

Slander case in U.S.

Heine lawyer lists appeal points

WASHINGTON (CP) — Earl Heine of Toronto will meet his lawyer in New York this weekend to shape an appeal against dismissal of a \$110,000 slander suit he launched against an agent of the U.S. Central Intelligence Agency.

His lawyer said here yesterday the appeal may be launched next Monday.

District Judge Roscoe Thompson of Baltimore dismissed Mr. Heine's suit against Jari Rauso, an acknowledged agent of the CIA here Thursday.

Mr. Heine had sued Mr. Rauso on the grounds that Mr. Rauso told some members of the North American Estonian community in a New York meeting in 1953 that Mr. Heine was a Soviet Agent.

Mr. Heine and Mr. Rauso are both Estonian-born and active in the affairs of the em-

igrant community.

Mr. Rauso, the CIA said the U.S. Justice Department successfully argued that Mr. Rauso's role as CIA agent made him immune to the slander action — that he had called Mr. Heine a Communist agent on CIA orders.

Ernest Rasmussen, one of Mr. Heine's lawyers, said Monday that several main points are likely material for the appeal to be made to the Court of Appeals at Richmond, Va. Mr. Heine's lawyers have said they will go to the Supreme Court if necessary.

One point, Mr. Rasmussen said is a misinterpretation by

Judge Thompson on the U.S. Code regarding immunity, especially the condition it can justify slander.

Another was, then it remains to be established that in what context Mr. Rauso did so was a CIA employee. His official job is with the U.S. Bureau of Highways near door to CIA headquarters.

Mr. Rasmussen said a "great many" witnesses will be called if and when the case goes to trial.

He indicated there could be a case for West German residents quoted Sunday by the Washington Star as former close friends of Mr. Heine who say he could never have been

a Communist agent.

Each claims to have known him in Soviet prison camps. He came to Canada in 1935 and became a well-known Canadian law firm.

One man is identified by the Star as Otto Rasmussen, 67, of London, Ontario who says he was with Mr. Heine from 1935 to 1938.

"I consider it impossible that Earl Heine would have lowered himself to work of an agent or spy . . . I know him and tell you before that of him."

Earl Heine, 61, a Finnish immigrant, claims he knew Mr. Rauso as an Estonian schoolboy and again in a Soviet prison camp and "I think it is impossible that Mr. Heine ever was a Russian or Soviet agent or spy . . . his character in carrying his strong character and courageous attitude."

The Star says the Heine-Rauso case has split the North American Estonian community.

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