

Professor Asserts F.B.I. Covered Up Typewriter Evidence Helpful to Hiss

By MOLLY IVINS

John Lowenthal, Rutgers University law professor who has acted at times as Alger Hiss's lawyer, asserts that newly released F.B.I. documents show that the agency covered up evidence helpful to Mr. Hiss concerning the date of the manufacture of the Woodstock typewriter in the case.

However, Prof. Allen Weinstein of Smith College, who has also studied the Federal Bureau of Investigation documents, believes that the memos on which Professor Lowenthal bases his assertion were written by an agent who was trying to excuse himself for sloppy work, and that Professor Lowenthal has ignored contradictory evidence in the F. B. I. documents.

Professor Lowenthal wrote in the June 26 issue of The Nation:

"The F.B.I. has just disclosed that it had evidence, even before the Hiss perjury trials began, that Woodstock No. 230099 was not the Hiss family typewriter. Had this evidence been disclosed before the trials, it might well have severed a vital link in the Government's case against Hiss, by discrediting the opinion of 'expert' document examiners that the incriminating papers had been typed on the same machine used for typing some old Hiss family letters."

Mr. Hiss was president of the Carnegie Endowment for International Peace in 1948 when Whittaker Chambers, a former spy for the Soviet Union, accused him of having been part of a Communist espionage group.

After a first trial ended in a deadlock, Mr. Hiss was con-

victed of perjury and spent almost four years in prison for having denied that when he was a State Department official he had given copies of classified Government papers to Mr. Chambers.

The Woodstock typewriter was one of the central elements in the case from the beginning. The Government said the copies of classified documents produced by Mr. Chambers, who testified they had been stolen for him by Mr. Hiss, had been typed on the same machine as some old Hiss family letters. The Government and the Hiss defense team spent some time searching frantically for the old typewriter. An old Woodstock was eventually located and brought in by the defense, which believed it to be the family machine.

Defense Contention

The defense contended the family typewriter had been given away before the Hisses changed residences at the end of 1937. Professor Lowenthal noted that if the Hisses could prove that the machine had been disposed of before the dates on the Chambers documents—which were Jan. 5 through April 1, 1938—that would show the documents had not been typed by Mrs. Hiss at home — as Mr. Chambers charged.

Ironically, the Government used the typewriter found by the defense to bolster its case. Professor Lowenthal points out that the Government document expert never testified that the documents were typed on No. 230099, although the prosecutor, in his summation to the jury, stated the expert had done so. The judge at the second trial also instructed the

jury that No. 230099 was the Hiss family typewriter.

However, Professor Lowenthal quotes an F.B.I. memo recently obtained under the Freedom of Information Act that says, "the definite possibility exists this typewriter [Woodstock No. 230099] is not the one received by Priscilla Hiss from her father, Thomas Fansler."

The memo was written by a Special Agent Boardman, then in Philadelphia, apparently Leland V. Boardman, who retired from the bureau in 1959.

Records of Manufacture

At least some of the F.B.I.'s research showed that according to records of manufacture and sale, Mr. Fansler bought his Woodstock in 1927 and No. 230099 was not made until 1929 or 1930.

If No. 230099 was not in fact the Hiss typewriter and the F.B.I. knew it, that would invalidate the prosecutor's assertion that the documents were typed on the "Hiss" machine. However, Professor Weinstein, who has been in Europe and had not read Professor Lowenthal's article, said his research showed the F.B.I. never was sure when No. 230099 was made, that agents continued to test machines made from the early 1920's to the early 1930's. He also said the F.B.I. was not certain of the year in which the Woodstock was sold to Mr. Fansler.

Of the memo written by Mr. Boardman concerning the "definite possibility" that No. 230099 was not the right typewriter, Professor Weinstein said, "The memo was written at a time when the F.B.I. still had a great deal of egg on its face for not having found the machine. [J. Edgar] Hoover was blowing a gasket and threatening to transfer agents and they were all writing apologies, exculpatory memos."

Mr. Hiss, who has consistently insisted that he is innocent of all charges and has been seeking to clear his name, believes the new evidence is highly significant. "This knocks out the corroboration of the Government case and they must have known it all along," he said in a telephone interview last week.

"If we had known it then, the case never would have gone to the jury and we could have avoided a hell of a lot of hogwash over the years, as well as considerable discomfort to me."