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U. S. AIR FORCE

PROJECT RAND

RESEARCH MEMORANDUM

DIPLOMATIC ASPECTS OF SOVIET
AIR-DEFENSE POLICY, 1950-1953 (U)

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RM-1347

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MEMORANDUM FOR THE RAND CORPORATION

SUBJECT: Declassification Review of RM-1347

1. Effective immediately, Project RAND SECRET Research Memorandum RM-1347, 15 October 1954, is declassified. The title, Diplomatic Aspects of Soviet Air Defense Policy, 1950-1953, is also declassified.

2. This determination is made in accordance with Executive Order 12958, as the designated representative of HQ USAF/XOXP and the Original Classification Authority for Project AIR FORCE.

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FOREWORD

This Research Memorandum is one of a series of four that report the results of an investigation of Soviet reactions to near and actual overflights in peacetime. Each of the four deals with a particular aspect of the problem.

RM-1346, Soviet Reactions to Border Flights and Overflights in Peacetime (TOP SECRET), examines the purposes behind Soviet military, diplomatic, and propaganda response to alleged and actual violations of its borders in different historical periods and in different strategic contexts.

RM-1347, Diplomatic Aspects of Soviet Air-Defense Policy, 1950-1953 (SECRET), discusses some of the difficulties faced by Western diplomacy in attempting to oppose effectively the severe Soviet air-defense policy of the years 1950-1953. The study examines in detail the ingenious diplomatic formula which the Soviets used to describe and justify their action against planes that threatened to intrude upon their air space.

RM-1348, Intelligence Value of Soviet Notes on Air Incidents, 1950-1953 (CONFIDENTIAL), applies the technique of content analysis to Soviet diplomatic notes in an attempt to infer the Soviet intentions behind each air incident and the degree of concern felt by Soviet policy makers over the possible political consequences of their action in each case.

RM-1349, Case Studies of Actual and Alleged Overflights, 1930-1953 (SECRET) and its Supplement (TOP SECRET), contain the basic data on which the three preceding RM's are based. All known cases of real or alleged overflight of another country's air space during the period 1930-1953 have been studied, including Soviet and Satellite overflights of noncommunist countries. The case studies contain considerably more information about major air incidents than appears in any of the first three Research Memorandums.

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INTRODUCTION AND SUMMARY

Eleven times during the period 1950-1953 Western planes skirting the Soviet perimeter were subjected to hostile military counteraction by the Soviet Union or its Satellites. Eight of the planes were shot down. The eleven incidents occurred as follows:[1]

April 8, 1950	U.S. Navy plane shot down over Baltic Sea.
November 6, 1951	U.S. Navy plane on shipping reconnaissance mission shot down in Sea of Japan off Vladivostok.
April 29, 1952	French (Air France) commercial aircraft damaged by Soviet fighters while violating Berlin air corridor.
June 13, 1952	Swedish DC-3 shot down over Baltic Sea.
June 16, 1952	Swedish Catalina search plane shot down over Baltic Sea.
October 7, 1952	U.S. RB-29 shot down off eastern Hokkaido.
October 8, 1952	U.S. unmarked hospital plane fired upon by Soviet fighters while flying the Berlin air corridor (no damage).
March 10, 1953	U.S. F-84 jet fighter shot down by Czech MIG's over northern Bavaria.
March 12, 1953	British Lincoln bomber shot down over Germany.

1. These eleven incidents were all publicized at the time. There may have been others, which were not disclosed by either side. The diplomatic exchanges following the eleven incidents have been examined in some detail, and, though classified materials on incidents occurring in 1953 were not available, it is believed that the sources do support the general conclusions of this study. (Overflights of Yugoslavia and Communist China were not included in the present analysis.)

March 15, 1953	U.S. RB-50 fired upon off Kamchatka (no damage).
July 29, 1953	U.S. B-50 shot down off Vladivostok.

Despite the large number of incidents and the fact that many of them were fatal, the United States and the other Western powers concerned were not able either to bring the Soviets to account for their actions, or to force a modification in the severe communist policy for dealing with alleged air intruders.

