

The Chairman. That clears it up for me.
Senator MILLIKIN. Of these applications that are impounded in the Patent Office, how many people have access to them?

Captain LAVENDER. We have set up a very definite way of handling these applications, and they are known in the Patent Office as "special handling" cases. These special handling cases are designated at the time that I filed them, in the letter forwarding the application to the Commissioner of Patents. These applications are sent down to Richmond—that is, to the examiners when they are down there—only by an official of the Patent Office and delivered personally to the chief examiner of the division. The chief examiner and his assistant were the only ones who were designated by the Commissioner of Patents to handle those cases. They are kept in separate safes in the Patent Office.

Senator MILLIKIN. That is two people. Does anybody else get to look at them?

Captain LAVENDER. I would say "No." An examiner may be examining one, and the chief examiner may be on a case and have someone come up. But I have been down there several times and I know that they are very strict as to anyone being around the examiners when they are working on those cases.

Senator MILLIKIN. So at one time you said the chief examiner and now you have mentioned chief examiners. How many people could this possibly clear through in the Patent Office?

Captain LAVENDER. Each case would go to the examiner of a division who is known as the chief examiner. Now, he may have one other person—his assistant—work on that case with him. In some of these divisions there are quite a large number of cases so that one person couldn't handle them all. The only other way I suggested was that another person in the Patent Office might see them would be, say, a person who happened to pass along at the time that this case was on the desk of the chief examiner.

Senator MILLIKIN. Is there a compartmentalization so far as these particular impounded applications are concerned, so that by rule or by law in some way or other one examiner cannot be talking to another?

Captain LAVENDER. Oh, yes. The Commissioner of Patents has issued very definite instructions as to the disclosure of information to anyone who is not entitled to receive it.

Senator MILLIKIN. Have these men been very carefully studied in the light of this particular problem?

Captain LAVENDER. I would say "Yes," because the chief of the division has been a person of long service and he didn't come into that position except as his integrity, his reliability, and other characteristics were very well developed. The heads of these divisions are all very well tried officials.

Senator MILLIKIN. You would have complete confidence?

Captain LAVENDER. I have complete confidence in the system.

Senator MILLIKIN. And complete confidence in all the individuals that are involved in it?

Captain LAVENDER. That is correct. I have on several occasions been to Richmond in connection with the work on this and have talked with the examiners that have most of my cases, and I have found them all to be a very fine, reliable group.

Senator MILLIKIN. Can you tell us whether you know as a fact that the background of these men, so far as their country of origin is concerned, has been studied.

Captain LAVENDER. I didn't quite understand.

Senator MILLIKIN. If John Doe, examiner, is born in X foreign country, has that feature of it been studied specifically in the case of all of them?

Captain LAVENDER. I don't know, but I can only say this: The heads of these divisions have been tested and tried throughout a number of years, and I don't think that there is any chance of a leak there.

Senator MILLIKIN. I do not by my questioning impute anything of that kind, but in all of these things we have to take extra precautions, and I have been wondering whether a special study of those men has been made in relation to this particular stuff in its relation to the foreign implications.

Captain LAVENDER. Well, I imagine that the security division of the Manhattan district has checked the system that was established, and probably the personnel.

Senator MILLIKIN. It might not be a bad idea to look into that.

Captain LAVENDER. I feel sure the Security Division has done that.

Commander ANDERSON. The Security Division has approved them and the handling of this method.

Senator MILLIKIN. We can interpret that as meaning the system, but do you give the same answer to the personnel?

Commander ANDERSON. They have all been approved by the Department of Commerce, and taken oath with respect to which they are requested to keep all applications under secrecy. They are under the Espionage Act.

Senator MILLIKIN. That doesn't quite go to the thing I am driving at; and that is as to their suitability for the job they hold in connection with this particular thing we are talking about.

Captain LAVENDER. I shall suggest that to the Security Division and ask whether or not they have investigated the individuals.

The CHAIRMAN. Captain, are all of these patents in the status of patent applications, or have any patents been issued?

Captain LAVENDER. There are no patents issued that were filed by the Government. There are certain patents relating to atomic fission which have been issued to independent inventors before the emergency.

The CHAIRMAN. Before we got into it as a country?

Captain LAVENDER. That is right.

The CHAIRMAN. Now, are there any patent applications covering the making of the bomb?

Captain LAVENDER. Yes.

The CHAIRMAN. Are there any patent applications giving the bomb-making details in those patent applications?

Captain LAVENDER. Well, I think that I had better give you that in executive session if you are going into any of the details of it.

The CHAIRMAN. Not what details there were, but whether there were any of the details given in the patent application. You don't want to talk about that?

Captain LAVENDER. Not any more than just to say that the bombs are covered by applications.

The CHAIRMAN. I wonder what is the necessity for covering the bomb itself by applications for patents?

Captain LAVENDER. Well, it is very important for this reason: I knew that as soon as the bomb went off there would be a great deal of speculation among various scientists and others, engineers, who had not been connected with the project. I knew that a great many applications would be filed in the Patent Office, so I was interested in having filed in the Patent Office these applications, so that if any applications were filed and we got into interference, the Government would not be suffering the handicap of being the second one to file, because the first to file has a great advantage from an interference procedure point of view.

The CHAIRMAN. You see, Senator, this information which we have just received makes all the more pertinent your line of inquiry. I didn't dream, frankly, up until this point that there was a patent application down there showing how the bomb was put together. Did you?

Senator MILLIKIN. No. Personally, I regret it.

The CHAIRMAN. I, too.

Captain LAVENDER. I was reserving for any discussion in the executive session another special handling of these applications relating to bombs, which I am sure fully safeguard it. I didn't mention that at the time I discussed the special handling cases.