News and views

The Oppenheimer Case

ONE year ago this month the President's personal advisor on atomic energy matters, Admiral Lewis L. Strauss, succeeded Gordon Dean as chairman of the Atomic Energy Commission. Four days after assuming office, Strauss had taken steps to initiate a new security and loyalty investigation of the theoretical physicist who had served a decade earlier as the chief architect of the atomic weapons program to which the AEC owes its existence. Robert Oppenheimer, as wartime laboratory director at Los Alamos, had demonstrated qualities of wisdom, imagination, and leadership that were remarkably suited in that urgent atmosphere to the administration of a laboratory staffed predominantly by civilian scientists, both American and foreign born, whose work had to be done in close cooperation with professional military personnel. The spectacular success of the undertaking is now history, the A bomb has been dwarfed by the H bomb, patterns of international tension have been drastically altered, traitorous disclosures of secret atomic information have come to light, and security clearance requirements for secret work have been stiffened and made subject to new and uncompromising standards.

Oppenheimer left Los Alamos after the end of hostilities in 1945. When the Atomic Energy Commission was created he was named a member of the AEC's General Advisory Committee of scientists and became committee chairman in 1947. He retired from the committee in June 1952 and was then engaged by the AEC as a consultant for one year, until June 30, 1953, at which time his contract was renewed for another year. Since 1947 he has been director of the Institute for Advanced Study in Princeton, N. J.

The AEC's case against Oppenheimer, developed at length during the latter half of 1953, consisted of a list of charges presented to him on December 23rd in the form of a letter from Major General K. D. Nichols, general manager of the Commission. Oppenheimer's "Q" clearance was suspended at that time and he was notified that he could, if he chose, request a hearing before a personnel security board of the AEC. He replied in writing on March 4th with a detailed answer to the allegations contained in the Nichols letter and asked that he be granted a formal hearing. The AEC accordingly established a board for that purpose under the chairmanship of Gordon Gray, president of the University of North Carolina and former Secretary of the Army. The two other members were Thomas A. Morgan, former president of the Sperry Corporation, and Ward V. Evans, professor of chemistry at Loyola University in Chicago. The composition of the Gray board was widely acclaimed in the press as being such as to ensure a fair hearing for Oppenheimer. All of the board's distinguished members were accepted as eminently suited for their task. An entirely typical comment was that of *The New York Times,* which remarked editorially on April 16th that "the nation can have confidence that the case is being considered by men of experience, judgment and integrity".

For several weeks the board members heard testimony, questioned witnesses, and examined relevant documents. Then, on May 27th, they submitted their findings to Nichols in the form of a majority report by Gray and Morgan and a dissenting opinion by Evans.

Gray and Morgan found that the nation owes a particularly great debt of gratitude to Oppenheimer for loyal and magnificent service, praised his high degree of discretion reflecting an unusual ability to keep to himself vital secrets, came to the clear conclusion that he is a loyal citizen, but found themselves unable to recommend that it would be in the national interest to reinstate his clearance. "It seemed to us," the majority members stated, "that an alternative recommendation would be possible, if we were allowed to exercise mature practical judgment without the rigid circumscription of regulations and criteria established for us." Gray and Morgan said that four considerations had been controlling in leading to their conclusion:

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

Evans, in his minority report, agreed that Oppenheimer is a loyal citizen, said that in the matter of "associations" Oppenheimer now has fewer politically suspect friends than he had when he received full AEC clearance in 1947, insisted that there is nothing wrong with Oppenheimer's character, and came to the firm conclusion that his clearance should be restored. Failure to do so, he said, would be "a black mark on the escutcheon of our country".

MOST items of derogatory information considered by the board had to do with matters of left-wing associations and activities dating back to the late 30's and early 40's—information which Oppenheimer

had over a period of many years discussed repeatedly with security officers and which had been considered in prior clearances. Other items had to do with continuing associations with persons known or alleged to have had Communist sympathies or to have been party members—his wife, his brother and sister-in-law, former associates or acquaintances, a personal friend of long standing. He testified fully, often in elaborate detail, with respect to these matters during the four weeks of the hearing.

Gray and Morgan, disturbed by Oppenheimer's failure to discontinue some of his personal relationships, remarked at one point in their report: "Loyalty to one's friends is one of the noblest of qualities. Being loyal to one's friends above reasonable obligations to the country and to the security system, however, is not clearly consistent with the interests of security." The board majority, in the light of the cases cited as examples of Oppenheimer's loyalty to politically suspect friends, found "suggestions of a tendency to be coerced, or at least influenced, in conduct over a period of years".