Of course, the task of Western diplomacy was not an easy one. At times, Western planes were charged with violating Soviet territory at points so remote from their bases that it was difficult to give a plausible explanation to the home public of the presence of the plane so close to the Soviet perimeter--a problem that was further complicated in cases where the Soviets alleged or insinuated that the Western plane had been engaged in hostile reconnaissance.

The most severe handicap faced by Western diplomacy, however, was the diplomatic formula which the Soviets relied upon to describe and justify their actions. While taking extreme, sometimes extralegal action against intruders, the Soviet government characteristically attempted to find conservative legal justification for its behavior.

Even though there is no well-developed or generally accepted international law governing the treatment of aerial intruders, there do exist certain principles or standards which, under certain circumstances, entitle a territorial sovereign to take far-reaching action against an intruding plane. Moreover,

a government has considerable latitude in deciding how to apply these standards to specific cases.

During the period 1950-1953, the Soviet government took full advantage of this latitude by adopting an air-defense policy that was extreme in at least two respects. First, the Russians insisted that, without exception, every air intruder had to land at a Soviet airfield, and, secondly, they resorted, as a matter of routine, to aggressive hostile fire against planes that did not follow requests to land.

The landing requirement was a key provision of the Soviet air-defense policy during this period, and had important political and military advantages for the Russians. Despite these advantages, and despite the extremely controversial nature of this requirement as it was applied by the Russians, the Western powers were never able to challenge it effectively. This was so partly because, as stated, the requirement was ambiguous. The policy was that intruding planes would be requested to land and "in case of resistance" be forced to land. But what constituted resistance was never made explicit.

The ambiguity of the policy was inherent in the diplomatic formula referred to earlier: in most of the eleven incidents the Soviets asserted, in effect, that "the foreign plane fired first, after ignoring instructions to land." Thus they justified their hostile action on grounds fully compatible with international law, and thereby forced the Western powers to engage in sterile debate over the facts of each incident, i.e., over who fired first. In this way, the controversial landing

provision was kept from becoming the focus of diplomatic dispute.

The Soviet use of this stereotyped formula as a way of shielding its air-defense policy from Western diplomatic pressure was particularly successful in cases where the foreign plane disappeared without trace. It was especially difficult in such cases for Western powers to contest the Soviet version of the facts. Conversely, however, when the Russian effort to shoot down a Western plane was unsuccessful, the Soviets were diplomatically vulnerable; the Air France and U.S. hospital plane incidents of April 29, and October 8, 1952, are of particular interest in this connection, as we shall see below.

Other factors that account for the limited success of the Western powers in contesting Soviet air actions and policy include an American popular attitude against air-reconnaissance activities in peacetime, which are considered improper and politically inexpedient. This attitude operates as a continuing constraint on the efforts of U.S. policy makers to utilize international and noncommunist air space for purposes of gathering intelligence, and may also hamper efforts to contest, by more forceful diplomatic means, hostile communist counter-action against United States planes that skirt the communist perimeter.

NOTE

The present study is purely historical in nature. No attempt is made to derive from it recommendations concerning the manner in which current air incidents should be handled by United States diplomats. Decisions about diplomatic treatment of air incidents, and about the position in international law that should be taken by the United States in such cases, may be subject to policy considerations of a kind not dealt with in the present study.

THE SOVIET AIR-DEFENSE POLICY

The Soviet policy of hostile counteraction against border flights by Western planes began in April, 1950. It appears to have had two broad objectives: (1) to discourage reconnaissance attempts; and (2) to deter the United States from starting a war against the U.S.S.R.[2]

A policy of aggressive action against border flights would not further these broad objectives unless it were successful. We may assume, therefore, that the Soviet leaders appreciated the need for an air-defense capability adequate to ensure consistently good results from their action against Western planes. For, if their efforts had met with only indifferent success, they would have failed both to discourage perimeter flights and to deter the United States. In fact, there is some indirect evidence (not reproduced here) that the Russians did not put their hostile policy into effect until they did have an adequate capability.

