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UNITED STATES ATOMIC ENERGY COMMISSION

VOLUME X

In the Matter Of:

J. ROBERT OPPENHEIMER

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PAPICHBOW

UNITED STATES ATOMIC ENERGY COMMISSION

PERSONNEL SECURITY BOARD

_____ :
 In the Matter of :
 :
 J. ROBERT OPPENHEIMER :
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Room 2022,
 Atomic Energy Commission,
 Building T-3,
 Washington, D. C.
 Friday, April 23, 1954.

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 T. 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
 ALLAN B. ECKER, Counsel for J. Robert Oppenheimer,
 HERBERT S. MARKS, Co-Counsel for J. Robert Oppenheimer.

P R O C E E D I N G S

MR. GRAY: The proceeding will begin.

I suggest we open the proceedings with your request or statement, Mr. Garrison.

MR. GARRISON: Mr. Chairman, I was informed by you yesterday afternoon that some witnesses would be called this coming week by the Board. I had assumed from prior discussions that we would be informed of the names of these witnesses, but whether or not that assumption was correct, I asked you at the close of the session yesterday for the names of the respective witnesses in order that we might have time to prepare for cross examination, if cross examination seemed to be indicated with respect to one or more of them.

I would like to state very briefly the reasons why it seemed to me this request is a proper one to make on behalf of Dr. Oppenheimer.

The purpose of this inquiry which is not a trial is to arrive at the truth as nearly as truth can be arrived at. I don't think it takes any argument to point out that cross examination is one of the ways of bringing out the truth. I appreciate fully that there is no question here of denying the right of cross examination, but there is, as I am sure the Board knows, oftentimes a need of preparation in cases where there may be an element of surprise in the calling of a witness, or in cases where a witness who one might perhaps

think it possible the Board might call we would know in advance would require a great deal of preparation, and in the press of other work, we would not want to undertake that uselessly if the person were not to be called. But in the mean it is to have an opportunity to consider who is going to be called and to inform ourselves as to what we need to do.

With respect to our own witnesses, we have I think from the very first day, and from time to time gladly supplied the Board with a list of people whom we expected to call. There have been changes in the schedule. Some inevitable additions and some who could not make it because of conflict of things and so forth, but in general I have tried to keep the Board as accurately informed as I could.

It is quite clear that in the case of at least some of these witnesses substantial preparation for cross examination was made ahead of time and in the case of several others opportunity was had for the representatives of the Board to discuss matters with these witnesses themselves, a process to which we had not the slightest objection at all.

Now, it seems to me that the same kind of notice and the same opportunity for preparation both in fairness to Dr. Oppenheimer and in the interest of developing the true state of affairs be accorded to Dr. Oppenheimer.

Therefore, on his behalf I request that we be informed of the witnesses whom the Board proposes to call.

MR. ROBB: Mr. Chairman, unless ordered to do so by the Board, we shall not disclose to Mr. Garrison in advance the names of the witnesses we contemplate calling.

I should like briefly to state the reasons which compel me to this conclusion in the very best of spirit, and I am sure Mr. Garrison will take it that way.

In the first place, I might say, Mr. Chairman, that from the very inception of this proceeding, I think Dr. Oppenheimer has had every possible consideration. Going back to December, subsequent to the receipt by him of the letter from General Nichols, the time for his answer to be sent in was extended several times at his request, and without any objection whatever, because it was thought that was a reasonable request.

At the proceedings before this Board, I am sure the record will show that the Board has extended every courtesy and consideration to Dr. Oppenheimer and his witnesses. The Board has permitted the testimony of several witnesses to be interrupted in order that others might be called to suit their convenience. The Board has sat long hours for that purpose. One evening, as I recall, we sat until 7:45, and I cross examined the witness for the last two hours of that session. On one occasion we adjourned early so that Mr. Garrison might confer with his client with a view to putting him on for redirect examination.

Counsel has made no objection to any questions, although I say frankly that some questions might have been objectionable, but witnesses have been permitted to argue from the witness stand without objection, and tell the Board in rather forceful terms about what the Board ought to do about the problem, without objection.

Mr. Rolander has worked late at night and on Saturday and Sunday in order to get the record in shape so that it might be taken by Mr. Garrison and his associates.

I mention all these things, Mr. Chairman, only to illustrate what I think the record abundantly shows, which is every effort has been made to make this a full and a fair hearing, and to accord Dr. Oppenheimer every right, and I am sure that has been done.

Mr. Chairman, the public has an interest in this proceeding also, and of course the public has rights which must be looked out for. In my opinion, and it is a very firm opinion, the public interest requires that these witnesses be not identified in advance. I will say frankly that I apprehend, and I think reasonably apprehend, that should that be done, the names of these witnesses would leak, and the result then would be the embarrassment and the pressure of publicity.

I think furthermore, and I will be frank about it, that in the event that any witnesses from the scientific

world should be called, they would be subject to pressure. They would be told within 24 hours by some friends or colleagues what they should or should not say. I say specifically and emphatically I am not suggesting that would be done by Dr. Oppenheimer, his counsel or anybody representing him. But I think the record abundantly shows here the intense feeling which this matter has generated in the scientific world. I think it perfectly reasonable to believe that should there appear here today that Scientist Y was to testify, inside of 24 hours that man would be subject to all sorts of pressure.

Now, Mr. Garrison has said there would be no leak. Perhaps so, Mr. Chairman, but the New York Times of the day after this hearing began, and the column which appeared in the Washington Post this morning do not lead me to rely with any great assurance upon any such statements. I think it would be a serious danger that the orderly presentation of testimony, the truthful presentation of testimony would be impeded were these witnesses to be identified.

Mr. Garrison speaks of the preparation for cross examination. In the first place, I didn't ask Mr. Garrison for the names of his witnesses in advance. It was entirely immaterial to me whether he gave them to me or not. We talked, of course, to General Groves, Mr. Lansdale -- I think that is all of the witnesses -- because both of them wanted to look

at the files to refresh their recollection. Most of the witnesses who were called here I never saw before in my life.

I will let Mr. Garrison in on a little trade secret. In the case of almost all of the witnesses, my only advance preparation for cross examination was a thorough knowledge of this case. I am sure that Mr. Garrison has an equally thorough knowledge of the case. He has been working on it, I am sure, as long as I have. He has the assistance of Dr. Oppenheimer. Dr. Oppenheimer is the one man in the world who knows the most about Dr. Oppenheimer, his life and his works. He also knows as much, I think, as anybody else about the subject of nuclear physics, which has been under discussion.

Mr. Garrison also has the assistance of three able counsel in this room, and I believe one other lawyer who is reading the transcript and making a digest of it for him.

As for surprise, I am sure any witness who testifies here within the scope of the issues of this case will not be unfamiliar to Mr. Garrison, nor will the subject matter of his testimony be unfamiliar to Mr. Garrison.

I am sure Mr. Garrison can do just as well as I did, however well that may have been. Maybe he wants to do better, if he can, fine.

Mr. Chairman, to sum up, my position is simply dictated by the public interest which I think would not be served by a disclosure in advance of the names of these

witnesses for the reasons I have stated. I think that fairness to Dr. Oppenheimer does not require such a disclosure.

MR. GRAY: Do you care to respond to any of that?

MR. GARRISON: Mr. Chairman, I don't want to make an argument. I just want to make one or two observations.

First, with regard to the procedure of the Board, the only thing that I have objected to that I still regard with all due respect as not in keeping with the spirit of the regulations is the questioning of witnesses, particularly Dr. Oppenheimer, as to their recollection of things past when the government had in its possession papers, some of them taken in Dr. Oppenheimer's case from his own file as classified, and then declassified and read to him after the questions had been put in a way that could be calculated to make the witness appear in as poor a light as possible. The sort of thing I can make no objection to on orthodox legal rules of trial behavior in a court room, but which seem to me not appropriate here. I simply have to say that lest by silence I seem to acquiesce.

I also might say that in a court room that state of affairs can scarcely arise because of the nature of the documents and the source from which they came in this case. So it is perhaps an altogether novel situation and all the more I think not in keeping in the spirit of inquiry as distinct from a trial.

Now, with respect to leaks, I think all of us have done what we can to prevent them. I know we have. I have not seen the column in the Washington Post this morning. I have not read it. I have heard of it. I understand it is something to do with General Osborne's testimony and stated in quite an erroneous fashion, in a way that certainly could not have been put out by anybody connected with Dr. Oppenheimer in any way.

It was also stated in that column that Dr. Oppenheimer's representatives are not available to the press, which is certainly the case as far as giving out of information is concerned. I think the only actual leak that is difficult to explain about these proceedings since we began was Jerry Green's column about the Condon letters published actually the night before they were produced in evidence here, a statement about which on information which only could come from somewhere within the government.

If it be the conclusion of the Chair that in the light of this discussion the names of witnesses should still be withheld, I would then -- perhaps I should ask the Chair to first rule on that, and then make another request if I need to.

MR. ROBB: I have nothing more to say, Mr. Chairman.

MR. GRAY: I can respond on behalf of the Board, because we have had some discussion of it this morning. I am going to advert to several things that counsel said here, so my statement may be in the nature of random observations

in part.

I think that since the column in the Washington Post it has become a matter of this record in fairness to the chief counsel for Dr. Oppenheimer, it should be said that he has been hard to get hold of, specifically by name, and I am sure that is correct.

With respect to a reference to the Condon letters, it was my recollection that we had a Condon letter in this record. I didn't know there was more than one letter that appeared in this record. I suppose, however, that is not too material because I am quite convinced in my mind that nobody connected with this proceeding released those communications to anybody.

I might say the reason I am confident is that if for example the counsel for the government and the Board were interested in releasing information to the press which would be detrimental to Dr. Oppenheimer, I would not guess that the Condon letters referred to would be perhaps the most significant material for that purpose.

Now, it is true, Mr. Garrison, that you have at all times attempted to keep the Board and Mr. Robb informed as to your general course of action with respect to witnesses. It is a courtesy which has been appreciated. It was not something that was required by the Board.

I would like to say a little bit about this matter

of calling witnesses. In our earlier discussion, I think I have loosely used the phrase witnesses to be called by the Board. Actually I don't think at this moment that the Board intends to call any witnesses. I do not consider that we have called those who have testified to this point, and the witnesses whom Mr. Robb will examine in direct examination will be called by him. For that purpose, this Board considers you the attorney for Dr. Oppenheimer, Mr. Robb the attorney for the Atomic Energy Commission. He was appointed by the Atomic Energy Commission, as I understand it.

The Board would be very much concerned if Mr. Oppenheimer's interests were in any way adversely affected by anything in the nature of surprise. I would guess from what Mr. Robb has told me that there probably will not be an element of surprise in the sense that we have in mind in this discussion. If, however, there is, the Board will wish to be informed by counsel for Dr. Oppenheimer, and can give you assurance on behalf of the Board that we will so conduct the proceeding that any disadvantage to Dr. Oppenheimer by reason of surprise as may be related to cross examination may not continue.

The Board is interested in developing the facts, and if you are unable under the circumstances to perform your functions-- very important functions -- as counsel for Dr. Oppenheimer, we want to hear about it, and take the necessary steps.

The proceedings under which we operate, which are familiar to you, I know, require that the Board conduct the proceedings in a way which will protect the interests of the individual and of the government. The representative of the government in this case feels with some conviction that the interests of the government could possibly be prejudiced by furnishing a list of witnesses at this time.

My ruling after consultation with the Board is that Mr. Robb will not be ordered by the Board to furnish these names. I couple to that ruling, however, a repeated assurance that we wish to hear you at any time that you think you are at a disadvantage by not having had the names of the witnesses.

I would make one further observation, and that is in preparation for any cross examination, no attorney -- or it is a very rare thing if an attorney knows what the testimony on direct examination is going to be. I suspect we have had so much of a record in this case that there is hardly anything that might be in any way related to it that has not been in some way discussed in this hearing.

I have one other observation. You have expressed unhappiness with the cross examination of witnesses, particularly of Dr. Oppenheimer. I hope that it will be unnecessary to say to you, Mr. Garrison, that the members of this Board, with the exception of a very brief period one afternoon when Mr. Morgan was unavoidably absent, have heard all of the

testimony, the circumstances under which it has been given, the Board will have available to it therefore not only the transcript, but a very vivid recollection of the circumstances under which the testimony was given. Without in any way making any observation about the merits of this suggestion you have made about the manner of examination, certainly the Board will consider what has been adduced here, and not be particularly impressed, for example, with the fact that a witness failed to recollect a meeting or writing a letter or something of that sort. I think we will try to consider these things in balance and perspective.

MR. ROBB: Mr. Chairman, may I say one further thing?

MR. GRAY: Yes, sir.

MR. ROBB: Lest my silence be misinterpreted, I wish to say that nobody connected with the Commission, as far as I know, had the slightest thing to do with the release of the so-called Condon letter. I think it is quite apparent on the face of the news story that it came from some other department of the government.

