L. Taylor, former State Senator Basil A. Paterson, David Billings 3d, chairman of the city's Council Against Poverty, and Livingston Wingate, executive director of the New York Urban League.

The young men were arrested on May 16-17, 1968, after the assassination of the Rev.

Dr. Martin Luther King Jr., and were charged with acts and pulans that would allegedly have encouraged riots in the black community. The defendants maintained from the start that they were victims of a "police conspiracy."

The trial, before State Supreme Court Justice Arnold G. Fraiman, began March 13. The principal witnesses called by the prosecutor, Assistant District Attorney Lawrence Goldmen, were two undercover policemen. William M. Kunstler, the defense lawyer, did not call any witnesses.

One Acquitted

One of the five defendants—Lloyd Butler, 22 years old, who uses the Muslim name Sayed Saladeen—was acquitted on all counts. He spent 17 months in jail before he was able to raise bail.

The four others—Preston Lay Jr., 26; Hannibal Thomas, also known as Hannibal Ahmed, 24; Wallace Marks, 26, and Ebb Glenn, 23—were found guilty of possession of bombs. Marks also was found guilty of possession of a loaded pistol and Lay and Ahmed were found guilty of possession of a rifle.

The bomb and pistol charges are Class D felonies, each punishable by up to seven years in prison. The rifle charge is a Class A misdemeanor, punishable by up to a year. Sentencing is expected June 15, after which the appeal can be filed. The four defendants remain free in \$5,000 bond.

Mr. Wingate said yesterday that the defense committee would support the appeal. He declared that the young men

"represent the very best of my community," and that they had been "constructively involved in practically every key issue that has occurred in the Harlem community in the past two years."

Community Work Cited

Mr. Wingate cited their participation in the Urban League's work in antipoverty programs for youth, in a project to clean up and protect the Abraham Lincoln Houses in Harlem, and in "the most effective youth newspaper in the New York City area from an artistic and content point of view."

He was referring to Harlem Youth Speaks, a monthly put out by a journalism workshop assisted by The New York Times. Ahmed, Marks and Mr. Saladeen have been associated with the project.

The defendants, Mr. Wingate said, "have been subjected to the most corrosive elements of ghetto living and yet they have found a way to develop a sense of direction, a sense of commitment to their community and a sense of self-development."

"They have acquired a sense of values which I would like for my boys, who are 19 and 20, to have," he added.

Councilman Taylor, of the defense committee, said that the case was "a classic case of police entrapment" and that "the community believes there is no basis to the charges."

Mr. Billings said he thought the young men had been "vindicated in terms of the conspiracy charges." On the possession charges, he remarked: "The ones who should really be tried are the undercover

agents, they're the one that brought in the weapons."

Mr. Paterson said he felt that the "key thing" in both the "Harlem Five" and "Panther 13" cases, both decided Thursday, was the rejection by juries of conspiracy charges. He said that such charges "reveal an atmosphere of hysteria, bred by the prosecutor's office" and that such an atmosphere often "prejudices a fair trial."