But the serious political risks entailed in adopting a severe peacetime air-defense policy against a major power were such that, even with the advantage of an adequate capability, the Russians still faced a twofold policy problem. They had to work out a policy which would yield substantial military and political advantages to the U.S.S.R., and they had to devise ways of implementing, describing, and defending that policy so

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2. This interpretation of Soviet objectives is derived from the overall investigation; the evidence and reasoning behind it are not discussed.

as to reduce the likelihood of undesirable political repercussions.[3] Their success in meeting the first of these two requirements makes it important to attempt at least a speculative reconstruction of the policy calculations behind the Soviet air defense. In the absence of direct evidence, the following reconstruction is based on an analysis of the operation of their policy over the entire three-year period under consideration.

Most of the advantages accruing to the U.S.S.R. from its air-defense policy stem from the key requirement that intruding planes land voluntarily, or be forced to land, at a Soviet airfield. Applied aggressively, as it was during 1950-1953, this requirement resulted in a number of important gains to the U.S.S.R.

1. The requirement to land on Soviet territory presumably induced foreign planes to take special precautions against violating Soviet air space. The difficulties created by communist authorities for planes which did land on their territory probably served to reinforce this caution, and may have been intended in part for this purpose.

2. The landing requirement heightens the risks of conducting aerial reconnaissance of the Soviet Union, because foreign planes cannot, under guise of an unintentional overflight, conceal their intelligence mission by simply returning to

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3. The second of these policy problems is considered later in this paper.

international air space or their own territory when intercepted.

3. The same requirement enables Soviet forces to challenge and hamper perimeter reconnaissance of the Soviet Union, even though such reconnaissance is technically legal since it does not involve actual violation of Soviet territory. Such planes may be challenged by Soviet aircraft and requested to land. The net effect of this possibility is that the Russians thereby extend their air defense somewhat beyond the legal boundaries of the U.S.S.R.

4. When the requirement to land is honored, Soviet intelligence has the opportunity to interrogate specialized foreign personnel.

5. Finally, planes that land on Soviet airfields, either voluntarily or otherwise, could provide Soviet political warfare with opportunities to dramatize the incidents as examples of hostile Western intentions, and as demonstrations of Soviet military strength.

There being no question that the Soviets derived considerable advantage from their policy, it remains to see how they were able to carry out their aggressive plan with minimum risk to themselves. A glance at international legal practice may serve to indicate some reasons for their success.

Despite the steady increase in international air flights, problems connected with the proper or acceptable treatment of air intruders have received little attention in legal literature. There is no well-developed, generally accepted international

law on this subject. But there are a few principles or standards that entitle a government, under certain circumstances, to take far-reaching action against an intruding plane.[4] Moreover, the problem of unauthorized overflights is such that a territorial sovereign has considerable latitude in deciding how to apply these standards in specific instances—a fact of which the Soviets have taken full advantage.

But while the Soviets may have stretched the legal limit of counteraction, the terminology in which they clothed their behavior was not a radical departure from legal positions adopted by some Western powers in the past. Some of these Western powers have applied to "prohibited areas" the principle that intruding planes be requested to land, and be forced to do so if they refuse. The Soviets extended this principle to violations of all parts of their territory, and in actual practice they tended to apply it in its most extreme form. Opening fire with intent to kill, which is regarded by other powers as a last resort, to be employed in certain situations only, was the routine Soviet response to real or alleged air violations during 1950-1953. What is more, until recently the Soviets insisted that foreign planes suspected of violating any part of Soviet territory <u>had</u> to land; they could not rectify their error by flying back, particularly since the

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4. Many of these have been formulated in Oliver J. Lissitzyn, "The Treatment of Aerial Intruders in Recent Practice and International Law," <u>American Journal of International Law</u>, Vol. 47, No. 4 (October, 1953), pp. 559-589. Some of Dr. Lissitzyn's findings are referred to here for background purposes.

Soviets did not follow the custom of signaling an intruding plane that a violation was being committed.[5] Thus the essence of the Soviet air-defense policy consisted in this: the landing requirement was insisted upon in all cases, and aggressive hostile fire was resorted to as a matter of routine.

