Federation of American Scientists 1749 L Street, N.W. Washington 6, D.C.

July 22, 1949 A-739

SUPPLEMENT TO FAS NEWSLETTER OF JULY 21, 1949

The O'Mahoney Rider to H.R. 4177 (See Page 1) — which calls for FBI investigations of AEC non-secret fellows — will likely not have been considered by the Senate by the time most copies of this Newsletter are distributed. There is still time for telegrams and airmail letters to affect the votes of Senators. The rider if passed will set an important precedent as regards federal aid to science and education.

Legislative Situation. The Senate started today (July 22) consideration of the appropriation bill for ECA, and two or three days of debate are expected. Next in line are other appropriations bills; one of the first will be H.R. 4177, the Independent Offices Appropriations Bill. None of these can come up until the ECA appropriation has been voted. The "Arms-for-Europe" bill, however, may take precedence and cause additional delay. Our present guess for HR 4177 is Wednesday or Thursday, July 27 or 28. Action on the bill should receive national publicity.

Senators Opposing the O'Mahoney Rider, and there are quite a few, do so for reasons concordant with our own. There are perhaps enough of them that if they all voted their convictions the rider would be defeated — but many of them are hesitant to vote against it if their action would be but a futile gesture. A floor fight seems more than probable. Several senators have indicated an interest in speaking against it; at least two have committed themselves to speak.

Senators Favoring FBI Investigations -- there appear to be an overwhelming majority --

fall generally into three groups:

(1) Many do not understand the facts that all AEC fellows now receiving secret information must, under present laws, first receive clearance based on FBI investigations; and that the classification procedures and declassification procedures under which the Commission now operates produce a complete separation of the "sensitive" information from that available to the fellows working in non-secret fields and who are not at present investigated by the FBI. With this misinformation these Senators then feel that the O'Mahoney rider is needed to protect our atomic secrets.

(2) Others insist that the only responsibility of the AEC is to offer fellowships to those who will subsequently work into the secret developments of the AEC; that they must be investigated sooner or later; and that the government saves money by investigating them before educating them to weed out those who could not subsequently receive classified information. The position of these men is in direct contradiction to the Atomic Energy Act of 1946, which states that the AEC shall set up a program "assisting and fostering private research and development to encourage maximum scientific progress" and "to assist in the acquisition of an expanding fund of theoretical and practical knowledge" in the fields of science related to atomic energy.

(3) A third group believes that the government has the obligation — even though it is uneconomical — of seeing that no individual of questionable loyalty receives federal aid in his education. Taking the Senate as a whole, this group is certainly the largest Many in this group consider the amendment to be undesirable but maintain privately that the large sector of uninformed public opinion which is demanding some action on the AEC fellowship-awarding procedures, must be given some "red meat" to chew on, and that the

present amendment is the mildest compromise position which can be taken.

Action. From the start, wise Washingtonians have advised that the amendment will almost certainly pass the Senate and be agreed to in the House-Senate conference. "Atom" is a magic word. Personal contacts with Senators and their assistants will be continued by the FAS. The slim chances of defeating the O'Mahoney rider will be improved if scientists and educators and others will again communicate to their own senators their opposition. Write airmail letters or telegrams. DO IT NOW!

F.A.S.

NEWSLETTER

FEDERATION OF AMERICAN SCIENTISTS 1749 L Street, N.W. Washington 6, D.C.

July 21, 1949

A-78738

Topics of the Day. Prominent in the news of national affairs have been several questions, any one of which would deserve top billing in the Newsletter in more normal times. They include:

1. Investigation of the AEC by the Joint Committee on Atomic Energy,

2. Proposals to amend the Atomic Energy Act,

3. FBI investigations for AEC non-secret fellows,

4. Proposal for revised U.S. policy with regard to international control of atomic weapons.

5. Sharing detailed "know-how" as regards bomb manufacture with Great Britain and Canada.

The FAS has been active on many of these topics. The national office has in fact been so busy that it has not been able until now to write one of these aperiodic <u>Newsletters</u> for the whole membership; chapters have been somewhat better informed.

