



STRANGERS ON A BRIDGE

“Unique in the
strange history of
the Iron Curtain . . .
Enthralling.”

—*The New York Times*
Book Review

THE CASE OF COLONEL ABEL
AND FRANCIS GARY POWERS

THE SUBJECT OF THE MAJOR MOTION PICTURE
BRIDGE OF SPIES

JAMES B. DONOVAN

FOREWORD BY JASON MATTHEWS

STRANGERS ON A BRIDGE

“Well written and informative, *Strangers on a Bridge* is a wonderful firsthand account of the most notable spy swap made during the height of the Cold War. Written by defense attorney James Donovan in 1963, the book gives an accurate overview of the behind-the-scenes negotiations that resulted in KC colonel Rudolf Abel being exchanged for my father, CIA U-2 pilot Francis Gary Powers, in February 1962 on the Bridge of Spies.”

—Francis Gary Powers, Jr., Founder and Chairman Emeritus of The Cold War Museum

“This book is much more than the exciting journal of one of history’s great espionage cases, it covers the preparation, trial and appeal and its dramatic denouement at the Glienicke Bridge. Anyone who thrives on spy narratives and brilliant investigative work and skillful courtroom tactics will be sure to enjoy it.”

—Charles S. Desmond, former Chief Judge of the State of New York

“An impressive story of devotion to justice and the national interest.”

—M. C. Miskovsky, former member of the CIA

“Exciting . . . Straight out of an Eric Ambler thriller.”

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STRANGERS ON A BRIDGE

THE CASE OF COLONEL ABEL

AND FRANCIS GARY POWERS

JAMES B. DONOVAN

SCRIBNER

New York London Toronto Sydney New Delhi

To those among the American bar who defend the weak, the poor and the unpopular

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FOREWORD

This book is a reissue of *Strangers on a Bridge*, the 1964 best-selling story of the espionage trial of Soviet intelligence officer Rudolf Abel, written by Abel's court-appointed attorney James B. Donovan. It is no less relevant—or entertaining—today than it was then, however. It will be of interest to fans of vintage Cold War intrigue, and it will attract devotees of courtroom drama. Donovan's witty descriptions of his canny legal strategy are sure to delight, even inspire. And the smoky look into the enigmatic and elaborate mind of Abel, the Soviet spy, is fascinating. But most of all, this snapshot of the 1950s spy case reminds us that espionage has been around forever, the world's second oldest profession. Lest we forget, modern headlines documenting the recent arrests of Russian spies and sleepers in America reveal that it continues to this day.

The most successful HUMINT (human intelligence) operation in the twentieth century was arguably the Soviet Union's penetration of The Manhattan Project and the acquisition of U.S. atom secrets in the 1940s and 1950s. Designated "Task Number One" by Joseph Stalin, the Russians stole this early information—"atom secrets," in the parlance of the period—from the U.S., Britain, and Canada. Scholarly debate continues regarding which and how many top secrets the Soviet Union actually filched, and whether the information materially helped the Russians solve intractable physics and design obstacles plaguing their own weapons program.

It is known that stolen U.S. information did help the Soviets solve a number of specific mechanical problems—such as the design of a barometric detonator—but Soviet physicists did most of their own work. In fact, the NKVD (predecessor to the KGB) tightly held the purloined atom secrets and never shared the information with the majority of Russia's own scientists. Rather, NKVD chief Lavrenti Beria mostly used U.S. data to slyly *corroborate* the theoretical and design work of Soviet scientists. The modern-day consensus is that Soviet espionage probably saved the Russians a year or two in the production of a bomb.

The Soviet Union had a lot to work with in the early 1940s to accomplish Task Number One. Stalin had authorized unlimited resources for the effort. Beria and the red-clawed NKVD were given primary responsibility in managing the operation. The Manhattan Project was a sprawling, vulnerable intelligence target with multiple domestic sites, employing over 100,000 scientists, technicians, machinists, administrative and support personnel, with discordant and uncoordinated security at plants and labs, managed by diverse agencies. At that stage in WWII, the Soviet Union was viewed as a beleaguered ally of the U.S. and enjoyed domestic public favor, as well as political support in Washington. This benign view of Russia among many scientists recruited by Moscow, or "atom spies," was manifested in a philosophical conviction that sharing weapons secrets would level the postwar playing field, eliminate mistrust, and ensure world peace.

Recruiting idealistic and sympathetic Americans and émigrés working on the Manhattan Project was like picking ripe fruit for Russian intelligence officers working under diplomatic cover in the Soviet Embassy in Washington, the Soviet Consulate in San Francisco, and the Soviet delegation to the United Nations in New York. Many of these scientist-targets were ethnically Russian, or adherents of the American Communist Party, or both; among them were Klaus Fuchs, Harry Gold, David Greenglass, Theodore Hall, and Julius and Ethel Rosenberg (all members of the spy network codenamed "Volunteer").

Soviet successes against the Manhattan Project brought familiar problems, however. In 1952, today, ~~once any HUMINT case gets past the heady recruitment stage—that's when the real work begins~~. Handling a clandestine reporting source is harder than initially suborning him. Intelligence requirements pour in from Moscow—Stalin *personally* wants more info, better info, faster. Pushing a source to produce is delicate, and it's an actuarial certainty that the longer a source spies, the more likely he will be caught. By 1950 operating in the U.S. was becoming perilous for Russian spooks. American goodwill towards the Soviet Union had largely faded, eclipsed by the Red Scare and the burgeoning Cold War. And FBI's counterintelligence divisions were active and dangerous. Observed public contact between an American scientist and a Russian diplomat no longer was advisable.