Evans commented: "His judgment was bad in some cases, and most excellent in others but, in my estimation, it is better now than it was in 1947 and to damn him now and ruin his career and his service, I cannot do it."

An entirely separate charge alleged that in 1949 and subsequently he had opposed the development of the hydrogen bomb, and that even after such development became a matter of national policy he had "continued to oppose the project and declined to cooperate fully in the project". It was further charged that he had been "instrumental in persuading other outstanding scientists not to work on the hydrogen-bomb project".

The board members dismissed the allegation that Oppenheimer urged other scientists not to work on the program or that he had openly opposed the H-bomb project after the President's executive decision of January 1950 that it be initiated, "nor did he decline to cooperate in the project". Gray and Morgan, however, come to the conclusion that "Following the President's decision, he did not show the enthusiastic support for the program which might have been expected of the chief atomic adviser to the Government under the circumstances. Indeed, a failure to communicate an abandonment of his earlier position undoubtedly had an effect upon other scientists. It is our feeling that Dr. Oppenheimer's influence in the atomic scientific circles with respect to the hydrogen bomb was far greater than he would have led this Board to believe in his testimony before the Board. The Board has reluctantly concluded that Dr. Oppenheimer's candor left much to be desired in his discussions with the Board of his attitude and position in the entire chronology of the hydrogen-bomb problem."

In further amplification of their views, the majority members observe: "We cannot dismiss the matter of Dr. Oppenheimer's relationship to the development of the hydrogen bomb simply with the finding that his conduct was not motivated by disloyalty, because it is our conclusion that, whatever the motivation, the security interests of the United States were affected."

Evans, commenting on this phase of the charges against Oppenheimer, dismissed the matter with the flat declaration: "He did not hinder the development of the H bomb and there is absolutely nothing in the testimony to show that he did."

TESTIMONY before the board, amounting to about three-quarters of a million words, was released in mid-June by the Atomic Energy Commission in the form of a 992-page volume bearing the title "In the Matter of J. Robert Oppenheimer, Transcript of Hearing before Personnel Security Board". Another significant document made public at the same time was a vigorous brief filed with the AEC on June 7th by Oppenheimer's attorneys, John W. Davis, Lloyd K. Garrison, Herbert S. Marks, Samuel J. Silverman, and Allan B. Ecker, who sharply challenged the findings of the board majority. The AEC promised a final decision in the case later in June.

The transcript of the hearing, in addition to the testimony of Dr. and Mrs. Oppenheimer, records the recollections, impressions, and opinions of thirty-eight witnesses, of whom the following testified at the request of Oppenheimer's attorneys:

ROBERT F. BACHER, professor of physics at California Institute of Technology, former Atomic Energy Commissioner, and wartime head of Los Alamos Bomb Physics Division.

HANS A. BETHE, professor of physics at Cornell, president of the American Physical Society, and wartime head of Los Alamos Theoretical Physics Division.

NORRIS E. BRADBURY, present director of Los Alamos Scientific Laboratory and former professor of physics at Stanford.

OLIVER E. BUCKLEY, former chairman of the board of Bell Telephone Laboratories and chairman of the Science Advisory Commission of Office of Defense Mobilization.

VANNEVAR BUSH, director of Carnegie Institution of Washington and wartime head of the Office of Scientific Research and Development.

KARL T. COMPTON, former president of Massachusetts Institute of Technology, frequent consultant to the Government on atomic energy matters, and former president of the American Physical Society.

JAMES B. CONANT, United States High Commissioner in Germany, former president of Harvard, former member of AEC's General Advisory Committee, and wartime scientific advisor to General Leslie R. Groves.

GORDON DEAN, former chairman of the Atomic Energy Commission and now member of banking firm of Lehman Brothers in New York City.

LEE A. DUBRIDGE, president of California Institute of Technology, chairman of Science Advisory Committee of Office of Defense Mobilization, former AEC General Advisory Committee member, wartime director of the Massachusetts Institute of Technology Radiation Laboratory, and former president of the American Physical Society.

ENRICO FERMI, Nobel Laureate in physics and professor of physics at University of Chicago, former member of the General Advisory Committee, wartime member of Los

Alamos staff, and former president of the American Physical Society.

JAMES B. FISK, vice-president in charge of research of Bell Telephone Laboratories, former director of research for the Atomic Energy Commission, and present member of the General Advisory Committee.

T. KEITH GLENNAN, president of Case Institute of Technology and former member of the Atomic Energy Commission.

LESLIE R. GROVES, Lieutenant General (retired), U. S. Army, wartime head of Manhattan Project, now vice-president and director of Remington Rand.

ALBERT G. HILL, professor of physics at Massachusetts Institute of Technology, director of the Lincoln Laboratory, and former consultant for Brookhaven and for the Research and Development Board.

