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LEVI IS RELEASING MICROFILM TO HISS

Directs U.S. to Yield 5 Rolls of 'Pumpkin Papers' Photos —Adds Security Proviso

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, June 25—Attorney General Edward H. Levi agreed today to give Alger Hiss and three scholars access to the so-called "pumpkin papers" microfilm, subject only to deletions required for "national security" or other "compelling" reasons.

The microfilm — five rolls in all — was a key element in the Government's successful prosecution of Mr. Hiss 25 years ago for perjury.

Mr. Hiss, a State Department official at the time, was accused by the late Whittaker Chambers, who said he had been a Communist agent, of having given Mr. Chambers Government documents. To back up his charge, Mr. Chambers produced five rolls of microfilm that he allegedly had stored overnight in a hollowed-out pumpkin on his Maryland farm. Two of the rolls were alleged photographs of State Department documents.

The pumpkin papers were the key to an investigation spearheaded by Richard M. Nixon, then a young Republican Representative from California. The Hiss-Chambers case proved to be a major step-in in Mr. Nixon's career.

Mr. Hiss said in a news conference a few weeks ago on the subject, that he had never seen the three other rolls. He consistently denied giving the documents to Mr. Chambers, but his denials were in vain, and he was convicted of perjury and then imprisoned for 44 months.

Printing Salesman

Mr. Hiss tried to have his conviction reversed on appeal, but lost. Now, 70 years old and a printing salesman in New York, he is seeking access to the microfilm and an assortment of other documents related to his case in an effort to discredit his conviction.

The Hiss case has been of continuing interest not only because of Mr. Nixon's role in its prosecution but also because there have always been some questions about the conduct of the case. Over the years, a number of Hiss supporters have contended that he had been convicted improperly.

The microfilm has been one of the chief aspects of the case that Mr. Hiss's defenders have questioned in part because of a statement prior to Mr. Hiss's trial by a spokesman for Eastman Kodak.

Mr. Chambers testified that he exposed the film in 1938, the year that he said Mr. Hiss gave him the documents. The Kodak spokesman had said, however, that the film in question could not have been manufactured until 10 years later. Later, the spokesman revised his statement and said that the film could have been made earlier.

Information Act Cited

Mr. Levi's agreement—announced by the Justice Department this afternoon—came in partial response to requests that Mr. Hiss and the three others had filed under the Freedom of Information Act for the film and for other documents relating to the case.

The three others are William A. Reuben, a researcher who filed his request with Mr. Hiss—with Randlott Walster of the National Emergencies Civil Liberties Foundation as counsel—Stephen W. Salant, a Washington economist, and Dr. Peter H. Irons, a political scientist at the University of Massachusetts. Mr. Hiss filed his suit seeking the material on June 5 in the Federal District Court in Manhattan.

The rolls of film are now in the office of the United States Attorney for the Southern District of New York. Mr. Levi sent letters to all the parties today saying that although other aspects of their requests were still pending, he had directed the United States attorney, Paul Curran, to make copies of the film available subject only to national security or other "compelling" reasons — provisos that a Justice Department spokesman said this afternoon were unlikely to apply in this case.

The spokesman also said that whether or not Mr. Hiss and the others would be allowed to make age tests on the film would be decided solely on the basis of whether the tests would seriously damage the film.

WXPost Pumpkin Papers' May Go to Hiss

JUN 26 1975

By Lawrence Meyer

Washington Post Staff Writer

The Justice Department said yesterday it is taking steps to allow Alger Hiss to examine the "Pumpkin Papers" which played a key role in his perjury conviction 25 years ago.

Hiss, now 70 years old, has been seeking access to the papers and other documents as part of his continuing effort to prove his innocence. His efforts, along with those of others interested in the government's prosecution of him, could reopen examination of the controversial case—a rallying point for liberals in the early 1950s and the event that brought Richard M. Nixon wide public attention.

Attorney General Edward H. Levi, in a letter to Hiss' lawyer released yesterday, said that he has asked U.S. Attorney Paul Curran in New York to open the containers holding five rolls of microfilm "if they are in fact located therein" and to take "prompt steps" to determine whether anything on the film cannot be shown to Hiss.

Although the Freedom of Information Act, under which Hiss requested access to the microfilm, allows a number of exemptions from making requested material available, Levi said that "no exemption will be invoked unless there is a compelling reason for doing so." The only exception Levi made was for information dealing with national security matters.

The "Pumpkin Papers" were dramatically produced in December, 1948, by Hiss' principal accuser, Whittaker Chambers. Chambers had charged before the House Un-American Activities Committee, of which Rep. Richard Nixon was a member, that Hiss had sup-

See HISS, A8, Col. 4

HISS, From A1

plied him with military secrets in the 1930s. Chambers testified that both he and Hiss were spies for the Soviet Union. Hiss denied knowing Chambers or being a Soviet spy.

To support his charges, Chambers produced five rolls of microfilm that he said he had stored in a hollowed-out pumpkin on his western Maryland farm. Hiss was brought to trial on federal perjury charges in 1949, but

the jury could not agree on a verdict. At his second trial, in late 1949, the government introduced new evidence, including documents allegedly copied on Hiss' personal typewriter.

Hiss was convicted of perjury in January, 1950, and served more than three years of a five-year sentence.

In addition to the letter to Hiss, Levi wrote Stephen W. Salant of 1912 R St. NW, an economist here, and Peter H. Irons of Summerville, Mass., a researcher interested in the Hiss case. Both had filed requests for access to the "Pumpkin Papers" and other documents.

Hiss had filed an administrative appeal under the Freedom of Information Act after his request to see the microfilm and other documents had been rejected. Levi said in his letter that he is still considering the other materials requested by Hiss.

Levi said that Hiss would "be granted access to the films, as a matter of discretion, to the extent that the review discussed herein permits a determination that this can be accomplished without jeopardizing the safety of the film or revealing national security information."

A Justice Department spokesman said that Hiss would also probably be permitted to have the microfilm examined to determine its age, a matter of controversy at the time of the trial.

Hiss could not be reached immediately for comment.