

1 ENCLOSURE TO BUREAU

RE: NY 65-14920

REGISTERED MAIL

Kisseloff-24837

74-1333-

US v. John Doe
December 9, 1948
Pres. by Messrs. Donegan,
Whearty and Strine.

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Stripling

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R O B E R T E. S T R I P L I N G, called as a witness,
having first been sworn, testified as follows:

BY MR. WHEARTY:

Q Mr. Stripling what is your official position?

A I am the Chief Investigator of the House Committee on
Un-American Activities.

Q And how long have you been in that position?

A I have been with the Committee since 1938. In 1938 I
was the Secretary of the Committee. In 1939 I was the
Secretary of the Committee. In 1940 I was appointed Secretary
and Chief Investigator; which positions I have held since,
with the exception of 18 months in the Army.

Q Now, Mr. Stripling, this Grand Jury, as you know, is
interested in a pretty detailed knowledge, if it's possible,
of the way in which these famous films came to light. And
rather than ask you specific questions, it would seem to me
that we will just give you a general question of this charac-
ter and have you describe it in your own words: Will you
describe that matter as fully as you can, please?

A All right, sir. On November 30 -- may I refer to my notes?

Q Oh, by all means, certainly. A On November 30 an
individual by the name of Nicholas S. Vazzana, who is a
lawyer, I understand, and acts as an investigator for a firm
of lawyers in New York City --

Q Did you have an address for him? A No, sir, I
don't. But I think I can tell you how you can reach him.

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He came to me some time ago and said that he was working for the firm of lawyers that were representing Whittaker Chambers in the libel matter. He asked me for copies of the Committee's public hearings, and from time to time he came by and asked me various questions regarding what appeared in the record. On November 30 he came in to see me and he made this statement to me, he said: "Alger Hiss better go shoot himself." And I had no idea what he was referring to; except for the way in which he said it, he indicated that something important had developed in the case. It so happens that Congressman Nixon, of the Committee on Un-American Activities, who had been principally in charge of the Hiss-Chambers controversy for the Committee acting principally as a sub-Committee, had just arrived back in Washington that morning, so I asked Mr. Vazzana if he would go up to see Mr. Nixon with me. I took him up to Mr. Nixon's office, introduced him and asked him if he would tell Mr. Nixon what he was referring to. Whereupon he said to me that he was not privileged to do that, that he was under instructions through his firm of lawyers -- that Judge Chestnut in Baltimore had instructed him that they would be in contempt to discuss the matter. And we talked with him for some time, but he did not divulge the nature of the development, except that he definitely gave us the impression that something very unusual had occurred.

Q At that time, Mr. Stripling, had you been informed

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of the voluntary turning over of these other documents in Baltimore? A No, sir.

Q You knew nothing of that whatever? A In fact, I didn't even know that they were taking pre-trial testimony or depositions. The following morning -- I mean, this item appeared in the Washington Post, this was Wednesday, December 1, 1948, in a column entitled The Federal Diary, by Jerry Klutz. Jerry Klutz, as you may know, writes a very famous column in Washington on government affairs. In the column, under the title of "Loyalty," he states as follows: (Reading) "The Hiss-Chambers fight is slated to make news again very shortly. Since Alger Hiss sued Whittaker Chambers for libel attorneys for both men have been taking detailed depositions from witnesses, including the two principals. Some very startling information on who is a liar is reported to have been uncovered." When I saw that in the paper I called Mr. Nixon and asked him if he had seen it and he said that he had not. He said, "If Vazzana comes in today, be sure and bring him up. We want to talk to him again." Vazzana did come by. I showed him this clipping. He made no comment whatsoever. I took him to Mr. Nixon's office and again Mr. Nixon tried to get him to tell us what had developed, but he would not. We left the building, went out to lunch. Mr. Nixon and I discussed it during the lunch period and we both decided that it would be a good idea to go and see Whittaker Chambers. Now, the reason we did that was

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because during the hearing on Whittaker Chambers it was very apparent to me that he was withholding information, because he would not fill in certain details which I felt that he should, and from time to time in the record or in the course of the hearings I spoke rather strongly to Mr. Chambers on and off the record, in which I practically accused him of holding out and I kept saying to him that it was impossible for us to handle a hearing or a case of this kind unless we had the full cooperation of a witness, unless he was frank and sincere in all of his answers.

BY MR. DONEGAN:

Q Mr. Stripling, I don't mean to interrupt you at this time, but with reference to his answers before the Committee, either in executive session or in a public session, is it your recollection -- of course, the best evidence of that would be the record, but is it your recollection that Mr. Chambers stated before the Committee, under oath, that he did not have any information which would corroborate the fact that he was giving information as an espionage agent?

A Mr. Donegan, I would like to check the record as to what he said on that. I don't -- I mean, I think that during the course of the hearing that we were definitely under the impression that if he had any information it had been destroyed.

Q I would like to pursue it just a little bit further, because I think it's pertinent, especially for the Grand

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Jury since Mr. Chambers has appeared before this Grand Jury previous to this. Of course, the Committee was interested in not only the Communist situation as it existed, or as Mr. Chambers alleged it existed, and as Hiss denied it existed, but also the possibility of espionage or whether there was actual information transmitted; and of course it would be quite material whether the documents were transmitted. Now, is it your recollection -- and I realize that the record isn't here, isn't available to you now, but is it your recollection that there were questions asked which would logically bring that out if Chambers hadn't been withholding the information deliberately? A I remember that in his original statement which he made before the Committee the first time he appeared, that the question of ultimate espionage came up, in which he was describing the formation of the setting up of this apparatus within the government and he stated -- I believe the record can bear me out on this -- that espionage was the ultimate objective or one of the ultimate objectives. On that, on whether or not a direct question was asked, I would have to check the record.

Q Now, in addition to that, with reference to your position with the Committee, outside of the public hearings or the executive hearings, do you know whether Chambers misled the Committee with reference to the giving of these documents or whether he had any documents or whether he had anything to corroborate the statement that he made?

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A Well, I know this: that not only the investigators but myself asked Mr. Chambers time and time again if he had any additional information, anything to bear out what he had stated.

Q And you would conclude, with reference to your experience as an investigator, that Chambers did mislead the investigators with reference to this information?

A Oh, there is no question about that.

Q The Grand Jury is particularly interested in that point. A No, there is no question about that.

