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UNITED STATES ATOMIC ENERGY COMMISSION
PERSONNEL SECURITY BOARD

In the Matter of :
J. ROBERT OPPENHEIMER :

Room 2022,
Atomic Energy Commission,
Building T-3,
Washington, D. C.
Tuesday, April 20, 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 BOBB, and
C. A. ROLANDER, JR., Counsel for the Board.

J. ROBERT OPPENHEIMER.
LLOYD K. GARRISON,
SAMUEL J. SILVERMAN, and
ALLEN B. ECKER, Counsel for J. Robert Oppenheimer.
HERBERT S. MARKS, Co-Counsel for J. Robert Oppenheimer.

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
George Frost Kennan	1134	1162	1188	1194
David E. Lilienthal (Resumed)	1204 1290	1339		
James B. Conant	1242	1257	1270 1275	1273
Enrico Fermi	1278		1284	

P R O C E E D I N G S

MR. GRAY: First of all, I have a telegram from an individual named C. S. Kuntz, 4507 North Dover Street, Chicago 40, Illinois. His telegram to me said, "Please wire date of Oppenheimer hearing as wish to testify. Was employed under Dr. Oppenheimer '43 through '46 respectively."

I am informed that Mr. Kuntz has indicated that he wishes to testify for, if you will allow me to put it that way, Dr. Oppenheimer. I pass it along for whatever value it may be to you. If you do not propose to call him, perhaps I should communicate and tell him that we will not need him as a witness. Can you answer that question now?

DR. OPPENHEIMER: Can I hear the spelling of the name?

MR. GRAY: K-u-n-t-z.

DR. OPPENHEIMER: I don't recollect him.

MR. GRAY: Obviously he was someone who worked with you in the laboratory.

MR. GARRISON: Thank you, Mr. Chairman, for bringing it to our attention.

MR. GRAY: Perhaps you would want to talk about this.

MR. GARRISON: As far as I now know, we certainly have no intention of calling him.

MR. GRAY: Very well! The other thing I want to discuss is the question of the redirect examination of Dr. Oppenheimer. You will recall, I guess it was on Friday, we

had a discussion of this and because of the presence of witnesses, specifically including Mr. Lansdale and Dr. Glennan, I guess, one of whom I think was already on his way, or who was in the city at the time, out of consideration for their problems, we said that we would hear them. You will recall, however, that I indicated that the Board wished to proceed with the redirect examination of Dr. Oppenheimer at the conclusion of the cross examination with these interruptions for convenience.

The Board feels very strongly that a good deal of confusion, at least in our minds, could be eliminated by getting back to Dr. Oppenheimer right away and seeking in so far as possible to have his testimony, redirect, and any recross examination, not fragmented and interrupted.

I understand that Mr. Kennan is here and at the moment is waiting to testify, and of course we will hear him. Perhaps I should ask if there are any other witnesses on hand this morning?

MR. GARRISON: Yes, Mr. Chairman. Mr. Lilienthal is here from New York. Mr. Sumner Pike is here from Maine. Dr. Fermi is arriving at noontime from Chicago. Professor Zacharias is here from Boston. Dr. Conant has cabled over that at two o'clock this afternoon he had to make plans because of the complicated nature of his witness here. Professor Ramsey from Harvard is here.

What our problem very simply has been is this: When we got the transcripts Friday afternoon, it was just physically not time over the weekend -- I didn't get through more than a portion of one volume of the cross examination myself -- with the difficulties of trying to arrange for these witnesses and all the rest impinging, and also the problem of analyzing what had become quite a complicated record with the bringing in of the elaboration of various names and places and dates and recollections, and then the procedure that had been adopted of asking Dr. Oppenheimer questions on the basis of what he recalled in the past and then producing documents, some of which had been taken from his own files on a classified basis, and suddenly declassified, all this produced a very complicated and difficult record to analyze.

It has been purely a problem of time. I don't want to ask Dr. Oppenheimer to testify until we really are prepared, and he is thoroughly ready to do it. I want very much to cooperate with the Board in this. I would think that today the calendar is really beyond our --

MR. GRAY: It would sound so.

I would suggest, then, that we proceed with the witnesses who are here or on their way here today and start tomorrow morning with Dr. Oppenheimer again.

I want to ask about Dr. Conant. You started to

mention him.

DR. EVANS: Is he here in Washington?

MR. GARRISON: Yes, he is. He will be here today at 2 o'clock. We can talk over our problem during the lunch hour.

MR. GRAY: All right. May I ask at this point only for an indication as to what is involved in time, because I think the Board will probably call some witnesses, and they have to be alerted, I suppose, or should be, I am sure.

Could you give an indication of who are yet to come before the Board as witnesses called by Dr. Oppenheimer? This is not for any purpose other than time.

MR. GARRISON: I understand. Yes, we have ten, I think, outside of those I mentioned today. General McCormack, Walter Whitman, Dr. Rabi, Dr. von Neumann, President DuBridge, Dr. Bacher, Dr. Lauritsen, I think President Killian, Mr. Hartley Rowe, and Mr. Harry Winne, and Norris Bradbury.

DR. EVANS: That makes how many in all?

MR. GARRISON: That is 11 with Bradbury.

DR. EVANS: In addition to the ones for today.

MR. GRAY: That is after today.

MR. GARRISON: I would rather doubt, if it is possible for us to get prepared for redirect and I suppose some more cross examination of Dr. Oppenheimer this week, I

should think that it would not be possible to hear all these witnesses this week. We had hoped to be able to do so, because we knew how much the Board desired not to have to come back nor do we ourselves wish to come back, either. But I do think as we are going it means that there will be probably one day or possibly a day and a half overflow of testimony beyond what we can do in this one week.

MR. GRAY: I think it is impossible to say that with any certainty at this point.

MR. GARRISON: Does the Board have any present idea as to when it will reconvene for the sake of hearing witnesses that it wishes to call?

MR. GRAY: I would expect at this point that we would proceed next week for that purpose. I don't think there will be too many witnesses. Perhaps we should proceed.

MR. GARRISON: Could you inform us who they are going to be?

MR. GRAY: Yes, we will give you an indication. The Board has not come to any final conclusion. For one thing, up until this point I don't think that we have known all the witnesses for certain whom Dr. Oppenheimer wishes to call. I am sure some of these the Board would have called if he had not called them.

MR. GARRISON: I think this is the original list that I gave you away back, Mr. Chairman. I think there may

have been one or two additions since the very first

MR. GRAY: Yes.

DR. EVANS: Did you mention Dr. Bush?

MR. GARRISON: I forgot him.

DR. EVANS: I thought you did.

MR. GARRISON: That makes 12. He can come on 15 minutes notice, so I had him on the side.

Mr. Chairman, I think this is just about it as I gave it to you the first day.

MR. GRAY: All right. Can we proceed with Mr. Kennan.

MR. GARRISON: Mr. Marks will examine Mr. Kennan.

MR. GRAY: All right.

What is your full name?

MR. KENNAN: George Frost Kennan.

MR. GRAY: Do you wish to testify under oath? You are not required to do so.

MR. KENNAN: I would be quite prepared to testify under oath.

MR. GRAY: All the witnesses have to this point. Would you then stand, please, and raise your right hand?

George Frost Kennan, 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. KENNAN: I do.

Whereupon,

GEORGE FROST KENNAN

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

MR. GRAY: Will you be seated, please.

It is necessary for me to point out to you the existence of the so-called perjury statutes. I shall be glad to give you an indication of the penalties if you wish.

THE WITNESS: I don't think it is necessary, sir.

MR. GRAY: I want to bring them to your attention.

I should also like to ask that in the event, probably unlikely in this case, that it is necessary for you to disclose any restricted data in your testimony, that you advise me before such disclosure, in order that we might excuse any unauthorized persons.

Finally, I should like to point out to you that the proceedings and record of this Board are regarded as strictly confidential between the Atomic Energy Commission and its officials participating, and Dr. Oppenheimer, his representatives and witnesses. The Commission will take no initiative in the public release of any information relating to these proceedings, and we express the hope that will be the attitude of witnesses.

Mr. Marks.

DIRECT EXAMINATION

BY MR. MARKS:

Q Mr. Kennan, will you please identify yourself and give the Board briefly your professional history? I am told that you should be addressed as Ambassador Kennan, but that does not come quite naturally to me. If I may, I would like to call you Mr. Kennan.

A I am now a Foreign Service Officer retired. I grew up in Wisconsin. I had my early schooling there, went to Princeton University and went almost immediately from Princeton University into the Foreign Service of the United States, where I served for 27 years without interruption. I retired from the Foreign Service last July, and am now on a regular retired status.

Q And what is your present position, if any?

A I am at present a member of the Institute for Advanced Study in Princeton, and in residence at the Institute, engaged in certain research and writing work -- scholarly work.

Q Will you please describe in a little more detail the highlights of your experience in the Foreign Service?

A I served first for a year or two in Geneva and Hamburg as a vice consul, and then was selected -- this was away back in 1928 -- as one of the first group of men to be trained for special work in the Soviet and Russian field.

We were at that time given rather a thorough course of training, usually three or four years of it. I was sent to the University of Berlin where I spent two years and took the diploma of the Oriental Seminary in Berlin, and after that I was put as a reporting officer in Berlin first in the Legation of Riga before we had any relations with the Soviet Union, and after 1933 in the Embassy in Moscow.

Since that time I have had the status in the service of a specialist on Soviet affairs. I have served on four different occasions in the Embassy in Moscow in various ranks, the last time as Ambassador.

Q When was that?

A That was in 1952. I have had other service relating to the Soviet Union, such as the so-called Russian Desk in the State Department in 1937 and 1948. So I have been pretty closely in contact with Soviet problems for most of my career.

Q What other main Foreign Service have you had?

A I have served for many years in Germany.

Q When was that?

A In addition to my studies there in the earlier years, I studied during the war -- or rather I served during the war -- from the outbreak of war until Pearl Harbor, after I was interned for a time, so that I had nearly three years of wartime service in Germany. Also service in Austria and

Czechoslovakia and in Portugal.

Q Prior to your retirement, what was your last position in the Department of State here?

A My last position was Ambassador to the Soviet Union.

Q Prior to that?

A Prior to that I was from 1947 to 1950 Director of the Policy Planning Staff of the Department of State and from the beginning of 1950 until the middle of that year counsellor of the Department of State. My last official position was that of counsellor of the Department of State, a position that I had only for six months in 1950.

Q Could you describe in just a very few sentences what your responsibilities were as head of the policy planning staff and as counsellor of the State Department?

A The Policy Planning Staff was established by General Marshall in the spring of 1947. I was asked to found it and to determine its composition and its procedures and to head it initially, and did so. We were an advisory staff to the Secretary of State. We were there to advise him on questions with regard to which he might seek our advice or on such major questions of foreign policy and especially long term policy as we ourselves thought were in an advisory opinion to the Secretary.

The staff is still in existence. Its methods of work have changed from time to time, but has remained as a

permanent unit of the Department of State, and is the only body as far as I am aware in the framework of the staff which has a universal competence. Its competence is not restricted to any geographic area or functional area.

Q When you were counsellor, what does the term "counsellor" mean? Is that like Assistant Secretary or Under Secretary?

A Counsellor again is the senior advisor to the Secretary of State who has no operational responsibility in the sense that he has no division or administrative apparatus under him. He is in purely an advisory capacity. The title has existed for many decades, and is usually a man who is kept there simply on the basis of his personal experience and qualities which it is felt might be useful to the Secretary, possibly to the President as an advisor.

Q In the hierarchy, am I right in understanding that the post of counsellor is equivalent to or just under that of Under Secretary?

A Yes, sir. It has varied. I would say it has always been between the second and the fourth place in the Department of State, depending on the Secretary of State and the counsellor and the arrangements made at the moment.

Q I should have asked you at the beginning a matter which I suppose everybody knows about, but which we ought to inquire about for the record.

Are you the author, I think it is fair to say, of a rather famous article, called "Sources of Soviet Conduct"?

A I am. The article was written privately for Mr. Forrestal in December 1946 and January 1947. He had asked me for a review of another paper that he had obtained from another source on this subject, and I told him I can't comment on that, but I would be glad to give you my own views, and did in this paper.

Later Mr. Armstrong, who was head of the Council on Foreign Relations and editor of the magazine "Foreign Affairs", asked me if I had anything along this line that I could submit for publication, and I did on the condition that it would be published anonymously.

To my horror, the article actually appeared after I had taken over the policy planning staff under General Marshall, and the authorship of it leaked, and it caused quite a sensation when it did appear. As far as I know, it did no damage. It had been duly cleared by the Department of State so General Marshall never held it against me. I was the author of it.

Q I don't think Mr. Robb will object to my asking you if it has not been generally regarded as a rather robust statement of the situation of the United States with respect to the peril that we faced vis a vis the Russians.

A It was an attempt to analyze the reasons for

a pattern of Soviet behavior which surprised many people in this country in the months immediately following the war, and to suggest --

Q You mean an unfriendly policy?

A Yes, and to suggest an approach to this problem on our part that would be hopeful and helpful.

Q I would like to turn now to a more specific subject and ask you what you have had to do with the problem of Soviet espionage, Soviet infiltration of agents into the United States, problems of security?

A In the early days before our recognition of the Soviet Government when a number of us worked on the Baltic States in reading the Russian press --

Q Do you speak and read Russian?

A I do, sir, yes. We were rather shocked to observe the names and statements of Americans or people who held themselves out as Americans, but who were giving statements for the press in Moscow of an extraordinary nature, and ones that indicated that their allegiance was to the Soviet Union and not to this government.

MR. ROBB: Could we have the date on this, Mr. Marks?

THE WITNESS: I would say roughly in the years between 1929 and 1933. At that time we were concerned about it. I personally brought some of these names to the attention of the government back here, and raised the question

as to whether passports could not be denied to these people because it seemed to me evident that they had expatriated themselves in every sense of the word, subjectively.

We ran up against the snarls of legislative provisions and procedural provisions of the government, and I don't believe anything was done about it at that time.

After the recognition of the Soviet Union during the Thirties, this continued, I must say, to be a source of concern to practically all of us, I think, who were professional officers in this field, and serving in Moscow. We saw people about those intentions and activities we had great doubt. There was not much that we could do about it then from our position, except to try to see to it that those people were not used in the Embassies and that they were handled with due discretion by Embassy people. In other words, our concern there was primarily with the security of our own mission.

I may say that I think the Moscow Embassy was the first mission of our governmental service to institute proper security precautions in time of peace. We were the first people so far as I am aware who always had our code books accompanied day and night by an American in the room and never left them in the safes alone, and things of that sort.

BY MR. MARKS:

Q When did you start these security practices?

A From the day the mission arrived in Moscow in March 1934. We were aware of the fact --

Q You went in with the first mission?

A I was there prior to it. I made the physical arrangements for its arrival. I was there in the fall of 1933. We were very much aware that we could not depend on the Moscow employees, that we had to assume that all employees were sent by the Soviet police, and we could depend on no custodial employees to be secure, and we had to rely on our own sources.

We brought nine Marine sergeants with us and tried to set this thing up on our own hook as a sound show from the point of security.

Q What experience, if any, have you had with intelligence work using that in the somewhat broader sense than you have been speaking?

A What I am about to say is a matter which I think violates no classification or any document in the government, but is not one which I have ever spoke about publicly, and I say it only for the information of the Board.

I was during the war for a year and a half in Lisbon in the capacity of counsellor of the Legation, and there by arrangement with people in Washington a special function as the coordinator of American intelligence

activities in Portugal. Those activities as you will recall were very important during the war. The various American intelligence services had a very difficult time coordinating their activities with one another, and with the British and it fell to me in a personal and quiet way to try to straighten out all those tangles, and to see that our agencies acted in accord with one another, and particularly in accord with what our allies were doing. The dangers of confusion were really very great and could play into German hands very easily.

Q Were you also mindful in those experiences of the earlier insights and perceptions that you had had with the nature of and difficulty of relations with Soviet Russia?

A I felt that the earlier experience with Soviet problems and especially the security problems concerned with work in the Soviet Union stood me in very good stead in Portugal. Russian espionage then was not our problem. It was Germans we were facing during the war. But it was, I believe, partly because of the experience I had with Soviet matters that I was selected to do this job of wartime coordination.

Q In what connections have you known Dr. Oppenheimer?

A I first met Dr. Oppenheimer so far as I can recall when I was Deputy for Foreign Affairs. That is equivalent to Deputy Commandant for Foreign Affairs at the National War College here in Washington in 1946. Dr. Oppenheimer

lectured there. I was in charge of political instruction generally. I heard the lecture and was very much impressed by the eminence, clarity and precision and scrupulousness of thought by which it was characterized.

I then took over this responsibility as head of the Policy Planning Staff in the Department of State, and in the ensuing years until the summer of 1950, when I left the Department of State, I met Dr. Oppenheimer on numbers of occasions in the course of my work. Those occasions were practically all ones or almost all ones on which we had to work on the formulation of foreign policy in fields that required the collaboration of other departments of government and notably the Atomic Energy Commission and the Department of Defense.

The main fields with which I was concerned were those of the international control of atomic energy, and the straightening out of our relations with our own allies, particularly the British, and the Canadians, in matters affecting our ability to obtain raw materials for the conduct of our atomic energy program here.

In attempting to meet the problems of foreign policy that arose out of those questions, we found it necessary to sit down together with representatives of the Defense Department and the Atomic Energy Commission, and to work as a group in determining our governmental positions.

In the course of these consultations, I sat several times at least in rooms here in government offices with Dr. Oppenheimer and participated in consultations in which he also participated. Some of those meetings I chaired. I remember at least one which he chaired. It depended on where we met.

Q Were these matters on which you sat of importance? How would you describe them?

A I would describe them as matters of the greatest delicacy and of, I think, quite vital importance to the conduct of our entire atomic energy program in this country. They were all matters which were given the highest possible security classification at the time, and I do not recall that we ever had any leaks about them. They were conducted in complete secrecy.

Q Were these matters in which issues arose involving actual or potential conflicts between positions and alternatives that our government was considering and those that you would have expected or knew that the Russians were taking?

A Only with respect to the international control of atomic energy was that true. I must say the bitterest problems after the time that I came in, the ones that preoccupied us most, were ones involving our effort to straighten our relations with our own allies and to place them on a satisfactory basis.

Q In connection with the latter type of problems, were the positions that you were working towards, positions that you expected or knew to be uncongenial to the Russians or hostile to the Russians?

A The very reason we worked so hard on these matters and took them so seriously --

Q When you say "these matters"?

A The questions with relation to our allies at that time. The very reason we worked so hard on them and took them so seriously was that we were aware that if the questions involved were not solved in some satisfactory manner, the only people who could gain by that would have been the leaders of the Soviet Union. They would have derived the greatest possible satisfaction and profit to their own foreign political purposes had these negotiations not been successful and had real differences and ugly differences been permitted to develop between ourselves and the British and the Canadians. I think the reasons for that are obvious.

The supplies of raw materials which we required were ones to which we had access only by virtue of agreements which also involved the British, and we could have gotten into very, very embarrassing and difficult positions.

Q These problems that you are talking about, then, concerned the raw materials or at least in part concerned the raw materials problem?

A That is correct.

Q Raw materials for atomic energy.

A That is correct. They did. A collaboration was required between the two governments, and at the time that I came into these matters in 1947, it seemed evident to me that that collaboration was very seriously threatened by the way that events had developed to date, and it was time that both our government and the British government gave them the most serious thought.

We did that. I think it fair to say that we were successful in tiding these relationships over a very crucial and difficult period, primarily the period of the years of 1948 and 1949.

Q You are confident that the Russians would have profited greatly if the result had been opposite?

A Yes. I can assure you that the source of my own alarm and concern about these matters was the conviction that if we failed to solve the problems involved, the Russians would be the gainers.

Q Did Dr. Oppenheimer have a role of any importance in these deliberations that you have described?

A He was one of a number of officials, people in our governmental establishment, who were concerned with these matters. I say in our governmental establishment; I do not recall exactly what his position was at that time, but he was

in councils of the government about such matters, sat in on a number of these discussions, at least two or three that I recall specifically, I think.

Q That is on raw materials?

A On raw materials. It is my recollection and a very vivid recollection that his participation was extremely helpful to us, so much so that I am not sure really whether we would have been able to do what we did at all without his help.

Q I would like to remind you, Mr. Kennan, that I think during the period of years that you are referring to Dr. Oppenheimer was for the most of the time Chairman of the General Advisory Committee of the Atomic Energy Commission.

A Yes.

Q As a result of your experience with Dr. Oppenheimer in the cases that you have reference to, what convictions, if any, did you form about him?

A I formed the conviction that he was an immensely useful person in the councils of our government, and I felt a great sense of gratitude that we had his help. I am able to say that in the course of all these contacts and deliberations within the government I never observed anything in his conduct or his words that could possibly, it seemed to me, have indicated that he was animated by any other motives than a devotion to the interests of this country.

Q Did you ever observe anything that would possibly have suggested to you that he was taking positions that the Russians would have liked?

A No. I cannot say that I did in any way. After all, the whole purpose of these exercises was to do things which were in the interest of this country, not in the interests of the Soviet Union, at least not in the interests of the Soviet Union as their leaders saw it at that time. Anyone who collaborated sincerely and enthusiastically in the attempt to reach our objectives, which Dr. Oppenheimer did, obviously was not serving Soviet purposes in any way.

Q Have you said that he contributed significantly to the results?

A I have, sir.

Q Mr. Kennan, is there any possibility in your mind that he was dissembling?

A There is in my mind no possibility that Dr. Oppenheimer was dissembling.

Q How do you know that? How can anybody know that?

A I realize that is not an assertion that one could make with confidence about everyone. If I make it with regard to Dr. Oppenheimer it is because I feel and believe that after years of seeing him in various ways, not only there in government, but later as an associate and a neighbor, and a friend at Princeton, I know his intellectual

makeup and something of his personal makeup and I consider it really out of the question that any man could have participated as he did in these discussions, could have bared his thoughts to us time after time in the way that he did, could have thought those thoughts, so to speak, in our presence, and have been at the same time dissembling.

I realize that is still not wholly the answer. The reason I feel it is out of the question that could have happened is that I believed him to have an intellect of such a nature that it would be impossible for him to speak dishonestly about any subject to which he had given his deliberate and careful and professional attention.

That is the view I hold of him. I have the greatest respect for Dr. Oppenheimer's mind. I think it is one of the great minds of this generation of Americans. A mind like that is not without its implications.

Q Without its what?

A Implications for a man's general personality. I think it would be actually the one thing probably in life that Dr. Oppenheimer could never do, that is to speak dishonestly about a subject which had really engaged the responsible attention of his intellect. My whole impression of him is that he is a man who when he turns his mind to something in an orderly and responsible way, examines it with the most extraordinary scrupulousness and fastidiousness of

intellectual process.

I must say that I cannot conceive that in these deliberations in government he could have been speaking disingenuously to us about these matters. I would suppose that you might just as well have asked Leonardo da Vinci to distort an anatomical drawing as that you should ask Robert Oppenheimer to speak responsibly to the sort of questions we were talking about, and speak dishonestly.

Q Mr. Kennan, in saying what you have just said, are you saying it with an awareness of the background that Dr. Oppenheimer has, the general nature of which is reflected in the letter which General Nichols addressed to him, which is the genesis of these proceedings, and his response?

A I am, sir.

Q How do you reconcile these two things?

A I do not think that they are necessarily inconsistent one with the other. People advance in life for one thing. I saw Dr. Oppenheimer at a phase of his life in which most of these matters in General Nichols' letter did not apply. It seems to me also that I was concerned or associated with him in the examination of problems which both he and I had accepted as problems of governmental responsibility before us, and I do not suppose that was the case with all the things that were mentioned in General Nichols' letter about his early views about politics and his early activities

and his early associations.

I also think it quite possible for a person to be himself profoundly honest and yet to have associates and friends who may be misguided and misled and for whom either at the time or in retrospect he may feel intensely sorry and concerned. I think most of us have had the experience of having known people at one time in our lives of whom we felt that way.

Q I think one might interpret this correspondence that I have referred to as going even further than that. I won't go into what has been testified here or a characterization of that which has been said in this room, but in the correspondence itself, an incident is referred to -- I assume you have read the correspondence?

A I have in a cursory way as a newspaper reader reads it in the newspapers.

Q An incident is referred to in 1943, in which it is said that an approach to Dr. Oppenheimer was made under circumstances suggesting that the approach was somehow connected with a possible effort by the Russians to secure information or to secure information in their behalf, and that for some months thereafter he failed to report this incident.

What effect does that failure on his part which he freely admits was wrong have on your present thinking about

A. Mr. Hanks, I have testified about him here as I have known him. I can well understand that at earlier periods in his life conflicts of conscience might have arisen as I think they could with any sensitive person between his feelings toward his friends -- perhaps his pity for them -- and his governmental duties. On the other hand, I would also be inclined to bear in mind the fact that in 1943 the Soviet Union was hardly regarded by our top people in our government as an enemy. That great masses of American materials were being prepared for shipment to the Soviet Union, many of them I assume involving the transmission of official secrets. I could imagine that the implications of this may not at that time have appeared to be so sinister as they do today in retrospect, and I could also imagine if after all the information was not given in this particular instance, the man in question might have felt that no damage had been done to the government interest, and that the question of the men who had initiated such a request might be better perhaps left to their own consciences and to the process of maturity in their own development.

I don't know. I can imagine those things. For that reason I would hesitate to make definite judgments on the basis simply of what I read in the letter of indictment.

Q. Would it change your opinion if I were to suggest

to you that when Dr. Oppenheimer did report this incident to security officers on his own initiative, as it turned out, he didn't tell them everything about it. He still withheld the name of the friend and told them a story that was not the whole truth.

A Mr. Marks, I do not think that that would alter anything on the statement that I just made prior to your question. I might only add to it that I could well conceive that Dr. Oppenheimer might have done things which he would think in retrospect were mistakes or which others would conclude in retrospect were mistakes, but that would not preclude in his own instance any more than it would in the case of any of the others the process of growth and the ability to recognize mistakes and to learn from them and to make fewer in the future. What I have said about his activities, his personality, the cast of his mind during the years when I knew him would I think not be affected.

Q These convictions that you have expressed about him, the confidence that you have expressed in him, what part is played in that judgment by the experience that you had as a Soviet expert?

A I think a considerable part. One of the convictions that I have carried away from such experience as I have had with these matters in the field of Soviet work concerning the Soviet Union is that these things cannot really be

judged in a fully adequate way without looking at the man as an entirety. That is I am skeptical about any security processes that attempt to sample different portions of a man's nature separate from his whole being. I must say as one who has seen Robert Oppenheimer now over the course of several years, and more latterly outside of government, that I have these feelings and entertain them on the basis of my estimate of his personality and his character as a whole.

Q Are they feelings or are they convictions?

A They are on my part convictions, sir.

Q Mr. Kennan, let me turn now to a quite different subject. In your capacity as head of the Policy Planning Staff in the State Department, were you ever consulted about the problem of the hydrogen bomb which came up, to refresh your recollection of the date, towards the end of 1949?

A Yes, I was consulted by the Secretary of State in that connection, although I was not asked and could not really properly have been asked to give an opinion to him officially as to whether we should or should not proceed to the development of this weapon.

My recollection is that --

Q Would you wait just a minute? I need to ask Mr. Garrison a question. May I have a 30 second interval here? I need to ask Mr. Garrison about a matter.

MR. GRAY: Yes.

MR. MARKS: Thank you very much.

BY MR. MARKS:

Q I was about to ask you what were the circumstances under which you were consulted.

A I can only give me recollection here, and I must say my recollection of all these official matters at that time are somewhat telescoped and entirely capable of being in error with regard to details. But the recollection is simply this. When it was first made known to the Secretary of State that there was a technical possibility of going ahead with the development of this weapon, at least to the extent the government now had before it a decision as to whether to develop the weapon or not --

Q The question of making it.

A The question of making a decision as to whether to attempt to develop the weapon or not. When that state of affairs was first brought to the attention of the Secretary of State, he at a very early stage there asked me into his office. My recollection is that Dr. Oppenheimer was there, and there may possibly have been one or two other people, but I do not remember who they were. We spoke about this and the only thing I can remember, I think, of that conversation is that we were all agreed that regardless of how the decision might fall, it was important that this government should reexamine its position with respect to the

international control of atomic energy to make sure that nothing had been left undone from our side to get international agreement about these weapons, before we proceeded with this program of the hydrogen bomb.

In other words, we wanted to make absolutely certain that before launching on this new phase of the atomic weapons race, our position in the United Nations on the international control of atomic energy was the best position that we could devise, and most hopeful one.

The Secretary of State asked me to reexamine this question, to have another look at our international negotiation position as we had exposed it in the United Nations bodies with regard to the international control of atomic energy, and to see whether that was still sound, whether anything had happened in the circumstances of the preceding two or three years since we had advanced it to change the assumptions on which it rested, whether there was anything more that we could now propose which might have a chance of putting an end to the atomic weapons race instead of facing us with the necessity of going ahead with this.

I did look at this problem in the course of the ensuing weeks and my recollection is that I gave my opinion to the Secretary of State in January 1950 on that subject.

Q I take it that on at least one or perhaps more occasions in the course of carrying out this assignment or

at least the initiation of it you heard Dr. Oppenheimer express his views.

A I recall going to Princeton in the fall of 1949 on one occasion. I had several things to do there. I called on Dr. Oppenheimer at the Institute if my memory is correct, and we discussed it then. I was also once at some time in that period -- I don't know exactly when -- asked to appear before the General Advisory Committee of the Atomic Energy Commission, simply as a consultant. They wanted to hear my views. They asked me questions. The questions related primarily to the present state of our relations with the Soviet Union, the state of what we called the cold war. I replied as frankly as I could to them.

Q What impression did you get, if you remember it, of Dr. Oppenheimer's views?

A I would not be able to quote his views in memory or in any detail or in any great accuracy. I can only say that the general impression I carried with me was the impression of a man who was greatly troubled by what he felt to be the extremely solemn implications of this decision.

