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J. Robert Oppenheimer
The Atomic Energy Commission and His Security Clearance
Selected Documents
Roger A. Meade, Editor

On April 14, 1954, Laboratory employees were formally notified by a “*Special Bulletin to All Employees*” (Appendix A) that the Atomic Energy Commission had convened a Personnel Security Board, at the request of J. Robert Oppenheimer, to investigate “substantial derogatory information” about their former director. Long on procedural detail and short on specifics, the Bulletin served primarily as an announcement that “A board was accordingly established for the purpose of hearing the case and advising the Commission as to whether or not suspension of clearance of Dr. Oppenheimer should be made permanent.”¹

The Personnel Security Board met from April 12 to May 6, 1954, taking testimony from forty witnesses, including Oppenheimer, in what became an adversarial rather than fact finding proceeding. The Government Printing Office published the transcript of the hearing, which runs to 903 pages, and is the source authority for what was said about Oppenheimer and by whom.²

On May 6th, Oppenheimer’s lead attorney, Lloyd K. Garrison, filed his summation (Appendix B).³ Running to thirty-seven pages, this document is most notable for the revelation that Garrison and Oppenheimer were not given access to the “derogatory information.”⁴

On May 17, 1954, Garrison, along with his co-counsels Herbert S. Marks and Samuel J. Silverman, filed their *Brief on Behalf of Dr. J. Robert Oppenheimer* (Appendix C) with the Personnel Security Board. This document provides detailed rebuttals to the “derogatory information” presented, and in its final paragraph reminds the Security Board that Oppenheimer “has again and again used his influence to make clear the incompatibility between free science and communism.”⁵

On May 28, 1954, AEC General Manager Kenneth Nichols notified Oppenheimer that the Security Board recommended that this clearance not be reinitiated. On June 29, 1954, in a 4 to 1 vote, the AEC Commissioners permanently stripped J. Robert Oppenheimer of his security clearance. Voting to deny reinstatement were Lewis L. Strauss, Eugene M. Zuckert, Joseph

¹ [LASL] Technical Information Office, TIO 54-80; *Special Bulletin to All Employees*, [April 14, 1954].

² *In the Matter of J. Robert Oppenheimer: Transcript of Hearing before Personnel Security Board*. Washington: Government Printing Office, 1954. An electronic version can be seen at: <https://babel.hathitrust.org/cgi/pt?id=mdp.39015004455443&view=1up&seq=5>.

³ Summation by Lloyd K. Garrison in the Matter of J. Robert Oppenheimer, May 6, 1954.

⁴ For instance, the files the FBI created and maintained on JRO.

⁵ Garrison, Lloyd, Herbert S. Marks, and Samuel J. Silverman. *Brief on Behalf of Dr. J. Robert Oppenheimer*: Filed with the Atomic Energy Commission’s Personnel Security Board. May 17, 1954.

Campbell, and Thomas E. Murray. Commissioner Henry DeWolf Smyth dissented. Their opinions and accompanying documents are attached as Appendix D.⁶

The Commissioners' action was controversial, becoming the touchstone for a nearly seventy year debate about the relationship between the United States government and the American people. On December 22, 2022, Secretary of Energy Jennifer Granholm vacated the AEC's action stating, in part, "... the decision to review Dr. Oppenheimer's clearance had less to do with a *bona fide* concern for the security of restricted data and more to do with a desire on the part of political leadership of the AEC to discredit Dr. Oppenheimer in public debates over nuclear weapons policy (Appendix E)."⁷

⁶ Nichols, K. D., Statement by the Atomic Energy Commission with attachments. June 29, 1954.

⁷ Secretarial Order Vacating 1954 Atomic Energy Commission Decision: *In the Matter of J. Robert Oppenheimer*. Washington, D.C., December 16, 2022.

Appendix A

LOS ALAMOS SCIENTIFIC LABORATORY
of the
University of California

*J.R. 201
Oppenheimer
Publicity*

Technical Information Office
Los Alamos 2-6811
TIO 54-80

SPECIAL BULLETIN
TO ALL EMPLOYEES

The following statement by the U. S. Atomic Energy Commission was issued in Washington, D. C., late yesterday afternoon, April 13, for immediate public release. It is quoted here in full for your information.

The Atomic Energy Commission has made no previous statement in connection with the personnel security proceedings concerning Dr. J Robert Oppenheimer. This is in accordance with established practice of the Commission to protect the privacy of individuals appearing before its personnel security boards. Departure from this practice in this instance is only due to the fact that Dr. Oppenheimer has exercised his privilege of making public an account of the matter.

Dr. Oppenheimer's connection with the Atomic Energy enterprise antedated the assignment of responsibilities to the Corps of Engineers, U. S. Army, in 1942. He later became Director of the Laboratory at Los Alamos under the Manhattan Engineer District. When the Commission was established, he was appointed to the statutory General Advisory Committee to the Commission and was named as its chairman by the members of that committee in 1947.

He served in that capacity until June 1952. On his retirement, the Commission engaged him as a consultant for one year. The contract would have terminated on June 30, 1953. Its renewal for one year was initiated on June 5, 1953.

On July 3, 1953, Lewis Strauss became chairman of the Commission. He and the other commissioners were aware of the fact that under the security standards of the Commission and under Executive Order 10450 which has been issued by the President on April 27, 1953, a security review was required for all employees and consultants concerning whom there was substantial derogatory information. Because there was such material in the file of Dr. Oppenheimer, it was subject to review.

At the request of the chairman, the Commission, on July 7, 1953, initiated steps to organize the removal of classified documents belonging to the Commission and which were in Dr. Oppenheimer's custody at the Institute

for Advanced Studies at Princeton in a facility approved by the Commission to a facility to be established on premises to be owned by the Commission.

Subsequently, Dr. Oppenheimer's file underwent preliminary study by the Commission and the Department of Justice. By November 1953 the file had been brought up for definitive examination and appraisal. Because of material therein which had been brought to the attention of the President by the Department of Justice, the President in consultation with the chairman of the Commission, the Secretary of Defense, and the director of the Office of Defense Mobilization, directed that pending a security review of the material in the file, a blank wall be placed between Dr. Oppenheimer and any secret data and that, without prejudging the outcome, established procedures should be followed.

Since Dr. Oppenheimer had thereafter to be denied further access to classified material, the Commission undertook to suspend his "Q" clearance. The suspension of clearance involved arrangements to stop the transmittal to him of classified documents which he had been receiving from various parts of the organization. As a further result, suspension of clearance automatically voided Dr. Oppenheimer's availability for membership on the Science Advisory Committee under the Office of Defense Mobilization.

Under the regulations established by the Commission as published in the Federal Register on September 19, 1950, Dr. Oppenheimer was entitled to a hearing before a personnel security board. Further in accordance with the Commission's procedure, on December 23, 1953, the general manager of the Commission wrote a letter to Dr. Oppenheimer suspending his clearance, listing the items of derogatory information, and explaining Dr. Oppenheimer's rights to a hearing. On March 4, 1954, Dr. Oppenheimer replied requesting a hearing. The hearing procedures had been worked out in 1950 and previous years to combine maximum security to the United States and maximum fairness to the persons under review.

A board was accordingly established for the purpose of hearing the case and advising the Commission as to whether or not suspension of clearance of Dr. Oppenheimer should be made permanent. This board is now sitting under the chairmanship of Gordon Gray, formerly Secretary of the Army and presently president of the University of North Carolina. The other members of the board are Mr. Thomas A. Morgan, former president of the Sperry Corporation, and Dr. Ward V. Evans, professor of chemistry, Loyola University, Chicago.

The Commission, because of its ultimate responsibility for decision in this matter, believes that propriety requires that it make no further statement.

Appendix B

~~For Your Information Only, Not for the Press~~

SUMMATION

BY

LLOYD K. GARRISON

In the Matter of
J. ROBERT OPPENHEIMER

May 6, 1954

(Page numbers in parentheses refer to pages of record. Each number starts a new page.)

MR. GARRISON: Mr. Chairman and members of the Board: I would like to thank you again for waiting over until this morning to give me a little more time to prepare what I might say to you. I want to thank each of you also for great patience and courtesy and consideration which you have extended us all through these weeks that we have been together.

I think I should take judicial notice of the fact, lest Mr. Evans have some possible question, that I understand that you did not seek the positions which you are (3244) here occupying, and I appreciate the fact that you are rendering a great public service in a difficult and arduous undertaking.

As we approach the end of this period in which we have been together, my mind goes back to a time before the hearings began when the Commission told me that you were going to meet together in Washington for a week before the hearings began here to study the FBI files with the aid of such staff as might be provided. I remember a kind of sinking feeling that I had at that point -- the thought of a week's immersion in FBI files which we would never have the privilege of seeing, and of coming to the hearings with that intense background of study of the "derogatory information".

I suggested two things to the Commission. One, that I might be permitted to meet with you and participate with you during the week in discussions of the case without, as I knew would have to be the case, actual access to the FBI documents themselves, but at least informally participating with you in discussions about what the files contained.

This the Commission said was quite impractical because of the confidential nature of the material, and I then suggested that I meet with you at your very first session in Washington to give you very informally a little picture of the case as we saw it, so that you might at least have that picture as you went about your task, and also that (3245) we might have a chance to explore together the procedures which would be followed in the hearings. That request likewise was not found acceptable.

It was explained to me that the practice in these proceedings was that the Board would conduct the inquiry itself and would determine itself whether or not to call witnesses and so forth, and it was therefore necessary for the Board to have a thorough mastery of the file ahead of time.

We came together then as strangers at the start of the formal hearings and we found ourselves rather unexpectedly in a proceeding which seemed to us

to be adversary in nature. I have previously made some comments upon this procedure. I don't want to repeat them here. I do want to say in all sincerity that I recognize and appreciate very much the fairness which the members of the Board have displayed in the conduct of these hearings, and the sincere and intense effort which I know you have been making and will make to come to a just understanding of the issues.

I would like now to discuss very briefly the legal framework in which it seems to me you will be operating. You have two basic documents, I suppose, the Atomic Energy Act of 1946 and Executive Order 10450. The essential provisions of these two enactments are contained in summary form in General Nichols' letter of December 23 in the second paragraph, in which the question before the Board is put, I think, in (3246) this way. General Nichols in the second paragraph of his letter of December 23 says that, "As a result of the investigation and the review of your personnel security file in the light of the requirements of the Atomic Energy Act and the requirements of Executive Order 10450, there has developed considerable question whether your continued employment on Atomic Energy Commission work will endanger the common defense and security" -- that is the language of the Act -- "and whether such continued employment is clearly consistent with the interests of the national security." That is the language of the Executive Order. So that they are both together in that sentence.

Now, I think that the basic question -- the question which you have to decide -- can be boiled down to a very short form. Dr. Oppenheimer's position is that of a consultant. He is to give advice when his advice is sought. This is up to the Atomic Energy Commission as to when and where and under what circumstances they shall seek his advice. That, of course, is not a question that this Board is concerned with. The basic question is whether in the handling of restricted data he is to be trusted. That, it seems to me, is what confronts this Board, that bare, blunt question.

In trying to reach your determination, you have some guides, some things that you are to take into consideration. The statute speaks of character, associations (3247) and loyalty. Certainly loyalty is the paramount consideration. If a man is loyal, if in his heart he loves his country and would not knowingly or willingly do anything to injure its security, then associations and character become relatively unimportant, it would seem to me.

I suppose one can imagine a case of a loyal citizen whose associations were so intensely concentrated in Communist Party circles -- it is hard for me to suppose this of a loyal citizen, but I suppose one might reach a case where the associations were so intense and so pervasive -- that it would create some risk of a chance word or something doing some harm, a slip, and so forth.

In the case of character, I suppose that a loyal citizen could still endanger the national security in the handling of restricted data if he were addicted to drunkenness or to the use of drugs, if he were a pervert. These conditions, we of course don't have here.

I would like to skim through with you, because it seems to me to illuminate the nature of the task before you, the Commission's memorandum of decision regarding Dr. Frank Graham, because this was a case which involved a consideration of loyalty, character and associations. I have the memorandum of decision here, which was one, I think, of only two that the Commission has thought it desirable to publish. This is dated December 18, 1948. If the Board would like copies of it, (3248) I would be glad to pass them up to you. I don't propose to read it all, Mr. Chairman, but to point out what seems to me significant in it.

I would direct your attention to paragraph 4, which follows the brief recital of Dr. Graham's character and it cites the sentence from the Atomic Energy Act with which we are familiar, and refers to the FBI report on character, associations and loyalty. Then it goes on to describe their examination of the security file:

"The five members . . . are fully satisfied that Dr. Graham is a man of upright character and thoroughgoing loyalty to the United States. His career as a leading educator and prominent public figure in the South has, it appears, been marked by controversy, engendered in part by his role in championing freedom of speech and other basic civil or economic rights.

"6. In the course of his vigorous advocacy of the principles in which he believes, Dr. Graham has allied himself, by sponsorship or participation, with large numbers of people and organizations all over the country. In this way he has been associated at times with individuals or organizations influenced by motives or views of Communist derivation. These associations, which in substance are described in various published material, are all referred to in the security file.

"7. 'Associations' of course have a probative value (3249) in determining whether an individual is a good or bad security risk. But it must be recognized that it is the man himself the Commission is actually concerned with, that the associations are only evidentiary, and that common sense must be exercised in judging their significance. It does not appear that Dr. Graham ever associated with any such individuals or organizations for improper purposes; on the contrary, the specific purposes for which he had these associations were in keeping with American traditions and principles. Moreover, from the entire record it is clear in Dr. Graham's case that such associations have neither impaired his integrity, nor aroused in him the slightest sympathy for Communist or other anti-democratic or subversive doctrines. His record on controversial issues has made this abundantly clear, and his course of conduct during the past two decades leaves no doubt as to his opposition to Communism and his attachment to the principles of the Constitution.

"8. All five members of the Commission agree with the conclusion of the General Manager that, in the words of the Atomic Energy Act of 1946, it 'will not endanger the common defense or security' for Dr. Graham to be given security clearance, and that it is very much to the advantage of the country that Dr. Graham continue his participation in the atomic energy program. Our long range success in the field of atomic energy depends in large part on our ability to attract (3250) into the program men of character and vision with a wide variety of talents and viewpoints."

So I say to you, Mr. Chairman and members of the Board, that in the Commission's own view of the matter, it is the man himself that is to be considered, common sense to be exercised in judging the evidence, and that it is appropriate to consider in the final reckoning the fact that 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.

The factors of character, associations and loyalty are not the only ones that are set forth in the catalogue of things that you are to consider. Section 4.16(a) of the Atomic Energy Commission Rules and Regulations contains two paragraphs about the recommendations of the Board, and the very first sentence says that the Board shall consider all material before it, including the reports of the Federal Bureau of Investigation, the testimony of all witnesses,

criteria include references to the past association of the person with the atomic energy program and the nature of the job he is expected to perform. It is there, I think, that the fact that this is a consultant position does come into the consideration. It goes on to say that the judgment of responsible persons as to the integrity of the individuals should be considered. A little later it talks about the mature viewpoint and responsible judgment of Commission staff members, and then it goes on to list these categories (a) and (b) with numerous sub-headings.

I don't think there should be any mystery about these categories. Category (a) does not differ from Category (b) except to the extent that items that are established under Category (a) create a presumption of security risk, (3253) and a presumption, of course, is something which is rebuttable by other evidence. If there is any doubt on that point, I hope the Board will let me know.

It would be, I think, a complete misreading of this document to say that if you should find an item established under Category (a), let us say, then that disposes of the case, because everything in the document and in Section 4.16 to which I shall return in the Rules and Regulations, emphasizes that everything in the record is to be considered.

For example, this document entitled "The Criteria" says that the decision as to security clearance is an overall common sense judgment made after consideration of all the relevant information as to whether or not there is risk that the granting of security clearance would endanger the common defense or security.

The next paragraph says that cases must be carefully weighed in the light of all the information and a determination must be reached which gives due recognition to the favorable as well as unfavorable information.

Then 4.16(a) provides that the members of the Board as practical men of affairs should be guided by the same considerations that would guide them in making a sound decision in the administration of their own lives. It goes on to instruct the Board to consider the manner in which witnesses have testified, their credibility, and so forth. (3254) Then that if, after considering all the factors, they are of the opinion that it will not endanger the common defense and security to grant security clearance, they should so recommend.

So I think we come down in the end, Mr. Chairman, to the basic acid question before the Board, whether in the overall judgment of you three men, after considering and weighing all the evidence, Dr. Oppenheimer's continued right

of access to restricted data in connection with his employment as a consultant would endanger the national security and the common defense, or be clearly inconsistent with the national security.

It would seem to me that in approaching that acid question the most impelling single fact that has been established here is that for more than a decade Dr. Oppenheimer has created and has shared secrets of the atomic energy program and has held them inviolable. Not a suggestion of any improper use by him of the restricted data which has been his in the performance of his distinguished and very remarkable public service.

Now, at this moment of time, after more than a decade of service of this character, to question his safety in the possession of restricted data seems to me a rather appalling matter.

I would like to tell you what this case seems to me to (3255) look like in short compass. I wish we could dispose of it out of hand on the basis of the fact that I have just mentioned to you, that for more than a decade Dr. Oppenheimer has been trusted, and that he has not failed that trust. That in my judgment is the most persuasive evidence that you could possibly have. But I know that you will have to go into the testimony and the evidence, the matters in the file before you, and I would like to sum up, if I may, what it looks ... to me to be like.

Here is a man, beginning in 1943 -- beginning in 1942, actually -- taken suddenly out of the academic world in which up to that time he had lived, and suddenly in 1943 put in charge by General Groves of the vast and complex undertaking of the establishment and operation of the laboratory at Los Alamos, a man who suddenly finds himself in administrative charge of the scientific direction of some 4,000 people in a self-contained community in a desert. He performs by common consent an extraordinary service for his country, both administratively and militarily. After the war he hopes to go back to his academic work, back to physics, but the government keeps calling upon him almost continuously for service. Secretary Stimson puts him on his Interim Committee on Atomic Energy, the Secretary of State puts him on the consultant group in connection with the program for the control of atomic energy before the UN, he writes a memorandum (3256) to Mr. Lillenthal within a month of his appointment which contains the essence of the plan which the United States is to adopt, a plan which would have called for the breaking down of the Iron Curtain, and which was to prove extremely distasteful to the Russians. He

serves Mr. Baruch at the United Nations and after Mr. Baruch retires, he serves General Osborne, and General Osborne has told us here of his firmness and his realism and his grasp of the problems of the conflict and the difficulties of dealing with the Russians.

He makes speeches and he writes articles setting forth the American program and the essence of it, and supporting it. Some of those you have had before you.

The President appoints him to the General Advisory Committee in January of 1947, and then he is elected Chairman by his fellow members, and he serves on that committee for six years. He helps to put Los Alamos back on its feet. He has earlier supported the May-Johnson Bill as a means of insuring that this work at Los Alamos or the work on atomic weapons wherever it be conducted can go forward.

He backs, in his official work, every move calculated to expand the facilities of the Commission, to enlarge raw material sources, to develop the atomic weapons and long range detection, so that we may find out what the Russians are doing, if and when they achieve the atomic bomb.

After Korea when we are in the midst of an actual (3257) shooting war with a military establishment then found to be very depleted, he interests himself in the development of atomic weapons for the battlefield in connection not merely with our problems of intervention in situations like Korea, but more importantly for the defense of Europe against totalitarian aggression.

Finally, he interests himself in continental defense as a means of helping to preserve the home base from which both strategically and tactically any war must be fought. In these and in other ways through half a dozen other committees he gives something like half his time to the United States Government as a private citizen.

Now he is here in this room and the government is asking the question, is he fit to be trusted?

How does this case come about? Why is Dr. Oppenheimer subjected to this kind of a scrutiny by the government he has served so long and so brilliantly? Two main things stand out. His opposition to the H-bomb development in 1949 in the report in which he joined with the other members of the GAC, and his left wing associations and related incidents through 1943. I emphasize that period because it is there that the real searching questions have been put.

These are the two main things, and I am going to concentrate in the remarks that I have to make chiefly on these two main facets of the case.

(3258) I would digress for a moment to make a short comment on Mr. Borden's letter. I will say this merely. It appears that this letter was before the Atomic Energy Commission at the time that General Nichols wrote his letter to Dr. Oppenheimer; that to the extent that the items in Mr. Borden's letter are covered in General Nichols' letter, there is adequate testimony before the Board in our judgment to shed light on all of them. To the extent that there are items in Mr. Borden's letter not covered by the Nichols letter, I just assume that they were not worthy of credence by the Atomic Energy Commission, and are not worthy of credence here.

Finally, I would point out that the matters contained in his letter are matters of opinion and conclusions without evidentiary testimony or facts.

Now, returning to the two central elements in this case, of the H-bomb opposition and the left wing associations and the related incidents through 1943, I would say this in the shortest possible compass about the H-bomb opposition in 1949 -- that on the whole record here it represented simply an honest difference of opinion. I don't see how it is possible to arrive at any other conclusion than that; that there are on this record no acts of opposition to this program once the President decided to go ahead with it, and that finally there is evidence of affirmative support for the program, particularly after new inventions had established (3259) the practical possibility or the near possibility of the creation of the bomb for the first time.

In respect to the left wing associations and their related incidents through 1943, I would say that in all basic essentials they were known to General Groves, and they were known to Colonel Lansdale, and these two men trusted Dr. Oppenheimer. I propose to show in a moment that in all basic essentials they were known to the Atomic Energy Commission in 1947, and that the Commission cleared him, as I shall argue, and as I believe to be the case from the records.

This perhaps might be enough, and surely should be enough, but in addition, we have the testimony of a long series of witnesses here who have worked with Dr. Oppenheimer and have known him for many years and who have arrived at the kind of judgment of the whole man which is the real task before us.

I would like, if I might, now to develop these very shortly stated observations about first the H-bomb and then the left wing associations. I hope the

Board will interrupt me at any point at which you would like to put questions. I hope you will interrupt me at any point when you feel you are getting tired listening to me, and you would like a recess or a few minutes of relaxation.

MR. GRAY: I would just put a question to you now, Mr. Garrison. Did I understand you to say that you feel that (3260) the clearance in 1947, which you are prepared to argue, is clearly established, is sufficient?

MR. GARRISON: No, I didn't mean to suggest in any way that it fore-closes the judgment of this Board, or that you are not under a responsibility to consider the whole record. If I conveyed any other impression, I didn't intend to. That is your task. I would have thought as an original proposition that this proceeding ought never to have been instituted in the light of this history and in the light of the clearances and of the whole record. But it has been and it is before you, and it is your responsibility and it is your task. When I said this should have been enough, I meant it should have been enough and this proceeding should never have been brought.

Let us return to the topic of the H-bomb. You have had an enormous quantity of evidence, some of it quite technical and some of it quite complicated, about the pros and cons of proceeding with an intensified H-bomb program in 1949, and I am not going to dream of attempting at this time to recapitulate that evidence. I just want to pick out a few salient points and enlarge on them a little bit.

I want to stress at the outset what I am sure this Board must feel, and that is that the members of the General Advisory Committee who appeared here and testified before the Board were men deeply convinced of the rightness as of 1949 of the judgments which they then made. Certainly (3261) that those judgments were honest judgments, that they were arrived at by each individual, each in his own way. No two men put the case to you in quite the same fashion as to what was in their minds. I am sure you must credit each of them with sincerity, with honesty and with having made a genuine effort in 1949 to say, and to recommend, what each believed to be in the interests of America. Surely that was true of Dr. Conant, who expressed his own views while Dr. Oppenheimer was still not quite certain of his before the meeting of the GAC, and I think Dr. Alvarez or somebody testified to that effect, who was as strong in his opposition as a man can be, who drafted the majority annex with Dr. DuBridge, and whose rugged and independent character is well known to the country and must be apparent to all of us here.

Dr. Fermi, who spoke of the "soul searching for all of us" which they went through at that time, and to whom Dr. Conant looked for technical appraisals, who surely must have given this Board some of the sense of the struggle that they went through at the time to do what they believed to be the right thing.

Dr. Rabi, now Chairman of the General Advisory Committee, Mr. Oliver Buckley, who made that very sincerely felt and separately stated statement on September 3 to make sure that the very most precise sense of what he believed was on the record. And Mr. Hartley Rowe, who told you among other things of his experience with Communists and (3262) Communism in the Latin American countries, and who certainly felt deeply what he was up to in 1949. And then Dr. Oppenheimer, who, by the account of all of the members, did not attempt in any way to impose his own views, to dominate the sessions. On the contrary, there is evidence quite to the contrary of the extent to which he welcomed and stimulated discussion of the most protracted character from all concerned, although he unquestionably had the influence which goes with great mastery of the subject and of a character that carries weight and meaning and significance in itself.

But the picture that some would paint of a Svengali or a mastermind manipulating men to do his will just falls apart when one actually hears and sees and talks with the members who served with him on the General Advisory Committee. Honest judgments honestly arrived at by Dr. Oppenheimer and all the others.

I would like to stress now the thoroughgoing nature of the consideration which they brought to this subject. This was not a snap decision. Before the meeting the record now shows that Dr. Oppenheimer had discussions with all kinds of people, including Dr. Teller, who was of course very much for the program, Dr. Bethe, Dr. Serber came to see him, Dr. Alvarez. Not only that, but all around in the government this thing was being discussed and considered. General Wilson has described to us the meeting on October 14 of the Joint (3263) Chiefs with the Joint Committee on Atomic Energy, with General Vandenberg for the Joint Chiefs urging the development of the H-bomb. This is two weeks before the GAC meeting. General Wilson has described how on the same day the Chairman of the Military Liaison Committee informed that committee of his visit with General McCormack and Dr. Manley to Dr. Oppenheimer at Princeton where they had "discussed the super and other problems to be taken up by the General Advisory Committee."

I quote that verbatim from General Wilson's testimony at page 2354.

The Chairman of the Military Liaison Committee goes with General McCormack, and with Dr. Manley to see Dr. Oppenheimer at Princeton where they discuss "the super and other problems to be taken up by the General Advisory Committee."

Then on October 17, the Joint Congressional Committee writes a letter to the Atomic Energy Commission requesting further information on the super. A copy of this goes to the Military Liaison Committee. Then we have Dr. Alvarez talking with all the members of the GAC, and with most of the AEC Commissioners a couple of days before the meeting, and also a couple of days before the meeting, we have a joint meeting of the Atomic Energy Commission and the Military Liaison Committee, and in General Wilson's testimony, the Atomic Energy Commission -- and I am now quoting verbatim -- "announced that it had asked the General Advisory Committee to consider the super weapon in the light of recent (3264) developments."

Then we have the meeting itself beginning on October 29, and running for three days, beginning with a joint session with the Atomic Energy Commission. There was for a little while some doubt in the record which puzzled the Chairman particularly as to how the question of the super arose in the Commission. It was the recollection of Dr. Oppenheimer and of Mr. Rowe, and Mr. Lilienthal, and Mr. Dean, none of them perhaps very sharp, that at this joint meeting the Chairman of the Atomic Energy Commission, for the Commission, raised the question. Mr. Lilienthal testified about Admiral Strauss' memorandum of October 5 or 6, which asked that this be considered by the General Advisory Committee. But I think after General Wilson's testimony, it is quite apparent that, informally no doubt, this matter was actually at the top of the agenda for the General Advisory Committee.

Then you have ~~these~~ three days of discussion, consultation with the State Department, with Intelligence, and the Military Liaison Committee, and after all this is over, these gentlemen of the General Advisory Committee sit down and draft their report, and the annexes expressing their individual points of view. Not a snap decision; a decision arrived at after the most intense kind of discussion with people representing the whole gamut of points of view about it.

And then not content with that, at this December (3265) meeting of the General Advisory Committee, the matter is reviewed once more in the light of all the discussion and reactions that have taken place since October.

We have to take into account in measuring or appraising whether Dr. Oppenheimer, which is the only question you have here, whether his own advice, unlike that of every other member of the GAC, was motivated by a sinister purpose to injure the United States of America, and to help our enemy -- the mere utterance of that proposition is somehow shocking to me. But it is the question that has been posed and because it is a shocking question, we have to deal with it in direct and blunt terms.

Not one scrap of evidence to indicate that he differed in his purposes from the other honorable Americans who served on this committee and who went into this matter at such length.

There were other leading men in the country who formed the same kind of judgments. This was not an isolated piece of advice that the General Advisory Committee gave. This was a very, very close, difficult and warmly debated subject, debated by all kinds of men. You heard Dr. Kennan, the author of our containment policy, former Ambassador to Russia, describe his own thinking for the State Department Policy Planning Committee on the subject. You have heard Mr. Winne of the General Electric, giving in retrospect his views, and (3266) Dr. Bush giving in retrospect his, and Hans Bethe and Dr. Lauritsen and Dr. Bacher, Mr. Pike of the AEC, Mr. Lilienthal, men of the most varied outlooks, experiences and backgrounds themselves troubled by the whole business of going forward to make this super weapon.

Then you heard also from other men who, while they favored going forward with the H-bomb program, were not in the slightest critical of those like Dr. Oppenheimer who favored the other course. On the contrary, they expressed themselves on the extraordinarily difficult nature of the problem. Gordon Dean, who favored going ahead with the H-bomb program, joining with Admiral Strauss on the Atomic Energy Commission in that, gave us his view of the difficulty of the decision that confronted everybody. Norris Bradbury, who likewise favored moving forward with it, giving similar testimony. And Dr. von Neumann, in the same vein. Professor Ramsey, who was then with the Science Advisory Committee of the Air Force, describing the closeness of the 55-45% in his own mind.

Now, let us come down to Dr. Oppenheimer himself and the honesty of his own judgment, which seems to me impossible to doubt. Even the most active pro-H bomb advocates, the strongest critics of the position which Dr. Oppenheimer took in 1949, have not questioned his loyalty, although they have, some of them in strong terms, questioned the wisdom of his judgment. Dr. Teller, Dr. Alvarez,

Dr. Pitzer, Professor Latimer, (3267) General McCormack, General Wilson. If you will read the record, you will find that all of those men, critics as they were and strong critics of the position taken, did not doubt Professor Oppenheimer's loyalty in the advice that he gave with his fellows on the GAC.

It seems to me that in the face of all of the long catalogue of efforts of Dr. Oppenheimer since 1945, let alone at Los Alamos, but since 1945, to strengthen our defenses, to build up Los Alamos, to expand the weapons program, to make us strong in atomic energy, and strong in weapons and strong in defense, it is fantastic to suppose that in the face of all those efforts he should be harboring a motive to destroy his own country in favor of Russia. Just the mere proposition is unthinkable on its face.

Then, in spite of his strong feelings on the subject, when the President has made the decision to go ahead, the record shows -- whatever might be the situation in his heart about this matter, difficult for a man to change what is in his mind and his convictions -- but no opposition in this record to the carrying forward of the program. On the contrary, affirmative evidence that all members of the GAC including Dr. Oppenheimer went along with it, and when it became by process of unexpected inventions something that could really be talked about in terms of production, Dr. Oppenheimer chairs the meeting and presides over the meeting at Princeton which is (3268) called together to really put the stuffing in this program. Dr. Teller himself paid tribute to Dr. Oppenheimer's attitude and efforts that he made at that meeting to get the program going.

What can be made of this H bomb argument? The only thing that has been suggested has been an alleged pattern of opposition which somehow is intended to imply a sinister and un-American attitude toward the whole safety of the military program of the country. This alleged pattern of opposition comes down to the Lincoln summer session, to the Vista Project, to the second laboratory. Those are the three main things that one witness here at least suggested constituted a pattern of opposition which troubled him about Dr. Oppenheimer.

Now, we have looked at these. We have looked at the Lincoln summer session. We have seen that the suspicion that that was somehow going to do something that would impair the Strategic Air Force was unfounded. There was no change in the program at all. It was a matter of suspicion that was simply shown to be completely groundless. Over and above that, the affirmative contributions that the thinking and the planning that went on at that session

made to the Lincoln Project, which is warmly supported by the Air Force as has been brought out.

Now, in Vista, the business of the atomic weapons (3269) for the battle front. Such minor differences as may have existed between the thinking of the group in which Dr. Oppenheimer took a certain but not a leading part were adjusted, the report came out to the satisfaction of all concerned, and the testimony of those who criticized what may have been some suggestions in some portions of the report, although the record is very unclear about the whole business, the testimony was that this Chapter 5, the whole business of developing these atomic weapons for the battlefield was a great contribution to the country. Actually the work that was done in Lincoln and Vista has become the official policy of the Military Establishment of the country.

Dr. Oppenheimer, if anything could be said about him, it could be said that he was a little ahead of his time.

The second laboratory controversy comes down likewise to a difference of opinion about the building of a new Los Alamos in the desert. Dr. Oppenheimer's position in the matter, as Chairman of the GAC, was no different from that of Dr. Bradbury at Los Alamos, whose respect Dr. Teller testified so warmly about. Dr. Oppenheimer supported the Livermore Laboratory when that was found to be the solution to the whole matter, and in the end the bomb that we have been exploding was produced at Los Alamos.

So this alleged pattern of opposition really falls apart upon examination, and it is the only shred of a (3270) suggestion that Dr. Oppenheimer was pursuing an unpatriotic course.

Now, the alleged opposition by Dr. Oppenheimer after President Truman's go-ahead has also vanished under the microscope of the testimony, that he caused to be distributed the GAC report to top personnel to discourage them from working on the H bomb. That I take by common consent has been dropped out of this because its origin in an unfounded suspicion by Dr. Teller has been made quite apparent. Dr. Manley and Dr. Bradbury have explained precisely how those reports came to be distributed by order of the General Manager of the Atomic Energy Commission.

We have gone over the evidence about recruitment and the suggestion in the letter that Dr. Oppenheimer was instrumental in persuading people not to work on the project has no foundation of fact, and on the contrary, the evidence shows that he took affirmative steps to help in that direction, the difficulties

of Dr. Teller as an administrator being recognized as one of the problems that made recruitment difficult, until the Livermore Laboratory was set up, and the administration was handled under Dr. Lawrence's direction.

The Princeton meeting I have already referred to and I shall not mention again, but as an evidence of the affirmative help to the H-bomb program, I might just mention a little item of Dr. Bradbury's testimony, that the GAC and (3271) Dr. Oppenheimer were willing to go farther in pushing the new invention than the laboratory itself was at the time. You will find that at page 1582 of the record.

You have also testimony by Gordon Dean and by Dr. Bradbury of the help to the staff at Los Alamos that Dr. Oppenheimer and his colleagues gave. The GAC went to Los Alamos in the summer of 1950 when the H-bomb project was at its lowest point, when there was grave doubt whether the thing could ever be built at all, and went out there to help Dr. Bacher and see what they could do.

In general you have testimony from numerous people -- Hartley Rowe, General McCormack, and others -- that there was no holding back when the President's decision was made.

Now, just a word about the myth of delay. I trust that Dr. Bradbury's testimony will be studied with particular care by this Board, because of all the men who testified here he is the one who knows the most about the actual work at Los Alamos, about the problems of producing the H-bomb at the place where it actually has been produced, and I think that his testimony completely destroys the myth of delay. I shall say no more about that because in any event, it has really nothing to do with the question of Dr. Oppenheimer's clearance. Indeed, none of this has to do with it at all. This whole H-bomb controversy, all of the rest of these things, Vista, Lincoln (3272) and all the rest of them, that we have been talking about, except as indicating an affirmative attitude, as I believe, toward the strengthening of the United States, have nothing to do with the question of Dr. Oppenheimer's clearance unless you are willing to believe to me the unthinkable thought, and I am sure to you, that in spite of everything he had done to help this country from 1945 on, he suddenly somehow becomes a sinister agent of a foreign power. It is unthinkable.

I think, Mr. Chairman, that you would like a recess.

MR. GRAY: I was about to ask if we may recess for a few moments.

(Brief recess.)

MR. GPAY: You may resume, Mr. Garrison.

MR. GARRISON: Mr. Chairman, I would like to turn now to the topic of left-wing associations and related incidents through 1945. In my previous summary of this topic, I said that the basic facts about Dr. Oppenheimer's background and his actions in relation to persons themselves of left-wing background had been known to General Groves and Lansdale, and that they trusted him knowing these basic facts.

These basic facts I have listed as follows:

1. That Dr. Oppenheimer's wife and brother and sister-in-law had been Communists.

2. That Dr. Oppenheimer had a number of left-wing associations and friends.

(3273) 3. That Dr. Oppenheimer had brought certain persons with former left-wing associations to Los Alamos.

4. That Dr. Oppenheimer had assigned Hawkins to write the history, with General Groves' consent.

5. That Dr. Oppenheimer had protested Lomanitz's draft deferment, with a notation as I go along, that Dr. Oppenheimer's knowledge of Lomanitz's indiscretions, which is the word used throughout the Lansdale and the Pash interviews by them themselves, whatever these indiscretions may have been, that his knowledge of them came from the security officers as is apparent from those interviews, and that in asking deferment for Lomanitz he took notice of the existence of the objections. He said he understood the objections, but Lomanitz's value as a physicist was so and so.

Parenthetically I will observe here that Colonel Lansdale brought out quite forcibly the acute manpower problem in the scientific world that existed in those days, and he testified how persons whom the security officers regarded as dangerous were in particular instances deliberately employed because they had to be. They had this great necessity for manpower, and they were then surrounded with extra special surveillance.

You have also in the record Dr. Ernest Lawrence's great urgencies about manpower for the Berkeley Laboratory. This is all part of the setting of the times which we must not (3274) lose sight of.

6. That Dr. Oppenheimer had visited Jean Tatlock during the existence of the period of his work at Los Alamos.

7. That he may have made contributions to or through the Communist

Party. This is in the Lansdale interview and appears from Lansdale's own statement.

8. That he had delayed in reporting Eltenton, but had delayed still longer in naming Chevalier, and had not told a frank story. I will come back to this in a moment.

At least the foregoing items and no doubt others were known to Groves and Lansdale. I don't think it would serve any purpose to refine this matter into any greater detail, but Groves and Lansdale certainly had before them these basic facts with which we are now concerned here once again after 11 years. They knew all about them and they trusted Dr. Oppenheimer.

I am going to discuss the Chevalier case in a little detail, particularly because the Chairman has raised the question of the possibility that the Board intends to consider that the story which Dr. Oppenheimer told Pash and Lansdale was true and that his account to this Board of the Chevalier incident was not true.

I want to make the point to begin with that the Chevalier fabrication, if I may use that word, was the statement that there were three persons whom Chevalier had (3275) contacted, or "X" as the course of the examination went. The question of the microfilm seems now to have been quite inconsequential.

In Dr. Oppenheimer's cross-examination before the Pash transcript had been revealed, he was asked if Chevalier had talked about microfilm with him, and put in that way, creating an image of Chevalier coming about microfilm, he answered no, and he answered honestly. It rang no bell in his recollection. When we get to the actual Pash recording, what do we find, this not even in the typewritten transcript that Dr. Oppenheimer was confronted with -- not until we get to the recording do we find him saying to Colonel Pash that he understood that this fellow at the Consulate had some means, "microfilm or whatever the hell" of getting the information to Russia.

That is the most casual kind of remark -- "microfilm or whatever the hell" -- and might simply be regarded as another means of saying that this fellow has means of getting secret information to Russia. To blow that up into a lie to this Board I think is utterly unfair and not warranted by the course of the proceedings here.

The reference to the Russian consulate, it seems to me, is likewise an inconsequential matter. If Eltenton was a spy, if he was seeking information, it would be perfectly natural that he should have a contact at the Consulate

whether (3276) he did or not. I would like to point out that neither this reference to the Consulate nor the reference to the "microfilm or whatever the hell" appears in the Lansdale interview. It just is of no account.

Dr. Oppenheimer's final testimony to this Board, going over this matter again with you, was that it was the very best of his recollection that Chevalier did not mention the Consulate, but it was conceivable that he knew that Eltenton had some connection with the Consulate, although he doesn't remember it. Both of these things seemed to me to be of no significance. The way in which these separate items of the story were broken down and converted into separate lies, and the phrase in cross examination put into Dr. Oppenheimer's mouth that he told a "tissue of lies", I think is a most false characterization of what happened. I think his own characterization is the right one, that the story he told was a fabrication, but it was one story, and it was not a separate series of lies each of them to be held up and looked at in the way one looks at that sort of thing.

Now, as to the story about the three contacts which I think this really all boils down to, the record indicates that Chevalier did contact only one person, as Dr. Oppenheimer stated to this Board. Lansdale testified that in the end the number of contacts by Chevalier definitely came down to only one. The only doubt left in the recollections of himself (3277) and General Groves is whether that one was Frank Oppenheimer or Robert Oppenheimer. Lansdale testified that there was only one. He believes according to his testimony that it was Frank. But this he had from General Groves. And he conceded that General Groves may have told him not that Robert Oppenheimer had named Frank to General Groves, but only that General Groves thought that when Robert Oppenheimer named himself, he was really protecting his brother Frank who was the one, a suspicion in Groves' mind. But again it is one person.

General Groves testified that his own recollection of what Dr. Oppenheimer told him is in a complete state of confusion.

When we leave out Colonel Pash's speculations about which is the truth and which is the false story, his investigations again bear out or support Dr. Oppenheimer's testimony that the story he told to this Board is the truth and what he told Colonel Pash was the invention, because when he was asked if they had ever established that there were any other contacts, Colonel Pash testified, "No, sir."

I submit to you, Mr. Chairman, that upon this close examination of the

evidence, looking upon it as reasonable men searching for the truth of the matter, as I know you will, you will reach only the conclusion that Dr. Oppenheimer told you here the truth, and that he did in fact in his anxiety to protect Chevalier invent, embroider a story, fabricate a (3279) story, to Colonel Pash and Lansdale.

Now, this whole Chevalier incident has, I am convinced, assumed undue importance, and must be judged in perspective. It has been so extensively analyzed here in cross-examination, in the reading of transcripts of interviews of 11 years ago, the hearing of a recording, Colonel Pash's presence here, it is almost as if this whole Chevalier case brought into this room here at 16th and Constitution Avenue in 1954 had happened yesterday in the setting of today, and that we are judging a man for something that has happened almost in our presence.

I get that illusion of a foreshortening of time here which to me is a grisly matter and very, very misleading. This happened in 1943. It happened in a wholly different atmosphere from that of today. Russia was our so-called gallant ally. The whole attitude toward Russia, toward persons who were sympathetic with Russia, everything was different from what obtains today. I think you must beware above everything of judging by today's standards things that happened in a different time and era.

The next perspective about this story is that Dr. Oppenheimer has surely learned from this experience. People who have known him intimately over the years, who have worked with him as closely as anybody could work with people, have heard of this account with some pain, they have taken (3279) it in their stride, they have given their own judgment to you that Dr. Oppenheimer would not today do what he did 11 years ago, and that like all good men and intelligent men, he can learn by the bitter fruits of experience. Surely you must have felt, as you listened to the cross-examination here, the sense of guilt which he bore within himself about this incident, something that he does not like to think about back in his past, that God knows he has outlived in his service to this country and in the way in which he has departed himself as a servant of the United States.

Getting back again to the judgment of this thing in its perspective, General Groves certainly did not regard the matter as a very urgent one. He testified about the "schoolboy attitude" of Dr. Oppenheimer. That was the way he characterized this thing, this schoolboy attitude of not telling on one's

friends which warped his whole judgment and led him into this unfortunate spinning of a story. He didn't seem to be pressed for time, General Groves. He testified that after the first interview with Dr. Oppenheimer -- now I am quoting the testimony -- "about two months later, or some time later" -- actually I think the record will show that it was three months -- after much discussion in trying to lead him into it and having then got the situation more or less adjusted, I told him if you don't tell me, I am going to have to order you to do it, then I got what to me was the final story."

(3280) This is at page 542.

The final point of perspective is Groves' and Lansdale's own testimony as to their conviction of Dr. Oppenheimer's loyalty. General Groves was asked the question, "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 commit a disloyal act?" Answer, "I would be amazed if he did." That is at page 533.

Now, I know that this incident of 1943 has posed in the minds of some of you, perhaps all of you, this question: Did he put loyalty to a friend above loyalty to his country? He has given the straight answer that he did not in his own mind, which is what we are here analyzing, put loyalty to his friend above loyalty to his country. In his own mind, his friend was innocent and the investigation would be in no way benefited by knowing that it was Haakon Chevalier.

What his fault consisted in and what he has freely confessed to this Board was his arrogance, if I may use my own word, in putting his judgment as to what the interests of the country required at that point above the judgment of the security officers, but that he thought he was injuring the United States of America, that did not occur to him.

Now, it is true that Colonel Pash was put to some labor and wasted efforts. That was not known to Dr. Oppenheimer. (3281) Perhaps he should have known of it. I am not apologizing for this incident. I am not condoning it. I am not saying it is something irrelevant and not to be taken into account. Of course it has to be. I am urging you to make the intellectual effort which, gentlemen, will require effort, to put this whole thing into the perspective where it ought to be and not judge it in the light of today's standards; and to take into full account the testimony of General Groves and Lansdale about it.

I think at this point I might just remind you of General Groves' letter to Dr. Oppenheimer of May 18, 1950, just after the Paul Crouch testimony. I am not going to read it to you because you have heard it read, but I want to remind you that this letter was volunteered by General Groves and sent on his own initiative out of feelings about Dr. Oppenheimer that were in his system when this incident occurred in California. Why did he do it if he didn't believe Dr. Oppenheimer to be a loyal American citizen? He authorizes him to make a public statement, and the public statement he authorizes him to make is that "General Groves has informed me, [Dr. Oppenheimer], that shortly after he took over the responsibility for the development of the atomic bomb he reviewed personally the entire file and all known information concerning me, and immediately ordered that I be cleared for all atomic information in order that I might participate in the (3282) development of the atomic bomb. General Groves has also informed me that he personally went over all information concerning me which came to light during the operations of the atomic project"-- and that includes the whole Chevalier business--"and that at no time did he regret his decision."

Colonel Lansdale's conviction about Dr. Oppenheimer's loyalty and basic integrity is to the same effect.

Their judgment about this whole matter should not lightly be disregarded by this Board. It should indeed be taken to heart, because their judgment was made in the context of the times and their judgment took into account all that Dr. Oppenheimer was then doing and then thinking, his life, his surroundings, everything about him, viewed from a more intimate standpoint than any that can now be reconstructed. We cannot here reconstruct Robert Oppenheimer's life and activities in the sense of the time and the pressures under which he was working and laboring and all the rest of it. That is gone forever. No one can reconstruct that. But Groves and Lansdale have that in their minds, and in their memories, and they lived with it, and they have testified about it, and they have given you their solemn sworn testimony about the way they viewed that incident.

Dr. Oppenheimer comes out of the war, he embarks on this continuous career of service to the government. Like the jobs which Dr. Evans, you, Mr. Gray, and Mr. Morgan now (3283) fill, he did not seek those positions. The government called him into service as it has called you into service, and he goes forward.

He becomes Chairman of the GAC and the Atomic Energy Commission has then occasion to consider his clearance under the Atomic Energy Act, which we are here bound by. You asked me to pay particular attention to that, and I therefore am going to discuss it in rather meticulous detail. I am going to begin with the entry in the minutes.

The first sentence, which was the basis of the stipulation which the Commission entered into with us and which we put on the record at the start of these proceedings, and which has been found to have been half of the action that was taken and not all of it. "Mr. Bellsley called the Commission's attention to the fact that the Commission's decision to authorize the clearance of J. R. Oppenheimer, Chairman of the General Advisory Committee, made in February, 1947, had not previously been recorded."

I want to say a word about February 1947. There has been a suggestion and at first I myself thought it was the correct suggestion, -- before we had the whole story from the documents which were doled out piecemeal during the cross-examination and which were subsequently given to us, in so far as they are available, at our own request afterwards. But before all that, I had credited the suggestion that the (3204) Commission took formal action to clear Dr. Oppenheimer in March and that they had not then recorded it, and woke up to the fact in August that they had not and made a minute to that effect, and that the reference to February was a clerical error.

Now, upon a closer examination of the documents in the case, it seems to me that the rational explanation of this, ^{the} overwhelming probability, is that February 1947 was correct. Mr. Pike made the suggestion, or offered the guess that in February 1947, the Commission, which was then just getting going, acted upon Dr. Oppenheimer's name and cleared him as a matter of course. They knew him, they knew a great deal about him, he had been appointed by the President, they had no occasion to raise any question, and they cleared him.

Then what happened was that in March, Mr. J. Edgar Hoover raised the question in his letter to Lilienthal, and sent over material about him and so forth, and that precipitated an inquiry into Dr. Oppenheimer's associations, background and so forth, and they in effect opened up the whole question and then disposed of it at the August 6 meeting which I shall come to a little later, and said in substance we have examined all this material from the FBI, we have talked with Dr. Bush and Conant and Groves, and so forth, we have thought about this, we see no reason to alter our original action of

February in clearing him, which is, I think, an affirmative act of judgment.

(3285) MR. GRAY: You think that the March memorandum of Mr. Wilson, who was then the General Manager, as I recall it, from which it was indicated that the Commission was concerned with this matter for two days, one meeting and then a subsequent meeting; that the August statement which you refer to as the second half of the action referred all the way back to the March --

MR. GARRISON: To February.

MR. GRAY: I am talking about March now.

MR. GARRISON: No, I say it did not. I originally thought it did. I originally thought from Mr. Lillienthal's testimony, which he had told me about before I called him as a witness and reconstructed it from his diary as best he could, I thought from his statement of the affair that there had been clearance in March. I assumed that this February thing was therefore an error, and that the first time it came up was in March. But then under cross examination of Mr. Lillienthal when these documents began to come out, and when we obtained further documents later on, it now seems to me to have been as Mr. Sumner Pike suggested, and not as Mr. Lillienthal suggested -- and I would like to trace through those documents with you.

MR. GRAY: I would like to get back to your statement that the August 6th minutes in effect say in the second sentence that we have examined the FBI documents --

(3286) MR. GARRISON: I was attempting to say what I thought the Commissioners had done.

MR. GRAY: I am not quarreling with your interpretation. I am asking you for my own clarification whether you mean by that, that in August they made a minute referring to action which they had actually taken in March?

MR. GARRISON: No, I don't think they took action in March, except to study the FBI files and to discuss the matter. They took some action in March.

MR. GRAY: Not action, but the study took place in March, and they waited until August to say --

MR. GARRISON: No, I think the study, as again will be shown, probably stretched over quite a period of time because the staff went to work, as these documents show, they got the whole file from Mr. Hoover, and the staff got to work on that. There is a memorandum here that everything in the file, all the reports were seen with the exception of two memoranda that I will come to in a

moment. So there was study going on. Nobody knows whether it was in June or July or when it was. But I think it certainly shows that it stretched well beyond March.

MR. GRAY: Is there anything that reflects any action or activity of the Commission between March and August?

MR. GARRISON: I would like to come to that, if I may.

MR. GRAY: All right.

(3287) MR. GARRISON: To answer your question, yes.

MR. GRAY: I am trying to get the straight of it.

MR. GARRISON: I really don't think it is so complicated, although it has to take a sort of stepping stone approach.

I am proceeding on the assumption that in February 1947 there was what might be called a sort of an off-the-cuff clearance of Dr. Oppenheimer and simply based on the knowledge of him, ^{and} the fact that the President had appointed him.

Then comes a letter from Mr. Hoover to Mr. Lillenthal dated March 8, 1947, which sends over and draws to his attention the attached copies of summaries of information about Dr. Oppenheimer and his brother Frank. That then comes before the Board.

MR. ROBB: You mean the Commission.

MR. GARRISON: Comes before the Commission. Thank you, Mr. Robb.

