

C.I.A. Limits Agent's Testimony in Slander Suit

Sends 5 Lawyers to Federal Court in Successful Effort to Maintain Secrecy

By BEN A. FRANKLIN
Special to The New York Times

BALTIMORE, April 28—The Central Intelligence Agency dispatched five Washington lawyers to the Federal District Court here today to close the door of legal discovery on the agency's clandestine operations in this country. The lawyers succeeded.

In a confused, three-hour hearing before Chief Judge Roszel C. Thomsen, the Government attorneys repeatedly removed a C.I.A. agent from the witness stand and conferred with him privately before permitting him to answer questions. Many questions they declined to let him answer at all.

In one half-hour period, the lawyers twice took the agent, Juri Raus, from the stand and into an anteroom or into Judge Thomsen's chambers for a total of more than 15 minutes. These two conferences were held to clear his answer in court to a single question about his contacts with the Federal Bureau of Investigation.

Reply Surprises Lawyers

Returning to the witness chair, Mr. Raus nonetheless took his lawyers by surprise by replying "Yes" to a question they said they had expected him to answer "No." At that point, another five-minute out-of-court conference was called.

At another point, one of the five lawyers, Kevin T. Maroney of the Internal Security Division of the Justice Department, objected to Mr. Raus's answering a question posed by Paul R. Connolly, a private lawyer working with the C.I.A. to defend Mr. Raus. The objection was sustained by Judge Thomsen.

The intelligence agency normally keeps all but its two top-ranking officials behind an opaque barrier of anonymity. But today the agency dispatched its general counsel,



Juri Raus, left, and Erik Heine leaving the courthouse

Lawrence R. Houston, to act as a secrecy umpire during the questioning of Mr. Raus for a deposition in the \$110,000 civil slander suit against him.

Erik Heine, a colleague of Mr. Raus in Estonian émigré organizations in this country and Canada, filed the suit after Mr. Raus publicly labeled him a Soviet agent.

Mr. Houston, who told newsmen he had not appeared in open court for the agency since 1952, said that the 39-year-old Mr. Raus "was paid either directly or indirectly for his services on behalf of the C.I.A."

The hearing today was an attempt by Mr. Heine's lawyers to challenge the intelligence agency's claim of "absolute immunity" for Mr. Raus from the slander suit on the ground that the agent's statements about Mr. Heine had been made in his privileged role as a Government official, acting on official orders.

Mr. Houston presented an agency affidavit, the fourth filed here since January, signed by Adm. William F. Raborn, Director of Central Intelligence. It repeated the agency's assertion that Mr. Raus had been carrying out its orders in discrediting Mr. Heine as "a discredited Soviet intelligence operative, a K.G.B. agent" and

that Mr. Raus was therefore immune from suit.

Both the Government and Mr. Raus's lawyers, accordingly, have asked Judge Thomsen to dismiss the slander suit summarily. They also contend that a trial, which would require the C.I.A. to produce witnesses in support of its allegations against Mr. Heine, would "not be in the interest of the security of the United States" because such appearances would further compromise the agency's secrecy.

Judge Thomsen scheduled further argument for 2 P.M. May 13.

Mr. Heine, 46, is on a two-day visit to the United States from his home in Rexdale, a suburb of Toronto, Canada. He repeated to newsmen today his offer to "make myself available" for arrest by the F.B.I. as a Soviet agent because "the trial would show I am innocent."

The F.B.I. has declined to comment publicly on its failure to apprehend a man the intelligence agency asserts is a Soviet agent, a vocation that lawyers here point out is, of itself, a violation of the Federal Foreign Agents Registration Act even if the alleged agent performs no espionage. The C.I.A. itself has no arrest authority.