The solution to keeping the Volunteer network up and running was quintessentially Soviet: Recruit other Americans (couriers) to meet the atom spies, and deliver the information to a controller (an illegal) who would transmit reports to Moscow. The arrangement would ensure that there was no observable Russian involvement; security and compartmentation would be preserved; and communications to and from The Center (NKVD headquarters) would be undetectable.

The NKVD classically used three categories of intelligence officer working in a foreign country. The *legal* with official cover, usually operating out of a diplomatic facility; a *non-official cover* officer who poses as a foreign salesman, or academic, or technical expert to gain periodic access to a target; and a *illegal*, who poses as a resident citizen of the country, with an elaborate and backstopped personal history (called a legend). The illegal will live unobtrusively for years to establish himself, possibly including taking a quiet entry-level job of no apparent intelligence import. This kind of illegal operative might not be activated for a decade until he is needed (it's why they're sometimes called sleeper agents).

Preparing a legend (classically done by taking over the identity of a long-ago deceased person) is painstaking—living it for years must be dementing. Administrative support for an illegal is protracted, endless, and ponderous. Illegals are frightfully expensive to deploy and maintain. Their training must be rigorous. Communications and security are critical—there is no diplomatic immunity if an NKVD illegal is arrested. Less-than-fluent foreign language skills are a liability. Balanced against this inefficient, expensive, and risky method of deploying a spy is the significant advantage of a water-tight personal history, anonymity, and invisibility.

Most intelligence services don't use illegals because of the impracticalities listed above. But there's a human dimension too. Imagine consigning an intelligence officer who has a spouse, family, and friends to potentially twenty years of what amounts to exile in enemy territory, breathing, eating, and sleeping under an assumed identity. Further imagine assigning that officer a total stranger as a cover spouse (albeit one who may be *very good* in Morse code). The entire notion is inconsistent with Western ideals and predilections. It's so Russian, so 1950s Cold War, so *Soviet*, that we assume no sentient intelligence service would use illegals anymore.

That would be a wrong assumption: Eleven illegals working for Vladimir Putin and the SVR (successor to the KGB) were arrested by the FBI in June 2010 in New York, New Jersey, and Boston.

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NKVD intelligence officer Colonel Rudolf Ivanovich Abel was arrested by FBI and Immigration Service agents in a Brooklyn hotel room in the early morning hours of June 1957 on charges of conspiracy and espionage. This was the pivotal chapter of the FBI's Hollow Nickel Case, which ended with Abel's conviction in a U.S. federal court in October of the same year, and a sentence of forty-five years in the federal penitentiary in Atlanta.

Rudolf Abel arrived in the U.S. in 1948, via France and Canada, using a Lithuanian identity lifted from a deceased émigré. He had been trained as an NKVD illegals officer and was ordered to re-energize the Volunteer network of atom spies which since 1942 had been providing classified materials from Manhattan Project research labs at Los Alamos, New Mexico, but whose production had slackened due to postwar security upgrades. Soon after arrival, Abel changed identities and set himself up as a smart-time photographer and artist in Brooklyn. His unobtrusive photo shop was perfect for an illegal—as a freelance shutterbug Abel could travel, be gone on unspecified assignments—and it naturally explained the photographic equipment and tools in his possession.

Rudolf Abel was a textbook illegals officer. He was fluent in English, Russian, German, Polish, and Yiddish. As a youth, he showed an aptitude for engineering, music, painting, photography, and radio. He trained Red Army radio operators during WWII, was drafted by Soviet intelligence, and participated in an audacious radio deception operation against the Abwehr (German military intelligence). Abel was rewarded for his wartime performance by being selected as an illegals officer to be assigned to the most prestigious posting on the NKVD roster: the United States.

In his first two years in the U.S., Abel established himself, received money and instructions, and probably traveled to Santa Fe, New Mexico, to sort out couriers, reactivate delinquent sources, and establish new communications plans. In his shop in Brooklyn, Abel strung a wire antenna for high-frequency shortwave radio—grounded to a cold water pipe—to commence encrypted broadcasts with the Center. It appears he did a good job resuscitating the Volunteer network: In 1949 Moscow radioed Rudolf that he had been awarded the Order of the Red Banner, an important Soviet military medal normally awarded for bravery in combat. He must have reported superior intelligence that pleased none other than Uncle Joe Stalin himself.

The year 1950 brought serious problems for the Volunteer network, however. Julius and Ethel Rosenberg, important network couriers and spotters, were arrested thanks to the confession and testimony of another network source, David Greenglass (who was Ethel's brother). A Russian husband-and-wife courier team, Lona and Morris Cohen, were identified and would also have been scooped up but they fled to Moscow via Mexico. As the foundations of the network wobbled, Rudolf Abel, the central controller known to many of the couriers, was in jeopardy. But the Cohens got clear, and the jailed Rosenbergs steadfastly would not cooperate with the FBI, not even in exchange for their lives. They were executed in June 1953.

Exhausted and operating on the edge of discovery, Abel asked for help. In 1952 the Center assigned NKVD Lt. Colonel Reino Hayhanen to the U.S. as Abel's assistant. Reino arrived in New York on the *Queen Mary* with a Finnish émigré legend and spent nearly the next two years establishing himself, retrieving money, codes, and equipment from dead drops (formerly called dead-letter boxes) in Manhattan, Brooklyn, and the Bronx. Hayhanen was not the disciplined, tech-savvy, tradecraft-conscious illegal that Rudolf Abel was. A consistently heavy drinker, he fought publicly with his "assigned" Finnish wife (his real, Russian wife remained in Moscow), attracted attention to himself with frequent domestic disputes, and neglected his duties as an illegal operative.

One of the drops Reino unloaded contained a U.S. five-cent piece which had been hollowed out to serve as a concealment device for microfilm or miniature code pads. Before the mazy Hayhanen could open the nickel he absentmindedly spent it—or used it as a subway token. The coin circulated in the New York economy for seven months until a newsboy dropped it and it popped open, revealing a tiny sheet of number groups. The FBI's Hollow Nickel Case remained unsolved for four years as the Feds were unable to decipher the coded message.