Q That is the pending decision?

A The pending decision. Who realized that it was one the implications of which might carry very far. That it was almost impossible to predict where we might end up if this sort of a race with weapons of mass destruction were

to go on indefinitely, and therefore was greatly troubled and concerned to arrive at the most enlightened and sound decision that could be made.

Q Did he try to sell you on any view?

A It is not my recollection that he did. I fear that I talked more about my own views here than he did about his with regard to this subject. But I do not have the recollection that he endeavored to persuade me that any answer to this problem was the right one or the wrong one. To me, then, we were still at a preliminary stage in it. The entire effort really on the part of both of us then was to try to identify the considerations that were relevant to the problem to see what we had that we could really hang onto in approaching the decision.

Q When it came time for you to give the Secretary of State your views or your analysis of the problem, what did you report to him, and when was it approximately?

A I reported to him approximately in the month of January, I would think around the middle of the month or shortly after.

MR. ROBB: 1950?

THE WITNESS: 1950, yes. The gist of my own views was simply this: I felt that this government was in no way in good position to make any great decisions with regard to either the international control of atomic energy or actually

with regard to its own weapons program before it gained greater clarity in its own mind as to the purposes for which it was holding what were sometimes called the A, B, C, weapons in general. By that I am thinking of the weapons of mass destruction, the atomic, chemical and so forth. It seemed to me that there was unclarity in the councils of our government as to the reasons why we were cultivating and holding these weapons. The unclarity revolved around this question. Were we holding them only as a means of deterring other people from using them against us and retaliating against any such use of these weapons against us, or were we building them into our military establishment in such a way that would indicate that we were going to be dependent upon them in any future war, and would have to use them, regardless of whether they were used against us first.

BY MR. MARKS:

Q Have we not taken the position that we would only use them for purposes of retaliation?

A It is not my impression that we have, and it was not my impression at that time that there was any such determination in the councils of the United States Government.

On the other hand, if I remember correctly, I was able to cite statements that had been made by some of our high military leaders -- I think both in the councils of this government and in the NATO councils of Europe -- which

indicated very strongly that we were getting ourselves into a position where we would have to use these weapons as forward military weapons, regardless of whether they were used against us.

The point that I tried to emphasize to the Secretary of State related, of course, directly to the question of international control about which I had been asked. I told him that I thought we ought first to face this problem. It was my belief that we should hold these weapons only for purposes of retaliation and as a deterrent to their use against us. That anything else would get us into a race with these mass destruction weapons to which I could see no end, which I was afraid would distort the thinking of the public mind about problems of foreign policy and military policy in this country if it were permitted to proceed. So as I say, I favored the holding of these weapons only for purposes of retaliation and as a deterrent.

Whether that came out clearly in my report to the Secretary of State, I do not know, because that was not actually the question that was asked me. But I am sure it was implicit in what I said to the Secretary, and by the same token I think it was implicit that we ought really to make this other decision before we made decisions about the hydrogen bomb.

Q Mr. Kennan, you will have to explain a little more

to me at least what you conceived to be the relevance of clarification of this question to the question of whether or not we ought to proceed with making hydrogen bombs.

A Yes. As I saw it, the relevance was this. If you were asked, should we or should we not proceed to the development of a whole new range of more powerful atomic weapons which was involved in the hydrogen bomb decision, you had to ask yourself how much do we need the weapons of mass destruction in general. That is the first question that had to be faced, because if you already had enough, perhaps you didn't need the hydrogen bomb at all. I could not see how you could answer the question of how much do we need until you had answered the question of why are we holding these weapons anyway, and what do we expect to accomplish with them.

If you were holding them as deterrents and for purposes of retaliation, really for purposes in order that they might not be used against you, then what you needed was merely enough to make it an unprofitable and unpromising undertaking on the part of anyone else, the Russians in particular, to use these weapons against us.

If on the other hand you were going to regard them as an integral part of forward American military planning and something on which we would be dependent in a future war, regardless of the circumstances of the origin of that war,

then you came up with a different answer or you might come up with a different one in regard to the hydrogen bomb.

Q So the point you are making is not that you were opposed to the hydrogen bomb necessarily, but only it seemed to you that it was essential first that this other subsidiary question should be clarified?

A That is correct. I must say that personally while I was not competent to form a finished opinion on this and was never called upon to do so, I had not at that time seen the evidence that what we already held in the old and regular atomic bomb, if I may speak of it that way, was not enough to make it a fruitless undertaking from the standpoint of Soviet policy to launch a war on us with these weapons.

In other words, I considered the burden of proof to rest on that point. It seemed to me you would have to prove that we could not do the job with the weapons we already had, and to my knowledge that was never demonstrated to me at the time. Perhaps the answer might have been one thing or the other, but I had never seen the proof.

MR. MARKS: I think that is all, Mr. Robb.

CROSS EXAMINATION

BY MR. ROBB:

Q Mr. Kennan, that was a most interesting discussion. I certainly have enjoyed it.

A Thank you, sir.

Q Mr. Kennan, I was interested in your description of your security precautions which you took over in Russia. I believe you said you brought in six Marine sergeants to assist.

A That is correct, sir.

Q How did you happen to turn to the Marines, rather than the State Department?

A The person who deserves the credit for that was Ambassador Bullitt, our first ambassador to the Soviet Union. Mr. Bullitt had very strong feelings about security and had, I believe, had something to do with the Navy. I asked to be excused here; at one time or another he was Assistant Secretary of the Navy, or in any case he knew people in the Naval Establishment, and he asked President Roosevelt to arrange it and get Marine sergeants.

Q He was something of an expert on Russian espionage, wasn't he?

A At least he was very security conscious, by that time, and was helpful, I must say, in that way.

Q Did you give these Marines a pretty thorough checking over before you brought them into the Embassy?

A I don't believe so. These things were rather primitive compared to our present standard today. We left that to the command staff of the Marine Corps.

I must say, though, I think they were very hearty

and loyal Americans, the fellows we got. Our difficulties with them were not ones of security. They were other kinds.

Q I can imagine that. Supposing you had learned that one of these Marines or anybody else who had to deal with your security matters said that he had recently been a member of the Communist Party, but had left the Party just before coming to your Embassy; would you have had him around?

A I think our tendency would certainly have been to urge that he not be in the Moscow Embassy at that time. He would presumably have had still some contacts with people in Moscow which would have been undesirable.

Q Or if he had any close connections with the Communist Party, I assume you would not have been very enthusiastic about having him around them, would you?

A That is correct, for our purposes there in the Embassy.

Q Have you had much experience, Mr. Kennan, with Communists -- I just don't know how to express it -- are you familiar with Communist dogma or technique?

A I think I am, sir. I have had about 20 years of reading the Soviet press and some times other press organs with the view to determining whether they reflected that type of dogma or not. I feel I have a certain familiarity with it.

Q Would you place much weight in a statement of a Communist that he just left the Party or had disassociated

himself with it before coming on some secret work for the government?

A I would certainly regard it as a factor very seriously relevant to fitness for office, but one to be examined individually. You asked a moment ago about the case of our Embassy out there. Mr. Bullitt for whom I had the greatest respect, and about whose security I never had the faintest doubt, had been married to the widow of John Reed, who was the first prominent American Communist, I suppose, in this country. We didn't find that a source of worry with regard to Mr. Bullitt.

Q No, I am talking rather than matrimonial association, more active association with the Communist Party. Would you tend to view with considerable skepticism a statement of a man who admitted that he had been an active member of the Communist Party or had been active in Communist affairs, a statement of such a man that he had just left the Communist Party or left the Communist affairs on the eve of coming to work in the Embassy? Wouldn't you view that statement with some skepticism?

A I think we would have regarded it as a factor which meant that there was a certain burden of proof to demonstrate that the man's value to us was very great, and that this could be satisfactorily explained away, and we had something that we could depend on in judging that he was now a person

whose loyalty we didn't need to worry about.

Q Just for the record, Mr. Kennan, I think it is plain, but was it 1946 that you had these discussions with Dr. Oppenheimer down at the War College?

A I don't recall discussions down there except possibly after his lecture, but it was in 1946 to my recollection that he lectured there, and that I first met him.

Q Was that the year when you were taking various positions which Mr. Marks said would not be accepted by the Russians with much favor? Was that the year 1946?

A No, it was the following year.

Q 1947?

A 1947.

Q Mr. Kennan, of course you don't know anything about what Dr. Oppenheimer testified before this Board, do you, sir?

A I know nothing whatsoever about it, sir. I have not discussed it with anyone.

Q Coming to your discussion of the problem which confronted you gentlemen when you were deciding whether or not to go ahead with the hydrogen bomb, do I understand, Mr. Kennan, that your thought is that whether we wanted the hydrogen bomb merely for retaliation or whether we wanted it for affirmative action, if I may put it that way, in either event we wanted the bomb?

A No. My feeling is that until you decided that first

question, you didn't know whether you wanted the bomb or not.

Q I see.

A Because if what you had in mind was retaliation there is a possibility that what we already had would have been enough. I may say there I disagreed on numbers of occasions with lots of the other analysts in this government as to the number of the old bombs that would have to be used against the Soviet Union to produce very serious disruption of its life. We have disagreed about the feelings of the Soviet leaders with regard to this. I don't think personally that any war in which as many as ten of these bombs were dropped with a reasonable degree of accuracy on Soviet cities and installations would be regarded by the Kremlin leaders as worth a candle.

Q Which bombs are you talking about?

A Even the old fashioned kind. You must remember that these men since the Revolution in these 38 years that have transpired since the Revolution have with great trouble and pain succeeded in building up a certain amount or a considerable amount of industry in Russia. That is their pride and joy politically. That is the thing that they claim they were going to do, to industrialize this country. Their aim has been to catch up with and overtake America, and their great boast is that in a primitive and partially underdeveloped country, they have succeeded pretty

much with their own resources in producing now major industry.

What I would like to emphasize is that these plants, these industrial communities they have built, those are the apples of their eye. They do value them immensely high. It would be for them according to their lights a heartbreaking thing to have any of these places destroyed again. As I say, I have often not agreed with other government experts about this. I have felt that the Soviet Union was fairly vulnerable to this type of bombing due to the high degree of concentration of its industrial strength in the individual plants. I have often pointed out if you take the top three steel plants in the Soviet Union, you get something like 40 or 50 per cent of the Soviet steel production. If you take the top three steel plants in the United States, you get about something like 18 per cent of ours.

Therefore, they are vulnerable in certain ways that we are not. For that reason I was never satisfied that it was possible to say that we did not have enough in the way of retaliatory capacity even before we proceeded to the hydrogen bomb. I always wanted to see that clarified.

Q Mr. Kennan, did you have any view in 1950 as to whether or not the Russians would attempt to develop the hydrogen bomb whether we did or not?

A I do not recall specifically. I think I may have doubted that they would proceed to the development of it, and I think I may have been in error on that point, as I look at it today.

Q Do you have any doubt now that they would have whether we did or not?

A I am still not sure that they would have because I am not sure -- I don't know enough about the scientific and the economic aspects of this problem -- to know how worthwhile they would have regarded it. It may perfectly well be that they would have said the hydrogen bomb will call for this and this amount of investment in scientific personnel and materials, and perhaps we would be better off to put that investment into the older type of atomic weapons.

Q That was more of a scientific question that you were not qualified to deal with.

A I was not qualified to deal with it.

Q I would like to ask you a question as an expert on diplomacy, Mr. Kennan. Supposing the Russians had developed the hydrogen bomb, and had got it and we didn't have it; what would then be our position vis a vis the Russians in any negotiations?

A That, of course, is a key question and a very penetrating one. It is one which I have had occasion to argue many times with my friends here in Washington. I do not

think that the position would have been so much different from what it is today. The Russians have for reasons which I don't think include any altruism or any thing like that, or idealism, but they have been very, very careful not to use the weapons of mass destruction as a threat to other people. I don't recall any time that the Russians have ever threatened as a means of political pressure to use these weapons, to use these weapons against anybody else.

On the contrary, their position has been consistently all along that they were holding them -- whether this is true or not, it has been their public position -- that they were holding them for purposes only of retaliation and deterrents and would not use them unless they were used against them.

It would be a change of Soviet policy if they were to attempt to use any of these weapons as a means of pressure. I have also always had doubts -- I realize this is a very difficult thing to express -- as to whether the fact that perhaps one party had weapons of this sort a little more destructive or greatly more destructive than the other would nevertheless change this situation so vitally. We did, after all, have the old type of bomb. We had some means of delivery. I think the world would have gone along pretty much the same. I have in mind in making that judgment the fact that atomic weapons are not the only weapons of mass

destruction that exist. There are also extremely ugly and terrible biological and chemical weapons, at least we have been allowed to think there are, and if the Russians want to create destruction in this country solely for the sake of destruction, I think there are other means by which they can do it than the hydrogen bomb.

Q You don't feel, then, that we would have been at any disadvantage as against the Russians if they had the hydrogen bomb and we had not?

A I am not absolutely certain. I cannot give you a flat negative answer to that. Perhaps we would have been. Perhaps I have been wrong about this. But I think that our position with regard to them has depended much less on the mathematical equation of who has this and who has that in the way of weapons of mass destruction than we think it has. After all our problems with them as I have seen them on the political side were very much the same in the days when we had the monopoly of the atomic weapon as they are today to my way of thinking. They are pretty much the same old problems. I really do not suspect these people, Mr. Robb, of a desire to drop this thing on us just out of some native contrariness or desire to wreak destruction for destruction's sake in this country. I think they are people who fight wars for very specific political purposes, and usually to get control over some area or territory contiguous to what

they already have.

I have often had occasion to say that there is only one real question that interests these people, I mean the Soviet leaders, and that is the question of who has the ability to haul people out of bed at three in the morning and cause them to disappear without giving any accounting for them, and where. In other words, who can exercise totalitarian police power over a given territory, and where can you do it. That is what they are interested in knowing. They think that everybody else rules the way they rule. They are always interested in the territorial problem. For that reason I don't think that these weapons play such a part in their thinking as they play in ours. They want to know not only how to destroy territory, but how to get control of it, and dominate it and run people.

Q Of course, you will agree that if you were mistaken in that evaluation, it would be a very serious mistake.

A I agree and for that reason I have, I believe, always had a certain caution with regard to my own views.

Q Yes, sir. Mr. Kennan, you spoke of the Russian policy as manifested to you. Do you believe the Russians were sincere in their manifestations to you of their policy?

A Oh, no. We have never drawn our judgments of their policy from a literal interpretation of their words. There is no reason why these people should ever have been

sincere in anything that they said to a capitalist government. They may have been on occasions, but there is no real reason for it.

Q Putting it in the language of the ordinary man, you just can't trust them, isn't that right?

A That is correct. They do not really expect to be trusted.

MR. ROBB: Thank you very much.

MR. GRAY: May I ask you some questions, Mr. Kennan?

First of all, may I assume that you are familiar in general terms with the Atomic Energy Act of 1946, and therefore some of the framework within which this Board is operating? I would be glad to go into it, if you wish.

Against that background, and with all the facts which are coming before us in these proceedings, you are aware, of course, that this Board faces very difficult decisions. I don't want to make statements for you but would you think that we face very difficult decisions in this proceeding?

THE WITNESS: I do. There is no doubt about it.

MR. GRAY: I am sure you are here to be helpful in this inquiry. I trust, therefore, that you will not misapprehend any questions I ask which are quite serious and relate to some of the deeper issues involved.

You have testified, I think, without reservation

as to your judgment of Dr. Oppenheimer's character and loyalty as you have known him and on the basis of your knowledge.

THE WITNESS: That is right, sir.

MR. GRAY: In your experience in government, have you ever known well any persons whose loyalty and character you respected and admired about whom it developed that you perhaps were later mistaken on account of issues we are talking about in this inquiry?

THE WITNESS: I am wracking my memory here. I can recall people I have respected and admired who later turned out to be even in my own opinion unfit for government service by virtue of personal weaknesses. I do not recall anyone who was ever a friend of mine and with whom I had any degree of association in the discussion of political matters relating to the Soviet Union who later turned out to be a person unfit for government service by virtue of any disloyalty or of any ideological weakness. I cannot recall any such person.

There have been one or two times, Mr. Chairman, when I have been obliged to draw to the attention of the government circumstances with regard to government employees which seemed to me to point to a likelihood that they were not loyal American citizens. I have done that on occasions. I was not competent to make a final decision

as to whether they were or were not. But I have had to report circumstances which looked to me to be suspicious and I believed were. But those were people with whom I was not closely associated. They were minor employees. What I happened to know about them were things I was able to observe in the course of official work.

MR. GRAY: If you were today Director of the Policy Planning Staff and there came to you from a staff member or from some other source, perhaps even the Secretary of State, that a certain individual had been made a member of the Policy Planning Staff who had had close Communist associations as late as the late Thirties or perhaps early Forties, would you seriously consider adding such a person to your staff today?

THE WITNESS: It would depend, Mr. Chairman, on what I would think were his possibilities for contribution to the staff and to what extent the negative points on his record had been balanced out by a record of constructive achievement and loyalty. I might say by way of example that when I first set up the staff I rejected one man who had been recommended to me actually by higher authority in the government because he had appeared as a character witness for a man who was convicted as being a Communist, and I thought at best his judgment was bad. But I rejected in that instance this man who had no previous record of

experience in the government, I was not under the impression that his contribution would be a major one, or that it would be worthwhile doing it in that case.

I must say if it were a person of outstanding capabilities and especially a person who had in addition to the negative factors rendered distinguished service to the government, then I would want to look at it very hard.

MR. GRAY: I assume that if it were a secretary, for example, or clerical assistant, that it would be easier for you to decide that the person should not be employed.

THE WITNESS: I would think that would be correct.

MR. GRAY: So I gather that you feel that perhaps the application of individual judgment increases with the stature and importance of the individual concerned. That is perhaps not a clear question.

THE WITNESS: I do feel this, that the really gifted and able people in government are perhaps less apt than the others to have had a fully conventional life and a fully conventional entry, let us say, into their governmental responsibilities. For that reason I think that while their cases have to be examined with particular care, obviously for the reasons of the great responsibilities they bear and the capabilities for damage in case one makes a mistake, nevertheless it is necessary to bear in mind in many cases, especially people who have great intellectual attainments --

because those attainments often it seems to me do not always come by the most regular sort of experience in life, they are often the result of a certain amount of buffeting, and a certain amount of trial and error and a certain amount of painful experience -- I think that has to be borne in mind when one uses people of that sort.

I agree it presents a special problem, not an easy one for the government. I have the greatest sympathy for the people who have to face it.

MR. GRAY: You in your testimony referred to the possible conflicts of conscience a man might have and you used the expression, I think, pity for friends who perhaps have been misguided. I am not sure those were the words, but the general import.

You perhaps are aware that under the Act, one of the criteria imposed by the language of the Act seems to be the associations of an individual. I know you feel that past associations must be weighed in the light of more recent conduct and other factors you have stated.

Would you feel continued association with individuals falling in this category for whom one would have pity and with respect to whom one might have had conflicts of conscience, was important at all in the situation?

THE WITNESS: I would think, Mr. Chairman, that it is a thing which would have to be explained, but I find

great difficulty in accepting the believe that a man must rule out all those associations, whether or not they engage in any way his official responsibilities. I think there are certainly times when they are to be avoided. I suppose most of us have had friends or associates whom we have come to regard as misguided with the course of time, and I don't like to think that people in senior capacity in government should not be permitted or conceded maturity of judgment to know when they can see such a person or when they can't. If they come to you sometimes, I think it is impossible for you to turn them away abruptly or in a cruel way, simply because you are afraid of association with them, so long as what they are asking of you is nothing that affects your governmental work.

I myself say it is a personal view on the part of Christian charity to try to be at least as decent as you can to them.

I realize that it is not advisable for a man in a position of high security to be seen steadily with people about whose loyalty there is a great doubt, unless they happen to be intimates in his family or something like that.

MR. GRAY: But when you say intimates of his family, you mean blood relationships?

THE WITNESS: Something of that sort.

MR. GRAY: Or marital relationships and things of

that sort.

THE WITNESS: Yes.

MR. GRAY: You said an individual should not decline to see such a person if the approach were made by such other person. Would you think it would be questionable if a person in a high position took the initiative himself in seeing one of his former associates about whom there might be some question?

THE WITNESS: It is difficult for me to judge in the absence of the knowledge of the circumstances.

MR. GRAY: I understand.

THE WITNESS: I am aware of this as a very difficult problem of professional ethics. It seems to me once or twice I have had conflicts of this sort myself, but I know that in these cases I would always like to have felt that my superiors in government had enough confidence in me to let me handle that problem according to my own best conscience. I do worry about the sort of schoolboy relationship to one's friends and acquaintances which gets involved if you apply too rigid standards of security in that respect.

MR. GRAY: But you would always feel that in any conflict between loyalty to a friend and obligation to government, it would not be a conflict difficult to resolve?

THE WITNESS: No, sir, it would not. There is only one way in which it can be resolved, and that is in

favor of the government. If that is impossible, then I would say a man should resign. He should not permit himself to remain in the government with any conflict of loyalties of that sort.

MR. GRAY: One of the hard facts of our times of course is the inevitable conflict of the requirements of what we generally refer to as security and what we like to think of unlimited freedoms of man's mind and conscience. This is maybe a major dilemma of our times, at least in this country.

THE WITNESS: May I add one thought to what I said before in reply to your question?

MR. GRAY: Yes.

THE WITNESS: I see as one of the most difficult aspects of this problem the trouble that the individual government official has in arriving at an assessment of the reliability of his friends. I have continued to accept as friends some people who have been criticized publicly and on whose reliability some suspicion has been thrown publicly in this country, because I myself have never seen yet the proof that those charges were correct, and have not considered myself in a position to arrive at a negative judgment about this. I have felt that until it is demonstrated to me that people who are friends of mine really have been guilty of some genuine dereliction of their duty to the government or

their loyalty to the government, it is not for me to jump to conclusions about it, and out of a timidity lest my name be affected with theirs to cut off social relations with them.

I must say when it is demonstrated to me that anyone has been so derelict, then I have no desire to continue the friendship or the association, and especially if I were in government service I would consider it quite out of the question. But there have been many instances in which one has been torn between the fact that doubts have been raised, but proof has not been given. There I feel that the burden of proof so far as one's relations with one's friends is concerned is on the accuser. Unless it is demonstrated to me that my friend in some way offended against the law or against his governmental duty, I am slow to drop my friend myself.

MR. GRAY: I would like to move back to the question of your attitudes toward the development of the hydrogen bomb in the period before the President's decision to proceed in January of 1950. Had you been told, Mr. Kennan, in 1949, for example, by a scientist whose judgment and capability you respected that it was probable that a thermonuclear weapon could be developed which would be more economical in terms of the use of material and cost and the rest of it than the equivalent number of atom bombs, would you have then been in favor of developing the hydrogen bomb?

THE WITNESS: I would not have favored developing it at least until a real decision had been made in this government about the role which atomic weapons were to play generally in its arsenal of weapons. I would have had great doubts then about the soundness of doing it. That comes from philosophic considerations partly which I exposed to the Secretary of State, which did not I might say meet with his agreement or with that of most of my colleagues and the future will have to tell, but it seemed to me at the end of this atomic weapons race, if you pursued it to the end, we building all we can build, they building all they can build, stands the dilemma which is the mutually destructive quality of these weapons, and it was very dangerous for us to get our public before the dilemma, that the public mind will not entertain the dilemma, and people will take refuge in irrational and unsuitable ideas as to what to do.

For that reason I have always had the greatest misgivings about the attempt to insure the security of this country by an unlimited race in the cultivation of these weapons of mass destruction and have felt that the best we could do in a world where no total security is possible is to hold just enough of these things to make it a very foolish thing for the Russians or anybody else to try to use them against us.

MR. GRAY: So you would have been in favor of

stopping production of the A bomb after we had reached a certain point with respect to the stock pile?

THE WITNESS: That is correct.

MR. GRAY: Whatever that might have been?

THE WITNESS: No, and I didn't consider myself competent to determine exactly what that point was. I have never known the number of our bombs nor the real facts of their destructiveness or any of those things.

MR. GRAY: Knowing the Russians as you do -- perhaps as well as any American -- would you have expected them to continue to improve whatever weapons they may have within limitations of economy, scientific availability and so forth?

THE WITNESS: My estimate is that they would have cultivated these weapons themselves primarily for the purpose of seeing that they were not used, and would have continued to lay their greatest hopes for the expansion of their power on the police weapons, the capacity to absorb contiguous areas, and on the conventional armaments as a means of intimidating other people and perhaps fighting if they have to fight.

MR. GRAY: I have one final question. Were you opposed to the use of the atom bomb?

THE WITNESS: I knew nothing about it, sir, until I read it actually in the Soviet papers in Moscow, that it had been used.

MR. GRAY: You were in Moscow?

THE WITNESS: I was in Moscow at the time and therefore could not look at it -- I could look at it only retrospectively. I must say that personally I am not at all sure that we were well advised to use it. I have great fears of these things.

MR. GRAY: Do you think we perhaps were ill advised to develop it?

THE WITNESS: No, that I don't think.

MR. GRAY: I said I had just one question and I am sorry I am going to ask you another. The atom bomb was many times as powerful as any explosive we had prior to its development. The same is true, I suppose, of the H-bomb. I don't know what the geometric progressive relationship would be, but that is unimportant. You had a serious question about proceeding with the hydrogen bomb. No question that we should have done what we did with respect to the development of the atom bomb.

Is the different attitude on this due to the fact that perhaps an atom bomb properly placed could take care of a target and that a larger bomb would be unnecessarily large. Is it size? Is that the distinction you make? Is it because the civilian population may be involved more deeply?

THE WITNESS: It is because of the wonder on my

part as to whether we did not already have enough of this sort of terrible ability to commit destruction. At least I had not seen it proven to me that we needed more perhaps. Perhaps there again with some of us civilians it becomes hard for us to absorb the mathematics of destruction involved in these things. To my mind the regular old bomb made a big enough bang, as big as anybody could want. I found it difficult -- you see what has worried me, Mr. Chairman, about going ahead with this is that we would come to think of our security as embraced solely in the mathematics of whatever power of destruction we could evolve, and we would forget our security lies still very largely in our ability to address ourselves to the positive and constructive problems of world affairs, to create confidence in other people.

I am convinced that the best way to keep our allies around us is not to pay outwardly too much attention to the atomic weapons and to the prospect of war, but to come forward ourselves with plans that envisage the constructive and peaceful progress of humanity. I realize that while we do that we have to preserve an extremely alert and powerful defense posture at all times. But I believe in preserving that posture to the maximum, and talking about it to the minimum, and then limiting ourselves in our foreign policy primarily to the constructive rather than negative objectives.

I have feared that if we get launched on a program

that says the only thing we are concerned to do in the development of atomic weapons is to get as much as possible as rapidly as possible, that the attentions of the public and the government will become riveted to that task at the expense of our ability to conduct ourselves profitably in positive aspects of foreign policy. That has been the nature of my worry.

I have never felt a great degree of certainty about this and I have always realized it was a very difficult problem. But it did seem to me at that time, and it seems to me still in retrospect, that one could doubt the desirability of going ahead with this weapon then from motives which were very serious and respectable motives. In other words, one could doubt it out of a devotion to the interests of our country. At least I feel that I did. Very often today when I read the papers, it seems to me that some of the things I feared at that time are beginning to develop in some degree.

DR. EVANS: Mr. Kennan, there are a couple of questions I want to ask you. You will admit, I suppose, that at one time in his career, Dr. Oppenheimer displayed that he was a rather naive individual. You will admit that, won't you?

THE WITNESS: That I think is apparent from the exchange of correspondence that I read in the papers.

DR. EVANS: Now, another question. Because a man has had some Communistic connections, he might be placed sometimes in an entirely different position in regard to security from a man that had not had those connections would be placed, is that true?

THE WITNESS: I think that is correct. It appears in a different light.

DR. EVANS: You understand the position that this Board is in, don't you?

THE WITNESS: I believe I do, sir.

DR. EVANS: We have to decide on these things in regard to character, associations and loyalty. This is not a job that any of us sought. You understand that.

THE WITNESS: I do.

DR. EVANS: We didn't want it.

THE WITNESS: I do.

DR. EVANS: I don't want it today. We all know Dr. Oppenheimer's ability. Nobody knows better than I do. This Act mentions certain things -- character, associations and loyalty. It doesn't say in there anything about the outstanding ability which is mentioned here so much. You understand that point, don't you?

THE WITNESS: Yes.

DR. EVANS: Perhaps the Act ought to be rewritten. I don't know. I just want you to understand the position

we are in. It is not a pleasant position.

THE WITNESS: I do, sir.

DR. EVANS: Now, just one other question. You opposed this hydrogen bomb on two grounds -- on moral grounds and on the fact it was so big it would be like using a sledge hammer to kill a mosquito. Is that true?

THE WITNESS: I have never conceived them really as just the moral ground because I didn't consider that. After all, we are dealing with weapons here, and when you are dealing with weapons you are dealing with things to kill people, and I don't think the considerations of morality are relevant. I had real worries, sir, about the effects of this on our future policy and suitability of our future policy.

DR. EVANS: That is all.

REDIRECT EXAMINATION

BY MR. MARKS:

Q Mr. Kennan, I would like to follow up briefly the question that you were asked by Dr. Evans about the problem which this Board faces, and the test it has to apply in discharging its rather awesome responsibility, is one in which it has to assess, as I read the Act, character, associations and loyalty of the individual, advise the Commission whether the Commission should determine that permitting the individual to have access to restricted data -- a term which

I believe you understand -- will not endanger the common defense and security.

In answer to a question -- I think it was addressed to you by the Chairman -- about the relationship between a case involving a stenographer -- Mr. Robb asked you about a case involving a Marine -- the natural question also arises whether different standards should apply to an extraordinary individual.

