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Dr. James B. Donovan, 53, Dies; Lawyer Arranged Spy Exchange

President of Pratt Institute— Ex-Board of Education Chief Ran for Senate

Dr. James Britt Donovan, the lawyer and educator who arranged the trade of a Soviet spy for the U-2 pilot Francis Gary Powers and negotiated the ransom of prisoners taken by Cuba in the Bay of Pigs invasion, died early yesterday. He was 53 years old.

Dr. Donovan, who had been president of Pratt Institute since Jan. 1, 1968, entered Methodist Hospital in Brooklyn last week for treatment of influenza. He suffered a heart attack at 2 A.M. Monday. His home was at 35 Prospect Park West in Brooklyn.

For 16 years after his admission to the New York Bar, Dr. Donovan's successful legal practice kept him well out of the limelight. But in 1957, his appointment as defense counsel for Col. Rudolf Ivanovich Abel, the Soviet spy, catapulted him into the public eye.

Between the Abel case and his job as the president of Pratt, Dr. Donovan:

¶Negotiated the exchange of Colonel Abel for Mr. Powers and Frederick Pryor, an American student;

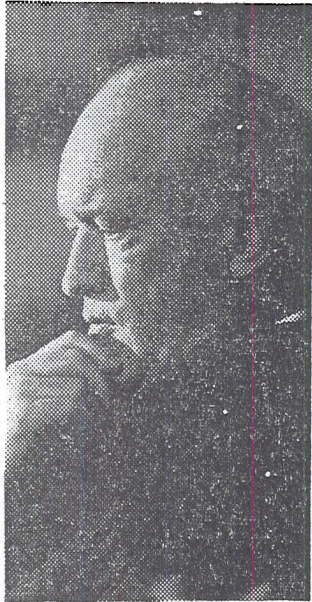
¶Wrote a book about the experience called "Strangers on a Bridge" (New York: Atheneum, 1964);

¶Arranged the release from Cuban prisons of 1,163 survivors of the Bay of Pigs invasion, of nearly 5,000 relatives of the survivors and other political prisoners, and of 35 Americans and their families detained on various charges;

¶Ran an unsuccessful race in 1962 as a Democrat for the Senate seat of Jacob K. Javits, New York Republican;

¶Served on the Board of Education, to which he was appointed in 1961, first as vice president and then as president.

Dr. Donovan's approach to these assignments was unorthodox and highly personal. He once compared his brand of unofficial diplomacy to playing poker: "You have to know your man and be willing to risk all."



The New York Times
Dr. James B. Donovan

Took His Son to Cuba

On one of his last visits to Cuba, in April, 1963, Dr. Donovan took his 18-year-old son, John, along, ostensibly for the skin diving.

"What I needed was something to make Castro really trust me," Dr. Donovan said, adding, "I was a little worried, but it was worth it."

In a letter to Dr. Donovan after the release of Mr. Powers, President Kennedy called the character of the negotiations "unique." Fordham University, in conferring an honorary degree in 1962, used the word "metadiplomacy" to describe his style of negotiating "beyond diplomacy."

Dr. Donovan entered the public arena as an unpopular figure, the defender of the highest ranking Soviet intelligence agent ever tried in the United States. Although he was appointed to the task by a committee of the Brooklyn Bar Association, Dr. Donovan was subjected to abusive telephone calls and letters addressed to "the Commie lover."

He said he had accepted the assignment "as a public duty," and donated his \$10,000 defense fee to the law schools of Fordham, Columbia and Harvard Universities.

Convicted in 1957

Colonel Abel was found guilty of conspiracy in 1957 and was sentenced to 30 years

in prison and fined \$3,000. But before sentence was passed, Dr. Donovan had asked that the possibilities of future exchange of condemned spies with the Soviet Union not be eliminated by the taking of Abel's life.

His plea was to prove prophetic when, five years later, Abel was returned to the Soviet Union in exchange for Mr. Powers.

When Dr. Donovan appealed Colonel Abel's conviction before the Supreme Court in 1959 and lost, Chief Justice Earl Warren said:

"I think I can say that in my time on this court no man has undertaken a more arduous more self-sacrificing task."

