

# IV

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## THE WARE GROUP AND THE NEW DEAL

### Lee Pressman and the AAA

Alger Hiss had been in Washington for sixteen months by the time Whitaker Chambers settled into an apartment forty miles away on Baltimore's St. Paul Street in August 1934. Hiss had joined the legal staff of Jerome Frank, general counsel to the Agricultural Adjustment Administration, the New Deal's controversial "Triple A." Frank, a successful New York and Chicago corporation lawyer, was also a legal scholar of some accomplishment, and a friend of Felix Frankfurter. Frank had shelved a law practice that brought in more than \$50,000 to take the AAA post paying one sixth that sum.

He determined to bring into the agency as his staff an equally dedicated corps of young attorneys from major law schools and prominent law firms. "What we need," Frank once said, "are brilliant young men with keen legal minds and imagination." The fact that most of the recruits had little or no knowledge of agrarian problems troubled him not at all. Frank believed that his young men of talent could quickly acquire such information on the job. Among those answering Frank's summons were a future Supreme Court justice (Abe Fortas), an eventual presidential candidate (Adlai Stevenson), a future Nuremberg war-crimes prosecutor (Telford Taylor), three members of Harold Ware's underground CP group (John Abt, Lee Pressman, and Nathan Witt)—and Alger Hiss.<sup>1</sup>

Frank's invitation flattered Hiss—Felix Frankfurter had recommended him—but he felt reluctant to leave New York and private practice. He declined Frank's initial offer, only to receive a telegram from Frankfurter early in April urging acceptance because of the "national emergency." According to Hiss, he treated this request from his mentor "as an order [he] couldn't refuse." After informing his superiors at Cotton and Franklin and receiving their good wishes, he resigned and left for Washington.

Some later asserted that Lee Pressman, a man close to the Communist Party even earlier while practicing law in New York, and a charter member of the Ware Group, had influenced Hiss's decision, but Hiss always denied that Pressman played any role in the matter: "I had not seen him [at the time] . . . the fact that Jerome and Pressman had worked together as lawyers

was something I didn't know about. . . . My call came directly from Jerome."<sup>2</sup>

Pressman in fact did play a role. Frank later recalled that either Frankfurter or Thomas Corcoran, Frankfurter's former student and a New Deal presidential aide, had initially recommended Hiss for an AAA post. But on April 10 Frank wrote to Pressman in New York confirming his previous invitation to join the AAA and adding: "You might be thinking of some other chaps to come down here. What would you think of Hiss? . . . Also what about Witt?" Hiss may indeed have had an earlier call from Frank—and even have received the telegram from Frankfurter that he remembered—but he also discussed accepting the AAA post with Pressman. "I have talked to Alger Hiss and Nat Witt who are considering the matter," Pressman wrote Frank on April 12, two days after receiving the latter's inquiry. Pressman and Frank were then close friends, and their exchange of letters in April 1933 indicates that Hiss's old law-school classmate did participate in Hiss's decision.<sup>3</sup>

Yet when Pressman testified before HUAC in August 1950 about his membership in the underground Ware Group and his relationship with Hiss, he either had forgotten his 1933 conversation with Hiss in New York or he chose to distort it. Hiss's conviction for perjury was then awaiting appeal, and Pressman apparently intended to use his testimony to aid that appeal, since he denied that Hiss was a member of the Ware Group "for the period of my participation." Pressman named only a trio of recruits to the group other than himself, all colleagues in the AAA, John Abt, Charles Kramer, and Nathan Witt.\* The earlier Communist associations of all three men were widely commented upon at this time, but in Pressman's account the Ware Group comprised only these New Deal officials. Pressman's lack of candor was also suggested by this comment which he volunteered "to lay low, I hope once and for all, many distortions of truth":

It has been asserted time and time again by some people that I was responsible . . . for getting Alger Hiss a job in triple A. I state as a fact, and the public records will bear me out, that . . . I had nothing whatsoever—and when I say nothing whatsoever I mean precisely that—nothing whatsoever to do with the employment of Alger Hiss in the triple A.

Whatever the facts, Alger Hiss's arrival in Washington delighted Frank, Frankfurter, and Pressman. "With a few fellows like Alger Hiss," Frankfurter wrote to Frank in June 1933, "you can really 'show 'em.'"<sup>4</sup>

Driving his young legal staff at a relentless pace, Frank quickly gained its loyalty and admiration by maintaining that same demanding schedule himself. "The young men, dazzled by his example," noted Arthur Schles-

\* Pressman had lied about such membership in the Ware Group in his interviews with Hiss's lawyers in 1948 and 1949. He also denied to them that he had ever met Whittaker Chambers, something he later admitted. Pressman still insisted to HUAC in 1950, however, that he had met Chambers in 1936 and not earlier during the Ware Group years.

inger, Jr., “worked twenty hours a day, slept on couches in their offices and hastily briefed themselves on the agricultural life.” No one worked harder and more effectively for the Frank team than Alger Hiss. “He has too much spirit for his bodily strength,” Beverly Smith wrote about Hiss in the *American Magazine* in February 1934, “and is in danger of working himself to death.” Smith’s article, “Uncle Sam Grows Younger,” described a number of the more influential junior officials in the New Deal, and Jerome Frank’s assistants—Hiss, Pressman, Fortas, and others—figured prominently in that account. But Frank’s hard-driving manner, emulated by his staff, did not endear the general counsel’s group to those in the farm-lobby wing of AAA:

The old agrarians looked on Frank’s office [wrote Schlesinger] as if it were a menagerie—“an entirely new species to me,” said [George] Peek. The farm specialists had long constituted a club, where everybody knew everybody else, and they resented this upsurge of strange urban types. There were too many Ivy League men, too many intellectuals, too many radicals, too many Jews. Nor were they helped when (according to a familiar story) Lee Pressman, attending a meeting to work out a macaroni code, asked belligerently what the code would do for the macaroni growers. . . .<sup>5</sup>

In “the early part of 1934” Pressman had been recruited to Communism by Harold Ware himself at a time when Ware was organizing Washington’s first underground CP cell. Ware had worked in the Soviet Union organizing collective farms during the 1920s at Lenin’s invitation and had returned to the United States—also on the instructions of the Russian CP—to play a leading role in efforts to organize American farm workers. Somehow he became a consultant to the Department of Agriculture during the Coolidge Administration, a post he held until the closing days of the Hoover Presidency, when—in the fall of 1932—he and his mother involved themselves in farm strikes and protests. Ware returned to Washington in 1933 with several aides, including novelist John Herrmann, and immediately began recruiting younger New Deal officials for the Communist Party. Open avowal of their new beliefs, although not cause for dismissal, would probably have denied members promotions even in the reform-minded Roosevelt Administration. Therefore, the group maintained secrecy, meeting for a time at a music studio owned by Ware’s sister. It was there that Chambers first encountered the group in 1934.<sup>6</sup>

Because leading officials at the Department of Agriculture and AAA opposed Communist efforts to unionize small farmers and farm workers, Pressman and other fledgling members of the Ware Group who worked at these two agencies had to tone down their radicalism. These idealistic young bureaucrats felt ambivalent about holding government positions. They enjoyed a sense of shared excitement about their work and about their newfound influence over the lives of Americans through early New

Deal programs such as the AAA. At the same time, they chafed over the continued restraints upon their actions imposed by their more conservative superiors.<sup>7</sup>

As the top-ranking AAA official within the Ware Group, Pressman probably helped recruit others for the network.\* His interviews with the FBI in 1950 did confirm the Ware Group's existence and shed some light on its operations. Pressman told the Bureau that Ware, who "floated" around the Agriculture Department in 1934, inquired one day if he would be interested in joining "a Communist group." The group itself was small, he claimed, "and, at the outset, included Harold Ware, John Abt, Nathan Witt, and himself." (Pressman added Kramer's name to its membership while testifying before HUAC in 1950.) During his period with the Ware Group, Pressman stated, "these were the only people who attended meetings and belonged," except for J. Peters. After Ware's death in a 1935 car crash, according to Pressman, Peters "showed up, announced that he was taking Ware's place, and continued, thereafter, to act more-or-less as the leader of the group." Its activities, whether under Ware or Peters, consisted (in Pressman's portrayal) primarily of discussing Communist literature and collecting Party dues—in sum, it was a Marxist study group of four junior AAA officials and two prominent CP functionaries.<sup>8</sup>

Other members recalled the group as a much larger secret network of government functionaries who met not only to engage in discussions of Marxist-Leninist theory and practice, but to prepare themselves for more important roles within the New Deal and even, on occasion, to filch documentary material. This portrait of the group emerges not only from Whittaker Chambers's account, but is confirmed by another member of the cell, Nathaniel Weyl, and by novelist Josephine Herbst, formerly the wife of John Herrmann, Harold Ware's chief assistant in the CP underground from 1933 to 1935.<sup>9</sup>

Pressman stated in 1950 that Alger Hiss had not been a member of the Ware Group during his tenure as a member; "it was quite possible," he told the FBI, "that Alger Hiss might have been a member of this group but, if this was true, it would have been prior to the time he, Pressman, became associated with the Harold Ware group."

