

MEMORANDUM

Re: JAY DAVID WHITTAKER CHAMBERS, was, et al,
PERJURY
ESPIONAGE-R

An examination has been made of the defendant's "Supplemental Affidavits in Support of Motion for New Trial" including exhibit S-II-A, an affidavit of Daniel P. Norman, a chemist and spectrographer who has examined the Woodstock typewriter, #230099. This examination has given rise to the observations and findings which are enumerated hereinafter, which might be considered in preparing the Government's answer to this affidavit.

1. The affidavit of Daniel P. Norman starts off with a statement attributed to defendant's attorney, Chester T. Lane. Lane advises Norman "that experts who had examined specimens of typing from the machine had expressed the view that there were definite indications of forged typefaces on many of the letters; and that one expert had confirmed this opinion by a microscopic examination of the typefaces of the keys themselves." Obviously, here the objective for Dr. Norman's examination was set even though this statement is not consistent with defense attorney Lane's own affidavit. In Lane's affidavit he claims no expert proof other than that of Dr. Norman.

2. We have no means of commenting on the accuracy or adequacy of the analyses conducted by Dr. Norman since the actual results of these analyses are not set forth in quantitative terms. The statement of findings is limited to naming certain elements without stating the quantities found.

3. Even if we were to assume that his analyses are correct, we do not feel that the conclusions are justified by the findings as will be subsequently shown. The affidavit sets forth the qualifications of Dr. Norman as a chemist and spectrographer, but the conclusions primarily concern familiarity with the procedures in the manufacture and repair of typewriters, and no information is set forth to show that Dr. Norman has any familiarity with this field. It does raise the question as to why these conclusions were obtained from

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a chemist rather than from a qualified typewriter authority and in particular one familiar with the procedures and practices of the Woodstock Company who we know was consulted on their behalf. The defense admits consulting the Service Manager of the H. C. Allen Business Machines office in New York, but refused to accept his opinion which was apparently contrary to the defense objective.

4. Mr. Norman concludes that the Woodstock typewriter, #230099, shows positive signs of having been "deliberately" altered. He does not state whether this was for the purpose of repair or for the purpose of attempting to simulate another typewriter, even though it is obvious that there is an intended inference of the latter. Neither his findings nor photographs bear this out.

5. Mr. Norman states: "The distribution and work on the solder holding the type to the type bars on #230099 is different in major respects from that on co-partisan machines." These photographs have been displayed to Mr. Joseph Schmitt, Factory Manager of the Typewriter Division, H. C. Allen Business Machines Company, Woodstock, Illinois, (formerly the Woodstock Typewriter Company) who has served in various capacities of both companies since 1919. Mr. Schmitt has stated that the soldering on the ends of the type bars as shown in Mr. Norman's photographs E-1 through E-9 is not inconsistent with the manufacturing practices used by the Woodstock plant during the period in which typewriters of the series including #230099 were made. Furthermore, we have obtained a group of typebars from a typewriter made during this period. Mr. Schmitt has stated that the soldering shown by this group of type bars is representative of the workmanship during that period. There are attached hereto photographs SE #1, SE #2, SE #3 and SE #4 which show a striking similarity between the soldering on this group of type bars and those shown in Mr. Norman's photographs, purported to be of the type bars of Woodstock typewriter, #230099. These photographs also show that the appearance of soldering can vary widely, from relatively smooth to obvious blobs of solder. (Compare SE #4 with the left-hand type in Mr. Norman's E-8.)

To feel this is sufficient to show that the conclusion of Mr. Norman is in error when Kissett 24943 "I conclude,

therefore, that the type on #230099 was not, in general, soldered onto the typebars at the factory or by a professional repair man."

6. Dr. Norman states that spectrographic analyses showed that the solder on two type bars (A and T types) of #230099 contain somewhere between 10 and 50 times as much nickel as the solder from the J type of that machine or the solder from five comparison type bars from other machines. He states that full development of these differences would call for further extensive analyses which were not made. It appears that Dr. Norman was not aware of the procedure used in the manufacture of the type bars for Woodstock typewriters. At the Woodstock factory, the type face is soldered on the type bar after which the entire assembly is nickel plated and it is probable, therefore, that the source of the high nickel content that he mentions is due to the original nickel plating rather than to the solder which would normally contain nickel only as an impurity and not as an intentional constituent. The nickel content would, therefore, vary depending upon the manner in which the samples were taken. Since, as a result of nickel plating, solder is coated with pure nickel, the quantity found will depend on how much of the nickel-coated surface is obtained in the sample.

Again, it is felt that Dr. Norman reached the wrong conclusion from his findings and was in error when he stated: "These data support the conclusion that the type on #230099 showing heavy solder blobs was probably not put on at the Woodstock factory."

7. It should be additionally noted in regard to Dr. Norman's conclusion that he infers that high nickel content is indicative of a changed or resoldered type as found on types A and T and compares them with the J type which he considers "normal appearing." Actually, the reverse is true and because of the nickel plating, a high nickel content would be expected on unchanged types and the absence of nickel would be more apt to indicate resoldering.

8. Dr. Norman states that 19 of the types on typewriter #230099 contain elements apparently not present in type metal used on Woodstock machines until serial numbers

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beginning at a substantially later date. He states that aluminum, magnesium, vanadium, zinc, antimony, and cobalt, and their combinations are minor constituents whose presence or absence appear to be good criteria to show whether metals used were identical. He does not, however, report the quantities of these chemical elements present and it is, therefore, not possible to attach significance to his findings.

Dr. Norman does state that the composition is not uniform on #23099. It is pointed out that when the type faces are stamped, they are not made in a succession for an individual typewriter, but rather a quantity of a single letter is made which will be used on a number of typewriters. Other type faces, also made in quantity, may be made from different steels, even obtained from an entirely different source, and we have been advised by Mr. Schmitt, Manager of the Woodstock factory, that their steel supply has been obtained from a number of different sources over the years. Even successive batches of steel from the same manufacturer cannot be expected to be identical in minor impurities.

Therefore, the statement of Dr. Norman: "The analyses show that the types were not all made from the same batch of metal" does not indicate in any way that the type was replaced.

9. Dr. Norman states that photographs of the surfaces of the letters on #23099 display marks of mechanical alteration of the surfaces. An examination of the photographs of Dr. Norman, P-1 and P-2, does not substantiate the conclusion he reaches.

Type faces are made of hardened steel and while it would be possible through the use of special instruments to grind away a part of a type face, this would result in a thinning of the surface which makes the impression and, consequently, would be obvious from an examination of the typewriting. This would not, however, cause a change such as that referred to by Dr. Norman; namely, a change in the curvature at the bottom of the "t." In order to accomplish this, as represented by Dr. Norman, actual displacement of a part of the type on

the type face of hardened steel would be necessary. He has shown nothing to indicate that this has been done.