Q Of course, you realize the situation; that it had been well known and there were two people who had given testimony under oath, and Chambers, who was making the allegation, did not at that time or did not until recently come up with these documents. A Oh, yes.

Q And it's your conclusion, with reference to your position in the Committee, that he was misleading the Committee? A Oh, there is no question about that. And I was as surprised as anyone when the documents developed.

Q All right. I'm sorry to have interrupted your --
A All right, sir. After reading the Jerry Klutz column and again talking to Vazzana, Mr. Nixon and I decided to go immediately to Westminster and see Mr. Chambers. I put in a call to him at Westminster. He answered the phone. I asked him if he would be there during the afternoon. He said that he would. I didn't say that Mr. Nixon would accompany me;

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I just simply said, "I want to see you, and I'll be up before six o'clock." Mr. Nixon and I, accompanied by a Committee stenographer, Mrs. Rose Purdy, drove up to Westminster in Mr. Nixon's automobile. We arrived there it was dark; I would say it was around six o'clock. We went to the house. Mrs. Chambers finally answered the door. She said that Mr. Chambers was in the barn, milking. We went in and had a seat. I would say in 10 or 15 minutes Mr. Chambers appeared. He was in his working clothes, or milking clothes, and he sat down and we talked for a few minutes, and then I -- Mr. Nixon took out this article in Jerry Klutz's column and read it to Mr. Chambers and said, "Well, what about this?" And at that point I interrupted Mr. Nixon and I said, "Mr. Chambers, as you know" -- and I said, "I know you are not going to like this, but" -- and he interrupted me and he said, "Mr. Stripling, I know exactly what you are going to say." He said, "You have said it before." And I said, "Yes, I certainly have. You have been withholding information." And he said, "Yes, I have been withholding information, that's true." We then asked him what this was all about. And he told us the same thing that Mr. Hazzana had told us, and that was that he would be in contempt of court if he discussed it.

Q May I interrupt you there. Did Mr. Chambers recognize this Mr. Hazzana, or whatever his name is? A No, Hazzana's name was not mentioned at all to Mr. Chambers and we didn't

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bring up Mr. Hazzana's name. In other words, knowing Chambers and having had him before the Committee so many times, he is a rather -- he is the kind of person you have to work on to get any kind of information. He doesn't volunteer anything. And Mr. Nixon kept trying to find out from him what had been presented at the pre-trial.

(Continued by IFG)

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(From BD)

December 9, 1948
(Messrs. Whearty, Donegan
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A (Cont.) We were not seeking - - frankly, we were not seeking new evidence. We merely wanted to know what had happened at the pre-trial, and I will be glad to tell you why we were particularly interested in determining what had been brought up at the pre-trial, because it, too, was based upon a newspaper article which appeared the same day. With your permission, I will tell you.

BY MR. WHEARTY:

Q Go ahead. A Now, as you understand, I work for the Committee. It is my job. Mr. Nixon is a member of the Committee, and is very enthusiastic, I would say, and concerned about this case, and he has worked very hard on it.

Well, the following article appeared the same day that the item appeared in Mr. Kluttz' column, in the WASHINGTON DAILY NEWS, and it says:

"Hiss & Chambers Perjury Probe Hits Dead End."
It is a United Press dispatch:

"The Justice Department is about ready to drop its investigation of the celebrated Alger Hiss-Whittaker Chambers controversy, it was learned today. Department officials still have 'under study' the question of a possible perjury prosecution. But officials said privately that unless additional evidence is forthcoming, they are inclined to forget the whole thing.

"The perjury question arose when Mr. Chambers, an admitted ex-Communist who is now with Time Magazine, charged under oath that Mr. Hiss was a member of a pre-war Communist underground in official Washington. Mr. Hiss, a former State Department official, denied it - also under oath. Their conflicting statements were made during House Un-American Activities Committee's hearings last summer on Communists in the Government. The Committee turned their testimony over to the Justice Department for a perjury investigation.

"One department source said that on the basis of available evidence, officials in charge of the case believe it would be unwise to take it before a Grand Jury. But he emphasized this attitude could change over-night if the House Committee dug up some new evidence. [or the department investigators]

"The F. B. I. has taken part in the department's investigation. Attorney General Tom C. Clark has assigned the case to Special Assistant John Ford Baecher and U. S. Attorney George Morris Fay."

As I say, this article appeared the same day. Mr. Nixon was considerably concerned that if new evidence had been submitted - evidence which would cause Vazzana to make the statement to us which he did - then he wondered what it was all about.

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We went to Mr. Chambers, and as I say we had this conversation. He would not tell us what he had submitted. He did say this, however - and I think this is very significant - - he used the expression - - no, I am sorry, it was not that way - - In trying to find out from him exactly what had happened, I said, "I have heard by rumor that you dropped a bomb-shell at this pre-trial examination." Mr. Chambers said, "Yes, but," he said, "the first one will be nothing compared to the second one."

Now, he would not comment beyond that. He said he could not give testimony, that he would have to talk to his lawyers, and so forth. We left.

BY MR. DONEGAN:

Q That was out at the farm? A That was in his drawing room at the farm.

BY MR. WHEARTY:

Q On December 1st? A On December 1st. Mr. Nixon and I drove back to Washington. On the way back we discussed it very thoroughly, as to what he could be withholding, and what he had in mind. But from his attitude, and from knowing him, we were convinced that he did then have some information.

I told Mr. Nixon that I thought it was important that the first thing he do, and that he do it that night,

was to go to his office and call the Federal Bureau of Investigation, and tell them everything that he knew about it, which he did.

He went to his office at approximately eleven o'clock, according to him - I didn't accompany him; he let me out in front of the House Office Building - and he called a high official of the Federal Bureau of Investigation, and told him everything that we had learned.

BY MR. DONEGAN:

Q Do you know the name of that official? A Yes, sir, I do.

Q Will you give it? A It was Assistant Director Lou Nichols. The following morning, at about seven o'clock, or six-thirty, I believe it was - -

Q Would that be December 2nd? A December 2nd - I received a 'phone call from Mr. Nixon at home. He asked me if I could meet him in my office at seven-thirty. That was rather early, and unusually early for offices to open in Washington, nine o'clock being the usual time, but I told him I would be there. He said, "It is very important."

