HISS LECTURE - CHAPTER THREE:

PRISON

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On March 22, 1951, Alger Hiss surrendered himself to federal marshals at the Foley Square courthouse in New York City to begin a five year jail sentence. His appeal from his January, 1950 conviction on two counts of perjury had been unanimously denied by a three-judge panel of the United States Court of Appeals for the Second Circuit on December 7, 1950, and on March 12, 1951, the Supreme Court of the United States declined to hear his petition for certiorari. Ten days later, Hiss's tenure as a federal prisoner began. He had been sentenced to five years on both counts of perjury, with the prosecution recommending, and Judge Goddard agreeing, to have the counts run concurrently. A statute provided that if he maintained good behavior in prison he would be released in forty-four months.1

Before Hiss went to prison, he had been informed that he was likely to be sent to a maximum security federal facility in Lewisburg, Pennsylvania, rather than the alternatives of Danbury, Connecticut, a

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1. Title 18 U.S.C. § 4161 (1948) provided that prisoners convicted of offenses against the United States and confined in penal institutions for terms other than life, should be entitled to deductions from the terms of their sentences when their "record of conduct show[ed] . . . [faithful observation of] all the rules." That provision was implemented by 18 U.S.C. § 3624(b), the Criminal Procedure, Postsentence Administration section of the U.S. Code, which provided that credit toward service of the sentence would be given for "satisfactory behavior," which was defined as "exemplary compliance with institutional disciplinary regulations." Hiss received no discretionary "good time," and was not deemed eligible for parole before the expiration of his sentence, so the reduction in his incarcerated time from sixty to forty-four months was solely because he came within the statute. Lewisburg officials had the option of declining to certify his behavior as "satisfactory," and had he violated any prison rules he would have forfeited the statutory deduction. But Hiss did not violate any rules, and within two years of his stay was transferred to an "honors block" cell, reserved for prisoners whose conduct had been exemplary.
prison with a "country club" image, or Atlanta, one that tended to house prisoners sentenced to life or long terms of years. He also knew a good deal about the details of prison life, and had been given suggestions about how best to cope with those details. He had prepared for prison in the same assiduous manner that he prepared for his trials, and his goals of maintaining his innocence and assuming the persona of a "framed" scapegoat remained intact. But his constituency, for the immediate future, had sharply narrowed. He would no longer be dealing with potential supporters and opponents from the general public. He would be dealing with the population of a maximum security federal prison. He needed to survive at least forty-four months in a world whose inhabitants were not likely to take kindly to spies for the Soviet Union. He was facing another looking glass war.

Once Hiss knew that he was going to jail, he sought, "like a traveler to an unfamiliar land," some information about "the customs and conditions of prison life." Through Dr. Viola Bernard, a psychiatrist who had assisted in his defense, he secured a contact with Austin MacCormick, who had been in the Federal Bureau of Prisons during the New Deal and during the 1950s served as the director of the Osborne Association, an organization dedicated to helping ex-convicts readjust to the outside world. MacCormick was thought to be a proponent of Hiss's innocence. His sister, the wife of Hubert James, the foreman at Hiss's first trial, was reported by the prosecution, in an effort to remove James, to have said that if "[i]t was up to [her husband], Hiss will get away with it." James remained, and Claude Cross, lead counsel for Hiss at the second trial, later speculated that "Austin MacCormick's brother-in-law was foreman of the jury, and he kept that jury hung."

In a meeting early in 1951, MacCormick gave Hiss a forecast of what he might expect in prison. "[O]n all objective matters," Alger would write five months after arriving at Lewisburg, MacCormick's predictions were "crisply accurate." MacCormick told Alger that he

2. On MacCormick, see ALGER HISS, RECOLLECTIONS OF A LIFE 162 (1988) [hereinafter A. HISS]; on Viola Bernard as the contact, see TONY HISS, LAUGHING LAST 146 (1977) [hereinafter T. HISS].

3. The prosecution's suggestion that Hubert James, the jury foreman in the first trial, was biased in favor of the defense came in exchanges between the prosecution and Judge Kaufman in chambers, quoted in THE FIRST TRIAL: UNITED STATES V. AMERICA VS. ALGER HISS, STENOGRAPHER'S MINUTES, 303 (1948) (Microfilm edition, Scholarly Resources, Inc.). The reference to Claude Cross's statement about "Austin MacCormick's brother in law...Keeping the jury hung," is an interview of Cross by Allen Weinstein, July 15, 1974, quoted in WEINSTEIN, PERJURY 373 (2d ed., 1997).
would not be sent to Danbury, even though federal prisoners were typically placed in the facilities closest to their residences, because of Danbury’s lenient reputation. Nor would he be sent to Atlanta, since his term was comparatively short and he was a first-time offender. He would go to Lewisburg, whose population was not primarily “white-collar” criminals, but whose inmates, for the most part, were serving short sentences.\textsuperscript{4}

The United States Penitentiary in Lewisburg, Pennsylvania, as it is officially called, stands in the middle of 950 acres of federally owned land in the same township where Bucknell University is located. The land is rolling, picturesque farmland, and the prison, when Hiss was an inmate, operated a farm. The prison itself is a massive brick structure, encircled by four concrete walls, thirty feet high, and more than a thousand feet long, with brick watchtowers on each corner. Within the walls, in addition to the main building in which inmates are housed, are athletic fields and factory buildings. The main building, over nine hundred feet long, is two stories high with a tile roof. A huge brick smokestack rises from the center of the building, resembling an Italian Renaissance bell tower. The inmates are housed, in a combination of dormitories and cell blocks, on both floors. Hiss joined an inmate population that ranged between 1500 and 2000 men during the years of his incarceration. The housing arrangements at Lewisburg included an “honor block” of cells, set aside for inmates with good disciplinary records. Hiss was moved to the honor block, whose unlocked cells stood at the western end of the building separated by locked doors from its other residential areas, after spending the first two years of his sentence in a second-floor dormitory.\textsuperscript{5}

Before being sent to Lewisburg, Hiss spent a week in a federal detention center on West Street in New York City, which was closed in 1975. That facility, he felt, “was really like a zoo, because it was made up of iron cages,” with bars on the sides and top, containing double-decker bunks. The cages were designed to hold up to a dozen men, as the population of the West Street facility was constantly changing. “Mostly there was a coming and going of newly convicted prisoners,” Hiss recalled, “whose momentary stay at West Street was for the compiling of dossiers before their transfer to places of regular confinement.” This meant that those detained at West Street “had no

\textsuperscript{4} Alger Hiss to Priscilla Hiss and Tony Hiss, August 10, 1951, quoted in \textit{TONY HISS, THE VIEW FROM ALGER’S WINDOW: A SON’S MEMOIR} 127 (1999).

\textsuperscript{5} For descriptions of Lewisburg, see \textit{id.} at 7-8; A. Hiss, \textit{supra} note 2, at 170-71.
prescribed activities and little opportunity for recreation.” Their time consisted mainly of “aimless, time-killing talk” in a “repellent” setting of “pandemonium.” Naked bulbs burned day and night; prison intercoms blared constantly; and the cages amounted to “holding pens.” West Street was a place “of confusion and disorder,” a “crowded and antiquated warehouse for unhappy men.”

Nonetheless Hiss had one fortunate, possibly life-saving, experience at West Street. He was thrown together with a man whose acquaintance was to have a significant effect on the quality of his stay at Lewisburg. In his memoirs, Hiss referred to the man by the pseudonym “Danny F.” Hiss employed this practice of concealing the identities of many of his prison associates in his reminiscences, particularly those who were involved with organized crime. “Danny F.,” a native of New York in his forties, was awaiting transfer to Atlanta for what he expected would be a long stay in that facility. He and Hiss apparently struck a bond because neither was particularly interested in “causal chatting with the numbers of confused and lonely men who approached any one . . . who found himself alone.” Danny never survived his Atlanta experience, dying in prison. But he felt comfortable enough with Hiss to tell him, when he found out Hiss was destined for Lewisburg, to “ask for his brother-in-law Mike M., and say that it was Danny who told me of him.”

Austin MacCormick had told Hiss about the groups of men he could expect to find in the prison population of Lewisburg in the early 1950s. Hiss’s immediate contemporaries, MacCormick said, would all be Caucasians. Approximately forty percent of Lewisburg’s inmates were African-Americans, but the facility was segregated along racial lines, and black and white prisoners were not allowed to mingle except during periods of outdoor exercise, where, Hiss noted, “a somewhat uneasy voluntary segregation” typically prevailed. Within the white population, MacCormick identified four groups, and predicted which representatives of the groups Hiss would find more or less congenial. A “tiny group of men charged with white collar crimes—chiefly businessmen guilty of tax evasions—” would be “boring” companions for Hiss, he thought. Hiss did not single out any members of that group in his reminiscences about Lewisburg.

6. For Alger’s memories of West Street, see A. Hiss, supra note 2, at 163, 165; T. Hiss, supra note 2, at 148-149.
7. The “Danny F.”/“Mike M.” story is told in A. Hiss, supra note 2, at 164.
8. The statement that Lewisburg was racially segregated during Hiss’s time there is from T. Hiss, supra note 2, at 171; T. Hiss, supra note 2, at 152. The characterization of
The other three groups were approximately equal in numbers. One group consisted of ex-soldiers in World War II who had been convicted of crimes against the civilian populations of Germany, Austria, or Italy. Members of that group tended to receive lengthy sentences by military tribunals that sought to foster good relations with the countries in which the crimes occurred. MacCormick predicted that Alger might find some of the incarcerated soldiers interesting, and he made a close acquaintance with two, “Klaus H.” and Murph.” Klaus had been imprisoned for a statutory rape that took place in Vienna, and Murph for participating in a brawl involving residents of Naples and American soldiers that resulted in the death of a Naples resident. Both felt that their sentences were excessive. Klaus claimed not to have known his partner was under age, and Murph that “he had been more onlooker than participant.” Murph had become “mistrustful of all authority and of almost everyone” after initially being sentenced to death for the Naples brawl. Military review boards periodically reduced his sentence, and he was eventually paroled before Hiss was released. Klaus was a violinist, who shared with Hiss a love of classical music. Murph, a resident of New York City, coached Hiss in handball and became sufficiently attached to Hiss that after being released he tried to ensure that he and Hiss would renew contact once Hiss reentered the outside world.

A second group was “hillbillies,” “kids from the small towns and hills of Kentucky and Tennessee, mostly inside for robbing banks and stealing cars for joy rides.” Their presence in a federal prison was the result of their crimes having crossed state lines. They were for the most part without resources, and thus, were unable to spend money in the prison commissary, whose cigarettes and sweets could be used, within the inmate and prison guard population, as a source of influence through barter. Hiss did not single out any member of this group as a particularly close acquaintance or memorable figure, although he did note that two participated in one of the “dramatic events” during his stay in Lewisburg. “[T]wo Appalachian brothers imprisoned for bank robbery,” he recalled,

some inmates as “middle class tax evaders” is from A. Hiss, supra note 2, at 163, and T. Hiss, supra note 2, at 152.

