

Nixon Is Irked by Return Of Defector to Soviet Ship

Asks Report by Tomorrow From Rogers and Volpe on Coast Guard's Refusal to Give Asylum to Lithuanian

By **TERENCE SMITH** DEC 1 1970
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WASHINGTON, Nov. 30 — President Nixon called today for a "very full and immediate investigation" of the Coast Guard's refusal to grant political sanctuary to the Lithuanian sailor who tried to flee last week from a Soviet fishing boat.

Ronald L. Ziegler, the White House press secretary, said Mr. Nixon was concerned both about the way the incident was handled and about the fact that the White House was not immediately informed.



Associated Press

Adm. Chester R. Bender of Coast Guard discusses case.

He added that from a preliminary report received this morning, it "appears that the situation was very poorly handled and there appear to be some errors in judgment" by United States officials.

Mr. Ziegler said appropriate action would be taken on the basis of the full report that Mr. Nixon had ordered Secretary of State William P. Rogers and Transportation Secretary John Volpe to deliver to him by Wednesday.

White House sources described the President as upset by the incident and said his irritation derived in part from the fact that he learned of it by reading news reports over the weekend.

Meanwhile, in a news conference, the commandant of the Coast Guard, Adm. Chester R. Bender, said that before the would-be defector had been returned, the Soviet captain asserted that the seaman had stolen the equivalent of \$2,000 from the ship's cash fund.

The admiral also said the sailor reduced his chances of receiving sanctuary by leaping from the Soviet ship directly onto the Coast Guard cutter rather than into the water as he had originally indicated he would. The commandant said there were standing arrangements and there would have been little question of providing

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sanctuary if the man had been rescued from the water.

"Under the circumstances," the admiral said, "the commander of the First Coast Guard District felt that it was reasonable and proper that we not permit our ship to be used as a means of defection and that the man should be returned."

He said Rear Adm. W.B. Ellis, commander, had made the decision on his own authority without specific instruction or guidance from the State Department.

The sailor made his leap last Monday when the Soviet trawler he was aboard was moored alongside the Coast Guard cutter Vigilant near Martha's Vineyard for a discussion of fishing practices. The sailor, identified only as Simas, had previously told crew members aboard the Vigilant about his decision to defect.

After several hours of consultations between the two ships and Coast Guard authorities on shore, he was seized by Soviet crewmen who had boarded the cutter with the permission of the Coast Guard. According to witnesses, the man was beaten by the Soviet crewmen as the Americans looked on.

The State Department spokesman, Robert J. McCloskey said, that if the department had been fully informed of the circumstances, "the incident would have developed differently."

He said the department's Soviet desk received three calls from the Coast Guard on Monday—one saying it had a "potential defection case," a second saying that the defection had not materialized, and a third reporting that the case had been resolved by the return of the seaman to his vessel."

In answer to the first call, Mr. McCloskey said, an officer on the Soviet desk advised the Coast Guard that "we would not want to encourage defection and that a provocation might be involved." Mr. McCloskey noted that the United States had been embarrassed in the past by apparent defectors who later decided to return.

The spokesman conceded that the standing instructions for receiving would-be defectors were vague, particularly in cases at sea. As a general rule, he said, any United States official approached by a potential defector is instructed to check with higher authority.

Mr. McCloskey said that officials of the Departments of State and Transportation would seek to lay down guidelines to prevent a repetition of the incident. The Transportation Department has the Coast Guard under its jurisdiction.

U.N. Aide Sees Violation

Special to The New York Times

UNITED NATIONS, N. Y., Nov. 30—The United Nations official in charge of refugee problems expressed dismay today to Secretary Rogers over the defection incident.

Prince Sadruddin Aga Khan, High Commissioner for Refugees, sent a telegram to Mr. Rogers and later today discussed the incident with Charles W. Yost, the United States delegate.

The Prince is known to view the incident as a violation by the United States of the 1951 convention relating to the status of refugees. The convention prohibits states from returning a refugee to territory where his life or freedom is threatened.

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