

[? Sept 1954 -
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STATEMENT

We pride ourselves that in our political system the State is not put above the individual. If this is true in general, there is certainly one important exception. ^a The man who works for the Government and whose loyalty comes under suspicion will, in case of doubt, lose his position, and, if he happens to be a scientist, he might find it impossible to continue in his profession. For a man to lose not only his job but also his livelihood--even though he may be innocent--cannot be reconciled with as our conception of justice to which everybody in this country still professes to be deeply attached.

Scientists have been much disturbed by this situation and have repeatedly raised their voices to urge the improvement of the procedures used in loyalty investigations. These procedures are certainly in ~~great~~ need of improvement.

For a witness
At the loyalty hearing, the Government may, ^{for instance}, produce a former Communist as a witness who will testify -- and in this he may be sincerely mistaken -- that the accused has attended ^{many times at a} ~~a certain~~ Communist meeting which ^{was} ~~they~~ held at a stated place on a stated day. ~~The same meeting was presumably attended by others,~~

~~both Communists and former Communists and the accused might be able to find out their names.~~ The accused might be able to find out the names of other Communists or former Communists who, in fact, attended that meeting, but he is without power to subpoena them and to ^{get} ~~force~~ them to state under oath whether or not he, himself, ^{has} ~~had~~ been present at the meeting.

is necessary ~~All this admitted, it still seems to me that in the discussion of this general topic, we have missed the main point which is at issue:~~

I believe, thus it is not R

know that he was not there

and would testify that he was not there at that meeting

Statement

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We pride ourselves that in our political system the state is not put above the individual. If this is true in general, there is certainly one important exception. The man who works for the Government and whose loyalty comes under suspicion will, in case of doubt, lose his position, and, if he happens to be a scientist, he might find it impossible to continue ⁱⁿ his profession. For a man to lose not only his job but also his livelihood--even though he may be innocent--cannot be reconciled ^{with} as our conception of justice to ~~change~~ ^{which} everybody in this country still professes to be ^{deeply} greatly attached.

Scientists have been much disturbed by this situation and have repeatedly raised their voices to urge the improvement of the procedures used in loyalty investigations. ~~It seems to me, however, that they have missed the main point which is at issue: no matter how much the procedures are improved, there will always remain a number of cases where there is doubt which cannot be resolved. In such cases, the public interest demands that the man shall be removed from a position in which he would be dangerous if the suspicion were founded. At the same time, justice demands that the man shall not lose his livelihood.~~

There is no reason why, in cases of this sort, expediency could not be reconciled ^{with} as justice. Clearly a man ought to be removed, ^{if} if there is doubt about his loyalty, from a sensitive position, but, if he has violated no law for which he can be indicted and convicted in court, he ought to continue to draw his salary until such time as he finds another position which is acceptable to him.

Most men would not want to stay under such circumstances on a leave of absence with pay for long; but there will be some who would enjoy basking in the California sunshine ^{while} by continuing to draw their salary from Washington. There might even be a few malingerers who, in order to arouse suspicion, would engage in extravagant--even though lawful--actions such as perhaps visiting Moscow or attending a cocktail party at the Russian Embassy in Washington.

If the policy here described had been adopted, it might have cost us a few million dollars a year to pay the salaries of ^{such} men who are on leave of absence with pay. But a few million dollars a year is hardly too high a price to pay for ~~satisfying our desire for~~ justice, ~~and moreover,~~ the intangible price which we ^{now} are paying ~~now~~ is ^{for family} very much higher.