Mr. Nixon was leaving to go to Panama that day, on a two o'clock boat, and he had to be in New York. I got tied up in traffic and then, when I got to the office, it was about five minutes to eight, and Mr. Nixon had left.

However, he left me a note in which he said in effect - I have forgotten the exact wording of the note - - he said, "I have been thinking this over. Issue a subpoena immediately upon Chambers, and serve it before noon, if possible, calling for everything in his possession in documentary form."

At 8:15 Mr. Nixon called me from the Pennsylvania train, and I told him that I had gotten his note, and I would see to it that a subpoena was served, if I could find Mr. Chambers.

The subpoena was prepared, and I called Mr. Chambers and asked him if he would stop by my office that day, that I wanted to see him.

BY MR. WHEARTY:

Q You knew he was coming to Washington? A Yes. I am sorry I forgot to tell you that. He told us he was going to the State Department to testify concerning a loyalty case. He said he would stop by, and I didn't tell him why I wanted to see him, or anything.

Q Before we get too far into that, let me ask you this question: When you drew that subpoena, it was what is known in the trade as a "flyer" - - in other words, a general subpoena? A That's right, sir.

Q Couched in the most general terms, so as to be a catch-all for practically anything in connection with the matter? A That's right. I mentioned the names of

everybody who was involved in the case. There is no question about that, that it was a blanket subpoena.

Mr. Chambers came by my office at about five minutes after two. I said, "I have a subpoena here, upon you, calling for all documents, any material whatsoever, in your possession, to be produced forthwith, and you are to appear before the Committee on - I think it was - the 17th, to give testimony concerning these documents."

And he then reached in his pocket and handed me a note, saying, "Well, here is one document," but he said, "I will be glad to turn over the others."

This is not the original of the document; that is in the files in Washington, but I have copied it verbatim, and if you like I should be glad to offer it.

Q Read it into the record. A It says:

"3-4-38

"Karl -

"If you have given up playing around with my girl friend, she wishes you would take your stuff out of her closet, so she can use it for her clothes instead of yours!"

Then there is an "H" with one quote, ending it. The "H" is not in quotes.

I said, after examining it, "I am particularly interested in this document, because you are addressed as Karl," and there had been some controversy in the public

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record as to whether or not he had been known as "Karl" or "George Crossley" or other names.

Q Was that a handwritten name? A This is typed.

Q But was the original also typed? A Also typed.

BY MR. DONEGAN:

Q Has any examination been made of the paper to determine its age? A No, sir. The paper appears to be rather old; it is a little yellow.

BY MR. WHEARTY:

Q Has any examination been made to compare the typing in the note - - let me withdraw this question. I know you couldn't make such an examination, since you didn't have the original documents - I will withdraw the question.

A JUROR: Was any handwriting on that memorandum?

THE WITNESS: No, sir.

Q Did you question him as to the identity of the writer, of the "H"? A Yes, sir. I asked him who wrote it. Of course, when I saw the "H" I immediately said, "Is this from Hiss?" and he said, "No, I don't think so. I believe it is either from Henry Collins or - - " I would like to be positive about this, because I have to bring a lady's name into it, but he said, "the husband of Josephine Herbst." I didn't discuss it with him beyond that.

I then told him when he finished at the loyalty

hearing, that he was to come back by my office, and that I would accompany him to Westminster to receive the documents that he was to turn over.

BY MR. DONEGAN:

Q Mr. Stripling, up to that point had there been any discussion, either with Chambers or this lawyer you had previously been talking with, concerning the depositions that had been taken by Hiss' attorneys in Baltimore?

A Only except what I told you about Vazzana coming by the office. He did say that the depositions were being taken, but he didn't say whose deposition was being taken, but we knew that they were taking pre-trial testimony in Baltimore.

Q Go ahead. A Mr. Chambers left the room, and I endorsed the subpoena and put the time, and so forth, on it, and filed it.

He called me late that afternoon and said, "I have finished here, and I will stop by." It was getting rather late, and I had been up late the night before, going up to his place, and I then called for two of the investigators on the staff - Mr. Appell and Mr. Wheeler - and I told them that I wanted them to accompany Mr. Chambers to Westminster and to pick up the documents or material referred to in the subpoena.

BY MR. WHEARTY:

Q Up to that point, you didn't have the faintest

notion, as I understand it, that there were any films?
A No; except for one thing that Mr. Chambers had said to me, as we were leaving Westminster the night before. He turned to me and said, "Do you know a real good photographic technician?" and I said, "Yes, I have one on my staff," and he said, "Well, that's all, I just wondered if you had one." That is the only indication I had that it might be something to do with pictures or documents which had to be brought out.

Mr. Chambers came into the office, and I read the subpoena, in effect, to him, and I said, "You are to proceed with these two gentlemen, and in response to the subpoena you are to then and there turn over to them all documents and materials and so forth in your possession," and they left.

The next morning, about 9:15, Mr. Wheeler and Mr. Appell came back into the office. I said, "Did you get anything?" and they said, "Yes. Here it is."

I examined the one roll of film, which was not in a container. It was wrapped in oil or wax paper. I held it up to the light, and it was apparent that these were quite legible. In other words, that you could see them.

Mr. Wheeler had a machine which would enlarge them, at his home, and I said, "You go immediately to your home and get the machine," which he did, and he

came back and we hooked up the machine and looked through that, and there - very plainly - were documents from the State Department, because they had the stamp from the Assistant Secretary, and were marked "Confidential" and so forth, on it.

I immediately told Mr. Wheeler to take all the film which had been developed to this photographic technician, to have prints made.

I instructed Mr. Appell to take the undeveloped film to the Veterans Administration Laboratory, and have it developed, and after it was developed then to join Mr. Wheeler and have prints made from it.

I didn't hear from them for a couple of hours, except that Mr. Wheeler called me and said that the prints were coming out very well.

In the meantime I placed a call to Mr. Lou Nichols, Assistant Director of the Federal Bureau of Investigation. He was not in his office. I told his secretary that it was very important that I get in touch with him at once. I waited an hour, and he did not call back.

I then called her again, and asked her if she had delivered my message to Mr. Nichols. She said no, that she hadn't, that he was moving and she was having some difficulty in locating him, and I believe she said he might be taking the day off. I am not sure of that.

She then asked if I would speak to Mr. McGuire, his Assistant, and I said no, I didn't know Mr. McGuire; perhaps I had better talk to Mr. Nichols, but to tell him that it was very important, from their standpoint and not mine, to get in touch with me.

