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PERJURY: THE HISS-CHAMBERS CASE: By Allen Weinstein. New York, New York: Alfred A. Knopf. 1978.

*Reviewed by Gordon H. Wentworth**

The confrontation between Alger Hiss and Whitaker Chambers in 1948 helped to create a political and intellectual divide in the American public which has never been fully bridged. The conviction of Hiss on two perjury counts officially vindicated Chambers' charges that Hiss had been a secret member of the Communist party actively involved in espionage during the late 1930's. A large part of the liberal establishment, however, refused to accept the conviction and their doubts have been kept alive to this day.

The charges were first publicly aired in 1948 when, what Winston Churchill described as the "iron curtain" was clanging shut across Europe. Russian financed spy systems and other illegal activities surfaced in the United States and in Western European countries. By the time of the Hiss conviction in 1950, the American supported but decadent Chinese government of Chiang Kai-shek had been overthrown after a twenty-year struggle by Communist revolutionary forces. Many conservatives became persuaded that New Deal reformers, generally liberal and idealistic, were untrustworthy because of their disinclinations to react aggressively to "the Communist menace." Chambers, a religious man, politically conservative and militantly anti-Communist, and Hiss, a socially polished and intellectually gifted New Deal liberal, symbolized the political dichotomy of the day.

If the Chambers-Hiss confrontation had not become so polarizing an issue, the American public would have accepted the guilt of Alger Hiss long before Professor Alan Weinstein completed *Perjury: The Hiss-Chambers Case*. The book so conclusively documents Hiss' guilt that there is no longer any doubt as to the justice of the jury's verdict.

The organization of the material in *Perjury: The Hiss-Chambers Case* is not as logical and coherent as it ought to be.

* Partner, Robinson Donovan Madden & Barry, P.C. in Springfield, Massachusetts. A.B., Lafayette College, 1957; J.D., Yale Law School, 1960. The book itself is extensively footnoted. The author of this review has not examined the original source material, and therefore footnotes will normally be given only to the book itself.

Frequently, various facets of the same incident or testimony are discussed in widely scattered portions of the study. It is as if different chapters were at one time independent magazine articles which have been stitched together into one comprehensive work. The book seeks to deal with the committee hearings and the subsequent trials, with the biographical details of each of the principal protagonists, with the underground party during the 1930's, and with the various evidentiary points in dispute without ever synthesizing the material successfully. This deficiency, in fairness, is far more noticeable to someone attempting an extended study than to the casual reader.

The presentation appears to be comprehensive and thorough in its scope and search for detail. The case cannot be treated in isolation and Professor Weinstein, to his credit, has recognized the political and historical background that made the case so important. Many leads have been followed, primarily for the purpose of documenting the underground party activities and Chambers' activities in it. Weinstein has been less successful in providing the conclusive confirmation of Hiss' involvement in espionage that would have silenced even the most unrelenting of critics. Although the presentation is fair to both sides, it will not please those who continue to campaign the Hiss cause. A brief review of the facts surrounding the Hiss-Chambers case as documented by Professor Weinstein will provide the background needed for an element by element evaluation of the strength of the case against Alger Hiss.

Hiss did not appear to be the likely spy considering his educational background at Johns Hopkins University and Harvard Law School, his membership on the Harvard Law Review, and his clerkship with Justice Oliver Wendell Holmes. During the 1930's he had acquired an excellent reputation in increasingly important State Department positions in Washington. Such distinguished persons as Supreme Court Justices Felix Frankfurter and Stanley M. Reed, and Secretaries of State Dean Acheson and Edward Stettinius were among those who admired his ability and supported him during his government career. A large part of the Hiss defense was based on the public's general disinclination to believe that so prominent an individual as Alger Hiss would pursue a career as a spy.¹ Such a defense, while tactically sound in a trial, tended to

1. In addition to highlighting Hiss' sterling credentials, the Hiss defense at

obscure a more careful review of the real facts in contention.

In the middle 1930's Chambers was a Communist party functionary and courier between several party cells composed primarily of sympathetic employees of the United States government in Washington, D.C. and his Soviet contacts.² A small group of promising government bureaucrats was organized in 1934 in Washington, D.C. by Harold Ware to discuss Communist theory and policy, and possibly to engage in low-level espionage. Chambers alleged that Hiss was a member of this group, the Ware Group, and that, after joining the State Department in 1936 as assistant to the Assistant Secretary of State, Francis B. Sayre, he began transmitting State Department documents or summaries thereof to Chambers. Chambers in turn had the documents photographed and delivered to his Russian espionage leader for transmittal to Moscow.

