

# F. A. S. NEWSLETTER

FEDERATION OF AMERICAN SCIENTISTS  
Jules Halpern, Chairman

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## TURN OF THE TIDE ON PASSPORTS ?

### PAULING GRANTED LIMITED PASSPORT

Last week the State Department, having evaluated "new evidence" and re-evaluated the old against a background of public protest, granted a passport to Linus Pauling. The passport is "limited" to October 1st and permits travel to England and France only. Department press officer Lincoln White, in confirming the reversal of the earlier decisions, said the limited passport was granted on the proviso that Pauling sign an affidavit that he is not now and has never been a Communist. Pauling had previously filed such a statement. He departed almost immediately for the International Congress of Biochemistry in Paris and the meeting of the Faraday Society at Cambridge.

### MORSE ENTERS CONTROVERSY

Senator Wayne Morse (R, Ore.) has thrown himself wholeheartedly into the campaign to correct passport injustices. On June 26, he discussed the Pauling case in a long speech to the Senate. He read a letter sent to Secretary Acheson on behalf of Pauling from all the full professors of the Institute for Nuclear Studies at the University of Chicago. The letter stated that, "Most, if not all of us, have disagreed with [Pauling's] political views, and some of us may have found occasion to regard them as not even worthy of the high regard we have found necessary for his scientific viewpoints. But no one of us, nor any with whom we have talked has questioned his integrity and sincerity nor his essential loyalty to the US." The letter goes on to say that "travel of citizens of the free countries within this free community is an absolutely essential requirement of... freedom...none of us can imagine circumstances by which the granting of a passport can be one-tenth so harmful to the interests of this country as the creation in the world of this 'cause celebre' that its withholding has done." Sen. Morse also read letters supporting Pauling from the faculty of Reed College and from Arne Tiselius, President of the International Union of Pure and Applied Chemistry.

### PROPOSES LEGISLATION

Sen. Morse, joined by Rep. Wier (D, Minn.), last month proposed legislation for a passport hearing procedure. The bill would amend the McCarran Internal Security Act to provide for appeals in cases of passport refusal to be made to the Subversive Activities Control Board. The bill states that, "If, after hearing upon any such petition, the Board shall find that the denial of a passport to the petitioner was arbitrary or capricious, not based upon substantial evidence, or contrary to law, it shall [order]...the Secretary [of State]...to issue a passport to the petitioner." In discussing his bill, Morse charged that Mrs. Ruth Shipley, Passport Chief, "exercises discretion in a manner which is not consonant with the protection of the rights of American citizens."

### LATTIMORE FANTASTIQUE

Central Intelligence, State Department, and Customs Bureau snapped through their paces last month like a prize double-play combination -- to catch Owen Lattimore allegedly departing to visit the USSR. It was only a foul tip. Quoth Lattimore, "midsummer night madness." Growled State, "sincere regrets." Commented the tipster who was reportedly tipsy when he tipped, "I think the Government is wrong to indict me. Few people will risk their necks giving information to the Government now."

Fantasy it was, but sober reality lay behind it -- the mortal danger of government by the informer and arbitrary decree.

### FAS COMMITTEE ON PASSPORTS

To divide an increasing load, the Exec. Comm. on July 13 authorized a new FAS Passport Committee (Geoffrey Chew, chairman), at the U. of Illinois. The Visa Committee continues at Cambridge.

### COURT ASSERTS TRAVEL RIGHT

State's Passport Division has just had a hard month. Its asserted arbitrary passport authority was buffeted by public opinion in the Lattimore and Pauling cases, and was struck a heavy legal blow by a special Federal Court. In a case initiated by the American Civil Liberties Union, the Court ruled that the Secretary of State should be directed to renew or revalidate the passport of Anne Bauer which had been revoked without notice in mid-1951. Miss Bauer, a naturalized citizen, living and working as a freelance journalist in France, had been given no hearing or statement of reasons for the revocation, but had simply been informed that her passport was considered valid only for a return to the US. Late last week the State Department had not yet decided whether to appeal the decision.

### CONSTITUTIONAL ISSUES RAISED

More important than the details were the constitutional questions which the case raised concerning the rights of the Secretary of State to deny passports to private citizens. Although recognizing that the Department should "have discretion to deny such protection to persons whose activities abroad might be in conflict with its foreign policy," the Court held that the Secretary of State did not possess absolute discretion in the matter of passports. It found that he could not act arbitrarily without regard for the principles of due process.