Before the advent of automatic enciphering technology, secure radio communications between a

intelligence headquarters and its agents in the field were abetted by use of one-time pads (OTPs, sometimes referred to as “cut numbers”). These cipher pads were individual sheets of printed rows and columns of five-digit numerical groups. The pads were bound with rubberized adhesive on all four sides and normally printed small for concealment purposes.

A field agent would receive a shortwave radio broadcast from headquarters via one-way-voice-link (OWVL.) These OWVL broadcasts consisted of a monotone female voice reading a series of numbers—an enciphered message. The agent would record the recited numbers in five-digit groups and subtract them on the correct OTP page. The resultant values would correspond to the 26 letters of the alphabet and reveal the message. Because each page of the OTP is randomly different and used only once, looking for patterns in cryptanalysis is futile. It is an unbreakable cipher, as the impasse in the Hollow Nickel Case proved.

Hayhanen’s behavior and performance continued deteriorating, and the Volunteer network began unraveling, especially during Abel’s six-month absence for a recuperative trip to Moscow. Dead drops were neglected, radio messages were botched, and Reino spent operational monies on vodka and prostitutes. Abel urged the Center to recall Hayhanen to Moscow, which it did, in early 1957. Drunk but not stupid, Hayhanen walked into the U.S. Embassy in Paris and defected. The Embassy returned him to the U.S. and into the spy-catching hands of the FBI. Reino cooperated without reservation. He began naming names, identifying drop sites, and describing Abel and the location of his shop. He broke out the message contained in the coin. The Hollow Nickel Case was out of mothballs.

After more debriefings of Hayhanen, and increasing surveillance on Abel, FBI agents arrested Rudolf in his rented room in the early morning of 21 June, 1957. Even though he knew he was well and truly lost, the adamantine Rudolf Abel stayed professional. He refused to speak to the arresting FBI special agents—he later flatly rebuffed an FBI pitch to become a double agent—then asked permission to pack his expensive and delicate equipment. Sharp-eyed FBI agents caught him trying to slip OTPs and microfilm up his shirt sleeve as he filled a suitcase. He theatrically claimed various belongings were junk and threw them into a wastebasket. Later inspection of the discarded items revealed more concealment devices and spy paraphernalia. Federal agents also seized micro-photography cameras for making microdots, and several shortwave radios. They found hollowed-out bolts, cufflinks, brush handles, pencils, and woodblocks containing codebooks, OTPs, microfilm, contact plans, and cash. Photographs of the Cohens, the husband-and-wife courier team who had escaped via Mexico, were also found, along with recognition paroles for other network members.

(The indefatigable Cohens were recidivist spies: In 1959 they resurfaced in Britain as Peter and Helga Kroger to support the Soviet operation—dubbed the Portland Spy Ring—targeting Royal Navy underwater warfare secrets. This time the Cohen/Krogers were arrested by Scotland Yard, sent to prison, and eventually exchanged in a spy swap in 1969.)

A curiosity: At the time of his arrest, Abel was especially concerned about the disposition of his framed artwork that he himself had painted. Through his trial and during four years in penitentiary, he continually fretted about their storage and insisted the paintings eventually be shipped to East Germany. We can only speculate whether microfilmed atom secrets were hidden in cavities in the frames, or microdots were affixed under the layers of paint.

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The account of the trial, told in Donovan’s droll, spare style, is compelling. A jurist reading the book recently remarked on two questions of historical interest. The first is that the jury for this headline

worthy, capital espionage case was chosen in *three hours*, a remarkably swift process. Jury selection ~~high-profile cases today takes weeks and even months.~~ Was this an anomaly for the Abel trial specifically, or was it normal for cases in 1950s federal courtrooms?

The second question in the jurist's mind is how Donovan avoided the death penalty for Abel by convincing presiding Judge Mortimer W. Byers that Rudolf could be used in a future spy swap with the Soviets. It was 1957 and three years before the first spy swaps began. At the very least Donovan was prescient: U-2 pilot Francis Gary Powers was shot down in 1960 and swapped (for Abel) in 1961. Donovan negotiated the release from Cuba of thousands of captured Bay of Pigs commandoes in 1962. UPenn student and hostage Marvin Makinen was swapped for two Soviets in 1963; UK spy Gordon Lonsdale was exchanged for British operative Greville Wynne in 1964.

(Spy swaps between East and West continued until 1986, many of them across the Glienicke Bridge which spanned the Havel River near then-East German Potsdam, at a quiet southern corner of the American sector of partitioned Berlin. The book concludes with Donovan's captivating account of the swap on this very bridge, when Rudolf Abel crossed back into East Germany into the waiting arms of the KGB, and U-2 pilot Gary Powers returned home.)

In the Atlanta penitentiary Abel painted, socialized with prisoners, learned silk-screening, and mass-produced Christmas cards each year. For Westerners held by the Soviets, including Powers, Pryor, Wynne, and Makinen, their years of captivity were spent in the unspeakable Vladimirsky Central Prison northeast of Moscow, or in the interrogation cells of the Lubyanka (KGB headquarters), or in Butyrka or Lefortovo prisons in central Moscow, in severe conditions, with little or no food, and suffering constant psychological and physical mistreatment.