MR. GRAY: Or perhaps some other branch.

MR. ROBB: Some other branch of the government is what I meant, yes, sir.

MR. GARRISON: I think on that counsel on that occasion referred to Mr. Green as perhaps clairvoyant.

Mr. Chairman, may I make a final observation?

MR. GRAY: Yes, you may.

MR. GARRISON: I want to thank you for the courtesy with which this proceeding has been uniformly conducted. I know the spirit of fairness which animates the members of the Board. What you have said about considering any request we might make for time to prepare for cross examination if we were disadvantaged by the calling of some particular witness meets what I was going to say after the Chairman had made his ruling.

I just feel I must make one comment, not in criticism of the Board, but with respect to the procedure. The notion that counsel for the Commission is to call his own witnesses in a proceeding which therefore takes on the appearance of an adversary proceeding with the Board sitting as judges, and counsel for the government on the one hand, and counsel for the employee on the other, is not quite a true picture of the actual shape of affairs. Unlike in an ordinary adversary proceeding before a judge in a courtroom, counsel here is possessed of documents taken from Dr. Oppenheimer's files in some cases which we have no opportunity to see in advance of their reading, and all the rest of which we have no opportunity ever to see.

It differs further in that the Board itself is in possession of all these documents which it has had a week's opportunity to examine before the hearing began. This, then,

is not like an ordinary adversary proceeding. This is what we have to bear, Mr. Chairman. I am sure the Board is aware of the problem that this presents to a person whose whole career and in a way his whole life is at stake.

I think I have no more to say.

MR. GRAY: Let me make one further comment.

I am sure all members of the Board are aware of the difficulties involved for Dr. Oppenheimer. The Board is certainly aware of the agonized character of these proceedings as far as Dr. Oppenheimer is concerned. This is not for any of us involved a pleasant kind of task. We are sympathetic to the difficulties. Some of these are inherent difficulties. I am sure we would all agree as to that.

I should explain further the view, so far as I know now, that witnesses will be called by counsel. First of all, I think it would be unreasonable to suppose that you would call witnesses for Dr. Oppenheimer who would do other than support his position and him as an individual. There obviously is division of opinion with respect to this matter or it would not be before us. Certainly the Board must hear from people who may be in disagreement, perhaps, or who can shed further light beyond that thrown on the matter by representatives of Dr. Oppenheimer.

I am very anxious that it not appear that this Board has called any witness as a Board witness who had come here

in a sense on behalf of prosecution. This is why I am making this distinction.

I think I should further say that if you read the regulations, the Board does have power to call witnesses. We interpret that this way. It is conceivable that a witness who might normally be expected to testify for Dr. Oppenheimer would not be called by you. I am sure this is not the situation but my illustration could well be Mrs. Oppenheimer. I take it under these proceedings the Board would have the power to call Mrs. Oppenheimer.

On the other hand, it is conceivable that there might be someone identified with the Atomic Energy Commission in an official capacity who would not be called by Mr. Robb, or whom the Atomic Energy Commission might not wish to be called. In that event, I take it that this Board has the power to say we must hear from that witness.

I know of no such situation and that is why I have said at this point that the Board would not call any witnesses and that is why I distinguish the matter of the development of opposed views in these matters.

I invite any further comment from counsel.

MR. GARRISON: Mr. Chairman, we welcome the calling of witnesses either by the Board or Mr. Robb or both to the extent that they can throw light upon the problem before the Board. We feel rather relieved in fact that this is to be

done, because I think it will bring out what we are confident will be the true situation, which we believe to be one which would lead to a sound conclusion here regarding Dr. Oppenheimer's clearance.

With respect to Mrs. Oppenheimer, we, of course, expected to call her as a witness and are expecting to put her on Monday morning -- put her on is not the phrase -- invite her to testify on Monday. She came as the Board will recall on the first day on crutches as a result of a broken ankle, and she subsequently has had what appears to have been a case of German measles. But she is now all right and will testify, barring accidents, on Monday.

MR. GRAY: Of course, we should be glad to hear from her. I knew it had been your intention to bring Mrs. Oppenheimer before the Board, and that is why I used this as an illustration, because I am sure it would not develop into the kind of situation I described.

MR. GARRISON: I would like to put one question to Mr. Robb. In the New York Journal American of last week -- I am sorry I don't have the clipping, and this is just by hearsay -- I am informed in Howard Rushmore's column last week Mr. and Mrs. Crouch were quoted as saying that they had been told that they would be called here as witnesses. I wonder if counsel could give me any information pertaining to that.

MR. ROBB: I didn't see the column and don't know

anything about it, Mr. Garrison, so I don't think I should comment on it. I am not responsible for what somebody writes in New York. I don't know anything about it.

MR. GARRISON: I understand that. Could you say within the keeping of the Chairman's ruling whether or not you expect to call them, because there is a great labor of preparation there.

MR. ROBB: It is rather difficult to say at this time, because I don't know what is going to develop here from here on, Mr. Garrison. I would just rather not comment at this time.

MR. GARRISON: There is not any notion that physicists would pressure on the Crouches?

MR. ROBB: Not a bit, no, sir.

MR. GARRISON: Is there any reason why we should not be informed if they are to be called?

MR. ROBB: If they are or if they are not.

MR. GARRISON: Either way. If they are not, it will relieve us of a considerable amount of unnecessary work. If they are, we should have time to prepare for it.

MR. GRAY: I would like to make an observation about that particular request. The Board felt that Mr. Robb's point about some of these witnesses was well taken and that is why we gave the ruling we did. I don't see, Mr. Robb, why in this case you can't.

MR. ROBB: I don't either. I will say that is a reasonable request. No, I have no intention at this time of calling Mr. or Mrs. Crouch. I will tell you that frankly. But as you realize, I can't project myself into the middle of next week. I don't know what will develop.

MR. GARRISON: I assume if you change your intention you will notify us?

MR. ROBB: I will do so, yes, sir.

MR. GRAY: Mr. Garrison, do you have a witness?

MR. GARRISON: Yes.

(Discussion off the record.)

MR. GRAY: Mr. Winne, do you care to testify under oath? You are not required to do so.

MR. WINNE: I would be glad to testify under oath, Mr. Gray.

MR. GRAY: Would you stand and raise your right hand, please?

MR. WINNE: Harry Alonzo Winne.

MR. GRAY: Harry Alonzo Winne, do you swear that the testimony you are to give the Board shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. WINNE: I do.

Whereupon,

HARRY ALONZO WINNE

was called as a witness, and having been first duly sworn, was

examined and testified as follows:

MR. GRAY: Would you be seated, please, sir, and indulge me while I remind you of the existence of the perjury statutes. I should be glad to discuss them with you, but may I assume you know about them?

THE WITNESS: I know there are such things. I don't know the details, but it is not necessary.

MR. GRAY: I should like to request, Mr. Winne, that if in the course of your testimony it becomes necessary to refer to or disclose restricted data, you notify me in advance so that we may take certain steps which are appropriate and necessary?

THE WITNESS: Yes, sir.

MR. GRAY: Finally, I should like to say to you that the Board treats these proceedings as confidential matter between the Commission and its officials on the one hand, and Dr. Oppenheimer and his representatives and witnesses on the other. The Commission will make no release of matter with respect to these proceedings. On behalf of the Board it is my custom to express the hope to each witness that he or she will take the same view.

THE WITNESS: I so understand and I agree, Mr. Gray.

MR. GRAY: I might say we had some discussion before you came in on procedural matters, and somehow there crept into the record a conversation about a column which appeared

in the Washington Post this morning which I read and which said that the Board is demanding secrecy. The Board desires not to have leaks, of course, but I remind you if you read that column, that I simply expressed a hope to you.

THE WITNESS: Surely.

MR. GRAY: Mr. Marks.

DIRECT EXAMINATION

BY MR. MARKS:

Q Mr. Winne, what is your present position?

A May I start back a little? I retired from employment with the General Electric Company at the end of 1953. Now I am retired but I have a number of activities which keep me pretty busy, one of which is as Chairman of the Technical Advisory Panel on Atomic Energy, in the Office of the Assistant Secretary of Defense for Research and Development.

I am also a member of two committees of the National Science Foundation, and then I have various community activities and so forth in my home area, as trustee of three different colleges, and things like that.

Q What was your professional career with the General Electric Company?

A I started with General Electric as soon as I left college in 1910, and was with General Electric until December 31, 1953, filling various positions on the way up to becoming in 1941 vice president in charge of apparatus engineer, and

then in 1945 vice president in charge of engineering policy so-called, which was essentially a coordinating and policy directing position for the engineering effort of the company as a whole, which position I held under a slightly different title, vice president, engineering, until November 1, 1953, when I was assigned to a certain special problem, which I worked on until the end of the year.

I might mention also because I think it is pertinent here that during the war years, starting with either the end of 1942 or early 1943, I devoted a good deal of time to coordinating and directing in a general way the efforts of General Electric Company in connection with the atomic energy program. The General Electric Company produced a lot of equipment, particularly for the magnetic separation process at Oak Ridge, and also the gaseous diffusion process at Oak Ridge, with both of which I was quite familiar, spending a few days at different times at Berkeley and some time at Oak Ridge.

Then in 1946, when General Electric took over the operation of the Hanford Works, I was appointed chairman of the so-called nucleonics committee of the company, which from that time for several years directed the general policy and the operation of the company in the atomic energy field, that is, the operation of the Hanford Works, the construction and operation of what was called the Knolls Atomic Power Laboratory at Schenectady, and other activities in the atomic energy field.

Q I recall that last fall, I believe it was, you received some industrial award. Can you remember what that was?

A That was last summer. It was the so-called McGraw Award for men in the electrical manufacturing industry, as distinguished from a similar award for men in the utility industry, and so forth. I received the award for the manufacturing man in the electrical industry last summer.

Q When did you first know Dr. Oppenheimer?

A To the best of my knowledge, I first met him in Mr. Acheson's office, I think in late January or early February of 1946, when I was asked to serve as one member of the five man board of consultants to the Assistant Secretary of State's Committee on Atomic Energy in endeavoring to propose some plan for international control of atomic energy.

Q How well did you get to know him as a result of that, or other work?

A I feel quite well, Mr. Marks, because during the period of discussion and final drawing up of this plan for international control of atomic energy, that board of consultants met almost continuously for about eight weeks, I think it was, except for weekends and even sometimes on weekends.

Q How many hours a day did you work together on that?

A Very often it was a matter of all day and dinner and evening, starting at 8:30 or 9 o'clock in the morning. So I felt that during that experience I got to know him, I feel, very

well.

Since that time I have had -- I can't state definitely just how many contacts. He and I were both members of the Committee on Atomic Energy of the Research and Development Board, as I recall, starting in early with my membership in early 1952, or possibly late in 1951.

Q Research and Development Board of what agency?

A I think it was called the Department of Defense at that time. Even prior to that in connection with the activities of the MLC, the Military Liaison Committee -- I was not a member of that committee -- I was invited to make at least two trips to the West Coast visiting various installations with that committee. It started at the time that Donald Carpenter was chairman of the committee. My contacts continued with it while Bill Webster was also chairman.

I remember one of the trips Karl Compton was along. On those trips -- I don't recall whether on every one -- at least one I recall meeting Dr. Oppenheimer at Berkeley and serving on a subcommittee of which he was chairman, which I think was set up by Mr. Carpenter, although I am not absolutely sure of that, to consider the matter of radiological warfare.

I visited Princeton once at least since his taking over the direction of the Institute there. It was a more or less social session of the members of the board of consultants at the Institute. I suppose I have seen him 15 or 20 times,

possibly more, since the days of the board of consultants.

I have visited at his home in Berkeley, I think, twice as apart of one of these groups which were making these trips to the west coast, not privately, I mean, but as a group of several at a cocktail party or something of that nature at his home in Berkeley. So as I say, I feel I know him quite well.

Q The 15 or 20 times that you are speaking of, are those including the work on the State Department board in 1946?

A No, since that time.

Q Have most of these occasions been social or have they been working relations?

A No, most of them have been in connection with work of the Committee on Atomic Energy or as I say, the trips with the MLC, and so forth.

Q Speaking in a very general way, with what subject has the work of this Committee of the Research and Development Board been concerned?

A Primarily with the use of atomic energy in military preparedness of the country, both in the form of weapons and also of propulsion equipment of naval vessels and aircraft.

Q During the war, when you were working on aspects of the atomic energy project in the Manhattan District, who were your contacts there?

A During the war?

Q Yes, at the time, who were your contacts with?

A From the Manhattan District, General Groves, at that time Colonel Nichols, Colonel Walter Williams, a few contacts with General Groves' predecessor whose name I cannot recall at the moment, and then with the Kellex Corporation people, Dobie Keith, Al Baker and others in connection with the gaseous diffusion plant, and with Stone and Webster, A. C. Klein and others of that organization, and the Carbide and Carbon people operating Oak Ridge -- too numerous to mention.