FBI Investigations for AEC Non-Secret Fellows. This is the most important immediate issue: at the present writing, Senator O'Mahoney proposes to attach to the bill appropriating funds for the AEC, an amendment which would give the Attorney General the power to bar from fellowship support anyone for whom "reasonable grounds exist for belief that such person is disloyal to the government of the United States". The Attorney General is to make his decision on the basis of "investigation and report by the FBI on the character, associations, and loyalty" of the fellowship holder or candidate.

This is a proposed amendment to H.R. 4177, the so-called Independent Offices Appropriations Bill, which some time ago passed the House. An amendment of this kind, called a legislative amendment, does not require prior approval of the Senate Appropriations Committee, though it has been said that this committee is in agreement with Senator O'Mahoney. A two-thirds majority is required for passage on the Senate floor. In all probability the Senate will have disposed of the measure by the time this Newsletter is distributed; this account will summarize what the FAS and other organizations have done to prevent adoption of the amendment, whether or not successfully.

The distinction between fellows working in secret and non-secret fields is not made in the amendment. However, since the Atomic Energy Act provides for full clearance, including FBI investigation, for all persons having access to secret atomic information, the measure is clearly directed at the non-secret fellowship holders. This amendment specifically refers to loyalty clearance; there is no mention of national security.

There are many shades of opposition to the O'Mahoney rider among FAS chapters and members and in other organizations interested in Federal support to science and education. Some feel that the question of political beliefs of fellowship holders or candidates simply should not be raised. Another group feel strongly that federal money should not be used to educate subversives or near-subversives, but are unwilling to pay the price necessary to determine who those people are -- either in money or the inevitable extension of political policing. (continued on page 5)

ATOMIC ENERGY INVESTIGATIONS: A REVIEW

Open hearings on the Atomic Energy Commission before the Joint Committee on Atomic Energy have been concluded. While closed sessions on some aspects of the inquiry are continuing, almost all the evidence has been presented by which the public will judge the validity of Senator Hickenlooper's claim of "incredible mismanagement" on the part of the AEC. To most reasonable men his case now appears to be unimpressive.

The attack began in mid-May with the disclosure of the granting of fellowships to Communists or near-Communists, and the loss of a quantity of uranium-235. These disclosures were supplemented by charges of excessive personnel turnover, laxity in clearance procedures, illegal or unwise shipment of isotopes abroad, and waste in plant operations. At this point, at the risk of retreading ground covered in other sources, it seems worthwhile to see how each of these charges has fared.

Fellowships. A single avowed Communist, Hans Freistadt, held an AEC non-secret fellowship. Several other fellowship holders were said to have shown some interest in the Communist Party at some time in the past. None of these is presently a Communist or sympathetic with the Party. Lilienthal at the outset defended the grant of a fellowship to Freistadt, pointing out that no security risk was involved, and that the grant was made by the National Research Council in its traditional manner -- on the basis of academic merit and professional promise without reference to political considerations. Representatives of the NRC first defended their position but then backed down in the face of hostile publicity. With little or no immediate support from scientists, Lilienthal was also forced to retreat, and accepted the requirement of a loyalty oath and a non-Communist affidavit for all AEC fellowships, both secret and non-secret.

Parenthetically it should be noted that Freistadt is thus deprived of his fellowship and has also been dismissed from his part-time instructorship at the University of North Carolina. The NRC was reported to have stated that its grant to Freistadt had the status of a contract, and that it would have to find other means to go through with it. More recently, however, it has refused to give support to Freistadt in any form. We must recognize and ponder a clear case of discrimination because of openly avowed political beliefs. Freistadt is considering legal suit against the NRC.

The Federation is on record, in a press release of May 31, endorsing "the original policy of the Atomic Energy Commission and the National Research Council of granting non-secret fellowships solely on the basis of scientific competence. We believe that oaths, affidavits, or clearance investigations in non-secret fields are unnecessary and potentially dangerous to scientific progress."

Missing Uranium. The story of a uranium loss at Argonne National Laboratory broke in the wake of the fellowship controversy. The build-up it received in the press, and the atmosphere of fear it engendered, apparently lead Hickenlooper to assume that Lilienthal was ripe for plucking. The "incredible mismanagement" blast was coupled with a demand for the AEC chairman's resignation. But instead of being the introduction to Hickenlooper's case, this turned out to be the high point. The FBI reported that there was no evidence of espionage in the uranium loss. Scientists pointed out that losses of this kind were to be expected in routine laboratory work. The Director of the Argonne Laboratory, Dr. Walter H. Zinn, and an independent expert witness, Dr Ernest W. Thiele, established that all but 1/8 ounce of the missing uranium had been recovered from laboratory wastes. Even the missing container was ultimately found in a laboratory waste pile. As the uranium story deflated, other charges were being investigated and Hickenlooper's prestige went steadily down.

