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Recent Books: Fair Exchange

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### Fair Exchange in the Cold War

STRANGERS ON A BRIDGE. By James B. Donovan. (New York: Atheneum. 1964. 432 pp. \$6.95. In paperback: Popular Library. 1965. \$.95.)

In reading *Strangers on a Bridge* my thoughts go back to the drama which was played out in U.S. government offices preceding and during the exchange of Rudolf Abel for Francis Powers. All of this that went on behind the scenes of Jim Donovan's own drama unknown to him held a particular excitement for the participants.

Donovan did know more than he put into the book. But he was prudent enough to draw the line between what is of interest to the public and what is in the public interest, and he had help in drawing it. About six months after he had accomplished the exchange he mentioned to me, too casually I thought, that he was having trouble finding time to write his book. Guardedly, I asked the question he wanted me to ask, "What book?" He said he had been wanting to write about some of his experiences; he thought the Abel case—he had been Abel's defense counsel, you recall—would be of particular interest. He then concluded, much too casually now, that he probably would end the book by "just mentioning the exchange." He didn't want an answer right then, but he was fishing for some kind of carte blanche approval. Later it was agreed that he should submit galley proofs for review. There wasn't much that needed security revision after all, and the story of the exchange made the book a best seller.

*Strangers on a Bridge* is a well-knit book. The eventual exchange comes as no surprise; Donovan carefully weaves in the possibility of one from the beginning and thus supplies the chief element of real suspense. But this is not just a device to make a good story. With Donovan's experience in OSS and a natural bent toward deviousness, I am sure he expected that his client would neither be executed nor rot in an American jail. He was in fact troubled by the problem of how, if he won the case, the freed Abel could be used to the benefit of the United States.

Donovan is a careful legal craftsman, and he also knows the ingredients of a good story. (He points out his early desire to be a newspaperman, and he often proudly reminisces about his newspaper experience before he entered Harvard Law School.) He made espionage the dominant theme of the book, and as a result the legal intricacies of the search-and-seizure constitutional issue are bound

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into the spy story as an absorbing sub-plot. The picture of Colonel Abel that arises from Donovan's faithfully reported conversations with him is one of a dedicated, intelligent Soviet agent with a rare ability to adjust patiently to circumstance, a much realer person than the usual fictional spy.

The first three-quarters of the book tells the story of Abel's espionage activity in the United States, as Donovan pieced it together after he was asked by the Brooklyn Bar Association to defend the Russian, and follows the legal case through to the final Supreme Court decision upholding his conviction. Donovan's version makes the Court's decision seem even closer than the 5-4 split on it would indicate. But even before the case was concluded, letters from "Mrs. Abel" to Donovan raised the possibility of an exchange, and Donovan's plea to the trial court included the argument that a death sentence should not be imposed because it could be useful to have a live Soviet spy in U.S. custody.

That possibility was kept alive after the Supreme Court decision, and it became more real in May of 1960 when Francis Powers' U-2 was shot down. This was when that intense behind-the-scenes activity in CIA and other government offices began.

Fundamentally, the objective was to free an American citizen who had been captured while carrying out his assigned duties. But it wasn't that simple. For a while there was not even any indication that he was alive, and then it was not known what he had told his captors. And an answer was needed to the important operational question of what caused the U-2 to go down. For months we could only ask ourselves how long the Russians would go on making propaganda hay with their prize captive and what they would do with him then.

A legal position was devised under which Powers, being an agent of the United States, was not responsible as an individual for his acts. We knew the USSR would not accept a legalism to its own disadvantage, but we needed some kind of base from which to work. Through the Powers family and through Frank Rogers, Alex Parker, and William Dickson—American lawyers who sacrificed time and effort (and at times it seemed their reputations)—we laid the groundwork for the only defense suitable for shifting the Soviet case from Powers to the U.S. government itself. We thought that, while this defense of Powers as an employee of the government, along with the

claim that the USSR could not exercise criminal jurisdiction beyond certain upward limits, would not be entertained by the Soviet government, it still could provide a basis for later negotiation.

When the gigantic Soviet propaganda drive had been climaxed by Powers' trial, the decision to sentence him to prison for a term of years suggested that he might be ransomed for the right price. We knew that historically the USSR had shown keen interest in getting the prompt release of Soviet citizens held in foreign countries on espionage charges; but Abel they had not admitted to be a Soviet citizen. We turned to Donovan as a channel through which Moscow might be willing to work.

As Donovan writes, we waited until the trade winds shifted. His letters to Helen Abel were composed in CIA, and we often thought of the parallel procedures that must have been going on in Moscow. When we finally got Helen Abel's letter describing her "visits" to the Soviet embassy in Berlin, we knew the Russians were ready to negotiate a trade of Powers for Abel.

It then became necessary to negotiate within the U.S. government a position to present to the President concerning the release of Abel by pardon. The President would act here on the recommendation of the Attorney General, who in such a case as this would make his recommendation only after consultation with the Department of State. To start the process, General Cabell, then Acting Director of Central Intelligence, sent a letter to the Secretary of State recommending that the government initiate efforts to have Powers released. He cited Powers' employment by the government, his imprisonment as a result of his employment, and the fact that he had information which would be of use to the government. He pointed out that according to every indication Powers' conduct had been consistent with his instructions. The release of Abel, on the other hand, would in CIA's view not harm the interests of the United States; more could be gained from Powers' release than continuing to hold Abel. This position was in fact agreed upon and approved by the President, with the proviso that Abel was not to be released until it was determined that Powers actually had been.

A small task force was established in CIA to plan the execution of the hoped-for exchange, and Donovan willingly agreed to be the executor. A strict need-to-know regimen was imposed; we did not want our hands tipped by any leaks. Thousands of details had to be

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faced, along with major decisions such as a location for the physical hand-over. And all of this without any facts from the USSR to go on. But we knew what we wanted and made some shrewd estimates on Soviet thinking. As Donovan excitingly shows, our plan worked; but I doubt if anyone except him could have carried it off so handsomely.

Donovan could not know what efforts the government had put into the project. The necessary planning and coordination alone among State, Defense, Justice, CIA, and the White House were truly staggering. From the perspective of this part of the accomplishment, *Strangers on a Bridge* becomes an even more impressive story of devotion to justice and the national interest.

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