

## In the Matter of J. Robert Oppenheimer

Much has been written about the Oppenheimer Personnel Security Board (PSB) hearing in the spring of 1954. What follows is an account of the timeline and some particulars in the case, with links to some of the primary materials (memos, letters, and the like).

Oppenheimer's role in directing the Los Alamos laboratory from 1943 until after World War II made him an extremely well-known public figure. In the years following the war, however, he articulately defended a number of positions that later brought him under the suspicions of people in the Pentagon, in Congress, and eventually in the Eisenhower administration. For example:

- He played an important role on the committee that drafted the [Acheson-Lilienthal Report](#) (1946), which called for international control of atomic energy at a time when many, especially those in the military, thought the U.S. would be crazy to give up its "monopoly" on atomic weapons. (That monopoly proved to be very short-lived, since the Soviets successfully tested a fission bomb in August 1949.)
- In May 1949, Oppenheimer testified at a Congressional Committee hearing called by Lewis L. Strauss to discuss the shipment of radioactive isotopes abroad. Strauss, an AEC Commissioner, staunchly opposed this sharing on the grounds that these isotopes could be put to military use against the U.S. Oppenheimer's testimony was cavalierly dismissive of Strauss's concerns, and Strauss felt that he had been publicly humiliated.
- A few weeks after the U.S. learned of the Soviet atomic test, while Oppenheimer was the Chairman of the AEC General Advisory Committee, the GAC was asked to consider whether the U.S. should pour its resources into the development of a thermonuclear or fusion weapon. The [GAC report](#) concluded on technical, strategic, political, and moral grounds that the U.S. should not pursue a "crash program" on the hydrogen bomb. Proponents of the bomb were dismayed by the GAC report, and some of them, including Lewis Strauss and physicists Edward Teller and Ernest Lawrence, lobbied furiously behind the scenes to blunt its effect. On January 31, 1950 President Truman gave a [short speech](#) in which he "directed the Atomic Energy Commission to continue its work on all forms of atomic weapons, including the so-called hydrogen or super bomb."
- Later, in 1951, Oppenheimer was involved with a group of scientists working on Project Vista -- their report, to which Oppenheimer contributed, suggested that rather than relying solely on large thermonuclear bombs, the U.S. and its allies in Western Europe would be better served by a large number of smaller tactical fission weapons. This position upset officials in the Air Force, who used the prospects of bigger and bigger bombs, and the long-range bombers needed to deliver them to their targets, to garner prestige and increase appropriations.
- The following summer, Oppenheimer played a minor role in a summer study at MIT's Lincoln Laboratory, where a group of scientists and military strategists delved into the issue of defense against incoming atomic bombs. The group recommended that defensive measures, including early warning radar systems, should be explored, and that the U.S. could not rely solely on offensive strikes against enemy installations to prevent attacks. This position too upset the Air Force, which viewed an increase in emphasis on the importance of the Air Defense Command as a slight against the Strategic Air Command.
- Less than a month after coming to office, President Eisenhower read a report from a State Department committee on disarmament chaired by Oppenheimer which advocated, among other things, "a policy of candor toward the American people -- and at least equally toward its own elected representatives and responsible officials -- in presenting the meaning of the arms race." To the horror of some in his administration, again including Lewis Strauss, Eisenhower was initially much taken by the report, and by Project Candor. In July, speaking to the press, he said "personally, I think the time has arrived when the American people must have more information on this subject, if they are to act intelligently... I think the time has come for us to be, let us say, more frank with the American people than we have been in the past." The susceptibility of the President to Oppenheimer's blandishments was another reason the latter had to be removed.
- Finally, in a number of public forums in the early 1950s, Oppenheimer had argued for greater openness on atomic matters, and about the dangers of secrecy. For instance, when asked about the matter during an appearance on Eleanor Roosevelt's *Round Table* show (February 12, 1950), he responded,

The decision to seek or not to seek international control of the A-bomb, the decision to make or not to make the H-bomb, are issues, rooted in complex technical matters, that nevertheless touch the very basis of our morality. There is grave danger for us in that these decisions have been taken on the basis of facts held secret. This is not because the men who must contribute to the decisions, or must make them, are lacking in wisdom; it is because wisdom itself cannot flourish, nor even truth be determined, without the give and take of debate or criticism. The

relevant facts could be of little help to an enemy; yet they are indispensable for an understanding of questions of policy. If we are wholly guided by fear, we shall fail in this time of crisis. The answer to fear cannot always lie in the dissipation of the causes of fear; sometimes it lies in courage.

A few years later, in an essay in the journal *Foreign Affairs*, Oppenheimer wrote,

[We need] candor -- candor on the part of the officials of the United States Government to the officials, the representatives, the people of their country. We do not operate well when the important facts, the essential conditions, which limit and determine our choices are unknown. We do not operate well when they are known, in secrecy and in fear, only to a few men.

The general account of the atomic arms race that has been outlined here can, of course, be found in the public press, together with a great deal of detailed information, some true, and much largely false. This mass of published rumor, fact, press release and speculation could yield, upon analysis, a fairly solid core of truth; but as it stands, it is not the truth. The consequences of such ignorance may seem obvious; but we may recall two examples that illustrate well what they are.

It must be disturbing that an ex-President of the United States [Harry S. Truman], who has been briefed on what we know about the Soviet atomic capability, can publicly call in doubt all the conclusions from the evidence. Perhaps this was primarily because it was all so secret that it could not be talked about, or thought about, or understood. It must be shocking when this doubt, so recently expressed, is compounded by two men, one of them [E.O. Lawrence] a most distinguished scientist, who headed one of the great projects of the Manhattan District during the war, and one of them [Gen. Leslie Groves] a brilliant officer, who was in over-all charge of the Manhattan District. These two men are not now employed by any agency of the Government concerned with these questions; therefore they did not have access to the evidence. Thus their advice is unavailing, their public counsel wrong.

A second example may illustrate further. A high officer of the Air Defense Command [Thomas K. Finletter, at the time Secretary of the Air Force] said -- and this only a few months ago, in a most serious discussion of measures for the continental defense of the United States -- that it was our policy to attempt to protect our striking force, but that it was not really our policy to attempt to protect this country, for that is so big a job that it would interfere with our retaliatory capabilities. Such follies can occur only when even the men who know the facts can find no one to talk to about them, when the facts are too secret for discussion, and thus for thought.

The political vitality of our country largely derives from two sources. One is the interplay, the conflict of opinion and debate, in many diverse and complex agencies, legislative and executive, which contribute to the making of policy. The other is a public opinion which is based on confidence that it knows the truth. Today public opinion cannot exist in this field. No responsible person will hazard an opinion in a field where he believes that there is somebody else who knows the truth, and where he believes that he does not know it. It is true that there are and always will be, as long as we live in danger of war, secrets that it is important to keep secret, at least for an appropriate period, if not for all time; some of these, and important ones, are in the field of atomic energy. But knowledge of the characteristics and probable effects of our atomic weapons, of -- in rough terms -- the numbers available, and of the changes that are likely to occur within the next years, this is not among the things to be kept secret. Nor is our general estimate of where the enemy stands. (*Foreign Affairs* Vol. 31, No. 4, July 1953)

All of these positions would come back to haunt Robert Oppenheimer in the early months of the Eisenhower administration.

