

LA-UR- 03-1043

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*Title:* HISTORY AND LOS ALAMOS - WILL THERE EVER BE A  
SATISFACTORY RELATIONSHIP

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*Submitted to:* American Association for the Advancement of Science  
2003 Annual Meeting  
Denver, Colorado



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Form 836 (8/00)



## **HISTORY AND LOS ALAMOS – WILL THERE EVER BE A SATISFACTORY RELATIONSHIP**

The secrecy required by nuclear research during the Second World War, and which continues in part to the present, fascinates as well as frustrates historians. This paper will discuss the difficulties of being an intermediary working to assist historians, while being required by United States Law to protect nuclear secrets. The effect of the Freedom of Information Act, which preceded the end of the Cold War, will be discussed as was the impact of two major post Cold War “openness” initiatives – the Human Studies Program of the early 1990’s and the current Dose Reconstruction Project of the Centers for Disease Control and Prevention. As the world moves into an age of increased terrorism, some discussion will follow on the effect of providing declassified information related to weapons of mass destruction.

The discovery of fission in 1939 made an atomic bomb possible - a fact immediately recognized by many physicists including J. Robert Oppenheimer. Three refugee physicists from Hungary – Eugene Wigner, Edward Teller, and Leo Szilard – worried by the implications of a fission bomb, sent a letter to President Franklin Roosevelt over the signature of Albert Einstein asking the President to undertake atomic bomb research. Roosevelt, of course, did so. The realization that fission made an atomic bomb possible also convinced physicists in the United States that they should stop publishing the results of their nuclear research, particularly as hostilities in Europe and Asia became more and more pronounced. Physicists in Germany – among them Heisenberg and von Weisacker – were fully capable of understanding and expanding on any such published research. The concern about a possible German atomic bomb persisted until well after D-Day, when the United States gained access to the continent of Europe. General Leslie Groves, who directed the continental search under the code name Alsos, was surprised to learn how little Germany had done in both nuclear and fission bomb research. Immediately after VE day, Groves had several key German scientists arrested and sent to an English Manor called Farmhall, where their conversations were

secretly tape recorded. The publication of the Farmhall tapes about ten years ago, still has not quite quelled the debate about Heisenberg's role in either failing to develop an atomic bomb as an act of conscience, or that he and other German scientists prove incapable of doing so. Ironically, when United States physicists stopped publishing, the Soviet Union took note and correctly deduced what was happening.

**Secrecy about nuclear matters was born in the early days of World War II, created not by a security bureaucracy, but by scientists themselves.**

The secrecy initiated by physicists was maintained by the Manhattan Project throughout World War II, primarily to keep Nazi Germany and Imperial Japan from capitalizing on the research being conducted in the United States. Secrecy also was used to keep the work of the Manhattan Project within the United States. The Manhattan Project was known officially only among a few senior military officers and elected officials. Major, internationally recognized physicists such as Oppenheimer, Fermi, Bohr, and Arthur Compton traveled under code names. Oppenheimer had the codename James Oberhelm; Fermi's name was Henry Farmer; and Hans Bethe was Howard Battle. Oppenheimer never left Los Alamos without being tailed by Army counterintelligence officers, who duly recorded a reunion with a former lover. Even Vice President Harry Truman did not know of the Manhattan Project until informed by Secretary of War Stimson - after he became President in April 1945. Great Britain, one of our two principal allies during World War II, knew of the work on the atomic bomb. Churchill provided key technical help to the Manhattan Project, including much of the early critical

mass studies of Uranium as well as sending a large contingent of physicists to Los Alamos. The other great wartime ally of the United States, the Soviet Union, was not informed. The Soviet Union deduced, quite accurately from the sudden disappearance of research articles, what was going on and mounted a concerted espionage effort to gain nuclear secrets.