Q If you happen to know, can you say who suggested your name for membership on the Board of Consultants to the State Department on international control of atomic energy in 1946?

A I do not know. I have always suspected that General Groves is the one who suggested it, because I did not know Mr. Acheson or Mr. Byrnes, nor the other members of the State Department's Committee on Atomic Energy at that time. So I have always suspected General Groves did, but I do not know that.

Q In your work on that committee, concerned with the problem of international control of atomic energy, what was your major worry about or what country or what countries?

A Our major consideration, of course, was the protection of the United States, that is, of devising a scheme of control of atomic energy which would ultimately, we hoped, prevent the use of atomic bombs and might lead to -- this

may have been wishful thinking -- abolition of warfare entirely, but always without sacrificing the protection of the United States.

Q In those deliberations and in that work, what was your attitude, and if you can say, what was the attitude of your colleagues about Russia?

A I think I can say we looked upon Russia as the most probable enemy of the United States. We looked upon her as the country which would be working hardest on trying to produce atomic weapons. I think none of us foresaw that she would produce these as early as ultimately turned out to be the case. We had hopes -- again this as it turned out was probably wishful thinking -- that Russia might be willing to go along with the plan which we ultimately evolved and succeeded.

Q What did you think of the efficacy of that plan as a measure of protection for the United States?

A We thought it was the best we could devise. We recognized that the detection of possible operations in the production of atomic weapons would at best be difficult, but we thought that the plan which we finally evolved could successfully do that.

Q What part did the respective members of that Board play, you and your four colleagues, in the development of the plan that you ultimately recommended?

A That is a difficult question to answer, because

there was so much back and forth discussion and give and take. I think that the germ of the idea -- the first suggestion of the idea of the international development authority came from Dr. Charles Thomas, who is now president of Monsanto Chemical Company. We were all searching for some method which would not forestall the peaceful development of atomic energy and of the use of atomic energy which I felt was so very important. You may remember that in the early stages of the discussion, someone suggested that perhaps the only thing to do was to stop all work entirely. That's the only hope for preventing the use of atomic weapons in warfare --

Q Did Dr. Oppenheimer suggest that?

A No, I think that was Mr. Lilienthal. I said if that was the aim of the board of consultants, this was no place for me, because I thought that the development had to go forward. We had to devise, if possible, some means for controlling the development in such a way as to prevent the use of atomic energy for weapons.

MR. GRAY: I am sorry. May I ask you to repeat that suggestion that Mr. Lilienthal made? My attention wandered for a moment, Mr. Winne.

THE WITNESS: As I recall it, this was in the first one or two days of our discussion, and we were all of us somewhat appalled by the immensity of the problem which we faced in trying to arrive at some solution to this question.

Mr. Lilienthal suggested -- I am not sure that it was 100 per cent serious, but perhaps in partly a joking tone -- maybe the only recommendation we could come up with would be to outlaw all development in atomic energy. The only way we could hope to prevent the use of it in warfare was that. I recall I spoke up and said if that was to be our objective this was no place for me, because I wanted to see atomic energy developed for peacetime industrial use, primarily.

BY MR. MARKE:

Q What view ultimately prevailed in the formulation of the report after the two months or whatever it was of deliberations and discussion?

A The view that peacetime development should go forward and that we should set up, as you will recall from the report, this atomic development authority, which would exercise enough supervision to prevent the use of atomic energy in weapons, or at least to give forewarning to all nations in case any nation undertook the development or the manufacture of atomic weapons.

Q When you say forewarning, what do you mean by that?

A I mean we felt that the conversion from peacetime development to the production of actual weapons would take a certain amount of time measured in months, at least, and that the authority could be aware of this reasonably soon after it was undertaken by any nation, and could thereby warn the other

nations of the United Nations community that such and such a nation was in effect abrogating the pact, and going ahead with the development of weapons so that the other nations could, if they desired, do likewise.

Q What gave you any hope that under the plan you devised, the international authority of which you speak, would have had early enough warning of sinister developments in Russia or other countries?

A We felt that it was absolutely necessary that all countries be open to inspection by this international authority, inspection which would be broad enough to permit the detection of supposedly clandestine operations in the production of atomic weapons.

Q In the later deliberations in which you participated with Dr. Oppenheimer on the Atomic Energy Subcommittee of RDB, to what, if any, extent did problems concerned with the potential menace of Russia enter into your considerations?

A I would say to a great extent. Always in the backs of our minds and frequently in the discussion was the question as to what Russia was doing, what her atomic stockpile might amount to, and as to when she might start a war in which atomic weapons would probably be used. That was always one of the main considerations which guided our discussion, and thinking. It may be well to state that on this committee there were not only civilian members, such as Dr. Bacher, who was Chairman,

Dr. Oppenheimer and Dr. Bethe, Mr. William Hosford, formerly vice president of Western Electric -- I don't remember if there were other civilians -- but there were also representatives of each of the armed services. General Yates of the Air Force, Admiral Withington and later Admiral Wright of the Navy, and General -- I can't think of his name, from the Army, but usually two representatives from each of the services. So military considerations were the prime matters which we were discussing of course.

Q In the course of these working relations and other relations you had with Dr. Oppenheimer, did you form any opinion about his loyalty to the United States, and his character?

A Yes, very definitely. I have no question at all as to his loyalty to the United States. I think he is a man of high character. I have great respect and admiration for him.

Q What led you to this opinion?

A I can't cite specific instances, but his discussion, his remarks during the deliberations of first the Board of Consultants in 1946, and at later meetings of the Committee on Atomic Energy. As I say, I can't specify remarks, specify comments, but there just developed within me a conviction as to his great concern for our country and his loyalty to it, his great concern for the safety of our country.

Q What, if any, attitude did you observe in him with

respect to Russia?

A The feeling that Russia is the country which we have to guard against, a country maybe certainly our enemy and maybe the one to start a war against us, and one against which we must be on our guard at all times.

Q When did you first form this impression?

A I can't cite any particular date or time. It gradually developed.

Q 1946, 1947?

A It developed in the days of our Board of Consultants meetings in 1946, Mr. Marks, and has, if anything, been strengthened since that time.

Q Mr. Winne, have you read the letter of December 23, 1953, from General Nichols to Dr. Oppenheimer, which is the genesis of these proceedings?

A As it appeared in the New York Times, yes, and then I again glanced through it this morning, or rather the copy which you have, and which you left with me as you came in here.

Q Placing to one side the statements in that letter relating to the subject of the so-called hydrogen bomb and assuming that the derogatory information otherwise -- and I am asking you only to assume not to consider whether it has been established in this proceeding that it is true or not -- assuming that it is essentially true, the derogatory information other than that concerning the hydrogen bomb, what effect does

that have on the conviction you have expressed with respect to Dr. Oppenheimer's loyalty and character?

A I am still convinced of his loyalty to the United States and of his character. I am glad you said placing to one side the statements with reference to the hydrogen bomb. I have no objection to the first part of the statement with reference to the hydrogen bomb, but if it should be true that he really worked against the development of the hydrogen bomb, which I do not believe, after the President had decided to go ahead with it, that I could not understand. If that proved to be true, it would bother me a great deal.

The statements to the effect that he was opposed to the development before the President decided to go ahead with it do not bother me particularly, and it may be well that I state here that in the early days in the talk about the hydrogen bomb I personally had grave misgivings as to whether it was wise at that time to go ahead with that development. Those misgivings were based on two factors. One, that the development of the hydrogen bomb at that time, it seemed to me, would detract from what we might term our atomic capability because the development of one important ingredient would reduce --

Q What do you mean by ingredient, if you can describe it in unclassified terms.

A I don't know whether this is classified or

unclassified.

Did you mean a material?

A A material, yes, because the production of that one required material would decrease the production of plutonium for the atomic bombs. Of course, as I say this was several years ago and presumably our stockpile of atomic bombs at that time was not nearly so great as it is now. I knew from our operations at Hanford that the production of this material would make serious inroads on the production of plutonium.

So that raised the question as to whether it was desirable to go ahead with it at that time. It would also require the time and attention of a great many physicists and engineers.

Then I also had this question as to its military usefulness as compared to the atomic bombs, that is, whether a sufficient number of targets which would justify the use of so powerful a weapon as the hydrogen bomb. Two, even if there were, it seemed to me that there was a good possibility that it might be better to attack with, say, 25 planes, each carrying -- and I use 25 to pull a number out of the hat, it might be 50, 100, or 10 -- each carrying one or possibly two atomic bombs, or to attempt to attack it with one or two planes each carrying a hydrogen bomb.

It seemed to me that the chances that a considerable number of the atomic bomb carrying planes would get through

were so much greater than the chance that one or two carrying hydrogen bombs would get through, that the effectiveness of the greater number of planes with atom bombs might be considerably greater than one or two planes with a hydrogen bomb.

So I had that question. Of course, not being a military man I am not competent to really pass on that sort of thing.

I recall that in discussing this matter with Ernest Lawrence --

Q When would that have been?

A I don't know. It was probably somewhere around 1950 or 1951. I don't know the exact date, Mr. Marks, but in discussing it with Ernest Lawrence, I mentioned these misgivings. When I first said that I had some misgivings as to whether it was wise to go ahead with the hydrogen bomb development, he expressed surprise. Then when I explained why, he said, "Oh, you mean that." He said, "I thought perhaps you might have the ethical or moral misgivings that some people have." I said, no, I did not, that it was entirely on a practical basis.

As I say, I had those same misgivings. Developments have, I think, shown that those misgivings were pretty largely unfounded, because at Hanford we have been able, as has been told publicly, to so greatly increase the production of plutonium from the piles which when we took over were

supposed to be about ready to quit, that the production of the material for the hydrogen bomb has not seriously interfered with the production of sufficient plutonium. The costs in the equivalent of atom bombs have proven to be much lower. So that the program on the hydrogen bomb is working out much better than I had expected it would. I think that is true of many people. Many people thought at that time that it was going to make serious inroads in the production of atomic bombs, and that the hydrogen bombs would be extremely expensive. Of course, they are expensive in any ordinary terms.

Q At the time you speak of, whether it was in 1950 or 1951 --

A It could have been in 1949. I don't remember, Mr. Marks. But I recall distinctly the conversation. I have seen Ernest Lawrence many times, and I can't tell you which time it was.

Q At the time you speak of, what if any responsibility did you personally have for the operation at Hanford?

A I was at that time still chairman of the Nucleonics Committee of the General Electric Company, which was the policy setting committee for all of our operations in the atomic energy field. As such I held a very real responsibility for the Hanford Works. In fact, at the particular time that the hydrogen bomb or that we began to produce at Hanford material for the hydrogen bomb, our organization had been

changed somewhat so that the Hanford Works operation reported through a vice president located there directly to me, whereas previously it had been a part of the Chemical Division of the General Electric Company's operation, simply guided by the Nucleonics Committee. So I was pretty well aware of what was going on at Hanford and what the changes in production might be.

Q In describing your misgivings that you held and you expressed you say to Dr. Lawrence about proceeding with the hydrogen bomb program, misgivings relating to the possible inroads that such a program might make on production of materials needed for A bombs, I think you said you were thinking particularly about production at Hanford.

A Production at Hanford and the military usefulness of the hydrogen bomb.

Q I think you said it turned out that production at Hanford for atomic bombs did not in fact suffer?

A To say that it did not suffer is probably a correct statement, because had we not produced some material for hydrogen bombs, we would have produced more plutonium. But even with producing the material for the hydrogen bombs, we had increased the production of plutonium to such a great extent that the atomic bomb production was maintained at a very high rate.

Q How did you bring that about to the extent that you

can say in unclassified terms?

A Of course, there are a tremendous amount of technical details, most of which are classified, covering the changes in operations which we made there which enabled us to step up the production of the existing piles very materially, and also to reduce the cost of the operation.

Q Why didn't you foresee that at the time you talked to Dr. Lawrence?

A Those changes came along rather gradually, and it is not always possible to foresee just what can be done. As a matter of fact, as I say at the time when we took over in 1946, it was thought that the piles would be out of commission in a very few years, and have to be completely replaced, whereas today they are still running and producing at a very much higher rate.

Q In general who had responsibility for bringing about the changes or improvements, whatever they were, at Hanford that enabled you to keep up your production for A bombs in a manner that you had thought impossible or improbable if the H bomb program were adopted?

A It was the General Electric Company organization at Hanford primarily.

Q You just didn't foresee that would be possible?

A That is right.

Q Did the General Electric people who were responsible

to you at Hanford foresee it?

A They may have foreseen more of it than I did, because they were closer to the job, but they were certainly not willing to go out on a limb and say that the things which were accomplished would be accomplished. As I say, there were gradual developments in the operation and whole technology of the pile operation which permitted us to do that.

