

The Oppenheimer Case: Abuse of Power in the Name of National Security

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Abstract: The 1954 Oppenheimer Security Hearing was a product of the intense domestic political struggles in the United States amidst the outbreak of the Cold War and the prevailing McCarthyism. It marked a significant clash between the scientific community, which stood for academic freedom, and the political and military establishments. The revocation of Dr. Oppenheimer's Q-level security clearance signified the complete termination of his ties with the American political sphere. The case sparked considerable controversy, primarily focusing on whether the lawsuit brought against Dr. Oppenheimer and the subsequent handling of the case were fair, or if they represented persecution by senior U.S. government officials under the backdrop of McCarthyism. Through the organization and analysis of declassified primary sources, this paper delves into three main aspects: the abuse of power by high-ranking government officials in interfering with judicial impartiality, the violation of relevant Atomic Energy Commission regulations by the security hearing, and the inherent conflicts between science and politics. It aims to shed light on the deficiencies in the U.S. political system in handling similar events and safeguarding national security, providing valuable insights for the further enhancement and improvement of the American political system.

Keywords: J. Robert Oppenheimer, national security, Cold War, ideological control, scientific autonomy

1. Introduction

The Oppenheimer case, which occurred in 1954, was a product of the Cold War era and the rampant McCarthyism in the United States. After an unjust and politically biased security hearing conducted by the Atomic Energy Commission, Dr. Oppenheimer had his Q clearance revoked, effectively ending the political career of this great scientist. There has been little attention paid to Oppenheimer's security hearing in domestic discussions, with few papers and monographs written on the topic, and no specialized research. American scholars have conducted extensive research on Oppenheimer's security hearing, focusing mainly on the relationship between security hearings and loyalty investigations, national security, the Cold War, and the connections between science and politics [1]. In recent years, various institutions have also declassified relevant documents and materials concerning the Oppenheimer security hearing, resulting in a wealth of original historical sources. While many scholarly works have analyzed this event from various angles, including legal, scientific, political, McCarthyism, and the Cold War, very few articles systematically relate the Oppenheimer case to the vulnerabilities in the American constitutional system. This paper aims to utilize primary archival materials, complemented by biographies and memoirs, to explore and analyze the conflict

between national security and individual freedom in the context of the Oppenheimer security hearing, building on the foundation laid by previous research.

2. After the World War Two

During the Cold War era, the case of J. Robert Oppenheimer profoundly revealed its impact on American science and society. After World War II, increased concerns about communism plunged the United States into suspicion and ideological control, as demonstrated by the loyalty program implemented by President Truman under Executive Order 9835. Historical records show that the plan shook numerous professionals and even touched the scientific community.

The Auburn Turtle, who led the Manhattan Project, had a significant influence in the field of nuclear physics. But after witnessing the atomic bomb impact site, a change in perspective began to emerge, and he turned to support international regulation of nuclear weapons and oppose the development of hydrogen bombs. The constantly evolving views conflict with key figures in the government, and Holbro points out that they see his position as a potential threat to national security objectives.

3. Political bias in the hearing

The hearing for the trial of Oppenheimer's security clearance was plagued by political bias. AEC Chairman Lewis Strauss intervened in the lawsuit with dissatisfaction, resulting in a bias towards Cold War policies and neglecting a fair assessment of Oppenheimer's loyalty. AEC hired lawyer Roger Robb with a sharp interrogation style to steer the entire process towards a predetermined outcome. According to Bernstein's account, such hearings often involve distorted viewpoints and distorted interpretations of individuals and their ideologies.

Executive Orders 9835 and 10450 established a new strategy for evaluating loyalty and security, evoking ideological consensus and empirical demand. The dangerous precedent comes from Cassidy's questioning of these instructions, using them as a trigger to add unverified truth to invasive investigations. However, McMillan's analysis gives us a deep sense of unease: such policies ruthlessly deprive people of their freedom and require respect for individual differences in the exploration of scientific knowledge, thereby creating a restraining cultural environment.