Three known Soviet spies worked at Los Alamos – Klaus Fuchs, Theodore Hall, and David Greenglass (the brother of Ethel Rosenberg). Two of these three spies, Hall and Greenglass, were native born United States Citizens. Fuchs fled Germany to escape persecution as a socialist and joined the early nuclear work efforts of the United Kingdom. While in Great Britain, he became a Soviet spy. His transfer to the United States was a stroke of great fortune for the Soviet Union. Hall, an eighteen year old graduate of Harvard, was a physics whiz. He came to work at Los Alamos in 1944 and shortly thereafter offered his services to the Soviets as a way of making “an ally” aware of what was going on. Greenglass, the younger brother of Ethel Rosenberg, was a machinist in the Army when he was sent to Los Alamos. His sister and brother-in-law recruited him to steal what secrets he could from Los Alamos.

**Postwar revelations of spying served as the rationale for tightening and codifying secrecy about nuclear affairs as well as security clearances for individuals.**

During World War II, almost all written documents at Los Alamos were born classified. To a certain degree, this practice continued to exist into the 1950's, since

almost all work at Los Alamos was related to the design and development of fission and later thermonuclear bombs. All mail was censored. Civilian employees could use only one return address – PO Box 1663, Sandoval County Rural, New Mexico. Relatives could not visit. Employees could travel no more than 100 miles once a month. Richard Feynman moved his wife to an Albuquerque hospital to meet the 100 mile travel restriction. The Army posted counterintelligence officers to eavesdrop at the Santa Fe hotels and bars frequented by people from Los Alamos. People at Los Alamos were politically disenfranchised – they could not vote. Spouses were told not to talk about their work. Secrecy and security were always present.

Immediately after the end of World War II, however, this situation slowly began to change. Leslie Groves, the commanding general of the Manhattan Project, commissioned the publication of the Smyth Report, which became the first official history of the making of the atomic bomb. Groves had two purposes. First, he wanted a record of his accomplishment. Second, he wanted to establish a limit on what could be said about wartime atomic bomb work. The Smyth Report became a best seller, primarily because the Soviet Union bought and estimated 1000 + copies.

The Atomic Energy Commission, which succeeded the Manhattan Project in January 1947, worked to lessen the amount and kinds of secrets. The AEC created a virtual entity known as Senior Responsible Reviewers. These reviewers were senior scientists who made determinations about what types of information could be declassified. This declassification process is analogous to supply side economics in that

it was based on the assumption that any records declassified and released, would be a good thing. And, it was generally a good thing. The work of the Senior Responsible Reviewers made possible the publication of scientific papers by Los Alamos scientists. Norris Bradbury, who succeeded Oppenheimer as Director of Los Alamos, encouraged participation in professional societies by scientists and also promoted publication of an individual's basic research. In some cases, graduate students, who had worked at Los Alamos during the war, were allowed to use the data from their secret, wartime research in their degree theses.

**By the late 1940's, absolute secrecy of Los Alamos work was moderating, a process largely driven by scientists. A process that continues to this day.**

Not until the early 1970's was there much interest in the history of the Los Alamos Laboratory. A few books had been written related to the Laboratory, but, on the whole, interest in the technical work of the Los Alamos Laboratory was not very great. The Atomic Energy Commission had a small history office, which published the two bibles of early atomic bomb work - **THE NEW WORLD** and **ATOMIC SHIELD**. The authors of these two books held security clearances and had access to the full range of documents. Their manuscripts were reviewed and classified information redacted. For everyone else, of course, access to records related to fission and thermonuclear bombs remained severely restricted. However, by the mid 1970's the tide of historical scholarship was changing. History of science and technology was becoming more popular. Coincidentally three societal issues – the Vietnam War, Watergate, and the Cold

War Arms race - made the history of science and technology seem increasingly relevant. The Vietnam War created a general distrust of the government and its actions. Watergate reinforced this notion and made secrecy appear evil. The specter of a nuclear holocaust made people more sensitive to the existence and possible use of atomic weapons. Historians interested in such issues began looking at the history of Los Alamos and in particular to ask for technical information about atomic bombs. Historians became increasingly interested in the technical details of nuclear bombs because no one had yet published such information, making it appear to be an especially fertile field of research.

**This shift in scholarship created the first significant, sustained tension between historians and journalists and the secrecy system - a tension that continues yet today.** Historians began agitating for less secrecy and or access, which put them in direct conflict with the AEC and Los Alamos, who were (are) required by law to keep secrets.