9. On hearing that Hiss was to be released in November, 1954, Priscilla and Tony drove to Lewisburg to pick Alger up. Murph, who was not aware of this, arranged to meet the prison bus that regularly deposited released inmates in New York City. Murph became concerned with Hiss was not on the bus, and eventually called Hiss to reassure himself that Alger had been freed and was safe. MacCormick’s prediction about the soldiers in Lewisburg: A. Hiss, supra note 2, at 163; the Klaus and Murph anecdotes, see id. at 176-78.
“loosened a bar in a dormitory window, climbed down the traditional rope of sheets, and somehow got over the high brick wall without being discovered.” They were eventually found, and shot to death by police, in New York City.10

The third group, because of Alger’s fortuitous encounter with “Danny F.,” became the source of Hiss’s closest acquaintances in Lewisburg. It was “the ‘racket guys,’ or ‘regular guys,’ as they called themselves.” MacCormick predicted that Hiss would find his “most companionable” associates in that group, and he was, Hiss recalled, “clairvoyant.” Hiss described “the racket guys” as “[m]ostly Italian-Americans from New York” whom MacCormick characterized as “affectionate family men,” “quick-witted,” and “loyally cohesive.” Their “numbers, self-assurance, and natural intelligence,” MacCormick told Alger, “would make them the dominant element in jail, pretty much setting the tone for the code of conduct adopted by the [white] prison population as a whole.” Two participants in organized crime were Alger’s “closest friends at Lewisburg,” Tony Hiss surmised. One was “Mike M.,” whom Tony called “Vincenzo.” The other Tony referred to as “Angelo.”11

In a passage from his memoirs, Hiss described the impression the “Italian-Americans,” as he called them, made upon him. “The Italian Americans’ general attitude toward their situation,” he wrote,

reminded me of what I knew about the attitude of prisoners of war. On release they would return to the same way of life as before. Meanwhile, they made the best of it. Jail was an occupational hazard to be faced with as much equanimity as one could muster. The restraint and loss of liberty were irksome in the extreme—painful, indeed—but a man of “heart” endured them stoically. Constant complaining—“crying”—was scorned.12

That attitude was precisely the one which Hiss hoped to assume in Lewisburg. A “prisoner of war” was one who had yielded to superior

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10. “Hillbillies” as an important segment of the Lewisburg population, mainly as a result of car thefts, T. Hiss, supra note 2, at 150; A. Hiss, supra note 2, at 163. T. Hiss, supra note 2 at 159 for the lack of resources among the “hillbilly” prisoners. A. Hiss, supra note 2, at 181, for the jailbreak story.
11. MacCormick on “racket guys,” A. Hiss, supra note 2, at 163; “clairvoyant,” id; “Mike M.” and Angelo as Hiss’s “closest friends,” T. Hiss, supra note 2, at 163.
12. A. Hiss, supra note 2, at 171-72.
force, but had not surrendered his convictions. He was determined to make the best of his time in prison, to be as self-protective as he could. He was also determined to maintain the posture of his innocence. In the "racket guys" code of prison behavior, however, one did not prostylitize excessively. One did not "cry" about one's current situation, nor did one defend one's profession or describe oneself as a victim. This stoical approach was consistent with the attitude Hiss wanted to take toward his prison experience. He was mindful that his identification as a Communist and a spy might be provocative to some of his peers. He did not want to draw attention to himself, either from inmates or authorities.\(^{13}\)

MacCormick had reinforced that attitude in his early 1951 conversation. "You'll be the new boy in school," he told Alger, "and you'll have a lot to learn. The others will all be experienced upperclassmen. Listen and learn. That's the best advice I can give you." In his memoirs, Hiss stated that "[t]he men who best maintained their sense of selfhood regarded their position much as do prisoners of war. They relied on their own psychic resources to sustain them." He followed their example.

In Lewisburg, Hiss employed three strategies to maintain his "sense of selfhood," which included the preservation of his posture of innocence. First, he took advantage of his previous acquaintance with "Danny F." to ingratiate himself with the representatives of organized crime in the Lewisburg population. Second, he was, on the surface, an unfailingly cooperative and well-behaved prisoner, not only to the authorities, but, more importantly, to his fellow inmates. He quickly absorbed the internal codes of prisoner conduct and was faithful to them. Finally, he scrupulously avoided discussions of his case, and did not associate with other "political" prisoners, who included some persons convicted of subversive advocacy under the Smith Act of 1940, which was applied against members of the Communist Party after 1947. These strategies, taken together, amounted to a refurbished reputational defense. By blending into the prison population, by never ruffling feathers, and by assuming the role, if not the identity, of a "regular guy," Hiss managed to keep himself alive—a prospect that some might have bet against when he entered Lewisburg—and to convince some of his closer acquaintances that he was not the sort of man who could have been a spy. As one of them put it in a 1964 interview, "Hiss went about

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13. For Italian-American prisoners adopting a "prisoner of war" mentality while incarcerated, see id.
his own, had nothing to say to nobody, good or bad, about them and said very little about his own case. He seemed to just let it rest, here I am, think what you want.’ And that’s what makes me say that this man is not guilty.”

On arriving at Lewisburg, Hiss was placed in “quarantine,” or semi-solitary confinement, for a month. For the first ten days of the quarantine period, prisoners were not permitted to make purchases from the commissary or have any contact with the rest of the population. Approximately fifty men in Hiss’s segment of the population were quarantined at any one time: they were marched in a unit to meals, exercise, and the library. After two weeks they were moved from isolated cells to a quarantine dormitory, and about two weeks later were moved into the general population. Hiss treated the quarantine period as the first test of his approach to Lewisburg. “For most of the men in my entering batch,” he recalled, “the limited solitary confinement was harsh punishment.” But he welcomed “the opportunity for uninterrupted reading,” noting that the prison library contained books, such as the collected letters of Lenin’s widow, that “would have outraged Senator Joseph McCarthy,” and discovered “the efficiency of the grapevine,” a means of communication among prisoners that served as a bonding device. During the period in which Hiss was denied access to the commissary, where prisoners could purchase cigarettes, he received a packet of cigarettes “from someone whose name I did not know.” The grapevine passed along “[g]reetings, personal news, prison gossip and cigarettes,” and “the last transmitter” of its commodities to quarantined inmates would be “an inmate barber, hospital orderly, or clerk in the library.” By the time Hiss entered the general population, he was aware that “[p]rison society has devised its own customs to solace or protect its members.” The positive effect of the grapevine on the morale of prisoners extended beyond the recipients of goods or information to those who had helped pass it along and even those who simply learned of the communications.

The isolation of the quarantine period had “not incommoded” Hiss, and the interval had given him a sense of the powerful informal codes of conduct that marked prison life. Those codes of conduct, he concluded, were another reason why the inmates who most easily adapted to prison

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15. On the prison grapevine, and quarantine, see id. at 167-70; A. HISS, supra note 2, at 150.
life had backgrounds in organized crime. They had a “sense of solidarity,” he noted, that antedated prison life,” and was ensured by “a marked sense of hierarchy” and a “code of . . . discipline.” They were well supported by their connections on the outside, receiving regular visits and financial help. Hiss perceived them as “the most stable group in prison,” with “wonderful family relationships.” In 1959, he told the historian C. Vann Woodward that the “racket guys” were “the healthiest inmates in prison” because “[t]hey had absolutely no sense of guilt.”

The group solidarity of the “Italian-Americans” resulted in their maintaining a “studied aloofness” toward the prison authorities and a comparatively limited interest in members of other groups in the inmate population. They would engage with other prisoners if they found “a common ground,” Hiss told the journalist Brock Brower in 1960. But the common ground “ha[d] to be a real interest, nothing egregious.” Although MacCormick had predicted that Hiss would find the organized crime figures the most congenial of his fellow inmates, Hiss had been warned, “[t]he first day I was there,” to approach all of his incarcerated contemporaries cautiously. “[N]ever speak at breakfast,” he was told. “Everyone’s got his own problems, and the guy next to you may be in a rage.” Hiss was well aware of the “ever-present possibility of involuntary involvement in some fracas brought about by prison tensions.” He was also conscious of his own notoriety.

So on the morning after he was released from quarantine, assigned to a dormitory in the general population, and marched to breakfast with his fellow inmates “in sullen silence,” Hiss waited an interval until asking “if anyone at my part of the table knew Mike M.,” the brother-in-law of “Danny F.,” Hiss’s acquaintance at the West Street detention center. Hiss then recalled what happened next:

A black-haired, dark-eyed man almost directly across from me said quietly that he was Mike M. and asked the reason for my query. I told him of my coming to know Danny F. at West Street and of his telling me to seek out Mike M. Danny’s name proved

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a password. Mike's guarded manner changed instantly. He smiled in a warm, friendly way. His prompt acceptance of me brought with it a relaxation of manner and mood at our end of the table. Mike plainly had standing among my new companions. His ready acceptance of me helped me to fit in quickly and easily with the others in my dormitory. Our relationship became a close one. We were constant companions.\textsuperscript{18}

Hiss had been planning to approach Mike M. ever since his encounter with Danny F., having learned from MacCormick that the "racket guys" were likely to carry the greatest amount of influence among his fellow inmates. But he had not known that Mike was "the unquestioned, though tacit, leader of the Italian-American contingent and thus, one of the two or three most important men in the prison population." Mike had been convicted of racketeering charges, and had turned down a plea bargain that would have kept him out of jail in exchange for testimony against more highly placed organized crime figures. Hiss discovered, he told his son Tony, that members of organized crime families were "routinely locked up on contempt of court charges" for failing to disclose information to federal investigators. Mike's combination of offenses resulted in his receiving a comparatively lengthy sentence and his "relative seniority among those of his fellows" serving comparable sentences was, given the hierarchical relationships among participants in organized crime, a source of his leadership. But Mike also possessed, Hiss observed, "calm good judgment and common sense," so that "[p]roblems of personal conflict were brought to him."\textsuperscript{19}

Mike "was always the center of a small group" to which Hiss regularly attached himself during his time in Lewisburg. The group, primarily consisting of "racket guys," discussed "prison gossip and the doings of the group's friends in the outside world, but also politics, religion, and history." At times "[o]ur conversations were interrupted by a supplicant seeking Mike's solution of a dispute." The dispute would sometimes be aired in the presence of the group, but on other occasions "Mike would leave us and walk around the cinder track as the case was presented to him." "My Italian-American friends," Hiss noted, "treated serious matters seriously. Problems that came before Mike were

\textsuperscript{18} For Hiss's first meeting with "Mike M." see A. Hiss, supra note 2, at 173.

\textsuperscript{19} For "One of three most important men," "relative seniority," and "common sense," see id. at 174; see Italian-Americans "routinely locked up on contempt" at T. Hiss, supra note 2, at 154.
explained in sober fashion and considered with gravity and decorum. Formality and courtesy were valued.”