### MAY APPLY TO SCIENTISTS

Many of the statements of the Court appear to bear on cases of passport denial which deprive scientists of the freedom of movement necessary for their work: "The Supreme Court has recognized that personal liberty includes...the right to remove from one place to another, according to inclination [Williams v. Fears]... While the Supreme Court was there considering freedom to move from state to state within the US, it is difficult to see where, in principle, freedom to travel outside the US is any less an attribute of personal liberty...Personal liberty to go abroad is particularly important to an individual whose livelihood is dependent upon the right to travel...It is unrealistic to contend that denial of an American passport does not restrict the plaintiff's right to travel abroad...Since denial of an American passport has a very direct bearing on the applicant's personal liberty to travel outside the US, the executive department's discretion, although in a political matter, must be exercised with regard to the constitutional rights of the citizens, who are the ultimate source of all governmental authority."

Although it is far easier to show that a journalist's livelihood depends on freedom to travel than to demonstrate that a scientist's work requires ability to attend foreign meetings and visit laboratories, there is reason to hope that this decision will help to avoid future cases such as that of Pauling.

### STATE RE-EVALUATES

Even before the Bauer decision, the State Department had started to back away from its original stand on passport procedure. In a press release of May 24 (NL 52-5), the Department had claimed that "the Secretary of State has discretionary authority in the issuance of passports, both as a power inherent in the exercise of the Presidential authority to conduct foreign relations and as a matter of statutory law." In a later press conference (June 18), Secretary Acheson made no reference to this authority, but instead listed and defended the procedures of the Department in detail, emphasizing the internal measures taken to ensure complete examination and to prevent arbitrariness. The procedures he defended were better in a number of details than those used in the Pauling and certain other

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# BW Debate Continues in UN and FAS

## UN SECURITY COUNCIL MANEUVERS

The battle over Communist charges of US use of BW in Korea ramified and reached a new crescendo in the United Nations Security Council early this month. The issue was injected into the UN top Council when Soviet delegate Malik, having failed to persuade the Disarmament Commission to take up the charges, placed on the agenda an "appeal to states to accept and ratify the Geneva Protocol of 17 June 1925 concerning bacteriological warfare." The resulting debate included a series of abusive speeches and much parliamentary jugglery. If advantage was gained by either side it was in the destruction of the opposition propaganda position, rather than in the construction of a workable proposal to reduce the fear of BW.

### US POLICY RE-STATEMENT

The US stuck closely to the argument previously outlined by Ambassador Cohen before the Disarmament Commission in a speech regarded as a new fundamental statement of US policy. He emphasized: (1) The time has passed when any reliance can be placed on "paper pledges." (2) Soviet ratification of the Geneva protocol is not a rejection of BW but a worthless promise not to use it first. Given the false charges in Korea, the Soviet Union already can claim to be released from its promise. (3) The US places its reliance not on pledges but on its plan for general disarmament, involving all weapons, with adequate inspection and controls.

Said Ambassador Cohen, "The first and all-important safeguard against bacteriological warfare...is an open world, a world where no state could develop the military strength necessary for aggression without other states having ample warning and the opportunity to protect themselves."

### SECURITY COUNCIL RESOLUTIONS

The Security Council debate involved three resolutions: (1) Malik's appeal for ratification of the Geneva Protocol; (2) a US request for Security Council sponsorship of an International Red Cross investigation of the Korean charges; and (3) a US proposal that the Geneva Protocol question be referred to the Disarmament Commission. The first was defeated by the embarrassing maneuver of 10 abstentions, necessitated by the fact that a number of nations represented on the Security Council found it difficult to vote against an appeal for signature to a document they themselves have signed. The two US proposals, insisted on for their propaganda value in the face of announced Soviet intention to veto, were supported by the West bloc majority but cancelled by Malik.

### COMMENT

It is too early to assess the effects of the UN debate on public opinion. US editorial opinion almost solidly supported the State Department position, with arguments taken directly from the diplomatic texts. Walter Lippman suggested that selection by the US of the International Red Cross to investigate the charges was a mistake since it sounded like selection of the judge by the accused. He urged every effort to secure full investigation of the charges by neutral observers appointed under the UN. Senator Wiley (R, Wisc.) recommended a panel named by outstanding Asiatic statesmen -- Nehru of India and Sukarno of Indonesia for example. Nehru declined saying he thought it was a job for scientists, not statesmen.

Thomas J. Hamilton, who did yeoman work for the N. Y. Times making comprehensible the complex UN debate, on June 20 and again on July 13 noted considerable misgivings about US strategy among other delegates. He wrote as follows: "...serious, from the point of view of Soviet propaganda, is the obvious fact that an all-comprehensive system of armament regulations, which Mr. Gross says is indispensable for bacteriological warfare control, is an impossibility today. One of the most important parts of Mr. Gross's speech, in fact, was the omission of even an implied pledge that the US, in keeping with the spirit of the protocol, would not use bacteriological warfare unless the enemy used it first.

