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VOLUME XV

In the Matter Of:

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J. ROBERT OPPENHEIMER *This version only*

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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.
 Friday, April 30, 1954.

The above entitled matter came on for hearing,
 pursuant to recess, before the Board, at 9:30 a.m.

PERSONNEL SECURITY BOARD:

- MR. GORDON GRAY, Chairman.
- DR. WARD T. EVANS, Member.
- MR. THOMAS A. MORGAN, Member.

PRESENT:

ROGER ROBB, and
 C. A. ROLANDER, JR., Counsel for the Board.

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

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
LUIS WALTER ALVAREZ	2708	2709	2745	2747
BORIS T. PASH	2761	2816		
WILLIAM LISCUM BORDEN	2836			

P R O C E E D I N G S

MR. GRAY: We will resume.

MR. ROBB: Mr. Chairman, I have two questions I would like to ask.

MR. GRAY: I suggest you proceed.

Whereupon,

LUIS WALTER ALVAREZ

the witness on the stand at the time of taking the recess resumed the stand and testified further as follows:

DIRECT EXAMINATION (Cont.)

BY MR. ROBB:

Q Dr. Alvarez, your diary showed, and you testified that you talked to various individuals about your plan and the plans of others for the development of the thermonuclear weapon in early October 1949, is that right?

A Yes, sir.

Q At that time these individuals were enthusiastic for going ahead with it, is that right?

A That was my very strong impression.

Q To your knowledge, were those conversations in advance of any talks that these people had with Dr. Oppenheimer?

A I think that is so, sir. I am sure it is so in the case of Dr. Serber. I am quite sure in the case of Drs. DuBridge and Bacher, and also in the case of Dr. Rabi.

Q Subsequently these people changed their views, is

that right?

A Quite drastically, yes.

Q Did you learn at that time whether in the interim they had talked to Dr. Oppenheimer?

A I am sure that in the interim they talked with Dr. Oppenheimer, because the interim extends until now.

MR. ROBB: That is all I care to ask on direct, Mr. Chairman.

MR. GRAY: Mr. Silverman.

CROSS EXAMINATION

BY MR. SILVERMAN:

Q Self evidently these people have talked to a lot of other people?

A That is absolutely right.

Q Dr. Alvarez, when you came east with Dr. Lawrence in the trip of which you kept a diary, am I correct in my understanding that the specific thing you were trying to promote for want of a better word, or push, was a reactor pile that would produce excess neutrons?

A That is right, sir.

Q Did the Commission thereafter build or cause to be built a reactor to produce excess neutrons?

A There are some reactors of that general class now under construction at Savannah River, yes.

Q Is that Savannah River reactor not in operation at all?

A I don't know. I have no knowledge of this except what I read in the paper. I believe, however, they have not been turned on. That is my impression. This can be checked easily.

Q Do you know whether the reactor at Savannah River was based largely on Mr. Zinn's design?

A I haven't really any idea, sir. I would assume that his advice was taken, but I believe that the reactors were designed by the engineers of the duPont company, and the only consultant that I know of personally employed by them was Dr. John Wheeler, who was their consultant on the Hanford Pile designed during the war. I think it was pretty much of a company design job, rather than an AEC design.

Q Do you know designs for reactors to produce excess neutrons were fairly well along in October of 1949?

A The files of the AEC were bulging with designs for reactors; this is just the point that I made. There were designs by the gallon, but no piles.

Q Do you know whether the Savannah River pile more or less early followed the designs that Mr. Zinn had participated in making, and he was enthusiastic about it more than the Chalk River pile or something based on it?

A My impression is that Mr. Zinn believed strongly that the piles of the future to give excess neutrons should be enriched uranium piles of the type now in operation at ARCO,

Idaho. Zinn has believed strongly in the small enriched piles as against the Savannah River design, which is along the broad general lines of the Canadian pile.

Q You think the Savannah River pile is along the broad general lines of the Canadian pile?

A I have never seen its design, but it is a heavy water moderated pile, using natural uranium, which is certainly what the Canadian pile is, and very definitely different from the many designs which Dr. Zinn had to do with and eventually ~~has~~ constructed.

Q Are you aware that the GAC did in fact recommend going ahead with the Savannah River project?

A Oh, yes, I am quite aware of that. I would be interested in the date when that project was supported.

Q You don't know the date?

A I don't know the date. I know, however, it was after the Presidential directive, of course.

Q Do you know that the GAC had been recommending a production facility that would produce excess neutrons for well over a year before the President's directive?

A I knew that everyone was in favor of piles but nonetheless no piles got built.

Q The GAC was an advisory committee.

A Yes, it was.

Q And it advised that such piles be built?

A I have never seen their recommendation, sir, so I don't know, but being in favor of piles is like being against sin. I think everyone is for piles, but nonetheless none got built.

Q But it was not the GAC's job to build them.

A That is true, yes.

Q Do you know what the Savannah River pile cost?

A I would guess it was in the neighborhood of one and a half million dollars, just from what I see in the newspapers.

Q And who built the pile?

A The duPont company.

Q Do you think that the Atomic Energy Commission was perhaps justified in entrusting the building of a billion and a half dollar project to the duPont company rather than to your group?

A Oh, absolutely. They had tremendous competence in the field, and we had no competence whatsoever in pile design. The only thing we had to offer to the Commission was the ability to build things rapidly in the scientific field. This was a demonstrated capacity of the Radiation Laboratory.

Q The duPont company had that capacity, too?

A Yes, to an even greater extent than we did, obviously.

Q And the duPont company had experience in building piles?

A Yes, sir.

Q And you didn't?

A That is right. The right decision was certainly made there. The duPont company was certainly better equipped to build piles than we were. There is no question about that.

Q Are you sure that the development of the Savannah River project was not carried at Argonne under Zinn?

A I have no knowledge of this, but looking at the pile in the broad sense, I would say it doesn't look like a Zinn pile, and the way that an architect would look at a building and say this was not designed by such and such an architect.

Q It would surprise you to learn that that development was carried out at Argonne under Zinn?

A It would not surprise me particularly. I would guess that it was not a development of Zinn, but rather of duPont. This is purely a guess.

Q That would be purely a guess.

I would like now to turn to the discussions in the Panel -- I think perhaps you called it the Panel on Long Range Planning, something like that.

A I believe that was the official name.

Q I believe you called it that. I am not sure. It may have been referred to at other times as the Military Objectives Committee.

A Perhaps it was.

Q In December 1950, you referred to a statement by Dr. Oppenheimer somewhat to the effect that we all agree that the hydrogen bomb program should be stopped. If we did this and recommended it, it would cause too much disruption at Los Alamos.

A That is right.

Q And let it go on and the project would die when the Greenhouse tests failed, as Dr. Oppenheimer expected them to. Is that substantially correct?

A That is substantially the way I remember it, yes.

Q I would like you to turn to the first part of that statement that we all agree that the hydrogen bomb program should be stopped. I want to ask you whether it is possible that what Dr. Oppenheimer said was that "We all agree that the hydrogen bomb program does not look very hopeful now."

A No, I am quite sure I remember it the other way. It was such a startling statement to me that it is indelibly in my mind. I don't think I could be mistaken on that.

Q You of course were a representative of the ether view?

A That is right.

Q And when Dr. Oppenheimer said that "We all agree that the hydrogen bomb program should be stopped", did you as a member of the panel say, "We don't all agree; I don't."

A I didn't interrupt him until he finished his statement at the end of which time, as he pointed out, he said

he was not going to stop it, and I pointed out since he said he was not going to stop it, there seemed to be no point in arguing about it.

Q But you did not correct him and say "We do not all agree."

A No. I am sure from what I have said in this hearing you would know that I did not agree.

Q It is sometimes necessary on cross examination to emphasize points.

A Very well, sir. Had he stopped his statement with that first sentence, I am sure that I would have dissented vigorously.

Q Was it the fact that everybody there agreed that at that time the hydrogen bomb program did not look very hopeful?

A I don't know whether everyone did agree on that.

Q Did you think at that time that the hydrogen bomb program did not look very hopeful?

A I thought it looked exceedingly hopeful. Again I can only see it through the eyes of people like Edward Teller, who have the technical competence, who know the details of the program. I am not a theoretical physicist. All I can do is base my judgment on people in whom I have great scientific trust.

Q Wasn't everybody pretty depressed in December 1950?

A No. I certainly didn't sense that at all, but I was not at Los Alamos. I did not know that things were going very badly. Perhaps they were, I don't know. I was not aware of the fact that people were depressed.

Q And you had not heard from other people working on the project in December of 1950 that things didn't look so good?

A I had heard that the requirements for tritium had temporarily taken a turn towards larger quantities being required. But I had seen the requirements go up and down and up and down on many occasions, and this did not disturb me at all.

Q You had not heard at the time that this was a temporary turn, that it turned out to be temporary?

A I really couldn't say positively one way or the other.

Q Did the others at the meeting agree that the hydrogen bomb program did not look hopeful?

A I can't recall. I do know that Dr. Lauritsen apparently had strong reasons, probably some of a moral nature for not wanting the hydrogen bomb. I do know that Dr. Lauritsen's closest associate, Dr. William Fowler, had been giving lectures on the radio against the hydrogen bomb. I was in Pasadena staying with Dr. Bacher one night when I was giving a lecture at Cal Tech, and at a dinner party that night all I heard was stories about why you should not have hydrogen bombs, and the fact that the members of the staff at Cal Tech

were giving public lectures and talking on the radio against the hydrogen bomb. I thought Dr. Lauritsen wanted no part of the hydrogen bomb.

MR. GRAY: In what period of time was this?

THE WITNESS: This was at the time of the panel at the end of 1950.

BY MR. SILVERMAN:

Q Before or after the Panel, would you say?

A During that general period. I could not pinpoint the date precisely.

Q Did Dr. Lauritsen express any views at this panel meeting as to either whether the hydrogen bomb program should be stopped or as to its feasibility?

A I discussed the program with him on a number of occasions and I always got the impression that he thought that the small weapons program and the hydrogen bomb were mutually exclusive. The country could not do both of them at the same time; since he had strong reasons for desiring a small weapons program, he felt that the hydrogen bomb program should not go ahead.

Q Did the report the panel filed say that the small weapons program and the hydrogen bomb program were mutually exclusive?

A Not in exactly those words, but it certainly pointed out that the hydrogen bomb program was taking manpower and

effort of the Los Alamos Laboratory away from the small weapons program and the panel recommended that it not do so in the future.

Q And you signed that report?

A I signed the report, and as I have said, I am sorry I signed it.

Q Do you recall whether Dr. Lauritsen at the panel said anything about the outlook for feasibility of the hydrogen bomb?

A Whether Dr. Lauritsen said that it was feasible or not feasible would have made no impression on me, because Dr. Lauritsen like myself was not entitled to scientific opinion. Neither he nor I have enough knowledge in this field to form an opinion ourselves.

Q And you do not recall whether he said anything about it?

A No, but had he said so, it would have made no impression on me.

Q Did Dr. Bacher say anything about what the outlook was at the panel for the feasibility of the hydrogen bomb program?

A Again, I can't recall for the same reason. Dr. Bacher was not entitled to an opinion, nor am I.

Q Did Admiral Parsons express a view on that subject?

A I think Admiral Parsons stayed very neutral throughout the whole thing. He was a good naval officer, and I don't

think that he was trying to inject his own personality into this thing.

Q Did General McCormack express a view?

A I don't believe so. I don't know.

Q So that when Dr. Oppenheimer said, "We all agree", they all just sat?

A Yes. No one commented on this at all. That is to the best of my recollection.

Q I understand you are testifying from your recollection, sir..

I think you said that Dr. Oppenheimer indicated that he thought that the Greenhouse tests would fail.

A Yes.

Q Just what does that mean?

A That no thermonuclear reaction would take place in the Greenhouse test explosive device. In order for a thermonuclear reaction to take place, very high temperatures must be reached, as you know. I think that Dr. Oppenheimer felt that those high temperatures would not be reached, if you can permit me to read his mind.

Q I would rather you tell us what he said.

A I have already told you what he said.

MR. ROBB: Mr. Chairman, everybody else is reading Dr. Oppenheimer's mind.

MR. GRAY: The Chair will say that there has been a parade of witnesses here who testified on their intimate

knowledge of Dr. Oppenheimer, and that they would know exactly what his reaction would be in any particular situation. I do not think this witness should be denied an opportunity to make his own guess about what Dr. Oppenheimer might think.

MR. SILVERMAN: I do not wish to cut a witness off. I would point out between opinion evidence testimony as to a man's character and evidence as to what a man was thinking about a scientific project.

MR. GRAY: I will ask you, Mr. Silverman, if you have not asked witnesses in this proceeding what did Dr. Oppenheimer think about so and so.

MR. SILVERMAN: I would certainly not be prepared to say --

MR. GRAY: Would it surprise you to learn that you have asked such a question?

THE WITNESS: Could I be allowed to say what I was going to say in a different way? I testified that Dr. Oppenheimer made a certain statement, that he thought the thing would fail. There are only two possibilities that the thing should fail, as far as I can see. One is that the device misfired. When the button was pressed, nothing happened. Certainly the atomic bomb primer of the device would work. We have great experience in this line. After that fired, then the temperature of the reactants would rise. If they rose high enough, I doubt if you could find a scientist in the

world who would not agree that the thermonuclear reaction would take place. It is taking place in the sun all the time. Therefore, when Dr. Oppenheimer said that the thing would fail, it could mean to me only one thing, namely, that he thought the temperature would not rise high enough. That is why I said I thought I could read his mind.

BY MR. SILVERMAN:

Q Let me suggest this to you, and see whether it does not refresh your recollection as to what Dr. Oppenheimer did say, if he said it; that he thought that the Greenhouse tests wouldn't fail, but fail or not, they would not be particularly relevant to deciding the question of the feasibility of the Super?

A I am quite sure that he didn't say that.

Q In fact, the Greenhouse test did not fail, is that not right?

A That is right.

Q In fact, did they demonstrate the feasibility of the Super?

A You are asking me a question in a field in which I have no sufficient competence to answer. All I can say is that everyone connected with the Greenhouse tests was elated at the outcome of the Greenhouse tests. I believe that the success of the Greenhouse tests led to the successful tests at Ivy.

Q Did Dr. Oppenheimer say that he thought the Greenhouse tests were not directly relevant to the determination of the feasibility of the classical super, but that it was far along and people at Los Alamos had their hearts so much in it that it ought to be allowed to continue; otherwise it would disrupt things too much and discourage them?

A I testified what I remember Dr. Oppenheimer to say, and I don't see much point in the question, sir.

Q You ultimately signed the report.

A Yes.

Q And there is a part of it that you have regretted signing?

A The thing that I regret is that the report was used to slow down the hydrogen bomb program. The statements having to do with the hydrogen bomb come in the last three paragraphs, save for one rather trivial one.

Q Did Dr. Oppenheimer use the report to slow down the Hydrogen bomb program?

A I don't know who used the report. I have had Edward Teller tell me, as I said yesterday, that the report was used to slow down the program.

Q This being a matter where Dr. Oppenheimer personally is very seriously concerned, it becomes a matter of considerable importance as to whether Dr. Oppenheimer used it.

A Dr. Oppenheimer wrote the report, I am sure. Dr.

Oppenheimer ordered the statements presumably in the order of the importance he attached to them, and the super was more or less damned by faint praise.

Q Did everybody go over the report?

A On the last day of the meeting with everybody with an airplane ticket in his pocket, one goes over a report and if there is not something that is obviously terribly wrong, one signs it.

Q There were changes made in the report?

A Of a rather trivial nature.

Q You suggested some?

A I can't recall whether I did. It is possible that I did.

Q It was a pretty serious matter, this report, obviously.

A You see, this was the point that I was not sure of. I did not know that this report was anything more than a document to go into the files to be looked at in two or three years, so that one could see in what direction the program should be then oriented. I had no idea of the fact that this report was to affect immediate policy. It was a so-called long range objective panel. I thought of it as something that would be pulled out of a file in a couple of years, someone would look at it and say, "Well, perhaps we ought to get into some of these things that are in this long range panel report."

Q Wasn't this report prepared in the light of a

possibility of our being involved in all out war in the near future?

A I understood the panel to be called to review the long range objectives of the military weapons program as it had been reviewed in the past. I believe this was the second or perhaps the third meeting of such a panel.

Q This panel was meeting just after the Chinese intervention in Korea, wasn't it?

A When you state that I am sure that you have checked the dates. It would take me some time to be sure of that. Certainly the Korean war was on at the time.

Q Did you consider the small weapons program a long range thing?

A No. I thought the small weapons program was a rather simple program to develop compared to the program of developing the implosion weapon in the first place, or developing the hydrogen bomb. The principles of making small weapons were well known. It seemed to be mainly what we call a hardware program. One takes designs which are theoretically good and one builds the small weapons. No fundamental research so far as I know had to be done to implement this program. This is one of the reasons why I thought it should not interfere with the hydrogen bomb program. It took a different type of man to do the work.

Q The small weapons program was one of the major things

discussed in this report.

A That is right.

Q And since it was mainly a hardware problem, it was not very much of a long range thing, was it?

A It was in the zero to two year period, which was one of the two periods which the program was concerned with.

Q Would you consider zero to two years long range?

A I believe that our directives were to consider long range programs in three stages, zero to two years, which was called the short range program; two to five years, called the intermediate program, and beyond that, the long range program.

Q As to the zero to two years part, that was not a matter that was going to be long range looked at after some years?

A No, but I was not setting the agenda of this meeting. That was in Dr. Oppenheimer's hands, and he spent most of the time or a good part of the time talking on this phase. That was not my ding, sir.

Q I think you said Dr. Oppenheimer invited you as the representative of the opposite view.

A He said as much. As I said, I admired him for doing that.

Q And you considered yourself the representative of the opposite view?

A I think that is true, yes.

Q And that was the opposite view on the hydrogen bomb?

A That is right.

Q As the representative of the opposite view on the hydrogen bomb, weren't you perhaps more interested in what was said in the report about the hydrogen bomb than anything else?

A I was only interested in seeing that the hydrogen bomb program was not stopped. The hydrogen bomb program was at that time on the rails. The Greenhouse device was being fabricated people were working hard to build the instrumentation to tell whether the thermonuclear reaction took place. I thought the hydrogen bomb program at that time was in very good shape. The only thing that could have happened was that it be stopped. It could not have been speeded up tremendously at that point.

Q Surely that was not the only thing that you were interested in the report in relation to the hydrogen bomb -- that it should not be stopped?

A After I heard Dr. Oppenheimer's statement that was my main interest, yes.

