

July 1, 1949

Mrs. Silas H. Strawn,
209 Lake Shore Drive,
Chicago, Illinois,

Dear Mrs. Strawn:

I have just returned to-day from New York, where I have been for a week on some business matters, but most of the time was attending the Hiss perjury trial.

I am glad you liked my little pamphlet. It was not written in connection with the perjury trial. It was written last winter solely to persuade the Carnegie Endowment Trustees to dismiss Hiss from the Presidency and force him to resign as Trustee — not because of the conflict between himself and Chambers as to Communism, but because he had failed to tell the Trustees that he was under investigation for Communism when he was elected to the Presidency.

The United States Government is making a tremendous effort in the New York litigation to convict him, and while nobody can tell what a jury will do, I believe they will convict him. He is certainly guilty 100%.

Nora is in Europe, and will not be back until August.

I expect to be in Chicago sometime in the next few weeks, when I will certainly come to see you and take you out to dinner, if you will let me.

With much affection for you, and with an ever present memory of Silas' many kindnesses to me, running over nearly fifty years,

WMB-LHJ

Affectionately,

July 1, 1949

Eliot Wadsworth, Esq.,
North East Harbor, Maine,

Dear Elliot:

I have just returned from a week in New York, where I was all day, each day, at the Hiss trial, with the F.B.I. I am practically an F.B.I. Honorary Member! All the top New York F.B.I. people were just too nice to me, so that I could go around everywhere, and have access to the trial and everywhere without having to get a ticket.

We were in constant conference, and the trial is coming on famously. I think Hiss will be convicted, although no one can ever tell what a jury will do. I feel very, very confident there will be no acquittal, although there may be a hung jury.

Now as to your letter: Regardless of the hot weather, I am going to try to prepare something and submit it to the Trustees which will show up their bad policy last December in not getting rid of Hiss, when they could have avoided the unpleasant publicity of having been identified with his name for the past seven months, and the folly of extending his term of office, and his failure to tell us of the many investigations of himself for Communism, when he was approached for our Presidency.

I think, too, the whole Endowment is being run for the benefit of a lot of pensioners, by a lot of inexperienced and

[1 July 1949]

Wadsworth #2

none too successful people, who have never succeeded too well in their own businesses, and who are now trying to run everything. We ought to show them that they cannot do it.

Yours,

WMB-LHJ

The Filson Historical Society

July 2, 1949

Victor Lasky, Esq.,
Staff Writer,
New York World Telegram,
125 Barclay,
New York, New York,

Dear Mr. Lasky:

Can you send me two or three copies of the early edition of the World Telegram of last Wednesday, June 29, which contained the little quotation that caused Mr. Stryker to make his outburst about contempt of Court before Judge Kaufman?

I shall be in New York again, possibly next week week or shortly thereafter, when I will give you a telephone call, if you will send me your address; and it would give me a great deal of pleasure if you would dine with me some evening at the Union Club, when we can gossip about the Hiss trial and whatever its outcome may be.

With much appreciation of your courtesy, and let me know the cost of the papers, so I can reimburse you for them,

Very sincerely yours,

WMB-LHJ

June 28, 1949

John M. Harlan, Esq.
Chairman, Committee on Professional Ethics
31 Nassau Street
New York 5, New York

Dear Mr. Harlan:

Shocked by the recent action of two Justices of the Supreme Court in testifying as character witnesses for Alger Hiss, I am moved to write you this letter.

For a long time, I have felt that there should be a canon of judicial ethics against judges testifying as character witnesses. I think that such a canon should be general in its terms, but if not general then it certainly should be provided that a judge should not testify as a character witness in any case that might come before the court of which he is a member.

My opinion in regard to this matter has been formed not only on the ground that judges owe a special duty to maintaining high ethical standards in our courts, but because, in my experience as a public prosecutor, I have seen judges improperly use the great influence of their judicial offices in giving testimony as character witnesses in criminal cases in parts of their own courts.

About twenty years ago when, as a Special Assistant Attorney General of the United States, I was prosecuting Gaston Means and Thomas B. Felder, the late former Judge Martin T. Manton, who was then the presiding Judge of our Circuit Court of Appeals, gave character testimony as to Felder in the United States District Court sitting in the same building which then housed the United States Circuit Court of Appeals. Means and Felder having been convicted, they appealed to the Circuit Court of Appeals. When their case was reached on the calendar, Judge Manton was presiding, and it became necessary for me to call his attention to the fact that he had acted as a character witness for Felder, before he excused himself and left the bench.

