THE PRESS AND ALGER HISS

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This study examines and analyzes the treatment accorded Alger Hiss by the American press from August 3, 1948, to January 25, 1950. Information sources included the forty-one newspaper articles submitted by Hiss's attorneys in their motion for a change of venue at the second trial, and those sections of books, newspapers, and magazine articles relative to the press's coverage of the case. Six chapters cover the changing press image of Hiss, newspaper articles submitted in evidence, and the relationships of Richard M. Nixon and Whittaker Chambers to the press.

The study analyzes historically the differing attitudes toward Hiss and concludes that since the press reflected the nation's fears that its leaders had Communist ties, press coverage of the case lessened Hiss's chances for a fair trial.
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CHAPTER I

INTRODUCTION

A product of middle America, Alger Hiss until 1948 represented the white, Protestant, eastern American male stereotype of the first half of the Twentieth Century. He was industrious, ambitious, popular with his peers, and respectful of his superiors.

Born in Baltimore, Maryland, in 1904, Hiss was one of five children. During his childhood, he attended public schools, was a regular Sunday school and church attendant and a Boy Scout. After his graduation with honors from high school, he won scholarships to Johns Hopkins University and Harvard Law School, graduating from both with honors. Following his 1929 graduation from law school, Hiss's first employment was as law clerk for the late Supreme Court Justice Oliver Wendell Holmes. He then practiced law in Boston and New York City from 1930 to 1933. From 1933 to 1947, Hiss held three United States government positions in Washington, D. C.: first, as assistant general counsel to the Agricultural Adjustment Administration, next as counsel for the Department of Justice, then from 1936 to 1947 as counsel and
advisor in various branches of the Department of State. In 1945 he was a member of the American delegation to the Yalta Conference, and that same year was appointed by the late President Franklin D. Roosevelt as Secretary General of the San Francisco Conference at which the Charter of the United Nations was drafted. In 1947 Hiss resigned his position with the Department of State to become the third president of the Carnegie Endowment for International Peace.

On December 15, 1948, Alger Hiss, still head of the international peace organization, was indicted for perjury in connection with alleged Communist activities during his years in government service.

The charges against Hiss stemmed from months of national speculation, much of which was reported in newspapers and on radio broadcasts, that American leaders had Communist ties. The country's fears of Communism in post-World War II were expressed through and by such investigative groups as, first, the United States House of Representatives Un-American Activities Committee spearheaded by Congressman Richard M. Nixon and, finally, the Senate Investigations Subcommittee chaired by Senator Joseph R. McCarthy.

In the political hysteria of 1948 (15, p. 416), America seemed obsessed in its effort to assess blame for the impending
crises she faced—the presumed threat of a Communist takeover and the building momentum toward a Korean War. A British jurist, Earl Jowitt, said:

Public opinion had been profoundly shocked by learning, as a result of the investigations of the House Un-American Activities Committee, of the extent to which Communist influence had infiltrated into the various government departments. In exposing these facts, the Committee performed a useful service, but it was an unfortunate prelude to a trial on a serious criminal charge, for the public are prone to look for a scapegoat (8, p. 336).

Pivotal in the nation's quest for a symbol of the conspiracy that had spawned its real or imagined ills was the case of Alger Hiss.

The House Un-American Activities Committee's investigation of Hiss was one of the most publicized cases in American history (15, p. 381). Robert E. Stripling, chief officer of the Committee's staff, estimated that the case drew the biggest turnout of reporters and spectators in the Committee's history (7, p. 8). The Committee was accused by Hiss of leaking testimony in closed hearings to the press (12, p. 11). Certainly, the Committee reported to the press that Hiss had been "vague and evasive" in his testimony, while his accuser had been "forthright and emphatic" (13, p. 17).

If, in its investigation of Hiss, the Committee sacrificed impartiality to the political expedience of giving the
nation an archtypal traitor, was the American press less irresponsible in its interpretations of the Committee's procedures? British journalist Alistair Cooke said:

The crimes of putting people into discreditable associations, and presuming guilt before innocence can be proved, were committed far more by the press than by the Committee. Very often innocent people were harmed by the mere act of interpreting the Committee's testimony in the newspapers (3, p. 65).

In reference to charges that the press over-reacted to the House Committee's proceedings, a study by Columbia University Bureau of Applied Social Science in 1949 concluded that New York newspaper accounts of one Committee investigation had shown bias and that publicizing of the Committee's investigations should be minimized (6, p. 11).

On August 3, 1948, the late Whittaker Chambers, then a senior editor of Time magazine and confessed former Communist, appeared before the Committee and testified that Hiss had been a member of a Communist apparatus in Washington in the period from 1934 to 1937. Chambers' testimony created banner headlines across the nation (10, p. 14). Hiss denied the charges before the Committee on August 5, 1948.

On an August 27, 1948, national radio broadcast, Chambers publicly accused Hiss of Communist activities while Hiss was employed with the Department of State. As a result of this broadcast, Hiss brought an action against Chambers for libel
in United States District Court for the District of Maryland. On November 17, 1948, in the course of his examination before trial in the libel case, Chambers produced documents purporting to be copies or summaries of official Department of State documents delivered to him as a fellow-Communist by Hiss in January, February, and March of 1938. The libel action was ultimately dropped.

However, the Grand Jury for the Southern District of New York, which had been investigating alleged Communist activities since 1947, undertook an investigation of the circumstances under which Chambers had obtained possession of the documents produced by him in the libel action. And on December 15, 1948, the New York Grand Jury indicted Hiss on two counts of perjury. Count I stated that Hiss had denied falsely that he had transferred Department of State papers to Whittaker Chambers in February or March of 1938; Count II stated that Hiss had denied falsely that he had seen Chambers after January 1, 1937. The issue, joined by Hiss's plea of not guilty to the indictment, was tried before a United States district judge and a New York jury from May 31, 1949, to July 8, 1949. When the jury was unable to agree upon a verdict, the perjury trial was reset in New York City for November 17, 1949. Hiss's motion for a change of venue at the second trial
was denied, and on January 25, 1950, Hiss was found guilty on both counts of perjury and sentenced to five years imprisonment on each count.

Events leading to both Hiss trials produced relentless publicity, particularly in the State of New York. Forty-one newspaper articles were presented in evidence by Hiss's attorneys, who argued that publicity of his first perjury trial was of such unprecedented volume and in some respects of such extraordinary virulence that he could not receive a fair retrial in New York. New York columnist A. J. Liebling said that the first trial produced some of the best and some of the worst newspaper copy of the time (9, p. 62). Journalist Ronald Seth accused the press of behaving in an absolutely irresponsible way (11, p. 242). Writer Fred J. Cook charged that Hiss was convicted in the headlines before he was convicted in court (2, p. 169).

In opposition to charges of prejudicial news coverage of the first trial, Assistant United States Attorney Thomas F. Murphy, prosecutor at both Hiss trials, contended that the news coverage was in most respects completely abstract and factual. Authors Ralph de Toledano and Victor Lasky said further that Hiss's powerful friends in the press came to his defense in their coverage of the first trial (5, p. 149).
Whittaker Chambers asserted that he, not Hiss, became the defendant in the great public trials, in which press and radio were mobilized against him, and that through almost every medium of communication, the personal assault upon him was kept at a peak of uproar (1, p. 626).