In early 1938, Chambers defected from the Communist party. A few years later he joined *Time* magazine where he eventually became a senior editor. Chambers' own early family life had been extremely unstable; his brother committed suicide and his parents separated during his childhood. Later he entered into a number of secret homosexual experiences and led a sometimes overly dramatic life as a Communist underground agent. Despite this turbulent childhood, however, he was an exceptionally gifted writer and translator and was fluent in a number of languages.³

On several occasions, after leaving the party, Chambers warned various government officials of the Communist influence in

both trials was largely based upon an attempt to prove Chambers to be an unstable homosexual liar. The psychiatric testimony was probably ignored by the jury, but defenders of Alger Hiss, normally so sensitive to the civil rights of others, apparently were largely indifferent to Hiss' defense efforts to destroy Chambers. Pp. 377-84, 439-40. Ironically Hiss had nearly as troubled a life growing up as Chambers, at least judging by external circumstances. His sister committed suicide shortly after her graduation from college and his father committed suicide when Alger was three years old by slitting his throat with a razor. Pp. 72-77. If the psychiatrist who testified on Hiss' defense as to Chambers' mental condition applied the same criteria to Alger Hiss, he might have been dismayed by the results of his analysis!

2. Chambers wrote a detailed account of his life as a Communist in *W. CHAMBERS, WITNESS* (1952). Portions of the book appear to be romanticized and somewhat fictionalized, but the basic outline has been independently verified from other sources.

3. Chambers wrote many of the principal cover stories for *TIME* magazine, such as The Man of the Year stories and many of the long and generally distinguished articles in *LIFE* magazine and *TIME* magazine such as *Medieval Man*, *The Age of Exploration*, and stories on Reinhold Neibuhr and Albert Einstein. P. 348.

the federal government.⁴ Although he did not focus on Alger Hiss, Hiss was mentioned as early as 1939 in a detailed briefing given by Chambers to Adolf A. Berle, President Roosevelt's security advisor.

In early 1948, the House Un-American Activities Committee (HUAC), with Richard Nixon as its most junior Republican member, received testimony from Whitaker Chambers publicly identifying Alger Hiss as a member of the Ware Group in the 1930's. Espionage was not mentioned. Hiss immediately denied the allegations at a committee hearing and initially denied knowing Chambers as well.⁵

When it became apparent that the hearing had not completely discredited Chambers' accusation, Hiss initiated a slander suit. In response, Chambers produced documents, both in Hiss' handwriting and from Hiss' typewriter, which contained summaries and reproductions of State Department cables from the early months of 1938. Chambers claimed to have retained these documents as a lifesaver after his defection at that time. Hiss was then indicted on two counts of perjury for denying, before a grand jury, that he had turned documents over to Chambers in February and March of 1938, and for denying that he had met with Chambers during that period. The statute of limitations had run on the crime of espionage, but the perjury indictment involved many of the same issues.

The first perjury trial started on May 31, 1949 in New York City and resulted in a hung jury voting 8-4 for conviction. The second trial commenced on November 17, 1949 in the midst of an escalation of the cold war. Hiss was convicted and sentenced to five years in prison.⁶ He has steadfastly refused to admit his guilt, and

4. The date of Chambers' defection is a subject of some dispute. On a number of occasions prior to consulting the so-called Pumpkin Papers, Chambers testified that he defected in 1937. If he did completely cease any party activities by January 1, 1938, the manner of obtaining documents from Hiss, which related to State Department documents dating from the spring of 1938, would appear to be open to serious question. Weinstein concludes that Chambers ceased all party activities in the spring of 1938, although he was disillusioned with the party and had defected intellectually in 1937. Pp. 312-14.

5. Eventually it was established that Hiss and Chambers had indeed known each other during the 1950's. Hiss positively identified Chambers as "George Crosley" after examining his teeth at a HUAC hearing in New York City on August 17, 1948. Pp. 34-36. Earlier, however, the Vermont landlord of the Hiss family during their annual summer vacation recalled Priscilla Hiss speculating that Chambers was "George Crosley" on the first day that Chambers testified about Hiss on August 3, 1948. Pp. 8-9.