In discussing his time in Mike’s circle in Lewisburg, Hiss singled out several incidents that demonstrated the group’s codes of conduct and served to explain why the organized crime figures accepted Hiss. Danny F.’s introduction to Mike might have broken down some barriers, but that alone would not have explained the access that Hiss enjoyed to Mike and his friends. That came from the fact that Hiss was a lawyer, and thus, a potential source of advice to men who might benefit from it in prison, and fully expected to encounter law enforcement authorities in their future careers. “Every day,” Tony Hiss reported, when Alger arrived at the exercise yard, “there was a line of forty to fifty people with legal papers they wanted him to go over.” Alger “couldn’t bring himself to say no” to the requests, and the public setting in which they took place meant that the Lewisburg authorities were aware that Hiss was dispensing advice. Mike warned Hiss to be more circumspect lest he “wind up in Atlanta.” But at the same time, Mike called upon Hiss to give discreet legal advice to his organized crime colleagues.

One example involved the “famous underworld figure” (as Hiss called him), Frank Costello, who served a short sentence in Lewisburg for contempt of the U.S. Senate. Hiss wrote about meeting Costello in his memoirs. After being subpoenaed by a Senate committee investigating organized crime, Hiss recalled, Costello declined to answer “six or seven questions,” then, on the advice of his lawyer, answered all but one of the remaining inquiries. Although his “right to refuse to answer the remaining question” was upheld in court, Costello was convicted of contempt and sent to Lewisburg. Shortly after he arrived, Hiss “received word” from Mike that “Mr. Frank” would like to meet me and have a private talk. It was arranged that we should meet in the yard and have such a talk during the recreation period. Two of my new friends accompanied me. Costello was attended by two others. The two parties came together, there were formal introductions, and Costello and I then walked around the track by ourselves.

20. For Hiss’s comments on Mike, see A. Hiss, supra note 2, at 174.
21. For Hiss as lawyer in prison yard, see T. Hiss, supra note 2, at 174.
22. For Hiss-Costello meeting, see A. Hiss, supra note 2, at 175.
The "decorum" of the Hiss-Costello meeting, reminiscent of meetings between leaders of organized crime families, tacitly confirmed Hiss's acceptance in the circle of inmates centering around Mike M. The purpose of the meeting was for Costello to seek legal advice from Hiss about his contempt conviction. He brought along an appellate brief, written by Robert Benjamin, who had also represented Hiss, challenging the conviction. After Hiss gave the opinion that Costello's voluntarily answering some of the Senate committee's questions had "purged him of contempt" as to those questions, and that he had a constitutional right to decline to answer the other questions, Costello, Hiss reported, "expressed . . . sympathy" about Hiss's own "miscarriage of justice." Costello added that "his favorite political figure" was Eleanor Roosevelt.23

Another example of the affinity between Hiss and Mike's circle of "regular guys" was Mike's delegation to Alger of the task of teaching one of the younger organized crime figures to read and write. One day in the exercise yard, Alger told Tony Hiss, "Leo M.," (whom Tony referred to as "Pasquale" or "Pat") approached Mike and asked him to read a letter from his wife, and to help him write her a reply. Mike, Tony reported, "couldn't take too much of this, and he got [Alger] to take on the job." Hiss agreed, but was only able to secure "Dick and Jane" books from the prison's education department. Eventually, by devoting about two hours a day for months to Leo M.'s tutelage, Hiss was able to help his pupil read and write at a 7th grade level. Leo had been completely illiterate when Hiss started working with him: he had dropped out of school at the age of seven after truant officers, searching for him at his home after he had left school without permission, had beaten his mother, who could not speak English, because she was uncooperative in their efforts to find him. He had become a boxer, and then a strong-arm man in organized crime.24

Mike M. played handball with Hiss, and was his regular companion during intervals of leisure time when Hiss was not tutoring Leo. On one occasion Mike served as a reality check for Hiss after Hiss's lawyers reported that typewriter experts they had hired in connection with their "forgery by typewriter" defense had produced a machine that seemed to be "an exact copy" of the Woodstock typewriter produced at his trials. Hiss was so buoyed by the information, he recalled, that he leapt to the conclusion that the duplicate typewriter "would spring him immediately,

23. Hiss's comments about Costello. Id.
24. For the Leo M. story, see T. Hiss, supra note 2 at 155-56; A. Hiss, supra note 2, at 176.
and asked [Mike] what errands he could run for him on the outside.” Mike suggested that the information was unlikely to gain him a new trial, and when his lawyers made the motion “old Judge Goddard turned [it] down... like a shot.”

The most important consequence of Mike’s friendship with Hiss came in the summer of 1953 when Hiss was in his third year at Lewisburg. Hiss described the incident in his memoirs:

On one occasion... I was warned by my Italian-American friends that I should, for a day or two, be circumspect and remain in their prospective circle. I was told that two undisciplined young Italian-Americans had just joined the population and had been assigned to the early morning task of cleaning the kitchen. The guard on duty, who was particularly disliked by the prisoners because of his hostile manner, had said to the newcomers that something should be done about Hiss. He had pursued the subject by saying that the Rosenbergs were dead, so why should Hiss “continue on”? The two young men had taken this as a hint that they should do me harm.25

Julius and Ethel Rosenberg had been executed for conspiracy to commit espionage in June, 1953, bringing the issue of Soviet agents penetrating the workings of the U.S. government once again to the fore. The guard was suggesting that Hiss, as a fellow “traitor,” should meet the same fate. “Fortunately for me,” Hiss recalled, the recent arrivals “consulted Mike M. and his associates, who assured them that I was ‘one of them.’” In Tony Hiss’s version, Mike said, “This guard can’t help you, can’t make your life any easier here. Forget it. I know Hiss, he’s not so bad.” The guard, whom Hiss speculated was emotionally unstable, subsequently killed himself. Mike, Tony concluded, had saved his father’s life.26

The “regular guys” may well have kept Hiss alive at Lewisburg, and represented the closest thing he had to a circle of friends. But the outstanding characteristic of Hiss’s social interactions during his time in prison was, as one “regular guy” put it in a 1964 interview, his independence. “In there we all run in what you call ‘packs,’” the

25. For the “Calming down” story, see T. Hiss, supra note 2, at 154-55; for the intervention of Mike on Hiss’s behalf, see A. Hiss, supra note 2, at 181.
26. For Alger Hiss’s version of the story, see A. Hiss, supra note 2, at 181; for Tony Hiss’s version, see T. Hiss, supra note 2, at 154.
"regular guy" said, but "Hiss never joined one . . . . Hiss went about his own way." From the time he entered Lewisburg, part of Hiss’s strategy of maintaining a sense of self was to scrupulously avoid too close an emotional involvement with any of his inmate contemporaries, while at the same time seeking to convey an unfailingly positive attitude toward them, as well as to his obligations as a prisoner. This included not only performing acts of kindness toward inmates such as Leo, but responding stoically to the petty abuses occasionally enacted upon him by prison authorities and fellow prisoners. "Hiss always had something good to say about everybody," an organized crime figure noted. He added that "Hiss was denied a lot of privileges," but "never complained." 27

In addition to the camaraderie and psychological resilience he found in the "racket guys," Hiss discovered that other inmates, or prison authorities, possessed qualities or interests he found stimulating. He and the ex-soldier Klaus compiled a "basic list of symphonies, concertos, choral works, chamber music, and instrumental pieces" for the Education Department to use in requesting copies of recordings from radio stations. Murph swapped his handball expertise for the sympathetic companionship Hiss provided. The prison librarian and members of the Education Department helped Hiss circumvent a Bureau of Prisons ruling that no prisoners at Lewisburg could receive books from the outside. The ruling was made after a columnist revealed that Hiss, with the Lewisburg prison’s approval, had been receiving books from Kenneth McCormick of Doubleday Publishing Company, who had a right of first refusal on any book Hiss might produce after leaving prison. Lewisburg’s librarian, who had a limited budget, had encouraged this arrangement after Hiss promised not to take the books with him after being released, but the ruling apparently voided it. 28

Hiss and the librarian fought back. An inmate in the Lewisburg population had recently "turned to God," Hiss recalled, "and was engaged in serious religious study in prison, including a correspondence course" that featured "a steady stream of books." Hiss and others "prevailed upon the deprived student to complain to his congressman about the godless ruling" denying him and other prisoners any access to outside reading matter. After the congressman protested to the Bureau of Prisons, Lewisburg was permitted to make an exception for books of

27. Both of the quoted passages are from "A. Rocco" to Meyer Zeligs, February, 1964, in ZELIGS, supra note 14, at 394.
28. For the "Klaus" and "Murph" stories, see A. HiSS, supra note 2, at 176-78.
religious content. The librarian liberally interpreted this exception, and eventually “works of science, history, . . . biography, . . . art, philosophy, geography, travel, and even politics were included.”

Hiss also had some companions with whom he discussed ideas. One was “Lester W.,” a “slight young rabbinical student” from Austria who worked with him as a clerk in the storeroom. Lester, who had been arrested for smuggling diamonds into the U.S., had been planning to use the income from smuggling to “marry and go to Israel.” He was “devout, studious, well read, and retiring,” and he and Hiss “spent many hours together” engaging in “long discussions of religion, the Bible, history, philosophy, German literature and world politics.” Another, “Clovis,” was a “Jewish intellectual” who had refused to serve in the Korean War because he was a conscientious objector. Hiss discussed art and literature with him, and introduced him to the New Statesman magazine, to which, along with The New Yorker, he was allowed to receive at Lewisburg. In 1964 Clovis, using the name “A. Bergdell,” gave his impressions of Hiss:

I can’t say I was one of Mr. Hiss’s best friends at Lewisburg, though he is one of the few people there who helped make my stay a relatively pleasant one, kept my mind operating by discussions of most art and literature . . . . Mr. Hiss at Lewisburg quickly got the respect of most of the staff and in the end I would say very, very nearly 100% of the inmates . . . .

Mr. Hiss showed great adaptability. At one time we were both in a large dormitory . . . . The noisiness and lack of privacy made it very difficult . . . . Mr. Hiss however, took it all in stride, and seemed quite happy, though the noise, etc. could not have been entirely what he would have liked.

Although Hiss was able to carve out some opportunities for stimulation and companionship at Lewisburg, he never deviated from the position, which he expressed to John Chabot Smith in the 1970s, that “jail is a terrible place.” “Hostility,” he said in his memoirs, “is inherent

29. For Hiss’s story about the Bureau of Prisons “exception” to its policy of no books for prisoners, see A. Hiss, supra note 2, at 179-80.
30. For the “Leiser” story, see id. at 168-69; see Hiss calling conscientious objector “Clovis” at T. Hiss, supra note 2, at 152; “Clovis” as “A. Bergdell,” to Meyer Zeligs, Feb. 1, 1964, in ZELIGS, supra note 14, at 394.
in prison procedures,” and his surroundings at Lewisburg were “grim” and “oppressive.” Privacy was nonexistent, but at the same time the setting fostered an “isolation that seemed designed to make each man feel alone and helpless.” And all the while there was a constant underlying tension; the result of “the close confinement of men trapped in emotional ordeals.” Hiss observed that in the weekly movie the “Italian-Americans strove to sit as far as possible to one side or the other of the auditorium.” This was because the theatre was a dark, crowded place, where “the possibility of a riot” was always present, and “[t]he Italian-Americans had an extraordinary sensitivity to even faint signs of potential danger.” After being in Lewisburg for a while Hiss himself could sense the “sudden quietness from one area” that “might signal the tense moments when a quarrel has deteriorated into violence.”

