Chapter Five

Alger Hiss (1948), the House Un-American Activities Committee, and the Courts

Alger Hiss, almost blind, died at the Lenox Hill Hospital in New York City on November 15, 1996, four days following his ninety-second birthday. The cause of death was cardiopulmonary complications following a lung infection. Hiss took to his grave the answer to a question that has bedeviled many people for many years: Had he truly been engaged in espionage for the Soviet Union, America's cold-war enemy, or was he the victim of a plot to discredit him and to advance the political fortunes of, among others, Richard Nixon, the thirty-five-year-old first-term congressman from California who leapfrogged to the presidency in considerable measure because of the visibility he obtained when he set in motion the process that sent Hiss to prison? When Nixon ran for the U.S. Senate after masterminding the Hiss case, his victory margin exceeded that of every other Senate winner in the country.

Nixon was by far the most intelligent and hardworking member of the congressional committee that choreographed Hiss's downfall; indeed, it in no way stretches the truth to describe the other House Un-American Activities Committee members as disasters: typically bigots, rabble-rousers, clowns, and embarrassments to the more respectable members of Congress. Nixon also enjoyed an advantage not shared by his committee colleagues. The FBI regularly fed investigative results about possible Communist subversives to the Reverend John F. Cronin, a Catholic priest who had dedicated himself to identifying security risks in government. Cronin, impressed by Nixon, was passing along relevant information, some of it about Hiss, to the congressman. This stacked deck that Nixon used in the HUAC hunt for Communists was

essential to his skyrocketing career, which, a biographer points out, was marked during the Hiss episode by "hard work and shrewd instinct, political calculus, and courage."

Neither Hiss nor Nixon ever budged from his original position about the case. Hiss spent the remainder of his life seeking vindication. He and his supporters insisted that he was an innocent man convicted by postwar paranoia about Communism. Nixon maintained that if the American people knew the truth about Alger Hiss, they would boil him in oil.

The Temper of the Time

Commentaries on Hiss's death emphasized that his trial reflected the mood of the time, that it took place in a period of "Hissteria" and that it was "the first morality play of the red-baiting era." "If God plays games," a *Time* magazine essay noted, "having Alger Hiss die during the O.J. trial was one of 1996's best; the principal of one generation's Trial of the Century left the stage exactly one week before the principal of another generation's Trial of the Century ascended the witness stand for the first time."

The *Time* essayist believed that the Simpson case reflected deep racial divisions in the nation; he saw the Hiss case as mirroring the ideological divisions of its time. The 1940s, when the case erupted, was a period of fierce political anger and unease. The country's mood is not readily conveyed in words: emotions are best felt, not described. And the emotions underlying the prosecution of Hiss were extraordinarily intense. "It is hard to recreate the dreadful atmosphere which suffused the late 1940s in America," a Hiss obituary writer noted. A British historian has called the period "The Great Fear." Today the relationship between the United States and Russia is placid: Americans are indifferent and condescending toward a country, then the kingpin of an empire, that is experiencing a high degree of instability and economic difficulty, and seems like a weary, toothless tiger. But at the time of the Hiss trial, Soviet Communism was regarded as an ominous, encroaching threat to the integrity of the United States, even to the continuance of the country's democratic freedom.

This searing concern can be better understood by remembering a few historic landmarks. A Communist government took control of czarist Russia by revolutionary means in 1917, after the country's military collapse near the end of the First World War. The new regime held out the promise of reforms that on paper had great appeal to people who regarded American capitalism

as repressive and who saw economic and social inequality among Americans as hypocritical and intolerable. Few in the United States who supported the Soviet Union actually had experienced life there firsthand, even for relatively brief periods: there were no jet airplanes, there was careful screening of those admitted to the Soviet Union, and those few handpicked American visitors, typically lacking foreign language skills, were unable to communicate with ordinary Russians. The totalitarian Soviet government controlled the media and few Russians were courageous—or foolhardy—enough to criticize the regime.

Soviet Communism, with full employment and a bias toward promoting the welfare of the working class, seemed to some, particularly American intellectuals, to represent a contemporary Eden, the best hope for better human conditions. There were great cynicism and weariness in America after the First World War. For its part, the Soviet Union seemed intent on fomenting populist revolution around the globe, adhering to Marx's precept that the workers of the world should unite and throw off their shackles.

The sympathy of some Americans for the Soviet regime increased dramatically during the worldwide Great Depression of the 1930s, when signs of economic failure and devastation, including massive unemployment, appeared everywhere. Estimates are that one of every four Americans was unable to find work in March 1933, when Franklin Roosevelt was sworn in as president. Breadlines and soup kitchens issuing free food were common sights: vendors, often former white-collar workers, sold apples on the streets for five cents each. But these paltry efforts were inadequate. Many starved; many died without medical care. In the 1930s, Hiss's wife volunteered to work in a tent city where the homeless and unemployed camped in tarpaper shacks on the streets and parks along swanky Riverside Drive in New York City. There were no safety nets—no social security and no unemployment insurance.

The temporary alliance during the Second World War between Hitler's Nazi Germany and Stalin's Soviet Union disenchanted many American Communists. But when the Germans turned on their momentary allies and invaded Russia, support swung back toward the Soviets, particularly when they fought with such extraordinary bravery, driving the German troops back from the gates of Leningrad and, arguably, making the most significant military contribution to the ultimate Allied victory. The Second World War produced a host of spies, and the postwar period was filled with tales of international espionage, many involving atomic secrets.

The relationship between the United States and the Soviet Union turned

sour soon after the end of the Second World War. The Soviets unilaterally took control of Poland and Czechoslovakia, bled them dry, restricted travel abroad, and held elections that were a caricature of the democratic process. This was the beginning of the period that came to be known as the cold war, its essence enunciated by Winston Churchill in a speech at Fulton, Missouri, in June 1946, when he coined the term "iron curtain" to express the forced separation of the Soviet republics from the Western democracies. The enmity toward the Russians also contained an element of mortal fear because the Soviet Union had developed the atomic bomb, with its monumental death-dealing potential, and this had become a major consideration in international relations. Today's generation can locate relics of this period in the yellow arrows in public buildings that point to basement bomb shelters and in the memories and pictures of schoolchildren of the period crouched under their schoolroom desks, practicing their response to possible Soviet air raids. Hundreds of thousands of American families fortified their cellars as bomb shelters and stocked them with water, canned food, and guns, preparations that now seem futile given the long-term destructive power of nuclear weapons. The cold war would not come to an end until the cataclysmic collapse of Communism.

During the cold war period, the crusade in the United States against present and past Communists was fueled by anger at Soviet expansionism, frustration over an inability to triumph over an ideological rival, and concern that the Soviet cause was and had been aided by traitors among us. To be labeled un-American was a profound insult, likely to bring ruin if it could be made to stick. The deep fear of domestic Communism seemed to be belied by the insignificant number of American Communists—an estimated 60,000 in 1948. But officials such as J. Edgar Hoover, the head of the FBI, would proclaim that the Russian revolution had been achieved by an even smaller cadre of Communists.

There was much political capital to be had in tying oneself to the campaign to root out and punish alleged Communists in our midst. The media were avid for tales of the powerful being toppled from their perches. Once the hunt became public, there often was no turning back; an accusation that collapsed could undermine the credentials of the accuser. Unmasking Communists became a hardball endeavor, often played ruthlessly.

This was the backdrop against which the highly theatrical case against Alger Hiss developed. Hiss came to symbolize all that was rotten and disloyal within the government. Those who have studied the Hiss case by and large

believe that he was guilty of perjury and quite likely also guilty of espionage, that is, of passing government documents to the Soviets. The idea that Nixon, working with former Communists such as Whittaker Chambers, might have helped to frame Hiss to serve his own ends, however, seemed less farfetched after the publication of details of Nixon's orchestration of the cover-up of the Watergate break-in and the duplicity and underhand tactics preserved in Nixon's tape-recorded White House conversations.

The Protagonists: Hiss and Chambers

Alger Hiss possessed impressive credentials; he had led "a gilded life," one biographer would observe. Hiss was regarded (although not universally) as cold ("icy" was a common adjective), haughty, conceited, and off-putting; in today's vocabulary he would be called uptight. An obituary in the *New York Times* observed that he was a "slender, self-possessed patrician." Hiss had been born into an upper-middle-class family in Baltimore, the fourth of five children. The religious tradition in the family, as Hiss's son would note, was soap-swimming Presbyterianism, which meant that if you went swimming, you always took a cake of soap along so that you wouldn't waste your time.

Hiss, born November 11, 1904, was raised by his mother and aunt after his once-prosperous father, an executive in a dry-goods company, committed suicide by slitting his throat with a razor when Hiss was two and a half years old; the young boy would not learn this for another eight years. In 1929, when Hiss was twenty-five, his sister Mary Ann also killed herself, much in the manner of Violet Sharpe in the Lindbergh case, using a caustic household cleanser for the purpose. Hiss's older brother, Bosley, whom he admired greatly, died in his twenties of Bright's disease, a kidney affliction, probably aggravated by steady dissipation.

Hiss received a bachelor's degree in 1926 from Johns Hopkins University, where he was inducted into Phi Beta Kappa for his outstanding academic record, was voted the most popular student by the graduating class, and was a cadet commander in the campus ROTC unit. He then obtained a law degree in 1929 from Harvard, where he became one of the favored "hot dogs" of Professor Felix Frankfurter, later to be appointed to the U.S. Supreme Court. After Harvard, Hiss served as a law clerk for the eighty-eight-year-old Supreme Court Justice Oliver Wendell Holmes, arguably the man with the keenest intellect ever to sit on that bench. Holmes's life conveys a sense of the relatively short history of the United States: Holmes's grandmother had told

him about her memories of the British coming to Boston during the Revolutionary War; as a captain during the Civil War, Holmes had met Abraham Lincoln at the front; and when Holmes retired from the Supreme Court in 1932, Franklin D. Roosevelt was about to occupy the White House. In three generations the country had gone from a colony to the beginnings of the Second World War.

