

James B. Donovan speaks with reporters in his Brooklyn apartment on February 11, 1962, one day after negotiating the Abel-Powers-Pryor prisoner swap in East Berlin.  
*AP Photo/Marty Lederhandler*



Steven Spielberg's Cold War thriller *Bridge of Spies* stars Tom Hanks as Fordham alumnus James B. Donovan, FCRH '37, the gritty, principled New York lawyer who pulled off one of the most famous spy swaps in history.

# THE Metadiplomat

BY RYAN STELLABOTTE

James Britt Donovan once wrote, "The practice of law need not be so dull as young students gloomily prophesy." His own career—which brought him head-to-head with Nazi war criminals, KGB officers, and Cuban Prime Minister Fidel Castro—was a stunning case in point.

The irony is that for much of his professional life, Donovan was engaged in legal work most people would consider mundane. He was a fastidious, high-powered insurance lawyer with bespoke suits and a big gray-carpeted office on William Street in Manhattan's financial district. He worked long hours and traveled often, defending corporate clients throughout the country. But he was also a Brooklyn family man, devoted to his wife and children, and a devout Catholic, who sometimes carried with him a holy card with the Prayer of Saint Francis printed on it.

Early in the film *Bridge of Spies*, Tom Hanks, playing Donovan, is asked to defend an accused Soviet spy. "I'm



In the film *Bridge of Spies*, Tom Hanks (left) plays James B. Donovan, the real-life Fordham graduate who came to public attention when he defended accused Soviet spy Col. Rudolf Abel in New York City in 1957. Amy Ryan (right) plays Donovan's wife, Mary, who was a 1940 Marymount College alumna. Jaap Buitendijk/DreamWorks and Twentieth Century Fox

an insurance lawyer," he says, and it's true. But it's a vast understatement.

What the film doesn't make clear is that Donovan was a Navy commander, schooled in spies and spycraft during World War II. He was intimately, selflessly, sometimes secretly involved with what Supreme Court Justice Oliver Wendell Holmes Jr. once called the "passion and action of his times." A kind of "real-life combination of James Bond and Perry Mason" is how the *Chicago Tribune* once put it.

In June 1962, his alma mater Fordham put it another way: Upon giving Donovan an honorary degree, Fordham called him "the most successful American practitioner of metadiplomacy" during the Cold War, someone who could operate above and beyond the usual diplomatic channels to

disarm "the world's best jugglers of words and ideas" and win "a striking victory for his country."

The success of his diplomatic efforts, however, and the public's esteem of his work were not always so assured.

## South Bronx Cosmopolitan: The “Best All Around Man”

James Donovan was born in the Mott Haven section of the Bronx on a leap day, February 29, 1916, the second son of Harriet and Dr. John Donovan. His mother, a pianist and music teacher, was a Hunter College graduate. His father, a son of Irish immigrants, was a prominent surgeon and, for a time, an assistant professor of operative surgery at Fordham’s medical school. The family brownstone on East 139th Street—not far from Alexander Avenue, then known as the Irish Fifth Avenue—was a hive of activity, where the Donovans instilled in their sons a lifelong commitment to education, faith, and public service.

“They were very forward-thinking people,” said Jan Donovan Amorosi, the eldest of Donovan’s four children. “In the morning, my grandfather would have office hours at home and use a back room to interview and examine patients. In the afternoon, my grandmother would give music lessons at the grand piano in the living room. And in the evening, they’d often host political meetings and rallies.”

The boys attended Catholic grammar and high schools, and in 1933, Donovan (already a voracious reader, with a particular interest in rare books and illuminated manuscripts) followed in his brother’s footsteps, enrolling at Fordham, where he majored in English. They grew up wealthy—a family chauffeur drove them to school—but they were at home on the South Bronx streets. An amateur boxer, Donovan had a worn-down knuckle on his right hand and an eyebrow scar he said he got in a “smoker” (an unsanctioned match) at the Good Shepherd Gym.

At Fordham, he played varsity tennis and was editor-in-chief of *The Ram*. He wrote all of the paper’s editorials as a junior and senior, including a typically forceful, politically conservative October 1936 piece titled “Anti-Christ has Risen,” in which he denounced communism, calling the U.S. Communist Party the “illegitimate child of the Bill of Rights.” His classmates voted him “Best All Around Man” and the student who’d “Done Most for Fordham.”