Q I think you said that reading this letter from General Nichols and assuming that the derogatory information, except for that part of it which you specifically excluded relating to the hydrogen bomb, relating to part of the information, you said I think that would not alter the conviction you expressed with respect to Dr. Oppenheimer's character and loyalty to the country?

A That is true.

Q General Nichols' letter also speaks of a variety of associations which Dr. Oppenheimer is said to have had with Communists, with left wing organizations, with causes which have been identified with Communist objectives. How do you reconcile your expression of confidence in Dr. Oppenheimer with this array of associations?

A I think Dr. Oppenheimer's reply explains those associations, it explains how they developed and how he ultimately cast them off as he became more acquainted with the aims and objectives of those associations, of the Communist

Party, of Russia. I think his subsequent efforts on behalf of the country, his thinking and the discussions he participated in in the meetings of the Board of Consultants of the Committee on Atomic Energy of the Research and Development Board, indicate to me that he is completely free of perhaps what you might call illusions or lack of understanding which he had in those earlier days. I think they do not affect his basic loyalty to the country.

Q Suppose it appeared in these proceedings that at least some of the associations referred to in the Nichols letter -- or that some of the people referred to about whom questions have arisen -- were people that he still on occasion saw. I think it appears in evidence here, or perhaps in the answer, I have forgotten which, that as recently as last November in Paris, when Dr. Oppenheimer was abroad, he saw at the request of his old friend Chevalier, he saw Chevalier. Does that worry you?

A No.

Q Why?

A I know nothing about the association between Dr. Oppenheimer and Chevalier, except through what I read in these two letters, one from General Nichols and one from Dr. Oppenheimer. But it appears that Chevalier was a close friend of his in the early days at Berkeley, and even though Chevalier may have been proved to be a Communist, and to have had the

wrong kind of ideas, shall we say, I would not hold it against Dr. Oppenheimer's loyalty to the country at all, if he should on Chevalier's request see him to discuss whatever Chevalier wished to discuss with him. I feel sure he would not have divulged to Chevalier anything which would be inimical to the interests of this country.

Q Do you think in making that determination of what would or would not be inimical to the United States, Dr. Oppenheimer would make the decision on the basis of his judgment or on the basis of the rules of the government?

A I think he would make it on the basis of the rules of the government in so far as the rules cover the situation. Beyond that he would use his own judgment in which I would have confidence.

Q Doesn't it worry you that a man who has as much classified information as Dr. Oppenheimer would even see a person like Chevalier?

A No, Mr. Marks, that does not worry me, because, as I say, I have confidence in the loyalty and in his judgment. His judgment in his younger days it may be claimed was faulty. Instead of judgment, it may have been a lack of understanding of these organizations and so forth. But from the period of my knowledge of Dr. Oppenheimer and my acquaintance with him, I have no cause whatsoever to doubt his loyalty or his good judgment in political as well as technical matters.

Q Let us take another case. I have forgotten if there are more in either the letter or the proceedings here, but one I remember is Dr. Morrison. Do you know who he is?

A Yes, I know who he is because in connection with the Board of Consultants in the early days of 1946, we visited several of the installations and I remember meeting Dr. Morrison. I can't remember where, whether it was at Los Alamos or where, but I remember meeting him at that time.

Q I think it has come out in Congressional hearings that Dr. Morrison was once a Communist. Would it bother you in the connection in which we have been speaking if Dr. Oppenheimer had seen Dr. Morrison in recent years?

A No, it would not.

Q I don't think his name has been mentioned in the Nichols letter, but I think another name that has cropped out in these proceedings is that of a Dr. Serber, at Columbia.

A As far as I know, I don't know him at all.

Q I would like to make sure that you have in mind the full import of some of what appear to be the more important derogatory information in the Nichols letter. I would like to read to you in order to be sure that you have it vividly in mind one paragraph of this letter, and then I would like to ask you to make a comment.

In the letter that General Nichols sent to Dr.

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Oppenheimer, the following appears:

"It was reported that prior to March 1, 1943, possibly three months prior, Peter Ivanov, Secretary of the Soviet Consulate, San Francisco, approached George Charles Eltenton for the purpose of obtaining information regarding work being done at the Radiation Laboratory for the use of Soviet scientists; that George Charles Eltenton subsequently requested Haakon Chevalier to approach you concerning this matter; that Haakon Chevalier thereupon approached you, either directly or through your brother, Frank Friedman Oppenheimer, in connection with this matter; and that Haakon Chevalier finally advised George Charles Eltenton that there was no chance whatsoever of obtaining the information. It was further reported that you did not report this episode to the appropriate authorities until several months after its occurrence; that when you initially discussed this matter with the appropriate authorities on August 26, 1943, you did not identify yourself as the person who had been approached, and you refused to identify Haakon Chevalier as the individual who had made the approach on behalf of George Charles Eltenton; and that it was not until several months later, when you were ordered by a superior to do so, that you so identified Haakon Chevalier. It was further reported that upon your return to Berkeley following your separation from the Los Alamos Project, you were visited by the Chevaliers on several occasions; and

that your wife was in contact with Haakon and Barbara Chevalier in 1946 and 1947."

I would also like to read Dr. Oppenheimer's reference to this episode in his answer on page 22 of the answer:

"I knew of no attempt to obtain secret information at Los Alamos. Prior to my going there my friend Haakon Chevalier with his wife visited us on Eagle Hill, probably in early 1943. During the visit, he came into the kitchen and told me that George Eltenton had spoken to him of the possibility of transmitting technical information to Soviet scientists. I made some strong remark to the effect that this sounded terribly wrong to me. The discussion ended there. Nothing in our long-standing friendship would have led me to believe that Chevalier was actually seeking information; and I was certain that he had no idea of the work on which I was engaged.

"It has long been clear to me that I should have reported the incident at once. The events that led me to report it -- which I doubt ever would have become known without my report -- were unconnected with it. During the summer of 1943, Colonel Lansdale, the Intelligence Officer of the Manhattan District, came to Los Alamos and told me that he was worried about the security situation in Berkeley because of the activities of the Federation of Architects, Engineers, Chemists and Technicians. This recalled to my mind that Eltenton was a member and probably a promoter of the FAECT.

1925

Shortly thereafter, I was in Berkeley and I told the security officer that Eltenton would bear watching. When asked why, I said that Eltenton had attempted, through intermediaries, to approach people on the project, though I mentioned neither myself nor Chevalier. Later, when General Groves urged me to give the details, I told him of my conversation with Chevalier. I still think of Chevalier as a friend."

Refreshing your mind about that incident, what effect does that have on your opinion about Dr. Oppenheimer?

A It does not change my opinion as to his basic loyalty to the country. I think that had I been in his place, I would have reported the incident immediately with the names, although one cannot at this date put himself back in the frame of the situation as it existed in 1943, and say definitely what he would have done. It seems to me that I would have reported it at that time.

As I say, it still does not affect my belief and my conviction in Dr. Oppenheimer's strong loyalty to our country. I think it was an error on his part not to report it immediately with the full details, but all of us make mistakes at some times.

Q How does it affect your opinion about his character?

A It does not affect that either. I still think his character is very high.

Q As I recall, you said, Mr. Winne, that you are at

present chairman of a committee on atomic energy.

Q It is a technical advisory panel on atomic energy in the Department of Defense, reporting to Assistant Secretary Quarles. It, together with a so-called coordinating committee made up -- this is a civilian committee -- there is also a coordinating committee on atomic energy which is made up entirely of military personnel which reports to Secretary Quarles. The panel of which I am chairman is purely advisory. We have no power whatsoever other than the power of facts as we may develop them. It, together with that military committee, in effect replaces the old Committee on Atomic Energy of the Research and Development Board, of which Dr. Oppenheimer was a member at the time I became a member.

Incidentally, I would be very glad to have Dr. Oppenheimer as a member of the panel today if he is cleared by this Board. I have that faith in his loyalty to the country and his outstanding ability as a scientist, which needs no testimony. ; We need that kind of people on such a panel.

Q As chairman of that committee, do you feel any personal and official responsibility?

A Very, very definitely, responsibility to do everything we can to assist the military organization of the country in developing the most effective use of atomic energy for military purposes. Of course, incidentally, protecting the interests of this country very fully from the standpoint of

classified information and so forth.

Q Do you feel any responsibility in that capacity for the security of the sensitive information that flows to you?

A Very, very definitely. I feel a very high sense of responsibility.

MR. MARKS: That is all, Mr. Robb.

MR. GRAY: I am going to ask that we recess very briefly.

(Brief recess.)

PAPICH 1

MR. GRAY: Mr. Robb.

CROSS EXAMINATION

BY MR. ROBB:

Q Mr. Winne, Mr. Marks read you two paragraphs from Dr. Oppenheimer's answer and in particular one sentence which I will re-read for clarity: "When asked why, I said that Eltenton had attempted through intermediaries to approach people on the project, though I mentioned neither myself nor Chevalier."

Dr. Oppenheimer has testified before this Board, sir, that what he said on that occasion was in certain respects untrue; specifically, that he said that there were three people who were approached whereas in fact there was only one; that he reported that there had been conversation about microfilm with Chevalier, whereas in fact there had not; that he reported that Chevalier had spoken of making a contact through some one in the Russian Consulate, although in fact that was not true.

Does that disturb you, sir?

MR. MARKS: Mr. Robb, would you mind if I ask you to identify the time at which these statements that you described were made and to whom?

MR. ROBB: I am talking about the occasion referred to in this letter when Dr. Oppenheimer reported to the security officer about this episode with Chevalier. In that

2 interview he has testified before this Board he made certain misstatements of fact knowingly.

BY MR. ROBB:

Q Does that disturb you, sir.

A It disturbs me to some extent that he should have done that at that time. As I say, as I look at that incident I would have reported the whole thing immediately and in the true aspects of it. I don't know why he did not. He has since in his letter admitted that he should have or thinks he should have. It is a rather disturbing incident, there is no question of that.

But on the other hand from my almost living with him and the other members of the panel for eight weeks and quite a lot of contacts since in deliberations on weapons and that sort of thing, I still have no question about his loyalty to the country.

Q Yes, sir; you speak of loyalty. Would the fact that he deliberately lied to the security officer about this matter in certain respects in your opinion have a very material bearing upon his character?

A Obviously if a man deliberately lies it does have some bearing on his character. Of course, in connection with that the full situation at the time should be known. It is impossible for me to look back ten years and to visualize just what the situation was in his respect at that time,

3 although I can see no reason why he should have lied about it if that is what he did at that time.

Q Suppose Mr. Winne you had an employee at G.E. who undertook to report some such incident to you and you subsequently found out that he lied to you about certain material parts of it, would you be disturbed about it?

A Yes, I would be disturbed and I would endeavor to find out just why and what all the circumstances were. But it would by no means necessarily be reason for firing him and his subsequent conduct would have much greater bearing on my feelings toward him than would that particular incident.

Q Is it a fair statement that unless he could give you a pretty satisfactory explanation of why he lied to you you would fire him?

A It would depend on what the situation was, what he was lying about and that sort of thing.

Q Assume it was a very important matter.

A If it was a very important matter and he could not give a convincing reason as to why he felt it was necessary at that time, it is quite probable that disciplinary action would be taken.

Q Assume that the matter arose that you were looking into -- you wanted to find out all you could about it for the good of G. E. -- and you talked to an employee about it and he lied to you about it, and those lies impeded you

4 in finding out about it and made it more difficult for you to run the matter down, wouldn't that disturb you very greatly?

A It would disturb me, yes.

Q And it would be very likely that when you found out about it under those circumstances you would fire him, wouldn't you?

A Again it would depend on what the matter was; it would depend on his value to the company, his ability and several factors like that. Certainly the act of lying about an important matter would be considered as a black mark, you might say, against him.

Q It would be something that you would require some explanation for, wouldn't you?

A Yes.

Q How well do you know Dr. Morrison, Mr. Winne?

A I just met him, as I say, either on a trip or maybe he appeared before the board of consultants in some capacity to explain. You see, many of us on that board of consultants --

Q Pardon me. I don't mean to cut you off but perhaps I can save a little time by coming to the point.

Do you know anything about his background?

A No; other than what has appeared in the newspapers.

Q You mean about his communist connections?

5 A I understand he has at least been accused. I don't recall I have ever seen that it was proved that he had communist leanings or was a member of the communist party.

 Q He has admitted that he was.

 A I didn't know that unless it was brought out in the questioning by Mr. Marks. I forget. I knew he was at least under suspicion. I didn't know it at the time that I met him.

 Q I understand that.

 A I can't say I know him well at all because I have seen him once or twice.

 Q Knowing what you do about Dr. Morrison, do you think you would employ him on a G.E. confidential project?

 A On a matter like that I would have to know more about him and more about his subsequent actions and more about-- I would have to know him much better than I do now to say whether or not I would be willing to employ him.