But the full severity of Soviet practice was the result of liberal interpretation of what constitutes an air violation. Not only did the Soviets take severe action against even slight violations of their air space; they also went out of their way, on occasion, to attack Western planes which came close to but did not violate the Soviet perimeter. Therefore, under the guise of generally acceptable legal terminology, the Soviets in fact engaged in extralegal action.

What has been the Western position on the legal aspects of violation of a sovereign power's air space? The dispute in August, 1946, between the United States and Yugoslavia over the shooting down of two U.S. military transport planes has special significance for this question. Moreover, this early postwar case probably exercised an important influence on the Soviet decision, in 1950, to shoot down intruding planes.

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5. Following Stalin's death a new Soviet diplomatic formula emerged for describing and justifying hostile action against Western planes. The landing requirement was no longer mentioned in the new formula; instead, the impression of a milder air-defense policy was contained in Soviet allegations that intruding planes are warned off and permitted to correct their error. Soviet resort to fire continues to be justified, as during 1950-53, in terms of self-defense, after the Western plane "opens fire." For a more detailed account of the change in the Soviet diplomatic formula and its possible significance see RM-1348, "Intelligence Value of Soviet Notes on Air Incidents, 1950-1953" (Confidential).

In that dispute, the United States succeeded in forcing Tito to modify his air-defense policy and to give assurances against a repetition of such incidents. While the exact extent of the modification of Yugoslav policy remained unclear in some respects, the relevant fact for the present analysis is that failure to comply with a request to land in such cases was no longer to be regarded as justifying resort to fire to enforce the landing request. Instead, the Yugoslavs were to have recourse to diplomatic channels.

The United States diplomatic position in this case did, in effect, limit the freedom of action of a territorial sovereign in dealing with air intruders, and therefore became a potentially important precedent in the developing international law on the question of air travel.

One of the consequences of the American position was that it made it more difficult for a territorial sovereign to determine the motive of an intruding plane. Since the motive is not always immediately apparent, any limitation on the right to require such a plane to land limits the ability to determine whether there is hostile intent. In this sense, the U.S.-Yugoslav case had far-reaching implications, because any

assurance that aerial penetration would be taken up through diplomatic channels, rather than opposed directly, raised the possibility that a foreign power could engage in aerial reconnaissance of another's territory and be relatively immune from hostile counteraction. These Yugoslav concessions, therefore, entailed potentially important cold-war disadvantages for the communists and, conversely, potentially important cold-war advantages for the United States. It is not surprising that the Soviets later adopted an air-defense policy which, in effect, reclaimed full freedom of action for a sovereign government in dealing with air intruders, and that there arose a divergence between the communist and Western positions on this question. (See also pp. 12-13.)

The legal question was openly disputed by the communists and the West in only two of the eleven air incidents during the period under survey. On the first occasion, following the shooting down of two Swedish planes in June, 1952, the Soviet air-defense policy, as well as the position the Soviet government took in international law, was challenged by the Swedish government, though only obliquely and incidentally. The Swedes took exception to the Soviets' assertion that their air-defense policy was the same as that of all other states. They pointed out that Swedish policy was to turn off an individual intruding foreign aircraft by a warning, whereas the Soviet Air Force had orders to force the aircraft to land. Further, the Swedish government observed, while its own policy

was not to fire upon an intruding craft if it changed its course and flew away, the Soviet instructions seemed to imply that the foreign plane was to be fired upon if it attempted to fly away instead of landing.

Faced with this challenge, the Soviet Foreign Office attempted to gloss over the difference between Swedish and Soviet air-defense policies, and then lapsed into silence on this issue during the remainder of the dispute. The Swedish government did not pursue the matter, partly because the dispute centered not upon Soviet treatment of air intruders, but upon the right of Swedish planes to free flight over the international waters of the Baltic, a claim which the Soviets proceeded to concede explicitly. Nonetheless, the Swedish challenge to the claimed universality of Soviet air-defense policy exposed an important weakness in the Soviet position. Thereafter, the Soviets did not repeat the claim that their policy was a universal one.[6]

The second explicit challenge to Soviet air-defense policy occurred in connection with the attack on the United States unmarked hospital plane on October 8, 1952. As we shall see below, the persistent diplomatic effort made by United States authorities at that time cannot but have impressed Soviet authorities with the growing opposition to their air-defense policy.