Personnel Turnover. On the second day of the hearings Hickenlooper listed many top officials and scientists who have left the employ of the AEC, citing this high personnel turnover as evidence for lack of continuity and poor management policy. Lilienthal replied by outlining the difficulties involved in keeping top-rank scientists and administrators in secret government work, and other members of the Joint Committee pointed out that the turnover among the civilian employees of the National Military Establishment is considerably greater than is the turnover in the AEC. (The facts for 1948 show a separation rate for the AEC of 36.9%, for the Federal Government 33.3%, for manufacturing industries 54.8%.)

Clearance Procedures. Hickenlooper criticized the Commission's policy of granting numerous emergency clearances. Lilienthal replied that such "calculated risks" were necessary to keep the atomic energy program moving at full speed. Representative Jackson pointed out that these procedures were known to Hickenlooper during his two years on the Committee, including one year as Chairman. Representative Price mentioned that the military liaison committee of the AEC has concurred in the granting of the emergency clearances. The full Committee refused to examine charges in some twenty particular cases while it was in open session. Executive sessions for this purpose are planned in the near future.

Foreign Isotope Shipments. It was charged by Sen. Hickenlooper that the Commission had violated the Atomic Energy Act, in fact or in spirit, by shipment of radioactive isotopes to Norway and other European countries. In this charge he received some support from Commissioner Strauss who had opposed the shipments. (This was one of the very few decisions on which the Commissioners were not in unanimous agreement.) The testimony of a number of expert witnesses, including J. Robert Oppenheimer, Chairman of the General Advisory Committee of the AEC, showed that no significant atomic energy disclosures were involved in such shipments, that they were in accord with the best intent of American foreign policy, and that they strengthened rather than weakened our international position. One of the most severe setbacks, incidentally, to Hickenlooper's entire case came in Oppenheimer's vigorous general endorsement of the policies and progress of the AEC.

Administrative Inefficiency. Under this heading fall a number of matters of detail, such as the installation of a gas line into the Oak Ridge National Laboratory over the objections of the Joint Committee, and asserted wastefulness in operations at Hanford, Los Alamos, and Oak Ridge. The first case is illuminating since it shows the appointed Commissioners defending long-range planning against the pressure of special interests which the elected Committee apparently could not disregard. The Commission wanted the gas line in order to insure itself against loss of production and costly damage to equipment if a shut-down in the gaseous diffusion plant should be threatened by a coal strike. The coal operators of Tennessee felt otherwise. The AEC presented evidence to show that over a period of ten years or more the accumulated savings in the operation of the gaseous diffusion plants by gas would cover the initial cost of the pipe-line and result in long-range economy.

Against charges of over-payment for such items as schools, recreation halls, etc., the AEC defended itself by pointing out that in such out-of-the-way areas as Tanford and Los Alamos the development of a stable, adequate community life was essential to hold its personnel.

AEC Presents Its Case. On July 6, 7, 8, and lith, the AEC had an opportunity to discuss the positive side of its achievements. Lilienthal declared that "By their fruits ye shall know them", and proceeded to outline the accomplishments of the program in the past two years. He stated that, "We and the President believed as one man that nothing should stand in the way of giving our country unmistakable and unquestionable leadership in atomic weapons. Right or wrong, Mr. Chairman, we concentrated on that." He conceded that any operation with 60,000 employees was bound to have some "carelessness or stupidity or negligence" and that there were "some inadequacies" in the program for which he did not "seek to evade responsibility".

Former Commissioner Bacher discussed the problems faced by the AEC at its inception, how the flood of resignations at the end of the war left the AEC with a critical shortage of trained personnel, and how these were gradually overcome until the achievements of the Commission far exceeded those of the wartime Manhattan District. He concluded with the statement, "I believe that the decisions of management that have been taken during 1947 and 1948 have led to a very much stronger program today than we had before. I am not at all ashamed of where we stand today in the production of fissionable materials and the production and development of weapons."