In this atmosphere Hiss not only sought occasional companionship and diversion, but attempted to maintain the posture of stoical calm Clovis had commented on. This was particularly important to him because he knew that he was a notorious prisoner, the kind that was not likely to get any public favors from authorities and might be resented by inmates. He perceived, correctly, that his notoriety would make him a visible inmate, and he was determined not to be seen as someone who agitated for special treatment or complained when he appeared to be mistreated. With MacCormick’s advice in mind, he did not request interesting jobs or special favors, and when he seemed to be being disadvantaged because of his notoriety, he accepted the treatment.

MacCormick had asked Hiss what jobs he might like to perform during his stay at Lewisburg. Hiss’s first choice had been to work as an orderly in the prison hospital, which appealed to the sense of power and satisfaction he found in altruistic activities. MacCormick strongly cautioned him against volunteering for hospital duties. He would have access to drugs in a hospital, and would, thus, be pressured by inmates to smuggle them drugs, placing him in a vulnerable position whatever he did. His next choice was to participate in the education department, for which he was eminently qualified, given his academic background and achievements. That position would not materialize, MacCormick predicted. The authorities would be concerned that Hiss might be teaching communist ideology or Soviet propaganda to his fellow

31. “Jail is a terrible place,” Hiss to John Chabot Smith, quoted in JOHN CHABOT SMITH, ALGER HISS, THE TRUE STORY 433 (1976). For “Hostility” in prisons, see A. HISS, supra note 2, at 166; for prisons as “grim” and “oppressive,” see id. at 167; Italian-American prisoner’s sensitivity to violence, id. at 172-73.
inmates. In sum, MacCormick concluded, Hiss was not likely to be placed in any comparatively desirable job, including ones such as positions in the prison library, that were coveted because the duties were thought to be light. MacCormick guessed that Hiss would be made an inmate clerk in the storeroom, assisting the official in charge of non-edible supplies. That job required regular physical labor and constant supervision, because both guards and prisoners had access to the items on shelves. The storeroom was also, Clovis recalled, a “very lonely, depressing place.”

But Hiss, as he put it, made the best of his assignment. He “heaved stuff around all day,” including, occasionally, food. “[O]nce or twice he got a chance to snag a couple of steaks” out of a batch designed for the prison staff. Mike thought this behavior too risky, but another of the “regular guys,” Angelo, secured “a little electric plate from one of his friends in the radio shop,” and he and Hiss “broiled the steaks while Angie stood at the window waving a towel to get the smell out of the room.” Alger stated that he “enjoyed storeroom work” because “moving things around was something real to do, as well as good exercise.” He had good relations with the prison officer in charge of supervising the storeroom, who “let him read books when there was nothing else to do.” Although Hiss did not receive any discretionary time off his sentence for meritorious conduct, nor were any of his applications for parole granted, the storeroom guard periodically recommended that he receive those dispensations. When, in the middle of his sentence, he was offered a transfer from the storeroom to the kitchen, he turned it down, perhaps believing that access to food would subject him to pressures comparable to those caused by access to drugs in the prison hospital. Years later, Tony Hiss was given access to the file on his father during his time at Lewisburg. It revealed that Hiss had consistently received the maximum number of rating points for job performance, based on criteria such as “dependability,” “interest,” “attitude,” “comprehension of job,” and “cooperation.” During the last month of his incarceration, his supervisor described his performance as “very outstanding.”

32. MacCormick’s predictions about jobs, see A. Hiss, supra note 2, at 162; T. Hiss, supra note 2, at 146-47; for the “Clovis” comment about storeroom, see “A. Bergdoll” to Meyer Zeligis, Feb 1, 1964, in ZELIGS, supra note 14, at 394.

33. For sneaking stakes and broiling them with “Angelo”, see T. Hiss, supra note 2, at 147, 156-57; for storeroom guard’s help, see id. at 147, A. Hiss, supra note 2, at 183; turning down kitchen transfer at “Clovis” to Meyer Zeligis, Feb. 1, 1964, ZELIGS, supra note 14, at 394; comments in Hiss’s prison file at Hiss, supra note 4, at 228-29.
Making the best of his surroundings not only involved squeezing out the small pleasures that were associated with a dull and lonely job; it also required that Hiss be perceived by his fellow inmates as "just a knockabout guy"—prison jargon for one who blends into the inmate population in a comfortable fashion. Hiss was able to achieve this status, in part, because he convinced other inmates that despite his notoriety he was able to endure the routine deprivations and injustices of prison without complaint. And he received more than his share of deprivations and injustices while at Lewisburg.

In the forty-four months he spent in Lewisburg Penitentiary, Hiss only received one set of privileges—a transfer from a general dormitory to the "honor block" of cells. This was a benefit, but it was routinely dispensed to prisoners with no history of violent crimes and meritorious records. None of the discretionary privileges accorded to Lewisburg inmates, such as reductions from incarcerated time for good behavior, early release on parole, or even the opportunity to work outdoors on the prison farm in less supervised conditions were given to Hiss. Given his consistently good record of performance and cooperation, his failure to receive any discretionary privileges was clearly a product of his visible status. If the Lewisburg authorities had not been cognizant of the public's interest in Hiss before his incarceration, the column protesting his being permitted to receive books from the outside would have convinced them. Hiss remained a notorious figure during his incarceration at Lewisburg. The authorities received "vitriolic" letters about him from members of the public who regarded him as a traitor, and one official reported that "[t]here was a public uproar" when Hiss's sentence was automatically reduced from sixty to forty-four months under the applicable "good behavior" statute.34

Thus, after first being allowed to participate in debates with nearby colleges, which the education Department at Lewisburg encouraged as part of prisoner rehabilitation, Hiss was barred from that activity because the authorities felt they might be thought of as encouraging his success as a debater. As this decision suggested, Hiss not only received few privileges while at Lewisburg, he was sometimes not allowed to engage in activities approved for the general prison population. In addition, the authorities ignored attempts on the part of other inmates to express their

34. James Bennett, the Director of the Federal Bureau of Prisons during the time Hiss was at Lewisburg, commented on Hiss in his memoir, JAMES BENNETT, I CHOSE PRISON (1964). Tony Hiss quoted from Bennett's observations about public reaction to Hiss in HISS, supra note 4, at 121.
animosity toward him. One of Hiss’s friends summarized some of the
deprivations Hiss endured:

Hiss was denied a lot of privileges in Lewisburg. He couldn’t
debate because he would win all his debates with Bucknell Uni-
versity and in time the officials stopped him from that. He didn’t
receive any . . . “meritorious good days” because the officials
were afraid of public opinion . . . . This man wore old clothes
while he was there, never got new clothes, wore old shoes. And,
although you’re entitled to two pairs of new shoes a year, he
never received those. [The inmates] that worked in our clothing
issue used to cut his trousers one leg higher than the other when
he’d send his clothes to the laundry . . . and the officials that
worked in the clothing issue knew this was going on.\textsuperscript{35}

In detailing this list of deprivations, Hiss’s friend added that “Hiss
never complained” about his treatment. He “would never go to the
officials to complain.” The harassment, the friend suggested, was
eventually “straightened out . . . by cons like myself and others that liked
Hiss.”\textsuperscript{36} It had originated with “[a] few fellows, the so-called ‘flag-
raisers,’ [who] called him a Commie . . . These were the only ones
[who] would try to harass Hiss and in time they quit this.”\textsuperscript{37}

As the cutting of Hiss’s trousers suggested, despite his generally
good relations with other prisoners, his image as a “Commie” persisted
during his time at Lewisburg. That image was generally dangerous to
Hiss in a world in which violence was never far from the surface and in
which relations between the United States and the Soviet Union were
openly antagonistic, but it was also dangerous in a more concrete
fashion. During the years of Hiss’s incarceration at Lewisburg, the
facility was the principal place of residence for the growing number of
persons convicted of subversive advocacy, or subversive activities, under
Congressional statutes that began to be zealously enforced in the late
1940s and 1950s. One of the persons housed at Lewisburg was David
Greenglass, the brother of Ethel Rosenberg, who had received a reduced
sentence for providing incriminating testimony against his sister and her

\textsuperscript{35} Zeligs, \textit{supra} note 14, at 393-94.
\textsuperscript{36} Id. at 394.
\textsuperscript{37} “Just a knockabout guy” - Hiss to Brock Brower, Brower, \textit{supra} note 14, at 142;
for summary of Hiss’s deprivations in prison, see A. Rocco to Zeligs, Feb. 1964, Zeligs,
\textit{supra} note 14, at 393-94.
husband Julius. Another was Gus Hall, the longtime Secretary of the Communist Party of the United States. "All the top Commies in the country that were in jail at that time came through Lewisburg," one inmate reported. The constant influx of "Commie" prisoners provided recurrent reminders to the general prison population that another alleged Communist, Alger Hiss, was in their midst.  

Hiss had resolved, on entering Lewisburg, not to discuss controversial issues with his fellow inmates, and not to comment extensively on his own case. He was careful to avoid extensive contacts with Smith Act prisoners or others identified with Communism. Although he "met a couple of Communist leaders who had been convicted just about the same time he was," Alger told Tony, he did not "talk to them much," and "he never talked politics with them." This, in Tony's view, "convinced . . . a number of the prisoners . . . of Al's innocence." Mike M. reported to Tony that "Alberto [as he called Alger] has never once said anything to me on this subject, except that he was innocent." Mike added that Hiss was "not the kind of man who if he believes something would pretend he didn't." He based this conclusion on his experience in "running the numbers," where "[y]ou have to know people." "Alger Hiss is no Communist," Mike concluded. Another inmate made the same assessment, saying that "I don't think Hiss was a Communist" because "while I was in jail with him I had time to observe and study this man." He described Hiss as "a very liberal man" who "sees only what is good in people."  

By enduring petty abuses without complaint, being circumspect in his contacts, adhering to the "prisoner of war" code of the "racket guys," avoiding discussions of his own case, consistently performing his duties, occasionally filching from the authorities for the benefit of his fellow inmates, giving advice and instruction to those who asked for it, and remaining seemingly imperturbable in the crowded, noisy, invasive atmosphere of prison life, Hiss had successfully created another reputation for himself: that of a "good con." In 1978, Murray Kempton, a

38. The principal statute employed to prosecute persons accused of engaging in subversive activities or advocacy in the late 1940s and early 1950s was the "Smith Act," formally known as the Alien Registration Act, 54 Stat. 670 (1940). See generally MICHAEL BELKNAP, COLD WAR POLITICAL JUSTICE (1977). For Lewisburg as home for most Smith Act prisoners, see T. HISS, supra note 2, at 152, 162; "top commies," A. Rocco to Zeligs in ZELIGS, supra note 14, at 394.

