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UNITED STATES ATOMIC ENERGY COMMISSION

VOLUME III

In the Matter Of:

J. ROBERT OPPENHEIMER

Place - Washington, D. C.

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UNITED STATES ATOMIC ENERGY COMMISSION

PERSONNEL SECURITY BOARD

 In the Matter of :
 :
 J. ROBER TOPPENHEIMER :
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Room 2022,
 Atomic Energy Commission,
 Building T-3,
 Washington, D. C.

The above entitled matter came on for hearing,
 pursuant to recess, before the Board, at 9:30 a.m.

PERSONNEL SECURITY BOARD:

MR. GORDON GRAY, Chairman.
 DR. WARD V. EVANS, Member.
 MR. THOMAS A. MORGAN, Member.

PRESENT:

ROGER ROBB, and
 C. A. ROLANDER, JR., Counsel for the Board.

J. ROBERT OPPENHEIMER.
 LLOYD K. GARRISON,
 SAMUEL J. SILVERMAN, and
 ALLEN B. ECKER, Counsel for J. Robert Oppenheimer.
 HERBERT S. MARKS, Co-Counsel for J. Robert Oppenheimer,
 (Present for P.M. Session only.)

I N D E X

WITNESSES

	DIRECT	CROSS
J. ROBERT OPPENHEIMER	331 (Cont.)	355
	438 (Cont.)	464

P R O C E E D I N G S

MR. GRAY: The presentation will begin.

Whereupon,

J. ROBERT OPPENHEIMER

the witness on the stand at the time of taking the recess resumed the stand and testified further as follows:

DIRECT EXAMINATION (Cont.)

BY MR. GARRISON:

Q Dr. Oppenheimer, will you tell the Board something about your brother Frank, your relations with him?

A He was eight years my junior.

Q It was just you and Frank in the family?

A We were the only children. I think I was both an older brother and in some ways perhaps part of a father to him because of that age difference. We were close during our childhood, although the age gap made our interests different. We sailed together. We bicycled together. In 1929 we rented a little ranch up in the high mountains in New Mexico which we have had ever since, and we used to spend as much time there as we could in the summer. For my part that was partly for reasons of health, but it was also a very nice place.

My brother had learned to be a very expert flutist. I think he could have been a professional. He decided to study physics. Since I was a physicist this produced a kind of rivalry. He went abroad to study. He studied at Cambridge

and at Florence. He went to college before that at Johns Hopkins.

When he came back to this country, he did take his doctor's degree at the California Institute of Technology.

We were quite close, very fond of one another. He was not a very disciplined young man. I guess I was not either. He loved painting. He loved music. He was an expert horseman. We spent most of our time during the summer fiddling around with horses and fixing up the ranch.

In the very first year he had two young friends with him who were about his age, and I was the old man of the party. He read quite widely, but I am afraid very much as I did, Bellestres, poetry.

DR. EVANS: Was your father there at that time?

THE WITNESS: My father was alive. He did occasionally visit at the ranch. His heart was not very good. This is almost 10,000 feet high, so he did not spend much time there. We could not put him up. It was a very primitive sort of establishment. There was of course the tension which a very intimate family relation of this kind always involves, but there was great affection between us.

He worked fairly well at physics but he was slow. It took him a long time to get his doctor's degree. He was very much distracted by his other interests.

In 1936, I guess it was, he met his present wife

and married. I am not completely sure of the date, but I could check it. After that, a good deal of the warmth of our relations remained, but they were less intimate and occasionally perhaps somewhat more strained. His wife had, I think, some friends and connections with the radical circles in Berkeley. She was a student there. She had a very different background than Frank. She certainly interested him for the first time in politics and left wing things. It was a great bond between them.

As I wrote in my answer, not very long after their marriage they both joined the Communist Party.. This was in Pasadena. I don't know how long thereafter, but not very long thereafter, Frank came to Berkeley and told me of this. We continued to be close as brothers are, but not as it had been before his marriage.

He once asked me and another fellow to come visit one of the meetings that he had in his house, which was a Communist Party meeting. It is, I think, the only thing recognizable to me as a Communist Party meeting that I have ever attended.

MR. ROBB: I am sorry. Could we go back to where the Doctor said he once asked me. I did not get the rest of the words.

THE WITNESS: And another fellow. I would be glad to identify him, but he is not alive and not involved in the

case.

BY MR. GARRISON:

Q This was a professor?

MR. ROBB: Was that Dr. Addis?

THE WITNESS: No. This was Calvin Bridges, a geneticist at Cal Tech, and a very distinguished man, not a Communist as far as I know.

DR. EVANS: This was not a closed meeting of the Communist Party?

THE WITNESS: It was not closed because it had visitors. I understood the rest of the people were Communists. This was on the occasion of one of my visits to Berkeley and Pasadena. The meeting made no detailed impression on me, but I do remember there was a lot of fuss about getting the literature distributed, and I do remember that the principal item under discussion was segregation in the municipal pool in Pasadena. This unit was concerned about that and they talked about it. It made a rather pathetic impression on me. It was a mixed unit of some colored people and some who were not colored.

I remember vividly walking away from the meeting with Bridges and his saying, "What a sad spectacle" or "What a pathetic sight", or something like that.

MR. GRAY: Did you give the approximate date of this, Doctor?

THE WITNESS: I can give it roughly.

MR. GRAY: I mean within a year.

THE WITNESS: It would have been not before 1937 or after 1939. I think I ought to stress that although my brother was a Party member, he did a lot of other things. As I say, he was passionately fond of music. He had many wholly non-Communist friends, some of them the same as my friends on the faculty at Cal Tech. He was working for a doctor's degree.

He spent summers at the ranch. He couldn't have been a very hard working Communist during those years.

I am very foggy as to what I knew about the situation at Stanford but my recollection is that I did not then know my brother was still in the Party. He has testified that he was, and that he withdrew in the spring of 1941. He lost his job at Stanford. I never clearly understood the reasons for that, but I thought it might be connected with his Communism.

We spent part of the summer of 1941 together at the ranch, about a month. That was after my marriage. He and his wife stayed on a while. Then they were out of a job. Ernest Lawrence asked him to come to Berkeley in the fall, I don't remember the date, but I think it is of record, and work in the Radiation Laboratory. That was certainly at the time not for secret work. He and I saw very little of each other that year.

My brother felt that he wanted to establish an independent existence in Berkeley where I had lived a long time, and didn't want in any sense to be my satellite. He did become involved in secret work, I suppose, shortly after Pearl Harbor. I don't know the precise date.

He continued with it and worked terribly hard during the war. I have heard a great many people tell me what a vigorous and helpful guy he was, how many hours he spent at work, how he got everybody to put their best to the job that was his. He worked in Berkeley. He worked in Oak Ridge. He came for a relatively brief time to New Mexico, where his job was as an assistant to Bainbridge in making the preparations for the test of July 16.

This was a job that combined practical experience, technical experience, a feeling for the country, and I think he did very well. He left very early -- left long before I did -- and went back to Berkeley. We did not see him again until the New Year's holidays in 1945 and 1946. After that, when we came back to Berkeley, we saw something of them, quite a little of them, until they moved to Minnesota.

As you probably know, he resigned from the University of Minnesota -- his assistant professorship there -- in the spring of 1949 at the time he was testifying before the House Committee that he had been a member of the Communist Party. The University accepted his resignation. He has not been

able to get a job since, or at least not one that made sense.

He had in the summer of 1948, maybe, or the winter of 1948-49, acquired a piece of property in southwest Colorado. It is also fairly high. It is in the Blanco Basin. I think he got it because it was very beautiful, and thought it would be nice to spend summers there. In any case, he and his wife and children moved up there, and have been trying to build it up as a cattle ranch ever since. They have been there, I think, with no important exceptions, from 1949 until today. This life is not what he was cut out for and I don't know how it will go.

I try to see him when I can. It does not come out to being much more than once a year. I think the last time I saw him was in late September or October of last year. Usually he would come down to Santa Fe, and we would have an evening together or something like that. I had the feeling the last time that I saw him that he was thoroughly and wholly and absolutely away from this nightmare which has been going on for many, many years.

These are at least some of the things that I wanted to say. I would like to say one more thing.

In the Commission's letter.--

BY MR. GARRISON:

Q Perhaps I could ask you about that.

On page 6 of the Commission's letter, which talks

about Haakon Chevalier, there is a statement, I am quoting, "that Haakon Chevalier thereupon approached you either directly or through your brother, Frank Friedman Oppenheimer, in connection with this matter."

Was your brother connected with this approach by Chevalier to you?

A I am very clear on this. I have a vivid and I think certainly not fallible memory. He had nothing whatever to do with it. It would not have made any sense, I may say, since Chevalier was my friend. I don't mean that my brother did not know him, but this would have been a peculiarly roundabout and unnatural thing.

Q You spoke about attending at your brother's invitation that little Communist Party meeting in Pasadena somewhere in the late Thirties, and that reminds me to ask you about another portion of the Commission's letter.

On page 3, I will just read a paragraph:

"It was reported that you attended a closed meeting of the Professional Section of the Communist Party of Alameda County, California, which was held in the latter part of July or early August, 1941, at your residence, 10 Kenilworth Court, Berkeley, California, for the purpose of hearing an explanation of the change in Communist Party policy. It was further reported that you denied that you attended such a meeting and that such a meeting was held in your home."

Dr. Oppenheimer, did you attend a closed meeting of the Professional Section of the Communist Party of Alameda County which is said to have been held in your house in the latter part of July or early August, 1941?

A No.

Q Did you ever attend at any time or place a closed meeting of the Professional Section of the Communist Party of Alameda County?

A No.

Q Were you ever asked to lend your house for such a meeting?

A No.

Q Did you ever belong to the Professional Section of the Communist Party of Alameda County?

A I did not. I would be fairly certain that I never knew of its existence.

Q Did you ever belong to any other section or unit of the Communist Party or to the Communist Party?

A No.

Q Apart from the meeting in Padadena, to which we have just referred, have you ever attended a meeting which you understood to be open only to Communist Party members, other than yourself?

A No.

Q Have you ever had in your house at any time any

meeting at which a lecture about the Communist Party has been given?

A No.

Q Do you recall any meeting in your house at any time at which a lecture about political affairs of any sort was given?

A No.

Q To sum up, Dr. Oppenheimer, do you deny the report set forth on page 3 of the Commission's letter which I read to you?

A All but the denial; I deny the rest.

MR. GARRISON: Just so the Board understands, I read the statement to Dr. Oppenheimer, "It was further reported that you attended such a meeting and that such a meeting was held in your home.

THE WITNESS: That I don't deny.

BY MR. GARRISON:

Q The first sentence of the report you do deny.

A Yes.

MR. GARRISON: I would like to introduce, Mr. Chairman, at this point, copies of correspondence relating to the Independent Citizens Committee of the Arts, Sciences and Professions, which is mentioned in the Commission's letter on page 6, which reads that "it was reported in 1946 that you (that is, Dr. Oppenheimer) were listed as vice chairman on the

letterhead of the Independent Citizens Committee of the Arts, Sciences and Professions, Inc., which has been cited as a Communist front by the House Committee on Un-American Activities.

I think in my earlier discussion with the Board, I pointed out that in all the postwar period, this is the only association cited by the House Committee or in any other way challenged by any group in the government as un-American with which Dr. Oppenheimer had any connection at all.

I now would like to introduce the correspondence which will show his resignation and his relationship to that committee which I think the Board will agree was to his credit. I would like to read these into the record.

BY MR. GARRISON:

Q Dr. Oppenheimer, I have here carbon copies of letter from you to the Independent Citizens Committee dated October 11, 1945, October 11, 1946, November 22, 1946 is an original letter from the committee to you, followed by a carbon of December 2, 1946 from you to them, and an original from the secretary to you of December 10, 1946. Do you identify these as having been in your files?

A Yes, these were in my file, and I made them available to you.

MR. GRAY: Mr. Garrison, I think perhaps for the record, at least what we have been handed, reflects nothing dated 1945. In your characterization of these documents, you

said a letter of October something 1945.

MR. ECKER: Excuse me. That is because it is a fuzzy date on the carbon.

MR. GARRISON: It is my fuzziness, Mr. Chairman. The carbon shows it 1946.

MR. GRAY: I am just trying to get the record straight.

MR. GARRISON: I regret my eyesight was not equal to the carbon.

This first letter reads as follows, the letter of October 11, 1946, to the committee.

"Independent Citizens Committee of the Arts
Sciences and Professions

"Hotel Astor

"New York 17, New York.

"Gentlemen:

"Some months ago I was elected a Vice Chairman of the ICCASP. This has not been a very arduous responsibility, since I have had virtually no contact with the organization. I have, however, noted with a growing uneasiness over the past months ICCASP's statements on foreign policy.

"As examples, I may quote two programmatic statements of the ICCASP policy: 'Maintain the Big Power veto in the Security Council', and 'Withdraw United States troops from China.'

"I do not wish to challenge the merits of the

arguments that may be advanced for these two theses. They do not seem to me, at least in this bald form, to correspond to the extension of President Roosevelt's foreign policy; nor am I in accord with them.

"Most recently I have noted in the papers an item which disturbs me more, because it concerns the problem of atomic energy, with the outlines of which I am not unfamiliar, and for which I may even have a certain responsibility. I am, of course, aware that newspaper comments may often be misleading. As I understand it, the ICCASP at a recent convention in Chicago agreed to endorse the criticism of United States policy and procedure enunciated by Secretary Wallace in his letter to the President of July twenty third. Here again, I should not wish to argue that there was nothing sound in Mr. Wallace's comments, nor for a moment to cast doubt on the validity of his great sense of concern that a satisfactory solution for the control of atomic energy be achieved; but I cannot convince myself that, in the large, the suggestions made by Mr. Wallace would, if adopted, advance this great cause; and above all, I feel that the evidence which is now available, and which goes beyond that which was available on July twenty third indicates the illusory nature of his recommendations.

"It is clear that I should not prejudge the position which the ICCASP is taking on these many important questions; but unless I am badly misinformed on what that position is, it

it seems to me that I can no longer remain a Vice Chairman of that organization.

"Will you, therefore, accept this letter as a letter of resignation, unless it is clear to you, and you can make it clear to me, that it is based on a misunderstanding of the facts.

"Sincerely yours, J. R. Oppenheimer."

Then comes the reply from the Executive Director, signed by Hannah Dorner, the Executive Director:

"Independent Citizens Committee of the Arts, Sciences and Professions, Inc.

"Hotel Astor, New York 19, New York, Circle 6-5412

"November 22, 1946

"Jo Davidson, Chairman.

"Harold L. Ickes, Executive Chairman.

"Frederic March, Treasurer.

"Herman Shumlin, Secretary

"Hannah Dorner, Executive Director.

"Dr. J. R. Oppenheimer,

"University of California

"Berkeley 4, California

" "Dear Dr. Oppenheimer:

"Please forgive this delay in answering your letter, but I have been out of town a good deal and this is the first opportunity I have had.

"It would come as a great surprise to the members of the board of ICCASP that the organization can be found guilty of any contradiction of President Roosevelt's foreign policy. We have stated repeatedly that the organization was formed initially to re-elect Mr. Roosevelt and then reformed in order to provide a medium through which the members of the arts, sciences and professions could help to implement and carry out his program.

"In connection with the two programatic statements you refer to in your letter, unless I am very much mistaken the veto power is the core of the postwar foreign policy which Mr. Roosevelt outlined in conjunction with Churchill and Stalin. I don't know what Mr. Roosevelt would have said were he alive today about maintenance of United States troops in China. I do know that for years during the war he refused to send materiel into China because Chiang Kai-shek was not using it against Japan but instead, saving it for the conflict he is currently engaged in. It is fairly common knowledge that the presence of United States troops and American materiel are being used to aid one side against another in a civil war. Without discussing the merits of either side, certainly it would seem that the American position should be one in which a real effort is made to create a democratic China instead of bolstering the position of military feudalism which Chiang Kai-shek and his supporters represent. I think Madame Sun

Yat Sen's position is one which Americans might fairly support and the presence of our troops in China and our present policy are giving no encouragement to her views and to those Chinese who wish as she does for a truly democratic China.

"In connection with Mr. Wallace's comments on atomic energy, let me make it clear that the statement on atomic energy at the Chicago Conference was made by some 300 delegates representing many organizations, of which ICCASP was just one.

"You will have seen, I am sure, a further statement made since that conference on atomic energy by a coordinating committee of the Chicago Conference, after Mr. Baruch clarified the points raised at the Chicago Conference. As you unquestionably know, our Science Division has been working for some time both in New York and Chicago on an analysis of the atomic energy control program and as yet the ICCASP has not adopted a position since we are waiting on the final report of the Science Division. I assume that as a member of the division you will receive that report for your comment and criticism.

"In this letter I am attempting to answer the issues raised, with the hopes that they will clarify our position and that you will find yourself in substantial agreement with us. I realize that it is difficult for someone with as many demands upon his time as you to attend meetings of the ICCASP.

It is unfortunate that this is so because you should participate with the rest of us in forming the policy, instead of getting it without the benefit of all of the full discussion that goes into arriving at these decisions.

"I hear frequently about how often you are in New York. If you would only let me know about these visits you could, I am certain, find a few hours to attend some of these meetings. I am sure it is quite unnecessary to make the point to you that the fate of a generation or two is being shaped today. The ICCASP is conscientiously trying to do what it can to make it a kinder fate. I am certain that all of us individually will disagree with the organization's position on one or two issues from time to time. The importance of the committee as a whole, what it has accomplished, and the need for keeping it alive and strong should transcend occasional differences.

"All of us value your continued association with the organization.

"Sincerely yours, Hannah Dorner."

The reply by Dr. Oppenheimer, dated December 2, 1946, is as follows:

"Miss Hannah Dorner

"Independent Citizens' Committee of the Arts
Sciences and Professions, Inc.

"Hotel Astor

New York 19, New York."

I see the copy which we have handed the members of the Board, Dr. Oppenheimer's signature does not appear, nor does it appear on the carbon, but his initials are on the lower left and that of the typist.

"Dear Miss Dorner:

"Thank you very much for your letter of November 22, in which you tried to explain to me how poor are the reasons I gave for resignation from the Vice Chairmanship of ICCASP in my letter of October 11. I wish that I might have been convinced by what you wrote for I share with you an appreciation for the many constructive and decisive things which the ICCASP is doing, and I am quite sure that I should not be moved to resign were it not for two circumstances. One is that I have a somewhat unreal position as Vice Chairman and might thus be thought to be far more influential and effective in shaping ICCASP policy, than I have been or than I am likely to be in the near future. The second is that the matter of atomic energy is one of the very few on which I have more than the vaguest kind of views, is perhaps the only political issue on which I have a limited competence and have in the past borne some responsibility.

"I find nothing in the record to comfort me in the matter of atomic energy. The press release of the Chicago Conference and its subsequent announcement are both very far

from my views and were endorsed by ICCASP without qualifications. The last communication that I have received is dated Monday, September 23, and reached me after my letter of resignation. In it a resolution of the Division of Science and Technology closely parallel to that adopted in Chicago was submitted to the Executive Committee of the ICCASP and approved. I have had no further communication since that time either with regard to atomic energy or to the functioning of the Science Division of the ICCASP, except for the proposed statement on the control of atomic energy which is undated and which likewise does not represent my views. I, therefore, feel that it is likely that there is a genuine difference of opinion on this matter between me and the Executive Committee of the ICCASP.

"For the reasons stated above I think it is not proper to continue to serve as Vice Chairman under these circumstances. I recognize that it is largely my own doing that I have not had a greater part in the formulation of ICCASP policy, but that should be a genuine reason of all of us not to accept a position of apparent responsibility without being willing to make the responsibility real.

"I should like to take this course of resignation since the alternative, to make public my dissident views, is repugnant to me and can help neither the ICCASP nor the cause of world peace which is surely our greatest common aim. I

am, therefore, asking you to accept my letter of resignation.

"Sincerely yours,

"JRO:cl."

Then the reply from Hannah Dorner.

MR. ROBB: It is the same heading you had before.

MR. GARRISON: Yes, it is the same heading as before.

The date of this is December 10, 1946. It was on the original and should be on these copies. This is in reply to Dr. Oppenheimer's second letter insisting on resignation which I have just read to you.

"Independent Citizens' Committee of the Arts
Sciences and Professions, Inc.

"Hotel Astor, New York 19, N. Y. Circle 6-5412

"Jo Davidson, Chairman.

"Harold L. Ickes, Executive Chairman.

"Frederic March, Treasurer.

"Herman Shumlin, Secretary

"Hannah Dorner, Executive Director.

"Dr. J. R. Oppenheimer,

"University of California,

"Berkeley 4, California.

"Dear Dr. Oppenheimer:

"We accept with regret your resignation from the
organization.

"We hope that some time again in the future you may

want to rejoin us.

"Sincerely yours, Hannah Dorner.

"Mr-uopwa/16."

