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—*Whittaker Chambers*

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Alger Hiss testifying at his trial.

❖ Chapter 4 ❖

The Trials of Alger Hiss

Seldom has the world seemed so starkly divided between light and dark as it did in the late 1940s, when politicians began speaking of a struggle between Communism and the free world. Only a few years earlier, history's most destructive conflict, World War II, had ended with the use of the atomic bomb, raising the stakes of war forever. Looking at Soviet Russia, many Americans saw a totalitarian country bent on taking over the world. Looking at American Communists, they saw the enemy within.

“WE ARE CAUGHT IN A TRAGEDY OF HISTORY”

In the late 1940s, Americans were crossing into a kind of promised land. They had slogged their way through the Great Depression and the Second World War, they had worked and suffered, and they were about to be rewarded. The most prosperous era in United States history was under way. More Americans than ever before were marrying and having children. Outside the cities, bulldozers were leveling hills to ready them for mass-produced houses with lawns and swing sets, preparing for the suburban life that would seem typically American in the years to come. Television, which would play a central role in that life, was just catching on. In 1948, only around 100,000 people had their own sets. All across the country, shoppers stood outside appliance-store windows, mesmerized by the flickering black-and-white images on the rows of new TVs. It was a period of rapid transition, bringing new hopes and new anxieties. People looked forward to having a television, and they worried about inflation, and the atomic bomb, and Communism. Especially, in 1948, they worried about Communism.

On August 25, 1948, television cameras were brought into a large, crowded room in the Capitol Building in Washington, DC, for a hearing of the House Un-American Activities Committee (HUAC). A conservative group created by Congress in the late 1930s, HUAC had assumed the role of national watchdog against Communism, the influence of which HUAC seemed to see everywhere. The congressmen of HUAC were not publicity shy, and their committee had just stumbled onto the biggest case of its career.

The tiny new TV audience and the much larger radio and newspaper audiences were about to witness an amazing drama. In HUAC hearings earlier that month, Whittaker Chambers, a senior editor at *Time* magazine, had leveled a shocking accusation against Alger Hiss, the president of the Carnegie Endowment for World Peace. Chambers accused Hiss of being a secret member of the Communist Party. Chambers said that he and Hiss had worked together in the Communist underground during the 1930s. Chambers added that he and his wife had developed close, personal friendships with Hiss and his wife, Priscilla, who was also a Communist.

If proven, these charges would end Alger Hiss's career and cause political damage to everyone who had been connected with him, including some of the most important people in the U.S. government. If Chambers was telling the truth, then Alger Hiss had been a party member while he worked at the U.S. State Department, the government agency responsible for American foreign policy. He might even have been a Communist when he was assistant to the assistant secretary of state, a job that had given him direct access to the president, perhaps influencing his views on the Soviet Union.

Hiss and Chambers had each testified separately before the committee earlier that month. Alger Hiss had denied Chambers's accusations. Today, for the first time, they were testifying at the same hearing in public. It was a kind of showdown.

A photograph taken that day shows the accuser, Whittaker Chambers, leaning forward on his elbows. He is a heavysset man, and his pale suit is stretched taut across his round shoulders. His fingers are splayed over the triangular base of



Whittaker Chambers (right), *Time* magazine editor, takes the stand before the House Un-American Activities Committee on August 25, 1948, reiterating his testimony that Alger Hiss was a secret Communist, as Alger Hiss (circled) looks on.

a shiny, fist-size microphone—one of several that rise up from a tangle of black wires before him. The microphones make the picture typical of a certain kind of news photo of that period. Microphones took up a lot of space in the 1940s—at press conferences and hearings, they were the sign that something important was being said, something every citizen should know.

One of the HUAC congressmen asked Whittaker Chambers how he felt about Alger Hiss. Chambers replied slowly in measured phrases. “The story has spread that in testifying against Mr. Hiss, I am working out some old grudge, or motives of revenge or hatred. I do not hate Mr. Hiss. We were close friends, but we are caught in a tragedy of history. Mr. Hiss represents the concealed enemy against which we are all fighting, and I am fighting. I have testified against him with remorse and pity, but in the moment of history in which this Nation now stands, so help me God, I couldn’t do otherwise.”

INTERNATIONAL COMMUNISM AND AMERICAN COMMUNISM

Most of the people in that room knew what Whittaker Chambers meant when he said that he and Alger Hiss were “caught in a tragedy of history.” For Chambers, and for millions of other Americans, the conflict between these two men was the central drama of their time. It was as if an international struggle between good and evil had come down to Whittaker Chambers and Alger Hiss. In fact, Chambers and many of his fellow anti-Communists wouldn’t have said “as if.” They saw Chambers’s testimony as a turning point in world history. America had been sleeping for too long. If Whittaker Chambers could not make himself believed, then America might not wake up in time.

To understand how so many people could have read so much into a war of words between two men, one needs to know what was going on in the world in the late 1940s. While many Americans were enjoying prosperity, some of them were also very frightened. Looking abroad, they saw a determined enemy getting stronger every day.

The Second World War had taken the lives of fifty million people and had left all the great international powers crippled, except for two: the Soviet Union and the United States.

These two countries stood for different ways life and forms of government. The United States was a democracy. Its economic system was capitalism—as many Americans preferred to say then, the “free enterprise system”—a system in which industry is under private ownership. The United States was a rich country, but far from perfect. Many of its citizens suffered from racial discrimination and were denied their constitutional rights, and capitalism had led to big inequalities between the rich and poor.

The Soviet Union was also a democracy—that is, officially. The economic system of the Soviet Union was Communism, which had been invented as an answer to the problems of capitalism. Under Communism, the state owned all large enterprises—the factories, the farms, the stores. In theory, this meant that the

people of the Soviet Union owned all this property. For this reason, many people around the world, including some in the United States, believed the Soviet Union was a wonderful place. But Soviet democracy was a sham. Soon after the 1917 revolution that brought the Communists to power, the Soviet Union had become a one-party dictatorship in which dissent was not tolerated. Over the years, millions of Soviet citizens suspected of being enemies of the state had been worked to death in slave labor camps. Millions of other Soviet citizens were informers for the secret police, and people could not speak freely for fear their friends and neighbors might report them to the authorities.

Now the Soviets and the Americans, each side with its sharply different set of ideas, faced each other across the smoking rubble of the world's bombed-out cities. Despite its enormous size and power, the Soviet Union always seemed to feel threatened, and was always trying expand its sphere of influence. If they could get away with it—so Whittaker Chambers and other anti-Communists like him insisted—the Soviets would dominate the world, and therefore a fight between the two great powers was inevitable. But, the anti-Communists maintained, so far only the Soviets seemed to realize it, and because they had figured it out before the Americans, they had struck the first blows and were already winning.

