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SPECIAL OPPENHEIMER ISSUE

June 23, 1954

A E C RELEASES OPPENHEIMER TRANSCRIPT

SCIENTISTS REACT TO BOARD VERDICT

Protests from the scientific community about the Oppenheimer verdict piled up after the board's findings were announced. The Alsops reported on June 18 that "the shock and indignation of the reaction are really hard to convey. ... The truth or falsehood of the charges is not the real point. The real point is that the scientists regard these charges as fundamentally irrelevant to a security proceeding."

The FAS Executive Committee and chapters at Chicago, Stanford, U. of Illinois and Schenectady-Troy released statements. In addition, 10 FAS Advisory Panel and Executive Committee members sent an open letter to the President on June 6, calling for "a sound security policy which will not imperil the vigor of the scientific progress on which our national defense depends." Recognizing much "that is commendable" in the AEC's security procedures, the letter stressed the "need to clarify what is meant by a 'security risk' and the evidence...relevant to such a determination."

PETITIONS Reaction from Los Alamos was swift and widespread. A petition was circulated and gathered 282 signatures in one day; since then, more than half the scientific staff of the laboratory have signed -- totalling 492. The petition, sent to the President, the 5 AEC Commissioners and Joint Committee chairman Cole, said that "a man can give no better proof of his devotion to the security of our country than has Dr. Oppenheimer by his record over the past 12 years." Protests also included a petition to President Eisenhower June 4, over the signatures of 14 U. of Washington (Seattle) physics and mathematics professors, a letter-to-the-editor of the N. Y. Times June 18 from 12 Washington U. (St. Louis) members of the physics and chemistry departments, and a letter to the AEC from 214 scientists at the Argonne National Laboratory June 19.

Most of the statements released discussed the charge that Oppenheimer lacked "enthusiasm" for the H-bomb project. The Council of the American Physical Society on June 12, said: "Charges based on policy disagreement appear to be customary in Russia but we regard them as not only morally reprehensible but also very harmful to our national welfare. If a man whose advice is sought must fear that his potential utility to the Government may be challenged because his reasoned recommendations later become politically unpopular, he may be tempted to give advice that is politically safe rather than technically valid."

The statements stressed that "the case also constituted a trial of the security system itself," as Dael Wolfe wrote in Science June 18. The Mohawk Chapter of FAS said the "positive aspects" of security should have been included, namely, "the potential advantages of retaining the services of a man of outstanding ability proven in past service." Vannevar Bush, in the N. Y. Times Magazine of June 13, discussed the broader aspects of the relations of scientists and the government. He said, "the stifling of opinions can wreck any effort of free men, but it can wreck science more rapidly and completely." Noting that the Gray board based its decision in part on Oppenheimer's associations, the U. of Illinois FAS Chapter said: "It is not unlikely that many physicists who are willing to work for the government will soon be faced with the charge, 'It is reported that you have been associated with Dr. Robert Oppenheimer, who has been fired by the Atomic Energy Commission as a security risk.'"

The AEC, after consultation with witnesses but apparently not with Oppenheimer's lawyers, released on June 15 the 992-page, fine-print transcript of the Oppenheimer security clearance hearings before the special board composed of Gordon Gray, Ward V. Evans and Thomas A. Morgan. The AEC said (June 16) that the "Commission" will reach its decision "later this month." It had earlier (June 7) declined to allow further oral arguments by Oppenheimer's attorneys.

Release of the hearing transcript was in apparent contradiction to the board's assurance to each witness that the AEC "will initiate no releases about these proceedings." The AEC's covering statement, however, explained: "Dr. Oppenheimer's attorneys...have issued texts of some of the documents. In the present circumstances, release of the transcript, within the limits of security, will in the opinion of the Commission best serve the public interest."

Three Joint Atomic Energy Committee members -- Durham, Price and Holifield -- criticized the AEC's action. Durham and Price said that if the record was to be made public, the hearings should have been public. Another member, Rep. Hinshaw (R, Cal.), disclosed June 16 that the decision to publish the secret

Excerpts from transcript of hearings pages 3, 4, 5
(992-page text available from Gov't Printing Office, \$2.75)

Excerpts from brief by Oppenheimer's lawyers pages 2, 6
(text at cost from Lloyd K. Garrison, 575 Madison Ave., N.Y.)

testimony was made only after a copy of the hearings data was lost on June 11 by AEC Commissioner Zuckert, while on a train trip. It turned up at the Boston lost-and-found department June 13, Hinshaw said, and it was feared that the data may have been compromised. According to a UP report June 17, however, "informed sources" denied that the temporary loss of the documents was the reason for the AEC action.

