

HWS
Dear Quin,

12/6/78

There is a 2-page memo after the long one it may help you to read first.

I've read the Weinstein piece. He makes his case well - to the uninformed and uncritical.

My disagreement includes over calling the FBI bumlbers. It is not, any more than any one of us can bumble and any more than a certain amount of this is built into any bureaucracy, more into an authoritarian one, which is the FBI is and was.

Superficially what I address in the two-page memo may appear to be bumbling. I believe it is not. For example, if an agent without subject-matter knowledge was assigned, he would not be a bumbler. He would be a boiler-plater.

Lawyers, by training and experience, tend to be prosecutors or defenders. The prosecutor has someone to convict, the defense counsel someone to protect. It is not necessary to solve a crime to establish innocence beyond reasonable doubt. In even exceptional cases the prosecutor does no more than prosecute and few care about any more. While Weinstein is neither, he also is not an analyst. What the Hiss, like most other similar political cases, never had was thorough and competent analysis by one in a position to be followed by an effort to establish the accuracy of the analysis.

Weinstein confuses bumbling for Hoover's political objectives and the other problems the FBI had with that case and situation. By Weinstein's concepts I would be immersed in FBI bumbling. Not so. It knew exactly what it was doing and does.

If you have time reread Weinstein's Times piece critically. You will find that you can attribute what appears to be careful, scholarly phrasing to what you have seen in the FBI, covering his ass. At every critical point he covers himself against future rebuttal. If I were a shrink I'd say he has at least subconscious awareness and despite the apparent positiveness of his writing has doubts.

As an analyst I'd say he fudges on the typewriter and over-writes his case by avoiding the central fact - when was the Woodstock manufactured, when purchased new. This would make his case airtight. It is totally absent.

As an analyst I've seen his kind of strawmen raised often enough, usually as he does, in generalities that avoid the ~~xxx~~ essence. This is where he pretnds to quote so-called Hiss defenders. While this, too, may seem to be a normal and proper approach I do not regard it this way. It is an argument, an attempt to put down. It is unfactual and it is evasive. It is the identical method the House assassins have been using, also effectively.

I am not and don't pretend to be a subject-expert on the Hiss case. I am somewhat of an expert in cases of this nature after the fact and on the FBI and how it works. It can work remarkably well and I've examined some of its really excellent and diligent work. I am without doubt that the FBI traced the actual typewriter back to the manufacturer and obtained the full story on the serial number. I am not as certain that it traced the purchase. I can see that it might have avoided this, perhaps did on purpose, not from bumbling. Once the claim that the typewriter was fabricated was made the dates of manufacture and purchase became essential if anyone really cared about truth. This might not establish truth but it could establish falsity. If by date of purchase the serial number of manufacture doesn't fit then there is something seriously wrong. So why doesn't Weinstein give us this information?

Missing in Weinstein's lineup of strawmen is a simple question: could it have been someone else? I believe there was and that beginning with what Weinstein says in this piece could be found by a competent investigator who is and begins as a competent analyst. If I were doing it I would begin with some of what Weinstein presents and then ignores not from dishonesty but because he got lost in the forest of excess information.

F.B.I.'s Hiss Files Show Bumbling, Not Malice

By ALLEN WEINSTEIN

The Federal Bureau of Investigation, acting under court order, has just released 15,376 pages of files on the Alger Hiss case. The records help to clarify lingering questions about the bureau's probe into Whittaker Chambers's charges against Mr. Hiss. The bureau continues to hold 1,055 pages under various Freedom of Information Act exemptions. The American Civil Liberties Union, which filed the original suit to open the records, intends to return to court to press for full disclosure.

The Hiss-Chambers conflict was a pivotal cold war internal security case: Mr. Chambers, a senior editor at Time magazine, accused Mr. Hiss, a former leading State Department official and President of the Carnegie Endowment, of having been a Soviet agent during the 1930's (when Mr. Chambers served as a courier for an underground Russian network in Washington). Mr. Hiss denied the charges, first at the House Committee on Un-American Activities' hearings in 1948 and later during two trials for perjury, the second of which ended with his conviction in 1950.