The last chapter in the Abel story was undertaken by Dr. Donovan in secret, at the request of the United States Government. After Mr. Powers's U-2 plane was shot down in the Soviet Union, his father suggested the exchange. At the same time, Abel's wife was pleading with Dr. Donovan to secure clemency for her husband.

As a result, the Justice Department authorized Dr. Donovan to go to East Berlin to "explore the situation."

Cited by the C.I.A.

The story leading up to the cold and cloudy February day in 1962 when the prisoners were exchanged is told in Dr. Donovan's book. The sequel came some months later, when Colonel Abel, knowing of his lawyer's extensive collection of illuminated manuscripts, sent him two 16th-century legal volumes, "with gratitude."

For his work on the Abel-Powers exchange, Dr. Donovan was awarded the Distinguished Intelligence Medal by the Central Intelligence Agency, at the direction of President Kennedy.

Several months after his success with semi-official negotiations in the Soviet Union, Dr. Donovan was asked by the Cuban Families Committee for the Liberation of Prisoners of War to argue their case with Premier Castro. In this case, however, the negotiations were entirely unofficial.

For months, Dr. Donovan shuttled between New York and Havana where, he said, "Castro and I talked about everything under the sun; I found him a rather fascinating fellow."

The visits continued during the missile crisis of September-October, 1962, and by December an exchange of prisoners for baby food and drugs was arranged. The men were released on Christmas Eve, 1962.

Between flying trips to Havana, the State Democratic party nominated Dr. Donovan as its candidate for the Senate in 1962. To the despair of party workers, Dr. Donovan cam-

aigned like a man with more important things on his mind. Senator Javits won by 975,000 votes.

Dr. Donovan continued the flying trips through the spring of 1963, holding all-night conversations with Premier Castro that eventually brought the release of a total of 9,700 Americans and Cubans from Cuban jails.

Named Board President

In December, 1963, the burly, white-haired lawyer was elected president of the Board of Education. He had been appointed in 1961 when a "reform" board was created by the State Legislature.

He became involved in controversy from the day he became president. Civil rights groups said that Dr. Donovan was not committed to integration. He said he was committed, first, to education.

When the school system announced preliminary plans for correcting racial imbalance, the program was severely criticized and Dr. Donovan, as president of the board, drew most of the fire.

The controversy grew hotter when nearly 45 per cent of the city's school children stayed home in a concerted boycott, demonstrators chanted, "Donovan must go!" alternating with "Jim Crow must go!"

By mid-March of 1964 civil rights groups had joined in an effort to force Dr. Donovan's removal or resignation. However, he replied that he had no intention of leaving and eventually the campaign died quietly. His re-election as president was considered a vote of confidence by his fellow members.

At Pratt, Dr. Donovan, like so many of his fellow educators in recent years, had to face campus disruptions over black students' demands and antiwar protests.

At first he threatened to have arrested and expelled any students who committed vandalism or incited others access to classes or incited nonstudents to action. After the 400-member faculty went on strike to protest the Donovan policy, he modified it.

In recent months Dr. Donovan had encouraged student membership on Pratt's administrative council and had begun discussions designed to lead to a new student-faculty senate.

Son of a Surgeon

Dr. Donovan was born in the Bronx on Feb. 29, 1916. His father was a prominent surgeon and the family's roots in New York City go back to 1837. An only brother, John D. Donovan Jr., a lawyer and New York State Senator, died in 1955.

The younger Donovan was educated at All Hallows Institute, Fordham College and Harvard Law School, which last

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general counsel to the Office of Strategic Services, the wartime intelligence agency commanded by the late Maj. Gen. C. William J. (Wild Bill) Donovan. They were not related.

In 1943, he entered the Navy as an ensign. By 1945 he was a full commander who had won the Legion of Merit, Commendation Ribbon and other decorations. During this period he was

became irretrievably "hooked" in the practice of law. He left private practice in 1942 to become associate general counsel of the United States Office of Scientific Research and Development, handling legal matters relating to the development of the atomic bomb.

year awarded him a Doctor of Jurisprudence. His early ambition was to become a newspaperman and he took his first job in 1940 with a New York law firm that had a large number of newspapers as clients. But Dr. Donovan said he soon

see also this file 17 Feb 69; 14 Feb 70