

lying any advice is a genuine conviction that this country cannot in the interest of security have less than the strongest possible offensive capabilities in a time of national danger.'

"Does this mean that a loyal scientist called to advise his government does so at his peril if he happens to believe in the wisdom of maintaining a proper balance between offensive and defensive weapons?"

"It would appear . . . that the majority . . . assume affirmative answers to both of the foregoing questions.

"This poses a serious issue.

"If a scientist whose loyalty is unquestioned may nevertheless be considered a security risk because, in the judgment of a board, he may have given advice which did not necessarily reflect a bare technical judgment, or which did not accord with strategic considerations of a particular kind, then he is being condemned for his opinions.

"Surely our security requires that expert views, so long as they are honest, be weighed and debated and not that they be barred."

Fundamental Question Begged

The two lawyers agree with the review board that it is "ill-advised" to state that all scientists and intellectuals must consider themselves under attack because of the review board's decision in the Oppenheimer case.

Nevertheless, they argue, this statement begs the "fundamental question as to what are the appropriate limits of security under existing statutes and regulations, and under a government of laws and not of men—a question of concern not merely to scientists and intellectuals but to all our people."

The lawyers' report then noted that, although the majority opinion called Oppenheimer's lack of candor into question, Dr. Evans, as the lone dissenting member, said the atomic scientist's statements were "extremely honest" and are therefore to Oppenheimer's benefit.

The attorneys state that they will direct the AEC commissioners' attention to the fact that only three specific instances of lack of candor, each of which has to do with the hydrogen bomb program, were specifically mentioned.

Much Material Undisclosed

The two lawyers point out that "much information which we thought relevant" came out in the hearings but usually only in the course of cross-examination or "too late to assist" in their presentation.

Some information that was denied for use before the hearing was declassified only at the "moment of cross-examination or shortly before and was made available to us only during cross-examination or after," they state.

"Voluminous" material, Oppenheimer's attorneys note, was not disclosed. Although in the hearings the board heard 40 witnesses and compiled over 3,000 pages of testimony, the board states that in addition it read the same amount of file material.

The lawyers urge that in weighing testimony where the relevant material was produced only on cross-examination, the AEC commissioners should constantly keep in mind that "the natural fallibility of memory may easily be mistaken for disingenuousness."

They ask that the five commissioners also be conscious of the "unreliability of ex parte reports which have never been seen by Dr. Oppenheimer or his counsel or tested by cross-examination."

GENERAL SCIENCE

"Oppy" Findings Scored

► THE SECURITY board's decision on Dr. J. Robert Oppenheimer is "very perturbing," Dr. Hans Bethe, a long-time Atomic Energy Commission consultant and physics professor at Cornell University, has declared.

"Any official adviser of the government must have the right to express his own opinion," Dr. Bethe said. "If Dr. Oppenheimer's lack of 'enthusiasm' was indeed a major factor in the board's decision, the reasoning by which such a conclusion was reached would seem to be in very great error."

Dr. M. Stanley Livingston, physics professor at Massachusetts Institute of Technology, charged that the special review board's decision had been made in "the attitude of suspicion" prevailing today.

This attitude, Dr. Livingston said, totally neglects "positive security" in favor of the "negative idea of secrecy for the sake of secrecy."

"Secrecy as an end in itself," he stated, "will only insure sterility of expression and, therefore, of thought.

"The vital thing that is being forgotten is that the present security program is doing a great deal of damage to the strength and morale of our scientific laboratories."

The present mania for secrecy, he charged, is cutting down our government's opportunities to get "the advice of top-flight scientists, and is thereby greatly reducing our country's real security."

The way the review board's report was phrased is inconsistent in itself, Dr. Livingston pointed out. Oppenheimer is judged "loyal and his integrity is unquestioned, yet he is accused of not showing enough 'enthusiasm.'

"It is an attempt at thought control to deny security clearance to a man because of his lack of 'enthusiasm' for a government program."

Dr. Livingston urged that all five present commissioners should make the final decision on the question of reinstating Oppenheimer's security clearance.

When asked his opinion of the review board's decision, a top government scientist who was a career employee for 15 years before his present appointment, said, "Any government scientist who comments on this case at this time must have lots of good job

The lawyers further ask that previously unclassified documents, which might be relied on during the commissioners' considerations and which are going to be disclosed in any event, "be so disclosed before any final decision is made."

Final point of Oppenheimer's two attorneys is to request that the case be reviewed in the "true perspective of history—a history through which Dr. Oppenheimer has lived and which in part he has helped to create."

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offers." Obviously, this scientist cannot be named.

His reply, however, shows clearly that many persons are becoming more and more afraid "to express their opinions for fear they may be unjustly attacked for them," according to a non-government scientist who asked that his name not be mentioned, since he is a Defense Department consultant.

Dr. Bethe said that, in one respect, the board's finding that "Oppy's loyalty is 'without question' is a relief."

He stated that it was hard to understand how the same board, having found him "loyal," would not reinstate his security clearance.

His own personal experience had proved, Dr. Bethe said, that Oppenheimer carefully obeyed all AEC regulations for keeping documents safe, and that "Oppy never talked about the atomic energy program to any persons not specifically authorized by the AEC to receive classified information."

Dr. E. U. Condon, research director of Corning Glass Works, made the following statement concerning his mention in the published documents of the Oppenheimer case:

"I have no comment to make on references to me in the opinion in the Oppenheimer case, except to say that my right of continued access to classified information of the government is under review by the security authorities of the Department of Defense, and that while this review is pending, I am working exclusively on non-military projects involving no access to classified information.

"Prior to taking my present position, I had the fullest clearances as director of the National Bureau of Standards, being cleared by both the Department of Defense and the Atomic Energy Commission. In view of the fact that my security clearance is now under study by the Defense Department, any statement on the merits of the application for clearance is inappropriate other than to say that my loyalty and devotion to the United States is not an issue, and there has been no suggestion that I ever breached security regulations or that I was indiscreet in the handling of classified information."

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