He considered journalism as a career, but, at his father’s urging, went to Harvard Law instead. He graduated in 1940, by which time he’d fallen in love with Mary McKenna, MC ’40, a Brooklyn girl and Marymount College alumna he’d met in Lake Placid, New York, where their families vacationed. They were married in June 1941.



Above: Donovan (center), holds court in the offices of *The Ram*, circa 1936. He was editor-in-chief of the student newspaper during his junior and senior years at Fordham.



Left: In the film, Fordham graduate Alan Alda, FCRH ’56 (right), plays Thomas Watters, Donovan’s real-life law partner. “The story is a true story that took place 50 or 60 years ago, but it’s still relevant today,” Alda said. “You could leave the theater and have a discussion for the rest of the evening about what this picture is about.”

## A Nazi War Crimes Prosecutor: Handling the “Biggest Motion Picture Job in the World”

After law school, Donovan handled insurance and libel cases for a New York firm, but within two years, the country was at war. He and Mary moved to Washington, D.C., where he became assistant general counsel in the Office of Scientific Research and Development—the federal agency responsible for developing the atomic bomb. In 1943, after receiving a commission as an ensign in the U.S. Naval Reserve, he was assigned to the newly created Office of Strategic Services (OSS)—America’s first intelligence agency. Within a year he rose to general counsel and, as the war neared an end in Europe, OSS head Maj. Gen. William “Wild Bill” Donovan (no relation) asked him to lead the spy agency’s war crimes division.

Donovan assigned OSS units to film German concentration camps as they were liberated by allied troops. And he spent much of the summer of 1945 in London, helping Supreme Court Justice Robert H. Jackson negotiate the treaty that established the International Military Tribunal at Nuremberg, Germany. Jackson, who became chief U.S. prosecutor at Nuremberg, took a shine to Donovan. He recommended him for a spot promotion to full commander, and Donovan served as an assistant prosecutor at the principal Nuremberg trial, responsible for presenting all visual evidence of Nazi crimes.

In November 1945, just before the start of the trial, a New York *Daily News* reporter described the 29-year-old Donovan as “a young man with tired eyes” who was “in charge of the biggest motion picture job in the world.”

He was referring primarily to two films Donovan presented at the trial: *The Nazi Plan*, which used captured German footage as evidence against the accused war criminals, and *Nazi Concentration Camps*, which documented the atrocities of the Holocaust in moving pictures as deeply harrowing as they were damning. Donovan provided legal supervision during the films' production, working with industry pros—including Ray Kellogg, George Stevens, and Budd Schulberg—then serving in the OSS. It was his first brush with Hollywood.

In his opening statement at the trial, Jackson said: “Our proof will be disgusting to you and you will say that I robbed you of your sleep.”

## Defending a Soviet Spy—and the Constitution: The Case of Colonel Abel

After completing his work at Nuremberg, Donovan rejoined his family, arriving in Brooklyn on Christmas Day 1945. He was discharged from active duty in February and, before long, joined the postwar boom in New York City. As he was becoming one of the country's best and busiest insurance lawyers, his brother was a rising political star. John Donovan Jr., a former assistant U.S. attorney, was in his third term as a New York state senator in March 1955, when he died of a heart attack at age 42. “My father was so sad about his brother,” Jan Donovan Amorosi said. “He stopped on a landing of a house in Brooklyn and just sat there crying when the news came.”

As always, though, Donovan threw himself into his work. Watters & Donovan, the firm he joined as a partner in 1950, was thriving, and by 1957 he and his family had moved into a 15-room duplex apartment on Prospect Park West. On August 19 of that year, the Donovans were at their summer cottage in Lake Placid, unpacking their luggage, when the phone rang. “It was Ed Gross of our law firm, calling from New York,” Donovan later wrote at the start of his 1964 book, *Strangers on a Bridge: The Case of Colonel Abel and Francis Gary Powers*. Gross said, “Jim, that Russian spy the FBI just caught. The Bar Association wants you to defend him. What do you think?”