39. For Alger's conduct with Smith Act prisoners, see T. HISS, supra note 2, at 62; for Mike M's comments, see id. at 162; for other inmate's comments, see A. Rocco to Zeligs, ZELIGS, supra note 14, at 394.
believer in Hiss’s guilt, wrote that “I shall never dismiss Alger Hiss as no better than a traitor so long as I know that he never finked at Lewisburg.” Kempton was referring to comments made to him by “one or two ex-convicts who were there with [Hiss].” “Their reverence,” Kempton reported, “was authentic beyond question.” Hiss, as an inmate, “was kind; he was helpful; he was indeed a comrade you could ask to hide your contraband and know he’d never either use it himself or hand it over to the guard.” Kempton found a “curious moral purity” in Hiss’s stance, as if by declining to “fink” on his fellow prisoners he was protesting against the authority of the system that had unjustly incarcerated him.40

It is possible that Hiss hoped his willingness to occasionally participate in inmate-generated subterfuge would be taken by his peers as evidence of his innocence. But it seems more likely that it was part of his strategy of remaining as inconspicuous as possible in an atmosphere in which his image as a “Communist traitor” might trigger hostility at any time. As he prepared to leave Lewisburg in the fall of 1954, he had already experienced one such response—the threats to him Mike M. and his associates had headed off. Then, two weeks before his scheduled release on November 27, another prisoner, William Remington, was killed by “a violent mountaineer from Kentucky.” Remington’s death once again raised the issue of Hiss’s special vulnerability to his fellow inmates.41

Remington, like Hiss, was serving a sentence for perjury in connection with alleged spying for the Soviets. In 1945 Elizabeth Bentley had named him, along with Hiss, as a Communist and Soviet agent in the series of interviews she gave to the FBI after defecting from the Soviets. Bentley alleged that Remington had been a conduit of information for the Soviets when employed by the War Production Board, for whom he worked until 1944 when he entered the Navy and ceased espionage activities. The FBI recorded Bentley’s information and began an investigation of Remington, but he remained in government service and in 1946 was about to join the White House as a special assistant when the FBI’s information came to light, and his appointment did not materialize. In 1947, he applied for a job with the Atomic

41. “[K]illed by a violent mountaineer from Kentucky” in SMITH, supra note 29, at 431 (citing interview with Alger Hiss).
Energy Commission, and the FBI, in the course of interviewing him, confronted him with Bentley’s charges.

In the course of the interview, Remington admitted having met with Elizabeth Bentley and two other persons who were known Communist Party members and Soviet agents, but denied having passed on any classified information. He denied ever having been a member of the Communist Party of the United States and volunteered to make further contacts with the Soviet agents as an FBI informant. As a result of his statement about his Communist Party membership, he was summoned before a grand jury where he repeated the denial. He was subsequently indicted for perjury, and the prosecution produced incriminating testimony from his former wife about his Communist Party membership. The scope and importance of Remington’s espionage activities paled in comparison to those of Hiss, but he was one of the few persons on Elizabeth Bentley’s list who sought to refute her charges rather than flee the country or invoke the privilege against self-incrimination. As a result, Remington ended up in Lewisburg.42

Remington’s death came about when he discovered the Kentucky prisoner attempting to steal cigarettes from his bathrobe pockets as he napped in his cell. By awakening and catching the thief in the act, Remington provoked him to retaliate, and the Kentucky prisoner hit him several times on the head with a rock that he had concealed in a sock. Remington suffered severe head injuries and died despite receiving blood transfusions. Although the attack on Remington apparently had no political significance, when news of it reached the Justice Department the Lewisburg authorities were instructed to take special care to protect Hiss for the remainder of his time there.43

Hiss was summoned to the Lewisburg warden’s office and told that he would be taken from his cell in the honor block and placed in a locked cell in the quarantine wing until his release. He vigorously protested this action, arguing that his fellow inmates would take it as evidence that he was asking for special protection from them—a violation of the inmate code. Hiss asked that the head of the prison guards be solicited as to whether he thought Hiss in any particular danger. “I said [to the warden.]” Hiss recalled, “that if I were segregated, I would not cooperate


43. For details of Remington’s death, see Smith, supra note 31, at 431 (citing interview with Hiss).
with the move, would have to be carried, and in every way, would make it plain to the other prisoners that the charge was not of my doing.”

A compromise was reached in which an “absolutely harmless” guard, nearing retirement, was assigned to “keep me in sight whenever I left my quarters.” Hiss insisted that the guard “not come closer than twenty paces” to him so that he did not interfere with Hiss’s conversations during leisure activities. By the time of the Remington incident Hiss had become aware that the best way to ensure his safety in Lewisburg was to symbolically align himself with the inmates rather than the authorities. He knew, from the earlier incident, that protection was much more likely to originate from the former, rather than the latter source. Moreover, the gesture of publicly refusing to be isolated from his fellow prisoners was consistent with adherence to the stoical code of the prisoner of war.44

When Hiss left Lewisburg, he could take some comfort in having successfully coped with an environment that contained the usual privations of prison and added dangers for him. He had kept the fiction of his innocence intact, but, from all accounts, had not overplayed his hand, saying little about his case. He had shrewdly observed the groups within the prison population and managed to form associations with the best-adjusted and most powerful group. He had carefully refrained from making critical comments about other inmates so that some who observed him closely believed that he was a tolerant person with a capacity to see good in everyone. A conversation Hiss reported to Tony suggests that his stance of tolerance might not have been wholly spontaneous. One day in the exercise yard, Tony noted, “another guy asked [Hiss] what he thought of the people in there.” Alger’s initial response was that “he thought they were interesting.”

That response was very likely genuine: Hiss was a person of great intellectual curiosity whose subsequent comments on his Lewisburg experience indicated that he was highly attentive to the social backgrounds and attitudes of individuals and groups in the prison population. But Hiss’s companion was seemingly puzzled by the response. “Interesting,” he said to Alger. “What the hell does that mean?” Hiss then said, “I mean I like them.” His companion responded, “Oh, why didn’t you say so? That’s different.” After recording the conversation, Tony added, “One way and another, [Alger] learned a lot. The first things to learn were manners.” “Manners,” in this case, were

44. For details of Hiss’s interview with warden after Remington’s death, see A. HISS, supra note 2, at 182.
the art of not suggesting that an educated, cultured person such as Hiss might be looking at his companions as he might study animals in a zoo. His "interest," the response suggested, was a form of affection.\footnote{For a discussion between Hiss and other inmate, see T. Hiss, supra note 2, at 147-48.}

Hiss's stance toward his fellow prisoners at Lewisburg demonstrated his remarkable powers of self-control. He had entered a situation radically incompatible with his personal fastidiousness, his highly developed intellectual and cultural tastes, and the many years in which he had functioned as a privileged and accomplished figure. He nonetheless managed to convey an impression that the radical discontinuity between his past life and his present situation had not adversely affected him. This was all the more intriguing because Hiss hated prison. In none of his accounts of his Lewisburg experience did he portray it as helping inmates to live better lives. He declined to participate in efforts at prison reform after being released. In 1974, when the Nixon White House was in disarray and the prospect of jail time threatened to extend to Nixon himself, Hiss, in a conversation with Donald, said, "Don't ever send anybody to jail, it's a terrible place."\footnote{Smith, supra note 31, at 432-33 (citing interview with Donald Hiss).}

As part of his effort to develop a prisoner of war mentality, Hiss resolved to maintain contacts with some of his fellow inmates after he and they had been released. This prompted a conversation, which he reported in his memoirs, about the interpretation of the standard parole condition that a former inmate not "associate with criminal elements" during the parole period. Hiss told the Lewisburg authorities that he "could not in good conscience" agree to the condition, and that if it were to be strictly enforced, "there was no sense in my leaving the penitentiary, for I would not attempt to live up to the restriction." After some delay, he was informed that the requirement, whose strict enforcement could hardly have been anticipated, would "not be so construed in my case."\footnote{For the story about associating with criminal elements, see A. Hiss, supra note 2, at 183.}

The bonding with fellow inmates reflected in this exchange was apparently reciprocated by those who had spent time with Hiss in Lewisburg. In addition to Murph's effort to meet Hiss when the prison bus containing released inmates arrived in New York, a story surfaced that when Hiss was released from Lewisburg the prisoners who left behind saluted him with cheers and applause. The story first appeared in
print in 1960 when Brock Brower, in the course of stating that “Hiss’s success in prison derived from human qualities that it would be hard to fake,” asserted that “there were rousing cheers from the bleak prison windows” when Hiss “went out of the gates on November 27, 1954.” Meyer Zeligs repeated the story in 1967, and in *Laughing Last* Tony Hiss said that when Alger “walked out the main gate other inmates jammed the windows and cheered and applauded.” In his memoirs, however, Hiss only said that “[a]s I walked through the prison courtyard and the gates, I was surprised and touched to hear farewells called to me by many friends crowded behind the barred windows.” The last account seems most plausible. Many released prisoners might be expected to affectionate sendoffs from a population acutely conscious of the difference between being inside and being outside, and one might expect those remaining to show visible pleasure in the new state of affairs being experienced by their former colleagues. Whether or not Hiss’s fellow inmates actually applauded him when he left Lewisburg, the story demonstrates that Hiss was able to separate his antipathy for the experience of prison from his responses to the inmates he met there.48

The various accounts Hiss and some of his contemporaries gave of his time at Lewisburg offer comparatively little information about his inward reactions to his prison experience. Two sources, however, provide some sense of those reactions. One is a set of comments Hiss made to the psychiatrist Meyer Zeligs in the 1960s about the “continuing and intensive self-examination” that he “start[ed] in on” while at Lewisburg.49 The other is a series of letters, published in 1999 by Tony Hiss, which Alger wrote to Priscilla and Tony from prison. Both sources need to be used with care. Hiss’s comments to Zeligs have the distinctly cautious and impersonal tone Hiss adopted to anyone except intimates, and his letters to family members were mindful of censoring authorities and designed to appeal to an adolescent male in a sometimes precarious emotional state. But both contain some clues to Hiss’s inner thoughts and feelings as he sought to cope with the prospect of nearly four years in a federal penitentiary.50

50. For a description of the “self-analysis” Hiss undertook while at Lewisburg, see Hiss to Meyer Zeligs, Zeligs, *supra* note 14, at 400-01. “There was the occasion,” Hiss said in connection with his self-analysis, “for a reconsideration of first principles, of values, of objectives.” *Id.* at 401.
Zeligs, in the course of researching a book on the psychological relationship between Hiss and Whittaker Chambers, prodded Hiss to become "more knowledgeable about psychic forces." Eventually Hiss made an attempt to characterize some of the thinking he had done at Lewisburg in psychological terms, even though he was disinclined to "inflate the significance of my efforts by suggesting an analogy to a real psychoanalysis." He had, he told Zeligs, devoted time at night after lights out at 10 P.M. and "the not infrequent periods when I was left alone in the storeroom . . . with no books" to "prolonged . . . and undistracted concentration."51 During those periods, he recalled, "[I] examine[d] my major goals, tolerance for types of strain, ethical standards, capacity for affective relations, self-control, willingness to assume responsibility, sense of affirmation, ability to live in and savor the immediate, historical outlook, . . . spontaneity, forthrightness, consideration for others . . . ."52 This process enabled him to identify the dominant "attitudes" he held. He then sought to discover the sources of those attitudes by reflecting on "early family relations and atmosphere and training; church, school, neighborhood, summer farm life, the Scouts, camp, college, and professional influences." He considered "the impact of my own marriage and being a parent." He then attempted to associate his "emotional responses" with the attitudes. Those responses included "anger, affection, pride, pleasure, serenity, euphoric states, [and] boredom." He tried to identify the sources of those responses, and to chart his reactions to "pain, to intensive work, [and] to long hours of work night after night."