BY MR. GARRISON:

Q Did you ever rejoin the organization, Dr. Oppenheimer?

A No.

MR. GRAY: Just as a matter of curiosity, did they ever take your name off the letterhead, do you know?

THE WITNESS: They stopped sending me communications. I don't know.

MR. GRAY: Your name apparently did not appear on these letterheads.

MR. SILVERMAN: We did on the back. There are a lot of names on the back of the original.

MR. GARRISON: We will hand this to the Chairman in just a moment. I am just looking over these names. It shows Joseph E. Davies as the honorary vice chairman.

MR. ROBB: Don't you think he ought to read them all?

MR. GRAY: I think it would be well to read the whole.

MR. GARRISON: This is on the back of the letterhead of the Independent Citizens Committee of the Arts, Sciences and Professions, Inc. This is the letter of December 10, 1946, accepting with regret Dr. Oppenheimer's resignation from the organization, and hoping some time again the future he may want to rejoin them.

MR. ROBB: Is that the same as the original letter of November 23, 1946? Is that the same list?

MR. GARRISON: It appears on superficial observation the same. Mr. Robb, you can examine it at your leisure. I can see no difference.

MR. ROBB: Why don't you let me take one of them and I will follow as you read, and we will know whether they are the same or not.

MR. GARRISON: I am reading from the back of the letterhead, Independent Citizens' Committee of the Arts, Sciences, and Professions, Inc., Hotel Astor, New York 19, N.Y. Circle 6-5412.

Vice Chairmen

Joseph E. Davies, Honorary.

Brig. Gen. Evans F. Carlson,

Norman Corwin

Reuben G. Gustavson

Fiorello H. LaGuardia

J. Robert Oppenheimer

Paul Robeson

Harlow Shapley

Frank Sinatra.

Board of Directors. Do you wish the Board of directors?

MR. GRAY: I think you better read it all.

MR. GARRISON: Samuel L. M. Barlow, William Rose Benet, Leonard Bernstein, Walter Bernstein, Henry Billings, Charles Boyer, Henrietta Buckmaster, Eddie Cantor, Morris Llewellyn Cooke, Samuel A. Corson, John Cromwell, Bosley Crowther, Duke Ellington, Howard Fast, Jose Ferrer, Joan Fontaine, Allan R. Freelon, Dr. Channing Frothingham -- a very dear friend of mine from Boston, Massachusetts, a distinguished physician -- Dr. Rudolph Ganz, Ben Grauer, Marinn Hargrove, Louis Harris, Moss Hart, Lillian Hellman, John Hersey, Melville J. Herskovits, J. Allen Hickerson, Thorfin R. Hogness, Walter Huston, Crockett Johnson, Gene Kelly, Isaac M. Kolthoff, Richard Lauterbach, Eugene List, Peter Lyon, John T. McManus, Florence Eldridge March, Dorothy Maynor, Stanley Moss, Ernest Pascal, Robert Patterson -- I take it that was not the Secretary of War, but I guess we don't know.

THE WITNESS: I know nothing about it.

MR. GARRISON: I assume it was not. Linus Pauling, Virginia Payne, Dr. John P. Peters, Walter Rautenstrauch, Quantin Reynolds, Hazel Scott, A. C. Spector, Carl Van Doren, Orson Wells and Carl Ziggrosser.

Then follow a list of regional chapters. Shall I read those, Mr. Chairman?

MR. GRAY: Is this just names of cities?

MR. GARRISON: Yes, and addresses.

MR. GRAY: I see no point in that. This is not related to the proceeding. But here is an organization accepting the resignation of one of its Vice Chairmen and apparently did not bother to strike his name off the letterhead on his letter of resignation. I really think this has no point, but from what I heard, it is very difficult to resign from some of these organizations once one seems to be a member.

MR. GARRISON: I think you can take judicial notice of the fact that organizations reprint their letterheads at intervals, sometimes at considerable intervals.

MR. ROBB: Mr. Chairman, I might say that the lists were identical so we have that in the record, too.

BY MR. GARRISON:

Q Dr. Oppenheimer, do you adopt your answer consisting of your letter to Major General K. D. Nichols, dated March 4, 1954, as your testimony in this proceeding?

A Yes.

MR. GARRISON: Mr. Chairman, that will be all the questions I wish to ask Dr. Oppenheimer. I may a little later as we proceed come back with some occasional questions, perhaps. That will be all at this point.

MR. GRAY: They will be related to questions and discussions which will take place from now on. This is not going to circumscribe you in any way, but I take it Dr. Oppenheimer's presentation as you see it, and as he sees it,

is complete now?

MR. GARRISON: Yes. Mr. Chairman, there may be some detail that I have overlooked in the great press of preparing this which I might at a later stage ask to be inserted in the record, but so far as I am now aware, this completes the direct case. I assume we are not quite so rigid but what if I have overlooked something it may be later introduced?

MR. GRAY: Yes.

MR. GARRISON: There is no design to do so.

MR. GRAY: I understand.

At this point, I think, then, we will suggest that counsel for the Board put to Dr. Oppenheimer the questions which he may have in mind.

CROSS EXAMINATION

BY MR. ROBB:

Q Dr. Oppenheimer, did you prepare your letter of March 4, 1954, to General Nichols?

A You want a circumstantial account of it?

Q I assume you prepared it with the assistance of counsel, is that correct?

A Yes.

Q In all events, you were thoroughly familiar with the contents of it?

A I am.

Q And have read it over very carefully, I assume?

A Yes.

Q Are all the statements which you make in that letter the truth, the whole truth and nothing but the truth?

A Yes.

Q Those things which you state in there as of your personal knowledge are true to your personal knowledge?

A That is right.

Q And those things which you state of necessity on your information and belief, you do believe to be true?

A That is right.

C Did you also prepare your Exhibit 1, I believe it is, the biographical data.

A The whole of it?

Q Yes.

A No, I did not.

Q Who did prepare that, sir?

A The long biographical account, the third part of it was prepared by Mrs. Katharine Russell, my secretary. I went over it and pointed out some things that were missing and that I knew were not in order or gith. But I did not prepare it. I think I suggested most of the dates in the chronology, but some of them I don't know whether they came from, from counsel, presumably. As to the second, that was also prepared by Mrs. Russell.

Q But you have, I assume, read it over pretty carefully?

A No.

Q You have not?

A No. This was meant to be a helpful document containing what we could find in the files.

Q Are you or are you not prepared to vouch for the accuracy?

A No, I am not. It is everything we could find in the files or that I recollected in going over it.

Q You have looked it over, have you not?

A Sure.

Q Is there anything in there that is not accurate to your knowledge?

A No.

C Doctor, I am going to ask you to remember that you are under oath, and that therefore your oath must outweigh your modesty in answering the next few questions I am going to ask you. Will you do that, sir?

A I will remember that I am under oath.

Q Doctor, is it true that from 1943 until recently, at least, you were the most influential scientist in the atomic energy field in this country?

A I think this is a question you will have to ask the people influenced.

Q What is your answer?

A With some people I was very influential. With others not at all. I was an influential physicist and put it anywhere you want.

Q You were certainly --

A I think Lawrence probably had in many ways more influence.

Q Can you think of anyone else that you might say was more influential than you?

A I should think the Commissioners, the physicists who were on the Commission, had more effect. Whether they had more influence or not, I don't know.

Q You were certainly one of the most influential, were you not?

A Of course.

Q You might be described as one of the leading physicists in that field.

A I have been so described.

Q And you would concede in all modesty that is true. That is an accurate description, is it not?

A Let me distinguish two things. One is the weight which was attached to my views, and that was considerable. The second is whether I was really very good at the subject and that I will have to leave to others to testify.

Q Doctor, from 1943 until 1945, as Director of the Los Alamos Laboratory, you were in direct charge of the

atomic weapons program were you not?

A Of the program at Los Alamos, and some related things, yes.

Q From 1943 until recently, sir, you had access to all classified information concerning the atomic weapons program, is that true?

A Yes. Probably not some aspects of atomic intelligence, but concerning our own program, yes.

Q And from 1946 until 1952, while you were Chairman of the General Advisory Committee, you had access to all classified information concerning the entire atomic energy program, did you not?

A I did.

Q Doctor, in one way or another from 1943 until comparatively recently, you participated in all the important decisions respecting the atomic weapons program, did you not?

A I am not sure, but I will say yes, to be simple.

Q Substantially all?

A I won't embroider this. I don't know the deliberations of the Interim Committee, for instance. You may say I participated because we did give them some expressions of our opinion.

Q That is why I said, Doctor, in one way or another.

A Yes, I think that is probably fair.

Q Is it a fair statement, Doctor, that until recently

you knew more than anybody else about the atomic weapons program?

A I should think not. I should think Bradbury, who was in direct charge of it within the nature of things would have known a lot more about it.

Q Prior to the time when you left Los Alamos in 1945 that was true, was it not?

A Yes.

Q Subsequent to 1945, Bradbury would probably be the only possible exception, would he not?

A My feeling is that the people who do the job more than the kibitzers, and therefore some of Bradbury's top assistants -- I may mention Froman, Holloway, would have been more intimately versed. They would have certainly known more details and probably had as good a general picture,

Q In all events, Doctor, you knew a great deal about it.

A Yes.

Q There is no question about that?

A No, no.

Q While you were Chairman of the General Advisory Committee, were you frequently consulted by Mr. Lilienthal on a more or less personal basis for advice?

A Not frequently, no.

Q Sometimes?

A Rarely, I think. I remember one occasion. I think

the relations were committee to committee. I don't mean that we didn't discuss things. But I don't believe he put to me a problem, like shall we do this, or what shall we do about such and such a laboratory, as an individual. He occasionally talked to me about what to say in speeches.

Q Did he used to call you on the telephone rather frequently?

A I would say no, if you mean by rather frequently several times a month. I remember occasional telephone calls

Q Doctor, in your opinion, is association with the Communist movement compatible with a job on a secret war project?

A Are we talking of the present, the past?

Q Let us talk about the present and then we will go to the past.

A Obviously not.

Q Has that always been your opinion?

A No. I was associated with the Communist movement, as I have spelled out in my letter, and I did not regard it as inappropriate to take the job at Los Alamos.

Q When did that become your opinion?

A As the nature of the enemy and the nature of the conflict and the nature of the Party all became clearer. I would say after the war and probably by 1947.

Q Was it your opinion in 1943?

A No.

Q You are sure about that?

A That association --

Q With the Communist movement.

A The current association?

Q Yes.

A I always thought current association --

Q You always thought that?

A That is right.

Q There had never been any question in your mind that a man who is closely associated with the Communist movement or is a member of the Communist Party has no business on a secret war project, is that right?

A That is right.

Q Why did you have that opinion? What was your reason for it?

A It just made no sense to me.

Q Why not?

A That a man who is working on secret things should have any kind of loyalty to another outfit.

Q Why did you think that the two loyalties were inconsistent?

A They might be.

Q Why?

A Because the Communist Party had its own affairs,

and its own program which obviously I now know were inconsistent with the best interests of the United States, but which could at any time have diverged from those of the United States.

Q You would not think that loyalty to a church would be inconsistent with work on a secret war project, would you?

A No.

C And of course that was not your view in 1943, was it?

A No.

Q Doctor, what I am trying to get at is, what specifically was your reason for thinking that membership or close association with the Communist Party and the loyalties necessarily involved were inconsistent with work on a secret war project?

A The connection of the Communist Party with a foreign power.

C To wit, Russia.

A Sure.

Q Would you say that connection with a foreign power, to wit, England, would necessarily be inconsistent?

A Commitment would be.

Q No, I said connection.

A Not necessarily. You could be a member of the English Speaking Union.

Q What I am getting at, Doctor, is what particular

feature of the Communist Party did you feel was inconsistent with work on a secret war project?

A After the Chevalier incident I could not be unaware of the danger of espionage. After the conversations with the Manhattan District security officers, I could not be but acutely aware of it.

Q But you have told me, Doctor, that you always felt that membership or close association in the Communist Party was inconsistent with work on a secret war project. What I am asking you, sir, is why you felt that. Surely you had a reason for feeling that, didn't you?

A I am not sure. I think it was an obviously correct judgment.

Q Yes, sir. But what I am asking you is to explain to me why it was obvious to you.

A Because to some extent, an extent which I did not fully realize, the Communist Party was connected with the Soviet Union, the Soviet Union was a potentially hostile power, it was at that time an ally, and because I had been told that when you were a member of the Party, you assumed some fairly solemn oath or obligation to do what the Party told you.

Q Espionage, if necessary, isn't that right?

A I was never told that.

Q Who told you, Doctor?

A My wife.

Q When?

A I don't remember.

Q Prior to 1943?

A Oh, yes.

Q Doctor, let me ask you a blunt question. Don't you know and didn't you know certainly by 1943 that the Communist Party was an instrument or a vehicle of espionage in this country?

A I was not clear about it.

Q Didn't you suspect that?

A No.

Q Wasn't that the reason why you felt that membership in the Party was inconsistent with the work on a secret war project?

A I think I have stated the reason about right.

Q I am asking you now if your fear of espionage wasn't one of the reasons why you felt that association with the Communist Party was inconsistent with work on a secret war project?

A Yes.

Q Your answer is that it was?

A Yes.

Q What about former members of the Party; do you think that where a man has formerly been a member of the Party he is an appropriate person to work on a secret war project?

A Are we talking about now or about then?

Q Let us ask you now, and then we will go back to then.

A I think that depends on the character and the totality of the disengagement and what kind of a man he is, whether he is an honest man.

Q Was tha your view in 1941, '42 and '43?

A Essentially.

Q What test do you apply and did you apply in 1941, '42 and '43 to satisfy yourself that a former member of the Party is no longer dangerous?

A As I said, I knew very little about who was a former member of the Party. In my wife's case, it was completely clear that she was no longer dangerous. In my brother's case, I had confidence in his decency and straightforwardness and in his loyalty to me.

Q Let us take your brother as an example. Tell us the test that you applied to acquire the confidence that you have spoken of?

A In the case of a brother you don't make tests, at least I didn't.

Q Well --

A I knew my brother.

Q When did you decide that your brother was no longer a member of the Party and no longer dangerous?

A I never regarded my brother as dangerous. I never

regarded him -- the fact that a member of the Communist Party might commit espionage did not mean to me that every member of the Communist Party would commit espionage.

Q I see. In other words, you felt that your brother was an exception to the doctrine which you have just announced?

A No, I felt that though there was danger of espionage that this was not a general danger.

Q In other words, you felt -- I am talking now about 1943 -- that members of the Communist Party might work on a secret war project without danger to this country, is that right?

A Yes. What I have said was that there was danger that a member of the Communist Party would not be a good security risk. This does not mean that every member would be, but that it would be good policy to make that rule.

Q Do you still feel that way?

A Today I feel it is absolute.

Q You feel that no member of the Communist Party should work on a secret war project in this country, without exception?

A With no exception.

Q When did you reach that conclusion?

A I would think the same timing that I spoke of before as the obvious war between Russia and the United States

began to shape up.

Q Could you give us the dates on that?

A Sure. I would have thought that it was completely clear to me by 1948, maybe 1947.

Q 1946?

A I am not sure.

Q Doctor, let me return a bit to the test that you might apply to determine whether a member of the Communist Party in 1943 was dangerous. What test would you apply, or would you have applied in 1943?

A Only the knowledge of the man and his character.

Q Just what you yourself knew about him?

A I didn't regard myself as the man to settle these questions. I am stating opinions.

Q That is what I am getting at. You have testified that your brother, to your knowledge, became a member of the Communist Party about 1936, is that right?

A Yes, 1937, I don't know.

Q When is it your testimony that your brother left the party?

A His testimony, which I believe, is that he left the Party in the spring of 1941.

Q When did you first hear that he left the Party?

A I think in the autumn of 1941.

Q In the autumn?

A Yes.

Q Is that when he went to Berkeley to work in the Radiation Laboratory?

A Yes, on unclassified work.

Q But he shortly began to work on classified work, is that right?

A The time interval, I think, was longer.

Q Shortly after that. Shortly after Pearl Harbor?

A I am not clear about that. It was within a year certainly, probably about six months.

Q You were satisfied at that time that your brother was not a member of the Party any more?

A Yes.

Q How did you reach that conclusion?

A He told me.

Q That was enough for you?

A Sure.

Q Did you know that your brother at that time and for quite a while after that denied both publicly and officially that he had ever been a member of the Communist Party?

A I remember one such denial in 1947.

Q Did you know that your brother's personnel security questionnaire, which he executed when he went to work at Berkeley, failed to disclose his membership in the Communist

Party?

A No, I knew nothing about that.

Q Did you ask him about that?

A No.

Q You knew, didn't you, sir, that it was a matter of great interest and importance to the security officers to determine whether or not anyone working on the project had been a member of the Communist Party?

A I found that out somewhat later.

Q Didn't you know it at that time?

A It would have made sense.

Q In 1941?

A It would have made sense.

Q Yes. Did you tell anybody, any security officer or anybody else, that your brother had been a member of the Communist Party? Did you tell them that in 1941?

A I told Lawrence that my brother -- I don't know the terms I used -- but I certainly indicated that his trouble at Stanford came from his red connections.

Q Doctor, I didn't ask you quite that question. Did you tell Lawrence or anybody else that your brother, Frank, had actually been a member of the Communist Party?

A I doubt it.

Q Why not?

A I thought this was the sort of thing that would be

found out by normal security check.

Q You were not helping the security check, were you, sir?

A I would had if I had been asked.

Q Otherwise not?

A I didn't volunteer this information.

Q You think your brother today would be a good security risk?

A I rather think so.

Q Beg pardon?

A I think so.

Q Doctor, will you agree with me that when a man has been a member of the Communist Party, the mere fact that he says that he is no longer a member, and that he apparently has no present interest or connections in the Party, does not show that he is no longer dangerous as a security risk?

A I agree with that.

Q Beg pardon?

A I agree with that.

Q You agree with that.

A I would add the fact that he was in the Party in 1942 or 1938, did not prove that he was dangerous. It merely created a presumption of danger. This is my view, and I am not advocating it.

Q In other words, what you are saying is that a man's

denial that he is a member and his apparent lack of interest or connections is not conclusive by any means, is it?

A No.

Q Did you feel that way in 1943?

A I would think so.

Q Or 1942?

A I would think so. I need to state that I didn't think very much about the questions you are putting and very little in the terms in which you are putting them. Therefore, my attempt to tell you what I thought is an attempt at reconstruction.

Q Yes, but you couldn't conceive that you would have had a different opinion in 1943 on a question such as that, would you, Doctor?

A No.

Q Have you ever been told, Doctor, 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?

A No.

Q No one has ever told you that?

A No.

Q Can you be sure about that, sir? Does that statement come as a surprise to you?

A I never heard any statement about the policy of the Party.

C Doctor, I notice in your answer on page 5 you use the expression "fellow travelers". What is your definition of a fellow traveler, sir?

A It is a repugnant word which I used about myself once in an interview with the FBI. I understood it to mean someone who accepted part of the public program of the Communist Party, who was willing to work with and associate with Communists, but who was not a member of the Party.

C Do you think though a fellow traveler should be employed on a secret war project?

A Today?

Q Yes, sir.

A No.

Q Did you feel that way in 1942 and 1943?

A My feeling then and my feeling about most of these things is that the judgment is an integral judgment of what kind of a man you are dealing with. Today I think association with the Communist Party or fellow traveling with the Communist Party manifestly means sympathy for the enemy. In the period of the war, I would have thought that it was a question of what the man was like, what he would and wouldn't do. Certainly fellow traveling and Party membership raised a question and a serious question.

C Were you ever a fellow traveler?

A I was a fellow traveler.

Q When?

A From late 1936 or early 1937, and then it tapered off, and I would say I traveled much less fellow after 1939 and very much less after 1942.

Q How long after 1942 did you continue as a fellow traveler?

A After 1942 I would say not at all.

Q But you did continue as a fellow traveler until 1942.

A Well, now, let us be careful.

Q I want you to be, Doctor.

A I had no sympathy with the Communist line about the war between the spring of 1940 and when they changed. I did not admire the fashion of their change.

Q Did you cease to be a fellow traveler at the time of the Nazi-Russian Pact in 1939?

A I think I did, yes.

Q Now, are you changing --

A Though there were some things that the Communists were doing which I still had an interest in.

Q Are you now amending your previous answer that you were more or less a fellow traveler until 1942?

A Yes, I think I am.

MR. GARRISON: Mr. Chairman, I think he testified

that he tapered off, did he not?

MR. ROBB: I said more or less a fellow traveler. I was trying to paraphrase.

BY MR. ROBB:

Q Do you want to say something more, Doctor?

A Yes.

Q Doctor, I don't intend to cut you off at any time, If I ask a question and if you have not completed your answer, I wish you would stop me and finish your answer.

A Let me give you a couple of examples.

Q Yes, sir.

