



ALEXANDER VASSILIEV & ALGER HISS

PART II

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WHEN WE LAST ENCOUNTERED Alexander Vassiliev in this narrative, he was taking copious notes of KGB operational and personal files covering the 1930s and 1940s, and gaining the impression that he was looking at documents no one had seen since those decades.

Throughout 1994 and 1995 he continued to request files from SVR officials and copy down information from the files in his notebooks, including the file and page numbers of documents. In 1995 he began to prepare chapters for his American co-author Allen Weinstein,¹ and, when he had completed a draft chapter, to submit it to the SVR's declassification commission. At that point Vassiliev ran into two problems.

His first problem was caused by the comparatively large number of agents identified by their real names in the KGB files, and the implications of that information for the SVR/KGB policy of never volunteering the names of people who had worked for it. Vassiliev knew that if he included the real names of any intelligence agents in his chapters, those names would not survive declassification. He

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¹ Allen Weinstein & Alexander Vassiliev, *The Haunted Wood: Soviet Espionage in America – The Stalin Era* 5 (1999) (hereafter, *The Haunted Wood*). For an explanation of the provenance of Vassiliev's "chapters" see 12 GREEN BAG 2D at 463-464.

also knew, however, that the importance of the book he was writing with Weinstein would be enhanced if it exposed real persons, not merely persons with code names, as Soviet agents engaged in espionage in the United States.

Vassiliev sought to get around that difficulty through two strategies. One was to give the real names of Soviet operatives who doubled as “legal” or “illegal” residents of the United States. An example was Jacob Golos, a Russian-born resident of New York who served as an “illegal” official and recruiter for the Communist Party of the United States, a dealer in false passports through his cover job (the president of World Tourists, a travel and shipping agency funded by the CPUSA), and a longtime agent of the KGB. Vassiliev was able to identify Golos by his real name² by describing him as a travel executive and CPUSA member.³

The other strategy Vassiliev employed was to use code names in his draft chapters, and then to help Weinstein match them with real names, thus avoiding censure by the SVR but at the same time enhancing the appeal of Vassiliev’s and Weinstein’s book. This decision, which Vassiliev apparently made after he resolved to leave Russia, eventually caused a rift between him and Weinstein.

The second problem was far more serious. “In 1995,” Vassiliev recalled, “it became more difficult for me to work.” Several developments coalesced to make his research and writing not only frustrating but potentially dangerous. The political climate of post-Soviet Russia began to change as Yeltsin encountered health problems and opposition from nationalist elements who resisted westernization encouraged Communist candidates to challenge Yeltsin in the forthcoming 1996 presidential election. Russian agencies began

² Or at least the name Golos assumed in 1919, when he escaped from Russia and arrived in the United States. He was born in the Ukraine in 1907 under the name of Yakov Naumovich Tasin. See John Earl Haynes, Harvey Klehr, and Alexander Vassiliev, *Spies: The Rise and Fall of the KGB in America* 496 (2009) (hereafter *Spies*). Golos’s cover name was “Sound.” In 1941 he recruited Ernest Hemingway as an agent for the Soviets. Hemingway apparently never produced any information the Soviets found helpful. *Id.*, 154.

³ Alexander Vassiliev, “Introduction,” in *Spies*, xi.

to exclude foreign researchers from archives. The SVR declassification commission took longer to approve Vassiliev's chapters, and it became more difficult for him to get access to KGB files. Eventually Crown Books, beset by financial problems, canceled its agreement with the retired intelligence officers' association, and the appearance of Vassiliev's and Weinstein's book was placed in jeopardy.

Vassiliev was fortunate that the SVR did not immediately withdraw its cooperation with his research, allowing him to continue through the rest of 1995. But in January 1996, Yury Kobaladze told Vassiliev that the SVR was pulling out of the project; that he would not be getting any more files; and that the SVR would not be making copies of the (declassified) documents he had transcribed in his notebooks available to outside scholars, as they had pledged to do. Vassiliev was left with a few chapters the SVR had vetted, many more they had not, his notebooks, no book project, and no publisher. He had reduced his work with *Komsomolskaya Pravda* to pursue research on the book, and his financial future suddenly seemed precarious.