MERVIN J. KELLY, president of Bell Telephone Laboratories, former member of the Research and Development Board, and chairman of two nationally significant committees—one to evaluate the National Bureau of Standards in connection with the Astin Case, the other to study and report on the status of our national air defense.

GEORGE F. KENNAN, former ambassador to Russia, ex-head of the State Department's Policy Planning Staff, and presently engaged in research at the Institute for Advanced Study.

JOHN LANSDALE, JR., member of law firm in Cleveland, former Colonel in the Counter Intelligence Branch of the Army's G-2 organization and top security officer for the wartime atomic bomb project, and Government witness in Rosenberg spy trial.

CHARLES C. LAURITSEN, professor of physics at the California Institute of Technology, former president of the American Physical Society, wartime director of the Caltech rocket project and consultant to Los Alamos, former member of the Research and Development Board, and member of the AEC's General Advisory Committee.

DAVID E. LILIENTHAL, former chairman of the Atomic Energy Commission and chairman of the Tennessee Valley Authority, now in private practice as industrial advisor in New York City.

JOHN J. MCCLOY, chairman of the board of Chase National Bank of New York, Assistant Secretary of War, 1941–45, and former United States High Commissioner in Germany.

JAMES MCCORMACK, JR., Major General, U. S. Air Force, now Vice-Commander, Air Research and Development Command, former director of military application for the AEC.

FREDERICK H. OSBORN, formerly chief United States negotiator in the United Nations on atomic energy matters, wartime director of the Army's information and education division, and now an industrial management expert.

SUMNER T. PIKE, former Atomic Energy Commissioner, now chairman of Public Utilities Commission in Maine.

I. I. RABI, Nobel Laureate in physics, professor of physics at Columbia University, chairman of the AEC's General Advisory Committee, wartime consultant to Los Alamos, and former president of the American Physical Society.

NORMAN F. RAMSEY, JR., professor of physics at Harvard and wartime group leader at Los Alamos.

HARTLEY ROWE, former member of General Advisory Committee and wartime consultant to Manhattan Project, now vice-president and director of United Fruit Company.

JOHN VON NEUMANN, member of the Institute for Advanced Study and the AEC's General Advisory Committee, and wartime consultant to Los Alamos.

WALTER G. WHITMAN, chairman of the department of chemical engineering at Massachusetts Institute of Technology, member of the General Advisory Committee, and former chairman of the Research and Development Board.

HARRY A. WINNE, chairman of the Defense Department's Technical Advisory Panel on Atomic Energy, former member of the Research and Development Board, and retired vice-president of General Electric and director of policy and operation of the Hanford Works and Knolls Laboratory.

JERROLD R. ZACHARIAS, professor of physics and director of the Massachusetts Institute of Technology Laboratory of Nuclear Science, director of Project Lincoln, and wartime member of the MIT Radiation Laboratory and the Los Alamos staff.

The remaining eight witnesses, all of whom were called by the counsel for the Gray Board, were the following:

LUIS W. ALVAREZ, professor of physics at the University of California and wartime member of the Los Alamos staff.

WILLIAM L. BORDEN, assistant to the manager of the atomic power division of Westinghouse, former executive director on the staff of the Joint Congressional Committee on Atomic Energy, and author of the book *There Will Be No Time*.

DAVID T. GRIGGS, professor of Geophysics at the University of California at Los Angeles and wartime consultant to the Air Force.

WENDELL M. LATIMER, professor of chemistry at the University of California and assistant director of the UC Radiation Laboratory.

BORIS T. PASH, chief of the Sixth Army Counter Intelligence Division at San Francisco, and wartime commander of G-2's scientific intelligence mission in Germany (Alsos).

KENNETH S. PITZER, professor and dean of the college of chemistry at the University of California, consultant to the UC Radiation Laboratory, and former director of the AEC's Division of Research.

EDWARD TELLER, professor of physics at the University of California, former member of the Los Alamos staff, and now involved in work at the AEC laboratory at Livermore, California.

ROSCOE C. WILSON, Major General in command of the Third Air Force in England, and wartime Air Force liaison officer with the Manhattan Project.

Of the 38 witnesses, 30 did not consider Oppenheimer a bad security risk, 5 did, and 3 were not asked. Borden, whose familiarity with Oppenheimer was confined to having "met him on a few occasions", was the only one of the 38 to question his loyalty.

MANY scientists have publicly taken exception to some of the conclusions and to certain aspects of the language of the majority report, a result that had been anticipated in the report itself.