A The Communists took an interest in organizing the valley workers. I think this was long after the Nazi-Soviet Pact. That seemed fine to me at the time. They took an interest in extricating and replanting the refugee loyalists fighters from Spain. That seemed fine to me at the time. I am not defending the wisdom of these views. I think they were idiotic. In this sense I approved of some Communist objectives. Beating the drums about keeping out of war, especially after the battle of France, did not seem fine to me.

Q You continued your contributions to Communist causes through Communist channels until approximately 1942.

A I don't remember the date. I have no reason to challenge the date in the Commission's letter.

Q When did you fill out and file your first personnel

security questionnaire?

A It was in June or July, I guess, of 1942.

Q Was that about the time when you ceased to be a fellow traveler?

A No.

Q How much before that?

A I have tried to tell you that this was a gradual and not a sharp affair. Any attempt by me to make it sharp would be wrong. I tried in my answer to spell out some of the steps in my understanding, first, of what it was like in Russia. Second, the apparent pliability of American Communist positions to Russian interests, and my final boredom with the thing. It was not something that I can put a date on. I did not write a letter to the papers.

Q Is it possible, Doctor, for you to set a date when you were sure you were no longer fellow traveling?

A In that I had no sympathy for any cause the Communists promoted?

Q Yes, sir.

A I think I can put it this way. After the war and about the time of this letter --

C Which letter?

A My letter to the Independent Citizens Committee, I was clear that I would not collaborate with Communists no matter how much I sympathized with what they pretended to be

after. This was absolute. I believe I have not done so since.

Q So that would be the Ultima Thule of your fellow traveling, that date?

A Yes, but I think to call me a fellow traveler in 1944 or 1946 would be to distort the meaning of the word as I explained it.

Q I think you have explained it pretty well.

A That is right.

Q Doctor, as a result of your experiences and your knowledge of Communists and Communism, derived from your brother or wherever, were you able in 1942 and 1943 to recognize the Communist attitude and the Communist philosophy in aman?

A In some cases, sure.

Q Would you explain that a little bit?

A My brother never talked Communist philosophy to me. I don't think it meant anything to him. I don't know. Some people did. They were interested in dialectical materialism and believed in the more or less determinate course of history and in the importance of the class war. I would have recognized that.

Q You knew, of course, in 1943, and the years prior to that year, that Communists stood for certain doctrines and certain philosophies and took certain positions, did you not?

A I don't know how much this is what I knew then, but

it seems clear to me that there were tactical positions on current issues, which might be very sensible looking or popular or might coincide with the views of a lot of people who were not communists. There was also the conviction as to the nature of history, the role of the classes and the changing society, the nature of the Soviet Union, which I would assume was the core of Communist doctrine, and I am not quite clear which of these you are talking about.

Q What I am getting at, Doctor, and I will put it very plainly, do you think in 1942 and 1943 you were able to tell a Communist when you saw one?

A Sometimes.

Q What time do you think you would not have been able to?

A In the case of a man who did not talk like one.

Q What I am getting at is, how could you tell when a man was talking like one? What would a man who was talking like a Communist say?

A In 1942 and 1943, I should think that an excessive pride and interest and commitment in the Soviet Union, a misstatement of their role, a view that they had always been right in everything they had done, these would have been some of the earmarks.

Q Can you give us an example of such a man that you knew in those years?

A I remember Isaac Folkoff talking about the wisdom of the Nazi-Soviet Pact, the strength of the Red Army, the certainty of Soviet victory at a time when I was very skeptical of the possibility of Soviet victory.

Q And those were indicia to you that Folkoff was a Communist, is that right?

A I knew it also, but they would have been.

Q When was that, Doctor?

A Obviously after the war started in Russia, probably in the winter of 1941 and 1942.

Q Do you recall where you heard him make those statements?

A I think it was at Berkeley.

Q Where in Berkeley?

A I don't remember. Not a public meeting.

Q At someone's house?

A Yes.

Q Your house?

A Conceivably.

Q He was at your house?

A I think so. My wife is sure not. I don't know.

Q It would not have been unusual for him to be there, would it?

A I don't believe he came more than once if he came at all. It would have been unusual.

MR. GRAY: Excuse me. I would like to get that last.
Did you say it would have been unusual?

THE WITNESS: Yes.

MR. GRAY: It would have been unusual?

THE WITNESS: Yes.

BY MR. ROBB:

Q Is there some particular occasion that you had
in mind when he was at your house?

A I remember this conversation I just repeated to you.

Q Wasn't that at your house?

A I think so. I am not sure.

Q You think so?

A Yes.

Q What was the occasion that he was at your house,
to the best of your recollection?

A I have no recollection of what brought him. He had
a son, I believe, living in Berkeley.

Q Were there other people present?

A Oh, surely, but I don't know who. There was no
meeting of any kind, no conference, no conclave.

Q Can you think of any other persons that you recall
now during those years of 1942 and 1943, maybe 1944, that
talked and acted like a Communist so that you knew him to be
one?

A Obviously I knew Steve Nelson was, and I think he

talked about the Red Army sometimes. This wasn't a time at which Communist talk was very easily recognizable.

Q Would you search your memory for any other example you might give us?

A Possibly, though I don't think he was a member of the Party, Bernard Peters would have talked along those lines.

Q Did Peters ever tell you that he had been a member of the Party at one time in Germany?

A That was my impression but he told me that I had misunderstood him. This was before the Nazis --

Q Yes. Anybody else that you can think of that you can identify as a Communist by his talk and actions?

A In a quite different way and not indicating Communist connections, Hawkins -- this is David Hawkins -- talked about philosophy in a way that indicated an interest and understanding and limited approval, anyway, of Engels, and so on .

Q Of who?

A Engels, who was a Communist doctrinaire, whom I have not read.

Q Was that before Hawkins came to Los Alamos?

A I don't remember when it was, but we have had several discussions.

Q It was either before he came to Los Alamos or while he was at Los Alamos?

A Yes.

Q Anybody else?

A That talked like a Communist?

Q Somebody that you were able to identify by these tests that you have given us, these objective indicia of Communist sympathy or Communist connections?

A Nothing is coming to my mind. If you have a specific person in mind, why don't you suggest it.

Q MR. ROBB: Let us pass to something else.

Mr. Chairman, it seems to be 11 o'clock. If it meets with the Board approval, we might take a brief recess.

MR. GRAY: I think it would be well.

DR. EVANS: I think it would be very wise.

(Brief recess.)

1

MR. GRAY: The proceeding will resume.

BY MR. ROBB:

Q Doctor, do you think that social contacts between a person employed in secret war work and communists or communist adherents is dangerous?

A Are we talking about today?

Q Yes.

A Certainly not necessarily so. They could conceivably be.

Q Was that your view in 1943 and during the war years?

A Yes, I think it would have been. My awareness of the danger would be greater today.

Q But it is fair to say that during the war years you felt that social contacts between a person employed in secret war work and communists or communist adherents were potentially dangerous, is that correct?

A Were conceivably dangerous. I visited Jean Tatlock in the spring of 1943. I almost had to. She was not much of a communist but she was certainly a member of the party. There was nothing dangerous about that. There was nothing potentially dangerous about that.

Q But you would have felt then, I assume, that a rather continued or constant association between a person employed on the atomic bomb project and communists or

2 communist adherents was dangerous?

A Potentially dangerous; conceivably dangerous. Look, I have had a lot of secrets in my head a long time. It does not matter who I associate with. I don't talk about those secrets. Only a very skillful guy might pick up a trace of information as to where I had been or what I was up to. Passing the time of day with a communist, I don't think it is wise, but I don't see that it is necessarily dangerous if the man is discreet and knows what he is up to.

Q Why did you think that social contacts during the war years between persons on the Project -- by the Project I mean the Atomic Bomb Project -- and communists or communist adherents involved a possibility of danger?

A We were really fantastic in what we were trying to keep secret there. The people who were there, the life, all of us were supposed to be secret. Even a normal account of a man's friends was something that we didn't want to get out. "I saw the Fermis last night", that was not the kind of thing to say.

This was a rather unusual kind of blanket of secrecy. I don't think if a communist knows that I am going to Washington to visit the AEC that is going to give him any information. But it was desired that there be no knowledge of who was at Los Alamos, or at least no massive knowledge of it.

3

Q Did you have any talk with your brother, Frank, about his social contacts at the time he come on the Project?

A When he came to work for Earnest Lawrence, before there was any classified work, before I knew about it and before he was involved in it, I warned him that Earnest would fire him if he was not a good boy. That is about all I remember.

Q You didn't discuss with him his social contacts?

A No.

Q Either at that time or subsequently?

A If you mean did he ever tell me that he had seen so and so, I don't know.

Q No.

A I don't believe we had a systematic discussion.

Q Did you ever urge him to give up any social contacts who might have been communists or communist adherents?

A I don't know the answer to that. It doesn't ring a bell.

Q If you did, it made no impression on you?

A Not enough to last these years.

Q Doctor, referring to your answer -- by the way do you have a copy of your answer?

A I have a copy of it.

Q I think it would be well if you kept that before you because I might refer to it from time to time.

4 At pages 20 and 21, you speak of the statement in the letter to General Nichols that you secured the employment of doubtful persons on the Project and you mentioned Lomanitz, Friedman and Weinberg. You say on page 21: "When Lomanitz was inducted into the Army he wrote me asking me to help his return to the Project. I forwarded a copy of his letter to the Manhattan District Security Officers and let the matter rest there."

I will show you the original of the letter signed by you, dated October 19, 1943, enclosing a copy of a letter apparently signed by Lomanitz of October 15, 1943, and I will ask you --

MR. GARRISON: Mr. Robb, do you have a copy?

MR. ROBB: Yes, we have those.

BY MR. ROBB:

Q I will ask you if your letter is the one that you spoke of in your answer?

A Yes.

Q And the enclosure was the one you had received from Lomanitz?

A I have not looked at the enclosure, but I have no reason to doubt it. Yes.

Q Your original letter is on the stationary of "P.O. Box 1663, SANTA FE, NEW MEXICO". That was the Los Alamos address, was it not?

A That was the only address we had.

5

Q The letter is dated October 19, 1943, and reads
as follows:

"Lt. Col. John Lansdale
War Department
Room 2E6661
Pentagon Building
Washington, D. C.

Dear Colonel Lansdale:

I am enclosing a copy of a letter which I just received from Rossi Lomanitz. You will note that he states that Dr. Lawrence is interested in having him return to the project for work, and suggests that I make a similar request.

Since I am not in possession of the facts which lead to Mr. Lomanitz' induction, I am, of course, not able to endorse this request in an absolute way. I can, however, say that Mr. Lomanitz' competence and his past experience on the work in Berkely should make him a man of real value whose technical service we should make every effort to secure for the project. In particular, Lomanitz has been working on a part of Dr. Lawrence's project in which historically I have a close interest, and which I know is in need of added personnel.

Sincerely yours,

/s/ J. R. Oppenheimer

J. R. Oppenheimer

JRO :pd
Enclosure
CC to Dr. Lawrence"

6

This is Lomanitz' letter:

PRESIDIO OF MONTEREY

October 15, 1943

"Prof. J. R. Oppenheimer
P. O. Box 1363
Los Alamos
Santa Fe
New Mexico

Dear Opje:

For four days now I've been a private in the army, and to date it's not half bad.

We have taken examinations and had interviews in order to determine where we might best be assigned, and are waiting for the assignment orders to come through from 9th Corps Area Headquarters in Fort Douglas, Utah.

Before I left Berkeley I spoke to Lawrence and it was his idea for himself to put in a request that I be assigned back to work with him. He thought it might be quite effective if at the same time you were to ask for me, either to work with Lawrence or elsewhere.

I do not know whether or not you are in sympathy with this idea; it appeals to me however, and if you are interested, it might be wise to put in a request before assignment has been made by 9th Corps Area Headquarters, which will certainly occur within a few days.

In any case, so far I'm rather enjoying the life

7

"here. Monterey is a beautiful place. Although they work us hard, they do it efficiently and with a purpose. The barracks, the mess hall, the grounds are kept scrupulously clean. The food is excellent and abundant. There is a small library, a theater, and beer at the P.X. And themen are easy to get along with.

I have not heard from Max since he got to Salt Lake City. I certainly hope he is getting along all right.

If I am shipped to another camp for basic training, I'll let you hear from me from there.

Respectfully yours,

Private G. R. Lomanitz, A.S.N. 39, 140, 466
Company D; S.C.U. 1930, Group 46
Presidio of Monterey, California"

BY MR. ROBB:

Q Doctor, referring to your letter, you state, "I am, of course, not able to endorse this request in an absolute way."

What did you mean by that, sir?

A The meaning to me reading it now is that I didn't know what the security problems were with Lomanitz. I had just been given a vague account that there were some. The phrase was that he had been indiscreet. I, therefore, could

8 not judge whether there was a security hazard in his working on the project. If there was not, it seemed like a good idea.

Q I see.

A The thing that he was working on had been robbed of personnel because they came to Los Alamos. One of the men at Los Alamos was under great pressure to return to Berkeley and we needed him at Los Alamos. This is what this recalls to me.

Q Is this a fair statement: This meant that so far as you knew he was all right, but there was something else about him that you didn't know?

A No. What it meant was that as far as the technical side of things went, it would be a good idea to have him back. I would leave it to the security officer to decide whether there were overriding considerations.

Q Did you know anything about him at that time that lead you to believe, except as you have said "vague stuff", that he was a security risk?

A It was very vague. I knew one thing and I reported it. That is, that this whole business about Lomanitz had caused a big flap -- his being inducted. I think more than one person wrote to me about it. Lansdale didn't tell me more than that he had been quite indiscreet.

In Berkeley I talked with the security officer and either he suggested or he concurred in the suggestion that

9

I talk with Lomanitz and see if I could not get him to come in and talk frankly about what the trouble was. He said there wasn't anything, there was nothing to talk about. This didn't reassure me.

Q Of course, you would not have written that letter if you had known Lomanitz was a communist, would you?

A An active communist?

Q Yes.

A No.

Q Would you if you had known that he had previously been a communist?

A That would have depended on lots of things -- what kind of a man he was, how long ago it was.

Q In all events, you didn't know then, did you?

A No.

Q Would you have written that letter if you had known that Lomanitz had actually disclosed information about the project to some unauthorized person?

A Of course not.

Q All you knew was that Lansdale had said that in some way or another this Lomanitz had been indiscreet?

A I knew that he was a relative of some one in Oklahoma, I think, who had been involved in a famous sedition case of some kind. As I said in my answer, I knew that he had been reluctant to take any part in the war work.

Q But certainly would not have wanted to have him around or suggested that he be around if you had known that he was a Communist or if you had known that he had revealed or disclosed information to some unauthorized person?

A That is right.

Q Beg pardon?

A That is right.

Q Your answer at page 21, you say that "in 1943 when I was alleged to have stated that 'I knew several individuals then at Los Alamos who had been members of the Communist Party', I knew of only one. She was my wife." and so forth.

Are you sure that you knew only one person at Los Alamos that at that time who had been a member of the Communist Party?

A I would not have written it if it had not been my best recollection.

Q I thought so. How about Charlotte Serber?

A I don't believe she ever was a member of the Communist Party.

Q Was she at that time at Los Alamos?

A Yes, and in a responsible position.

Q You did not know?

A No, I don't know today. In fact, I don't today believe.

Q Pardon?

A I don't today believe unless there is evidence that I have never heard of.

C It would be a great surprise to you to find that she had ever been a member of the Party?

A It would.

Q Now, speaking of surprise, your answer at page page 21, you state, "I asked for the transfer of David Bohm to Los Alamos, but this request like all othersx was subject to the assumption that the usual security requirements would apply. When I was told that there was objection on security grounds to this transfer, I was much surprised but of course agreed."

By that do you mean that when you asked for the transfer of Bohm to Los Alamos, so far as you knew there was nothing wrong with him?

A Absolutely.

Q Otherwise you would not have asked, is that right?

A I asked for the transfer of my brother, or at least concurred in it later, and there had been something wrong with him. But if I had known if there was anything wrong, I would certainly --

Q I believe it was Col. DeSilva that told you that, was it not?

A No.

Q About Bohm?

A No, it was a coded telephone message from General Groves. When I asked what was wrong, I was told that he had relatives in Nazi Germany.

Q So he might be subject to pressure from the Nazis?

A I won't pretend that I fully believed this story. I didn't know what to think.

Q That was the only thing that indicated that Bohm was not a fit man to come to Los Alamos?

A What happened, this was a fairly dramatic thing and unique, so I remember it. I was in Santa Fe, General Groves and I had a little quadratic letter code. He called me up and told me in the code that Bohm could not come. That was that. I asked maybe a couple of people later what was wrong and they told me this story.

Q About Nazi Germany?

A Yes.

Q Would De Silva be one of those people?

A I don't remember.

Q He was your security man there, was he not?

A Yes. I don't remember when he came. There was a first security man.

Q Did you ever talk to DeSilva about Bohm?

A I remember talking about Weinberg, Peters. Bohm may have been one of them. I think only in terms of a very general question on DeSilva's part, which of these is the

most dangerous man in your opinion.

Q Can you fix the approximate time when you got that information from General Groves about Bohm?

A You mean that Bohm could not come?

Q Yes.

A That would have been late March.

Q Of 1943?

A That is right.

Q Was there a man named Bernard Peters at the Berkeley Radiation Laboratory in 1943?

A Yes.

Q Did you know him?

A Yes.

Q How well did you know him?

A Really fairly well.

Q How had you come to know him?

A He was a graduate student in physics and was interested in theoretical physics, so he was a student of mine. I knew both him and his wife personally.

Q Was your relationship with Peters more than just the normal relationship of a professor and a student?

A Yes.

Q Social as well?

A Yes.

Q Was he a guest at your house from time to time?

A Yes, he was.

Q And his wife as well?

A Yes.

Q And were you and your wife guests at their house?

A I am sure we were.

C How frequently did you see Peters outside of the normal contact that you had with him as a professor? I am talking now about the years 1942 and 1943, and so on.

A I think after early 1943, not frequently.

Q Because you were down at Los Alamos?

A No, even before that. After it was clear that Peters was not going to Los Alamos, I had raised with him the question of whether he would.

Q Raised with Peters?

A Yes, of whether he would come. The fact that he was the right kind of physicist and that she was a doctor and we were short of doctors made this an attractive deal. They decided not to come. I think in 1941 we saw quite a lot of them.

Q When did you first meet Peters?

A I don't remember the date. It would have been in the late Thirties, either at the time or shortly before the time that he came to study in the graduate school.

Q When did he come to study there?

A I can do a little dead reckoning.

Q Approximately.

A Approximately 1948 or something like that.

Q I believe you said that you suggested to Peters he would be a good man to come down to Los Alamos.

A I did.

Q And Mrs. Peters, being a doctor, you thought she could be of help down there, too.

A I certainly did.

Q When was that, Doctor?

A It would have been late 1942.

Q Late 1942?

A That is right.

Q Mrs. Peters, you say, was a doctor. Did she ever act as your physician?

A Yes, she did. I think only once in the spring of 1941. It may have been more frequent. I remember that time.

Q But your relations with her were both professional and social, I take it.

A Oh, yes.

Q As of 1943 or 1942, what did you know about the background of Dr. Peters?

A I knew that he had been caught as a student -- his father was a professional man of some kind whom I met, they lived in Berkeley -- that he had been caught, I believe, in Munich at the time of Hitler's rise to power; that he

had taken part in that struggle. I would then have said -- I have subsequently said -- as a Communist. He has told me that this is an exaggeration. He was put in Daschau, that he managed to get out, that his wife and he escaped the country, that they came to this country, that they made some sort of a deal or agreement that he would work and she would go to medical school, and then she would work and he would go to college or to the university. These are in broad outlines the background.

Q Did you regard Peters as in any way a dangerous man to be on a secret war project?

A I am alleged to have said so.

Q Did you say so?

A I think I did.

Q When?

A At Los Alamos.

Q When?

A I think in 1943.

Q 1943?

A But I am not sure. I think not that he was a dangerous man to have on a secret war project, no. I think what I was asked by DeSilva, "Here are four names, Bohm Weinberg and somebody else and Peters; which of these would you regard as the most likely to be dangerous, and I think I answered Peters.

Q Was that after you had suggested to Peters that he come to Los Alamos?

A It was.

Q How long after?

A A year and a quarter, something like that.

Q When had you formed that view that Peters might be a dangerous man?

A During the period that he decided not to come to Los Alamos.

Q What caused you to form that opinion?

A The way he talked about things.

Q Had he ever told you that he was a member of the Communist Party in Germany?

A I believe that he had, or that I had been told it by a friend. I believed that he had. He told me later that I had misunderstood him.

Q When did you believe that he told you that?

A Early.

Q When?

A Late Thirties.

Q Who was the friend that you thought might have told you?

A Possibly Jean Tatlock.

Q Did she know Peters, too?

A Yes.

Q Quite well?

A She knew Hannah Peters quite well.