6. The evidence in the second trial was somewhat more favorable to Chambers in that Judge Goddard was more generous in allowing testimony in, and Justices

was even readmitted to the Massachusetts Bar a few months ago, although the understanding was that he would not resume the actual practice of law.⁷

Analyzed in a logical fashion, the principal elements of Chambers' story can be isolated as follows:

A. Chambers was an active Communist party member involved in clandestine work for the party in the 1930's in Washington, D.C.

B. The Communist party had organized a group known as the "Ware Group," consisting of promising bureaucrats in the federal government, for the purposes of studying Communist doctrine, influencing government policy, infiltrating the bureaucracy, and possibly to carry out espionage.

C. Hiss was a member of the Ware Group in the middle 1930's and was subject to Communist discipline.

D. Chambers acted as a courier by helping to transmit information to his Russian paymasters from Communists and sympathizers in the federal government.

E. Hiss provided Chambers with classified information from the State Department. Chambers delivered this information to Russian agents for delivery to Russia.

There are a number of ways of evaluating the general outlines of Chambers' story. Chambers himself told essentially the same story to Adolf A. Berle, the Assistant Secretary of State in charge of security matters in 1939. Berle left detailed notes which finally found their way into FBI files in 1943. Chambers made these accusations long before the cold war made such charges fashionable. Moreover, since Hiss was only one of about twenty names referred to by Chambers⁸ and recorded in Berle's notes, it seems unlikely

Frankfurter and Reed did not appear as character witnesses. Moreover, prosecutor Murphy did not hang his entire case on belief in the veracity of Chambers; he relied more on the argument that the documents spoke for themselves. The cold war had also heated up with Russia's explosion of the atomic bomb in September 1949. The principle defense attorney was Claude B. Cross of Boston. A skillful but less dramatic, and probably less effective, in the circumstances, combatant for Hiss than Lloyd Paul Stryker had been at the first trial. Finally, at the first trial the jury foreman was very partial to Hiss from the start and hung out for acquittal to the end. *See generally* pp. 412-502.

7. Newspaper reports at the time speculated that Alger Hiss was the first convicted felon ever readmitted to the Massachusetts Bar.

8. Pp. 64-65. The attitude of Roosevelt's principal security advisor in the face of Chambers' allegations is incredible to fathom. He apparently did not convey the information to anyone until 1943 when it was delivered to the FBI at the request of the agency, which did nothing for several additional years. Weinstein clearly substantiates the allegation that during the 15-year period ending in 1947 or 1948, those

that Hiss was the object of some special and obsessive desire by Chambers to single him out for destruction. Chambers' report to Berle was later substantiated by enough other persons involved, including members of the Ware Group⁹ itself, to clearly and convincingly document elements A and B above.

The evidence to substantiate Chambers' claim that he was a Russian courier and transmitted secret documents was dramatically and convincingly established when he provided the so-called "Pumpkin Papers" in 1948. These papers included notes handwritten by Alger Hiss relating to State Department documents, and sixty-five pages of retyped State Department cables. They dated from late 1937 to early 1938, and had been concealed by Chambers since that date in a dumbwaiter in the apartment of a relative in New York City. Chambers broke with the Communist party during the period that these documents came into his possession. His claim that he acted as a courier was substantiated by Julian Wadleigh¹⁰ and Franklin Reno,¹¹ who both admitted providing docu-

responsible for internal security were not realistic in their assessment of Communist influence in their areas of responsibility. Had they been more vigilant at that time, the Red Scare might have never developed after the Second World War.

9. The Ware Group is alleged to have consisted of Chambers, Lee Pressman, John Abt, Charles Kramer, Nathan Witt, Alger Hiss, Harold Ware, J. Peters, Nathaniel Weyl, John Herrmann, Henry Collins, John Donovan, Victor Perlo, and possibly others. *See generally* pp. 132-57. Not all the persons who described the Ware Group mentioned all the names listed herein. J. Peters was eventually deported after having been identified as a Russian Communist representative in this country by a number of persons in deportation hearings. *See* pp. 59-62. Ware died in 1935 in a car crash. *See* p. 135. Pressman, Victor Perlo's wife, Weyl, John Herrmann's wife, and possibly others all corroborated many parts of the Chambers' allegations as they related to elements A and B. Others named by Chambers, including John Abt and Nathan Witt, pleaded the fifth amendment when asked whether they had been members of the Communist party. *See* p. 40. Of course, one must be careful when making assumptions based on the fact that a witness chose to exercise his fifth amendment rights.