I would not suggest to you any question which implied that different standards should apply, but I would like to explore your own views about what standards you had in mind when you said that in relation to gifted individuals, it was common to find that they had unconventional backgrounds, and that therefore, as I understood it, a different type of inquiry was required for evaluation. Could you explain a little bit more fully what you had in mind?

A It is simply that I sometimes think that the higher types of knowledge and wisdom do not often come without very considerable anguish and often a very considerable road of error. I think the church has known that. Had the church applied to St. Francis the criteria relating solely to his youth, it would not have been able for him to be what he was later. In other words, I think very often it is in the life of the spirit; it is only the great sinners who become the great saints and in the life of the government, there

can be applied the analogy.

I have often said it is the people who have come to their views through the questioning of other things who have the highest and firmest type of understanding in the interests of the government. At any rate, it seems to me that the exceptional people are often apt not to fit into any categories of requirements that it is easy to write into an act or a series of loyalty regulations.

I feel that one ought to bear that in mind. I realize the problem for the government as to how it is to do it, and technically it is not always easy. It is a dangerous thing to talk exceptions because nobody can define again by category who is an exceptionally gifted person and who is not. The attempt is often invidious and involves the creation of an invidious distinction.

I am not sure it can be formalized, but I have always felt that the United States Government has to realize that it has a real problem here, particularly with the people who have the greater capacities. There is need here for considerable flexibility, and as I say at the outset, I think for a looking at the man as a whole and viewing his entire personality and not judging portions of it.

I am afraid that may not be a very clear answer to what you asked.

Q Many people would say, Mr. Kennan, that you are a

gifted individual. I know of nothing to suggest that you came to the government and remained in it for so many long years of great service as the result of any unconventional background. How do you reconcile those things?

A I consider myself to be a fortunate man. At the age of 23, at a time when many American young people of good education were drifting into what I think was an unsound approach to life, I was sent out to the Baltic States. I saw the square where the Bolshevik commissars had only recently been shooting their hostages. I saw the building on Elizabeth Street in the cellar of which they had done their torturing. I was affected from the beginning by a sense of the grotesque injustice of taking a whole class as they did, the bourgeoisie of these countries, and punishing them just because they were classifiable as bourgeoisie. I must say I was so affected by that I saw of the cruelty of Soviet power that I never could receive any of its boasts about social improvement with anything other than skepticism. I think that experience helped me a great deal at an early date, and helped me to avoid mistakes that I might otherwise have made.

Later it fell to me very deeply in Russian literature and German literature, and I have had to go through all that. It has developed in me as I think in long foreign residents it does -- I was abroad 18 years, and a deep

acquaintanceship with the thinking of other people -- it has involved me sometimes in conflict when I come home. I find myself tending to be critical sometimes of conditions in our country more than other people are, and it is a thing which I have had to fight within myself. Probably what you can say in reply to your question is that I have been lucky in the first place, and secondly, I have been able to conceal the difficulties on the intellectual road I have gone more than other people have been able to, to keep them within myself and fight them out myself.

Q Let us leave you out of it.

A Yes.

Q Do I understand what you have been saying is that in your experience more frequently than not the extraordinarily gifted individual realizes the fulfillment of his potential as a result of background that has involved many unconventional elements?

A I think it is often that you get that. I must say that when people are really gifted, those who have what you might call genius of some sort, intellectual or artistic, it is hard for them to arrange their relationships to live in minor matters and in a manner which is wholly conventional. I think we have seen that all through time. Again, I would like to emphasize I do not underrate the seriousness of the problem that it poses for the government when these people

are used for government work. But I think it is a problem that should be regarded as such.

Q Mr. Kennan, you have been asked questions in a framework that implies at least that they are addressed to you by the Board in the light of the rigorous requirements of the Atomic Energy Act. I hope I am not out of order in saying that as a lawyer I cannot believe that the Atomic Energy Act intended to deny to the Atomic Energy Commission the services of gifted people.

I ask you to consider in the light of that statement this question: In your opinion, and based on all of the experience which you have described here this morning, are the character, associations and loyalty of Dr. Oppenheimer such as to bring you to a determination that permitting him to have access to restricted data will not endanger the common defense and security?

A Mr. Marks, I cannot anticipate, of course, the judgment of this Board, and the same information is not available to me as is available to the Board. I would consider my own opinion one not founded as well as will be the opinion of the Board. I can only judge on the basis of what I have seen, which is a portion of the evidence.

Q Of course.

A On that basis, I may say that I myself have no doubt whatsoever about this, and on the basis of what I know

I would be entirely in favor. I think it flows from what I have said here earlier. I have forgotten how your question was worded.

MR. ROBB: Could we have it read back?

(Question read by the reporter.)

THE WITNESS: May I then simply rephrase my answer from the beginning here, and ask that it be regarded as the answer to this question.

On the basis of what is known to me of Dr. Oppenheimer's qualities, his personality and his activities during the period that I have known him, I would know of no reason why he should not be permitted to have access to restricted data in the government.

RE-CROSS EXAMINATION

BY MR. ROBB:

Q Mr. Kennan, I gather that you say -- and I think quite properly -- that of course you don't know what information may be available to the Board.

A Quite so.

Q Of course, you would agree there might be things known to the Board which if known to you would change your answer to the question.

A Certainly.

Q Mr. Kennan, we have discussed somewhat the criteria and so on of these security procedures and tests. In a case

where the question of individual security clearance was involved, assume that the evidence was more or less in equipoise, who do you think ought to have the benefit of the doubt -- the individual or the government?

A I think unquestionably, sir, the government should have the benefit of the doubt. In saying that, if I may just say so, I am animated by the reflection that the government's interest might also be torn, that the government might have need of the man, and that interest should also be recognized.

Q I am not saying to you, sir, that the evidence here is in equipoise; I am just assuming that.

A I understand.

Q Mr. Kennan, I would like to ask you another question in your role as an expert on diplomacy which I perhaps should have asked you before.

What in your opinion would be the effect and would have been the effect in 1950 on our allies if the Russians had had the thermonuclear weapon and we had not. Do I make myself clear, sir?

A Yes, sir. I imagine that it might to some extent have been an unfortunate one. I do not think decisively unfortunate. I think it would have depended on what we might have been able to say to them about the adequacies of our existing stockpile of atomic weapons.

Q Would you tell us what you mean by "unfortunate"?

A Unless we were able to demonstrate to them that what we already held in the way of atomic weapons was sufficient to make it most unlikely that even the Russian hydrogen bomb would be used against ourselves or our allies, then I would consider that the effect on our allies might have been unfortunate. But I would remember that the allies have never been, it seems to me, as conscious of the importance of atomic weapons as we have.

Q Putting it again in the language of the well known man of the street, if the Russians had had the thermo nuclear weapon and we had not, the result might have been that some at least of our allies would have been scared off from us, is that right?

A Yes, sir. That is certainly one of the considerations that would have had to be taken into account in deciding whether to go ahead with the weapon or not.

Q Mr. Kennan, you mentioned -- I don't recall the exact language you used but I think the substance of it was -- that there were some friends of yours that you suspended until their guilt was proven, or something of that sort?

A Yes.

Q Would you mind telling us who you had in mind?

A A number of my colleagues in the Foreign Service have had the experience of seeing charges or insinuations

advanced against them in the public print here, and of having to face Congressional charges or Congressional investigations of one sort or another. That is the only point I wish to make. I have not done anything to terminate my associations with those men just on the basis of the fact that the charges were raised against them. I have waited to see whether anything would be proven. I prefer to give my friend the benefit of the doubt until something was --

Q Have there been some in respect of whom the charges have been proven?

A There have been two who have left the Department of State -- two or three -- but I am not sure that charges were proven. I really would have to ransack my memory to recall exactly the way these cases went. I believe they all left in an honorable way. Doubts were raised and their names were mentioned publicly.

Q You had faith in them?

A In every case that I have in mind here I have had -- at least I have never seen the evidence that these men were not loyal government servants, and in the absence of that evidence I tried not to jump to any conclusion.

Q Now, would you mind telling us who they were?

MR. GARRISON: Mr. Chairman, I think it is an unfair question to ask this witness to discuss other people in the government, and I don't see what possible relevance it

can has to the inquiry of this Board.

MR. ROBB: Mr. Chairman, I asked the witness if he would mind. That is why I asked him that way.

MR. GRAY: The witness certainly would be given the privilege of declining to answer this question if he wishes without any significance being attached to it.

THE WITNESS: Mr. Chairman, if at any time the Board feels the need for the names of these people, I would be very happy to give it. But otherwise, I think at the present time I would prefer not to mention them. The names are fairly well known ones.

BY MR. ROBB:

Q May I ask you this, sir, and certainly this gentleman has been much mentioned in the public press.

MR. GARRISON: Mr. Chairman, I really object to this. I see this proceeding into a line of questioning which by some form of suggestion as to names of people who have been adversely discussed in the press being brought in here with some suggestion that this somehow is connected with Dr. Oppenheimer.

MR. GRAY: I make this observation, Mr. Garrison, that the testimony of a witness which has been given with clarity and conviction and I think rather eloquently is based, as I understand it, on his own subjective judgment with respect to the character, loyalty and associations of

Dr. Oppenheimer. Is that a fair statement?

THE WITNESS: Yes.

MR. GRAY: I think that if there are cases or similar situations in which the judgment of the witness has proven not to be borne out by the facts, that it is pertinent to this inquiry.

MR. GARRISON: I withdraw the objection, Mr. Chairman.

MR. GRAY: I want to make it clear that I am sure that the Board does not wish a lot of names brought in here by the heels.

MR. ROBB: Oh, no.

MR. GRAY: I don't interpret that to be the point.

MR. ROBB: No, that is exactly the theory I put the question to.

BY MR. ROBB:

Q Was Owen Lattimore one of your associates or friends?

A No, he was not. I never had any personal acquaintance with him.

Q He would not be one that you included?

A No, he would not be included. The men I had in mind were associates of mine in the Foreign Service, and one in particular who has been in a number of Congressional and Loyalty Board hearings. I have testified in those hearings as I have in this one. So far to my knowledge he

has never been found guilty by any board or formal branch of an agency of the government of anything reprehensible to him.

I have continued to see him and know him as a friend.

Q Were you called as a witness by him, sir?

A Yes, but if I may say so, initially over my own objections because I was then an official of the Department of State, and I felt that the Loyalty Board should ask me as an official for my opinion, feeling that I owed my loyalty entirely to the interest of the government, and not to the man as a party in a dispute.

Q Have you testified in any other so-called loyalty hearing?

A Yes. I testified in one. Again it was the case of a Foreign Service officer who asked me to testify in his behalf and to read 1200 pages of his reports, and to tell the Board that they did not contain evidence of Communist loyalty.

I told him that I would prefer, as an official of the Department of State, not to do that at his request, but would be happy to do it at the Board's request. He did get a letter from the Board asking me to do that. The result is that I had to go through 1200 pages of material and gave the Board an opinion.

Q I am sure the Board here understands the difficulty you had in reading 1200 pages. That is all I care to ask.

MR. GRAY: Dr. Evans I believe has one or two questions.

DR. EVANS: Mr. Kennan, in answer to one of the questions that was asked you, I think you stated in effect, or at least you implied that all gifted individuals were more or less screwballs.

THE WITNESS: Let me say that they are apt to be, if I may.

DR. EVANS: Would you say that a large percentage of them are?

THE WITNESS: No, sir, I would not say that they are screwball, but I would say that when gifted individuals come to a maturity of judgment which makes them valuable public servants, you are apt to find that the road by which they have approached that has not been a regular as the road by which other people have approached it. It may have had zigzags in it of various sorts.

DR. EVANS: I think it would be borne out in the literature. I believe it was Addison, and someone correct me if I am wrong, that said, "Great wits are near to madness, close allied and thin partitions do their bounds divide."

Dr. Oppenheimer is smiling. He knows whether I am right or wrong on that. That is all.

MR. GRAY: Mr. Kennan, you certainly would not be prepared to testify that all professors are screwballs,

would you?

DR. EVANS: I am worried about that, because it has been brought up two or three times. I am getting a little sore about it.

MR. GRAY: One further serious question. These gifted people about whom there has been a very considerable discussion here, as you say, in many cases arrived at judgments, attitudes, convictions after all sorts of experience. You feel, however, that the unusual person or gifted person who has traveled perhaps a different road than most other people can at one point reach a stability on the basis of which there can be absolute predictability as to no further excursions?

THE WITNESS: Let me say at a point where there can be sufficient predictability to warrant his being accepted by the government for public service.

MR. GRAY: Thank you very much, Mr. Kennan. We appreciate you being here.

(Witness excused.)

MR. GRAY: We will take a recess, gentlemen.

(Brief recess.)

MR. GRAY: Do you wish to testify under oath? You are not required to do so. Most all witnesses have.

MR. LILIENTHAL: I prefer to.

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

right hand.

David E. Lilienthal, 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. LILIENTHAL: I do.

Whereupon,

DAVID E. LILIENTHAL

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

MR. GRAY: You are no doubt familiar with the so-called perjury statutes. I should be glad to read the penalties, if you wish.

THE WITNESS: I am familiar with them.

MR. GRAY: I should like to say to you, Mr. Lilienthal, that if during the course of your testimony, it should develop that you are about to discuss restricted data, I would appreciate your letting me know so that the necessary security precautions might be taken.

The further observation I would have to you is that we treat these proceedings as confidential between the Atomic Energy Commission officials and Dr. Oppenheimer and his representatives and witnesses. The Commission will initiate no public releases with respect to these proceedings and we express the hope that witnesses will follow the same course.

THE WITNESS: Yes, I certainly shall not initiate any public statement.

DIRECT EXAMINATION

BY MR. SILVERMAN:

Q Mr. Lilienthal, what is your present occupation?

A I am in private business in New York City as advisor on industrial matters to financial and industrial enterprises. I am also a corporate officer as chairman of the board of the Minerals and Chemical Company.

Q Do you have any government employment or position at this time?

A I do not.

Q You were formerly Chairman of the Atomic Energy Commission?

A I was between late October 1946 and the 15th of February 1950.

Q I think you said at 5 p.m.

A Yes, at 5 p.m.

Q When did you first meet Dr. Oppenheimer?

A On the occasion of the bringing together of a board or panel -- a board of consultants or panel -- by the Department of State in January 1946. That panel was organized under a committee called the Secretary of State's Committee.

The purpose of the panel and the directions of the panel were to seek to find some basis for a plan or program

for the international control of atomic weapons. There were five members of this panel designated, I think, by the Secretary of State, or perhaps by the Under Secretary of State, Mr. Acheson, and Dr. Oppenheimer was one of those panel members.

Q And you were the chairman of the panel?

A I was the chairman of the panel. The other members were Mr. Harry Winne, vice president of General Electric Company at that time, Dr. Charles A. Thomas, who was then executive vice president of the Monsanto Chemical Company and now its president. Mr. Chester Barard, then president of the New Jersey Telephone Company, and Dr. Oppenheimer.

Q Will you tell us something of how much contact you had with Dr. Oppenheimer during the work on this panel?

A The panel was convened and met briefly with the Secretary of State's Committee. Perhaps I should indicate the personnel of that committee. This was the first meeting with Dr. Oppenheimer. That committee consisted of Under Secretary Acheson -- perhaps Assistant Secretary at that time -- John McCloy, General Leslie R. Groves, President Conant of Harvard, and Dr. Vannevar Bush, Chairman of the Joint Research Board of the Defense Establishment.

That meeting with this top committee was briefed and then this board of consultants virtually lived together for six or seven weeks until we finally presented our report

to the committee which we reported.

Q When you say you virtually lived together, you mean you spent substantially all the time together?

A Yes, with the exception of a few breaks, we had demitted ourselves to devote all of our time to this problem until we either said we couldn't think of anything useful or came up with a report.

This we did, so we worked together here as a group. We traveled about the country, seeing the various atomic energy installations, for some of us the first time -- Oak Ridge, Los Alamos, Hanford, and so on.

In this process of course we came to know each other quite well. We then came back to Washington and spent a good many days in the process of jointly drafting our report.

Q Was Dr. Oppenheimer active in this work?

A Yes, he was indeed.

Q Would you tell us something about the positions that Dr. Oppenheimer took and the work he did in the drafting of that report, particularly as it bears on his attitude toward the problem presented by our relations with Russia?

A I think the theme of this group in which Dr. Oppenheimer's views contributed substantially was that we should try to absorb the facts about atomic energy and see if we could not come up with some practical, we hoped, and workable and acceptable system of control and protection for

the United States and for the world. So Dr. Oppenheimer's approach as the rest of us was first to ascertain the facts as a matter of technology and so on. Of course, in that respect he and Dr. Thomas were really teachers for the rest of us. Then as to policy, I can recall perhaps a few illustrative instances.

Dr. Oppenheimer -- and there was unanimity on this but he certainly probably initiated the idea, and certainly pressed it and elaborated it -- which relates to the attitude of Russia and Soviet Communism, the first idea we discussed was that of international inspection of countries in the United Nations, to see whether they were carrying on atomic weapon enterprises.

This we rejected and an important part of our reasoning for rejecting it was that it was not a foolproof method. Something more than inspection would be necessary, that without international ownership and control of the raw materials and the operations in the atomic energy field, the United States could not trust the Russians merely by inspection to comply with the requirements of this scheme.

The actual development of this idea that inspection was inadequate to protect ourselves from the Russians or was inadequate idea to go before the world with, the protection of the world was largely formulated by Dr. Oppenheimer and technical associates of his like Dr. Bacher,

who had studied the physical problem of the ease with which inspection could be avoided by an operating organization in Russia as distinguished from having a United Nations operating and management team running the plant, that periodic inspection was not a foolproof system.

Q In your view was the report of that panel one that was reasonably soft or what have you in respect to the hope of cooperation or with respect to what one could expect from the Russians?

A We tried to make it as nearly foolproof as we could. There was early discussion that any proposal that a United Nations operating organization should operate a gaseous diffusion plant within Russia would obviously conflict with the Russian views about the Iron Curtain and access of foreigners and so on.

The question was raised first by Mr. Winne, as to whether it made any sense to make a proposal which we were pretty sure the Russians would reject. We concluded, and I took responsibility for this idea initially, that we should present an idea we could stand for, leaving the question of whether it should be submitted to the Russians with a rather strong likelihood of it being rejected, to others.

It was our job to develop a workable foolproof system. Therefore, to answer your question about denominating this, I think we did devise what would be called a thugh

program. This was reviewed later by Mr. Baruch and his associates. They accepted these essentials and they too were insistent on what Mr. Baruch called a foolproof system, a tough system.

Q And Dr. Oppenheimer was in accord with this tough system?

A Yes, and contributed a great deal to it.

Q When did you say you became Chairman of the AEC?

A I think it was the 28th of October, 1946.

Q Some time after you became Chairman was the question of Dr. Oppenheimer's past associations and his left wing activities and so on called to your attention?

A Yes, it was.

Q Will you tell us the circumstances of that, please?

A The Board will recall that there is a kind of grandfather clause in the Atomic Energy Act, by which those who had been cleared under the Manhattan District continued to hold their clearances -- I have not looked at this provision for some time -- but the effect is to hold their clearances until a reexamination by the FBI was made, and the question is reexamined on the basis of new additional information, or something to that effect. So we had a number of such reexaminations coming to us.

I have located the date of March 8th as being the date on which I appeared -- give or take a day or so -- a

call from Mr. Hoover saying he was sending over by special messenger an important file involved in this reexamination.

I received this file. It related to Dr. Oppenheimer. It contained in it a great deal of information from the Manhattan District, and perhaps some subsequent investigation. I called the Commissioners together on the 10th. The day of Mr. Hoover's call appears to be Saturday. In any event, I called the Commissioners together on a Monday, March the 10th in the morning, I believe.

The existence of this sort of information I did not know up until that time, and I don't think any of us did, unless perhaps Dr. Bacher did.

Q You say you called the Commission together. Who was present at the meeting?

A My recollection is that all the Commissioners were present. This would be Dr. Robert F. Bacher, who was at the Los Alamos project during the war, Sumner T. Pike, Louis L. Strauss and Wesley W. Waymack.

Q Will you tell us what happened at that Commission meeting?

A Commission conference would be the best description because it continued for some time. It was very informal. We had this file which I requested all the Commissioners to read. It was not necessary to request them to because it was obviously a matter of great interest and importance.

Instead of delegating this to someone else, it seemed clear that we should do the evaluating, since the responsibility of deciding what should be done, if anything, was ours. So we did begin a reading of this file around the table in my office in the New State Building, and then later as time went on, members would take all or parts of their file to their offices and so on.

One of the first things that was observed was that although this file did contain derogatory information going back a number of years, it did not contain any reference, as far as I recall, or at least any significant reference, to the work that Dr. Oppenheimer had done as a public servant.

Q Let me interrupt you for a moment. You have seen the Commission's letter of December 23, 1953, which suspended Dr. Oppenheimer's clearance.

A I have.

Q So far as you can recall what is the relationship between the derogatory information contained in that letter and the material that was before you sent to you by Mr. Hoover in 1947?

A From my careful reading of the Commission's letter and my best recollection of the material in that file, and the charges cover substantially the same body of information--

Q Except for the hydrogen bomb stuff, of course.

A Yes, up to the point of 1947, I suppose.

Q You were saying that you found that the file contained derogatory information, but did not contain affirmative matter; shall we say?

A It did not contain any information about those who worked with Dr. Oppenheimer in the Manhattan District. So we asked Dr. Vannevar Bush, who we knew had been active in the pre-Manhattan District enterprise, as well as since that time, and Dr. James Conant, both who happened to be in town, to come in and visit us about this file. They expressed themselves about Dr. Oppenheimer and his loyalty and character and associations and particularly the degree to which he had contributed to the military strength of the United States.

I called Secretary Paterson, or someone did, to ask him to request General Groves, under whom Dr. Oppenheimer had served, be asked to supply a statement about his opinion about Dr. Oppenheimer and the circumstances under which he was selected and kept as Director of the Laboratory.

We discussed this with Dr. Bush and Dr. Conant during that day and I think into the next day.

Q Did you ask Dr. Bush or Dr. Conant for anything in writing?

A I don't know whether they volunteered or whether we asked, but certainly they did provide written statements more or less following the line of their oral statements.

Yesterday I had an opportunity to read these and refresh my recollection on them. I take it they are in the files.

MR. SILVERMAN: Does the Board have Dr. Bush's letter and Dr. Conant's letter?

MR. GRAY: I am sure we do.

MR. ROLANDER: They are a part of the files.

MR. GRAY: Was there also a written statement by General Groves?

MR. SILVERMAN: That is already in the record at page 582, or something like that. Unless there is some other written statement I don't know about.

MR. GRAY: I am asking for information.

MR. ROLANDER: General Groves' statement was read into the record the other day.

THE WITNESS: Then there was a letter from Secretary Paterson to us on the same subject.

MR. ROLANDER: That is a part of the file.

MR. SILVERMAN: I wonder if this might not be an appropriate time to read those into the record, sir.

MR. ROBB: Go ahead.

MR. SILVERMAN: I don't have them.

MR. ROBB: The file contains a letter of General Groves which has been read into the record. A letter from Mr. Conant, and a letter from Mr. Paterson. I am sure

somewhere in here there is a letter from Mr. Bush. The Chairman has it now. It also contains for your information -- when that was received I am not sure -- the citation which accompanied the medal for merit which was awarded to Dr. Oppenheimer.

MR. SILVERMAN: That I think has already been read into the record.

MR. ROBB: I think so. But that is in the file.

THE WITNESS: As I recall, this was on the recommendation of General Groves. I probably had seen it at that time.

MR. ROBB: The medal for merit citation apparently was sent to Mr. Lilienthal and a letter from George M. Elsey dated 14 March 1947.

MR. SILVERMAN: Did it say who Mr. Elsey was?

MR. ROBB: I can't read it here, "Commander, USNR." I guess he was secretary or something of the Board.

THE WITNESS: If I may, I can identify him. He was in the White House staff, assistant to Clark Clifford.

MR. ROBB: I will read it if you want.

"The White House

"Washington

"14 March 1947

"Memorandum for: Mr. Lilienthal.

"The members of the Medal for Merit Board who

recommended to the President in January, 1946, that Dr. J. R. Oppenheimer be awarded the Medal for Merit, were: Owen J. Roberts, Chairman, William Knudsen, and Stephen Early.

"Richmond E. Keech, Administrative Assistant to the President, was Secretary to the Board.

"General Knudsen has since resigned as a member of the Board and has been succeeded by Chief Justice D. Lawrence Groner of the United States Court of Appeals for the District of Columbia. Mr. Keech, although no longer Administrative Assistant to the President, remains Secretary to the Board.

"A copy of the Executive Order and a copy of the Regulations governing the Medal for Merit are enclosed.

"Respectfully, George M. Elsey, Commander, USNR."

MR. SILVERMAN: I would like at this point to read the letters from Dr. Bush and Dr. Conant and Secretary Paterson.

MR. ROBB: I have here the original of the letter from Dr. Bush dated March 11, 1947. The original of the letter from General Groves dated March 27, 1947, which I believe is already in the record.

MR. SILVERMAN: That is already in the record.

MR. ROBB: The original of the letter from Mr. Patterson dated March 25, 1947. The original of the letter from Mr. Conant dated March 29, 1947. I will hand these all to you, sir.

MR. SILVERMAN: Thank you very much. With the permission of the Board --

MR. GRAY: Excuse me for the interruption. I think we will proceed with the presentation of these letters and then break for lunch. I am afraid if our experience with other witnesses is any indication, we will probably have to ask you to come back after lunch, Mr. Lilienthal.

THE WITNESS: I would like to express the hope that I would be able to finish today so I can get back to work, but I of course will be back after lunch.

(Discussion off the record.)

MR. SILVERMAN: It is agreed that these letters will go into the record.

Mr. Robb has already identified the letters. They will be read into the record. They will be transcribed into the record at this point, the letter of March 11, 1947, on the letterhead of the Joint Research and Development Board to Mr. David E. Lilienthal, Chairman, signed "V. Bush, Chairman". The letter of March 24, 1947, on the War Department letterhead already read into the record once, and I see no reason to read that in again.

The letter of Robert T. Patterson, Secretary of War, on War Department letterhead, stamped secret, I may say, to Honorable David E. Lilienthal. The letter of March 29, 1947, from Dr. Conant to Mr. Lilienthal.

(The letters are as follows:)

"The Joint Research and Development Board

"Washington 25, D. C.

"March 11, 1947

"Mr. David E. Lilienthal, Chairman

"Atomic Energy Commission,

"New War Department Building,

"Washington 25, D. C.

"Dear Mr. Lilienthal:

"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 leader in the 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. 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.

"Very truly yours", signed "V. Bush, Chairman."

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"War Department

"Washington

"March 25, 1947

"Hon. David E. Lilienthal

"Chairman, Atomic Energy Commission,

"Public Health Service Building,

"Washington, D. C.

"Dear Mr. Lilienthal:

"In connection with your inquiry about Dr. J. Robert Oppenheimer, a member of the General Advisory Committee to the Atomic Energy Commission, I am glad to furnish the following information.

"It is my understanding that Dr. Oppenheimer is a leading physicist of the world. During the war he held the key post of Director of the Los Alamos Laboratory under the Manhattan District Project, which as you know was the enterprise under the War Department responsible for development of the atomic bomb. His performance in that post, under direction of General Groves, was a brilliant success.

"For his exceptionally meritorious service, he was recommended by General Groves to receive the Medal for Merit in August 1945. This recommendation was approved by Secretary of War Stimson, and the award was made by the Medal of Merit Board appointed by the President.

"Dr. Oppenheimer was also appointed by the War

Department to be a member of the Advisory Panel of Scientists, to assist the Interim "Committee designated by Secretary Stimson in May 1945 to recommend policies in regard to the atomic bomb and to suggestion legislation concerning atomic energy. I met Dr. Oppenheimer several times in the course of this work and received a most favorable impression of his ability, judgment, character, and devotion to duty.

"Dr. Oppenheimer was recently appointed by Dr. Vannevar Bush, Chairman of the Joint Research and Development Board of the War Department and Navy Department, to be a member of the Committee on Atomic Energy under that Board.

"I am enclosing with this letter a memorandum submitted to me by General Groves relative to the loyalty of Dr. Oppenheimer.

"In conclusion, I should say that from my knowledge of the work that he has done toward making the atomic bomb a success and in other matters related to atomic energy, I have confidence in his character and loyalty to the United States.

"Sincerely yours," signed "Robert P. Patterson,
Secretary of War."

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"Harvard University

"Cambridge, Massachusetts

"March 27, 1947.

Mr. David E. Lillenthal, Chairman.

Atomic Energy Commission,

Washington 25, D. C.

Dear Mr. Lillenthal:

I am writing you this letter because I understand certain inquiries have been made in regard to the loyalty of Dr. J. Robert Oppenheimer.

It is quite unnecessary for me to recite in this letter the tremendous contribution to the war effort made by Dr. Oppenheimer. As Director of the Los Alamos Laboratory he carried a heavy responsibility both of a scientific and technical nature and as an administrator faced with an extremely difficult problem. He fulfilled his duties in an admirable manner. I think it can be said that he is one of the three or four men whose combination of professional knowledge, hard work, and loyal devotion made possible the development of the bomb in time to end the Japanese war.

My first personal acquaintanceship with Dr. Oppenheimer started in the summer of 1941. From then until the present day I have seen him intimately and discussed with him all manner of questions. During the war I visited Los Alamos frequently and in so doing came to know him very well. Since the war, I have discussed not only atomic energy for industrial and military purposes, but all phases of the international problem of control. Likewise, our conversation

has ranged over the whole field of American politics and foreign policy. Therefore, I feel sure that the statements that I make about him are based on an intimate knowledge of the man, his views, and his emotional reactions.