Brigadier General McCormack, Director of the Division of Military Applications, testified that the production of atomic weapons, at a virtual standstill in 1947, was now on a "stable basis". Marvin Kelly, executive vice-president of Bell Telephone Laboratories, told the Committee that his conclusion after an 18-day survey at Los Alamos early this year was that "it was a very good organization doing a fine job." James Parker of the Detroit Edison Company and chairman of the Industrial Advisory Committee joined Isaac Harter of Babcock and Wilcox in saying that the AEC had done a pretty good job of getting industrial applications on a going basis. Both men felt that the system under which the AEC delegated considerable responsibility to private contractors was excellent and was designed to make the best use of the talents and skills of American industry.

Other prominent scientists and industrialists echoed these phrases. Norris Bradbury, Director of Los Alamos, praised the "administrative environment" provided there by the AEC and said that it contributed to the laboratory's efficiency. Clark Center of Carbide and Chemical Corporation operating Oak Ridge repeated these sentiments. Enrico Fermi and Lee DuBridge of the General Advisory Committee of the AEC spoke highly of the Commission's progress in basic research.

As the hearings drew to a close, it appeared that the AEC had won its case. A series of closed sessions are still being held to consider security cases and some aspects of the atomic energy program bearing on foreign relations.

It appears probable that at least the majority report of the Joint Committee will not be unfavorable towards the AEC in general and Lilienthal in particular. The return of the control of atomic energy to the military, as proposed by Senator Cain (Washington), now seems unlikely. Strong opposition to this idea was voiced not only by Mc-Mahon, Hickenlooper, and Vandenberg, but also by Secretary of Defense Johnson, who stated emphatically that the National Military Establishment had no desire to take over the atomic energy program. This does not mean that all danger is over. Charges, no matter how loosely made, register in the public mind more strongly than refutations, no matter how cogent. The Joint Committee is known to be considering an amendment to the Atomic Energy Act which would give it greater control over the AEC budget. Meanwhile, the security problem is always with us, manifesting itself in the new policy of the AEC and NRC on non-secret fellowships, the O'Mahoney Rider (see page 1), and in the requirement of a loyalty oath for fellowships under the proposed National Science Foundation. It will take continued vigilance and activity to assure a level-headed approach to these problems.

FBI Investigations (Continued from Page I). Still another group oppose the amendment because it does not provide safeguards for wrongly accused individuals -- the Attorney General can designate an individual as disloyal without the person's prior knowledge that there was doubt raised and without any provision for a hearing or a full exposition of the charges against him. A further view is that such a requirement would retard scientific progress since it would tend to drive brilliant young scientists from AEC fellowships and eventually leave scientific work to cautious, unimaginative, and therefore ineffective workers. Still others fear most the extension of the policy of the O'Mahoney amendment to federally supported research work and other federal scholarships and aids to education.

The National Research Council has taken a definite stand. On May 24 it was "Voted that the Executive Board reaffirms its belief that the success of the AEC fellowship program depends upon the selection of candidates on the basis of character, scientific attainments and promise, and opposes any further restrictions (beyond oaths and affidavits) upon the Council's determination of the eligibility of candidates."

The Washington Association of Scientists termed the O'Mahoney rider "a product of the present hysteria. Upon reflection, the Congress will see that the interests of the country will be preserved best by stimulating science rather than by placing additional obstacles in the path of scientific progress." The Northern California Chapter of the FAS spoke of the amendment as "the basis of an unwarranted invasion of freedom, implying a threatened clearance requirement for all publicly supported research, which would seriously damage scientific progress and morale." The views of Oppenheimer and Szilard are well known. DuBridge has said, "FBI investigation of fellowship candidates for non-secret research would be very bad and would spread the basic ideas of a police state. Political investigations are contrary to our democratic principles. Brains are a national asset, no matter where they are found. We are not doing these men a favor by giving them fellowships. We are doing the country a favor by training future scientific leaders." Fermi has expressed his fear of the damage to the morale of young scientists and said full FBI investigations were not warranted on non-secret work since only a very small number of candidates of doubtful loyalty would be discovered by such means.

