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Heine Hits CIA in Slander Case Plea

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The Central Intelligence Agency has been accused of using "expediency rather than security" as a guide to how much it revealed to a federal court in a slander case involving two Estonian emigrants.

The accusation was made in a brief filed with the U.S. Court of Appeals in Richmond yesterday by attorneys for Erik of Rexdale, Ont.

Heine filed a \$110,000 slander suit in November 1964 against Juri Raus, an engineer for the Bureau of Public Roads and a resident of Hyattsville. He said

Raus had accused him of being a Soviet agent.

The CIA later admitted, in a series of affidavits filed with a federal court in Baltimore, that it had instructed Raus to warn fellow members of the Estonian community that Heine was a "dispatched Soviet operative, a KGB agent."

On Dec. 8, 1966, Federal District Judge Roszel C. Thomsen granted Raus a summary judgment based on his claim that he was immune from a slander suit because he was acting as an agent of the U.S. government when he made the accusation against Heine.

In their appeal brief, Heine's lawyers, Ernest C. Raskauskas and Robert J. Stanford, argued that the CIA had said it could supply no further information and then, under urging from the court, told a little bit more about its relations with Raus.

"It would appear that expediency rather than security was the guide in determining how much Richard Helms (now director of Central Intelligence) would disclose in the affidavits filed in support of the motion," the brief said.

The brief also challenges the right of the CIA to involve itself in the activities of groups in this country.

In his affidavits, Helms said the CIA had the right to protect its sources of foreign intelligence. Heine's lawyers argue that this right is restricted to the control of unauthorized disclosure from within the intelligence community.

"Under the contorted con-

struction of the statute and regulation . . . any source, deemed to be a source of foreign intelligence by the CIA, such as a travel agency, the National Student Association, an international labor movement, the Ancient Order of Hibernians, the American Express Co., the Alliance for Progress or the Trapp Family Singers, could be declared a source of foreign intelligence which must be sequestered and protected from contamination or infiltration by an alleged Communist or Communist sympathizer," the brief said.

Raskauskas and Stanford argued that Judge Thomsen had erred in a variety of ways in not permitting cross-examination of Raus, in not requiring more information from the CIA and in not permitting a trial on the merits of the case. They asked the appeals court to send the case back to the district court "for a full trial on the merits."