

HISS, ALGER, 1904 -

VIEWPOINTS

The Alger Hiss Case, the Archives, and Allen Weinstein

by Jon Wiener

MD. N. E.
ENDCH PRATIS
FREE LIBRARY

Editor's Note: The following "Viewpoints" piece was originally scheduled to appear in Perspectives last year as part of the "Archives and Research" column, but because of the nature of the charges made in it, publication was delayed pending Professional Division review. With the concurrence of the Council, the Division agreed to publication on the condition that Mr. Weinstein first be given opportunity to respond to Mr. Wiener's charges, following the procedures established under the AHA's Statement on Standards of Professional Conduct. The manuscript was then conveyed to Mr. Weinstein, who chose not to respond. Although concurring with the Division's decision in this instance, the Council reminds readers that publication in Perspectives should not be viewed as an alternative to the formal review process overseen by the Professional Division.

Allen Weinstein has persuaded the Bulgarian government to open its files to historians, but he refuses to open his own. Weinstein's book *Perjury*, published in 1978, presented new evidence that Alger Hiss, the prominent New Deal figure accused of espionage in 1947 by former Communist Whittaker Chambers, was guilty as charged; most reviewers said Weinstein's new evidence had laid the case to rest. Weinstein's research was challenged, however, by Victor Navasky, editor of *The Nation*, who contacted six of Weinstein's key sources and found that each of them said he or she had been misquoted or otherwise misrepresented in the book.

Weinstein replied that his interviewees were recanting after seeing conclusions with which they disagreed, and that he had tape recordings of his interviews to prove he had quoted them correctly. He invited Navasky to hear the tapes; Navasky accepted. But when Navasky arrived at Weinstein's home at the agreed-upon time, Weinstein refused to let him hear the tapes. Weinstein then stated in *The New Republic*, "All my files and tapes will be available to Victor Navasky and everyone else at the Truman Library later this year. I have been inundated with requests from scholars and others for access to these materials, and have decided this is the best way to provide it without totally disrupting my life and other work."

Today, more than ten years later, Weinstein has never deposited the tapes, or any other disputed documents, at the Truman library, or any other archive. Weinstein's refusal to make the disputed materials available to other scholars today in my opinion violates the AHA "Statement on Standards of Professional Conduct"

adopted in 1987: historians should "make available to others their sources, evidence, and data, including the documentation they develop through interviews." The AHA statement requires "free, open, equal, and nondiscriminatory access" to sources. Weinstein in my opinion also is not complying with the 1989 AHA "Statement on Interviewing for Historical Documentation," developed jointly with the Oral History Association, the Organization of American Historians, and the Society of American Archivists; it declares that "interviewers should arrange to deposit their interviews in an archival repository that is capable of...making them available for general research."

The Hiss case constitutes a pivotal event in the history of the Cold War and the rise of McCarthyism. Hiss's conviction for perjury (the statute of limitations had run out on espionage) transformed public opinion, convincing Americans that domestic communism posed a real danger to the country; the case helped convince Americans of the validity of Republican charges that the Democrats were soft on communism. The obscure congressman who pushed the case became a senator, then vice-president and eventually president; HUAC gained credibility and power and spent the next two decades hunting Reds; a month after Hiss's conviction, Senator Joseph McCarthy made his famous speech in Wheeling, West Virginia, launching himself into the center of American politics and giving the new, virulent anti-communist politics its name.

During the initial HUAC investigations, Chambers charged Hiss with Communist party membership but denied for four months that they had engaged in espionage. He accused Hiss of espionage only after Hiss sued him for libel. At the time Hiss had impeccable liberal credentials: he was president of the Carnegie Foundation and had been a high New Deal State Department official, serving on FDR's staff at the Yalta conference. Initially the FBI, the Justice Department, and the House Un-American Activities Committee believed Hiss's denials. Only one member of HUAC, an obscure first-term congressman from southern California named Richard Nixon, believed Chambers. In a historic media event, Chambers led HUAC investigators in 1948 to a pumpkin patch in Westminster, Maryland, opened a hollowed-out pumpkin, and

pulled out microfilm he said included copies of secret State Department documents Hiss had given him in 1938, a decade earlier, when Hiss was a State Department official, to transmit to the Soviets. (Chambers's pumpkin patch was declared a National Historical Monument by the Reagan administration, and a reproduction of the pumpkin is displayed in the new Nixon Library in Yorba Linda, California.)