10. Dr. Norman states: "Types from the comparison machines are more or less uniformly corroded or eroded; those from M230099 show a non-uniform finish or polish on various surfaces, indicating mechanical work which had laid bare fresh metal. Figure 1-2 in particular shows clearly how the worked-over portion joins the unaltered portion of the letter." The photographs in Dr. Norman's exhibits do not show this to be true. There are present in these photographs "high lights" or light reflections which show white areas in which no detail can be observed. Obviously, metal surfaces unused will become corroded, whereas surfaces in use will retain a brighter finish. It also follows that where the surface does not strike uniformly, that part receiving the hardest wear will be most apt to retain a shining surface. Therefore, it is erroneous to conclude that a bright surface is metal "worked over" rather than metal which has not had an equal opportunity to corrode.

Dr. Norman's photograph of the small letter "y" shows a defect in the letter. There are many reasons which would account for such defects. Minor defects which do not cause malfunctions of the type may be present on a new typewriter and others will be caused by striking hard particles or objects in the normal use of the typewriter. Microscopic examination of any used typewriter will show numerous defects in the type faces.

**SUPPLEMENTAL AFFIDAVITS IN RE
U. S. v. ALGER HISS**

Summary

Chester T. Lane, attorney for Alger Hiss, offered to the United States Court here today evidence which, he says, proves the typewriter which helped send Hiss to jail for perjury is "a deliberately fabricated job, a new typeface on an old body."

In his original motion to get a new trial for Hiss, filed January 24, Lane submitted evidence this was possible. Today, in a supplemental affidavit, Lane said "I no longer just *question* the authenticity of Woodstock N230099", the battered old typewriter found in a Washington attic by the defense before the first Hiss trial and put before the jury by both the defense and the Government as the original Hiss typewriter. "I now say to the Court that Woodstock N230099—the typewriter in evidence at the trials—is a fake machine * * *. It can only have been planted on the defense by or on behalf of Whittaker Chambers as part of his plot for the false incrimination of Alger Hiss."

In support Lane presented an affidavit by Dr. Daniel P. Norman, president of Skinner & Sherman, consulting industrial chemists of Boston, who examined the machine and eight other Woodstocks spectroscopically and took photomicrographs of their type. Dr. Norman concluded the machine "shows positive signs of having been deliberately altered, in that many of its types are replacements of the originals and have been deliberately shaped."

Skinner & Sherman tests metals, chemicals and papers for the United States Armed Services, Federal, State and Municipal Departments, and major industrial firms.

Woodstock type is attached to the typebar by the use of solder, Dr. Norman points out in his affidavit, and "type on a given machine may be readily changed by unsoldering the type from the bar and soldering a different piece of type in its place." The work on the solder holding type to bars on the suspected Woodstock is "different in major respects" from that on the comparison machines, Dr. Nor-

man says. The whole soldering job was done "sloppily" and as if by an amateur outside the factory.

The solder itself used on the suspected types was of a different composition from that on other machines, containing between ten and fifty times as much nickel.

Nineteen of the types on the alleged Hiss machine contain elements not present in type metal used on Woodstock machines until serial numbers of manufacture beginning at a later date. The implication here is that relatively new types were soldered onto an old typewriter.

Finally, Dr. Norman reports, photomicrographs of the surfaces of letters on N230099 show marks of mechanical alterations of the surfaces. They "show the appearance of surfaces of which parts have been worked over."

"Dr. Norman does not merely state a conclusion," Mr. Lane says. "His affidavit outlines in detail scientific proof, annexing photographs to illustrate such of his data as are capable of visual demonstration."

The alteration or fabrication must have occurred before the machine was found by the defense on April 16, 1949, Mr. Lane says. "As to when it was done there are of course various possibilities. One possibility with considerable logic to support it is that the initial alteration was made between the time Chambers first testified before the House committee in August, 1948, and November 17, 1948, the day he reversed his story and produced the Baltimore Documents as a defense to the libel suit." (The suit for \$75,000 brought by Hiss against his accuser.) "The fact that between November and April neither the defense nor thirty-five agents of the FBI could find the machine suggests that it was during this period that further work was being done on the types, in an effort to remove at least the more obvious tool marks which would betray the deception."

"In the last analysis all the proof I am here offering looks to a final showing that the Baltimore Documents [the copies Mrs. Hiss was said to have made from documents brought home by her husband] are forgeries," Lane argues, "that they were not typed on the same Woodstock machine as the so-called Hiss standards." The "standards"

introduced at the trials were letters admittedly typed by Mrs. Hiss on the authentic Hiss Woodstock in the 'thirties.

However, Lane states that he cannot yet present final proof of the forgery of the Baltimore Documents themselves because the United States Attorney has refused to let him have access to the originals for photographing, even though this could be done "without danger to the documents or expense to the Government."

"I have regarded it as my duty", Lane says, "as attorney for Alger Hiss and as an officer of this Court, to bring out the true facts of this case, as far as diligent research can uncover them. The Government, it has seemed to me throughout my investigation, is reluctant to allow me the materials necessary to this result."

Nevertheless, Lane says, "The fact that the machine in evidence at the trials can now be shown up as a palpable fabrication could hardly fail to raise a doubt in any jury's mind as to the truth of Chambers' story of how and when the documents were typed."

With the typewriter evidence Lane submitted an affidavit by Paul Willert of London, England, former vice-president of the Oxford University Press in New York, that Chambers was actively engaged on a translation for that firm of a book by Dr. Martin Gumpert in March, 1938, or earlier, and that Chambers told him at that time that he had broken with the Communist Party and was a hunted man. But the last of the documents produced by Chambers and which he claims to have received from Hiss, whom he called his accomplice, was dated April 1. He is thus in the position of saying that he was acting as a Communist spy in Washington a month at least after he had quit the party and gone into hiding, which, Mr. Lane says, "establishes that Chambers' entire testimony concerning the Baltimore Documents is a fabrication."

The original motion for a new trial, first set for hearing on February 4, was successively put off to February 25 and March 17, and has finally been set down for argument on April 8. It will be heard by Judge Goddard, who presided over the second trial, which resulted in Hiss's conviction.

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74-1333-517

United States District Court
SOUTHERN DISTRICT OF NEW YORK

Criminal No. C-128-402

UNITED STATES OF AMERICA,

against

ALGER HISS,

Defendant.

**SUPPLEMENTAL AFFIDAVITS IN SUPPORT OF MOTION
FOR NEW TRIAL**

BEER, RICHARDS, LANE & HALLER,
Attorneys for Defendant,
70 Pine Street,
New York 5, N. Y.

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**SUPPLEMENTAL AFFIDAVIT OF CHESTER T. LANE IN
SUPPORT OF MOTION FOR NEW TRIAL ON GROUND
OF NEWLY DISCOVERED EVIDENCE**

**United States District Court
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

against

ALGER HISS,

Defendant.

Criminal No.
C-128-402

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

CHESTER T. LANE, being duly sworn, deposes and says:

I am an attorney at law, a member of the firm of Beer, Richards, Lane & Haller, attorneys for Alger Hiss, the defendant herein. I make this supplemental affidavit in support of the defendant's motion for a new trial on the ground of newly discovered evidence under Rule 33 of the Federal Rules of Criminal Procedure.