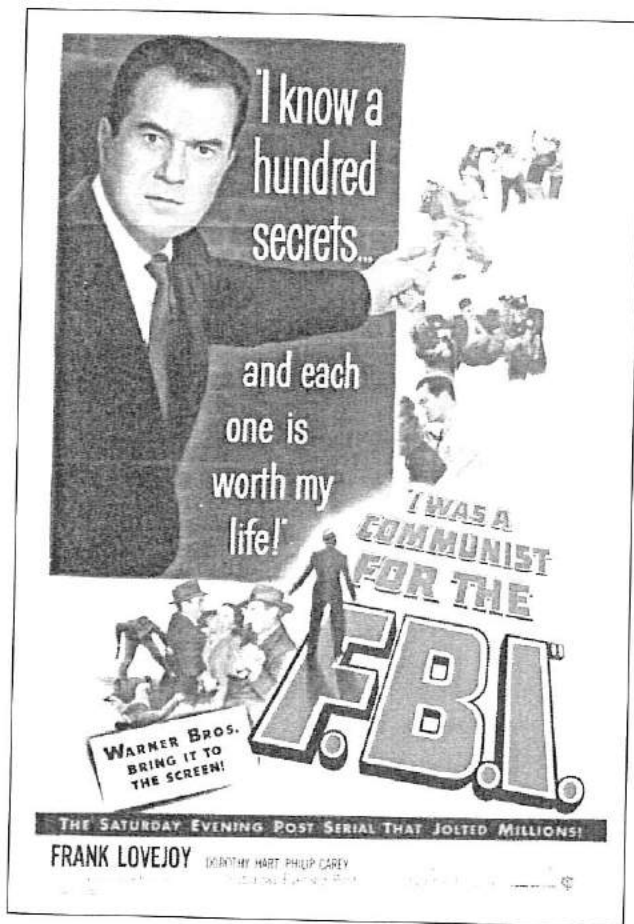
The war's end had left the Soviet Union's Red Army in occupation of Eastern Europe, which the Soviets had taken over as they pushed out the Germans. The Soviets had promised their allies, England and the United States, that they would let the countries of Eastern Europe decide their own destinies. But instead, the Soviet Union proceeded to turn them all into little replicas of itself, each a so-called people's republic with a hammer-and-sickle flag, a state-controlled press, a secret police, and a Communist dictator. In 1948, Soviet-controlled North Korea, too, went Communist. And at the very moment that the Hiss case began in the United States, civil wars were going on in China and Greece that would determine whether these countries would suffer the same fate. The Communists had chosen the color red as their symbol; if they had their way, the whole world would soon be red.

How had the Communists achieved this stunningly swift success? The Red

Army's occupation of Eastern Europe at the end of the Second World War was only half of the answer. The other half was that the Soviets had been helped by homegrown Communist parties within each of the countries they had overtaken. Communism as an idea and a political program had been around for a hundred years. All over the world there were Communist parties. All over the world there were Communists—marching with signs, handing out leaflets, organizing strikes, and plotting the revolution that would bring about a world without war, poverty, or class differences. Ever since 1917, when Russia (later called the Soviet Union) became the world's first Communist country, Communists everywhere had looked to the Soviet Union for guidance, sure that it represented the best

hope for humankind. In each country that had come under Soviet influence, a local Communist Party had opened the door for the Russians and local Communists led the new Communist government.

America, too, had a Communist Party. True, it was very small. There were never more than eighty-four thousand official members, a fraction of one percent of the American population. But the congressmen of HUAC pointed out that the Communists who had taken over Russia in 1917 had been a small group, too. And, they claimed, official party membership was only the tip of a vast iceberg of secret Communist sympathizers who merely pre-



In the late 1940s and early 1950s the menace of homegrown Communists became the subject of numerous books and movies.

tended to be loyal Americans. These people occupied key positions and influenced U.S. politics—they would be ready to sabotage U.S. industry whenever the order came down from the world Communist headquarters in Moscow. Some people actually believed that American Communists could bring about a Communist revolution in the United States. Many more were convinced that American Communists, acting on secret orders from the Russians, could weaken the United States in its international conflict with the Soviet Union.

So now there was a great debate going on in the United States. What should be done about America's own Communist Party? Did Americans have the right to be Communists? Was Communism a legitimate political viewpoint that Americans had a right to hold even though it was unpopular? Which was more important, homeland security or civil liberties—the political freedoms guaranteed by our Constitution, the freedoms that made America *different* from the Soviet Union? Should Americans be permitted to be Communists just as they were permitted to be Democrats and Republicans? Or was American Communism a conspiracy? Were American Communist Party members simply traitors, working for the victory of the enemy in the undeclared cold war between the United States and the Soviet Union?

Mainstream party politics added to the confusion. Conservative politicians like those who controlled the House Un-American Activities Committee tended to lump liberals and leftists of every type together with Communists. To them, the socially progressive programs that President Franklin Roosevelt had created in the 1930s smacked of Communism. Defenders of these programs—programs such as social security and unemployment insurance—were suspicious of HUAC's activities. As liberals saw it, the conservatives who controlled HUAC were abusing their investigative powers. Conservatives claimed they were saving the nation from an internal Communist conspiracy. Liberals believed that what Conservatives really wanted was to discredit the Truman administration (in office since 1945) and the Roosevelt administration that had come before it.

Under the circumstances, Americans found it difficult to treat Whittaker Chambers's accusation of Alger Hiss objectively. From the outset and for decades



This cartoon by John Herbert, which was published in the *Saturday Evening Post*, depicts labor and the New Deal as being a mask for Communism.

to come, party politics and the cold war would color nearly everyone's perception of the case.

There was one thing everyone agreed on: either Hiss or Chambers was lying. Chambers said the two of them had been Communists together for years. Hiss said he hardly knew Chambers. As the controversy grew, people began to wonder about these two men, both outwardly respectable, who told such contradictory stories. Who were they, and what had brought them to face each other, amid flashbulbs, microphones, and TV cameras, as opponents in the most sensational case of the 1940s?

THE LONG JOURNEY OF WHITTAKER CHAMBERS

In the 1920s, Whittaker Chambers was a young Columbia University student with a troubled home life. He joined the American Communist Party soon after the suicide of his brother. According to his 1952 autobiography, *Witness*, Chambers became a Communist because Communism offered an answer to the

two great problems of his time: the problem of wars, and the problem of recurring economic crises. He became a Communist because he believed it was the right thing to do. Chambers said this was what motivated most Communists. They were idealists, and this, he said, was what made them so dangerous.

Chambers worked briefly for the Communist newspaper the *Daily Worker* and then for the *New Masses*, a Communist literary monthly magazine. Eventually he was recruited by Soviet military intelligence. They told him to pretend to quit the party so that he could join the Communist underground and work secretly to promote the party's goals. Following orders from the Soviet Union, Chambers stopped going to party meetings, stopped working for Communist publications, and cut off all public ties with members of the Communist Party. For several years Chambers worked for Soviet spy networks in New York and Washington. He said that it was in his capacity as a secret Soviet operative that he made the acquaintance of Alger Hiss.

In 1938 Chambers quit the Communist Party for real. According to his testimony before HUAC, he quit because he was disenchanted with Communism. The Soviet dictator, Joseph Stalin, had by then killed millions of his own people. He had starved them to death with artificially created food shortages. He had systematically worked them to death in slave labor camps. He had murdered every major leader of the revolution that had originally brought the Communists to power in Russia. Stalin had turned the Soviet Union into a police state, where people were encouraged to inform on each other and were afraid to speak their minds even when they were in the company of friends. Stalin's government also had a habit of inviting American Communists suspected of disloyalty to pay a visit to Russia. Rumor had it that sometimes these American visitors were killed or sent to the labor camps. Chambers had recently received one of these alarming invitations, so the instinct for self-preservation may have played a role in his decision to leave the party.

For a while Chambers went into hiding, afraid that the Soviets might have him killed to prevent him from telling what he knew about the party underground. According to his autobiography, this was just what he intended to do

from the moment he decided to leave the party. In 1939, some friends in the anti-Communist movement arranged for him to meet privately with the assistant secretary of state, Adolf A. Berle, Jr. Identifying himself only by his underground name, "Karl," Chambers told Berle about Communist spy networks in the government. He named several people as secret Communist Party members—among them Alger Hiss, who at that time was working for Berle.