In Mr. Wilson's memorandum of March 10 it shows that the Commission met. The actual FBI file says that the file was delivered to Mr. Jones by the FBI on Saturday morning, March 8. But I don't want to make any point now of what was in the particular documents, and I will limit myself to the summaries of information which, for the moment, Mr. Hoover sent over on March 8. The Wilson memorandum says each of the Commissioners read the rather voluminous summary after they met. (3288) You know what happened. They called in Dr. Bush and they called in Dr. Conant. They had rather a long discussion of the matter. They tried to reach General Groves. That ultimately was accomplished by Secretary Patterson. There is set forth here the views of Drs. Bush and Conant, not based apparently on an examination of the summary -- at least they don't recall it -- they were testifying merely from their knowledge of Dr. Oppenheimer as to his loyalty and the serious consequences that failure of clearance would have and so forth.

Then on March 11, the Commission meets again. They have two days of

meetings. They arrive at the conclusion on March 11 that Dr. Oppenheimer's loyalty was prima facie clear despite the FBI, and that there was no immediate hazard or any issue requiring immediate action, but that a full and reliable evaluation should be made of the case so that it can be disposed of. It is quite clear that at this meeting they are not trying to dispose of it. They say evaluation should be made. Then they decide to seek written views from Drs. Bush and Conant and General Groves, and they instruct the Chairman to confer with Dr. Bush and Mr. Clifford concerning the establishment of an evaluation board. They go to the White House on that mission, and we know all about that.

MR. GRAY: Do we know the outcome of that?

MR. GARRISON: No. I am going into that. I mean we know about the proposal for the Board, the discussion with (3289) Clifford, and their coming back to the meeting that same afternoon and reporting the results of their discussion with Mr. Clifford.

Then we have this entry. At that meeting, that is five o'clock in the afternoon of March 11, the General Manager reported that a detailed analysis of the FBI summary was in process of preparation by the Commission's security staff as an aid to evaluation. So they have put their staff to work on the FBI summary to make an evaluation of it.

The next thing that happens is Mr. Lilienthal's minute about his telephone conversation with Clark Clifford about the proposal that they had made. It appears from this that Clifford reported the matter to Truman, that Truman wanted to think about it, that he was busy with the Mediterranean crisis, that Clifford said that the Commission had done all that they were under any reasonable obligation to do, ^{having} presented the matter and he would take it up with the President, but if Mr. Lilienthal did not hear from him, he should call and remind him about it.

The next document that throws light on this subject is the memorandum from Mr. Jones, the security officer, to the file, dated March 27. I might say perhaps at this point that as we know, there is no more in the record about what happened to this proposal at the White House. Either the President considered it and thought it quite unnecessary to (3290) have a board to evaluate Dr. Oppenheimer's qualifications as a loyal citizen of the United States, and that this was reported to the Commission in some way or other, or that in the press of his affairs the President never got around to doing anything about it, and either Mr. Lilienthal didn't call up Mr. Clifford in the end to check or find

out, or he may have called him up and Mr. Clifford said, "Well, we are not going to take any action on it." Nobody can remember what happened, and there is no documentary evidence to show.

Now, I want to resume the story of what the Commission and its staff were doing. This next thing is this Jones memorandum of March 27, which talks about Mr. Lillenthal going to see Mr. J. Edgar Hoover on March 25 with representatives of the AEC and the FBI. This meeting was attended both by Mr. Lillenthal and Mr. Hoover, and there was a discussion of the case.

I now want to read to you what seems to me particularly in the light of the discussion of the Chevalier incident to be quite a significant passage in this memorandum which I think has escaped our attention until just now. It says, and this is the third paragraph of the memorandum, and the page in the transcript that this appears is 1231, I think: "In the case of J. Robert, those present all seem keenly alive to the unique contributions he has made and may be expected to continue to make. Further there seems general agreement on his (3291) subversive record . . . that while he may at one time have bordered upon the Communistic" -- this is all language of the security officer -- "indications are that for some time he has decidedly moved away from such a position. Mr. Hoover himself appeared to agree on this stand with the one reservation, which he stated with some emphasis, that he could not feel completely satisfied in view of J. Robert's failure to report promptly and accurately what must have seemed to him an attempt at espionage in Berkeley."

Now, we know from the record that the files of the Manhattan District went to the FBI. We know from the record that the transcript of the Pash and Lansdale interviews went to the FBI. So that all of this must be presumed to have been known to Mr. Hoover when he participated in this conference, and he says that Dr. Oppenheimer's failure to report promptly and accurately what took place has given him pause, and that is the only thing apparently in the record that troubled him.

MR. GRAY: Where does he say this?

MR. GARRISON: This is as reported by Mr. Jones, the security officer of the AEC in his memorandum of March 27, 1949, from which I have been reading, which is in the record. It is not a verbatim quote from Mr. Hoover. It is obviously Mr. Jones' recollection of the conversation that took place there. Mr. Jones was the security officer of the (3292) AEC and he says Mr. Hoover was troubled about Dr. Oppenheimer's failure to report promptly and accurately.

This is one more piece of evidence, Mr. Chairman, that Dr. Oppenheimer's story about the Chevalier incident contained the elements of fabrication that we have talked about and that this was known to General Groves and Lansdale as it was known to J. Edgar Hoover.

The next thing that happens -- this is March 27, now -- is a memorandum again from the security officer, Mr. Jones, and this is at page 1409 of the transcript, a memorandum from Mr. Jones to Mr. Bellsley dated July 18. We are now in the middle of July. This memorandum to Mr. Bellsley, the Secretary of the AEC, says, "Herewith a complete investigative file on J. Robert Oppenheimer upon which it is believed the Commission may not have formalized their decision. If the Commission meeting minutes contain indication of Commission action, would you kindly so advise. If they do not, I presume you will wish to docket this case for early consideration."

Now comes the sentence I want to stress:

"Each Commissioner and the General Manager have seen every report in this file with the exception of the summary of July 17, and my memorandum for the file dated July 14, 1947."

That memorandum for the file of July 14 is in the record. It is an account of a discussion with Lansdale in (3293) which Lansdale vouches for Robert Oppenheimer's loyalty as an American citizen. So whether they saw that or not does not affect the matter, because it was favorable to Dr. Oppenheimer and not derogatory.

What this summary of July 17th contained, which they may or may not have seen, Mr. Volpe in his sort of return memorandum here, suggests that it be circulated among the Commissioners if Mr. Jones thinks it ought to be. We don't know whether they saw it or not. We don't know what is in it because when we asked that it be produced here, we were told that it was confidential and could not be. The record shows here that each Commissioner and the General Manager had seen every report in this file with the exception of this summary of July 17, and the Lansdale transcript saying Dr. Oppenheimer was loyal. This cannot have amounted to anything very important, because Mr. Volpe, whose job then was security matters as well as Deputy General Counsel, left it to the security officer whether it was important enough to send to the members of the Board. So presumably it was not much of a document. And the thing that stands out starkly here is that every report in this file except for this probably not important document had gone to each Commissioner and the General Manager, and

that they had seen them. They have seen every report in this file, not just that they received them.

It is this memorandum which leads me to suppose that (3294) after the two meetings in the middle of March, the staff which was at work, as we know, had sent the reports in the investigative file to the members of the Commission. I think this may account, sir, for the testimony here which had a ring of veracity to it, by Dr. Bacher, by Mr. Lilienuhai, by Mr. Pike, that what they remembered going through was a thick document -- a thick document -- it stuck in their memories that this thing was thick.

I think in giving credit to that testimony, as one should, that presumably that thick stuff they went through was all the reports in this file that the staff had sent around in the course of time. Again whether this was April, May, June or when, that these things were sent around and reviewed, I don't know. The record does not show. But that there was more than they had before them, the 12-page summary that Mr. Robb identified here, at the March 10 and 11 meeting, seems to me pretty clear on the face of the record.

Dr. Bacher testified explicitly that what they saw "was first a summary of information from the FBI and later a quite voluminous file, the file being a fairly thick document", at page 2126. That seems to me what had happened here. They testify, these gentlemen, that they treated this matter seriously. Mr. Pike said they all treated it as a serious thing. "I am sure we all did." They would indeed have been derelict in their duty if they had not.

(3295) Here they were, operating under the Atomic Energy Act, a new thing, laying duties upon them, conscientious men, J. Edgar Hoover's putting them on notice, his explicit reserve about the Chevalier incident, the staff at work on this, the reports in the file, voluminous, going to them -- how can we conclude anything but that they took this seriously as they said they did and acted upon it?

Now I come back to the minutes of that August 6th meeting and read the last sentence of the minutes; this, you will remember, follows the memorandum of July 18, in which Mr. Jones, the security officer, asks that a check be made to see what the Commission has done about this in a formal way, and evidently they did make this check and they saw that no formal action had been taken with respect to the matters that had come from Mr. Hoover.

The Commission then at this meeting of August 6 which follows in due course after this July 18 memorandum, Mr. Bellsley calls their attention to the

fact that the decision made in February, which I think we must take as the right date, had not previously been recorded. The Commission directed the Secretary to record the Commission's approval of security clearance in this case, and now here are the key words that were not in the stipulation from the Commission when we asked for information about all this, "and to note that further reports" -- that means further FBI reports which (3296) we are talking about here -- "concerning Dr. Oppenheimer since that date (since February) had contained no information which would warrant reconsideration of the Commission's decision."

If that is not action by the Commission, I will eat my hat. They are saying that they got reports after this business in February, they got FBI reports, that they contained no information which would warrant them to go back and re-do what they had done in February. That surely means, as nearly as words can, that this was considered by the Commissioners, as all the documents here indicate, and that they took a serious action upon the matter, saying, "We have gone all through this stuff, we have looked at it all, we have considered this whole thing, and we will let the February action stand." It is exactly the same thing as saying, "We have looked at it all and we hereby reaffirm what we did in February." There is no difference in it. It is just the form of verbiage.

I don't want to make too much of this action, but I think that this Board should not lightly pass over it. I want to tell you why.

It seems to me that you should give great weight to the judgment of these five men who bore the responsibility of the United States Government under the Atomic Energy Act in the administration of the program, the judgment that they (3297) formed in 1947. This is not a light matter.

Considering one other factor about this whole business of security clearance, when a man is cleared it seems, as we see in this case, and as we have seen in other cases, that the matter can be brought up again and again and again. I think that is most unfortunate. If a man is solemnly and seriously and deliberately cleared by responsible men, that ought to have a kind of sticking quality -- I don't say conclusive for all time at all, I say it can be re-examined in the light of what happens later on -- but where, as in this case, it seems to me that nothing has happened since 1947 of import, and I want to argue that in a minute, that the sticking quality of an action of this character

should be taken seriously to heart and respected. I say this because this business of haling men before security boards is one of the most terrible ordeals that we can subject fellow citizens to. We all know that. It is not good for the country. It is not good for the whole operation of the country. Once a man has been cleared, unless there are serious things that have happened since, it ought to stick. That I urge upon you to take most seriously.

Needless to say in these proceedings, if a man's clearance is taken away from him, that action probably is final for all time. As a practical matter, when a man is branded as disloyal to his country or as not fit to be (3298) trusted with classified data by a board of distinction and character and integrity, like this Board, and like the Commission in this case, if that happens to a man, that is the end of that fellow for the rest of his life. It is the end of the country's chance to use him, too. That can't be re-done. There are therefore hazards to the country and to the man in dragging him up again and again for these clearance ordeals. I urge upon you that consideration as an additional reason for giving the greatest weight to this action of the Commission in 1947.

Now, what did the Commission have before it? I know that question comes up, and it is a question I can't answer, because the files are not available to us, and I can't argue it. I do want to say that I think this aspect of the case, like all others, needs to be judged in the large and not to hang upon some detail. Supposing that in these reports that went to these Commissioners from this investigative file, supposing there was some document or other that gets into the file later that may not have been there, or some document at the time that was not in there, what are we dealing with here basically? We are dealing here with big facts about Dr. Oppenheimer. These basic facts, his wife had been a Communist, his brother had been a Communist, his sister in law had been a Communist, all these things that have happened that we are talking about here, can anybody suppose that those (3299) things were not in the FBI files that went to the members of the Commission? That is the main thing. These big things were in there, the Chevalier incident, the whole thing, and they acted upon it. That, it seems to me, is what we should go by. Just because we haven't a precise and meticulous enumeration of every document in the file that we can compare with the Nichols letter, I think that should not be regarded as of any moment. I will come to that later.

What has happened since 1947 that this Board has before it? There is the whole record of Dr. Oppenheimer's public service since 1947, his service on

the GAC, on these various other boards and committees which we have talked about at the greatest length. There has been the controversy over the 1949 report on the H bomb. I think it was Dr. Conant who testified here, if I am not mistaken, that if the case in 1947 for clearance was strong, the case since 1947 is all the stronger in the light of the record of what Dr. Oppenheimer has done for the whole defense establishment, and the exertions that he has made as a loyal American to help his country.

The Commission did not have Paul Crouch's testimony before it. I cannot suppose that that would be regarded as a change in the condition of substance though it has to be looked at, of course. I am not going to discuss that incident except to say that I am sure that if this Board had any substantial doubt on the validity and the accuracy of Dr. (3300) Oppenheimer's sworn reply that Mr. Crouch would have been produced here. I venture the assertion that if he had, Dr. Oppenheimer's case would have become even stronger.

Now what is left? Some associations, but awfully little. I want to bring this to a close soon, and I am going to say just a little word about Dr. Oppenheimer's associations. The point is really: what are these associations now? There is no use going back into the days that now have been cut asunder, the whole Berkeley period, Los Alamos period is over with. What is the situation about these associations?

There have been so many names brought into this record in the form of questions, did you know X, no, did you know Y, no, did you know Z, no, questions put to witness after witness that I have gotten a little bit dizzy listening to all the catalogues of names whose significance I have absolutely no way of judging. But so far as Dr. Oppenheimer is concerned, and that is what we are talking about, his present contacts of a kind that this Board should consider are for the most part -- nearly all -- the merely casual contacts inevitable to a man of Dr. Oppenheimer's prominence and professional standing -- he goes to a meeting of the Physicists once a year, some scientific meeting, and he bumps into a physicist there who may have had some past record of association with Communist causes. This is inevitable in the life of any scientist who goes to meetings, (3301) that he will meet at these meetings some scientist here or there who at one time had some past associations with the Communist Party. But to say that because of that a man like Dr. Oppenheimer is not fit to be trusted with restricted data just seems to me to reduce the whole business to absurdity.

With respect to only two of the names can it really be said that his present association with them is more than a casual one. One of these is Dr. Chevalier whom Dr. Oppenheimer believes not to be a Communist, and whom he has seen twice in the last few years. He has described him as a friend. I think he has honored himself in describing him as a friend, and in not trying to say that it is just a casual matter. He has his loyalties, Mr. Chairman.

The other one is Dr. and Mrs. Serber. There has been quite a lot of talk about the Serbers. Dr. Serber, as we know from the record, is a distinguished scientist, professor of physics at Columbia University, consultant to the Atomic Energy Commission at Brookhaven Laboratory, and cleared by the Atomic Energy Commission as a result of a review by a board under the chairmanship of Admiral Nimitz, with John Francis Neylan on it. I have forgotten the third man. You know Mr. Neylan as the protagonist of the teachers' oath in the great controversy at the University of California, and counsel for

William Randolph Hearst, and surely not a man soft on left-wingers. He and Admiral Nimitz, and the third (3302) man, General Joyce of the Marines, went over the Serber case back in the late Forties for the Commission, and they said he is okay. This man is a loyal citizen, and give him his Q clearance. They have to take into account Mrs. Serber. If he is fit to associate with Mrs. Serber, I don't know what her background, but if Admiral Nimitz and Neylan and Joyce say that Dr. Serber is fit to associate with his wife and have a Q clearance and work for the Atomic Energy Commission, then why should there be any question about Dr. Oppenheimer once in a while seeing Dr. and Mrs. Serber as he does, maybe once or twice a year?

I am going to wind up, sir, in just a very few minutes. I want to mention and not make anything conclusive of it, but direct seriously to your attention the testimony of Dr. Walter Whitman, who in July 1953, as special assistant to the Secretary of Defense for Research and Development, had to review Dr. Oppenheimer's file under this executive order that we are operating under, requiring a review of cases with derogatory information in it. He testified here that he went through the file, that it had maybe 50 or 60 pages in it. He read it and re-read it, he said, until he had the full significance of it. He examined very carefully General Nichols' letter. He said to the best of his recollection everything in it, except this controversy about the H bomb, was in this file. He reaches the mature conclusion (3303) that Dr. Oppenheimer's clearance should be continued. He makes this recommendation to a review board consisting of Dr. Cairns, Dr. Thompson and General Hines, and to the best of his information, this Board agreed with his recommendation. Certainly the clearance was continued until this unfortunate episode in which we are engaged. I think that, too, is entitled to weight.

Now, I am going to make the briefest kind of mention of the men who have appeared here in Dr. Oppenheimer's behalf. We have had a whole lot of fellows here who have talked about Dr. Oppenheimer for three and a half weeks. Dr. Oppenheimer has sat here day after day and listened to the minute analysis of his character, mind, his background and his past. How he survived it all I don't know. I am not going to elaborate about these people. I want to say this, that they differ from the ordinary character witnesses that we are used to in judicial proceedings, where a man comes in and is asked, "Do you know the reputation in the community of the defendant for whatever it may be?", and he says yes and they say, "What is that reputation?", and he says, "It is good",

or whatever he says about it. This has not been that kind of testimony. I can't emphasize that too much. Every one of these men who has appeared here -- these have been men who have worked with Dr. Oppenheimer, who have seen him on the job and off the job, who have formed judgments about character which (3304) is the way human beings do judge one another. How do we learn to trust one another except by knowing each other? How can we define the elements of that trust except to say I know that man, I have worked with that man? That is what it comes down to. How else can you express it? These men have known him and have worked with him, and have lived with him.

I am just going to mention one or two or three that I want to especially comment on. I would like to mention Gordon Dean for one, because among other things, he saw him not only in his relationship as an Atomic Energy Commissioner to Dr. Oppenheimer as the GAC Chairman, but he also went through this famous FBI file in 1950 and later. He made it his business to follow that file. He testified that if anything came along, whatever came along, he looked into it, and he took it very, very seriously, as to the responsibility that he bore. He came in here without a shadow of a reservation about Dr. Oppenheimer as not a security risk and as a loyal American citizen. He considered the Chevalier incident, and he put it in its place, and looked at it as so many of these men of the highest probity and honor have looked at it and said, "Yes, that is there and we don't like it, but we know Dr. Oppenheimer and we trust him, and we trust him for the United States of America."

Here is Dr. Rabi, present Chairman of the GAC. He too read this file, 40 pages, he said it was, in January of (3305) this year which Admiral Strauss gave him to read. He went all through it. He testified, as you know, to his complete and unwavering faith in Dr. Oppenheimer.

Here is Norris Bradbury, surely a man that this Board can tie up to and lean upon, a man of obvious deep probity, good judgment, sound fellow, who has lived at Los Alamos for about the whole shooting match, more than any other man you have seen here, including Dr. Teller, because he has had the whole thing in his hands, and everything to do with it that Dr. Oppenheimer has had he knows. If anybody was in a position to say this fellow impeded our progress or interfered with us, or was somehow sinister, it would be Bradbury. Exactly the reverse is the case.

I could go on and I think I won't. You will read the record, and I know that you will take these judgments deeply seriously. You have had three and a

half weeks now with the gentleman on the sofa. You have learned a lot about him. There is a lot about him, too, that you haven't learned, that you don't know. You have not lived any life with him. You have not worked with him. You have not formed those intangible judgments that men form of one another through intimate association, and you can't. It is impossible for you to do so. And I think that you should take most earnestly to heart the judgment of those who have.

Here he is now with his life in one sense in your (3306) hands, and you are asked to say whether if he continues to have access to restricted data he may injure the United States of America, and make improper use of that. For over a decade that he has had this position of sharing in the atomic energy information, never a suggestion of an improper use of data. His life has been an open book. General Wilson, one of his critics, on the H bomb end of things, testified -- I have forgotten the exact words, but we probably have it around here -- that if anybody had demonstrated his loyalty by affirmative action, it is Dr. Oppenheimer, and this affirmative action runs all through his record.

You have a tough job of applying these rather complicated standards, criteria and so forth. I know that. I beg of you, as I wind up now my conclusion, to take the straightforward common sense judgment that the Commission took in the case of Dr. Graham, and look at the whole man, and as you consider the case, "It must be recognized that it is the man himself that the Commission is actually concerned with. Associations are only evidentiary, and common sense must be exercised in judging their significance." There is the whole thing in a nutshell.

Now, the concluding sentence, indeed that whole memorandum of decision, breathes a kind of air of largeness, of reality, of practicality in dealing with this problem. The thing that I would most urge you not to do, in addition (3307) to not bringing 1943 into 1954, is to get chopped up into little compartments or categories that will give to this case a perfectly artificial flavor of judgment, that you will treat it in the round and the large with the most careful consideration of the evidence, and then treat it as men would treat a problem of human nature, which can't be cut up into little pieces.

There is more than Dr. Oppenheimer on trial in this room. I use the word "trial" advisedly. The Government of the United States is here on trial also. Our whole security process is on trial here, and is in your keeping as is his life -- the two things together. There is an anxiety abroad in the country,

and I think I am at liberty to say this to you, because after all, we are all Americans, we are all citizens, and we are all interested here in doing what is in the public interest, and what is best for our country. There is an anxiety abroad that these security procedures will be applied artificially, rigidly, like some monolithic kind of a machine that will result in the destruction of men of great gifts and of great usefulness to the country by the application of rigid and mechanical tests. America must not devour her own children, Mr. Chairman and members of this Board. If we are to be strong, powerful, electric and vital, we must not devour the best and the most gifted of our citizens in some mechanical application of security procedures (3308) and mechanisms.

You have in Dr. Oppenheimer an extraordinary individual, a very complicated man, a man that takes a great deal of knowing, a gifted man beyond what nature can ordinarily do more than once in a very great while. Like all gifted men, unique, sole, not conventional, not quite like anybody else that ever was or ever will be. Does this mean that you should apply different standards to him than you would to somebody like me or somebody else that is just ordinary? No, I say not. I say that there must not be favoritism in this business. You must hew to the line and do your duty without favor, without discrimination, if you want to use that word.

But this is the point that if you are to judge the whole man as the Commission itself in its regulations and its decisions really lays upon you the task of doing, you have then a difficult, complicated man, a gifted man to deal with and in judging him, you have to exercise the greatest effort of comprehension. Some men are awfully simple and their acts are simple. That doesn't mean that the standards are any different for them. The standards should be the same. But this man bears the closest kind of examination of what he really is, and what he stands for, and what he means to the country. It is that effort of comprehension of him that I urge upon you.

(3309) I am confident, as I said, that when you have done all this, you will answer the blunt and ugly question whether he is fit to be trusted with restricted data, in the affirmative. I believe, members of the Board, that in doing so you will most deeply serve the interests of the United States of America, which all of us love and want to protect and further. That I am sure of, and I am sure that is where the upshot of this case must be.

Thank you very much.

Appendix C

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United States Atomic Energy Commission

In the Matter of

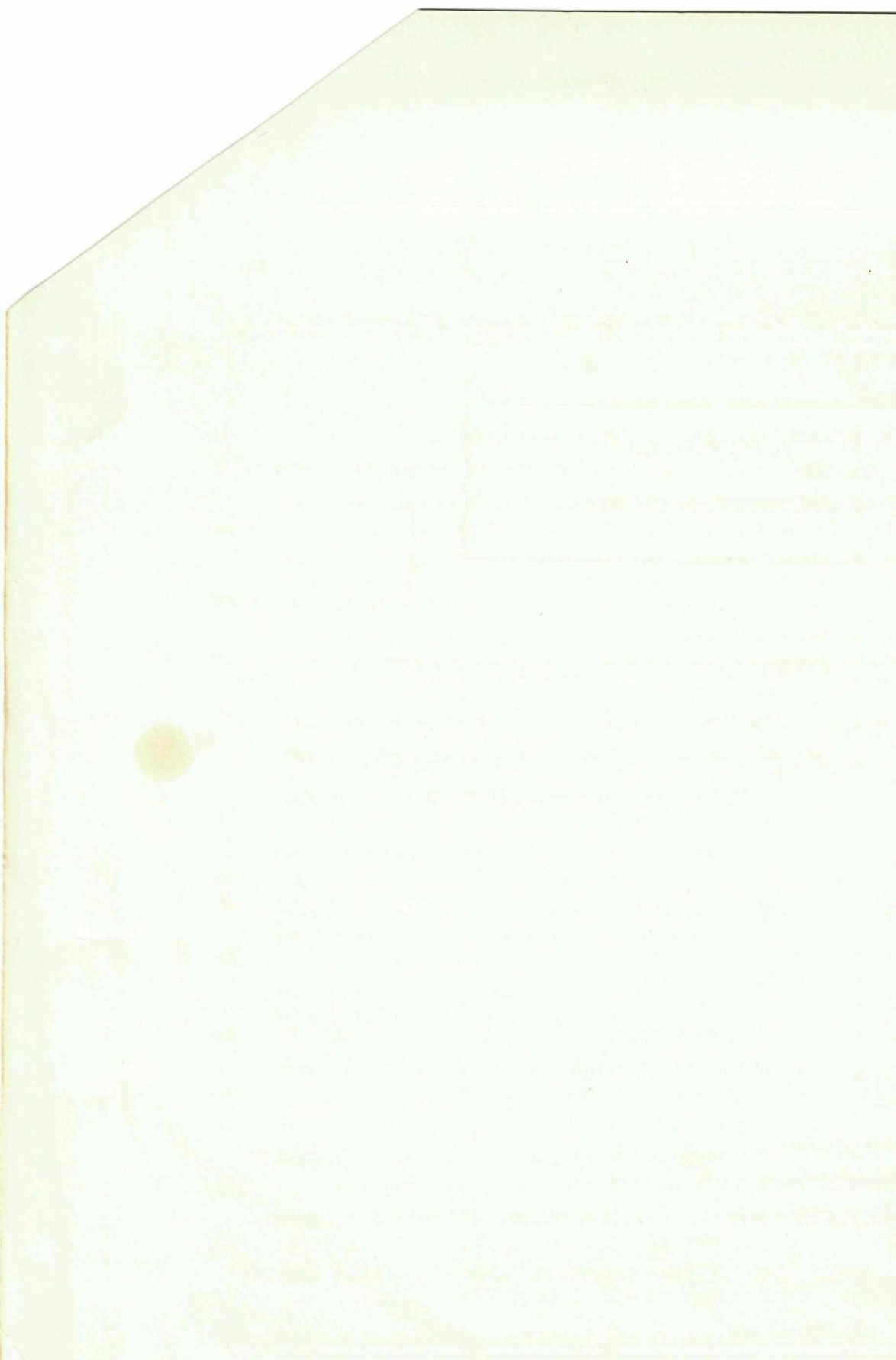
J. ROBERT OPPENHEIMER

BRIEF ON BEHALF OF DR. J. ROBERT OPPENHEIMER

**Filed with the Atomic Energy Commission's Personnel
Security Board: Gordon Gray, Chairman; Dr. Ward
V. Evans; Thomas A. Morgan**

May 17, 1954

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*[Two words of original typewritten brief deleted by Classification Officer, to whom counsel submitted this brief before it was printed.]

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THE AMERICAN SYSTEM OF FINANCE

United States Atomic Energy Commission

In the Matter of

J. ROBERT OPPENHEIMER

BRIEF ON BEHALF OF DR. J. ROBERT OPPENHEIMER

Filed with the Atomic Energy Commission's Personnel Security Board: Gordon Gray, Chairman; Dr. Ward V. Evans; Thomas A. Morgan

May 17, 1954

I. INTRODUCTORY

This proceeding, formally commenced by the letter from the AEC's General Manager to Dr. Oppenheimer, dated December 23, 1953, is now in its fifth month. Despite the length of the hearings, the number of witnesses who testified, and the scope of the topics discussed, the question at issue, as stated by the General Manager's letter just referred to, is a simple one, namely: whether Dr. Oppenheimer's "continued employment on AEC work will endanger the common defense and security and whether such continued employment is clearly consistent with the interests of the national security."

Since, as a Consultant on a contract annually expiring on June 30th, Dr. Oppenheimer renders service only when asked by the Commission, and since therefore his eligibility for access to restricted data (suspended by the Commission's action) is what is really at stake, the question before the Board actually boils down to whether or not in the handling of restricted data Dr. Oppenheimer can be trusted. This is the bare blunt question which the Board must decide.

The derogatory information set forth in the General Manager's letter, and developed in the testimony, falls into two main categories: (1) Dr. Oppenheimer's associations, and incidents related thereto, and (2) his alleged opposition to the H-bomb, and incidents related thereto. The evidence will be discussed below under these two headings.

The Commission made it clear, in a letter from the General Manager to Dr. Oppenheimer's counsel, dated January 27, 1954, that the Commission did not consider his letter of December 23, 1953 to Dr. Oppenheimer "as being a statement of charges but rather a statement of 'substantially derogatory information' bearing upon his eligibility for AEC security clearance." This comment was in keeping with the Commission's rule that in cases of this sort "the proceeding is an inquiry and not a trial" (Rules and Regulations, § 4.15(a)).

The Board has, of course, adhered to this principle. It has avoided the attitude of a prosecution and has repeatedly stated that the proceeding is an inquiry and not a trial.

But for us the procedure has had disturbing aspects. We are constrained to comment on them—if only briefly—because we feel that our primary protection from the possibly prejudicial effect of these conditions rests in the Board's awareness of them and in the effort that it will in consequence make to keep such conditions from coloring adversely the testimony of witnesses and the other evidence.

The Commission seems always in the past to have recognized that in proceedings of this kind there is an inherent danger of unfairness to the individual resulting from the fact that much of the information is supplied by the FBI and cannot—under the rules thought necessary to protect FBI reports—be made fully available to the individual. The AEC Fourth Semi-Annual Report, July 1948, expresses the hope "that it will be possible to keep these situations to a minimum" (p. 53). Perhaps by the end of the nearly four weeks of hearings this hope had been partially realized—in this case—at least in the sense that by then much documentary information had come out in the course of the proceedings which had previously been unavailable to us.

But we must also point out that in our preparation for the hearings much documentary information was denied us which later came out—usually during cross-examination—and which if available earlier would have greatly aided our presentation of the case. In the day-to-day hearings, witnesses were examined on the basis of their recollection while documents were withheld from or denied to the witnesses which would have set the facts straight; then later the documents were produced to contradict and show the witness to be fallible, as well he might be on points of detail over such long periods. Or documents referred to on cross-examination sometimes came out only in fragments and were finally made available to us and to the witness in full only after fragments had already been used in such a way as to cause surprise, confusion and apparent conflicts in testimony.

We think we must also observe that it frequently happened in the proceeding that classified documents were declassified at the very moment of cross-examination or shortly before and that these documents were not made available to us except in the course of cross-examination or later. This is but a special aspect of the general condition with respect to procedure about which we have been here commenting.

We make these comments because the failure to supply us with relevant documents in advance, coupled with the use of such techniques in cross-examination, tended to give to the proceedings the atmosphere of an adversary proceeding, that is to say, a trial—but a trial in which the customary safeguards of an adversary case were absent. The fundamental premise of a fair trial is that the two adversaries shall have more or less equal access to evidence and sources of evidence. Had this in fact been recognized as an adversary case, procedures would have been open to us to secure the documents which were used in cross-examination (except perhaps a very few which were classified and remained classified). These are the procedures exemplified by the rules for the Discovery and Production of Documents. Rules 26(b) and 34, Fed. Rules of Civil Procedure; Rules 16 and 17(c), Fed. Rules of Criminal Procedure; *Bowman Dairy Company v. United States*, 341 U. S. 214, 221.

These observations are not made in a spirit of criticism. We are attempting to describe the adversary conditions that appeared to us in the proceedings, whether because counsel for the Commission lacked explicit instructions on the point or because special counsel specially retained in such a case naturally tends to take an adversary position.

We have appreciated the repeated assurances of the Chairman that in judging the testimony of witnesses the Board will take into account the natural fallibility of memory as it appeared when a witness was first cross-examined concerning a long-past incident and then confronted for the first time with a document or a fragment of a document showing his memory to be faulty. While we have been grateful for the Board's reassurances in this respect, it seems to us regrettable that incidents should have occurred which made such assurances necessary and we cannot help feeling that such incidents would have been avoided if we had been supplied in advance with the relevant documents which, as it turns out, there could have been no substantial reason for withholding from us.

II. THE LEGAL FRAMEWORK

The Board is governed first of all by Sec. 10(b)5(B)(i) of the Atomic Energy Act of 1946, which provides in substance that an individual should not have access to restricted data until the Civil Service Commission (or, in certain circumstances, the FBI) "shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual and the Commission shall have determined that permitting such person to have access to restricted data will not endanger the common defense or security". Applicable also is Sec. 2 of Executive Order 10450, dated April 27, 1953, which says in effect that the head of each agency shall establish and maintain an effective program to insure that the employment and retention of an individual "is clearly consistent with the interests of the national security."

These two phrases—that employment "will not endanger the common defense or security" (Atomic Energy Act) and will be "clearly consistent with the interests of the national security" (Executive Order)—are used together in the passage quoted from the General Manager's letter of December 23, 1953 above; and they seem to mean substantially the same thing because while the phraseology of the Executive Order is affirmative in form and that of the Act is negative, the Act also uses affirmative phraseology in Sec. 10(a), which provides that "It shall be the policy of the Commission to control the dissemination of restricted data in such a manner as to assure the common defense and security." That the two phrases in question mean the same thing is also borne out by the fact that while Executive Order 10450 evidently contemplates that the agencies concerned should promulgate rules and regulations to give effect to the Order, the Atomic Energy Commission treated its existing system as complying with the Order.

In formulating its recommendations upon this question, the Board is to be guided by Sec. 4.16 of the Atomic Energy Commission's Rules and Regulations, particularly by paragraph (a) thereof, which reads in part as follows:

"(a) The Board shall carefully consider all material before it including reports of the Federal Bureau of Investigation, the testimony of all witnesses, the evidence presented by the individual, and the standards set forth in 'AEC Personnel Security Clearance Criteria for Determining Eligibility' (14 F. R. 42). In considering the material before the Board, the members of the Board, as practical men of affairs, should be guided by the same consideration that would guide them in making a sound decision in the administration of their own lives. . . ."

The standards set forth in "AEC Personnel Security Clearance Criteria for Determining Eligibility" (14 F. R. 42), which under the foregoing paragraph (a) the Board is to consider, are many and detailed. Under Sec. 4.18(c) of the Rules and Regulations the Manager is likewise to be guided by these standards. These standards are in general what one would expect in such a proceeding; account must be taken, for example, of all "favorable" information as well as "unfavorable", of the "judgment of responsible persons as to the integrity of the individual", and of various categories of derogatory information, some of which create a presumption of risk and some of which do not. It is clear that if the Board should find evidence establishing, in the case of some one or another of these categories, a presumption of risk, this presumption would be rebuttable and could be overcome by the weight of the favorable evidence which the Board is required to take into account.

It seems natural that the Board, in making its recommendations to the General Manager, should be called upon to consider the same standards as those which the General Manager is required to consider in making his final decision. It is possible that under a common sense application of the "Personnel Security Clearance Criteria for Determining Eligibility" there may be found to be a few matters upon which, in consequence of the differences in their respective functions, the General Manager could pass more appropriately than the Board. It does not seem to us important whether or not any such exceptions should be read into the "Criteria" because in any event so many factors would be left for the consideration of the Board that in the end the Board would have to fall back upon the basic provision in the fourth paragraph of the "Criteria" that:

"The decision as to security clearance is an overall, common sense judgment, made after consideration of all the relevant information as to whether or not there is risk that the granting of security clearance would endanger the common defense or security."

This overall common sense approach, which is set forth in the "Criteria", is reinforced by Sec. 4.16(a) of the Rules and Regulations quoted above and addressed specifically to the Board—particularly the second sentence, which says that:

"In considering the material before the Board, the members of the Board, as practical men of affairs, should be guided by the same consideration that would guide them in making a sound decision in the administration of their own lives."

We are sure that the Board will take this common sense practical approach to the question before it, considering all that is favorable to

Dr. Oppenheimer as well as anything that may be unfavorable to him, and avoiding the confusion which would inevitably result if the case were to be chopped up artificially into a number of items which then were to be separately weighted and the total added up as if we were dealing with a series of abstract virtues and defects instead of with a whole human being.

It is true that the Atomic Energy Act, in providing that no individual shall be employed, save in emergencies, without a prior report on his "character, associations, and loyalty", implies that these are three factors to be separately weighed (Sec. 10(b)5(B)(ii)); and the General Manager's letter to Dr. Oppenheimer of December 23, 1953 stated in the second paragraph that "As a result of additional investigation as to your character, associations and loyalty", and of a review of Dr. Oppenheimer's personnel file in the light of the requirements of the Act and the Executive Order, questions had arisen as to his continued employment, etc. General Groves, who is not of course a lawyer, testified that while he had no doubt as to Dr. Oppenheimer's loyalty, he would not have cleared him in 1947 because of his past associations; he considered that the Act called for an entirely separate consideration of an individual's associations, and that on that basis a loyal individual could be denied access to restricted data.*

Differing as we do with General Groves' interpretation of the Act, we think that the legal point which he raised is one which the Board is bound to consider. In approaching it, we urge the Board not to lose sight, for one moment, of the basic question which is at issue, namely: can Dr. Oppenheimer be safely trusted with restricted data?

In this connection we urge the Board to give particular consideration to the AEC's "Memorandum of Decision Regarding Dr. F. P. Graham", dated December 18, 1948 and issued to the press because of its importance. From this memorandum it appeared that Dr. Graham, in the course of vigorously advocating the principles he believed in, had allied himself with large numbers of people and organizations all over the country, and that in this way "he has been associated at times with individuals or organizations influenced by motives or views of Communist derivation. These associations, which in substance are described in various published material, are all referred to in the security file."

Then followed a paragraph in which the Commission set forth the essence of its philosophy—that while associations are to be considered, it is the whole man who is to be judged and not just a part of him in the

*Gordon Dean, who is a lawyer, testified, with explicit reference to the standards contained in the Act, that he would clear Dr. Oppenheimer (Tr. 1036).

abstract, and that common sense must be the touchstone of judgment—a philosophy which we hope and believe the Board will follow in Dr. Oppenheimer's case. The paragraph reads as follows (*italics added*):

“‘Associations’ of course have a probative value in determining whether an individual is a good or bad security risk. But it must be recognized that *it is the man himself the Commission is actually concerned with, that the associations are only evidentiary, and that common sense must be exercised in judging their significance.* It does not appear that Dr. Graham ever associated with any such individuals or organizations for improper purposes; on the contrary, the specific purposes for which he had these associations were in keeping with American traditions and principles. Moreover, from the entire record it is clear in Dr. Graham's case that such associations have neither impaired his integrity and independence, nor aroused in him the slightest sympathy for Communist or other anti-democratic or subversive doctrines. His record on controversial issues has made this abundantly clear, and his course of conduct during the past two decades leaves no doubt as to his opposition to Communism and his attachment to the principles of the Constitution.”

The concluding passage of the memorandum should also be noted:

“All five members of the Commission agree with the conclusion of the General Manager that, in the words of the Atomic Energy Act of 1946, it ‘will not endanger the common defense or security’ for Dr. Graham to be given security clearance, and that it is very much to the advantage of the country that Dr. Graham continue his participation in the atomic energy program. 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.”

In the Commission's own view, therefore, (1) “the man himself” is to be judged, and not any artificially divided fragments of him; (2) “common sense” must be exercised in making the judgment; and (3) our success in the atomic energy field will depend in large part on our ability to attract into the program “men of character and vision with a wide variety of talents and viewpoints.”

Does this mean that because Dr. Oppenheimer is a man of extraordinary capacity and profound knowledge of the atomic energy field, who has rendered brilliant and sustained service to his country, his clearance is to be determined by any different standard than that applicable to an average employee? Not at all. But it does mean that in judging “the man himself” the Board has a more exacting task to perform than would ordinarily be the case; first, because Dr. Oppenheimer, like most highly gifted persons, is a complicated and unconventional individual

who cannot be rightly understood without much effort; and secondly, because his services to the country which must be considered in this case have been so varied and extensive.

This effort of comprehension, and the task of considering Dr. Oppenheimer's affirmative contributions to the national welfare, would not need to be undertaken at all if full weight were to be given to the central fact that for more than a decade Dr. Oppenheimer has created and has shared secrets of the atomic energy program and has held them inviolable, without even the whisper of a suggestion of any improper use of them. General Groves cleared him in 1943 and has testified to his loyalty today; the Atomic Energy Commission, as we think the record clearly shows, unanimously cleared him in 1947; three of the Commissioners who took this action have testified as to his loyalty today; and except for his part in the H-bomb controversy, which, as we think the record shows, involved an honest judgment as to the wisest course for this country to pursue, nothing has happened since 1947 which would warrant reopening the whole question—on the contrary, his contributions to the national defense effort since 1947 have strengthened rather than weakened the correctness of the earlier clearances. This is the substance of the case as we view it.

In consequence of the Commission's action, however, it is necessary once again to review Dr. Oppenheimer's career. We shall consider first the derogatory matters and then the affirmative acts by which he has demonstrated his loyalty.

III. THE DEROGATORY MATTERS

A. Alleged Opposition to the H-Bomb Program

We begin with this topic because it is the largest, the most complex, and the latest in the list of items contained in the General Manager's letter of December 23, 1953, and because it now seems probable that if in the fall of 1949 Dr. Oppenheimer had joined with the proponents of an active program for the most rapid development of the H-bomb, the unfounded suspicions which precipitated the Commission's action in this case would not have arisen and these proceedings would not have occurred.

The General Manager's letter of December 23, 1953 implies, though it refrains from saying so, that the advice which Dr. Oppenheimer joined in giving to the AEC in the fall of 1949 with regard to the H-bomb program, was motivated by a sinister purpose to aid Russia at the expense of our own country. Unless this shocking implication is read into the letter, unless in short Dr. Oppenheimer's advice was being challenged as dishonest, there obviously could be nothing derogatory about the opinions he expressed. We do not need to labor to this Board the proposition that, unlike the situation in Russia, in the United States it would be unthinkable for a scientist's loyalty to be impugned because he gave advice which, though honest, was not at the time, or later, welcome to the government he served.

Before considering the question of motivation, it may be helpful to clarify the nature of the advice that was given, for the brief analysis of Dr. Oppenheimer's position as contained in the General Manager's letter needs correction and refinement.

1. The Nature of the Advice which Dr. Oppenheimer Gave

The General Manager's letter begins its recital of this part of the derogatory information by reporting "that in 1945 you [Dr. Oppenheimer] expressed the view that 'there is a reasonable possibility that it (the hydrogen bomb) can be made,' but that the feasibility of the hydrogen bomb did not appear, on theoretical grounds, as certain as the fission bomb appeared certain, on theoretical grounds, when the Los Alamos laboratory was started. . . ."

When the Los Alamos laboratory was started under Dr. Oppenheimer's leadership, the possibility of developing a thermonuclear weapon had already been discussed during much of the summer of 1942, and Dr. Oppenheimer testified that he and the others who discussed it thought it would be a much easier undertaking than it turned out in

fact to be (Tr. 757).^{*} Work on the possibility of producing a thermonuclear weapon began at the start of the Los Alamos project; it never occupied a large part of the laboratory's effort and, in the nature of things, could not, since the fission bomb had first to be produced and perfected; but the work continued under Dr. Oppenheimer's direction throughout the war (Tr. 757, 758). After Dr. Oppenheimer left Los Alamos in 1945, following the successful production of the fission bomb and its use in Japan to bring the war to a close, work continued on the thermonuclear program at Los Alamos with Dr. Oppenheimer's approval (Tr. 759).

Dr. Oppenheimer testified that while he did not recognize the quotation ascribed to him in the passage from the General Manager's letter quoted above, the passage is an accurate expression of his overall view in 1945 with regard to the state of affairs then existing (Tr. 736, 737).

The General Manager's letter goes on to state "that in the Autumn of 1949 the General Advisory Committee expressed the view that 'an imaginative and concerted attack on the problem has a better than even chance of producing the weapon within five years.'" (Tr. 12-13). Dr. Oppenheimer identified the quoted portion of this passage as one of the conclusions set forth in the October 29, 1949 report of the GAC and stated that it expressed his view and the views of the other members of the Committee at that time (Tr. 737).

The General Manager's letter continued as follows:

" . . . It was further reported that in the Autumn of 1949, and subsequently, you strongly opposed the development of the hydrogen bomb: (1) on moral grounds, (2) by claiming that it was not feasible, (3) by claiming that there were insufficient facilities and scientific personnel to carry on the development, and (4) that it was not politically desirable. . . ." (Tr. 13)

The best evidence of Dr. Oppenheimer's views about the hydrogen bomb in the Autumn of 1949, and presumably the source of this statement, is the GAC report of October 29, 1949 with its so-called majority annex, to which he was a party. After the national policy had been decided he supported the program, and his views were further modified as technical advances were made. He testified that the General Manager's report of his position in the Autumn of 1949 was true in part only; that it give a very misleading impression of what he and his fellow members of the GAC had reported (Tr. 737). Dr. Conant testified that it was a "caricature" of the views of the GAC (Tr. 1245).

^{*}This and each similar notation which follows refers to the transcript of the hearings before the Personnel Security Board and the page number of the transcript.

The Board has before it the full text of the report, which was unanimous; of the so-called majority annex, containing the policy views of Dr. Conant, Dr. Oppenheimer, Dr. DuBridge, Mr. Rowe, Mr. Buckley and Dr. Smith; and of the minority annex, containing the policy views of Dr. Fermi and Dr. Rabi. These documents are classified. Since they are available to the Board, little need be said about them here; but a brief reference to the general nature of the report and of the annexes, as these were described in the testimony, needs to be made in order to place in perspective Dr. Oppenheimer's views and to correct the misleading summary of them contained in the General Manager's letter.

The report proper had a letter of transmittal, a section recommending certain affirmative actions to be taken by the AEC and a section on Super bombs, the two sections being about equal in length (Oppenheimer, Tr. 258). With respect to the Super, the report gave an account of what it was supposed to be, what had to be done in order to bring it about, some semi-quantitative notions of the materials that would be required, what kind of damage it would do, and what sort of a program would be necessary; it was a weapon which no one could be sure of until it was tried out (Tr. 2589). As previously stated, the report expressed the view that an imaginative and concerted attack on the problem had a better than even chance of producing the weapon within five years. There was nowhere any statement that it was not feasible. With respect to the estimate of chances which the report did make, Dr. Oppenheimer testified that at the time he believed that this was "a good assessment. You would have found people who would have said this was too conservative, it could be done faster and more certainly, and you would find other people who would say that it could not be done at all; but the statement as read here, no member of the General Advisory Committee objected to, and I have heard very little objection to that as an assessment of the feasibility at that time." (Tr. 260).

One of the conclusions of the report was that for anything but very large targets the Super bomb would not be economical in terms of damage per dollar, and that even in the case of large targets there was uncertainty whether it would be economic in terms of damage per dollar (Tr. 259).

The report further contained what Dr. Oppenheimer described as the crux of the matter and as "a strong negative statement" (Tr. 260):

"We all hope that by one means or another, the development of these weapons can be avoided. We are all reluctant to see the United States take the initiative in precipitating this development. We are all agreed that it would be wrong at the present moment to commit ourselves to an all-out effort towards its development." (Tr. 259).

Dr. Oppenheimer went on to say (Tr. 260) :

"We added to this some comments as to what might be declassified and what ought not to be declassified and held secret if any sort of a public statement were contemplated. If the President were going to say anything about it, there were some things we thought obvious and there would be no harm in mentioning them. Actually the secret ones were out in the press before very long."

All the members of the GAC (Tr. 755) except Seaborg, who was in Europe (Tr. 756), signed the report.

Dr. Oppenheimer testified that the "real reason, the weight, behind the report" was in his view a feeling that "the existence of these weapons would be a disadvantageous thing. It says this over and over again." (Tr. 262). He then quoted from the minority annex of Fermi and Rabi as follows:

"The fact that no limits exist to the destructiveness of this weapon makes its very existence and the knowledge of its construction a danger to humanity as a whole. It is necessarily an evil thing considered in any light. For these reasons, we believe it important for the President of the United States to tell the American public and the world that we think it wrong on fundamental ethical principles to initiate the development of such a weapon."

The majority annex expressed in somewhat different terms a related concern:

"In determining not to proceed to develop the Super bomb, we see a unique opportunity of providing by example some limitations on the totality of war and thus of eliminating the fear and arousing the hope of mankind." (Tr. 262).

Dr. Oppenheimer testified:

"I think it is very clear that the objection was that we did not like the weapon, not that it couldn't be made.

"Now, it is a matter of speculation whether, if we had before us at that time, if we had had the technical knowledge and inventiveness which we did have somewhat later, we would have taken a view of this kind. These are total views where you try to take into account how good the thing is, what the enemy is likely to do, what you can do with it, what the competition is, and the extent to which this is an inevitable step anyway." (Tr. 262-3).

This, we submit, is the best explanation of the way in which those who signed the majority annex arrived at their final conclusion: their

views were "total views" in which considerations of ethics, of relative feasibility, of the risks to the United States in stimulating Russian developments, and of the possibilities of saving both America and humanity from an intensified race in super-armaments, intertwined to produce the final conclusion.

It is clear from Dr. Oppenheimer's testimony that the moral considerations which moved him were not fixed or absolute and depended in part on the fact that at the time of the report the chances of producing a hydrogen bomb were still speculative; it was the definitive step of assuming the initiative which we hoped to avoid. He always thought that the weapon was a "dreadful" one; he had "a grave concern and anxiety"; "How could one not have qualms about it? I know no one who doesn't have qualms about it." (Tr. 740-1).

When it became clear . . . [Phrase in original typewritten brief deleted by Classification Officer, with whom counsel cleared this brief before it was printed.] after the low point of discouragement in the winter of 1950, that practical obstacles to making a thermonuclear weapon were on the point of being overcome, Dr. Oppenheimer actively assisted in pushing forward the necessary program, not merely because this was in accordance with President Truman's policy directive of January 1950, with which Dr. Oppenheimer had sought to comply, but also because, when a new weapon comes near to practical realization you have to go ahead and build it, whatever your qualms, because if you are that near to it the enemy may be likewise (Tr. 800-3). By contrast, in the fall of 1949, as we seemed to be far from the realization of a super weapon, so also did the Russians [Balance of sentence of original typewritten brief deleted by Classification Officer.] Moreover, there was a serious question as to our need of a Super weapon; we had become increasingly well equipped with atomic bombs and both their production and their destructive capabilities were steadily expanding. Whether right or wrong—and this Board is not concerned with the rightness of the judgment but only with its honesty—these were Dr. Oppenheimer's views, not in detail and in all their refinements, but roughly as they emerge from the testimony in the record.

As to the statement in the General Manager's letter that Dr. Oppenheimer opposed the development of the H-bomb "by claiming that there were insufficient facilities and scientific personnel to carry on the development," (Tr. 13) Dr. Oppenheimer testified that he never made the alleged claim "in that bald form, because it was not true. I never believed it and I therefore don't believe I could have claimed it." (Tr. 741). Dr. Oppenheimer, in common with the other members of the

GAC, did think at the time that an all-out effort to produce the H-bomb would divert manpower and material from the A-bomb program which was progressing rapidly and favorably. Finally, referring again to the General Manager's letter, the claim "that it was not politically desirable" (Tr. 13) was, he said, "certainly a better statement of the general import of the GAC report—of the annex to the GAC report—than moral grounds." (Tr. 742).

