

Alger Hiss, Convicted in Celebrated Spy

107 11/16/96

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Alger Hiss, 92, the former State Department official whose 1950 perjury conviction for lying to a grand jury about communist espionage activity became one of the most celebrated and dramatic spy cases of this century, died yesterday at Lenox Hill Hospital in New York. He had emphysema.

Hiss, who served three years and eight months in prison after exhausting his appeals, insisted until his

death that he was innocent, and his case stirred passion and controversy that continued for more than four decades.

It propelled Richard M. Nixon into national prominence when Nixon, as a young Republican congressman from California, orchestrated the House Un-American Activities Committee investigation into charges by Whittaker Chambers, a writer for Time magazine, that Hiss had passed copies of stolen State Department documents to him as part of a communist espionage operation during the 1930s.

A Harvard-trained lawyer who had once clerked for Supreme Court Justice Oliver Wendell Holmes Jr., Hiss came to Washington in 1933 to participate in President Franklin D. Roosevelt's New Deal. He later joined the State Department and was an adviser at the 1945 Yalta conference at which the post-World War II map of Europe was drawn. He played a key role in organizing the United Nations charter conference in San Francisco.

His partisans insisted that his case was a "red herring" from the start,

Case, Dies at 92

and they said his prosecution was no more than a political assault on the New Deal, the Yalta agreement and the United Nations.

To some historians, the Hiss case marked the end of an era of New Deal liberalism in the United States and the beginning of a Cold War period of anxiety—at times hysteria—and debate over the degree of communist penetration of the government.

Within a month after the verdict in the Hiss perjury trial, Sen. Joseph
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FILE PHOTO/ASSOCIATED PRESS

Alger Hiss testifies before a House committee in this 1948 photo.

Convicted of Perjury, Hiss Insisted on

HISS, From A1

R. McCarthy (R-Wis.) launched his own anti-communist campaign in a Wheeling, W.Va., speech, declaring that the State Department had become "thoroughly infested with communists." McCarthy did not fail to mention that Secretary of State Dean Acheson had supported Hiss and had said at a news conference the day after the verdict that "I will not turn my back on Alger Hiss."

More than a quarter-century later, feelings about the case were still high enough to ignite a literary controversy when a Smith College historian, Allen Weinstein, published a book concluding that Hiss was indeed guilty. That book, "Perjury: The Hiss-Chambers Case," was one of more than a dozen to have been written about the affair, and it was based on an examination of more than 30,000 pages of FBI and Justice Department records. Weinstein started out believing that Hiss was innocent, but he changed his mind during his investigation. His conclusion drew sharp attacks in magazine and newspapers articles from Hiss's supporters.

For Hiss, the struggle to disprove Chambers's accusations would become a lifelong obsession. He would sacrifice his career and see his marriage disintegrate, and in the end, he still would not prevail. In 1982, a federal judge in New York turned down his petition to reopen the case based on what Hiss's attorneys contended was new evidence obtained from government documents on the basis of the 1975 Freedom of Information Act.

Those documents "raise no real question whatsoever, let alone a reasonable doubt as to Hiss's guilt," U.S. District Judge Richard Owen said. "The trial was a fair one by any standard."

But the question of his guilt or innocence was still being debated in the 1990s. Russian Gen. Dmitri Volkogonov, a biographer of Soviet dictator Joseph Stalin, said in a 1992 letter to a student of the Hiss case that newly opened files showed no evidence that Hiss had spied for Moscow.

Earlier this year, the U.S. government released newly declassified documents, including intercepts of Soviet spy messages. One of them referred to an agent whom the National Security Agency said was probably Alger Hiss.

Hiss was first named in public as a communist spy in 1948. At 43, he had left the State Department and recently had been appointed president of the Carnegie Endowment for International Peace, one of the country's most prestigious, private foreign policy organizations.

Chambers told a hearing of the House Un-American Activities Committee on Aug. 3, 1948, that he had been a courier of copies of stolen government documents in a communist

espionage operation during the 1930s and that Hiss had been one of his suppliers.

The next day, Hiss wired the chairman of the committee, demanding a chance to deny Chambers's charges in public and under oath. On Aug. 5, he testified that he had never been a communist, never participated in espionage and never knew anyone named Whittaker Chambers.

