

TASS stated on 9 July that American pilot Francis Powers has been arraigned on charges of espionage. It announced that the State Security Committee (KGB) has completed its inquiry into the case and that the Soviet prosecutor general has referred the indictment to the Military Collegium of the Soviet Supreme Court. This suggests that Powers will stand trial soon, perhaps within the next two weeks.

Powers has been charged with violating Article 2 of the Law on Criminal Liability for Crimes Against the State, which defines espionage by a foreigner or stateless person as the transmission of state secrets to a foreign government or the gathering of intelligence information with the intent of transmitting it to a foreign power. Inquiry into such cases is reserved to the KGB, and the secret police may hold the accused for a pre-trial investigation period of two months; this period can be extended up

to nine months with the permission of the "proper authorities."

The referral of the indictment to the Military Collegium of the Soviet Supreme Court makes it virtually certain that Powers will be tried by that body. Under Soviet law, all espionage cases are heard by courts-martial, and the Supreme Court can sit as a court of first instance in "especially important cases."

The Kremlin might well see considerable propaganda advantage in staging a show trial. Several Soviet spokesmen, including First Deputy Premier Mikoyan, have asserted that the trial will be public, and Soviet propaganda has emphasized that it will serve as a warning to war provocateurs. A public trial before the Soviet Union's highest military tribunal, replete with the solemn trappings of post-Stalin "socialist legality," might therefore be used as a forum for further attacks on

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the United States. In such an event, the prosecuting attorney is likely to be Roman Rudenko, the prosecutor general and former chief Soviet attorney at the Nuremberg war crimes trial.

Powers can be sentenced to death or to a prison term of seven to fifteen years. The severity of the sentence, however, is determined by the court on the basis of any mitigating circumstances, among which are confession and the conduct of the accused. The alleged text of Powers' confession was displayed at the U-2 exhibit in

Gorky Park in Moscow, and some Soviet spokesmen have stated that his conduct has been "good." Under the terms of the law, a person convicted of a crime against the state becomes eligible for parole after serving two thirds of his sentence.

Khrushchev stated at a recent press conference that Powers will "probably" be tried separately from the two crew men of the RB-47 aircraft downed on 1 July. (SECRET)