Pressman also "stated [to the FBI that] neither Alger or his attorneys have contacted him since the accusations," while in fact he played a demonstrated role in Hiss's campaign to discredit Chambers, serving as a

\* He denied that allegation when interviewed by the FBI about underground activities two days after he first acknowledged such involvement in his August 1950 testimony before HUAC. Pressman's statement to the FBI, like his earlier comments to the Committee, was not completely candid. His statements contained certain facts that are corroborated by other evidence but also a number of distortions and untruths, and he omitted most details of his period as a self-confessed Communist.

regular and semi-official conduit of rumors or facts concerning Chambers from the Communist Party to Hiss's lawyers.\*<sup>10</sup>

Discussing his experiences as a Communist with the FBI only after the Korean War had begun, Nathaniel Weyl spoke to the Bureau on November 27, 1950, after which he "went public" with the material in magazine articles and at Senate Internal Security Subcommittee hearings. Weyl's comments about Hiss remained difficult to assess. Although he named Hiss to the FBI in 1950 as a member of the Ware Group, that same year he published a book about internal subversion called *Treason*, containing several sympathetic references to Hiss. This undermines the credibility of his later assertion that he had known Hiss as a fellow member of the Ware Group, although Weyl's 1950 FBI interview still remains fascinating for its description of the group itself, its personnel and activities.<sup>11</sup>

Weyl (who also worked in the AAA at the time, although in a lesser post than Pressman's or Hiss's) portrayed a cell of secret New Deal Communists far more extensive than Pressman's tiny band. He had been a Party member in New York City before coming to Washington in 1933, where Harold Ware contacted him with instructions to join the underground CP group then being formed. Weyl complied and regularly attended its meetings, naming the following as members of Ware's secret organization during the 1933-4 period: Lee Pressman, Alger Hiss, John Abt, Nathan Witt, Henry Collins, John Donovan, Victor Perlo, and Charles Kramer (all but Collins and Donovan worked at AAA).

Weyl had "a fairly clear recollection of Alger Hiss and Lee Pressman being present together at some of these meetings." Those attending used their real names and not pseudonyms, since most knew one another from their daily work at the AAA. Discussions ranged into Marxist theory, agricultural problems, and various current policy issues. Ware traveled frequently between Washington and New York, personally collected CP dues from group members, and distributed Communist literature.

In midsummer 1934 Weyl left the group at the direct order of Ware to establish a mobile "School on Wheels," touring Midwestern farm states in a truck equipped with a classroom, books, and three other persons to instruct farmers in protest tactics. Later Weyl said that he never met at Ware Group meetings either Chambers, who first took up residence in the area in August 1934, or Peters, whose direct involvement in the group began only after Chambers reached the city.<sup>12</sup>

Yet Weyl told the FBI in November 1950 that he "met Alger Hiss at the meetings of the Ware group and his knowledge of the activities of Alger Hiss was confined to the activities of that group [Weyl was not employed in the same section of the AAA as Hiss]. . . . In his discussion with

\* An equally prominent role in Hiss's efforts to impeach Chambers fell to Henry H. Collins, Hiss's friend and an underground Communist agent (by the testimony of Chambers, Nathaniel Weyl, and Laurence Duggan).

Alger Hiss, he found him to be intelligent, well informed and very sure of himself upon all occasions." If Weyl is correct, Hiss was a member of the Ware Group as early as the summer of 1933.<sup>13</sup>

### Josephine Herbst: Witness to the Ware Group

A leading novelist in the 1930s, Josephine Herbst was a Socialist and her husband, John Herrmann, a Communist. They lived relatively independent lives. In 1933 Herrmann came to Washington at Harold Ware's invitation to assist in implementing the latter's plans for a secret CP network. The Herbst-Herrmann marriage had run aground by then. Herrmann drank heavily, Herbst disapproved of his underground work, and the woman who would later become Herrmann's second wife had already appeared on the scene. Josephine Herbst left John Herrmann—and Washington—in the fall of 1934, but not before she had met and spent a good deal of time with Whittaker Chambers, whom she knew as "Carl."

When the Hiss case broke in 1948, friends of Herbst who knew about these earlier contacts with Chambers got in touch with Hiss's lawyers Edward McLean and Harold Rosenwald. Herbst told them about the Ware Group, about Whittaker Chambers, and about contacts between members of the group and Alger Hiss. But she withheld from the FBI that same year almost all of this information and claimed, instead, to have known Chambers only briefly in 1934 and without any real awareness of any Communist activities. At the same time she sent a letter to her ex-husband through his relatives, warning Herrmann about the FBI's interest in his activities and outlining exactly what she had revealed about the 1933-4 period, as well as what she had told Hiss's lawyers.\* Whether or not Herr-

\* Miss Herbst's letter (Herbst mss, Yale University) was written on February 6, 1949, moments after the FBI agents had left her home, and it indicated the concern she still felt for protecting her former husband:

*They are looking for you in connection with the business in Washington in the thirties. What they want is information about Hal's group and it is to throw light on the Alger Hiss case. . . . They will probably succeed in finding you. I have given them no information as to your present whereabouts as I don't know. . . .*

*I did have to make some explanation of facts that they had already got hold of. My explanation was this. . . . I said you were writing at the time. . . . That you had gotten interested in farm problems in the fall of 1932. . . . That you were tinkering with various ideas for a play, for a novel based on the farm situation and that you were in Washington for some research. That you had got in touch with Hal Ware basically for that reason in connection with his farm research program and magazine. That you were writing in Washington. They knew that Carl had visited that apartment and I admitted that I had seen him there. My explanation of it was that you probably knew people that he would like to know. I admitted that I understood he was working for CP but did not know in what capacity. . . . Said that your connection with Carl or Chambers had been for the purpose of getting material, in my opinion. . . . I said I had not tried to find out anything about Carl and did not attempt to question you and did not know whom you*

mann received the letter remains uncertain. But when the FBI finally located and interviewed him in Mexico in 1950, Herrmann denied that he had ever been a Communist, that he had ever belonged to the Ware Group or knew any of its members, that he knew either Chambers or Hiss—and even that he knew Harold Ware more than casually as an editor of a farmers' publication. But his letters to Herbst written from Washington in 1934 and Herbst's own interviews with Hiss's lawyers tell a different story.<sup>14</sup>

Sympathizing strongly with Alger Hiss at the time of the case, Josephine Herbst offered to testify on his behalf and gave his lawyers a candid account of her knowledge concerning Hiss, Chambers, and the Ware Group. Harold Rosenwald summarized a January 8, 1949, interview with Herbst in the first person:

In July of 1934 I was living with my husband John Herrmann in an apartment on New Hampshire Avenue in Washington, D.C. . . . my husband was a member of a group headed by Mr. Harold Ware. This was a group of people holding small and unimportant positions in various branches of the Government and was organized for the purpose of collecting information for the use primarily of the Communist Party in New York City.<sup>15</sup>

According to Herbst, its members "took great pride in their sense of conspiracy." She thought "that the ultimate purpose that the Party had in setting up 'cells' of this kind . . . was to provide for an organization capable of using influence and obtaining information in the event of a world or national crisis." Her "understanding" was that the Ware circle "had contacts in the War Department" but not at State, at least not in 1934. "On one occasion, I saw in my apartment certain documents that had been taken from Government offices by members of the 'cell' and brought to the apartment for transmission to New York." Herbst apparently read the material and portrayed its contents as "thoroughly innocent and innocuous" information, sometimes originals and in other cases "copies made by the individual cell member."\* Although Herbst said that the stolen documents had been sent only to CP headquarters in New York and that "no direct contact existed between our group and Soviet authorities," she did not know of Chambers's work for the Red Army's Fourth Branch.