Oppenheimer's left-leaning political views and bohemian lifestyle had attracted the attention of J. Edgar Hoover's FBI almost immediately upon Oppenheimer's involvement with the Manhattan Project, and an investigative "file" was opened on him in March 1941. Oppenheimer had been under active surveillance, often involving illegal wiretapping, ever since; and his associations, actions, and even opinions were subject to close scrutiny by people who questioned his motives and loyalties. By the time Eisenhower came to office in January 1953, there was a large fund of "derogatory information" on Oppenheimer. (Lewis Strauss had worked closely with Hoover in compiling this store of information; there are scores of memoranda and pieces of correspondence between the two on the topic.)

In the period from 1938 until mid-March 1943, at which time he moved from Berkeley to Los Alamos to direct the laboratory, Oppenheimer had a number of "associations" with left-wing organizations, and with known Communists, including his wife, a former fiancée, his brother and sister-in-law, a number of colleagues on the University of California faculty, and several of his best students. He had regularly given money to the Communist Party in order to help the loyalists in the Spanish civil war. He had met many of the important Communist Party functionaries in Berkeley and San Francisco, and was active in several groups, like the Berkeley Teachers' Union, in which the Communist Party had an interest. All of this activity, and all of these "associations," were thoroughly documented by the FBI and were well-known to the Army security officers.

From the perspective of the 1954 hearing, the most important episode from this period involved a close friend

of Oppenheimer's, Haakon Chevalier, a Professor of French and a one-time member of the Communist Party. Since this episode, which would come to be known as the "Chevalier incident," plays such an important part in Oppenheimer's hearing, it is worth considering it in [some detail](#).

In his 1952 campaign Eisenhower promised to rid the Federal government of Communists and other "subversives" and to "overhaul [the] loyalty and security programs." The party platform pledged that "a Republican President will appoint only persons of unquestioned loyalty." One of the first priorities of the new Eisenhower administration was to tighten up the screening of Federal employees, and on April 27, 1953 the President signed [Executive Order 10450](#), according to which it was not enough for a prospective Federal employee or contractor to be judged "loyal" -- his background had to be checked to ensure that his employment by the government was "clearly consistent with the interests of national security." The AEC already had in place a substantial security program, but the new Executive Order was construed by some as imposing even more stringent criteria on prospective employees.

The transition to an Eisenhower administration in 1953 ushered in a number of other changes that affected Oppenheimer's status in the government. Perhaps the crucial one was the appointment on March 9 of Lewis Strauss to the position of White House adviser on atomic energy. Strauss, a wealthy ex-banker, social and religious conservative, and hawkish Republican loyalist, had disliked Oppenheimer ever since their paths first crossed in 1947 when Strauss, in his capacity as a Trustee of the Institute for Advanced Study, had recruited Oppenheimer to be the Institute's director. He was one of the original Commissioners of the Atomic Energy Commission, and he and Oppenheimer had been on opposite sides of many of the most important issues facing the AEC in the postwar era -- international control of atomic energy, civilian vs. military control of nuclear materials, the sharing of information and nuclear materials with U.S. allies, and the hydrogen bomb, among them. Strauss was convinced that Oppenheimer could not be trusted, and after his appointment as White House adviser, he immediately told Eisenhower of his concerns.

(Eisenhower's diaries reveal Strauss's doggedness in trying to sow doubts about Oppenheimer. On December 2 Eisenhower wrote, "When I first came to this office some one individual... stated that in his opinion Dr. Oppenheimer was not to be trusted (I think it was probably Admiral Strauss)..." Eisenhower also noted that Strauss "came back to him time and time again about the Oppenheimer matter.")

Senator Joseph McCarthy turned his attention briefly to Oppenheimer in May-June 1953. McCarthy and his aide Roy Cohn consulted Hoover, but were cautioned that they would have to do "a great deal of spade work so that if and when the committee moved into the open it would have substantive facts upon which to predicate its action," and that "this was not a case which should prematurely be gone into for headlines." Later McCarthy would say that, despite his misgivings about Oppenheimer, he did not open an investigation because he had been given "assurances from top Administration officials that this matter would be gone into in detail."

The Joint Committee on Atomic Energy also contemplated an investigation, but eventually decided that it would be unwise because it would make Oppenheimer into a martyr and upset the "scientific fraternity." Worse, they recognized that much of the anti-Oppenheimer evidence "was probably obtained illegally by the FBI."

In June, Eisenhower appointed Strauss Chairman of the Atomic Energy Commission, at which point Strauss told the President "that he could not do the job at the AEC if Oppenheimer was connected in any way with the program." Around this time Strauss wrote to Senator Robert Taft, concerning the possibility of a McCarthy-led investigation of Oppenheimer, that this would be "a most ill-advised and impolitic move... In the first place, some of the so-called evidence will not stand up. In the second place, the McCarthy Committee is not the place for such an investigation and the present time is not the time."

By the autumn of 1953, then, there were many in Washington who had it in for Robert Oppenheimer. Strauss and Hoover had no firm (and non-illegally obtained) evidence to show that Oppenheimer was disloyal, or that his employment by the AEC was not "clearly consistent with the interests of national security." Further, Strauss knew of the dangers of acting precipitously: Oppenheimer was a charismatic and popular figure, and (as Strauss had written to Robert Taft) "an inquisition of Dr. Oppenheimer at the present time would provide a field day for those who would like to embarrass the President by proclaiming that he is against the intellectuals."

But around this time two events occurred which forced the issue. One of them involved Eisenhower's Attorney General, Herbert Brownell, who on November 6 publicly accused former President Truman of knowingly protecting a Communist spy, Harry Dexter White, in the Treasury Department. McCarthy was soon attacking Truman for being soft on Communism, and some of Eisenhower's staff worried that McCarthy's accusations might soon be directed at Eisenhower himself. And what if news of official doubts about Oppenheimer's loyalty were to get out? Obviously something had to be done about Oppenheimer, and quickly.

News of Brownell's accusation broke on November 7. On that day former Congressional aide William Liscum Borden sent a remarkable [letter to J. Edgar Hoover](#), a letter in which Borden concluded, "my own exhaustively considered opinion, based upon years of study of the available classified evidence, [is] that more probably than not J. Robert Oppenheimer is an agent of the Soviet Union."

Borden, a young attorney who had been the aide to Democratic Senator Brien McMahon and who had served as the executive director of the Joint Committee on Atomic Energy (JCAE), had been obsessed with Robert Oppenheimer ever since he first encountered Oppenheimer's security file in November 1950. And so, as he

prepared to leave Washington, Borden distilled the nearly four hundred questions he'd amassed concerning Oppenheimer's background, conduct, and advice, into a carefully-worded letter which he sent to Hoover on November 7.

Why did Borden, a Democrat and despiser of McCarthyism, send this letter? It's clear that it was not something he did lightly; he closed the letter with these words:

I am profoundly aware of the grave nature of these comments. The matter is detestable to me. Having lived with the Oppenheimer case for years, having studied and restudied all data concerning him that your agency made available to the Atomic Energy Commission through May 1953, having endeavored to factor in a mass of additional data assembled from numerous other sources, and looking back upon the case from a perspective in private life, I feel a duty simply to state to the responsible head of the security agency most concerned the conclusions which I have painfully crystallized and which I believe any fair-minded man thoroughly familiar with the evidence must also be driven to accept.

The writing of this letter, to me a solemn step, is exclusively on my own personal initiative and responsibility.