Q Didn't you read with particular care the portions of the report that referred to the hydrogen bomb?

A I thought I did, but as I pointed out, one who is not trained in the legal ways of reading documents would not have found this thing to be a document which would slow

down the hydrogen bomb program. It turned out to be that.

Q Was Dr. Oppenheimer a man trained in the legal ways of reading documents?

A I would certainly say that Dr. Oppenheimer is one of the most skilled document writers that I have ever run across.

C That is slightly different from being trained in the legal way of reading and writing documents.

A If he is trained or not, I say he has the skill. I don't say this in a derogatory sense.

MR. ROBB: Mr. Chairman, these questions are getting a bit frivolous.

MR. SILVERMAN: There is nothing frivolous about them. Here is a man that signed the report and didn't know what was in it, although he was the representative of the opposite camp on that precise point.

MR. GRAY: Mr. Silverman will proceed.

BY MR. SILVERMAN:

Q As the representative of the opposite camp, did you not read -- I withdraw that.

Was it lawyers who were reading the document and misreading it?

A I really don't know. Someone in the Atomic Energy Commission read the document and apparently tried to reorient the program at Los Alamos to the detriment of the hydrogen

bomb program. This I have been told by Edward Teller. That is my only source of information on this point.

Q Dr. Alvarez, would it be fair to say that the document that you signed was a document which fairly represented the views of the committee, that afterwards you were informed that it was misused, and that you thereafter regretted that you had signed it?

MR. ROBB: Could I have that question read back?

(Question read by the reporter.)

THE WITNESS: I would say this, sir, that the main emphasis of the document was on the small weapons, and this represented the opinions of most of the members of the committee. As I said I was essentially neutral on this point. I had no strong feelings one way or the other. I appreciated the fact that small weapons were useful things..

BY MR. SILVERMAN:

Q You have not regretted the part about the small weapons?

A I have certainly not regretted the part about building small weapons. I have regretted the part that recommendations apparently were interpreted to mean that the small weapons had a higher priority than the hydrogen bomb, and therefore were to be allowed to interfere with the hydrogen bomb. That is my objection to the report.

Q When you read the report at the time, did it seem

to reflect the views of the panel, including yourself?

A As I said, I didn't appreciate this fine point in the emphasis. I signed the thing and therefore I agreed. My name is signed to the thing.

Q Are you sure that your present disagreement with the report isn't the result of a change of mind on your part?

A I am completely convinced of that. I have re-read the report and knowing now what happened at Los Alamos, I can see why it happened, and I can see that I was not careful enough to guard against this possibility.

Q That is what I am suggesting to you, that it is what happened afterwards that made you regret signing the report; that when you read the report, it did seem to you to reflect the views of the panel.

A It is quite clear to me that my regrets come from the fact that the report was used this way, and it was used this way because of the lack of vigilance on my part to see that the report did not act adversely to the hydrogen bomb. I thought in view of Dr. Oppenheimer's statements that things were under control.

Q You feel you fell down on the job as the representative of the opposite camp?

A That is right, and I am reminded of a recent case that has been much in the papers --

MR. SILVERMAN: We have been stopped --

MR. ROBB: Wait a minute. I think he has a right to explain the answer.

MR. SILVERMAN: Mr. McCloy was stopped.

MR. GRAY: He later testified on the point that I stopped it on.

MR. SILVERMAN: He never gave the example.

MR. GRAY: Yes he did.

MR. SILVERMAN: All right.

THE WITNESS: I said we have a recent example of a man more skilled than I in the political field who thought after having a meeting with another gentleman that he had his points across, he felt very happy about it, he signed the document and went out of the room saying, "I have won my point", and he took a terrible beating in the press. I find that I was in the same position. I thought I had gotten my points across. I signed the document which I thought fairly reflected the views which I heard expressed in the meeting. I found out later that I had been had, if you don't mind my using that expression.

BY MR. SILVERMAN:

Q Now, you testified to a statement by Dr. Bush. I think you said it was two or three months after the GAC meeting -- a couple of months or so.

A No, I didn't testify in that way. I testified that it was at the week that Dr. Bush's article was reprinted in

Life Magazine.

Q Yes, I remember you said that. You said that would give you the date within a day or two.

A That is right.

Q And I thought you said you thought it was a couple of months --

MR. ROBB: That was my question. I thought that is what it was. I was trying to bring him down to the date.

BY MR. SILVERMAN:

Q Have you since checked the date of that?

A No, I haven't. As a matter of fact, I have never even asked whether such a meeting took place. I have never checked with the Atomic Energy Commission or anyone else to find out that such a meeting took place.

Q What meeting?

A The meeting to evaluate the effects of the bomb. I am going completely on my memory there.

Q Did I understand you said that Dr. Bush said that the reason he was Chairman -- the reason the President had named him as Chairman was that the President didn't trust Dr. Oppenheimer?

A That was the reason that he said he thought he had been named Chairman. I rather doubt that the President told him that he didn't trust Dr. Oppenheimer. I think this was Dr. Bush's construction.

Q Have you heard since that that panel was not named by the President but by the Air Force?

A I have never heard a single word about this panel, sir. As I said, I refreshed my memory on the long range objective panel. I re-read the report. I have never checked at all anything to do with this. As a matter of fact, I had forgotten this thing until recently. I did not mention it to the gentlemen who questioned me in Berkeley some months ago.

Q You mean Mr. Robb?

A Yes.

Q How long ago were you questioned at Berkeley?

A It was probably in February or March.

Q You gathered, you said, that Dr. Bush -- I withdraw that.

Dr. Bush said that he understood the reason that he, Dr. Bush, had been named Chairman and not Dr. Oppenheimer was that he, Dr. Bush, thought that the President didn't trust Dr. Oppenheimer?

MR. ROBB: Wait a minute. I don't think the witness so testified.

MR. GRAY: I think that is correct. That was not the witness' testimony.

MR. SILVERMAN: I thought the witness just said that.

MR. ROBB: No, he said he thought that.

MR. SILVERMAN: I thought that is what I said.

MR. GRAY: No, you said that he understood.

The witness testified that he did not have any reason to believe the President had told Dr. Bush that, that he thought that Dr. Bush said that because he, Dr. Bush, thought it. Is that correct?

THE WITNESS: I pointed out the fact that Dr. Bush was trying to justify to himself his chairmanship of this committee. He pointed out his own limitations and said essentially, "Why have I been chosen? Why wasn't it Dr. Oppenheimer? He is the logical man."

BY MR. SILVERMAN:

Q This was a pretty important committee.

A I think it was a very important committee.

Q The President was about to make a momentous announcement.

A That is right.

Q And he wanted to be sure he was advised by people he trusted.

A That is right.

Q Didn't you say to Dr. Bush, "Look, if the President doesn't trust Dr. Oppenheimer, why does he name him to the committee at all"?

A As I pointed out to you, this was the first time I had ever heard Dr. Oppenheimer's trustworthiness challenged. Until that time I had always thought that Dr. Oppenheimer

was the most loyal person, the most wonderful man. He is one of my scientific heroes. I had never had any reason to believe that Dr. Oppenheimer would not do anything that was not right.

Q In any event you did not say to Dr. Bush why did the President appoint him at all if he didn't trust him, and Dr. Bush didn't say why.

A No, this question didn't come up.

MR. SILVERMAN: That is all. Thank you.

MR. GRAY: Dr. Alvarez, for the purposes of the record, references have been made in the direct and cross examination to the panel on which you served, and there has been considerable discussion. I would like to get clear on this point. Would the correct title of this committee have been, as you recall it, Panel on Military Objectives in the Field of Atomic Energy? I am not trying to confuse you.

THE WITNESS: That is possible. I believe it is always referred to as the Long Range Objective Panel. The precise title I am not clear on, sir.

(Discussion off the record.)

MR. SILVERMAN: Mr. Chairman, perhaps if it is helpful, may I point this out: There was a panel on long range objectives in 1948 of which Dr. Alvarez was not a member, and which I assume is perhaps what you are looking at. There is a panel in 1950, Research and Development Board, Committee on Atomic Energy, Ad Hoc Panel on Military Objectives in the

Field of Atomic Energy, from November 21, 1950, to January 30, 1951, of which Dr. Oppenheimer was Chairman, and of which Dr. Alvarez was a member, and which is the panel I assume Dr. Alvarez was testifying about.

THE WITNESS: I believe this is the reason the panel I served on was referred to as the Long Range Objectives Panel, because we considered it to be a continuation of the first panel. At least during that discussion, Dr. Oppenheimer read to us the report of the first panel, and led us to believe that we were the second such panel to be installed.

MR. GRAY: Thank you. I think that identifies for me and I hope for the record which panel we are talking about.

MR. SILVERMAN: Mr. Chairman, while we are on this subject of panels, and the biography, I find a slight correction that has to be made in the biography with respect to one of the panels that has been testified about here.

MR. GRAY: Has it been testified about by this witness?

MR. SILVERMAN: Yes, sir. It was the Panel on the Soviet Explosions in 1949, of which Dr. Bush was Chairman. In this biography Admiral Parsons is mentioned as chairman. You recall that Dr. Oppenheimer testified that this was gotten up by his secretary, and the biography names Admiral Parsons as a chairman. That is an error. It was Dr. Bush who was Chairman. It is the Department of the Air Force AFOAT-1

Advisory Panel to General Hoyt Vandenberg, Review Panel
on the Soviet Explosions, September, 1949.

MR. GRAY: Now, Dr. Alvarez, is it quite clear to
you that you signed this report rather than subscribed to it?

THE WITNESS: I certainly signed it, yes, sir.

MR. GRAY: I believe we have had testimony from one
member of that panel who was not quite clear as to whether
the report was signed by the membership or not, but you are
clear on that point?

THE WITNESS: I can't remember the physical act of
signing it.

MR. GRAY: You have seen the document recently?

THE WITNESS: I have seen the document.

MR. GRAY: And your name is on it?

THE WITNESS: I have seen my name typewritten on the
document. I believe that I signed it, and I certainly should
have signed it. Whether I went through the physical act or
not, I don't recall. I mean I would have signed it. The only
reason for not signing it would have been that I had to catch
an airplane before the final draft was in or something of that
sort.

MR. GRAY: Has this report or any portions of it been
in the record??

MR. ROBB: No, sir, I don't think so. Has it?

MR. SILVERMAN: It is a classified report, or am I

wrong?

MR. ROLANDER: To clarify the signature, Dr. Alvarez saw a copy of the report which is in the possession of the AEC. He did not see the original which would have had signatures. In fact, signatures did appear. The record that Dr. Alvarez saw was an official copy.

MR. GRAY: I understand that, and I think he cannot remember whether he signed so we still don't know whether it was a signed document on the basis of testimony before this Board.

THE WITNESS: I would certainly not try to get out of my responsibility by saying that I perhaps had not signed it.

MR. GRAY: This is not my purpose, Dr. Alvarez. I am trying to get it clear in my mind whether this was the kind of a report that each of the members signed, or whether the members more or less left it to the Chairman to write the report saying that they subscribed to his summary of it.

THE WITNESS: Excuse me. I believe that I do recall now how the signatures took place. I believe the final document was typed up after I had left Washington, and that it was brought to me to sign by a courier of the Atomic Energy Commission. I have this remembrance of it on one occasion having signed a report of a committee in this fashion. Perhaps this happened this time.

MR. SILVERMAN: Mr. Chairman, my recollection is

that Mr. Robb examined Dr. Kelly, I think, about the same document and perhaps if Mr. Robb has a copy, he can tell it. I don't know. This was done in a classified session.

MR. ROBB: I don't have a photostat, Mr. Chairman. If that is the report I examined Dr. Kelly about, I had only an excerpt.

THE WITNESS: Sir, my memory is now complete. I do remember how I signed this report. It was brought by courier to Pasadena, and I went down and signed it in the office of Dr. Lauritsen together with Dr. Bacher. The three of us signed it in Pasadena.

MR. GRAY: I think that answers the question.

Dr. Alvarez, what was the period of your service at Los Alamos?

THE WITNESS: I believe, sir, that I arrived there in April of 1944, and left in approximately November of 1945.

MR. GRAY: My next question is one which has not been the subject of testimony at all, by you here this morning, so it is something new to you. First of all, do you remember when the news about the Fuchs treachery took place, or I mean came to you?

THE WITNESS: Yes, I do.

MR. GRAY: Do you remember approximately when that was?

THE WITNESS: I think it would take me some little

while to find in my memory exactly when that took place.

MR. GRAY: Let me see if I can help you on that.

MR. ROLANDER: It was approximately February 1950, when the first news came to the AEC.

MR. GRAY: When the news first came to the AEC?

MR. ROLANDER: Yes, from the investigative channels.

MR. GRAY: Can you remember under what circumstances you first heard about it?

THE WITNESS: I read it in the paper, sir.

MR. GRAY: You never heard any intimation before that about this?

THE WITNESS: Absolutely none.

DR. EVANS: Did you know Fuchs?

THE WITNESS: I nodded to him in the halls when we passed in Los Alamos. I had no scientific business with him. He was a very retiring person. He didn't want to make friends for fairly obvious reasons. I understand that when there were parties at Los Alamos, he would take care of the children of the people who went to the parties so he had an excuse not to go. He was not a particularly social person. I had no reason to know him scientifically, and I certainly never got to know him socially. I recognized him and nodded to him in the halls. That is my only recollection of him, sir.

MR. GRAY: Have you ever heard it intimated that these facts about Fuchs were known to anybody in the scientific community in this country before the public announcement and

the events immediately leading up to the public announcement?

THE WITNESS: I had never heard any such allegation.

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

DR. EVANS: I have some questions, yes..

Dr. Alvarez, you have been asked a good many questions and been sitting on that chair quite a time, and the main thing that we have gotten out of you is that you have tried to show that Dr. Oppenheimer was opposed to the development of the Super weapon,,is that true?

THE WITNESS: I believe this has been known for a long time, and I think I just have given some corroborative testimony in this regard.

DR. EVANS: What does this mean in your mind -- anything?

THE WITNESS: By itself it means absolutely nothing because I have many other friends in the scientific world who feel precisely this way. The point I was trying to bring out was that every time I have found a person who felt this way, I have seen Dr. Oppenheimer's influence on that person's mind. I don't think there is anything wrong with this. I would certainly try to persuade people of my point of view, and Dr. Oppenheimer is quite free and should try to persuade people of his convictions. I just point out the facts as I see them, that this reaction has always taken place in the people that I know who have been opposed to the bomb.

DR. EVANS: It doesn't mean that he was disloyal?

THE WITNESS: Absolutely not, sir.

DR. EVANS: Might it mean that he had moral scruples about the development of the atomic bomb?

THE WITNESS: I have heard that he has. He has never expressed them to me. I told you the one occasion on which Dr. Oppenheimer expressed to me his reasons for not wanting to build the hydrogen bomb, and it had nothing to do with morals, in the usual sense.

DR. EVANS: You think it might have been peculiar for him to have moral scruples after he had been so active in developing the atomic bomb?

THE WITNESS: I have never had any moral scruples about having worked on the atomic bomb, because I felt that the atomic bomb saved countless lives, both Japanese and American. Had the war gone on for another week, I am sure that the fire raids on the Japanese cities would have killed more people than were killed in the atomic bombs. I am also quite convinced that the atomic bomb stopped the invasion of Japan, and therefore saved well over 100,000 American lives. I believe there are estimates of up to a half million.

DR. EVANS: Don't we always have moral scruples when a new weapon is produced?

THE WITNESS: That is a question I can't answer, sir.

DR. EVANS: After the Battle of Hastings, a little

before my time --

MR. SILVERMAN: Would you give the time, sir?

DR. EVANS: I cannot give the time, but it was before I was born.

MR. SILVERMAN: That is 1066, sir.

DR. EVANS: There was great talk about ostracising the long bow, because it was so strong that it could fire an arrow with such force, it occasionally pierced armor and killed a man. They felt they ought to outlaw it.

When the Kentucky rifle came in, it was so deadly that they talked of getting rid of it. When we had poison gas, I made a lot of lectures about it, that it was terrible. So we have had that after every new weapon that has been developed.

THE WITNESS: Yes, I recognize that.

DR. EVANS: This opposition that Dr. Oppenheimer had might we have been jealous that someone else was becoming prominent in this field, rather than himself?

THE WITNESS: I don't think so, no.

DR. EVANS: You don't think so?

THE WITNESS: No.

DR. EVANS: Do you think that Dr. Oppenheimer had considerable power with men like Conant, Bush and Groves?

THE WITNESS: I don't think power is the right word. Dr. Oppenheimer is certainly one of the most persuasive men

that has ever lived, and he certainly had influence. They respected his opinions and listened to him.

DR. EVANS: Looking by hindsight, do you think he showed good judgment in the fact that he opposed this bomb in the light of present conditions?

THE WITNESS: I think he showed exceedingly poor judgment. I told him so the first time he told me he was opposed to it. I have continued to think so. The thing which I thought at that time was the overpowering reason for building the hydrogen bomb was that if we did not do it, some day we might wake up and read headlines and see pictures of an explosion such as we saw a month or so ago, only this would be done off the coast of Siberia. I felt sure that this would be one of the most disastrous things that could possibly happen to this country. I thought we must not let this happen.

DR. EVANS: His opposition to it, might it mean that he feared the spending of a large sum of money and the using of time on a project that would not work and might thus endanger the security of our country by not going ahead with a project that we knew would work?

THE WITNESS: I think he has expressed an opinion somewhat as you just stated it.

DR. EVANS: You see, Dr. Alvarez, as a member of this Board, I am trying to get something about what is in your

mind and what is in Dr. Oppenheimer's mind.

THE WITNESS: Yes, sir.

DR. EVANS: We have a recommendation to make and we have to do the best we can. You understand that.

THE WITNESS: I do, sir.

DR. EVANS: You mentioned Professor Serber. That is the same Professor Serber that had these left wing tendencies or do you know anything about that?

THE WITNESS: I know nothing of that personally. I have no personal knowledge of it. I have read and I have been told by other people that this might be so.

DR. EVANS: Were there a number of other men in the country that could have built the A bomb?

THE WITNESS: I am sure that there are. I don't want in any way to minimize Dr. Oppenheimer's contribution, because to my way of thinking he did a truly outstanding job at Los Alamos. I think he was one of the greatest directors of a military program that this country has ever seen. I stand in awe of the job he did at Los Alamos.

DR. EVANS: You spoke of Dr. Bush.

THE WITNESS: Yes.

DR. EVANS: Possibly having made a statement -- I forget what your statement was -- but this is the question I want to ask you. Did Dr. Bush sometimes make statements that are not quite accurate? Do you know anything about that?