His goal, in undertaking this self-examination, was to "know better what my capacities were for the immediate future (in Lewisburg) and for later on." By "concentrated attention" to his defining attitudes and responses, he was seeking to "reexamin[e] and extend my personal philosophy." He told Zeligs that the self-examination "was not done in vacuo," but included observations of "my daily reactions to my fellow prisoners and the guards and officials," as well as "considerable reading and thinking" about "ethics," "social customs," "history," and "psychology."53

The introspective exercise Hiss described to Zeligs appears initially to be part of a strategy for coping with the prospect of several years of prison. Tolerance for types of strain, self-control, willingness to assume

51. Zeligs, supra note 14, at 400-01.
52. Id. at 400.
53. Hiss letter quoted at Zeligs, supra note 14, 400-01.
responsibility, ability to live in and savor the immediate, spontaneity, forthrightness, and consideration for others were attitudes conducive to making the task of living in a prison population easier. Anger, affection, pride, pleasure, and boredom were emotions commonly triggered by the deprivations of prison and efforts to cope with them. The more Hiss was able to channel his attitudes to generate positive emotional responses, the better time he was likely to have in Lewisburg. The more he understood the sources of those attitudes, the more likely he might be to accomplish that channeling. In one respect, then, the "continuing and intensive self-examination" that Hiss undertook at Lewisburg was part of his coping strategy. It was designed to help him "make the best" of his time in prison.

In some of his letters to Priscilla, Alger provided more detail on the process of applying his self-examination to the experiences of prison life. In one, he addressed "the theme of tests of essential personal values," characterizing values as "quite different from the optimum circumstances which allow them full expression." Prison, he felt, "can be an excellent test of one's basic values . . . [f]or those who so regard it." He contrasted two states of being: "peace of mind" or "serenity," which came from "a complex blending of experience with understanding" that produced "inner growth without self-absorption," and "bitterness," which came from the "inability of inner values to accommodate [and] permit continued spiritual growth from . . . external events." Prison was an experience filled with "[e]vents that wound," potentially "disarrang[ing]" one's values. But "the adult personality," the "large of soul," could surmount "[c]ircumstances [that] may block the normal sharing and giving of the personality." 54

The key to serenity and fulfillment, as Hiss put it in another letter to Priscilla, was "respect for man's potentialities and the attempt always and everywhere to further their growth." He resolved to treat prison as an experience in which he would be constantly learning and growing, and he found that his charm and resonance enabled him to serve as a

54. Alger Hiss to Priscilla Hiss, November 24, 1951, quoted in Hiss, supra note 4, at 143-44. Alger wrote 445 letters to Priscilla and Tony Hiss from Lewisburg. Although Meyer Zeligs was given access to some letters, and quoted from a few in ZELIGS, supra note 14, at 398-400, Priscilla Hiss declined to make them public during her lifetime. After her death in 1984, Tony Hiss continued to live in her New York apartment, along with the letters, but did not inspect them. In 1997, about a year after Alger Hiss died, Tony received permission to visit Lewisburg, and on his return retrieved and organized the letters. The View From Alger's Window contains excerpts from many of the letters. See Hiss, supra note 4, at 25-30, for Tony Hiss's discussion of his use of the letters.
confidant for other inmates and even officers. He was exposed to "letters, family photos, reminiscences, future plans, [and] personal problems," sometimes in the form of "aimless and rather pathetic chatter," which induced "boredom." But in his conversations he also experienced the "natural dignity and psychic candor" or some of his acquaintances, which freed them from "self-abasement, over assertiveness, [or] self-consciousness." In his conversations with "racket guys" and other prisoners Hiss not only learned about the codes and customs of a "prisoner of war" ethos, but also of "the affirmative outreach and aspiration of spirit which is the natural accompaniment and source of wholesome human growth and maturation." He asked Priscilla to help supply additional words of "affirmation, outreach and aspiration" so that he could better describe "the emotionally healthy man."

The last comment suggests that Hiss's efforts to reexamine his attitudes and emotional responses while in prison were not simply designed to help him cope with incarceration. They were also, as he had put it to Zeligs, part of a plan for later on. The self-analysis Hiss undertook at Lewisburg can be seen as connected to his superordinate goal of convincing others of his innocence and thereby vindicating his reputation. Here one gets a glimpse of Hiss's abiding, even fanatical dedication to that goal. He knew that he was not innocent, and that any vindication would be the successful selling of a grand deception. He also knew that to achieve vindication he would need to exhibit many of the qualities, and assume many of the intellectual and emotional attitudes, that he felt would help him cope with the deprivations of a prison environment. He would need to be flexible and at the same time dogged in the face of periodic strain. He would need a considerable measure of self-control. He would need to cultivate a resonance and empathy with others who might be inclined to support him. He would need an ability to project a "sense of affirmation" and serenity, as part of the process of convincing others that he was innocent. He would need to suppress anger, and channel it into persistent, dedicated campaigning against his enemies. He would need to be mindful of history and the phenomenon

55. "Respect for man's potentialities" from Alger Hiss to Priscilla Hiss, April 22, 1952, quoted in Hiss, supra note 4, at 196; "letters, photos," in August 28, 1951, quoted id. at 129; "aimless and rather pathetic chatter" in August 22, 1951, quoted id. at 125; "natural dignity and psychic candor", April 13, 1952, quoted id. at196; "affirmative outreach and inspiration . . . emotionally healthy man", May 20, 1952, quoted id. at 197.
of change over time, and he would need an awareness of "social customs" and human psychology.\textsuperscript{56}

One can see how some of the successes Hiss achieved at Lewisburg might have energized his pursuit of the goal of convincing others that he had been an innocent victim. He had entered a prison atmosphere conducive to humiliation and fraught with personal danger, and emerged as an inmate whom most of his peers accepted and liked. He had avoided being labeled a pariah or a malcontent, and had done so without any modification of his claim of innocence. He had demonstrated to himself that he could endure, and even prosper, in an inmate population whose members, on the whole, had very little in common with him and many reasons to distrust or despise him. When he left Lewisburg, he may have felt that the first major test of his self-conscious response to adversity had gone rather well. Prison might be a terrible place, but he had reason to believe that he had, within limits, fashioned it to his advantage.

Meanwhile, as Hiss remained incarcerated from the spring of 1951 to the fall of 1954, the outside world moved around him and bits of information from it penetrated Lewisburg. In addition to \textit{The New Yorker} and \textit{The New Statesman}, Hiss also had access to newspapers so he was not entirely bereft of news from outside. He was, however, severely restricted in his correspondence. On entering Lewisburg, he was asked to make a list of seven persons with whom he would be permitted to communicate. He was allowed to write a total of three letters a week to those persons. He could only receive a total of seven letters a week. He designated Priscilla, Tony, Timothy Hobson, Minnie Hiss (who was eighty-three when he entered Lewisburg), Donald Hiss, his sister Anna Hiss, and his lawyer Helen Buttenweiser. He told Minnie that she could only write him once a week, and she did for the duration of his sentence, writing on Sundays. Priscilla sent him at least four pieces of mail each week, many of them envelopes containing postcards with reproductions of paintings that Alger admired.\textsuperscript{57}

The restrictions on Hiss's correspondence meant that most of his letters from Lewisburg went to Priscilla and Tony. Those letters were not only circumscribed by the fact that prison authorities would be

\textsuperscript{56} "[Plan] for later on," "social customs", Hiss to Meyer Zeligs, quoted in \textit{Zeligs, supra} note 14, at 401.

\textsuperscript{57} \textit{New Statesman} and \textit{New Yorker}, see Hiss, \textit{supra} note 2, at 152; newspapers, see Hiss, \textit{supra} note 4, at 181 (Times), (Herald Tribune); restrictions on correspondence, \textit{id.} at 31-32; Priscilla's responses, \textit{id.} at 72-74.
reading them, but by Tony’s delicate and troubled state, which lasted for most of the time Hiss was in prison. Tony later characterized his condition during those years as “lost, totally out of my depth, struck dumb, frozen solid, a real boy transformed into a block of wood.” In the fall of 1952, when Tony was eleven, Priscilla took a job and Tony became a latch-key child coming home to an empty apartment after attending the Dalton School. By early 1953, after Tony had suffered a series of accidents and begun to talk of urges to stand in front of subway trains, he began to consult a psychiatrist twice a week after school, and Priscilla began to leave work early on the other days. Aware of Tony’s predicament, Alger took special pains to write letters that his son might appreciate, which may have contributed to their resolutely upbeat tone. But it is likely that the “supportive, cheerful, chatty” quality Tony remembered in the letters was not simply a device to reassure him and Priscilla. By adopting that stance in his letters, Hiss was also reinforcing his determination to make the best of his immediate present and to set forth a positive vision of his future.58

As Hiss entered his second year at Lewisburg, working in the storeroom and lodging in a second-floor dormitory, Whittaker Chambers’s autobiography, Witness, began to be serialized in The Saturday Evening Post. The book was to become a best seller in part because the serialized excerpts exposed readers to Chambers’s dramatic writing style. Witness, which appeared as Senator Joseph McCarthy’s charges that Communists had infiltrated the federal government were gaining national attention, and as the Soviet Union’s successful development of nuclear weapons had been made public, was a gripping drama of Cold War espionage. Hiss found himself in the uncomfortable position of lingering in prison while his chief accuser made money by accusing him all over again. Nonetheless, he began reading Chambers’s excerpts as soon as they appeared, writing Priscilla, on February 7, 1952, that she “must read what [the Post] has added to the Great Books.” He added that “[a]ny enlightened layman will realize at once that [Witness] is the product of a seriously disturbed psyche.” In evaluating Witness he drew a contrast between the “liberating affirmation” he was seeking to achieve in prison and the “self-imprisoned despair” that “doomed” Chambers.59

58. For Tony as “lost, etc.”, see Hiss, supra note 4, at 88; Tony’s anxiety after Priscilla takes job, including accidents, fears of standing in front of trains and consulting psychiatrist, see id. at 214-18; “Supportive, cheerful,”, see id. at 29.
59. For Hiss on Chambers, see Alger Hiss to Priscilla Hiss, February 7, 1952, Hiss,
This sort of letter, with references to outside events and his enemies, was rare among Hiss’s prison correspondence. Much more common were letters taking up three more seemingly mundane themes. One set of letters, called “Nature Notes” or “Window Watching,” consisted of sketches of and reflections upon the natural surroundings of Lewisburg. Another was a series of fictional stories for Tony, modeled on the Uncle Rebus stories, featuring a “sweet, simple, mischievous, and comically vainglorious” figure called the Sugar Lump Boy. The third was a running commentary on Alger’s effort to teach Leo M., whom he referred to as the “B.R.” and “M.R.” (“Beginning” and “Middle Reader”), to read and write.