Q Did you know anything about Mrs. Peters' background?

A Much less.

Q What did you know about her?

A That she also escaped from Germany, that she went to Italy, that she had been in medical school in this country.

Q What did you know about her association with the Communist Party?

A Literally nothing.

Q Wasn't it pretty well known that Peters had been a Communist, and when I say wasn't it, I mean in 1941, '42 and '43?

A I am not sure.

Q What is your best judgment?

A I would say it was not well known.

Q You would say it was not?

A But I am not sure.

Q Did anyone else besides Miss Tatlock tell you anything about Peters' Communist connections?

A No. The way in which this story came to me was that he had been involved in the great battle between the Communists and the Nazis in Germany; not that he was a member of the Communist Party in this country or anything like that,

I think it came from him and I don't think it came from Miss Tatlock, but I am not sure.

C Doctor, you have told us that to the best of your recollection Peters told you maybe in 1938 that he had been a member of the Communist Party. You testified, I think you said in 1942 or 1943, you suggested to him that he come to Los Alamos, is that correct?

A That is right.

Q What test did you apply at the time you suggested that he come to Los Alamos to satisfy yourself that he had severed any connection with the Communist Party?

A I didn't think and I don't think he had a connection the with/ Communist Party for five, six, seven or eight years, since he left Germany. That was a different Communist Party.

Q What I am asking you, sir, is how did you reach that conclusion? What test did you apply?

A He spoke disparagingly of the Party.

Q When was that?

A From time to time all during this period. He never indicated any connection with it, though we often saw each other. I was just sure that he had no connection with the Communist Party.

Q Did there come a time when you changed that opinion?

A No.

Q Are you satisfied that he never had any connection

with the Communist Party?

A I really know nothing about it after 1942. Therefore my satisfaction doesn't mean much except with regard to that time.

Q Doctor, this young man, Giovanni Rossi Lomanitz, I believe you called him Rossi, didn't you?

A That is the name he went by.

Q He was a student of yours?

A Yes.

Q When?

A Well --

Q I might assist you with that.

A Why don't you tell me?

Q The record shows that he graduated at Oklahoma with a B.A. in physics in 1940. Then I believe he came to Berkeley and became a student of yours. Is that in accord with your recollection?

A It could be.

Q He went to work at the Radiation Laboratory at Berkeley on June 1, 1942. Is that in accord with your memory?

A I have no recollection.

Q But you would accept that?

A Sure.

Q The record also shows he was born October 10, 1921. Of course, you don't know that, but he was quite a young man.

A He was extraordinarily young.

Q Which would make him not quite 21 when he went to work at the Laboratory.

A Yes.

Q Did he take his doctorate under you?

A No, I don't think he got through with it. He was studying for it when the war interrupted. I am not certain on this point.

Q Did you ask Lomanitz to come to work on the project?

A Not in those terms. What I remember of it, I put down in my answer, that I endeavored to persuade him that he ought to be willing to do work on behalf of his country.

Q It might be helpful to the Board if we had an answer to a statement made to you in a letter to you from General Nichols at page 5.

MR. GRAY: Which letter is this?

MR. ROBB: Letter of December 23, 1953, page 5: "In the case of Giovanni Rossi Lomanitz, you urged him to work on the project."

BY MR. ROBB:

Q Is that true?

A I don't know. I urged him to work on military problems.

Q The particular problem you had in mind was the atomic bomb, wasn't it?

A Yes, but there were lots of other military undertakings. I believe that this report stems from my own account. I don't know where else it comes from. If that is true, I go ahead and accept it, but I don't remember at this point.

Q I will continue the reading from the letter of General Nichols, "In the case of Giovanni Rossi Lomanitz, you urged him to work on the project, although you stated that you knew that he had been very much of a red when he first came to the University of California."

Did you so state?

A I have no recollection of it. I have no reason to doubt it.

Q "And that you emphasized to him that he must forego all political activity if he came onto the project."

Did you so emphasize?

A I doubt that.

Q Yo doubt it?

A Yes, because I never knew of any political activity.

Q "In August, 1943, you protested against the termination of his deferment."

Did you do that?

A Do we have anything on that, Mr. Garrison?

Q Don't you have any recollection one way or another without assistance from the counsel?

A I don't -- that is, I don't have any recollection of to whom or in what terms. Did I communicate with Lansdale about that?

MR. GARRISON: We have in our file a copy, I assume Dr. Oppenheimer will recall it, to Colonel James C. Marshall, Manhattan District, New York City, dated 7-31-43, "Understand that the deferment of Rossi Lomanitz, left in charge of my end of work for Lawrence Project by me, requested by Lawrence and Shane, turned down by your office. Believe understand reasons but feel that very serious mistake is being made. Lomanitz now only man at Berkeley who can take this responsibility. His work for Lawrence preeminently satisfactory. If he is drafted and not returned promptly to project, Lawrence will request that I release one or two of my men. I shall not be able to accede to this. Therefore, urge you support deferment of Lomanitz or insure by other means his continued availability to project. Have communicated with Fidler and am sending this to you in support of what I regard as urgent request. Lomanitz deferment expires August 2."

Do you recall that now?

THE WITNESS: It is obviously right. I didn't recall it.

BY MR. ROBB:

Q You sent that telegram?

A Sure.

Q And you didn't recall that when I asked you the question whether you protested the deferment of Lomanitz?

A No, I didn't.

Q You had not seen that until your counsel read it?

A I saw it at the time. I have not been over this file.

Q You have not been over that?

MR. GARRISON: Mr. Chairman, would it be proper for me to say that this was a file given to me by Mr. Marks who had very much earlier discussed this with Dr. Oppenheimer. I don't know at what point. I have not been over it with Dr. Oppenheimer myself.

MR. ROBB: Mr. Chairman, may I inquire what other official papers that Mr. Marks had that he turned over to counsel for Dr. Oppenheimer.

MR. GARRISON: Is this an official paper?

MR. ROBB: It certainly is.

MR. GRAY: I believe this is an official paper. I think at least I have a copy of it here.

MR. ROBB: I have the original here. It is stamped confidential. It came from the records of the Manhattan District. I am slightly curious to know what Mr. Marks, a lawyer in private practice, is doing with parts of the files of the Manhattan Engineering District.

MR. GRAY: Can you throw any light on this?

MR. GARRISON: I don't know.

MR. GRAY: Could you say whether by looking at that file there seem to be documents of a classified nature in it?

MR. GARRISON: I really don't know. I honestly looked at this just now. I do think I went over with great speed over that a minute or two ago.

MR. GRAY: Perhaps the Chair should say that this is not a fair inquiry to put you to since Mr. Marks is not available, at least at this point, to answer the question. I think the record should reflect that at least there seems to be some reason for concern and inquiry as to how, as counsel said, there seems to be in the possession of a civilian lawyer in the community at least a document which is an official document, and which so far as this record shows is still marked classified with the classification of "confidential". I think it is unfair to expect you to answer that question.

I think, however, I should say for the record that this Board may find it desirable to pursue this point further.

MR. GARRISON: Mr. Chairman, I shall make diligent inquiry during the noon hour and tell you all that I can.

MR. GRAY: Thank you.

MR. ROBB: Mr. Chairman, if I might add, I trust that Mr. Garrison will inquire of Mr. Marks whether or not as General Counsel when he left his employment with the

Commission as General Counsel, he took any other records or papers from the files.

THE WITNESS: I believe that Mr. Marks would have gotten this in a very different way. If I had a file on this subject of Lomanitz, or if there were things around in my file and my secretary assembled them, he would have gotten it that way. I believe this to be correct.

BY MR. ROBB:

Q Doctor, do you have in your files now any other government records or papers which you have not returned to the Commission?

A I was supposed to return everything. I directed my secretary to return everything, and I doubt very much if I have anything.

Q I know you were supposed to return everything. My question was, sir, did you?

A I signed a statement saying that I had directed my secretary to return to the Commission all classified documents.

Q Doctor, I am sorry. I don't want to fence with you. Would you please answer my question. Did you return all the government records you had in your possession?

A From the Commission?

Q From the Commission or any other source.

A From the Commission.

Q From the Commission? You still have some government

records from other sources?

A Yes, they are in a vault. I don't have them accessible.

MR. GARRISON: Because of my ignorance, I just raise the question whether a copy of this thing was Commission or government property? I just don't know.

MR. ROBB: I don't know. I am just curious to know.

MR. GRAY: Is there any indication of a classification on the copy you have?

MR. GARRISON: No.

MR. ROBB: I have the original here of that teletype. It is marked confidential.

BY MR. ROBB:

Q Doctor, would that have been sent in code?

A I don't know, but everything that went out of Los Alamos was confidential because we were confidential.

Q Is there any question that this telegram was sent over a government wire?

A None.

Q It was, was it not?

A Sure.

Q You didn't consider that telegram to be a part of your personal records, did you, sir, as distinct from the record of the Manhattan Engineering Project?

A If I took a copy of it, I did.

Q But you have told us it was sent over a government wire and presumably at government expense on a matter of official business, is that right?

A That is right.

Q Now, getting back to the question that we started with, it is true that in August 1943, you protested against the termination of the deferment of Lomanitz, is that correct?

A That is right.

Q And it is true that you requested that he be returned to the project after his entry into the military service?

A That is right.

MR. GRAY: Excuse me, Mr. Robb. In Nichols' letter this is all in one sentence. It says, "In August 1943 you protested the termination of his deferment and requested that he be returned to the project after his entry into the military service."

This latter suggested action did not take place in August 1943. I think the record should show. In fact, I don't think there has been any testimony here about the request that he be returned to the project after he entered the military.

BY MR. ROBB:

Q That was your letter of October 19, 1943, was it not, Doctor?

A That is right. That is the one I have before me.

DR. GRAY: I beg your pardon. This is the letter that was read into the record.

BY MR. ROBB:

Q That requested that he be returned.

A If there were no security objections.

MR. GRAY: That was dated October 19, 1943.

MR. ROBB: Yes.

BY MR. ROBB:

C Doctor, how well did you know Lomanitz when he went to work at the Radiation Laboratory on June 1, 1942?

A Not very well.

Q Did you come to know him better thereafter?

A No. Certainly somewhat better, because we would see each other from time to time.

Q Did you have any relationship with him other than the relationship of professor and student?

A Obviously this talk that I had with him was somewhat abnormal for the relation of professor and student. Otherwise not, I should think,.

Q Did he call you by your first name?

A Robert? No.

Q Did he call you "Oppy"?

A He did in this letter.

Q Did he do that habitually?

A I don't know.

Q What did you call him?

A Rossi, I think.

Q What did you know about his background, his past, at the time he came onto the project on June 1, 1942?

A I knew but I no longer recall the connection in Oklahoma.

Q Would you tell us about that?

A He had an uncle or a relative who was tried on a sedition charge. It was a very major affair and was reported in the press shortly before he came to Berkeley. He was recommended as an extremely brilliant student.

Q Who recommended him?

A The people at the University of Oklahoma.

Q Do you recall who they were?

A No. Background beyond that -- background when he came, nothing.

Q When did --

MR. GARRISON: Were you going to finish?

BY MR. ROBB:

Q Had you finished?

A This was as to the time when he arrived in Berkeley.

Q No, I am asking you at the time when he went to work on the Secret project on June 1, 1942, what you knew about him as of that time.

A After that I knew something about his work. I knew he talked in a fairly wild way.

Q What do you mean by that?

A For instance, the statement that he didn't care, not that he didn't care, but it seemed to him that the war was so terrible that it didn't matter which side won, which I tried to talk him out of. That didn't seem to me a very sensible statement.

Q Anything else?

A I don't think so.

C Did you know at the time he came on the project that he had been what you described as a red?

A That was the story which he arrived with in Berkeley. Other graduate students told me that.

Q Who?

A I don't remember.

Q Weinberg?

A No..

Q Bohm?

A No.

Q You are quite sure it was not Weinberg or Bohm?

A Positive.

Q But you can't recall who it was?

A That is right.

Q What was the name of that case in Oklahoma, do you

remember?

A I think it was Lomanitz.

Q Was it the Allen case?

A I am sorry I don't know.

Q You say it was a criminal sedition or syndicalism case?

A I have not looked this up. It was hearsay at the time, or newspaper stuff. I can't tell you beyond the fact that it was a sedition or syndicalism case of some kind.

Q Did you discuss it with Lomanitz?

A I believe not.

Q Beg pardon?

A I believe not.

Q You have mentioned several times a conversation you had with Lomanitz just prior to the time when he came to work on the secret project at Berkeley. Would you search your recollection and tell us all you can tell us about that conversation?

A I told you that he explained that he wanted to continue to study physics, that he was not eager to participate in the war effort. I argued with him about it. I don't know whether I convinced him at the time.

Q Is that all you recall about it?

A Yes.

Q Where did that conversation take place?

A I think it was up in our home on Eagle Hill.

Q When you say "our", you mean your home?

A Yes. I think I asked him to come up to talk to me.

I am not certain of that.

Q Did you in that conversation discuss his radical political activities?

A My memory is not.

Q Was there anything said about him going to work in the shipyards?

A I don't remember it. I think not.

Q Did you know anything about his radical or political activities at that time?

A No.

Q Did you lay down any conditions to Lomanitz which you thought he should abide by in the event he went to work on the secret project at Berkeley?

A This has a much more sinister sound than anything I could have said. I might have said he should behave himself.

Q What did you mean by that ?

A He should not do anything wild or foolish.

Q Such as what?

A Such as make speeches.

Q About what?

A About the injustice of the world, the folly of the war or any of the things that he shot is face off about.

Q What led you to think that he might?

A Because I had listened to him talk for a year or so.

Q Where had you heard his talk?

A This is not public speeches. I mean his conversation.

Q Where had you heard those?

A In the physics department.

Q You mean in the classrooms?

A No, in the offices.

Q So at least to that extent your relationship with him had not been strictly that of a professor and a student, had it?

A The relations between me and my student were not that I stood at the head of a class and lectured.

Q I understand that, Doctor. Was it customary for your student to talk to you about the injustices of the world and things of that sort?

A It was not uncustomary to talk to each other and me about anything that was on their minds.

Q But you are quite sure that you knew nothing about Lomanitz's past radical or political activities at the time --

A Activities, no.

Q Why do you emphasize activities?

A Because though I don't remember well, I do remember talk and not what he said but the general color of it.

Q Do you remember any political talk?

A No.

Q You are quite sure that you laid down no conditions for him to abide by in the event he went to work on the secret project?

A Beyond what I have said.

Q Was there any reason for you to lay down such conditions?

A I have told you that I knew nothing of political activity.

Q That is what I thought. Now, prior to the time when Lomanitz went on the secret project in June 1942, did you discuss with any security officer anything that you knew about Lomanitz's background?

A No, because -- well, no.

Q You didn't tell any security officer that you knew his family had been mixed up in a criminal case in Oklahoma involving sedition?

A No.

Q You may have answered this, Doctor, but how did you hear about that case?

A I am not clear. Either by reading about it -- no, somebody in the department told me about it.

MR. GRAY: May I ask, did this decision involve the Communist Party?

BY MR. ROBB:

Q It was a criminal syndicalism case.

A I am not clear. It was sedition or criminal syndicalism.

Q Did you understand it involved Communist activities?

A It was not clear to me, but revolutionary activity, or alleged revolutionary activity.

Q It might have been Communist, is that correct?

A Yes.

Q As we have seen, there came a time, did there not, when you learned that Lomanitz was about to be inducted into the army?

A That is right.

Q How did you learn that?

A I first heard it in a letter from Dr. Condon.

Q Dr. who?

A Condon.

Q Condon?

A Yes.

Q What is his first name?

A Edward.

Q Edward Condon?

A That is right.

Q How did he happen to write you about it?

A He had been at Los Alamos as Associate Director

and left after a relatively short time and he transferred to Berkeley where he was involved in getting a transition from the laboratory work to the construction work under Westinghouse. He was director of research or associate director of research for Westinghouse. He was working in Berkeley.

One of the things he was working on was this invention that I mentioned a day or so ago. Why he wrote me about it , I don't know. He wrote me about it in a great sense of outrage.

Q About when was that?

A I don't recall.

Q Do you have a copy of that letter?

A I don't have a copy of that.

MR. GARRISON: I don't know. I have not seen it.

THE WITNESS: I doubt it

BY MR. ROBB:

Q This would be about when?

A It would have been at the time the matter came up.

Q That was about July.

A That is right. Somewhat earlier, I think.

Q A little earlier?

A I think I went to Berkeley in July. I may have my dates mixed up.

Q You made quite a stir about the matter, didn't you?

A Apparently I did.

Q You sent the teletype that we have seen.

A That is right.

Q Whom did you talk to about it?

A Lansdale, when he was in Los Alamos.

Q That is Colonel Lansdale?

A That is right.

Q The security officer of the District?

A That is right, a security officer whose name I no longer remember in Berkeley.

Q Would that be Captain Johnson?

A It is not that you can refresh my memory. I really don't know.

Q Would it be Colonel Pash?

A I remember him.

Q Did you talk to him about it?

A That I think is possible.

Q Anybody else?

A I don't think so.

Q During that period of time when this matter was under discussion and consideration did you talk to Lomanitz about it?

A With the approval or the suggestion, I don't remember, of the security officer, I endeavored to persuade Lomanitz to get the thing straight with the security people, He

assured me that there was nothing to get straight.

Q Did you talk to him on the telephone?

A I don't remember. I thought I talked to him in person.

Q I think you did, but did you also talk to him on the telephone on several occasions?

A I have no recollection of that, but you apparently know that I did.

Q By the way, did you talk to Dr. Weinberg about Lomanitz's induction?

A At that time?

Q At that time or at any time?

A I would be virtually certain not.

Q At the time you discussed this matter with Colonel Lansdale, what did he tell you about it?

A That Lomanitz had been indiscreet.

Q Did Lansdale tell you what the indiscretion was?

A No.

Q Did Lansdale tell you or suggest to you that a rather thorough investigation was being made in connection with Lomanitz?

A A thorough investigation?

Q Yes, sir.

A I don't believe so. Maybe he said we have looked into the matter very completely, or something like that.

Q Did you understand either from Lansdale or anybody else that there was a n investigation revolving around Lomanitz at that time?

A I understood that there was an investigation -- I won't say an investigation -- but that something had been found out, and that people were worried, and they were trying to get it straightened out.

Q Worried about what?

A The alleged indiscretion.

Q Worried about security?

A Yes.

Q Security meant espionage, didn't it?

A Not to me.

Q It didn't?

A I didn't know what this was all about.

Q But you knew there was some investigation going on, didn't you?

A Yes.

Q I notice in your answer at page 21, you say that you assumed that Lomanitz would be checked by the security officers as a matter of course. Is that correct?

A I say that.

Q Having that assumption in mind at the time Lomanitz joined the secret project, did you tell the security officers anything that you knew about Lomanitz's background?

A I knew very little about his background and I told them nothing.

Q However much you knew, you told them nothing.

A That is right.

Q You didn't think that would have been appropriate for you to do?

A I do today.

Q You do today?

A Yes.

Q Why?

A I think it would have been appropriate for me to tell the security officers anything I knew, but I didn't at that time volunteer any information.

Q Why do you today think it would be appropriate?

A I understand it as the proper relation of an employee to his government.

Q Doctor, what I am asking you is why do you so understand. What is your reasoning?

A That part of the obligation of a government employee is to make information available.

Q You knew that the security of this project was of vital importance to the United States, did you not?

A I did.

Q And you had information, however little you think it was, which had a bearing upon whether or not Lomanitz was a

good security risk, didn't you?

A That is right.

Q And you now understand, do you not, that it was your duty to make that information available to the security officers? Is that correct?

A That is right.

Q Especially in view of the fact that you had urged Lomanitz to join the project, is that correct?

A That is right.

Q But you didn't do it.

A That is right.

Q You have said that Lomanitz was not a close friend of yours.

A That is right.

Q So that your failure to make that information available was not because of any ties of friendship, was it?

A No.

Q I notice in your telegram, which Mr. Garrison has read, to Colonel Marshall -- by the way, who was Colonel Marshall?

A He was before General Groves took charge the head of the Manhattan District. What his position at this moment was, I am not clear.

Q I notice in your telegram, in which you state that this is an urgent request, you say that Lomanitz was the only

man in Berkeley who could take this responsibility, and so forth. Lomanitz at that time was 21 years old, wasn't he?

A 22, I guess, by the record.

Q After he left and went in the Army, did the project suffer very seriously?

A I think it was taken over by Peters who had been doing something different.

Q Lomanitz's job was taken over by Peters?

A I believe so, but I am not sure. At that time I was pretty busy with my own troubles.

Q Did you suggest Peters as a possibility for that job?

A No.

Q What I am getting at is, the project did not collapse after Lomanitz left, did it?

A No. The things were put into the Oak Ridge plants. I don't know what arrangements were made.