THE WITNESS: I really could not say. I have great admiration for Dr. Bush as a scientist and as a scientific administrator, and I like him as a man.

DR. EVANS: That is all I have.

MR. GRAY: Mr. Robb.

REDIRECT EXAMINATION

BY MR. ROBB:

Q Dr. Alvarez, Mr. Silverman asked you some questions about the relative competency of you and your group and the duPont company to build reactors. I would like to ask you, sir, were you intending to suggest in any way that you were to be compared with the duPont company?

A No, that is ridiculous.

Q Would you care who built the reactors, as long as they were built?

A Of course not. As a matter of fact, I didn't want to build reactors. I disliked the idea of building reactors. I suggested that we build reactors only because I felt the country needed them and we could be of help.

Q And if the government had employed the duPont company to come and build them out near San Francisco, you would have been very happy?

A It would have made no difference where the duPont company built them. I am sure the duPont company would not have asked me for any advice, because I have no special

competence in that field.

Q Your point was that we ought to get going on the hydrogen bomb.

A That is right.

Q Whoever did it.

A That is right.

Q You testified as other did that Dr. Oppenheimer did a splendid job at Los Alamos. Did it strike you as peculiar that one who had done such a splendid job at Los Alamos could entertain opinions which you considered so wrong in respect of the hydrogen bomb.

A I was very surprised when I found that he had these opinions, since he had used the Super as the primary incentive to get me to join the Manhattan District in the first place. He had spent almost a solid afternoon telling me about the exciting possibilities of the Super, and asked me to join and help with the building of such a device. So I was therefore very surprised when I found he had these objections. You will note in my diary that I had no hint of this until essentially the last entry.

Q To use a homely simile, did it strike you as peculiar that such a wonderful batter as Dr. Oppenheimer should suddenly begin striking out the way he did?

A It certainly struck me as peculiar.

Q One further question, Doctor. Have you had any

hesitation in answering questions here or in any way restricted your testimony in answer to any question put to you because of the presence here of Dr. Oppenheimer and his counsel?

A No. I must confess that it is a little hard for personal reasons to say some of the things that I have said, but I have said them anyway.

MR. ROBB: Thank you.

MR. GRAY: Mr. Silverman.

RE CROSS EXAMINATION

BY MR. SILVERMAN:

Q Did it strike you as peculiar that Dr. Backer had these views about the hydrogen bomb?

A It did, as a matter of fact, yes.

Q Dr. Lauritsen?

A Yes.

Q Dr. Conant?

A No, not in the case of Dr. Conant for a reason which I will mention now.

Q If you think it will be helpful.

A I think it will, yes. I can remember an occasion a few months before the Russian explosion when Dr. Lawrence, Dr. Conant and I were driving from Berkeley to San Francisco.

Q Which explosion is this?

A The first one. The one that led to the hydrogen bomb controversy, in 1949.

Q You mean the Soviet.

A The first Soviet operation Joe. Dr. Lawrence was trying to get a reaction from Dr. Conant on the possibility of radiological warfare and Dr. Conant said he wasn't interested. He didn't want to be bothered with it. I have the strong recollection that Dr. Conant said something to the effect that he was getting too old and too tired to be an advisor on affairs of this sort. He said, "I did my job during the war" and intimated that he was burned out, and he could not get any enthusiasm for new projects. So when Dr. Conant disapproved of the hydrogen bomb, I interpreted it in the light of that conversation.

DR. EVANS: Dr. Conant was not an authority in that field at all. He is an organic chemist, isn't that true?

THE WITNESS: Dr. Conant showed to me a remarkable degree of knowledge about the details of nuclear physics and the construction of bombs on the two occasions I talked with him at Los Alamos. I was almost overwhelmed by the detailed knowledge he had on all fields. So although he was trained as an organic chemist, he certainly got to know a lot of weapon technology.

DR. EVANS: He had been briefed up very well.

THE WITNESS: Yes.

BY MR. SILVERMAN:

Q You say Dr. DuBridge worked on the atom bomb, had

he not?

A No, he had not.

Q Dr. Fermi had, of cours.

A Yes.

Q Were you surprised that he was against going ahead with the hydrogen bomb and did that strike you as peculiar?

A I never knew that Dr. Fermi was. I knew Dr. Fermi worked quite hard at Los Alamos for two summers since the Presidential announcement.

Q Didn't you know that he was one of the members of the General Advisory Committee?

A I knew he was, and I heard that he was one of two men who signed an appendix to the report expressing views somewhat different from those of the majority group led by Dr. Oppenheimer.

Q Did you know whether the extent to which there was that difference that perhaps they were even more opposed to the hydrogen bomb than the others?

A I had not read the report, and I was led to believe that Dr. Fermi did not have such strong objections. I may be wrong on this. That was my impression.

Q How did Dr. Rabi feel? Had he worked on the atom bomb?

A He was a consultant to Los Alamos. He would come out

occasionally from his job as assistant director of the Radar Laboratory and talk with people about problems.

Q Did it strike you as peculiar that he was opposed to going ahead with the hydrogen bomb?

A As I stated earlier, I was surprised that he changed his mind so drastically after talking with Dr. Oppenheimer. I was not at all surprised by his initial reaction, which was one of enthusiasm.

Q And you have no way of knowing who else these people consulted?

A No.

MR. SILVERMAN: Thank you.

MR. ROBB: That is all.

MR. GRAY: Thank you very much, Doctor.

(Witness excused.)

MR. GRAY: Let me say for the record that in recognition of the fact that Mr. Mitchell, and I want him to be present when we discuss the request for documents which has been earlier referred to, inasmuch as he was involved, and in view of the fact that we at this point are between witnesses, I would like to return to the discussion which was had -- whatever day it was -- and allow Mr. Garrison to make his request at this time.

MR. GARRISON: Thank you, Mr. Chairman. If I might just recapitulate for a moment to explain the nature of the

request, I previously referred to the fact that back in the middle of February, I asked for the minutes and documents relating to the question of the clearance of Dr. Oppenheimer by the AEC in 1947, and that I was thereafter informed in General Nichols' letter of February 19, 1954, and in a conversation with Mr. Mitchell over the telephone -- Mr. Mitchell's letter of February 19, 1954, and in conversation with him over the telephone -- that the only information that could be supplied to us would be in the form of a stipulation which has already been read into the record, and which in substance contained the first half, but not the last half of the sentence in the minutes which finally were supplied to us the other day in General Nichols' memorandum to you.

I also would note that in the course of Mr. Lilienthal's cross examination relevant documents to this whole matter were declassified by the government on the spot and put into evidence. I think there were four that were put in in that fashion, and then two more at our request that followed that.

The testimony was left in a somewhat uncertain state, I think, and I don't want now to argue its significance, except to say that in my own view the second half of the sentence from the Commission's minutes would indicate to me quite clearly that the Commission, as such, examined further reports, and had taken them into account, and had reached the

view that they contained no information which would warrant reconsideration of a clearance which apparently took place in February 1947, which apparently had been reopened as a result of the Hoover letter of March.

MR. GRAY: I am going to interrupt, Mr. Garrison. I do not wish at this time to discuss the import of minutes. I have repeatedly indicated you will be given an opportunity to address yourself to that. I would like now for you to confine yourself to the request.

MR. GARRISON: Yes. Mr. Chairman, to put it in non-technical terms, what I would like to ask the Board to request of the Commission that we have a statement in as much detail as classification will permit of the items of derogatory information which were contained in the files that went to the members of the Commission. Those files are referred to in Mr. Jones' memorandum to Mr. Bellesly. I think it is there stated that every member of the Commission received these particular files or reports except two memoranda which were summaries -- I am doing this from memory -- which Mr. Jones referred to in his memorandum. I should think it would not be a difficult matter for the Commission to look at those reports that we know from the record did go to the Board members -- I mean to the Commission members -- and to ask in as much detail as can properly be given here a description of what the derogatory items consisted of so

that we may more clearly determine what was before the Board -- I mean before the Commission.

I don't want to make a great thing out of this. I am not going to argue to this Board that the action which the Commission took in 1947 was in any way conclusive or binding upon this Board at all. I don't want to make such an argument. I do say it is quite relevant to consider what those five men who knew Dr. Oppenheimer and went through the report thought and believed at that time.

I think, Mr. Chairman, you raised the question when I started to make this request before as to whether we ought not to make the request directly of the Commission. I should do it any way that you wish, but I do think from the reading of the rules, it seems to me, sir, that it is appropriate and indicated that the Board itself should ask for relevant information. I would refer to section 4.15(e) which says that the Board will ask the individual AEC representatives and other witnesses any questions calculated to obtain the fullest possible disclosure of relevant and material facts.

Then there is another one, (g), the Board will admit in evidence this and that and so forth, and then it says, "Every reasonable effort will be made to obtain the best evidence reasonably available."

"(j) The Board shall endeavor to obtain all the facts

that are reasonably available in order to arrive at its recommendations."

I think those are the principal sections. Perhaps I should refer also to (n), "The Board may request the Manager to arrange for additional investigation on any points which are material to the deliberations of the Board which the Board believes need extension or clarification."

It seems to me that the proper procedure is for me to ask the Board for this information, and then for the Board to try to obtain it.

MR. GRAY: With respect to Mr. Garrison's request, as I understood it, as we discussed previously, you made particular reference to a conversation which was had with Mr. Mitchell.

MR. GARRISON: And General Nichols and Mr. Marks.

MR. GRAY: I had forgotten who else was there. General Nichols and Mr. Marks, with respect to a number of items, and it is my recollection you said seven the other day.

MR. GARRISON: I think I had five written down on the yellow piece of paper which I showed to Mr. Mitchell the other day, and Mr. Marks had a number on a typewritten memorandum.

MR. GRAY: I would like to state the impression of the Chairman of the Board, and be corrected if I am wrong.

Among those items were pertinent GAC reports and/or

minutes.

MR. GARRISON: Yes.

MR. GRAY: It is my information that Dr. Oppenheimer had been notified officially by the Commission that he could have access to these reports and/or minutes, and that he has not availed himself of this opportunity.

Among the items, as I understand it, requested was the minute which has been read into the record. One of the items involved was Dr. Oppenheimer's testimony before the Joint Committee on Atomic Energy, if that is the proper title of the Congressional Committee concerned. One of the items was the contents of Mr. Hoover's letter.

It is my impression that with respect to these items, whether five or seven or whatever the number, the request that they be made available in one way or another has been met with respect to all but two, the two being the Congressional hearing record, which this Board is not at liberty to make available, and the other is the FBI letter, which under the regulations we are not at liberty to make available.

With respect to the Congressional testimony, I assume that it is not inappropriate for Dr. Oppenheimer to request of the committee the privilege of seeing those portions of the hearing which contain his own testimony, but this Board does not have the power to produce such a document.

I think I have referred to the regulations which specifically cover information from the Federal Bureau of Investigation. So the earlier discussion centered around these requests which were made in a conversation between Atomic Energy Commission officials and Dr. Oppenheimer's representatives, and I think those requests have been met in so far as it is possible for this Board to have any influence in meeting them, or any power in meeting them.

Now, with respect to the current request which, if I understand it correctly, is a list of all items of so-called derogatory information about Dr. Oppenheimer in the hands of this Board, again I would have to respond that information which is contained in FBI reports cannot be made available.

I think I shall have to stop my observation at that point. It may be that my interpretation of the procedures under which we operate is faulty, and I would ask counsel for the Board if he has anything to add to what I said.

MR. ROBB: I certainly agree that your interpretation is entirely correct, Mr. Chairman. I would add only one observation, which is that so far as we are able to bring it together, all the information and reports which were before the Commission in 1947 are now before this Board for its consideration and its evaluation.

Of course, as the Chairman has said, the FBI reports under the rules of these hearings may not be made available to

counsel for Dr. Oppenheimer or Dr. Oppenheimer.

MR. GRAY: Let me make one other observation. I suppose it would be reasonable for counsel to assume that the Board in its effort to get at the truth with respect to any matter of very material consequence has sought to have light thrown on such a matter of material consequence. This, of course, involves, I am sure, the question of anybody's reliance on the good faith of this Board. What I am trying to say is that I do not think you are materially disadvantaged by not having the detailed list of information which you have requested.

MR. GARRISON: I would like to make just one observation. I want to make it clear, Mr. Chairman, that so far as the fairness of the members of this Board and their desire to do the right thing, I have no doubt whatever. My problem is one of knowing what seems to us to be relevant so that we may comment upon it as one should in presenting Dr. Oppenheimer's case, as well as we can. In a process of this kind I should suppose that the adversary process which we seem to be engaged in should be carried out to the fullest extent that it can be done within the limits of the governmental regulations with respect to the preservation of whatever has to be confidential, that this process will aid rather than to the contrary in the deliberations of the Board.

I would like to make one or two things clear in the

February discussions and correspondence. The Commission did indeed say to Dr. Oppenheimer that he might inspect minutes and reports of the GAC meetings in which he participated, and could also see any documents which he himself signed. What I am talking about here is the action of the Commission in 1947. I am not asking that the FBI reports be disclosed. I appreciate the rule that the reports of the Federal Bureau of Investigation shall not be disclosed to the individual or to his representative. I regretfully have to accept that rule. It does seem to me, however, that since in the very letter of General Nichols with which we are concerned, a very lengthy account is given of numerous derogatory items in the file and disclosure has been made of that, I cannot see how it would violate this rule to have us informed as to the derogatory items which were before the Board in 1947. I am not asking for a transcript of the reports or a copy of the reports, but simply for a description of what the Board acted on, I mean the Commission acted on.

MR. ROBB: Mr. Chairman, as I interpret Mr. Garrison's last remark, he does not want a copy of the reports or the transcripts of the reports he merely wants to know their contents, which seems to me to fly right in the face of the rule. I am sorry.

MR. GARRISON: Let me ask this final question. Would it fly in the face of the rule if we were limited

merely to being told which of the items now before the Board were before the Commission in 1947?

MR. ROBB: I think it would, Mr. Chairman.

MR. GARRISON: I just don't understand that, Mr. Chairman, as to why we can't be told of these items, that such and such were before the Board, and such and such were not. What disclosure of FBI reports is that any more than this letter itself is a disclosure of FBI reports?

MR. GRAY: I believe that what was before the Commission in 1947, and certainly from the testimony here, cannot be certain, because the recollection of the four former Commissioners who have testified here is uniformly hazy as to what happened. I hope that is not an incorrect statement about their testimony. With respect in any event to what was before them at that time we are not certain. I believe what was before them at that time was FBI reports. It seems to me that comes into the rule.

I would make this further observation, that if counsel wishes at some subsequent point in these proceedings to argue the import of the actions of the Commission in so far as they can be reconstructed in 1947, whether February, March or August, that opportunity will be given. As far as this Board is concerned, we must be concerned with everything before us, and what the Commission did in 1947 is, of course, important, but as you say, not conclusive.

I would like to suggest a recess at this point.

(Brief recess.)

MR. GRAY: Colonel Pash, do you care to testify under oath? You are not required to.

COLONEL PASH: Yes, sir.

MR. GRAY: Would you give me your full name.

COLONEL PASH: Boris T. Pash.

MR. GRAY: Will you raise your right hand. Boris T. Pash, 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?

COLONEL PASH: I do.

Whereupon,

BORIS T. PASH

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

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

It is my duty, Colonel Pash, to remind you of the existence of the so-called perjury statutes. May I assume you are familiar with them and they need not be reviewed?

THE WITNESS: Yes, sir.

MR. GRAY: You understand, I suppose, or you should know in any event, that there are persons in this room who may not have clearance for certain classified material. I would ask, therefore, in the course of your testimony if you

are getting into classified areas, you seek to notify me in advance so we may take the necessary steps.

THE WITNESS: Yes, sir.

MR. GRAY: Finally, Colonel, I should say to you that we consider this proceeding a confidential matter between the Atomic Energy Commission officials and witnesses on the one hand, and Dr. Oppenheimer and his representatives on the other. The Commission is making no releases with respect to these proceedings. I express the hope on behalf of the Board that witnesses will take the same view.

THE WITNESS: I am, sir.

MR. GRAY: Mr. Robb, will you proceed.

DIRECT EXAMINATION

BY MR. ROBB:

Q Colonel Pash, will you give us for the record your present station?

A My present station is Presidio of San Francisco, California.

Q You are an officer in the United States Army?

A I am.

Q And have been for how long, sir?

A I am a reserve officer on active duty, and I have been on active duty for about 14 years.

Q What is your present assignment?

A Presently I am Chief of the Counterintelligence

Division in the office of G-2, Headquarters, Sixth Army.

Q What are your duties in that capacity?

A In that capacity I review and pass on the activities of my branch offices which are concerned with counteraction against espionage, sabotage, the conduct of personnel security investigations and industrial security investigations.

Q Without going into detail for a moment, Colonel, how long have you been engaged in that general sort of work for the Army?

A About 12 years of the 14.

Q Let me, if you will, get a little of your personal history. You came on this present tour of duty when?

A About the first of June of 1940.

Q What was your assignment?

A I was then for a short time the counterintelligence officer of the Ninth Corps Area.

Q Where is that?

A In Presidio of San Francisco. In about March of 1941 -- I am not sure of that date -- I became the Chief of the Counterintelligence Branch of the Ninth Corps Area, and later of the Western Defense Command and the Fourth Army.

Q Will you tell us whether you took any source at about that time in connection with your work?

A In January of 1941, I took the officers investigative course conducted by the Federal Bureau of Investigation.

Q Where?

A In Washington at the Justice Department Building.

I think that is between Tenth and Ninth on Pennsylvania.

Q That had to do with espionage and sabotage?

A Espionage, sabotage, interrogation, writing of reports, securing evidence, the overall investigative course.

Q What was your next assignment?

A In November 1943, I left the Fourth Army Western Defense Command and proceeded to Europe where I organized and commanded the Scientific Intelligence Mission of the G-2, War Department, known under the code name of the Alsos mission.

Q What was that mission, Colonel?

A The primary mission was to determine the extent of German atomic developments and to find out whether they would or would not use the bomb in World War II, and if possible secure the scientists and documents and any equipment that they may have.

Q How long did that mission last?

A The mission was deactivated in December of 1945.

Q In connection with that work, were you required to interrogate scientists and other personnel?

A Yes, we did interrogate scientists.

Q Following the completion of that mission, what did you do?

A In March of 1946, I went to Japan, where I was

assigned as the Chief of the Foreign Liaison Section in G-2, Headquarters, Far East Command. In connection with those activities my primary responsibility as designated by the Chief of Staff was to deal with the Soviet mission. Since I was a colonel, the Chief of Staff felt I could deal with the Commission directly because I speak Russian.