"...According to influential quarters here, in fact, a clear statement from Mr. Gross, or better still from Mr. Truman, is badly needed to counter the continuing attempt by the Communists to convict the US of a predisposition to use germ warfare."

What this seemed to add up to was: Facts and denials can dispute the specific charge; only a bold, constructive approach can counteract the effects and seize the initiative for the American design for peace.

## MEMBERS REGISTER OPINIONS

Membership opinion on US BW policy is steadily accumulating in the Washington Office. It is derived from three sources: (1) returns on the Newsletter (NL) poll (have you returned the coupon in the last issue?); (2) replies to a special memorandum sent by the Executive Committee to sponsors and selected members; and (3) debates at the last two Executive Committee meetings. Additional comments and suggestions are invited. The NL will continue to give space in preparation for further Council action in the fall.

### MEMBERSHIP POLL

82 members have so far clipped and returned the BW poll coupon in the last NL. This is slightly less than 10% of the membership and may or may not be a representative cross-section. Only 3 votes were cast for total abolition of the US BW program and only 5 against further FAS activity on the problem. Between these extremes, the three intermediate bases for policy tested received almost equal support: 21 votes for a unilateral declaration against any US attack utilizing BW; 26 votes for a unilateral declaration against US use of BW weapons unless first attacked with them; 27 votes for no unilateral declaration but intensified efforts to achieve effective international agreement. Several individuals suggested modification of the offered alternatives or voted for some combination of them.

The results indicate that of those members responding a majority favor some clearer official demonstration of US antipathy to use of biological warfare than had been given at the time of the poll.

### EXECUTIVE COMMITTEE DEBATES

In Cambridge on June 8 and again at Brookhaven on July 13, major topic for the FAS Executive Committee was BW. With policy being actively debated and not yet fully crystallized within FAS, the Committee sought to deal with issues raised by the Council statement of May 4 and by the proceedings on BW in the UN Security Council. An interim consensus was reached on several points pending further Council decisions in the fall: (1) That FAS activities in the immediate future are best centered on stimulating discussion on BW policy both within and outside the organization. (2) That in the interests of fuller public participation in decisions governing BW policy, information should be declassified to the greatest extent consistent with national security. (3) That in view of the moral and political implications of BW, it should be subject to civilian supervision comparable to that now in effect for atomic weapons.

### REACTIONS TO COUNCIL STATEMENT

Reactions solicited by the Executive Committee to the FAS Council release of May 4, calling for a new and clearer statement of US policy on BW, have been about evenly divided for and against.

A few samples of comment from those who approved the statement: (1) "Its greatest value may lie in making it clear to the world that we are sincere in our efforts to achieve international agreement." (2) "...most people would agree that we should not be the first to use BW. This renunciation of the right of surprise in BW would not, I believe, be a serious limitation on our military effort." (3) "As regards BW, I prefer to put the question in a broader perspective than just deciding what the US should do with respect to this one weapon. I feel the US must make clear its intentions for the furtherance of human welfare, mainly through Point IV and the encouragement of free governments that have the furtherance of popular welfare as their aim. If it does this, the question whether or not it continues to work on bacterial and atomic weapons will become a relatively minor one."

Negative opinion included: (1) "I think we put ourselves in a very unfortunate position by asking for clear statements by the top echelon as to what is proposed. That would not do us any good so far as the Russians are concerned. So far as I know, nothing has ever worked with the Russians except brute force. My own reaction concerning Russian propaganda is to do them one better, if such a program is possible." (2) "...it seems to me that the best we can hope for in the immediate future is an armed truce in which fear of retaliation is the main deterrent to war. For the US to unilaterally declare that it will not use biological weapons -- or any other weapons for that matter -- would, in my opinion, increase rather than decrease the probability of all out shooting war."

## FRESH LOOKS at Disarmament Asked

Three reviews of the disarmament controversy have recently appeared, each containing concrete proposals for resolving the major points of conflict between the US and the USSR. While their detailed proposals differ, the authors take hope from the apparent thawing of the Russian attitude during the 1951 UN session, and join the FAS in urging the State Department advisory panel on disarmament to leave no stone unturned in seeking a basis for agreement on atomic (and other) armament limitations before it is too late. Stockpiles of atomic weapons, they point out, may soon grow so large that the possibility of a fraction being withheld from arms inspection will defeat any control system.