Weinstein's new evidence was vital to the Hiss-Chambers case because at the time of Hiss's two trials, in 1950, the government prosecutors had little corroborating evidence to support Chambers's accusations; the evidence against Hiss was Chambers's testimony, and the jury had to decide which man was telling the truth. The first trial resulted in a hung jury; the second jury believed Chambers. During the four-month interval between the trials, the Soviets detonated their first atom bomb, and the Communists won power in China, intensifying Cold War hysteria in the U.S. over Communist espionage. The fact that Hiss was convicted in this overheated atmosphere created a cloud of doubt about the verdict that did not dissipate during the next three decades.

Weinstein's new evidence was significant because it seemed to resolve those doubts. Although he produced no new interviewees that directly implicated Hiss, he did present interviews corroborating Chambers's statements on other matters; these made the book historically significant. *Time* magazine published an excerpt from the book, and *The New York Review* and *The New Republic* published Weinstein's statements defending his work, along with strongly positive reviews of the book, when it appeared. George Will wrote in *Newsweek* that the book was a "historic event...stunningly meticulous and a monument to the intellectual ideal of truth stalked to its hiding place." Alfred Kazin wrote in *Esquire*, "After this book, it is impossible to imagine anything new in this case except an admission by Alger Hiss that he has been lying for thirty years."

Navasky's method was simple, although no other reviewer undertook it: he located six key interviewees, mailed them copies of the pages in the book that referred to them, and asked whether they had been quoted correctly and in context. All six replied that they had been misquoted, misrepresented, or misconstrued—an extraordinary result. Ella Winter was one of Weinstein's key

HISS, ALGER, 1904-

new sources; she had been Lincoln Steffens's wife during the 1930s. Weinstein quoted her as saying Chambers had "previously tried—and failed—to recruit her for the underground," and that she "corroborated Chambers's role as an underground courier." But Winter told Navasky that "Chambers never tried to recruit me for underground work or even for the CP" and that "I never had any idea that 'Chambers' was an underground courier."

Maxim Lieber, another key source of Weinstein's, was described in the book as Chambers's "sometime associate in the underground," who "identified Peters as 'the head of the whole Communist espionage apparatus in this country.'" According to Weinstein, Lieber said "some things are romanticized in [Whittaker Chambers's book] *Witness*, but most of it—as I know of the incidents—is true." But Lieber told Navasky that Weinstein "made all these things up of whole cloth...I could not have identified Peters as head of the underground because I knew nothing about the underground...I never read *Witness*."

Paul Willert, American head of Oxford University Press, according to Weinstein was "himself engaged in 'secret work' for the underground German Communist Party earlier in the 1930s...and he maintained close connections with the American Communist Party in 1938." According to Weinstein, he "confirmed the essential elements in Chambers's account of their relationship." But Willert told Navasky, "Weinstein's book and Weinstein's references are inaccurate, untrue, or half truths." He denied being a member of the Communist party.

Sam Krieger was another of Weinstein's key sources; he recruited Chambers into the Communist party. Weinstein described Krieger as a sinister and notorious figure, "an important Communist organizer during the Gastonia textile strike of 1929" who "fled to the Soviet Union...after being jailed by local authorities," and then returned to recruit Chambers. Krieger said these were falsehoods; he had been a lowly Party person working as circulation manager of the *Yonkers Statesman*; Weinstein had confused him with another man who used the same party alias. Alden Whitman and Karel Kaplan also told Navasky they had been misquoted or misrepresented. Navasky concluded that "*Perjury* settles nothing about the Hiss case.... Whatever new data Weinstein may have gathered are fatally tainted by his unprofessionalism."