 Q You would want to look into it?

 A Very definitely.

 Q Just the way this Board is looking into Dr. Oppenheimer.

 A I suppose so.

 Q Thoroughly, in other words.

 A Yes.

 Q In other words, you think that his background

6 would raise some question which ought to be resolved.

A Yes, sir.

Q One further question on this subject about Dr. Oppenheimer. Suppose it should appear that Dr. Oppenheimer in some respects has not told the whole truth to this Board in his testimony or in his answer, would that disturb you greatly?

A Yes, it would.

Q That would have a very material bearing on your judgment of him, of course, would it not?

A I think it would. Again when you say "told the truth", it is a matter of if he has given incorrect information through mistake.

Q No.

A You mean if he deliberately lied about some important matter.

Q Yes.

A That would have a very definite bearing in my opinion.

Q Doctor, G. E. has had many confidential war projects which have come under your supervision.

A It has had a great many war projects, some more or less directly under my supervision and many more about which I have known in general and have had advisory contact with and that sort of thing.

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Q If you found that the man in charge of one of those projects had a number of communist friends or friends who were either communists or fellow travelers, would that trouble you somewhat?

A If I had any doubts about the man himself, yes, it would. On the other hand, there are many of our scientists and some of our top engineers who are of the turn of mind as so many of the scientists -- a very inquiring type of mind, very curious about everything -- and I would not be at all surprised to find that some of them may have attended communist meetings, may have had discussions with communists just to find out what line the communists are using and what their approach to world conditions and so forth. That would not necessarily be disturbing.

Q Has any one suggested to you that is what Dr. Oppenheimer did in this case?

A No.

Q Taking our hypothetical superintendent again, suppose you found that that man had brought a number of his communist or fellow traveler friends along to work with him on your project, how would you feel about that?

A That would bother me, but I would have to give consideration to the question of whether or not he could get people of ability to do the project, whether he was making a judgment as between getting the project done at all

8 or getting it done with some degree of risk by bringing in such people.

Q Do I understand that the security officers on any project that you are familiar with would have permitted on the project people that they knew to be either communists or fellow travelers?

A No, I don't think they would have. I don't recall any case where that kind of a situation has arisen. But one does have to some times, if a job just has to be done, make some compromises in the way that he gets the job done.

Q Of course, you would assume our hypothetical superintendent would have told the security officers all about these fellows?

A Yes.

Q That would be his duty, wouldn't it?

A Yes.

Q And that would not be an unreasonable duty to impose on him?

A No, it would not.

Q Even though they happened to be his friends?

A No, that would not be an unreasonable duty to impose upon him even though they happen to be his friends.

Q Mr. Winne, you mentioned the meeting in 1946 in Secretary Acheson's office. Do you recall who was present at that meeting when you met Dr. Oppenheimer?

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A As I recall it, all of the people who were to be ultimately members of this board of consultants were present, which included Dr. Oppenheimer, David Lilienthal, Chester Barnard, Charles Thomas and myself.

I don't remember whether at that meeting Mr. Marks and Mr. Carroll Wilson were present. I do not remember whether they were. They were then, or we met them soon afterwards, I don't remember which, because they acted as secretaries and so forth for the board of consultants.

Q Which Mr. Marks is that?

A Herbert Marks.

Q This Mr. Marks who is here?

A Yes.

Q What was his connection with the committee?

A He was in the Department of State at that time and he and Carroll Wilson were assigned to the Committee to help us with writing up the ultimate report and getting information as we might ask for it and that sort of thing.

Q Is that the Mr. Carroll Wilson who was later secretary of the AEC?

A He was later General Manager of the AEC.

Q That is when you first got to know Mr. Marks?

A Yes, that is right. I think I had met Mr. Marks once or twice, perhaps, prior to that when he was in, I think it was called, the power section of the War Production

10 Board, or something of that order. I believe he visited Schenectady with a group and I met him at that time.

MR. ROEB: That is all I care to ask, Mr. Chairman.

MR. GRAY: Mr. Winne, your convictions are pretty deep about this matter. That is apparent.

THE WITNESS: Yes.

MR. GRAY: I know you are here to be helpful to this Board in the discharge of a really very difficult task. There has been some discussion about the Nichols letter and Dr. Oppenheimer's reply which quite apart from the record of this proceeding establish certain facts. There are certain things reported and adverted to in General Nichols' letter and which are said to be true in Dr. Oppenheimer's reply.

Mr. Winne, against the background of the exchange of letters, I would like to read you certain pertinent excerpts from the personnel security clearance criteria for determining eligibility which was issued by the Commission and which we are required, as I understand it, to consider in the course of these deliberations.

I would be glad if counsel for Dr. Oppenheimer would watch me closely in this because I don't want to leave out anything that might be pertinent and therefore mislead Mr. Winne.

This is a very serious question I am addressing to

11 you. This document establishes the fact, or rather, recites the fact that the Commission in September, 1950 issued its procedure for administrative review -- that is the reason for which we are convened -- and points out also that this procedure places considerable responsibility on the managers of operations, and it is to provide uniform standards for their use that the commission has adopted the criteria described herein.

I might interrupt to say that I am sure it is true that managers of operations here would be in this case the General Manager of the Commission, General Nichols.

MR. ROBB: That is correct.

MR. GRAY: Then reading from the document:

"Under the Atomic Energy Act of 1946, it is the responsibility of the Atomic Energy Commission to determine whether the common defense or security will be endangered by granting security clearance to individuals either employed by the Commission or permitted access to restricted data."

Then omitting some language: "Cases must be carefully weighed in the light of all the information and a determination must be reached which gives due recognition to the favorable as well as to the unfavorable information concerning the individual and which balances the cost of the program of not having his services

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against any possible risks involved."

I believe you, in your testimony, put some emphasis on the point of great services and values that Dr. Oppenheimer has been to the program.

THE WITNESS: Yes.

MR. GRAY: Then it says, "To assist in making these determinations on the basis of all the information in a particular case, there are set forth below a number of specific types of derogatory information. The list is not exhaustive, but it contains the principal types of derogatory information which indicate a security risk." Then it says that they are divided into two categories.

Category (A) includes certain things. I am going to read paragraph No. 1 and parts of paragraph No. 3.

"Category (A) includes those cases in which there are grounds sufficient to establish a reasonable belief that the individual or his spouse has:

1. Committed or attempted to commit, or aided or abetted another who committed or attempted to commit, any act of sabotage, espionage, treason, or sedition.

* * * * *

3. Held membership in or joined any organization which has been declared by the Attorney General to be Totalitarian, Fascist, Communist, subversive

or, prior to the declaration by the Attorney General,

13 participated in the activities of such an organization in a capacity where he should reasonably have had knowledge as to the subversive aims or purposes of the organization;"

* * * * *

"6. Violated or disregarded security regulations to a degree which would endanger the common defense or security;"

There are a lot of other types of derogatory information which I am not reading. I hope it does not distort it to take those out of context. Then I would go to the last two or three paragraphs of this document:

"The categories outlined hereinabove contain the criteria which will be applied in determining whether information disclosed in investigation reports shall be regarded as substantially derogatory. Determination that there is such information in the case of an individual establishes doubt as to his eligibility for security clearance.

"The criteria outlined hereinabove are intended to serve as aids to the Manager of Operations in discharging his responsibility in the determination of an individual's eligibility for security clearance. While there must necessarily be an adherence to such criteria, the Manager of Operations is not limited thereto, nor precluded in exercising his judgment that information or facts in a case under his cognizance are derogatory although at variance with, or

14 outside the scope of the stated categories. The Manager of Operations upon whom the responsibility rests for the granting of security clearance, and for recommendation in cases referred to the Director of Security, should bear in mind at all times, that his action must be consistent with the common defense or security."

I suppose it is true that the executive order of the President, which I think has somewhat more restrictive criteria, must also be taken into account in these proceedings. I will not take the time now to take you through all of those.

I have indicated this is a serious inquiry and I am asking for your help to this Board.

THE WITNESS: Yes.

MR. GRAY: It seems to me pretty clear that some of these criteria have been met, if you will, by the exchange of letters that I read. Would you agree with that?

THE WITNESS: It seems to me that the exchange of letters indicates that in the earlier years under consideration -- I think it is 1942 and earlier -- that Dr. Oppenheimer, -- I forget the exact wording there -- did support to some extent some of the organizations which have since been declared subversive or perhaps were at that time. I do not know.

MR. GRAY: This is quite a serious question. One

15 of our difficulties is that it does not say "is a member".

THE WITNESS: I recognize that.

MR. GRAY: It says "The individual or his spouse", and then "done these things".

THE WITNESS: Of course, Dr. Oppenheimer does admit that his wife had been a member of the Communist Party.

MR. MARKS: That is correct.

THE WITNESS: That is in the letter. So taking the strictly legal interpretation perhaps you have no alternative there.

MR. MARKS: Mr. Chairman, I would like to interrupt.

MR. GRAY: Surely.

MR. MARKS: Because I feel that there is a really very important technical question of interpretation that is involved in the question.

MR. GRAY: I would be glad if you would state it.

MR. MARKS: I do not think that the criteria which you read mean or are intended to mean that the establishment--

MR. ROBB: Mr. Chairman, might I interrupt? Would it not be well to have the witness step out while this is going on?

MR. MARKS: We would be glad to have that done.

MR. ROBB: I don't know whether the witness is going to be confused or not.

MR. GRAY: I really think actually the argument should not be given in answer to a question by the witness. I will rephrase my question and see if I can take care of your difficulty.

We have had witnesses before the Board, Mr. Winne -- men of great stature and eminence -- who have been inclined to treat very lightly these matters which we have been discussing here, I think with sincerity and conviction, on the ground of what they think they know of Dr. Oppenheimer all this washes out anything that happened in the past.

I will not ask this question: Has anything here said since your direct testimony made you wish to alter your direct testimony as a result of hearing what I read?

Is that a fair question?

THE WITNESS: I feel it does not change my opinion, Dr. Gray. As I was about to say, and this is an entirely gratuitous remark and perhaps I should not make it, but it seems to me that it may be possible that you have no alternative but to make a certain finding here. But even if you make a finding adverse to Dr. Oppenheimer, my personal feeling still is that he is loyal to the country, that he would be an asset to the whole atomic and hydrogen weapons project for the country.

You may, because of the wording of the law, be forced to make a decision adverse. I hope you will not, but

17 you may be forced to.

MR. GRAY: Just for the sake of the record now, and perhaps to ease Mr. Marks' --

MR. MARKS: No, this is perfectly all right.

MR. GRAY: I am making no assumption of any kind.

THE WITNESS: No, I recognize that.

MR. GRAY: The Board has reached no conclusions and I certainly would say that we cannot say that any alternatives or set of courses of action are necessarily inevitable in this thing. I don't want to have any misunderstanding on that point.

There is substantial and widespread ignorance about the procedures and the requirements of the law in these cases, I believe. I don't mind saying that I am deeply troubled by these things that are before us. However, I don't want to pursue it with you further because I think you have made it absolutely plain that you would go as far as the law would allow you to go to grant Dr. Oppenheimer security clearance. That is the sum of it, isn't it?

THE WITNESS: Yes, that really is the sum of it, Dr. Gray. To express my own belief, I think it is not necessary to assume that because a man several years ago -- I am not referring to Dr. Oppenheimer now, but anyone -- was supporting the Communist Party, particularly if he was a youngster in college at the time, that should disqualify him

18 for security clearance today. I hope most of us have changed our ideas about many subjects as we have gone along through life. I think in many cases it would be found that if the true facts could be gotten at, especially the youngsters in college who have supported the Communist Party to some extent or joined it or something like that, really did not realize that they were acting inimical to the interests of the country. I think all of those things should be taken into consideration.

I know it is an almost insuperable job for a Board such as yours with the law as it exists. You, of course, have to abide by the law.

MR. GRAY: I had one other question which is entirely unrelated to what we have just been discussing and I guess it is more for my information than anything else. It is an uninformed question.

Are there developments which are useful for the welfare of mankind as opposed to wars of destruction which may come out of the hydrogen bomb discoveries and inventions and development, in your judgment?

THE WITNESS: I do not know that, Dr. Gray. Based on the long history of science I would bet that there will be rather than that there will not. But I do not know of any in the immediate future.

MR. GRAY: Dr. Evans, have you any questions?

DR. EVANS: Yes. Mr. Winne, you feel that in these atomic developments with the fission and the fusion bomb we are just scratching the surface of what we will know years from now.

THE WITNESS: Certainly we will know a tremendous amount more than we know now if we keep on with our developments. Whether you mean by that that we will develop much more powerful bombs and weapons and so forth, I do not know that. But we will certainly know much more about them and be able to produce them at lower cost and much less effort and so forth.

DR. EVANS: I merely mean this: Do you remember Faraday's experiment with the coil of wire before the Royal Society?