Q Yes, sir. Doctor, on page 22 of your letter of March 4, 1954, you speak of what for convenience I will call the Eltonton-Chevalier incident.

A That is right.

Q You describe the occasion when Chevalier spoke to you about this matter.

Would you please, sir, tell the Board as accurately as you can and in as much detail as you can exactly what

Chevalier said to you, and you said to Chevalier, on the occasion that you mention on page 22 of your answer?

A This is one of those things that I had so many occasions to think about that I am not going to remember the actual words. I am going to remember the nature of the conversation.

Q Where possible I wish you would give us the actual words.

A I am not going to give them to you.

Q Very well.

A Chevalier said he had seen George Eltenton recently.

MR. GRAY: May I interrupt just a moment? I believe it would be useful for Dr. Oppenheimer to describe the circumstances which led to the conversation, whether he called you or whether this was a casual meeting.

MR. ROBB: Yes, sir.

THE WITNESS: He and his wife --

BY MR. ROBB:

Q May I interpose, Doctor? Would you begin at the beginning and tell us exactly what happened?

A Yes. One day, and I believe you have the time fixed better than I do in the winter of 1942-43, Haakon Chevalier came to our home. It was, I believe, for dinner, but possibly for a drink. When I went out into the pantry, Chevalier

followed me or came with me to help me. He said, "I saw George Eltenton recently." Maybe he asked me if I remembered him. That Eltenton had told him that he had a method, he had means of getting technical information to Soviet scientists. He didn't describe the means. I thought I said "But that is treason", but I am not sure. I said anyway something, "This is a terrible thing to do." Chevalier said or expressed complete agreement. That was the end of it. It was a very brief conversation.

Q That is all that was said?

A Maybe we talked about the drinks or something like that.

Q I mean about this matter, Doctor, had Chevalier telephoned you or communicated with you prior to that occasion to ask if he might see you?

A I don't think so. I don't remember. We saw each other from time to time. If we were having dinner together it would not have gone just this way. Maybe he called up and said he would like to come.

Q It could have been that he called you and you said come over for dinner, is that correct?

A Any of these things could have been.

Q You said in the beginning of your recital of this matter that you have described that occasion on many, many occasions, is that right?

A Yes.

Q Am I to conclude from that that it has become pretty well fixed in your mind?

A I am afraid so.

Q Yes, sir. It is a twice told tale for you.

A It certainly is.

Q It is not something that happened and you forget it and then thought about it next ten years later, is that correct?

A That is right.

Q Did Chevalier in that conversation say anything to you about the use of microfilm as a means of transmitting this information?

A No.

Q You are sure of that?

A Sure.

Q Did he say anything about the possibility that the information would be transmitted through a man at the Soviet Consulate?

A No, he did not.

Q You are sure about that?

A I am sure about that.

Q Did he tell you or indicate to you in any way that he had talked to anyone but you about this matter?

A No.

Q You are sure about that?

A Yes.

Q Did you learn from anybody else or hear that Chevalier had approached anybody but you about this matter?

A No.

Q You are sure about that?

A That is right.

Q You had no indication or no information suggesting to you that Chevalier had made any other approach than the one to you?

A No.

Q You state in your description of this incident in your answer that you made some strong remark to Chevalier. Was that your remark, that this is treasonous?

A It was a remark that either said -- this is a path that has been walked over too often, and I don't remember what terms I said this is terrible.

Q Didn't you use the word "treason"?

A I can tell you the story of the word "treason".

Q Would you answer that and then explain?

A I don't know.

Q You don't know now?

A No, I don't know.

Q Did you think it was treasonous?

A I thought it was terrible.

Q Did you think it was treasonous?

A To take information from the United States and ship it abroad illicitly, sure.

Q In other words, you thought that the course of action suggested to Eltenton was treasonous.

A Yes.

Q Since Eltenton was not a citizen, if it was not treasonous, it was criminal, is that correct?

A Of course.

Q In other words, you thought that the course of conduct suggested by Eltenton was an attempt at espionage, didn't you?

A Sure.

Q There is no question about it.

Let me ask you, sir: Did you know this man Eltenton?

A Yes; not well.

Q How had you come to know him?

A Perhaps "know" is the wrong word. I had met him a couple of times.

Q How?

A I remember one occasion which was not when I met him, but when I remember seeing him. I don't remember the occasion of my meeting him. Do you want me to describe the occasion I saw him?

Q Yes, sir.

A I am virtually certain of this. Some time after we moved to Eagle Hill, possibly in the autumn of 1941, a group of people came to my house one afternoon to discuss whether or not it would be a good idea to set up a branch of the Association of Scientific Workers. We concluded negatively, and I know my own views were negative. I think Eltenton was present at that meeting.

DR. EVANS: What was that?

THE WITNESS: I think Eltenton was present at that time. That is not the first time I met him, but it is one of the few times I can put my finger on.

BY MR. ROBB:

Q Do you recall who else was present at that meeting?

A The list is not going to be comprehensive and it may be wrong. I rather think Joel Hildebrand of the Chemistry Department at Berkeley, Ernest Hilgard of the Psychology Department at Stanford. There were several people from Sanford, six or seven people from Berkeley.

Q Was your brother Frank there?

A I don't think so.

Q Was David Adelson there?

A I am not sure. I doubt it, but it is possible.

Q He might have been?

A Yes.

Q Was a man named Jerome Vinograd there?

A I don't think I knew him.

Q Was he there whether you knew him or not?

A I don't know.

MR. ROBB: Mr. Chairman, I see it is half past twelve. Would you want to adjourn now. This is a good stopping place now.

MR. GRAY: I think so.

We will reconvene at 2 o'clock.

(Thereupon at 12;30 p.m., a recess was taken until 2 o'clock p.m., the same day.)

AFTERNOON SESSION

2 p.m.

MR. GRAY: We will begin the proceeding now.

The record should show the presence of Mr. Herbert S. Marks.

MR. GARRISON: Mr. Chairman, I would like to ask Mr. Herbert S. Marks, associated with me as counsel in this matter to make a brief statement about how the copy of the teletype message that I read into the record this morning from Dr. Oppenheimer to Colonel Marshall came into first his possession and then mine.

MR. GRAY: All right, sir.

MR. MARKS: Shortly after the General Manager's letter to Dr. Oppenheimer notifying him of this matter of the proceedings -- shortly after that but considerably before Mr. Garrison came into this case -- I began working in Dr. Oppenheimer's behalf in preparation for it.

On one occasion -- I think it was the latter part of December -- I was in Princeton and asked for whatever material Dr. Oppenheimer had there which might bear on any of the allegations in the letter.

As I recall, Dr. Oppenheimer's secretary gave me this particular folder or this particular batch of letters. The top one, which is a letter to Dr. Oppenheimer from Col. Lansdale, dated October 22, 1943 -- this is a copy that I have -- was marked "Confidential", but the word "Cancelled"

was written over "Confidential". There also appeared a notation "Classification Cancelled through the Atomic Energy Commission, H. H. Carroll /s/ for the Chief, Declassification Branch".

I notice that the date under that cancellation is 1-29-53. I think that must be in error because this trip that I have reference to would have been in December of 1953 and not January 1953. The explanation, which as I remember Dr. Oppenheimer's secretary gave me was, this was just at the time when the Commission's representatives were in Princeton transferring or taking away files that Dr. Oppenheimer had there which were classified.

Dr. Oppenheimer's secretary explained further to me that in the course of her releasing these classified files to the Atomic Energy Commission, as she had been instructed to do, she went over them and identified certain items of correspondence which seemed to be of an essentially non-classified character and made arrangements with the security officer for their declassification.

Without checking with her I can't be sure that this explanation is the one that accounts for all of the papers in this particular batch, of which the one referred to this morning, the teletype, which I believe was the one with the date of 7-31-43, of which that item was one.

Without checking with Dr. Oppenheimer's secretary

I can't be sure that this is the explanation, but I think it is.

MR. GRAY: Is it your impression that the security officers declassified that whole file as of whatever date in December it was?

MR. MARKS: You see, all I have, Mr. Gray, is the top letter of the batch with "Confidential" marked on it, and then cancelled out and noted declassified.

These are apparently copies of material which Dr. Oppenheimer's secretary made and I assume she kept whatever she copied from. The only thing I can conjecture is that that declassification must have been intended to apply to the whole batch, but perhaps Mr. Carroll of the Commission could be checking on that and we will also do so with Dr. Oppenheimer's secretary, if you wish.

MR. GRAY: I think I should say for the record that although the original of the teletype message that we have been discussing -- I have forgotten the date of it -- is in the possession of the Board and is itself marked "Confidential", of course, I have have no information as to when this was classified confidential -- whether when sent or some later date.

MR. ROBB: I do not know.

MR. GRAY: We do not know.

DR. OPPENHEIMER: All teletypes out of Los Alamos

carried the security designation whatever their content.

MR. GRAY: I would guess that, but I was not informed on that point. So I assume this was originally a confidential message. Again I assume this is the original.

MR. GARRISON: I would like, Mr. Chairman, to give you the whole file for your inspection and that of the Board.

MR. GRAY: Of course, some of this is correspondence between Dr. Oppenheimer and Lomanitz, and includes these communications.

I don't think there is any point in dwelling on this at the moment, Mr. Garrison. I think Mr. Marks has given us the best explanation he can give. Unless some member of the Board or counsel, Mr. Robb, has any questions of Mr. Marks, perhaps we better proceed with the hearing.

MR. MARKS: I understand, Mr. Gray, that there was a question this morning as to whether I had any other file. I think there was this file and one other that could have been -- one or two more, although I doubt it -- in any case when we decided to concentrate the final preparation of the case in Mr. Garrison's office, I simply scribbled on them as on this file, "Dr. Oppenheimer's own files", and turned them over to Mr. Garrison.

The only other file I remember of that character was the one dealing with the Independent Citizens Committee of the Arts, Sciences and Professions, but my office will

have a record of precisely what they were and I will check that.

MR. GARRISON: In any event, that file, too, had nothing to do with Dr. Oppenheimer's relations with the Government at all, or his period of service at Los Alamos.

I, Mr. Chairman, certainly have no recollection of any file containing any correspondence of a quasi-governmental character except this one. The Independent Citizens Committee file which Mr. Marks turned over to us we have read completely into the record in toto. There may be one or two other files of that character. Again I am not quite sure, but I am quite certain on the quasi-governmental character.

MR. GRAY: Yes. It would appear, and this is entirely supposition, that Dr. Oppenheimer had retained a file containing all of his correspondence with and relating to Mr. Lomanitz, and that the security officer apparently took that file and allowed Dr. Oppenheimer's secretary to make copies for another complete file on this.

This would be the impression I get from what Mr. Marks said.

MR. MARKS: That is my impression of what occurred but I would have to check with Dr. Oppenheimer's secretary.

Mr. Garrison also mentioned to me that there was a question as to whether I had taken any files from the

Atomic Energy Commission. I don't know whether that question was on the record or off, but for your reassurance I must say, of course not.

I took away from the Commission when I left in 1947 a great many papers that were mine or that were government printing office documents, but all of my files were reviewed page by page by a security office who then stamped the bundles that were transferred to me personally and gave me a certificate to the effect that there was nothing in them that belonged to the Commission or of a classified nature.

MR. GRAY: Thank you very much. I understood Mr. Marks came for the purpose of making this statement, is that right?

MR. GARRISON: I would like to have him remain this afternoon, Mr. Chairman.

MR. GRAY: The record will show that he remains in his capacity of -- how do you describe him -- co-counsel?

MR. GARRISON: Yes.

MR. GRAY: So the record will reflect.

MR. MARKS: That is the capacity I made this statement, I take it.

MR. GRAY: There is no reason that the record should not reflect that.

MR. ROBB: May I proceed?

MR. GRAY: Yes, if you will.

Whereupon,

J. ROBERT OPPENHEIMER

the witness on the stand at the time of taking the recess, resumed the stand and testified further as follows:

DIRECT EXAMINATION (Continued)

BY MR. ROBB:

Q Dr. Oppenheimer, while we are on the matter of the telegram about Mr. Lomanitz, I notice in the file that Mr. Garrison handed to the chairman a copy of a wire you sent to Mr. Lomanitz, dated July 31, 1943:

"Mr. G. R. Lomanitz, Radiation Laboratory, University of California, Berkely, California.

"Have requested in proper places reconsideration of support for your deferment. Cannot guarantee outcome but have made strong request. Suggest you ask Fidler for current developments. Good luck, CPJE."

Di you send that wire?

A Evidently.

Q Why was it so important to you that Lomanitz be not drafted?

A I am not sure that it was so important to me. I had this outraged communication from Condon --

Q You had what?

A An outraged communication from Condon about it. We were very short of people. I doubt whether there was any more

to it than that.

Q Dr. Condon's opinions had a great weight with you?

A They had some weight with me.

Q I beg your pardon?

A They had some weight with me. I thought it reflected a sense of trouble in Berkeley.

Q Is it your recollection that that communication was by way of a letter?

A Yes.

Q Did you put that in your file?

A I don't have it.

Q I didn't ask you that, sir. Did you put it in your file?

A I don't know.

Q Did you get any other letters from Rossi Lomanitz which are not in your file?

A I got some later.

Q When?

A Toward the end of the war. All of these were open and read and there may be a record of them. I don't have any in mind. I had no further communications about his situation in the Army after I wrote a letter to his Commanding Officer.

Q What were those communications about that you got from him later?

A I think about coming back to Berkely and studying after the war, that kind of thing.

Q Did he ask your assistance in getting him back to Berkeley?

A I don't recall. I don't see why that would be necessary.

Q What do you mean by that?

A I would not have had to get him into the university.

Q Did you do anything about getting him a job or getting him placed after he got back from the Army?

A I don't know. I wasn't there at that time.

Q Wherever you were, did you do anything about it?

A I have no recollection whatever. He would have come back as a graduate student and I have no recollection at all of how he got back as a graduate student.

Q If he had asked you, I assume there is no reason why you would not have helped him?

A No.

Q Doctor, do you have a file of correspondence with all of your graduate students who were working on this project with you?

A No.

Q Is there any particular reason why you preserved the file on Lomanitz?

A Yes, there is. He was in some kind of trouble. I thought that some day I might be asked about how I behaved.

Q So you wanted to keep a record of it?

A That is right.

Q I assume you likewise charged your mind with the matter, is that correct?

A No, I think I forgot it.

Q Beg pardon?

A I forgot it.

Q You knew it was a matter that had to be handled with some care, did you not, because of the fact that he was in trouble?

A I was aware of the fact that he was in trouble and thought I should keep what record I had.

Q Doctor, before the noon recess we were talking about your acquaintanceship or friendship -- whichever it was -- with Mr. Eltenton. You told us, I believe, that he came to your home on one occasion for a meeting; is that right?

A Yes.

Q That was in the evening?

A I think it was in the afternoon.

Q Who had called that meeting?

A I am not clear about that. I have tried to remember and I can't.

Q Do you remember who presided?

A No. Maybe I did.

Q I believe I was asking you to try to remember who was there.

A I identified probably fumblingly one or two people. It is possible that Addis was there.

Q Who?

A Addis. It is quite certain that Hilgard was there. It is probable that Hildebrand was there. I am not certain or very sure beyond that.

Q When you said Addis, you meant Thomas Addis?

A I did.

Q Was David Adelson there?

A You asked me that.

Q Yes, I did. I don't think you answered.

A I can't. I doubt it, but I am not certain.

Q The last one I asked you about was Jerome Vinograd. Was he there?

A Yes, you did. I answered that not being acquainted with him, I don't know.

Q How many people were there?

A Fifteen.

Q You are quite positive that Eltenton was there?

A No, but I think so.

Q Had you met Eltenton on many other occasions?

A Oh, yes; I had met him before that.

Q Where?

A I don't remember.

Q A social occasion?

A Yes.

Q Can you recall any of them?

A No.

Q Do you recall who introduced you to him?

A No.

Q Did Eltenton come to your house on any other occasion?

A I am quite sure not.

Q Did he come to your house in 1942 on one occasion to discuss certain awards which the Soviet Government was going to make to certain scientists?

A If so, it is news to me. I assume you know that this is true, but I certainly have no recollection of it.

Q You have no recollection of it?

A No.

Q Let me see if I can refresh your recollection, Doctor. Do you recall him coming to your house to discuss awards to be made to certain scientists by the Soviet Government and you suggesting the names of Bush, Morgan and perhaps one of the Comptons?

A There is nothing unreasonable in the suggestions.

Q But you don't recall?

A But I really don't remember.

Q What did you know about Eltenton's background in 1943 when this Eltenton-Chevalier episode occurred?

A Two things -- three things -- four things: That he was an Englishman, that he was a chemical engineer, that he had spent some time in the Soviet Union, that he was a member of the Federation of Architects, Engineers, Chemists, and Technicians -- five things -- that he was employed, I think, At Shell Development Company.

Q How did you know all those things?

A Well, about the Shell Development Company and the Federation of Architects, Engineers, Chemists and Technicians, I suppose he told me or some one else employed there told me. As for the background in Russia, I don't remember. Maybe he told me, maybe a friend told me. That he was an Englishman was obvious.

Q Why?

A His accent.

Q You were fairly well acquainted with him, were you not?

A No. I think we probably saw each other no more than four or five times.

Q Did you see Eltenton after this episode occurred?

A No.

Q Have you ever seen him since?

A No.

Q Could that have been on purpose on your part? Have you avoided him?

A I have not had to, but I think I would have.

Q You have mentioned your conversation with Colonel Lansdale which I believe you said took place at Los Alamos?

A Yes.

Q In which he told you he was worried about the security situation at Berkely. I believe we agreed that worry would naturally include a fear of espionage?

A That is right.

Q Did he mention any names in connection with that worry?

A Lomanitz was obviously in the picture, and I believe that is the only one.

Q Weinberg?

A I don't think he did.

Q But Lomanitz obviously?

A Lomanitz.

Q When did you first mention your conversation with Chevalier to any security officer?

A I didn't do it that way. I first mentioned Eltenton.

Q Yes.

A On a visit to Berkely almost immediately after Lansdale's visit to Los Alamos.

Q Was that to Lieutenant Johnson, do you remember?

A I don't remember, but it was to a security officer there.

Q At Berkely?

A That is right.

Q If therecord shows that it was to Lieutenant Johnson on August 25, 1943, you would accept that?

A I would accept that.

Q You mentioned the Eltenton incident in connection with Lomanitz, didn't you?

A The context was this. I think Johnson told me that the source of the trouble was the unionization of the Radiation Laboratory by the Federation of Architects, Engineers, Chemists and Technicians. Possibly I had heard that from Lansdale. The connection that I made was between Eltenton and this organization.

Q In your answer at page 22 you say, referring to the Eltenton ipisode: "It has long been clear to me that I shouldhave reported the incident at one."

A It is.

Q "The events that lead me to report it, which I doubt ever would have become known without my report, were unconnected with it."

You have told us that your discussion with Colonel Lansdale encompassed the subject of espionage. Of course,

you have told us also that the Eltenton matter involved espionage; is that correct?

A Let us be careful. The word espionage was not mentioned.

Q No?

A The word indiscretion was mentioned. That is all that Lansdale said. Indiscretion was talking to unauthorized people who in turn would talk to other people. This is all I was told. I got worried when I learned that this union was connected with their troubles.

Q But, Doctor, you told us this morning, did you not, that you knew that Lansdale was worried about espionage at Berkeley; is that correct?

A I knew he was worried about the leakage of information.

Q Isn't that a polite name for espionage?

A Not necessarily.

Q I will ask you now, didn't you know that Lansdale was concerned about the possibility of espionage at Berkeley?

A About the possibility, yes.

Q Yes.

A That is right.

Q So, Doctor, it is not quite correct to say that the Eltenton incident was not connected with your talk with Lansdale, is it?

A I didn't mean it in that sense. I meant that it had nothing to do with Chevalier or Eltenton with respect to the events that aroused this.

Q But your talk with Lansdale did have to do with the subject which included Chevalier and Eltenton, didn't it?

A I have described it as well as I can. Chevalier's name was not mentioned; Eltenton's name was not mentioned; and espionage was not mentioned.

Q I didn't say that. But it had to do with the subject which involved Chevalier or at least Eltenton?

A Sure; that is why I brought it up.

Q What did you tell Lieutenant Johnson about this when you first mentioned Eltenton to him?

A I had two interviews and therefore I am not clear as to which was which.

Q May I help you?

A Please.

Q I think your first interview with Johnson was quite brief, was it not?

A That is right. I think I said little more than that Eltenton was somebody to worry about.

Q Yes.

A Then I was asked why did I say this. Then I invented a cock and bull story. ✓

Q Then you were interviewed the next day by Colonel

Pash, were you not?

A That is right.

Q Who was he?

A He was another security officer.

Q That was quite a lengthy interview, was it not?

A I didn't think it was that long.

Q For your information, that was August 26, 1943.

A Right.

Q Then there came a time when you were interviewed
by Colonel Lansdale.