"I can say without hesitation that there can be absolutely no question of Dr. Oppenheimer's loyalty. Furthermore, I can state categorically that, in my opinion, his attitude about the future course of the United States Government in matters of high policy is in accordance with the soundest American tradition. He is not sympathetic with the totalitarian regime in Russia and his attitude towards that nation is, from my point of view, thoroughly sound and hard headed. Therefore, any rumor that Dr. Oppenheimer is sympathetically inclined toward the Communists or towards Russia is an absurdity. As I wrote above, I base this statement on what I consider intimate knowledge of the workings of his mind.

"At the time of Dr. Oppenheimer's entering the work on atomic energy, I heard that there was some question of his clearance by the security agencies. I understand that was based on his associations prior to 1939 and his 'left wing' sympathies at that time. I have no knowledge of Dr. Oppenheimer previous to the summer of 1941, but I say unhesitatingly that whatever the record might show as to his political sympathies at that time or his associations, I would

not deviate from my present opinion, namely, that a more loyal and sound American citizen cannot be found in the whole United States.

"Very sincerely yours," signed, "James E. Conant, President."

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MR. GRAY: The record will show that the members of the Board have read these letters. Each member of the Board has read all of these letters.

Can you give me an indication, Mr. Silverman, of what length of time your questioning may consume? I am not going to try to hold you to it.

MR. SILVERMAN: I understand that, sir. All lawyers know that there is no more unreliable answer than that of a lawyer as to how long he is going to take. I would guess that our direct examination will probably consume approximately an hour. I used the word "guess" in its sharpest meaning.

MR. GRAY: Let us proceed now for 15 minutes and then take a break for lunch.

BY MR. SILVERMAN:

Q Who was present at this conference of the Commissioners on March 10th or thereabouts?

A My recollection is that all the Commissioners, and that from time to time we may have -- I am not clear on

this -- but we probably called in the acting security officer and other staff people. I am rather vague on that.

Q Who were the members of the Commission that were present?

(Discussion off the record.)

THE WITNESS: All the members of the Commission.

BY MR. SILVERMAN:

Q Did you give the names of them?

A Yes.

Q Thank you. Did you then take the matter up with anyone in the office of the President?

A Yes. This would be March 11, on the Tuesday following the Monday I have referred to, Dr. Bush and I made an appointment with Clark Clifford, the President's counsel, and asked him to call the President's attention to this file.

The reason for doing this was that we were a little uncertain about our role here. The members of the GAC under the law were appointed by the President and not by the Commission. They were not subject to Senate confirmation, but they were Presidential appointees. It seemed important to call this matter to his attention to make sure that the President was made aware of this file. This was the purpose of our call.

It was left that Mr. Clifford would advise the President and would send word to us if there were further

questions that the President had.

The reading of the memorandum from Commander Elsey refreshes my recollection on one of the things that was said either over the phone or in conversation, that his Medal for Merit Commission had knowledge about Dr. Oppenheimer. I didn't know there was this citation that was sent at that time. I think it was later that week that Mr. Clifford phoned me, or Dr. Bush, and I may have gone back -- I am not too clear on this -- but in any case, the President was advised and the President didn't express any views about what should be done. He did not express the view that the clearance should be cancelled or that he should remove Dr. Oppenheimer or anything of that kind.

Q Did you do anything further in an effort to decide what you should do about this problem?

A We discussed the matter together. We interrogated and conversed with our associate, Dr. Bacher, because he was an intimate associate -- he was actually deputy to Dr. Oppenheimer at Los Alamos during most of the period of the Los Alamos Laboratory, and had therefore a day to day working knowledge of him -- and he expressed his view about Dr. Oppenheimer. I think I called on the Chairman of the Military Liaison Committee, who at that time was General Brenton, and advised that the question had been raised. General Groves was a member of the Liaison Committee at that

time and could inform the committee to the extent that the committee wanted further information.

I think that covers what was done at that time, except that we reached a conclusion. The conclusion was that on the whole set of circumstances, there did not seem to be any occasion for cancelling or withdrawing the clearance or taking any other action.

Q This of course was after the Atomic Energy Act was in effect?

A Yes. We were organized under the Atomic Energy Act. There was one further thing that we decided we should do, and that was to communicate with Mr. Hoover, the Director of the Federal Bureau of Investigation, for the purpose of seeing whether there was anything that had come in this file since he called me or whether we were properly construing the facts in the file. I did call on Mr. Hoover. I have refreshed my recollection on this obviously or I wouldn't remember it without it. It was on the 25th of March. My office diary shows that I called on him on the 25th of March, and discussed this file with him.

Q Will you tell us of that discussion?

A Whether Mr. Hoover had one of his associates there or not, I am not sure, but from the Commission it was Mr. Joseph Volpe, Jr., Deputy General Counsel at that time. I am not too clear, but I think the Acting Security Officer was

with us, whose name was Tom Jones. My recollection is not too clear here. My recollection of that conversation is as follows:

First there seemed to be general agreement, or I expressed the view that here was a man who had certainly contributed a great deal to the military strength of the United States under circumstances of great difficulty and so on. Everyone we had consulted who had worked with him and naming them, Dr. Bush, General Groves and so on, were clear that this was true, that he had done a good job. Mr. Hoover said there could not be any question about that.

Then the question was discussed as to the relevance, as to the weight to be given this long series of associations with left wing and crackpot and Communistic sorts of organizations or people of which the record contained a great deal of information. On this I reported to Mr. Hoover that we would like to know whether there was something in this that we had missed but that our evaluation of it was that on the whole record in view of what had happened since that time that Dr. Oppenheimer had proved by his work, by his activities, by the things he had done for this country, that he was not only loyal, but that he had character that made him suitable as an employee of the Atomic Energy Commission.

Then Mr. Hoover said --this is my impression - of course, Mr. Hoover makes it a point not to evaluate these

reports. I have dealt with him on a number of these things. He very likely did not evaluate it. But when I asked him if there was anything that we had missed or any implication that we had not seen that perhaps he, with his closer knowledge of the file might see, he said, well, the only reservation he had was that he didn't like that episode about -- what is his name, a French name.

DR. EVANS: Chevalier.

THE WITNESS: Yes, Chevalier. That Oppenheimer did report it finally, but he waited an awful long time, and he criticized that. He was quite critical of it. Of course, I completely agreed with that.

Beyond that there was no further comment about the file. So we left with no suggestion from Mr. Hoover that further investigation ought to be carried on or that the file was incomplete, that there were things we didn't know about.

I think that is the last --

BY MR. SILVERMAN:

Q Was there any suggestion by Mr. Hoover that the explanation Dr. Oppenheimer had given of that incident was not correct, or don't you remember?

A My recollection is that his criticism was that he should have reported this to the authorities at once, instead of waiting, I have forgotten how long it was, but it was an intolerable period. It was weeks, I think. That was the

point of his comment.

Q After that, did you report the result of this interview to your fellow Commissioners?

A Yes. Either I wrote a memorandum about it, or Mr. Volpe did. I inquired at the Commission yesterday and find that they were not able to locate such a memorandum, but did locate a memorandum to the files which I had not seen, from Mr. Jones. That is the only one that they have been able to dig up. I think there is a report by Volpe as well, but it has not been located yet.

MR. SILVERMAN: May I inquire, do you have Mr. Volpe's report?

MR. ROBB: No, sir, I have one by Mr. Jones. Do you want to read it in the record?

MR. SILVERMAN: No, I think not at this point.

THE WITNESS: I did read that yesterday and I am familiar with its contents.

BY MR. SILVERMAN:

Q As a result of Mr. Volpe's report -- was Mr. Jones present at the conference of the Commissioners?

A He didn't say so in his memorandum and I am not clear on this. I am rather assuming that he must have been but he reports what he understood went on. He very likely was. I am a little fuzzy about that.

MR. SILVERMAN: In the interest of continuity, we

might just as well put Mr. Jones' memorandum in.

MR. ROBE: I might say, Mr. Chairman, by way of explanation that of course ordinarily the Atomic Energy Commission treats as confidential any discussions between it and its representatives and Mr. Hoover. However, I think since the witness has gone into this matter, that it is entirely appropriate for me to read this memorandum:

"Office Memorandum United States Government

"Date: March 27, 1947

"To: File

"From: T. O. Jones (ink initials TOJ)

"Subject: J. Robert and Frank Oppenheimer.

"At a meeting held on Tuesday, March 25, 1947, between representatives of the Atomic Energy Commission and the Federal Bureau of Investigation and attended both by Mr. Lilienthal and Mr. Hoover, there was some discussion on the case of the Oppenheimer brothers. Certain comments made by Mr. Hoover appear of particular interest.

"Concerning Frank, Mr. Hoover consistently expressed himself as feeling that there was no question of his --" the word as typed did not have the "un" in front of it and the "un" is written in longhand, and beside the word is written in again in longhand "TOJ" --"undesirability Although Mr. Hoover would doubtless dislike to be put in the position of evaluating the information on Frank, nevertheless

it is felt that the impression he left at this meeting should be carefully considered if at any future time it is proposed to reinstate Frank's clearance for Restricted data.

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

"Mr. Lilienthal mentioned that the general question of J. Robert Oppenheimer's clearance had been discussed with Secretary Patterson, General Groves and Drs. Bush and Conant, and that all four were writing letters to him endorsing J. Robert Oppenheimer. Mr. Hoover said he would be glad to have such letters for the completion of his files and was told that he would be provided with copies.

"(Note: Original copy placed in J. Robert's File.
Cc placed in Frank's File.)"

BY MR. SILVERMAN:

Q Does that accord with your recollection?

A Not quite, but it certainly is not very far off.

Where my recollection varies with this is not that Mr. Hoover was not critical of the Chevalier incident and the laxity of reporting, but I don't recall his saying that he was not satisfied with the man. My recollection was that he was not satisfied with the way Oppenheimer had behaved in not reporting this promptly. Except for that, I think roughly -- I certainly left with the impression that Mr. Hoover would have said about J. Robert what he said about Frank if he felt that this qualification was a very strong one. He certainly did not say that.

Q You reported back to your fellow Commissioners this conversation with Mr. Hoover?

A Yes. I am a little puzzled why this memorandum was not sent to the Commission or me and why it went to the files and that is why I think there is also a memorandum from Volpe to the files because that was our regular practice.

Q As a result of this review and discussion with Mr. Hoover and so on, that you have described, what did the Commission do?

A The Commission concluded not to cancel or whatever the term is, not to cancel the clearance -- I suppose that is the way to say it. I believe the form this took was a decision

to continue the clearance. I think that is the way it took. Actually it was not until August that I find in the minutes of the Commission any reference to that action. The reference in August relates to February, and I am sure the Secretary was wrong. It was actually in March.

MR. ROBB: How is that again?

THE WITNESS: In August --

MR. SILVERMAN: Perhaps we could have this a little more precise. I will call the attention of the Board and of Mr. Robb to pages 80 and 81 of the record in this case at which point Mr. Garrison referred to a letter he had from Mr. William Mitchell, General Counsel, dated January 15, 1954, that the Commission will be prepared to stipulate as follows for purposes of the hearing:

"On August 6, 1947, the Commission recorded clearance of Dr. J. Robert Oppenheimer, which it noted had been authorized in February 1947."

MR. ROBB: That is correct. I thought Mr. Lilienthal thought that was not right.

MR. SILVERMAN: Mr. Lilienthal will now state what he was saying.

THE WITNESS: I find that the minute entry of this clearance which should have appeared in the minutes of February or March, at the time that it took place, actually appears as far as I can tell in the minutes of August as of

March.

MR. ROBE: As of February.

THE WITNESS: As of February.

MR. ROBE: It is February, is it not?

MR. SILVERMAN: I got it.

MR. ROBE: I am agreeing with you, but apparently Mr. Lilienthal is not.

MR. SILVERMAN: Mr. Lilienthal is agreeing with all of us. The minutes show the thing and his recollection of the date is different.

THE WITNESS: I think there is a very easy explanation.

BY MR. SILVERMAN:

Q "Would you give it, please?"

A The Secretary of the Commission in August was Mr. Bellsley, who had the chore of bringing the minutes up to date during the period when the Commission was on the Hill most of the time on confirmation hearings. He himself had not attended these early and informal meetings, and I think this probably accounts for the fact he thought it was February. It could not have been February, because the file did not reach us until March. But the minutes, of course, are right and state it was in February.

Q Was the Joint Committee on Atomic Energy familiar with Dr. Oppenheimer's report?

A Yes, you mean the committee with this file?

Q Not this file, but this record.

A They were certainly familiar with Dr. Oppenheimer.
He was an advisor to the committee.

Q Did they know about his left wing activities, or
don't you know?

A I don't know about them as of this time.
Later on this file was transmitted to the Joint Committee
and examined by them, along with a lot of other files.

MR. GRAY: If you are not on the file any further,
I will ask that we recess for lunch.

(Thereupon at 12:50 p.m., a recess was taken until
2:00 p.m., the same day.)

MR. GRAY: The proceeding will begin.

MR. GARRISON: Mr. Chairman, could I talk to you for a moment about procedure?

MR. GRAY: Yes.

MR. GARRISON: I have had literally three minutes to talk to Dr. Oppenheimer about this problem and no time to consult with my associates. This is what I would like to suggest to the Board about Dr. Oppenheimer's direct examination. I would like to state the request first and then give you my reasons.

I would like to ask the privilege of the Board to adjourn at lunch time tomorrow and carry through with the witnesses in the morning, some of whom are going to have to spend the night here even though they were scheduled for today, and give us an afternoon off so we can do some work and then put Dr. Oppenheimer back on the stand, if that is the right term, on Thursday morning and as much of the day as you wish to devote to him.

I think our redirect examination will not be very extensive. I know that there will be cross examination after that.

Now I would like to state the reason for this. It is not that I have any need of elaborate preparation, but I and my associates are too physically and emotionally worn

2 down by having to do all the work outside of these hearings at night that I am just not really in a position to do what counsel should do, which is to sit down quietly with Dr. Oppenheimer and go over the transcript and make a preparation.

I don't want to expand on that plea unless the Board wants me to go into it further. I am just telling you that I am nearly at the end because of the pressures that have come upon us all.

I know of the Board's most earnest desire, and I know the time problem that Mr. Robb faces, cut off from his practice -- I am cut off from mine, too -- and I don't want any special favors. I just want a chance to have a little time. I would be most loathe to make that request if I felt that thereby I would be forcing the hearings into another week. But as I look at the calendar and note what progress we have been making I think it is now clearly not going to be possible to have both redirect and the balance of the witnesses concluded by Friday night.

I might suggest a possible alternative which would not lose even half a day, and that is to put Dr. Oppenheimer back on the stand Monday morning. Personally I would prefer to have it on Thursday and then be done with it. But I just can't do this thing tonight for tomorrow. I just can't
Mr. Chairman.

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MR. GRAY: You made the request of the Board and I think before I respond to it, I would feel that I should consult the other members of the Board about the request. I don't want the record to reflect my consultation with the members of the Board.

MR. ROBB: May I say before the Board withdraws that Mr. Garrison courteously presented this to me in private conversation and asked me my views upon it, and I told him that although I could recognize his difficulties that I nevertheless could not endorse his request because I felt that such a procedure was somewhat out of the ordinary and unusual and I was extremely anxious that this hearing should both in substance and in form take a normal course.

Is that about what I said to you?

MR. GARRISON: Yes, indeed, Mr. Robb, and it is a fair comment.

I think I said in return that this was an inquiry and not a trial, and Mr. Robb agreed with that. I understand that in a trial the reasons for continuing the redirect of a witness after the cross is the natural thing to do before a jury or a judge. Most trials at law involve fairly simple issues of fact. Here we are dealing with a man's whole life and it is quite a different thing, Mr. Chairman.

MR. GRAY: The Board will withdraw for a moment.

(Whereupon, the Board withdrew from the hearing room.)

4 MR. GRAY: Mr. Garrison, the members of the Board have discussed your request, and as I have expressed to you several times, we are concerned about the fragmentation which has been involved in the proceeding and continue to be concerned about it.

Our personal preference, I think, as individuals and collectively would be to proceed and not to take an afternoon off because every day we take off now, it seems to us, adds another one on the end, and that involves problems for everybody concerned.

On the other hand, I believe the record of these proceedings reflects clearly to this point our desire that every courtesy and consideration and every possible effort at fairness be demonstrated to Dr. Oppenheimer. I am authorized by my colleagues on the Board to say for them and for myself that whereas we regret very much this development and this kind of interruption, failure to be able to keep witnesses on as the whole story unfolds as they can tell it, nevertheless we, pursuant to your request and out of consideration for Dr. Oppenheimer will recess at the lunch hour tomorrow or as soon thereafter as time may be required to finish the witnesses who are here and will proceed on Thursday morning with the redirect examination of Dr. Oppenheimer.

MR. GARRISON: Thank you, Mr. Chairman. I appreciate

5 that very much. Part of the problem that we have faced with the witnesses was our desire to follow your own request at the start of the proceedings so we have no gap at all, and so we have tended to overload the witness schedule.

MR. GRAY: I understand.

MR. GARRISON: Since they do come from out of town, it makes it unusually difficult. For example, Dr. Fermi is here as scheduled and he has a Chicago plane to make. Mr. Lilienthal has to be in Camden tonight. Dr. Conant has appointments with the Secretary, and so forth.

If it is possible to do so, we would like to put Dr. Fermi on after Dr. Conant because he is going to be very short and has only one thing to talk about, but if you would very much prefer to resume with Mr. Lilienthal we will do it that way.

MR. ROBB: Mr. Chairman, I am doing the best I can to accommodate Mr. Garrison, but I am supposed to examine these witnesses to develop facts. Although I appreciate Mr. Garrison's problem, it is extremely difficult for me to listen to one witness for 15 minutes and then have him leave the stand and hear some other witness and ask him questions and then come back to the first witness and maybe have him go off and finally get around to examining the first witness. It is almost impossible to do that properly.

I do think that once we get Mr. Lilienthal back on

the stand he ought to stay there until he is through.

MR. GARRISON: I didn't mean to break him up in fragments again. I meant to sandwich Dr. Fermi in between the two fragments of Mr. Lilienthal. I don't press it at all, Mr. Chairman.

MR. GRAY: It seems to me that once Mr. Lilienthal is off the stand, Dr. Conant and Dr. Fermi come in. I am sorry to use the expression on the stand. As a witness in the proceeding. We with respect to any other witness we just won't interrupt them any more, Mr. Garrison.

MR. GARRISON: Thank you, Mr. Chairman.

(Discussion off the record.)

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

DR. CONANT: Yes, I would be glad to.

MR. GRAY: You are not required to, but all witnesses to this point have.

Would you then please stand and raise your right hand?

James B. Conant, 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. CONANT: I do.

MR. GRAY: Would you be seated, please, sir.

It is my duty to remind you of the existence of the so-called perjury statutes. I should be glad to give you

7 more detailed information about them if that is necessary.
I assume that it is not.

DR. CONANT: Quite so.

MR. GRAY: I should like to ask you, Dr. Conant, if it becomes necessary in your testimony to refer to Restricted Data, that you let me know in advance so that we may take necessary security precautions.

My final observation to you at this point is that we treat these proceedings as confidential between the Commission and its officials and Dr. Oppenheimer and his representatives and witnesses. The Commission will take no initiative in any public release with respect to these proceedings. We are expressing the hope that each witness will take the same view.

DR. CONANT: Good.

Whereupon,

DR. JAMES B. CONANT

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

DIRECT EXAMINATION

BY MR. GARRISON:

Q Dr. Conant, just for the record, you are the United States High Commissioner to Germany?

A That is correct.

Q And formerly President of Harvard University?

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A Quite so.

Q You are appearing here at our request?

A Yes, sir, at your request.

Q Would you state very briefly the course of your acquaintance with Dr. Oppenheimer?

A As I recall it, I must have met Dr. Oppenheimer for the first time in the early discussions of the atomic bomb affair and then followed, of course, his work at Los Alamos and my capacity as scientific advisor to General Groves in which I was at Los Alamos quite often.

After the end of the war I saw him again in connection with the so-called Acheson-Lilienthal report. I consulted with him occasionally in that connection and then again when the General Advisory Committee to the Atomic Energy Commission was established we met and he was elected chairman.

From then on I saw him quite often in connection with those meetings. Then later when he was elected an overseer of Harvard I saw him in that connection. I should say a few years ago he was on an informal committee of which I was chairman, the Committee on the Present Danger.

Q You have read the Commission's letter of December 23, 1953, which initiated these proceedings containing the derogatory information about Dr. Oppenheimer?

A Yes, I have read it.

Q Have you a comment to make on it?

A Yes, I have. I would like to comment on it. I would like to comment on one section particularly. Somewhere in the letter it says that the substance of the information which raises the question concerning your eligibility for employment, referring to Dr. Oppenheimer, on Atomic Energy work, is as follows, and then later it says that it was further reported that in the autumn of 1949 and subsequently you strongly opposed the development of the hydrogen bomb; one, on moral grounds; two, by claiming it was not possible; three, by claiming that there were insufficient facilities and scientific personnel to carry on the development; and four, that it was not politically desirable.

Well, it seems to me that letter must have been very carelessly drafted, if I may say so, because if you take those two statements together, of course, it would indicate that anybody who opposed the development of the hydrogen bomb was not eligible for employment on atomic energy work later.

I am sure that no one who drew that letter could have intended that, because such a position would be an impossible position to hold in this country; namely, that a person who expressed views about an important matter before him, as a member of the General Advisory Committee, could then be ineligible because of a security risk for subsequent work in connection with the Government. I am sure that

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argument would not have been intended. If it did, it would apply to me because I opposed it strongly, as strongly as anybody else on that committee, that is, the development of the hydrogen bomb. Not for the reasons that are given there.

If I might say so they are a rather caricature of the type of argument which was used in the committee in which I participated. I should say I opposed it as strongly as anybody on a combination of political and strategic and highly technical considerations. I will go into that later to some degree although I don't think this is the place to justify the conclusions of the General Advisory Committee. It would be a long story.

It seems to me that clearly the question before you here is the question rather, is the implied indictment, I submit, namely, because of the information in the first part of this letter -- Dr. Oppenheimer's association with alleged communist sympathizers in the early days in his youth -- that that somehow created a state of mind in Dr. Oppenheimer so that he opposed the development of the hydrogen bomb for what might be said reasons which were detrimental to the best interests of the United States, because they were interests of the Soviet Union which he in one way or another had at heart.

That, I take it, is the issue which I take it is

11 before you in part in considering this letter. It is to that that I would like to speak for, I think, I have some evidence that convinces me that any such charge is completely ill founded.

If it were true that Dr. Oppenheimer's opposition to the development of the hydrogen bomb were in any way connected with a sympathy which he might have had with the Soviet Union, or communism, then surely many other actions and decisions which he was involved in over the period of years in which I was associated with him would have likewise been influenced by any such point of view.

The record is quite the contrary. I just call your attention to a few facts probably already before you -- actions of Dr. Oppenheimer, participation in decisions, all of which were strongly detrimental to the interests of the Soviet Union after the close of the war.

We can start with the time shortly after the Acheson-Lilienthal report when an attempt was made through the United Nations to get an agreement with Russia on the control of atomic bombs.

As I recall it, Dr. Oppenheimer was early associated with Mr. Baruch and then later with Mr. Osborn in that series of negotiations. I was only tangentially associated. I was called in from time to time by Mr. Osborn. I remember sitting in one or two meetings. I can't give you the dates

12 because I haven't had time to look any of this up, and I don't keep records.

At that time we had a number of discussions which were early, you see, in the development of the postwar period, with Mr. Oppenheimer and with others. At that time it seemed to me that Dr. Oppenheimer's appraisal of the Russian menace, of the Soviet situation, was hard headed, realistic and thoroughly anti-Soviet designs which even then were quite clear with their expansion into the free world.

That would be my first basis for believing that his attitude at that time was thoroughly loyal to the United States and thoroughly opposed to the Soviet Union and communism in every way.

Then coming to the period when he became chairman of the General Advisory Committee. Again this is probably well known to you. There is no restricted information here. I am going to speak in general terms.

It was quite clear when we took over that because of a number of factors the further development of atomic bombs had been allowed to almost lapse and we were from the point of view of equipment with atomic bombs practically unarmed. Yet, as Winston Churchill later said, it was the possession of the atomic bombs in our hands that prevented, so he believes, Russia being at the channel ports during that period of history. There was a great deal to be done.

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Dr. Oppenheimer was a vigorous proponent as chairman of the committee of getting ahead and putting that shop in order.

Los Alamos was revived. We got a head with enough hydrogen bombs to make some kind of a stockpile. From then on all the decisions of the committee, with possibly the exception of this controversial thing about the hydrogen bomb would, I think, be shown entirely on the side of arming the United States. There was only one possible enemy against whom it was being done -- it was the Soviet Union.

There are many other matters if I had a chance to go over the records of the General Advisory Committee.

As seems implied in this indictment that Dr. Oppenheimer was influenced by pro-Soviet and anti-United States views, he would not have taken the views he did. I named just two that come to me.

One is a matter on which I think I can take some credit of calling to the attention of the Advisory Committee of getting ahead rapidly on methods of detecting any explosion that might occur in the atomic field by the Russians. I remember Dr. Oppenheimer may have picked that up before I did; he may have had the suggestion before I did, although I don't think so, and taking steps in the committee to see that something would be done in that regard.

Clearly anybody that was influenced by any point

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of view in favor of the Soviet Union could hardly have done that.

Another matter -- the development of smaller atomic bombs which could be used for tactical purposes; support of the ground troops which in my judgment of military strategy seemed to me of great importance. That was a matter which I know he pushed vigorously in the committee. He made strong statements about it. I think he was very active.

There again it seems to me is an illustration of a definite action taken by this man which contradicts what seems to me the implied thesis in this part of the indictment.

There is a final matter which is not connected with the General Advisory Committee but which is of rather a personal nature. I spoke of the committee on the Present Danger. That was a group of men that came together informally to make a public committee, started in the fall of 1950. The Korean war was going in a bad way. We believed that the United States Government was not taking proper steps to put itself in a strong military position, particularly with respect to the defense of Europe on the ground.

Late that year or early in 1951 we put out some statements urging Universal Military Service and urging that we send more troops to Europe, generally the policy which has become the policy of the United States. Dr. Oppenheimer was asked to join that committee. He joined it. He

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subscribed to all those doctrines which were most vigorously anti-communist. He spoke to at least one, I think, informal gathering where we were trying to raise some money to get ahead with a little of our propoganda work. Perhaps it is unnecessary to put on the record that I must admit that we had no success with our doctrine of Universal Military Service, but that is another story.

As far as the defense of Europe on the ground is concerned, things have followed the way we at least advocated.

Q There was put in evidence here, Dr. Conant, a letter which Dr. Oppenheimer identified as one written to you shortly before the meeting of the General Advisory Committee in October, 1949, in which he addressed you as "Uncle Jim" and talked about the question of the hydrogen bomb and the forthcoming meeting.

When I showed you that letter, as I did --

A Yes, you showed me that last night.

Q A copy of it, I mean. Did you have any recollection of having received it?

A No, I had not. I did not remember it. I couldn't say that when I saw it. I suppose it was delivered. It must have been a classified document. I was very fussy about not taking classified documents when they came to the office. If I received it, I must have taken it right down to Washington. I don't say I didn't see it, but I have no

16 remembrance of it. I would not have known about it if you had not called it to my attention.

Q Do you remember any discussion with Dr. Oppenheimer one way or another before the October meeting?

A No, I am afraid my detailed recollection of that period is very hazy. I think there were two meetings at least of the General Advisory Committee.

Q One in October and one in December?

A Yes. There was certainly plenty of discussion in those meetings. Those I remember pretty well, But when and where I first discussed this matter, where I first heard of it, is not clear in my mind. Whether I walked into it, or whether, as implied by that letter, it was before, or whether it was some other source of information, I am sorry I just don't remember.

Q How did Dr. Oppenheimer as chairman of the General Advisory Committee conduct the meetings?

A He was an excellent chairman, but I hope he won't take it amiss if I say he ran them like a faculty meeting. There was a great deal of discussion and a great deal of talk. They were the most lengthy meetings I ever sat in on in my life. They consumed an un-Godly amount of time, but they covered the ground from A to Z.

Q Coming now to the meeting of October 29, 1949, when you first discussed the hydrogen bomb, upon whose technical

17 advice did you rely?

A I can't be sure of that meeting because, as I say, my memory of that period is not accurate enough to spot the meeting and the discussions, and so on. As I said, in my comment here a minute ago, I was moved in my opposition to this in signing the statement of the General Advisory Committee, which I have not seen since, by a mixture of political, strategic and technical considerations. Those technical considerations are extremely detailed, but judging from some things I have read in general in the press, completely misunderstood.

Of course they concerned the question of what kind of large weapon to make and what was the cost and what were the opportunities of doing it, and what were the probabilities.

When it came to a question of the nuclear physics in which I am by no means an expert, I always counted on Dr. Fermi's judgment. With all due respect to all the other members of the committee, I felt he was both experimentally and theoretically the man whose judgment was to be relied on. Indeed his record during the development of the atomic bomb I consider one of the most extraordinary pieces of scientific correct calculations I can image. The story is a perfectly amazing one.

Q Would you state very briefly for the Board the

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reasons which lead you to make the recommendation which you did make on the subject of the hydrogen bomb?

A It is a very complicated thing. I think it would take a long time to do a detailed inquiry into that. Some day if the Government wants to set that up, I should be glad to take the time, but I would have to go back into the record.

Therefore, what I shall do is only a general sketch. With all due respect to Dr. Gray and his colleagues, this would take a Board, which included a nuclear physics expert, to assess the questions of whether the technical part of this decision was right or wrong.

On the general strategic and political grounds there were some of the same reasons which we subsequently brought to a head on the committee on the Present Danger, namely, this was supposed to be an answer to the fact that the Russians had exploded an atomic bomb.

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

One of the considerations was that this was sort of a Maginot Line psychology being pushed on us. On the technical ground the question was the investment in preparing

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certain materials which I am not going into, which are restricted, which seemed at that time necessary; the use of materials which I don't want to mention, which would be used up.