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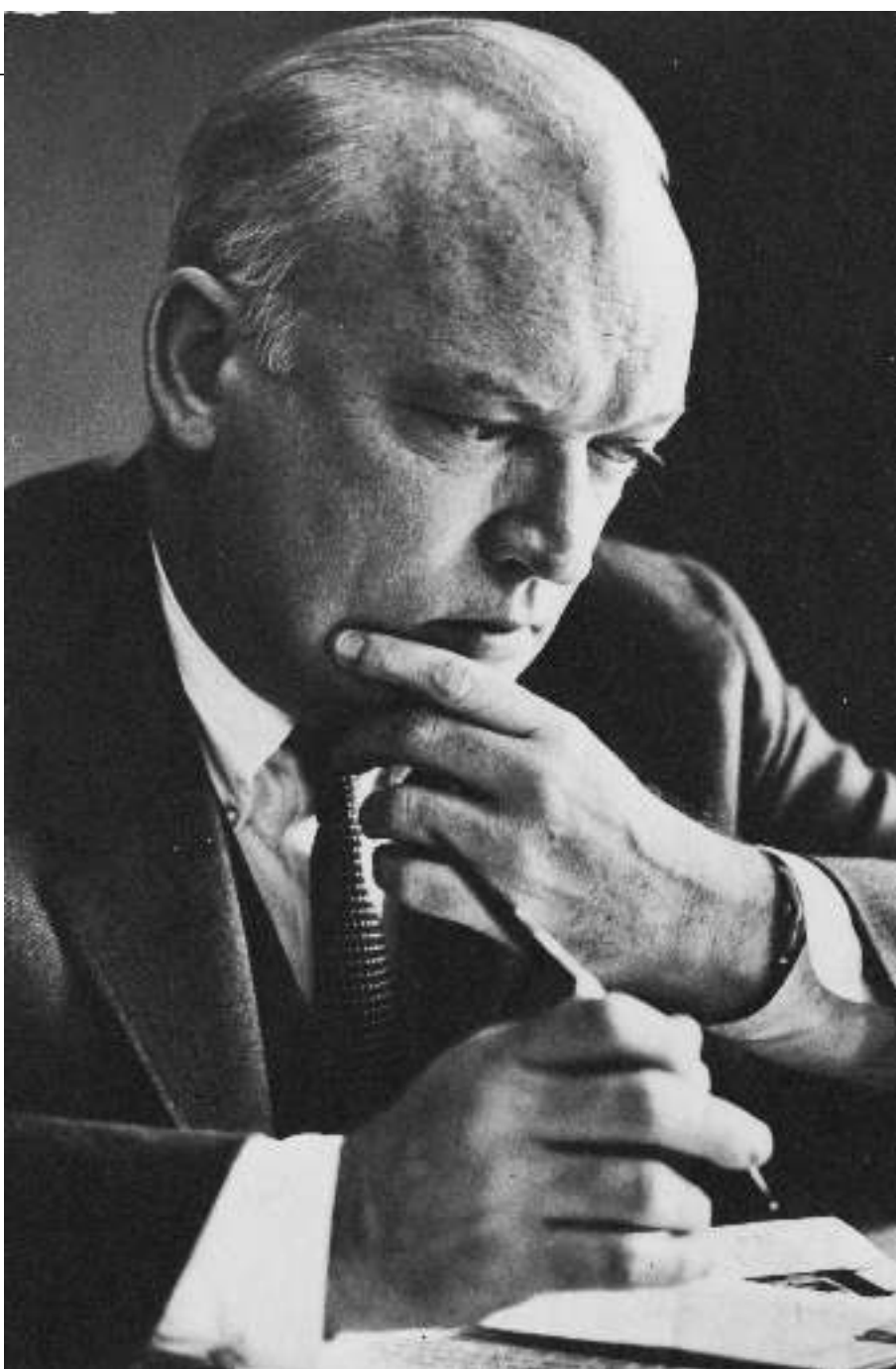
Arrest photos from 1957 of a handcuffed, wooden-faced Rudolf Abel wearing his straw hat with a broad white band is one of the evocative images of the Cold War and Soviet-era espionage. The Hollow Nick Case, replete with blurry OTPs, curled microfilm strips, and clunky shortwave radios, is a look back into the gritty world of postwar espionage, populated by unlikely and unattractive little people using field-expedient spy gear, most of which today seems primitive, chipped, and worn. And the stolid Glienicke Bridge—riveted steel and asphalt roadway—one supposes must always be cloaked in swirling fog, its trusses back-lighted by arc lights the color of old ice. *The Bridge of Spies*.

The poignant fact is that the spy game continues today, whether or not one accepts the premise that a New Cold War has begun. Hollow coins, and microdots, and one-time-pads have been replaced by laptops, and software with 192-bit encryption, and modern steganography. Instead of hand-drawn sketches of early atomic bomb designs, intelligence services today seek to chart a target country's electronic financial system, or to measure its energy reserves, or to identify weaknesses in its cyber defenses. Satellites and drones let us look deep into enemy territory. But all these marvels cannot divine the *plans and intentions* of foreign leaders implacably annexing the Crimean peninsula; or mullahs bent on developing nuclear weapons; or psychopaths contemplating bedlam. Only human intelligence can do that, and spies like Rudolf Abel.

Donovan's agreement to defend Abel, in an era when the Red Scare sent other prominent lawyers scurrying for cover, was the ultimate act of patriotism; it was an affirmation of the American rule of law and fairness, and justice—ideals that were nonexistent in a Soviet Union that deployed enemy agents to spy against the United States. Donovan knew what was important, despite screaming headlines of the day.

Plain men and women in every era, armed with hollow nickels, play the game which has not changed in centuries: ~~They steal secrets in secret, and sometimes they get caught.~~ Then two members of the enigmatic fraternity might pass in the fog as strangers on a bridge.

—Jason Matthews



James B. Donovan

(Courtesy of Louis Fabian Bachrach/Bachrach Studio)



Rudolf Ivanovich Abel

(Courtesy of Wide World Photos)

INTRODUCTION

In early morning mists we had driven through deserted West Berlin to reach Glienicke Bridge, our rendezvous. Now we were at our end of the dark-green steel span, which crosses into Soviet-occupied East Germany. Across the lake was Potsdam; the silhouette of an ancient castle was on a hill to the right. On both sides of the lake were heavily wooded parks. It was a cold but clear morning on February 1, 1962.