The fluctuation of the Oppenheimer case in the scientific community has revealed that objections, even based on ethics, may face rejection. Many scientists have gradually discovered that the expressed views emphasized in the HUNTER document are interpreted as a risk that contradicts mainstream political narratives. McMillan sees this case as a symbol of the delicate balance between national security and intellectual freedom.

I will compare the Executive Orders of Presidents Eisenhower and Truman with the review procedures of the Atomic Energy Commission, highlighting the inconsistencies in the executive orders. Additionally, I will examine the principles of the U.S. Constitution in conjunction with the persecution of leftist individuals in the political climate of the time, arguing that it was wrong for the government to assume that Dr. Oppenheimer posed a threat to national security solely based on his leftist background.

3.1. Irrationality in the clearance process

In K.D. Nichols's letter to J. Robert Oppenheimer, the complexities and controversies surrounding security investigations during the Cold War are profoundly revealed. Nichols details various allegations against Oppenheimer, including his associations with members of the Communist Party and his opposition to the hydrogen bomb project. He notes that Oppenheimer "had contact with Communist members and officials, including Isaac Folkoff and Steve Nelson," and points out that he

subscribed to the Communist newspaper, the Daily People's World, in 1941 and 1942 [2]. These accusations raised questions about his loyalty, indicating that, in the political climate of the time, scientists' personal relationships were viewed as potential security risks.

However, Nichols also critiques the basis for Oppenheimer's scrutiny, emphasizing the "lack of reasonable grounds" for the investigation. While the letter acknowledges the results of the inquiry, this statement reveals the irrationality inherent in the security clearance process. On one hand, Oppenheimer's moral and technical objections, such as his "strong opposition to the hydrogen bomb project on moral, feasibility, and political grounds," reflect his professional judgment as a scientist. On the other hand, these positions were interpreted as threats to national security in that era. Thus, Nichols' letter not only addresses the scrutiny of Oppenheimer but also exposes the political biases and irrationalities present within the security clearance system. This phenomenon illustrates the complex and challenging issue of balancing security and individual freedom when personal beliefs conflict with national interests. Ultimately, Nichols' letter reflects a profound reality: in K.D. Nichols' letter to Oppenheimer, he acknowledged the findings of the security investigation but criticized the lack of reasonable grounds for Oppenheimer's scrutiny. This phenomenon highlights the irrationality and political bias inherent in the security clearance process.

3.2. Left-wing background

Moreover, there is substantial evidence indicating that Oppenheimer was defined as leftist by the U.S. government, and it was precisely this political inclination that led Washington politicians to intentionally use the security hearings to retaliate against him. Borden's letter highlights several actions of Oppenheimer prior to 1942 that suggest strong ties to communism. Notably, he mentions that Oppenheimer was a financial supporter of the Communist Party, donating monthly as of April 1942, which indicates not just passive support but active contribution to the party. Additionally, Borden notes Oppenheimer's close family connections to communism, as both his wife and brother were members of the Communist Party, underscoring the extent to which his personal relationships were influenced by communist ideologies. Furthermore, the letter points out that Oppenheimer had a communist lover, further illustrating the intersection of his personal life and political affiliations. Together, these points paint a picture of a man deeply embedded within a network of communist influence. Borden's letter also points out that many of Oppenheimer's actions prior to 1942 "indicate" his close ties to communism. Borden further points out Oppenheimer's influence on the U.S. hydrogen bomb project after the war, suggesting that his advocacy for pausing hydrogen bomb development could be interpreted as actions aligned with communist ideology. The letter states: "Since January 31, 1950, he has tirelessly worked to retard the United States hydrogen bomb program." This implies that Oppenheimer's policy influence might have been driven by motives consistent with communist positions rather than purely scientific considerations [3].

Before the hearings even began, Oppenheimer had already lost his access to classified information. On December 3, 1953, President Eisenhower, while claiming not to prejudge the case, nevertheless ordered "Set up a 'blank wall' between Dr. Oppenheimer and all confidential information, and require adherence to established procedures. Under the guidance of this directive, the International Atomic Energy Commission sent a letter to Oppenheimer on December 23 last year, notifying him of the allegations of personal harm, suspending his license, and granting him the power to hear his appeal.