Following a meeting called by the FAS national office on this issue, a letter signed by representatives of 15 national organizations (including the FAS) was sent on July 19 to Senator O'Mahoney, urging him to withhold his amendment. The remaining 95 senators and some 50 other organizations received copies of the letter, which said:

"We see your proposal as raising important questions of policy for scientists, educators, and all who are interested in preserving traditional American freedoms. As such, it should have careful consideration and widespread public discussion. It should not be acted on hastily as a rider to an important appropriations bill.

"The proposal in our judgment is unnecessary. As directed by the Atomic Energy Act, AEC fellows in secret work are already subjected to FBI investigation prior to clearance. AEC fellows not engaged in secret work have no special access to information essential to the nation's security. There is no more reason to investigate them than any other student or scientist whose work is financed by the government.

"We regard it as dangerous because it clearly is based upon the principle that federal support carries with it the power and obligation on the part of the government to investigate the political attitudes and associations of the recipients of federal grants. Once accepted, this principle is logically extensible to all federal support of science and education, and to other vitally important areas of our national life as well. We must consider seriously whether we are prepared to adopt a principle so at variance with our democratic tradition and procedures."

<u>HUAAC</u>. During June the House Un-American Activities Committee questioned a number of scientists who formerly worked on the A-bomb. Among them were Bernard Peters, David Bohm, Rossi Lomanitz, and Frank Oppenheimer. Oppenheimer, who received most attention in the press, stated that he had joined the Communist Party in 1937 but had left about three and a half years later, long before he joined the Manhattan Project. He asserted his complete loyalty to the U.S. and presented a highly commendatory letter from General Groves in support of his assertion. He made no reply to questions about associates during the period of Party membership.

Lomanitz was accused by another project worker, Robert Davis, of having recruited him into the Party. Lomanitz answered none of the Committee's questions on constitutional grounds. Bohm also refused information and Peters was asked very few questions.

Since the hearings both Lomanitz and Oppenheimer have lost their academic positions, the former at Fiske University, the latter at the University of Minnesota. Oppenheimer offered his resignation and it was accepted. Lomanitz regards himself as having been dismissed because the University held up renewal of his contract beyond the normal time pending the result of the HUAAC hearing. In neither case is it clear that the individual was dismissed because of HUAAC charges, but certainly the dismissals are closely related to the charges. The FAS has asked for statements from the individuals and institutions involved in order to evaluate these cases in relation to the issue of scientific freedom.

FBIonage. Not to be outdone by the doings on Capitol Hill, Attorney-General Clark and his Department of Justice have been running their own three-ring circus during the past several months. The trials of Coplon, Hiss, and the Communist leaders in New York have given the Department some busy days. The Coplon trial became a really hot potato, passing from mere sensation to deeper significance, when the defense attorney demanded and obtained introduction of secret FBI files as testimony. For the first time some of the raw data which form the basis for FBI reports came to public view. It was an instructive and alarming sight.

Among the names involved in the mass of undigested and unevaluated information was that of the wife of E. U. Condon, Director of the National Bureau of Standards. Condon flared back with a denunciation of "malicious gossip, false accusations, and petty neighborhood slander" contained in FBI files, and demanded a personal apology from J. Edgar Hoover, FBI Director. He further called for "a thorough critical review" of FBI fact-gathering methods and made a number of specific suggestions as to how they might be improved. The subsequent reverberations brought some plain talking in the press and elsewhere about the FBI, and its role in American life.

One thing became clear. FBI investigations are at best only the first step toward determining loyalty or reliability. Examination of the data revealed in the Coplon trial indicated that in gathering information the FBI resembles more a vacuum cleaner than a sieve. Rumors, malicious gossip, misinformation, bits and pieces of conversations, anonymous letters are all sucked into its intake along with accurate information. It is not the job of the FBI to evaluate the information, nor are its agents trained to do this. It is not known to what extent attempt is made even to evaluate the informant, an exceedingly difficult task only adequately performed by careful cross-examination under oath. In some cases, a distinction is apparently made between known reliable informants and informants whose reliability is not yet known. There appears to be no mechanism for eliminating information from the files. It may remain unchecked for months, and perhaps years, although with the passage of time it becomes increasingly difficult to check.

