

Garry Wills

Hiss exoneration bid falls short on evidence

Alger Hiss has been reinstated at the Massachusetts bar, over the objections of the bar's own qualifying panel. I do not understand this. True, Hiss' old nemesis, Richard Nixon, has fallen into disgrace — and some people thought it a necessity, in opposing Nixon, to support Hiss. But that nexus was always illogical.

It is true, as well, that Hiss has received the microfilms called "pumpkin papers" from the Justice Department, and pronounced them "duds." Who expected him to say anything else? Only two of the five films were used at the trial, and Hiss says the other three have either nothing on them or nothing that matters. Again, so what?

Hiss also says he was tried on the basis of all five films, since the first publicity mentioned the number five. That is a needless insult to his jurors. The two tapes introduced in evidence had documents clearly typed on his typewriter. That convinced the jurors of his guilt. It also convinced a Stanford Law School team that went over the trial transcript.

It also convinced Irving Younger, a professor of evidence analyzing the transcript dispassionately in the current issue of *Commentary*.

Younger's article reminds us that, even while Hiss seeks new evidence from the Justice Department, he has done nothing to explain such old evidence (entirely within his control over the years) as the troublesome rug Whittaker Chambers gave him.

Take the matter of the rug. Hiss admitted receiving an expensive rug from the penniless semi-stranger Whittaker Chambers as "part payment" on use of an apartment, but then called his former maid before the committee to say she saw the rug months earlier than the date when Chambers claims to have given it to him. It is hard for a maid to remember whether a rug entered a house 11 or 12 years ago — but Chambers had hard evidence of the four expensive rugs he bought with Communist money. He had his friends from Columbia days, the respected art historian Meyer Schapiro, pick out the rugs in New York and send them to Washington.

Hiss still had the rug in 1948. It would have been the easiest thing in the world for his lawyers to confront Schapiro with the rug when he testified. If it was not one of the rugs Schapiro bought, then Chambers would have been proved a liar by physical evidence,

and his whole chronology of the friendship with Hiss would have been thrown off.

Yet Hiss did not confront Schapiro. His lawyers did not even ask him a single question. They showed a reluctance to go into the rug matter, which is carried over into Hiss' book where Schapiro's appearance as a witness is never mentioned.

This reluctance to produce a bit of favorable evidence puzzled even the Hiss sympathizer, Meyer Zelig, in his tendentious book on the case. But he claims the defense must have feared the dealer who sold the rugs to Schapiro would commit perjury. Zelig, too, omits any mention of Prof. Schapiro's testimony though he quotes him elsewhere with obvious respect when talking of his acquaintance with Chambers. Perjury on the part of the rug merchant would have been useless unless Schapiro's testimony agreed with it. Since Schapiro is not the kind of man to commit perjury, his part in the rug transaction is never mentioned by Zelig.

This is only one of the four issues where Professor Younger finds the evidence clearly in favor of Chambers. Hiss may talk and talk of new evidence; but in all four points he has still failed to explain the old evidence, that which rightly convicted him.