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6. See RAND RM-1348, "Intelligence Value of Soviet Notes on Air Incidents, 1950-1953" (Confidential).

Despite these two incidents, the United States and the other Western powers that were victimized by the severe Soviet policy were not, on the whole, very successful in challenging or curbing that policy. The Soviets must be credited with a major tactical success in forestalling a direct challenge to their policy during 1950-1953 in all but the two incidents mentioned. Only in a limited way, as we shall see, was the West able to bring diplomatic opposition to bear on the Soviet position.[7]

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7. A number of other questions of international law were raised in the air incidents that have occurred since World War II. They include the Soviet claim of a twelve-mile territorial waters limit, the doctrine of "hot pursuit," and the treatment of personnel in planes forced to land on foreign territory. These have not been considered in the present paper.

   The principle of "hot pursuit" has never been openly argued in any of these disputes. It arose in the U.S. Navy plane incident of October 15, 1945, in the British Lincoln bomber incident of March 12, 1953, and in connection with the new United States air-defense policy in Japan following the Hokkaido incident of October 7, 1952. The question of treatment of personnel arose in the Yugoslav case of August, 1946, over the ransom demand for U.S. fliers by Hungary in December, 1951, and over detention of two U.S. fliers whose planes made emergency landings in Czechoslovakia on June 8, 1951.

DIPLOMATIC INVULNERABILITY OF THE SOVIET POLICY

Analysis of the diplomatic aspects of the air incidents that took place in the postwar period--particularly the eleven incidents already referred to--has disclosed ten factors that have operated to limit the effectiveness of Western diplomatic efforts to counter Soviet air-defense policy. The entire list of ten is given here, though only the first will be discussed at any length in the present memorandum.[8]

Each of the following has inhibited Western diplomacy to some extent:

1. Use by the Soviets of a stereotyped version of the "facts" of an air incident. This stereotype was used to prevent the Western diplomatic attack from centering on the disputed air-defense policy proper.

2. The preference of the United States and other Western powers for clarifying the facts of an incident and deciding whether they have a good case before exerting diplomatic pressure for indemnities and compensation.

3. The difficulty of establishing the facts when the Western plane in question is destroyed and there are no survivors. This tends to deter Western leaders from pushing for an international inquiry, especially because they must reckon with Soviet willingness to fabricate evidence and eyewitness accounts.

4. The absence of a treaty between the U.S. and the U.S.S.R. which would provide for presentation of a claim by the U.S. when one of its planes was shot down or damaged. After the Baltic incident of April 8, 1950, this lack was seen by some U.S. policy makers as an obstacle to effective bilateral negotiation of air incidents.

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8. A fuller account of the operation of these factors is given in the case studies of the individual air incidents. See RM-1349.

5. The U.S. preference, when confronted by an impasse in bilateral negotiation, for resorting to impartial international inquiry as against unilateral retaliation and reprisals without benefit of a clear juridical record.

6. The unwillingness of the Soviets to agree to joint or international investigation and adjudication of air incidents. This was particularly evident in the incidents involving Swedish planes in June, 1952.

7. The absence of a generally accepted international law on permissible action against air intruders.

8. The belief of important sections of the American public that prehostilities aerial reconnaissance is improper and politically inexpedient. This public attitude operates as a domestic constraint on U.S. policy makers.

9. The desire on the part of U.S. authorities to avoid publicizing details of classified air intelligence activities. This may have been a reason for not taking the Baltic case of April, 1950, before an international tribunal.