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*saw in Washington. Said to my recollection you had known Ware but it had come about through your interest in farm problems.*

*I did not give any names. I did not identify any of the people named. I did not name names when Hiss's lawyers saw me but did try to give them information about the period. Told them in my opinion a man like Chambers could have stolen material. Thought Hiss not guilty as charged. . . . I would have said about you that I knew nothing if I could have got away with it. I do not believe in this wholesale naming business that has been going on by the repentant sinners.*

*It is probably to your advantage not to avoid seeing these people. You may want to say something about Hal's activities if you knew. Anyhow he can't be hurt. He's dead. . . .*

\* Since Herbst left Washington for months at a time in 1934, she could neither verify nor refute Chambers's assertion that he photographed government documents in Herrmann's apartment.

Introduced to Chambers “simply as ‘Carl’ ” in the summer of 1934, Herbst described him as “a heavy, tall, thickset man with a heavy opaque face, thick skin and mournful eyes . . . not too carefully groomed . . . kindly, but rather melancholy.” After Herbst and Chambers became friends, “he spoke to me of his difficulties and told me that his wife and child lived in New Jersey. . . . He always seemed to be in anxiety and fear and always on the run.” Herbst learned that Chambers “was a courier and that his job was to make contacts high within the United States Government.” Because his underground responsibilities “were of a far graver and more professional nature,” and because his government contacts were often officials in high positions not openly identified with Communist activities, Chambers—according to Herbst—“had absolutely no direct contact with members of our group.” Herbst knew the names of five such “high” officials—“as high as the position then held by Mr. Alger Hiss”—with whom Chambers had contact, but, again, she refused to name names.

“Alger Hiss did meet ‘Carl,’ ” Herbst told Rosenwald. “ ‘Carl’ told me of such a meeting and said Alger Hiss was ‘a very cagey individual’ and quite uncommunicative but friendly, polite and very charming and that Mrs. Hiss, whom ‘Carl’ also met, was very charming.” The meeting between Chambers and Hiss took place in either July or August 1934, Herbst noted, confirming Chambers’s own memory of the date. “I believe this impression was gained by information from Harold Ware and one other person. . . . everything I know about them [Alger and Priscilla Hiss] was told to me by ‘Carl,’ Harold Ware or someone else.” Herbst “had the impression” that Hiss had not yet become involved in CP activities at this initial meeting with Chambers. Herbst met Chambers at John Herrmann’s apartment when only Herrmann was present. Sometimes when “Carl” came, “I was instructed to leave.”

In her interview with McLean, Herbst gave a clear description of the “parallel apparatuses” that Peters had directed Chambers to organize in Washington: “There were ten to fifteen persons in the cell [the Ware Group] and five other persons holding high Government positions [the second network of government employees].” Herrmann, she avowed, had come to Washington at Ware’s request “to work for the party . . . because of his thoroughly respectable front” as a writer on farm problems. She told McLean that Herrmann was probably a Party member and that their marriage had foundered partly because of her opposition to “the secret conspiratorial nature of their work which I considered childish.” Chambers sympathized with her views—this emerges also in letters exchanged between Herbst and Herrmann in 1934—and she last saw “Carl” in April 1935 at the New York apartment of their mutual friend Joseph North of *The Daily Worker*. Despite not having seen Chambers for thirteen years at the time she spoke to Rosenwald in 1949, Herbst had recognized him immediately from press photographs.



The letters Herrmann wrote her in 1934 contain several references to Ware, Chambers, and their activities, although some are guarded by references to "H" (Harold Ware) and "K" ("Karl").<sup>16</sup>

Early in 1935 the group moved its headquarters from the violin studio to a new location, where Herrmann set up residence: the Washington apartment of Henry Collins at 1213 St. Matthews Court. In March 1935 Herrmann wrote Herbst from Collins's apartment complaining about news that had spread among their Communist friends on their separation and Herrmann's involvement with another woman: "It has percolated through the whole organization by now thanks to your girl friends and Hal, K and plenty of others think I am what you tell them I am." In that same letter Herrmann advised her: "I am leaving here Monday. When you come wire or write me ahead of time care Henry Collins 1213 St. Matthews [sic] Court, N.W., and I'll meet you. I have two apts. in mind to take, dont know yet which it will be but am surely leaving this goddamned place." Another letter from that same period mentions that a friend of Collins would soon be arriving in Havana, where Herbst had gone on a reporting assignment: "Larry Duggan from the State Department . . . will look you up, very liberal but not entirely of a mind to come with us. He is a friend of many of our friends and might be of help to you." Herrmann's statements confirm Duggan's intimacy with those close to the Communist movement at the time, but also his reluctance to join in completely.<sup>17</sup>

According to Josephine Herbst, Ware, Herrmann, and the others in their group had been stealing government papers, although she considered most of the material innocuous, "busy work" to engage the energies of New Deal converts to Communism. "I am still seeing the same people and getting material but have got to whip it into shape," Herrmann wrote her in June 1934. "Otherwise the stuff I do will certainly not amount to what it should." Oddly enough, Chambers recalled no such espionage work being done in 1934 by members of the Ware Group, whose major functions, he believed, were to recruit more Communists within the government and to influence government policies.\*<sup>18</sup>

But Herbst pointed out to Hiss's attorney Harold Rosenwald that she had lived in Herrmann's Washington apartment only from July to September 1934 and hence could not speak about Chambers's possible use of the quarters for espionage work—his and not the Ware Group's—at other times (Chambers remembered occasional use of the place for photographing documents, including those given to him by Alger Hiss). Another intimate of Hiss's also entered Rosenwald's questioning of Josephine Herbst:

\* After interviewing extensively among former and present members of the Communist Party, an investigator for Alger Hiss concluded in an unsigned memo in the defense files on the "Political History of Whittaker Chambers" that the Ware Group had indeed engaged in "low-grade espionage work" and that "some sort of information gathering did go on."

She seemed startled by the mention of the name of Henry Collins and stated that she knew him in 1941 when she worked for the Government. She intimated that Henry Collins knew all about the 1934 activities and could tell us everything if he wished to. She did not know much about Abt, Witt or Perlo.

She stated very definitely that she never met Alger or Priscilla Hiss. She said that Chambers and John Herman [sic] discussed Hiss and that they regarded Hiss as an important prospect to solicit for the purpose of getting papers. This was a task that was to be handled by Chambers because it was his function to make contacts with more important people in the Government service. Herman was engaged with Harold Ware in organizing cells composed of minor Government employees. Herman would not have been allowed to approach anyone as important as Alger Hiss.

She said she knew of George Silverman. She stated that she believed him to be a Communist and that Chambers and Herman had called him on the telephone from her apartment. . . .<sup>19</sup>

Thus three members of the Communist underground—Chambers, Herrmann, and Ware—all told Josephine Herbst in mid-1934 that they were already in touch with Alger Hiss, trying to recruit him for espionage—more than six months before Hiss claimed to have met Chambers under more innocuous circumstances. Although Herbst clearly wanted to help Hiss in 1948 and 1949 while discussing this information with his attorneys, her recollections would have been ruinous for him if made public.

### **Alger and Whittaker: The Ware Group and the Nye Committee**

At the time the case broke, Hiss declared he had barely known Harold Ware during the mid-Thirties. In August 1948 a former associate at AAA, Robert Cruise McManus, who had become a fervent anti-Communist in the intervening years, met with Hiss to discuss their years at the agency. McManus was about to publish a pamphlet accusing Hiss of having been a Communist at the time and wanted first to give him a chance to rebut the evidence collected. Hiss claimed, among other things, that he had never heard of Harold Ware's "front," Farm Research Inc., or its influence among radical AAA and Agricultural Department officials. "He says," McManus wrote, "he never knew of the Farm Research publication, 'Facts for Farmers,' despite the fact that it was well known in left-wing agricultural circles. . . ." But Hiss has recently contradicted assertions he made in 1948 both about lacking knowledge of Ware's work while he (Hiss) was at the AAA and about their personal contacts having been minimal.\* According to Whittaker Chambers, it was Ware who first introduced him to Alger Hiss.<sup>20</sup>

Even when present at the time, Chambers did not usually take part in the Ware Group's meetings. He recalled that John Abt, Donald Hiss, Charles Kramer, Victor Perlo, Henry Collins, Lee Pressman, Nathan Witt,

\* In this connection, see especially footnote on p. 14 in Chapter I.

and Harold Ware were either present for that first meeting he attended or he met them "at one time or another at one of those meetings in Collins's apartment." Chambers also claimed to have learned from Peters and Ware "that Alger Hiss was a member and a leader of this group and had been almost from its beginning," although "Carl" did not recall meeting Hiss at his first session. Ware Group members, said Chambers, knew about his role. Chambers recalled meetings where as many as twelve people were present, and, like Josephine Herbst, he estimated the group's total membership at "from ten to twenty members."<sup>21</sup>

Chambers claimed that members of Communist underground units in Washington—the Ware Group and the second one that he himself established with Alger Hiss as its charter recruit—paid CP dues. He "knew it," Chambers told the FBI in 1949, "from the fact that I was a courier . . . and I took dues to J. Peters." Rigorous collection of dues had both economic and psychological importance: obviously it helped finance the CP, and it also provided new Communists, especially those with no background or connections in the "open" Party, with "the sense of being of real service and of underlining their loyalty." Chambers gave several contradictory accounts of this aspect of his work in 1948 testimony before HUAC, claiming that on occasion he had collected dues from Alger Hiss and that at other times Henry Collins or J. Peters handled this chore. He apparently tried to reconcile these conflicting accounts by noting that sometimes Collins (as treasurer of the Ware Group) gave him the dues for transmittal to Peters and that once Hiss himself passed him an envelope with money for Peters as a dues payment. There is no independent corroboration for any of these claims.