Thus, it can be seen that full hearings, with full cross-examination of witnesses, are needed before the information gathered by the FBI can be in any sense evaluated. This must be kept-in mind in all cases involving loyalty, security clearance, or personal reliability, where FBI reports form any part of the case against the individual. If FBI files are not to be revised to ensure reliability of content (and Attorney General Clark has stated that no change in procedures is contemplated in spite of criticism), then full protection will have to be given when information contained in the files is used as evidence. For all of its tawdry sensationalism the Coplon case will have had its value, if it has given to the American people a better understanding of the proper role of the much publicized G-men.

National Science Foundation. In spite of the early optimism of Congressman Priest that H.R. 4846 would be reported out promptly -- which prompted our special Newsletter of June 17th (A-731) -- the Rules Committee has so far failed to send the bill to the House floor. Their inaction is variously interpreted as due to the economy bloc pressure, fear of a socialistic trend, opposition from the National Patent Council, and competition from politically more important legislation.

Under the new rules of the House, the bill can now be taken to the floor without Rules Committee sanction, upon petition by the Chairman of the Interstate and Foreign Commerce Committee. Representative Robert Crosser of Ohio.

With each passing week the danger increases that the bill will be caught in the session—end log jam. Letters to Congressmen Robert Crosser of Ohio and Percy Priest of Tennessee may assist in moving the bill onward.

New Members, Please. The role of science and scientists in national affairs has again been emphasized by events of the past few months. The FAS has been in a position to act more promptly on many issues than other scientists' organizations. No action, of course, is taken on new issues without poll of the Administrative Committee and, where possible, of the Council and Advisory Panel.

The scientists who feel the Federation speaks for them, but who have not kept up membership, should seriously consider applying now for membership-at-large. Such individuals receive not only the <u>Newsletter</u> by direct mail, but also FAS news releases and copies of special memoranda sent by the national office to chapters. Please use the coupon, or give it to a colleague. A copy of the FAS Constitution will be sent on request.

Name	Highest Degree Institution Major Field
Mailing Address	Received
	Present Position
Are you an American citizen?	

There are local associations of the FAS in the following communities: Baltimore, Brookhaven, Cambridge, Chicago, Ithaca, Los Alamos, Schenectady, Berkeley, New York, Oak Ridge, Pittsburgh, Princeton, Rochester, Madison, and Washington, D.C.

Amendment to the Atomic Energy Act. On July 7 Senator McMahon and Representative Durham introduced identical bills to amend the Atomic Energy Act of 1946. The most important feature of the bill would require the authorization of Congress for the programs set forth in the annual budget of the AEC. The word "program" is defined for these purposes as "any general or substantial activity, project, or operation undertaken or to be undertaken in accordance with the provisions of this Act".

On July 12, when it appeared that these bills might be processed immediately by the Joint Committee on Atomic Energy without time for the FAS and other interested organizations to analyze and consider them, a telegram was sent to McMahon saying that the FAS "sees this a major change in policy. Believe it essential to give time and opportunity for public consideration. Urge that final action by your Committee be postponed preferably pending hearings." The Committee apparently could not agree to report the bills without further consideration. Congressional action this session now seems unlikely.

McMahon believes that congressional machinery would operate in a more normal and traditional fashion under the terms of his proposed amendment. He does not see the activities and projects of the AEC changed by the legislation. "The problem is a tough one," he says in a letter to the FAS, "because, on the one hand, many members (of the Joint Committee) feel that in a government of checks and balances the Congress lacks jurisdiction equal to its status as a coordinate branch; and on the other hand, it is essential that great flexibility be preserved so that the Commission may transfer funds between programs and undertake new projects during the middle of the fiscal year, if necessary."

Strings to AEC Appropriations? The Senate Appropriations Committee, in concurring with a House-recommended 15% cut in funds for the Atomic Energy Commission, said that "the funds here authorized shall be used primarily to procure and process those materials necessary for defense....Curtailment of activity is thus recommended to be made in other fields of Commission operations, such as....biology and medicine, physical research...." The Senate Committee also recommends a reduction in the reactor program, in conflict with the recommendation of the House Committee to maintain the reactor program uncut. McMahon and O'Mahoney are expected to fight on the Senate floor for restoration of these cuts in the AEC appropriations.

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