Beneath the bridge, on our bank of the lake, three Berliner fishermen were casting but occasionally looked up in curiosity. A few white swans were cruising.

At the other end of the narrow bridge, called "Bridge of Freedom" in 1945 by our GIs and the Russians, we could see a group of men in dark fur hats. One tall figure was Ivan A. Schischkin, a Soviet official in East Berlin who had negotiated with me the prisoner exchange which three governments were now to complete.

It was nearly 3 A.M. in Washington, but at the White House the lights burned and President Kennedy was still up, waiting for word. There was an open telephone line from Berlin to the White House.

United States military police in trench coats were moving about at our end of Glienicke Bridge. In a small sentry shack West Berlin uniformed guards, abruptly ordered to abandon their bridge posts a little while before, sipped coffee from paper cups; they looked bewildered and vaguely apprehensive. The loaded carbines were stacked in a corner.

Two U.S. Army cars pulled up behind us. Surrounded by burly guards was Rudolf I. Abel, gaunt and looking older than his sixty-two years. Prison in America had left its mark. Now at the last moment he was drawing on ingrained self-discipline.

Rudolf Ivanovich Abel was a colonel of the KGB, Soviet secret intelligence service. Abel was believed by the United States to be the "resident agent" who for nine years directed the entire Soviet espionage network in North America, from a Brooklyn artist's studio. He was trapped in June, 1957, when a dissolute Soviet subagent betrayed him. Abel had been seized by the FBI, indicted and convicted of "conspiracy to commit military and atomic espionage," a crime punishable by death.

When first arraigned in Federal Court in August, 1957, Abel asked that the judge assign "counsel selected by the Bar Association." A committee of lawyers recommended me for assignment by the court as defense attorney. After four years of legal proceedings, the Supreme Court of the United States upheld Abel's conviction by a vote of 5 to 4. The Colonel meanwhile had been serving a thirty-year term in Atlanta Penitentiary.

At his sentencing on November 15, 1957, I had asked the judge in open court not to invoke the death penalty because, among other reasons:

It is possible that in the foreseeable future an American of equivalent rank will be captured by Soviet Russia or an ally; at such time an exchange of prisoners through diplomatic channels could be considered to be in the best national interests of the United States.

Now on Glienicke Bridge, negotiated "after diplomatic channels had been unavailing," as President Kennedy later would write me, such an exchange was about to take place.

At the opposite end of the bridge was American U-2 pilot Francis Gary Powers. In a distant section of Berlin, at an East-West crossing known as "Checkpoint Charlie," the East Germans were about to release Frederic L. Pryor, an American student from Yale. He had been arrested for espionage in East Berlin.

August, 1961, and publicly threatened with the death penalty by the East German government. Finally, a pawn in the Abel-Powers-Pryor exchange was a young American, Marvin Makinen of the University of Pennsylvania. In a Soviet prison in Kiev, where he was serving an eight-year sentence for espionage, Makinen unknowingly had received a Russian pledge of his early release.

When I walked to the center of Glienicke Bridge, concluded the prearranged ceremony and brought back what I had been promised “behind the Wall” in East Berlin, it would be the end of a long road. To a lawyer in private practice, this had become more a career than a case. The legal work was time-consuming; the related nonlegal work even more so.

I was Abel’s only visitor and only correspondent in the United States throughout his imprisonment of almost five years. The Colonel was an extraordinary individual, brilliant and with the consuming intellectual thirst of every lifetime scholar. He was hungry for companionship and the trading of thoughts. While in Federal prison in New York, he once was reduced to teaching French to his cellmate, a semiliterate Mafia hoodlum convicted of strong-arming garbage collectors.

So Abel and I talked. And corresponded. We agreed and we disagreed. About his case; American justice; international affairs; modern art; the companionship of animals; the theory of probabilities; higher mathematics; the education of children; espionage and counterespionage; the loneliness of hunted men; whether he should be cremated, if he died in prison. His range of interest seemed to be inexhaustible as his knowledge.

At the very outset I must state what Abel never told me. He never admitted to me that any of his activities in the United States had been directed by Soviet Russia. This may seem incredible, but it is true. He could have been a KGB colonel who had decided to undertake such espionage on his own. However, I always proceeded on the premise that the United States government’s proof of Abel’s guilt—and the guilt of the Soviet which sent him—was overwhelming. The entire defense was based on this assumption. Furthermore, he knew my belief, tacitly accepted it and never denied its truth. We even assumed it in our discussions. But he never expressly declared it, even to me.

Why was this? Did he think I was naïve, a Soviet sympathizer or confused? Not at all. In the legal analysis, such an express admission not only would be against his every instinct, disciplined for thirty years, but more to the point, it was unnecessary for his legal defense. The latter was the criterion of our communication in this area. I once asked him his real name. He deliberated and then said, “Is this knowledge necessary for my defense?” I said no. He tapped his foot and said, “Then let’s talk about more pertinent matters.”

Moreover, he accepted from the outset the paradoxical position in which I had been placed by court assignment. He understood my conviction that by giving him an honest defense to the best of my ability I would be serving my country and my profession. But he recognized the distinction between knowledge required to defend his legal rights and other information, not pertinent to his court defense but perhaps valuable to United States counterintelligence agencies. Candor with caution was required and observed on both sides.

This unique lawyer-client relationship has enormously aided me in writing about the case of Colonel Abel. I never would have been clear in my professional conscience if in any manner I took advantage of the fact that Abel has now disappeared behind the Iron Curtain. He knew that I intended to write the book, begun in 1960 shortly after the Supreme Court decision. Indeed, he said that since some books about the case would undoubtedly be written, he would rather have me undertake it than entrust the task to a “professional writer who might exaggerate or distort facts to increase popular consumption.”

