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or anybody else to come down to the office and examine it and reach another conclusion. I want to say this in appearing before the grand jury, this will be difficult for you to understand, when you say a member of the Un-American Activities Committee, we realize that we are subject to a great deal of criticism. Some suggestion has been made in some quarters that the committee is trying to frame the individuals involved here and wouldn't want the truth if we could find it. I have been very close to this Chambers case from the beginning, and my only interest in it has been in attempting to get to the truth of the matter. I do not intend, Mr. Campbell, to make a speech to the jury, but I want to say why I insisted myself, when I first returned, upon an examination of these films. I realized that you ladies and gentlemen are faced with probably the conundrum of the age for a grand jury, with conflicting testimony, with individuals who have concealed testimony and then have come forth with testimony later, and that with the same conundrum with which our committee was faced, one individual saying that he knows a group of other individuals, and the other individuals not only denying the charges that individual made, but saying, "We have never seen that individual before."

That was the problem, I might say, with which our committee was concerned, and faced with, immediately after the testimony of Whittaker Chambers on August 3rd. Mr. Rice came down on August 5th and said, "I have never seen this man

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before in my life. I do not know why he would say I was a Communist if I have never been a Communist."

I might say that it was at that time that every member of the Un-American Activities Committee who heard Mr. Hiss that day, with the exception of myself, felt that there was no question whatever but that what Mr. Hiss was telling the truth. But I felt it was essential to proceed and find out whether or not these two individuals knew each other; on the issue of whether one was a Communist or another was a Communist that couldn't be determined, but whether one man knew another, that can be determined, because if one man knew another, that can be determined, and that's the way we solved the problem, because Mr. Hiss after a good deal of persuasion and faced with certain facts changed his story, and changed it considerably, as most of you are aware.

In bringing that out I was interested only in getting at the truth. If I had found as a result of that Mr. Chambers had lied when he said he knew Mr. Hiss, I would be here before this grand jury, I would have gone to the Department of Justice, and I would have insisted that Mr. Chambers be prosecuted for telling that lie, and I think he should pay for whatever he has done, which is wrong.

But in the case of this film I want to say that when I returned from my trip to Panama, which was interrupted as a result of this investigation, that I returned on Monday, and -- I am sorry, I returned on Sunday night -- on Sunday

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night I examined the documents made from the films but not the films themselves because they were locked in the safe. We keep them under lock and key.

The following day I came down and examined the films and in examining them I told Mr. Scripling, the investigator that I wanted to have the major film, the film that had the most confidential documents on, at least that one, immediately checked as to the date of manufacture, because Mr. Chambers' story from what I learned was that the films were ten years old, and we knew of course that you can determine dates of film.

So in printing this one -- I might say it doesn't injure a film after it's been developed to expose it to light -- when you take a film of this sort and expose it to the light you can see, I think any of you can see written on the film with the word Kodak, Kodak Safety Film -- do you see that? -- and over here is a code which reads "Eastman-14", right on the top of the film you will see that. On the basis of that you can determine the age of the film by contacting the manufacturer. We called Mr. Lewis in Washington, who is the Washington representative of the Eastman-Kodak Company, to our office. We had him examine this roll of film, which was the film that was involved, he examined it, took down the code and said, "I will find out for you immediately what the situation is and give you a report."

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He called Rochester, N. Y., and as soon as he received the report from Rochester he came into my office -- he called in. I have two rooms -- he called in the room, in the outside room, he came into my office on Monday afternoon, and said, "Mr. Nixon, the film is, according to the reports that we have from Rochester, the film that you speak of with this code name is 1947."

JUROR: 1937-

THE WITNESS: 1947. I said, "Well, that's very interesting. Under the circumstances it seems quite apparent that somebody is trying to concoct a most monstrous conspiracy here. That these documents must have been taken out much later and put on the film in 1947."

Then at that time I immediately called in the investigators. I indicated that we had an entirely new line to follow and that it was our duty and responsibility to bring these facts out if that were the case.

We were just prepared at that time -- I had instructed them to call the newspapers to my office so that I could tell them of this new discovery -- I was just prepared to tell them when Mr. Lewis called on the phone within 30 minutes after he called the first time -- he was extremely embarrassed -- he said that Rochester had called him back and said they were in error, that the film was 1937, that 1947 was incorrect.

I got on the phone with Mr. Lewis, and said, "Mr.

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Lewis, I want to be absolutely sure of this. Are you sure?" He said, "There is no question about it whatever." I said, "Now, what I want you to do is call Rochester again, go over it again, and be sure this is 1937 and not 1947." And he said, "I will do so." I said, "I want you to do that because I intend to call you as a witness tomorrow, on Tuesday, to testify to this fact under oath, as to the date of this film." He did so. Of course it was 1937. It was an error of ten years in the date and, incidentally, there was an error simply in the transmission of things, not an error because of the type of film. He made it absolutely clear.

We called him before the committee on Tuesday. I put him under oath before the committee, asked him what the date of the film was, and he testified in public session that the film was manufactured in 1937.

That is part of the published records of the House which we'll be glad to make available to the grand jury, which is available since it is public already and not in Executive session. I bring it out and regret to have taken so much time to do so. I bring it out because I want you to know that we are doing everything we can to get at the truth, and if the Department of Justice feels that they have other experts who can do it better, they have a perfect right to examine it at the committee's rooms any time that they desire.

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BY MR. WHEARTY:

Q Do you have a technical laboratory in the committee rooms, Mrs. Nixon? A As far as we are -- what are you particularly interested in?

Q Do you have any facilities for making a technical examination of these films? A As to the date?

Q In your committee rooms? A As to the date?

Q As to anything connected with the films, either date or content? A Are you interested --

Q Either the date or content? A Are you questioning the date or content?

Q I am questioning neither. I asked, have you any facilities at the committee rooms for making a technical examination of those films? A If there is any problem which can't be solved by examining the films at our committee rooms, they would have to be removed to the technical laboratory of your Federal Bureau of Investigation. We'll be glad to have one of our investigators take the film with him down to the FBI and have them examine them.

(Cont. by ED)

(Cont'g) A Yes, I want to make that absolutely clear. I want to say that we didn't develop these films in our office. I want to make it clear that they were developed in the Veterans Administration. Another story that has been circulated, and it is a completely malicious slander that we destroyed two rolls of the film because we were trying to do it in apparently the laboratory which we have in our office, and this gentleman well knows we have no laboratory in the House Office Building for this kind of work. This was done by experts, by the Veterans Administration. Incidentally, I might say, Mr. Donegan, for your information, it was a man who was formerly with the FBI, one of their best men, who went over to V. A. And V. A. of course, has thousands -- in fact, thousands of cases of identification. We felt that was a good place to get this information.

BY MR. CAMPBELL:

Q All right, let me ask you this: This Grand Jury, as you know, has been sitting here for about 18 months, investigating various activities in the country. You realize, I think, do you not, Congressman, that the film which you have is what we call the corpus delicti in the case; it's the real evidence, it's the physical, tangible evidence.

A Yes, it is among the tangible evidence. You have, of course, other evidence which is just as tangible, the type-written evidence, but this is also part of it. I noted, of course, in that connection, that -- I think Mr. Clark

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admitted as much in a rather back-hand way -- I noted his statement yesterday in the paper, where he said the Committee on Un-American Activities had contributed absolutely nothing to this case except the microfilm. I will accept that.

BY THE JURY:

Q Mr. Nixon, you said that this film could not be released from your physical custody unless the House authorized it. Does that mean the House in closed session or just the Committee? Can the Committee authorize that this material be turned over to the Federal Bureau of Investigation?

A The Committee cannot do that.

Q That means the House in full session? A Yes. And I might say, sir, that the House does that on occasions. It is, of course, a very simple matter. A vote is almost automatic in cases of that sort, making evidence which a Committee of the House has gathered available for a court proceeding.

Q But inasmuch as the House is not presently in session it couldn't be turned over at this time; is that right?

A It can't be turned over at this time under any rules that I'm aware of.

Q But you can, under your supervision or your transportation, you may take it down to the FBI and have it checked?

A Absolutely. We'll make --

Q That answers the question. A We'll make it available to any investigative agency that wants to check it, provided it does not leave our custody.

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BY MR. CAMPBELL:

Q Well, let me ask you this: Other than the technical reason that you stated, let me ask you, on behalf of the Grand Jury, because this Grand Jury is investigating a violation of law, it has been for a long time -- this is the real evidence in the case, some of it -- A Certainly.

Q -- will you turn the films over to the Grand Jury?
A No, for the reasons that I stated.

Q I understand your reasons. But -- A If I had the authority of the House, I would turn them over immediately. And as far as -- let me say this one further thing: that if the House were in session, I would be among the first to process the necessary resolution which would make them available to the Grand Jury, if the Grand Jury feels the Grand Jury must have the films physically in their possession.

JUROR: May I make a suggestion?

MR. CAMPBELL: Yes, sir.

JUROR: There is no reason -- when Mr. Nixon says that when these films are transported he does it himself and if he keeps his attention on these films while they are being checked by the FBI, there is no reason why they can't make negative duplicates at the same time good enough for the Jury. That can be done, Mr. Nixon.

MR. CAMPBELL: Oh, sure, that can be done.

JUROR: and that doesn't interfere with these

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films at all. And then it goes on in here strictly confidential until they are exposed.

THE WITNESS: Oh, certainly.

JUROR: I mean a duplicate of the negative, not a positive of the negative. A duplicate of the negative is just as good.

Q May I suggest this: For the purposes of the Grand Jury investigation, if an indictment is to be returned, the Grand Jury should have this evidence and it should be turned over to the FBI, because I think that they are experts. They have, as you know, many secret processes -- A But Mr. Campbell, I think we are -- I mean, I say this with all due respect, but I think we are arguing in circles here. There is no question about the FBI being able to examine this with their secret processes. I'm perfectly willing to have that done, and the House is willing to have that done. And if the Grand Jury should indict, if the Grand Jury should indict and if the Department of Justice then was faced with the necessity of a criminal prosecution of individuals involved and if then the original document itself would have to be submitted in evidence, certainly it could be made available at that time for that purpose. But I mean that I don't see just how, in order for the Grand Jury to determine whether or not an indictment should issue, these particular films should have to be transferred from me to you.

BY MR. DONEGAN:

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Q. Congressman Nixon, perhaps I can clear a point up. Of course, we are concerned with two points, and I think we can recognize it. One is the legal question, and I don't think we should become involved in that right at this moment. In other words, you appear here as a result of the telephone call of Mr. McGohey. A. Voluntarily.

Q. Voluntarily, that's what I say; it was a telephone call. Now, I believe that -- the Marshal has so advised me, that a subpoena duces tecum has been served. A. Which was quite surprising to me, Mr. Donegan, as you can imagine.

Q. And with reference to the subpoena duces tecum, am I to understand that you, as a representative -- or, as a messenger, as you put it, of the Committee, cannot recognize that subpoena duces tecum? A. That's right, Mr. Donegan. With all respect for the subpoena, without any attempt to violate any rule of the Court, I cannot violate the rules of the House to recognize that subpoena.

Q. Now, may I also ask you, Congressman Nixon, so that the point may be cleared up: With reference to the turning over of these films, it is a somewhat unusual situation that we all face here. In other words, this Grand Jury has had the opportunity, at least before the Grand Jury -- I withdraw that. With reference to the material of November 17, that has been sent to the FBI laboratory in the usual course, and so forth. On the occasion of Mr. Stripling's appearing before this Grand Jury the question was discussed as to technical

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examinations of the film, and Mr. Stripling at that time said that, although he had no personal knowledge, that he thought the material was being sent over to the FBI or it would be sent over to the FBI shortly. Now, I understand that that hasn't been done up to this time. Now, it was the intention of this Grand Jury physically -- I would probably undertake it -- to turn those films over to the FBI in this building for transmission to the FBI in Washington. If there was any question of copies or whether all the necessary copies were available, we could surely straighten that matter out. But I think the issue is fundamentally as to whether you will or can turn over those films to this Grand Jury so that they can be transmitted to the FBI laboratories in Washington. Now, the other alternative has been offered by you, and it's a matter of record, that in Washington you will -- your Committee will make it possible for the films to be transmitted over to the FBI technical laboratory, so I think that matter is more or less clarified. A Yes, provided, as I say, that one of our representatives goes along.

Q Now, let me ask you this: At that time would that mean that your representatives would have to be physically in the presence of that film all the time that it was being examined technically? A Well, I don't know --

Q In other words, that in itself would be a rather unusual procedure, because government agencies in Washington have all transmitted evidence to FBI laboratories and it's

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been sent back. Now, here is a rather unusual procedure, and I was wondering if that would be one of the requirements.

A I would say this: that if the examination of the film required, for technical reasons, that our representatives not be present during the examination, due to whatever fact or technical reason there might be in that room -- and I'm not a photography expert enough to know whether he would have to be in another -- we are not going to quibble about that.