THE WITNESS: I remember it rather vaguely.

DR. EVANS: Let me refresh your memory. He put a coil of wire between two magnets and the coil of wire was carrying an electric current and the wire turned like this (indicating). Gladstone said to him, "But of what possible use can it be?" Faraday said, "Mr. Gladstone, you may be able to tax it."

Rather interesting, isn't it?

THE WITNESS: Yes.

DR. EVANS: Some day we very likely will be able to tax this. You also feel that we should be smart enough to have international agreement on these things rather than

20 to allowing them to destroy us, don't you?

THE WITNESS: I feel we must exert every effort to prevent weapons of any kind from destroying us -- every reasonable effort -- without sacrificing anything as material as a nation. Whether that should be by international control or whether simply the fear which I think is gradually being generated in all people, the fear of the use of these weapons, is going to prevent their actual use.

DR. EVANS: You don't feel that threatening the use of these weapons is going to do the thing. It has to be done by some other way.

THE WITNESS: No. I think it is possible that the mere threat of the results from the use of these weapons may prevent their actual use, Dr. Evans. I would feel still safer if we had some really workable system of providing for international disarmament, but it has to be a workable system and one which will really protect all the countries if it is really to work.

DR. EVANS: You realize when we begin to deal with this sort of thing with these enormous temperatures and pressures, we are beginning to deal with the kind of things that make and destroy worlds, isn't that true?

THE WITNESS: I am not enough of a scientist to say whether or not that is true, Dr. Evans, but it seems as though we may be approaching that point.

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DR. EVANS: Do you have any ethitical or moral scruples when you think about these terrible things today?

THE WITNESS: I would hope that we will not have to use the atomic and hydrogen bombs in war for the destruction of other peoples. On the other hand, unless and until some reasonable system of control for actual prevention of their use is in effect, I think our country has no course but to go ahead with their development and try to develop the very best weapons that can be made.

DR. EVANS: I quite agree with you. You will admit, Mr. Winne, and I think you did, that Dr. Oppenheimer was indiscreet on occasion.

THE WITNESS: Yes, on the basis of the information partbularly with reference to his not disclosing this instance when he was approached.

DR. EVANS: I want to ask, you are not a communist?

THE WITNESS: No, sir.

DR. EVANS: Have you ever been a fellow traveler?

THE WITNESS: No.

DR. EVANS: Have you any communist friends?

THE WITNESS: No. Well, I don't know, but not that I know of.

DR. EVANS: Would you, if you were on a security committee, go to see a communist friend?

THE WITNESS: If I were on a security committee?

DR. EVANS: Yes.

THE WITNESS: Would I go to see a communist friend?

DR. EVANS: Yes.

THE WITNESS: That is a question that is very difficult to answer.

DR. EVANS: You don't have to answer.

THE WITNESS: Without having all the circumstances, that is.

DR. EVANS: You don't have to answer it. Perhaps it is a bad question. Strike it.

THE WITNESS: If I had a friend who had committed a serious crime and was in prison, I might go to see him if he was a close friend, to try to find out from him just why he did it and what the circumstances were and to be of some moral support to him in trying to rehabilitate himself and that sort of thing. One can't answer a general question like that yes or no.

DR. EVANS: You would not have done this thing in regard to this Chevalier incident in just the way Dr. Oppenheimer did.

THE WITNESS: I think not, Dr. Evans, to the best of my knowledge and belief. I think I would not have done it.

DR. EVANS: That is all.

MR. GRAY: Mr. Marks.

REDIRECT EXAMINATION

BY MR. MARKS:

Q I think you have probably answered this, Mr. Winne, but just to be sure that we are clear as to your own thoughts I would like to go over some ground.

Mr. Robb was inquiring of you as to what you would do as one of the responsible chief officials of the General Electric Company in various contingencies relating to conduct of an employee. I need to ask you whether, if it came to your attention that an important employee and a trusted employee had many years ago in different times and circumstances committed acts of the kind that Mr. Robb described in relation to the Chevalier incident or some other incident that you can imagine involving the truth and refusal to cooperate in an investigation, that it happened many years ago and there had been a long intervening period of faithful service to the General Electric Company, what consideration would you give or how would you seek to way considerations that you would have to judge in determining his future with the General Electric Company? That is, his future, if any.

A That again is a question the answer to which would vary under different circumstances. First I would endeavor, as it seems to me this Board is doing, to find out all I could about the circumstances in the early years, to

see just what caused the employee to do whatever he had done. Then I would investigate very carefully all of his actions with the company since that time, talk with him, and if this were an important employee, talk with the higher officers of the company and then come to a decision as to what we should do about it. I don't think one can say right offhand whether we would fire him or keep him. It would depend on a lot of circumstances.

Q Just one other question, and I just have no idea whether or not you know the answer to it.

I ask you whether at the time which you have referred to that you had some contact with Dr. Morrison, while you were a member of the Board of Consultants of the State Department, did you know of the capacity in which he was then connected with the Manhattan District?

A I think I probably did, Mr. Marks, but I can't recall definitely that I did, nor do I recall now just what capacity he was employed in the Manhattan District, if he was employed.

MR. MARKS: Mr. Robb, will you permit me to ask a question that I am afraid is leading but is intended to refresh --

MR. ROBB: I am afraid of most anything you ask, Mr. Marks, but go ahead.

MR. GRAY: Mr. Robb is glad for you to ask a leading

25 question.

MR. ROBB: I don't think this witness will be lead, Mr. Marks. I think the witness will answer the question in his own way.

MR. MARKS: I am sure of that.

BY MR. MARKS:

Q Do you know, Mr. Winne, whether or not at the time Dr. Morrison had his contacts with your board of consultants he was then serving under a designation or appointment from General Groves as a member of General Groves' committee on international control of atomic energy?

A I cannot recall, Mr. Marks, whether that was the case or not. I cannot recall.

MR. MARKS: That is all.

MR. ROBB: I have nothing further, Mr. Chairman.

MR. GRAY: Thank you very much, Mr. Winne. I am sorry we kept you so long.

THE WITNESS: Thank you. That is perfectly all right.

(Witness excused)

MR. GARRISON: Mr. Chairman, I would like to make a couple of statements for the record. I have also one or two affidavits to read into the record.

I would suggest that since it is now quarter past twelve, or approximately that, and Dr. Bush has agreed to

testify at 2 o'clock this afternoon, I don't think there is any use in starting with Dr. Bacher who is ready to testify because he can wait over until Monday. We will have to go into next week anyway.

My thought would be, Mr. Chairman, to adjourn very shortly so that we might have Dr. Bush promptly at 2 and then, I think, the arrangement we made yesterday, which would enable the Board to adjourn at a reasonable hour.

MR. GRAY: If you have some affidavits, can we read those into the record now and that will save a little time?

MR. GARRISON: Yes. If I might just make a statement for the record on one or two things that have come up and I think are worth saying.

First just one word about this Drew Pearson column which I have seen now. It is entitled "Veil over Oppenheimer Case", and the first paragraph describes how nobody can find out where Dr. Oppenheimer is living. I may say that was arranged deliberately, Mr. Chairman, by all of us for the very purpose of avoiding statements to the press.

"Lloyd Garrison, attorney for the Atomic Scientist is just as mysterious as his client."

If there was left any implication that I am the only one of the attorneys associated in this case who is as mysterious as the client, I want most emphatically to reject

that implication. As a matter of fact, Mr. Marks, who has cut himself off completely from his office -- he has not even received a telephone call since last week -- and I have been living together except to separate to go to bed at night.

Mr. Ecker has been with us almost continuously except when he has been down here working on transcripts. Mr. Topkis is going back to New York after a couple of days of help. Dr. Oppenheimer has been almost continuously with us. I just say to you, sir, that there is not a one of us who has had contacts with the press in this time and since the early calls bombarded us, in which we said that we cannot give information and returned the calls as a matter of courtesy.

How this came to be is a mystery to all of us. I want to say this most emphatically for co-counsel and my associates in this matter as well as for myself.

MR. GRAY: Thank you. May I address a question to you. Do you want to leave the record in such a state that all counsel for Dr. Oppenheimer are mysterious? That is a facetious observation.

MR. MARKS: I would like to say that when calls from the press come to me and I am available, I take them. I try to be civil and courteous and I refuse to make any comments of any kind about this proceeding, even as to

28 whether the proceedings are in progress.

MR. MORGAN: The only question I had was whether you believe what Mr. Pearson writes or not? It may not be pertinent to this hearing.

MR. GRAY: I doubt if it is worthwhile pursuing that. Would you proceed, Mr. Garrison.

MR. GARRISON: Of course, we don't believe this stuff. I don't believe any of it.

Mr. Chairman, just a word about these criteria which I am so glad that you raised. It has been on my own mind to say something about it, but I didn't want to interrupt the flow of the testimony.

I would like to read into the record and just for a moment bring to the attention of the Board rather forcibly the two paragraphs that follow the description of the general nature of the atomic energy act. These are taken from the Atomic Energy Commission criteria for determining eligibility from which the Chairman read particular excerpts from Category (A):

"Under the act, the Federal Bureau of Investigation has the responsibility for making an investigation and report to the Commission on the character, associations and loyalty of individuals who are to be permitted to have access to restricted data. In determining any individual's eligibility for security clearance other information available to

the Commission should also be considered, such as whether the individual will have direct access to restricted data or work in proximity to exclusion areas, his past association with the Atomic Energy program, and the nature of the job he is expected to perform (certainly something we have here before us). The facts of each case must be carefully weighed and determination made in the light of all the information presented whether favorable or unfavorable. The judgment of responsible persons as to the integrity of the individuals should be considered. The decision as to security clearance is an over-all, common-sense judgment, made after consideration of all the relevant information as to whether or not there is risk that the granting of security clearance would endanger the common defense or security. If it is determined that the common defense or security will not be endangered, security clearance will be granted; otherwise, security clearance will be denied.

"Cases must be carefully weighed in the light of all the information, and a determination must be reached which gives due recognition to the favorable as well as unfavorable information concerning the individual and which balances the cost to the program of not having his services against any possible risks involved. In making such practical determination, the mature viewpoint and responsible judgment of Commission staff members, and of the contractor concerned are

30 available for consideration by the General Manager."

I think that last sentence, of course, is particularly pertinent to the General Manager's consideration, but I am sure that this Board is expected to provide the General Manager with all of this kind of information that is here set forth.

This would include, for example, responsible judgment of a man like Dr. Bradbury who is a Commission Staff member.

I would like to stress in summary that it seems to me that quite pertinent to this proceeding is Dr. Oppenheimer's past association with the atomic energy program, the nature of his job as a consultant, the judgment of responsible persons who have appeared here and will appear here as to his integrity and the responsible mature viewpoint and responsible judgment of Commission Staff members who have testified -- only one of them actually -- and that the case must be carefully weighed in the light of all of the information.

There is one other thing I would like to point out. That is, if Category (A) is considered, as, of course, it must be, it is said to include those classes of derogatory information which establish a presumption of security risk.

I take it that it is quite clear from this that if the Board should find a derogatory item which it felt

31 had been established under Category (A), which I hope the Board will not and believe it should not on the evidence -- but if it should -- that would establish a presumption which, I take it under this over-all judgment that is referred to here, would be rebuttable by other evidence such as what Dr. Oppenheimer has actually done for his country and the opinion of responsible people who know him and the like. In other words, it is not a final and conclusive matter but a rebuttable presumption.

MR. GRAY: I assume, Mr. Garrison, that at the conclusion of the testimony you possibly may wish to address yourself to some of these matters. I would not at this time respond to any request for an interpretation of the criteria either in this document or in the President's order.

I frankly have received this statement of yours at this time in the record because I initiated all this by bringing it up with Mr. Winne. I think I would like to say why I did that.

I believe it is true and I say this now not in the presence of any witness that we have had some witnesses who have come before the Board and in effect have said, "I know this man to be loyal; clear him". That is the sum of some of the testimony we have had.

There has been an inclination to be impatient with procedures and regulations and things of that sort. I

just wanted to make clear that everybody understands that the Board must take into account all rules, regulations and procedures in the course of its proceedings and I would not wish you to draw any conclusion now from anything I might have said in talking to Mr. Winne.

MR. GARRISON: Mr. Chairman, speaking for Dr. Oppenheimer, we agree that any light waving aside of what are serious matters or what may be requirements of the regulations we are not in sympathy with. We take this just as seriously as does the Board. That goes for all of us.

I think apart from that, the mere testimony from a witness that having known Dr. Oppenheimer closely for many years he has a conviction about his loyalty, I would say that in itself is pertinent.

MR. GRAY: I quite agree it is pertinent. Speaking at least for one member of the Board, these deep convictions held by responsible people are important in these deliberations. They are important to me and I am sure to the other members of the Board.

