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Raus Lawyers File Brief on Heine Appeal

A public trial in a slander suit filed by an Estonian emigrant against a Central Intelligence Agency man who accused him of working for Soviet intelligence "would never lead to the type of disclosure which the plaintiff seeks," a federal appeals court has been told.

In a brief filed with the Court of Appeals in Richmond, attorneys for Juri Raus of Hyattsville, Md., said the only real question is whether Raus worked for the CIA and, "the plaintiff has no real dispute over the question of Raus' employment by the Central Intelligence Agency."

The suit for \$110,000 in damages was filed by Eerik Heine of Rexford, Ont., a suburb of Toronto. He accused Raus of spreading the word among Estonians in this country that he was an agent of the KGB, the Soviet intelligence agency.

Raus' attorneys, Paul R. Connolly and E. Barrett Prettyman Jr., said it would never be possible for Heine to "clear himself" of the charge that he is a dispatched Soviet intelligence operative because "he could not be given a trial on the merits adequate to his purpose."

"A judicial opportunity to test and weigh the agency's intelligence sources and information was withdrawn from Heine and Raus and all other litigants when Congress properly accorded such intelligence a privileged status," the brief argued.

A federal district judge in Baltimore has ruled that Raus was protected against a suit for slander because of his position as an employe of the government. It was as a result of that ruling that the appeal was filed by Heine's attorneys.