During the Hiss case, Richard Nixon, who has been portrayed as a person whose life was spent in headlines and before the camera, rocketed into the headlines until he became a national celebrity (4, p. 50). Hiss indicated that he felt Nixon was hunting for political sensations in his accusations of him (7, p. 8). In almost daily press conferences, Nixon called loudly for the indictment of Hiss (2, p. 18).

Statement of the Problem

The problem of this study will be to determine the treatment accorded Alger Hiss by the American press from August 3, 1948, when Whittaker Chambers accused him of Communist activity, through his two trials and conviction on January 25, 1950. How did the press treat the case of Alger Hiss and other related news? In this study, the press will refer to American newspapers and periodicals.

Purposes of the Study

The purposes of this study will be: (1) to examine the press image of Alger Hiss; (2) to examine the active roles of
Richard M. Nixon and Whittaker Chambers in the context of Hiss's press image; and (3) to study the relationship of the press to the climate of public opinion throughout the events of the Hiss case.

Questions to Answer

In order to carry out the purposes of this study, the following questions have been formulated: (1) How did the press react to the charge that Alger Hiss was a Communist? (2) Did the press change its image of Alger Hiss? (3) What was the attitude of the press as revealed in evidence for a change of venue at the second trial? (4) What were the roles of Richard M. Nixon and Whittaker Chambers in the context of the press's treatment and handling of the Hiss case?

Procedure for Data Collection

Although this study will not be a quantitative one, it will examine those sections of the books and newspaper and magazine articles that are relative to the press's coverage of the Alger Hiss case from August 3, 1948, through January 25, 1950. In an attempt to analyze historically the differing attitudes toward the Hiss case, this paper will cite the relative sections of six books that are factual and unbiased, of three books that are obviously pro-Hiss, and of three books that are strongly anti-Hiss. Specifically, the six factual
and unbiased books are: *Treason* by Nathan Weyl; *Friendship and Fratricide* by Meyer A. Zeligs; *The Strange Case of Alger Hiss* by a British jurist, Earl Jowitt; *A Generation on Trial* by Alistair Cooke; *The Autobiography of Mark Van Doren*; and *FDR's Last Year* by Jim Bishop. The pro-Hiss books include: *In the Court of Public Opinion* by Alger Hiss; *The Sleeping Truth* by Ronald Seth; and *The Unfinished Story of Alger Hiss* by Fred J. Cook. The anti-Hiss books cited are: *Seeds of Treason* by Ralph de Toledano and Victor Lasky; *Witness* by Whittaker Chambers; and *A Tragedy of History* by Bert and Peter Andrews. The other books, periodicals, and trial transcripts examined relate to the climate of public opinion at the time of the case. This study also will examine and attempt to analyze the forty-one New York City newspaper articles presented in evidence by Hiss's attorneys at their motion for a change of venue at his second trial.

**Organization of the Study**

This study will contain five additional chapters. Chapter II will examine the changing press image of Alger Hiss from the time of Whittaker Chambers' charges against him on August 3, 1948, through his two trials and conviction. The next chapter will examine and analyze newspaper articles presented in evidence by Hiss's attorneys in their motion for a
change of venue and the government's opposition to the motion. Chapter IV will cite the relationships of Whittaker Chambers and Richard M. Nixon to the press. Chapter V will be devoted to an examination of the "Pumpkin Papers" episode of the Hiss case, including developments reported by the press in 1975. The final chapter of this study will cite and explain the conclusions reached in this study of the press's treatment and handling of the Hiss case.
CHAPTER BIBLIOGRAPHY


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CHAPTER II

THE CHANGING PRESS IMAGE OF ALGER HISS

Known as "the lawyer's lawyer" to his peers and newsmen alike (1, p. xii), Alger Hiss had moved into increasingly responsible positions until he was called before the House Un-American Activities Committee in August of 1948. Many prominent Washington newsmen knew and respected him during the days of President Roosevelt's New Deal (17, p. 49). When his work at the San Francisco United Nations Conference in 1945 placed him in the public eye, the press was without exception favorable to Hiss (18, p. 338). Time magazine described him: "In a class by himself was young, handsome Alger Hiss, a U. S. State Department career man functioning as international secretary general of the United Nations Conference" (16, p. 11).

Hiss's rapport with the press had been such that a reporter forewarned him that Whittaker Chambers would name him a Communist on August 3, 1948 (7, p. 4). However, press reaction to Chambers' August 3 statement to the House Committee was immediate and immense (18, p. 5). Indeed, the entire Hiss case had its origin in Chambers' August 3 testimony. The
Committee already had material on Hiss in its files, raw, un-evaluated data that added up to nothing until Chambers came along (5, p. 192).

After Hiss appeared before the Committee on August 5, 1948, to deny Chambers' charges, the late President Harry S Truman defended him at a press conference:

They (members of the Committee) are using these hearings simply as a red herring to keep from doing what they ought to do. No information has been revealed that has not long since been presented to a federal grand jury and that has not long since been known to the FBI (13, p. 1).

In answer to Truman's "red herring" charges, a member of the Committee told a New York Times reporter that "the whole spy case was about to be broken wide open" (13, p. 1). Author William Reuben stated that the Times and other newspapers treated Truman's press conference in a manner which served to create an impression that charges of espionage had been leveled at Hiss (14, p. 25). News of Hiss's first appearance before the Committee and Truman's press conference of August 5 appeared August 6 under the same three-column, front-page, lead headline in the Times: TRUMAN CALLS SPY INQUIRIES / A REPUBLICAN 'RED HERRING.' The Times coverage of the case was more responsible and precise than most newspapers (14, p. 25). An August 6 front-page New York Herald-Tribune story stated that "the House spy-hunters" were "tracking down" evidence of
Among newspapermen, the first seeds of doubt as to Hiss's straightforwardness had been planted (6, p. 164). Newsmen apparently did not report Hiss's August 5 statement to the Committee:

I am not happy that I didn't have a chance to meet with the Committee privately before there was such a great public press display of what I consider completely unfounded charges against me. Denials do not always catch up with charges (18, p. 10).

Hiss, then, fought his battle for vindication from the start in a hostile atmosphere, according to Fred J. Cook (3, p. 168). One writer said the mass press represented him as the disloyal intellectual who gave his country's secrets to the enemy (2). Alistair Cooke charged the press with doing such irreparable damage to Hiss that by the time he came to court even an acquittal could have been only a first step towards a distant prospect of vindication (4, p. 65).

Not only did Hiss face the press's pre-judgments of him before his testimony could be heard, but also he was plagued with leaks to the press of testimony given in the Committee's secret sessions. At the Committee's "secret" August 17, 1948, confrontation meeting between Hiss and his accuser, Chambers--news of which had been leaked to the press and published in advance of the meeting--Hiss said:
I would like this record to show . . . that the first thing I saw in the morning paper, the Herald-Tribune, was a statement that the Committee yesterday had asked me if I would submit to a lie-detector test . . . There were other statements in the press . . . which referred to other bits of my testimony which could only have come from the Committee (6, p. 186).

The prolonged hearing of Hiss's case before the House Committee had inevitably attracted the widest publicity (8, p. 202). During and after the first trial, a flood of comment broke forth in the press (8, p. 203). Extended front-page coverage of all aspects of the Hiss case continued through Hiss's motion for a change of venue, through the second trial and all the way to prison with him. Ronald Seth has stated that, according to their bias, the various newspapers and journals slanted their presentations to the end of the case (15, p. 242).