In the course of his examination Dr. Oppenheimer was asked whether it wasn't true that the majority annex recommended that the United States should never under any circumstances produce a hydrogen bomb. This he denied. He conceded that the annex contained a phrase: "We believe a Super bomb should never be produced" (Tr. 767), but that taken in its context this meant simply that "it would be a better world if there were no hydrogen bomb in it" (Tr. 768); and that in a discussion with the Commission afterwards the GAC made it quite clear that they had not intended "an unqualified and permanent opposition" (Tr. 767). If, for example, this country learned that the Russians were up to something, the situation would be different (Tr. 768).

What was it actually that the GAC opposed in their report of October 1949? It was a "crash program" for the production of the hydrogen bomb or, as Dr. Oppenheimer testified, "it would be a better summary to say we opposed this crash program as the answer to the Soviet atomic bomb" (Tr. 766). By a "crash program" he meant the building of a plant, the procuring of equipment and the making of a commitment "to build this thing irrespective of further study and with a very high priority. A program in which alternatives would not have an opportunity to be weighed because one had to get on and because we were not going to sacrifice time." (Tr. 766-7).

So much for the advice which Dr. Oppenheimer gave to the government in the fall of 1949 with regard to the H-bomb. This is far from the picture suggested by the General Manager's letter. There is no evidence that at any later stage Dr. Oppenheimer expressed any stronger views in opposition to the development of the Super weapon than those outlined above; on the contrary, as the record shows, he supported the program after President Truman made the decision to go ahead with it in January 1950.

2. Dr. Oppenheimer's Motivation in Opposing the Development of the H-bomb in the Fall of 1949.

The sincerity of Dr. Oppenheimer's views, the difficult and complex nature of the choice which confronted him and his colleagues, and the

earnestness with which he and they struggled to find what they thought to be the best course for the country, shine through the testimony. The course of Dr. Oppenheimer's cross-examination, however, seemed designed to cast doubt upon his good faith in several different ways, as follows:

(a) Did he not support the work on the thermonuclear program at Los Alamos, again at the end of the war, again when he became Chairman of the GAC in 1947 (Tr. 757-9), and right up to the time when the Russians exploded their atomic bomb, and did he not thereafter suddenly and for the first time bend his efforts toward preventing the development of an H-bomb? The answer to this was that after the Russian explosion he continued to advocate the continuation of the same work which had been going on during the preceding period—namely, the making of theoretical studies and measurements. He did not advocate the cessation of anything; he opposed, for the reasons already summarized, the launching of an active construction and testing program designed to bring the H-bomb into being in the shortest possible time and with the greatest possible expenditure of effort.

(b) Did he not seize the occasion of the GAC meeting on October 29, 1949 to initiate the opposition program to the H-bomb, without being asked to do so by the AEC?

In the earlier part of the hearings there was some doubt as to just how the question of the all-out H-bomb program came to be included in the GAC's agenda at the October 29 meeting. Dr. Oppenheimer (Tr. 250-1), Mr. Rowe (Tr. 685), Mr. Lilienthal (Tr. 1299), and Mr. Dean (Tr. 1032) recollected that the question was put to the GAC—apparently by the AEC Chairman—at a joint meeting with the members of the AEC on October 29, which preceded the three-day sessions of the GAC; but these recollections were not very sharp. Mr. Lilienthal testified about Admiral Strauss' memorandum of October 5 or 6, which asked that this question be considered by the GAC (Tr. 1305). Later in the hearings it became abundantly clear that Dr. Oppenheimer had not initiated the action and that it had been definitely placed on the agenda of the GAC well before the meeting through action by the AEC. Thus, on October 14 the Joint Chiefs met with the Joint Congressional Committee on Atomic Energy, and General Vandenberg, for the Joint Chiefs, urged the development of the H-bomb (Tr. 2352); this was followed on October 17 by a letter from the Joint Congressional Committee to the AEC requesting further information on the Super (Tr. 2353). A copy of this letter went to the Military Liaison Committee and somewhere around October 27 there was a joint meeting of the AEC and the Military Liaison Committee

at which, according to General Wilson's testimony, "the Commission announced that it had asked the General Advisory Committee to consider the Super weapon in the light of recent developments." (Tr. 2354). Earlier, on October 14, the Chairman of the Military Liaison Committee had gone to see Dr. Oppenheimer at Princeton with General McCormack, the head of the Weapons Section of the AEC, and with Dr. Manley, the Secretary of the GAC, who was stationed at Los Alamos and who served as liaison between the GAC and the AEC; at Princeton they discussed with Dr. Oppenheimer "the Super and other problems to be taken up by the General Advisory Committee" (General Wilson, Tr. 2354).

All this disposes of the notion that Dr. Oppenheimer in fact smuggled the question of an all-out H-bomb program in the back door of the GAC on his own initiative for his own secret purposes. Nothing could be farther from the truth.

(c) It was suggested that Dr. Oppenheimer caused the GAC at its October, 1949 meeting, to go beyond its statutory role and offer advice which it had no business to give regarding national policies in relation to Russia and the H-bomb (Tr. 765-6).

The legal question thus raised seems to us quite secondary in importance, but it deserves a moment's notice. The Atomic Energy Act of 1946, in Section 2(b) provides that:

"There shall be a General Advisory Committee to advise the Commission on scientific and technical matters relating to materials, production and research and development, to be composed of nine members, who shall be appointed from civilian life by the President."

Concededly the GAC report, and particularly the annexes, did more than advise the Commission "on scientific and technical matters". Was there any impropriety in this? We submit that there was not. Section 1(a) of the Atomic Energy Act provides, among other things, as follows:

"Accordingly, it is declared to be the policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace."

The Atomic Energy Commission, created to effectuate these and other policies of the Act, was vested with broad authority to seek and obtain information and advice, and the sections providing for this were

couched in the broadest terms. Thus, Section 12(a) authorized the Commission in the performance of its functions to (1) "establish advisory boards to advise with and make recommendations to the Commission on legislation, policies, administration, research and other matters. . . . (3) make such studies and investigations, obtain such information, and hold such hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this chapter, or in the administration or enforcement of this chapter. . . . (6) with the consent of the agency concerned, utilize or employ the services of personnel of any Government agency . . . to perform such functions on its behalf as may be desirable. . . ." Clearly under these broad provisions the Commission had ample authority to ask the General Advisory Committee for its overall views regarding the development of the H-bomb without limiting the Committee to the purely scientific and technical aspects of the problem.

Everything that happened indicated that the Commission in fact expected the GAC to approach the problem broadly. As previously noted, General Wilson testified that at the meeting of the Atomic Energy Commission and the Military Liaison Committee, held a couple of days before the GAC meeting, the Commission "announced that it had asked the General Advisory Committee to consider the super weapon in the light of recent developments"—i.e., in the light of the Russian explosion of an atomic energy bomb. And all the other discussions and meetings which took place before the GAC meeting, in which Dr. Oppenheimer and others participated, some of which have been mentioned above and some of which will be mentioned below, showed that it was the whole complex of problems concerning the making and use of the H-bomb which were at the forefront of everyone's thinking, and not merely the technical questions of feasibility, cost and so forth.

Moreover, the technical questions themselves tended to merge into larger policy questions. For example, as has been stated above, the GAC members thought at the time that all-out authority to produce the H-bomb would divert manpower and material from the A-bomb program, which was progressing rapidly and favorably; and this naturally raised the question of the adequacy and role of atomic weapons in a war with Russia and of whether it would be wise to shift, even in part, from the known to the unknown. [One sentence of original typewritten brief deleted by Classification Officer, with whom counsel cleared this brief before it was printed.]

We do not wish to push this argument too far, and it is possible, although the record scarcely permits of a finding upon the point, that

the Commission did not expect the members of the GAC to go quite as far as they did in the expression of their personal opinions. On the other hand, the question at issue was so many-sided and so momentous, and the scope of what the Commission expected from the GAC was so undefined, that it would be altogether fanciful to imply a sinister design on Dr. Oppenheimer's part to wrench the GAC from its statutory moorings and make of it an instrument of his own political objectives.

(d) It was suggested in cross-examination, and particularly in the testimony of Dr. Latimer, that Dr. Oppenheimer's influence was so potent and Svengali-like, that the members of the GAC were putty in his hands (Tr. 2295). Dr. Latimer, in emphasizing the persuasive power of Dr. Oppenheimer's influence, asserted that even General Groves had been completely under his thumb (Tr. 2295).

We do not suppose that the Board, having heard General Groves, and knowing something of his background and career, will credit such extravagant testimony. Nor do we believe that the Board, having heard accounts of the GAC meeting of October 1949 from Dr. Conant, Dr. Fermi, Dr. Rabi, Dr. DuBridge, Mr. Buckley and Mr. Rowe will conclude that these men were Dr. Oppenheimer's mouthpieces and were not expressing their own honest judgments of the situation confronting the United States at that time.

It is worth summarizing here the individual views of these members, because what they thought and said throws light not only on their own independence, but on the sincerity and earnestness of Dr. Oppenheimer's approach to the problem.

(i) DR. JAMES B. CONANT

Dr. Conant stated that his opposition to the development of the H-bomb program was occasioned "by a mixture of political, strategic and technical considerations" (Tr. 1252). In the case of the technical considerations, he relied upon Dr. Fermi's judgment. "With all due respect to all the other members of the committee, I felt he was both experimentally and theoretically the man whose judgment was to be relied on. Indeed his record during the development of the atomic bomb I consider one of the most extraordinary pieces of scientifically correct calculations I can image [imagine]. The story is a perfectly amazing one" (Tr. 1252). The basic technical question, after considering "what kind of large weapon to make and what was the cost and what were the opportunities of doing it, and what were the probabilities" (Tr. 1252), was whether the country would actually "from the point of view of delivering blows against a potential enemy be very much better off

even if this line worked" (Tr. 1254). On the general strategic and political grounds he stated:

"Some of us felt then, and I felt more strongly as time went on, that the real answer was to do a job and revamp our whole defense establishment, put in something like Universal Military Service, get Europe strong on the ground, so that Churchill's view about the atomic bomb would not be cancelled out." (Tr. 1253).

He also thought that the urge to rely upon a super weapon for safety was "sort of a Maginot Line psychology being pushed on us" (Tr. 1253).

Dr. Conant, with Dr. DuBridge, drafted the majority annex (DuBridge, Tr. 1715-16), and there is some evidence that his strong convictions against going forward with the H-bomb program were formed before the meeting and in advance of the crystallization of Dr. Oppenheimer's thinking. Dr. Oppenheimer testified to that effect (Tr. 250, 748); he could not remember whether Dr. Conant had expressed his views in a letter or in a discussion, but he remembers that he learned what they were at a time when Dr. Oppenheimer himself was still in a state of uncertainty. Later, on cross-examination, counsel for the Commission produced a copy of a letter from Dr. Oppenheimer to Dr. Conant, dated October 21, 1949, which had been taken from Princeton by the AEC after the suspension of Dr. Oppenheimer's clearance, and the existence and contents of which he had forgotten (Tr. 782, 786). Dr. Conant likewise couldn't remember this letter, even after a copy of it had been shown to him by Dr. Oppenheimer's counsel (Tr. 1250), nor could he remember whether he had had any discussion with Dr. Oppenheimer before the October meeting (Tr. 1251). The letter on its face indicates that there had been at least one such discussion, and while it indicates that by October 21st Dr. Oppenheimer had arrived at the view that to become committed to the H-bomb as "the way to save the country and the peace" was "full of dangers" (Tr. 785-6), the letter seems to take it for granted that Dr. Conant's view was the same; it leaves unanswered the question whether Dr. Conant's conclusion was firmer than Dr. Oppenheimer's and whether it had been arrived at first. It does not preclude either of these possibilities, both of which would accord with Dr. Oppenheimer's admittedly hazy recollection.

Perhaps worth noting is an entry from Dr. Alvarez's diary, dated October 24, 1949, which he read into the record and which referred to a talk he had had with Dr. Teller, apparently on October 24th. According to the diary Dr. Teller said, among other things, that he "felt Oppie was lukewarm to our project and Conant was definitely opposed." (Tr.

2683). Mr. Kennan on cross-examination referred to a talk at Princeton with Dr. Oppenheimer before the decision was made and described his "impression of a man who was greatly troubled by what he felt to be the extremely solemn implications of this decision." (Tr. 1157). He further stated that Dr. Oppenheimer did not try to persuade him "that any answer to this problem was the right one or the wrong one. To me then, we were still at a preliminary stage in it. The entire effort really on the part of both of us then was to try to identify the considerations that were relevant to the problem to see what we had that we could really hang onto in approaching the decision." (Tr. 1158).

Whatever may have been the precise posture of the respective thoughts of Dr. Oppenheimer and Dr. Conant before the GAC meeting in October, and whatever the course of the interchanges between them may have been, it is clear enough that Dr. Conant was forthright and decisive in his opposition to the development of the H-bomb; that he took a leading part in the preparation of the majority annex; and that he was in no way dominated or controlled by Dr. Oppenheimer.

One minor item referred to in Dr. Oppenheimer's letter to Dr. Conant of October 21, 1949 should here be mentioned. In the second sentence of the letter, Dr. Oppenheimer said:

"All members of the Advisory Committee will come to the meeting Saturday except Seaborg, who must be in Sweden, and whose general views we have in written form." (Tr. 783).

It appeared that Dr. Seaborg had written a letter to Dr. Oppenheimer dated October 14, 1949, which the AEC had taken from his files in Princeton, and which contained some observations about the forthcoming GAC meeting to take place in Dr. Seaborg's absence in Sweden (Tr. 769). Dr. Oppenheimer had no recollection of this letter (Tr. 756) until it was shown to him on cross-examination (Tr. 769) just as neither he nor Dr. Conant recollected his letter to Dr. Conant of October 21, 1949.

Dr. Seaborg, in his letter, said that:

"I will try to give you my thoughts for what they may be worth regarding the next GAC meeting, but I am afraid that there may be more questions than answers. Mr. Lilienthal's assignment to us is very broad and it seems to me that conclusions will be reached, if at all, only after a large amount of give and take discussion at the GAC meeting." (Tr. 770).

He then indicated that the question of proceeding with a large-scale thermonuclear program would undoubtedly come up at the meeting; and

Dr. Seaborg expressed his feeling that although he "deplored the prospects" of such a program, he had been unable to conclude that it should not be undertaken, and that he would "have to hear some good arguments before I could take on sufficient courage to recommend not going toward such a program." (Tr. 770-1). This was clearly no more than an expression of tentative views which could be changed upon further discussion. Dr. Seaborg did attend the December 3, 1949 meeting of the GAC, at which the question of the H-bomb program was further explored at the AEC's request and at which Dr. Pitzer and General McCormack, advocates of a strong program, were present by invitation and spoke their minds; but Dr. Seaborg preferred to take no position on the question (Tr. 757, 774, 267, 2424). In view of this, it is quite understandable that Dr. Oppenheimer should have remembered only Dr. Seaborg's non-participation and not his earlier and indecisive letter.

Dr. Oppenheimer could not remember having read Dr. Seaborg's letter to the GAC members at their October 29 meeting, although he stated that it was his practice at each meeting to read any communications from absent members and that presumably he did so in this case (Tr. 777, 779). Dr. Rabi did not recall whether or not the letter had been mentioned, but he thought it would not have mattered one way or the other because of the length and intensity of the discussions (Tr. 1531). Thus, in the light of what happened at that meeting, Dr. Seaborg's brief reference to the H-bomb in an earlier letter would hardly have been regarded as of much consequence at the meeting itself.

Dr. Oppenheimer was also asked on cross-examination about testimony to the Joint Congressional Committee on January 29, 1950, in which in the course of reviewing the GAC's position on the H-bomb, he was said by Mr. Robb to have stated that Dr. Seaborg had not expressed himself on the subject (Tr. 774). We requested an opportunity to see the actual testimony which Mr. Robb said Dr. Oppenheimer gave before the Committee on that occasion but were told it could not be made available to us (Tr. 776)* and we are not even aware whether or not this Board has had it. It is not clear from this record what Dr. Oppenheimer intended to say to the Joint Committee—whether he intended to say that Dr. Seaborg had taken no position before the October 29 GAC meeting, or at it, or whether he stated that Dr. Seaborg abstained—as we know to be the fact—from expressing an opinion at the next meeting of the GAC on December 3, 1949. At all events, in view of the state of the record any inference from this passage in cross-examination that Dr. Oppenheimer

*By contrast, Mr. Robb did obtain permission from the same Joint Congressional Committee to quote from the record of an executive session on direct examination of one of his witnesses (Tr. 2352).

had, in respect to this episode, behaved other than properly would be grossly unfair. It should be kept in mind, as Dr. Oppenheimer pointed out, that he was not trying to persuade the Committee to any particular view, or to alter the outcome, because a few minutes after he had testified, President Truman's directive to proceed with the intensified H-bomb program was announced, and Dr. Oppenheimer knew in advance what it was going to be (Tr. 267, 779).

(ii) DR. ENRICO FERMI

Dr. Fermi, who joined in the unanimous GAC report, but who signed a separate annex with Dr. Rabi, testified that "we had some trouble and some soul searching, all of us." (Tr. 1281). He thought that "the pressure for this development was extremely inordinate, or at least so it seemed to me. I was concerned that it might weaken the development of conventional atomic weapons which was then picking up and essentially set it back for what seemed to me at the time a not quite decided advantage on the other side." (Tr. 1279-80). These views, he said, were shared more or less by all of the members. Referring to the separate annex, he said:

"My opinion at that time was that one should try to outlaw the thing before it was born. I sort of had the view at the time that perhaps it would be easier to outlaw by some kind of international agreement something that did not exist. My opinion was that one should try to do that, and failing that, one should with considerable regret go ahead." (Tr. 1280)

Questioned by Mr. Gray as to whether most of the members came to the meeting with their minds pretty well made up, or whether they arrived at the conclusions which were reflected in the reports they signed as a result of the meeting, Dr. Fermi replied:

"I would not know. I had and I imagine that many other people had sort of grave doubts. It was a difficult decision. Even now with the benefit of five years of hindsight, I still have doubts as to what really would have been wise. So I remember that I had in my own mind definite doubts, and I presume my ideas and I imagine those of other people, too, must have gradually been crystallizing as the discussion went on. However, I have no way of judging." (Tr. 1286-7)

There was general agreement among those who testified about this meeting, and about the conduct of other GAC meetings, that Dr. Oppenheimer, as Chairman, allowed the fullest latitude for discussion and did

not try to impose his views on others. (Dr. Conant, for example, testified that the Chairman conducted the meetings "like a faculty meeting. There was a great deal of discussion and a great deal of talk. They were the most lengthy meetings I ever sat in on in my life. They consumed an ungodly amount of time, but they covered the ground from A to Z.") (Tr. 1251).

(iii) DR. I. I. RABI

Dr. Rabi, who succeeded Dr. Oppenheimer as Chairman of the General Advisory Committee, described his reaction to the announcement of the Russian explosion of the A-bomb as follows:

"I felt that somehow or other some answer must be made in some form to this to regain the lead which we had. There were two directions in which one could look; either the realization of the Super or an intensification or [of] the effort on fission weapons to make very large ones, small ones, and so on, to get a large variety and very great military flexibility.

"Furthermore, a large number, a large increase in the production of the necessary raw materials, the fissionable materials and so on, or one could consider both. There was a real question there where the weight of the effort should lie." (Tr. 1497-8)

The question became immediately "acute" in his thinking; he discussed it with Dr. Lawrence and Dr. Alvarez and with Dr. Oppenheimer; "in fact, I discussed it with anybody who was cleared to discuss such matters because it was a very serious problem." (Tr. 1498). He said that: "there were some people, and I myself was of that opinion for a time, who thought that the concentration on the crash program to go ahead with this was the answer to the Russian thermonuclear weapon." (Tr. 1500).

Dr. Alvarez, when called by the Commission's counsel to testify toward the end of the hearings, stated that he had seen Dr. Rabi in New York on October 11, 1949, and had found him "very happy" at the plan which Dr. Lawrence and Dr. Alvarez were then advocating for building a reactor plant in California to produce nuclear materials for use in developing an H-bomb (Tr. 2668). He recalled that Dr. Rabi was worried about the Russian explosion and favored an active hydrogen bomb program as the answer to it (Tr. 2669). He left the inference that Dr. Rabi had been persuaded by Dr. Oppenheimer to change his mind. As noted above, Dr. Rabi had discussions with others besides Dr. Oppenheimer after his talk with Dr. Alvarez, and there was nothing in his testimony to suggest that Dr. Oppenheimer had been responsible for the

evolution of his thought. On the contrary, Dr. Rabi testified that "my feeling is now that we came into the [GAC] meeting without any clear ideas, that in the course of an extremely exhausting discussion to and fro, examining all the possibilities we each became clearer as to what this thing meant." (Tr. 1531).

With regard to the nature of the deliberations within the GAC meeting, Dr. Rabi described the various technical questions which have already been mentioned above, and then in connection with the military value of the proposed weapon he made the following observation:

"One of the things which we talked about a great deal was that this weapon as promised which didn't exist and which we didn't know how to make, what sort of military weapon was it anyway? What sort of target it was good for. And what would be the general political effect.

"In other words, we felt—and I am talking chiefly about myself—that this was not just a weapon. But by its very nature, if you attacked a target, it took in very much more. We felt it was really essential and we discussed a great deal what were you buying if you got this thing. That was the general nature of the discussion.

"Technical, military, and the combination of military political."
(Tr. 1501)

This testimony shows, as we have previously indicated, how difficult it was to separate the technical from the non-technical questions and how complex indeed the whole problem was. Even with respect to the technical factors, the questions were difficult and the answers not clear. Dr. Rabi testified that "what we were talking about was such a vague thing, this object, that I think different people had different thoughts about it. You could just give a sort of horseback thing [opinion?] and say, maybe something would come out in five years. It is that sort of thing. I know in my own case I think I took the dimmest technical view of this, and there are others who were more optimistic." (Tr. 1504-5).

A little later he added:

"When you are talking about something as vague as this particular thing, you say a 50-50 chance in five years, where you don't know the kind of physical factors and theory that goes into the problem. I just want to give my own impression that it was a field where we really did not know what we were talking about, except on the basis of general experience. We didn't even know whether this thing contradicted the laws of physics." (Tr. 1505)

(iv) HARTLEY ROWE

Mr. Rowe, Vice-President of the United Fruit Company, was trained as an engineer; he was responsible for the production of the "duck"

and "weasel" during the last war; he was attached to General Eisenhower at SHAEF; he worked on radar and proximity fuses; he was at Los Alamos in charge of the procurement of materials; and he served on the GAC from 1946 to 1950. Referring to the October 1949 meeting, he testified in substance that it was "a pretty soul searching time" (Tr. 1685)—a phrase similar to that used by Fermi in describing his own state of mind. Mr. Rowe explained his position as follows:

"I was rather loath to enter into a crash program on the H-bomb until we had more nearly perfected the military potentialities of the A-bomb, thinking that it would divert too large a portion of the scientific world and too large a portion of the money that would be involved to something that might be good and it might be bad." (Tr. 1685-6)

He went further and added:

"I may be an idealist but I can't see why [how?] any people can go from one engine of destruction to another, each of them a thousand times greater in potential destruction, and still retain any normal perspective in regard to their relationships with other countries and also in relationship with peace. I had always felt that if a commensurate effort had been made to come to some understanding with the nations of the world, we might have avoided the development of the H-bomb." (Tr. 1686)

(v) OLIVER BUCKLEY

Mr. Buckley had been President and was later Chairman of the Bell Telephone Laboratories; he was a member of the Guided Missile section of the National Defense Research Committee during the second World War; he had served on the Industrial Advisory Committee of the AEC prior to his appointment to the GAC in 1948; and he had been Chairman and is still a member of the Science Advisory Committee of the Office of Defense Mobilization (Tr. 2101-03).

He had joined in the GAC report of October 1949 and in the majority annex, but at the next meeting of the GAC on December 3, 1949, at which there was much further discussion about the problems of the H-bomb, he submitted a separate statement not in reversal of his previous position but in elaboration of it (Tr. 2104-05). He thought that the October statement "had been misinterpreted and I thought that what I meant at any rate in signing the statement needed more explanation than the mere statement itself gave." (Tr. 2106-07). His position in substance was that the H-bomb might be a retaliatory weapon of doubtful value; that it would divert effort from the A-bomb program, to the end only of "extensive genocide and ruthless destruction"; that it

might accelerate Russian development of an H-bomb; that it might lead to a false sense of security and represent some loss of moral and political values (Tr. 2108). He was troubled by the fact "that we were advising on policy about a thing that we didn't understand and see our way through on" (Tr. 2108), and so he favored pushing forward with the A-bomb program and continuing research and developmental work on the H-bomb without an all-out production effort (Tr. 2109).

The fact that Mr. Buckley saw fit to file this separate statement of his personal views is one more indication of the sincerity and seriousness of the members of the GAC as they wrestled with the problem before them, and one more indication of the absurdity of the notion that Dr. Oppenheimer forced through a program of his own making.

(vi) DR. LEE DUBRIDGE

Dr. DuBridge, President of the California Institute of Technology, served on the GAC with Dr. Oppenheimer and is now Chairman of the Science Advisory Committee of the Office of Defense Mobilization, of which Dr. Oppenheimer is a member. His views about the H-bomb, as he recalled them, were based largely on technical considerations: the Super was in too early a stage to warrant a large and expensive program; we were "rapidly attaining a position of great strength in the fission weapon field"; some of these weapons "were very much larger in their energy release than the original fission weapons exploded over Japan"; we had found more efficient ways of using fissionable material "so that our stock pile with a given number of pounds of fissionable material had greatly multiplied, and was in the process of being further multiplied." He therefore concluded that it was to our best interests to push forward as vigorously as possible with the development and improvement of our fission weapons (Tr. 1717).

He also believed that the moral position of the United States would be strengthened if it were to seek some method of agreement upon the outlawry of the H-bomb instead of proceeding unilaterally to produce it (Tr. 1719).

Referring to the October 1949 report with its annexes, he observed: "If we made any mistake in our reports, the mistake was in not amplifying and giving our views. I think we made our reports too brief, and therefore they were not understood." (Tr. 1718).

* * * *

The GAC's action in October 1949 was, as this Board knows, not purely negative. The report recommended a number of steps for strength-

ening the military establishment with respect to the fission weapons program, the furtherance of work on some thermonuclear weapons, the building of reactors, and the like (Tr. 254-5, 258). There were other thoughtful Americans besides the members of the GAC who doubted that the country should proceed with the active development of an H-bomb as the answer to the explosion of the Russian A-bomb. Mr. Kennan, formerly Ambassador to Russia and the author of our containment policy, who was at the time Chairman of the State Department Policy Planning Committee, was one of them (Tr. 1161-2). Mr. Harry Winne, a retired Vice-President of the General Electric Company, was another (Tr. 1914). Among other things, Mr. Winne had directed the operation of the Hanford Works when it was taken over by the General Electric Company, and he is currently Chairman of the Technical Advisory Panel on Atomic Energy in the office of the Assistant Secretary of Defense for Research and Development. Earlier he had served with Dr. Oppenheimer as Consultant to the Secretary of State's Committee on Atomic Energy and on the Committee on Atomic Energy of the Research and Development Board. Others who explained to the Board why they felt that the H-bomb development should not be pushed in 1949 were Dr. Bush (Tr. 1978), Dr. Bethe (Tr. 1059), Dr. Lauritsen (Tr. 2059), Dr. Bacher (Tr. 2143), and Messrs. Pike (Tr. 1424-6) and Lilienthal (Tr. 1306-7, 1309)—men of the most varied outlooks and backgrounds who were troubled, as Dr. Oppenheimer and his colleagues on the GAC were troubled, by the business of going forward to make the super weapon.

The Board heard also from other men who, while they favored going forward with the H-bomb program, perceived the extraordinarily difficult nature of the problem and were not in the slightest critical of those like Dr. Oppenheimer who favored the other course. These included Gordon Dean (Tr. 969-72, 986, 987), who joined with Admiral Strauss on the AEC in recommending the course which President Truman was to adopt in January 1950, and who paid strong tribute to Dr. Oppenheimer's integrity, patriotism and loyalty, both in general and specifically in connection with the H-bomb controversy; Norris Bradbury, the able successor to Dr. Oppenheimer as Director of the Los Alamos Laboratory (Tr. 1580-1, 1587, 1600-1); Dr. von Neumann, a consultant to Los Alamos since 1943 and at present a member of the GAC, who contributed significantly to the thermonuclear program (Tr. 2236); and Professor Ramsey, who had been head of the Bomb Delivery Group at Los Alamos and Tinian, and later a member of the Air Force Science Advisory Board and a consultant to the Air Force and the Defense Department on Science and Atomic Energy (Tr. 1460).

Looking back from the vantage point of today at the advice which Dr. Oppenheimer and his colleagues gave in the fall of 1949, Dr. Oppenheimer summed up his views as follows:

"I would like to summarize a little bit this long story I think you will hear from people who believed at the time, and believe now that the advice we gave in 1949 was wrong. You will hear from people who believed at the time and who even believe now that the advice we gave in 1949 was right. I myself would not take either of these extreme views.

"I think we were right in believing that any method available consistent with honor and security for keeping these objects out of the arsenals of the enemy would have been a good course to follow. I don't believe we were very clear and I don't believe we were ever very agreed as to what such course might be, or whether such a course existed. I think that if we had had at that time the technical insight that I now have, we would have concluded that it was almost hopeless to keep this resource out of the enemy hands and maybe we would have given up even suggesting that it be tried. I think if we had had that technical knowledge, then we should have recommended that we go ahead full steam, and then or in 1948 or 1946 or 1945.

"I don't want to conceal from you, and I have said it in public speeches so it would not make much sense to conceal from you the dual nature of the hopes which we entertained about the development of bigger and bigger weapons, first the atomic bomb, and then its amplified version, and then these new things.

"On the one hand, as we said at that time, and as I now firmly believe, this stuff is going to put an end to major total wars. I don't know whether it will do so in our life time. On the other hand, the notion that this will have to come about by the employment of these weapons on a massive scale against civilizations and cities has always bothered me. I suppose that bother is part of the freight I took into the General Advisory Committee, and into the meetings that discussed the hydrogen bomb. No other person may share that view, but I do." (Tr. 287, 288)

It is clear from the whole record that there is nothing in the events surrounding and including the GAC's recommendations in the fall of 1949 which lends any support to the suggestion that Dr. Oppenheimer, alone among his fellow members, harbored a secret design to aid the Russians and that he used his office to accomplish this design. On the contrary, the picture that emerges is that of a group of patriotic men struggling in a time of great national anxiety, against the background of their experience in the atomic energy field and their knowledge of its potentialities and limitations, to determine in their own minds what would be the best course for the country.

Other men in and out of the government, competent to form judgments on the difficult and complex choice before the country, arrived at views similar to those of the GAC. Among these men were the majority of the AEC.

In the formulation of the decision the technical factors were found to be speculative and uncertain; the only thing which was quite clear was that the existing atomic energy program was progressing favorably and at an accelerating pace, and that it could not prudently be impaired. The technical factors also by their very nature were bound up with larger questions of national policy and with speculations about the future course of world events; these larger questions permeated the thinking of the scientists and non-scientists alike who grappled with the problem and in the end shaped the decision of the government virtually without reference to the technical difficulties.

Within the rather wide circle of physicists, chemists, engineers, industrialists, military experts and statesmen, whose views were sought and given during this time of troubled counsels, Dr. Oppenheimer appears as no different from the others in motivation or in spirit.

From the unfounded allegations of his continued opposition to the H-bomb program after President Truman's decision to move forward had been made, a few critics have thought to find support for the notion that from the very beginning Dr. Oppenheimer's purposes were malevolent. These allegations will presently be considered.

3. The Allegation that Dr. Oppenheimer Caused Copies of the GAC Report to be Distributed to Top Personnel at Los Alamos in Order to Turn Them Against the H-Bomb.

In the list of allegations in the General Manager's letter of December 23, 1953, relating to Dr. Oppenheimer's supposed opposition to the program decided upon by President Truman, there is contained the statement that:

"It was further reported that you departed from your proper role as an advisor to the Commission by causing the distribution, separately and in private, to top personnel at Los Alamos of the majority and minority reports of the General Advisory Committee on development of the hydrogen bomb for the purpose of trying to turn such top personnel against the development of the hydrogen bomb" (Tr. 13).

Since this item relates historically to the period immediately following the GAC report of October 1949 and not to the period following President Truman's announcement, it would seem more appropriate to treat

it at this point. The allegation is so completely answered by the affidavit of Dr. John Manley, filed with the Board and appearing in the transcript at pages 291-307, that only the briefest recapitulation need be made. Dr. Manley, Chairman of the Department of Physics at the University of Washington, had worked in the Metallurgical Laboratory and at Los Alamos; he had continued on at Los Alamos after the war, and in 1946 became secretary to the GAC, devoting about one-fifth of his time to his duties as such and the remainder of his time to Los Alamos, first as a division leader, and subsequently as Technical Associate Director of the Laboratory (Tr. 291-5). In his dual capacity as secretary to the GAC and as one of the senior members of the Los Alamos Laboratory, he felt a special responsibility for liaison between the GAC, largely composed as it was of former Los Alamos personnel, and the Laboratory Committee (Tr. 297). In his affidavit he has described how in mid-November 1949, pursuant to instructions received from Carroll Wilson, the AEC General Manager, in anticipation of a visit by Senator McMahon to Los Alamos, he showed a copy of the GAC report of the October 1949 meeting and the majority and minority annexes to a number of the senior personnel in Los Alamos, including Dr. Edward Teller (Tr. 301). Dr. Oppenheimer had nothing whatever to do with this matter (Tr. 303).

Dr. Bradbury testified that so far as the general practice at the Laboratory was concerned, there was nothing unusual about this showing of the reports to senior personnel, and that so far as he knew the showing of the October 1949 documents did not cause anyone in the Laboratory to change his opinion about working on the thermonuclear program (Tr. 1584, 1585).

Dr. Teller testified that far from anyone's stopping work on the program as a result of the GAC report, "there was an increase of people working right then and there . . ." (Tr. 2498).

It may well be that the source of the allegation that Dr. Oppenheimer caused the reports to be distributed in order to turn key personnel against the project lay in a misunderstanding on Dr. Teller's part; when Dr. Manley showed him the October 1949 papers, he told him, according to Dr. Teller, that the "Chairman" wanted him to see them and he jumped to the conclusion that this meant Dr. Oppenheimer. He testified that it was possible that Dr. Manley had reference to Senator McMahon, who was Chairman of the Joint Congressional Committee; "I think it is not excluded that it was Senator McMahon who wanted me to see the document, and if Manley says this, then it must be so." (Tr. 2469-70).

We trust that the members of this Board, if they elect to consider items of derogatory information in Dr. Oppenheimer's file which have

not been brought into the light of day and exposed to testimony and cross-examination, will bear this incident in mind as indicating how easy it is for an unfounded suspicion or snap judgment in one man's mind to blossom into a report reflecting on the integrity and patriotism of a servant of the republic.

4. Dr. Oppenheimer's Alleged Opposition to the H-Bomb Program After President Truman's Announcement.

On January 29, 1950 President Truman made his announcement that work on the development of the H-Bomb was to go actively forward (Tr. 779). The General Manager's letter to Dr. Oppenheimer of December 23, 1953 reports "that even after it was determined, as a matter of national policy, to proceed with development of a hydrogen bomb, you continued to oppose the project and declined to cooperate fully in the project." (Tr. 13). The letter further reported that Dr. Oppenheimer had been "instrumental in persuading other outstanding scientists not to work on the hydrogen bomb project." (Tr. 13). Finally, it was reported that "the opposition to the hydrogen bomb, of which you are the most experienced, mostly powerful, and most effective member, has definitely slowed down its development." (Tr. 13). These three items of derogatory information, namely, continuing opposition and failure to cooperate, persuading others not to work on the project, and slowing down the H-bomb development, cannot usefully be appraised except against the background of the events which took place after President Truman's announcement and up to the time when the production of a thermonuclear weapon was in full swing. This period in history will therefore now be briefly reviewed. The mere recital of the principal events will of itself dispose of most of the allegations referred to in the General Manager's letter. What remains will then be separately discussed.

(a) SUMMARY OF THE ACTIONS TAKEN TO DEVELOP THE H-BOMB AFTER PRESIDENT TRUMAN'S ANNOUNCEMENT

The GAC met immediately after the President's announcement. Dr. Oppenheimer testified that in the interval between the October meeting and this meeting the technical prospects for developing the H-bomb had "deteriorated"; that this state of affairs was to continue for a long time; and that the GAC was "quite worried how to carry out the Presidential directive." (Tr. 268). The Committee determined not to go into the "wisdom of the decision" which the President had made, but to do its best to carry out the decision, and that from that time forward "the moral and ethical and political issues which are touched

on in these two annexes were never again mentioned, and that we never again questioned the basic decisions under which we were operating." (Tr. 268, 269).

Others testified in like vein of the GAC's determination to do what it could to implement the national policy declared by the President, and to be done with the past. Mr. Hartley Rowe testified "that we had received a directive and we had to go ahead. From my observations of the other members of the committee, I don't think there was any lag anywhere in either thought or deed. There were great scientific discussions which must necessarily take place before you can organize a procedure and ask for funds for the development of something that was as obscure at the moment as that was." (Tr. 1688).

General McCormack, who served as Director of the Division of Military Application of the AEC from February 1947 to August 1951 (Tr. 2202), and who strongly disagreed with the October 1949 report (Tr. 2210), testified that once the decision had been made "I was not aware of any member of the GAC trying to hold back the program." (Tr. 2210).

Gordon Dean, who became a member of the AEC in May 1949 and Chairman in the summer of 1950 testified that:

"Once the President made the decision, I know of no instance where it could be said that the members of the General Advisory Committee, or any individual, opposed that program. I know of many instances where they helped it and at great pains." (Tr. 973).

Norris Bradbury, from his vantage point at Los Alamos, testified to the same effect (Tr. 1579).

Given this constructive attitude on the part of the GAC, what did it do? Which means, of course, what kind of advice and help did it give? To begin with, Dr. Oppenheimer testified that at the January 29, 1950 meeting the GAC pointed out to the Commission that there were several things it needed to get very busy on. "It had to make certain materials available in order to support the Los Alamos efforts, and it had to re-arrange its program in certain ways in order to get on with the job, and I think it was probably at that time that we got into the details of the Savannah River plant. The dual purpose of this seemed just right in view of the great technical uncertainties which were both qualitative and quantitative which then existed." (Tr. 268-9). In subsequent reports, he said, the GAC tried "to point out where the really critical questions were"; to consider "What to do and how to get on with it, what made sense and what did not make sense. . . ." (Tr. 269).

In the winter of 1950, as has been noted, the prospects for developing the H-bomb were very poor. He said that by the spring and summer of 1950* "things were not stuck in the sense that there was nothing to do, but they were stuck in the sense that there was no program of which you could see the end." (Tr. 269).

In consequence of this, the GAC was under some embarrassment. It had recommended against the program, and if it were to report how badly the program was going, the report might not be credited. At the same time General McCormack was urging the Committee to report the facts to the AEC, and Admiral Parsons to the Military (Tr. 270). The GAC, or perhaps the Weapons Subcommittee, of which Dr. Oppenheimer was a member, then went out to Los Alamos, made a transcript of their talks with the people working on the job—Teller, Bradbury, Wheeler and others—and had them edit the transcripts, and then transmitted them to the AEC. At the same time, they went over the testing and calculation programs and gave what help they could to those who were working on them (Tr. 271).

In the late summer and autumn of 1950 Dr. Oppenheimer felt that since the program was not going well, and since he had advised against it in the fall of 1949, it might be better for some one else to be chairman of the GAC, particularly since it now contained three new members—Whitman, Murphree and Libby (Tr. 276). He remembers discussing this with Teller and Bacher at Los Alamos during the summer, and then when he returned in the autumn he took it up with the new Chairman, Mr. Dean, and with Commissioner Smyth, who urged him to remain; he also took it up with the GAC but "got no place."** (Tr. 276). Gordon Dean, recalling his talk with Dr. Oppenheimer, stated:

"He said he knew that we had had quite a disagreement on the H-bomb program back in 1949 and whether it should have a high priority. He told me that he thought that this had perhaps hurt his effectiveness on the General Advisory Committee, and that he was prepared to get off if for one moment I thought that his effectiveness had been so hurt that he could not serve.

"I thought about it for a few moments—in fact, I had thought about it before—and I told him that I thought that the General Advisory Committee would definitely lose, and so would the Commission, if we lost him from it at that time, and that I felt as one who had disagreed with him on the thermonuclear program that his effectiveness perhaps had been hurt in some quarters and some

*The transcript says 1951 but it is clear from the context—see particularly pages 270, 271—that this was a stenographic error and that 1950 was correct.

**Some time previously he and Dr. Conant had discussed with the Secretary of State the question of resigning from the GAC and had been urged not to do so (Tr. 285).

people's opinions but not in mine. I would miss him very much if he left."* (Tr. 985-6).

During this period of the "doldrums of the H-bomb", in June 1950, the war in Korea broke out and Dr. Oppenheimer testified that a large part of the GAC's attention became devoted to the "very immediate and the very obvious" question of using atomic explosives not merely for strategic purposes, but for defensive and tactical campaigns (Tr. 275). This, he said, was the origin of the *Ad Hoc Panel on Military Objectives in the Field of Atomic Energy* of the Research and Development Board's Committee on Atomic Energy (Tr. 275). Dr. Oppenheimer was made Chairman of this Panel, which served from November 21, 1950 to January 30, 1951. The other members were Dr. Bacher, Dr. Alvarez, Dr. Lauritsen, Dr. Kelly, Dr. Whitman, General Nichols, Admiral Parsons, General Wilson and General McCormack. The work of this Panel, and Dr. Oppenheimer's connection with it, will be reviewed in Part IV of this brief.

After the Korean war broke out, Dr. Hans Bethe decided that it was his duty to help out actively at Los Alamos and in particular to work on thermonuclear weapons. He did such work, essentially continuously (with part-time periods at Cornell) from June 1950 until the fall of 1952, when the first full-scale thermonuclear test took place (Tr. 1062). In his account of the history of the thermonuclear program, he described how at the time of President Truman's announcement, "there was really no clear technical program that could be followed;" (Tr. 1065) that the plan which then existed for the making of the hydrogen bomb "turned out to be less and less promising as time went on (Tr. 1066);"*** that this was a time "when it would not have been possible by adding more people to make any more progress;" and that:

"Finally there was a very brilliant discovery made by Dr. Teller. [Deletion by Classification Officer].*** It was one of the discoveries

*At the expiration of Dr. Oppenheimer's term on the GAC in 1952 he told Dean that he felt he had served his time and that "newer heads should be brought into the program" and he asked Mr. Dean not to urge the President to reappoint him. Dr. Conant and Dr. DuBridg e retired at the same time (Tr. 986).

**Dr. Teller, who had sought to enlist Dr. Bethe's services in October 1949, as will be mentioned hereinafter, testified that:

"I would like to say that on some visits when Bethe came there, he looked the program over somehow [somewhat?] critically and quite frankly he said he wished the thing would not work. But also he looked it over carefully and whatever he said we surely agreed. In fact, we always agreed." (Tr. 2497).

***[Footnote deleted by Classification Officer].

for which you cannot plan, one of the discoveries like the discovery of the relativity theory, although I don't want to compare the two in importance. But something which is a stroke of genius, which does not occur in the normal development of ideas. But somebody has to suddenly have an inspiration. It was such an inspiration which Dr. Teller had [Deletion by Classification Officer] which put the program on a sound basis.

"Only after there was such a sound basis could one really talk of a technical program. Before that, it was essentially only speculation, essentially only just trying to do something without having really a direction in which to go. Now things changed very much . . . [Deletion by Classification Officer] after this brilliant discovery there was a program." (Tr. 1066-7)

Following Dr. Teller's invention, which put such a new face on the prospects for developing a super weapon, Dr. Oppenheimer chaired a two day meeting at Princeton which was attended by the five Atomic Energy Commissioners, the General Manager and his Deputy, the head of the Division of Military Application, Dr. Bradbury and his assistants, Dr. Teller, Dr. von Neumann, Dr. Bethe, Dr. Bacher, Dr. Fermi (who was no longer on the GAC), Dr. Wheeler and one of his assistants, and the Weapons Subcommittee of the GAC (Tr. 277). Dr. Oppenheimer testified that at this meeting three things were done.

First:

"We agreed that the new ideas took top place and that although the old ones should be kept on the back burner, the new ones should be pushed. . . . I remember no dissent from that but there was a great deal of surprise at how things were changed. Fermi knew nothing of these developments and was quite amazed, and I think for the Commission it was quite an education to see what had happened in the meantime. At least that was the purpose, to get everybody together so that there was a common understanding." (Tr. 277, 278)

Secondly, the Commission was urged to start producing certain materials which it might be "handy to have" (Tr. 278). There was some objection to this on the ground that there might be further changes in the future and that it might be unwise to "get committed to a cumbersome operation on the basis of the then-existing state of knowledge;" but the prevailing opinion, which Dr. Oppenheimer shared, was that the program now "was a lot solidier than anything that had occurred before and that they ought to go ahead and even at the risk of wasting a small amount of money." (Tr. 278).

Thirdly, there were discussions of construction and test schedules (Tr. 279). The consensus was that unless the studies of the summer cast doubt* on the feasibility of the program, they should aim directly for the large scale explosion (Tr. 279). Dr. Oppenheimer testified that "the time scale of that operation [Deletion by Classification Officer] was, I think, a miracle of speed." (Tr. 279).

Dr. Rabi, in his testimony, described very vividly the difference between the old state of affairs, prior to the Princeton meeting, and the new. He stated that President Truman had asked for something to be done "that nobody knew how to do. This was just a ball of wax." (Tr. 1510). At the Princeton meeting "we really got on the beam [Deletion by Classification Officer]. There we had a situation where you really could talk about it. You knew what to calculate and so on, and you were in the realm where you could apply scientific ideas which were not some extrapolation very far beyond the known. This is something which could be calculated, which could be studied, and was an entirely different thing." (Tr. 1511-12). Asked why it had taken so long, Dr. Rabi replied:

"One had to get rid of the ideas that were and are probably no good. In other words, there has been all this newspaper stuff about delay. The subject which we discussed in the 1949 meeting, that particular thing has never been made, and probably never will be made, and we still don't know to this day whether something like that will function."

"This other thing was something quite different, a much more modest and more definite idea on which one could go." (Tr. 1512)

With regard to the utility of the Princeton meeting, Dr. Bradbury testified that after the development of the promising new ideas [Deletion by Classification Officer] the Laboratory was looking to the Commission to make certain decisions about production "which were extremely important, and could well be quite expensive." (Tr. 1582). He went on to say that the GAC and Dr. Oppenheimer were "extremely enthusiastic both about this idea and about the general proposals which were needed to implement this idea, particularly in so far as they required Commission action. Indeed, I think it fair to say that the General Advisory Committee and Dr. Oppenheimer were willing to go farther than the laboratory in support of this, let us say, new approach to the problem, and that their recommendations to the Commission were at least as enthusiastic as ours, and actually went somewhat beyond, in terms of support, what we had originally drafted." (Tr. 1582).

*The transcript says "passed out".

Dr. Teller, who in general was critical of the attitude of the GAC and Dr. Oppenheimer toward the H-bomb, testified with respect to the Princeton meeting as follows:

“Frankly I went to that meeting with very considerable misgivings, because I expected that the General Advisory Committee and particularly Dr. Oppenheimer, would further oppose the development. By that time we have 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.” (Tr. 2480-81)

In the autumn of 1951, according to Dr. Oppenheimer's testimony, Dr. Teller, who was not wholly satisfied with the arrangements at Los Alamos, indicated that he would be glad to have Dr. Oppenheimer come out to work with him, to which Dr. Oppenheimer replied that this would depend on whether he would be welcomed by Bradbury; and that, although he had not planned to return to Los Alamos and doubted the wisdom of an ex-director's going back, he would communicate with Bradbury. This he did. Bradbury gave no signs of wanting him back and indicated full confidence in the man he had put in charge of the thermonuclear work (Tr. 280, 281).

Dr. Teller's unhappiness with the arrangements led, during the winter of 1951-52, to the proposal for a second laboratory, which led to some controversy, and which eventuated in Dr. Teller's transfer to the Livermore Laboratory in the summer of 1952 and the shifting of some of the thermonuclear work to that place under his scientific direction (Tr. 282, 284). The controversy in connection with the proposal for a second laboratory will be separately discussed hereinafter.

In the fall of 1952, Dr. Oppenheimer's statutory term as a member of the GAC expired and he became and has remained a consultant to the AEC.

Dr. Bradbury, in summing up his impressions of Dr. Oppenheimer's work as Chairman of the GAC as it related to the progress of the weapons development in Los Alamos, testified as follows:

“I suppose it is true, although he can say this better than I, that he had deep personal concerns about the actual role of atomic weapons in the national security. I think anyone is entitled and should have this same sort of concern. What personal decisions one makes in the long run is of course a personal matter. But certainly his chairmanship of the GAC after the war years never questioned

the fact or never questioned the assertion that the Los Alamos Laboratory should continue, should be strengthened, should proceed along lines of endeavor which were of military effectiveness. Every decision that I can recall that the GAC made with respect to the laboratory, with the possible exception of what may have been their opinion regarding thermonuclear development, seemed to me to be the right decision. In other words, there was never to my knowledge any degree of difference of opinion between myself, my senior staff, and the positions taken by the GAC.

“This was particularly the case that the laboratory felt extremely strongly that actual test of nuclear weapons were a fundamental part of the progress in this field. We still feel that way extremely strongly. The GAC supported us in this. Had they not done so, our progress would have been enormously slower or almost zero. This could have been a point where one might have taken a contrary position perhaps. The GAC did not do so.” (Tr. 1614)

And he further said:

“The safety of the United States I am convinced was uppermost in the minds of all members, including the Chairman, of the GAC. We may have differed as to the best methods of obtaining the safety. I think such differences are an essential part of any democratic system. I never had then nor do I now have the slightest feeling that these differences were motivated by any other than a direct deep and sincere concern for the welfare of the country.

“That was only substantiated by the actions of the GAC after the President’s decision, which again were in strong support of this whole field which we characterize as thermonuclear. Basically the GAC supported the laboratory as a weapons laboratory in all fields. If there was a difference of opinion in 1949-50, it had to do with perhaps the technical question of emphasis on one or another line of attack in the weapons field in general.” (Tr. 1615, 1616).

(b) THE REPORTS ABOUT DR. OPPENHEIMER’S ALLEGED OPPOSITION TO THE H-BOMB POLICY ANNOUNCED BY PRESIDENT TRUMAN, CONTAINED IN THE GENERAL MANAGER’S LETTER OF DECEMBER 23, 1953.

(i) *That he continued to oppose the project and declined to cooperate fully in it.*

The history of the events set forth above shows that this general allegation is without foundation in fact. It is enough to recall from that history the testimony of the Chairman of the Atomic Energy Commission, Gordon Dean, the Director of the Los Alamos Laboratory, Norris Bradbury, and the Director of the Division of Military Application of the AEC, General McCormack, all of them attesting to the support which Dr. Oppenheimer gave to the national policy once it had been decided

(see pp. 31-32 above). Dr. Teller and Dr. Pitzer felt that Dr. Oppenheimer should have done more than he did although it is not clear from their testimony what they thought he should have done, and neither could point to any acts of opposition (See Teller, Tr. 2476-7, 2479, 2481, Pitzer, Tr. 2413-6, 2427-9, 2430, 2434).

(ii) *That he was instrumental in persuading other outstanding scientists not to work on the H-bomb project.*

The source of this allegation appears to have been Dr. Teller's suspicion that Dr. Bethe, who had indicated his willingness in October 1949 to work with Dr. Teller at Los Alamos, had been persuaded not to do so by Dr. Oppenheimer (Tr. 2462-5). This was before President Truman had decided the national policy; it was in fact shortly before the meeting of the GAC in the fall of 1949. Dr. Bethe testified that Dr. Oppenheimer had not tried to dissuade him from going, but that after talking with two other eminent physicists and reflecting further upon the whole question of what he should do, he had changed his mind (Tr. 1060-61). Reference has already been made to the active help which Dr. Bethe gave to the thermonuclear program at Los Alamos beginning in the summer of 1950 after the national policy had been decided.