Worst of all, the file the SVR had opened on Weinstein and his center suddenly loomed large. If the Communists came back into power, Vassiliev could be identified as someone who had transferred information in KGB files to an American author suspected of having ties with the CIA. Shortly after his conversation with Kobaladze, Vassiliev was in the SVR press bureau, in the company of officers who had assisted him in retrieving files, when a television broadcast aired featuring the presidential campaign of Gennady Zyuganov. Zyuganov was the head of the Communist Party of Russia and Yeltsin's chief opponent in the forthcoming June election. He was running on a nationalist, anti-Western platform, and Vassiliev was convinced that he was going to win the presidency. One of the SVR officers watching the report on Zyuganov was "known to be an active Communist." He told Vassiliev that "[a]fter the election we are going to deal with you. We'll see what kind of book you are writing there."⁴

⁴ Vassiliev in *Spies*, xlii.

Vassiliev decided it was time for him to take another calculated risk. He believed that if the Communists returned to power, he might well be accused of passing classified KGB documents to Weinstein, an alleged agent of the CIA. He doubted that his SVR sponsors in the Crown project, Kobaladze and Yevgeny Primakov, both of whom had conspicuously cooperated with the West under Yeltsin, would be in any position to defend him. Passing classified documents was treason, and a conviction for treason meant death. Vassiliev and his wife Elena decided “to move to the West.”⁵

Here parallels with Whittaker Chambers’s 1938 defection from the covert Soviet intelligence apparatus in which he and Hiss participated first surface. Chambers resolved to break with the Soviets because he feared that the KGB under Stalin would summon him back to Moscow for liquidation. When Chambers suddenly abandoned his Washington-based espionage network, he took with him a “life preserver” of stolen U.S. government documents, to be used to expose underground Soviet agents in America should his former associates seek reprisals against him. Vassiliev, in a less dramatic break with his Russian associates, would have his own life preserver.

Just as Chambers was able to use his former experience as a journalist and translator to find work after he broke with the Soviets – eventually, after publicly denouncing Soviet Communism, he became an editor at *Time* magazine – Vassiliev was able to draw upon his journalistic credentials and connections to get out of Russia in May 1996. His escape, like that of Chambers, took some careful advance planning.⁶ He lined up a job as a London correspondent for the *Express Gazette*, a Moscow tabloid newspaper that had surfaced after the fall of the Soviet Union. He had “good connections in the press office of the British Embassy in Moscow,” and a trip he had taken to Britain in 1993 had been arranged by the British Foreign Office. All this suggested that he and Elena might successfully ob-

⁵ Id.

⁶ For the details of Chambers’s escape, which he began planning in the fall of 1937, see Whittaker Chambers, *Witness* 35-44 (1952).

tain UK visas, and they did. Vassiliev's visa identified him as a civilian journalist, working for the *Gazette*. It was issued for a year, subject to renewal if the *Gazette* confirmed he was still on their staff.

Vassiliev hoped, on leaving Russia, that he would not be seen as a defector, but merely as someone who was continuing to pursue a career as an international journalist. He needed to remain on good terms with the *Gazette*, and he didn't want the British government to treat him as a former KGB agent who had come over to the West. He hoped to complete the book with Weinstein, and to that end copied all the draft chapters he had prepared, whether vetted or not, onto floppy computer discs. He also made copies of some documents he had initially not planned to give to Weinstein: the KGB operational files that identified Hiss and Julius Rosenberg by their real names. He did not take his notebooks, fearing that he would be searched at the Moscow airport and the notebooks confiscated. He left them "with people I trusted" in Moscow.⁷ Among the items that he did not take with him was Anatoly Gorsky's 1948 list of American agents who were "failures," having been exposed by the "Traitor" Chambers.⁸