During the 1940s, every now and then FBI agents would interview Chambers about the government officials he had named as Communists. Chambers, who had become a deeply religious Quaker, made a new life for himself as a writer and editor for *Time* magazine. At *Time*, Chambers developed a reputation as a zealous anti-Communist and a fierce critic of the Soviet Union.

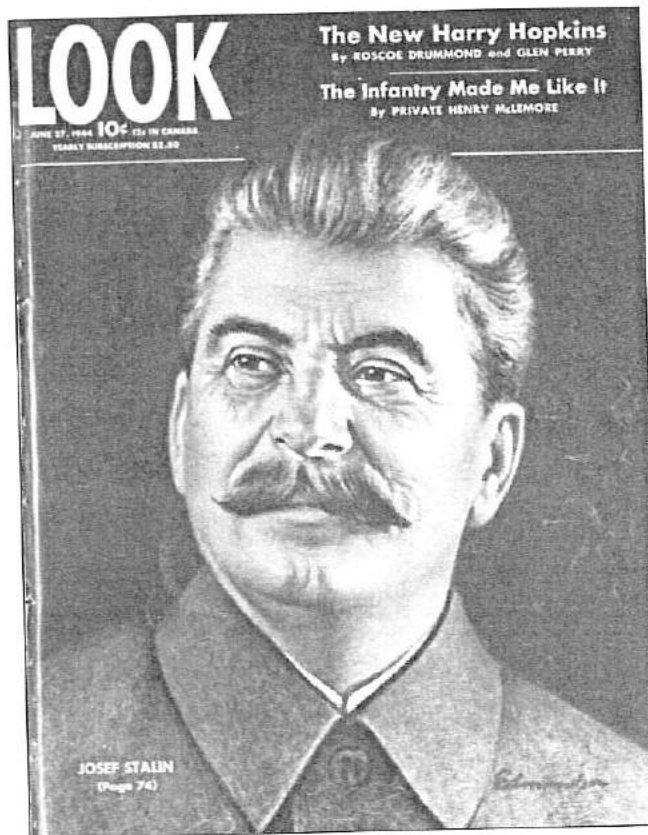
Chambers's hostility toward the Soviets was unusual in the early 1940s. After 1941, when Adolf Hitler invaded the Soviet Union and declared war on the United States, Russia and the United States were allies, fighting the same enemy. The bloodiest battles of the Second World War took place in the Soviet Union, which suffered more than twenty-five million war deaths, compared with two million British and four hundred thousand Americans. It was in America's interests to support the Soviet war effort, supplying the Soviet Union with food, fuel, and weapons. It was important, therefore, that the American public view the Soviets favorably. The United States government saw no point in playing up the threat of Communism. Most American newspapers, magazines, movies, and radio programs helped to promote a pro-Soviet attitude, and most Americans shared it. The villains on the world stage in the early 1940s were Nazi Germany, Fascist Italy, and the Japanese Empire. The Russians were on our side.

American public opinion changed gradually with the end of the war, as those Eastern European countries—Poland, Hungary, Czechoslovakia, Romania, Bulgaria, and Yugoslavia—all became Communist countries dominated by the Soviet Union. The map of the world was turning red. Americans began to wonder why, and for many the answer was clear: U.S. foreign policy was being undermined by secret Communists in American government. In this political climate, the House Un-American Activities Committee stepped up its investigation of

American Communists. HUAC served Whittaker Chambers with a legal order to testify before the committee on August 3, 1948.

Chambers began testifying before HUAC in a small room, with only committee members and their assistants present. Untidy-looking and talking in a gloomy monotone, he made a poor first impression on the committee members. However, as they listened to him read his prepared statements in his funeral drone, the explosive nature of what he was saying began to dawn on them. Interrupting Chambers, one of the committee members exclaimed, "Hell, why is this in executive session? This should be in the open!" To Chambers's silent horror—for he had hoped to get this over with quickly and quietly—the other committee members agreed to move the hearing to a room big enough for a large audience.

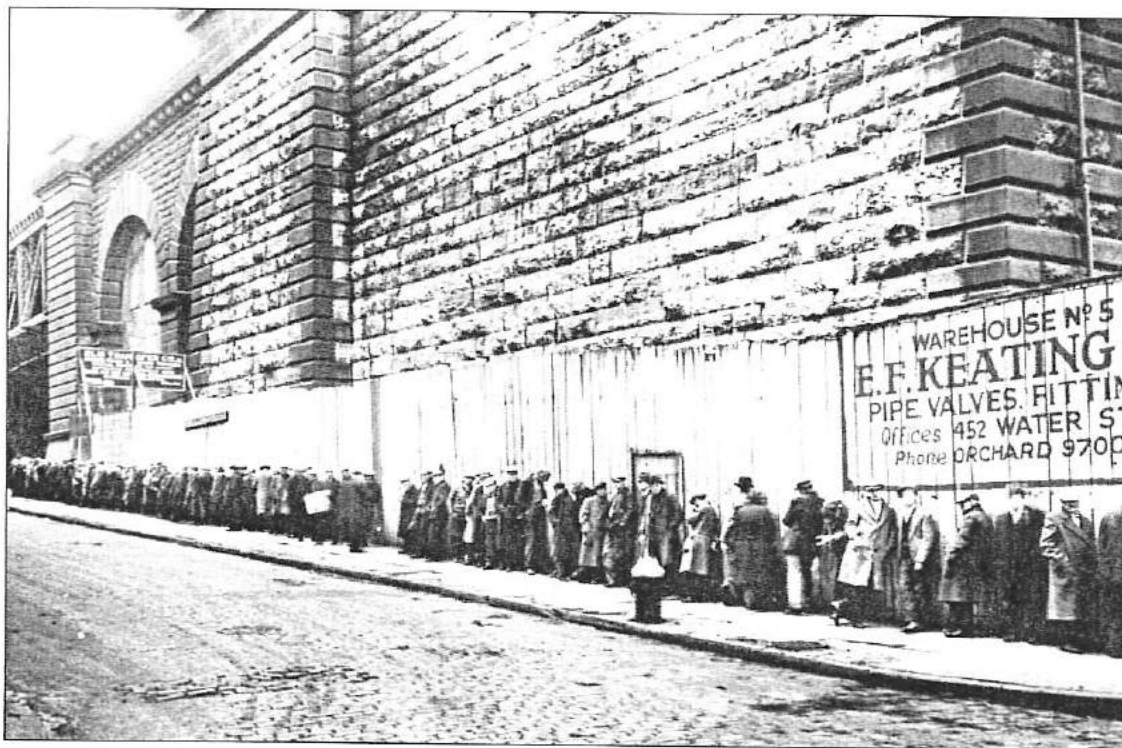
And so, in the enormous Ways and Means Committee Room, this time with newspaper reporters present, Chambers repeated his statement. He had worked with Alger Hiss, among others, in the Communist Party underground until the late 1930s. He had left the party because he no longer believed in what it was doing. In his last meeting with Alger Hiss, he had begged Hiss to leave the party, too. It was an emotional meeting for both of them, Chambers said; Hiss had wept. "But," said Chambers, "he absolutely refused to break." Chambers added, "I was very fond of Mr. Hiss."



During the Second World War, mainstream magazines and newspapers depicted Joseph Stalin as a good, kind man and the Soviet Union as a nation of heroes.