Was there a majority among the members of the press who were willing to assume the guilt of a man they had formerly considered upright and idealistic (2)? Journalist Marquis Childs, who has stated that he believed Hiss guilty of Communist activity, has said that only a few partisan newsmen remained loyal to Hiss through his ordeal (2). If the press did change its image of Hiss as the events of the case progressed, was this a logical change in view of the international tensions at the time of the case?
A social psychologist, Robert C. Myers, wrote that public opinion in 1948 was expressed in a national vocabulary of such anti-Communist slogans as "Stalin-lovers" and "dirty Commies" (9, p. 61). Myers said further:

The only purposes ascribed to the Communists were to destroy the American way of life and turn the country over to Russia. In their harrangues against Communism, anti-Communist leaders asked the public to remember: "our way of life," "what we stand for," "red-blooded Americans," and "what we fought for" (9, p. 61).

Newspaper editorials and political cartoons across the nation expressed America's fear and hatred of Communism. Some editorials not only attacked the veracity of the testimony of Hiss when he was accused of Communism, but also assailed two Supreme Court Justices when they testified as character witnesses for him (10; 11). A typical political cartoon by Bill Maulden depicted two wayward husbands returning home late at night, with one saying to the other, "Appeal to her patriotism. Tell 'er you wuz out late breakin' up a Communisht rally" (9, p. 59).

It was in this atmosphere that Alger Hiss was led to disgrace through two trials, both reported sensationally by the press, and the last one ending in his conviction for perjury. Childs wrote that the phenomenon of a nation's fear of Communism led the great majority of its citizens willing and even
eager to believe in Hiss's guilt (2). With the purging of its scapegoat, the nation could put to rest its fears. As he had anticipated at the start of the House Committee's investigation of him, Alger Hiss's denials did not catch up with the charges against him.


CHAPTER III

NEWSPAPER ARTICLES SUBMITTED IN EVIDENCE

After Alger Hiss's first trial for perjury had ended on July 8, 1949, with the jury unable to agree upon a verdict, his attorneys presented to the court a motion for a change of venue from New York City to Rutland, Vermont. The attorneys based their motion on the wide and heated publicity the case had drawn in New York. Their affadavit presented in court stated:

The grounds of this motion are that the publicity which has been given to this case before, during and after the first trial, by the newspapers and periodicals circulating in the Southern District of New York, has been of such unprecedented volume and in some respects of such extraordinary virulence that the defendant cannot obtain a fair and impartial trial in this district before a jury which has not already formed an opinion on the merits of his case (3, pp. 84-95).

It was natural that the attorneys should feel anxiety that the prospective jurors at the second trial might have become influenced by what they had read of the case, and it was almost certain that they would have read about it in the newspapers (1, p. 196). All the witnesses and even the jurors in the first trial became public personages through the coverage of the trial by New York newspapers (2, p. 62).
In their motion for the change of venue, Hiss's attorneys presented forty-one New York newspaper articles in evidence to the court. The attorneys broke down the forty-one exhibits into four classifications:

1. Publicity during the trial of alleged evidence that was not submitted to the jury and which, in some cases, had actually been excluded by the trial judge.

2. Attacks upon certain witnesses called by the defendant.

3. Attacks upon the trial judge and upon the integrity of the court.

4. Attacks upon certain jurors and interviews with jurors setting forth their comments upon the trial and their opinions of the court and their fellow jurors.

The defendant's attorneys also retained a public opinion research firm to investigate the state of public opinion in the Alger Hiss case in New York City and in Rutland, Vermont, where they asked that the trial be held. The findings of the firm, presented in evidence in the motion for a change of venue, concluded that people in New York City were more likely to have made up their minds about the case than those in Rutland, Vermont. The public opinion researchers further concluded that the impact of the New York metropolitan press upon public opinion of the Hiss case was significant.
In opposition to the change of venue motion, Assistant United States Attorney Thomas F. Murphy contended that press coverage during the first trial was in most respects completely abstract and factual. Murphy divided the government's opposition to the motion into eight categories:

1. The sum total of a large newspaper coverage plus the alleged virulence of some of such coverage . . . does not prove that there exists in the district "so great a prejudice" that the defendant cannot have a fair trial.

2. On the contrary, the entire newspaper coverage of the trial by all of the metropolitan newspapers conclusively shows that, out of a total coverage of more than 470 stories, 68.6 per cent were completely factual; 8.3 per cent, pro-Hiss; 6.1 per cent, anti-Chambers; and 17.1 per cent, pro and anti the trial judge.

3. Of the total of forty-one newspaper exhibits submitted, only three relate to the defendant. Obviously, three newspaper stories, assuming that they are of extraordinary virulence, can hardly be said to so prejudice the minds of so large a population as the City of New York as to establish "so great a prejudice" in this district as to deny the defendant a fair trial.

4. The forecasting of public opinion by ordinary finite beings has not yet reached the level of an exact
science that it can be said that merely because newspaper stories exist that it follows that public thinking is thus controlled.

5. Even assuming that such poll-taking borders on omniscience, the poll-taking evidence included in the moving papers fails both factually and mathematically to support any conclusion advanced by the defendant.

6. Under no theory of justice could this court now direct a transfer of this cause to the District of Vermont, since it is admitted in the moving papers that the defendant's agents have conducted a poll amongst some of the citizens of that district, thereby tending to influence possible or prospective jurors.

7. In any event, the law is well settled that even if a juror has an opinion on the merits of a case, nevertheless, if he states under oath that he can set that opinion aside and determine the issues impartially on the evidence presented, he is qualified.

8. The motion is not timely made, since no previous permission has been granted by the court and it is made obviously after arraignment.

Newspaper stories presented in evidence by defense attorneys as examples of the first classification (publicity
of alleged evidence that was not submitted to the jury and which had been excluded by the trial judge) were:

1. A June 4, 1949, *New York World-Telegram* article which stated that Whittaker Chambers had told the House Committee that Hiss had been ordered by the Communist Party to join the State Department in 1936. No such testimony was offered during the trial, said Hiss's attorneys. Murphy countered, "This testimony was given under oath and truth has never been toxic."

2. Similar stories by the *New York World-Telegram* and the *New York Sun* on June 24, 1949, which stated that Whittaker Chambers denied ever having met a defense witness who testified to a conversation with Chambers. Hiss's attorneys argued that the government offered no evidence at the trial to contradict the defense witness' testimony. Murphy stated that these news stories dealt only with statements by Chambers and the defense witness and "do not concern the defendant directly and could not conceivably create any significant prejudice against him."

3. A *New York Post Home News* article on June 17, 1949, in which government witness Henry Julian Wadleigh, former State Department official with Alger Hiss and confessed former Communist, was quoted regarding his reasons for spying for the Communists. Hiss's attorneys pointed out that the trial judge had sustained an objection to a question asking Wadleigh
why he had regularly abstracted State Department documents and given them to Chambers. Again, Murphy said that this news story did not concern Hiss directly.

4. A *New York World-Telegram* article on July 1, 1949, setting down what a government witness, Mrs. Hede Massing, former wife of a confessed Communist, allegedly would have said on the witness stand. The trial judge, said Hiss's attorneys, had excluded her testimony in court as incompetent and had ruled that the prosecution could not call her to the witness stand. Nevertheless, the news article specified the evidence she would have given if her testimony had been admitted. Murphy said the article had no provocative value with regard to the change of venue motion.

