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CIA Moves to Defend Aide Sued for Slander

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The next turn in a bizarre slander suit against an Estonian-born highway engineer who doubles as a Central Intelligence Agency operative will be taken Thursday in Baltimore Federal Court.

Chief Judge Roszel C. Thomsen will have before him a motion to dismiss slander charges brought against Juri Raus, who served the CIA in unspecified "specific assignments" among Estonian emigres in the United States and abroad.

Raus was identified as a clandestine U.S. intelligence agent in an unusual—and perhaps unprecedented—affidavit by CIA Deputy Director Rich-

ard M. Helms. It was submitted to defend Raus against a \$110,000 damage claim filed 18 months ago by a second Estonian emigre Erik Heine.

Normally the CIA follows a strict policy of not identifying its agents.

Smearing Charged

Heine, 46, a self-described freedom fighter and anti-Communist, charged that three times Raus smeared him by telling Estonian emigre groups Heine was an agent of the Soviet secret police.

Estonia is a Baltic state swallowed by the Soviet Union in 1939, occupied by the Germans in World War II and retaken by the Russians. Informed sources said yesterday

that the CIA has long been interested in emigres by reason of their contacts in their former homelands, and that Soviet intelligence, in turn, has an interest in penetrating and demoralizing emigre ranks.

Raus, a 39-year-old Bureau of Public Roads engineer who lives in Hyattsville at 6508 Osborne rd., has raised a unique defense, according to the lawyers hired for him by CIA — Paul R. Connolly Jr. and E. Barrett Prettyman Jr.

Defense Case Stated

The defense was stated in Helms's affidavit last Dec. 30, which said that when Raus spoke about Heine, he "was in possession of information furnished to him by the CIA and . . . was acting within the scope and course of his employment by the agency on behalf of the United States."

"Under these circumstances," said Raus's lawyers, asking the court to dismiss the suit, "there arises in favor of (Raus) an absolute privilege which precludes, even under a showing of actual malice, any possibility of recovery" of damages by Heine.

Their authority is a 1959 Supreme Court decision, *Barr v. Matteo*, decided 5 to 4, shielding "responsible governmental officers" from the harassment of damage suits "brought on account of action taken in the exercise of their official responsibilities." The words are from Associate Justice John M. Harlan's majority opinion.

Heine's lawyers, Ernest C. Raskauskas and Robert J. Stanford, are trying to pierce this immunity barrier by getting the CIA to reveal whether in fact Raus said about Heine what the CIA instructed him to say. This has not yet been established.

In a hearing March 11, Judge Thomsen reared back

at the prospect of Heine being denied justice on the basis of Raus's immunity from prosecution. "You are not going to persuade this Court that there is anybody in this country who does not have some rights," the Judge declared.

He asked that Helms or a representative appear in court to back up the affidavit. The stage is set for this next Thursday.

Help To CIA Stated

Helms, in a second affidavit of April 1, said that "for a number of reasons, including his past history and his position as National Commander of the Legion of Estonian Liberation, Raus has been a source to this agency of foreign intelligence information pertaining *inter alia* among others to Soviet Estonia and to Estonian emigre activities in foreign countries as well as in the United States."

The CIA "employed" Raus "from time to time" on "specific assignments," the second affidavit said, adding that he was "instructed to disseminate (information about Heine) to members of the Legion so as to protect the integrity of the Agency's foreign intelligence sources."

Adding state security to his earlier claim of "privilege," Helms said he had personally determined that further disclosures would injure American security. He said Raus had been ordered, in line with a gag agreement Raus signed in 1963, to make no more disclosures to the court.

Heine's lawyers argue that if Raus and the CIA are going to duck behind "security," then they and not Heine must take the consequences of it.

Raus, a University of Connecticut engineering graduate who also attended Yale's Bureau of Highway Traffic, refused yesterday to discuss his case with a reporter. The CIA refused, too. Heine was not available.