

Spex Club

Summary

"LIAR"

Robert C. Wood, III

April 4, 1985

On August 3, 1948, at a hearing before the house Un American Activities Committee, Whitaker Chambers, an ex-communist, identified Alger Hiss, a former state department official, friend of FDR and other government luminaries, as a communist during the New Deal. On August 5, Hiss appeared before the committee and denied the charges stating that he did not know anyone by the name of Whitaker Chambers. The committee was ready to drop the matter, but Richard Nixon, a young California congressman, persuaded the committee to pursue the truth. In an executive session in New York on August 16, Nixon arranged to have Hiss and Chambers meet face to face. After intensive questioning, Hiss finally admitted that he had known Chambers in the 1930's under the name of George Crosley. At a public hearing before the committee on August 25, the stage was set for an epic case - a modern Greek tragedy. Again, Hiss denied that he had ever been a communist, and he had only known George Crosley as an itinerant journalist when Hiss was working for the Nye committee in Roosevelt's administration. Hiss issued a challenge to Chambers to call

him a communist in public where he would not be protected from a suit for libel. This Chambers did on August 27 in an appearance before Meet the Press when he answered a question: "Alger Hiss was a communist and may be now."

In September, 1948, Hiss sued Chambers for libel. During a deposition, Hiss' lawyers asked Chambers whether he had any documents to prove that Hiss had been a member of the communist party. At this point in the matter, Chambers had only alleged that Hiss was a member of the communist party and had expressly denied on several occasions that Hiss had committed acts of espionage, allegedly not wanting to injure Hiss, who had been his best friend when he was a communist in the 1930's. In answer to this request, Chambers made a trip to New York and removed from a dumb waiter in the house of a friend a package of documents which Chambers said Hiss had stolen from the state department in 1937 and 1938 and turned over to him. This dramatically changed the case from one of who was telling the truth about being a communist to one of treason.

A grand jury indicted Hiss for perjury after the FBI identified that 50 of the documents had been typed on a typewriter owned by Hiss in the 1930's. After a hung jury in the first trial, a second jury convicted Hiss of perjury, and he was given a prison term.

Hiss continuously maintained his innocence during the trials and still today maintains that he was framed by Chambers who was an insane zealot and jealous of his position and reputation in the government. The paper asked the members of the club, as members of a jury, to look at the evidence again, particularly in light of the Watergate syndrome and to judge whether Alger Hiss had, in fact, been a communist and committed treason or was the victim of a diabolical plot engineered by Chambers with the connivance of government officials.

SPHEX CLUB

"LIAR"

ROBERT C. WOOD, III

April 4, 1985

Someone was lying through his teeth. The testimony of the two witnesses was in direct conflict. Yet, both protagonists had weighty credentials: one a Harvard lawyer, colleague of Holmes and Frankfurter, bright star in the New Deal, FDR's advisor at Yalta, a delegate to the organizational meeting of the United Nations, trusted friend of Secretaries of State Stettinius and Acheson, and presently President of the Carnegie Endowment for International Peace headed by John Foster Dulles; and the other - a brilliant writer, a senior editor of Time magazine, a confessed ex-communist who had functioned as a member of the communist apparatus in Washington for over seven years during the depression, and now a man with a born again passion that the struggle between communism and freedom could only be won by the triumph of Christianity over atheism. Each man was credible; but one was lying.

The first public confrontation between these ill-fated men on August 25th set the stage for an epic case - a paradigm of the modern Greek tragedy - that would pit the liberal eastern intelligentsia, symbolized by the politics of the New Deal, against the chauvenistic conservatives symbolized by the communist witch hunters. At this Committee hearing the dare was made: "I challenge you to call me a communist in public where you are not protected by the laws of of 'privilege'". This dare was answered on August 27th where on the radio program "Meet the Press", the ex-communist answered the inevitable question in a casual, unvindictive tone: "Alger Hiss was a communist and may be now".

Most of you remember the sequence of events which followed this broadcast. There were three arenas: Hiss sued his antagonist, Whitaker Chambers, for libel within the next month in a Baltimore United States Federal District Court; a federal grand jury in New York was investigating communists and espionage; and the House Un-American Activities Committee (the Committee), headed by a zealous California Congressman named Richard Nixon, was haling witnesses before it, delving into the lives of American citizens,

allegedly to expose and excise communists or communist sympathizers who had infiltrated our government.

On November 17, the bomb shell hit. The pumpkin papers, as the press alliteratively dubbed them, were turned over to the Justice Department and the Committee. Now it was not a case of who was, or was not, a communist; it was much more serious. It was a matter of treason.

Investigators from the Justice Department, the Committee and for the parties themselves frantically searched for new evidence to bolster their positions. It was 1948; it had been over ten years since the purloined state department documents had allegedly been stolen by Hiss and turned over to Chambers. Many questions were flaunted about by the pundits; why had Chambers waited for over ten years to name Hiss as a communist? Why had he withheld evidence of treason? Was he an insane zealot who had fallen out of touch with reality? How could a respected advisor to FDR, an organizer of the United Nations be a wolf in sheepskin - a traitor?

On December 15, 1948, the grand jury indicted Hiss for perjury (the statute of limitations had run for treason) - a typewriter he had given away

many years before being the most incriminating evidence against him. The first trial aborted when the jury could not reach a verdict; in a second trial - a guilty verdict and prison term for Hiss.

Yet, to this day Hiss maintains his innocence. His wife, Priscilla, even though divorced from Alger, still supports his case - both maintaining that there was a diabolical frame up of a dedicated public servant by a pathological liar, participated in by Government officials who were obsessed with the threat of communism and at the same time the aggrandizement of their political power.

So the question today remains who was lying? In 1948, no one considered that a congressman, or a president, might lie, cover up, or plot against his political enemies for his own political well-being. Public servants were thought to be above such conniving. Watergate came, disrupted our national political life, and blessedly evanesced. Yet it shattered our notion of fair play in political confrontations. There lingers the Watergate syndrome: politicians are to be suspected, rather than respected, and given the appropriate or threatening circumstances any act to promote or protect their self interest can be justified on some political theory.