The disputed quotes did not by themselves prove or disprove the guilt of Alger Hiss. Garry Wills, who wrote a strongly positive review of the book for the *New York Review*, today says, "I was not convinced of Hiss' guilt by the quotes from Weinstein's interviews; I was convinced by other things, including my own talk with people who knew Hiss and my talk with Hiss himself." Weinstein's disputed interviews all concerned the issue of Chambers's credibility—the central issue in the case. All the new sources were mar-

shalled by Weinstein to show that Chambers was a truthful man. Weinstein himself claimed that "the most important kind of verification" for his thesis was this new "corroboration" for Chambers's story. But if the new sources were misquoted or misrepresented, the book's thesis would be damaged, and the claim that it definitively resolved the case would be undermined. Moreover, any author who misquoted or misconstrued six out of six sources would find his research and conclusions judged inadequate and unconvincing, if not fraudulent.

Weinstein understood the seriousness of the evidence marshalled against him. He wrote in *The New Republic* that Navasky had made "grave accusations against a scholar," but declared that "I have cited all six accurately. Three of the six interviewees who recanted their stories—Maxim Lieber, Karel Kaplan, and Sam Krieger—are on tape. . . In all six cases—these three plus Paul Willert, Ella Winter, and Alden Whitman—I have not only the notes of my interviews but also letters from them, defense file memos, FBI records, and other interviews that corroborate their statements." Lieber's statements to Navasky were "outright falsehoods, discredited by a mass of material, including his own words in a tape-recorded interview and by letters he wrote to me in 1976. Lieber told me—I have it on tape—that he had worked on occasional underground assignments when ordered by J. Peters to engage in these." Weinstein also wrote, "In my inter-

ED M. E.
ENOCH PRATT

view with Ella Winter in 1975, she described in detail Chambers's efforts to recruit her."

Navasky should have contacted him before publishing his critique, Weinstein wrote. Navasky replied that he rejected the argument that "because I bothered to check out his sources, I was somehow obliged—unlike other reviewers—to get in touch with him...if the book's sources can't survive a minimal fact-checking then no amount of *ex parte* communications from the author can save it." Weinstein repeated the invitation in the *Washington Post*, which reported that he "invites Navasky, Hiss, or anybody else to examine his thousands of documents, his tapes and notes, his original 1,600 page manuscript."

Navasky took up the invitation, and reported that Weinstein "invited us to inspect his files..." To prevent a "fishing expedition" in my 50,000 page archive' he asked me to specify in advance the list of items I wished to see...we limited our request to twenty items." At the agreed-upon time, Navasky and two associates arrived at Weinstein's door. "We were met by Mrs. Weinstein who told us that her husband had changed his mind and that we would not be allowed to inspect the files." In response, Weinstein declared in *The New Republic* that "all my files and tapes will be available to Victor Navasky and everyone else at the Truman Library later this year"—in 1978.

Viewpoints continued on page 12

AEGEAN PARK PRESS

THE MARXIST EMPIRE

James F. Nihon, Ed.D. ix + 313 pp.
Library Bound \$35.80 Soft Cover \$28.80

Considered by many scholars as the definitive work on the history of Communism. Contains graphs, maps, drawings, plus an exhaustive bibliography. Each chapter contains a full list of Sources and Recommended Reading.

EVOLUTION AND ORGANIZATION OF INTELLIGENCE ACTIVITIES IN THE UNITED STATES.

Harold C. Relyea iii + 318 pp.
Library bound \$41.80 Soft cover \$32.80

Originally prepared by Dr. Relyea of the Library of Congress for the 94th Congress Senate Select Committee to study government operations concerning intelligence activities this book, with a complete Index now added to the text, may be the most important book ever published concerning the history of intelligence activities in the U.S.