After working briefly with top-of-the-line law firms first in Boston and then in New York, Hiss took up government employment in 1933 as a legal counsel in the newly created Agricultural Adjustment Administration during the Roosevelt presidency. Hiss would say that he was challenged by the prospect of being part of a team striving to lift the country out of its economic misery. He subsequently served as a staff attorney on the Senate subcommittee to investigate the munitions industry (the Nye Committee, so named after its chair), a group that sought to demonstrate the unholy profits that corporate entrepreneurs made by evading laws forbidding the sale of weapons to actual or potential war combatants. Three years later, during the summer of 1936, Hiss joined the Department of State. In 1945, he attended the Yalta conference as an adviser to President Roosevelt. It was at Yalta that Roosevelt, suffering serious health problems that soon led to his death, made concessions to the Soviet Union for which conservatives never forgave him. Hiss then served as temporary secretary-general when the United Nations was created in San Francisco that same year. After the FBI reported to the White House that Hiss might be a Soviet agent, he was covertly encouraged to move in February 1947 from his State Department job to head the Carnegie Endowment for International Peace, a nonprofit organization located in New York City.

Whittaker Chambers, Hiss's accuser before the House Un-American Activities Committee, was a distinctly different person from the elite, self-contained, self-controlled Hiss. Chambers was pudgy, unprepossessing, usually disheveled (he was commonly described as "seedy"). Before they were repaired, his teeth were appallingly rotten, his mouth containing several empty sockets and many blackened stumps. He often was out of work and out of money. Chambers generally was regarded even by his friends as obsessive and given to melodrama; he had used at least a dozen different aliases at various times in his life. But there was no question regarding Chambers's keen intelligence.

Chambers had been named Jay Vivian Chambers when he was born on April 1, 1901, in Philadelphia, making him three and a half years older than Hiss. In his autobiography, *Witness,* Chambers describes the beginning of his

life in the same melodramatic fashion that he would live it: "Snow was falling and soon turned into a blizzard." Like so much else that he wrote about himself, this was untrue: the U.S. Weather Bureau records show no precipitation in Philadelphia that day and a temperature range with a low of thirty-eight degrees and a high of fifty-six.

The Chambers family moved to Lynbrook on Long Island, twenty miles east of New York City, when he was a small child. The family was poor; the father, a book and magazine illustrator, left his wife, a former stock-company actress given to melodrama, and his children to live with another man. Richard, Chambers's alcoholic younger brother, killed himself in 1926 at the age of twenty-two after two previously unsuccessful attempts at suicide. For the last try, he drank a quart of whiskey, placed his head on a pillow inside the kitchen oven, put some books on a chair on which to rest his feet, and then turned on the gas. "We were gentle people and incapable of coping with the world," said the note he left behind.

Chambers was chosen to deliver the class prophesy at his high school graduation. His first draft offended the principal; he had predicted that one of the female students was destined to become a prostitute. Chambers wrote a second version that was acceptable, but at the ceremony he delivered the original. As a student at Columbia University, he won a reputation as a brilliant writer. In 1925, still at Columbia, he joined the Communist Party, which was a permitted organization in the United States until outlawed by the Smith Act in 1940 on the ground that its aim was to overthrow the American government. Chambers was tossed out of Columbia for blasphemy (he had published in the student magazine a play humanizing Christ), and he briefly went to work as a reporter for the *Daily Worker,* the Communist Party newspaper.

After that, he got a job on the left-wing magazine *New Masses.* Chambers said that he was recruited in 1932 as a Soviet spy by Max Bedacht (who later denied the allegation), serving in the underground—the "crypts of Communism," as one writer put it—as a member of the Fourth Section of the Soviet Military Intelligence division. At the time he lived in Glen Gardner in Hunterdon County, New Jersey, the same county where the Lindbergh infant had been kidnapped. Assuming a variety of aliases, Chambers learned to photograph secret American government documents and then ship the film to Russia, often using sailors on Russian ships anchored in New York as carriers.

By the summer of 1937, Chambers was ready to leave the Communists, disenchanted by the purge trials in Moscow of out-of-favor party leaders. But he became concerned for his life when he learned of the killing in Switzerland

of a Soviet agent who had denounced Stalin. He gradually began to break with the party either in late 1937 or toward the middle of 1938, taking numerous self-protective precautions and yet, at the same time, listing his number in the telephone book when he lived in Florida. As Jonathan Aitken, a Nixon biographer observes, when Chambers fought his way back into the mainstream "his conversion from Communism to anti-Communism was so sincere that it bordered on religious mysticism." He first joined the Episcopalian church and then became a Quaker, which was the religion of Priscilla Hiss, Alger's wife. William Jowitt, a British judge, would write of Chambers, "I distrust his judgment—and his evidence—just because it is so passionate," but this may represent no more than a style preference that differentiates the British upper class from Americans.

Who Said What

The matters that resulted in Hiss's imprisonment come down to a conflict between two stories, Hiss's own version of his relationship with Chambers and the statements of Chambers. Alistair Cooke, at the time a correspondent in the United States for the *Manchester Guardian* and later the host for the *Masterpiece Theater* television series, captures the essence of the Hiss case:

> *The issue was very simple. Chambers, an ex-Communist, had accused Hiss, formerly in the State Department during the New Deal, of having at that time pilfered confidential State documents and passed them on to him in the service of Communism. Chambers said that Hiss had been a Communist then and was his best friend in the party. Hiss denied all of it. He said that he had never known the man as Chambers, that the man was never more than a deadbeat acquaintance. Hiss denied that he had ever been a Communist or anything like one.*

It was while he was working for the Nye Committee, some time during 1934 or 1935, that Hiss claimed that he had first met Whittaker Chambers. Hiss maintained that Chambers, using the name George Crosley, sought information from him for an article he hoped to publish about the committee's work. At about that time, the Hiss family was moving to a larger apartment in Washington, D.C., and Hiss invited Chambers and his wife and their year-and-a-half-old daughter, who had no place of their own, to stay in the apartment they were vacating, since the next month's rent already had been paid. Before their few possessions arrived, the Chamberses spent a few days with the Hisses in their new place, which had an extra upstairs bedroom.

In addition to use of the vacated apartment, Hiss, having bought a new car,

said that out of sympathy he gave his dilapidated 1929 black Ford Model-A roadster to Chambers. Chambers maintained that the car had been donated to the Communist Party. Hiss acknowledged that sometime in late 1935 Chambers presented him with an expensive Bokhara Oriental rug that he said some wealthy patron had given to him. Hiss said he accepted the rug because he never had been paid the money Chambers borrowed from him. Chambers, on the other hand, said that the rug was given to Hiss as a token of the Communist Party's pleasure with his services on its behalf.

Priscilla Hiss's self-evident misgivings about the Chamberses' presence in her house would be remembered by all parties. Hiss's wife remains perhaps the most enigmatic figure in the case. She was a Bryn Mawr graduate and did a year's additional work on scholarship at Yale. She had strong esthetic interests and was very self-possessed and hard-edged; many called her domineering, and few seemed to like her. As her older son, Timothy Hobson, told an interviewer years later: "Pros [her nickname] is tough. While she is answering your question politely, she might be inwardly thinking in Quaker language: 'Thee is a son-of-a-bitch.'" (Of his stepfather Hobson said, "Alger is a combination of a beatitude and an IBM machine.") Hiss had married Priscilla despite a telegram from his mother that warned: DO NOT TAKE THIS FATAL STEP. Priscilla Hiss suffered deeply over the plight of exploited humanity but was not very indulgent toward individual members of the human race. Many thought that it was she who had drawn her husband into the Communist Party and that his denials were made to protect her; if so, he was successful, since no charge was ever brought against her. Nonetheless, she seemed to be devastated by the legal proceedings, never adequately recovering a sense of tranquillity after her husband's trials.

Priscilla Hiss had been divorced before she married Alger and had a young son by her first marriage. The Hisses' own marriage would produce another son, Tony, later a writer for the *New Yorker*. Tony described his family's situation after his father's conviction as "like living in a fairy tale, with a curse that couldn't be lifted." The Hisses' marriage broke up in 1959, well after the perjury case had been judicially resolved. Alger Hiss married Isabelle Johnson after Priscilla's death in 1984.

Espionage and Perjury

Chambers would maintain that he and Hiss were very close for several years, and that Hiss passed on to him secret information that he had access to through his work for the State Department. But Hiss never came before a

criminal court on a charge of espionage: the three-year statute of limitations for that offense when committed in peacetime had expired, although in 1950, as an aftermath of the Hiss case, the statute of limitations for peacetime espionage would be extended to ten years. Instead of espionage, Hiss was tried for perjury, for knowingly providing inaccurate responses to a grand jury inquiry. Hiss's conviction went a long way to legitimate the fiery hunt for real and alleged Communists in government, entertainment, and education in America over the next decade.

The Hiss case illustrates, among other matters, the ability of a congressional committee and a federal prosecutor to ensnare persons on another charge if the crime that most directly implicates them is for some reason beyond reach. Al Capone, notorious as an organized-crime killer, was convicted for income tax evasion when there was insufficient legal proof to support an indictment for the more notorious crimes that he was known—or presumed—to have committed. In our review of the trial of Bruno Richard Hauptmann we saw how a jerry-built felony-murder charge, pegged to Hauptmann's theft of a kidnap victim's sleeping garment, was employed to send him to the electric chair.

The elements of the Hiss case began to come together publicly in 1948, when Chambers, by then a senior editor at *Time* magazine, named Hiss as a onetime Communist Party member. Chambers said that he had met Hiss in 1934, not to get information for a story on the Nye Committee, but to give him orders; Hiss, he said, was already operating under Communist Party discipline.

In 1939, two days after the Soviet Union signed a nonaggression pact with Germany, Chambers had provided to Adolph A. Berle, Jr., the assistant secretary of state and President Roosevelt's intelligence liaison, a list of persons in the government who he claimed were still active Communists. Alger Hiss's name and that of his younger brother, Donald, were the last on the roster. Chambers said that the men had been cut loose from general party activities and told that their function was not to engage in espionage but to rise as high as they could in the government, to positions where they could make decisions favorable to the Soviet Union and, in Chambers's words, "mess up policy."