"The Board," said Gray and Gordon, "takes cognizance of the serious alarm expressed to it by witnesses

and frequently adverted to in the public press that denial of clearance to Dr. Oppenheimer would do serious harm in the scientific community. This is a matter of vital concern to the Government and the people.

"We should express our considered view that, because the loyalty or security risk status of a scientist or any other intellectual may be brought into question, scientists and intellectuals are ill-advised to assert that a reasonable and sane inquiry constitutes an attack upon scientists and intellectuals generally. This Board would deplore deeply any notion that scientists are under attack in this country and that prudent study of any individual's conduct and character within the necessary demands of the national security could be either in fact or in appearance a reflection of anti-intellectualism.

"The Board has taken note of the fact that in some cases of this sort groups of scientists have tended toward an almost professional opposition to any inquiry about a member of the group. They thus, by moving in a body to the defense of one of their number, give currency, credence, and support to a notion that they, as a group, are under attack. A decision of a board of this sort, whether favorable or unfavorable to the individual whose case is before it, should be considered neither as an exoneration of all scientists from imputations of security risk nor a determination that all scientists are suspect."

The objections registered by scientists since publication of the report, however, reflect a quite different kind of uneasiness. One example is the following statement, which was released on June 12th on behalf of the Council of the American Physical Society by APS President H. A. Bethe:

> The Council of the American Physical Society is deeply perturbed by the considerations used by the Gray Board in withdrawing the clearance of Dr. J. Robert Oppenheimer, while at the same time attesting to his loyalty and discretion. Many members of the American Physical Society have known and worked with Dr. Oppenheimer for many years and as a consequence of this association have great confidence in the value of Dr. Oppenheimer as a public servant. The Council of the American Physical Society is, for obvious reasons, in no position to render a judgment whether Dr. Oppenheimer meets the present requirements of the AEC for clearance. There is, however, one matter of principle which emerges as a serious problem from the majority report of the Gray Board upon which we feel it a duty to comment.
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> The chief new charges against Dr. Oppenheimer arose from the advice he gave on request and his subsequent attitude concerning the H bomb. This question was a very difficult technical and policy matter on which opinions widely differed with many men of assured loyalty and competence sharing Dr. Oppenheimer's views. Charges based on policy disagreement appear to be customary in Russia but we regard them as not only morally reprehensible but also very harmful to our national welfare. If a man whose advice is sought must fear that his potential utility to the Government may be challenged because his reasoned recommendations later become politically unpopular, he may be tempted to give advice that is politically safe rather than technically valid.
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> The opinion rendered by the majority of the Gray Board leaves this important question in doubt. While clearing Dr. Oppenheimer of all specific charges raised against him in connection with the H bomb development, they reprimand him for his lack of enthusiasm for the program after it was officially adopted. To require such subservience to an official viewpoint as a proof of trustworthiness is to prevent the development of the best thought.
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> There can be little doubt that the majority report of the Gray Board will have an adverse effect upon the utilization of scientists in the Government. It is to be hoped that these issues will be clarified by the AEC in the course of its final rulings on Dr. Oppenheimer's clearance.

Other groups, including the Federation of American Scientists and the bulk of the scientific staff at Los Alamos, have made public statements in earnest support of Oppenheimer, as have numerous individual scientists. It should be recorded, however, that there has been a singular absence of the kind of group hysteria deplored by the board majority.

Dirac Denied Visa

NOBEL LAUREATE P. A. M. Dirac, Lucasian professor of mathematics at Cambridge University, is reported to have been denied permission to enter the United States. Dirac, who has been in this country several times in recent years, was invited to come to Princeton this year as a visiting physicist at the Institute for Advanced Study, which is directed by J. R. Oppenheimer. On May 26th Dirac said that his visa application had been "turned down flat" under the terms of Section 212 A of the Immigration and Naturalization Act, a lengthy list of reasons for denying entry that covers categories of undesirables ranging from vagrants to stowaways.

His exclusion was protested vigorously in a letter to the editor of *The New York Times* of June 3rd which was signed by three Princeton physicists, W. Bleakney, J. A. Wheeler, and M. G. White. Their letter said, in part, "We do not pretend to be experts in the law which governs the issuance of visas. However, if this is what the McCarran Act means in practice, it seems to us a form of organized cultural suicide. We are very strongly aware of the advantages to this country of Professor Dirac's proposed visit. We are aware of no disadvantage. We also know that his case is only a particularly obvious example of a general policy which operates to this country's detriment."

On June 10th it was reported that the State Department had ordered a review of the decision. Said the *Times:* "One of the factors contributing to the ruling against Professor Dirac, it is understood, was the 'atmosphere' in this country. This appeared to indicate that an application that might have been approved a few years ago might be rejected today."