The case launched the political career of committee member Richard Nixon, forced Mr. Chambers to resign from Time, and sent Mr. Hiss to prison for 44 months. For two decades, Mr. Hiss sought vindication, but few Americans paid much attention until the Watergate crisis broke; as the Federal Bureau of Investigation and Mr. Nixon lost credibility, Mr. Hiss's victimization seemed more plausible.

The latest installment of files does not appear, at first glance, to contain any documentary "smoking guns." Instead, the records weaken the argument that Mr. Chambers somehow framed Alger Hiss.

Mr. Chambers asserted that Mr. Hiss had stolen secret documents for the Soviet Union while working as a New Deal official. When Mr. Hiss's attorney at a November, 1948, pretrial libel suit hearing in Baltimore demanded tangible proof of his client's complicity in espionage, Mr. Chambers turned over 65 pages of typed summaries and four handwritten transcriptions of State Department documents dating from December, 1937, to April,

1938 (the month he defected from the Communist Party). Mr. Hiss acknowledged that the handwriting was his, a judgment confirmed by Federal Bureau of Investigation laboratory reports contained in the material just released.

'Pumpkin Papers'

In December, 1948, the bureau's technical experts also compared the typed summaries with acknowledged samples of the Hisses' typed personal correspondence from the 1930's. They concluded that all but one of the "Baltimore documents" had been typed on the same machine, a Woodstock that the Hisses later admitted having owned.

Also in December, under subpoena, Mr. Chambers surrendered to investigators of the House Committee on Un-American Activities five rolls of microfilm that he had hidden briefly in a pumpkin patch on his Maryland farm. Two rolls of the "pumpkin papers" contained State Department memos from the same 1937-1938 period. Mr. Chambers insisted that Alger Hiss had given him the microfilmed memos, the Baltimore documents (typed allegedly by Mrs. Hiss), and the handwritten notes.

Most of the conspiracy theories that argue Mr. Hiss's innocence have challenged the authenticity of this material, suggesting that other interested parties could have fabricated it to frame Mr. Hiss. Who organized the plot? Mr. Hiss's partisans have proposed various candidates: the F.B.I., the House Committee on Un-American Activities, freelance right-wing zealots, the Communist Party, Trotskyites, Mr. Chambers himself, or some combination of these. Given the technical facilities necessary for manufacturing a fake typewriter (the typed summaries connected Mr. Hiss to Mr. Chambers's espionage ring even more clearly than the microfilm), the most logical and often-named candidate has been the Federal Bureau of Investigation.

The bureau's files show that, far from engaging in "forgery by typewriter," J. Edgar Hoover mobilized the agency's full resources into a frantic search for the Woodstock on which both the Baltimore documents and

the samples of the Hisses' correspondence were typed. Bureau agents fanned out across the country, collecting hundreds of old Woodstocks from pawnshops, typewriter dealers and many other sources. Typing samples from all of the machines were tested by laboratory specialists (as hundreds of pages of lab reports indicate) without success. Mr. Hiss's lawyers finally traced the machine through the family of a former maid to whom Mrs. Hiss had apparently given the Woodstock in 1938.

The F.B.I. files show that when the defense introduced its prize exhibit at the first trial, Mr. Hoover hit the roof and ordered an extensive post-mortem. Agents filed long reports at-

tempting to justify their failure to find the Woodstock. They pointed out, correctly, that the maid's sons, who were given the typewriter by the Hisses, deliberately withheld this information from the bureau, presumably to protect their former employers. The family in question, the Catletts, went instead to Mr. Hiss's brother, Donald, who in turn informed the defense lawyers.

Alger and Priscilla Hiss were similarly unhelpful to the bureau in separate interviews in December of 1974. At that time, Mr. Hiss recalled having owned "possibly an Underwood," not a Woodstock. Mrs. Hiss could remember neither the make nor the fate of the typewriter. Mr. Hiss told the bureau, however, that his wife disposed of the machine "to either a second-hand typewriter concern or a second-hand dealer in Washington." It was at this point that the bureau began a systematic but fruitless search of Washington's pawn shops and junk stores.