“I AM NOT AND NEVER HAVE BEEN A MEMBER OF THE COMMUNIST PARTY”

In the 1940s, an attack on someone's good name was called a “smear.” This expression seemed especially apt with respect to Whittaker Chambers's accusation of Alger Hiss, because the reputation of Alger Hiss was a beautiful object polished to a high sheen. Alger Hiss was the scion of an old Baltimore family. His people were not the sort who became Communists. Though highly respectable, the Hiss family was not wealthy, and Alger Hiss had risen in his profession through hard work, high intelligence, and personal charm. Everyone who knew him was impressed by his honesty and integrity. His career was not a shadowy one—there were no detours on the path of his life. He had been a brilliant student at Johns Hopkins University and Harvard Law School, and his first job following graduation had been as a law clerk for the legendary Supreme Court



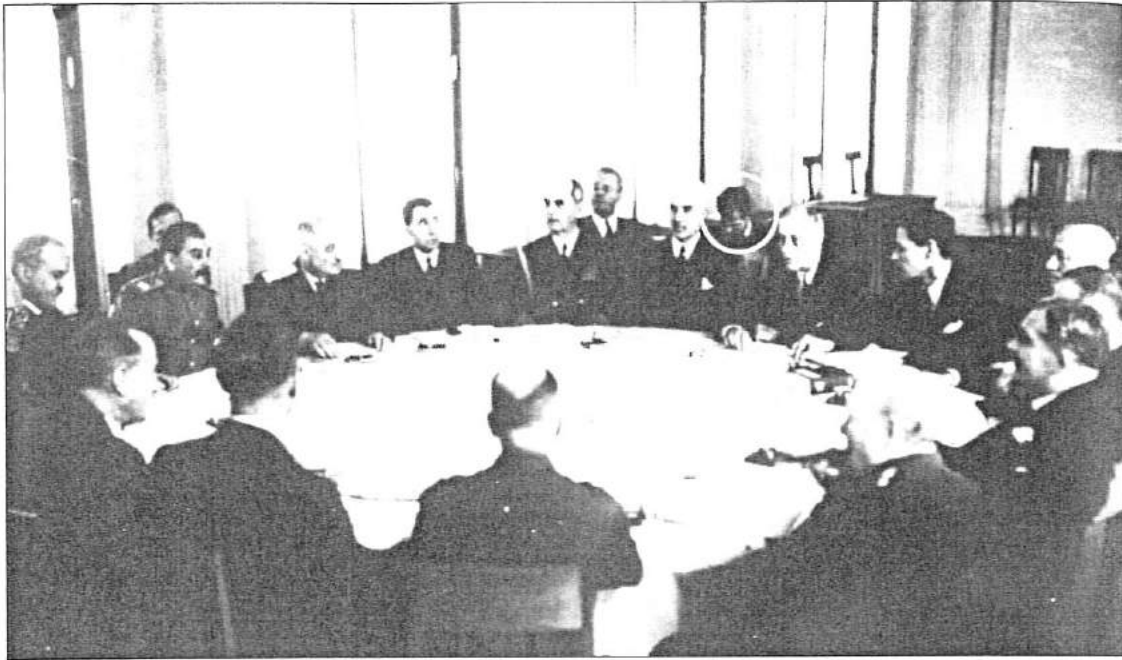
During the Great Depression of the 1930s people stood in breadlines to get food that was distributed by charities.

justice Oliver Wendell Holmes. After a brief stint in corporate law, he returned to Washington in the 1930s to participate in the exciting early days of the New Deal, when the Roosevelt administration was seeking fresh young minds to cope with the national crisis of the Great Depression.

Hiss had performed so well at each task given him that he was rewarded with even greater responsibility. He assisted at the 1944 Yalta Conference, where the leaders of Great Britain, the United States, and the Soviet Union made plans for the postwar world. At Yalta he had sat just behind the U.S. secretary of state Edward R. Stettinius and President Franklin Roosevelt. He was chosen to preside at the San Francisco Conference where the United Nations had been organized and had come very close to being the first secretary-general of the United Nations. He was now president of the Carnegie Endowment for World Peace, a post for which he had been recommended by John Foster Dulles, a future secretary of state and a dedicated foe of Communism. Alger Hiss had won the trust of the most influential and admired men and women in America, including two Supreme Court justices and Eleanor Roosevelt, the widow of President Franklin Roosevelt.

Even some HUAC members had trouble believing that this man was a Communist. In the American mind a Communist was an unnatural person, and Americans expected Communists to have certain identifying marks. Ideally, a Communist woman was brisk and masculine. A Communist man was sly and effeminate, or hysterically angry. He should have, if possible, a foreign accent. If he was a native-born American he should still be physically unprepossessing. A Communist was a loser. Only that could explain why he had become a Communist, a choice many Americans found hard to understand in any other terms. In a movie, Whittaker Chambers, with his untidiness, his pasty complexion, and his whiny voice, would have made an excellent Communist. Alger Hiss, with his crisp intelligence, his forthright directness of address, and his amazing list of accomplishments, did not fit the part at all.

On August 5, 1948, when Hiss first replied to Chambers's accusations, he made a very good impression on everyone watching. His voice was firm and clear. He began by reading a statement he had prepared for the committee: "I am not



Alger Hiss sits behind Secretary of State Edward Stettinius Jr. and President Franklin Roosevelt at the February 1945 Yalta Conference, where Hiss was an important American staff assistant. Others around the table include Winston Churchill and Joseph Stalin.

and never have been a member of the Communist Party. I do not and never have adhered to the tenets of the Communist Party." He then went on to deny that he had ever even "laid eyes on" Whittaker Chambers. After he was shown a photograph of Chambers, Hiss said he did not recognize the man. But, Hiss added, he could not swear, just on the basis of a photograph, that they had never met. He asked to see Chambers in person as soon as possible.

Alger Hiss was so effective that day that the committee's members regretted their hasty decision to make Chambers and then Hiss testify in public. They had put their reputations and the reputation of HUAC on the line; now they looked reckless and foolish. One of the Republican members of the committee said, "We've been had! We're ruined." A reporter for the *Washington Post* told the congressmen, "This case is going to kill the Committee unless you can prove Chambers' story." Another HUAC congressman said, "Let's wash our hands of the whole mess," and suggested that the committee send the testimony of both

witnesses to the U.S. attorney general, Tom Clark, and let Clark figure out which of the two men was lying. Tom Clark was no friend of HUAC, so this would have been a desperate move.

CONGRESSMAN NIXON'S PLAN

At this point, Richard Nixon, an ambitious young congressman from California who would later become president, came up with another plan. Nixon pointed out that Hiss had not only said that he was not a Communist, but also said he had never even *met* Whittaker Chambers. Surely the committee could settle at least that question before it gave up on the investigation. Since Nixon was willing to stick his neck out, the committee decided to make him head of a subcommittee to look into the question of whether and how well Whittaker Chambers knew Alger Hiss.

That decision would make Richard Nixon famous. In secret sessions in New York City and Washington, Nixon's subcommittee interviewed Whittaker Chambers, Alger Hiss, and several other people who might be able to verify or discredit Chambers's testimony. To prove that he had known Alger and Priscilla Hiss intimately in the 1930s, Chambers gave the subcommittee mundane details about the daily life of Alger and Priscilla at that time—information about their cars, houses, and hobbies. The subcommittee then questioned Hiss, alone, on the same details.

Hiss answered carefully and reluctantly. Even so, some of his memories supported Chambers's story. After taking another look at photographs of Whittaker Chambers, Hiss volunteered a piece of new information. He said that his wife had, for a short time, been acquainted with a down-on-his-luck freelance writer named George Crosley. Crosley had borrowed money from them, said Hiss. It was possible that Crosley and Chambers (who admitted to having used fake names) were one and the same person.

