

Garry Wills

Hiss case: Communist versus the 'gentleman'

It looks like we're going to have a thorough second go-round on the Hiss case — one book out already, and two more coming. Philip Nobile, in the current *Harpers*, takes a poll of public figures and finds opinion quite sharply divided.

His poll turns up interesting surprises — one of those voting for Hiss's guilt is John S. Service, one of the more tragic victims of the McCarthy era's injustices. William Bundy, who contributed to the Hiss defense fund and was a good friend of Hiss's brother, now finds the evidence tells against him.

On the other hand, Robert Sherrill, who has just written a brilliant book on the Chappaquiddick cover-up, favors Hiss because he despises "finks" like Nixon and Chambers — which seems to me beside the point. When I met Hiss, I liked him. When I met Chambers, I thought him a very strange duck. What has that to do with the question of perjury raised at the trial? If likable men could never be criminals, we would all save a great deal of time and money now spent on trials.

The oddest defense of all comes from Nobile himself. Using material from the pro-Hiss book by John C. Smith, Nobile says that Hiss became "a reluctant and

therefore dubious witness" because he did not want the prosecution to use what it knew about his stepson's homosexuality. That is supposed to explain the Hiss "reserve," which hurt him so much.

But how does it explain anything? Hiss wanted the FBI not to use dangerous information, so he practiced "reserve." Where is the quid pro quo? Is Nobile saying that if Hiss spoke openly, the prosecutors would defame his stepson? Why? After all, Hiss claims the FBI was framing him, faking evidence, practicing "forgery by typewriter." How would reserve change any of this, one way or the other? Nobile seems to be saying that Hiss cooperated in his own conviction to persuade the FBI to go easy on his stepson. But how was such a bargain struck? How would Hiss know the degree of reserve that would work? And why would he trust people out to destroy him anyway? For that matter, what particular bit of reserve could have made a difference in the hard evidence of the typewritten documents?

Nobile has another argument, that no sane man would keep maintaining his innocence for a quarter of a century. But the prisons are full of people who maintain

their innocence. Nixon will maintain his till he dies. Once one has taken that position, how can one with dignity retreat from it?

I fear that Nobile does not really mean that no sane man can claim such innocence, but that no likable and decent-appearing one can. He had lunch with Hiss. In that episode lies what I think is the basic (fallacious) reason people have believed in Hiss. He is clearly a gentleman, and Chambers was not. The assumption is a class one, and rather snobbish — that a gentleman will never lie. Hiss knew how to play on that snobbishness from the start. He said to Nixon, under questioning: "You, today, and the acting chairman publicly have taken the attitude when you have two witnesses, one of whom is a confessed former Communist, the other is me, that you simply have two witnesses saying contradictory things, as between whom you find it most difficult to decide on credibility."

How compare Hiss the respectable with Chambers who had been a Communist? People "of our sort" should not believe people of "that" sort. Accept that gentleman's code, and it is easy to dismiss the evidence.