Q You speak Russian?

A Yes, I speak Russian fluently.

Q Were you born in Russia or in this country?

A I was born in San Francisco.

Q Your father was a Russian bishop?

A He arrived in the States in 1894, and in the later years he was known as the Metropolitan, which is the top or senior bishop of the American Orthodox Church, which officially I believe the name is the Russian Orthodox Greek Catholic Church of North America.

Q Was your mother a Russian or American?

A No, she was born in San Francisco.

Q In all events, you learned to speak Russian from your father?

A No, I studied it and had experience, of course.

Q You say you were in Japan for how long?

A Two years.

Q Dealing with the Russians?

A Primarily. I dealt with all the foreign missions

there.

Q Who was the commanding officer in Japan then?

A General MacArthur was then commanding.

Q At the completion of that duty, what did you do?

A At the completion of that duty I was assigned to G-2, Department of Army, in the Eurasian Branch.

Q Will you tell us what your work was there?

A Study of the Soviet Union and the Soviet Army.

Q G-2 is Intelligence?

A Yes, sir.

Q At the end of that year, where did you go?

A At the end of that year I was detailed to the Central Intelligence Agency.

Q How long did you stay there?

A I served with the Central Intelligence Agency for three years.

Q Are you able within the rules of security regulations to tell us anything about your work there?

A No, sir, I am not.

Q You were there for three years.

A Yes, sir.

Q Until when?

A Until I believe the 7th of January 1952.

Q Then where did you go?

A Then I was assigned to Austria, Headquarters, United States Forces in Austria, and stationed in Salzburg.

Q What was your duty there?

A There I was in G-3, which is the planning section.

Q How long were you there?

A I returned from Austria in August 1953.

Q And then you went to your present duty?

A Went to my present station, reporting to the Presidio in September 1953.

Q Now, going back to 1943, in what month was it, Colonel, that you reported for duty at San Francisco in 1943?

A I was in San Francisco at the time in 1943.

Q What month did you begin your duty as what was it, now?

A Chief of the Counterintelligence Branch.

Q Yes, sir.

A That was in 1941.

Q And you stayed there until when?

A I would like to make a correction. I am not sure whether it is early '41 or late. I mentioned the early part of 1941. I am not sure of that date and I didn't check it.

Q Coming to May, 1943, Colonel, I will ask you whether or not at or about that time you began an investigation into certain reported espionage taking place or which had taken place at the Radiation Laboratory in Berkeley?

A Yes, sir, we did.

Q Would you tell us something of how that investigation

began and what you did?

A Yes, sir.

Q Just tell us in your own way, and I will try not to interrupt you.

A I believe it was in May of 1943 an officer from the Department of the Army reported to General DeWitt, who was Commanding General of the Western Defense Command, requesting that an officer be designated to conduct a special investigation connected with War Department Activities.

General DeWitt designated me to take charge of that investigation.

Together with the initiation of this investigation, I received a report from the Department of Army, I think it was the War Department then, indicating that there had been an attempt to secure information from the Radiation Laboratory and that the personnel involved were Steve Nelson, of the Communist Party, a prominent Communist Party member in California at the time, and a man by the name of Joe.

We further knew that Joe had furnished some information, including information of a technical nature, which I don't recall clearly, and I would not dare to try to explain anything of the technical nature, and that he had furnished Steve Nelson with a timetable pertaining to activities in which we were to become interested -- the technical activities.

We had very little information. The only thing we had definite was that the man's name was Joe, and the fact that

he had sisters living in New York, and that he had come from New York.

We started the investigation. We immediately started procuring files of personnel working at the laboratory in order to try to analyze and determine who this man may be. I will not go into the technical details of our surveillance or operational methods except to say that we did conduct an investigation.

We first thought this man may be a man by the name of Lomanitz.

Q Would you tell us why you thought that?

A Because of Lomanitz's past history. We were able to procure that. Lomanitz was affiliated with some Communist front organizations, and actually was reported to be a Communist Party member.

In our operational work, we were able to procure a photograph of four men, and I had one of our men working on that photograph to determine the background of the personnel in the photograph.

In the meantime we also found out that at some meetings sponsored by either -- I forget the organization sponsoring it -- it was on Van Ness Avenue, we observed, I believe, it was either Bohm or Lomanitz going in with an unidentified man, a man unidentified by us.

Q Which Bohm was that?

A His first name slips me He was closely affiliated socially and I suppose in the school with Lomanitz and Weinberg.

Q By the way, did you ascertain what he was doing at the time, and where he was employed?

A Yes, we knew that he was employed at the Radiation Laboratory.

Q How about Bohm?

A Bohm also.

C Go ahead, sir.

A We had an unidentified man and we had this photograph. As a result of our study we determined and were sure that Joe was Joseph Weinberg.

C Where was he employed?

A He was employed at the Radiation Laboratory.

Q Were you able to ascertain whether Lomanitz, Weinberg and Bohm were associates or intimates?

A Yes, they were. The photograph consisted of Weinberg, Lomanitz, a man by the name of Max Friedman, and I think Bohm.

With that in mind we started our operational procedures and at the same time a review of the file itself. I reported the identification of Joe to the War Department at the time. This must have been some time in the early part or the first half of June 1943.

C What did your investigation disclose with respect to the Communist activities of this group, Weinberg, Lomanitz,

Bohm and Friedman?

A We determined in the first place that these four men I mentioned were very frequently together. I don't mean constantly with no interruption, but very frequently they were together.

Through our operational procedures, we found out that Lomanitz was a member of the Communist Party. From the conversations we also determined that we had sufficient information to determine that both Weinberg and Bohm were members of the Party.

Q By the way, Colonel, I might ask you whether under security regulations you are permitted to disclose investigative techniques or operational procedures.

A No, sir. I would be glad to present them to the Board.

Q I might ask you just for the record, Colonel, I assume you are here under orders?

A Yes, sir, I have been ordered here by the Department of the Army.

Q But the testimony you are giving is your own testimony, and not what someone told you to say?

A No, sir. I think I better correct that. The testimony is my own.

Q Did there come a time when certain steps were taken with respect to the draft status of this man Lomanitz?

A Yes, sir. When we determined and felt sure that Lomanitz was a member of the Communist Party, we recommend that his draft deferment not be renewed. I made that recommendation to General Groves' office.

Q What happened then?

A We received information from General Groves' office that the deferment will be cancelled, and we were to keep General Groves advised of the status of the situation.

When Lomanitz heard the fact that his deferment was being cancelled, he started contacting a number of people. He contacted members of the union, the FAECT union, which was interested in the Radiation Laboratory. He contacted his friends. He discussed with his friends the situation. He also called and if I am not mistaken wrote to Dr. Oppenheimer about it.

Q What?

A Called Dr. Oppenheimer about it.

Q About when was that, if you remember?

A That was in the early part of August, I think. I don't know the date.

Q Do you recall whether or not Dr. Oppenheimer manifested any interest in this matter of Lomanitz's deferment?

A Yes. According to my recollection Dr. Oppenheimer took some steps to request that deferment be granted to Lomanitz.

Q Did the activities of Dr. Oppenheimer in that connection strike you as usual or unusual?

A Not having sufficient knowledge of the technical phase of this particular situation, I am not expressing an opinion which is based on reactions other than any technical reactions.

Q Yes, sir.

A Since we were interested in this investigation, we certainly followed very closely the activities as they were proceeding, and we felt at the time that pressure was being put on to keep Lomanitz on the project.

Q Pressure by whom?

A By Dr. Oppenheimer, by his associates, Max Friedman, Weinberg and Bohm.

MR. SILVERMAN: May I interrupt for one moment?

Who do you mean by "his"?

THE WITNESS: Lomanitz's.

BY MR. ROBB:

Q Did it strike you that the pressure put on by Dr. Oppenheimer was ordinary or was out of the ordinary as it struck you at that time?

A It was my feeling that there was pressure beyond that which would be normal.

Q You mentioned the FAECT, the union; did your investigation include any study of the Communist tendencies

or influences in that union?

A We based our evaluation of the FAECT on reports received. We did not investigate the union as such. However, we also received considerable information from discussions among those people who are within our investigative field, and whom we were investigating.

Q Let me ask you at that point, Colonel, did you have any jurisdiction to investigate or interview anybody who was not either in the Army or connected with the project?

A Yes, sir. The project was given to us as our responsibility when the officer came out from the Department of the Army.

Q I don't think you quite caught my question. Did your investigative jurisdiction go beyond that? In other words, could you investigate people who were civilians not connected with the project?

A No.

Q All right, sir. Now would you come back to the matter of the union and what you found out about the union?

A Again based on the information available to us and from reports available to us, we felt that there was a strong Communist influence among a group of people -- at least a group of people -- in the union, and that the union was attempting to place people in the Radiation Laboratory.

Q Do you recall who any of the group of people of the

union were that you had in mind?

A There was a man by the name of Adelson. There was also a woman belonging to the union called Rose -- it starts with an "S".

Q Would it be Segure?

A Segure, yes.

Q How about this group that you told us about, the Weinberg-Bohm-Friedman-Lomanitz group; were they in the union?

A Yes, they were members of the union. To the best of my knowledge they were members of the union.

Q Was Lomanitz finally drafted?

A Yes. Lomanitz's deferment was cancelled and he was drafted.

Q At or about that time did you receive certain information from Lt. Lyall Johnson concerning statements made to him by Dr. Oppenheimer?

A I did. Lyall Johnson reported to me toward the end of August that Dr. Oppenheimer came to him and made some statements which he felt I should know about. My reaction was to request an immediate interview with Dr. Oppenheimer on this matter.

Q Who was Johnson?

A Johnson was the intelligence officer for the Radiation Laboratory.

Q Do you recall whether or not Johnson gave you any

details of that conversation?

A Johnson told me it concerned a possible espionage effort in connection with the Radiation Laboratory.

Q Did you thereafter interview Dr. Oppenheimer?

A Yes, I interviewed Dr. Oppenheimer on the 26th or 27th of August, 1943.

Q Where did the interview take place, Colonel, and what were the circumstances under which it took place?

A The interview was conducted on the University of California campus. There was a building in which Lt. Johnson had his office. Captain Fidler was a member of the staff. I don't recall his exact capacity at the time. He was in the Army. We used Lt. Johnson's office to conduct this interview.

Q Did you make any arrangements to have it recorded.

A Yes. We felt that this information was of considerable importance, and we did not want to rely later on on what we may remember, so I made arrangements for an officer in charge of my investigative unit to set up a recording for us.

Q So far as you know, was that with the knowledge of Dr. Oppenheimer, or was he unaware that it was being recorded?

A As far as I know, he was unaware.

Q Subsequent to the interview, were the recordings transcribed?

A Yes, after hearing what Dr. Oppenheimer had to tell

me, I immediately had the recordings transcribed so I could forward them to General Groves' office. I recall we made the first draft off the recordings and we tried to check that as much as we could. Subsequent to that I wanted to hurry this to General Groves, so I recall we started doing a second typing of it, and I stopped the typist and forwarded it by air mail immediately to General Groves' office.

Q So far as you were able to tell at that time did the draft that you forwarded substantially state or reflect your conversation with Dr. Oppenheimer?

A It did, yes.

Q Would you say that every word was right?

A No, there were a few words missing. I personally made some corrections in the draft.

Q After you forwarded it?

A Before I forwarded it. That is before I forwarded this first draft.

Q I have before me a copy of a memorandum dated 28 August 1943, indicating that on that date you forwarded to Colonel Lansdale the transcript of your interview with Dr. Oppenheimer. Would that enable you to tell us when you did forward it to General Groves?

A This was forwarded either on the 28th of August or it may be forwarded the day after.

MR. GRAY: May I ask was this covering memorandum

in the record, too?

MR. ROBB: I am not sure whether it was or not. Do you want me to read it in?

This is "Headquarters Western Defense Command and Fourth Army

"Office of the Assistant Chief of Staff G-2

"Presidio of San Francisco, Calif.

"In Reply Refer to: (CIB

"28 August 1943

"Subject: DSM Project

"To: Lieut. Colonel John Lansdale, Jr., Room 2C 654
Pentagon Building, Washington, D. C.

"1. Transmitted herewith is a transcript of an interview with Dr. J. R. Oppenheimer, held in the office of Captain Fidler, University of California.

"2. No distribution of this was made other than to furnish one copy to Mr. King of the San Francisco Field Division of the Federal Bureau of Investigation. General Groves will be shown a copy of this transcription when he arrives on the 1st of September 1943.

"3. No comments or conclusions are made until a thorough study is completed. Any such recommendations or conclusions reached will be reported to you.

"For the A C of S, G-2:

/s/ Boris T. Pash, Lt. Col., M.I., Chief, Counter

Intelligence Branch.

"1 Incl: As indicated (dup)."

BY MR. ROBB:

Q Have you recently refreshed your recollection about this interview by looking over a copy of that transcript?

A I have.

Q Do you recall, Colonel, whether or not in that interview Dr. Oppenheimer said anything to you about somebody in the Office of the Russian Consul?

A Of the Soviet Consul, yes.

Q Is there any question in your mind that was mentioned?

A No, sir, that was mentioned.

Q In what connection?

A Dr. Oppenheimer told me that a man contacted him with the suggestion that technical information can be made available through proper channels to the Soviet Consulate and that there was a man available who was proficient in microfilming, and that there were channels established for the transmission of available information.

Q Is there any question that Dr. Oppenheimer made that reference to the use of microfilm?

A No, sir, not in my mind.

Q Do you recall whether or not Dr. Oppenheimer mentioned to you whether this man who had made the approach had made more than one approach to people on the project?

A Yes. He indicated three definite approaches that were made.

Q Is there any question about that in your mind?

A No, sir.

Q Did you ask Dr. Oppenheimer who the man was who had made these approaches?

A Yes, I did. I asked him for the name of the man.

Q Did he give it to you?

A No, he did not.

Q Did he say why he would not give it to you?

A He stated that this man was a friend of his, he felt that no information was leaking out, and he felt that he did not want to give the man's name under the circumstances since he felt that it wasn't successful in accomplishing his mission.

Q Were you anxious to know the name?

A We were. As a matter of fact, I insisted several times and I told Dr. Oppenheimer that without the knowledge of that name our activities were going to be made much more difficult. Since he knew the name of the man, I felt he should furnish it to me. I think we broached that subject through the conversation on several occasions.

Q Why were you so anxious to know the name?

A Without the knowledge of the man, our job was extremely difficult. We knew definitely that there were

espionage activities conducted in favor of the Soviets in that area. We knew now that there was a new or at least an additional effort being exerted through this man. Our investigative unit was limited in itself, and if we had to start digging to find out who this man is, it would put a tremendous burden on us.

I also felt, if I may say, that Dr. Oppenheimer knew the name of the man, and it was his duty to report it to me.

Q Did you thereafter send to General Groves a memorandum on the subject of the importance of obtaining the name of the contact?

A I did.

Q I show you a copy of a memorandum dated 2 September 1943, and ask you if that is the memorandum to which you refer?

A Yes, this is it.

MR. ROBB: I will read this in the record, if I may, Mr. Chairman.

"2 September 1943

"Memorandum for: General Groves

"Re: DSM Project (J. R. Oppenheimer)

"1. It is essential that name of professor be made available in order that investigation can continue properly.

"2. If disposed to talk also request names of individuals contacted by professor in order to eliminate unnecessary investigation and following of leads which may

come to the attention of this office. If names of these people are known this office will not have to conduct investigation into their activities if such names come to our attention through our own channels.

"3. It is desirable to have names of any people whom it is felt could be contacted by the professor, particularly CP members or sympathizers.

"4. Has anyone approached JRO at any time while he was connected with the project? If so, was it the professor, Eltenton, or some other party?

"B.T.P."

BY MR. ROBB:

Q B.T.P. was what?

A My initials.

Q I call your attention to the use of the word "professor". To whom did you refer by that?

A The unidentified person. I was told by Dr. Oppenheimer that the man was a member of the staff, or had been a member of the staff of the University of California.

Q "If disposed to talk", what did you mean by that? Who was supposed to talk?

A If when General Groves would ask Dr. Oppenheimer for information, and if Dr. Oppenheimer felt he would give additional information, to get additional information we requested.

Q "Also request names of individuals contacted by

the professor"; the individuals were the three contacts?

A Those three contacts, yes.

Q Dr. Oppenheimer did not give you those names?

A No, he did not. He told me at the time that two of the men were down at "Y" that we called it, that was Los Alamos, and that one man had either already gone or was to go to Site X, which I believe was Oak Ridge.

Q Did you conduct any investigation as a result of that lead?

A Yes, we did. That was another tedious project we had. We had to go through files, try to find out who was going to go to Site X, We determined, and I took measures to stop -- at least I asked General Groves to stop the man's movement to that area.

Q What man?

A The third man. I can't recall the name at this time. I am not sure of the name.

Q But you felt that you had identified somebody who was about to be moved to the site?

A Yes. As a matter of fact, we did. But at this point I don't remember the man's name.

Q And you took steps to stop that transfer?

A Yes.

Q Thinking that he was the man referred to?

A That is right. He was the only one who at the time

was scheduled to go.

Q Referring to the third paragraph of your memorandum, "CP members", that means what?

A Communist Party members.

Q Fourth paragraph, "Has any one approached JRO at any time while he was connected with the project?" Calling your attention to that, Colonel, did you have any suggestion from your interview with Dr. Oppenheimer that he himself had been approached?

A Yes.

Q Beg pardon?

A Yes.

Q What was that?

A He told me that this unidentified professor contacted him.

Q Yes, but aside from that.

A We felt that this was a vulnerable situation and if he was contacted by one, he may be contacted by others.

Q Will you tell us whether or not, Colonel, you believed there was any connection between this episode of Dr. Oppenheimer's statement to you and the situation which had recently arisen involving Lomanitz?

A Definitely.

Q Would you explain that to us?

A When we first met in the room, I asked Dr. Oppenheimer

or said that I was interested in a certain incident. He immediately started telling me about the Lomanitz situation. I told him then it was not the Lomanitz situation that I was interested in, but other contacts that had been made. If I am in order, as a result of the study of the interview, it was my definite feeling at the time that the interview Dr. Oppenheimer had with me was the result of Lomanitz's situation. I felt definitely at the time that Dr. Oppenheimer knew or had reason to know that we were investigating or making an investigation which was more thorough than a normal background investigation. It was my opinion that Dr. Oppenheimer wanted to present this information to us for the purpose of relieving any pressure that may be brought on him for further investigation of his personal situation.

Q In that connection, did you prepare a memorandum for General Groves?

A Yes, I did.