The copies of his draft chapters and documents were Vassiliev's version of a life preserver. They gave him two options should his situation in England become precarious. One – by far the less desirable to him – was to approach the British Foreign Office in the capacity of an ex-KGB agent who knew a good deal about the SVR's archives and had some interesting unclassified material in his possession. That option would have made him a defector, another former Russian intelligence operative who had come over to the West. Vassiliev did not want that label: he remained a loyal Russian, supportive of the KGB and GRU agents whose work he had begun to chronicle. "I was born and bred in the Soviet Union," he wrote about his state of mind on leaving Russia in 1996. "[I]f to most Americans, individuals like Julius Rosenberg . . . are traitors, to me

⁷ Vassiliev in *Spies*, xliii.

⁸ Gorsky's list, with the designation of "Karl'–Whittaker Chambers" as "Traitor," is in *Spies*, 29-30.

they are still heroes. They helped my country in very difficult times, and I had no reason to disrespect their memory.”⁹

On the other hand “all the characters mentioned by their real names” in the KGB files “had become,” Vassiliev believed, “part of the history of the twentieth century, and their stories had to be told sooner or later by somebody. I saw no reason why it shouldn’t be me since I had something to tell.”¹⁰ He hoped to tell their stories not to British intelligence, but to the audiences for his book with Weinstein. The book was his second option: a source of potential income, the prospect of further books and journalistic opportunities in the West, a way to make a respectable break with Russian authorities.

As when he successfully “retired” from the KGB, Vassiliev’s calculated risk at least partially paid off. When Vassiliev resolved to leave Russia, he did not know whether another publisher would take on his book with Weinstein, but after settling in England, he learned from Weinstein that the main division of Random House was prepared to publish their manuscript, now given the title *The Haunted Wood*. The remainder of 1996, and some of 1997, thus became a hectic time for Vassiliev, Weinstein, and Random House.

The interval began when Vassiliev sent Weinstein the chapters he had prepared for him and the documents identifying Hiss and Rosenberg by their real names. Meanwhile the Venona decrypts had begun to appear, and the “Ales” cable had been made public. Weinstein and Random House realized that a new edition of Weinstein’s book *Perjury: The Hiss-Chambers Case*, making use of material about Hiss from Vassiliev’s chapters and the Venona files, would be timely. The fact that Hiss was to die late in 1996 would make the publication of the new edition more urgent, but the decision to issue a new edition had taken place before his death.

As the new edition of *Perjury* took shape, Weinstein found himself in the position of being a competitor with the forthcoming *Haunted Wood* book. If his new edition disclosed information about

⁹ Vassiliev in *Spies*, xlv.

¹⁰ *Id.*, xliii.

Hiss taken from Vassiliev's chapters, that information would be less fresh when it appeared in *The Haunted Wood*. On the other hand *The Haunted Wood* was not ready for publication – Weinstein needed to transform Vassiliev's chapters into a narrative of Soviet espionage in America in the 1930s and 1940s – and the release of the Venona files, with the tantalizing “Ales” cable, provided the author and publisher of the most visible book on Alger Hiss with an opportunity for instant attention. Weinstein resolved to use some of Vassiliev's material earmarked for *The Haunted Wood* in the new edition of *Perjury*.

In his acknowledgments to the new edition, which appeared in 1997 and in which Weinstein alluded to Hiss's death,¹¹ Weinstein noted that “highlights from KGB files,” made public “for the first time,” were included in it. He indicated that his “research and findings” associated with *The Haunted Wood* (also to be published by Random House) had produced those “highlights.” Although he thanked Vassiliev “for his diligent scrutiny of relevant older files,” he stressed his own participation in every stage of *The Haunted Wood* project. He made reference to the agreement between Random House and a “KGB retired agents group” that “allowed me and other Western and Russian researchers access to previously unavailable KGB files.” He thanked Primakov and Kobaladze for their support of the project, “though probably not of the conclusions arrived at either in *Perjury* or *The Haunted Wood*.”¹²

Almost all of the material from KGB files Weinstein chose to insert into the second edition of *Perjury* came from Vassiliev's “Washington Sources” chapter, which had not been vetted by the SVR and included some documents identifying agents by their real names. He attempted to weave Vassiliev's material into the narrative of his first edition, and in some places it fit almost seamlessly. For example, Weinstein had devoted part of a chapter in the first edition of *Perjury* to the connections between Hiss and other “romantic anti-

¹¹ Allen Weinstein, *Perjury: The Hiss-Chambers Case* 512 (second edition, 1997) (hereafter *Perjury* 2nd).