Jack Hall, a historian responsible for researching nuclear energy projects, submitted a new evaluation at a conference held by the American Historical Society in December 1975. Hall believed that Eisenhower's extreme actions towards his "blank wall" directive were intended to demonstrate strong leadership skills to the troubled core forces. Meanwhile, Hall noticed that the US Senate was hesitant about Obama's directive and did not consult with Oppenheimer. Hall believes that the FBI and the International Atomic Energy Agency are not interested in whether Oppenheimer is loyal. In

his view, this entire case was a mistake—one that nobody wanted to start, nobody knew how to end, and nobody could bring to a graceful close [4].

4. Personal resentment

Lewis Strauss, the chairman of the AEC, had a personal vendetta against Oppenheimer. It was this grudge that led him to allow William Borden to access Oppenheimer's classified security files and submit a letter of accusation to the FBI. The animosity between the two stemmed from a congressional hearing where Oppenheimer had publicly humiliated Strauss by opposing his proposal to ban the export of isotopes to Norway, claiming that Strauss's concerns over potential military use were exaggerated. Oppenheimer famously testified, "No one can make me say you can't use these isotopes to develop atomic energy. In fact, you could use a shovel to develop atomic energy—and in truth, that's what you did. You could use a bottle of beer to develop atomic energy—and in truth, that's what you did. But, in some sense, isotopes played no significant role during or after the war... To me, isotopes are less important than electronic equipment but far more important than vitamins, somewhere in between the two" [5].

Strauss, in his role as AEC chairman, orchestrated the entire process of formally charging Oppenheimer and setting up the security hearing. He spared no effort to ensure that the outcome would be in his favor. Using his authority as AEC chairman, Strauss manipulated the legal framework of the Commission. First, he hired Roger Robb, a notoriously tough attorney, as the lead "prosecutor" for the AEC's case against Oppenheimer. Robb was a seasoned prosecutor with seven years of experience, famous for his aggressive cross-examinations. Out of the 23 murder cases he prosecuted, most ended in conviction. Though politically conservative and often aligned with right-wing figures like columnist Fulton Lewis Jr., Robb was well-connected with the FBI, maintaining what Hoover referred to as a "close working relationship" [6]. He was known for his cunning and skill in twisting the testimony of scientists who supported Oppenheimer.

Second, Strauss selected Gordon Gray to head the Personnel Security Board, the panel responsible for Oppenheimer's fate. Gray, a former president of the University of North Carolina and Secretary of the Army under President Truman, was handpicked because he was likely hostile toward Oppenheimer. Gray had broken with the Democratic Party in 1952, criticizing Adlai Stevenson for being too soft on communism. Another board member, according to Strauss's intelligence, was known for his antisemitism and distrust of Jewish scientists [7].

Under Strauss's direction, the FBI conducted round-the-clock surveillance of Oppenheimer and even extended wiretaps to his legal team. Strauss continued to use the FBI to monitor Oppenheimer and confirmed his suspicions by enlisting FBI agents to gather further evidence. In the summer of 1953, Strauss instructed the FBI to ramp up their surveillance of Oppenheimer. On November 20, 1953, Strauss received an FBI report on Oppenheimer and promptly forwarded it to the President. After reviewing the report, Eisenhower decided to suspend Oppenheimer's security clearance [8].

To further secure his victory, Strauss leaked illegally obtained FBI wiretap material, which contained sensitive conversations between Oppenheimer and his lawyers, to Roger Robb. When Strauss learned that one of the members of the Personnel Security Board had already made up his mind before the hearing even started, he did nothing to replace the biased member, as required by AEC rules. Instead, Strauss allowed the unfair proceedings to move forward. There is also evidence suggesting that Strauss bribed one of the AEC commissioners to ensure a ruling against Oppenheimer [9].

Yet Strauss never admitted to any personal grudge. He always presented his actions as a matter of grave concern, telling an FBI agent sympathetic to him, "The atomic energy program and all of its research and development will fall into the hands of left-wingers. This is another Pearl Harbor in the

field of atomic energy." In his view, if Oppenheimer could keep his clearance, "then anyone, no matter how many accusations are made against them, could hold a security clearance".

