

No. U.S. Lawyers For Accused G-Men

Washington

The Justice Department has decided that it cannot defend two FBI agents accused in a civil lawsuit of burglarizing the New York offices of the Socialist Workers party, a department official said yesterday.

The official said that the decision not to provide the two agents with government counsel was made after Deputy Attorney General Harold R. Tyler decided that a government defense would present the department with a conflict of interest.

That official and others confirmed that the potential conflict was posed by a current investigation, centered on the department's civil rights division, of possible criminality on the part of FBI agents who took part in the New York burglaries.

Tyler reportedly decided that it would be inappropriate for the Justice Department to defend in court in one instance an activity for which it might eventually bring criminal prosecution in separate cases, and he authorized the retention, at federal expense, of private lawyers to represent the two agents.

U.S. District Judge Thomas P. Griesa agreed Tuesday to permit the Socialist Workers party to file an amended complaint in its two-year-old lawsuit that added the names of the two agents, George P. Baxtrum Jr. and Arthur J. Greene Jr., to the list of defendants in the case.

The judge's order also approved the addition of John F. Malone, a former assistant FBI director who was head of the bureau's New York field office from 1962 until 1975. But the Justice Department official said that Tyler had made no decision as yet regarding counsel for Malone.

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