On August 17, 1948, at the Commodore Hotel in New York, Nixon and his

colleagues interviewed Alger Hiss again. Then, in a carefully planned surprise intended to rattle Alger Hiss, a door opened and in stepped Whittaker Chambers, who had been waiting in another room. Nixon said, "Mr. Hiss, the man standing here is Mr. Whittaker Chambers. I ask you now if you have ever known that man before."

Alger Hiss later wrote that Chambers at that moment was "perspiring and very pale" and that he "would not meet [his] eye, but stared fixedly before him or up at the ceiling."

Chambers also wrote about this meeting. He described his feelings: "I was swept by a sense of pity for all trapped men of which the pathos of this man was the center. For the man I saw before me was a trapped man."

Hiss, who said he remembered George Crosley as having bad teeth, asked Chambers to open his mouth and then asked him to speak. Chambers read a few sentences from an article in *Newsweek*. At last Hiss said that Chambers was probably the man he and his wife had known as George Crosley.

After the meeting in the Commodore Hotel, Alger Hiss struck back at Chambers and the committee. In a letter released to the newspapers, Hiss said accusations were being leveled against him with a political purpose, "to discredit recent great achievements of this country in which I was privileged to participate." As for Chambers, Hiss questioned his character: "Is he a man of consistent reliability, truthfulness and honor: clearly not. . . . Indeed, is he a man of sanity? Getting the facts about Whittaker Chambers, if that is his name, will not be easy. . . . My own counsel have made inquiries in the past few days and have learned that his career is not, like those of normal men, an open book. His operations have been furtive and concealed. Why? What does he have to hide?"

Finally, on August 25, 1948, in the first congressional hearing ever shown on television, the two men confronted each other in public. The session lasted for nine and a half hours. Hiss was questioned first. Using information gathered from many sources, the HUAC questioners were able to raise strong doubts about Hiss's previous testimony. Hiss was far less persuasive than he had been in his earlier public appearance before the committee. During most of his time at the

microphone, he was on the defensive. His answers were nimble but unconvincing, hedged with phrases such as “to the best of my recollection.” Still insisting that Whittaker Chambers was practically a stranger to him—just a deadbeat who had borrowed money from him ten years ago—he challenged Chambers to repeat his accusations outside the hearing, where he would not be immune to being sued for libel—communicating false information about a person, damaging his reputation.

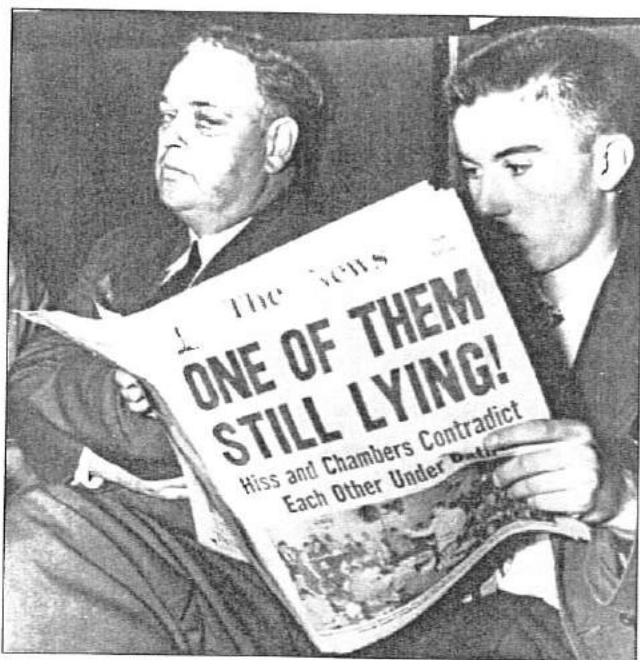
Whittaker Chambers spoke to the committee after Hiss. He called Hiss’s testimony “80 percent at least fabrication.”

THE SLANDER SUIT

Two days later, on August 27, Whittaker Chambers repeated his accusations against Alger Hiss on the radio program *Meet the Press*. By doing this, he was answering Alger Hiss’s challenge to accuse him in a forum where, under the law, Chambers could be sued. On September 27, Alger Hiss filed a civil action suit for slander against Whittaker Chambers for his statements on *Meet the Press*.

Slander, like *libel*, means making false and damaging statements about a person (slander refers to spoken statements, libel to written statements). A suit for slander is a civil action—an action between two private individuals or groups—as opposed to a criminal trial, which is between the government and an individual or group. In his slander suit, Alger Hiss demanded that Whittaker Chambers pay him fifty thousand dollars for damaging his reputation. Chambers told reporters, “I welcome Mr. Hiss’s daring suit. I do not minimize the audacity or the ferocity of the forces which work through him. But I do not believe that Mr. Hiss or anybody else can use the means of justice to defeat the ends of justice.”

The lawyers for Alger Hiss and Whittaker Chambers prepared to do battle in the slander trial. Alger Hiss’s attorneys hired private investigators to dig up information that would cast Chambers in a bad light. A psychiatrist consulted by Alger Hiss’s lawyers obliged them by saying that Chambers “had a homosexual attraction toward Alger Hiss which caused him to identify himself with Hiss to



A man reads the newspaper, seemingly unaware that Whittaker Chambers is sitting next to him.

desire to possess him and to destroy him." The psychiatrist also said that Chambers, who had earned money as a translator, was trying to act out the plot of a novel he had once translated from German. In the novel, *Class Reunion*, two former classmates meet in a courtroom. One of the classmates has become a judge; the other is the accused.

In fact, during the 1930s, before his religious conversion, Whittaker Chambers had had sexual relations with men, as

well as with women other than his wife. Chambers told the FBI about these episodes because he expected them to come up in the trial. They would be considered relevant to his credibility as a witness, since many psychiatrists in the 1940s saw homosexuality as a symptom of mental illness.

Under the rules concerning discovery (the gathering of evidence before a trial), each side must show the other side, in advance, what evidence it plans to introduce, and anyone who has knowledge about a case must cooperate with the lawyers on both sides. So, in preparation for the slander trial, Chambers's lawyers interviewed Alger and Priscilla Hiss. Hiss's lawyers, in turn, interviewed Whittaker Chambers and his wife, Esther. Alger Hiss's lawyers were pleased with the results of their first interview with Chambers. Chambers admitted to a complicated life full of devious behavior. As he himself had confessed, for years he had been a spy practicing constant deception. It would be easy to portray him as a liar.

However, Whittaker Chambers had an unpleasant surprise for the Hiss defense team. He had been hiding evidence damaging to Alger Hiss, and he was about to reveal it.

NEW EVIDENCE AND A NEW ACCUSATION

On November 14, 1948, Chambers went to the Brooklyn home of his nephew. There, from behind a dumbwaiter, he retrieved a stained manila envelope containing five rolls of microfilm, sixty-five retyped pages of State Department papers, and four notes in the handwriting of Alger Hiss. He handed the papers and Alger Hiss's handwritten notes over to Hiss's attorney, withholding the microfilm for future use. The papers that Chambers handed over at this time came to be known as the Baltimore Documents, because Chambers gave them to Hiss's lawyers in Baltimore. They contained information concerning Japanese activities in China, a matter of great interest to the Russians in the 1930s. "I thought I had destroyed them," said Chambers almost apologetically. They were evidence that Hiss had been not just a Communist Party member but a spy. Chambers said that in the late 1930s, when he was acting as a go-between for Soviet military intelligence, Alger Hiss had passed these documents to him. Hiss had brought them home from his State Department office in his briefcase. Priscilla Hiss had typed copies of them, and then Hiss had taken the originals back to the office so that they would not be missed.