During the prosecution of a conspiracy indictment against Ike Luckman and others in Kings County, New York, about twelve years ago, arising out of what was known as the Luckman-Drukman murder case, former Justice Mitchell May, of the Supreme

John M. Harlan, Esq.

-2-

June 28, 1949

Court, testified as a character witness for one of the defendants. Later, a motion was made in behalf of that particular defendant before Justice May on a procedural question preliminary to a subsequent trial of the same case, and although I called the Justice's attention to the fact that he had testified as a character witness in the earlier trial of the said defendant, he still persisted in sitting and hearing the motion. In order to relieve this situation, it became necessary for me to apply to the Appellate Division of the Supreme Court for a writ of prohibition against Justice May deciding the motion. Shortly after the Justice learned of the application to the Appellate Division, he referred the motion to another Justice of the court.

On both of the above mentioned occasions, numerous lawyers and judges of high standing expressed to me their surprise and disgust that judges should so misuse the great influence of their judicial offices. I mention these expressions of opinion so you may know that my position in regard to this question is not unique in this jurisdiction.

I shall be obliged if you will bring this letter to the attention of the Committee on Professional Ethics of the New York State Bar Association in support of the suggestion that an appropriate canon, to discourage such abuses of judicial influence, be added to the Judicial Code of Ethics.

Faithfully yours,

HIRAM C. TODD

HCT:lam

July 2, 1949

Asa V. Call, Esq.,
President,
Pacific Mutual Life Insurance Company,
Los Angeles, California,

Dear Asa:

Thanks for your congratulatory letter of June 16.

I spent all this week with the F.B.I. in New York, with whom I have been co-operating all spring, at their request. In a few days we will know the result of the Hiss trial. I am sure it will not be an acquittal. Of course, it may be a hung jury, but in view of the developments in the last few days, where his sworn testimony has been further contradicted by all sorts of outside evidence, I think there is a very good chance that he will be convicted.

The jury is apparently a high class group of men and women — no negroes on it. The recent conviction of Judith Coplon, with a heavy sentence, and the outrageous spectacle of the trial of the Communists in New York, can hardly fail to affect the Hiss jury.

I am looking forward with great interest to the next meeting of the Carnegie Endowment Trustees, who paid no attention to me last December, when I urged them to the very limit to get rid of Hiss at once, on account of the discredit he had brought on the Endowment's name. I should think now they would feel rather shame-faced, in view of the subsequent perjury indictment and the way

[2 July 1949]

Call #2

the Endowment's name has been connected with his, every time the newspapers mention Hiss.

Give my best regards to Kemp; and with best wishes for yourself and Mrs. Call, and the hope that some way or other I can get out to Los Angeles again,

Ever faithfully yours,

WMB-LHJ

July 2, 1949

John J. Rowe, Esq.,
President,
The Fifth-Third Union Trust Company,
Cincinnati 1, Ohio,

Dear Mr. Rowe:

Thank you for your letter of July 1; and I have read with much interest your April Bulletin, with which I entirely agree.

My father was in the Confederate Army, badly wounded, a prisoner of war for eighteen months, and a Democrat of course, until the Bryan Free Silver campaign of 1896, when he was one of the Palmer and Buckner organizers of the "Gold Democrats". I became a Republican and have never voted anything but a Republican ticket, and am utterly disgusted with everything monetary since Roosevelt got in in 1932 — but pass that.

I enclose you a little pamphlet I wrote on the Hiss matter. I was very much embarrassed to have monopolized the luncheon conversation last Wednesday, but perhaps what I said may have given the other guests a little information of use in appraising whatever may be the outcome of the trial.

The reason I had to rush off in such haste was because the F.B.I. wanted Dulles and me, at 1:45 P.M., to agree on contradicting Hiss' testimony that he had never been asked to resign the Carnegie Endowment's Presidency. It was better for Dulles to do it, as he was the one who had asked Hiss to resign, and only in the event of his unavoidable absence could I have furnished the necessary contradiction.

