

Coast Guard Aide Critical on Defector

WASHINGTON, Dec. 8 (AP) —The chief counsel of the United States Coast Guard told a House committee today that a Soviet ship captain's allegation that a would-be Soviet defector had stolen 3,000 rubles (\$3,333) was no ground for returning him to the Russians.

The commandant of the Coast Guard, Adm. C. R. Bender, said Simas Kudirka's efforts to avoid being returned were so fierce that at one point he was thought to be in the water and a Coast Guard cutter pulled away from the Soviet ship for fear of crushing him.

Admiral Bender told the House Merchant Marine Committee that the captain of the Soviet ship, Sovetskaya Litva, had sent a message on behalf of the Soviet Lithuanian Fisheries Administration saying Mr. Kudirka had broken into the captain's safe, stolen 3,000 rubles and fled.

But Read adm. William L. Morrison, the Coast Guard's chief counsel, told the committee such an allegation would not be grounds for returning a defector until it was approved, and that could take weeks.

"The mere allegation would not be sufficient to turn him right back," Admiral Morrison said. "It would not be proof that a crime had been committed."

Admiral Bender said he received only the same information about the Nov. 23 incident that the State Department did: One message early in the afternoon that a defection might take place and a second message at 7:45 P.M. that the defector "is being returned at this time."

Admiral Bender said he presumed that meant the defector was being returned to the So-

viet ship immediately after the message was sent and that the Coast Guard had no time to seek guidance from the State Department, which Admiral Bender said he presumed would have been to keep the defector.