Let's scrutinize the facts of this case. Keep an open mind until all the facts are in evidence (that's what lawyers tell a jury); listen to the protagonists themselves; and then you decide "who was the liar".

This drama began to unfold on August 3, 1948, when a short and pudgy, generally unkempt appearing journalist, Whitaker Chambers, appeared before the Committee pursuant to a subpoena (he had asked the Committee several months before not to require him to testify). He read his testimony in a monotone: he had been a communist in the 1930's actively working with a CP apparatus in Washington whose main objective was to infiltrate communists into influential governmental departments. He named the names of others who were active with him in the apparatus: two were real shockers: Alger Hiss and his brother, Donald. They had worked with Chambers in a group headed by Harold Ware, and then later by J. Peters, the acknowledged leader of the communist underground party in the United States. They used aliases; no one knew each other by their given name. Chambers was known as "Carl". Notably, Chambers testified that Hiss, along with Harry Dexter White, were pegged as "stars" who were going places in government service and their

influence would be of very much service to the communist party; but Chambers added, "I should make the point that these people were specifically not wanted to act as sources of information." In other words at this time he denied that they ever committed espionage. This denial would haunt Chambers within the next two months.

Chambers explained his progressive alienation from the communist party beginning in 1936; first, the pressure of events in the Soviet Union - particularly the impact upon him of the Stalin purge trials of Russian intelligence agents; second, conflicts within the communist espionage network in the United States - and third, his changing personal perception of secret work and a growing disagreement with communism ideology. After the decision to leave the party in 1938, Chambers told the Committee he pleaded with Hiss, his best friend in the party, to defect; "Hiss cried when we separated", said Chambers. But Hiss would not break with the party line.

Two days after Hitler and Stalin signed the German-Russian defense pact in August 1939, Chambers went to Washington to confess - he felt a moral obligation. But no one would listen. He finally got to speak with Adolf Berle,

Assistant Secretary of State; he told all he knew, but no one followed through. As a result, Chambers became disenchanted and cynical about the Roosevelt administration's concern about communist infiltration in American politics.

After his break, frightened for his safety, Chambers related that he and his family constantly were on the move, living in daily fear for their lives. A gun was ever present at his bedside. Every noise which broke the silence of the night brought instant panic. When he had finished, the Committee thanked Chambers for being "a splendid witness."

The day before, on August 2nd, Hiss had fore-knowledge from a reporter that Chambers was going to identify him as a communist. Hiss sent a telegram to the Committee chairman: "I do not know Mr. Chambers. . . There is no basis for his statement about me . . . I would appreciate the opportunity to appear before your committee to make this statement under oath." Hiss' appearance was set for August 5th.

Packed - this described the caucus room on August 5th. Hiss' physical appearance - handsome, relaxed, deboniar - contrasted strikingly with

Chambers' appearance. Hiss read a statement in which he unqualifiedly denied the charge by Chambers.

"I am not and never have been a member of the communist party. I do not and never have adhered to the tenets of the communist party. I am not and never have been a member of any communist front organization. I have never followed the communist party line, directly or indirectly. To the best of my knowledge I have never heard of Whitaker Chamber until 1947, when two representative of the F.B.I. asked me if I knew him and various other people. . . . I said I did not know Chambers. So far as I know, I have never laid eyes on him, and I should like to have the opportunity to do so."

- A vehement denial from the President of the Carnegie Endowment - the Committee was impressed. The accused was a friend of President Roosevelt, a star performer during the early days of the "New Deal". The reaction of most of those in attendance at the hearing was favorable to Hiss: How could this intelligent and charming ivy leaguer who had worked within the inner sanctuary of the State Department and who had enjoyed the confidences of such men as Wallace Stettinius, Dean Acheson, Felix Frankfurter and Oliver

Wendell Holmes be associated with the communist party. To the uninformed and innocent, Chambers' accusations were preposterous. The Committee itself felt embarrassed and taken in, and it was ready to abandon the case on Hiss' word alone, except for one member, Richard Nixon.

Nixon was not going to let the matter drop on a simple denial by Hiss. There was a ring of truth to Chambers' testimony. He admitted to being a communist, working in the communist underground. He had given a vivid description of the communist apparatus in Washington and had named several other gentlemen who had reached positions of national prominence, Nathan Witt, an attorney for the National Labor Relations Board, Lee Pressman who was General Counsel of the CIO (and a close friend of Hiss), and Harry Dexter White, Assistant Secretary of the Treasury.

Nixon arranged to talk with Chambers in an executive session on August 7th in New York. Nixon questioned Chambers intensively. Chambers had detailed knowledge about Hiss and his wife and their personal habits. He knew Hiss' and his wife's nicknames and that they both were amateur ornithologists; to their great delight they had seen a rare bird, a prothonotary

warbler. Hiss paid dues to the party. Chambers had stayed for a week in the Hiss' home, and Hiss had given him his apartment in 1935. In 1936 Hiss had insisted upon turning over a 1929 Ford for use by the communist party organization. This was accomplished by delivering the Ford to a car dealer who was a communist. Hiss had not known him as Whitaker Chambers, but rather under his communist party name "Carl". The Ware group often met at the apartment of Henry Collins, a former executive director of the American Russian Institute. At the conclusion of this session Nixon's faith in Chambers' story had been restored; and the Committee had a lead - the Ford automobile.