[2 July 1949]

Rowe #2

While not dealing in anywise with the perjury trial, my Review has been of great advantage, so the F.B.I. says, to the prosecution of Hiss, in enabling the Government to know where and how best to attack Hiss' credibility in other matters.

I was especially glad to meet you, because I well remember your father's interest in, and courtesy to me, as far back as 1915 (when I think he must have been President of the First National Bank), all matters of the Civilian Military Training Camps and the military preparation for our entry into World War I.

The greatest gratification he could have had in this life was to have lived to see you as his successor and your subsequent success.

Many years ago, the Fifth-Third recommended me for some employments that turned out quite profitably, so that, naturally, I have a most kindly remembrance of it.

Very sincerely yours,

WMB-LHJ

Encl

married a real yarker who was associate
Editor of Wall St
Journal until his death July 6 1949
in 1936 10 VAN NOSTRAND AVENUE ENGLEWOOD, NEW JERSEY

Dear Mr. Bullitt,

Probably you've long
since forgotten the Greenhorn
in the Walpole around 1904
who recited "Sweet Auburn"
the place in Old Ireland
where this writer was born.

So now you are the victim
of New Deal slavery and
are liable to contempt of court
for analysing the incredible
lies and traitorous doings
of Alger Hiss and his
gang in the State Department.

The whole rotten scheme
to turn America over to
Red Russia needs men like
you to expose it now.

Even the ordinary citizen
has no doubt but that the
conspiracy against America is

deep rooted and should be
punished by a firing squad.
As the mother of 2 veterans
who served for years in the
Pacific and European wars
as well as having a dozen
nephews and nieces (nurses) in
the conflict, I can testify that
our War II Veterans believe
that they fought in vain.

If Stay Put or so-called
Judge Hoff - beg pardon, Kaufman
dares to cite you for contempt
of court for telling the truth
you may be certain that you
have the backing of millions
of Americans who are only waiting
for a real leader who refuses
to sell our country out with a
Dewey me too.

It is the general opinion that the
Hiss trial as well as the Commie
contraption in New York are fixed
and the criminals will escape.
Analyse that too and stop the Rape
of America — Sincerely Yours
Elizabeth Kelly Orcutt.

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CABLE ADDRESS
BLYTHCO

July 7, 1949

Mr. Wm. Marshall Bullitt
Bullitt, Dawson & Tarrant
Kentucky Home Life Building
Louisville, Kentucky

Dear Mr. Bullitt:

Thank you for your letter to Mr. R. R. Stroud of the Mutual Life Insurance Company. I am sending it along with a covering note, a copy of which I am enclosing herewith.

I do not wonder at your curiosity. The reason is as follows: The other day about a dozen of us were sitting around discussing the Hiss trial. I made the statement that from the testimony I was convinced that Hiss was a liar. John Mason Brown, who hails from down your way, took issue and said that in his opinion Hiss was not guilty, etc. I avoided a discussion, but I did say that you had written a review of the Alger Hiss scandal and that I was going to attempt to obtain some copies of this review and send them to those present, including John, simply because I felt that you were qualified to judge Mr. Hiss better than anyone present as you had sat with him at trustee meetings, etc.

Isabel was glad to receive your kind regards. She is very well.

Thanking you for your trouble in this matter, I am

Sincerely yours,

GL:wk

George Bird

BENJAMIN STOLBERG
222 WEST 23RD STREET
NEW YORK 11, N. Y.

July 7, 1949

Dear Mr. Bullitt:

Thank you for sending me your pamphlet on the Chambers-Hiss affair. It is a fine objective analysis of the congressional hearings on the matter. Also: I feel you deserve the gratitude of all fair and understanding citizens for contributing, by your very presence, to what might be called a judicial cleansing of the atmosphere in Judge Kaufman's court.

(Just one minor correction. On top of page 17 of your pamphlet you mention "Lloyd" Henderson. His name is Loy Henderson. And I feel pretty certain that he never was in charge of Russian affairs in the State Department. Before his rather recent appointment as ambassador to Hindustan, he was in charge of Near Eastern Affairs in the Department. He is one of the finest and most knowing men in our diplomatic service.)