There was a suggestion by Dr. Alvarez that Dr. Oppenheimer had dissuaded Dr. Serber from working on the project at the time when Dr. Serber talked with him in Princeton at the instance of Dr. Lawrence (Oppenheimer, Tr. 747, Alvarez, Tr. 2708-9).^{*} This talk likewise occurred before the national policy had been decided and before the GAC meeting in the fall of 1949 and it appears from the record that Dr. Serber's discussion with Dr. Oppenheimer had been concerned only with Dr. Lawrence's plans for building a reactor on the west coast (Alvarez, Tr. 2688-2690).

Dr. Teller felt that Dr. Oppenheimer had not given him active help in recruiting men for the program and pointed to the fact that Dr. Oppenheimer had merely given him the names of twelve possibilities at Princeton (some at the Institute and some at the University) and that none of these had been willing to go (Tr. 2477). There is nothing to show, however, that Dr. Oppenheimer did anything to dissuade these men. Gordon Dean, who had suggested to Dr. Teller that he go to Princeton to seek recruits from Dr. Oppenheimer (Tr. 996) testified that he "knew the difficulty of getting anybody at that time" (this was when Dr. Teller

^{*}It is curious to note that Commission Counsel here seemed to criticize Dr. Oppenheimer for supposedly dissuading Dr. Serber from working on the thermonuclear project, whereas at another point in the proceedings Commission Counsel seemed to criticize Dr. Oppenheimer for associating with Dr. Serber (Tr. 726-7).

was pressing for a second laboratory) "to go to work with Dr. Teller at a laboratory which had not been created and which was completely unplanned, site unselected, the organization for which had not been outlined and so forth" (Tr. 997).

Dr. Bradbury testified that he knew of no case where Dr. Oppenheimer persuaded anyone not to work in the thermonuclear field; that Dr. Oppenheimer had indefinitely postponed Conrad Longmire's appointment to the Institute to permit him to engage in thermonuclear work at Los Alamos; that "even in the last year we have explored with Dr. Oppenheimer the possibility of Longmire taking a sabbatical at the Institute, and Dr. Oppenheimer has been willing to consider this"; and that "he has given us frequently prospects, outstanding young individuals, whom we might be able to approach particularly in the field of theoretical physics to join the laboratory." (Tr. 1587-8).

Dr. von Neumann described Dr. Oppenheimer's cooperation in enabling him to take time off every year from the Institute—averaging perhaps two months a year from 1945 on—to work at Los Alamos on thermonuclear problems (Tr. 2239-2241).

(iii) *That Dr. Oppenheimer's opposition had definitely slowed down the development of the H-bomb.*

It clearly appears from the testimony that Dr. Oppenheimer was not responsible for any delay in the H-bomb program after the national policy had been decided. The few months which elapsed between the GAC report in the fall of 1949 and the President's decision 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 which were involved, and in view of the division of opinion within the AEC and the State Department (as evidenced by Dr. Kennan's attitude), 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.

The utmost that can be charged, therefore, is that prior to the Russian explosion in the summer of 1949 (1) the thermonuclear program dragged, as Dr. Teller asserted (Tr. 2457); (2) that this was somehow due to Dr. Oppenheimer's influence; and (3) that this influence was exerted for unpatriotic purposes. Since there is no evidence to support propositions (2) and (3) and since, indeed, the evidence is the other way, as will be discussed below, it would be altogether a waste of time to consider proposition (1). If, however, the Board should conclude to refer to it, we submit that the most comprehensive and objec-

tive testimony was that of Dr. Bradbury, who concluded, from his intimate knowledge of both the thermonuclear and the atomic weapons programs, which were inter-related, that the development could not as a practical matter have come before it did, barring perhaps the possibility that some strokes of genius might have occurred a little earlier if all efforts had been concentrated on the thermonuclear program. Even then, however, the necessity of first perfecting the atomic weapons, which were an inherent part of the super weapon, and of the calculating machines* which were essential for the task undertaken, would have made it difficult to do much more than was done in fact. There was a period after the war when the Los Alamos Laboratory was in a state of decline and when work which might have been done could not be done; but this period was an inevitable aftermath of the war, when our armed forces were declining in strength and everyone wanted to go home from war work (Teller, Tr. 2451; Ramsey, Tr. 1458-9; Bethe, Tr. 1078). This period "changed completely when the AEC took over in the beginning of 1947, and from then on really a strong program in weapons development was started." (Bethe, Tr. 1078). The principal portions of Dr. Bradbury's testimony having to do with this whole question of delay may be found at pages 1576-8, 1586-7, 1598, 1600-1, 1606-7 and 1624-5. Dr. Bethe's conclusions, though more shortly stated, are similar to Dr. Bradbury's (Tr. 1065-66, 1079-80).

(c) ADDITIONAL ALLEGATIONS NOT CONTAINED IN THE GENERAL MANAGER'S LETTER

During the course of the hearings there was testimony about the Second Laboratory controversy, about a proposed postponement of the first thermonuclear test explosion in the Pacific in November 1952, and about the draft of Chapter V of the so-called "Vista" report, etc.

In connection with every one of these matters there was an effort to suggest that Dr. Oppenheimer's advice had not only been wrong but improper in its motivation. The suggestions were shown to have resulted from unwarranted suspicions based on a misunderstanding of the facts or a failure to recollect accurately what the facts were. A brief summary here follows.

(i) *Second Laboratory*

In the course of describing the history of events after President Truman's announcement, we referred above to Dr. Teller's unhappiness

*In the development of these calculating machines, some of the most important work was done at Princeton by Dr. von Neumann with Dr. Oppenheimer's support (Tr. 2268-2270, 2271).

in the summer of 1951 with the arrangements for the thermonuclear work at Los Alamos. Dr. Oppenheimer testified that in consequence of this the GAC was frequently asked by the AEC whether there should be a second laboratory. "I don't know how many times that came up during the winter of 1951-1952 as an item before the General Advisory Committee." (Tr. 282). On this point the Committee was not unanimous. Dr. Libby, whose appointment in the spring or summer of 1950 to the GAC had been recommended by Dr. Oppenheimer* (Tr. 3208), favored the second laboratory at all times. Dr. Oppenheimer testified that:

"The rest of us, I think, were fairly clear that the things were really going along marvelously well, and that if it was too difficult for Los Alamos to do the whole job, then steps should be taken to get some of their more routine operations moved to Sandia. We talked at great length about the rearrangement of the workload between the two places. Some of the suggestions we made were adopted.

"We also talked to Bradbury about making within the framework at Los Alamos an advanced development section in which really radical ideas and wild ideas could be thought up and tried out. The Director thought it was feasible if he could get the right man. He tried very hard to get one man for it and, after some delay, this man turned him down, and I don't believe such a reform was undertaken then.

"I believe that with the Commission's reluctance to establish a second weapons laboratory, there was some thought that the Air Force might directly establish one, and I think the Commission protested that but this is hearsay." (Tr. 282-3).

During the winter the GAC recommended certain changes in the Los Alamos set-up rather than the launching of a separate establishment. In the spring there were discussions of converting the laboratory at Livermore, California, which had been doing work related to atomic energy, into a place where portions of the thermonuclear program could be carried forward. Referring to this proposal Dr. Oppenheimer testified: "This we liked and this we endorsed." (Tr. 283). The chief alternative up to this point had been the building of a second Los Alamos somewhere in the desert and centered round Teller, and it was this extravagant and impractical program which the GAC had opposed (Tr. 284). At Livermore there was an existing managerial framework, under the overall direction of Ernest Lawrence, as well as existing facilities, and Dr. Teller was placed in charge of the scientific work without having responsibility for administration (Tr. 284).

*Dr. Pitzer also suggested Dr. Libby's appointment (Tr. 2416, 2417); he admitted that he did not know that Dr. Oppenheimer had done likewise (Tr. 2430).

Gordon Dean testified that when the idea of transferring Dr. Teller's work to Livermore was first made, "I recall we put this to the GAC and everybody felt that it was fine. We had found a place where Teller was happy and could work." (Tr. 1007). Prior to this action, which took place in the spring of 1952, there had been much discussion within the AEC as to what should be done. Commissioner Murray joined with Dr. Teller in advocating a second laboratory; "they both felt very strongly about it, as I did, as a matter of fact, but it was a question of where, when and who." (Tr. 1002). Theoretically, Mr. Dean said, the best way to have a thermonuclear laboratory would be to build another Los Alamos with all of its necessary departments and divisions, including fission work because so many of the problems that touch on fission bear on fusion; but this, he thought, was impractical in terms of money, manpower and management. Other suggestions were for a small laboratory specializing in nuclear fission, low temperature and metallurgy, to be put together perhaps in Colorado, and for an Air Force laboratory at Chicago. Mr. Dean concluded that the most practical course was to find a going establishment, under a man "that Teller would work for and work with, and be comfortable working with" (Tr. 999). In weighing the manpower problems, he considered not only the views of the GAC but of von Neumann, Smyth, Rabi, and other top scientists. For the above see generally Tr. 998-999 to 1008.

The results of the solution which was found were very good (Oppenheimer, Tr. 284). According to Mr. Dean, the facilities expanded rapidly and so did recruitment, practically all of young men out of school, working "under Lawrence's administration, with Teller as the idea man, with York as the man who would pick up the ideas. . . ." (Tr. 1008). This was accomplished without injuring the morale at Los Alamos. "I always feared and many others feared that if you made any drastic move which struck at Los Alamos morale, or if you inferred for one moment that they were not working their hearts out, because believe me, they were proving it with their results, you had a real problem in this weapons development field. That was one of the touchy things about setting up a new laboratory. Who was going to man it? What kind of a lab would it be, and what would it do to Los Alamos? That was the big fear I had." (Tr. 1009).

In the upshot the bomb which we have been testing in the Pacific was actually produced at Los Alamos (Dean, Tr. 1010; Bethe, Tr. 1098; Rabi, Tr. 1517).

Clearly, there is nothing in all this story which reflects in the slightest degree upon Dr. Oppenheimer.

(ii) *Proposed postponement of the thermonuclear test in November 1952*

From April 1952 to January 9, 1953, Dr. Oppenheimer served as Chairman of the Secretary of State's Panel on Disarmament, the other members of which were John Dickey, Allen W. Dulles, Joseph E. Johnson, Vannevar Bush and McGeorge Bundy, Secretary. While this Panel was sitting, the Defense Department had made arrangements for a test of a thermonuclear weapon in the Pacific to be held November 1, just before the Presidential election, and at a time when it was clear that the incoming administration, whether Democratic or Republican, would be different from the outgoing administration (Tr. 791). The Panel met during the summer and late autumn and was told by Dr. Bush that he had previously been to see the Secretary of State about the timing of the test and had urged that it be postponed for a short time in order that the new administration might have a chance to consider its implications. The Panel concluded that as a part of its terms of reference it ought to inform the Secretary of State of the views of the Panel both as to the advantages and disadvantages of proceeding with the scheduled date. Dr. Oppenheimer inquired of Bradbury about what a postponement of a week or two weeks or so would mean in a technical sense (Tr. 791). On cross-examination, an effort was made to show that Dr. Oppenheimer favored the postponement of the test with the implication that his purpose was still further to delay the production of a thermonuclear weapon (Tr. 792, 793). Dr. Oppenheimer responded that he saw "strong advantages in not holding it then and many strong disadvantages"; that even though it appeared impractical to postpone the test, the panel members nevertheless felt that they owed it to the Secretary of State to tell him what they thought was involved in holding it at that time; and that their views were informally discussed with the Secretary of State (Tr. 792, 793).

Subsequently, Dr. Bush testified that before the Panel was in actual operation, while clearances were still in process, he had gone as a personal matter, on his own initiative, to the Secretary of State, after talking with a number of friends including Elihu Root and with three or four of the men who were to serve on the Panel—John Dickey, Joseph Johnson, Allen Dulles and Dr. Oppenheimer (Tr. 1968). Dr. Bush gave the Secretary of State a memorandum about the proposed test. Without revealing the contents of the memorandum, which was confidential, Dr. Bush testified as follows:

"There were two primary reasons why I took action at that time, and went directly to the Secretary of State. There was scheduled

a test which was evidently going to occur early in November. I felt that it was utterly improper—and I still think so—for that test to be put off just before election, to confront an incoming President with an accomplished test for which he would carry the full responsibility thereafter. For that test marked our entry into a very disagreeable type of world.

“In the second place, I felt strongly that that test ended the possibility of the only type of agreement that I thought was possible with Russia at that time, namely, an agreement to make no more tests. For that kind of an agreement would have been self-policing in the sense that if it was violated, the violation would be immediately known. I still think that we made a grave error in conducting that test at that time, and not attempting to make that type of simple agreement with Russia. I think history will show that was a turning point, that when we entered into the grim world that we are entering right now, that those who pushed that thing through to a conclusion without making that attempt have a great deal to answer for.

“That is what moved me, sir. I was very much moved at that time.” (Tr. 1969-70).

Again, no possible basis is shown for any criticism of Dr. Oppenheimer.

(iii) *The Vista Report and the Lincoln Summer Session.*

In the course of Mr. Griggs' testimony, he took exception to certain statements which he said had been contained in a draft of Chapter V of the so-called Vista report prepared by Dr. Oppenheimer, and he expressed suspicions of the motives of Dr. Oppenheimer and others in the plans for a summer session at MIT having to do with the Lincoln project for Continental defense. In the case of the Vista report, Dr. Oppenheimer's recollection as to what the draft contained was at variance with that of Mr. Griggs; since the hearings were concluded, Dr. Oppenheimer has found, by reference to the text of the draft in question, that his recollection was correct. Copies of the document have been supplied to the Board by the Atomic Energy Commission, and Dr. Oppenheimer has discussed in an affidavit which the Board has received as a part of the record the pertinent portions of the draft which support his testimony. In the case of the Lincoln summer session, testimony by Dr. Hill, the Director of the Lincoln project, and Dr. Zacharias, who was in charge of the summer session, have dispelled the suspicions voiced by Mr. Griggs and have shown that no changes were made or needed to be made in the summer session plans as a result of Mr. Griggs' intervention. The evidence regarding both Vista and the Lincoln summer session are discussed more fully in part IV of this brief.

(iv) *Military Objectives Panel of 1950 and State Department Panel of 1952*

Dr. Alvarez criticized certain statements contained in the report of the Military Objectives Panel of 1950 which he himself signed and a statement that Dr. Oppenheimer is supposed to have made at a discussion of the Panel. These criticisms are discussed below in connection with the discussion of the work of that Panel and are there shown to be unjustified.

Mr. Griggs has stated that he saw the minutes of the first meeting of the 1952 State Department Panel on the regulation of armaments, of which Dr. Oppenheimer was Chairman (Tr. 2608, 2609) and that "it is recorded in the minutes of the meeting of the State Department panel of consultants that Dr. Oppenheimer suggested * * * that we consider giving up strategic missiles." (Tr. 2608). Those minutes have been located since the close of the hearings and we understand they are now before the Board. They do not record any such suggestion by Dr. Oppenheimer.*

5. Summary

Those who have searched for improper motives on Dr. Oppenheimer's part in his advice and actions with regard to the development of thermonuclear weapons will not find it in this record or in anything in Dr. Oppenheimer's life.

History will pass judgment upon what he said and did in the anxious fall of 1949 and thereafter. No living man can tell what the verdict will be. But this Board is not concerned with Dr. Oppenheimer's wisdom or folly in the discharge of his responsibilities to his government. This Board is concerned only with the honesty of his purposes as an American citizen. There can be only one answer, that he sought to do what he believed to be best for the country and that when, for better or for worse, the national policy was oriented in a direction different from the one he believed in, he loyally and effectively supported it.

B. Associations and Related Incidents

1. In General; The Necessity for Perspective

All of Dr. Oppenheimer's personal associations which have been treated in the record as derogatory, were formed without exception dur-

*Incidentally, Mr. Griggs was wrong even as to the membership of the Panel, since he included Dr. DuBridge and at one point Dr. Conant, notwithstanding the fact that he said that he had checked the membership both by contacts in the State Department and by reading the minutes which recorded the membership (Tr. 2610-11).

ing the years at Berkeley before the war, chiefly in the late '30s when Dr. Oppenheimer for the first time became interested in politics and world affairs.

Every one of these acquaintanceships dates back therefore more than a decade. From the time he entered war work down to this day, there is *not one instance* of the formation of a new acquaintance of doubtful political leanings.

In the organizational field, when he entered war work his ties with the left-wing groups to which he had belonged in Berkeley came to an end (Tr. 29). From that time down to this day he never joined any other organization of like character, with the solitary exception of the Independent Citizens Committee of the Arts, Sciences and Professions in 1946, from which he withdrew when he observed that it was advocating international policies with which he could not agree (Tr. 340-345).

Apart from the unfounded allegations about his part in the hydrogen bomb controversy, this entire case is concerned with Dr. Oppenheimer's relationships with individuals who entered his life more than a decade ago. As the record shows, all but a mere handful of these people left his life many years ago. The few who remain he sees only occasionally—his brother Frank and his wife, who live on a remote ranch in Colorado (Tr. 337); Haakon Chevalier, who lives in Paris (Tr. 459); Dr. Serber, (the distinguished physicist at Columbia who also works at the AEC's Brookhaven project) and his wife, whom he occasionally sees (Tr. 727); Dr. Morrison, Professor of Physics at Cornell, whom he sees infrequently (Tr. 730)—these are the only friends from the Berkeley period with whom he has contacts. A very few other acquaintances from that period he has run into once in a while, chiefly at scientific meetings. That is all.

Therefore, in considering Dr. Oppenheimer's associations, to the extent they have been questioned, the first thing for the Board to keep in mind, for whatever bearing it may have upon this case, is that these associations are few in number and derive wholly from the Berkeley period in Dr. Oppenheimer's life.

The second thing to bear in mind is that the questioned associations are only a tiny fraction of Dr. Oppenheimer's total associations both of his California days and of his later life. As Director of the Institute for Advanced Study at Princeton, he lives and moves in a community of distinguished scholars and their families. The many men who came to Washington to tell the Board about their faith in him illustrate the range and character of his friendships outside of Princeton. A mere glance at the biographical record prepared by his secretary, which was introduced in evidence, will illustrate still further his multiple points of contact with

other people. The whole pattern of his life and of his associations is today very different from that of the Berkeley period.

The third thing to keep in mind is that he has been evolving within himself as well as in his external relationships. The first great change came with his emergence in the late '30s from a life of exclusively academic and intellectual interests into a new and strange world of politics and international affairs. Because this came late, and suddenly, and at a time in history when numerous patriotic Americans were joining causes and groups with known or unknown adherents of the Communist Party, his actions seem at this distance to have been impetuous, uncritical, and exaggerated in their intensity. But they bore none of the characteristics of a professional or disciplined adherent to Communism.

The second great change occurred in the war years, in which Dr. Oppenheimer found himself as the executive head of a community of 8,000 people, about half of whom were attached to the laboratory, engaged in the most difficult of all the undertakings of the war (Oppenheimer, Tr. 34-35; 91-6; Bethe, Tr. 1049). The Board must make a special effort to put things in perspective with regard to this particular period as well as with regard to the present time. The impression was sought to be conveyed at the hearings that Dr. Oppenheimer brought or tried to bring many Communists or near Communists into the Los Alamos project, but when one looks through the dust of the names in the record to those who had any clearly identified connection with Dr. Oppenheimer, one sees only a few out of the thousands who made up Dr. Oppenheimer's organization: his brother Frank, who started in war work at Berkeley under Ernest Lawrence (Tr. 335), who later went to Oak Ridge, and who came to Los Alamos toward the end of the war with the approval of the security officers (Tr. 39); Philip Morrison, who in fact was recruited by Dr. Bacher (Tr. 2180) from among the workers at the Metallurgical Laboratory in Chicago and who came to Los Alamos with the approval of the security officers despite his background (Tr. 2181); the Serbers; and David Hawkins. During the course of the hearings it was not always made clear that Bohm, Weinberg and Lomanitz were not at Los Alamos. They were not. We cite these names here for the purpose once again of emphasizing the need of clarity in judging Dr. Oppenheimer's actions as a whole at any given time, and not an infinitesimal slice of them.

The next great change in Dr. Oppenheimer's life occurred after the war when he shortly moved East and began his long series of peacetime activities in and out of government on behalf of the national defense and security and of the perpetuation and strengthening of freedom in a strife-torn age.

It would be a grievous error to suppose that out of the major changes in his life and out of the mounting ambit of his responsibilities and of his contacts with the practical affairs of government at the highest levels of difficulty and anxiety, he has not learned and grown and profited by past mistakes and developed into an ever-more-rounded citizen.

These are some of the things which the Board must keep constantly in mind if it would follow the Commission's injunction in the Graham case that "it is the man himself the Commission is actually concerned with, that the associations are only evidentiary, and that common sense must be exercised in judging their significance."

2. Importance of the Testimony of General Groves and Colonel Lansdale

As has been said, all of Dr. Oppenheimer's associations which have been in any way questioned originated in the Berkeley period, and it seems very clear that all the salient facts about them, as well as about the few incidents during the Los Alamos period which have been questioned, were known to General Groves and Colonel Lansdale, and that knowing of this, they trusted him and believed in his loyalty. While Colonel Lansdale was General Groves's top security man for the whole project (Tr. 831), General Groves himself became an expert in security matters and took them very seriously indeed (Tr. 551). With respect to Dr. Oppenheimer's file he testified:

"I think I was thoroughly familiar with everything that was reported about Dr. Oppenheimer, and that included as it did on every other matter of importance, personally reading the original evidence if there was any original evidence. In other words, I would read the reports of the interviews with people. In other words, I was not reading the conclusions of any security officer. The reason for that was that in this project there were so many things that the security officer would not know the significance of that I felt I had to do it myself." (Tr. 551).

He saw Dr. Oppenheimer very closely during the Los Alamos years:

"I saw him on the average, I would say, of anywhere from once a week to once a month. I talked to him on the phone about anywhere from four to five times a day to once in three or four days. I talked on all possible subjects of all varieties. During the time I spent a number of days, for example, on trains traveling where we might be together for six or eight or twelve hours at a time." (Tr. 532).

Colonel Lansdale, on the basis of the reports about Dr. Oppenheimer's associations, which he discussed at length with General Groves,

initially had doubts about clearing him (Tr. 835). As time went on in those early war years and as he developed a close acquaintance with Dr. Oppenheimer, and had many talks with him, he reached the conclusion that he was loyal and deserved to be cleared (Tr. 836-A). He explained that the need for trained scientists was so urgent and the supply so limited that the security officers deliberately permitted the employment of men whom they believed serious security risks in instances where their work would be helpful; they surrounded these men with extra security precautions. Dr. Oppenheimer, he testified, was not among these "calculated risks" (Tr. 837).

The salient facts about Dr. Oppenheimer's background, which were certainly known to General Groves and Colonel Lansdale, were that his wife, his brother and his sister-in-law had been Communist Party members; that he himself had had many left-wing associations and friends; and that, as appears from the Lansdale transcript, he may have made contributions to or through the Communist Party (Tr. 2958).

Toward the very end of the hearings, counsel for the Commission called Colonel Pash, who was Chief of the Army Counter Intelligence in San Francisco until November 1943 (Tr. 2762). He investigated among other people Bohm, Lomanitz, Weinberg, and Friedman at the Berkeley laboratory (Tr. 2767, 2770, 2817). Counsel for the Commission read into the record a memorandum to Colonel Lansdale, dated June 29, 1943, containing alleged information that Dr. Oppenheimer and his brother Frank were Party members; that the Party did not consider it prudent for this to be known in view of the highly secret work on which they were engaged; and that surveillance had indicated "further possible Communist Party connections" in that he met and spent some time with Jean Tatlock, and attempted to telephone and later was thought to have visited David Hawkins, reports on both of whom were attached (Tr. 2802-3). The memorandum stated that further investigations of Dr. Oppenheimer were being carried out, that he might be making information available to the Russians through his contacts, that a suitable replacement for him should be found, and that in the meantime he should be given suitable warnings by General Groves and others (Tr. 2804-5). This is one sample—the only one revealed to us in the course of the hearings—of the kinds of reports about Dr. Oppenheimer's alleged background which must have gone to General Groves and Colonel Lansdale. It is clear from the record that they knew all about certain incidents which occurred during the Los Alamos period and which were re-examined in the course of the hearings—Dr. Oppenheimer's visit to Jean Tatlock, his inquiry whether Bohm could be trans-

ferred to Los Alamos, his request for Lomanitz's draft deferment, his appointment of Hawkins to write the history (which was done with General Groves's consent—Tr. 644-5), and of Mrs. Serber as librarian, and the Chevalier matter. They also had reports on all these individuals and probably knew more about them in the aggregate than Dr. Oppenheimer knew.

Knowing of these things, General Groves and Colonel Lansdale came before the Board and vouched for Dr. Oppenheimer's loyalty.

In this connection, we direct the Board's attention particularly to the fact that according to Colonel Pash's testimony, his further investigations of Dr. Oppenheimer, which he said in his memorandum would be conducted, were discontinued on instructions from Washington in the middle of August 1943 (Tr. 2807). Unless disloyalty is to be imputed to his superiors in Washington, this could only mean that they took a quite different view of Dr. Oppenheimer from that which Colonel Pash had reached on the basis of the reports which came in to him. Colonel Pash met Dr. Oppenheimer only once in his life, namely, on August 26, 1943—some two months after the report which he had made about him to Colonel Lansdale (Tr. 2816). Once again the contrast is pointed up between the value of a judgment based on second-hand evidence and the value of a judgment based, as Colonel Lansdale's and General Groves's were based, on intimate first-hand acquaintance of the person involved.

It is true that General Groves in his testimony assigned as one of his reasons for clearing Dr. Oppenheimer the fact that he was already in the Manhattan project in charge of bomb computations, and very much needed (Tr. 532, 533), but the fact remains that he never regretted his decision, as he authorized Dr. Oppenheimer to state publicly in the letter he wrote him on May 18, 1950, after the Crouch testimony. The statement which he authorized Dr. Oppenheimer to make was as follows:

"General Groves has informed me [Dr. Oppenheimer], that shortly after he took over the responsibility for the development of the atomic bomb he reviewed personally the entire file and all known information concerning me, and immediately ordered that I be cleared for all atomic information in order that I might participate in the development of the atomic bomb. General Groves has also informed me that he personally went over all information concerning me which came to light during the operations of the atomic project and that at no time did he regret his decision." (Tr. 579-80)

At the hearing General Groves was asked the question about Dr. Oppenheimer: "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 commit a disloyal act?" And he answered: "I would be amazed if he did." (Tr. 533)

His real worry about Dr. Oppenheimer had been that through his ceaseless labors to produce the bomb on time, he would drive himself into a breakdown (Tr. 539).

Colonel Lansdale, like General Groves, testified that on the basis of the reports alone about Dr. Oppenheimer and before he came to know him, he would have urged that he should be dispensed with (Tr. 867). In view of his importance, however, "we made a tremendous effort to reach a settled conclusion in our own minds. At least I did, and I am sure the General did." (Tr. 867) Referring to the test of "associations," he said that there was always the question of determining "(a) the significance at the time of them, (b) whether, assuming that there was a sinister significance, it has continued. I have never, strongly as I have felt and acted with reference to Communists, never adopted the assumption once a Communist sympathizer, always a Communist sympathizer." His overall judgment was that Dr. Oppenheimer was a loyal American citizen who put the interests of his country first (Tr. 853).

We most respectfully urge upon the Board that it not undertake to substitute its own judgment of Dr. Oppenheimer's conduct a decade or more ago for that of General Groves and Colonel Lansdale who were on the spot and who knew more than any of us can possibly know today about the conditions obtaining on the war projects, about the manpower needs as well as the security needs, about Dr. Oppenheimer's total life at the time—the strains and pressures under which he was working, his relationships with all kinds of people as well as the few whose names have cropped up in these hearings, his views and attitudes as affected by the climate of opinion and the stage of history in which he was then moving, and many other intangible as well as tangible facts about him which no one—not even Dr. Oppenheimer—can recreate for the guidance of the Board.

If it is difficult to recreate in 1954 the true image of Dr. Oppenheimer and the environment in which he carried on his momentous labors in 1943, how much the more so is it to recreate even the beginnings of an accurate picture of other individuals with whom he had relationships of one sort or another and about whom the record contains only small scraps of information? Yet if these relationships are to be deemed relevant to the question of Dr. Oppenheimer's clearance in 1954, how can they fairly be judged without some wider knowledge of the people involved and of the circumstances surrounding the relationships than are revealed in the record of these proceedings?

If these matters had been unknown to General Groves and Colonel Lansdale, the Board would no doubt have to do its best to weigh them in some fashion or other. But could any judgment which the Board might now arrive at be more trustworthy than that which General Groves and Colonel Lansdale formed at the time with all of the avenues of knowledge and information available to them?

Believing as we do so firmly that there can be no better guide than the judgment of the men on the spot, we shall not attempt to analyze the rather tangled and uncertain record regarding incidents and personalities in the war years which have been thought to be derogatory to Dr. Oppenheimer. They were in any event few in number and small in significance when measured against the multitudinous actions and wide and meaningful associations which made up Dr. Oppenheimer's crowded life during those years of vast responsibility and effort.

Once again, we urge the Board to try to picture Los Alamos as a great community of colleagues working shoulder to shoulder with Dr. Oppenheimer for the good of the country, of whom only the barest handful had had left-wing associations—colleagues like Rabi, Fermi, Bethe, Bradbury, von Neumann, Alvarez, Teller, Zacharias, Ramsey, Bacher, Lauritsen and Rowe, who testified before the Board and whose backgrounds were wholly free from left-wing associations.

The only two matters related to this hearing which seem to us to call for special comment are (a) the Chevalier incident and (b) the question of the possibility of Dr. Oppenheimer's having been at some stage a concealed Communist. We think it necessary to comment upon these two matters because at one point or another they may have raised in the Board's mind some doubt, however slight, as to the truth of Dr. Oppenheimer's testimony.

In addition, the cross-examination of Dr. Oppenheimer in connection with the Chevalier incident was conducted in a manner whose unfairness we feel obligated to mention to the Board, since it permeated this part of the proceedings and brought about certain testimony which placed what had happened in a distorted light, which did less than justice to Dr. Oppenheimer.

3. The Chevalier Incident

This incident has been discussed so much and the Board has given so much thought to it that we think it would be a waste of the Board's time for us to review all the facts at this point. The only point which we shall make, by references to the record, and in order to avoid any possible misunderstanding on the Board's part, is that the account of

the incident which Dr. Oppenheimer gave the Board was truthful, and that the story which he told to Colonel Pash and later to Colonel Lansdale was a fabrication except for Eltenton's name, as he himself frankly stated had been the case.

Dr. Oppenheimer's statement to the Board, contained in his answer, which he adopted as his testimony (Tr. 354) and reaffirmed in the proceedings (Tr. 356), was essentially that his friend Chevalier told him that Eltenton "had spoken to him of the possibility of transmitting technical information to Soviet scientists. I made some strong remark to the effect that this sounded terribly wrong to me. The discussion ended there. Nothing in our long-standing friendship would have led me to believe that Chevalier was actually seeking information; and I was certain that he had no idea of the work on which I was engaged." (Tr. 40).

On cross-examination Dr. Oppenheimer was asked by the Commission's counsel whether Chevalier had said anything to him "about the use of microfilm as a means of transmitting this information?" Dr. Oppenheimer answered that he had not and that he was sure of this. He was then asked whether Chevalier had said anything about "the possibility that the information would be transmitted through a man at the Soviet Consulate?" And he answered this question also in the negative (Tr. 427). Finally, he was asked whether Chevalier had told him or indicated to him in any way that he had talked to any one but Dr. Oppenheimer about the matter; Dr. Oppenheimer answered in the negative and also that he had no information that Chevalier had approached any one else on the subject (Tr. 427-8).

A conference took place on August 26, 1943 between Dr. Oppenheimer, Colonel Pash and Lt. Johnson (a security officer under Colonel Pash) at Berkeley, at which Dr. Oppenheimer told about Eltenton but not about Chevalier (Tr. 448, 449).

On cross-examination Dr. Oppenheimer volunteered the information that in explaining to the security officers why Eltenton was a man to worry about, he had "invented a cock and bull story" (Tr. 448). He conceded that he had not told Colonel Pash the truth about what had happened. When asked what he had told Pash that was not true, he said it was his statement that Eltenton had attempted to approach three members of the project through an intermediary (Tr. 450, 451). Dr. Oppenheimer's explanation for having specified three people when in fact only one had been approached, and that one himself, was that he was "reluctant to mention Chevalier" and no doubt somewhat "reluctant to mention myself" (Tr. 451). Conceding that it would have made it all the worse for Chevalier if he had in fact approached three people, Dr.

Oppenheimer said that he had been "an idiot" in inventing such a story (Tr. 451).

Counsel then asked Dr. Oppenheimer if he had told Colonel Pash that "X" (meaning Chevalier) "had spoken to you about the use of microfilm?", to which Dr. Oppenheimer responded: "It seems unlikely. You have a record and I will abide by it." (Tr. 452) Counsel pressed him further until he answered: "I would have said not but I clearly see that I must have." (Tr. 452). (Dr. Oppenheimer observed that counsel at this point was reading from a document which later turned out to be a transcript of a recording of the interview.)

Counsel then asked Dr. Oppenheimer about his later interview with Colonel Lansdale at which the Eltenton matter was again discussed. He asked Dr. Oppenheimer if he had told Lansdale substantially the same story he had told Colonel Pash, and Dr. Oppenheimer agreed that he had (Tr. 462-3). "So you lied to him too?" "That is right."

Ultimately, when a copy of the Lansdale transcript was produced and made available to Dr. Oppenheimer, it showed that Dr. Oppenheimer had not mentioned either the subject of microfilm or the Soviet Consulate in his talk with Colonel Lansdale and that the discussion had centered entirely around the question of the identity of Chevalier. The fact that he was supposed to have made three contacts was repeated by Lansdale and agreed to by Dr. Oppenheimer on the basis of the report which Colonel Pash had made to Colonel Lansdale about the prior interview. The references both to the Consulate and to the microfilm in the Pash interview seem therefore to have been of a casual nature—a conclusion which was strengthened by the fact that when the recording of the first portion of the Pash interview was ultimately heard by the Board at the request of Dr. Oppenheimer's counsel (Tr. 905), it turned out that what Dr. Oppenheimer had actually said about the microfilm was that Eltenton was in contact with some one at the Embassy with experience "in microfilm work or whatever the hell—that is the story" (Tr. 927-8).

Pursuing Dr. Oppenheimer's cross-examination, counsel for the Commission began to read from portions of the transcript of the Pash interview, and every time there was a reference in the interview to "X" (the still unnamed Chevalier) having made three contacts, or a number of contacts, Dr. Oppenheimer was asked if this was not a lie. In this manner he was made upon seven different occasions to state that this particular item about the contacts had been a lie (Tr. 451, 463, 475, 476, 477, 478, 480); by the same technique he was made twice to confess that the microfilm remark was a lie (Tr. 452, 479); and twice that the reference to the Soviet Consulate had been a lie (Tr. 471, 477).

Dr. Oppenheimer explained that the whole story, except for the fact that Eltenton was the source of the trouble and a man to look out for, was a "pure fabrication" (Tr. 480). Thereafter he was twice again made to admit that the story had been a fabrication, and finally he was asked whether the story was not a whole fabrication and "tissue of lies", to which he wearily responded in the affirmative (Tr. 488).

We have mentioned all this, not to condone Dr. Oppenheimer's fabrication of details of the story, but to recall to the Board the unfairness of the cross-examination and its inappropriateness to a proceeding in which "the attitude of a prosecutor" was to be avoided.* What amounted in fact to a single fabrication, told first to Pash and then in much less detail to Lansdale, was made to appear like a whole series of separate lies. Lost sight of was the fact that Dr. Oppenheimer, albeit much later than he should have, himself initiated the disclosure of Eltenton's name and ultimately disclosed to General Groves the name of his friend Chevalier.

*During the questioning of Dr. Oppenheimer on the basis of the Pash transcript, on April 14th, counsel for Dr. Oppenheimer asked (Tr. 483) that he be given a copy of the transcript and that in any future instances in which counsel for the Commission proposed to read from transcripts, copies be furnished counsel to Dr. Oppenheimer. Counsel for the Commission replied that the transcript was marked "Secret" so that it could not presently be made available until a classification officer could pass on it, but that at the conclusion of the examination he would make the entire transcript a part of the record (Tr. 484). Counsel for Dr. Oppenheimer then asked that in the future counsel for the Commission should check with the classification officer any further transcripts that he proposed to use so that copies could be furnished while he was reading from them (Tr. 486). No specific answer to this request was made. The next day counsel for the Commission, still cross-examining Dr. Oppenheimer, began reading from the transcript of the interview with Colonel Lansdale, which shortly followed the interview with Colonel Pash (Tr. 646). Counsel for Dr. Oppenheimer renewed the previous request and asked for a copy of the full transcript (Tr. 651). The Chairman ruled that he would be given a copy when the Board and counsel had finished with the questioning. After a few more questions and answers counsel for Dr. Oppenheimer objected to the whole method of examination—reading bits of a transcript to a witness whose memory was hazy without the full course of the conversation being revealed (Tr. 653). Counsel for the Commission replied that if he were trying to be unfair, he would not read from the transcript at all "but would leave it in the file for the Board to read. I am giving this witness a chance to make whatever explanation he wishes to make" (Tr. 654). The Chairman stated that questions had not been asked out of context in a way that was prejudicial (Tr. 655). A little later counsel for Dr. Oppenheimer renewed his request for the furnishing of a copy of the whole transcript in advance, referring to the customary court practice and contending that what was proper in a court of law should ("a fortiori") be "accorded to us here in an inquiry" (Tr. 659). Counsel for the Commission disagreed with the point of law but agreed to furnish the copy if the Chairman wanted counsel to have it. The Chairman ruled that this should be done and it was done (Tr. 659, 660). It was only after this, on April 19th, that a typewritten copy of the Pash transcript was furnished to Dr. Oppenheimer.

Had the Pash and Lansdale transcripts been produced and shown to Dr. Oppenheimer to refresh his recollection before he was cross-examined, as should have been done, Dr. Oppenheimer's testimony would have been in substance the same, but it would have been stated simply and in one piece, and the incident in question would have been viewed in its natural light.

We are confident that the Board will bear these considerations in mind when it comes to evaluate the incident.

Above all, we hope once again that the Board will take for its guide the relative weight which General Groves and Colonel Lansdale attached to this incident in arriving at their overall judgment of Dr. Oppenheimer. Neither of them seemed to be concerned about Chevalier's supposed contacts, but only about ascertaining his identity; and General Groves regarded Dr. Oppenheimer's attitude as "the typical American schoolboy attitude that there is something wicked about telling on a friend." (Tr. 540).

General Groves believed that Dr. Oppenheimer "was doing what he thought was essential, which was to disclose to me the dangers of this particular attempt to enter the project, namely, it was concerned with the situation out there at Berkeley—I think it was the Shell Laboratory at which Eltenton was supposedly one of the key members—and that was a source of danger to the project and that was the worry." (Tr. 540-1).

General Groves did not seem to have been particularly pressed for time; his first interview with Dr. Oppenheimer on the subject occurred, if the Lansdale transcript is to be credited, before the Lansdale interview on September 12, 1943 (Tr. 2959), and his second interview occurred around December 13, 1943 (Tr. 500). Recalling the events, General Groves testified (Tr. 542):

"About two months later or some time later, after much discussion in trying to lead him into it, and having then got the situation more or less adjusted, I told him if you don't tell me, I am going to have to order you to do it. Then I got what to me was the final story. I think he made a great mistake in that. I felt so at the time. I didn't think it was great from the standpoint of the project, because I felt that I was getting what I wanted to know which, after all, I did know already, that this group was a source of danger to us. I didn't know that this group had tried to make this direct approach and pinpoint it that way, but I knew they were thoroughly capable of it, and I knew we had sources of danger in the Berkeley project."

As to the story about the three contacts, the record indicates that Chevalier did contact only one person, as Dr. Oppenheimer stated to this

Board. Lansdale testified that in the end the number of contacts by Chevalier definitely came down to only one (Tr. 847). The only doubt is whether that one was Frank Oppenheimer or Robert Oppenheimer. Lansdale testified that there was only one. He believes according to his testimony that it was Frank. But this he had from General Groves (Tr. 847). And he conceded that General Groves may have told him not that Robert Oppenheimer had named Frank to General Groves, but only that General Groves thought he was protecting Frank (Tr. 849). General Groves said: "I always felt he was trying to protect his brother and possibly in any case to protect Chevalier or to protect somebody else who was a friend, whom [when?] he felt that the man had made a mistake and he had adequately taken care of that mistake and more or less warned this man off." (Tr. 541-2)

Colonel Pash testified that he believed Dr. Oppenheimer's story of three contacts, but conceded that his investigations had never been able to establish that there had been any (Tr. 2830-1).

The only reasonable conclusion to be drawn from all the evidence is that Dr. Oppenheimer told the Board the truth, and that eleven years ago in his anxiety to protect a friend whom he believed to be innocent he fabricated a story about the circumstances, while disclosing on his own initiative the name of the man he believed to be dangerous, and ultimately revealing the name of his friend.

He did not in his own mind put loyalty to a friend above loyalty to his country (Tr. 805). In his own mind, his friend was innocent and the investigation would be in no way benefited by knowing that it was Haakon Chevalier. What his fault consisted in and what he has freely confessed to this Board was his mistake in putting his judgment as to what the interests of the country required above the judgment of the security officers.

Dr. Oppenheimer has learned from this experience. People who have known him over the years, who have worked with him closely and intimately, and who testified on his behalf before the Board, regarded this whole Chevalier incident with some pain, but they gave their judgment to the Board that Dr. Oppenheimer would not today do what he did eleven years ago, and that like all good and intelligent men, he has learned by the bitter fruits of experience. The members of this Board must have felt, listening to his testimony, the sense of guilt which he bore within himself about this incident. It is something in his past that he does not like to think about, but that surely he has outlived in his service to this country and in his growth and development as a man and as a citizen.

4. The Question of Communist Party Policy in Relation to Secret War Work

Dr. Oppenheimer, on cross-examination, was asked whether he had "ever been told that it was the policy of the Communist Party, certainly as early as 1943, or say certainly as early as 1941, that when a man entered confidential war work, he was not supposed to remain a member of the Party?" He answered in the negative (Tr. 372).

Subsequently counsel for the Commission read him a passage from the transcript of the interview between himself and Colonel Lansdale on September 12, 1943, referred to above, in which he is supposed to have said (Tr. 647) :

"Well, I was told by a man who came from my—a very prominent man, who was a member of the Communist Party in the middle west, that it was the policy of the Party there that when a man entered confidential war work, he was not supposed to remain a member of the Party."

Dr. Oppenheimer could recollect nothing about this. "It simply rings no bell." Nor could he recall anyone who had ever told him that (Tr. 647).

Dr. Oppenheimer's counsel agreed to the insertion of the Lansdale transcript in the record at 2867 without conceding its accuracy. The recording from which it presumably was made was not available, and we know from the recording of the Pash interview how many mistakes can appear in the stenographer's transcriptions and how frequently passages in the conversation cannot be made out at all (Tr. 905 ff). We know also how a stenographer's mistake in even one word can alter the whole sense of a passage; for example, the phrase in the Pash transcript, "tell the Russians who are working on the project", which became from the recording "tell the Russians we are working on the project." (Tr. 910-11). The Landsdale transcript contains a reference to "a girl called Eldred Nelson", which on its face was erroneous, since Eldred Nelson was a man (Tr. 2499). How many other such errors there may be, no one can tell.

Under the circumstances there is no basis for questioning the honesty of Dr. Oppenheimer's recollection as set forth in his testimony.

Some of the questions put to Dr. Oppenheimer about the date of the cessation of his contributions to particular causes through a Communist Party functionary, whether it was just as he was entering war work in the spring of 1942 or some time earlier, may have been prompted by speculation as to the possibility that Dr. Oppenheimer had in fact been a member of the Party and had dropped out pursuant to Party directives

when beginning secret war work. This speculation may have derived from Colonel Pash's report to Colonel Lansdale, dated June 29, 1943, which has previously been discussed (Tr. 2802). Its material is second-hand and unverified, and the idea that Dr. Oppenheimer could have been a concealed Communist during his war work without Colonel Lansdale and General Groves knowing or suspecting it, is fantastic.

Dr. Oppenheimer stated in his answer and adopted as his testimony (Tr. 28-9) :

“Because of these associations that I have described, and the contributions mentioned earlier, I might well have appeared at the time as quite close to the Communist Party—perhaps even to some people as belonging to it. As I have said, some of its declared objectives seemed to me desirable. But I never was a member of the Communist Party. I never accepted communist dogma or theory; in fact, it never made sense to me. I had no clearly formulated political views. I hated tyranny and repression and every form of dictatorial control of thought. In most cases I did not in those days know who was and who was not a member of the Communist Party. No one ever asked me to join the Communist Party.”

There is no basis in the record for rejecting this statement.

5. Dr. Oppenheimer's 1947 Clearance by the Commission.

This is not the first time that the matter of Dr. Oppenheimer's clearance has come before the Commission. It came before the Commission in 1947 and the Commission then cleared him. Here are the facts, as recorded in the contemporaneous documents:

The Commission appears to have first taken action on Dr. Oppenheimer's clearance in February 1947. The Commission minutes of August 6, 1947 state that “Mr. Bellsley called the Commission's attention to the fact that the Commission's decision to authorize the clearance of J. R. Oppenheimer, Chairman of the General Advisory Committee, made in February 1947, had not previously been recorded. The Commission directed the Secretary to record the Commission's approval of security clearance in this case . . .” (Tr. 2333-4). Thus the Commission's minutes of August 6, 1947 recorded a clearance in February 1947 (as well as a clearance on August 6 which we shall come to later).

Mr. Pike thought that “the clearance of all the members of the General Advisory Committee might have been made and considered in February. I am not sure that it might not have happened that this was the only case where a question was raised” (i.e., raised later) (Tr. 1434).

Under date of March 8, 1947, Mr. Hoover transmitted to Mr. Lilienthal copies of summaries of information contained in the FBI files rela-

tive to Dr. Oppenheimer and to his brother Frank Oppenheimer (Tr. 1367).

That was a Saturday. On Monday, March 10, 1947, the Commission met "in closed session" and considered the file received from the FBI regarding Dr. Oppenheimer and his brother. This is recorded in Mr. Wilson's memorandum of March 10, 1947 (Tr. 1386). According to the memorandum "each of the commissioners read the rather voluminous summary" (Tr. 1386). But the Commission apparently still felt that the account was incomplete, "that either it did not reflect the results of a full investigation or did not contain all information bearing on the matter." (Tr. 1387). The Commission noted that the evidence summarized "could seriously impeach Dr. Oppenheimer" (Tr. 1387).

The Commission decided to consult Dr. Bush and Dr. Conant (Tr. 1387). Mr. Wilson's memorandum records that the Commissioners met with Dr. Bush at 3:15 that afternoon and that Dr. Bush said "that he felt that Dr. Oppenheimer's exceptional performance as director of that Laboratory and subsequently in other roles advising the government on the subject of atomic energy had clearly demonstrated his loyalty as a citizen of the United States and his integrity" (Tr. 1388). Half an hour later Dr. Conant joined the meeting. Like Dr. Bush he was not familiar with the contents of investigative files concerning Dr. Oppenheimer's background but stated "that it was certainly a matter of public knowledge that this laboratory under Dr. Oppenheimer's brilliant and driving leadership had made an enormous contribution to the war effort." (Tr. 1388). "Drs. Bush and Conant shared the views of the Commission that the record of Dr. Oppenheimer's contributions to the country in this field during the last four or five years have been so outstanding that it could leave no doubt as to his loyalty." (Tr. 1388-9).

The Chairman attempted to reach General Groves but was unsuccessful that day. The memorandum records that Drs. Conant and Bush arranged to see Secretary Patterson later in the afternoon, that they did see him and he promptly agreed to contact General Groves (Tr. 1389).

So substantially the whole day, March 10, 1947, was spent on the matter.

The next morning, March 11, Mr. Wilson's memorandum records that the Commission met again for further consideration of the matter (Tr. 1389).

The memorandum records that on that day, March 11, 1947, the Commission concluded tentatively that on the basis of the information supplied by Dr. Bush and Dr. Conant concerning Dr. Oppenheimer's out-

standing contributions in this project and his consistent regard for the security of this country, Dr. Oppenheimer's loyalty was prima facie clear despite material contained in the FBI summary; that while under the circumstances "the questions raised by the summary did not create an issue or any immediate hazard, it was essential to undertake promptly a full and reliable evaluation of the case so that it could be promptly disposed of in one way or another." (Tr. 1390).

"As a first step, it was decided to secure as promptly as possible written expression of views from Dr. Bush, Dr. Conant, and General Groves as to Dr. Oppenheimer's loyalty. As a second step, it was decided that the Chairman should confer with Dr. Bush and Mr. Clifford of the White House concerning the establishment of an evaluation board of distinguished jurists to make a thorough review and evaluation of the case." (Tr. 1390-91)

The memorandum records that Dr. Bush and the Chairman, Mr. Lilienthal, met with Mr. Clifford of the White House and discussed this matter with him and proposed that the board have on it judges of the United States Supreme Court. Mr. Clifford was opposed to having members of the United States Supreme Court on the board. Mr. Clifford stated he would discuss the matter with the President and communicate with the Chairman and Dr. Bush on Wednesday—March 12 (Tr. 1391-2). The memorandum records that the results of the discussion with Mr. Clifford were reported to the Commission at a meeting at 5 P.M. that afternoon, March 11, and that at that meeting the General Manager reported that a "detailed analysis of the F.B.I. summary was in process of preparation by the Commission's security staff as an aid to evaluation" (Tr. 1392).

The next day, March 12, 1947, there is a memorandum of a telephone conversation at 11:20 A.M. between Mr. Clifford, special counsel to the President, and Mr. Lilienthal, the Chairman of the AEC (Tr. 1394). Mr. Clifford said that he had briefly discussed the matter with the President; that it was a matter the President would want to think over; that the President was exceedingly busy on an all-important matter and would be away from Washington for the next few days and suggested that the Commission should let the matter stand until they heard from Mr. Clifford; that if they had not heard from Mr. Clifford by the time the President returned to Washington, Mr. Lilienthal should call and remind him about it. (Tr. 1395)

There is no more in the record about what happened to this proposal at the White House. Mr. Lilienthal is clear that there was no recommendation from the White House that a board be convened or such a

board would have been convened (Tr. 1401). So presumably either the President considered it unnecessary to have a board, or in the press of other things the President never got around to doing anything about it.

But that is not the end of the story. The Commission continued to look into the matter, to be active in the matter and ultimately took and recorded definitive action in the matter.

Under date of March 12, 1947 there is a memorandum to the file by Bernard W. Menke, staff security officer, which refers to the fact that the Manhattan Engineering District files concerning J. R. Oppenheimer were sent to the FBI about July or August of 1946 and so are not available for reference "in analyzing the instant summaries" (Tr. 1384).

Under date of March 14, 1947 there is an unsigned memorandum in the file called "Analysis of report on J. Robert Oppenheimer" (Tr. 2168, 2152). Conceivably, though we do not know, this is the "detailed analysis of the FBI summary" referred to in Mr. Wilson's memorandum (Tr. 1392). Portions of this study or analysis, dated March 14, 1947, were read into the record in connection with the cross-examination of Dr. Bacher, and they certainly do not give Dr. Oppenheimer the benefit of any doubts (Tr. 2167).