Later on in the afternoon Mr. Wheeler returned with the prints, and I examined the prints and immediately called the two members of the Committee who were physically present in the building in Washington - the House Office Building - and asked them to come around, and told them in a general way that we had just obtained some micro-film which appeared to be of tremendous importance in this matter.

I then communicated with the Chairman of the Committee, Mr. Thomas, and told him that a very important development had occurred, and that it was necessary that the Sub-Committee be appointed to consider this matter.

Also, I forgot to mention that in the morning, as soon as we had examined this film the first time, I sent a wireless message to Mr. Nixon, who had sailed the day before, advising him that the subpoena had been served, and I referred to it as the "second bomb-shell." I simply said, "The second bomb-shell amazing. Can you leave the boat? Can you get back to Washington? If not, will it be all right with you if Mr. Mundt acts as Chairman of the Sub-Committee?"

I waited all day long to hear from Mr. Nixon, and I did not get a reply.

In the meantime, Mr. Thomas, the Chairman, appointed a Sub-Committee to take this matter under consideration.

As soon as he did that, I called Mr. Mundt in Madison, South Dakota, and gave him a complete fill-in on all the developments up to that moment, including the - - not all of the contents, but I read some of the messages to him; and he then instructed me to put a stenographer on the 'phone and he dictated a press statement which was released shortly thereafter.

I called him again and he authorized me, or directed me, I should say, to release the title of two of the documents; none of the content but the title, one of them having "Strictly Confidential" and certain information in the corner which indicated that it had been sent in code.

BY MR. DONEGAN:

Q Up to this time, Mr. Stripling, have the contents of those documents been disclosed publicly?

A No, sir.

Q Mr. Stripling, with reference to one point, I would like to clarify it a little bit, particularly since the Grand Jury is interested in the matter, and

it is directly related to an appearance of Mr. McGohey and myself before the Sub-Committee at the Commodore Hotel, I think it was, on the evening of December 6th.

A Yes, sir?

Q When was it that you or the Committee or any member of the Committee had any knowledge that the documents which had been turned over by Chambers on November 17th, at the pre-trial deposition in Baltimore, had been called to the attention of the Department of Justice?

A I believe that the first time that I obtained any real knowledge of the story was from Mr. Vazzana after the micro-films had been obtained. Subsequently, you understand - after we obtained the micro-films - we then subpoenaed the documents or copies of the documents from the attorneys for Mr. Chambers, Mr. Cleveland.

Q Could you fix the approximate time - was it prior to Friday, December 3rd? A No, sir. Just a moment. Well, in what detail do you mean, Mr. Donegan?

Q Well, this is what I mean. Chambers was talking in terms of a "second bomb-shell." A Yes.

Q And naturally, when he talked about the "second bomb-shell," which you were interested in determining what it was, had any inquiries been made concerning the "first bomb-shell?" A Oh, yes. We inquired of Mr. Chambers. He wouldn't tell us what he had done,

but it was quite apparent that he had submitted some documentary evidence of some sort.

Q Did you inquire of the attorneys in Baltimore?

A No, we did not inquire of the attorneys.

Q May I ask whether there was any particular reason in not going also after the "first bomb-shell," since you were interested, of course, in getting all "bomb-shells," and since you did call the F. B. I. the first time and couldn't get Mr. Nichols? You naturally would be interested in knowing whether Mr. Nichols knew anything about the number one "bomb-shell." A I didn't ask Mr. Nichols myself.

Q You didn't talk to him about it? A Only to ask him about securing these documents. He called me back after my second 'phone call, and I told him what we had, and I told him I was sure, as soon as the Committee could meet, they would be glad to turn this material or copies of it over to the Department.

Q I believe you said the time already, but would you mind repeating it? A That would be December 3rd - Friday, December 3rd.

Q Now, to go back to the other point. With reference to it, was there any reason why the Committee didn't make any inquiries concerning the "first bomb-shell?" In other words, of Mr. Chambers or through his attorneys - - you knew his attorneys, of course?

A No, I didn't know his attorneys. I will say this - that, number one, at the time we were of the impression very definitely that this matter was under the jurisdiction of the Court, and that any inquiry or efforts to get it would be in conflict with the Court, and I think that is the reason we made no effort to do so; but as you know, Washington, when things begin to buzz, like on a matter which is as controversial as this, newspapermen become involved.

I do know that two newspapermen, who I assume had talked with someone who knew something about it, and had communicated with Mr. Nixon perhaps, had called Mr. Campbell of the Department of Justice - -

Q Identifying Mr. Alex Campbell, Assistant Attorney General in Charge of the Criminal Division, of the Department of Justice - - A - - and had made inquiry concerning the item which had appeared in Jerry Kluttz' column about the new developments.

Of course, I got this third-hand from the newspapermen, but from their conversations to me, Mr. Campbell had indicated to them - he had said he had no comment to make, but one of the newspapermen said to me that he indicated - - He said, "I feel quite certain that there is something developing," but he refused to make any comment about it.

Q Can you fix the approximate time that that came to your attention? A No, sir. I would say it was on Friday, the 3rd.

Q Now, with reference to this newspaper clipping - - in other words, you referred to two newspaper clippings, one by Jerry Kluttz, who writes for one of the Washington papers - -

MR. WHEARTY: The WASHINGTON POST - -

Q - - that that caused you to be wondering whether Mr. Chambers had any further information. Is that what I understand? A That, plus Mr. Vazzana. Vazzana preceded that.

Q You also referred to the other newspaper item, with reference to the Hiss-Chambers controversy, and the reference to the possibility that nothing further would be done unless there were other developments. With reference to that second newspaper article, I don't think the Grand Jury is quite clear what significance that had, as far as the course of action that was taken is concerned. A I didn't make it very clear, but Mr. Nixon has been very concerned that the people involved in this case be brought to justice, and he was considerably disturbed by the idea that this case would be dropped.

As a matter of fact, we were in the process of preparing our final report on the case, and we had been

working for some time on it, and the report was - before they opened the pumpkin - practically ready for release.

Q Just one more question, with reference to that particular point. Since these two newspaper items have come up before this Grand Jury, was any effort made, as far as you know, by any members of the Committee or any members of the investigative staff, to contact any person in the Department of Justice - particularly Mr. Alex Campbell - since you had some indication that the Department of Justice might have been interested in this matter? A I know of no communication to the Department of Justice from the Committee, regarding this, except the two that I have mentioned to you.