Borden's stock was not valued very highly by Eisenhower and his staff. He may have sent his letter in part to redeem himself. In the summer of 1952, Borden was the executive director of the Joint Commission on Atomic Energy, and was deeply involved in what some in the administration referred to as "the Borden affair." He had arranged to have a history of the hydrogen bomb program compiled for the Committee, a document whose primary purpose was to pinpoint the causes of delays in the program and identify those responsible. The nearly 100-page single-spaced document identified Oppenheimer as a primary cause of delay. One of the experts consulted for this report was John Archibald Wheeler, a Princeton physicist and colleague of Oppenheimer's. On a trip between Washington and Princeton, Wheeler had mislaid some of the top-secret material entrusted to him by Borden. When Eisenhower learned of this lapse, he was furious. He told his National Security Council that if this had happened in the Army, Borden would have been shot. Eisenhower censured both the AEC and the Joint Committee for this egregious lapse of security.

The FBI took a week to evaluate Borden's letter, and its assessment was decidedly mixed: "[Borden's] own interpretations of the facts and his own conclusions... are not factual in each instance... Many of [Borden's charges] are distorted and restated in his own words in order to make them appear more forceful than the true facts indicate..." Nevertheless, the FBI concluded, "beyond question, [Oppenheimer] is a serious security threat."

Hoover notified the White House of Borden's letter on November 27, and Strauss was told of the allegations on November 30. Eisenhower learned of the matter from Secretary of Defense Charles Wilson on December 2. As he wrote in his diary, "In a telephone call Charlie Wilson states that he has a report from the FBI that carries the gravest implications that Dr. Oppenheimer is a security risk of the worst kind. In fact, some of the accusers seem to go so far as to accuse him of having been an actual agent of the Communists. If this charge is true, we have a man who has been right in the middle of our whole atomic development." The following day, the President suspended Oppenheimer's security clearance, ordering that a "blank wall" be placed between Oppenheimer and any sort of classified information. At the time, Oppenheimer was traveling in Europe -- he was delivering at prestigious Reith Lectures for the BBC, and afterward visiting his old friend Haakon Chevalier in Paris -- and Strauss and Hoover instructed that he not be informed of Eisenhower's action.

Borden's letter got a pretty harsh reception when it reached the AEC's security experts. According to a report by Eisenhower's staff, an AEC security official "advised that 'Borden is the most indiscreet person I ever met'; that 'he is a green-horn in the business of atomic energy'; that 'he doesn't know anything about the subject of security'; that the allegations made by him... are 'a rehash of old stuff -- they contain nothing new'; and that 'some of the allegations in his letter are stupid.'" Eisenhower was somewhat relieved by this blunt assessment of Borden's credibility, but he still worried about the possibility of Oppenheimer's disloyalty: as he wrote in his diary, "It would not be a case of merely locking the stable door after the horse is gone; it would be more like trying to find a door for a burned-down stable."

Whatever the administration thought of the merits of the Borden charges, it obviously had to do something. McCarthy would soon know of the charges, and he could make a lot of trouble. But Strauss and Eisenhower were also reluctant to be seen as initiating "an inquisition of Dr. Oppenheimer." Between December 3, when Eisenhower ordered the "blank wall," and mid-December, when Oppenheimer returned to the U.S., Strauss and the AEC Commissioners, along with Hoover and several of Eisenhower's advisers, explored their options. Eventually, Strauss invited Oppenheimer to Washington for a December 21 meeting. He and AEC General Manager Kenneth D. Nichols hoped that if they told Oppenheimer of the President's decision and presented him with a list of charges, Oppenheimer would simply resign. After all, his clearance was set to expire the following June. This would get him out of picture (thereby satisfying the McCarthys and Bordens of the world), and do so without an investigation (thereby not alienating the "scientific fraternity").

At this meeting, which took place in Strauss' office, Oppenheimer was presented with a list of "charges" and told that unless these charges were successfully rebutted, his security clearance would be revoked. It's not clear how extensively the alternatives were discussed, although the option of Oppenheimer resigning was mentioned. After reading the list of charges, the stunned Oppenheimer asked for some time to decide what to

do. He was given less than 24 hours. Oppenheimer told Strauss and Nichols that he needed to consult with his friend (and former AEC General Counsel) Herbert Marks. He was not allowed to take the list of charges with him.

Oppenheimer went instead to the office of Joseph Volpe, another former General Counsel to the AEC, where he was joined by Marks. None of them knew that Volpe's office had been bugged by the FBI at Strauss's behest -- and, as a result, that all of their deliberations were recorded and made available to Strauss and Nichols. The next day Oppenheimer sent a letter to Strauss: "I have thought most earnestly of the alternative suggested [presumably resigning]... Under the circumstances this course of action would mean that I accept and concur in the view that I am not fit to serve this Government, that I have now served for some 12 years. This I cannot do. If I were unworthy, I could hardly have served our country as I have tried, or been the Director of our Institute in Princeton, or have spoken, as on more than one occasion I have found myself speaking, in the name of science and our country."

So, on the following day, December 23, Oppenheimer received [an official letter from the AEC General Manager Nichols](#), which began:

As a result of additional investigation as to your character, associations, and loyalty, and review of your personnel security file in the light of the requirements of the Atomic Energy Act and the requirements of Executive Order 10450, there has developed considerable question whether your continued employment on Atomic Energy Commission work will endanger the common defense and security and whether such continued employment is clearly consistent with the interests of the national security.

After listing the particulars -- sixteen paragraphs beginning "It was reported that..." and containing the results of more than twelve years of active surveillance of Oppenheimer and his family by the FBI and others -- Nichols concluded:

In view of your access to highly sensitive classified information, and in view of these allegations which, until disproved, raise questions as to your veracity, conduct and even your loyalty, the Commission has no other recourse, in discharge of its obligations to protect the common defense and security, but to suspend your clearance until the matter has been resolved. Accordingly, your employment on Atomic Energy Commission work and your eligibility for access to restricted data are hereby suspended, effective immediately, pending final determination of this matter.

Most of the charges brought against Oppenheimer concerned his activities in the period from 1938-1943, but the final paragraph of Nichols' list focused on the postwar years. It would prove to be very controversial:

It was reported that in 1945 you expressed the view that "there is a reasonable possibility that it (the hydrogen bomb) can be made", but that the feasibility of the hydrogen bomb did not appear, on theoretical grounds, as certain as the fission bomb appeared certain, on theoretical grounds, when the Los Alamos Laboratory was started; and that in the autumn of 1949 the General Advisory Committee expressed the view that "an imaginative and concerted attack on the problem has a better than even chance of producing the weapon within 5 years." It was further reported that in the autumn of 1949, and subsequently, you strongly opposed the development of the hydrogen bomb; (1) on moral grounds, (2) by claiming that it was not feasible, (3) by claiming that there were insufficient facilities and scientific personnel to carry on the development, and (4) that it was not politically desirable. It was further reported that even after it was determined, as a matter of national policy, to proceed with development of a hydrogen bomb, you continued to oppose the project and declined to cooperate fully in the project. It was further reported that you departed from your proper role as an adviser to the Commission by causing the distribution separately and in private, to top personnel at Los Alamos of the majority and minority reports of the General Advisory Committee on development of the hydrogen bomb for the purpose of trying to turn such top personnel against the development of the hydrogen bomb. It was further reported that you were instrumental in persuading other outstanding scientists not to work on the hydrogen bomb project, and that the opposition to the hydrogen bomb, of which you are the most experienced, most powerful, and the most effective member, has definitely slowed down its development.