Later, in March 1945 and August 1948, Chambers told the FBI about Hiss, and Hiss's name also was mentioned independently by two FBI informants in 1945, neither of whom knew Chambers: one was Elizabeth Bentley, a Vassar graduate and former Communist Party courier; the other, Igor Gouzenko, was a code clerk who had worked at the Russian embassy in Ottawa. Hiss suffered

little from these disclosures. It was a time in American history when a very large number of persons were being irresponsibly labeled Communists or "fellow travelers." But the whispers turned into a shout in August 1948, when Chambers appeared as a witness before the House Un-American Activities Committee. Because the proceedings were so complex, we will number the formal steps that made up the Hiss case.

1. Chambers and HUAC (August 3, 1948)

The House Un-American Activities Committee was constituted in 1938 to root out Fascists and Communists from among those holding positions of power, influence, and trust in the United States. The committee had no authority to indict, but it could refer matters to the Justice Department for further investigation. Statements before the committee were privileged; they could not be challenged as libel or slander. Many disapproved of the tactics the committee adopted, particularly its undisciplined public allegations that could ruin a person's career. Others thought it about time that traitors in their midst were being unmasked.

Chambers told HUAC members the story of his spying activities for the Soviet Union and named Alger Hiss, who he called a "very close friend," as a member of a Communist cell of eight government officials who met clandestinely in Washington. Espionage, he said, was one of the "eventual objectives" of the group, but he did not specify any such actual activity, indicating that "these people were specifically not wanted to act as sources of information." Chambers said that when he had left the party Hiss was the only person he tried to persuade to do the same. He said that he went to Hiss's house to plead with him and his wife, but the Hisses remained unconvinced and, though "he cried when we separated," Hiss refused to break with the Communist Party. Later, Chambers would say that he had failed to impute espionage to Hiss during the early stages of the case "for reasons of friendship, and because Mr. Hiss is one of the most brilliant young men in the country, [in order] not to do injury more than necessary to Mr. Hiss."

Richard Nixon, a first-term congressman and the junior member of HUAC, was particularly impressed by one of Chambers's statements, a prediction that would prove to be stunningly incorrect: "I know that I am leaving the winning side for the losing side, but it is better to die on the losing side than to live under Communism." Nixon was also impressed by the fact that while Chambers named Alger and Priscilla Hiss as well as Hiss's brother Donald as

Communists, he declared that Donald's wife was not a party member. That, for Nixon, had a ring of honesty.

2. Hiss and HUAC (August 5, 1948)

Alger Hiss was the only person named by Chambers who responded to the charge; the others, more patient or at least more wary, ultimately would fare very much better than Hiss. Six of them took the Fifth Amendment, refusing to say whether they were or had been Communists or whether they knew Alger Hiss or Whittaker Chambers.

Besieged by calls from newspaper reporters, Hiss requested to appear before the committee as soon as possible to clear his name. "I do not know Mr. Chambers and, so far as I am aware have never laid eyes on him," he telegraphed the HUAC chairman. Two days later Hiss, testifying under oath, made a very favorable appearance before the committee. Radiating confidence, he was applauded by the audience when he finished his testimony: most onlookers believed that the committee had again overreached, and that Hiss should be exonerated. Hiss's denial of Communist Party membership was categorical:

> *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, none of my friends is a Communist.*

Had he left it at that, Nixon would say years later, it probably would have been the end of the matter; Hiss "would have been home free." Numerous earlier witnesses had gone their way unbothered on the basis of similar denials or even when they took the Fifth Amendment, refusing to respond to questions, usually about their possible party membership and their associates. But Hiss made two strategic blunders. First, he irritated Nixon, always thin-skinned, by treating him as a rather unsavory creature and by his suave East Coast elite manners. "He was rather insolent to me," Nixon later would tell a newspaperman. "His manner and tone were insulting to the extreme. Frankly, I didn't like it." HUAC's lead investigator, Robert Stripling, who played a major role in lining up evidence against Hiss, believed that for Nixon the case became a personal vendetta. "He was no more concerned about whether Hiss was a communist than a billy goat," Stripling would say, certainly an overstatement but one with a kernel of truth.

decade. For reasons unknown, Chambers, who would be blithely forthcoming during the trials about the most sordid aspects of his own life, also denied some things that obviously were correct, and used the same kind of obfuscating language that Hiss often hid behind. Thus:

Stripling: Did you ever go under the name of George Crosley?

Chambers: Not to my knowledge.

At the same time, Chambers provided very many details that seemed telling—for example, his memory that the Hisses were amateur ornithologists and had been greatly excited when they spotted a rare prothonotary warbler at a canal near the Potomac River. Chambers and later his wife also supplied numerous and specific details of the day-to-day activities of the Hisses and what their household furnishings looked like, items such as gold-stenciled Hitchcock chairs. Hiss's supporters would continuously maintain that Chambers had been fed most of this information during the three and a half months that he met almost daily with FBI agents from mid-morning until 4:00 or 4:30 in the afternoon; the FBI had taken Chambers to the various Hiss houses about which he would testify. For its part, the FBI claimed that the sessions with Chambers, and sometimes with his wife, were only to obtain as much information as could be had about the Communist conspiracy in the United States.

Yet during this phase of the investigation, Chambers continued to lie to all those who interrogated him when asked if he possessed any supporting evidence to back up his allegations about Hiss and the Communist Party. Thus:

Nixon: Do you have any other evidence, any factual evidence, to bear out your claim that Mr. Hiss was a member of the Communist Party?

Chambers: Nothing beyond the fact that he submitted himself for the two or three years that I knew him as a dedicated and disciplined Communist.

4. Hiss and HUAC (August 16, 1948)

The House Un-American Activities Committee suffered a serious image setback on August 16, the day that Hiss was to testify before it in an executive session. Harry Dexter White, a former Treasury Department official and in 1948 a faculty member at Harvard, who very likely had been a Communist agent, had appeared before HUAC three days previously. He had asked the

chair in private that he be given a rest period every hour since he was recovering from a severe heart attack. The committee chair was J. Parnell Thomas, who soon would be convicted in criminal court for padding his staff payroll and receiving kickbacks from his employees. Thomas publicly embarrassed White by reading his request for rest periods into the record. Then, on August 16, White suffered a fatal heart attack, believed by many to be connected to the strain of his committee appearance. Had White lived, HUAC very possibly would have focused on him, an easier target, rather than on Hiss.

This second appearance of Hiss before the House Un-American Activities Committee was directed toward testing the information about him that Chambers had provided. Hiss was at a considerable disadvantage. Not having been given a transcript of what Chambers had said, Hiss unknowingly substantiated many of his accuser's observations about his personal habits. Had he been forewarned, Hiss might also have been able to call attention to inaccuracies in Chambers's claims.

The committee was particularly taken with an interchange in which Hiss was asked about bird-watching by one of the members who slyly suggested that he himself shared that hobby. Had Hiss ever seen a prothonotary warbler, the HUAC questioner wanted to know. Hiss's sudden excitement—"I saw one right here on the Potomac. Beautiful yellow head, a gorgeous bird!"—seemed to cinch the question of Chambers's reliability for most of the committee. Finally sensing that he was being sandbagged, Hiss wanted to know whether Nixon had been pumping Chambers for information and not allowing Hiss to see the results. Hiss said he had been told that Nixon had spent the weekend at Chambers's farm. "No," the congressman responded, "I have never spent the night with Mr. Chambers." It was not a lie, but it skipped over the point, since Nixon had thrashed over Chambers's recollections during several sessions at Chambers's farm.

Hiss also broke from his previous categoric denials that he had never met Chambers by suggesting tentatively that perhaps (after looking at newspaper photographs) Chambers was the man he had known as George Crosley, a freelance reporter and freeloading acquaintance with whom he crossed paths many years earlier when Hiss was the staff member who handled most of the public relations for the Nye Committee.

At the end of the hearing, one of the HUAC congressmen summed up the general feeling of all those who had listened to the contradictory testimony. "Whichever of you is lying," he said, "is the greatest actor America has ever produced."

5. Hiss and Chambers, HUAC (August 17, 1948)

A day later the two men were taken to confront one another in a private committee session. While Hiss now was suggesting that he might possibly have known Chambers under another name, he insisted that before he could be absolutely certain about this he wanted Chambers to read aloud. Then in a bit of low comedy he examined Chambers's teeth, much like a prospective buyer at a horse auction; it turned out that Chambers had gotten dentures since the men had first met. Finally, Hiss declared that the man known to the committee as Whittaker Chambers was someone he had known as George Crosley.

Hiss was not nearly as triumphant in this hearing as he had been in the first one. Committee members clearly were rallying behind Chambers. Hiss used the words "to the best of my recollection" 198 times. Nixon's exasperation with what he saw as evasions reached a flash point when Hiss kept qualifying his recollection about giving the Ford to Chambers. "You can certainly testify 'Yes' or 'No' as to whether you gave him a car," he asserted. "How many cars have you given away in your life, Mr. Hiss?"

The uninflected stenographic report of the hearing fails to convey the emotional pitch of some interchanges between Nixon and Hiss, but it begins to indicate the developing hostility of the men toward each other and the high stakes involved. One barbed exchange came when Chambers had been dealing with questions from Hiss about whether he might have used the name George Crosley. The record shows what was said next:

Nixon: Just one moment. Since some repartee goes on between these two people, I think Mr. Chambers should be sworn.

Hiss: That is a good idea.

One of the committee members administered the oath. Then the congressman from California spoke out in a tone of controlled anger:

Nixon: Mr. Hiss, may I say something? I suggested that he be sworn, and when I say something like that I want no interruptions from you.

Hiss retorted to Nixon that since the committee had promised that what had been said the day before would be held in confidence and, despite this, the newspapers had carried detailed stories about the session, there was "no occasion for you to use that tone of voice in speaking to me." At the conclusion of the session, the committee chair noted politely, as was the custom: "That is all. Thank you very much." Gracelessly, Hiss responded: "I don't reciprocate."

