

BEST AVAILABLE COPY

5 October 1966

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Heine v Raus

1. This memorandum suggests action by the Director of Central Intelligence. Such suggestion is in paragraph 3.

2. At the hearing on the motion to dismiss before Judge Thomsen on 28 September 1966, Mr. Raskauskas, the lawyer for Heine, raised, among a great number of other things, a question concerning the affidavit you executed on 22 April 1966. That affidavit stated that, "The defendant was instructed to warn members of Estonian emigre groups that Eerik Heine was a dispatched Soviet intelligence operative, a KGB agent." Mr. Raskauskas claimed that there was an inference here that he was so instructed by someone besides an Agency representative and if this was so this would mean his action warning the emigre groups was not in line of duty. Judge Thomsen said he did not read your affidavit that way at all, that it was clear to him that you meant to say Raus was instructed by the Central Intelligence Agency. However, Mr. Raskauskas kept pressing the point, and the Judge finally admitted that while it was a very strained construction it was possible to interpret the wording to indicate that someone other than CIA had given him the instructions. The Judge, therefore, asked if we could submit a further statement which would remove all doubt from this point. I said we would do so.

3. Attached is a short affidavit for this purpose. I think since the Judge specifically requested it we have no alternative. This adds nothing new, and since the press heard the argument on

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28 September and did not pick it up, I believe this will not receive any additional publicity. It will merely be sent with a letter to the U. S. Attorney to be put in the record on the motion to dismiss.

s/

LAWRENCE R. HOUSTON
General Counsel

Attachments

22 Apr 66 Affidavit
New Affidavit
LRH draft ltr to U. S. Atty.

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SEP 28 1966
U. S. ATTORNEY
GENERAL COUNSEL