Both PERJURY and this review, however, are written from a historical rather than a legal perspective. Much of the information which is persuasive to a historian has no relevance in a trial. For example, in the context of the late 1940's, the protection of the fifth amendment against self-incrimination was probably not claimed very often as a matter of abstract principle. The approbation which befell anyone who refused for fear of self-incrimination to answer the often posed question, "Are you or have you ever been a member of the Communist party?" was severe. Therefore, the privilege was not likely to be claimed unless there was an overpowering reason for claiming it such as potential dismissal from employment or criminal prosecution. Such awareness of circumstances is relevant to a historian but not necessarily to a trial judge or a jury.

10. Pp. 432-33, 473-77. Claude Cross tried to establish Wadleigh, also a State Department official, as a source of the documents. Wadleigh declined the dubious honor for some convincing reasons.

11. Pp. 236-37.

ments to Chambers. Two photographers who worked in the spy ring and reproduced documents for Chambers also substantiated his story.¹² Thus item D in the above list seems well documented.

The remaining elements, items C and E, involved the question of whether and to what extent Hiss was directly or indirectly involved in the activities described by Chambers. Much of the evidence relating to item C above turned on the nature of the relationship between Hiss and Chambers. Hiss initially denied having known Whitaker Chambers. Subsequently, he acknowledged a relationship with a "George Crosley" who Hiss later acknowledged to be the same person as Whitaker Chambers.¹³ He claims to have known Crosley as a writer and reporter during the middle 1930's. Chambers, on the other hand, denied using the name Crosley and further stated that his relationship with Hiss was that of a fellow conspirator in the Communist party, and not that of a reporter.

Immediately after Chambers' initial testimony before the HUAC, Hiss denied the charges, and more importantly denied, so far as he was aware, knowing Chambers himself. Both the HUAC and Chambers immediately realized that if Chambers could not establish the existence of close ties with Hiss as he had alleged, his charges would be severely discounted, if not dismissed entirely. Hiss' denials seemed plausible because Chambers was sufficiently different in personality, behavior, and interests from Hiss to make a normal social or professional relationship between them unlikely. In time, however, Chambers substantiated a rather close friendship with Hiss which included the subletting of an apartment from Hiss, the gift of an oriental rug to Hiss by Chambers, and the gift, according to Hiss, of a car to Chambers.¹⁴

12. Pp. 233-35.

13. Pp. 44-45. Hiss was unable to find one other person who claimed to have known Chambers as Crosley during the period in question. Since the pseudonym, if used, was used in a public manner as a newspaper reporter and writer, the failure of Hiss to corroborate the name casts doubt upon the entire story.

14. Pp. 212-28. In December of 1936, Chambers gave \$876 to Meyer Schapiro, a Columbia art history professor and close friend from his college days. Schapiro purchased the four Bakhara rugs from Soviet Turknesistan and shipped them to George Silverman, a government employee in Washington. Hiss, Wadleigh, Harry Dexter White, and Silverman ended up with the rugs in January of 1937. Chambers claimed they were gifts from a grateful Colonel Bykov, his Russian superior. Hiss acknowledged the gift but claimed it was for repayment of rent and was received in late 1935, a clear impossibility. Wadleigh was a confessed spy. Chambers possessed handwritten notes on Treasury Department activities in the handwriting of Harry Dexter White which he revealed in 1948. He was identified by a number of persons

The HUAC followed Congressman Nixon's suggestion that he, Nixon, be appointed to head a subcommittee to determine whether Chambers could substantiate his claim of having known Hiss during 1934-1938.¹⁵ Chambers then told the Committee that his recollection was that Hiss had owned an old and run down Ford which he had insisted upon donating, in some fashion unclear to Chambers, to the Communist party for its own use. Chambers claimed that the transaction had taken place in 1936 after Hiss had purchased a new Plymouth. He further alleged that he and his boss in the party, J. Peters, had opposed the donation, but that Hiss had insisted on going through with the transaction.¹⁶