SECRET CIPHERS OF THE 1876 PRESIDENTIAL ELECTION

D. Beard Glover vi + 149 pp.
Library bound \$31.80 Soft cover \$22.80

Students of American history and politics will be fascinated as secret ciphers—400 cipher messages and their keys—reveal shrewd intrigue and scheming to a degree which today would not be thought possible.

THE AMERICAN BLACK CHAMBER

Herbert O. Yardley xvi + 349 pp.
Library bound \$33.80 Soft cover \$24.80

When published in 1931 this book became an instant best-seller. Erle Stanley Gardner called the book "one of the most interesting books I have ever read." Text describes how the codes and ciphers of both non-friendly and friendly governments were "broken" and read. For historians whose interest is spies, intelligence, cryptology, and intrigue, this book is "must" reading.

List of other books published by Aegean Park Press available upon request. Members of the AHA may take a 20% discount from the above prices. Add \$2.00 per book postage and handling. California residents add 7 3/4% sales tax. VISA/ MASTERCARD orders accepted. Provide card number and expiration date. Call toll-free (800) 736-3587.

AEGEAN PARK PRESS, RO. BOX 2837, LAGUNA HILLS, CA 92654

HISS, ALGER, 1904-

ED. E.
ENOCH PRATT
FREE LIBRARY

Viewpoints continued from page 11

In the meantime, Sam Krieger sued Weinstein, his publisher Alfred A. Knopf, and *The New Republic* for libel. Weinstein had written in the magazine about Krieger, "He too is on tape, and his words are also quoted verbatim." During discovery proceedings, Weinstein failed to produce the tape of his interview with Krieger. The magazine published a retraction, in which Weinstein declared that his "statements about Sam Krieger were erroneous." Weinstein, Knopf, and the magazine paid a "substantial five figure-sum" to Krieger, *New York* magazine reported, in settlement of the libel case.

The controversy reached the pages of the *New York Times*, which published half a dozen articles about Weinstein's book and Navasky's critique; it was covered also by *Newsweek*, the *Washington Post* and the "Today" show. Navasky's critique led at least one of the reviewers of the book to change his positive evaluation of it: Christopher Lehmann-Haupt wrote in the *New York Times*, "Instead of finally settling an ideological battle that has been fought intermittently for thirty years now *Perjury* appears to be just another incident in the war."

In a telephone interview in August, Weinstein, now president of the Center for Democracy in Washington, D.C., said he did not donate the tapes to the Truman library because "there was an organized campaign that required me to defend myself against litigation that related to those files; on the advice of counsel at the time it made no sense to make those files handy." This advice from counsel is not a vote of confidence in the accuracy of Weinstein's scholarship, and contradicts the AHA Standards of Professional Conduct. "At this distance in time," he continued, "I'm happy to say to that I'm happy to consider any request from any scholar for specific files they would like to look at." But to "consider" requests from other scholars for access is very different from what the AHA Standards of Professional Conduct require: providing "free, open, equal, and nondiscriminatory access" to sources, and depositing the interviews "in an archival repository that is capable of...making them available for general research."

Weinstein gives the impression that scholars who share his interpretation will be given access, while those who disagree with him will not. He denied that this was the case: "Every scholar that has asked me for materials in the last seven or eight years, who has moved fairly far along in their own research, has had access to what they wanted. This includes foreign scholars. I remember a professor from Oslo who wanted to see my Cantwell files. There have been a bunch of Chambers biographers as well." In response to my request he promised to "dig up the names of people who have had access to my papers," but he never sent any names. William Reuben, a longtime Hiss defender who has been working

for many years on a biography of Chambers, has requested access to the disputed files, but Weinstein has refused: "I asked him at the OAH convention in Reno in 1988," Reuben reports. "He said he would get back to me after the weekend; he never did."

