

"Now, Mr. Murphy, I would like any statements of the FBI about their talks with Mr. Chambers and have them submit it to his Honor to permit me to read any part that is inconsistent with this witness' testimony" (R.359, 360).

Mr. Murphy replied:

"Your Honor as I understand the witness's testimony there were no statements made by this witness" (R. 360).

Cross, being aware of the 1942 and 1945 statements because of the first trial, pressed for their production; and they were submitted to the court. As in the first trial, portions were submitted to the jury (R.558-561). There was no mention of any other statements, Donegan, Murphy and Chambers having stated at the first trial that there were none (supra, p. 39 ), and Murphy having repeated this at the second (R.360).

We now know the facts to be quite different. There were at least three other undisclosed statements by Chambers prior to the time he testified. The most important in terms of content, and the most significant in terms of this petition was a statement of 184 pages, written by Chambers in the first person, as a result of interviews with Special Agents Spencer and Plant on January 3, 4, 5, 6, 7, 11, 12, 13, 14, 18, 19, 20, 21, 25, 26, 27, 28; February 3, 4, 9, 15, 16, 23;

March 1, 2, 3, 8, 9, 10, 15, 16, 30, 31; and April 5, 6, 12, 13, 14 and 18, 1949. That statement, of which Hiss knew nothing until it was produced as a result of the FOIA, was the subject of significant correspondence between the FBI and Murphy. The usual FBI procedures would call for a prospective witness signing such a statement but in this case Chambers "though entirely willing" was not asked to sign his statement. The reason was set forth at some length in a memorandum from Special Agent Spencer to the Justice Department dated April 27, 1949. Spencer states that he, and Special Agent Kelly, had had conferences with Donegan and Murphy at which Murphy indicated the desirability of leaving Chambers' statement unsigned. Spencer reports that "it was now both Murphy's and Donegan's opinion that Chambers should not sign the lengthy general statement that had been obtained from him over the course of the past several months." Spencer went on to say:

"DONEGAN pointed out that since CHAMBERS would be a Government witness and a friendly one, no material benefit could be gained by him signing this statement. He pointed out that on the other hand, if he did sign it, this fact might be brought out during the course of the trial, and although the statement might not be actually presented to the jury

there was a possibility that the Judge might allow the defense attorneys to read the statement, which would probably result in some complications. It was pointed out to DONEGAN that CHAMBERS has already signed three rather brief statements but he indicated that he does not believe that these statements will cause any conflict if they are introduced, in view of the fact that they are brief and are concerned with specific matters. He pointed out that the statement in question, of course, is very lengthy and if the defense attorneys got their hands on it, they might use some of the material therein to at least cloud the issue.

DONEGAN suggested that although he is aware that this is contrary to the general Bureau custom, he felt that if the Bureau actually wanted the statement signed that arrangements could be made whereby CHAMBERS could set his signature to this statement subsequent to the trial."  
(CN Ex. 20A )

By this ruse, the prosecution was successful in concealing from the defense the existence of the statement. The declarations by Chambers, Murphy and Donegan to the court at the first trial, and of Murphy at the second, were designed to conceal, not disclose the truth. The honesty and candor demanded of prosecuting officers would have required Murphy