MR. ROBB: Mr. Chairman, might I interpose since we are talking about these criteria. We might at this point refer to Section 4.16 of the procedures, which also refers to them: "Recommendations of the Board. The Board shall carefully consider all material before it, including reports of the Federal Bureau of Investigation, the testimony of all

witnesses, the evidence presented by the individual, and the standards set forth in AEC Personnel Security Clearance Criteria for Determining Eligibility. In considering the material before the Board, the members of the Board, as practical men of affairs, should be guided by the same consideration that would guide them in making a sound decision in the administration of their own lives. In reaching its determination, the Board shall consider the manner in which the witnesses have testified before the Board, their demeanor on the witness stand, the probability or likelihood of their testimony, their credibility, the authenticity of documentary evidence, or the lack of evidence upon some material points at issue."

MR. GARRISON: That is all I have to say.

MR. GRAY: Do you have some affidavits at this time, Mr. Garrison?

MR. GARRISON: Yes. I wonder, Mr. Chairman, if we might adjourn for lunch. It is almost 12:30. I will proceed, however, if you wish.

MR. GRAY: How long are they?

MR. GARRISON: I would say it would probably take 10 or 15 minutes.

MR. GRAY: I think we should recess for lunch, then, and be here at 2 o'clock.

(Whereupon, at 12:25 p.m. a recess was taken, to reconvene at 2 o'clock this day.)

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AFTERNOON SESSION

2:00 P.M.

MR. GRAY: Do you wish to testify under oath?

DR. BUSH: Whatever is customary.

MR. GRAY: All the witnesses have.

Would you stand and raise your right hand, please.

What is your full name?

DR. BUSH: Vannevar Bush.

MR. GRAY: Vannevar Bush, do you swear that the testimony you are to give the Board shall be the truth, the whole truth and nothing but the truth, so help you God?

DR. BUSH: I do.

Whereupon,

VANNEVAR BUSH

was called as a witness, and having been first duly sworn, was examined and testified as follows:

MR. GRAY: It is my duty to remind you of the existence of the so-called perjury statutes. I assume we don't need to discuss those in any detail.

THE WITNESS: No, I think I know about them.

MR. GRAY: I should like to request that if in the course of your testimony it becomes necessary for you to refer to or disclose restricted data, let me know in advance so we may take certain necessary and appropriate steps?

THE WITNESS: Yes.

MR. GRAY: Finally, I would like to say to you that we

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consider these proceedings a confidential matter between the Atomic Energy Commission and its officials on the one hand, and Dr. Oppenheimer and his counsel and witnesses on the other.

THE WITNESS: I have already said to the press several times that I would not discuss this subject while it was before this Board.

MR. GRAY: We just express the hope that it will be your position.

THE WITNESS: Yes, sir.

DIRECT EXAMINATION

BY MR. GARRISON:

Q Dr. Bush, would you state for the record your present position, and after that, the principal government offices which you have held and now hold?

A I am President of the Carnegie Institution in Washington. At the present time I hold no government post except membership on one or two committees. I don't think you need to have them.

I was Chairman of the National Advisory Committee for Aeronautics for several years, about 1939.

I was Chairman of the National Defense Research Committee when it was formed in June of 1940.

I was a director of the Office of Scientific Research and Development when it was formed in June of 1941, through the war, and until after it was closed out after the war.

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During the war I was Chairman of the New Weapons Committee of the Joint Chiefs of Staff.

After the War I was Chairman of the Joint Research and Development Board of the Army and Navy, and then when that Board was made permanent by statute, I was Chairman of the Research and Development Board until 1949.

I think those are the principal appointments, sir.

Q About how long have you known Dr. Oppenheimer?

A I have known him well since the early days of the war. I undoubtedly met him in gatherings of physicists before that time, but have no specific recollection of the first date that I met him.

Q What was your connection with his appointment to the Manhattan District?

A There were appointments before then. At that time General Groves, who was in charge of the Manhattan District, reported to a body of which I was Chairman, and which I omitted to list. It is rather hard to get all of these in. It was the Military Policy Committee, of which I was Chairman. Dr. Conant was my deputy. General Groves took up all of his programs and policies with that group.

At the time that General Groves made the appointment of Dr. Oppenheimer at Los Alamos, he took that matter up with us. In my memory he took it up informally, not in a formal meeting, and discussed it with Dr. Conant and with me.

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Q What recommendation did you make?

A General Groves said he had in mind appointing Dr. Oppenheimer. He reviewed for us orally what he knew of Dr. Oppenheimer's prewar record. I don't remember that we looked at any file or any written records. He recited some of the previous history. Then he asked the opinion of me and Dr. Conant in regard to the appointment, and I told him I thought it was a good appointment.

Q Did you have any discussion about any prior left wing associations that he had?

A Yes, we did. He recited previous associations.

Q When you say "he", you mean whom?

A General Groves.

Q About when was this?

A I noted down a few dates. I can't say, gentlemen, that my memory for dates and the like is good. In fact, it is a little bad. I have that date here somewhere. Oppenheimer was chosen in November of 1942.

Q Did you have opportunity to observe his work at Los Alamos?

A In a sense which I was responsible for it. The structure at that time, you remember, was this: OSID started this work and continued it for a considerable period. It continued parts of it in fact after that date. I originally carried the full responsibility for it, reporting to the

1965.

President. On my recommendation when the matter came to the construction of large facilities, the matter was transferred to the War Department. Secretary Stimson and I conferred, and the Manhattan District was set up. Groves was made head of it.

After that the Military Policy Committee reviewed his recommendations on which I was Chairman, and there was also a policy committee appointed by the President which consisted of the Vice President, Secretary Stimson, General Marshall, Dr. Conant and myself, I believe. That was appointed by Mr. Roosevelt at my request. When I was carrying the full responsibility, I told him I would prefer to have some group of that sort, and that committee was appointed. It never was formally dissolved.

Q Would you say a word as to your view of his achievement at Los Alamos?

A He did a magnificent piece of work. More than any other scientist that I know of he was responsible for our having an atomic bomb on time.

Q When was your next governmental connection with him, do you recall?

A There have been so many I am not sure which one.

Q Let me go back a minute and ask you another question about the Los Alamos work.

What significance would you attach to the delivery

1963

of the A bomb on time, or was it delivered on time?

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

Q You were connected with the effort of this country to control international atomic energy before the United Nations?

A Yes. After the war, very soon after the war, you remember that there was a so-called Atlee Conference, when Mr. Atlee came over and the Prime Minister of Canada came down. At that conference was prepared a declaration. I managed that affair for Secretary Byrnes and John Anderson, and I wrote that declaration. That is where it was decided to take this matter to the United Nations.

The next step was the Secretary of State's committee of which I was a member. That committee appointed a panel of which Dr. Oppenheimer was a member. That panel prepared what later became known as the Baruch Plan. After it was prepared, it was approved by the Secretary of State's

Baruch at the President's request.

Q Did you see something of Dr. Oppenheimer during that period?

A Certainly. We have a number of discussions between the main committee and the panel that was drafting the agreement.

Q Did you form any opinion as to his contribution at that time?

A His contribution was substantial in the thinking that went into that very difficult matter.

Q When you became Chairman, I think, of the Joint Research and Development Board in 1947, did you set up an Atomic Energy Committee?

A That is right. I appointed Dr. Oppenheimer as Chairman of it, as I remember.

Q What would you say as to his services in that connection?

A I think I can save time by saying that I have worked with him on this general subject in many capacities. Two have been mentioned. He was also on the panel which reviewed the evidence before Mr. Truman made the announcement of the Russian atomic explosion. He and I were both members of a panel set up by the Secretary of State which worked a year ago last summer, I believe, on general disarmament matters. I think there were probably one or two other occasions. I worked

1968

with him on many occasions on this general subject.

Q In connection with the Secretary of State's panel, did you have occasion to visit the Secretary of State in the summer of 1952?

A I will not try to be exact on dates on that. But when the panel had gotten to a point where it was about to draft a report, we met with the full panel and the Secretary of State, and went over some of our conclusions orally, as I remember.

Q Before that time did you have occasion to talk with the Secretary of State about the question of postponing the test of the H bomb?

A I did. That had nothing to do with that panel, however. That was a personal move that was made, as a matter of fact, before the panel was in operation. The clearances on the panel were delayed. In that interim I visited the Secretary of State and gave my personal opinion in regard to that test. Before so doing I talked with a number of my friends.

Q Who did you talk to among others?

A Mr. Elihu Root. I also talked with three or four members that were waiting to go to work on the panel. John Dickey, Joseph Johnson, Allan Dulles, Robert Oppenheimer. I undoubtedly discussed it with one or two others. In every case it was discussing the matter in generalities, without

going into confidential matters. It was not necessary in order to do that.

I then visited the Secretary of State and gave him my personal opinion on that matter.

Q Without revealing any matters that you consider confidential, could you state what your position at the time was with respect to that test?

A Wait a minute. I gave the Secretary of State a memorandum which gave him my personal views. I made no copy of that memorandum. Nobody knows the exact content of that memorandum as far as I know except the Secretary of State and anyone he may have told about it. It has never been made public. It seems to me that it would be quite improper for me to give you the content. I will lean on the judgment of the Chairman. My inclination is that I should not reveal this before this Board.

MR. GRAY: Dr. Bush, I think you should not discuss the contents of the memorandum, but I see no reason why if you expressed your views to a number of people at that time, why you can't --

THE WITNESS: Quite right. I can readily say what moved me to go at all, and what the general tenor of my thinking was, much as I discussed it then.

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

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

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

That is what moved me, sir. I was very much moved at the time.

BY MR. GARRISON:

Q Turning now to the matter of the controversy in

the fall of 1949 over whether or not to proceed with an all-out

1971

program for the development of the H-bomb, did you have any official participation in the actions that were taken at that time?

A No, I did not. I had no official connection with the matter. I would like to make one thing clear. There have been statements in the paper that at that time I expressed opinions on that matter. I did not do so. In fact, I very carefully refrained from doing so. There was some talk in the press of a review body on that matter. I was named as a possible chairman. I said to one or two men on Capital Hill that I felt that would be a mistake, to establish such an affair. In the first place, the General Advisory Committee had been set up by law for the explicit purpose of reviewing such matters, and second, a review panel would constitute new men, and it would take months of work before it could understand the technical matters involved and pass reasonable judgment. Hence I declined to give any personal estimate of the matter at the time.

Q Would you care to express a judgment about it now?

A I have never reviewed in detail all of the considerations. No, I am not going to express an opinion on that today. Let me say with all due respect that I don't think this Board could arrive at the question of whether reasonable judgment was shown at that time. There are some exceedingly difficult things that come into such a question.

1972

I can certainly recite things that would need to be considered.

For one thing I think it is fully evident that the hydrogen bomb was of great value to Russia -- much greater value to Russia than to us. I think I can also be sure that a test by us of a hydrogen bomb would be of advantage to Russia in the prosecution of their program. There are two considerations that might weigh very heavily indeed in such a consideration. The other one, of course, is feasibility.

Q Turning to another topic, at the time of the establishment of the Atomic Energy Commission and the General Advisory Committee, or several months after the establishment of them both, did the Chairman of the Atomic Energy Commission consult you about Dr. Oppenheimer's clearance?

A Yes, I remember that he did. Mr. Lilienthal consulted me, and I wrote him a letter about it.

Q Do you have a copy of that with you?

A What I have is this. I have no record in my files of these matters. All of my records in the Office of Scientific Research and Development were of course turned over to the Defense Department. All of my records in the Research and Development Board remain there. I have not gone back to those files.

From stenographic notebooks I have a transcript of the body of that letter.

Q Isn't that the one we have already read in the record?

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A Quite likely. I could not find a copy, sir. Would you want to look at it to see if it is?

MR. GARRISON: Would there be any objection to reading it again?

MR. GRAY: No, there would be no objection.

MR. ROBB: No, of course not.

THE WITNESS: I could not find a copy anywhere, but my stenographer had his old notebooks and that is where I got it from. Isn't it quicker for me to read it?

MR. GRAY: Why don't you read it?

THE WITNESS: "At our conference yesterday you asked me to comment concerning Dr. J. Robert Oppenheimer, and I am very glad to do so. Dr. Oppenheimer is one of the great physicists of this country or of the world for that matter. Prior to the war he was on the staff of the University of California, and was regarded as the leader of theoretical aspects of atomistics and similar subjects of physics. Shortly after the Army entered into the development of atomic energy he was given a very important appointment by General Groves. This appointment made him Director of the Laboratory at Los Alamos, which was in all probability the most important post held by any civilian scientist in connection with the entire effort. General Groves undoubtedly made this appointment after a very careful study of the entire affair from all angles, as this was his custom on important appointments.