On August 16th Nixon and several committee members met with Hiss in Washington in executive session. While denying he knew any one by the name of Carl or participating in the Ware Group, Hiss admitted he made social visits to Collins' apartment. Many of the intimacies related to Nixon by Chambers were confirmed by Hiss. He was a bird watcher, and he and his wife had seen a prothonotary warbler. Nixon then showed Hiss a photograph of Chambers, and after initially denying he recognized the photograph, he said "it is not completely unfamiliar." After further probing questions, Hiss wrote

down the name of a person who he knew in 1933 and 1934 when he was a member of the Nye Committee. This man had not only spent some time in his house, but had sublet his apartment. He wouldn't have remembered this man's name except that he had seen his picture in the paper after his appearance before the Committee. His name was not Carl or Whitaker Chambers. He didn't want to reveal his name until he had a face to face meeting with him. However, after a recess and further trenchant questioning, Hiss changed his mind. He said "the name of the man I brought in - he may have no relation to the whole nightmare is a man named George Crosley. As I said, I met him when I was working for the Nye Committee. He was a writer. He hoped to sell articles to magazines about the munitions industry".

Hiss continued, "it was my job to give journalists appropriate information about the workings of the Nye Committee. This man Crosley was obviously not successful in financial terms. He had a family, one little baby and very bad teeth. Crosley rented my vacant apartment on 28th Street in June 1935, and he and his wife shared my apartment on P Street for several days before he moved to 28th Street".

Robert Stripling, an investigator for the Committee, then asked Hiss about the type of car Chambers owned at this time. Hiss again confirmed his accusers' earlier testimony by replying "no kind of automobile. I sold him an automobile. I had an old Ford that I threw in with the apartment. I had been trying to trade it in and get rid of it. I threw it in along with the rent".

Hiss continued: "I drove Chambers to New York City once, and I have seen him several times after his sublease expired in September 1935, at which time he told me he was moving to Baltimore. I made several loans to him, but Crosley failed to pay the rent or the loan. He did give me a rug, and I still have the rug. Crosley was obviously a deadbeat; and he obviously thought I was a soft touch."

The three hour session ended with Nixon arranging a public confrontation between Hiss and Crosley for August 25th in Washington. However upon reflection Nixon felt that this was too long to wait. He arranged to have Hiss meet Chambers (or Crosley) on August 17th in New York at the Commodore Hotel. Hiss was asked to come to the Commodore Hotel to speak to Congressman McDowell. Hiss arrived, accompanied by a close

friend, Charles Dollard, President of the Carnegie Foundation. Hiss was irritated at Nixon and the Committee for purportedly leaking segments of his previous days' testimony to the press. (He had expressed grave concern about this possibility to the Committee before he testified in executive session on August 16.) Nixon told him he was moving up the time of his meeting with Chambers. He then brought Whitaker Chambers into the room. Dramatically, Nixon directed both principals to rise. "Mr. Hiss, the man standing here is Mr. Whitaker Chambers, I ask you now if you have ever known that man before."

Hiss responded, "may I ask him to speak, will you ask him to say something".

Chambers gave his name and Hiss inquired "are you George Crosley?"

"No, not to my knowledge, are you Alger Hiss".

"I certainly am".

"That was my recollection."

Hiss circled his antagonist and asked him to read aloud. Chambers read from a copy of Newsweek. After careful scrutiny, Hiss said, "Chambers was probably the man he had known, but he looks very different in girth and

other appearance, his hair, forehead, particularly the jowls." He asked to look at Chambers' teeth.

Hiss repeated his earlier testimony that this Crosley was the person who had sublet his apartment; he had driven Crosley to New York once and had given him the Ford automobile as part of the rent; he had stayed overnight at his home on several occasions, and he had lent him money.

Robert Stripling was mystified: He found it incredible that Hiss could only identify a man who had lived in his apartment and to whom he had given an automobile by looking in his mouth. Stripling chided, Hiss: "now here is a person that you knew for several months. You knew him so well that he was a guest in your home . . . you gave him an old Ford automobile, permitted him to use or leased him your apartment, and in this, a very important confrontation, the only thing that you had to check on is this man's denture, is that correct? There is nothing else about this man's features which you could definitely say this is the man I knew as George Crosley, that you have to rely entirely on this denture, is that your position?"

Hiss bristled. "I am not going to make any snap judgments. I have seen thousands of people since I have known this George Crosley, hell, Crosley may have even had a face lift."

Hiss needed to ask Crosley further questions. Hiss inquired again, "did you ever use the name George Crosley?"

Chambers - "no."

"Did you ever sublet my 28th Street apartment on a rental basis."

Chambers - "No, my family did spend three weeks living in your 28th Street apartment Alger when you moved to your new apartment on P. Street."

Hiss. "How can you reconcile these two statements?"

Chambers wearily smiled: "Very easily, Alger, I was a communist and you were a communist. We had a very intimate bond. You were my best friend."

Nixon wanted clarification.

Chambers continued, "I came to Washington as a functionary of the American Communist Party. I was connected with the Ware group of which Mr. Hiss was a member. Mr. Hiss and I became friends. To the best of my

knowledge Mr. Hiss himself suggested that I go to the 28th Street apartment and I accepted gratefully."

Flushed with anger, Hiss said "Mr. Nixon I don't need to ask Mr. Whitaker Chambers any more questions. I am now perfectly prepared to identify this man as George Crosley."

He explained his relationship with Crosley: "But I didn't know that Crosley was a communist. I only knew him in my work on the Nye Committee in 1934 and '35. The political climate was different then. Being a communist was no significance to me since it was my duty to give information as I did to other members of the press."

Seething with anger Hiss complained to Nixon, "you have brought me here to the Commodore Hotel more than a decade after I had known this gentlemen to discover that the ass under the lion's skin is George Crosley. He is lying. I have never been a member of the communist party."

The usual suave Hiss had lost control, striding towards Chambers, he shouted for the record: "I challenge you to make these same statements out of the presence of this committee without there being privilege from the

suit of libel. I challenge you to do so, and I hope you will do it damn quickly."

Hiss was restrained, warned by a staff member not to touch Chambers, and was made to sit down. He shouted "I have never known Chambers as Carl, I've never paid communist party dues."

The meeting broke up. Everyone was emotionally drained. Hiss protested against Nixon's action in springing this unexpected confrontation with Chambers. Would this session be publicized?