Transferring Hiss from the Ware Group to the second apparatus came, according to Chambers, as a result of Hiss's transfer within the government. In July 1934 he shifted from AAA to an important new post on the legal staff of the Nye Committee, then investigating the impact of foreign and domestic munitions makers (the phrase "merchants of death" enjoyed popularity at the time) upon American policy during and after the First World War. "It was my understanding," Chambers told the Bureau about his first meeting with Hiss a month after the change, "that at the time of my first going to Washington, Alger Hiss was separated from [the Ware Group] because of his just getting a new position with the Nye Committee. I had previously discussed Alger Hiss with J. Peters and Harold Ware. It had been decided that he should become the first member of the parallel Apparatus. . . . During the [first] meeting with Alger, Harold Ware, Peters [Chambers remained uncertain about Peters's presence there] and myself, it is my recollection that the nature of the new organization being developed was made known to him and he was perfectly agreeable to it." Chambers said that Peters was "in and out of Washington all of the time that I was there." "Carl" remembered Peters giving several talks to Ware Group members: "On one occasion the topic [was] . . . 'The Theory of Underground

Organizations and the Nature of Parallel Apparatuses.'” (Lee Pressman also stated that Peters had served on occasion as a guest lecturer to the group.) \*

Hiss may have transferred to the Nye Committee with help from Pressman. Hiss says that his shift from AAA to the Committee (officially considered a loan of his services) had been arranged by two Senators, Bone and Pope, who served on the Nye Committee and on the Senate Agricultural Committee. Jerome Frank said that either Gardner Jackson of AAA or Dorothy Detzer, an important Washington peace activist, had recommended Hiss for the post. Jackson remembered Gerald Nye offering *him* the position of committee chief of staff. After turning it down, Jackson recommended Stephen Raushenbush for the job.<sup>22</sup>

At this point, according to Jackson, Lee Pressman entered the picture:

Lee came to me and said, “You know Alger Hiss on our legal staff [Jackson had been a good friend of Hiss’s sister]. Since you were able to get Steve [Raushenbush], don’t you think it would be a good idea if Alger were appointed counsel for that group?”

I said, “I don’t know Alger very well.”

Lee said, “He’d be ideal.”

So he was appointed counsel, loaned by the Triple A.

Jackson did not remember speaking directly to Hiss about the move, but felt certain that Hiss knew of Pressman’s inquiry on his behalf.<sup>23</sup>

Hiss and Chambers agreed that they had first met while Hiss worked for the Nye Committee, though they disputed the circumstances and the date. Chambers said that he met Hiss in mid-1934, an assertion supported by Josephine Herbst’s statements to Hiss’s defense lawyers, and that Alger Hiss was already a member of the Ware Group. Hiss stated that he knew Chambers as a freelance newspaperman named George Crosley who came to the Nye Committee for information for magazine articles on the munitions investigation. Although none of Hiss’s Nye Committee associates could recall “Crosley,” evidence suggests that Hiss may have been accurate as to the name Chambers used. Chambers said in 1949 that he could “not definitely recall” the name he employed in associating with the Hisses in 1934 and 1935, and that it was “entirely possible” that he used “George

\* The subject was an important one for the speaker, since—as Chambers pointed out to the FBI—it concerned his “dream” of infiltrating the older government agencies with “sleeper” agents. “The purpose of the new parallel apparatus, which I was to organize,” Chambers said, “was to take members from Apparatus A [the Ware Group] and other people with the idea of advancing them in the Government, particularly in the old line agencies, primarily, at this time, for the sake of penetration and to influence policy.” The Nye Committee, of course, was scarcely an “old line” executive department, but it did offer the Communist Party a superb channel into State Department records and into the private files of leading American manufacturers of military equipment such as the Du Pont Company. That the CP had a keen interest in such records does not require Chambers’s word alone for support.

Crosley" rather than "Carl," his alias with other Ware Group members.\* Moreover, Chambers told the FBI that during this period of underground service "I probably passed myself off as a free lance writer or newspaperman." Certainly if the two men were ever seen by outsiders, Hiss would require some cover story for his association with Chambers. But Herbst's account confirms a mid-1934 meeting date, rather than early 1935, as Hiss maintains.†<sup>24</sup>

Profoundly ironic in the light of his later experiences with HUAC was the fact that Hiss—flushed with the success of the Nye Committee's public hearings—was eager to extend the powers of such committees in compelling information and documents. Hiss's questioning of Du Pont Company officials and of financier Bernard Baruch brought him a great deal of newspaper coverage, and in subsequent correspondence he tried to draw from a Columbia Law School professor the concession that congressional committees had extremely broad investigative authority over their witnesses. Also, in December 1934, Hiss wrote to Abe Fortas, who had only recently moved to an investigative post at the new Securities and Exchange Commission, arguing that attorney-client privileges were strictly limited to courtroom situations: "There is, therefore, no reason for a legislative committee [such as Nye's] to respect the attorney-client privilege," Hiss contended, "and there may be no reason for an administrative commission [such as the SEC] to respect such a privilege."<sup>25</sup>

Once contact had been made, according to Chambers, Hiss stole from the Committee some confidential State Department documents that Chambers then photographed either at Hiss's home or at John Herrmann's apartment. Josephine Herbst said that Ware, Herrmann, and Chambers had discussed recruiting Hiss for the apparatus partly in connection with soliciting theft of such material, but Hiss has ridiculed Chambers's accusation. Since the latter never produced Nye Committee materials—these, presumably, would have been forwarded to Peters in New York—there is no way of either confirming or rebutting the charge convincingly. Hiss's denial was supported in December 1949 by Joseph C. Green, State Department liaison with the munitions committee from 1934 to 1936. Green stated that the Department had not given the Nye Committee secret documents, and that it always gave copies and never original documents.<sup>26</sup>

\* If Chambers's assignment was to separate Hiss from the group into a parallel apparatus, it might have seemed more logical to choose a different alias for his contacts with Hiss from the one under which other Ware Group members knew him.

† Hiss sometimes placed his first meeting with "Crosley" in 1934 during HUAC testimony, but this may have simply involved faulty calculation at the time. Hiss's memoir, however, has this to say about seeing Chambers's photographs at his first appearance before HUAC on August 5, 1948: "I would in any colloquy that morning with Chambers unquestionably have been able, as I was two weeks later when I did see him, to recognize him as the free-lance writer George Crosley whom I had met fourteen years before, in the early days of the New Deal." If he met "Crosley" fourteen years earlier, that would mean August 1934, precisely the month Chambers said that they met.