But I want to make it clear that our representative would not have the authority to take the films down, leave them at the FBI, get a receipt and go back to his office. He would have to stay with them. I think we could work exactly with the FBI as we did with the Veterans Administration, for example; our representative went down to them, they did the work. We would be perfectly willing to have the FBI do it the same way.

Q Well, of course, as far as prosecution is concerned and I'm principally saying this for the Grand Jury, who are probably not familiar with the technical operations as far as prosecution is concerned -- of course, FBI examinations and witnesses would necessarily have to be used by the Department of Justice, rather than Veterans Administration experts testifying. In other words, there is no insurmountable obstacle why that procedure shouldn't be followed.

A Well, Mr. Donegan, I can assure you that the Committee on Un-American Activities would very much like to use FBI

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material in its own hearings, if available. I mean, we went to Veterans Administration because it happened to be one of the government agencies from whom we could get the work done, and we wanted it done officially and not outside the government.

BY MR. WHEATY:

Q Was any attempt made, Congressman, by the Veterans Administration to reproduce -- to bring out what might originally have been on that film that was exposed to the light? A My testimony in that regard would be hearsay, but I was informed that they have worked on it for hours for the purpose of bringing out the pictures. But I think that probably additional work could be done in that regard for the purpose of getting them.

Q All we know is that these undeveloped films were taken to the Veterans Administration for development and that was done, and subsequently prints were made of the developed rolls; but we are not informed at any time whether or not the Veterans Administration had any facilities for or made any attempt to reproduce the part which faded out.

A Oh, yes, they have attempted to do so, and we have -- that is the way that we got these prints, as I have indicated, or these Navy diagrams and Navy technical reports which, as I have indicated before, the Navy, from seeing the film prints, was able to furnish us with the originals from which they must have been copied. In other words, we are convinced,

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from the Veterans Administration, from the work they have done on it, they have been able to do sufficient work that we know what's on the films, that is, to that extent that it's this Navy material which the Navy has indicated is not particularly important.

Q: Was that done prior to Mr. Stripling's visit up here, do you know? A: I wouldn't know on the date of that.

Q: The reason I ask -- A: I'm just speaking of my knowledge at the present time.

Q: The reason I ask that is that when Mr. Stripling produced the reproductions up here they were divided into two groups, as you know, one group was clearly legible, the other group was almost wholly illegible. A: Those came off the undeveloped films.

Q: Now, those came off the undeveloped films. As I understood at that time, no effort had been made to reproduce or reconstruct those films. And I was asking you if you know, for the guidance of this Jury, whether or not since that time further effort was made to bring out what was originally on that film. A: I couldn't say whether additional work has been done since Mr. Stripling appeared. I have these documents before me of the type, and I know that, having been in the Navy myself, that when I see a document of that sort I could easily go and find out what the original was, and the Navy has submitted the originals to us.

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Q And you have a good many sheets there on which nothing appears, haven't you? A That's correct.

Q Hasn't any effort been made to see if those parts could be reconstructed? A My understanding is that an effort has been made, but, as I say, in that respect I'm speaking entirely from hearsay.

Q Well, what I'm trying to get clearly, if it's possible to do so, is this: whether or not, since the time Mr. Stripling was here these films have been subjected to any further technical processing at all. A That I don't know.

Q That you don't know. A No. Q So that anything that was done, anything you could produce you have produced here. A Oh, yes.

Q Either you or Mr. Stripling heard that ante-dated his first trip here? A I have nothing to add to Mr. Stripling's testimony in regard to the documents.

Oh, no; in fact, I didn't come prepared to go into that particular matter. But in that respect, as I said, if the Federal Bureau of Investigation laboratories feel that they could bring these out more, we would be just as happy as you would be to get the additional information.

Q You don't know if you don't try, you know. A I know. And I might say that I have, of course, the greatest respect for the Federal Bureau of Investigation and for the great work that they do, as I told Mr. Donegan. I know that he was one of their best Agents in the United

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States; and I say that advisedly, from having talked to his superiors in the Department.

MR. DONEGAN: I appreciate that.

A (Cont'g) The FBI does a great job. But under the division of powers that we have down in Congress and some of the matters which are developing at the present time, our Committee is unable to avail itself of the very fine work that the FBI has done and does.

BY MR. CAMPBELL:

Q Let me ask you this, Congressman: when these films were turned up and the Committee got them, why weren't they then taken to the FBI laboratories? A For development?

Q Yes, for processing and rehabilitation and development.

A I would say that, Mr. Campbell, the reasons would be quite obvious: I mean I would be glad to go into them if you want to press me.

Q In other words, you chose the Veterans Administration rather than the FBI? A Yes. I think it's quite clear, I thought I made myself quite clear that the Department of Justice has issued instructions to the FBI not to cooperate with the Committee on Un-American Activities. We are aware of that. I mean, if you want to raise that issue -- I mean, I was hoping that we wouldn't have to get into the controversies between Justice and the Committee.

Q No, I'm not raising the issue; I'm merely saying that in criminal prosecutions the FBI is the investigating agency

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and anybody and everyone, the police department, the state police departments, city police, county sheriffs, the minute they get any evidence such as this, the first hour that they can possibly do it they immediately and speedily deliver it to the FBI for proper identification and processing.

A Well, if you want to tell me now that from this day forth the Committee on Un-American Activities can use the FBI for the purpose of carrying on its investigations, you can be sure we will do that in the future.

Q Well, I can't do that, of course. A I know you can't.

Q But I think you have missed the point. A I haven't missed it.

Q The United States Attorneys in the field do not use the Veterans Administration's processes to investigate crimes like ~~everybody~~ committed here. The Courts and the United States Attorneys use the FBI. In other words, you could have taken this to the FBI laboratory. There is no question about that in your mind, is there? A Well, all that I can say is that I didn't think there was much question about this in your mind or in anybody else's, that we have been given to understand that when the Committee had work of that sort to do it would have to do it through some other facilities; and that's what we have done. We submitted it to the Veterans Administration because they have a technical laboratory which, I understand, is a very good one for this purpose. If you have any question about the work that was done in the

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laboratory or if it can be done better otherwise now, we have certainly no reason to keep it from the FBI; because all that, frankly, we are interested in is the truth in this matter, as I'm sure you are.

Q That's exactly what we are trying to get at here, and have for 18 months.

BY THE JURY:

Q It seems to me that there is some particular reason why you submitted it to the Veterans bureau rather than the FBI. Now, what reason is that? A Well, the Committee, as I have indicated -- strike that. And I will say this as briefly as I can. The Department of Justice is, of course, over the FBI; that is, the FBI is a part of the Department of Justice. And the Department of Justice, for reasons that may be very diligent, I might say, has not been particularly taken with the work of the Committee on Un-American Activities. Consequently, the Committee on Un-American Activities has not been able, frankly, to avail itself of FBI investigators and FBI laboratories to carry on our investigations, due apparently to the fact that the Department of Justice has so instructed the FBI. We took it, in other words, to the Veterans Administration because we had to have the work done and we knew that they would do it for us. We didn't want to get into that argument with the Department of Justice again as to whether we had any jurisdiction to have this work done. As I say, I for one think it's, frankly, a very

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unfortunate thing that the Department of Justice feels as it does concerning the Committee and therefore has seen fit to inform the FBI that that should be its attitude toward the Committee. But I can assure you that if the Committee had felt that we could get this work done through the Department of Justice, we would certainly have done so.

MR. CAMPBELL: Well, of course, you know there aren't enough men on the staff to do all the investigations for the Committees of the House and the Senate.

THE WITNESS: We have five investigators.

BY MR. DONEGAN:

Q Congressman Nixon, I think we want to save the Grand Jury's time and we want to save your time. We have two issues here, and I'm going to take the liberty to try and clear them up and -- I mean I'm going to try to take the liberty of saving time on them; I don't presume that I'll be able to clear them up. One is the legal issue, the technical issue, and I think perhaps we can go into that further when we ascertain what the technical issue is on the record, outside of the Grand Jury room without taking up any more time of the Grand Jury. And I particularly have in mind, so the Grand Jury may be familiar with it, the United States Attorney in this District is United States Attorney McGohey. And Mr. McGohey, as you are familiar with, accompanied me -- or, I accompanied Mr. McGohey before the sub-Committee, and since that time Mr. McGohey has been in touch with various members

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of the Committee; so I think that perhaps as far as the technical issue is concerned, no useful purpose is being served by us talking about it any more. A May I ask -- you are speaking of the technical issue, working out the examination of the films?

Q I'm speaking about whether those films will be left here or not left here. A All I can say is that the films cannot be left here. I want to make myself clear on that.

Q Well, all I want to say is that -- so I can speak to Mr. McGohey on that -- is that the films were brought into the room and the material which was involved in a crime or a probable crime that the Grand Jury is investigating and on which it is hearing evidence to determine whether a crime has been committed, was not marked in the regular course as a Grand Jury Exhibit. A In this instance, no.

Q As I understand it, you do not want those films to be marked as an Exhibit by the Grand Jury. A That's correct.

Q Now, the second matter is, I think, perhaps with reference to this inquiry we are conducting, and we have asked the same questions of Mr. Stripling and Mr. Wheeler and Mr. Appell: You, Congressman Nixon, as a member of the Committee, have you got anything that you can contribute to this Grand Jury which will assist them or will aid them in coming to any kind of an opinion with reference to this controversy involving Hiss-Chambers, the taking of these documents out of the State Department, or whatever other

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department they have been taken out of, or with reference to any other information concerning that matter which has come to the Committee's attention.

JUROR: Or any other person, regardless of who it may be.

A Well, let me say that when Mr. Stripling came up he was instructed by the Committee to give the Grand Jury all evidence that the Committee had. I frankly would not want to repeat information that he had already given you. I was wondering if there was anything specific that the Grand Jury would like to question me about.

BY MR. WHEARTY:

Q Do you have anything additional, any additional evidence that might be opened for the Grand Jury, which came to your attention since Mr. Stripling was here on the 9th? I note by the papers, for example, that you may have some information concerning typewriters. That, I think, would be very helpful to the Grand Jury, inasmuch as it has been the subject of a good deal of evidence here. A We have no further information on that that I think would be of assistance at this time. I think that you have to take a lot of newspaper talk for more or less, in that respect, for fishing.

Q Mr. Stripling did not tell us anything about typewriters except the transfer of a machine, and that's why I wondered whether you developed any additional sources of information beyond the transfer of a machine. A None that

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I know of, no, none that I know of.

MR. DONEGAN: As Congressman Nixon has said, perhaps the Grand Jury would like to ask some questions.

BY THE JURY:

Mr. Donegan, I have a definite feeling that if those things are needed up here as a Grand Jury Exhibit, we are all -- I believe we are all committees of the American government. Why shouldn't one help out another by leaving them here, regardless of those laws? Laws are only made to be broken. A Well, I might say that I'm one of a Committee of seven, and that there were -- a sub-Committee of seven, and that there were some of the members of the committee objected quite strenuously to the films leaving Washington at all, because of the reasons that I have mentioned. I, for myself, would be perfectly willing to leave them, if I had the authority to do so. I will say, however, that I think that every purpose that could be served by leaving them can be served by an arrangement which can be made between Mr. Donegan and myself for their examination by the FBI in Washington where the laboratories are located, and I'm willing to cooperate in every possible way to do that.

BY MR. CAMPBELL:

May I say this: that in all of my 13 years of experience as a United States Attorney the investigative agencies of the United States Attorney and the FBI did not permit any person to keep evidence which is vital and

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I know of, no, none that I know of.

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at this time.

BY MR. CAMPBELL:

Q Well, let me say this: Assuming that an arrangement like that was worked out, where you would bring it over to the FBI tomorrow morning and they would begin processing with their secret formulas and methods and rehabilitations which are the greatest in the world, as you well know from some of the amazing things we have done with clothing and paint and hair and rope. Then, if that arrangement was worked out, then for you to take the Exhibits back to the Committee is unthinkable in a case of national importance like this. A Well, Mr. Campbell, I know that we can discuss this and present our opinions. I realize you feel yours strongly. I can only present mine as I have presented it. I don't think that we are going to gain anything any other way, because I can tell you that I'm not in a position under the rules of the House, to turn the film over. I can't do that.

JUROR: To the FBI laboratories in New York?

MR. DONEGAN: The only FBI laboratories are in Washington.

JUROR: Congressman, would you allow positives to be made of these films? Perhaps the FBI can bring out stronger positives.

THE WITNESS: I have no objection to that at all.

BY MR. DONEGAN:

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Q May I suggest -- and of course, again, don't hesitate to overrule me at any time. I would like to refer to the previous statement. I think we have got two questions here: Number one, the legal problem that's confronting us now; and I don't think we should take up the Grand Jury's time further at this time with that legal problem. I'm sure Congressman Nixon will confer with us outside the Grand Jury room further on that. And then, as to the disposition of that problem, we will again advise you and again Congressman Nixon will appear before you.