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Subsequent developments made it very clear that no error had been made in this connection, for Dr. Oppenheimer proved himself to be not only a great physicist, but also a man of excellent judgment and a real leader in the entire effort. In fact, it was due to the extraordinary accomplishments of Oppenheimer and his associates that the job was completed on time. Subsequent to the end of the war Dr. Oppenheimer has had a number of important appointments. He was invited by Secretary Stimson as one of the scientists consulted by the Secretaries of War and Navy in connection with the work of the Interim Committee. He was appointed by the State Department as a member of the Board which drew up the plan on which Mr. Baruch based his program. He has recently been appointed by the President as a member of the General Advisory Committee of your organization. I have appointed him a member of the Committee on Atomic Energy of the Joint Research and Development Board. All of this has followed from his extraordinary war record in which he made a unique and exceedingly important contribution to the success of the war effort of this country.

"I know him very well indeed and I have personally great confidence in his judgment and integrity."

MR. ROBB: I have the original now.

BY MR. GARRISON:

Q At the time you wrote that letter, had you been through Dr. Oppenheimer's personnel file, the FBI reports?

A I don't think I ever went through Dr. Oppenheimer's FBI file. If I did, I certainly do not remember.

Q Did you understand at the time that you wrote that letter that he had had left wing associations?

A I understood that at the time of his first appointment was made at Los Alamos. I had an exposition of the entire affair from General Groves.

Q You read the letter of General Nichols dated December 23, 1953, to Dr. Oppenheimer, containing the items of derogatory information?

A Yes, I read that as it appeared in the press.

Q Is there anything in that letter which would cause you to want to qualify the letter which you wrote to Mr. Lillenthal that you have just read?

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

On the second part of that, would I on the basis of

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that document if those allegations were proved change my judgment. That is what I understand this Board is to decide. I don't think I ought to try to prejudge what they might find out.

Q I would not want to ask you to do that, and my question is not designed to do that.

A My faith has not in the slightest degree been shaken by that letter or anything else.

MR. GARRISON: I think that is all, Doctor.

MR. GRAY: Mr. Robb?

MR. ROBB: I have no questions, Mr. Chairman.

MR. GRAY: I have one question which relates to the development of the hydrogen bomb in general, and it is prompted by something you said in answer to a question put to you by Mr. Garrison, I think.

I believe you said that you felt that that test in the fall of 1952 was of value to the Russians in their own program. Did I understand that correctly?

THE WITNESS: I am sure it was.

MR. GRAY: And this is for technical reasons?

THE WITNESS: I am sure of it for one reason because when we reviewed the evidence of the first Russian atomic explosion, we didn't find out merely that they had made a bomb. We obtained a considerable amount of evidence as to the type of bomb, and the way in which it was made. If they

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had no other evidence than that from their own test and the like, they would have derived information. Moreover, since that occurred, Mr. Chairman, there has been a discussion in the press in this country which in my opinion has been infernal speculation, guessing, prying, the reporting of this technical feature and what, which has performed for the Russians so much that I can't understand why they need any spy network in this country. We deliver it to them on a platter. If that didn't aid them, I would like to know what would.

MR. GRAY: Would it have been your guess that the Soviets would have attempted to develop this kind of weapon?

THE WITNESS: Why, certainly, because it is very valuable indeed to them. To us, with 500 KT fission bombs we have very little need for a 10 megaton hydrogen bomb. The Russians, on the other hand, have the great targets of New York and Chicago, and what have you. It is of enormous advantage to them.

MR. GRAY: So they probably would have sought to develop this in any event unless some international control machinery had been in effect.

THE WITNESS: That is right.

MR. GRAY: And our not proceeding, as some people thought we should not, probably didn't have any relation to what the Russians might do about it.

THE WITNESS: I think it has relation to what the

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Russians might do about it because whether we proceeded or not determined to some extent the speed with which they could proceed. Let me interpose a word there, Mr. Chairman.

MR. GRAY: Yes, sir.

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

I feel that this Board has made a mistake and that it is a serious one. I feel that the letter of General Nichols which I read, this bill of particulars, is quite capable of being interpreted as placing a man on trial because he held opinions, which is quite contrary to the American

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system, which is a terrible thing. And as I move about I find that discussed today very energetically, that here is a man who is being pilloried because he had strong opinions, and had the temerity to express them. If this country ever gets to the point where we come that near to the Russian system, we are certainly not in any condition to attempt to lead the free world toward the benefits of democracy.

Now, if I had been on this Board, I most certainly would have refused to entertain a set of charges that could possibly be thus interpreted. As things now stand, I am just simply glad I am not in the position of the Board.

MR. GRAY: What is the mistake the Board has made?

THE WITNESS: I think you should have immediately said before we will enter into this matter, we want a bill of particulars which makes it very clear that this man is not being tried because he expressed opinions.

MR. GRAY: Are you aware, Dr. Bush, how this got in the press and was spread throughout the world?

THE WITNESS: Yes, I know how it was released.

MR. GRAY: Do you know who released it?

THE WITNESS: I believe this gentleman on my right released it.

MR. GRAY: I don't think you can blame the Board. We had quite a discussion about that.

THE WITNESS: It was bound to be released sometime

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when you made your report.

MR. GRAY: It might have leaked. I don't think it was bound to be released. I assure you, and I am sure that we are all sure that whatever the outcome, this Board is going to be very severely criticized.

THE WITNESS: I am sure of that, and I regret it sincerely, sir, because I fear that this thing, when your report is released, will be misinterpreted on that very basis whatever you may do.

DR. EVANS: Dr. Bush, you don't think we sought this job, do you?

THE WITNESS: I am sure you didn't, and you have my profound sympathy and respect. I think the fact that a group of men of this sort are willing to do as tough and as difficult a job as this augurs well for the country. It is in stark contrast with some of the things that we have seen going on about us in similar circumstances. Orderly procedure and all of that is good. I merely regret that the thing can be misinterpreted as it stands on the record, and misinterpreted in a way that can do great damage. I know, of course, that the Executive Branch of the United States Government had no intention whatever of pillorying a man for his opinions. But the situation has not been helped, gentlemen, recently by statements of the Secretary of Defense. I can assure you that the Scientific community is deeply stirred today.

The National Academy of Science meets this next week, and the American Physical Society meets, and I hope sincerely that they will do nothing foolish. But they are deeply stirred. The reason they are stirred is because they feel that a professional man who rendered great service to his country, rendered service beyond almost any other man, is now being pilloried and put through an ordeal because he had the temerity to express his honest opinions.

MR. GRAY: Dr. Bush, are you familiar with the Atomic Energy Act of 1946 at all?

THE WITNESS: I have read it.

MR. GRAY: Are you familiar with the fact that the Commission has a published set of procedures which for these purposes have the effect of law?

THE WITNESS: Yes. I am not quarreling with the procedure, Mr. Chairman.

MR. GRAY: As I understand it, and I can be corrected by counsel, the writing of a letter to Dr. Oppenheimer with specifications is required under these procedures.

THE WITNESS: I have been a friend of General Nichols for many years. He wrote the letter. I quite frankly think it was a poorly written letter and should have been written in such a way that it made it absolutely clear that what was being examined here was not the question of whether a man

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held opinions and whether those were right or wrong, whether history has shown it to be good judgment or poor judgment. I think that should have been made very clear.

MR. GRAY: I would also point out just in the interest of having a record here, and I don't consider myself in any argumentation with you, for whom I have a very high regard, personally and professionally, that there were items of so-called derogatory information -- and that is a term of art -- in this letter, setting aside the allegations about the hydrogen bomb. There were items in this letter which did not relate to the expression and holding of opinions.

THE WITNESS: Quite right, and the case should have been tried on those.

MR. GRAY: This is not a trial.

THE WITNESS: If it were a trial, I would not be saying these things to the judge, you can well imagine that. I feel a very serious situation has been created, and I think that in all fairness I ought to tell you my frank feeling that this has gotten into a very bad mess. I wish I could suggest a procedure that would resolve it.

MR. GRAY: The proceeding, of course, is taking in place in accordance with procedures, and I was glad to hear you say a few moments ago that you felt that this was a fair kind of proceeding. I am not sure I am quoting you correctly.

THE WITNESS: You can quote me to that effect.

I think some of the things we have seen have been scandalous affairs. I think in fact the Republic is in danger today because we have been slipping backward in our maintenance of the Bill of Rights.

MR. GRAY: Dr. Evans.

DR. EVANS: Dr. Bush, I wish you would make clear just what mistake you think the Board made. I did not want this job when I was asked to take it. I thought I was performing a service to my country.

THE WITNESS: I think the moment you were confronted with that letter, you should have returned the letter, and asked that it be redrafted so that you would have before you a clearcut issue which would not by implication put you in the position of trying a man for his opinions.

DR. EVANS: I was not confronted with that letter, and I don't think it would have made any difference if I had been. I was simply asked if I would serve on the Board. What mistake did I make when I did that?

MR. GARRISON: Mr. Chairman, might I make a remark for myself here, speaking for Dr. Oppenheimer? I have the deepest respect for Dr. Bush's forthright character, for his lifelong habit of calling a spade a spade as he sees it. I simply want to leave no misunderstanding on the record here that we share the view that this Board should not have served

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when asked to serve under the letter as written.

THE WITNESS: I can assure you, Mr. Chairman, that the opinions being expressed are my own. They usually are.

MR. GRAY: I have never heard it suggested that you didn't express your own opinion, Dr. Bush.

DR. EVANS: Dr. Bush, then your idea is that suppose I was asked to serve on this Board, and I didn't know anything about it -- I had not seen any of this material -- after I had agreed to serve, and saw this material, I should have resigned?

THE WITNESS: No, I think you simply should have asked for a revision of the bill of particulars.

DR. EVANS: I am just anxious to know what you think my procedure should have been.

THE WITNESS: That is what I think. Now, I don't see how you can get out of this mess.

MR. MORGAN: Doctor, on what ground would you ask for a bill of particulars if you didn't know the record?

THE WITNESS: I think that bill of particulars was obviously poorly drawn on the face of it, because it was most certainly open to the interpretation that this man is being tried because he expressed strong opinions. The fact that he expressed strong opinions stands in a single paragraph by itself. It is not directly connected. It does not have in that paragraph, through improper motivations he expressed these opinions. It merely says he stated opinions, and I think

that is defective drafting and should have been corrected.

MR. MORGAN: In other words, we want to prejudge the case before we know anything about it.

THE WITNESS: Not at all. But I think this Board or no board should ever sit on a question in this country of whether a man should serve his country or not because he expressed strong opinions. If you want to try that case, you can try me. I have expressed strong opinions many time, and I intend to do so. They have been very unpopular opinions at times. When a man is pilloried for doing that, this country is in a severe state.

MR. MORGAN: I have no more questions.

MR. GARRISON: I should like to ask one more question.

THE WITNESS: I hope it is a gentle one. Excuse me, gentlemen, if I become stirred, but I am.

BY MR. GARRISON:

Q Dr. Bush, have you had some experience in handling security questions in the past?

A Throughout the war, I was responsible for security in the Office of Scientific Research and Development. The formal situation was this. All the appointments I was responsible for clearance in the organization. On appointment on the staff of contractors, the contractor himself was responsible. Of course, you realize that to a contractor was given only the information within his field. No question was

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raised in connection with contractors unless either the Army or the Navy cautioned about them. On appointments to OSRD, I had advice from both the Army and the Navy, but the responsibility was mine.

I might say in passing that there were a good many appointments, and I know of no case in which an appointment on OSRD was made in which disloyalty has since been proved. I am proud of that record. I think our procedure in clearance at that time was a sane and reasonable one and effective one.

MR. GARRISON: That is all.

MR. ROBB: May I ask one question.

CROSS EXAMINATION

BY MR. ROBB:

Q I am going to ask you a question which I am sure you will describe as a gentle one. Let me tell you I never saw this letter in question until two months after it was written. I am not asking this for personal reasons.

A I am sure you didn't write it.

Q I am sure you didn't mean to imply that. Would you make a distinction between the question of whether a man's opinions were right and wrong, and the question of whether a man's opinions were expressed in good faith or bad faith?

A Yes, a very great difference. If this paragraph that I referred to had said by improper motivation because this man had allegiance to another system than that of his own

country, he expressed these opinions in an attempt to block the program, then I would not have objected.

Q If the paragraph was interpreted to question the good faith of the opinion, then you would have no objection to it.

A No, if it was done explicitly enough, certainly not.

Q Thank you.

A The trouble is of course that the public will not read and will not interpret gently or sympathetically. The public is going to read this in the worst possible interpretation.

MR. GRAY: Thank you very much, Dr. Bush.

THE WITNESS: ' Thank you, sir.

(Witness excused.)

MR. ROBB: That is all we have to do today.

MR. GRAY: Do you have some affidavits?

MR. GARRISON: I think they could go over until Monday. It won't take very long.

MR. GRAY: We will recess for the weekend and meet again Monday morning at 9:30.

(Thereupon at 2:50 p.m., a recess was taken until Monday, April 26, 1954, at 9:30 a.m.)