Previously, under date of March 11, 1947, the Commission had received a letter from Dr. Bush attesting to Dr. Oppenheimer's judgment and integrity (Tr. 1217-1218). Under date of March 25, 1947 the Commission received from Secretary Patterson a letter about Dr. Oppenheimer in which, after reviewing Dr. Oppenheimer's public service, Secretary Patterson concludes, "I have confidence in his character and loyalty to the United States" (Tr. 1219-1220). Secretary Patterson transmitted with his letter a memorandum from General Groves, dated March 24, 1947, in which General Groves stated "nevertheless, my careful study made me feel that, in spite of that record, he [Dr. Oppenheimer] was fundamentally a loyal American citizen and that, in view of his potential over-all value to the project, he should be employed. I ordered accordingly that he be cleared for the Manhattan Project. Since then, I have learned many things amplifying that record but nothing which, if known to me at that time, would have changed my decision" (Tr. 582-583). Under date of March 27, 1947 the Commission received a letter from Dr. Conant upon the subject which ends: "I have no knowledge of Dr. Oppenheimer previous to the summer of 1941, but I say unhesitatingly that whatever the record might show as to his political sympathies at that time or his associations, I would not deviate from my present opinion, namely, that a more loyal and sound American citizen cannot be found in the whole United States" (Tr. 1220-1223).

On March 25, 1947 the Chairman of the Commission, Mr. Lilienthal, accompanied by Mr. Volpe, the deputy general counsel, and probably Mr. Jones, the acting security officer, called on Mr. Hoover "for the purpose of seeing whether there was anything that had come in this file since he called me [Mr. Lilienthal] or whether we were properly construing the facts in the file." (Tr. 1226). They asked Mr. Hoover whether there was something that they had missed; they said that their evaluation of it was that on the whole record Dr. Oppenheimer was not only loyal but had character that made him suitable as an employee of the Atomic Energy Commission (Tr. 1227). Mr. Hoover, according to Mr. Lilienthal's recollection, said that his only reservation was that he didn't like the Chevalier episode and he was quite critical of it. Mr. Lilienthal's recollection is that there was no suggestion from Mr. Hoover that the file was incomplete or that there were things the Commissioners didn't know about (Tr. 1228).

Again we have a contemporaneous memorandum, dated March 27, 1947, from Mr. Jones, the security officer, recording the fact of this interview with Mr. Hoover. The memorandum states (Tr. 1231):

"In the case of J. Robert, those present all seemed keenly alive to the unique contributions he has made and may be expected to continue to make. Further, there seemed general agreement on his subversive record . . . that while he may at one time have bordered upon the Communistic, indications are that for some time he has steadily moved away from such a position. Mr. Hoover himself appeared to agree on this stand with the one reservation, which he stated with some emphasis, that he could not feel completely satisfied in view of J. Robert's failure to report promptly and *accurately* what must have seemed to him an attempt at espionage at Berkeley." (Italics ours)

In view of the question that has arisen whether the Commission knew what Dr. Oppenheimer has freely conceded—that the first story he told to Col. Pash and Col. Lansdale had elements of untruth in it—we have emphasized the word "accurately" in this contemporaneous memorandum.

Mr. Lilienthal's recollection accords with Mr. Jones' memorandum that Mr. Hoover was critical of the Chevalier incident, but Mr. Lilienthal's recollection is that Mr. Hoover had no objection to Dr. Oppenheimer's employment and clearance, i.e., that while he was critical of the incident Mr. Lilienthal does not recall that Mr. Hoover was not satisfied with the man (Tr. 1232).

Next we have a letter dated April 3, 1947 from Mr. Lilienthal to Mr. Hoover forwarding to Mr. Hoover copies of Dr. Conant's, Secretary

Patterson's, General Groves's, and Dr. Bush's letters about Dr. Oppenheimer and the papers relating to the award of the Medal of Merit to Dr. Oppenheimer (Tr. 2127-2128).

The next memorandum in the file that has been produced to us is dated July 14, 1947 from Mr. Jones. It records an interview with Colonel Lansdale and records Colonel Lansdale's "rather casual comments," "that he was absolutely certain of the present loyalty of J. Robert Oppenheimer, despite the fact that he doubtless was at one time at least an avid fellow traveler. . . ." (Tr. 1412).

The next memorandum in the record is dated July 18, 1947. It is from T. L. (Tom) Jones to Bellsley.* It states: (Tr. 1410)

"Herewith a complete investigative file on J. Robert Oppenheimer, upon whom it is believed the Commission may not have formalized their decision. If the Commission meeting minutes contain indication of Commission action, would you kindly so advise? If they do not, I presume that you will wish to docket this case for early consideration. Each Commissioner and the General Manager have seen every report in this file with the exception of a summary of July 17, and my memorandum for the file dated July 14, 1947."

This memorandum was forwarded to Mr. Volpe by Mr. Bellsley (Tr. 1410) and on August 2 Mr. Volpe returned it to Mr. Bellsley with a note: "I looked over this file after you left it with me last night. My impression is that the Commission saw no need for formal action following the meeting they had with Mr. Hoover referred to in Lilienthal's letter of April 3 to the FBI Director. I assume that the information which has come in since that time has been circulated among the Commissioners for their information. If Tom thinks the summary of July 17 and his file memorandum of July 14 should be circulated, that should be done." (Tr. 1410-1411).

These memoranda are extremely revealing as to just what it was that the Commission had before it when it acted in August.

There was some questioning in the case by Commission counsel which seemed to imply that all that the Commission had before it was a twelve-page summary of the FBI report. Apparently that summary is what Mr. Hoover transmitted on March 8, 1947. A twelve-page FBI summary is no mean document. Our guess is that it was a very thorough, and by no means soft, statement of the derogatory information about Dr. Oppenheimer. Mr. Wilson refers to it in his contemporaneous memorandum of March 10, 1947 as a "rather voluminous summary" (Tr. 1386) though still incomplete—apparently because it did not contain the favorable information about Dr. Oppenheimer. Knowing the FBI's

*The original typewritten brief said "from Bellsley". This was a clerical error.

famous thoroughness, we rather suspect that all the pre-1947 derogatory information in General Nichols' letter is fairly well covered in that summary; if not, it seems fair to assume that Mr. Hoover did not think the omitted information was very important. In this connection we remind the Board that the FBI had the full Manhattan District investigative file pertaining to Dr. Oppenheimer (Tr. 1384), and Colonel Pash's memorandum of August 28, 1943, forwarding the transcript of his interview with Dr. Oppenheimer says: "No distribution of this was made other than to furnish one copy to Mr. King of the San Francisco Field Division of the Federal Bureau of Investigation. General Groves will be shown a copy of this transcription when he arrives on the 1st of September, 1943." So both the FBI and General Groves had the transcript of the Pash interview (Tr. 2777).

But that is not all. On March 25 the Chairman of the Commission, accompanied by the Deputy General Counsel and the Security Officer, visited Mr. Hoover to check whether there was anything else and whether there was anything they had missed in the file. They discussed the matter with Mr. Hoover. Mr. Hoover explicitly criticized the Chevalier incident and the failure to report it promptly and "accurately". (Tr. 1231).

We know that at least one and probably two analyses of the FBI Summary were prepared: The analysis of March 14, 1947 (Tr. 2168), and a memorandum dated July 17 which has not been shown to us but which has been described as "the summary of an FBI file" (Tr. 1411).

Most important, Mr. Jones' memorandum of July 18, 1947 transmits not just a summary, however voluminous, but "a complete investigative file on J. Robert Oppenheimer" (Tr. 1410). And it states "*Each Commissioner and the General Manager have seen every report in this file with the exception of a summary of July 17, and my memorandum for the file dated July 14, 1947.*" (Tr. 1410; italics ours). So each Commissioner and the General Manager saw every report in the complete investigative file, with the two exceptions noted. One of those exceptions is in the record, the memorandum of July 14, 1947, which merely records Col. Lansdale's favorable impression of Dr. Oppenheimer. The other is the summary of July 17; presumably it is a summary simply of information already in the file. Mr. Volpe, the Deputy Counsel, thought it was up to the security officer whether this memorandum should be circulated to the Commissioners (Tr. 1410-1411).

So the Commissioners had before them the complete investigative file. This accords with the recollection of the Commissioners that what they saw was "first a summary of information from the FBI, and later a quite voluminous file" (Bacher, Tr. 2126), "a very much thicker file" (Bacher, Tr. 2133), "a fairly thick document" (Bacher, Tr. 2126), "a

pretty thick file" (Pike, Tr. 1422), "a very substantial file", "a typical FBI personnel file" (Lilienthal, Tr. 1366).

The file the Commissioners saw presumably included all the information in the FBI file, including at least the substance of the Pash interview, and all the information in or gleaned from the Manhattan district file which the FBI had. What other papers there were in the file we of course do not know.

Now just when before July 18, 1947 each Commissioner saw every report in the complete investigative file does not appear, nor is it important. What is important is that they did see them.

And they did not pass over the matter lightly. They had after all a report from the director of the FBI relating to the Chairman of the General Advisory Committee—whether he should be cleared for access to information to our atomic energy enterprise. They were conscientious men. They considered it a serious thing at the time (Pike, Tr. 1434); it was a "matter that should be very carefully dealt with, and dealt with very carefully in the evaluation process" (Lilienthal, Tr. 1392); "an important matter" (Tr. 1397).

The Commissioners discussed the case among themselves. They consulted various people, Dr. Conant, Dr. Bush, Secretary Patterson, General Groves. The Chairman of the Commission consulted Mr. Hoover. They consulted the White House. The security officers made an analysis of the file and interviewed people. Each Commissioner read every paper in the file.

And then on August 6 the Commission recorded its final action. The minutes of the Commission of August 6, 1947 read (Tr. 2333-4) :

"Mr. Bellsley called the Commission's attention to the fact that the Commission's decision to authorize the clearance of J. R. Oppenheimer, Chairman of the General Advisory Committee, made in February 1947, had not previously been recorded. The Commission directed the Secretary to record the Commission's approval of security clearance in this case and to note that further reports concerning Dr. Oppenheimer since that date had contained no information which would warrant reconsideration of the Commission's decision."

So the Commission now formally recorded (a) that it had cleared Dr. Oppenheimer in February and (b) it reaffirmed that decision in the light of the information contained in the further reports concerning Dr. Oppenheimer since that date, including the reports from Mr. Hoover, the complete investigative file, etc. Nothing can be clearer than that the Commission was thus taking a twofold action, recording an earlier clearance and reaffirming it in the light of later information. (Tr. 233-4).

Of course the Board is not bound by the action of the Commission. But neither should it lightly disregard it. In the first place, that action represents the judgment of five men, five conscientious men, acting under the same Act as the Board is acting, in touch with the framers of that Act, and deeply conscious of their responsibilities under the Act for the atomic energy enterprise in the United States.

In the second place, clearance is a serious matter. It ought not lightly to be brushed aside. Of course, if a man's clearance is once taken away from him, that is the end of it. After that as a practical matter his name is no longer submitted for clearance. It is only the finding of "not guilty" that is perpetually subject to review. Thus, there are injustices and hazards both to the country and to the man in lightly reviewing and re-reviewing a man's clearance.

The essential facts about Dr. Oppenheimer were certainly before the Commission in 1947. They knew about his pre-war associations and sympathies; they knew that his wife and his brother and his sister-in-law were former communists; they had summaries, at least of everything the FBI had reported about him, including what was in the Manhattan Project files. They knew about the Chevalier incident. The Director of the FBI told them that Dr. Oppenheimer had failed "accurately" to report the Chevalier incident. So although this Board has listened to a great many more witnesses (mostly called by us), we do not think that as to the pre-1947 situation the picture before this Board is substantially different from that before the Commission in 1947.

We think the Board should give great weight to the Commission's 1947 consideration and clearance.

6. Associations and Related Incidents Since Clearance by the Commission in 1947

Certain things have happened since 1947. We think Dr. Oppenheimer's post-1947 record strengthens and confirms the wisdom and rightness of the 1947 decision to clear him. We shall discuss later his record of public service since 1947. We shall here mention the few incidents since 1947 that have been suggested as derogatory.

(a) MEETING WITH BOHM AND LOMANITZ

Shortly before Bohm and Lomanitz testified before the House Committee in May 1947, Dr. Oppenheimer ran into them in the street in Princeton. Bohm was then teaching physics at Princeton University, and Dr. Oppenheimer had helped him get this position (Tr. 495-6). It was a casual meeting; Dr. Oppenheimer was walking from the barber-shop (Tr.

587). The subject of their testimony came up, and Dr. Oppenheimer, their former teacher, simply advised them to tell the truth (Tr. 495-6). Later he read the record, in the course of which they had pleaded the Fifth Amendment.*

(b) WEINBERG'S PERJURY TRIAL

In connection with Weinberg's perjury trial, Dr. Oppenheimer's counsel and Weinberg's counsel discussed the matter (Tr. 630). This was proper since it appeared likely that Dr. Oppenheimer would be called as a witness in the case. Dr. Oppenheimer and his counsel had earlier discussed the matter with the United States Attorney (Tr. 49). The issue on which it appeared that Dr. Oppenheimer might be a witness was whether or not Weinberg had attended the alleged Communist meeting at Dr. Oppenheimer's house at 10 Kenilworth Court in July 1941, as described by Crouch in 1950. In the upshot that issue was not presented to the jury and Dr. Oppenheimer was not called as a witness by either side.

(c) CROUCH'S TESTIMONY

In his answer, which Dr. Oppenheimer adopted as his testimony (Tr. 49, 50) and in his testimony (Tr. 338-40), Dr. Oppenheimer denied Crouch's statement before the California Un-American Activities Committee in 1950 that a closed Communist Party meeting had been held in Dr. Oppenheimer's rented house in Berkeley in July 1941 and that Dr. Oppenheimer had been there. Dr. Oppenheimer's testimony was supported by Mrs. Oppenheimer (Tr. 3087). Dr. Bethe described visiting the Oppenheims in New Mexico on July 24th (Tr. 1085-6), a day after the approximate date fixed by Crouch (Tr. 50). Crouch purported to identify Dr. Oppenheimer as having been present at the alleged meeting, on the basis of pictures and movies of Dr. Oppenheimer which Mr. and Mrs. Crouch had seen some eight years later (Tr. 49). Counsel for the Commission did not see fit to call Mr. Crouch as a witness.** As has

*Professor Ramsey, who has worked with Dr. Oppenheimer on the Harvard Board of Overseers' Committee to Visit the Department of Physics, testified that Dr. Oppenheimer had been vigorously opposed to Professor Wendell Furry's pleading the Fifth Amendment (Tr. 1462).

**On at least two other occasions, involving proceedings brought by the United States Government, Mr. Crouch has made identifications that were, to say the least, unreliable. The transcripts of the testimony are doubtless available in the Department of Justice if the Board wishes to have them. We have obtained copies of the transcripts from the official stenographers and will be glad to furnish them to the Board if the Board desires. From those transcripts, the following appears: Crouch

been noted, after Crouch had made his statement in 1950, General Groves on his own initiative wrote Dr. Oppenheimer and authorized him, if need arose, to issue a public statement expressing General Groves's confidence in him (Tr. 579). We submit that the story of the alleged meeting is not worthy of credence by this Board.

(d) THE HYDROGEN BOMB CONTROVERSY AND DR. OPPENHEIMER'S PRESENT-DAY ASSOCIATIONS

These topics have already been discussed. We think they afford no ground for removing Dr. Oppenheimer's clearance.

7. Dr. Oppenheimer's Clearance in 1953 as a Member of the Atomic Energy Committee of the Research and Development Board.

In July, 1953, it became the duty of Dr. Walter Whitman, then Special Assistant to the Secretary of Defense for Research and Development, to review Dr. Oppenheimer's personnel file under the President's Executive Order 10450 requiring the review of cases with significant derogatory information (Tr. 1647). He studied the file very thoroughly (Tr. 1648). It consisted of a summary by the FBI of the material in Dr. Oppenheimer's folder; it may have had 50 or 60 pages in it (Tr. 1648). He read it and re-read it very carefully to feel that he had the significance of the file (Tr. 1648). To the best of his recollection, everything in the Commission's letter of December 23, 1953 other than the hydrogen bomb item, was in the file which Dr. Whitman examined (Tr. 1649). He "prayerfully" thought this whole thing over and he "unqualifiedly" recommended Dr. Oppenheimer's reappointment as a consultant (Tr. 1673). Later that recommendation was referred by Dr. Whitman's successor to an informal review board which reviewed the case and his recommendation, and they agreed with his recommenda-

testified on February 11, 1953, in a deportation proceeding involving Jacob Burck, a cartoonist of the Chicago *Sun-Times*. Crouch claimed that he and Burck had worked together in the Communist Party for many years and that he had often attended "closed meetings" of the Communist Party with Mr. Burck. Crouch was asked to identify Mr. Burck in the hearing room. He promptly identified another person, who was employed as a photographer by the Chicago *Tribune*. (Tr. of In re *Burck*, Immigration & Naturalization Service, Chicago, Illinois, File No. A4, 587,587, pp. 7-14). On April 26, 1954, Crouch was on the witness stand in Philadelphia in a criminal action (*U. S. v. Kuzma, et al.*, Criminal No. 17418, U.S. District Court, Eastern District of Pennsylvania). He testified that he had for many years known and worked in the Communist Party with one David Davis, a defendant in the trial. But it turned out that in an earlier trial Crouch had testified that he did not know Davis (Tr. of *Kuzma* trial, pp. 781-88; 792-96).

tion. The members of the Board were Dr. Robert W. Cairns, Dr. L. T. E. Thompson and General John Hinds (Tr. 1676).

As to the charge of obstructing and trying to delay the progress on the hydrogen bomb, Dr. Whitman's own personal experiences with Dr. Oppenheimer during the period of the supposed obstruction and delay convinced Dr. Whitman that the charge was false (Tr. 1672).

For reasons already stated, we believe that the Board should give weight to this clearance, in addition to the clearance by the AEC in 1947.

C. The Borden Letter

Mr. Borden's letter to Mr. Hoover dated November 7, 1953, became a part of the files in this case before General Nichols wrote his letter to Dr. Oppenheimer of December 23, 1953 (Tr. 2486-8). The matters contained in the Borden letter were matters of opinion and conclusions without evidentiary testimony or facts. To the extent that the items in Mr. Borden's letter were covered in General Nichols' letter, there is testimony before the Board to shed light on them. To the extent that there were items in Mr. Borden's letter not covered by General Nichols' letter, we assume that he did not deem them worthy of credence, and we submit that they are not worthy of credence here.

IV. AFFIRMATIVE MATTERS NOT IN THE GENERAL MANAGER'S LETTER OF DECEMBER 23, 1953

So much for the indirect evidence referred to in the General Manager's letter as to whether or not Dr. Oppenheimer is a security risk—the evidence of his state of mind insofar as it bears on the question whether, if Dr. Oppenheimer were so minded, he might be unfaithful to his trust.

Normally in loyalty and security cases this indirect, negative evidence is all that the Board has upon which to act. But in the case of Dr. Oppenheimer there is further and much more reliable and persuasive evidence available to the Board.

A. Dr. Oppenheimer's Record in the Keeping of Secret Information.

In the first place, the question being whether it is safe to trust Dr. Oppenheimer with secret information relating to the national defense, we have the direct evidence that at least since 1942 Dr. Oppenheimer has in fact been entrusted with and privy to the most important, most secret defense information in the possession of the United States—much of it indeed information that he helped develop and acquire. And, after this long inquiry, there is still nothing to show or even suggest that he was ever faithless to his trust—to keep confidential and secret information entrusted to him—or that any such information ever found its way to improper or unauthorized persons through Dr. Oppenheimer or his actions. If Dr. Oppenheimer had been minded to be unfaithful to his trust, he had ample opportunity to do so during the past 12 years. And, of course, he never was unfaithful to his trust. Colonel Pash conceded that he had no information of any leakage of restricted data through Dr. Oppenheimer to any unauthorized person (Tr. 2824).

General Groves has testified (Tr. 576-7) :

“Q. All this talk about espionage, you didn't mean to suggest by anything that you said with respect to it that Dr. Oppenheimer had anything whatever to do with espionage activities with foreign agents?

A. Oh, by no means. . . .

Q. So you would not want to leave with this board even by the remotest suggestion that you are here questioning Dr. Oppenheimer's basic loyalty to the United States in the operation of the Los Alamos plant.

A. By no means and nothing about the espionage. I think it is very important if there has been any misunderstanding that Dr.

Oppenheimer was not in any way responsible for anything to do with the protection of the United States against espionage, excepting cooperation which was natural as the head of the scientific effort out there. By no means was there any intent to imply. I hope I did not lead anybody to think otherwise for an instant."

B. Dr. Oppenheimer's Record of Public Service

In addition to the evidence that over the 12-year period of his public service Dr. Oppenheimer has never proved faithless to his trust, we have an objective demonstration of Dr. Oppenheimer's loyalty. For he has a record of service to the country, particularly in the field of national defense, that objectively demonstrates Dr. Oppenheimer's loyalty and devotion to the United States and that is quite inconsistent with any notion that Dr. Oppenheimer would favor a foreign power over the United States.

This point has been recognized by almost all the witnesses. In fact, General Wilson, called as a witness by the Commission counsel, who felt so uncomfortable about what he thought was Dr. Oppenheimer's pattern of action that he consulted Air Force Intelligence about the matter* even while he said he had no personal knowledge of Dr. Oppenheimer's loyalty, volunteered this statement (Tr. 2392) :

"In fact, sir, it seems to me that he has demonstrated his loyalty, once again in a private opinion, in the tremendous job he has done for this country."

Dr. DuBridge testified :

"More than that, we [the GAC members] felt, and I feel that there is no one who has exhibited his loyalty to this country more spectacularly than Dr. Oppenheimer." (Tr. 1711)

"It would be in my opinion against all principles of justice to now not recognize the way in which his loyalty has been proved in a positive way through positive contributions." (Tr. 1731)

Or, as Dr. Rabi, present Chairman of the General Advisory Committee, picturesquely put it (Tr. 1554) :

"There is a real positive record, the way I expressed it to a friend of mine. We have an A bomb and a whole series of it [deleted

*In connection with this visit to Air Force Intelligence which he finds "exceedingly embarrassing" (Tr. 2356) and where he is at pains to say he did not make any charges (Tr. 2391), General Wilson said (Tr. 2357) : "I would like first to say that I am not talking about loyalty. I want this clearly understood. If I may, I would like to say that this is a matter of my judgment versus Dr. Oppenheimer's judgment."

by Classification Officer], and what more do you want, mermaids? This is just a tremendous achievement."

We point now to some of this record of Dr. Oppenheimer's affirmative achievements, the objective demonstration of his devotion to his country:

1. Los Alamos—The A-Bomb

First, and most spectacular, is Dr. Oppenheimer's universally acknowledged and acclaimed achievement in the direction of the Los Alamos Laboratory during the war, resulting in our possession of the atom bomb and the ushering in of the atomic age.

Dr. Oppenheimer testified to the fact that he was told that it was very important to know the state of affairs before the meeting at Potsdam at which the future conduct of the war in the Far East would be discussed with the Russians, and a particular effort was made to get the bomb ready before the Potsdam conference (Tr. 103). After the war against Germany ended, the tempo of work was upward. "It was upward simply because we were still more frantic to have the job done and wanted to have it done so that if needed, it would be available" (Tr. 106).

The Board is well aware of the widely held and expressed belief that the possession of the bomb shortened the war with Japan. And we think it is a fairly well accepted fact of history that this quick ending of the war with Japan did not at all suit Russia's purposes, for it substantially deprived Russia of a share in the military government of Japan and in the peace settlement with Japan. No less an authority than Winston Churchill has said that the possession of this weapon by America was the only thing that kept Russia from marching into western Europe to the Channel ports during the years of disarmament following the war. (Conant, Tr. 1247)

Dr. Bush summarized the value of this achievement as follows:

"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" (Tr. 1966).

For this superb and perhaps unparalleled achievement, the President of the United States awarded to Dr. Oppenheimer the highest award

in the power of the President to confer upon a civilian, the Medal for Merit. The citation for the Medal for Merit signed by the President is "for exceptionally meritorious conduct in the performance of outstanding service to the War Department, in brilliant accomplishments involving great responsibility and scientific distinction in connection with the development of the greatest military weapon of all time, the atomic bomb. As director of the Atomic Bomb Project Laboratory in New Mexico, his great scientific experience and ability, his inexhaustible energy, his rare capacity as an organizer and executive, his initiative and resourcefulness, and his unswerving devotion to duty have contributed immeasurably to the successful attainment of the objective. Dr. Oppenheimer's accomplishments reflect great credit upon himself and upon the military service."*

The Medal for Merit was awarded to Dr. Oppenheimer by the President of the United States after all the events relating to his associations in the 1943 and earlier period were known and were in the file of the Manhattan Engineering District. Those facts were, of course, known to General Groves, who recommended that Dr. Oppenheimer be awarded the Medal for Merit (Tr. 1214, 1219), and appear to have been known to the Medal for Merit Board appointed by the President (Tr. 1225).

* * *

The affirmative demonstration of loyalty through service to the United States has continued from the Los Alamos days to today.

Dr. Bradbury, the present Director of the Los Alamos Laboratory, testified (Tr. 1589-90) :

"I would regard him from my observation as completely loyal to this country. In fact, I would make a statement of this sort, I think, that while loyalty is a very difficult thing to demonstrate in an objective fashion, if a man could demonstrate loyalty in an objective way, that Dr. Oppenheimer in his direction of Los Alamos Laboratory during the war years did demonstrate such loyalty. I myself feel that his devotion to that task, the nature of the decisions which he was called upon to make, the manner in which he made them, were as objective a demonstration of personal loyalty to this country as I myself can imagine."

The Chairman later put to Dr. Bradbury the question whether he thought that Dr. Oppenheimer's actions since the war were of the same character and nature as to lead Dr. Bradbury to a conclusion about his loyalty, and Dr. Bradbury's long answer was summarized by the Chairman as follows (Tr. 1616) :

*The transcript is incomplete here (Tr. 110). We have checked this language against the original citation.

"MR. GRAY: . . . I think your answer is in the affirmative. I think my question was that you feel that the character and nature and intensity of Dr. Oppenheimer's loyalty has been as great in post war years as you saw it in the war years.

THE WITNESS: That is my feeling."

2. Advisory Panel to Secretary Stimson's Interim Committee on Atomic Energy.

In one sense Dr. Oppenheimer's post-war service to the country began even before the explosion at Alamogordo. For in May 1945 Dr. Oppenheimer was asked by Secretary Stimson to serve on an advisory panel to Secretary Stimson's Interim Committee on Atomic Energy, along with Compton, Lawrence and Fermi (Answer p. 25; Tr. 111).

"And even during the week when Hiroshima and Nagasaki were being bombed, we met at Los Alamos to sketch out a prospectus of what the technical future in atomic energy might look like: atomic war heads for guided missiles, improvements in bomb design, the thermonuclear program, power, propulsion, and the new tools available from atomic technology for research in science, medicine and technology." (Answer p. 25)

In this task they met with the members of the Interim Committee and with General Marshall. Far from indicating that the job was now finished, "we thought very important to get across, that this was not a finished job, and there was a heck of a lot we didn't know" (Tr. 112). And even then "much of the discussion revolved around the question raised by Secretary Stimson as to whether there was any hope at all of using this development to get less barbarous relations with the Russians" (Tr. 112).

As part of the work of the advisory panel, Dr. Oppenheimer and the other members of the panel were asked "to produce a prospectus about what needed to be done in atomic energy. We wrote a great big book" (Tr. 113). They "tried to give an account of where the problem stood as we could. This included the military applications" (Tr. 113). And this was at a time—September and October of 1945 (Answer p. 25)—when our only conceivable enemy for the foreseeable future was Russia.

3. Los Alamos Between the War and the Atomic Energy Act.

Los Alamos was, of course, a war-time miracle. For only under the stresses of war could such a brilliant collection of genius and ability have been gathered together in one remote spot to work on the problems confronting us. With the end of the war, many of the people who had come

to Los Alamos—for the duration—wished to return to their normal pursuits, to their university posts (Tr. 1458, 1707). Nobody knew what the future of Los Alamos would be “or indeed what effect international agreements might have on the program. But in the meantime Los Alamos had to be kept going until there was created an authority competent to decide the question of its future” (Answer p. 26). Dr. Ramsey has referred to “rather eloquent pleas on the part of Dr. Oppenheimer that kept many” of the scientists there at the end of the war (Tr. 1459).

Dr. Oppenheimer, like others, wanted to return to his university post. But first he recommended that Dr. Bradbury should be his successor as director of the laboratory, a decision which has turned out by common consent to be extremely wise and fortunate.

One of the most demoralizing factors with respect to the future of Los Alamos was the lack of any authority to take over from the military. It took a year before Congress passed the Atomic Energy Act.

The May-Johnson Bill was proposed, and it was much criticized by scientists and by the liberal press (Tr. 115, 1052-53). But in October 1945, at the request of Secretary of War Patterson, Dr. Oppenheimer testified before the House Committee on Military Affairs on the May-Johnson Bill, which he favored “as an interim measure because I thought the sooner this got into organized hands, the better chance that places like Oak Ridge and Los Alamos would be taken good care of, and after a year there would be plenty of chance to amend the legislation with whatever one had learned in between” (Tr. 116).

4. Acheson-Lilienthal Report.

Early in 1946 Dr. Oppenheimer was appointed a member of the Board of Consultants to the Secretary of State's Committee on Atomic Energy, which, with the Secretary of State's Committee, prepared the so-called Acheson-Lilienthal Report.

In the work of that Board, all of its members looked on Russia as the most probable future enemy of the United States (Tr. 1907).

The Board tried to develop a workable foolproof system (Lilienthal, Tr. 1207). The Board rejected the idea merely of international inspection because it was not a foolproof method (Tr. 1207). “The United States could not trust the Russians merely by inspection to comply with the requirements of this scheme” (Tr. 1207). The development of this idea that inspection was inadequate and that it would require actual international ownership and control of raw materials and operations was largely formulated by Dr. Oppenheimer and his technical associates (Tr. 1207). The idea was set forth by Dr. Oppenheimer in a memorandum

to Mr. Lilienthal dated February 2, 1946 (Tr. 122). The ideas expressed in that memorandum became the central philosophy of the Acheson-Lilienthal Report and the heart of United States policy on the matter (Tr. 125). It was "a tough system" that we proposed and that Dr. Oppenheimer contributed to (Tr. 1209).

Dr. Oppenheimer testified (Tr. 125-6) :

"I think that any attempt at that time to establish control along these lines would, if accepted by the Soviets, have so altered their whole system and so altered their whole relations with the western world that the threat which has been building up year after year since could not have existed. I think that no one at that time could with much confidence believe that they would accept these proposals. I think it was important to put them forward, and it was also important not to express too much doubt that they might be accepted . . .

"It would have meant that the Russian Government gave up control over things going on involving their citizens on their territory. It would have permitted free intercourse between Russian nationals and people of the rest of the world. It would have meant that there could be no iron curtain."

Dr. Oppenheimer spoke publicly in favor of the Acheson-Lilienthal Report (Tr. 131), pointing out incidentally that the proposal was incompatible with a veto, which again, of course, was contrary to Russian policy.

5. Consultant to Mr. Baruch and General Osborn at U. N.

Dr. Oppenheimer was appointed one of the consultants to Mr. Baruch in preparation for and in the conduct of the U. N. negotiations for the Baruch Plan, based as it largely was on the Acheson-Lilienthal Report. And when General Osborn succeeded Mr. Baruch, Dr. Oppenheimer continued in that capacity.

The Russians attacked the proposal (Tr. 133). And after the summer of work with Mr. Baruch "it became difficult even for a dedicated optimist to think that anything would come of the negotiations in the sense of a real agreement. It was hard to believe that before it started, and the nature of the Soviet conduct, not only the kind of objections they made but the nature of their dealings was extremely revealing to anyone who saw it for the first time" (Oppenheimer, Tr. 134).

When General Osborn was appointed, Dr. Oppenheimer immediately met with General Osborn to discuss with him the question of whether it was desirable to continue the negotiations with the Russians (Osborn,

Tr. 1111-12) and to warn General Osborn of what appeared to Dr. Oppenheimer two very serious dangers in continuing negotiations. "He was now certain after watching the Russians for three or four months that the Russians had no intention of accepting any plan for the control of atomic energy—international control of atomic energy—which would mean lifting the Iron Curtain. He had come to the conclusion that their behavior showed that they were not going to lift the Iron Curtain, for to do so would mean the end of the regime. Yet he felt certain that if the Iron Curtain was not lifted that any plan of international control would be exceedingly dangerous to the United States" (Osborn, Tr. 1112-13). So he warned against continuing negotiations for fear that we might make some compromises which would put the United States in a very dangerous position of not really knowing what was going on in Russia whereas the Russians would know all about what was going on here. And he also felt that the Russians would use the continuation of negotiations simply as a medium for propaganda (Osborn, Tr. 1113-14).

Dr. Oppenheimer's advice on this point was rejected, but he loyally continued to work with and support General Osborn (Osborn, Tr. 1116, 1120). "He just stuck at what he considered his job of seeing that we didn't fall into any pitfalls on this thing". "He remained intensely loyal. It has always struck me. I have been in a good many jobs, and this is not always the case when you cross a man at the beginning" (Osborn, Tr. 1120).

6. Statements about Soviets and International Control of Atomic Energy.

Dr. Conant, who saw something of Dr. Oppenheimer in connection with this work, said "that Dr. Oppenheimer's appraisal of the Russian menace, of the Soviet situation, was hardheaded, realistic and thoroughly anti-Soviet" (Tr. 1247).

And this hard-headed, anti-Soviet appraisal Dr. Oppenheimer carried into his private discussions. For example, in January 1947 he had such a discussion with Dr. Bethe, in the course of which he pointed out to Dr. Bethe "how much the Russian plan was designed to serve the Russian interests and no other interests, namely, to deprive us immediately of the one weapon which would stop the Russians from going into western Europe, if they so chose, and not give us any guarantee on the other hand that there would really be a control of atomic energy, not give us any guarantee that we would be safe from Russian atomic attack at some later time" (Bethe, Tr. 1055). And he told Dr. Bethe that he had given up all hope that the Russians would agree to a plan which would give security to all of us (Bethe, Tr. 1055).

In his public statements Dr. Openheimer had to be somewhat more guarded, and not state publicly his recognition that there was no hope that the Soviets would accept our proposal. As he put it:

“I think that in every case I tried to explain that we could not take this path to people who insisted on thinking that we might, and yet not to talk publicly of the fact that we were giving up a position until the Government of the United States had in fact given it up” (Tr. 150).

But the thread is apparent, even in his guarded public statements. In his speech at the National War College on September 17, 1947, he said:

“At the same time, I think no one can take with any seriousness the hope or expectation that the Soviet Union will accede—or that it will come closer to acceding to what is now the [United Nations] majority plan” (Tr. 139).

In an article in *Foreign Affairs* in 1948 he said:

“Were we not dealing with a rival whose normal practices, even in matters having nothing to do with atomic energy, involve secrecy and police control which is the very opposite of the openness that we have advocated—and under suitable assurances offered to adopt—we might believe that less radical steps of internationalization [than those proposed in the UN plan] could be adequate . . .” (Tr. 144)

In a speech before the New York State Bar Association in February 1949, he pointed out that the Acheson-Lilienthal proposals really involved getting the Soviets “to reverse what has been their long-standing policy of extreme secrecy, considerable terror and very great latent hostility to the non-Soviet world” (Tr. 146).

In December 1948 in a speech before the Rochester Institute of National Affairs, he said of the United States proposals for the international control of atomic energy:

“They were rejected as wholly unacceptable, even as a basis for further discussion, by the three Soviet States, whose contributions to policy and to debate have throughout constituted for us a debasingly low standard of comparison” (Tr. 148).

In March 1951 in his speech before the New York City Bar Association he pointed out that our proposals for international control of atomic energy required a world open to access. He said:

“This notion of openness, of an open world, is of course, relevant to other aspects of the Soviet system. It is doubtful whether, without the newly terrible, yet archaic, apparatus of the Iron Curtain,

a government like the Soviet Government could exist. It is doubtful whether the abuses of that government could persist" (Tr. 149).

And in an article in *Foreign Affairs* in July 1953, he said:

"Earlier, shortly after the war's end, the Government of the United States had put forward some modest suggestions, responsive to these views, for dealing with the atom in a friendly, open, cooperative way. We need not argue as to whether these proposals were stillborn. They have been very dead a long, long time, to the surprise of only a few. Openness, friendliness and cooperation did not seem to be what the Soviet Government most prized on this earth" (Tr. 149).

* * *

Dr. Oppenheimer's views about the Soviet system which he expressed in his discussions of the United States proposals for the international control of atomic energy are, of course, part of the fabric of his general philosophy. Thus, on February 6, 1947, in a speech at the University of Denver he said of Soviet communism:

"It has given rise to political forms which are deeply abhorrent to us and which we not only would repudiate for ourselves but which we are reluctant to see spread into the many areas of the world where there is great stability. . . ." (Tr. 326)

And in the Reith Lectures given in England last year on "Science and Common Understanding", he said:

"This open access to knowledge, these unlocked doors and signs of welcome, are a mark of a freedom as fundamental as any. They give a freedom to resolve difference by converse, and, where converse does not unite, to let tolerance compose diversity. This would appear to be a freedom barely compatible with modern political tyranny. The multitude of communities, the free association for converse or for common purpose, are acts of creation. It is not merely that without them the individual is the poorer; without them a part of human life, not more nor less fundamental than the individual, is foreclosed. It is a cruel and humorless sort of pun that so powerful a present form of modern tyranny should call itself by the very name of a belief in community, by a word 'communism' which in other times evoked memories of villages and village inns and of artisans concerting their skills, and of men of learning content with anonymity" (Tr. 327-8).

7. General Advisory Committee.

At the end of 1946 Dr. Oppenheimer was appointed by the President as a member of the General Advisory Committee to the Atomic Energy

Commission. At its first meeting (to which he arrived late) he found he had been elected chairman. And year after year he was re-elected chairman "at first without any concern on my part but later with great concern" (Oppenheimer, Tr. 215). His chairmanship of the General Advisory Committee from 1946 to 1952 "was my principal assignment during those years as far as the atomic energy program was concerned and my principal preoccupation apart from academic work" (Answer p. 28).

The GAC being an advisory committee "we, of course, from the very beginning recognized with relief that the job of decision-making, the job of negotiation with other parts of the Government, the job of management, the final job of determination, rested elsewhere. . . . Our job was limited to advice." (Tr. 215-16).

This advice was always given against a background (Tr. 216). That background changed during the years.

At the beginning the problem was in effect to revive the atomic energy program so as to make it available in the form of actual military strength, as it was not available at the beginning of 1947 (Tr. 217). In the period characterized by the Russian bomb, the war in Korea and the Chinese intervention, the background of many questions was the pressing need for immediate readiness for general conflict (Tr. 217).

The GAC felt that the first and the principal job of the Commission was the weapons program (Tr. 225). In addition, the Commission had a mandate to get on with the exploration of civil power; it needed to respond to requests from the military and to alert the military establishment to other applications of atomic energy for military use; and finally, the Commission had a mandate to stimulate basic science in this country (Tr. 225-26). These, then, were the principal areas of GAC advice.

As former Commissioner Pike put it, "the GAC under his [Oppenheimer's] chairmanship made a major contribution to the work of the Commission and the Commission, I take it, was trying to work for the good of the country" (Tr. 142).

General McCormack, who disagreed with the GAC's position on the hydrogen bomb, said of the GAC, under Dr. Oppenheimer's chairmanship:

"I have worked with a number of advisory committees in my business. I think the General Advisory Committee was the outstanding one of my experience in terms of its qualifications, its interest in the work, and its consistent effort to be helpful in broadening the base of weapons development, of pushing out into other areas of military interest, generally to the full extent." (Tr. 2203)

a. PRIORITY OF THE WEAPONS PROGRAM.

At one of the GAC's first meetings in 1947, they settled down to the job of forming their own views of the priorities. And they "assigned top priority to the problem of atomic weapons" (Answer p. 32). "Without debate—I suppose with some melancholy—we concluded that the principal job of the Commission was to provide atomic weapons and good atomic weapons and many atomic weapons" (Oppenheimer, Tr. 225). Dr. DuBridge points out that "it was evident at that time the most important thing that the Atomic Energy Commission faced was how to bring the atomic weapons work back to full strength" (Tr. 1708).

This concentration on weapons came when "there was only one possible enemy against whom it was being done—it was the Soviet Union" (Conant, Tr. 1248). And Mr. Dean pointed out that Dr. Oppenheimer never underestimated the Russian threat (Tr. 985).

b. REHABILITATION OF ATOMIC ENERGY ENTERPRISE AND OF LOS ALAMOS.

During the year between the end of the war and the passage of the Atomic Energy Act, the Los Alamos Laboratory had reached "a state of very considerable disruption" (DuBridge, Tr. 1707). Scientists wanted to return to their universities or their industrial positions and a large number did that (DuBridge, Tr. 1707; Ramsey, Tr. 1459). The Laboratory was "in a state of demoralization" (DuBridge, Tr. 1707). "Los Alamos was in a state where there was a real question as to whether or not it could survive" (Fisk, Tr. 1104).

Mr. Lilienthal (Tr. 1291) and Mr. Pike (Tr. 1445) have both testified to the extreme deterioration and stagnation of the whole atomic energy enterprise in the early days of the AEC and the GAC. As Mr. Lilienthal testified, scientists had left the project in large numbers; contractors had declined to go forward; duPont had turned in its contract at Hanford; there was great uncertainty; morale was badly shot (Tr. 1291).

"At Los Alamos we found the most serious situation because although some very able men remained, the top management of that project had left for the universities. We found a great many health hazards and fire hazards that were very damaging to morale" (Lilienthal, Tr. 1291).

At this point (Tr. 1291) the Classification Officer has deleted a portion of Mr. Lilienthal's testimony. We believe this related to the size of our atomic stockpile. Consider how different the course of history would have been if there had been a leak from Dr. Oppenheimer or anyone else to the Russians of the true facts to which Mr. Lilienthal here testified. Perhaps the Russians would indeed have occupied the Channel ports.

The GAC recognized that "the major job was how to strengthen Los Alamos, get better men there, and give the men who were there the maximum amount of scientific help . . . the Chairman of the General Advisory Committee was among the most insistent, that this was our job, to help Los Alamos and strengthen the weapons program at Los Alamos" (DuBridge, Tr. 1708).

Dr. Bacher testified that in that period in early 1947 "our greatest problem was to try to get the Los Alamos laboratory in the development of weapons into a sound shape. The General Advisory Committee, I might add, was vigorous on this point, and very helpful in getting the laboratory into shape both by reason of the recommendations which they made, and also the direct help that they gave us in connection with personnel for the laboratory. . . . I would say in this effort Dr. Oppenheimer's individual contribution was the greatest of any member of the General Advisory Committee" (Tr. 2139-40).

The GAC advised the Commission that one of its first jobs should be to convert Los Alamos into an active center for the development and improvement of atomic weapons (Answer p. 32). "We suggested that the Commission recognize as the laboratory's central and primary program the improvement and diversification of atomic weapons, and that this undertaking have a priority second to none. We suggested further that the Commission adopt administrative measures to make work at Los Alamos attractive, to assist the laboratory in recruiting, to help build up a strong theoretical division for guidance in atomic weapons design, and to take advantage of the availability of the talented and brilliant consultants who had been members of the laboratory during the war. In close consultation with the Director of the Los Alamos Laboratory, we encouraged and supported courses of development which would markedly increase the value of our stockpile in terms of the destructive power of our weapons, which would make the best use of existing stockpiles and those anticipated, which would provide weapons suitable for modern combat conditions and for varied forms of delivery and which in their cumulative effect would provide us with the great arsenal we now have" (Answer p. 33).

Dr. Bradbury testified:

"But certainly his chairmanship of the GAC after the war years never questioned the fact or never questioned the assertion that the Los Alamos Laboratory should continue, should be strengthened, should proceed along lines of endeavor which were of military effectiveness. Every decision that I can recall that the GAC made with respect to the laboratory, with the possible exception of what may have been their opinion regarding thermonuclear development, seemed to me to be the right decision." (Tr. 1614)

"The GAC and Dr. Oppenheimer had always to my knowledge been an active friend and been active friends of the laboratory, and had been helpful and had worked closely with us in all our discussions relevant to Los Alamos, or many discussions relative to Los Alamos. . . . I never knew them or Dr. Oppenheimer to take a stand or a position or to give advice which was other than useful and helpful to the laboratory." (Tr. 1579)

"Basically the GAC supported the laboratory as a weapons laboratory in all fields." (Bradbury, Tr. 1616).

The GAC "suggested that every inducement be made available to make work at Los Alamos attractive in the way of salaries and housing, but above all in the morale sphere. . . ." (Oppenheimer, Tr. 228). The GAC "spent a good deal of time as individuals and as a group trying to induce people to return to Los Alamos or other undertakings in the Commission." (Lilienthal, Tr. 1293). The result is there is hardly a "qualified scientist in the country who is not available to Los Alamos for consultation or for such things as he is good for." (Oppenheimer, Tr. 229).

The GAC supported Los Alamos in the view that actual test of nuclear weapons was a fundamental part of progress in the field (Bradbury, Tr. 1614; Answer, p. 34). The GAC helped Los Alamos to obtain authorization for conducting the tests it wished, and encouraged the establishment of a permanent weapons testing station and the adoption of a continental test station to facilitate this work (Answer, p. 34). "The Los Alamos people repeatedly told me [Bethe] that one could always get support for the best ideas in weapons development at the General Advisory Committee. . . . Every important development in weapons which was done at Los Alamos was strongly supported by the General Advisory Committee" (Tr. 1058).

Dr. Fisk testified (Tr. 1104) :

"Dr. Oppenheimer in particular was extremely helpful and thoughtful about the circumstances which could bring the laboratory back to life.

"I[t] seems to me, if I may add this, that the health and vigor of Los Alamos today is a very direct result of the activities of those times. I believe it is the strongest laboratory the country has."

c. OTHER ASPECTS OF WEAPONS PROGRAM

The GAC encouraged and supported the building up of the laboratory at Sandia whose principal purpose was the integration of the atomic war head with a weapons system in which it was to be used (Answer, pp. 33-34). This meant various compromises in order to make the weapon

"light or small or thin or whatever else it was that the carrier required. But experience showed that almost every improvement that you made in trying to make, let us say, a physically smaller atomic bomb was reflected in an improvement in the performance of the larger ones" (Oppenheimer, Tr. 238). Dr. Kelly has testified as to the work done at Sandia (Tr. 199). The GAC stressed the importance of this work and of the development of the carriers, aircraft, missiles, etc. which could make these atomic warheads of maximum effectiveness (Answer p. 34). Dr. Conant testified to Dr. Oppenheimer's activity in:

"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. I think he was very active." (Tr. 1249).

And General McCormack has testified to this same interest and activity of Dr. Oppenheimer (Tr. 2205).

The Committee was concerned with variety* of weapons and made a number of recommendations to the Commission "the purpose of which was to be sure that if during a war you found out bombs made were not exactly the ones you wanted you could do something about it. . . . We suggested a variety of devices by which you could take advantage of what you learned in combat and come up quickly with what you needed." (Oppenheimer, Tr. 239).

Mr. Lilienthal, speaking of the work of the General Advisory Committee in the weapons field, said (Tr. 1294):

"In the weapons field they were most active. This was because the weapons problems were the primary problems of the Commission in part and partly because these men had special qualifications in that direction. They either initiated or reviewed such things as efforts to revise the design of weapons in order to get more weapons for the same amount of material, to increase the destructive power of weapons, to boost their destructive power, to improve their combat effectiveness in the direction of lightness and field manageability, matters of that kind."

Dr. Fermi testified about Dr. Oppenheimer's activities in this respect (Tr. 1283):

"I think I can say very definitely that I always saw him push for all the measures that could improve our positions in conventional atomic weapons, and this includes seeing to it that exploration of ores would go ahead vigorously, that production of primary mater-

*[At the direction of the Classification Officer, this word was substituted for another which appeared in the original typewritten brief.]

ials would be expanded, that all the various gadgets that go into this weapon would be streamlined as much as possible, that varieties of weapons that could conceivably improve our military position would be investigated and developed.”

d. PRODUCTION PLAN EXPANSIONS. REACTORS. RAW MATERIALS.

The GAC under Dr. Oppenheimer's chairmanship was concerned not only with types of weapons but also with expansion of our arsenal of weapons by production plant expansion and enlarging the sources of raw materials.

“We did regard it as our function to indicate that neither the magnitude of existing plant nor the mode of operation of existing plant which the Commission inherited, nor the limitation of raw materials to relatively well-known and high-grade sources of ore, need limit the atomic weapons program.

“The four major expansion programs which were authorized during the six years 1946 to 1952 reflected the decision of the Commission, the Military Establishment, the Joint Congressional Committee and other agencies of the government to go far beyond the production program that was inherited in 1946. And the powerful arsenal of atomic weapons and the variety of their forms adaptable to a diversity of military uses which is today a major source of our military strength in turn reflect the results of these decisions. The record of minutes, reports and other activities of the General Advisory Committee will show that that body within the limits of its role as an advisory group played a significant, consistent and unanimous part in encouraging and supporting and sometimes initiating the measures which are responsible for these results.” (Answer, pp. 34-5)

Mr. Dean testified (Tr. 962) :

“In every case—and I might say this to give you just a little bit of history—the Atomic Energy Commission underwent a series of expansions of its facilities. By expansions, I mean this: The design, the construction, and the putting into operation of large reactors, such as those out at Hanford, to produce plutonium or tritium or other products. The expansion of the large gaseous diffusion plants which gives you your uranium 235. In other words, when you are talking about facilities, you are talking about facilities which give you [deleted by Classification Officer] the plutonium and U-235 fissionable material.

“All of these expansions were blessed by the General Advisory Committee. I know of no instance where there was an expansion program beginning with the summer of 1949 when we went into building a new gaseous diffusion plant at Oak Ridge, up until the latest big expansion of 1953, which was a three billion dollar expansion.

sion program. I know of no instance when the expansion program was not thoroughly backed by the General Advisory Committee and heartily backed."

The GAC addressed to the Commission a series of questions as to relieving limitation on plant or raw material (Oppenheimer, Tr. 237-238). Dr. DuBridgE testified (Tr. 1709) :

"It was also evident to us that a critical bottleneck in the production of more and better atomic weapons was the availability of raw materials, plutonium particularly. So we discussed and made recommendations to the Commission at various times at various meetings for the expansion and improvement of the production facilities at Hanford. We felt it was quite important to increase the rate of production of plutonium and to expand the neutron yield of the Hanford reactors, and to increase the plutonium production there."

Dr. Rabi testified to the same matter (Tr. 1502-03). (His testimony in somewhat greater detail at page 1513 has been deleted from our copy by the Classification Officer.) The GAC pressure throughout the years 1947, 1948, 1949 was for "increased production of both fissionable material and of raw material, and particularly we kept on recommending a facility for the production of neutrons which we knew would be very useful in some way or other." (Rabi, Tr. 1514).

The GAC worried about the reactor program. "We worried a lot about it and you will find that if the advice was not good it was at least copious" (Oppenheimer, Tr. 244). One reason for the difficulty about the reactor program was that a reactor is a large industrial enterprise which you just cannot try out in a small university laboratory or try out for size (Oppenheimer, Tr. 244). But after the GAC and the Commission began to sort out better what the reactors were for—i.e. for production of materials for bombs, or for military propulsion, or for learning about reactors—after that, the Commission's program began to take extremely good shape (Oppenheimer, Tr. 245). During Dr. Oppenheimer's chairmanship of the GAC, perhaps a dozen and a half reactors of all kinds were started (Tr. 784).

