

F, Frederick, Maryland  
v. March 4, 1972

## Hiss Wins Court Order To Get Pension

WASHINGTON (AP) — Alger Hiss, a central figure in the 1948 congressional probe of the State Department, won a court decision Friday ordering the government to pay him pension benefits.

A three-judge federal court ruled that the so-called Hiss Act was applied in an unconstitutional manner to deny Hiss a \$61-a-month annuity for his years of government service.

The court ordered the government to pay the annuity plus interest retroactively to Nov. 12, 1966, Hiss' 62nd birthday and the date he became eligible for retirement benefits. The judges also ordered that monthly payments continue.

Hiss, now 67 and residing in New York, was convicted of perjury after denying before a federal grand jury that he gave state secrets to Communist spies. He served 3½ years in a federal prison and was released in 1954.

He has continued to profess his innocence.

As a top State Department official for more than a decade, Hiss moved through the highest levels of the government until his resignation in 1947 to accept a private position which he quit after being indicted the following year.

He was accused by Whittaker Chambers, a pre-World War II Communist, of slipping secrets to a Communist spy ring.

After Hiss was released from the Lewisburg, Pa., penitentiary, a law was passed—which became known as the Hiss Act—denying federal annuities to persons convicted of certain offenses, including perjury in cases involving national security.

Hope Eastman, an attorney representing Hiss in the current suit, said the law was made retroactive to include those convicted prior to its passage in 1954.

The American Civil Liberties Union filed suit in 1970 on behalf of Hiss and Richard Strasburger, a former postal service employe who was denied an annuity in a separate case.

The Civil Service Commission members, defendants in the suit, denied Strasburger an an-

nuity because it said he made a false statement concerning Communist party membership on employment records.

Judge Roger Robb of the District of Columbia Court of Appeals and District Court Judges John L. Smith and William Bryant ruled Friday that the retroactive application of the law in those two cases was unconstitutional.

They declined to consider the case a class action as the ACLU had sought.

Retroactive payments to Hiss would total about \$3,660 plus interest with payments to continue at the rate of \$61 a month, according to the court order.

The government was ordered to pay Strasburger \$122 a month and make payments retroactive to Sept. 14, 1964, his 62nd birthday.