

# Two Experts Examine Alger Hiss's Story

*Last week, writer Thomas E. Cooney summarized on these pages the content of a book which bids to become one of the season's most widely discussed offerings, "In the Court of Public Opinion," by Alger Hiss (Knopf, \$5). This week SR has asked two authorities on different facets of the book, the one a lawyer and the other a typewriter expert, to analyze the book in light of their own specialties.*

## Reopen the Case?

By WAYNE K. BOULTON, *product analyst, Royal Typewriter Company.*

**A**S I read "In the Court of Public Opinion," I was particularly interested in the considerable amount of material it presented regarding typewriters. Mr. Hiss states three basic premises:

- *The first is that every typewriter is different. As a typewriter man, I have seen ample evidence of the ways in which typewriters identify themselves. A typewriter will leave a "fingerprint" on a sheet of typewritten characters almost as reliable for identification purposes as a human fingerprint. What distinguishes one typewriter from another of similar make and type style? The alignment of the type, formation faults of individual characters, the condition of the cylinder and the ring and cylinder adjustment of the individual type—any or all of these will cause variations of printing that will individualize copy produced on a certain typewriter.*

- *The second premise is that operators also have identifying characteristics that show up in the copy they type. It is many times possible to distinguish between two letters typed on the same typewriter by two different operators. This is true because on a manual typewriter, differences in stroking techniques will result in identifiable differences in typewritten work.*

- *The third premise is that from a typewritten specimen prepared on a particular typewriter, a typewriter mechanic can modify a typewriter of similar model so that the characteristics of the typewritten work from the original and the modified machines will be similar. There is no question about the validity of this premise. Two relatively new typewriters may have differences in alignment and ring and cylinder adjustment as well as minor character differences. These typewriters can be adjusted by a*

qualified typewriter mechanic to produce typewritten work so closely identical that it would be most difficult to tell them apart.

According to the book, a considerable amount of the evidence used to convict Mr. Hiss was based on specimens purportedly typed by Mrs. Hiss on an old Woodstock typewriter. Similarities between damaged character impressions in copies of State Department papers and impressions made by the impounded typewriter seem to be open to question on two grounds:

- 1.) The characters cited as similar are made with type slugs attached to type bars on the impounded machines by a soldering process sharply different from and much more sloppy than that used for the other type bars on the same machine. Standards of soldering vary from one mechanic to another, and it would not be unusual, on a typewriter as old as the Woodstock in question, to have several resoldered type. However, it is a questionable coincidence that the resoldered characters are the same as those cited by the original typewriter expert as proof of similarity.

- 2.) According to Mrs. Evelyn S. Ehrlich, a typographic and forgery detection expert employed by Mr. Hiss after his conviction, there are many other differences between the presswork samples of the impounded typewriter and the State Department papers in evidence. Some of these differences are described in detail in the book and two or three of them are shown in magnified photographs. The lower case "m" and "u" have different design characteristics that can be readily seen. On the basis of Mrs. Ehrlich's investigation and the aforementioned photographs, the author contends that a deliberate attempt was made to alter the impounded typewriter so that it would have the same presswork characteristics as the one used to type the State Department papers. The attempt was not too professionally done because it concentrated on the successful alteration of a few characters and completely neglected several other char-



—Wide World.

Alger and Priscilla Hiss, outside courthouse after his conviction.

acters that had visible differences. If this contention is correct, a major portion of the evidence used to convict Mr. Hiss would be invalidated.

One major obstacle to the accurate comparison of the type specimens has been the unwillingness of the prosecution to make available the originally typed State Department papers. Mrs. Ehrlich had to make her comparison from photo copies—a most unsatisfactory substitute.

The political overtones that surrounded the original trials are still very much in evidence in the text. In fact, the author in the closing paragraphs gives an emphatic endorsement of the New Deal, although throughout the book he decries the introduction of "power politics" and their unwarranted influence on judges and juries alike.

There is a tendency on my part to consider that this widely publicized Hiss-Chambers affair, complete with two trials, a conviction, and various appeals is "water over the dam." However, after reading this book and attempting honestly to evaluate the points made by the author, particularly those associated with typewriters, I would like to see another unbiased examination of the facts of this case.

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## Let Bygones Be Bygones?

By C. DICKERMAN WILLIAMS,  
*member of the New York law firm of  
Maclay, Morgan & Williams and a  
close student of the Hiss case.*

UNLIKE Whittaker Chambers's book "Witness," Alger Hiss's "In the Court of Public Opinion" is not an autobiography. It begins with the evening of August 2, 1948, when a reporter told Hiss that Chambers would name him as a Communist at a Congressional hearing the following day; and carries the story through the denial of Hiss's motion for a third trial.