With every good wish, I am

Sincerely yours,

Benjamin Stolberg

Mr. William Marshall Bullitt

GEORGE ADAMS ELLIS
BENNINGTON
VERMONT

July 7, 1949

Mr. William Marshall Bullitt
Louisville
Kentucky

Dear Marshall:

I assume that you have been reading the New York Times' reports of the Hiss trial which have been most complete. I have been particularly interested in the cross examination by Government counsel. Never in my experience at the Bar have I seen anything so pathetic. Before the jury gets the case I want to be on record as prophesying that the odds are twenty-five to one that he gets off. I would have given a great deal to have seen Max Steuer handle that cross examination. In fact I would have bought a ringside seat with the greatest of pleasure, and if Max had handled it the odds would have been ten to one on conviction.

With warm personal regards,

Sincerely,

G.A.E.

*When are you coming to Lexington?
GAE*

July 9, 1949

George Leib, Esq.,
c/o Blyth & Co.,
14 Wall Street,
New York 5, New York,

Dear Mr. Leib:

On my return to-day from New York, I have your letter of July 7.

Although it was a hung jury — eight for conviction to four for acquittal — I feel perfectly certain Hiss will be convicted at the next trial, which will be in the early autumn.

When John Mason Brown was a little boy of seven years of age, he was one of the most adorable children I have ever known — with an enormous actual fascination. I was devoted to his mother. That was how I came to see so much of him as a little boy.

You can tell him he is entirely wrong; that Hiss is absolutely guilty; and if I could have a chance to talk to him a little while, I believe I could convince him beyond all doubt that Hiss is guilty in the most aggravated form.

Faithfully yours,

WMB-LNJ

July 9, 1949

Mrs. Russell Lord,
896 Church Road,
Lake Forest, Illinois,

Dear Mrs. Lord:

I have your note.

I have been in New York the past ten days attending the Hiss trial. It resulted, as you know, in a hung jury — eight for conviction and four for acquittal.

The Judge was all for Hiss. It will be re-tried in October before a different Judge, and then I am as confident as anyone can ever be of a future event that he will be convicted.

The next time I am in Chicago, I will telephone you; and if it is my good fortune to find you at home, I shall be delighted to call on you and tell you a lot of things that are not in print and which might interest you.

Very faithfully yours,

WMB-LHJ

July 9, 1949

Mrs. Elizabeth Kelly Orcutt,
130 Van Nostrand Avenue,
Englewood, New Jersey,

Dear Mrs. Orcutt:

On my return to-day from New York, I have your very kind note of July 6, with which I am in entire sympathy.

As you know, there was a hung jury — eight for conviction, four for acquittal. There is a lot back of that that is not in the newspapers. The case will be re-tried next autumn, and there will be a different Federal Judge to try it. I feel very confident that Hiss will be convicted on the next trial. I rather thought there would be a hung jury this time; but, after the atmosphere has been so completely cleared by all the testimony, the Government will have no trouble in pressing its case next time in even stronger form than it did this time.

Now back to 1904 — forty-five years ago. Please tell me — for frankly I have to admit that I have forgotten, as an old man's memory generally does fail — what your name was then, and how it was that we came in contact with each other at the Waldorf in those ancient days.

Do not worry about any "contempt of court". That was an outburst of Stryker in his desperation that I had pointed out a serious false statement by Hiss, that Dulles would contradict.

I am in New York every two or three weeks, practically every month, and always stay at the Union Club, Sixty-Ninth Street &

[9 July 1949]

Mrs. Orcutt #2

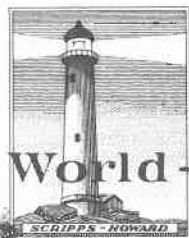
Park Avenue (Telephone Regent 4-5400), and would be delighted to get in touch with you and see you again. Drop me a postcard at the Club, marking it "Hold for Arrival", giving me your telephone number at Englewood, so that I can reach you when I am there.

I hope your boys are doing well in this life. You ought to be very proud of their War record.

Very sincerely yours,

WMB-LMJ

[11 July 1949]



New York World-Telegram

Hess

New York 15, N.Y.

Monday

Dear Mr. Bullitt:

I am enclosing an article which I think might interest you. I am sorry I didn't have too much room to put down all that is in the record of the Hiss trial, one of the most fantastic I have ever covered.