Subsequent to the interrogation of Chambers that satisfied the Committee that Chambers had indeed been at least an acquaintance of Hiss, Hiss was again questioned in executive session. At this session, after some initial indecision by Hiss, he finally suggested that he might have known Chambers under the name of George Crosley. He then stated that "George Crosley" had subleased for a short time an apartment from the Hiss family in June of 1935. Hiss then testified that he had sold or given an old Ford to Crosley as part of the rental transaction.¹⁷

The facts, as they later developed, were that on September 7, 1935 Hiss purchased the Plymouth. Until that time, the Ford was the only car he owned. Therefore, it is highly unlikely that he would have given or sold it to Crosley in June of 1935. Moreover, Hiss had acquired the Plymouth several months after Crosley ceased to occupy, on a sublease, the apartment that Hiss had rented to him.¹⁸

At this juncture the claim made by Hiss as to the disposition of the old Ford had been largely discredited. But what of the Chambers version? Motor vehicle records disclosed that on July 23, 1936 Hiss had signed a title certificate transferring the automobile to a Washington, D.C. car dealer. The dealer had, in turn, transferred the car to one William Rosen the following day. The trans-

as an occasional informant for the party. Silverman pleaded the fifth amendment when asked by HUAC if he had been a Communist. P. 22.

15. Richard Nixon's role in the proceedings was important, but despite later claims to the contrary, he was at no time Richard the Lion Hearted. On one occasion, he left Washington on a cruise to the Caribbean at a crucial time to avoid the possible damage to his political career. *See* pp. 186-95.

16. P. 21.

17. Pp. 30-31, 46-47.

18. Pp. 46-47.

fer, however, was not recorded on the books of the dealer.¹⁹ This suggests that a salesman helped facilitate the transfer as a favor. Rosen subsequently claimed the fifth amendment before the HUAC when asked if he was in 1936 a member of the Communist party and if he had participated in the car transfer. The following day he admitted to party membership in the 1920's but not in 1936.²⁰ In 1949, Rosen's attorney provided one of Hiss' attorneys, Edward C. McLean, a partner in the distinguished New York firm of Debevoise, Plimpton and McLean, with the following explanation which McLean recorded in a memo for the defense files:

Emmanuel Bloch, attorney for William Rosen, told me the following [facts] today. Rosen does not know Hiss. Rosen did lend himself to a dummy transaction concerning the Ford car. Apparently Rosen did not sign the title certificate dated July 23, 1936. It is not clear whether Rosen knew at the time that his name would be used in this transaction. However, at some later date, a man came to see Rosen and told him that the title certificate to the Ford was in Rosen's name and asked Rosen to sign an assignment of it to some other person. Rosen did this. The man who came to see Rosen is a very high Communist. His name would be a sensation in this case. The man who ultimately got the car is also a Communist. Bloch implied that Rosen was a Communist too but did not say so expressly.²¹

The attorney for Rosen was the same Mr. Bloch who had defended J. Peters, allegedly the leading Communist party agent in the United States, in deportation proceedings, and later represented Julius and Ethel Rosenberg, acknowledged party members, in their espionage trial.²² Most, if not all, of the testimony relating to the above facts was excluded from evidence in the first trial, which resulted in a hung jury, but was admitted in the second trial which resulted in a conviction.

One problem with Hiss' explanation of the transfer in 1935 was

19. P. 47.

20. Pp. 52-53.

21. P. 53.

22. *Id.* The Rosenbergs were both active members of the party, which was clearly involved in their defense in their espionage case. It is highly unlikely that Mr. Bloch, a relatively obscure New York attorney, and Mr. Rosen, an equally obscure owner of a dry cleaning establishment in Washington, D.C. would have been brought together for the HUAC hearing if they had not claimed the same party ties. It seems likely that Mr. Bloch knew enough of party affairs to have been in a position to obtain accurate information on such a matter from party officials. Obviously, Mr. Rosen was not the sole source of his report to Mr. McLean.

that it allegedly took place at a time that he had no other automobile. Furthermore, the assignment for no direct consideration was to a person who, according to Hiss, was only a casual acquaintance. Moreover, there was no bill of sale or other documentary evidence to support the assignment to Chambers. Later, after Hiss had been forced to acknowledge a far more extensive and long lasting relationship with Crosley than he had first testified to, he adjusted his testimony by stating that he had let Crosley pick up the car in the spring of 1936.²³