Q I will show you a copy of a paper dated 2 September 1943, with initials "B.T.P." and ask you if that is the memorandum?

A Yes.

MR. ROBB: I will read this in the record, Mr. Chairman.

"2 September 1943

"Memorandum for: General Groves

"Re: DSM Project (J. R. Oppenheimer)

"1. This office is preparing a memorandum in which it is pointed out that O's contact with Colonel Pash, through Lieut. Johnson, was the result of the following circumstances:

"a. Lomanitz was denied deferment.

"b. Lomanitz told O of this and also told him that he felt he was being investigated for subversive activities.

"c. O could conclude that this office is conducting some investigation and would probably determine that contacts have been made.

"d. O felt that it was safer to come out with the information at the present time in order to clear himself of any future investigation.

"e. In this way he would retain the confidence of the Army personnel responsible for this project.

"2. Above, briefly, is a thesis of a memorandum which will be presented to you through Colonel Lansdale in a more detailed form. This office is of the opinion that O had an ulterior motive in furnishing this information at such a late date and the above explanation seems reasonable. It is not believed that he should be taken fully into the confidence of the Army in the matters pertaining to subversive investigations."

BY MR. ROBB:

Q "O" in that memorandum refers to whom?

A Dr. Oppenheimer.

Q You mentioned a late date. What did you mean by that?

A When I had the interview with Dr. Oppenheimer, he told me that the incident which he was reporting to me had happened a few months prior to this interview.

MR. GRAY: Excuse me. Was this memorandum signed or identified?

MR. ROBB: This is a copy I have here. I assume it was signed.

MR. GRAY: You didn't read any initials.

MR. ROBB: Signed "B.T.P." That was you, Colonel?

THE WITNESS: Yes.

MR. ROBB: I previously identified it.

MR. GRAY: I am sorry.

BY MR. ROBB:

Q Colonel, had you had this information about the approach to Dr. Oppenheimer immediately after it had taken place, would that have made a difference to you in your investigation?

A It certainly would.

Q What difference would it have made?

A Not having the name, I felt at the time, and I think I still feel impeded seriously pur investigation.

Q Why?

A We had to start an investigation of a factor which was unknown to us. We knew that there was a man, a professor. There were many professors at the University of California. The only thing I knew was that he was not connected with the Radiation Laboratory, which put it into the University of California, and the staff was tremendous there.

Q Did Captain DeSilva subsequent or at about that time prepare the analysis to which you referred in your memorandum of 2 September?

A He had, yes.

Q I will show you a photostat of a document dated 2 September 1943, "Memorandum for Lt. Col. B. T. Pash. Subject: 'J. R. Oppenheimer'", signed by "P. DeS." Is that the analysis prepared by Captain DeSilva?

A Those are his initials. Yes, this is the memorandum that he prepared.

Q Did you transmit that to General Groves through Col. Lansdale?

A I did.

Q I will show you a memorandum dated 6 September 1943, signed "Boris T. Pash", and ask you if that is your letter of transmittal of Captain DeSilva's memorandum?

A Yes, it is.

MR. ROBB: These two documents have already been

read into the record, Mr. Chairman.

MR. SILVERMAN: Yes, pages 877 and following, if they are the documents you are talking about.

MR. ROBB: I am sure they are.

BY MR. ROBB:

Q When did you finally learn the name of the unknown professor?

A The name of the unknown professor was furnished to me by General Groves' office. I can't recall the exact time. I presume it was either the end of September some time--

Q End of when?

A September or maybe October. I am not sure of the time.

Q Let me see if I can refresh your recollection. I will show you a photostat of a teletype addressed to the Area Engineer, University of California, Berkeley, California, attention Lt. Lyall Johnson, signed "Nichols", and ask if looking at that you are able now to refresh your recollection about it?

A Yes, this is the way we received the information.

Q When was the date?

A 13 December. I must say that I had -- there was another somewhat previous -- this never reached me.

Q That never did?

A No.

Q How did you get the information?

A I never got the information; I was gone.

Q Do you recall that you did receive the information before you went or not?

A I think I was only informally informed of certain suspicions but I had never received that information.

Q When did you leave there?

A About the 26th or 25th of November. It was the end of November.

Q By the way, was there a Lt. Murray in your organization?

A Yes, Lt. Murray was in charge of my investigative unit.

Q I will show you a photostat of a memorandum dated San Francisco, California, November 22, 1943, bearing the signature of James S. Murray. Is that your Lt. Murray?

A That is the same Lt. Murray.

Q I notice that the title of this memorandum is, "Memo for the Officer in Charge. Subject DSM Project. Re Possible Identity of the Unnamed Professor Referred to by Dr. J. Robert Oppenheimer."

Do you recall having seen that memorandum?

A Yes. Lt. Murray's memoranda to me were addressed in this form, and I recall this memorandum.

Q That would indicate at that time at least you had

not received the name of the unidentified professor?

A No, sir.

C Had no, would it not, Colonel?

A Yes, sir.

MR. ROBB: I will ask Mr. Rolander if he might read this memorandum.

MR. ROLANDER: "San Francisco, California. November 22, 1943."

MR. SILVERMAN: Mr. Robb, do you think if we saw the memorandum it might be unnecessary to read it? I don't know what is in it.

MR. ROBB: No, I think we better have it in the record just for completeness, if the Chairman doesn't mind.

MR. ROLANDER: "Memorandum for the Officer in Charge.

"Subject: DSM Project.

"RE Possible Identity of the Unnamed Professor Referred to by Dr. J. Robert Oppenheimer."

The date is November 22, 1943.

MR. SILVERMAN: Have you an extra copy?

MR. ROLANDER: I am sorry, I do not.

MR. SILVERMAN: Can I look over your shoulder, Mr. Rolander?

MR. GRAY: I will follow the reading of it. Is this a copy that counsel can follow?

MR. ROLANDER: Mr. Chairman, I didn't get a chance

to glance at it again. It may refer to the FBI, and I would have to note that we could not make any mention of the FBI. This may not be the case, but I would have to read it through to be sure.

MR. GRAY: I will ask you to look at it, and see if there is anything you will have to omit or not.

I can tell you there is some material you will want to leave out. Page 3.

MR. ROBB: We had not gotten to that yet, sir. That seems to be the only sentence or paragraph.

MR. GRAY: Can you give pages 1 and 2?

MR. ROBB: While we are at it, Mr. Chairman, I see attached to that memorandum is a covering memorandum dated 27 November, 1943, signed Boris T. Pash. I will show that to the Colonel and ask him if he sent that memorandum.

THE WITNESS: No, I did not. This was sent by a then Lt. or Captain Maharg.

BY MR. ROBB:

Q He signed your name?

A Yes. In this investigation he was acting for me.

Q Do his initials appear?

A His initials appear below.

Q Is there any question that this memorandum was sent on the date indicated enclosing the memorandum prepared by Lt. Murray?

A From this record it appears that this was sent. I would have no personal knowledge of the fact.

MR. ROBB: I think we might read them both, Mr. Chairman, while we are about it.

MR. GARRISON: May we have a chance to read this before it is read on the record, Mr. Chairman?

MR. GRAY: Yes.

MR. ROBB: Mr. Chairman, while my friends are reading that, I might say the purpose of offering this is to show for the Board the attempts that were being made to identify this contact and what the knowledge was at that time.

MR. SILVERMAN: Mr. Robb, I represent only Dr. Oppenheimer, but there are a lot of names of people here I never heard of. I wonder whether in fairness to these people it might not be better when you read the memorandum to say there are then given the names of ten, eleven or whatever number of people there is, of whom Professor Chevalier is one, or is not one.

MR. ROBB: He is not. I don't care about that. I don't know who these people are, either.

MR. GRAY: Let me suggest that the first two paragraphs be read, which I take it do not involve persons who may not be concerned in this proceeding, that then counsel indicate that there is paragraph one name of an individual with seven or eight lines of information

about him, paragraph two, and so on. I think counsel's point that Colonel Pash's office or the Office of the intelligence people was involved in very extensive investigation to ascertain the name of the unidentified professor is a well taken point. I see no reason --

MR. ROBB: I have no desire to read them in. I take it the paragraph about Dr. Weinberg might be read.

MR. GRAY: I think there is no reason why you should not indicate when you come to his name.

MR. ROBB: Yes, sir.

MR. ROLLANDER: May I proceed?

MR. GRAY: Please.

MR. ROLANDER: San Francisco, California. November 22, 1943" --

MR. GRAY: Did you read the covering memorandum?

MR. ROLANDER: I beg your pardon. The covering memorandum or letter:

"Army Service Forces, Headquarters, Ninth Service Command, Office of the Director, Intelligence Division, Forward Echelon, Presidio of San Francisco.

The initials "SPRIC:FE."

The date, "27 November 1943."

The written initials of "CLC" in the right hand corner. There is also some written comment on the left hand corner which, since it mentions a name, I will omit.

MR. GRAY: May I call your attention also to what would appear to be the initials "YL" next to the initials "CLC".

MR. ROLANDER: "November 27, 1943.

"Subject: DSM Project. Possible Identity of Unnamed Professor Referred to by Dr. J. R. Oppenheimer.

"To: Lt. Col. John R. Lansdale, Jr., 2C 654 Pentagon Building, Washington, D. C.

"Enclosed for your information and files find memorandum for the Office in Charge, dated November 22, 1943, subject as above, for the Director, Intelligence Division.

Signature "Boris T. Pash." Typed "Boris T. Pash, Lt. Col. M.I." and then an initial beneath there which was referred to by Colonel Pash, "Chief, Counter Intelligence Branch." One enclosure: "Duplicate, memo as indicated. cc Captain Maharg with enclosure."

The memorandum itself:

"San Francisco, California.

"November 22, 1943.

"Memorandum for the Office in Charge.

"Subject: DSM Project.

"Re: Possible Identity of Unnamed Professor Referred to by Dr. J. Robert Oppenheimer.

"Reference is made to various conversations and interviews between Dr. J. R. Oppenheimer, head of DSM Project

at Site Y, and Lt. Col. Boris T. Pash, Chief, CIB, Forward Echelon, Ninth Service Command. Reference is also made to conversations and interviews between Dr. J. R. Oppenheimer and Lt. Col. John R. Lansdale, Jr., Chief, Investigations Branch, CIG, MIS. During the above named interviews, Dr. Oppenheimer has frequently made reference to a professor located at the University of California campus who acted as a go-between for George Eltenton, and three unnamed persons working on the DSM project in an endeavor to gain information for Eltenton to transmit to the Soviet Government. On all of the above named occasions Dr. Oppenheimer has refused to name the Professor or the three persons who were contacted.

Dr. Oppenheimer stated that the three persons did not disclose any information, and therefore they are not pertinent to any investigation promulgated by Military Intelligence Services. Efforts of this office during the past month have been directed in an attempt to ascertain the identity of the professor contact. A record check of all professors and associates in both the physics and chemistry departments at the University of California was made with the Federal Bureau of Investigation and the results thereof contained in a progress report from this office dated October 20, 1943. A continued survey and check has been made and it is believed that it is entirely possible that the professor might be one of the following."

"1." and then a name and seven lines of discussion.

"2." a name and seven lines of discussion.

"3." a name and six lines of discussion.

"4." The name appears "Joseph W. Weinberg." It states further: "Weinberg has been known to commit at least one espionage act, and on June 28, 1943, he was awarded a Ph. D. degree by the University of California, and assumed an associate professorship there."

"5." A name and five lines of discussion.

"6." A name and seven lines of discussion.

"7." A name and six lines of discussion.

"8." A name and eight lines of discussion.

"9." A name and five lines of discussion.

MR. ROBB: May it be agreed, Mr. Chairman, that none of the names was the name of Haakon Chevalier?

MR. SILVERMAN: Certainly not on these two pages.

MR. GRAY: That name does not appear in this memorandum.

MR. ROBB: That is right, it does not appear in the memorandum.

MR. GRAY: I would suggest that actually the remainder of this memorandum is not pertinent to the question being put to the witness.

MR. ROBB: I think not, Mr. Chairman. There is no point of cluttering up the record.

MR. GRAY: I see there is no point of cluttering up the record.

MR. SILVERMAN: It has nothing to do with Dr. Oppenheimer.

MR. GRAY: No, with other individuals. Let me say it does mention some familiar names, Lomanitz, Friedman, Weinberg, Bohm, but really not connected with what we are talking about.

MR. SILVERMAN: Could I take a look at that part of it to see whether something occurs to me about it, which perhaps may not.

MR. GRAY: I think you will have to accept my assurance that it would not help you to see the remainder. It is not really related.

MR. ROBB: Mr. Chairman, would you like to break for lunch?

MR. GRAY: One of the members of the Board has an engagement. Am I right in assuming that you are not at this point finished with your direct examination?

MR. ROBB: That is correct.

MR. GRAY: Therefore I think we should recess for lunch at this time, and we shall return at 2 o'clock.

(Thereupon at 12:35 p.m., a recess was taken until 2:00 p.m., the same day.)

MR. GRAY: Let the record show that Mr. Garrison is not present at the beginning of the hearing.

Will you proceed, Mr. Robb?

Whereupon,

BORIS T. PASH

the witness on the stand at the time of taking the recess resumed the stand and testified further as follows:

DIRECT EXAMINATION (Cont.)

BY MR. ROBB:

Q Colonel, I think I asked you before the noon recess when you first learned the name of Haakon Chevalier, and I believe you said sometime in September.

A Early October or September.

Q In what connection did that name come to your attention?

A We were receiving reports of other investigative agencies relating to Communist activities in the area. I don't recall exactly who delivered those reports to us, but they probably came from Washington, from General Groves' office.

Q What was the purpose of the report about Dr. Chevalier? I don't mean for you to give details.

A It concerned Communist activities in the area. It concerned contacts with people who were either known or

suspected Communists.

Q I don't want to lead you but I am quite sure you are not very easily led anyway. Was the burden of the report that Dr. Chevalier was in some way connected with Communist activities?

A That is right.

Q The identification of Dr. Chevalier as the unknown professor came later?

A That is right. It didn't come to me then.

Q It did not come to you?

A No.

Q Would you say it came after you left Berkeley?

A When I returned from a short tour in Europe, after being in the Mediterranean Theater, I was brought up to date on certain things that transpired in my absence.

Q Is that when you first learned the identity of the unnamed professor?

A Yes, sir, I believe so.

Q When did you first begin giving attention and consideration to Dr. Oppenheimer in connection with your investigation of espionage and Communist activities in Berkeley?

A At the early part of the investigation. It was either late in May or some time early in June.

MR. GRAY: What year?

THE WITNESS: 1943, sir. Excuse me.

BY MR. ROBB:

Q I will show you a copy of a report with the type-written signature, "Boris T. Pash" dated 29 June 1943, and ask you whether you recall preparing that report?

A Yes.

MR. ROBB: Do you have a copy of this for our friend across the way?

MR. ROLANDER: I don't believe this can be read in its entirety.

MR. ROBB: I am sorry; this report has some references to FBI materials.

BY MR. ROBB:

Q At all events, Colonel, the subject of this report is "Julius Robert Oppenheimer", is that correct?

A Yes.

Q Without going into details about it, it concerns investigative information in respect of Dr. Oppenheimer, is that right?

A That is right.

Q During the time that you were conducting this investigation, Colonel --

MR. SILVERMAN: Do you suppose you could read the portions that relate to Dr. Oppenheimer?

MR. ROBB: The whole thing relates to Dr. Oppenheimer.

MR. SILVERMAN: Is there some way we could see it

without the FBI part?

MR. GRAY: At this moment, I think this is true. The witness has had his recollection refreshed with respect to a memorandum which he wrote.

MR. ROBB: Yes, sir.

MR. GRAY: I don't know what you propose to do.

MR. ROBB: Nothing further.

MR. GRAY: Can you do this in a way which will not make it necessary to read it into the record?

MR. ROBB: My purpose for referring to it was to have some specific date in the record to show that by at least June 29, 1943, Dr. Oppenheimer was under investigation by Colonel Pash's organization in respect of espionage, that is all.

MR. SILVERMAN: In respect of suspected espionage by Dr. Oppenheimer.

MR. ROBB: In the context of the espionage investigation that was going on. Is that correct, Colonel?

THE WITNESS: Yes.

MR. SILVERMAN: I really think that in fairness it would be well to read as much of that memorandum into the record as can be read by skipping the references of the FBI. We are somewhat at a disadvantage. Our friends on the other side have the memorandum before them. Doubtless the members of the Board have it before them.

MR. GRAY: I don't know whether the members of the

Board have or not.

MR. ROBB: Will you take the best I can do on it, Mr. Silverman?

MR. SILVERMAN: Yes, sir.

MR. ROBB: I will do the best I can, and I think it will be all right.

Memorandum June 29, 1943.

"Subject: Julius Robert Oppenheimer

"To: Lieut. Colonel Lansdale, Jr., Room 2C 654, Pentagon Building, Washington, D. C.

"1. Information available to this office indicates that subject may still be connected with the Communist Party."

Then I omit the next sentence.

"This is based on the following specific information.

"a. Bernadette Doyle, organizer of the Communist Party in Alameda County, California, has referred to subject and his brother, Frank, as being regularly registered within the Party.

"b. It is known that the Alameda County Branch of the Party was concerned over the Communist affiliation of subject and his brother, as it was not considered prudent for this connection to be known in view of the highly secret work on which both are engaged.

"2. Results of surveillances conducted on subject, upon arrival in San Francisco on June 12, 1943, indicate

further possible Communist Party connections.

"a. Subject met and is alleged to have spent considerable time with one Jean Tatlock, the record of whom is attached.

"b. He attempted to contact by phone and was later thought to have visited a David Hawkins, 242 - 32nd Avenue, San Francisco, a Party member who has contacts with both Bernadette Doyle and Steve Nelson. A preliminary report on Hawkins is attached.

"3. Further investigations of the possible connections of subject with the Communist Party are being carried out by this office."

I omit the next sentence.

"4. In view of the fact that this office believes that subject still is or may be connected with the Communist Party, and because of the known interest of the Communist Party in this project, together with the interest of the USSR in it, the following possibilities are submitted for your consideration:

"a. All indications on the part of Communist Party members who have expressed themselves with regard to subject lead this office to believe that the Communist Party is making a definite effort to officially divorce subject's affiliation with the Party and subject, himself, is not indicating in any way interest in the Party. However, if subject's affiliation with the Party is definite and he is a member of

that Party, there is a possibility of his developing a scientific work to a certain extent then turning it over to the Party without submitting any phase of it to the United States Government. It is the understanding of this office that subject is the only person who knows the exact progress and results of this research work, and, as a result, is difficult to check.