A paradox was thus created. While the declassification process started in the 1940's continued, including several wholesale declassification efforts, the process was not fast enough or inclusive enough to satisfy historians. Supply side declassification was only marginally useful and successful. Compounding the problem, certain types of technical information remained absolutely classified and were not considered for declassification. An impasse had been reached.

**As scholars have become more and more frustrated by the fact that they cannot get access to the classified records, they have become more and more militant in their attempts to gain access.**

At Los Alamos, this militancy takes the following general course, which seems to repeat itself every few years. First, scholars try to influence the bureaucracy as a whole such as the United States Department of Energy. They approach the Secretary of Energy, for instance, and ask that secrecy/classification be changed by fiat. Since secrecy and classification are based in United States Law, this approach is rarely very effective. Although the Secretary of Energy has some discretion in these matters, their power is not nearly as absolute as generally believed. Declassification standards are developed in a very deliberative, legal process. To breach this process arbitrarily is tantamount to breaking the law. Second, people such as myself, are simply asked to make declassification decisions personally – in essence asking us to break the law –by simply giving out classified records and information. When this fails, personal threats are made. I routinely am threatened with lawsuits. A few years ago, a group of historians petitioned the Laboratory Director to have me fired – as has more than one television producer. I have been called a Communist – and a fascist. One person has threatened to burn down my house.

**Frustration, a sense of helplessness, and even rage are the hallmarks of trying to gain access to classified records.** Meanwhile, the supply side declassification effort begun by the Senior Responsible Reviewers at the end of World War II continues,

albeit without much of a market. Of course, most of the declassification is of documents of a non-technical nature.

Concurrent with the change in scholarship, with its emphasis on science and technology topics, have been two systemic responses to secrecy and classification. The first of these systemic responses is the Freedom Of Information Act, FOIA, which allows anyone in the world – US citizenship is not a requirement – to request records from the executive branch of government. The FOIA is a “sunshine in government” law that provides a mechanism for release of documents, even currently classified documents, **if the classified portions of such documents can be redacted.** More importantly, it is the only “demand” based declassification process in existence. FOIA works in the following general manner at Los Alamos. A request for documents is made to DOE/NNSA – such requests have to originate with an executive agency. If appropriate, the request is forwarded to Los Alamos for a possible response. If documents responsive to the request are found, they are turned over to the DOE/NNSA for a declassification review, and possible release to the requester. **However, the FOIA is universally disliked.** Scholars do not like the FOIA because it takes too long for documents to be located, go through a classification review, perhaps redacted, and released. In some cases this process has taken years. In addition, scholars have to make requests with imperfect information. Many times they can only guess (hope) that specific documents exist – a condition that often does not exist. Since scholars have to make guesses, their imaginations often drive their requests – hoping that perfect information exists in perfect documents.

Institutions dislike the FOIA because it is an unfunded mandate that costs organizations such as Los Alamos over one million dollars a year to administer. The FOIA's greatest virtue is that it levels the playing field for everyone. **Scholars and researchers really dislike this feature because everyone wants their needs placed first.**

The second systemic response to secrecy and classification has been the various "openness" initiatives – a return to supply side economics. In true supply side theory, the idea behind openness initiatives is that trust and accommodation will occur once it can be demonstrated that more and more documents are being declassified.

The first openness initiative was a blanket, or wholesale, declassification effort begun in the early 1970's. Quite literally, this initiative involved a production line declassification of mass quantities of documents. This initiative was not very successful or well received for two reasons. **First, it continued the already existing effort of declassifying documents of an administrative nature – documents scholars were not really interested in – a supply side phenomenon.** Second, some documents, that should have remained classified, were mistakenly released, which damages the national security posture of the United States. Another such effort is currently underway – an effort undertaken at the direction of the Clinton White House and which mandates review of National Security Information including a provision for automatic declassification. Ironically, as well, another effort, a carbon copy of what the Senior Responsible

Reviewers started in the 1940's, is underway where broad areas of technical research are born unclassified.