I'm sure that the storm which has arisen over Judge Kaufman's handling, or should I say, mishandling, of this important trial, means we'll have a more competent judge assigned to the case when it comes up again.

What I would like to get from you is two or three additional copies of your excellently-prepared brochure, which nearly got both of us cited for contempt. By the way what ever happened to that big power play put on by friend Stryker?

Another thing -- I am preparing a book on the Hiss case for publication following the second trial.

If there is any information you might want see included on Mr. Hiss' conduct at the Carnegie Endowment for International Peace, I would appreciate it in the form of a memorandum. I think that Mr. Hiss' relations with the Endowment should be put into some permanent record.

At any rate drop me a note when you expect to come to New York again, and possibly we can get together for dinner. Ben Stolberg would very much like to meet you in person. Possibly ~~xxxx~~ the three of us can get together.

Cordially,

Victor Stryker

July 11, 1949

Mr. George Adams Ellis
Bennington
Vermont

Dear George:

I have your letter of July 7th. I have been in close touch all Spring with the F.B.I. in connection with the Hiss case. I am sending a pamphlet I wrote on the subject, not as to the perjury trial -- but solely about the congressional hearings. It was constantly used by the District Attorney in prosecuting the perjury case.

You are entirely wrong in your view of the Government's cross-examination's being in the slightest degree pathetic. I was there June 26, 27, 28, 29 and July 6, 7 and 8 so that I have a pretty good idea of the case as a whole. Stryker was like a cheap ham actor seeking only a cheap notoriety in the newspapers and trying to impress the jury by his antics.

Assistant District Attorney Murphy, 6' 4", was very careful and deliberate with no theatrical exhibitions on his part. His closing argument could not have been improved on.

You guessed wrong as to the result. As you have seen in the papers, the first ballot was four for conviction, four for acquittal and four undecided. The second ballot and all subsequent ballots were eight for conviction and four for acquittal. You have probably seen the scandal about juror No. 1 -- foreman.

Max Steuer might have prosecuted better than Murphy. Steuer was, of course, a great trial lawyer with an amazing memory and knowledge of facts. No one can tell what would have happened if something else had happened. The case will be retried in the Fall at the earliest date available; and before some other judge. You can bet on that. You have seen the reaction against his partiality for Hiss.

[11 July 1949]

Mr. George Adams Ellis

Page 2

Dulles' appointment to the Senate should, according to all precedent, create a vacancy on the Carnegie Endowment's Board of Trustees. There's your chance.

I don't expect to get to Stockbridge this summer and my daughter and her children are there now. Mrs. Bullitt is in Europe.

Very truly yours,

WMB/bb

July 11, 1949

PERSONAL AND CONFIDENTIAL

Hon. Robert P. Patterson,
1 Wall Street,
New York 5, New York,

Dear Bob:

I have just read in the NEW YORK HERALD TRIBUNE (as well as the LOUISVILLE COURIER JOURNAL) your statement about Judge Kaufman's trial of the Hiss perjury case.

I have taken a great deal of interest in the Chambers- Hiss controversy, and I think I sent you a little Factual Review of their testimony before the Congressional Committee last August-September, but which has absolutely nothing to do with the perjury trial or the issues involved in it. It is not very long, and I hope you may find time to read it.

Although I knew from the first publications of the Congressional Hearings last August that, sooner or later, I would be more or less in the position of a juror or a judge in determining the future relations between the Carnegie Endowment and Hiss, I had absolutely no opinion one way or the other about it, until, when I was in Nassau convalescing from pneumonia, I read very carefully the whole eight hundred pages of Hearings and wrote the little "Review" while there.

I believe that everything that Chambers said was true, and everything that Hiss said, of importance, was false.

[11 July 1949]

Patterson #2

I happened to be in New York in the last two weeks and attended a good part of the Hiss perjury trial on June 27-30 and July 6, and also heard the closing arguments on July 6-7, so that I had a little opportunity to observe the progress of the case in its closing stages.

I thoroughly agree with you that, except as leading to impeachment proceedings, it would be unfortunate for a Congressional Committee to criticize a Court's rulings, at least unless they knew everything about the case which caused the rulings.

The next time I see you, which I hope will be soon, I will give you my impressions of what I saw in those days.