If the story told by Hiss was unsubstantiated and was altered by Hiss as time went on, the story told by Chambers was consistent from the beginning and was corroborated by independent documentation. Moreover, it was highly improbable that the car, if sold by Hiss to a car dealer, would be acquired by an individual who had admittedly been a party member and who, according to his own attorney, acted as a straw for the party. Since Hiss was so meticulous an attorney in other details, it was also unlikely that he would have sold or given a car to Crosley without ever having transferred title. The most likely explanations are that Hiss either did what Chambers alleged, or that Chambers arranged the disposition of the car and Hiss went along with it without realizing who the ultimate beneficiary was to be.

The net effect of the unfolding evidence was to create the clear impression that Hiss and Chambers enjoyed a rather close relationship over a period of time as Chambers had claimed. A fair reading of the testimony, and especially of the early unsuccessful efforts of Hiss to deny any friendship with Crosley, substantiates Chambers' extremely damaging allegations.

At the first perjury trial there was no independent corroboration for element C, Chambers' allegation that Hiss was a member of the Communist underground. At the second trial, Hede Massing, an admitted former Soviet agent, testified that she had met Hiss at the home of Noel Field²⁴ in 1935 where his party role was jokingly discussed. Massing was actively involved in underground work and identified Hiss as a fellow participant, but her testimony was sharply challenged. Therefore, at the trial itself, the only evi-

23. P. 482.

24. At that time, Field was at the very least, a party sympathizer, as well as a friend of Hiss. Later he left the State Department to work for the League of Nations in Geneva, Switzerland, where he became an active Soviet agent. *See* pp. 198-206. Field did not testify because he had stayed in Europe, and by the time of the trial had vanished into Czechoslovakia. *See* pp. 202, 477-78.

dence of any substance as to Hiss' membership in the Ware Group was the testimony of Chambers himself.

After the trial, one member of the Ware Group, Nathaniel Weyl, admitted his role and identified Hiss as a member of the group in interviews with the FBI in 1950.²⁵ Josephine Herbst, the wife of another member, and a writer, also identified Hiss as at least a marginal member of the Ware Group in 1934.²⁶ The corroboration that has developed independently of the testimony of Chambers is not overwhelming. Therefore, substantiation of element C, the participation of Hiss in the Ware Group depends largely upon the credibility of Whitaker Chambers.

On November 14, 1948, Whitaker Chambers arrived at the New York residence of his nephew's mother where he retrieved from an envelope secured in a dumbwaiter a collection of documents, filmstrips, and undeveloped film.²⁷ The collection included four sheets of paper in the handwriting of Alger Hiss summarizing State Department documents, sixty-five typewritten pages summarizing or copying other State Department documents, all typed on Hiss' typewriter, four pages written by Harry Dexter White, a Treasury Department official, and the film.²⁸

At the time Chambers retrieved these documents, which he had hidden in early 1938 after his defection from the party, he was being subjected to a very thorough and grueling examination by Hiss' attorney in the slander suit that Hiss had brought a few months before. In effect he was being challenged to prove his charges, which at the time did not include allegations of espionage, or retract them. When he presented the documents in a subsequent deposition hearing, no one expected that he would so sharply escalate the issues in the slander suit by introducing the matter of espionage. A few weeks earlier, Chambers had testified in a grand jury hearing in New York that he had no direct knowledge of espionage. Therefore, the delivery of the documents, copies of which were promptly delivered to the Justice Department, helped in his defense in the slander suit but exposed him to a possible perjury indictment.

Hiss' eventual conviction rested largely on the strength of these documents. The typed documents were typed on the

25. See p. 136.

26. See pp. 137-41. Her recollections have been deposited at Yale University and are particularly detailed and devoid of any self-serving motive.