But the State Department did provide the Committee with copies of a number of confidential documents, particularly those dealing with negotiations between the United States and foreign governments on the sale of munitions. Moreover, the Department "extracted an understanding that investigators should make no exact copies of communications in diplomatic codes and that the committee would publish no document without State Department authorization." That agreement was often breached by Committee members and staff, usually provoking protests from Secretary of State Hull and his aides, but it reflected the concern felt by the Department—and by Roosevelt himself—that the Nye Committee could easily endanger American foreign relations by careless handling of diplomatic exchanges. John Wiltz, leading scholar of the Committee's work, could not resolve the "possible discrepancy" between Green's deposition and the apparent facts at his [Wiltz's] disposal,\* especially the existence of confidential memos in the Committee's hands and the record of complaints made by the State Department about the periodic release of such controversial secret documents by the Committee. The record, Wiltz concluded, did "not give a complete account and the memories of the participants are hazy."†<sup>27</sup>

### **The Hisses and the Chamberses: Anatomy of a Friendship**

Alger Hiss and Whittaker Chambers did not hit it off at their first meeting in August or September 1934, a point confirmed by Josephine Herbst. Chambers was uncertain as to whether the meeting had taken place in a Washington restaurant, Hiss's apartment, or elsewhere in the city, but by the time he wrote *Witness* Chambers had settled on Hiss's apartment. He described a "pawing and aimless" conversation during which he spoke of his own beliefs as a Communist while Priscilla Hiss "watched me intently." Like Herbst, he considered Hiss withdrawn on that occasion: "There was a polite but complete short circuit. I left shortly after, feeling that it had been pretty awful."<sup>28</sup>

\* Wiltz's conclusions about Hiss's role in the Committee's work also differed markedly from the accounts of later writers—both favorable and hostile to Hiss—at the time of the case: "In truth, Hiss was no large figure in the investigation, just a bright, personable lawyer who recently had joined government employ." John Wiltz, *In Search of Peace*, p. 223. Hiss's own defense files provide evidence confirming the Nye Committee's use of secret government documents. The Committee's "preliminary report," Numbered Copy #11, in Hiss's files, includes the following statement on its cover page: "Based on Confidential State Department Documents" (the report quotes a number of these, stamped "CONFIDENTIAL" in the margin) and notes "Attached documents stamped 'Confidential' are not under any circumstances to be released or quoted until after State Department permission has been secured."

† Gerald Nye, when interviewed by John Wiltz, "with every reason to defend his own Committee, later said he believed Hiss had used his Committee position for espionage in the way Chambers had described." *Op. cit.*, p. 53.

But Chambers said he returned for another try a few nights later. By then the mood had changed entirely: "There were welcoming smiles and Alger was gracious in the way which is his particular talent." According to Chambers, Hiss apologized for his aloofness the previous evening and explained that he had not known "what to make of me," finally concluding that Chambers was not an American Party member but an underground Russian or Volga German who had mastered English. There is no direct confirmation of this initial encounter, however, and Chambers never resolved completely the contradictions in his testimony regarding details of the meeting.

The two men agreed, however, on a few things, although Hiss (who initially acknowledged meeting Chambers in 1934) finally settled on a January 1935 meeting date. Hiss insisted that "George Crosley" had a particular interest in the Nye Committee's aircraft-industry hearings of September 1934 and the Du Pont Company hearings that December. After their initial encounter, according to Hiss, "I saw him four or five times thereafter at the Senate Office Building or for lunch nearby." Chambers testified to a greater number of meetings, mainly private ones or with other members of the Ware Group. Hiss was reasonably consistent in his general impressions of Chambers, whatever the circumstances of their meeting. "He spoke knowingly of publishing and of literary matters," Hiss wrote in a memo for his attorney in late 1948,

and appeared perfectly convincing in the role of a free-lance writer. He appeared well read and gave circumstantial accounts [which Hiss never elaborated upon] of prior free-lance writing exploits. . . . His stories were on the "tall" side. . . . He said he had travelled extensively in Europe and claimed to know German literature. I remember him as entertaining rather than the reverse . . . on the vain side judging from his tall stories. . . . I have a vague impression of boastful hints of sexual exploits but no hint of any unnatural sex interests [an important observation in light of Hiss's claim in later years that Chambers had been a spurned homosexual, the rejection of whose friendship by Hiss inspired Chambers's desire for revenge].<sup>29</sup>

Hiss admitted giving Chambers his 28th Street apartment during the early summer of 1935—a rental, he said, not a free loan as Chambers asserted. Chambers's family stayed with the Hisses for several days at their P Street apartment in 1935. On one occasion Priscilla and Esther were sitting in the garden of that apartment when two friends of Mrs. Hiss came to visit (Mrs. Chambers remembered them, but garbled the name of one), and Priscilla also testified to several other meetings with either Whittaker or Esther Chambers or both, but not after 1935. Hiss drove Chambers to New York once in 1935, possibly also with Mrs. Hiss, although she had no memory of the incident. Moreover, Hiss listed several other meetings with Chambers stretching into the spring of 1936 (he subsequently told the Grand Jury that he might have seen Chambers in the fall of that year). To

his attorneys Hiss said that Chambers (Crosley) had probably not been present in July 1936 when he signed the certificate of title transferring the Ford car; if he had, "I think I would have recalled it." Later Hiss was less certain of this.<sup>30</sup>

Although Hiss spoke of making small loans to Crosley, Chambers described only one such transaction—in November 1937—involving a \$400 loan from the Hisses that he used to purchase an automobile. But Hiss denied making that one and called Chambers a casual and irritating acquaintance who wretched on rent payments, pestered him for small loans, and kept returning to his Nye Committee office with additional questions related to freelance articles on the Committee for the *American Magazine*.

Portraying both a more intimate and a more secretive relationship, Chambers tabulated a far greater number of meetings with the Hisses during this period and sketched out a friendship solidly grounded on Alger Hiss's involvement in the Communist underground. The Chambers family lived on St. Paul Street in Baltimore until the late spring of 1935. During these months, Chambers told the FBI early in 1949, "my wife has reminded me that Priscilla and Alger Hiss once visited there [St. Paul Street] for dinner." It was from that address that Chambers moved his family into the Hisses' 28th Street apartment, and Whittaker remembered Alger helping him pack up "some of the baby things on his 'old Ford'" and driving him to Washington. His family occupied the Hiss apartment at the invitation of the Hisses and rent-free, Chambers asserted. Moreover, the arrangement included the loan of some furniture from the Hisses, which the Chamberses kept—and produced in 1949 for Hiss's lawyers.<sup>31</sup>

Esther and Whittaker Chambers also said they visited the Hisses' family pediatrician with their daughter, Ellen, while in Washington, an episode the Hisses categorically denied. Esther claimed that Priscilla Hiss accompanied her to see Dr. Margaret Nicholson, who also treated the Hisses' child Timothy Hobson. According to Mrs. Chambers, the visit took place at "the end of September or early October of 1935" as part of a scheduled office visit by Mrs. Hiss and Timothy. According to Dr. Nicholson's records, the only office visit paid by Mrs. Hiss and Timothy during these months was on September 3, 1935. But Mrs. Chambers's and Ellen's presence on that occasion was confirmed by a letter Dr. Nicholson wrote to Esther, described in a 1949 FBI memo, "asking whether Mrs. Chambers would waive her rights so that Hiss could have access to her records."<sup>32</sup>

\* That same memo "stated that one month ago [February 1949] Dr. Nicholson talked to Ellen Chambers and told her that investigators had seen her and she wanted to know if Hiss [apparently a transcribing error, since the reference in context meant Chambers] would waive privileges to examine the documents." FBI Report #2272, March 1, 1949. Dr. Nicholson testified at Hiss's second trial in 1949, but only about certain dates on which she had seen Timothy Hobson as a patient, not on the question of whether she had ever treated Ellen Chambers or "Ellen Breen" in her office. Dr. Nicholson turned down my request for an interview. (Esther Chambers said that she had used the "Ellen Breen" name for her daughter during the visit.)



One of Chambers's recollections a decade later proved striking and, if true, suggested a strong measure of social intimacy with Alger Hiss during the Ware Group years:

Mr. Hiss at some point, I presume it was in this general period [1934-35], told me something about Nat Witt's background, the fact that he had been at one time a taxi driver, and had in the course of once driving a passenger somewhere enlisted her interest in him, and she had helped him through schooling in some period.

But Hiss proved more precise about gender and other details in describing apparently that same incident in 1975, one that would have been appropriately told only to a mutual friend or acquaintance of Witt or Frankfurter (neither of whom "George Crosley" would have had any occasion to discuss with Hiss): "You know Nat was in a taxicab, driving a taxicab when Felix [Frankfurter] was going to the Harvard Club or something. Nat had to earn money to go to law school. And he [Witt] recognized him, and as he was depositing him [Frankfurter] he said something about it. And he said, 'I want to go to Harvard Law School. I'm working.' They became close from then on."<sup>33</sup>

Chambers's account of social intimacy with the Hisses during their years together in the underground was corroborated in 1949 by Edith Murray, a maid who worked for the Chambers family in Baltimore in 1936. Evidence has also recently come to light confirming Chambers's 1948 contention that Mrs. Hiss visited his family in Smithtown, Pennsylvania, for ten days during the summer of 1935. This second incident involved Chambers's occasional collaborator in secret work, Maxim Lieber.