All three sets of letters were designed to entertain and amuse Tony, thereby distracting him from the loss of his father’s companionship while lifting his spirits. They had another purpose as well. In those “cheerful and chatty” letters, Alger was seeking to demonstrate to Priscilla, and to convince himself, that he was strong and resolute enough to make the best of his personal ordeal, and to help others along the way. The letters were designed to provide evidence that he was performing acts of “liberating affirmation” in circumstances that might have seemed more conducive to bitterness or despair.

The “Window Watching” letters amounted to vivid descriptions of uneventful features of the landscape outside Hiss’s prison window. They were also designed, however, as testaments to the benefits of cultivating a capacity to “observe” one’s surroundings in a meaningful way. In an August, 1952 letter Hiss defined what he called that “[r]ewarding” version of “observation.” It consisted of learning to recognize “the constant and ubiquitous marvels of life,” as distinguished from what was conventionally termed “something worth looking at.” His point was that most humans simply took their natural environment for granted only reacting to unusual phenomena. The cultivated observer, however, appreciated the distinctive elements in a landscape, and how those elements subtly changed on a daily basis. He also understood that trees and fields and the sky were remarkable phenomena in themselves, sustaining human life and surviving over eons of time.

He tried to capture this dimension of observing natural phenomena in the prose of his “Window Watching” sketches. Central Pennsylvania, he wrote in October, 1951, was a “land of rolling fields and second-growth woods,” where autumn was “long and leisurely and full of ripe fruition, with none of the New England sense of summer’s death and of urgency

supra note 4, at 182.
to batten down the hatches of life.” A “long and stunning” sunset in November, 1951 ended with “numerous large purple clouds dominating the south and west.” On March 1, 1953, he mentioned “a baby blizzard” followed by “a brilliant dazzling hour in cold sunlight.” The moon, as it set in the morning sky one day late in September, 1953, appeared “quick-silver, with the sheen of a fish’s belly flashing under water and the craters like global maps.” A “real central Penn. autumn evening sky” featured “a long-lasting radiance that arches widely till it merges with a powder-blue after-sunset” color. “The luminosity is extraordinary and seems to have the pulsating quality . . . of Northern lights.”

In descriptions such as those, Hiss employed words associated with sensual or physical stimulation (ripe, stunning, brilliant, dazzling, flashing, radiant, luminous, and pulsating) to describe natural surroundings. The choice of words suggested that the observer of a fall landscape, a sunset, a moon in the morning sky, a sunset, or a twilight sky was being uplifted by affirming something elemental in nature and human responses to it. Sometimes Hiss sought to underscore the elemental dimensions of his observations by connecting them directly to the past experiences of his readers. After describing the luminosity of an October twilight sky, in a letter written after Priscilla and Tony had visited him at Lewisburg, he added, “I hope thy little group has a clear and ‘typical’ sky to light it homeward.” On another occasion, after describing the “positive ecstasy” of birds chirping “over the damp meadows,” he felt that “[t]he paper [of his letter] must have absorbed some of it.” “Perhaps if thee and T sit very still,” he told Priscilla, “you can hear a faint repetition.”

The rewards of this sort of observation became apparent if one thought about who was observing the sunsets and skies and landscapes. It was a man in a prison cell, looking at them through a barred window, confronting a largely grim and oppressive experience. In the midst of that experience, the man was “learning and growing,” as Hiss put it, by appreciating the ways in which common qualities of the natural world were always available to bring beauty and pleasure to humans. Even in a prison cell, one could engage in the rewarding versions of observation.


Hiss's "window watching" was thus not only an effort to entertain his family or to reassure them that he was bearing up to prison while extracting some pleasure from his grim environment, but it was also a way of reaffirming goals he had set for himself on entering prison. Each time he wrote an evocative description of his natural surroundings to Priscilla and Tony, he demonstrated to himself that he had learned how to extract something uplifting and useful from mundane features of his environment.

The "Sugar Lump Boy" Hiss created for Tony also served multiple purposes. Those stories featured a "Tony" character—a mentor to the Sugar Lump Boy. The Sugar Lump Boy habitually needed guidance, made mistakes, or got discouraged, but despite his foibles, the Tony of the stories was invariably good-natured, patient, and helpful. When the Sugar Lump Boy wanted to pass a swimming test before learning to swim, Tony taught him to dog-paddle, and then float, and then kick his feet, and eventually he swam across the width of a pool. When the Sugar Lump Boy, having watched Tony practice basketball, brought out a ping pong ball and a basket made from paper clips, Tony "laughed and told the S.L.B. his ideas were very good," but they could use "baskets and a ball from [a] mechanical basketball game." When the Sugar Lump Boy "missed 6 shots in a row," and declared, "I hate basketball," Tony "very calmly . . . asked the S.L.B. to come and sit by him and watch the others for a while." Then he told the Sugar Lump Boy, "Don't worry if you miss. I used to miss a lot when I started, too." Sometimes, despite Tony's help, the Sugar Lump Boy didn't learn as quickly as Tony. One day he came home from the grocery store with fresh baked bread that he had squashed to fit inside a toy cart. Tony "explain[ed] that it would have been easier to ask the grocer to cut the bread in half." Subsequently the Sugar Lump Boy came home "with half a grapefruit, cut-side down, in the rather dirty wagon." Looking "very proud," he told Tony, "I wasn't going to make the same mistake twice!"62

After rereading the "Sugar Lump Boy" letters as an adult, Tony Hiss concluded that they were efforts to "show . . . me how to do something, or encourage . . . me to try again when I was feeling defeated." But they were also efforts on the part of Alger to encourage himself to make the best of his time in prison. Faced with the prospect that his absence, as Tony entered puberty, might further erode Tony's self-esteem, Alger had

62. For Sugar lump stories, see Sept. 15, 1951, Hiss, supra note 4, at 108-09 (swimming); Dec. 15, 1951, id. at 109-110 (basketball); Jan., 1954, id. at 110 (bread and grapefruit).
invented stories about a figure who "was in worse shape and needed [Tony's] help right away." Creating the Sugar Lump Boy stories helped Alger deal with any guilt associated with his required withdrawal from his family at a critical time in Tony's maturation process. Alger could feel that he was making use of his imaginative and communicative talents to reach out to his son despite their separation.  

The "Window Watching" and "Sugar Lump Boy" letters, although covering different topics, were thus parallel exercises. Hiss was simultaneously seeking to shore up the emotional reserves of his family, especially Tony, and to execute strategies for preserving his own self-respect in an environment where humiliation and degradation were familiar conditions. That exercise took its most direct form in the largest group of Lewisburg letters that Alger wrote on any particular topic, those in which he described to Priscilla and Tony the process by which he taught "Leo M.," a member of the "racket guys," to read and write. In his memoirs, Hiss described Leo M. as natively intelligent but "[c]ompletely illiterate"—someone whom the prison's Education Department was "not equipped to teach . . . basic reading and writing skills." Hiss took on that task, and after regular sessions that extended over several months, succeeded. As he worked with Leo M., he charted his instructional course to Priscilla and Tony, referring to Leo as the "Beginning Reader," or "B.R.," and eventually as the "Middle Reader."  

The importance Hiss attached to his education project with Leo M. can be seen in the fact that he devoted 87 of the 445 letters he wrote Priscilla and Tony from Lewisburg to descriptions of his work with the "B.R." or "M.R." The letters began in the fall of 1951 and continued through March, 1954, when Leo was released on parole. In the earliest of the letters Alger, then living in a dormitory, told Tony that "one of the young New Yorkers in my dorm never learned to read or write," and was "very sensibly using some of his spare time to do so." Hiss advised him to get his wife to send him some "new readers [from] the school in their neighborhood," and expressed "hope that he'll let me help whenever he gets stuck." But five months later, in March, 1952, he continued to characterize Leo as a "non-reader." A "modest birthday gathering" for Leo had been held in Alger's cell in the honors block, to which Alger

63. For Tony's later readings of the stories ("showing me how to do something . . . worse shape"), see Hiss, supra note 4, 107.

64. Description of "Leo M." from memoirs and reference to prison Education Department at A. Hiss, supra note 2, at 176; for nicknames of "Beginning Reader" ("B.R.") and "Middle Reader" ("M.R.") for Leo, see Hiss, supra note 4, at 163.
had been assigned the previous December. Leo, who received permission to come to the honors block for the party, told Alger that “[h]is studying [had] been zero for the past four months.” Because the winter weather had kept the prisoners indoors, and Leo and Alger had been in separate quarters, Alger had “had no chance to help him.” Leo had gone through “a period of negativism” about reading and writing in the interval. But he told Alger at the party, “I must learn to read. This way I am blind,” and Alger hoped to “be able to nudge him along a bit.”

By May, 1952, Leo had been transferred to the honors block, rejoining Alger and Mike M, whom Alger typically called the “t.o.” (tall one) in letters to Priscilla and Tony. This development, and the return of mild weather, enabled Alger to “help the Beginning Reader with his letter from home . . . each day.” From that time on he spent “[t]he noon hour, regularly, and the pre-supper and pre-yard time, often, [with] reading lessons.” Leo’s prison job had night-time hours, so after going over “2 new pages at noon” every day with Hiss, he reviewed the pages in the afternoon while Hiss worked in the storeroom. Although learning to read and write was “hard and discouraging,” Alger wrote Tony, Leo’s “enthusiasm and perseverance is wonderful.”

For the next several months, Alger provided an account of Leo’s quest. In June, 1952, Leo “wrote the last 4 or 5 lines of his letters to his wife.” By December he could “spell and write over 350 words,” which had “led to a new interest in words and in spelling by some of my other friends.” They would “casually slip into a conversation some $5.00 word like ‘fastidious’ and wait expectantly for a rise from someone.” They “started a vocabulary list,” and had “impromptu spelling bees.” When some remained “blocked by writing,” which “[made] them very self-conscious and their good, quick brains just freeze,” Alger and Mike M. would “ask . . . quietly what [they] wanted to say.” One, “the Barber” (given that name because that had been his profession before coming to Lewisburg), “gulped, sighed and quite naturally and sensibly told.” Hiss and Mike “then said, ‘That’s fine, go ahead and write it just that way.’” “The Barber looked at us in great surprise, saw we meant it, relaxed and finished in 10 minutes.”

65. For predominance of Hiss’s Lewisburg letters (87 of 445) being about Leo M’s reading, see Hiss, supra note 4, at 163; for earliest letter, Alger Hiss to Tony Hiss, Oct. 6, 1951, see id. at 167-68; March letter, Mar. 15, 1952, id. at 168.
67. June, 1952 references - June 26, 1952, id. at 169-70; December, 1952 references,
By January, 1953, Alger reported that "the B.R. is now getting interested in long words," such as "possibilities." He asked "the tall one [to] challenge him to spell it—then very proudly [spelled] it correctly." Tony had been dutifully impressed, and when Alger reported this to Leo, the "Beginning Reader" was a "little disappointed" that Alger hadn't also mentioned his mastery of "audacity," which "he quite rightly regards as still trickier." By the end of January Leo was "justifiably proud of having written for the first time a letter to his wife entirely without help." "He said," Alger wrote to Tony, "he had a kind of feeling he had never had before and that the words came to him as if he had always known them."