Articles presented in evidence by defense attorneys as examples of the second classification (publicity that attacked certain defense witnesses) were:

1. Two columns by Westbrook Pegler in the *New York Journal-American*, on June 28 and July 1, 1949, both of which dealt with the appearances of Supreme Court Justices Felix Frankfurter and Stanley F. Reed as character witnesses for Hiss. Both articles criticized the Justices for testifying for Hiss, said his attorneys. In the June 28 column, the attorneys cited further that Pegler stated that "Frankfurter
was easily half-a-dozen of Reed, who has never amounted to much." Murphy acknowledged that the articles were attacks on the Supreme Court Justices, but said they clearly were not prejudicial to Hiss.

2. Two editorials, one in the New York Journal-American one June 29, 1949, and one on June 28, 1949, in the New York Mirror, both of which were entitled "Judicial Propriety" and both of which criticized Justices Frankfurter and Reed for praising Hiss in their testimony, said his attorneys. Murphy repeated that the editorials were not prejudicial to Hiss.

News stories presented by Hiss's attorneys as examples of the third classification (attacks on the trial judge) included:


2. A June 30, 1949, article in the New York Journal-American alleging that Hiss's counsel in the first trial helped the trial judge get his appointment to the bench.

4. A July 1, 1949, article in the New York *Journal-American* headlined, "How Did Judge Kaufman Get the Hiss Trial Assignment?"

Hiss's attorneys contended that the derogatory comments made about the trial judge in the four articles also attempted to cast doubt upon the integrity of federal courts in general. Murphy said that the ephemeral nature of the articles, together with the fact that they dealt with an individual other than the defendant, rendered them without provocative value with regard to the change of venue motion.

News articles presented by Hiss's attorneys as examples of the fourth classification (attacks on certain jurors and interviews with jurors) were:

1. July 8, 1949, articles in both the *New York World Telegram* and *New York Journal-American* that, according to Hiss's attorneys, attempted to create the impression that the foreman of the jury was prejudiced in the defendant's favor. Murphy said these articles were not prejudicial to the defendant.

2. Articles based on interviews with jurors included two July 9, 1949, stories in the *New York Journal-American* headlined "Hiss Jurywoman Blames Foreman" and "Juror Assails Pro-Hiss Quartet;" a July 9 story in the *New York World-Telegram* headlined "A Real Cat and Dog Fight, Says Young
Juror in Hiss Case;" a July 10 story in the New York Daily Mirror headlined "Jurors Denounce Foreman James;" a July 12 story in the New York Herald-Tribune headlined "Five Hiss Jurors Express Belief Kaufman Was Biased for Defense;" and a July 12 story in the New York Journal-American headlined "Five Hiss Jurors Charge Judge Was Biased." These opinions of the jurors, charged Hiss's attorneys, included pronouncements upon questions of law involved in rulings of the trial judge. Murphy said that the stories in no way concerned the guilt or innocence of the defendant.

Hiss's attorneys also presented in evidence seven newspaper articles quoting comments from Congressmen on the first trial. The attorneys charged that these statements, which they said were given wide publicity in the New York press, were critical of the trial judge and highly prejudicial to the defendant. Congressman Nixon was quoted in an article in the New York Herald-Tribune on July 10, "A full investigation should immediately be made of the fitness of Judge Kaufman to serve on the bench in view of his conduct during the trial." Other Congressmen quoted in the Herald-Tribune, Journal-American, World-Telegram, and Daily Mirror on July 11 and July 12 said: "Mrs. Massing was understood to be ready to testify as to her knowledge of Alger Hiss's connection with the spy apparatus
in 1936;" "Almost single-handed, the government's prosecutor (Murphy) fought against what was apparently a conspiracy to cheat the law and liberate a traitor;" and "That thing in New York stank to high heaven."

Hiss's attorneys then referred to a July 10, 1949, statement issued by Robert B. Patterson, former Secretary of War and then president of the Association of the Bar of the City of New York, which deplored the attempt of certain Congressmen to interfere with the free action of the courts. Immediately, said Hiss's attorneys, certain newspapers which had been most aggressive in their attacks upon the conduct of the trial turned their attention to Judge Patterson, and a series of articles was published, which, among other things, stated the attorneys, quoted a letter which Patterson had written to Hiss prior to the indictment. These articles included a July 11, 1949, story in the New York World-Telegram headlined "Letter Reveals Patterson Faith in Hiss Loyalty," and a July 12 article in the New York Journal-American headlined "Patterson No Stranger to Kaufman and Hiss." Murphy commented that the Journal-American story related to a letter expressing faith and confidence in Hiss. "How the defendant can complain about such praise is hard to imagine," Murphy stated.
Pointing further to Congressmen's comments to the press, the defendant's attorneys cited articles in the *New York Herald-Tribune* on July 12, 17, and 19, 1949, and in the *New York Times* on July 14, 1949, which, they said, were prejudicial to Hiss. Also, a Congressional bill introduced on July 16, 1949, which would prohibit Justices of the Supreme Court from appearing as character witnesses, resulted in detrimental front-page articles in the *New York Times* and the *New York Herald-Tribune*, said Hiss's attorneys. Prosecutor Murphy did not reply to the charges that the Congressmen's comments to the press and the Congressional bill were prejudicial to Hiss's case.

The last newspaper articles presented in evidence by Hiss's attorneys concerned recent publicity about the case. The attorneys referred to a series of articles in the *New York Post Home News* in July and August of 1949, in which former Communist Henry Julian Wadleigh made public an explanation of his testimony at the trial. And, said Hiss's attorneys, an article on September 23, 1949, in the *New York World-Telegram* commented upon what it characterized as "last summer's unseemly appearance of two United States Supreme Court Justices as character witnesses in the Hiss trial." The prosecutor did not comment on these articles in his opposition to the motion for a change of venue.
In his reply affidavit to all forty-one newspaper articles presented in evidence, prosecutor Murphy stated, "It cannot be said that merely because newspaper stories exist that it follows that public thinking is controlled." The sum total of the coverage proves, he added, that Hiss had been fairly and honestly treated, and that if a line were to be drawn on the side of prejudice and sympathy, the court would find some of the newspapers favored the defendant.

Murphy told the court:

It is true that there was a large volume of newspaper coverage in connection with these proceedings. . . . This was necessarily so since the defendant has held high office in our government and was accused on charges which, if proved, would show that he was not loyal to his sacred trust, but on the contrary, subservient to a foreign power. To say that merely because of a large newspaper coverage people thereby became biased on the merits of the case is purely speculative (3, p. 127).

Murphy praised the American press for its "actual factual and unbiased reporting." In submitting his analysis of the total 470 stories in the New York metropolitan press, Murphy, however, did not specify who made the analysis, nor did he give a breakdown on the percentages he used as they applied to individual newspapers.

In summary, Murphy stated that while it would appear that although the news coverage was on a national basis, and "at best some small insignificant percentage virulent . . . it
would be nothing short of pure speculation to state that a jury could not be chosen in this district that would hear the evidence without sympathy or bias."