The question was when you expended a certain amount of manpower and energy and material, would you actually from the point of view of delivering blows against a potential enemy be very much better off even if this line worked?

Of course, to do an assessment on whether we were right on the technical ground you would have to then go into the subsequent developments which I don't know about because I ceased being on the committee in August 1952. But judging from what I read in the papers, some things have worked and presumably along different lines from what we were then thinking.

Q In March, 1947, did Mr. Lilienthal as chairman of the Commission ask you for your opinion with respect to Dr. Oppenheimer's loyalty?

A Yes. I recall that this was at the time when Mr. Wilson who was General Manager, Mr. Lilienthal and the other members were up for confirmation in the Senate. I think that is the right time. I remember Mr. Wilson and I think Mr. Lilienthal coming to me, saying that we have been apprised that there are some things in the record of Dr. Oppenheimer which indicate association with alleged communists,

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some things of that sort, and we want to know whether you are prepared to make a statement in regard to his loyalty.

I am pretty sure I didn't examine the file. I am sure I didn't. I said that "I don't know about the past, but I am glad to put on record what I now believe, based on my knowledge of him since the early days of the war," and there is such a letter in existence. I have not seen it.

Q I have it here, Dr. Conant. It was brought into evidence this morning.

May I, with the Board's permission, just read you the last two paragraphs. The first four of the letter have to do with a recital of your acquaintance with Dr. Oppenheimer and the circumstances of your writing the letter. Then you went on to say: "I can say without hesitation that there can be absolutely no question of Dr. Oppenheimer's loyalty. Furthermore, I can state categorically that, in my opinion, his attitude about the future course of the United States Government in matters of high policy is in accordance with the soundest American tradition. He is not sympathetic with the totalitarian regime in Russia and his attitude towards that nation is, from my point of view, thoroughly sound and hard headed. Therefore, any rumor that Dr. Oppenheimer is sympathetically inclined towards the Communists or towards Russia is an absurdity. As I wrote above, I base this statement on what I consider intimate

21 knowledge of the workings of his mind.

"At the time of Dr. Oppenheimer's entering the work on atomic energy, I heard that there was some question of his clearance by the security agencies. I understand that was based on his associations prior to 1939 and his 'left-wing' sympathies at that time. I have no knowledge of Dr. Oppenheimer previous to the summer of 1941, but I say unhesitatingly that whatever the record might show as to his political sympathies at that time or his associations, I would not deviate from my present opinion, namely, that a more loyal and sound American citizen cannot be found in the whole United States."

You wrote that?

A Yes, I wrote that. I have every reason to believe I wrote it.

Q Dr. Conant, you formed your judgment at that time on your appraisal of Dr. Oppenheimer as a total man?

A Yes. That was based clearly on my acquaintance with him during the Los Alamos Project and this other period which I mentioned in which we discussed the whole question of the control of the bomb, which gave me a chance to explore many political problems which we would not have explored at Los Alamos.

Q Having in mind the Commission's letter of December 23, 1953, to which we have referred on the one hand, and

22 what Dr. Oppenheimer has done since March, 1947 when this letter was written, do you have reason to modify or alter the view which you expressed about him in March, 1947?

A No. I would think on the contrary the actions and decisions which I put on the record here seem to me to make quite clear that he was party to many actions on the part of the General Advisory Committee which were strongly opposed to any Soviet policy. It makes more certain the statements I then made based on what was after all a shorter acquaintance with him.

MR. GARRISON: That is all, Mr. Chairman.

MR. GRAY: Mr. Robb.

CROSS EXAMINATION

BY MR. ROBB:

Q Dr. Conant, at the outset of your statement you quoted from the letter from Mr. Nichols to Dr. Oppenheimer, did you not?

A Yes. Did I quote correctly?

Q Did you quote that from memory?

A No. I wrote it.

Q Did you copy it?

A I copied it from the New York Times.

Q Would you read it to me again?

A As I wrote it, there is a place somewhere about a third of the way down which says that the substance of the

23 information which raises the question concerning your eligibility for employment on atomic energy work is as follows -- is that correct?

Q Go ahead.

A Then there are a lot of other things and then comes: "It was further reported that in the autumn of 1949 and subsequently you strongly opposed the development . . ."

Q That is fine. That word "further" indicates, does it not, that that sentence is tied in with other sentences in the same paragraph?

A Yes, and to that extent it is the simplification that I spoke of. If you don't emphasize the "further", it would appear -- that would be an impossible thing, and I am sure nobody intended it to mean so. Therefore, it was the implication I was speaking to.

Q Certainly you would agree that sentence must be taken in its context with the rest of the paragraph?

A Quite so. It was to that that I was speaking when I attempted to put in evidence that which made me think such an implication was wrong.

Q That is a rather long paragraph, taking almost a page of single spacing in the letter, is it not?

(No Response)

Q Doctor, referring to your letter to the Commission or to Mr. Lilienthal on March 29, 1947, which Mr. Garrison

24 read to you, the last sentence especially?

A May I look at it?

Q Yes. Have you a copy of it?

A It is the first time I have seen it since I wrote it.

Q "I have no knowledge of Dr. Oppenheimer previous to the summer of 1941, but I say unhesitatingly that whatever the record might show as to his political sympathies at that time or his associations....." and so forth. By that did you mean, sir, that even though the record might have shown that he had been an actual member of the Communist party that would not alter your opinion?

A If he had been an actual member I would have been willing to bet that he would have renounced the membership and be one of these people who had changed his point of view, as some people have. I had no reason to believe that any such charges were in there.

Q No. I am trying to explore if I might just how far you were going.

A Political sympathies is not the same word as political associations.

Q I understand that.

A I was political sympathies that seemed to be charged at that time.

Q I am trying to find out how you defined the term.

A You are asking me now rather than when I wrote that letter, because it is pretty hard for me to say what I thought when I wrote this.

Q I assume that you still stand back of that sentence now?

A That is right.

Q Would it be your testimony now that even though Dr. Oppenheimer might have belonged to the Communist Party in 1941 you still would make the same statement about him?

A Yes; provided there was not anything in the record to show that he continued to be a member and he was an agent and so on. If you brought out a lot of those facts which to my mind would be impossible considering the actions he had taken, of course, anybody can be mistaken on those things.

Q Of course, Doctor, you don't know what the testimony before this Board has been?

A No, I don't.

Q Nor do you know what the record or file before the Board discloses?

A No. I only know what is in the letter of General Nichols.

Q You spoke of the meeting in March, 1947, which for your information I will tell you, I think we agreed, was March 10, 1947. You met with the Commission. Do you

23 remember that? I believe you said Mr. Wilson was there.

A Did I? Where was this? I am sorry.

MR. GRAY: I though Dr. Conant said Mr. Wilson and somebody came to see him.

MR. ROBB: Was that it?

THE WITNESS: All I remember is that Carroll Wilson who was then the General Manager and I think Mr. Lilienthal came to see me.

BY MR. ROBB:

Q I see.

A That is all. I have a clear remembrance on.

Q And asked your opinion?

A They said here we are told something in the record is doubtful about Dr. Oppenheimer, what do you think of him, and will you write a letter, and I wrote it.

Q Did they at that time show you the record they were talking about?

A To my memory they didn't.

Q Doctor, you spoke in your testimony of three factors which you consider in connection with the atomic bomb: political, strategic and technical; is that right?

A Yes.

Q When you referred to the strategic factor, did you refer to the military strategy?

A Yes. Military and political strategy run together

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give advice as to military strategy?

A I don't know. The General Advisory Committee is concerned with a great many things. Nobody has to take the advice if they don't want to. It turned out they didn't.

As I recall the report, it was largely centered on the technical. I have not seen the report since the day it was written. Certainly the things run together terrifically on the question of what you expend money and manpower for.

We were a general advisory committee, not a technical advisory committee. We ventured even to suggesting how they should reorganize the Commission.

Q Yes. Your comments, it seems to me, though, Doctor, had to do not with technical matters or matters concerning the development of the bomb, but rather with the use which the military might make of the bomb. Would you agree with that?

A No. A great deal about the question of the use of manpower and money and fissionable material -- I guess that is not restricted -- in the best use to make weapons. The question of delivery of the weapons has always been a concern of the General Advisory Committee.

Q By delivery you mean on the enemy?

A Yes. One of the things the general advisory committee most concerned itself with from the start was the

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whole question of getting a position where bombs could be delivered satisfactorily. It was also true at Los Alamos.

Q In all events you did feel and you do now feel that considerations of military strategy properly came within the function of your committee?

A As a question of advice surely. They didn't have to take it if they didn't want to.

MR. ROBB: I think that is all I care to ask, Mr. Chairman.

MR. GRAY: May I ask a question or two.

Is your recollection that you didn't see any files?

THE WITNESS: My recollection is that I didn't see any file on Mr. Oppenheimer at all.

MR. GRAY: I don't know what the facts are, but I wouldn't want to leave the record fuzzy with respect to this conference, whenever and wherever it took place.

We had before us briefly this morning Mr. Lilienthal who testified, I believe, that he called a meeting in his office with you and Dr. Bush to discuss this matter. Do you remember discussing it in the presence of Dr. Bush?

THE WITNESS: I certainly discussed the subject with Dr. Bush.

MR. GRAY: Your recollection is not good?

THE WITNESS: I have nothing to indicate that is not correct. I remember Bush at the time wrote a letter, too.

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MR. GRAY: Yes, he did.

THE WITNESS: Bush and Groves both wrote letters.

I don't remember whether I discussed it with Bush in the presence of the Commission. That is not clear in my mind.

I remember writing the letter very clearly.

MR. GRAY: Therefore, since you didn't see the file and you don't remember any real discussion of the file, your judgments with respect to Dr. Oppenheimer are based entirely on your association with him?

THE WITNESS: Entirely on my associations with him from the period of 1941 on and based on my discussions with him, particularly after the war, on what I would consider matters much more than technical but ones which would bring out very definitely a man's sympathies or latent sympathies with the Soviet Union, which you will recall at that time was a subject of considerable debate with many people.

I found it refreshingly, from my point of view, hard headed and anti-Soviet, which was my view at the time and always has been.

MR. GRAY: At this time you were President --

THE WITNESS: Yes.

MR. GRAY: Did you have experience of having put faith in a member of your faculty, having supported him and defended him, not simply on the issue of academic freedom but a little beyond that -- your own faith in him -- and

31 then find yourself experiencing a situation such as at Minnesota with respect to a man referred to as Scientist X, who appears in this proceeding? I am not trying to relate it in that way.

MR. ROHN: Weinberg.

THE WITNESS: No. Obviously it could happen to anyone.

MR. GRAY: I know of no instance myself.

THE WITNESS: No, I don't recall.

MR. GRAY: That could happen?

THE WITNESS: It could happen, of course.

MR. GRAY: Are you familiar, Dr. Conant, with the provisions of the Atomic Energy Act of 1946 within the framework of which we must carry on the proceedings of this Board and the fact that under the Act the criteria apparently are character, associations and loyalty of an individual. That a determination must be made with respect to those with a finding that permitting an individual to have access to restricted data will not endanger the common defense or security.

I have expressed that badly, but these criteria are established and then they must be met for clearance for access to classified material.

I am not asking you at this time to comment on the wisdom of these criteria, but to ask you if you are aware

32 that these are the criteria?

THE WITNESS: I was not aware of the exact phraseology but some such things.

MR. GRAY: I would ask you, then, whether you feel that any Board or any Government official in trying to make an evaluation, as we believe we are called upon to do, must take into account associations over a period of years in order to make a finding with respect to this criterion of associations.

I ask this because I believe that your stated view, which was clear and convinced, was that early associations were unimportant in the light of later conduct.

THE WITNESS: And by later associations, surely. I would have said quite clearly that since the period I have known him that the associations from all the evidence I had, yes.

What you are saying is that associations beyond a certain period might lead you to inquire into later ones. But certainly it does not say in the Act how distant those associations. I assume it means the present character and the present associations. Therefore, you are going back into the past in order to extrapolate it into the present.

If I had known he had any associations -- or a suspicion -- I don't believe he would -- that would not have affected my statement; it is not only his views, but

33 talking with his then associations.

MR. GRAY: You would not have too much information about associations.

THE WITNESS: Not undercover in nature.

MR. GRAY: Or generally speaking, would you? You met Dr. Oppenheimer in GAC meetings and panels.

THE WITNESS: You are talking about the letter, or are you talking about my present knowledge of him?

MR. GRAY: At the time that you knew him.

THE WITNESS: As of now, which is much greater than at the time in 1947 when after all I had known him only six years. Since then I have seen a great deal more of him.

MR. GRAY: We are called to make a recommendation as of now and not as of 1947.

THE WITNESS: Quite so.

MR. GRAY: So that we, you understand, have to take into account all the material which seems to be substantiated which is before us, perhaps some of which you are not at all familiar with.

THE WITNESS: Quite so. I am presenting to you, to sum up, the evidence which seems to me makes extremely improbably the hypothesis called for by that word "further", Mr. Robb, which you called to my attention, of the hydrogen bomb with the consequence of the early associations set forth in the letter. That is what I was speaking to.

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MR. GRAY: A summary of your testimony might be that so far as you have any knowledge about anything and on the basis of your best judgment you consider that Dr. Oppenheimer's character, loyalty and associations are such that he should have access to restricted data.

THE WITNESS: Quite so. And I would give the specific items in which his judgment was such that if he had been influenced by pro-communist views, or pro-soviet views, he would not have taken those actions or decisions, and they were quite serious. In other words, this is not a general expression of belief based on casual conversations, but participating in a great many, I would say, fairly powerful anti-Soviet actions.

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

DR. EVANS: Yes, a few.

Dr. Comant, you understand the position this Board is in on this matter.

THE WITNESS: I beg your pardon.

DR. EVANS: You understand our position. We didn't seek this job.

THE WITNESS: I can readily understand that.

DR. EVANS: We are trying to do the best we can.

THE WITNESS: Quite so.

DR. EVANS: Perhaps this advice to us should be rewritten now and say something about the present. What do

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you think about that? Do you think we should go by this thing at all?

THE WITNESS: I am really not here to advise you on what you should do. I pray that is beyond my competence.

DR. EVANS: In regard to character, associations and loyalty.

THE WITNESS: You are probably a lawyer --

DR. EVANS: That is what it says here.

THE WITNESS: I should imagine lawyers would argue what present, past and so on, meant. Far be it for me to enter into that argument.

DR. EVANS: I have nothing more.

REDIRECT EXAMINATION

BY MR. GARRISON:

Q Just one question, Dr. Conant. Supposing that you were told that early in 1943 during the war time project on which Dr. Oppenheimer served he had been approached by a friend -- I think you have heard of the Chevalier incident?

A It is in the letter.

Q That this friend had told him of Eltenton's channel for transmitting information to Russians, that Dr. Oppenheimer rejected emphatically any suggestion that activity of this sort should be engaged in and spoke of it as treasonous; supposing that some months later, after a delay of some months, Dr. Oppenheimer volunteered the

36 information about Eltenton to security officers but refused to disclose at their request and their urging the name of his friend who was the intermediary and indeed suggested that the intermediary might have been some unnamed other people; that later when he, having persisted in this refusal to name this friend, knowing that the security officers were very anxious to ascertain who it was, General Groves asked him to tell him, that he declined to tell General Groves, that unless General Groves ordered it and General Groves said he didn't want to order it, but to think it over and later General Groves did tell him that he would order him unless he told him, and that Dr. Oppenheimer then revealed the name of Chevalier; would the judgment which you have expressed here about Dr. Oppenheimer's loyalty, about his character, be altered?

A It seems to me if I followed this hypothetical -- I assume it is hypothetical, the way you are stating it -- incident, if I sum it up, in that case the question would have been that he had been negligent in taking steps necessary to bring into prosecution somebody who had attempted to get information? Is that roughly what the charge would have been?

This is a fairly complicated story you are telling me with a good many yeses, ands, and buts in it.

Q There was the element of delay in reporting it; there was the dealy of not frankly stating it and the

37 circumstances when he did report it; there was the element of declining to name the friend after he had been pressed to do so; but there was the element finally of his revealing the name and also of his having initiated the whole business of revealing Eltenton's name.

A Of course, any such thing like that would depend on the number of instances. You are assuming this is the one instance.

Q For the purpose of the question, yes.

A I would suppose that the question that would be presented then with that is, what were the motives at that time, and what did that show about his subsequent attitude in regard toward the Soviet Union? Did he do that at that time for reasons of trying to protect the Soviet Union Agent who was trying to get information and did that indicate that he would continue to have an attitude from then on about various matters connected with atomic energy which would be not in the interest of the United States?

In view of all the things I mentioned, I would say that it didn't change it for that reason. It stood by itself and had nothing else but conversation with the man. You have to take the summation of evidence as you see it. If I were merely testifying here that I had known Dr. Oppenheimer in talks over these years, and so on, and I thought he was a loyal citizen, I don't think my evidence would be of the

bowflsp
sort that I hope it is. By having participated with him in what I believe to have been effective actions against the Soviet Union.

MR. ROBB: May I ask one more question?

RE CROSS EXAMINATION

BY MR. ROBB:

Q Dr. Conant, as a distinguished scientist and scholar --

A I am not a distinguished scientist, but I am willing to be considered a scholar; thank you.

Q As a scholar, you would agree, would you not, sir, that any conclusion, that any opinion about a given problem, to be reliable, must be based on all the relevant facts and all the relevant evidence?

A Surely.

Q And any opinion or conclusion which is not based on all the relevant facts and all the relevant evidence might be fallible?

A Yes, but as a scholar I know perfectly well there is no such thing as all the relevant; all the human beings can do is give their evidence and statement on what seem to them the relevant things at the time.

Q Precisely.

A Therefore, I don't quite like the word "all" there, because that implies an omniscience.

Q All the available evidence.

A All the available evidence.

C With that amendment, you would answer yes to both my questions?

A Yes.

MR. ROBB: Thank you.

MR. GRAY: May I pursue this hypothetical question of Mr. Garrison's for a moment, Dr. Conant? You suggested what issue that hypothetical situation might raise, namely, that this might be an indication of an interest in protecting the Soviet Union. I am not sure these were your remarks.

THE WITNESS: Or an act of the Soviet Union, if I got the quick summary of it correctly.

MR. GRAY: Or it might be interpreted as simply a desire to protect a friend.

THE WITNESS: Yes. I would say a mistaken idea that you had to protect a friend in those circumstances.

MR. GRAY: If in this hypothetical situation as I think Mr. Garrison indicated, the security officer was pressing for this information, very important perhaps to the security officer who was charged with the security and who would not have any reason to believe that perhaps friendship was involved, the question again -- and I am relating this to the present and to the Act -- or I suppose a question is: In any situation involving a divided loyalty or a conflicting

loyalty, the protection of a friend, and to the obligation one owes to one's government, is there any question as to which should be --

THE WITNESS: Not in my mind. That is why as you recall, I said I wanted to answer that question in the context that this was one incident and not many. I think we all recognize in reviewing a long history of a person, people can make errors. If they are single, they are one thing; if they are multiplied, they are quite a different picture.

DR. EVANS: Dr. Conant, if you had been approached by someone for security information, wouldn't you have reported it just as quickly as you could?

THE WITNESS: I think I would have, yes. I hope I would have; let us put it that way.

DR. EVANS: That is all.

MR. ROBB: May I ask one more question.

MR. GRAY: Yes.

BY MR. ROBB:

Q When you did report it, Doctor, you would have told the whole truth about it?

A I hope so.

Q I am sure you would. Thank you.

REDIRECT EXAMINATION

BY MR. GARRISON:

Q Dr. Conant, suppose that in the hypothetical

question Dr. Oppenheimer had sincerely believed that his friend was incapable of lending himself to activity of this character, and that loyalty to his government was not in fact involved, so that the fault was one of asserting his own judgment and deciding for himself whether the interests of the country were involved, rather than following the assurance of the security agent that it was, would you feel that the culpability or the fault was of a different order than protecting a friend about whose loyalty he was in doubt?

A I take it that even this hypothetical question I am not asked to pass a moral judgment on. I would be concerned with what does that action indicate in regard to a question which I take it is here, which is the security risk of the man in question. It seems to me that is what you have to put it in context with. I am not going into the fine moral things as to whether people do things this way or that way. Conflicting loyalties were involved. You asked me the question how I would have resolved myself. I am quite frank to say I would have resolved these the way I answered. If the question is having somebody else resolve them, what does that show in view of a total record in regard to a security question.

MR. GRAY: Thank you very much.

THE WITNESS: Thank you. I appreciate you for allowing me to come in at this moment, because I am on a tight

schedule, as you say.

(Witness excused.)

MR. GRAY: Let us proceed with Dr. Fermi, if he is here.

Dr. Fermi, do you wish to testify under oath?

DR. FERMI: I would be glad to.

MR. GRAY: The other witnesses have. You are not required. May I have your full name?

DR. FERMI: Enrico Fermi.

MR. GRAY: Would you be good enough to stand and raise your right hand?

Enrico Fermi, 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. FERMI: I do.

Whereupon,

ENRICO FERMI

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

DR. GRAY: Would you be seated, please, sir.

I must point out to you the existence of the perjury statutes. I assume you are familiar generally with those?

THE WITNESS: More or less, yes.

MR. GRAY: I should be glad to disclose the penalties if you wish.

THE WITNESS: I will try not to be involved with them.

MR. GRAY: May I ask if in the course of your discussion here it becomes necessary for you to disclose restricted data, will you advise me before the disclosure, because there are certain steps we would find it necessary to take in that event.

Also I say to each witness that we consider that these proceedings are a confidential matter between the Atomic Energy Commission and its officials, and Dr. Oppenheimer, his witnesses and representatives. The Commission will take no initiative in release to the press anything about these proceedings and the testimony, and we express the hope each witness will take the same view of the situation. Mr. Garrison.

MR. MARKS: Mr. Chairman, in the interest of getting back to the interrupted witness as quickly as possible, I will ask just a very few questions of Dr. Fermi.

DIRECT EXAMINATION

BY MR. MARKS:

Q Dr. Fermi, would you be good enough to identify yourself for the record?

A My name is Enrico Fermi. I am at present professor of physics at the University of Chicago.

Q Were you a member of the General Advisory Committee of the Atomic Energy Commission?

A I was a member of the General Advisory Committee for a period of a little bit short of four years, until December of 1950.

Q You participated then in the deliberations of that committee concerning the advice to the Commission on the thermonuclear program in the fall of 1949?

A I did.

Q Would you tell the Board briefly what you can in an unclassified way about those deliberations, the positions taken, the reasons for them?

A Yes. I should perhaps mention the matter goes back to about five years, and my recollection is partly vivid, partly a little bit uncertain, but I think I remember the essentials, which are about this way: That the committee was confronted with forming an opinion whether it was the right time to start an all out program for developing the hydrogen bomb.

Q This would have been the meeting of October 29, 1949?

A That I understand is the date, although I don't remember it on my own. So we were confronted with this decision. I can't testify naturally to my feelings in this matter better than I can to those of other people. As far as I could see the situation, I had the concern that the pressure for this development was extremely inordinate, or at least so it seemed to me. I was concerned that it might weaken

the development of conventional atomic weapons which was then picking up and essentially set it back for what seemed to me at the time a not quite decided advantage on the other side. For that reason, and I believe that these views must have been shared more or less by everybody in our group, because a decision that it was not the right time to go in an absolutely overriding way in that direction was, as far as I remember, unanimous.

There was a subsequent point on which some difference of opinion arose, and I found myself in this connection in the minority together with Rabi. Again I have no absolutely clear recollection. I have no doubt that the Board has available the records of those meetings presumably where things are spelled out in full detail. My recollection is that this divergence of opinion was on whether to essentially declare or establish the policy not to go ahead with the program or whether some circumstances could make us go ahead.

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

Q Do you remember, Dr. Fermi, whether or not there

was opportunity at those meetings late in October 1949 with the freest and fullest discussion among you -- consistent with the rather brief time, few days?

A Yes, I think so. I think everybody had a right to his own opinion and to defend his own opinion.

Q Was there a great deal of discussion and debate?

A No doubt there was. I think we had some trouble and some soul searching, all of us.

Q There has been introduced in the record here a letter which was written by Dr. Seaborg, around the middle of October 1949 to Dr. Oppenheimer which dealt with the subject of the thermonuclear problem among other things. The letter has been variously interpreted as to what it means. Do you have any recollection at all of that letter?

A No, not from that time. In fact, as far as I am aware, the first time I learned it from you was this afternoon.

Q Seaborg was absent from that meeting?

A Seaborg was absent, yes.

Q Shortly after this meeting in October 1949, am I right that there was another meeting of the GAC?

A Yes.

Q Within a month or so?

A I don't remember, but within a relatively short time.

Q And was Seaborg present at that next meeting?

A I think so, yes. In fact, I remember, or I have an

impression or he gave me the impression to be somewhat happy not to have been confronted with the difficulties of contributing to what was a difficult decision. That was the impression that he gave me at least.

Q Shortly after this time -- that would have been the end of 1949 -- it was not long after that you left GAC?

A In the following summer. I suppose the last meeting must have been in the late spring.

Q Do you have any memory of actions which the GAC took in that rather brief interval?

A My general impression is that we all had the concern that the conventional weapons program should not be weakened and we tried to see that the various provisions that were taken for furthering the hydrogen program would not be of such a nature of interfering seriously with the conventional weapons program. Actually I believe that this could be done and I am not aware that there has been such a weakening.

Q Do you have any impression that these actions that you took had the effect of interfering with the program for the thermonuclear development?

A No.

Q Going back to the earlier period when you were a member of the GAC, prior to the meeting on the thermonuclear device, would you describe very briefly the position that Dr. Oppenheimer took with respect to the development,

perfection and refinement of atomic weapons?

A Yes. I think I can say very definitely that I always saw him push for all the measures that could improve our positions in conventional atomic weapons, and this includes seeing to it that exploration of ores would go ahead vigorously, that production of primary materials would be expanded, that all the various gadgets that go into this weapon would be streamlined as much as possible, that varieties of weapons that could conceivably improve our military position would be investigated and developed. I don't in fact in this respect remember any instance in which I disagreed on essential points. We always found ourselves very much together pushing in that direction together with the help of our colleagues. But perhaps Oppenheimer first and I in somewhat second line knew perhaps more about the technical details of weapons than most other people of the Board knew, so that this task naturally fell more precisely in our province.

Q Would you say that these measures with respect to which you and Oppenheimer had a primary concern and role have had any significant effect on the military power of the United States?

A I would think so.

Q Could you amplify that at all?

A It is very hard to know what would have happened

if something had not happened. Still I feel that this action certainly has contributed, I think, in focusing the attention of the Commission on the importance of certain actions, in breaking certain bottlenecks that were retarding or limiting the production. Advice I don't suppose is comparable to action in importance, but as far as advice is of importance, I think it was in that direction definitely.

Q One final question. In his role as Chairman of the General Advisory Committee and conducting the meetings and the affairs of that committee, what opportunity did Dr. Oppenheimer afford to the other members of the committee to express fully their views and to exert their influence?

A I think perfect opportunity. Of course, he is a person who knows a great deal about these things and knows how to express what he knows with extreme efficacy, so naturally many questions just because of this preeminence and not because so much of his sitting in the Chair, he would naturally take a leading role. But certainly everybody had a perfect freedom to act with his own mind and according to his conscience on any issue.

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

CROSS EXAMINATION

BY MR. ROBB:

Q Doctor, how long were you on the General Advisory Committee?

A About four years.

Q Did you write the reports of the committee?

A Did I do what?

Q Did you write any of the committee's reports?

A No, I don't remember that I did.

Q Who did?

A Mostly the Chairman, and he was helped by the secretary of the committee, who was at that time Dr. Manley.

Q Dr. Oppenheimer and Dr. Manley were the ones who took care of that?

A I think in most cases, as far as I know, the reports were written by them.

Q And the report of the October 29, 1949 meeting, did Dr. Oppenheimer write that?

A Yes, I presume so. I imagine probably Rabi and I jointly wrote --

Q You wrote a separate report?

A -- wrote our brief minority opinion on a very partial issue of that meeting.

Q When I said separate report, you wrote a minority opinion.

A Yes, something of that kind.

(Discussion off the record.)

MR. GRAY: Dr. Fermi, Dr. Conant has appeared before this Board in the proceeding, and he was, I believe, at the

same time a member of the General Advisory Committee.

THE WITNESS: That is correct.

MR. GRAY: He testified that being primarily a scholar and secondarily a scientist, he relied upon you for technical advice in these matters.

Can you recall, did he talk with you prior to that October 29th meeting about the subject matter which was to be taken up at the meeting? Did he come to you or seek your views on this principal issue which was to be before that meeting?

THE WITNESS: I don't remember that he did. My recollection would be that we came into the meeting and some sort of general discussion started right away in the open meeting. That is my impression. At least I don't remember of any private conversations.

MR. GRAY: You don't recall any conversation?

THE WITNESS: No.

MR. GRAY: Would you guess now on the basis of recollection that most of the people who came to that meeting had their minds pretty well made up about this issue, or do you think that they arrived at the conclusions which were reflected in the various reports they signed as a result of the meeting?

THE WITNESS: I would not know. I had and I imagine that many other people had sort of grave doubts. It was a

difficult decision. Even now with the benefit of five years of hindsight, I still have doubts as to what really would have been wise. So I remember that I had in my own mind definite doubts, and I presume my ideas and I imagine those of other people, too, must have gradually been crystalizing as the discussion went on. However, I have no way of judging.

MR. GRAY: I know it is difficult to answer that question. The fact is that in this particular case, Dr. Conant did not take your advice.

THE WITNESS: I don't remember that we had any particular discussion outside the meeting.

MR. GRAY: He didn't take the same position you did in this meeting.

THE WITNESS: In that particular we were on different sides, that is correct.

MR. GRAY: I would like to have asked Dr. Conant this question. This is not being discussed in his absence.