Nixon reminded him that the August 25th session would be opened before the full committee, and both he and Chambers would appear as witnesses.

It was obviously under whatever names, Hiss and Chambers had known each other in the 1930's.

This session made the headlines the next day. Hiss took the offensive: he called a press conference. He was being vilified "to discredit recent great achievements of this country in which he was privileged to play a part. . . in particular his service to our government in the New Deal under

Roosevelt, at Yalta, and in the founding of the United Nations. Nixon and Mundt were trigger quick to cast discredit, and they had already declared him guilty in the press. His accuser was a self-confessed liar, spy and traitor." Hiss had already begun building his defense by reputation: "It is inconceivable that the men with whom I was intimately associated during these 15 years should not know my true character far better than my accuser." He asked: "why - if Chambers spoke the truth - no one had caught him out during this long period or why his actions as an official had not revealed evidence of communist association?" Very good questions.

Things didn't go well for Hiss at the Committee hearing on August 25th. Most of Hiss' answers were prefaced "according to my best recollection".

He could find no written lease for the 28th Street apartment.

Chambers could have used the apartment on 28th Street for a maximum of only two months, May and June 1935, not, as Hiss had earlier testified, for the entire summer including July and August.

Hiss grew irritated. He challenged Nixon "the important charges are not question of leases, but questions of whether I was a communist."

Nixon retorted, "the issue in this hearing today is whether or not Mr. Hiss or Mr. Chambers has committed perjury before this committee, as well as whether Mr. Hiss is a communist."

The debating continued. Did anyone else know Chambers as Crosley?

The Committee had not turned up one single written article under the name Crosley in the Library of Congress. Hiss was not able to do so either.

The Ford automobile became the focus of close questioning. Stripling introduced a certificate of title dated July 23, 1936, showing that Hiss had assigned the Ford automobile to Cherner Motor Company, some year or so after he had supposedly given it to Chambers. On that same date the car was sold to one William Rosen, who had communist affiliations, but there was no evidence of the sale in the records of the Cherner Motor Company. Hiss admitted his signature on the certificate of title. Furthermore Mr. Hiss did not obtain a new automobile until September 1935, not in June when Crosley was living in his apartment on 28th Street.

Mundt examined Hiss to test his credibility. He asked Hiss whether he had informed John Foster Dullas about a 1946 FBI interview concerning his alleged communist activities prior to his election as president of the Carnegie Endowment in December 1946. Hiss denied that the FBI had interviewed him before this time, but Mundt read into the record a statement that the FBI had, in fact, interviewed Hiss eight months previously, in March, 1946. Hiss had denied any communist affiliations.

Other members of the committee did not hide their skepticism. Congressman Herbert inveighed; "I have difficulty in understanding a man of Hiss' intellect and ability who gives to casual people his apartment, who tosses in an automobile, who doesn't know the laws of liability, who lends money to an individual just casually, yet is so cautious in responding to the committee's questions."

By the time Hiss finished his testimony, he was visibly shaken and nervous from the strident prodding of the committee members.

When Chambers took the stand his demeanor contrasted markedly with Hiss'. He related again his years as a member of the communist party, working in the underground, finally defecting in 1938. He had met Hiss in the

underground a number of times, beginning probably in 1934 and continuing until 1938. He had not sublet Hiss' apartment; rather it was given to him out of their close friendship and affiliation as members of the communist apparatus in Washington. Continuing his description of Hiss as devoted and rather romantic communist, Chambers stated that Hiss violated traditional communist prohibitions such as allowing his Ford automobile to be used for communist activities.

Describing in detail his final visit to Hiss in December, 1938 to try and persuade Hiss to quit the communist underground, Chambers called Hiss "the closest friend I ever had in the communist party". Nixon pointedly asked Chambers why he was now testifying against Hiss; Chambers provided the answer in a melancholy manner: "The story is spread that in testifying against Mr. Hiss I am working out some old grudge, or motive of revenge or hatred. I do not hate Mr. Hiss, we were close friends, but we were caught in a tragedy of history. Mr. Hiss represents the concealed enemy against which we are all fighting, and I am fighting. I have testified against him with

remorse and pity, but in a moment of history in which this nation now stands, so help me God, I could not do otherwise."

In light of Hiss' unequivocal denials of Chambers' charge, the Committee was perplexed by the apparent absence of any motive for Chambers to make false charges against Hiss. Congressman Mundt asked Chambers whether he had any motives for lying about Hiss. Chambers denied any ulterior motives and pointed out to the committee: "I am jeopardizing not just my position in Time magazine, but my position in the community through appearing before this committee. What I'm telling you is the truth, eighty percent of what Hiss has told you is fabrication."

At the conclusion of the 9½ hour hearing Chambers explained the appeal of communism to an enlightened young intellectual like Hiss during the depression decade: "Marxism, Leninism offers an oversimplified explanation of the causes of world economic crisis and a program for action. The very vigor of the project particularly appeals to the more or less sheltered middle class intellectuals who feel that the whole context of their lives has kept them away from the world of reality."

On August 27th another interesting development surfaced. A story appeared in the Baltimore News Post that Whitaker Chambers purchased in 1937 a farm near Westminster, Maryland, and a year before in 1936 Alger and Priscilla Hiss had signed a bill of sale to buy the same property. When Nixon read the story, he had his investigators question Chambers about it. Chambers acknowledged that he had learned about the farm through a visit a year earlier with Hiss, they having driven there in the celebrated 1929 Ford. Mrs. Hiss did not like the farm, and the Hisses refused to purchase the property. Approximately six months later in February 1937 Chambers purchased the farm from the owners.

