

A New Look at

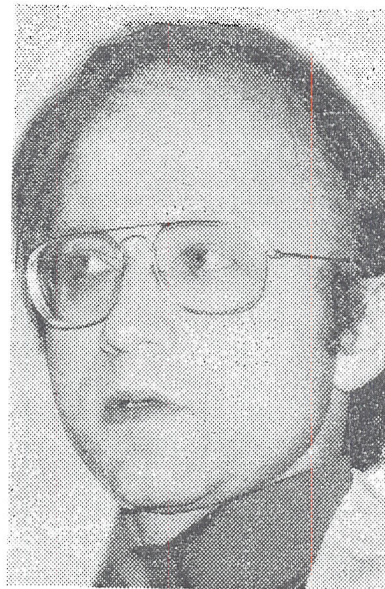
By Blake Green

Allen Weinstein was born in 1938, the year that Alger Hiss was or was not passing U.S. State Department secrets to the Soviets.

The year Weinstein was 10, Hiss was or was not lying before the House UnAmerican Activities Committee and several other interesting interesting things were happening: Whittaker Chambers was immortalizing his pumpkin patch, and Richard M. Nixon was making political hay.

Two years later, Nixon was elected to the U.S. Senate, and a jury of Hiss' peers—as the Constitution defines this guarantee of our judicial rights—found him guilty as charged. It was a case of words speaking louder than actions: Hiss' indictment, trial and conviction were not for espionage (the statute of limitations had expired), but for perjury.

A great many people, however, believed—and still believe—that at



Allen Weinstein, armed with FBI files, has written a new history of Alger Hiss's appearance before HUAC and his trial for perjury

the Guilt or Innocence of Alger

Hiss: What Happened When

1932: Whittaker Chambers, journalist, becomes a member of the Communist underground.

1934: Alger Hiss, protege of Oliver Wendell Holmes and Felix Frankfurter, joins the legal staff of the counsel to the Agricultural Adjustment Administration, a controversial New Deal agency. Hiss and Chambers meet.

1935: Hiss moves to the Justice Department.

1936: Hiss moves to the State Department. Later he testifies that he never sees Chambers, whom he knew by another name, after this year.

1938: Chambers breaks with the Communist party. The following year, he goes to work for Time magazine.

1945: Hiss, who had attended the Yalta Conference as a member of the American delegation, presides at the organization meeting of the United Nations in San Francisco.

1947: Hiss leaves the State Department to head the Carnegie Endowment for International Peace.

1948: In testimony before the House UnAmerican Activities Committee, Chambers names Alger Hiss as a member of a Communist underground cell. Hiss denies charges before the committee, sues Chambers for slander. Hiss is indicted by a federal grand jury for perjury.

1949: Jury deadlocked and dismissed.

1950: Second trial's jury finds Hiss guilty of two counts of perjury. He will spend 44 months in jail.

1952: Hiss' last court appeal rejected.

1961: Whittaker Chambers dies.

1962: "Six Crises" by Richard M. Nixon is published. Crisis No. 1 is the Alger Hiss case.

1968: Nixon elected president. Hiss begins to get speaking engagements on college campuses and appears at anti-war rallies.

1972: Hiss wins court decision to get pension benefits denied him under the "Hiss Act" passed while he was in prison.

1975: The year after Nixon resigns as president, Hiss is readmitted to the Massachusetts bar.

Hiss

a time when the political winds were changing, Alger Hiss was a victim of circumstance. That what he really served 44 months in prison for was his political associations—not with the Communist party, but with Franklin Roosevelt's New Deal.

In the 28 years since then, Hiss has steadfastly maintained his innocence. And Weinstein, who says he grew up "in the liberal Democrat/Socialist mold, predisposed to believing Hiss had been framed" — has written a book about the case.

To do this, he explained the other day during a visit to the city, the Smith College professor successfully sued (under the Freedom of Information Act) for the 40,000-page file compiled by the FBI about the Hiss case, was granted access to "every other archive available"—the CIA and State Department files—and to Hiss' own defense papers. Scores of people were

See Page 15, Col. 1

Hiss — Just Another Victim of Richard Nixon?

From Page 11

interviewed—"more on both sides than any writer (on the subject) ever had" and many who had never spoken publicly on the case.