10. The reluctance of U.S. policy makers to bring disputes over air incidents before the U.N. Security Council, for fear of straining its capability and exposing its probable ineffectiveness as an agency for dealing with international disputes of this character. This consideration, among others, deterred the U.S. from taking to the Security Council its dispute over the Vladivostok incident of November 6, 1951.[9]

The Soviets must have known very well that the key provision of their air-defense policy--the landing requirement--was likely to be viewed as in conflict with the Western position in international law, and particularly with the stand that had been successfully asserted by the U.S. in the dispute with Tito over

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9. See, however, the dispute over the trial and ransom of U.S. fliers by the Hungarian government, a case which the U.S. has placed before the Hague court and may eventually present to the U.N. General Assembly.

the August, 1946, incidents. But, as we have seen, the landing requirement had important advantages from the Soviet standpoint, so the task of Soviet policy makers was to devise a diplomatic formula which would divert attention and criticism from the landing provision by providing a broader legal justification for any specific action taken under their air-defense policy.

In developing such a diplomatic formula, the Soviets may have learned the lessons implicit in the Yugoslav experience of August, 1946. They may have concluded that the Yugoslavs lost out on that occasion partly because of the circumstances under which the two U.S. planes had been shot down, but particularly because of unskillful handling of the whole matter. For it does not appear insignificant that the Soviet diplomatic formula differed substantially from that used by the Yugoslavs in 1946. Nor can it be accidental that in the following several respects the Soviet formula has proved to be a better instrument than that of the Yugoslavs for minimizing the political risks of hostile air-defense action.

It seems clear, for example, that the Soviets knew that the first hostile action against a U.S. plane would constitute a test case, and that therefore they made certain--as the Yugoslavs had not--that the American plane in question could plausibly be represented as engaged on a classified reconnaissance mission, so that the U.S. Government would be deterred from attempting a strong diplomatic reaction.

Also, when describing action they took against intruding planes, the Soviets charged a violation not only of their own landing requirement, but also, by implication, of the legal position taken by the U.S. in the Yugoslav case. The U.S. position seemed to be that hostile counteraction was not justified unless the overflying plane of a friendly power displayed a definitely hostile purpose, and that failure to land did not, in itself, constitute a hostile act. Thus, in order to "satisfy" the U.S. position, the Soviets charged also that the foreign plane in question had opened fire upon the Soviet interceptors, who were thus clearly justified in firing back.

In thus engendering a dispute over the facts of an air incident--i.e., over who fired first--the Soviets prevented the key provision of their air-defense policy from becoming the focus of the diplomatic exchange.

All past efforts to argue the "facts" of air incidents have been unproductive and sterile. The Soviet leaders never alter their version of the facts; even the singular Soviet expression of regret for the loss of lives in the British Lincoln bomber case of March 12, 1953, was accompanied by a reaffirmation of the Soviet version of the incident. What is more, so long as the Soviets continue to fabricate the facts, it is unlikely that they will permit any dispute to go to an international body or a third party for resolution. In the case of the Gatow air crash of April, 1948, the Soviets quickly withdrew from a joint investigation of the incident, and, on two occasions, they

rejected outright any proposals that disputes go to an international body.[10]

It should be noted that the statement of the Soviet landing requirement, as distinct from its enforcement, was ambiguous in an important sense. The announced policy was that intruding planes were requested to land, and, "in case of resistance," were forced to do so. But never did a Western power request the Soviet government to define precisely what "resistance" meant in this connection. Did it mean (1) noncompliance with a landing request; (2) noncompliance with landing request plus a continuation of the violation and/or a deeper penetration; or did it mean (3) opening fire upon Soviet interceptor aircraft?

This failure of the Western powers to press for clarification testifies to the success of the Soviet formula in obscuring the central issue. For at first glance it seems that the stereotyped formula itself defined what the Soviets meant by "resistance." In asserting that the intruder "fired first after ignoring instructions to land," the Soviets apparently claimed the right to fire upon an intruding craft, when it refused to land, only if it opened fire first. In this interpretation, Soviet policy was in accord with the position taken by the United States in the Yugoslav case. But, so far as can be ascertained, the Soviet contention that the foreign plane fired first was always a fabrication. If so, the Soviet stereotype begins to emerge as

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10. The incident of the Hungarian trial of U.S. airmen in November, 1951, and the Swedish incident of June, 1952.

a clever ruse that formally "satisfied" the U.S. position while in actuality it shielded the fact that the attack was initiated by the Soviet air-defense forces.