MR. GARRISON: May I ask a question for clarification relating to the Chairman's question? It is my recollection that Dr. Conant said he looked to you for guidance on matters of nuclear physics, and for your judgment in those matters, that is, primarily to you. When you say you took different sides in this meeting, I want to make quite clear whether you mean with respect to what ought to be done internationally and

so forth, by the country on the one hand, and what the technical situation was on the other.

THE WITNESS: I see. I don't remember of any essential disagreement on the technical situations. I suppose I think we expressed our opinion in terms, if I remember correctly, of a somewhat better than even probability. I think it was a fair opinion at that time. I don't think one could have said or could have guessed better than in those terms. In other words, it was not a foregone conclusion by any means, and we knew and we said that it was not a foregone conclusion.

On the other hand, it was to be expected that perhaps just with development and with some amount of technical luck the thing might be pushed through. That was about the situation at the time; that, as far as I can recollect, we all agreed was the situation. I don't believe there was any difference of opinion on this line.

DR. EVANS: For the benefit of the record, for some people that may not know you as well as I have known you, would you state where you were educated?

THE WITNESS: Where I was educated?

DR. EVANS: Yes.

THE WITNESS: I was educated in the University of Pisa in Italy.

DR. EVANS: And you taught over there?

THE WITNESS: I taught not in Pisa; I taught first

in Florence, and then in Rome for many years, until I came to this country, and I taught in this country for two years in 1939 -- for more than two years, four years or so at Columbia University, since 1939, and then after the war interlude, I have been teaching at the University of Chicago.

DR. EVANS: You were at Columbia University when the first knowledge came out about the fission of uranium.

THE WITNESS: Yes, that is right.

DR. EVANS: Do you believe, Dr. Fermi, that scientific men should be sort of circumscribed in regard to scientific information that they may discover?

THE WITNESS: I am sorry, I am not sure I got the question.

DR. EVANS: Do you believe in circumscribing the scientific men in regard to scientific information that they discover, that is, not permitting them to publish it?

THE WITNESS: I see. The matter was this. In ordinary times, I would say that scientific discoveries should be made public. At that particular time with the war impending and critical political situations and so on, I joined with a group of others, the leader of the group or the most active member of that group was Leo Szilard, in a voluntary censorship to keep certain results that could lead in the direction of the atomic bomb.

DR. EVANS: Do you believe it is actually possible

to conceal this kind of information?

THE WITNESS: Well, for a very limited time, yes.
Forever, no.

DR. EVANS: That is, you could have guessed a lot
of this stuff if you had been over in Rome?

THE WITNESS: I think I might possibly have guessed
some things, at least.

DR. EVANS: That is all.

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

(Witness excused.)

MR. GRAY: We will recess for a few minutes.

(Brief recess.)

MR. GRAY: Will you proceed, Mr. Silverman.

Whereupon,

DAVID E. LILIENTHAL

a witness having been previously duly sworn, resumed the
stand and testified further as follows:

DIRECT EXAMINATION (Resumed.)

BY MR. SILVERMAN:

Q Mr. Lilienthal, would you care to describe briefly
what situation you found in general in the atomic energy
establishment when you became Chairman in 1946?

A Perhaps some chronology will help. The war was
concluded in early August of 1945, and at that time the Congress
began considering what should be done with the atomic energy

enterprise. It was a big concern without any guidance given it by legislation or otherwise until over a year later, when the McMahon Act was passed. So that in that period, there was the period of the Manhattan District acting in a sense as a caretaker and the uncertainty resulted in things that we found when we came into the enterprise.

When I first saw it was when the Board of Consultants visited the projects in February of 1946. Deterioration had set in as one might expect. Scientists had left the project in large numbers. Contractors had declined to go forward, such as duPont. duPont turned in its contract at Hanford. There was great uncertainty. Morale was badly shot. At Los Alamos we found the most serious situation because although some very able men remained, the top management of that project had left for the universities. We found a great many health hazards and fire hazards that were very damaging to morale.

The most shocking thing we found was that we had rather assumed we gathered the military had, that we had a rather accumulation of atomic bombs in storage. We sent Dr. Bacher to examine into this, and we found that this was not true, and that we were virtually without any atomic bombs. Moreover, the methods that we had for building up the stockpile were handicraft methods, rather than the kind you find in an industrial operation.

The files of that time will, of course, footnote this, and I will not take the Board's time than to do more than identify some of the things we found. It was not a very comfortable thing to find.

From a management point of view, it was extremely difficult because the Army had insisted that their officers should move back into their military posts. This meant we had to try to find people to take their place. There was no inventory of the properties. There was no accounting. This whole thing had been done so hastily that it had not been possible to do that. These things made it very difficult for the men who were operating to make head or tail of what they were doing. The net effect of that was a very depressed state of mind.

As I say, this can be annotated at some length. This is what we found at the time we began the enterprise in January 1946.

Q Did you consider one of your first ~~tasks~~ and the most important task was the rehabilitation of the atomic energy program?

A Yes, that was our duty. Beginning with personnel and trying to get people back who had left and get additional people in, both management and technical.

Q Was the GAC helpful on that?

A Yes, they were. By reason of the fact that the GAC

included men of real distinction in the scientific world and that the Chairman of the GAC had been the former head of the Los Alamos project, they spent a good deal of time as individuals and as a group trying to induce people to return to Los Alamos or other undertakings in the Commission. We did make use of them in that way.

Q What was the function of the GAC, as you understood it to be?

A The law defines it as an advisory body on technical and scientific matters. That was the role that by and large was followed. It was independent of the Commission, set up as a statutory advisory body as distinguished from perhaps the score of advisory bodies that we set up by administrative action. It had its own secretariat. The secretariat acted between meetings.

The dealings with the Commission were rather formalized. But by and large the roles were of two kinds. One, to review technical and scientific matters, and second, to initiate scientific and technical matters.

Q Did you feel that the GAC under Dr. Oppenheimer's chairmanship performed that function during your incumbency in office?

A Yes, I thought as an advisory group it worked very well, I don't mean to say that we always agreed with the advice and this of course we didn't. The GAC was very

diligent in meeting frequently and in documenting their recommendations and in keeping contact with the division heads and operating people in the Commission between their meetings.

Q Do you care to state the role and attitude of the GAC with respect to some of the problems that faced you during your incumbency?

MR. ROBB: Could I have that question read back?

(Question read by the reporter.)

THE WITNESS: One can only select a few examples to respond to that.

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

I think the Board will find problems of this kind treated in some detail all the way through the GAC letters to us, and reports to us and our request to them and the operations between the secretariat and Division of Military

Applications of the Commission, the Military Liaison Committee and others.

These are examples of the sort of thing they did.

BY MR. SILVERMAN:

C We have gone into that in the record with other witnesses.

I want to turn now to the situation as it existed after the Soviet atomic explosion, I think, of September 23, 1949. Would you tell us very briefly what our defense posture was as far as you can in unclassified terms with respect to the AEC's function and responsibility?

A I will try to summarize this. The details of course are available to the Board.

MR. ROBB: Mr. Chairman, may I interpose just so the record may be clear. I am not making any objection, of course. May I ask if the witness is about to read a statement?

THE WITNESS: No. I have some notes that would hasten the presentation.

MR. ROBB: That is entirely all right. I just wanted the record to reflect if you were reading a statement.

THE WITNESS: I am not reading a statement, but from notes.

MR. ROBB: Which I assume you made.

THE WITNESS: Yes, notes in my handwriting.

The situation on September 23, which I believe is

the date which President Truman announced the atomic explosion in Russia, as far as the AEC's program for weapons was concerned was something like this:

A program for the expansion of weapon production had been under study by the Military Establishment and the AEC over a period of months, probably beginning in February, and continuing through October 19, when President Truman formally approved this expansion program. This was encouraged by the GAC, and it was certainly a program that included additions to Oak Ridge and elsewhere, additions to Los Alamos and so on.

As to the improvement of weapons, here too there was a program which had been recommended by our Division of Military Application, had been approved and amended in some ways by the General Advisory Committee, by Los Alamos Laboratory, and it had a number of parts. These are rather important. These are found in these records, but I think it might serve to spell it out a little in lay terms.

I have consulted with Mr. Beckerley privately about classification problems, and he assures me that the way I will put it will not involve any classification problem.

MR. ROBB: If it does, Mr. Chairman, I assume Mr. Beckerley will raise his hand or something?

THE WITNESS: Yes. I have rehearsed this with him.

MR. ROBB: I have no doubt that you will be all right.

THE WITNESS: I want to be very careful about it, and that is why I have asked him in advance.

This weapons improvement program which was in effect -- that is, the program had been approved or was actually in operation at Los Alamos and Sandia -- was of several parts. Among these parts were a program for an increase in the numbers of atomic weapons through new design, an increase in the numbers of weapons through greater material production, an increase in the numbers of weapons through programs relating to raw materials, a program for increasing the destructive power of the weapons over those at Hiroshima and Nagasaki by a substantial factor, an improvement in the combat usefulness of the weapons by re-engineering these weapons.

This led to the establishment of the Sandia operation and my soliciting the aid of the Bell Laboratories and the Western Electric on behalf of the Commission and the President to take over that operation in order that we might have weapons that had field usefulness, as distinguished from weapons that it almost took a Ph. D. in physics to handle, instead of a sergeant.

This is an important story and I only refer to it. The details, I am sure, are in the file,

An improvement in problems associated with delivery. This concerns size and weight and other matters of that kind of

great importance. And finally, plans for greatly stepped up power of weapons by a very large factor, by certain innovations of design that had been worked on for some time, but were at the point where a program for building such weapons was just around the corner.

The product of this stepped up program for this greatly heightened destructive power of weapons would produce a weapon which was so much larger than the original weapons that we were advised that one such bomb would take out almost any target in the world, and two would take out any target.

I have consulted with Mr. Beckerley and I make this statement after that consultation with him, that President Eisenhower in his United Nations speech on December 8 spoke of an attainment of a fission bomb -- an A bomb type -- of 25 times the power of the original bombs with an energy release of the order of 500,000 tons of TNT equivalent. Whether that bomb is the bomb that was recommended by the GAC and the Division of Military Applications, and was part of the program at the time of the Russian A bomb, I don't know. I state these facts, and I am assuming that this must be the fission bomb that was planned at that time.

That was the program roughly that we had at the time of September 23. I ought also to say that to the best of my knowledge the Commission had not received, nor had any of

the divisions any request from the Defense Establishment for a weapon of unlimited size or destructive power, nor any request for a weapon of greater destructive power than the stepped up fission bomb to which I have just referred. That the Commission did not have a military evaluation at that time of the military value of a hydrogen bomb or a bomb of size without definite limit. That it had not before it no diplomatic or political evaluation of the effect of such a weapon pro or con, on such matters of the cold war, or the effect on our alliances and other diplomatic and international relations.

The Board is familiar with the fact, and the records are here that the Commission asked the GAC to assemble, especially to consider certain questions affecting the Commission's duties grew out of the announcement about the Russians' success with an A bomb. Those questions roughly seemed to me something like this:

Is this program that we now have and have under way adequate to fulfill our duties? If not, what modification or what alternative course or alternative courses should be pursued? Among those alternative courses, should an all out B bomb program be instituted in order that we should adequately and properly fulfill our duty?

BY MR. SILVERMAN:

Q Mr. Lilienthal, the Chairman of the Board, I think it was, perhaps it was Mr. Robb, called our attention in

the course of these hearings to a letter signed by Mr. Pike as Acting Chairman of the AEC to the GAC, giving them their instructions. Were those the only instructions that the Commission sent or gave to the GAC with respect to this meeting?

A My recollection is that prior to Mr. Pike's letter I wrote a letter, a rather brief letter, setting out or asking them to assemble for consultation on the consequences as far as the Commission's duties were concerned on this Russian A bomb. When the GAC did meet on October 29, the Commissioners or some of us met with them initially, and I suppose to them orally indicating -- not attempting to limit their considerations to technical matters alone, although it was assumed that technical matters would be the basis for other recommendations. There are two letters, therefore. One letter by Mr. Pike is more in the nature of the usual letter we sent prior to every meeting in which certain specific things are asked. The letter that I wrote is of more general character.

Q Did you also speak to Dr. Oppenheimer orally or don't you recall?

A I think I called him by phone to ask him to sound out the Committee members, what was the earliest date when all the members could be present. This, I think, was about the 8th or 9th of October.

Q Have you recently seen that letter you wrote Dr. Oppenheimer?

A Yes, I saw it yesterday.

MR. SILVERMAN: Does the Board have that?

MR. GRAY: I don't think I have seen that letter.

MR. ROLANDER: What is the date of that, do you know?

THE WITNESS: No, but it would perhaps be the 15th of October, or something like that. I did see it yesterday in the big file.

BY MR. SILVERMAN:

Q Proceed.

MR. ROBB: If you wait just a moment, perhaps we can get that letter. I don't know.

THE WITNESS: It is a fairly short letter.

MR. ROBB: This seems to be it. October 11. I am told by Mr. Beckerley you can read that into the record if you want to.

BY MR. SILVERMAN:

Q Would you do so, please?

A This is dated October 11.

MR. ROBB: 1949.

THE WITNESS: 1949.

"Dear Robert:

"We quite understand the General Advisory Committee's wish at its last meeting to postpone making any specific

recommendations to the Commission, but rather to express its readiness to be called upon whenever it might appear that it could help. We are very appreciative of that offer and we want and need to avail ourselves of your counsel and guidance.

"The Commission is, of course, asking itself afresh in the light of Operation Vermont if the present, and presently planned, program constitutes doing everything that it is reasonably possible for us to do for the common defense and security.

"This is, I realize, a very large question, but it is the essential measure of the Commission's responsibility and the question to which we are trying to make certain there is a clear and affirmative answer. To that answer the Committee has important contributions to make, and we would welcome your advice and assistance on as broad a basis as possible. Do you think it would be possible to assemble the Committee in the very near future to meet with the Commission?"

MR. ROBB: Mr. Pike's letter was subsequent, but I am told by Dr. Beckerley that involves classified material, Mr. Lilienthal.

THE WITNESS: Then there appears to be a memorandum from my secretary indicating that Dr. Oppenheimer had phoned concerning this letter and suggesting dates.

MR. ROBB: Mr. Pike's letter was October 21, 1949.

THE WITNESS: Yes.

MR. ROLANDER: Mr. Chairman, I am informed that Operation Vermont refers to Joe I, which was the first Russian explosion, for the clarity of the record.

MR. GRAY: I hope it clears the record.

MR. ROBB: Do you want Dr. Oppenheimer's answer to that letter in the record?

MR. SILVERMAN: I haven't seen it. Do you think it bears on it, Mr. Robb?

MR. ROBB: It might.

MR. SILVERMAN: Let us have it in the record if there is any question about it.

MR. ROBB: I will show it to Dr. Beckerley.

MR. GRAY: While they are looking at the record, why was the Pike letter written as Acting Chairman? This is a thing I am just curious about.

THE WITNESS: I think I was probably away at the time the letter was prepared. It perhaps was before each of these GAC meetings, our staff and the GAC secretariat would get together and prepare a kind of agenda in the form of a letter, questions that either they wanted to raise with us or either that we wanted to raise to them. We sent this kind of staff letter and the Commissioners signed it. If I were there, I would have signed it.

MR. GRAY: I see.

MR. ROBB: Dr. Beckerley says it is all right.

THE WITNESS: This is October 14, 1949.

"Dear Mr. Lillienthal:

"Thank you for your good letter of October 11th.

I can well understand the desire of the Commission to have us consider the overall program at this time. We shall do our best to do so.

"It has proven possible to call the meeting on the 29th and 30th of October; that is the first day on which both President Conant, who is quite busy, and Professor Fermi, who is in Rome, can possibly attend. It is not possible to schedule a meeting date on which Dr. Seaborg can be with us since he has long planned a trip to Sweden. I have, however, made arrangements to obtain from him in writing, and, if necessary, by consultation his views on the subject of the meeting. With the exception of Dr. Seaborg, I expect that all members of the advisory committee will be able to come. Some of us will plan to be in Washington on the 28th for preliminary consultation. I think it best, however, that the formal meeting not be called until the morning of the 29th. I regret that this is a weekend; that seems to be inherent in the makeup of the GAC.

"May I suggest that if there are any materials that it would be wise for us to examine before meeting with the Commission on Saturday morning you arrange to have them

transmitted as early as possible; but in any event in time to permit study before we actually come together. The secretary of the committee, Dr. Manley, will be in Washington next week, and will, I am sure, be glad to consult with the staff of the Commission on the preparations for the forthcoming meeting.

"With every warm good wish, Robert Oppenheimer.

"Copy to Dr. John Manley."

BY MR. SILVERMAN:

Q Will you tell us what happened thereafter?

A There was one other thing. It is known to the Board, but I want to make that in my remarks I take full cognizance of it, that the occasion for the precise occasion for considering the H bomb either as a part of the program or a supplement to the existing program was a memorandum from our fellow Commissioner, Mr. Strauss, dated about October 5 or 6, which is in the record. All of these documents added together represented the frame of the Commission's thinking at the time of the meeting on October 29th and 30th.

Q Now, what happened at that meeting, as far as you can recall, or whatever impressed you about it.

A Some of the Commissioners, perhaps all, but certainly I attended the opening meeting or part of the opening meeting of the GAC. It was their meeting. Their practice was to ask us in as observers or to ask us questions.

If we wanted to meet with them as our meeting, we would ask them to come to the Commission's room. In this way it preserved the identity of the meeting being as either a GAC meeting or AEC meeting. This was a GAC meeting.

I opened the conference by repeating as well as I can recall the substance of the paragraph in the letter that has been read into the record indicating that we wanted their advice on whether our program as it had been approved, the present program, the program in planning to which I referred, met the requirements of our duty, and if not, how it should be supplemented and in particular should it be supplemented by an all out program on the H bomb as proposed by Commissioner Strauss.

The GAC's report is in your record. The points that most impressed me were two. One, the technical considerations that were discussed in the time while I was in their meeting which did not by any means include the whole meeting. Most of their meeting was in executive session, but there were considerations of diversions of materials to another program, the H bomb program, which was problematical, discussion of whether such a weapon as the hydrogen, deuterium, tritium, et cetera, weapon that was under then consideration would improve our retaliatory strength sufficiently to justify the risks involved in diversion of materials and other related points.

There was discussion of whether a weapon larger than the 500,000 tons fission weapon that was in the works, half a million tons of TNT equivalent, whether a weapon larger than that didn't go beyond the point of diminishing returns in terms of the destruction it would effect.

There was a consideration of whether our program then was not the best way to use the materials and the manpower that we had. These technical considerations impressed me very much.

The second point that impressed me a good deal was one I had thought about myself and others, of course, and that was a consensus among a number of GAC members that launching on a weapon larger than the stepped up weapon would not give us a false impression of security and illusion of security that we had gained a decisive or absolute weapon, an illusion of security which a number of the GAC members attributed to our possession of the A bomb, an over-valuation of the security that could be secured from large bombs alone as distinguished from a balance military establishment.

In any case the GAC's views and the AEC's views were submitted to the President in writing on November 9. They are of course in this record.

BY MR. SILVERMAN:

Q They may be in the files and not in this record.

A Yes,, they are in the files. In this report we tried to make the President's job as easy as possible by agreeing on as many things as we could about the facts. This was largely a staff paper prepared which we approved. There is agreement in this report which you will find that went to the President on a number of things --

MR. ROBB: This is the report that went to the President from the Commission?

THE WITNESS: Yes.

MR. ROBB: Not the GAC report.

THE WITNESS: No. The GAC report was included in it. The Commission's report began with an agreement, "Mr. President, we are in agreement completely on a number of the basic facts about this situation."

MR. ROBB: Excuse me for interrupting.

THE WITNESS: I am sure this is a document if it is relevant is not so long that the Board may read it. It is a classified report, of course.

Then we recognize, that is, the AEC, that this is not a question which the AEC could decide. This is a question for the President. But we do indicate what our views are. Mr. Strass indicated, as indicated earlier, for an all out program. Three of us, Commissioners Pike, Smyth and myself, said in one sentence we are not for this program -- we are not at this time, I think are the words that are used -- and

Mr. Dean had a position which I think might be described as not quite at this time.

There was a preliminary thing that ought to be gone through. This is spelled out in his own words in the report, and I won't take the time to review it if you wish me to.

Just as an individual, if I may say so, I don't conceive that the question to which I am to address myself is the wisdom or unwisdom of either of these courses. At that time this represented the best judgment that each of us could summon to this question prior to the consultations which took after this at which time I had another chance to look at the problem in the light of the State and Defense Department views.

BY MR. SILVERMAN:

Q I think it might be of some interest to know to what extent the Commissioners and the Commission were relying on the GAC report. Also I am going to ask you about the National Security Council, or perhaps you will come to that in your testimony directly, to what extent that relied on the GAC report.

A In this case I can only speak for myself. The other Commissioners either have or will indicate the extent to which they relied on the GAC. It was my view that technical considerations advanced by the GAC in the first

part of the report which deals with technical matters was very persuasive. I recognized I was a layman but these were men of great competence, and the things that they said were most persuasive to me. They included in their report statements about matters that were not technical but which they asserted were related to technical considerations, strongly planted, or expressions of that kind.

Some of these impressed me, one of them particularly, that there was a point of diminishing returns, that to announce publicly as apparently it was necessary, the building of a weapon of almost unlimited size would be in conflict -- would put us in the eyes of our friends and potential friends in an unfavorable light without compensating advantages to us, and similar considerations of that kind.

Some of the members expressed themselves in various ways and which seemed to me to have some validity. In my first report of views to the President I laid considerable stress on that. Also on the concern I had then which was increased a great deal after I served on the committee with the State Department and Defense Department to which we were relying almost entirely upon atomic weapons, upon large weapons.

That brings me then to the final stage in my own participation in this.

On November 19, that is ten days after this report

of the AEC and the views of its individual Commissioners, the GAC report, and the views of its members, went to the President, the President created a Subcommittee of the National Security Council to advise him further on this matter. That committee consisted of the Secretary of State, Mr. Acheson, the Secretary of Defense, Mr. Johnson, and myself. I would say that I had resigned and my resignation had been approved by the President early in November to be effective, I think, the first of December, but he asked me to stay on until this particular chore was finished.

May I interrupt to say that the report of November 9 and the record will show or the file will show did not contain as of that date I think the views of Mr. Smyth and Mr. Strauss, except as to their conclusions. They sent their memoranda a few days later or some time later, in any case. I consider that the November 9th report supplemented by these subsequently filed statements as the views of the AEC.

Returning then to the National Security Council subcommittee, this subcommittee was set up by a letter from the President to the members of the subcommittee, which is in the file, that I examined yesterday, and therefore is available to the members of the Board. It sets up the considerations the President wanted weighed. It began a series of staff studies and consultations, recognizing that the issue was not really an AEC issue but a broad issue, as

broad as the powers and the functions of the Chief Magistrate himself.

We had meetings of this kind. I met along with Commissioner Smyth, whom I asked to accompany me, because he was a scientist, and a technical man, as well as a member of the Commission, and we met with General Bradley and others of the Military Establishment. I should say that what impressed me most in this consultation was later set out in the argument I sought to make to the National Security Council, and that was that General Bradley stated rather flatly that they had no reserve except the A bomb in the event of aggression against us any place in the world. Later General Bradley stated this publicly in a speech in Chicago in November before the Executives Club, I believe. It was a harrowing experience to me to be told this, and it made a great impression on me in this respect. Right or wrong, this was the reaction I had. We had, it seemed to me, falsely relied upon the security of simply a stockpile of A bombs, that we had impoverished our military establishment -- this was the period of an economy drive -- we were closing military establishments. Instead of drafting boys, we were reversing the process. We were bringing out national budget away down. This seemed to me really quite harassing in the light of the fact that trouble might break out anywhere and as indeed it did break out in June in Korea at which

time, of course, our reliance on the atomic bomb was certainly not a sufficient one.

From that time on a consideration was immediately given to a broadening of our military establishment, instead of relying entirely on weapons of this kind, and we moved in the other direction.

I mention this because I would like if it meets with the approval of the Board, if they were to read -- not that they won't have enough to read -- but there is in the file a memorandum of expression of my views to the National Security Council on this point. It is not the wisest expression in the world, but it is certainly a reflection of the effect upon me of these various discussions within the government.

The thing that especially impressed me was that our earlier discussions of what kind of a program we should have did not have the advantage of knowing the limitations of the military establishment at that time. This has been photostated and is in the file. It was originally classified by me as top secret. It has been recently declassified but then reclassified as security information. I am not just sure what that means. But it is not classified under the Atomic Energy Act. If it is consistent with the procedures of the Board, if portions of that which represent only expression of my views rather than quotations from State or Defense Department documents, if that could be read by the Board, or

included in the record, I think it would complete the whole picture, and my own reaction is to this as a consequence of the considerations begun September 23rd.

MR. ROBB: May I make a statement about that?

MR. GRAY: Yes.

MR. ROBB: I believe you now have the original of this?

THE WITNESS: Yes, it was transmitted to me by the secretary with Mr. Dean's approval.

MR. ROBB: Yes, sir. I have in my hand what I think is a photostat of that; would you look at it and see if it is?

THE WITNESS: Yes, that is a photostat of that document.

MR. ROBB: I am advised, Mr. Chairman, that this memorandum which as the witness has stated was originally classified top secret was thereafter changed in classification on the side of the photostat which I have where there appears the notation "Classification changed to confidential security information by authority of Office of Classification by William E. Riley, Chief, Documents Control Branch, Division of Security, 4-1-53". Below that are some words I can't make out.

On the bottom of that appears the notation in longhand signed by R. B. Snapp, April 20, 1954, "The control records indicate this memo was retained per D. E. Lilienthal's

request by R. B. Snapp under unbroken seal until September 22, 1952, when with D.E.L.'s permission it was transferred to the general files per Commission direction at meeting 4-4-53."

I am informed that the photostat which I hold was made at the time the original was turned over to Mr. Lilienthal for his personal file. Is that right?

THE WITNESS: I didn't know that it was.

MR. ROBB: Mr. Chairman, I am informed that Mr. Nichols, the General Manager, states that this memorandum contains so many references to matters concerning other agencies than the AEC, that it is impossible to declassify it so that it can be read in the open record of these proceedings. In other words, it does contain restricted information. However, I think that Mr. Lilienthal's suggestion that the Board should consider it issound, and I suggest that it might be included in a separate classified record. It occurs to me that since the Board might want to inquire of Mr. Lilienthal about it, that it would not be amiss to read it in such a record so that Mr. Lilienthal might be asked any questions which might help the Board in connection with this memorandum.

THE WITNESS: May I interrupt. You used the term "restricted data". I believe that is in error. I have a note from Mr. Beckley which states there is no restricted

data within the meaning of the Atomic Energy Act in the memorandum.

MR. ROBB: Mr. Lilienthal, I am just repeating what I was told by the General Manager, by Mr. Mitchell, the General Counsel who took it up with the General Manager. Would Mr. Mitchell care to correct me on that?

MR. MITCHELL: You are quite right.

(Discussion off the record.)

DR. BECKERLEY: The document is classified by virtue of its containing security information other than restricted data.

MR. ROBB: I think, Mr. Chairman, that this does contain information that the Board might well wish to have. I think that since it was prepared by Mr. Lilienthal it would be appropriate that he could be here when the Board is considering it so they might ask any questions that might appear to be relevant.

MR. SILVERMAN: Mr. Chairman, I don't know what is in this thing because I have never seen it. I am really concerned primarily just with the question of the extent to which the decision that was ultimately made was one that was based on GAC advice, and to what extent it was based on other considerations. What you decide to do about this memorandum, since I know nothing about it, I really have no views about it. I would prefer to finish my direct

examination. If it then seems desirable to the Board to read this into the record, there is nothing I can do about it, because I know nothing about it.

MR. GRAY: Suppose we proceed with direct examination. I am sure there will be some questions that you will be asking and perhaps the Board members, of Mr. Lilienthal, and perhaps before we start that, we might take a look at this and see if we wish to ask him any questions.

MR. ROBB: That is right. It occurred to me that it would be well to have it read, so Mr. Lilienthal could hear it, and have it fresh in mind so we might ask any question against the background of Mr. Lilienthal hearing the memorandum and against the background of having ourselves heard it.

MR. GRAY: Will you proceed.

BY MR. SILVERMAN:

C Would it be fair to say that in the decisions that were ultimately made reliance was placed on the GAC at least by yourself as to technical matters --

MR. ROBB: I hate to interrupt you, but may I interpose one further remark that I myself saw this memorandum for the first time I think probably during the midmorning and I have not yet myself had a chance to read it very carefully.

MR. SILVERMAN: You are eight hours ahead of me.

MR. ROBB: I have seen enough of it to know that

the Board ought to have it before it.

BY MR. SILVERMAN:

Q Would it be fair to say that your reliance on the GAC was great as to technical matters and the further away it got from technical matters, the more your reliance was on other agencies, and, on your own judgment and on other departments of the government?

A During the first phase of my participation in this matter before we had any important contact with the military or any contact with the State Department -- obviously that didn't contribute to any views I had -- I did have great respect for the views of the GAC on technical matters. I took very much to heart their statement that their conclusions were planted in technical considerations. I had such respect for the wisdom of men like Conant and Oppenheimer and Fermi and other men that I certainly paid close attention to what they said on matters that were not technical. I think the best evidence I came out with were the things I wrote at the time, some of which they would not endorse and were not included in their views. It is hard to divide on these things. I am sure of the importance I assessed to the technical view, and the rest is another matter that is hard to define.

Q This memorandum was dated January 31?

A Yes.

Q And you resigned February 15?

A It took --

Q At least your resignation took effect February 19?

A It was the third stage, that is right.

Q You did not ask to have your clearance continued?

A No.

Q So I take it you do not know whether the hydrogen bomb that we hear about in the newspapers has any relation if any to the things talked about in 1949?

A No, I have had no access to restricted data since that time, and no occasion to use it.