At this late date, I do not intend to have his faith in me misplaced. Even that declaration was unnecessary, for I know nothing which could be used against him, wherever he now may be. The ver-

facts which make dangerous in American eyes a Soviet spy who will not talk must serve in his homeland as proof of patriotic devotion. Nathan Hale was executed, but respected, by the British and his memory has been revered by us.

The day I was assigned to the Abel defense, I decided to keep a diary on the case. First, in a complicated legal matter the diary could be helpful for basic review from time to time. Second, it would be reassuring in the event my client were executed and I had to face the suspicion, however unfounded, that I failed to give him an honest defense. Finally, it would be a personal notebook on what appeared to be my most challenging assignment in law since the Nuremberg Trials.

It is from the written records—the original diary expanded from contemporaneous notes, letters, and from Abel and his “family,” the official transcript of court proceedings, and finally, cabled reports to the State Department on my East Berlin mission—that this book has been written. Why did I accept the defense assignment? What was Abel like? Why did our Supreme Court divide 5 to 4 in upholding his conviction? What are the feelings of an American who goes behind the Berlin Wall, without diplomat status or immunity, to negotiate with the Soviets? Was the final exchange on the Glienicke Bridge in the best national interest of the United States? All these questions, and more, answer themselves in the written records.

Sitting alone late one night, back in 1957, I thought of my daily relationship with Abel and wrote my diary (a little stiffly, I now think):

We are two dissimilar men drawn close by fate and American law . . . into a classic case which deserves classic treatment.



“The Abel Spy Trial,” copy of an original lithograph by William Sharp.

(Courtesy of Dan McDermott and Ed Radzik at Marshall Dennehey Warner Coleman & Goggin)

Monday, August 19, 1957

“Jim, that Russian spy the FBI just caught. The Bar Association wants you to defend him. What do you think?”

It was Ed Gross of our law firm, calling from New York. By the tone of his voice, I could tell he thought he was bearing bad news. When I put down the phone, I turned and told Mary, my wife. She sat down on the bed and said wearily, “Oh, no!”

It was 9:30 in the morning and we were unpacking at our summer cottage in Lake Placid, New York, deep in the Adirondack Mountains. This was to be the start of a two-week vacation, delayed by a case before the Supreme Court of Wisconsin.

Like all wives, Mary felt her husband had been overworking, and she had been looking forward to our vacation. We had met in Lake Placid while still in college and we both loved the Adirondacks. For a city lawyer, it was a perfect spot to unwind.

Ed Gross said the Brooklyn Bar Association had decided that I should defend the accused spy, Colonel Rudolf Ivanovich Abel. He said Lynn Goodnough, a Brooklyn neighbor, was the chairman of the selection committee. Over ten years ago Goodnough had heard a talk I gave on the Nuremberg Trials before a conservative group of Brooklyn lawyers, including some prominent German-Americans. The discussion became heated, Lynn told Ed, and he thought I stood up for what I believed.

I had read newspaper accounts of the indictment of Abel by a Brooklyn grand jury nearly two weeks before. The stories described Abel in a sinister way as a “master spy” heading all illegal Soviet espionage in the United States.

I left our Lake Placid cottage for a walk. After a while I had a cup of coffee with a fellow vacationing lawyer, Ed Hanrahan, former chairman of the Securities and Exchange Commission, whose judgment I valued. We talked it out.

“As a friend, Jim, I strongly advise you against accepting the assignment,” he said. “It’s bound to take a lot out of you before it’s over. You’ve done more than your share of Bar Association work; let them find a criminal lawyer to handle the defense. But only you can make the decision.”

There was another opinion I got that morning, which probably would have been that of the average layman. I walked over to the golf course for a lesson. Between shots on the practice tee, I mentioned the proffered assignment to the club professional, Jim Searle, an old friend as well as golf tutor.

“Why in hell,” he asked, “would anyone want to defend that no-good bum?”

I reminded him that under our Constitution every man, however despised, is entitled to counsel and a fair trial. So, I said, the next step is simple: Who will defend him? Jim agreed with my theory, but as I walked away from the practice tee I could sense that he was certain my egghead thinking was one of the reasons for my miserable golf swing.

Just before noon, still undecided, I called Lynn Goodnough in Brooklyn. He became quite emotional in his quiet way and said, “Jim, our committee feels very strongly that American justice, along with the Soviet Colonel, will be on trial.”

Goodnough frankly said that the committee had discussed the assignment with several prominent trial lawyers with political ambitions, who forcefully declined. The McCarthy era was not long closed. Because of my background as wartime counsel to the Office of Strategic Services, our own secret intelligence agency, and my subsequent courtroom experience in private practice, the committee believed I was uniquely qualified to undertake the defense of Colonel Abel. I pointed out that I had done no recent criminal work in Federal Court, and as a professional necessity I would have to be promised the assignment of a young former assistant United States Attorney to help me. Goodnough agreed and a

hour or so later called back to say that U.S. District Court Judge Matthew T. Abruzzo wanted to see me in his chambers the next day at 11 A.M. Abel had been arraigned before Judge Abruzzo and now he was responsible for assigning defense counsel.

In the afternoon I drove over to the village of Lake Placid and asked Dave Soden, then a local attorney and now Supreme Court justice in Essex County, for the courtesy of using his law library. I read through the espionage statutes and was surprised to learn that since the notorious Rosenberg "atom spy" case Congress had made even peacetime espionage "on behalf of a foreign power" a crime punishable by death.

Obviously, the Colonel named Abel was in deep trouble, perhaps his last.