¹² Id., xi.

fascists” in Washington in the 1930s, particularly Noel Field and Lawrence Duggan (who both worked for the State Department), and with the KGB recruiter Hedda (“Hede”) Gumperz Massing. Vassiliev’s chapter contained a long excerpt about Hiss, Field, and Duggan from an April 1936 letter written by Massing to Moscow Center. Massing described a meeting in which Hiss disclosed his affiliations with the Soviets to Field, whom he also thought had Soviet connections, and suggested that they work together, and also asked Field to help get Hiss a position in the State Department. Massing was shocked at this breach of discipline – agents were trained never to disclose their identities to persons outside their operational groups – and complained about it to Moscow. Because Hiss was a GRU agent, she did not know his code name, so she called him “Alger Hiss.”¹³

Hiss was also referred to by name in most of the other references to KGB files Weinstein made in *Perjury 2nd*. This was because the references occurred in transmissions from KGB controllers operating in America who did not know Hiss’s code name because he was a GRU agent. Weinstein quoted from three such transmissions between 1936 and 1938.¹⁴ The remainder of the references to newly discovered evidence about Hiss in *Perjury 2nd* involved the “Ales” cable.

Weinstein discussed the “Ales” cable in two places in *Perjury 2nd*. One was in a chapter that sought to bring the “Cold War Iconography” of Hiss’s life up to the present.¹⁵ No KGB files were cited in that chapter. The other was in a chapter describing the easing out of Hiss from the State Department in 1945 and 1946. In that chapter Weinstein was able to work in both the “Ales” cable and two other references to “Ales” in KGB files.

¹³ Vassiliev, “Washington Sources,” 21-23; *Perjury 2nd*, 182.

¹⁴ See *Perjury 2nd*, 183-184. There was not an exact concordance between the language of Vassiliev’s “Washington Sources” chapter and Weinstein’s quotations from KGB files in *Perjury 2nd*. Weinstein may have felt that since Vassiliev had translated the information in his chapters from Russian to English, he could edit Vassiliev’s translations to make them more readable.

¹⁵ *Perjury 2nd*, 508-511.

The first reference was to a March 5, 1945 cable from Gorsky to Moscow which would subsequently play a large role in a controversy over the identity of "Ales." Weinstein did not use the full contents of that cable. He emphasized the portions in which Gorsky said that he had spoken to another agent, "Ruble,"¹⁶ several times about "Ales." "'Ruble' gives to 'Ales' an exceptionally good reference as a member of the Communist Party," Weinstein quoted Gorsky as saying. "'Ruble' informs [me] that 'Ales' is a strong, determined man with a firm and resolute character who is aware that he is a Communist with all the consequences of that illegal status."¹⁷ Weinstein gave no KGB file reference for that cable, and the cable was not included in Vassiliev's "Washington Sources" chapter.¹⁸

The second reference also involved "Ruble" and "Ales." It was an April 15, 1945 letter from Pavel Fitin to Vsevolod Merkulov, the head of Soviet State Security, asking permission to give "Ruble" the Order of the Red Star. Fitin noted that "Ruble" had initially been an agent for the GRU, and then "passed through our station valuable information on political and economic issues." According to information supplied by Gorsky, Fitin continued, "the group of agents of the military neighbors whose part 'Ruble' was earlier, recently was decorated with orders of the USSR. 'Ruble' learned about this fact from his friend 'Ales,' who is the head of the mentioned group."¹⁹

The information about "Ruble" and "Ales" complemented Gorsky's statement in the March 30, 1945 Venona cable that "Ales" and his group had recently received Soviet decorations. Weinstein was

¹⁶ Weinstein did not identify "Ruble" as Harold Glasser, a Treasury Department official who passed a number of documents to the Soviets in 1944 and 1945. That omission is puzzling because Vassiliev, who had gained access to Glasser's personnel file, had made the identification in his "Washington Sources" chapter. See "Washington Sources," 422 n.187.

