## U.S. Says Soviet Violated Consul Pact in Plane Case

by terence smith OCT 30 1970 Special to The New York Times

WASHINGTON, Oct. 29-The United States charged the Soviet Union today with a "clear violation" of the consular convention between the two countries and called for the

immediate release of the United States Army plane and passengers detained in Armenia since they landed there eight days ago. In a strongly worded protest note, the United States said that there was 'no justification for any further delay" in freeing the two Army generals, an Army major and a Turkish colonel who was accompanying them.

The note, which was presented to the Soviet Ambassador, Anatoly F. Dobrynin, at the State Department by Under Secretary of State John N. Irwin 2d, replied to a Soviet protest received in Moscow on Monday.

**Russian Example Followed** 

Contrary to usual diplomatic practice, the State Department made public the text of its reply immediately. The Russians broadcast the text of their protest before the formal note was delivered to the United States.

Emerging from a 25-minute meeting with Mr. Irwin, Ambassador Dobrynin said that the passengers "might be" released, but that it would depend on an investigation of the incident.

He said that the consensus reached in his meeting with Mr. Irwin was that "it would be tetter for this sort of incident not to happen again and that generals should stay where they belong."

In accusing the Russians of flouting the 1968 United States-Soviet consular convention, the American note pointed, out that Moscow had not allowed American diplomats access to the passengers until five days after they landed on Soviet soil. "The consular convention

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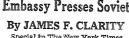
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speciffically requires that access be accorded within four days at the most," the statement said.

The exchange of protest notes has raised the temperature of the United States-Soviet argument over the release of the plane and pas-sengers. The State Department insists the plane strayed across the Soviet-Turkish border inadvertently, without "hostile or ulterior intent."

United States officials are visibly upset by the Soviet tactics, which they regard as another indication of a continuing Russian hard line in relations with the United States. One official charged that the Russians seemed to

April, 1970, by the Soviet tanker Mozyr, which, the note charged, "extensively polluted United States territorial waters tanker Mozyr. Which, the note charged, "extensively polluted waters in a subsequent statement of the state Deneric mer tanker Mozyr. Which is the state distribution is the state distrest distribution is the state distrest distrest distrest



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tanker Mozyr, which, the note charged, "extensively polluted United States territorial waters with oil." In a subsequent statement, the State Department spokes-man, Robert J. McCloskey, said that the United States had strictly adhered to the con-sular convention terms as re-cently as February, when So-viet diplomats were granted access to an accused spy peated the American conten-within the four-day limit. The tion that the violation had been case involved Aleksandr V. Tikhomirov, a Soviet citizen embro states to the con-strictly as the states and within the four-day limit. The tion that the violation had been case involved Aleksandr V. Tikhomirov, a Soviet citizen embro states to the con-se the detained officers a sec-

ond time next Monday, if they have not been released by then.

The Soviet authorities de. line Soviet authorities de-clined a second visit Tuesday, after two American officials met with the officers in Len-inakan on Monday.

## **Pilot's Error Blamed**

The American consular of-ficials who talked with the four said that the pilot had blamed heavy winds and his own navi-gation mistakes for the vio-lation. The plane was said to have been taking the officers on tour of Turkish military а bases.

bases. The Soviet protest indicated disbelief that the incursion had been accidental, but yesterday, Pravda, the Communist party newspaper, said that the vio-lation had apparently been an accident. accident.

Tonight, Tass, the official press agency, issued a long commentary castigating the United States in often harsher