Murphy challenged the findings of the public opinion research firm retained by Hiss's counsel by presenting an affadavit in evidence of the findings of another "expert in public opinion research" retained by the government. The government's public opinion researcher, said Murphy, had pointed out that the poll-taking done by Hiss's firm prevented those researchers from drawing any affirmative and pertinent conclusions other than the "rather mealy-mouthed conclusion" that people in New York are more likely to have made up their minds about the case than those in Rutland, Vermont. Murphy said further:

So many media exist today for the dissemination of news that a sampling of a few newspapers in a rural vicinity is not a fair test of public opinion or, for that matter, a fair test to determine how well informed people of the vicinity are (3, p. 132).

Murphy contended that bias could not be gauged by newspaper stories, and that the mere fact of notoriety and widespread coverage of a criminal proceeding was not sufficient to cause a change of venue. Finally, the prosecutor argued:

New Yorkers, with many papers to choose from, appearing in several editions through all leisure hours of the day, have more opportunities, and are more likely to have at least acquaintance with
local, national and world news than people living
in a small New England city served by a very few
local papers carrying heavy emphasis on local news.
This does not mean that New Yorkers are necessarily
more prejudiced, or that metropolitan cities should
be ruled out of the United States jury system (3, p. 139).

In the memorandum denying Hiss's motion for a change of
venue, the court ruled that it was satisfied that there was
nothing in the newspapers submitted to indicate that there
existed "so great a prejudice against the defendant" that he
could not obtain a fair and impartial trial in New York City.
Hiss's motion to transfer the proceedings to Vermont was
denied.
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CHAPTER IV

ACCUSER AND INVESTIGATOR

Whittaker Chambers

In contrast to Alger Hiss's middle-class and rather advantageous background, Whittaker Chambers' childhood and progression into manhood were marked by poverty and instability. Rejected by his father and his peers at an early age (1), Chambers' entire life was dominated by a pattern of revolt--against his meager beginnings, his father, public school and university regulations, the established process of his country's government, and ultimately against the ideologies and philosophies that had drawn him into the Communist Party.

His formal education, which was at best sporadic, ended before he had completed three years at Columbia University. Mark Van Doren, one of his professors there, remembered Chambers' "flair for the dramatic, his numerous plunges into extremes of conviction contrary to one another . . . and his cloak-and-dagger air" (11, p. 307).

At the age of twenty-three, Chambers joined the Communist Party, and for the next fifteen years was an active,
paid functionary of the Party. He became editor of two Com-
munist publications, the Daily Worker and the New Masses, then
went into the Communist underground in Washington, D.C. His
job in the Washington underground cell, he said, was to in-
tegrate members of that cell into government positions for
the benefit of the Communist Party and to transmit copies of
confidential government documents to his superiors in the
Party. It was while he was working in this capacity, Chambers
said, that Hiss had passed State Department documents to him
(9, p. 166).

Chambers said that he broke with the Communist Party in
1938, at which time he became a writer for Time magazine.
When he testified before the House Un-American Activities
Committee in 1948, Chambers was a senior editor of Time, earn-
ing $30,000 a year.

At the height of the Hiss case, Chambers charged the
press with being mobilized against him. He wrote:

In effect, not Hiss, but I . . . became the defendant
in a great public trial, in a manner startlingly re-
miniscent of the mechanics of the great Soviet public
trials, press, radio, and public personages, organi-
izations of all kinds and a section of the government
itself were mobilized against the chosen victim while
public opinion was enveloped in a smog of smearing
whispers that rolled across the nation and far beyond
its frontiers (1, p. 626).

Chambers also said that during the course of the entire Hiss
case, not more than five journalists were sent to find out at first hand what he "might really be like." He further credited only two journalists—one from the New York Herald-Tribune and one from the Washington Daily News—with proving equal to the task (1, p. 627). Even the staid New York Times, which usually was against sin, said Chambers, reflected that his allegations that Hiss had been a Communist spy were unfortunate and questionable (2, p. 150). He also charged members of the press with invading his home and violating his family's privacy (1, p. 713). His confidant and chief defender among members of the House Committee, Congressman Richard Nixon, called the press's treatment of Chambers "a damned outrage" (1, p. 772). Both men, one a journalist himself and the other a politician in need of favorable publicity, apparently resented any news reporting that did not support their beliefs. A friend and colleague with whom Chambers was associated at Time magazine for almost ten years, said, "He (Chambers) once said to me that journalism does more harm than good. That had shocked me; if he really thinks that, I said to myself, what the hell is he doing here at Time?" (13, p. 329). A. J. Liebling reported in 1949 that after the first Hiss trial, Nixon intimated to the press that "it is un-American not to convict anybody Congressman Nixon doesn't like" (3, p. 60).
Richard M. Nixon

Richard M. Nixon began his political career in 1947 when he was elected in California to the Eightieth Congress of the United States. Less than two years later, the relatively unknown Congressman gained national prominence when, as a member of the House Un-American Activities Committee, he assumed command of the Committee's investigation of Hiss.

During the first two weeks of August 1948, after Whittaker Chambers had testified to the Committee that Hiss had been a Communist spy, Nixon's name was catapulted into front-page headlines across the nation. New York Times reporter Alden Whitman wrote in 1974 that there had been hardly a week during the lengthy Hiss case that Nixon's prosecutorial part in the case was not mentioned by the press, radio or television (12, p. 17). Chambers' testimony to the Committee was given barely three months before the 1948 Congressional elections, in which Nixon would be a successful candidate for his second term. Accoring to Chambers, Nixon made the Hiss case possible (1, p. 557).

William Reuben stated that Nixon's running commentaries to the press in daily accounts of the sensational case not only consistently cast doubts on Hiss's testimony, but also established by headlines the Republican Party's 1948 election
key issue—the alleged indifference of the Democratic Party to spies and traitors (7, p. 66). A statement to the press by Nixon on September 21, 1948, exemplified his campaign issue: "The full story of Communist espionage will not be told until we get a Republican President who is not afraid of skeletons in the closet" (7, p. 66). Whitman wrote that Nixon continued with the Hiss case as a campaign issue in the 1952 Presidential election in which he was Dwight D. Eisenhower's Vice-Presidential running-mate (12, p. 17). In reference to the Hiss case, Nixon directly accused President Truman, Secretary of State Dean Acheson, and Adlai E. Stevenson, the Democratic Party Presidential candidate, of being "traitors to the high principles in which many of the nation's Democrats believe;" he referred to Hiss as "the archtraitor of our generation" (12, p. 17).

It was reported in 1962 that few men ever worked harder than Nixon to win friends among the legion of political reporters in Washington and that few succeeded less (10, p. 46). Perhaps no American political figure ever has gone more out of his way to cultivate friendly relations with the press than Nixon. It has been observed that while Nixon was on a first-name basis with an impressive number of reporters in Washington, he was fully aware that he was not personally
popular with the mass of reporters (10, p. 49). Many people found a partial answer to the enduring cold war between Nixon and the press in his treatment and judgments of Hiss (10, p. 46).