"Italicize that in the record," the chair instructed. And so that too was done, conveying the churlishness that characterized much of Hiss's behavior during the session.

6. Hiss and Chambers, HUAC (August 25, 1948)

A week later, in an atmosphere well described as something between a sauna and a bullfight, the committee staged a dramatic public confrontation between Hiss and Chambers in a caucus room in Washington packed with more than five hundred people. It was the first televised congressional hearing ever, though there were but 325,000 television sets in the nation at the time. Hiss clearly was on the defensive now, and the committee treated him much less kindly than they had before Chambers had offered his barrage of details about the Hisses' lifestyle and the closeness between the two families.

Typical was an interchange in which Hiss again noted the importance of Chambers's dental work to his identification of his accuser. Nixon's response

Hiss and Chambers face each other during a confrontation before the House Un-American Activities Committee. Hiss is the man standing on the far left; Chambers, also standing, is at the far right. AP/Wide World Photos

was sarcastic: "I am just wondering," he said, "Didn't you ever see Crosley with his mouth closed?"

Toward the end of the session, in a move that by now seemed to be almost mandatory if Hiss was to have any chance to salvage his reputation, he challenged Chambers to repeat his charges outside the hearing room, where he no longer would enjoy immunity from prosecution for libel, slander, or perjury.

7. The Issue Is Joined: Hiss Files Suit against Chambers (August 27, 1948)

Chambers did what Hiss had demanded of him, appearing on *Meet the Press*, where he proclaimed: "Alger Hiss was a Communist and may be now." Hiss filed a $50,000 slander suit a month later, alleging that Chambers had made "untrue, false and defamatory" accusations against him. He later upped the amount to $75,000 because of further statements by Chambers.

The suit was a fatal mistake by Hiss: Chambers had not yet charged espionage and most certainly had not offered proof that could in any way substantiate that allegation. The only matter then at issue was whether the men had known each other. But now Hiss raised the stakes significantly, forcing Chambers to come forward with evidence that would be more compelling in defense of the defamation suit, evidence that Hiss was a Communist who had committed espionage more than a decade earlier.

8. Pretrial Depositions (November 4–5 and November 16–17, 1948)

Chambers was asked almost matter-of-factly by Hiss's attorney during the November 4 pretrial deposition hearing in Baltimore to produce "any correspondence, either typewritten or in handwriting, from any member of the Hiss family." "I would like to have those," the attorney declared, undoubtedly expecting no such documentation, "and I hope you will accept this as a notice to produce."

Chambers fooled everybody, blowing the slander case (which later was dismissed) wide open. He produced a bulky package of sixty-five pages of retyped State Department documents and four verbatim copies of international cables in Hiss's own handwriting, material that he claimed Hiss had given to him ten years earlier to pass secretly to the Soviets. The questions that the jury later would have to resolve were whether the handwritten material was generated by Hiss to brief his boss and then discarded or stolen and whether the other documents had been taken home by Hiss, copied at home on the Hiss

typewriter, and the copies then given to Chambers. Why would Hiss, his attorney at the trial would ask, take so stupid a step as to provide Whittaker Chambers with memoranda obviously written by him when he might have disguised the source of the documents? Similarly, the jury had to reach some conclusion about why some of the documents had been retyped rather than photographed. The prosecution's argument was that Chambers picked up material only once every week or ten days and that Hiss could not keep sensitive documents for that long a time; he therefore typed their contents overnight and took the originals back to his office.

Chambers also said that he possessed "another bombshell." That bombshell plus the documents he had given over at the deposition had been stored for nearly a decade, he would maintain, virtually forgotten in a blocked-up second-story dumbwaiter shaft, once used for disposal of garbage. The material had been placed in an apartment occupied by Nathan Levine, Chambers's wife's nephew in Brooklyn, later occupied by the nephew's mother. At the time he hid the documents Chambers had seen them as "a life preserver" which, should the party threaten to kill him, he might stand an outside chance of using as "a dissuader." But others would point out that the nephew did not see the papers themselves when Chambers opened the package—he was elsewhere cleaning up the dust that now covered his mother's floor—and some would insist that the paper and film that were recovered could not have fit into the envelope that was said to have held them, a matter that the defense attorney later would regret not having pursued during the trial.

Chambers had doubted whether the hidden materials were still retrievable. But there they were. The contents of the envelope were given to Hiss's lawyer, who turned them over to the Department of Justice for whatever action it might take, either against Chambers for having lied when asked if he had evidence of espionage or against Hiss on the assumption that he had given the documents to Chambers. There remain skeptics who wonder how it came about that the documents recovered with only one exception were associated with Hiss, when any one of the more than a dozen persons whom Chambers identified as Communists might have filed a libel suit against him.

9. The Pumpkin Papers (December 2, 1948)

Fifteen days later, Chambers, responding to a HUAC subpoena demanding that he turn over to it any further relevant material, dramatically led committee investigators, seeking to upstage the FBI and the Department of Justice, to a patch on his farm in Maryland and reached into a hollowed-out pumpkin.

The materials secreted in the pumpkin had also been gathered from the dumbwaiter shaft and had been wrapped in waxed paper and placed in an eviscerated pumpkin for less than a day. Though only film, not documents, had been hidden, the material, in accord with what Chambers describes as "a journalistic passion for alliteration," would thereafter be known as the Pumpkin Papers. Out came fifty-eight frames of film (subsequently called microfilm, though in fact it was standard 35mm film). Each strip was a copy of a page of a State Department document. There were two cylinders of developed and three of undeveloped film. The film dealt with matters such as the Sino-Japanese war, Germany's takeover of Austria, the Spanish civil war, and American intentions in regard to the Soviet Union. There also was some puzzling trivia, such as the report that the Japanese had tried to buy a manganese mine on a Costa Rican island where no manganese was known to exist. Some of the undeveloped film was blank, having been overexposed, and some parts were concerned with matters such as life rafts and the painting of fire extinguishers and other ephemera readily available on the open shelves at the Federal Bureau of Standards library.

His original plan, Chambers said, had been to avoid hurting Hiss, who he consistently declared was "a good friend" and a man he admired deeply for his sincerity and idealism. He had only wanted to alert the government to the dangers in its midst. Others, on very slim or no evidence, used Chambers's self-admitted bisexuality to claim that he was in love with Alger Hiss and sought revenge for having been sexually spurned. Readers of this book may note the considerable physical similarity between the urbane Hiss and Richard Loeb and the unkempt and rather unattractive Whittaker Chambers and Nathan Leopold and recall the allegations of a homosexual relationship between Leopold and Loeb. To reach any conclusion beyond the physical resemblances, however, is to wander into totally uncharted territory.

Nobody disputed that some of the documents in Chambers's possession were copies of secret government material that Chambers should not have had. They all carried early 1938 dates, and it would become a matter of heated but unresolved debate whether the Woodstock typewriter on which some had been transcribed had been given away by the Hisses before or after that time. In Hiss's favor was the fact that no personal communications written on the machine by Mrs. Hiss were located with dates past May 1937. Against him was the fundamental question that neither he nor his lawyers could satisfactorily address: Who might have typed the letters on the Woodstock if not the accused or his wife, and how might that have been accomplished?

The film was sent to Eastman Kodak Company for analysis, and Nixon suffered intense anguish when an initial report came back saying that it had been manufactured in 1945, well after the period in which Chambers claimed to have obtained the documents typed on it. Nixon was on the verge of conceding defeat—he had telephoned Chambers and berated him as a liar—when a subsequent Eastman Kodak report said that a mistake had been made, that the film was of the appropriate vintage.

The FBI and the Department of Justice both sought to have HUAC turn the film over to them for use in the grand jury hearing, but Nixon would have none of that until he had exploited the cache for personal publicity. He and his lead investigator would describe the film to reporters as "hundreds" of secret papers making a pile "more than three feet tall." Inside the locked and guarded HUAC quarters, the photographed documents stacked up to little more than an inch.

10. Grand Jury Hearings (December 6–15, 1948)

Both Hiss and Chambers were summoned to testify before a federal grand jury, which chose to believe Chambers. Since Hiss could not be indicted for espionage, the grand jury charged him with two counts of perjury, one for saying that he had not stolen the documents and the other for denying that he had seen Chambers after 1935.

The grand jury members were particularly impressed with experts' testimony regarding the match between the typewriting on the documents produced by Chambers and that produced by the Woodstock typewriter, number N230099, which had first been purchased by Priscilla Hiss's father in 1927 for his insurance business. When the insurance company disbanded, the typewriter had been given to Priscilla. The Hisses then passed it along to Mike Catlett, a young man who did odd jobs for them. Catlett could not establish with any certainty when he had first received the machine, whether before or after the early March date on the Pumpkin Papers cache. After him, the Woodstock had been owned by a number of other people as it made its battered way toward a typewriter graveyard. Chambers alleged that Hiss's wife (Hiss himself was a hunt-and-peck typist) had copied the documents in the evenings; he would pick them up at one in the morning. Skeptics wondered why the Hisses, had they been engaged in spying, did not take the simpler and time-saving route of photographing the documents themselves.

The legal confrontation now had escalated well beyond Hiss's libel suit against Chambers as the players moved toward a case with much higher

stakes. Equally important, the grand jury had made its choice of culprit: it equally well could have indicted Chambers for lying to HUAC when he denied having possession of specific material to tie Hiss to acts of espionage. Had Chambers been indicted, the case against Hiss would have collapsed. For Nixon, who several times was ready to abandon his pursuit of Hiss, a major setback had narrowly been avoided.

Nixon's triumph was not easily achieved. The grand jury indicted Hiss on the day its charge was to expire, and years later one of its members would reveal that the vote had been only one more than the necessary bare majority. The same juror noted: "Chambers perjured himself many times, but the final decision was 'He's our witness, we're not going to indict him.' It was a politically inspired matter."

