

U.S. Offer to Swap Russian Arms Dealer for Griner Highlights Uncomfortable Choices

The negotiations raise questions about what, if any, standards should apply when the United States agrees to trade prisoners.



By Peter Baker

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WASHINGTON — One is perhaps the world's most notorious arms dealer, a man known as the “Merchant of Death” who sold weapons to terrorists, rebels and militants around the world before finally being hunted down and locked up for conspiring to kill Americans.

The other is a basketball player who got caught with a little hashish oil.

By no measure are they comparable, yet the Biden administration has proposed trading the merchant of death for the imprisoned basketball player as well as a former marine held in Russia on what are considered trumped-up espionage charges. In the harsh and cynical world of international diplomacy, prisoner exchanges are rarely pretty, but unpalatable choices are often the only choices on the table.

Whether the swap would go through remained unclear. Secretary of State Antony J. Blinken made the offer public in part to reassure the families of Brittney Griner, the basketball player, and Paul N. Whelan, the former marine, that the administration is doing all it can to free them.

Russian officials, who have long sought the release of the arms trafficker Viktor Bout, confirmed the discussion on Thursday but said Foreign Minister Sergey V. Lavrov was too busy to talk with Mr. Blinken now.

The disclosure of the negotiations raised obvious questions about what, if any, standards should apply when the United States agrees to trade prisoners, a conundrum that has challenged the nation's leaders since its founding.

The debate becomes all the more complex when it involves exchanging not soldiers on a battlefield or spies in a Cold War but dangerous criminals for civilians whose real crime is being caught up in wrong-place, wrong-time international intrigue.

“The fact that Bout is a big fish isn’t really part of the calculus,” said Jeremy Bash, who was chief of staff at the C.I.A. when the United States made a high-profile spy swap with Russia in 2010. “We value our own citizens a thousand times more than we value the foreign criminal. Israel takes the same approach. They’d trade a thousand Hamas fighters for one I.D.F. soldier. We in the U.S. take the same attitude. We will do almost anything to save an American life.”



Viktor Bout, a notorious Russian arms dealer, arriving at court in Bangkok in 2010. He was extradited and convicted of conspiring to kill Americans. Nicolas Asfour/Agence France-Presse — Getty Images

But other veterans of past administrations expressed concern that such exchanges, especially one that seems on its face to be as imbalanced as swapping a death-dealing arms merchant for an athlete who may have vaped, would only encourage the imprisonment of more Americans who could be used as hostages.

“I take a pretty hard line on it,” said John R. Bolton, a former U.N. ambassador and national security adviser. “It’s one thing to exchange prisoners of war. It’s one thing to exchange spies when you know that’s going on.” But “negotiations and exchanges with terrorists or with authoritarian governments” become dangerous “because then you’re just putting a price on the next American hostage.”

Ms. Griner's case has commanded attention not just because she is a star player in the W.N.B.A. but also because her arrest came a week before Russia invaded Ukraine and seemed to be a brazen attempt by Moscow to gain a bargaining chip. Mr. Biden has come under enormous pressure to find a way to free her and approved the offer of Mr. Bout over the concerns of the Justice Department, which often takes a dim view of horse trading the criminals it puts away.

Mr. Bout, a former Soviet military officer, was once one of the world's most wanted men, accused of selling weapons to Al Qaeda, the Taliban and various governments and militants in Rwanda, Sierra Leone, the Democratic Republic of Congo and Algeria. The movie "Lord of War," starring Nicolas Cage and released in 2005, was based on his case. American agencies hunted him down for years until finally catching up with him in Bangkok in 2008 and extraditing him in 2010.

Why the Russians would be so intent on freeing Mr. Bout so long after his capture is something of a mystery. Any secret information Moscow may have worried about him revealing presumably was spilled long ago or is certainly dated by now. But it may simply be a feeling of solidarity on the part of President Vladimir V. Putin of Russia, a former K.G.B. officer.

"There are lots of hints in Bout's biography, even on his Wikipedia page, which suggests that he had close ties with Soviet and Russian intelligence," said Michael A. McFaul, a former American ambassador to Moscow. "You know who else does? Putin. My guess is that Putin wants to liberate his comrade. Loyalty among these folks, the Chekists, runs deep."