Strauss and Nichols knew that a Personnel Security Board (PSB) hearing could be a long and protracted affair, involving lawyers, witnesses, a board's recommendations, and the Commissioners' decision at the end. It could prove embarrassing for the AEC, and the desired result of Oppenheimer's removal was by no means a foregone conclusion. So Strauss continued to look for a way out. In early March, he told Oppenheimer's attorney Lloyd Garrison that if Oppenheimer offered to resign, Strauss would do what he could to have the charges withdrawn and Oppenheimer's clearance temporarily reinstated. No, this was still an admission of guilt; why not restore Oppenheimer's clearance and just not make use of his services until his clearance expired at the end of June? This was rejected by Strauss and Nichols. None of the compromises was acceptable to both parties, and so a PSB hearing looked increasingly inevitable.

Once it became clear that a PSB hearing couldn't be avoided, Strauss did everything he could to ensure a successful outcome:

- He had enlisted the help of the FBI in January to ensure, by means of "technical surveillance" (i.e., illegal wiretapping) that he knew the details of Oppenheimer's deliberations with his attorneys;

- he selected the PSB board members himself, largely on the basis of the likelihood that they would recommend against restoring Oppenheimer's clearance;
- he went outside the AEC to recruit Roger Robb, a combative trial attorney, to put the case for the AEC;
- he was instrumental in securing an expedited top-secret Q clearance for Robb, and in preventing Oppenheimer's attorneys from obtaining this clearance;
- he arranged for the Board to spend a week with Robb prior to the hearing, studying the Oppenheimer files and being given very one-sided interpretations of AEC security policies and rules of evidence -- all in the absence of Oppenheimer's attorneys;
- he used what he learned from FBI wiretaps of Oppenheimer's attorneys' offices to advise Robb on tactics and approaches to be taken with witnesses;
- he and Nichols both pressured people to appear as anti-Oppenheimer witnesses, and suggested points they could make in order to be most effective against Oppenheimer;
- he and Robb asked J. Edgar Hoover to meet with the PSB board in late May while they were deliberating, to encourage them to declare Oppenheimer a security risk. (Hoover declined.)

Strauss's machinations were entirely invisible to the White House, to Oppenheimer's legal counsel, and to most of the participants in the hearing. Even Strauss's fellow Commissioners were oblivious to most of what was going on. Since Strauss, as one of the five Commissioners, was already in the position of passing judgment at the end of the process, these interventions to determine the outcome make clear just how desperately he wanted to win.

Oppenheimer was no stranger to "technical surveillance" -- his phones had been tapped and his incoming and outgoing mail read while he was at Los Alamos, that was standard procedure. (He once remarked that "the government paid far more to tap my telephone than they ever paid me at Los Alamos.") But Strauss had surveillance devices installed in all of the offices occupied by Oppenheimer and his attorneys. All of Oppenheimer's telephones were tapped. As a result, not only did Oppenheimer have no private life, but Strauss and Nichols (and AEC attorney Roger Robb) were privy to the details of all of his consultations with the defense team. As one recent account observes,

Charles Bates, Hoover's liaison to the AEC, carried the wiretapped reports, plus letters and memoranda from the FBI files -- sometimes as much as a briefcaseful -- from the FBI to Strauss, and from Strauss to Robb or his assistant Art Rolander... During the first six months of 1954, before, during, and after the hearing, he carried at least 273 wiretapped reports to Strauss or Robb, as well as oral messages back and forth between the two men, including Strauss's suggestions as to the questions Robb should ask witnesses. (Patricia J. McMillan, *The Ruin of J. Robert Oppenheimer* (Viking, 2005), pp. 199-200.)

After the Oppenheimer matter had been resolved, Strauss wrote to Bates "that the Bureau's technical coverage of Oppenheimer at Princeton had been most helpful to the AEC in that they were aware beforehand of the moves he was contemplating." (Strauss letter quoted in Richard Pfau, *No Sacrifice Too Great: The Life of Lewis L. Strauss* (University of Virginia Press, 1984), p. 162) (Note: "technical coverage" is also FBI-speak for illegal wiretapping.)

The Personnel Security Board was scheduled to take place in Washington beginning on Monday, April 12. A few days before the hearing was to begin, on April 6, Sen. Joseph McCarthy [appeared on CBS-TV's See It Now](#) to rebut Edward R. Murrow's [criticisms in an earlier show](#). In his remarks, McCarthy attributed an 18-month delay in the development of the hydrogen bomb to the activities of "Communists in government":

If there were no Communists in our government, why did we delay for eighteen months, delay our research on the hydrogen bomb, even though our intelligence agencies were reporting day after day that the Russians were feverishly pushing their development of the H-Bomb? And may I say to America tonight that our nation may well die -- our nation may well die -- because of that eighteen-months deliberate delay. And I ask you: Who caused it? Was it loyal Americans? Or was it traitors in our government?

The administration had feared that McCarthy would find the Oppenheimer matter too good to pass up. Eisenhower held a news conference on April 7 and denied that there had been any delays, adding that if there had been any, Strauss would surely have informed him. (How this squares with Nichols' claim that Oppenheimer's "opposition to the hydrogen bomb... has definitely slowed down its development" is hard to see, but at this point Nichols' letter had not been made public.) Although he had his hands full with the Army-McCarthy hearings, McCarthy could still use the fact of the hearing to embarrass the administration. As Eisenhower's Press Secretary James Hagerty wrote in his diary on April 10, "We've got to handle this case so that all our scientists are not made out to be Reds. That goddamn McCarthy is just likely to try such a thing."

Both sides were concerned about the possibility of McCarthy breaking the story of the hearing and using it to his advantage, and both sides engaged in a sort of pre-emptive damage control. *New York Times* reporter James "Scotty" Reston had learned of the letter of charges in January, and when he went to Oppenheimer

and Garrison with questions, they worried that the release of the charges would make Oppenheimer look bad. At the time, Oppenheimer was working on his response to the charges, and so he and Garrison had agreed to provide Reston with copies of both Nichols' letter and Oppenheimer's response, so if anything had to be made public, at least both sides would be presented. Reston promised not to publish the story until Garrison made it clear that it couldn't be kept secret any longer. Unknown to Oppenheimer and Garrison, Reston had made a similar arrangement with Lewis Strauss, who had assured Reston that he would tell him if another paper was preparing to break the story.

The issue came to a head just as the hearings began. As Garrison has written,

A few days before the hearings, there was a reliable report that Senator McCarthy was slated in the near future to make a major speech in Texas (I have forgotten the exact date of the speech) and that in it he would make detailed charges about an atomic scientist, high in the government, and would accuse him of espionage. All signs indicated that at any moment the news would leak out, and some of us felt that we should release the documents immediately... (Quoted in Philip M. Stern, *The Oppenheimer Case*. Harper & Row, 1969, p. 517)

The PSB hearing began at 9:30 am on Monday, April 12, and concluded on Thursday, May 6. During those four weeks, forty witnesses testified, and the hearing generated three thousand pages of testimony. Although it was held in secret, the hearing was followed closely by the press.

On the first day of the hearing, Garrison warned the Gray Board that the McCarthy story was about to break and that he might find it necessary to release both the AEC charges and Oppenheimer's response, in order to ensure that the facts were available to counter McCarthy's accusations. During the mid-day recess on April 12, Garrison telephoned Reston and authorized the release of the documents. They appeared in the April 13 edition of the *New York Times* along with Reston's story.