Hardly could two men have been more unlike. Hiss, impeccable in dress and deportment, was approaching the peak of his professional career, with an impressive record of public service already behind him. Chambers, overweight and unkempt, was an admitted communist spy who until joining Time in the late 1930s had not worked steadily at anything except espionage.

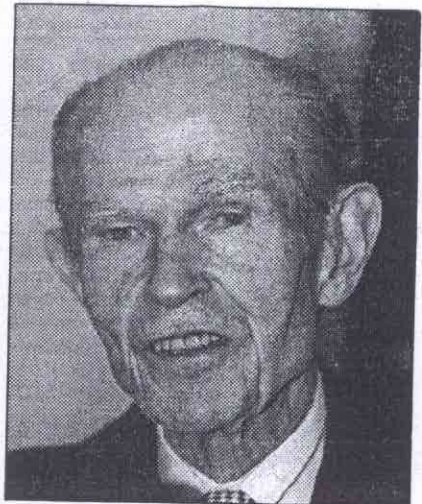
Their conflicting testimony captured the imagination of the nation, and it set in motion a tale of high drama and intrigue, embellished by such details as a cache of secret papers hidden in a hollowed-out pumpkin on Chambers's farm in Westminster, Md.; the identification of a 1929 Woodstock typewriter belonging to Hiss as the machine on which stolen government documents had been copied; and the sighting of a rare prothonotary warbler on the banks of the Potomac River as vital evidence indicating that Hiss and Chambers had, in fact, known each other.

Born in Baltimore on Nov. 11, 1904, Hiss was the fourth of five children. When Alger Hiss was 2½ years old, his father, who was then out of work, killed himself by cutting his throat with a razor blade. With help from relatives, his mother managed to keep the family together and raise her children. Hiss graduated from Johns Hopkins University and Harvard University law school, where he was a protege of Felix Frankfurter, then a member of the faculty, who helped Hiss obtain the clerkship with Justice Holmes.

Hiss practiced law in Boston and later New York, then came to Washington in 1933 to join the Agricultural Adjustment Administration, one of many New Deal agencies. Abe Fortas, later a Supreme Court justice, and Adlai Stevenson, twice a Democratic candidate for president, were among his colleagues in the agency.

In 1934, Hiss transferred to the legal staff of the Nye Committee, which was investigating the impact of the munitions industry on U.S. policy during and after World War I. From there, he went to the office of Solicitor General Stanley F. Reed, who later would serve on the Supreme Court, and in 1936, Assistant Secretary Francis B. Sayre invited him to join the State Department, where he remained until 1947.

He seemed convincing when he told the Un-American Activities Committee in 1948 that he never had been a communist spy or known any-



FILE PHOTO/ASSOCIATED PRESS

The question of Alger Hiss's guilt or innocence still was being debated in the 1990s. He is shown here in 1992.

one named Whittaker Chambers. Several members of the committee feared they had blundered seriously by permitting Chambers to testify in public without checking his story, and they were ready to drop the case.

But Nixon reasoned that although the committee might never be able to establish whether Hiss had been a communist or a spy, it should be able to determine whether he had known Chambers. If Hiss was lying about the one, he probably was lying about the other, Nixon said.

Nixon persuaded the committee to name him chairman of a subcommittee to continue the investigation, and a few days later, the subcommittee questioned Chambers for several hours in private. In those sessions, Chambers testified that he had stayed at Hiss's apartment in Washington several times during the mid-1930s, and he gave the subcommittee detailed information about Hiss's personal life, including the fact that he was an enthusiastic bird-watcher who had once come home excited over having seen a prothonotary warbler on the banks of the Potomac.

Hiss, unaware of Chambers's private testimony, gave a degree of credibility to Chambers's story at a subsequent appearance before the subcommittee. In response to a question, he spoke with enthusiasm about his sighting of the warbler, which he described as "a gorgeous bird."

Eventually, after a face-to-face meeting, Hiss said that he did remember Chambers but that he knew him as a freelance newspaper man named George Crosley, who had come to

His Innocence to the End

the Nye Committee for information on the munitions industry. Chambers was known to Communist Party members by several names during that period.

