

SUIT ON C.I.A. ASKS WHITE HOUSE STEP

Estonian Invokes Executive Order in Slander Case

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WASHINGTON, May 2—The White House was asked today to intercede in the case of Eerik Heine, an Estonian emigré who is suing an agent of the Central Intelligence Agency for slander for calling him "a dispatched Soviet intelligence operative."

In a request to the White House today, Ernest C. Raskauskas, one of Mr. Heine's Washington lawyers, sought to invoke Section 16 of Executive Order 10501, a little-used paragraph that requires the President to receive and "take action upon" complaints from private citizens about the operation of secrecy regulations at the C.I.A.

A White House aide said the petition would be referred to Harry C. McPherson Jr., special counsel to the President.

Mr. Heine, 46 years old, of Toronto, is widely known in Estonian expatriate circles in this country and Canada as a militant anti-Soviet Estonian nationalist and former anti-Communist partisan fighter in his Baltic homeland.

The C.I.A. has acknowledged that in 1963 it ordered Juri Raus, another Estonian emigré acting as one of its undercover agents, to "disseminate" charges that Mr. Heine was really an agent of the K.G.B., the Soviet Committee on State Security.

Suit Filed in Baltimore

In November, 1964, after demanding and failing to receive a retraction from Mr. Raus, Mr. Heine filed a \$110,000 slander suit against him in the United States District Court in Baltimore.

Mr. Raus's answer to the suit, including a series of four affidavits by C.I.A. officials, disclosed that he was "concurrently" a C.I.A. agent while serving as a Federal highway engineer in Washington. The C.I.A. accordingly, asked for a summary dismissal of Mr. Heine's suit on the ground that Mr. Raus had been acting as a "Government official," immune from such defamation judgments.

Mr. Raskauskas and Robert J. Standord, Mr. Heine's Washington lawyers, have been barred, however, from challenging the dismissal motion by questioning Mr. Raus. The C.I.A. has forbidden Mr. Raus

on the ground of national security to answer questions in court that would allow Mr. Heine to attempt to knock down the immunity claim.

If the C.I.A. were not invoking the protection of secrecy, details of Mr. Raus's relationship with the agency — as a full-time or part-time agent, or as a "casual" occasional employe, for example—would be arguable points in opposing his motion for summary dismissal of the slander suit.

Section Is Quoted

The appeal to the White House was based on this paragraph in Executive Order 10501, the 1953 Presidential regulation that controls, in part, the secrecy procedures of the C.I.A.:

"Sec. 16. Review to insure that information is not improperly withheld hereunder: The President shall designate a member of his staff who shall receive, consider, and act upon, suggestions or complaints from nongovernmental sources relating to the operation of this order."

Mr. Raskauskas indicated that he would seek to persuade the White House that the C.I.A., having made the decision publicly to discredit Mr. Heine by instructing its agent to spread charges against him among Estonian émigré groups, did not now have the right to claim both immunity and secrecy in seeking to prevent either a trial of the slander suit or recovery of money damages by Mr. Heine.

This was a more general contention than the narrow point of law involved in arguments on the dismissal before Judge Roszel C. Thomsen in Baltimore. He has scheduled another hearing there on May 13.

Mr. Raskauskas informed the court today by memorandum of his administrative appeal to the White House.

In another move to penetrate the immunity claim of Mr. Raus, Mr. Raskauskas obtained a subpoena for Thomas W. LaVenia, a Washington private detective, in an attempt to have Mr. LaVenia explain his role in investigating Mr. Heine last year. The subpoena requires the investigator to answer questions under oath in a deposition to be taken next Monday at 10 A.M.

The timing of Mr. LaVenia's investigation — after Mr. Heine had filed his slander suit — has raised questions, according to Mr. Heine, about the validity of the C.I.A. charges against him.

If the agency was sure of its information in 1963, when it acted to discredit Mr. Heine as "a dispatched Soviet intelligence operative, a K.G.B. agent, why was it necessary to hire a private investigator in 1964 to check on Mr. Heine's background, Mr. Heine's lawyers ask.

Mr. LaVenia declined today to make any comment on the Heine case.