Chambers was now a celebrity. Reluctantly, Chambers agreed to appear on the nationwide radio program "Meet the Press" presided over by the Lawrence Spivak. After first accepting an invitation, which Spivak readily published, Chambers had reservations and withdrew his acceptance. Recall, Hiss had challenged Chambers to repeat his charge of "communist activities" where he would not be immune from a suit for liable. This would be the perfect forum. Spivak telephoned Chambers and explained he was gravely

embarrassed by the retraction. Chambers reconsidered and decided to appear. The question was popped at the outset. Edward Folliard of the Washington Post asked "are you willing to say now that Alger Hiss is or ever was a communist?"

Chambers replied, "Alger Hiss was a communist and may be now."

Folliard asked if he was prepared to go to court to defend the charges.

Chambers observed laconically, "I do not think Mr. Hiss will sue me for slander or liable." Folliard then asked had Hiss committed overtly treasonous or disloyal acts.

Chambers replied cryptically "I'm only prepared at this time to say he was a communist".

On August 30, the committee continued its investigation by questioning Alexander Stevens, also known as J. Peters, the reputed chief of the American Communist Party, and leader of the C.P. apparatus in Washington in the 1930's. He authored a handbook in 1934 "The Communist Party: A Manual on Organization" and was purportedly an influential person within the

World Communist Movement. However, Peters denied that he was ever involved in any secret work and was merely a member of the communist party. He had never worked with Chambers and recalled only seeing him early in the 1930's at the offices of the New Masses, a communist newspaper.

Peters was followed by Adolf A. Berle, a former Assistant Secretary of State in the Roosevelt administration. After Chambers broke with the party in 1938, spurred by the signing of the Russian - German defense pact in 1939, Chambers wanted to meet with Roosevelt to inform him of communist infiltration within the government. However, Chambers was unsuccessful in his attempt to gain a personal conference with Roosevelt, and he was sidetracked to Berle. Berle said that he was testifying from recollection (even though he had a diary detailing Whitaker Chambers' 1939 visit which he had every chance to consult before testifying). Berle told the committee that his informant was a man named Whitaker K. Chambers, and Chambers had used the name Carl during the talk. Chambers mentioned a number of underground communist agents from 1934 through 1937 after which Chambers said he had defected and went into hiding in fear of his life. To Berle Chambers appeared to be under some

emotional strain. He informed Berle about communist party efforts to develop a group of sympathizers within the government, but there was never in Chambers' story any mention of espionage. He said the Ware Groups' hope was merely to get people who would be sympathetic to their point of view into high positions in government. He mentioned the names of Alger and Don Hiss, Lee Pressman and Nathan Witt, but he did not make the direct statement that any of these men were members of the communist party. When asked whether he had tried to verify Chambers' lead, Berle vindicated himself by saying that Pressman was out of the government by then, Witt's associations were well known, and he had inquired about the two Hiss boys to Dean Acheson. Acheson told Berle "I have known the Hiss boys from childhood and I can vouch for them absolutely, and he told me I could check with Felix Frankfurter if he wanted a similar endorsement. These were pretty high recommendations and I didn't follow up on them."

Berle's apology is suspect. The FBI later produced a copy of a 1939 memorandum made by Berle on Chambers' visit. This memorandum revealed

Berle's testimony before the committee was surprisingly inaccurate. This memorandum contained a list of individuals mentioned by Carl including major communist espionage agents and underground government contacts as well as sympathizers. It included the names of Alger and Don Hiss, Lee Pressman, Nathan Witt, Peters, Ware and many other alleged members of the Ware Group.

There was no mention in the memorandum of an innocuous study group. Chambers stressed actual espionage already committed rather than the mere possibility of future action or secret involvement with communism.

Why did Berle have a memory lapse? Some suggest that he was a member of the liberal party, supporting Truman, and wanted to defuse the Committee's investigation. Furthermore, he had broken with Dean Acheson who had weeded him out of the State Department, and he wanted to lay the blame for the government's failure to follow up on Chambers' accusation on Acheson's doorstep. In any event, he never turned this memorandum over to the FBI until 1943 which had learned about it in an interview with Chambers in 1942.

The hearings had ended in August 1948, and matters quieted down for the moment. The committee prepared an interim report and headed home for the fall campaign. Nixon was unopposed in California, having captured both the Democratic and Republican nomination. Mundt was in a race in South Dakota, but he enjoyed unusual high named recognition because of the well publicized August hearings. A four-way battle for the presidency loomed and pushed the Chambers-Hiss case off the front pages. The country waited for Hiss' liable suit following Chambers' appearance on Meet the Press. Hiss prepared an open letter to the committee, and it was served as a precursor of his law suit which he was to file in September 1948. The letter assailed the committee: "no American is safe from the imagination of such a man, so long as your committee uses the great powers and prestige of the United States Congress to help sworn traitors to besmirk any American they may pick." He ridiculed Chambers as a "confessed traitor, this self-same erratic, unstable, unreliable somewhat queer personality." (Hiss alluded to Chambers' homosexuality throughout the entire episode but was never able to prove it.) At the same time he contrasted his own unblemished record with that of

Chambers who had plotted against his native land for 13 years as a communist agent. He demanded due process, categorically denied ever having been a communist, saying "I have never done the slightest thing or said the slightest word to further communism". He concluded "the Anglo-Saxon method of ascertaining the truth has for centuries made use of the ancient rule of evidence that by their works shall you know them."

The cause remained quiet in early September. Hiss' friends wondered "where's the law suit." Editorials appeared in newspapers across the nation challenging Hiss to put up or shut up.

The decision to sue did not come easily. The debate was heated. Hiss got conflicting and disparate advice. No wonder he had too many lawyers giving him "free advice." "Go to court"; others said "be careful, you need more information". His counsel were no slouches; Judge Charles Wyzanski of Boston, and Felix Frankfurter urged him to bring suit. James Conin, President of Harvard Corporation, summed up the feeling of many: "If Hiss can be successfully smeared and ruined, nobody is safe and great public harm will be done."

Finally, Hiss crossed the Rubicon; he filed suit in the United States District Court in Baltimore in September 27, 1948, alleging that Chambers had slandered him. His investigators went to work. They wanted background information on Chambers and his family to determine whether he had ever been hospitalized in a mental institution and if he had every used the name George Crosley; their aim was to learn about Chambers entire life.