**INCENTIVES FOR NEGOTIATION** Prof. David Cavers of Harvard Law School, writing in the July 8 Reporter magazine, offers three potent incentives for a strenuous new effort to achieve agreement on arms control: (1) Since the Russians may think us as intransigent as we think them, a test of their position is overdue. (2) Although our efforts to move the Russians may end in failure, we shall at least show the free world that we are sincere in our desire for disarmament. (3) Revised proposals will represent a continuing bid to the Politburo to end the arms race. The very existence of such a bid might help a dissident faction favoring disarmament to come to power in Moscow.

**POWER BALANCE SHIFTS** Added to these incentives to renewed effort is the shifting nature of the balance of military power between East and West. R. W. Frase, American economist, points to the increasing complexity of the present balance. Shortly after the war, the superiority of Russian ground forces in Europe was balanced by the UN monopoly of the A-bomb and a large strategic air force. Since then, the West has attempted to gain the advantage by increasing atomic production and by organizing large ground forces in Europe. The Russians meanwhile have enlarged their ground strength, developed a large jet interceptor force, and attempted to develop atomic weapons in sufficient quantity to partially neutralize our air power superiority. Therefore, Frase concludes, it is not possible to predict with confidence that the "West will surely succeed in its efforts and the Soviets will fail in theirs." Further, no stopping point in competitive armament is in sight. Progress, Frase feels, is most likely to be made if the UN Disarmament Commission starts with an attempt to develop a modern plan for control of conventional armaments. The atomic arms issue might then be tackled in a new perspective.

**FRIENDS URGE CONCESSIONS** The most detailed report, "Toward Security through Disarmament," was published recently by the American Friends Service Committee. Their proposals are for simultaneous ban of the use of weapons of mass destruction, the institution of "continuous inspection" of atomic facilities, and a "drastic" reduction in conventional arms. The report strongly recommends that in exchange for concessions by Russia permitting detailed and continuous inspection of all atomic and military facilities, the US give way on its insistence on (1) international ownership of atomic plants and (2) elimination of the veto power in the Security Council when sanctions against violators are debated.

The authors doubt that ownership by the UN would measurably add to the safeguards of detailed inspection. Similarly, continuance of the veto power would not encourage violation of the disarmament treaties; it would only force the remaining nations to take ad hoc action. "Veto or no veto, the collapse of the control system would result...in a renewal of the arms race and the threat of war."

### FEDERAL STUDENT AID

Federal Security Administrator Oscar R. Ewing sent to Congress on June 23 a student-aid bill designed to provide direct aid, or loans, to needy talented students. The FAS Council is on record in favor of such a program (see NL 51-4). Ewing explained that the bill was being introduced now so that necessary committee work could be done before the 83rd Congress convenes in January. The bill would give a maximum of \$800 apiece to students, and after four years would provide grants to an estimated 50,000 to 60,000 students at an annual cost of \$128 million. Selection of "American Scholars" would be by state scholarship commissions. The measure would help solve the problem of an "acute and growing shortage of trained experts" in this country, Mr. Ewing said.

"That Was When I Was Just A Little Kid"



Courtesy of the Washington Post

### FAS POLLS

The NL received practically unanimous endorsement as a sound FAS investment from returns of the poll in the last issue. A heavy majority regarded the format of that issue as an improvement but there was little sentiment for making up the lost space by adding a page. Heavy pressure of news has forced return to the original type-size in this issue, but every effort will be made to enlarge it again in the future.

The NL and BW poll was an experiment in making the NL a 2-way mechanism of communication. As FAS has become primarily an organization of scattered members-at-large, difficulties of keeping policy close to membership opinion have increased. This first NL poll proved valuable and the technique will be used again. Meanwhile, members are reminded that their opinions and suggestions for FAS policy are always invited. Ed.

The FAS is a national organization of scientists concerned with the impact of science on national and world affairs. This Newsletter is designed primarily to inform the membership and stimulate discussion of relevant issues. The facts and opinions contained do not reflect official FAS policies unless specifically so indicated. The Newsletter is edited by member-volunteers in the Washington area. Comments and contributions are invited.

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NSF APPROPRIATION MEAGRE

The annual appropriation for the National Science Foundation crept up from \$3.5 million for fiscal 1952 to \$4.75 million for 1953. At this annual rate of increment, the President's request this year for \$15 million will be granted in 1962. Needed expenditure for NSF's inaugural year -- as estimated by Vannevar Bush -- will be attained in 1976; as estimated by the President's Scientific Research Board -- in 1989. What's the rush?