In August 1935 Chambers and Lieber decided to rent a summer place on the Delaware River in Smithtown. Lieber leased a cottage and became a regular visitor. The Chambers family lived there in August and September 1935 while Whittaker made occasional trips to Washington or New York.

He testified in 1948 that Priscilla Hiss stayed with his family in Smithtown for ten days in August and that Lieber saw her there. He also said that Alger Hiss drove from Washington in his old Ford to pick up Priscilla at the end of this visit. The Chambers family used the names "David and Edna Breen"—the same ones listed on Whittaker's passport—during their months at Smithtown, calling their daughter Ellen "Ursula Breen." Chambers testified that J. Peters had obtained a false Atlantic City birth certificate for Ellen under that name (the FBI turned up the document in 1949). Also, Chambers and his wife opened bank accounts in New Hope, Pennsylvania, under the Breen name, and Whittaker kept the copy of a New York birth certificate for the real David Breen (who had died in infancy) which Peters gave him. Apparently, then, they planned to leave for England after the Smithtown interlude until Bill's scheme fell through.<sup>34</sup>

Maxim Lieber later admitted renting the cottage and sharing it with the Chambers family, but did not recall a visit by Mrs. Hiss or having ever encountered Alger or Priscilla Hiss. But when Hiss's lawyers interviewed Lieber in 1948, he did recall such a meeting. One Hiss investigator, identified in a January 21, 1949, defense report only as "Licht," but apparently a Communist like Lieber, went to interview the agent.\* "Licht says that he has had a talk with Lieber," the January 1949 memo states, "who says that he does know Hiss but does not propose to admit it."<sup>35</sup>

Fearing involvement in the Hiss-Chambers dispute, Lieber, although sympathetic toward Hiss, did little to help the defense attorneys. He denied having known Chambers well or having been involved with him in the Communist underground during the Thirties. But one report by Harold Rosenwald filed in November 1948 contains this exchange: "At one point, [Lieber] said, 'Suppose I were to testify that Mrs. Hiss did visit me for ten days, how would that help you?'" Such testimony would, of course, have hurt Hiss's cause badly. "I replied that I would answer [Lieber's] question if [he] would tell me whether or not she had come there. This he refused to do. However, at one point, he made the following statement: 'I wouldn't know Mrs. Hiss if she were to come in this office and spit in my tea!'"† Equally intriguing is a comment made by Alger Hiss in 1972 to the writer Robert Alan Aurthur, a former client and friend of Lieber's. At the time of the case Alger and Priscilla Hiss denied completely Chambers's assertion that they had been in Smithtown and had met Lieber. Aurthur reported in an *Esquire* article that when he mentioned Lieber's name to Hiss, "Abruptly Alger interrupted. 'I never met him,' he said sharply. Suddenly there was a moment of silence. Then Alger came to the rescue. . . . 'But I never knew Lieber,' Alger reiterated. 'It's possible my wife may have met him.'"<sup>36</sup>

Another occasion in the mid-Thirties provides strong eyewitness corroboration to social meetings between the two families. From fall 1935 to spring 1936 Esther and Whittaker lived in a Eutaw Place apartment in Baltimore, using the names "Mr. and Mrs. Lloyd Cantwell." They had

\* "Licht" had been providing Hiss's investigators with material from the private files of the Communist publications *The Daily Worker* and *The New Masses*, presumably for the period Chambers worked on each.

† Lieber recently denied making either statement—the one to Licht or the one to Rosenwald—when I showed him the defense memos. In the context of his anxieties in 1948 over the Hiss-Chambers case, however, the statements speak for themselves.

‡ Another witness to Mrs. Hiss's alleged Smithtown visit, Joseph Boucot, who rented the cottage to Lieber and "David Breen," provided contradictory evidence in statements to Hiss's attorneys, to the FBI, and at Hiss's trial. Avowedly sympathetic toward Hiss, Boucot initially identified Hiss as a visitor, then shifted to a statement that he had seen neither of the Hisses at Smithtown. For Boucot's admission that he saw Hiss, told to a Hiss investigator by Boucot's wife, see Horace W. Schmahl to William L. Marbury, Dec. 6, 1948, and Schmahl's Nov. 16, 1948, report on his Smithtown investigation, Hiss Defense Files. For Boucot's reversal, see his Feb. 18, 1949, FBI interview.

employed a maid at the time named Edith, Chambers told the FBI in 1949, whose last name he could not remember. If found, she might verify visits by the Hisses to the apartment.

After a long search the FBI located a Baltimore woman named Edith Murray who had worked for the Cantwells at Eutaw Place. The agents showed Mrs. Murray a miniature portrait that Esther Chambers had painted of her in 1935, and she identified it and the Cantwells immediately and without prompting. "So I said . . . 'Is Mr. Cantwell back in Baltimore? Are they looking for me to work for them?'" she told the agents, according to her later testimony at Hiss's trial. Mrs. Murray had suffered a nervous breakdown in 1942 and since that time had not read daily newspapers. Thus she claimed to know nothing about the case. The FBI agents showed her pictures of Alger and Priscilla Hiss and, in response to questioning, she indicated in vague terms that they had visited the Cantwells' Eutaw Place apartment, Priscilla on at least four occasions but Alger only once. Several days later the FBI took Mrs. Murray to the Chamberses' farm, where she named them as the Cantwells and engaged in a long discussion of her memories of the Baltimore apartment. Mrs. Murray was clearly as friendly to her former employers as Hiss's former employees remained toward his family. She signed a deposition in which she said that in 1935 she had been told Cantwell was a "traveling salesman" and therefore "away most of the time." The couple "had few friends," moreover, and "practically no visitors while I was employed by them."<sup>37</sup>

Mrs. Murray singled out one visitor, "a lady from Washington, D.C. who had a little boy about 12 or 14 years old":

This Lady came to visit Mrs. Cantwell three or four times but never brought her little boy along and I only learned she had a little boy through conversation. On one occasion in April or May of 1936 [Esther Chambers had previously mentioned such an occasion to Hiss's libel-suit lawyers in 1948 and later in an FBI deposition] this Lady from Washington . . . stayed with the Cantwells' daughter that day, overnight and until about noon the following day, while Mrs. Cantwell went to New York City. I definitely remember on the second day preparing and eating both breakfast and lunch with the Lady from Washington, who did not leave until Mrs. Cantwell returned. . . . Mrs. Cantwell was about two or three months pregnant at the time and said she went to New York City to be examined by a doctor. . . . From the way they treated each other, I would say that Mrs. Cantwell and the Lady from Washington were good friends.

I do not recall the name of the Lady from Washington but may be able to recognize her if I see her in person.

Edith Murray also spoke of a man associated with the lady from Washington—"tall, slender . . . about 30 years of age, who was also very polite and nice." She could not state "definitely" if he ever visited the Cantwells, but "it seems to me that they came to visit the Cantwells together one evening just before I left for the night." The FBI agents showed

her a photograph of Alger Hiss, whom they named for her, and she stated that it "looks something like" the person in question. She identified similarly a picture of Priscilla Hiss as looking "very much like" the lady from Washington.<sup>38</sup>

FBI agents spent some time discussing the best manner to arrange a situation in which Mrs. Murray could observe the Hisses, knowing that the defense would attack the identification if it appeared coached, which the defense later did at Hiss's second trial. Finally, in November 1949, the Bureau brought Mrs. Murray to New York City's Federal Court House, where—according to her later testimony—the following scene ensued:

Well, I just stood out in the hall, and it was a crowd of people. They asked me did I see anybody in the crowd that I knew, and I looked around, and I didn't see anyone at this time, and stood there and stood there; so, then, after a while, in the back of me where I was standing was an elevator, in the back of me, like, and I looked around, and then I see Mr. and Mrs. Hiss come over, and right away I knew them.

Although the credibility of Edith Murray was promptly challenged by Hiss's lawyers, the FBI interviews confirm (in a way that her trial testimony alone does not) that Mrs. Murray's recollections concerning Priscilla Hiss, the "Lady from Washington," appear genuine and unrehearsed. The Cantwells did not receive many visitors. Those who came stood a reasonable chance of being remembered.<sup>39</sup>

The weight of available evidence establishes clearly that Esther and Whittaker Chambers, under whatever names, enjoyed a degree of friendship and intimacy with Alger and Priscilla Hiss that the latter have persistently denied.