The motion was made on January 24, 1952, and the Government was served with notice that it would be brought on for hearing on February 4, 1952, the next available regular criminal motion day. Shortly before the return day the United States Attorney informally asked me to agree to an adjournment to February 25, 1952, which I did. Thereafter the United States Attorney made an application to Judge Goddard in chambers for a further adjournment, this time to March 17, 1952. Again I agreed, but requested that the Government be required to file and serve its counter-affidavits, if any, at least a week before the hearing. In the light of this request the United States Attorney asked Judge Goddard to set March 24th as the day for argument of the motion. This date, and any date in the following two weeks, being inconvenient for Judge Goddard, it was agreed by counsel, and ordered by the Judge, that the motion be set down for argument on Tuesday, April 8th, at 2:30 P. M., the Government's counter-affidavits to be filed and served by March 24th and memoranda of law to be filed and exchanged by March 31st.

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In my original affidavit I summarized two of the grounds of the motion as follows:

2. The typewriter supposed to have typed the Baltimore Documents was put in evidence at the trial as a physical exhibit, and was used by the Government before the jury as a dramatic visual illustration of Hiss's guilt. Newly discovered evidence points strongly to the conclusion that the typewriter found and produced by the defense in the belief that it was the original Hiss machine was in fact a carefully constructed substitute, which could only have been fabricated for the deliberate purpose of falsely incriminating Alger Hiss.

4. The core of the Government's case lay in the Baltimore Documents and in Chambers's story that they were documents supplied to him by Hiss for espionage purposes. To support Chambers's story it is essential that his alleged conspiracy with Hiss should have continued until a few days after April 1, 1938, the date of the last of the Baltimore Documents. Newly discovered evidence establishes that Chambers quit his Communist Party activities at the latest several weeks before April 1, 1938, and thus establishes that Chambers's entire testimony regarding the Baltimore Documents is a fabrication.

This supplemental affidavit brings up no new issue beyond the two thus stated in my original affidavit. It does, however, present important additional evidence on those two issues. I take those two issues in reverse order.

I

Chambers's Break with the Communist Party

In my original affidavit supporting the motion I outlined briefly the successive versions Chambers gave of his break with the Party, and showed how his original story of breaking in 1937 was necessarily changed to April, 1938, when he had to support his new found tale of having gotten State Department documents from Alger Hiss through April 1st of that year. I referred to those portions of his testimony in which he purported to date his break by reference to his employment by the Oxford University Press as translator of Dr. Martin Gumpert's book, "Dunant—The Founder of the Red Cross"; and I appended to my affidavit copies of correspondence from the files of the Oxford University Press showing conclusively that his employment as translator began well before the middle of March. Further, I attached an affidavit of Dr. Gumpert, the author of the book, to the effect that when Chambers was first engaged as translator Dr. Gumpert asked to meet him but was told by Paul Willert, Vice-President of the Oxford University Press, that he could not, because Chambers "was in hiding from the Russian secret service, known as the G.P.U."

Dr. Gumpert's affidavit was illuminating as far as it went, but it failed to answer the question of just when he tried unsuccessfully to see Chambers. I mentioned in my affidavit that I had been in touch also with Paul Willert, the publisher, and that he too had difficulty in fixing the date precisely.

More recently, Mr. Willert has had an opportunity to review the Oxford University Press records, as well as to re-examine his own records. As a result he has refreshed his recollection and embodied it in an affidavit, which I attach hereto as Exhibit S-I. His affidavit leaves no further doubt that Chambers's story of having stayed in the Party until April 15th, and thereafter secured the translation, is false. He was out of it, and in hiding long before, and could not possibly have been engaged in active espionage operations down at least to April 1st, as he would have to have been if his story is to stick.

Two questions may occur. The first is: Where, if all this is so, did Chambers get the later State Department documents which were copied or paraphrased in the Baltimore Documents? If he was out of the Party, and out of his espionage work, by some time in early March at the latest, how did he come to have access to State Department cables and memoranda dated down to April 1st?

I do not know. Perhaps he "borrowed" them from some one connected with the notorious "Amerasia" incident, which came to light in 1946. If "Amerasia" could so easily stuff its files with hundreds of State Department documents running back over the years, who knows but that there may have been other similar caches of State Department papers which might have been made available to him by some sympathetic acquaintance in 1948. For our purposes, all that matters is that he clearly did not get them when and how he said he did.

The second question may be: Why, if he forged the Baltimore Documents to incriminate Alger Hiss, did he include State Department documents down to April 1st, after he had left the Party?

Again, I do not know, but I can suggest. Julian Wadleigh was an admitted confederate, stealing for Chambers documents of just the same kind as many of those which Chambers says he got from Hiss (see, for example, R. 1225). There must always have been a fear in Chambers's mind that a judge or jury might believe that Wadleigh, not Hiss, was the source, unless it were shown that at least some of the documents could not possibly have come from Wadleigh. Wadleigh left the United States for Turkey on March 11, 1938 (R. 1108). What more natural than to make sure that some of the documents should be dated after that happened?

But why should Chambers have run the risk of setting the date of his disappearance by reference to the time he secured a translation which we now can show he secured much earlier than he said he did? Maybe his memory just failed him: he thought he had not gotten it until April. Certainly, he has emphasized that he got it on a personal visit to New York (R. 265), and he may well have assumed that there would be no record of the exact date of a personal meeting—forgetting that a last portion of the manuscript was shipped to him by mail on March 18th, and that the record of its shipment might be still preserved in the files.¹

These are speculative answers, and they may be wrong. The important point, however, is that the evidence which raises the questions is new, and that it so directly challenges Chambers's veracity on a matter essential to the Government's case that it could not fail to raise a reasonable doubt in a jury's mind.

II

Proof of Forgery in This Case

At the opening of Point II of my original affidavit (pp. 12-13) I described some of the reasons why, on reviewing the record for purposes of the appeal, I began to be suspicious of the authenticity of the typewriter—Woodstock N230099—which, though found and put in evidence by the defense, was adopted and used by the Government as one of its principal, though mute, witnesses at the trials. I concluded my introduction to Point II as follows:

¹ Chambers's consciousness of the weakness of his story at the trials is interestingly betrayed by the emendations he is supplying in his articles being currently published in the Saturday Evening Post. In the issue of March 1, 1952, at p. 97, he says: "Our life in hiding on the Old Court Road was an anxious and troubled time. One of my first problems was to find work. By prior arrangement with a publishing house I got some foreign books to translate." The reference to "prior arrangement with a publishing house" has no support in his trial testimony; it appears to be a belated effort to explain meetings with Paul Willert earlier than April 15th. It still does not explain shipment of manuscript by Willert to him in March.