PROSPECTS The drastic reduction in the budget proposed by NSF precludes any significant increase of activities or shift of emphases in the coming year. A general, slight scaling upwards of the whole program to fit the new funds available is expected. More NSF developmental effort may now be turned to "national science policy." But NSF will not this year become the keystone of the Federal science effort as proposed by the Administration. Nor will it next year unless both NSF and the scientific community become bolder and more insistent.

ACTIVITIES Recent press releases from NSF indicate that the Foundation: (1) Wound up fiscal '52 by awarding a batch of 29 research grants totalling \$263,535. This brings the year's totals to 98 grants for \$1,181,175. (2) Is sponsoring studies at Columbia which may lead to the compilation of a Russian-English scientific dictionary. (3) Is sponsoring travel by 19 biochemists to Paris this July to attend the Congress of Biochemistry.

NEW ATTACK ON CONDON

In this campaign year, Dr. Edward U. Condon, former director of the Bureau of Standards and president-elect of the AAAS, is again the target of a House Un-American Activities Committee attack. Chairman John S. Wood (D, Ga.) said July 2 that Condon will be subpoenaed to testify at a time and place to be announced later. Condon, in a written statement issued at Corning, asserted that he had "never done the slightest thing contrary to the security regulations of the many secret projects" with which he had been associated. He said he would "welcome a chance to correct" the House committee's "errors."

AAAS Spurred on chiefly by Reps. Vail and Velde of "CHARACTERS" Illinois, the House committee has been indefatigable in its efforts to impugn the loyalty of Condon and also of Kirtley F. Mather, Harvard geologist. Because both men are prominent in the American Association for the Advancement of Science, the pall of suspicion extends even to that august organization. Asked Vail in the Congressional Record (Jan. 14), "What manner of organization is this association and what sort of people comprise its membership who elect such characters as their leaders...? I commend the outfit to the attention of the FBI and the Committee on Un-American Activities." As the AAAS comprises 44,000 members, a major part of the scientific community, this is probably the biggest case on record of guilt by association.

F A S NEWSLETTER

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Washington 6, D.C.

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SCHOOLS, UNESCO, and FREEDOM

The pressure to promote Americanism through restriction of the free exchange of ideas has aroused sharp opposition from the National Educational Association. Dr. Martin Essex, chairman of the NEA's Committee on Tenure and Academic Freedom, charged (N.Y. Times, July 2): "Freedom to learn and freedom to teach [are] at low tide, the controversy as to what and how to teach at high tide, and criticism of public education by racketeer persons at flood tide." The teachers blame "special interest groups" and "super-patriotic bodies" for unwarranted influence in the classroom, "splitting the American school teacher from the public." Among the groups referred to is the American Legion, which vigorously attacked the NEA in the June issue of its monthly magazine.

UNESCO One of the bones of contention is UNESCO, which has TABOO been under severe attack by anti-internationalists. The N.Y. Times on June 29 reported that "some school systems have discarded the use of teaching materials relating to the UN or its specialized agencies because of highly vocal minority groups." According to Anne O'Hare McCormick (N.Y. Times, June 30), the recent action of the Senate Appropriations Committee "in attaching a rider to an appropriations bill which would ban the use of funds by any international agency that directly or indirectly promoted one-world government or world citizenship" brings into the open a series of scattered and variously sponsored attacks on the UN Educational, Scientific and Cultural Organization. Although not referred to by name, UNESCO was the target of the rider, as it is the target of a sniping campaign which aims at the UN in general but concentrates its fire on that branch of the world organization dealing with cultural cooperation among nations."

SCIENTISTS The entire June 28 issue of The Nation, entitled "How EXCLUDED Free is Free?" was devoted to the subjects of civil liberties and academic freedom. In one article, "Scientists in the Doghouse," Kirtley Mather cites an example of the workings of local pressure groups. The National Americanism Commission of the American Legion has issued a blacklist of lecturers, writers, and others. "On many occasions," Mather says, "over-zealous Legionnaires have made strenuous attempts -- not all unsuccessful -- to bar scientists from appearing on local programs."

Court Asserts Travel Right (Continued from Page 1).

cases, possibly indicating that improvements may be expected. But the defense was weakened by the evidence in the Bauer case, where the defendant received no information as to the reasons for the denial, and by the Lattimore case, where Department arbitrariness -- and fear of the McCarthy-McCarran axis -- were all too obvious.

The passport battle is still far from won, but there is increasing evidence that the tide is turning. Court decisions, the pressure of public opinion, and Congressional restiveness over passport and visa denials are rapidly forcing more intelligent views of the matter.

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