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## 'Harlem Five' Contend They Are Victims of a Police

By JUAN M. VASQUEZ

The conspiracy trial of five young black men whose indictment attracted considerable attention three years ago is expected to go to the jury today in State Supreme Court here. The defendants contended yesterday that they were victims of a "police conspiracy."

The case against the so-called "Harlem Five" charges that the group conspired to "kill a cop a week" and raid the Kingsbridge Armory in the Bronx to obtain weapons.

At the time of the indictment in June, 1968 — shortly after the riots touched off by the assassination of the Rev. Dr. Martin Luther King Jr.—the case was cited as evidence of incipient racial violence in New York.

But the defense lawyer, William M. Kunstler, called the indictment an effort by the police to create the appearance that they were controlling potential violence and to take credit for what he called "the discipline of black people."

After declaring that he would not call any defense witnesses, Mr. Kunstler delivered a seven-

hour summation, which ended yesterday.

Last week, Justice Arnold G. Fraimon dismissed for lack of evidence the charges against John Aykik Garrett, 26 years old, of 893 Crotona Parkway North, the Bronx. He was one of the original group of six defendants.

Still on trial are Preston Lay Jr., 26, of 921 Hancock Street, Brooklyn; Lloyd Butler, 22, also known as Sayeed Salahdeen, of 1219 Morris Avenue, the Bronx; Wallace Marks, 26, of 895 Second Avenue; Hannibal Thomas, 24, also known as Hannibal Ahmed, of 2177 Fifth Avenue, and Ebb Glenn, 23, of 833 Longfellow Avenue, the Bronx.

Assistant District Attorney Lawrence Goldman, in part of his summation yesterday, called the defendants "would-be assassins." He reiterated to the jury of four blacks and eight whites the evidence introduced in the course of the two-month trial.

The physical evidence, includes two homemade bombs, a hand gun, an M-1 carbine, another rifle and a makeshift silencer. The items were seized along with the defendants—at the apartment of Mr. Thomas, or in the defendants' homes.

Mr. Goldman also praised

the work of the prosecution's two principal witnesses, Wayne Carrington, 30, and Timothy Hubbard, 26.

The two black undercover police agents first contacted Mr. Lay and later met the other defendants. They helped to provide "bugged" conversations used as evidence.

"Their work in this case was courageous, was brilliant," Mr. Goldman told the jury. "They did a great service to all of us who live in this city, who live in this country."

Mr. Kunstler, on the other hand, compared the police agents to the Shakespearean villain Iago for allegedly encouraging the defendants to carry out their plot.

Mr. Kunstler argued that most of the overt acts described in

the indictment were only conversations and not criminal acts. "There's a difference between wild talk and doing something, even conspiring to do something," he told the jury.

As for Mr. Lay, whom the prosecution has portrayed as one of the chief conspirators, Mr. Kunstler said: "Preston Lay has a lot of fanciful ideas. He throws a lot of bull, to put it plainly."

In some aspects—the racial element, the conspiratorial nature of the charge, the allegations of police "entrapment"—the case resembles the trial of 13 Black Panthers for an alleged bombing conspiracy.

Both cases are being heard in the Criminal Court Building at 100 Centre Street.

Unlike the Panther case,

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however, the Harlem Five trial has been marked by reasonably friendly relations among the prosecution, the defense and the judge.

The only time the jury heard from the defendants was when Mr. Marks, who is defending himself, delivered a one-hour summation. He said there "was never a collective agreement among us to do anything."

The defendants have attracted considerable support in the black community. Among their visitors in court have been Basil A. Paterson, the former Democratic candidate for Lieutenant-Governor, and Livingston L. Wingate, executive director of the New York Urban League.

All of the defendants are free on \$5,000 bail.