

JOHN P. DAVIES, JR.

At his news conference on March 23 Secretary of State John Foster Dulles made the following statement:

"The proper officials of the Department of State, after examining the voluminous record in the matter of John P. Davies, formulated a series of questions to Mr. Davies, to which Mr. Davies has replied. On the basis of the information now at hand, I do not find it necessary to suspend Mr. Davies. There are some matters bearing upon reliability which are susceptible of conflicting interpretations and which seem to call for clarification by testimony under oath by Mr. Davies and others. In order to make this possible, I am asking that from the roster maintained by the Civil Service Commission a Security Hearing Board be designated to take testimony.

"Such action as I have requested is taken on the assumption that Mr. Davies will voluntarily accept the jurisdiction of the Security Hearing Board.

"Mr. Davies continues his assignment as Counselor of Embassy at Lima, Peru."

During the question period which followed, Secretary Dulles elaborated on his statement and brought out certain details concerning the manner in which the testimony would be taken by a Security Hearing Board.

He said that the record did not seem to him to be sufficiently clear one way or the other to justify any action in the nature of suspension. He added that it was not possible to require Mr. Davies to accept the jurisdiction of the Security Hearing Board except by the process of suspension or termination, and that if Mr. Davies accepted it voluntarily, then a suspension or termination was unnecessary.

Concerning the make up of the Security Hearing Board, Secretary Dulles said the people on the Board would be chosen from a panel maintained by the Civil Service Commission. He remarked that the Board members would not be connected with the Department, but that fact did not preclude their having had some international experience. He indicated that the Board members would be selected by persons in the State Department, and that he would have some voice in the selection.

The Secretary pointed out that under the regulations setting up the Security Hearing Board, Mr. Davies would have an opportunity to be heard himself, to produce his own witnesses, and to examine or have examined witnesses who appeared in opposition.

Finally the Secretary indicated he would have the opportunity to review or reverse the findings of the Board.

Editorials commenting on the Secretary's statement appeared in Washington papers on March 24 and 25. They are reprinted below:

"HEARINGS WITHOUT END" from *The Washington Post*, March 25, 1954.

"Eight hearings have already been held to determine whether John Paton Davies, Jr., of the State Department's career service is a loyalty or security risk. Eight times Mr. Davies has been cleared. Now Secretary Dulles has decided that he must have a ninth hearing and testify, under oath, to 'clarify' previous answers which are subject to 'conflicting interpretations.' Surely there is something wrong with a system of checking which has already subjected an official's career and reputation to octuple jeopardy and which now compels him to undergo a ninth ordeal.

"Nobody can say that the Secretary has been casual about this unending case. Mr. Dulles, we are told, took the entire record to Berlin and Caracas, and personally gave it time and thought which he should not have had to take away from diplomacy. The latest decision suggests that the Secretary wants the final decision, whatever it is, to be acceptable to decent and responsible men. He has ordered that a new panel be set up, that he himself have a 'voice' in selecting its members, and that its duty be confined to 'clarifying' the subjects still puzzling or obscure. Presumably this means that the outcome will not be at the mercy of Scott McLeod, Mr. Dulles' security director.

"We hope Mr. Davies will submit to this new interrogation with what patience he can muster, instead of resigning, as he must have been tempted to do. This case long ago became much more than a test of Mr. Davies. It became a test to determine whether a nonpolitical career service can function within our American system. If Mr. Davies is to be cleared for the ninth time, we hope that the coming decision will make two things decisively plain. One is that a ninth clearance will be the last, as far as the Executive Branch can make it the last. A foreign service officer should not have to shuttle between a foreign post and a hearing room in Washington, like the unhappy ferry passenger who found himself moving endlessly between Hongkong and Macao because the authorities in both ports were unwilling to have him land.

"The second point is more fundamental. It should be decided and proclaimed, so that all can hear, that a career officer's honest reports of years ago, sent to his superiors in performance of his duty, shall not be dredged up to his detriment years later when the political climate at home has changed. If Mr. Davies is to be judged unfit because there was faulty judgment in any of his reports of ten years ago—and we do not know that there was—then we can think of other officials, including Mr. Dulles himself, who should be disqualified for the same offense. The essential point is that American officials must be free to report what they believe to be the truth from a foreign post or in a staff meeting here, without having to guess whether their position will be politically popular a decade later. The stakes in this matter have become very high. The effectiveness and integrity of American diplomacy will depend upon the outcome."

"CRUEL AND UNUSUAL," from *The Evening Star*, March 24, 1954.

"John Paton Davies, Jr., has not been found guilty of any offense. No formal penalty has ever been imposed upon him. In all but the strict legal sense, however, and despite the language of the Eighth Amendment to the Constitution, he has been the victim of a cruel and unusual punishment.

"His case stands out as a monumental disgrace to any loyalty-security program. Over the years he has been investigated, interrogated, browbeaten, smeared and, in the end, exonerated. Now, Secretary of State Dulles has decided to convene another hearing board to investigate Mr. Davies once again—for the ninth time, according to the arithmetic of a *Star* reporter. How much longer can this sort of thing go on?

"It may be instructive to review a few of the more significant dates and events in the Davies ordeal. In 1951 The Senate Internal Security Committee asked the Department of Justice to seek an indictment against Mr. Davies for

(Continued on page 48)

perjury. The request was rejected on the ground of insufficient evidence. The committee tried again in the summer of 1952. No official report has been made public, but the department revealed unofficially last month that the evidence would not warrant grand jury proceedings. Meanwhile, in December, 1952, Mr. Davies had been cleared by the Loyalty Review Board, which found that there was no reasonable doubt as to his loyalty. That board was headed by former Senator Hiram Bingham, and *The Star* is satisfied that its investigation was a searching one.

“This exoneration made no impression, however, on Senator McCarthy. Last November 24, he indulged in a smear attack on Mr. Davies, and, not very indirectly, on President Eisenhower. This is what the Senator said:

“We still have John Paton Davies on the payroll after 11 months of the Eisenhower administration. . . Davies was (1) part and parcel of the old Acheson-Lattimore-Vincent-White-Hiss group which did so much toward delivering our Chinese friends into the Communist hands; (2) he was unanimously referred by the McCarran Committee to the Justice Department in connection with a proposed indictment because he lied under oath about his activities in trying to put Communists and espionage agents in key spots in the Central Intelligence Agency.”

“One would have thought that this reckless charge had been adequately refuted by the Loyalty Board’s finding, by the informal report that the Department of Justice has found no basis for perjury proceedings, and by the testimony in support of Mr. Davies from such men as General Bedell Smith and George Kennan. But now another investigation looms ahead.

“Presumably Mr. Dulles, who is not sympathetically disposed toward persecution, has what he regards as sufficient reasons for his decision. One earnest hope may be expressed however: If Mr. Davies is exonerated in this ninth inquiry, he should thereafter be left alone. Enough is enough. If someone comes along and demands a tenth investigation, Mr. Davies should be entitled to invoke the protection of the Eighth Amendment.”