In the light of all these considerations, and bearing in mind that the expert who before the trials had identified the machine for the defense had rested his opinion on identical peculiarities in only three characters, apparently without consideration of the possibility of a deliberately fabricated machine, I determined to make a thorough study of the authenticity of Woodstock #230,099. That study has produced results which are startling, so far as they go. Admittedly, for reasons described below, they do not go far enough to demonstrate with any certainty that #230,099 is a fabrication; but I believe that they go far enough to cast serious doubt on its authenticity, and to justify calling upon the Court for its aid in supplying the missing links in the chain of evidence.

I still need the Court's aid, particularly in calling upon the Government to show what it knows about the typewriter.

But I no longer just question the authenticity of Woodstock N230099. I now say to the Court that Woodstock N230099—the typewriter in evidence at the trials—is a fake machine. I present in affidavit form, and will be able to produce at the hearing, expert testimony that this machine is a deliberately fabricated job, a new type face on an old body. This being so, it can only have been planted on the defense by or on behalf of Whitaker Chambers as part of his plot for the false incrimination of Alger Hiss.

My original affidavit outlines the growth of my serious suspicions. At first, even in a case full of fantastic improbabilities, it seemed futile to question the judgment of experts, our own as well as the Government's, that forgery could not be committed by typewriter; but my experiment in producing a duplicate typewriter began to show that it could be done. Then it began to appear that there was something definitely wrong with N230099: its serial number did not agree with its type; its date (from its serial number) did not seem to agree with the time when Fansler must have bought it; and the Government seemed to have become interested in another machine. Always I looked towards having a real examination made of Woodstock N230099 to see whether from internal evidence it could be shown to be a fake; but I did not know how to go about it, and in any event I felt that first I ought to be surer from the other leads I was following that I was on the right track. Development of those leads, as I showed in my first affidavit, was discouragingly slow: witnesses were reluctant, records were missing, and experts, to say the least, were coy.

My first real encouragement towards having the typewriter analyzed came only in January of this year. I had, as outlined in my first affidavit, enlisted the aid of Mrs. Evelyn S. Ehrlich, of Boston, Massachusetts, as an expert in the use of photomicrography for the detection of documentary forgeries. Mrs. Ehrlich's function, as I first consulted her, was to give me an informed judgment on the success of my experiment in duplicating the typing product of Woodstock N230099. I gave her samples of typing from the two machines, and she successfully distinguished them, though only on the basis of a few minor remaining discrepancies. I was not surprised that she could tell them apart; what startled me, in the discussion in which she reported her results, was that she had concluded that the samples I had made on N230099 were the ones on Tytell's fabricated machine. When I corrected her, she assured me that the only possible explanation was that N230099, as well as the machine Tytell had made for me, must be a forgery—and not as carefully constructed a forgery as Tytell's. She said there was no other way of accounting for certain peculiarities of the typing from N230099 which she could observe by photomicrography.

I asked her whether she could confirm this by an actual examination of the typewriter itself, rather than merely specimens of its typing. She said that any comprehensive examination should be made by a metallurgical expert, which she did not consider herself, but that she would be willing to look at it herself under a microscope just to see whether there was enough obvious evidence of fabrication on the types themselves to justify my having a comprehensive examination made. When she had done so she assured me that an expert examination was fully warranted.

I was most anxious to arrange for such an examination in time to incorporate its results in my original papers supporting my motion for a new trial. But again I met the familiar difficulties: those I could find who seemed competent to do the job were concerned at possible adverse consequences to themselves from public association with the defense of Alger Hiss, or were precluded from participation by the "policy" of the institutions with which they were associated.

I finally consulted Dr. Daniel Norman, Director of Chemical Research of the New England Spectrochemical Laboratories, of Ipswich, Massachusetts, and President of its subsidiary, Skinner & Sherman, of Boston, Massachusetts. Dr. Norman's organization was recommended to me as "the best in the business", with long and distinguished experience in the field of metallurgical analysis. Dr. Norman agreed to examine Woodstock N230099 for me. He has done so, and his conclusions are embodied in his affidavit, which I attach as Exhibits S-II-A.

What were suspicions before are now translated into certainties. Dr. Norman and his organization have established that the machine the defense found and the Government used as evidence at the trials is a fake. In the language of Dr. Norman's affidavit, this machine

*** * * is not a machine which has worn normally since leaving the factory, but shows positive signs of having been deliberately altered, in that many of its types are replacements of the originals and have been deliberately shaped.**

Dr. Norman does not merely state a conclusion. His affidavit outlines in detail scientific proof, annexing photographs to illustrate such of his data as are capable of visual demonstration. From it we learn:

1. That Woodstock type consists of a small detachable piece of metal which fits over the end of the typebar and is soldered into place.
2. That a majority of the types on Woodstock N230099 have been soldered onto the typebars in a careless fashion, quite unlike the kind of soldering job done at the Woodstock factory or in a regular repair operation.
3. That the solder used for the replacement types has a different metallic content from that used on the types which apparently have not been altered, and from that used on other contemporary machines.
4. That the type face metal in almost half the types contains metallic elements not present in Woodstock type metal until the date of machines of substantially later serial numbers than N230099.
5. That the altered types show tool marks which indicate deliberate alteration of the striking faces of the letters, as well as peculiar finish or polish quite unlike that on types which have worn or aged normally.

In my original motion papers I presented evidence to show that it was *possible* to construct or alter a machine so as to make its typing resemble that of another machine so closely that an expert would be

unable to tell the difference, especially if he applied the criteria used by the Government's expert at the trials. I attached specimens of typing from two different machines and invited the Government to have its experts tell them apart if they could. I do not know whether the Government's experts can tell them apart, or even whether the Government will dare accept the invitation to try. However that may be, my proffered proof is now no longer pointed to showing how someone *could* have faked a machine which would fool the experts; it shows rather that someone *did* fake such a machine. Clearer evidence of the plot to incriminate Alger Hiss falsely could scarcely be desired.

At this stage of the case the Court, or the Government, may ask whether I can prove *when* N230099 was fabricated. I cannot. But I can say this: From April 16, 1949, when it turned up in Lockey's house, till the day it was put in evidence at the first trial, it was in the possession of defense counsel. Between the trials it was ordered impounded in the Clerk's office. It was returned to the possession of defense counsel at the end of the second trial, and was turned over to me on or about February 17, 1950, the day I was retained as counsel. From that time until February 10, 1952, when I had it delivered to Dr. Norman in Ipswich, it has been under my personal control,² and no one has been allowed access to it except my immediate associates.