BRIEFS ALSO RELEASED Notified at noon June 15 that the AEC was releasing the transcript of the hearing, Oppenheimer's lawyers immediately decided to issue to the

press the two briefs filed on behalf of Oppenheimer, with the Personnel Security Board on May 17, and with the AEC on June 7. Counsel Garrison pointed out in a covering release that "the 19 volumes of testimony containing some 3,300 pages obviously cannot be carried in the press in full, but can be printed only in fragments necessarily taken out of context. [It has indeed proved most difficult to excerpt from this document -- see p. 3. -- Ed.]... We are releasing...the briefs...in order that the testimony may be more readily judged as a whole, and that allegations summarily disposed of or not thought worthy of discussion in the Board's report may be seen for what they were."

CONGRESSIONAL REVIEW According to James Reston (N. Y. Times, June 14), Jt. Committee Chairman Cole stated in a television interview June 13 that he could

not "foresee a development which might cause his committee to make a further inquiry into the Oppenheimer case." It would not, he later explained, look into the matter if the AEC upheld the majority findings of the Gray board, "but may hold hearings if the AEC Commission clears Oppenheimer." The UP (June 17) said Eisenhower said he would make inquiries about this statement.

OUTLINE OF OPPENHEIMER BRIEF

The brief submitted to the AEC June 7 by Oppenheimer's counsel was divided into 2 major portions. The first was a summary, based in part on the evidence presented at the hearings, of previous considerations given by various executive agencies to Dr. Oppenheimer's loyalty status. The second was centered about the 4 controlling considerations stated by the Personnel Security Board majority as the basis for their recommendation against clearance.

In the first section, counsel summarized some of the pertinent points in connection with Oppenheimer's previous clearances: by the Manhattan District in 1943, by the AEC in 1947, and, as a member of the Atomic Energy Committee of the Research & Development Board of the Defense Dept. in 1953. In connection with the first of these, it was pointed out that Gen. Groves "has repeatedly stated that he has never regretted that decision, and when asked at the hearings if he thought Dr. Oppenheimer 'would ever consciously commit a disloyal act,' he answered 'I would be amazed if he did.'" In connection with the 1947 clearance, counsel called attention to the facts that 3 members of the Commission approving clearance at that time had testified to the "voluminous character of the information they had studied and the care with which the unanimous action had been taken by the 5 commissioners." (The testimony of Pike, Bacher and Lilienthal referred to by counsel here is quoted elsewhere in the Newsletter.)

In 1950, then Chairman Gordon Dean had occasion to make a comprehensive review of Oppenheimer's personnel file. During the hearing, he was asked to give his judgment about Oppenheimer after having gone through that file. He replied: "There was no question in my mind -- I must say when I first looked at the file, I had doubts, largely growing out of these early associations -- but there was never any doubt in my mind after I examined the file and based partly on my knowledge of Dr. Oppenheimer, which was very close, there was never any doubt as to his loyalty in my opinion. None. That decision had to be made one way or the other. It could not be half way. There were some unpleasant early associations when you look at them in retrospect, but as far as his loyalty I was convinced of it, not that the file convinced me so much, but the fact that here was...one of the few men who can demonstrate his loyalty to his country by his performance. Most people illustrate their loyalty in negative terms. They did not see somebody. Here is a man who had an unusual record of performance. It is much broader than I have indicated so far."

In connection with the 1953 clearance, the testimony of Walter Whitman, then chairman (1951-53), Research & Development Board, was cited as follows in the Brief: "To the best of his recollection, everything in the Commission's letter of Dec. 23, 1953, other than the H-bomb item, was in this file. He 'prayerfully' thought the whole thing over and 'unqualifiedly' recommended Dr. Oppenheimer's reappointment as a consultant. ... Dr. Whitman testified that he 'would make the same recommendation today;' his opinion was that Dr. Oppenheimer 'is completely loyal and that he is not any more of a security risk than I am.'"

This first section of the Brief concludes with quotations from and references to the testimony of a long list of eminent scientists and government officials, affirming their complete faith in Oppenheimer's loyalty on the basis of their intimate contact with him during and after the war, both officially and socially.

The end of this section dealt with testimony by Teller, "widely regarded as Dr. Oppenheimer's chief critic and called as a witness...for the Commission...: '...I have always assumed, and I now assume that he is loyal to the US. I believe this, and I shall believe it until I see very conclusive proof to the opposite. Q. Now, a question which is the corollary of that. Do you, or do you not, believe that Dr. Oppenheimer is a security risk? A. In a great number of cases I have seen Dr. Oppenheimer act -- I understood that [he] acted -- in a way which for me was exceedingly hard to understand. I thoroughly disagreed with him in numerous issues and his actions frankly appeared to me confused and complicated. To this extent I feel that I would like to see the vital interests of this country in hands which I understand better, and therefore trust more. In this very limited sense I would like to express a feeling that I would feel personally more secure if public matters would rest in other hands."

