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High Court Refuses to Review CIA Suit

The Supreme Court refused yesterday to review a lower court's decision that immunized a Central Intelligence Agency operative from a lawsuit for slander uttered "in the line of duty."

Over the dissents of Justices William O. Douglas and Potter Stewart, the court left standing the dismissal of a slander suit brought by Erik Heine, an Estonian emigre, against Juri Raus, the CIA agent who said his utterances were made under orders.

Raus, employed as a federal highway engineer, accused Heine, a lecturer on the evils of communism, of being a Soviet agent. The accusation was designed as a warning to the Estonian emigre community in the United States that their ranks had been infiltrated, according to Heine, who was supported in lower courts by CIA Director Richard Helms.

The CIA's immunity defense raised controversy over the agency's proper domestic role five years ago when it was discovered infiltrating the National Student Association.

Federal law prohibits "domestic security functions" by the CIA, but the federal district court in Baltimore and the Fourth U.S. Circuit Court of Appeals said Raus's actions were legitimate measures to protect the secrecy of America's foreign intelligence sources.

Four votes were needed for a full hearing, which would have amounted to a re-examination of Supreme Court decisions dating back to 1959 establishing broad libel and slander immunity for key government officials in the interest of a free flow of governmental information.

Air Controllers

The court refused to decide whether the Federal Aviation Administration properly obtained an injunction against last year's work stoppage by 3,100 air traffic controllers while the government was under no obligation to suspend disciplinary action against the strikers.

Chief Justice Warren E. Burger and Justices Stewart and Byron R. White voted to hear the case, which the Justice Department said should be dismissed. The dispute over working conditions between the Professional Air Traffic Controllers Organization and the FAA is being argued in another case pending on the New York courts.

Indians

The court agreed to decide to what extent the federal government must look out for the interest of members of an Indian tribe whose ward status has been terminated by law.

Antitrust

The court agreed to hear

the Justice Department appeal in an antitrust case against Topco Associates, an organization of supermarket chains which cooperatively markets goods under private labels. A federal court in Chicago held that the Sherman Act was not violated by agreement among the chains not to compete in each others' markets, partly because it enables smaller chains to compete with Safeway and A&P.

Housing

The court refused to review a decision that the Chicago Housing Authority was required to publish promptly a list of low-income housing sites in keeping with previous federal court rulings.