Q The two to Mr. Nichols, you mean? A That's right, to Mr. Nichols.

BY MR. WHEARTY:

Q Mr. Stripling, what I would be interested to know, and I think we would all be, is this: Once you saw what Chambers had, and got your hands on the film, have you since talked to Chambers? A Since I got the film - - yes, we have.

Q Have you questioned him? A Yes.

Q You questioned him at the Sub-Committee meeting in New York? A Yes.

Q What I had in mind was, once you found the

nature of what he had, did you call him back to Washington and question him, in advance of the Committee hearing?

A No, sir.

Q You had no opportunity to find out why he was holding those documents? A Oh, yes. I served another subpoena on him - - the subpoena I had before I received the material called for the 17th, but as soon as I got it we issued a subpoena calling for his appearance on Monday of this week.

Q You mean, at an earlier date? A That's right. We were interested in finding out as soon as possible.

Q Surely; but I am wondering if, as soon as you saw what you had, you made any attempt, even in advance of a Committee meeting, to find out from Chambers why he had held those out from you or from anybody else.

A You understand I was in this situation, to be very frank with you - -

Q I am not being critical of you, you understand; I am asking the fact. A Oh, I understand. I am trying to tell you why I didn't do a lot of things.

This was Mr. Nixon's case, in court parlance, and he had gotten on a boat. I didn't want to take any action to give him the impression that as soon as he got out of the country his whole case was taken over by somebody else; so I didn't do anything the whole day

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Friday, except to wait for his reply as to whether he was going to get off the boat, and when I didn't hear from him and realized that something had to be done about it I communicated with Mr. Thomas and Mr. Mundt.

BY MR. DONEGAN:

Q And they authorized the disclosure of the fact that this material had been obtained in the pumpkin?

A That's right; Mr. Mundt did.

Q Do I also understand, Mr. Stripling, that with reference to your action in communicating with Mr. Nichols, and when Mr. Nichols wasn't available in your not talking to anybody else, that you took that responsibility upon yourself -- in other words, the Committee was not available at that time? A The Committee was not available, and I certainly felt this was a matter that the F. B. I. should know about.

Q But you did not feel you wanted to talk to anybody else in the F. B. I. -- when you say Mr. Nichols was not available that day, and you say his secretary explained that he had the day off, or something like that? A Of course, I knew Mr. Nichols --

Q And you didn't know Mr. Ladd, the Assistant in charge of the investigation? A I knew Mr. Ladd, but not well. I will say this: Mr. Nichols, when he did call me back, said, "Do you have any objection to

my relaying this information to the boss?" but I am sure he was referring to Mr. Hoover.

Q I am sure he would have relayed it to Mr. Hoover whether you had any objection or not. A I am quite sure he would have, also. That is my understanding. You asked me if I didn't get in touch with Mr. Campbell at one point - - of course, I don't care to go into it, but you realize the delicate situation existing.

Q I am not asking you for any explanation. Mr. Stripling, this Grand Jury, of course, is naturally puzzled, as you are puzzled, by what reason Mr. Chambers had for holding this material back for this length of time.

Can you contribute anything to help them in arriving at a conclusion with reference to that matter, either that has been developed by your investigators, or as a result of any hearings held by the Committee up to this time? A You mean besides what Mr. Chambers says about it?

Q Yes, besides what Mr. Chambers says; or if there is anything that he has told either the Committee or your investigators that would throw light on it, I think it would be of interest to this Grand Jury, particularly since you have described Mr. Chambers - and I think other people have described him that way - that

he sometimes does not say things and he sometimes does not say what is a correct fact. A I don't know, but - -

MR. DONEGAN: Does the Grand Jury want to take a recess?

A JUROR: I would like to ask one question: When this Vazzana came to you and said that Hiss ought to shoot himself - - do you remember that statement you made?

THE WITNESS: Yes, sir.

A JUROR: Was anybody else there but yourself?

THE WITNESS: No, sir.

A JUROR: You were alone?

THE WITNESS: That's right, sir.

A JUROR: Another statement was - -

THE WITNESS: You understand that he didn't come in seriously and say Hiss ought to shoot himself, but he had been coming into my office from time to time, and he was trying to dig up stuff, I assume, for his client, and he just kind of shook his head and said, "Hiss ought to shoot himself," or something like that.

A JUROR: I see. There is an awful lot

of spy investigations and Communist activity investigations going on, for a number of years. This Committee of Un-American Activities that you know considerable about - has there been any time when they tried to get information from the Attorney General's office, and couldn't get the information?

THE WITNESS: Oh, yes, sir.

A JUROR: Did they give you any reason why they didn't want to give you the information that they had?

THE WITNESS: Yes, sir.

A JUROR: For what reason?

THE WITNESS: That it would not be in the public interest.

A JUROR: Still, your Committee had a secret committee, didn't it, so that when you got information it wouldn't be given out to the public?

THE WITNESS: (No answer.)

A JUROR: Forget that.

THE WITNESS: Yes, sir.

A JUROR: Their reply was just that it was not in the public interest?

THE WITNESS: I have particular instances

in mind.

A JUROR: Let us hear them.

THE WITNESS: In 1944, the Committee served a subpoena upon the Commissioner of the Civil Service - Civil Service Commissioner Mitchell - calling upon him to produce the files of 120 Federal employees - - I could be wrong about the number.

Mr. Mitchell refused to comply with the subpoena and gave as his reasons that he had been directed to do so by the President of the United States, upon the advice of the Attorney General.

The last case that I recall immediately, or the one which has been most publicized, was the effort on the part of the Committee to obtain a copy of the letter of March 15, 1947, written by J. Edgar Hoover, to W. Averill Harriman, regarding Dr. Edward U. Condon.

We communicated with the Attorney General several times directly upon that, and the replies, whether direct from the Attorney General or through the President or through the Secretary of Commerce, was that it would not be in the public interest to make that information public.

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In that particular case, the House adopted a Resolution of Inquiry, by a vote of ten to one, calling upon the Department to produce the letter, but the President refused to do so.

A JUROR: Hasn't the President since issued a blanket order not to?

THE WITNESS: As a matter of fact, I think that the order was issued as a direct result of this request.

A JUROR: It has taken formal shape now, hasn't it?