5. Illegal FBI surveillance

Additionally, Strauss vowed to purge the AEC of several individuals he despised, a promise he made to J. Edgar Hoover, according to AEC security officials. Among these individuals was Oppenheimer, who was loathed by Hoover not only because of his past leftist associations but also due to perceived moral and character flaws. Hoover was particularly incensed by the conflicting accounts Oppenheimer had provided to security officials and FBI agents regarding an incident in 1943, when his friend Haakon Chevalier allegedly approached him on behalf of a Soviet agent seeking information about the atomic bomb project.

Hoover, convinced that Oppenheimer was a communist, used this as a pretext to direct the FBI to conduct surveillance, investigate, and harass him. For decades, the FBI monitored Oppenheimer, looking for links to communist organizations and attempting to undermine his reputation and career. William Burden wrote a letter to Edgar Hoover on November 7, 1953, stating, "Based on years of investigation and secret clues, Robert Oppenheimer is highly likely to be a Soviet spy." [10]

This letter was based on a mountain of government files on Oppenheimer, files that, as one author later put it, "represented eleven years of detailed surveillance of the scientist's life." His office and home were bugged, his phone tapped, and his mail intercepted [11]. During the security hearing, AEC attorney Roger Robb deployed FBI agents to verify witnesses and gather new information, treating the matter almost like a criminal prosecution. Robb's success was largely due to the real-time reports he received about Oppenheimer's most private conversations with his lawyers. When the Gray Board finally announced its decision, AEC prosecutors and FBI aides celebrated their victory at the Chevy Chase Country Club. Had Hoover not been so determined to "get" Oppenheimer, the FBI's involvement would have been unlikely [12].

6. Unfair results

Of the 24 charges brought against Oppenheimer by the Atomic Energy Commission, 20 were found to be true. However, that alone doesn't justify questioning his loyalty to the United States or revoking his Q-level security clearance. As physicist Rabi put it, "There's no need to take away his security clearance. Oppenheimer is just a consultant to the Commission. If you don't agree with his advice, then simply stop asking for it". Similarly, 45 scientists from Los Alamos Laboratory issued a statement defending Oppenheimer, pointing out that while the government has the right to choose its consultants, using the security system to remove a loyal but unpopular advisor is unforgivable. The Commission even acknowledged that over the past 12 years, Oppenheimer had proven himself as a loyal and cautious scientist whose contributions to national security were unmatched. Despite this, the majority still concluded he was a security risk—a conclusion that shocked many [13].

7. Conclusions

Of the 24 charges brought by the Atomic Energy Commission against Oppenheimer, 20 were proven to be true and accurate. But this does not justify revoking Dr. Oppenheimer's loyalty and love for the United States and revoking his Q-level security clearance. As Rabi said, "Revoking the security clearance is not necessary. Oppenheimer is only the general counsel of the Atomic Energy Commission. If you do not agree with his views, do not consult him." [14] Using the personnel security system to remove a loyal but unpopular advisor is inexcusable. The committee recognizes that Dr. Oppenheimer's experience over the past twelve years is a good example of the unparalleled contribution made by this loyal and cautious scientist to the national security of the United States.

Despite this, the majority of the committee members still concluded that he was a security risk, and the nature of this conclusion is shocking [15]. Both the loyalty-security clearance required by Executive Order 9835 and the personnel security appointment rules required by Executive Order 10450 place the individual rights of scientists under the overall jurisdiction of the government, symbolizing that the overall rules of national security are superior to all agency procedures and regulations. National security is above individual freedom. Once this happens, senior government officials will have almost unlimited power, and they can “witch hunt” people they don’t approve of under the pretext of maintaining national security. Even more ironic is that President Roosevelt once proposed four basic freedoms that people all over the world should enjoy in his State of the Union address in 1941: freedom of speech, freedom of worship, freedom from want, and freedom from fear [16]. Re-examining the Oppenheimer case, we see the lack of freedom and democracy, which is a contempt for the American constitutional system and the collapse of the American political system.

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