As Arthur Conan Doyle, the author of the Sherlock Holmes detective stories, had noticed long ago (in the story "A Case of Identity"), manual typewriters are unique on close examination. With the help of tiny irregularities in the type, experts can match typing to a certain machine in much the same way criminologists are able to match fingerprints to a particular set of fingers. Together with Chambers's testimony, proof that these papers had been typed on Alger Hiss's typewriter would amount to proof that Alger Hiss had been a Communist spy.

The discovery of the Baltimore Documents changed the nature of the Hiss case in two ways. First, the papers provided tangible evidence to support Whittaker Chambers's claim that he and Hiss had worked together in the Communist underground, thereby protecting Chambers from the charge of slander. Second, they were evidence of espionage. To be a Communist was unpopular in the America of the late 1940s, but it was not a crime. Espionage was a



Reporters and photographers mob Whittaker Chambers outside the courtroom after he finished testifying to the grand jury.

crime. In all his previous testimony, Chambers had denied that Hiss was a spy. He later said that he had been trying to protect Hiss, whom he still regarded as a good—though misguided—man. But now, pushed into a corner by Hiss's attorneys, Chambers said that he had no choice but to reveal the true nature of his relationship to Alger Hiss.

Early the next month, Whittaker Chambers gave HUAC investigators more evidence against Hiss: two strips of developed microfilm and three rolls of undeveloped microfilm. The five rolls of film contained additional secret documents, allegedly taken from State Department offices by Alger Hiss. Some of them were telegrams that had been originally transmitted in code. By comparing the translations in their possession with intercepted messages that were still in code, the Soviets could have broken the U.S. diplomatic code, making it much easier for

them to spy on the United States. Since Chambers had hidden the rolls of film containing these documents temporarily in a pumpkin on his farm, the newspapers dubbed this new batch of evidence the Pumpkin Papers.

As a result of the Baltimore Documents and the Pumpkin Papers, everyone involved in the slander suit—Hiss, Chambers, their attorneys, and the judge assigned to the case—agreed to put a temporary halt to it. They did so because it was possible that, based on the new evidence, the Justice Department would charge somebody with a crime, and that case, whatever it was, would probably have a great bearing on the charge of slander; it might prove that Chambers had been telling the truth.

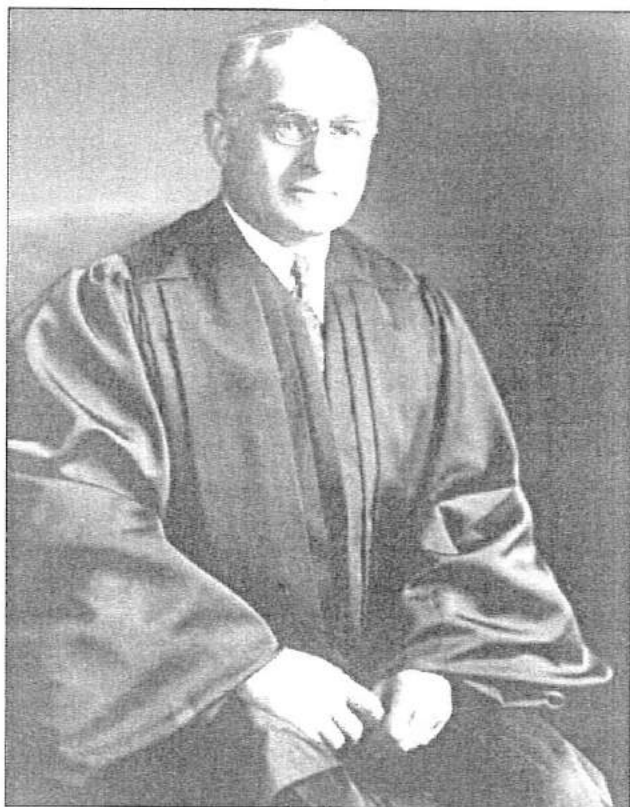
But *who* was going to be charged with a crime—Hiss, Chambers, or both of them? For a while it looked as though Whittaker Chambers might be charged with perjury (lying under oath), since he had told two contradictory stories. He had first denied that Hiss had been a spy; then he had changed his story and produced evidence that Hiss had indeed been a spy. But the Justice Department finally decided not to prosecute Whittaker Chambers. Technically he had committed perjury, but he had been providing useful information to the government since 1938, and punishing him would discourage other ex-Communists from coming forward. Even worse, it would have branded Chambers, the star witness against Alger Hiss, a liar. The case against Hiss was more important. In the end there were two trials, both entitled *U.S. v. Alger Hiss*.

THE FIRST TRIAL

Alger Hiss was charged with perjury rather than espionage. If a certain amount of time elapses between the commission of a crime and the discovery of a suspect, the suspect cannot be prosecuted for it. For each crime a different amount of time is specified—that period is the crime's "statute of limitations." Espionage has a five-year statute of limitations, which had already expired by the time Chambers admitted that he—in collusion with Alger Hiss—had committed the crime back in the 1930s. So an espionage charge was out. But Hiss had told several lies

under oath, saying he had never been a Communist, he did not divulge State Department secrets, and he did not know Whittaker Chambers. The prosecution would have to get Hiss on perjury charges alone.

Much of the testimony in the case concerned Hiss's typewriter. According to FBI experts, documents typed by Priscilla Hiss in the early 1930s, such as a school application for her son, matched the typing on the Baltimore Documents. In the months leading up to the trial, the FBI had sent hundreds of agents out searching for the typewriter that the Hiss family had owned in the 1930s. The typewriter was finally located, not by the FBI, but by investigators for the Hiss defense team. According to both FBI experts and experts hired by the defense, it was the typewriter that had been used to retype the State Department documents. Alger and Priscilla Hiss said that to the best of their recollection, they had given the typewriter to the family of their maid, Claudia Catlett, some time in 1937—



United States Supreme Court justice Felix Frankfurter testified in defense of Alger Hiss.

that is, before the dates on the Baltimore papers. Members of Claudia Catlett's family backed up the defense's timeline. The prosecutors sought to prove that Claudia Catlett and her family were covering up a lie out of loyalty to the Hiss family. Neither side was able to establish the exact date on which the typewriter had changed hands. But if the typewriter had not been in the possession of Alger and Priscilla Hiss in 1938, how did secret State Department documents come to be typed on it? Hiss's lawyers did not have a convincing answer to this question.

As it had planned to do in the slander trial that never took place, the Hiss defense focused on character—the character of Alger Hiss and the character of his accuser, Whittaker Chambers. No defendant in criminal history ever had a finer group of character witnesses than Alger Hiss. Two United States Supreme Court justices, a United States admiral, a former solicitor general, a former presidential candidate, and a future presidential candidate all testified to Hiss's honesty and loyalty. Meanwhile, the defense's psychiatric witnesses presented elaborate theories about the workings of Whittaker Chambers's supposedly unbalanced mind. In his summation, one of Alger Hiss's lawyers called Chambers "a moral leper."

The first trial ended in a hung jury: the twelve jurors could not agree on a verdict. Eight believed that Alger Hiss had been proven guilty. Four did not. The law required a unanimous decision, so Alger Hiss would have to be tried again.

THE SECOND TRIAL

Defenders of Alger Hiss often point out that his second trial took place in a different world than the first one, even though it began only four months later. Between the first and the second trials, the Soviet Union exploded an atomic bomb, ending the U.S. monopoly on nuclear weapons. The two greatest nightmares for America in the late 1940s had become one nightmare: the Communists had the Bomb. Communism was more frightening than ever.