27. Pp. 172-73.

28. Pp. 237-63.

Woodstock typewriter that Hiss had owned during the period in question. This fact was confirmed through comparison of samples of other documents admittedly typed by Priscilla Hiss on the Woodstock with some of the documents produced by Hiss. This point was never contested at either trial.²⁹

Careful investigation by Professor Weinstein, together with a review of existing evidence provides further incriminating facts and inferences regarding the connection between these documents and Alger Hiss:

(1) The material produced by Chambers included four pages in the handwriting of Harry Dexter White, microfilm of Navy Department information relating to weapons systems, and some trade documents from the State Department which may have come from Julius Wadleigh, also an agent for Chambers. Thus it seems clear that Chambers was receiving unauthorized information from a number of sources at that time. Once it is conceded that Chambers was receiving secret information from several sources, it is far easier to accept the possibility that Chambers was also receiving similar information from others. Similarly, if the argument is to be seriously considered that Chambers either had a new typewriter constructed to duplicate the Woodstock or in some other way had caused the documents to be typed on the original Woodstock for the purpose of framing Hiss, did he plan to do the same with White? And what of Julius Wadleigh. He confessed! Confirmation that Chambers was receiving such documents also comes from two photographers who worked for Chambers during this period.

(2) The question arises as to when the documents were obtained by Chambers. Were at least some of the documents clearly in his possession around the time he claimed to have received them? One of the documents, in the handwriting of Hiss, was a copy of a cable from the American Embassy in Moscow to Secretary Hull in Washington. In late 1938, Chambers wrote an article entitled *The Faking of Americans: The Soviet Passport Racket*. In it he reproduced, almost verbatim, the cable which had been received by the State Department on or about January 28, 1938, and which Hiss had recopied in his own handwriting. The contents of the cable were secret. Therefore, as early as the fall of 1938 there

29. Pp. 255-63. Moreover, defense file memorandums state that two experts hired by Hiss also believed that Priscilla Hiss was the typist. No attempt was made in either trial to identify the typist, although, if the opinion of all of the experts had been known the Hiss defense would have been even more hard pressed.

is strong evidence that Chambers possessed at least one document which could be directly traced back to Hiss because it was in Hiss' own handwriting.³⁰

(3) Chambers has stated that he retained the material in question as protection against any threat on his life. On several occasions he made reference to this material in letters to one of his few friends following his break with the party. Moreover, in early 1939 he delivered a warning to the party through Felix Inslerman, a former photographer for Chambers. Inslerman read the letter and copied part of it which he later turned over to the FBI after his defection. Mr. Inslerman later recalled that some filmstrip was enclosed with the letter. The retention of the material as a form of potential blackmail made obvious good sense and was corroborated by competent evidence.³¹

(4) Of necessity, Hiss had to deny authorship of the typed documents. The handwritten documents he could not deny. Was there a relationship between the two types of documents which would suggest the same authorship? Edward McLean, one of the attorneys for Hiss, reported that the typewritten documents,

are very similar in form to the handwritten notes, and would appear to be typed copies of such handwritten memos. From the fact that these memoranda are similar in their structure to the handwritten memos admittedly written by Hiss, it would appear that the typed memos had originally been written by Hiss.³²

Nearly all of the documents had originally been routed through the office of Francis Sayre, for whom Hiss was acting as an assistant at that time. Sayre denied ever requesting memoranda of that character or frequently copying portions of cables.³³ Finally, some of the typed documents included handwritten interlineations. One defense expert thought Priscilla Hiss had made the written changes.³⁴

Another way of illustrating the strength of the documentary evidence is to consider the possibilities if Chambers had tried to frame Hiss. Chambers could hardly have used the Woodstock typewriter because the pattern of typing, which is almost as recognizable as one's handwriting, would not have been the same as that of Priscilla Hiss. For the same reason, he could not have con-

30. Pp. 241-50.

31. Pp. 320-26.

32. P. 258.

33. Pp. 247-51.

34. P. 262.

structed another typewriter. Moreover, he could not have fabricated any handwritten material for the same reason. He would have had to resort to original documents or photographs of such documents. He would have needed access over a period of time to those documents that were passing the desk of Alger Hiss that were of interest to the party. If he had succeeded in producing documents or copies of documents that Hiss, along with many other State Department officials had seen, it is still highly unlikely that Hiss would have been indicted because the documents could not have been attributed to Hiss alone. Chambers' word by itself would not have been sufficient to persuade the grand jury to indict Hiss for perjury, even if he had produced original documents or copies thereof.