Now, the second thing is -- I think we referred to it with reference to Mr. Stripling's testimony, and Congressman Nixon says that from the time that Mr. Stripling testified before the Grand Jury that there is nothing further, I believe, that would be of aid to this Grand Jury. A Yes, I might say that. And I can assure you that as soon as we get any information on where the typing was done, or the source of the typing, the Grand Jury will have it immediately because we are just as interested as you are in attempting to trace the important item in this case: who turned over the information. Of course, Mr. Chambers is no problem, as far as his guilt is concerned; he admits it. But we all know that the major problem is attempting to solve that particular one. And as soon as any information which can be considered tangible is available, the Grand Jury will receive it, and you can be sure of that.

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BY THE JURY:

Q And in addition to Hiss, you have gone a step further to see anybody up the line? A Oh, yes. I might suggest these two lines of inquiry that Mr. Stripling may not have covered when he was before you. I don't know what witnesses the Grand Jury has heard. But of course this is a process of deduction, to a certain extent. And as you will note, the documents which appeared on the microfilm, a great number of them, came from the office of Mr. Sayre. You can tell that by the stamp that appears on the document. We have taken testimony from those who were familiar with the State Department procedures, which have indicated that where a confidential document -- of course, and you obviously have taken testimony, I assume, in this regard too -- a confidential document is distributed in the State Department, there is a distribution list which is relatively small. Where Mr. Sayre's stamp appears on it that means that document was delivered to the office of Mr. Sayre, was kept there in a locked compartment, and was available only to the people that worked in that office. There were four people that worked in his office: Mr. Sayre; Anna Belle Newcomb, who is Mr. Hiss' secretary; and Miss Lincoln, who was the administrative assistant to Mr. Sayre. The problem of determining how the documents which could definitely be traced from Mr. Sayre's office, in that respect, of course will involve to a certain extent those four individuals. And I would

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think that the Grand Jury would want to hear all four of them on that point, as to how those documents would have been removed from the office and not returned, because this is an important thing to note: The documents that appeared on the microfilms have Mr. Sayre's stamp and do not have a stamp which indicates that they were filed in archives; in other words, that they had left Mr. Sayre's office and had been filed finally in archives. For that reason the document therefore is traced that far. It is therefore -- and beyond that point it means that it is pretty clear that the document had to come from that office. Now, of course, there are other explanations that could be given, but probably -- and I won't go into that -- but that is one line of inquiry which I think would interest you. Another matter which I do not think you have taken up, and you may of course, is this: Of course, involved in this matter of whether or not Mr. Hiss could have been the one who furnished the information that came from Mr. Sayre's office -- and of course there was another information in addition to that -- is of course the basic problem of whether or not Mr. Hiss was or was not a Communist. Now, that point of course, is a most difficult one and one of the weakest points of the case, -- that is, from the standpoint -- from the standpoint of pointing any finger of guilt, shall we say, at Mr. Hiss -- is that there has been little evidence other than Mr. Chambers' statement that Mr. Hiss was a Communist. I do not

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know whether or not the Committee has investigated Hiss' association with Mr. Noel Field.

MR. WHEARTY: You mean the Grand Jury.

THE WITNESS: I meant to say the Grand Jury; I'm sorry.

A (Cont'g) If the Grand Jury has investigated his association with Mr. Noel Field. If not, I'm sure the Grand Jury would want to do that. I also think the Grand Jury would be interested in checking on Mr. Hiss' associations with Mr. Zabodowsky (phonetic), David Zabodowsky. I assume all these cases, not knowing what the Grand Jury has considered, that there might be possibilities that you have. But our own investigations, I might say, prior to the time of the discovery of the documents, brought out some very interesting information in that field which would be of help to you on that particular issue. And I would say, in that regard, that it particularly would be helpful to you in cross-examining Mr. Hiss. I might say that you are dealing here with two witnesses -- speaking now of Mr. Hiss and Mr. Chambers and leaving out Mr. Wadleigh, Mr. Pigman and the others who have been named -- you are dealing here with two witnesses who are most difficult to deal with. And I am sure that the representatives of the Department of Justice have been doing what they can to bring the facts out before the Grand Jury and you also have done so in your questioning. But we found, ourselves, in dealing with Mr. Hiss particularly,

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that Mr. Hiss is a very persuasive witness. When he first came down before the Committee and made his now famous statement that he didn't know Mr. Chambers, he convinced ninety per cent of the press and virtually all of the members of the Committee. The only way that Mr. Hiss can be cross-examined is by obtaining basic information and then confronting him with that information and then cross-examining him relentlessly and I mean relentlessly, until the truth comes out.

BY THE JURY:

Q Would you state again those four persons in Mr. Sayre's office? A Miss Lincoln, Miss Anna Belle Newcomb and Mr. Sayre.

Q And Miss Newcomb was Mr. Hiss' secretary? A Yes. She is now in Europe with Mr. Sayre, or may have just returned.

Q Well, that's only three, Congressman. A Well, I meant including Mr. Hiss; Mr. Hiss, of course.

Q Oh, I see; Mr. Hiss, Mr. Sayre and the two --
A Yes, a total of four.

Q Was one of them is personal secretary? A Well, Miss Newcomb did much of his secretarial work but also did work in the office for -- I assume for Mr. Sayre as well.

Q For the period of time -- A During this period of time.

Q And who was the other chap with the long name that you mentioned? A David Zabodowsky. I think the Bureau people are well familiar with his record and also of Mr. Hiss' connection with him.

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Q Well, Congressman Nixon, you indicated that to determine whether or not Mr. Hiss was a Communist was an important factor. Have you developed anything along that line that would be helpful as far as we are concerned? A I would say in the way of evidence that could be presented before the Grand Jury, no, on the issue of whether or not he was a Communist.

Q Well, any other evidence? A Nothing; except that if the Jury has not heard it, I think they should take into consideration Mr. Hiss' provable contacts with Mr. Field and Mr. Zabodowsky, both of whom have rather extensive records.

Q Nothing beyond that that you can suggest?

A I would say at the moment that's all that I can think of.

Q Have either one of these men that you mentioned stated that Hiss is a Communist? A Oh, no, we have heard neither one of the men ourselves.

Q Why? A They are not available. Mr. Field was out of the country when it came before our Committee.

Q Did Mr. Hiss commit perjury before the Committee, then, when he said he didn't know Mr. Chambers and then later on he admitted he did? A Technically, he may not have committed perjury. He did lie.

Q How does Mrs. Hiss -- did you have Mrs. Hiss before the Committee? A We had Mrs. Hiss before us under a very interesting circumstance which meant that we could not

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cross-examine her as we should have. Arrangements were made for Mrs. Hiss' appearance while Mr. Hiss was in the room before the Committee, and when the suggestion was made that she appear, Mrs. -- Mr. Hiss asked the Committee chairman, Mr. Thomas, whether or not he could appear with her in executive session, and Mr. Thomas said yes. Well, as a result, when Mrs. Hiss came in with Mr. Hiss, all that we could do was have a perfunctory examination. Understand, I want to point out that our Committee always allowed counsel to come with a witness. But to allow Mr. Hiss to come with Mrs. Hiss of course made it impossible for us to get any information.

Q Did her testimony sound convincing to you?

A It did not.

Q Congressman, how long have you had those films in your possession, since the 3rd of December?

(Continued by IFG)

IFG-1
(Cont. from
BD)

December 13, 1948

(Presented by Messrs.
Donegan and Whearty)

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THE WITNESS: The Committee has had it in its possession since the 3rd.

A JUROR: Do you expect to fly back to Washington?

ANOTHER JUROR: How many requests, to your knowledge, have you had from the F. B. I. for these films?

THE WITNESS: From the F. B. I. for the films?

A JUROR: Or from the Department of Justice.

THE WITNESS: I have had no requests whatsoever.

A JUROR: The Committee?

THE WITNESS: There was no request to the Committee that I know of.

A JUROR: None?

THE WITNESS: That's right.

A JUROR: Until last Saturday?

THE WITNESS: Last Saturday.

A JUROR: Congressman, would you enlighten me? This morning's NEWS had a picture of Mr. Mundt, and a saying above it, "There is some startling new evidence, and there were some long distance calls made across country."

THE WITNESS: I would discount that. I know

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that - - I will say this advisedly, and I haven't talked to Mr. Mundt, I might say - - that on Sundays the papers are very anxious to get a story for Monday, because Sunday is a very terrible day to get a story, and I would say that was probably made out of the whole cloth. I do not know of any startling new evidence that the Committee has, which is going to be made available today. If I did, I would tell you, and I am pretty sure I would know. In regard to the question concerning the FBI, there is one matter which I do recall - - you were referring as to whether or not the F. B. I. had requested the film for the Grand Jury or for the Department of Justice?

A: JUROR: Yes, that's correct.

THE WITNESS: And no request, as I have indicated, has come in. Mr. Striping indicated to me that the day that Mr. Levine was coming before the Committee - -

BY MR. WHEARTY: - -

Q: Which Levine - you had better specify for the record? A: The man that had the custody of the records. The attorney, and not Isaac Don. The day before Mr. Levine was to come before the Committee, that Mr. Nicholls

of the F. B. I. had indicated to him that he would be glad to - - and this was an offer, as I understood it - - would be glad to submit the film to F. B. I. process, to see if they could bring out any of the pictures.

Mr. Stripling could not submit it to him on that day, because of the fact that we were hearing Levine the next day, and had to present the evidence to him, to see where it was; but there was no request made by Mr. Nicholls - and I am sure of this - to Mr. Stripling, and I know to nobody else, that the films be turned over for the purpose of submitting it to the Grand Jury, because if such a request had been made it would have been submitted to the Committee.

A JUROR: Do you know, actually we here don't even know as to whether there is any film or not, unless we have a negative made of that negative and compare it with the reproduction we have here.

THE WITNESS: I see no reason whatsoever why that could not be done. And, incidentally, I might say that no request has been made that we furnish that, because we would be perfectly willing to do so.

A JUROR: Would it be presuming too much upon your good nature, Congressman, if you were to fly to Washington tonight and see the F. B. I.

tomorrow morning?

THE WITNESS: Oh, I am going back to Washington, I will be there tonight - don't worry.

BY MR. DONEGAN:

Q Do you go by train or plane? A I will leave here immediately. If I don't take the afternoon train, I will take the night train to Washington. These films will be back in Washington tonight, because that was the understanding I had with the members of the Committee, that I will bring them back tonight.

Q I would like to have the record reflect that, if it is agreeable to Congressman Nixon, we will go up to Mr. McGohey's office to discuss the point that I have said was legal, and to discuss it further there.

Is that agreeable to you, Congressman?

A Certainly. There is only one point I would like to add before I leave: There has been in the papers recently, I think, some comments - I don't think any attributed to me, because I am very careful about my distinguishing between Grand Juries and Department of Justice and Administration, and so forth, because I know the difference - - there have been some comments made concerning the Committee being in a scrap with the Grand Jury on this case, and some suggestions, I think, by some Committee members even questioning whether or not the Grand Jury was carrying on its duties as it should, in getting

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at the facts of this case.

Any such suggestions which have been made by other members of the Committee, I am sure were not intended, had they known what they were talking about. They were thinking, as I said, in rather general terms, of the Administration, as compared with the Committee; and I for myself would like to have the record perfectly clear on the point, that I, of course, recognize that the Grand Jury - any Grand Jury - is a very great American institution, certainly as great as the Congress; and that I am confident that the jury - provided the Department of Justice does a proper job in presenting all the facts to the jury, provided it does a proper job in relentlessly and ruthlessly in cross-examining all that are involved before the jury - - I am confident that the jury will reach the decision that will be in the best interests of the country; and any suggestions to the contrary certainly deserve the apologies of the Committee, and I make them on their behalf as well as on my own, in case any such impression was obtained.

There is only one point that we have, of course, been concerned about, and I would be remiss unless I mentioned it, and I will finish with this, because this is extremely important: It is a point which I have made publicly, which I wish to make before the jury.

We have here a difficult problem of law, as well

as a problem of who furnished the information, which is a problem of fact, and that is that there is a possibility that due to the expiration of the statute of limitations that the individuals who furnished this information to Chambers might go Scot-free, and that the Grand Jury would have no power whatever to indict them, due to the fact that the statute of limitations would have run on the crime that they committed.

That is where the Committee on Un-American Activities have a responsibility that they must meet, because I think you ladies and gentlemen will agree with me that the important matter in this case, as of the present time - now that Chambers has confessed - of who turned the information over to him, and the fact that the Grand Jury is not able to indict because of the statute of limitations, does not mean that the investigation should stop, and the spotlight placed upon those who are responsible - - and I want to point out that we feel a solemn responsibility on that point, that if because of legal technicalities some of those who were as guilty as Chambers, and in some cases more guilty, because they took an oath of allegiance to the Government - that those individuals, because of technicalities are able to go Scot-free; and I want to assure you that if you feel you are unable to indict, because of those technicalities,

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you will feel assured that we will go ahead with our investigation of the case.

