

Above the Law Post 12/13/66

The Central Intelligence Agency, it appears, can slander anyone with perfect impunity. In a country which likes to boast that it lives under a government of laws, the CIA stands outside the law, intractable, despotic, sovereign. It has only to invoke a magic phrase—national security—to get away, figuratively, at least, with murder. It has just succeeded in getting away with a shabby piece of character assassination.

Juri Raus, an Estonian emigre employed by the CIA, was instructed by that agency to destroy the reputation of another Estonian emigre, Eerik Heine, by calling him a Communist and Soviet undercover agent. Raus pursued his instructions successfully. Heine brought a suit against him two years ago for slander. But the CIA forbade Raus to testify, asserting that his statements would imperil agency sources. And on Thursday, Federal Judge Rozel C. Thomsen put an end to the slander suit by ruling that the CIA enjoys a privileged

position under existing law and can be just as high-handed as it pleases when it thinks national security may be involved.

This may be good law; but it is very bad justice. Without venturing any opinion as to the merits of the name-calling controversy between Messrs. Raus and Heine, we think the latter is entitled to his day in court; and if the CIA chooses to deny him this right, it ought at the very least to pony up and indemnify him for the injury it has done him.

There is, moreover, the larger consideration that so privileged—and essentially lawless—a position as the CIA's is incongruous in a free society. We can think of no protection it affords to national security commensurate with the dangers it presents to individual security. An arm of the Government that eavesdrops, slanders and shadows citizens at its own whim is more a menace than a safeguard. If the CIA is to be allowed to call Americans ugly names whenever it wants to, Americans ought to feel free in turn to call the CIA anything they please.