11. The First Perjury Trial (May 31–July 8, 1949)

Hiss's trial for perjury took place in the thirty-floor federal courthouse in Foley Square in New York City. The defendant was hard-pressed for money to mount an all-out defense; he had refused to participate in any fund-raising appeals, saying he "didn't want to be another Scottsboro Boy." Hiss's attorneys were from prestigious law firms and many of them donated their services. The trial became a duel between the sophisticated and well-credentialed Hiss and the unkempt, self-declared traitor Chambers. Note, for instance, the description of Hiss by Alistair Cooke:

> *There was nothing gangling or boorish about him. He had one of those bodies that without being at all imposing or foppish seem to illustrate the finesse of the human mechanism. He moved instinctively toward the economical gesture, and whatever he did had a rather charming gravity and grace: when he deferred with a dark smile to some lady in the court; when he unfolded his handkerchief and wiped his nose; when he uncrossed his legs, and his head tilted over to the left, as a lever effortlessly helping his left ankle on to his right knee. Here was a gentle certitude of behavior.*

However impressive to a British onlooker, Hiss's mannerisms offended jurors who were of a different social class, despite the impressive roster of witnesses who came forward to support him, including two sitting justices of the U.S. Supreme Court. Several jurors later commented unfavorably on Hiss's habit of using his hand to grasp his calf and place one knee over the other and said that they were annoyed when he condescendingly corrected the prosecutor's grammar when he repeated the question before responding.

Hiss's principal lawyer, the flamboyant courtroom veteran Lloyd Paul

Stryker, sought unsuccessfully to have the case thrown out on the ground that it was merely a subterfuge to get around the statute of limitations for espionage. On cross-examination Stryker had an easy target in Chambers, with his numerous aliases and his self-admitted betrayal of his country. In his opening statement, Stryker called Chambers "a moral leper" and said that somebody ought to precede him into court, shouting the ancient alarm, "Unclean, unclean!"

Stryker noted that while still a Communist, Chambers had signed an oath when he applied for a government job in 1937 that he would "support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I will bear truth and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion . . . , so help me God."

"You took and subscribed to that oath, did you not?" Stryker asked.

"Yes," Chambers granted.

"And it was false from beginning to end, was it not, Mr. Chambers?"

"Of course," the witness said, very mildly.

"And it was perjury, wasn't it?"

"If you like."

"And you did it in order to deceive and cheat the United States Government . . . is that not true?"

"That is correct," Chambers replied in a soft and expressionless voice.

Chambers's ready admissions of deceit and the almost indifferent manner in which he granted these points conveyed the sense that such long-ago matters had nothing to do with the accuracy of what he was saying right now about Hiss and himself. Stryker nonetheless never let up in his effort to portray Chambers as totally unreliable. In his summary to the jury he scoffed at Chambers's statement that he had withheld the documentary evidence of espionage because he did not want to hurt Hiss, only to protect the country. "It reminds me," said Stryker, "of the lady who picked up a shotgun and let her husband have both barrels in the head, taking right off the top of his head. She was asked about it afterwards and she said, 'Well, I pulled the trigger sort of soft because I'd been very fond of him.'"

The trial lasted five weeks, a long time for a trial then, and ended in a hung jury after the panel had heard 803,750 words of testimony and deliberated for almost fifteen hours. Post-trial interviews with jurors published in the newspapers showed that the split was eight to four for conviction. Notable was the jurors' attempt to go beyond their charge to rule only on evidence that had

been presented to them. They asked to have the Woodstock typewriter brought to the jury room and then attempted to determine experimentally whether the machine was the one on which the incriminating documents had been typed.

So outraged were some people at the failure to convict Hiss that they demanded that the judge, Samuel H. Kaufman, be impeached and that the jurors be questioned by the House Un-American Activities Committee. Nixon claimed that the jury foreman was a former left-wing activist determined to acquit Hiss regardless of the evidence.

12. The Second Perjury Trial (November 17, 1949–January 21, 1950)

The second trial began in November 1949, a time of even greater national nervousness than five months earlier, when the first trial had reached its inconclusive end. Americans now had learned that the Russians possessed an atomic bomb, and Mao's victory in China had intensified anti-Communist sentiment in the United States.

Most of the material from the initial trial was repeated and enough new testimony added so that the second hearing took three weeks longer than its predecessor. The first trial had concentrated on Chambers's character; the second focused on the Woodstock typewriter. The prosecutor was very careful not to repeat the injunction that had been part of his opening statement at the original trial: "If you don't believe Chambers's story, we have no case under federal perjury law." This trial produced a new major witness, Hede Massing, a former Soviet agent, who testified to meeting Hiss at a Communist cell gathering in 1935 and arguing with him about whether Noel Field, a Soviet spy at the State Department, would work with his group or hers. Massing had been barred by the judge from appearing at the first trial because she had no firsthand knowledge of any connection between Hiss and Chambers.

The venerable second trial judge, Henry W. Goddard, who had been appointed to the federal bench by Warren Harding, was much more lenient than Kaufman about admitting evidence. There also was a new lead defense attorney for Hiss; Hiss had not been taken with Stryker's flamboyant style and wanted a more dignified lawyer to represent him. The prosecution remained in the hands of the talented and now battle-seasoned Thomas F. Murphy.

Instead of relying on a parade of prominent witnesses who testified as to Hiss's upstanding character, the defense sought to demonstrate that Chambers was mentally unbalanced. This argument was developed at considerable

length by Dr. Carl Binger, who labeled Chambers a "psychopathic personality" and a "pathological liar." Binger's testimony set a federal court precedent (though one not widely followed today); it was the first time that a psychiatrist had been allowed to attack the credibility of a witness. But his presentation was ripped to shreds by the prosecution. Murphy's cross-examination, saturated with heavy dosages of ridicule and sarcasm, continues to be used to teach law students how to deflate an expert witness. As one courtroom observer noted, "Mr. Murphy just wanted plain answers to plain questions—about the most alarming assignment anyone would wish on a psychiatrist."

Binger's testimony was based on his courtroom observation of Chambers during both trials. He declared that one symptom of Chambers's abnormality was that when he answered questions he often fixed his eyes on the ceiling. The prosecutor pointed out that Binger himself had done the same thing fifty-nine times in twenty minutes. Similarly, Chambers's equivocations, said to be a sign of personal aberration, were shown from a review of 550 pages of testimony to be considerably fewer than the 158 times Hiss had adopted the same tactic.

The second jury, eight women and four men, unanimously found Hiss guilty. They accepted that Chambers was exactly what he claimed to be, a disillusioned former Communist who had been revolted when he came to understand the tyrannical nature of Soviet rule. And they believed that he had felt it to be his patriotic duty as well as a matter of his own salvation to expose totalitarianism and its supporters in the United States. The jury concluded that Hiss had lied and that he had depended on his unsullied reputation and high social status to rebut what he portrayed as a farfetched tale by a disreputable chronic liar.

In his brief presentence statement to the court, Hiss put his finger on the most vital piece of evidence and offered a prediction that to this date remains singularly unrealized: "I am confident that in the future," he said, "the full facts of how Whittaker Chambers was able to carry out forgery by typewriter will be disclosed."

When Hiss was convicted, Dean Acheson, the secretary of state, said in a news conference that he would not turn his back on him. Joseph McCarthy, a little-known U.S. senator from Wisconsin, seized upon that comment to charge that the Department of State was "thoroughly infested" with Communists. McCarthy's remarks opened what was to become a frenzied witch-hunt that for several years ripped the country asunder. Finally, McCarthy overreached and in a famous confrontation during which he was hurling irresponsible

charges, the accused's attorney asked: "Have you no shame?" Ultimately, McCarthy was censured by the Senate for his actions; the cold war by then had become somewhat less frigid.

Hiss appealed his perjury conviction, but the three-judge Second Circuit Federal Appeals Court ruled against him. Its opinion reprinted large segments of the trial transcript, focusing on, among other things, the peculiar shenanigans that Hiss adopted when he toyed with his recognition of Chambers. "The jury might well have believed," Judge Harrie B. Chase observed, "that the appellant had been less than frank in his belated recognition of Mr. Chambers as a man he had known as Crosley and had admittedly known well enough to provide for him a partly furnished apartment at cost with all utilities free, to say nothing of an automobile, old certainly, but still useful."

The U.S. Supreme Court declined to hear the case. Hiss might have won a reversal in that court if it had chosen to review his arguments, since it had recently established the principle that if there was but one witness in a perjury case, "independent proof of facts inconsistent with the innocence of the accused" also had to be established. That could have been interpreted to mean that the prosecution had to prove more conclusively that Priscilla Hiss had typed the incriminating documents on her Woodstock typewriter. But Justices Reed and Frankfurter had been character witnesses for Hiss at his first trial, and Justice Clark had been attorney general, so all three, who might have favored Hiss's claim, excused themselves from considering whether the case should be placed on the Supreme Court's calendar. Some time later, Justice Douglas would insist that in his view "no [federal] court in the nation at any time could possibly have sustained the [Hiss] conviction."

Hiss served forty-four months of his two concurrent five-year prison terms at the Lewisburg Penitentiary, one of the federal prisons contemptuously referred to as country clubs by those demanding harsher treatment of inmates. He entered the prison, predictably, wearing a natty tweed overcoat, a three-piece herringbone suit, a collar pin, and what one reporter described as "an enigmatic smile." Hiss was handcuffed to a black man, convicted of mail theft, who shamefully hid his face from the hovering photographers. Before starting his term, Hiss had sought wisdom from Austin McCormick, a prison reformer: Never talk to anybody until he talks to you first, McCormick told him, and avoid working in the infirmary (as Hiss had hoped to) because other prisoners will pressure you to steal narcotics for them. Hiss later was wont to observe wryly that his time as a federal prisoner, when he worked as a clerk in the commissary and was a model prisoner, was "a good corrective" to his three

Alger Hiss sits in a prison van handcuffed to Edward Jones as he leaves New York City to serve a five-year prison sentence for perjury. AP/Wide World Photos

years as a student at Harvard Law School. He made particular friends among Sicilian organized crime potentates whom he admired for their closeness with their wives and children and their unapologetic dedication to illegal profit making. For their part, they declined to call him "Alger," saying that it wasn't a real name, and dubbed him with an Italian equivalent. It is said that when Hiss was set free from prison, inmates crowded to the prison windows to cheer him on his way.