In the meantime, this carries with it my best wishes for you and Mrs. Patterson, and the "indigent" daughters, who I trust are now rolling in wealth derived from the wicked corporations of enormous assets — whose interests I am sure you have protected valiantly.

I feel very confident that Hiss' next trial will result in a conviction — but such a guess is always rash!!

It has been so long since I have seen you, and as I am in New York every two or three weeks, I am going to break in on your money making and persuade you to take an humble luncheon with a country lawyer, who twenty years ago had the great pleasure of having you stay with him in that hot July weather.

I do not know whether you have seen Tommy since he returned from the War; but I have not forgotten that you were with me on the golf links at Stockbridge, when he was hurt in taking a fence,

[11 July 1949]

Patterson #3

and your sympathy and kindness toward me before we could find out how badly he was injured.

I hope to see you soon.

Affectionately yours,

WMB-LHJ

The Filson Historical Society

WM. MARSHALL BULLITT
CHARLES I. DAWSON
JOHN E. TARRANT
R. LEE BLACKWELL
THOMAS W. BULLITT
EARL S. WILSON
THOMAS S. DAWSON
BERNARD H. BARNETT
RICHARD M. DAWSON
GERALD KIRVEN

BULLITT, DAWSON & TARRANT

THE SEVENTEENTH FLOOR
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TELEPHONE
JACKSON 1144

WM. C. BULLITT [1793-1877]
THOS. W. BULLITT [1838-1910]

July 11, 1949

Hon. Samuel H. Kaufman,
United States District Judge,
United States Court House,
Foley Square,
New York, New York,

Sir:

At the F.B.I.'s invitation, and by court room courtesy, I was present at the Hiss perjury trial for a good part of the Hearings on June 27-30 and July 6-7.

Twice in open court (June 29 — after the jury retired; and July 6 — in the presence of the jury), Mr. Stryker attacked me under circumstances which you can hardly have forgotten. As a courtesy spectator, there was nothing that I could say, without interfering with the decorum and dignity with which your Court was conducted, and than which no State or Federal Court can have preserved greater dignity and decorum.

I am entirely willing to appear personally before you, at any time you may designate, and submit myself to your jurisdiction for any hearing and such action as you may deem wise to take, in view of Mr. Stryker's statements and actions, and the obvious interference with the dignity and decorum with which the Hiss case was conducted.

This Court may be properly apprised of the following facts, all of which were known by Mr. Stryker when he made his attacks on me:

1. A distinguished New York lawyer (and close member of Mr.

[11 July 1949]

Judge Kaufman #2

Stryker's immediate family) several times had asked me if I would be willing to meet Mr. Stryker, in order to show to him the weakness in his case in defending Hiss. The lawyer knew that I had made an intensive study of the Hiss-Chambers controversy, as it appeared before the Congressional Committee. I told him I would be glad to meet Mr. Stryker.

2. On March 29, 1949, I accepted the lawyer's invitation to meet him and Mr. Stryker at the Knickerbocker Club.

I spent about four hours in that conference, at which Mr. Stryker outlined his entire theory of defense and the speech that he expected to make to the jury. I corrected many of his statements as wholly incorrect, and told him that if he made such statements in his argument to the jury, the District Attorney having the last speech would tear his defense into shreds; and pointed out to him the facts developed in the Congressional Hearings that contradicted his theory.

I told Mr. Stryker that I had my views all in print, in galley proof form, and would give him a copy whenever I had time to have it printed off.

On May 30 or 31, the Lawyers Press, in New York, mailed to Mr. Stryker and to the distinguished lawyer-member of his family quite a number of copies of a thirty-page printed "Factual Review of the Whittaker Chambers-Alger Hiss Controversy", which I had written at Nassau, Bahamas, November 27-December 4, 1948, while convalescing from pneumonia.

I had the "Factual Review" set up in print to present to the Carnegie Endowment Trustees at their meeting on Sunday, December 12, 1948, but the printer could not quite get it out by Sunday, and it remained in galley proof form until the last few days of May, 1949,

[11 July 1949]

Judge Kaufman #3

when it was printed off. It did not touch upon the perjury trial in any way, but only dealt with the Congressional Hearings and the respective credibilities of Chambers and Hiss.

