

# Bulletin of the Atomic Scientists

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# A LETTER TO SENATOR MCMAHON

J. Robert Oppenheimer

*This letter from one of America's most distinguished scientists to the Chairman of the Joint Congressional Committee on Atomic Energy, was introduced at the Committee hearings on the AEC fellowship program on May 17.*

DEAR SENATOR MCMAHON:

From the press, and directly from the Atomic Energy Commission, I have learned of the recent discussions about the Commission's fellowship program, which raise the question of whether candidates for fellowships supported by funds from the Commission should or should not be subject to investigation and clearance procedures. It seems to me that this question, and the implications of the decisions here taken with regard to the Federal support of science and education generally, are closely related to many of the great issues on which you have taken so constructive and farseeing a position. I am writing to you in the hope that in one way or another it may prove helpful to you to have an expression of my views. The question at issue clearly does not present some of the grave and often tragic aspects that the maintenance of security on secret technical work has brought so prominently to the forefront. For this reason, I have come to believe that we can and should deal with it unequivocally.

1. The present situation, as I understand it, is this: The Atomic Energy Commission has advanced funds to the National Research Council, and has asked the National Research Council to use these for the granting of fellowships. In making this request, the Commission has asked the Council to pursue its traditional methods of selecting fellows. In this selection, considerations of scientific and intellectual competence play a decisive part. Considerations of character are not excluded; but, in the past, no effort has been made by the National Research Council to determine the political views, sympathies, or associations of candidates. My understanding is that the Commission has accepted this procedure and has endorsed it. With the basic wisdom of this decision, I fully agree.

2. In considering the issue, we need first to ask ourselves what effects we can anticipate if, from time to time, young men and women who are Com-

munists, or who have Communistic sympathies or associations, are in fact granted fellowships. The fellowships are, of course, in fields where no access to restricted data will be needed or granted; and there can be no question of any jeopardy to security. What is more, there is no direct commitment, and no implication, that recipients of the fellowships will later be engaged in secret work. The Commission does not require this, nor do the research fellows. As a matter of fact, only a small fraction of the scientists of the country can or should be engaged in such secret work. The Scientific Panel of the Secretary of War's Interim Committee at one time estimated that even in the fields of the greatest relevance, not more than 15 per cent of our scientists would be associated with the

atomic energy programs; and of these, of course, many will be concerned with their nonclassified aspects. The actual practices of the Commission bear out these predictions. Thus one must ask the question of whether it is a proper charge upon the Federal Government, and upon the Atomic Energy Commission in particular, to support the training and research of men who will not be directly involved in the work of the Commission. It is the Commission's opinion, and this is an opinion fully shared by the General Advisory Committee, that the answer to this question is in the affirmative. For basic work in science, in aspects which are not and may not be under the direct control of any one Federal agency, is, nevertheless, a major source of our scientific progress, of invention, discovery, and technical leadership.

There are many examples of discoveries basic to the present work of the Atomic Energy Commission which were in fact made by Communists or Communist sympathizers. Of these many examples, we may cite a famous one: The major—one might almost say the only—present peaceful application of atomic energy rests on the preparation and use of artificial radioactive materials, which were discovered by Joliot, who is a Communist, and by his wife, who is a Communist sympathizer. It would be folly to suppose that the United States would be the stronger, or our science and industry the more vigorous, if this discovery had not been made. It would be contrary to all experience to suppose that only those who throughout their lives have held conformist political views would make the great discoveries in the future. The people and the Government of the United States have a stake in scientific discovery and invention; and it is for this stake, rather than as an act of benevolence toward the recipients of the grants-in-aid, that one must look for justification for having a fellowship program at all.

3. The argument given above would seem to me a cogent ground for maintaining the Commission's policy, even if the determination of loyalty and reliability could be made by the most straightforward and satisfactory methods. As you well know, the actual procedures which have been employed, and which perhaps must be employed, in order to establish the loyalty of an applicant, are far from simple and far from satisfactory. They involve secret, investigative programs which make difficult the evaluation and criticism of

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# THE AEC FELLOWSHIPS: SHALL WE YIELD OR FIGHT?

Leo Szilard

The acquiescence of prominent educators in the congressional demand for non-Communist affidavits as a prerequisite for AEC fellowships in nonsecret research has offended many scientists. In the following article, Leo Szilard, professor of Biophysics at the University of Chicago, and a notable contributor to nuclear science, challenges his colleagues to defend academic freedom.