Hiss was unable to rebuild his career following his release. For the remainder of his life he sought to establish his innocence of both espionage and perjury. In the 1950s and again in 1978, Hiss filed petitions for a writ of error, asking that his conviction be set aside; but the courts rejected the pleas. He did win some skirmishes. Congress had enacted legislation that barred him from receiving his government retirement pension—the so-called Hiss Act. The law was declared unconstitutional by the courts as it applied to Hiss, since it imposed a penalty for conduct that had occurred before the act was passed. The legislation was repealed by Congress in 1972. And in 1975, Hiss was the first lawyer ever readmitted to the Massachusetts Bar after being disbarred for a felony conviction.

Hiss worked for two years after his release from prison for a company that sold Japanese-style hair combs. In 1960 he took a job as a stationery salesman. He later said that he wasn't a great salesman, but that he could get into any door because executives wanted to see what this once-famous person was like. When Nixon became president in 1969, some interest focused on Hiss; his reputation seemed to rise as Nixon's waned and to fall when Nixon prospered politically.

Perjury *and Prejudice?*

The 1978 publication of Allen Weinstein's *Perjury* dealt a serious blow to Hiss's image. Weinstein, at the time a history professor at Smith College and now president of a Washington, D.C., think tank, the Center for Democracy, said that he had originally been convinced of Hiss's innocence but had changed his mind as he delved into the case, taking advantage of access to some 40,000 pages of documents secured from FBI files under the Freedom of Information Act. Much of Weinstein's analysis focuses on evidence relating to the Woodstock typewriter, which Hiss's supporters insist was an FBI or a Soviet forgery. Weinstein concluded that such a forgery was impossible.

Weinstein traces with meticulous care the twists and turns of the evidence;

he is, as a Nixon biographer claims, "much the closest and most careful student of the Hiss case." He pinpoints contradictions by all parties in terms of what they later claimed as contrasted to what they had said earlier. But his conclusion is unequivocal: "Although arguments will persist in the court of public opinion, the body of available evidence proves that Hiss perjured himself when describing his secret dealings with Chambers, so that the jurors in the second trial made no mistake in finding Alger Hiss guilty as charged."

Weinstein's research is mostly regarded, at least for the moment, as the last and best word on the Hiss case. George Will, writing in *Newsweek*, declared that with *Perjury* "the myth of Hiss's innocence suffers the death of a thousand cuts, delicate destruction by a scholar's scalpel" and calls the book "stunningly meticulous and a monument to the intellectual idea of truth stalked to its hiding place." Alfred Kazin, a well-regarded literary critic, observed: "After this book, it is impossible to imagine anything new in this case except an admission by Alger Hiss that he has been lying for thirty years."

But Weinstein has not escaped unscathed. Victor Navasky, a persistent thorn in Weinstein's side, quotes George Orwell that there can be subtle tactics that result in "forged history." Navasky notes that often when there are contradictory pieces of evidence, Weinstein reports only those that make Chambers's case. He illustrates his objections by reference to an important sentence in *Perjury*. It reads: "After defecting in 1938, Chambers asserted he had 'lived in hiding, sleeping by day and watching through the night with gun and revolver.'" The direct quote ("lived in . . .") is from Chambers's HUAC testimony, but the first phrase ("After defecting . . . ") is Weinstein's. It allows him to sidestep the fact that when he was discussing his fears of Communist reprisal Chambers had said—or would shortly say—on sixteen different occasions in sworn testimony that he had left the party in 1937. If Chambers had not later adjusted his story to coincide with the early 1938 dates on the documents he allegedly received from Hiss, the whole case would have collapsed. Weinstein, in essence, dances cleverly, but not forthcomingly, around that minefield. He adroitly presents as accurate that which is controversial without providing support for his adjudication of the issue of the different dates Chambers supplied.

The Navasky-Weinstein controversy was further fueled when Navasky contacted six persons quoted by Weinstein and asked them if what they had said had been accurately reported. All thought that their interviews had been distorted. Weinstein then said that he would allow Navasky to examine his original tapes and written notes, though the only occasion that his schedule

"would permit such a visit over the next three weeks" was for three hours on a Sunday. Navasky showed up at Weinstein's house at the time scheduled, but was told by Weinstein's wife that he had changed his mind and would not allow access to the material. Neither has he turned it over to the Truman Library as he had promised he would.

In 1992 Jon Wiener, a history professor at the University of California, Irvine, would maintain in the American Historical Association's newsletter that he believed Weinstein was in violation of the association's Statement on Standards of Professional Conduct adopted in 1987. The standards declare that historians should "make available to others their sources, evidence, and data, including the documentation they develop through interviews." Weinstein, for his part, may well have reneged on his original position when he and his publisher were forced to pay a "substantial five-figure sum" to settle a court case with a claimant, a minor Communist Party worker he had confused with a more sinister member who used the same alias.

Later Developments

Meanwhile, President Ronald Reagan in 1984 had posthumously given Whittaker Chambers, who had died of a heart attack in 1961, the Medal of Freedom, America's highest peacetime award. Four years later the farm where the Pumpkin Papers had been hidden was declared a national historic landmark, and a reproduction of the world's best-known pumpkin is on display at the Nixon Library in California. Nixon for his part would attend an annual Halloween dinner of a group called the Pumpkin Papers Irregulars, celebrating their judicial victory over Hiss.

In 1992, with the end of the cold war, Hiss believed that he finally had found vindication when General Dmitri A. Volkogonov, in charge of the Russian military intelligence archives, announced that at the request of a Hiss loyalist he had searched the archives and that "not a single document has been found that substantiates the allegation that Mr. A. Hiss collaborated with the intelligence services of the Soviet Union. You can tell Alger Hiss that the heavy weight should be lifted from his heart." Volkogonov said that half a dozen other Russian archivists had come up with equally negative results and declared that the charges were "completely groundless." But the general backpedaled from his announcement two months later, saying that he had looked only at a limited amount of material, that many files had been destroyed when Stalin died, and that in truth he had not searched very hard.

A year later, Maria Schmidt, a historian, said that she had discovered docu-

ments in the restricted files of the Hungarian Interior Ministry that seemed to implicate Hiss as a spy. One was the transcript of a statement by Noel Field, the onetime State Department employee, alleging that Hiss had tried to recruit him for espionage. Field had fled to Prague in 1949 after Hede Massing identified him as a spy. He was imprisoned in Czechoslovakia for five years on the suspicion that he was an American agent, "an Anglo-Zionist spy." Ironically, when Field died in 1970 his ashes were placed in a special crematorium in Hungary reserved for Communist heroes.

Field had asked to be sent from Prague to Hungary after his release from prison. During his first interrogations he had said that Hiss was a "liberal without Communist attachments"; it was only later that he declared Hiss a spy. Hiss supporters insist that this subsequent statement had been coerced. They point to a note by Field found in the archives saying that "physically I am a coward," and that under torture "I do not only utter and write down the most horrible lies but partially even believe them."

Nor did the ever-changing story end there. In 1996 the National Security Agency in the United States released what became known as the Venona intercepts, captured Soviet documents sold by Finland to the United States that enabled cryptographers to decipher more than 2,000 messages sent by spies to Moscow during the Second World War. These included one dated March 30, 1945, from a high-ranking Soviet agent saying that he had been in touch with a State Department official code-named Ales who had been present at Yalta. The cable said that the agent had worked for the Soviets since 1935 and had flown to Moscow after the conference at Yalta. Four American men, including Hiss, had made that trip from Yalta. Hiss said that he traveled to Moscow from Yalta to examine the subway system. Someone at the National Security Agency had placed a notation on the document more than two decades after it was written that suggested that Ales probably was Alger Hiss. Hiss's supporters found the Venona material farfetched: one mention in several thousand communications and an identifying name that was so readily decipherable that a child would have made the connection. This scavenging of Communist archives for partisan purposes by both the left and the right keeps the Hiss affair in the limelight, but so far it has produced no certain resolution of the Hiss-Chambers controversy.

The Search for Vindication

Ever true to his fundamental character, Hiss in 1957 wrote a book, *In the Court of Public Opinion,* which reads more like a dry appellate brief than the writing

of a man outraged by injustice. The book nitpicks about the accuracy of this or that piece of evidence. Hiss maintains that Chambers falsely implicated him in the network of Soviet espionage in order to keep his own tattered skirts free of the consequences of his spying activities. "The hope of leniency," Hiss writes in typical fashion, "supplies a potent motive for an accused person to implicate falsely another who, he believes, is considered by the prosecuting authorities to be a more desirable target." Hiss also observes, incorrectly as it happens, that prosecutors, given the last word in summary to a jury, enjoy an advantage because the vividness of their remarks—"inflammatory and biased"—cannot be rebutted by the defense. Contrary to this belief, social psychological research and studies concerning the order of argument in debates suggest that it is preferable to have the first word because listeners are prone to form an early judgment and become reluctant to alter it in the face of additional evidence, lest they seem to be easily led.

The Nixon Tapes (1997)

When in later life he reflected on his political career, Richard Nixon with good reason would regard the Hiss case as the first of the six major crises that he had encountered. More revealing than Nixon's carefully tailored account of the Hiss case in his book *Six Crises* are the things that he said in more informal conversations that were captured on the tape recordings that he narcissistically failed to destroy. After drawn-out litigation, the courts ruled for public release of the tapes and in 1997 Stanley Kutler served up what he saw as their most significant portions. They show Nixon often fixated on the Hiss case and using it as a guide to political strategy in his times of trouble.

Nixon's first tape-recorded reference to Hiss took place on July 1, 1971, following the publication of the Pentagon Papers, the government documents that had been acquired illegally by Daniel Ellsberg and that officials thought compromised American security or, most certainly, challenged stories being fed the public by the government about the Vietnam War.