Mary and I had a quiet dinner together and at nine o'clock I caught the old North Country sleeping car train for New York. On a Monday night the train was almost empty and I sat alone in the club car nursing a Scotch. I tried to read for a while but my thoughts kept drifting to what I could see as a fascinating legal assignment, however unpopular or hopeless. Before the train reached Utica, about one o'clock in the morning, I decided to undertake the defense of Colonel Abel.

Tuesday, August 20

That morning I kept my appointment in Federal Court, Brooklyn, with Judge Abruzzo. Although he had been on the bench many years, I had never met him.

I told him that possible reasons against the assignment were my background as a Roman Catholic, former OSS intelligence officer and American Legion Post commander. He brushed these aside and said that they were only added qualifications for such a task.

I mentioned that I then was serving as defense counsel for an insurance company in U.S. District Court in Manhattan (for the Southern District of New York), in a case where the company refused to pay life insurance proceeds to the Polish government. It claimed to represent some Polish citizens who were beneficiaries of life insurance policies taken out by a Polish-American priest. We defended the action on the ground that Poland was a police state under the military domination of Soviet Russia and that, as we believed that the government and not its citizens would actually receive the money, we wished to hold the funds here for their benefit until Poland became truly free.

Judge Abruzzo peremptorily dismissed the matter on the ground I was only a lawyer litigating the issues. He then handed me a copy of the indictment and rather formally announced that he was assigning me to the defense. In what may have been an unnecessary afterthought, I quietly stated my acceptance.

The defendant, said the judge, was considered by our government to be the most important Soviet agent ever captured in the United States. He said the trial was certain to receive international publicity and this fact was undoubtedly the reason some twenty lawyers had called or appeared in person to solicit the assignment.

"However," Judge Abruzzo added dryly, "I was not entirely satisfied with either their professional qualifications or motives."

Judge Abruzzo told me Abel had \$22,886.22 in cash and bank deposits when arrested, and that while I should discuss fees with my new client, the court would approve at least a fee of \$10,000, plus out-of-pocket expenses, for the trial. I told him while I would accept any such fee, I had already determined I would donate it to charity. This, he replied, was my own business, but he seemed surprised.

At 2:30 P.M. I had to meet the press. They overflowed my law office in downtown Manhattan.

opened the conference by saying that I had agreed to accept the assignment as a public service. I stressed that ~~it was in the national interest that Abel receive a fair hearing, and asked that they distinguish~~ between American traitors and foreign espionage agents serving their own governments.

“A careful distinction should be drawn between the position of this defendant and people such as the Rosenbergs and Alger Hiss,” I said. “If the government’s allegations are true, it means that instead of dealing with Americans who have betrayed their country, we have here a Russian citizen, in a quasi-military capacity, who has served his country on an extraordinarily dangerous mission. I would hope, if not an American, that the United States government has similar men on similar missions in many countries of the world.

“The nature of a secret agent’s work is always dangerous and unrewarding, since he is called on to accept the knowledge that if discovered he is automatically disavowed by his government. Nevertheless, there are many statues of Nathan Hale in the United States.”

Someone asked, “How do you feel? Are you pleased with your assignment?”

I thought for a minute and then candidly replied, “I wouldn’t say that; no. But I’m appreciative of the respect implied in my selection by the Bar Association.”

As I answered this, I was thinking of what New York Supreme Court Justice Miles McDonald had said when telephoning to wish me luck, earlier in the day. He told me, “I hope you know what lies ahead. Since John Adams defended the British soldiers for the Boston Massacre in 1774, no defense lawyer has taken on a less popular client.”

When I got home, much later that night, my eight-year-old daughter Mary Ellen (who must have been listening to the radio) had left a crayon drawing on my desk. It showed a black-haired, slant-eyed convict in stripes with a ball and chain, and was titled “Russian Spy in Jail.” Along the side border she had printed, “Jim Donovan is working for him.”

Wednesday, August 21

I was to meet my new client, Col. Rudolf Ivanovich Abel, for the first time. When I reached the fortresslike Federal courthouse in Brooklyn at 11 A.M. it was alive with action. As on the opening day of this big criminal trial, electricity was in the air. Court attendants, elevator operators and the blind newsdealer in the lobby—all of them felt and imparted it. Reporters, radio newsmen with their recorders, television cameras and lighting equipment were everywhere.

“Will the Colonel accept you as his lawyer? Can we get a shot of you together? Are you going to have a joint statement?”

I was introduced to Colonel Abel in the prisoners’ pen, quickly shook hands, and then we walked down the corridors, past grinding TV cameras, to a small detention room which I had asked the United States marshal to set aside for this first meeting.

A posse of deputy marshals ushered us in and then closed the door. They stood guard outside. The two of us suddenly were standing alone, face to face across a table.

“These are my credentials,” I said, handing him a copy of the detailed press release issued by the Bar Association, announcing my selection. “I’d like you to read this carefully, to see whether there is anything here which you believe should bar me from acting as your defense counsel.”

He put on rimless spectacles. As he carefully read the release, I studied him. He looked very shabby and thought. He was dressed in rumpled work denims and I decided that for his courtroom appearances he should have some decent clothes that would aid him in assuming a dignified posture.

I thought of descriptions of him that I had seen in the newspapers and magazines: “an ordinary looking little man . . . a sharp patrician face . . . long nose and bright eyes that suggested a curious bird.” To me, he looked like a schoolteacher. But then, I reminded myself, so had Himmler. Abel was slight but wiry and powerful. When we had shaken hands he gripped mine powerfully.

When he finished reading he looked up and said, “None of these things influence my judgment. I am prepared to accept you as my attorney.” The words were spoken in perfect English, with the accent of an upper-class Britisher who had lived in Brooklyn for some years.