Still, even after the U.S. offered up Mr. Bout, Russia seemed to be playing hard to get. After Mr. Blinken said he was ready to talk with Mr. Lavrov for the first time since the invasion of Ukraine, Russian officials indicated they were in no hurry. Mr. Lavrov "will pay attention to this request when time permits," his spokeswoman, Maria Zakharova, said on Thursday. "Now he has a busy schedule of international contacts."

Some veteran hostage negotiators were perplexed that Mr. Blinken made the offer public. "It is baffling why the U.S. would announce this proposal in the midst of the negotiations," said Rob Saale, the former head of the F.B.I.-led Hostage Recovery Fusion Cell. "If you're in sensitive negotiations why would you want to air this out publicly? It makes me wonder if the Russians haven't already declined the deal."

The trade in soldiers, spies and hostages has been vexing American leaders since before independence, when General George Washington quarreled with the Continental Congress over a prisoner exchange with the British. Jimmy Carter's failure to negotiate the release of hostages held by Iran cost him re-election as president, and the man who beat him, Ronald Reagan, later got in trouble for trading arms for other hostages controlled by Iranian groups.

During the Cold War, American and Russian leaders traded captured spies — and sometimes journalists or other civilians accused of being spies who were seized for leverage.

“As a general rule, we shouldn’t reward hostage takers with prisoner swaps as it only incentivizes hostage taking,” Mr. Bash said. “Exceptions should be exceedingly rare and only when other diplomatic efforts are exhausted.”

The Biden administration’s decision to offer a swap for Ms. Griner may rile some of America’s allies, which have held the line in their own hostage situations, including on behalf of the United States. A case in point: Nine days after Canada arrested a Chinese executive of Huawei in 2018 at the request of the United States, China seized two Canadian businessmen.

For nearly three years, Canada resisted linking the cases despite enormous public pressure to bring its citizens home until the United States finally agreed to let the Huawei executive return to China last year after admitting wrongdoing in a fraud case. The Canadians were freed at the same time.

Among those who say that prisoner swaps should not be controversial is Trevor R. Reed, a former U.S. marine who was just freed in April from Russian custody in exchange for a Russian pilot serving a lengthy prison term in the United States on cocaine trafficking charges.

“The thing that you have to understand is countries like North Korea — Russia now, obviously, China, Syria, Iran, Venezuela — countries like that are going to take Americans hostage no matter what,” Mr. Reed told CNN’s Jake Tapper in May. “And even if they don’t receive some type of exchange for those prisoners, they will do that anyway just out of pure malice just to show the United States that, ‘We took your citizens.’”

For their families as well, the choice looks different than for geopolitical figures worried about the precedent. “It’s a hard call, and fortunately I’m not the president of the United States,” David Whelan, Paul’s brother, told Fox News on Thursday. “But if the president makes that difficult decision, I would absolutely support Paul’s release if that’s the outcome.”

In recent years, the U.S. government has sought to create a more systematic approach to such situations. President Barack Obama signed an executive order in 2015 creating a special presidential envoy at the State Department dedicated to bringing home wrongfully detained American citizens.

President Donald J. Trump signed legislation in late 2020 shortly before leaving office codifying the special envoy and directing the State Department to evaluate every case of an American detained overseas to determine if they are being held illegitimately and refer those who are to the hostage affairs office.

Just this month, Mr. Biden signed an executive order building on the 2020 law to provide support for families of Americans wrongfully detained or held hostage overseas and to authorize financial and travel sanctions on those who are deemed responsible.

But Jared Genser, a longtime human rights lawyer who represents Americans held by foreign governments and has advocated some of the changes, said the reforms have not gone far enough. He has sent a proposal to Mr. Blinken and Jake Sullivan, the president's national security adviser, urging a multinational agreement to facilitate joint responses to hostage taking, so that if a citizen of one signatory nation were wrongfully detained, many nations would take common action against the perpetrator. He also outlined the idea in a Wall Street Journal guest essay.

"In essence, since '79, we are over and over and over again trying the same failed approach to recover our hostages," Mr. Genser said in an interview. "We do this on a case-by-case basis, country by country, with blinders on as we do these negotiations. If a case gets a lot of public profile, it gets more resources and attention. But if you can't get higher profile, you get no or little help at all."

It was time, he said, to try to "end hostage taking once and for all."

Adam Goldman contributed reporting.