As early as 1948 the GAC favored expanding excess neutron production. Later they were talking about "a bucket of neutrons" (Dean, Tr. 963-4), (and a similar phrase deleted by the Classification Officer), and apparently the Savannah River Project is in part designed to accomplish the ends suggested in that phrase (Rabi, Tr. 1534-35).

The GAC took an affirmative view of the development of reactors for submarines and naval propulsion, not only for their military value

but also because they looked close enough to civil power to be of interest from that point of view too. But for technical reasons this could not be said of the originally very ambitious plans for flying aircraft with nuclear power and the GAC said so and suggested studies which in time brought the program to a more feasible course (Answer, p. 36; Oppenheimer, Tr. 245-246).

With respect to the matter of obtaining raw materials, there is an interesting sidelight in Ambassador Kennan's testimony. He testified as to the negotiations on this matter with our own allies, particularly the British and the Canadians (Tr. 1143). He testified that Dr. Oppenheimer sat in on a number of those discussions and "that his participation was extremely helpful to us, so much so that I am not sure really whether we would have been able to do what we did at all without his help." (Kennan, Tr. 1147). These discussions were "matters of the greatest delicacy"; "they were all matters which were given the highest possible security classification at the time, and I do not recall that we ever had any leaks about them. They were conducted in complete secrecy" (Tr. 1144). The Russians would have profited greatly if the negotiations had not been successful in tidying over the relationships with the Canadians and the British, and Dr. Oppenheimer greatly helped in the task (Tr. 1146).

* * *

Because of the nature of the issues in this case we have concentrated on those aspects of Dr. Oppenheimer's work with the GAC which bore most directly on the national defense. We have not discussed the problems of civil power, nor the advancement of basic science.

8. Research and Development Board.

Shortly after his appointment to the General Advisory Committee, Dr. Oppenheimer was appointed by Dr. Bush as a member of the Committee on Atomic Energy of the Joint Research and Development Board in the military establishment. He served on this committee for seven years (Answer, p. 28; Oppenheimer, Tr. 151-52). The initial job of this committee was to try to give direct technical information to the military on the Military Liaison Committee (Oppenheimer, Tr. 152). After a while the military developed "admirable ways of getting their own intelligence and their own knowledge and became as expert as any one. But it [the committee] did provide a continuing channel of discussion. Every once in a while we would stir something up in this committee which was useful" (Oppenheimer, Tr. 152). Dr. Oppenheimer gave

examples of this useful matter which was stirred up, which have, however, been deleted from our copy of the transcript (Tr. 152-53).

Because there seemed to be some implied criticism by Commission counsel of the fact that Dr. Oppenheimer expressed views on military matters, this may be an appropriate point at which to say something of the reasons why Dr. Oppenheimer felt impelled to express them—of which of course the most obvious and pressing was that as a member of the Committee it was his duty to express his views.

But this duty in relation to Dr. Oppenheimer was a rather special one. He was, after all, the man who had played a very great role—by many considered the greatest role—in the development of the atomic bomb and the ushering in of this new era in warfare as well as in other areas. It was after all because of this special position that Dr. Oppenheimer had been appointed to these committees, and because he was supposed to have some special knowledge that might give him a view of matters that would otherwise not be available to the military.

Dr. Oppenheimer testified (Tr. 3209) :

“I felt, perhaps quite wrongly, that having played an active part in promoting a revolution in warfare, I needed to be as responsible as I could with regard to what came of this revolution.”

a. EXTENDING THE VARIETY* OF ATOMIC WEAPONS.

Dr. Oppenheimer recognized and urged upon the military the fact that the new atomic weapons were not all of one kind; that it was possible to make a wide variety of weapons suitable for many military purposes.

Dr. Whitman testified :

“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” (Tr. 1642). “I think very definitely he felt that great emphasis should be put on having a spectrum in the arsenal of atomic weapons; that there were so many potentialities to this new material.” (Tr. 1644).

* * *

“Dr. Oppenheimer fully realized that atomic materials—the raw materials for nuclear explosions—would become increasingly abundant and increasingly cheaper. There had been in the early days of scarcity a very strongly held belief that the bomb was useful in strategic bombing and there had been very little thought given to the expansion of the use of the bomb for other military purposes.” (Tr. 1641).

*[Two words of original typewritten brief deleted by Classification Officer.]

In the early days of scarcity of fissionable material "there was such a strong feeling that the bomb was the peculiar and sole property of the Strategic Air Command" (Whitman, Tr. 1643). "I should say that he [Dr. Oppenheimer] 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 five hundred 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" (Whitman, Tr. 1642).

And Dr. Conant (Tr. 1249) and General McCormack (Tr. 2205) have both testified to this activity of Dr. Oppenheimer in pushing the development of the atomic bomb for tactical uses.

Since there has been a good deal of testimony about Dr. Oppenheimer's supposed opposition to strategic air power, it is perhaps important to point out that as Dr. Whitman testified, Dr. Oppenheimer was "certainly not opposed to the development of atomic weapons useful for strategic purposes" (Tr. 1643). It was his view that there would be enough materials both for tactical uses and strategic (McCormack, Tr. 2206). It was not Dr. Oppenheimer's view that the development of tactical atomic weapons was "more important" than that of strategic weapons; "it was simply another job which needed doing, and which is not competitive, ought not to be competitive any more than continental defense is, which is another part of the defense of the country and of the free world" (Oppenheimer, Tr. 3190).

"He recognized as practically everybody has that the strategic use was being pushed with utmost speed. He felt it quite incumbent—I am interpreting, this is my feeling of how he felt—to emphasize the many other potentialities of the atomic weapon, and since that was not being talked about by others he was peculiarly conscious of his responsibility" (Whitman, Tr. 1644).

It was Dr. Oppenheimer's belief that we needed "a balanced force" which included "a very strong strategic air command" (Ramsey, Tr. 1482). It was and is Dr. Oppenheimer's view that the strategic air command "should be prepared to do a great variety of things, and that we should maintain at all times full freedom to decide whether in the actual crisis we are involved in, this or that should be done. It must obviously be capable of destroying everything on enemy territory" (Oppenheimer, Tr. 3212).

These, then, were the views that Dr. Oppenheimer urged in the Research and Development Board as elsewhere, earning the tribute from Dr. Whitman "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" (Whitman, Tr. 1642) and that "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 United States, has been more productive than any other one individual" (Whitman, Tr. 1642).

b. LONG RANGE OBJECTIVES PANEL OF 1948.

In 1948 Dr. Oppenheimer served as chairman of a Panel on Long Range Objectives of the RDB. This panel sorted out "an enormous number of potentially useful applications of atomic energy to military things . . . some of them crazy, some of them sensible, some of them immediate and some of them very remote", and "wrote our best opinion as to the relative time scales and absolute time scales of submarine propulsion and nuclear aircraft propulsion, how it was going with the deliverability of tactical weapons, what needed to be done here, what needed to be done there". "I think it was a decent job" (Oppenheimer, Tr. 153-154).

c. MILITARY OBJECTIVES PANEL OF 1950.

From November 1950 to January 1951 Dr. Oppenheimer served as chairman of a Panel on Military Objectives in the Field of Atomic Energy, of the Committee on Atomic Energy of the RDB.

The Committee met at the time of the Chinese intervention in Korea, at a time "of daily alerts about the possibility of attack on the continental United States, a time of very great anxiety. We addressed ourselves to the question with what we have and can have soon, how rapidly we can get a really effective use of the atomic capability that we have developed. What can we do fast about this" (Oppenheimer, Tr. 154). Dr. Kelly put it that "we were going to look at what the military applications of the Research and Development program should be in the light of advancing knowledge in the atomic area, and the stockpile and the military situation." (Tr. 182-183)

The report of this Committee came at the threshold of the time where atomic basic knowledge had reached the point that it was possible to consider extending the scope of weapons, their range of versatility in military action, and this was weighed and the report encompassed the views on how that should be broadened (Kelly, Tr. 184). Dr. Kelly

testified "that what happened in the succeeding years was very much along the line or substantially identical to the charter that we suggested as the Research and Development Programming Plan." (Tr. 185) The report was accepted favorably both by the Commission and the military. (Kelly, Tr. 185). As to Dr. Oppenheimer's participation, Dr. Kelly said, among other things, that "in discussion there was every evidence of his dedication to the best use of this kind of power in the national interest possible" (Kelly, Tr. 185).

Dr. Alvarez has suggested that something in the report relating to the hydrogen bomb did not fairly reflect his views at the time. No other member of the Panel has suggested any such thing. Dr. Kelly said the report was one that "all of us could sign as representing fully our own views" (Tr. 184). General Wilson confirmed this (Tr. 2370-71).

The Panel consisted of Dr. Oppenheimer as chairman, Dr. Bacher, Dr. Alvarez, Dr. Lauritsen, Dr. Kelly, Dr. Whitman, General Nichols, Admiral Parsons, General Wilson and General McCormack.

Dr. Alvarez was himself a nuclear physicist of distinction. He testified that he had been put on the Panel at Dr. Oppenheimer's suggestion because he represented a point of view different from Dr. Oppenheimer's (Tr. 2699), and that "I assumed I had been put on this Committee to present views in favor of the hydrogen bomb" (Tr. 2703). Thus if there was one thing he would watch very carefully in the report it would be any statement about the hydrogen bomb. He in fact made minor changes in the report (Alvarez, Tr. 2704). And he testified: "I signed the document which I thought fairly reflected the views which I had expressed in the meeting." (Tr. 2730). Dr. Kelly testified that "I would not have signed it with something in that I either had not heard discussed and felt satisfied with or raised questions about" (Kelly, Tr. 207). It therefore seems fair to conclude that Dr. Alvarez' doubts about the report arose not because the report did not fairly reflect the views of the Panel at the time but rather because of later events.

Dr. Alvarez had another objection to the proceedings of this Panel. He said that he recalled Dr. Oppenheimer as saying essentially (Tr. 2703): "We all agree that the hydrogen bomb program should be stopped, but if we were to stop it or to suggest that it be stopped, this would cause so much disruption at Los Alamos and in other laboratories where they are doing instrumentation work that I feel that we should let it go on, and it will die a natural death with the coming tests which were the Greenhouse tests, when those tests fail. At that time will be the natural time to chop the hydrogen bomb program off."

We think the Board would be justified in concluding that Dr. Alvarez' memory is fallible here for these reasons: Although he did not

agree that the hydrogen bomb program should be stopped, he admitted that he did not correct Dr. Oppenheimer's statement that "we all agree" (Tr. 2703, 2715). The time was December 1950 or January 1951, concededly the low point of the outlook for feasibility of the Super, "a time at which technical prospects on the thermonuclear program were quite bleak. We so reported." (Oppenheimer, Tr. 154). Dr. Oppenheimer has testified that he did not think the Greenhouse test would fail, for reasons which he stated. (Some of those reasons have been deleted by the Classification Officer from our copy of the transcript.) (Oppenheimer, Tr. 3184). But Dr. Oppenheimer believed "that the real difficulties with the Super program, as it then appeared, were not going to be tested by this Greenhouse test; that the test was not relevant to the principal question of feasibility." (Tr. 3184). It seems likely that these are the views which formed the basis of Dr. Alvarez' fallible recollection of what was actually said.

And, of course, both Dr. Alvarez and Dr. Oppenheimer agreed that Dr. Oppenheimer said that the Greenhouse tests should not be stopped, and that to do so would be disruptive and destructive of all parts of the Los Alamos program (Oppenheimer, Tr. 3185; Alvarez, Tr. 2703).

9. Vista

Beginning in April of 1951 there was a study at the California Institute of Technology under the name of Project Vista, whose function was generally speaking to study ground combat and the support of ground combat. "What that finally came down to was the study of the defense of Europe and what it came down to was the study of what you do to defend Europe at any time, as soon as possible, if necessary" (Oppenheimer, Tr. 161). Dr. Oppenheimer was not actively involved in the project until, after repeated requests by the people in the project, he went out there in the autumn of 1951 and worked on it (Tr. 161).

Subsequently in early December 1951, Dr. Whitman, Dr. Lauritsen and Dr. DuBridge and Dr. Oppenheimer took a draft of the Project Vista report to General Eisenhower's headquarters in Europe and consulted Generals Eisenhower, Gruenther and Norstadt about it (Oppenheimer, Tr. 161; Whitman, Tr. 1636-7). The final report was filed shortly after Christmas of 1951 (Bacher, Tr. 2149). A principal purpose of the report was to point out the relatively new ways in which atomic weapons could play a part in the Battle of Europe (Oppenheimer, Tr. 3002). In that report the authors "were advocating the development and use of weapons that would be suitable for precise delivery at close range from our troops and in all kinds of weather" (Lauritsen, Tr. 2036). The essen-

tial purpose of Chapter V on atomic weapons—the feature of the report about which there has been so much talk in these hearings—was to try to develop atomic weapons for supporting ground operations (Lauritsen, Tr. 2037).

Dr. Oppenheimer greatly assisted in the drafting of Chapter V of the report. In addition he contributed to it the notion “that this is not a very fully known subject—what atomic weapons will do, either tactically or strategically, that as you go into battle, you will learn a great deal, and the primary preparation must be of two kinds. First, that you have capabilities which allow you a lot of options, which give you choices that you can make at the time, and second, that you be so set up that if your guesses have been wrong, your technical preparations are such that you can change quickly in the course of the battle. If you are wrong about the effect of a bomb on an airfield, if you are not getting away with it, that you can make the proper reassignment of fissionable material and hardware and aircraft to do what is effective. These were the two guiding ideas that I believe I brought into the organization of the report.” (Oppenheimer, Tr. 2997-98). Mr. Griggs apparently confirms that Dr. Oppenheimer took this view as to the need for flexibility in the use of atomic weapons (Tr. 2605-06).

This of course was in accordance with Dr. Oppenheimer’s view of the need for a balanced defense and a gamut of atomic weapons, about which Dr. Whitman has testified (Tr. 1645). It was a complement to the Military Objectives Panel report of RDB of December 1950 “on getting the atom to work on the battlefield as well as in the heartland” (Oppenheimer, Tr. 162). It is in accord with the statement made by Dr. Oppenheimer in his letter to Admiral McMorris of the General Board of the Navy dated April 14, 1948, in which he said “that we must be prepared, in planning, in logistics, and in development, for more than one kind of war” (Oppenheimer, Tr. 157).

Dr. DuBridg e has testified that certain of the recommendations in the Vista report with respect to the use of atomic weapons were carried out and are still being carried out (DuBridg e, Tr. 1746). And with the exception of three alleged statements in the draft report as to which Mr. Griggs took issue, Mr. Griggs agreed “that the Vista Report was a very fine job, and particularly in connection with the recommendations for the use of atomic weapons. This contrasted to thermonuclear weapons. The activities of the Air Force at that time were aided in this direction by the Vista Report, and specifically, I think, it is quite appropriate to say that Dr. Oppenheimer’s contribution in this direction was helpful to the Air Force. This is a matter that I personally know to have extended over a period of several years” (Tr. 2566). “I am reasonably sure that

some of the things I regarded as favorable in the Vista report were in some measure at least the product of Mr. Oppenheimer's contribution" (Tr. 2602).

Although Mr. Griggs' recollection is that in the draft of the report there were certain statements which he construed as not being helpful to a strong strategic air force, the fact is that, as Dr. Lauritsen testified, the recommendations of the Vista report were consistent with the maintenance of a strong strategic air force (Lauritsen, Tr. 2038).

Mr. Griggs testified that in mid-November 1951 he visited the Vista Project at Pasadena and there examined a draft of the Vista report said to have been prepared by Dr. Oppenheimer (Tr. 2559-60); and that that draft contained certain statements with which he disagreed, of which the most important was apparently a supposed recommendation for a Presidential announcement about the circumstances in which we would or would not use strategic attacks on enemy cities. (This section of Mr. Griggs' testimony has been deleted from our copy of the transcript but sufficiently appears from questioning by the Chairman and by Mr. Robb which has not been deleted.) Dr. Oppenheimer, questioned by the Chairman about this statement, said that "there might be considerations against the then present air plan, and that nevertheless there were very important things to do with the atom. Now, I would feel a little more comfortable if I had a draft of Chapter V of Vista that we are talking about before me." (Oppenheimer, Tr. 3006). Dr. Oppenheimer further testified: "We needed to envisage the situation that would occur if we used our strategic air as a deterrent to the destruction of Europe's cities, as well as our own, and in that circumstance there was still a great deal that could and should be done with atomic weapons, and that we should be prepared for that contingency. We did not recommend a proclamation" (Oppenheimer, Tr. 2998).

Since the hearings closed, Dr. Oppenheimer has located a copy of the Vista draft and it has been furnished to the Board. We understand that it demonstrates Mr. Griggs' memory to have been at fault; there just is no recommendation for a Presidential announcement, or any announcement by the United States.

Finally we note Dr. Bacher's testimony that there was nothing in Chapter V of the Vista Report that would have affected the hydrogen bomb program then under way (Bacher, Tr. 2146), although apparently there was a statement with respect to whether the tactical value of thermonuclear weapons could then be assessed (Oppenheimer, Tr. 3031). As to this, Dr. Oppenheimer has testified that he did not himself write this statement; it was something which he found written when he was out in Pasadena, but he agrees with it as to tactical things. "I don't

know whether the value of thermonuclear weapons as tactical weapons has been or can be assessed" (Oppenheimer, Tr. 3031). And if that was Dr. Oppenheimer's view in May of 1954, how much more speculative would any attempt to assess tactical uses of thermonuclear weapons have been in November and December 1951, a year before the tests which are assumed to have established the feasibility of thermonuclear devices. But we understand the Board has the Vista draft report before it and can see exactly what was said.

Finally, we note that the discussions of and testimony relating to the Vista Project in our copy of the transcript have been very severely deleted by the Classification Officer, and we must therefore rely here even more than elsewhere on the Board's reading of the complete transcript on this subject.

10. Long-Range Detection.

A problem that worried Dr. Oppenheimer and to which he early addressed himself was the question of detecting what the Russians were doing about developing atomic weapons.

Even before Hiroshima, a method of long-range detection was also being worked on at Los Alamos. Dr. Oppenheimer "directed that we try this out with the cooperation of the Air Force, and we did succeed in identifying and describing the Hiroshima explosion by flights over the continental United States. Later, when I was on the General Advisory Committee, I believe the Committee wrote something to this effect, that the problem of detection of foreign explosion was of unparalleled importance" (Oppenheimer, Tr. 3182). And Dr. Conant has testified to Dr. Oppenheimer's and the GAC's interest in the subject, and as Dr. Conant said "clearly anybody that was influenced by any point of view in favor of the Soviet Union could hardly have done that" (Tr. 1248-49).

Dr. Oppenheimer was a member of a panel of which Dr. Bush was Chairman and Admiral Parsons and Dr. Bacher were the other members which assessed the information in mid-September 1949 relevant to the determination of whether the Russians had exploded an atomic bomb (Bacher, Tr. 2141-42).

11. Continental Defense.

Dr. Oppenheimer has contributed not only to the study and development of our offensive powers, but also to our defensive powers, including continental defense, and his interest in continental defense has apparently been most active in the period since the expiration of his term as Chairman of the GAC (Dean, Tr. 983).

As there has been some suggestion that there is something the matter about an interest in continental defense, we state the obvious point that it requires no justification; that to protect American lives and cities is worthwhile all by itself (Rabi, Tr. 1518).

In view of the references that were made in the hearings to Maginot Line theories, it is well to note that an interest in improving continental defense does not mean either that one relies on continental defense alone or that one has complete confidence in its effectiveness. Dr. Oppenheimer testified:

“[Deletion by Classification Officer, followed by]: My view is that this is by no means a happy situation, and I know of no reason to think that it ever will be a happy situation, but that the steps that are now being taken and others that will come along as technology develops are immensely worth taking if they only save some American lives, if they only preserve some American cities, and if they only create in the planning of the enemy some doubt as to the effectiveness of their strikes. . . . I have never gone along with the 90-95 per cent school. I hope they are right, but I have never believed them.

Q. The 90-95 per cent school is the school——

A. That thinks you can eliminate practically all of the enemy attack” (Tr. 3187-88).

This interest in continental defense in no way means a weakening of strategic air power. The two are not only compatible but complementary. Dr. Oppenheimer has thus testified as to his view of the two-way relation between strategic air power and continental defense:

“First, strategic air power is one of the most important ingredients of continental defense. Both with the battle of Europe and with the inter-continental battle, clearly the best place to destroy aircraft is on the ground on enemy fields, and that is a job for strategic air power.

“Second, at least the warning elements and many of the defensive elements of continental defense are obviously needed to protect the bases, the aircraft, which take part in the strategic air campaign” (Tr. 3188).

Dr. Rabi describes the relationship as “the two arms. One is the punching arm and the other the guard” (Tr. 1520). Obviously if we were attacked first “. . . you have to have some kind of defense before he does you irreparable damage, and furthermore, your plans may not go as you expect. They may miscarry. Unless you have a defense, you are not getting another chance” (Tr. 1521).

Dr. Kelly tells us that Dr. Oppenheimer warned repeatedly at closed meetings of the Council of Foreign Affairs "that our chief deterrent was strike and that nothing should be done in bringing up to a proper level a continental defense effort that would weaken our strike" (Tr. 187-8).

What Dr. Oppenheimer was talking about here, as throughout, was "a balanced force" which included "a very strong strategic air command" (Tr. 1482). What Dr. Oppenheimer was saying was that defense was being underdeveloped relatively and therefore it should be strengthened, but not at the expense of our offensive striking power (Tr. 186-7, 1483-4). And Dr. Ramsey has testified "that this is now to the best of my knowledge part of the official policy of the United States" (Tr. 1484).

12. Civil Defense

Dr. Oppenheimer suggested a study of civil defense, which was set up through the Army and the NSRB. Although he was not very active in this work, he was on the Advisory Council or the Policy Council. He gave one or two briefings and talked with General Nelson about the problems of writing an effective report. Many recommendations were made, of which "those which attracted the greatest attention were that if civil defense was to be manageable at all, early warning and improved military interception, improved over what we then had and were planning, were an essential part of making civil defense manageable. With these conclusions I concurred." (Tr. 313-14).

13. Lincoln Summer Study

In the spring of 1952 the official views of what could be done about interception and kill of attacking enemy airplanes were extremely depressing (Tr. 3186). But with further work there came a conviction not only that one had to have a better continental defense, but that quite a lot could be done about it (Tr. 314). Apparently this was based on technical developments on the possibility of an early warning line across our northernmost approaches; Mr. Griggs referred to this as "rather exciting new developments" (Tr. 2622).

Just prior to the summer of 1952, Dr. Zacharias and Dr. Lauritsen had a long discussion about the trend in continental defense and decided it might be a good thing if it were looked into again during the summer. Dr. Zacharias stated that they talked it over first of all with Dr. Hill, the Director of Lincoln Laboratory, and then with Dr. Oppenheimer and Dr. Rabi (Tr. 2082-83; 3095-6). These discussions were about the end

of March or early April 1952; the Summer Study got going about the first of July and continued for two months (Zacharias, Tr. 3096).

The purpose of the Study was to be an evaluation of the prospects of continental defense and recommendations on how to get on with the job (Oppenheimer, Tr. 314-15). As Dr. Zacharias put it:

“The purpose of the summer study was simply this. We knew that the Russian threat might grow in a variety of ways. The types of aircraft, the types of delivery means, including ballistic missiles and so on would increase, and we wanted to see whether the kind of air defense planning that was going on and the air defense work going on within Lincoln was appropriate to the growing threat. There is no sense in trying to make an air defense against yesterday’s airplanes. The defense that one develops has to be against the airplanes that will be in being and threatening when the air defense is in being. Remember that technical discussion and technical work has to precede use by a number of years. . . .” (Tr. 3097).

“. . . this was at a time when the early warning for the Air Force against incoming raids was pitifully short in time. Substantially no warning until enemy bombers might be directly on us. We therefore wanted to look at the early warning, the air battles, and possibilities of defense against new types, new mechanisms of delivery. This was our objective.” (Tr. 3104).

Mr. Griggs has testified “that as a result of the Lincoln Summer Study, our air defense is materially improved” (Tr. 2617). Dr. Zacharias said (Tr. 2086) :

“I don’t want to bring in the confusion of post hoc ergo propter hoc, but it is true just before the time of the study and before the discussions that followed it, there was not a strong policy, and there now is a strong policy.”

The Study came out with “some very important suggestions for the defense of the United States” (Ramsey, Tr. 1464).

What appears to have been Dr. Zacharias’ testimony as to some of those recommendations has been deleted from our copy of the transcript (Tr. 2084-6). But Dr. Oppenheimer testified: “the only part of the work that seemed to me undoubtedly successful were the proposals for early warning, the technical proposals about the equipment and the general schemes about the location of the line and their extension.” (Tr. 315). “I think it is a very important contribution not only to the security but to the deterrent value of our own offensive striking power and a deterrent to attack, at least during the period of limited enemy capability” (Tr. 316).

Dr. Oppenheimer’s personal participation in the project was that, as we have said, he was consulted by Drs. Zacharias, Lauritsen and Hill

as to the wisdom of the Study (Oppenheimer, Tr. 314; Zacharias, Tr. 2083). Dr. Oppenheimer, Dr. Rabi and Dr. Lauritsen lent their prestige to the project as an aid to recruiting other very brilliant people to do the job (Zacharias, Tr. 2083, 2091). Dr. Oppenheimer, Dr. Rabi and Dr. Lauritsen participated on a part-time basis for a week or so at the beginning and at the end of the study (Zacharias, Tr. 3096; Rabi, Tr. 1519; Oppenheimer, Tr. 315). They were not actually members of the working party but rather were consultants (Rabi, Tr. 1519). Dr. Zacharias has paid tribute to Dr. Oppenheimer's masterful job in giving a summary of the first few days of technical briefing (Tr. 2091) and to his help in discussing the wisdom of the study (Tr. 2083). ✓

Afterwards the recommendations of the study came back to the Science Advisory Committee, and Dr. Oppenheimer has testified "we picked up the recommendations there and did our best to explain them" (Tr. 315-16).

Both Dr. Ramsey and Dr. Zacharias have testified to the complete lack of sympathy for Russia that they found in Dr. Oppenheimer in the discussions in connection with this study. Dr. Ramsey "had reaffirmed what I had known all along, the deep feeling of loyalty and of concern which Dr. Oppenheimer felt for the United States and very clearly that the thing of which he was afraid, the country of which he was afraid, was Russia" (Tr. 1464). Dr. Zacharias said there was no question in anybody's mind that Russia was the enemy:

"When you are gathered in a group of men who are discussing the details on how to combat the Russians, how to contain the Russians, how to keep them from overrunning the rest of the world, and so on, the loyalties come out very, very clearly. There just is not any question in my mind that Dr. Oppenheimer's loyalty is for this country and in no way or shape by anything other than hostility toward the USSR." (Tr. 2089).

Mr. Griggs testified at considerable length about his worries about the Lincoln Summer Study. He agreed, of course, that air defense was a vital problem "worthy of all the scientific ingenuity and effort that could be put on it." (Tr. 2570). He conceded that "my detailed knowledge of the Lincoln Summer Study activities is very incomplete." (Tr. 2623).

We had some difficulty in ascertaining just what his fears about the Lincoln Summer Study were and the basis for those fears. So far as those fears were brought out in the testimony, it appeared that they did not relate to any notion of disloyalty to the United States but rather to Mr. Griggs' fears that the Lincoln Summer Study might not render

unto the Strategic Air Command that which was the Strategic Air Command's; that his fears were based not on what the Lincoln Summer Study in fact did, but what he was afraid they might contemplate doing according to what Mr. Griggs understood from unnamed persons who were said to have been approached to participate in the Study; that there was no real basis for those fears; and that in any event Dr. Oppenheimer just had nothing to do with the things Mr. Griggs was worried about.

Although Mr. Griggs seemed to feel that he had changed the direction of the Study and thus saved it from disaster, Dr. Zacharias testified that from first to last the Study had no purposes other than those to which he had testified—the study of continental defense (Tr. 3097—quoted in full earlier). Mr. Griggs talked about too much emphasis on “a Maginot Line type of concept in which we depend on air defense rather than our retaliatory capability” and the notion that rates of attrition of attacking aircraft “approaching 100%” were considered to be possible (Tr. 2575). [Incidentally, in his testimony Mr. Griggs skips rather confusingly between his idea of what the Lincoln Summer Study was about and his discussion of an article by the Alsops in the *Saturday Evening Post* about the Lincoln Summer Study (Tr. 2574-5).] But Dr. Zacharias testified that he knows of no one in the know “who believes it is possible to have either an impregnable and all-overwhelming and completely decisive strategic air command” or “a completely impregnable defense” (Tr. 2092). He testified to the way defense and offense complement each other and stated his concept of the four rings of defense and offense ranging from an innermost last ditch affair to an outermost ring “which is the destruction of enemy bases by means of long-range bombardment aircraft” (Tr. 3098). And we have already referred to Dr. Oppenheimer's testimony that he did not believe in the 90-95% attrition school.

Mr. Griggs says he was told that people who were approached to join the Summer Study were told that the thing that was recommended was that we give up the strategic part of our total air power, including the Strategic Air Command (Tr. 2570). But Dr. Zacharias has testified that this was never even contemplated (Tr. 3097) and it was in connection with that that he gave his answer about the four rings of defense; and he testified that he was “firmly of the opinion” that we would have to build up both strategic air and continental defense (Tr. 2087). Mr. Griggs conceded that the Lincoln Summer Study never did recommend giving up any part of the Strategic Air Force (Tr. 2617) and that so far as his knowledge went Dr. Oppenheimer did not recommend that (Tr. 2617).

Mr. Griggs was worried because it was reported to him that people who were asked to join the Lincoln Summer Study were told the study

was to make recommendations as to budget allocations (Tr. 2571). But Dr. Zacharias and Dr. Hill have explicitly denied that this was ever contemplated in the study (Zacharias, Tr. 3098, 3122; Hill, Tr. 3147).

Mr. Griggs was worried that the Lincoln Summer Study might cause a diversion of effort by going into anti-submarine warfare (Tr. 2623). Again Dr. Zacharias has (so far as we can tell from our expurgated transcript) denied this (Tr. 3098-3100). And Mr. Griggs conceded that he never heard that Dr. Oppenheimer was in favor of studying anti-submarine warfare in connection with the Lincoln Study (Tr. 2624).

Mr. Griggs was worried about the direction in which the Lincoln Summer Study was initially going because of the way it was being handled "administratively" (Tr. 2618). But he conceded: "So far as I know, it was not because of any direct action on the part of Dr. Oppenheimer" (Tr. 2618). But he felt that Dr. Oppenheimer should have been well-enough informed and alert enough to see that this would be disastrous to the Lincoln Summer Study (Tr. 2618). Mr. Griggs suggested that he managed to get things changed administratively (Tr. 2619). In fact, as Dr. Zacharias testified, there were no administrative changes made (Tr. 3105-6) and Dr. Hill testified that he just did not understand what Mr. Griggs' complaint about administrative procedures was (Tr. 3151).

As to the direction of the Lincoln Summer Study, Dr. Hill has testified that there was no change whatsoever in the plan of the Study following Mr. Griggs' activities (Tr. 3161). Thus the purposes of and the arrangements for the Summer Study were the same from beginning to end.

Finally, there was the business about "ZORC"; whether, as Mr. Griggs testified, Dr. Zacharias had written those initials on a blackboard at the start of the Lincoln Summer Study in 1952 (Tr. 2573). Dr. Zacharias has pointed out that there was no such group as ZORC—Drs. Zacharias, Oppenheimer, Rabi and Charles Lauritsen (Tr. 2090); that these four people were not the nucleus of the Lincoln Summer Study, but that Dr. Hill, as Director of the Laboratory, and Dr. Zacharias, as Director of the Study, were its nucleus (Tr. 2090-91); and that Dr. Zacharias did not write ZORC on a blackboard in the summer of 1952; the first time he ever saw the term was when he read it in *Fortune* of May 1953 (Tr. 3093-4). We cannot see the importance of this whole business of ZORC, except as a further illustration of the fallibility of human memory, particularly when clouded by the suspicions to which Mr. Griggs himself has testified (Tr. 2632).

14. Science Advisory Committee

In late 1950 and early 1951, Mr. William Golden was asked by the President's office to explore the question whether the mobilization of scientists was adequate, particularly in view of the Korean crisis. Mr. Golden talked to a lot of people including Dr. Oppenheimer and as a result a Science Advisory Committee was appointed to be advisory to the Director of Defense Mobilization and the President. The Chairman of the Committee was Mr. Buckley. Dr. Oppenheimer was appointed a member (Oppenheimer, Tr. 310).

Dr. Oppenheimer testified that his original view was that the Committee should be advisory to the National Security Council (Tr. 310). Dr. Oppenheimer and Dr. DuBridge later made this suggestion to the new administration (311-312). In the spring of 1953 the Committee was reactivated along these lines. It considered certain problems of scientific manpower and continental defense (Oppenheimer, Tr. 312).

The last meeting Dr. Oppenheimer attended was one in which the principal job was to make sure that the National Security Council and its staff knew of technical advances which were useful in early warning and in radar generally, and that they understood that some of the arguments against the feasibility of early warning were obsolete, because of discoveries that had been made in the meantime (Oppenheimer, Tr. 312-313).

Dr. Zacharias has testified that meetings of the Committee which have gone on without Dr. Oppenheimer have suffered from Dr. Oppenheimer's absence (Tr. 2098-99).

15. State Department Panel on Regulation of Armaments 1952

In the spring of 1952, the Secretary of State appointed Dr. Oppenheimer to a panel to advise our delegate to the Disarmament Conference and the people in the State Department with respect to the regulation of armaments (Oppenheimer, Tr. 316).

They consulted with the various people involved, though they all realized there was not much reality to the discussions of disarmament in the United Nations, and the most they could do was to make a few helpful suggestions which would encourage our friends as to our good faith and interest (Oppenheimer, Tr. 317). "It was very clear that you could not negotiate with the Russians much about anything, and that nothing was harder to negotiate about than disarmament, and if you put these two things [together] it just was the bleakest picture in the world of getting anything effective down that line" (Oppenheimer, Tr. 318).

The panel was also asked to give any suggestions it could on the subject—was it a feasible goal, were there any tricks to it similar to the Acheson-Lilienthal report, etc. (Oppenheimer, Tr. 316-17).

The panel's classified report was submitted to the Department in January 1953 (Oppenheimer, Tr. 318). Dr. Oppenheimer commented on some steps which were recommended as likely to be helpful in the face of the increasingly great dangers of the armaments race with Russia. He suggested:

“that the people of this country be given a better understanding of the dangers of the atomic arms race, that we attempt either through administrative practice or through revised legislation to work more closely with our allies on problems having to do with the offensive and defensive aspects of large weapons, and three, that we take further measures for continental defense as a supplement to our striking capability” (Tr. 319).

Dr. Oppenheimer concludes his July, 1953 *Foreign Affairs* article, in which these matters are discussed:

“These are three paths that we may take. * * * We need to be clear that there will not be many great atomic wars for us, nor for our institutions. It is important that there not be one. We need to liberate our own great resources, to shape our destiny.”

Dr. Oppenheimer reported on these matters to the Jackson Committee on Psychological Strategy and to the National Security Council (Tr. 319).

* * *

Because of the nature of this proceeding, we have for the most part confined ourselves to a discussion of Dr. Oppenheimer's governmental public service. But, of course, the Board knows that Dr. Oppenheimer's principal activity during most of his life has been his academic work. Before the war that was his entire work. During the war his work was entirely government service. Since the war, though he has, as we have seen, rendered important governmental service, an equally important part of his work has remained academic and non-governmental.

The record contains a few references to Dr. Oppenheimer's non-governmental work and activities, which may be worth noting:

Dr. Rabi has paid tribute to the job that Dr. Oppenheimer did for this country in his academic work in California before the war. “Oppenheimer set up this school of theoretical physics, which was a tremendous contribution. In fact, I don't know how we could have carried out the scientific part of the war without the contributions of the people who worked with Oppenheimer” (Tr. 1541).

Dr. Ramsey has testified that, immediately following the outbreak of hostilities in Korea, "Dr. Oppenheimer particularly eloquently expressed the problem that the United States was faced with, the threat that was there from Russia and emphasized the importance of our doing work, particularly by taking leave from Harvard for consultation and also urged with the President and Provost, at least I am told of it later, the importance of allowing members of our staff to take such leave. Indeed, they have been taking it." (Tr. 1461).

Dr. Conant has testified to Dr. Oppenheimer's joining the Committee on the Present Danger. This was a group of men that joined together in the fall of 1950, when the Korean War was going in a bad way, and who believed that the United States Government was not taking proper steps to put itself in a strong military position. The Committee urged support of Universal Military Service and NATO. Dr. Conant stated that Dr. Oppenheimer "subscribed to all those doctrines which were most vigorously anti-Communist." (Conant, Tr. 1249-1250).

* * *

This record of devoted service to the country precludes any possibility that Dr. Oppenheimer is a loyalty risk or a security risk.

V. "THE JUDGMENTS OF RESPONSIBLE PERSONS"

In deciding the ultimate question before it, the Board is expressly directed by the "Criteria" governing these proceedings to give consideration to "the judgments of responsible persons." Virtually all of the witnesses before this Board have been responsible persons; most of them have been asked for, or have volunteered, their judgments of Dr. Oppenheimer's loyalty, discretion and integrity. The witnesses for Dr. Oppenheimer are no ordinary character witnesses such as testify in a court of law only to the defendant's "general reputation in the community." These are witnesses who have quite literally witnessed, who have told the Board what they know personally in their own minds and hearts about Robert Oppenheimer.

To testify here, some of these men have come great distances. They have come from California and New Mexico, from Illinois and Ohio, from Maine and Massachusetts and New York. They include men like Von Neumann of the Institute at Princeton, who has known Robert Oppenheimer since they were students together at Goettingen in 1926; men like George Kennan, another neighbor and daily intimate in the same small town and on the same small campus; men like Harry Winne, who worked with Oppenheimer day and night on the Acheson-Lilienthal report; and Charles Lauritsen, who has known Oppenheimer since 1928 or 1929, and who shared an office and traded the truly "dangerous thoughts" of physics with him in that last crucial year at Los Alamos when the A-bomb was finally made; five former Atomic Energy Commissioners* and ten former and present members of the General Advisory Committee**, including the present Chairman; and Norris Bradbury, the present director of the Los Alamos Scientific Laboratory, where the H-bomb (like the A-bomb) was made.

These are the men who have known Oppenheimer—talking in chalk at a blackboard, worrying behind a desk, brilliantly summing up hours of committee discussions, or relaxing with his family on his ranch and in his home. In a deep and meaningful sense, these are his true associations—the "associations" whom the "Criteria" direct the Board to bear in mind.

These witnesses have, as Rabi expressed it from his own 25-year knowledge of the man, acquired a "seat of the pants feeling" about Robert Oppenheimer (Tr. 1557). They know him as the Board, closely

*Dean, Lilienthal, Bacher, Pike, Glennan.

**Bethe, Buckley, Conant, DuBridge, Fermi, Fisk, Rabi, Rowe, Von Neumann, Whitman (Manley, former GAC secretary, testified by affidavit).

though it has observed him for nearly four weeks, and conscientiously as it has performed its job, never could know him without the same vantage point of years and intimacy and professional interchange. These are the men who know him best. This section is essentially a summary of their testimony about his loyalty, his discretion, his integrity. But we begin with an examination of the “worst” that has been said about Robert Oppenheimer: the testimony of the eight witnesses summoned by counsel for the Commission.

Wendell M. Latimer, a University of California professor, testified that although he does not know Dr. Oppenheimer well and has “never questioned his loyalty” (Tr. 2287), he does “worry about his judgment as a security risk” (Tr. 2287). This “worry” is not, however, based on any indiscretion by Dr. Oppenheimer in handling classified information—Professor Latimer is worried because Dr. Oppenheimer has not always agreed with him on policy judgments.

Maj. Gen. Roscoe C. Wilson, who took his troubles to the Director of Intelligence and not to the Provost because he was questioning not Robert Oppenheimer’s loyalty but his policy judgment, told the Chairman: “In fact, sir, it seems to me that he has demonstrated his loyalty, once again in a private opinion, in the tremendous job he has done for this country” (Tr. 2392). As to whether Dr. Oppenheimer can be trusted with classified information, Gen. Wilson testified: “I was not aware of any indiscretion on the part of Dr. Oppenheimer in the handling of classified material in the period in which I served with him” (Tr. 2362). Plainly, the security judgment that Gen. Wilson made about Dr. Oppenheimer is not the kind of security judgment with which this Board is charged; it was a sense that Dr. Oppenheimer’s policy advice was wrong, not that it was sinister. (It may be worth noting in passing that not all of Dr. Oppenheimer’s critics before this Board agree as to which policies that he advocated were right and which were wrong.)

Kenneth S. Pitzer, former A. E. C. director of research and now a professor and a dean at the University of California, criticized Dr. Oppenheimer for not insisting on resigning as chairman of the GAC after his H-bomb views were overridden, but added: “I am extremely sorry to see this issue concerning advice, which on hindsight proved not too good, brought up in connection with a security clearance procedure. I feel very strongly that scientists should feel free to advise the government and not be held to account if their advice proves not the best afterward. This should have no relevance to security clearance procedure” (Tr. 2425).

Edward Teller, the man whose invention was primarily responsible for the achieving of the H-bomb, who has known Dr. Oppenheimer since Los Alamos days, expressed his views on Dr. Oppenheimer's loyalty and security in two answers on direct examination:

Q. "To simplify the issues here, perhaps, let me ask you this question: Is it your intention in anything that you are about to testify to, to suggest that Dr. Oppenheimer is disloyal to the United States?"

A. "I do not want to suggest anything of the kind. I know Dr. Oppenheimer as an intellectually most alert and a very complicated person, and I think it would be presumptuous and wrong on my part if I would try in any way to analyze his motives. But I have always assumed, and I now assume that he is loyal to the United States. 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 Dr. Oppenheimer 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." (Tr. 2446).

(Here again, a Commission witness adopts a definition of security—are Robert Oppenheimer's policy views helpful to the national defense—that is not before this Board; and once again, the examples he supplies do not square with the judgments of other critics.)

David Griggs, former chief scientist of the Air Force, testified that he had heard Robert Oppenheimer's loyalty impugned, but he added: "The basis for this is not any individual contact that I have had with Dr. Oppenheimer or any detailed knowledge that I have had of his actions. . . . I feel I have no adequate basis for judging Dr. Oppenheimer's loyalty or disloyalty" (Tr. 2567, 2568). And he admitted that what he thought to be their differences of opinion on such policy matters as the Lincoln Summer Study might have affected his judgment: ". . . when you get involved in a hot enough controversy, it is awfully hard not to question motives of people who oppose you. This, I am sure, could not but have colored my views on the subject" (Tr. 2633).

Luis Alvarez, professor of physics at the University of California, who had high praise for Dr. Oppenheimer's judgment in the development

of the A-bomb at Los Alamos (Tr. 2696), was asked by Dr. Evans what significance he attached to Dr. Oppenheimer's opposition to the development of the H-bomb. Dr. Alvarez replied: "By itself it means absolutely nothing because I have many other friends in the scientific world who feel precisely this way. The point I was trying to bring out was that every time I have found a person who felt this way, I have seen Dr. Oppenheimer's influence on that person's mind. I don't think there is anything wrong with this. I would certainly try to persuade people of my point of view, and Dr. Oppenheimer is quite free and should try to persuade people of his convictions." (Tr. 2740). Then Dr. Evans inquired further:

"Dr. Evans: It doesn't mean that he was disloyal?

"The Witness: Absolutely not, sir." (Tr. 2741).

Col. Boris T. Pash, who had met Dr. Oppenheimer only once in his life before these hearings, testified that—on the basis of his 1943 data about Dr. Oppenheimer—he regarded him as a security risk (Tr. 2808), but on cross-examination, he testified as follows:

Q. ". . . Do you have any information of any leakage of restricted data through Dr. Oppenheimer to any unauthorized person?

A. "No." (Tr. 2824).

William L. Borden, who has met Dr. Oppenheimer only on a few occasions (Tr. 2840), offered his personal opinion that "more probably than not" Dr. Oppenheimer is a Soviet agent (Tr. 2852). For this fantastic conclusion, the witness adduced not a shred of evidence; nor is there any.

We turn now to the opinions of the witnesses who came in through the other door—the testimony from scientists and public servants who have known and worked with Dr. Oppenheimer over the course of many years and who voluntarily came to testify in his behalf.

Mervin J. Kelly, president of the Bell Telephone Laboratories, who served on an RBD panel under Dr. Oppenheimer's chairmanship, and who is an A. E. C. consultant, said:

"Among his peers, he is, first, known and recognized for his accuracy of thought and cleanness of expression. . . . As to his veracity and dedication, I know of no one in the program, with the high clearances that he has had, and that I have, Q and top secret, everything he has done and said gives a full appearance to a great dedication, as full an appearance as any of us that are in and still cleared." (Tr. 188).

Then Dr. Kelly was asked:

Q. "Based on your knowledge of Dr. Oppenheimer, your experiences with him, and his reputation as you know it, do you believe that his clearance would be clearly consistent with the interest of national security?"

A. "To the very best of my knowledge, I sincerely believe that and I think that his absence from the programs and from the councils would be a distinct loss." (Tr. 191-2).

Lt. Gen. Leslie R. Groves, wartime head of the Manhattan District, who personally ordered Dr. Oppenheimer cleared at Los Alamos (Tr. 550), who never thereafter learned anything about Dr. Oppenheimer that would have changed his decision (Tr. 583), and whose main worry about Dr. Oppenheimer's ceaseless labor was that he would drive himself into a breakdown (Tr. 539), had this comment to make about Dr. Oppenheimer's loyalty:

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." (Tr. 533).

T. Keith Glennan, president of Case Institute of Technology, and a former Atomic Energy Commissioner, said:

"... It may be that accusations of disloyalty have been made against Dr. Oppenheimer in part because of his disagreements with others because of the feasibility of one technical program compared with another, or one method of attack on a problem as compared with another. At no time did I then nor do I now know of any evidence that would indicate that Dr. Oppenheimer had been disloyal. Disagreements of this kind on technical and administrative matters are not sufficient ground for accusations such as have been made." (Tr. 821).

Karl T. Compton, retired president of Massachusetts Institute of Technology and former chairman of the RDB, was satisfied that Dr. Oppenheimer is "completely loyal" (Tr. 827) and had no cause of his own knowledge to think him a security risk (Tr. 827-8).

Col. John Lansdale, Jr., wartime senior security officer for the atomic bomb project, was satisfied that Dr. Oppenheimer was loyal (Tr. 853), not a Communist (Tr. 852), and would clear him again today if the tests are "loyalty and discretion" (Tr. 855). Col. Lansdale emphasized that his 1943 clearance of Dr. Oppenheimer was based not on the "bare record" but on a "tremendous effort" to know the whole man (Tr. 867). And he added, in response to a question from the Chairman, these interesting comments about "associations":

“You always have the question of determining the significance of those [associations]: (a) the significance at the time of them, (b) whether, assuming that there was a sinister significance, it has continued. . . . It would be a terrible mistake to assume that once having had sinister associations a man was forever thereafter damned. . . .” (Tr. 898)

Gordon Dean, former chairman of the Atomic Energy Commission, told how he had cleared Dr. Oppenheimer after personally talking with him about the Crouch incident in 1950:

Q. “Did you go through Dr. Oppenheimer’s personnel file?”

A. “I did. This is the first occasion I ever had to look at Dr. Oppenheimer’s personnel file. Ordinarily Commissioners don’t go through the files of people unless there is some real reason. Here, however, was a person who was Chairman of the committee; he had been cleared in 1947 by the Commission, and I for the first time picked it up and went through it personally myself.

“I then asked Dr. Oppenheimer if he could come in and see me about this, and I personally asked him about the Crouch incident. He said substantially what I have said he said in reply to Mr. Volpe, and I believed him.

Q. “Did you continue to read matters that went into his personnel file after this?”

A. “I told the security officer, I believe, or perhaps my secretary, that anything coming from the FBI concerning Dr. Oppenheimer I wanted to see, and file in my own mind at least.

“Two or three did come in. Because here was a file with a lot of early association evidence, I thought he was too important a man for me to overlook him, and it was my responsibility as Chairman, also. So I did see, I am sure, every memorandum from the FBI. But there were only two or three, and there was nothing particularly new in them, as I recall, from that point on.

Q. “What was your belief as to Dr. Oppenheimer’s loyalty after you had been through the file and had talked with him?”

A. “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 very 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 a man, 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.” (Tr. 981-2)

Dean added:

"I would say that he is a very human man, a sensitive man, a very well-educated man, a man of complete integrity in my association with him. And a very devoted man to his country, and certainly to the Commission" (Tr. 983).

And Mr. Dean, who is a lawyer, also added that he was familiar with the Atomic Energy Act of 1946, and did not consider Dr. Oppenheimer a security risk within the terms of that act (Tr. 1035-6).

Hans Bethe, wartime division leader at Los Alamos, now a chief consultant in theoretical physics to the Los Alamos laboratory, told the Board how Dr. Oppenheimer had to teach his fellow-scientists the need for strict security (Tr. 1051), and told also of the "absolutely unique" qualifications for leadership that Dr. Oppenheimer displayed in making Los Alamos a success where it would have been so easy to fail (Tr. 1049-50). Bethe emphasized the special quality of Oppenheimer's loyalty:

"I believe that it is an expression of loyalty—of particular loyalty—if a person tries to go beyond the obvious and tries to make available his deeper insight, even in making unpopular suggestions, even in making suggestions which are not the obvious ones to make, are not those which a normal intellect might be led to make.

"I have absolutely no question that he has served this country very long and very well. I think everybody agrees that his service in Los Alamos was one of the greatest services that were ever given, to this country. I believe he has served equally well in the GAC." (Tr. 1069)

James B. Fisk, vice president of the Bell Telephone Laboratories and member of the GAC, who testified that Dr. Oppenheimer was not a security risk (Tr. 1106), put it this way:

". . . I would go on to say that I know of no more devoted citizen in this country." (Tr. 1106).

Jerrold B. Zacharias, director of M. I. T.'s Laboratory of Nuclear Science and of a number of military projects, spoke with the same conviction about Robert Oppenheimer's loyalty from his own experience of serving side-by-side with Oppenheimer:

"When you are gathered in a group of men who are discussing the details on how to combat the Russians, how to contain the Russians, how to keep them from overrunning the rest of the world, and so on, the loyalties come out very, very clearly. There just is not any question in my mind that Dr. Oppenheimer's loyalty is for this country and in no way or shape by anything other than hostility toward the USSR." (Tr. 2089).

And Dr. Zacharias suggested what it means to have a Q clearance and how Dr. Oppenheimer has honored the trust:

“You might think it is not the easiest thing in the world to carry around a head full of secrets and go about in public, too, and talk about burning questions of the day. It is difficult. I believe that Dr. Oppenheimer has showed in every instance to my knowledge that he can do this kind of thing.” (Tr. 2089).

Oliver E. Buckley, member of the GAC and retired Chairman of the Board of the Bell Telephone Laboratories, testified:

“The question never arose in my mind as to whether he was loyal to the United States. I believed and believe that he was and is loyal to the United States.” (Tr. 2110).