In 1948 and thereafter Hiss tried to dismiss the details Whittaker and later Esther remembered about the Hisses as mere "housekeeping details," many of them inaccurate. But although Esther and Whittaker Chambers erred on some points, often—as in the case of the Ford car, the prothonotary warbler, and Nathan Witt's taxicab passenger—the most improbable incidents or points of detail recounted by Chambers were partly or wholly substantiated. Thus, Hiss stated in 1948 that he had been a regular churchgoer during the 1930s (Chambers had thought otherwise). Several ministers whom Hiss contacted seeking corroboration disputed the claim in statements to the FBI. One clergyman, the Rev. J. Gillespie Armstrong, said "he felt [Hiss's letter] was an attempt to put words into his mouth concerning Hiss' attendance at church." Armstrong told agents that he wrote Hiss stating "that although he visited him at his home perhaps twice in his capacity as a parson, he does not in fact recall Hiss ever having attended his church during the period mentioned."<sup>40</sup>

An even starker instance concerned Chambers's assertion that Hiss was deaf in one ear. Hiss derided the charge as nonsense and claimed that his

hearing was perfect. But one of his lawyers, John F. Davis, wrote to him on October 18, 1948, with this account of a meeting with Hiss's former ear specialist:

I talked today with Dr. Tribble with respect to the tests of your hearing which he made from time to time. He says that on the occasions when he made the tests your eustachian tubes were inflamed affecting your hearing, particularly in the low registers. I asked him whether he ever tested your hearing when it was not impaired by that obstruction, and he stated that his records do not disclose that he did. Since it does not appear that his records would be helpful, I did not ask him for a letter.

But Hiss wrote to William Marbury on November 1, having obtained the services in the meantime of another specialist: "I am enclosing also a copy of Dr. Fowler's certification as to my hearing. . . . Dr. Fowler was good enough to say that he would be glad to change the form to suit our needs. . . . He is said to be an outstanding authority on ears."<sup>41</sup>

The portrait provided by Chambers of the Hisses' lives, habits, and domestic arrangements displayed ample familiarity, considering the fact that the two couples had not seen one another for over a decade. To accept the Hisses' avowal that they had befriended the Chambers family only briefly in 1935, one must believe that Alger and Priscilla Hiss, so formal and correct in their private lives, casually offered a chance acquaintance the use of their 28th Street apartment and furniture for two months during the summer of 1935, threw in as a gift a used automobile (an assertion contradicted by the evidence concerning actual transfer of the Ford), and even provided guest quarters in their new P Street home for several days before the Chamberses moved into the 28th Street apartment.<sup>42</sup>

In addition, the Hisses agreed that they held almost a dozen meetings with the "Crosleys" before and after these events in the summer of 1935.\* Chambers's 1936 purchase of the same Westminster farm property on which the Hisses had previously placed a deposit strikingly reinforces the Chamberses' account of the close association between the couples. More significantly, although Hiss could not produce a single person at the Nye Committee or elsewhere in Washington during the mid-Thirties to substantiate his testimony of knowing "George Crosley" as a freelance journalist, Josephine Herbst's depositions lend credence to Chambers's account of having dealt with Hiss from the beginning in mid-1934 as a fellow member of the Communist underground. Dr. Nicholson's call to Ellen Chambers in 1949 confirmed a visit to her office by Mrs. Chambers

\* In 1949 the Chamberses showed Hiss's attorneys a number of items that they claimed had been given to them by the Hisses during the 1930s. These included several old tables and chairs, an old chest, a worn rug, and a few books. Among the books was a 1928 volume on *Feeding the Child from Two to Six* (Timothy Hobson was two in 1928) and a book of bird pictures, color plates published in Massachusetts. Memorandum, "Personal Property Allegedly Given to Chambers by the Hisses," Mar. 26, 1949, Hiss Defense Files.

in 1935. The sometime comments of Maxim Lieber concerning Priscilla Hiss's ten-day stay at Smithtown in August 1935 and Edith Murray's testimony about Mrs. Hiss's visits to the Chambers family in Baltimore (including one overnight visit) contradict the Hisses' assertion that they never saw the "Crosleys" socially. A mound of available evidence requires disbelief, in short, for Hiss's version of the relationship with "Crosley" to be credited.

### The AAA Purge

While working for the Nye Committee in February 1935, Alger Hiss became involved in a national controversy concerning his activities and associates at the AAA. Jerome Frank, Lee Pressman, and almost all of the others connected with the agency's non-agrarian "reform" wing (but not Hiss) were suddenly removed by the AAA's farm-wing administrator, Chester Davis. Hiss has consistently obfuscated his role in these events for reasons that bear on Chambers's charges.<sup>43</sup>

Once word of the purge had spread, Jerome Frank's associates gathered in Frank's office to ruminate. Frank had requested an appointment for them with Henry A. Wallace, and late that afternoon word came that the Secretary would meet with Frank and a second representative. They chose Hiss, the only one who had not been fired. Pressman was amused by their efforts, considering them all naïve to continue having faith in Wallace, but Frank and Hiss went off to argue the case. Wallace greeted them warmly but nervously, saying, "Jerome, you've been the best fighter I've had for my ideas, but I've had to fire you. The farm people are just too strong. I've got to go along and you've got to go."<sup>44</sup>

Those fired were closely identified with Frank's urban reformist group within AAA. Only one such person escaped the purge: Alger Hiss. The reasons for Hiss's survival are obscured by conflicting accounts, including his own.\*

Hiss downgrades his role in drafting a pro-sharecropper opinion on a cotton contract which provoked the purge. He told his attorneys in 1948 that Telford Taylor, another AAA staffer, acted as "the chief draftsman" of that document and that he simply worked "directly with Tel in revising the final drafts." In fact Hiss was the active force behind the opinion, not merely a "technical" legal advisor on its final stages. Jerome Frank made this clear in a memo, written in defense of his actions, which indicated his continued respect for Hiss, but noted that "the [AAA] files disclosed . . . that that opinion signed by Mr. Frank Shea [who was out of Washington

\* But Hiss remained at the Nye Committee and never returned to work at the AAA. He later resigned as of May 1935 to join the Nye Committee payroll briefly before accepting a post at the Justice Department in August 1935. Davis neither fired him nor, apparently, sought his resignation.

while the cotton-contract opinion was being drafted] and approved by Mr. Alger Hiss and me had been most carefully considered and worked over by Mr. Hiss.”\* Frank stressed the point during his confrontation with Chester Davis shortly before the purge: “Mr. Hiss supervised the Benefit Contract Section and the Brief and Opinion Section of the Legal Division, both of which were concerned with this problem. *I therefore relied largely on his advice in the matter.*” In several memos prior to his firing, Frank advised Davis that “Mr. Hiss had carefully considered and approved the opinion.” Describing Hiss as “not only an unusually brilliant lawyer but an eminently well balanced person of the highest integrity,” Frank rejected in his arguments with Davis and Wallace the notion that either he or Hiss had devised the pro-sharecropper opinion disingenuously because they thought the outcome “desirable as a matter of social policy.”<sup>45</sup>

Jerome Frank—whom Roosevelt soon appointed to the Reconstruction Finance Corporation—changed his opinion of Hiss. Within weeks after he was fired by Davis, Frank recalled, Hiss and Pressman came to his Georgetown home:

I can still remember Hiss and Pressman in that living room. I don't know whether Hiss or Pressman spoke up. They said they came to consult me. Hiss had been offered the position of general counsel from which I had been fired [presumably chief AAA counsel, since Frank's separate office had been abolished]. They wanted to ask what I thought of his taking it. This was just a little while after my discharge. I said, “Look, you know me. You've seen . . . how much I enjoy having young people get ahead. . . . Nothing would delight me more than to see Alger advance rapidly, but that isn't this case. Obviously, this purge occurred because of a difference in policy. If you, having been identified with me and being associated with the action that immediately provoked this, take my place, it will appear that this fellow Frank is just an unpleasant man personally. He doesn't know how to keep his fingernails clean. He spits on the carpet. He's bad-mannered. That's all there is to it [the purge]. It has no significance. I wouldn't have volunteered this, but since you've asked me, I think it would be outrageous.” . . . it seemed to me that I had shown him [Hiss] himself in a mirror and he crumpled. He shrank.

“Well,” he said, “if that's the way you feel about it—”

I said, “Yes, I do.”