In his opening remarks on the first day of the hearing, Chairman Gordon Gray had assured all present that "the proceedings and stenographic record of this board are regarded as strictly confidential between Atomic Energy Commission officials participating in this matter and Dr. Oppenheimer, his representatives and witnesses. The Atomic Energy Commission will not take the initiative in public release of any information relating to the proceeding before this board." (He repeated this assurance more than thirty times in subsequent exchanges with witnesses.) Gray was therefore very upset on Tuesday when the Nichols letter and Oppenheimer's response appeared in the press. He made his displeasure known to Oppenheimer and Garrison, and there are a number of places in the transcript of the hearing that make it clear that this episode was a source of lasting irritation to Gray. (Roger Robb exploited this irritation on a number of occasions as well.)

Here is a quick day-by-day, witness-by-witness summary of the PSB proceedings: [\[Summary\]](#)

The Gray Board deliberated for almost three weeks after the adjournment of the hearing, and its [Findings and Recommendations](#) were forwarded to the AEC on May 27. It is a confusing document. On the one hand, the board "[found] no evidence of disloyalty... Indeed, we have before us much much responsible and positive evidence of [Oppenheimer's] loyalty and love of country" (13), and they credited Oppenheimer with "a high degree of discretion reflecting an unusual ability to keep to himself vital secrets" (20). And about the hydrogen bomb they found that, after President Truman's decision to go forward, "Dr. Oppenheimer did not oppose the project in a positive or open manner, nor did he decline to cooperate in the project" (13). He could have been more enthusiastic, however:

The board finds, that if Dr. Oppenheimer had enthusiastically supported the thermonuclear program either before or after the determination of national policy, the H-bomb project would have been pursued with considerably more vigor, thus increasing the possibility of earlier success in this field... (13)

The majority opinion was not content with this negative finding. Despite the affirmation of Oppenheimer's loyalty and discretion,

We cannot dismiss the matter of Dr. Oppenheimer's relationship to the development of the hydrogen bomb simply with the finding that his conduct was not motivated by disloyalty, because it is our conclusion that, whatever the motivation, the security interests of the United States were affected. (17)

Of the other 24 charges listed in Nichols' letter of December 23, the board found twenty to be either "true" or "substantially true."

The Board's recommendations were forwarded to Oppenheimer and Garrison the following day, along with a [letter from General Manager Nichols](#). Given the Board's findings about Oppenheimer's loyalty and discretion, Strauss worried that their recommendations might be released either in whole or in part and presented as exoneration of Oppenheimer. And Garrison had a similar worry, though his concern was with the negative impact on his client that might be caused by release of the recommendations without any rebuttal or context. So, after composing a [response to Nichols' letter of May 28](#), Garrison provided copies of the letter, the Board's recommendations, and Ward Evans' dissenting opinion to the *New York Times*. When Eisenhower learned of this development, he was furious.

The following day, June 2, the papers were full of articles suggesting the confusion of the board's recommendations. If, as the board admitted, Oppenheimer was "loyal" and "discreet," how could they have

decided not to restore his security clearance? Or, as Garrison complained,

the majority's conclusion not to recommend the reinstatement of Dr. Oppenheimer's clearance stands in such stark contrast with the Board's findings regarding Dr. Oppenheimer's loyalty and discretion as to raise doubts about the process of reasoning by which the conclusion was arrived at.

Worse, the board's recommendations seemed to be punishing Oppenheimer for his opinions:

[T]he injection into a security case of a scientist's alleged lack of enthusiasm for a particular program is fraught with grave consequences to this country. How can a scientist risk advising the Government if he is told that at some later day a security board may weigh in the balance the degree of his enthusiasm for some official program? Or that he may be held accountable for a failure to communicate to the scientific community his full acceptance of such a program?

In addition to Dr. Oppenheimer's alleged lack of "enthusiasm," there are indications that the majority of the Board may also have been influenced in recommending against the reinstatement of Dr. Oppenheimer's clearance by judgments they had formed as to the nature and quality of the advice he gave to the AEC. While the majority of the Board stated -- with sincerity, we are sure -- that "no man should be tried for the expression of his opinions" (p. 33), it seems to us that portions of the majority opinion do just that.

But perhaps the gravest complaint in Garrison's letter is that the process just wasn't fair. He mentions "certain procedural difficulties":

Weeks before the hearing commenced we asked... for much information which we thought relevant to our case but which was denied us -- documents and minutes concerning Dr. Oppenheimer's 1947 clearance and a variety of other material. Much of this information did come out in the hearings but usually only in the course of cross-examination when calculated to cause the maximum surprise and confusion, and too late to assist us in the orderly presentation of our case. Some of the information which was denied to us before the hearing was declassified at the moment of cross-examination or shortly before and was made available to us only during cross-examination or after.

It is true that Dr. Oppenheimer was accorded the privilege of reexamining, prior to the hearings, reports and other material in the preparation of which he had participated. But he was not given access to the broad range of material actually used and disclosed for the first time at the hearings by the Commission's special counsel who had been retained for the case. And of course Dr. Oppenheimer was not given access to the various documents which, according to the Board's report "under governmental necessity cannot be disclosed, such as reports of the Federal Bureau of Investigation."

The voluminous nature of this undisclosed material appears from the Board's report. It notes that in our hearings the Board heard 40 witnesses and compiled over 3,000 pages of testimony; and we then learn from the report that "in addition" the Board has "read the same amount of file material" (p. 2). We can only speculate as to the contents of this "file material." We cannot avoid the further speculation as to how much of this material might have been disclosed to Dr. Oppenheimer in the interests of justice without any real injury to the security interests of the Government if established rules of exclusion, which the Board felt bound to apply and we to accept, had not stood in the way. (p. 31)

General Manager Nichols issued a testy [response to Garrison](#) two days later. In it he tried to blunt Garrison's complaints about "procedural irregularities":

Your letter states that Dr. Oppenheimer was not given access to material "actually used and disclosed for the first time at the hearings." I should like to remind you that in my letter to you of February 12, 1954, I stated: "We have also indicated to you our willingness to make available to you, insofar as our facilities permit us to do so, documents which you reasonably believe are relevant to the matters in issue. You will appreciate, however, that the Commission must in fulfillment of its responsibilities for the maintenance of the common defense and security reserve the right to decide whether particular documents to which you request access are relevant and whether your access to such documents or parts thereof would be consistent with the national interest." [...]

Furthermore, you were given an opportunity by the Commission, prior to the hearings, to request security clearance for yourself... On February 3, 1954, you wrote me stating that you had decided not to request clearance. In your letter to me of March 26, 1954, you stated that you had finally decided that one of Dr. Oppenheimer's counsel should be cleared. The Board first convened on April 5. At the time your March 26 letter was received, it was not possible to complete the necessary background investigation, which is a prerequisite to clearance, until after the hearings had been concluded and the Board's report had been submitted. At the hearings themselves, whenever any document was introduced which still bore a security classification, Dr. Oppenheimer himself was permitted to read the document. Since his counsel had not been cleared, they were not, and could not be, given access to such classified documents. I know of no other material, considered by the Gray Board, which could be made available to Dr. Oppenheimer at the present time.

This response is almost entirely disingenuous. What Nichols' first paragraph ignores is the fact that in the case of *every document* requested by Garrison on February 12, Nichols refused to make it available. Nevertheless,



in the course of the hearing, many of these documents were declassified on the spot and read into the record; then, because they were unfamiliar to Oppenheimer and his legal team, they could be used to discredit him.

Further, Robb's expedited Q clearance took only *eight days* because Strauss pulled strings for him. If Strauss had pulled the same strings for Garrison, it would have been easy to process Garrison's March 26 request and have his clearance in place by the time the hearings began on April 12 (as it was, Strauss blocked Garrison's clearance until the end of the hearing). And while it's true that the board "first convened" on April 5, that first week was a session from which Oppenheimer and his legal team were deliberately excluded, and whose purpose was to familiarize the board with the "file material" whose nature and upshot was hidden from Oppenheimer and his attorneys.