Dr. Buckley spoke of Dr. Oppenheimer’s service to the country on the GAC as so many others had spoken of his service at Los Alamos:

“I think it was extraordinary service to the country. The job of being chairman of the GAC is a very heavy and time-consuming job. He was our unanimous chairman during the period that my service overlapped his and he was so outstandingly good in that position that if you give value to the service of the GAC you must also give great value to the service of its chairman. . . .” (Tr. 2110)

Robert F. Bacher, professor of physics at California Institute of Technology, former Atomic Energy Commissioner, and still an A. E. C. consultant, who considers Oppenheimer “a man of discretion, a good security risk and a person of full loyalty to the country” (Tr. 2151), gave a homely specific:

“I can remember during the war once when we had to go out on a trip together and it was essential that he carry a memorandum, that even in note form was classified, and he was so careful and he pinned it in his hip pocket.” (Tr. 2151).

Frederick H. Osborn, wartime brigadier general and later U. S. representative to the United Nations Atomic Energy Commission, testified that Dr. Oppenheimer had flown across country right after his appointment to alert him to the dangers involved in dealing with the Russians. As it turned out, Gen. Osborn did not follow Dr. Oppenheimer’s first piece of advice; but he was impressed by the loyal way that Dr. Oppenheimer, showing no resentment, kept trying to help him in his work:

“I formed the impression of a man most consistent and determined in his desire to protect the United States against what he

considered a very dangerous situation, a great number of dangers in these negotiations, and willing to take infinite pains to see that we didn't fall into any of these traps. Hence, I considered him a man of real patriotism and very consistent character and great loyalty. . . ." (Tr. 1119-20).

George F. Kennan, recently U. S. Ambassador to the Soviet Union and now a member of the Institute for Advanced Study at Princeton, speaking from his post-war participation in government councils with Dr. Oppenheimer, said:

"I formed the conviction that he was an immensely useful person in the councils of our Government, and I felt a great sense of gratitude that we had his help. I am able to say that in the course of all these contacts and deliberations within the Government I never observed anything in his conduct or his words that could possibly, it seemed to me, have indicated that he was animated by any other motives than a devotion to the interests of this country." (Tr. 1147).

Ambassador Kennan was asked if it was possible that Dr. Oppenheimer could be a dissembler, a secret Soviet sympathizer?

"There is in my mind no possibility that Dr. Oppenheimer was dissembling. . . . I feel and believe that after years of seeing him in various ways, not only there in government, but later as an associate and a neighbor and a friend at Princeton, I know his intellectual makeup and something of his personal makeup, and I consider it really out of the question that any man could have . . . bared his thoughts to us time after time in the way that he did, could have thought those thoughts, so to speak, in our presence, and have been at the same time dissembling. . . .

"That is the view I hold of him. I have the greatest respect for Dr. Oppenheimer's mind. I think it is one of the great minds of this generation of Americans. . . . My whole impression of him is that he is a man who when he turns his mind to something in an orderly and responsible way, examines it with the most extraordinary scrupulousness and fastidiousness of intellectual process. . . . I would suppose that you might just as well have asked Leonardo da Vinci to distort an anatomical drawing as that you should ask Robert Oppenheimer to speak irresponsibly* to the sort of questions we were talking about, and speak dishonestly." (Tr. 1148-50)

Ambassador Kennan urged upon this Board a strikingly similar approach to that followed by the A. E. C. in the Graham case—what he called "looking at the man as an entirety." He amplified this thought:

*The transcript says "responsibly"; this is an error.

“That is, I am skeptical about any security processes that attempt to sample different portions of a man’s nature separate from his whole being. I must say as one who has seen Robert Oppenheimer now over the course of several years . . . that I have these feelings and entertain them on the basis of my estimate of his personality and his character as a whole.” (Tr. 1154).

Later, the Chairman asked Mr. Kennan about “continued associations” with “misguided” persons. This was Mr. Kennan’s answer:

“I would think, Mr. Chairman, that it is a thing which would have to be explained, but I find great difficulty in accepting the belief that a man must rule out all those associations, whether or not they engage in any way his official responsibilities. I think there are certainly times when they are to be avoided. I suppose most of us have had friends or associates whom we have come to regard as misguided with the course of time, and I don’t like to think that people in senior capacity in government should not be permitted or conceded maturity of judgment to know when they can see such a person or when they can’t. . . .” (Tr. 1177-78)

Walter G. Whitman, head of the Chemical Engineering Department at M. I. T., member of the GAC, and former chairman of the RDB, studied Oppenheimer’s FBI file summary in July, 1953, and then “unqualifiedly” recommended his reappointment as a consultant to the Department of Defense. (Tr. 1649). Dr. Whitman “would make the same recommendation today.” (Tr. 1649). He put the matter in these terms:

Q. “Would you state that opinion, please?”

A. “I have an opinion that he is completely loyal and that he is not any more of a security risk than I am. . . .” (Tr. 1645)

Harry A. Winne, a member of the Acheson-Lilienthal panel, former vice-president of General Electric, and now chairman of the Defense Department’s Technical Advisory Panel on Atomic Energy, who looked ahead to the day when Robert Oppenheimer might again serve his country, said:

“ . . . Incidentally, I would be very glad to have Dr. Oppenheimer as a member of the panel today if he is cleared by this Board. I have that faith in his loyalty to the country and his outstanding ability as a scientist, which needs no testimony; we need that kind of people on such a panel.” (Tr. 1926)

Mr. Winne volunteered this comment after hearing about the Chevalier incident of 1943 and Dr. Oppenheimer’s recent visit with Chevalier. He also said:

Q. "Doesn't it worry you that a man who has as much classified information as Dr. Oppenheimer would even see a person like Chevalier?"

A. "No, Mr. Marks, that does not worry me, because, as I say, I have confidence in his loyalty and in his judgment. His judgment in his younger days it may be claimed was faulty. Instead of judgment, it may have been a lack of understanding of these organizations and so forth. But from the period of my knowledge of Dr. Oppenheimer and my acquaintance with him, I have no cause whatsoever to doubt his loyalty, or his good judgment in political as well as technical matters." (Tr. 1921).

Vannevar Bush, president of the Carnegie Institution, wartime chairman of the Military Policy Committee and later Chairman of the Research and Development Board, expressed himself as follows:

"... 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. . . ." (Tr. 1975)

James B. Conant, U. S. High Commissioner for Germany, former president of Harvard University, and former member of the GAC, addressed himself to the "implied indictment," the implied thesis that Dr. Oppenheimer's early associations created a state of mind so that he opposed development of the H-bomb out of loyalty to the Soviet Union (Tr. 1245). After listing half a dozen actions and attitudes of Dr. Oppenheimer entirely inconsistent with this hypothesis (Tr. 1246-50), Ambassador Conant reaffirmed his 1947 conviction that "a more loyal and sound American citizen cannot be found in the whole United States." (Tr. 1256-7). Indeed, said Dr. Conant, his views about Dr. Oppenheimer have only been strengthened by the passage of time: ". . . It makes more certain the statements I then made based on what was after all a shorter acquaintance with him." (Tr. 1257). The Chairman then questioned Dr. Conant:

"Mr. Gray: A summary of your testimony might be that so far as you have any knowledge about anything and on the basis of your best judgment you consider that Dr. Oppenheimer's character, loyalty and associations are such that he should have access to restricted data.

“The Witness: Quite so. And I would give the specific items in which his judgment was such that if he had been influenced by pro-communist views, or pro-Soviet views, he would not have taken those actions or decisions, and they were quite serious. In other words, this is not a general expression of belief based on casual conversations, but participating in a great many, I would say, fairly powerful anti-Soviet actions.” (Tr. 1269).

Sumner T. Pike, former Atomic Energy Commissioner, who was one of the five Commissioners who unanimously cleared Dr. Oppenheimer in 1947, testified:

“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 [Gen. Nichols’ letter] that shook my feeling. As a matter of fact, it was a pretty good summary, it seemed to me, of the material that was turned over to us early in 1947 by the FBI, all except the last thing about the hydrogen bomb. Of course that was not in then.” (Tr. 1420-21).

Would Mr. Pike consider Dr. Oppenheimer a security risk?

A. “No, I don’t think he would endanger the common defense or security the least bit.” (Tr. 1421).

About the Chevalier incident of 1943, Mr. Pike came to this judgment:

“I think it was a bad incident. Taken alone it would have bothered me very much. I suspect I have been party to incidents in my life that I [would] rather not have certainly taken out of context. This, woven into the context, however, of performance under closer observation for him, many years and achievements of such size as to warrant the gratitude of this country, I don’t think it should be given much weight at all.” (Tr. 1423)

David E. Lilienthal, who was chairman of the Atomic Energy Commission in 1947, testified:

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.

Q. “What is your opinion?

A. “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 March 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 over-all 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." (Tr. 1319-20)

On cross-examination, Mr. Lilienthal gave a working definition of the "man himself" standard:

"Well, in general, speaking for myself, I followed this kind of a rule, that assuming that part of this material that has the ring of veracity to it is to be true, and discarding that that looks rather unimportant, or perhaps not true, does this derogatory information balanced against all of the other things one knows about the man indicate that he is a security risk or he is a man who would endanger the security of the United States. That is on the whole case." (Tr. 1372)

Norris Bradbury, present director of the Los Alamos Scientific Laboratory, and a commander in the Naval Reserve, has known Dr. Oppenheimer since their early days at the University of California (1931 or 1932), was one of his assistants at Los Alamos, and was picked by Gen. Groves and Dr. Oppenheimer as his successor. As director, Dr. Bradbury continued his association with Dr. Oppenheimer into the post-war years when the Chairman of the GAC made regular visits to the laboratory. This was Dr. Bradbury's testimony:

Q. "Do you have an opinion as to Dr. Oppenheimer's loyalty to the country, and as to whether he would be a security risk?"

A. "I do have such an opinion and it is a very strong one.

Q. "Would you state it, please?"

A. "I would regard him from my observation as completely loyal to this country. In fact, I would make a statement of this sort, I think, that while loyalty is a very difficult thing to demonstrate in an objective fashion, if a man could demonstrate loyalty in an objective way, that Dr. Oppenheimer in his direction of Los Alamos laboratory during the war years did demonstrate such loyalty. I myself feel that his devotion to that task, the nature of the decisions which he was called upon to make, the manner in which he made them, were as objective a demonstration of personal loyalty to this country as I myself can imagine.

Q. "As to this business of a security risk, which I take it is perhaps a little different from loyalty, do you have an opinion on that?"

A. "I do not regard him as a security risk." (Tr. 1589-90)

Later, the Chairman asked Dr. Bradbury whether he would consider the postwar service of Dr. Oppenheimer as another affirmative demonstration of loyalty. Dr. Bradbury replied:

“ . . . I would make the same remark about the associations I had with him after the war years. I suppose it is true, although he can say this better than I, that he had deep personal concerns about the actual role of atomic weapons in the national security. I think anyone is entitled and should have this same sort of concern. What personal decisions one makes in the long run is of course a personal matter. But certainly his chairmanship of the GAC after the war years never questioned the fact or never questioned the assertion that the Los Alamos laboratory should continue, should be strengthened, should proceed along lines of endeavor which were of military effectiveness. Every decision that I can recall that the GAC made with respect to the laboratory, with the possible exception of what may have been their opinion regarding thermonuclear development, seemed to me to be the right decision. . . .

“I believed and still believe that the apparent position of the GAC was based upon a defensible argument although one with which I might not personally agree. I might not have personally agreed with one of the conclusions of the question of policy that some members of the GAC arrived at. Nevertheless, I do not regard them as opinions which are either malevolent or subversive. I positively regard them as opinions which can be held and which were held as matters relating to the safety of the United States.

“The safety of the United States I am convinced was uppermost in the minds of all members, including the Chairman of the GAC. We may have differed as to the best methods of obtaining the safety. I think such differences are an essential part of any democratic system. I never had then nor do I now have the slightest feeling that these differences were motivated by any other than a direct deep and sincere concern for the welfare of the country. . . .” (Tr. 1613-16)

Then the Chairman summed up Dr. Bradbury's long answer:

“Mr. Gray: . . . I think your answer is in the affirmative. I think my question was that you feel that the character and nature and intensity of Dr. Oppenheimer's loyalty has been as great in post-war years as you saw it in the war years.

“The Witness: That is my feeling.” (Tr. 1616)

On redirect, this exchange took place:

Q. “Dr. Bradbury, from your knowledge of Dr. Oppenheimer, today, do you think he would put loyalty to his country above loyalty to a friend?”

A. “I believe he would.” (Tr. 1623)

Hartley Rowe, vice president of the United Fruit Company, wartime advisor on procurement at Los Alamos, and former member of the GAC, had this to say about Dr. Oppenheimer as a security risk:

“ . . . So far as I am personally concerned, and so far as my own observations go, Dr. Oppenheimer is no greater risk than any other American citizen except for one thing, and that is he has a greater knowledge of atomic fission than anyone else that I know of in the country. . . .” (Tr. 1692)

Mr. Rowe added that he had no question—“none whatever”—as to Dr. Oppenheimer’s loyalty, character or associations. (Tr. 1692).

In responding to a question from the Chairman, Mr. Rowe amplified that point:

“Mr. Gray: Do you feel that your present conviction about Dr. Oppenheimer’s character, loyalty and associations would be the same if you knew that the information contained in the Nichols letter [about] earlier associations was true. Would your reply still be the same? . . .

“The Witness: I think my answer to that would be I would make it just that much stronger because people make mistakes and people in the climate of public opinion in those days which was quite different than it is now—we know a great deal more than we did then—I think a man of Dr. Oppenheimer’s character is not going to make the same mistake twice. I would say he was all the more trustworthy for the mistakes he made.” (Tr. 1696)

Later, Mr. Rowe was asked more specifically about Dr. Oppenheimer as a security risk:

Q. “Do you think based on your experience with Dr. Oppenheimer he would have any difficulty, as you know him today, in exercising discretion not to reveal secret information or information he ought not to reveal to unauthorized individuals?

A. “I certainly do [not]. I trust him implicitly.”

Lee A. DuBridge, president of California Institute of Technology, former member of the GAC, now Chairman of the Science Advisory Committee of the Office of Defense Mobilization, answered the question of Dr. Oppenheimer’s loyalty in the context of his work.

“Even if Dr. Oppenheimer had not been officially elected Chairman [of the GAC] each year, and if I may say so, he resigned or attempted to resign each year, feeling that a new chairman should be elected, the committee unanimously rejected his recommendation every year, and asked him to continue to serve as chairman. He was so naturally a leader of our group that it was impossible to imagine that he should not be in the chair. He was the leader of our group first because his knowledge of the atomic energy work was far more

intimate than that of any other member of the committee. He had obviously been more intimately involved in the actual scientific work of the Manhattan Project than any other person on our committee. He was a natural leader because we respected his intelligence, his judgment, his personal attitude toward the work of the Commission and the committee. Of course, without saying, we had not the faintest doubt of his loyalty. More than that, we felt, and I feel that there is no one who has exhibited his loyalty to this country more spectacularly than Dr. Oppenheimer. He was a natural and a respected and at all times a loved leader of that group.

“At the same time I should emphasize that at no time did he dominate the group or did he suppress opinions that did not agree with his own. In fact, he encouraged a full and free and frank exchange of ideas throughout the full history of the committee. That is the reason we liked him as a leader, because though he did lead and stimulate and inform us and help us in our decisions, he never dominated nor suppressed contrary or different opinions. There was a free, full, frank exchange, and it was one of the finest committees that I ever had the privilege to serve on for that reason.” (Tr. 1711-12)

When asked whether the continuance of Dr. Oppenheimer's clearance would to any degree endanger the national safety, Dr. DuBridge replied:

“In no degree whatsoever.” (Tr. 1730)

He gave a detailed basis for his judgment:

“In the first place, these associations that are mentioned were those of many, many years ago. As I understand it, they have largely long since been terminated, in at least one case by death. In the second place, these were rather natural associations of a person who had strong human interests, interests in human rights and human liberties and human welfare, who had strong revulsions against the growth of dictatorship in Germany, Spain and Italy, and who wanted to express his opposition to such violations of human liberty as he regarded these dictatorships. He therefore found himself among others of like minds, some of whom it turned out were possible members of the Communist Party. But this was only a natural exhibition of his deep interest in human beings and in human liberty and had nothing to do with his devotion to this country, or nothing adverse to do with this country.

“In the second place, it seems to me that to question the integrity and loyalty of a person who has worked hard and devotedly for his country as Dr. Oppenheimer has on such trivial grounds is against all principles of human justice. It seems to me whatever his ideas and associations were in 1935, is quite irrelevant in view of the last years since 1941-42, during which he has shown such a devoted interest to the welfare, security and strength of the United States. Whatever mistakes, if they were mistakes, and I do not sug-

gest that they were, that were made in the Thirties have well been washed out and the value of a man like Dr. Oppenheimer to his country has been adequately and repeatedly proved.

"It would be in my opinion against all principles of justice to now not recognize the way in which his loyalty has been proved in a positive way through positive contributions. Furthermore, this country needs men of that kind, and should not deprive itself of their services." (Tr. 1730-31)

Dr. DuBridge commented on the Chevalier episode of 1943:

Q. "I am asking you today, leaving aside whether he thought that his friend was innocent or not, if he were told by security officers that in their judgment the interests of the country required knowledge which he had about a friend, would he put the interests of his country ahead of the friendship?"

A. "I am confident that he would. We have all learned a great deal about security problems in the last ten years." (Tr. 1734)

John H. Manley, professor of physics at the University of Washington, former associate director of the Los Alamos laboratory, and former secretary of the GAC, testified by affidavit:

"I have known Dr. Oppenheimer now since 1942. Until 1951 I worked very intimately and closely with him. I feel that I know him very well indeed. I consider the work that he has done has been of the greatest possible value to the country; that if comparisons must be made, his contribution has probably been of more importance in the development of the atomic energy program than that of any other scientist in the country and perhaps than that of any other person in the country. I make this statement not only in recognition of the great contribution he made while he was director of the Los Alamos laboratory, but also from my familiarity with his activities as chairman of the GAC. He took an active part in the many complex problems of the whole atomic energy program. Its achievements are, I think, due in no small part to his activities. He has at all times had the national interest at heart and has never done anything that he thought or suspected might be contrary to the national interest.

"I am absolutely clear that he is in no sense whatever a security risk. I say this both on the basis (a) of the fact that for over ten years he was entrusted with the most secret information pertaining to the nation's atomic developments, and there was never the slightest leakage of secret information from or through him, or in any way related to him, and (b) on the basis of my intimate personal knowledge of him, his character and his views." (Tr. 306-7)

James R. Killian, Jr., President of Massachusetts Institute of Technology and member of the Science Advisory Committee of the Office of

Defense Mobilization, wrote of Dr. Oppenheimer's actions on this Committee:

"... In the course of these meetings I have observed no action or suggestion on the part of Dr. Oppenheimer that seemed to me to be against the interests of the United States, or to give any support to the charges against him in General Nichols' letter. On the contrary, he impressed me in these meetings as a man deeply devoted to strengthening the security of the nation and fertile of ideas for promoting the national welfare. Every aspect of his work on this committee sustained my confidence in his loyalty and integrity." (Tr. 2326)

Norman F. Ramsey, Jr., professor of physics at Harvard, wartime expert consultant to the Secretary of War (at Los Alamos) and member of the new Defense Department Panel on Atomic Energy, paid tribute to Dr. Oppenheimer's loyalty as shown in his work at Los Alamos:

"... I saw it very obviously through the work and was most impressed in every way. I think he did a superb technical job, and one which also made all of us acquire the greatest of respect and admiration for his abilities and in view of this hearing I might also add his loyalty and his integrity." (Tr. 1458)

Dr. Ramsey's wartime opinions about Dr. Oppenheimer have been confirmed by his observations in postwar relationships:

"... Throughout these again I had reaffirmed what I had known all along, the deep feeling of loyalty and of concern which Dr. Oppenheimer felt for the United States and very clearly that the thing of which he was afraid, the country of which he was afraid, was Russia." (Tr. 1464)

Maj. Gen. James McCormack, Jr., vice-commander of the Air Research and Development Command, and former director of the AEC's Division of Military Application, testified:

Q. "Do you have an opinion as to Dr. Oppenheimer's loyalty to the United States?"

A. "I never had a question as to it."

Q. "Do you have an opinion as to whether he is a security risk, as to his discretion in the use of classified materials, whether it is safe to trust him with such?"

A. "Nothing in my associations with him would raise the question with me." (Tr. 2207)

John J. McCloy, Chairman of the Board of Chase National Bank, wartime Assistant Secretary of War, and Chairman of the Soviet Study

Group, emphasized the positive and negative aspects of national security, the positive and negative aspects of loyalty, and concluded:

“. . . I will say that as far as I have any acquaintance with Dr. Oppenheimer, I have no doubt as to his loyalty, and I have absolutely no doubt about his value to the United States and I would say he is not a security risk to the United States.” (Tr. 2526)

John von Neumann, professor at the Institute for Advanced Study, member of the GAC, and consultant to Los Alamos, who has known Dr. Oppenheimer well since 1943 and lived in the same small towns of Los Alamos and Princeton with him almost continuously since then, had this to say:

Q. “Do you have an opinion about Dr. Oppenheimer’s loyalty to the United States, his integrity?”

A. “I have no doubts about it whatever. . . .”

Q. “Do you have an opinion as to Dr. Oppenheimer’s discretion in handling of classified materials and classified information?”

A. “Absolutely, I have personally every confidence. Furthermore I am not aware that anybody has questioned that.” (Tr. 2242)

Q. “. . . Do you feel you know Dr. Oppenheimer’s associations reasonably well?”

A. “I rather think so.”

Q. “Do you think that Dr. Oppenheimer is a security risk because of his present associations?”

A. “No, I don’t think so.” (Tr. 2272)

On the 1943 Chevalier incident, after a long hypothetical question by counsel for the Commission, Dr. von Neumann said:

“Look, you have to view the performance and the character of a man as a whole. This episode, if true, would make me think that in the course of the year 1943 or in 1942 and 1943, he was not emotionally and intellectually prepared to handle this kind of a job; that he subsequently learned how to handle it, and handled it very well, I know. I would say that all of us in the war years, and by all of us, I mean all people in scientific and technical occupations, got suddenly in contact with a universe we had not known before. I mean this peculiar problem of security, the fact that people who looked all right might be conspirators and might be spies. They are all things which do not enter one’s normal experience in ordinary times. While we are now most of us quite prepared to discover such things in our entourage, we were not prepared to discover these things in 1943. So I must say that this had on anyone a shock effect, and any one of us may have behaved foolishly and ineffectively and untruthfully, so this condition is something, ten years later, I would not consider too serious. This would affect

me the same way as if I would suddenly hear about somebody that he has had some extraordinary escapade in his adolescence." (Tr. 2251-2)

Dr. von Neumann clearly indicated his opinion that, in matters of security, Dr. Oppenheimer was no longer an adolescent, that he had grown up and learned and matured:

Q. "If such an approach were made to Dr. Oppenheimer, today, what do you think his reaction would be?"

A. "I have no doubt that he would report it." (Tr. 2272)

I. I. Rabi, professor of physics at Columbia University and present Chairman of the GAC, told the Board that he had been shown a 40-page document, which he described as an expanded version of the Nichols letter, by Admiral Lewis L. Strauss in January of 1954, that he had read this document, and could nevertheless testify as follows:

" . . . I would say that in spite of the associations in there, I do not believe that Dr. Oppenheimer is a security risk, and that these associations in the past should bar him from access to security information for the Atomic Energy Commission. . . . If I had to make the determination, after having read this and knowing Dr. Oppenheimer for all the years I would know him, I would have continued him in his position as consultant to the Atomic Energy Commission, which he was before." (Tr. 1522-23)

Charles C. Lauritsen, professor of physics at California Institute of Technology and at present one of the scientists most extensively consulted by the Department of Defense, who has known Dr. Oppenheimer for a quarter of a century, who has visited him at his ranch and in his home, and who shared an office with him as his intimate advisor during the last crucial year at Los Alamos when the A-bomb was finally made, testified that he had less doubt about Dr. Oppenheimer's loyalty than that of any other person whom he knows as well (Tr. 2041-42). Then he was asked whether he knew many people better than he knew Dr. Oppenheimer. This was his answer:

"Not many. I suppose I know my own son better, but I don't trust him any more." (Tr. 2042).

CONCLUSION

The life of Robert Oppenheimer has been bared to this Board. It seems to us fair to suggest that the Board has before it a simple practical question in formulating the ultimate recommendation which it now has the duty to make. In legal terms, the Board must recommend to the General Manager whether Dr. Oppenheimer's "continued employment on Atomic Energy Commission work will endanger the common defense and security," and "whether such continued employment is clearly consistent with the interests of the national security." We have argued how meager, in the perspective of these proceedings, is the possible basis for questioning Dr. Oppenheimer's "veracity," "conduct" or—to continue in the language of General Nichols' letter—his "loyalty".

We have talked enough of the "derogatory information" before the Board. We can only plead that it be seen for what it is—the residue from a life that, more than a decade ago, at a different time and in a different context, Dr. Oppenheimer should not now be condemned for. He should not be disqualified for further public service because of a past which hindsight might alter, but which has endowed him with the wisdom and insight of maturity.

We have talked enough, too, of the hotly debated, the frequently obscure, always complex issues concerning instruments of war and defense, their development and use, with which scientists, military leaders, and statesmen have been obliged to grapple in recent years in their efforts to find the right course to make our country and its allies strong. In these affairs, Dr. Oppenheimer has himself taken a brave part. Among those qualified to judge by virtue of first-hand participation with him in the work, not a one—not even his critics—has failed to acknowledge that in important work on weapons and defense Dr. Oppenheimer in the post-war as well as the war years has made vital contributions. And those who have worked closest of all with him—an array of the nation's first scientists and men of affairs—have solemnly testified that he could not have been animated other than by a purpose to make our country strong and our policies wise and that year after year he has in fact and in all things helped vitally to realize that purpose.

He has for many years been privy to our most secret affairs as few men have. There is not a scrap of evidence, there never has been a scrap of evidence, that he violated this trust.

When the German war was won, he pressed all the harder as Director of Los Alamos to give us the weapons that shortened the war with Japan and that must have helped to thwart the interest of Russia in securing

a dominant role in the Japanese defeat and in fixing the conditions of the Japanese peace.

When in 1945 the war was over, he supported the May-Johnson Bill—despite the opposition of many colleagues—to hold our atomic enterprise together in that crucial period.

When the GAC was set up in 1947 and our position in atomic weapons was weak, he played a leading part in restoring Los Alamos as a powerful weapons laboratory to give us desperately needed strength in atomic weapons. Had the Russians then known our true weakness in this field, could our supposed strength in atomic bombs have deterred—as Churchill and so many others are convinced they did—the Russians from overrunning western Europe?

When in these same years we were pressing in the United Nations for international control of atomic energy, he fought to secure respect and understanding for our proposals while Russia was bending every effort to defeat them and to impeach them in the eyes of our own public and those of our allies.

When, as we began to rearm after the war, the full value and potential of atomic weapons was not yet fully perceived, he fought for recognition and development of their wide capabilities, for their adaptation to the most varied military use for tactical as well as strategic purposes. In the acute international tensions of today, when armed conflict with Russia or her satellites is an ever present possibility, the country has reason to be peculiarly grateful that this broad concept of military power has now been built into our military establishment.

Through all these years, he has stressed the importance in the scientific community both of basic science and of the devotion by scientists of a share of their talent to the application of science to national defense.

Through all these years, he has again and again used his influence and his eloquence to make clear the incompatibility between free science and communism.

Respectfully submitted,

LLOYD K. GARRISON
HERBERT S. MARKS
SAMUEL J. SILVERMAN

May 17, 1954.

Appendix D

UNITED STATES
ATOMIC ENERGY COMMISSION

May 28, 1954

Dr. J. Robert Oppenheimer
The Institute for Advanced Study
Princeton, New Jersey

Dear Dr. Oppenheimer:

I am enclosing herewith a copy of the Findings and Recommendation of the Personnel Security Board which has been considering your case. A majority of the Board recommends that your clearance not be reinstated.

You have the right, under Section 4.18 of the Atomic Energy Commission's Security Clearance Procedures, to request review of your case by the Personnel Security Review Board and to submit a brief in support of your contentions. If you wish such review, it is necessary that you submit your request to me within five days of your receipt of this letter or June 7, 1954, whichever is later, and that your brief be filed with me not later than twenty days after your receipt of this letter.

If you do not request review of your case by the Personnel Security Review Board within the prescribed time, a final determination will be made on the basis of the existing record.

Upon full consideration of the entire record in the case, including the recommendation of the Personnel Security Review Board in the event you request review by that Board, I shall submit to the Commission my recommendation as to whether or not your clearance should be reinstated. The final determination will be made by the Commission.

I am sending a copy of this letter to Mr. Garrison, along with additional copies of the Personnel Security Board's Findings and Recommendation.

Sincerely yours,

K. D. Nichols
General Manager

cc: Lloyd K. Garrison, Esq.
Paul, Weiss, Rifkind, Wharton
& Garrison
575 Madison Avenue
New York 22, New York
(with 5 copies Enclosure)

Release at
7 p.m. (EDT)
June 1, 1954

FOR IMMEDIATE RELEASE

DISTRIBUTION. STREAMLINED June 29, 1954

201
J. H. Oppenheimer
Subcommittee

STATEMENT BY THE ATOMIC ENERGY COMMISSION

The Atomic Energy Commission announced today that it had reached a decision in the matter of Dr. J. Robert Oppenheimer.

The Commission by a vote of four to one decided that Dr. Oppenheimer should be denied access to Restricted Data. Commissioners Strauss, Murray, Zuckert, and Campbell voted to deny clearance for access to Restricted Data, and Commissioner Smyth voted to reinstate clearance for access to Restricted Data. Messrs. Strauss, Zuckert, and Campbell signed the majority opinion; Mr. Murray concurred with the majority decision in a separate opinion. Dr. Smyth supported his conclusion in a minority opinion.

Certain members of the Commission issued additional statements in support of their conclusions. These opinions and statements are attached.

The issue before the Commission is whether the security of the United States warrants Dr. J. Robert Oppenheimer's continued access to Restricted Data of the Atomic Energy Commission. The data to which Dr. Oppenheimer has had until recently full access include some of the most vital secrets in the possession of the United States.

Having carefully studied the pertinent documents, -- the transcript of the hearings before the Personnel Security Board (Gray Board), the findings and recommendation of the Board, the briefs of Dr. Oppenheimer's counsel, and the findings and recommendation of the General Manager, -- we have concluded that Dr. Oppenheimer's clearance for access to Restricted Data should not be reinstated.

The Atomic Energy Act of 1946 lays upon the Commissioners the duty to reach a determination as to "the character, associations, and loyalty" of the individuals engaged in the work of the Commission. Thus, disloyalty would be one basis for disqualification, but it is only one. Substantial defects of character and imprudent and dangerous associations, particularly with known subversives who place the interests of foreign powers above those of the United States, are also reasons for disqualification.

On the basis of the record before the Commission, comprising the transcript of the hearing before the Gray Board as well as reports of military intelligence and the Federal Bureau of Investigation, we find Dr. Oppenheimer is not entitled to the continued confidence of the Government and of this Commission because of the proof of fundamental defects in his "character".

In respect to the criterion of "associations", we find that his associations with persons known to him to be Communists have extended far beyond the tolerable limits of prudence and self-restraint which are to be expected of one holding the

high positions that the Government has continuously entrusted to him since 1942. These associations have lasted too long to be justified as merely the intermittent and accidental revival of earlier friendships.

Neither in the deliberations by the full Commission nor in the review of the Gray Board was importance attached to the opinions of Dr. Oppenheimer as they bore upon the 1949 debate within the Government on the question of whether the United States should proceed with the thermonuclear weapon program. In this debate Dr. Oppenheimer was, of course, entitled to his opinion.

The fundamental issues here are apart from and beyond this episode. The history of their development is as follows:

On December 23, 1953, Dr. Oppenheimer was notified that his security clearance had been suspended, and he was provided with the allegations which had brought his trustworthiness into question. He was also furnished with a copy of the Atomic Energy Commission's security clearance procedures, and was informed of his right to a hearing under those procedures. By telegram dated January 29, 1954, Dr. Oppenheimer requested a hearing. On March 4, 1954, after requesting and receiving three extensions of time, he submitted his answer to the letter of December 23, 1953. On March 15, 1954, Dr. Oppenheimer was informed that Mr. Gordon Gray, Mr. Thomas A. Morgan, and Dr. Ward V. Evans would conduct the hearings.

The hearing before the Gray Board commenced on April 12, 1954, and continued through May 6, 1954. Dr. Oppenheimer was represented by four lawyers. He was present to confront all witnesses; he had the opportunity to cross-examine all witnesses; his counsel made both oral and written argument to the board.

The Board submitted its findings and recommendation to the General Manager of the Commission on May 27, 1954. A majority of the Board recommended against reinstatement of clearance, Dr. Evans dissenting.

Dr. Oppenheimer had full advantage of the security procedures of the Commission. In our opinion he had a just hearing.

On May 28, 1954, the General Manager notified Dr. Oppenheimer of the adverse recommendation of the Personnel Security Board and forwarded to him a copy of the Board's findings and recommendation. The General Manager informed Dr. Oppenheimer of his right to request review of his case by the Personnel Security Review Board. Dr. Oppenheimer was also informed that upon consideration of the record in the case -- including the recommendation of the Personnel Security Review Board in the event review by that Board was requested -- the General Manager would submit to the Commission his own recommendation as to whether or not clearance should be reinstated and that the Commission would thereafter make the final determination.

By letter of June 1, 1954, Dr. Oppenheimer waived his right to a review of his case by the Personnel Security Review Board. He requested immediate consideration of his case by the Commission. On June 7, 1954, his counsel submitted a written brief to the Commission. The General Manager reviewed the testimony and the findings and recommendation of the Gray Board and the briefs; his conclusion that Dr. Oppenheimer's clearance should not be reinstated was submitted to the Commission on June 12, 1954.

Prior to these proceedings, the derogatory information in Government files concerning Dr. Oppenheimer had never been weighed by any Board on the basis of sworn testimony.

The important result of these hearings was to bring out significant information bearing upon Dr. Oppenheimer's character and associations hitherto unknown to the Commission and presumably unknown also to those who testified as character witnesses on his behalf. These hearings additionally established as fact many matters which previously had been only allegations.

In weighing the matter at issue, we have taken into account Dr. Oppenheimer's past contributions to the Atomic Energy Program. At the same time, we have been mindful of the fact that the positions of high trust and responsibility which Dr. Oppenheimer had occupied carried with them a commensurately high obligation of unequivocal character and conduct on his part. A Government official having access to the most sensitive areas of Restricted Data and to the innermost details of national war plans and weapons must measure up to exemplary standards of reliability, self-discipline and trustworthiness. Dr. Oppenheimer has fallen far short of acceptable standards.

The record shows that Dr. Oppenheimer has consistently placed himself outside the rules which govern others. He has falsified in matters wherein he was charged with grave responsibilities in the national interest. In his associations he has repeatedly exhibited a willful disregard of the normal and proper obligations of security.

As to "character":

1. Dr. Oppenheimer has now admitted under oath that while in charge of the Los Alamos Laboratory and working on the most secret weapon development for the Government, he told Lt. Colonel Pash a fabrication of lies. Colonel Pash was an officer of military intelligence charged with the duty of protecting the Atomic Weapons project against spies. Dr. Oppenheimer told Colonel Pash in circumstantial detail of an attempt by a soviet agent to obtain from him information about the work on the atom bomb. This was the Haakon Chevalier incident. In the hearings recently concluded, Dr. Oppenheimer under oath swears that the story he told Colonel Pash was a "whole fabrication and tissue of lies". (Tr. P 149)

It is not clear today whether the account Dr. Oppenheimer gave to Colonel Pash in 1943 concerning the Chevalier incident or the story he told the Gray Board last month is the true version.

If Dr. Oppenheimer lied in 1943, as he now says he did, he committed the crime of knowingly making false and material statements to a federal officer. If he lied to the Board, he committed perjury in 1954.

2. Dr. Oppenheimer testified to the Gray Board that if he had known Giovanni Rossi Lomanitz was an active Communist or that Lomanitz had disclosed information about the atomic project to an unauthorized person, he would not have written to Colonel Lansdale of the Manhattan District the letter of October 19, 1943, in which Dr. Oppenheimer supported the desire of Lomanitz to return to the Atomic project.

The record shows, however, that on August 26, 1943, Dr. Oppenheimer told Colonel Pash that he (Oppenheimer) knew that Lomanitz had revealed information about the project. Furthermore, on September 12, 1943, Dr. Oppenheimer told Colonel Lansdale that he (Oppenheimer) had previously learned for a fact that Lomanitz was a Communist party member. (TR. PP 118, 119, 128, 129, 143, 875)

3. In 1943, Dr. Oppenheimer indicated to Colonel Lansdale that he did not know Rudy Lambert, a Communist party functionary. In fact, Dr. Oppenheimer asked Colonel Lansdale what Lambert looked like. Now, however, Dr. Oppenheimer under oath has admitted that he knew and had seen Lambert at least half a dozen times prior to 1943; he supplied a detailed description of Lambert; he said that once or twice he had lunch with Lambert and Isaac Folkoff, another Communist party functionary, to discuss his (Oppenheimer's) contributions to the Communist party; and that he knew at the time that Lambert was an official in the Communist party. (TR. PP 139, 140, 877)

4. In 1949 Dr. Oppenheimer testified before a closed session of the House Un-American Activities Committee about the Communist party membership and activities of Dr. Bernard Peters. A summary of Dr. Oppenheimer's testimony subsequently appeared in a newspaper, the Rochester Times Union. Dr. Oppenheimer then wrote a letter to that newspaper. The effect of that letter was to contradict the testimony he had given a congressional committee. (TR. PP 210-215)

5. In connection with the meeting of the General Advisory Committee on October 29, 1949, at which the thermonuclear weapon program was considered, Dr. Oppenheimer testified before the Gray Board that the General Advisory Committee was "surprisingly unanimous" in its recommendation that the United States ought not to take the initiative at that time in a thermonuclear program. Now, however, under cross-examination, Dr. Oppenheimer testifies that he did not know how Dr. Seaborg (one of the nine members of Dr. Oppenheimer's committee) then felt about the program because Dr. Seaborg was in Sweden, and there was no communication with him". On being confronted with a letter from Dr. Seaborg to him dated October 14, 1949, -- a letter which had been in Dr. Oppenheimer's files, -- Dr. Oppenheimer admitted having received the letter prior to the General Advisory Committee meeting in 1949. In that letter Dr. Seaborg said: "Although I deplore the prospects of our country putting a tremendous effort into this, I must confess that I have been unable to come to the conclusion that we should not." Yet Dr. Seaborg's view was not mentioned in Dr. Oppenheimer's report for the General Advisory Committee to the Commission in October 1949. In fact the existence of this letter remained unknown to the Commission until it was disclosed during the hearings. (TR. PP 233, 237-241)

6. In 1950, Dr. Oppenheimer told an agent of the Federal Bureau of Investigation that he had not known Joseph Weinberg to be a member of the Communist Party until that fact became public knowledge. Yet on September 12, 1943, Dr. Oppenheimer told Colonel Lansdale that Weinberg was a Communist party member. (TR P 875)

The catalog does not end with these six examples. The work of military intelligence, the Federal Bureau of Investigation and the Atomic Energy Commission -- all, at one time or another have felt the effect of his falsehoods, evasions and misrepresentations.

Dr. Oppenheimer's persistent and wilful disregard for the obligations of security is evidenced by his obstruction of inquiries by security officials. In the Chevalier incident, Dr. Oppenheimer was questioned in 1943 by Colonel Pash, Colonel Lansdale and General Groves about the attempt to obtain information from him on the atomic bomb project in the interest of the Soviet Government. He had waited eight months before mentioning the occurrence to the proper authorities. Thereafter for almost four months Dr. Oppenheimer refused to name the individual who had approached him. Under oath he now admits that his refusal to name the individual impeded the Government's investigation of espionage. The record shows other instances where Dr. Oppenheimer has refused to answer inquiries of federal officials on security matters or has been deliberately misleading.

As to "Associations":

"Associations" is a factor which, under the law, must be considered by the Commission. Dr. Oppenheimer's close association with Communists is another part of the pattern of his disregard of the obligation of security.

Dr. Oppenheimer, under oath, admitted to the Gray Board that from 1937 to at least 1942 he made regular and substantial contributions in cash to the Communist party. He has admitted that he was a "fellow-traveler" at least until 1942. He admits that he attended small evening meetings at private homes at which most, if not all, of the others present were Communist party members. He was in contact with officials of the Communist party, some of whom had been engaged in espionage. His activities were of such a nature that these Communists looked upon him as one of their number.

However, Dr. Oppenheimer's early Communist associations are not in themselves a controlling reason for our decision.

They take on importance in the context of his persistent and continuing association with Communists, including his admitted meeting with Haakon Chevalier in Paris as recently as last December -- the same individual who had been intermediary for the Soviet Consulate in 1943.

On February 25, 1950, Dr. Oppenheimer wrote a letter to Chevalier attempting "to clear the record with regard to your alleged involvement in the atom business". Chevalier used this letter in connection with his application to the State Department for a United States passport. Later that year Chevalier came and stayed with Dr. Oppenheimer for several days at the latter's home. In December, 1953, Dr. Oppenheimer visited with Chevalier privately on two occasions in Paris, and lent his name to Chevalier's dealings with the United States Embassy in Paris on a problem which, according to Dr. Oppenheimer, involved Chevalier's clearance. Dr. Oppenheimer admitted that today he has only a "strong guess" that Chevalier is not active in Communist Party affairs.

These episodes separately and together present a serious picture. It is clear that for one who has had access for so long to the most vital defense secrets of the Government and who would retain such access if his clearance were continued, Dr. Oppenheimer has defaulted not once but many times upon the obligations that should and must be willingly borne by citizens in the national service.

Concern for the defense and security of the United States requires that Dr. Oppenheimer's clearance should not be reinstated.

Dr. J. Robert Oppenheimer is hereby denied access to Restricted Data.

Lewis L. Strauss, Chairman

Eugene M. Zuckert, Commissioner

Joseph Campbell, Commissioner

STATEMENT BY COMMISSIONER ZUCKERT

1. BASIS OF AGREEING TO DENY ACCESS

In subscribing to the majority decision and the substance of the Commission opinion, I have considered the evidence as a whole and no single factor as decisive. For example, Dr. Oppenheimer's early Communist associations by themselves would not have led me to my conclusion. The more recent connections, such as those with Lomanitz and Bohm, would not have been decisive. The serious 1943 incident involving Chevalier would not have been conclusive, although most disturbing and certainly aggravated by the continuation of the relationship between Chevalier and Oppenheimer. Individual instances of lack of veracity, conscious disregard of security considerations and obstruction of proper security inquiries would not have been decisive.

But when I see such a combination of seriously disturbing actions and events as are present in this case, then I believe the risk to security passes acceptable bounds. All these actions and events and the relation between them make no other conclusion possible in my opinion than to deny clearance to Dr. Oppenheimer.

There follow some additional observations of my own which I believe are pertinent in the consideration of this case and the problems underlying it.

It is a source of real sadness to me that my last act as a public official should be participation in the determination of this matter, involving as it does, an individual who has made a substantial contribution to the United States. This matter certainly reflects the difficult times in which we live.

2. "SECURITY" IN 1954

The fact is that this country is faced with a real menace to our national security which manifests itself in a great variety of ways. We are under the necessity of defending ourselves against a competent and ruthless force possessed of the great advantage that accompanies the initiative. There is no opportunity which this force would not exploit to weaken our courage and confuse our strength.

The degree of attention which Dr. Oppenheimer's status has evoked is indication of the extent to which this force has imposed upon us a new degree of intensity of concern with "security". There has always been a recognition of the need for security precautions when war threatened or was actually in progress. It is new and disquieting that security must concern us so much in times that have so many of the outward indications of peace. Security must indeed become a daily concern in our lives as far as we can see ahead.

In this nation, I believe we have really commenced to understand this only within the past 10 years. It would be unrealistic to imagine that in that brief period of time we could have acquired a well-rounded understanding, much less an acceptance, of the implications of such a change in our way of life. It will not prove easy to harmonize the requirements of security with such basic concepts as personal freedom. It will be a long and difficult process to construct a thoroughly articulated security system that will be effective in protecting strength and yet maintain the basic fabric of our liberties.

It is clear that one essential requirement of the struggle in which this nation is engaged is that we be decisive and yet maintain a difficult balance in our actions. For example, we must maintain a positive armed strength, yet in such a manner that we do not impair our ability to support that strength. We must be vigilant to the dangers and deceits of militant communism without the hysteria that breeds witchhunts. We must strive to maintain that measure of discipline required by real and present-day danger without destroying such freedoms as the freedom of honest thought. Our nation's problem is more difficult because of a fundamental characteristic of a democratic system: We seek to be a positive force without a dominated uniformity in thought and action dictated by a small group in power.

The decision in this particular matter before us must be made not in 1920 or 1930 or 1940. It has to be made in the year 1954 in the light of the necessities of today and, inevitably with whatever limitations of viewpoint 1954 creates. One fact that gives me reassurance is that this decision was reached only after the most intensive and concerned study following a course of procedure which gave the most scrupulous attention to our ideas of justice and fair treatment.

The problem before this Commission is whether Dr. Oppenheimer's status as a consultant to the Atomic Energy Commission constitutes a security risk.

3. THE CONCEPT OF "SECURITY RISK"

One of the difficulties in the development of a healthy security system is the achievement of public understanding of the phrase "security risk". It has unfortunately acquired in many minds the connotation of active disloyalty. As a result, it is not realized that the determination of "security risk" must be applied to individuals where the circumstances may be considerably less derogatory than disloyalty. In the case of Dr. Oppenheimer, the evidence which convinced me that his employment was not warranted on security grounds did not justify an accusation of disloyalty.

The "security risk" concept has evolved in recent years as a part of our search for a security system which will add to the protection of the country. In that quest, certain limited guidelines have emerged. With respect to eligibility of people for sensitive positions in our government we have said, in effect, that there must be a convincing showing that their employment in such positions will not constitute a risk to our security. Except in the clearest of cases, such as present communist membership, for example, the determination may not be an easy one. In many cases, like the one before us, a complex qualitative determination is required. One inherent difficulty is that every human being is to some degree a security risk. So long as there are normal human feelings like pain, or emotions like love of family, everyone is to some degree vulnerable to influence, and thus a potential risk in some degree to our security.

Under our security system it is our duty to determine how much of a risk is involved in respect to any particular individual and then to determine whether that risk is worth taking in view of what is at stake and the job to be done. It is not possible, except in obvious cases, to determine in what precise manner our security might be endangered. The determination is rather an evaluation of the

factors which tend to increase the chance that security might be endangered. Our experience has convinced us that certain types of association and defects of character can materially increase the risk to security. Those factors -- many of which are set forth in the majority opinion -- are present in Dr. Oppenheimer's case to such an extent that I agree he is a security risk.

4. POSSIBILITY OF AN ALTERNATIVE ACTION

There have been suggestions that there may be a possible alternative short of finding Dr. Oppenheimer a security risk. One possibility suggested was that the Commission might merely allow Dr. Oppenheimer's consultant's contract to lapse when it expires on June 30, 1954, and thereafter not use his services. I have given the most serious consideration to this possibility and have concluded that it is not practical.

The unique place that Dr. Oppenheimer has built for himself in the scientific world and as a top government advisor make it necessary that there be a clear-cut determination whether he is to be given access to the security information within the jurisdiction of the Commission.

As a scientist, Dr. Oppenheimer's greatest usefulness has been as a scientific administrator and a scientific critic. He has been looked to for scientific judgment by people within the profession. He is a personality in whom students place particular reliance for leadership and inspiration. These qualities, coupled with a nature that enables him to keep in active touch with great numbers of people in the scientific professions, have given him a unique place in the scientific community.

The Commission's clearance has permitted Dr. Oppenheimer to carry out his role as an active consultant of scientists. For example, Los Alamos Laboratory reports on the most intimate details of the progress of the thermonuclear and fission programs have continued to flow to him. I would gather that these reports were sent to Dr. Oppenheimer because his leadership and scientific judgment were recognized, and it was felt that he should be kept intensively abreast of the development of the weapon art.

I think the Commission is clearly obligated to determine whether Dr. Oppenheimer may continue to carry out this function and whether scientists may continue to call upon him as they have in the past in regard to highly classified material.

In addition, the scope of Dr. Oppenheimer's activities as a top adviser to various agencies of Government on national security policies make imperative a determination of his security status.

After the development of the atomic bomb and the end of World War II, Dr. Oppenheimer was quite suddenly projected into a far more important capacity than he had held as a scientist and laboratory director at Los Alamos. He was given responsibilities for the formulation of international controls of atomic energy. His post as Chairman of the General Advisory Committee and a host of

other committees in the defense establishment made him an adviser on national security problems at the top level of Government. His advice was sought on many matters in which science or technical aspects of atomic energy were important, but important as incidentals and background. With his unique experience, his intellect, his breadth of interests and his articulateness it was almost inevitable that he was consulted on a growing number of national security policy matters. As a result, his degree of access to the detailed essentials of our most secret information was, in my opinion, among the greatest of any individuals in our Government. I doubt that there have been contemporaneously more than a handful of people at the highest levels who have possessed the amount of sensitive information which was given to Dr. Oppenheimer.

Since Dr. Oppenheimer's retirement from the General Advisory Committee he has been employed as a "consultant" to the Commission. It is true that since 1952 the Commission has used him very little. Commission clearance has, however, been a basis for other agencies using him in connection with delicate problems of national security. It is logical to expect that would continue. For example, the Commission has recently received a letter from Dr. DuBridge, Chairman of the Science Advisory Committee, Office of Defense Mobilization which says:

"Our Committee is planning to undertake during the coming months an intensive study of important matters related to national security on which Dr. Oppenheimer's knowledge and counsel will be of critical importance."

I believe that the outlined facts concerning Dr. Oppenheimer's activities in the scientific profession and employment by the Government demonstrate that the Commission could not decide the matter on any other basis than to grant or deny clearance. Any other action would merely postpone the problem. His activities cannot be compartmental to some particular area of scientific effort. It is only reasonable to expect that he would be used in connection with broad assignments such as he has had in the past. Inevitably the question would arise whether he should be given access to the most sensitive restricted data which is under the Commission's jurisdiction.

Therefore, there must be a determination as to his security status with respect to this data.

All of the facts concerning Dr. Oppenheimer's activities, scientific and governmental, and the consequent access to vital information emphasize the degree of his security responsibility.

For the reasons outlined in the first paragraph of these comments, I conclude that he falls substantially below the standard required by that responsibility. There seems to me no possible alternative to denying Dr. Oppenheimer clearance.

5. THERMONUCLEAR CONTROVERSY DISREGARDED

There is one final comment which I should add. My decision in this matter was influenced neither by the actions nor by the attitudes of Dr. Oppenheimer concerning the development of thermonuclear weapons. Nor did I consider material any advice given by Dr. Oppenheimer in his capacity as a top level consultant on

national security affairs.

In my judgment, it was proper to include Dr. Oppenheimer's activities regarding the thermonuclear program as part of the derogatory allegations that initiated these proceedings. Allegations had been made that Dr. Oppenheimer was improperly motivated.

The Gray Board, although doubting the complete veracity of Dr. Oppenheimer's explanations, found that these most serious allegations were not substantiated. I have carefully reviewed the evidence and concur in the finding.

CONCURRING OPINION OF COMMISSIONER CAMPBELL

On November 7, 1954, Mr. William L. Borden, Legislative Secretary to the Late Senator Brien McMahon in 1948 and later Executive Director of the Joint Committee on Atomic Energy from 1949 to June 1953, addressed a letter to the Director of the Federal Bureau of Investigation relative to Dr. J. Robert Oppenheimer.