As in the first trial, however, the prosecution did not base its case on the threat of Communism but on many small details that pointed toward Hiss's guilt. Their case had to do with documents that established links between Hiss and Chambers, with inconsistencies in the testimony of defense witnesses, and above all with the typewriter that had been used to type State Department documents in 1938. The defense in the second trial made even greater efforts to convince the jury that Chambers was a psychopath. The psychiatrist who thought that Chambers was acting out the plot of the novel *Class Reunion* was called to the witness stand to explain his theory.

The jury in Alger Hiss's second trial took twenty-four hours to find him guilty

of perjury. The judge gave Alger Hiss permission to make a brief statement before a sentence was passed. "I would like to thank Your Honor for this opportunity to deny the charges that have been made against me," said Hiss, asserting that he had been framed. "I only want to add that I am confident that in the future the full facts of how Whittaker Chambers was able to carry out forgery by typewriter will be disclosed. Thank you, sir."

THE LONG AFTERMATH OF THE HISS CASE

By the time the verdict came, the Alger Hiss case stood for more than the question of whether one man had committed espionage in the 1930s and lied about it ten years later. It had become one of the most politically charged cases in American history. For liberals, who had supported Hiss until his conviction, the verdict was a reason to search their souls—how could they have been so profoundly deceived? For conservatives, it was the chance of a lifetime.

Ever since the election of President Franklin Roosevelt in 1932, liberal Democrats had dominated American politics. They had made sweeping changes, greatly enlarging the role of government in American life. The 1948 presidential election, won by Harry Truman, had given them the White House for another four years, guaranteeing an even twenty years of Democratic rule. For conservative Republicans, Hiss's conviction in 1949 was a godsend. They could now portray all those years of liberal Democratic control as years of treason. Just think of it—the man who had sat behind Franklin Roosevelt at the Yalta Conference had been a spy. His real loyalty had been to Stalin, the Soviet dictator on the other side of that big round table. FDR had been a sick man at Yalta—in photographs taken at the time he looks bleached and haggard—and he died soon afterward. In the imagination of angry Republicans, if not in fact, Alger Hiss had whispered into the ear of a dying FDR to tell him to trust Stalin.

Republicans believed that Eastern Europe had been given away to the Communists at Yalta. This charge was repeated again and again in the early 1950s, usually coupled with the name Alger Hiss.

On February 9, 1950, Republican senator Joseph McCarthy of Wisconsin made a Lincoln Day speech to the Ohio County Women's Republican Club in Wheeling, West Virginia. McCarthy waved a piece of paper, saying that he had "here in [his] hand" a list of 205 Communists who were currently employed by the State Department.

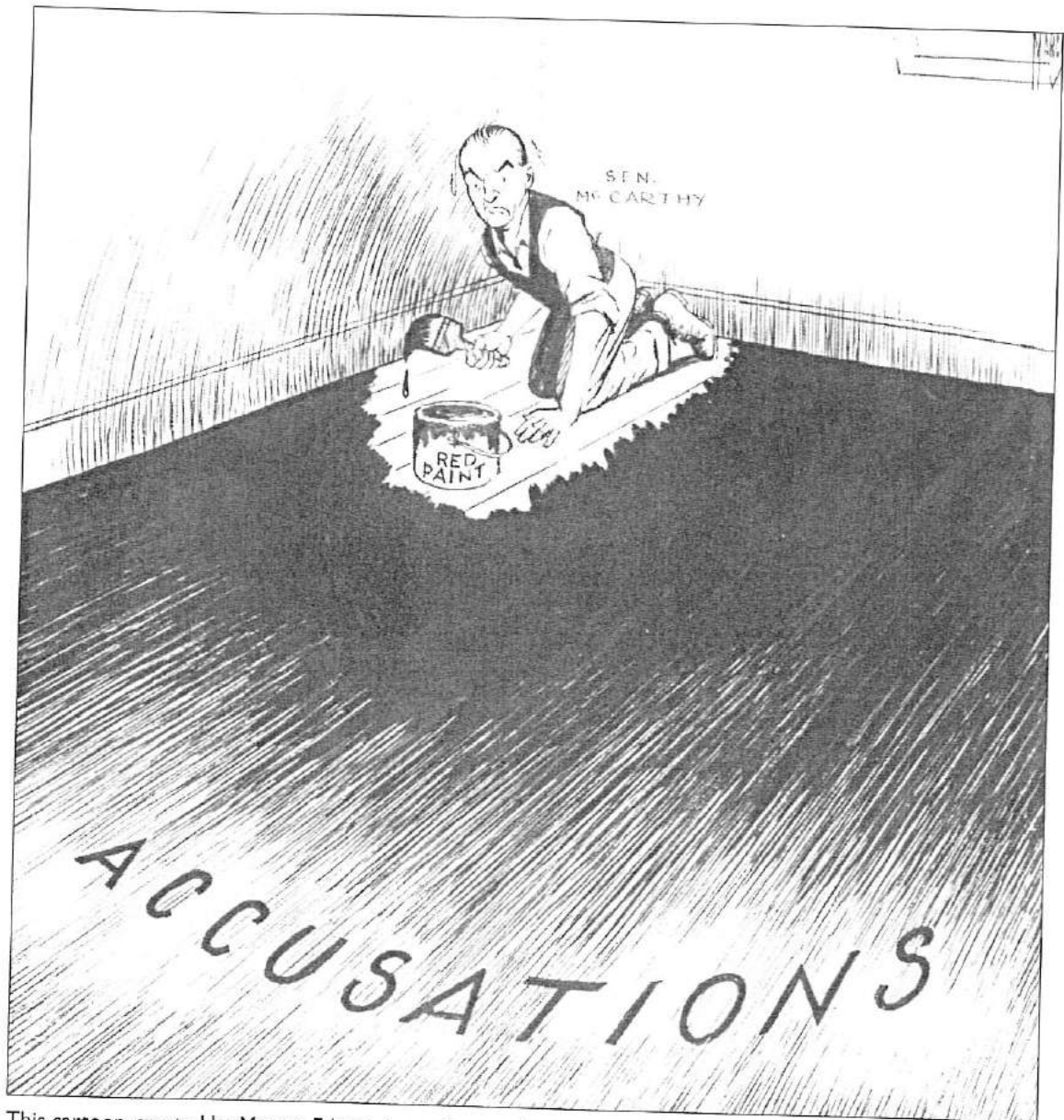
As time would prove, McCarthy was lying, and he did not even bother to be particularly careful about his lies—the number of Communists on his list had a way of changing every time he mentioned it. McCarthy referred to Alger Hiss several times in his Lincoln Day speech and he mentioned Hiss frequently in later speeches. Despite his inconsistencies and carelessness, McCarthy gained immense national attention in the years that followed. He became the head of a Senate subcommittee to investigate Communists in the government and took



Senator Joseph McCarthy, right, with his aide, Roy Cohn.

over the leadership of the anti-Communist movement that dominated American politics for the first half of the 1950s.