"On further examination by the Chairman of the Board,"

the Brief continued, "Dr. Teller testified: 'I believe, and that is merely a question of belief and there is no expertness, no real information behind it, that Dr. Oppenheimer's character is such that he would not knowingly and willingly do anything that is designed to endanger the safety of [the US]. To the extent...that your question is directed toward intent, ...I do not see any reason to deny clearance. If it is a question of wisdom and judgment, as demonstrated by actions since 1945, then I would say one would be wiser not to grant clearance. I must say that I am myself a little bit confused on this issue, particularly as it refers to a person of Oppenheimer's prestige and influence.'

"It is thus apparent that Dr. Teller's objection to the granting of clearance to Dr. Oppenheimer was based on his criticism of Dr. Oppenheimer's wisdom and judgment. Dr. Teller recognized that he was a 'little bit confused' on this point; and we think this same confusion as to the relevance of differences of opinion to the problem of security risk has crept into the majority's recommendations."

The second major section dealt with the 4 considerations stated to be controlling by the Personnel Security Board: "1. We find that Dr. Oppenheimer's continuing conduct and associations have reflected a serious disregard for the requirements of the security system. 2. We have found a susceptibility to influence which could have serious implications for the security interest of the country. 3. We find his conduct in the hydrogen bomb program sufficiently disturbing as to raise a doubt as to whether his future participation, if characterized by the same attitudes in a Government program relating to the national defense, would be clearly consistent with the best interest of security. 4. We have regretfully concluded that Dr. Oppenheimer has been less than candid in several instances in his testimony before the Board."

DISREGARD FOR SECURITY SYSTEM

With respect to the first point, counsel agreed with the Board's characterization of the Chevalier incident in 1943, as showing "an arrogance of his own judgment with respect to the loyalty and reliability of other citizens to an extent which has frustrated and at times impeded the workings of the system." The Brief then discusses in detail other items cited by the Board majority as indicating disregard for security requirements and endeavors to show in each case that the requirements of the security system were fulfilled.

SUSCEPTIBILITY TO INFLUENCE

With respect to the Board's second controlling consideration, the Brief reviewed the 3 incidents on which it was based. The first of these concerned Oppenheimer's protest against Lomanitz's being drafted in 1943, which the Board alleged Oppenheimer was led to make by "the outraged intercession of Dr. Condon." The Brief contended that Oppenheimer "expressed his own honest judgment" and that he was led to protest Lomanitz's induction because of "the scarcity of able scientists to work on the atomic project." It pointed out that "Col. Lansdale testified in these proceedings that Dr. E. O. Lawrence, dir. of the Rad. Lab. at Berkeley where Lomanitz worked as a physicist, also objected, ...even more vehemently, to the cancellation of Lomanitz's deferment."

The second incident cited was Oppenheimer's public denial in a letter to a Rochester newspaper of his testimony before the Un-American Activities Committee with respect to Bernard Peters in 1949. The Majority felt Oppenheimer wrote this letter "as a result of protestations by Dr. Condon, by Dr. Peters himself, and by other scientists." The Brief contends "Oppenheimer said that he did not think he was being placed under pressure by either Dr. Peters or Dr. Condon; that, indeed, Dr. Condon's intervention merely angered Dr. Oppenheimer; that the 'real pressure came from people who were not belligerent at all, but who were regretful...Bethe, Weisskopf, my brother. They wrote very, very nice letters saying, this guy was...suffering for something because I had done it and he should stay on his job.' ... Again, this is not a case of susceptibility to coercion. It was rather a case of listening to...people for whom Dr. Oppenheimer had respect."

The final incident said that in the Peters episode, "Dr. Condon's letter, which has appeared in the press, contained a

(Continued on Page 6, Column 1)

EXCERPTS FROM TESTIMONY IN OPPENHEIMER CASE

Given below are excerpts from the 992 pages of the transcript, released by the AEC, of the testimony before the Gray Security Board. Forty witnesses testified; 32 called by Lloyd K. Garrison, counsel for Oppenheimer, and 8 by Roger Robb, counsel for the Gray Board. Of the 38 witnesses other than Dr. and Mrs. Oppenheimer, 36 testified that Oppenheimer was loyal, one was not questioned about Oppenheimer's loyalty, and only one, William L. Borden, directly accused Oppenheimer of disloyalty; the Board unanimously decided that "Dr. Oppenheimer is a loyal citizen." As to whether Oppenheimer is a security risk, a N. Y. Times summary interprets that 30 of the 38 testified no, 5 testified yes and 3 were not questioned directly on this point. The Board Majority, Chairman Gordon Gray and Mr. Thomas A. Morgan, found that he was a security risk, while Dr. Ward V. Evans dissented.

The brief excerpts below cannot possibly represent adequately the full testimony; copies of the full transcript as released will be available this week from: Sup't of Documents, Gov't Printing Office, Washington 25, D.C.; price \$2.75. Highlights of transcript follow, in order of testimony.