I am sending a copy of it to you, which is self-explanatory, particularly the footnote on page 30.

3. On June 27-29, when I first attended the Hiss trial, a number of my purely social friends were present and asked me for a copy of the "Factual Review", of which they had heard. I promised to mail a copy to several of such friends, and later did so. I think it likely that I also gave a copy to one or two persons, who at the trial asked me for a copy — at least I would not deny having done so if anyone said that he or she had received a copy from me during the trial.

On Wednesday afternoon, June 29, after the jury had been dismissed for the day, Mr. Stryker made his attack upon me in open court and in the presence of the Court and a large number of spectators. He had received, as far back as May 31, a number of copies of the "Factual Review", of which a copy had been sent at the same time to each Trustee of the Carnegie Endowment and to some other persons who were deeply interested in the situation.

No member of the F.B.I. conferred with me in the court room, except that, having an increasing deafness, I could not even with a hearing aid understand the low voices of Mr. Hiss and Mrs. Hiss on the witness stand, and perhaps one or two other witnesses. For that reason, I occasionally wrote a little memorandum to whomever was sitting next to me, asking what the witness had just said, and the answer was given to me in writing. I think an F.B.I. man, whose name I do not know, was sitting next to me at several ses-

[11 July 1949]

Judge Kaufman #4

sions and in that manner answered my inquiries. The same thing is true of a lady who sat next to me, and gave written answers to my written inquiries. While one or two F.B.I. men spoke to me in the court room, when court was not in active session, I do not recall that there was any conference on the subject of the testimony that was being taken.

It was so difficult for me to hear the witnesses that once — and once only — I tried sitting outside the railing, and a newspaper correspondent sat next to me. It was harder for me to hear the witness from there than it had been when I sat inside the railing in the seats reserved for special guests. I wrote one or two inquiries as to what the witness said, and the newspaper man answered them in writing; and he let me read some of the notes he was taking that I might understand what the testimony was about. In return for his courtesy, I handed him my copy of the "Factual Review", which he read over for a little while and returned to me.

4. The dignity and the decorum maintained in the court room during the entire time that I attended the Hiss trial was of such a high level that, in nearly fifty-five years of active practice in State and Federal Courts, of at least twenty States, I have never seen any court room conducted with greater decorum, dignity and quiet; and for that very reason I was very careful not to engage in conversation — not even whispered conversation — while court was in session, except possibly one or two very whispered inquiries as to what a witness was testifying about.

5. On Wednesday, July 6, when Mr. Stryker made his second attack upon me, about my "smirking" at the jury, I can only say that I, the lady on my left (wife of an important Federal official),

[11 July 1949]

Judge Kaufman #5

and Mr. Sarnoff (head of the R.C.A., who was on my right) were so intensely interested in Mr. Stryker's argument to the jury that I certainly, and I think they, kept our eyes and our attention directly upon Mr. Stryker, following his argument with a very concentrated attention.

As far as I was concerned, I was never conscious of even a smile or change in my expression from that of an intense listener.

Sitting with the entire breadth of the court room between my seat and the jury box, there was certainly no "smirking" or other passage of expression between myself and any member of the jury.

I suggest that in a trial conducted with such intense quiet and freedom from conversation or movement, there was no infringement upon its dignity, except Mr. Stryker's two separate, violent outbursts [which could not be replied to at the time], which themselves might well be the subject of disciplinary action.

I might also be permitted to suggest that Mr. Stryker's first violent outburst resulted from the unexpected revelation in the WORLD TELEGRAM that Mr. Dulles had suggested, as far back as August 18, 1948, that Mr. Hiss resign the Presidency of the Carnegie Endowment, in order to relieve it of embarrassment — which suddenly presented a further and very positive contradiction of Mr. Hiss' denial that any such suggestion of resignation had been made to him.

But that is not all.

Mr. Stryker may very well have been deeply disturbed lest I personally might be called as a witness to another, and subsequent, time when Mr. Hiss' resignation was demanded — not by Mr. Dulles,

[11 July 1949]

Judge Kaufman #6

but by a far more authoritative action, and which he had denied.

With assurances of my full appreciation of a most quiet and dignified judicial procedure,

Very truly yours,

WMB-LHJ
Encl

cc Mr. Stryker

The Filson Historical Society