In the interview, Weinstein stated that "The process of interviewing for my book was the same for any book for which live subjects are available; I know of few scholars who have donated interview materials. Do you?" Ronald Grele, director of Columbia University's Oral History Archive, comments, "Many people have donated interviews to us; it's a regular practice here. We get them all the time. Other oral history projects do the same thing. We have twenty or thirty collections that were donated. The most recent donations came from Ellen Schrecker, who donated her tapes for *No Ivory Tower*; Eric Barnouw, who donated his tapes for his history of radio; and Linda Fasulo, who donated forty interviews for her book about United Nations diplomats. We've been given over 300 hours done for the new book *Addicts Who Survived*—the authors note in their book that we have their interviews so that other scholars will be able to use them."

Weinstein went on to say, "I'm happy to donate all the material to the Truman Library; the question is under what conditions." The AHA statement clearly states the conditions: "free, open, equal, and nondiscriminatory access." Truman Library archivist Dennis Bilger says Weinstein has not returned their calls for several years: "When we try to contact him at the Center for Democracy in Washington, our experience over the last several years is that he isn't available. You talk to one secretary, you talk to another secretary, but you never get to talk to him. One time he returned a call of mine, but it was early in the morning, before we opened, and he left a message with the guard. That's one of the few times we've had contact with him. Basically we've gotten tired of trying to contact him and haven't tried in over a year."

Weinstein did send some materials to the Truman Archive, but they are not the disputed interview tapes. "We have some papers of Weinstein's here," archivist Dennis Bilger says, "but what we have isn't worth much—primarily Xerox copies of FBI files, stuff that's available to anyone who goes to the FBI in Washington. The copies are very poor quality, difficult to read. A person doing serious research would do better to work at the FBI in Washington. Weinstein also gave us some correspondence of his with the ACLU regarding his suit against the FBI. He promised to give us tape recordings of interviews used in his book *Perjury*, but he never did. We never got any tapes, and we never got any deed of gift for the papers he did give us. We've asked him numerous times to sign a deed of gift for the papers he did give us, but he hasn't done so. In our view we have physical custody of the papers he sent and are providing courtesy storage for

them." When I asked Weinstein why he hadn't signed a deed of gift for the papers, he replied, "Bilger should call and visit the next time he's in Washington."

The conclusion seems inescapable: Weinstein's refusal to make available to other scholars the disputed interviews for his book on the Hiss case violates AHA guidelines. The fact that he repeatedly promised to do so compounds the offense. His current offer to "consider" requests for access does not satisfy the AHA requirements of unrestricted access. The interviews provide vital evidence about a central event in the history of the Cold War, which makes scholarly access to them more important. And the fact that the interviewees have challenged the accuracy of Weinstein's scholarship, and that the tapes can resolve a longstanding controversy about Weinstein's book, makes release of them essential. The materials may confirm Weinstein's claim that his disputed interviews were accurate and in context; as Garry Wills wrote in 1978, "people you interview often want to change their story once they see how you've juxtaposed it with other information." Making the tapes available will resolve that issue. Wills, who believes Hiss was guilty, now says, "Weinstein said he would donate the tapes; clearly he should do it."

Another statement from Weinstein that his tapes "will be available" won't be sufficient; that's what he said more than a decade ago. What is needed is confirmation from the Truman Library that Weinstein has donated the tapes and other disputed materials, and signed the necessary deed of trust, providing "free, open, equal, and nondiscriminatory access" to them as the AHA requires.

Jon Wiener is professor of history at the University of California, Irvine, and since 1987, he has also been a contributing editor for *The Nation*.

New Initiative from AAC

The Association of American Colleges invites participation in a new AAC initiative on Re-forming Arts and Sciences Majors: Strengthening Majors as Communities for Liberal Learning supported by the U.S. Department of Education's Fund for the Improvement of Postsecondary Education.

Two regional conferences will be open to all interested institutions: February 20-23, 1992 (Philadelphia), and March 26-29, 1992 (Chicago). For more information contact Thomas Jeavons, Associate Director of Programs, AAC, 1818 R St., NW, Washington, DC 20009; 202/387-3760.