¹⁷ *Perjury 2nd*, 326.

¹⁸ The KGB file reference for Gorsky's March 5, 1945 cable was KGB file 43173, volume 1, p. 88. It was copied in one of Vassiliev's notebooks, and was also part of the group of documents referring to Hiss and Rosenberg by their real names that Vassiliev brought with him to England in 1996. Gorsky's cable is quoted in more detail in *Spies*, 24-25, and the file reference noted in *id.*, 554.

¹⁹ *Perjury 2nd*, 326-327.

able to say, after introducing that cable along with Gorsky's March 5 cable and Fitin's letter, that "[t]he interrelationships linked to the new evidence on 'Ales' . . . are compelling in pointing toward Alger Hiss when viewed within the framework of existing information on him during [1945 and 1946], much of it reviewed previously in [the first edition of *Perjury*]." ²⁰ But if Weinstein was delighted with the way some of Vassiliev's data aligned itself with the new evidence on Hiss from Venona, Vassiliev was less so.

"Allen and I . . . had a personal falling out," Vassiliev wrote in *Spies*, "prompted by my discovery that he had used the Hiss material in a new edition of *Perjury* that appeared prior to the publication of our book." ²¹ Of seven excerpts from KGB files identifying Hiss in *The Haunted Wood*, all of which had been part of Vassiliev's "Washington Sources" chapter, six had appeared in *Perjury 2nd*. ²² Many of the same individuals thanked in the acknowledgments to *Perjury 2nd*, including Random House executives, Primakov and Kobaladze, General Vadim Kirpichenko, the head of the retired KGB officers' association, and "assistants and translators" associated with the SVR, were thanked again in *The Haunted Wood* in nearly identical language. ²³ Although a good deal of *The Haunted Wood*'s coverage did not deal with Alger Hiss, Vassiliev soon came to understand that passages in KGB files identifying Hiss by name were regarded, by American audiences, as the most important evidence coming out of the Crown Books project. Those audiences, he concluded, "cared only about Alger Hiss," ²⁴ and most of the Hiss references in *The Haunted Wood* had already appeared in *Perjury 2nd*, with Weinstein getting the credit. Moreover, some of those audiences were gearing up to attack *The Haunted Wood*'s research, and the book was vulner-

²⁰ Id., 327.

²¹ Vassiliev in *Spies*, xlv.

²² The seventh was another excerpt from the Hede Massing letter to Moscow of April 1936, in which Massing said that "Alger let [Noel Field] know that he was a Communist, [and] that he was connected with an organization working for the Soviet Union." *The Haunted Wood*, 5.

²³ See id., xi-xii.

²⁴ Vassiliev in *Spies*, xlv.

able to attack because of a decision Weinstein and Random House had made without consulting Vassiliev.

III

Hiss had been dead for three years when *The Haunted Wood* appeared, but several of his diehard defenders were very much extant. On the heels of *The Haunted Wood*'s publication, Vassiliev became acquainted with Victor Navasky, "editor of *The Nation* and a fierce defender of Hiss,"²⁵ and John Lowenthal. Although Vassiliev initially "had never heard of" Lowenthal, he quickly concluded that Lowenthal was "a politically motivated crusader" in defense of Hiss's reputation.²⁶