Mr. Hiss has written with obvious care. His examination of the court record and available material has been microscopic. The style is somewhat legalistic, and the ordinary layman will not find it easy going.

As is, I suppose, inherent in the situation, the book is tense and lacks detachment. It would be far more persuasive if Mr. Hiss, realizing that many of his readers would approach it with considerable reserve, had faced squarely some of the questions that inevitably occur. For instance, if he knew Chambers so very slightly as he maintains he did, and there were no friends or employer to vouch for Chambers, how does it happen that he let Chambers have his furnished apartment and car on such favorable terms? And why does he pounce so ferociously on relatively minor discrepancies between Chambers's testimony at the Congressional hearings in August 1948, and that at the trials, while brushing aside similar discrepancies in his own testimony on the ground that in August he had not had an opportunity to refresh his recollection?

Another characteristic of the book would seem to impair its value as a study of the case, if not as a brief. Among brief-writing lawyers, there are two schools of thought. One school simply ignores the evidence of the adversary; the other presents that evidence and attempts to rationalize it consistently with the writer's thesis. It is quite evident from "In the Court of Public Opinion" that Mr. Hiss belongs to the first school. Inconvenient facts are largely dealt with by the simple process of omission. A striking illustration of this technique is his treatment of the testimony by Dr. Carl A. L. Binger that Chambers was "psychopathic." Dr. Binger's affirma-

tive testimony is adequately set forth, especially his extraordinary theory that Chambers's translation of Werfel's novel "Class Reunion" somehow showed that Chambers had falsely concocted his evidence against Hiss. But Mr. Hiss in no way describes Thomas Murphy's cross-examination of Dr. Binger, generally regarded as one of the most devastating in any great American trial, except to say that on prosecution's cross-examination, Dr. Binger "maintained" his diagnosis.

AGAIN, at the very start of the book, Mr. Hiss says that when told by a reporter on the evening of August 2, 1948, that Chambers at a hearing on the following day would call him a Communist, he "saw no reason why I or any one else should pay much attention." The implication is that he was then so secure in his innocence that he was unconcerned that he should be publicly described as a Communist. Only far later in the book and in the most partial and cryptic fashion does he reveal that rumors of his Communist affiliations had been so serious in 1946 that he had had a special conference on the subject with Secretary of State Byrnes and an interview, at his own request, with Assistant Director Tamm of the FBI; that the matter had been discussed between him and Mr. Dulles in 1947 at the time of his employment by the Carnegie Endowment; that, also in 1947, he was questioned by the FBI about his alleged Communist affiliations, and specifically about Chambers, among others; that the matter had been the subject of a further conference with Mr. Dulles in March 1948; and that he had been summoned before a Federal Grand Jury investi-

gating Communist infiltration, also in March 1948. But this background is not put in context with the assertion that he received so calmly the news of Chambers's prospective testimony.

Mr. Hiss's account of his indictment by the Grand Jury is similarly incomplete. The term of the Grand Jury expired on Wednesday, December 15, 1948. On Friday, December 10, the foreman reported that the Grand Jury was unable to find an indictment. Mr. Hiss argues at some length that the change in the Grand Jury's attitude was due to improper pressure from the Un-American Activities Committee, especially Vice President Nixon, its most active member in this affair, and from Assistant Attorney-General Alexander M. Campbell, who was in charge of the Criminal Division of the Department of Justice. He does not disclose that on Monday, December 13, the FBI, independently of the Hisses, found a long letter typed by Mrs. Hiss. The typing matched that of the "Baltimore Documents," that is, the copies of the secret State Department papers, so-called because they were first produced by Chambers at Baltimore. It seems more probable that it was this fact, together with the other evidence, including the evasiveness that the Hisses had shown about their typewriter, that led the Grand Jury to reverse its position of a few days earlier and to indict. At least the reader might think so if provided with the additional information.

In emphasizing the publicity which his case received Mr. Hiss develops a subject that concerns many thoughtful people. Can a defendant have a fair trial after charges against him have been sensationally broadcast? The issue does not, of course, concern

If Japan repeats another incident like the "Perry" incident, Treasury machinery is all ready to enlarge Japanese imports into U.S. & freeze her dollar balances. This was done at the Paris talks. It remains unknown whether Treasury.

We have just agreed to purchase 50 million more of dollars for China. As China has then will have left (almost all in London) or about 100 million of dollars. Her dollar balances are almost all gone.

—Wide World.

Memo alleged to be in the handwriting of Harry Dexter White, released by the House Un-American Activities Committee.