"b. In view of the above there exists another possibility that while subject may not be furnishing information to the Communist Party direct he may be making that information available to his other contacts who, in turn, may be furnishing or will furnish such information, as it is made available to them by subject, to the Communist Party for transmission to the USSR.

"5. On the basis of the present status of this case and with the limited knowledge available to this office on the organization and administration of the project, the following possible plans of action are recommended:

"a. That every effort be made to find a suitable replacement for subject and that as soon as such replacement is trained that subject be removed completely from the project and dismissed from employment by the United States Government.

"b. That subject be told that in view of the importance of the project and the possibility of an accident which may incapacitate or eliminate him, that a second in

command be assigned to subject who will share in the knowledge of all developments and processes of interest in the project.

"c. That subject be called to Washington for purposes of being interviewed by Chief, MIS, and General Groves; that subject first be told of the Espionage Act and its ramifications; of the knowledge MIS has of Communist affiliations and that this Government will not tolerate any leakage of information, either by subject or any of his associates to the Communist Party, whether this be for the purpose of transmitting information as such or of informing the Communist Party of the progress made by its members and, further, that this government intends to maintain rigid control of the development of the project.

"6. It is the opinion of this office that subject's personal inclinations would be to protect his own future and reputation and the high degree of honor which would be his if his present work is successful, and, consequently, it is felt that he would lend every effort to cooperating with the government in any plan which would leave him in charge. It is, therefore, recommended that the plan outlined in paragraph 5-c be adopted upon completion of a thorough investigation of subject presently being conducted by this office. This investigation is being made to secure all possible information on subject's background, particularly his past and present affiliations with the Communist Party.

"It is further recommended that regardless of the plan adopted, or whether any of the above proposed plans are adopted, that subject be told that there exists a possibility of violence on the part of Axis agents who may wish to interfere with this project and, therefore, the War Department deems it advisable to assign to subject two bodyguards. These bodyguards will be selected from specially trained Counter Intelligence Corps agents who will not only serve as bodyguards for subject but also as undercover agents for this office.

"For the A C of S, G-2.

"Boris T. Pash, Lt. Col., M.I., Chief, Counter Intelligence Branch.

"2 Incls:

"#1 - Memo, 6-29-43, re Jean Tatlock (dup)

"#2 - Memo, 6-29-43, re David Hawkins (dup)

"cc: Capt. H. K. Calvert."

BY MR. ROBB:

Q Colonel, do you know whether or not the two bodyguards were assigned?

A No, I don't.

Q Let me ask you as an expert --

A I don't think so.

Q Let me ask you, Colonel, as an expert in these matters, how effective can a surveillance be to prevent the transmission of information?

A In my opinion, it is impossible to maintain a 100 per cent surveillance or maintain a surveillance which would assure 100 per cent success.

Q Why?

A There are so many different ways in which information can be transmitted and in this particular instance we did not have any qualified men who knew the technical field sufficiently to be able to determine even in an open conversation if any information is being transmitted.

Q You mean would not understand it?

A That is right.

Q You mention in here a thorough investigation of subject. Subject being Dr. Oppenheimer?

A Yes, sir.

Q Was that conducted?

A That was in so far as I was in charge there; that was discontinued on instructions from Washington.

Q When?

A I believe some time in the middle of August.

Q Was any reason given for that?

A Not to me.

Q Did all the reports concerning Communistic activities at Berkeley concerning Dr. Oppenheimer come across your desk while you were there?

A I believe so. During this period I had made some

short trips. In that case either DeSilva or Maharg would act for me. Normally they tried to bring me up to date when I returned.

Q You kept yourself thoroughly familiar with the investigation going on?

A I tried to, yes.

Q On the basis of the information which you had concerning Dr. Oppenheimer, did you consider him to be a security risk?

A Yes, I would.

Q Did you then?

A Yes, I did.

Q Do you now?

A Yes, I think I do. I do, yes.

Q Going back for a moment to your interview with Dr. Oppenheimer, you mentioned that he had spoken to you or told you that this unnamed professor had mentioned someone in the Russian consulate, microfilm, the three contacts, two of them having gone to Los Alamos and one being about to leave for Oak Ridge; did you have any opinion as to whether or not Dr. Oppenheimer in those respects was truthfully reporting to you what the unnamed professor had said to him?

A Yes, I was sure of that.

Q You were sure of that?

A Yes.

Q Why?

A In the first place, Dr. Oppenheim spoke to Lyall Johnson, telling him that he had something, as Johnson told me, something important to convey concerning espionage. When I arranged for the interview and Dr. Oppenheimer came in, when I told him that I wanted to discuss the incident, he immediately started discussing Lomanitz with me. When I told him it was the other incident where other parties may be interested in this, he immediately started then relating the information he gave me. I don't think there was any break or adjustment at the time. I felt he was giving something he already had or he knew. Furthermore, as I believe I stated before, and reviewing the situation after a while, I felt that he had this information and he felt that he wanted to give it to us because of the fact that he found out we may be making a rather thorough investigation of the whole project and the activities. Finally, the information given there was rather serious and to a certain extent detailed. It referred to a plan. It established a plan that was supposed to be in existence. It included some details such as the contact, about the availability of contact with the Soviet consulate and the reference to a technical device for purposes of recording what information may be available.

Q What conclusion did you draw from the fact that the information was in some circumstantial detail? What did that

indicate to you?

A That indicated that it was information already available to a man, and in a field which probably was more operational, and therefore I felt, and feel, that it was transmitted to him rather than made up by him.

Q Do you still feel that way?

A Yes, I do.

Q You had a great deal of experience, have you not, in interrogating witnesses?

A I have had some experience, yes.

Q You have been doing it for years, haven't you?

A For a few years,

Q You have had a great deal of experience in evaluating statements made by witnesses, have you not, sir?

A Yes, I have.

Q Was there then and is there anything now to suggest to you that his statements to you about these details Dr. Oppenheimer was not giving you an accurate report of what he had been told by the unnamed professor?

A No. I had no reason not to believe they were truthful.

Q Do you have any now?

A No, I only know this from newspaper information.

Q Yes.

A And whether it is correct, I don't know. But I read

in Dr. Oppenheimer's reply to General Nichols he relates this incident. I feel that the information which Dr. Oppenheimer gave me in 1943 was far more damaging to him and to any of his friends than the information as related in the newspaper. If Dr. Oppenheimer was not telling the truth at that time, he was making up a story which would be more damaging to him than it appears the situation was according to the newspaper item. I don't think that that is a normal human reaction. I feel that the story as told then -- the story as related in the newspaper probably is in favor of Dr. Oppenheimer. In evaluating that, I felt that the inconsistency there in my mind would favor the truth in the preliminary interview, the interview of 1943.

Q Would you care to elaborate upon your statement that you now consider Dr. Oppenheimer a security risk?

A As far as I know, Dr. Oppenheimer was affiliated with Communist front activities. I have reason to feel that he was a member of the Communist Party. I have seen no indication which indicates any change from the. I feel that his supposed dropping of the Communist Party activities in the early part of the war need not necessarily express his sincere opinions, since that was done by most all members of the Communist Party. As a result of that, I feel that the opinion I had back in 1943 probably would stand.

Q You say was done by most all members of the Party.

Just what do you mean by that?

A Members of the Party who came into the service, members who continued in government work, disclaimed any affiliation with the Party.

Q Colonel, did any incident or episode occur shortly after your interview with Dr. Oppenheimer which tended to confirm your doubts about Dr. Oppenheimer?

A There was an incident which caused me to stop and think. The evaluation was difficult, but the timing and coincidence was an important factor. Joseph Weinberg wrote a note to a man, a Flanigan, also a known Communist, stating -- in the letter, it was a card, he did not it, but it was in the letter which he mailed, stating, "Dear A. Please don't contact me", or something to that effect. I can't recall. "Please don't make any contact with me, and pass this message to S and B, only don't mention any names. I will take a walk with you when this matter is all cleared up." That was dated the 6th of September. Of course we were very concerned over the entire situation and since Weinberg had close contact and association with Dr. Oppenheimer I felt at the time that it was the result of the situation which culminated in my interview with Dr. Oppenheimer.

Q How did you interpret the expression "take a walk with you"?

A The Communist people at the time were trying to

avoid any discussions. They tried to carry on their discussions either outside or in an automobile or out on the street.

Q Why?

A In order to avoid detection. They avoided fixed positions.

Q Colonel, I will ask you what information you can give us in brief about certain people whose names I will give you. William Schneiderman?

A William Schneiderman was one of the top Communist functionaries in California. His name appeared quite a bit in the process of our investigation, and it was always Communist connected. I believe he has been tried and convicted for advocating the overthrow of the government by force and violence, and has been convicted and if I am not mistaken is now out on appeal.

Q Rudy Lambert.

A Rudy Lambert was also in the same class with Schneiderman, same type of individual. He is now also under conviction for the same offense.

Q Steve Nelson.

A Steve Nelson, of course, was directly connected with the espionage efforts at the Radiation Laboratory. He was convicted in the east for the offense of advocating the overthrow of the government by force and violence. I think he was convicted and may be serving a jail term now.

Q Isaac Folkoff?

A Isaac Folkoff is a Communist in the Bay area, I think in San Francisco -- I am not sure -- and he was in a business, I believe, and served as an intermediary.

Q Intermediary for what purpose?

A For contact between Communists.

Q Louise Bransten.

A Louise Bransten is a Communist Party member who has a record of contacts with Soviet officials. She, according to reports I have read, I think, is independently wealthy and has served the Communist cause. She is, I think, in the east now.

Q Contact with Soviet officials in what connection?

A I presume that the contact with Soviet officials for the purpose of passing information. She was in contact for instance with a man, Kheifits, who was a Soviet official in San Francisco. I think he took the place of the initial contact of the Soviet official who contacted Nelson.

Q What was his name?

A Ivanov.

Q Joseph Weinberg you have already told us about.

A Yes.

Q Dr. Thomas Addis.

A I don't know much about Dr. Thomas Addis. He was a professor at Sanford University, I think. As far as I can

recollect there were allegations that he was a Communist Party member.

(Mr. Garrison returned to the hearing room.)

BY MR. ROBB:

Q David Jenkins.

A David Jenkins was a member of the California Labor School. If I am not mistaken, he was the head of it at one time in the early Forties.

Q Do you remember his wife's name?

A No, I don't.

Q Did you know of someone named Edith Arnstein?

A No, I don't.

Q John Pitman?

A John Pitman, if I am not mistaken was on the staff of the Peoples World.

Q What was the Peoples World?

A Peoples World was a Communist Party publication

Q Where?

A In San Francisco.

Q Hannah Peters.

A The name Peters is familiar,

Q And her husband, Bernard Peters.

A Bernard Peters I know was a scientist, I think, but I don't know enough about him.

Q David Adelson.

A David Adelson was very active in the FAECT, the union, Federation of Architects, Engineers, Chemists and Technicians.

Q Do you have any information with respect to his Communist connections?

A There were reports of his Communist connections. He was very active in trying to penetrate the Radiation Laboratory with members of the union. As a matter of fact, I think he was one of the men who were contacted by Lomanitz and Weinberg, and so forth, when Lomanitz was inducted.

Q Kenneth May.

A I remember the name of Kenneth May as being connected with the Communist Party. I don't know any particulars about him.

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

MR. GRAY: Mr. Silverman.

CROSS EXAMINATION

BY MR. SILVERMAN:

Q Colonel Pash, how often have you met Dr. Oppenheimer?

A Once, for this interview.

Q That was that meeting of August 26, 1943?

A Yes

Q And as far as you can recall until today that is the only time you have ever seen him in your life?

A Physically, yes.

Q I think you gave some testimony about four people, Messrs. Lomanitz, Bohm, Friedman.

A And Weinberg.

Q And Weinberg, yes. Those people were employed at the Radiation Laboratory?

A That is right.

Q In Berkeley.

A In Berkeley.

Q They were not employed at Los Alamos?

A Not to my knowledge.

Q So far as you know, did Dr. Oppenheimer have any responsibility for their employment at Berkeley?

A I don't know enough about personnel administration there. I recall in reviewing the documents available to me at the time that I think he made some comments with reference to Lomanitz.

Q He didn't hire these people?

A I don't know who hired them.

Q He was not the Director of the Radiation Laboratory the way he was at Los Alamos?

A Not to my knowledge.

Q You said he made some comments about Lomanitz.

I think you said he made some, I don't remember the word now, protest, pressure or something about it, when Lomanitz's draft deferment was terminated?

A When it was about to be terminated.

Q Did anybody else complain about it?

A Weinberg and Bohm, to my knowledge.

Q Did Lomanitz's superiors on his job complain about it?

A I think that Dr. Lawrence may have.

Q Did anyone else of his superiors?

A That I don't know.

Q You have recently had occasion to refresh your recollection as to what Dr. Oppenheimer did about this matter, have you not?

A Yes.

Q You have not had occasion to refresh your recollection as to whether -- before I finish this question, I want to be perfectly clear I am not and do not intend to make any accusations about any people I am naming here, because I consider all their actions perfectly innocent -- you have not had occasion to refresh your recollection recently as to what Dr. Lawrence did about protesting or objecting to Mr. Lomanitz's deferment?

A The only way that I knew that Dr. Lawrence may have taken part is because Lomanitz mentioned in discussing the matter that Dr. Lawrence was going to state that he was needed or something to that effect.

Q You knew that Dr. Lawrence was very anxious to see that the work of his laboratory went well?

A Yes, I realize that.

Q And Dr. Oppenheimer was very anxious to see that the work of his laboratory went well?

A I realize that.

Q And neither one of them would be very happy to lose a good technical man?

A I presume so.

Q And were you told that Dr. Oppenheimer said that if Lomanitz is drafted, Dr. Lawrence will want to take somebody from Dr. Oppenheimer's staff?

A Yes.

Q And Dr. Oppenheimer didn't like that.

A That is right.

Q And he so wrote you?

A I know he stated that. I don't know whether he wrote it.

Q I think that is in the record. By the way, in the course of refreshing your recollection, have you also listened to the recording of your conversation?

A Yes.

Q When did you do that?

A I think about two days ago.

Q And you play it over once?

A Yes.

Q I would like to come to the incident of September 6

in which Joseph Weinberg wrote a note to Flanigan somewhat to the effect, "Dr. A. Please don't contact me, and pass this message to S and B, and I will take a walk with you" and so on.

A Yes.

Q As far as you know, was A, S or B Dr. Oppenheimer?

A No.

Q You connected this with your talk with Dr. Oppenheimer?

A Yes, with the situation around that time, which culminated in Dr. Oppenheimer's interview.

Q One reason for that was the timing?

A That is right.

Q Dr. Oppenheimer's interview with you was on August 26th?

A That is right.

Q And this letter was 11 days later, September 6?

A Yes.

Q Obviously you don't know what other problems Mr. Weinberg was worried about in that period, or what else may have happened in that 11 days to stir him up.

A That is right.

Q I think you said that another reason you connected was because of Dr. Weinberg's close contact and association with Dr. Oppenheimer. Would you tell us so far as you know what Dr. Weinberg's association with Dr. Oppenheimer was?

A Yes. He was a student of Dr. Oppenheimer's at the

University. In two, I think, instances when problems arose for him on one instance he went with Bohm to see Dr. Oppenheimer. That was on the 2nd of September, in connection with the Lomanitz situation. And from the conversations that were had in the group, my impression was that he discussed Dr. Oppenheimer as sort of a man they could advise with. I recall that was not the 2nd of September. It may have been during Dr. Oppenheimer's trip to San Francisco that Bohm and Weinberg saw him on which they said they also feel that the draft may reach them, too.

Q They also felt, too, what -- the draft?

A The draft may reach them because of their activities.

Q Would you try to identify the approximate time of this? You say you think it was not September?

A No, if I am not mistaken it was during the trip of Dr. Oppenheimer to San Francisco.

Q When was that?

A It was in those dates of 26th of 27th of August.

Q So that too was about ten days before?

A Yes.

Q Did Lt. Johnson go to Dr. Oppenheimer and question him about Eltenton or did Dr. Oppenheimer come to Lt. Johnson?

A As Lt. Johnson related it to me, I don't know, he said Dr. Oppenheimer told me. I don't know the details of where they met or what the circumstances surrounding that was.

Q Did Lt. Johnson tell you that Dr. Oppenheimer at that very first interview mentioned Mr. Eltenton's name?

A No. I don't know whether it was the first interview he had with Johnson.

Q Wasn't your interview with Dr. Oppenheimer the day after?

A Excuse me. I thought you meant Johnson's first interview with Dr. Oppenheimer. It is first because it preceded mine is what you mean, is that right?

C Yes.

A I understand.

Q And according to Lt. Johnson's report, Dr. Oppenheimer came to Lt. Johnson and mentioned Eltenton's name?

A Yes. I don't recall that. He mentioned the espionage activities.

C You do not now recall whether Dr. Oppenheimer mentioned to Lt. Johnson Eltenton's name on the day before?

A No, I am sorry I don't.

Q In your one interview with Dr. Oppenheimer, Dr. Oppenheimer did mention the name?

A Yes.

Q He volunteered the name?

A Yes.

C At that time --

MR. ROBB: Mr. Chairman, I don't mean to interfere but I think the question whether he volunteered the name is a

conclusion. I don't wish to concede --

MR. SILVERMAN: There have been a fair number of conclusions suggested by you, Mr. Robb.

MR. ROBB: There certainly have.

MR. GRAY: Proceed, Mr. Silverman.

MR. SILVERMAN: Thank you, sir.

BY MR. SILVERMAN:

Q At the time that Dr. Oppenheimer gave you Mr. Eltenton's name, was Mr. Eltenton already under surveillance by you?

A We had no connection with Mr. Eltenton. We had his name, but he was not under our surveillance. He was not connected with the Radiation Laboratory as far as I know.

Q So that when Dr. Oppenheimer gave you this name, this was an important piece of information for you?

A No, we had his name, but not in connection with our investigation.

Q Did you have his name as someone who might be mixed up in an espionage attempt?

A Yes, as a Communist Party member. We would not have those details as to his activities, because we were not conducting the investigation.

Q You were conducting an investigation about espionage.

A Yes, by the limitation agreement we did not investigate people who were not connected with the military or specifically with the Radiation Laboratory.

Q So far as you know was there any information -- I withdraw that.

You did not have any information that connected Mr. Eltenton with an espionage attempt or approach?

A We had information which connected him with the contacts of the Soviet contacts, but I personally in my office did not have the details of those contacts.

Q And did Dr. Oppenheimer say to you that the reason he was not giving you the name of the professor was that he thought the man was innocent?