From 1943 to 1945, Donovan, an officer in the U.S. Naval Reserve, served as general counsel to the Office of Strategic Services—precursor of the CIA. Courtesy of Hoover Institution Library & Archives, Stanford University

“That Russian spy” was Rudolf Ivanovich Abel, who had been indicted by a Brooklyn grand jury. Donovan read the newspaper accounts, which, he wrote, “described Abel in a sinister way as a ‘master spy’ heading all illegal Soviet espionage in the United States.” He discussed the matter with Mary, whose “principal concern was that I had been over-working and needed a rest.” The golf pro at the Lake Placid Club was more blunt. “‘Why would anyone want to defend that son of a \_\_\_\_?’ I did my best to explain,” Donovan wrote in a draft of his book, “but I’m afraid he still thinks my twisted thinking is one of the reasons for my miserable golf swing.”

By 9 p.m., he was on a train back to New York. He’d decided to defend Abel as “a public service,” he later told reporters. And he pledged to donate the \$10,000 fee he’d receive for his work. (He ultimately gave half to Fordham and split the rest between Harvard Law, his alma mater, and Columbia, where his assistants earned their law degrees.) By “giving Abel an honest defense to the best of my ability,” he wrote, “I would be serving my country and my profession.”

American justice, he felt, would also be on trial, just as it was in Nuremberg. In speeches after the war, he often derided a Soviet delegate’s response to the American proposal that accused war criminals be afforded a fair opportunity to defend themselves. The delegate, Donovan wrote, “utter[ed] a classic if unintended commentary upon police-state justice: ‘We agree; all the guilty should be tried.’” That sentiment was one shared by many Americans during the 1950s, as postwar fear of communism and communist infiltrators intensified into paranoia. When Abel was indicted, it had been only four years since the United States executed atomic spies Julius and Ethel Rosenberg. For taking the case, Donovan was called a “Commie lover” and received “crackpot letters and phone calls,” some “threatening reprisals if I ‘went too far’ in defending the Russian spy,” he wrote. He sometimes lost his patience and, “more important, my sense of humor,” because the abuse affected his wife and “even the children were forced to take a small dose during the trial.” His son, John, was 12 years old in 1957. “It was a fascinating time



for us all,” he said. “My sisters and I had implicit trust in our father. There was no doubt that he was doing the right thing.”

Donovan did try to keep things light when he could. After nearly a month on the case, he finally took a break to enjoy Sunday supper with his family. After the meal, they all gathered at the piano and came up with a song: “Rudolf Ivanovich Abel,” sung to the tune of “Rudolf, the Red-Nosed Reindeer.” In the final verse, they sang: “Now Rudolf’s days are over, / But all other spies agree / Rudolf Ivanovich Abel / will go down in history.”

All kidding aside, Donovan respected Abel, a polymath who spoke six languages and had been in the United States since 1948. From the beginning, he told reporters that Abel’s case “should be sharply distinguished from that of the Rosenbergs, who were charged with betraying their own country.” Through the OSS, he’d come to know spies who were mercenaries and spies who were patriots. He put Abel in the latter category, calling him “an intellectual and a gentleman, with a fine sense of humor.” Likewise, Donovan felt Abel respected him “as a sort of retired spy who could appreciate his professional predicament.”



Top: “The Abel Spy Trial,” a lithograph by William Sharp, 1957. Donovan (white hair) is seated; Abel (right) stands accused. Courtesy of Dan McDermott and Ed Radzik at Marshall Dennehey Warner Coleman & Goggin

Above: Hanks and actor Mark Rylance (center), who plays Abel, in a courtroom scene from *Bridge of Spies*. Jaap Buitendijk/DreamWorks and Twentieth Century Fox

Nonetheless, the evidence against Abel was overwhelming. A search of his Manhattan hotel room and Brooklyn studio turned up microfilm equipment, marked-up maps of major U.S. defense areas, a code book, coded messages, and hollowed-out objects that could contain such messages. Inevitably, Donovan lost the case. But he worked with Abel to appeal the conviction, arguing all the way up to the Supreme Court that evidence used against Abel was seized in violation of the Fourth Amendment. Neither the Immigration and Naturalization Service (INS) nor

the FBI had obtained a federal warrant to arrest Abel and search his rooms. They only had a local order authorizing them to detain Abel on a suspected immigration violation.