MR. DONEGAN: May I have the attention of the Jury for a minute.

Q You made a statement which I think I am called upon to say something with reference to. I have appeared before this Grand Jury since June 16, 1947. During that period of time, I have presented evidence before the Grand Jury. I have presented it to the best of my ability, and I have presented the evidence that was available.

Now you have said that if the presentation of the evidence to the Grand Jury is done in a proper form - - I take that, since I have been with the Grand Jury for this period of time, that that perhaps is a reflection upon me in the way that this evidence has been presented; so I would like to ask this question:

Have you any knowledge or have you any reason to believe that I have been derelict in presenting evidence before this Grand Jury? A Certainly not. I am only, - - obviously, as an outsider, I do not know how evidence is presented before the Grand Jury, or what evidence is presented before the Grand Jury.

My statement, if you will recall it, was simply to the effect that a Grand Jury, of course, is only in

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a position to take action which the Department of Justice presents and recommends, and I simply wanted to make the statement in that light, so that my position, as far as the Grand Jury and the Department of Justice, could be made clear.

If I had any suggestions along those lines - that is, as to failure to present evidence - I, of course, would mention them today; but I have none at all.

Q I would like to point out that you will recognize, as a lawyer, that the evidence that is presented before this Grand Jury, and necessarily what the witnesses are saying before the Grand Jury, can't be made a matter of record, so that the public can judge whether it is being done. A I understand that, and the best judge of that is the jurors themselves, and the indictments would show how the evidence was presented.

Q I would like you to evaluate that statement, that the "indictments would show - - " That is, with your knowledge as a lawyer, because you called attention to the legal technicalities. A That is exactly the point that I made. We don't need to prolong it. I said the indictments, the action that a Grand Jury takes having in mind the law under which the Grand Jury has

to work, indicates how the case was presented. Does that satisfy you?

Q I don't mean to be technical, but we are talking for the record. A I understand, but we lawyers unfortunately are technical.

(WITNESS EXCUSED)

RICHARD M. NIXON recalled.

BY THE FOREMAN: Mr. Nixon, on behalf of the grand jury I request, as Foreman, that you permit the evidence to be marked and that the films be introduced in evidence in this investigation.

THE WITNESS: I, as I stated previously for the record, am unable to do that because of the rules of the House.

MR. CAMPBELL: And therefore for that reason you refuse to turn over the films?

THE WITNESS: That is correct.

JUROR: Because of the rules of the House?

THE WITNESS: Yes.

MR. CAMPBELL: In compliance with the request of the grand jury.

THE WITNESS: And only for that reason. I might say that as I told Mr. Donegan personally in my conversation with him upstairs, that I for my own part would turn the films over to you and let you use them, but I am a member of the committee and I have my instructions and, in fact, as I have indicated to you before, I think the majority of the members of the committee are very much put out that I come even before the grand jury.

THE FOREMAN: You come here well guarded? Are you safe going home with those films? Do you have two guards with you?

THE WITNESS: You can be sure of that.

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MR. CAMPBELL: Let me say this for the record also. As Assistant Attorney General in charge of the Criminal Division of this country, the responsibility for the supervision of this grand jury investigation rests upon my shoulders, and everybody understands that that is no small responsibility in this investigation. We are here to find out, one, who committed a crime -- one, if a crime was committed; and, two, who committed it; and, three, to indict if the evidence justifies it anybody and everybody guilty of that crime. I say that to you, sir, and the grand jury, because of my responsibility, I must make a record in the case, you appreciate that. I have my responsibility and you have yours.

THE WITNESS: Certainly.

MR. CAMPBELL: I would suggest on this record, because of my responsibility, that we get a ruling from the court on the question. In other words, it is a question of whether the rule can keep this evidence out or whether the subpoena prevails.

THE WITNESS: You mean on the films?

MR. CAMPBELL: I mean on the films.

THE WITNESS: I might say that regardless of a ruling of the court, I will not part with the films. If the films go into evidence, I go with them. I think we better see the court on the matter, and if it is the desire of the court to take the films from me, if necessary, by force, it

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will have to be done in that way.

MR. CAMPBELL: I appreciate that, sir. Of course you appreciate the seriousness of the investigation.

THE WITNESS: Yes. I might say this before I leave, just for the record. I think, and I realize that members of the grand jury may disagree with me, and I respect your right to disagree with me on that point, but I think you, Mr. Campbell, ^{and} the Department of Justice, are without good reason making a very unfortunate issue out of this situation in regard to these films. I have made what I think to be a very reasonable offer, which I think from my own experience in handling some prosecutions, and I might say I was fairly successful in that regard, that an offer which would satisfy without any question all the needs the grand jury might have for these films, and I think under the circumstances if you insist on this course of action, it is most unreasonable.

I must say that as the record goes up to this time, the grand jury will appreciate the fact that I have not attempted to be unreasonable in any respect. I have not attempted to argue with you concerning this matter, but I think ^{for} the record that should be stated.

MR. CAMPBELL: Of course if I am not within my rights under my duty, or under my oath, one of your committees will be investigating me and why didn't you?

THE WITNESS: Nothing under your rights or under your oath which you are required to do in order to carry on

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your prosecution of the case. I think I have made a record here today, and I am willing to stand on that record, which will indicate that what I have offered to do without the necessity of making a deliberate issue between the grand jury and the Congress would be perfectly sufficient for your purposes.

(WITNESS EXCUSED)

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that the Department of Justice was not pushing the perjury indictment before the grand jury. My point was that the Department of Justice has the general jurisdiction and responsibility to push a perjury indictment -- period. And it was on that point I was questioning Mr. Chambers, was the Department of Justice pushing the perjury charge?

MR. DONEGAN: Mr. Nixon -- I will use your title Congressman Nixon --

THE WITNESS: You don't need to.

MR. DONEGAN: You have referred to me with reference to my ability as a lawyer, so I think we should be equally complimentary. With reference to the appearance of Chambers before the previous grand jury on October 14th and October 15th, and if as your testimony would indicate there was an effort to limit Chambers' testimony before that grand jury, how could it be limited if that grand jury could not return an indictment with reference to perjury? Is my question too involved? In other words, if that grand jury had no jurisdiction to determine whether perjury had been committed by either Chambers or Hiss, because the perjury had been committed in Washington, D. C., and it would have to be in the District of Columbia, using that as the base point, since that could not be initiated before that grand jury, what else could be done to limit his testimony, assuming there was a wild plot on foot to try and keep him from saying too much before the grand jury?

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THE WITNESS: Well, I think, in the first place, you are apparently drawing implications which may be understandable but which were not intended, as to the vile plot. My statement, I think if you will refer to it, you will recall that I did say that I did not feel that the Department of Justice was interested in the Chambers' revelations, or the Chambers case, and that in indicating -- and what the Department of Justice -- what the Justice official said to Mr. Chambers was simply indicating that as far as Justice was concerned, they did not think it would take too long before the grand jury. That was only indicating an attitude on the part of the Justice Department officials. You may have been completely justified in saying that on the basis of your own knowledge at that time

MR. DONEGAN: I want to pursue that further. I am only referring to your statement with reference to what you say Chambers has told you about the representative of the Department of Justice that talked to Chambers before he came into the grand jury room. I am not concerned about the interest of the Department of Justice in a perjury case. In other words, the important thing here is if somebody tried to limit the testimony of Chambers when he appeared before the previous grand jury. That's important. If somebody in any way suggested to him, or said, "Don't go in there and testify." Now, your allegation would raise that assumption, I think, and that is what I want to pursue. No

you must have thought that there was a basis for that or you would not have repeated it before this grand jury at this time, because you had appeared before the previous grand jury on approximately December 14th, and at that time you never stated that when Chambers appeared before the grand jury he was told he should only take a few minutes. Now I think that is very important.

THE WITNESS: Now, Mr. Donegan, referring to my previous appearance before the grand jury, you will recall that appearance was devoted primarily to questioning by the Department of Justice concerning the microfilms, at which time of course you had subpoenaed me, and as you will recall also, there was not too much time from the standpoint of my own opportunity to testify at length to go into other details of the case. The major interest at that time was in the microfilms, not in any of the developments, isn't that correct? I do not mean you were trying to cut me off at that time, because you weren't. But you will recall it was quite a hectic day.

MR. DONEGAN: I would like to refresh your recollection. You were asked questions with reference to the activities of the Committee on December 2nd and 3rd, and the same clippings you used today you referred to then?

THE WITNESS: Right.

MR. DONEGAN: And questions were asked you by the grand jury at that time, I think the record will reflect a number of the grand jurors asked you questions.

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THE WITNESS: That's right, and the record will also reflect, as you have pointed out in your question, that the questions related to a period after December 1st.

MR. DONEGAN: I will bring the record in here if there is any question about it.

THE WITNESS: For the most part -- for the time -- from the standpoint -- I do not mean I would have gone into those things, but as you will recall, our interest at that time was in the microfilm and how the Committee got hold of the microfilm, and also in the developments since December 1st. I certainly did not have the opportunity to talk at that great length, as this, on the ramifications which occurred long before that.

MR. DONEGAN: I believe the grand jury asked you at that time, did you have any information -- they asked you the general question -- did you have any information which would indicate that that grand jury hadn't been presented with all the information available?

THE WITNESS: Oh, of course, yes, certainly.

MR. DONEGAN: Now, if you had this information that an effort was made to limit Whitaker Chambers' testimony when he appeared before the grand jury on December 14th and 15th, was there any reason why you could not have informed the grand jury of it at that time? ^{out}

THE WITNESS: Now, Mr. Donegan, it seems to me that you are ~~xxxx~~ pushing a technical point here ~~on~~ gain

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and just so we'll know where you are -- you are proceeding on the assumption that I have charged that the Department of Justice limited -- ordered Mr. Chambers to limit his testimony prior to the time that the espionage papers came into the case when he appeared on October 14th and October 15th. As far as my own statement is concerned and as far as the implications of the statement are concerned, I mean only to indicate that at that time the Department of Justice was not indicating a particular interest in the Chambers-Hiss controversy, and as far as limiting them is concerned, I am well aware of the fact, as you are, that the grand jury can ask Mr. Chambers anything that they want. Now, if in reading the cold record you come to the conclusion that the charge has been made that you were limiting it, I would be perfectly happy to change the statement to take away any implication that you were attempting to limit Mr. Chambers' testimony when he came before the grand jury before. I might suggest that I am simply testifying on the basis of my own impressions concerning Mr. Chambers' statements to me. Those impressions may be wrong, but I gathered the impression that I have conveyed to the grand jury, and to that extent I will stand by the statement.

A JUROR: I do not see the point in this discussion.

ANOTHER JUROR: I think the point is quite important.

THE FOREMAN: So do I.

JUROR: It is vital. Apparently it is important.

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ANOTHER JUROR: You have a right to your opinion.

ANOTHER JUROR: Mr. Foreman, might I ask a question of the Congressman?

THE FOREMAN: Yes.

JUROR: This testimony, for about an hour or an hour and a half, it is my impression, I do not know whether the balance of the grand jury has it also, there is a feeling or intimation or thought that the Department of Justice had not been prosecuting properly this case. If I am wrong about this impression -- I do not know about the rest of the ladies and gentlemen -- I'd like to get Nixon's reaction to my question. Am I in order?

THE FOREMAN: Mr. Nixon has been giving that reaction.

JUROR: I'd like to carry it out farther.

THE FOREMAN: I think it will be developed by questions. I think Mr. Nixon has left very definitely with the grand jury the idea that the Department was lax in the matter of the Chambers investigation even after the production of the evidence.

THE WITNESS: That was my impression.

THE FOREMAN: The Baltimore and pumpkin papers. Have you any further questions?

MR. DONEGAN: Yes. Unfortunately the reporter has left the room. I might point out to the grand jury that my recollection of the statement made by Congressman Nixon is

to the effect that Chambers told him that the Department representative -- the Department of Justice representative told him that his testimony would only take a short while, and the statement raises implications that an effort was made to put a quietus on Chambers. Now, that is an assertion that is made by an attorney. In other words, Chambers is not an attorney, but Congressman Nixon has listened to that, he knows what this grand jury is interested in, and he has judged that as having or being of significance and therefore I think it is of paramount importance that the matter be gone into thoroughly.

JUROR: Mr. Foreman, may I ask Mr. Donegan a question? I didn't get the impression that you got, Mr. Donegan. Of course I am not involved in the picture and perhaps I would get that impression if I were in your position. I thought Mr. Nixon qualified it. I'd like to ask him the direct question: Did you at any time intend to imply that you got the impression from your conversation with Mr. Chambers that when he was told that he would be in the grand jury room only a few minutes, that the Department of Justice was trying to limit or influence his testimony?