But Hiss still insisted that he had never been a communist, and he said he would sue Chambers for libel if he ever repeated his accusations outside a congressional hearing room, where he was protected from lawsuits. A few weeks later, Chambers told his story on "Meet the Press," and Hiss did sue.

Two months later, at a pretrial deposition in Baltimore, attorneys for Hiss asked Chambers whether he had any documentation of his charges. Chambers produced 65 pages of re-typed copies of confidential State Department documents and four memorandums in Hiss's handwriting. The material covered a period from late 1937 until the spring of 1938, when Chambers said he left the Communist Party. Expert investigators later would testify that the copies of the State Department documents had been typed on a 1929 Woodstock typewriter that belonged to Hiss.

Less than two weeks after that, Chambers led investigators for the House committee to a garden patch at his farm in Westminster. There he removed the top from a hollowed-out pumpkin, reached inside and withdrew five roles of microfilm negatives of documents from the State and Navy departments.

He had kept the material as insurance against reprisals for having quit the Communist Party, Chambers told investigators. He testified that during 1937 and until he quit the party in 1938, he met with Hiss at least weekly at the Hiss home in Washington. Hiss would bring home confidential State Department documents, which would either be photographed or copied on Hiss's typewriter. In the case of documents that Hiss could not take home, a handwritten memorandum would be prepared for Chambers, who then would deliver the documents to communist agents in New York.

Most of the material that Chambers kept as insurance against reprisals came from Hiss, he said, although some of it came from other conspirators in other government departments.

The memorandums in Hiss's handwriting included summaries of cables from the American Embassy in Paris to the secretary of state about possible U.S. response to the Sino-Japanese war, the possibility of a Japanese move against Russia and possible consequences of European loans to the Chinese government. Other documents included copies of cables from the U.S. Embassy in Moscow to the State Department, which, investigators said, could have enabled a foreign power to break U.S. diplomatic codes.

Hiss contended that the handwritten notes could have been fished out of his office wastebasket, and he said he often wrote memos to

himself. He denied having copied any confidential documents on his typewriter and, at one point, told a federal grand jury investigating the case, "Until the day I die, I shall wonder how Whittaker Chambers got into my house to use my typewriter."

On Dec. 15, 1948, the grand jury indicted Hiss on two counts of perjury, charging that he had lied in denying that he had given Chambers copies of confidential State Department documents and that he had lied in denying that he spoke with Chambers in February and March of 1938. He was not prosecuted for espionage because the statute of limitations had expired.

Essentially, Hiss's defense centered on four main points: Chambers was mentally unstable; the Woodstock typewriter had been given to the family of Hiss's housemaid before the confidential documents had been typed on it; the handwritten memorandums were legitimate actions in the course of Hiss's work at the State Department; and Hiss's reputation was such that it was inconceivable to think that he had ever been a spy.

His first trial lasted from May 31 to July 8, 1949, and it ended with a hung jury voting eight to four for conviction. The second trial began Nov. 17, and Hiss was convicted on Jan. 21, 1950. He was sentenced to five years in prison, which he began serving in 1951 after the Supreme Court refused to review the case, and he was released with time off for good behavior in November 1954, only a few weeks after his 50th birthday.

In prison, Hiss had worked in the storeroom, checking out items such as light bulbs and sacks of beans. After his release, he wrote a book, "In the Court of Public Opinion," in which he insisted he was innocent, then worked as an assistant to the president of a women's comb company and later as a salesman for a printing company. He spoke occasionally on college campuses, especially during the Watergate era, when Nixon's disgrace and downfall tended to legitimize public support for Hiss.

In 1972, a federal court in Washington ruled Congress had acted illegally in voting to deny Hiss his government pension, and in 1975, he was readmitted to the Massachusetts Bar, 23 years after his disbarment. But he never established his innocence.

Chambers retired to his farm in Westminster after the trial, and wrote a best-selling book about the case, "Witness." He died in 1961.

In 1959, Hiss and his wife, Priscilla, separated after 29 years of marriage. She had been one of his staunchest supporters throughout the period of the House hearings and the trial.

He is survived by his wife, Isabel Johnson, and a son from his first marriage, Anthony Hiss.