Reuben wrote that Nixon's unique talent in his quest to capture headlines was in his use of language to arouse inferences going beyond anything he had actually said (7, p. 284). In substantiation of this theory, California psychiatrist Meyer A. Zeligs cited Nixon's report to the press of the August 17, 1948, confrontation between Chambers and Hiss which had taken place in a closed, executive session of the House Committee (13, p. 20). Nixon gave his version of the session, said Zeligs, which the press reported, causing readers to be amused and than suspicious of Hiss's request to have Chambers open his mouth in order that he might see the condition of Chambers' teeth before he positively identified him as a man he had known under another name in the 1930s. According to Zeligs, Nixon helped to fortify the readers' suspicions when, at a later confrontation between Chambers and Hiss, he asked Hiss: "Didn't you ever see him (Chambers) with his mouth closed?" The newspaper readers were not made to understand the fact (which Nixon knew quite well, said Zeligs) that Chambers' outstanding physical characteristic
until around 1944 was the incredibly bad state of his teeth (13, p. 20). Both Reuben and Ronald Seth charged that Nixon supplied newspaper reporters with misleading information or with privileged testimony given in closed sessions throughout the House Committee's investigation of Hiss (7, p. 25; 8, p. 79).

Nixon continued to generate headlines after the Committee's investigation had ended. During the course of the first Hiss trial, Nixon was quoted as saying on June 17, 1949, that there should be an immediate investigation of the trial judge's conduct. The judge's "prejudice . . . against the prosecution" had been "obvious and apparent," said Nixon (4, p. 2). And less than twenty-four hours after the jury was dismissed because of a deadlock, both the New York World-Telegram and the New York Journal-American devoted eight-column, front-page headlines to Nixon's demands for an investigation of the trial judge (5; 6).

The Hiss case remained the highlight of Nixon's two terms in the House of Representatives. And, according to one article in a news magazine, as a result of the Hiss case, there was always an atmosphere of mutual distrust between Nixon and many reporters (10, p. 4). This atmosphere seems to have lingered through Nixon's years as Vice-President, and
by the time of his unsuccessful bid for the Presidency in 1960, an informal poll of the thirty-six newsmen assigned to cover Nixon's campaign revealed that this group personally favored John F. Kennedy over Nixon as President, by a ratio of more than three to one (10, p. 49). At his defeat for the governorship of California in 1962, Nixon called what he said would be his last press conference to chastise reporters for misreporting his campaign. He assured those reporters in 1962, "You won't have Dick Nixon to kick around any more" (12, p. 19).
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CHAPTER V

THE PUMPKIN PAPERS

The "pumpkin papers" episode produced perhaps the most dramatic and memorable moments of the entire Hiss case. It made superb news copy (21, p. 319).

On December 2, 1948, Congressman Richard Nixon, confident that the House Un-American Activities Committee's work on the Hiss case was ended since the issue was now in the courts, sailed with his wife from New York for a ten-day pleasure cruise through the Panama Canal Zone (17, p. 45). On his first full day at sea, December 3, he received a radiogram from New York Herald-Tribune reporter Bert Andrews, which said:

Information here is that Hiss Chambers has produced new bombshell Stop Indications are that Chambers has offered new evidence Stop All concerned silent Stop However Justice Department partially confirms by saying it is too hot for comment Stop (6, p. 94).

That evening a second radiogram was delivered to Nixon, this one from the House Committee's chief staff officer, Robert E. Stripling, which said:

Second bombshell obtained by subpoena 1 ayem Friday Stop Heat is on from press and other
places Stop Immediate action appears necessary Stop Can you possibly get back Query (6, p. 94).

The following morning, December 4, Andrews sent Nixon a second radiogram:

Documents incredibly hot Stop Link to Hiss seems certain Stop Link to others inevitable Stop Results should restore faith in need for Committee if not in some members Stop New York jury meets Wednesday Stop Could you arrive Thursday and get day's jump on Grand Jury Stop If not holding early hearing Wednesday Stop My liberal friends don't love me no more Stop But facts are facts and these facts are dynamite Stop Hiss's writing identified on three documents Stop Not proof he gave them to Chambers but highly significant Stop Stripling says can prove who gave them to Chambers Stop Love to Pat Stop Vacation-wrecker Andrews (6, p. 94).

On receipt of the third radiogram, Nixon obtained a special order from Defense Secretary James V. Forrestal for a United States Coast Guard amphibian plane to return him from the ship to Miami, Florida, where he caught a commercial flight to Washington. He was lowered from the ship to the water in a lifeboat, picked up by a Navy crash boat and rushed to the waiting Coast Guard plane, all of which the press dramatically reported in front-page stories (10; 12). Photographers, too, somehow miraculously were able to record every phase of the drama (18, p. 78). Nixon held his first "pumpkin papers" press conference aboard the speeding crash boat (18, p. 78).

In Washington, Nixon learned that the "bombshells" were forty-seven documents which Chambers said were copies of
confidential State Department documents delivered to him by Hiss in January, February, and March of 1938. Among the documents were five rolls of microfilmed documents which became popularly known as the "pumpkin papers" because of the conditions under which Chambers produced them to the House Committee. In the dead of night on December 3, 1948, two Committee investigators went to Chambers' Maryland farm where Chambers produced the microfilms which were stored in a hollowed-out pumpkin in the middle of a squash and pumpkin field. The press, it was said, played that pumpkin for all it was worth (7, p. 218).

On December 6, the grand jury reconvened in New York to examine the microfilms and to hear testimony from both Hiss and Chambers. But this event, wrote William A. Reuben, was far overshadowed by a press conference Nixon called in Washington the same morning (18, p. 79). Although Nixon had not yet questioned Chambers, Reuben charged that Nixon had no hesitancy in getting headlines across the nation making it plain that Hiss's guilt was unmistakable (18, p. 79). The New York Times reported:

At a news conference that drew a record assembly of reporters . . . Representative Nixon said that the Committee, among its exhibits, had three documents which had been written by hand . . . by Alger Hiss.
A reporter asked whether such a document might have been something which Mr. Hiss had summarized for State Department files and possibly could have been removed from the files by someone else... Nixon said, "It is apparent that the forms and content of these documents were obviously not intended to simply be a part of the State Department records" (13, p. 1).

Reuben wrote that Nixon, by implying that the hand-written documents contained restricted information intended to be handed over to Russian agents, foreclosed the possibility that the documents might have been made by Hiss in connection with his duties at the State Department (18, p. 79).

Nixon called another press conference on December 8, which resulted again in national front-page headlines (18, p. 82). The *New York Times* reported:

Representative Richard M. Nixon ... stated that he thought Mr. Chambers would be indicted in New York and he believed this would come before action was taken against others in the conspiracy. "This will thereby probably destroy the only opportunity to indict other individuals involved because the star witness will be an indicted and convicted person," he declared (14, p. 1).

Chambers, who said that he had previously lied to the Committee that he had no documentary proof of espionage, insisted that he had lied out of loyalty to Hiss and not because the "pumpkin papers" would testify to his perjury before the Committee (2, p. 8).
On December 9, one week after Chambers had turned over the five rolls of microfilms, the Justice Department issued a statement assailing the technique of trial by headline on the basis of evidence which no one outside the Committee and its staff had thus far been able to examine (18, p. 82). Nixon apparently ignored the statement, and called another press conference on December 11 to attest to the authenticity of the "pumpkin papers" (18, p. 82).

A dramatic moment in the widely publicized episode occurred on December 12, when a front-page story in the New York Herald-Tribune asserted that the microfilms had been submitted to a film company for examination, and that the company had determined that the microfilms "were manufactured in 1947, despite Chambers' testimony that they had been in his possession for ten years" (11, p. 1). However, a subsequent statement issued on behalf of the film company said that the initial identification of the films was in error, and it was ascertained that they had been manufactured in 1937, not 1947 (18, p. 85).