A He thought that this was not serious and that he had not achieved anything.

Q And of course Dr. Oppenheimer was very wrong not to give you that name.

A Yes.

Q And I think we would all agree with that. Do you have any information of any leakage of restricted data through Dr. Oppenheimer to any unauthorized person?

MR. ROBB: May I have that read back?

(Question read by the reporter.)

THE WITNESS: No.

BY MR. SILVERMAN:

Q And Dr. Oppenheimer did tell you that on the one instance when the professor approached him, he refused to have anything to do with it?

A Yes, he told me that.

Q And some time in 1943, he did give the professor's name?

A Yes.

Q We all agree that Dr. Oppenheimer exercised poor judgment, indeed, and was very wrong not to give you the name of Professor Chevalier. Against that agreement by everyone here, I would like to ask you these questions.

MR. GRAY: Wait a minute. I take it that everyone here includes the members of this Board. The hearing is being conducted for the information of the members of this Board in the discharge of its functions. I as Chairman have been extremely lenient, perhaps unduly so, in allowing counsel to express an opinion. This is not the first time that you have said, Mr. Silverman, that everyone here agrees on something.

I should like to ask you please to refrain from expressions of opinions, and not to try to give a witness an indication that you speak for anybody but yourself, if you are expressing an opinion.

MR. SILVERMAN: Very well, sir. I am sorry.

MR. GRAY: It is all right; proceed.

BY MR. SILVERMAN:

Q You have had a good deal of experience with security and intelligence matters in the last 12 or 13 years.

A I have had some experience, yes.

Q You were pretty new at security matters in 1943?

A No, I don't think so.

Q You had a couple of years of experience?

A I have had past experience, too.

Q I assume it is fair to say that in the last 12 or 13 years you have learned a good deal about security and intelligence work?

A Yes, I have.

Q And perhaps your own opinions have to some extent changed or crystalized over that period?

A Opinions as to operational procedures?

Q Yes, and the right things for people to do with respect to security and so on.

A No, I don't think they have changed much as to the right things to do.

Q Do you believe it possible that Dr. Oppenheimer's opinions have changed over that period?

A I don't think I can speak for Dr. Oppenheimer.

Q You have only seen him once in your life.

A That is right.

Q Do you believe that his record since 1943 should properly be weighed against his admitted mistake and failure to make a prompt, frank and full report in 1943, to determine whether he is now a security risk?

A I don't know which record you are referring to.

Q Whatever his activities have been since 1943 with which of course you are not familiar.

A Yes. I again think that is the position of the Board --

Q Exactly.

A -- to answer, not mine.

MR. ROBB: I am sorry. I didn't get that.

THE WITNESS: I said that is not my position to answer that.

MR. SILVERMAN: That is all. Thank you.

MR. GRAY: Colonel Pash, I would make reference now to your interview with Dr. Oppenheimer. I don't have the date fixed in my mind, but the only interview you had with him.

THE WITNESS: Yes, sir.

MR. GRAY: In your earlier testimony, I believe you indicated that with respect to this interview, Lt. Johnson reported to you that he had received some information and you then decided you wished to talk personally to Dr. Oppenheimer.

THE WITNESS: Yes. Lt. Johnson said he received it from Dr. Oppenheimer.

MR. GRAY: In the beginning of your interview, it seemed to you that Dr. Oppenheimer thought you wanted to talk to him about Lomanitz?

THE WITNESS: Yes, sir.

MR. GRAY: But that the substance of the interview

concerned the so-called Chevalier episode.

THE WITNESS: I may not quite understand you.

MR. GRAY: I am afraid it was not a good question.

In the beginning of your interview with Dr. Oppenheimer, there was some mention of Lomanitz, and then you had to make it plain to Dr. Oppenheimer you wanted to talk about the Chevalier incident.

THE WITNESS: About the incident which eventually involved Chevalier.

MR. GRAY: Yes. And you testified also, I think, that it may have occurred to you at the time that the reason Dr. Oppenheimer volunteered to Lt. Johnson what he did about the episode was that he may have known there was an investigation going on, and that this might have been found out about in some other way, and therefore he thought he better get the information to the security officers himself.

THE WITNESS: Yes, sir. I apologize. Did you mention Johnson's name in connection with that. I may have thought I heard it. May I ask that it be re-read. I am sorry.

MR. GRAY: Yes, you may ask. I am going to be embarrassed when I read it in print. I might as well be embarrassed when I hear it read back now. It was a poor question. Can you read it back?

THE WITNESS: I didn't mean to imply that.

MR. GRAY: There is no need to. I know it.

(Question read by the reporter.)

THE WITNESS: Yes.

MR. GRAY: Is that the substance of what you said?

THE WITNESS: Yes, sir, and the question I think was clearly put to me.

MR. GRAY: Now, if there had been only one person involved in the Chevalier contact, that is, to Dr. Oppenheimer himself, it is unlikely I suppose that you would have found out about it, except from Dr. Oppenheimer.

THE WITNESS: That is right.

MR. GRAY: In other words, unless he had volunteered this information to Lt. Johnson in the first place, and repeated it to you in the second place, this may never have been a matter of discussion in a possible future hearing?

THE WITNESS: Of course, we cannot exclude the possibility if the investigation took some other tangent and that may have come out, but that is just a supposition.

MR. GRAY: But if the contact had been just between Professor Chevalier and Dr. Oppenheimer in Dr. Oppenheimer's home, it is pretty unlikely that you would have known about it except from Dr. Oppenheimer?

THE WITNESS: It is unlikely that we would know about it, yes, sir.

MR. GRAY: Did it occur to you, and if it didn't, I wish you would say so, that the fact that Dr. Oppenheimer

in some detail mentioned two other people than the individual who later turned out to be himself -- I am not sure it was two other people,

THE WITNESS: It was three other people, sir.

DR. EVANS: Three other people.

THE WITNESS: Yes, sir.

MR. GRAY: Let me rephrase my question. Did it occur to you at the time that the fact that Dr. Oppenheimer mentioned both to Lt. Johnson and to you contacts with three people for information, two of whom were supposed to be at Los Alamos and one of whom was supposed soon to go to Oak Ridge, that he was giving you this information thinking that you possibly could find out about these other three people? I am afraid that is not a clear question. I am trying to ask you whether it occurred to you at the time that he was giving you the story of the contact because he felt that it might be otherwise discovered, or that he was giving you the story in this kind of detail because he felt these details might be discovered?

THE WITNESS: Yes, sir. My impression was that he felt that we would discover in our investigation the fact that there were these contacts, and the extent of them.

MR. GRAY: Is it true that he said he thought these were innocent contacts, and therefore weren't worth pursuing in his judgment? Is that correct?

THE WITNESS: He said that, yes, sir. But the reason-- well, excuse me.

MR. GRAY: You did, indeed, try to find out at least who the individual was who was scheduled to go to Oak Ridge?

THE WITNESS: Yes, sir, as I recall we did.

MR. GRAY: So that at the time you did believe that people other than Dr. Oppenheimer himself were involved in this.

THE WITNESS: We didn't believe, sir?

MR. GRAY: You did believe.

THE WITNESS: We did believe. As a matter of fact, we didn't know how many more contacts were made.

MR. GRAY: But in fact, you never established that there were any other contacts?

THE WITNESS: No, sir.

MR. GRAY: And the man whose orders you held up, who had been scheduled for movement to Oak Ridge, turned out in fact not to have been involved?

THE WITNESS: I hate to bring up a name at a sort of very slim recollection, but to emphasize the point, I believe, and in this instance I hope if I am mistaken it is excusable, because I feel it was a man whom we had under suspicion as one of the men who was a Communist Party member or associate, and on whom an investigation was being run. We had never established his contact with Chevalier.

MR. GRAY: Just for the clarification of the record,

Colonel Pash, am I correct in thinking that after receiving Eltenton's name from Dr. Oppenheimer your jurisdictional limitations would have prevented your investigating Mr. Eltenton, whatever your inclinations might have been? Is that correct?

THE WITNESS: Yes, sir.

MR. GRAY: And that this then became a function of some other agency of government?

THE WITNESS: Yes, sir.

MR. GRAY: Did you communicate with the other agency of government what you learned?

THE WITNESS: I did, sir, yes.

MR. GRAY: Dr. Evans.

DR. EVANS: Colonel Pash, did you know Fuchs?

THE WITNESS: No, sir.

MR. EVANS: Did you know Greenglass?

THE WITNESS: No, sir. That happened in my absence.

DR. EVANS: Having been connected with a couple of institutions of learning myself, not radiations laboratories, of course, and not the high powered nuclear physics that was going on here, I am surprised -- maybe I should not be -- at the number of Communists and fellow travelers gathered together at one point in this Radiation Laboratory. Did that surprise you or is that just normal?

THE WITNESS: No, sir, that was a surprise. We did

not expect it.

DR. EVANS: It is a surprise to me. I am still concerned, and I don't understand these three men that Dr. Oppenheimer mentioned, three contacts, is that correct?

THE WITNESS: Yes, sir.

DR. EVANS: Did he mean there were three men besides Chevalier who had approached him, or these other men were approaching somebody else besides Dr. Oppenheimer?

THE WITNESS: No, sir, this unknown professor contacted these three men, which proved to be Chevalier later.

DR. EVANS: He contacted Dr. Oppenheimer, and then he contacted three other men?

THE WITNESS: Yes, sir.

DR. EVANS: Possibly to get information from them.

THE WITNESS: Yes, sir

DR. EVANS: I just wanted that clear for the record. Maybe everybody understood it, but I didn't. You tried to find out those other three men, didn't you?

THE WITNESS: Yes, sir, both from Dr. Oppenheimer and through investigative procedures.

DR. EVANS: That is all.

MR. GRAY: Mr. Silverman.

MR. SILVERMAN: May we take just a moment, sir?

MR. GRAY: Yes.

MR. SILVERMAN: I have no further questions.

MR. ROBB: That is all. Thank you very much.

MR. GRAY: Thank you, Colonel Pash.

(Witness excused.)

MR. ROBB: For the record, I think counsel have finally agreed upon the final definitive text of the Pash interview.

MR. SILVERMAN: Yes, I understand they have.

MR. ROBB: I think that should be read into the record when we get it typed up, and also I should like to have the Lansdale interview read into the record.

MR. GARRISON: Mr. Chairman, we had previously requested that it be read aloud. We waived that in the interest of getting along.

MR. SILVERMAN: Why doesn't the stenographer just copy it.

MR. GRAY: Yes, it will just be copied into the record.

(Brief recess.)

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

MR. BORDEN: I would prefer to testify under oath.

MR. GRAY: Would you stand and raise your right hand.
Give your full name.

MR. BORDEN: My name is William Liscum Borden.

MR. GRAY: William Liscum Borden, 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. BORDEN: I do.

Whereupon,

WILLIAM LISCUM BORDEN

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 my duty, Mr. Borden, to remind you of the
existence of the so-called perjury statutes. May I assume
you are familiar in general with them?

THE WITNESS: Yes.

MR. GRAY: Also I should like to request that if
in the course of your testimony it becomes necessary for you
to refer to or to disclose restricted data or classified
material you notify me in advance so that we may take necessary
security measures.

Finally, Mr. Borden, I should say that we treat
these proceedings as a confidential matter between the Atomic
Energy Commission, its officials and witnesses on the one hand,
and Dr. Oppenheimer and his representatives on the other.
The Commission is making no releases with respect to these
proceedings and on behalf of the Board, I express the hope
that witnesses will take the same view of the situation.

THE WITNESS: You may count on me to observe that
suggestion.

MR. GRAY: Mr. Robb.

DIRECT EXAMINATION

BY MR. ROBB:

Q Where do you live at present?

A 711 St. James Street, Pittsburgh, Pennsylvania.

Q What is your present occupation?

A I work for the Westinghouse Electric Corporation in its Atomic Power Division.

Q What is your position?

A My title is assistant to the manager of the Westinghouse Atomic Power Division.

Q How long have you held that position?

A Since July 1, 1953.

Q What are your duties?

A I assist the manager of the division in planning and coordinating matters, serve as his alter ego as to certain designated matters which he stipulates.

Q Prior to your assuming that position, what was your position?

A I was Executive Director of the Joint Committee on Atomic Energy.

Q Of the United States Congress?

A That is correct.

Q How long did you hold that position?

A From the last days of January 1949 until about June 1,

1953.

Q Did you have a staff serving with you?

A I did.

Q How many people?

A Approximately 19 or 20.

Q In general what was the scope of your work?

A It was the duty of the staff to collect facts concerning the atomic energy program, and to make recommendations to the Chairman and members of the committee.

Q Prior to assuming those duties, what did you do?

A I was legislative secretary to Senator Brian McMahon for about six months. I believe it was in the middle part of 1948 that I went to work for him.

Q What is your educational background?

A I hold an AB and LLB degree from Yale.

Q What dates?

A I got my AB in the spring of 1942, and my LLB in September 1947.

Q Where were you in the interim?

A I was a pilot in the Army Air Force for three years during the war.

Q Where?

A I served with the 8th U. S. Air Force based in England.

Q After you graduated from law school, you went where,

with Senator McMahon?

A No, I went to the Office of Alien Property of the Justice Department.

Q As an attorney?

A As an attorney, and I stayed there as I recall from January of 1948 until mid 1948, when I went to work for Senator McMahon.

Q In your capacity as executive director of the staff of the Joint Committee, did you give consideration to the matter of Dr. J. Robert Oppenheimer?

A I did, yes.

Q Would you say you gave much or little consideration to Dr. Oppenheimer?

A I would say I gave increasing consideration over a period of years, Mr. Robb.

Q By the way, I might ask you, Mr. Borden, you are appearing today in response to a subpoena?

A Thank you for giving me an opportunity of emphasizing that a subpoena commanding me to appear here has been served on me, and I testify under official compulsion.

Q As a result of your study of the matter of Dr. Oppenheimer, did you reach certain conclusions in your mind with respect to him?

A I did, yes.

Q Did there come a time when you expressed those

conclusions in a letter to Mr. J. Edgar Hoover of the Federal Bureau of Investigation?

A That is correct.

Q When was that?

A The letter was dated November 7, 1953.

Q Was that subsequent to the termination of your connection with the Joint Committee?

A That was, yes.

Q Prior to writing that letter, did you discuss the writing of it with anybody connected with the Atomic Energy Commission?

A I did not.

Q Did you in that letter express your conclusions with respect to Mr. J. Robert Oppenheimer?

A I did.

Q Were those conclusions your own conclusions?

A They are.

Q Were they your honest conclusions arrived at after great thought?

A That is correct.

Q Are they still your conclusions?

A They are.

Q Do you have a copy of your letter with you?

A I have one in front of me.

Q Would you be good enough to read it?

A This letter is dated November 7, 1953.

Q While our friends are looking at that, I might ask you whether you know Dr. Oppenheimer personally?

A I have met him on a few occasions.

MR. ROBB: May we proceed, Mr. Chairman?

MR. SILVERMAN: One moment, please.

MR. GRAY: I would like to ask the counsel what the purpose of delay is. He is simply going to read this.

MR. SILVERMAN: Mr. Chairman, I can hardly conceive that a letter, with due respect to Mr. Borden, by a gentleman stating what he adds the evidence up to can be enormously helpful to the Board which has itself heard the evidence. There are statements in this letter, at least one that I see, which I don't think anybody would be very happy to have go into this record, and under those circumstances, I would like to look at it a minute longer. There may be serious question whether anybody will be helped by having this letter in the record.

MR. GRAY: I think you are now raising a question that counsel cannot determine, Mr. Silverman.

MR. SILVERMAN: Of course not, sir.

MR. GRAY: If you have any argument about it, I shall be glad to have it. If you wish to protest the reading of the letter into the record, you are certainly at liberty to do so. I take it, however, that it is evident

that Mr. Borden is before the committee, he states that this letter is his own letter, he wrote it without consultation with the Commission, that it represents the views he held in November 1953, it represents the views he holds today, he is the individual concerned, he is being confronted by Dr. Oppenheimer and Oppenheimer's counsel and will be available for cross examination. In view of the fact that being here as he is under subpoena, which has been made clear, presumably this being his opinion, this is what he would testify to. I simply don't see the objection to reading the letter. If I am wrong about that, I should be glad to hear it.

MR. SILVERMAN: Mr. Chairman, much of the material in this letter, or some of the material in this letter, at least, is matter that has already been before the Board.

MR. GRAY: Mr. Silverman, you are not suggesting that we should not hear from any witnesses who will testify to the same matters previous witnesses have testified to?

MR. SILVERMAN: Let me say it this way. The thing that struck my eye at once is subdivision (e) on page 2. That troubles me going into the record. If you think it will advance things to have it in, all right.

MR. GRAY: I would like to take a moment to consider that objection.

MR. GARRISON: Mr. Chairman, the third paragraph on page 4, and some comparable material brings in accusations

here that have not before been made in this record or even indicated in the Commission's letter.

MR. GRAY: You are referring to what?

MR. GARRISON: To the third paragraph on page 4, and to the first clause on page 4, and also the last clause on page 3.

MR. GRAY: Mr. Garrison, is there any question in your mind that if this is the view of the witness, he would not so testify?

MR. GARRISON: I have no question about that.

MR. GRAY: I am puzzled by the objection to his reading the letter he wrote in November 1953, which he states now represents his present views as distinguished from giving his present views at this time. I am just honestly not clear as to what the objection is.

MR. GARRISON: It is simply my feeling, Mr. Chairman, that if these represent his present views, and the Commission's counsel has brought him here to testify to this Board about accusations which are not in the Commission's letter and are not even suggested in them, and have never before been suggested in these proceedings, we now have a new case which it seems to me either does not belong here or should be included in the Commission's letter, either in the first instance or by amendment.

MR. GRAY: I think now you are making a point that

the Board should examine, and specifically in that case you refer to material on page 4, is that correct?

MR. GARRISON: That is correct, and on the bottom of page 3, and the first sentence at the top of page 2.

MR. GRAY: I repeat you are making a point which you are entitled to have considered by the Board; that was certainly not clear to me from anything Mr. Silverman said earlier.

I would therefore ask everyone to retire from the room except the Board and counsel for the Board.

(All persons with the exception of the Board and counsel for the Board left the hearing room, and after a brief time re-entered the room.)

MR. GRAY: In response to the objection raised by counsel for Dr. Oppenheimer, I would have this to say on behalf of the Board:

No. 1, the material which the witness was about to read constitutes testimony by the witness, and does not become a part of the letter of notification from the General Manager of the Commission to Dr. Oppenheimer. I would remind counsel that under the regulations pursuant to which this proceeding is conducted the requirements are that this Board makes specific findings with respect to the items in the letter of notification.