And, when his research was completed, Weinstein had changed his mind: He ended up agreeing that the jury had been right—that Alger Hiss had been guilty of "Perjury," the title of his new book. (Hiss was found guilty on two counts: for denying that he had known Chambers, a confessed ex-Communist, in the late '30s, and for denying that he had passed State Department documents to him.)

Most commentators — liberals "to a degree that has surprised me" and conservatives alike — have described the book as an impressive setting down of the era, the issues, the trial and the personalities involved. One critic observed that it is the first book that makes it possible for liberals to accept Hiss' guilt without decreasing any contempt they might have for all the things that are inevitably entwined with the case: Nixon, HUAC and the demagoguery of the McCarthy era.

But there has also been criticism. And, while Weinstein appears quite confident that the charges of his having distorted the facts to suit his conclusions have not been substantiated, the controversy serves as a reminder of the profound "emotionalism" that has always surrounded the case.

Weinstein himself says he feels that whatever conclusions are reached in his book "are far less sweeping than those the reviewers have drawn. The book is not polemic. It is an effort to reconstruct the drama and impact on American life and lives."

And, while he now believes Hiss guilty of perjury, "there's no firm conclusion on Hiss' possible continued involvement with the Soviets after 1938. Some evidence suggests the possibility by 1945, Hiss' loyalty was under investigation and his access to confidential documents had been restricted, but other material argues the limitations of that theory."

One of the things the book does do, Weinstein says, is to present "new information about the origins of Nixon's career—that he lied about his role in the Hiss



Whittaker Chambers, far left, testified to the House Un-American Activities Committee that Alger Hiss, near left, was a member of a Communist underground cell; Hiss denied the charges and later was indicted, and convicted of perjury

case . . . building a whole self-portrait (in his book "Six Crises") around the notion of (his) courage under fire, (his) coolness in times of crisis," when, in reality, "the evidence indicates that his actual behavior was not unlike that of the very indecisive figure who emerged from the Watergate tapes."

Weinstein does not believe, however, that Nixon was involved "in any kind of conspiracy" in the Hiss case. "Hiss has never claimed this either—although some of his supporters have." The former president "was opportunistic, but not conspiratorial."

Ironically, events of Nixon's later career were to prove opportunistic to his old enemy, Hiss, whose image as a liberal martyr was considerably boosted and publicized by Watergate. (Hiss is quoted in an interview in Rolling Stone as saying that Nixon "is sort of a press agent for me.")

Even J. Edgar Hoover, another heavy in the case in

the eyes of liberals, wasn't a conspirator. "He wanted to indict both Chambers and Hiss," Weinstein says.

Instead of any evidence of conspiracy, the historian says he found "great evidence of ineptness. The FBI did a lousy job in this case. Hoover's basic emotion was embarrassment."

Alger Hiss has called Weinstein's book "another inaccurate harrassment of me," informing the author that "I always knew you were prejudiced against me." Yet it was Hiss who gave permission for Weinstein to examine his lawyers' files — files in which the author says he found "incredibly incriminating information."

So how does Weinstein explain the inconsistency? Why does he think that Hiss still continues to maintain his innocence?

"I've brooded about this these last few years," Weinstein says. "It's possible that (Hiss) has convinced himself at some level he's done nothing worth the

punishment. (Although Richard Nixon called the Hiss case "the greatest treason conspiracy in this nation's history," it is not usually awarded such significance.)

"And I think a lot of it (Hiss' claims of innocence) has to do with the way we define ourselves in moments like this. His friends and family have spent money and time defending his innocence (when Hiss' defense was launched, no one, including the defendant, had any idea of the evidence that Chambers—and fate— would produce). Perhaps he feels it would be a betrayal to confess."

But there are aspects of Hiss' defense that Weinstein says he finds "bizarre"—such as the attempts to smear Chambers as a homosexual (Chambers admitted to the FBI that he had had homosexual relationships), "to claim that he (Chambers) framed him (Hiss) because he was in love with him and felt rejected.

"If you are willing to go to that extent to vindicate yourself, well, I suppose the means don't matter any more."

And, finally, it is always possible that whatever evidence there is to the contrary, Alger Hiss truly believes he is innocent. He has had, after all, a lot of support in this by a number of highly respected people. After awhile principle and fact become one. As a philosopher told Weinstein: "If Alger Hiss himself were to confess, I wouldn't believe it."

**The Hiss-Chambers
Controversy Hits
The Bay Area**

**Read another view
on the Weinstein research
in tomorrow's Chronicle**