(Garrison was working at a severe disadvantage. Putting aside for the moment the role of Strauss and Nichols in preventing his clearance, much of the "file material" being discussed here wouldn't have been available to Garrison even if he had been cleared, because it consisted of FBI memoranda and reports whose availability is not affected by clearance. Such material could be made available on a "need to know" basis which is essentially *ad hoc*.)

Meanwhile, with the public release of the board's findings and Garrison's rebuttal, it was Strauss's turn to engage in damage control. He was still concerned that the three Democratically-appointed Commissioners -- Henry D. Smyth, Eugene Zuckert, and Thomas Murray -- might vote to restore Oppenheimer's clearance, and now he had adverse publicity about the Board's findings on his hands. So on Sunday, June 6, he called James Reston at the *New York Times* and offered him an exclusive interview about the Oppenheimer matter. Reston's article, which appeared the next day (with a follow-up article on June 11), quoted extensively from "an AEC official" and challenged several of the points raised in Garrison's letter.

It's at this point that the really remarkable breach of confidentiality occurs, one which makes Garrison's release of the charges and his client's response look like small potatoes. On June 7, the same day as Reston's article, the five commissioners met in Washington at Strauss's request to discuss the possibility of releasing the entire transcript of the PSB hearing (more than 500,000 words!). Strauss would later claim that the release of the transcript was forced on the AEC because Zuckert had lost a portion of the transcript on a June 11 train ride with his family, but this wasn't true. According to an AEC attorney,

Publication of the transcript was first considered at a meeting of the commission on June 7, *four days prior to the loss of the document*... Actual release of the transcript was authorized [by a vote of 4-1, Smyth dissenting] on June 14, *a full day after the lost document had been found and returned to the AEC*... (Harold P. Green, "The Oppenheimer Case: A Study in the Abuse of Law" *Bulletin of the Atomic Scientists* Vol. 33, No. 7 (September 1977), pp. 60-61. Italics added.)

(Green was an attorney for the AEC and was responsible for drafting Nichols' letter of December 23. Although he was at first enthusiastic about his work, he soon had second thoughts when he saw how the case was unfolding. He asked to be removed from the case in February 1954, and he resigned from the AEC after the Commission decided the Oppenheimer case.)

According to Green, Strauss's real reasons for releasing the transcript are more intriguing:

The fact of the matter is that an electronic bug had picked up a conversation among Oppenheimer's attorneys to the effect that publication of the transcript would have a devastating effect on Oppenheimer's image. This suggested to Strauss that the transcript *should* be published to bring Smyth, Zuckert, and Murray into line. Zuckert's loss of the document was nothing more than a convenient excuse for Strauss to use to force publication. (p. 61, italics in original)

So, without asking the witnesses' permission, and directly contrary to the wishes of at least one of the witnesses, Strauss instructed the Government Printing Office to print [the complete transcript](#), and on June 15 the 992-page book was released to the public. It was initially accompanied by a helpful list of "highlights" drawing attention to portions of the transcript most damaging to Oppenheimer.

Returning to the documentary trail, on June 9 Garrison [replied to Nichols' letter](#), exposing several of his evasions and pointing out, of his offer of documents, that

This offer did not in fact turn out to be of help. Among other things we asked on Dr. Oppenheimer's behalf for the minutes and other papers relating to Dr. Oppenheimer's clearance by the Commission in 1947. This request was denied... [Further,] so far as we know, except for a very few items, counsel for the Commission used in the proceedings no documents which were not declassified. Some of these documents were declassified at the moment of cross-examination and some of them earlier, but we were not told of their existence until they were actually used in cross-examination. Since it was possible to declassify them for use in cross-examination, it is clear that their disclosure in no way involved the national security, and there is no reason why they should not have been made available in advance to Dr. Oppenheimer and other witnesses concerned... As a result of these tactics, which were used in the case of certain other witnesses, it is understandable that at some points in the testimony limitations of memory may have been mistaken for disingenuousness.

There are literally dozens of examples of this sort of thing in the transcript of the hearing: Garrison's request to review document X has been denied by Nichols on the grounds that document X is classified, its disclosure

would adversely affect the national security, and that Garrison does not have the requisite clearance. However, during the hearing, Robb is permitted to de-classify document X on the spot in order to use it in cross-examination of Oppenheimer or other witnesses, who are of course unfamiliar with its contents, and who as a result play right into Robb's hands.

General Manager Nichols sent his [Recommendations](#) to the five commissioners on June 12. These recommendations were not shared with Oppenheimer and his attorneys; they would learn of them only when the whole record was released to the public. Nichols begins,

I have reviewed the entire record of the case, including the files, the transcript of the hearing, the findings and recommendation of the Personnel Security Board, and the briefs filed by Dr. Oppenheimer's attorneys on May 17, 1954, and June 7, 1954, and have reached the conclusion that to reinstate the security clearance of Dr. Oppenheimer would not be clearly consistent with the interests of national security and would endanger the common defense and security.

Nichols offers five general considerations: "Dr. Oppenheimer's Communist activities," "the Chevalier incident," "Dr. Oppenheimer's veracity," "Dr. Oppenheimer's continued associations after World War II," and "Obstruction and disregard of security." About the first, Nichols draws attention to Oppenheimer's early contact with Communists and left-wing causes, all of which Oppenheimer had admitted and tried to explain in his initial response to Nichols' charges. Nichols complained that "Dr. Oppenheimer's admissions in too many cases have followed, rather than preceded, investigation which developed the facts." From this truism -- how could it be otherwise? -- Nichols harshly concludes, "It appears that he is not inclined to disclose the facts spontaneously, but merely to confirm those already known. I find no great virtue in such a plea of guilt; certainly it does not cause me to dismiss Dr. Oppenheimer's past associations as matters of no consequence simply on the ground that he has admitted them."

Nichols sees the Chevalier incident as "rais[ing] grave questions of security import:"

If in 1943, as he now claims to have done, he knowingly and willfully made false statements to Colonel Pash, a Federal officer, Dr. Oppenheimer violated what was then section 80, title 18, of the United States Code [Note: 18 U.S. Code, sec. 80, provides in pertinent part: "Whoever... shall knowingly or willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statement or representations... in any matter within the jurisdiction or agency of the United States... shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both"]; in other words, if his present story is true then he admits he committed a felony in 1943. On the other hand, as Dr. Oppenheimer admitted on cross-examination, if the story Dr. Oppenheimer told Colonel Pash was true, it not only showed that Chevalier was involved in a criminal espionage conspiracy, but also reflected seriously on Dr. Oppenheimer himself.

After reviewing both the 16-page transcript (as accepted by the Board) of the interview between Dr. Oppenheimer and Colonel Pash on August 26, 1943, and recent testimony before the Board, it is difficult to conclude that the detailed and circumstantial account given by Dr. Oppenheimer to Colonel Pash was false and that the story now told by Dr. Oppenheimer is an honest one. Dr. Oppenheimer's story in 1943 was most damaging to Chevalier. If Chevalier was Dr. Oppenheimer's friend and Dr. Oppenheimer, as he now says, believed Chevalier to be innocent and wanted to protect him, why then would he tell such a complicated false story to Colonel Pash? This story showed that Chevalier was not innocent, but on the contrary was deeply involved in an espionage conspiracy. By the same token, why would Dr. Oppenheimer tell a false story to Colonel Pash which showed that he himself was not blameless? Is it reasonable to believe a man will deliberately tell a lie that seriously reflects upon himself and his friend, when he knows that the truth will show them both to be innocent?

