

But who would believe White? Indeed, the American Congress voted only recently 800 million dollars more for military outlays than had been requested originally by the administration. Then the present Vice President, together with the whole leadership of the Republic Party, concluded the above-mentioned deal with Rockefeller.

This was a deal about further raising the "ceiling" of military outlays. It is now reported that further increase of military spending will be officially announced when Congress reconvenes Aug. 8.

If in the opinion of Washington propagandists all this attests to the realization of the "importance" of the disarmament problem for mankind, then no other conclusion can be drawn but that the force of counter-action of American ruling quarters to real disarmament is directly proportional to their realization of the significance this problem has for the whole world.

USSR HERE U.S. TEST-BAN TREATY PROPOSAL

Moscow, TASS, Radioteletype in English to Europe, Aug. 4, 1960,
2104 GMT--L

(Text) At the AUG. 4 meeting of the three-power test-ban conference, the Soviet delegation made some remarks on the question of participants in the nuclear test-ban treaty.

On July 26 the U.S. delegate at the three-power conference submitted a draft of two additional clauses of the article on participants in the treaty. Right then, the Soviet delegation expressed doubts in connection with the fact that the American draft envisaged different procedures for countries which would like to accede to the treaty. Today the Soviet delegation made a statement in which it pointed out that the approach suggested by the American delegation was wrong and therefore unacceptable.

The U.S. proposal bears a definitely discriminatory nature as expressed in the fact that all states, whether they accede to the treaty at their own initiative or are invited to accede to it by the control commission, are divided into two categories: full-fledged states and nonfull-fledged, that is to say, second-rate, states, which are even described in the U.S. proposal not as states but as "authorities" or "regimes."

The discriminatory nature of the American draft is also manifested in the fact that the control commission is invested with the power to decide at its own discretion which states should be invited to accede to the treaty and which should be excluded from it.

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Such an approach to the solution of the question of participants in the treaty, the Soviet Delegation stresses, is fundamentally opposed to the standards and practices of international law. Furthermore, the Soviet Delegation noted that the explanation given by the American delegate revealed the reactionary edge of the formula suggested by the United States with regard to the procedure for the inclusion of other states in the treaty.

In effect, the United States is trying to write into the nuclear test-ban treaty its aversion or hostility to this or that state. It is attempting to impose its standards of behavior in relations with other states upon other participants in the treaty. The Soviet delegation stressed that it was impermissible that the question of recognition of one government by another or that certain political sympathies or antipathies should be incorporated in the text of a multiparty treaty.

The Soviet Union, the statement of the Soviet Delegation goes on, cannot accept a proposal which discriminates against other nations. The USSR considers that all nations without exception must be allowed to participate in the treaty on an equal basis without any discrimination whatsoever. It is the opinion of the Soviet delegation that all nations must be invited to join in the treaty and that the more nations acceding to it, the stronger will be the cause of peace.

The Soviet delegation submitted the following draft of the clause of article 2 about parties to the treaty: "Participation in the treaty is open to all nations which assume treaty obligations and deposit acts of their subscription to the treaty in conformity with the provisions of the article... (TASS ellipsis)."

The Soviet delegation stressed in its statement that its proposal fully conformed to the principles and standards of international law, to the provisions of the U.N. Charter, and to existing practices, and completely removed any possibility of discrimination against nations on various grounds or under any pretexts.

SOVIET JURIST DISCUSSES POWERS TRIAL

Moscow, Soviet Home Service, Aug. 4, 1960, 2300 GMT--1

(Interview by a NEW TIMES correspondent with Doctor of Law Nikiforov)

(Text) Question: Under which articles will Powers be indicted?

Answer: The investigations into the Powers case have been completed. He has been charged with espionage under article 2 of the law on criminal responsibility for state crimes. The case has been accepted for hearing in the Military Collegium of the USSR Supreme Court in accordance with

articles 9 and 16 of the statute on military tribunals and on the basis of article 36 on the criminal law proceedings of the USSR and union republics.

In accordance with article 36 on the bases of criminal law proceedings of the USSR and union republics, the judge, provided there is sufficient cause for the case to be brought to court, issues an instruction (uznaki postanovleniya) for the bringing of the accused to trial. It is incumbent on (him?) to make a careful study of the material collected in the accused's case at the preliminary examination and, on the basis of the evidence reviewed at a judicial session, to pronounce the legal and appropriate sentence.

Powers is accused of espionage. Article 9 of the statute dealing with military tribunals states that all cases of espionage are to be judged by a military tribunal. Article 16 of the same statute says that a case of special importance must be reviewed by the Military Collegium of the USSR Supreme Court. The Powers case will be heard by the Military Collegium. This testifies to the importance which is being attached to this case by the Soviet judiciary. The legislation in force, article 2 of the law on criminal responsibility for state crimes, specifically stipulates punishment for espionage committed by foreigners and stateless persons.

