

EDITORIALS

THE SERVICE CASE

The conclusion of the Loyalty Review Board that "there is a reasonable doubt" as to the loyalty of John S. Service is cause for grave disquiet among all members of the Foreign Service. The JOURNAL is thankful, therefore, that the full text of the latest official papers in the case have been made public. The Department's announcement of the findings of its own Loyalty Security Board and the findings of the Review Board have accordingly been mailed in advance to each JOURNAL subscriber. It behooves each of us to try to determine what, in fact, is rotten, since the charge of "rotten apple in the barrel" has already been raised on the hustings and will undoubtedly become louder as the political campaign gains intensity.

The case turns on a freely admitted indiscretion nearly seven years ago in the transmittal of information of a non-public character to the editor of an American magazine, a journalist whose *bona fides* were inadequately examined. Nothing covert, no perjury by Mr. Service, no affiliation with any organization now suspect is involved. The information transmitted did not affect the national security but was of a "background" nature which, by direction of superiors, Mr. Service had provided to journalists in China to explain the political situation in which the United States was trying to bring all factions to contribute to the assault against Japan. The Review Board specifically asserts it does *not* find Service guilty of disloyalty. It merely concludes that "to say that his course of conduct does not raise a reasonable doubt as to Service's own loyalty would, we are forced to think, stretch the mantle of charity much too far." We note the phrase "forced to think" in this quotation.

The JOURNAL recognizes that forced thinking may be induced by events which are extraneous to the case, including 100,000 casualties in Korea and admittedly partisan pressures inherent in our Far East policy and related events. But we plead for objectivity. We respectfully suggest that the Review Board's present ruling was rendered in the light of conditions in 1951 rather than of 1945, the date of the indiscretion. We believe that judgment should be reached in consideration of American policy in that earlier time when we were allied with the Soviet Union and our military and diplomatic missions in China were under instructions to seek unification of Nationalist and Communist forces. We think, also, that Mr. Service's motives have withstood exhaustive scrutiny and are revealed as those of a loyal, devoted and effective government official who was guilty only of indiscretion. Finally, we believe that the Review Board's judgment of what is punishment and what is charity fails to take into account the indelibility of a stain of doubtful loyalty in the case of an employee of the Foreign Service and overlooks the severity of punishment already meted out and evident in the chronological record.

Article I of the Constitution states "No Bill of Attainder or ex post facto Law shall be passed." While it may be that for the Foreign Service the Bill of Rights is partially suspended, the JOURNAL believes it wrong for actions to be taken within the Executive Branch contrary to the spirit of the Constitution and which would be precluded if taken by

the Legislative Branch. We think the Review Board's attitude can be justified only by the precision of hindsight and is, in effect, an *ex post facto* ruling. The stigma of questionable loyalty when applied to an official dealing with foreign governments, one of which he impliedly favors over his native land, is a cause for ostracism and other disabilities so serious that the penalty becomes akin to attainder and hence unduly cruel and unjustified.

We hope the Review Board will give favorable consideration to Mr. Service's formal appeal for a reversal or reconsideration; if not, that prompt reference to the President will be possible; and that if all recourse to Administrative action should prove unavailing, the matter can be considered by the courts. For it is not only Jack Service and the Foreign Service that are victims in this matter. To the Department, the reversal implies that its Loyalty Security Board, despite carefully selected members and diligence in the examinations which preceded its decisions, is either inept or biased or both. For all journalists greater difficulty in obtaining news is created and the ideal of an informed public as a constructive factor in foreign affairs is made more remote. For the American people a fundamental of law and government has been contravened.

If the present decision in the Service case is permitted to stand without reference to the courts, one of two general conclusions—both damaging to the conduct of our foreign relations—can be expected to crystalize. One will be "Maybe McCarthy was right, after all." For the more discerning it will be "It seems that the good, along with the bad, must be sacrificed to the present clamor for blood."

The JOURNAL believes that there is a great deal at stake here for Service, the individual; for the Foreign Service as a group of dedicated government employees; for the Department in its heavy responsibilities of diplomacy; and for the American people and their heritage of justice. Every effort must be made in our collective self-defense to utilize all available means, including the courts, to make certain that justice prevails in the case of the loyalty of John S. Service to the United States.

FOREIGN SERVICE SCHOLARSHIPS

In preparing the announcement which is on page 25 of Foreign Service scholarships for 1952-1953, the Education Committee was struck by the obvious discrepancy between the sums available for awards from Foreign Service Association resources and the expense of a year's secondary or university education at today's prices. The sums for the Charles B. Hosmer and Association scholarship and for the Journal scholarship were established a decade ago, and have not changed since then. They have customarily been made up of occasional contributions from members and friends of the Foreign Service, and from the Association's general fund. As the latter cannot contribute more, additional contributions will be the only source of much-needed funds to bring the awards into a realistic relationship to the cost of obtaining education.

Since the inception of the scholarships twenty-four years ago, 45 sons and 26 daughters of the service have been assisted through 113 scholarship awards in completing their