The Nation commissioned Susan Butler to interview Vassiliev about *The Haunted Wood* for an article that appeared in October 2001. When she first contacted Vassiliev, Butler stated that she had read *Perjury 2nd* and *The Haunted Wood*, found "many mistakes and inconsistencies" in the former, and had heard that Vassiliev himself was "highly critical" of the latter. Vassiliev had in fact been annoyed with one feature of the published version of *The Haunted Wood*. Without consulting him, "either Weinstein or the editors" replaced code names in quotations from KGB files "with real names in brackets for the sake of the simplicity of the narrative." Vassiliev thought "replacing the [code] names with real names . . . distorted the quotes and opened us to criticism."²⁷ He denied being critical of *The Haunted Wood* to Butler, but she eventually stated in her *Nation* article that "Vassiliev had virtually no say on what went into [*The Haunted Wood*]; that he "seems to have been overwhelmed by Weinstein's reputation . . . and by the prospect that Weinstein kept dangling in front of him of making big bucks from the book"; and that "[t]he heavy anti-Hiss slant" in *The Haunted Wood* was "pure Weinstein."²⁸

Vassiliev was coming to realize the intensity of Hiss's arch de-

²⁵ Id.

²⁶ Id., xlvii.

²⁷ Id., xlvii-xlviii.

²⁸ Quoted in id., xlv.

fenders, whom he believed “were prepared to destroy everyone who wanted to tell the story” of Hiss’s complicity.²⁹ *The Haunted Wood*’s presentation of evidence from the KGB files, however, made it vulnerable to critics. In February 2001, Butler sent Vassiliev a copy of an article Lowenthal had written in the Autumn 2000 issue of the journal *Intelligence and National Security*. Although the article was entitled “Venona and Alger Hiss,” Lowenthal had interviewed Vassiliev’s old acquaintance Boris Labusov, now head of the SVR press bureau, on *The Haunted Wood*. According to Lowenthal, Labusov said “if you want to be correct, don’t rely much on *The Haunted Wood* [because the real names substituted for code names were] the mere guess of the co-authors”; that Vassiliev and Weinstein “were wrong when they put the name of Alger Hiss in the places” where KGB and Venona files used code names; that the SVR had “no documents . . . proving that Alger Hiss cooperated with our service”; and that “Mr. Vassiliev, . . . if he’s honest, . . . will surely tell you that he never met the name of Alger Hiss in the context of some cooperation with some special services of the Soviet Union.” The implication of Labusov’s remarks, Vassiliev concluded, was that he had “invented” the quotations about Hiss in the KGB files he examined. Lowenthal added that Vassiliev and Weinstein had supplied the code name “Lawyer” for Hiss.³⁰

When Lowenthal repeated his charges in a negative review of *The Haunted Wood* on Amazon.com, and two web sites posted his *Intelligence and National Security* article, Vassiliev decided to sue for libel.³¹ “By this time,” he recalled, *The Haunted Wood* was the most important thing I had done in my professional career.” It had “changed the lives of my wife, my son, and myself. We had left our native country. Now someone was saying the book was a lie and I was a liar.”³²

²⁹ Id.

³⁰ Id., xlvii-xlviii.

³¹ The Butler article was an exhibit in *Vassiliev v. Frank Cass & Co., Ltd.*, [2003] EWHC 1428 (QB). Vassiliev also called John Lowenthal as a witness, and introduced an interview Lowenthal had with Labusov into evidence.

³² Vassiliev in *Spies*, xlix.

Vassiliev & Hiss

A libel suit had figured prominently in Hiss's exposure by Whitaker Chambers. But for Hiss's suing Chambers for libel after the latter accused him of being a Communist, Chambers might not have retrieved, and made public, the "Pumpkin Papers," the stolen government documents retyped on a Hiss family typewriter that were part of his "life preserver." Vassiliev's libel suit against Frank Cass, the British publisher of *Intelligence and National Security*, and Amazon.com – both defendants were sued as publishers of Lowenthal's article and review of *The Haunted Wood* – resulted in another set of documents, the notebooks Vassiliev had left behind in Russia, also being made public. Hiss's libel suit was quietly dropped after he was indicted for perjury; Vassiliev eventually lost his against Cass, on all counts, and had his suit against Amazon.com dismissed before trial. The defendants prevailed because they were able to convince the jury that although Lowenthal's comments about Vassiliev and his research methods were false and lowered Vassiliev's reputation, they were "expressions of opinion," or, alternatively, "fair comment" on matters of public concern, and thus were either not statements of fact or privileged if not made with malice.