* * *

Gen. Leslie R. Groves, who headed the war-time Manhattan Project, in response to questioning by Garrison:

Q. How would you rate the quality of his achievement as you look back on it? A. Naturally I am prejudiced, because I selected him for the job, but I think he did a magnificent job as far as the war effort was concerned. In other words, while he was under my control -- and you must remember that he left my control shortly after the war was over. Q. If you had to make the decision again, would you make it in the same way with respect to the selection of Dr. Oppenheimer and devolving the responsibilities on him which you did? A. I know of no reason why not. Assuming all the conditions are the same, I think I would do it. ...

Q. Based on your total acquaintance with him and your experience with him and your knowledge of him, would you say that in your opinion he would ever consciously commit a disloyal act? A. I would be amazed if he did. ... Q. Apart from the question of compartmentalization as an operating policy, you had no occasion to believe that any leakage of information from Los Alamos occurred as a result of any conscious act of Dr. Oppenheimer's? A. Oh, no. ... Q. You had complete confidence in his integrity? A. During the operation of Los Alamos, yes, which was where I really knew him. Q. And you have that confidence today? A. As far as that operation went, yes. As I say, as far as the rest of it goes, I am, you might say, not a witness. I am really ignorant on that, excepting what I read in the papers."

In cross-examination, Groves was asked if he would clear Oppenheimer today. Groves asked for and read this paragraph from the Atomic Energy Act before replying:

"It says: 'The Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security,' and it mentions that the investigation should include the character, associations, and loyalty.

"My interpretation of 'endanger' -- and I think it is important for me to make that if I am going to answer your question -- is that it is a reasonable presumption that there might be a danger, not a remote possibility, a tortured interpretation of maybe there might be something, but that there is something that might do. Whether you say that is 5% or 10% or something of that order does not make any difference. It is not a case of proving that the man is a danger. It is a case of thinking, well, he might be a danger, and it is perfectly logical to presume that he would be, and that there is no consideration whatsoever to be given to any of his past performances or his general usefulness or, you might say, the imperative usefulness. I don't care how important the man is, if there is any possibility other than a tortured one that his associations or his loyalty or his character might endanger. In this case I refer particularly to associations and not to the associations as they exist today but the past record of the associations. I would not clear Dr. Oppenheimer today if I were a member of the Commission on the basis of this interpretation. If the interpretation is different, then I would have to stand on my interpretation of it."

David E. Lilienthal, AEC Chairman '46-50, reviewed the

AEC's actions on Oppenheimer's clearance in 1947, with respect to his evaluation of the then available information:

Q. And I believe you have testified there were some items that you accepted as true, and some you had doubt about? A. Yes. I can't remember which was which, but I have the recollection that some of these things were stronger and more clear than others, but the whole picture was that of derogatory information about the man's past associations, and one episode that was worse than that...involving Chevalier. Q. What do you mean...? A. ...this struck me as being the only thing...in the whole record, that would give the gravest concern, and...the thing that dismissed that concern from my mind was the fact that Gen. Groves and Mr. Lansdale, the security officer, at the time this happened examined this man on the question, and were apparently satisfied that this man was not or did not endanger the national security, and the evidence to that was they kept him on. I can't add anything to that. That seemed to me a very conclusive kind of a judgment about whether he was dangerous or not."

Asked for his own evaluation of Oppenheimer as a possible security risk, Lilienthal testified as follows:

Q. As a result of your experience with Dr. Oppenheimer and your knowledge of him, have you formed an opinion as to his loyalty, his integrity, his character, all the other factors that go into forming a judgment as to his loyalty, security? A. Yes. ... I have no shadow of a doubt in my mind that here is a man of good character, integrity and of loyalty to his country. Q. How would you assess him as a security risk? A. I did not regard him up until the time my knowledge of the program ceased, and had no occasion to regard him as a security risk. Q. I think you already indicated that in Mar. 1947 you consciously assayed the situation and came to the conclusion that he was not a security risk? A. Yes, At that time we had this file before us and that was my conclusion that, in the light of the overall picture, taking everything into account, the minus signs were very few indeed, and the plus signs very great indeed, and I thought he was a contribution to the security of the country. I have had no occasion since that time to change that view. Q. Has your experience with him confirmed that view? A. My experience from that time did confirm that view. I am sure that it is clear that he has made great contributions to the security of the country."

James B. Conant, member, AEC General Advisory Committee (GAC) '47-52, tried to clarify the reasoning behind the H-bomb delay indictment in the letter of charges:

"It seems to me that clearly the question before you here is...the implied indictment [that] Oppenheimer's association with alleged Communist sympathizers in the early days of his youth ...somehow created a state of mind in Dr. Oppenheimer so that he opposed the development of the hydrogen bomb for...reasons which were detrimental to the best interests of the US, because they were interests of the Soviet Union which he in one way or another had at heart. That, I take it, is the issue which...is before you in part.... It is to that that I would like to speak for, I think, I have some evidence that convinces me that any such charge is completely ill founded.