Depositions were scheduled for Baltimore on November 4, 1948. The questioning of Chambers was severe; Chambers answered in his casual, methodical and stolid monotone. At the end of the first day, Hiss' lawyers asked Chambers if he would produce tomorrow any correspondence, either typewritten or in handwriting, from any member of the Hiss family which he had received at anytime or any document signed by Mr. Hiss which may be in his possession.

The time bomb had been put in place.

Chambers indicated that he would search his files.

The next day, when asked about the request, Chambers's attorney said "Mr. Chambers has advised us that he has not explored all of the sources where some conceivable data might be . . . we will make search and will respond." During the second day Chambers related that Hiss had taken documents while working for the Nye Committee and for Assistant Secretary Sayre which provided information which may have been useful to Communists. Hiss' lawyer, William Marbury, pressed for details. Chambers admitted that most of these documents were not very interesting, chiefly trade agreements, reports of conditions in Austria before the German invasion; Marbury pressed on "were they of any special interest.

Chambers - "No they were not of special interest."

Marbury - "Well what documents that were of interest to the communist party, or to the Soviet Government did you ever obtain from Mr. Hiss?"

Chambers answered, "I would not say that I ever obtained any such documents from him."

Marbury: "at any rate at present you cannot recollect any others or the subject matter of any others."

Chambers, "I don't at the moment, no." Chambers concluded . . . "I never transmitted a State Department document from Hiss to the communist party."

At the end of the deposition Marbury was elated. He felt that he had discredited Chambers and had gained information which would be helpful to his case.

However, devastating consequences were in store for Hiss and Marbury. After the depositions, Chambers was reviewing his testimony with his lawyer, Richard Chamberlain. Chamberlain paused and looked into Chambers' eyes; Chambers' eyes drifted off. Chambers asked, "you feel don't you that there is something missing." Cleveland answered, "I was discussing the case with my wife last night, and we both agree that there is something missing". Chambers: "there is something missing. I am shielding Hiss."

Cleveland glanced at Chambers. Chambers said "espionage".

It was now Chambers' turn to play his ace. On November 14th Chambers telegraphed his nephew Nathan Levine in Brooklyn: "Arriving around one, please have my things ready." A inscrutable message, and it smacked of Chambers obvious love for the mysterious. He had telephoned Levine on November 12th, and told him that he would come to Brooklyn in a day or two to "obtain the envelope" which he stored with Levine years before. Arriving in New York on the 14th, Chambers met Levine at his Brooklyn home, and from there they went to the home of Levine's mother in Brooklyn. Chambers and Levine went into the bathroom in the house where Chambers reached into a dumb waiter shaft and pulled out a large envelope that was covered with dust and dirt. He took it in the kitchen where he opened the envelope and examined the material. Chambers left abruptly and drove back to Pennsylvania Station where he took a train and returned to his farm in Westminister, Maryland. He now carefully examined the material which he had found in the dumb waiter. There were (1) four small sheets of paper on which appeared the handwriting of Alger Hiss; (2) 65 typewritten documents which Chambers was to testify that he had received from Hiss in the early part

of 1938 and which summarized or copied completely 70 State Department cables; (3) four sheets of yellow paper bearing the handwriting of Harry Dexter White which was given to Chambers by White in early 1938; (4) two short strips of developed film; and (5) three cans containing reels of undeveloped film. If genuine, those papers revealed that Hiss had lied in claiming not to have seen Chambers under any name after mid 1936 and more importantly that he had been engaged in espionage.

On November 15th Chambers told Chamberlain about part of the material, informing him only about the 65 typewritten documents and Hiss' four handwritten memos. His attorneys joined him at Westminster where Chambers gave them these documents, but he said nothing about the cans containing strips of microfilm. He decided to hide these at his farm in a pumpkin patch.

The depositions continued on November 16th, with Mrs. Chambers testifying. Tired, weary, and nervous, she recounted their friendship with Alger and Priscilla. Questioning continued on the 17th, Marbury led Mrs. Chambers through a long and painful recitation of the circumstances

surrounding Chambers' break with communism. She spoke of the fear which they suffered after the break and the impoverished circumstances under which they lived for a year or so thereafter. Mrs. Chambers again broke down and wept. Undaunted Marbury then renewed his call for any documents which Mrs. Chambers may have had, reminding her of his request to her husband.

Finally, Chambers responded to the demand, and thereby changed the entire nature and focus of the case. He handed over to Marbury a bundle of transcribed documents. Chambers now dominated the proceedings, but at the same time offered an apology for what he was doing: "In response to your request to produce papers from Mr. Hiss I made a search and I have certain papers in Mr. Hiss' handwriting and certain other papers . . .

"I was particularly anxious, for reasons of friendship, because Mr. Hiss is one of the most brilliant young men in the country not to do injury more than necessary to Mr. Hiss.

"Therefore, I have carefully avoided testifying to certain activities of Mr. Hiss at any place or any time heretofore.

"I found when I looked at the papers which I had put by, certain documents which I had forgotten I had put by. I thought I had destroyed them. I suppose that the documents I put away were the handwritten specimens of Mr. Hiss.

"The documents I refer to revealed a kind of activity, the revelation of which is somewhat different from anything I have testified about before. I first saw those documents last Sunday evening. I first brought them to the attention of my counsel on Monday. I was incapable of deciding at any time whether or not to present them in evidence. My counsel very strongly urged me, in the nature of the case, that I had practically no other choice . . . the result of my turmoil which is merely the last act of the turmoil that has been going on for a decade, was the decision to give you the material."

The bomb shell had finally been dropped. Hiss was now faced with hard evidence of espionage - or the immutable documents, as the prosecutors were to call them. Ironically, it was Hiss' decision to sue Chambers together with his own lawyer's insistence that he produce these documents that turned Hiss' nightmare into his crucible.

