

367th AEC Meeting  
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3. Foreign Travel of Frank Oppenheimer

Mr. Lillienthal referred to the Commission discussion, at Meeting 363, of the State Department request for the Commission's views on the proposed foreign travel of Mr. Frank Oppenheimer. Mr. Wilson explained that the request from the State Department had been received in accordance with the routine arrangements with regard to foreign travel by atomic energy personnel described in AEC 293. He recalled that on July 30, 1947, the Chairman had sent a letter to the Department of State concerning an earlier passport application by Mr. Frank Oppenheimer, stating the Commission's objections to Mr. Oppenheimer being granted a passport at that time.

Mr. Lillienthal observed that the present matter was not simply a question of transit or exit from the country but appeared to involve a question of livelihood. Under these circumstances the action of denying a passport or participating in its denial became, in his opinion, very drastic. He expressed his shock at the absence of procedural safeguards and of provision for hearings or appeal of any adverse decision. Mr. Smyth pointed out that Mr. Oppenheimer's inability to find employment in his profession in the United States was the result, not of his political beliefs, but of his having made false statements under oath. Mr. Lillienthal said that, in view of the 1947 action regarding Frank Oppenheimer alluded to by the General Manager and in view of the special circumstance of his own friendship and close official relationship with Dr. J. Robert Oppenheimer, brother of Mr. Frank Oppenheimer, he would vote against the granting of the passport in order to exclude any possibility of personal prejudice in the case. He stated that it was unfortunate that no procedure was available whereby under these circumstances he could recuse himself and abstain from voting in a matter where he felt he might not be able to act in strict impartiality. He expressed the hope that it would be found

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possible to set up an improved procedure which would allow an applicant for a passport to be heard and to appeal any adverse decision. Mr. Smyth remarked that he had felt, because of the inadequate procedures followed in review of passport applications that the benefit of any doubt should be given to the applicant; this had been his reason for not opposing granting of a passport to Mr. Oppenheimer.

Mr. Pike observed that further cases of this sort would probably come to the Commission. He suggested that the advice of the Personnel Security Review Board be obtained as to the Commission's procedures for determining its response to future State Department requests for comment. He suggested that the files on the two cases recently coming to the Commission's attention (those of Dr. Peters and Mr. Oppenheimer) be transmitted to the Personnel Security Review Board as illustrations of the types of problems that arose. After further discussion, the Commission:

a. NOTED that Mr. Strauss, at Meeting 363 on February 2, had recorded his view that the Commission should not agree to granting a passport to Mr. Oppenheimer;

b. AGREED that Mr. Frank Oppenheimer ought not to be permitted to make the proposed trip to India (Commissioners Lilienthal, Strauss, and Dean voting in the affirmative and Commissioners Pike and Smyth voting in the negative);

c. REQUESTED that the State Department be informed by an appropriate letter of the Commission conclusion in b above;

d. REQUESTED the General Manager to recommend internal procedures for reviewing any similar future cases referred to the Commission for comment by the State Department; and

e. REQUESTED that the files in the cases of Mr. Oppenheimer and Dr. Peters be sent to the Personnel Security Review Board in order that the views of the board might be obtained as to procedures and related problems.