A I remember that very well.

Q That was in Washington, wasn't it?

A That is right.

Q That was September 12, 1943.

A Right.

Q Would you accept that?

A Surely.

Q Then you were interviewed again by the F.B.I. in
1946, is that right?

A In between I think came Groves.

Q Pardon?

A In between came Groves.

Q Yes. But you were interviewed in 1946, is that
right?

A That is right.

Q Now, let us go back to your interview with Colonel Pash. Did you tell Pash the truth about this thing?

A No.

Q You lied to him? ✓

A Yes.

Q What did you tell Pash that was not true?

A That Eltenton had attempted to approach members of the project -- three members of the project -- through intermediaries.

Q What else did you tell him that wasn't true? ✓

A That is all I really remember.

Q That is all? Did you tell Pash that Eltenton had attempted to approach threemembers of the project --

A Through intermediaries.

Q Intermediaries?

A Through an intermediary.

Q So that we may be clear, did you discuss with or disclose to Pash the identity of Chevalier?

A No.

Q Let us refer, then, for the timebeing, to Chevalier as X.

A All right.

Q Did you tell Pash that "X" had approached three persons on the project?

A I am not clear whether I said there were three "X's"

or that "X" approached three people.

Q Didn't you say that "X" had approached three people?

A Probably.

Q Why did you do that, Doctor?

A Because I was an idiot. ✓

Q Is that your only explanation, Doctor?

A I was reluctant to mention Chevalier.

Q Yes.

A No doubt somewhat reluctant to mention myself.

Q Yes. But why would you tell him that Chevalier had gone to three people?

A I have no explanation for that except the one already offered. ✓

Q Didn't that make it all the worse for Chevalier?

A I didn't mention Chevalier.

Q No, but "X".

A It would have.

Q Certainly. In other words, if "X" had gone to three people that would have shown, would it not --

A That he was deeply involved.

Q That he was deeply involved. That is was not just a casual conversation.

A Right.

Q And you knew that, didn't you?

A Yes.

Q Did you tell Colonel Pash that "X" had spoken to you about the use of microfilm?

A It seems unlikely. You have a record and I will abide by it.

Q Did you?

A I don't remember.

Q If "X" had spoken to you about the use of microfilm that would have shown definitely that he was not an innocent contact?

A It certainly would.

Q Did you tell Colonel Pash that "X" had told you that the information would be transmitted through someone at the Russian Consulate?

(There was no response)

Q Did you?

A I would have said not, but I clearly see that I must have.

Q If "X" had said that, that would have shown conclusively that it was a criminal conspiracy, would it not?

A That is right.

Q Did Pash ask you for the name of "X"?

A I image he did.

Q Don't you know he did?

A Sure.

Q Did he tell you why he wanted it?

A In order to stop the business.

Q He told you that it was a very serious matter, didn't he?

A I don't recollect that, but he certainly would have.

Q You knew that he wanted to investigate it, did you not?

A That is right.

Q And didn't you know that your refusal to give the name of "X" was impeding the investigation?

A In actual fact I think the only person that needed watching or should have been watched was Eltenton. But as I concocted the story that did not emerge.

Q That was your judgment?

A Yes.

Q But you knew that Pash wanted to investigate this?

A Yes.

Q And didn't you know, Doctor, that by refusing to give the name of "X" you were impeding the investigation?

A I must have known that.

Q You know now, don't you?

A Well, actually --

Q You must have known it then?

A Actually the only important thing to investigate was Eltenton.

Q What did Pash want to investigate?

A I suppose the three people on the project.

Q You knew, didn't you, Doctor, that Colonel Pash and his organization would move heaven and earth to find out those three people, didn't you?

A It makes sense.

Q And you knew that they would move heaven and earth to find out the identity of "X", didn't you?

A Yes.

Q And yet you wouldn't tell them?

A That is true.

Q So you knew you were impeding them, didn't you?

A That is right.

Q How long had you known this man, Chevalier, in 1943?

A For many years.

Q How many?

A Perhaps five; five or six, probably.

Q How had you known him?

A As a quite close friend.

Q Had you known him professionally or socially?

A He was a member of the faculty and I knew him socially.

Q What was his specialty?

A He was a professor of French.

Q How did you meet him, do you remember?

A Possibly at one of the first meetings of the Teachers Union, but I am not certain.

Q Were you a frequent visitor at his house?

A Yes.

Q And your wives were also friendly?

A Right.

Q Had you seen him at the meeting of leftwing organizations?

A Yes. I think the first time I saw him I didn't know him. He presided at a meeting for Spanish Relief at which the French writer Malraux was the speaker.

Q Where was that meeting held?

A In San Francisco.

Q At whose house?

A It was a public meeting.

Q What other meetings did you see him at?

A I am not sure that I can catalog them all. Parties for Spanish Relief. The meeting was held at his house at which Schneiderman talked. The Teachers Union meetings, if they are counted as leftwing.

Q What was the Teachers Union meeting about?

A They had them regularly.

Q Were those Teachers Union meetings held at private homes?

A No.

Q Some of them?

A I don't think the union could have met in a private home.

Q I don't know.

A No. These were held in halls or, I think, in the International House.

Q Any other meetings that you remember?

A I would be certain there were but they are not coming up.

Q This meeting that you mentioned at which Schneiderman spoke, that was December 1, 1940, was it not?

A I don't know the date but I will accept it.

Q Who was Schneiderman?

A He was the secretary of the party in California.

Q The Communist Party?

A Right.

Q This was held at Chevalier's house?

A Yes.

Q How many people were present?

A Twenty, as a guess.

Q In the evening?

A Yes.

Q Do you recall who was there?

A Not very accurately and not with certainty. I didn't even recall the meeting until my wife refreshed my

memory.

Q Was Isaac Folkoff there?

A It is possible.

Q Was Dr. Addis there?

A I think so.

Q Was Rudie Lambert there?

A I don't remember that, but possibly.

Q Do you remember anybody else who was there?

A Mr. Jack Straus.

Q Who? How do you spell that?

A S-t-r-a-u-s. I don't know whether it is one or

two "s's".

Q Who was he?

A A S n Franscisco business man.

Q Was he a member of the Communist Party?

A Not to my knowledge.

Q By the way, was Lambert a member of the Communist Party?

A Y es.

Q What was his function?

A I never knew.

Q You knew he was a member?

A I knew he was a member, and, in fact, had an official job.

Q How often did you see Lambert?

A Half a dozen times.

Q In what connection?

A Different ones. Affairs like this: I had lunch with him once or twice with Folkoff. I saw him at a Spanish party.

Q What was the purpose of those luncheons?

A This was one of the times when they were telling me about why I needed to give them money.

Q Money to what?

A To them for use in Spain.

Q Folkoff was a communist?

A Yes.

Q What was his job in the party?

A I think he was treasurer of something, but I never knew of what.

Q Can you describe Lambert to us?

A A lean, rather handsome man, moderate height, rather an effective speaker in conversation.

Q What was the purpose, again, of this meeting at which Schneiderman spoke?

A I suppose it was to acquaint the interested gentry with the present line or the then line of the communist party.

Q Who asked you to go?

A The Chevaliers.

Q It was his house, wasn't it?

A Yes.

Q Did you know Chevalier as a fellow traveler?

A I so told the F.B.I. in 1946 and I did know him as a fellow traveler.

Q He followed the party line pretty closely, didn't he?

A Yes, I imagine he did.

Q Did you have any reason to suspect he was a member of the Communist Party?

A At the time I knew him?

Q Yes, sir.

A No.

Q Do you know?

A No.

Q You knew he was quite a "Red", didn't you?

A Yes. I would say quite "pink".

Q Not "red"?

A I won't quibble.

Q You say in your answer that you still considered him a friend?

A I do.

Q When did you last see him?

A On my last trip to Europe. He is living in Paris, divorced and has been remarried. We had dinner with them

one evening. The origin of this, or at least part of the origin --

Q May I interpose? That was in December, 1953?

A Yes, December.

Q Go ahead.

A He wrote me a note saying that he had been at UNESCO and had run into Professor Bohr who told him I was coming to Europe -- we were coming to Europe.

Q Professor who?

A B-o-h-r. He asked us to look him up if we got to Paris. We planned to do so. My wife called. He was out of two on a job. He got back and we had dinner together, the four of us.

The next day he picked us up and drove us out to visit with Malraux, who has had rather major political changes since 1936. We had a conversation of about an hour and he drove us back to the hotel.

DR. EVANS: How long was Bohr in this country?

THE WITNESS: Bohr?

DR. EVANS: Yes.

THE WITNESS: He has been here many different times.

DR. EVANS: Just about the time that you began the work.

THE WITNESS: He arrived early in 1944 and left about mid 1945; so that would be a year and a half.

DR. EVANS: Did he go under the name of Bohr here?

THE WITNESS: He had the code name of Nicholas Baker.

BY MR. ROEB:

Q What kind of a code was that?

A It was meant to conceal from people who should know that he was in this country and working on the atomic project.

Q I see. Getting back to your visit with Chevalier in December, 1953, was Dr. Malraux, the gentleman who first introduced you to Chevalier?

A He did not introduce me. He was the speaker at a meeting at which Chevalier presided. Malraux became a violent supporter of DeGaulle and his great brainman and deserted politics and went into purely philosophic and literary work. Our talk was purely of that.

Q What was your conversation with Chevalier that you said you had for about an hour?

A With Malraux that was.

Q It was not with Chevalier?

A Chevalier took us there. We had dinner with him and his new wife the night before. The talk was personal, diffuse and about how they were living and how we were living.

Q Did you talk about Chevalier's passport?

A No.

Q Did you thereafter go to the American Embassy to assist Dr. Chevalier in getting a passport to come back to this country?

A No.

Q Do you know a Dr. Jeffrey Wyman?

A Yes, I do.

Q Who is he?

A He is the Science Attache of the State Department in Paris. He is a man I knew at Harvard when I was a student there and Cambridge. He resigned from Harvard to accept this job.

The first day or so my wife and I were in Paris we called at the Embassy and we called on the Charge d' Affairs the Ambassador was ill and away, and Wyman asked us to lunch and we had lunch with him. This was a propriety. We didn't see Wyman again.

Q Did you discuss with Wyman or anybody else the matter of Chevalier's passport?

A I did not.

Q At any time?

A At no time.

Q Let us move along to your interview with Colonel Lansdale on September 12.

A Right.

Q Did you tell him substantially the same story you

told Colonel Pash?

A I don't know whether he repeated it to me or I repeated it to him.

Q In all events, if he repeated it to you --

A I did not modify it.

Q You affirmed it as the truth?

A Yes.

Q So you lied to him, too?

A That is right.

Q Did he plead with you to give him the name of "X"?

A He did.

Q Did he explain why he wanted that name?

A I suppose he did. I don't remember.

Q You knew why he did?

A It didn't need explanation.

Q Did he explain to you that either "X" or Eltenton might have continued to make other contacts?

A This would have been a reasonable thing to say.

Q Did you give him the name of "X"?

A No.

MR. GRAY: Suppose we break now for a few minutes.

(Whereupon, a short recess was taken.)

MR. GRAY: May we resume.

BY MR. ROBB:

Q Doctor, just so the record will be complete, do you recall in 1950 getting a letter from Dr. Chevalier who was then in San Francisco asking you to assist him by telling him what you testified before the House Committee about the Chevalier-Eltenton incident?

A Yes, I remember.

Q Do you recall answering that letter?

A I did answer it. I think I did not tell him what I testified, because it was in executive session, but referred him to a press account of what I testified. I am not quite certain on this point.

Q At that time he was attempting to get a passport to leave the United States, was he?

A I thought that was later, but I am not sure.

Q That may have been. You did hear about it when he was attempting to get a passport, did you?

A Yes.

Q We will come to that later.

I will read you and ask you if this is the letter that you wrote to him. I am sorry I haven't a copy of it. On the stationary of the Institute for Advanced Study, Princeton, New Jersey, Office of the Director, 24 February 1950:

"Dear Haakon:

"Thank you for your good letter of February 21st. I can understand that an account of my testimony before the House Committee could be helpful to you in seeking a suitable academic position at this time. I cannot send it to you because I have never myself had a transcript, and because the Committee ruled at the time that they desired to keep, and would keep, the hearings secret. But I can tell you what I said. I told them that I would like as far as possible to clear the record with regard to your alleged involvement in the atom business. I said that as far as I knew, you knew nothing of the atom bomb until it was announced after Hiroshima; and that most certainly you had never mentioned it or anything that could be connected with it to me. I said that you had never asked me to transmit any kind of information, nor suggested that I could do so, or that I consider doing so. I said that you had told me of a discussion of providing technical information to the USSR which disturbed you considerably, and which you thought I ought to know about. There were surely many other points; but these were, I think, the highlights; and if this account can be of use to you, I hope that you will feel free to use it.

"As you know, I have been deeply disturbed by the threat to your career which these ugly stories could constitute. If I can help you in that, you may call on me.

"Sincerely yours, Robert Oppenheimer.

"Dr. Haakon Chevalier

"3127 Washington Street

"San Francisco, California."

Did you write that letter?

A Oh, sure. I didn't recollect it.

Q Was the account of your testimony which you gave there an accurate one?

A I think it is fairly accurate.

Q Dr. Chevalier thereafter used that letter in connection with his passport application.

A I didn't know that.

Q Did you talk to him about his passport application?

A I did. He came to Princeton at the time and I referred him to counsel to help him with it.

Q To whom did you refer him?

A Joe Fanelli..

Q In Washington?

A Right.

Q Is that the same Joe Fanelli who represented Mr. Weinberg in his criminal trial?

A I believe it is.

Q Was he a friend of yours, Fanelli?

A No. I had not met him at the time I referred Chevalier to him, but he represented my brother at the time

of his appearance before the House Un-American Committee.

Wait just a minute --

MR. ROBB: Mr. Chairman, I am sorry. I don't think counsel should coach the witness.

THE WITNESS: You are quite right.

MR. MARKS: I am very sorry.

MR. ROBB: Will you resume?

THE WITNESS: I did hear the correction.

MR. ROBB: I hope it won't happen in the future.

MR. GRAY: I think we should be careful, counsel, if you do not mind. I should repeat I think at this time because Mr. Marks has not been present before, that we consider under the regulations, spirit and letter that this is not a trial but an inquiry. Very considerable latitude, as you have observed and we have all experienced, is certainly allowed, and is to continue, in not trying to conform to rigid court procedures. But as far as the testimony of a witness is concerned, it must be his own testimony.

THE WITNESS: I am sorry I did hear it. I was mistaken.

MR. GRAY: The purpose of the inquiry is not entrapment.

THE WITNESS: I understand that. I met Fanelli at one time, but I believe it was after I referred Chevalier to him. I met him first on the train going from Washington

to Princeton where I was introduced by a friend, and I met him later in the preparation for the Weinberg case. But he had been recommended to me very highly, and I suggested him to Chevalier.

BY MR. ROBB:

Q Dr. Chevalier came to Princeton to see you about the matter?

A He came and stayed a couple of days. I don't think it would be right to say he came to see me about the passport problem. He had just been divorced. He talked of nothing but his divorce. But he was worried about whether to use an American passport or his French passport.

Q About when was that, Doctor?

A Could it have been the spring of 1951?

Q I don't know.

A It was immediately at the time he left the country.

Q You had previously met Mr. Fanelli?

A I believe I did not meet him until after this.

Q Who, Doctor, had so highly recommended Fanelli to you?

A I had heard him warmly spoken of by Mr. Marks. I think that is what it was.

Q Who was the friend that was on the train with you?

A Two, Sumner Pike, and Archie Alexander.

Q I believe you said that your account of your

testimony which you gave to Dr. Chevalier in your letter of February 24, 1950, was substantially accurate to the best of your recollection?

A It was intended not to be misleading and to be reassuring.

Q And had your testimony to which this letter referred been true? Was it the truth?

A My testimony was certainly true.

Q Doctor, I would like to go back with you, if I may, to your interview with Colonel Pash on August 26, 1943. I will read to you certain extracts from the transcript of that interview.

Colonel Pash said to you:

"Mr. Johnson told me about the little incident or conversation taking place yesterday in which I am very much interested, and had me worried all day yesterday since he called me.

"Oppenheimer: I was rather uncertain as to whether I should or should not talk to him, Rossi, when I was here. I was unwilling to do it without authorization. What I wanted to tell this fellow was that he had been indiscreet. I know that is right that he had revealed information. I know that saying that much might in some cases embarrass him. It doesn't seem to have been capable of embarrassing him, to put it bluntly."

Do you recall saying that?

A Let me say I recognize it.

Q In substance did you say that?

A I am sure I did.

Q So there was no question, Doctor, that this matter of the Eltenton incident came up in connection with your conversation about Lomanitz.

A That is right.

Q There is no question, is there, either, that at that time, August 26, 1943, you knew that Lomanitz had revealed certain confidential information?

A That I was told by Lansdale, that he had been indiscreet about information. It was not made clear to me - -

Q This says, "I know that is right that he had revealed information." So wouldn't you agree that you knew he had revealed information?

A Yes.

Q Very well. Pash said:

"Well, that is not the particular interest I have. It is something a little more in my opinion that is more serious. Mr. Johnson said that there was a possibility that there may be some other groups interested.

"Oppenheimer: I think that is true, but I have no first hand knowledge that it would be for that reason useful. But I think it is true that a man whose name I

never heard, who was attached to the Soviet Consul, has indicated indirectly through intermediate people concerned with this project that he was in a position to transmit without any danger of a leak or scandal or anything of that kind information which they might supply."

Do you recall saying that in substance?

A I certainly don't recall it.

Q Would you deny you said it?

A No.

Q Is there any doubt now that you did mention to Pash, a man attached to the Soviet consul?

A I had completely forgotten it. I can only rely on the transcript.

Q Doctor, for your information, I might say we have a record of your voice.

A Sure.

Q Do you have any doubt you said that?

A No.

Q Was that true. Had there been a mention of a man connected with the Soviet consul?

A I am fairly certain not.

Q You were very certain before lunch that there had not, weren't you?

A Yes.

Q You continue in that same answer: "Since I know

it to be a fact, I have been particularly concerned about any indiscretions which took place in circles close enough to be in contact with him. To put it quite frankly, I would feel friendly to the idea of the Commander in Chief of informing the Russians who are working on this problem. At least I can see there might be some arguments for doing that but I don't like the idea of having it moved out the back door. I think it might not hurt to be on the lookout for it."

Do you recall saying something like that?

A I am afraid I am not recalling very well, but this is very much the way I would have talked.

Q Did you feel friendly to the idea of the Commander in Chief informing the Russians who were working on the problem?

A I felt very friendly to the attempt to get real cooperation with the Russians, a two way cooperation, on an official governmental level. I knew of some of the obstacles to it.

Q Is this an accurate statement of your sentiments as of August 26, 1943: "I would feel friendly to the idea of the Commander in Chief informing the Russians who are working on this problem"?

A The Russians who are working on this problem?

Q Yes, sir.

A I think that is not an accurate sentence.

Q That is not the way you felt then?

A No. I think I can say that I felt that I hoped that during the war good collaboration all along the line could be established with the Russians through governmental channels but I had no idea that there were any Russians working on the problem.

Q On the problem, not the project. On the problem.

A What problem?

Q "I would feel quite friendly to the idea of the Commander in Chief informing the Russians who are working on this problem."

If you said that to Colonel Pash, did that express your sentiments?

A What does it mean?

Q I am asking you.

A I don't know.

Q That language is not intelligible to you?

A On this problem? No.

Q The problem of the atom bomb. Did you in 1943 feel friendly to the idea of the Commander in Chief of informing the Russians who were working on the problem of the atomic bomb?

A I don't think there were any Russians working on the problem of the atomic bomb.

Q Did you feel friendly in 1943 to the idea of the

Commander in Chief giving the Russians any information about the work that was being done on the atomic bomb under your supervision?

A If it had been a completely reciprocal and open affair with their military technology and ours, I would have seen arguments for it, yes, sir.

C In other words, you did feel friendly.

A With these qualifications.

Q You said here, "At least I can see there might be some arguments for doing that, but I don't like the idea of having it moved out the back door."

A Right.

Q Pash then said: "Could you give me a little more specific information as to exactly what information you have? You can readily realize that phase would be to me as interesting pretty near as the whole project is to."

"Oppenheimer: Well, I might say the approaches were always made through other people who were troubled by them and sometimes came and discussed them with me and that the approaches were quite indirect. So I feel that to give more perhaps than one name would be to implicate people whose attitudes were one of bewilderment rather than one of cooperation."

Do you recall saying something like that?

A I don't recall that conversation very well.

Q But you did, you are sure, tell Colonel Pash there was more than one person involved.

A Right.