If the policy here described had been adopted, the Federal Bureau of Investigation would have been instructed to look not only for evidences of disloyalty but, ^{also} in order to be able to catch the malingerers, for evidences of loyalty. ^{Today their loyalty investigations look} As a result of this, the FBI investigations would be endowed with a ^{balance} ~~sense of proportions and would be more balanced than they are today.~~ ~~and a devoid of attentiveness of proportions.~~ ^{quite recently}

The last three times I was contacted ^{these days} by the FBI, I was questioned about Alvin M. Weinberg, Research Director of the Oak Ridge National Laboratory, Hans Bethe, of Cornell University, and Robert F. Bacher of the California Institute of Technology, formerly one of the five members of the United States Atomic Energy Commission. It was obvious from the routine questioning that none of these men were under any suspicion. I told one of the agents who came to see me that these men must have been repeatedly investigated before this time, and I failed to see the point in asking the same questions over and over again, except, of course, if the FBI has now decided to question everybody about everybody. I was ^{told in} ~~given the~~ reply that such men have to be investigated again and again because men change, and, even though a man may have been loyal at one time, he might be disloyal at some later time. ^{Perhaps} ~~This~~ answer would ~~perhaps~~ have satisfied me had the agent asked me if I had had any contact with any of these men in the last three years. This, however, was the one question which he ^{did} ~~had~~ not asked.

Incidents of this sort are amusing rather than disturbing, and, if they involve wasting the taxpayers' money, we are wealthy enough to afford such waste. But there is a much more serious aspect to the situation which has developed in the post-war years. I myself did not realize how far things had gone in this respect until I had a conversation with David Niles from the White House shortly before the decision was taken by ^{Truman} ~~the~~ President to try to build H-bombs. When I pointed out to Niles that in the whole post-war period almost all ideas on the development of bombs came from one single man, he expressed great concern that the name of this man should not become publicly known. He said to me, and to my two companions who attended this conference, that it is within the power of the Russians so to blacken the name of this man that it would not be within the power of the President of the United States to retain him at work in his position. That thought had never occurred to me before, but it was clear that Niles spoke in dead earnest.

We ~~have~~ had a change of administration since this conversation with Niles took place, but things have gone for the worse rather than the better. By now this topic has become so disturbing to most people that I prefer to deal with it in a facetious manner. I am therefore presenting here to the readers of the Bulletin of the Atomic Scientist a fictitious letter written two years from today, in September 1956, by a fictitious official of the State Department.

The great military powers who consider each other as potential enemies have always maintained spies operating on each others' territory. In exceptional cases ~~the~~ information supplied by a spy can be of great importance. If the Germans had learned ~~at the time of our invasion of France in the last war~~ ^{during the in the last war Northern} just where our main force was going to land ^{across the Channel} and which of the landings were purely diversionary ~~from one of their spies~~, and if they had believed that spy, our job would have been made much more difficult. If the information on atomic energy which Fuchs ~~has~~ ^{transmitted to Russia} actually reached those Russian physicists who are able to make use of information of this sort, Russia's development of the bomb may have been greatly helped. ^{But} ~~apart from such exceptional occasions, the~~ information supplied by spies is ~~hardly~~ ^{hardly} of much importance. We may take it for granted that we have a large number of spies operating in Russia and the Russians have ~~a large~~ ^{quite a} number of spies operating in this country. The methods which the Russians use today are probably the classical methods, ^{based} monetary reward and threat of ^{possibly black} blackmail. It is not likely that ^{to say} the Russians will use ^{large men as} the spies who might come under suspicion because of their past record. ~~Clearly, anybody who comes under suspicion loses his usefulness as a spy.~~ ^{this quite understandable why} For that reason it is not astonishing that ~~none of~~ the loyalty investigations instituted by the Government and ~~none of~~ the congressional hearings concerned with the loyalty of our citizens in general and government employees in particular ^{did have} ~~has~~ ^{not lead} led to the discovery of any spies who ~~are~~ ^{more} active in the post-war period.

If we ~~are concerned~~ ^{suspect} that a man might be a spy, all we have to do is point a finger at him to ~~end his usefulness.~~ ^{and his usefulness} ~~What we have actually done through our investigations is to create a situation in which it would be much easier for the Russians to blackmail a government employee into spying if they choose to do so.~~ ^{is ended} ~~to any further and to going very much further~~ ^{we merely succeeded to make it that}

I do not know, of course, whether anything of this sort has actually happened. ~~The Russians have ever~~ ^{have} ~~actually used such a device;~~ they might prefer to use more conservative methods. ~~and enter~~