THE WITNESS: I certainly did not. As I stated -- as I made this statement, I said my interpretation of Mr. Chambers' statement was that the Department of Justice had indicated to him that, as I gathered from Mr. Chambers' statement to me, I should say that the Department of Justice

itself was not -- did not feel that the Chambers' testimony was of particular importance and interest, and that, therefore, it would not take a great deal of time. And as you will note from my statement which immediately followed the one that Mr. Donegan had read, as I recall, I pointed out that that was probably -- might well have been understood because they might not have considered Mr. Chambers a reliable witness. In fact, if I were a Department of Justice official, I think under the same circumstances, if I felt that Chambers was not a reliable witness, and prior to his going in the hearing room, I don't think it would be conduct that would be at all prejudicial for me to indicate "Well, the grand jury wants to hear you on this case because of the public interest in it," or at least Chambers got that impression, "and that I don't think that it is going to take too long," or words to that effect.

JUROR: May I ask you this: It would to me, if somebody said that to me, it would indicate to me that somebody was trying to keep me quiet.

THE WITNESS: Excuse me, I did not mean to interrupt your question. I might suggest that as far as I am concerned, I did not get the impression from Mr. Chambers that the Department of Justice was trying to keep him from testifying before the grand jury. I got the impression, as I indicated, that the Department of Justice itself did not feel that his testimony was important at that time, and was

not interested particularly in it. That is the impression I got out of that, and I think it is an altogether different thing. Now, what impression Mr. Chambers got, you would of course have to ask him.

MR. DONEGAN: May I say something?

THE FOREMAN: Let me make a distinction for just a moment. It is quite different to state at one point that the Department told Chambers to limit his testimony, and say to him on the other hand, "Your testimony isn't going to take very long." Mr. Donegan, go ahead.

MR. DONEGAN: In order that the grand jury -- I shouldn't think there would be any question in their minds now, but I would like to state on the record that I was the one that talked to Chambers before he appeared before that previous grand jury, and I am the only one who talked to Chambers before he appeared before that previous grand jury I'd be glad to deny it under oath. I made no such statement and I'd like to ask Congressman Nixon another question: At the time Mr. Chambers told you this, did he tell you that he had been asked before the grand jury whether he had ever been involved in espionage?

THE WITNESS: No, I didn't discuss the questions and answers that were made.

MR. DONEGAN: Did you ask him, up to that time, before the pumpkin papers, whether he had ever been involved in espionage?

THE WITNESS: The direct question was, as I recall in the hearings on the occasion of his first appearance, I asked the question which would have given him the opportunity to have so stated if he were, and at that time he did not state that he was involved in espionage.

MR. DONEGAN: Did he tell you that in appearing before the grand jury over a period of two days, on October 14th and October 15th, 1948, that he was asked questions by me as to whether he had ever committed espionage, been involved in espionage, or had knowledge involving espionage did he tell you that?

THE WITNESS: I have learned since that time that that has been the case, or I have read it in the papers.

MR. DONEGAN: Did you know what answers he gave?

THE WITNESS: Why, certainly. I assumed that he gave the answer no. Which I might say was the same impression he gave to the Committee. Let's get something straight here. Mr. Chambers always said, and I do not claim otherwise, he always insisted from the beginning -- let me finish Mr. Donegan, if you don't mind.

MR. DONEGAN: I am sorry, but you are interrupting my questions, and if you will show me a little courtesy and let me continue my questions.

THE WITNESS: All right.

MR. DONEGAN: Having that knowledge that he was asked those questions in the grand jury room, and he gave

those answers, did that cause you to change your opinion of the statement he made to you that there was a lack of interest on the part of the Department of Justice shown because I had allegedly told him that his testimony would only take a few minutes?

THE WITNESS: You are referring to the questions concerning espionage. I would say certainly that indicated a considerable interest on your part on that point, but as I indicated to you before, our major interest at that time, in October, was a matter of whether or not Hiss or Chambers was lying on the issue of whether or not Hiss was a Communist.

MR. DONEGAN: Without going into the question -- let me ask the question -- excuse me. Without going into the question of whether he was asked questions concerning his contacts with Hiss, which would go to the question of whether he was lying before the House Un-American Activities Committee -- that is what you are referring to, isn't it?

THE WITNESS: Yes.

MR. DONEGAN: I again refer to my previous question. You know that that grand jury could not possibly return an indictment on that question?

THE WITNESS: Oh, of course. But the point was that in the line of that grand jury's investigations which, as you know, was a broad investigation into the field of Communist infiltration into the Government, it was important to know whether or not Mr. Hiss was a Communist, was it not

And may I also ask you one other question?

MR. DONEGAN: Did you in the course of that hearing ask Mr. Chambers about the -- for example, his testimony before the House Committee -- concerning an automobile and that sort of thing? Did you go into that?

THE WITNESS: I do not recall. I will be glad to search the record for you, if you want me to. As I recall now, Mr. Chambers may be wrong, I may be wrong in what I recall he said.

MR. DONEGAN: May the record reflect in reference to that that this grand jury, and I as the Government representative of the grand jury, appeared before Judge Rifkind, and we succeeded with reference to the automobile in having Rosen sentenced to six months?

THE WITNESS: Mr. Donegan, let me say, or repeat again, and I have stated this to the grand jury before, that I think that since December 17th, I mean, since I am correcting the statement to conform, as the Foreman suggested, since the time of the investigation into the espionage papers, I think the Department of Justice has done a good job in pushing this case to a conclusion, and let me say too -- I am sorry --

MR. DONEGAN: I have difficulty in seeing where you put your periods.

THE WITNESS: We lawyers sometimes have difficulties on periods and commas, but in any event, I simply

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wanted to point out that I have not since that time or at any time made any criticisms whatever of the handling by the grand jury of the Hise-Chambers case, and I think the public record will so show.

MR. DONEGAN: I want to state that, Mr. Congressman Nixon, that the only reason that I have interrupted and asked permission of the Foreman to ask any questions of you is because of the statement you made with reference to Chambers' appearance before the previous grand jury.

THE WITNESS: Mr. Donegan, I would say that in the first place that the record I think will speak for itself as to what implication I got from Chambers' statement to me.

MR. DONEGAN: Let me ask you the question: Based on the questions I have asked you, and referring to the fact that Mr. Chambers was before the grand jury for a period of two days, that Mr. Chambers was questioned continuously by me while he was before the grand jury, and based upon the fact that you state that you had knowledge from the newspapers that he was asked as to whether he had any information or whether he was ever involved in espionage that he was asked concerning his associations with Hise and what knowledge he could furnish the grand jury with reference to that, whether he knew Bentley, whether he knew any of the individuals who were involved in that, for the purpose of determining whether he could offer any corroborative evidence, would you still think that the

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allegation that you made, which was a statement made to you by Chambers, is justified?

THE WITNESS: The statement concerning the interest of the Department of Justice in establishing which one of these people -- in establishing whether or not Hiss was a Communist, do you mean?

MR. DONEGAN: Will you read the statement again, please? We'll go to the record.

REPORTER GOLD: "Q At the same time, you are aware that the case was looked into by the previous grand jury last October? A Yes, and very perfunctorily --"

MR. DONEGAN: If you have no objection I'd like to go along because we have difficulties in remembering. Perfunctorily -- do you think that the previous grand jury looked into this perfunctorily when they examined him over a period of two days?

THE WITNESS: I would say in the light of what you have told me now, I would say not.

MR. DONEGAN: Have you ever made any effort since the time that Chambers made this allegation to you, up to this time, to determine whether that charge of the previous grand jury looking into it perfunctorily was justified?

THE WITNESS: Now the investigation that I have made has not been concerning whether or not the previous grand jury had looked into the charge of espionage in the case of Mr. Chambers perfunctorily. My interest at that

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time, which was prior to the espionage phase of the case, was in whether or not the Department of Justice was going to press the matter involving the testimony of Hies before the Committee which did or did not constitute perjury, and on that point I certainly had no indication that the Department of Justice was pressing that point.

MR. DONEGAN: Now, Congressman Nixon, you know as a lawyer --

THE WITNESS: I --

MR. DONEGAN: Will you please do me the courtesy --

THE WITNESS: I am sorry.

MR. DONEGAN: You know as a lawyer that the grand jury for the Southern District of New York could not have been perfunctory because they had no jurisdiction?

THE WITNESS: Mr. Donegan, I repeat, that I am completely aware of that, but the Department of Justice has jurisdiction over the United States to investigate matters of perjury.

MR. DONEGAN: Now, Congressman, please, I am not referring to the Department of Justice; I am referring to the grand jury. This allegation concerns the grand jury in the Southern District of New York. Now they could not have been perfunctory because they had no jurisdiction.

THE WITNESS: I will say this, that if the statement taken out of context means that the grand jury was lax in investigating the Chambers phase of the case, the statement

should be corrected because I certainly have no evidence to back that up. If you will read the sentence which follows it, I think it will show I was referring to the Department of Justice conversation, at least alleged conversation, which occurred, and I certainly had no intention to say that the grand jury had done it, because, as you will recall yourself, Mr. Donegan, it is easy to take a statement out of context -- I think you will recall I said the grand jury showed considerable interest in Mr. Chambers' statement after he went in, and apparently you did too.

MR. DONEGAN: After I brought this point up, I want to point out to you, Congressman, that there was a period of about 20 minutes after you had made this statement before I questioned you, and up to that period of time if I did not ask the permission of the grand jury to question you and try and bring out the basis for you making this allegation, I am quite sure we wouldn't have had these qualifications.

THE WITNESS: I am very glad the questions have come up because I do not want to leave any implications here before the grand jury which is unfair.

MR. DONEGAN: Will you read following that?

REPORTER GOLD: "Yes, and very perfunctorily, because I talked to Mr. Chambers about his appearance before the grand jury, and before he went into the witness room he was told to just spend a few minutes on the case, that the grand jury felt that they had to hear him to an extent

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because of the public interest in the case, and consequently -- he wasn't told that by the grand jury, you understand, but before he went in he was told that by the Department of Justice, apparently. There may have been good reasons for it. I think the Department of Justice at that time was, frankly, convinced, or at least felt, that Chambers was not a reliable witness, and they also did not have a particular interest in pushing ^a the charge against Hiss; they didn't feel that it particularly related to the espionage case which was before the grand jury at all because up to that time Chambers had not testified concerning the espionage phase of the case."

THE WITNESS: I am glad to get all that in the record so we won't have anything out of context.

MR. DONEGAN: I think it will be better now, we'll get the matter much clearer, with reference to a lack of interest in the espionage case, do you think the questions that were asked Chambers before the grand jury concerning espionage, which you say you have knowledge of, would show a lack of interest in espionage?

THE WITNESS: Mr. Foreman, do you want her to read that again so that he can see that I did not indicate that the Department of Justice was showing a lack of interest in the espionage case?

THE FOREMAN: Read it again.

REPORTER GOLD: "Q Yes, and very perfunctorily, because I talked to Mr. Chambers about his appearance before

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R I C H A R D M. N I X O N, called as a witness, having first been sworn, testified as follows:

BY THE FOREMAN:

Q Congressman, you understand that you are before the Grand Jury at the request of the Grand Jury? A Oh, yes, yes, sir.

Q And, suppose you tell us just a little bit about your career and particularly in regard to your positions in the House. A Well, my background, I suppose, is probably the usual one of a member of Congress, or more usual than others. I'm an attorney. I practiced law for five^{years} from '37 to 1942, then served in the Navy for three and a half years, came out of the Navy and ran for Congress, was elected in 1945.

JUROR: What State is that?

THE WITNESS: From the State of California, in the 12th Congressional District.

A (Cont'g) My opponent in that election was an incumbent who had served in the House for ten years previously and who, incidentally, had been a member of the Un-American Activities Committee - Jerry Voorhis. I was re-elected to the Congress in 1948, in what for the Republicans was a recent unpleasantness on November 2. But under our peculiar filing rules in the State of California I won both the Democratic and Republican nominations and therefore was not caught in the Democratic sweep. That explains my

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presence here today rather than my presence in Los Angeles practicing law.

In the House I was assigned to the Committee on Un-American Activities and to the Labor Committee. The Labor Committee, I might say, I requested against the advice of some of my older colleagues who assured me that it was a "hot" committee and it would mean my eventual defeat; which it may, of course. The Un-American Activities Committee was assigned at the time due to the fact that the Republican leadership wanted an attorney, a new man and a Representative from the West on the Committee and had not had one at that time. Needless to say, both assignments have proved to be "hot" ones. One of the reasons that I have been unable to appear previously on the two or three occasions that I agreed to come up was that, as you know from reading the papers, we have been having quite an interesting time on the Labor Management Relations Bill. We thought we were going to finish it yesterday, but it now appears that we'll be going back over it again. So I'm glad to be able to get this appearance off now, because we would probably run into the same situation in a few weeks.