In the process of bringing the suit (which he did *pro se*, no London firm being willing to represent him on a contingent fee basis), Vassiliev realized that "I would need my notebooks as evidence."³³ The unusual circumstances of his research for *The Haunted Wood* had resulted in his having no actual documentation for the draft chapters he had produced for Weinstein. Weinstein had not seen Vassiliev's notebooks, and if Weinstein had been shown KGB files on his visits to Moscow in connection with *The Haunted Wood* (as he implied),³⁴ he did not read Russian. Thus Vassiliev could have invented all the quotes from files he had copied and translated. His handwritten copies of files, made in Russian Cyrillic in his notebooks, remained in Moscow. The notebooks included archival file numbers that could, if necessary, be verified. Any chance of his winning his libel

³³ Id., 1.

³⁴ "I worked alongside Vassiliev during more than two dozen visits to Moscow," Weinstein wrote in his introduction to *The Haunted Wood*, "monitoring the information found . . ." *The Haunted Wood*, xv.

suit rested on his receiving the notebooks in England.

Vassiliev's penchant for taking calculated risks once again surfaced. He asked "a person in Moscow I could trust" to send them to him via DHL, a German postal carrier comparable to UPS.³⁵ His friend was willing to do so, and all eight arrived uneventfully. The evidence they contained, which included Gorsky's 1948 list of American agents exposed by Chambers, did not result in Vassiliev's winning his lawsuit, and Vassiliev did not introduce his notebooks themselves at the trial, only selected photocopies of pages from them.

On September 9, 2003, a little less than three months after the verdicts came down in Vassiliev's libel suit, John Lowenthal died in London. His brother, David, had attended the trial, as had a reporter from *The Nation*. "Much later," Vassiliev, having found no coverage of the trial in issues of *The Nation* or on its website, was browsing Wikipedia, and looked at its entry on Alger Hiss. There he found a link to John Earl Haynes's web site, where one of the documents listed was a copy of Gorsky's list, together with some comments by David Lowenthal disputing its accuracy. "The Alger Hiss cult was still at it," Vassiliev felt.³⁶ He was aware of Haynes's work on Soviet intelligence in the United States, and contacted Haynes to respond to Lowenthal's comments. In the course of their exchange, Vassiliev made Haynes and Harvey Klehr aware of his notebooks. Haynes and Klehr traveled to London in 2005 to meet Vassiliev and view the notebooks, and the result, four years later, was *Spies*.

While Vassiliev, Haynes, and Klehr were hiring translators and vetting the notebooks with specialists,³⁷ the Hiss defenders, despite John Lowenthal's death, remained active. "The Alger Hiss Story" website, with independent scholar Jeff Kisseloff as its managing editor, sought to counter any new evidence damaging to Hiss's reputation. In 2007 a conference, "Alger Hiss in History," was held at

³⁵ Vassiliev in *Spies*, 1.

³⁶ *Id.*, liii.

³⁷ See Haynes and Klehr in *Spies*, xi, xx.

New York University, featuring appearances by Tony Hiss and Timothy Hobson, with Victor Navasky as its keynote speaker. At that conference Kai Bird, a former contributing editor to *The Nation*, and Svetlana Chervonnaya, previously a researcher and propagandist for the Soviet Union, presented a paper, subsequently published in two versions in *The American Scholar*, in which they used another portion of Gorsky's March 5, 1945 cable as the foundation for an argument that "Ales" could not have been Alger Hiss.³⁸ Their argument – that because Gorsky wrote in the cable, "'Ales' . . . was at the Yalta Conference, then went to Mexico City and hasn't returned yet," Hiss, who had returned from Mexico City by at least March 1, 1945,³⁹ could not be "Ales" – rested on a supposition that Gorsky knew Hiss's whereabouts in early March, for which there is no hard evidence. Bird and Chervonnaya's article also suggested that another member of the State Department, Wilder Foote, who also traveled from Yalta to Moscow with Secretary of State Edward Stettinius's party, could have been "Ales." Other than Foote's presence in both Yalta and Moscow, however, none of the other characterizations of "Ales" in the Venona cable fit Foote, who was running a newspaper in Vermont until 1942 and never knew Harold Glasser, "Ales" friend "Ruble" in the cable.⁴⁰

