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June 24, 1954

Dear Harry:

Mary Ann just called to say that your letter to Wallace had arrived, and she quoted the section concerning the Wednesday meeting and the AEC's release of testimony. Wallace is now at the ASA meeting and will no doubt be deeply involved at least for the rest of the week, so I'll tell you a little of the many things I've been learning.

The full testimony (992 pp) was distributed by the AEC to the press for release on June 16, but the story was broken a day earlier by Fulton Lewis Jr. Oppenheimer and his counsel are reported to have opposed the release but were obviously in no position to stop it, so Garrison countered by releasing the text of his brief to the Commission, which he had filed on June 7. The newspapers have said that the real reason for the release was that Zuckert had taken a copy of the transcript off to study it and then lost it. Although it turned up in a railroad lost & found department a short time later, it was considered possible a reporter might have had access to it, and the decision was then made to release the full transcript, minus classified information amounting to about 5%. (I've just checked and find the lost document was a 100-page summary of the transcript, which included, however, certain classified passages).

Democrats on the Joint Committee also opposed releasing the testimony, but it was released anyway - reports are that Smyth voted against release with everyone else voting for. The AEC, in making it public, found a simpler excuse: "The Commission protects the privacy of the individuals concerned in such proceedings if they so desire. In this instance, privacy was maintained for the hearings before the Board. However, Dr. Oppenheimer's attorneys, as was their privilege, have issued texts of some documents. In the present circumstances, release of the transcript, within the limits of security, will in the opinion of the Commission best serve the public interest." In the released transcript, however, one finds Gray saying to each witness as he is sworn: "...we treat these proceedings as a confidential matter between the Commission and its officials and Dr. Oppenheimer and his representatives and witnesses. The Commission will initiate no releases with respect to this proceeding. We are expressing the hope that each witness will take the same attitude.2--and they all did.

With respect to our Wednesday meeting here: I, personally, felt that in the light of the new release and Knowles's intransigence that it might be best to follow Seitz's early impulse and wait for a decision by the AEC. I also felt that since the APS forms the bulk of the AIP, much of the pressing need for an immediate statement had been relieved by the release of the APS statement. I'm convinced, by the way, that no matter what the decision, there will be ample reason for a statement later on, and there may be some advantage in being in the position of not having said anything publicly if it should turn out later that a stronger and more specific statement (in full knowledge of the facts) may seem essential. If a statement had already been made on the basis of less information that fact might easily become an argument against saying anything further. Knowles said he would of course consider the desirability of saying something at a later date, and the matter was left there. Mark Zemansky is coming this week to borrow my set of the transcript and will be ready to propose something definite when the decision is announced or shortly thereafter.

Knowles' point of view is probably known by you, but I was personally unprepared for what he said, in spite of being forewarned. His argument was almost entirely hypothetical, being based on the thesis that one never knows whether an innocent looking person is really as innocent as he looks and therefore the slightest suspicion or evidence of political nonconformity must be accepted as reason enough for getting the person out of a sensitive job. All he knew of the Oppenheimer case was what he learned from the majority report, which he accepted as gospel. With respect to the draft statement, he objected to taking majority statements "out of context" (in at least one case, I'll admit, quite rightly!), but I was compelled to point out that the majority report itself was a most vivid example of a biased position built upon statements taken out of context. (This becomes very apparent, by the way, if one reads the full record in comparison with the majority report.) Knowles' only ultimatum (my word) was that any statement released by the Institute should be prefaced by some complimentary words about the fair treatment and earnest impartiality of the board in its conduct of the hearing. This was warmly seconded by KKD and Pogram. My own reactions have been less sanguine, but I appreciate certain reasons for thinking that such a remark might in order, however debatable it is. Knowles, I'm dead certain, would much prefer that no public statement be made, but it is possible that the case may deteriorate to such a level that even he will change some of his views.

Cole<sup>†</sup>, for example, has indicated to newsmen that he will press for a full inquiry by the Joint Committee if the Commission grants clearance, and that one subject will be the way the Commissioners vote. This is supposed to have irritated Zuckert, whose position has never been made public. If it irritates him enough, Cole may get his chance. The result would be a complete catastrophe in many ways, not the least of which would be the complete wrecking of government-scientific relations. This is stated as a fact and I believe it is, although I know that the situation could be tempered by prompt Administration action. The feeling of alarm (and real anger, I think) that has spread among the nuclear physicists seems more authentic, and therefore more serious, than in any other situation I can recall. Now that the testimony is out, furthermore, the intramural fight may<sup>†</sup> cause some second-order explosions violent enough to touch off a public battle of serious proportions. The suspicions that personal vindictiveness may have played a part are quite well borne out by the transcript and it seems inevitable that everyone within earshot having the slightest stake in the matter will take sides - and I suspect the alignment (within physics, at least) will be extremely lopsided.

In view of this line of conjecture, which I feel in my bones to be probable, the societies and the Institute may well be in the middle of a very tough fight. It will be important to maintain a solid position on the society level, but I'm afraid the APS will be too deeply involved (and perhaps even split to some extent) to be able to remain above the situation. It is my hope, however, that this is not a likelihood, but only a possible area of danger. In any case, it is perfectly apparent that the AIP will be in an awkward position unless it sticks to the large issue - which, as I see it, has to do with the absolute need for good relations between the government and physicists. This seems to be lost sight of on the part of the Commission (or at least Stauss) and is rapidly being disregarded by individual physicists.

The foregoing is about as good as I can do in the way of describing my current feelings. It's offered partly because you may not have heard some of the facts here mentioned, and partly so that you're clear (I hope) as to my views in the matter. I'm admittedly biased, but I'm trying to be logical and as objective as possible.

Enclosed are some clippings you may have missed and page proof for July as it relates to the case. I hope it seems about right since it's too late to change anything.

Best regards,

R. R. Davis