On the Committee on Un-American Activities, which I imagine is closer -- more closely related to the subject in which you are interested, I was appointed Chairman of the Legislative sub-Committee of that Committee during my first term and, as such, conducted the hearings which resulted in,

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depending upon your point of view, the infamous or famous Mundt-Nixon Bill which passed the House but which was caught in the Senate log-jam and did not pass the Senate during the 80th Congress. I might say that the Senate has now -- is now showing a considerable interest in that bill and is conducting hearings on it and related bills and all indications point to some action in the Senate on some type of legislation during the current session, including, I might say, probably carrying out the recommendations that the Grand Jury made in its presentment of a week ago.

My service on the Un-American Activities Committee, in addition to the legislative function, which was my primary responsibility I would say during my first year on the Committee, was devoted primarily I would say to the -- what I would term the Hiss-Chambers case.

As you will recall, the Committee has had before it during the two years of the 80th Congress the Eisler cases, the Josephson case, the famous Hollywood ten witnesses case, and others.

I became particularly interested in and devoted the greatest portion of my time to the Hiss-Chambers case. I did that for I would say two reasons. First, I was the only member of the Committee -- after Mr. Hiss appeared on August 5 for the first time before the Committee and denied Mr. Chambers' charges that he was a Communist and also denied that he knew him, I was the only member of the Committee

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who felt there was a possibility that Mr. Hiss might not be telling the truth. And I felt, for that reason, since I had that feeling, that it was necessary for me to follow through on it. There were other members of the Committee who did not think there was much possibility that Mr. Hiss could be not telling the truth on that occasion. The other reason that I got into it was that it seemed to me that that case was extremely important, not only to the Committee but to the country, because it involved an individual and charges concerning that individual which were the most serious nature and it also involved a case which had been before the administrative agencies of the Government for ten years without any action on their part.

I would say, in conclusion -- and of course there will probably be questions which you will want to elaborate on the various points, which I shall try to answer -- that I feel that my -- that I recognize that this Committee, like other committees of the Congress, has made mistakes. But I think that the service that it rendered in pushing the Hiss-Chambers case to what now will result in an eventual conclusion one way or the other, was a real service to the country.

Q Mr. Nixon, you spoke about the administration having knowledge of Hiss for ten years. Is there any substantiation of that? A Oh, yes. I meant by that that when Mr. Chambers came before the Committee on Un-American Activities on August 3 he testified concerning Mr. Hiss.

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And the record of that testimony could be made available to you, but I will sum it up by saying that at that time Mr. Chambers testified in very general terms concerning Mr. Hiss and did not go into the espionage phase of the case. In 1939 Mr. Chambers had told his entire story to Mr. Berle in greater detail than he told it to the Committee on Un-American Activities in 1946, when we heard it for the first time. And on three previous occasions after that, to my knowledge, he told the same story that he told in 1939 to the agencies of the Government, in the same detail or greater detail than he told it to us for the first time on August 3.

My point was that the Committee on Un-American Activities on August 3 of last year had access at that time to, at best, the same amount of knowledge that the administrative agencies had had access to for ten years. The difference was that we pressed the case to a conclusion; the administrative agencies did not.

Now, I might say, insofar as the administrative agencies are concerned, and in justice to them, that there are other factors which I think may have excused their inaction, in part. In the first place, there was the period of the war when it was not considered the thing to do to question Communist connections of people in Government. And of course that period, therefore, would I think, in all fairness, have to be taken away from that period in which you could be at all

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critical of administrative agencies for not pressing the case

In addition, Mr. Chambers, when he went to Mr. Berle in 1939, was a virtual nobody. Mr. Hiss at that time was one of the bright young men who was a real favorite of the administration, and it was natural, I think -- I think Mr. Berle probably would be -- and I say this in justice to him, because I have the greatest respect for him -- I think Mr. Berle might not have taken the information as seriously, in view of that fact.

Q He so testified, did he not? A Well, Mr. Berle testified that he attempted to check on the charges that Mr. Chambers had made and that he went to several people, including Dean Acheson, the now Secretary of State, and other people who knew Mr. Hiss, that all of them vouched for him a hundred per cent, and that under the circumstances he felt that it was best to drop the case.

Q Was it your impression that, in August of last year, Chambers made positive that Hiss was engaged in espionage?

A To the contrary. He did not make it positive at all. At that time he followed exactly the same line that he followed in testifying before -- or, in making his statement to Mr. Berle and the various agencies of the Government. He did not go into espionage phases of the case.

But Mr. Chambers had made a very serious charge, apart from espionage. He said that Mr. Hiss, who was of course one of the architects of our foreign policy, was a Communist

Now, under those circumstances, since Mr. Hiss -- I felt, if Mr. Hiss was a Communist, apart from any espionage activities and had yet been able to hold these important positions in the Government, the people were entitled to know it. And consequently, after Mr. Hiss came down and said, one, "I'm not a Communist," and two, "I never knew the man," I felt that we had a place to start, for this reason: When one man says that another is a Communist and the other denies it, then you have one man's word against another and there is little you can do about it except check the records of the one who is supposed to be the Communist, to see if someone might say so also. And generally that is very difficult because, as you ladies and gentlemen know from having heard these cases that have been before you, getting Communists to inform on each other is a very, very difficult thing to do, and consequently you seldom have corroborative testimony where two former Communists come in and say "This man was a Communist. And generally only a former Communist can so testify, or an Agent who has been able to infiltrate the Party as have the FBI Agents successfully infiltrated the Party as witness the present case of the twelve.

But where Mr. Hiss went a step further, and as a lawyer not as a lawyer; I think as a layman anybody would reach this conclusion: When one person says "I do not or have never known this man," then it's a simple matter of deduction to prove whether or not one or the other is lying. Because if

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one man knows another man, there are certain factors which investigation will develop which will prove or disprove that statement.

And that was exactly the line that we followed. It was a line which apparently had not been followed by the administrative agencies of the Government. And, as I say, there may have been reasons why they didn't follow it. But we followed it and we did it very simply.

The way that the Hiss-Chambers case was broken was this. We called Mr. Chambers down -- or, I should say, we went to New York and immediately after Mr. Hiss denied the charges we went to New York, we called Mr. Chambers in and for two and a half hours I grilled him. I don't mean to get myself into this as much as I am, but I have to, in view of the facts. I grilled him for two and a half hours on everything a man should know about another man if he knew him; what his wife's name was, their nicknames, did they have a dog, what kind of a car did they have, what were his hobbies. And Chambers answered them all, just right down the line.

At the conclusion of that testimony Chambers -- which was given on August 7 last year -- it was obvious that either Chambers knew Hiss and that Hiss was lying on that point, or that Chambers had a very, very deep-seated motive which caused him to want to destroy Hiss and had concocted a story after having studied Hiss' life.

So, then we proceeded to investigate what Mr. Chambers

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said he knew about Mr. Hiss. The story fell into a pattern. The things that Mr. Chambers said generally proved to be true.

So, then we took the next step; we called in Mr. Hiss. And without telling him that Mr. Chambers had said this, "Is this true?" which of course would have been the dead giveaway we asked him the same questions -- and the record will show that, if you read it -- and Mr. Hiss reluctantly but nevertheless did answer those same questions and he gave the same answers. At the conclusion we confronted him with the fact that his answers were the same. He then said that it was possible that the man -- this man, Chambers, was the man George Crossley that you read about, to whom he had rented his apartment, and the various line of information concerning Crossley which you probably read about in the newspapers.

But he still denied that he knew Chambers as a Communist and he said, also, that he -- that Chambers was lying on that point, and that when he first came down to the hearing he didn't know who he was at all.

So, we then were confronted with what appeared to be a stalemate. But Mr. Chambers and Mr. Hiss were called down to a public session in Washington, D. C., on August 25, after they had been confronted in private session at the Commodore Hotel on August 16 -- August 17, and at that public session I would say that that probably had more to do with forcing this case to its conclusion than anything else.

And I think, also, that public session showed the

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necessity for public hearings of the committees of Congress on cases of this type, because when Mr. Hiss went before that session the situation concerning public opinion was completely reversed. When he had come to the public hearing on August 5 about 90 per cent of the people who covered it, including that press that was unfriendly to the Committee, was on the side of Mr. Hiss. At the conclusion of the session on August 25, when Hiss had to admit that he knew Chambers, when he told this story about Crossley, the situation was virtually reversed.

And therefore Hiss was in a position where he had to defend his not having known Chambers and had to defend -- and to get back public sentiment on his side. The result of that was the various chain of events that led to the lawsuit. The lawsuit led to the deposition. The deposition led to the espionage papers, and the espionage papers led of course to the indictment of Hiss.

Now, at this point of course I should like to make clear a fact -- a point which I think all of the members of the Jury will of course agree with me on: That the issue as to Mr. Hiss' guilt or innocence is still to be decided and that the trial will bring out, certainly, a lot of facts which should prove quite interesting on that point.

But my feeling on the matter, as far as our Committee is concerned -- and I might say that I have been critical of the Committee on Un-American Activities in the past

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whenever I have thought the Committee was wrong -- in this case I think the Committee deserves credit. My feeling concerning the Committee is this: That these facts should have^{be} brought out -- they would not have been brought out, there is no question about that, if the Committee on Un-American Activities had not been in existence and unless it conducted these hearings. And the proof of that was that for ten years administrative agencies of the Government had access to information that the Committee had at the beginning of its investigations and had not pressed to the conclusion.

Q Mr. Nixon, I think you would probably agree with this line of thought: That the fact that Hiss is on trial today on the charge of perjury and not for espionage and not for being a Communist, is the result of a chain of events reached by the House Committee. A Yes, that's what I say.

Q On the other hand, there could have been no direction from the House Committee to lead to this particular result? A "No direction"? I don't think I understand the question.

Q Well, there was no deliberate purpose or deliberate maneuvering on the part of the House Committee to bring about this particular result. A Absolutely not. If I understand the implication of the question, certainly the House Committee when it began was not attempting to prove that Mr. Hiss was an espionage agent, because neither we nor the administrative agencies had information indicating that

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he was. But by the same token we did have information, as did the administrative agencies, that a man who appeared to be in his right mind and who held a responsible position in private life had made a very serious charge concerning Communist affiliations of a man who had held a high position in the Government. And certainly as far as the direction which the Committee gave to the case, when we began the case it was our intention then to determine which one of these men was lying on that point. And that, I think, we were -- in the end we would well have been able to establish.

Q Well, now, in August the information that you had from Chambers couldn't have led to any particular action on the part of the Grand Jury, could it? A That's the point. I would like to comment just briefly on that point, if I can concerning what I deem -- what I think are the proper functions of a committee of Congress, as distinguished from a Grand Jury and the Department of Justice, for example. A committee of Congress has three traditional functions: One, the legislative function, and I have explained the Mundt-Nixon bill, which is one of the functions which our Committee has carried out; that is, function for the purpose of conducting hearings to determine what changes in existing law or what new laws are necessary, and in that field our Committee has to conduct hearings in the field of un-American activities, to see what laws if any should be passed. Two, and this is also a traditional function of legislative

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committees -- two: investigation of and, what I would term for lack of a better word, policing of the activities of the administrative branch of the Government. Now, I might give as the best example of that type of activity and action the famous Teapot Dome case. In the Teapot Dome case we had there I might say a case where a Republican administration in Congress -- so that we'll keep politics out of this -- a Republican administration in the country, I should say, was engaged in the most despicable practices and in which a committee of the Senate conducted investigations which led to the conviction of the people who were guilty of those practices. If the committee of the Senate had not conducted those investigations, certainly the Teapot Dome revelations would never have been made by the administration itself, because no administration, generally -- no administration will embarrass itself if it can avoid it. And, so, a committee has the function of what you might say policing the administrative agencies of the Government, to keep them on their toes. And that's part of our traditional balance of power -- the separation of powers system.

And then the third function is one which Woodrow Wilson has described as probably as important a function a committee of Congress has, and that is of informing the public. Now, a lot of people have said, well, if a committee does not conduct hearings for purposes of legislation, then the Committee should be abolished. Well, I gave you one reason

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why that is a false statement, because a committee at least has the second function of policing administrations. And Wilson himself, who certainly was not one who was given to rather wild statements I would say, has indicated that committees of Congress have the function of informing the public; and in informing the public they put the public on notice of issues before the country, so that the public can meet those issues.

Now, as far as this case was concerned, if I understand the function of the Grand Jury, the function of the Grand Jury is to call in witnesses and to take testimony for the purpose of handing down indictments where individuals are guilty of violating the law of the land.

Now, in the case of Mr. Hiss, as far as his activities were concerned -- or, should I say, in the case of the people who Mr. Chambers charged turned over these papers to him, due to the fact that ten years had elapsed, no one of those people can now be prosecuted for the crime they committed and that's why you people recommended the extending the statute of limitations on espionage cases. Therefore, as far as the Grand Jury was concerned, it had probably no jurisdiction in that case, in the technical sense, to call in various people who Mr. Chambers had named, because no technical crime existed at the time.