IV

A May 2009 conference on Vassiliev's notebooks and *Spies* revealed that a few Hiss arch-defenders remained unreconciled.⁴¹ But the most interesting dimension of Vassiliev's notebooks, for the legacy of Alger Hiss, is not that they "close" the controversy about

³⁸ Kai Bird & Svetlana Chervonnaya, "The Mystery of Ales," 76 *The American Scholar* 30-31 (2007); Bird & Chervonnaya, "The Mystery of Ales," www.theamericanscholar.org/su07/ales-birdlong.html. The print version was much shorter, and did not include notes.

³⁹ See Eduard Mark, "In Re Alger Hiss: A Final Verdict from the Archives of the KGB," 11 *Journal of Cold War Studies* 26, n.41 (Summer 2009).

⁴⁰ Mark, "In Re Alger Hiss," contains a devastating critique of Bird and Chervonnaya's claim that Wilder Foote could have been "Ales."

⁴¹ For more detail, see John Earl Haynes & Harvey Klehr, "In Denial: Round 11," www.washingtondecoded.com/site/2009/06/in-denial-round-11.html.

whether he was a Communist, a Soviet agent, and committed to espionage.⁴² It is that Hiss's exposure in all of those capacities came because someone who once shared his commitment to the ideological agenda of the Soviet Union abandoned that commitment, "betrayed" the trust of the Soviet intelligence community and its successors, and in the process revealed Alger Hiss to be engaged in his own version of betrayal.

The great imponderable about the Hiss case is whether, if Whittaker Chambers had remained in place as a courier to Hiss's GRU network after 1938, Hiss would ever have been exposed. Russell McNutt, one of the Soviet agents involved in atomic espionage, died at 93 in February 2008, still unidentified. McNutt had joined Gulf Oil in 1947 as an engineer, eventually making a good deal of money and retiring to a house in North Carolina on a golf course and resort he had developed.⁴³ Although Hiss had come under scrutiny from the FBI and State Department security officers once the agents Elizabeth Bentley and Igor Gouzenko defected from the Soviets in 1945 and named a person matching Hiss's description as an active agent, he had quietly become president of the Carnegie Endowment in 1946, at the age of 40. The Soviets knew that he was unlikely to have access to classified documents in the future, but they employed agents for talent-spotting and lobbying in Washington, and Hiss might have served in those capacities.

Hiss was outed because his former friend Whittaker Chambers betrayed him, and then, after a long and remarkably successful campaign to portray himself as Chambers's victim, was outed for new generations because Vassiliev, as he put it at the May 2009 conference on his notebooks, "betrayed the trust" of the SVR officials who let him have access to KGB files. In both instances only someone trained as a Soviet intelligence agent could have gained access to documents incriminating Hiss. In both instances a full set of those documents, which independent persons could evaluate, became

⁴² Haynes and Klehr's chapter on Hiss in *Spies* was entitled "Alger Hiss: Case Closed."

⁴³ See *Spies*, 39.

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public because of a libel suit. In both instances officials of Russian intelligence agencies remained loyal to Hiss, claiming no affiliation with him. But in both instances Hiss's reputation could not survive the betrayals. The story of Vassiliev and Hiss, with Chambers lurking in the background, is a classic case of non-poetic justice, because Hiss's entire secret life, from 1935 to his death, had been about betrayal: betrayal of his U.S. government employers, his friends and supporters, his sons who sought to defend his reputation, his country.

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