The fabrication of the facts succeeded in blurring the issue. It was clearly to the interest of Western powers, therefore, to force the Russians to clarify what they meant by "resistance." Otherwise, it was possible for the Soviets to avoid revealing exactly how far-reaching was the position in international law to which they were publicly committed.[11]

The full effectiveness of the Soviet formula in neutralizing diplomatic pressure was particularly apparent in cases where the intruding plane disappeared without a trace, because it was particularly difficult in such cases for the noncommunist power to contest the Soviet version of the facts. Conversely, however,

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11. On at least one occasion in the past, the Czech government has been less skillful than the Soviet government in disguising its legal position. In describing the shooting down of a U.S. F-84 on March 10, 1953, the Czech note reproduced the Soviet stereotype, with one important exception. It failed to charge the American plane with opening fire. In effect, therefore, the Czechs claimed the right to shoot down an intruding plane simply for not following instructions to land. It would appear, moreover, that the Czech intention to do so was unambiguously revealed to U.S. officials in the form of a warning some five months before. (Source: Bonn /Donnelly/ to Secretary of State, No. 2347, November 21, 1952, citing cable received by USAREUR from U.S. Air Attache on November 18 /SX 5311/; classification "Confidential.")

    More recently, the Czech statement of the facts of the March 12, 1954, incident involving two U.S. Navy planes resembled the Soviet stereotype in charging disregard of instructions to land as well as initiation of attack.

the Soviets were diplomatically vulnerable when their hostile action was unsuccessful or only partially successful. In such cases, Soviet "facts" could not shield Soviet intentions. However, the West found it difficult to capitalize on such vulnerability, because, since no plane was lost, it was often not disposed to push its diplomatic protest too strongly. Thus, the net result was that the political risk was minor for the Soviets even when they failed in their hostile attempt and left themselves unusually vulnerable to diplomatic pressure.

The Soviets seem to have been aware of their vulnerability, for, in cases when the intruder was both unarmed and successful in evading Soviet efforts to bring it down, they did not charge that the foreign plane fired first. The incident of April 29, 1952, is a case in point. On that occasion, an unarmed Air France commercial passenger plane strayed from the Berlin air corridor and was seriously shot up by Soviet fighters. However, the plane succeeded in reaching Berlin, thus forcing the Soviets to alter their usual version of the facts. The familiar charge that the Western plane opened fire when requested to land was omitted, and the fire that damaged the French plane and wounded several of its passengers was pointedly described as no more than a "warning burst toward the forward part of the aircraft" in order to oblige it to land.

The Soviet effort to conceal the fact that its fire had a fully hostile intent was significant, especially since the hostility was obvious from the extent of the damage to the plane

and its passengers, and from the nature of the maneuvering by the Soviet fighters. Indeed, the attack was so obviously deliberate that the Western Allies could have taken this as a good opportunity to contest the hostile air-defense policy which lay behind the Soviet action, without, for once, becoming involved in a controversy over who had fired first. They might have been able to force the Soviet authorities to admit that they permitted their fighters to open fire on intruding planes without first being fired upon; or, more probably, they might have obtained an explicit assurance from the Soviets that their air-defense instructions called only for warning fire. Either response would have clarified Soviet policy and been a gain from the Western standpoint.

But evidently the Western authorities failed to see the significance of the Air France incident. They apparently viewed it as an isolated action on the part of the Soviets, rather than as a move that heralded extension, to the Berlin air corridors, of the severe policy previously displayed around Soviet borders proper. No effort was made to get an unequivocal indication of whether the Soviets were in fact claiming the right to force down planes violating the Berlin corridor, as use of part of their stereotype seemed to suggest. Instead, the Western Allies chose to contest the Soviet version of the facts, claiming that the Air France plane had not made a violation; (the French insisted on that point, though U.S. intelligence indicated otherwise).