THE WITNESS: He issued a "freeze order" on it.

A JUROR: That is President Truman, isn't it?

THE WITNESS: Yes, sir.

BY MR. WHEARTY:

Q Mr. Stripling, to fill out the picture a little bit, in the letters advising the Committee of the reasons for not permitting the turning over of the material that you wanted, isn't it a fact that there was an explanation of the legal authority for that stand?

A Oh, yes. I don't mean to give the impression that it was just a blanket statement that it was against public interest to turn the information over to us.

It was substantiated and supplemented by briefs beginning with George Washington, I believe.

A JUROR: Mr. Stripling, can you understand any reason why Mr. Chambers would bring in Mr. Alger Hiss' name - would it be in any way to his personal interest to do so?

THE WITNESS: Sir, I know of no reason why he would do so. I can elaborate a little bit as to my own opinion.

A JUROR: Do you think his statements are dependable in any way?

THE WITNESS: Well, I will say this: When Mr. Chambers first testified in the open session in Washington, and Mr. Hiss followed him two days later in open session, in which he denied this categorically - or at least he gave the appearance of denying it categorically - he convinced everybody in the room - - I would say there were six hundred people there - - that he never knew this person and he had never seen this person; and but for one or two slips which Mr. Hiss made I don't think any of this would have come out.

But when we began to investigate, we found out that what Mr. Chambers had said about Mr.

Hiss, in all the details that we could check, was exactly correct.

Here is what we did: When Mr. Hiss replied on the stand, everybody was convinced that here a great injustice had been done, and we as a Committee had been used by Mr. Chambers to destroy the reputation of the man.

That very night, Mr. Nixon and two other members and I - I am not sure whether it was that night or the next night, but we proceeded to New York, and in this very building we brought Mr. Chambers in and we said to him: "All right. You say you know this man. You say you knew him well. What are the details on how well you knew him? Were you ever in his house? Where was the furniture placed? What did they eat?"

And he gave us the answers, and then we took the information that he gave us and checked it, and it checked out. It checked out to such perfection that the credibility of Mr. Chambers was - - I don't know where you are going to draw the line, but I know on two or three times I was definitely of the impression that he was lying, and he was not lying.

When he told the story of the automobile, I didn't believe it; but it turned out that the

story of the automobile is true. We haven't been able to locate the automobile, but Mr. Hiss certainly did not tell the full facts about the automobile.

A JUROR: What slip or two was that that you ascertained Mr. Hiss made?

THE WITNESS: I don't say it was a slip, necessarily, sir. I would say it was his manner, and the fact that when you read the record he didn't say exactly what he left the impression that he had said.

In other words, his denials were not straight; they were always qualified in certain language, and so forth.

A JUROR: Thank you.

ANOTHER JUROR: May I ask you, Mr. Stripling, when Mr. Chambers came before the Committee originally, was he a voluntary witness?

THE WITNESS: No, sir, he was not.

A JUROR: He was not a voluntary witness?

THE WITNESS: No, sir, not in any degree.

A JUROR: Had he been investigated by you and you served a subpoena upon him - is that it?

THE WITNESS: You understand that the story of Mr. Chambers about the whole business generally

had been floating around Washington for many years. It was nothing new. The Chambers story had been heard before.

I sent two members of my staff - Mr. Wheeler and Mr. Mandell - to see Mr. Chambers early this year. It would probably be January or February, but it was early this year. And they were to see him not about Alger Hiss, but we were investigating certain people - namely, Nathan Gregory Silvermaster - and the whole thing grew out of the Condon case.

We knew that Silvermaster was friendly with Condon, and so forth, and what we were really working on was the Condon case.

When they went to see Mr. Chambers, it was during the interview then that he told them this story, but not in too much detail.

Then, when this Grand Jury had been considering the Elizabeth Bentley case - we had been waiting for the Grand Jury to give us the opportunity to bring in the witnesses Silvermaster and others, in public session, and when we brought in Miss Bentley and these other witnesses, why some of the people mentioned in Miss Bentley's testimony we felt tied in to

Chambers, and without any suggestion on the part of anyone the Committee issued a subpoena for Mr. Chambers and brought him to Washington.

There was no communication from Mr. Chambers, or any one connected with Mr. Chambers, that he wanted to testify or he would like to testify, or anything like that.

A JUROR: Is it in the power of the Committee to give anybody immunity?

MR. WHEARTY: That is a legal question. I don't know whether Mr. Stripling wants to answer that or not. I will be glad to help you out on it.

THE WITNESS: Well, - -

A JUROR: The reason I am asking the question is, I am following current events, and want to know why today you see in the paper that - I think it was Mr. Nixon who said he thought it would be a mistake if Chambers were indicted.

THE WITNESS: Well, sir, why Mr. Nixon said that I would much prefer that he answer it, but about the immunity - -

A JUROR: I am wondering why Mr. Nixon made that statement, because, after all, Mr.

Nixon is working on the case with you, and I want to know what he had in his mind.

THE WITNESS: I would be glad to give you the background of the immunity, but - -

A JUROR: Have you offered Mr. Chambers anything in the way of immunity?

THE WITNESS: We can't offer him any immunity, sir, but there is a provision which says that a person can not be prosecuted in a criminal action for what he says before a Committee of Congress; and the reason for that statute is so that a person before a Committee of Congress can not refuse to answer a question under the Fifth Amendment.

But the matter, as Mr. Whearty can tell you, has not been clearly determined in the Courts.

Whether or not a man can absolutely refuse to answer a question before a Committee of Congress, I don't know; but that is the reason for the statute, so that he can not refuse to answer.

A JUROR: Does your Committee have any other evidence such as this, about anybody else concerned in this whole investigation?

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THE WITNESS: Sir, the only evidence that I am aware of - -

A JUROR: I mean such as this - real evidence?

THE WITNESS: Well, when you refer to real evidence, I don't believe we have anything in documentary form - no, sir - but we do have a case that we have been very much concerned with, that involves the Government.

BY MR. DONEGAN:

Q I would like to clarify that. Is that evidence related to this case? If it is, I think the Grand Jury would like to hear it. A Well, Mr. Donegan, I don't know whether it is related or not. I have in mind the case which we made a report on several months ago, involving Clarence Hisky and his wife, Marcia San Hisky, and Dr. Chapin, regarding the theft of atomic secrets.

