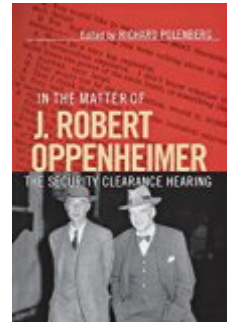


Richard Polenberg, ed.. *In the Matter of J. Robert Oppenheimer: The Security Clearance Hearing*. Ithaca: Cornell University Press, 2002. Xxxii + 409 pp. \$45.00, cloth, ISBN 978-0-8014-8661-6.



Reviewed by T. C. Wales

Published on H-Diplo (August, 2002)

Politics, Personalities and Fear: A New Take on the Oppenheimer Security Hearings

When the Founding Fathers drafted their blueprint for an effective national government in 1787, one of their principal aims was to prevent a demagogic "faction" from abusing power. James Madison famously claimed that the Constitution contained safeguards against the "tyranny of the majority"--the danger that a powerful party or ideology would abuse the instruments of state.[1] For the most part the Founders' precautions have proven effective. Yet under extreme conditions, when the United States felt itself to be vulnerable to the machinations of an outside power, fear has broken these restraints. The inevitable result has been the persecution of minority groups with some perceived affinity for the enemy of the moment: immigrants from southeastern Europe, Catholics, leftists and Japanese-Americans, to name a few. The McCarthy era of the early 1950s was an egregious example of this tendency, and the physicist J. Robert Oppenheimer was one of its most celebrated victims.

Oppenheimer's security clearance hearing before the Atomic Energy Commission's (AEC) Personnel Security Board (PSB) from April to May 1954 came at the tail end of a political purge that scoured the American administration of leftist elements. Like Oppenheimer, many of these individuals were former Communists or had contacts with Communist sympathizers during the 1930s, but had distanced themselves from the party after the Nazi-Soviet pact in 1939. During the Depression-era such associations were unremarkable. In the political climate of the early 1954--after the Alger Hiss espionage trial and accusations that President Truman had "lost China" to the Communists--they took on a sinister cast. Yet as Richard Polenberg makes clear in his newly-edited transcript of the Board's proceedings, *In the Matter of J. Robert Oppenheimer: The Security Clearance Hearing*, Oppenheimer's case was special. By virtue of more than a decade of outstanding government service Oppenheimer had earned a great fund of prestige. His years as the Scientific Director of the Manhattan Project (1942-1945) and subsequent protracted stint as chairman of the AEC's General Advisory Committee (GAC) brought him

to the pinnacle of his profession and created a large coterie of distinguished admirers. As Polenberg explains in his effective introduction, however, it was this very prominence, and Oppenheimer's personal opposition to a crash development program for the hydrogen bomb, that provoked the move to revoke his security clearance. The red scare that reached its apogee in 1954 created an environment that the Eisenhower administration used to discredit critics of its new focus on atomic "massive retaliation" as the lynchpin of national defense. The Oppenheimer hearing was a key element of this dishonorable program. "If this case is lost," Eisenhower's new AEC chairman Lewis L. Strauss told the FBI, "the atomic energy program and all research and development connected thereto will fall into the hands of left-wingers" (p. xxx).

The government had to play its hand delicately if it hoped to avoid provoking a backlash within the scientific community. In essence, the AEC's case boiled down to the contention that Oppenheimer's past associations, coupled with his recent moral qualms about the hydrogen bomb program, cast doubt on his loyalty to the United States. Even at the time this was easily construed as an assault on the freedom of intellectual inquiry. Dr. Vannevar Bush, the brilliant MIT engineer, came dangerously close to the mark when he suggested the proceedings were "quite contrary to the American system" because they seemed to constitute an attack on a man "because he had strong opinions, and had the temerity to express them" (p. 204). The AEC took great pains to counter Bush's perception. Unlike the raucous Army-McCarthy hearings that convened almost simultaneously on Capitol Hill, the Oppenheimer examination opened in an anonymous setting and press attention was discouraged. Scrupulous attempts were made to generate a facade of fairness and impartiality: the PSB consisted of a distinguished three-person panel, Oppenheimer was represented by outstanding legal counsel, and his attorneys were allowed to cross-examine govern-

ment witnesses. Despite the gravity of the charges a civil, even collegial, tone was preserved throughout more than three weeks of testimony.

It was all an elaborate sham. The AEC's lawyer, Roger Robb, utilized FBI wiretaps taken before the hearings to anticipate the defense's witness list, the supposedly impartial panel had viewed Oppenheimer's complete security file ahead of time, and defense counsel was denied access to all the "derogatory evidence" on security grounds. The delicate game of duplicity practiced by the government is rightly one of Polenberg's leitmotifs. Yet given the paroxysms of anti-Communist paranoia that wracked the United States at the time, one cannot help wondering whether such shenanigans were even necessary. The substance of the case against Oppenheimer was so flimsy, the gravity imparted to the most ridiculous innuendo so outsized, that perhaps even a truly objective jury, empanelled with men of good faith, would have revoked his security clearance. It was a poisonous zeitgeist that only the most powerful moral fiber could resist.