Nixon thought steps ought to be taken to brand Ellsberg as subversive; in the Oval Office he outlined for his assistant, John Haldeman, and Henry Kissinger, head of the National Security Council, the tactics that he had found valuable when he dealt with Alger Hiss. "We won the Hiss case in the papers," he told them. "We did. I had to leak stuff all over the place. Because the Justice Department would not prosecute it. [J. Edgar] Hoover didn't even cooperate. It was won in the papers. We have to develop now a program, a program for

leaking out information. We're destroying these people in the papers." Nixon also noted the ensuing consequences: "I had Hiss convicted before he got to the grand jury," he said. What was needed now was someone to nail Ellsberg ("I no longer have the energy," Nixon said of himself); they needed "a son of a bitch who will work his butt off and do it dishonorably. I know how to play the game and we're going to play it."

The following day, talking with an aide on the telephone, Nixon again referred to the Hiss case, noting that in the Ellsberg matter he had plenty of allies, in contrast to his position in regard to Hiss, when "they were all against me." Six weeks later, he noted that the leaks of grand jury testimony about the accused Watergate burglars were something that had not happened in the Hiss case: "Even in the Hiss case, when we were going through that, we never got a thing out of the grand jury until they indicted." There is a note of admiration in Nixon's words; he could salute virtue, but it apparently came at too high a price to be personally practiced. One is reminded of a cartoon showing a sign on a corporate executive's desk: "Honesty Is the Best Policy," it reads, "But It Is Not Our Policy."

Nixon also had learned other lessons from the Hiss case—though some not well enough. "If you cover up, you're going to get caught," he told John Ehrlichman, another chief aide, on July 19, 1972, when the Watergate scandal was just beginning to take form. "And if you lie you're going to be guilty of perjury. Now basically that was the whole story of the Hiss case. It is not the issue that will harm you; it is the *cover-up* [Nixon's emphasis] that is damaging." Nixon returned to the Hiss case with Charles Colson, another aide, in a September 11, 1972, conversation. The Chambers-Hiss affair had taken place before the 1948 elections, he told Colson. Truman had declared that the whole business was a "red herring," and Dewey, more certain of victory than he should have been, chose not to inject the case into his campaign.

Nixon also harked back to the scenario of the Hiss case when a Senate investigative committee decided to hold hearings on Watergate. He told Kissinger in early 1973, quite correctly, that the House Un-American Activities Committee had brought hearings to an end once Hiss had been indicted for perjury and faced a criminal trial. Bitterly, Nixon asked Kissinger where his "Harvard [liberal] friends" were now, when "these assholes are saying: Oh no, the grand jury isn't enough, the court finding seven people guilty [for the Watergate break-in and cover-up] and giving them fifty years isn't enough. It's got to be now try it before a kangaroo court before the Ervin committee [in the Senate]. There's a double standard. The only thing to do is to fight it."

On the same day, Nixon reminded his secretary of state, William P. Rogers, that a committee of Congress "destroys a man's character in public and, second, if a file is turned over, you know, to the Department of Justice for prosecution, they will prosecute the poor guy. . . . We did it to Hiss."

In the midst of this there was an aside of grudging respect for Hiss. Talking with Haldeman and Colson, Nixon remarked, "You know the great thing about—I got to say for Hiss. He never ratted on anybody else. Never. He never ratted." Readers will, of course, see quickly that Nixon categorically assumes Hiss's guilt, a judgment that by the end of the century, while not universal, was dominant.

Crimes and the Times

The Hiss case highlights the temper of the time, as do the more sensational criminal justice cases. The Scottsboro defendants were almost executed in Alabama as sacrifices to the racial antagonism of the region. Hauptmann, guilty or not, was pilloried mercilessly in a trial that caricatured a fair and calm search for truth. Hiss, guilty or not, was used primarily to further the political ambitions of those who pursued him, and his situation came to symbolize the fear and hatred of the Soviet Union that ruled the judgment of large segments of the American population and the government. The Simpson case, as we shall see, reflected blacks' access to power as jury members, and also highlighted the stunning attitudinal divisions between blacks and whites about the criminal justice system. An essayist, in a piece entitled "Alger and O.J.," made an important point when noting Hiss's death: "Our best hope," Charles Krauthammer wrote, "is that in fifty years we will read Simpson's obituary as this year we did Hiss's—with puzzlement, wonder even, at a passion long exhausted."

For some, Hiss emerges as one of the great impostors before the law: his boldness takes your breath away. Hiss's stonewalling over five decades, his insistence on his innocence, might represent a masterpiece of deception, comparable and perhaps more successful than the similar behavior of Richard Nixon, his archenemy in the case, who faltered as he tried to save his skin when the Watergate scandal unfolded. In this regard, some see Hiss and Nixon as twins, high-wire dissemblers of consummate ability, both doomed in the end by their own treachery.

For others, Hiss is a victim of the temper of the time: a man who stood an excellent chance of rising to a very high position in government, defamed by a

notorious liar who could not even remember which of his innumerable aliases he was living under at any one time, a twisted loser who for some reason (and that is the catch: what might the reason have been?) was determined to take this prominent man down to the depths with him.

The issue of espionage by Americans on behalf of the Soviet Union and the palpable public terror about the threat of Russia to our very existence now seems old-fashioned and farfetched—in Krauthammer's phrase, "a passion long exhausted." But the Hiss case continues to fascinate, in part because it provided detailed and intimate portraits of the lives of the Hisses and the Chamberses. The case highlighted distinctions between public images and private behaviors. Hiss appeared to be an impeccable, high-minded public servant, but the record suggested that he was a spy, a traitor to his country. Chambers was a highly successful senior editor of a national magazine, but his past was riddled with self-confessed aliases and lies and a sordid collection of bizarre personal behaviors. The story was a tragedy, a man of power in high places brought to ruin. The literary Chambers certainly saw it that way. The legal issues were intricate and complex but boiled down to a single question: Who was lying? And what was being lied about was, at least at the time, frighteningly important.

The legal system served to dispel public anxieties. The penalty for perjury was relatively minor in regard to the potential gravity of the offenses that gave rise to the prosecution. But the legal system dodged, as it often does when the spotlight is too intense, important basic issues, in this case such matters as the right of the accused to be presumed innocent and the role of a congressional committee in the prosecutorial process, an issue closely related to the constitutional separation of powers.

Cooke and Jowitt on American Justice

Two sophisticated British commentators looked for lessons in the Hiss case about the manner in which the quest for justice should be carried out, scrutinizing how the trial was conducted here and how it would have been carried out in England. Alistair Cooke noted that the Hiss trial brought out "the American inclination to substitute technique for honest argument, and a wealth of exhibits for incisive pleading," a point that with equal justification can be applied to the other cases reviewed in this book. For Cooke, a particularly pressing necessity was the establishment of rules mandating a binding code of fair practices for all congressional committees. A statement of

J. Parnell Thomas, chair of HUAC during the Hiss hearings, illustrates the root of Cooke's concern: "The rights you have are the rights given you by this committee," Thomas told a witness. "We will determine what rights you have and what rights you have not got before this committee." Lindsay Rogers, a law professor, with the tactics of HUAC in mind, declares that congressional committees "have been obscenely indifferent to the principle that every man is innocent until he is proven guilty."

An eminent sociologist, Edward Shils, sought to tie the extravagances of congressional investigations to the social origins of many of those conducting them. Politicians, he notes, have an unusually high degree of social mobility; more than most, they represent the realization of the ideal of the poor boy who takes advantage of the opportunities of an open society to rise to the top. Persons elected to Congress move from their homes to Washington, where they live away from the influence of longtime friends and associates in a world "full of pitfalls and threats to their professional success." What threatens them comes to be interpreted as a threat to America. "There is," Shils maintains, "a general suspicion among legislators of disloyalty to American standards on the part of those who challenge them and make them uneasy—most notably bureaucrats and intellectuals—and they are therewith cast outside the circle of the saved."

Conflicts continue to exist today between congressional committees whose members seek to infringe on judicial and executive prerogatives. Persons in Congress often have an eagle eye out for opportunities to enhance their reelection prospects with the help of publicity generated in high-profile committee hearings. But some reforms have been adopted. In 1955, for instance, the House established a minimum standard of conduct for its committees, adopting a rule that a committee finding evidence that might "tend to defame, degrade, or incriminate any persons" must receive evidence in secret session and allow the person involved to appear as a witness and request the appearance of supporting witnesses.

In 1950, Alistair Cooke also maintained that the media were a menace to the satisfactory operation of the American justice system and needed to be controlled. He believed that it was essential for the United States to revise its libel and slander laws. "As I see it," he wrote, there is "no good argument against forbidding the publication of anything 'alleged' to have gone on at a private [committee] hearing, or against holding newspapers responsible for airing such leaks."

The rules of evidence in American trials (in contrast to English procedures) also seemed to Cooke to produce untoward results:

. . . they allow counsel to elaborate an issue almost into oblivion; so that instead of deepening in the jury's minds the main impression you want to leave, there is a good chance that at the end of the trial the jury may be thrashing in so many cross-currents, none of which seems to lead upstream to the source of the trouble, or downstream into the broad ocean of truth, that the jury will seize at the end on any floating log that might bring them safely to shore.

The "enormous" length of time it takes for American juries to make up their minds was regarded by Cooke as support for his criticism of overly permissive rules of evidence. Veteran jury members, he added, "often say that the first few hours in the jury room are spent sloughing off the welter of counsel's rhetoric, the strangling flotsam and jetsam of introduced 'evidence.'"

It was about time, Cooke also thought, that the American press was made to follow the practice of the English media by remaining silent during pending and ongoing trials. "The indignities some papers forced on the judicial system [in the Hiss case]," Cooke observed, "seemed to strengthen the argument for the adoption of the English rule, whereby all comment, dramatization, and editorial opinion of any kind may not be printed while a case is under judgment." Such a position, Cooke maintains, "is not inconsistent with any decent definition of a free press."