In this letter Mr. Borden, who had previously had access to the Atomic Energy Commission files and FBI reports concerning Dr. Oppenheimer, made very grave accusations, allegations, and charges pertaining to the character, loyalty and associations of Dr. Oppenheimer. Upon receipt of this letter, the FBI prepared a summary report on Dr. Oppenheimer and November 30, 1953, distributed that report and the Borden letter to interested agencies of the government, including the office of the President.

On December 10, 1953, the Commission unanimously voted to institute the regular procedures of the Commission to determine the veracity or falsity of the charges. At the direction of, and with the unanimous approval of the Commission, the General Manager, on December 23, 1953, informed Dr. Oppenheimer of the substance of the information which raised the question concerning his eligibility for employment on Atomic Energy Commission work and notified him of the steps which he could take to assist in the resolution of the question.

At the request of counsel for Dr. Oppenheimer, an extension of time was granted Dr. Oppenheimer for the preparation of his case. Other extensions were subsequently granted. On March 15, 1954, Dr. Oppenheimer was notified that Mr. Thomas Morgan, Mr. Gordon Gray, and Dr. Ward V. Evans had been selected for the Personnel Security Board. On March 17, 1954, Dr. Oppenheimer, by letter, advised the Commission that he had received the notification of the membership of the Board and that he knew of no reason why he should challenge any member of that Board, as it was his right to do under the Personnel Security Procedures of the Atomic Energy Commission.

As early as January 18, 1954, Dr. Oppenheimer's counsel discussed the possibility of securing "Q" clearance with the Chairman and the General Manager of the Commission, and he was notified that clearance would be expedited as rapidly as possible if he would submit the required papers. These papers were not submitted until March 26, 1954 -- over 60 days later.

During the week of April 5 through 9, the Personnel Security Board met and familiarized themselves with the pertinent files relative to Dr. Oppenheimer. On April 12 the hearings began and were continued until May 6. After a ten day recess the Board convened again on May 17.

On May 17, 1954, counsel for Dr. Oppenheimer submitted a brief to the Personnel Security Board which was included in the record.

On May 18, 1954, the Commission moved that at each step the case of Dr. Oppenheimer be brought to the Commission for a vote. This motion was carried three to two. I voted against this motion since I felt that this was a very

definite change in the official procedures. In my opinion, it was not desirable to change the rules in the midst of the proceedings. At this same Commission meeting on May 18, I moved that the procedures, as published in the Federal Register, be revised to indicate that, after determination had been made by the General Manager, the Commission would make the final determination in this matter. This motion did not carry by a vote of three to two.

A recommendation was submitted by the Personnel Security Board to the General Manager on May 27, 1954. In essence the recommendation of the Personnel Security Board, by a two to one majority, was that: "We have, however, been unable to arrive at the conclusion that it would be clearly consistent with the security interests of the United States to reinstate Dr. Oppenheimer's clearance and, therefore, do not so recommend."

Upon receipt of the recommendation of the board, the General Manager notified counsel for Dr. Oppenheimer on May 28 of the majority and minority recommendations of the Board and furnished a copy of the Personnel Security Board report. At the same time notification was given that Dr. Oppenheimer was entitled to make an appeal to the Personnel Security Review Board. The General Manager further stated that following such an appeal he would make a recommendation and the Commission would then make a final determination in the case.

By letter of June 1, counsel for Dr. Oppenheimer responded that they would waive the right of appeal to the Personnel Security Review Board and instead wished to present oral arguments and a written brief directly to the Commission for a final determination.

On June 3, 1954, the Commission denied the counsel for Dr. Oppenheimer the privilege of oral argument before the Commission but granted permission to file a written brief with the provision that the brief be presented on or before June 7. It was my personal opinion that this permission constituted another departure from the procedures, but my view was not sustained by my colleagues.

Counsel for Dr. Oppenheimer filed a brief with the Commission on June 7, 1954.

On June 12, the General Manager submitted his findings to the Commission in which he reaffirmed the recommendation of the Gray Board. The General Manager's letter stated:

"I have reviewed the entire record of the case, including the files, the transcript of the hearing, the findings and recommendation of the Personnel Security Board and the briefs filed by Dr. Oppenheimer's attorneys on May 17, 1954, and June 7, 1954, and have reached the conclusion that to reinstate the security clearance of Dr. Oppenheimer would not be clearly consistent with the interests of national security and would endanger the common defense and security."

In addition, Mr. Nichols stated:

"In regard to Dr. Oppenheimer's net worth to atomic energy projects, I believe, first, that through World War II he was of tremendous value and absolutely essential. Secondly, I believe that since World War II his value to the Atomic Energy Commission as a scientist or as a consultant has

declined because of the rise in competence and skill of other scientists and because of his loss of scientific objectivity probably resulting from the diversion of his efforts to political fields and matters not purely scientific in nature. Further, it should be pointed out that in the past two years since he has ceased to be a member of the General Advisory Committee, his services have been utilized by the Atomic Energy Commission on the following occasions only:

October 16 and 17, 1952

September 1 and 2, 1953

September 21 and 22, 1953

"I doubt that the Atomic Energy Commission, even if the question of his security clearance had not arisen, would have utilized his services to a markedly greater extent during the next few years Dr. Oppenheimer is far from being indispensable Dr. Oppenheimer's clearance should not be reinstated."

On June 28, 1954, the question of the clearance of Dr. Oppenheimer was presented to the Commission and by a vote of four to one it was decided that clearance should be denied him.

My vote was to sustain the recommendations of the Gray Board and the General Manager for the following reasons:

1. I have had no personal associations with Dr. Oppenheimer and no personal knowledge as to his contributions to the Atomic Energy Program. Neither do I have any personal knowledge as to his character, loyalty and associations.

The responsibility of a Commissioner of the Atomic Energy Commission in a proceeding of this type is, in my view, an appellate responsibility.

2. Having examined the transcript of the hearings, it is established that Dr. Oppenheimer had an opportunity prior to the hearings to challenge the members of the board and did not choose to do so. At all times, Dr. Oppenheimer was represented by four attorneys. At no time during the course of the hearings has the integrity, honesty and impartiality of any of the board members been subject to challenge by any parties to the proceedings. Dr. Oppenheimer, through his counsel, had had the opportunity to produce any witnesses he desired to call on his behalf. Through his counsel he had opportunity to cross-examine any persons who testified on items which he might have considered to be of a derogatory nature. Ample opportunity was given to Dr. Oppenheimer's counsel to present their case. In fact, extensions and delays were granted, which by some might be considered unreasonable, so that there can be no possibility that there was any pressure of time in the presentation of the information which Dr. Oppenheimer desired to place before the board.

3. From an examination of the transcript and from the report, both majority and minority of the Board, it is evident that the members of the Board were fully aware of the criteria which had been established by the Atomic Energy Commission

and by the various Executive Orders and Public Laws relative to the clearance of individuals for classified work. At no time was any question raised by any party to the proceedings as to the competence of the Board insofar as its knowledge of the criteria and procedures under which the hearing was being conducted.

4. I have carefully studied the recommendations of the General Manager and have concluded that from the presentation of the testimony before the Personnel Security Board and the information made available to the parties in the proceedings from the investigative files, the General Manager has arrived at the only possible conclusion available to a reasonable and prudent man.

The finding, by the General Manager, that the services of Dr. Oppenheimer are not indispensable to the atomic energy program, is compelling.

5. I have read the brief submitted by counsel for Dr. Oppenheimer to the Atomic Energy Commission and though this brief is argumentative and perhaps persuasive to some, it contains no new evidence and it does not directly or indirectly charge that Dr. Oppenheimer has been unfairly treated or deprived of a full and complete opportunity to make the best possible presentation available in his defense.

(I neither concur nor dissent from the findings of the Personnel Security Board and the General Manager relating to the allegation that Dr. Oppenheimer initially opposed and later declined to cooperate in the program for the development of thermonuclear weapons. It is my view that the opinions and judgments of Dr. Oppenheimer on this subject were not relevant to the inquiry. I, therefore, have made my determination as to Dr. Oppenheimer's fitness for continued employment upon other evidence and testimony presented which bears on his loyalty, character and associations.)

CONCLUSION

I conclude, therefore, that serious charges were brought against Dr. Oppenheimer; that he was afforded every opportunity to refute them; that a board was appointed, composed of men of the highest honor and integrity, and that in their majority opinion Dr. Oppenheimer did not refute the serious charges which faced him; that the record was reviewed by the General Manager, keenly aware of his serious responsibility in this matter, and that he concurred, and even strengthened the findings of the Personnel Security Board.

If the security system of the United States government is to be successfully operated, the recommendations of Personnel Security Boards must be honored in the absence of compelling circumstances. If the General Manager of the Atomic Energy Commission is to function properly, his decisions must be upheld unless there can be shown new evidence, violations of procedures or other substantial reasons why they should be reversed.

Therefore, I voted to reaffirm the majority recommendation of the Personnel Security Board and to uphold the decision of the General Manager. Clearance should be denied to Dr. Oppenheimer.

CONCURRING OPINION OF COMMISSIONER THOMAS E. MURRAY

I concur in the conclusion of the majority of the Commission that Dr. J. Robert Oppenheimer's access to restricted data should be denied. However, I have reached this conclusion by my own reasoning which does not coincide with the majority of the Commission. Therefore, I submit my separate opinion.

In my opinion the Personnel Security Board report and the recommendations of the General Manager as well as the majority opinion do not correctly interpret the evidence in the case. They do not make sharply enough certain necessary distinctions. They do not do justice to certain important principles. What is more important they do not meet squarely the primary issue which the case raises.

The primary issue is the meaning of loyalty. I shall define this concept concretely within the conditions created by the present crisis of national and international security. When loyalty is thus concretely defined and when all the evidence is carefully considered in the light of this definition, it will be evident that Dr. Oppenheimer was disloyal.

There is a preliminary question. It concerns Dr. Oppenheimer's opposition to the hydrogen bomb program and his influence on the development of the program. On this count I do not find evidence that would warrant the denial to Dr. Oppenheimer of a security clearance.

I find that the record clearly proves that Dr. Oppenheimer's judgment was in error in several respects. It may well be that the security interests of the United States were adversely affected in consequence of his judgment. But it would be unwise, unjust, and dangerous to admit, as a principle, that errors of judgment, especially in complicated situations, can furnish valid grounds for later indictments of a man's loyalty, character, or status as a security risk. It has happened before in the long history of the United States that the national interests were damaged by errors of judgment committed by Americans in positions of responsibility. But these men did not for this reason cease to merit the trust of their country.

Dr. Oppenheimer advanced technical and political reasons for his attitude to the hydrogen bomb program. In both respects he has been proved wrong; nothing further need be said.

He also advanced moral reasons. Here two comments are necessary. First, in deciding matters of national policy, it is imperative that the views of experts should always be carefully weighed and never barred from discussion or treated lightly. However, Dr. Oppenheimer's opinions in the field of morality possess no special authority. Second, even though Dr. Oppenheimer is not an expert in morality, he was quite right in advancing moral reasons for his attitude to the hydrogen bomb program. The scientist is a man before he is a technician. Like every man, he ought to be alert to the moral issues that arise in the course of his work. This alertness is part of his general human and civic responsibilities, which go beyond his responsibilities as a scientist. When he has moral doubts, he has a right to voice them. Furthermore, it must be firmly maintained, as a principle both of justice and of religious freedom, that opposition to Governmental policies, based on sincerely held moral opinions, need not make a man a security risk.

The issue of Dr. Oppenheimer's lack of enthusiasm for the hydrogen bomb program has been raised; so too has the issue of his failure to communicate to other scientists his abandonment of his earlier opposition to the program. Here an important distinction is in order. Government may command a citizen's service in the national interest. But government cannot command a citizen's enthusiasm for any particular program or policy projected in the national interests. The citizen remains free to be enthusiastic or not at the impulse of his own inner convictions. These convictions remain always immune from governmental judgment or control. Lack of enthusiasm is not a justifiable matter.

The point that I shall later make in another connection is pertinent here. The crisis in which we live, and the security regulations which it has rendered necessary in the interests of the common good, have made it difficult to insure that justice is done to the individual. In this situation it is more than ever necessary to protect at every point the distinction between the external forum of action and omission, and the internal forum of thought and belief. A man's service to his country may come under judgment; it lies in the external forum. A man's enthusiasm for service, or his lack of it, do not come under judgment; they are related to the internal forum of belief, and are therefore remote from all the agencies of law.

The citizen's duty remains always that of reasonable service, just as the citizen's right remains always that of free opinion. There is no requirement, inherent in the idea of civic duty, that would oblige a man to show enthusiasm for particular governmental policies, or to use his influence in their favor, against his own convictions; just as there is no permission, inherent in the idea of intellectual freedom, that would allow a man to block established governmental policies, against the considered judgment of their responsible authors.

The conclusion is that the evidence with regard to Dr. Oppenheimer's attitude toward the hydrogen bomb program, when it is rightly interpreted in the light of sound democratic principles, does not warrant the denial to Dr. Oppenheimer of a security clearance.

The primary question concerns Dr. Oppenheimer's loyalty. This idea must be carefully defined, first, in general, and second, in concrete and contemporary terms.

The idea of loyalty has emotional connotations; it is related to the idea of love, a man's love of his country. However, the substance of loyalty does not reside solely in feeling or sentiment. It cannot be defined solely in terms of love.

The English word "loyal" comes to us from the latin adjective "legalis", which means "according to the law". In its substance the idea of loyalty is related to the idea of law. To be loyal, in Webster's definition, is to be "faithful to the lawful government or to the sovereign to whom one is subject". This faithfulness is a matter of obligation; it is a duty owed. The root of the obligation and duty is the lawfulness of the government, rationally recognized and freely accepted by the citizens.

The American citizen recognizes that his government, for all its imperfections, is a government under law, of law, by law; therefore he is loyal to it. Furthermore, he recognizes that his government, because it is lawful, has the right

and the responsibility to protect itself against the action of those who would subvert it. The cooperative effort of the citizen with the rightful action of American government in its discharge of this primary responsibility also belongs to the very substance of American loyalty. This is the crucial principle in the present case.

This general definition of loyalty assumes a sharper meaning within the special conditions of the present crisis. The premise of the concrete, contemporary definition of loyalty is the fact of the Communist conspiracy. Revolutionary Communism has emerged as a world power seeking domination of all mankind. It attacks the whole idea of a social order based upon freedom and justice in the sense in which the liberal tradition of the West has understood these ideas. Moreover, it operates with a new technique of aggression; it has elaborated a new formula for power. It uses all the methods proper to conspiracy, the methods of infiltration and intrigue, of deceit and duplicity, of falsehood and connivance. These are the chosen methods whereby it steadily seeks to undermine, from within, the lawful governments and communities of the free world.

The fact of the Communist conspiracy has put to American government and to the American people a special problem. It is the problem of protecting the national security, internal and external; against the insidious attack of its Communist enemy. On the domestic front this problem has been met by the erection of a system of laws and executive orders designed to protect the lawful government of the United States against the hidden machinery of subversion.

The American citizen in private life, the man who is not engaged in governmental service, is not bound by the requirements of the security system. However, those American citizens who have the privilege of participating in the operations of government, especially in sensitive agencies, are necessarily subject to this special system of law. Consequently, their faithfulness to the lawful government of the United States, that is to say their loyalty, must be judged by the standard of their obedience to security regulations. Dr. Oppenheimer was subject to the security system which applies to those engaged in the atomic energy program. The measure of his obedience to the requirements of this system is the decisive measure of his loyalty to his lawful government. No lesser test will settle the question of his loyalty.

In order to clarify this issue of the meaning of loyalty, the following considerations are necessary. First, the Atomic Energy program is absolutely vital to the survival of the nation. Therefore the security regulations which surround it are intentionally severe. No violations can be countenanced. Moreover, the necessity for exact fidelity to these regulations increases as an individual operates in more and more sensitive and secret areas of the program. Where responsibility is highest, fidelity should be most perfect.

Second, this security system is not perfect in its structure or in its mode of operation. Perfection would be impossible. We are still relatively unskilled in the methods whereby we may effectively block the conspiratorial efforts of the Communist enemy without damage to our own principles. Moreover, the operation of the system is in the hands of fallible men. It is therefore right and necessary that the system should be under constant scrutiny. Those who are affected

by the system have a particular right to criticize it. But they have no right to defy or disregard it.

Third, the premise of the security system is not a dogma but a fact, the fact of the Communist conspiracy. The system itself is only a structure of law, not a set of truths. Therefore this system of law is not, and must not be allowed to become, a form of thought control. It restricts the freedom of association of the governmental employee who is subject to it. It restricts his movements and activities. It restricts his freedom of utterance in matters of security import, not in other matters. It restricts his freedom of personal and family life. It makes special demands on his character, moral virtue, and spirit of sacrifice. But no part of the security system imposes any restrictions on his mind. No law or executive order inhibits the freedom of the mind to search for the truth in all the great issues that today confront the political and moral intelligence of America. In particular, no security regulations set any limits to the free-ranging scientific intelligence in its search for the truths of nature and for the techniques of power over nature. If they were to do so, the result would be disastrous; for the freedom of science is more than ever essential to the freedom of the American people.

Fourth, the preservation of the ordered freedom of American life requires the cooperation of all American citizens with their government. The indispensable condition of this cooperation is a spirit of mutual trust and confidence. This trust and confidence must in a special sense obtain between governmental officials and scientists; for their partnership in the atomic energy program and in other programs is absolutely essential to the security interests of the United States. It would be lamentable if conscientious enforcement of security regulations were to become a danger to the atmosphere of trust and confidence which alone can sustain this partnership. In order to avert this danger, there must be on the part of government a constant concern for justice to the individual together with a concern for the high interests of the national community. On the part of scientists there should be a generous disposition to endure with patient understanding the distasteful restrictions which the security system imposes on them.

Finally, it is essential that in the operation of the security system every effort should be made to safeguard the principle that no American citizen is to be penalized for anything except action or omission contrary to the well-defined interests of the United States. However, stringent the need for a security system, the system cannot be allowed to introduce into American jurisprudence that hateful concept, the "crime of opinion". The very security of America importantly lies in the steady guarantee, even in a time of crisis, of the citizen's right to freedom of opinion and of honest and responsible utterance. The present time of crisis intensifies the civic duty of obedience to the lawful government in the crucial area of security regulations. But it does not justify abridgment of the civic right of dissent. Government may penalize disobedience in action or omission. It may not penalize dissent in thought and utterance.

When all these distinctions and qualifications have been made, the fact remains that the existence of the security regulations which surround the atomic energy program puts to those who participate in the program a stern test of loyalty.

Dr. Oppenheimer failed the test. The record of his actions reveals a frequent and deliberate disregard of those security regulations which restrict a man's associations. He was engaged in a highly delicate area of security; within this area he occupied a most sensitive position. The requirement that a man in this

position should relinquish the right to the complete freedom of association that would be his in other circumstances is altogether a reasonable and necessary requirement. The exact observance of this requirement is in all cases essential to the integrity of the security system. It was particularly essential in the case of Dr. Oppenheimer.

It will not do to plead that Dr. Oppenheimer revealed no secrets to the Communists and fellow-travellers with whom he chose to associate. What is incompatible with obedience to the laws of security is the associations themselves, however innocent in fact. Dr. Oppenheimer was not faithful to the restrictions on the associations of those who come under the security regulations.

There is a further consideration, not unrelated to the foregoing. Those who stand within the security system are not free to refuse their cooperation with the workings of the system, much less to confuse or obstruct them, especially by falsifications and fabrications. It is their duty, at times an unpleasant duty, to cooperate with the governmental officials who are charged with the enforcement of security regulations. This cooperation should be active and honest. If this manner of cooperation is not forthcoming, the security system itself, and therefore the interests of the United States which it protects, inevitably suffer. The record proves Dr. Oppenheimer to have been seriously deficient in his cooperation with the workings of the security system. This defect too is a defect of loyalty to the lawful government in its reasonable efforts to preserve itself in its constitutional existence. No matter how high a man stands in the service of his country he still stands under the law. To permit a man in a position of the highest trust to set himself above any of the laws of security would be to invite the destruction of the whole security system.

In conclusion, the principle that has already been stated must be recalled for the sake of emphasis. In proportion as a man is charged with more and more critical responsibilities, the more urgent becomes the need for that full and exact fidelity to the special demands of security laws which in this overshadowed day goes by the name of loyalty. So too does the need for cooperation with responsible security officers.

Dr. Oppenheimer occupied a position of paramount importance; his relation to the security interests of the United States was the most intimate possible one. It was reasonable to expect that he would manifest the measure of cooperation appropriate to his responsibilities. He did not do so. It was reasonable to expect that he would be particularly scrupulous in his fidelity to security regulations. These regulations are the special test of the loyalty of the American citizen who serves his government in the sensitive area of the atomic energy program. Dr. Oppenheimer did not meet this decisive test. He was disloyal.

I conclude that Dr. Oppenheimer's access to restricted data should be denied.

June 29, 1954

Thomas E. Murray, Commissioner

DISSENTING OPINION OF HENRY DeWOLF SMYTH

I dissent from the action of the Atomic Energy Commission in the matter of Dr. J. Robert Oppenheimer. I agree with the "clear conclusion" of the Gray Board that he is completely loyal and I do not believe he is a security risk. It is my opinion that his clearance for access to restricted data should be restored.

In a case such as this, the Commission is required to look into the future. It must determine whether Dr. Oppenheimer's continued employment by the Government of the United States is in the interests of the people of the United States. This prediction must balance his potential contribution to the positive strength of the country against the possible danger that he may weaken the country by allowing important secrets to reach our enemies.

Since Dr. Oppenheimer is one of the most knowledgeable and lucid physicists we have, his services could be of great value to the country in the future. Therefore, the only question being determined by the Atomic Energy Commission is whether there is a possibility that Dr. Oppenheimer will intentionally or unintentionally reveal secret information to persons who should not have it. To me, this is what is meant within our security system by the term "security risk". Character and associations are important only insofar as they bear on the possibility that secret information will be improperly revealed.

In my opinion the most important evidence in this regard is the fact that there is no indication in the entire record that Dr. Oppenheimer has ever divulged any secret information. The past fifteen years of his life have been investigated and re-investigated. For much of the last eleven years he has been under actual surveillance, his movements watched, his conversations noted, his mail and telephone calls checked. This professional review of his actions has been supplemented by enthusiastic amateur help from powerful personal enemies.

After reviewing the massive dossier and after hearing some forty witnesses, the Gray Board reported on May 27, 1954, that Dr. Oppenheimer "seems to have had a high degree of discretion reflecting an unusual ability to keep to himself vital secrets." My own careful reading of the complete dossier and of the testimony leads me to agree with the Gray Board on this point. I am confident that Dr. Oppenheimer will continue to keep to himself all the secrets with which he is entrusted. The most important allegations of the General Manager's letter of December 23 related to Dr. Oppenheimer's conduct in the so-called H-Bomb Program. I am not surprised to find that the evidence does not support these allegations in any way. The history of Dr. Oppenheimer's contributions to the development of nuclear weapons stands untarnished.

It is clear that Dr. Oppenheimer's past associations and activities are not newly discovered in any substantial sense. They have been known for years to responsible authorities who have never been persuaded that they rendered Dr. Oppenheimer unfit for public service. Many of the country's outstanding men have expressed their faith in his integrity.

In spite of all this, the majority of the Commission now concludes that Dr. Oppenheimer is a security risk. I cannot accept this conclusion or the fear behind it. In my opinion the conclusion cannot be supported by a fair evaluation of the evidence.

Those who do not accept this view cull from the record of Dr. Oppenheimer's active life over the past fifteen years incidents which they construe as "proof of fundamental defects in his character" and as alarming associations. I shall summarize the evidence on these incidents in order that their proper significance may be seen.

Chevalier Incident. The most disturbing incidents of his past are those connected with Haakon Chevalier. In late 1942 or early 1943, Chevalier was asked by George Eltenton to approach Dr. Oppenheimer to see whether he would be willing to make technical information available for the Soviet Union. When Chevalier spoke to Dr. Oppenheimer he was answered by a flat refusal. The incident came to light when Dr. Oppenheimer, of his own accord, reported it to Colonel Pash in August, 1943. He did not at that time give Chevalier's name and said that there had been three approaches rather than one. Shortly thereafter, in early September, Dr. Oppenheimer told General Groves that, if ordered, he would reveal the name. Not until December, 1943, did General Groves direct him to give the name. It is his testimony that he then told General Groves that the earlier story concerning three approaches had been a "cock and bull story." Not until 1946 were Eltenton, Chevalier and Dr. Oppenheimer himself interviewed by security officers in this matter. When interviewed by the FBI in 1946, Dr. Oppenheimer recounted the same story of the incident which he has consistently maintained ever since. He stated explicitly in 1946 that the story told to Colonel Pash in 1943 had been a fabrication. In the present hearings before the Gray Board he testified, before the recording of the Pash interview was produced, that the story told to Colonel Pash was a fabrication to protect his friend Chevalier. The letter which he wrote Chevalier in February, 1950, concerning Chevalier's role in the 1943 incident, stated only what Dr. Oppenheimer has consistently maintained to the FBI and to the Gray Board concerning Chevalier's lack of awareness of the significance of what he was doing.

The Chevalier incident involved temporary concealment of an espionage attempt and admitted lying, and is inexcusable. But that was eleven years ago; there is no subsequent act even faintly similar; Dr. Oppenheimer has repeatedly expressed his shame and regret and has stated flatly that he would never again so act. My conclusion is that Mr. Hartley Rowe, who testified, "I think a man of Dr. Oppenheimer's character is not going to make the same mistake twice."

Dr. Oppenheimer states that he still considers Chevalier his friend, although he sees him rarely. In 1950 just before Chevalier left this country to take up residence in France, he visited Dr. Oppenheimer for two days in Princeton; in December, 1953, Dr. Oppenheimer visited with the Chevaliers in Paris at their invitation. These isolated visits may have been unwise, but there is no evidence that they had any security significance. Chevalier was not sought out by Dr. Oppenheimer in Paris but, rather, the meeting was proposed by the Chevaliers in a letter to Mrs. Oppenheimer. The contact consisted of a dinner and, on the

following day, driving with Chevalier to meet Andre Malraux, the famous French literary figure for whom Chevalier was a translator. Malraux in the later years of his political life has been an active anti-Communist advisor to General DeGaulle. These short visits were followed two months later by Chevalier's use of Dr. Oppenheimer's name in connection with clearance for employment by UNESCO. Dr. Oppenheimer's action in this matter seems quite correct. When Chevalier mentioned the problem, Dr. Oppenheimer suggested that the proper place for advice was the American Embassy and that Dr. Geoffrey Wyman, the Scientific Attache, might be in a position to give the advice. Before seeing Chevalier, Dr. Oppenheimer had lunched at the Embassy with Dr. Wyman, a former classmate, but it is clear from Dr. Wyman's affidavit in the record that Dr. Oppenheimer did not at that time or later mention or indorse Chevalier.

Associations. It is stated that a persistent and continuing association with communists and fellow travelers is part of a pattern in Dr. Oppenheimer's actions which indicates a disregard of the obligations of security. On examination, the record shows that, since the war, beyond the two visits with the Chevaliers, Dr. Oppenheimer's associations with such persons have been limited and infrequent. He sees his brother, Frank Oppenheimer (an admitted former Communist who left the party in 1941) not "much more than once a year" and then only for "an evening together." By chance, while returning from the barber, he ran into Lomanitz and Bohm on the streets of Princeton in May 1949. Dr. Peters called on him once to discuss testimony given by Dr. Oppenheimer before the House Committee on Un-American Activities. He has seen Bohm and one or two other former students at meetings of professional groups. I find nothing in the foregoing to substantiate the charge that Dr. Oppenheimer has had a "persistent and continuing" association with subversive individuals. These are nothing more than occasional incidents in a complex life, and they were not sought by Dr. Oppenheimer.

Significance has been read into these occasional encounters in the light of Dr. Oppenheimer's activities prior to 1943.

The Gray Board found that he was an active fellow traveler, but that there was no evidence that he was a member of the party in the strict sense of the word. Dr. Oppenheimer's consistent testimony, and the burden of the evidence, shows that his financial contributions in the 1930's and early 1940's were directed to specific causes such as the Spanish Loyalists, even though they may have gone through individual communists.

The Communists with whom he was deeply involved were all related to him by personal ties: his brother and sister-in-law, his wife (who had left the party before their marriage), and his former fiancée, Jean Tatlock. Finally, while there are self-serving claims by Communists on record as to Dr. Oppenheimer's adherence to the party, none of these is attributed to Communists who actually knew him, and Steve Nelson (who did know him) described him in a statement to another Communist as not a Marxist. The evidence supports Dr. Oppenheimer's consistent denial that he was ever a Communist.

Dr. Oppenheimer has been repeatedly interrogated from 1943 on concerning his associations and activities. Beyond the one admitted falsehood told in the Chevalier incident, the voluminous record shows a few contradictions between

statements purportedly made in 1943 and subsequent recollections during interrogations in 1950 and 1954. The charges of falsehood concerning Weinberg and Lambert relate to such contradictions, and are dependent on a garbled transcript. In my opinion, these contradictions have been given undue significance.

Peters Letter. I find it difficult to conclude that the letter written by Dr. Oppenheimer in 1949 following his testimony about Dr. Bernard Peters before a Congressional Committee is evidence of any fault in character. This carefully composed letter, a copy of which was sent to the Congressional Committee, was not an attempt to repudiate the testimony relating to Dr. Peters' background but, rather, was a manifestation of a belief that political views should not disqualify a scientist from a teaching job. He was led to this action by the protests of Dr. Bethe, Dr. Weisskopf, and Dr. Peters himself, and of Dr. Condon, and by the "overwhelming belief of the community in which I lived that a man like that ought not be fired either for his past or for his views, unless the past is criminal or the views led him to wicked actions." One might disagree with this belief without taking it as evidence of untrustworthiness.

Lomanitz deferment. It is clear that in cross-examination in 1954, Dr. Oppenheimer was led into contradictions concerning the induction into the army of Rossi Lomanitz in 1943. These contradictions, understandable as errors of memory, are serious only if Dr. Oppenheimer's behavior at that time was improper. Actually, Dr. Oppenheimer's letter to Colonel Lansdale in 1943 says: "Since I am not in possession of the facts which led to Mr. Lomanitz's induction, I am, of course, not able to indorse this request in an absolute way. I can, however, say that Mr. Lomanitz's competence and his past experience on the work in Berkeley should make him a man of real value whose technical service we should make every effort to secure for the project." The letter was sent to Colonel Lansdale, the man to whom Dr. Oppenheimer had given information on Lomanitz's Communist affiliation and the man who had told Dr. Oppenheimer that Lomanitz had been indiscreet with information.

Obstruction of Security Officers. The majority opinion cites the Chevalier incident as an instance of obstruction of security officers and states without specification that there are other instances. I have sought to identify these other instances. The only instance I have found is a refusal by Dr. Oppenheimer in 1950 to answer FBI questions about Dr. Thomas Addis and Dr. Jean Tatlock on the ground that they were dead and could not defend themselves. This reticence to discuss the activities of a friend and of a former fiancée years after their deaths may have been an error. But in the circumstances, it seems understandable hesitation, and does not indicate a persistent "willful disregard" of security.

Seaborg Letter. Before the October 1949 meeting of the General Advisory Committee at which the H-bomb program was discussed, Dr. Seaborg, a member of the General Advisory Committee who was unable to be present, sent Dr. Oppenheimer a letter on the topics to be discussed. In Dr. Oppenheimer's letter to the Commission reporting the unanimous view of the eight members present at the General Advisory Committee meeting, there is no mention of Dr. Seaborg's views. It is hard to see how Dr. Oppenheimer could have forgotten the letter, but it is still harder to see what purpose he could have hoped to achieve by intentionally suppressing it--and then turning it over to the Commission in his files. At the next meeting

of the General Advisory Committee in December, 1949, the action of the October meeting was reviewed, and the minutes show that Dr. Seaborg raised no objection. It seems likely that Dr. Seaborg himself did not consider that he had expressed any formal conclusions. His letter of October 14, 1949, opens as follows:

"I will try to give you my thoughts for what they may be worth regarding the next GAC meeting, but I am afraid that there may be more questions than answers....It seems to me that conclusions will be reached, if at all, only after a large amount of give and take discussion at the GAC meeting."

The instances that I have described constitute the whole of the evidence extracted from a lengthy record to support the severe conclusions of the majority that Dr. Oppenheimer has "given proof of fundamental defects in his character" and of "persistent continuing associations." Any implication that these are illustrations only and that further substantial evidence exists in the investigative files to support these charges is unfounded.

With the single exception of the Chevalier incident, the evidence relied upon is thin, whether individual instances are considered separately or in combination. All added together, with the Chevalier incident included, the evidence is singularly unimpressive when viewed in the perspective of the fifteen years of active life from which it is drawn. Few men could survive such a period of investigation and interrogation without having many of their actions misinterpreted or misunderstood.

To be effective a security system must be realistic. In the words of the Atomic Energy Commission Security Criteria:

"The facts of each case must be carefully weighed and determination made in the light of all the information presented whether favorable or unfavorable. The judgment of responsible persons as to the integrity of the individuals should be considered. The decision as to security clearance is an over-all, common-sense judgment, made after consideration of all the relevant information as to whether or not there is risk that the granting of security clearance would endanger the common defense or security."

Application of this standard of over-all common-sense judgment to the whole record destroys any pattern of suspicious conduct or catalog of falsehoods and evasions, and leaves a picture of Dr. Oppenheimer as an able, imaginative human being with normal human weaknesses and failings. In my opinion the conclusion drawn by the majority from the evidence is so extreme as to endanger the security system.

If one starts with the assumption that Dr. Oppenheimer is disloyal, the incidents which I have recounted may arouse suspicion. However, if the entire record is read objectively, Dr. Oppenheimer's loyalty and trustworthiness emerge clearly and the various disturbing incidents are shown in their proper light as understandable and unimportant.

The "Chevalier incident" remains reprehensible; but in fairness and on all of the evidence, this one admitted and regretted mistake made many years ago

does not predominate in my overall judgment of Dr. Oppenheimer's character and reliability. Unless one confuses a manner of expression with candor, or errors in recollection with lack of veracity, Dr. Oppenheimer's testimony before the Gray Board has the ring of honesty. I urge thoughtful citizens to examine this testimony for themselves, and not be content with summaries or with extracts quoted out of context.

With respect to the alleged disregard of the security system, I would suggest that the system itself is nothing to worship. It is a necessary means to an end. Its sole purpose, apart from the prevention of sabotage, is to protect secrets. If a man protects the secrets he has in his hands and his head, he has shown essential regard for the security system.

In addition, cooperation with security officials in their legitimate activities is to be expected of private citizens and government employees. The security system has, however, neither the responsibility nor the right to dictate every detail of a man's life. I frankly do not understand the charge made by the majority that Dr. Oppenheimer has shown a persistent and willful disregard for the obligations of security, and that therefore he should be declared a security risk. No gymnastics of rationalization allow me to accept this argument. If in any recent instances, Dr. Oppenheimer has misunderstood his obligation to security, the error is occasion for reproof but not for a finding that he should be debarred from serving his country. Such a finding extends the concept of "security risk" beyond its legitimate justification and constitutes a dangerous precedent.

In these times, failure to employ a man of great talents may impair the strength and power of this country. Yet I would accept this loss if I doubted the loyalty of Dr. Oppenheimer or his ability to hold his tongue. I have no such doubts.

I conclude that Dr. Oppenheimer's employment "will not endanger the common defense and security" and will be "clearly consistent with the interests of the national security." I prefer the positive statement that Dr. Oppenheimer's further employment will continue to strengthen the United States.

I therefore have voted to reinstate Dr. Oppenheimer's clearance.

June 29, 1954

Dr. Henry D. Smyth, Commissioner

Appendix E




The Secretary of Energy

Washington, DC 20585

December 16, 2022

SECRETARIAL ORDER

FROM: JENNIFER M. GRANHOLM 

SUBJECT: VACATING 1954 ATOMIC ENERGY COMMISSION DECISION: *IN THE MATTER OF J. ROBERT OPPENHEIMER*

BACKGROUND

In June 1954 the Atomic Energy Commission (AEC) revoked Dr. J. Robert Oppenheimer's security clearance. Over the prior decade, Dr. Oppenheimer had served as Director of the Los Alamos National Laboratory and as Chairman of the General Advisory Committee to the AEC. In his years of public service, Dr. Oppenheimer had perhaps more access to information about U.S. nuclear weapons programs than any other individual in the government. And yet, in reaching its decision on his clearance, the AEC did not claim that Dr. Oppenheimer had ever divulged or mishandled classified information. Nor did it question his loyalty to the United States. Rather, the AEC based its decision on the conclusion that there were "fundamental defects" in Dr. Oppenheimer's character.

When informed by the AEC in December 1953 that his eligibility for access to restricted data had been conditionally suspended, Dr. Oppenheimer requested a hearing, no doubt trusting that a fair process would clear his name. Ultimately, the proceeding went through three layers of review within the AEC. First, pursuant to the AEC's security clearance regulations at the time, the AEC convened a three-member Personnel Security Board to adjudicate Dr. Oppenheimer's clearance. On May 27, 1954, by a 2-1 vote, the Personnel Security Board recommended to the General Manager of the AEC that Dr. Oppenheimer's clearance not be reinstated. The Personnel Security Board issued a report outlining the basis for its decision. The Personnel Security Board found "no evidence of disloyalty" and "much responsible and positive evidence of the loyalty and love of country of the individual concerned."¹ Nevertheless, the Personnel Security Board based its recommendation on its appraisal of Dr. Oppenheimer's past associations (which had already been examined when Dr. Oppenheimer's clearance was renewed in 1947) and on a finding that if Dr. Oppenheimer had not opposed the development of the hydrogen bomb, "the project would have been pursued with considerably more vigor, thus increasing the possibility of earlier success in this field."²

¹ Atomic Energy Commission, *In the Matter of J. Robert Oppenheimer: Texts of Principal Documents and Letters of Personnel Security Board, General Manager, and Commissioners*, May 27, 1954, through June 29, 1954, at 13 (1954).

² *Id.*

Next, the General Manager of the AEC referred the matter to the full Commission with a detailed letter of his own recommending affirmance. Although the General Manager recommended affirmance of the Personnel Security Board, he did so based on reasons that diverged from those offered by the Board. On the factor central to the Personnel Security Board's decision, the General Manager found that "the evidence establishes no sinister motives on the part of Dr. Oppenheimer in his attitude on the hydrogen bomb."³ Instead, the General Manager's letter focused on Dr. Oppenheimer's past candor regarding his associations, and on the associations themselves. Notably, however, the General Manager's letter found "no direct evidence that Dr. Oppenheimer gave secrets to a foreign nation or that he is disloyal to the United States."⁴ Third, and finally, on June 29, 1954, two days before the expiration of Dr. Oppenheimer's consulting contract, an event that would have rendered its decision moot, the AEC affirmed the Personnel Security Board's recommendation on a 4-1 vote, with a majority opinion that was based on the reasoning of the General Manager's letter.

The Department of Energy (DOE) is a successor agency to the AEC and inherited many of its functions including overseeing personnel security matters.⁵ In that capacity, DOE recently received requests from 43 U.S. Senators, the current and preceding directors of the Idaho National Laboratory, and all living directors of the Los Alamos National Laboratory to review the AEC's 1954 decision *In the Matter of J. Robert Oppenheimer*. I agree that this issue, while having been reviewed in the past, is worth reconsideration.

DISCUSSION

The reconsideration of an order of the AEC concerning an individual long-deceased is not something this Department has ever done and not something that would ordinarily be considered. And yet, the *Oppenheimer* matter was extraordinary in several respects that merit its reconsideration. The *Oppenheimer* matter concerned a man who, not long before, had played an indispensable and singular role in the war effort, a man whose loyalty and love of country were never seriously questioned. More troubling, historical evidence suggests that the decision to review Dr. Oppenheimer's clearance had less to do with a *bona fide* concern for the security of restricted data and more to do with a desire on the part of the political leadership of the AEC to discredit Dr. Oppenheimer in public debates over nuclear weapons policy. Such political motives must have no place in our personnel security process. For these reasons, I directed Departmental staff to review the *Oppenheimer* matter.

Among the most credible sources regarding the *Oppenheimer* matter were those produced by employees of the AEC itself. In 1959, an AEC attorney conducted an internal review that included legal analysis of the matter for the General Counsel of the AEC. After detailing numerous procedural flaws, the author of this review concluded that "the system failed . . . [and] that a

³ *Id.* at 47.

⁴ *Id.* at 45.

⁵ See 42 U.S.C. §§ 5814, 7151, 7293. See also *McDaniel v. Allied Signal, Inc.*, 896 F. Supp. 1482, 1490 n.20 (W.D. Mo. 1995) ("The delegation of power from the President to 'the Commissioners of the Atomic Energy Commission' (AEC) is now a grant to the Secretary of Energy, to whom the functions of the AEC Commissioners were transferred by Congress pursuant to 42 U.S.C. §§ 5814, 7151, 7293.").

substantial injustice was done to a loyal American.”⁶ Among the procedural flaws identified in the review was the fact “the Commission had before it recommendations [from the General Manager] which differed importantly in emphasis from the [Personnel Security Board] report, and indeed, introduced factors not theretofore considered by the [Personnel Security Board].”⁷ Accordingly, as per the review, the “unfairness to Oppenheimer’s attorneys is manifest. They were forced to write a review taking into consideration only the recommendations of the [Personnel Security Board].”⁸ In 1977, another former AEC lawyer, who had drafted the letter notifying Dr. Oppenheimer of the security charges against him and later recused himself from the case “for reasons of personal conscience,” reflected that “[n]ever before had an AEC security proceeding been launched with the predetermined objective of establishing that the individual concerned was a security risk.”⁹

Later, a book published in 1989 by historians who served at the AEC, Energy Research and Development Administration (ERDA), and DOE, reviewed the factual underpinnings of the case. This review was part of a robust effort that began in 1957 to trace the history of the Atomic Energy Commission, including seminal events such as the *Oppenheimer* hearing, and was supported by numerous chairmen of the AEC, administrators of ERDA, and secretaries of DOE. The historians had unfettered access to AEC documents, which served as the primary source material for the book. The historians concluded that the Commission “could not in good conscience say that Oppenheimer’s clearance would ‘endanger the national security’ or be inconsistent with the requirements of the security system.”¹⁰

These analyses, and the sources they drew upon, identified numerous irregularities in the *Oppenheimer* matter. Although many of the asserted flaws are difficult to evaluate from our standpoint of historical remove, two stand out as in clear conflict with the AEC’s rules in place at the time.

First, the Personnel Security Board did not comply with the requirements of the AEC’s Security Clearance Procedures regarding *ex parte* communications. The Security Clearance Procedures allowed the Personnel Security Board members to receive assistance in conducting a hearing, but expressly prohibited them from receiving assistance from any person who would “participate in the deliberations of the board” or who would express any “opinions to the Board concerning the merits of the case.”¹¹ Over the week prior to the hearing that commenced April 12, 1954, the

⁶ Memorandum from Jack Newman to L.K. Olson regarding “Analysis of the Oppenheimer Case,” at 44 (September 9, 1959) (National Archives) (“Newman Memo”).

⁷ *Id.* at 26.

⁸ *Id.*

⁹ Harold P. Green, *The Oppenheimer Case: A Study in the Abuse of Law*, 33 *Bulletin of Atomic Scientists* 12, at 14, 59 (Sept. 1977).

¹⁰ Richard G. Hewlett and Jack M. Holl, *Atoms for Peace and War 1953-1961: Eisenhower and the Atomic Energy Commission*, at 109 (1989).

¹¹ “When the nature of the case is complex or the Board desires assistance in conducting the hearing, the Manager should designate such person or persons to aid the Board as may be necessary. The person thus named shall not be a member of the Board, shall not participate in the deliberations of the Board, shall express no opinion to the Board concerning the merits of the case, but shall assist the Board in such manner as to bring out a full and complete disclosure of all facts having any bearing upon the issues before the Board.” Security Clearance Procedures § 4.15(o), 15 Fed. Reg. at 6243.

Personnel Security Board reviewed the facts of the case with the assistance of the very lawyers assigned to present the case for revoking Dr. Oppenheimer's security clearance, Roger Robb and Arthur Rolander.¹² In fact, the Personnel Security Board was informed by AEC's General Counsel, William Mitchell, that "Mr. Robb and Mr. Rolander had been assigned by the Commission to the Board full time for the purpose of assisting the Board in preparing for and conducting the hearing . . . and that they would be at the call of the Board during the first week, when the Board was reading the files."¹³ Neither Dr. Oppenheimer nor his counsel were allowed to be present during the discussions between the prosecuting team and the Personnel Security Board that occurred prior to the commencement of the Personnel Security Board hearing.¹⁴

Mr. Robb and Mr. Rolander's *ex parte* communications with the Personnel Security Board also continued after the initiation of the proceeding. Indeed, they were actively involved in the deliberations of the Personnel Security Board during the hearing,¹⁵ again without Dr. Oppenheimer's counsel present.

Mr. Robb and Mr. Rolander's actions violated the Security Clearance Procedures provisions regarding *ex parte* communication. Their actions also placed serious doubt on whether the Personnel Security Board complied with the AEC's rule prohibiting anyone from sitting on a case who had "prejudged the matter" or "who for bias or prejudice for any reason would be unable to render a fair and impartial recommendation."¹⁶

Second, the AEC did not provide Dr. Oppenheimer's counsel with an opportunity to rebut the letter presenting the General Manager's findings and recommendations, which was a critical document on which the AEC's own final decision was based. The Security Clearance Procedures stipulated that the General Manager of the AEC would "make a final determination from the entire record, accompanied by all recommendations, whether security clearance shall be granted or

¹² See e.g., in an April 12 memo to file, Rolander noted: "On April 8, 1954, Mr. Gordon Gray advised that he understood that Earl Browder and his wife were reported to have been house guests of Dr. Oppenheimer at Princeton. I told Mr. Gray that I was not aware of this allegation, that it was not reflected in AEC files on Dr. Oppenheimer, but that I would contact the FBI." Rolander later contacted Gray on April 9: "Mr. Gray was advised of the above information on April 9." Memorandum to File re: "J. Robert Oppenheimer Case", C.A. Rolander, Jr. (April 12, 1954) (National Archives).

¹³ Memorandum from William Mitchell to K.D. Nichols, May 7, 1954 (National Archives).

¹⁴ Dr. Oppenheimer's counsel, Lloyd Garrison, lamented this in his closing statements to the Personnel Security Board: "I remember a kind of sinking feeling that I had at that point – the thought of a week's immersion in FBI files which we would never have the privilege of seeing, and of coming to the hearings with that intense background study of the derogatory information." Transcript of Hearing before Personnel Security Board, April 12, 1954, through May 6, 1954, at 3244.

¹⁵ See e.g., Gordon Gray [Chairman of the PSB], Dwight D. Eisenhower Library Interview by Paul L. Hopper (March 7, 1967), at 202 ("At the end of the recess, on Monday, May 17, I met Mr. Morgan at the Raleigh Durham Airport . . . Mr. Morgan and I were amazed that afternoon to find that Dr. Evans clearly had undergone a complete reversal of view . . . Mr. Rolander and Mr. Robb both expressed amazement at this about-face."); Hewlett & Holl, *supra* note 10, at 101 ("[A]fter completing his work on the majority decision, Robb in turn assisted Evans in preparing his brief.")

¹⁶ "No person shall sit in a case as a member of a Personnel Security Board who has prejudged the matter, or who possesses information that would make it embarrassing to render an impartial recommendation, or who for bias or prejudice generated for any reason would be unable to render a fair and impartial recommendation." Security Clearance Procedures § 4.14(d), 15 Fed. Reg. at 6242.

denied.”¹⁷ The AEC deviated from this rule by reserving final judgment of the clearance determination for the Commissioners themselves. This would not have been objectionable had the AEC followed its own rule that provided the opportunity to respond to the General Manager’s findings and recommendations. The Security Clearance Procedures required that the individual “be furnished a copy of the Manager’s findings” and be informed “of his right to submit a brief in support of his contentions.”¹⁸ This right was not provided to Dr. Oppenheimer. Indeed, Dr. Oppenheimer and his counsel were not informed, until after the AEC reached its decision, that the General Manager had provided his own recommendation to the Commissioners.¹⁹

Depriving Dr. Oppenheimer’s counsel of the opportunity to address the General Manager’s findings and recommendations was particularly significant because the General Manager had departed in important ways from the conclusions of the Personnel Security Board, emphasizing different facts from the Personnel Security Board report and presenting certain new charges.²⁰ Dissenting Commissioner Henry D. Smyth made this point to his colleagues in a memo, stating: “I believe that the General Manager’s letter of findings and recommendations differs substantially in emphasis from the [Personnel Security Board] Report and even introduces some considerations that are not in that report . . . if we give Dr. Oppenheimer’s attorneys no opportunity to comment on the Nichols’ letter, we will be open to grave criticism when that letter is published.”²¹

CONCLUSION

The question of whether Dr. Oppenheimer, or any other individual of that time, ought to have been eligible for access to restricted data is not one that this Department can or should attempt to answer seventy years later. Security clearance adjudication proceedings necessarily depend on sensitive judgments regarding the credibility of oral testimony and other evidence best evaluated within its own context. Therefore, we will not reconsider the substantive merits of *In the Matter of J. Robert Oppenheimer*.

Nevertheless, even with the passage of time, we can say with confidence that, in conducting the *Oppenheimer* proceeding, the AEC failed to follow its own rules. We can also conclude that these failures were material to the fairness of the proceeding. There can be little question that allowing the lawyers charged with making the case for revocation to serve as assistants to the Board and to guide them through the documentary evidence for an entire week before the hearing may have colored the Board members’ perception of the issues and prevented them from entering the hearing with open minds. Further, when the matter proceeded to the AEC for final action, Dr.

¹⁷ Security Clearance Procedures § 4.18(j), 15 Fed. Reg. at 6244.

¹⁸ *Id.* § 4.18(c)(1).

¹⁹ See Responses by Lloyd Garrison to Various Questions Asked by Philip M. Stern *included in* Philip Stern, *The Oppenheimer Case: Security on Trial*, at 537 (1969) (“The [Nichols] memorandum was not made known to us until July . . . after the case was over.”)

²⁰ See *id.* (“If oral argument had been permitted, [the Nichols memorandum] . . . might have come to light, and we might then have had an opportunity to answer it. It constituted in effect a brief for the prosecution . . . it contained certain new charges that we had not had an opportunity to answer, and it appears to have been heavily relied upon by the majority of the Commissioners.”).

²¹ Commissioner Henry D. Smyth, Memorandum for the Chairman and Commissioners, June 21, 1954 (National Archives).

Oppenheimer's counsel was kept unaware of the actual findings and recommendations presented to the AEC by the General Manager, which differed substantially from those of the Personnel Security Board. By preventing its subject from addressing the charges made against him, the AEC undeniably compromised the effectiveness of its proceeding.

These failures warrant vacating the AEC's order and, in the case of an active clearance seeker, would warrant a new adjudication conducted in accordance with the applicable rules. In the case of Dr. Oppenheimer there will of course be no new adjudication. Vacatur of the AEC's 1954 decision *In the Matter of J. Robert Oppenheimer* will conclude the Department's actions in this matter.

Pursuant to the authority vested in the Secretary of Energy to carry out the functions of the Atomic Energy Commission, I hereby order that the decision rendered on June 29, 1954, *In The Matter of J. Robert Oppenheimer* be vacated.

* * *

When Dr. Oppenheimer died in 1967, Senator J. William Fulbright took to the Senate floor and said "Let us remember not only what his special genius did for us; let us also remember what we did to him." Today we remember how the United States government treated a man who served it with the highest distinction. We remember that political motives have no proper place in matters of personnel security. And we remember that living up to our ideals requires unerring attention to the fair and consistent application of our laws.

Jennifer M. Granholm