The bureau's search also suffered from uncertainty about the machine's serial number. The Hisses had received the typewriter from Priscilla's father, and it was unclear when he had acquired it. After a long investigation, the files show, bureau agents concluded that the typewriter had probably been purchased originally in 1928, although they focused their search on models ranging from 1926 to 1928. As it turned out, the bureau was off by a year: Woodstock N230099, the Hiss machine, was made in 1929.

This minor mistake in the agency's investigation, which was first revealed several months ago, has become a significant point for Mr. Hiss and others who believe that the Federal Bureau of Investigation may have fabricated a Woodstock. Since the bureau's testing of the Baltimore documents indicated that they were probably typed on a 1928 Woodstock,

runs the argument, how could they have been turned out by the 1929 machine once owned by the Hisses? In light of the almost identical typefaces of 1928 and 1929 Woodstocks, and the F.B.I.'s acknowledged uncertainty over precisely dating the typing samples in its possession, this latest conspiracy argument seems unpersuasive.

Open to Charges

The newly revealed evidence regarding the bureau's search for the Hiss typewriter leaves the bureau reasonably open to a charge of failure rather than malevolence. The facts needed to sustain the "forgery by typewriter" theory are simply not present in the files released to date.

Ineptness was characteristic of the bureau's Hiss probe in at least one other important respect. Although the bureau first received information about Mr. Chambers's underground Communist involvement in 1940, it delayed interviewing Mr. Chambers until 1942 and failed to investigate carefully his charges for another three years. The documents do show, however, that once indications of Mr. Hiss's alleged Communist ties reached the bureau in 1945 from two other sources as well—former Communist Elizabeth Bentley and Russian defector Igor Gouzenko—J. Edgar Hoover acted quickly.

With cooperation from Secretary of State James Byrnes and Attorney General Tom Clark, the bureau began a major investigation of State Department official Hiss in March, 1946, that involved phone taps, mail covers, and surveillance of his home and office. The probe was inconclusive, but Mr. Byrnes still ordered secret material withheld from Mr. Hiss and worked closely with Mr. Hoover to ease Mr. Hiss out of the Department (Mr. Hiss resigned in December to accept the endowment presidency).

F.B.I. interviews in December, 1948, with Henry Julian Wadleigh and Franklin Victor Reno, both of whom supplied Mr. Chambers with secret government documents during the 1937-38 period, confirm the latter's importance as a Communist courier. The revelations of Messrs. Wadleigh and Reno undermine a favorite conspiracy theory: that Mr. Chambers was an imposter, a Stalinist Walter Mitty, concocting fantastic tales of Communist espionage.

Records of bureau interviews with another, previously unknown, member of Mr. Chambers's underground network appear now for the first time. This figure, a photographer named William Edward Crane (alias "Keith"), substantiates Mr. Chambers's account of a secret Soviet ring busily filching documents in New Deal Washington (another photographer named Felix Inslerman later acknowledged his own role in the same apparatus). Although Mr. "Keith" did not photograph the specific documents allegedly supplied by Mr. Hiss, he fleshed out in fascinating detail the workings of Mr. Chambers's underground group. Mr. Crane even offered a first-hand description of their Russian spymaster, the mysterious Colonel Bykov, with whom he said he had worked for three years, the files show.

Persuasive answers can be provided for the unresolved questions that remain about the Hiss case only when all the F.B.I. data have been correlated with other newly available evidence. But a preliminary look at the pages just opened fails to bear out the most commonly raised conspiracy claims. Removing final doubts about a frameup must await release of the 1,055 pages now being withheld.

The bureau originally estimated that the Hiss file would contain over 53,000 pages. It now insists that its earlier estimate had been excessive, largely because it included material from related espionage probes. Whatever the facts, the battleground for the conspiracy theories of the Hiss case will probably shift abruptly now to these unreleased and unaccounted for pages.