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* Nobel Laureate

Honorable Ernest Moniz
 Secretary of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585
The.Secretary@hq.doe.gov

Dear Mr. Secretary:

I am writing in response to the troubling case of James E. Doyle, a Los Alamos National Laboratory scientist whose employment was recently terminated after he published an article whose classification status was called into question.

I understand that an appeal by Dr. Doyle has been filed in the DOE Office of Hearings and Appeals. We trust that his appeal will receive due consideration.

But I would like to highlight two aspects of this matter that transcend the particular facts of his case and that, I believe, require intervention by the Secretary. These are (1) the ambiguity of the applicable classification standards, and (2) the injustice and impropriety of penalizing compliance with the rules of publication.

Remarkably, by all accounts Dr. Doyle submitted his manuscript in advance for classification review and received official approval to publish it. Subsequently, the manuscript was deemed by other officials to contain classified information (though outside experts have been unable to confidently identify any such information). This anomalous situation points to a flaw in the governing classification standards. It should not be possible for two reviewers to reach opposing conclusions as to whether a manuscript contains classified information or not. But that is apparently what happened.

Accordingly, we urge you to direct that the relevant classification guidance be reviewed and clarified to eliminate all potential ambiguity of the sort that was on display here.

The other vexing aspect of this case is that Dr. Doyle has in effect been punished even though he complied with all relevant procedures and did nothing wrong. He did not violate any law or regulation. He did not commit any unauthorized disclosure of classified information. Yet he is the only person involved whose employment has been terminated. Although the Lab may deny it, it is hard to see this turn of events as anything but tacit retaliation against Doyle for his outspokenness and his embrace of what may be a dissenting view on national nuclear policy.

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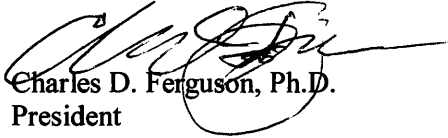
Ex officio: Robert Solow and Frank von Hippel

Freedom of expression -- within the boundaries of law and national security classification -- is not a "favor" that we grant to those holding minority views. Rather, it is a guarantor of the intellectual vitality that we expect from our institutions, including our national labs. As things stand, the Doyle case represents an erosion of freedom of expression that could have long-lasting and pernicious consequences. Without remedial action, this episode is likely to have a chilling effect the ability of the labs to conduct independent, impartial assessment of national policy options.

We therefore urge you to take appropriate steps to see that Dr. Doyle is "made whole" and that he is in no way penalized for his good faith efforts to participate in the national dialog over nuclear policy.

We are grateful for your consideration.

Respectfully,


Charles D. Ferguson, Ph.D.
President
Federation of American Scientists