Q Continuing: "I know of no case, and I am fairly sure in all cases where I have heard of these contacts would not have yielded a single thing. That is as far as I can go on that. There is a man whose name was mentioned to me a couple of times. I don't know of my own knowledge that he was involved as an intermediary. It seems, however, not impossible. If you wanted to watch him it might be the appropriate thing to do. He spent a number of years in the Soviet Union. I think he is a chemical engineer. He was, he may not be here, at the time I was with him here employed by the Shell Development. His name is Eltenton. I would think that there was a small chance -- well, let me put it this way. He has probably been asked to do what he can to provide information. Whether he is successful or not, I do not know. But he talked to a friend of his who is also an acquaintance of one of the men on the project and that was one of the channels by which this thing went. Now, I think that to go beyond that would be to put a lot of names down of people who are not only innocent, but whose attitude was 100 per cent cooperative."

Do you recall saying that to Colonel Pash?

A This sounds right.

Q How much of that was not true? Approaching more than one person?

A More than one person was not true.

Q He talked to a friend of his, who is also an acquaintance of one of the men on the project. Who was the friend of his that you had in mind?

A I can only guess, but that would be Chevalier and I would be the man on the project.

Q Pash said to you: "However, anything we may get which would eliminate a lot of research work on our part to would necessarily bring/a closer conclusion anything that we are doing."

In other words, he told you, didn't he, that they were going to have to do a lot of work to investigate this?

You answered, "Well, I am giving you the one name that is or isn't -- I mean I don't know the name of the man attached to the consulate. I think I may have been told and I may not have been told. I have at least not purposely but actually forgotten. He is and he may not be here now -- these incidents occurred in the order of about five, six or seven months ago."

Yo did tell Colonel Pash that there was a man from the consulate involved, didn't you?

A I did.

Q Was that true?

A That there was a man in the consulate involved?

Q Yes.

A That I read since the end of the war?

Q No. Did you know then that there was?

A I am fairly sure not.

Q Chevalier had not said anything to you about a man from the consulate, had he?

A I have told you my sharp recollection of it.

Q Further along you said, "I would feel that the people that they tried to get information from were more or less an accident, and I would be making some harm by saying that."

So you were talking about more than one person always, weren't you?

A Yes, at that time.

Q When you said "Well, I will tell you one thing. I have known of two or three cases, and I think two of the men are with me at Los Alamos. They are men who are closely associated with me.

"Pash: Have they told you that either they thought they were contacted for that purpose or they were actually contacted for that purpose?

"Oppenheimer: They told me they were contacted for that purpose.

" "Pash. For that purpose?"

Do you recall saying that to Pash in substance?

A Yes..

Q So you told him specifically and circumstantially that there were several people that were contacted.

A Right.

Q And your testimony now is that was a lie?

A Right.

Q Then you continue: "That is, let me give you the background. The background was, well, you know how difficult it is with relations between these two allies and there are a lot of people that don't feel very friendly towards Russia. So the information, a lot of our secret information, our radar and so on, doesn't get to them, and they are battling for their lives and they would like to have an idea of what is going on and this is just to make up in other words for the defects of our official communication. That is the form in which it was presented."

Did you tell Colonel Pash that?

A I evidently did. This is news to me.

Q Had the matter been presented to you in that form?

A No.

Q Had anyone told you that it had been presented in that form?

A No.

Q In other words, this also was a lie?

✓

A Yes, sir.

Q Then you continue: "Of course, the actual fact is that since it is not a communication that ought to be taking place, it is treasonable."

Did you say that?

A Sure. I mean I am not remembering this conversation but I am accepting it.

Q You did think it was treasonable anyway, didn't you?

A Sure.

Q "But it was not presented in that method. It is a method of carrying out a policy which was more or less a policy of the government. The form in which it came was that couldn't an interview be arranged with this man Eltenton who had very good contact with a man from the Embassy attached to the consulate who is a very reliable guy and who had a lot of experience in microfilm or whatever."

Did you tell Colonel Pash that microfilm had been mentioned to you?

A Evidently.

Q Was that true?

A No.

Q Then Pash said to you: "Well, now, I may be getting back to a little systematic picture. These people whom you mention, two are down with you now. Were they contacted by Eltenton direct?"

You answered, "No."

"Pash: Through another party?"

"Oppenheimer: Yes."

In other words, you told Pash that X had made these other contacts, didn't you?

A It seems so.

Q That wasn't true?

A That is right. This whole thing was a pure fabrication except for the one name Eltenton.

Q Pash said to you, "This would not involve the people but it would indicate to us Eltenton's channel. We would have to know that this is definite on Eltenton."

In other words, Pash wanted to find out the channel, didn't he?

A Yes.

Q Pash said again, "The fact is this second contact, the contact that Eltenton had to make with these other people, is that person also a member of the project?"

You said no. That was correct, wasn't it?

A Yes.

Q Again you said to Pash, "As I say, if the guy that was here may by now be in some other town, and then all I would have in mind is this. I understand this man to whom I feel a sense of responsibility, Lomanitz, and I feel it for two reasons. One, he is doing work which he started and

which he ought to continue, and second, since I more or less made a stir about it when the question of his induction came up. This man may have been indiscreet in circles which would lead to trouble."

Did you say that to Pash?

A Yes.

Q Did you feel some responsibility for Rossi Lomanitz?

A Evidently.

Q Why?

A Well, partly because I had protested his induction.

Partly because he was a student of mine. Partly because I tried to persuade him to go into secret work.

Q And you continue, "That is the only thing I have to say because I don't have any doubt that people often approached him with whom he has contact -- I mean whom he sees -- might feel it their duty if they got word of something to let it go further and that is the reason I feel quite strongly that association with the Communist movement is not compatible with a job on a secret war project. It is just that the two loyalties cannot go."

Doctor, who were the people that you thought Lomanitz had contact with or whom he saw who might feel it their duty to let the word go further?

A I had no idea.

Q You had none then?

A I don't believe so. I certainly have none now.

Q You did say that you thought association with the Communist movement was incompatible with work on a secret war project.

A Right.

Q Pash said to you again, "Were these two people you mentioned contacted at the same time? "

You answered, "No, they were contacted within a week of each other.

"Pash: They were contacted at two different times?

"Oppenheimer: Yes, but not in each other's presence."

Was that part of what you call a cock and bull story, too?

A It certainly was.

Q Pash said, "And then from what you first hear, there was somebody else who probably still remains here who was contacted as well?

"Oppenheimer: I think that is true."

Do you recall saying something like that?

A No, but it fits.

Q "Pash: What I am driving at is that there was a plan at least for some length of time to make these contacts and you may not have known all the contacts?

"Oppenheimer: That is certainly true. That is

why I mentioned it. If I knew all about it, then I would say forget it. I thought it would be appropriate to call to your attention the fact that these channels at one time existed."

Doctor, is it now your testimony that there was no plan that you knew of?

A This whole thing, except for the single reference to Eltenton I believe to be pure fabrication.

Q In other words, your testimony now is that there was no plan that you knew about?

A Right. I am certain of that.

MR. GRAY: Excepting the Chevalier incident.

THE WITNESS: Yes, yes. The only thing I mentioned here that has any truth to it is Eltenton.

MR. GARRISON: Mr. Chairman, could I just make a short request at this point?

MR. GRAY: Yes.

MR. GARRISON: I appreciate the existence of the rule under which we cannot ask for access to the file and I am not going to protest that rule. I wonder, however, if it would not be within the proprieties of this kind of proceeding when counsel reads from a transcript for us to be furnished with a copy of the transcript as he reads from it. This, of course, is orthodox in a court of law. I don't pretend that this is a court of law, but I do make the

request because I don't know what else is in the transcript, and if parts of it are read from, it would seem to me that it would be proper for us to see what parts are not read from and to look at it as a whole. I don't want to make an argument. I put the question to you.

MR. ROBB: Mr. Chairman, I don't know of any rule in the court of law that you must furnish counsel with the copy of the transcript you are reading of at the time. I might say that my thought would be at the conclusion of this examination to make the entire transcript a part of the record and let Mr. Garrison read it and see it, and then if he wants to ask anything about it on redirect, he can do so.

MR. GRAY: I think that would be appropriate. I would like to indicate a caution -- I don't know about this particular transcript -- but I am not sure that in any case you could be able to make the whole thing a part of the record.

MR. ROBB: I don't know, sir; this is presently marked "Secret" so I could not make it available to Mr. Garrison at this time.

THE WITNESS: But it is being read into the record.

MR. ROBB: That is right.

MR. GRAY: Let us clarify that point for a moment. There is a classification officer who may at some time be present with us -- I don't think he has been in the room -- but he will be presented if he does come in and sit in the

the hearing, who is reading the transcript from the point of view of the classification necessities. So that all of the testimony is being read by him with the view to its treatment as open or classified matter. So that all of the testimony will be so considered. I don't think that announcement has been made, and I think Dr. Oppenheimer and his counsel are entitled to know that.

MR. GARRISON: Then do I understand the response to be that subject to check with the classification officer you propose to put the whole transcript in the record?

MR. ROEBB: I said that was my disposition, yes, sir, but Mr. Garrison, as you know, I am not an expert on the matters of classification myself. That is my disposition. This is something that Dr. Oppenheimer participated in, which I presume he knows about. I see no reason why it should not be made available to counsel. But as you know, as an amateur in the matter of classification, I will have to talk to other people about it.

MR. GRAY: The record will reflect Mr. Garrison's request. I think the record should also reflect that the Chairman has nothing to add beyond the exchange of conversation that has taken place here, because I don't know the answer, frankly, Mr. Garrison. We will consider the request and meet it the best we can.

MR. GARRISON: I would like to make one further

request in the interest of expedition, Mr. Chairman, and that is, if Mr. Robb could conveniently do so, it would be helpful if he checked with the classification officer the text of any further transcripts that he proposes to use, so that, assuming they do not contain government secrets that can't be revealed in the interest of justice in this proceeding, we might have copies of them as soon as you have finished, or I would prefer while you were reading from them, because there has been, and I assume will continue to be, some time lag in the furnishing of transcripts to us. We have not yet had even the first day's transcript, which it is hard for me to believe could have contained anything of a classified nature and could have been read over rather shortly. I am not being querulous, Mr. Chairman, or complaining, but I just want to point it out.

MR. GRAY: I understand.

MR. ROBB: May I proceed, sir?

MR. GRAY: Yes.

BY MR. ROBB:

Q Doctor, one further item from the Pash interview. You said to Colonel Pash, according to this transcript, or Colonel Pash said to you, "I can see that we are going to have to spend a lot of time and effort which we ordinarily would not in trying to --

Oppenheimer; Well --

"Pash: In trying to run him down before we even go on this.

"Oppenheimer: You better check up on the consulate because that is the only one that Eltenton contacted and without that contact, he would be inefficient and that would be my --

"Pash: You say this man is not employed in the consulate?

"Oppenheimer: Eltenton?

"Pash: No, this man.

"Oppenheimer: I have never been introduced to him.

"Pash: Have you ever heard his name mentioned?

"Oppenheimer: I have never heard his name mentioned but I have been given to understand that he is attached to the consulate. But isn't it common practice for a consulate or legation to have someone attached to them?

"Pash: Yes. Military attaches are really run efficiently."

Dr. Oppenheimer, assuming that, don't you think you told a story in great detail that was fabricated?

A I certainly did.

C Why did you go into such great circumstantial detail about this thing if you were telling a cock and bull story?

A I fear that this whole thing is a piece of idiocy. I am afraid I can't explain why there was a consul, why

there was microfilm, why there were three people on the project, why two of them were at Los Alamos. All of them seems wholly false to me.

Q You will agree, would you not, sir, that if the story you told to Colonel Pash was true, it made things look very bad for Mr. Chevalier?

A For anyone involved in it, yes, sir.

Q Including you?

A Right.

Q Isn't it a fair statement today, Dr. Oppenheimer, that according to your testimony now you told not one lie to Colonel Pash, but a whole fabrication and tissue of lies?

A Right.

Q In great circumstantial detail, is that correct?

A Right.

Q Doctor, I would like to refer you again to your answer on page 21, in which you referred to David Bohm, and said that you were much surprised that you heard there was much objection to his transfer on security grounds. I believe we had some talk about that this morning.

A We did.

Q I want to read to you from a memorandum written by then Major DeSilva on 22 March 1944 in which he started off -- this is File A -- 21 March 1944, "Dr. Oppenheimer asked through his office for the purpose of relating

certain incidents which took place at Berkeley, California during Dr. Oppenheimer's recent visit there." It goes on to various matters and finally it comes to this:

"4. Oppenheimer went on to say that just as he was preparing to leave his hotel at Berkeley on his return trip, David Joseph Bohm came to see him. Bohm inquired about the possibilities of his being transferred to Project Y on a permanent basis, stating that he had a 'strange feeling of insecurity' in his present surroundings. Oppenheimer stated he did not commit himself to Bohm but told him that he would let Bohm know if an opportunity were open at this project, and that if Bohm did not hear from Oppenheimer he should assume that such an arrangement was not workable and to forget the matter. Oppenheimer asked the undersigned if he would have objections to Bohm coming to project Y. The undersigned answered yes. Oppenheimer agreed and said the matter was therefore closed."

Does that memorandum refresh your recollection about your conversation with DeSilva?

A There were two incidents. One was in March 1943 that I described this morning.

Q Yes.

A This is in March 1944, a year later, I take it.

Q Yes.

A I gather this is no more than my having been asked

by Bohm could he come, my checking to see whether the objections to him still obtained.

Q I see.

A I think that is all.

Q Was there any surprise, as you recall looking back, when you were told by DeSilva that the objection still obtained?

A No.

Q And the objections were what, now?

A What I was told was that Bohm had relatives in Nazi Germany.

Q Do you recall the circumstances of Bohm's coming to you at your hotel?

A I did not recall them.

Q No you now?

A No, but --

Q You don't know whether he came to you in your room or where?

A I don't know whether it was in the room or the lobby.

Q Project Y was Los Alamos?

A That is right.

Q Let me see if I can refresh your recollection about the circumstances of Bohm coming to you. I will read you from a report of a surveillance of J. R. Oppenheimer, March 16, 1944, in Berkeley, California;

"6:05 p.m. Subject and Frank left hotel."

That would be your brother?

A Right.

Q "and walked up and down Telegraph Avenue in front of the hotel. Both engaged in earnest conversation with each other.

"6:15 p.m. David Bohm walked south on Telegraph Avenue and met the Oppenheims in front of the hotel, J. R. Oppenheimer and Bohm engaged in conversation for five minutes but Frank stood about ten feet away from them and did not participate in the conversation."

Does that help to refresh your recollection?

A No. I don't remember the incident. I don't see any reason to doubt it.

Q Were you waiting for Bohm on the sidewalk there?

A Since I don't remember the thing, I could not remember that. I don't know whether this was an appointment, an accident, or what.

Q I might read you the next item:

"6:20 p.m. Subject and Frank entered car, license 53692, with Oppenheims' luggage and drove to Fisherman's Wharf, San Francisco."

Would that indicate to you that you had waited for Bohm on the sidewalk?

A It suggests it but I don't want to remember more

than I do remember.

BY MR. ROBE:

Q I don't want you to, Doctor. Let me read to you from a memorandum from Captain DeSilva at that time -- he must have been promoted -- dated 6 January 1944:

"Subject, DSM conversation with J. R. Oppenheimer. Captain H. K. Calvert, U.S. Engineers Office, PO Box 1111 Knoxville, Tennessee.

"1. During a recent conversation with Dr. Oppenheimer he brought up the subject of a situation at Berkeley, California. A general discussion followed, touching on such subjects as of AEC which Oppenheimer deplored, the Eltenton incident which he thought was reprehensible, and the contacts made by the Professor which contacts he believed to be innocent. During the course of the conversation which took place en route to Santa Fe, Oppenheimer touched on the subject of what persons at Berkeley were in his opinion truly danger. He named David Joseph Bohm and Bernard Peters as being so. Oppenheimer stated, however, that somehow he did not believe that Bohm's temperament and personality were those of a dangerous person and implied that his dangerousness lay in the possibility of his being influenced by others. Peters, on the other hand, he described as a 'crazy person' and one whose actions would be unpredictable. He described Peters as being 'quite a red' and stated that

his background was filled with incidents which indicated his tendency toward direct action."

Do you recall that conversation?

A I recall the conversation, though I don't recall these as accurate words. I remember only being asked by DeSilva, among these people, and I think there were four, which do you think is the most dangerous, and saying Peters.

Q Did you mention Bohm as truly dangerous?

A I am quite certain I didn't. I think DeSilva mentioned Bohm, Weinberg and somebody else and Peters.

Q You say you are quite sure you did not mention Bohm as dangerous?

A I think so.

Q You think you did?

A I did not. I certainly never thought of him that way

Q You did not think of him as dangerous. If you had, you would not have spoken to DeSilva in March about bringing him to Y, would you?

A I should hope not. I think there is a garble in this and also the whole tone is not I believe accurate. The conversation was initiated by DeSilva. He presented me with a list of names. I don't believe this is something that I dredged up for him.

Q What did you know of Bohm's background?

A I don't think I know anything about it.

Q Nothing?

A I have even forgotten where he comes from. I think I did not that. Was it Pennsylvania?

Q There was nothing in Bohm's background to cause you to say to DeSilva that Bohm was a dangerous person?

A No. My strong recollection is that I couldn't have said that, and didn't think so.

Q You could not be mistaken about that?

A I could be mistaken about almost anything, but this does not fit.

Q But you had asked General Groves to transfer Bohm to Los Alamos.

A In March of 1943, yes, before that.

Q How long had you known Bohm? When did you first meet him?

A I met him when he came as a graduate student to the department. I have forgotten when that was. A couple of years before 1943, probably.

Q Where is he now, do you know?

A Yes. He is in Sao Paulo, Brazil.

Q He taught for a while at Princeton?

A At the university, yes.

Q You helped him to get his job there, didn't you?

A I think I did.

Q When?

A 1946 or 1947.

Q What job did he have there?

A He was assistant professor of physics.

Q Did you see him frequently when he was there?

A He came to seminars. I saw him infrequently otherwise.

Q Did you see him socially?

A Infrequently. I went to a farewell party that Professor Wigner gave for him.

Q When was that?

A Just before he left for Brazil, probably 1949 or 1950.

Q Do you recall in May 1949 when Bohm testified before the House Committee here?

A Yes. I remember meeting him on the street with Weinberg and Whitman and a couple of other people?

Q What street?

A Main Street of Princeton, Nassau Street.

Q Weinberg was up there?

A He was up there.

Q Was that before he testified?

A Oh, no, Weinberg was not there. I am sorry. Lomanitz and Bohm were there.

Q Was that before they testified?

A Yes, I think so.

Q Did you discuss with them or either of them what their testimony might be?

A I said they should tell the truth.

Q What did they say?

A They said "We won't lie."

Q Did you discuss with them whether they would claim their constitutional privilege?

A No.

Q You know now they did claim their constitutional privilege?

A Yes, but I didn't know that at the time. I didn't know whether they knew it. This was a two minute brush on the street.

Q Did they ask you for any advice about testifying?

A No.

Q Did they ask you to recommend counsel to them?

A I am sure not.

Q Did you recommend counsel to them?

A I would have if they asked me.

Q Who would you have recommended?

A I am foggy on this. I might have recommended Durr, but this is not a recollection; it is a conjecture.

Q Mr. Durr did in fact represent them, didn't he?

A Right. I don't know that.

Q You first said "Right". How did you know that? Did you hear he did?

A It was certainly in the record.

Q Did you read the record?

A Yes.

Q When?

A Sometime afterward; I don't know.

Q Why?

A I was involved in the same investigation.

Q You knew that they refused to answer upon the grounds of possible self incrimination when asked about their Communist Party membership and activities.

A I did, that is right.

Q And espionage activities.

A Did they refuse to answer about espionage, too?

Q Doctor, I don't have it before me so I won't make a categorical answer. You probably know it better than I do.

A I am not sure.

Q Did you see Bohm after he testified?

A I would assume so, since he came back to Princeton.

Q How long after he testified was the farewell party?

A Quite a long while.

Q How long?

A I think he spent a whole year at Princeton.

Q Do you recall who else was at the party?

A No, I remember the host and I remember that most of the physicists in the physics department were invited.

Q Who was the host?

A Eugene Wigner.

Q Was Bohm fired at Princeton?

A No, his contract was lapsed. It was not renewed.

Q Did you assist him to get his job in Brazil?

A I don't believe I had anything to do with that.

Q Did you write him a letter of recommendation?

A I don't remember.

Q Would you think about that a minute?

A It won't do any good.

Q Would you have written him one if he had asked?

A I am quite sure I would have written a letter of recommendation about his physics.

Q Do you know how he did get his job in Brazil?

A No.

Q Do you know anybody in Brazil who is a physicist?

A Caesar Lattes.

Q Doctor, let me go back a moment. I am sorry I overlooked something.

Did there finally come a time when you did disclose the identify of Professor X?

A Yes.

Q When was that?

A I don't remember when. In late summer or fall of 1943, I should think, at Los Alamos.