The actual documents that Chambers produced were much more intimately connected to Hiss than photographed original documents would have been. Many were in his own handwriting, while others were typed on his typewriter, quite probably by his wife. Because Hiss never offered evidence of some explanation for the documents consistent with his innocence, he was convicted.³⁵

One of the popular impressions of the Hiss case is that Chambers, and Chambers alone, initiated and provided the sole evidence for the charge that Hiss was involved in espionage. However, there is much peripheral material, some of it hearsay in nature, some of it merely suggested, that points in the same direction, which clearly did not emanate from Chambers. Most, if not all of this evidence was not admissible at either trial, but remains at the very least, interesting to the historian.

For example, William C. Bullitt, when ambassador to France, warned the State Department between 1940 and 1943 that he had

35. During the course of writing this review the author had the opportunity to discuss the book and the case briefly with Irving Younger, an experienced trial attorney, a professor of evidence at Cornell Law School, and a co-plaintiff in the suit brought by Professor Weinstein under the Freedom of Information Act. Professor Younger delivered a lecture at Western New England College School of Law which consisted of a narrative of the trials and an evaluation of the evidence. He concluded that the circumstantial evidence relating to the car transfer, the gift of a rug to Hiss, and a disputed loan to Chambers were helpful but not crucial in and of themselves. In his mind the decisive factor for the jury was the typed documents. Hiss has still not been able to offer any plausible alternative explanation for the possession of these documents by Chambers. He also emphasized that the location of the typewriter was not important because the identity of the typewriter was confirmed by comparison to other letters and reports concededly typed by Mrs. Hiss on the same typewriter. Thus the search for the Woodstock typewriter by both the FBI and Hiss' attorney was only an interesting diversion of no real importance at either trial.

learned from French sources that Hiss was a Communist agent.

In 1945, a Russian code clerk in Ottawa, Canada defected and described the existence of a large Soviet espionage system in North America. He stated that the Russians had placed an agent as an assistant to the Secretary of State, Edward Stettinius. Hiss was one of his assistants.³⁶ Approximately the same time, self-confessed former spy, Elizabeth Bentley, independently made similar accusations about Hiss.³⁷ Other former Communists such as Lewis Budez, Ralph De Sola, and George Hewitt either stated that they had known or had heard from others in the party that Hiss was a member of the party in the 1930's.³⁸

Harold "Kim" Philby, after defecting to Russia, wrote a memoir on his spy activities in which he said, "It was also the era of Hiss, Coplan, Fuchs, Gold, Greenglass, and the brave Rosenbergs—not to mention others who are still nameless."³⁹ Philby is likely to have been in a position to know if Hiss was in the same league as the others named, especially since the book was written in Moscow.

Noel Field, a friend of Alger Hiss and a former State Department employee, was a Soviet agent in the late 1930's and early 1940's. He was arrested and imprisoned by the Russians in Czechoslovakia. He and his wife both identified Hiss as a fellow Communist underground agent during the 1930's.

In 1945, in a discussion between Secretary of State Stettinius and Andre Gromyko, the Soviet official suggested that Hiss be appointed temporary Secretary General of the United Nations. At that time there were not many, if any, American officials about whom the Russians had a kind word to say.

In fairness, however, it is interesting to note that direct corroboration for the espionage charge itself has not been forthcoming. *Perjury: The Hiss-Chambers Case* is as thorough and fair-minded a study as one can hope for at the present time. When the records of the HUAC become available they may provide further insights into

36. P. 356.

37. *Id.* As the result of such allegations, senior security officers and State Department officials became so alarmed that they eventually but surreptitiously attempted to remove Hiss from the flow of sensitive information and later encouraged his resignation in January of 1947. Pp. 357-68.

38. P. 360.

39. *Id.* The significance of the reference is that Philby in complimentary language described a group of individuals that he considered to be fellow Communist conspirators. All of those named were later convicted of espionage or some related crime.

the politics of the post-war era, but they are not likely to change the outline of the story. Perhaps other members of the Ware Group will step forward or leave memoirs which strengthen Chambers' story as it relates to the early 1930's and Hiss' involvement in the underground party before he joined the State Department. Perhaps there is already some documentation which Professor Weinstein was not privy to which names Hiss as a spy. Perhaps this proof is yet to come. Nevertheless, whether more evidence is forthcoming or not, it seems unlikely that new evidence will prove helpful to Alger Hiss. The verdict of a jury of his peers and of history itself are the same—guilty as charged.