Another incident, similar to the Air France one, occurred several months later, on October 8, 1952. Once more, Soviet fighters fired with apparently hostile intent on an unarmed Western plane that strayed from the Berlin corridor. The plane was an unmarked U.S. hospital ship. As soon as it was fired upon, it took rapid evasive action and succeeded in escaping without damage. Again the Soviets modified their stereotyped account of the facts; they did not state that the Soviet fighters had fired upon the U.S. plane, though the reference to a request to land was retained. But American authorities, suspecting hostile intent, became alarmed at what the incident might imply for future Soviet policy toward corridor violations. Thus, while conceding the possibility that a violation had occurred (which it had), the United States nevertheless focused the ensuing diplomatic dispute on the question of Soviet air-defense policy itself, and particularly on whether the Soviets had the right to direct hostile fire toward planes deviating from the air corridors.

The United States diplomatic position was strengthened in this dispute by the fact that traffic in the Berlin corridors had been governed, from the beginning of the occupation, by special rules and practices. The United States was able to cite a 1946 quadripartite agreement that explicitly forbade firing upon a plane that violated the corridor and ignored signals to land, and American authorities made a determined and persistent effort to get the Soviets to acknowledge the validity of this quadripartite agreement, and to adhere to it.

The U.S. position, however, was evidently vulnerable on a technicality. The quadripartite agreement had never been formally confirmed, and the Soviets held it inapplicable on that ground. Thus, despite continued effort to contest the issues, the United States achieved no direct success in this dispute.

But it is possible that the effort payed off indirectly. U.S. pressure over the hospital plane incident may have had something to do with the conciliatory attitude of the Soviets following a new incident over Germany on March 12, 1953, when they publicly expressed their willingness to confer with the Western powers on ways of eliminating air incidents. This case involved the shooting down of a British Lincoln bomber, and it is interesting to note that the usual Soviet stereotype and the accompanying citation of air-defense policy both were altered in order to conceal the full severity of that policy. It is not unlikely that this attempt, added to other Soviet conciliatory gestures, was partly responsible for undercutting the initially strong British reaction; for a statement made by Churchill early during the dispute had suggested that the British might focus diplomatic pressure against the air-defense policy implicit in the Soviet action.[12]

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12. In his statement to the House of Commons on March 17, 1953, Churchill criticized the severity of the Soviet counteraction against what was admittedly a violation, and contrasted it with the air-defense policy for the British Zone of Germany: "...the lives of seven British airmen were callously taken for a navigational error in the process of correction which could have been dealt with by the usual methods of protest and inquiry." Should Soviet aircraft similarly stray into the British Zone, "every effort will be made to warn them and by following the procedure normally used by nations at peace to avoid loss of life." (The New York Times, March 18, 1953.)

The Soviet offer to confer was accepted, and public accounts of the Berlin air safety talks during the months following the March 12 incident indicate that the new regime in the U.S.S.R. may have been disposed, at that time at least, to accept some limitation on its freedom of action against air violations of East German territory. Tentative agreement was reported on a system of signaling between planes. Further, if a plane deviated slightly from its authorized air space, it was to be shepherded back to its lane. But if it should trespass too deeply, both sides were reported to have agreed that it should be ordered to land. However, one of the points remaining at issue was the meaning of slight and deep penetration. The Russians, according to the New York Times of September 21, 1953, wanted to leave this question undefined. But since failure to define this point would leave the Soviets free to decide when they would require an intruding plane to land, the Times account, if true, meant that the Soviets were, in effect, conceding nothing at all.

On the important question of whether gunfire was permitted as a means of signaling, the Times account reported that, under the new rules being worked out, the Russians "appear" to have renounced gunfire for this purpose. A much more important question, however, received no mention in the Times story. There is no indication of what action the Soviets would be entitled to take if an intruding plane did not follow instructions to land, but attempted to correct its error instead.

In sum, it is not possible to say whether the air safety talks will result in official agreement, and therefore equally impossible to predict whether such an agreement, if arrived at, can lead to greater success in the future for Western diplomatic efforts to neutralize the severe Soviet air-defense policy.