MR. GRAY: May I in the interest of having the

record perfectly straight, there is a Professor X who has been in the newspapers and I think that ultimately turned out to be a name that does appear in this record.

MR. ROBB: Yes, I am sorry.

MR. GRAY: So let us make it clear when Dr. Oppenheimer is asked about disclosing the identity of Professor X, actually in this case we are talking about Dr. Chevalier.

MR. ROBB: Yes, we agreed that we would refer to him as X. I am talking about Dr. Chevalier.

MR. GRAY: I am sorry. I guess it was Scientist X, but in any event, let us make it clear what we are talking about.

MR. ROBB: I think your point is well taken.

BY MR. ROBB:

Q There came a time at least when you did disclose that Haakon Chevalier was the intermediary.

A Right.

Q I find in the file, Doctor, a telegram signed, "Nichols" and addressed to the Area Engineer, University of California, Berkeley, California, attention Lt. Lyle Johnson, reading as follows:

"Lansdale advises that according to Oppenheimer professor contact of Eltenton is Haakon Chevalier. REF. EIDMMI-34. Classified secret. Oppenheimer states in his opinion Chevalier engaged in no further activity other than

three original attempts."

That wire is dated 13 December 1943. Would it be about 13 December 1943 that you disclosed the identity of Dr. Chevalier?

A I thought it was earlier. It could have been that late. I thought it was considerably earlier.

Q To whom did you make that disclosure?

A To General Groves.

Q And under what circumstances?

A We talked in his room in Los Alamos.

Q All right.

A He told me that he simply had to know, and I surely told him that the story I told Pash was a cock and bull story at that time. That there were no three people.

Q In other words, you lied to Groves, too? ✓

A No, I told him that the story I told Pash was a cock and bull story.

Q You told Groves that you had told Pash a cock and bull story?

A I am quite certain about that.

C You are sure about that?

A Yes.

Q You notice in this wire from General Nichols --

A There are still the three people.

C You are still talking about the three people, I

notice in the file of the same day General Nichols wired the Commanding Officer, U.S. Engineer Office, Santa Fe, New Mexico, Attention Captain DeSilva. "Haakon Chevalier to be reported by Oppenheimer to be Professor at RadLab who made three contacts for Eltenton. Classified secret. Oppenheimer believed Chevalier engaged in no further activity other than three original attempts."

On 12 December --

MR. GARRISON: That last wire was from whom?

MR. ROBB: Nichols. On 12 December 1943, a wire to Captain H. K. Calvert, Clinton Engineer Works, Clinton, Tennessee." What was that, Oak Ridge?

THE WITNESS: Yes.

BY MR. ROBB:

Q "According to Oppenheimer professor contact of Eltenton is Haakon Chevalier. Oppy states in his opinion beyond original three attempts Chevalier engaged in no further activity. From Lansdale. DeSilva and Johnson to be notified by you."

Does that indicate to you that you told General Groves that there weren't three contacts?

A Certainly to the contrary. I am fairly clear.

Q You think General Groves did tell Colonel Nichols and Colonel Lansdale your story was cock and bull?

A I find that hard to believe.

Q So do I. Doctor, may we again refer to your answer, please, sir. On page 4, "In the spring of 1936, I had been introduced by a friend to Jean Tatlock, the daughter of a noted professor of English at the University and in the autumn I began to court her and we grew close to each other. We were at least twice close enough to marriage to think of ourselves as engaged. Between 1939 and her death in 1944, I saw her very rarely. She told me about her Communist Party memberships they were on again off again affairs and never seemed to provide for her what she was seeking. I do not believe that her interests were really political. She was a person of deep religious feeling. She loved this country, its people and its life. She was as it turned out a friend of many fellow travelers and Communists, a number of whom I later was to become acquainted with."

Doctor, between 1939 and 1944, as I understand it, your acquaintance with Miss Tatlock was fairly casual, is that right?

A Our meetings were rare. I do not think it would be right to say that our acquaintance was casual. We had been very much involved with one another and there was still very deep feeling when we saw each other.

Q How many times would you say you saw her between 1939 and 1944?

A That is five years. Would ten times be a good guess?

Q What were the occasions for your seeing her?

A Of course, sometimes we saw each other socially with other people. I remember visiting her around New Year's of 1941.

Q Where?

A I went to her house or to the hospital, I don't know which, and we went out for a drink at the Top of the Mark. I remember that she came more than once to visit our home in Berkeley,

Q You and Mrs. Oppenheimer?

A Right. Her father lived around the corner not far from us in Berkeley. I visited her there once. I visited her, as I think I said earlier, in June or July of 1943.

Q I believe you said in connection with that that you had to see her.

A Yes.

Q Why did you have to see her?

A She had indicated a great desire to see me before we left. At that time I couldn't go. For one thing, I wasn't supposed to say where we were going or anything. I felt that she had to see me. She was undergoing psychiatric treatment. She was extremely unhappy.

Q Did you find out why she had to see you?

A Because she was still in love with me.

Q Where did you see her?

- A At her home.
- C Where was that?
- A On Telegraph Hill.
- Q When did you see her after that?
- A She took me to the airport and I never saw her again.
- Q That was 1943?
- A Yes.
- Q Was she a Communist at that time?
- A We didn't even talk about it. I doubt it.
- Q You have said in your answer that you knew she had been a communist.
- A Yes. I knew that in the fall of 1937..
- Q Was there any reason for you to believe that she wasn't still a communist in 1943?
- A No.
- Q Pardon?
- A There wasn't, except that I have stated in general terms what I thought and think of her relations with the Communist Party. I do not know what she was doing in 1943.
- Q You have no reason to believe she wasn't a Communist, do you?
- A No.
- C You spent the night with her, didn't you?
- A Yes.
- Q That is when you were working on a secret war

project?

A Yes.

Q Did you think that consistent with good security?

A It was as a matter of fact. Not a word -- it was not good practice.

Q Didn't you think that put you in a rather difficult position had she been the kind of Communist that you have described her or talk about this morning?

A Oh, but she wasn't.

Q How did you know?

A I knew her.

Q You have told us this morning that you thought that at times social contacts with Communists on the part of one working on a secret war project was dangerous.

A Could conceivably be.

Q You didn't think that spending a night with a dedicated Communist --

A I don't believe she was a dedicated Communist.

Q You don't?

A No.

Q Did she go over to Spain?

A No.

Q Ever?

A Not during the time I knew her.

Q What was the occasion of her telling you about her

Communist Party membership?

A She would talk about herself rather freely and this was one aspect of her life. She would tell me what she had been with a medical unit -- I am making it up -- with some kind of a unit, and it had been frustrating.

Q What do you mean, you are making it up?

A I mean I don't remember what kind of a unit, but she had been with some sort of a Communist unit and had left it. It had been a waste of time, and so on.

Q By a medical unit, you mean a medical cell?

A That is what I would have meant.

Q You say here she was as it turned out a friend of many fellow travelers and Communists. Who were they?

A Well, Addis was a friend of hers. Lambert was a friend of hers.

Q Doctor, would you break them down? Would you tell us who the Communists were and who the fellow travelers were?

A Lambert was a Communist. Addis is reported to be a Communist in the Commission's letter. I did not know whether he was a member of the Party or not.

Q You knew he was very close, didn't you?

A Yes. Among fellow travelers, Chevalier. Among Communists or probable Communists, a man and his wife who wrote for the People's World.

Q Who were they?

A John Pitman, and his wife. A lawyer called Aubrey Grossman, his wife she had known.

Q Was she a Communist?

A I don't know in the sense of Party membership.

Q But very close.

A Close. Is the list long enough?

Q I want you to give the ones you remember, Doctor.

I assume when you wrote this sentence that she was as it turned out a friend of many fellow travelers and Communists, that you had people in mind.

A I have gone over some of those I had in mind.

Q Have you any more in mind?

A There was another couple, yes. A girl called Edith Arnstein.

Q Was she a Communist?

A I believe so, yes.

Q Anybody else?

A I am sure there were more people.

Q When did you first meet this group of Communists and fellow travelers who were friends of Miss Tatlock?

A That came on gradually during 1937, maybe late 1936, not all at once.

Q But they continued to be your friends?

A Some of them.

Q Chevalier still is your friend?

A Chevalier is my friend.

Q Addis was your friend until he died?

A No. We had essentially I think no relations after the war.

Q When did he die?

A In 1950 or 1951?

Q Do you recall when you were interviewed by the FBI in 1950, you were asked about Dr. Addis?

A Yes.

Q And you declined to discuss Dr. Addis?

A Yes.

Q You said he was dead and couldn't defend himself.

A I did say that.

Q What did you think he had to defend himself against?

A Being close to the Communist Party.

Q Didn't you continue to see Dr. Addis periodically until he died?

A No.

Q But you say in your answer he did become a very close friend of yours.

A Close would be wrong, I am sure. He became a good friend, I think I said.

Q A friend.

A A friend; that is more like it, I imagine.

Q At least he was enough of a friend so you wouldn't discuss him with the FBI, is that correct?

A Yes.

Q That was in 1950?

A I asked if it were important and they thought not.

Q They asked you about him, though, didn't they?

A They were asking about me.

Q Didn't they also ask about your friends?

A Not much.

Q You say in your answer at page 5, in describing your friendship with Miss Tatlock, and meeting people through her, "I liked the new sense of companionship." Who were the people whose companionship you enjoyed that you met through Miss Tatlock, the people that you just mentioned?

A Oh, no. People who were in the Teachers Union, people in Spanish causes, great masses of people, in addition to some of those I just mentioned.

Q Was the Teachers Union a Communist organization?

A I think that there were Communists in it. I know there were some.

Q Who were they?

A Kenneth May, and I believe his first wife.

Q Who else?

A I have no certain knowledge of anyone else.

Q You say in your answer at page 6, "I was invited

to help establish the Teachers Union which included faculty and teaching assistants in the university and school teachers of the East Bay." Who invited you?

A We invited ourselves, I guess. A group of people from the faculty talked about it and met, and we had a lunch at the Faculty Club or some such place, and decided to do it. I don't know at whose initiative this was caused.

Q About when was that, Doctor?

A 1937 was be a fair guess.

Q How long did you stay in that union?

A Until 1941 or I think early 1941.

Q Did you make a formal resignation?

A No. That chapter of the union dissolved and with its dissolution --

Q Was Kenneth May an officer in the Union?

A I don't believe so.

Q Do you recall who the officers were during your tenure as recording secretary?

A I will remember some of them.

Q Who?

A Chevalier was president at one time. Margaret Ellis was president at one time.

Q Was she a Communist?

A I don't know.

Q Was she close to it?

A I think so. The reason I think so is that I had a letter from her about the Rosenberg affair not long ago.

Q You mean asking your support?

A Something like that.

Q For the Rosenbergs?

A Yes.

Q That indicates to you that she is a Communist sympathizer, at least?

A That is right.

Q Who else among the officers?

A A man called Fontenrose; Joe is the first name.

Q Was he a Communist sympathizer?

A I don't think so.

Q Who else?

A I don't remember.

Q Kenneth May was ^{an} Communist functionary in Alameda County, was he not?

A That was later.

Q Later?

A Yes.

MR. GRAY: Are you going to ask anything more about the Teachers organization?

MR. ROBB: I didn't have any questions in mind.

MR. GRAY: I would just ask whether the dissolution related to any international event?

THE WITNESS: The miserable thing fell apart because it grew into a debating society between the anti-interventionists and the interventionists, which had even less to do with teachers' welfare than what we had been doing before. I was strongly in favor of letting it collapse. It is my recollection that was not the pro-Communist view at that time, that they wanted it to continue.

BY MR. ROBB:

Q You say in your answer on page 5: "I contributed to the strike fund of one of the major strikes of Bridges' union."

Do you recall about when that was, Doctor?

A Could it have been 1938?

Q I don't know.

A Well, it couldn't have been before 1936, because I just didn't know or do anything of that kind before late 1936. It was probably 1938, 1937 or 1938.

Q Do you recall about how much you gave?

A I can guess.

Q How much?

A About \$100.

Q In cash?

A I think so.

Q Do you recall through whom you made that contribution?

A I went to the wicket, the union wicket.

Q Did you understand that Bridges was a Communist?

A No, I understood to the contrary. I may have been fooled.

Q You subscribed to the People's World, you say. When did you do that?

A I don't recollect. It was for several years.

Q How long did that subscription continue?

A I would say for several years.

Q Can you tell us about when it expired?

A I can't of my own knowledge, no.

Q Was it after you joined the project?

A Since I don't know when it was, I can't answer that question.

Q That was the West Coast Communist newspaper, wasn't it?

A That is right.

Q Did you have that paper sent to you at your house?

A Yes. I don't know whether I had it sent but anyway it came.

Q And you paid for it?

A Again I don't know whether I paid for it or whether it was distributed. I think I paid for it.

Q Do you recall whether you cancelled your subscription or whether you just let it expire or what?

A I don't recall. I don't believe I cancelled the

subscription.

Q Why did you subscribe to the People's World?

A Well, I guess I took an interest in this formulation of issues, perhaps somebody asked me to.

Q You read it, I take it?

A Not fervently. It taught me to read -- well --

MR. GRAY: Would you repeat that?

THE WITNESS: It was an interjection that was unnecessary.

MR. GRAY: Excuse me.

BY MR. ROBB:

Q You say "I contributed to the various committees and organizations which were intended to help the Spanish loyalist cause." What were they?

A Wasn't there a North American Committee?

Q I don't know, Doctor; I am asking you.

A I think there was a North American Committee. There was another one. I don't know its name.

Q Were those contributions fairly substantial?

A I would think they were.

Q What amounts would you say?

A In the hundred dollar range.

Q In cash?

A Pardon me?

Q In cash?

A I would think so.

Q I will come back to that in a minute.

You say, "I also began to take part in the management of the physics department, the selection of courses and the awarding of fellowships."

What do you mean by taking part in the awarding of fellowships, Doctor?

A I was named to the Graduate Council of the University. The Graduate Council had a Committee on Graduate Fellowships, and I served on that. This has nothing to do with Communism.

Q Were any fellowships awarded to any of your students?

A I would hope so.

Q Do you know whether or not Lomanitz or Bohm or Weinberg or Fred Mann had a fellowship?

A My recollection is that they did not.

Q In all events, if they did, you didn't have any thing to do with it?

A No, I think I was off the Graduate Council at that later date.

Q You say on page 6: "I also became involved in other organizations. For perhaps a year I was a member of the Western Council of the Consumers Union."

Who composed the Western Council of the Consumers Union?

A Chairman and the man I knew best was Robert Bradley, a professor of economics at the University.

Q Was he a Communist sympathizer?

A No, I don't think so. His wife was Mildred Eddy, and the two of them were what made this. They had enthusiasm for this.

Q Did they recruit to it?

A Yes, they asked me to come. It was a very inappropriate thing for me to do. I know nothing about the business.

Q Who else was in the Council?

A I remember only one other man, and that is a man named Folkoff, who was not Isaak Folkoff.

Q That is Richard Folkoff.

A That could be.

Q Was he a Communist?

A I thought not, but I could be wrong.

Q Anybbody else?

A There were other people, and I have forgotten them.

Q What year was that that you were a member of that?

A It says in my PSQ; I am afraid I can't improve on that. Could it have been 1937?

MR. GARRISON: I think the biography will show, the one we submitted to you.

BY MR. ROBB:

Q "I joined the American Committee for Democracy and Intellectual Freedom in 1937."

Did you also serve on the National Executive Committee of that organization?

A The letterhead says so. I didn't meet with them.

Q Do you know how you happened to get on the letterhead?

A I suppose I accepted membership. I have no records of this except my own record -- except what I said about it in the personnel security questionnaire.

MR. GRAY: 1938 is shown here as the date of the Consumers Union, 1938 to 1939.

MR. ROBB: Yes.

BY MR. ROBB:

Q When did you serve on the Executive Committee of the American Committee for Democracy and Intellectual Freedom?

A I would assume that my dates 1937 to whatever it was that I gave in the personnel security questionnaire refer to that. I have no other record.

MR. GARRISON: Again I think the biography may show that.

MR. GRAY: It shows 1937 in the biography.

MR. ROBB: The copy of the biography does not show a date when you ceased to be a member of that organization. When was it?

THE WITNESS: I have no recollection of ceasing to be. It played no part in my life.

BY MR. ROBB:

Q You mean you might still be a member of it?

A I haven't heard from them for an awful long time.

C Your PSQ lists the American Committee for Democracy and Intellectual Freedom, 1937-, with an asterisk being at the foot of the page where you say, "It includes all organizations to which I now belong." So you were still a member in 1942, were you not?

A Right.

C You have no idea how long after that you continued to be a member?

A My membership involved no attendance in meetings, no activities that I could recall, and I certainly was not very active at Los Alamos.

Q I see. You say, talking about your PSQ on page 6, "I say on that questionnaire, that did not include sponsorships." What is a sponsorship?

A I am charged with a sponsor of this Friends of the Chinese People. I don't know what it means, but I think it means that you lend your name to something. I am sure that I lent my name to one or two parties or bazaars for Spanish war or Spanish relief. I had no record of these and no good memory of them when I filled out my PSQ.

Q A sponsorship was just something you lent your name, but did not become a formal member?

A Yes. Maybe it was something you couldn't be a member of.

Q Were there any other things that you think of now that you sponsored as distinguished from joining?

A No, I can't.

Q Now, coming to your questionnaire again, page 7, "The statement is attributed to me that while I was not a Communist, I'd probably belonged to every Communist front organization on the West Coast and had signed many petitions in which Communists were interested."

"I do not recall this statement nor to whom I might have made it, nor the circumstances. The quotation is not true. It seems clear to me that if I said anything along the lines quoted, it was a half jocular overstatement."

Assuming that it was a jocular overstatement, Doctor, had you belonged to any Communist front organizations that you can think of?

A We have just been over the Committee on Democracy and Intellectual Freedom, which has been so designated; Consumers Union which has been so designated; the Teachers Union, of which it could be so designated, I think. I think we have been over the list.

Q That is what you had in mind? Had you signed any petitions?

A I don't remember signing petitions. I think I may have or I would have signed petitions in the early days with regard to lifting the embargo on arms to Spain, or such a matter, but this is conjecture and not memory.

MR. ROBB: Mr. Chairman, I have just a couple of more questions.

MR. GRAY: Very well.

BY MR. ROBB:

Q Doctor, I would like to read to you from a memorandum dated 14 September 1943, memorandum for the file. "Subject: Discussion by General Groves and Dr. Oppenheimer, signed John Lansdale, Jr., Lt. Col., Field Artillery, Chief Review Branch, CIGMIS, reading as follows: "During a recent train ride between Chèyenne and Chicago, General Groves and Dr. Oppenheimer had a long discussion which covered in substance the following matters:

"(f) Oppenheimer categorically stated that he himself was not a Communist and never had been, but stated that he had probably belonged to every Communist front organization on the West Coast and signed many petitions concerning matters in which Communists were interested."

Did you make such a statement to General Groves as reflected in this memoraadum from Colonel Lansdale?

A I remember the trip from Cheyenne to Chicago. I do not remember making the statement. I see no reason to deny it.

Q Do you think if you did make it, you were just joking with General Groves?

A I am pretty sure I was.

Q Do you think General Groves misunderstood you maybe?

A Maybe he didn't. Maybe in transmission it got garbled. I have noway of knowing.

Q In that same paragraph while I am reading: "He (meaning you) stated while he did not know, he believed his brother Frank Oppenheimer had at one time been a member of the Communist Party, but that he did not believe that Frank had had any connections with the Party for some time."

Do you recall that statement?

A I don't recall it. I did believe at that time that my brother had been out of the Party for some time.

Q Did you tell General Groves that while you did not know, you believed that your brother had at one time been a member of the Party?

A I should not have told him that.

Q Did you tell him that?

A I don't know.

Q But you might have?

A I should not have.

C If you did say that to General Groves, it was not strictly true?

A No, I did know.

Q Because you knew he had been a member.

A I did know it.

Q Yes, sir. Would you now deny that you made that statement to General Groves?

A Oh, I couldn't.

Q In other words, you might have told General Groves something that was not true?

A Well, I hope I didn't.

Q You might have, is that correct ?

A I hope I didn't.

Q But you might have, might you not?

A Obviously I might have.

MR. ROBB: It is half past four, Mr. Chairman.

MR. GRAY: All right. I should like to say before we recess that one thing I neglected to say with respect to the transcript which we discussed earlier. In view of the fact, and especially referring now to the transcript of the first day, since there are so many references to other agencies, particularly the Defense Department, I am informed that it has been necessary to check not only with the security officers of the Commission, but with other Departments which in part explains the delay. There is no design, Mr. Garrison.

MR. GARRISON: I am sure of that.

MR. GRAY: We will meet again at 9:30.

(Thereupon at 4:30 p.m., a recess was taken until Thursday, April 15, 1954, at 9:30 a.m.)