And therefore the Committee of Congress I think had a peculiar function there -- which was peculiar to it, at least

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to present the facts to the public; because if due to the weaknesses in our law certain infamous acts have been committed which do not constitute technical crimes, the individuals who committed those acts should not be allowed to get away free. And that is why I think the Congress in this case had a particular function.

And it would only happen once in a generation, I must admit, as it did in this case, because normally crimes don't go on for ten years without being found out by the administrative agencies and consequently prosecuted.

Q Mr. Nixon, let me interrupt just a minute. I don't know whether you have seen the letter that I wrote last week to the Chairman of your Committee. A Yes, I have seen the letter.

Q You have seen that letter? A Yes, Mr. Wood showed me a copy of the letter.

Q That is more or less a statement of the Grand Jury's position in this entire matter.

(Continued by IFG)

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(Cont. from
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(Messrs. Donegan and Matlack)

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Q (Cont.) Since you have seen it, there is no need for me to read it into the record. As we see the picture, the House Committee continued its investigations into August, and then because of the pressure of the political situation the investigations were more or less held in abeyance - is that correct? A After August 25th when the public hearing was conducted, the members of Congress who were on the Committee had to return to their districts, for obvious reasons. I might say that in the case of two of them, they should have returned earlier. But, in any event, they did return to their districts.

The investigations, as far as the members were concerned, ceased, but the investigation by the Committee staff continued; and I wish to point that out because a considerable amount of evidence was developed after August 25th, not bearing on the espionage phase of the case but corroborating the Chambers story.

Q Well, your viewpoint about the situation at the time was that - let us say, as of August 25th - all that the Committee could do was to continue to expose the circumstances surrounding Chambers' charges. In other words you could feed out to the public more and more things that corroborated Chambers as against Hiss; but what could have been the objective beyond that point? A Well, we felt that the objective beyond that point was, if we could

corroborate the Chambers story, or the Hiss story - - as I might say, as far as I was concerned I looked at it completely objectively, I think, at the beginning - - and if we could corroborate one story or the other, then our objective was to see that one individual or the other was cited for perjury before a Congressional Committee; because in this field of investigating Communism, as we all know, you have enough difficulty with the Communists, who, of course, are - - who, of course, lie with complete impunity, as far as their own consciences are concerned, and we felt that because this case had loomed so large in the public mind at that point, we should push it so that the Department of Justice would take either Chambers or Hiss and put them on trial for perjury.

Q If you had been faced with a choice of Hiss being indicted by the Grand Jury for perjury, or indicted by the Congressional Committee, which would have been preferable? A Oh, in all cases I think, if an individual has committed what we consider to be an act against the public welfare, I think it is preferable, where a technical crime has been committed, that he be tried in the Courts for it, because a Congressional Committee is at best an inadequate forum for that purpose.

Q If a Congressional Committee charges perjury, whatever the technical term is, doesn't it have to refer the case to the Department of Justice for prosecution?

A Exactly.

Q So that it would seem logical that the shortest line is always the best to take. In other words, that a Grand Jury would be the best to indict, since eventually it would have to do it in any event - isn't that so?

A Yes, that is so. And I might say that our Committee, at the conclusion of its hearings on August 25th, referred the entire case to the Department of Justice, and we learned from our contacts in the Department of Justice that they had no interest in -- or didn't feel it could be established which one had committed perjury, although it was quite obvious at that time that the weight of the evidence certainly was in Chambers' favor, rather than Hiss'. So that it was quite apparent to us that the Department of Justice would not press a perjury charge against Hiss, and for that reason I personally felt that the Committee should stay in the case.

But generally, theoretically, I will agree with you, that it should be referred to the Grand Jury or to the Department of Justice, to carry out its duties; but I still feel that the Committee has a very important function, of seeing to it that the Department of Justice, which is the administrative agency of the Government, does carry out their duty.

Q Yes, I think you will find that implicit in my letter to Representative Wood; but at the same time you

are aware that the case was looked into by the previous Grand Jury last October? A Yes, and very perfunctorily because I talked to Mr. Chambers about his appearance before the Grand Jury, and before he went into the witness room he was told to just spend a few minutes on the case, that the Grand Jury felt that they had to hear him to an extent because of the public interest in the case, and consequently -- he wasn't told that by the Grand Jury; you understand, but before he went in he was told that by the Department of Justice, apparently. There may have been good reasons for it; I think the Department of Justice at that time was, frankly, convinced, or at least felt, that Chambers was not a reliable witness, and they also did not have a particular interest in pushing a charge against Hiss. They didn't feel that it particularly related to the espionage case which was before the Grand Jury at all, because up to that time Chambers had not testified concerning the espionage phase of the case.

Q Well, in the first place, in regard to espionage, it wasn't in the picture; and in the second place if it had been in the picture, there would have been the same complications we are facing today, in regard to the statute of limitations? A That's correct.

Q To your knowledge, was there any submission of a perjury charge to the Grand Jury? A No. I

wouldn't know, but I know that no perjury charge was pressed by the Department of Justice against either man.

Q Now, let us examine that for a moment. You have again the same matter to get hold of, in regard to a perjury charge. Here two men were contradicting each other in their stories. You will have to prove, as will have to be proved in the coming Hise trial, the truth of Chambers' allegations. That couldn't be done without any evidence. You have two men whose words are stacked up against each other.

Of course, what did happen in that picture - and that is what I had in mind when I referred to the Chambers circumstances - when Hise sued Chambers, then he forced Chambers to produce the evidence, which no one knew, save Chambers himself, existed up to that particular point.

Now, there was the evidence - - and did the House Committee at any time after the presentation of that evidence move to fix a perjury charge on Hise? A No. After the presentation of that evidence to the - - well, in the deposition case, then that was, of course, in a private case.

The chain of events, as you will recall - and if you will just bear with me a moment - the chain of events, as you will recall, and I think I remember these

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dates fairly well, but will be subject to correction on it, was this:

On November 17th, Mr. Chambers, in his deposition, threw in the evidence for the first time, of the papers - the sixty typewritten documents, and not the micro-films. On that day, or the day after - I don't recall which, for sure, but very shortly thereafter - within a day or twenty-four or forty-eight hours - Mr. Campbell, of the Department of Justice, was called over to Baltimore by the two counsel in the case, Mr. Hiss' two counsel and Mr. Chambers' counsel, and the Judge; and this evidence was turned over to him, and all parties in the case were told to say nothing about it, because it involved the national interest.

Now, at that point, normally you would say that the case - - normally, I would say that the case would be out of the hands of a Congressional Committee, because the administrative agency of the Government, the proper agency - the Department of Justice - had the evidence, which certainly would have a great bearing on the matter of perjury.

I might say that at that time, so that you will get the position of the Committee clearly, I didn't know - and I was the only one that would have known it, because I was in California at the time I didn't know that Mr. Chambers had submitted this new evidence, and

I didn't learn it actually until December 3rd, but I didn't have any inkling of it until December 1st, two weeks later.

Nothing was said outside of the Department of Justice by the three individuals, or the four individuals, that knew it - Hiss, Chambers, and the counsel for the two - in that period of time; so that normally you would assume that the natural, normal administrative agencies of the Government were proceeding to establish whether or not Hiss or Chambers was lying on that point, because this was very important, documentary evidence which should have a bearing.

Now, in the light of all that, on December 1st a news story appeared in all of the Washington newspapers, and I imagine in the New York newspapers, a copy of which I have in my hand here.

Q We know about that story? A You do?

Q Yes. A Well, I won't read the story to you, but the story said that the Department officials - I don't know whether you are referring to the same one or not, but the Justice Department is about to drop its investigation of the celebrated Hiss-Chambers case. The Department of Justice still had it under discussion, but officials said privately that unless additional evidence is forthcoming they are inclined to forget the whole thing."

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Now, when I saw that statement in the paper, which was issued apparently out of the Department of Justice, carried by the United Press, which is generally very accurate - uncannily so - on Department of Justice happenings, I might say, two weeks after they had had in their possession these sixty documents - - when I saw this story in the paper - - Mr. Stripling has already testified, I understand, and has probably covered this, and I won't go into it in detail - - but when I saw the story in the paper I thought that the thing to do was to check with Chambers, particularly since that very next day an investigator for Chambers had been down to see Mr. Stripling, to obtain evidence for the libel suit, and had expressed considerable surprise over the story, and had suggested that there might be new evidence.

It was then that Mr. Stripling and I went to Westminster, Maryland. From that conversation, although Chambers did not indicate what he had - and if he had I certainly wouldn't have found myself on a boat to Panama the next morning - I gathered the impression that there was new evidence, and also the possibility that there might be other evidence as well.

That is what led to the subpoena duces tecum, which brought forth the micro-film, and that was where

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we stood at that point.

Now, why, then, didn't the Committee just get out of the case? Well, the Department of Justice, of course, can explain this story. They can say that the person who issued it didn't have authority to do it, or follow the usual line of saying that the U. P. man made it up; but if you know Washington as well as we do, wire service people don't make up stories like this, and we knew, too, that this man was a reliable man, who up to that time had been extremely accurate on all Department of Justice happenings.

So that, when I was confronted with those facts on December 3rd, I felt it was essential that the Committee at least stay in the case until the Department of Justice indicated that they were going to proceed with it.

Now, after that period, on Wednesday of the following week, after this occurred, we had a conference with Mr. Campbell and Mr. Fay, of the Department of Justice, and at that conference we went into this matter and said, "Well, are we going to press this thing to a conclusion?" and I may have gotten the wrong impression, but from the conversation that we had at that time I got the impression that it was -- Mr. Campbell was sure of indicting Mr. Chambers for technical perjury.

He indicated that there was a possibility that

Mr. Hiss would be indicted, but he was sure that Mr. Chambers would be indicted, and so stated.

Well, from a technical perjury standpoint, Chambers was probably guilty, and that I recognized; but I knew that if Chambers were indicted before not only Hiss but all of the other people who were involved in this thing, were brought to trial, that would be a white-wash for the balance of the people, because you can't indict your main witnesses for perjury and expect the other case to stand up.

Now, there is another side to it, of course. I think the Department of Justice will take the position that they were investigating it all the time, that this story was unauthorized, that they intended to push for an indictment against Mr. Hiss all the time, and that the Committee did not need to get into the case.

I only stated my side, because of the great public furor over it, and I believe, from everything I have been able to see, that the Department, since the indictment of Hiss, has been doing a good job in this current case, in pushing it. As you will note, I haven't been publicly critical of any of the postponements of the Hiss case, and the reason I haven't is because I feel that the Department now recognizes the danger, and they recognize that they have to push this

case to a conclusion, and I think they are going to do it.

Q Mr. Nixon, wouldn't you back-date that a little bit? After all, the Department was showing interest because its actions led to the indictment. The previous Grand Jury sat for a considerable amount of time before it rendered its indictment on the last day of its existence. A Well, that is what I said: From the time of the indictment.

Q You mean from the time of the presentation of the evidence? A Well, the evidence was presented, which led to the indictment, in the week preceding the indictment; and I say that during that period they were certainly presenting evidence that was effective; that's right.

Q Well, isn't it true that the previous Grand Jury couldn't indict until Hiss had actually committed perjury before it, or what they considered to be perjury? A Oh, that's correct; but the point was that the Department of Justice certainly had a responsibility, previous to the time that the espionage papers came out, to continue its investigation of the whole Hiss-Chambers matter, to see which of those men had committed perjury before the Congressional Committee.

I contend myself that Hiss is guilty of perjury

before the Congressional Committee, in the matter of the sale of the automobile, and Mr. Fay contends that that is not material; and that is a technical point where the lawyers might disagree. I say that it is material because it bears upon whether or not Hiss was a Communist, and that was a point at issue; but the Department of Justice didn't see eye to eye with us on that, and they weren't pressing that,

You have the function of the Grand Jury to indict for perjury committed before it, as you suggest, but the Grand Jury could also indict for perjury committed before a Congressional Committee - probably not this Grand Jury, but the Grand Jury down in Washington could do that.

Q But you mustn't forget that the Grand Jury itself has an investigating function, and we might add that that is one of the reasons why you are here. In other words, it can institute its own investigations.

A Oh, I know that. Let me say this: In my opinion, the Department of Justice was lax from the period of the 17th of November to December 1st, in investigating its case. I think it is quite significant that from the 17th of November until December 1st no representative of the Government approached Mr. Chambers - not one.

Q I think we can come back to that a little bit later - - A Let me add this: that no representative

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of the Government approached Mr. Chambers or showed any interest in the papers or his story until after the Committee on Un-American Activities presented information that it had.

It may be, again, that those two facts are not related, but I can only present the facts as they appear to me, and I think if I had been in the Department of Justice, or any other person would have been, the first thing I would have done would be to have had the Bureau agents over there talking to Chambers, and that is where the initiative should have come.