"If it were true that Dr. Oppenheimer's opposition to the development of the hydrogen bomb were in any way connected with a sympathy which he might have had with the Soviet Union, or communism, then surely many other actions and decisions which he was involved in over the period of years in which I was associated with him would have likewise been influenced by any such point of view. The record is quite the contrary. I just call your attention to a few facts probably already before you -- actions of Dr. Oppenheimer, participation in decisions, all of which were strongly detrimental to the interests of the Soviet Union after the close of the war. We can start with the time shortly after the Acheson-Lilienthal report. ...

"At that time it seemed to me that Dr. Oppenheimer's appraisal of the Russian menace...was hard-headed, realistic, and thoroughly anti-Soviet, designs which even then were quite clear with the expansion into the free world. That would be my first basis for believing that his attitude at that time was thoroughly loyal to the US and thoroughly opposed to the Soviet Union and communism in every way. Then coming to the period when he became chairman of the GAC. ... As Winston Churchill later said,

it was the possession of the atomic bombs in our hands that prevented, so he believes, Russia being at the channel ports during that period of history. There was a great deal to be done. Dr. Oppenheimer was a vigorous proponent as chairman of the committee of getting ahead and putting that shop in order. Los Alamos was revived. From then on all the decisions of the committee, with possibly the exception of this controversial thing about the hydrogen bomb would, I think, be shown entirely on the side of arming the US. There was only one possible enemy against whom it was being done -- it was the Soviet Union. ...

"As seems implied in this indictment that Dr. Oppenheimer was influenced by pro-Soviet and anti-US views, he would not have taken the views he did. I name just 2 that come to me. One is...getting ahead rapidly on methods of detecting any explosion that might occur in the atomic field by the Russians. ... Clearly anybody that was influenced by any point of view in favor of the Soviet Union could hardly have done that. Another matter -- the development of smaller atomic bombs which could be used for tactical purposes; support of the ground troops which in my judgment of military strategy seemed to me of great importance. That was a matter which I know he pushed vigorously in the committee. He made strong statements about it...he was very active.

"...Late that year or early in 1951 we put out some statements urging Universal Military Service and urging that we send more troops to Europe, generally the policy which has become the policy of the US. Dr. Oppenheimer was asked to join that committee [Committee on the Present Danger]. He joined it. He subscribed to all those doctrines which were most vigorously anti-Communist. ... As far as the defense of Europe on the ground is concerned, things have followed the way we at least advocated."

Sumner T. Pike, AEC Commissioner '46-50, in response to questioning as to his opinion of Oppenheimer's loyalty:

"I never had any question about his loyalty. I think he is a man of essential integrity. I think he has been a fool several times, but there was nothing in there that shook my feeling. ... Q. In your judgment is his character and the associations of the past and his loyalty such that if he were to continue to have access to restricted data, he would not endanger the common defense or security? A. No, I don't think he would endanger the common defense or security the least bit."

Pike, one of the AEC Commissioners who had opposed a crash program for the H-bomb, stated the points he had considered of greatest importance at that time (November 1949):

"One of them was that we had no knowledge that the military needed such a weapon. Another one was that the cost of producing tritium in terms of plutonium that might otherwise be produced looked fantastically high -- 80 to 100 times, probably, gram for gram. The third one, and this sort of tied into the first, was, as we all know, that the damage power of the bomb does not increase with the size of the explosion, and it seemed that it might possibly be a wasted effort to make a great big one where some smaller ones would get more efficiency. I think I put in another one: That as between the fission work we were doing and the fusion thing in question here, there were some good things about the fission things. Up to that time and up to the present nobody has brought up anything useful for mankind out of the fusion."

Walter G. Whitman, GAC member since '50, responding to questions on the Committee's H-bomb discussions:

"Q. Was Dr. Oppenheimer's position at that meeting one of actively being in favor of going ahead with whatever line of development was there agreed upon? A. Yes. He very much took the position of being the moderator of the meeting to be sure that all of the facts were brought out, that the discussion was active between some of these very brightest minds of the country, and to see to it that the thing was pulled together in the way of a conclusion as to future action. ... This subject came up again and again at our meetings. Frankly, I was shocked to read any comment that there was an attempt to obstruct progress after the decision was made, because all the way through I had the feeling that he not only was not obstructing but that he was working hard toward helping the early success of the hydrogen program. ..."