A more interesting question, which Polenberg underplays, is why men who knew the deck was thoroughly stacked against Oppenheimer would help make the government's case. What kind of person aids the prosecution during a "show trial"? The answer is far from black and white: a passionate belief in the rightness of one's political stance, a bitter personal history with the accused, and relentless ambition were contributing factors during the hearings.

The testimony of Dr. Edward Teller is a fascinating case in point. In 1954 Teller's star was on the rise. After years of fruitless scientific work and advocacy, in 1951 Teller and his equally rumbustious collaborator Stanislaus Ulam had demolished the last theoretical obstacles to a fusion weapon, work that led to the construction of America's first hydrogen bomb. His triumph was a personal redemption. During his unhappy wartime tenure at the Manhattan Project under

Oppenheimer's deputy Hans Bethe, he had felt slighted after resources were steered toward fission weapons and away from his ambitious plans. When postwar U.S.-Soviet tensions degenerated into the Cold War, Teller's sense of urgency was renewed. As the scion of an immigrant family that had suffered under Communism in Hungary, he saw his mooted super-weapon as an essential bulwark against Soviet expansionism. The practical and moral qualms Oppenheimer and his cohorts on the GAC expressed about the "super" were either naive or suspicious. By 1954 the success of the hydrogen program had confirmed the astuteness of his political and scientific judgment in his own mind. Oppenheimer had been wrong about building the H-bomb, and Teller believed his lukewarm attitude toward this grand enterprise had endangered national security. The AEC security hearing presented an acute dilemma, however, for Teller knew his erstwhile colleague was no traitor.

In the end Teller chose to testify against Oppenheimer, though he strongly suspected that the government's case was untenable, and he knew that his actions would blacken his name within the scientific community. It was a morally bankrupt choice that required a great deal of personal courage. In a bizarre sense, as Alan Lightman suggests in his review of Teller's new memoirs, the process made him a martyr to his own convictions.[2] In order to remain true to his beliefs, he felt compelled to provide misleading testimony. By using the security process to effect political change, the administration hurt more than just Edward Teller and J. Robert Oppenheimer—the collateral damage affected all of American society. In this sense Polenberg's new transcript of the hearings constitutes a cautionary tale for our own times. Any security regime that stifles the free exchange of ideas, throws a blanket of suspicion over an entire class of people, or becomes subject to political manipulation, will constitute a far

greater threat to the American experiment than the enemies it is designed to frustrate.

The Oppenheimer hearings also demonstrate a potential flaw inherent to any widespread security operation, especially one that takes place within a climate of fear. Effective counter-intelligence is predicated on assumptions about the enemy's actions and motivations. When these assumptions are wrong, a pall of suspicion can easily envelop blameless individuals. Thomas E. Murray, one of the AEC commissioners who voted to strip Oppenheimer of his clearance after the hearing, utilized this flawed rationale. "The premise of the ... contemporary definition of loyalty," Murray wrote, "is the fact of Communist conspiracy" (p. 386). Such subversion did exist, but on nothing like the scale that Murray and his cohorts believed. During the 1950s Soviet agents did far less to damage the interests of the United States than America's own efforts to ferret them out.

Recent events suggest that the United States has learned little from the self-inflicted trauma of the McCarthy period. From the failed prosecution of the Los Alamos scientist Wen Ho Lee in 1999 for stealing nuclear secrets, to the continuing persecution of Professor Sami Al-Arian for allegedly associating with Palestinian terrorists, Americans continue to mistake innuendo for guilt. The really dangerous men are less subtle, more ruthless, and can be thwarted through effective law enforcement without sacrificing personal liberties.

Since 1990 a number of excellent new versions of Cold War-era American documents have been published: Richard Neustadt's *Report to JFK: The Skybolt Crisis in Perspective*, and the transcript of the Kennedy Tapes produced by Ernest May and Phillip Zelikow are among the most distinguished. Polenberg's rendition of the Oppenheimer hearings deserves to join this highly recommended pantheon. More than a useful reference for Cold War scholars, *In the Matter of J. Robert Oppenheimer* is essential reading for any-

one interested in the preservation of liberty during dark times.

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Citation: T. C. Wales. Review of Polenberg, Richard, ed. *In the Matter of J. Robert Oppenheimer: The Security Clearance Hearing*. H-Diplo, H-Net Reviews. August, 2002.

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