

SUBJECT:

Whittaker Chambers-Alger Hiss Case

On June 13, 1949, at the request of Mr. Murphy, I went to New York City to discuss the HISS case with Mr. Murphy and Mr. Donegan, who are handling the prosecution of the case.

Both of these individuals requested that I testify to the confidential nature of the documents to be used as evidence in the HISS case. I explained to Murphy and Donegan that the documents, which do not bear a code classification and are not classified at all, would have to be considered in the light of international relations at the time the documents were written, and that I was not in a position to testify that as of 1937 or 1938, when the documents were written, that they were considered as confidential.

I suggested to them that the best witness would probably be one of the political officers who handled the information at that time and who knew the international implications of the information contained in the documents. In addition, I suggested that Walter Anderson (DC/R), who is presently in New York, can testify that the documents which had been transmitted by alphabetical code, that is, codes A, B, C, and D, were considered classified since the codes themselves were used as a precaution against disclosure of confidential information.

Both Donegan and Murphy stated that they hesitated to use a political officer who was in the Department in 1937 and 1938 for fear that Mr. Stryker, the defense attorney, would in turn use the witness as a favorable character witness for Alger HISS.

I then suggested that it may not be necessary to specifically classify each separate document as containing classified information and that it might be possible to have Walter Anderson testify to the classified nature of the documents transmitted in alphabetical code and not make an issue of the classified nature of the documents which are not actually classified. They finally agreed that they will attempt to follow this suggestion and have Walter Anderson testify to the confidential nature of the documents transmitted in alphabetical code, and if they felt it necessary to have testimony to the effect that other documents contained classified information they would communicate with us.

After completing this conference with Murphy and Donegan, I returned to Washington on the night of June 13, 1949.

cc - CON - Mr. Boykin

CON:SY:DLNicholson:lbh

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CONFIDENTIAL

*T. Nicholas*