Accordingly, the alteration or fabrication occurred before the machine was found by the defense. As to when it was done, there are of course various possibilities. One possibility with considerable logic to support it is that the initial alteration was made between the time Chambers first testified before the House Committee in August, 1948, and November 17, 1948, the day he reversed his story and produced the Baltimore Documents as a defense to the libel suit—enough alteration in the types to produce the deceptive typing embodied in the Baltimore Documents themselves. The fact that between November and April neither the defense nor thirty-five agents of the FBI (R. 2998) could find the machine suggests that it was during this period that further work was being done on the types, in an effort to remove at least the more obvious tool marks which would betray the deception.³ Dr. Norman's affidavit leaves no doubt that such an effort was made, and that though the result could not pass his critical examination it would have been—and in fact for nearly three years was—sufficient to deceive non-mechanical lawyers and even mechanical document examiners.⁴

In the last analysis all the proof I am here offering looks to a final showing that the Baltimore Documents are forgeries—that they were not typed on the same Woodstock machine as the so-called Hiss Standards. The fact that the machine in evidence at the trials can

² This is subject to the exception that for a period of three days early in 1952 it was in the possession of a distinguished scientist who first agreed and then declined to examine it for me and who assured me that he kept it locked in his safe for the three days he had it.

³ I plan to show at the hearing, by expert testimony, that the fabrication of such a deceptive machine as N230099 could be accomplished in no more than a few days by anyone who had taken the pains to acquire knowledge of the techniques of how to do it.

⁴ As well as the Service Manager of the R. C. Allen Business Machines office in New York (successors to the Woodstock Typewriter Company), who at my request and in my presence gave the machine a quick naked-eye inspection early in 1950.

now be shown up as a palpable fabrication could hardly fail to raise a reasonable doubt in any jury's mind as to the truth of Chambers's story of how and when the documents were typed; and I am confident that careful expert examination of the Baltimore Documents conducted in the light of our proof of the possibility of forgery by typewriter, would show conclusively that they are forgeries.

Unfortunately, I am not in a position to present any proof to the Court on the matter at the moment. Having just this problem in mind, on February 11, 1952, I addressed a letter to the United States Attorney requesting, among other things, that he make the original documents available to me for photographing. I attach a copy of this letter as Exhibit S-II-B. As a result of my letter Special Agent Spencer of the FBI visited me at my office on February 13th and asked me to explain in greater detail what I wanted—in view of the fact, as he said, that the defense had already photographed the documents three times. I told him that, whatever photographing might have been done in the past, I was now interested in a photomicrographic examination of the kind made by Mrs. Ehrlich in connection with her examination of specimens from N230099 and from Tytell's machine; that my experts advised me that such an examination could only be satisfactorily done from the originals themselves; and that they assured me that the photographing could be done wherever the documents might be without danger to the documents or expense to the Government.

The United States Attorney refused to comply with my request. I attach as Exhibit S-II-C a copy of his letter of February 14th.

I have regarded it as my duty, as attorney for Alger Hiss and as an officer of this Court, to bring out the true facts of this case, as far as diligent research can uncover them. The Government, it has seemed to me throughout my investigation, is reluctant to allow me the materials necessary to this result. Whatever may have been the justification in other phases of the case, I can see none in the matter of allowing me access to the original Baltimore Documents for photographic purposes.⁵

Accordingly, I hereby give notice that on the argument of the motion for a new trial I shall further move in open court for an order allowing me to have photographs made of the Baltimore Documents, as well as the Hiss Standards, so that, in the light of the new understanding which my experiments have developed as to how forgery by typewriter may be—and in this case was—accomplished, it may be possible at last to prove that the Baltimore Documents are forgeries, and that Alger Hiss is innocent of the crime charged to him.

CHESTER T. LANE.

Sworn to before me this
12th day of March, 1952.

Kisseloff-24958

MARGARET L. BURTON
Notary Public for the State of New York
Qualified in New York County
No. 31-0515250
Certs. Filed with Co. Clks., Kings and
Rockland and with City Reg's. N. Y. and Kings
Commission Expires March 30, 1953.

⁵ Nor can I see justification for the refusal, in the same letter, to furnish me with blank parts (of which there are a great many) of a few of the pages of the Baltimore Documents for paper analysis. The three inch square which was furnished by court order—over Government protest—during the second trial, was long ago consumed inconclusively.

EXHIBIT S-I

Affidavit of Paul Willert

GREAT BRITAIN AND NORTHERN IRELAND
LONDON, ENGLAND
EMBASSY OF THE UNITED STATES OF AMERICA } ss.:

I, R. S. Anderson ViceConsul of the United States of America residing at London, England, do hereby make known and certify to all whom it may concern that

JOHN NEWTON

who has signed the annexed certificate, was in fact a Notary Public at the time the annexed certificate purports to have been made; that I have compared the signature of said

JOHN NEWTON

upon the original annexed certificate with a specimen of his signature filed in this Embassy; that I believe his signature to be genuine; that I have compared the impression of the seal affixed thereto with a specimen impression thereof filed in this Embassy; and that I believe the impression of the seal upon the said original annexed certificate to be genuine.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal of office at London aforesaid this fourth day of March in the year of our Lord one thousand nine hundred and fifty-two.

R. S. ANDERSON

R. S. Anderson
ViceConsul of the United States of
America at London, England.

SERVICE No.: 13783

FEE \$2.00 Risseloff-24959.8d.

SEAL

[Fee stamp attached and canceled]

Exhibit S-I.

UNITED KINGDOM OF GREAT BRITAIN AND }
NORTHERN IRELAND } SS.:
ENGLAND COUNTY OF LONDON }

TO ALL TO WHOM THESE PRESENTS SHALL COME,

I, JOHN NEWTON, Notary Public of the City of London, by Royal Authority duly admitted and sworn, practising in the said City, DO HEREBY CERTIFY that on the day of the date hereof before me personally came and appeared

PAUL WILLERT,

the Deponent named and described in the Affidavit hereunto annexed, who by solemn Oath which the said Deponent then made before me in due form of law, did depose testify and declare to be true the several matters and things mentioned and contained in the said annexed Affidavit.

IN FAITH AND TESTIMONY whereof I have hereunto set my Hand and Seal of Office and have caused the said Affidavit to be hereunto also annexed.

DATED in LONDON the Fourth day of March in the Year of Our Lord, One thousand nine hundred and fifty-two.

JOHN NEWTON
Not. Pub.

SEAL

PAUL WILLERT, being duly sworn, deposes and says:

1. I live at 14 Halsey Street, London, S.W.3. and am a business executive. I am a British subject by birth and was educated at Eton and later at Balliol College, Oxford, where I took the degree of Bachelor of Arts in 1930. Thereafter I was employed in publishing and journalism in Germany and later in England. In the year 1936 I went to New York as Vice-President and manager of the Oxford University Press. I stayed in the United States of America until July 1939, when I returned to England where, after the declaration of war, I was employed by the British Government on war service in France. In January 1941 I joined the Royal Air Force with which I served until 1946, when I was demobilised with the rank of Group-Captain, Air Attaché, Paris.

