

NIXON

# Alger Hiss Is Readmitted To the Massachusetts Bar

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By TOM GOLDSTEIN

Alger Hiss was ordered reinstated to the Massachusetts bar yesterday by that state's highest court.

Mr. Hiss was disbarred in 1952, two years after he was convicted of perjury in denying to a Federal grand jury that he had ever turned over State Department documents to Whittaker Chambers, a confessed Communist spy courier.

In its unanimous opinion, the Massachusetts Supreme Judicial Court found that Mr. Hiss had demonstrated "moral and intellectual fitness" and therefore should be readmitted to the bar.

The court did not consider whether Mr. Hiss was guilty or innocent of the perjury charges. Nor, it said, did it feel an admission of guilt should be required from Mr. Hiss, who has steadfastly insisted that

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## COURT ORDERS BAR TO REINSTATE HISS

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his 1948 grand jury testimony was truthful.

Such an admission would have placed Mr. Hiss in a "cruel quandary," Chief Judge G. Joseph Tauro wrote for the seven-member court.

"I feel simply wonderful," said Mr. Hiss, who is now 70 years old and a printing salesman in New York. Mr. Hiss said he would take the oath of admission to the bar in Boston tomorrow.

"I shall start practicing one minute after that," he said. "I am in no position to hang up a shingle like a youngster. But I hope to act as a consultant and give advice."

Mr. Hiss applied last Nov. 4 for reinstatement in Massachusetts, where he first practiced law.

In a report filed April 4, the eight-member State Board of Bar Overseers reported that, despite "our personal sympathy for Mr. Hiss, his upright and persuasive bearing, humility and reasonableness," it could not recommend reinstatement under Massachusetts precedent "so long as the petitioner asserts his innocence."

But the Massachusetts highest court refused to follow the board's recommendation.

### 'Simple Fairness' Cited

"Such a harsh, unforgiving position is foreign to our system of reasonable, merciful justice," the court said. It added:

"Simple fairness and fundamental justice demand that the person who believes he is innocent though convicted should not be required to confess guilt to a criminal act he honestly believes he did not commit."

Massachusetts rules placed on Mr. Hiss the burden of showing that he "has the moral qualifications, competency and learning in law required" and that his return "will not be detrimental to the integrity and standing of the bar, the administration of justice or to the public interest."

The court found that Mr. Hiss had met that burden "by good and sufficient proofs."

It was the first time that the Supreme Judicial Court ordered the reinstatement of a lawyer who had been disbarred.

In 1929, Mr. Hiss was graduated from the Harvard Law School, where he was an editor of the Law Review. His first job was law clerk to Supreme Court Justice Oliver Wendell Holmes.

In 1930, he was admitted to the Massachusetts bar and became associated with a Boston law firm. Two years later, he moved to New York, where he was also admitted to the bar.

### Campaign to Clean Name

Helen L. Bittenwieser, one of Mr. Hiss's lawyers, said yesterday that no plans had yet been made for him to seek readmission to the bar here.

By law, Mr. Hiss will be allowed to practice only in Massachusetts. "It can easily be done while living here," Mr. Hiss said yesterday. He said he would commute for a day or two of consultation at a time.

Mr. Hiss's effort to be readmitted to the bar is part of a determined campaign to clear himself.

Last week, that campaign received fresh encouragement when the Justice Department made public copies of the "pumpkin papers"—a set of five microfilms used in efforts to implicate Mr. Hiss as a Soviet spy.

The microfilms helped to thrust Richard M. Nixon, then a young California Congressman, into national prominence. He spearheaded an investigation by the House Un-American Activities Committee into Soviet espionage.

Two of the films were introduced into evidence in Mr. Hiss's two trials in 1949 and 1950. They contained material about trade agreements and fairly routine State Department cables.

The three remaining rolls had been locked in Government files and had never been made public until last week. One turned out to be blank, and two contained Navy Department documents relating to such subjects as life rafts and parachutes.

"All five helped convict me," Mr. Hiss said last week. He is seeking 40 other documents from the Government.