Donovan concluded his Supreme Court argument with a warning that resonates today, when fear of communists has been superseded by fear of international terrorists. “Abel is an alien charged with the capital offense of Soviet espionage,” he wrote. “It may seem anomalous that our Constitutional guarantees protect such a man. ... Yet our principles are engraved in the history and the law of the land. If the free world is not faithful to its own moral code, there remains no society for which others may hunger.”

In late March 1960, the Supreme Court upheld Abel's conviction in a 5-4 decision. Donovan filed a petition for a rehearing—not so much for Abel's benefit, he wrote, as for “the millions of United States residents subject to the Immigration and Naturalization laws whose personal liberties were now ‘severely and unjustly curtailed by the decision in the Abel case.’” The petition was denied.

Fordham Law professor Thomas Lee said that although Donovan's decision to defend Abel was “heroic,” it was not as iconoclastic as his argument before the Supreme Court. “There was a large number of people then, as now, who believe basic procedural rights should be given to anyone,” said Lee, the Leitner Professor of International Law at Fordham and a former Navy intelligence officer. But Donovan's appeal put him “in the iconoclastic camp, as a more thoughtful or forward-seeking person who acknowledged that we're going to overreact in these times of emergencies, and we should stick up for these people.”

During the appeals process, Abel was in the U.S. penitentiary in Atlanta, serving a 30-year sentence. He'd been convicted of conspiracy to commit military and atomic espionage, a crime punishable by death. At his sentencing, on November 17, 1957, Donovan made another iconoclastic move. He successfully argued against the death penalty, enumerating five points, the last of which Lee described as “positively brilliant and prescient.”

“It is possible,” Donovan said, “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.”

## The Negotiator in East Berlin: A “War of Nerves” with the KGB

**O**n May 1, 1960, Donovan's hypothetical scenario came true: U.S. pilot Francis Gary Powers was captured in the Soviet Union, after his U-2 surveillance plane was shot down outside of Sverdlovsk, precipitating an international crisis and heightening fears that the Cold War could turn hot. While working on the Abel case, Donovan had corresponded with a “Mrs. Hellen Abel,” allegedly the colonel's wife but actually a KGB officer, and with Wolfgang Vogel, an East German lawyer who claimed to represent Abel's family. Soon after Powers was captured,

Oliver Powers, the pilot's father, wrote to Abel, suggesting a swap. Abel advised Powers to take it up with Abel's “family,” which he did. They came to Donovan.

With CIA and State Department approval, Donovan offered to meet Vogel at the Soviet Embassy in East Berlin on February 3, 1962, soon after he was planning to be in London on business. Before leaving, he met with the CIA's assistant general counsel for a final briefing. They discussed two American college students detained on what the CIA felt were trumped-up charges of espionage: Frederic L. Pryor, who was being held by the East Germans, and Marvin Makinen, who was in a Soviet prison in Kiev. “The government's advice to me was that while I should try to release all three Americans,” Donovan wrote, “my basic mission would be to exchange Abel for Powers.” There was one other detail: Once he crossed into East Berlin, he'd be on his own. In case anything went wrong, the government did not want to be publicly tied to the effort.

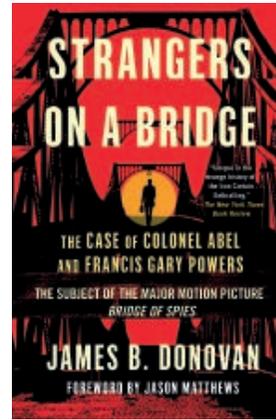
On February 2, Donovan sent a cablegram to his wife explaining that he'd be extending his trip, visiting friends in Scotland. Then he left London for cold, snowy Berlin. For eight days, he lived alone in a house outside West Berlin. He passed over the Berlin Wall—“a very real wall,” he said, “of barbed wire, machine guns”—by taking an S-Bahn train one stop into East Berlin. He'd last been there in 1945, working on *The Nazi Plan*. At the time, he wrote, the city “was demolished and barren, as though starkly sketched by Goya.” Nearly 17 years later, “East Berlin appeared to be unchanged.” At the Soviet Embassy, he met several people purporting to be Abel's relatives. Then Ivan Schischkin introduced himself as the second secretary of the embassy. As Donovan suspected, he was, in fact, a senior KGB officer. Donovan later met with Vogel, the East German lawyer for both Abel and Pryor. In the evening, he'd go to the Berlin Hilton's dimly lit Golden City Bar and write a summary of the day's events. His CIA contact would meet him there and relay the reports to Washington.