2. I first met the gentleman known to me as David Chambers when he came to me as a possible translator of Martin Gumpert's book "Dunant: the Red Cross". He was strongly anti-communist and, in fact, described himself as a victim of communist persecution. According to the best of my recollection and belief that first meeting occurred at the end of 1937 or at the very beginning of 1938. In order to substantiate these statements I say as follows:

3. (a) Martin Gumpert's book was completed towards the end of the year 1937 and as the author neared the completion of his work parts of the manuscript were handed to Mrs. Rita Reil for translation. Her translation proved unsatisfactory. Accordingly, I asked the then

Exhibit S-1.

editor of the Oxford University Press, Philip Vaudrin, for another translator, and he brought Chambers to me. I understood that Vaudrin had known Chambers in the past and met him again shortly before.

(b) The usual practice in publishing in engaging an unknown translator is as follows: he is given a chapter or two for a trial translation. If results are satisfactory he would be given the manuscript by instalments if it has not been completed, or the whole of it if available. I invariably followed this practice and in the case of Chambers made no exception, particularly as the first translator had been a failure.

(c) Chambers was very keen to do the translation and he told me that he was in need of money. I remember very vividly his unprepossessing appearance and general nervousness.

4. After my first meeting with Chambers I saw him on several occasions, both in my office and at my house. I remember that on one or two occasions I took him out for lunch or for a drink. I was impressed by his knowledge, his gift of languages and intelligence. I was also sorry for him because he was so clearly near a nervous break-down and out of luck. On the occasions of his visits to my office I mainly discussed his translation with him or handed him parts of the manuscript for translation. In the course of these discussions Chambers expressed violent anti-communist views and explained to me that he was in fear of his life as he was being hunted by the G. P. U. He gave me the impression of being hysterical and suffering from persecution mania. I remember that this topic was raised on what was one of his first visits to my office. I then happened to have a manuscript on my table which Chambers saw and which he said was written by an author who adhered to communism which he (Chambers) stated he abhorred. During my talks with Chambers it became clear to me that he was very familiar with communist thought and activities in Europe and he talked about communist leaders in Europe, particularly in Germany, Holland, France and Belgium in a manner which left no doubt in my mind that he was personally acquainted with them and had in fact been in Europe in recent years.

5. I have been shown copies of the Oxford University Press correspondence attached to the Motion for a new trial in the Hiss case and observe from these papers that on the 18th March 1938 the Oxford University Press sent a parcel containing parts of the manuscript to Chambers at Baltimore, that on the 23rd March 1938 I wrote to the Oxford University Press in London: "I am sending you a set of galleys" and that the translation was completed towards the end of May 1938. From this I can say that Chambers must have been given the translation a considerable time before the 18th March 1938. If the whole of the manuscript had been sent to Baltimore that day I could not possibly have expected Chambers to complete the translation by May. Moreover, I would not have sent the whole manuscript to Chambers without first receiving the test translations. Since I remember giving part of the manuscript to Chambers in my office, the parcel despatched on the 18th March 1938 must have contained a subsequent, and probably the last, instalment. These facts support my general recollection to the effect that my first meeting with Chambers must have occurred at the time mentioned in paragraph 2 hereof.

Exhibit S-I.

6. The correspondence referred to above also enables me to say (and this is in accordance with my own recollection) that after the 18th March 1938 I was unable to reach Chambers for about six weeks. Since I do not remember having seen him at any time after the receipt by the Oxford University Press of the completed translation, I am sure that all personal discussions with him which I have described in paragraph 4 hereof took place before the 18th March 1938 and that it was well before that date that he told me that he was in hiding from the G. P. U. Up to the time of Chambers' disappearance I thought, as I have stated above, that he was under a delusion when he talked about communist persecution, but as a result of his strange disappearance I was obliged to take his explanations seriously.

PAUL WILLERT

Sworn to before me this
4th day of March 1952,
at 10, Norfolk Street,
Strand, London, England.

JOHN NEWTON
Notary Public, London.

EXHIBIT S-II-A.

Affidavit of Daniel P. Norman.

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

DANIEL P. NORMAN, being duly sworn, deposes and says:

On February 9, 1952, I was consulted by Mr. Chester T. Lane, attorney for Alger Hiss, with respect to the Woodstock typewriter, N230099, placed in evidence in the Hiss trials. Mr. Lane explained to me that he had reason to believe that the machine was not the original machine owned by the Hisses in the early 1930's, but a deliberately fabricated machine substituted in its place. He said that experts who had examined specimens of typing from the machine had expressed the view that there were definite indications of forged typefaces on many of the letters; and that one expert had confirmed this opinion by a microscopic examination of the typefaces of the keys themselves. He asked me whether my organization would be willing and able to examine the machine in detail and advise him whether he had reasonable grounds for his doubts as to its authenticity.

I undertook to make the suggested examination, and make this affidavit as a result of my study.

As background for my conclusions, I state my qualifications, and those of my organization: Kisseloff-24962

I am President of Skinner & Sherman, Inc., 246 Stuart Street, Boston, Massachusetts, Consulting Industrial Chemists. Skinner & Sherman, New England's oldest and largest firm in its field, is engaged in the business of testing and analysis, both physical and chemical, of metals, chemicals, paper, and other materials, for the United States Armed Services, Federal, State and Municipal Departments, and major industrial firms. Skinner & Sherman, Inc., is a wholly owned sub-

Exhibit S-I.

Exhibit S-II-A.

sidiary of the New England Spectrochemical Laboratories, of Ipswich, Massachusetts, a partnership, of which I am a member and the Director of Chemical Research. The New England Spectrochemical Laboratories are engaged in spectrographic analytical research in industrial chemistry for a number of the major chemical firms in the United States, and are noted for developing new analytical methods, with respect to which they hold patents and publish technical papers.

I myself am a graduate of Boston University (A.B., A.M.) and Harvard University (Ph.D.), and have studied spectroscopy at Massachusetts Institute of Technology. I am a member of the principal professional societies in my field, including among others the American Chemical Society, the American Institute of Chemists, and the American Optical Society. I am also a member of the Spectrographic Analysis Committee of the American Society for Testing Materials. I have published numerous papers on photography, spectroscopy, and analytical chemistry.

Mr. Lane arranged to have N230099 delivered to me at the laboratories in Ipswich on February 10, 1952. He also, at my request, furnished me for comparison purposes with a number of other old Woodstock typewriters with serial numbers indicating ages both greater and less than that of N230099; and I acquired parts of one such old Woodstock at a typewriter store in Boston. These machines—called herein the comparison machines—are:

Woodstock #

D53028
8-14-141879
4-264468
N223810
N233954
N256269
N295999
N332513

During a trip to New York in the course of my study I also examined a number of other old Woodstocks, and acquired several loose typebars with mounted type, from unidentified machines manufactured before or at about the same time as N230099.

My conclusions resulting from my study, and the bases for them, can be better understood in the light of the annexed photographs of the type mechanism of a Woodstock typewriter. (All magnifications referred to below are the actual magnifications at which the negatives were taken. The photographs are contact prints from the negatives and have the same magnifications as the original negatives.)