**W**HEN David Lilienthal was recently under Congressional attack because he had not taken care to exclude members of the Communist party from holding AEC fellowships, he pointed out that the holders of these educational fellowships were not, in general, engaged in secret work, and that those who were engaged in secret work had undergone the usual FBI investigations. Lilienthal expressed doubt that scientists would go along with measures that would inject political discrimination into the selection of applicants for educational fellowships.

As the intensity of the Congressional attacks increased, Dr. A. N. Richards, President of the National Academy, and Dr. Detlev W. Bronk, Chairman of the National Research Council, which awards the AEC fellowships, expressed their willingness to accept the requirement of a non-Communist affidavit.

There was some talk of subjecting all applicants for AEC fellowships to an FBI investigation, and to many scientists, this seemed to be much worse than the requirement of an affidavit. Presumably to ward off this evil, five distinguished members of the executive committee of the American Institute of Physics issued a statement opposing such an FBI investigation, but at the same time saying that the demand for a non-Communist affidavit was reasonable.<sup>1</sup>

I think these men would be embarrassed if they were asked just why they thought that the demand was "reasonable." I think it is quite clear what is happening here.

Those who sit in the Councils of our learned societies want to be practical. They know that, as things stand at

present, holders of AEC fellowships will be required to sign non-Communist affidavits no matter what the scientists may say or do. So they say to themselves, "Why fight a losing battle? Let's accept the lesser evil so that we may avoid a bigger one. If we say that a non-Communist affidavit is reasonable, most people will conclude that we are reasonable, and they will listen to our arguments as the arguments of reasonable men."

Are we scientists going to follow the principle of the lesser evil? Our colleagues in Germany have trodden that path.

A few months after the Hitler government was installed in office, it demanded that instructors of the Jewish faith be removed from their university positions. At the same time, every assurance was given that professors who had tenure would remain secure in their jobs.

The German learned societies did not raise their voices in protest against these early dismissals. They reasoned that there were not many Jewish instructors in German universities anyway, and so the issue was not one of importance. Those of the dismissed instructors who were any good, so they pointed out, were not much worse off, since they were offered jobs in England or America. The demand of the German government for the removal of these instructors did not seem altogether unreasonable, since they couldn't very well be expected wholeheartedly to favor the nationalist revival which was then sweeping over Germany. To the learned societies it seemed much more important at that moment to fight for

<sup>1</sup>Printed on the opposite page.



the established rights of those who had tenure, and this could be done much more successfully, so they thought, if they made concessions on minor points.

In a sense the German government kept its word with respect to those who had tenure. It is true that before long most professors who were considered "undesirable" were retired; but they were given pensions adequate for their maintenance. And these pensions were faithfully paid to them until the very day they were put into concentration camps, beyond which time it did not seem practicable to pay them pensions. Later many of these professors were put to death, but this was no longer, strictly speaking, an academic matter with which the learned societies needed to concern themselves.

The German scientists could not, of course, have saved academic freedom in Germany even if they had raised their voices in protest in the early days of the Nazi regime when they still could do so with impunity. They could not have changed the course of history, but they could have kept their hands clean.

**T**HE non-Communist affidavit which will be required from applicants for AEC fellowships is so phrased that a student who is a member of the Communist party cannot sign it without making himself liable to prosecution. It matters not whether he does or does not advocate the overthrow of the Government by force or violence. It matters not whether our courts rule that the Communist Party does or does not advocate the overthrow of the Government by force or violence.

If a student advocates the overthrow of the Government by force, maybe he ought to be put in jail. But if he does not violate any laws, then it is difficult to see how it is possible under the Constitution to discriminate against him or to bar him from educational opportunities provided at the taxpayers' expense. Is it permissible so to discriminate against a minority of law-abiding citizens whose political views we dislike?

Perhaps there is a loophole in the Constitution. Or maybe in times of stress the Constitution gets stretched a bit. Scientists are not qualified to judge such legal issues, yet we scientists cannot help being concerned.

**A**S CITIZENS, we are bound to be concerned because we are asked to sanction something that comes very close to the persecution of a political minority. And as scientists we are bound to be concerned because the Government will henceforth send us men to work in our laboratories who have been selected in a manner contrary to the tradition that has prevailed for over a century at our great universities, as well as at the universities of Western Europe.

What are the overriding national interests that require us to pay such a price? And if there are none, why should we condone political discrimination of this sort?