Q As a result of your experience with Dr. Oppenheimer and your knowledge of him, have you formed an opinion as to his loyalty, his integrity, his character, all the other factors that go into forming a judgment as to his loyalty, security?

A Yes, I have.

Q What is your opinion?

A I have no shadow of a doubt in my mind that here is a man of good character, integrity and of loyalty to his country.

Q How would you assess him as a security risk?

A I did not regard him up until the time my knowledge of the program ceased, and had no occasion to regard him as a security risk.

Q I think you already indicated that in March 1947

you consciously assayed the situation and came to the conclusion that he was not a security risk?

A Yes. At that time we had this file before us and that was my conclusion, that in the light of the overall picture, taking everything into account, the minus signs were very few indeed, and the plus signs very great indeed, and I thought he was a contribution to the security of the country. I have had no occasion since that time to change that view.

Q Has your experience with him confirmed that view?

A My experience from that time did confirm that view. I am sure that it is clear that he has made great contributions to the security of the country.

MR. SILVERMAN: I have no further questions.

MR. ROBB: Mr. Chairman, it is about a quarter to five. May I ask the pleasure of the Board about proceeding?

(Discussion off the record.)

MR. GRAY: I think we will take a recess for a few minutes and then proceed with the examination of the witness.

MR. ROBB: Yes, sir.

(Brief recess.)

(The following portion of the proceedings, numbered pages 1321 through 1350 inclusive, is classified, and appears in a separate volume.)

BY MR. ROBB:

Q Mr. Lilienthal, Dr. Oppenheimer just before his counsel came back in suggested a question to be asked of you and I believe it was, do you recall a discussion or a statement by General Bradley before the General Advisory Committee at the October 29, 1949, meeting, is that right?

DR. OPPENHEIMER: Right.

THE WITNESS: The only comment that I recall was in response to a question about the military value of a bomb of virtually 1,000 times Hiroshima and his response was, as I recall, that it would be principally psychological. I don't recall how he defined that. That is the only recollection that comes to my mind of that discussion.

DR. OPPENHEIMER: May I ask one more question?

Do you recollect his account of our military position as of October 29, 1949?

THE WITNESS: No, I recollect that description in a later phase of my activities in the National Security Council subcommittee, but not at the meeting of October 29.

BY MR. ROBB:

Q Mr. Lilienthal, were the views expressed by you in this memorandum of January 31, 1950, so far as you knew, in accord with the views of Dr. Oppenheimer at that time?

A No, I don't know to what extent they were in accord. Consultations I had with Dr. Oppenheimer in the GAC

were more or less terminated after the report. But there are things in this position that do relate to the views of the GAC, such as the over-reliance on large bombs.

Q Did you discuss your appearance at this meeting with Dr. Oppenheimer before you went there?

A No, I don't recall I did at all.

Q Did you report to him afterwards about it?

A I will give you the rest of the events in answer to that. After this meeting referred to we did go to the President. The President made his decision. I then went back to the Atomic Energy Building where the GAC was in session and reported the decision. That is the last I have had to do with the subject.

Q Did you talk to Dr. Oppenheimer personally about this conference that you had?

A I don't believe so. I think the GAC or most of the members were in session. It could be that I did. I do have the recollection of reporting to the group as a whole. Whether I saw him separately, I am not clear.

Q Do you have any reason to believe that the views expressed by you in this memorandum differ from the views held by Dr. Oppenheimer at that time?

A I haven't any way of really knowing. I can identify some of the views that grew out of GAC recommendations in which Dr. Oppenheimer either led or took part. But taking

it as a whole I have no way of identifying it in that way.

Q Did you believe on January 31, 1950, when you addressed your remarks to this meeting, that the views you were expressing were in accord with the views previously expressed by the GAC in their report?

A It seems to me the GAC report, except as to its conclusion, and the views I expressed in this memorandum and to the National Security Council subcommittee do not coincide. They are not in conflict in some places, but they certainly cannot be said to be identical. An examination of the GAC's report I think will make that clear.

Q Wherein do they differ?

A I can't answer that without having the report before me, which you can do as well as I. There are many points in here -- for example, the powerless state of our defense at this time was not included in the GAC report to the best of my recollection.

Q I will reframe my question, then.

Did you believe at the time you addressed these remarks to this meeting that the views you expressed with respect to the thermonuclear program were in accord with the views of the GAC?

A You see, I didn't think the issue was the thermonuclear program.

Q I am asking you now.

A I don't quite see how one can answer the question put that way. I didn't think that was the issue. I hope I have made it plain in this memorandum. I didn't think that was the central issue. I thought the central issue was getting busy strengthening the security of this country which was in bad shape.

Q You mean you were not talking about the thermonuclear program at this meeting?

A Of course I was, but I didn't think that was the central question.

Q Whether it was the central question or not, you talked about it, didn't you?

A Yes, of course.

Q Do you have any doubt that what you had to say about the thermonuclear program was in accord with the views of the GAC?

A It certainly was in accord with the views as to the result that a crash should not be instituted. But the reasons for that and the conditions that I had suggested grew out of my discussions with the Military Establishment and with Dr. Smyth.

Q I understand that. The GAC made a report to your Commission setting forth their views about what should be done with respect to the thermonuclear, didn't they?

A Yes.

Q And you talked about that when you appeared at this meeting on January 31, 1950, didn't you?

A Yes.

Q Now, was what you said at the meeting in any respect different from what you understood to be the views of the GAC on the thermonuclear program?

A I have tried to answer that by saying that as to the result --

Q The difficulties --

A It is the reasoning that I adduced was not the reasoning in substantial part the reasons that are stated in the GAC's report and that is evident by reading it.

Q Were your conclusions the same?

A The net result was very close to being the same, namely, that we should not proceed. But the alternative that I proposed was not the alternative that the GAC proposed. I mean that is a very important distinction. I want to be sure it is said that I benefited a good deal in my view from the discussions and the GAC report, but the net result is quite a different argument.

Q You have told us you were not in favor of a test program.

A That is right, until we got ourselves in shape.

Q Was the GAC?

A No.

Q So you were in accord on that.

A That is right. The thing GAC didn't say, at least as I recall its report, was to make this point that before we decide this question and commit ourselves further to over-reliance on weapons of this kind, we should make a stern reexamination of our position. That they did not say. That is what I have been trying to say. I think that is an important qualification.

Q Wasn't the GAC pretty unqualifiedly against developing a thermonuclear at any time?

A The best record of that is what they said, and I think the answer to that is that six of them were flatly against it.

Q Did you take any advice or get any information from the experts of the GAC as to the feasibility of the thermonuclear?

A Yes. They did supply us with their conclusion about whether it was feasible or not.

Q What was it?

A That conclusion is written in this report to the President of November 9. I would not undertake -- it is before you. As I recall it says that the chances of its being feasible are 50-50, or something of that sort.

Q Maybe a little bit better than that, doesn't it say that?

A I have forgotten but it is there in the report.

Q Did you get any opinion as to the possible thermo-nuclear bomb capability of the Russians?

A I didn't understand you. Did I get from where?

Q Did you get any opinion from the GAC or anybody else as to the possible thermonuclear bomb capability of the Soviet Union?

A I don't recall, except that the assumption was, without any discussion, that the Russians were capable. It was only safe to assume that the Russians were capable of producing a hydrogen bomb.

Q It was just a question of time, isn't that right?

A Yes, something of that sort. The only safe assumption was to believe that in time they could do it.

Q From whom did you get that information.

A It was not a matter of information. It was an assumption that was adopted.

Q Didn't you check with the scientists? You did not know yourself, did you?

A No, there were no intelligence reports that I can recall.

Q Did you talk to any of the experts on the GAC about whether or not the Russians might produce a thermonuclear?

A I don't recall anything except that we started from that premise that in time they could do it.

Q Who is "we"?

A Everyone who was discussing the matter, GAC, the AEC and so on. I think that is what we advised the President. We were all agreed that was probably the case.

Q In other words, that was the opinion of the GAC, was it not?

A Yes, that is right. Opinion is not quite the word because we didn't have any facts. We just said we have to assume that they are capable of doing it.

Q You were not an expert on such matters.

A No, I think the term possible capabilities was one way of expressing it. I think we went farther than that, and thought it was better to assume that it was not only possible, but that they could do it.

Q Mr. Lilienthal, the question of whether or not the Russians could make a thermonuclear is a pretty important factor.

A Yes. You are using thermonuclear and we were talking about a hydrogen bomb.

Q You used the expression thermonuclear in your memorandum of January 31, 1950.

A Yes, but I think the GAC referred to it as the "Super", which was the hydrogen bomb.

Q The question of whether or not the Russians could make the Super was a pretty important factor.

A It was.

Q So I assume you get the best opinion you could.

A It was not a question of fact.

Q It was a question of opinion.

A That is right.

Q Whose opinion did you take?

A I don't recall but I assume it would be scientists or intelligence officers. Probably the scientists, probably the GAC.

Q Probably Dr. Oppenheimer?

A I rather you would not push me after I said I don't remember.

Q I am sorry I have to push you because I want to get responsive answers.

A I don't remember, but I am saying that this was the assumption on which we proceeded.

Q It would be reasonable that you did consult the mer who knew most about such matters, wouldn't it?

A You can say that. I have not said it.

Q Wouldn't it?

MR. SILVERMAN: Aren't we in argument now?

MR. ROBB: I think the record is clear.

THE WITNESS: Look, we told the President that is the basis on which we were proceeding.

MR. ROBB: What I am trying to find out is where you

got your information. I assume you did not get it from me, or Mr. Garrison.

MR. GARRISON: He said he had no information.

BY MR. ROBB:

Q I am trying to find out why you made the assumption.

A I agreed with you that probably the opinion came from the GAC, but we didn't have any information.

Q Mr. Lilienthal, just so the record will be clear, this memorandum of January 31, 1950, you wrote and put in the AEC files, is that right?

A That is right.

Q And at that time it was classified as top secret.

A I classified it, yes.

Q And then there came a time on April 1, 1953, apparently when that was classified to confidential security information.

A Yes.

Q Did there come a time when you were given the original of that memorandum from the AEC files?

A Yes. I called on the Chairman of the Commission, Gordon Dean, and consulted with him about this. He asked the classification division and the Secretary of the Commission to look into the matter, and some weeks later it was sent to me by the Secretary of the Commission with a letter and a note from Mr. Beckerley, the head of the

Classification Division.

Q Do you want to read that in the record? It is up to you if you want to read it.

MR. SILVERMAN: Does it advance our inquiry?

MR. ROBB: I don't think so.

THE WITNESS: The only thing that bothers me is whether we have to ask counsel to leave. In any case, it expresses Mr. Beckerley's view about the reclassification.

BY MR. ROBB:

Q When did you receive this from the Commission?

A I don't have Mr. Snapp's letter.

Q Would it appear on Mr. Beckerley's note?

A No, this seems to be undated.

Q About when?

A I am sorry, it is dated; 10-6-53 is his note, and it was probably mailed to me some time after that. That would be last November.

Q Why did you want to get this from the Commission?

A It was a statement of my views and I was quite anxious for my own protection to have access to a statement that I had written about my own views. It seemed to me very important, and it is even more important now.

Q Protection from what?

A Protection of my record as to what my views were at that time. The reason being that my views have been

extemporized on in the press and elsewhere, and I felt much easier having a record of just exactly what it was I said.

Q I assume you have kept this confidential?

A Yes, and I have kept it in a safe and so on. I plan to return it to the Commission now that I know you have a photostat.

Q Beg pardon?

A I think now that it is in the record and you have a photostat of it, it is probably just as well for me to return it to the Commission, or put it in a lock box.

Q I see. You thought when you got it back that this was the only copy?

A No. I knew it had been photostated.

MR. GRAY: Excuse me. I feel it my duty to point out to the witness that he has made conflicting statements on the question of photostating. I don't care what your answer is,, but earlier you said you had not known it was photostated. This is in your interest.

THE WITNESS: Yes. The facts are these; that this was put in a sealed envelope and filed. Then I inquired of the Secretary of the Commission, what about that sealed envelope and he told me that it later had been opened and had been put into the files of the Commission and had been photostated.

MR. GRAY: I may have misunderstood you. I am sorry.

But I believe the earlier transcript perhaps when we were in executive session will reflect an observation, maybe casual, that you had not known it had been photostated.

THE WITNESS: I thank the Chairman. These are the facts.

BY MR. ROBB:

Q Again, in the interest of clarifying the record, didn't you just say that now that you have learned that the Commission had photostated this document, you might as well return the original?

MR. SILVERMAN: Mr. Chairman, does this relevance the inquiry relating to Dr. Oppenheimer?

MR. GRAY: The Chairman will make this observation. He is trying to do his best to conduct a fair hearing, and when it appears to the Chairman that a witness through inadvertence or somewhere else is in a position of perjuring himself, I am going to call it to his attention.

MR. GARRISON: You are right, Mr. Chairman.

MR. GRAY: I am sorry to use the word "perjury",
of
but if at one point/the testimony a witness says one thing and at another point he says directly contrary, at one point the testimony is in error. I don't think it advances anything, the protection of Mr. Lilienthal's appearance as a witness in this case.

MR. SILVERMAN: I was not referring to your inquiry.

I was referring to Mr. Robb's question,, Mr. Robb's question which was not related to that.

MR. ROBB: Will you read the question back, Mr. Reporter?

(Question read by the reporter.)

THE WITNESS: Yes.

MR. ROBB: Just a minute. Did the Chairman hear the question?

MR. GRAY: The Chair is a little confused. Does the witness object to answering this question?

MR. SILVERMAN: Whatever is the easiest and the quickest way to do it.

MR. GRAY: Let us clear the record.

THE WITNESS: I had been told in a conversation with the Secretary of the Commission that he opened the envelope and put this in the file and had photostated it. It was only yesterday that I saw that this was true, that I saw the photostat in the file that was supplied to me yesterday afternoon in Mr. Snapp's office. I was then reassured that there was a photostat. I didn't want to leave it simply on Mr. Snapp's general assertion. I now know that there is such a photostat, because I have seen it.

MR. ROBB: May I repeat the question. In the interest of clarifying the record, didn't you say a little while ago that now that you know that there has been a

photostat made, you may as well return the original.

THE WITNESS: That is right. I now know because I have seen the photostat.

BY MR. ROBB:

Q You mean you learned for the first time yesterday that there had been a photostat made?

A For the first time I saw it, and was sure the information applied me was correct.

Q Now, may I, sir, go back to the beginning of your testimony in which you gave an account of the events which took place in March 1947? I believe you said that the file was delivered to you on a Saturday, March 8, is that right?

A That is my recollection, yes.

Q By messenger?

A I don't recall. It was delivered to the Commission. No, I do recall now. My recollection is that I had a call from Tom Jones.

Q Who was he for the record?

A Tom Jones, who was the Acting Security Officer at that time. My recollection is that he phoned me -- I think this was a Saturday, a Saturday afternoon -- the file Mr. Hoover referred to in his telephone conversation to me had been received.

Q And then it was delivered to you?

A It was delivered to me Monday morning.

Q Monday morning?

A That is my recollection. Monday the 10th. It was delivered to the Commission, that isto Mr. Jones or some one on the 8th.

Q And there was with that, I assume, a covering letter from Mr. Hoover, is that correct?

A I assume so.

Q What you have referred to here as the file was the material you got from Mr. Hoover, is that right?

A Yes, that is right.

Q On either March the 8th or March 10th, whichever day you received it?

A Yes.

Q That is what you refer to as the file?

A That is correct.

Q What did that consist of?

A I can't recall except that was a very substantial file, that it contained the kind of -- a great deal of material from the Manhattan District, Intelligence Division, or whatever it was called, counterintelligence. It was a typical FBI file. A typical FBI personnel file.

Q I have before me what you received, Mr. Lilienthal. It appears to be a 12 page summary memorandum on J. Robert Oppenheimer, and a 15 page summary memorandum on Frank Oppenheimer. Is that in accord with your recollection of

what you received?

A No, it is not. I am sure you are obviously correct. My recollection was that we had a big file. I didn't recall that there was a summary from the FBI.

Q Is it now your testimony that you had received something in addition to this summary memorandum from the FBI?

A My recollection is that we did get -- this is quite a while ago and I don't recall the exact form in which it came.

Q Would you describe these two reports as a file?

A You mean as distinguished from a report?

Q Yes, sir.

A In view of what you have told me, a file or report I should think would be equally descriptive. What you are suggesting is that this was a summary of the content of the file, rather than the raw material of the file, and that apparently is what is the case if that is what you say.

Q The letter from Mr. Hoover, Mr. Lilienthal, see if this refreshes your recollection, dated March 8, 1947, addressed to you: "My dear Mr. Lilienthal:

"In view of developments to date I thought it best to call to your attention the attached copies of summaries of information contained in our files relative to Julius Robert Oppenheimer, who has been appointed as a member of the General Advisory Committee, and his brother, Frank Friedman

Oppenheimer, who was employed in the Radiation Laboratory At Berkeley, California, until recently. It will be observed that much of the material here contained in the attached memoranda was obtained from confidential sources."

Having heard that, do you agree that what you got was the two summaries?

MR. GARRISON: Is that the whole letter?

THE WITNESS: I don't know the distinction between the summary and the report. But whatever you have there, if you have it, I received. In order to refresh my recollection of this hearing, I asked for this file yesterday and was told it was an FBI file and I could not see it. If I had seen it, my recollection would have been refreshed.

BY MR. ROBB:

Q You know, don't you, Mr. Lilienthal, that the rules for security hearings, which I believe were adopted while you were Chairman, provide that the contents of FBI reports may not be disclosed?

A Yes, but the rules of the Commission, as I understand, permit Commissioners to have access to anything they had access to during the period of their Commissionership.

Q I don't want to debate that with you.

A I apparently am wrong if that is the regulation now, but that is what I asked for.

MR. GARRISON: Mr. Chairman, since this is now

the subject of discussion of this record, I would like to request that we be furnished a copy of this summary.

MR. ROBB: No, sir, I am sorry, Mr. Chairman, I would have to object to that. I think we are in agreement with what was furnished, Mr. Lilienthal.

THE WITNESS: You have it there.

MR. GARRISON: Mr. Lilienthal has not received it, and you have told him he received it, but he doesn't know what it is.

MR. GRAY: I can't make a ruling about the availability of FBI documents. I can't rule affirmatively in response to your request. As of this minute I will have to be guided by the security officer and the attorneys in this, Mr. Garrison.

MR. ROBB: Mr. Chairman, the rules under which these hearings are conducted provide that reports of the Federal Bureau of Investigation shall not be disclosed to the individual or to his representatives.

MR. ROLANDER: Mr. Chairman, we have a new reporter to spell the other reporter. Could he be sworn.

(The reporter, Harold B. Alderson, was thereupon duly sworn by the Chairman.)

HBA at
6:20
Ap 20

(Whereupon the reporter, Harold B. Alderson, was
duly sworn.)

BY MR. ROBB:

Q Now, after you received this material from Mr. Hoover, on Monday morning, do I understand your testimony that you presented it to the Commission, is that right?

A That is my recollection.

Q And each of them read the material, is that correct?

A During the course of succeeding hours or a couple of days, each of them did read it.

Q Didn't they read it right then?

A That was my recollection.

Q That they did?

A They sat down and began passing it around, and took it to their offices, and so on.

Q Pardon me.

A I think some of them stayed, and some of them took it to their offices for further reading, and so on.

Q Who was present at that meeting?

A My recollection is that all of the members of the Commission were there, and I have something of a recollection that Mr. Jones was there, Tom Jones.

Q Was Mr. Wilson, the General Manager, there?

A I don't recall.

Q Was anybody else?

2. A I really don't recall, and I know the Commissioners were there. I am quite sure they were.

Q After you had digested this material that Mr. Hoover had sent you, did you form any opinion as to whether or not the information contained in Mr. Hoover's material was true or false?

A Well, I don't know how to answer that. The information was like other information and we had no way of determining whether it was true or false and we did not see the people and the informants were anonymous and so on, and so I don't know how to answer that question.

Q Well, from that point on, did you proceed on the assumption it was true, or did you proceed on the assumption it was false?

A Well, I proceeded on the assumption, we proceeded to try to evaluate it, some of it having a ring of veracity and some of it -- for example as I recall one of the reports, and I think it is in this report, the informant turned out to be a nine-year-old boy. If that is true in this case, it may not be, then obviously you would say, "Well, this probably is not anything to rely on." But in other cases the report would say that the informant "X" is someone the Bureau has great confidence in, and you would assume that that was true.

Q Was the nine-year-old boy referred to in the mater-

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ial Mr. Hoover sent you on March 8?

A I had an impression, but this may have been some other file and as I remember that as an illustration of how you have to evaluate these things.

Q Well, now, having this material before you, I assume that contained certain allegations against Dr. Oppenheimer, didn't it?

A It constituted derogatory information about Dr. Oppenheimer, that is right.

Q And you say you proceeded to evaluate it?

A We did our best to evaluate it.

Q What did you do to evaluate it?

A Well, in general, speaking for myself, I followed this kind of a rule, that assuming that part of this material that has the ring of veracity to it is to be true, and discarding that that looks rather unimportant, or perhaps not true, does this derogatory information balanced against all of the other things one knows about the man indicate that he is a security risk or he is a man who would endanger the security of the United States. That is on the whole case.

Q When did you go through that process?

A As we were reading the file.

Q You mean that morning?

A Well, in the process of considering it, yes.

Q When did you reach your conclusion on it?

A I don't recall exactly. It was I think, probably, during the course of that week, after we talked to Dr. Conant and these other people that knew Dr. Oppenheimer well. There was a concensus that there was no occasion for us to cancel this clearance by anything that we had seen. I don't think that there was any question raised by anyone to the contrary, but in any case that was the feeling that I had.

Q Didn't you reach that conclusion the same afternoon?

A That isn't my recollection because we did go to the president or Dr. Bush and I went to the President the next day, but it could be that.

Q In the process of reaching that conclusion, sir, did you go back to Mr. Hoover to ask him for further details about this matter?

A We didn't immediately, no. We recognized the responsibility, and Mr. Hoover had transmitted the most recent information he had and the responsibility for evaluating and the conclusion was ours, and we did later think that it would be wise to go and see whether we were misinterpreting some of this, and that was the purpose of the visit later in March.

Q But did you communicate with Mr. Hoover and say,

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"Mr. Hoover, here is an item here that we wonder about.

What is your evidence to back this up?"

A No, I don't think we did.

Q You didn't do that in respect to any of these items, did you?

A I don't think that was the practice.

Q Did you do it?

A No, I don't think we did.

Q And I believe you have testified there were some items that you accepted as true, and some you had doubt about?

A Yes. I can't remember which was which, but I have the recollection that some of these things were stronger and more clear than others, but the whole picture was that of derogatory information about the man's past associations, and one episode that was worse than that.

Q Which was that?

A Involving Chevalier.

Q What do you mean, "worse than that," Mr. Lillenthal?

A Well, this struck me as being the only thing, the thing in the whole record, that would give the gravest concern, and for that, and the thing that dismissed that concern from my mind was the fact that General Groves and Mr. Landale, the Security Officer, at the time this happened examined this man on the question, and were apparently satisfied

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that this was not or did not endanger the national security, and the evidence to that was they kept him on. I can't add anything to that. That seemed to me a very conclusive kind of a judgment about whether he was dangerous or not.

Q Now, on that same day, this is March 10 again, in the afternoon, you met and talked to Dr. Bush, didn't you?

A About what?

Q Dr. Bush?

A What is that?

Q Didn't you meet and talk to Dr. Bush about Dr. Oppenheimer?

A Yes, and Dr. Bush was invited to meet with the Commission, and I don't know whether it was that day or not; but it was about that time.

Q And you wanted to get his opinion?

A Yes, sir.

Q Did you show him this material from Mr. Hoover?

A I can't recall.

Q Then I believe you called in Dr. Conant, didn't you?

A That is my recollection, yes, sir.

Q Did you show the material to him?

A I don't recall, I certainly discussed the context of it, but I doubt whether he was asked to read the file.

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Q You mean you made Dr. Conant familiar with the material?

A We tried to communicate to him what the nature of the derogatory information was, and I am now, my recollection is not precise about it, but that is my best recollection. We certainly conveyed to him the problem this report or file represented.

Q Isn't it true, Mr. Lillenthal, that that very day, March 10, 1947, after talking with Dr. Bush and Dr. Conant, that you concluded that there was no doubt as to Dr. Oppenheimer's loyalty?

A - I don't recall whether it was that day, I am satisfied as to what the ultimate conclusion was, but we did not entertain any doubts for any length of time, and I for one entertained no doubt, speaking for myself, entertained no doubts at all.

Q Now, thereafter, I believe you testified you talked to Mr. Clifford at the White House about it?

A Yes.

Q And what was the purpose of your conference with him?

A Well, we had in mind that Dr. Oppenheimer was an appointee of the President, and unlike employees of the Commission he was an appointee of the president as a member of the General Advisory Committee, and we ought to make sure

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the President knew of the existence of this derogatory information, and so as I recall Dr. Bush and I conveyed this information to him, and I believe it was on the following day.

Q By the way, Dr. Oppenheimer was appointed by the President in February, wasn't he?

A I don't recall, I thought it was earlier than that.

Q At all events, it was prior to the time you received this information from Mr. Hoover, wasn't it?

A That is my recollection.

Q Did you suggest to Mr. Clifford that a special board be convened to review this material?

A No, we did not.

Q Was that ever discussed with Mr. Clifford?

A No, I believe not.

Q Are you sure about that?

A I am not sure, but I have no recollection of it.

Q Was there any reason that you knew of for the appointment of a board of any kind to review this material?

A No. It didn't seem to me and I don't recall it seemed to anyone that there was that much question about it. The reason for that of course is that this man subsequent to the time of these events and these associations had done a great deal for his country and to prove by his conduct that he was a loyal citizen of the country. He wasn't just an

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ordinary unknown individual whose achievements were not well known to us and to the people we consulted.

Q As to the creation of a board of any sort to evaluate this material, it was never discussed between you and Mr. Clifford?

A I don't recall, it could be, but I don't recall that. Mr. Clifford, my impression is Mr. Clifford said he would advise the President, but Mr. Clifford did not seem to take this seriously, and to the extent of requiring procedure of that kind, but I could be quite wrong about that.

Q Now, you were asked by -- I forget which one of counsel was pitching at that time, was it Mr. Silverman, I guess -- but you were asked what the Joint Committee knew about this material, and you said, as I recall, you didn't know whether they did or not, is that right?

A I said that at a later date, I am sure they did.

Q Well, did you advise the Joint Committee of this development?

A I don't recall, and I just don't have any recollection of that.

Q Isn't it a fact that you did not?

A Well, it may be, I just don't recall.

Q Was there any reason why you shouldn't have?

A Any reason why we should or should not have?

Q Should not have?

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A Well, if we had had doubts about our responsibility in the matter, I am sure we would have done so, but we didn't.

Q Did you discuss the question of whether or not you should advise the Joint Committee?

A I don't recall, and we couldn't have submitted a file to them in any case, because at that time the President's regulations forbade it, and later on when the President's regulations were amended this file was available to them.

Q Now, I believe you were asked whether or not the FBI statement that you received from Mr. Hoover contained all of the information about Dr. Oppenheimer, is that correct?

A I am sorry, I didn't understand you.

Q I will strike that question, it isn't very clear. I believe you were asked whether or not on March 8 or 10, whichever it was, you had the complete story or file from Mr. Hoover, and you said you did, is that right?

MR. SILVERMAN: Is that a question or an answer?

BY MR. ROBB:

Q Did you receive any further information from Mr. Hoover after you received the first information on March 8 or 10?

A My recollection is that we didn't, but I wouldn't be positive about it. My recollection is that this was the whole of the information, whatever it was, the file or report,

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it was delivered, and it is my recollection that that was the sum total of what was delivered to us.

Q Did you discuss this matter with counsel at the time, to get their opinion on it?

A I don't recall. It sounds reasonable one should, but at a later state we certainly discussed it with Mr. Volpe, because Mr. Volpe accompanied me on the visit to Mr. Hoover.

Q Who was Mr. Volpe?

A At that time he was Deputy General Counsel.

Q Who was the General Counsel?

A He was Mr. Herbert Marks.

Q Who is here?

A Yes, sir.

Q Did you go over it with Mr. Marks?

A Well, I don't recall. I am sure we went over it with Mr. Jones, he was present as the security officer and whether we went over it with counsel, except this occasion of this visit to Mr. Hoover, I just don't remember. I think that I might say at this point, the Senate Committee on Atomic Energy was holding hearings on the confirmation of the Commission, and we were spending for 13 straight weeks most of my time up there, so that my recollection of the operations of the Commission are not as clear as they might be.

MR. GRAY: Let me ask a question on this point, Mr. Robb. Mr. Lillenthal, this was important enough to go and talk with Clark Clifford at the White House about, and was important enough for you to go back and talk with Mr. Hoover about it, and are you sure you didn't discuss it with the Deputy Counsel of the Commission?

THE WITNESS: I would think that, I assumed I did.

MR. GRAY: Wouldn't it be unreasonable to think that you had not discussed it with counsel if you went to the White House, and to the Department of Justice with it?

THE WITNESS: I really ---

MR. GRAY: I am not asking you to recall something you can't recall. Well, I am sorry, if you can't recall ---

THE WITNESS: It depends, Mr. Chairman, on the functions of the General Counsel's office at that time, in relation to security matters. If they had functions in that field ---

MR. GRAY: Do you recall whether they did or not?

THE WITNESS: My recollection is that those functions were confined to legal questions rather than questions of evaluating the file. The security office had the responsibility for assisting the Commission in a staff sense on evaluation of files. I think that that was the practice from then continuously, actually.

BY MR. ROBB:

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Q Now, the Atomic Energy Act required an FBI investigation of all personnel, does it not?

A Yes, sir.

Q Did you have the FBI investigation which had been made pursuant to the Act at the time you made this decision in March?