Trying to relate Oppenheimer's stand on the H-bomb to his broad position relating to the nation's defense, Whitman said:

"I should say that he more than any other man served to educate the military to the potentialities of the atomic weapon for

other than strategic bombing purposes; its use possibly in tactical situations or in bombing 500 miles back. He was constantly emphasizing that the bomb would be more available and that one of the greatest problems was going to be its deliverability, meaning that the smaller you could make your bomb in size perhaps you would not have to have a great big strategic bomber to carry it, you could carry it in a medium bomber or you could carry it even in a fighter plane.

"In my judgment his advice and his arguments for a gamut of atomic weapons, extending even over to the use of the atomic weapon in air defense of the US has been more productive than any other one individual. You see, he had the opportunity to not only advise in the AEC, but advise in the military services in the Department of Defense. The idea of a range of weapons suitable for a multiplicity of military purposes was a key to the campaign which he felt should be pressed and with which I agreed."

Vannevar Bush, war-time head of OSRD, testified on Oppenheimer's war-time achievements at Los Alamos:

"He did a magnificent piece of work. More than any other scientist that I know of he was responsible for our having an atomic bomb on time. ... Q. What significance would you attach to the delivery of the A-bomb on time, or was it delivered on time?

A. That bomb was delivered on time, and that means it saved hundreds of thousands of casualties on the beaches of Japan. It was also delivered on time so that there was no necessity for any concessions to Russia at the end of the war. It was on time in the sense that after the war we had the principal deterrent that prevented Russia from sweeping over Europe after we demobilized. It is one of the most magnificent performances of history in any development to have that thing on time."

On Oppenheimer's loyalty and the importance of the charges in General Nichols' letter:

"I had at the time of the Los Alamos appointment complete confidence in the loyalty, judgment, and integrity of Dr. Oppenheimer. I have certainly no reason to change that opinion in the meantime. I have had plenty of reason to confirm it, for I worked with him on many occasions on very difficult matters. I know that his motivation was exactly the same as mine, namely, first, to make this country strong, to resist attack, and second, if possible, to fend off from the world the kind of mess we are now getting into.

Bush gave his impression of the controlling considerations at the time the H-bomb development was under discussion and went on to comment on the appropriateness of the Oppenheimer charges in that connection:

"It was not a question, as I understand it, of whether we should proceed or not. It was a question of whether we should proceed in a certain manner and on a certain degree. I have never expressed opinions on that. But certainly there was a great deal of opinion which seemed to me sound that the program as then presented was a somewhat fantastic one. So it was not a question of do we proceed or do we not. I think there was no disagreement of opinion as to whether we ought to be energetic in our research, whether we should be assiduously looking for ways in which such a thing could be done without unduly interfering with our regular program. The question of whether we proceeded along a certain path -- may I say one more word on that, Mr. Chairman, quite frankly, and I hope you won't misunderstand me, because I have the greatest respect for this board. Yet I think it is only right that I should give you my opinion.

"I feel that this board has made a mistake and that it is a serious one. I feel that the letter of Gen. Nichols which I read, this bill of particulars, is quite capable of being interpreted as placing a man on trial because he held opinions, which is quite contrary to the American system, which is a terrible thing. And as I move about I find that discussed today very energetically, that here is a man who is being pilloried because he had strong opinions, and had the temerity to express them. If this country ever gets to the point where we come that near to the Russian system, we are certainly not in any condition to attempt to lead the free world toward the benefits of democracy.

"Now, if I had been on this board, I most certainly would have refused to entertain a set of charges that could possibly be thus interpreted. As things now stand, I am just simply glad I am not in the position of the board. Mr. Gray: What is the mistake the board has made? Bush: I think you should have immediately

said before we will enter into this matter, we want a bill of particulars which makes it very clear that this man is not being tried because he expressed opinions."

Robert F. Bacher, AEC Commissioner '46-49, testified as follows:

"Q. How well do you feel that you know Dr. Oppenheimer?

A. I feel I know him very well. I have worked very closely with him during the war, have seen him frequently since the war, and feel I know him really very well. I just don't think it would be possible to work with a man as closely as I worked with Dr. Oppenheimer during the war without knowing him very well. Q. What is your opinion as to his loyalty to the US? A. I have no question at all of his loyalty. Q. On what do you base that? Is that purely a subjective judgment? A. I think opinions of that sort are always subjective judgments. In this case I put great credence in my own judgment, naturally, because I know him very well. But this is essentially an assessment on my part based on knowing him for a great many years. I have the greatest confidence in his loyalty.

Q. What would you say as to his sense of discretion in the use that he would make of the knowledge that has come to him and will continue to come to him assuming that he continues in Government work? A. ...as to his discretion I have always found Dr. Oppenheimer to be very discreet in his handling of classified information. ...I have the highest confidence in Dr. Oppenheimer, I consider him to be a person of high character. I consider him to be a man of discretion, a good security risk and a person of full loyalty to the country."