In still another press conference on December 12, Nixon called for an improvement in the country's espionage law. The New York Times reported:

Recent disclosures before the House Un-American Activities Committee make it vital
that proposals to tighten the espionage law receive "the highest priority" . . . Richard M. Nixon disclosed today . . . Nixon indicated that the need to plug existing loopholes in the law . . . was so great that President Truman should order Attorney General Tom Clark to produce specific recommendations.

"The espionage law is full of holes," Nixon said (16, p. 1).

The day this story appeared in newspapers, the Justice Department issued a subpoena directing Nixon to appear before the grand jury to produce the evidence justifying his daily press conferences (18, p. 87). Nixon then attacked the Truman administration in a statement issued to the Associated Press, in which he charged that "without question, there will be an all-out attempt by the administration to suppress any further public airing of this case" (18, p. 87).

On December 15, 1948, the day Alger Hiss was indicted for perjury--not for treason--by the New York Grand Jury, almost every major newspaper in the nation carried front-page stories in which Nixon was quoted as saying that Hiss had been involved in "one of the most serious, if not the most serious series of treasonable activities which has been launched against the government in the history of America" (18, p. 88). Hiss had not been allowed to examine the "pumpkin papers," the documents that formed, in large part, the basis of his conviction (1, p. 153).
In a civil action in February 1971, Hiss sued officials of the United States Civil Service Commission in a thwarted attempt to regain his federal retirement benefits. In that action, his attorney argued that the government's treatment of the "pumpkin papers" demonstrated that Hiss's conviction was not for misconduct that interfered or endangered the national security or defense of the United States, the only grounds for forfeiture of federal retirement benefits (20, p. 95). The attorney said:

The prosecution . . . spread on the public record not only all of the documents alleged to have been transmitted by Mr. Hiss, but also the full texts of all the underlying official documents of which Mr. Hiss allegedly transmitted summaries, excerpts and copies (20, p. 95).

The attorney further stated that it was not surprising that the government would so freely disclose the documents, since a newspaper columnist who was hostile to Hiss, Joseph Alsop, had described the documents: "Not that there was anything important in those pumpkin papers, so called; it was all tish and tosh. There were no secrets, real secrets" (20, p. 96; 9, p. 43). Earl Jowitt agreed that there were strong grounds for concluding that the "pumpkin papers" were not secret at all, but were "just those documents which would have been delivered to any journalist who was sufficiently interested to ask for them" (8, p. 75).
On June 27, 1975, twenty-five years after Hiss was sentenced to prison, Attorney General Edward H. Levi ordered the Justice Department to permit Hiss to examine the "pumpkin papers" (5, Sec. C, p. 8). Levi announced that he had decided to make the documents available to Hiss after they had been given a national security screening to determine whether any portions should remain classified. Quinlan J. Shea, chief of the Justice Department's Freedom of Information Appeals unit, told reporters he would be "really surprised if much turns up that is classified. Basically, we will be looking at 1938 documents with 1975 eyes," he said (5, Sec. C, p. 8).

Hiss has indicated that he may seek exoneration from his perjury conviction if he can determine by analyzing the "pumpkin papers" that the film was manufactured later than 1938.
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CHAPTER VI

CONCLUSIONS

The conclusion reached in the final Hiss trial in 1950 seems the result of a collective, subjective determination that was mirrored in the press: Whittaker Chambers had told the truth and Alger Hiss had lied. The destruction of Hiss's reputation and career was overshadowed by the American public's fears of Communism in the midst of a cold war with Russia, and many of the ramifications of the case which remained obscure for more than twenty-five years are only now beginning to be revealed with the government's recent release of two rolls of the "pumpkin papers" microfilms to Hiss.

As the press reflected the nation's abhorance of Communism at the time of the Hiss case, so the press in 1975 appears to align itself with the public's emphasis on the rights of the individual. The study of the press coverage of the Hiss case, then, is essentially a study of the changing political and sociological attitudes in America for the past forty years.

In 1938, the year the "pumpkin papers" allegedly were passed to Soviet agents, two rival totalitarian systems--
Germany and the Soviet Union--were maneuvering toward war. To the Roosevelt administration and the American public as a whole, the Axis coalition seemed by far the more iniquitous (22, p. 440). In 1938 America considered Russia as a potential ally and Germany as a mortal enemy. Soviet agents secured secret data from American public servants, ostensibly at least, to assist Russia in combatting and destroying Nazism (22, p. 440). The "pumpkin papers" that were presented in Hiss's trials focused on Germany and Japan--their plans, their military dispositions and capabilities, their economic resources and power (22, p. 441). A government official who turned over material of this sort may not have intended to injure the United States. However, if this person who turned over the "pumpkin papers" to Chambers continued as a Soviet agent into the cold war period, his actions may have verged on treason. Chambers had stated under oath that he did not know whether or not Hiss remained a Communist after 1938. Proof of Hiss's Communism at any time has never been established. The very existence of those portions of the "pumpkin papers" that were read into the court record at the Hiss trials, however, indicates that some government documents were passed by some government employee to some Soviet agent. The thrust of the documents' threat to the national security
is obscure. Yet the mass press fanned the public flame that Alger Hiss had committed treasonous acts with its sensational reporting of the accusations against him, his indictment, and conviction. The fact that Hiss was convicted for perjury—not treason—seemed in 1950 to have escaped the American public and its press. His trials were concerned only with his possible perjury; he was not tried for treasonous acts.

The newspaper articles presented in evidence by Hiss's attorneys in their motion for a change of venue at the second trial bear witness to the press's massive and often questionably neutral coverage of the case. Most of these forty-one articles were front-page, lead stories in the major New York City newspapers. Of these articles, the worst indignities were committed by the headline writers who implied that Hiss was involved in espionage, according to Alistair Cooke, and whose "slap-happy" professional immunity, he said, was lamentable (3, p. 65).

Of the articles that Hiss's attorneys argued were publicity of alleged evidence that was not submitted to the jury and that was excluded by the trial judge, most were concerned with Chambers' testimony at the first trial. The government prosecutor had answered that the testimony referred to in the articles was given by Chambers under oath.
The truth, he said, has never been toxic. The prosecutor, in an attempt to justify Chambers' earlier sworn testimony to the House Un-American Activities Committee and to a grand jury, admitted that Chambers had "lied on innumerable occasions" (19, p. 178). However, the prosecutor said that Chambers later began to tell the "gospel truth" (19, p. 176).

The press appeared to have presented all of Chambers' testimony as the truth. It would seem that, for Chambers' sworn testimony, truth had a time limit, regardless of its non-toxic properties. Earl Jowitt wrote that Chambers' autobiographical book, *Witness*, published after Hiss was imprisoned, not only had not allayed his doubts of Chambers' truthfulness, but had increased them (7, p. 336). Had the jury been able to read Chambers' book, said Jowitt, it would have been highly unlikely that its members would have thought it safe to place reliance on any statement made by Chambers unless it was corroborated (7, p. 46).

The newspaper articles presented in evidence by Hiss's attorneys as examples of attacks upon witnesses called by the defendant included those news articles and editorials that criticized two Supreme Court Justices for testifying that, to their knowledge, Hiss was of good moral character. The newspaper attacks were made apparently on the somewhat
strange ground that Justices of the Supreme Court should not testify in court. Nathaniel Weyl wrote that their testimony was not only an unprecedented tribute to Hiss, but also an act of outstanding moral courage (22, p. 438).