In the Hiss case, not only was there the media circus that seems to come to town with such notorious court proceedings, but also the press was employed for ends that only tangentially were concerned with justice. For instance, Bert Andrews, a Pulitzer Prize–winning reporter for the *New York Herald Tribune,* was deeply involved in helping Nixon launch the case against Hiss; in return, he was given access to news scoops. In addition, the FBI leaked information to Nixon, who fed it to the media in the belief that it would advance the election prospects of Thomas Dewey, who was believed to be more sympathetic to the FBI than was Harry Truman. Richard Morris, examining Nixon's career, thinks that the Hiss case was an object lesson about "the craven ambition and ready cannibalism of the establishment, the easy disregard of secrecy and procedure on all sides, the significance of covert action and alliances and the utter politicalization of every governmental act." Morris believes that Nixon's cynicism and ruthlessness were fed by his success in the prosecution of Alger Hiss and ultimately led to his own destruction by the Watergate crisis.

Another Briton, William Jowitt, who was Lord Chancellor in England under the Labour government, deplores the introduction of the psychiatric evidence by Binger in the second Hiss trial. "It is quite certain," he observes,

"that under English law no such evidence would be admitted; and I sincerely hope that it never will be." "I have thought sometimes," he writes rather tartly, "that eminent doctors in this sort of case are apt to draw too generous conclusions from too slender premises."

Stephen Ambrose, in a recent perceptive and fair-minded multivolume biography of Nixon, sums up the Hiss proceedings aptly. "The case," Ambrose notes, "was filled with leaks, lies, deceptions, the deliberate use of the Justice Department for partisan political purposes, the manipulation of the press and public opinion, and brazen attempts at cover-up." But Ambrose does not deal head-on with the fundamental issue of the Hiss-Chambers business: Was justice served? That is, was a guilty man convicted? Or can justice be served only when the process by which guilt or innocence is determined is above suspicion?

For Further Reading

The most comprehensive review of the Hiss-Chambers case is Allen Weinstein, *Perjury: The Hiss-Chambers Case,* updated ed. (New York: Random House, 1997); its tilt is strongly toward Chambers. Critiques of Weinstein's material are found in Victor Navasky, "Weinstein, Hiss, and the Transformation of Historical Ambiguity into Cold War Verity," in Athan G. Theoharis, ed., *Beyond the Hiss Case: The FBI, Congress, and the Cold War* (Philadelphia: Temple University Press, 1982), pp. 215–245. See also, in the same volume, Theoharis, "Unanswered Questions: Chambers, Nixon, the FBI, and the Hiss Case," pp. 246–308, and Kenneth O'Reilly, "Liberal Values, the Cold War, and the American Intellectuals: The Trauma of the Alger Hiss Case," pp. 309–340. Jon Wiener's material on Weinstein appears in "The Alger Hiss Case, the Archives, and Allen Weinstein," *Viewpoints,* 30 (February 1992):10–12, and "Compromised Positions," *Lingua Franca* (January–February 1993): 41–48.

John Chabot Smith's comprehensive *Alger Hiss: The True Story* (New York: Holt, Rinehart, and Winston, 1976) favors Hiss. Smith covered the trial for the *New York Herald Tribune.* Ronald Seth provides an easily readable overview of the case in *The Sleeping Truth: The Hiss-Chambers Affair Reappraised* (New York: Hart, 1968). Seth insists, based on his knowledge of Russian espionage tactics, that Hiss was framed by the Soviet spymasters. Fred J. Cook's *The Unfinished Story of Alger Hiss* (New York: William Morrow, 1958) is strongly pro-Hiss, claiming that the FBI constructed the typewriter that was used to convict Hiss.

Writing in the same vein are Morton Levitt and Michael Levitt, *A Tissue of Lies: Nixon vs. Hiss* (New York: McGraw-Hill, 1979). Similar too is William A. Reuben, *The Honorable Mr. Nixon,* rev. ed. (New York: Action Books, 1958). An unequivocally pro-Chambers consideration of the case is Ralph de Toledano, *Seeds of Treason* (Belmont, Mass.: Western Islands, 1967).

On the typewriter, see the brief monograph by Beatrice Gwynn, *Whittaker Chambers: The Discrepancy in the Evidence* (London: Mazzard, 1993). Gwynn insists that the discrepancy, among others, between the capital "W" on the Woodstock used to type the government documents and the one that typed Priscilla Hiss's correspondence indicates clearly that they were different machines. She maintains that the "crude soldering of the keys" and the toolmarks on the recovered machine demonstrate that the evidence was forged. On the same subject see Herbert L. Packer, "A Tale of Two Typewriters," *Stanford Law Review,* 10 (1958):409–449.

Thomas Murphy's Cross-Examination of Dr. Carl A. Binger in U.S. v. Alger Hiss (Hiss II) (Minnetonka, Minn.: Professional Education Group, 1987) shows the derisive manner in which the prosecutor handled the psychiatrist. Another psychiatrist's rather long-winded but often intriguing appraisal of Chambers and Hiss is Meyer A. Zeligs, *Friendship and Fratricide: An Analysis of Whittaker Chambers and Alger Hiss* (New York: Viking, 1967). Zeligs's wife worked with Mrs. Hiss, and his monograph is heavily slanted in Hiss's favor. Weinstein, commenting on the book, notes meanly, but accurately, that Zeligs is "a stranger to modesty."

Two British writers produced books on the Hiss case. Both examine the events in terms of British procedures, though they are, as the English can be, extremely careful to be nothing but constructively critical of the manner in which the case was handled. The books are Alistair Cooke, *A Generation on Trial: U.S.A. v. Alger Hiss* (New York: Knopf, 1952), and William Allen Jowitt, *The Strange Case of Alger Hiss,* 2nd ed. (London: Hodder and Stoughton, 1953). Cooke was a correspondent for the *Manchester Guardian;* Jowitt was an eminent English jurist. Cooke's analysis is severely criticized in a book review by Rebecca West in the *University of Chicago Law Review,* 18 (1951):662–677. That issue of the law review offers more than a dozen articles looking at aspects of congressional investigations, often using the Hiss case for illustrative purposes.

The legal aspects of Chambers's allegations are also dissected briefly in Herbert L. Packer, *Ex-Communist Witnesses: Four Studies in Fact Finding* (Stanford, Calif.: Stanford University Press, 1962), pp. 21–51, and in Richard B. Morris, *Fair Trial: Fourteen Who Stood Accused* (New York: Knopf, 1952), pp. 426–478. On

the general history of the House Un-American Activities Committee see Walter Goodman, *The Committee: The Extraordinary Career of the House Committee on Un-American Activities* (New York: Farrar, Straus and Giroux, 1968), pp. 244–267, and Robert K. Carr, *The House Committee on Un-American Activities, 1945–1950* (Ithaca, N.Y.: Cornell University Press, 1952), pp. 93–131. The experiences of one of the more reasonable members of HUAC are detailed in F. Edward Hébert and John McMillan, *"The Last of the Titans": The Life and Times of Congressman F. Edward Hébert of Louisiana* (Lafayette: University of Southwestern Louisiana, 1976); pp. 272–319 are on the Hiss case.

Written for children, Doreen Rappaport's *Be the Judge, Be the Jury: The Alger Hiss Trial* (New York: HarperCollins, 1993) presents the evidence offered at the second Hiss trial and asks young readers to decide how they would have voted if they were members of the jury.

There are some excellent recent biographies of Richard Nixon that depict his role in the Hiss case, including Richard Morris, *Richard Milhous Nixon: The Rise of an American Politician* (New York: Henry Holt, 1990), pp. 383–512; Stephen E. Ambrose, *Nixon: The Education of a Politician, 1913–1962* (New York: Simon and Schuster, 1987), pp. 166–196, 199–200, 204–205; and Jonathan Aitken, *Nixon: A Life* (Washington, D.C.: Regnery, 1993), pp. 149–158. The taped Nixon conversations are reproduced in Stanley I. Kutler, ed., *Abuse of Power: The New Nixon Tapes* (New York: Free Press, 1997). On the large part played by the Quaker affiliations of Richard Nixon, Priscilla Hiss, and Whittaker Chambers, see Chuck Fager, Book Review, *Quaker History*, 84:65–77.

Alger Hiss wrote two books seeking to put before the public his own view of the perjury case: *In the Court of Public Opinion* (New York: Knopf, 1957) was faulted as a sterile, lawyer-like brief, totally devoid of the kind of affect one might expect from a man unjustly convicted; and *Recollections of a Life* (New York: Henry Holt, 1988). In the latter, especially pp. 149–160 on the perjury case and 160–183 on his prison experience, Hiss tries to make up for the flatness of the earlier book, noting the "emotional experience of the two long and heartbreaking trials, to each of which I brought such bright hopes of vindication." An affectionate memory of his father (whom he calls "Al") is provided in Anthony Hiss, *Laughing Last: Alger Hiss by Tony Hiss* (Boston: Houghton Mifflin, 1977).

Whittaker Chambers pressed his case in *Witness* (New York: Random House, 1952), a Book-of-the-Month-Club selection, and he receives comprehensive and sympathetic treatment in Sam Tanenhaus, *Whittaker Chambers: A Biography* (New York: Random House, 1997). Willam F. Buckley, Jr., offers an

intimate view of Chambers through their correspondence in *Odyssey of a Friend: Whittaker Chambers' Letters to William F. Buckley, Jr., 1954–1961,* edited by Ralph de Toledano (New York: G. P. Putnam's Sons, 1970).

Bert Andrews, the newspaper reporter who arguably breached professional ethics when he took on the role of a Nixon adviser and traded information with the congressman, tells his story, with his son Peter as coauthor, in *A Tragedy of History: A Journalist's Confidential Role in the Hiss-Chambers Case* (Washington, D.C.: Robert B. Luce, 1962). The book is breezily written and offers large verbatim chunks of hearing and trial testimony.

United States v. Hiss, 185 F2d 822 (2nd Circuit, 1950) reports the appellate decision on the Hiss case. The full transcript of the second trial can be found in *United States v. Alger Hiss,* vols. I–IX (Sayre, Pa.: Murrelle Printing Co., 1950). Hiss's later unsuccessful application for a retrial can be found in Edith Tiger, ed., *In Re Alger Hiss: Petition for a Writ of Coram Nobis* (New York: Hill and Wang, 1979–1980). A further collection of materials can be found in *The Alger Hiss Case: Basic Documents* (Wilmington, Del.: M. Glazier, 1977).