A I can only tell you what my impression is. The Atomic Energy Act required a re-examination by the FBI and the bringing up to date of those people who had had clearance under the Manhattan District. Dr. Oppenheimer of course did have such, and I have been assuming what I have been saying here in my recollection is that this was that re-examination, his clearance up to this point having been a Manhattan District clearance, and I could be wrong about that.

Q I believe you testified in response to a question by Mr. Silverman, that you had read the letter of General Nichols to Dr. Oppenheimer?

A To General Groves.

MR. ROBB: This is the difficulty of switching witnesses back and forth, and you get confused.

MR. SILVERMAN: The witness has only been here during his testimony.

MR. ROBB: I understand, but I have been here through them all, and I am getting confused.

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MR. SILVERMAN: You are not confused. General Nichols is the one.

BY MR. ROBB:

Q Have you read the letter from Mr. Nichols to Dr. Oppenheimer?

A Yes, I have.

Q Do you recall in there the statement that Dr. Oppenheimer had contributed \$150 a month to the Communist Party up to about April of 1942?

A No, I don't recall that.

Q Well, do you recall whether or not you had any such allegation as that before you in March of 1947?

A Oh, no, I couldn't remember as fine a point as that, no, I don't recall it.

Q Do you recall whether or not in March of 1947 you had at the AEC the old Manhattan District files?

A I know that we were supposed to have them, because the President's order, I believe, directed their transfer, and the President's order of December 31, 1946. It transferred the properties and so on of the Manhattan District to the AEC, and that was presumably included the files of the Manhattan District.

Q Just so we can be clear about that, I have before me a memorandum dated March 12, 1947, Memorandum to the File, signed by Bernard W. Menke, Staff Security Officer.

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Do you remember him?

A I don't.

Q It refers to the FBI files, and I think under the rules I am not permitted to read it, but I will read the part pertinent to this particular point.

"The complete Manhattan Engineering District files concerning J. R. Oppenheimer were sent to the FBI about July or August of 1946, at the time he left employment controlled by the Manhattan Engineering District. This action was apparently in accordance with some agreement, the parties to which are said to have been General Groves, J. E. Hoover, and the Attorney General; under which agreement the FBI, upon assuming exclusive investigative jurisdiction of a person who departed from project work, received the full Manhattan Engineering District investigative file pertaining to that person. For this reason the pertinent files are not available for reference in analyzing the instant summaries."

From that you conclude, wouldn't you, that the old Manhattan Engineering District files were not in your shop, so to speak?

A No, apparently they had been transferred to the FBI.

MR. GRAY: Do you think you ever saw the Manhattan District files, Mr. Lillienthal?

THE WITNESS: I am beginning to doubt it, and if I

had looked at this file before I came to testify, I would be a little clearer.

MR. GRAY: I don't think that there is anything here that indicates whether you did or not see the Manhattan District file.

MR. ROBB: I don't want to trap the witness, I am sure he didn't, because they were not there.

MR. GRAY: I believe in your testimony in response to questions from Mr. Silverman this morning, you did refer to the Manhattan District files. Is it possible that you could have seen them at some other time, or some other channel?

THE WITNESS: I don't think so. I was referring to this report as counsel demominated it, as containing a summary as he points out of what all the Manhattan District files contain.

BY MR. ROBB:

Q Now, was Mr. Carroll Wilson present at the meetings which were held concerning this matter?

A I don't recall. My recollection is that these were executive meetings and those Mr. Wilson would not attend, but he might have attended. I don't really recall.

Q I have before me, taken from the files, the original of the memorandum from Carroll L. Wilson, General Manager, to the file, and I will read it to you.

"United States Atomic Energy Commission, Washington, D. C." ---

MR. GARRISON: Shouldn't the reporter note the withdrawal of Dr. Evans?

MR. ROBB: He is back here, so it is academic.

"United States Atomic Energy Commission, Washington, 25, D. C. Memorandum to the File: Carroll L. Wilson, General Manager, Subject: J. Robert Oppenheimer." There is a longhand note, March 10, 1947, copy 1 and 2, Series "B"§ typed Security Office, D. Dean."

"March 10, 1947: Summaries of information received on March 8 from the FBI regarding J. Robert Oppenheimer and his brother, Frank F. Oppenheimer, were considered by the Commissioners in closed session this morning. This file was accompanied by a letter dated March 8 from Mr. J. Edgar Hoover and the file was delivered to Mr. Jones by the F.B.I. on Saturday morning, March 8.

"The letter from Mr. Hoover transmitted a copy of what was described as a summary of the F.B.I. files concerning J. Robert Oppenheimer and his brother, Frank F. Oppenheimer. The summary consisted of material usually referred to as derogatory.

"The Commission met in closed session and each of the Commissioners read the rather voluminous summary and noted from the incompleteness of the account as contained

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in the summary that either it did not reflect the results of a full investigation or did not contain all information bearing on the matter. The Commission also noted that the evidence summarized which, as stated in Mr. Hoover's letter, came from confidential sources, could seriously impeach Dr. Oppenheimer and that as a consequence this matter was one in which not only the Commission but also Dr. Bush as Chairman of the Joint Research and Development Board and Dr. Conant as Chairman of the Atomic Energy Committee of the JRDB were also concerned. Furthermore, in view of the role of both Dr. Bush and Dr. Conant in connection with the Manhattan Project during the war, and their association with Dr. Oppenheimer while he was Director of the Los Alamos Laboratory of the Manhattan Project, it was felt that they should be consulted promptly. Dr. Bush was reached by telephone and it was arranged that he meet the Commission at 3:15 p.m.

At 3:15 p.m. the Commissioners met and were joined by Dr. Bush. The delivery of this file and the fact that it contained derogatory information were reported to Dr. Bush although he was not shown the file. Dr. Bush stated that he was not familiar with Dr. Oppenheimer's background prior to his joining the Manhattan Project in 1942, but that he had concurred in the choice of Dr. Oppenheimer by General Groves for the important post of the Los Alamos Bomb Labora-

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tory and that he felt that Dr. Oppenheimer's exceptional performance as Director of that Laboratory and subsequently in other roles advising the Government on the subject of atomic energy had clearly demonstrated his loyalty as a citizen of the United States and his integrity.

"Inasmuch as Dr. Conant had been closely associated with Dr. Oppenheimer in connection with the Manhattan Project, he was invited to sit with the Commission and Dr. Bush for discussion of this matter and he joined the meeting at about 3:45. Dr. Conant stated that his association with Dr. Oppenheimer dated from the beginning of Dr. Oppenheimer's connection with the Manhattan Project and that he was not familiar with the contents of any investigative files concerning Dr. Oppenheimer's background. He stated that General Groves had taken full responsibility for selection of Dr. Oppenheimer to head the Los Alamos Laboratory and that it was certainly a matter of public knowledge that this Laboratory under Dr. Oppenheimer's brilliant and driving leadership had made an enormous contribution to the war effort.

"Inasmuch as General Groves had made the original selection of Dr. Oppenheimer, the Chairman attempted to reach him by telephone but was advised that he was en route by automobile from Florida to Washington and could not be reached.

"Drs. Bush and Conant shared the views of the Com-

mission that the record of Dr. Oppenheimer's contributions to the country in this field during the last four or five years have been so outstanding that it could leave no doubt as to his loyalty. It was further stated that, in view of Dr. Oppenheimer's unique position as an authority in this field, if anything were permitted to occur which might cause him to be lost to the Government in connection with atomic energy, it would be a very serious blow to our progress in this field and would have very serious consequences in the attitude of his fellow scientists towards this project. Even if no precipitous action were taken which would affect Dr. Oppenheimer's continuance in his present efforts with respect to this project, any public disclosure, either of the information contained in files or of the fact that such information exists which is the subject of serious concern as to Dr. Oppenheimer's qualifications, the consequences upon the leading scientists engaged in the project would still be serious.

"In view of the interest of the War Department and the role of the War Department in bringing Dr. Oppenheimer originally into this project, Drs. Conant and Bush arranged to see Secretary Patterson later in the afternoon. They did see him and he promptly agreed to contact General Groves.

"March 11, 1947: The Commission met this morning for further consideration of the matters discussed yesterday

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in connection with Dr. Oppenheimer. The Commission concluded tentatively (1) that on the basis of the ---

MR. GARRISON: What is that?

MR. ROBB: (Reading) "The Commission concluded tentatively, (1) that on the basis of the information supplied by Dr. Bush and Dr. Conant concerning Dr. Oppenheimer's outstanding contributions in this project and his consistent concern for the security of this country in connection with his services as a member of the JRDB Committee on Atomic Energy and as an Adviser to the Department of State, Dr. Oppenheimer's loyalty was prima facie clear despite material contained in the F.B.I. summary; (2) that as a result of his work for the Government during the last four years he is now one of the best, if not the best-informed scientist in regard to "restricted data" concerning atomic energy; (3) that while under these circumstances the questions raised by the summary did not create an issue or any immediate hazard, it was essential to undertake promptly a full and reliable evaluation of the case so that it could be promptly disposed of in one way or another.

"As a first step, it was decided to secure as promptly as possible written expression of views from Dr. Bush, Dr. Conant, and General Groves as to Dr. Oppenheimer's loyalty. As a second step, it was decided that the Chairman should confer with Dr. Bush and Mr. Clifford of the White

House concerning the establishment of an evaluation board of distinguished jurists to make a thorough review and evaluation of the case. Inasmuch as Dr. Oppenheimer is a Presidential appointee to the General Advisory Committee to the Commission, the case is one in which the White House has a definite interest. In addition, the matter is of interest to the Department of State inasmuch as Dr. Oppenheimer has served as an adviser to the Department of State on many phases of atomic energy, including serving as a member of the Board of Consultants to the Department of State in the preparation of a plan for the international control of atomic energy, and subsequently as an adviser to Mr. Baruch and more recently as adviser to Mr. Frederick Osborne.

"At 3:00 p.m. today Dr. Bush and the Chairman" -- that was you, wasn't it?

THE WITNESS: Yes, sir.

MR. ROBB: (Reading) "Dr. Bush and the Chairman met with Mr. Clifford and advised him of the circumstances in connection with this case and discussed with him the desirability of having a review of this case by a board of distinguished jurists or other citizens. The Chairman proposed that there be considered for membership on this board judges of the Supreme Court. Mr. Clifford stated that he was decidedly opposed to any move which would draw members of the Court into outside activities and felt that this case did not

warrant an exception to that policy. This policy would not preclude selection of other jurists for temporary service on such an evaluation board if it were deemed desirable that such a board be established. Mr. Clifford stated that he would discuss the matter with the President and communicate with the Chairman and Dr. Bush on Wednesday.

"The results of the discussion with Mr. Clifford were reported to the Commission at a meeting at 5:00 p.m. this afternoon. At that meeting the General Manager reported that a detailed analysis of the F.B.I. summary was in process of preparation by the Commission's security staff as an aid to evaluation."

Have you any comment on that, Mr. Lillenthal?

THE WITNESS: No, I haven't. It is quite evident that Mr. Clifford in the end did not favor the idea of such a board, or perhaps we changed our minds, but I had forgotten that recommendation.

BY MR. ROBB:

Q You had forgotten that?

A Yes. I think the thing that this does confirm is that the initial reaction of the Commissioners was as stated, on the whole case, in view of the record of service to his country, this did not raise questions in our minds but was a case or matter that should be very carefully dealt with, and dealt with very carefully in the evaluation process.

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Q But you would agree, would you not, sir, that in 1947 you and the Commission seriously considered, and in fact were of the view that a board should be impaneled to consider this matter?

A It is quite evident from this memorandum that this was considered.

Q And you thought enough of it to go to Mr. Clifford at the White House and so recommend?

A That is right.

Q In other words, you recommended in 1947 that the exact step which is now being taken, be taken then?

A We suggested it, and I think perhaps that is the import of the memorandum as I recall, we suggested this to the White House.

Q That step did not strike you as fantastic or unreasonable, did it?

A No.

Q Now, did you talk with Mr. Clifford again about that matter of the board?

A I don't recall, and I really don't.

Q I will show you the original of a memorandum, on March 12, 1947, 11:25 a.m., report of telephone conversation, at 11:20 with Clark M. Clifford, Special Counsel for the President. That is dated March 12, and it has "DEI" on the bottom. Did you write that, Mr. Lillenthal?

(Whereupon, the document was handed to the witness.)

MR. GARRISON: Did you say, "Did he write it?"

MR. ROBB: Did he dictate it?

MR. GARRISON: This is a record that he purportedly made?

BY MR. ROBB:

Q Your answer is that you did dictate it?

A Yes, it would appear that I did, and may I read it?

Q I am about to read it to you.

A All right.

MR. ROBB: I will ask Mr. Rolader to read it.

MR. ROLADER: (Reading) "March 12, 1947, 11:25 a.m. Report of Telephone Conversation at 11:20 with Clark M. Clifford, Special Counsel to the President: I put in the call to Clifford. I told him that following the conference yesterday afternoon with him, Dr. Bush and myself concerning an FBI report on a member of the General Advisory Committee, it was Dr. Bush's and my understanding that the status of the matter was as follows:

"That having presented the matter to the President by the method of presenting it to Mr. Clifford, Mr. Clifford would lay the matter before the President and advise us whether we should proceed to submit this matter to a board of

review of judges or other outstanding citizens outside the Government, or what course should be followed.

"I said that until we heard from him it was Dr. Bush's and my understanding that the record would be supplemented by statements from Dr. Bush, Dr. Conant, etc., and an analysis of the report made within the Commission, but that no steps would be taken with respect to a board of review in this case. He said that Dr. Bush's and my understanding in this respect was correct. He said that after our conference he had briefly discussed the matter with the President; that it was a matter the President would want to think over; that it was presented at a time when the President (here I am relying on my shorthand notes, taken during the conversation) was exceedingly busy on an all-important matter, namely, the crisis in the Mediterranean. Clifford said he, the President, will want to think it over some; that the next few days the President will be away from Washington. He will have time to think it over and determine if the board of review idea is the proper way to go about it.

"I told Mr. Clifford that we had not reported the receipt of this report on a Presidential nominee to the Joint Committee or to its Chairman; I asked if he had any comment on that. "You have put it up to the President through me and are awaiting his reaction after he has had time to give it some thought. You have done the two things

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that are right to do: (1) The Commission has made an immediate check with the three individuals who know most about the situation -- Dr. Bush, Dr. Conant, and General Groves, and (2) you have presented the matter over here. So far as I know that is all that you are under any reasonable obligation to do." He said that we should therefore let the matter stand until we hear from him. He said that if I had not heard from him by the time the President returns to Washington, I should call and remind him about it. He said that if absolutely essential he could interrupt the President and get some decision about the board of review at any time but that he didn't want to do so unless it was absolutely urgent.

"I said that the man in question had been awarded a Medal of Merit, the highest civilian award, for his war work; it was my impression that these awards were made by the President on the basis of recommendations by a distinguished reviewing board. He said that the board initiated the recommendations and reviewed them and then the President acted upon them. He said further that he would supply a copy of this recommendation which could be made a part of the record in this matter."

BY MR. ROBB:

Q Now, Mr. Lilienthal, this was a matter of grave import to you, wasn't it?

a light as possible, and to make what is a lapse of memory seem like a deliberate falsification. I regret that this kind of procedure which is quite suitable in criminal prosecutions and a court of law, when that attempt is being made before a jury, I am sorry that it has to be made here.

MR. ROBB: Mr. Chairman, may I reply to that, as I take it to be some reflection upon my professional integrity and my professional methods. Let me say --

MR. GARRISON: I have not questioned your integrity.

MR. ROBB: I have no apology to make for the methods I am pursuing in the cross examination of these witnesses. It is an axiom that the greatest invention known to man for the discovery of truth is cross examination, and I am pursuing what Mr. Garrison should know are orthodox, entirely proper and entirely legitimate methods of cross examination. I make no apology to Mr. Garrison or anyone else for the method I am pursuing, and I submit that I have been entirely fair.

I asked the witness and I have taken him over these matters which I submit are matters which, well, I won't make an argument on that point, and he has said he did not remember them, and now I have read him these papers, and he says that he forgot them.

THE WITNESS: Mr. Chairman, may I make this comment, that in the great multiplicity of things that went on at that time, it is not at all impossible that I should not

remember even as important a matter as this, but a simple way to secure the truth and accuracy would have been to have given me these files yesterday, when I asked for them, so that when I came here, I could be the best possible witness and disclose as accurately as possible what went on at that time. I am a little confused about the technique. The Board wants the facts, and the facts are in the file, and I asked for the file so I could be a better witness, and it was denied me. So I just have to rely on memory during a very troubled and difficult time on matters that are obviously important, but they are not as important as many other things we were concerned with at that time. It would help me a good deal, and I could be a much better witness if I saw the files that I helped to contribute to make.

MR. ROBB: Mr. Chairman, I think Mr. Garrison would agree that it an entirely fair comment to make that it is demonstrated that the memory of the witness was not infallible.

THE WITNESS: I would be the first to insist on that.

MR. ROBB: Since we are depending largely on memory, I think it is a fair test.

MR. SILVERMAN: Why, when we have documents.

MR. GARRISON: I thought the notion of an inquiry and not trial was to get at the truth by the shortest possible route, and it seems to me the attempt to make a witness seem

to be not telling the truth, or his memory is not to be relied on by this Board, by the surprise production of documents, is not the shortest way to arrive at the truth. It seems to me more like a criminal trial than it does like an inquiry and I just regret it has to be done here.

MR. GRAY: Well, the Board certainly will take cognizance of the comments of counsel in respect to this matter, and I think that if counsel is not permitted to engage in cross examination and simply relies on notes the witnesses may take from documents in a file, there may be some difficulty in arriving at some evaluations, and now on this particular point, it seems to me pertinent at least against general and public discussions, with which counsel cannot be unaware, including the New York Times story, the information for which was furnished by counsel, it is repeatedly and publicly stated that the Commission and others cleared Dr. Oppenheimer at the time that these were old charges rehashed, and completely considered and evaluated at the time. It does seem important to me, at least as Chairman of this Board, to find out exactly what did take place at that time.

MR. GARRISON: I agree with you, Mr. Chairman, in full. I want knowing but the truth brought out here. And all of the truth about all of the things, and I want complete cross examination, and I raise only the question of surprising

the witnesses with documents they themselves prepared which are in the file and which the government has, and it seems to me a shorter way of arriving at the truth and a fairer way where a witness has prepared a document which the government has in its possession is to ask him if he prepared that document, and to read it into the record, rather than confuse him first by asking him about things that he doesn't remember. That is the only point I make, and that limited point, and I wish in no way to confine this inquiry. But it is an important point, though limited.

MR. ROBB: May I proceed? I have two more questions.

MR. GRAY: You are not going to confront the witness with any more documents?

BY MR. ROBB:

Q Was any board ever convened?

A No, I am sure of that.

Q Did you hear any more from Mr. Clifford about it?

A I don't recall. We certainly didn't have a recommendation from him that a board be convened or such a board would have been convened.

Q Now, you testified, I believe, that I think in 1949 you were working on an A bomb of vastly increased power, is that right?

A Yes, sir.

Q About 500,000 tons of TNT, is that right?

A My recollection which I think is correct is that this was in the order of 20 to 25 times the Hiroshima which would work out to four or five hundred thousand.

Q One of those bombs -- pardon me.

A You used the words "working on" and what I think I said was a program approved and being accelerated to that end, and I had assumed that the fission bomb referred to by the President on December 8 was presumably that bomb.

Q And one of those bombs would take out a small city and two would take out a big one, was that right?

A My recollection of the estimates that were made at that time to us by the technical people, Dr. Bradbury, and so on, was that one such bomb would take out all targets in the United States except perhaps a two to five-- most of the large cities of the United States, and two would take out any large city.

Q Was there any reluctance or any hanging back on the part of scientists to work on that bomb because of what we call moral grounds?

A No.

MR. ROBB: That is all.

THE WITNESS: I wanted to ask a question about this document.

BY MR. ROBB:

Q Which one, sir?

A The document that I wrote, not that one, but the one that was referred to or read into the record in the closed session. In that regard there is the disposition. I suggested, and I don't know whether this is in the record or not, but I would like to get it clear that I suggested that it would be easier for me and more convenient for me if this stayed in the Commission's files, and so I won't have the responsibility of its protection, which is a fairly complicated business. Although I have very great question in view of what Mr. Beckerley said about the confidential nature of it, I don't want to take any chances on it. I haven't shown this to anyone, but I have relied on its contents and an article appeared in the October 4th issue of the New York Times, and I want to be sure that this is not a surprise to the Board. In the course of that article, I did not quote from this, I recited the kind of arguments that were made at the time, but I did not disclose any of the confidential information, I am confident. But I would prefer to have the document here, and I would like to renew my request, the request I made to Mr. Snapp, that an effort be made to separate out these things which are clearly not confidential at all and simple expressions of my views, and those things which they regard as possibly confidential, because they had not consulted the State Department or the Department of Defense.

Then I would just like to leave this here, and not have the responsibility of it.

MR. GRAY: I have no objection to your recital. Actually I would suggest that this is a matter between you and the Atomic Energy Commission, or at least the security people in the government, and not with the Board as to what disposition is made of the original document. So I think whatever requests you make, don't rely on this Board to see that they are carried out with respect to the treatment of the document.

I should also say, Mr. Lilienthal, that I for one did not know of the existence of this document until we started our discussion of it, whenever it was today.

MR. GARRISON: May I say the same for counsel on this side.

MR. ROBB: I didn't either. The first I heard of the document was this morning.

THE WITNESS: There is one point, and the reason I mentioned it, is because I did not want any question about the fact that I have relied upon the substance of the statement of my view in this piece and relied upon the expression of those views as reflected in this document. For an effort to state clearly in a public article in the New York Times, what my position was at that time, and the reason being that that position was, I thought, being

unfairly presented, and I just want to be clear as far as the Board is concerned that that is no failure to disclose that at the time I turned this back.

MR. GRAY: I am sorry to have to address another couple of questions to you. I apologize to everybody including my colleagues on the Board and counsel. I am still confused about the instructions to the General Advisory Committee for the October 29, 1949 meeting. This, I think, is pertinent to the inquiry because Dr. Oppenheimer, in his reply, says that the Atomic Energy Commission called a special session of GAC, and asked to consider and advise on two related questions.

First, it was whether, in view of the Soviet success, the Commission's progress was adequate. Now, that is covered, I believe, in the letter which was read into the record which you wrote the General Advisory Committee. Am I correct in that?

MR. ROBB: I think so.

MR. GRAY: I am not trying to trap you.

THE WITNESS: I must say I am getting a little -- that is my recollection of it; it was a short letter.

MR. GRAY: And, if not, in which way it should be altered or increased, and I think that that was correct; and, second, and now I am reading from Dr. Oppenheimer's reply, whether a "crash" program for the development of the super

should be a part of any new program.

Now, in your letter which was read into the record, and in my recollection of the letter signed by Mr. Pike, as Acting Chairman, I haven't yet found any reference to this specific question as to whether a crash program in relation to the super was put to the Commission.

Now, it is entirely possible.

THE WITNESS: Was put to the GAC?

MR. GRAY: I am sorry, was put to the GAC, and it may be fruitless to pursue this at this point, and I would like somehow to be informed as to how that second question actually was put to the GAC. It is Dr. Oppenheimer's recollection clearly that they were asked, or I believe he so testified, and he put it in his letter, and I am not suggesting that they were not asked, but I am trying to find out how they were asked. If you do not have any recollection, I do not want to pursue it further with you now.

THE WITNESS: I am sure it was presented to the GAC, but I must say I cannot say exactly in what form.

MR. GRAY: In security problems, generally, Mr. Lilienthal, was Mr. Volpe a person whom you frequently consulted? He accompanied you, I believe, to Mr. Hoover's office in connection with this matter. Did you frequently consult him generally and was he your security sort of person?

THE WITNESS: He was consulted because legal questions frequently arose, and he probably, and I can't recall precisely, he may well have been consulted on the general questions of policy. This is just too vague in my recollection to know just how that division of responsibility was made.

MR. GRAY: I have one further question.

THE WITNESS: I think perhaps if it is important I could dig into the files and try to illuminate that, but I haven't any recollection.

MR. GRAY: I have one further question, which relates to your feeling in early 1950 that it would be unwise to proceed with a program which would lead to a test of the super; is that stated correctly?

THE WITNESS: Yes, I stated it more extensively than that, but I thought something ought to be done beforehand.

MR. GRAY: I am about to come to that; until there had been a rigorous re-examination of military plans and policies, were these things in your judgment mutually exclusive. In other words, could not the re-examination have gone forward simultaneously with steps which might determine the feasibility of the super?

THE WITNESS: In this memorandum and in my statement to the National Security Council, I tried to indicate

why I felt that they could not.

MR. GRAY: That they could not?

THE WITNESS: That going ahead with this program would prejudice that re-examination, and I could well have been wrong about it, but that was the view I had and that is what I said. In fact, no re-examination was made, but in any case my concern was that once that decision were made the re-examination wouldn't take place. Whether I was right or not, it was the view I had.

MR. GRAY: I didn't understand that. Did it occur to you that, as it did to some people who were active and informed in this program, proceeding with further development might prove that the Super was infeasible, or was not feasible, or did you assume that if we really went ahead with it we could do something about it?

THE WITNESS: Well, I was as much concerned as anything with the effect of an announcement that we were going in to an all-out program of that kind, that that would prejudice the re-examination, and whether it came out that we could make it or couldn't, that that would confirm the course we then pursued or reliance, not upon really taxing ourselves, and really going to town with an important military program, but going off on this same course again.

MR. GRAY: That suggests that if you had to make

a guess as to the feasibility you would have guessed it was feasible.

THE WITNESS: I think that I can't improve on the way in which we presented our conclusion on this to the President, that we were assuming that it could be done.

MR. GRAY: That answers my question.

M.R. SILVERMAN: I have no questions, except for one I would like to ask Mr. Robb.

Do we now have all of the documents on this clearance thing in 1947, or are there later documents?

MR. ROBB: There is one thing in the file, and do you want me to read it now, if I can find it?

MR. SILVERMAN: We might just as well have it complete.

MR. GRAY: Is this something that needs to be read at this time?

MR. ROBB: I can read ^{it} the first thing in the morning.

MR. GRAY: Is it something that must be read in Mr. Lilienthal's presence?

MR. ROBB: It may be. It is dated July 18, and I don't know whether it had to do with this or not. I will read it if you want me to right now.

"Confidential

"Office Memorandum, United States Government

"To: G. Lyle Billsley

"From. T. L. Jones.

"Subject: J. Robert Oppenheimer

"Date: July 18, 1947

"Herewith a complete investigative file on J. Robert Oppenheimer, upon whom it is believed the Commission may not have formalized their decision. If the Commission meeting minutes contain indication of Commission action, would you kindly so advise?. If they do no, I presume that you will wish to docket this case for early consideration. Each Commissioner and the General Manager have seen every report in this file with the exception of a summary of July 17, and my memorandum for the file dated July 14, 1947."

In longhand there is "Joe Volpe: Time flies, Will you please go to work on this?" Signed "G. L. B."

Then also in longhand, "August 2nd. Ret to Mr. Billsley by hand" Underscored twice. "Lyle: I looked over this file after you left it with me last night. My impression is that the Commission saw no need for formal action following the meeting they had with Mr. Hoover referred to in Lilienthal's letter of April 3 to the FBI Director. I assume that the information which has come in since that time has been circulated among the (over) Commissioners for their information. If Tom thinks the

summary of July 17 and his file memorandum of July 14 should be circulated, that should be done. In addition, I think that you should check my impression of the status of this case with the Commission itself. J.V. Jr."

And the next thing is on August 11, which I believe we had, but just so that it will be all complete, I will read it:

"Office Memorandum

"Date: August 11, 1947

"From: T. L. Jones" Initials "TLJ"

"To: William Unna

"Subject: J. Robert Oppenheimer

"Authorization for granting final Q type security clearance to the subject is contained in minutes of the meeting of the Atomic Energy Commission at 10:30 a.m., Wednesday, August 6, 1947. It is reflected in the minutes that this clearance was granted during February 1947, but was reaffirmed because previous minutes failed to reflect the actbn. In addition, as you know, Dr. Oppenheimer was previously cleared by the Manhattan District. Would you please make the appropriate entry in your records."

Now, is that all there is?

MR. SILVERMAN: What about the memorandum of July 14?

MR. ROBB: That is the summary of an FBI file which I don't think I can read. That is July 17.

MR. SILVERMAN: And July 14, also.

MR. ROBB: July 14. "To File

"From: T. L. Jones" (signed)"TLJ".

"Date: July 14, 1947.

"Subject: J. Robert Oppenheimer and Philip Morrison

"July 10, 1947, in the course of a conversation with John Lansdale, Jr., former Chief of Intelligence and Security for Major General Ralph E. Groves, you mentioned the two subject cases with both of which he had contact during the war. In both cases, in fact, Lansdale himself interviewed the men at some length. I did not ask Mr. Lansdale for an official opinion on either case, and no doubt before giving one should this ever be considered desirable, he would wish an opportunity to review the cases and apprise himself of recent developments. However, his rather casual comments seemed of interest and worth preserving in the files.

"These were that he was absolutely certain of the present loyalty of J. Robert Oppenheimer, despite the fact that he doubtless was at one time at least an avid fellow traveler, but that he felt that Morrison was a Communist. Lansdale has not of course had occasion to review the recent reports on either man, as his remarks should probably be interpreted as reflecting his judgment at the time of his most recent review of each case."

MR. BOLANDER: That is all.

MR. SILVERMAN: I want to apologize to the Commission for piling my straw on top of it.

MR. GRAY: We will recess until 9:30 tomorrow morning. Thank you very much, Mr. Lilienthal.

THE WITNESS: Thank you for your consideration in seeing me through today.

(Witness excused.)

MR. GRAY: We will adjourn.

(Thereupon at 7:45 P.M., a recess was taken until Wednesday, April 21, 1954, at 9:30 A.M.)