

Telegram, Oct 25, 1966

Exile suing CIA named defendant in libel action

An Ontario Supreme Court libel action took a dramatic turn yesterday when Erik Heine, an Estonian exile suing the U.S. Central Intelligence Agency for slander, was named as a defendant.

Mr. Justice W. A. Donohue discharged the jury in the trial's fourth day and a new trial was called.

In the action, two leaders of Toronto's Estonian community say they were defamed by anonymous pamphlets published by Toronto lawyer Mart Tarum.

Mr. Tarum, also an Estonian, told a six-man jury last week that Mr. Heine had admitted being the author, publisher and distributor of the pamphlets.

Mr. Heine's statements were made in the presence of Mr. Tarum's lawyer, Donald J. Cataiano, Mr. Tarum testified.

Donald A. Keith, counsel for Harry Boris Parkma, 59, president of the Estonian Central Council, and Olev Trass, of the University of Toronto's engineering faculty, made the motion to add Mr. Heine as a defendant.

Mr. Parkma and Mr. Trass, who are suing for libel, claim that in the pam-

phlets they were attacked for being soft on Communism and for suppressing the truth about a visit to Toronto by Estonian writer Rudolph Sirge in September, 1964.

The pamphlets criticized the Estonian Central Council's reaction to the way certain members of the community feted Mr. Sirge, who some Estonians, the court was told, believe to be a Communist emissary.

Mr. Parkma, however, testified that when the Estonian council learned that a member of its executive, Carl Eerme, had entertained the Estonian visitor, the council asked for and received Mr. Eerme's resignation.

The jury was told Mr. Tarum had been seen distributing one of the three anonymous bulletins at an Estonian war veterans meeting.

Mr. Tarum denied he was the author, implicating Mr. Heine as the man responsible.

Mr. Heine, 46, of Rexdale, is involved in a separate libel action in the United States, suing Estonian Jury Raus for \$110,000 for allegedly following CIA or-

ders to spread a story that he was a Soviet spy.

Mr. Keith said he would file documents today with the registrar of the Ontario Supreme Court to begin a

new trial with Mr. Heine and Mr. Tarum as defendants.

He said he hoped to have the trial heard in the next assizes which start in January.

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NAZI-WAR CRIMES DISCLOSURE ACT
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*Toronto
clippings re
Canadian lawsuit
against Heine
Oct 1966*

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Toronto Daily Star
Oct 25, 1966

Called as co-defendant

Estonian suing CIA named in libel case

Erik Heine, an Estonian immigrant who is suing an agent of the U.S. Central Intelligence Agency for \$110,000 for slander, was added as a defendant yesterday in a libel action brought by two leaders of Toronto's Estonian community.

Ontario Supreme Court Justice W. A. Donohue ordered a new trial in the libel action, with Mr. Heine, 46, being added as a co-defendant.

Heine (pronounced Han'ya) who served in the German forces during the war, claims to have been an anti-Communist partisan leader in Estonia after 1945. He came to Canada in 1956 after release from a Soviet prison camp. The CIA agent, Juri Raus, also an Estonian, accused him in 1963 of being a Soviet agent.

Harry Boris Parkma, 59, president of the Estonian Central Council, and Dr. Olev Trass, council secretary and a University of Toronto professor, claim they were libelled in three anonymous Estonian-language bulletins distributed two years ago.

Defendant Mark Tarum, a Toronto lawyer, told the jury last Thursday that Heine admitted to him last week that he wrote, published and distributed the bulletins.

Mr. Tarum said his lawyer was present when Heine's statements were made.

Tarum had denied being responsible for the bulletins.

Donald A. Keith, counsel for Mr. Parkma, made the motion to add Heine as defendant. Mr. Justice Donohue dismissed the jury and ordered a new trial with

Heine and Tarum as co-defendants.

Heine has charged in the U.S. that the CIA agent called him a Soviet spy.

Heine, who became a Canadian citizen in 1963 and has been free to go back and forth across the U.S. border, has frequently been denounced by the Communist press in Estonia as a "war criminal." He has a reputation in Toronto as an

anti-Communist.

During his slander action before a federal judge in Baltimore, the CIA admitted it instructed Raus to say Heine was despatched to America as an agent for the Soviet Union and was posing as an anti-Communist.

The case has attracted wide international attention and has provoked comment both in the House of Commons and the U.S. Con-

gress. The CIA is seeking to have the action dismissed on the ground that its agents are immune to slander.

Legal minds see that action as a test of whether U.S. undercover agencies have the right to accuse their own citizens, and those of other countries, without giving the accused a chance to defend themselves in court.

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Heine named as defendant in libel suit

Eerik Heine, an Estonian exile suing an agent of the U.S. Central Intelligence Agency for \$110,000 for slander for calling him a Soviet spy, was added yesterday as a defendant in an Ontario Supreme Court libel action.

Mr. Justice W. A. Donohue ordered a new trial, with Mr. Heine, 46, of Rexdale, added as defendant, in the action by two leaders of Toronto's Estonian community who were attacked in three anonymous pamphlets two years ago as being soft on communism.

The trial took a dramatic turn on its fourth day when defendant Mart Tarum, a Toronto lawyer who is also an Estonian, testified Thursday before a six-man jury that Mr. Heine admitted to him last week for the first time that he was author, publisher and distributor of the pamphlets.

Mr. Tarum said Mr. Heine's statements were made in the presence of his (Mr. Tarum's) lawyer, Donald J. Catalano.

A motion to add Mr. Heine as defendant was made by Donald A. Keith, counsel for Harry Boris Parkma, 59, a trust company employee, and Olav Trass, a University of Toronto assistant professor. They are suing for defamation of character as a result of the anonymous pamphlets.

Mr. Justice Donohue discharged the jury, granted Mr. Keith's application and ordered a new trial with Mr. Heine and Mr. Tarum as defendants.

Mr. Keith said at the aborted trial that the visiting writer was Rudolph Sirge, who some Estonians in Toronto say is an emissary of the Communist regime in Estonia.

Mr. Keith said his clients allege they were defamed in three anonymous bulletins distributed by mail to about 3,000 Estonian homes in Toronto.

Mr. Tarum was seen distributing copies of the second pamphlet to a meeting of an Estonian war veterans group, the jury was told.

Under questioning by Mr. Catalano, Mr. Tarum testified that he did not know in 1964 or 1965 who was responsible for the pamphlets.

"Do you know now who is responsible?" the lawyer asked him.

"Yes . . . I found out last Tuesday in your office," Mr. Tarum testified. He said Mr. Heine volunteered at that time that he was the author, publisher and distributor of the pamphlets.

Mr. Tarum said it was his first indication of this and the information was given in his presence by Mr. Heine to Mr. Catalano.

Mr. Parkma had testified that when it was learned that Carl Eerme had entertained Sirge at a party in September, 1964, with other Estonians, the executive of the Estonian Central Council asked for and received Eerme's resignation from the executive.

Mr. Parkma said Eerme was director of the cultural archives for the Estonian community in the Toronto area.

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