The second type of openness initiative has been the government-funded efforts to find, declassify, and release documents and records related to a specific effort. In the early 1990's the Clinton White House mandated a review of all records related to Human Experimentation. This multi-year effort involved the Department of Energy and Los Alamos and resulted in a heightened awareness of a troubling past. Several years and millions of dollars were spent to search for such records – records that had, by and large, already been declassified, released, and in many cases already published.

A follow-on effort, currently underway, is the Centers for Disease Control and Prevention dose reconstruction project being carried out across the Department of Energy Complex. The major purpose of this study is to ascertain the effect, if any, of Department of Energy activities on the health of communities that surround such places as Los Alamos. Like the results from the human experimentation project, results to date are largely a rediscovery of what has already been declassified and released. While garnering much public attention, the fundamental equation has not changed. Properly classified records stay classified.

Both of these projects face the same impediment – only declassified documents can be released to the public. Hence both projects have a problem with legitimacy –

without total disclosure of all documents, suspicion continues to linger that the really important documents remain unavailable.

**The human experimentation and the CDCP projects give some credence to a historical saying – “Those who forget the past are condemned to repeat it.”**

**However, as all of the public attention shows, rediscovery can be as interesting as discovery. And, of course, the supply side phenomenon continues – demand is not satisfied.**

A series of interesting events has taken place over the last few years, which one might think would impact declassification and secrecy. The September 11<sup>th</sup> terrorist attacks saw some initial responses by the federal government to shut down web sites. **However there has been no appreciable impact on the amount or effort given to declassifying documents at Los Alamos.** The FOIA process, for instance, continues. In a very different arena – personal privacy – there has been a significant and growing challenge to declassification and security. An increasing emphasis on protecting privacy regarding privacy, which the federal court system is upholding, is slowing down release of information. Privacy Act protections have become the number one reason for denying release of documents under the FOIA. At Los Alamos, the twin episodes of Wen Ho Lee and the infamous missing “hard drive” have not seriously impacted declassification – but have made physical security and protection of classified documents much more rigorous. Such increased protection regimes do have an impact on how I can interact with scholars and slows down further declassification. Surprisingly, a current issue at Los Alamos –

theft of government property - has raised a number of flags in the counterintelligence arena. Theft of equipment might be of use in espionage – or might leave individuals prone to blackmail. We may see some changes in declassification related to this issue.

What, then, is the prognosis of achieving a satisfactory relationship between history (historians) and Los Alamos. The prognosis is grim. Tensions will remain high as long as secrecy and classified records remain and scholars remain interested in the technical details of weapons of mass destruction. Archivists, such as myself, have a legal obligation to protect classified records, a system that is unlikely to change –at least in the near term. Unlike scholars, we face the very real threat of prison if we fail to meet our basic obligation of protecting records classified by United States law. While we are sympathetic to the desires and needs of historical scholarship, many of us are trained as historians and work as advocates for historical scholarship, we cannot act arbitrarily, nor can we break the law. Scholars face no such impediments and perhaps never ask the question of “what public interest is served if the secrets of atomic bombs are published.” Also, there appears to be little, if any, debate about how publication of the technical details of nuclear weapons might be used – possibly by such states as Iraq and North Korea or terrorist organizations such as Al Qaida.

The prognosis is also grim, if for no other reason, because of the sheer volume of classified records. Without massive amounts of resources, declassification is virtually impossible. While Congress mandates the rules of classification, no guidance, or money, is made available for declassification. While such efforts as Executive Order 12098 have

made some progress in declassifying National Security Information, there remains an infinite universe still to work on. Supply side declassification, while a positive event, does not go to the real issue of providing what scholars really desire. Given the nature of the technical information involved, and the damage that improper release can cause, declassification should be a thoughtful, deliberative process.

Finally, the prognosis is grim because secrecy and classification work. Because classified records and information remain protected and unavailable, they stimulate heightened interest by the research public. It stimulates the imagination of researchers who assume that secrecy and classification are hiding the very information they need and, of course are hiding the most interesting facts. Such interest continues to fuel the tension between historians and such organizations as the Los Alamos National Laboratory.