The law states that espionage is the transfer, collection, or gathering for transmission to foreign states, foreign organizations, or their agents of information comprising a state or military secret, or the transfer or collection at the behest of a foreign intelligence service of information for its use to the detriment of the interests of the Soviet Union. Such information refers in particular to plans, writings, blueprints, or photographs of fortified areas, naval bases, and so on, data on the condition and size of airfields or other information on the airfield, base, and special defense constructions.

Question: What punishment is envisaged for espionage?

Answer: Espionage is one of the most serious crimes against the external security of a state. Soviet criminal law ranks espionage among the most dangerous state crimes and for it provides either the death penalty or imprisonment for periods ranging from 7 to 15 years with confiscation of property.

Question: How is the question of responsibility for espionage treated in the criminal laws of foreign states, particularly the United States, Britain, and France?

Answer: The criminal law of all states usually provides for severe punishment for so serious a crime as espionage. Look, for instance, at articles 76 and 77 of the French criminal code. They threaten the death penalty to any foreigner who, by whatever means, obtains secrets relevant to national defense with a view to passing them on to a foreign power or its agents. Article 76 points out that the phrase "secrets relevant to national defense" refers to data such as military information which, by its nature, should be known only to persons with special privileges. To this category also belong objects, materials, manuscripts, drawings, plans, maps, photographs, or other reproductions and various other documents which could lead to the disclosure of information of a military nature.

British criminal law gives a very broad definition of espionage. It is contained in the official secrets acts of 1912. According to British law, a spy is one who, for a purpose harmful to the state or its interests, approaches restricted areas, examines them, trespasses on them, enters them, or remains in their neighborhood; or one who makes drawings which are or could be of plans or models or notes directly or indirectly useful to the enemy; as well as one who, for the same purpose, obtains, collects, notes down, publishes, or passes on to anybody drawings, plans, and so forth, or other information which is or could be directly or indirectly useful to the enemy. One should add that, following the precedent of 1913, which is still in force, the word "enemy" is taken to include the potential enemy.

Another thing is of interest. According to British law, when a person is charged with espionage there is no need to prove that this person did anything tangible which would show that the individual in question aimed at harming the state or its interests. It is sufficient if the circumstances of the case or the behavior or reputation of the person permit the conclusion that the person in question pursued such an aim.

But the most elaborate definition of espionage is contained in the federal criminal law of the United States. I will not quote this definition in full. It is quite extensive. The definition of responsibility in the collection, passing on, or loss of information relating to defense consists of some 800 words. Article 794, section 18, of the U.S. code, states that espionage is also committed by anyone who communicates, reports, or tries to communicate or report to a foreign government documents, manuscripts, codes, signals, drawings, photographs, photographic negatives, tracings, plans, maps, models, notes, instruments, devices, or information relating to national defense.

If the actions provided for in the article are committed, the guilty person is sentenced to death or to a term of imprisonment of up to 30 years in wartime. In peacetime the prison sentence may not exceed 20 years.

Question: Does the U.S. criminal code contain articles dealing with responsibility for aerial espionage?

Answer: Under U.S. law aerial espionage is covered under the general definition of espionage I already mentioned. But it is interesting to note that the photographing of military objects from the air is punishable under criminal law in all circumstances irrespective of the motives or aims of the relevant actions. According to the law of June 25, 1948, article 796, section 18, of the U.S. code, anyone who uses a flying apparatus or any device used or intended for aerial navigation or aerial flights for the photographing or compilation of drawings, plans, maps, or the graphic representation of important military or naval installations or equipment which the President has declared to be off limits (pod okranoy), or permits them to be used, is guilty of espionage under criminal law.

Every businessman has a right to trade or not to trade with this or that country. But it is very bad when trade is mistaken for espionage. The Soviet Union has nothing to lose if Mr. (Gasselt?) does not sell the Soviet automobiles. Moskvichas are now traveling the roads of more than 70 countries, and the number of importers is constantly growing. However, the action of the president of (Andri?) Motors once again shows that obstacles in the development of trade between the USSR and the United States are not being set up by the Soviet side.

Our hearts are open to those who come to the Soviet Union in these same Moskvichas or Fiats or Chevrolets with the aim of learning more about the country and the life of the people. We say welcome to such people, and we open our borders to them. But we have shot down and will continue to shoot down all U-2 and RB-47 planes making spy flights over our country. We shall severely punish all spies in the future. Let Mr. (Gasselt?) applaud them if he considers praising espionage a good advertisement for his company.

U.S. EXPLOITS TOURISM FOR ESPIONAGE