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Department of Justice, Washington, D.C. OGC 65-2340
20 July 1965

MEMORANDUM FOR THE RECORD

SUBJECT: Heine v. Raus

1. On 1 July a meeting was held at the Department of Justice to discuss the possibility of its participating in the Heine libel suit in the event an attempt should be made to compel Raus to disclose the source of his information. Present were (a) Mr. John Douglas, Assistant Attorney General, Civil Division, together with Division attorneys Messrs. Harland F. Leathers and William Arnold;

(b) Messrs. [] and [] of [] and
(c) []

2. For Mr. Douglas' benefit, the Agency's relationship with Raus, our suspicions of Heine, and the present status of the case were outlined. Douglas stated that while he could not commit the Attorney General or detail the specifics of how Justice's intervention could be arranged he thought it could be done, if in the Agency's opinion Raus' disclosure would be detrimental to the national security interests. In this regard, he said that Justice would need an official communication confirming the national security factor.

3. I told Douglas that at the moment Agency concern over being mentioned in this suit was a determination of a particular operating Division head and I could not confirm that the DCI would be as anxious, although Mr. Houston and I were sympathetic. Douglas said also that, if the Agency felt it could not put its request in writing, an oral representation would probably be sufficient. He re-emphasized, however, that the question of Justice's participation was one for the Attorney General.

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4. On the subject of Justice's assisting the Agency in resisting a subpoena in the event its intervention should not be requested, Douglas was quite emphatic in stating that they would cooperate to the utmost in resisting any attempt to extract information from the Agency by means of that device.

5. The meeting was adjourned with the understanding that I would work with Messrs. [] and [] preparing an Agency draft letter, which prior to being submitted to the DCI would be coordinated informally with Douglas' office.

6. In the late afternoon, during my absence from the Office, [] dictated to [] over the phone a draft letter, copy of which is attached.

is []
[]

Attachment

cc: C/SR/O/AC

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(Prettyman's Draft)

Dear Mr. Attorney General:

The case of Eerick Heine v. Juri Raus, Civil Action No. 15952, was filed in the United States District Court for the District of Maryland on November 6, 1964, and served on the defendant on December 14, 1964. In brief, the plaintiff alleged in his complaint that the defendant slandered him by stating on three separate occasions that the plaintiff was a Communist secret agent. The defendant in his answer was presented various defenses, including one that "The utterances made by the defendant that he had received responsible information from an official agency of the United States Government to the effect that the plaintiff was a Soviet agent or collaborator were true."

We understand that this case probably will come to trial in Baltimore in the fall, and that in the meantime the plaintiff may seek to obtain information from the defendant by way of either interrogatories or deposition. We have investigated the facts of this case sufficiently to make a determination that for the defendant to reveal, directly or indirectly, his employment, the source of the information he received in connection with the plaintiff, the information itself or any other facts bearing on the plaintiff's activities or the defendant's contacts within the Government relating to this case, would be detrimental to the national security interests of the United States.

Since we have also determined that it would be detrimental to the national security interests of the United States for the defendant or for anyone else to reveal the identity of the department or agency of the Government involved, we request you to make appropriate representations to the Court on behalf of the United States in whatever manner seems appropriate to you when the problem arises but which will be designed to foreclose further inquiry of the defendant.

Sincerely yours,