For years McCarthy conducted baseless investigations that spread fear and conformity throughout the country. The hunt for Communists, ex-Communists,



This cartoon, created by Marcus Edwin, shows Senator Joseph McCarthy, who has painted himself into a corner using the "red paint" of his accusations (of Communists in government). The cartoon was created in March 1950, two months after McCarthy began his hearings. Although it suggests that McCarthy's smear campaign would soon fail, he was not discredited until 1954.

and people who had been too friendly with Communists moved beyond the government to Hollywood, to labor unions, to journalism, and to the universities and high schools. Former Communists who refused to “prove their loyalty” by identifying other Communists (“naming names”) lost their jobs and had their reputations ruined. Lists of people who had belonged to organizations linked to the Communist Party were published, and those on these lists were blacklisted, prevented from getting jobs in the professions they had been trained for. Here and there a liberal objected: Wasn’t informing one of the uglier aspects of life in Communist countries? Was the United States, too, going to become a nation of informers? Was American democracy really too weak to tolerate dissent? But liberals were on the defensive during the 1950s, afraid of being called soft on Communism. To prove their loyalty and toughness, many of them would name any Communists they happened to know while at the same time denouncing McCarthy and HUAC for asking them if they knew any.

The successful prosecution of Alger Hiss in 1949 went a long way toward making the reckless accusations by Joseph McCarthy credible in the early 1950s. The conviction also helped to make Richard Nixon famous as an anti-Communist crusader, leading Dwight D. Eisenhower to choose him as his running mate in the 1952 presidential election. In a speech on television, Nixon pointed out that the Democratic candidate, Adlai Stevenson, had submitted a statement for the defense during the Hiss trial. Nixon said he didn’t doubt Stevenson’s “loyalty,” but the question was “one as to his judgment.” Eisenhower was elected, and Nixon became vice president.

Eventually, liberals recovered from the 1950s anti-Communist hysteria, regaining control of Congress and the White House, and convincing American voters that they were not “soft on Communism.” They were able to do so because Senator Joseph McCarthy, during his four-year red-hunting rampage, was unable to find another Alger Hiss. It also helped that liberal Democrats such as presidents John F. Kennedy and Lyndon Johnson assumed the leadership of the cold war—they supported an arms race against the Russians, and the two countries manufactured enough nuclear bombs to destroy all life on Earth. In the

1960s, still earning their anti-Communist credentials, liberal Democrats led the country into a disastrous war in Vietnam in order to prevent that country from being taken over by Communists.

WAS ALGER HISS FRAMED?

Alger Hiss spent three and a half years at the federal penitentiary in Lewisburg, Pennsylvania, before being released on parole. He served his sentence with dignity, winning the respect of other prisoners. After his release from prison, Hiss published a book, *In the Court of Public Opinion*, in which he again said that he had been framed. In the later 1950s and early 1960s, Alger Hiss worked hard in low-paying jobs unrelated to politics. Always comporting himself admirably, he continued to insist that he had never been either a Communist or a spy.

Over the years, several books have supported the idea that Hiss was framed. Each book tends to have a different theory as to how and why this might have been done. In some theories Richard Nixon or HUAC helped Whittaker Chambers to fake evidence against Hiss. In others the FBI was the chief culprit.

CONSPIRACY THEORIES

These conspiracy theories got a boost in 1968, when Richard Nixon was elected president of the United States. To a new generation of liberals and radicals, the evil of Richard Nixon was a basic fact of life. It wasn't hard to believe that the man Democrats called "Tricky Dick" might have broken the law back in 1948, helping to frame an innocent man, and there was a certain fitness to the idea that Nixon's whole career rested on a fraud.

In 1973, an investigation into the burglary of the Democratic National Committee headquarters at the Watergate Hotel uncovered President Nixon's complicity in many abuses of governmental power. Nixon was forced to resign from office, and his disgrace gave new life to the Hiss defense. During the Watergate scandal the country learned that for years all conversations in the Oval



Richard Nixon leaving the White House after his resignation on August 9, 1974. Nixon became the first U.S. president to resign when the investigation of the Watergate break-in brought to light his administration's many abuses of executive power. Because of Nixon's role in the Hiss investigation in the 1940s, his resignation gave hope to those who believed that Hiss had been wrongly convicted.

Office had been taped. Transcriptions of these tapes revealed Nixon talking obsessively about the Hiss case. In one conversation, Nixon complained of how little help he had gotten from the FBI back then. The White House's transcription reads, "Then we got the evidence, we got the typewriter, we got the Pumpkin Papers. The FBI did not cooperate." Alger Hiss promptly pointed to this tape—and, specifically, to the phrase "we got the typewriter"—as evidence for his "forgery by typewriter" theory. On May 3, 1974, the *New York Times* published an interview with Alger Hiss, headlined ALGER HISS SEES 4 WORDS IN NIXON TRANSCRIPT AS CHANCE FOR EXONERATION. However, a later transcription of the same tape, which had been recorded with better equipment, has Nixon saying "Piper" (the name of one of Hiss's attorneys) rather than "typewriter." In any case, both the phrases "we got the typewriter" and "the FBI did not cooperate" are vague, and apart from Nixon's famous willingness to bend the law, there is no reason to think they refer to anything illegal. The typewriter was indeed missing at one point during the case, and it was found. And though Alger Hiss's defenders would like to interpret "the FBI did not cooperate" to mean "the FBI didn't help us with our plan to frame Alger Hiss," it seems more plausible to think that it means "the FBI did not help us with the prosecution of Alger Hiss."

In the 1970s, more than thirty thousand pages of FBI documents related to the Hiss case were released. Alger Hiss officially requested that the 1949 verdict be overturned on the grounds that he had not received a fair trial. His request was denied. A longtime Hiss loyalist, John Lowenthal, defended Hiss in a documentary film, *The Trials of Alger Hiss*.

In 1991, the Soviet Union broke apart. Most of its former citizens turned out to be sick of Communism, and many of its secrets were disclosed. The following year the Hiss case made headlines again. General Dimitri A. Volkogonov, a Russian military historian with access to the Soviet archives, released a letter saying, "Not a single document . . . substantiates the allegation that Mr. A. Hiss collaborated with the intelligence services of the Soviet Union."

Finally, it seemed, Alger Hiss was vindicated. Proof at last. He *was* innocent. This conclusion turned out to be premature, however. Volkogonov had spent

only two days looking through the relevant files. In December 1992, Volkogonov told the *New York Times*, "I was not properly understood. The Ministry of Defense also has an intelligence service, which is totally different, and many documents have been destroyed. I only looked through what the KGB had. All I said was that I saw no evidence." Volkogonov blamed Alger Hiss and John Lowenthal for the statement that he now regretted making. "His attorney, Lowenthal, pushed me hard to say things of which I was not fully convinced."

Other evidence released in the 1990s has tended to support Whittaker Chambers's charges. In secret files that formerly belonged to Russia's Foreign Intelligence Service, a series of 1936 memos and dispatches refers to Alger Hiss by name as an enthusiastic Communist agent who wanted to help in the recruiting of other agents among his left-leaning acquaintances in Washington. In addition, declassified CIA intercepts of Soviet cables—telegraph communications between Soviet intelligence agents and their superiors—refer to Hiss by his code name, "Lawyer."

There is no such thing as absolute proof. Documents can be forged; the experts who attest to their authenticity might be mistaken or lying. To believe in Hiss's innocence, one must believe in an elaborate and improbable conspiracy. Still, there are intelligent people who remain unconvinced of Alger Hiss's guilt.

Though not everyone agrees about his guilt even today, in 1949 Alger Hiss received a fair trial based on evidence rather than fear. In this respect, the American legal system performed better than the rest of the country did. In the court where he was tried for perjury, Hiss was just a man who had lied under oath. Outside the courtroom, in the eyes of people who had lost their sense of perspective, he became something far more frightening and unreal. He became an agent of the devil as the myth of his awesome power to change the course of world history grew, and his name was used to smear everyone who had innocently befriended him and honestly defended him.