Figure # Negative # (M)

A-1	221	Partial view of typewriter keyboard and type, Woodstock N230099.
A-2	217	Typebars raised to show striking position of keys, Woodstock N230099 Kisseloff-24963
A-3	317	A. Typebar of shape used (according to Woodstock Catalogue) on machines with serial numbers lower than N220000. B. Typebar of shape used (according to Woodstock Catalogue) on machines with serial numbers between N220000 and N300000.

Exhibit S-II-A.

<i>Figure #</i>	<i>Negative # (M)</i>	
A-4	331	A. Typebar with type mounted, as ready for use on typewriters. B. Typebar without type. C. Type detached from typebar: from left to right: end (head-on); typing face; side or skirt. D. Typebar with type mounted but not soldered on (to show position of end or head of type on typebar).
A-5	312	Close-up of end of type detached from typebar (magnification, 11X, of left hand detail of line C of Figure A-4 (M331)).

It will be understood that when the type is mounted on the typebar as shown in the illustrations it is attached firmly in place by the use of solder, and that type on a given machine may be readily changed by unsoldering the type from the bar and soldering a different piece of type in its place.

FINDINGS

My examination of Woodstock N230099 and comparison of it with the comparison machines point definitely to the conclusion that Woodstock N230099 is not a machine which has worn normally since leaving the factory, but shows positive signs of having been deliberately altered, in that many of its types are replacements of the originals and have been deliberately shaped.

1. *The distribution and work on the solder holding the type to the typebars on N230099 is different in major respects from that observed on the comparison machines.*

An examination of the solder holding the type to the typebars on N230099 showed that it differed significantly in its appearance from the solder on the comparison machines. This observation is clearly illustrated by the following photographs (made at 2.7X magnification) of the ends of a number of the typebars:

<i>Figure #</i>	<i>Negative # (M)</i>	<i>Machine #</i>	<i>Types</i>
B-1	325	8-14-141879	Y B 6 G T V 5 F C 4
B-2	320	4-264468	M I K 9 ? O L) . P
B-3	329	D53028	V T G 6 B Y H 7 N U
B-4	268	N223810	T G 6 B Y H 7 N U
B-5	327	N295999	V T G 6 B Y H 7 N U
C-1	263	N230099	G T V 5 F R C 4 D E X
C-2	262	"	T G 6 B Y H 7 N U
C-3	330	"	5 F R C 4 D E X 3 S
C-4	266	"	N U J 8 M I K 9 ? O

The photographs, of course, are flat representations of three-dimensional objects, and are not as striking at these magnifications as they are at higher magnifications, but they do illustrate clearly the fact that the ends of the type on N230099 are covered with large irregular blobs of solder, which in general (29 out of 42 keys) have not been filed flat, while on the comparison machines the type-typebar joint is frequently evident and the solder has been filed flat. This phenomenon is more clearly shown by the following series of photographs made at 11X magnification:

Exhibit S-II-A.

Figure #	Negative # (M)	Machine #	Types
D-1	299	Unknown but before N220000	
D-2	303	Unknown but between N220000 and N300000	
D-3	301	Unknown; newly soldered by a repairman	
D-4	307	N223810	T and G
D-5	308	N223810	Y and H
E-1	280	N230099	T and G
E-2	283	"	F and R
E-3	276	"	H and 7
E-4	287	"	Q
E-5	288	"	W
E-6	286	"	A
E-7	284	"	C
E-8	275	"	B and Y
E-9	293	"	J and 8

The appearance of the solder on N230099 definitely suggests that the soldering was not done at the Woodstock plant or by a professional repair man. Study of the comparison machines indicates that the solder is invariably finished off by some sort of filing process. A few of the types on N230099 show this type of filing (see, for example, the left hand type in Figure E-8), and point up the fact that the majority of the types on this machine contain heavy blobs of solder which were not filed in a professional manner, and in fact were not filed at all. These heavy blobs of solder are not shown at all on the older machines such as are illustrated in Figures B-1, B-2 and B-3.

In view of the irregular manner in which it appeared that the type on N230099 had in general been soldered on, it seemed reasonable to suppose that the whole soldering job was done sloppily, and that examination would disclose an abnormal amount of solder distributed over the sides or skirts of the type. Small samples of metal were therefore removed from the sides of the type just below the hardened type face, but well away from the bottom of the skirt. The samples were taken by a dental drill, at a position shown by the small dimple on the middle raised typebar in Figure A-2 (see arrow). The types were all carefully cleaned with organic solvents before they were sampled. All forty-two types on N230099 were sampled, and enough types were sampled on the comparison machines to yield a statistically significant comparison figure. Analyses showed that on N230099 one out of every three types definitely had solder distributed over the skirt, whereas on the comparison machines the average showed solder only on one type out of seven (in the worst case, on one type out of six; in the best, only on one type out of ten).

I conclude, therefore, that the type on N230099 was not, in general, soldered onto the typebars at the factory or by a professional repair man.

2. Solder used to attach type on heavily soldered typebars on N230099 is of a different kind from that used to attach type on other typebars on that machine and type on the comparison machines.

Since some of the type on N230099 appears to have been soldered in a different manner from the other type and from the type on the

Exhibit S-II-A.

comparison machines, a spectrographic analysis was made of the solder on a number of the typebars. Samples of solder were taken from two types (A and T) on N230099 that showed the heavy incrustations of solder, and from one type (J) that appeared normal. These samples were compared with three parallel samples taken from N233954, and one sample each from N223810 and from a typebar of the kind used on serial numbers before 220000 (Figure D-1; Negative No. M299). Spectrographic analyses showed that the solder on the A and T types (heavy solder blobs) of N230099 contained somewhere between ten and fifty times as much nickel as the solder from the J type (normal appearing) on that machine, or the solder from the five comparison keys from other machines. In addition to these outstanding differences in nickel content, other less marked differences in metallic content are apparent; but full development of these differences would call for further extensive and expensive analyses which have not been made.

These data support the conclusion that the type on N230099 showing heavy solder blobs was probably not put on at the Woodstock factory.

3. Nineteen of the types on N230099 contain elements apparently not present in type metal used on Woodstock machines until serial numbers beginning at a substantially later date.

All forty-two types on N230099 were sampled on the side as described in Point 1 above, and the samples subjected to spectrographic analyses. The analyses show that the different types were not all made from the same batch of metal. These analyses were compared with similar analyses of forty keys from the comparison machines and three keys of old pattern but from machines of unknown serial numbers.

Aluminum, magnesium, vanadium, zinc, antimony, and cobalt, and their combinations, are very minor constituents whose presence or absence appear to be good criteria for showing whether the metals used were identical. The analyses show that the type metal on N223810 (before N230099) and on N233954 (after N230099) do not contain the critical constituents, nor do any of the comparison machines of earlier serial numbers; on the other hand, later comparison machines (i.e., starting with N256269) do show the significant criteria.

N230099 is not uniform. Nineteen of its forty-two types show these criteria; the balance of the types do not. Of these nineteen, thirteen are among the twenty-nine typefaces showing peculiar solder distributions; the remaining six types showing metallurgical deviations are distributed through the solder-questioned types and include one type which definitely looks like a factory-soldered job.