Q Now, is that in any way - using the general term, and I think you can evaluate the general term, since you are familiar with the Bentley story, so to speak - - is that in any way related to the Bentley story?

A I don't know, sir. Since you have people like Steve Nelson, who is a Communist Party functionary in the apparatus, then it could well be that it would tie in. I don't know that.

Q Well, do you have any knowledge that it ties in with it, inasmuch as you are familiar with the Bentley story? A No, sir.

Q Now, with reference to the Chambers-Hiss situation, with which we are particularly concerned now, do you have any knowledge that it ties in there? A No, sir, not directly. I mean, there might be indirect deductions that you could make, but not directly, no, sir.

Q Well, in order to save time, in your opinion do you think it would be of particular value to this Grand Jury, knowing that they have been considering the Bentley story and the Hiss-Chambers story? A Well, the only evidence that ^Iwould refer to, Mr. Donegan, is the testimony of Mr. Chapin himself. He confessed to the conspiracy.

Q He confessed to what? A Well, we refer to it as a conspiracy.

Q Well, the point of this, Mr. Stripling - and I think you fully understand it - is, one very important reason, and the real reason, of having you here before the Grand Jury is if there is anything that you have or you know of, or if there is anything that the Committee has, that would aid this Grand Jury, either with reference to the Bentley story or with reference to the Chambers-Hiss story, they want to hear it, and I want you to feel

free to give it out.

Now, you have had extensive experience, and I think you are in the best position to evaluate whether it is related to those matters, because you know it and I don't know it, and so I can't say. A No, sir, I have no evidence, but we are working on various angles now that, if they were to develop, I have been instructed by the Committee that any material which we get relating to either of these cases - either the Bentley case or the other - to immediately bring it to the attention of the Grand Jury; and the thing I have in mind now is, we have been working for several days on the typewriter angle, and we have obtained two or three samples - -

Q Let us explain the typewriter angle to the Grand Jury. I think Mr. Stripling is referring to the typewriter that Mrs. Hiss is supposed to have copied the reports on? A That's right.

A JUROR: That came from her father?

THE WITNESS: That's right.

A JUROR: Does your Committee have a psychiatrist on it?

THE WITNESS: No, ma'am.

A JUROR: There wasn't any psychiatrist in Court, watching these people that gave their testimony?

THE WITNESS: It is a public hearing, and there may have been five or six hundred people in the audience, but I don't know of any psychiatrist there.

A JUROR: Don't you think Mr. Hiss is a sort of mental case, trying to block out something in his background? You know, there are things that they can block out.

THE WITNESS: The only thing is that Mr. Hiss definitely gave the Committee and the public and Congress wrong information about matters that he knew about.

A JUROR: I thought it was very similar to Hauptmann. When he was on the stand, he was blocking things out, and I was wondering if it is the same type of mentality.

THE WITNESS: I don't know that. Mr. Hiss is very agile mentally.

A JUROR: I am sure he is.

ANOTHER JUROR: What major function does your Committee perform that no other governmental instrumentality has as its function? We would all like to know about it - and I know I would.

THE WITNESS: All right, sir. A Committee of Congress has a right of subpoena. In other words, a Committee can issue a subpoena for

anybody - -

A JUROR: I would like you to tell us what you do that other governmental departments or functions can't do or don't do, and that's all.

THE WITNESS: Fundamentally it is the duty of a Committee of Congress, and its function, to investigate any situation which they are authorized to investigate, to determine whether or not legislation is needed, or whether legislation should be repealed, on a given situation.

In determining that fact, it is necessary that they have the facts, and that they be able to get those facts, by the subpoenaing of evidence and by the taking of testimony.

Our Committee has always functioned principally as an instrument of exposure. In other words, it is not illegal to be a Communist in the United States, and you couldn't prosecute anybody for being a Communist in the United States.

But our Committee, over a period of ten years, has exposed hundreds and hundreds of people who were Communists and who were doing everything in their power to destroy the very

Government which protected them.

Now, those people could not be prosecuted. In the case of Hiss and Chambers and this apparatus, if before it reached the stage of espionage, the setting up and operation of an apparatus in the Government - I don't know whether it is illegal or not - -

A JUROR: Mr. Stripling, you indicated that you have exposed those people, but has your Committee made any suggestions for changing the laws?

THE WITNESS: Many, sir.

A JUROR: Many, you say?

THE WITNESS: That's right.

A JUROR: The fundamental difference between your Committee and the Grand Jury, let us say, is that this is an entirely secret body, and we can't tell the public what we do, and your Committee makes it all public?

THE WITNESS: Well, the function of a public Committee in Congress - it should be public - - in other words, they lean to public issues rather than private.

A JUROR: In other words, if the facts were brought out in a jury room, and there were

no indictment, the facts would die, but - -

THE WITNESS: I don't know whether it is proper to make the statement or not, but whether or not an indictment were to flow from this Grand Jury - -

A JUROR: Don't mistake me, I am not discussing whether or not we will indict. Perhaps I didn't make myself clear. But in any case, and forgetting this particular case - in any case, under any circumstances, if no indictment took form in this jury room or any other jury room, the public might never hear of the case?

THE WITNESS: That's right, sir.

A JUROR: But you actually handle it differently, and use whatever publicity methods you desire?

THE WITNESS: The Committee does that.

A JUROR: If I gave any suggestion that we had an indictment here in mind, I want to correct that immediately.

ANOTHER JUROR: For instance, I have learned just recently that the statute of limitations in espionage is three years, which does not seem right to me.

Now, is that something that such a Committee as yours would take care of, if they

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thought it necessary?

THE WITNESS: I feel positive, sir, that as a result of the work of this Grand Jury, regardless of what the outcome may be, that there will be numerous changes in the statute in the next Congress.

A JUROR: That wouldn't affect the case here, would it?

THE WITNESS; No, it wouldn't.

BY MR. WHEARTY:

Q You have already put out a report as one of your recommendations that the statute be changed with respect to espionage, haven't you? A Yes. One of our Committees asked about two years ago that the statute be extended, but it was never made law.

A JUROR: When you handed that subpoena to Mr. Whittaker Chambers, to produce everything that he had, had you the slightest idea at that time that you were going to be supplied with all this information, or was it a mere wish on your part?

THE WITNESS: I was fishing, I will say that, but when he said to me that he had information and he would turn it over, I was very optimistic, because when you get anything out of

Chambers, why, I think it would be worth-while.