I described the life insurance case I was then handling in U.S. District Court in Manhattan, involving Soviet Russia’s domination of Poland. He shrugged his shoulders and replied, “That’s a legal matter. After all, if the insurance companies didn’t take that position and have the issues decided, they could be compelled to pay again to Polish claimants if there ever is a turnover in the Polish government.” I was fascinated. This was one of the reasons why this so-called “Iron Curtain test case” had been selected by the life insurance companies.

I told him that I would accept any fee approved by the court as reasonable, but would donate it to charity. He remarked that this was my “own affair.” He thought the \$10,000 fee already mentioned was fair and explained that a lawyer who visited him in jail had asked for \$14,000 to conduct the trial. He turned the man down, he added, because he “lacked professional dignity,” was “sloppy-looking” and “had dirty fingernails.” (He has the background of a gentleman, I thought.)

With such formalities out of the way, we sat down and he asked me what I thought of his situation. With a wry smile he said, “I guess they caught me with my pants down.”

I laughed. The remark was made even funnier by the fact that when the FBI had pushed into his hotel room early one June morning, Abel was sleeping in the raw. The arresting officers had found complete spy paraphernalia in his Manhattan hotel room and his artist’s studio in Brooklyn. There were short-wave radios with a schedule of message reception times; hollowed-out bolts, cuff links, tie clasps and other secret message containers; a code book, coded messages and microfilm equipment; and marked-up maps of major United States defense areas. On top of all this, the government claimed it had the full confession of at least one accomplice.

“I’m afraid, Colonel, I’m inclined to agree with you,” I said and explained that from the news stories I had seen, plus a quick look at the official files in the court clerk’s office, the evidence of his espionage mission appeared to be overwhelming. “Frankly, with the new penalty of capital punishment for espionage, and present cold-war relations between your country and mine, it will be a miracle if I can save your life.”

He lowered his head for a second and I filled the silence by saying I hoped to bring about a more favorable climate for his trial. In this respect, I said, it would be important to see the public reaction at my first press conference. He made a gloomy observation about his chances for a fair trial in what he called “an atmosphere still poisoned by the recent McCarthyism.” He also said that he thought the Department of Justice, by “propaganda” about his guilt and describing him as a “master spy,” had already prosecuted and convicted him. “Judges and jurors read all that,” he said. I told him that he should have confidence in the basic American devotion to fair play.

There was no question in my mind that Abel was exactly what the government claimed, and that he had decided it would be futile to argue otherwise. At a deportation hearing in Texas, where he was held in an alien detention center prior to his indictment, he swore under oath that he was a Russian citizen and asked to be deported to the Soviet Union. He further testified in Texas that he had lived nine years in the United States, mostly in New York, as an illegal alien using at least three aliases.

When I mentioned Texas he told me that during the time he was held there the FBI offered him

freedom and a \$10,000-a-year job in United States counterintelligence if he would “cooperate.”

~~“They must think all of us are rats who can be bought,” he said, and this led him to discuss the~~ government’s key witness, his defected assistant Hayhanen. “He’s a rat,” he said bitterly. “I can’t understand how a man, to save his own skin, would betray his country and place his family in complete dishonor at home.”

He then told me that under no circumstances would he cooperate with the United States government or do anything else that would embarrass his country, in order to save his own life. I said that as an American I regretted this decision. Moreover, I told him, if he were convicted I would argue that it would be in the national interest to spare his life, since after some years in jail he might change his mind.

I also said he should regard living as desirable, since political events might change and there could be an improvement in United States-Soviet relations, to his benefit; or his American equivalent might fall into Russian hands and there would be the opportunity for an exchange of prisoners; or some other eventuality could occur. I was thinking that his family might die and any compulsion to remain silent for that reason would be relieved.

“I’m not going to press you on the subject,” I said, “but, speaking as an American, I hope your feelings change about cooperation. We won’t talk about it again, unless you reopen the discussion.” I thought this was as far as I might go.

“I appreciate that,” he said, “and I understand you must have mixed emotions about me, and about undertaking my defense.”

We talked then about his background. I let the conversation drift, because he seemed eager to talk and I felt it important we establish a rapport in our first meeting. He told me he came from a proud family, prominent in Russia before the Revolution. He repeated his patriotic feelings and his loyalty to what he called “Mother Russia.” I said that I had sought in my press interview to give fair recognition to his background and to distinguish his case from “native American traitors.” He felt this was a valuable distinction and thanked me for making it.

I told him that it might be important to establish his quasi-military status, since international treaties could become applicable. He said that at home he wore a uniform and that his military rank was recognized by all in Russia except the Red Army. However, unless it was necessary to his defense, he did not want to be referred to as “Colonel,” since this might embarrass his country. I asked him what he would like me to call him, in our own relationship. He grinned and said, “Why not call me Rudolf? That’s as good a name as any, Mr. Donovan.”

It was evident, just as Judge Abruzzo had told me, that Abel was a cultured man with an exceptional background—for his chosen profession or for any other. He spoke English fluently and was completely at home with American colloquialisms (“rat,” “caught with my pants down”). I also learned that he knew five other languages, was an electronics engineer, knew chemistry and nuclear physics, was an accomplished amateur musician and painter, mathematician and cryptographer.

Abel was talking openly and frankly and I had the feeling he felt at ease with me because of my own background. He had found someone with whom he could “talk shop” without any worry about being overheard by the couple in the next booth. At any rate, Rudolf was an intellectual and a gentleman, with a fine sense of humor. We were getting on increasingly well and I found him intriguing. As a man, you could not help but like him.

In this regard, I was not alone. He told me, with some pride, that at the Federal Detention Headquarters on New York’s lower West Side, he was kept in a maximum-security cell but the other prisoners were friendly. “They address me as Colonel,” he said. “They not only understand my situation but recognize that I have been serving my own country. Moreover, they always respect a man who

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