It is important to remember also that Dr. Oppenheimer did not give his present version of the story until 1946, shortly after he had learned from Chevalier what Chevalier himself had told the FBI about the incident in question. After learning of this from Chevalier, Dr. Oppenheimer changed his story to conform to that given to the FBI by Chevalier.

From all of these facts and circumstances, it is a fair inference that Dr. Oppenheimer's story to Colonel Pash and other Manhattan District officials was substantially true and that his later statement on the subject to the FBI, and his recent testimony before the Personnel Security Board, were false.

As we've seen, this interpretation of the Chevalier incident -- that Oppenheimer is probably lying now about the events, and that the story he told to Pash in 1943 is probably true -- was suggested by Gordon Gray in his questioning of Oppenheimer toward the end of the hearing: he asks "whether it is not a fair inference from your testimony that your story to Pash and Lansdale as far as it went was a true story, and that the fabrication may have been with respect to the current version" (888). Of course this puts Oppenheimer's testimony in the worst possible light, but it certainly calls into question his veracity and trustworthiness.

Nichols went out of his way to distance himself from the Gray Board's emphasis on Oppenheimer's opinions about and attitudes toward the hydrogen bomb -- one of the headings of his memo is "FINDING OF SECURITY RISK IS NOT BASED ON DR. OPPENHEIMER'S OPINIONS," and he goes on to write that

It should be emphasized that at no time has there been any intention on my part or the Board's to draw in question any honest opinion expressed by Dr. Oppenheimer. Technical opinions have no security

implications unless they are reflections of sinister motives...

After the Gray Board's Findings and Recommendations were released, there was a good deal of outcry from scientists that Oppenheimer was being punished for his opinions, and so Nichols' protestations are probably intended to put that issue to rest. By shifting the emphasis of the hydrogen bomb debate away from the substance of Oppenheimer's opinions to the question of his "veracity," Nichols deflects the charge behind which many of Oppenheimer's defenders had begun to rally. Still, he sees in the hydrogen bomb testimony evidence of Oppenheimer's perfidy:

I find that the evidence establishes no sinister motives on the part of Dr. Oppenheimer in his attitude on the hydrogen bomb, either before or after the President's decision. I have considered the testimony and the record on this subject only as evidence bearing upon Dr. Oppenheimer's veracity. In this context I find that such evidence is disturbing.

On June 29, the Commissioners released their [Decisions and Opinions](#) -- and with a 4-1 vote ended Robert Oppenheimer's access to restricted information. Four of the Commissioners, Chairman Lewis L. Strauss, Joseph Campbell, Thomas E. Murray, and Eugene M. Zuckert, "decided that Dr. Oppenheimer should be denied access to all restricted data;" one, the physicist Henry DeWolf Smyth, "voted to reinstate Dr. Oppenheimer's clearance." The majority opinion was blunt: "Dr. Oppenheimer is not entitled to the continued confidence of the Government and of this Commission because of the proof of fundamental defects in his "character" (51).

In weighing the matter at issue, we have taken into account Dr. Oppenheimer's past contributions to the atomic energy program. At the same time, we have been mindful of the fact that the positions of high trust and responsibility which Dr. Oppenheimer has occupied carried with them a commensurately high obligation of unequivocal character and conduct on his part. A Government official having access to the most sensitive areas of restricted data and to the innermost details of national war plans and weapons must measure up to exemplary standards of reliability, self-discipline, and trustworthiness. Dr. Oppenheimer has fallen far short of acceptable standards.

The record shows that Dr. Oppenheimer has consistently placed himself outside the rules which govern others. He has falsified in matters wherein he was charged with grave responsibilities in the national interest. In his associations he has repeatedly exhibited a willful disregard of the normal and proper obligations of security. (52)

The Chevalier incident was Exhibit Number One in the evidence of Oppenheimer's "substantial defects in character":

(1) Dr. Oppenheimer has now admitted under oath that while in charge of the Los Alamos Laboratory and working on the most secret weapon development for the Government, he told Colonel Pash a fabrication of lies. Colonel Pash was an officer of Military Intelligence charged with the duty of protecting the atomic-weapons project against spies. Dr. Oppenheimer told Colonel Pash in circumstantial detail of an attempt by a Soviet agent to obtain from him information about the work on the atom bomb. This was the Haakon Chevalier incident. In the hearings recently concluded, Dr. Oppenheimer under oath swears that the story he told Colonel Pash was a "whole fabrication and tissue of lies" (Transcript 149).

It is not clear today whether the account Dr. Oppenheimer gave to Colonel Pash in 1943 concerning the Chevalier incident or the story he told the Gray Board last month is the true version.

If Dr. Oppenheimer lied in 1943, as he now says he did, he committed the crime of knowingly making false and material statements to a Federal officer. If he lied to the Board, he committed perjury in 1954. (52-53)

As with Nichols' Recommendations, the majority opinion interprets the Chevalier incident in the worst possible light. It is also construed as evidence of Oppenheimer's "persistent and willful disregard for the obligations of security":

Dr. Oppenheimer's persistent and willful disregard for the obligations of security is evidenced by his obstruction of inquiries by security officials. In the Chevalier incident, Dr. Oppenheimer was questioned in 1943 by Colonel Pash, Colonel Lansdale, and General Groves about the attempt to obtain information from him on the atomic bomb project in the interest of the Soviet Government. He had waited 8 months before mentioning the occurrence to the proper authorities. Thereafter for almost 4 months Dr. Oppenheimer refused to name the individual who had approached him. Under oath he now admits that his refusal to name the individual impeded the Government's investigation of espionage. The record shows other instances where Dr. Oppenheimer has refused to answer inquiries of Federal officials on security matters or has been deliberately misleading. (53-54)

The majority also interpreted Oppenheimer's continuing friendship with Chevalier in the worst possible light:

[Dr. Oppenheimer's early Communist associations] take on importance in the context of his persistent and continuing association with Communists, including his admitted meetings with Haakon Chevalier in Paris as recently as last December -- the same individual who had been intermediary for the Soviet Consulate in 1943... Dr. Oppenheimer admitted that today he has only a "strong guess" that Chevalier is not active in Communist Party affairs. (54)

(Chevalier was not only not active in Communist Party affairs, but during Oppenheimer's visit to Paris in December 1953, the two had visited André Malraux, a fervent champion of Charles de Gaulle and rabid anti-Communist. There was no reason whatever to think that Chevalier was "active in Communist Party affairs." And to describe Chevalier in 1943 as "the... individual who had been intermediary for the Soviet Consulate" is remarkably tendentious.)

Two commissioners, Eugene Zuckert and Thomas Murray, submitted minority opinions, offering different reasons for denying Oppenheimer's clearance. The fifth commissioner, Henry DeWolf Smyth, a Princeton colleague of Oppenheimer's, submitted a dissenting opinion. Smyth, who personally disliked Oppenheimer, nevertheless argued that "his clearance for access to restricted data should be restored" (63). He argued that

In a case like this, the Commission is required to look into the future. It must determine whether Dr. Oppenheimer's continued employment by the Government of the United States is in the best interests of the people of the United States. This prediction must balance his potential contribution to the positive strength of the country against the possible danger that he may weaken the country by allowing important secrets to reach our enemies.

