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How the FBI Hid the

By Warren Hinckle

The other day there was a report from the Cuckoolandia of Washington, D.C., that after a half-decade of open sesame the FBI was agitating to roll the rock back against the tomb of its files.

William H. Webster, who sits in the exalted chair once warmed by the rump of J. Edgar Hoover, said that it was costing the bureau too much in time and money and informers deserting the ship of spycraft to continue telling citizens under the Freedom of Information Act just what the FBI has been doing to them all these years.

The news of the FBI's new urgency to close its barn door was read in Rohnert Park with a particular bittersweetness by a 76-year-old by the name of Sam Krieger.

He's the former Communist Party organizer whose place in the history of that party is that in 1925 he introduced Whittaker Chambers, the notorious turncoat, into the rites of belonging to the C.P. Over the last year Krieger has been pursued by goblins of this past long shelved.

I reported last year that Krieger had been wrongfully identified in a popular book as a convicted murderer who had jumped bail and fled to Russia in 1929 to be treated royally by the reds. The book was about the Hiss-Chambers case and was at that time being prized by the east coast smart set as the Final Solution to that grand political opera of the 1950s in that it found Alger Hiss guilty as charged of lying. The book was called "Perjury."

It took true grit for Krieger to put his story in the paper since it meant sharing his C.P. past with his neighbors in Rohnert Park, a proper middle-class slurb near Santa Rosa.

Krieger persisted in this because he believed that not only had his identity been misrepresented in "Perjury," but the way he read it, the whole book was a lie. He thought that by nailing one lie he could help the truth.

Truth is bought and paid for like other things and it has cost Sam Krieger. It has cost him and his wife



SAM KRIEGER OF ROHNERT PARK
His reputation was vindicated — too late

Sadie the privacy of their retirement. It has cost them doctors' bills and acupuncturists and shrinks for the stress of the year-long battle. And although he won the libel suit he brought against the author and publisher of the book, Sam Krieger has come out behind in real money.

Truth of a Man's Past

All this time Krieger was waiting for a letter from the FBI. A letter which came, he says, too late.

Two years ago Krieger wrote the bureau, requesting his files under the Freedom of Information Act. Amendments passed in 1974 to the original LBJ-era toothless legislation required that FOIA requests be replied to within ten "working days." Senator Edward M. Kennedy, one of the sponsors of the liberalizing legislation, said that without it the FBI and other branches and stumps of government would continue "to delay, resist and obstruct public access to government information."

Allen Weinstein, the Smith College professor who wrote "Perjury," had defended himself in the magazine *New Republic* against the assertions of Krieger and other persons he had interviewed for his book that they had been grievously misquoted. Weinstein jumped all over Krieger, calling him in effect a liar for insisting that he was not the escape-to-Russia "Clarence Miller." Weinstein had identified him as that person in a footnote to the book and said he had later somehow returned from Russia to "retirement in California."

Krieger said he had told Weinstein during their interview that he had once used Clarence Miller as a "party name" but was not the other Clarence Miller, who was a well-known leader of the Gastonia, N.C., textile strike. The professor insisted he had copious proof of the existence of a Krieger-Miller. This proof consisted of a tape recording he never produced and an eyewitness who never materialized. Weinstein also insisted there were "FBI documents" that proved Sam Krieger's double life. And, he said, Krieger looked like Miller.

Krieger once again requested his files from the FBI. This was June of 1978. On May 10, 1979, he received his answer.

The letter from the Bureau said that, "since 1952," on the basis of comparison of photographs and fingerprints, "the FBI was able to positively establish that Clarence Miller and Sam Krieger are two different individuals."

Thank you very much. The FBI had known this for 27 years. "Perjury" was published in 1978, basing its

conclusions in large part on FBI documents Weinstein had obtained — under the Freedom of Information Act.

How could this be? Krieger could get no satisfactory answer for this question because he had, alas, two weeks earlier settled his libel suit against Weinstein. Everyone had said they were sorry and they supposed Krieger wasn't Clarence Miller, after all. The publisher, Alfred A. Knopf, agreed to put erratum slips in unsold copies and correct any future editions and the *New Republic*, which Krieger had also sued, said it would print an apology and all three defendants agreed to pay Krieger the princely sum of \$17,500.

Krieger's own legal costs by this time were almost \$15,000. That wasn't counting some \$4000 to be paid back to retired old left Cotati chicken farmers and other friends and volunteers who loaned him money when he started the lawsuit.

What disturbs Krieger is the dates. He received the FBI letter in Rohnert Park on May 10 — but it was dated by the bureau in Washington, D.C., on April 24. In the intervening time, he had settled the lawsuit. If he had the FBI's unqualified statement that Weinstein was dead wrong, Krieger says he would never have settled. Now his attorney tells him it's too late.

Krieger can't help but speculate about the delay. He wonders if that information got to anyone else. He wonders if the FBI didn't have a hand in the whole matter since Weinstein's book largely exonerated the bureau's position in the Hiss-Chambers controversy.

I called Special Agent Charles Wroblewski in the FOIA section of the FBI. What about the dates? "If it was dated April 24, that's the day it went out," he said. "That's the way things work around here." It is perhaps the ghost of the Hiss case. People are still arguing about the serial numbers on Hiss' typewriter.

Sam Krieger isn't a very big drinker but the other day he was in Lombardi's Market in nearby Cotati buying half-gallons of vodka and scotch and stuff to fill the convivial glass. He's throwing a big Fourth of July party to celebrate, even if it did cost him an arm and a leg to prove his point. "I think it helped the truth," he said of one man's small victory.