There is no significant difference between the metallurgy of the types which definitely show abnormal solder distribution and the others. As a group, however, the type on Woodstock N230099 shows significant metallurgical deviations from the type on comparison machines made at the same period.

Kisseloff-24966

4. Photomicrographs of the surfaces of letters on N230099 display marks of mechanical alteration of the surfaces.

After I had completed the foregoing studies I was authorized by Mr. Lane to detach some of the typebars, so as to make it possible

Exhibit S-II-A.

to get a microscope close enough to the type face to permit photographs of the type face metal at sufficiently high magnifications to show surface detail (20X to 24X). Removal of typebars is a non-destructive process normally used by repairmen, and is performed by uncoupling the key levers and withdrawing the pivot wire on which the typebars normally pivot. Typebars so removed are not damaged or altered in any way and can readily be replaced in their original positions on the machine.

Accordingly, I removed the typebars carrying the letters A, Y and T from Woodstock N230099 and compared the type faces microscopically with type from other machines. On the basis of this study I am prepared to state that abnormal tool marks can be observed on all three type faces, but outstandingly so on the small letter "t".

Figure F-1 (M383) strikingly shows the fact that the surface of the short terminal of the curve of the "t" on Woodstock N230099 has a finish markedly different from that of the rest of the "t". (In this photograph, as in all others of this series, the image, being that of the type face of the type, appears in mirror-reverse of a normal letter.) Figure F-2 (M384) shows the identical letter, but with a different adjustment of the camera and lights. These photographs may be compared with Figure F-3 (M391), the "t" from N223810, and with Figure F-4 (M392), the "t" from N233954. The types from the comparison machines are more or less uniformly corroded or eroded; those from N230099 show a non-uniform finish or polish on various surfaces, indicating mechanical work which had laid bare fresh metal. Figure F-2 (M384) in particular shows clearly how the worked-over portion joins the unaltered portion of the letter.

It should also be noted that Figure F-3 (M391), the "t" from N223810, resembles in its general form the altered letter from N230099, in that it has an acute angle at the bottom of the curve, while the "t" from N233954 (Figure F-4) shows a smooth curve. Presumably the dies in which these types were formed were changed at some time between N223810 and N233954. My observation is consistent with the possibility that on N230099 a type made in the later die was altered to appear as if it were made in the earlier die.

Figure F-5 (M376) shows the small "y" from N230099. The microscope was focussed so as to show the split and two gashes in the tail of the letter.

Figure F-6 (M387) is a photograph of the capital "A" from N230099, showing marked differences in the polish and wear of the right and left feet and their supporting metal. Figure F-7 (M395) is another photograph of the "A" from N230099, taken at an angle to the face, presented for its contrast with photographs of "A"'s from three other machines, Figure F-8 (M357; serial number unknown, but prior to N220000), Figure F-9 (M393; N223810), and Figure F-10 (M394; D53028, an old machine, of a series which I am informed was current between 1916 and 1920).
Kisseloff-24967

Exhibit S-II-A.

Although the surfaces on the three latter comparison types show differing degrees of corrosion, the corrosion being greater in the older machines, the corrosion or roughening is relatively uniform along the surfaces of each letter. The surfaces on N230099 are non-uniform in their finish, and show the appearance of surfaces of which parts have been worked over.

DANIEL P. NORMAN
Daniel P. Norman

Sworn to before me this
7th day of March, 1952.

MARGARET L. BURTON
MARGARET L. BURTON
Notary Public for the State of New York
Qualified in New York County
No. 31-0515250
Certs. Filed with Co. Clks., Kings and
Rockland and with City Reg's. N. Y. and Kings
Commission Expires March 30, 1953

Kisseloff-24968

Exhibit S-II-A.

f
j

v

246

Kisseloff-24969

74-1333-5197

EXHIBIT S-II-B.

February 11, 1952

Myles J. Lane, Esq.
United States Attorney
United States Court House
Foley Square
New York, New York

Re: United States v. Alger Hiss

Dear Mr. Lane:

I want to make certain tests of the authenticity of the so-called Baltimore Documents, which can be made only if I, or rather my experts, can have access to the originals. One of these tests would involve photographing—which could be done at your office or wherever the documents now are. Another, involving laboratory examination, would require that the documents—or a representative group of them—be made available at the place where the necessary equipment is; the examination would not harm the documents examined, and your representatives could be present while the examination was going on. The third test is paper analysis; this would require cutting off blank parts of a few of the pages, but would not in any way affect the text for what evidentiary use the Government might want to make of it in any future proceedings. As you know, early in the proceedings the Court required the Government to give the defense a section of one of the documents for this purpose (the lower left corner, approximately 3" x 3", of Baltimore Exhibit 32), but this was so small that, as I understand it, it was consumed in the testing process before any definitive results could be reached.

I should like your answer to these requests without delay, in view of the possibility that after the argument on my motion on February 25th Judge Goddard may allow me a hearing at which I can air fully the reasons to believe that the Baltimore Documents are forgeries.

Yours sincerely,

CHESTER T. LANE.

Kisseloff-24970

Exhibit S-II-B.

EXHIBIT S-II-C.

UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURT HOUSE
FOLEY SQUARE
New York 7, N. Y.

Address reply to
"United States Attorney"
and refer to
initials and number
MJL:AU

February 14, 1952.

Chester T. Lane, Esq.,
70 Pine Street,
New York 5, New York.

Re: United States v. Alger Hiss.

Dear Mr. Lane:

This will acknowledge receipt of your letter of February 11, 1952, wherein you request that you be permitted to make certain tests of certain exhibits which were in evidence at the trial of the above-entitled case.

I communicated your desires to Special Agent Thomas Spencer of the Federal Bureau of Investigation and requested him to confer with you at further length about this matter. Mr. Spencer has advised me of the results of the conference which he had with you. I have been advised that the representatives of the defendant Hiss have, on three prior occasions, made photographs of the documents in question. I am also advised that the opportunity was afforded to and accepted by Hiss on prior occasions to make tests of portions of the paper exhibits, which are presently the subject of your request. In view of these premises, I regret that I am unable to conform with your request in this respect.

The argument of your motion is set for February 25, 1952. I appreciate the fact that you were gracious enough to extend the time to that particular date but I find that it will be impossible to have my answering affidavits in shape to properly serve you ~~Kisseloff-24971~~ with our agreement for argument on that date. I plan, therefore, to appear before Judge Goddard on Tuesday, February 19, 1952, at 4:00 P. M., in Judge Goddard's chambers for the purpose of requesting an adjournment of the motion until March 17, 1952. I assume you will appear in person at that time. However, if this date and time is not convenient for you, would you be good enough to communicate with me for the purpose of arranging a time which would be more suitable for your purpose.

Very truly yours,

MYLES J. LANE,
United States Attorney.

Exhibit S-II-C.

Kisseloff-24972

74 - 1333 - 5197