Still, Chambers was vulnerable himself. On October 14, 1948, he had been called to testify before the grand jury in New York. One juror asked "give one name of anybody who in your opinion was positively guilty of espionage against the United States - yes or no.

Chambers equivocated; "let me think a moment and I will try to answer that. I don't think so but I would like to have the opportunity to answer you tomorrow more definitely. Let me think about it overnight."

Chambers pondered the questions that night. Why did he hesitate, one may ask. Why should he hesitate to destroy with shame and suffering people most of whom would gleefully destroy him? Yet Chambers thought to himself that the government didn't have the slightest intention of proceeding against any of them. Based on his past and recent experiences with government officials he would not involve Hiss. He had indeed given the truth to Adolf Berle, and his revelation lay buried in his file. And the F.B.I. had done no better.

The next day on October the 15th the juror asked the same question.

Chambers answered back, "I assume that espionage means in this case the turning over of secret or confidential documents."

The juror said information - or any information. Chambers lied, "I do not believe I do know such a name".

Chambers had in fact himself committed perjury before the grand jury.

Upon learning about the documents from his lawyer, Hiss' reaction was consistent with his prior testimony. He denied that he had turned over any documents to Chambers. Yet, after studying them, he acknowledged that the documents were in his handwriting and the typewritten documents appeared to be accurate reproductions of State Department documents.

Hiss, on his lawyer's advice, immediately turned the new evidence over to the Justice Department.

Oddly enough, upon receipt of the documents, the target of the Justice Department's preparation for indictment was not Hiss; it was against Chambers for committing perjury before the grand jury on October 15th. Such an attitude in the Justice Department confirmed Chambers' skepticism that no

matter what the evidence, the government was not interested in pursuing evidence of espionage. Chambers understood that his friend, Isaac Don Levine, had told his story to Walter Wenckell who had reported it to President Truman, yet nothing had happened.

For the next two weeks all parties maintained a silence in compliance with the District Court's order. However on December 1st the Washington Post announced that some very startling information on who is a liar had been uncovered in the Hiss slander case. Nicholas Vazzana, a government investigator, sought out Robert Stripling and informed him of the new developments in the Hiss case (in violation of the court order). He believed that Chambers had additional information which he had withheld from everyone at the November 17th deposition. Nixon was summoned, and the matter was discussed at length between these three men. The discussion was heated; Nixon was growing weary of the matter, and he was planning to go to Panama the next day on vacation. But, after urging from Stripling to confront Chambers right away, he blurted out "god damnit if it'll shut your mouth, I'll do it".

Stripling and Nixon drove to Westminster and confronted Chambers. He told them of the documents that he had turned over, but that he could not talk about them, yet he told them they were "a real bomb shell".

Upon further questioning Chambers revealed, "he had another bomb shell in the case in the event they tried to surpress the ones he had turned over." Nixon told Chambers not to surrender the second bomb shell to anyone except the committee.

On the way back Stripling and Nixon discussed whether or not Chambers was telling the truth. It was decided to issue a subpoena duces tecum on Chambers the next day. Since Nixon was going out of town, Stripling called Chambers into his office and served him with the subpoena. Late that afternoon Chambers, accompanied by two Committee investigators, returned to the Westminster farm.

Again it had all the realms of a mystery novel. At night, by car light, Chambers led them into a pumpkin patch adjacent to his house. He located a pumpkin, the top of which had been cut out. He opened the pumpkin and pulled out two canisters of film.

Was Chambers insane or paranoid? Why had he not turned over the microfilm at the time he released the other documents. Chambers gave two explanations. To the FBI he said that he withheld the microfilm only until he had developed the three remaining rolls and had a chance to examine their contents. However, to Nixon and Stripling, he revealed his almost pathological distrust of the Justice Department and of Hiss' top level connections. He withheld the microfilm for future release as a protective measure or as he said afterwards a "life preserver", should the typed documents be suppressed or should the Justice Department decide to indict him.

The committee examined the documents and found that they contained State and Navy Department bulletins and memoranda most of which was confidential and would have been very important information for the Soviet's to have.

In a complete turn of events, Chambers and the committee had placed the FBI, the Justice Department and Alger Hiss on the defensive. The "pumpkin papers", a press' alliteration, completely overshadowed Hiss' earlier appearances before the committee. It was, in fact, now almost inconsequential

whether Chambers had known Hiss during the 30s'. The question now was: had Alger Hiss, a trusted advisor to Presidents and Supreme Court Justices, been a Soviet espionage agent.

The grand jury in New York which had been in recess for several weeks, suddenly had new vigor. If it was to act on the Hiss case, or the Chambers' case, it must do so before December 15th when its term of service would automatically expire.

Chambers appeared once more before the Grand Jury. He wondered now whether the jury would believe him when in his first appearance he had told these earnest men and women that he had no direct knowledge of communist espionage. How could they understand his reservations and his conflicting motives. Yet, Chambers was now a man moved with a religious fervor. He told the grand jury the full story of his activities as a member of the Ware Group and the clandestine struggle of the communist apparatus to infiltrate the United States government. He informed them of Soviet Agent Bykof, and their meeting with Hiss; and Hiss' promised to them to bring out secret documents for copying. Chambers felt he must expose the evil in

himself so that the jury could understand the evil that was real and immediate in the communist conspiracy against which he was now a vigilante. Would the grand jury believe him, or would they find that he, in fact, was the perjurer and guilty of crimes against the United States?

Chambers fervently believed that he was a witness to the ugliness of the ordeals of mankind out of which rises the truth that fills men souls with hope.

Regardless of Chambers' high minded motives now in testifying against Hiss, Hiss was still denying that he was ever a communist and certainly had never turned over any documents to Chambers, but the FBI was not standing still. They had ascertained that the typewritten documents had been typed on a Woodstock typewriter, and in fact Hiss had owned a Woodstock typewriter. But the typewriter was missing.