The negotiations lasted for several days—Donovan, suffering from a bad back, called them “a war of nerves.” When he suggested a three-for-one swap, Schischkin stalled, saying he'd never heard of Makinen and Pryor. Two days later, he said the Soviet government would trade only Powers or Makinen for Abel but not both. He suggested that Donovan deal with Vogel regarding Pryor. At one point, Donovan threatened to go home if the students were not included. It was a risky move, but it ultimately paid off.

At 8:20 a.m. on February 10, Donovan walked onto Glienicke Bridge, a disused steel suspension bridge over the Havel River, connecting West Berlin with the East German city of Potsdam. It was a discreet, metaphorically apt spot for a spy swap—a dividing line between East and West, and a hopeful symbol of how tensions and forces could be harnessed to link disconnected lands. With Donovan were several people, including an American pilot who could identify Powers. Abel and a U.S. prison guard followed. Schischkin and his entourage approached from the other side of the bridge, with Powers trailing them. Meanwhile, about 20 miles away, at Checkpoint Charlie, Frederic Pryor was about to be released to his parents and a State Department official.

Once Donovan received word that Pryor had been freed, he gave the signal for Abel and Powers to cross the centerline. Abel paused, Donovan wrote, “extended his hand to me and said, ‘Goodbye, Jim.’ I replied, ‘Good luck, Rudolf.’” It was the last he’d see of Abel, although he did hear from him again. Five months later, Abel sent his attorney two 16th-century vellum-bound editions of the *Commentaries on the Justinian Code* “as a mark of my gratitude for all that you have done for me.” Donovan had pulled off the swap. Powers and Pryor were free, and Makinen was ultimately released in 1963.

Jan Donovan Amorosi was a college student in Virginia when the swap became front-page news. “We had no idea where my father was,” she said. “In the early morning, a reporter called my mother and congratulated her on what he’d done. She thought he was in Scotland playing golf!” President Kennedy, who approved the negotiations, praised Donovan for his “skill and courage.” In 1964, Donovan published *Strangers on a Bridge*, a bestseller that almost



Clockwise from top left: President John F. Kennedy thanks Donovan for his help in negotiating the Abel-Powers exchange. “So far as I am aware,” the president wrote in a letter to him, “the type of negotiation you undertook, where diplomatic channels had been unavailing, is unique, and you conducted it with the greatest skill and courage.” (Courtesy of Hoover Institution Library & Archives, Stanford University)

Donovan’s bestselling book on the Abel case and the spy swap, initially published in 1964, was reissued by Scribner last August. Prior to the book’s release, and after Donovan’s success in East Berlin, the Kennedy administration sent him to Cuba, where he negotiated with Fidel Castro (left) to secure the release of the 1,113 CIA-trained soldiers imprisoned following the failed Bay of Pigs invasion. (Courtesy of John Donovan)

became a movie during the mid-1960s. “MGM bought the film rights, and Gregory Peck was very anxious to play my father,” said Mary Ellen Donovan Fuller, who met Peck in London when she joined her father on a trip abroad. “My father actually was a fan of Spencer Tracy, he loved *Judgment at Nuremberg*, so it was interesting to see Gregory Peck trying to make his mark with my father.” Peck never got to play Donovan, but Fuller and her siblings are thrilled that Tom Hanks did. “To hear him talking about my father, I was flabbergasted,” Fuller said. “He was dead-on about who my father was as a man, that he wasn’t just going to take on an assignment, he was planning to win.”

## The Metadiplomat in Cuba: “A Man Who Knows How to Deal with Castro”

At the end of *Bridge of Spies*, Donovan returns home to his family and goes immediately to bed. In reality, he had little time to rest. In June 1962, Attorney General Robert F. Kennedy met with representatives of the Cuban Families Committee for the Liberation of Prisoners of War. The group was struggling to raise funds to secure the release of 1,113 CIA-trained soldiers imprisoned in Cuba after the Bay of Pigs invasion, intended to oust Prime Minister Fidel Castro, failed utterly. Kennedy wanted to help without getting the U.S. government directly involved in negotiations. “What you need,” he advised the committee, “is a man who knows how to deal with Castro. ... I think I know of a lawyer who might help.”