Since Dr. Oppenheimer is one of the most knowledgeable and lucid physicists we have, his services could be of great value to the country in the future. Therefore, the only question being determined by the Atomic Energy Commission is whether there is a possibility that Dr. Oppenheimer will intentionally or unintentionally reveal secret information to persons who should not have it. To me, this is what is meant within our security system by the term security risk. Character and associations are important only insofar as they bear on the possibility that secret information will be improperly revealed.

In my opinion the most important evidence in this regard is the fact that there is no indication in the entire record that Dr. Oppenheimer has ever divulged any secret information. The past 15 years of his life have been investigated and reinvestigated, for much of the last 11 years he has been under actual surveillance, his movements watched, his conversations noted, his mail and telephone calls checked. This professional review of his actions has been supplemented by enthusiastic amateur help from powerful personal enemies.

(Two of Oppenheimer's most "powerful personal enemies" were very close to home -- Strauss and Nichols -- but Smyth was perhaps referring also to people like William L. Borden, whose [November 7, 1953 letter to Hoover](#) was, as we've seen, a proximate cause of Oppenheimer's troubles.)

Smyth's dissenting opinion ended by reminding the commissioners of the original intent of the AEC security guidelines:

To be effective a security system must be realistic. In the words of the Atomic Energy Commission security criteria:

"The facts of each case must be carefully weighed and determination made in the light of all the information presented, whether favorable or unfavorable. The judgment of responsible persons as to the integrity of the individuals should be considered. The decision as to security clearance is an overall, commonsense judgment, made after consideration of all the relevant information as to whether or not there is risk that the granting of security clearance would endanger the common defense or security."

Application of this standard of overall commonsense judgment to the whole record destroys any pattern of suspicious conduct or catalog of falsehoods and evasions, and leaves a picture of Dr. Oppenheimer as an able, imaginative human being with normal human weaknesses and failings. In my opinion the conclusion drawn by the majority from the evidence is so extreme as to endanger the security system.

If one starts with the assumption that Dr. Oppenheimer is disloyal, the incidents which I have recounted [the Chevalier incident, etc.] may arouse suspicion. However, if the entire record is read objectively, Dr. Oppenheimer's loyalty and trustworthiness emerge clearly and the various disturbing incidents are shown in their proper light as understandable and unimportant.

The "Chevalier incident" remains reprehensible; but in fairness and on all of the evidence, this one admitted and regretted mistake made many years ago does not predominate in my overall judgment of Dr. Oppenheimer's character and reliability. Unless one confuses a manner of expression with candor, or errors in recollection with lack of veracity, Dr. Oppenheimer's testimony before the Gray Board has the ring of honesty. I urge thoughtful citizens to examine this testimony for themselves, and not be content with summaries or with extracts quoted out of context.

With respect to the alleged disregard of the security system, I would suggest that the system itself is nothing to worship. It is a necessary means to an end. Its sole purpose, apart from the prevention of sabotage, is to protect secrets. If a man protects the secrets he has in his hands and his head, he has shown essential regard for the security system.

In addition, cooperation with security officials in their legitimate activities is to be expected of private citizens and Government employees. The security system has, however, neither the responsibility nor the right to dictate every detail of a man's life. I frankly do not understand the charge made by the majority that Dr. Oppenheimer has shown a persistent and willful disregard for the obligations of security, and

that therefore he should be declared a security risk. No gymnastics of rationalization allow me to accept this argument. If in any recent instances, Dr. Oppenheimer has misunderstood his obligation to security, the error is occasion for reproof but not for a finding that he should be debarred from serving his country. Such a finding extends the concept of "security risk" beyond its legitimate justification and constitutes a dangerous precedent. (67)

On July 14, Garrison [wrote to Strauss](#) to complain about the selective nature of the "principal documents and letters" included in the AEC pamphlet. He noted that it did not include his letter of June 9 correcting the "inaccuracies and misunderstandings" in Nichols' June 3 letter (which of course had been included). About the inclusion of Nichols' harsh recommendations -- "which Dr. Oppenheimer and his counsel have now read for the first time" -- Garrison added,

If this document... was of a sort which could be released at the Commission's pleasure, then it seems to me that it should have been shown to us upon its submission to the Commission so that we might have had an opportunity to submit our comments to the Commission, which obviously would have been relevant to the Commission's decision.

The fact that Oppenheimer's attorneys were kept in the dark about Nichols' Recommendation is especially significant given the way Nichols, and the majority AEC opinion, construe the upshot of the Chevalier incident. Nichols suggests that the evidence suggests that Oppenheimer told the truth about Eltenton and Chevalier in 1943, and that he is perjuring himself in 1954 in order to save himself. Obviously if that were true, it would be decisive. But is it? Strauss draws the same conclusion. He might still have done so if Garrison and his team had been permitted to address Nichols' Recommendations; but they were never given the chance. They, and Oppenheimer, saw Nichols' Recommendation only when it and the Commission's decision was released to the public on June 28, two days before Oppenheimer's clearance would have expired anyway.

Nearly a month later, on August 9, Nichols [responded to Garrison](#) on Strauss's behalf. All he said was that

Before publishing this pamphlet the Commission considered carefully which documents should be included. It was decided to print only the basic findings, recommendations and decisions in the proceeding, together with those letters which had to do with procedures to be followed after the submission of the report of the Personnel Security Board.

He concluded, "the Commission contemplates no further action with regard to this matter."

Soon afterward, Oppenheimer resumed his duties as Director of the Institute for Advanced Study in Princeton, despite Lewis Strauss's behind-the-scenes attempts to have him removed. On October 1, the trustees of the Institute elected him for another term. The re-election motion, which carried unanimously, was introduced by Strauss, who a few months before as Chairman of the Atomic Energy Commission had decided that Oppenheimer "should be denied access to all restricted data" because he

has fallen far short of acceptable standards [of reliability, self-discipline, and trustworthiness]... [He] has consistently placed himself outside the rules which govern others. He has falsified in matters wherein he was charged with grave responsibilities in the national interest. In his associations he has repeatedly exhibited a willful disregard of the normal and proper obligations of security... The work of Military Intelligence, the Federal Bureau of Investigation, and the Atomic Energy Commission -- all, at one time or another have felt the effect of his falsehoods, evasions, and misrepresentations... Dr. Oppenheimer has defaulted not once but many times upon the obligations that should and must be willingly borne by citizens in the national service.

After leaving the Atomic Energy Commission in 1959, Lewis Strauss was nominated by President Eisenhower to be Secretary of Commerce, a position Strauss wanted badly. The Senate confirmation hearings were long and contentious. Much of the most damaging testimony came from scientists and others who accused Strauss of having abused his power at the AEC, citing the Oppenheimer hearings and other cases in which Strauss had used the AEC security program as a way of getting rid of people with whom he disagreed. As it turns out, Strauss had asked for confidential derogatory information about one of the scientists testifying against him, David Inglis, but then lied under oath about having done so. As a result of this and other prevarications, the nomination was rejected, 49-46. Strauss was undone by the some of the same qualities that are so amply demonstrated in the Oppenheimer hearings.

---

The Oppenheimer Personnel Security Board hearing has been the subject of an enormous literature. See the [Atomic Bomb Bibliography](#) elsewhere on this website for some of the relevant books and articles.

On [April 28, 2004](#) the U.S. Senate Energy and Natural Resources Committee unanimously passed a resolution recognizing "the loyal service of J. Robert Oppenheimer to the United States, and the outstanding contributions he made to theoretical physics, the Los Alamos National Laboratory, the development of nuclear energy, and the common defense and security of the United States." The resolution makes no mention of the 1954 Personnel Security Board hearings. It is a very strange document.