Doggedly, the FBI agents tracked down several documents typed on the Woodstock by Mrs. Hiss, and an F.B.I. expert compared Mrs. Hiss typewriting with the pumpkin papers. They matched. These documents which

were typed in the latter part of 1937 and 1938 seemed to be overwhelming evidence that Chambers was telling the truth and that Hiss was lying.

As the grand jury proceedings wore on towards December 15th, Chambers stayed in the ante-room each day watching the witnesses filing in and out of the grand jury room. Alex Campbell, a Justice Department attorney, was now conducting the questioning. Chambers was skeptical of him because he was a Truman appointee, and Truman had labeled the whole Hiss matter as a "red herring". However, Chambers' skepticism was misplaced. Campbell confronted Hiss in front of his attorney in the ante-room. Campbell said "Mr. Hiss I am convinced that you have committed espionage. You have seen Chambers and the others go in and talk. If you do so too it will be better for you." Hiss retorted, "what you have to say Mr. Campbell is not of the slightest interest to me." Campbell quietly said "I'm also convinced that you have committed perjury".

Hiss then was called into the grand jury room. A government prosecutor said, "Mr. Hiss you have probably been asked this question before but I'd like to ask the question again. At anytime did you or Mrs. Hiss in

your presence, turn any documents of the State Department, or any other government organization, over to Whitaker Chambers."

Hiss "never".

A juror then asked "to nobody else did you ever turn over documents-to any other person".

Hiss "no - to no other unauthorized person".

Prosecutor then followed "Mr. Hiss, Mr. Chambers has testified that he obtained typewritten copies of official State Department documents from you."

Hiss smiled "I know that".

The prosecutor "did you ever see Mr. Chambers after you went into State Department."

Hiss "I do not believe that I did. I cannot swear that I did not see him sometime, say, in the fall of 1936."

The prosecutor, "can you say definitely that you did not see him in January 1937".

Hiss "yes that I can definitely say that".

The grand jury then confronted Hiss with the specimens of typewriting from the Woodstock, and the letter typewritten by his wife Priscilla. He was told that the documents had been written on his Woodstock typewriter. How could he explain that 50 pages of copied State Department documents also came to be written on the same typewriter:

"I am amazed until the day I die and I shall wonder how Whitaker Chambers got into my house to use my typewriter". The grand jury members laughed.

Late in the afternoon of December 15, 1948, the grand jury indicted Alger Hiss for perjury in two counts of lying to the grand jury. One for denying that he had seen Whitaker Chambers after January 1937 and in two, stating that he had never turned over any State Department documents to Chambers.

Who was lying? The Federal Grand Jury believed Chambers, not Hiss. The first petty jury voted eight to four to convict Hiss, in spite of trial Judge Kaufman's obvious partiality to the Hiss defense and even though in an unprecedented moment in American jurisprudence two Supreme Court

Justices, Felix Frankfurter and Stanley Reed, testified as character witnesses for Hiss. A second petty jury convicted Hiss, evidently disregarding Hiss' expert psychiatrist's testimony that Chambers suffered from a condition known as psychopathic personality of which the features include an amoral, asocial and delinquent nature and the symptoms of which are: (1) chronic, persistent and repetitive lying, (2) stealing, acts of deception and misrepresentation, (3) alcoholism and drug addiction, (4) abnormal sexuality, (5) vagabondage, (6) panhandling, and (7) tendency to make false accusation through unconscious motives.

Do not make your judgment, however without once more listening to Hiss' basic defense and contrast it with the watergate syndrome. He repeated it to Judge Goddard just before he imposed sentence after the jury had returned a guilty verdict: "I would like to thank your Honor for this opportunity again to deny the charges that have been made against me. I want only to add that I am confident that in the future the full facts of how Whittaker Chambers was able to carry out forgery by typewriter will be disclosed."

Does it sound preposterous? Maybe, but many friends never lost faith in Hiss, as for example Dean Acheson who said after Hiss' conviction: "I should like to make it clear to you that whatever the outcome of any appeal . . . I do not intent to turn my back on Alger Hiss . . . every person who has known Alger Hiss . . . has upon his conscience the very serious task of deciding what his attitude is and what his conduct should be For me, there is very little doubt about these standards They were stated on the Mount of Olives: . . . and you will find them in the 25th Chapter of the Gospel according to St. Matthew beginning at verse 34 ('Verily I say unto you, inasmuch as you have done it unto one of the least of these my brethren, ye have done it unto me.')

Judge for yourself as Hiss tells his "true" story:

(1) "Chambers, a pathological liar, sexual deviate, had an unconscious motivation to destroy me, an insane motive for revenge because I rejected his overtures of friendship in 1935; he was jealous of my position and reputation.

(2) "I never took any documents out of my office. Chambers could have stolen them himself, or had another agent steal them, or Julian Wadleigh, a statement department official, who admitted at the trial that he had turned over 400 documents to Chambers, may have been the source for the documents.

(3) "As for the Woodstock typewriter, I had given it away by the end of 1937. I have several theories about the typed document. Chambers, with the help of other government officials (a conspiracy if you will) constructed a phony Woodstock similar to mine in order to type the documents. Possible conspirators include the F.B.I., Nixon, James Byrne, Bernard Baruch because of my intensive cross examination of Baruch when he appeared before the Nye Committee. We know now that law enforcement agencies will fabricate evidence by forging letters and subverting the truth. Remember spy mania was at its height and J. Edgar Hoover was in total control. Or, and most probably what happened, Chambers stole my Woodstock in 1936 when I knew him as Crosley; and he substituted in its place a similar machine. I did not realize it at the time. He typed the documents on the stolen Woodstock in

1938 from authentic state department documents, had them microfilmed, and then hid them to use at a propitious time."

So, who was lying? Has the history of Watergate with the Howard Hunts, Erlichmans, Haldermans and Deans, and the ignominious departure of Richard Nixon, given us a new perspective on the case of Alger Hiss? The verdict is yours to make.