

'Freedom Fighter' Erik Heine

Sued for Libel in Canada

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Erik Heine, who in a Baltimore lawsuit has accused a Central Intelligence Agency agent of calling him a Communist, has been charged in a Canadian suit with accusing two other men of being soft on communism.

Heine's involvement in the Canadian case was revealed unexpectedly in Toronto Thursday during testimony by the defendant in a libel suit. Yesterday, Justice William Donohue, of the Supreme Court of Ontario, dismissed the jury and ordered a new trial with Heine as one of the defendants.

Heine, a 45-year-old native of Tartu, Estonia, and, according to his own account, an uncompromising Estonian freedom fighter, filed a \$110,000 slander suit in the U.S. District Court in Baltimore nearly two years ago

accusing Yuri Raus, a 39-year-old engineer for the Bureau of Public Roads, of calling him a Communist.

Acknowledged by CIA

In four affidavits filed in connection with the case, the CIA has acknowledged that Raus was one of its agents and that he had been instructed to warn fellow Estonian emigres that Heine was a "dispatched Soviet intelligence operative, a KGB agent."

In Toronto, where Heine lives, meanwhile, someone distributed leaflets accusing certain members of the Estonian Central Council of being soft on communism because they had not spoken out when a visitor from Soviet Estonia was entertained at a cocktail party in Toronto.

On Dec. 18, 1964, Harry Parkma, a lawyer, and Olev Trass, a professor of chemical engineer-

ing at the University of Toronto, filed a writ of summons against Mart Tarum, a Toronto attorney, accusing him of libel and asking \$50,000 in damages.

On Oct. 17, 1964, during a meeting of Estonian veterans at Estonian Hall on Toronto's Broadview Avenue, they said, he distributed the second of four libellous bulletins.

Queen's Counsel Donald Keith, who represents Parkma and Trass, said a diligent but unsuccessful effort was made to find out who had written and distributed the bulletins.

On Oct. 17, the trial of the libel case against Tarum began before Donohue and a jury was chosen.

Interviews Heine

The next evening, Tarum's lawyer, D. J. Catalano, had an interview in his office with Heine, one of four or five members of the large Estonian community he intended to call as witnesses.

"I asked him if he knew who was responsible for the bulletins," Catalano said in a telephone interview. "It's one of those questions you ask but don't really expect an answer for. To my surprise, he said, 'Yes, I am.'"

Thursday, when Tarum took the stand in his own defense, Keith asked if he knew in 1964 who authored the bulletins. The answer was, "No." In 1965? Again, "No." Then he asked, "Do you know now?" It was then that Tarum told about the Tuesday evening session in his lawyer's office.

Keith moved that the jury be dismissed and that Heine be added as a defendant in the case. Reached by phone last night, Keith said he intended to

increase the amount of the suit to \$110,000—the same amount Heine is suing Raus for in Baltimore.

Keith said he felt that, under Canadian law, he has an almost open-and-shut case when the case comes up again in the January assizes. Catalano, who said he will not be representing Heine in the case, feels that a good argument can be made that the criticism in the bulletins falls within the bounds of fair comment concerning the actions of people in semi-public positions.

"Someone Had To"

Heine, reached by phone at his home in the Toronto suburbs as he arrived from his job at Artistic Woodwork, said he had not yet heard he had been named as a defendant in the case.

"They accused Mr. Tarum and he had nothing to do with it," Heine said. "I said I did it. I called them soft on communism. . . . Someone had to do it."

In Heine's case against Raus in Baltimore, both sides are now waiting for Chief Federal District Judge Roszel C. Thomsen to rule whether or not Raus is entitled to absolute privilege against a slander suit because he was a government employe when he made his accusations against Heine.

If he rules that the case can go ahead, Heine may find himself in the unusual position of trying to collect in Baltimore from a man who called him a Communist while defending himself in Toronto for having made very similar—although somewhat less pointed—accusations against two other fellow Estonians.