Among other newspaper articles submitted in evidence were four that criticized the trial judge's conduct of the case while it was still pending. This situation appeared to represent a clash between two Constitutional principles: the guarantee of due process to one accused of a crime versus the guarantee of freedom of expression by publication. The two freedoms seem at variance in the Hiss case. One federal jurist has pointed out that whoever supplies information to a newspaper reporter does not have to confront the defendant as he would if he were a witness in the case (15). The informant is not subject to cross-examination. The newspaper writer takes no oath. He is not passed upon by a state body or by the voters. He has his license to write only because a publisher gives him space in a newspaper. But he is free to comment on the evidence in the case; he is free to disclose testimony which the judge excludes, to tell the jury whom to believe (15). In the Hiss case, the reporters utilized all of these freedoms.
The newspaper articles involving the jurors' comments on the first trial and their opinions of the court and their fellow jurors evidenced the same type of reporting that might be observed behind the Iron Curtain, according to A. J. Liebling (8). The majority of the jurors at both Hiss trials was obviously against Hiss, the last jury having convicted him unanimously and the first one numbering eight to four in favor of conviction. One of the most articulate of the pro-conviction jurors in the first trial told the press that the four acquittal jurors were "so stubborn you could have knocked their heads against the wall and it would have made no difference. One was emotional, two were blockheads, and one was a dope," said the juror (11, p. 1). Another juror, a real estate broker, represented herself at a press conference as an authority on jurisprudence, and the New York Herald-Tribune printed her version of the trial judge's pro-Hiss bias, which was evidenced, she said, in his shoddy treatment of Chambers (10, p. 1). The New York Journal-American reported on July 12, 1949, that all jurors reported receiving telephone calls and mail commenting on their stands. Those who voted for conviction received expressions of appreciation, while those who stood for acquittal reported "threats," the newspaper article stated (12, p. 1). Another newspaper
reported: "If Mr. Hiss had been acquitted, the attacks on
the judge and the jury probably would have been even more
violent" (13, p. 1). Earl Jowitt wrote:

Sometimes . . . a jury may even try to give a
decision which will command popular support or
will best accord with his conception of the pub-
lic weal. It is for this reason important to
observe the principle that there should be no
comment on a pending case---a rule which can best
be reconciled with the equally important prin-
ciple of freedom of the press by preserving the
right of the press to report fully all the pro-
cedings in a court of justice, but forbidding
any comment until after a final conclusion has
been reached (7, p. 200).

The Hiss perjury case seems to typify a "trial by news-
paper" situation, in which there was a collision between the
court and the press, with the result perhaps disastrous to
justice itself (15). The great publicity given to the jurors
and the violent attacks in the press by jurors voting for
conviction upon those voting for acquittal obviously lessened
the chance of a fair second trial for Hiss.

Throughout the long months of the case, the press re-
flected the public's changing image of Hiss---from that of
the respected, highly principled, politically conservative
(22, p. 435) upper-echelon government official to the pre-
sumed espionage agent who had betrayed his country. Instru-
mental in creating this negative image were Chambers'
accusations and Richard Nixon's unceasing ploys to gain publicity. None of Chambers' accusations necessarily in- criminated Hiss (22, p. 435), although the press coverage indicated that they did. The fact that some of the "pumpkin papers" were in Hiss's handwriting did not prove that he had turned them over to Chambers, as members of the press assumed.

Long after Hiss was imprisoned, it seemed to the complicated and often contradictory man who had produced microfilms from a pumpkin patch that the press and only the "best people" had been for Hiss (2, p. 793). Mark Van Doren wrote that he found he could not believe Chambers' accusations against Hiss, as he had not believed many of his statements when Chambers was his student at Columbia University. Van Doren granted, however, that Chambers might very well believe himself (21, p. 307). Chambers' charges that the press was mobilized against him must face Van Doren's judgment and Hiss's conviction.

Earl Jowitt observed that when politics come in by the door, justice tends to fly out the window (7, p. 45). By his own description, Richard Nixon was a man of action rather than contemplation; he was also a tactician rather than a theologian, a student of technique who seemed always impatient with substance (16, p. 22). To his enemies, Nixon was both
manipulative and synthetic; to his admirers, he was a pragmatist unencumbered by inflexible principles (16, p. 23).

He has been quoted as saying, "I'll never win the intellectuals, even the press" (16, p. 23). He seemed to view the press as an intractable enemy. The press has been charged by a Nixon supporter with keeping Nixon perpetually on the firing line, while other politicians could lash out with impunity in certainty that the press would not call them to task as it did Nixon (6, p. 223). However, Nixon himself has admitted that the press coverage of the Hiss case brought him national fame (14, p. 69). Although he credited the press with bringing him national prominence, he also charged it with being hostile toward him because of the Hiss case (14, p. 69). Despite his ambiguous attitude toward the case, Nixon continued to use his role in it as a campaign issue in all his political campaigns. He also referred to the Hiss case continually to his associates in the Watergate scandal, urging them to give vague answers in their sworn testimony so that charges of perjury could not be brought against them (1). He sought to manipulate the press and the public from the beginning of his political career to its disgraceful ending. His role was vital in the press's coverage of the entire Hiss case. The tape-recorded Presidential conversations reveal that
Alger Hiss was in Nixon's thoughts the day that Presidential Counsel John Dean advised the President that he would not lie to the Senate Committee investigating Watergate. The President responded:

Tell the truth. That is the thing I have told everybody around here. (expletive omitted) tell the truth! All they do John is compound it. That (characterization omitted) Hiss would be free today if he hadn't lied. If he had said, "Yes, I knew Chambers and as a young man I was involved with some Communist activities but I broke it off a number of years ago." And Chambers would have dropped it. If you are going to lie, you go to jail for the lie rather than the crime. So believe me, don't ever lie (1, p. 435).

This response indicates that Nixon, who had consistently labeled Hiss a traitor, to the press and to the public, never believed him guilty of treason at all, but only that he had had a youthful, intellectual curiosity about the concepts of Communism.

Amendments to the Freedom of Information Act which went into effect in February 1975 recently allowed Alger Hiss to examine two rolls of the "pumpkin papers" microfilms more than a quarter of a century after his conviction. The films contain fifty pages that appear to be unclassified material from United States Navy technical manuals (4, Sec. A, p. 9). Hiss stated on July 31, 1975, that these papers which had been presented to the court in which he was convicted in
1950 "were certainly useless for espionage purposes" (5, Sec. A, p. 2). United States Navy officials who examined the papers before they were released to Hiss agree that there was nothing classified in them (4, Sec. A, p. 9).

Hiss, who was ordered readmitted to the practice of law in Massachusetts on August 5, 1975, after he was disbarred while serving a prison term for alleged perjury, may have been the victim, with the American press, of an appalling political deception.

In summary, it is concluded, on the basis of the data studied and presented in this thesis, that:

1. The volume and nature of the press coverage of the case lessened Alger Hiss's chances for a fair trial.

2. Richard M. Nixon and Whittaker Chambers manipulated members of the press in order to gain favorable press coverage for themselves and unfavorable press coverage for Hiss.

3. Public opinion against Communism at the time of the case was not conducive to Hiss's guarantee of a fair trial.
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