Meanwhile, Leo had begun to read a book on American history, Heroes, Heroines, and Holidays, from the Education Department's library. The book, intended for the average child reader of the time, was one the "Beginning Reader" could easily read. "He read over several pages with me right before supper," Alger reported. "Since then he hasn’t been able to leave it alone—he finds it so amazing that he . . . can now read something he is interested in for what it tells him, not just to practice reading." "That book's like a toy," he told Alger "with his face shining." 68

By March, 1953, Leo had written a letter to his brother without help. By September he was reading Robinson Crusoe in what Alger judged to be "about at 5th grade vocabulary." He was also scanning newspapers and magazines. By November Hiss was able to introduce Leo to John Beaty's The Mountain Book, designed for older children, which contained "much sound geologic information interestingly presented and illustrated." Leo's "progress is so marked," Alger told Tony, "that he must hereafter be known as the Middle Reader!" After Thanksgiving, Alger reported that "the real holiday event . . . was the terrific achievement of [Leo] in reading 25 pages of The Mountain Book, which, in Alger's view, was "up to 7th Grade standards." Leo's "enthusiasm, progress (actually from day to day) and his pleasure in accomplishment" were "pretty to see." 69


69. Letter to brother without help, Mar. 12, 1953. Id. at 174; Leo reading Robinson Crusoe and newspapers and magazines, Sept. 15, 1953, id. at 177; Leo reading The Mountain Book, Nov. 15, 1953, id.; Leo reading twenty-five pages of The Mountain Book, Nov. 26, 1953, id. at 178.
January, 1954 produced the culminating event in Leo’s journey out of illiteracy. He “wrote a letter for a friend who is unable to write.” Alger saw the episode as “an important symbol to [Leo] of how much he has accomplished.” The event came at “a good psychological moment” as well, Alger thought, because Leo’s time in prison was coming to a close, and he was being transferred to the prison farm, reserved for inmates of good behavior who were soon to be released. “[I]t is good for him, Alger wrote Priscilla and Tony, “to realize that he no longer needs help, but on the contrary can give it.” By March, Leo had “made parole on a reconsideration of his case,” and after reporting the news to Hiss, “skipped and danced happily down the road to the farm, turning from time to time to wave at the storeroom window where I stood applauding the celebration.” Leo left Lewisburg on March 25, 1954, in Hiss’s view “a very happy and self-possessed young man.”

In Hiss’s account of his participation in Leo’s search to become literate, one of his character traits, commented upon by many of his acquaintances, was brought clearly to light. On one occasion Whittaker Chambers spoke of Hiss’s “great gentleness and sweetness of character,” and on another of his “deep considerateness and gracious patience.” That impression of Hiss was echoed by many others who encountered him over the years. Some were struck by Hiss’s notable talent for making strangers feel welcome and at ease in his presence, as if he appreciated their company and cared about them. Others noted his capacity for random acts of kindness, sometimes to persons he encountered on the street or barely knew. Commentators on Hiss’s career, in the course of summoning up reasons for their belief in his innocence, often pointed to examples of his sweetness or selflessness.

70. Leo writing a letter for an illiterate, and realizing that “he no longer needs help, but on the contrary can give it”, Jan. 21, 1954, id. at 179; Leo making parole and skipping while Hiss applauded, Mar. 4, 1954, id. at 180; Hiss describing Leo as “self-possessed”, Mar. 25, 1954, id.

Hiss’s tutelage of Leo seemed to be another illustration of those qualities. He and Leo had been thrown together in prison; Hiss learning of Leo’s illiteracy only because of his connection with Mike. Leo was so devoid of reading and writing skills that the prison educators could not help him, and tutoring him was going to require so laborious an effort that not even Mike could summon up the energy to attempt it. But Hiss took on the task, even after recognizing that he must give up his leisure time to accomplish it. The result was that he devoted hours treasured by inmates to patiently attend the efforts of an illiterate to decipher written English in its most elementary versions. Alger Hiss, whose life before Lewisburg had been marked by a thirst for highly sophisticated forms of written and artistic expression, consequently spent months sitting alongside an inmate while he traced his finger across the pages of books designed for first-graders.

It would be churlish not to regard Hiss’s tutelage of Leo as an unambiguously generous endeavor. He not only endured Leo’s efforts but committed to a practice of regular advisory sessions, even though he did not occupy the same position of responsibility to the other “racket guys” that persons such as Mike held. Moreover, Leo could hardly have failed to notice that Hiss was taking great pleasure in Leo’s progress. That fact shines through the “B.R.” and “M.R.” letters. Not only did Alger report more regularly on Leo’s quest than on any other topic, he eventually announced to Priscilla and Tony that Leo’s learning to read and write had changed him from a depressed person who thought himself “blind” to a “self-possessed,” happy individual who can come to realize that he not only could read and write, but could help other illiterates learn to do so.

It is a measure of the complexity of Alger Hiss that in assessing his personality and character, one is simultaneously confronted with two quite different sorts of evidence. One consists of a series of anecdotes illustrating his generosity and consideration for others, of which the story of his teaching Leo to read is but one example. Another consists of evidence of some apparently chilling decisions involving personal relationships that Hiss made in the course of seeking to construct and defend the “cover story” of his life and career. In that cover story, Hiss portrayed himself as a loyal New Dealer who had no connections to Communism or the Soviets, and whose perjury indictment was a frame-up engineered by anti-Communist zealots, including Whittaker Chambers, Richard Nixon, and J. Edgar Hoover.

In order to perpetuate that cover story, Hiss enlisted some of his closest friends and associates in a grand deception. He knew the story
was false, and that he was using those persons as dupes. He also knew that should the falsity of his cover story be definitely established, the persons he had enlisted might well be embarrassed, even humiliated. Hiss quite deliberately abused the trust of those persons for his own purposes. The persons included his son, Tony, who was eight when his father was convicted of perjury and sentenced to prison. Some observers of Hiss’s career, once they concluded that he had been a Soviet agent and had consistently lied about it, were sufficiently shocked by his abuse of his supporters’ trust to label him a “monster.”

The qualities that lead Alger Hiss to use his precious leisure time at Lewisburg to help Leo, when juxtaposed against the qualities that lead him to take advantage of the need of several persons to trust in him and believe him, might incline one to the conclusion that he was a deeply fragmented, perhaps disturbed personality, a type identified by some psychiatrists as lacking the “integration” or psychic completeness identified with robust mental health in adulthood. Such may have been the case. But it is also possible to fashion an explanation for Hiss’s acts of kindness and generosity, as well as his acts of clinical detachment and fanatical corruption, that sees both of them as part of an overriding personal and social agenda. Both sets of acts, Hiss may have come to believe, were connected to a quest to achieve an integration of his private needs and public goals that would bring him satisfaction and self-fulfillment.

Hiss recognized that he was an instinctive and a habitual altruist. He liked helping people in need, even if the help imposed burdens on him. Caring about and helping others reinforced his sense of his own powers. “I like people when they are in trouble,” Hiss said to his son Tony in the 1970s. “[T]hen they have to like you, and you can feel powerful by helping them.” The transforming moment for Leo in his journey out of illiteracy, Hiss thought, came when he realized that he could read and write well enough to help an illiterate write a letter. The transforming moment for Hiss in his journey along with Leo had likewise come when he was able to report that his pupil had realized that he no longer needed help, but on the contrary could give it. Hiss italicized the last words to show their importance to him. Those who could help others no longer needed help themselves. Altruism, for Hiss, was a means of demonstrating his own independence and control of his destiny.

72. For one example of Hiss being described as a “monster,” see Alfred Kazin, Why Hiss Can’t Confess, ESQUIRE, Mar. 28, 1978, at 21.
73. “I like people when they are in trouble,” etc - Alger Hiss to Tony Hiss, quoted in
Control over his own life, including the secret dimensions of that life, was a state that Alger Hiss deeply cherished. He took pleasure in his ability to carve out a favored slice of life, and, when his life became less favored, to carve out a thinner slice within that. The slice had included helping others as long as he could remember, from the time when he implicitly realized that he needed to help his mother by being, in addition to a talented son, a dutiful and appropriately directed one. He had helped his brother Bosley during his last illness, his brother Donald when he became seriously ill, and Priscilla Fansler when she faced the loss of a potential husband and an unborn child. He had even helped Justice Holmes expand the pleasures of reading.

In helping Leo to read, in being a friend to Mike and the other “racket guys,” in assuming the role of a diligent, uncomplaining prison worker, in seeking to improve the educational resources of Lewisburg prisoners but never crossing the line between well-behaved inmate and agitator, in doling out legal advice in the exercise yard, and in never ratting on inmates who abused him, Hiss was demonstrating to himself that he could shape a potentially dangerous, brutalizing experience into a slice of life where his powers of self-control were actually strengthened. He emerged from Lewisburg chastened about the experience of prison—he never placed any faith in incarceration as a rehabilitative exercise—but more confident than ever about his capacity to fashion a life for himself that might eventually approximate the life he had contemplated before his perjury trials. Prison had threatened to break Alger Hiss, perhaps even eradicate him as it had eradicated William Remington, but Hiss had emerged more sure than ever that his essential self was intact, and his search for self-fulfillment still on course.

That search’s social dimension also survived Lewisburg. By carefully distancing himself from his notorious past—neither admitting complicity nor seeking to portray himself as a victim—Hiss began to convince his inmate acquaintances that he was innocent. But that had not been his principal goal. His principal goal had been to ensure that the social agendas to which he had dedicated himself—agendas precipitated by his fanatical, chivalric loyalty to the ideals and aspirations of Soviet Communism—remained intact, undisturbed by his prison experience. He did not choose to enlist any of his prison acquaintances in the campaign for vindication he had promised to undertake after being convicted of perjury. Only his lawyers, his family, and intimate friends on the outside remained engaged in that campaign.

T. Hiss, supra note 2, at 87.
while he was in Lewisburg. Those persons were to learn, if they had not already done so, that Alger Hiss’s campaign to “prove” his innocence would be an integral part of his social agenda when he was released from prison. For Hiss, convincing the public that he had been an innocent victim of a malevolent political culture, not a Soviet agent, was intimately connected to the overriding goal of helping the ideals of Soviet Communism spread throughout the world. He was prepared to betray the trust of loyal friends, and family members, to pursue that goal.

But Hiss’s social agenda was primarily a secret agenda. He chose to conceal it from most of his acquaintances, burying it beneath a narrative in which he portrayed himself as the unreconstructed survivor of a breed of New Dealers who were dedicated to alleviating the lot of the economically disadvantaged, fighting Fascism, and achieving international peace. In that cover role, he was occasionally passionate but hardly fanatical. As a secret Soviet Communist, he was a fanatic. When he left prison and circulated in the ordinary world, he allowed his “deep considerateness and gracious patience” to infuse many of his personal relationships so that to some admirers he appeared a person who radiated inner tranquility and a kind of saintliness, very far, despite his notoriety and reduced circumstances, from being a bitter or broken man. By communicating his resonant qualities and letting his altruism flow if others in distress needed help, Hiss helped himself make the best of his lot. But all the while he was devoting energy to the welfare of others, he was keeping some things for himself. His secret life, with its unarticulated but deeply held social goals, remained vibrantly extant.