Q Mr. Nixon, you stated something earlier about public opinion. Don't you find that public opinion today, in regard to Hiss, is still very much divided -- in other words, don't you find that a great many people today still believe that Hiss is innocent? A Oh, certainly; and I think that is their privilege.

Q Don't you also think that there is a great deal of puzzlement on the part of the public at the fact that Hiss was only indicted for perjury, and not for anything else? A Yes, there is. I have difficulty in explaining that to people, but it is just the law. I might say this, to add this to your statement: It is true that there is a great deal of division in the country, as to whether Hiss is guilty, and, as I say, that will have to be determined by the Courts; but, by the same token --

by the same token, let me say that I don't think you should lose sight of the fact that this is simply not a case between Hiss and Chambers; that you still have this pile of documents; that you still have the individuals who brought them out of the State Department and the other agencies of the Government; and that if Hiss is found not guilty, then it is the responsibility of the Department to find out who did do it. And maybe the Grand Jury, as well.

A JUROR: Mr. Chairman, at this point I would like to ask Congressman Nixon whether he or his Committee have any evidence whatsoever of a continuing conspiracy, whereby we could bring the evidence we have been discussing within the statute of limitations -- Have you any evidence of a continuing conspiracy that you can bring before us, that will enable us to act on that?

THE WITNESS: I have no such evidence, and I can assure you that if I had I would present it to the Federal Bureau of Investigation at the first instance of obtaining it.

Q Mr. Nixon, let us go on a little bit more. This is something that concerns the immediate Grand Jury. I don't know what the mind of the previous Grand Jury was - that wouldn't be reflected in the record - but I

do know that if I had been a member of that Grand Jury last December, let us say, or even earlier, I would have been very much disconcerted at the idea that the Grand Jury itself was lax in its duties.

In other words, the Grand Jury, if the Department of Justice is tarred with any stick of being indifferent to prosecution, suffers at the same time, because it can act independently. In other words, it can really act in two ways: It can sit back and let the Department of Justice present to it what it chooses - possibly even keep it in the dark; but if it is a body that is prepared to do a thorough job, that simply will not exist. Now, so much for the past Grand Jury.

This present Grand Jury had the Coplon case, and to be quite frank, we were very much disconcerted when you came out with a statement to the effect that the House Committee had information about Judith Coplon being a suspect several years ago; and that had not been presented to the Department of Justice, and nothing had been done about it.

I would like you to explain to the Grand Jury that particular item. A Certainly. In fact, I can put this in the record, but suppose I read it, so that the jury can get - -

Q What is the nature of it, Mr. Nixon? A The

report in the Committee's file, upon which I base my statement.

Q All right. A The day that the Coplon announcement - before the Grand Jury got into it - the day that the announcement was made that Miss Coplon had been arrested, I called Mr. Russell, who was the Chief Investigator for the Committee, and asked him what our files showed on Miss Coplon, if anything. That is a usual procedure that we follow, because we have pretty voluminous files.

Mr. Russell searched the files, and came up to my office and gave me a report, and he at that time made an oral statement to me concerning his investigation of the Coplon case on that occasion. The oral statement I will summarize briefly, in a few words here, and then I will submit the report from the Committee's files, or I will paraphrase it so that you will get the gist of it for your information.

During the latter part of August, 1946, a Professor Manchur - Steve Manchur - who is presently employed by Wayne University, Detroit, appeared in the Committee offices, and furnished information to the effect that he had been employed in the Foreign Agents Registration Section of the U. S. Department of Justice, and had recently been let out as a result of a reduction in staff.

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"He said that the section had retained four political analysts, who are identified in the attached report." This is Mr. Russell's statement to me, that he made on this occasion, and I made a memorandum of it at the time.

"Manchur said that in his opinion these four individuals were Jewish Communists. Because this statement indicated that Manchur might be anti-Semitic, it was not included in the report covering the interview with him."

In other words, Russell told me on this Saturday -- and it was on a Saturday afternoon -- that this is what this man Manchur had told him; but the report itself, as you will note when I read it, does not mention either the name of the informant, Manchur, and it does not use the term "Jewish Communists," because I want to point out that in spite of the fact that some of our individual members of the Committee had been from time to time accused of being anti-Semitic, with probably good cause, one thing we are very careful about is to keep any type of that information out of the Committee files and out of the Committee hearings.

Subsequent to Mr. Manchur's conversation with Mr. Russell, Mr. Russell said he took a letter to the Attorney General's office, which had been sent by the Chairman of the Committee, requesting permission to examine certain

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files relating to individuals and organizations mentioned in the allegations mentioned by Professor Manchur. He said he took this letter to Mr. Caudle, who was then Assistant Attorney General, and he was referred to Mr. Nathan Elliff, who was then in charge of the Foreign Agents Registration Section, in which Miss Goplon was employed.

Elliff had been reported to the Committee, Russell said - and I might say this was a few weeks after the President had developed his own alphabetical designation - Elliff had been reported to the Committee as being the author of a statement to the effect that the Committee were a bunch of S.O.B.'s; and Russell said that since Elliff was mentioned in the allegation by Manchur as having been one of the persons responsible for the failure by the Department of Justice to require these persons and individuals to register under the Foreign Agents Registration Act, he didn't feel he could get very far with him.

Of course, the first step in any investigation is to attempt to verify the allegations made, and that is why the request was made to examine the files of the Foreign Agents Registration Section, to see whether there was anything to the charge that they were not pushing registration of Communist organizations, and that therefore that could be attributed to the fact that the people

in the group were Communists.

Russell said since Elliff had indicated that he had no regard for the Committee - and I would say that the indication was quite apparent, - it was obvious that he would not cooperate with the Committee. Nevertheless, he did talk to him, and Elliff told Russell that he would discuss the request of the Chairman, to examine the files of the Foreign Agents Registration Section, with the Attorney General, upon his return from Europe.

MR. DONEGAN: Mr. Foreman, we are going to change stenographers now, and it is necessary to use some of the previous testimony in this Grand Jury room. I don't want to break up the Grand Jury proceedings, but I would like to have the stenographer who has taken some of the previous testimony read some of the testimony again, and if it is satisfactory to the Grand Jury, because it is quite important.

(CONTINUED BY LB)

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THE FOREMAN: Do you want to keep the reporter here

MR. DONEGAN: Yes. Could I interrupt and go on the matter now?

THE FOREMAN: Yes. Why don't you do that?

MR. DONEGAN: (To Reporter Gold) Will you go back in your notes and read to the grand jury the statement of the witness to the effect that on the previous occasion when Chambers appeared before the grand jury he was talked to outside of the grand jury room -- can you find that in your grand jury notes?

REPORTER GOLD: I think so. I think I know what you refer to. "I talked to Mr. Chambers" -- it is part of an answer, I will give you the Foreman's question first -- "I think you will find that implicit in my letter to Representative Wood, but at the same time you are aware that the case was looked into by the previous grand jury last October?" Answer by Congressman Nixon: "Yes, and very perfunctorily, because I talked to Mr. Chambers about his appearance before the grand jury, and before he went into the witness room he was told to just spend a few minutes on the case, that the grand jury felt that they had to hear him to an extent because of the public interest in the case and consequently -- he wasn't told that by the grand jury, you understand, but before he went in he was told that by the Department of Justice, apparently. There may have been good reasons for it; I think the Department of Justice at

that time was, frankly, convinced, or at least felt, that Chambers was not a reliable witness."

MR. DONEGAN: May I ask the witness some questions? Congressman Nixon, did Mr. Chambers tell you who talked to him outside of the grand jury on that occasion?

THE WITNESS: No. The statement that I make is based upon a conversation with Mr. Chambers in which I asked Mr. Chambers if he had appeared before the grand jury -- that was after December 1st, the developments after December 1st -- are you through with her?

MR. DONEGAN: No.

THE WITNESS: Mr. Chambers said yes, that he had. And I said, "Well, did you go into the whole case?" And he said no, that he got the impression from the Justice people that the grand jury felt they had to have this, to hear Mr. Chambers on this case, but that it wasn't necessary for him to go into all the ramifications which he had previously described to the Committee. As far as any name was concerned I don't recall any name, if he did tell me.

MR. DONEGAN: I will clarify that point. I'd like to ask you another question with reference to what you related as Mr. Chambers having said, that he was just to be in the room for a short while. If my recollection is correct, I think you said a few minutes or so?

THE WITNESS: I think -- that I don't know. It may have been a short while or a few minutes, I won't quibble over the time.

MR. DONEGAN: Will the stenographer read that part?

REPORTER GOLD: "Before he went into the witness room he was told to just spend a few minutes on the case."

MR. DONEGAN: Let me ask you a question --

THE WITNESS: Let me complete the answer. Mr. Donegan has a habit of interrupting me -- if you don't mind

MR. DONEGAN: I am sorry. You are a lawyer and you will understand that.

THE WITNESS: If you want your way, it is all right.

MR. DONEGAN: Did he tell you that he had appeared before the grand jury on two days?

THE WITNESS: Yes. Mr. Chambers said that when he did -- when he finally did go up, that he proceeded -- the grand jury showed considerable interest in some of the testimony that he had given, and that he did go into the matter at considerable length on a voluntary basis.

MR. DONEGAN: Did he tell you that he was asked questions by me while he was in the grand jury room?

THE WITNESS: I don't recall whether I went into that phase of it or not. I did not ask Mr. Chambers, for obvious reasons, what he was asked and what he said concerning the case. I was only interested in whether or not the grand jury was -- whether or not the Department of Justice was pressing the perjury phase of the case at that time.

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MR. DONEGAN: Congressman Nixon, this is what I want to point out, that what you have related would possibly constitute an interference with the grand jury and, possibly an effort to influence the testimony of a witness appearing before the grand jury.

THE WITNESS: Let me say, on that point, Mr. Chambers did not indicate that he was told to testify -- to testify to certain facts or not to testify to certain facts when he went in. The implication that -- of his conversation with me -- was that the Department officials were just giving him an idea of what the grand jury was interested in.

MR. DONEGAN: Maybe I am terribly dense, but with reference to your statement that he is only to appear there for a few minutes, the implication to me as a layman, let alone as a lawyer, would be that you are not to testify to any extended degree before the grand jury.

THE WITNESS: Well, you're putting the implication on that the Department of Justice had ordered him to testify for a few minutes. That wasn't the indication. My understanding -- Mr. Chambers' own statement, when he made it to me, was that he gathered the impression that he was going to be questioned only for a short period of time.

THE FOREMAN: Mr. Nixon, don't you know enough about grand jury proceedings to realize that the district attorney could not possibly limit the amount of time that a witness could appear before us?

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THE WITNESS: I certainly do. I certainly do. I did not want to indicate that the grand jury was limiting itself in this investigation. My only statement as you will note, the statement that I made, was in relationship of the interest of the Department of Justice in pushing the perjury prosecution of Hiss -- strike that -- in determining whether or not Hiss had lied previously to the time the espionage papers came out, and my impression from the statement that Mr. Chambers made to me was that the Department of Justice was not pushing that to the full limit. I could be wrong. What happened -- whether the grand jury wished to push it, I don't know.

MR. DONEGAN: Mr. Foreman, I'd like to ask a few more questions. This is a very important matter. A charge has been made by Mr. Nixon, by implication, and the record speaks for itself, to the effect that Chambers was talked to outside of the previous grand jury room by a representative of the Department of Justice and told that his testimony would only take a few minutes, and I will have to leave it to the grand jury to judge, they have heard Mr. Nixon's testimony twice, whether it raises a question that there was an effort to suppress Chambers' testimony before the previous grand jury. Now I have called to this witness attention the fact that Chambers appeared on two days and testified, and the witness has pointed out that when he got into the grand jury room the grand jury was interested in

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hearing his testimony, the implication being that the Government representative couldn't do anything about it. So then I asked the question as to whether the Government representative questioned Chambers while he was in the grand jury, and I think it is perfectly obvious, if the record would reflect, that the Government representative was questioning Chambers for a period of two days, the allegation that Chambers was able to talk for that period of time was solely because of the fact that the grand jury wanted to hear him. I think that takes care of that. Now, the Congressman has just stated it was only -- referring to the fact that the perjury matter wasn't being pursued before the grand jury -- I am going to ask the Congressman a technical question; he has stated he is a lawyer, and I think he will realize the significance of the question: With reference to the perjury that might have been committed before the Congressional Committee, would jurisdiction lie in the Southern District of New York?

THE WITNESS: Mr. Donegan, your memory is apparently quite short. As you will recall, you will recall two things I said a moment ago, and I am probably not as good a lawyer as you, but I know these fundamental things: that of course a perjury indictment before the Congressional Committee would lie in Washington, but also, as you will recall, I did not say that -- I was not indicating that the Department of Justice was -- I mean, I was not indicating