I should also remind counsel that much of the testimony here given has not necessarily reflected either

items in the letter of the General Manager of The Commission to Dr. Oppenheimer, or Dr. Oppenheimer's reply to that letter. With the exception of the personal items referred to on page 2, and I will have something to say to the witness about that, the material as I understand it specifically referred to by Mr. Garrison is stated as a conclusion of the author of the letter. Again I take it that the witness would be permitted to present his conclusion about matters which are before this Board. Witnesses have done so with constancy throughout this proceeding. Therefore, after consultation with the members of the Board, the witness will be allowed to read this letter, and all concerned will understand that this is a part of his testimony which is not necessarily accepted by the Commission, does not become a part of the Commission's letter of notification, nor are the conclusions drawn in the testimony necessarily to be considered accepted by the Board. It is the conclusion of the witness, one of many whom we have had before the Board, with respect to matters concerned in this proceeding.

MR. GARRISON: May I ask the Chairman a question?

MR. GRAY: Yes, you certainly may.

MR. GARRISON: Is it the opinion of the Board that the matters which I identified by paragraph and page numbers--

DR. EVANS: What page is that?

MR. GARRISON: The passages to which I previously

directed your attention. Is it the opinion of the Board that those are matters into which inquiry should be directed?

MR. GRAY: These are conclusions drawn by a witness with respect to material I think all of which in one way or another has been touched upon in testimony before the Board.

MR. GARRISON: The conclusions that are here stated, Mr. Chairman, that I referred to, refer to entirely new topics so far as this proceeding and the letter is concerned about which there has not been one breath in this record. I take it that the rule from which I am reading paragraph (j) of section 4.15 is for the protection of the individual. Being for the protection of the individual, it is not likely to be disregarded, because the purpose of this is to give full notice of the individual. If we are to be tried here upon the subject matter of these conclusions, this is something that belongs in the criminal courts and not here. But if it must be heard here, then there should be notice of it.

MR. GRAY: I would say to counsel that it is not my understanding from conversations with the Board that testimony of this witness is in any way going to broaden the inquiry of the Board.

MR. GARRISON: How can it avoid it, sir? Supposing you should believe the witness? Here is a witness produced by counsel engaged by the Commission and delegated with the responsibility by this Board of calling such witnesses as he

wishes, and he brings a witness in to make this kind of an accusation not dreamed of in this proceeding up to this point, and not mentioned in the letter. I think if anything could be more of a surprise and more calling for time, if this is to be the subject matter of the inquiry, I don't know what it is.

MR. GRAY: I should like to ask, Mr. Garrison, whether you knew of the existence of this letter?

MR. GARRISON: I had heard rumors that Mr. Burden had written a letter, yes, sir. I had no notion that this kind of material was in it.

MR. GRAY: This is a conclusion of a witness that you are speaking to now.

MR. GARRISON: Yes, but I take it you are going to permit the witness to adduce his evidence upon these topics. Otherwise, there is no point of his reading the letter unless he is going to testify about it.

I would suggest, Mr. Chairman, I don't want to delay the proceeding --

MR. GRAY: The Board is very much concerned with protecting the interests of the individual concerned, the government and the general public. So that I do not consider this discussion a matter of delay.

MR. ROBB: Mr. Chairman, might I suggest one thing? I assume that in the event the witness should be asked whether or not upon the basis of the evidence he has considered that

he considers Dr. Oppenheimer a security risk, and he should say that he did, and should then be asked to give his reasons; he might very well give the reasons that he set forth in this letter under conclusions. I can't see much difference. I think it would not be contended the scope of the inquiry is thereby broadened or would be thereby broadened.

MR. GARRISON: Mr. Robb is making a point of form and not of substance, Mr. Chairman. We are here put on notice in advance -- this is the only way in which it happens to come up -- that this witness proposes to make accusations of a new character not touched upon in the letter, and not suggested before in these proceedings by anybody, even by the most vigorous critics of Dr. Oppenheimer.

MR. ROBB: Mr. Chairman, might I say one thing for the record? The witness wrote this letter on his own initiative and his own responsibility, setting out certain matters of evidence, I think all of which, if not all, certainly most all of which, are mentioned in the letter from General Nichols to Dr. Oppenheimer. This letter was to Mr. Hoover. The letter is a part of the files before the Board. It is, I think, an important letter. It seemed to the Commission, it seems to us, that under those circumstances it was only fair to Dr. Oppenheimer and his counsel that this witness should be presented here, confronted by Dr. Oppenheimer, and his counsel, subjected to cross examination on the matters set out in this

letter.

The conclusions drawn by this witness in his letter are not allegations in the letter from General Nichols to Dr. Oppenheimer. They will not be allegations in any possible amendment of that letter. The conclusions are the conclusions of the witness alone. They are conclusions which he has drawn from the evidence just as other witnesses on behalf of Dr. Oppenheimer have drawn the conclusion that Dr. Oppenheimer is not a security risk, but on the contrary is a man of great honesty, integrity and patriotism.

I assume that if the witness having written this letter had concluded from the evidence set out by him that Dr. Oppenheimer was not a security risk, that he was a splendid American, a man of honor, that Mr. Garrison would have no objection to reading those conclusions. It seems to me it cuts both ways, Mr. Chairman.

MR. GARRISON: May I ask how long the Commission has had this letter in its file?

MR. ROBB: I don't know, Mr. Garrison. Some time, of course.

MR. GARRISON: Did it have it prior to the letter of December 23, 1953?

MR. ROBB: Mr. Garrison, I don't think I should be subjected to cross examination by you, but I can say to you that I am sure Mr. Hoover did not wait eight months to send it

over to the Commission.

MR. GARRISON: Mr. Chairman, at the bottom of page 3, it says, "From such evidence considered in detail the following conclusions are justified." You can call them conclusions or allegations; it is all the same thing.

MR. GRAY: This is simply the testimony of a witness.

MR. GARRISON: This is the testimony of a witness produced by the Commission's counsel to whom this task has been delegated, on his own responsibility bringing in here to make accusations of the kind that I don't think belong here.

MR. GRAY: I will state to counsel for Dr. Oppenheimer that copies of this letter have been in the possession of the Board along with all other material and have been read by members of this Board. Mr. Borden's conclusions are therefore known to the members of this Board. The Board has certainly made no suggestion to the Commission and the General Manager of the Commission has not otherwise taken the initiative to broaden the inquiry to include these stated conclusions of the witness. If you prefer not to have Dr. Oppenheimer confronted by a witness and cross examined by his counsel with respect to material which you know is in the possession of the Board, of course that would be your decision in what you consider to be the best protection of the interests of Dr. Oppenheimer.

I gather that is what you are saying, because you

have been informed by the Chairman that a copy of this letter is in the possession of the members of the Board. That, again, if I need to repeat this, does not in any way indicate that it is anything more than one part of material consisting of a record which is to be thousands of pages long, and various other data voluminous in nature which are before this Board. You may not assume that any of the conclusions of any of the witnesses may necessarily be those of the Board. As far as this Board is concerned -- I hope I may speak for my colleagues -- I do not think we will insist on either direct or cross examination of this witness. The conclusion which we had reached in the period during which you were excused from the room was that we would proceed. However, I shall be glad to consult further with the members of the Board to determine whether we shall proceed with the introduction of this letter.

I take it that counsel would not object to direct examination of this witness? You are not objecting to the witness?

MR. GARRISON: No.

MR. GRAY: Mr. Morgan has just observed to me that he felt that it was the fairest thing to Dr. Oppenheimer to give him and his counsel the opportunity to examine the witness with respect to this letter which was in the possession of the Board. He doesn't insist that we proceed. I have not

yet consulted Dr. Evans.

DR. EVANS: That is all right with me.

MR. GARRISON: Mr. Chairman, it is needless to say that we would much rather have an opportunity to cross examine if the Board considers that this topic is properly a part of the case. If the Board considers that it is, then let us proceed with it. I trust that in view of the circumstances if it be your decision to proceed, that to the extent that we need time here to prepare on this new kind of an allegation, that we may have it.

MR. GRAY: Yes.

(Discussion off the record.)

MR. GARRISON: Mr. Chairman, with respect to the objection previously raised by Mr. Silverman, we withdraw that objection and prefer that the letter in its entirety be read, if we are to go ahead with it.

MR. GRAY: All right, sir.

THE WITNESS: This letter is dated November 7, 1943. A copy went to the Joint Committee on Atomic Energy. The original went to Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation, Washington, D. C.

"Dear Mr. Hoover:

"This letter concerns J. Robert Oppenheimer.

"As you know, he has for some years enjoyed access to various critical activities of the National Security Council,

the Department of State, the Department of Defense, the Army, Navy, and Air Force, the Research and Development Board, the Atomic Energy Commission, the Central Intelligence Agency, the National Security Resources Board, and the National Science Foundation. His access covers most new weapons being developed by the armed forces, war plans at least in comprehensive outline, complete details as to atomic and hydrogen weapons and stockpile data, the evidence on which some of the principal CIA intelligence estimates is based, United States participation in the United Nations and NATO and many other areas of high security sensitivity.

"Because the scope of his access may well be unique, because he has had custody of an immense collection of classified paper,"--

DR. EVANS: Documents. You said papers.

THE WITNESS: That is right. Perhaps I should state that the copy I have before me is one that I typed myself, and it is possible that it does not conform.

"Because the scope of his access may well be unique, because he has had custody of an immense collection of classified papers covering military, intelligence, and diplomatic as well as atomic energy matters, and because he also possesses a scientific background enabling him to grasp the significance of classified data of a technical nature, it seems reasonable to estimate that he is and for some years

has been in a position to compromise more vital and detailed information affecting the national defense and security than any other individual in the United States.

"While J. Robert Oppenheimer has not made major contributions to the advancement of science, he holds a respected professional standing among the second rank of American physicists. In terms of his mastery of government affairs, his close liaison with ranking officials, and his ability to influence high-level thinking, he surely stands in the first rank, not merely among scientists but among all those who have shaped post-war decisions in the military, atomic energy, intelligence, and diplomatic fields. As chairman or as an official or unofficial member of more than thirty-five important government committees, panels, study groups, and projects, he has oriented or dominated key policies involving every principal United States security department and agency except the FBI.

"The purpose of this letter is to state my own exhaustively considered opinion, based upon years of study, of the available classified evidence, that more probably than not J. Robert Oppenheimer is an agent of the Soviet Union.

"This opinion considers the following factors, among others:

(a) He was contributing substantial monthly sums to the Communist Party;

"(b) His ties with Communism had survived the Nazi-Soviet Pact and the Soviet attack upon Finland;

"(c) His wife and younger brother were Communists;

"(d) He had no close friends except Communists;

"(e) He had at least one Communist mistress;

"(f) He belonged only to Communist organizations, apart from professional affiliations;

"(g) The people whom he recruited into the early wartime Berkeley atomic project were exclusively Communists:

"(h) He had been instrumental in securing recruits for the Communist Party; and

"(i) He was in frequent contact with Soviet espionage agents.

"2. The evidence indicating that

"(a) In May, 1942, he either stopped contributing funds to the Communist Party or else made his contributions through a new channel not yet discovered;

"(b) In April, 1942 his name was formally submitted for security clearance;

"(c) He himself was aware at the time that his name had been so submitted; and

"(d) He thereafter repeatedly gave false information to General Groves, the Manhattan District, and the FBI concerning the 1939-April, 1942 period.

"3. The evidence indicating that

"(a) He was responsible for employing a number of Communists, some of them non-technical, at wartime Los Alamos;

"(b) He selected one such individual to write the official Los Alamos history;

"(c) He was a vigorous supporter of the H-bomb program until August 6, 1945 (Hiroshima), on which day he personally urged each senior individual working in this field to desist; and

"(d) He was an enthusiastic sponsor of the A-bomb program until the war ended, when he immediately and outspokenly advocated that the Los Alamos laboratory be disbanded.

"4. The evidence indicating that

"(a) He was remarkably instrumental in influencing the military authorities and the Atomic Energy Commission essentially to suspend H-bomb development from mid-1946 through January 31, 1950.

"(b) He has worked tirelessly, from January 31, 1950 onward, to retard the United States H-bomb program;

"(c) He has used his potent influence against every post-war effort to expand capacity for producing A-bomb material;

"(d) He has used his potent influence against every post-war effort directed at obtaining larger supplies of uranium raw material; and

"(e) He has used his potent influence against every

major post-war toward atomic power development, including the nuclear-powered submarine and aircraft programs as well as industrial power projects .

From such evidence, considered in detail, the following conclusions are justified:

"1. Between 1929 and mid-1942, more probably than not, J. Robert Oppenheimer was a sufficiently hardened Communist that he either volunteered espionage information to the Soviets or complied with a request for such information. (This includes the possibility that when he singled out the weapons aspect of atomic development as his personal specialty, he was acting under Soviet instructions.)

"2. More probably than not, he has since been functioning as an espionage agent; and

"3. More probably than not, he has since acted under a Soviet directive in influencing United States military, atomic energy, intelligence, and diplomatic policy.

"It is to be noted that these conclusions correlate with information furnished by Klaus Fuchs, indicating that the Soviets had acquired an agent in Berkeley who informed them about electromagnetic separation research during 1942 or earlier.

"Needless to say, I appreciate the probabilities identifiable from existing evidence might, with review of future acquired evidence, be reduced to possibilities; or they might also be increased to certainties. The central problem is not

whether J. Robert Oppenheimer was ever a Communist; for the existing evidence makes abundantly clear that he was. Even an Atomic Energy Commission analysis prepared in early 1947 reflects this conclusion, although some of the most significant derogatory data had yet to become available. The central problem is assessing the degree of likelihood that he in fact did what a Communist in his circumstances, at Berkeley, would logically have done during the crucial 1939-1942 period -- that is, whether he became an actual espionage and policy instrument of the Soviets. Thus, as to this central problem, my opinion is that, more probably than not, the worst is in fact the truth.

"I am profoundly aware of the grave nature of these comments. The matter is detestable to me. Having lived with the Oppenheimer case for years, having studied and restudied all data concerning him that your agency made available to the Atomic Energy Commission through May, 1953, having endeavored to factor in a mass of additional data assembled from numerous other sources, and looking back upon the case from a perspective in private life, I feel a duty simply to state to the responsible head of the security agency most concerned the conclusions which I have painfully crystalized and which I believe any fair-minded man thoroughly familiar with the evidence must also be driven to accept.

"The writing of this letter, to me a solemn step,

is exclusively on my own personal initiative /

"Very truly yours" signed "Will;

"William L. Borden."

MR. ROLANDER: Mr. Chairman, I had copy letter made, and Mr. Borden read from the copies, and I think there is one error in the copy that he read. That begins where the letter says, "This opinion considers the following factors among others (1) The evidence indicating that as of April of 1942" and then it proceeds.

MR. SILVERMAN: Indicating that as of what date?

MR. ROLANDER: "This opinion considers the following factors, among others:

"1. The evidence indicating that as of April 1942 (a)."

MR. GRAY: Now, I should like to make a statement with respect to this letter which I am authorized to make by the two other members of the Board which I think may ease Mr. Garrison's problem as he has seen it in this discussion.

I would say to you that the Board has no evidence before it that Dr. Oppenheimer volunteered espionage information to the Soviets or complied with a request for such information; that he has been functioning as an espionage agent or that he has since acted under Soviet directive, with one qualification as to that latter point, which I am sure will not surprise you. That is, there has been testimony by

various witnesses as to whether members of the Communist Party, as a matter of policy at the time of the war years or entering into government or military service, complied with policy or policy directions in that regard. With respect to that qualification, which I believe appears already in the record, and which is certainly no surprise to Dr. Oppenheimer and his counsel, I repeat that the members of the Board feel that they have no evidence before them with respect to these matters which I have just recited.

I repeat, therefore, that there are now before the Board in the nature of conclusions of the witness, stated to be his own conclusions on the basis of other material which is set forth in some detail, and I believe practically all of which has been referred to without making a judgment whether it has been established or not.

MR. ROBB: May I proceed?

MR. GRAY: Yes.

BY MR. ROBB:

Q Mr. Bordon, may I ask you, sir, why you waited until you left the Joint Committee to write that letter?

A Mr. Robb, this case has concerned me over a period of years. My concern has increased as time passed. Several actions were taken with respect to it while I was working for the Joint Committee. It has consisted in the preparation of 400 questions raised on the case. This was the final work

that I performed before leaving the Committee. I felt at that time that I had not previously fully measured up to my duty on this matter. As of the time I left, the preparation of those questions constituted for me the discharge of the duty. However, no position was taken in the formulation of those questions, or at least if there was a position, it was implicit only.

After I left, I took a month off and this matter pressed on my mind. The feeling grew upon me that I had not fully discharged what was required of me in view of the fact that I had not taken a position.

Accordingly, by approximately mid-October, I had crystalized my thinking to the point where I felt that this step was necessary. There is a letter which I have written to the Joint Committee on this subject, if you wish me to refer to it, or to read it to you.

Q Is there anything, Mr. Borden, that you can now add to what you have set out in this letter as your conclusions?

A I have no desire to add anything.

Q I am not asking you that, sir. Is there anything that you feel that is appropriate for you to tell this Board in addition to what you have set out in that letter?

A I feel, Mr. Robb, that it is my obvious duty to answer any questions that are asked me. If I were to volunteer

information, I think it is obvious that I could talk over a long period of time.

Q I am not asking you to volunteer, but what I want to know is, does that letter fully state your conclusions?

A This letter reflects my conclusions as of now.

Q Does it fully reflect your conclusions?

A Yes.

Q So there is nothing that you feel you should add to it?

A That is correct. Perhaps I misunderstood you.

Q Let me see whether or not you feel any hesitation about answering any questions that either have been or may be put to you here, because of the presence of Dr. Oppenheimer and his counsel.

A I do not.

Q The answer is no?

A The answer is no.

MR. ROBB: I think that is all I care to ask. You may cross examine.

MR. GRAY: We will now take a recess until Monday at 2 o'clock for many reasons. One is commitments identified with this enterprise as to schedule. Second, I think it is useful if time is required for Mr. Garrison. I would hope that my statement that I made to the Board takes care of most of the difficulties that we discussed.

MR. GARRISON: Is it to be understood that the

witness will be back here on Monday?

MR. GRAY: The witness is under subpoena, and he is not happy to be here in the first place. It is understood that he will be.

We are now in recess until Monday at 2 o'clock.

(Thereupon at 4:30 p.m., a recess was taken until Monday, May 3, 1954, at 2:00 o'clock p.m.)