BY MR. DONEGAN:

Q May I ask you a question there, as related to Chambers' mental processes - - let us put it that way - - do I understand he made no explanation as to why he hadn't told you about it before? A I hadn't seen Mr. Chambers then.

Q No, I mean at the time he made the statement, and you gave him the subpoena, did he make any explanation then as to why he hadn't told you about it before? A Oh, yes.

Q I don't think we have that. What was that explanation? A Well, Mr. Nixon is a Quaker, and Mr. Chambers, I believe, has recently become a Quaker; and he looked at Mr. Nixon and he said, "You will understand this."

And then he told us that originally, when he decided to tell as much as he did, that he debated within his own mind for a long time - in fact, he said, "I debated 'a day'" - - I don't know just the term he used, but he said that he had searched his soul, so to speak, to decide whether or not he would do this; and then he said that "Conditions in the world, and," he said, "China particularly convinced me that the only way that this thing could ever be cleared up was for me to go all the way."

Q Was any question raised at that time, either

by Mr. Chambers, Mr. Nixon, or whoever else was present, as to how he could explain his conduct in not producing these documents or the information contained in the documents? A No, sir, we didn't go into that one bit.

Q When it was before formal bodies, either the Committee or the Grand Jury - that was not gone into?

A No, sir. Of course, you understand that here was a man who was confessing, and we wanted to get the information, and I saw no point - -

Q Understand me. What I want to get at is something that will throw some light on what Chambers said to you or to the Committee or to anybody else, that he hasn't said to us. A No, sir, he said that he didn't want to do this, being a Quaker, but he wanted to break it - -

Q Mr. Stripling, one of the Grand Jurors has given me this newspaper here - - this is today's issue of THE NEW YORK TIMES, December 9th - - "Mr. Stripling then asked if he had ever indicated where the evidence was. "He indicated that it was in a safe place for trading purposes with the old GPU (Soviet Secret Police) or other Russian agencies, in the event he, his wife or children were placed in any horror." When did he give that explanation? A He didn't give that, sir. That must be a misstatement. Mr. Levine, I believe, gave that testimony.

You see, Mr. Levine is testifying here, sir.

A JUROR: Did Mr. Chambers also say that one of the tenets of the Quaker faith was not to hurt anybody - did he make that statement?

THE WITNESS: He said that he was considering the human element. That is the term he used. When he testified the first time, in other words - - Mr. Nixon kept asking him all along, "Well, why didn't you say something about this before - why have you waited?" or something like that; and he went into what I have related.

Then he said, there was a great struggle in his own mind, because of the human element; that he wanted to destroy the conspiracy of Communism, but he wanted to do it without destroying the humans, if possible; but he said he was convinced now that it was not possible to do it.

A JUROR: He excluded Hiss when he said he felt it his duty to divulge it. I read that in the paper.

ANOTHER JUROR: Did he refer to the statute of limitations as a protection for them, as a thing that would save them from being hurt?

THE WITNESS: No, sir. He has never brought any such condition up, and in my own mind all

along, all the suspicions that I had that he had something, I had figured that it was because he was in so deep himself that he didn't want to come out with it because he felt he would be putting his neck in a noose.

That was my own impression, but he never said that he was concerned as to what would happen with him.

BY MR. WHEARTY:

Q Mr. Stripling, last Saturday, the 4th of December, Mr. Fay and I went over to your office, and we examined the reproductions of the prints of these films, and at that time saw the films themselves. I think I should ask you these questions, so that the jury will know. Have you since turned the films over to the F. B. I. for technical processing? A No, sir. That was supposed to have been done this morning; it may have been done by this time.

Q In looking at the copies that Mr. Wheeler produced for the Grand Jury, I think I recall that at least one drawing is not included in the sheets that I saw - -
A I asked Mr. Wheeler if he absolutely took everything, and he said he did. If there is a diagram missing, the only explanation I can make is that two men from the Navy Department came and asked if they could examine the material that was supposed to be from the Navy. If they

misplaced something, or something like that, I don't know.

Q It was a communication device. A That's right.

Q I looked through the papers here, and that does not seem to be here among them, and I thought it might have been an inadvertent omission, and I wanted the jury to know that full copies will be made available to them. A I will be glad to assure you, Mr. Donegan - -

BY MR. DONEGAN:

Q I talked to you about this the other night, and I haven't any question on it. A Surely. I asked Mr. Wheeler, and he said he took everything, but when the Bureau makes their sets today you can get it.

Q Well, the point is that Mr. Whearty was up and spoke to you, with Mr. Fay, and he saw that last Saturday. I have no knowledge of that, of course.

Now I would like to ask you a question, Mr. Stripling, and perhaps you are not in a position to answer the question, and if you will just state that you are not in the position, that will be satisfactory.

There has been considerable publicity given to the Committee and the Grand Jury as to its function, and there has been the question coming up with reference to public hearings, and the effect on the Grand Jury inquiry as to public hearings.

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Mr. McGohey and myself appeared before your Sub-Committee at the Commodore Hotel on December 6th, at which time I think I can state - and you correct me if I am not stating it correctly - that the Committee said that they would cooperate fully.

Now, there has been further - - I understand that that was a Sub-Committee? A Yes, sir.

Q Now, there have been further hearings in Washington. Are you in any position to state as to what the Committee's intentions are with reference to public hearings, and what witnesses will be called? A Sir, I would like personally very much to tell you exactly what I know.

Q But you are not in a position to? A I will say why. The rules of the House of Representatives state specifically that no one, not even a Member of Congress, can divulge what takes place in an executive meeting of the House, or of a House Committee, without the express authority of the House, by a vote.

Now, if I were to tell you what happened yesterday in the Committee room, when Mr. Campbell and Mr. Fay were before the Committee, I would be violating my oath to the House.

If you feel that I should, I shall be glad to submit it to the House, but I am in that position.

Q As you recall, I qualified my question by

saying I didn't know whether you were in a position to answer that question, and the reason I asked the question, as I said before the Sub-Committee on December 6th, that the Grand Jury was quite concerned, and I was there for that purpose, to express the concern of the Grand Jury; but now I understand that you are not in the position to comment on that. A No, sir, I am not.

MR. DONEGAN: I think the Grand Jury is planning to suspend now.

(WITNESS EXCUSED)