Edward Teller, at Los Alamos '43-46, and leading scientist in the H-bomb program, was questioned primarily about Oppenheimer's role in the planning of the H-bomb development:

"It is my belief that if at the end of the war some people like Dr. Oppenheimer would have lent moral support, not even their own work...to work on the thermonuclear gadget, I think we could have kept at least as many people in Los Alamos as we then recruited in 1949 under very difficult conditions. I therefore believe that if we had gone to work in 1945, we could have achieved the thermonuclear bomb just about 4 years earlier. This...is very much a matter of opinion because what would have happened if things had been different is certainly not something that one can ever produce by any experiment."

Asked about Oppenheimer's opinions on the feasibility of producing an H-bomb Teller testified:

"...to construct the thermonuclear bomb is not a very easy thing, and...in our discussions, all of us frequently believed it could be done, and again we frequently believed it could not be done. I think Dr. Oppenheimer's opinions shifted with the shifting evidence. To the best of my recollection before we got to Los Alamos we had all of us considerable hopes that the thermonuclear bomb can be constructed. It was my understanding that these hopes were fully shared by Dr. Oppenheimer. Later some disappeared and perhaps to counterbalance some things that might have been said, I think I have made myself some contributions in discovering some of these difficulties. I clearly remember that toward the end of the war Dr. Oppenheimer encouraged me to go ahead with the thermonuclear investigations."

The testimony brought out the fact that an idea of Teller's first conceived and demonstrated to be practicable in 1951, altered Oppenheimer's attitude considerably. Teller testified: "By that time we had evolved something which amounted to a new approach, and after listening to the evidence of both the test and the theoretical investigations on that new approach, Dr. Oppenheimer warmly supported this new approach, and I understand that he made a statement to the effect that if anything of this kind had been suggested right away he never would have opposed it."

Teller was asked to say what the effect upon the atomic energy and thermonuclear programs would be if Oppenheimer should "go fishing for the rest of his life." Teller replied: "...after the war Dr. Oppenheimer served on committees rather than actually participating in the work. I am afraid this might not be a correct evaluation of the work of committees in general, but within the AEC, I should say that committees could go fishing without affecting the work of these who are actively engaged in the work. In particular, however, the general recommendations that I know have come from Oppenheimer were more frequently, and I mean not only and not even particularly the thermonuclear

case, but other cases, more frequently a hindrance than a help, and therefore, if I look into the continuation of this and assume that it will come in the same way, I think that further work of Dr. Oppenheimer on committees would not be helpful."

Asked specifically if Oppenheimer's having access to restricted data would endanger the national security, the wisdom of his advice aside, Teller said: "...the very limited knowledge which I have on these matters and which are based on feelings, emotions, and prejudices, I believe there is no danger." (Further Teller testimony appears in the summary of the Brief, page 2.)

William L. Borden, executive director of the Joint Congressional Atomic Energy Committee from Jan. '49 to June 1, 1953, was called to testify and read into the record a letter he had written Nov. 7, 1953 to J. Edgar Hoover:

The conclusions in that letter, Borden testified, were the result of long and serious consideration of Oppenheimer's personnel file, including the FBI reports. He did not know Oppenheimer personally, but had met him on a few occasions. The letter stated in part: "The purpose of this letter is to state my own exhaustively considered opinion, based upon years of study, of the available classified evidence, that more probably than not J. Robert Oppenheimer is an agent of the Soviet Union. ... From such evidence, considered in detail, the following conclusions are justified:

"1. Between 1929 and mid-1942, more probably than not, J. Robert Oppenheimer was a sufficiently hardened Communist that he either volunteered espionage information to the Soviets or complied with a request for such information. (This includes the possibility that when he singled out the weapons aspect of atomic development as his personal specialty, he was acting under Soviet instructions.) 2. More probably than not, he has since been functioning as an espionage agent; and 3. ... has since acted under a Soviet directive in influencing the US military, atomic energy, intelligence, and diplomatic policy."

Garrison chose not to cross-examine Borden, giving the following explanation: "Borden...stated that the letter constituted his conclusions, and that he had nothing to add. It is quite clear that the letter consists not of evidence, but of Mr. Borden's opinions arrived at from studying FBI reports and other unspecified data. These opinions relate essentially to the items contained in Gen. Nichols' letter to Dr. Oppenheimer of Dec. 23, 1953, which have been canvassed in the testimony, and the documents before this board. It is apparent that except for Mr. Borden's conclusions about espionage, for which there is no evidence, and as to which the chairman has assured us there is no evidence before the board, Mr. Borden's opinions represent his interpretation of evidentiary matters which this board has been hearing about for the past 3 weeks from persons who actually participated in the particular events which have been the subject matter of this investigation. In view of these considerations, it has seemed to us that if we were now to ask Mr. Borden to develop further his opinions and conclusions, we would merely be inviting argument about the interpretation of evidence."