It is well to remember that there was a wave of persecution of Communists after the first World War under Attorney-General A. Mitchell Palmer, at a time when Russia represented no military threat to the United States, and, in many ways the persecution then was worse than anything that has happened this time—so far. But this time, the scientists are being asked to sanction persecution by accepting students into their laboratories on the basis of a selection that is not free from political bias.

If there are no overriding national interests involved, why should we tolerate the breach of a tradition which has hitherto prevailed at our great universities, even though not all of our universities abided by it with equal tenacity?

It is a vital part of this tradition that scientific ability be made the sole criterion for the selection of those who are given facilities for research or faculty appointments. The requirement of a non-Communist affidavit is the first breach of this tradition that has resulted from accepting Federal aid to education, and there is every reason to expect that others will follow.

Federal aid to education may be a necessity, but Federal political control of education is an evil. This evil our universities will not be able to resist unless scientists take a stand based on the major principle which is involved, and on which they are united. Once we give up this stand and retreat, there is no second line of defense behind which we can unite.

If asking for a non-Communist affidavit is reasonable, then it is also reasonable for the Government to refuse to take an applicant's word for his not being a Communist, and to *investigate* all applicants. And, if it is reasonable to investigate holders of AEC fellowships, why is it not equally reasonable to investigate holders of fellowships from the National Science Foundation? And if a university receives Federal aid to its educational and research program, is it not quite reasonable to investigate the members of the faculty and the students who benefit from such aid?

Those who reconcile themselves to the first breach of our tradition will in due time reconcile themselves to a second breach. Those who follow the principle of the lesser evil will have to retreat again and again. If we do not take a stand on the first occasion, when our most valued tradition is threatened, we shall never take a stand.

The scientists, ever since they scored a major victory in defeating the May-Johnson Bill, and thus helped to bring about civilian control of atomic energy, have been very conscious of the importance of their good public relations. Many of them think that it is better from the viewpoint of public relations to appear "reasonable" at this time, and to make concessions, rather than to take a fighting stand.

They might be right about this, for this time, if we give battle, we cannot be sure that we shall win.

But there are more important things for us to think about these days than our good public relations. There are more important considerations than our natural desire to win every battle. There is justice to think about, and freedom, and our integrity.

Justice and freedom have never been secure for very long in any one area of the world. None of us can say for sure what fate awaits them in the United States in the crisis through which we shall be going in the remainder of this century. Freedom and justice might survive this crisis; or they might not. They might perish and the efforts of scientists might be of little avail. What we scientists *can* do is to resolve that they shall not be allowed to perish without a fight. And those of us who do not wish to fight can at least refuse to help dig the grave.

## Oppenheimer's Letter

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evidence; they take into consideration questions of opinion, sympathy, and association in a way which is profoundly repugnant to the American tradition of freedom; they determine at best whether at a given time an individual does have sympathy with the Communist program and association with Communists, and throw little light on the more relevant question of whether the man will in later life be a loyal American. It would be foolish to suppose that a man against whom no derogatory information can be found at the age of twenty was by virtue of this guaranteed loyal at the age of thirty. It would be foolish to suppose that a young man sympathetic to and associated with Communists in his student days would by that fact alone become disloyal, and a potential traitor. It is basic to science and to democracy alike that men can learn by error.

4. My colleagues and I attach a special importance to restricting to the utmost the domain in which special secret investigations must be conducted. For they inevitably bring with them a morbid preoccupation with conformity, and a widespread fear of ruin, that is a more pervasive threat precisely because it arises from secret sources. Thus, even if it were determined, and I do not believe that it should be, that on the whole the granting of fellowships, or, more generally, of Federal support, to Communist sympathizers, were unwise, one would have to balance against this argument the high cost in freedom that is entailed by the investigative mechanisms necessary to discover and to characterize such Communist sympathizers. This is what we all have in mind in asking that these intrinsically repugnant security measures be confined to situations where real issues of security do in fact exist and where, because of this, the measures, though repugnant, may at least be intelligible.

You and I have had occasion to discuss in the past how central a place the control of atomic energy occupies in the preservation of the basic freedoms of inquiry, freedoms essential at once for scientific progress and for the preservation of our democratic institutions. It is because I believe that the issue which has been raised here bears directly on the maintenance of freedom of inquiry that I hold it so important that it be wisely resolved.

With every warm good wish,

ROBERT OPPENHEIMER