

C.I.A. SAYS IT TAPS REFUGEE SOURCES

Affidavit Seeks to Satisfy
Court in Slander Suit

By BEN A. FRANKLIN

Special to The New York Times

BALTIMORE, April 25—The Central Intelligence Agency acknowledged in Federal Court here today that it "develops" sources of foreign security information through refugees and emigré organizations in this country.

Richard Helms, deputy director of the secret United States espionage agency, said in a sworn statement filed in District Court here in connection with a slander suit against a C.I.A. agent, that the agency had "foreign intelligence sources existing within or developed through" emigré groups.

According to unofficial estimates, there are about 100,000 members in several hundred active emigré associations in the United States, organized by exiles of countries now under Communist rule. Most of them are strongly nationalist and anti-Communist, and many maintain informal connections with countrymen still living behind the Iron Curtain.

Identified in Court

Today's statement by the C.I.A.'s second ranking official was contained in the third of an unusual series of affidavits filed here by Mr. Helms in behalf of Juri Raus, a 39-year-old Estonian emigre. The agency has already identified Mr. Raus in open court as one of its secret agents.

Mr. Raus, as far as was known at first, was employed in Washington as a traffic engineer by the United States Bureau of Public Roads. He was accused of slander by Eerik Heine, another Estonian emigre now living in Canada, after he called Mr. Heine a Soviet spy and an agent of the K.G.B., the Soviet secret police.

Mr. Helms's affidavit today, for the first time, described Mr. Heine as "a dispatched Soviet intelligence operative, a K.G.B. agent." The C.I.A. official thus extended the accusation against Mr. Heine to include the contention that he was sent here from Estonia or the Soviet Union, and not merely recruited in Canada or the United States.

Mr. Heine, living in Toronto, filed a \$110,000 defamation suit here in November, 1964. In his reply to the suit, Mr. Raus at first acknowledged making the accusations but, until January of this year, he insisted only that he had relied on "responsible information from a Government agency."

'Absolute Immunity'

Then, last January, the C.I.A. moved to free Mr. Raus of any liability for his admittedly defamatory statements by identifying him in court as one of its undercover agents who had been under official C.I.A. orders to expose Mr. Heine as a Soviet spy.

It was the first time the C.I.A. had ever publicly identified one of its agents, but the effect of the disclosure was to give Mr. Raus a claim to "absolute immunity" from the slander suits on grounds that he was a Governmental official acting properly within the scope of his duties.

The Supreme Court has held that in order to permit Government officials to discharge their duties without fear of reprisal by lawsuits, they are immune from such suits if acting within the perimeter of their office.

Dismissal Sought

The C.I.A., accordingly, is seeking a summary dismissal of Mr. Heine's suit against Mr. Raus. But Paul R. Connolly and E. Barrett Prettyman Jr., leading Washington trial lawyers retained by the C.I.A. to defend Mr. Raus, have declined, on C.I.A. security grounds, to submit Mr. Raus to any questioning by Mr. Heine's lawyers in their attempt to challenge the immunity claim.

The affidavit filed today was an attempt by the C.I.A. to satisfy the demand of Chief Judge Roszel C. Thomsen that the intelligence agency "go as far as it can go" in authenticating its claim to immunity for Mr. Raus by specifying exactly the nature of its instructions to him.

Of the Estonian emigré gatherings before which Mr. Raus admits that he accused Mr. Heine, the affidavit said, in part:

"Prior to those occasions . . . the defendant [Mr. Raus], in a series of conferences, was furnished information by the Central Intelligence Agency to the effect that Eerik Heine was a dispatched Soviet intelligence operative, a K.G.B. agent. The defendant was instructed to warn members of Estonian emigré groups that Eerick Heine was a dispatched Soviet intelligence operative, a K.G.B. agent.

"The purpose for this instruction was to protect the integrity of the agency's foreign intelligence sources, existing within or developed through such groups in accordance with the statutory responsibility of the Director of the Central Intelligence Agency to protect foreign intelligence sources and methods. . . ."

Judge Thomsen has scheduled another opportunity for argument on the dismissal motion here on Thursday. Mr. Raus is expected to make an appearance here then, but to refuse to testify on security grounds.

It is expected to be the last hearing in the case. At a hear-

ing on April 14, Judge Thomsen declared that if the information given Mr. Raus by the C.I.A. was, indeed, that Mr. Heine "was a Communist and a K.G.B. agent, then the legal point [supporting dismissal] is relatively simple."

C.I.A. Threat Charged

TORONTO, April 25 (Canadian Press)—Eerik Heine, an Estonian refugee who has started a \$110,000 slander action in Baltimore, said last night he had been threatened by the Central Intelligence Agency to drop the whole matter.

Mr. Heine, 46 years old, who lives in suburban Rexdale, brought the action against Juri Raus, 39, of Hyattsville, Md., a former Estonian who is a C.I.A. agent. The action is over statements made by Mr. Raus describing Mr. Heine as an agent of the Soviet secret police.

Mr. Heine quoted last night from a letter which he said was from his Washington attorney, Ernest Raskauskas. In it the lawyer tells of a meeting between himself and E. Barrett Prettyman Jr., a Washington lawyer acting for Mr. Raus. The letter reads:

"Mr. Prettyman advised me [Mr. Raskauskas] that it would be definitely contrary to your best interests for you to pursue this matter any further and that only further harm could result to you if we proceeded further."

"I consider that a threat," Mr. Heine said. He said his wife was approached by C.I.A. men last Friday while he was away but she refused to talk to them.