Donovan agreed to represent the Cuban Families Committee pro bono and, as usual, threw himself into

the effort, making multiple trips to Cuba in 1962 and 1963, before and after the Cuban Missile Crisis. He kept the attorney general and the CIA apprised of his efforts. And, in lengthy one-on-one negotiations, he managed to earn Castro's trust, ultimately persuading him to accept an indemnity package consisting mostly of medicine and food. The prisoners were released on Christmas Eve 1962. And Donovan returned to Cuba in April 1963, eventually securing the release of an additional 8,000-plus people, including relatives of the former prisoners and some U.S. citizens. On the spring trip, he brought his son, John, who was 18 at the time.

"It was a psychological ploy," John Donovan said, "a bit of gamesmanship. He knew that Castro himself had a son, so he took me along. He liked to do things as much as possible on a personal basis."

In September 1962, amid the negotiations, the New York Democratic Party nominated Donovan as its candidate for Senate. "To the despair of party workers," *The New York Times* later wrote, Donovan "campaign[ed] like a man with more important things on his mind," namely the welfare of the Cuban prisoners. He lost to incumbent Jacob Javits.

Fordham alumnus Frank DeRosa, FCRH '58, LAW '61, was a young CIA lawyer at the time. He worked with Donovan on the Cuban mission. "He was a real hero to me, at an age when you still have heroes," said DeRosa, who retired in the early 1990s as a group general counsel at General Electric. "He could be a street fighter if he had to be, but he was also an educated bibliophile, a student of all things, including religion, and a fellow interested in helping the poor. He was a Renaissance man."



The Donovan family at Lake Placid, New York, circa 1967. From left: Dr. Edward Amorosi and his wife, Jan; Mary Ellen; James Donovan; John; and James' wife, Mary. Courtesy of John Donovan

## A Prayer for the Public Good: "Lord, Make Me an Instrument of Thy Peace"

Following his success in Cuba and his failed Senate run, Donovan was elected president of the New York City Board of Education in 1963. He led the board for two controversial years, when busing and racial desegregation were the hot-button issues. He found time to serve as the unpaid general counsel to the Jewish Nazi Victims Organization of America. And he became president of Pratt Institute in 1968, a time of student and faculty unrest. It was a position he held until January 19, 1970, when he died of a heart attack—one month shy of his 54th birthday.

"He liked challenges," Jan Donovan Amorosi said of her father, "and he burned the candle at both ends. But he made amazing connections. One of my proudest moments was at his wake. There were black people kneeling at his casket, Cuban people, people of all races and creeds."

On January 21, 1970, Robert I. Gannon, SJ, former president of Fordham, delivered a eulogy at St. Patrick's Cathedral, calling Donovan "intelligent, fearless, and good—a man of principle" and "a family man." Mary Ellen Donovan Fuller said her dad "always took solace" in the Jesuits at Fordham. "He'd periodically hang out in their Fordham digs and spar with some of them. That was a way of decompressing for him. It kept him motivated."

The summer before he died, Donovan revisited Europe, Fuller said. "My opinion is that he knew he was dying and, like an elephant going back to his grounds, he wanted to relive London again, the bookstalls, certain OSS drops in the churches over there. He went by himself to Nuremberg, and it was a bit of closure for him after all those years."

Donovan was buried in St. Agnes Cemetery in Lake Placid, where his tombstone bears the opening line of the Prayer of Saint Francis: *Lord, make me an instrument of Thy peace.* "It was his favorite prayer, one that he actually read to Castro," John Donovan said. "The next few lines go, 'Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith.' If you study that pattern, you realize what my father understood: The best way to deal with negative things is not to try to eliminate the negative so much as to focus on the positive."

—Ryan Stellabotte is the editor of this magazine.

For more on Donovan, including video interviews, go to [fordham.edu/metadiplomat](http://fordham.edu/metadiplomat).