So he didn't take it. I'm not sure he was offered it from actual knowledge, but I can't believe he would have come to me if it hadn't been. His lawyer [presumably Edward McLean, who came to interview Frank in 1948] later confirmed that he was offered it.

Hiss later denied both Frank's story and having received the offer.<sup>46</sup>

One crucial detail puzzled Frank and continues to confuse students of the AAA purge. When commenting in later years on the pro-sharecropper

\* Frank's memo, prepared as a last-ditch argument for Wallace and Davis, can be found in his papers at Yale. Frank apparently decided not to send it, and the only draft is a handwritten one.

opinion, Frank observed: "That opinion bore the name of Hiss. Mine was merely an approval of Hiss's opinion. How could he [AAA Administrator Davis], since Hiss was primarily responsible, fire other people and retain Hiss?" Frank later refused Hiss's request that he testify as a character witness at his first trial.<sup>47</sup>

According to Hiss, some of those purged pressed him to resign, but he declined because of the "personal interchange with Mr. Davis," with whom he believed he could still work. The explanation is odd, since Hiss resigned soon afterward. In Hiss's account, Chester Davis summoned him into his office shortly after returning from the field to discover the Frank directive and demanded to know how Hiss "could have approved such a 'dishonest' opinion, and I replied by telling him that he had my resignation as I could not act as lawyer for anyone who would question my integrity." Davis, according to Hiss, then denied that he meant to question Hiss's integrity, apologized, and asked Hiss to remain. Hiss withdrew his resignation, he said, after cooling off and after further apologies from Davis, who "explained that he was under great pressure and had spoken hastily and carelessly."

Shortly after the purge Wallace and Davis held a press conference to explain their actions, at which Davis—when asked about Hiss—remarked: "There has been no suggestion of Mr. Hiss's resignation, except in the press, as far as I know." Whether because of Davis's personal fondness for Hiss, or Wallace's desire to retain one symbol of the Frank group within AAA, or simply because he was absent from the daily AAA scene on Nye Committee assignment, Alger Hiss's resignation did not come immediately (as those who had been purged hoped it would) but several months later.<sup>48\*</sup>

Chester Davis, like Jerome Frank, declined to testify at Hiss's trial as a character witness despite several defense requests: "I . . . am convinced that my testimony will do Alger no good," he wrote William Marbury in March 1949. Nor would Gardner Jackson, who came to believe later that he had been duped by Lee Pressman, Nathan Witt, and Alger Hiss.† In searching for some leading figure from this period in Hiss's life to attest to his good character at his trials (Nye and Raushenbush also refused), Hiss's lawyers turned to the Legal Division's leading Civil Service bureaucrat, a career employee named Philip Wenschel, who had worked closely with Hiss during 1933–35, but he too declined.<sup>49</sup>

Hiss's move to the Justice Department in August 1935, one of the "old line" centers of government that J. Peters had expressed a desire to infiltrate,

\* There is no clear indication of Davis's feelings toward Hiss. Arthur Schlesinger, Jr., believes that "Davis had complained particularly of him to Wallace; but Davis, who considered Hiss honest and hard-working, evidently felt that this eager young lawyer had been misled by Frank and Pressman." Robert Conrad, basing his argument on letters from Davis in the late 1950s, states that "Davis also wanted to purge Hiss, but Wallace would not agree. The reasons for this refusal remain something of a mystery."

† Alger Hiss portrayed Gardner Jackson to me, in the course of an interview, as a heavy drinker whose testimony on the AAA period was unreliable.



fitted nicely (according to Chambers's FBI deposition) into the CP's plans. Hiss had managed to escape the AAA purge that cut short the government career of the CP's other prominent representative within the agency: Lee Pressman left the New Deal to resume private practice in New York, joining the newly organized CIO and rising to become its general counsel.

The AAA purge and Harold Ware's death had disrupted the activities of the Washington underground network, and after a struggle for leadership, the group re-formed (according to a great deal of later evidence) under the leadership of economist Victor Perlo. Hiss had been separated from this group the previous year, according to Chambers, but he remained on friendly terms with at least one of its members, Henry Collins.<sup>50</sup>

The existence of the Perlo Group and of its members was confirmed not only by defectors like Chambers but also by someone in a unique position to know its inside workings—Mrs. Perlo. Katherine Wills Perlo wrote an anonymous letter to the White House in 1944, and among those she named as past or present members of the Perlo Group were John Abt, Henry Collins, Charles Kramer, and Nathan Witt, plus others identified through FBI investigation such as George Silverman and Charles Coe. A significant amount of independent evidence corroborates the fact that many of those named had been Communists. For whatever reasons, Mrs. Perlo had become sufficiently disaffected from the activities of the underground Communist network in wartime Washington by 1944 to inform on her own husband.<sup>51</sup>

Busy with other tasks as a courier throughout 1935, Chambers no longer fraternized with the Perlo Group as had been his custom with Harold Ware's underground friends. Through J. Peters, Chambers met David Carpenter (real last name: Zimmerman), a photographer working in Washington for the network. Zimmerman, in turn, introduced Chambers to Julian Wadleigh, William Ward Pigman, and Vincent Reno, all of whom Chambers said later turned over government materials to him. Both Wadleigh and Reno confessed their role in such espionage to the FBI in 1948 as well as their knowledge of both Carpenter and Chambers as underground Communist contacts.

Early in 1936 Peters made what Chambers said his superior described as "an interesting suggestion": that the American Communist underground in Washington sell documents to the Soviet spy rings and use the funds acquired that way to finance activities of the American CP. Chambers recalled that the resident Russian agent, "Bill," reacted negatively, but agreed to examine some samples. Chambers then obtained some materials from Julian Wadleigh and Ward Pigman at this time (Wadleigh—but not Pigman—confirmed this) and photographed them for Bill at the home, according to Chambers, of either John Herrmann or Alger Hiss. But Bill remained indifferent to the scheme, and it died after a half-dozen such transmissions. Bill's successor, Colonel Bykov, who arrived in mid-1936 after Bill's disappearance, reacted much more favorably to such espionage.<sup>52</sup>

Occasionally Chambers's work took him outside of the Baltimore-Washington area.\* He told of one 1935 train trip to the West Coast to deliver a money belt containing more than \$10,000 to an underground Communist leader in San Francisco. It was on this trip that he first met William Edward Crane, whom he remembered using the pseudonym "Keith." Both Crane and Chambers told the FBI that they came to know one another quite well during the course of underground assignments over the next few years, and although their accounts of the relationship differed in some details, the stories meshed and corroborated one another on important questions. Crane took Chambers to meet a veteran Communist Party organizer named Isaac Volkov, a close friend, and Chambers later described Volkov's activities in his 1939 meeting with Adolf Berle:

West Coast—Head: "The Old Man"—Volkov is his real name—daughter a Comintern courier. He knows the West Coast underground—Residence: San Francisco or Oakland—

Interviewed separately by the FBI and without prior knowledge of Chambers's deposition, Crane confirmed the latter's West Coast visit and its purpose. Volkov, according to Crane, had praised Chambers for his earlier *New Masses* stories, a sure sign that the "old man" knew the real name and background of "Lloyd Cantwell"/"Carl"/"George Crosley" or whatever pseudonym Chambers had used on the trip.<sup>53</sup>

During the fall of 1936 "George Crosley's" benefactor, Alger Hiss, began a new job as the assistant to Assistant Secretary of State Francis B. Sayre. While Hiss settled into his new responsibilities at this vitally important "old line" department, Soviet Military Intelligence dispatched Colonel Boris Bykov to the United States as a replacement for its previous chief resident agent.† It was Bykov who revived J. Peters's earlier scheme to exploit fully the CP's government contacts in Washington for espionage purposes, with results that soon triggered the most dangerous phase of Chambers's career as a courier and of Hiss's secret life in the Communist underworld.

\* In the fall of 1936 Chambers met Lee Pressman one final time in New York City. Adolf Berle's notes in 1939 record Chambers's version of the encounter: "[Chambers] Introduced him [Pressman] to Mack Moren, buying arms for Spanish (Loyalist) Gov't.—Pressman—as [CIO] counsel—helped Moren—made a flight to Mexico with him; forced down at Brownsville, Tex. in late '36 or early '37 . . ." Pressman confirmed almost all of Chambers's story, except for the plane crash, in a 1950 interview with the FBI.

† Four members of the Communist underground during the 1930s other than Chambers—Maxim Lieber, Julian Wadleigh, William Edward Crane, and Nadya Ulanovskaya—have identified Bykov as the Russian agent they met, knew, or worked with during this period.