

LEVI BACKS SHIFT ON DRUG RAID CASE

His Agency Defends Agents
It Formerly Prosecuted

WASHINGTON, April 23 (AP) —The Justice Department is defending five Federal narcotics agents and one former agent against civil suits for the violent drug raids in Collinsville, Ill., after prosecuting the same men on criminal charges in the case.

Responding to criticism of the charge, Attorney General Edward H. Levi said that the department was providing legal representation for the men because "they were being sued for conduct which was within the scope of their employment, and which they had performed in good faith."

The case began two years ago when a raiding party of Federal and local narcotics agents kicked in the door of the Donald Askew home in Collinsville. Mr. Askew and his wife and teen-age son were sitting down to a late supper when the agents, disheveled and bearing no visible identification, burst into their home and held them at gunpoint in a futile search for drugs.

The agents later discovered that they had the wrong address, and that the raid was a mistake.

The Askews now seek \$4-million in damages from the six men in a civil suit that goes to trial June 2 in United States District Court in Alton, Ill.

The Askews have their own

lawyers. The agents are being defended free by the Justice Department.

Mr. Levi's decision puts the department's Civil Division in the position of defending men who had been prosecuted by the department's Civil Rights Division.

The Drug Enforcement Administration, also part of the department, punished all six agents for their conduct in the raids in the Collinsville area, although not specifically for the invasion of the Askew home. The disciplinary measures were overturned by a Civil Service examiner in only one case.

The department sought and won an indictment accusing eight Federal agents and four local officers of violating the law and the Constitution by breaking into the Askew home and five others without a search warrant and with no good reason to believe that narcotics would be found. The raids took place April 19, 20 and 23, 1973.

A Federal court jury acquitted all the men last year.

Since the raid, Mr. Askew lost the gasoline station he operated and went without a job for six months until finding work as a carpenter.

After the trial ended in acquittal, the D.E.A. reinstated five of the agents and transferred them out of the Collinsville area. William C. Dwyer is now assigned to New York, Kenneth R. Bloemker to El Paso, Tex.; Dennis Harker to Dallas, Michael Hillebrand to Eagle Pass, Tex., and Leon Phillips to McAllen, Tex. The sixth agent, Dennis Moriarty, resigned.