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OUTLINE OF OPPENHEIMER BRIEF (Cont. from page 2). severe attack on Dr. Oppenheimer. Nevertheless, he now testifies that he is prepared to support Dr. Condon in the loyalty investigation of the latter." The Brief stated: "We do not understand the import of this statement by the majority. Surely, the majority does not mean that it is in any sense an indication that a man has a tendency to be coerced if he is large enough to be willing to testify in support of another man who happens to have made a personal attack on him. This and the Peters letter seem to us instances where the Board mistakes Dr. Oppenheimer's generosity as an indication of security risk. ... What the 3 incidents in question in fact show is: in the first, that in 1943 Dr. Oppenheimer was anxious, as were others, to keep the scientific services of an able scientist; in the second, that he sought to correct in public the unfair impression which publication of secret hearings had unexpectedly created; and in the third, that he was prepared to bear witness in support of a man who, he believed, deserved it even though that man may have personally angered him."

H - BOMB PROGRAM The third controlling consideration was felt to be Oppenheimer's conduct with respect to the H-bomb program. The Brief begins by pointing out that all of the charges in Gen. Nichols' letter have been, as a result of the hearings, rejected by the Board. The Board goes on, however, to the effect that "The opposition to the H-bomb by many persons connected with the atomic energy program, of which Dr. Oppenheimer was the 'most experienced, most powerful and most effective member' did delay the initiation of concerted effort which led to the development of the thermonuclear weapon."

The Brief first refers to the minority report of Dr. Evans: "[Oppenheimer] did not hinder the development of the H-bomb and there is absolutely nothing in the testimony to show that he did." With respect to the alleged role of Oppenheimer in delaying the initiation of concerted effort, the Brief discusses exhaustively the time-table of H-bomb discussions and concludes that the Board's finding "must be related to the 4-months' period from Oct. 29, 1949 when the GAC made its report, to Jan. 29, 1950, when the President made his decision. But these months cannot properly be considered as a 'delay' nor ascribed to Dr. Oppenheimer. It was a short enough period at best in which to consider the momentous issues...involved, and in view of the division of opinion within the AEC and the State Dept...., to say nothing of the very strong views of the other GAC members, there is no basis for supposing that if Dr. Oppenheimer's advice had been in favor of proceeding, the time of deliberation would have been any shorter." (Some testimony here referred to is quoted elsewhere in this NL.)

LACK OF CANDOR The final controlling consideration was dealt with at great length. Again, the impression of Dr. Evans in his minority report was quoted: "[Oppenheimer's] statements in cross examination show him to be still naive, but

extremely honest..." The Board maintained that Oppenheimer misled them when he testified that the GAC was asked in the fall of 1949 to consider a 'crash program' in the development of the H-bomb. The Brief states that Conant, Fermi, Rabi, Buckley, DuBridge, and Rowe testified, and "all took it for granted that the question of whether or not to proceed with an all-out program was the question which they were to decide."

The Board also felt that Oppenheimer failed to make it clear to them that he was unqualifiedly against any H-bomb program. The Brief contends that the testimony shows that Oppenheimer's opposition to the H-bomb program was not unqualified. He did, in the GAC report, make the statement that "the Super bomb should never be produced..." On the other hand, the GAC report also states: "We are all reluctant to see the US take the initiative in precipitating this development." And Oppenheimer in his testimony before the Board stated: "I think in the report itself we were unanimous in hoping that the US would not have to take the initiative in the development of this weapon." It would appear from the argument in the Brief that Oppenheimer's signature to the GAC report containing the above quoted phrase about never producing an H-bomb reflected an attempt to judge the overall desirability of an H-bomb at that time, but did not imply unconditional opposition to the development of an H-bomb, as shown by many other excerpts from the testimony.

One other incident that may have influenced the Board's decision with respect to Oppenheimer's candor was commented on in Evans' minority report which is quoted in the Brief: "[Oppenheimer] said on one occasion that he had not heard from Dr. Seaborg, when in fact he had a letter from Dr. Seaborg. In my opinion he had forgotten about the letter or he would never have made this statement for he would have known that the Government had the letter. I do not consider that he lied in this case."

CONCLUSION The Brief concludes by emphasizing that it is not merely a question of Oppenheimer's continued employment by the Commission that is to be decided, but "whether he is unemployable on any project requiring access to classified information because it is not safe to let him have such access." Here, a quotation is taken from John J. McCloy's testimony: "In other words, you can't be too conventional about it or you run into a security problem the other way. We are only secure if we have the best brains and the best reach of mind in this field. If the impression is prevalent that scientists as a whole have to work under such great restrictions and perhaps great suspicion, in the US, we may lose the next step in this field, which I think would be very dangerous for us."

Before summing up, the Brief quotes a memorandum on Frank Graham, by the Commission itself: "Our long range success in the field of atomic energy depends in large part on our ability to attract into the program men of character and vision with a wide variety of talents and viewpoints."

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