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C.I.A. DENIES ROLE IN LISBON FLIGHTS

Defense Rests Its Case in Export of Bombers

By DOUGLAS ROBINSON
Special to The New York Times

BUFFALO, Oct. 11—A high-

ranking official of the Central Intelligence Agency testified today that his agency had had nothing to do with the exporting of seven World War II bombers to Portugal last year.

The official, Lawrence R. Houston, a general counsel of the C.I.A., thus denied a defense contention here in Federal Court that the flights had been secretly sponsored by the intelligence unit.

The denial came just before the lawyers representing a British pilot and a French nobleman rested their case. The defendants are accused of exporting the B-26's to Europe without a license from the State Department.

Mr. Houston also asserted that the C.I.A. had supplied no assistance to the defendants. He repeated his earlier testimony that although the C.I.A. had information on the flights before they occurred, the agency had "no jurisdiction" over any attempts to stop them.

"The State Department received copies of our information on the flights," Mr. Houston testified, "and the Federal Bureau of Investigation was notified."

U.N. Statement Rejected

Federal Judge John O. Henderson refused to allow in evidence a statement by Mrs. Eugenie M. Anderson, a United States representative to the United Nations, given to a United Nations committee on Dec. 18, 1965.

In her statement, Mrs. Anderson denied United States involvement in the operation and said that the flights had been carried out "without the knowledge of the United States Government."

Last week a document was introduced that showed the C.I.A. had been informed of the Portugal flights on May 25, 1965, four days before the first plane left Tucson, Ariz. for Europe.

At that time, Mr. Houston described the document as "raw information" that had not been verified. The document was distributed to a number of intelligence agencies, including those at the State Department and Defense Department.

Today, another C.I.A. document, dated July 8, 1965, was introduced that showed the agency had been told that "four or five B-26 aircraft had been delivered" to Portugal by July 1, 1965.

Nations statement, Judge Henderson sustained a prosecution contention that it was "not material to this lawsuit in any way."

On trial here are John R. Hawke, a former Royal Air Force pilot now a resident of this country, and Count Henri Marie François de Montmarin, a French airplane broker.

They are accused of transporting the bombers to Portugal for her use in combatting dissident elements in the territories of Angola and Mozambique.

Also indicted in the case was Gregory R. Oard, the owner of a Tucson airplane leasing concern. He allegedly made the arrangements for the sale of 20 of the surplus aircraft. Mr. Board, who is said to be living on the island of Jamaica, has not been arrested.

Mr. Hawke's attorney, Edwin Marger, of Miami Beach, contends that his client flew the planes across the Atlantic in the belief that the operation had the support of the C.I.A.

In questioning Mr. Houston today, Mr. Marger was constantly halted by Judge Henderson in his effort to find out whether the C.I.A. had in the past been the prime mover behind secret operations to transport military planes out of the country.

Documents Ruled Out

"I'm not interested in your theories," Judge Henderson finally told the lawyer. "Continuation of this line of questioning will obviously force the Government to invoke executive immunity to protect the national security."

He also ruled that several documents brought here by the C. I. A. were not germane to the case because they dealt with information gathered after the arrest of the defendants.

The lawyer for Count de Montmarin, Edward Brodsky of New York City, has contended that his client believed that all papers had been arranged and that the Frenchman had no knowledge that special export licenses were required.

Under Federal law, no arms may be moved between the United States and any foreign country, except Canada, without a license from the munitions control office of the State Department.

The case is being tried in Buffalo because two of the planes landed in Rochester on their way to Canada. Rochester is in the Federal Court's western district.

The trial will resume on Thursday, when both sides will present their summations.

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