

THURSDAY, JULY 25, 1968

C.I.A. IMMUNITY CASE RETURNED TO COURT

Special to The New York Times

RICHMOND, July 23—The United States Court of Appeals for the Fourth Circuit has returned to a lower Federal court for further consideration the question of the extent to which an agent of the Central Intelligence Agency enjoys immunity in testimony that allegedly is slanderous.

The action came on the appeal of Eerik Heine, about 42, an émigré from Estonia with a history as an Estonian freedom fighter.

Mr. Heine in Federal District Court had sought \$10,000 in general damages and \$100,000 in punitive damages from Juri Raus of Hyattsville, Md., a part-time agent for the C.I.A.

Federal District Court Judge Rozel C. Thomsen of Baltimore had dismissed the slander suit, brought by Mr. Heine on the allegation that Mr. Raus had called him an agent of the Soviet secret police. Judge Thomsen said Mr. Raus could not be forced to testify because of governmental privilege.

The appeals court said that "absolute privilege is available to Raus if his instructions were issued with approval of the director [of the C.I.A.]" or by an authorized agent of the director.

It directed the lower court to

determine whether either of those factors was present in Mr. Raus's alleged slander.